

JOINT MEETING OF THE BOARD OF DIRECTORS FOR THE
METROPOLITAN TRANSIT DEVELOPMENT BOARD,
SAN DIEGO TRANSIT CORPORATION,
AND SAN DIEGO TROLLEY, INC.

March 10, 2005

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

MINUTES

1. Roll Call

Chairman Williams called the meeting to order at 9:05 a.m. A roll call sheet listing Board member attendance is attached.

2. Approval of Minutes

Mr. Emery moved to approve the minutes of the February 24, 2005, Board of Directors meeting. Mr. Rindone seconded the motion and the vote was 13 to 0 in favor.

3. Public Comment

Chuck Lungerhausen: Mr. Lungerhausen welcomed everyone to observe the Water Walkers in Spring Valley on Saturday, April 2, at 10:30 a.m., and requested sponsorship donations. He also stated that he had heard recent complaints from downtown residents regarding the blowing of train whistles at night. He stated that people in earlier times viewed these as the sounds of progress.

Theresa Quiroz: Ms. Quiroz stated that she read the minutes from the February 24, 2005, Board meeting in which the Board was advised that Laidlaw, MTS's current provider of paratransit services, would need to update its equipment for collecting data before they would be able to provide customer service performance indicator data. She stated that, as a member of the City of San Diego Citizens Reviews Committee on Disability Issues, she is constantly getting comments from people about the problems with paratransit service. She stated that she has participated in many meetings in which transit is the topic of discussion, including the Comprehensive Operational Analysis (COA) meetings, and the one common thread is the inadequacy of the paratransit service. She expressed concern that SANDAG's unmet needs findings, which confirm the inadequacy of paratransit service, have not been provided to the Board. She stated that the service that Laidlaw provides is not good. She requested that the Board reverse its decision of February 24, 2005, giving MTS's CEO the authority to sign a contract extension with Laidlaw for the provision of paratransit service. She also suggested that MTS discuss this issue with disabled groups. She stated that these groups are willing to

help reformat the contract so it will be fiscally prudent and give the disabled a satisfactory level of service.

Mark Carlson, Access Center of San Diego Employee for Four Years: Mr. Carlson stated that paratransit does not meet his needs because of time or location of his destination and he must therefore make other arrangements. He complained that the Laidlaw paratransit service is unreliable and inefficient. He added that he has consumers on a weekly basis who are unable to keep appointments because they use paratransit. He also stated that the Laidlaw service needs to become more efficient, reliable, and Laidlaw must take complaints seriously before given a contract extension by MTS.

Annika Anderson, Access Center of San Diego: Ms. Anderson stated that she was speaking on behalf of herself and the consumers she represents through the Access Center who have been unable to get rides on the paratransit service provided by Laidlaw. She stated that she was informed that MTS was renewing its contract with Laidlaw on the understanding that they have provided quality service and have received minimal complaints. She stated that about 100 customer complaints have been collected and shared with MTS representatives. She added that renewing this contract implies that their complaints have not been heard. She urged the Board to stop the renewal of this contract, investigate customer satisfaction issues, and look at how the ADA is being violated.

Linda Flores, San Diego Center for the Blind: Ms. Flores stated that she was speaking on behalf of herself and other people who are disabled. She stated that the renewal of this contract is not acceptable because the service has many flaws. She stated that people are left in the elements for long periods of time and arrive late for important appointments. She added that the ADA states service is in violation of its provisions if there are practices and patterns of untimely scheduling. She felt that the disabled community has not been clearly heard.

Ruben Ceballos, Access Center of San Diego: Mr. Ceballos asked the Board to reconsider its decision regarding the Laidlaw paratransit contract. He stated that there have been many complaints about this service. He felt that Laidlaw was not making MTS aware of the number of complaints. He stated that because of the way the service is structured, it is difficult to people to get to their jobs on time and many times have to leave their jobs early. He stated that they cannot afford to lose their jobs as a result of these difficulties.

Donald Stillwell: Mr. Stillwell expressed concern regarding the location of fire alarms at the Grantville Trolley Station. He also stated that the current routing of Routes 13, 14, and 18 on Alvarado Canyon Road and Mission Gorge Road adds to an existing congestion problem. He added that a mosquito problem is developing as the result of standing water at the Mission San Diego stop.

Betty Bacon: Ms. Bacon stated that MTS's paratransit service is not working and that she has never seen the disabled community so united in its opinion about something. She recalled a couple of personal experiences with the paratransit service and Laidlaw's recall process. She stated that she was unhappy with the current structure for making reservations. She stated that the drivers of the service are wonderful but they feel they have an impossible task. She offered to work with MTS on this issue.

Clive Richard: Mr. Richard reported on his recent experience in which the modes of transportation he was using (bus and trolley) were all late. He stated that MTS needs to improve its on-time performance and stated that trips should occur in a reasonable amount of travel time. He stated that he felt that these aspects of MTS's service were getting worse.

Mr. Jablonski, MTS Chief Executive Officer (CEO), stated that the level of paratransit service is dictated by MTS's own policies. He stated that the service could be more extensive, but improvements would have to be matched by resources. He added that MTS's service is currently consistent with ADA requirements, and an audit conducted by the Federal Transit Administrative (FTA) last summer confirmed that. He stated that Laidlaw's performance, by any national comparison, has been good in terms of on-time performance, which is in excess of 90 percent or 200 passengers out of 2,000 per day. He pointed out to the Board that MTS is currently subsidizing this service at \$25 per person.

Mr. Elliot Hurwitz, Contract Services Administrator, advised the Board that someone has been hired to review paratransit-related complaints and problems related to scheduling of trips.

Linda Woodbury, City of San Diego, Disability Services Coordinator: Ms. Woodbury stated that she does not believe that a shortage of resources explains the inadequate level of paratransit service. She stated that she has repeatedly requested service information in alternate formats and has not received anything. She stated that the disabled community has offered assistance in this area. She advised the Board that paratransit operators are under a lot of pressure and morale is low. She added that they have offered to provide assistance in any way they can to review the contract related to the law and have offered to poll other cities and look at, with an objective eye, ways to make the service more efficient.

Ms. Atkins requested that this issue be referred to staff. She suggested that staff's report to the Board include information on customer satisfaction, complaints, and how complaints have been handled. She requested that staff meet with the disabled community, particularly those organizations that spoke, including Ms. Woodbury, in an effort to get a clear picture of this issue. She also offered the assistance of her staff.

4. Presentation of Employee Awards

There were no employee awards.

5. Closed Session Items (ADM 122)

There were no Closed Session Items.

CONSENT ITEMS

6. SDTI: Second and Final One-Year Extension of Nightly Cleaning Services – Contract Amendment (OPS 970.6, PC 30102)

Recommend that the Board of Directors authorize the SDTI President-General Manager

to execute Contract Amendment No. 2 to SDTI Doc. No. C.O.001.0-01 (Attachment A of the agenda item) for a second and final one-year extension of light rail vehicle nightly cleaning services with Calderon Building Maintenance, Inc. (Calderon), for an amount not to exceed \$986,452.30.

7. SDTI: Coupler Parts Procurement: Contract Award (OPS 970.6, PC 30102)

Recommend that the Board of Directors authorize the President-General Manager to execute a Standard Procurement Agreement (Attachment A of the agenda item) with Siemens Transportation Systems, Inc. for supplying SD100 light rail vehicle coupler parts for a total cost, including delivery and taxes, not to exceed \$97,096.22.

8. SDTC: New Flyer Bus Contract Amendment and Fund Transfer for 47 Low-Floor Compressed Natural Gas (CNG) Buses (CIP 10486, 10487)

Recommend that the Board of Directors (1) execute Amendment No. 3 to New Flyer Document No. B0441.3-05 for the addition of manufacturer-supplied tires (shown in Attachment A of the agenda item), in an amount not to exceed \$120,820.55; and (2) transfer a total of \$275,000 into SDTC CNG Bus Purchase (Project Code 1048600). This amount consists of \$185,000 from Contract Services CNG Buses (Project 1048700), and \$90,000 from Chula Vista CNG Buses Project (1048800).

9. MTS: Election to Fill Vacant Position of San Diego and Arizona Eastern (SD&AE) Railway Company Director (SDAE 710.1, PC 40099)

Recommend that the Board of Directors approve a recommendation from the SD&AE Railway Company Board of Directors to elect (1) Douglas Verity as director to replace the position vacated by Scott Treece; (2) Gene Shepard as the alternate for Douglas Verity; (3) Mike Ortega as the alternate for Thomas Schlosser; and (4) Peter Tereschuck as the alternate for Paul Jablonski.

Recommended Consent Items

Mr. Rindone moved to approve Consent Agenda Item Nos. 6, 7, 8, and 9. Mr. Clabby seconded the motion, and the vote was 13 to 0 in favor.

NOTICED PUBLIC HEARINGS

There were no Noticed Public Hearings.

DISCUSSION ITEMS

30. MTS: Proposed Changes to MTS Enabling Legislation (LEG 410, PC 30100)

Ms. Tiffany Lorenzen, MTS General Counsel, reminded the Board that they asked staff to propose changes to MTS's enabling legislation consistent with the intent of Senate Bill 1703 (SB 1703). She reviewed each proposed change in detail. Highlights were as follows: (1) Permit the Board to elect ex officio directors; (2) language specifying that MTS subsidiaries are considered public agencies for purposes of the California Tort Claims Act; (3) changes to procurement procedures to allow for a more flexible, timely, and economic procurement process; (4) judicial review procedures for protests;

(5) clarification of MTS's focus on operational planning; (6) flexibility to legally merge SDTI and SDTC into MTS, and (7) clarification that MTS, SDTC, and/or SDTI may issue pension obligation bonds. Ms. Lorenzen stated that staff is working with outside counsel to determine how best to approach any merging of SDTI and SDTC into MTS.

Ms. Lorenzen reported that staff has reached an agreement with SANDAG on this matter, and state senator Christine Kehoe has agreed to sponsor this legislation. Ms. Lorenzen stated that staff is seeking authorization from the Board to discuss the first draft of this legislation with Senator Kehoe on Transit Lobby Day.

In response to a question from Mr. Monroe, Ms. Lorenzen responded that the recommended change regarding procurement procedures will give MTS flexibility to consider cost in a way that is defined when the Request for Proposal (RFP) is established. Mr. Jablonski stated that life-cycle costing can be used if that is set as criteria for evaluating proposals. Ms. Lorenzen pointed out that, under an RFP, price can be negotiated after a vendor is selected.

Mr. Rindone stated that MTS elected its current ex officio directors to provide input during the transition process and that process is now complete. He also stated that the MTS Board was made a joint board for MTS, SDTC, and SDTI in an effort to streamline. He felt that the ongoing presence of ex officio directors was not the best direction for the Board to go. Mr. Roberts stated that he had a similar recollection. Ms. Lorenzen pointed out that the current terms of Ms. Kaltenborn and Mr. Mathis were extended so they could serve until the completion of the Comprehensive Operations Analysis (COA) process. Ms. Lorenzen pointed out that the recommended language simply states that MTS may appointment ex officio directors and does not specifically identify Ms. Kaltenborn and Mr. Mathis as those directors. Mr. Emery stated that this amendment would give the Board flexibility to appoint ex officio directors if needed at some point in the future. Mr. Roberts pointed out that the Board can do that anyway.

Action Taken

Mr. Rindone moved to accept the proposed changes to MTS's enabling legislation, excluding Section 120050.5(b) authorizing MTS to appoint ex officio directors. Mr. Emery seconded the motion, and the vote was 14 to 0 in favor.

31. MTS: Coca-Cola Partnership: 2005 Community Relations Events (MKPC 620.8, PC 30100)

Mr. Gonzalo Lopez, Director of Marketing and Community Relations, introduced Ms. Paulina Gilbert, MTS Community Relations Coordinator, and Mr. Charles Simpson, Coca-Cola. He then provided the Board with an overview of MTS's partnership with Coca-Cola. He reviewed the goals of the agreement, the criteria used to select events, and a list of the proposed events for 2005.

Mr. Monroe expressed appreciation for the establishment of criteria for selecting events. He stated that the criteria should also state that MTS will not sponsor events that deal with narrow social issues. He suggested that the Martin Luther King Festival and Parade as well as the Gay Pride Parade be removed from the proposed events list for 2005. He suggested events be added for Poway, Coronado, and the military bases. Mr. Jones agreed that MTS should not participate in events narrow in scope and/or controversial. He suggested events at Town Center Park at the beginning of the new trolley line be included and specifically mentioned a Fourth of July event.

Ms. Rose suggested that an application process be developed. She suggested that a timeframe be established for accepting applications, and that staff review all of the applications at one time. Ms. Rose also suggested that there be a limit to the amount of dollars spent on any given group.

Mr. Roberts agreed with Ms. Rose's comments. He also suggested that events not be automatically supported every year and even automatically excluded for the next one to two years after being sponsored. He added that he didn't object to the proposed list for this year. He also suggested that events more directly related to MTS's mission could be supported.

Mr. Clabby pointed out that the bulk of the money connected with this partnership is devoted to the scholarship program. He stated that the intent of the partnership was to provide the resources for the scholarship program, not sponsorship of community events. He supported the program with no changes.

Ms. Atkins supported the concept of an application process. She also stated that sponsorship of events should be alternated on a geographic basis, and she felt that special parades were acceptable. She also expressed her support of the Martin Luther King event and the Gay Pride Parade and pointed out that 100,000 people are involved in these events. She supported that application process as being fair and equitable and stated that it should not be based on other issues. Mr. Young expressed support of the Martin Luther King Festival and Parade.

Mr. Rindone congratulated Coca-Cola on its involvement in this partnership and felt all areas of the community should be represented. Mr. Emery supported the development of an application process.

Mr. Charles Simpson, Coca-Cola stated that the purpose of the partnership was to use Coca-Cola as a way to communicate with the public, and the funding was to create an educational program to inform students about the benefits of public transit. He added that Coca-Cola participates in many events in many parts of the community without regard to the purpose of the event. He stated that parades were added to the program at the direction of the Board. He stated that, prior to that, Coca-Cola and MTS were partnering for events mainly at trolley centers. He pointed out that the funding is not for grant purposes; it is to be used for marketing opportunities related to public transportation.

Action Taken

Mr. Rindone moved to approve the Coca-Cola Community Relations Events for 2005. Mr. Young seconded the motion, and the vote was 13 to 0 in favor.

REPORT ITEMS

45. MTS: Ridership Trend Analysis (SRTP 825, PC 20271)

Mr. Conan Cheung, MTS Director of Planning, introduced Mr. Mark Thomsen, Sr. Planner, who did a substantial amount of the work on this report. Mr. Cheung reviewed the report, the purpose of which was to identify probable causes for the recent ridership

decline. He reported that MTS ridership has increased by 300 percent since 1967, but, since FY 2001, ridership has declined significantly despite increases in service hours. He presented staff's analysis of the impact of various unique events (military action, border crossings, fare changes, economy, parking-space availability, tourism, etc), the methodology used, segmentation analysis, national trends, changes in travel patterns in San Diego, mode attractiveness, and how recent service restructuring influenced ridership. Mr. Monroe felt that the decline in military ridership was the result of the location of the bus stop at North Island.

Mr. Cheung pointed out that unique events, including fare increases, do not appear to have had a significant impact on the continued decline in ridership. He stated that the decline appears to be systemic and the result of changes in market composition (demand/characteristics). He stated that the geographic shift in employment and residential locations appears to have contributed to ridership decline, that transit is less competitive than other modes, and there has been a shift from the easily served manufacturing industry (highly concentrated, centrally located, employees with similar work hours) to difficult-to-serve service sectors. Mr. Cheung added that, in a couple of cases, recent service restructuring has also contributed to the decline. He stated that the results of this ridership analysis validate the need for the COA and reviewed the next steps in the COA process.

Mr. Maienschein stated that he was not surprised by the information in this report. He stated that all Board members have seen these types of reports while performing the duties of their respective roles outside of the MTS Board. He stated that MTS needs to make fundamental changes that allow it to respond to changes more quickly. He also stated that it is important for MTS to attract business people to transit. Mr. Roberts stated that he felt the ridership report was one of the best he had ever seen – that there is something different in this report than others that he has seen. He stated that the Board must redefine its mission and face the fact that, if highly subsidized service is implemented, service provided at lower subsidies will have to be reduced. He stated that job centers may be in different places, but the expense of providing transit to them is an element that must be considered. He stated that MTS must decide if it wants to serve the maximum number of people, reduce freeway congestion, provide more ADA services, increase frequencies where service is already provided, etc. He stated that the COA is needed to address some of these questions. He added that cost background on MTS's services would be helpful. He also stated that service changes that do not yield good results should be reexamined and adjusted quickly, and MTS needs to be more responsive to its markets. He suggested that policy decisions that need to be made be identified and presented to the Board. Mr. Rindone suggested that MTS consider a multiple-hub system.

Mr. Rindone made a motion to have a special meeting to discuss policy issues related to this matter. He felt that the Board's position on these matters would be useful during the COA process.

Mr. Jablonski stated that the policy issues will be addressed during Phase II, Regional Service Concept, of the project. Mr. Cheung reported that there is still much information to be presented as the COA progresses. Mr. Emery stated that this is the first time he has seen such a report and felt that the CEO was putting MTS "on the right track." He stated that MTS needs to identify those people who need transit and concentrate its service in those areas. Mr. Monroe agreed that MTS needs to redefine its mission. He

also stated that he thought the Blue Ribbon Committee would be making policy decisions such as those that have been discussed. He felt that MTS should identify the end product for each area and work back from that point. Mr. Cheung stated that the Blue Ribbon Committee will provide guidance to staff in the development of policy options, but the Board will make the policy decisions. He added that staff will be recommending efficiency measures that can be implemented prior to completion of the COA. He added that the major system overhaul will be part of Phase II.

Mr. Clabby reported that many people live significant distances from their jobs, and it is hard to provide reasonable travel times on transit under those circumstances. He suggested that the Board members on the Blue Ribbon Committee have a strategy meeting with Mr. Cheung.

Action Taken

Mr. Emery moved to receive this report for information with the suggestion that a meeting be held to formulate the recommendations that are inherent in the COA process. Mr. Young seconded the motion asking that Mr. Maienschein's questions be addressed, and the vote was 11 to 0 in favor.

46. MTS: 2004 Year-End Security Report (OPS 970.11, PC 30102)

Action Taken

Mr. Emery moved to continue this item. Mr. Maienschein seconded the motion, and the vote was 11 to 0 in favor.

47. MTS: Status Report on Intelligent Transportation Systems (ITS) (CIP 10940)

Action Taken

Mr. Emery moved to continue this item. Mr. Maienschein seconded the motion, and the vote was 11 to 0 in favor.

60. Chairman's Report (ADM 121.7, PC 30100)

There was no Chairman's Report.

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

There was no discussion of this item.

62. Board Member Communications

Donna Garcia Incident: Ms. Sterling reported that Ms. Donna Garcia reported that construction debris from one of MTS's projects fell on her car. She told Ms. Sterling that she was thrilled with the way her claim was handled by MTS. Ms. Sterling thanked staff for their efforts in this matter.

63. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

64. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, March 24, 2005, at 9:00 a.m. in the same location.

65. Adjournment

Chairman Williams adjourned the meeting at 11:58 a.m.

Chairman
San Diego Metropolitan Transit
Development Board

Filed by:

Approved as to form:

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

Office of the General Counsel
San Diego Metropolitan Transit
Development Board

Attachment: A. Roll Call Sheet

gail.williams/minutes