

SAN DIEGO METROPOLITAN TRANSIT SYSTEM BOARD OF DIRECTORS

EXECUTIVE COMMITTEE MEETING FOR THE  
METROPOLITAN TRANSIT SYSTEM (MTS),  
SAN DIEGO TRANSIT CORPORATION (SDTC),  
AND SAN DIEGO TROLLEY, INC. (SDTI)

MARCH 17, 2005

MINUTES

A. ROLL CALL

Chairman Williams called the meeting to order at 9:07 a.m. Committee members present: Toni Atkins, Bob Emery, Jerry Rindone, and Leon Williams. Ex Officio member present: Harry Mathis.

B. APPROVAL OF MINUTES

Mr. Rindone moved approval of the minutes of the March 3, 2005, Executive Committee meeting. Mr. Emery seconded the motion, and the vote was 3 to 0 in favor.

C. COMMITTEE DISCUSSION ITEMS

1. MTS: Mission Valley East (MVE) Light Rail Transit (LRT) Project Status Report (CIP 10426.15)

Mr. Paul Jablonski, MTS CEO, stated that this presentation will consist of the usual project status report and some MVE start-up information. He stated that a more formal presentation on start-up activities will be given next month as requested at the March 10, 2005, Executive Committee meeting, and a list of critical items will be provided at that time. Mr. Jim Linthicum, SANDAG Director of Transit Engineering and Construction, provided an overview of major activities. He advised the Committee that the State Fire Marshall should release the tunnel to MTS by the end of April or in early May. He also briefly reviewed some clean-up activities that need to be completed before start up. He reported that staff may be asking for approval of a change order to utilize a utility relocation contractor, Orion Construction, to handle construction matters that the construction contractor is not willing to do for a reasonable price.

Mr. Linthicum also reviewed key elements of the MVE start-up schedule. He reported that the date for station occupancy is one of those critical items – service cannot be started without completion of this task. He added that staff can, however, complete most tasks without station occupancy. He stated that station occupancy, currently scheduled for April 27, could slip a couple of months without interfering with the start-up of revenue operations.

In response to a question from Mr. Rindone, Mr. Tereshuck reported that staff assumed responsibility for the tunnel March 11, and there is routine circulation of security personnel through the tunnel at all hours. Mr. Mathis asked if the gates that secure the

portal entrances to the SDSU tunnel will be secured outside of operating hours. Mr. Tereschuck stated that the gates are part of temporary fencing that is scheduled to be removed, and there is a very sophisticated intrusion detection system that will alert security personnel whenever anyone enters the tunnel. Mr. Mathis felt it would be better to be proactive rather than reactive, particularly given that the tunnel is located close to SDSU. Mr. Rindone agreed and asked that staff reexamine this issue or at least provide more detail. Mr. Mathis expressed concern about MTS's liability if someone should enter the tunnel and get hurt before security personnel can respond. He asked if the current plan is adequate to prevent exposure to liability issues. Mr. Tereshuck reported that there are cameras at the tunnel portals and in the station itself. Mr. Jablonski reported that a press release was issued and provided to SDSU when the lines were electrified. Chairman Williams suggested automated gates. Staff agreed to report back to the Committee on this issue.

Mr. Linthicum advised the Committee that, while much of the necessary LRV modifications have been made, platform modifications are not scheduled to be completed until June 20. Mr. Tereschuck provided an overview of training activities that need to occur and, after training is completed, schedule simulations that need to be completed. He explained that trains can only reach 40 mph on some of the grades. He stated that staff must ensure that schedules are realistic given the Green Line's operating environment.

Mr. Linthicum also provided the Committee with delivery status for the S70 trolley cars and problems that have been encountered with the vehicles already received. He stated that there are problems with software related to coupling of cars, and there are voltage problems that need to be resolved before training activities involving the S70's can be started. He added that training can start using the SD100 vehicles. Mr. Jablonski provided the Committee with some details regarding the nature of the problems with the couplers and voltage. In response to a question from Mr. Mathis, Mr. Jablonski stated that Siemens is financially responsible for the needed modifications as these items were part of the original specifications for these cars. He added that liquidated damages have started to accrue. Mr. Jablonski also reported there is still no resolution on the paint issue.

It was pointed out that people in wheelchairs will have difficulty determining where to position themselves on the platform in order to board an S70 car if the S70 cars are not in the same position within each train consists. Mr. Rindone stated that there must be consistency unless it can't be achieved because of car-compatibility issues and requested that staff be creative in trying to achieve that consistency. Mr. Williams stated that the Board agreed, when it decided to approve the purchase of low-floor trolley cars, that the S70 would always be placed in the middle position in any train consist. He stated that this was a policy issue decided by the Board, and if there are additional expenses involved in complying with this policy, the Board should make that decision. Mr. Rindone pointed out the importance of this issue given the unique opportunity MTS has to attract new riders. Mr. Jablonski pointed out that staff will be more clear about options once all compatibility testing of the trolley cars has been completed.

In response to a question from Mr. Mathis, Mr. Jablonski reported on staff's ongoing efforts to ensure that Siemen's production of MTS's S70 cars proceeds in a timely fashion. He reported that staff has been holding weekly conference calls with the head of Siemen's entire transportation division in North America, and Siemens has brought in

a software expert from Germany to work on this issue as well. He felt that all the key personnel are now participating. Mr. Tereschuck stated that staff is very direct during these conference calls, and he felt that Siemens understands the issues involved. Mr. Jablonski stated that he would relay Executive Committee concerns to Siemens during the next conference call. Mr. Rindone requested that staff send him an e-mail regarding the daily rate at which liquidated damages are accruing against Siemens and the amount accrued to date.

Mr. Linthicum briefly reviewed two budget issues that will be presented at the Board meeting on March 24, 2005, involving an SDSU Foundation lease payment and a contract change order for Grantville landscaping. He also advised the Committee that staff may be requesting the transfer of funds into a Utilities Relocation contract to pay for clean-up work. Mr. Linthicum then showed the Committee pictures of a public art piece. Mr. Jablonski stated that federal grants have a one percent set-aside for public art that recipients are encouraged to use. Ms. Atkins expressed support for these types of enhancements.

#### Action Taken

Mr. Rindone moved to receive the report on the status of the Mission Valley East Light Rail Transit project along with direction as provided by Executive Committee members during discussion of this item. Mr. Emery seconded the motion, and the vote was 4 to 0 in favor.

#### D. REVIEW OF DRAFT MARCH 24, 2005 BOARD AGENDA

##### Recommended Consent Items

6. SDTI: Rail Lubricant 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 Neleco, Inc. to supply "Synco Super Lube" rail lubricant for a three-year base period with an option for two single-year extensions. The total cost, including delivery but excluding California sales tax, for a three-year base period shall not exceed \$576,000.00.

7. MTS: Property Insurance Renewal (LEG 491, PC 30100)

Recommend that the Board of Directors authorize the CEO to renew the property insurance coverage for MTS, SDTC, and SDTI with the California State Association of Counties (CSAC) Property Insurance Program, effective March 31, 2005, through March 31, 2006, with basic coverage deductible of \$25,000, \$100,000 for collision on buses and light rail vehicles, and \$1,500,000 on roads, bridges, and tunnels.

8. MTS: Increased Authorization for Legal Services (LEG 491, PC 30100)

Recommend that the Board of Directors authorize the CEO to enter into contract amendments with Bing Bush of the Law Offices of Bing I. Bush, Jr. (MTDB Doc. No. G0873.4-03, (Attachment A of the agenda item), and Stephan Wismar of the law firm Wismar & Barber (MTDB Doc. No. G0730.3-02, Attachment B of the agenda item) for general liability and workers' compensation legal services, in substantially the same form

as attached, and ratify prior amendments entered into under the CEO's and/or previous General Manager's authority(ies).

9. MTS: Mission Valley East Light Rail Transit Project: Lease Amendment with the San Diego State University Foundation (CIP 10426.6)

Recommend that the Board of Directors authorize the CEO to execute lease amendments for the second floor of 5814 Hardy Avenue and 5850 Hardy Avenue in the City of San Diego and ratify a prior amendment entered into under the CEO's and/or previous General Manager's authority(ies) to extend the term of the lease in substantially the form attached (Attachment A of the agenda item).

10. MTS: Mission Valley East Light Rail Transit Project – Grantville Segment: Contract Change Order (CIP 10426.7.3)

Recommend that the Board of Directors authorize the CEO to execute Contract Change Order (CCO) No. 132, Supplement No. 7, with Modern Continental Construction Company (MCC), in substantially the same form as shown in Attachment A of the agenda item, for changes in quantities of landscaping and irrigation in various areas along the Grantville Segment of the Mission Valley East Project (LRT-426.3), in an amount not to exceed \$137,166.60, including a net amount of \$72,422.60 approved by the previous General Manager and the CEO with the original CCO No. 132 and Supplement Nos. 1 through 6.

#### Recommended Consent Items

There was no discussion of Recommended Consent Items.

#### Recommended Board Discussion Items

There was no discussion of Recommended Board Discussion Items.

### E. REVIEW OF SANDAG TRANSPORTATION COMMITTEE AGENDA

Mr. Conan Cheung, MTS Director of Planning, reported that SANDAG Chairman, Joe Kellejian, and SANDAG staff members will be providing their Transportation Committee with an update on the Comprehensive Operational Analysis.

### F. COMMITTEE MEMBER COMMUNICATIONS AND OTHER BUSINESS

*Transit Lobby Day:* Mr. Jablonski reported that he, MTS General Counsel Tiffany Lorenzen, and MTS Interim Chief Financial Officer Cliff Telfer attended the California Transit Association Transit Lobby Day. He stated that they met with two senators and four assembly members to discuss transit and provided a brief description of the topics that were covered during these meetings. He further reported that the Governor is supporting the elimination of Proposition 42, including the spillover funds that were allocated to transit. He stated that efforts are ongoing with the Transportation Commission to retain the conveyance of these spillover funds to transit. He also advised the Committee that legislators were receptive to MTS's enabling legislation, and this legislation may go forward as a consent item.

*Transportation Equity Act for the 21<sup>st</sup> Century (Tea-21) Reauthorization:* Mr. Jablonski reported that the House has approved a \$284 billion reauthorization of Tea-21, and this bill should go to the Senate in July where it will be “fast tracked” for at least the same dollar amount approved by the House. He stated that he would keep Board members apprised of any developments.

G. PUBLIC COMMENTS

There were no public comments.

H. NEXT MEETING DATE:

The next meeting is scheduled for Thursday, April 7, 2005 in the Executive Conference Room.

I. ADJOURNMENT

Chairman Williams adjourned the meeting at 10:08 a.m.

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Chairman

gailwilliams/minutes