

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

## Agenda

### Board of Directors Meeting

February 26, 2004

9:00 a.m.

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

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please call the Clerk of the Board at least five working days prior to the meeting to ensure availability. Assistive Listening Devices (ALDs) are available from the Clerk of the Board/Assistant Clerk of the Board prior to the meeting and are to be returned at the end of the meeting.

### ACTION RECOMMENDED

1. Roll Call

2. Approval of Minutes – February 12, 2004

Approve

3. Public Comment – Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion Items. If you have a report to present, please furnish a copy to the Clerk of the Board.


\* 4. Appointment of Chairman for Accessible Services  
Advisory Committee




Action would elect Councilmember Ron Rogers as the Accessible Services Advisory Committee Chairman.

Approve

Member Agencies:

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

Metropolitan Transit Development Board is Coordinator of the Metropolitan Transit System and the  Taxicab Administration

Subsidiary Corporations:  San Diego Transit Corporation,  San Diego Trolley, Inc., and  San Diego & Arizona Eastern Railway Company

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CONSENT ITEMS – RECOMMENDED BY THE CHIEF EXECUTIVE OFFICER (indicated by \*)

- \* 5. Mission Valley East Light Rail Transit Project: Mitigation Monitoring and Reporting Program
- Action would receive the Mitigation Monitoring and Reporting Program Status Report for the Mission Valley East LRT Project.
- Receive
- \* 6. Trolley Access Advisory Committee and Accessible Services Advisory Committee
- Action would approve the transfer of the Trolley Access Advisory Committee to SANDAG and a change in the responsibilities of the Accessible Services Advisory Committee.
- Approve
- \* 7. Mission Valley East LRT Project: Construction Contract Change Orders
- Action would execute a CCO with Balfour Beatty/Ortiz Joint Venture to compensate the contractor for transporting stockpiled material from a wetlands mitigation area for use on the Mission Valley East LRT Project and ratify the previous approved CCO with Balfour Beatty/Ortiz Joint Venture.
- Approve
- \* 8. San Ysidro Intermodal Transportation Center Project: Construction Management Contract Amendment
- Action would authorize the CEO to execute a contract amendment with Parsons Brinckerhoff Construction Services for additional construction management services.
- Approve
- \* 9. Liability Insurance Renewal
- Action would authorize the CEO to place the liability insurance policy (limits of \$75 million with a \$2 million self-insurance retention), effective March 1, 2004, through March 1, 2005.
- Approve

NOTICED PUBLIC HEARINGS

25. None

**NOTE: A FIVE-MINUTE RECESS WILL BE TAKEN AT APPROXIMATELY 10:30 A.M.**

DISCUSSION ITEMS

30. Federal Transit Administration Award: Outstanding Public Transportation Website
- Action would receive an award from the Federal Transit Administration for Outstanding Public Transportation Website. Receive
31. Petco Park Service Update
- Action would receive this report for information and provide staff with comments and direction on the plan. Possible Action
32. Transit Workshop: Policy Review
- Action would review Board Policy Nos. 22 through 26, provide direction to staff on the proposed changes to those policies, and approve. Approve
33. Proposed Joint Meetings of Metropolitan Transit Development Board, San Diego Transit Corporation, and San Diego Trolley, Inc.
- Action would receive this report, provide direction to staff on conducting joint meetings of MTDB, SDTC, and SDTI, and approve conducting joint agency meetings. Approve
34. Transit Workshop: San Diego and Arizona Eastern Railway
- Action would receive this report and give such direction as deemed appropriate. Receive
44. Chairman's Report
- Presentation of City of San Diego Resolution proclaiming Langley Powell Day. Approve
45. Chief Executive Officer's Report Information

46. Board Member Communications

47. Additional Public Comments on Items Not  
on the Agenda

If you have a report to present, please furnish a copy to  
the Clerk of the Board. **Subjects of previous Hearings  
or agenda items may not again be addressed under  
Public Comments.**

Possible Action

48. Closed Session Items  
**(Note to Board Members: Reports on closed  
session items are available for review in advance  
of the meeting in the General Counsel's office.)**

Information

49. Oral Report of Final Actions Taken in Closed Session

50. Next Meeting Date – March 11, 2004

60. Adjournment

SStroh  
A-04FEB26.BD  
2/20/04

**METROPOLITAN TRANSIT SYSTEM BOARD  
ROLL CALL**

MEETING OF (DATE): February 26, 2004

CALL TO ORDER (TIME): 9:04 a.m.

RECESS: \_\_\_\_\_

RECONVENE: \_\_\_\_\_

CLOSED SESSION: \_\_\_\_\_

RECONVENE: \_\_\_\_\_

ORDINANCES ADOPTED: \_\_\_\_\_

ADJOURN: 11:12 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ATKINS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		10:00 a.m. during discussion of AI 32
CLABBY	<input checked="" type="checkbox"/> (Jones) <input type="checkbox"/>		
EMERY	<input checked="" type="checkbox"/> (Cafagna) <input type="checkbox"/>		
INZUNZA	<input checked="" type="checkbox"/> (Ungab) <input type="checkbox"/>	9:25 a.m. during consent calendar	
KALTENBORN	<input checked="" type="checkbox"/> (N/A) <input type="checkbox"/>		9:55 a.m. during discussion of AI 32
LEWIS, Charles	<input type="checkbox"/> (Vacant) <input type="checkbox"/>		✓
LEWIS, Mark	<input checked="" type="checkbox"/> (Santos) <input type="checkbox"/>		
MAIENSCHIN	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MATHIS	<input checked="" type="checkbox"/> (N/A) <input type="checkbox"/>		
MONROE	<input checked="" type="checkbox"/> (Tierney) <input type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/> (Davis) <input type="checkbox"/>	9:17 a.m. during Chairman's Report	
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:13 a.m. during Chairman's Report	10:55 a.m. during discussion of AI 34
ROSE	<input type="checkbox"/> (Janney) <input checked="" type="checkbox"/>		
RYAN	<input type="checkbox"/> (Dale) <input type="checkbox"/>		✓
STERLING	<input checked="" type="checkbox"/> (Ewin) <input type="checkbox"/>		
WILLIAMS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
ZUCCHET	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD Patricia A Smith

CONFIRMED BY Susan Champlin

SAN DIEGO METROPOLITAN TRANSIT SYSTEM

BOARD OF DIRECTORS MEETING

FEBRUARY 12, 2004

BOARD OF DIRECTORS MEETING ROOM, 10TH FLOOR  
1255 IMPERIAL AVENUE, SAN DIEGO

MINUTES

1. Roll Call

Chairman Williams called the meeting to order at 9:02 a.m. A roll call sheet is attached listing Board member attendance.

2. Approval of Minutes

Mr. Clabby moved to approve the minutes of the January 29, 2004, Board of Directors meeting. Mr. Emery seconded the motion, and the vote was 9-0 in favor (Mr. Mark Lewis abstained).

PUBLIC SPEAKERS ON ITEMS NOT ON THE AGENDA

3. Public Comment

Barbara Winton – Ms. Winton stated that she still had not seen any plants along 16th Street. She hoped this was being worked on as the area is stark and cold. She provided a letter regarding the needs for trolley service. She said that the parking lots at trolley stations are going to be more important. She asked how many Board members came to the meeting using mass transit. When a vehicle is left in a parking lot to take the trolley, the occupants would most likely be gone for an extended length of time. She noted that with the opening of PETCO Park, there would be massive problems with traffic in the downtown area. She noted the need for fenced parking lots with roving security. She added that downtown trolley stations have no latrines. She thinks that is stinky. It is not a very nice welcome to a World Class city. She would like the Board to look at both of these issues.

Wilmer Wolf – Mr. Wolf said that he was representing the seniors in his building. There are 156 apartments in his building. It is difficult for seniors to walk or take another form of transportation to Twelfth Avenue and C Street, take the trolley to Old Town, then need to cross three sets of tracks, or navigate stairways, and walk nearly one block to transfer to the Route 34 bus to go to Midway or La Jolla. He noted that for the Marines at the Marine Corp Recruit Depot, there is no form of public transportation available to them. This should be looked into. Ms. Lorenzen said that she would have staff look into these issues and report back to the Board.

Chuck Lungerhausen – Mr. Lungerhausen noted that he would be participating in the MS Walk/Swim on Saturday, March 6. He was requesting sponsorship donations. He would like to eclipse the \$4,000 amount this year. Checks should be made out to the National MS Society. He also noted that he is consistently traveling to downtown in 30-

40 minutes, while needing two transfers, and has no parking problems. This is unlike most of the people looking for parking tokens.

Clive Richard – Mr. Richard noted that the Mission Valley East (MVE) trolley will be going through his community at Alvarado Canyon. He said that one thing has become obvious. At the bottom of the hill is a beautiful trolley station. At the top of the hill is a beautiful community library. It's quite a walk up the hill from the trolley station. It is interesting that people will be asked to walk up the hill to get to the new library. On the other side of the Mesa is a new facility – the Kroc Center. All of these would be easily connected. He noted that he has not seen a plan for anything that will be done to connect these three areas. He noted that in February 2004, the Board was to be discussing the MVE light rail feeder bus service. He does not see it on any upcoming agenda. He wanted to know how the public would know what is being planned so the community can take advantage of these facilities.

Mr. Monroe said that he was trying to get a handle on where we were going in terms of the operation of the transit system. He noted that there was an item at an earlier Board meeting that included extensive charts, yet the item was delayed due to time constraints. When he looked at the charts, it showed that ridership and on-time performance were down, while costs were going up. He wanted to know when we would start talking operationally about the performance of our system. We are in charge of something that is not working very well. We have some real serious work to do. Mr. Williams noted that staff is working on some of these problems. Mr. Jablonski said that the Board would be getting performance data on a regular basis along with an analysis of the data.

#### CONSENT ITEMS

4. Controller's Report for November 2003 (FIN 305, PC 30100)

Action would receive the controller's report for November 2003.

5. Metropolitan Transit System (MTS) Operators Budget Status for November 2003 (FIN 310, PC 30100)

Action would receive the MTS Operator Budget status for the month of November 2003.

6. San Ysidro Intermodal Transportation Center Project: Request for Substitution of DBE Subcontractor (CIP 10453)

Action would authorize the Chief Executive Officer (CEO) to: (1) find that Stacy and Witbeck made sufficient good faith efforts in attempting to replace the disadvantaged business enterprise (DBE) Sapper Construction, and (2) approve Stacy and Witbeck's request to replace Sapper Construction with a subcontractor acceptable to MTDB or perform the work itself.

7. General Engineering Consultant Work Orders and Work Order Amendments (CIP 10426)

Action would authorize the CEO to execute work orders and work order amendments with our General Engineering Consultant (GEC), Berryman and Henigar, for the Mission Valley East (MVE) Light Rail Transit (LRT) Extension.

8. Two Years of Additional Service Credit with the Public Employees Retirement System (PERS)  
(ADM 150.3, PC 30100)

Action would adopt Resolution No. 04-01 designating a time frame for retirement and MTDB positions eligible for two years of additional service credit based on mandatory transfers to the new consolidated agency, the San Diego Association of Governments (SANDAG), and approve consolidation of the human resources functions of the Metropolitan Transit System (MTS) with those of SANDAG.

Motion on Recommended Consent Items

Mr. Mark Lewis moved to approve Consent Agenda Item Nos. 4, 5, 6, 7, and 8. Mr. Charles Lewis seconded the motion, and the vote was 11-0 in favor.

NOTICED PUBLIC HEARINGS

There were no public hearing items.

DISCUSSION ITEMS

30. Finance Workshop: FY 04 Mid-Year Budget Amendment (FIN 310, PC 30100)

Ms. Wasmund presented the FY 04 mid-year budget amendment. She noted that each year, we take a look at how we are doing relative to the budget. On a combined basis, our fare revenue is less than expected. We have been able to offset this reduction of revenue with a reduction in expenses for a net budget savings of \$262,000. San Diego Transit Corporation (SDTC) is projecting a net subsidy increase (a negative variance); however, the remaining operators have positive budget variances.

Fare revenue is about \$2.3 million under the budgeted amount. We have revised this amount to \$65.9 million. A number of reasons for the decline in fare revenue include the Cedar fire and scaffolding accident at the 12th and Imperial Transfer Station, which adversely affected ridership. Americans with Disabilities Act (ADA) ridership and the expansion of rural services has been less than anticipated. SDTC ridership is 9 percent lower than expected, and others are within 1-2 percent of expectations.

Personnel is the largest expense item. In the past few years we had some bad experiences with workers' compensation claims. That negative trend seems to be slowing. We have been taking an aggressive approach to closing out old claims and targeting abusive situations. Also, other operators have achieved a savings from job vacancies.

Energy is a volatile line item and can have a significant impact on the budget. Diesel fuel was budgeted at \$1.05 per gallon. Our experience is slightly higher for a \$26,000 negative variance. Compressed natural gas (CNG) is averaging 90 cents per therm, 10 cents per therm more than budgeted. Electricity was budgeted at 16.5 cents per kilowatt hour (kWh). Our experience has been between 10 and 15 cents per kWh. Combining that lower amount with a refund received from San Diego Gas and Electric Company in the fall results in a savings of about \$1.1 million.

There has been a subsidy savings of \$262,830, which includes \$5,000 of Air Pollution Control District (APCD) moneys. The APCD funds are required to be used for the Sorrento Valley



Coaster Connection, so they will be put aside to be used next fiscal year. The remaining \$257,830 will be added to the MTS Contingency Reserve to be used next year.

A budget adjustment for the MTS General Fund was approved in September to reflect the transfer of the engineering and construction function. One additional adjustment is needed for the transfer of the two web development staff to SANDAG.

Our recommendation is to adopt Resolution 04-2 amending the FY 04 budgets and to approve the transfer of \$61,975 in Transportation Development Act (TDA) funds to SANDAG.

Mr. Charles Lewis asked how many riders were lost due to the Cedar fire and scaffolding accident. Ms. Wasmund said it is estimated that about 400,000 transit rides were not taken due to the two incidents, which amounts to about \$350,000. Mr. Jablonski noted that the scaffolding accident created a loss of 30,000 rides alone. Mr. Tereschuck added that 30,000 lost rides was staff's estimate and included in the claim to the insurance company.

Mr. Clabby asked what the difference was between repair and maintenance costs and maintenance parts and supply. Ms. Wasmund said her understanding was that repair and maintenance costs were activities performed by third parties, and maintenance parts and supplies includes the supplies needed to conduct the maintenance.

Ms. Sterling said that it was stated that part of the decline in ridership was due to an increase in fares. Ms. Wasmund noted that we had a fare increase in July 2003. We know that we lose ridership with a fare increase and that ridership eventually returns. Therefore, we make an estimate of fare revenue. SDTC is finding that the loss of ridership was greater than expected contributing to lower revenue than anticipated. Ms. Sterling said that she understood that the fare increase was going to be tiered, and we are currently in the first tier. Ms. Wasmund said that was correct, and there will be an increase on passes in July of 2004 and another pass increase in July of 2005. Mr. Elliot Hurwitz added that we are projecting \$500,000 in increased fare revenue for next year. We will be fine-tuning that amount as part of the budget process. We have increased our fare revenue above the FY 03 amount.

Mr. Rindone asked staff to bring back the actual dollar amount, not the projection. It will show that net revenue has increased, what is decreasing is the projection. He noted that our efficiency is improving. The Board has a major obligation to analyze the information and understand it. Mr. Jablonski said that we would provide the information requested.

#### Action Taken

Mr. Mark Lewis moved to: (1) adopt Resolution No. 04-2 amending the FY 04 budgets of MTDB, SDTC, San Diego Trolley, Inc. (SDTI), MTS Contract Services, Chula Vista Transit, and National City Transit, and (2) approve the transfer of TDA 10 percent funds to SANDAG. Mr. Rindone seconded the motion, and the vote was 10-0 in favor. (Mr. Inzunza was temporarily out of the meeting.)

#### 31. Transit Workshop: Policy Review (ADM 110.2, PC 30100)

Ms. Lorenzen presented a review of the Board's Policies and Procedures No. 11 through No. 21. The purpose of the review is to eliminate unnecessary policies following the consolidation.

Policy No. 11, "Utility Agreements," establishes procedures for placement or relocation of utilities affected by MTS construction projects. The recommendation is to retain this policy indefinitely.

Policy No. 12, "Construction and Contract Administration, Bid, Award, and Claims," establishes state and federally required procedures for construction contracts from bid through award. The recommendation is to retain this policy until the completion of the MTS construction projects, with minor typographical changes.

Policy No. 13, "Ownership and Operation of the San Diego and Arizona Eastern Railway," establishes MTS's oversight responsibilities for the San Diego and Arizona Eastern (SD&AE) railroad. The recommendation is to retain this policy indefinitely and make minor typographical changes.

Policy No. 14, "Procurement of Services," establishes state and federally required procedures for procuring service contracts. The recommendation for this policy is to retain it indefinitely, with minor typographical changes.

Policy No. 15, "Relief from Maintenance and Responsibility and Acceptance of Work on Construction Contracts," sets forth terms and conditions under which final acceptance of construction projects can be made. The recommendation for this policy is to retain it until the MTS construction projects are completed, with minor typographical changes.

Policy No. 16, "Capital Asset Capitalization," establishes guidelines regarding capitalization of MTS's tangible property assets. The recommendation is to retain this policy indefinitely with minor typographical changes.

Policy No. 17, "Legal Action: Damage to MTDB Property," sets forth conditions under which the CEO may institute or settle litigation on behalf of MTS. The recommendation is to retain this policy indefinitely, with substantive changes by granting the CEO limited settlement authority.

Policy No. 18, "Transportation Development Act (TDA) Rules and Regulations," establishes the guidelines for operator eligibility for TDA funds as required by state law. The recommendation is to retain this policy with modifications once SANDAG has completed its policy review.

Policy No. 19, "Joint Use and Development of Real Property," establishes criteria for MTS joint development projects. The recommendation is to retain this policy indefinitely with minor typographical changes.

Policy No. 20, "Licensing of the Use of Registered Marks," provides guidelines for the commercial use of MTS trademarks and logos. The recommendation is to retain this policy indefinitely.

Policy No. 21, "Allocation of State Transit Assistance (STA) Funds," establishes procedures for receipt, allocation, and distribution of STA funds to eligible operators. The recommendation is to retain the policy and make modifications once SANDAG has completed its policy review.

Mr. Ryan asked if the Policy No. 17 settlement authority also applied to personnel. Ms. Lorenzen said it would apply to any lawsuit filed against MTS or any lawsuit that would be initiated on behalf of MTS. Mr. Ryan said that this issue was raised at SANDAG. A concern was that sometimes the Board would hear about a settlement after the fact, and that the settlement would be with an employee. He would like the policy amended to provide immediate notification to the Board where a settlement involves an employee. Mr. Ryan also asked if we had a timeline for SANDAG updating and adopting its policies. Mr. Jack Limber, SANDAG

General Counsel, said he anticipated this to be accomplished within the next three months. Ms. Lorenzen explained that SANDAG would take over a portion of the function of distributing the funds. It is still being determined how this function would be accomplished. Mr. Ryan asked if all these details would be worked out in that three-month timeline. Mr. Limber said that would be the desire.

Mr. Monroe said that the settlement authority for the CEO would now be in line with that of SDTI and SDTC. He asked if the settlement authority would be taken from the General Managers of these two entities or if we would have three settlement authorities. Mr. Jablonski said this issue should be worked out when the internal organization is implemented. He hopes to offer something preliminary within two to four weeks. Ultimately, the authority to resolve a settlement to the \$25,000 level would rest solely with him.

Mr. Rindone said that the genesis of this Board's desire is to see consolidation into a single organization. With respect to the two operations' general managers, this was his feeling as well. We are not quite getting there yet. As staff works on the details, it would be brought back for approval. Mr. Williams noted that there are some legal issues that still need to be reviewed.

Mr. Jablonski said that there are two levels when talking about consolidation. One is a series of boxes on a chart. The other is the human grid in the three separate entities. Mr. Monroe noted that he has ideas with regard to reorganization and wondered if there would be a workshop on this issue. Mr. Jablonski said his thoughts would be presented to seek input from the Board.

Mr. Williams stated that there had been a subcommittee working on the consolidation issues with SANDAG. He suggested convening that committee to look at the internal reorganization issues.

Mr. Monroe noted that some of the objects of the change was to be more efficient and provide better service. There are ways to determine the success of the consolidation. We have to take a look at all the transfers of people back and forth and not decimate this organization.

Mr. Jablonski noted that one challenge is that the consolidation is still happening. Everyone that has transferred to SANDAG hasn't left the premises yet. A group is leaving at the end of the month, and that will continue until the end of June. We have spent time dealing with major issues, and there are other issues that are more immediate. It is very dynamic right now.

#### Action Taken

Mr. Emery moved to approve the proposed changes to MTS Board Policies and Procedures No. 11 through No. 21, including the personnel issues raised in discussion. Mr. Clabby seconded the motion, and the vote was 13-0 in favor.

#### 44. Chairman's Report (ADM 110.1)

The Chairman had nothing to report.

#### 45. Chief Executive Officer's Report (ADM 121.7, PC 30100)

Mr. Jablonski said that he went to Washington, D.C. to meet with our legislators. Last week, there was activity in the Senate with respect to reauthorization of the Transportation Equity Act for the 21st Century (TEA-21). The good news is that the Senate Finance Committee raised its

amounts for TEA-21, not as high as the House of Representative's amount, but it is a considerable increase.

The President has signed the FY 04 Appropriations Bill, and the major component was \$65 million for MVE.

There is talk about extending TEA-21 for four months to allow for negotiations to happen. Some are working to extend it for another year at current funding levels. The President's budget is considerably lower for transportation. There should be some pressure, as well as ongoing discussion to protect transit funds.

Other good news in the President's proposed budget is that MVE is provided a total of \$81 million; we requested \$65 million. It is felt the higher amount is due to not receiving a full allocation in previous years.

46. Board Member Communications (ADM 110, PC 30100)

Mr. Rindone said that he commented at last week's Executive Committee meeting that staff take efforts to streamline the efficiency of the meetings. Most of the Board members are familiar with joint meetings. He suggested that we consider having a single agenda and joint meetings. This should reduce extra work and simplify the process. Ms. Lorenzen said that she was planning to present a report to the Executive Committee on this issue, and then report to the full Board on February 26. The first joint meeting could be held at the March 25 meeting.

Mr. Mark Lewis agreed with the one agenda/joint meeting concept, as the current process is confusing. He asked why we needed to wait until March. Mr. Jablonski said that we are still conducting a legal review to see if this can be done.

47. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

48. Closed Session Items (ADM 122)

There were no closed session items.

49. Oral Report of Final Actions Taken in Closed Session (ADM 122)

There were no closed session items.

50. Next Meeting Date

The next meeting is scheduled for February 26, 2004, at 9:00 a.m. in the Board of Directors Meeting Room, 10th Floor, 1255 Imperial Avenue, San Diego, CA 92101-7490.

51. Adjournment

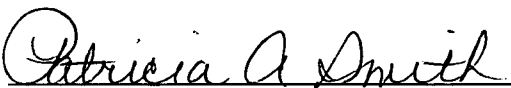
Chairman Williams adjourned the meeting at 10:05 a.m.



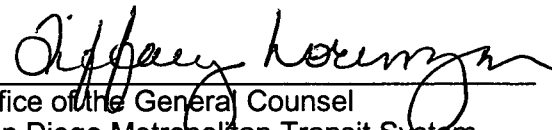
Chairman  
San Diego Metropolitan Transit System

Filed by:

Approved as to form:



Patricia A. Smith  
Office of the Clerk of the Board  
San Diego Metropolitan Transit System



Tiffany Horvath  
Office of the General Counsel  
San Diego Metropolitan Transit System

PSmith  
BD-04FEB12.PSMITH  
2/19/04

Attachments: A. Roll Call Sheet  
B. AI 45, February 12, 2004, Chief Executive Officer's Report

**METROPOLITAN TRANSIT SYSTEM BOARD  
ROLL CALL**

MEETING OF (DATE): February 12, 2004

CALL TO ORDER (TIME): 9:02 a.m.

RECESS: \_\_\_\_\_

RECONVENE: \_\_\_\_\_

CLOSED SESSION: \_\_\_\_\_

RECONVENE: \_\_\_\_\_

ORDINANCES ADOPTED: \_\_\_\_\_

ADJOURN: 10:05 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ATKINS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>	10:14 a.m. during SDTC consent calendar	
CLABBY	<input checked="" type="checkbox"/> (Jones) <input type="checkbox"/>		
EMERY	<input checked="" type="checkbox"/> (Cafagna) <input type="checkbox"/>		
INZUNZA	<input checked="" type="checkbox"/> (Ungab) <input type="checkbox"/>		10:30 a.m. during SDTC discussion item
KALTENBORN	<input checked="" type="checkbox"/> (N/A) <input type="checkbox"/>		
LEWIS, Charles	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
LEWIS, Mark	<input checked="" type="checkbox"/> (Santos) <input type="checkbox"/>		
MAIENSCHIN	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
MATHIS	<input type="checkbox"/> (N/A) <input type="checkbox"/>		✓
MONROE	<input checked="" type="checkbox"/> (Tierney) <input type="checkbox"/>		
RINDONE	<input checked="" type="checkbox"/> (Davis) <input type="checkbox"/>		
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:55 a.m. during discussion of AI 31	
ROSE	<input checked="" type="checkbox"/> (Janney) <input type="checkbox"/>	10:02 a.m. during Board member comm.	
RYAN	<input checked="" type="checkbox"/> (Dale) <input type="checkbox"/>	9:06 a.m. during public comments	
STERLING	<input checked="" type="checkbox"/> (Ewin) <input type="checkbox"/>		
WILLIAMS	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>		
ZUCCHET	<input checked="" type="checkbox"/> (Vacant) <input type="checkbox"/>	9:53 a.m. during discussion of AI 31	

SIGNED BY THE OFFICE OF THE CLERK OF THE BOARD Patricia A Smith

CONFIRMED BY Susan Champlin

PSmith/BOARD-EC  
BDRLLCALL-04FEB12 - 2/12/04

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

## Agenda

Item No. **45**

Chief Executive Officer's Report

ADM 121.7 (PC 30100)

February 12, 2004

### Minor Contract Actions

- San Diego Trolley, Inc., for flagging services on the 12th & Market Station Reconfiguration Project.
- AAA Printing Company for Timetable printing for MTS Contract Services flex routes.
- Stacy & Witbeck, Inc., for construction services on the San Ysidro Intermodal Transportation Center (SYITC) Project.
- Best Best & Krieger for legal services on the SYITC Project.
- West Coast General Corporation for construction services on the 12th & Market Station Reconfiguration Project.
- Wells Fargo Bank for Settlement Agreement APN 667-0 on the SYITC Project.
- Clark Construction Group, Inc., for work on the San Diego State University (SDSU) Tunnel and Underground Station and LRT-426 Change Order No. 3, Supplement 0, on the Mission Valley East Light Rail Transit (LRT) Extension Project.
- Modern Continental Construction Company for construction services on the Grantville Segment of the Mission Valley East LRT Extension Project.
- Balfour Beatty/Ortiz Enterprises, Inc. for construction services on the La Mesa Segment of the Mission Valley East LRT Extension Project.
- San Diego County Water Authority for a construction permit for Mission Valley East facilities.

### Personnel




Lance Weihe, Regulatory Specialist/Vehicle Inspector II, will celebrate his fifth anniversary with MTS on February 16, 2004.

PSmith/JGarde/AIs  
45-04FEB12.PSMITH - 2/5/04

#### Member Agencies:

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

Metropolitan Transit Development Board is Coordinator of the Metropolitan Transit System and the  Taxicab Administration

Subsidiary Corporations:  San Diego Transit Corporation,  San Diego Trolley, Inc., and  San Diego & Arizona Eastern Railway Company

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## Agenda

## Item No. 4

Board of Directors Meeting

LEG 410 (PC 30100)

February 26, 2004

Subject:

### APPOINTMENT OF CHAIRMAN FOR ACCESSIBLE SERVICES ADVISORY COMMITTEE

#### RECOMMENDATION:

That the Board of Directors elect Councilmember Ron Rogers as the Accessible Services Advisory Committee Chairman.

#### Budget Impact

None at this time.

#### DISCUSSION:

Each year the Board makes appointments to the various committees, including the Accessible Services Advisory Committee (ASAC). On January 15, 2004, the Board approved all of the proposed committee appointments except for the Chairman of the ASAC committee. Former MTD Board member Ron Rogers has agreed to accept the position and will chair the committee beginning April 29, 2004.



Paul C. Jablonski  
Chief Executive Officer

PSmith/SStroh — AIS  
#4-04FEB26.TLORENZ  
2/18/04

Key Staff Contact: Tiffany Lorenzen, 619.557.4512, [tiffany.lorenzen@sdmts.com](mailto:tiffany.lorenzen@sdmts.com)

#### Member Agencies:

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

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## Agenda

**Item No. 5**

Board of Directors Meeting

CIP 426

February 26, 2004

**Subject:**

**MISSION VALLEY EAST LIGHT RAIL TRANSIT PROJECT: MITIGATION  
MONITORING AND REPORTING PROGRAM**

**RECOMMENDATION:**

That the Board of Directors receive the Mitigation Monitoring and Reporting Program (MMRP) Status Report for the Mission Valley East Light Rail Transit (LRT) Project.

**Budget Impact**

None.


**DISCUSSION:**




As part of the Mission Valley East LRT Project Final Environmental Impact Statement (FEIS), an MMRP was developed. The MMRP identifies specific actions to be undertaken as part of the project to mitigate project impacts. On August 31, 1998, the Federal Transit Administration (FTA) approved the Record of Decision (ROD). The ROD found that there would be no remaining significant impacts after mitigation and obligated MTDB to implement the identified mitigation measures in the FEIS. MTDB staff created an MMRP Status Report, included as Attachment A, to track the current status of each FEIS mitigation measure.

Construction that began on the San Diego State University (SDSU) Tunnel and Underground Station Contract in June 2001 is now 93 percent complete. The Grantville Segment that began construction in December 2001 is now 90 percent complete. The La Mesa Segment that began construction in March 2002 is now 81 percent complete. At this stage of the project, MTDB is in compliance with the required mitigation measures. Several of the impacts identified in the FEIS were eliminated during project design. Many other mitigation measures have been completed.

**Member Agencies:**

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

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Others will continue to be monitored during construction. The following are highlights from the MMRP:

- MTDB received all necessary environmental permits prior to starting construction. The permits require creation of 2.09 acres of off-site wetland mitigation. MTDB completed the purchase of the mitigation site near the Santee Town Center Station from the County of San Diego. The La Mesa Segment Contractor, Balfour Beatty/Ortiz (BB/O), completed grading, irrigation, and planting in July 2003. MTDB's General Environmental Planning Consultant, Helix Environmental, inspected the work during installation and the required maintenance period. In January 2004, Helix Environmental granted BB/O relief of maintenance for the wetland mitigation site.
- The permits also require the on-site restoration of wetlands impacted by the construction of bridges over the San Diego River at Ward Road and Camino Del Rio North, and Alvarado Creek between SDSU Parking Lots C and D. Bridge falsework was removed from these areas, the areas were regraded, and wetland vegetation was installed under the supervision of Helix Environmental.
- The contractors, construction manager, California Department of Transportation (Caltrans), Cities of San Diego and La Mesa, and the Regional Water Quality Control Board perform regular Storm Water Pollution Prevention (SWPPP) inspections to assure that best management practices are being followed to prevent sediment from the construction areas from reaching Alvarado Creek and the San Diego River. Because much of the project is complete, especially within and adjacent to Alvarado Creek and the San Diego River, the SWPPP ratings have improved. SWPPP compliance will continue to be emphasized.
- With the exception of four nighttime closures in La Mesa for bridge finishing, we are done with the full closures of Interstate 8 (I-8). There are a few full weekend closures remaining: the Waring Road ramps to and from eastbound I-8 will be closed in early February for final paving; College Avenue will be closed between Montezuma and Alvarado Roads in late February for the removal of the remaining temporary bridge; and the 70th Street ramps to and from eastbound I-8 will be closed in late February and early March to shift the ramps back to their previous alignment when the LRT train box is completed. The closures at College Avenue and 70th Street will be coordinated not to occur over the same weekend. The traffic switch to the new 70th Street ramps will include a significant widening of Alvarado Road and new traffic signals that will alleviate much of the traffic congestion that the public has endured during construction.
- The above closures and all other less significant closures continue to be included in a weekly "blast-fax," e-mail to businesses, emergency services, and the media. We also continue to warn adjacent residences of unavoidable night work that might be disruptive. The project website [www.sdcommute.com/mve](http://www.sdcommute.com/mve) continues to be updated, and we answer many inquiries from the website and the project hotline (1-877-MVE-RAIL). We also give presentations and tours to community groups as requested.

The progress and status on other mitigation requirements are shown in Attachment A. This report will be updated and presented to the Board at six-month intervals for the remainder of the project.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Jim Hecht, 619.557.4542, [jim.hecht@sdmts.com](mailto:jim.hecht@sdmts.com)

SChamp/Als  
5-04FEB26.JHECHT  
2/9/04

Attachment: A. Mitigation Monitoring and Reporting Status Report **(Board Only)**

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

<b>Mit. Number</b>	<b>Impact/Mitigation<sup>1</sup></b>	<b>Implementation and Monitoring</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Status</b>
<b>TRAFFIC</b>					
TR 1.	<p>Provide local street improvements at three intersections to improve LOS:</p> <ul style="list-style-type: none"> <li>• Mission Gorge Rd./Mission Gorge Pl.: Restripe WB approach to 2 lanes.</li> <li>• Waring Rd./ Adobe Falls Rd.: Restripe to 3 lanes EB and WB</li> <li>• Campanile Dr./ Montezuma Rd.: Coordinate with SDSU and College Area Redevelopment Project.</li> </ul>	Include in contract drawings.	MTDB with coordination from City, Caltrans, and SDSU	Design	<p>Plans for the restriping of the Mission Gorge Road/Mission Gorge Place intersection are included in the construction plans.</p> <p>Changes to the Alvarado Canyon Road Extension were approved 10/99. The extension of Alvarado Canyon Road on a bridge over Waring Road was opened to public traffic on June 12, 2003.</p> <p>Change in transit center location has reduced traffic in this intersection. Instead, improvements to College Avenue and Linda Paseo are included in the plans.</p>
TR 2.	Widen easterly EB I-8 offramp at 70th Street to two lanes to mitigate closure of westerly EB to SB offramp.	Include in contract drawings.	MTDB with coordination from City of La Mesa and Caltrans	Design	A two-lane offramp with three lanes at the intersection was installed prior to closure of the SB off-ramp. The switch to the permanent two-lane offramp will be made in late February.
	Provide 2 travel lanes at WB Alvarado Rd. at 70th St. and eliminate free right turn from NB 70th St. to EB Alvarado Rd. Modify signalization as required.				WB Alvarado Road was widened to three lanes prior to closure to the SB off-ramp. Additional widening of Alvarado Road will occur during switch to new offramp in late February.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

<b>Mit. Number</b>	<b>Impact/Mitigation<sup>1</sup></b>	<b>Implementation and Monitoring</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Status</b>
	Signalize ramps at Alvarado Rd.				The plans include details for a traffic signal at Alvarado Road and the freeway ramps. A temporary traffic signal has been installed at the temporary ramps. New signals for the new off-ramp will be activated in late February.
<b>PARKING</b>					
PK 1.	Provide as per MTDB/SDSU MOU to mitigate loss of 87 spaces at SDSU.	Include in contract drawings.	MTDB with coordination from SDSU	Design & Construction	Agreement with SDSU includes replacement parking in a new parking structure. Permanent loss of parking from project will be mitigated by compensation per parking space lost as stipulated in the agreement with SDSU. MTDB secured a loan for SDSU to expedite construction of the parking garage.
PK 2.	Replace potential loss of 20-25 parking spaces at Church of Nazarene, if required by Conditional Use Permit.	Include in contract drawings.	MTDB with coordination from City of San Diego and Church	Design	The Alvarado Canyon Road Extension was redesigned to avoid any impact to parking on the church site.
<b>LAND USE - None Required</b>					
<b>DEMOGRAPHICS &amp; NEIGHBORHOODS</b>					
DN 1.	Replace the swimming pool and recreation room being taken from the Waring Road condominium complex or compensate remaining residents for loss.	Develop pool replacement and recreation room options or determine value of loss to remaining owners.	MTDB	Design, ROW acquisition	On 10/28/99, the MTD Board approved an option for the extension of Alvarado Canyon Road that does not impact the Tennis Townhomes Condos.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

Mit. Number	Impact/Mitigation <sup>1</sup>	Implementation and Monitoring	Responsible Party	Timing	Status
ACQUISITIONS & DISPLACEMENTS					
AD 1.	Provide compensation and relocation assistance to affected residential property owners and renters and to business owners, for acquisition of properties.	Comply with the <i>Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 and Amendments</i> and the <i>California Relocation Act</i> .	MTDB	Design, ROW acquisition	Acquisitions are complete.
	Compensate owners for partial acquisition of parcels.				All but one of the acquisitions have been settled, and one jury trial was completed and is being appealed.
ECONOMICS & FISCAL CONDITIONS					
EF 1.	Provide relocation assistance to displaced business owners.	See AD 1., above.	See AD 1., above.	See AD 1., above.	Relocation assistance was provided.
PUBLIC SERVICES & UTILITIES					
PS 1.	Provide relocation assistance to Montessori preschool.	See AD 1., above.	See AD 1., above.	See AD 1., above.	Noise, vibration, and air quality studies were completed for this property. The owners did not wish to relocate. Mitigation, consisting of building solid fencing around the playground and upgrading the air conditioning filters was completed prior to construction.
PS 2.	Incorporate drainage facilities for affected hillsides into LRT design to ensure that there is no additional burden on existing drainage facilities.	Include in contract drawings. Provide hydraulic calculations.	MTDB with coordination from City, Caltrans, and Flood Control agency.	Design	The designer prepared drainage calculations wherever there were modifications to drainage areas or characteristics. The calculations and designs were reviewed and approved by Caltrans and the Cities of San Diego and La Mesa.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

<b>Mit. Number</b>	<b>Impact/Mitigation<sup>1</sup></b>	<b>Implementation and Monitoring</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Status</b>
PS 3.	Relocate storage building on City of San Diego Water Utilities property.	Include in contract drawings.	MTDB with coordination from City.	Design	On 10/28/99, the MTD Board approved a redesign of the Alvarado Canyon Road Extension that avoids the City property entirely, avoiding this impact.
<b>VISUAL QUALITY &amp; AESTHETICS</b>					
VQ 1.	Provide fence and landscaping along north side of MTDB site to screen view from Mary Fellows Ave. looking south at guideway, bridge, and parking lot.	Include in contract drawings and specifications.	MTDB with coordination from City of La Mesa and neighborhood groups.	Design	On 4/8/99, the MTD Board deleted the 70 <sup>th</sup> Street Pedestrian Bridge from the project, eliminating this impact.
VQ 2.	Shield light fixtures at Mary Fellows Ave. parking lot to reduce potential for light and glare.	Include in procurement specifications. Field check following installation.	MTDB	Design and operation	On 4/8/99, the MTD Board deleted the 70 <sup>th</sup> Street Pedestrian Bridge from the project, eliminating this impact.
VQ 3.	Provide ornamental landscaping and trees to screen view of guideway from properties on Guava Avenue looking north.	Licensed landscape architect to prepare plans. Include in contract drawings and specifications.	MTDB with coordination from City of La Mesa and neighborhood groups.	Design	Landscaping is included in the plans at the foot of Guava Avenue. The City of La Mesa reviewed and approved the plans.
VQ 4.	Provide night-time lighting under the guideway in SDSU parking lots C and X.	Include in contract drawings.	MTDB with coordination from SDSU.	Design	The bridge plans include soffit lights. SDSU reviewed and approved the plans.
VQ 5.	Use appropriate surfaces and/or coatings at station entrances to prevent glare and on all smooth surfaces up to 10 feet in height to prevent graffiti.	Include in plans and contract specifications.	MTDB	Design	The design includes anti-glare and anti-graffiti measures.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

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VQ 6.	Combine poles for catenaries, light fixtures, and signs whenever possible to reduce unnecessary clutter.	Include in contract drawings.	MTDB	Design	Design minimized the number of poles.
<b>SAFETY &amp; SECURITY</b>					
SS 1.	Reduce the potential for accidents involving transit vehicles by implementing standard safety procedures.	SDTI and/or SDTC Standard Operating Procedures Manual	SDTI	Operation	SDTI will develop Standard Operating Procedures during the Start-Up phase.
SS 2.	Relieve public concerns regarding the proximity of the guideway or Traction Power Substation by fencing the project.	Include in contract drawings.	MTDB	Design	The plans include fencing of the guideway and substations.
SS 3.	Reduce the potential for EMF risks by using standard precautions and design treatments.	Include in contract drawings.	MTDB	Design	The plans include standard traction power details.
SS 4.	Reduce the potential for injury during emergency evacuations by following NFPA guidelines in design.	Include in contract drawings.	MTDB	Design	The design follows applicable NFPA and California Building Code guidelines.
SS 5.	Reduce the potential for crime on vehicles and in stations by implementing SDTI and SDSU security procedures and design guidelines.	Review of final design details to ensure inclusion of appropriate features.  Follow SDTI and/or SDTC standard operating procedures.	TDB in cooperation with SDSU.	Design and Operation	The design team attended training in "Crime Prevention Through Environmental Design (CPTED)". CPTED principles were used in the design and review. SDTI and SDSU reviewed the plans. Provisions were made in all of the stations for future installation of CCTV. CCTV will be installed at SDSU prior to opening. Security procedures will be developed during Start-Up.



**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

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<b>CULTURAL RESOURCES</b>					
CR 1.	Implement a monitoring program for excavation and fossil recovery so that paleontological resources will not be destroyed. (See also CI 13.)	Include in bid documents	MTDB	Design and construction	Included in the contract special provisions.
<b>SECTION 4(F) - None Required</b>					
<b>AIR QUALITY - None Required</b>					
<b>NOISE &amp; VIBRATION</b>					
NV-1.	Install sound walls and/or insulation to reduce operational noise at 13 locations (5 on West Falls View, 1 at Villa Alvarado, 5 on Colony Drive (4 mobile homes and 1 apartment), and 2 on Guava Avenue). See FEIS Table 4-29 for details.	Include sound walls in contract drawings.  Coordinate with property owners for insulation.	MTDB	Design and construction.	Additional noise studies were completed to take into account the final alignment and wall heights. Short sound walls have been built near SDSU Business Services, West Falls View Drive, SDSU Villa Alvarado Residence Hall, Camperland RV Park, the Motel 6 in La Mesa, and Guava Avenue.
NV 2.	Locate support structures and install high resilience track fasteners and ballast mats to reduce operational vibration at 6 locations (1 at Villa Alvarado and 5 on Colony Drive [4 mobile homes and 1 apartment]). See FEIS Table 4-33 for details.	Include in contract drawings.	MTDB	Design	Additional vibration studies were completed to take into account final design details, and site specific vibration propagation measurements were taken. This study concluded that other than using spring-rail frogs at crossovers, no vibration mitigation is required for the line segment. Special low-vibration track fasteners will be installed in the SDSU tunnel under the Adams Humanities Building.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
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<b>GEOLOGY &amp; SEISMICITY</b>					
GS 1.	Use suitable designs and incorporate appropriate construction techniques to prevent structural damage or failure in the event of liquefaction, slope failure, compressible soils, severe ground motion, and corrosive soils. See FEIS Section 4-11.4 for details.	Include in contract drawings.	MTDB	Design and construction	Detailed geotechnical reports were completed, the recommendations were incorporated into the design, and the design has been reviewed and approved by Caltrans Division of Structures.
GS 2.	Perform a comprehensive geotechnical evaluation during preliminary engineering and final design to assess subsurface conditions and obtain specific data on potential geotechnical hazards and constraints. Provide specific recommendations pertaining to all geotechnical design considerations.	Include geotechnical report in bid documents.	MTDB	Design and construction	The geotechnical reports were completed, the recommendations were incorporated into the design, and the reports were made available to the bidders.
GS 3.	Construction will meet or exceed UBC, Caltrans, or AASHTO requirements as relevant.	Review contract drawings and ensure sign off by a registered California Professional Engineer.  Monitor construction to ensure that specifications and drawings are complied with at all times.	MTDB	Design and construction	Designers sealed all drawings. Review was conducted by several responsible agencies.  MTDB has hired a construction management consultant to monitor construction.
<b>HAZARDOUS MATERIALS-None Required</b>					

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
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<b>WATER RESOURCES</b>					
WR 1.	Comply with the conditions of the General Industrial Storm Water Permit to mitigate runoff effects.	Monitor compliance during construction. Report periodically to RWQCB.	MTDB	Design and Construction	Temporary Erosion Control measures were included in the plans. The Regional Water Quality Control Board received the Notice of Intent. The contractors have prepared Storm Water Pollution Prevention Plans (SWPPPs) to comply with the National Pollution Discharge Elimination System (NPDES). These SWPPPs have been reviewed and approved by the Construction Manager and Caltrans. The Construction Manager is monitoring for compliance and bringing non-compliance issues to the Contractor for correction.
WR 2.	Install drainage facilities at the Grantville and 70th Street stations and direct drainage from new impervious surfaces away from significant biological resources.	Check contract drawings.	MTDB	Design and Construction	The plans include details for drainage at the stations. Drainage is directed to Alvarado Creek.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

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WR 3.	Design columns at the San Diego River and improvements within Grantville and the Alvarado channel (Alvarado Medical and 70th St. stations) to handle required capacity for expected flood conditions, and as required by USACOE and San Diego County Flood Control District.	Coordinate with USACOE, SDCFCD, and Cities of San Diego and La Mesa.  Check design plans.  Include hydraulic calculations in specifications.	MTDB with coordination from flood control agencies and Cities of San Diego and La Mesa.	Design	The General Engineering Consultant has prepared a hydraulic analysis of the San Diego River and prepared an application for a Conditional Letter of Map Revision from FEMA. The Line Segment Designer has prepared a hydraulic analysis of Alvarado Creek, and submitted a no rise certification to the Cities. The designer will also be preparing a Letter of Map Revision now that a floodway has been established on Alvarado Creek in La Mesa.
WR 4.	Provide aeration basin in vicinity of 70 <sup>th</sup> Street station to mitigate for enclosure of Alvarado Channel.	Include in contract drawings.	MTDB with coordination from RWQCB.	Design	The Regional Water Quality Control Board approved the design of the aeration basin and reissued a waiver of the Section 401 Water Quality Certification on June 22, 2000. Widening of Alvarado Creek upstream of the 70 <sup>th</sup> Street Station to improve water quality has been completed.
<b>ECOSYSTEMS</b>					
EC 1.	Revegetate manufactured slopes adjacent to LRT using native, on-site species where possible. Include Ashy spike-moss and San Diego sunflower in mix.	Include requirements in landscaping specifications.	MTDB with coordination from resource agencies.	Design and construction	Landscape plans include native species.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

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EC 2.	<p>Obtain and restore or create plant habitat mitigation sites (at locations to be determined in final design) to mitigate losses of Southern Willow Scrub (0.1 acre affected) and Southern Willow Riparian Woodland (0.5 acre affected).</p> <p>Mitigate temporary impacts to Southern Willow Riparian Woodland (0.26 acre) at 2:1 ratio (0.52 acre). Mitigate permanent impacts (0.24 acre) at 3:1 ratio (0.72 acre). Ratios of both to be reduced if pre-construction replacement is undertaken.</p> <p>Provide mitigation for affected wetlands (0.6 acre) in accordance with <i>San Diego Wetlands Management Plan</i>.</p>	<p>Include requirements in landscaping specifications.</p> <p>Monitor planted areas for five years or until sufficient coverage is achieved (whichever is longer).</p>	MTDB with coordination from resource agencies.	Design, construction, and operation	The US Fish and Wildlife Service issued the Biological Opinion in March 2001. We received the ACOE 404 Permit on 11/19/01 and the CDFG 1601 Permit on 11/15/01. Grading for the off-site wetland mitigation in the City of Santee east of Cuyamaca Street and south of the San Diego River was completed in March 2003, and plants were installed in July 2003. Helix Environmental and MTDB recently inspected and signed-off on the contractor's maintenance period. On-site restoration on the San Diego River at Ward Road and on Alvarado Creek at SDSU parking lots C and D has also been completed.
EC 3.	Comply with USACOE and CDFG permit conditions to mitigate disturbances to jurisdictional waters. Wetland impacts will be mitigated under EC2.	<p>Obtain permit prior to construction of actual affected areas.</p> <p>Monitor construction to maintain compliance with permit conditions.</p>	MTDB with coordination from resource agencies.	Design and construction	See EC-2 above. The Special Provisions include the permit requirements. Helix Environmental is providing biological monitoring services per the permit conditions.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
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EC 4.	Replace Least Bell's Vireo habitat and take the actions identified in Attachment A in consultation with USFWS.	See EC 2. above.	See EC 2. above.	See EC 2. above.	See EC-2 above. We completed the Section 7 consultation with the USFWS and received the Biological Opinion in March 2001 for Gnatcatcher and Least Bell's Vireo habitat. The conditions of the Biological Opinion are included in the special provisions, and the biological monitor and construction manager are monitoring for compliance.
EC 5.	Comply with conditions of the Section 7 agreement regarding disturbance to potential vireo habitat during the construction process.	Incorporate restrictions and conditions in construction specifications. Conduct field monitoring in accordance with agreement conditions.	MTDB with coordination from resource agencies.	Construction	Conditions are included in the contract specifications. The biological monitor is enforcing contract specifications.
EC 6.	Contribute \$50,000 to the San Diego River endowment fund or a brown-headed cowbird trapping program.	Provide evidence of contribution.	MTDB	Pre-operation	The contribution was made to the San Diego Foundation's San Diego River Endowment Fund in February 2002.
EC 7.	Mitigate loss of coastal sage scrub habitat through one of three methods: (1) participate in the City of San Diego MSCP program, (2) pursue a Section 10 permit from the USFWS, or (3) use the ESA Section 7 consultation procedure as part of the 404 process.	Obtain necessary permit or documentation prior to construction of actual affected areas.	MTDB with coordination from resource agencies.	Operation	MTDB completed the Section 7 consultation with USFWS with regards to the coastal sage scrub habitat in March 2001. MTDB purchased 9.6 Coastal Sage Scrub Credits from the San Miguel Conservation Bank in April 2002.
EC 8.	If a fire buffer zone is required and would further affect native vegetation, implement a fuel modification plan that uses native plants and selective thinning of native vegetation.	Include in landscaping specifications	MTDB with coordination from resource and fire agencies.	Design and construction	The fire department has not requested a fire buffer zone.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

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ENERGY – None Required					
CONSTRUCTION					
CI 1.	Prepare and implement traffic management plan(s) to mitigate temporary lane closures and congestion, both on local roads and I-8. Include coordination with Alvarado Medical Center, SDSU, SDSU Foundation, Caltrans, emergency response personnel, and the community. Plan should fully outline contractor requirements to maintain traffic operations, including staging, signing, marking, advisory notices, detours, and time-of-work restrictions. Mitigation measures will also be documented.	Include in contract drawings and specifications.	MTDB with Caltrans and Cities of La Mesa and San Diego coordination	Design and construction	MTDB met with Cities, Caltrans, Alvarado Hospital, SDSU, and community groups to review traffic control issues during design. Contractor requirements were included in the Special Provisions. A Traffic Management Plan to address I-8 full closures required to put up and take down falsework for the freeway crossings was prepared and successfully implemented. Caltrans continues to be closely involved in all traffic control activities during construction. We are done with most of the significant closures. The following full weekend closures remain: Waring Road eastbound ramps in early February, College Avenue from Alvarado Road to Montezuma in late February, and the 70 <sup>th</sup> Street eastbound ramps in late February and early March.
CI 2.	Provide replacement parking where possible for compensation to SDSU (per the MOU) and DZ Akins.	Include in contract specifications	MTDB in cooperation with SDSU and City of La Mesa.	Design and construction	Agreement with SDSU addressed replacement parking.  The design at DZ Akins avoided parking impacts.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

<b>Mit. Number</b>	<b>Impact/Mitigation<sup>1</sup></b>	<b>Implementation and Monitoring</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Status</b>
CI 3.	Implement a public information program to increase community awareness and minimize neighborhood disruption.	Document public outreach efforts and report to MTD Board quarterly	MTDB	Design and construction	We blast-fax and email a weekly news release containing all of the upcoming traffic closures. We respond to inquiries received through the web site and from the project hot-line (877-MVE-RAIL). We attend community meetings as requested. We continue to update the project web site ( <a href="http://www.sdcommute.com/mve">www.sdcommute.com/mve</a> ). In October we staffed an information booth at the La Mesa Oktoberfest.
CI 4.	Compensate property owners for construction easements.	Follow MTDB Real Estate Acquisition procedures.	MTDB	Design and construction	Construction easements were negotiated in conjunction with other partial acquisitions. See AD 1 above.
CI 5.	Implement a business information program and access management plan to minimize business disruption. (See DEIR Section 4-17.4.3 for details.)	Document and report quarterly to MTD Board	MTDB	Design and construction	We made presentations to the College Area Business Improvement District and the Grantville Business District, and these groups were represented on the Project Advisory Committee.
CI 6.	Implement an emergency response coordination program and task force to minimize effects of construction on response time and community facilities and services.	Document and report quarterly to MTD Board	MTDB with coordination from public agencies and identified interested parties.	Design and construction	We had meetings with Alvarado Hospital and incorporated their suggestions into our plans and special provisions. We continue to work closely with Alvarado Hospital. Their liaison attends many of the construction meetings and Project Advisory Committee meetings. The emergency transportation providers receive our weekly notice of upcoming traffic closures.



**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

<b>Mit. Number</b>	<b>Impact/Mitigation<sup>1</sup></b>	<b>Implementation and Monitoring</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Status</b>
CI 7.	Reduce construction noise and dust by adhering to local and state codes and ordinances. Use fencing and dust suppression techniques as necessary.	Include in contract specifications.  Monitor during construction and penalize contractor for violations.	MTDB with coordination from SDAPCD.	Design and construction	These codes are included in the contract specifications. The Construction Manager is monitoring and enforcing these requirements.
CI 8.	Minimize utility disruptions by careful scheduling, prior notification to affected properties, consultation with utility agencies during final design, and notification prior to groundbreaking.	Document utility locations on contract drawings and coordinate with utility providers during final design.	MTDB	Design and construction	MTDB collected utility as-builts. Designer plotted and identified conflicts. Potholing was been done to confirm locations. We met with each utility company to confirm resolution of conflicts. Agreements were approved for relocation. We are monitoring the utility companies design and construction schedules. Most of the utilities have been relocated. Contractor calls for mark-outs prior to any underground work.
CI 9.	Replace mature vegetation removed during construction on hillsides south of I-8 to provide erosion control and visual cover. Use drought resistant plant materials that will mature in 3-5 years. Maintain, monitor, and manage landscaping until established and reasonable coverage is reached. Design should be prepared by a landscape architect.	Include in landscaping specifications and drawings.  Monitor and report to Board until reasonable coverage is achieved.	MTDB	Design and operation	"Top-down" "soil-nail" retaining walls minimized vegetation removal uphill of the project. The design was prepared by a landscape architect and reviewed and approved by Caltrans' landscape department. MTDB will provide three years of landscape maintenance.
CI 10.	Reduce erosion by using proper grading and sloping, including contours to follow the natural hillside, stepped cut slopes, and other techniques.	Check grading plans.  Monitor during construction.	MTDB	Design and construction	Grading plans, temporary erosion control plans, and landscape plans have been prepared and reviewed by MTDB and Caltrans.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

<b>Mit. Number</b>	<b>Impact/Mitigation<sup>1</sup></b>	<b>Implementation and Monitoring</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Status</b>
CI 11.	Reduce risks of accidents, vandalism, and theft by providing site fencing and security.	Include on contract drawings and specifications.  Check sites periodically during construction.	MTDB	Design and construction	Plans and specifications include fencing and security requirements.
CI 12.	Reduce potential vibration impacts to historic structures at SDSU by specifying vibration limits in construction documents. Mitigate potential for settlement via specifications to address: (1) settlement criteria, (2) controls for operation of tunnel boring machine, (3) surface monitoring program, and (4) soil stabilization measures. Monitor structures before and during construction.	Include in contract specifications. Monitor during construction.	MTDB	Design and construction	Design includes specification for settlements, ground behavior, monitoring, and stabilization measures. The revised alignment of the tunnel from value engineering moved the tunnel away from some of the sensitive campus building and structures. In addition noise and vibration testing has been conducted with recommendations on track systems to address any low level vibrations on Campus buildings. Noise and vibration analysis on sensitive structures were prepared per agreement with SDSU.
CI 13.	Minimize adverse impacts to (presently) unknown archaeologic or paleontologic sites by preparing and instituting a monitoring and contingency program during excavation. Program will include techniques for avoidance, data recovery, specimen preparation, and curation. Contractor/monitor interaction and responsibilities should be detailed and a summary report prepared following excavation.	Include plan in bid package. Monitor during construction.	MTDB	Design and construction	Was included in contract special provisions, and is being monitored during construction.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

<b>Mit. Number</b>	<b>Impact/Mitigation<sup>1</sup></b>	<b>Implementation and Monitoring</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Status</b>
CI 14.	Reduce emissions of NOx, CO, and PM10 to SDAPCD standards by specifying equipment characteristics and construction practices in contract documents.	Include in contract specifications.  Field check construction site equipment periodically.	MTDB	Design and construction	Contract specifications require contractor compliance with Air Pollution Control District requirements.
CI 15.	Reduce construction noise impacts to residents by tailoring construction specifications to specific areas and offering alternate accommodations if necessary. Specific mitigation measures could include constructing temporary sound walls (3/4-inch or thicker plywood or vinyl curtains); constructing permanent sound walls prior to project construction; including property line noise limits in the construction specifications; monitoring site noise and penalizing the contractor for violations; using equipment meeting specified noise criteria; avoiding impact pile driving where possible, or, if impact pile driving cannot be avoided, offering overnight living accommodations to affected residents.	Check final design plans and contract drawings and specifications.  Field check construction sites and penalize contractor for violations.	MTDB	Design and construction	The special provisions require contractor compliance with the City of San Diego noise ordinance. The special provisions establish noise limits and monitoring requirements. The construction manager has been providing advance warning when night work cannot be avoided, and our customer relations staff is coordinating hotel offers.
CI 16.	Reduce tunnel construction vibration impacts by specifying a maximum ppv limit of 0.2 inches per second in contract documents (unless other studies recommend a higher limit) and preparing a contingency plan should pre-splitting be necessary.	Include in contract specifications. Field check during construction.	MTDB	Design and construction	Specification included in contract documents. The value engineering changes in the tunnel alignment away from buildings and type of tunnel construction has lessened the impacts on sensitive campus buildings.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

<b>Mit. Number</b>	<b>Impact/Mitigation<sup>1</sup></b>	<b>Implementation and Monitoring</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Status</b>
CI 17.	Reduce the potential for hazardous waste to migrate as a result of construction, or soil or water contamination to occur by preparing a Phase II Site Assessment and implementing remediation measures identified prior to and/or during construction in affected areas.	Include results of site assessment in bid package.	MTDB	Design and construction	An updated database record search was performed, and soil and groundwater samples taken during geotechnical investigations were tested for hazardous materials. Phase II studies were prepared at University Mechanical and Sid's Auto Body. The Certification Report for the Dewatering Permit application included further testing for groundwater contamination. Contract special provisions require frequent sampling. MTDB's General Engineering Consultant is overseeing these activities to assure compliance.
CI 18.	Prepare and implement an emergency response plan to address encountering previously undetected hazardous materials at construction sites and to address procedures in the event of a release of such materials.	Include plan in contract package. Field check construction site procedures.	MTDB	Design and construction	MTDB's General Engineering Consultant provided language that was included in the contract specifications, and they are doing field inspections.
CI 19.	Contact local environmental regulatory and emergency response agencies, in the event that previously undetected hazardous materials are encountered during site excavation.	Include in contract package.	MTDB	Design and Construction	Notification requirements are included in contract specifications, and MTDB's General Engineering Consultant will continue coordination with regulatory agencies.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

<b>Mit. Number</b>	<b>Impact/Mitigation<sup>1</sup></b>	<b>Implementation and Monitoring</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Status</b>
CI 20.	Characterize and dispose of fill and debris containing hazardous materials.	Include in contract package.	MTDB	Design and Construction	Hazardous material handling requirements are included in contract specifications. MTDB's General Engineering Consultant is overseeing to insure compliance.
CI 21.	Regularly maintain all heavy equipment to minimize leakage of fluids.	Check maintenance logs at each construction site periodically.	MTDB	Construction	The Construction Manager's inspectors are watching for this.
CI 22.	Store all paints and solvents in accordance with local and state codes and regulations.	Check construction sites periodically.	MTDB	Construction	Being enforced by the Construction Manager.
CI 23.	Obtain and comply with a General Construction Storm Water Permit from the RWQCB. This will include completion of a Notice of Intent, Storm Water Pollution Prevention Plan, and Monitoring Program.	Include in contract package	MTDB	Design and construction	The Notice of Intent was sent to the Regional Water Quality Control Board. Storm Water Pollution Prevention Plans have been prepared by the Contractors and approved by the Construction Manager and Caltrans. The Construction Manager is inspecting and reporting any deficiencies for correction.
CI 24.	Prevent sediment-laden runoff from reaching surface water systems by following an appropriate grading plan.	Check grading plan in contract drawings.  Field check construction to ensure that plan is followed.	MTDB	Design and construction	Grading and temporary erosion control plans were prepared, reviewed and approved. Construction Manager is inspecting work to assure conformance to the plans.
CI 25.	Obtain written waiver of 401 Water Quality certification requirements from the RWQCB. Provide waiver to obtain Section 404 permit from the USACOE.	Include in 404 permit application and in bid package.	MTDB	Design	The RWQCB issued a CWA Section 401 Water Quality Certification waiver on June 22, 2000.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

<b>Mit. Number</b>	<b>Impact/Mitigation<sup>1</sup></b>	<b>Implementation and Monitoring</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Status</b>
CI 26.	Perform dewatering activities in accordance with section 4-16.13.4 of the FEIS.	Check construction site periodically.	MTDB in association with approval agencies and Cities of San Diego and La Mesa.	Construction Obtain permits prior to construction in affected areas.	The General Engineering Consultant installed test wells, sampled the wells, completed laboratory analysis and pump tests. The dewatering permit for the La Mesa Segment was received on 3/7/02. The La Mesa Segment Contractor has been dewatering near 70 <sup>th</sup> Street, and MTDB's General Engineering Consultant has been inspecting to assure compliance.
CI 27.	Reduce dust and erosion impacts on fauna with Best Management Practices and erosion control techniques.	Include in contract specifications.  Check construction site periodically.	MTDB	Design and construction	Best management practices are included in the contract specifications. The Construction Manager is enforcing.
CI 28.	Reduce noise impacts on fauna by using equipment meeting specified noise limits and other noise control measures. Monitor noise levels.	Include in contract specifications.  Check construction site periodically.	MTDB	Design and construction	The contract special provisions requires compliance with the City of San Diego noise ordinance. The Construction Manager is enforcing.
CI 29.	Ensure that no sensitive birds are in the area to be cleared during clearing.	Schedule vegetation clearing to avoid nesting season.	MTDB and USFWS	Construction	The specifications do not allow clearing during the nesting seasons. Clearing was done prior to the nesting seasons, and the biological monitor confirmed that there were no nests within the areas to be cleared.

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

<b>Mit. Number</b>	<b>Impact/Mitigation<sup>1</sup></b>	<b>Implementation and Monitoring</b>	<b>Responsible Party</b>	<b>Timing</b>	<b>Status</b>
CI 30.	Institute erosion control and sedimentation basin features and long term replanting and monitoring on upland slopes.	Include in contract specifications.  Check construction site periodically.	MTDB	Design and construction	Temporary and permanent erosion control measures are included in the plans and special provisions. The Construction Manager is inspecting to insure compliance with the plans and specifications.
ENVIRONMENTAL JUSTICE (Executive Order 12898) - None required					
PROTECTION OF CHILDREN (Executive Order 13045)					
CH 1.	Maintain standard safety precautions throughout construction period. Provide special attention and site-specific treatment at SDSU Children's Center and Montessori Preschool (if retained).	Include in contract specifications. Conduct periodic field monitoring to verify compliance.	MTDB	Design and construction	Safety requirements are included in the special provisions. Mitigation work has been done at the Montessori Preschool and SDSU Child Care Facility. Work restrictions in these areas are included in the special provisions. Air Filters and an improved fence were provided to the Montessori School.
CUMULATIVE IMPACTS- None required					
Notes:					
<sup>1</sup> See Final Environmental Impact Statement for complete descriptions of impacts and proposed mitigation measures.					

**MISSION VALLEY EAST TRANSIT IMPROVEMENT PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM STATUS REPORT**

Mit. Number	Impact/Mitigation <sup>1</sup>	Implementation and Monitoring	Responsible Party	Timing	Status
Acronyms:	AASHTO - American Association of State Highway Transportation Officials CDFG - California Department of Fish and Game CO - Carbon Monoxide DEIS - Draft Environmental Impact Statement EMF - Electromagnetic Force ESA - Endangered Species Act LOS - Level of Service LRT - Light Rail Transit MOU - Memorandum of Understanding MSCP - Multiple Species Conservation Plan MTDB - Metropolitan Transit Development Board NOx - Nitrogen Oxides NFPA - National Fire Protection Association				PM10 - Particulate Matter less than 10 microns in size ppv - Peak Particle Velocity ROW - Right-of-way RWQCB - Regional Water Quality Control Board SDAPCD - San Diego Air Pollution Control District SDCFCD - San Diego County Flood Control District SDSU - San Diego State University SDTI/SDTC - San Diego Transit, Inc./San Diego Transit Corp. SFR - Single Family Residence TPSS - Traction Power Substation UBC - Uniform Building Code USACOE - U.S. Army Corps of Engineers USFWS - U.S. Fish and Wildlife Service



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## Agenda

**Item No. 6**

Board of Directors Meeting

ADM 110.4 (PC 30100)

February 26, 2004

**Subject:****TROLLEY ACCESS ADVISORY COMMITTEE AND ACCESSIBLE SERVICES  
ADVISORY COMMITTEE****RECOMMENDATION:**

That the Board of Directors approve the transfer of the Trolley Access Advisory Committee (TAAC) to the San Diego Association of Governments (SANDAG) and a change in the responsibilities of the Accessible Services Advisory Committee (ASAC).

**Budget Impact**

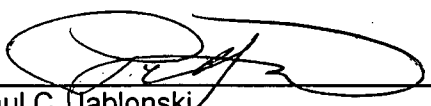
Minimal budget impact is anticipated as the resources supporting this committee will also be transferred to SANDAG.

**DISCUSSION:**

Currently, two volunteer committees advise MTS on accessibility issues. The TAAC provides input on Trolley project development and operations. The ASAC provides input on bus operations.

With the transfer of the MTS project development functions to SANDAG, the TAAC's sole responsibility would be for Trolley operations. Rather than have separate committees for Trolley and bus operations, we propose to consolidate both functions with ASAC. Likewise, SANDAG needs input on accessibility as it develops its various Trolley and bus capital projects. SANDAG is establishing a Transit Access Advisory Committee and will invite the current TAAC members to participate.

In summary, we propose that ASAC be responsible for both Trolley and bus operations and TAAC be transferred to SANDAG and be responsible for both Trolley and bus project development.


  
\_\_\_\_\_  
Paul C. Jablonski  
Chief Executive Officer




Key Staff Contact: Jim Linthicum, 619.231.1466, [Jim.Linthicum@sdmts.com](mailto:Jim.Linthicum@sdmts.com)

DDarro/6-04FEB26.JLINTHI/2/11/04

**Member Agencies:**

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

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## Agenda

**Item No. 7**

Board of Directors Meeting

CIP 10426.7

February 26, 2004

**Subject: MISSION VALLEY EAST LRT PROJECT: CONSTRUCTION CONTRACT CHANGE ORDER**

**RECOMMENDATION:**

That the Board of Directors authorize the Chief Executive Officer to execute Contract Change Order (CCO) No. 89, Supplement No. 1, with Balfour Beatty/Ortiz Joint Venture (BBO), in substantially the form attached (Attachment A), to compensate the Contractor for transporting stockpiled material from a wetlands mitigation area for use on the Mission Valley East (MVE) LRT Project La Mesa Segment, in an amount not to exceed \$30,276.12, and ratify the previous approval of the General Manager of MTDB CCO No. 89, with BBO, for a total amount not to exceed \$121,410.12 for CCO No. 89 and Supplement No. 1.

**Budget Impact**

A total of \$30,276.12 for CCO No. 89, Supplement No. 1, with BBO would be encumbered from available funds in the La Mesa Segment Construction Contingency, leaving a balance of \$284,562 in WBS #10426-109918LM. A total of \$91,134 for the original CCO has previously been encumbered under WBS #10426-109918LM.




**DISCUSSION:**

BBO is the contractor for the construction of the La Mesa Segment of the MVE LRT Project, beginning work in March 2002. CCO No. 89, Supplement No. 1 is required to reimburse BBO for the removal and transportation of suitable backfill material for use on the La Mesa Segment from a stockpile created previously on the County of San Diego property in the vicinity of a wetlands mitigation site in Santee, California. This stockpile had previously been created with material removed to construct a site to satisfy a wetlands mitigation area in the San Diego River bottom. The cumulative total for CCO No. 89, including Supplement No. 1, is \$121,410.12, and therefore requires Board approval.

**Member Agencies:**

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

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BBO's Workforce Report is attached for your information (Attachment B).



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Dennis Wahl, 619.235.2635, [Dennis.Wahl@sdmts.com](mailto:Dennis.Wahl@sdmts.com)

DDarro  
7-04FEB26.DWAHL  
2/13/04

Attachments: A. BBO CCO No. 89, Supplement No. 1  
B. BBO Workforce Report } **Board only**

Contract No. LRT 426.4

MVE La Mesa Segment

File: 10426.7

Page 1 of 1 pages

CCO NO. 89  
SUPPLEMENT NO. 1  
REVISION NO. 0  
TO: Balfour Beatty/Ortiz (JV)

You are hereby directed to make the herein described changes from the plans and specifications or do the following described work not included in the plans and specifications on this contract.

NOTE: This change order is not effective until approved by The General Manager

Description of work to be done, estimate of quantities, and prices to be paid. Segregate between additional work at contract price, agreed price and force account. Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time.  
Change requested by Engineer

Extra Work at Agreed Price

## Provide Additional Funds

The contractor will receive and agrees to accept the lump sum of \$30,276.12. This sum constitutes full compensation, including all markups, for 10,298 cys of stockpile balance used.

This supplement will close out this Contract Change Order.

Agreed Price \$30,276.12

Total Change This Supplement:  
(Increase)

\$30,276.12

By reason of this order the time of completion will be adjusted as follows: No Adjustment

Submitted by: Gary W. Groff Date 2/3/04  
Resident Engineer Gary Groff

Recommended by: Steve Pare Date 2/4/04  
Construction Project Manager Steve Pare

Recommended by: \_\_\_\_\_ Date \_\_\_\_\_  
Construction Engineer William A. Prey

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
Director of Engineering & Construction Jim Linthicum

Approved by: General Manager Paul Jablonski - CEO Date \_\_\_\_\_

We, the undersigned contractor, have given careful consideration to the change proposed and hereby agree, if this proposal is approved, that we will provide all equipment, furnish all materials, except as may otherwise be noted above, and perform all services necessary for the work above specified, and will accept as full payment therefor the prices shown above.

Accepted, Date \_\_\_\_\_ Contractor: Balfour Beatty/Ortiz (JV)

By \_\_\_\_\_ Title \_\_\_\_\_

If the contractor does not sign acceptance of this order, his attention is directed to the requirements of the specifications as to proceeding with the ordered work and filling a written protest within the time therein specified.

## E. EMPLOYMENT DATA

Att. B, AI 7, 2/26/04, CIP 10426.7

Include the employees located in San Diego County only, unless your firm employs fewer than 15 people locally. In that event, you should list the workforce of the regional office that will oversee the work under MTDB's contract. Report all permanent full-time and part-time employees including apprentices and on-the-job trainees. Blank spaces will be considered as zeros.

Occupational Category	African American		Hispanic		Asian or Pacific Islander		Native American		Other		Overall Total
	M	F	M	F	M	F	M	F	M	F	
Executive/Managerial			1		1				2	2	
Engineers/Architects/Surveyors									4		
Professionals (N.E.C.)											
Technicians											
Sales											
Administrative Support										1	
Protective Services											
Services (N.E.C.)											
Workers (Skilled)			28		2				7		
Machine Operators, Assemblers and Inspectors			4						15		
Transportation and Material Moving											
Laborers (Unskilled)	3	1	29						2	1	
<b>Totals For Each Column</b>	3	1	62		3				30	4	

Indicate by gender and ethnic code the number of the above workforce which are persons with disabilities.

Disabled											
----------	--	--	--	--	--	--	--	--	--	--	--

THE UNDERSIGNED HEREBY CERTIFIES THAT THE FOREGOING DATA CONTAINED HEREIN IS TRUE AND CORRECT.

AUTHORIZED SIGNATURE

Heather DegenNAME OF SIGNEE Heather DegenTITLE payroll clerk - SWI

DATE

1-12-04

NAME, ADDRESS AND PHONE NUMBER OF PERSON TO CONTACT REGARDING THIS REPORT.

Heather Degen 7241 Alvarado Road La Mesa, CA 91941 (619) 463-8400 x102

L:\orio\WORKFORCE6-01

Post-It® Fax Note	7671	Date	# of pages
To	Dennis WAKL	From	Richard Kirby
Co./Dept.		Co.	

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## Agenda

**Item No. 8**

Board of Directors Meeting

CIP 10453

February 26, 2004

Subject:

**SAN YSIDRO INTERMODAL TRANSPORTATION CENTER PROJECT:  
CONSTRUCTION MANAGEMENT CONTRACT AMENDMENT**

**RECOMMENDATION:**

That the Board of Directors authorize the Chief Executive Officer to execute Contract Amendment No. 3 (MTDB Doc. No. L0510.3-01), in substantially the same form as shown in Attachment A, with Parsons Brinckerhoff Construction Services (PBCS) in an amount not to exceed \$235,000 for additional construction management services.

**Budget Impact**

The \$235,000 would come from the San Ysidro Intermodal Transportation Center Construction Management Line Item (WBS # 10453-0700), leaving a balance of \$246,488.

**DISCUSSION:**

The construction management firm of PBCS has been providing on-site construction management services for the San Ysidro Intermodal Transportation Center Project since construction started on Phase 1 in September 2001. The contract with PBCS is currently based on the Phase 2 construction project being completed and accepted by February 28, 2004. However, staff estimates that the Phase 2 project will not be substantially complete until April 30, 2004, and the project closeout and acceptance will not be completed until June 30, 2004. Therefore, in order for PBCS to provide contract management services through project completion, a contract amendment (Attachment A) in the amount of \$235,000 is recommended to extend the contract for an additional four months. This would increase the total contract amount to \$1,715,515.

For information purposes, PBCS's Workforce report is included as Attachment B.



Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Brad Helgason, 619.235-2632, [brad.helgason@sdmts.com](mailto:brad.helgason@sdmts.com)

SChamp/AIs/8-04FEB26.BHELGA — 2/11/04


Attachments: A. Contract Amendment No. 3 (MTDB Doc. No. L0510.3-01)  
B. PBCS Workforce Report






**Board  
Only**

**Member Agencies:**

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

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**DRAFT**

Att. A, AI 8, 2/26/04, CIP 10453

February 26, 2004

MTDB Doc. No. L0510.3-01  
CIP 10453

Mr. Douglas B. Sawyer  
Parsons Brinckerhoff Construction Services, Inc.  
Vice President, South Region Area Manager  
707 Broadway, Suite 1600  
San Diego, CA 92101

Dear Mr. Sawyer:

Subject: AMENDMENT NO. 3 TO MTDB DOCUMENT NO. L0510.0-01: ADDITIONAL  
CONSTRUCTION MANAGEMENT SERVICES FOR THE SAN YSIDRO INTERMODAL  
TRANSPORTATION CENTER PROJECT

This letter will serve as Amendment No. 3 to the original contract (reference MTDB Document  
No. L0510.0-01) for professional services as described below.

**SCOPE OF SERVICES**

Continue to provide construction management services for the San Ysidro Intermodal Transportation  
Center Project, Phase 2, through completion. This amendment is based on a substantial completion  
of the Phase 2 construction contract by April 30, 2004.

**SCHEDULE**

The additional services, including project closeout, shall be completed by June 30, 2004.

**PAYMENT**

Payment shall be based on actual costs, not to exceed \$235,000 (WBS #10453-0700). This  
amendment increases the total authorized amount of this contract to \$1,715,515.

If you agree with the above, please sign and return the executed amendment marked "original" to  
Jeanne Yamamoto at MTDB. The remaining copy is for your records.

Sincerely,

Accepted:

Paul C. Jablonski  
Chief Executive Officer

\_\_\_\_\_  
Douglas B. Sawyer  
Vice President




SChamp/CL-  
L0510.3-01.PBCS.BHELGA

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

**Member Agencies:**

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego,  
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## MINORITY UTILIZATION

NAME OF FIRM: PARSONS BRINCKERHOFF, CALIFORNIA OFFICES

February 2004

(Indicate below the permanent makeup of your office and field personnel currently employed.)

JOB CATAGORIES	CAUCASIAN		BLACK		HISPANIC		ASIAN		NATIVE AMERICAN		TOTAL CALIF. WORK FORCE	
	M	F	M	F	M	F	M	F	M	F	M	F
Executive/Managers	295	33	7	3	7	3	26	7	1	--	336	43
Licensed Professional Engineers/Surveyors/Architects	141	70	11	10	8	6	20	13	--	--	180	99
Technicians	109	41	6	2	6	2	17	4	2	--	140	49
Office/Clerical	21	67	9	19	4	8	1	8	--	--	35	102
<b>TOTAL</b>	566	211	33	34	25	19	64	29	3	--	691	293
<b>PERCENT OF TOTAL</b>	58%	21%	3%	3%	3%	2%	7%	3%	1%	--	70%	30%



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## Agenda

**Item No. 9**

Board of Directors Meeting

LEG 491 (PC 30100)

February 26, 2004

Subject:

**LIABILITY INSURANCE RENEWAL****RECOMMENDATION:**

That the Board of Directors authorize the Chief Executive Officer to place the liability insurance policy, as listed in Attachment A (limits of \$75 million with a \$2 million self-insurance retention), at an annual cost of approximately \$2,656,957, effective March 1, 2004, through March 1, 2005.

**Budget Impact**

The proposed premium, including taxes and fees, would be approximately \$2,656,957. The specific allocation among MTDB, San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), and San Diego and Arizona Eastern Railway (SD&AE) will be based on the underwriting exposure.

Costs associated with the excess insurance policies are allocated across two fiscal years. For fiscal year 2004, we estimate that SDTI, SDTC, and MTDB will be within budget. No budget adjustment is proposed at this time. Fiscal year 2005 budgets are being developed and funds will be designated and included within them.




Annual breakdown between agencies is noted within the table below.

<b>COMBINED TOTAL EXCESS INSURANCE PREMIUMS</b>					
<b>ESTIMATED ANNUAL BUDGET IMPACT</b>					
<b>AGENCY</b>	<b>MTS</b>	<b>SDTI</b>	<b>SD&amp;AE</b>	<b>SDTC</b>	<b>TOTAL</b>
<b>Excess Insurance Costs</b>	<b>\$569,182</b>	<b>\$964,738</b>	<b>\$111,139</b>	<b>\$1,011,898</b>	<b>\$2,656,957</b>
	<b>24.1%</b>	<b>36.3%</b>	<b>4.2%</b>	<b>38.1%</b>	

**Member Agencies:**

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## DISCUSSION:

MTDB, SDTC, SDTI, and SD&AE jointly purchase commercial insurance in order to finance large catastrophic awards for bodily injury and other damage claims. Existing policies expire March 1, 2004, and have limits up to \$75 million, including a \$2 million self-insurance retention, per general liability loss occurrence. Our insurance broker, John Burnham Insurance Services, has contacted interested insurance companies to obtain the best coverage for a tolerable premium. This report outlines the proposal for renewing our liability insurance and staff's recommendations.

Current Program. We currently have excess liability coverage contained in five layers of insurance limits from various insurance companies. These layers provide for a total general liability limit of \$75 million. These policies contain coverage for war or warlike action including specific forms of terrorism. The cost of these policies, including taxes and fees, was approximately \$2,605,069.

Proposed Program. The proposed liability program is anticipated to include five policy layers (as shown in Attachment A) and will carry a self-insurance retention (SIR) of \$2 million for general liability and Director/Officer and Employment Practices Liability. The SIR for workers' compensation was required to be brought down to \$1 million. Additional coverage to include terrorism coverage is being proposed. This coverage will provide full limits up to \$75 million at an annual cost of approximately \$277,000. Terrorism coverage has become critical due to a potential catastrophic loss from the occurrence of one event. The need for obtaining this terrorism coverage rests with the importance of avoiding the broadly worded terrorism exclusion.

The total current premium for excess liability insurance coverage including workers' compensation is \$2,656,957, which includes terrorism coverage of \$277,000 with a \$2 million self-insured retention that represents a 2 percent increase (\$51,888), compared to \$1,134,685 over the premium charged last policy year. For the proposed policy, the self-insurance retention for Director/Officer and Employment Practices Liability will remain at \$2 million.

An underlying policy just for workers' compensation has been retained for the limits between \$1 million and \$3 million. This policy will offer the required policy outline form for which the layers above will follow in coverage format. The premium coverage cost for this policy is \$240,900. This premium has been incorporated in the total recommended insurance cost request.

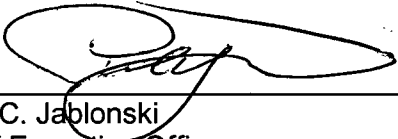
### Renewal Issues

Timing. As with last year, additional underwriting data requirements were required this year. Extra time and effort was required by MTS and our insurance broker John Burnham to obtain this data. With the increased cost-conscious insurance marketplace, re-insurers are much more involved in the underwriting and quotation process. This involvement results in a limiting of front-line underwriter authority.

1. Insurance Market: The market place is stabilizing since terrorism losses. The stock market, bankruptcies, and carriers leaving the marketplace have

exacerbated the insurance market. Insurers are cautious and are often unwilling to assume and underwrite large portions of programs. This necessitates obtaining multiple layers. Coverage within the layers is not always consistent throughout all layers.

2. Self-Insured Retention Level: Given the tolerance for risk, the ability to select a higher retention level has been one area where some cost containment control remains exercised.
3. Terrorism Coverage: The reaction of insurers to the threat of terrorism has been to limit or exclude terrorism coverage in commercial policies. The broadness of the definition of a terrorist act within any exclusion is of much concern. It is because of the untested terrorism definition, along with the risk of loss within the United States associated, which compels the purchase of this coverage.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: James Dow, 619.557.4562, james.dow@sdmts.com

SStroh  
9-04FEB26.JDOW  
2/25/04

Attachment: A. MTDB Excess Liability Program, 3/1/04-3/1/05 **(Board Only)**

## MTDB Excess Liability Program, March 1, 2004 to March 1, 2005

Updated: 02/24/04

Layer	Increment Limits (Ascending)	Insurance Coverage Dollar Limits	Insurer	A. M. Best Rating	California Carrier Status	Minimum Earned Premium	Audit Provisions	Defense Treatment	Major Exclusions
SIR	\$2 million SIR	\$ 0-2	Self-Insured	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Underlying	\$1 million SIR Dropdown	\$ 1-2 Million	Insurance Corp of Hannover						
First Layer	\$10 million Excess of \$2 million SIR	\$ 0-10 Million D	Insurance Company of Pennsylvania (AIG)	A++ XV	Admitted	25%	Auditable	Inside the SIR, outside the limit	As per expiring coverage policy and form
Second Layer	\$10 million Excess of \$10 million plus the SIR	\$ 10-20 Million	Lexington (AIG)	A++ XV	Non-Admitted	50%	Auditable	Same as above	Occupational Disease, Fungus & Mold
Third Layer	\$15 million Excess of \$20 million plus the SIR	\$20-35 Million	Newmarket Underwriters (AIG)	A++ XV	Non-Admitted	50%	Auditable	Same as above	Occupational Disease, Fungus & Mold
Fourth Layer	\$30 million Excess of \$35 million plus the SIR	\$ 35-65 Million	Steadfast	A+ XV	Non-Admitted	50%	Flat Premium	Same as above	Above Exclusions and Employment Practices Liability Insurance (EPL) Practices Liability Insurance (EPL), Securities/Financial
Fifth Layer	\$8 million Excess of \$65 million plus the SIR	\$ 65-73 Million	Starr Excess	A++ XV	Non-Admitted	50%	Flat Premium	Same as above	Same as above
TOTAL Terrorism		277,064							
TOTAL Premium		2,656,957							

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## Agenda

## Item No. 9

Board of Directors Meeting

LEG 491 (PC 30100)

February 26, 2004

**Draft for**

**Executive Committee**

**Review Date: 2/19/04**

Subject:

### LIABILITY INSURANCE RENEWAL

### RECOMMENDATION:

That the Board of Directors authorize the Chief Executive Officer to place the liability insurance policy, as listed in Attachment A (limits of \$75 million with a \$2 million self insurance retention), at an annual cost of approximately \$     \*\*     March 1, 2004, through March 1, 2005.

#### Budget Impact

The proposed premium, including taxes and fees, would be approximately \$     \*\*    . The specific allocation among MTDB, San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), and San Diego Arizona Eastern (SD&AE) Railway Company will be based on the underwriting exposure.


Costs associated with the excess insurance policies are allocated across two fiscal years (FYs). For FY 04, we estimate that SDTI will be over/under budget by \$     \*\*    , SDTC will be over/under budget by \$     \*\*    , and MTDB will be over/under budget by \$     \*\*     because of the increased/decreased cost of liability premiums. No budget adjustment is proposed at this time. FY 05 budgets are being developed, and funds will be designated and included within them.




The annual breakdown between agencies is noted within the table below.

COMBINED TOTAL EXCESS INSURANCE PREMIUMS					
ESTIMATED ANNUAL BUDGET IMPACT					
Agency	MTS	SDTI	SD&AE	SDTC	Total
Excess Insurance Costs	\$ <u>    **    </u>	\$ <u>    **    </u>	\$ <u>    **    </u>	\$ <u>    **    </u>	\$ <u>    **    </u>
	23.0%	36.6%	4.6%	35.8%	

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## DISCUSSION:

MTDB, SDTC, SDTI, and SD&AE jointly purchase commercial insurance in order to finance large catastrophic awards for bodily injury and other damage claims. Existing policies expire March 1, 2004, and have limits up to \$75 million, including a \$2 million self-insurance retention per general liability loss occurrence. Our insurance broker, John Burnham Insurance Services, has contacted interested insurance companies to obtain the best coverage for a tolerable premium. This report outlines the proposal for renewing our liability insurance and staff's recommendations.

Current Program. We currently have excess liability coverage contained in five layers of insurance limits from various insurance companies. These layers provide for a total general liability limit of \$75 million. These policies contain coverage for war or warlike action including specific forms of terrorism. The cost of these policies, including taxes and fees, was approximately \$2,605,069. This represented a 00% increase/decrease from the previous year.

Proposed Program. The proposed liability program is anticipated to include five policy layers (as shown in Attachment A) and will carry a self-insurance retention (SIR) of \$2 million for general liability and Director/Officer and Employment Practices Liability. The SIR for workers' compensation was required to be brought down to \$1 million dollars. Additional coverage to include terrorism coverage is being proposed. This coverage will provide full limits up to \$75 million at an annual cost of approximately \$ \*\*. Terrorism coverage has become critical due to the potential of a catastrophic loss from the occurrence of one event. The need of obtaining this terrorism coverage rests with the importance of avoiding the broadly worded terrorism exclusion.

The total current premium for excess liability insurance coverage including workers' compensation is \$ \*\*, which includes terrorism coverage of \$ \*\* with a \$2 million self-insured retention represents a 00 percent increase/decrease (\$ \*\*) compared to \$ \*\* over the premium charged last policy year. For the proposed policy, the self-insurance retention for Director/Officer and Employment Practices Liability will remain at \$2 million.


An underlying policy just for workers' compensation has been retained for the limits between \$1 million and \$3 million. This policy will offer the required policy outline form for which the layers above will follow in coverage format. The premium coverage cost for this policy is \$ \*\*. This premium has been incorporated in the total recommended insurance cost request.

### Renewal Issues

Timing. As with last year, additional underwriting data requirements were required this year. Extra time and effort was required by MTS and our insurance broker John Burnham Insurance Services to obtain this data. With the increased cost-conscious insurance marketplace, reinsurers are much more involved in the underwriting and quotation process. This involvement results in a limiting of frontline underwriter authority.

1. Insurance Market. The market place is stabilizing since terrorism losses; the stock market, bankruptcies, and carriers leaving the marketplace have exacerbated the insurance market. Insurers are cautious and are often unwilling to assume and underwrite large portions of programs. This necessitates obtaining multiple layers. Coverage within the layers is not always consistent throughout all layers.
2. Self-Insured Retention Level. Given the tolerance for risk, the ability to select a higher retention level has been one area where some cost containment control remains exercised.
3. Terrorism Coverage. The reaction of insurers to the threat of terrorism has been to limit or exclude terrorism coverage in commercial policies. The broadness of the definition of a terrorist act within any exclusion is of much concern. It is because of the untested terrorism definition, along with the risk of loss within the United States associated, which compels the purchase of this coverage.

\*\*Information to be provided at the Board Meeting on 2/26/04.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: James Dow, 619.557.4562, [jim.dow@sdmts.com](mailto:jim.dow@sdmts.com)

JGarde  
9-04FEB26.JDOW  
2/13/04

Attachment: A. MTDB Excess Liability Program (3/1/04-3/1/05) (**Board Only**)  
(to be furnished)

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## Agenda

**Item No. 30**

Board of Directors Meeting

ADM 110.1 (PC 30100)

February 26, 2004

**Subject:**

FEDERAL TRANSIT ADMINISTRATION AWARD: OUTSTANDING PUBLIC  
TRANSPORTATION WEBSITE

**RECOMMENDATION:**

That the Board of Directors receive an award from the Federal Transit Administration for  
outstanding public transportation website.

Budget Impact

None.

**DISCUSSION:**

A representative from the Federal Transit Administration (FTA) will be at today's meeting  
to present the "Outstanding Public Transportation Website" award to staff.




Paul C. Jablonski  
Chief Executive Officer




Key Staff Contact: Tiffany Lorenzen, 619.557.4512, [tiffany.lorenzen@sdmts.com](mailto:tiffany.lorenzen@sdmts.com)

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**Member Agencies:**

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## Agenda

**Item No. 31**

Board of Directors Meeting

SRTP 820.1 (PC 20271)

February 26, 2004

Subject:

### PETCO PARK SERVICE UPDATE

#### RECOMMENDATION:

That the Board of Directors receive this report for information and provide staff with comments and direction.

#### Budget Impact

None, with the indicated recommendation.

#### Executive Committee Recommendation

At its meeting on February 19, 2004, the Executive Committee recommended forwarding this item to the Board for information.

#### DISCUSSION:




In anticipation of the opening of PETCO Park, San Diego Trolley, Inc. (SDTI), has been preparing a comprehensive operating plan that addresses issues such as train scheduling, personnel needs, manual ticket sales, website design, information dissemination, and crowd control. Staff has been working closely with the San Diego Padres and officials from the City of San Diego to present a unified message to the public. In preparation for the expected ridership associated with capacity events at the ballpark and, specifically, their impact on the three stations adjacent to the ballpark site, a number of modifications are being implemented to better handle this demand and to provide a better experience for the customer. This report is to update the Board as to the progress of the procurement and implementation proceedings presented at the September 11, 2003, MTD Board meeting.

The location of PETCO Park affords public transportation to play an important role in serving the needs of fans traveling to and from PETCO Park events. With trolley access to the South Bay, East County, Old Town/Mission Valley via the Blue Line, Orange Line,

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and "Special Event Green Line" trains, transit ridership should be significantly higher than that currently experienced at Qualcomm Stadium for like events.

Three light rail transit (LRT) stations are located in close proximity to the ballpark site and, as such, will each see a significant amount of activity before and after games. Of these stations, it is anticipated that the 12th & Imperial Transfer Station and the Gaslamp Quarter Station will see the most activity, while the Park & Market Station will be impacted to a lesser degree. To efficiently handle these demands, station design must be augmented to serve the expected volume of fans during peak event service times.

Most of the enhancements will be portable and able to be set up and dismantled as needed, while others will be permanently installed. Each feature is designed to develop a more friendly and safe environment while providing adequate direction to the customers.

The features include:

- Improved lighting
- Event signage
- Direction specific platform designations at 12th & Imperial Transfer Station
- Crowd control barriers and passenger queuing devices
- Turnstiles for fare inspections and passenger counting
- Strategically placed personnel to assist passengers along the way

Staff will continue to work with city departments, the San Diego Padres, and other interested parties as we move toward implementation of the operating plan. Staff is prepared to make adjustments as necessary based on observations and estimations as the season progresses.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Peter Tereschuck, 619.595.4902, [peter.tereschuck@sdmts.com](mailto:peter.tereschuck@sdmts.com)

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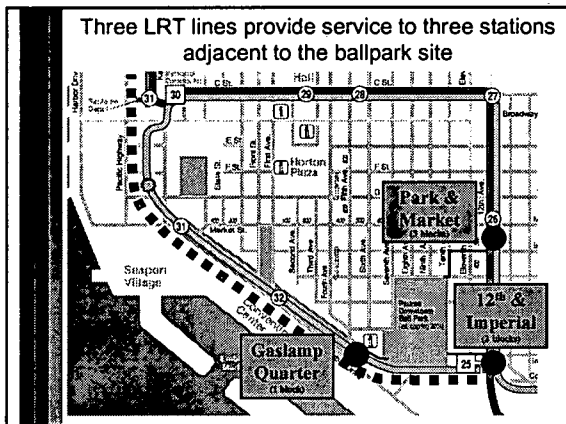
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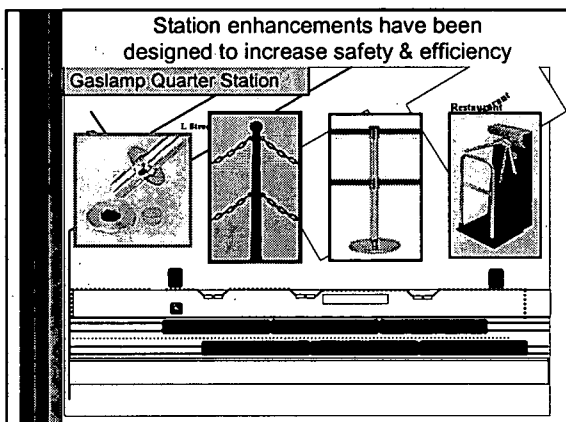
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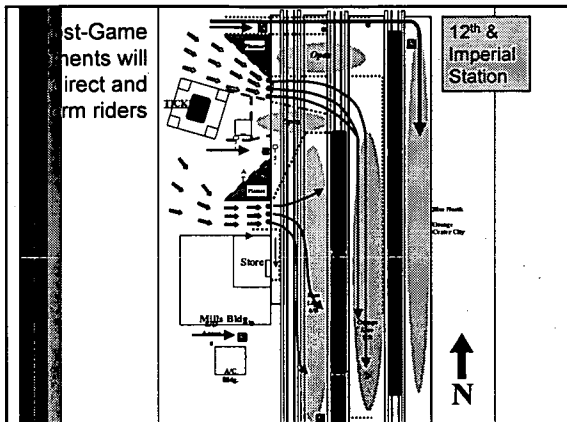
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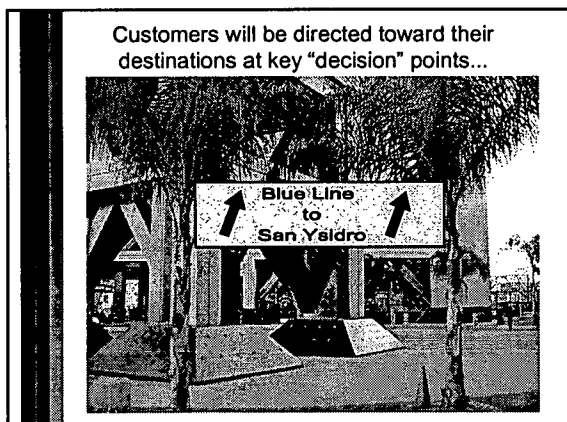
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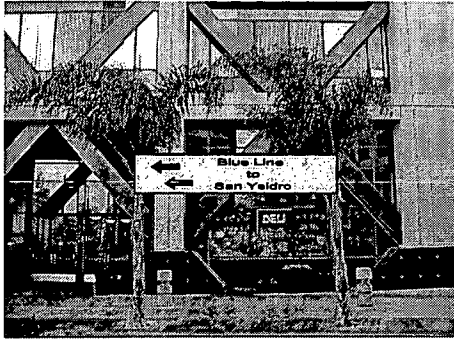
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...and continued guidance will be offered along the way



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Portable turnstiles will create control points for fare inspections and provide accurate ridership data



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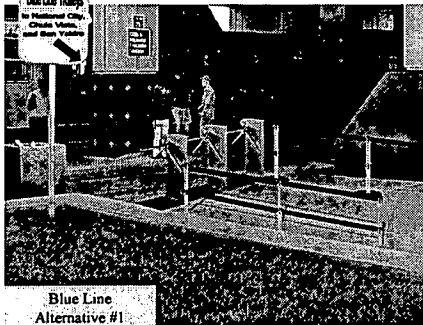
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Each element will help ensure fans are taking the correct route based on their destination...



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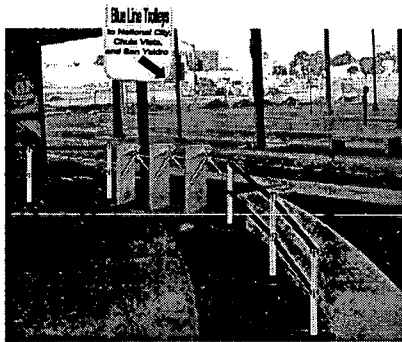
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### Southbound Blue Line Alternative #2



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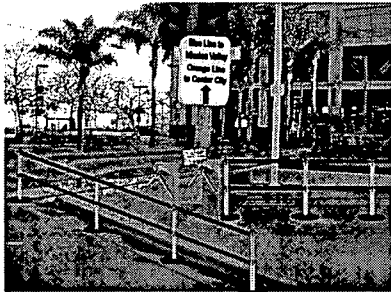
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and reassure customers by keeping them informed.



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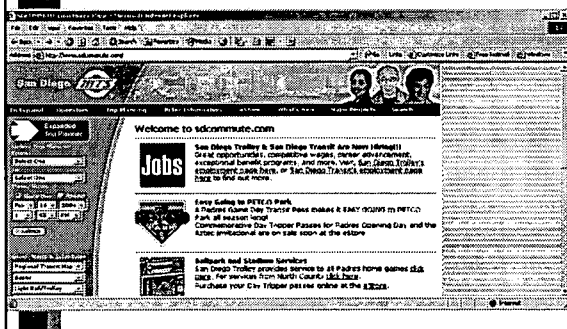
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Website enhancements will provide vital information to fans traveling to PETCO Park



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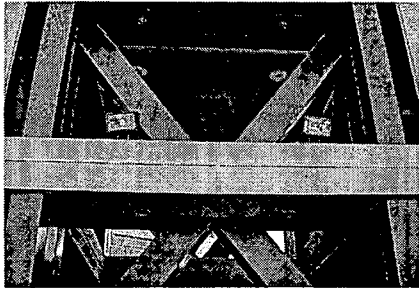
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Improved lighting at the Clock Tower Plaza helps to create a more comfortable & safe environment




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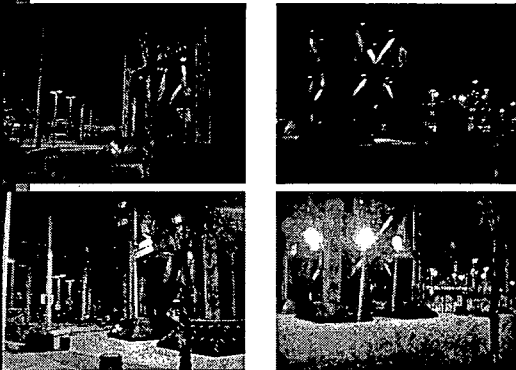
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Before and after




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**SAN DIEGO TROLLEY, INC.**

Petco Park Transportation Plan

**Pre-Game Objectives**

- Provide adequate service levels to meet the demand for each line segment
- Encourage ridership patterns that are sensitive to capacity issues during rush hours
- Have extra cars in service or trains in place before needed
- Maintain flexibility based on conditions to reflect varying ridership patterns
- Make the Trolley a positive "first impression" for baseball fans heading to the ballpark

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**SAN DIEGO TROLLEY, INC.**

Petco Park Transportation Plan

**Post-Game Objectives**

- Provide service levels to meet the demand for each line segment and direction of travel
- Create direction-specific zones to better monitor post-game service needs
- Implement modifications that positively manage crowd flow in order to:
  - direct passengers
  - regulate platform volume
  - compile passenger counts
  - inspect fare media

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## Agenda

**Item No. 32**

Board of Directors Meeting

ADM 110.2 (PC 30100)

February 26, 2004

**Subject:****TRANSIT WORKSHOP: POLICY REVIEW****RECOMMENDATION:**

That the Board of Directors approve changes to MTD Board Policy Nos. 22 through 26.

**Budget Impact**

None.

**Executive Committee Recommendation**

At its meeting on February 19, 2004, the Executive Committee recommended forwarded this item to the Board of Directors for approval.

**DISCUSSION:**

As part of the Transit Workshops, staff was asked to conduct a comprehensive review of all of the MTD Board Policies and Ordinances, as well as the corporate bylaws for San Diego Trolley, Inc. (SDTI) and San Diego Transit Corporation (SDTC). The next set of policies in this series are numbers 22 through 26. The purpose of the review is to eliminate any unnecessary or obsolete policies following the consolidation of MTDB with the San Diego Association of Governments (SANDAG). On that basis, staff is recommending the following revisions:




- **Policy No. 22, "MTDB REVENUE-GENERATING DISPLAY ADVERTISING, CONCESSIONS, AND MERCHANDISE"**

The purpose of Policy No. 22 is to establish guidelines for revenue generating advertising and concessions on MTDB owned property and vehicles. Specifically, Policy No. 22 establishes parameters on the types of commercial advertising, which may be placed on transit vehicles, including buses and trolleys. Given that MTDB will continue to operate and maintain both real and personal property, staff recommends retaining this policy indefinitely and that some minor typographical changes be made. In addition, staff intends to return

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to the Board with a full report on commercial advertising and newspaper racks, at which time additional changes to the policy could be made.

- Policy No. 23, "RULES OF PROCEDURE FOR THE METROPOLITAN TRANSIT DEVELOPMENT BOARD"

Policy No. 23 codifies the Rules of Procedure adopted by the Board in 1977 and sets forth the structure for the Board composition. Policy No. 23 also incorporates the provisions of the Ralph M. Brown Act, with respect to notice and posting procedures for the MTD Board agenda, as well as portions of MTDB's enabling legislation. MTDB will continue to hold meetings and establish committees after the consolidation. Therefore, it is recommended this policy be retained indefinitely and that typographical changes be made to reflect the current composition of the Executive Committee and Board of Directors.

- Policy No. 24, "PERMIT PARKING AT SAN DIEGO TROLLEY STATIONS"

The purpose of Policy No. 24 is to establish a procedure for the issuance of parking permits for long-term parking at trolley stations. This policy allows for the issuance of a parking permit at a cost of \$7.00 per day. Revenue from the sale of the permits is to be used to offset the maintenance costs incurred by SDTI in operating the facility. Therefore, it is recommended this policy be retained indefinitely and that minor changes be made.

- Policy No. 25, "REGIONAL TRANSIT SERVICE DISPUTE RESOLUTION"

Policy No. 25 establishes a procedure for resolving a regional transit service dispute between a local agency and a transit operator. The policy codifies provisions of our enabling legislation, which require MTDB to resolve the disputes pursuant to Board defined rules of procedure. MTDB will continue to retain this function following the consolidation. Therefore, staff recommends this policy be retained indefinitely, and that minor typographical changes be made.

- Policy No. 26, "EQUAL EMPLOYMENT OPPORTUNITY PROGRAM FOR EMPLOYEES AND CONTRACTORS"

Policy No. 26 sets forth MTDB's equal employment opportunity program for both its employees and contractors. As a condition of receipt of federal funds, MTDB is required to adopt and implement goals to ensure the equal treatment of all employees and applicants consistent with the Civil Rights Act. MTDB will continue to carry this requirement irrespective of the consolidation of its functions with SANDAG. Therefore, staff recommends the policy be retained indefinitely and that minor typographical changes be made.

Based on the foregoing, it is staff's recommendation that the Board of Directors receive this report and approve changes to MTD Board Policy Nos. 22 through 26.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Tiffany Lorenzen, 619.557.4512, [tiffany.lorenzen@sdmts.com](mailto:tiffany.lorenzen@sdmts.com)

SChamp/SStroh — Als  
32-04FEB26.TLOREN  
2/20/04

Attachment: A. Proposed Changes to MTD Board Policy Nos. 22 through 26 (**Board Only**)

## Policies and Procedures No. 212

Subject:

Board Approval: 2/22/04-2/26/04

### MTDB REVENUE-GENERATING DISPLAY ADVERTISING, CONCESSIONS, AND MERCHANDISE

#### PURPOSE:

To establish a policy and guidelines concerning a revenue-generating advertising, concessions, and merchandise program encompassing trolley stations, MTDB property and facilities, and selected printed materials.

Advertising on bus shelters and benches within the public rights-of-way shall be governed by the applicable policies of the applicable jurisdiction. The City of San Diego policy is included as Attachment A to this policy.

#### BACKGROUND:

Public transit operators and administration agencies have historically utilized advertising, concessions, and merchandising programs to supplement operational and capital funds. A sound advertising and concessions program can be a viable, alternative income source while maintaining aesthetic standards and promoting transit use.

#### POLICY:

The following guidelines will be reviewed annually to reflect the current policies of the MTD Board of Directors, and to reflect changes in the trends of social and economic acceptance and appropriateness of various forms of advertising and concessions.

#### 22.1 Advertising - General

22.1.1 Safety, aesthetic considerations, rider convenience, and information needs will take precedence over revenue generation.




22.1.2 Quantity, quality, and placement of all advertising will be controlled by and subject to the specific approval of MTDB.

22.1.3 MTDB reserves the right to reject any advertisement, commercial or noncommercial, which does not meet the Board's standards as set forth in this policy. Before any advertisement is rejected, it shall be referred to the ~~General Manager~~ Chief Executive Officer and General Counsel for MTDB for appropriate action and a final decision.

#### Member Agencies:

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

Metropolitan Transit Development Board is Coordinator of the Metropolitan Transit System and the  Taxicab Administration

Subsidiary Corporations:  San Diego Transit Corporation,  San Diego Trolley, Inc., and  San Diego & Arizona Eastern Railway Company

For personal trip planning or route information, call 1-800-COMMUTE or visit our web site at [sdcommute.com](http://sdcommute.com)

22.1.4 The advertising program will serve the needs of local as well as national advertisers and encourage the promotion of public transit. Local advertisers will be guided by the appropriate transit agency staff in promoting specific routes/lines serving their areas.

22.1.5 No advertisement will be permitted that:

- a. appears to make a personal attack on any individual, or upon any company, product, or institution; or falsely disparages any service or product, or is defamatory in any respect;
- b. might be interpreted to be offensive to any religious, ethnic, racial, or political group;
- c. might be interpreted as condoning any type of criminal act, or which might be considered as derogatory toward any aspect of the law enforcement profession;
- d. portrays acts of violence, murder, sedition, terror, vandalism, or other acts of violence against persons or institutions; or
- e. depicts nudity, or portions of nudity that would be considered as offensive, distasteful, pornographic, or erotic, is obscene, or advertises adult entertainment. The rule of "public acceptance" should be used in such cases (i.e., if the advertisement has already gained public acceptance, then it may be considered as acceptable to MTDB).
- f. might be interpreted as condoning any type of discrimination; or
- g. might be interpreted as condoning or soliciting any unlawful act or conduct.

22.1.6 No advertisement will be permitted that is in conflict with any applicable federal, state, or local law, statute, or ordinance.

22.1.7 No advertisement will be permitted that contains false or grossly misleading information.

22.1.8 No liquor, tobacco, religious, political, or firearms advertisements will be permitted.

22.1.9 Upon written demand by the ~~General Manager~~ Chief Executive Officer of MTDB on stated grounds which shall be reasonable, and upon review by General Counsel of MTDB, any advertisement, ~~public service~~, or other display deemed to be objectionable will be removed. No refund shall be made for the time such objectionable material was on display.

- 22.1.10 Advertising treatments will not impede vehicular or pedestrian traffic, will not restrict the visibility of directional/traffic signs and informational material, and will not encroach on necessary sight lines (e.g., driver/operator view of waiting patrons) nor present any other safety risks or hazards.
- 22.1.11 Advertising industry standard sizes will be used for all advertising treatments.
- 22.1.12 Advertising treatments will be maintained in "like new" condition. Damage to the advertisement or its housing will be corrected within forty-eight (48) hours.

## 22.2 Advertising - Light Rail Vehicles and Buses

- 22.2.1 Light rail vehicles (LRVs) will not carry commercial advertising. Buses may continue the practice of having interior and exterior advertising.
- 22.2.2 For buses, a maximum of 10 percent of the full fleet may carry full-bus advertising formats rather than conventional advertising formats. Vehicle fronts must remain "unwrapped" with standard paint schemes and materials. The San Diego Transit Executive Committee, serving as the advertising design review committee, shall review and approve all full-bus advertisements in advance of installation.
- 22.2.3 Transit information material may be placed inside LRVs and buses at the discretion of the operating corporation's ~~General Manager~~Chief Executive Officer. Such information can include, in accordance with this Policy, the promotion of regularly scheduled public transit routes which will serve major community events open to the public with no admission charge.
- 22.2.4 At the request of a recognized public entity, and with the approval of the individual operating corporation's ~~General Manager~~Chief Executive Officer, LRVs and buses may carry notices of events which are served by regularly scheduled transit routes and open to the public for an entrance or other fee, in accordance with this Policy and under the following conditions only:
  - Such notices shall be limited to no more than once per month.
  - More than one event may be shown on the same notice.
  - The listing order within the monthly notice will be by event dates. Should more than one event start on the same date, alphabetical ranking will then be used.
  - Notices will be produced in English and Spanish.

- The production costs of each notice (including translation, typesetting, camera work, and printing) will be reimbursed by the participating public entity/event. If more than one public entity/event is involved, costs will be divided equally among all participants.

22.2.5 Metropolitan Transit System advertising would be excluded from the 10 percent cap on full-bus advertising formats.

22.2.6 Super King and Mural formats are approved for acceptable use on buses. The size specification for the Super King is 226" x 30," and is placed between the front and rear wheel wells on the street side of the bus. Murals are defined as encompassing the space under the vehicle passenger windows on each side of the bus and extending from the front of the bus to just past the rear wheel well. These advertising formats will not be subject to the 10 percent cap assigned to full-bus wraps.

### 22.3 Advertising - Transit Centers, Major Transit Points, Stations and Stops

22.3.1 Advertising treatments (housings) will be designed to complement the architecture of the transit centers/stations and the flavor of the surrounding community. MTDB plan specifications will be followed wherever applicable. Advertising treatments will be designed, constructed, and placed in accordance with all applicable local, state, and federal standards.

22.3.2 Any unsold transit center, major transit points, and station display advertising space will be allocated for graphics and/or other nonrevenue-producing functions approved by the MTD Board. At least one (1) full display panel per transit center and station will be reserved exclusively for transit-related items.

### 22.4 Advertising - Printed Materials

22.4.1 Advertising space may be allowed in printed materials (e.g., timetables, maps, informational brochures) at the discretion of the operating corporation's General Manager or Chief Executive Officer.

22.4.2 Advertising space may be allowed on the reverse side of regional passes, tickets, and transfers at the discretion of the MTDB General ~~Manager~~ Chief Executive Officer.

22.4.3 No advertising space shall supersede necessary transit information and/or regulations.

22.4.4 At the discretion of the respective General Manager or Chief Executive Officer, MTDB and operating corporations may allocate space in printed

materials to inform transit customers about private entities actively participating in transit services, e.g., pass and ticket sales outlets.

## 22.5 Concessions

- 22.5.1 Concession formats, quantity, and placement will be approved and controlled by the MTD Board.
- 22.5.2 Acceptable concession formats are: pay telephones, automatic teller machines (ATMs), child care facilities, and kiosks/shops for the sale of prepaid transit fares, transit-related merchandise, and rider convenience items approved by the MTD Board. Any additional concession formats are subject to Board approval.
- 22.5.3 Contracts for any concession format or related development will be awarded in accordance with existing MTDB policies.
- 22.5.4 During hours of business, concessionaires will provide the public with transit information materials, as directed and supplied by the MTDB or its designated representative.
- 22.5.5 Concession treatments/structures will be designed to complement the architecture of the transit centers/stations and the flavor of the surrounding community. MTDB plan specifications will be followed wherever applicable. Concession treatments/structures will be designed, constructed, and placed in accordance with all applicable local, state, and federal standards.
- 22.5.6 Concession treatments/structures will not impede vehicular or pedestrian traffic and will not restrict the visibility of directional signs and informational material and will not encroach on necessary sight lines.
- 22.5.7 Concessionaire contracts will include remittance to MTDB or its designated operating corporation. Said remittance will be made monthly and include a flat rate, plus percentage of gross revenue, as approved by the MTD Board.
- 22.5.8 Any and all concession on-site signing and displays will be in accordance with existing MTDB policies and subject to approval of the MTDB General Manager Chief Executive Officer.

## 22.6 Merchandise

- 22.6.1 Any and all system-related merchandise will be of the highest available quality and project a positive transit image.
- 22.6.2 Merchandise licensing agreements and royalty payments will be made in accordance with existing MTDB policies.



## 22.7 Revenue

- 22.7.1 Except as otherwise provided, revenue from advertising in transit centers, major transit points, stations, and stops shall accrue to MTDB.
- 22.7.2 Revenue received by each corporation for vehicle and printed material advertising, concessions, and merchandise will be retained by the respective corporation and used to offset the need for public subsidy. Revenue received from electronic message boards located at San Diego Trolley stations will be retained by San Diego Trolley.
- 22.7.3 Revenue received from advertising on the reverse side of regional passes, tickets, and transfers shall be utilized as reimbursement to the MTDB "Transfers, Tickets, Passes" line item.
- 22.7.4 In lieu of revenue, MTDB may elect to accept an equivalent value of goods and/or services, including but not limited to capital improvements, information services, and site maintenance.

## 22.8 Contractor Services

- 22.8.1 MTDB may engage contractor(s) services for the development, implementation, management, and maintenance of advertising, concessions, and/or merchandise programs in conformance with existing Board policies and in the best interests of MTDB.

Ltresp/KYarno  
POLICY.22  
2/8/01

### Attachment A – City of San Diego Advertising Policy

Original Policy approved on 5/9/83.  
Policy revised on 6/6/85.  
Policy revised on 7/9/87.  
Policy revised on 6/23/88.  
Policy revised on 3/22/90.  
Policy revised on 3/14/91.  
Policy revised on 4/9/92.  
Policy revised on 5/12/94.  
Policy revised on 8/11/94.  
Policy revised on 6/22/95.  
Policy revised on 3/27/97.  
Policy revised on 6/11/98.  
Policy revised on 2/22/01

## Policies and Procedures

No. 223

Subject:

Board Approval: 5/8/03 2/26/04

### RULES OF PROCEDURE FOR THE METROPOLITAN TRANSIT DEVELOPMENT BOARD

#### PURPOSE:

To define and clarify Board Rules of Procedure and incorporate them in Board Policy.

#### BACKGROUND:


In 1977, the Board adopted Rules of Procedure by resolution and from time to time amendments have been adopted. The Rules shall be contained in Board Policy for ease of reference and periodic updating.




#### 23.1 Membership and Organization

- 23.1.1 Membership in this Board shall be as provided in Division 11, Chapter 1, Section 120050.2 of the California Public Utilities Code.
- 23.1.2a This Board shall exercise all powers authorized by the laws of the State of California.
- 23.1.2b Only the duly selected official representative, or in his absence his duly selected alternate, shall be entitled to represent a member agency in the deliberations of the Board.
- 23.1.2c Names of the official representatives and alternates shall be communicated in writing to the Board by each participating member agency and shall thereafter be annually communicated or reaffirmed prior to the February meeting of the Board and at such other times as changes in representation are made by member agencies.
- 23.1.3 The Board shall have the authority to appoint committees or subcommittees and may provide for the appointment of alternates to these committees or subcommittees.
- 23.1.3a Standing committees shall be appointed by the Board as may be required to carry out general and continuing functions and shall be abolished only upon specific action by the Board.

#### Member Agencies:

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

Metropolitan Transit Development Board is Coordinator of the Metropolitan Transit System and the  Taxicab Administration

Subsidiary Corporations:  San Diego Transit Corporation,  San Diego Trolley, Inc., and  San Diego & Arizona Eastern Railway Company

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- 23.1.3b Ad hoc specialized subcommittees may be appointed by the Board as the need arises to accomplish specific tasks. Upon completion of its assignment, each ad hoc subcommittee shall disband.
- 23.1.3c Board members serving on such subcommittees shall be compensated as provided by Board ordinance. The ~~General Manager~~ Chief Executive Officer is authorized to enter into agreements to compensate individuals who were Board members at the time of their appointments to such subcommittees and who continue to serve on such subcommittees after their terms of office as Board members, subject to the same limitations as exist for compensation of Board members, and subject to replacement by the Board.
- 23.2 Meetings
- 23.2.1 The Board at its first meeting, and thereafter annually at the first meeting in January, shall elect a vice-chairman who shall preside in the absence of the chairman. In the event of the absence or inability to act by the chairman and vice-chairman, the members present, by an order entered in the minutes, shall select one of their members to act as chairman pro tem, who, while so acting, shall have all of the authority of the chairman.
- 23.2.2a On or before the first regular meeting of the Board in December of each year, the Board shall adopt a schedule of its meetings by date, time and location for the coming year. The Board shall conduct at least one regular meeting in each of the subsequent twelve months. The schedule of the meetings shall be published in the local newspaper of general circulation prior to the next regular meeting.
- 23.2.2b The Board may, when necessary, change the time and place of regular meetings. The Board action shall set forth the circumstances necessitating such change. Notice of such change shall be published once in a local newspaper of general circulation at least 24 hours prior to the first meeting being held pursuant to such change.
- 23.2.2c The Clerk of the Board shall forward written notice of the annual schedule of regular meetings and any changes thereto stating the dates, times and locations to each member's agency and to the respective members and alternates of the Board and the standing committees not less than seven days prior to the first regular meeting so scheduled. The Clerk shall post a copy of such notice if such has been previously requested in writing.

23.2.2d Special meetings may be called and noticed under the provisions of the Ralph M. Brown Act as applicable, and specifically, Section 54956 of the California Government Code. The call and notice shall be posted in an area accessible to the public at least 24 hours prior to the meeting.

Special meetings normally shall be called by a majority of the Board or Executive Committee only upon a finding that extraordinary circumstances require Board action prior to the next scheduled Board meeting, such as to discuss a work stoppage or significant litigation, or that a special meeting is necessary to hold a workshop, a joint meeting with another agency, or for other special purposes at a future date beyond the next Board meeting. The Chair may call such meetings only when such extraordinary circumstances arise after the last Board or Executive Committee meeting and Board action is required prior to the next regularly scheduled Board meeting.

23.2.2e A majority of the members of the Board shall constitute a quorum for the transaction of business, and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board.

23.2.3 Parliamentary procedure at all meetings shall be governed by Robert's Rules of Order Newly Revised except as otherwise modified herein.

23.2.4a The Clerk of the Board shall, prior to each regular meeting, forward to each member's agency and to the respective members and alternates of the Board and standing committees, a copy of the agenda in accordance with the schedule adopted by the Board. ~~Said~~The agendas shall also be mailed to each person or entity previously requesting such in writing. The Clerk shall post the agenda in an area accessible to the public at least 72 hours before the meeting. Agenda materials shall be available as public record in accordance with the Ralph M. Brown Act and, specifically, Section 54957.5 of the California Government Code.

23.2.4b The Board may take action on items of business not appearing on the posted agenda under any of the following conditions:

1. Upon determination by a majority vote of the Board that an emergency situation exists. For purposes of this section, "emergency situation" means any of the following:
  - (a) Work stoppage or other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board.

(b) Crippling disaster which severely impairs public health, safety, or both as determined by a majority of the members of the Board.

2. Upon a determination by a two-thirds vote of the Board, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that the need to take action arose subsequent to the agenda being posted as specified in Section 23.2.4a.
3. The item was posted pursuant to Section 23.2.4a for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

23.2.4c Requests for Board action may be initiated by any member of the Board or any staff officer pursuant to the notice requirements of these Rules of Procedure.

23.2.4d Communication requests may be initiated by an individual and submitted to the Clerk by letter or on forms provided by the Clerk and must state the subject matter and the action which the writer wishes the Board to take. The Clerk shall review all communication requests so received and shall ~~direct to be listed~~ them on the Board's docket under ~~Communications~~ those items which he the Clerk deems to be proper areas of discussion or action by the Board. When a Communications item is listed on the docket, it is not debatable and must be referred to an appropriate committee, other public agency or to the staff to prepare a report or filed.

23.2.5 Any permanent rule of the Board as set forth herein and unless otherwise established by law may be suspended temporarily by a two-thirds vote of the members present.

### 23.3 Amendments

23.3.1 The Board shall be responsible for making all amendments to these rules.

23.3.1a Proposed amendments may be originated by the Board or any member of such, or by the ~~General Manager~~ Chief Executive Officer.

23.2.1b Each proposed amendment shall be considered by the Board and a copy thereof forwarded by the Clerk of the Board to the official representative of each member agency, his alternate, and the agency itself, at least five days prior to the meeting at which such proposed amendment will be voted upon.

## 23.4 Ordinances

- 23.4.1 Every ordinance shall be signed by the Chairman of the Board and attested by the Clerk of the Board.
- 23.4.2 On the passage of all ordinances the votes of the several members of the Board shall be entered on the minutes.
- 23.4.3 Ordinances shall not be passed within five days of their introduction, nor at other than a regular meeting or at an adjourned regular meeting. However, an urgency ordinance may be passed immediately upon introduction and either at a regular or special meeting. Except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Board members present, all ordinances shall be read in full either at the time of introduction or passage. When ordinances, other than urgency ordinances, are altered after introduction, they shall be passed only at a regular or at an adjourned regular meeting held at least five days after alteration. Corrections of typographical or clerical errors are not alterations within the meaning of this section.
- 23.4.4a The Clerk of the Board shall cause a proposed ordinance or proposed amendment to an ordinance, and any ordinance adopted by the Board, to be published at least once, in a newspaper of general circulation published and circulated in the Board's area of jurisdiction.
- 23.4.4b The publication of an ordinance, as required by subdivision, may be satisfied by either of the following actions:
1. The Board may publish a summary of a proposed ordinance or proposed amendment to an ordinance. The summary shall be prepared by the Clerk of the Board and General Counsel. The summary shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the Clerk of the Board at least five (5) days prior to the Board meeting at which the proposed ordinance or amendment is to be adopted. Within 15 days after adoption of the ordinance or amendment, the Board shall publish a summary of the ordinance or amendment with the names of those Board members voting for and against the ordinance or amendment and the Clerk of the Board shall post in the office of the clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those Board members voting for and against the ordinance or amendment.

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

23.4.5 Ordinances shall take effect thirty days after their final passage. An ordinance takes effect immediately, if it is an ordinance for the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the Board.

## 23.5 Public Comment

23.5.1 At a Public Hearing of the Board, persons wishing to provide comment and testimony shall be permitted to address the Board after submitting a written request to speak to the Clerk, identifying the person and the subject agenda item. The Chairman may limit the time for each presentation and may permit additional time to speakers representing a group of individuals or organizations to avoid duplicative testimony. Ordinarily, each speaker will be allowed no more than three minutes.

23.5.2 Persons wishing to comment on agenda items other than a public hearing must submit a written request to speak in advance to the Clerk, identifying the person and the subject agenda item. Comments must be limited to issues relevant to the particular agenda item. The Chairman may limit the time for each presentation and may permit additional time to speakers representing a group of individuals or organizations to avoid duplicative testimony. Ordinarily, each speaker will be allowed no more than three minutes.

23.5.3 Public comment on matters not on the agenda will be permitted on items of interest to the public that are within the subject matter jurisdiction of the Board. Persons wishing to comment must submit a written request in advance to the Clerk identifying the person and subject matter. The Chairman may limit the time for each speaker. Ordinarily, each speaker will be allowed no more than three minutes.

## 23.6 Executive Committee

### 23.6.1

The Executive Committee of the Board shall consist of the Chairman, a member from the County of San Diego, a member from the City of San Diego, a member from the City of Chula Vista, National City, Coronado or Imperial Beach, and a member from the City of Lemon Grove, La Mesa, El Cajon, Poway or Santee. The members from the County of San Diego, the City of San Diego, the South Bay and the Eastern cities, one of which shall be the Vice-Chairman of the Board, shall each be appointed by the MTD Board of Directors for a term of two years with terms of the members from South Bay and from East County to be staggered.

~~For calendar year 1994, the Chairman is also the County's representative, therefore, the fifth position on the Committee shall be provided by appointment of a second City of San Diego representative who shall serve for calendar year 1994.~~

The MTD Board of Directors shall also appoint an alternate member of the Executive Committee for each of the members of the Executive Committee from among the remaining Board members. Second alternates shall be appointed to represent the South Bay cities and the East county cities. The alternate for the County member of the Executive Committee shall be the County's alternate member of the Board.

Alternates shall be appointed for a term of two years or such lesser term as necessary to coincide with the term of the member for whom the alternate is appointed.

~~The prior Chairs of San Diego Transit Corporation and San Diego Trolley, Inc., shall each serve as, or appoint a director to serve as, an ex officio director on the Executive Committee and a director to serve as an alternate ex officio member. However, if a member of the Corporate Board also serves as a member of the Executive Committee, there need not be an additional ex officio member from that Corporate Board, at the discretion of the Corporate Board.~~

The ex officio member may participate in deliberations, but shall not be entitled to vote or hold an office other than ex officio member, ~~and shall serve at the pleasure of the corporate board of directors.~~ The ex officio member shall not be counted for the purpose of providing a quorum for any meeting. MTDB shall compensate such ex officio members in the same manner as regular Executive Committee members.



- 23.6.2 The primary purposes of the Executive Committee shall be to review and recommend consent items for the agenda of the next MTD Board of Directors meeting; establish the order of items; add or delete items as appropriate; and provide input and direction on emerging policies, plans and issues in advance, for Board consideration.
- 23.6.3 Three members shall constitute a quorum and three affirmative votes shall be required to approve any item. In the absence of a quorum, the Chairman may review and recommend consent items for the agenda and establish the order of items and add or delete items.
- 23.6.4 The Executive Committee shall adopt operating procedures as are necessary for the conduct of its business.

23.7 Board Member Standards of Conduct

- 23.7.1 The purpose of this policy is to emphasize that each Board member occupies a position of public trust that demands the highest moral and ethical standard of conduct.
- 23.7.2 This policy shall be supplemental and in addition to the Conflict of Interest Code of the Board and is not intended to supersede such Code or any provisions thereof.
- 23.7.3 Board members shall not engage in any business or transaction or have a financial or other personal interest, actual, potential, or apparent, which is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of such duties. Such business, transaction, or interest shall constitute a conflict of interest.
- 23.7.4 No Board member shall engage in any enterprise or activity that shall result in any of the following:
- a. Using the prestige or influence of the Board office for private gain or advantage of the member or another person.
  - b. Using time, facilities, equipment, or supplies of the Board for the private gain or advantage of the member or another person.
  - c. Using official information not available to the general public for private gain or advantage of the member or another person.

- d. Receiving or accepting money or other consideration from anyone other than the Board for the performance of acts done in the regular course of duty.
- e. Receiving or accepting, directly or indirectly, any gift or favor from any one doing business with the Board under circumstances from which it could reasonably be inferred that such was intended to influence such person in such person's duties or as a reward for official action.
- f. Soliciting any gift or favor in such person's official capacity, either directly or indirectly, when such solicitation might reasonably be inferred as to have a potential effect on such person's duties or decision, or when the individual's position as a Board member would in any way influence the decision of the person being solicited.
- g. Engaging in or accepting private employment or rendering services for private interest, direct or indirect, which may conflict with such person's responsibility or duty, or which, because of that person's position, may influence a decision to the benefit of the organization in which such person has an interest.

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

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

23.7.7 No Board member shall disclose to any person, other than members of the Board and other Board staff designated to handle such confidential matters, the content or substance of any

information presented or discussed during a closed session meeting unless the Board authorizes such disclosure by the affirmative vote by a majority of the Board.

- 23.7.8 No Board member may disclose confidential or privileged information or communications to any person other than a Board member, counsel to the Board, or other Board staff designated to handle such matters, unless disclosure is mandated by law or the Board authorizes such disclosure by the affirmative vote of a majority of the Board.
- 23.7.9 A Board member shall not be privy to confidential or privileged information or communications concerning threatened, anticipated, or actual litigation affecting the Board where the Board member has an actual, potential, or apparent conflict of interest. In the case of uncertainty as to whether a conflict of interest exists, the Board's counsel shall issue a binding determination.
- 23.7.10 No Board member shall represent a position on an issue to be the Board's unless the Board has formally adopted such position at a public meeting.
- 23.7.11 Any violation of this policy shall constitute official misconduct if determined by an affirmative vote of the majority of the Board in an open and public meeting. The Board may elect to censure the Board member and the violation may be subject to criminal and/or civil penalties as provided for by applicable law.

SGreen  
Policy.23  
12/19/01

Original Policy approved on 4/5/84.  
Policy revised on 1/12/84.  
Policy revised on 7/11/85.  
Policy revised on 1/8/87.  
Policy revised on 1/11/90.  
Policy revised on 8/23/90.  
Policy revised on 1/10/91.  
Policy revised on 3/24/94.  
Policy revised on 1/14/99.  
Policy revised on 6/14/01.  
Policy revised on 1/10/02.  
Policy revised on 1/24/02.  
Policy revised on 5/8/03.

ATTACHMENT A  
MTDB POLICY NO. 22  
CITY OF SAN DIEGO  
ADVERTISING POLICY

Subject:

ADVERTISING ON BUS STOP SHELTERS AND BENCHES

Background:

The City of San Diego (City) entered into a Memorandum of Understanding (MOU) with the Metropolitan Transit Development Board (MTDB), adopted July 25, 1988, and amended February 25, 1991, and June 21, 1999, authorizing MTDB to install bus stop shelters and bus benches in public rights-of-way in the City. Pursuant to the MOU, MTDB contracted with third parties for the construction, installation, and maintenance of the bus stop shelters and benches. In exchange, MTDB's contractors receive the proceeds from the sale of advertising space on the shelters and benches.

MTDB regulated the content of the advertising placed on the bus stop shelters and benches according to its Policies and Procedures No. 22. After advertising containing a religious message was removed pursuant to that policy, valid concerns were raised that the policy may violate due process and first amendment rights governing public speech.

Purpose:

It is the intent of the City Council to establish a policy governing advertising on bus stop shelters and benches in the public rights-of-way within the City that will be included by amendment in the MOU between the City and MTDB, and administered by MTDB.

It is the further intent of the City Council to prohibit advertising on bus stop shelters and benches of alcoholic beverages, tobacco products, and firearms in recognition of the fact that many public transit patrons are minors, that possession of these products by minors is illegal and dangerous, and that advertising is a persuasive medium for encouraging the use of these products by minors.

This policy applies only to advertising space located in designated areas on bus stop shelters and benches, as described in the MOU between the City and MTDB.

Policy:

Advertising on Bus Stop Shelters and Benches:

1. In its agreement with its advertising contractors, MTDB shall reserve the right to reject any advertisement, commercial or noncommercial, which does not meet the standards set forth in this policy.
2. All advertising posted on bus stop shelters and benches must conform to the following criteria:
  - A. Defamatory Advertising. No advertising will be permitted that falsely disparages any person, product, or company, or that is likely to damage the reputation of any person, product, or company.
  - B. Advertising Condoning Criminal Conduct. No advertising will be permitted that is likely to incite or produce imminent unlawful activity.
  - C. Obscene Advertising. No advertising will be permitted that contains obscene matter or matter harmful to minors, as defined in California Penal Code Sections 311 and 313.
  - D. False Advertising. No advertisement will be permitted that contains false or grossly misleading information.
  - E. Alcohol, Tobacco, and Firearms. No advertisement will be permitted that promotes the sale of alcoholic beverages, tobacco or tobacco products, or firearms.
  - F. Existing Laws. All advertisements must conform to applicable federal, state, and local laws.
3. The City may make demand upon the ~~General Manager~~ Chief Executive Officer of MTDB for the removal of any advertisement, commercial or noncommercial, that does not conform to this policy. Such demand shall be in writing and shall state reasonable grounds for the demand. MTDB shall consider and act upon the demand in accordance with this policy.

SGreen/KYarno  
ATTA-POL22.JLIMBE  
2/8/01

**Policies and Procedures**No. 2423

Subject:

Board Approval: 10/12/89 2/26/04**PERMIT PARKING AT SAN DIEGO TROLLEY STATIONS****PURPOSE:**

To establish criteria for issuance of permits for extended parking at San Diego Trolley stations.

**BACKGROUND:**

MTDB Ordinance No. 3, governing parking lot usage, authorizes private use of and extended parking at Trolley stations, in accordance with rules and regulations adopted by the Board. This Policy sets forth such rules and regulations for extended parking.

**POLICY:**


- 24.1. All requests for parking in excess of 24 hours should be made to the ~~General Manager~~Chief Executive Officer or his designated representative.
- 24.2 The permit must be purchased at the ~~MTDB office~~Transit Store.
- 24.3 The permit shall contain the vehicle year, make and model, license number, station location, and time period it is valid. It shall be signed by the MTDB representative. The permit must be displayed on the dash of the vehicle.
- 24.4 ~~24.4~~—A fee of \$75 per day or portion thereof will be charged. The ~~General Manager~~Chief Executive Officer shall review and adjust the fee on an annual basis. Such fee may be waived by the ~~General Manager~~Chief Executive Officer upon a finding of public purpose or benefits in the granting of a no ~~less-cost~~ permit, including but not limited to the promotion of ridesharing.
- 24.5 All such revenue generated from the issuance of the parking permits shall be received by San Diego Trolley, Inc. to offset the costs incurred in the maintenance of the facility.




TFL:lst  
POLICY.24  
11/20/91

Original Policy adopted on 1/26/84.  
Policy revised on 10/12/89.

**Member Agencies:**

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

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Subsidiary Corporations:  San Diego Transit Corporation,  San Diego Trolley, Inc., and  San Diego & Arizona Eastern Railway Company

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**Policies and Procedures**No. **245**

Subject:

Board Approval: 12/10/872/26/04

**REGIONAL TRANSIT SERVICE DISPUTE RESOLUTION****PURPOSE:**

To establish the rules and regulations to be used by the Board to resolve regional transit service disputes.

**BACKGROUND:**

SB 510 (1983) added Sections 120475-120479 to the Public Utilities Code summarized as follows:

120475. The Board shall coordinate the operation of all regional public transit services which operate within the area under the jurisdiction of the Board so as to achieve efficient operation thereof and shall establish procedures to resolve disputes between public transit operators and local agencies.

120476. The Board shall act in full cooperation and coordination with the regional operators, the local operators, and the local public agencies in such matters as schedules, routes, and exchange of transfers.

120477. The Board shall resolve regional transit service disputes between local agencies and transit operators which provide services in the area, pursuant to the rules and regulations adopted by the Board.




~~In addition, Circular UMTA C 7005.1 of the Urban Mass Transportation Administration (UMTA), issued December 5, 1986, requires that each locality making decisions regarding the method of service provision concerning private enterprise transit providers must develop "a dispute resolution process which affords all interested parties an opportunity to object to the initial decision. UMTA's complaint process is designed to accept appeals of this local dispute resolution process."~~

The provisions in this policy regarding private Enterprise Transit Service Disputes relate only to those services provided by MTDB or those provided with federal financial assistance.

**Member Agencies:**

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

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## POLICY ELEMENTS:

- 25.1 Definition of Regional Transit Service. Regional service shall be generally characterized by operating speed above the system average, limited stops, and moderate service frequencies connecting different communities or cities. Annually, with MTD Board adoption of the Short Range Transit Plan, the Board shall also adopt a current year map of regional transit services.
- 25.2 Definition of a Regional Transit Service Dispute. A regional transit service dispute is defined to be any disagreement between parties (local agencies or operators) regarding routes on the adopted regional transit service map. Specific items that would characterize a dispute include, but are not limited to the following: fare levels, service levels, routings, stop locations, transfer provisions, and funding.
- 25.3 Definition of Private Enterprise Transit Service. Private enterprise transit services shall consist of any bus route local or regional, which is considered by the MTD Board pursuant to the provisions of Policy No. 32 for possible operation by private enterprise providers, whether or not that route is ultimately chosen by the Board for private enterprise bidding.
- 25.4 Definition of a Private Enterprise Transit Service Dispute. A private enterprise transit service dispute is defined to be any disagreement between public and private enterprise transit providers and/or local agencies and/or operators regarding services provided by MTDB or with federal financial assistance concerning:
- a. whether or not a route should be offered for public bid;
  - b. any matter relating to the nature of such a bid or bid process.
- 25.5 Initial Step Toward Resolution. In order to trigger provisions of this Policy, a written notice of dispute shall be provided to the MTDB ~~General Manager~~Chief Executive Officer and all parties by one or more of the parties. In all cases of dispute, MTDB staff will meet with the parties and endeavor to work out a solution satisfactory to all parties as an initial step. If the dispute is not resolved at this level, then the procedures in Policy Element 25.6 shall be followed.
- 25.6 Formation of a Mediation Panel. MTDB will adhere to the following order of procedures in reviewing and resolving a dispute:
1. MTDB staff will prepare an informational report for Board review summarizing the issues of the dispute. A draft of this report shall be made available to each of the affected parties for review and comment prior to transmittal to the Board. The Board shall not take any action on the matter at this first meeting, unless each party agrees, and except for direction regarding data to be assembled.



2. After this first hearing, the Board shall appoint a three-person panel consisting of Board members. The panel will meet with the parties and attempt to mediate the dispute and have parties agree to a resolution. Panel members should not be representatives from the involved jurisdictions, unless equally represented.
3. If mediation fails, the panel will schedule and hold a public meeting on the regional transit service dispute in the locality of the dispute and make a report of its findings of fact and its recommendations regarding the dispute to the Board.
4. A report containing the recommendations of the panel will be transmitted to the parties prior to MTD Board action.

25.7 Procedures Involving San Diego Transit. ~~If the Board exercises its authority to assume the ownership of the San Diego Transit Corporation,~~ Procedures for the review and resolution of regional transit service disputes involving the San Diego Transit Corporation, shall require mutual agreement by the parties to the dispute.

25.8 Procedures if a Party is Outside of MTDB Area. If the regional transit service dispute involves one or more local agencies not within the area governed by the Board, procedures for the review and resolution of the dispute shall require mutual agreement by the parties to the dispute.

TFL:paw  
POLICY.25  
9/29/89

Original Policy approved on 1/26/84.  
Policy revised 12/10/87.

**Policies and Procedures**No. **256**

Subject:

Board Approval: 5/27/992/26/04**EQUAL EMPLOYMENT OPPORTUNITY PROGRAM FOR EMPLOYEES AND CONTRACTORS****PURPOSE:**

To establish a policy of equal opportunity employment achieved and maintained through affirmative action.

**BACKGROUND:**

Federal regulations require the adoption of an approved Equal Employment Opportunity (EEO) program as a condition of receipt of federal funds.

The MTDB Equal Employment Program requires the annual setting of goals and contains monitoring and reporting requirements relative to attainment of those goals. It sets forth public dissemination procedures, recruiting, selecting and hiring procedures, and grievance procedures. In addition, it incorporates an Equal Employment Opportunity Program for the employees of MTDB's contractors. The program is revised triennially.


The full Plan is filed with the Clerk as Document No. 14.




**POLICY:**

- 26.1 It is the policy of the San Diego Metropolitan Transit Development Board, hereinafter "MTDB," its subsidiaries, San Diego Transit Corporation (SDTC), San Diego Trolley, Inc. (SDTI), and its contractors to recruit, hire, train, and promote all applicants and employees in accordance with Title VII of the Civil Rights Act of 1964, as amended. MTDB will ensure that recruiting, selecting, hiring, and promoting procedures do not adversely affect the employment of persons protected by Title VII and, in addition, that all MTDB, SDTC, and SDTI hiring and promoting criteria, requirements, and tests are job-related. Within reason, MTDB will adhere to the affirmative action provisions of Executive Order 11246, the Equal Employment Opportunity Commission (EEOC) guidelines, and all other applicable standards for affirmative action, taking into account the present size and expected growth of the three agencies.
- 26.2 It is the policy of MTDB, SDTC, and SDTI to assure that discrimination based on race, color, religion, ancestry, national origin, gender, age (over 40 years), marital status, medical condition (cured or rehabilitated cancer), or physical handicap (including AIDS) does not occur in relationships that may exist between

**Member Agencies:**

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these organizations and any employee or applicant for employment. Such relationships may be defined as, but not limited to, recruitment, hiring, promotion, compensation, benefits, terminations, transfers, layoffs, recalls, company-sponsored training, education, and social and recreational programs. Goals and timetables with specific measurement and evaluation factors will be established to help measure management's progress with remedying discrimination.

- 26.3 The responsibility for the implementation of the EEO Program is assigned to the General Counsel/~~Deputy General Manager~~. All management personnel within MTDB, SDTC, and SDTI are expected to support and implement the EEO Program in performance of their job duties and responsibilities. Any employee or applicant who feels they have been discriminated against, has the right to file a complaint alleging discrimination with the Human Resources Manager.
- 26.4 In the development and implementation of their employment and promotional policies, MTDB, SDTC, and SDTI will base decisions solely on the individual's qualifications (merit), and the feasibility of any necessary job accommodations.

#### PROCEDURES:

An outline of basic procedures included in the Program is as follows:

##### Annual

- General Counsel/~~Deputy General Manager~~ will conduct utilization study to determine needs.
- ~~General Manager~~Chief Executive Officer will set goals to correct any under-representation.
- Contracts Specialist will update lists of women's and minority media, community organizations, and college minority placement offices.
- ~~General Manager~~Chief Executive Officer will communicate Program to all employees.
- Various aspects of Program will be featured from time to time in MTDB publications.
- Briefings will be held with various minority and women's groups.

##### Reports

- Prior to each hiring, Human Resources Manager will make a report to the General Manager~~Chief Executive Officer~~ identifying any underutilization for the corresponding position.

- At the beginning of each fiscal year, the MTD Board of Directors will review an EEO report for the preceding year. The report will include employment results, review of EEO goals, and an EEO summary for each organization (MTDB, SDTC, and SDTI).

#### Records

- Contractors awarded construction contracts greater than \$10,000 will submit monthly Employment Utilization Reports (CC-257).
- Contractors awarded nonconstruction contracts greater than \$50,000 and with 50 or more employees will submit annual Work Force Reports.
- Human Resources Manager will maintain a record on each job applicant, each promotional opportunity, employee termination data, and referral of applicants (follow-up action and feedback on disposition of those recommended).

#### Posting/Notification

- EEO Policy will be posted on appropriate office bulletin boards and contained in employee handbook.
- All employment ads will contain "San Diego Metropolitan Transit Development Board is an Equal Opportunity Employer. Women and minorities are encouraged to apply."
- Required federal and state posters will be displayed in employee lounge.
- All successful contractors shall be notified of their obligations under MTDB's EEO Program for contractors.

KYarno/SGreen  
POLICY.26  
5/27/99

This original policy was adopted on 10/18/84.  
Policy revised on 8/13/92.  
Policy revised on 10/26/95.  
Policy revised on 5/27/99.

## Transit Workshop:

### Policy Review



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## Transit Workshop: Policy Review

- Analyze and review Policies 22 through 26.
- Purpose: eliminate unnecessary or obsolete policies following consolidation.

2/26/2004



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## Transit Workshop: Policy Review

- Policy No. 22: "MTDB Revenue-Generating Display Advertising, Concessions, and Merchandise"
- Purpose: Establish guidelines for revenue-generating advertising and concessions on MTDB property and vehicles.
- Recommendation: Retain indefinitely and make minor typographical changes.

2/26/2004



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**Transit Workshop: Policy Review**

- Policy No. 23: "Rules of Procedure for the Metropolitan Transit Development Board"
- Purpose: Codifies the Rules of Procedure adopted by the Board and sets forth Board structure and composition.
- Recommendation: Retain indefinitely, make typographical changes.

2/26/2004



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**Transit Workshop: Policy Review**

- Policy No. 24: "Permit Parking at San Diego Trolley Stations"
- Purpose: Sets forth procedure for issuing permits for long term parking at trolley stations.
- Recommendation: Retain indefinitely, make minor typographical changes.

2/26/2004



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**Transit Workshop: Policy Review**

- Policy No. 25: "Regional Transit Service Dispute Resolution"
- Purpose: Establishes procedures for resolving regional transit service disputes between local agencies and transit operators.
- Recommendation: Retain indefinitely, make minor typographical changes.

2/26/2004



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**Transit Workshop: Policy Review**

- Policy No. 26: "Equal Employment Opportunity Program for Employees and Contractors"
- Purpose: Sets forth equal employment opportunity program for MTDB employees and contractors. Required pursuant to Civil Rights Act.
- Recommendations: Retain indefinitely, make minor typographical changes.

2/26/2004



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

## Agenda

**Item No. 33**

Board of Directors Meeting

ADM 110.2 (PC 30100)

February 26, 2004

**Subject:**

**PROPOSED JOINT MEETINGS OF METROPOLITAN TRANSIT DEVELOPMENT BOARD, SAN DIEGO TRANSIT CORPORATION, AND SAN DIEGO TROLLEY, INC.**

**RECOMMENDATION:**

That the Board of Directors receive this report, provide direction to staff on conducting joint meetings of MTDB, SDTC, and SDTI, and approve joint agency meetings of the Board of Directors.

**Budget Impact**

Minor cost savings could be realized from a reduction in copying costs.

**Executive Committee Recommendation**

At its meeting on February 19, 2004, the Executive Committee recommended that this item be forwarded to the Board of Directors for direction and approval.


**DISCUSSION:**




MTDB and its subsidiary nonprofit corporations are subject to the provisions of the Ralph M. Brown Act, which requires all meetings to be open to the public. In October 2003, the Boards of Directors for all three agencies were consolidated into one Board, which now sits for all three entities. Staff was asked to consider whether biweekly joint meetings could be held for all three entities to eliminate the need to have separate agendas and minutes, as well as to eliminate convening and adjourning separate meetings.

MTDB's enabling legislation requires MTDB to conduct its meetings in a manner consistent with the provisions of the Brown Act. So long as the provisions of the Brown Act with respect to notice, posting the agenda, location of the meeting, and conduct are met, there is no prohibition against MTDB, SDTC, and SDTI convening a joint meeting.

**Member Agencies:**

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The Brown Act requires the agencies to prepare and post an agenda no later than 72 hours prior to the meeting date. The agenda must also specify the time and location of the joint meeting. All three agencies currently meet these notice and posting requirements for each of the separate meetings. A joint agenda would also need to comply with these requirements.

In addition, the MTD Board complies with Policy No. 23 when conducting its meetings. Policy No. 23 is generally consistent with the terms and provisions of the Brown Act, but adds that parliamentary procedure at all meetings shall be governed by Robert's Rules of Order. Currently the SDTC and SDTI bylaws are silent on how meetings are to be conducted with respect to parliamentary procedure. Those bylaws could be amended to be consistent with MTDB's policies during the Transit Workshop Policy Review, anticipated to take place in April.

Staff recommends the following:

- **FORMAT OF JOINT MEETING AGENDA** (a proposed sample is attached)

The consent and discussion items would simply identify the affected/proposing agency, rather than having a separate consent and discussion session on the same agenda for the different boards. Each regularly scheduled MTDB meeting would be converted into a joint agency meeting. This would give SDTC and SDTI staff the flexibility to place items on the agenda for the Board's approval twice a month, as opposed to six times a year.

- **TIME FRAME FOR IMPLEMENTATION FOR JOINT MEETINGS**

The next date where MTDB and the corporations are scheduled to have separate meetings is March 25, 2004. The joint meeting and agenda could be implemented on that date.



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Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Tiffany Lorenzen, 619.557.4512, [tiffany.lorenzen@sdmts.com](mailto:tiffany.lorenzen@sdmts.com)

LTorio/SStroh  
33-04FEB26.TLOREN  
2/20/04

Attachment: A. Proposed Format for MTDB, SDTC, and SDTI Joint Meeting Agenda **(Board Only)**

## Agenda

Joint Meeting of the Board of Directors for  
Metropolitan Transit Development Board, a California Public Agency  
San Diego Transit Corporation  
San Diego Trolley, Inc.

March 25, 2004

9:00 a.m.

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

This information will be made available in alternative formats upon request. To request an agenda in an alternative format, please call the Clerk of the Board at least five working days prior to the meeting to ensure availability. Assistive Listening Devices (ALDs) are available from the Clerk of the Board/Assistant Clerk of the Board prior to the meeting and are to be returned at the end of the meeting.

### ACTION RECOMMENDED

1. Roll Call
2. Approval of Minutes – March 11, 2004 Approve
3. Public Comment – Limited to five speakers with three minutes per speaker. Others will be heard after Board Discussion Items. If you have a report to present, please furnish a copy to the Clerk of the Board.
4. Award of Years of Services Pins for San Diego Trolley, Inc.

### CONSENT ITEMS – RECOMMENDED BY THE CHIEF EXECUTIVE OFFICER (indicated by \*)

- \* 5. Financial Report for SDTC through November 2003  
  
Action would receive the San Diego Transit Corporation report on revenue, ridership, and expenses for the fiscal year compared to budget.

Approve

- \* 6. Light Rail Vehicle (LRV) Tires: SDTI Contract Award
- Action would authorize the General Manager of San Diego Trolley, Inc., to execute a procurement contract with Tires R Us Company for 360 LRV tire kits.

Approve

#### NOTICED PUBLIC HEARINGS

25. None

**NOTE: A FIVE-MINUTE RECESS WILL BE TAKEN AT APPROXIMATELY 10:30 A.M.**

#### DISCUSSION ITEMS

30. MTS Transit Workshop: Policy Review
- Action would approve the proposed changes to Board Policy Nos. 11 through 21.
31. SDTI San Diego Chargers 2003 Year-End Summary
- Action would receive the report for information.
44. Chairman's Report
45. Chief Executive Officer's Report
46. Board Member Communications
47. Additional Public Comments on Items Not on the Agenda
- If you have a report to present, please furnish a copy to the Clerk of the Board. **Subjects of previous Hearings or agenda items may not again be addressed under Public Comments.**
48. Closed Session Items  
(Note to Board Members: Reports on closed session items are available for review in advance of the meeting in the General Counsel's office.)

Approve

Approve

Possible Action

Information

Possible Action

Information

49. Oral Report of Final Actions Taken in Closed Session

50. Next Meeting Date – March 25, 2004

60. Adjournment

SStroh  
A-04MAR11-SAMPLE.BD  
2/18/04

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

## Agenda

**Item No. 34**

Board of Directors Meeting

SDAE 710 (PC 40099)

February 26, 2004

**Subject:****TRANSIT WORKSHOP: SAN DIEGO AND ARIZONA EASTERN RAILWAY****RECOMMENDATION:**

That the Board of Directors receive this report and give such direction as deemed appropriate.

**Budget Impact**

None.

**DISCUSSION:**

This workshop will review some of the history of the San Diego and Arizona Eastern Railway (SD&AE) since MTDB's purchase of the company in 1979 and will focus on the various line segments and operating entities and their interrelationships with MTDB and San Diego Trolley, Inc. (SDTI). Lastly, the report will discuss the current status of both the Desert Line and the Coronado Branch Line.


As shown on the attached fact sheet, the SD&AE has had a history of operating challenges since it was first built by John Spreckels and opened in 1919 (Attachment A). The SD&AE consists of two main lines running from San Diego to El Cajon and San Diego to San Ysidro. Both of these mainlines are used by SDTI, as well as by freight at separate times.




The SD&AE is organized as a Nevada nonprofit corporation owned by MTDB. It contracts with RailAmerica, Inc. (RailAmerica), to operate freight service, and RailAmerica, in turn, operates the service through a subsidiary known as the San Diego and Imperial Valley Railroad (SD&IV). The San Diego Railroad Museum (SDRM) operates passenger trains from its facilities located in Campo, California, just off Highway 94. The Carrizo Gorge Railway (CZRY) has a concession to operate freight trains in Mexico and is a subcontractor of RailAmerica/SD&IV to repair, restore, and operate the Desert Line.

The SD&AE Board of Directors consists of two representatives from the SD&IV and one representative from MTDB (Thomas F. Larwin). MTDB holds an SD&AE Reserve Account of approximately \$1.3 million for capital improvements on the line. This account is derived from income earned on the railroad. The SD&AE Board approves various licenses and leases for private rights along, over, or under the railroad. MTDB ratifies all

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land uses, pursuant to Board Policies and Procedures, and SD&IV approves all freight actions. SD&IV pays SDTI for maintenance and is responsible for all liabilities for freight service operations.

The bulk of the SD&IV's 5,300 cars annually go to Mexico (approximately 60 percent). The San Diego to San Ysidro mainline accounts for 35 percent of the business and 5 percent on the San Diego to El Cajon portion. Major commodities moved include Liquefied Petroleum Gas (LPG) for the City of Tijuana, grain, lumber, steel, plastic pellets, and food products.

RailAmerica's Operating Agreement has been in place for 20 years and has 30 years to go in 10-year operating increments. MTDB is paid 1 percent of the gross revenues, which are deposited in the SD&AE Reserve Account. The portion of the railroad in Mexico from the International Border at San Ysidro eastward 44 miles is operated by the CZRY under agreement with the State of Baja California, authorized by the Mexican Federal Government as owner of the line. The line crosses back into the United States at Division and proceeds eastward to Plaster City through the Carrizo Gorge where fire damages to tunnels have kept the line closed for the last 20 years.

RailAmerica, as a publicly traded corporation, has not seen fit to invest its funds to repair and rehabilitate the Desert Line, preferring to put its capital into dozens of other railroads, which it owns throughout the United States. That decision was motivated in large part by the unique circumstance of the railroad running through Mexico and through traffic being subject to Mexican control. Nevertheless, there has been considerable interest over the years in San Diego to reopen the Desert Line. MTDB and the San Diego Association of Governments (SANDAG) have supported reopening efforts, as well as the preservation of the Railway's assets.

CZRY, after winning the operating rights in Mexico, approached MTDB and RailAmerica to obtain an operating agreement for the repair of the Desert Line and eventual freight operation. The agreement was approved, and CZRY has undertaken significant repairs to the two tunnels previously damaged by fire. In addition, Congressman Bob Filner got a \$10 million appropriation for "the San Ysidro Intermodal facility" to help jump-start the railroad. At the time that federal appropriation was made, Congressman Filner's district did not include the desert portion of the line; however, his district now extends to El Centro. We expect his office will seek legislation broadening the use of the money for other purposes on the Desert Line. SANDAG is seeking \$1.6 million to start work, and MTDB has approved use of \$320,000 of the SD&AE Reserve funds as matching for the federal money. Access to the federal funds is contingent upon the statutory change referenced above and an amendment to the Regional Transportation Improvement Program (RTIP) and the federal TIP. These approvals may take the better part of this year.

CZRY operated the first train all the way from Jacumba through the Gorge and on to Coyote Wells on February 18, 2004. However, CZRY faces challenges to its operation. On December 22, 2003, MTDB was served with a 60-day notice of intent to sue letter from the Center of Biological Diversity alleging CZRY was violating the Endangered Species Act by conducting operations in the Gorge. CZRY has responded to those concerns. Copies of the documents relative to these issues are attached for your review (Attachment B).

The Coronado Branch Line is a 7½-mile portion of the railroad running on the west side of Interstate 5 from National City southward through Chula Vista and then through a portion of the City of San Diego to Imperial Beach. The railroad right-of-way also extends up the Silver Strand to Glorietta Bay, along State Route 75. The Silver Strand portion of the railroad was abandoned by Southern Pacific and has subsequently been leased by MTDB to Caltrans and Coronado for the development of a bike path. The bike path was extended over that portion of the railroad running through Imperial Beach and a further extension was approved in 1999 through the southern portion of the City of San Diego from 13th Street in Imperial Beach to Western Salt Works. The SDRM has also operated small excursion vehicles on the line from National City to Chula Vista.

Future development plans by the City of Chula Vista from F Street south to the Goodrich Plant, formerly Rohr Aircraft, may be significantly affected by the existence of the rail line bi-secting the developmental property. In late 2002, the Port of San Diego (Port) proposed leasing that portion of the Coronado Line for potential development, although the tracks would remain in place and no structures could be placed within the right-of-way. The proposed lease could be terminated on one-year notice for freight, passenger, or mass transit use. An alternative lease was proposed by the Save Our Heritage Organization (SOHO), which also filed a lawsuit against the Port challenging the Port's environmental processes. Those lease proposals are currently on hold pending resolution of the litigation.

In 2002 the State Office of Historical Preservation initially found the entire Coronado Line eligible for registration as an historical site and then reversed itself determining the entire line was not eligible for such registration. While the license for the bike path in the City of San Diego was granted in 1999, the City of San Diego staff went through the City's environmental processes relative to the 1.5-mile extension of the bike path, and the matter was brought before the City of San Diego Historical Resources Board last December. That Board, after hearing, designated the 1.5 miles within San Diego City as historical. An appeal is now pending of that determination, and the bike path extension is on hold.

This calendar year may bring many railroad issues to the Board's attention as the Desert Line repair is completed by CZRY and operations of through freight service commence, and as the various legal issues involving the Coronado Branch Line are resolved. In the meantime, the former MTDB real property and engineering staff members that have been involved with railroad issues will continue their work on railroad matters and report to the MTS Board of Directors.



---

Paul C. Jablonski  
Chief Executive Officer

Key Staff Contact: Jack Limber, 619.699.1947, [jli@sandag.org](mailto:jli@sandag.org)

Attachments: A. Fact Sheet  
B. CZRY Documents } **Board Only**

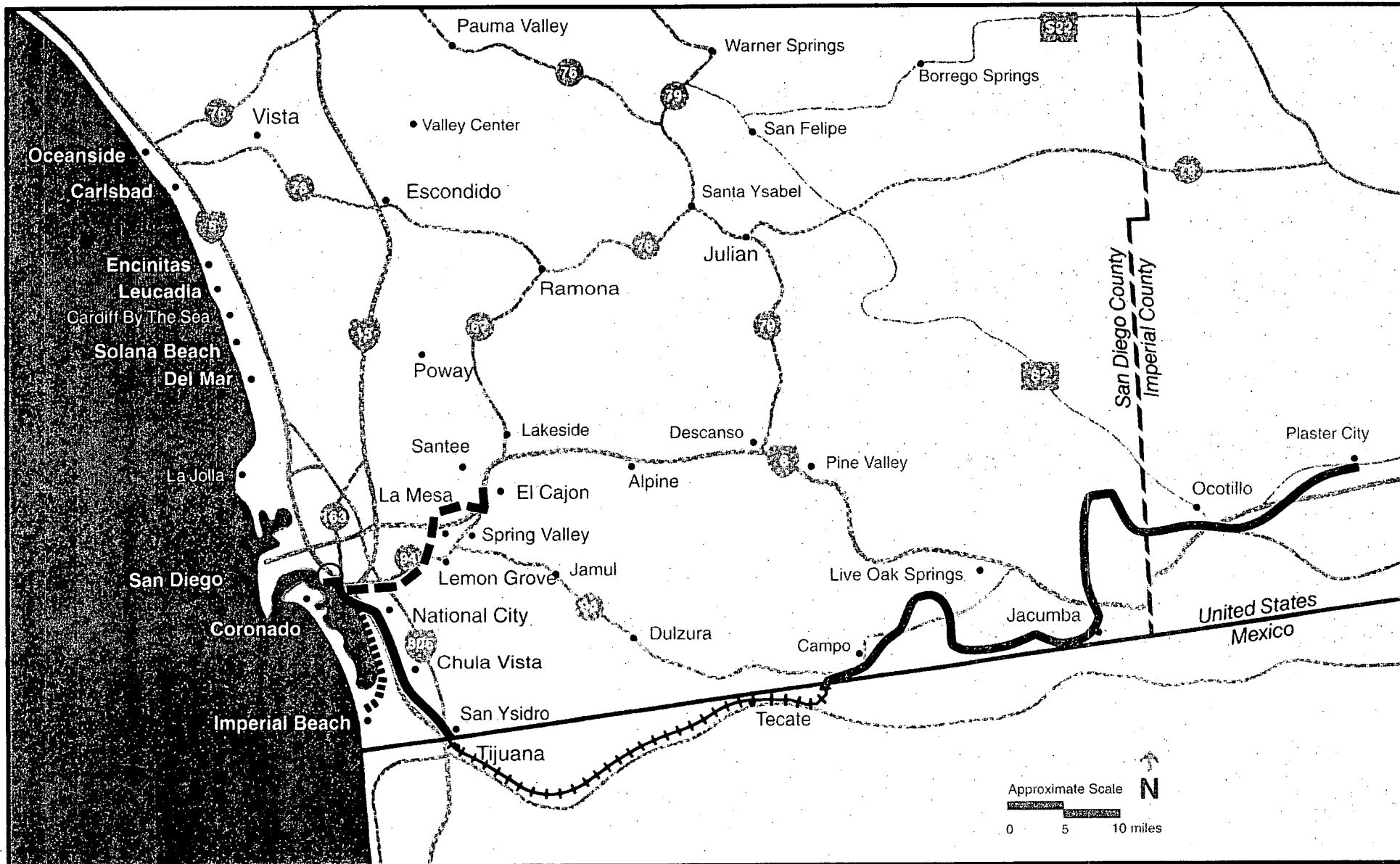
SStroh / Als.JLIMBE 4-04FEB26.JLIMBE — 2/20/04

# SAN DIEGO & ARIZONA EASTERN (SD&AE) RAILWAY

<b>OWNER</b>	San Diego Metropolitan Transit Development Board (MTDB)
<b>ROUTE DESCRIPTION</b>	Four (4) lines totaling 108 miles.
<i>Main Line</i>	Centre City San Diego south to San Ysidro/International Border at Tijuana. Total length: 15.5 miles. This Line extends through Mexico (44.3 miles) and connects up with the Desert Line. The portion through Mexico, originally constructed as part of the Main Line, is now owned by the Mexican national railways, Ferrocarril Sonora Baja California Line.
<i>La Mesa Branch</i>	Downtown San Diego east to City of El Cajon. Total length: 16.1 miles.
<i>Coronado Branch</i>	National City south to Otay. Total length 7.2 miles
<i>Desert Line</i>	Extends north and east from International Border (junction called Division) to Plaster City, where it joins the Southern Pacific (SP) Line from El Centro. Total length: 69.9 miles; presently unserviceable due to fire damage to tunnels.
<b>TRANSIT OPERATOR</b>	San Diego Trolley, Inc. (SDTI), a wholly-owned subsidiary of MTDB on Main Line and on the La Mesa Branch.
<i>Frequency</i>	Seven (7) days a week; 5:00 a.m. to 1:00 a.m.; 15-minute headways most of the day on Blue and Orange Lines; 7.5 minute peak hour service on Blue Line; 30-minute evenings.
<i>Patronage</i>	80,000 average daily riders (FY 00).
<b>FREIGHT OPERATOR</b>	Private operator, San Diego & Imperial Valley (SD&IV) Railroad on three (3) lines: Main Line, La Mesa Branch, and Coronado Branch.
<i>Frequency of Service</i>	Provides service as needed at night when the San Diego Trolley is not in operation.
<b>CHRONOLOGICAL HISTORY</b>	
<i>December 14, 1906</i>	John D. Spreckels announced he will form San Diego & Arizona (SD&A) Railway Company and build a 148-mile line between San Diego and El Centro. Spreckels has agreement with Southern Pacific (SP) to silently fund the project.
<i>September 7, 1907</i>	Groundbreaking ceremonies for SD&A are held at the foot of 26th Street (now known as Dewey Street) and Main Street.
<i>1909</i>	Mexican Government orders SD&A to form the Tijuana & Tecate Company, which will construct and hold a 99-year lease on the 44-mile Mexican rail segment.
<i>1911</i>	Mexican revolutionaries mount several attacks on SD&A construction crews to conscript soldiers and supplies, and cut telephone wires.
<i>1917</i>	U.S. federal government seizes control of all railroads and stops construction as part of its war effort to conserve resources; U.S. Government later grants Spreckels special exemption on grounds SD&A will serve military installation.
<i>November 15, 1919</i>	Construction of SD&A is completed at cost of \$18 million.
<i>December 1, 1919</i>	First passenger train "arrives" in San Diego from El Centro for official grand opening.
<i>1926, 1927, 1929</i>	Rains take out large amounts of trackage east of San Diego.
<i>October 24, 1932</i>	Financial problems force John D. Spreckels' heirs to transfer their share of SD&A ownership to SP for \$2.8 million. SD&A becomes San Diego & Arizona Eastern (SD&AE).
<i>1932</i>	Floods, land slides, and fires close three (3) tunnels resulting in over \$600,000 in repairs.
<i>January 11, 1951</i>	SD&AE ends passenger service due to years of continued declining patronage.
<i>May 20, 1970</i>	SP relinquishes its interest in 44-mile (72 km) Tijuana and Tecate Railway to Mexican national railways, Ferrocarril Sonora Baja California, S.A. de C.V.
<i>September 10, 1976</i>	Hurricane Kathleen destroys major sections of track and bridges on the Desert Line.
<i>1978</i>	Interstate Commerce Commission (ICC) denies SP's request to abandon railway.
<i>August 20, 1979</i>	MTDB purchases SD&AE Railway Company in restored condition for \$18.1 million (SP keeps Plaster City-El Centro segment). ICC approves operation of freight service by Kyle Railways under contract to MTDB. MTDB reorganizes SD&AE as a Nevada nonprofit corporation.
<i>January 1980</i>	Storm damages parts of SD&AE Desert Line and Ferrocarril Sonora Baja California Line.
<i>January 1983</i>	Mexican damage repaired, Kyle begins rail shipments between San Diego and Plaster City.
<i>June 18, 1983</i>	Fire destroys two (2) bridges on Desert Line.
<i>March 8, 1984</i>	MTDB signs agreement with Texas firm, RailTex, to provide freight service. New service to operate as San Diego & Imperial Valley (SD&IV) Railroad.
<i>April 25, 1984</i>	ICC denies Kyle's request to abandon the Railroad.
<i>August 9, 1984</i>	ICC approves RailTex's application to operate freight service.
<i>October 15, 1984</i>	SD&IV begins freight service.
<i>December 1, 1985</i>	San Diego Railroad Museum began 16-mile roundtrip Passenger Excursion trips between Campo and Miller Creek.
<i>August 1, 1986</i>	SD&IV enters into a multi-year agreement with the Mexican Government to set tariffs and provide freight service into Baja California.
<i>July 14, 1989</i>	SD&IV begins repair on Desert Line as a prelude to the start of freight service to Imperial County.
	January 2000

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





Approximate Scale  
 0 5 10 miles



MTDB

# San Diego & Arizona Eastern Railway

- Main Line
- La Mesa Branch
- Coronado Branch
- Desert Line
- Mexico Line

Att. B, AI 34, 2/26/04, SDAE 710

**CARRIZO GORGE RAILWAY, INC**

8929 Gardena Way • Lakeside, CA 92040 • 619-938-1943 • Fax 619-561-4367

**Fax**

To: Ms. Tiffany L. Lorenzen - Gen. Counsel From: Geoffrey T. Schwabman - General Manager

Fax: (619) 234-3407

Pages: (16 including cover)

Phone: (619) 231-1466

Date: February 10, 2004

Re: Response to 60 Day Notice CBD cc:

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• Comments:

**CARRIZO GORGE RAILWAY, INC.**

8929 Gardena Way, Lakeside CA 92040

Ph: (619) 938-1943 FAX: (619) 561-4367

February 10, 2004

Ms. Tiffany L. Lorenzen  
General Counsel  
Metropolitan Transit Development Board  
1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101-7490

Dear Ms. Lorenzen:

SUBJECT: RESPONSE TO MTDB REGARDING 60-DAY NOTICE OF LETTER OF VIOLATION OF ENDANGERED SPECIES ACT.

We were made aware of a 60 Day Notice Letter of Intent to Sue for Violations of the Endangered Species Act Related to the Carrizo Gorge Railway and the Desert Bighorn Sheep by way of your letter dated January 7, 2004 wherein you copied us the notice from the Center for Biological Diversity, dated December 19, 2003. Additionally, we received a similar letter directly from the Center for Biological Diversity dated January 22, 2004.

The Center for Biological Diversity alleges that violations of the Endangered Species Act (ESA) 16 U.S.C., have occurred. Under Section 9 of the ESA, the Center for Biological Diversity alleges that a "take" of Peninsular Bighorn Sheep has or may occur. The term, "take" as it is used here and as defined in 16 U.S.C. part 1532 (19) means "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect. They regulation further defines harm as "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering." The Carrizo Gorge Railway has not in any way made a "take" of any Peninsular Bighorn Sheep as defined under these regulations, nor have we harmed any animals under the definition "harm".

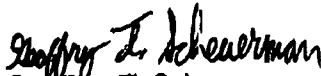
We responded to Mr. Adam F. Keats, staff attorney for the Center for Biological Diversity in a letter dated January 26, 2004, wherein we answered the concerns raised by this issue. I have included a copy of that letter and our response for your information. We invited Mr. Keats and the Center for Biological Diversity to contact our Biologist, Mr. R. Mitchell Beauchamp of Pacific Southwest Biological Services to discuss this issue and our present and future plans to mitigate any concerns. To date Mr. Beauchamp has not been contacted nor have we received any response to our letter or offer. Mr. Beauchamp has also contacted the California Department of Fish and Wildlife and also the U.S. Fish and Wildlife Service. To date he has not received a response back from either of those agencies regarding this matter.

To date we have not received any hard evidence from the Center for Biological Diversity that an actual "take" has occurred. We additionally dispute that any "harm" has occurred to the animals or their habitat by the actions of this company in connection with opening and operating the railroad. Our maintenance and repair activities, which might otherwise adversely affect the Sheep populations in the Carrizo Gorge, have been and continue to be monitored and reviewed by Pacific Southwest Biological Services. Under their advisement we have restricted and modified these activities as necessary.

It is the intention of this railway company to comply with all Federal Laws as a provision of our Operating Rights Agreement for the Desert Line and to defend the MTDB, SD&AE and SDIY against possible legal actions, which may be brought as a result of the allegations made by the Center for Biological Diversity. The Sierra Club sent a similar letter of concern, which does not threaten legal action, to us on January 22, 2004 and a response from us was made on January 26<sup>th</sup> as well. I have included copies of this correspondence also for your information.

It is our intent to respond to valid information from the Center for Biological Diversity and answer any factual questions they may have, when and if they decide to provide factual information. To this end, it is undoubtedly in every ones best interest to keep the matter from going to court. The fact that we have contracted with Pacific Southwest Biological Services one year prior to this issue coming about should show most concerned persons that we take the environmental issues involved with opening the line seriously. I will again invite representatives from the Center for Biological Diversity to meet and discuss their concerns with Pacific Southwest Biological Services in the interest of settling the issue. Please do not hesitate to contact me if you have further questions or have received additional information on this matter.

Sincerely,



Geoffrey T. Scheuerman  
General Manager  
Carrizo Gorge Railway

Cc: Mr. Gary Gallegos, SANDAG  
Mr. R. Mitchell Beauchamp, PSBS  
Mr. Thomas F. Larwin, SANDAG, SD&AE Board  
Mr. Douglas Verity, SDIY, SD&AE Board

**MTDB**

Metropolitan Transit Development Board



1255 Imperial Avenue, Suite 1000  
San Diego, CA 92101-7430  
(619) 231-1466  
FAX (619) 234-3407

January 7, 2004

ADM 122.2 (PC 30100)

Mr. Geoffrey T. Scheuerman  
General Manager  
Carrizo Gorge Railway, Inc.  
8929 Gardena Way, Suite A  
Lakeside, CA 92040

Dear Mr. Scheuerman:

Subject: 60-DAY NOTICE LETTER OF VIOLATION OF ENDANGERED SPECIES ACT

The Office of General Counsel for the Metropolitan Transit Development Board (MTDB) is in receipt of a 60-Day Notice Letter of Intent to Sue for Violations of the Endangered Species Act (ESA) Related to the Carrizo Gorge Railway, Inc. (CZRY), and Desert Bighorn Sheep. A copy of this letter is enclosed for your immediate action.

As you know, paragraph (i) of the *Operating Rights Agreement Over Desert Line* specifies:

*CZRY shall comply with the provisions of the Federal Locomotive Inspection Act and the Federal Safety Appliance Act, as amended, and any other federal and state and local laws, regulations and rules respecting the operation, condition, inspection and safety of its trains, locomotives, cars and equipment while such trains, locomotives, cars and equipment are being operated over the Desert Line.*

The provisions of your operating agreement require that CZRY comply with all federal laws, including the ESA, 16 U.S.C. §1531 et seq. MTDB is therefore requesting that you immediately conform all railroad operations, including construction and freight operations, to the provisions of the ESA, or provide evidence that CZRY is exempt from any such provisions. MTDB requests that you provide a response no later than January 19, 2004.

In the event that a lawsuit is commenced by the Center for Biological Diversity under the citizen's suit provisions of the ESA, MTDB will exercise the indemnity provisions of the *Operating Rights Agreement*. Should you have any questions regarding this matter, please contact me at 619.557.4568.

Sincerely,

Tiffany L. Lorenzen  
Interim General Counsel

JGarde - L-SCHEUERMANTLOREN

Enclosure: Copy of 60-Day Notice Letter of Intent to Sue

cc: Adam Keats, Esq., Center for Biological Diversity

Member Agencies:  
City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego,  
City of Santee, County of San Diego, State of California

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Subsidiary Corporations: San Diego Transit Corporation, San Diego Trolley, Inc., and San Diego & Arizona Eastern Railway Company

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**MTDB**

Metropolitan Transit Development Board



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

January 7, 2004

ADM 122.2 (PC 30100)

Mr. Adam F. Keats  
Staff Attorney  
Center for Biological Diversity  
P.O. Box 493  
Idyllwild, CA 92549

Dear Mr. Keats:

Subject: RESPONSE TO 60-DAY NOTICE LETTER OF INTENT PURSUANT TO  
16 U.S.C. §1540(g)(2)

The Office of General Counsel is in receipt of your 60-Day Notice Letter of Intent to Sue for Violations of the Endangered Species Act (ESA) Related to the Carrizo Gorge Railway, Inc. (CZRY), and Desert Bighorn Sheep. A copy of your letter has been forwarded to CZRY for immediate action.

In the interim, MTDB asks that you provide any evidence that a "take" of peninsular bighorn sheep has already occurred, as indicated on page 2, paragraph 3, of your letter dated December 19, 2003. In addition, please forward any information that you have regarding the suggested methods for preventing peninsular bighorn sheep from being killed along the Desert Line.

Should you have any questions regarding this matter, please contact me at 619.557.4568.

Sincerely,

Tiffany L. Lorenzen  
Interim General Counsel

JGarde  
L-AKEATS.TLOREN

cc: Geoffrey T. Scheuerman, CZRY

Member Agencies:  
City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego,  
City of San Marcos, County of San Diego, State of California

Metropolitan Transit Development Board is Coordinator of the Metropolitan Transit System and the Taxicab Administration  
Subsidiary Corporations: San Diego Transit Corporation, San Diego Trolley, Inc., and San Diego & Arizona Eastern Railway Company

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## CALIFORNIA AND PACIFIC OFFICE

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science, education, policy, and environmental law*

**VIA FACSIMILE AND CERTIFIED MAIL; RETURN RECEIPT REQUESTED**

December 19, 2003

Tiffany Lorenzen, Esq.  
Interim General Counsel  
San Diego Metropolitan Transit Development Board  
1255 Imperial Ave, Suite 1000  
San Diego, CA 92101

Re: 60 Day Notice Letter of Intent to Sue for Violations of the Endangered Species Act Related to the Carrizo Gorge Railway and the Desert Bighorn Sheep

Dear Ms. Lorenzen:

I am writing on behalf of the Center for Biological Diversity to inform you of violations of the Endangered Species Act (ESA) 16 U.S.C. §§ 1531-1544, related to actions and inactions concerning the Carrizo Gorge Railway, that harm, harass, kill, and otherwise injure the endangered bighorn sheep and adversely modify its critical habitat. This letter is provided to you pursuant to the sixty-day notice requirements of the citizen suit provisions of the ESA. 16 U.S.C. § 1540(g)(2).

**Background**

In 1983, the San Diego and Arizona Eastern Railroad Company ceased operations on the rail line that connects San Diego County and Imperial County. Although an attempt was made in the late 1990's to re-open the line by the San Diego & Imperial Valley Railroad (under contract with the San Diego Metropolitan Development Board) that effort was abandoned in 2000. The Carrizo Gorge Railway Company took over efforts to re-open the line, and apparently plans to reinstate freight rail service on the line in early 2004.

The Peninsular distinct population segment of bighorn sheep (*Ovis Nelsoni*) was federally listed as endangered in March, 1998. Critical habitat was designated in February, 2001.

The Jacumba Mountains and Carrizo Gorge provide essential habitat for the endangered Peninsular bighorn. Years of telemetry data show scores of bighorn locations both uphill of the railway, within the Gorge and throughout the Carrizo Palms, according to Peninsular bighorn experts.

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Adam F. Keats, Staff Attorney  
PO Box 493, Idyllwild, CA 92549  
TEL: (909) 659-6053 x. 303 • FAX: (909) 659-2484  
Email: akeats@biologicaldiversity.org • www.biologicaldiversity.org

**CARRIZO GORGE RAILWAY, INC.**

8929 GARDENA WAY, SUITE A, LAKESIDE, CA 92040  
PHONE: 619-938-1943 FAX: 619-561-4367

Adam F. Keats, Staff Attorney  
Center for Biological Diversity  
Post Office Box 493  
Idyllwild CA 92549

January 26, 2004

Dear Mr. Keats,

On 7 January 2004 I was made aware of your notice to the San Diego Metropolitan Transit Development Board legal counsel relative to our activities as a railway and past activities by others in the area along a section the railroad known as the Carrizo Gorge. Your letter of 19 December 2003 contains many inaccuracies, the greatest of which is that, "The railway has not been utilized for approximately 2 decades, and the bighorn in the area have grown accustomed to moving freely over and around the railway and tunnels and utilizing nearby habitats."

The railway has been used at various levels since the San Diego Metropolitan Transit Development Board in the mid-1970's purchased the right of way. The rail line has been in use since 1919. Small tourist-type rail excursions have been frequent into the Gorge, entering from either end of the canyon system for the past 20 years. Human activity in the Gorge is extremely intense and was the reason for the fires in two of the many tunnels in the Gorge. Armed para-military-types are frequently encountered in the Gorge, as well as motorcyclists, mountain bikers, hikers and even nudists. Military jet planes and double-rotor helicopters fly the canyon at night, terrifying the sheep. A large male Mountain Lion now routinely monitors the work crews and no doubt, preys on sheep. The bucolic, unspoiled sheep habitat is not a correct interpretation that your letter portrays. It is this Railway's intent to stop the trespass and harassment in the massive railroad right of way within the Gorge that is now occurring with the sheep.

We are performing maintenance activities to repair the rail line and no environmental review is required. No new track alignment is being made and no new areas of the right of way are being utilized that has not been previously used during the life of the rail line. Our maintenance activities are under the review of Pacific Southwest Biological Services, a noted biological consulting firm with 30 years of experience in endangered species issues, including Peninsular Bighorn Sheep. They have advised us over the past year and restricted our maintenance activities that might otherwise adversely affect the sheep as well as bat populations in the active and abandoned tunnels. We intend to operate our railroad in a manner compatible with sheep habitat. Our reduction from the normal 30 mph to 15 mph for train operations will preclude any startling of the sheep as they roam about their rocky habitat or utilize watering holes along the rail line.

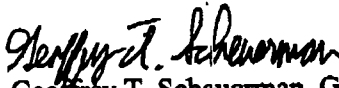
Your prediction of sheep mortality is predicated upon prior operators and their modes of operation. Our investigations have indicated your statements are not correct. Ascribing and extrapolating such actions to our operation is demeaning and contrary to our intention to operate the line. The presence of the sheep in the Gorge has always been a positive feature that we have intended to interpret to the public when and if tourist trips are resumed into the Gorge. There has been and will be no "take" of any Endangered Species by our Railway.



Further, we object to any action that you might contemplate by the 60-day notice of your communication that would threatened us and hamper our intended movement of goods and acting under Free Trade Agreement. Our Operating Contract requires that we defend MTDB from a litigation involving our use of the rail line, so any litigation by you would hamper our ability to provide security in the Gorge and provide protection to the Peninsular Bighorn Sheep, if protecting Peninsular Bighorn Sheep is indeed your intention.

Please contact our biologist, R. Mitchel Beauchamp, for any further input on this issue at 619 477 5333 or [mitch@psbs.com](mailto:mitch@psbs.com). Please do not, under any circumstances, trespass on the railroad right of way.

Sincerely,



Geoffrey T. Scheuerman, General Manager

cc: San Diego Metropolitan Transit System, Legal Counsel, San Diego CA  
San Diego Metropolitan Transit System Directors, San Diego CA  
Union Pacific Railroad, Omaha NB  
San Diego and Imperial Valley Railroad, San Diego CA  
Rail America, Boca Raton, FL  
T. McCormack, esq., Chicago IL  
U.S. Dept Commerce, Office of Trade, Washington DC  
Federal Bureau of Investigation, San Diego CA  
Federal Railway Administration, Sacramento CA  
Surface Transportation Board, Washington DC



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---

January 22, 2004

Carrizo Gorge Railway, Inc.  
8929 Gardena Way, Suite A  
Lakeside, CA 92040

Re: Desert railway line and Peninsular bighorn sheep

The purpose of this letter is to share with you a number of concerns relating to the harmful environmental effects of your work to renew rail service on the desert line through Carrizo Gorge. This letter is also intended to convey our interest in working with you to minimize any harm.

This letter is also provided to inform you of violations of the Endangered Species Act (ESA) 16 U.S.C. §§ 1531-1544, pursuant to the sixty-day notice requirements of the citizen suit provisions of the ESA. 16 U.S.C. § 1540(g)(2). Carrizo Gorge Railway Inc. (CGRY) is apparently engaged in activities to renew operation of the desert line that have and are likely to continue to "take" endangered Peninsular bighorn sheep.

#### Background

Carrizo Gorge Railway Inc. is apparently responsible for significant recent construction work to renew operation of the desert line according to a number of sources, including meeting

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San Diego Office  
PO Box 7745 • San Diego CA • 92167  
PHONE: (619) 574-6800 • FAX: (619) 574-6811  
[www.biologicaldiversity.org](http://www.biologicaldiversity.org)

Desert railway line and Peninsular bighorn sheep

January 22, 2004

Page 2

minutes for the boards of the San Diego and Arizona Eastern Railway and Metropolitan Transit Development Board, CGRY's web site, a number of recent newspaper articles, and others. CGRY apparently also intends to renew regular rail service on the desert line in 2004, according to the same sources. Partial funding to renew desert line rail service may be provided by the U.S. Department of Transportation.

"Peninsular bighorn sheep" are a distinct population segment of North American bighorn sheep (*Ovis canadensis*) occupying the Peninsular Ranges of southern California. Peninsular bighorn sheep were listed as an endangered species in March, 1998. Critical habitat was designated in February, 2001.

One of the most robust and relatively unmolested remaining populations of Peninsular bighorn sheep is likely to be significantly harmed by construction and renewed desert line activity. Carrizo Gorge and the surrounding Jacumba Mountains provide "essential" habitat for bighorn, according to a federal recovery plan for the species. Important watering areas, lambing and rearing areas, and movement corridors are located near and across the roughly 13 miles of railway traversing essential bighorn habitat, according to bighorn experts.

The potential for harm to bighorn is so significant that the species' recovery plan specifically recommends against renewed operation of the desert line. Bighorn have grown accustomed to moving freely over and around the desert line and tunnels and utilizing nearby habitats during a nearly 2 decade operation interruption. Construction and renewed desert line operations with accompanying noise and human presence is likely to greatly disturb this population, reduce habitat connectivity, and result in habitat abandonment and other harmful behavioral changes.

Renewed operation of the desert line is also likely to directly kill bighorns. At least 2 bighorn were struck and killed by freight trains utilizing the desert line in the 1970s, according to bighorn experts. Bighorn often seek shelter in rock overhangs and caves when alarmed. This behavior may explain why the death of at least one bighorn killed in the 1970's occurred when a train apparently struck the animal in a tunnel. Bighorn have been known to utilize desert line tunnels, possibly seeking shade or during flight from disturbance. Additional collisions and sheep mortality will likely result from renewed desert line operations.

Bighorn may also be killed or suffer from fires ignited by trains on the desert line. Desert vegetation is generally not adapted to fire, and fire-induced vegetation composition changes may harm bighorn through reduction of food, cover, and other habitat changes. Frequent fires have apparently been ignited in the past by passing trains, according to California Department of Forestry officials.

Desert railway line and Peninsular bighorn sheep

January 22, 2004

Page 3

Violations of Section 9 of the ESA

Activities by Carrizo Gorge Railway Inc. to renew desert line operations are likely to continue to result in unlawful "take" of bighorn. Bighorn have likely already been harassed and harmed by CGRY's apparent ongoing desert line construction activities, as discussed above. Bighorn are likely to continue to be harassed, harmed, and killed by renewed, regular operation of the line. Activities harassing, harming, and killing bighorn meet the definition of "take" under the Endangered Species Act.

Section 9 of the ESA prohibits "take" of threatened or endangered wildlife species. 16 U.S.C. §1538(a)(1)(B) and (G). Congress broadly defined take to mean "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect." 16 U.S.C. §1532(19). The term "harm" is further defined to include "significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioural patterns, including breeding, feeding, or sheltering." 50 CFR § 17.3 Courts will enjoin habitat destruction that rises to the level of take of listed species. Babbitt v. Sweet Home Chapter of Communities for a Great Oregon, 515 U.S. 687 (1995); Palila v. Hawaii Dept. of Land and Natural Resources, 852 F.2d 1106 (9<sup>th</sup> Cir. 1988).

CGRY apparently has not approached the U.S. Fish and Wildlife Service to secure any authorization to take bighorn during activities to renew desert line rail service. CGRY is therefore in violation of take prohibitions under section 9 of the ESA.

Opportunities for resolution

The Center is committed to working with Carrizo Gorge Railway Inc. to resolve outstanding harm to bighorn and violations of the Endangered Species Act. Possible measures to reduce harm to bighorn may include tunnel gates, speed and operation schedule modifications, funding for other bighorn conservation activities, and others.

CGRY should also coordinate closely with state and federal wildlife agencies and bighorn experts to identify and implement any bighorn conservation measures. A meeting between CGRY, the wildlife agencies, and the Center would likely serve as a valuable first step in identifying conservation measures.

The U.S. Department of Transportation may provide partial funding to re-open the desert line, as discussed above. CGRY should therefore also work closely with the Department of Transportation to complete a section 7 ESA consultation over the effects of the desert line on bighorn and designated bighorn critical habitat. CGRY should prepare a section 10

Desert railway line and Peninsular bighorn sheep

January 22, 2004

Page 4

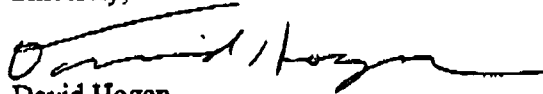
"conservation plan" to minimize and mitigate harm to bighorn in the event federal funding is not pursued and no other federal authorizations are required.

In the event CGRY does not act promptly reduce harm to bighorn and resolve ESA violations, the Center for Biological Diversity will likely file suit to enforce compliance.

This correspondence primarily addresses the effects of renewed desert line service on bighorn. The Center is also concerned with a number of other potential harmful effects, including possible loss of human life and property to train-induced fires and reduced recreational access. The Center is also committed to working with you to resolve these issues.

Thank you for your consideration. Please call David Hogan at (619) 574-6800, or Adam Keats at (909) 659-6053 x. 303 if you have any questions, concerns, or wish to schedule a meeting. Thank you very much for your prompt attention to this matter.

Sincerely,

  
David Hogan

cc: U.S. Fish and Wildlife Service  
California Department of Fish and Game  
Honorable Bob Filner

**Carrizo Gorge Railway, Inc.**

8929 GARDENA WAY, SUITE A, LAKESIDE, CA 92040

PHONE: 619-938-1943 FAX: 619-561-4367

Mr. Richard Miller, President  
Sierra Club, San Diego  
3820 Ray Street  
San Diego, CA 921054-3623

January 26, 2004

Dear Mr. Miller,

This is in reply to your letter of 22 January 2004. The issue of fire raised in your letter has been dealt with and we are providing a fuel break along the right of way in accordance with the California Department of Forestry and Fire Prevention further west along the right of way. The fire issue is a concern in Chaparral areas, not in the Carrizo Gorge Area where the vegetation is largely Desert Succulent and not readily burned. Your comment on fire is out of context and incorrect in the fuel loading conditions of the Carrizo Gorge.

The railway has been used at various levels since the San Diego Metropolitan Transit Board purchased the Right-of Way in the late 1970's. The rail line has been in use since 1919, well before the establishment of the State Park. Much of what you believe to be State Park in this area, is in fact Railroad Right of Way. I would suggest that you contact the Metropolitan Transit System offices at 1255 Imperial Ave, Suite 1000, San Diego, California 92101-7490 for property maps of the area. The railroad line itself has never been Abandoned, merely embargoed. As such the railroad as owned by the San Diego Metropolitan Transit Board as never relinquished its right to the Right-of Way and property to any use other than rail use. Small tourist-type rail excursions have been frequent into the Gorge, entering from either end of the canyon system for the past 20 years. Human activity in the Gorge is extremely intense and is the actual reason for the fires into two of the tunnels in the Gorge.

Over the past twenty or so years, the railroad Right-of Way has become the means by which most persons enter the area. Officially, the property owners, MTDB and the contract railroad company operators, initially the San Diego and Imperial Valley Railroad and afterward as of March 2002, the Carrizo Gorge Railway, have never approved or condoned the use of railroad right of way as a means of entry into the area. Use of the Railroad property to effect entry is trespassing. The only exception being the allowance for persons to cross the railroad right-of-way at 90 degrees to travel from one part of the State Park to another.

As far as those trespassing onto the Railroad Right-of-Way, we as the railroad operator have to date encountered armed para-military types, motorcyclists, mountain bikers, Illegal Aliens, mountain bikers, hikers and even nudists. Military Jet Aircraft and Double Rotor Helicopters fly over and into the canyon at night, no doubt terrifying the sheep. Our environmental service company has noted a large mountain lion which routinely monitors our work crews and is no doubt preying on the sheep. The bucolic unspoiled sheep habitat is not a correct interpretation

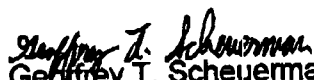
that your letter portrays. It is this Railway's intention to stop the human trespassing and harassment along the massive Railroad Right-of-Way within the Gorge that is occurring with the sheep. There is little that can be done about the military aircraft and we have no intention of intervening against natural predation of the sheep. Your statement concerning sheep mortality as a result of railroad are unconfirmed and highly speculative as evidenced by our investigation. Past experience has shown that the presence of the above noted activities is a harassment of the sheep, not the presence of a slow moving freight train.

The risk of sabotage from trespassing activities will be dealt with as indicated by Mr. Beauchamp prior communications with you. His communications to you were intended to advise your members of the danger posed by their presence on the Railroad Right-of-Way, not only to themselves but also to the railroad. As a railroad, we are required to maintain a very high level of insurance. Your use of the Right-of-Way requires that you provide insurance at a similar level. This option is available to you through the owner, San Diego Metropolitan Transit Development Board, (now Metropolitan transit System).

We are performing maintenance activities to repair the rail line. As such no environmental review is required. No new track alignment is being made and no new areas of the right of way are being utilized that has not been previously used during the construction and life of the rail line. Our maintenance activities are under the review of Pacific Southwest Biological Services, a noted biological consulting firm with over 30 years of experience in endangered species issues, including Penninsular Bighorn Sheep. They have advised us over the past year and have restricted or otherwise modified our maintenance activities that might otherwise adversely affect sheep as well as other wildlife populations in the area. We fully intend to operate our railroad in a manner compatible with sheep habitat and that of the other indigenous wildlife. Our reduction of speed to 10-15 MPH for train operations will preclude any startling of sheep as they roam about their rocky habitat or utilize watering holes along the rail line.

We have been proactive in advising you of repairs on the line and recommend that you meet with representatives of Pacific Southwest Biological Services, based in National City California to review these issues in an informed way. You may contact them at 619-477-5333. They are authorized to speak for us on this matter and have information, which will undoubtedly effect our future dealings on this matter. If your intentions are truly in the interest of protecting Penninsular Bighorn Sheep, you need to consider that you have an ally in that cause in the form of this Railroad. Please consider this fact before considering us as hostile to that concept.

Sincerely,

  
Geoffrey T. Scheuerman  
General Manager  
Carrizo Gorge Railway



Office (619) 299-1743  
Conservation (619) 299-1741  
Fax (619) 299-1742  
Voice Info. (619) 299-1744

Email [admin@sierraclubsandiego.org](mailto:admin@sierraclubsandiego.org)

### San Diego Chapter

*Serving the Environment in San Diego and Imperial Counties*

January 22, 2004

Carrizo Gorge Railway, Inc.  
8929 Gardena Way, Suite A  
Lakeside, CA 92040

This letter is intended to convey to you our concerns over your work to renew service on the Carrizo Gorge railway. We hope to work with you to identify measures to reduce harm to the environment that might result from operation of the railway.

Sierra Club members are concerned with the apparently imminent re-opening of the railway for a number of reasons.

Fires from passing trains pose a significant threat to people and property, delicate desert vegetation ill-adapted to fire disturbance, and endangered bighorn sheep. Trains on the line have ignited frequent fires in the past according to California Department of Forestry officials (see <http://www.guardiannews.com/archives/Aug%2014/railroadfire.htm>).

Regular freight train service will mar the remote and scenic solitude of designated Anza-Borrego State Park wilderness with noise, blight and fumes. Recreational access to Carrizo Gorge is likely to be greatly reduced should railway managers pursue their threats of trespass citations for anyone found on the right-of-way. Please see the attached message to the San Diego Chapter of the Sierra Club from R. Mitchel Beauchamp, General Manager of the Mexican portion of the San Diego and Arizona Eastern Railway.

An important population of endangered Peninsular bighorn sheep will also be harmed by renewed service on the railway. The area provides essential bighorn habitat. Important watering areas, lambing and rearing areas, and movement corridors are located near and across the roughly 13 miles of railway traversing essential bighorn habitat. Construction and renewed rail service with accompanying noise and human presence is likely to greatly disturb this population, reduce habitat connectivity, and result in habitat abandonment and other harmful behavioral changes.

Renewed rail service through the area is also likely to directly kill bighorns. At least 2 bighorn were struck and killed by freight trains here in the 1970s. The death of at least one bighorn killed in the 1970's occurred when a train apparently struck an animal seeking shade in a tunnel.

3820 Ray Street, San Diego, CA 92104-3623  
[www.sierraclub.org](http://www.sierraclub.org)





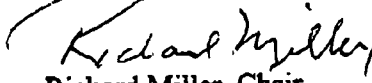
Research by Sierra Club members appears to show that neither Anza-Borrego State Park officials nor other government environmental oversight agencies were notified of work to re-open the rail line – agencies that normally monitor the effects of rail projects on water quality, wildlife protection, and others. We request that permits for future operations be subject to review by appropriate government agencies and be conditioned to protect environmental, health and safety values.

We would like to meet with you as soon as possible to review these issues, and to discuss measures to improve coordination with Anza-Borrego State Park officials and Mexican and U.S. oversight agencies to reduce harm from the railway.

The Chapter's representative is Executive Committee member David Hogan. You may contact him at 619 574-6800 if you have any questions and to schedule the requested meeting.

Thank you for your consideration.

Sincerely,

  
Richard Miller, Chair  
San Diego Chapter Sierra Club

### SD&AE RAILWAY

- MTDB purchased – 1979
- Nevada nonprofit corporation
- Controlled by freight operator
- RailAmerica (RA) operates
- San Diego and Imperial Valley (SD&IV) Railroad—subsidiary short line

2/26/04

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### SD&AE RAILWAY (Continued)

- SD&IV/RA is common carrier railroad
- San Diego Railroad Museum – passenger trains at Campo
- Carrizo Gorge Railway (CZRY) – Mexican Line operator and subcontractor on Desert Line

2/26/04

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### MTDB, SD&AE, AND SD&IV ROLES

- MTDB owner (sole member) of SD&AE
- SD&AE Board of Directors: 2 SD&IV/RA; 1 MTDB
- MTDB railroad reserve account: \$1.3 million for capital
- SD&AE approves leases/licenses
- MTDB ratifies land uses – Policy No. 13
- SD&IV approves all freight actions

2/26/04

3

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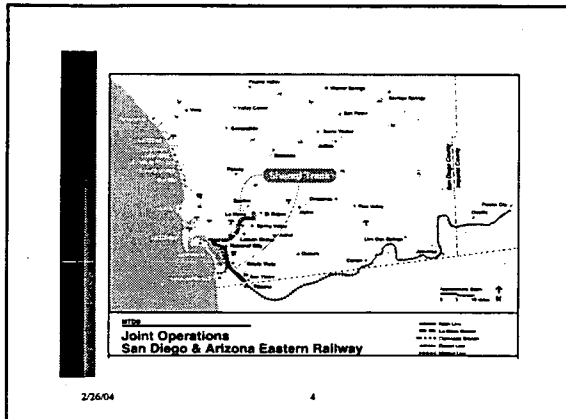
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## JOINT OPERATIONS

- SDTI controls joint operation, time-separated
- SD&IV pays SDTI for maintenance
- SD&IV liable for all freight service

2/26/04

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## CARLOAD HISTORY

- 5,300 cars annually
- 5 percent San Diego – El Cajon
- 35 percent San Diego – San Ysidro
- 60 percent Mexico

2/26/04

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## MAJOR COMMODITIES

- Liquefied Petroleum Gas (LPG)
- Grain
- Lumber
- Steel
- Plastic pellets
- Food products

2/26/04

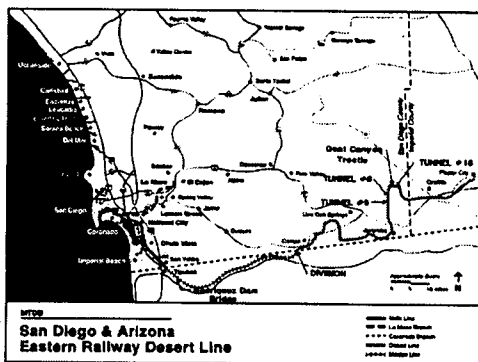
7

## RAILAMERICA OPERATING AGREEMENT

- 30 years to go in 10-year option increments
- MTDB is paid 1 percent of gross revenues
- Funds go into SD&AE Railway Reserve for capital improvement

2/26/04

8



## DESERT LINE

- Desert Line repairs underway by CZRY
- Federal law: \$10 million for San Ysidro Intermodal Facility – uses may be broadened
- MTDB and SANDAG support reopening efforts and preservation of assets

2/26/04

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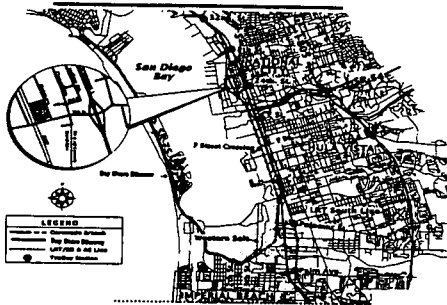
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## CORONADO BRANCH LINE



2/26/04

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## CORONADO BRANCH LINE

- 7.5 miles long
- Railroad Museum tours and bike path
- Future development impacts south of F Street in Chula Vista
- Possible lease to Port of San Diego south of F Street

2/26/04

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## PORT LEASE TERMS

- 66 years
- \$1 until subleased/developed, then fair market value
- No structures
- Track remains unless otherwise agreed
- 1-year termination for freight/passenger/mass transit use

2/26/04

13

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## ALTERNATE LEASE PROPOSAL - SOHO

- 5 + 5-year term
- \$5,000 annually
- Rail uses allowed
- 30-day termination

2/26/04

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## STATUS

- Lawsuit SOHO vs. Port
- Challenges Port Environmental Process
- Any Lease Proposal on hold

2/26/04

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## BIKE PATH DEVELOPMENT

- 1979 Lease of Silver Strand to Caltrans/Coronado
- 1996 License to Imperial Beach
- 1999 License to City of San Diego/Western Salt
- 2002 State Office of Historic Preservation - entire  
line not eligible for registration
- 2003 City of San Diego Historical Resources Board  
designates 1.5 miles as historical
- 2004 Appeal pending – bike path on hold

2/25/04

16

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SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

34

3

ORDER REQUEST RECEIVED

1

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

Rcvd  
@ 9:28

1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date 2/26/04

Name (PLEASE PRINT) SILV HOFFMAN

Address 1621 E 3rd St

Telephone 760-481-2620

Organization Represented (if any) \_\_\_\_\_

Subject of your remarks: CARRIZO RR

Agenda Item Number on which you request to speak \_\_\_\_\_

Your comments are presenting a position of: SUPPORT

34

OPPOSITION

2. TESTIMONY AT NOTICED PUBLIC HEARINGS

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

3. DISCUSSION OF AGENDA ITEMS

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

4. GENERAL PUBLIC COMMENTS ON MATTERS NOT ON THE AGENDA

Public comment on matters not on the agenda will be limited to five (5) speakers with three (3) minutes each, under the Public Comment Agenda Item. Additional speakers will be heard at the end of the Board's Agenda.

**\*\*REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.\*\***



Bill Hoffman  
Coconido

Environmental

#2 + #3

#2 ACCESS. ANZO BORNEO PARK

DECLARATION

- ↳ VISITORS BE ALLOWED TO CROSS THE LINE
- ↳ USE OF ROADS
- ↳ COMPLY W/ ALL LOCAL/STATE & FEDERAL REGS.

Xing

ACCESS ROAD

Vote member  
Sub Committee

## SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

REQUEST TO SPEAK FORM

AGENDA ITEM NO.

3

SDA&amp;E

ORDER REQUEST RECEIVED

2

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

Read  
10:41

## 1. INSTRUCTIONS

This Request to Speak form must be filled out and submitted in advance of the discussion of your item to the Clerk of the Board (please attach your written statement to this form). Communications on hearings and agenda items are generally limited to three (3) minutes per person unless the Board authorizes additional time. However, the Chairperson may limit comment to one or two minutes each if there are multiple requests to speak on a particular item. General public comments on items not on the agenda are limited to three (3) minutes. Please be brief and to the point. No yielding of time is allowed. Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.

Date \_\_\_\_\_  
Name (PLEASE PRINT) BYRON WEAR CZKY  
Address followed by  
Telephone Geoff Scherman  
Organization Represented (if any) Mitch Beachamp  
Subject of your remarks: BELCHAM

Agenda Item Number on which you request to speak \_\_\_\_\_

Your comments are presenting a position of: SUPPORT



OPPOSITION



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**\*\*REMEMBER: Subjects of previous Hearings or agenda items may not again be addressed under General Public Comments.\*\***

CORRA GAGE METHOD  
OF RAKING DOWN

- ① BILLY
- ② HARRY
- ③ RUTH.

SHED.  
CONFIRMING  
RECOVERING  
HIKING.

12 MPH

20-100 PEOPLE  
TUNNELS

DOB. EMORY

{ RE-EVALUATE RELATIONSHIP  
NEED A CLOSE LOOK

RAIL SUB-COMMITTEE  
UPDATED - TO DATED

X'ing the line - liability?  
Cross Gage only w/ S.P. to cross the line

X

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

## Agenda

Item No. 45

Chief Executive Officer's Report

ADM 121.7 (PC 30100)

February 26, 2004

### Minor Contract Actions




- City Treasurer for a lump sum deposit for the San Ysidro Intermodal Transportation Center Project
- Yellow Cab of San Diego, Inc., for Direct Access to Regional Transit (DART)/Flex FY 04 services
- The Wiggans Group for land management and miscellaneous Blue Line right-of-way and property management services

JGarde/Als  
45-04FEB26.PJABLO  
2/20/2004

#### Member Agencies:

City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, County of San Diego, State of California

Metropolitan Transit Development Board is Coordinator of the Metropolitan Transit System and the  Taxicab Administration

Subsidiary Corporations:  San Diego Transit Corporation,  San Diego Trolley, Inc., and  San Diego & Arizona Eastern Railway Company

For personal trip planning or route information, call 1-800-COMMUTE or visit our web site at [sdcommute.com](http://sdcommute.com)!

MEMORANDUM

DATE: February 24, 2004

ADM 110 (PC 30100)

TO: MTS Board of Directors

FROM: Paul C. Jablonski, Chief Executive Officer 

SUBJECT: APTA CENTER OF TRANSPORTATION EXCELLENCE RESPONSE

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As you may recall, several weeks ago an anti-rail report was issued by the Reason Institute and published in some of our local papers. Attached for your information is a response from the American Public Transportation Association's (APTA's) Center for Transportation Excellence.

SSStroh  
M-APTARPT-ANTIRAIL.PJABLO

Attachment: Center for Transportation Excellence (CFTE) O'Toole Response

## CFTE O'TOOLE RESPONSE

Randal O'Toole and the "Center for the American Dream" have recently released a report entitled "Great Rail Disasters." With its focus on anti-transit anecdotes, incomplete data and enthusiasm for single occupancy vehicles, this report must not be relied upon by anyone seeking to understand the true story of transit and its impact on communities. This analysis delves beneath the inconsistent and incomplete data presented in the O'Toole report by: (1) Illuminating the TRUE benefits of transit to the nation and communities; (2) Refuting the "Rail Livability Index"; (3) Refuting underlying assumptions of the report; and (4) Refuting a few key examples from the report

### (1) True Benefits to the Nation and Communities:

From Salt Lake City to Dallas and from Washington, DC to Atlanta, transit, and rail-based transit in particular have had an unquestionably positive impact on growth and quality of life in our urban areas. Investments in public transportation yield tremendous benefits, including reductions in congestion and travel time and increases in economic development in the community.

- ✓ If investments in rail have been "disastrous", as the report claims, how does one explain the fact that public expenditures in transit net a gain in sales of local businesses of 3 times that amount<sup>1</sup>? A return ratio of more than 3 to 1 hardly seems disastrous.
- ✓ If investments in rail have been "disastrous", how does one explain that the average downtown vacancy rates for cities without rail was 12.8% in 2000, but only 8% for cities with rail transit.<sup>2</sup>
- ✓ If investments in rail have been "disastrous", how does one explain the fact that for every \$10 million invested in public transportation, over \$15 million is saved in transportation costs to both highway and transit users?<sup>3</sup>
- ✓ If investments in rail have been "disastrous", how does one explain the fact that in 2001, public transportation has saved Americans over 1 billion hours of delay due to congestion resulting in almost \$21 billion in savings.<sup>4</sup>

And the list goes on and on... Even in the individual communities that the report rates as "failures", the facts show:

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<sup>1</sup> Cambridge Systematics, Inc. and Economic Development Research Group, *A Quantitative Analysis of Public Transportation's Economic Impact*, October, 1999

<sup>2</sup> CB Richard Ellis, United States Office Vacancy Index, 2<sup>nd</sup> Quarter Flash Report

<sup>3</sup> Cambridge Systematics, Inc. and Economic Development Research Group, *A Quantitative Analysis of Public Transportation's Economic Impact*, October, 1999

<sup>4</sup> Texas Transportation Institute, 2003 Annual Urban Mobility Study, Exhibit A6  
[http://mobility.tamu.edu/ums/appendix\\_a/exhibit\\_a-6.pdf](http://mobility.tamu.edu/ums/appendix_a/exhibit_a-6.pdf)

- ✓ In Washington, DC, WMATA's 24 transit joint development projects were generating nearly \$6 million in annual revenue.<sup>5</sup>
- ✓ In Atlanta, \$70 billion in apartments, offices and other developments have been built near rapid transit lines.<sup>6</sup>
- ✓ In St. Louis, approximately 70% of MetroLink riders have been attracted from automobiles – equating to about 93,000 automobile trips “diverted” from the city’s crowded freeways and streets. That’s more than 46,000 parking spaces not needed that day<sup>7</sup>.
- ✓ In Denver, the LRT at peak hour in the peak direction in the target corridor is carrying between 28% and 33% of the total passenger traffic flow. In other words, without the LRT line in service, approximately 30% of corridor passenger traffic would be added to roadway congestion<sup>8</sup>

*Try telling the people that live in these communities and rely on public transportation to mobility and economic investment benefits that rail transit is a failure.*

### Refuting the “Rail Livability Index”

Instead of utilizing....	Look at....	And Discover....
Change in total transit ridership between 1990-2000	Ridership growth in the U.S.	In the past six years, public transportation ridership has grown 24%, faster than highway or air travel. Source: APTA, 2003
Change in transit share of motorized urban travel between 1990-2000 (all travel, including freight, 24-7)	Transit share of peak hour commuters, where transit is available Source: USDOT	Where rail transit is available, transit’s share has consistently increased over the past 30 years, especially when new lines open.
The cost effectiveness of rail relative to freeways	The total cost of auto-based infrastructure (ie, auto ownership, roads, emergency services, fuel, etc.) Source: WRI, 1992	Rail transit consistently provides cheaper mobility options than auto-based transportation.
The estimated cost of building rail transit vs. its actual cost	25 years of publicly available records on actual and forecasted rail costs. (post-alternative analysis forecasting!!!!)	No project is without unexpected cost overruns (ie. Big Dig), but experiential data and increased FTA oversight

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		has refined this technique, and has actually led to <i>under-estimates</i> .
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The "Great Rail Disasters" report claims to have constructed a "Rail Livability" Index that assesses the effects of rail transit on urban areas. However, a careful examination of the factors used to determine this "Index" makes clear that these factors have been chosen and weighted for the sole purpose of discrediting transit.

In light of these facts, let's take a look at some of the claims made in the "Great Rail Disasters" report.

### General Points

*Transit's share of the commuting pie is shrinking.*

In fact, actual ridership numbers collected from transit agencies nationwide by the American Public Transportation Association indicate that transit ridership nearly doubled from 1990 to 2000. While it may be true that transit's *share* of trips declined from the end World War II, when increased car ownership and new zoning regulations caused a shift in transit habits the important thing to note is that since 1991, transit has hit a twenty year high and is on the rise.

***For five straight years now, transit ridership nationally has grown faster than highway use. Between 1996 and 2001, trips made on public transportation in the U.S. went up 21%, while highway use increased only 12%***

The recent increase in ridership is remarkable since Americans have far more access to an automobile than they do transit. The U.S. has over 8.2 million lane miles of roads. Only 4.3% of those roads are served by transit.

*Rail Transit is Expensive: Buses and Automobiles are Less Expensive*

The "Great Rail Disasters" report goes to great lengths to imply that rail transit is an economically inefficient and costly form of transportation, especially when compared to other modes. In fact, in looking at the full story, it is clear that the benefits of transit far outweigh costs, whether compared to buses or autos.

- According to the AAA, the cost of driving on average is 51.7 cents per mile, an increase of 1.7 cents from 2002. The average car costs \$7754 per year to fuel, insure and repair. According to the Federal Transit Administration, transit costs a comparable 45 to 56 cents per mile.
- Further, many public transportation critics' estimates of the cost of driving do not include the full cost of automobiles, including road building, maintenance and



design, whereas estimates for the cost of public transportation do include the cost of the entire transit system.

- Perhaps most important, the critics' numbers fail to take into account the incredible cost-savings that transit can provide. Transit financially aids our public health system, environmental protection efforts, and families across America.

Investments in transit can serve to:

- Reduce the annual cost of health damage from motor vehicle pollution (between \$29 billion and \$530 billion)
  - Reduce the costs of asthma-related treatments (\$14.5 billion annually, including over \$3.2 billion per year to treat increasing rates of childhood asthma)
  - Increase savings for all Americans (for every \$10 million invested in public transportation saves more than \$15 million, for both highway and transit users, including savings of about \$1,500 and 200 gallons of gas per year)
  - Reduce families' needs for additional cars, a yearly expense of between \$4,800 and \$9,700.
  - Help all citizens realize the American dream of owning a home through Location Efficient Mortgages (LEMs). These special mortgages allow homebuyers who purchase homes near transit or their workplace to qualify for a larger loan. For example, a potential buyer who would avoid \$500 in auto costs by living in a convenient area could qualify for a larger mortgage.
- In terms of buses, it is clear that they cost significantly more to operate than rail. The Federal Transit Administration's 1999 National Transit Database shows an average operating cost per passenger mile on light rail of 45¢, compared to 55¢ on buses.
  - To be fair, it should be noted that **capital** costs are significantly higher for light rail than for buses. Capital costs for an initial bus system range from \$1-8 million per mile compared to light rail at \$10-30 million per mile. But these costs are more than paid back in long term benefits for the community.

*"Commuter Rail and light rail can be quite dangerous because they so often intersect streets and pedestrian ways."*

Actually, little investigation is needed to refute this claim. Road-based transportation systems have consistently proved more deadly than rail-based ones. Just look at annual fatalities among the modes:

Mode	Annual Fatalities (2001)
Bus	100
Commuter Rail	78
Heavy Rail	34
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Automobiles	42,116

Source: APTA 2003 Public Transportation Handbook, Bureau of Transportation Statistics

*"Rail transit is ineffective at reducing congestion."*

This argument relies on subjective criteria on what constitutes 'effectiveness'. One criteria that might help is to compare the carrying capacity of each mode.

*In fact, it would take a twelve lane freeway going in one direction to equate the same amount of capacity of one light rail line.*

A look at any transportation engineering manual will show that light rail can outperform highways. According to the Highway Capacity Manual, highway operations are described as Level of Service (LOS), ranging from LOS A to LOS F. Peak highway capacity is typically regarded as LOS E (2,000 passenger cars per hour per lane). If you multiply that number by the Average Vehicle Occupancy (AVO) which averages 1.25 persons, you get **2,500** persons per lane per hour on a highway. For transit, a typical 6 car train can carry 750 passengers. Running at 20 trains per hour, per direction, that equates to **30,000** passengers.

*Funds spent on public transportation would be better spent on highways*

How can this be when a billion dollars will buy fifty miles of new Light Rail line versus only a few miles of highway lanes? And even as these multi-billion dollar investments are made in highways, studies have shown repeatedly that adding lane miles to roads does not significantly relieve congestion. New roadways quickly fill to capacity and show little effect on surrounding arteries. "How Transit Benefits People Who Do Not Ride It: A Conservative Inquiry", reviews all the available data and comes to the conclusion that "transit benefits non-riders by reducing traffic congestion".

*"Attempting to solve the problem of traffic congestion by building more roads or adding lanes to existing freeways not only doesn't work; it also costs a fortune"*<sup>9</sup>

A study by Xuehao Chu, a professor at UC Berkeley, states that increasing roadway miles by one percent "would reduce (congestion) by one-eleventh of a percent on freeways."<sup>10</sup>

### **Some Points on Specific Communities**

*Denver's light rail line is the most dangerous transit route in the nation, killing more than 38 people per billion passenger miles.*

<sup>9</sup> "How Transit Benefits Those Who Do Not Use It: A Conservative Inquiry"

<sup>10</sup> Chu, Xuehao, *Measuring Transit Performance Using Data Envelopment Analysis*, UC-Berkeley, 1990,

Denver's light rail system opened in 1994 and has not yet carried a billion passenger miles. Further, since its inception, there have been only 6 fatalities. Of these, three of the fatalities were pedestrians, not passengers; one was a passenger in a car that illegally went around a crossing border; and the other two were ruled suicides. Clearly, this analysis is flawed. Further, it should be noted that O'Toole has been hired by the Independence Institute, based in Boulder, to mount a campaign against a Denver light rail expansion project, called FasTraks, which voters will decide on in November.

*The Dallas Fort Worth System "DART" is a failure because the share of travel for transit decreased.*

DART's light rail ridership grew by 45% in 2002. O'Toole argues that most of these riders came from bus systems: However, surveys show a consistent figure of about 30% of riders diverted from automobiles to the DART light-rail system.<sup>11</sup>

At the same time, DART is boosting North Texas and state economies with an overall regional impact of \$3.7 billion and more than 32,000 jobs generated through 2003. Consider the following:

- DART's recent investment of \$1 billion in new light rail lines will generate over \$2.3 billion in regional economic investment and will support over 27,500 jobs.
- DART's investments in daily operations generate more than \$230 million in regional economic activity per year.<sup>12</sup>

Clearly, these numbers do not reflect "failure" of the system in any way, shape or form.

### **Conclusion**

Clearly, the basic information upon which this report relies is fundamentally incomplete. When one considers all the evidence available regarding the benefits of public transportation both nationally and on a community-by-community basis, it is clear that the "Great Rail Disasters" report is flawed and should not be relied upon to tell the whole story.

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<sup>11</sup> [www.lightrailnow.org](http://www.lightrailnow.org)

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**MTDB**

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

**MEMORANDUM**

**DATE:** February 24, 2004

**ADM 110 (PC 30100)**

**TO:** MTS Board of Directors

**FROM:** Paul C. Jablonski, Chief Executive Officer 

**SUBJECT:** APTA CENTER OF TRANSPORTATION EXCELLENCE RESPONSE

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As you may recall, several weeks ago an anti-rail report was issued by the Reason Institute and published in some of our local papers. Attached for your information is a response from the American Public Transportation Association's (APTA's) Center for Transportation Excellence.

SStroh  
M-APTARPT-ANTIRAIL.PJABLO

Attachment: Center for Transportation Excellence (CFTE) O'Toole Response

Metropolitan Transit System (MTS) is comprised of the Metropolitan Transit Development Board (MTDB) a public agency, San Diego Transit Corporation, and San Diego Trolley, Inc., in cooperation with Chula Vista Transit and National City Transit. MTS is also the Taxicab Administrator for eight cities, and MTDB is the owner of the San Diego and Arizona Eastern Railway Company.

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## CFTE O'TOOLE RESPONSE

Randal O'Toole and the "Center for the American Dream" have recently released a report entitled "Great Rail Disasters." With its focus on anti-transit anecdotes, incomplete data and enthusiasm for single occupancy vehicles, this report must not be relied upon by anyone seeking to understand the true story of transit and its impact on communities. This analysis delves beneath the inconsistent and incomplete data presented in the O'Toole report by: (1) Illuminating the TRUE benefits of transit to the nation and communities; (2) Refuting the "Rail Livability Index"; (3) Refuting underlying assumptions of the report; and (4) Refuting a few key examples from the report

### (1) True Benefits to the Nation and Communities:

From Salt Lake City to Dallas and from Washington, DC to Atlanta, transit, and rail-based transit in particular have had an unquestionably positive impact on growth and quality of life in our urban areas. Investments in public transportation yield tremendous benefits, including reductions in congestion and travel time and increases in economic development in the community.

- ✓ If investments in rail have been "disastrous", as the report claims, how does one explain the fact that public expenditures in transit net a gain in sales of local businesses of 3 times that amount<sup>1</sup>? A return ratio of more than 3 to 1 hardly seems disastrous.
- ✓ If investments in rail have been "disastrous", how does one explain that the average downtown vacancy rates for cities without rail was 12.8% in 2000, but only 8% for cities with rail transit.<sup>2</sup>
- ✓ If investments in rail have been "disastrous", how does one explain the fact that for every \$10 million invested in public transportation, over \$15 million is saved in transportation costs to both highway and transit users?<sup>3</sup>
- ✓ If investments in rail have been "disastrous", how does one explain the fact that in 2001, public transportation has saved Americans over 1 billion hours of delay due to congestion resulting in almost \$21 billion in savings.<sup>4</sup>

And the list goes on and on... Even in the individual communities that the report rates as "failures", the facts show:

<sup>1</sup> Cambridge Systematics, Inc. and Economic Development Research Group, *A Quantitative Analysis of Public Transportation's Economic Impact*, October, 1999

<sup>2</sup> CB Richard Ellis, United States Office Vacancy Index, 2<sup>nd</sup> Quarter Flash Report

<sup>3</sup> Cambridge Systematics, Inc. and Economic Development Research Group, *A Quantitative Analysis of Public Transportation's Economic Impact*, October, 1999

<sup>4</sup> Texas Transportation Institute, 2003 Annual Urban Mobility Study, Exhibit A6

[http://mobility.tamu.edu/ums/appendix\\_a/exhibit\\_a-6.pdf](http://mobility.tamu.edu/ums/appendix_a/exhibit_a-6.pdf)

- ✓ In Washington, DC, WMATA's 24 transit joint development projects were generating nearly \$6 million in annual revenue.<sup>5</sup>
- ✓ In Atlanta, \$70 billion in apartments, offices and other developments have been built near rapid transit lines.<sup>6</sup>
- ✓ In St. Louis, approximately 70% of MetroLink riders have been attracted from automobiles – equating to about 93,000 automobile trips “diverted” from the city’s crowded freeways and streets. That’s more than 46,000 parking spaces not needed that day<sup>7</sup>.
- ✓ In Denver, the LRT at peak hour in the peak direction in the target corridor is carrying between 28% and 33% of the total passenger traffic flow. In other words, without the LRT line in service, approximately 30% of corridor passenger traffic would be added to roadway congestion<sup>8</sup>

*Try telling the people that live in these communities and rely on public transportation to mobility and economic investment benefits that rail transit is a failure.*

### Refuting the “Rail Livability Index”

Instead of utilizing....	Look at....	And Discover....
Change in total transit ridership between 1990-2000	Ridership growth in the U.S.	In the past six years, public transportation ridership has grown 24%, faster than highway or air travel. Source: APTA, 2003
Change in transit share of motorized urban travel between 1990-2000 (all travel, including freight, 24-7)	Transit share of peak hour commuters, where transit is available Source: USDOT	Where rail transit is available, transit’s share has consistently increased over the past 30 years, especially when new lines open.
The cost effectiveness of rail relative to freeways	The total cost of auto-based infrastructure (ie, auto ownership, roads, emergency services, fuel, etc.) Source: WRI, 1992	Rail transit consistently provides cheaper mobility options than auto-based transportation.
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AND  
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INVITE YOU TO THE  
OPENING CELEBRATION  
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ALONG THE PARK TO BAY LINK**

**THURSDAY, MARCH 4  
11:00 AM  
AT PARK BLVD. & MARKET ST.**

**LIGHT REFRESHMENTS WILL BE SERVED.**

**PAID PARKING AVAILABLE AT THE  
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TAKE THE BLUE OR ORANGE LINE TROLLEY TO  
PARK & MARKET STATION.**

**MTDB****Metropolitan Transit System**

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

**Memorandum**

DATE: February 25, 2004

ADM 121, SRTP 875 (PC 30100)

TO: MTS Board of Directors

FROM: Paul C. Jablonski, CEO 

SUBJECT: MTS AREA FARE REVENUE TRENDS

MTS Board members requested information regarding the trend in fare revenue among MTS area operators over the past several years. An analysis of fare revenue for all MTS operators indicates that fare revenue has increased for six of the past seven years. This trend is expected to continue for the next three years, according to projections made by MTS staff.

Revenue increases have been a function of increasing ridership and periodic fare increases. Five of the past seven years have recorded an increase in ridership over the previous year. Including 1997, the MTS Board has instituted three major fare increases during this period. The fare increases were primarily instituted to offset rising operating costs, which have increased in all of the past seven years.

Below is a list of events with impacts on fare revenue for each year. Significant entries include fare increases, trolley extension openings, service reductions, and September 11, 2001, ridership and economic impacts.

<u>Fiscal Year</u>	<u>Fare Rev. (millions)</u>	<u>Fares/Service Notes</u>
97	\$50.99	No significant service or fare changes.
98	\$55.88	Fare increase November 23, 1997; Service expansion for Mission Valley West opening.
99	\$58.47	First full year with increased fares.
00	\$59.04	No significant service or fare changes.
01	\$62.14	No significant service or fare changes.
02	\$66.07	Fare increase April 1, 2001; September 11, 2001, ridership impacts.
03	\$64.38	Service cuts during year; Post-September 11, 2001, economic impacts.
04	\$65.87*	Fare Increase July 1, 2003; Service cuts. (*Projection at mid-year.)
05	\$67.43*	Pass price increase July 1, 2004; Mission Valley East (MVE) opening. (*Projection)
06	\$70.22*	Pass price increase July 1, 2005; First full year with MVE open. (*Projection)

A chart graphically showing the above data is attached for your information. If you have any questions, please contact me at 619.557.4583.

PSmith/M-/M-FARERREV.DDESMOND

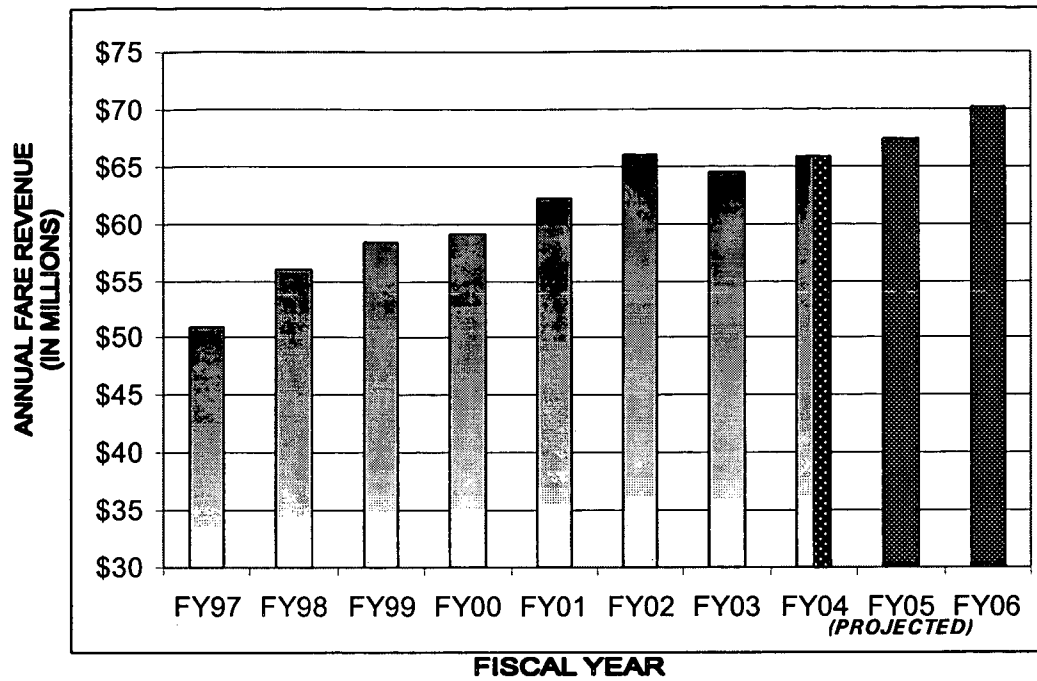
Attachment: MTS Fare Trends Chart (FY 97 – FY 06)

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### MTS AREA FARE TRENDS FY97-FY06



**MTDB**

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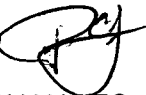


## Memorandum

DATE: February 25, 2004

OPS 960.2, ADM 121 (PC 20271)

TO: MTS Board of Directors

FROM: Paul C. Jablonski, CEO 

SUBJECT: ROUTE 34 SERVICE CHANGES

The MTS Board of Directors continues to hear public comment on the discontinuation of most of the Route 34 service between downtown San Diego and the Old Town Transit Center (OTTC), a change implemented on February 1, 2004. The following is a brief history of the service, the reasons for the change, and the results that we expect to achieve.

The opening of the Mission Valley West Trolley segment in 1997 prompted significant service changes in bus services in the western part of San Diego. Most bus routes from the beach areas that traveled downtown were changed to terminate at the OTTC, including Routes 4 (now 44), 9, 29 (now 28), and 35. This change achieved a substantial cost savings by eliminating the overlap of several bus routes and the Trolley Blue Line that all served the same market between downtown and western San Diego. Routes 5 and 34 were the remaining bus routes that continued service between downtown and Old Town, primarily because Route 5 serves local businesses and residents on the India Street corridor, and Route 34 continued to serve the industrial area along Pacific Highway.

By 2003 the land uses along the Pacific Highway corridor had changed dramatically. The General Dynamics plants that once employed thousands of workers were torn down and replaced with surface airport parking lots. Only the Port of San Diego and a few airport-related businesses remained in this strip, and most of these are within a short walking distance of either Route 5 on Kettner Boulevard or the Middletown Trolley Station. Surveys of Route 34 ridership confirmed that passengers on this segment were primarily traveling through, between downtown and Old Town, or beyond. There was very little origin/destination traffic remaining on Route 34 in this area.

During 2003 MTS and San Diego Transit Corporation (SDTC) were looking for ways to resolve two problems. The first was a massive budget deficit that was sure to necessitate increased fares and/or reduced service. The Route 34 segment between downtown and Old Town, with relatively few boardings in between and a schedule nearly duplicated by the Trolley, was closely considered for reductions. The second problem was poor on-time performance on Route 34. The route was one of SDTC's longest and subject to significant delays in the Mission Beach and Pacific Beach areas and downtown. By reducing the length of the route, especially in the traffic-prone downtown area, the savings in operating cost and vehicles could be partially reinvested into the route, improving the schedules and increasing reliability.

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MTDB Member Agencies include: City of Chula Vista, City of Coronado, City of El Cajon, City of Imperial Beach, City of La Mesa, City of Lemon Grove, City of National City, City of Poway, City of San Diego, City of Santee, and the County of San Diego.

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The downside to eliminating the downtown segment of Route 34 is obvious. Passengers that were once able to travel directly from downtown to the beach areas now had to board the trolley and transfer at OTTC. Our seniors and disabled riders especially felt this impact, since the transfer between the trolley and Route 34 at OTTC requires crossing the railroad tracks. For this reason, the MTS Board carefully considered this option at the public hearing on June 12, 2003, when most of the public comments related to this specific proposal. However, the Board ultimately adopted the staff recommendation to discontinue this segment of Route 34 as it helped avoid more drastic cuts on other routes that do not have redundancy with other services.

MTS has implemented some other measures to mitigate the negative impact of this change on passengers.

- Route 34 was completely rescheduled to improve reliability.
- Selected Route 34 trips continue to serve this segment northbound between 5:00 a.m. and 7:00 a.m. (four trips) and southbound between 10:00 p.m. and 1:00 a.m. (three trips), if the bus is starting or ending a shift at the downtown Imperial Avenue Division anyway.
- Route 908 was rerouted to serve the Marine Corps Recruit Depot and the Vietnam Veterans of San Diego facility at Pacific Highway and Witherby Street.

There are several additional options for passengers that formerly used the Route 34 on this segment:

- San Diego Transit Route 5 via India Street (northbound) and Kettner Boulevard (southbound).
- San Diego Trolley Blue Line, including stops at Cedar Street, Middletown (Palm Street) and Washington Street.
- Routes 922, 923, and 992 serve Solar Turbines at Laurel Street.
- The Middletown Station serves the Port of San Diego and most airport-related businesses on Pacific Highway.
- Route 30 provides direct service from downtown San Diego to Pacific Beach and La Jolla.
- Passengers traveling to or from Broadway that cannot walk to a C Street trolley station can catch one of bus Routes 2, 7, 15, 20, 115, 901, 902, 903, 922, 923, 929, 932, or 992 between any bus stop on Broadway formerly served by Route 34, and the America Plaza Transfer Station, located at Broadway and Kettner Boulevard.

I hope that this adequately addresses your questions and concerns. If you have any questions, please contact me at 619.557.4583.

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