

MEETING OF THE BOARD OF DIRECTORS FOR THE
METROPOLITAN TRANSIT SYSTEM (MTS)

1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

September 12, 2013

MINUTES

BOARD MEETING

1. Roll Call

Chairman Mathis called the Board meeting to order at 9:03 a.m. A roll call sheet listing Board member attendance is attached.

Mr. Mathis introduced Myrtle Cole the newly approved City of San Diego alternate to Board member Interim Mayor Todd Gloria as of September 10, 2013.

Sharon Cooney, Chief of Staff introduced new Public Relations Specialist Regina Kowitz.

2. Approval of Minutes

Mr. Minto moved to approve the minutes of the July 18, 2013, MTS Board of Directors meeting. Mr. Ovrom seconded the motion, and the vote was 12 to 0 in favor with Messrs. Alvarez, Cunningham and Ms. Salas absent.

3. Public Comments

John L. Wood – Mr. Wood asked who is responsible for the cleanliness of the A-Mart in Lemon Grove and discussed issues with the exterior. He commented that he was displeased with the wheel noise from the trolley and that the track causes the trolley to jerk when crossing Central coming into San Diego and the track needs to be aligned. He discussed a possible new trolley to the airport and was under the impression it would not lead directly to the terminal and asked why it would not. He asked if Washington Street would be used in the route to the airport.

Parks Pemberton - Mr. Pemberton advised that with regard to the Bus at 33rd and Market it is impossible to see if a car is behind bus when it stops and vision is blocked coming up the hill. He discussed his frustration with MTS personnel as he did not receive a return phone call regarding the issue. He stated that his only request is that the bus stop be moved to a safer location. Mr. Mathis advised his concerns would be followed up with.

Donn Bleau – Mr. Bleau stated he came to the meeting to address the Quiet Zone. He referenced a letter from Todd Gloria which referenced the ongoing issues. He stated the Quiet Zone has turned into a nightmare. He stated that living and owning business along the corridor in the Marina District with over 200 trolleys per day some of which are partly empty with loud bells. He is asking for MTS to follow up with the CA Public

Utilities Commission. He stated it is difficult to talk on phone and he and his wife can no longer sit on their patio and they were forced to move.

Mr. Mathis responded that MTS follows the directions of the authorities and they will work with the City of San Diego and the Public Utilities Commission.

Donald Crawford – Mr. Crawford advised he was a downtown resident and owner of a condominium at Market Street and Columbia Street. He discussed safety hazards and voiced safety concerns. He asked that MTS pay attention to the letter by Interim Mayor Todd Gloria.

Melissa Blackburn Joniaux- Ms. Joniaux discussed implementation of Quiet Zone, MTS's warning bells and property values being affected by the noise. She referenced Interim Mayor Gloria's letter and the specific requests. The residents want solutions and are dissatisfied with regard to shift of blame and being bounced around to different agencies. She believes MTS can work on these solutions with the agencies involved.

CONSENT ITEMS

6. San Diego and Arizona Eastern (SD&AE) Railway Company Quarterly Reports and Ratification of Actions Taken by the SD&AE Board of Directors at its Meeting on July 16, 2013

Action would receive the San Diego and Imperial Valley Railroad (SD&IV), Pacific Southwest Railway Museum Association (Museum), and Pacific Imperial Railroad, Inc. (PIR) quarterly reports for information; (2) ratify actions taken by the SD&AE Board at its quarterly meeting on July 16, 2013; and (3) ratify and appoint Erin Dunn as Treasurer replacing Linda Musengo who is retiring.

7. Investment Report – May 2013

Action would receive a report for information.

8. Upgrade of Existing Server Room Heating, Ventilation and Air Conditioning System at the Imperial Avenue Division

Action would authorize the Chief Executive Officer (CEO) to execute Work Order No. MTSJOC1431-10 with ABC Construction, Inc. under MTS Doc No. PWL135.0-12, for the installation of a new Server Room Heating, Ventilation and Air Conditioning System at the Imperial Avenue Bus Division.

9. IAD/KMD Revenue Camera System Replacement - Work Order

Action would authorize the CEO to execute Work Order No. MTSJOC1431-09 with ABC Construction, Inc., under MTS Doc No. PWL135.0-12, for the installation of a new revenue-processing surveillance system and construction of secure data rooms at the Imperial Avenue and Kearny Mesa bus fuel and service buildings.

10. Updated Salary Ranges - MTS, SDTI and SDTC

Action would approve and adopt the MTS Salary Ranges, effective July 1, 2013 to comply with CalPERS regulations.

11. Investment Report - June 2013

Action would receive a report for information.

12. State Transit Assistance (STA) Claims

Action would adopt Resolution No. 13-18 approving fiscal year (FY) 2014 State Transit Assistance (STA) claims.

13. East County Bus Maintenance Facility Project - Funding Transfer

Action would approve the transfer of funds from the San Diego Association of Governments' (SANDAG's) East County Bus Maintenance Facility Project to MTS for the procurement of compressed natural gas (CNG) facilities at the East County Bus Maintenance Facility.

14. FY 2014 Capital Improvement Program Amendment

Action would approve the amended fiscal year 2014 Capital Improvement Program (CIP).

15. Proposed Revisions to MTS Policy No. 44 - Travel Expense Policy

Action would approve the proposed revisions to MTS Policy No. 44 - Travel Expense Policy.

16. Unallocated Transportation Development Act Funds for Transit-Related Projects

Action would approve the use of unallocated Transportation Development Act (TDA) funds currently held by the County of San Diego for transit-related expenses for the City of El Cajon.

17. Semiannual Uniform Report of Disadvantaged Business Enterprise Awards or Commitments and Payments

Action would receive the Semiannual Uniform Report of Disadvantaged Business Enterprise (DBE) Awards or Commitments and Payments.

18. Operations and Maintenance Services for Compressed Natural Gas Fueling Facilities

Action would authorize the CEO to execute MTS Doc. No. B0522.1-09 with Trillium USA LLC for projected usage increases in compressed natural gas (CNG) operations and maintenance services.

19. Audit Report - Business Process Review of Token Management Operations

Action would receive an internal audit report on token management operations governed by San Diego Trolley, Inc. (SDTI) Revenue Management.

20. Enterprise Server Infrastructure Project

Action would authorize the CEO to execute MTS Doc. No. G1656.0-14 with Nth Generation for the purchase of a HP c7000 BladeSystem, associated network and storage interconnect modules, software, 5-year 24/7 support agreement, and professional services.

BOARD MEMBER COMMENTS

None.

Action on Consent Item 6 through 20

Ms. Emerald moved to approve Consent Items 6 through 20. Ms. Rios seconded the motion, and the vote was 13 to 0 in favor with Mr. Alvarez and Ms. Salas absent.

The Board convened to Closed Session at 9:25 a.m.

CLOSED SESSION

24. a. CLOSED SESSION - CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to California Government Code section 54957.6
Agency-Designated Representative - Jeff Stumbo
Employee Organization - International Brotherhood of Electrical Workers, Local 465 (IBEW)
- b. CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL Existing
Litigation Pursuant to California Government Code Section 54956.9(a):
Rodney L. Maxwell v. Metropolitan Transit System, et al. (SDSC Case No. 37-
2012-00101898-CU-PA-CTL; MTS Claim No. TS-27411)

The Board reconvened to Open Session at 9:54 a.m.

Oral Report of Final Actions Taken in Closed Session

Karen Landers, General Counsel, reported the following:

- a. The Board received a report and gave instructions to negotiators.
- b. The Board received a report from legal counsel and gave instructions.

NOTICED PUBLIC HEARINGS

25. None.

DISCUSSION ITEMS

30. San Diego Vintage Trolley, Inc. Assets and PCC/U-2 LRV Exchange

Mr. Mathis provided background and discussed the history, funding, service and the purpose of the program. He explained that UTC invested in renovating a car with the purpose of sending it to MTS and UTC has promised to ship the car to MTS free of charge. In return MTS is sending both the Rockhill Museum and the Western Railway Museum a U2 LRV. He further explained this new vintage car will be a significant benefit to the San Diego community and downtown experience. He stated that adding a second car would provide redundancy to the already existing service. He introduced Mr. Wayne Terry, Chief Operating Officer of Rail. Mr. Terry discussed the history of the vintage car MTS would acquire, the cost of rehabilitating the car, the condition of the car including exterior and interior, the time to restore the car and the particulars of the trade for the vehicle such as inspection, maintenance records and a consultant report. He advised the Board that for decommissioned cars if they are not sold they go to auction where they receive scrap prices. He discussed the decommissioned cars at MTS's facility. He stated MTS's responsibilities in maintaining the car and discussed the Silver Line Service the renovated vintage vehicle would serve and how regular service would benefit the downtown corridor.

Ms. Emerald questioned what "PCC" stands for. Mr. Mathis responded PCC stands for Presidents Conference Committee and it was a committee established in the 1930's to design a new trolley car to create a smoother, quieter ride and this committee was created to revitalize the street car. Ms. Emerald questioned with regard to the decommissioned cars MTS currently has does MTS anticipate future negotiations and trades for vintage cars. Mr. Mathis responded it would give MTS the opportunity to acquire certain assets such as spare parts that are hard to find and the vintage cars MTS currently has onsite are not good candidates for restoration, but have valuable parts. Ms. Emerald asked with regard to the Balboa Park Centennial, would there be a display for the evolution of the trolley car. Mr. Mathis responded there are ideas in the works. He also commented that one potential use for the PCCs is to send a trolley line up Park Blvd. and studies are currently being conducted but there are some expensive aspects of the possible project and is still in the early stages.

Action Taken

Ms. Emerald moved to approve: (1) the transfer of San Diego Vintage Trolley, Inc. (SDVTI) assets to MTS; (2) the exchange of 2 surplus Siemens U-2 light rail vehicles for 1 PCC car from United Transportation Corporation (UTC)/Rail Air Sources (RAS) (former New Jersey Transit [NJT] #10); and (3) restoration expenses for the PCC car. Mr. Ewin seconded the motion, and the vote was 14 to 0 in favor with Mr. Alvarez absent.

REPORT ITEMS

45. East County Bus Maintenance Facility

Elliot Hurwitz, Manager of Bus Capital Projects provided an update including a project description, an image of the aerial view, the LEED goal of silver and the design changes incorporated to reach this goal, the project schedule and images of the future facility.

Sharon Cooney, Chief of Staff advised of an article provided to the Board regarding the 13c issue which is currently being resolved by the Governor and the Department of Labor. The recent bill passed by legislature will allow MTS to receive their grants including \$10 million to push the project through to completion.

Mr. Mathis asked if the logo would be included on the facility and Mr. Hurwitz advised the MTS logo would be displayed on the street side.

Mr. Minto stated he liked the idea of solar, but asked what the alternative is in case there is a power failure and if it possible for MTS to use their CNG for power. Mr. Hurwitz responded that the building is sized for full power with generators if none of the power was working. The benefit is the peak time of day where the load is greatest and at night things wind down and less power is required. MTS's CNG is not designed to generate power as it's compressed for storing on buses. Mr. Minto asked what MTS currently uses as power back-up if there is a complete power outage. Mr. Hurwitz said both the CNG station and the building will have emergency generators to run only essential components of the building. The CNG station would have its own megawatt standby generator for an outage and the building would have a 250KW emergency generator to back up the basic systems of the building such as dispatch, radio and emergency lighting.

Action Taken

Ms. Emerald moved to Action would receive a report for information. Mr. Cunningham seconded the motion, and the vote was 13 to 0 in favor with Messrs. Alvarez and Ramirez absent.

46. Comic-Con Operations and Advertising Results

Tom Doogan, Special Events Coordinator provided a recap of the 2013 Comic-Con event held at the Convention Center. He provided an event overview, a pass and ticket sales summary, the ridership and the revenue increases from the previous year. He discussed the Qualcomm stadium parking location including the MTS trips provided to and from the stadium, passes sold, the amount of sales and the length of trips. He further explained the logistics in regard to the Convention Center Station, the Gaslamp Quarter Station and safety issues. He discussed the commemorative passes sold, Gaslamp signage, bayside banners, ad kiosks, NBC activation at the Gaslamp Quarter Station, trolley wraps, the comments received on social media, websites discussing Comic-Con and praising MTS's brand activations, the marketing summary and additional costs. He provided revenue and a cost summary, and the lessons learned providing direction for the implementation for changes needed in the future.

Ms. Zapf asked what the net increase was and if MTS covered all of their costs and then some additional profit. Mr. Doogan answered that MTS did. Ms. Zapf asked if there were any additional problems encountered. Mr. Doogan responded more service is needed, but there are limitations to MTS's resources as far as what MTS is able to provide as there is required maintenance, etc. MTS should look at expanding the operating service day within the constraints of MTS's system and would like to maintain the service to Qualcomm throughout the entire day or as much as possible. Ms.

Landers advised MTS is working more closely with City staff and the planners at Comic-Con to coordinate MTS's activities in the Gaslamp Quarter and at the Convention Center especially with regard to marketing activities as it helps maintain the City's relationship with Comic-Con and to ensure there are no conflicting events. MTS is trying to make it a very collaborative process as there is a lot of coordination required. She stated it went much smoother this year. There is a lot of coordination required with regard to sponsor and advertiser deals and also the permitting with regard to the installations since the permits have to be received from the City's Building Department and it is the goal to smooth out these processes.

Ms. Leitner advised Mobile ticketing will enhance the efficiency of the service during Comic-Con in the future.

Action Taken

Ms. Emerald moved to receive a report on the operations, ridership, advertising and marketing results of the 2013 Comic-Con International convention. Ms. Rios seconded the motion, and the vote was 13 to 0 in favor with Messrs. Alvarez and Ramirez absent.

47. Mobile Ticketing Pilot Program (Devin Braun)

Devin Braun, Manager of Transportation Communication and Technology, advised the MTS mobile ticketing application has been branded mTicket. He gave a project background, discussed the smart phone app and the ability to print tickets at home. He discussed the procurement process including Masabi, the vendor chosen to implement mTicket, the implementation process as well as the cost. He provided instruction on how to download and use the app as well as how the app works including prevention of fraud. He reviewed the benefits of the app and the soft launch at certain events. He discussed the use of mTicket at the first season Charger game, the reactions and future possibilities.

Ms. Cooney commented on the positive relationship with Masabi as they have been very hands on in the process by monitoring hourly sales to try and help MTS to advise MTS where they should be focusing their efforts. She discussed how mTicket is much more efficient for groups, the success and interest with regard to mTicket.

Mr. Mathis advised at some point it is possible MTS could do away with ticket kiosks.

Mr. Cunningham commented that he was very pleased with the pilot program and application and looks forward to possibly using mTicket permanently in the future. He asked if Masabi had implemented this program with other agencies in the past. Mr. Braun answered MBTA Commuter Railroad had implemented the program through Masabi and they are piloting the program with Metro North Railroad in New York with all reports being positive thus far. Mr. Braun advised eventually phones can be programmed to become the Compass Card and Masabi could potentially be the vendor that handles this application. One drawback to having everything on your phone is that you need power and that is one issue. Mr. Cunningham asked if there would be power stations supplied to power the phones. He said eventually, and for the time being MTS was able to open up the customer service application to verify payment as currently it is only being used at one location, Qualcomm.

Action Taken

Mr. Minto moved to receive a report on the launch of a pilot program to provide mobile ticketing for special events. Mr. Cunningham seconded the motion, and the vote was 13 to 0 in favor with Messrs. Alvarez and Ramirez absent.

61. Audit Oversight Committee (AOC) Chairman's Report (TAKEN OUT OF ORDER)

Mr. Ewin reported on two items: 1.) Audit. He advised the Audit was moving forward and there have been no issues to date with all work in process nearing completion. After completion there may be an Audit Oversight Committee meeting depending on the findings, otherwise there will be an Audit Oversight Committee meeting on November 3, 2013 where audit documents will be reviewed and then forwarded the Board for approval; 2.) LOSSAN. He advised the LOSSAN Board selected the Orange County Transit Authority to manage LOSSAN and at this point MTS receives updates and timelines. Members of LOSSAN will be participating in taking over the operations and provide opportunities for equipment updates as well as other significant enhancements. He discussed the comprehensive proposal that had previously been submitted by MTS.

48. Operations Budget Status Report for June 2013

Mike Thompson, Budget Manager provided a financial review including combined MTS Transit Operators comparison to budget, the MTS comparison to budget and total operating revenue less expenses and combined MTS non-operating revenues comparison to budget and ongoing concerns.

Action Taken

Ms. Emerald moved to receive the MTS operations budget status report for June 2013. Mr. Minto seconded the motion, and the vote was 10 to 0 in favor with Messrs. Roberts, Ewin, Alvarez, Ramirez and Ms. Zapf absent.

60. Chairman's Report

None.

62. Chief Executive Officer's

None.

63. Board Member Communications

Lorraine Leighton – Ms. Leighton asked with regard to overloaded baskets on the East County buses and Trolley. She further asked when signs will be displayed advising MTS prevents such overloads. She advised of a cat on the bus that was not in a cage. She stated she is still having trouble on Compass Card readers on the buses.

Margo Tanguay – Ms. Tanguay stated that she lives downtown and discussed her experience in working downtown. She discussed the history of the Quiet Zone, the complaint of the bells and that the noise isn't just from the trolley, but rather a freight train and the Coaster. She advised the Board to drive at peak times to see what the actual real problems are.

64. Additional Public Comments on Items Not on the Agenda

None.

65. Next Meeting Date

The next regularly scheduled Board meeting is October 10, 2013.

66. Adjournment

Chairman Mathis adjourned the meeting at 11:16 a.m.




Chairperson
San Diego Metropolitan Transit System

Filed by:



Office of the Clerk of the Board
San Diego Metropolitan Transit System
System

Approved as to form:



Office of the General Counsel
San Diego Metropolitan Transit

- Attachments:
1. Roll Call Sheet
 2. Letter from Interim Mayor Todd Gloria to Paul Jablonski re: Quiet Zone
 3. Letter from Public Speaker Donald Crawford re: Quiet Zone with photo attachments
 4. Union Tribune article re: Federal transit funds
 5. Union Tribune article re: MTS mTicket mobile ticketing smartphone application
 6. MTS Statement regarding passenger incident on September 7, 2013

METROPOLITAN TRANSIT SYSTEM
BOARD OF DIRECTORS
ROLL CALL

MEETING OF (DATE): September 12, 2013

CALL TO ORDER (TIME): 9:03 a.m.

RECESS: N/A

RECONVENE: N/A

CLOSED SESSION: 9:25 a.m.

RECONVENE: 9:54 a.m.

PUBLIC HEARING: N/A

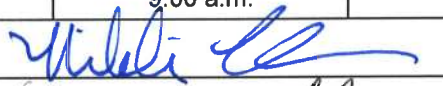
RECONVENE: N/A

ORDINANCES ADOPTED: N/A

ADJOURN: 11:16 a.m.

BOARD MEMBER	(Alternate)	PRESENT (TIME ARRIVED)	ABSENT (TIME LEFT)
ALVAREZ	<input type="checkbox"/> (Cole) <input type="checkbox"/>		
BRAGG	<input type="checkbox"/> (Bilbray) <input checked="" type="checkbox"/>	9:00 a.m.	11:16 a.m.
CUNNINGHAM	<input checked="" type="checkbox"/> (Mullin) <input type="checkbox"/>	9:13 a.m.	11:16 a.m.
EMERALD	<input checked="" type="checkbox"/> (Cole) <input type="checkbox"/>	9:00 a.m.	11:16 a.m.
EWIN	<input checked="" type="checkbox"/> (Arapostathis) <input type="checkbox"/>	9:00 a.m.	11:06 a.m.
GASTIL	<input checked="" type="checkbox"/> (Jones) <input type="checkbox"/>	9:00 a.m.	11:16 a.m.
GLORIA	<input type="checkbox"/> (Cole) <input checked="" type="checkbox"/>	9:00 a.m.	11:16 a.m.
MATHIS	<input checked="" type="checkbox"/>	9:00 a.m.	11:16 a.m.
MCCLELLAN	<input type="checkbox"/> (Ambrose) <input checked="" type="checkbox"/>	9:00 a.m.	11:16 a.m.
MINTO	<input checked="" type="checkbox"/> (McNelis) <input type="checkbox"/>	9:00 a.m.	11:16 a.m.
OVROM	<input checked="" type="checkbox"/> (Denny) <input type="checkbox"/>	9:00 a.m.	11:16 a.m.
RIOS	<input checked="" type="checkbox"/> (Sotelo-Solis) <input type="checkbox"/>	9:00 a.m.	11:16 a.m.
ROBERTS	<input checked="" type="checkbox"/> (Cox) <input type="checkbox"/>	9:00 a.m.	11:06 a.m.
SALAS	<input type="checkbox"/> (Ramirez) <input checked="" type="checkbox"/>	9:25 a.m.	10:28 a.m.
ZAPF	<input checked="" type="checkbox"/> (Cole) <input type="checkbox"/>	9:00 a.m.	10:50 a.m.

SIGNED BY THE CLERK OF THE BOARD:



CONFIRMED BY THE GENERAL COUNSEL:





**THE CITY OF SAN DIEGO
INTERIM MAYOR
TODD GLORIA**

September 10, 2013

Paul Jablonski
Chief Executive Officer
San Diego Metropolitan Transit System
1255 Imperial Avenue, Suite 1000
San Diego, CA 92101

Mr. Jablonski,

In recent months, my office has been working with community members, Civic San Diego, and various stakeholders and organizations on ways to resolve outstanding issues related to noise and traffic disturbances affecting the downtown community related to the implementation of the Quiet Zone. While many improvements have made thanks to the Quiet Zone, the project's implementation has also created multiple new and additional problems; not least of which are the intense noise pollution coming from warning bells at multiple rail crossings, and added traffic congestion.

I believe that MTS has the opportunity to make several changes and improvements to multiple procedures and crossings that will greatly improve the quality of life for our downtown residents. I am confident that MTS staff are aware of these issues, but I am increasingly concerned that not enough has been done to address them.


I am requesting that MTS staff evaluate and propose solutions for the items listed below, and ask you to consider placing this matter on the next available MTS Board agenda for a full review and update:

1. Volume of warning bells: these bells are in place to warn pedestrians of incoming trolleys, however their volume is so loud that many nearby residents have been forced to leave their homes.
2. Number of warning bells: like the volume, it seems that multiple intersections are vastly overpopulated with warning bells, which creates a disturbance that reaches far beyond any reasonably approaching pedestrian.
3. Placement, direction and shrouding of bells: as these bells are designed to warn pedestrians, MTS should consider creative solutions to the height, placement, directionality and shrouding of the bells that will focus the warnings appropriately towards pedestrians and protect surrounding residents and businesses from the noise pollution.
4. Duration of time that warning gates are down: warning gates blocking trolley intersections seem to be down for far too long. I have seen firsthand warning gates at Kettner Blvd. and G St. down for over three minutes while warning bells sound continuously before an MTS trolley crosses the intersection, only to have the gates remain down long after the trolley has passed.

5. Out-of-service routing: it has been brought to my attention that as many as 220 trolley trips pass through the Marina corridor every day, many of which are out-of-service trolleys returning to the MTS train yard. I would like MTS staff to consider rerouting some or all of these trolleys via the Blue/Orange line, in order to reduce the overall impact through the Marina corridor.
6. General traffic congestion: because warning gates can be down for multiple traffic light cycles, area traffic congesting has become very difficult to navigate. I would like to see MTS work closely with City Transportation Engineering staff to identify solutions to this increased traffic congestion.

I understand that this is a difficult situation and that safety should be our top priority, however, I know that we can do better for our residents and I strongly encourage MTS staff to work to find creative solutions to solve these problems.

Sincerely,



TODD GLORIA
Interim Mayor of San Diego

TG/da

CC:

Linda Marabian, City of San Diego, Transportation & Storm Water
Jeff Graham, President, Civic San Diego
MTS Board members

MTS Board of Directors Meeting
September 12, 2013

Members of the Board and Friends:

I am Donald Crawford. I live in the Watermark Building downtown at 650 Columbia St., Unit 115 with my wife. Our condo is on the corner facing both Columbia and Market St. We love living downtown despite the unnecessary noise and hazards of which you are partially to blame.

I am a long time advocate for and frequent user of public transportation. I often use the Green Line trolley and the #11 bus. I came to this meeting on the Green Line.

Because I daily witness what repeatedly is going on at the Market St. and Harbor Drive intersection, I will address my remarks to that part of the City even though I know that many other intersections are negatively impacted as well.

I continue to hear that you are most concerned about safety for vehicles and pedestrians. I assume that you really are, so please listen to my very real life safety concerns.

First, when the bells start to toll and the gates come down on Market St., some cars bolt through knowing that the gates will be down for a long time. More importantly, pedestrians frequently look to the left, then the right, wondering why the bells are tolling, then proceed to cross the tracks. Locals always just keep on walking, tourists look some more and then walk. The bells start to "ding ding" at the Market St. crossing at the Seaport Village Station when a trolley just leaves the Convention Center Station, which is a third of a mile away. This is compounded by the timing of trolleys in the other direction, and now by the arrival of the vintage trolley. What this does is condition pedestrians to ignore the bells and gates. That is a major safety hazard.

Second, a large number of citizens live in the Watermark and Columbia Place Buildings. To get to our garages on Columbia St. to go home, very frequently we have to wait in backed up traffic on Market St. because of the long periods of lowered ding dinging trolley gates. I have seen drivers in frustration turn up State St. and drive against the one way traffic on G St. to get to Columbia St. That is a definite safety hazard. I also frequently see fire engines and ambulances come up Market St., have to stop, turn off their sirens and wait for the gates to lift. Remember, there is no fire station south or west of the trolley line in our area. That is a definite safety hazard. I also know very well that residents sometimes need to get home in a timely manner. One example, my wife recently had major surgery for stage 4 cancer and now is on chemo treatments. If she is idling in the car after a chemo treatment or she's home and I can't readily get to her, that is a safety issue.

Third, the 75 to 85 decibel level of the crossing bell "ding dings"! That's obscenely unreasonable unsupported by research. I can hear it five blocks away, as well as all

night. We provide nighttime ear plugs to people who can bare to stay with us. Do you think that there may be a safety issue with people who could go a little crazy with constant bombardment?

I heard that Interim Mayor Todd Gloria has sent you a letter addressing resident concerns and that it may appear on your October agenda to respond to. I hope that you do seriously consider his and resident concerns and not just point the finger at other agencies, but please give full consideration and ACTION to alleviating the problems in our neighborhoods.

Yes, downtown San Diego can be better place to live with a real, reasonable, quiet zone. What an Idea!



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BROWN OFFERS DEAL TO UNLOCK TRANSIT FUNDS

MICHAEL GARDNER • U-T

SACRAMENTO

Gov. Jerry Brown has offered the Obama administration a compromise that would keep \$1.6 billion in federal transit dollars flowing into California in return for temporarily exempting unionized public transportation workers from being forced to contribute more to their pensions.

The deal would clear the way for about \$54 million in transit money to reach the San Diego region.

Brown and lawmakers on Wednesday unveiled legisla-

tion to appease the U.S. Department of Labor, which is threatening to cut off transit grants because California allegedly violated federal law by including transportation workers in a 2012 public employee pension overhaul.

The measure would exempt thousands of transit workers from the pension law for one year while the courts decide whether the state acted legally. Brown would also set aside up to \$26 million to help transit agencies cover any immediate grant losses if it comes to that.

"This is a very good reso-

SEE FUNDS • A6

FROM A1

said Paul Jablonski, chief executive officer of the San Diego Metropolitan Transit System, which stood to lose about \$25 million. "It allows the federal money to flow to transit systems yet the issue will have its day in court."

Jablonski said MTS is counting on those federal dollars primarily for its El Cajon bus maintenance facility and to help bring in a fleet of 50 new buses.

MTS is not the only local agency with dollars at stake. The San Diego Association of Governments estimates that it could lose about \$29 million if a deal cannot be reached.

In a statement, SANDAG said it "has not yet received

word on whether its application for \$29 million in federal transit grant funding has been certified, but we are cautiously optimistic given the latest developments."

Department of Labor spokesman Michael Trupo issued a statement signaling that transit agencies probably will be able to count on the money as long as the legislation becomes law.

"While each grant application must be reviewed individually, if legislation along the lines of what we have discussed with the governor is enacted, it will temporarily resolve the conflict," he said. "This would allow the Department of Labor to certify federal transit grants so that funds can

flow to local transit agencies as quickly as possible."

As far as litigation is concerned, "if lawsuits are filed, the department will look forward to presenting our legal analysis," Trupo said. The state pension reforms, Trupo said, "are in conflict with federal law."

That conflict is rooted in the hard-fought cost-cutting that Brown secured to help rein in spiraling pension liabilities. Under that law, state workers began paying more into their pensions after Jan. 1. Newly hired employees will collect less and wait longer for their retirement benefits.

Transit unions immediately filed protests, saying they should be exempt under a federal law that pro-

tections them from contract changes that are not negotiated directly with them.

Their arguments can be traced back to two milestone pieces of federal legislation. Most recently, the Federal Transit Act of 1970 requires the labor department to uphold collective-bargaining rights, using transit dollars as leverage. That act was born out of another federal measure signed nearly 50 years ago by President Lyndon Johnson. The Urban Mass Transportation Act of 1964 tied money for public transit to the condition that transit agencies preserve workers' collective-bargaining rights.

Today, transit worker unions appear satisfied with the Brown compromise.

The umbrella Amalgamated Transit Union based in Washington, D.C., issued a statement calling Brown's proposal "a measured approach to protect the rights of employees and to ensure that urgently needed transit funding to California continues to flow."

Nevertheless, the bill may not have a smooth course. It will require a two-thirds majority to take effect immediately. That means Democrats must coax a few votes out of Republicans, who have long argued for more — not less — pension concessions from unions. Republican leaders did not immediately respond to requests for comment.

The Labor Department's Trupo noted that the federal

FUNDS • Bill expected to go to both houses before Legislature adjourns Sept. 13

The compromise "allows the federal money to flow to transit systems yet the issue will have its day in court." Paul Jablonski • CEO of the San Diego Metropolitan Transit System

move is rare. Since 1998 the department has approved 28,000 grants without a single rejection, he said.

Brown has been in talks with the Labor Department for months. He wrote a May 29 letter to then-Acting Labor Secretary Seth Harris, defending his efforts to stabilize pension costs.

"Our pension reform does not impair bargaining rights. To the contrary, it enhances retirement security for public employees by keeping pension plans from becoming unsustainable," the governor wrote.

Brown did not comment in-depth in his announcement Wednesday. But he

took the Labor Department to task in another letter.

"California's pension reforms stand in stark contrast to partisan efforts in other states expressly designed to limit the collective bargaining rights of union members," he wrote. "Given this contrast, I cannot help but be frustrated by your

department's position."

Newly appointed Labor Secretary Thomas Perez responded in his own letter: "Recently, Wisconsin, New Jersey, Ohio and Massachusetts all passed laws that reformed the collective-bargaining process, but in each case the transit agency, unions and the state

came up with solutions in order to avoid a conflict (with federal law)," it said.

In that letter, Perez suggested an exemption for transit workers so the federal grants would not stop — which is what Brown is now proposing.

Assembly Bill 1222 is expected to go to the floors of both houses before the Legislature adjourns for the year Sept. 13.

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At the SDSU transit center on Saturday, Metropolitan Transit System official Rob Schupp helps student Allie Busch download a free app (below) so that she can purchase trolley tickets to Aztecs football games with her phone. HAYNE PALMOUR IV • U-T PHOTOS

TROLLEY TO GAMES? GET APP

New free transit system feature lets Aztecs, Chargers fans buy fares on the phone



GARY WARTH • U-T

A new smartphone app will allow football fans to avoid lines at the trolley ticket booth while potentially saving money for both them and the San Diego Metropolitan Transit System.

In a soft launch, the app was used for the San Diego State University Aztecs game Saturday and will be offered next for Monday night's Chargers home opener.

MTS marketing and communica-

tions director Rob Schupp said the app could become available for the 2014 Comic-Con convention and could someday be used for all trolley and bus routes.

"We've really implemented an exciting new technology at very, very low cost," Schupp said.

The free MTS mTicket app can be downloaded to iPhones via iTunes or to Android phones via Google Play.

For now, the agency is limiting the app to trolley rides for football games

played at Qualcomm Stadium, including all Chargers and Aztecs home games and the Poinsettia and Holiday bowls.

MTS contracted with Masabi, which has offices in New York and London, to create the app.

Josh Robin, vice president of strategy and development for Masabi in North America, said the MTS app was ready in just two weeks after contracts were signed because the

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APP • Lets you buy tickets, has map, planner

FROM B1

company tapped technology already in use in other cities.

Schupp said Masabi provided its cloud-computing-based app JustRide at no cost to MTS, but does earn 7 percent commission on ticket sales made through the technology.

The new app has a function for buying tickets, a trolley map that shows all stops and a trip planner.

Schupp said it could reduce costs for the agency, which has to hire extra staffing for special events, and for many people who take the trolley only on game days.

Most regular riders already have a Compass card, which MTS sells for \$2 and is reloaded with credits whenever a new fare is purchased. A first-time rider taking the trolley to Qualcomm Stadium on a game day usually has to buy a new card on top of pay-

ing the \$5 fare, bringing the total for the day to \$7.

People with the new app pay \$5.50 for a fare but don't need a Compass card, meaning they will pay \$1.50 less than those first-time riders, Schupp said.

The app also can make buying tickets a smoother experience, Robin said. "There's nothing more frustrating than getting there and you're waiting for the person in front of you to pay their fare," he said. "Every person buying a ticket on their phone is one less person in line."

Schupp said MTS could save money with the app because operating trolleys on game day requires additional costs. Besides having more staffers in the ticketing booths, MTS must hire more security because of the large amount of cash changing hands on those busy days,

he said.

"It becomes a very labor-intensive job for us," Schupp said about game days.

The app made its debut at the SDSU game Saturday, and Schupp said students gave it positive reviews.

Once a fare is bought, a bar code can be scanned from the phone's face as riders walk through the turnstile at the stadium. Fares must be used within a certain time, and a countdown clock that changes colors on the app tells the rider when the virtual ticket expires.

Schupp said MTS will expand the app program slowly as it works through issues such as how the system can be used for bus fares.

"We're taking baby steps," he said.

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MTS Statement Regarding Passenger from Sept. 7, 2013

On Saturday, Sept. 7, at approximately 5:15 p.m. an MTS Code Enforcement Officer encountered a man, later identified as Christian Thompson, lying on a bench at the City College Transit Station. The officer approached the man to check on his welfare, at which point, the man's dog began acting aggressively and rushed at the officer. Because the dog's aggressive behavior presented a threat to the safety of other passengers, the officer asked Thompson to leave. Thompson refused to comply with the order and the officer called for backup.

For the next 30 minutes, the officer, along with the additional officers who arrived on scene as backup, attempted to get Thompson to leave the station of his own accord. Thompson repeatedly refused to comply. Thompson was informed that he was going to be cited for refusing to comply with a lawful order, not having a proper fare, and smoking within 25 feet of a trolley station (all in violation of posted ordinances).

When Thompson rose from the bench and gestured towards an officer, that officer took the opportunity to secure Thompson and remove him from the station. Thompson resisted and was restrained by multiple officers, which is standard procedure to secure a suspect as safely as possible.

At this point, Thompson was placed in the back of a patrol vehicle, where he attempted to kick out the windows. Thompson was eventually transported to San Diego County Jail, and his dog was turned over to animal control. Thompson had an outstanding warrant for his arrest for a separate offense.

As of 10 a.m. on Tuesday, Sept. 10, Thompson was in the custody of the San Diego County Sheriff's Department at the County Jail and was scheduled for arraignment for offenses including obstruction of justice, disorderly conduct, and being under the influence of alcohol.

The officers on scene made efforts to offer Thompson the opportunity to leave the station of his own accord. Because he continually refused to comply, the officers acted in accordance with established procedures to preserve the safety of passengers at the station. One additional note, MTS Security and Code Enforcement officers are not issued and do not carry Tasers.