

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

July 8, 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 9:07 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 June 24, 2004, Board of Directors meeting. Mr. Rindone seconded the motion and the vote was 10 to 0 in favor.

3. Public Comment

Virginia Conway – Ms. Conway suggested that MTDB provide the school system with videotapes educating children about safety issues related to using the Trolley and buses. She also suggested that public transit riders over 90, who don't have to pay a fare, be issued a special ID card that can be readily identified by bus operators. She also expressed objections to the purchase of diesel-powered trolley cars. Mr. Williams reported that the Sprinter is ordering diesel-powered trolley cars, but the MTS system has none.

Penelope Madrid – Ms. Madrid expressed concern about the nature of materials being dispensed from news racks located in proximity to bus and trolley stops and transit centers. She objected to the negative impact these types of materials could have on children.

Ms. Sterling requested that staff research the feasibility of placing "blinds" (paper or fogged glass) on the front of these dispensers. She also requested that staff locate films that could be used to educate children about safety issues related to bus and trolley and provide them to the schools if it could be accommodated within MTDB's budget. Mr. Jablonski, MTDB Chief Executive Officer (CEO), responded that school programs of this nature are very common, and MTDB staff will do some research in this area.

Mr. Jablonski also stated that the dispensing of objectionable materials in proximity to transit stops and centers presents a very complicated issue relative to the First Amendment. He added that MTDB's legal counsel is currently reviewing this issue as well as issues regarding solicitation and the distribution of handbills within station areas. Mr. Limber reiterated Mr. Jablonski's comments regarding the complexity of this issue. He stated that some cities have implemented restrictions on the location of and types of news boxes, which has ameliorated some of the problem.

Clive Richard: Mr. Richard provided the Board with statistics that reflect declining on-time performance of bus service. He pointed out that the system was 90 percent on time in 1999 and is only 80 percent on time now. He also advised the Board that only about three percent of the buses were over 10 minutes late in 1999, while about three percent of the buses are over 20 minutes late now. He stated that this performance level discourages people from using the system. Mr. Jablonski stated that this area is a high priority for San Diego Transit (SDT). He stated that SDT has implemented two primary programs to address service reliability – equipment reliability as well as on-time performance. He added that SDT's goal is to return to its 1999 level of 90 percent on time. He stated it is not a single fix – it involves on-street operations, communication with operators, and realistic scheduling. He added that some progress has already been made – on-time performance has improved to approximately 84 percent in the last couple of months. Mr. Jablonski stated that having buses that don't go where its customers want to go, along with unreliable service is a detriment to ridership. Ms. Claire Spielberg, Chief Operating Officer (Bus), stated that SDT management staff in conjunction with staff from SANDAG have been doing on-time performance surveys and have identified 15 routes needing adjustments. She reported that adjustments are being scheduled for September and additional routes will be adjusted in January to help SDT reach its goal of 90 percent on time. Ms. Spielberg stated that SDT expects to see significant improvements in on-time performance after the September schedule adjustments.

4. Presentation of Employee Awards

The following SDTC employees were presented with service awards: 30 Years of Service: Danny Mason, Greg Attaway, and Dave Miller, all operators. In addition, Mr. Miller's father, who has since retired, was recognized for serving 40 years as an operator at SDT.

5. Closed Session Items (ADM 122)

The Board convened to Closed Session at 9:27 a.m. for (a) MTDB: - Public Employee Appointment – General Counsel (Government Code Section 54957); and (b) Conference With Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9: One Potential Case

Mr. Roberts left the Closed Session at just prior to discussion of Closed Session Item 5.b.

The Board reconvened to Open Session at 10:04 a.m.

Oral Report of Final Actions Taken in Closed Session

Mr. Jack Limber, SANDAG General Counsel, reported the following: Closed Session Item 5a: The Board concurred with the appointment of Tiffany Lorenzen as General Counsel. Closed Session Item 5b: The Board of Directors authorized Mr. Paul Jablonski, CEO, to execute a Consent Order with the County of San Diego relative to underground storage tanks.

CONSENT ITEMS

6. MTDB: Budget Transfers and Contract Change Orders for Mission Valley East
(CIP 10426.7)

That the Board of Directors authorize the Chief Executive Officer (CEO) to: **(1)** transfer \$1,300,000 into the Mission Valley East (MVE) Tunnel and Underground Station Construction line item (WBS 10426-1010) from available balances in other project line items, in the amounts shown in Attachment A of the agenda item; **(2)** transfer \$1,300,000 from the San Diego State University (SDSU) Tunnel and Underground Station Construction line item (WBS 10426-1010) into the Construction Contingency for the SDSU Tunnel and Underground Station, as shown on Attachment B of the agenda item, to fund pending and proposed change orders for the SDSU construction contract; **(3)** transfer \$300,000 for the La Mesa Segment Construction line item (WBS 10426-109918LM) into the Grantville Segment Construction line item (WBS 10426-109918GR) to correct a negative balance in the Grantville line item, as shown in Attachment A of the agenda item; **(4)** ratify the action of the Chairman of the Board authorizing the CEO to execute Contract Change Order (CCO) No. 305 (Attachment C of the agenda item) with Clark Construction Group (CCG), contractor for the SDSU Tunnel and Underground Station, in an amount not to exceed \$500,000, to start work on additional fire alarm system equipment and detection wiring, as required by the State Fire Marshall. CCO No. 305 directs the contractor to order equipment with a long lead time; this will save MTDB from potential costs associated with contractor delays; and **(5)** execute Contract Change Order (CCO) No. 101, Supplement No. 1, with Stacey and Witbeck, Inc. (SWI), in an amount not to exceed \$40,525, in substantially the same form as shown in Attachment D of the agenda item, for SWI to construct a cast-in-place concrete retaining wall at the Keeney Street Substation site for the Trackwork and Systems Contract (LRT-426.1).

7. MTDB: Controller's Report for March 2004 (FIN 305, PC 30100)

That the Board of Directors receive the following reports: FY 2004 Budget Summary – Appropriations/Expenditures/Encumbrances; FY 2004 Budget Summary – Status of Cash Receipts; Detail of Portfolio Balances, Investment Transaction Detail; and Estimated Balance of Contingency Reserve.

8. MTDB: Amendment – Inland Breeze MOU and Fund Transfer Agreement
(OPS 920.5, PC 30124)

That the Board of Directors authorize the Chief Executive Officer (CEO) to execute the first

amendment to the Memorandum of Understanding (MOU) and Fund Transfer Agreement between MTDB and the San Diego Association of Governments (SANDAG) for the Inland Breeze (Routes 980/990) Interstate 15 (I-15) FasTrak Value Pricing Project, for the period of July 1, 2004, through June 30, 2007, in substantially the same form as attached (Attachment A of the agenda item). That the Board of Directors receive the MTS Operators Budget Status Report for the month of April 2004.

9. MTDB: Legislative Update (ADM 122.2, PC 30100)

That the Board of Directors receive this report for information

Motion on Recommended Consent Items

Mr. Emery moved to approve Consent Agenda Item Nos. 6, 7, 8, and 9. Mr. Clabby seconded the motion and the vote was 10 to 0 in favor.

NOTICED PUBLIC HEARINGS

There were no Noticed Public Hearings

DISCUSSION ITEMS

30. SDTI: 2004 Suzuki Rock 'N' Roll Marathon Summary Review (CIP 10453)

Mr. Peter Tereschuck, President & General Manager of San Diego Trolley, Inc. (SDTI), advised the Board that staff has implemented recommendations made by the Board at its May 13, 2004, meeting. He also introduced Mr. Tom Doogan who provided the Board with an overview of trolley operations on the day of the Suzuki Rock 'N' Roll Marathon. Mr. Doogan provided the Board with information on the number of times the race crosses trolley tracks at various locations around the city and, in particular, pointed out that the race crosses Napa and Friars twice. He advised the Board that service at that location is disrupted from 7:00 to 11:00 a.m. Mr. Doogan showed pictures displaying trolley passengers trying to cross through runners to get to their connecting trolley.

In response to a question from Ms. Sterling, Mr. Tereschuck responded that SDTI has been working with Elite Racing to develop an alternate route for the race. He also pointed out that SDTI has warned Elite Racing in past years about the difficulties at Napa and Friars and did so again this year.

Mr. Emery stated that he spent nearly two hours observing trolley operations and the race at this location and stated that this is a dangerous situation. Mr. Monroe stated that he also doesn't feel that trolley customers should be put in a conflicting situation with the marathon runners; however, he stated he wasn't sure he was ready to vote in favor of staff's recommendation. He stated this is a very important race with economic benefits to San Diego. He cited other changes that are made by the city to accommodate the race, e.g. the closure of Pacific Highway, portions of the freeway, etc. He stated that he would be willing to stop trolley service altogether if the City made that request. He

stated that he would like to hear from City representatives on the Board before going forward with this recommendation.

Mr. Mathis stated that he would be opposed to stopping trolley service for any length of time. He stated that the public has come to expect the trolley to operate and expressed concern that this could have a negative effect on the Trolley's reputation for providing reliable service. He stated that the Trolley has made adjustments to accommodate the downtown portion of the race, but accommodations cannot be made for the length of time that is required at the Friars and Napa location. He added that he was against setting a precedent of altering service for public events. Mr. Emery pointed out that it is more difficult for the Trolley to make adjustments because the trolley runs on a fixed track.

Mr. Zucchet stated that he didn't think either the race or trolley service should be stopped. He stated that Elite Racing appears to feel it can simply avoid dealing with the issue with no consequence to the race. He added that everyone recognizes the benefit of the race but that does not "trump" trolley service. He stated he was in favor of staff's recommendation regarding this matter keeping Mr. Monroe's comments in mind. He added that he feels this action is necessary in order to convey the seriousness of MTDB's concern regarding this issue to Elite Racing.

Mr. Roberts stated that he also was in favor of staff's recommendation. He added that Elite Racing is aware of MTDB's concern about the Napa and Friars location. He added that he has had discussions with Elite Racing and they need to adopt a different attitude about resolving this problem. He also stated he felt Elite Racing and SDTI could work together to arrive at a solution that would be acceptable to both. He added that Elite Racing also has major financial partners that are requesting a change in the race course.

Mr. Jablonski stated that he would be meeting with Tracey Sundlun of Elite Racing to discuss these issues. He stated that approximately 1,800 to 2,000 passengers, 40 to 50 at a time, are affected by the race over a four-hour period.

The Board briefly discussed related insurance issues.

Action Taken

Mr. Emery moved to receive this report for information and reaffirm its position with respect to the 2005 Suzuki Rock 'N' Roll Marathon course as follows: (1) For the safety of its patrons and those participating in the Rock 'N' Roll Marathon, the crossing at Friars Road/Napa Street cannot be closed to LRT through movement for any duration of time for the 2005 Rock 'N' Roll Marathon; (2) Declare that MTDB has the exclusive jurisdiction under Public Utilities Code section 120105(e) to determine the rules and regulations for the use and operation of its property and facilities, including its transit systems and related transportation facilities, and to determine whether a race course may be established over its property and facilities; and (3) Direct staff to transmit this formal position to Elite Racing. Mr. Rindone seconded the motion and the vote was 10 to 0 in favor.

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

There was no Chairman's Report.

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

Bus Purchases: Mr. Jablonski advised the Board that he has issued notices to proceed to both North American Bus Industries (NABI) and Creative Bus for the manufacture of buses that will be purchased by MTDB using \$10 million in local funds and \$10 million in TCRP funds. He stated that 40' coaches will be purchased from NABI – the exact number to be determined during an upcoming meeting, and five smaller buses for Chula Vista Transit from Creative Bus. He stated that deliveries should occur toward the end of this year and early 2005.

Federal Transportation Administration (FTA) Triennial Review: Mr. Jablonski reported that MTDB just completed its Triennial Review conducted by the FTA. He informed the Board that this audit is extremely thorough and covers an array of diverse subjects. He reviewed the amount of time staff spent preparing for this audit. He said MTDB came through the audit extremely well, especially given that most staff members experienced with this audit were transferred to SANDAG. He added that there were a couple of administrative issues identified by the FTA during the audit, one of which involved making a minor revision to MTDB's Disadvantaged Business Enterprise (DBE) policy. He stated that staff deserves a lot of credit for MTDB's good report and for preparing for and participating in this audit in addition to performing their regular duties. In response to a comment from Mr. Monroe about the Transportation Development Act (TDA) Triennial Audit, Mr. Jablonski stated that the FTA audits only those items for which they have made a financial commitment. Mr. Emery advised the Board that this particular audit is conducted by the FTA at no expense to MTDB.

APTA Announcement of Board Chair of the Year: Mr. Jablonski reported that Mr. Leon Williams has been named by APTA as Board Chair of the Year. He added that Mr. Williams will receive his award during the APTA Annual Meeting in Atlanta this fall.

46. Board Member Communications

APTA Board Chair Award: Mr. Rindone, Ms. Sterling, and Mr. Monroe all offered congratulations to Mr. Williams on his selection as Board Chair of the Year. They all said it was well deserved. Ms. Sterling stated that he was a boost to the Board. Mr. Williams thanked Mr. Jablonski for his support and Nancy Irwin, MTDB Advertising and Communications Manager, for her efforts on his behalf.

Painting of Yellow Curb and 12th & Imperial Station: Mr. Rindone asked why the yellow curbs at 12th & Imperial Station have not been painted yet. He stated that he felt this should have been done earlier in the baseball season given the number of trolley patrons that are using this station to arrive for Padres games. Mr. Tereschuck reported that 12th & Imperial yellow curbs should be repainted before the next Board meeting. Mr. Monroe stated that there is a current system-wide effort to make painting-related upgrades.

Water Bottles: Mr. Mark Lewis stated that MTDB should provide 12 oz. instead of 8 oz. bottles of water to reduce the amount of plastic waste. Mr. Clabby pointed out that the plastic is recycled.

Future Transportation System: Ms. Sterling informed the Board about a Channel 8 newscast detailing a futuristic pod-based transportation system. She explained the basic concepts of the system. Mr. Jablonski stated he would have staff obtain a copy of the news clip and present it at an upcoming Board meeting.

47. Additional Public Comments on Items Not on the Agenda

There were no additional public comments.

50. Next Meeting Date

The next regularly scheduled Board meeting is Thursday, July 22, 2004, at 9:00 a.m. in the same location.

60. Adjournment

Chairman Williams adjourned the meeting at 10:45 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

GWilliams/minutes

Attachments: A. Roll Call Sheet