



NORTH COUNTY TRANSIT DISTRICT

Board Members

Ed Gallo
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City of Escondido

Dave Roberts
Vice-Chair
City of Solana Beach

Julianne Nygaard
City of Carlsbad

David Druker
City of Del Mar

Jerome Stocks
City of Encinitas

Jim Wood
City of Oceanside

Chris Orlando
City of San Marcos

Bob Campbell
City of Vista

Bill Horn
County of San Diego

Executive Director

Karen King

General Counsel

C. Michael Cowett

For more information on NCTD,
please check out our web page at:

www.gonctd.com

**MEETING of the
NORTH COUNTY TRANSIT DISTRICT
Board Room
810 Mission Avenue
Oceanside, CA 92054**

**THURSDAY
September 20, 2007
1:30 P.M. – Special
Meeting/Closed Session
2:00 P.M. – Regular Meeting**

NCTD's Mission

*Deliver safe, convenient,
reliable, and user-friendly
public transportation services.*

NCTD's Vision

*Provide an integrated transit
system that enables our
customers to travel easily
and efficiently throughout
the region.*

For individuals with disabilities, we will provide assistive services. To obtain such services or copies of documents in an alternate format, please call or write, a minimum of 72 hours prior to the event, to request these needed reasonable modifications. We will make every attempt to accommodate requests that do not give 72 hour notice. Please contact our Customer Service Supervisor at (760) 966-6503.

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SPECIAL MEETING / CLOSED SESSION AGENDA

- **CALL TO ORDER**
- **ROLL CALL OF BOARD MEMBERS**

A. CLOSED SESSION

- i) Closed Session Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Existing Litigation – William Wardrop v. NCTD; Superior Court Case No. GIN 049827
- ii) Closed Session Pursuant to Government Code Section 54956.9 (b) – Conference with Legal Counsel – Anticipated Litigation – One Potential Case
- iii) Closed Session Pursuant To Government Code Section 54957 Re: Personnel Matter – Public Employee Performance Evaluation; And Conference with Labor Negotiators Regarding Unrepresented Employee (Section 54957.6) Title: Executive Director

REGULAR MEETING BEGINNING AT 2:00 PM

- **CALL TO ORDER**
- **ROLL CALL OF BOARD MEMBERS**
- **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- **CHANGES TO THE AGENDA**
- **PRESENTATION OF COMMENDATIONS**
 - **Presentation of August 2007 Employees of the Month Commendations to:**
 - * Mr. Earnest S. Patterson, General Services Worker
 - * Mr. Gerald S. Edds, Coach Operator

- **PUBLIC COMMUNICATIONS**

There is a time limit of 15 minutes for this section of Public Communications and each speaker is limited to three minutes for their presentation.

All persons wishing to address the Board during the meeting must complete a "Request to Speak" form. These forms are provided in a box at the table in the hallway, and must be completed and given to the Clerk of the Board before that agenda item is called.

**RECOMMENDED
ACTION**

B. MINUTES FOR REGULAR MEETING OF AUGUST 16, 2007
(Pages 6 - 11)

Approve

All matters listed under CONSENT are considered by the Board to be routine and will be enacted by one motion. There will be no separate discussion on these items prior to the time the Board votes on the motion, unless members of the Board, the Executive Director, or the public, request specific items to be discussed and/or removed from the Consent Calendar for separate action. A request from the public to discuss an item must be filed with the Clerk of the Board on the "Request to Speak" form before that agenda item is called.

ITEMS PULLED FROM CONSENT WILL BE MOVED TO THE END OF THE AGENDA

**RECOMMENDED
ACTION**

C. CONSENT ITEMS (Tabs 1 – 5)

Items reviewed and recommended for approval by the Governance Committee (G), Planning Committee (P), Monitoring Committee (M) or Staff (S)

- | | |
|---|---------|
| 1. KTU+A On-Call Contract 0410-OS to MTS (M) | Approve |
| 2. Replenish Executive Director's Change Order Authority Pool for SPRINTER Construction Contracts (M) | Approve |
| 3. Legal Services Provider Panel Contract (M) | Approve |
| 4. State Transportation Improvement Program Funds for the Signal and Communication System Upgrade Project (P) (Attachment 4A) | Approve |
| 5. San Luis Rey Transit Center Funding (P) | Approve |

D. OTHER BUSINESS (Tabs 6 – 11)

- | | |
|---|---------|
| 6. Mobile Command Vehicle (M) (Attachment 6A) | Approve |
| 7. FY 2008 Budget Amendment (P) (Attachments 7A and 7B) | Approve |
| 8. Local Multi-Hazard Mitigation Plan (P) (Attachment 8A) | Approve |
| 9. Board of Directors Planning Workshop (G) | Approve |
| 10. SANDAG 5-1-1 Presentation (No Staff Report) | Receive |
| 11. Monthly SPRINTER Update (M) | Receive |

• **SANDAG AGENDA REVIEW AND LEGISLATIVE ACTIVITIES UPDATE** (Enclosure)

• **BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE**

• **EXECUTIVE DIRECTOR'S REPORT**

- **REMAINING PUBLIC COMMUNICATIONS**

For any remaining speakers who have completed a "Request to Speak" form before the start of the meeting.

- **ADJOURNMENT**

- **CERTIFICATIONS AND RULES (FOR BOARD AND PUBLIC INFORMATION)**

- Posting of Board Agenda (Page 27)
- Rules for Public Speakers at meetings of the North County Transit District (Page 28)

***The next regularly scheduled Board meeting will be held at
2:00 p.m. on Thursday, October 18, 2007
at 810 Mission Avenue, Oceanside, CA***

***A Special Board meeting will be held at
11:00 a.m. on Thursday, September 27, 2007
at 311 South Tremont, Oceanside, CA***

**MINUTES OF THE SPECIAL MEETING/CLOSED SESSION AND THE REGULAR MEETING
OF NORTH COUNTY TRANSIT DISTRICT HELD AUGUST 16, 2007** **PAGE 1**

CALL TO ORDER

Chairman Ed Gallo called the meeting to order at 2:00 p.m.

ROLL CALL OF BOARD MEMBERS

Ed Gallo (City of Escondido); Julianne Nygaard (City of Carlsbad); David Druker (City of Del Mar); Jerome Stocks (City of Encinitas); Jim Wood (City of Oceanside); Chris Orlando (City of San Marcos); Dave Roberts (City of Solana Beach); Bob Campbell (City of Vista).

Absent: Bill Horn (County of San Diego)

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Julianne Nygaard led the Board, staff and the public in the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

None

CLOSED SESSION

The Board went into Closed Session at 2:02 p.m. to discuss three items:

- Closed Session Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiators – Location of Property is portion of Assessor Parcel Numbers 263-340-02 through 263-340-07, and 298-520-03 in Solana Beach. Negotiator: NCTD: Rick Howard and Lance Schulte – Negotiating Party: Shea Properties.
- Closed Session Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Existing Litigation – Jacqueline Laurel, et al v. NCTD; Superior Court Case No. GIN 051359
- Closed Session Pursuant to Government Code Section 54956.9 – Conference with Legal Counsel – Existing Litigation – Hickerson v. NCTD, WCAB Case Number: SDO 032838 and SDO 0341317

The Board returned from Closed Session at 2:38 p.m. Michael Cowett, General Counsel, stated that the Board met in Closed Session, discussed the three items and had nothing to report.

PRESENTATION OF COMMENDATIONS

Presentation of July 2007 Employees of the Month Commendations

Brian Graham, Director of Bus Operations and Maintenance, recognized Mr. Jose F. Acuna, Mechanic 1 and Mr. Aaron A. Fournier, Coach Operator, as the July 2007 Employees of the Month, with the Board's congratulations.

PUBLIC COMMUNICATIONS

None

APPROVAL OF MINUTES

MOTION BY JEROME STOCKS TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JULY 19, 2007, SECONDED BY DAVE ROBERTS. ABSTAIN: CHRIS ORLANDO. MOTION CARRIED.

CONSENT ITEMS

1. Increase Purchase Order to Project Design Consultants (PDC) for Engineering Support for the SPRINTER Project

MOTION BY JEROME STOCKS TO APPROVE AGENDA ITEM 1, SECONDED BY BILL HORN. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

2. Draft Report for
2007 Regional
Transportation Plan

Pete Aadland, Director of Communications and Business Development, stated that a public hearing would be held at SANDAG on the Regional Transportation Plan (RTP) in September, final comments will be

due and then it will come back to the NCTD Board in November. He stated that NCTD staff has provided initial comments.

Mr. Daniel Veeh, SANDAG Assistant Transit Planner, reviewed the RTP and highlighted four major components: land use; demand management; systems management; and systems development.

Julianne Nygaard said that the RTP states parking structures are included at all COASTER stations (except Santa Fe Depot) and asked if these are things SANDAG is just visualizing or is there funding attached to these.

MINUTES OF THE SPECIAL MEETING/CLOSED SESSION AND THE REGULAR MEETING OF NORTH COUNTY TRANSIT DISTRICT HELD AUGUST 16, 2007
PAGE 3

Mr. Veeh replied that the funding is identified in the RTP.

Stefan Marks, Manager of Service development, stated that there may be

Meeting Date: 9/20/07

funding through the Smart Growth Program, within the existing TransNet Program under the RTP's existing revenue Constrained Plan, but the Revenue Expected Scenario, which requires and assumes additional funding, is where most of the new transit improvements are proposed. He said that SANDAG has identified funding sources, but the SANDAG Board has not yet considered how to fund the Reasonably Expected Scenario.

Jerome Stocks reminded the Board that the RTP is a 30-year document and it gets updated every four years, so it can adjust as we move forward.

Bob Campbell asked where the four grade separations were located that were planned for the SPRINTER alignment.

Mr. Veeh did not know, but stated that it goes back to an old document from NCTD that ranked each of the grade separations along the whole SPRINTER route.

Karen King said that back in approximately

2002, NCTD evaluated the grade separations and El Camino Real was the number one rated in terms of traffic volume and need for grade separation. She stated that she could provide the Board with that list.

Dave Druker asked when the BRT got in the plan and would it be a managed plan all the way to Temecula.

Mr. Veeh replied that it was in the reasonably expected plan, it would come on-line 2012, and it would use the general purpose lanes north of 78.

Karen King suggested that since comments are not due until after September 6, 2007, we could re-work the letter the Board has received to include the comments from today and bring it back to the Planning Committee for a final review for the NCTD Chair to sign and send on to SANDAG.

JEROME STOCKS
LEFT AT 3:20 PM.

3. Tribal Transit Feasibility Study

Ms. Jane Clough-
Riquelme, SANDAG
Project Manager,
reviewed: project
objectives;

Meeting Date: 9/20/07

transportation corridor;
proposed routes A and
B; improvements to
the existing services;
tribal mobility
manager/coordinator;
preliminary cost
estimates; and FTA
tribal transit fund.

Stefan Marks said that when NCTD worked with the tribal transportation groups, the money that is available for the tribes is specifically to get residents from the tribal reservations to the urban areas. He stated that the routes that were proposed were routes that provide demand response. Mr. Marks said that if we get the funding, we will be able to significantly improve the speed and access for everybody who lives in Valley Center, Pala, Pauma and Rincon areas, whether they live or work on the reservation. He said that there also was funding for bus stop maintenance and improvements and both the District and riders would benefit if this grant is approved. No action required.

MINUTES OF THE SPECIAL MEETING/CLOSED SESSION AND THE REGULAR MEETING OF NORTH COUNTY TRANSIT DISTRICT HELD AUGUST 16, 2007 PAGE 4

4. Regional Short-Range Transit Plan and Coordinated Public Transit – Human Services Coordinated Plan

Mr. Dan Levy, SANDAG Senior Transit Planner, stated that the Coordinated Plan is a new federal Meeting Date: 9/20/07

requirement and that this is the first year SANDAG has done one. He said SANDAG has used it to combine with the short-range transit plan so it looks at a five-year horizon to implement longer-term visions that are in the Regional Comprehensive Plan and Regional Transportation Plan. Mr. Levy said that this plan is required to facilitate state and federal funding that would be available through JARC and New Freedom. He stated that this plan will be updated yearly so they call it the "one-region, one-network, one-plan" document because it's a comprehensive plan that covers public transit and social service and private transportation. Mr. Levy reviewed: vision and goals; objectives covering key areas (financial growth, productivity, access, convenience, reliability and speed, and environmental justice); and future actions.

Jim Wood requested that service be provided for the Wounded Warrior Program on Camp Pendleton.

Stefan Marks responded that NCTD provides hourly service to the naval hospital, but he would make an effort to find out their transportation needs.

No action required.

5. SPRINTER Marketing Campaign Report

Tom Kelleher, Marketing Manager, reviewed: an overview of the SPRINTER marketing plan; objectives and target markets; target demographics; event marketing; key messages; tactics; branding; and station signage.

Jim Wood requested that public safety officers see the system, in the event that they would have to respond to an emergency.

Tom Lichterman stated that the plan is to conduct emergency responder familiarization with every group that has that role throughout the corridor. He said that the process has already begun at the east end of the line.

No action required.

6. Monthly SPRINTER Update

Don Bullock, Manager of Capital Construction, reviewed the progress on the settlement agreement with the SPRINTER contractor. He said the next milestones are in September and October, with the most significant one being October 4, 2007, which allows NCTD to begin pre-revenue operations.

No action required.

- **SANDAG AGENDA REVIEW AND LEGISLATIVE ACTIVITIES UPDATE**

Ellen Roundtree, Intergovernmental Affairs Officer, stated that there would be no SANDAG meeting until September 14, 2007. She informed the Board that San Diego was not one of the five finalists for the Urban Partnership Agreement, but was offered \$18 million for the SWOOP project, which was an element of SANDAG's proposal too. SWOOP is a project that allows buses to ride on the shoulder on SR 805 from Chula Vista to Sorrento Valley. Ms. Roundtree stated that there is still no state budget. She said that on the Federal side, the House of Representatives, approved the Fiscal 2008 appropriations bill, which included \$50.7 billion in funding, and transit received \$9.7 billion. Ms. Roundtree said that for North County, the bill included earmarks for SR 76 widening for \$250,000; West Vista Way received \$250,000; San Luis Rey Transit Center received \$250,000; Leucadia at-grade safety improvements received \$500,000; and Citracado Parkway received \$250,000. She said these are still subject to Senate concurrence which won't happen until they get back from recess; however, the President has threatened to veto most appropriation bills, including this one.

No action required.

- **BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE**

Dave Roberts stated that FACT: is looking at expanding their Board from seven to nine members; will have a half-day retreat to look at their strategic plan; has created the Norine Sigafoose Partnership Award. He added that the Mayor of Solana Beach has written to the NCTD Board and questioned when the Board would respond to her.

Ed Gallo said a response will be sent in the near future. He questioned if the Board would be holding a mid-year workshop.

Karen King responded that staff would bring this question back to the Governance Committee at its next meeting.

Jim Wood invited the Board to attend the Downtown Oceanside Street Fair on Thursday nights.

- **EXECUTIVE DIRECTOR'S REPORT**

Karen King stated that July 2007 was a record ridership month on the COASTER.

- **REMAINING PUBLIC COMMUNICATIONS**

None

• **ADJOURNMENT**

The meeting adjourned at 4:47 p.m. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

CHAIRMAN: _____

CLERK OF THE BOARD: _____

DATE: _____

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**MONITORING COMMITTEE REPORT
TO THE NCTD BOARD OF DIRECTORS**

TITLE: KTU+A ON-CALL CONTRACT 04010-OS TO MTS

**COMMITTEE
RECOMMENDATION:**

That the Board approve an increase of the contract value with KTU+A from \$475,000 to \$775,000 to allow for an assignment of \$250,000 to MTS and \$50,000 for potential future District work.

**BACKGROUND
INFORMATION:**

One of the major tasks under the current On-Call contract with KTU+A is for land use planning, market and financial analysis and development and facilitation of public processes; for the Master Plans for Carlsbad Village Station, Escondido Transit Center and Oceanside Transit Center.

MTS has requested that the District assign a portion of the On-Call contract to them to allow MTS to separately contract with KTU+A to develop Master Plans for some of the MTS stations and other real estate assets.

In order to assign specific contract values to MTS, the On-Call contract needs to be increased from its current value of \$475,000, of which \$465,390.62 has been encumbered to a new value of \$775,000,000. That would provide \$250,000 for MTS and an additional \$50,000 for potential District planning needs to supplement staff resources outside of the Master Plans project scope in the remaining 18 months of the contract.

The assignment to MTS would allow MTS to contract directly with KTU+A. Use of the assignment clause of RFP 04010-OS reduces overall regional costs, increases efficiencies, and is supported by the cooperative consolidation framework between SANDAG, MTS and NCTD.

ATTACHMENT: None

FISCAL IMPACT: NCTD's portion of this contract will be funded by a transit planning grant (account # 806011.741000.442400) that has a remaining budget of \$56,000.

**COMMITTEE
REVIEW:** 9/6/07 KTU+A is the current on-call consultant for land use studies for NCTD. Both SANDAG and MTS both initially wanted to take advantage of our current contract and rates. SANDAG has indicated they are no longer interested at this time, but MTS does want to pursue the assignment of the contract provisions. This is a cost neutral item.

STAFF CONTACT: **Lance Schulte**
Economic Development Administrator
E-mail: lschulte@nctd.org Phone: 760/966-6683



**MONITORING COMMITTEE REPORT
TO THE NCTD BOARD OF DIRECTORS**

**TITLE: REPLENISH EXECUTIVE DIRECTOR'S CHANGE ORDER
AUTHORITY POOL FOR SPRINTER CONSTRUCTION CONTRACTS**

COMMITTEE RECOMMENDATION: **That the Board reauthorize \$5.0 million in delegated contractual change order signature authority to the Executive Director solely for the construction contracts on the SPRINTER projects.**

BACKGROUND INFORMATION: Over the past two and a half years, the Board has awarded approximately \$234 million in construction contracts on the SPRINTER project. Due to the nature of large construction projects such as the SPRINTER, the potential exists for unforeseen field conditions to arise which may require an immediate response by the Contractor based on a Field Work Directive issued by the District. In order to ensure the District is able to respond quickly and efficiently to SPRINTER construction issues as they develop, the Board previously delegated a special procurement authority change order pool to the Executive Director solely for change orders on construction contracts on the SPRINTER project. To date, the Board has authorized additions to the pool as follows:

- December 2004 - \$2 million
- November 2005 - \$2 million
- July 2006 - \$3 million
- September 2006 - \$3 million
- November 2006 - \$5 million
- February 2007 - \$5 million
- June 2007 - \$5 million

At this time, the current balance remaining in the change order pool after processing recent change orders is approximately \$750,000, and a number of significant change orders (identified below) are anticipated in the next two to three months. In order to keep the contractor moving and avoid processing-related delays, staff recommends a \$5 million reauthorization of the Executive Director's change order pool authority.

The special change order pool is established and funded from the project contingency and other related SPRINTER project accounts that fund construction activities. The Executive Director, by delegated special authority, is authorized to approve any change orders on the project from that pool. When the pool nears exhaustion, it is proposed to be replenished with additional amounts pursuant to subsequent Board agenda reports. The Board is notified by email of any changes exceeding \$100,000, and receives periodic updates on the status of the change order activity via the SPRINTER Project Quarterly Report.

ATTACHMENT: None

FISCAL IMPACT: This action has no direct fiscal impact in itself, but creates an administrative procedure for the approval of SPRINTER change orders in a manner that helps prevent project delays and potential delay claims. Based on the current SPRINTER budget, staff estimates that there will be sufficient budget available in the various SPRINTER project accounts to process the change orders contemplated under this item. It should be noted that not all change orders will be charged against the SPRINTER project budget; rather, some will be charged to reimbursable projects, while others will be charged against contract allowances in the existing construction contract.

COMMITTEE REVIEW: This replenishes the Executive Director's change order authority pool.
9/06/07 Staff noted that there are no longer any significant design changes being made and that this does not increase the current overall budget of \$470 million.

STAFF CONTACT: **Tom Lichterman**
Director of Rail Services
E-mail: tlichterman@nctd.org Phone: 760/967-2855

EXTENDED BACKGROUND: The following significant change order issues are anticipated to require funding in the next two to three months:

Buena Creek Bridge Quantity Revisions – The final installed quantities for structural excavation, structural backfill, structural concrete and miscellaneous concrete exceeded the bid price form quantities and will result in a cost increase of approximately \$700,000.

Escondido Avenue and Phillips Street – The redesign of Escondido Avenue and the station entrance at Phillips Street caused extra work that resulted in payment for a shoofly track through the crossing and station, added traffic control and out-of-sequence extra work that will result in a cost increase of approximately \$350,000.

Gangway Revisions – The final design for the tangent and curved station gangways is complete and the cost of the extra work is more than originally estimated by the engineer. In addition, the CPUC is insisting on further changes, resulting in an estimated total additional cost increase of approximately \$600,000.

Bypass Freight Track (BFT) – The close proximity of the trackbed and the creek in portions of the BFT will require installation of additional riprap armoring to prevent erosion during winter storms resulting in a cost increase of approximately \$300,000.

Export of Excess Material from Station Sites – As unsuitable material and other sub-surface unknown materials are discovered during excavation and construction, these materials are stockpiled at available station sites until they can be properly disposed. The disposal of this excess material will result in an additional cost of approximately \$250,000.

Asphalt Paving – The grade crossing AC paving section thickness and limits of work were revised causing a change in character of work that will result in an adjustment of compensation of approximately \$400,000.

College Station Pedestrian Bridge – The ped-bridge foundation location conflicted with an existing sewer requiring a temporary bypass to be constructed that will result in an increased cost of approximately \$100,000.

Oceanside Reimbursable Fencing - The City requested a portion of the right-of-way fence be constructed using black vinyl coated fencing products in lieu of the standard chain link style fence. This change resulted in a cost increase of approximately \$60,000 that will be reimbursed by the City.

The anticipated change orders described above and other smaller known items will exceed \$3.5 million and there will be on-going unknowns which will need to be addressed through the pool. Therefore, staff is recommending that the Board authorize augmenting the pool by a total of \$5 million.



**MONITORING COMMITTEE REPORT
TO THE NCTD BOARD OF DIRECTORS**

TITLE: LEGAL SERVICES PROVIDER PANEL CONTRACT

**COMMITTEE
RECOMMENDATION:**

That the Board award a change order to RFP 06008 Personal Injury and Property Damage Legal Services Provider Panel in the amount of \$600,000.

**BACKGROUND
INFORMATION:**

In the spring of 2006, staff issued Request for Proposal (RFP) 06008 which established a personal injury and property damage legal services provider panel for a five-year period. Following Board approval on July 20, 2006, separate contracts were established with the top three ranked attorneys who submitted proposals. Litigated cases have been assigned to each of these contractors over the past year. The attorneys and the firms they work for are:

- Tracy Richmond of Worden Williams;
- Roger Bingham of Wheatley, Bingham and Baker;
- Mark Brisebois of the Law Offices of Mark T. Brisebois.

A purchase order in the amount of \$625,000 was issued at the start of the contract based upon actual legal fees and costs that were paid in the preceding three fiscal years. The combined expenses averaged just under \$125,000 per year due to the frequency and severity of third party liability claims experienced during that time frame. Hence, this was the basis for establishing a total contract amount of \$625,000 for the five years.

Due to an increase in litigation activity in the current fiscal year, it has become apparent that \$625,000 will not be adequate for the remainder of the contract. Therefore, staff is recommending that we increase the purchase order for RFP 06008 by an additional \$600,000.

ATTACHMENT: None

FISCAL IMPACT: The proposed FY 2008 Budget Amendment includes an additional \$100,000 for liability/property damage attorney fees and costs for FY 2008.

**COMMITTEE
REVIEW:**
9/06/07

The Legal Services Provider Panel Contract provides a means by which three firms provide legal services for liability and property issues. Each of these firms has been assigned various cases since the inception of this contract. FY 07 has seen a spike in the number of litigation cases as compared to the last three years. The cases are currently assigned to the various firms by the Risk and Safety Manager after discussion with the Director of Fiscal Support Services. The Committee asked that a formal check and balance system be put in place to oversee the assignment of cases to the various firms.

STAFF CONTACT:

Susan Lockwood
Manager of Safety, Risk & Training
E-mail : slockwood@nctd.org Phone : 760/967-2847



**PLANNING COMMITTEE REPORT
TO THE NCTD BOARD OF DIRECTORS**

Agenda Item #

4

TITLE: STATE TRANSPORTATION IMPROVEMENT PROGRAM FUNDS FOR THE SIGNAL AND COMMUNICATION SYSTEM UPGRADE PROJECT

**COMMITTEE
RECOMMENDATION:**

That the Board adopt Resolution No. 07-08 to:

1) Accept \$500,000 in State Transportation Improvement Program (STIP) funds from the California Transportation Commission (CTC) for a signal communications system upgrade project on the coastal line; and

2) Authorize the Executive Director or designee to:

a) submit an allocation request to CTC;

b) enter into an agreement with Caltrans Division of Rail in the amount of \$500,000 for the Signal Communication System Upgrade program; and

c) execute the agreement and any other documents required related to securing funding for this project.

**BACKGROUND
INFORMATION:**

In March 2006, NCTD prepared a Project Study Report (PSR) proposing a project to conduct an in-depth analysis of NCTD's current signal train control system and local data radio communications system used on the Coastal right-of-way. This proposed project, known as the Signal Communications System Upgrade project (SCSU), would help identify needed system improvements, complete the system improvement design, as well as provide for installation of interim upgrades for both the signal and data radio-based communication system. Once completed, the upgrades and improvements would eliminate intermittent train schedule interruptions resulting from signal system radio interference and increase operational reliability within the corridor. The SCSU project also includes analysis for design of a potential upgrade of the system to fiber optics with the data radio based system remaining as a backup.

NCTD requested \$1 million in State Transportation Improvement Program (STIP) funds for the SCSU project over a two-year period. At the December 2006 meeting, the CTC allocated \$500,000 in STIP funds for fiscal year 2006-07 for the SCSU Project, and these monies have since been obligated for this project. This current resolution is authorizing NCTD to receive the remaining balance of the STIP funding for this project. In order for NCTD to receive the funds, a formal resolution (Attachment 4A) must be adopted by the Board accepting the \$500,000 of STIP funding; and authorizing the Executive Director: (i) to submit an allocation request to CTC; (ii) to enter into an agreement with Caltrans Division of Rail, and; (iii) to execute the agreement and any other documents required related to securing funding for this project.

The current system is 1970's-based relay logic technology, with a localized communication-based operating control system that relies on timely data radio transmit and receive signals to provide operational control of signals and train movements. The current system, though fail-safe, must function in a region of heavy radio interference and lacks reliability to operate without repetitive unpredictable periods of radio-based signal control interruptions. This radio interference results in train delays in the corridor until the system "recovers",

wreaking havoc with the entire corridor's train schedules. Accordingly, the signal and communication system requires an upgrade to optimize its operating potential to maximize reliability. Additionally, this upgrade will prove to be beneficial in preparation for moving to a more advanced technology and operationally-improved system such as fiber optics. The upgraded radio system would become the future back-up system for new technology.

ATTACHMENT: 4A – Resolution # 07-08

FISCAL IMPACT: The fiscal impact of this action is to increase capital funding by \$500,000 for the Signal Communications System Upgrade project (SCSU).

COMMITTEE REVIEW: The Committee briefly reviewed this item and recommended that the Board approve it on Consent.
9/6/07

STAFF CONTACT: **Diane Hessler**
Chief Management Accountant
E-mail: dhessler@nctd.org Phone: 760/966-6550



**PLANNING COMMITTEE REPORT
TO THE NCTD BOARD OF DIRECTORS**

**Agenda Item #
5**

TITLE: SAN LUIS REY TRANSIT CENTER FUNDING

COMMITTEE RECOMMENDATION: **That the Board review and adopt the proposed capital project funding changes related to the San Luis Rey Transit, subject to Federal Transit Administration (FTA) approval.**

BACKGROUND INFORMATION: Since 2003, NCTD has been working with the Loranda Corporation to plan, design and construct a new transit center in northeast Oceanside, known as the San Luis Rey Transit Center (SLRTC). This twelve bay transit center is needed to provide a permanent location for transfers between numerous BREEZE bus routes, the SPRINTER and the COASTER, to support anticipated demand for transit services in this area and to serve as an anchor for future bus rapid transit. The SLRTC, an integral part of a larger “master plan” mixed-use development project, is one of NCTD’s highest priority capital projects.

To date, NCTD has secured funding totaling \$3,032,322 for the SLRTC project for the preliminary design and environmental phase, final design and acquisition of the real estate. NCTD had also applied for and hoped to receive additional funding for construction of the required public improvements and the transit center. However, no construction funding has yet been secured and these costs are currently estimated to approximate \$5.2 million.

Based on negotiations between NCTD and Loranda, and the current project schedule, it is necessary for NCTD to identify approximately \$3 million of funding during the next year. Staff proposes to redirect approved capital funding from existing capital projects to fund the SLRTC construction costs. These existing projects have yet to commence and are not expected to begin in the foreseeable future. Federal Transit Administration (FTA) approval is required for the first two proposed changes. Although these proposals are contingent upon FTA approval, staff believes that the requests are reasonable and the FTA will approve them. The last proposed change requires an RTIP amendment. Due to timing issues, staff has submitted the proposed amendment to SANDAG with the stipulation that the proposal is subject to NCTD Board approval. The capital projects from which this funding is proposed to be taken include the following:

- Maintenance of Way replacement facility - \$2.0 million
- Various IT projects - \$600K
- E. Division Maintenance Facility (excess funding) - \$400K

ATTACHMENT: None

FISCAL IMPACT: The fiscal impact of this action is to increase capital funding for the SLRTC by \$3 million and to decrease capital funding to other projects by the same amount.

COMMITTEE REVIEW: 9/6/07 The Committee reviewed the proposed capital project funds transfers to support property acquisition and public improvements at the San Luis Rey Transit Center site. Staff indicated that the need for this transfer was due, in part, to the failure to obtain funding of the region's Urban Partnership Agreement program. The Committee observed that this action supports past actions to advance the project, and recommended Board approval on the Consent Calendar.

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**MONITORING COMMITTEE REPORT
TO THE NCTD BOARD OF DIRECTORS**

TITLE: MOBILE COMMAND VEHICLE

**COMMITTEE
RECOMMENDATION:**

That the Board award a contract to Gerling and Associates to design and build an emergency mobile command vehicle, in an amount not-to-exceed \$115,985.

**BACKGROUND
INFORMATION:**

Critical incidents that NCTD has experienced, as well as inter-agency disaster training, require close field coordination between NCTD and other outside agencies. This also includes the coordination and mobilization of personnel and equipment. This is best accomplished through the on-site use of a mobile command center providing a central location for command, control, and communications. It also provides a focal point for media and community interface and multiple jurisdiction coordination for major emergencies and events as part of the Field Incident Command interface. The Mobile Command Vehicle will be utilized in a variety of roles including critical transit and rail response issues; natural and other disasters; and other large-scale events.

In order to meet these needs, NCTD included a Mobile Command Vehicle in its Department of Homeland Security FY 05 Transit Security Grant Program funding request. This grant was approved in 2006 and provides adequate funding for the acquisition of the Mobile Command Vehicle.

Following solicitation of proposals from six manufacturers of specialized vehicles, proposals were received from the following firms:

1. Gerling and Associates, Sunbury Ohio: \$115,985.00.
2. Capistrano Ford, San Juan Capistrano, CA: \$145,979.00

An evaluation of both proposals resulted in a determination that Gerling and Associates, was the most responsive and responsible bidder.

Gerling and Associates is offering two possible options for interior configuration (see Attachment 6A). Final configuration will be determined after careful review of NCTD's needs and recommendations from Gerling. In addition, this vehicle will be equipped with a San Diego County Regional Communications Mobile Radio System with County fleet map for regional interoperable communications capability.

ATTACHMENT: 6A – Command Vehicle Diagrams

FISCAL IMPACT: The fiscal impact of this item is \$115,985. A total of \$145,000 has been budgeted for this purpose in JB# 406047, none of which has been expended or encumbered, leaving an available balance of \$145,000.

COMMITTEE REVIEW: 9/6/07 The Mobile Command Vehicle will provide a focal point during any critical incident and is being funded through a Transit Security Grant program. The vehicle is a 4-wheel drive van conversion with an off road capability in order to reach points that are inaccessible to normal vehicles. The vehicle will be equipped to provide the inter-agency communications necessary during any critical event.

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**PLANNING COMMITTEE REPORT
TO THE NCTD BOARD OF DIRECTORS**

**Agenda Item #
7**

TITLE: FY 2008 BUDGET AMENDMENT

**COMMITTEE
RECOMMENDATION:**

That the Board review and adopt the amendment to the FY 2008 Operating Budget.

**BACKGROUND
INFORMATION:**

In May 2007, SANDAG notified NCTD staff that revenue estimates for TDA and TransNet were likely to be significantly lower than originally estimated in February 2007, due to lower sales tax collections. At that time, NCTD's Board directed staff not to change NCTD's proposed budget as the new TDA and TransNet estimates were not yet finalized, possible increases in STA funding were unknown since the State budget had not been approved, and NCTD's budget process was substantially complete with public hearings already scheduled. The Board also directed staff to prepare a budget amendment when updated funding estimates for TDA, TransNet, and STA monies were known.

On June 21, 2007, the Board adopted a balanced NCTD budget (using the February 2007 revenue estimates) for Fiscal Year 2008. The public comment period was from May 23 until June 21, 2007 and a public hearing was held at the June 21, 2007 Board meeting.

Since the adoption of the original FY 2008 budget, the District has received updated funding estimates. The total changes in funding are listed below:

	<u>Original Estimate</u>	<u>Updated Estimate</u>	<u>Increase/(Decrease)</u>
TDA 4.0	\$ 33.8M	\$ 31.2M	\$ (2.6M)
TDA 4.5	1.8M	1.7M	(0.1M)
TransNet	25.8M	24.3M	(1.5M)
STA	2.6M	4.4M	1.8M

NCTD programs this funding for use in both its operating budget and capital projects. The effects of the funding changes on the operating budget are listed below:

	<u>Increase/(Decrease)</u>
TDA	\$ (2.7M)
TransNet	(0.4M)
STA	<u>1.8M</u>
Net decrease in revenue:	\$ (1.3M)

Since NCTD now faced a budget deficit as a result of the revenue decreases, SANDAG and NCTD staff discussed the acceleration of Congestion Mitigation and Air Quality (CMAQ) funding in the amount of \$3.0M for FY 2008. CMAQ monies are available the first three years of SPRINTER revenue service. With the accelerated CMAQ funds, the use of NCTD's TDA reserves originally budgeted at \$1.5M for FY 2008 will be deferred to future years. An additional change to revenue for FY 2008 is an increase of \$109,000 in Federal 5311(f) funding which supports rural intercity bus transportation.

The proposed changes to FY 2008 operating revenue are summarized below:

	<u>Increase/(Decrease)</u>
TDA	\$ (2.7M)
TransNet	(0.4M)
STA	1.8M
CMAQ	3.0M
TDA Carryover	(1.5M)
5311(f)	<u>0.1M</u>
Net increase in revenue:	\$ 0.3M

Changes to the FY 2008 operating expense budget include: 1) an increase in the diesel fuel budget by \$0.10/gallon from \$2.26/gallon to \$2.36/gallon which increases fuel expense by \$240,000, and 2) an increase in the legal fees budget of \$100,000 due to increased litigation activities. The proposed increase in expenses for FY 2008 is \$0.3M.

The acceleration of CMAQ funds addresses only the short-term needs for Fiscal Year 2008 and Fiscal Year 2009. As the attached five-year projection indicates (Attachment 7B), NCTD faces significant deficits in later years. Estimates for NCTD's future financial position have deteriorated dramatically over the past six months as revisions to projected sales tax receipts have shown a sharp decline in the forecasted growth rate and recent legislative activities to shift funds away from public transportation into non-transit programs have also contributed to this dilemma.

A summary of the proposed budget amendment for Fiscal Year 2008 is included here as Attachment 7A.

ATTACHMENT: 7A - Proposed Operating Budget Amendment Fiscal Year 2008
7B - Five Year Projections

FISCAL IMPACT: The proposed amendment to the adopted FY 2008 Operating Budget shows an additional \$340,000 in revenue for a new total of \$85.6 million and an additional \$340,000 in expenses for a new total of \$85.6 million. This amendment results in a balanced budget in accordance with District fiscal policies.

COMMITTEE REVIEW: The Committee reviewed the updated budget status resulting from the recent adoption of the State budget. While the STA monies came in somewhat higher than anticipated, reductions in TDA and TransNet result in an overall budget deficit situation in the Operating Budget adopted in June, 2007. The Committee concurred in the recommendation, developed in conjunction with SANDAG, to advance the use of CMAQ funds in the FY 08 and FY 09 budgets, recognizing that this is a short term fix and will result in a significant budget deficit in FY 10. The Committee also observed that, with the State legislative action which permanently diverts public transit funds to other general fund purposes, a new and different approach to dealing with this problem, beyond simply relying on one-time revenues, will be necessary before FY 10 approaches. The Committee recommended Board discussion and approval of this item, and also clarified that this action would approve implementation of all line items in the FY 08 Operating budget previously adopted in June.

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**PLANNING COMMITTEE REPORT
TO THE NCTD BOARD OF DIRECTORS**

**Agenda Item #
8**

TITLE: LOCAL MULTI-HAZARD MITIGATION PLAN

COMMITTEE RECOMMENDATION: **That the Board adopt Resolution No. 07-07 approving NCTD's Local Multi-Hazard Mitigation Plan.**

BACKGROUND INFORMATION:

The Disaster Mitigation Act of 2000 requires that public agencies have a Federal Emergency Management Agency (FEMA) approved Local Multi-Hazard Mitigation Plan (LMHMP) in place in order to remain eligible for several types of FEMA financial assistance. Such plans identify potential disasters that could affect District operations, as well as the potential mitigations that could be pursued to address them. Over the 15 years that NCTD has owned the coastal and inland railroads, there have been several natural disasters, for which NCTD has received approximately \$5.3 million in funding, and it is probable that NCTD will face the threat of additional disasters in the future.

The draft LMHMP has now been completed, and FEMA requires the Board to receive, review, and approve the Plan. Key elements of the Plan include:

1. Background and General Information on the Plan and NCTD
2. Planning Process – How the Plan was developed
3. Risk Assessment – Identifying the major types of hazards and risks that face NCTD, and assessing NCTD's vulnerability to these hazards.
4. Mitigation Goals, Objectives, and Actions – Overall mitigation goals and a list of prioritized mitigation actions NCTD should pursue.
5. Capabilities Assessment – A review of NCTD's past and present capabilities to implement mitigation activities and projects.
6. Plan Maintenance Procedures – Process for monitoring and updating implementation of the Plan.

In addition to maintaining eligibility for disaster assistance, adoption of Resolution No. 07-07 (Attachment 8A) approving the Plan makes NCTD an eligible applicant for FEMA hazard mitigation grants which can help offset the cost of mitigation projects. This funding, which can range up to \$3 million per year, per project, represents a potential new capital funding source.

ATTACHMENTS: 8A - Resolution # 07-07 Approving NCTD's Local Multi-Hazard Mitigation Plan (A full copy of the Draft Local Multi-Hazard Mitigation Plan is available upon request.)

FISCAL IMPACT: None with this action. Approval of the Plan maintains NCTD eligibility for future FEMA disaster assistance and hazard mitigation grants.

COMMITTEE REVIEW: Due to limited time, the Committee forwarded this item to the full Board for review and approval.
9/06/07

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**GOVERNANCE COMMITTEE REPORT
TO THE NCTD BOARD OF DIRECTORS**

**Agenda Item #
9**

TITLE: BOARD OF DIRECTORS PLANNING WORKSHOP

COMMITTEE RECOMMENDATION: **That the Board set the date of November 8, 2007 to hold a strategic planning workshop to evaluate and discuss NCTD's strategic direction.**

BACKGROUND INFORMATION: In 2001 the NCTD Board of Directors adopted *Fast Forward: A Strategic Business Plan*. This was a 10-year plan that outlined strategic considerations for implementing near-term service restructuring, mid-term implementation of the SPRINTER, and a longer-term expansion of transit services throughout North County. Since that time, NCTD has succeeded in implementing the near-term plan and is poised to complete implementation of the mid-term plan at the end of this calendar year.

Overall, NCTD has been very successful in implementing the Plan. In the six years since its adoption, NCTD's operational and fiscal environment has changed and NCTD is approaching a crossroads that dictate it is time to evaluate, and perhaps re-evaluate our course of action. Implementation of the long-term vision conceived in *Fast Forward* may no longer be achievable in the time and manner in which it was conceived.

It is proposed that the Board set a date for a one-day workshop and bring in an experienced meeting facilitator to help the Board identify the key issues facing NCTD now, and in the future. Doing this will provide the basis for prioritizing objectives and devising strategies to guide NCTD operations as we move forward over the next several years.

ATTACHMENT: None

FISCAL IMPACT: Unknown

COMMITTEE REVIEW: The Committee discussed the need to hold a workshop prior to the end of the calendar year and perhaps additional follow-up workshops in 2008. It was agreed that either November 8 or 15 would be a good date, dependent on the availability of an outside facilitator.
9/5/07

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September 20, 2007

TO: North County Transit District Board Members
FROM: Clerk of the Board
SUBJECT: POSTING OF BOARD AGENDA

In Compliance with the Ralph M. Brown Act, As Amended, the following information is provided.

The Agenda for this meeting of the Board was posted as follows:

Meeting Date and Time:	September 20, 2007; 1:30 p.m.
Posted At:	810 Mission Avenue, Oceanside, CA
Date & Time of Posting:	September 14, 2007; 5:00 p.m.
Posted By:	Clerk of the Board

TO: North County Transit District Board Members
FROM: Ed Gallo, Chairman
SUBJECT: RULES FOR PUBLIC SPEAKERS AT MEETINGS OF THE NORTH COUNTY TRANSIT DISTRICT

Per Board policy, all public communications at meetings of the North County Transit District shall be made and received in accordance with the following procedures:

I. COMMENTS ON ITEMS NOT ON AGENDA

A. Total time limit all speakers:

Beginning of Meeting: Fifteen (15) minutes

End of Meeting: No time limit.

B. Time limit per speaker per meeting: Three (3) minutes, with no donation of time allowed

C. Priority: First come first served. All Speaker Slips will be numbered as the Clerk of the Board receives them. Those not allowed to speak at the beginning of the meeting due to limit stated above, will be called at the end of the meeting.

D. Order on agenda: Items will be heard at the beginning of the meeting and if the time limit stated in paragraph A is exhausted, those who filled out a speaker slip and have not yet spoken, will be given an opportunity to speak at the end of the meeting under "*Remaining Public Communications*".

Comments not addressing items on the agenda are out of order.

II. TIME LIMITS FOR ADDRESSING MATTERS ON THE AGENDA

A. Total time limit: None.

B. Time limit per speaker: Three (3) minutes, with one donation of three minutes, for a maximum of six minutes

C. These rules apply to both public hearing and non-public hearing items listed on the agenda.

Comments made not germane to the subject matter of the agenda are out of order.

III. CUTOFF FOR TURNING IN SPEAKER SLIPS

Speakers wishing to speak to an item on the Board Agenda must submit a speaker slip to the Clerk of the Board before that agenda item is called. Speaker slips will be available at the meeting.

Speakers turning in slips after discussion begins on an item will be heard at the end of the meeting under "*Remaining Public Communications*".

IV. MODIFICATION OF RULES BY CHAIR

The Board Chair may, in his or her absolute discretion, relax the requirements of these rules. However, a decision of the Chair to do so in one instance shall not be deemed a waiver of the rules as to any other instance or matter.