

Agenda

Thursday, November 19, 2020

Special Meeting: 1:00 P.M.

Regular Meeting: 3:00 P.M.

**Location: NCTD Administrative Offices,
810 Mission Avenue, Oceanside, CA 92054**

View Live Stream at:

<https://www.youtube.com/GoNCTD>

COVID-19 PUBLIC SERVICE ANNOUNCEMENT AND SPECIAL PROCEDURES:

The Governor of California has issued Executive Order N-25-20 (Order) regarding the COVID-19 public health emergency. The Order directs that certain public gatherings should be postponed or canceled. The Governor, through the Order, has provided authority to public agencies to conduct public meetings over teleconference systems where possible. The public may view the meetings online using live streaming at the link: <https://www.youtube.com/GoNCTD>. Board Members may participate in NCTD Board and/or Committee meetings via teleconference in accordance with the Order.

Due to the COVID-19 public health emergency, including the order by the State of California public health officials for anyone living in the State to stay home, **IN PERSON PARTICIPATION AT THE NCTD BOARD OF DIRECTORS MEETINGS WILL NOT BE ALLOWED.** Pursuant to the Order, NCTD is providing alternatives to in-person attendance for viewing and participating in NCTD Board and/or Committee meetings. Members of the public may submit their comments via email at publiccomment@nctd.org. Large groups wishing to comment on a common item are encouraged to submit

comments in writing. Public comments submitted will be provided to the Board/Committee and included in the record of the Board/Committee Meeting.

While emailed comments are preferred, the public may also provide oral comments on agenda items by calling (760) 966-6560. When prompted, the caller should identify the agenda item they wish to speak about and leave a message not to exceed three minutes. All timely received telephonic comments will be shared with the Board of Directors during the meeting. The deadline to leave a public comment is 11:00 a.m. on the meeting day.

MISSION

North County Transit District's mission is to deliver safe, convenient, reliable and user-friendly public transportation services.

VISION

Our vision is to build an integrated transit system that enables our customers to travel easily and efficiently throughout our growing region.

For individuals with disabilities, NCTD 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. NCTD will make every attempt to accommodate requests that do not give 72-hour notice. Please contact the Clerk of the Board at (760) 966-6553.

For individuals with sensory disabilities, this document is available in alternate formats. For information, please contact the Clerk of the Board at 760/966-6553. Persons with hearing impairment, please use the California Relay Service (CRS): 800/735-2929 TTY; 800/735-2922 voice; 800/855-3000 Spanish. CRS Customer Service: 877/632-9095 English or 877/419-8440 Spanish.

Agenda materials can be made available in alternative languages upon request. To make a request, please call (760) 966-6553 at least 72 hours in advance of the meeting.

Los materiales de la agenda de NCTD están disponibles en otros idiomas. Para hacer una solicitud, llame al (760) 966-6553 al menos 72 horas antes de la reunión."

Any writings or documents provided to a majority of the members of the NCTD Board of Directors regarding any item on this agenda will be made available for public inspection at the office of the Clerk of the Board located at 810 Mission Avenue, Oceanside, CA 92054, during normal business hours.

SPECIAL MEETING BEGINNING AT 1:00 PM

- **CALL TO ORDER**
- **ROLL CALL OF BOARD MEMBERS**
- **SAFETY BRIEF & EVACUATION PROCEDURES – Anthony Flores, Clerk of the Board**
- **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.

Members of the public may submit their comments via email at publiccomment@nctd.org. The public may also provide oral comments on agenda items by calling (760) 966-6560. When prompted, the caller should identify the agenda item they wish to speak about and leave a message not to exceed three minutes. All timely received telephonic comments will be shared with the Board of Directors during the meeting. Telephonic comments that were not able to be played for the Board of Directors at the beginning of the meeting due to time limit stated above, will be played at the end of the meeting. Telephonic and written comments will be made part of the record.

A. WORKSHOP ITEMS 1 AND 2

- W1. Review of Market Conditions Within the Insurance Industry
(Jacob Gould, Senior Legal Counsel)
- W2. Receive Update on Efforts to Mitigate Railroad Trespassing (Attachment W2A)
(Sean Loofbourrow, Chief of Safety)

- **ADJOURNMENT**
- **CERTIFICATIONS AND RULES (FOR BOARD AND PUBLIC INFORMATION)**
 - Posting of Board Agenda (Page 8)
 - Rules for Public Speakers at meetings of the North County Transit District (Page 9)

REGULAR MEETING BEGINNING AT 3:00 PM

- CALL TO ORDER
- ROLL CALL OF BOARD MEMBERS
- PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG
- SAFETY BRIEF & EVACUATION PROCEDURES – Anthony Flores, Clerk of the Board
- CHANGES TO THE AGENDA
- PUBLIC COMMUNICATIONS

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A. SERVICE RECOGNITION

1. Receive a Presentation Recognizing Breeze Bus Operator Sonya Fisher for Her Exceptional Service
(Damon Blythe, Chief Operations Officer – Bus)
2. Receive a Presentation Recognizing Board Vice-Chair Jack Feller’s (City of Oceanside) Service to the North County Transit District
(Tony Kranz, NCTD Board Chair)

B. MINUTES

Approve Minutes for NCTD’s Regular Board Meeting of October 15, 2020 (S)
(Anthony Flores, Clerk of the Board)

Approve Minutes for NCTD’s Special Board Meeting of November 5, 2020 (S)
(Anthony Flores, Clerk of the Board)

C. CONSENT ITEMS 3 – 21

Items reviewed and recommended for approval by the Executive Committee, Marketing, Service Planning and Business Development Committee (MSPBD), Performance, Administration and Finance Committee (PAF), Staff (S), or Board (B)

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

3. Receive the Monthly Intergovernmental Affairs Report (Attachment 3A)
(Matthew O. Tucker, Executive Director)
4. Receive the Monthly Transit Operations Performance Report for September 2020 (Attachment 4A)
(Robert Cáliz, Chief of Planning, Strategy, & Innovation)

5. Receive an Update on the Impacts of COVID-19 on Transit Operations (Attachment 5A)
(Sean Loofbourrow, Chief of Safety)
6. Receive the Quarterly Safety Report for the First Quarter of FY2021 (S) (Attachment 6A)
(Sean Loofbourrow, Chief of Safety)
7. Receive the Quarterly Security Report for the First Quarter of FY2021 (S) (Attachment 7A)
(Karen L. Tucholski, Chief Administrative Officer)
8. Receive the Quarterly Investment Report for the First Quarter of FY2021 (S)
(Eun Park-Lynch, Chief Financial Officer)
9. Receive the Quarterly Report on the Status of Business Initiatives for the First Quarter of FY2021 (S) (Attachment 9A)
(Karen L. Tucholski, Chief Administrative Officer)
10. Award Agreement No. 21016 to Data Ticket, Inc. for Parking and Administrative Citation Processing and Collection Services *(Karen L. Tucholski, Chief Administrative Officer)*
11. Receive the Annual Report from Bombardier Transportation (Holdings) USA, Inc. Regarding FY2020 Performance (S) (Attachment 11A)
(Graham Blackwell, Chief Operations Officer – Rail)
12. Receive Presentation from MV Transportation, Inc. Regarding FY2020 Performance (S) (Attachment 12A)
(Damon Blythe, Chief Operations Officer – Bus)
13. Receive Board Committee Preference Selection Memorandum for Calendar Year 2021 (S) (Attachment 13A)
(Anthony Flores, Clerk of the Board)
14. Receive the Executive Committee Chair Report (Executive) (Attachment 14A)
(Anthony Flores, Clerk of the Board)
15. Approve Task Order Agreement No. 02 to Agreement No. 19059 with HDR Engineering, Inc. for Maintenance-of-Way Building Site Evaluation and Preliminary Design (S)
(Tracey Foster, Chief Development Officer)
16. Ratify Task Order Agreement No. 34 to Agreement No. 16044 with Bombardier Transportation (Holdings) USA, Inc. for Railroad Embankment Repairs (S)
(Tracey Foster, Chief Development Officer)
17. Approve Supplemental Agreement No. 03 to Agreement No. 17016 with Singh Group, Inc. for Solana Beach Station Slope Landscape Maintenance (S)
(Tracey Foster, Chief Development Officer)
18. Award Sole Source Agreement No. 21018 to Innovations in Transportation, Inc. for the Purchase of Automatic Passenger Counters for COASTER Rail Service (S)
(Ryan Cashin, Chief Technology Officer)
19. Award Agreement No. 21019 to Wabtec Railway Electronics, Inc. for Positive Train Control and Computer Aided Dispatch Maintenance and Support Services (S)
(Ryan Cashin, Chief Technology Officer)
20. Award Agreement No. 21017 to DB Engineering and Consulting for On-Call Rail Planning Services (S)
(Katie Persons, Senior Strategic Planner)
21. Authorize the Executive Director to Pay the North County Transit District's Comprehensive, General, and Excess Liability Insurance Premium for Policy Year 2021 (S)
(Lori A. Winfree, General Counsel)

D. INFORMATIONAL ITEM(S) 22 – 23

22. Receive a Report from the Calendar Year 2021 Board Chair and Vice-Chair Nominating Committee
(Anthony Flores, Clerk of the Board)
23. Receive an Update on the Signal and Grade Crossing Modernization Project
(Tracey Foster, Chief Development Officer)

E. CLOSED SESSION ITEM(S) 24

24. Closed Session Pursuant to Government Code Section 54957.6 – Public Employee Performance Evaluation, Title: Matthew O. Tucker, Executive Director
(Karen L. Tucholski, Chief Administrative Officer)

F. OTHER BUSINESS ITEM(S) 25

25. Approve Annual Performance Evaluation for the Executive Director
(Karen L. Tucholski, Chief Administrative Officer)

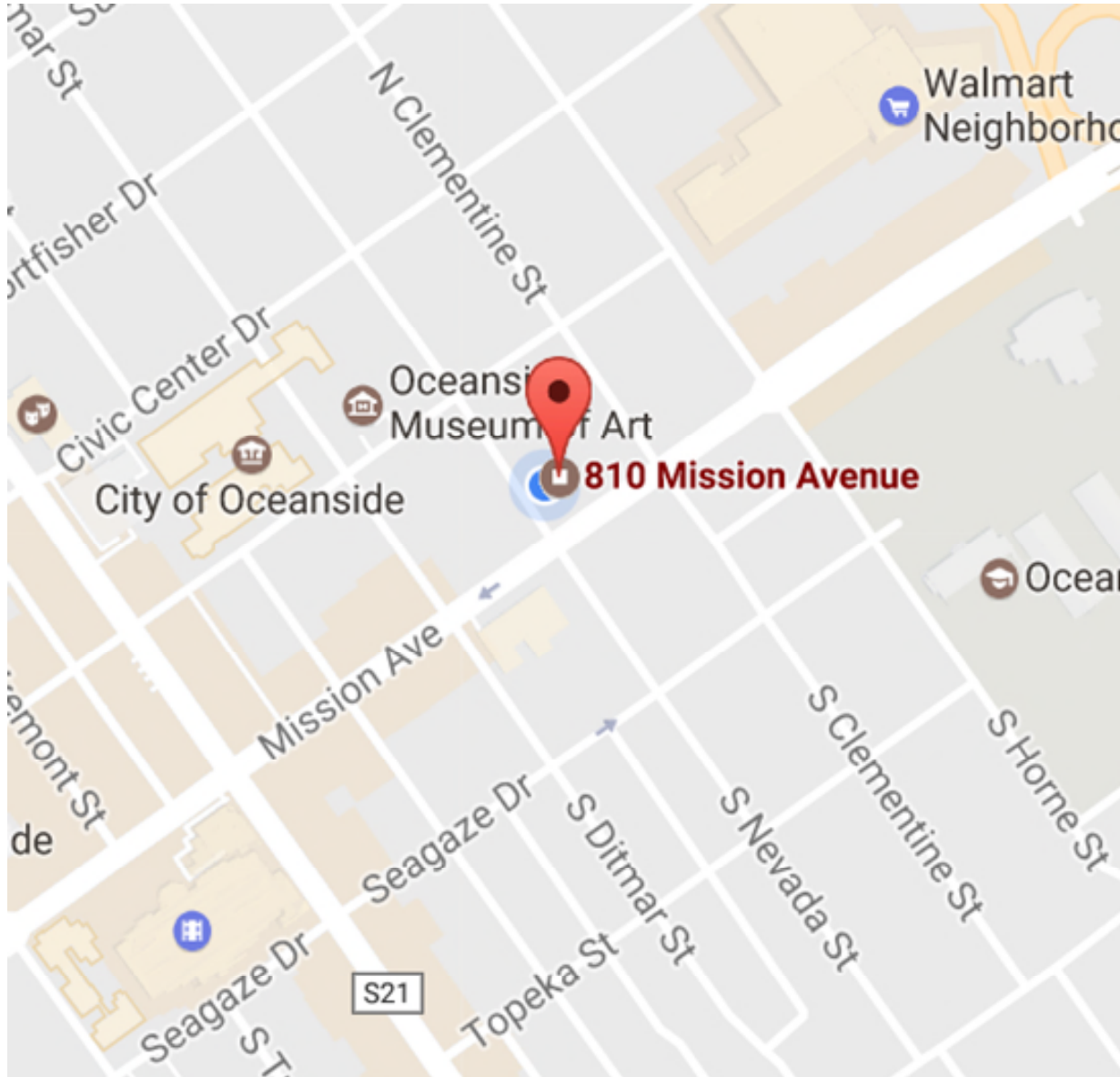
- **EXECUTIVE DIRECTOR’S REPORT**
- **BOARD MEMBER REPORTS, COMMENTS, AND CORRESPONDENCE**
- **REMAINING PUBLIC COMMUNICATIONS**
 - For any remaining speakers who have completed a “Request to Speak” form.
- **ADJOURNMENT**
- **CERTIFICATIONS AND RULES (FOR BOARD AND PUBLIC INFORMATION)**
 - Posting of Board Agenda (Page 8)
 - Rules for Public Speakers at meetings of the North County Transit District (Page 9)
 - Quorum and Voting Information (Page 10)

Upcoming Meetings:

- ***Regular Board Meeting: December 17, 2020 at 2:00 p.m.***

All Regular Board and Committee Meetings will be held at NCTD Administrative Offices, 810 Mission Ave., Oceanside CA, unless otherwise provided on public notice.

MAP OF NORTH COUNTY TRANSIT DISTRICT OFFICES



The NCTD Board Chambers is located at NCTD Administrative Offices, 810 Mission Avenue, Oceanside, CA 92054 and is accessible by the COASTER (NCTD Commuter Rail), SPRINTER (NCTD Hybrid Rail), and the BREEZE (NCTD Bus).

Please log onto www.goNCTD.com to check our current routes and schedules, or call 1-800-COMMUTE.

November 13, 2020

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 these Special and Regular meetings of the Board was posted as follows:

Special Meeting: November 19, 2020 at 1:00 p.m.

Regular Meeting: November 19, 2020 at 3:00 p.m.

Posted At: 810 Mission Avenue, Oceanside, CA

Posted Online At: www.goNCTD.com

Date & Time of Posting: November 13, 2020 at 5:00 p.m.

Posted By: Anthony Flores, Clerk of the Board

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 except where modified and/or temporarily superseded with COVID-19 protocols as provided in the **COVID-19 PUBLIC SERVICE ANNOUNCEMENT AND SPECIAL PROCEDURES** provided in this agenda.

1. TELEPHONIC COMMENTS NOT ON AGENDA

- A. Total time limit for telephonic comments:
 - 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. Telephonic comments will be played for the Board of Directors in the order they were received.
- 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, telephonic comments that were not allowed to be played for the Board of Directors at the beginning of the meeting due to time limit stated above, will be played at the end of the meeting. under “*Remaining Public Communications.*”

2. 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.
- D. Comments made not germane to the subject matter of the agenda item being considered are out of order.

3. CUTOFF FOR TURNING IN SPEAKER SLIPS

- A. All timely received telephonic comments will be shared with the Board of Directors during the meeting. The deadline to leave a telephonic comment is 12:00 p.m. on the meeting day.

4. MODIFICATION OF RULES BY CHAIR

- A. 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.

Quorum and Voting

Pursuant to Public Utilities Code § 125102, a majority of the Board members eligible to vote shall constitute a quorum for the transaction of business and all official acts of the Board shall require the affirmative vote of a majority of the members of the Board eligible to vote; however, after a vote of the members is taken, a weighted vote may be called by any two members eligible to vote.

In the case of a weighted vote, the County of San Diego and each city (with exception of the City of San Diego), shall, in total, exercise 100 votes to be apportioned annually based on population. Approval under the weighted vote procedure requires the vote of the representatives of not less than three jurisdictions representing not less than 51 percent of the total weighted vote to supersede the original action of the Board. When a weighted vote is taken on any item that requires more than a majority vote of the Board members eligible to vote, it shall also require the supermajority percentage of the weighted vote. County population: The population of the County of San Diego shall be the population in the unincorporated area of the county within the area of jurisdiction of the Board pursuant to Public Utilities Code § 125052.

Updated 12/26/18			
2017 Service Area Population (ACS)			948,787
Cities Total			712,025
	2017 ACS	Percentage	Votes
Carlsbad	113,147	11.9%	12
Del Mar	4,338	0.5%	1
Encinitas	62,595	6.6%	7
Escondido	150,783	15.9%	16
Oceanside	174,811	18.4%	18
San Marcos	93,493	9.9%	10
SD County	236,762	25.0%	25
Solana Beach	13,362	1.4%	1
Vista	99,496	10.5%	10
			100

*ACS – American Community Survey

**MINUTES OF THE REGULAR MEETING OF THE
NORTH COUNTY TRANSIT DISTRICT'S BOARD OF DIRECTORS HELD OCTOBER 15, 2020**

MINUTES OF THE REGULAR MEETING

CALL TO ORDER

Tony Kranz, Board Chair, called the Regular Meeting to order at 2:00 p.m.

ROLL CALL OF BOARD MEMBERS

1. Jack Feller (City of Oceanside)
2. Tony Kranz (City of Encinitas)
3. John Franklin (City of Vista) – Participated via teleconference.
4. Paul McNamara (City of Escondido) – Participated via teleconference.
5. Jim Desmond (County of San Diego) – Participated via teleconference.
6. Terry Gaasterland (City of Del Mar)
7. Jewel Edson (City of Solana Beach) – Participated via teleconference. Board Member Edson left the meeting at 5:29 p.m.
8. Sharon Jenkins (City of San Marcos)
9. Priya Bhat-Patel (City of Carlsbad) – Participated via teleconference.
10. TBD (City of San Diego) – Absent – Appointment not made

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board Chair Kranz led the Pledge of Allegiance to the American Flag.

SAFETY BRIEF

Anthony Flores, Clerk of the Board, provided emergency evacuation procedures.

CHANGES TO THE AGENDA

None.

PUBLIC COMMUNICATIONS

Anthony Flores, Clerk of the Board, advised that he had provided all written public comments received prior to the noon deadline to the Board of Directors for review and consideration prior to the Board meeting. Additionally, three (3) telephonic comments received prior to the noon deadline were played for the Board. All public comments, written and telephonic, are available for public inspection on the District website at:

<https://gonctd.com/about-nctd/board-information/>

Board Chair Kranz commented that a landing page will be created on the District's website with additional information regarding trespasser mitigation along the Del Mar Bluffs.

Board Member Gaasterland requested that the red line for proposed placing of fencing that is reflected on the mitigation plans be indicated on the landing page. Board Chair Kranz asked Board Member Gaasterland to work closely with Executive Director, Matthew O. Tucker, on the request to ensure that the citizens of Del Mar have as much useful information as possible.

CLOSED SESSION ITEMS 1-4

1. Closed Session Pursuant to Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation - Velasco v. NCTD, et al. Case No. 37-2020-00025898-CU-PO-NC
2. Closed Session Pursuant to Government Code Section 54956.9(d)(2): Conference With Legal Counsel - Potential Litigation (One Potential Case)
3. Closed Session Pursuant to Government Code Section 54957.6 – Conference With Labor Negotiators:
NCTD Agency Designated Representatives:
Karen L. Tucholski, Chief Administrative Officer
Rose Jean-Paul, Human Resources Manager
Lori A. Winfree, General Counsel
Employee Organization:
International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) as Representatives of: Control Center Technicians
Under Negotiation: Memorandum of Agreement
4. Closed Session Pursuant to Government Code Section 54957.6 – Conference With Labor Negotiators:
NCTD Agency Designated Representatives:
Karen L. Tucholski, Chief Administrative Officer
Rose Jean-Paul, Human Resources Manager
Lori A. Winfree, General Counsel
Employee Organization:
International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) as Representatives of: Dispatchers and Assistant Dispatchers
Under Negotiation: Memorandum of Agreement

The Board went into Closed Session at 2:12 p.m. Anthony Flores, Clerk of the Board, conducted a roll call and confirmed all Board Members were present in the Closed Session meeting with the exception of Board Vice-Chair Jack Feller who recused himself from Closed Session Item No. 1. Board Vice-Chair Feller joined the Closed Session at 2:59 p.m. for Agenda Item Nos. 2-4.

The Board returned from Closed Session at 3:38 p.m. Lori A. Winfree, General Counsel, advised there was no reportable action related to Closed Session Item Nos. 1 and 2. With respect to Closed Session Item Nos. 3 and 4, Ms. Winfree reported that the Board directed staff to proceed

with a summary presentation of the requested action on today's regular agenda as Other Business Agenda Item Nos. 14 and 15 for consideration and Board action.

APPROVAL OF MINUTES OF THE SEPTEMBER 17, 2020 REGULAR BOARD MEETING; APPROVAL OF MINUTES OF THE OCTOBER 1, 2020 SPECIAL BOARD MEETING; AND CONSENT ITEMS 1 – 12

1. Receive the Monthly Intergovernmental Affairs Reports
2. Receive the Monthly Transit Operations Performance Report for August 2020
3. Receive Quarterly Report of Contract Actions Issued Under the Executive Director's Authority
4. Ratify Supplemental Agreement No. 17 to Agreement No. 17033 with MV Transportation, Inc. for the Purchase of Supplies and Materials Related to COVID-19
5. Receive the Executive Committee Chair Report
6. Approve Calendar Year 2021 Board Chair and Vice-Chair Nominating Committee
7. Adopt Resolution No. 20-08 Approving Modifications to NCTD Board Policies
8. Award Agreement No. 21015 to IT Partner, LLC to Provide Microsoft Licenses
9. Approve Supplemental Agreement No. 04 to Agreement 19038 with IBI Group for Additional Planning Work Associated with the Strategic Multimodal Transit Implementation Plan
10. Award Agreement No. 21014 to Specialty Flooring, Inc. for Shop Floor Coating at the East and West Division Bus Maintenance Facilities
11. Approve Task Order Agreement No. 11 to Agreement No. 17000 with Pacific Railway Enterprises, Inc. for the Mitigation of Braking Analysis Exceptions
12. Authorize the Executive Director to Finalize and Execute an Exhibit A for the Design and Permitting of a New Bridge 257.2 and Rescind Board Resolution 17-11 That Authorized Finance of the Bridge 257.2 Project Through the Use of the Board of Directors Reserve Fund

Board Member Desmond asked a question regarding Consent Agenda Item 12 regarding how the District was going to regain the \$400,000 funds requested by SANDAG from Bridge 257.2 funding for the Del Mar Bluffs 4 Project. Mr. Tucker explained that inasmuch as Bridge 257.2 is not ready for construction, the funds were provided to the Del Mar Bluffs 4 Project that is ready for construction and replacement funding will be identified once Bridge 257.2 is ready for construction. Board Member Desmond then asked where Bridge 257.2 is located. Mr. Tucker answered that it is in the Rose Canyon area.

Board Member Desmond requested that an item be placed on a future agenda related to how much project money SANDAG historically keeps for administrative costs over the last five (5) years.

ON THE COMBINED MOTION OF BOARD MEMBER JIM DESMOND TO APPROVE THE MINUTES OF THE SEPTEMBER 17, 2020 REGULAR BOARD MEETING; MINUTES OF THE OCTOBER 1, 2020 SPECIAL BOARD MEETING; AND CONSENT ITEMS 1 – 12, SECONDED BY BOARD VICE-CHAIR JACK FELLER.

AYES: KRANZ, FELLER, BHAT-PATEL, GAASTERLAND, MCNAMARA, DESMOND, EDSON, JENKINS, FRANKLIN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
MOTION CARRIES.

OTHER BUSINESS ITEMS 13 – 15

13. Set Public Hearing and Authorize Staff to Receive Public Comment for Proposed Elimination of FLEX Routes 372, 392 and 395

Robert Cáliz, Chief of Planning, Strategy & Innovation, made a presentation to the Board regarding the proposed elimination of FLEX Routes 372, 392 and 395.

Board Chair Kranz commented that previous fixed route changes had significant impacts to employees at Camp Pendleton and stated that he hopes the District will engage civil service employees and the Marines in this process. Mr. Tucker stated that the District will be working with the Base to find amicable solutions.

Board Member Jenkins asked what the daily ridership numbers for FLEX Route 392 are. Mr. Calix answered that it is approximately 40 – 45 riders per day.

Board Member Jenkins suggested that for the public engagement and in-person events that staff speak to the passengers that actually will be impacted by this proposed action to obtain their feedback rather than speak to passengers that will not be impacted. Mr. Cáliz stated that staff can do that in addition to the other outreach activities already planned.

Board Member Gaasterland asked what the post COVID ridership impacts have been on the FLEX routes compared to BREEZE. Mr. Tucker answered that it is an approximately 40% decline but noted that it is a smaller subset compared to BREEZE.

Board Vice-Chair Feller commented that the District might consider a route that could serve the Base utilizing the San Luis Rey Transit Center.

Board Chair Kranz asked if the District has the same capability that SANDAG does in using cell phone data to track passenger's modal usage patterns. Mr. Tucker informed the Board that the District shares its cell phone data with SANDAG and has analyzed it as part of this study.

ON THE MOTION OF BOARD MEMBER SHARON JENKINS TO APPROVE AGENDA ITEM 13 SECONDED BY BOARD VICE-CHAIR JACK FELLER.

AYES: KRANZ, FELLER, BHAT-PATEL, GAASTERLAND, JENKINS, MCNAMARA, DESMOND, EDSON, FRANKLIN
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
MOTION CARRIES.

14. Approve Draft Memorandum of Agreement Between the North County Transit District and the International Association of Sheet Metal, Air, Rail, and Transportation Workers for Control Center Technicians

Karen L. Tucholski, Chief Administrative Officer, provided the Board with a presentation regarding the Draft Memorandum of Agreement.

ON THE MOTION OF BOARD MEMBER JIM DESMOND TO APPROVE AGENDA ITEM 14 SECONDED BY BOARD MEMBER TERRY GAASTERLAND.

AYES: KRANZ, BHAT-PATEL, GAASTERLAND, JENKINS, MCNAMARA, DESMOND, EDSON, FRANKLIN, FELLER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIES.

15. Approve Memorandum of Agreement Between the North County Transit District and the International Association of Sheet Metal, Air, Rail, and Transportation Workers for Dispatchers and Assistant Dispatchers

Karen L. Tucholski, Chief Administrative Officer, provided the Board with a presentation regarding the proposed Memorandum of Agreement.

ON THE MOTION OF BOARD MEMBER TERRY GAASTERLAND TO APPROVE AGENDA ITEM 23, SECONDED BY BOARD MEMBER JOHN FRANKLIN.

AYES: KRANZ, BHAT-PATEL, GAASTERLAND, JENKINS, MCNAMARA, DESMOND, EDSON, FRANKLIN, FELLER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION CARRIES.

CLOSED SESSION ITEM 16

16. Closed Session Pursuant to Government Code section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation - Surface Transportation Board Docket No. FD 36433 - Petition for Declaratory Relief

Board Member Gaasterland requested to comment on this Closed Session item inasmuch as the City of Del Mar has been asked to be recused due to a direct agency conflict.

On the motion of Board Member John Franklin, seconded by Board Member Jim Desmond, and with no objections from the Board Chair to hear Board Member Gaasterland's comments prior to the Board going into Closed Session, Board Member Gaasterland proceeded with her comments which in summary requested that the Board Members rescind the petition filed with the Surface Transportation Board.

The Board went into Closed Session at 4:12 p.m. Anthony Flores, Clerk of the Board, conducted a roll call and confirmed all Board Members were connected to the Closed Session meeting with the exception of Board Member Gaasterland who recused herself from Closed Session Item No. 16.

The Board returned from Closed Session at 5:30 p.m. Lori A. Winfree, General Counsel, reported that as it relates to NCTD's petition to the Surface Transportation Board (STB) for declaratory relief, the Board met in Closed Session to discuss the matter and consider the responses received from the California Coastal Commission, the City of Del Mar, the Surf Rider Foundation, and Del Mar residents, as well as all the public comment received, including the request to rescind the petition. Ms. Winfree further stated that following the Board's unanimous direction provided in Closed Session on May 21, 2020 to advance the petition to the STB by all members present, the Board today unanimously confirmed its current intent to pursue this matter with the STB with all Board members present concurring with that direction. General Counsel stated she would return to Closed Session as necessary on this matter if the need arises at a future date.

EXECUTIVE DIRECTOR'S REPORT

See attached Executive Director's Report for the month of October.

BOARD MEMBER REPORTS, COMMENTS, AND CORRESPONDENCE

Board Member Gaasterland mentioned that the City of Del Mar received a memo from NCTD with a copy of the safety study and will respond after the City Council meeting on October 19th.

Board Member Gaasterland commented that for Consent Item No. 7, Board Policy No. 23, the City of Del Mar has a statement that it would like to have added for consideration by the Board related to a future revision. Mr. Tucker asked that the statement be provided to the District.

Board Member Desmond, referring back to Consent Agenda Item No. 2, requested that farebox recovery data for the last two (2) months be provided at next month's Board meeting. Mr. Tucker stated that he will request Eun Park-Lynch, Chief Financial Officer, make a presentation with the requested information. Additionally, Mr. Tucker informed the Board that pursuant to the California Budget Act of 2020, Assembly Bill 90, the State of California has suspended the farebox recovery ratio requirements for fiscal years 2019-2020 and 2020-2021.

REMAINING PUBLIC COMMUNICATIONS

None.

ADJOURNMENT

The meeting adjourned at 5:38 p.m. Submitted by Anthony Flores, Clerk of the Board for North County Transit District.

BOARD CHAIR
North County Transit District

CERTIFICATION

I, Anthony Flores, duly appointed and qualified, Clerk of the Board of the North County Transit District, do hereby certify that the above is a true and correct copy of the Minutes of the Regular Meeting held on October 15th, 2020 approved by the Board of Directors of the North County Transit District adopted at a legally convened meeting of the Board of Directors of the North County Transit District held on the 19th day of November 2020.

CLERK OF THE BOARD
North County Transit District

For individuals with sensory disabilities, this document is available in alternate formats. For information, please contact the Clerk of the Board at 760/966-6553. Persons with hearing impairment, please use the California Relay Service (CRS): 800/855-7100 TTY; 800/855-7100 voice; 800/855-7200 Spanish. CRS Customer Service: 877/546-7414 or 800-867-4323 TTY.

**MINUTES OF THE SPECIAL MEETING OF THE
NORTH COUNTY TRANSIT DISTRICT'S BOARD OF DIRECTORS HELD NOVEMBER 5, 2020**

MINUTES OF THE SPECIAL MEETING

CALL TO ORDER

Tony Kranz, Board Chair, called the Special Meeting to order at 11:00 a.m.

ROLL CALL OF BOARD MEMBERS

1. Jack Feller (City of Oceanside)
2. Tony Kranz (City of Encinitas) – Participated via teleconference
3. John Franklin (City of Vista) – Joined teleconference at 11:19 a.m.
4. Paul McNamara (City of Escondido) – Absent
5. Jim Desmond (County of San Diego) – Participated via teleconference.
6. Terry Gaasterland (City of Del Mar) – Participated via teleconference.
7. Jewel Edson (City of Solana Beach) – Participated via teleconference.
8. Sharon Jenkins (City of San Marcos)
9. Priya Bhat-Patel (City of Carlsbad) – Participated via teleconference.
10. TBD (City of San Diego) – Absent – Appointment not made

SAFETY BRIEF

Anthony Flores, Clerk of the Board, provided emergency evacuation procedures.

PUBLIC COMMUNICATIONS

None.

CLOSED SESSION ITEMS 1

1. Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation – Surface Transportation Board Docket No. FD 36433 – Petition for Declaratory Relief

Board Member Gaasterland recused herself from Closed Session.

The Board went into Closed Session at 11:02 a.m. Anthony Flores, Clerk of the Board, conducted a roll call and confirmed all Board Members were connected to the Closed Session meeting, with the exception of Board Member Gaasterland who recused herself and Board Member McNamara who was absent. Board Member Franklin joined at 11:19 a.m. The Board returned from Closed Session at 11:45 a.m. Lori A. Winfree, General Counsel, reported out that the Board met in Closed Session to discuss NCTD's request for declaratory relief from the

Surface Transportation Board (STB). The Board members present unanimously authorized the Office of General Counsel to advance a request to stay the proceeding before the STB for 120-days to facilitate on-going discussions between NCTD, the California Coastal Commission (CCC), and the City of Del Mar. Ms. Winfree advised that she would return to the Board at a future date to report on the status of on-going discussions and request direction on next steps.

ADJOURNMENT

The meeting adjourned at 11:47 a.m. Submitted by Anthony Flores, Clerk of the Board for North County Transit District.

BOARD CHAIR
North County Transit District

CERTIFICATION

I, Anthony Flores, duly appointed and qualified, Clerk of the Board of the North County Transit District, do hereby certify that the above is a true and correct copy of the Minutes of the Special Meeting held on November 5th, 2020 approved by the Board of Directors of the North County Transit District adopted at a legally convened meeting of the Board of Directors of the North County Transit District held on the 19th day of November 2020.

CLERK OF THE BOARD
North County Transit District

For individuals with sensory disabilities, this document is available in alternate formats. For information, please contact the Clerk of the Board at 760/966-6553. Persons with hearing impairment, please use the California Relay Service (CRS): 800/855-7100 TTY; 800/855-7100 voice; 800/855-7200 Spanish. CRS Customer Service: 877/546-7414 or 800-867-4323 TTY.

STAFF REPORT

**REVIEW OF MARKET CONDITIONS WITHIN THE INSURANCE
INDUSTRY**

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Receive a presentation from the North County Transit District's (NCTD/District) insurance broker, Alliant Insurance Services, regarding the current state of the liability insurance market ahead of NCTD's renewal.

**BACKGROUND
INFORMATION:**

The District purchases various types of insurance policies annually to cover the risks associated with its operations. Insurance policies include: comprehensive general liability and excess rail insurance, commercial primary and excess property insurance, public entity property insurance; workers' compensation insurance, self-insurance bond, flood and earthquake insurance.

The District utilizes the services of its current broker, Alliant Insurance Services (Broker), to obtain quotes from various carriers. NCTD's Office of the General Counsel works closely with the Broker to provide accurate information to obtain the best rates for insurance. The cost of insurance premiums is included in the operating budget of the General Counsel which is approved by the District's Board of Directors (Board) before premiums are paid.

The comprehensive general and excess liability coverage is obtained from several insurance carriers, each providing a certain layer of coverage up to \$295 million. This limit covers the District's exposure for railroad liability up to the statutory cap. The premiums for the various layers are highly dependent on the state of the general insurance market as well as NCTD's loss performance. This is a presentation by NCTD's Broker on the current liability renewal process as well as the state of the market.

ATTACHMENT:

None

**GOAL/STRATEGIC
DIRECTION:**

Improve Financial Health

FISCAL IMPACT:

This staff report has no fiscal impact.

COMMITTEE REVIEW:

None

STAFF CONTACT:

R. Jacob Gould, Senior Legal Counsel
E-mail: jgould@nctd.org Phone: 760-967-2861



**RELATED TO
AGENDA ITEM W1**

North County Transit District

November 2020

**Liability Renewal & State of the
Insurance Market Update**

Dennis Mulqueeny

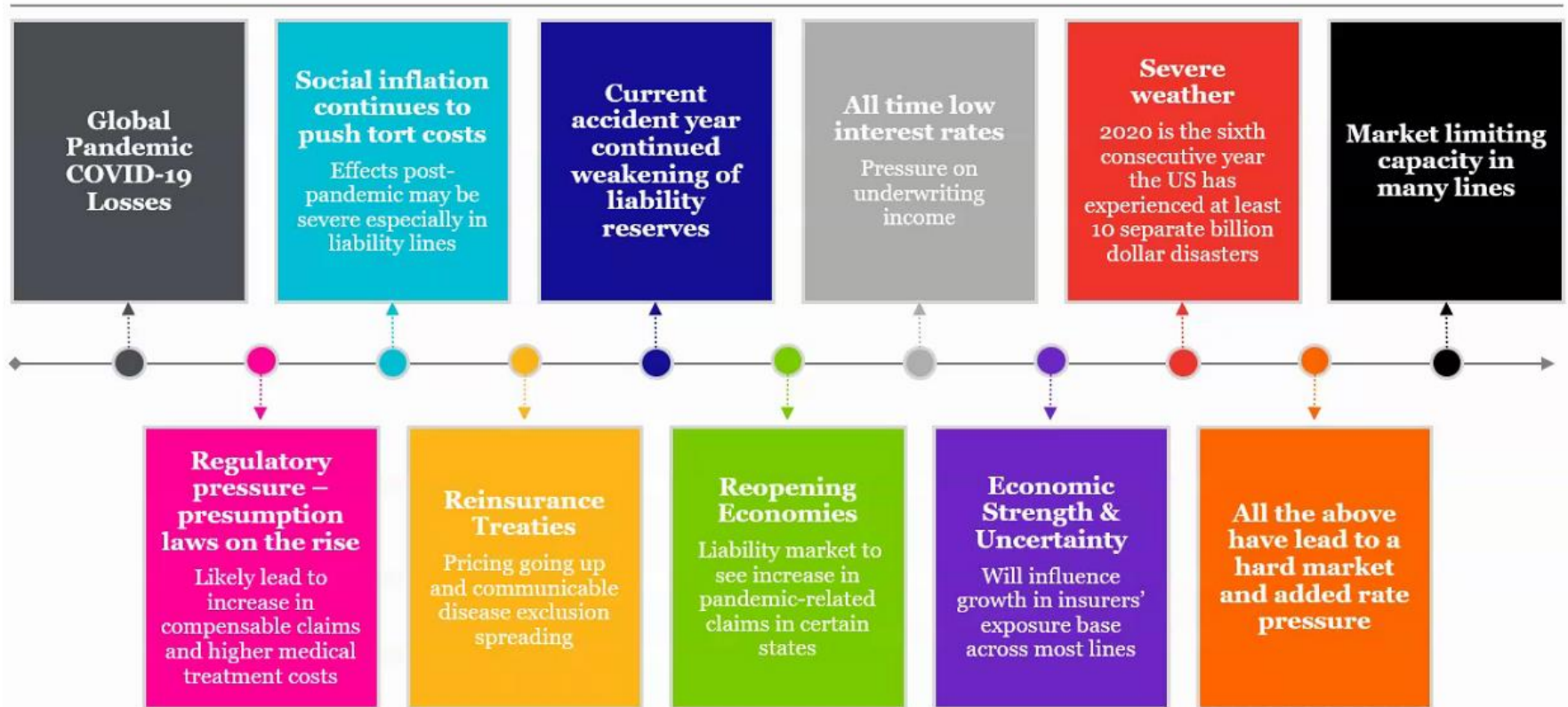
Brian White

P.J. Skarlanic



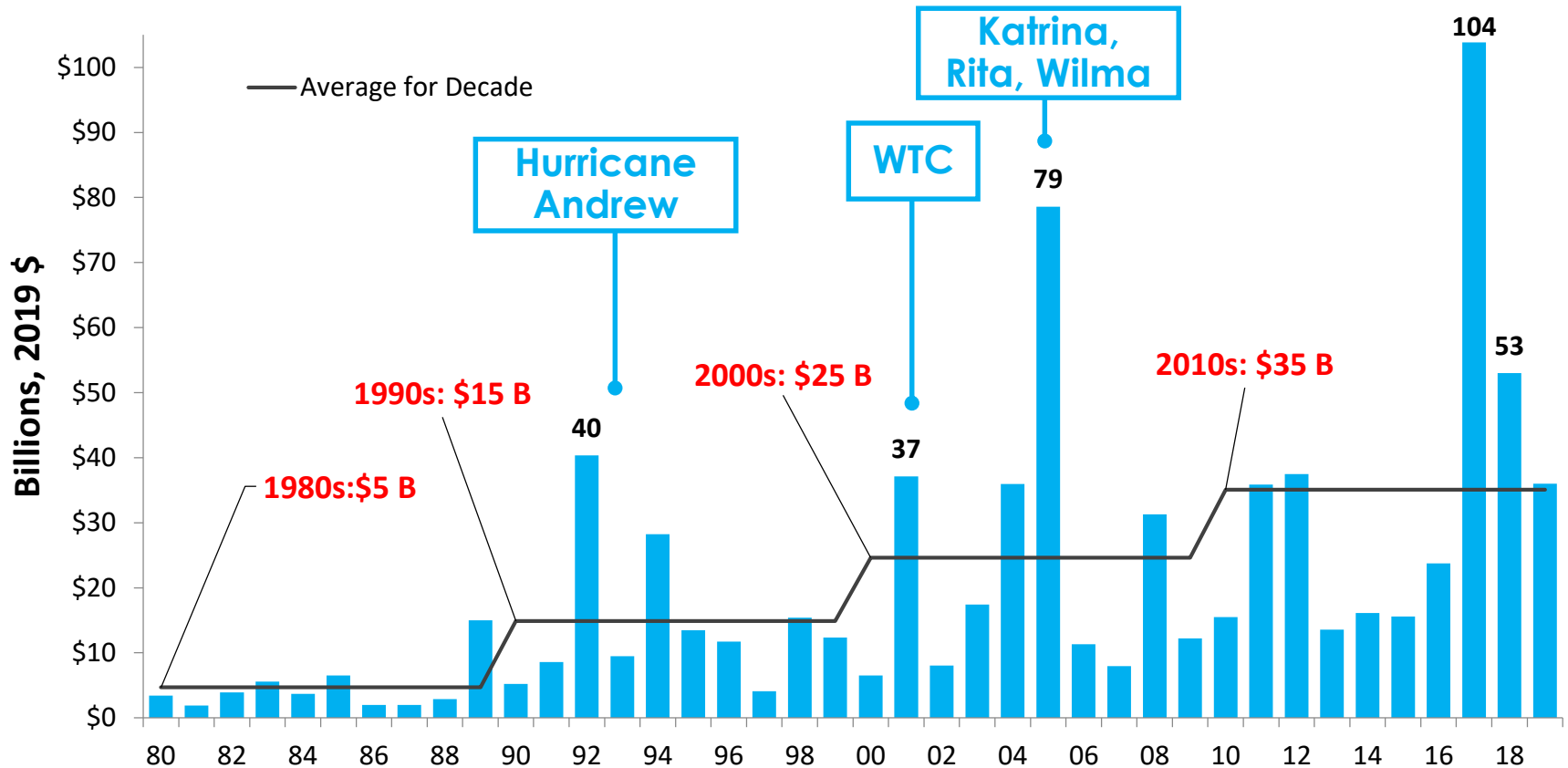


What Changed This Year?



Source: Chubb Insurance

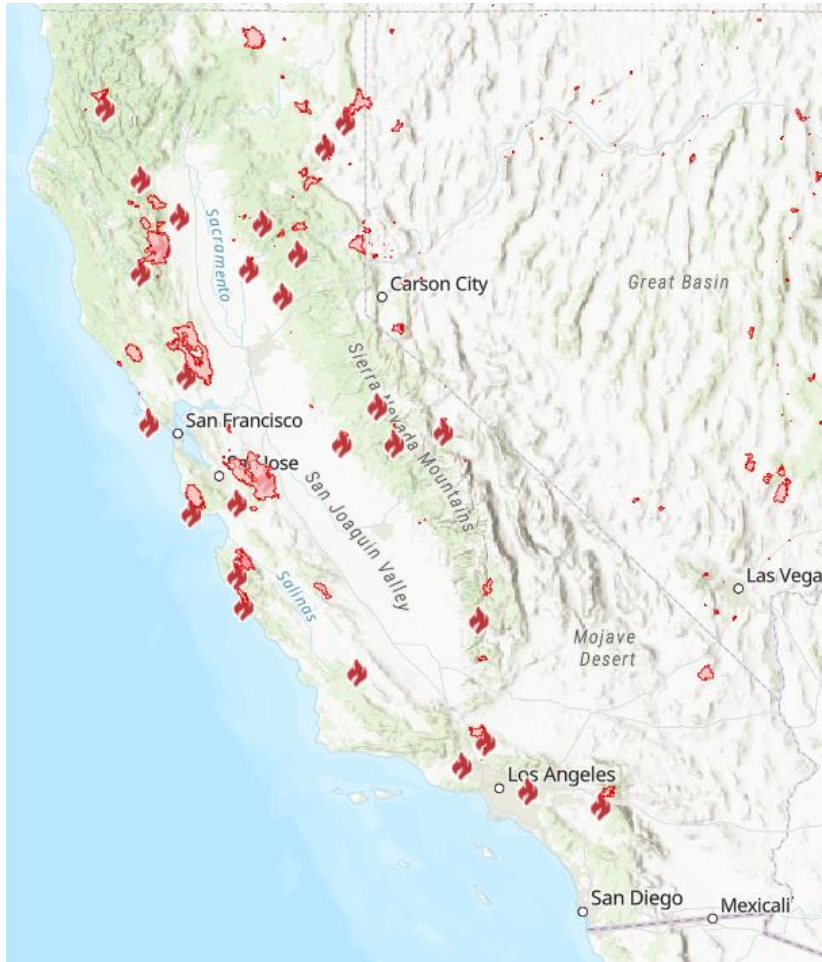
U.S. Inflation-Adjusted Insured Cat Losses



**2018 – Third worst year for U.S. Insured Catastrophe Losses.
Average Insured Loss per Year for 1980-2019 is \$19.8 B.**

Sources: Property Claims Service, a Verisk Analytics business; Insurance Information Institute.

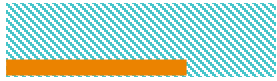
Wildfires



Active Fire Map as of 7/28/20

On average, more than 100,000 wildfires, also called wildland fires or forest fires, clear 4 million to 5 million acres (1.6 million to 2 million hectares) of land in the U.S. every year. In recent years, wildfires have burned up to 9 million acres (3.6 million hectares) of land.

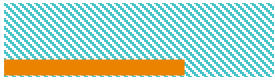
An inferno in the Amazon, two-thirds of which is in Brazil, threatens the rainforest ecosystem and also affects the entire globe.



Social Inflation

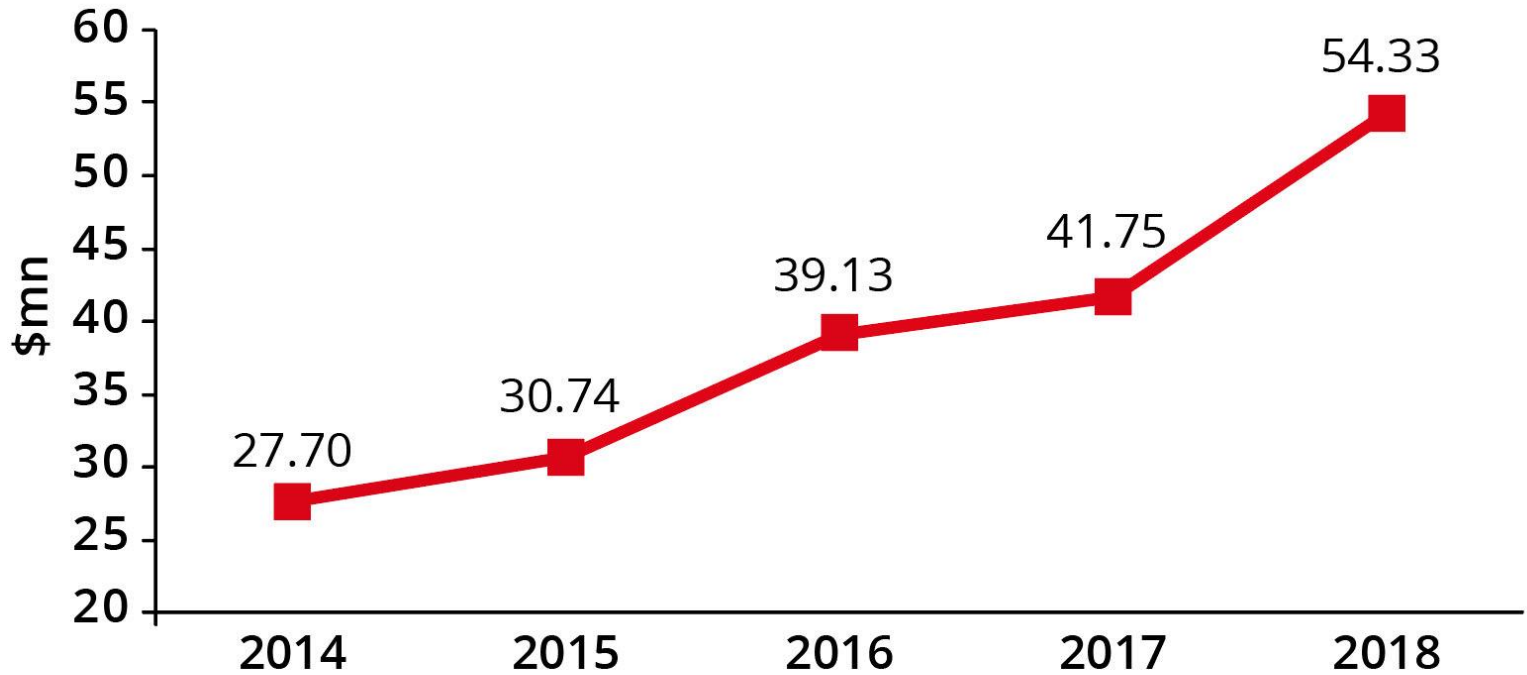
Social inflation is a term used to describe the rising costs of US liability claims as a result of societal trends. The term was first coined in the 1980s during the asbestos litigation crisis. The current iteration is attributable to new factors, including:

- Rising costs and stagnating wages: Costs are outpacing inflation and the average household income is falling behind inflation. The median annual household income according to the US Census Bureau was \$61,937 in 2018.
- Skyrocketing health care costs: US health care spending grew 4.6% in 2018, reaching \$3.6 trillion, or \$11,172 per person, which is the highest of the OECD countries.
- Pervasive media influence: Billion-dollar media headlines are the new normal. Data from jury focus groups indicates that potential jurors now perceive such numbers to be “Monopoly money.”
- Legal advertising: Plaintiffs’ attorneys advertise their large wins through a variety of sources and are setting floors for future cases.
- Changes in the tort landscape: Damages caps in many states are being successfully overturned.
- Reptilian trial tactics: A new school of instruction for plaintiffs’ attorneys teaches them how to trigger the reptilian part of jurors’ brains that makes them want to punish commercial defendants and award large verdicts.
- Litigation funding: Traditional investors are now investing in civil litigation—a \$9.5 billion industry—as an alternative to the traditional stock market.
- Polarized political climate: The media’s focus on polarizing topics like the opioid crisis, mass shootings, and sexual abuse scandals has galvanized grassroots movements in favor of victims and against large corporations.

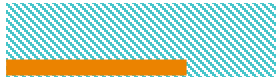


Social Inflation

Average – Top 50 U.S. Verdicts



Source: *Shaub, Ahmuty, Citrin & Spratt*



Social Inflation

Texas - \$80M – Trucking accident injuring one person.

Washington - \$123M – Duck Boat accident killing and injuring many.

Georgia - \$280M – Trucking accident killing five people

Alabama - \$152M – Auto accident injuring one person

California - \$2B – Pesticide product allegedly harmed two people

New York - \$56M – Medical accident during surgery injuring one person

Maryland - \$230M – Medical accident during a delivery injuring one person

Pennsylvania - \$8M – Pharmaceutical product led to unwanted side effects in many persons

Georgia - \$125M Living conditions in an apartment building complex resulted in one death

New York - \$110M – Construction accident killing one person.

Trends Driving Commercial Auto Losses

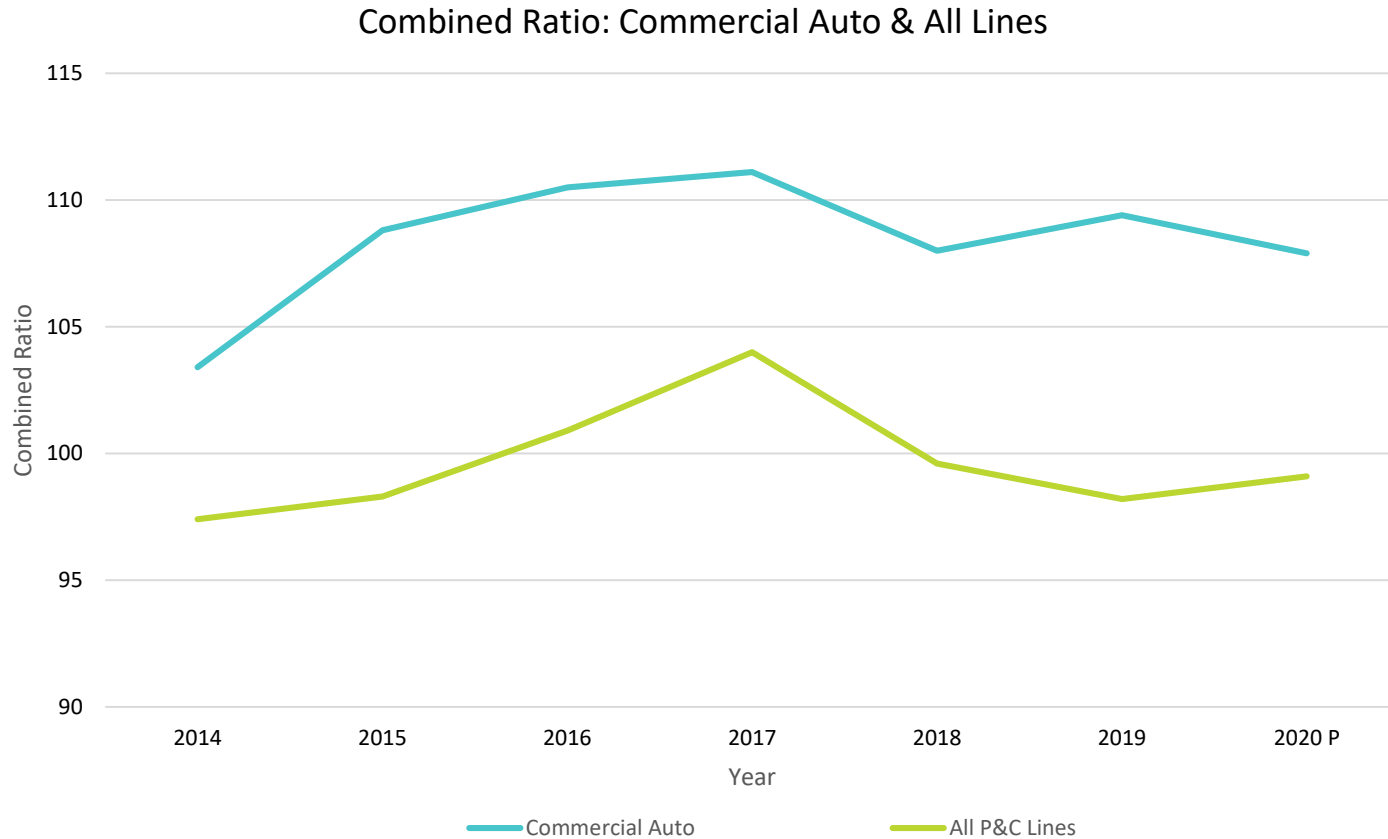
1. Distracted Driving
2. Impaired Driving
3. Aggressive Driving
4. More Vehicles on the Road (until Covid-19)
5. New Transportation Modes
6. Driver Inexperience
7. Changes in Litigation
8. Rising Vehicle Repair Costs
9. Rising Medical Costs



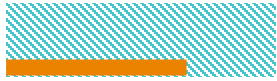
Source: Liberty Mutual



Commercial Auto Combined Ratio



Source: AM Best



Rail Accidents Since 2010

- 2012: Midland Texas - 4 killed 16 injured
- 2013: New York City - 4 killed 61 injured
- 2015: Valhalla, New York – 6 killed 15 injured
Oxnard, CA – 1 killed 15 injured
Philadelphia, PA – 8 killed 100's injured
- 2016: Chester, PA – 2 killed 31 injured
Hoboken, NJ – 1 killed 114 injured
- 2017: Dupont, WA – 3 killed 62 injured
Brooklyn, NY – 103 injured
- 2018: Cayce, SC – 2 killed 116 injured
- 2020: New York City – 1 killed 16 injured



Liability Insurance Challenges & Factors

- Rail Passenger Liability Tort Cap
- Nuclear Verdicts / Social Inflation
- Crossings
- COVID-19 Ridership Changes
- Contract Operators & Maintenance
- Positive Train Control
- Continued pressure on capacity and rate



Market Withdrawal – Without Naming Names

Not including those who have reduced limits being offered, below are 12 U.S. insurance carriers exiting or pulling back on Public Entity's and Transits.....JUST THIS YEAR!

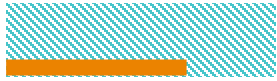
- a) No new Public Entity business, no Transits
- b) No new Transits
- c) No new Public Entity
- d) No California Public Entities
- e) No longer writing any U.S. Casualty
- f) Non-Renewed all Rail
- g) Non-Renewed all Rail
- h) Non-Renewed all Transits
- i) No new Public Entities
- j) No new Transits
- k) No new Rail
- l) No new Transits



NCTD Liability Renewal 2020-21 (1 of 4)

- NCTD is experiencing the same market pressures felt by ALL buyers of insurance, and MORE.
- Market conditions are amplified for NCTD because of:
 - Legal Environment in California
 - Public Entity exposure reduces number of willing markets.
 - Public Transit *further* reduces interest from Market.
 - Operate multiple modes of transportation (rail, light rail, bus, paratransit)



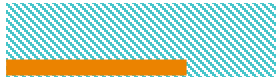


NCTD Liability Renewal 2020-21 (2 of 4)

PREMIUM ESTIMATES AS OF NOVEMBER 9th

Carrier	Limit & Attachment	Total Cumulative Layer Limit (Sans SIR)	LOW END COST ESTIMATE (w/ SL T&F's)	HIGH END COST ESTIMATE (w/ SL T&F's)
1 Lexington	10M x 2M SIR	\$10M	578,200	578,200
2 Hallmark Specialty	5M x 10M x 2M SIR	\$15M	201,338	201,338
3 Allied World Assurance Co.	10M x 15M x 2M SIR	\$25M	319,043	319,043
4 Lloyd's (Hiscox, Aegis, Canopus)	10M x 25M x 2M SIR	\$35M	258,125	258,125
5 Allied World Assurance Co.	5M x 35M x 2M SIR	\$40M	106,348	106,348
6 Lloyd's of London	15M x 40M x 2M SIR	\$55M	232,200	294,263
7 Lloyd's of London	45M x 55M x 2M SIR	\$100M	464,400	671,125
8 Lloyd's of London	100M x 100M x 2M SIR	\$200M	722,400	1,032,500
9 Lloyd's of London	95M x 200M x 2M SIR	\$295M	479,880	686,613
TOTALS	295M x 2M SIR	\$295M	\$3,361,934	\$4,147,555

Premium estimates shown above represents an approximate 20% cost increase on the LOW end and up to 48% on the HIGH end, compared to the expiring program

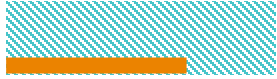


NCTD Liability Year Over Year Cost (3 of 4)

PREMIUM ESTIMATES FOR 20-21 YEAR AS OF NOVEMBER 9th

2018-19 Total Cost	2019-20 Total Cost	Year Over Year % Change	2020-21 LOW and HIGH Estimates	Year Over Year % Change ESTIMATED
\$1,991,405	\$2,810,551	41%	\$3,361,934 - \$4,147,555	20% - 48%

\$295M in total limits (excess of \$2M Self-Insured Retention) for each of the above Years



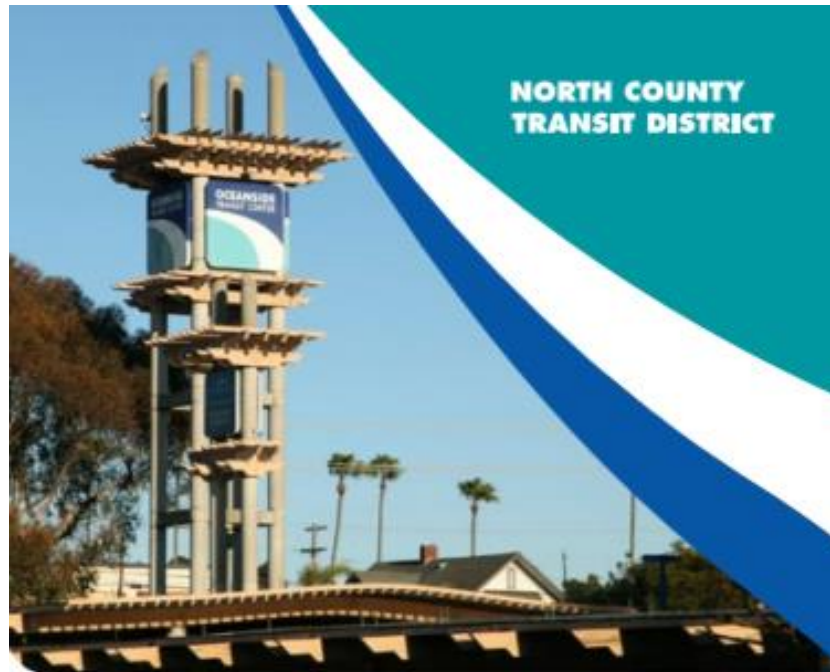
NCTD Liability Renewal 2020-21 (4 of 4)

Expected Coverage Changes

- ***Explicit Exclusion of Communicable Disease***
- ***Narrowing of Rail Liability Coverage***
- ***Possible Reduction in Bus Limits***
- ***Reduction in Aggregate Limits***
- ***Other, TBD***



Questions & Discussion





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STAFF REPORT

RECEIVE UPDATE ON THE NORTH COUNTY TRANSIT DISTRICT’S EFFORTS TO MITIGATE RAILROAD TRESPASSING

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Receive a presentation on the North County Transit District’s (NCTD) efforts to mitigate railroad trespassing to include information about NCTD’s Trespasser Risk Reduction Feasibility Analysis.

**BACKGROUND
INFORMATION:**

Safety is one of NCTD’s core values. Staff is providing NCTD’s Board of Directors (Board) with an update on NCTD’s efforts to mitigate trespassing along the railroad right-of-way and a summary of the Trespasser Risk Reduction Feasibility Analysis.

As discussed by the Federal Railroad Administration (FRA) in its 2018 *Report to Congress, National Strategy to Prevent Trespassing on Railroad Property*, “trespassing on railroad property is the leading cause of all rail-related deaths in the United States. More people are struck and killed by trains each year while trespassing – illegally entering or remaining on a railroad right-of-way – than in motor vehicle collisions with trains at highway-rail grade crossings.” As indicated in Table 1 (in the Report to Congress) below, San Diego County is one of the top ten (10) locations for trespasser casualties not related to suicides.

The FRA also stated, “Each day on average in the United States, three people are killed or injured while trespassing on railroad property. Benefits of reducing trespassing accidents can be measured in lives saved, injuries reduced, and train delays avoided.” Other concerns from trespassing events include additional costs for accident response and investigation, negative health impacts to employees and first responders, and additional risk of liability claims.

Table 1: U.S. Counties with the Most Railroad Trespasser Casualties, Not Including Suicides
November 2013 to October 2017

Rank	County	Casualties	Rank	County	Casualties
1	Los Angeles, California	110	6	Palm Beach, Florida	47
2	Cook (Chicago), Illinois	109	7	Fresno, California	46
3	San Bernardino, California	59	7	Riverside, California	46
4	Harris (Houston), Texas	52	9	Contra Costa, California	44
5	Broward, Florida	51	9	San Diego, California	44

Table 1 - *Report to Congress, National Strategy to Prevent Trespassing on Railroad Property*, U.S. Counties with the Most Railroad Trespasser Casualties, Not Including Suicides

The analysis completed by the FRA for the *National Strategy to Prevent Trespassing on Railroad Property* also reported that, “Education and outreach are not enough. Engineering solutions (e.g. fencing, automated video detection systems) designed to prevent or discourage trespassing on railroad property can be utilized in conjunction with frequent and consistent enforcement of trespasser laws.”

NCTD will continue to mitigate trespassing events using the 3-E framework of engineering, enforcement, and education to prevent loss of life and injuries while enabling NCTD to continue to provide safe, reliable, user-friendly public transportation services to our customers. NCTD has enhanced its website, www.GoNCTD.com, to provide additional information about our efforts to mitigate the risks of railroad trespassing to include completing the Railroad Trespassing and Risk Reduction Feasibility Analysis and advancing plans to fence specified areas in Oceanside, Del Mar, and Encinitas. Detailed information can be found by clicking the [Safety and Security](#) tab on our landing page or by visiting the [Trespasser Mitigation](#) webpage directly.

ATTACHMENT: W2A – FRA Report to Congress-National Strategy to Prevent Trespassing on Railroad Property (October 2018)

GOAL/STRATEGIC DIRECTION: Enhance Safety & Security

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

STAFF CONTACT: **Sean Loofbourrow, Chief of Safety**
E-mail: sloofbourrow@nctd.org Phone: 760-967-2827

Report to Congress
National Strategy to Prevent Trespassing
on Railroad Property



October 2018

Federal Railroad Administration
U.S. Department of Transportation

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National Strategy to Prevent Trespassing on Railroad Property

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Abbreviations in this Report

AIS	Abbreviated Injury Scale
CRISI	Consolidated Rail Infrastructure and Safety Improvements
FRA	Federal Railroad Administration
FY	Fiscal Year
VSL	Value of a Statistical Life

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National Strategy to Prevent Trespassing on Railroad Property

Executive Summary

Trespassing on railroad property is the leading cause of all rail-related deaths in the United States. More people are struck and killed by trains each year while trespassing – illegally entering or remaining on a railroad right-of-way – than in motor vehicle collisions with trains at highway-rail grade crossings. Between 2012 and 2017, the annual number of trespass-related pedestrian fatalities increased 18 percent, from 725 people killed in 2012 to 855 in 2017. In calendar year 2018, 324 pedestrian trespass fatalities had occurred by July 31, 2018. Data indicates that the number of trespassing occurrences each year far exceeds the number of fatalities and injuries. This raises serious concern of the potential for even more trespasser accidents.

In its report on the fiscal year (FY) 2018 Department of Transportation appropriation,¹ the U.S. House of Representatives Committee on Appropriations requested the Federal Railroad Administration (FRA) study and identify the causal factors that lead to trespassing incidents on railroad property. The Committee also asked FRA to develop a national strategy to prevent trespasser incidents and submit it to the House and Senate Committees on Appropriations by August 1, 2018. This document responds to the Committee's request.

In October 2017, FRA formed a team of experts to study the problem of people being killed or injured while trespassing on railroad property. To help understand the problem's scope, the team analyzed the costs to railroads and society. The team found that trespass accidents during the five-year period from 2012 to 2016 cost society approximately \$43 billion.² The team also reviewed existing research and data related to railroad trespasser fatalities nationwide for the four-year period between November 2013 and October 2017. The team found that, of the 3,100 counties and county equivalents in the United States, approximately 14 percent of trespasser fatalities occurred in 10 counties in 4 different states.³ Moreover, 74 percent of all trespasser deaths and injuries in that four-year period occurred within 1,000 feet (less than ¼ of 1 mile) of a grade crossing.

FRA regional teams conducted field surveys in 6 of the top 10 counties to gather data related to rail operations, social demographics, and circumstances surrounding individual trespass incidents in those counties. FRA's research and field surveys identified several contributing factors, including the behavior and choices of individuals who trespass on railroad property and lack of knowledge and appreciation of trespassing dangers. FRA found that communities tend to focus

¹ U.S. House of Representatives, House Report No. 115-237, July 21, 2017.

² This cost includes the value of fatalities, injuries, and travel time delay due to trespassing incidents. It does not include indirect costs such as emotional distress or productivity losses.

³ In this report, FRA refers to these as the *top 10 counties*.

National Strategy to Prevent Trespassing on Railroad Property

their finite resources on higher-priority law enforcement issues, such as homicides, illegal drugs, and highway crashes. These issues often take precedence over the investigation and prosecution of trespasser offenses. As a result, even when railroad trespass violations are reported to law enforcement, the violations are rarely prosecuted, reducing the perceived negative consequences for trespassing. FRA also found that community-planning decisions (such as the location of bus stops in relation to safe crossing paths) might lead to trespassing.

FRA's past efforts to address the problem of people trespassing on railroad property have focused on outreach to the public, railroads, and law enforcement agencies. FRA's approach has not been a national, proactive approach to address the root causes of trespassing. Instead, FRA's historical approach has been dependent its regional staff and resources reacting to specific safety issues on a case-by-case basis.

FRA's current analysis demonstrates that it needs to do more than educate and facilitate mitigation measures when issues arise. To this end, FRA developed the National Strategy to Prevent Trespassing on Railroad Property. It focuses on four strategic areas: (1) data gathering and analysis; (2) community site visits; (3) funding; and (4) partnerships with stakeholders. The key elements of each of these strategic areas are listed below.

Strategic Area 1. Data Gathering and Analysis

- Transition to a data driven, centrally managed, regionally implemented program.
- Identify new data sources and explore statutory, regulatory, or other authorities to protect new data.
- Develop and use a trespasser risk model.
- Consider changes to railroad reporting regulations to improve the data available to FRA and other stakeholders.

Strategic Area 2. Community Site Visits

- Communicate information to FRA regional staff for targeted engagement.
- Develop standard operating procedures for conducting regional community site visits.
- Assign regional assets to identified hot spots to engage railroads, police, and local governments in partnerships using data to identify location-specific causal factors and assist with identifying and implementing mitigation strategies.

Strategic Area 3. Funding

- Work through the executive and Congressional budget cycles to identify funding to strengthen grant programs for trespasser mitigation, such as engineering solutions, law enforcement overtime, school resource officers, and outreach.

National Strategy to Prevent Trespassing on Railroad Property

- Include information on the availability of grants and other funding as part of FRA's survey and outreach program.
- Work through the executive and Congressional budget cycles to identify funding for a national trespasser public service announcement campaign.

Strategic Area 4. Develop Partnerships with Stakeholders

- Convene trespasser prevention summits with representatives from each of the top 10 counties for trespasser casualties to engage local community leaders, law enforcement, railroads, and the public.
- Collaborate with government agencies and other organizations, including the Substance Abuse and Mental Health Services Administration and Global Railway Alliance for Suicide Prevention, on targeted outreach to address suicides.
- Share trespasser hot spot data with advocacy organizations, such as Operation Lifesaver, Inc., so they can focus their activities to yield the greatest returns on investment.

The success of this national strategy is dependent on several factors outside of FRA's control. For example, gathering and analyzing the railroads' close call data⁴ would help FRA identify and target trespassing hot spots more effectively. However, FRA does not have specific statutory authority to protect this data from disclosure and use in judicial actions to determine damages or liability for trespasser accidents. FRA expects railroads would be more likely to share this information with such protection in place. Successful implementation of this national strategy will be best served by sufficient resources and cooperation of all stakeholders.

⁴ A trespassing *close call* is a situation in which a trespasser is almost struck by a train, but escapes without injury and the incident is captured by a locomotive camera and/or reported by a train crew.

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National Strategy to Prevent Trespassing on Railroad Property

Introduction

Trespassing on railroad property is the leading cause of all rail-related deaths in the United States. Annually, more fatalities and injuries occur due to trespassing on railroad property than motor vehicle collisions with trains at highway-rail grade crossings. Total annual trespass-related pedestrian fatalities have increased 18 percent from 725 in 2012 to 855 in 2017. In calendar year 2018, 324 pedestrian trespass fatalities had occurred by July 31, 2018.

In its report on the FY 2018 Department of Transportation appropriation, the U.S. House of Representatives Committee on Appropriations asked FRA to study and identify the factors that lead to trespassing incidents on railroad property and to develop a national strategy to prevent them. The Committee directed FRA to include milestones, timelines, and metrics to define success in its strategy. The Committee expects FRA to implement its trespasser accident prevention strategy within the specified timelines. The Committee asked FRA to submit the strategy to the House and Senate Committees on Appropriations by August 1, 2018. This report responds to this request and contains the results of FRA’s research and field surveys.

FRA’s analysis of available data for the period between November 2013 and October 2017 identified the ten counties in the United States where most pedestrian trespasser casualties occurred.⁵ Table 1 lists these counties from most to least casualties.

Table 1: U.S. Counties with the Most Railroad Trespasser Casualties, Not Including Suicides November 2013 to October 2017

Rank	County	Casualties	Rank	County	Casualties
1	Los Angeles, California	110	6	Palm Beach, Florida	47
2	Cook (Chicago), Illinois	109	7	Fresno, California	46
3	San Bernardino, California	59	7	Riverside, California	46
4	Harris (Houston), Texas	52	9	Contra Costa, California	44
5	Broward, Florida	51	9	San Diego, California	44

Source: FRA analysis

⁵ Casualties include fatalities and injuries.

Trespassing on Railroad Property

Definition

Railroads own their rights-of-way and have a reasonable expectation of operating on their property without the presence or interference of unauthorized people. Any unauthorized person who enters or remains on a railroad right-of-way, equipment, or facility is trespassing.

Trespassing on private railroad property, including a railroad's right-of-way, is illegal.

Pedestrians and motorists are permitted on railroad property where an authorized crossing (either roadway or pedestrian) intersects with the railroad right-of-way at a grade crossing, provided highway traffic control signals and other signage are obeyed.

FRA distinguishes between trespass accidents and trespass incidents for its national strategy.

Trespass Accidents. When one or more trespassers is struck and killed or injured by a train or other means while on railroad property without authority. This report refers to individuals injured or killed because of trespassing on railroad property as casualties.

Trespass Incidents. When law enforcement, railroad personnel, or cameras observe one or more trespassers on railroad property. Instances of trespassing in which the trespasser is not struck by a train or otherwise injured or killed on railroad property.

Types of Accidents

FRA grouped trespass accidents into three categories for analysis and development of its national strategy.

Accidents Involving Trespass Casualties at Grade Crossings. This type of trespass casualty occurs when a pedestrian climbs either through a train stopped at a grade crossing or over or around gates or other physical barriers to enter a grade crossing when a train is approaching. FRA data shows 12 percent of trespassing pedestrian casualties, not including suicides, occur at grade crossings. About 2 percent (3,000 miles) of U.S. rail miles are at grade crossings.

Accidents Involving Trespass Casualties on All Other Segments of Railroad Rights-of-Way. The remaining 98 percent (137,000 miles) of U.S. route miles not at grade crossings are other segments of railroad rights-of-way. Although trespassing can occur anywhere along a right-of-way, 74 percent of trespassing casualties, not including suicides, occur within 1,000 feet (less than ¼ of 1 mile) of a grade crossing.

Suicides and Suicide Attempts. This type of trespass accident occurs when a person enters a railroad right-of-way with the intent of being struck and killed by a train. FRA data indicate that at least 30 percent of fatalities that occur on the rail system result from an intentional act of suicide. Similar to trespass casualties on segments of railroad rights-of-way other than grade

crossings, 73 percent of suicide attempts occur within 1,000 feet of a grade crossing. When an accident is classified as a suicide, it is removed from the casualty data.

Complexities of the Problem

Trespassing on railroad property is a complex problem because of the differing priorities of individuals and the communities in which trespassing occurs. FRA's limited authority to address the issue and varying state laws affecting how a railroad or local authority may enforce trespassing laws are compounding factors. For FRA and many affected communities, a lack of sufficient resources and clear data are primary concerns.

Individuals. At its core, the problem of trespassing starts when an individual enters private railroad property without authority to do so. Most trespassers make this choice because crossing railroad property provides the most direct route to a desired destination. The person might be unaware of the dangers involved in trespassing on railroad property. The person could be distracted by another activity (e.g., hunting, bicycling, riding all-terrain vehicles, using a cell phone or earbuds). These circumstances can lead to deadly consequences.

Communities. From a community's perspective, public safety issues, such as homicides, illegal drugs, and highway crashes, can take precedence over investigating and prosecuting railroad trespass offenses. FRA found in each of the top 10 counties, over a four-year period, the number of railroad trespass casualties was less than two percent of the respective county's total homicides, drug-related deaths, and highway fatalities. Local and state governments often focus their finite resources on their higher-priority issues. In many instances, railroad trespassers are not prosecuted even when law enforcement is aware of the incidents.

Local land use decisions can affect the likelihood of trespassing on railroad property or rights-of-way. For example, community decisions regarding the placement of public buildings and services, such as homeless shelters, food pantries, and schools, or approval of new construction can affect the number of railroad trespassers.

FRA. In 2008, Congress directed the U.S. Department of Transportation to develop and maintain a comprehensive outreach program to address trespassing on railroad property and strengthen relevant enforcement strategies by improving communication among Federal, state, and local entities.⁶ FRA's efforts to mitigate trespassing on railroad property have focused on data gathering and sharing and outreach to the public, railroads, and law enforcement. FRA regulations require railroads to report deaths, injuries, and occupational illnesses arising from the operation of a railroad.⁷ This reporting requirement includes trespasser casualties. However, trespassing on railroad property is a law enforcement issue governed by state and local law,

⁶ United States Code, title 49, section 20151(b).

⁷ Code of Federal Regulations, title 49, part 225.

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which limits FRA’s authority to address the issue. FRA, however, encourages railroads to consider the risks of trespassing accidents as part of their safety planning. When providing grants or other funding for new or existing railroads, when allowable, FRA conditions the funding on the railroad’s consideration of mitigation of identified risks, including the risk of trespassing accidents.

State and Local Law Enforcement. Trespassing on railroad property is a law enforcement issue governed by state and local law. State and local law enforcement administer state trespass laws. Railroads (particularly Class I and commuter railroads) employ railroad police, whose duties typically include investigating incidents of trespassing and confronting trespassers they observe in the act of trespassing. Nationwide, railroads employ more than 1,200 railroad police personnel, whose duties include railroad employee safety, lading protection, theft investigation, and trespasser enforcement. Their status and authority as law enforcement officers varies from state to state, as does their ability to enforce state and local trespass laws.

Differences in state laws can hinder the efforts of state and local law enforcement officers, as well as those of railroad police, by making it difficult for railroads to enforce or legally address trespassing. In some states, a person who trespasses on railroad property could be guilty of a misdemeanor – punishable by a fine and/or imprisonment in state prison or county jail. Other states appear to have carved out “permissive use” or “frequent trespass” exceptions to the general rule. Under these exceptions, if the railroad has permitted the public to travel over its track at a specific location for a considerable period and a sizeable number of people have done so, the railroad could be liable for injuries to trespassers. Some states impose a knowledge requirement, i.e., a person who enters or remains on railroad property without the owner’s consent must know that it is railroad property, to be guilty of trespassing. In other states, local law enforcement can address trespassing concerns on private property only when its department receives written authorization from the private property owner.

Scope of the Problem

Each day on average in the United States three people are killed or injured while trespassing on railroad property, including over 1,100 pedestrians in 2017. Approximately 800 railroads operate over 140,000 route miles and through 210,093 grade crossings to serve the communities and industries in which the U.S. population, more than 325 million people in 2017, lives and works.⁸ Railroads operate through diverse geographical areas, including congested urban centers and sparsely populated rural areas. Around major cities, the larger and denser populations result in increased passenger and freight train traffic to support that population. This increased train traffic increases the likelihood of trespassing accidents. In more sparsely populated rural areas,

⁸ FRA data and U.S. Census Bureau, *Annual Estimates of the Resident Population: April 1, 2010 to July 1, 2017*, December 2017.

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local law enforcement officers and railroad police face challenges monitoring and enforcing trespassing activity along remote stretches of railroad right-of-way.

FRA presumes the number of reported trespassing accidents is a small fraction of the number of trespassing occurrences. Using data one Class I railroad shared voluntarily, FRA found the railroad's reported number of close calls⁹ was much larger than the number of casualties, excluding suicides, over the same timeframe. This difference indicates that the potential for additional trespassing casualties is significant.

In response to the House Committee's request to identify and study the factors that lead to trespassing incidents, FRA's experts from its Offices of Railroad Safety and Railroad Policy and Development studied available data. For the four-year period between November 2013 and October 2017, the team determined:

- Nationwide, excluding suicides, 4,242 pedestrians were killed or injured while trespassing on railroad property. With the 1,175 suicides included, the total rises to 5,417 people.
- Of the approximately 3,100 counties and county-equivalents in the United States, approximately 14 percent of all trespasser casualties occurred in 10 counties in 4 different states.
- In the top 10 counties, excluding suicides, 300 pedestrian trespassers were killed. With the 169 suicides included, the total increases to 469.
- 6 of the top 10 counties for trespasser casualties were in California and accounted for 7.9 percent of the U.S. total.
- The county with the most trespasser casualties, 110, was Los Angeles County, California, followed closely by Cook County(Chicago), Illinois, with 109 casualties.
- 74 percent of trespassing casualties occurred within 1,000 feet of a grade crossing.
- Slips, trips, and falls while trespassing caused 185 casualties, or 5 percent of trespassing casualties not at grade crossings.

Distance Between Trespassing Accidents and Grade Crossings

Approximately 73 percent of trespassing suicides and attempted suicide casualties and 74 percent of trespassing casualties excluding suicides occur within 1,000 feet (less than ¼ of 1 mile) of a highway-rail grade crossing. FRA global information system mapping data includes the locations of all reported pedestrian trespasser accidents, including suspected suicides and

⁹ A trespassing *close call* is a situation in which a trespasser is almost struck by a train, but escapes without injury and the incident is captured by a locomotive camera and/or reported by a train crew.

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attempted suicides that have occurred since July 2012. Table 2 below shows the percentage of suicide and attempted suicide trespasser accidents nationwide by distance from a grade crossing from November 2013 to October 2017. The cumulative percentage of casualties by distance from a grade crossing is also listed. Table 3 shows the number of non-suicide trespasser casualties and cumulative percentage nationwide and in the top 10 counties by distance from a grade crossing for the same period.

Table 2: Location of Suicides and Attempted Suicides, November 2013 to October 2017

Distance from a Highway-Rail Grade Crossing (feet)	Percentage of Suicides and Attempts	Cumulative Percentage of Suicides and Attempts
At a grade crossing	11 %	11 %
Within 50	7 %	18 %
50 to 100	6 %	24 %
100 to 200	10 %	34 %
200 to 300	9 %	43 %
300 to 400	7 %	50 %
400 to 500	5 %	55 %
500 to 1,000	18 %	73 %
1,000 to 5,000	24 %	97 %
5,000 to 10,000	2 %	99 %
More than 10,000	1 %	100 %

Source: FRA analysis

Table 3: Location of Pedestrian Trespasser Casualties, Excluding Suicides, November 2013 to October 2017

Distance from a Highway-Rail Grade Crossing (feet)	Casualties Nationwide		Casualties in Top 10 Counties	
	Cumulative Number	Cumulative Percentage	Cumulative Number	Cumulative Percentage
At a grade crossing	516	12 %	102	18 %
Within 50	853	20 %	27	23 %
50 to 100	1,116	26 %	29	28 %
100 to 200	1,608	38 %	56	38 %
200 to 300	1,973	46 %	49	47 %
300 to 400	2,232	53 %	42	55 %
400 to 500	2,462	58 %	31	60 %
500 to 600	2,658	63 %	20	64 %

Table 3: Location of Pedestrian Trespasser Casualties, Excluding Suicides, November 2013 to October 2017

Distance from a Highway-Rail Grade Crossing (<i>feet</i>)	Casualties Nationwide		Casualties in Top 10 Counties	
	Cumulative Number	Cumulative Percentage	Cumulative Number	Cumulative Percentage
600 to 700	2,798	66 %	21	67 %
700 to 800	2,945	69 %	16	70 %
800 to 900	3,049	72 %	10	72 %
900 to 1,000	3,142	74 %	12	74 %
1,000 to 1,250	3,328	78 %	25	79 %
1,250 to 1,500	3,477	82 %	21	82 %
1,500 to 2,000	3,711	87 %	30	88 %
2,000 to 3,000	3,950	93 %	21	92 %
3,000 to 5,000	4,107	97 %	24	96 %
5,000 to 10,000	4,186	99 %	12	98 %
More than 10,000	4,242	100 %	11	100 %
Total Casualties	4,242		559	

Source: FRA analysis.

FRA Efforts to Address Trespassing

FRA has worked extensively with railroads; state, county, and local governments; and other organizations to raise awareness about the inherent dangers and consequences of trespassing. The paragraphs below describe some of the work FRA has done to address the issue. FRA's trespass prevention website¹⁰ contains many of the research and other documents referenced below.

Research. FRA research examines all aspects of trespass prevention with a focus on education, engineering, and enforcement. FRA researches new technology prototypes, systems, and components, and education and enforcement initiatives that have the potential to decrease or eliminate railroad trespassing. FRA research includes the demonstration and evaluation of new technologies and innovative safety treatments and technology transfer initiatives from other modes of transportation (e.g., use of artificial intelligence). These studies enable FRA to develop effective methods that, combined with local efforts, reduce railroad trespassing. In July 2018,

¹⁰ <https://www.fra.dot.gov/Page/P0846>.

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FRA published a report intended to provide a baseline measure of trespassing and suicide incident data from 2012 to 2014.¹¹

Data Analysis. FRA conducted national studies of demographic and market analysis of rail trespass fatalities in 2008 and a follow up study in 2013.¹² The objective was to establish a foundation to build an outreach or public education program and assist law enforcement to identify demographic populations most at risk. Results indicated that trespassers involved in fatal accidents are typically identifiable as white males, with an average age of 38, and with low socioeconomic status. These studies led FRA to conclude that many in this demographic might be intoxicated at the time of trespassing.

Community, Analysis, Response, and Evaluation Rail Trespass Problem-Solving Model. FRA in collaboration with Transport Canada developed and published the *Community Trespass Prevention Guide* (Guide) in 2003.¹³ This guide details a collaborative, systematic problem-solving approach for communities. Called the Community, Analysis, Response, and Evaluation rail trespass problem-solving model, the guide presents a non-regulatory approach to addressing railroad trespassing in local communities.

Collaboration with National Organizations. FRA promotes trespass prevention programs through cooperative efforts with public and private entities to encourage enforcement, educational, and engineering activities that effectively reduce trespass incidents and associated casualties. FRA collaborates with national organizations, such as Operation Lifesaver, Inc., for public outreach and education activities to increase awareness of the dangers of railroad trespassing. FRA has provided \$1 million annually through grants to Operation Lifesaver, Inc., which conducts public outreach and education activities to increase awareness of the dangers of railroad trespassing.

National Workshops. FRA hosted three workshops (in 2008, 2012, and 2015) to provide stakeholders updates on right-of-way fatality and trespass prevention activities and to solicit ideas for future actions and research priorities. The attendees generated more than 80 ideas ranging from expanded initiatives to new research projects. Their recommendations included increased signage, use of unmanned aerial vehicles, model state laws, and enforcement grants.

¹¹ FRA, *Characteristics of Trespassing Incidents in the United States (2012-2014)*, at <https://www.fra.dot.gov/eLib/Details/L19581>.

¹² <https://www.fra.dot.gov/eLib/details/L04702>.

¹³ <http://www.fra.dot.gov/Elib/Document/1265>.

Law Enforcement Outreach. Through the right-of-way workshops and local activities, FRA learned that law enforcement wanted a state-by-state listing of trespassing laws. FRA issued the *Compilation of State Laws and Regulations Affecting Highway-Rail Grade Crossings* in 2013, which is also a mobile application downloadable to any handheld device.¹⁴

Costs and Effects of Railroad Trespassing

According to FRA's economic analysis, the benefits of reducing trespassing accidents can be measured in lives saved, injuries reduced, and train delays avoided. This analysis uses data reported to FRA over the five-year period from 2012 to 2016. The 9,363 reported trespassing accidents during this period cost society \$43.2 billion in fatalities and injuries (with an average cost of \$4.6 million per accident) and more than \$56.0 million in travel time delays. These calculations do not include unquantified costs to the economy, such as lost productivity, and society, such as emotional distress.

Fatalities and Injuries. The benefit of preventing a fatality or injury is measured by the value of a statistical life (VSL). VSL is the additional cost society is willing to bear for improvements in safety that reduce the expected number of fatalities by one. The U.S. Department of Transportation currently sets VSL at \$9.6 million.¹⁵ In cases of injury, a value is assigned based on a fraction of the VSL using the abbreviated injury scale (AIS). AIS categorizes injuries into levels of severity from AIS 1 (minor) to AIS 5 (critical) and assigns a dollar value to each category of injury. FRA calculated the values of the reported trespasser fatalities and injuries.

- The 4,291 reported trespasser fatalities equate to a value of fatalities over the five-year period of approximately \$41.2 billion.
- The 5,072 reported trespasser injuries equate to a value of injuries over the five-year period of approximately \$2.0 billion.¹⁶

Travel Time Delays. When a trespassing accident occurs, the train is required to stop at the accident site. One Class I railroad told FRA each time a train strikes a trespasser the initial investigation and restoration of traffic flow takes an average of four hours. During this time, passengers are waiting on the involved train. FRA estimated the value of this time by assuming

¹⁴ <https://www.fra.dot.gov/StateLaws>.

¹⁵ *2016 Revised Value of a Statistical Life Guidance.pdf* at <https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-on-valuation-of-a-statistical-life-in-economic-analysis>.

¹⁶ FRA used National Automotive Sampling System values to assign a monetary value to each individual injury type.

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200 passengers per train¹⁷ and each passenger's time on the train is worth \$20.40 per hour.¹⁸ If the involved train is carrying freight, FRA estimated the value of this time as \$637.26 per hour.¹⁹ In addition, the conductor or engineer on the involved train has a wage rate of \$31.57 per hour.²⁰ FRA used these assumptions to estimate the value of a reduction in train delays, if all expected trespass accidents were avoided.

- The value of passenger train delays over the five-year period is \$34.1 million.²¹
- The value of freight train delays over the five-year period is \$21.9 million.²²

Unquantified Economic and Societal Costs. FRA's analysis does not include other costs that trespasser accidents impose on the economy and society. For example, accident response and investigation can delay motorists and their passengers at highway-rail grade crossings. Similarly, commercial trucks carrying freight or providing services can incur delays. Other trains must be held until a trespass accident is cleared. Costs such as wages and expenses of law enforcement personnel who conduct the initial investigations and emergency responders who assist the passengers and trespasser(s) are not quantified.

Other unquantified costs include the negative effects on the trespassers and their families and the emotional distress of involved railroad personnel and emergency responders. One railroad representative told FRA that trespasser accidents often affect even the most experienced engineers to the extent they are unable to continue to work. The railroad then has to replace them with less experienced ones. The railroad's labor and training costs rise and safety could be adversely impacted as those more experienced engineers leave the workforce.

¹⁷ FRA estimate.

¹⁸ *2016 Revised Value of Travel Time Guidance.pdf* at <https://www.transportation.gov/office-policy/transportation-policy/revised-departmental-guidance-valuation-travel-time-economic>.

¹⁹ National Cooperative Highway Research Program, *Comprehensive Costs of Highway-Rail Grade Crossing Crashes*, Report 755.

²⁰ Surface Transportation Board, 2016, at <https://www.stb.gov/econdata.nsf/WageStatistics?OpenView>.

²¹ 2,035 passenger incidents * [(\$31.57 train employee wage rate * 1.75 burdened wages * 2 employees per train * 4 hours per delay) + (200 passengers per train * \$20.40 per passenger per hour * 4 hours per delay)].

²² 7,328 freight incidents * [(\$637.26 value of goods per hour * 4 hours) + (\$31.57 * 1.75 burdened wages * 2 employees per train * 4 hours per delay)].

FRA’s Field Survey - Site Review Teams’ Executive Summaries

Based on the data and analysis described above, FRA deployed four trespasser site review teams to six counties in California, Illinois, Texas, and Florida. The teams were composed of FRA regional grade crossing inspectors and went to six of the top 10 counties nationwide for trespasser casualties. Each team had maps, tools, and data and reported on the number of trains passing through the area; the number of trespass violations local authorities and railroad police submitted and prosecuted; the amount of time law enforcement dedicated to addressing the issue of trespassing on railroad property; and the locations where trespassing was occurring. The teams also identified how close trespassing locations were to homeless communities and shelters, food pantries, and schools. Finally, the teams interviewed trespassers to find out why they were trespassing, if they knew they were trespassing, if they knew trespassing was illegal, and to explain the dangers of trespassing. The teams gathered data for the period November 2013 to October 2017.

In summary, the site review teams found that individuals were often making conscious decisions to trespass as a matter of convenience and generally reported that they knew they were illegally trespassing. In one instance, FRA personnel observed schoolchildren and a school official trespassing on a railroad’s right-of-way. The site review teams also found that some locations lacked fencing or other physical barriers to the railroad’s right-of-way, while other locations had fences that did not effectively deter trespassers. In one instance, trespassers regularly climbed or crawled through the cars of stopped trains to get to the other side of the tracks. The teams identified examples of potential poor community planning (e.g., parking lots intended for a building on the opposite side of the track from the building), and where prevention and engineering controls, such as fences, had been installed. Tables 4 to 7 below highlight each team’s findings by state.

Table 4: California Counties Reviewed by FRA Region 7 Grade Crossing Inspectors

County	Rank for Number of Casualties	Number of Casualties
Los Angeles	1	110
Riverside	7	46
San Diego	9	44

Contributing Factors

- Trespassing for convenience.
- Lack of deterrence, such as fencing, enforcement, or education.

Table 4: California Counties Reviewed by FRA Region 7 Grade Crossing Inspectors

Considerations for Mitigation

- Trespassers interviewed said they knew they were illegally trespassing.
 - Railroad management reported frustration with ineffective education and enforcement efforts and stated that the next step is to explore the use of engineering solutions.
 - Railroads are using a tracking process to report homeless encampments on railroad right-of-way for targeted enforcement actions.
-

Table 5: Illinois County Reviewed by FRA Region 4 Grade Crossing Inspectors

County Name	Rank for Number of Casualties	Number of Casualties
Cook (focused on Chicago)	2	109

Contributing Factors

- Of 1,081 railroad trespasser violations, 435 (40 percent) were not prosecuted; 1,034 (almost 96 percent) were filed by railroad police.
- County or city police departments issued less than 50 trespasser violations.
- Chicago Police stated that less than 1 percent of their calls are directly related to railroad trespassing, and they divert those calls to railroad police.

Considerations for Mitigation

- A significant number of trespasser fatalities occurred near homeless shelters, schools, and food pantries.
 - Most track is railroad over grade (elevated track).
 - Fencing was already installed at all locations visited; the assumption is that trespassers are climbing fences.
-

Table 6: Texas County Reviewed by FRA Region 5 Grade Crossing Inspectors

County Name	Rank in Number of Casualties	Number of Casualties
Harris (focused on Houston)	4	52

Contributing Factors

- Of 228 trespassing violations issued October 2013-November 2017, 1 was prosecuted.
- Trespassers regularly climb or crawl through the cars of stopped trains rather than wait or walk around.

Considerations for Mitigation

- City of Houston officials advocated for federal funding for cameras.
- High levels of trespassing near shelters and food banks.

Table 7: Florida County Reviewed by FRA Region 3 Grade Crossing Inspectors

County Name	Rank in Number of Casualties	Number of Casualties
Palm Beach County	6	47

Contributing Factors

- Trespass occurs for convenience allowing the pedestrian a most direct path to their desired location.
- Lack of grade crossings in large sections of track contributes to trespassing for convenience.
- Mid-block public bus stops between crossings were a contributing factor to trespass.
- Multiple groups of schoolchildren and a vice-principal were observed trespassing upon school dismissal.

Considerations for Mitigation

- Trespassers interviewed admitted they knew they were illegally trespassing.
- Moving public bus stops closer to grade crossings could be a viable mitigation strategy.
- Location specific mitigations (physical barriers) to create more resistance, and in others, a need to provide a safer path of least resistance.
- A more comprehensive and focused survey should be performed to identify specific areas and effective methods of mitigation. This survey should be guided by the railroads, and should include state/local officials, state/local police departments, state/county school boards, and county/city transportation boards.

Contributing Factors

FRA's analysis of previous research and field survey identified two primary factors that contributed to trespassing incidents on railroad property and rights-of-way. First, trespassing starts with an individual choosing to enter or remain on railroad property without authority to do so. Most trespassers make this choice because crossing railroad property provides the most direct route to a desired destination. FRA's survey teams found that trespassers often knew they were illegally on railroad property. Trespassers often do not have a sufficient understanding or appreciation for the dangers of trespassing on railroad property.

Individual Contributing Factors

- a) Personal convenience.
- b) Lack of knowledge of or appreciation for the dangers of trespassing.

Second, from a community's or local government's perspective, other law enforcement and public safety issues are often the focus of their resources. FRA found in each of the top 10 counties, over a four-year period, the number of railroad trespass casualties was less than two percent of the respective county's total homicides, drug-related deaths, and highway fatalities. As a result, many communities prioritized their resources in ways that limit their ability to address railroad trespassing issues either through engineering solutions or public outreach and education. FRA's field survey confirms that railroad trespassers are rarely prosecuted, thereby reducing the perceived negative consequences of trespassing. Finally, community decisions, such as putting bus stops too far from safe crossing paths, might contribute to an increased number of trespassers.

Community Contributing Factors

- a) No (or insufficient) dedicated resources (personnel or funding).
- b) Lack of physical deterrents, such as fences, natural or engineered barriers, or obstacles.
- c) Failure to prosecute trespassers by local judicial process.
- d) Public perception of the dangers of trespassing on railroad property.
- e) Poor community planning.

Conclusion

FRA's approach to the trespassing issue has not been national or proactive, but rather a program of national outreach and education. Regional FRA staff and resources react to specific trespasser issues on a case-by-case basis. FRA's efforts have focused on data gathering, sharing, and outreach to the public, railroads, and law enforcement. FRA has considered specific trespassing problems as local problems and regional FRA safety personnel assisting local authorities and communities as the best way to address these issues. Regional FRA safety staff work with these communities and railroads to facilitate solutions to specific, local trespasser issues.

FRA's current analysis demonstrates that it needs to do more than educate and facilitate mitigation when issues arise. Proactive use of current, relevant data and analysis to identify areas at systemically high-risk for trespassing incidents is the best way to develop and facilitate implementation of specific mitigation strategies with communities, local governments, law enforcement, and impacted railroads. Education and outreach are not enough. Engineering solutions (e.g., fencing, automated video detection systems) designed to prevent or discourage trespassing on railroad property can be utilized in conjunction with frequent and consistent enforcement of trespasser laws. FRA has developed the following national strategy, focusing on four strategic areas: (1) data gathering and analysis; (2) community site visits; (3) funding, and (4) partnerships with stakeholders.

The success of this national strategy depends on several factors outside of FRA's control. FRA's ability to gather and analyze railroad trespasser close call data is the cornerstone of this strategy. Railroads have been reluctant to share this information, because FRA does not have specific statutory authority to protect this data from disclosure and use in judicial or other actions to determine damages or liability for trespasser accidents. Without this data, FRA will be unable to understand fully this complex problem and target trespassing hot spots. Trespassing is generally a matter of state and local law, and enforced at each state and municipality's discretion. Higher-priority law enforcement and other issues compete for the resources of local governments to address trespassing on railroad property. Successful implementation of this strategy will depend on the availability of sufficient resources and all stakeholders working together.

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National Strategy to Prevent Trespassing on Railroad Property

FRA's national strategy to prevent trespassing on railroad property includes four strategic focus areas: data gathering and analysis, community site visits, funding, and partnerships with stakeholders. None of these focus areas alone is sufficient for preventing trespassing and a successful strategy must include a combination of approaches. Focusing on data gathering and analysis will enable FRA to target its resources to trespassing hot spots. Conducting community site visits will help FRA and other stakeholders build a pool of successful mitigation strategies. Requesting and providing funding will assist communities directly in securing solutions and resources they need to deter trespassing and build partnerships with communities, law enforcement, railroads and other organizations in addressing the trespassing problem. FRA will be able to leverage available resources, expertise, and local knowledge to combat the problem of trespassing.

Implementation of this strategy will transition FRA's trespasser prevention program from regionally managed reactive efforts, to a centrally managed, data driven program designed to evaluate the risks of trespasser incidents throughout the Nation's rail network. It will also help FRA work with communities and local law enforcement to identify and facilitate implementation of effective mitigation strategies.

The strength of this approach is demonstrated by the following examples, identified when FRA developed this strategy.

One Central Problem. FRA survey teams identified convenience as the most consistent problem across surveyed areas—trespassers simply take the most direct routes to their desired destinations—and a main cause of trespassing, regardless of geographic location.

Three Local Solutions. FRA teams visited three communities that data indicated were hot spots for trespasser activity. FRA personnel observed trespassers crossing railroad property to travel from a bus stop to a residential neighborhood in West Palm Beach, Florida. Moving the bus stop closer to an authorized, safer crossing could eliminate the current path of convenience. FRA personnel observed people from a homeless encampment trespassing across railroad property to go into town near Riverside, California. In this case, solutions could include physical barriers, enhanced law enforcement presence, or relocating the homeless population to a safer location. In Oceanside, California, FRA personnel observed trespassers crossing railroad property to travel from a residential neighborhood to the beach. Because neither the neighborhood nor the beach is a candidate for relocation, solutions to this problem could include physical barriers and additional enforcement.

FRA's initial focus on gathering and analyzing appropriate data to identify trespassing hot spots led the agency to send teams to conduct site visits. FRA identified mitigation strategies based on

the specific local circumstances. FRA's next step is to engage with local partners at each location to examine the feasibility of implementing appropriate mitigation measures.

The Four Strategic Areas of the National Strategy

Strategic Area 1. Data Gathering and Analysis. FRA's strategy will be driven by reliable data. FRA will seek ways to improve the integration and presentation of this data into a more thorough picture of the trespass issue. FRA identified the 10 counties in the United States with the highest number of railroad trespassing casualties, yet FRA is missing a key piece of data that will enable it to identify geographical areas for the highest risk of trespassing incidents in the future.

FRA might not receive data related to trespassing incidents that do not result in death or injuries. A trespasser close call (or sometimes referred to as a *near-hit*) is a situation in which a trespasser is almost struck by a train, but escapes without injury and the incident is captured by a locomotive camera or reported by a train crew. This data is critical to identify the areas that are at high risk of trespasser accidents due to the number of trespasser close calls that occur in the area.

Obtaining trespasser close call incident data is essential to successful implementation of any data driven proactive approach to addressing the trespasser issue. Close call data would enable FRA to better identify trespasser hot spots and could be particularly beneficial in deploying law enforcement and railroad police more efficiently and determining what, if any, engineering solutions may be feasible in particular circumstances. Thorough analysis of close call data would allow FRA to direct our resources to areas of highest value and to share risk information with our partners.

Many railroads already collect trespasser close call data for their own use. Railroads have not been willing to share this information with FRA without specific statutory authority to protect the data from disclosure and use in judicial or other actions to determine damages or liability for trespasser accidents or incidents. However, federal law does not prohibit the use of this data as evidence in federal or state court proceedings or other actions for damages or to determine liability for trespasser accidents or incidents. Other operating administrations, such as the Federal Highway Administration, have statutory authority²³ to protect disclosure of data gathered for highway safety projects.

Strategic Area 2. Community Site Visits. FRA will send teams to conduct site visits in communities with high numbers of trespass incidents. These teams will learn more about the specific local factors that contribute to trespassing and will work with local partners to help them implement, and evaluate the effectiveness of, targeted mitigation strategies. Curtailment of trespassing in these areas will contribute to a pool of successful strategies for use in other

²³ United States Code, title 23, section 409.

communities. FRA will use this data to develop a trespass risk model to identify the current and future risk of trespassing for communities across the country.

Strategic Area 3. Funding. Funding is an important part of the direct and tangible support necessary to help communities reduce the number of trespassing incidents. Funding is necessary to enable local communities to implement targeted trespasser mitigation strategies, such as engineering solutions, law enforcement overtime, school resource officers, or community outreach. In February 2018, FRA published a notice of funding opportunity for a law enforcement pilot grant program aimed at evaluating the effectiveness of local law enforcement activities intended to reduce trespassing on railroads.²⁴ This \$150,000 grant opportunity was open to state, county, municipal, local, and regional law enforcement agencies in communities with a demonstrated rail trespass problem. FRA received final applications in April 2018 and expects to award the grants in the fall of 2018. FRA will evaluate the programs over six-month periods of performance.

FRA will work to increase stakeholder awareness of other funding opportunities. For example, trespassing prevention projects, including grade crossing improvements and engineering solutions targeting trespassing (e.g., barriers), could be eligible for funding under the Consolidated Rail Infrastructure and Safety Improvements (CRISI), Restoration and Enhancement, or Federal State Partnership for State of Good Repair grant programs. Congress provided approximately \$960 million in FYs 2017 and 2018 for these grants, with some set-asides for specific priorities. FRA encourages potential applicants to contact FRA for technical assistance before applying for these programs, given the variation in program requirements.

Strategic Area 4. Partnerships with Stakeholders. FRA will continue to work with communities, local governments, law enforcement agencies, railroads, and other interested parties to combat the problem of trespassing. To maximize our reach and effectiveness, FRA will work with organizations whose goals align with ours, collaborating and breaking down silos to share knowledge and data, thematic with the Department's priorities on safety. This includes sharing information and meeting directly with leadership from groups such as Operation Lifesaver, Inc., to raise awareness in hot spot communities; the Global Rail Alliance for Suicide Prevention to share strategies to deter suicides by rail; the Substance Abuse and Mental Health Services Administration to reduce the number of suicides; International Association of Chiefs of Police to share ideas with law enforcement; the National Organization of Youth Safety to find ways to reach younger populations more effectively; and community groups and leaders who have in-depth knowledge of their local problem areas.

Transport Canada, the Department's counterpart agency, is considering options for addressing the railroad trespasser issue in Canada. Transport Canada is developing a document addressing the history of the trespassing issue, access controls, and policy options for consideration. FRA

²⁴ Federal Register, volume 83, number 7842, Feb. 22, 2018.

reviewed Transport Canada’s draft document, shared a draft of this report with Transport Canada, and held a teleconference to discuss both documents. Transport Canada’s findings are similar to the findings in this report and FRA intends to continue collaborating with Transport Canada to share ideas and additional discoveries to create a stronger strategy for both agencies.

Metrics for Success

The success of this national strategy depends not only on FRA’s actions, but also on the resources and actions of stakeholders. FRA will measure the success of this national strategy by the relative levels of stakeholder engagement on the issue and implementation of specific mitigation strategies that reduce trespasser accidents at identified hot spots. FRA will also measure the success of this national strategy by the change in the nationwide number of trespassing accidents.

Implementation Milestones and Timeline by Strategic Area

FRA expects to implement the national strategy, subject to the availability of resources, according to the following milestones in Table 8.

Table 8. Implementation Milestones and Timeline by Strategic Area

Milestone	Timeline
Strategic Area 1. Data Gathering and Analysis	
1. Transition from a regionally managed to a centrally managed, data driven program to support trespasser prevention activities.	Complete by January 2019
2. Identify, through independent analysis and collaboration with railroads and other stakeholders, known and new data sources that could better identify trespasser hot spots or risk factors that lead to trespassing.	Start by January 2019
3. Explore statutory, regulatory, or other authorities to protect railroad near-hit and close-call data from disclosure.	Start in FY 2019
4. Identify, through collaboration with railroads as appropriate, existing and potential new analytical tools (including risk models) to effectively analyze trespasser data.	Start by January 2019
5. Develop an FRA trespass risk model to identify current and future risk of rail trespassing in communities across the country (identify hot spots).	Complete by December 2019
6. Use developed risk model to perform initial risk assessments on identified hot spots	Complete by January 2020
7. Consider changes to accident and incident reporting regulations to improve rail trespasser data. Propose rule, if changes justified.	Complete by September 2020

National Strategy to Prevent Trespassing on Railroad Property

Table 8. Implementation Milestones and Timeline by Strategic Area

Milestone	Timeline
Strategic Area 2. Community Site Visits	
8. Develop system of communicating currently available data to FRA regions for targeted grade crossing and trespasser prevention program inspector and specialist actions.	Complete by March 2019
9. Develop standard operating practices and procedures for FRA community site visits, reporting, and monitoring effectiveness of any mitigation strategy employed.	Complete by June 2019
10. Assign regional assets to identified hot spots and arm them with data necessary to engage railroads, police and local governments in partnerships to identify location specific causal factors and assist with identifying and implementing mitigation strategies.	Start in July 2019
Strategic Area 3. Funding	
11. Work through the executive and Congressional budget cycles and reauthorization process to identify funds to strengthen grant programs that provide funding for trespasser mitigation, such as engineering solutions, law enforcement overtime, school resource officers, and outreach.	Start in FY 2019
12. Work through the executive and Congressional budget cycles to identify funds for a national trespasser public service announcement campaign. Develop a series of announcements for distribution in targeted areas with high number of trespassing accidents.	Start in FY 2019
13. Work through the executive and Congressional budget cycles to identify funds for advocacy organizations to develop focused surveys of communities where trespasser incidents have been a persistent problem. Additional funding will be used to develop forms to collect information from the surveys, establish a database, and prepare reports for the communities and FRA.	Start in FY 2019
14. Provide information on availability and process for applying for FRA grants and other funding (e.g., law enforcement and CRISI grants) during focused surveys and outreach.	As funding becomes available

Table 8. Implementation Milestones and Timeline by Strategic Area

Milestone	Timeline
Strategic Area 4. Partnerships with Stakeholders	
15. Develop system of sharing trespasser hot spot data with advocacy organizations to focus their activities where they will yield the greatest returns on investment and establish communication and reporting procedures to share information and provide feedback on effectiveness of efforts.	Complete by April 2019
16. Collaborate and partner with government agencies, such as the Substance Abuse and Mental Health Services Administration, to develop and implement targeted outreach to address suicides by train. As appropriate, collaborate with international organizations, such as the Global Rail Alliance for Suicide Prevention, to share ideas on effective strategies to deter suicides by rail.	Complete by December 2020
17. Partner with law enforcement and other organizations (e.g., International Association of Chiefs of Police, National Organization of Youth Safety) to collaborate on effective trespass prevention and mitigation measures (e.g., enforcement of trespass laws, methods to raise awareness and more effectively reach younger population to prevent trespassing)	Complete by December 2019
18. Partner with the leaders of local communities to improve trespass prevention. Initially, FRA will communicate directly with the leadership of counties identified as having the highest number of railroad trespasser casualties.	Start by July 2019
19. Host trespasser prevention summits with representatives of the top 10 counties. Summits will include local community leaders, law enforcement, railroads and the public.	Complete by July 2020
20. Assist other agencies and organizations in developing and targeting trespasser prevention outreach campaigns to localities identified as trespassing hot spots.	Complete by July 2020



RELATED TO
AGENDA ITEM W2

NORTH COUNTY
TRANSIT DISTRICT

NCTD's Efforts to Mitigate Railroad Trespassing

Board Workshop
November 19, 2020

Railroad Trespassing Examples

- Video 1



Railroad Trespassing Prevention

Report to Congress

National Strategy to Prevent Trespassing on Railroad Property



October 2018

Federal Railroad Administration
U.S. Department of Transportation

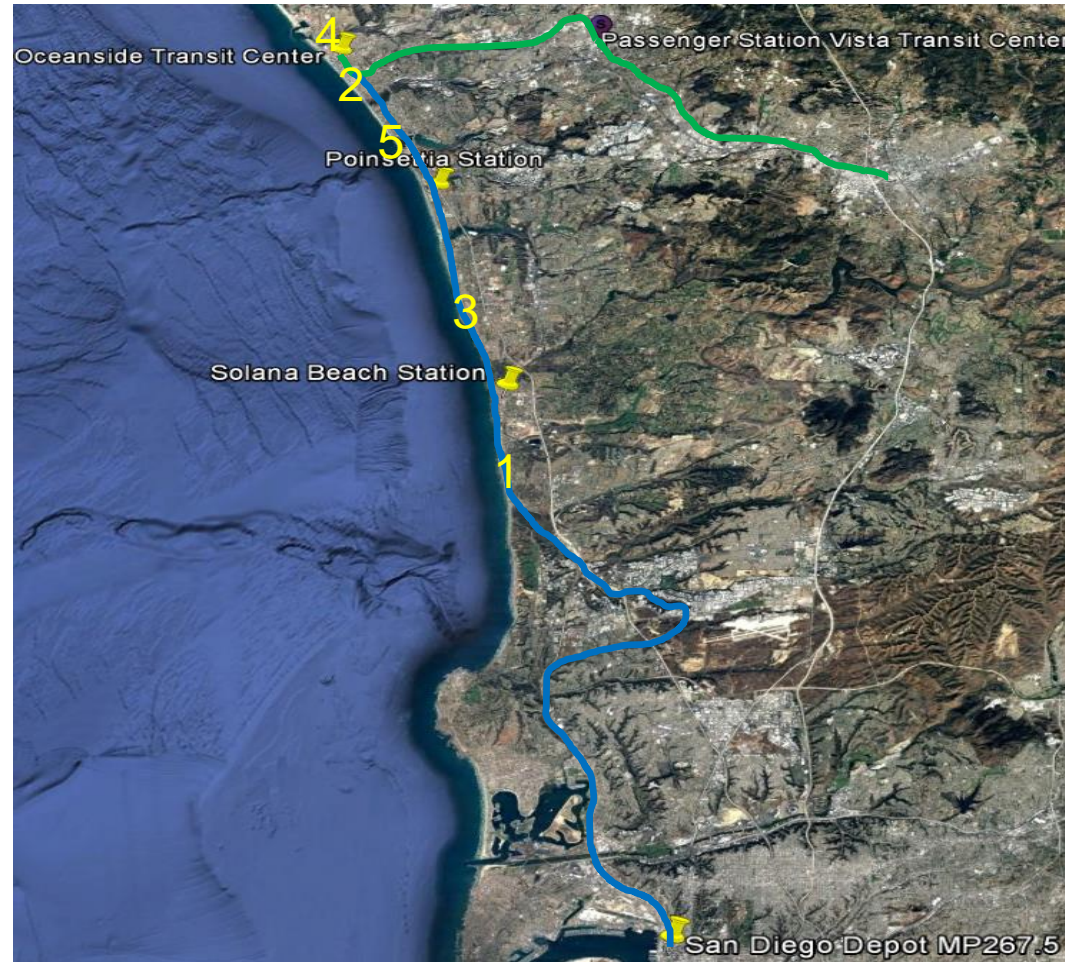
Table 1: U.S. Counties with the Most Railroad Trespasser Casualties, Not Including Suicides
November 2013 to October 2017

Rank	County	Casualties	Rank	County	Casualties
1	Los Angeles, California	110	6	Palm Beach, Florida	47
2	Cook (Chicago), Illinois	109	7	Fresno, California	46
3	San Bernardino, California	59	7	Riverside, California	46
4	Harris (Houston), Texas	52	9	Contra Costa, California	44
5	Broward, Florida	51	9	San Diego, California	44

Source: FRA analysis

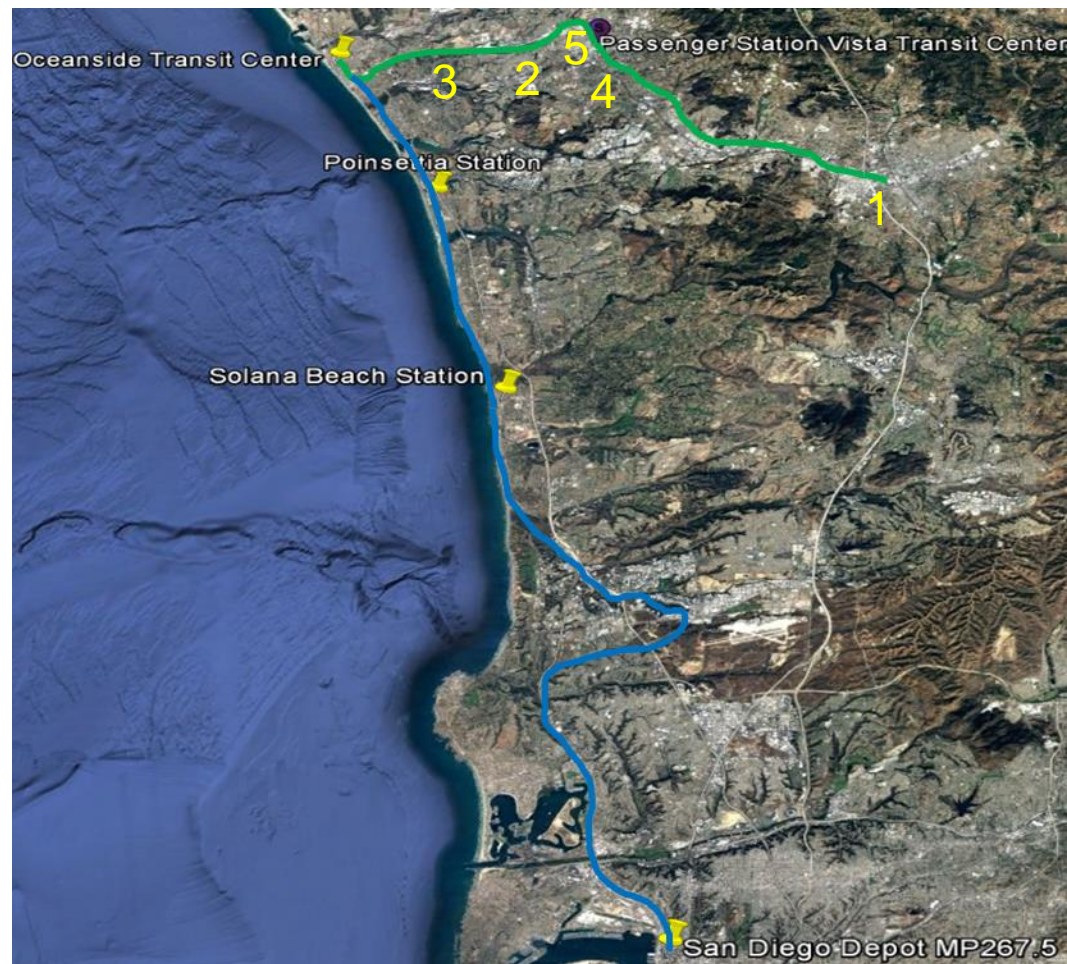
Hot Spots for Trespassing on San Diego Subdivision

1. Del Mar Bluffs/Coast Blvd.
2. Cassidy St./ Oceanside Blvd.
3. La Costa Ave. / Leucadia Blvd
4. Mission Ave.
5. Agua Hedionda Bridge



Hot Spots for Trespassing on Escondido Subdivision

1. Reidy Creek Bridge
2. College Blvd. Station
3. El Camino Real Station
4. Vista Transit Center
5. North Ave.



False Perception – most of the incidents are suicides

- **Accidents are a mixture of intentional and unintentional acts**
- **Some examples:**
 - A person was struck by a passing train near 15th St. on the Del Mar Bluffs. The person was accompanied by two other people. The person was attempting to take a "selfie" with the passing train when they were struck. The person suffered severe non-fatal injuries.
 - A person was fatally struck by a passing train near 13th St. The person was walking alongside the tracks on the edge of the railroad ties, while wearing large headphones.
 - A man walked in front of a passing train near 7th St. and was fatally struck.

Charger Locomotives

- NCTD has 5 new Charger locomotives on property
- Testing has commenced with revenue service planned for January 2021
- Planned doubling of COASTER over the next 3 years
- Significantly quieter than old locomotives
 - F-40 – Idle 68dB, Max Throttle 84 dB
 - Charger – Idle 58dB, Max Throttle 78 dB
- Rule of thumb, 10dB difference is perceived to be twice as loud



Risks Incurred By NCTD Due to Railroad Trespassing

- **Public Safety**

- Risk of human injuries and fatalities
- Emotional harm to front-line employees and first responders

- **On-Time Service Performance**

- Trespassing events typically cause a minimum delay of nearly 2 hours per event

- **Liability Claims**

- NCTD has been forced to defend against 8 lawsuits related to trespasser-related incidents in the past 5 years.
- NCTD's liability insurance increased by 38% in FY 21 and constitutes 26% of the Rail Operations Budget.

Risks Incurred By NCTD Due to Railroad Trespassing

- Incident that resulted in a fatality occurred on September 24, 2016.
- Lawsuit was filed in April of 2017 against NCTD and subsequently tendered to BNSF.
- Expenditures through trial are expected to near \$500,000.

13 27. Defendants DEL MAR and NCTD owned, controlled and managed the property,
14 easements, access points and other land on which the subject incident occurred, including the land on
15 and near the train tracks and surrounding area which allows pedestrians to cross the train tracks.

16 28. Said property was in a dangerous condition at the time of the incident described
17 herein in that pedestrians used the area for recreational and other purposes and would cross, walk,
18 stand and ride on and near live railroad tracks without any safe crosswalk, bridge, or other safety
19 measure or structure that would prevent train accident fatalities such as the one stated herein. The
20 dangerous condition of said premises created a reasonably foreseeable risk of injuries and deaths to
21 pedestrians from being struck by trains using said tracks.

22 29. Defendants, and each of them, had actual and/or constructive knowledge of the
23 dangerous condition for several years prior to Decedent's traumatic death in that there have been
24 several deaths and injuries to pedestrians in and around the area where the subject incident occurred
25 caused by trains operating over said tracks of which Defendants knew or should have known,
26 complaints by citizens received by Defendants and governmental enforcement of trespass codes by
27 Defendants or their agents.

28 30. As a legal and proximate result of the negligence, carelessness, recklessness,
wantonness and unlawfulness of Defendants DEL MAR and NCTD, and the resulting train collision,

Alleges dangerous condition due to pedestrian and recreational use without legal crossing; and that the condition was known to all for years

Risks Incurred By NCTD Due to Railroad Trespassing

CASE NO: **37-2017-00014136-CU-PO-NC** CASE INIT.DATE: 04/18/2017
CASE TITLE: **Hedayatzadeh vs. The City of Del Mar [IMAGED]**
CASE CATEGORY: Civil - Unlimited CASE TYPE: PI/PD/WD - Other

IV. ARGUMENT

- A. **The City of Del Mar Cannot Be Held Liable for Accidents that Occur on Property it Does Not Own, Maintain, or Control**

- **San Diego Court position on trespassing:**

The motion is granted. The Court finds that Plaintiff has not met his burden of showing a triable issue of material fact that the City created, enhanced, or intensified a danger to the public. See *Bonanno v. Central Contra Costa Transit Authority* (2003) 30 Cal.4th 139, 154-55; *Joyce v. Simi Valley Unified School Dist.* (2003) 110 Cal.App.4th 292, 300. Plaintiff's evidence, which formed the basis for the Court's tentative ruling, demonstrates that the City was aware of pedestrians illegally accessing the railroad right-of-way from the City's property at 13th Street in order reach the adjacent coastal bluffs. This fact does not show that a condition of the City's property increased or enhanced the risk of injury which arises from the occasional passing of trains. Plaintiff has not submitted evidence demonstrating that a feature of 13th Street encouraged users to trespass onto the right-of-way. Moreover, it is undisputed that a legal railroad crossing was available just a few blocks away at 15th Street. (UMF 13.)

- **The sole fact that the local agency did not own or “control” the Rail ROW was sufficient to dismiss the case.**

Risks Incurred By NCTD Due To Railroad Trespassing

GETTING TO THE BEACH JUST GOT HARDER

By Dwight Worden

NCTD recently announced increased enforcement of trespassing laws along its rail right of way. Tickets will be issued carrying fines up to \$500 and 6 months in jail. What's up? Why the new rules? Access along and across the tracks in Del Mar has a long history. Joggers, dog walkers, beach goers and others are in the right of way every day, and that has been the case for decades. There is no way for the public to get to the beach south of Powerhouse Park without illegally crossing the tracks until one gets all the way to Torrey Pines State Beach. Ditto for all those to the east wanting to get to the beach between the Jimmy Durante/CDM overpass and Via de la Valle. Why the crack down now? Answer: crossing the tracks has never been legal. What has changed is until now NCTD has chosen to hold off aggressively enforcing the trespass rules.

NCTD bought the railroad right of way from Santa Fe back in the 1990's. Santa Fe (now BNSF) kept a

NCTD's motivation for stepped up enforcement is safety. There are 50+ trains per day on the Oceanside-San Diego run, or on average about one train every 15 minutes in daytime. That's a LOT of trains. Some run backwards making it hard to hear the engines. The rails were replaced some years ago with "continuously welded rails" meaning the "clickity clack" announcing a train is gone. The trains come fast and quiet. Walking along the tracks with headphones, talking on a cell phone, not paying attention, etc. is a real problem. The tracks curve in this area south of Powerhouse, so even one paying attention can't see very far. Nor can the train driver, meaning the driver cannot always blow the horn in time. All these factors make this a dangerous section.

right of way through long term usage? There is an exception to the adverse possession/prescriptive rights laws: public use cannot acquire these rights against public entities, so no luck pursuing this against NCTD. Why can't NCTD slow down the trains in this area instead of issuing tickets? NCTD has spent millions over the years to knock a minute here and there off their train schedules, and they are unlikely to voluntarily add minutes back in by slowing trains to accommodate what they view as trespassers. Even if NCTD were willing to do that as to the Coaster, Amtrak and BNSF would not necessarily have to follow such speed reductions.

NCTD's motivation for stepped up enforcement is safety. There are 50+ trains per day on the Oceanside-San Diego run, or on average about one train every 15 minutes in daytime. That's a LOT of trains. Some run backwards making it hard to hear the engines. The rails were replaced some years ago with "continuously welded rails" meaning the "clickity clack" announcing a train is gone. The trains come fast and quiet. Walking along the tracks with headphones, talking on a cell phone, not paying attention, etc. is a real problem. The tracks curve in this area south of Powerhouse, so even one paying attention can't see very far. Nor can the train driver, meaning the driver cannot always blow the horn in time. All these factors make this a dangerous section.

Risks Incurred By NCTD Due to Railroad Trespassing

- Local response to NCTD Enforcement measures in 2016 resulted in an illegal organized trespassing event to coincide with an Absolute Work Window.



TAKE BACK THE TRACK
SUNDAY, SEPTEMBER 11, 2016
1PM-3PM
POWERHOUSE PARK

Mayor Sherryl Parks invites all Del Mar neighbors to enjoy the opportunity to see for themselves the continuum of our green legacy in Del Mar during a train-free day on the bluffs.

NCTD has announced that there will be no trains between Oceanside and downtown San Diego from midnight Saturday until 3AM Monday.

Mayor Parks is hosting this opportunity for our residents to see for themselves the beauty of the bluffs between 15th Street and 7th Street, walk the trails and to imagine our future without the tracks. She has also invited other stakeholders to join in this neighborhood event.

Bring your blanket and picnic basket if you wish to picnic in the park.

Please refer all questions to sherrylparks2016@gmail.com.

Looking Forward to Seeing You On Sunday,
Sherryl

Risks Incurred By NCTD Due To Railroad Trespassing

- If we can agree there is inherent risk and liability in defending rail ROW related trespassing claims as evidenced by the recent claims and current litigation – even if there has been no determination of negligence or misconduct on behalf of NCTD to date;
 - The question then becomes who should hold that liability – as the holder of the liability should be entitled to take any and all reasonably available measures to limit or mitigate that risk.
 - NCTD has transferred that liability in the past in order to allow a local jurisdiction to determine the level of risk mitigation alternatives commensurate with its liability transfer through an agreement.

Railroad Crossing and Trespassing Prevention Framework

- **The 3-E Framework:**

- **Education** – Outreach and training
- **Enforcement** – Ensuring compliance with appropriate policies, rules, regulations, practices, and procedures.
- **Engineering** – Design improvements to decrease potential hazards associated with the process.

NCTD Efforts to Educate the Public Regarding Railroad Trespassing

- Partnerships with California Operation Lifesaver (CAOL)
- Rail Safety Month
- Public outreach events
- Business community outreach
- Marketing videos
- Signage



Examples of NCTD Efforts to Educate along Del Mar Bluffs

Additional signs added for education:

- **Unstable Cliffs**
 - 40 signs added since 2018
- **See Tracks/Think Train**
 - 8 signs added in October 2020
- **No Trespassing**
 - 47 signs from MP 244.1 to 245.7 spaced roughly 150-200 feet apart
- **Suicide Prevention Lifeline**
 - 3 dispersed along the bluffs



NCTD Efforts to Enforce State Law to Reduce Railroad Trespassing

- **NCTD contracts with the San Diego County Sheriff's Department to conduct specific details to mitigate trespassing**
 - Focus on education
 - Citations issued where necessary
- **Partnerships with local law enforcement agencies**
 - Education about railroad regulations
 - Includes orientation and training opportunities
 - Familiarization
 - Exercises

Examples of NCTD Efforts to Educate and Enforce along Del Mar Bluffs

July 27, 2016

Mr. Scott Huth
City Manager
City of Del Mar
1050 Camino del Mar
Del Mar, CA 92014-2698

Re: Rail Trespassing Enforcement

Dear Mr. Huth:

I am writing to inform you of our upcoming plans to significantly increase enforcement efforts related to illegal trespassing on the North County Transit District (NCTD) rail right-of-way. Beginning August 1, 2016, teams of San Diego County Deputies and NCTD Code Enforcement Officers will be conducting high intensity trespassing law enforcement operations throughout our service area. The intent of these operations is to modify behavior and to deter further trespassing, as well as prevent the further senseless loss of human life.

Each year, people are killed by trains in San Diego County while illegally walking on or crossing the rail tracks. This loss of life is both tragic and preventable. Unfortunately, people continue to unlawfully utilize the tracks as a crossing point, a place for recreational activities, or even as a photo opportunity.

November 14, 2018

Mr. Scott Huth
City Manager
City of Del Mar
1050 Camino Del Mar
Del Mar, CA 92014

Re: Del Mar Bluffs Stability and Signage

Dear Mr. Huth:

This letter is intended to address the interagency cooperation between the City of Del Mar (City) and the North County Transit District (NCTD) as discussed in multiple forums. Over the past several months the Del Mar Bluffs (DMB) area has experienced multiple significant bluff failures resulting in substantial collapses of the face of the DMB. NCTD is pursuing bluff stabilization projects in collaboration with the San Diego Association of Governments (SANDAG) (see NCTD Board of Directors Agenda Item No. 8 of October 18, 2018). Additionally, NCTD has installed several warning signs along NCTD's right-of-way (ROW) along the DMB, warning individuals of the safety issues, as well as trespassing.

In furtherance of the proposed signage cooperation effort proposed by the City and NCTD in past discussions, NCTD would like to request permission and/or a permit to install bluffs safety signage at each of the street ends along the DMB to the extent they are inaccessible within NCTD's ROW. As stated above, NCTD has installed such signage along its own ROW, however, some signage may not be readily visible until one has gained (generally illegal) access to the DMB.

Additionally, NCTD would like to reach out to the City to determine what safety and informational measures the City is taking to prevent or ensure that residents and visitors are aware of the risks associated with accessing the DMB and trespassing on NCTD's ROW.

Result of Efforts to Enforce along Del Mar Bluffs

- **Since 2016:**
 - **1,538 trespasser reports**
 - **#1 location for trespassing**
 - **41 near miss events**
 - **2 reports of vandalism of signage**
 - **Multiple enforcement details by San Diego Sheriff's Office**
 - 36 operations
 - 1,976 verbal warnings
 - 171 citations for trespassing
 - 11 arrests

Engineered Solutions to Provide Safe and Legal Crossings

- **City of Encinitas – Santa Fe Pedestrian Underpass**
 - Project funded by City, TransNet, and State dollars
 - Design/Construction by SANDAG
 - Opened 2014
- **City of Encinitas – El Portal Pedestrian Underpass**
 - Project funded by the City and Federal Highway Administration
 - Design by City
 - Construction by SANDAG
 - **Breaking ground December 2020**
 - **Contract completion April 2022**



NCTD Efforts to Engineer Solutions to Reduce Railroad Trespassing



Board Policy No. 18 Railroad Crossing Quiet Zones and Wayside Horn Systems

Summary

This policy addresses accountability and liability for specific areas of quiet zones and wayside horn systems implementation.

Background

On September 18, 2006, the Federal Railroad Administration (FRA) implemented its final rule regarding requirements for the sounding of locomotive horns for at-grade public crossings in 49 CFR Part 222 and 229, more commonly known as the Train Horn Rule.

49 CFR Part 222 enables a public authority (herein referred to as "City"), defined as public entities responsible for traffic control and law enforcement at public highway-rail grade crossings, but not railroads or train operators, to establish "Quiet Zones." In addition, 49 CFR Part 222 establishes the requirements of Cities or NCTD to implement the use of Wayside Horn Systems at highway-rail grade crossings. The implementation of Quiet Zones and Wayside Horn Systems allow for locomotive horns not to be routinely sounded at public highway-rail grade crossings during normal operations, provided minimum safety requirements and thresholds are met.

NCTD is the owner of and maintains the railroad facility and rights-of-way between the Orange/San Diego County boundary and the Del Mar/San Diego City boundary (a portion of the "San Diego Subdivision"), and between Oceanside and Escondido ("Escondido Subdivision").

NCTD maintains the railroad facility between the Del Mar/San Diego City boundary and "E" Street in the City of San Diego, pursuant to a joint use agreement.

Certain Cities and the County of San Diego have, or may indicate a desire to establish, Quiet Zones or implement the use of Wayside Horn Systems on the rail right-of-way within their boundaries.

NCTD desires to cooperate with the Cities who wish to pursue and establish Quiet Zones or use Wayside Horn Systems under the federal regulation so as to encourage improved grade crossing safety and consistency of design, construction, maintenance, and operation of the NCTD system and railroad infrastructure.

The federal regulation enhances the safety of grade crossings included within Quiet Zones and establishes a federal standard of care, which preempts state rules and tort law for the purpose of providing immunity to NCTD, the Cities and the rail operators against liability for accidents at Quiet Zone grade crossings, if the supplementary safety measures, required by the federal regulation, Quiet Zones are present.

Risk Reduction & Feasibility Analysis

NCTD TRESPASSER RISK REDUCTION STUDY



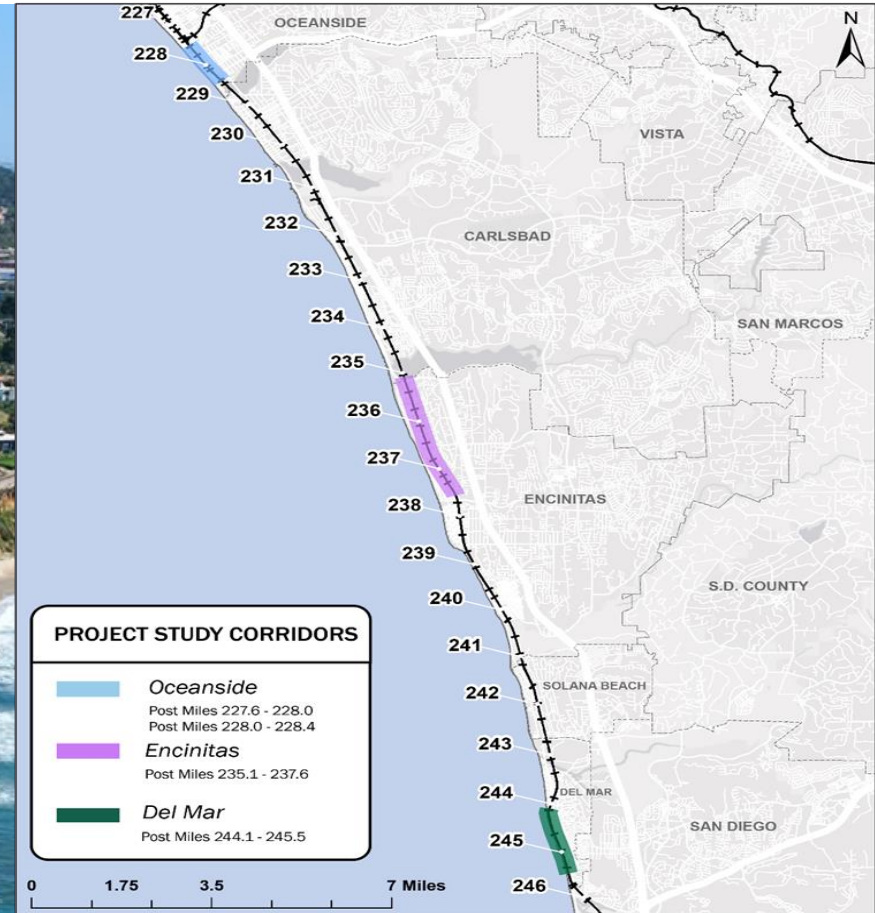
Prepared by



WSP | 401 B STREET, SUITE 1650, SAN DIEGO CA 92101

FINAL 6/30/2020

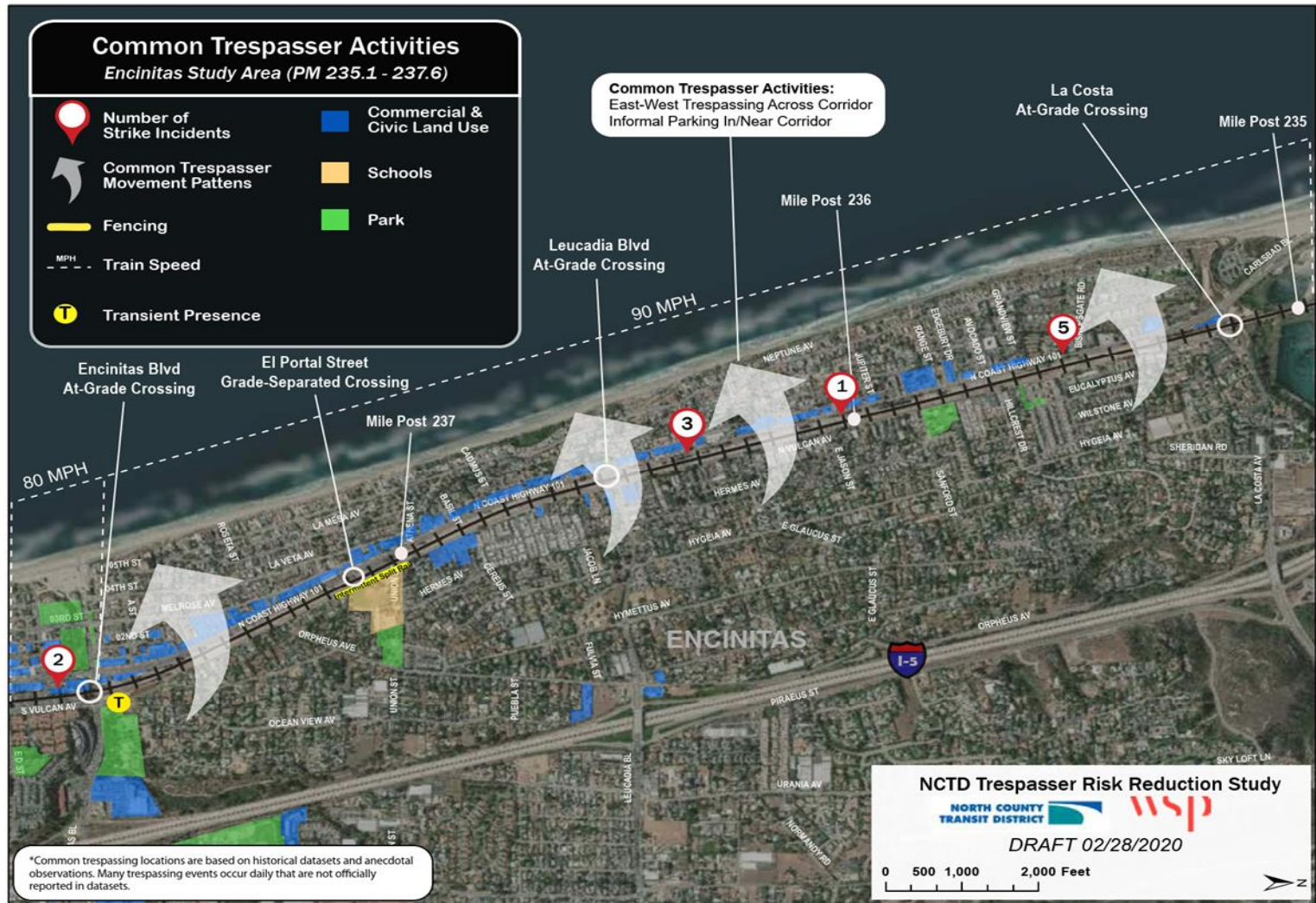
Trespasser Risk Reduction Analysis (TRRA)



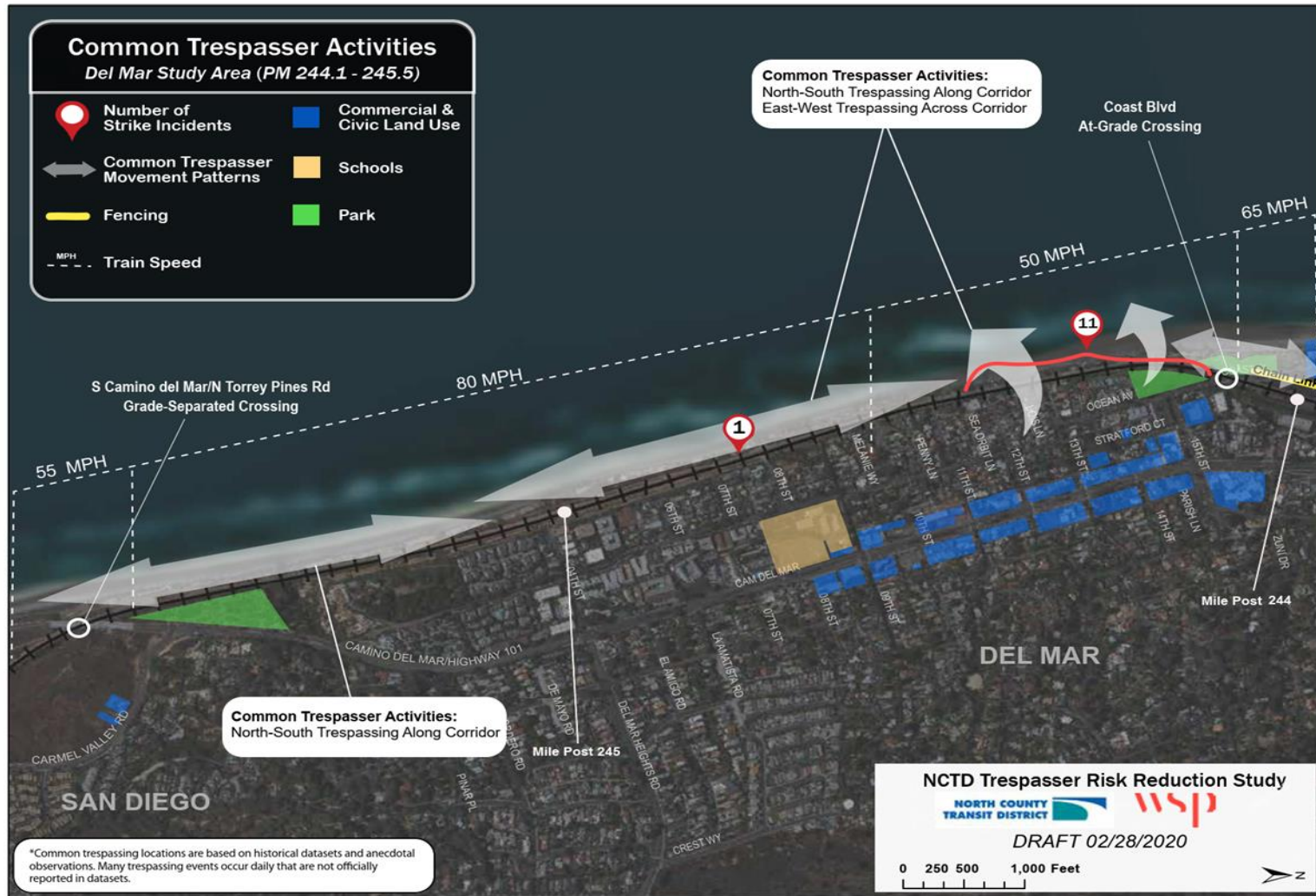
City of Oceanside Hot Spot



City of Encinitas Hot Spot



City of Del Mar Hot Spot



Key Recommendations of TRRA

1. **Physical barriers such as fencing and surface treatments**
2. **Frequent, clear signage indicating trespassing risks**
3. **Additional legal crossings**
4. **Intrusion detection and response systems for integration with enforcement procedures**
5. **Educational programs**

Implementation Plan of TRRA

- **Conduct Public Outreach**
 - Letters and a copy of the Study have been sent to the cities of Oceanside, Encinitas, and Del Mar
 - NCTD has offered to make a presentation at a meeting of the respective City Councils
 - Letter sent to the California Coastal Commission
- **Authorize Award of Fencing Construction Contract**
 - Each City will have specific schedule subject to Board Approval
- **Identify Funding for Other Mitigation Activities**

NCTD Engineering Specification for Fences

- 6' Galvanized Chain Link



Alternative Fence Request and Liability Assumption

- 4' Redwood Post & Cable*



- 4' Vinyl Coated Chain Link*



*With use of NCTD right-of-way

City of Oceanside Project

- Prior to the end of calendar year 2020, NCTD intends to issue a job order to its Job Order Contractor for the installation of right-of-way fencing in the City of Oceanside.
- The Job Order will include identifying the boundary limits of NCTD's right-of-way (ROW), and the fencing will be installed within the property line and in accordance with the June 30, 2020 Trespasser Risk Reduction Study, Appendix 9.
- To best match and connect with existing fencing, the style will be a 6' black vinyl chain link.

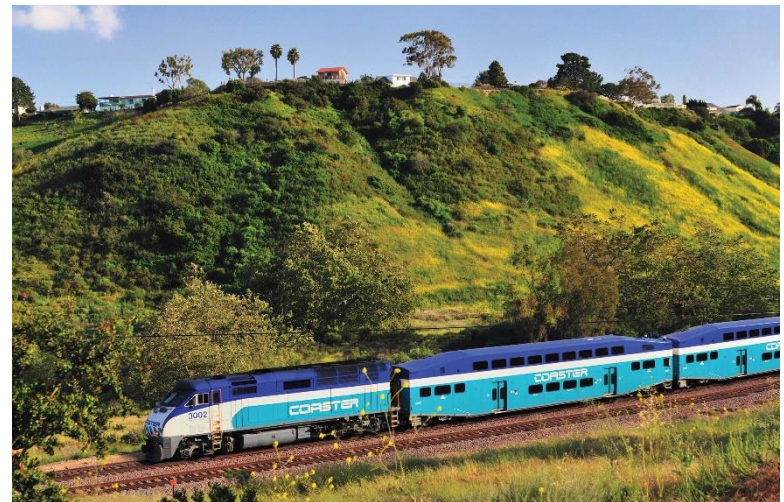
City of Encinitas Project

- **The City of Encinitas and NCTD have agreed to a framework to advance rail trail, pedestrian, roadway, and rail improvements on Coast Highway/101 between La Costa Avenue and Encinitas Boulevard.**
- **The specific details of the alignment will be finalized as part of this program of projects.**
- **It is important to note that the City of Encinitas and NCTD have agreed upon a framework that allows the implementation of a post and cable fence along this corridor.**
- **The schedule for installation will align with the completion of the City's temporary parking installation along Vulcan Avenue (2021) and Streetscape Improvements (2022).**

City of Del Mar Project

- By the end of second quarter of 2021, NCTD intends to issue a job order to its Job Order Contractor for the installation of right-of-way fencing in the City of Del Mar.
- The Job Order will include identifying the boundary limits of NCTD's right-of-way (ROW), and the fencing will be installed within the property line and in accordance with the June 30, 2020 Trespasser Risk Reduction Study, Appendix 9. The fencing style will be a 6' black vinyl chain link, like the fencing at Powerhouse Park.
- NCTD has offered the City the opportunity to implement an alternative fence style and/or use of NCTD right-of-way consistent with the agreement that NCTD has previously executed with the City of Encinitas.

Questions?



STAFF REPORT

RECEIVE A PRESENTATION RECOGNIZING BREEZE BUS OPERATOR SONYA FISHER FOR HER EXCEPTIONAL SERVICE

Time Sensitive: **Consent:**

STAFF RECOMMENDATION:

Receive a presentation recognizing BREEZE Bus Operator Sonya Fisher for her service during the wildfires.

BACKGROUND INFORMATION:

The North County Transit District (NCTD) provides services that are a vital part of San Diego’s regional transportation network. NCTD moves approximately 10 million passengers annually by providing public transportation for North San Diego County. MV Transportation (MV) was awarded Agreement No. 17033 on January 9, 2017 and assumed revenue operations on July 1, 2017. The scope of work includes the operations and maintenance activities associated with BREEZE, LIFT, and FLEX transit services.

On September 30, 2020, MV BREEZE Bus Operator Sonya Fisher demonstrated exceptional commitment to the public, when she selflessly went to the aid of nearly 50 children and a handful of teachers stranded at the Child Development Center (CDC) in the De Luz Housing area of Camp Pendleton, when a wildfire broke out nearby. During her regular shift driving the BREEZE 315 route, Sonya was asked by law enforcement officers to assist with the rescue of the teachers and pre-school children at the CDC. Sonya has been a bus operator with MV for four (4) years.

Staff will provide the Board with a presentation recognizing Bus Operator Sonya Fisher for her exceptional service.

ATTACHMENT:

None

GOAL/STRATEGIC DIRECTION:

Enhance Customer Service, Improve Service Quality, and Increase Ridership

FISCAL IMPACT:

This staff report has no fiscal impact.

COMMITTEE REVIEW:

None

STAFF CONTACT:

Damon Blythe, Chief Operations Officer - Bus
E-mail: dblythe@nctd.org Phone: 760-966-6708



RELATED TO
AGENDA ITEM 1

NORTH COUNTY
TRANSIT DISTRICT

BREEZE Bus Operator Recognition

Board Meeting
November 19, 2020

Background

- **Sonya Fisher has been a BREEZE Operator for 4 years.**
- **On September 30, 2020, she was asked to operate her bus to the Child Development Center in the De Luz housing area of Camp Pendleton to evacuate teachers and students due to a wildfire nearby.**

Video



Questions?



STAFF REPORT

**RECEIVE A PRESENTATION RECOGNIZING BOARD VICE-CHAIR
JACK FELLER’S (CITY OF OCEANSIDE) SERVICE TO THE NORTH
COUNTY TRANSIT DISTRICT**

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Board Chair Kranz will provide the Board with a presentation recognizing Board Vice-Chair Jack Feller’s (City of Oceanside) 10-years of service to the North County Transit District.

**BACKGROUND
INFORMATION:**

Board Vice-Chair Jack Feller’s 10-years of service to the North County Transit District as a Primary or Alternate Board Member are as follows:

- 2000 – 2002 – Alternate
- 2003 – 2005 – Primary
- 2017 – Alternate
- 2018 – 2020 – Primary

The North County Transit District appreciates Board Vice-Chair Feller’s many years of service to the District.

ATTACHMENT:

None

**GOAL/STRATEGIC
DIRECTION:**

N/A

FISCAL IMPACT:

This staff report has no fiscal impact.

COMMITTEE REVIEW:

None

STAFF CONTACT:

Anthony Flores, Clerk of the Board
E-mail: aflores@nctd.org Phone: 760-966-6553



RELATED TO
AGENDA ITEM 2

NORTH COUNTY
TRANSIT DISTRICT

Recognition for Board Vice-Chair Jack Feller

Board Meeting
November 19, 2020

**NORTH COUNTY
TRANSIT DISTRICT**



COASTER SPRINTER BREEZE FLEX LIFT

810 Mission Avenue, Oceanside, CA 92054 • GoNCTD.com

Board Service

- **10 years of service to the North County District's Board of Directors**
 - 2000 – 2002: Board Alternate
 - 2003 – 2005: Board Member
 - 2017: Board Alternate
 - 2018: Board Member
 - 2019 – 2020: Board Vice-Chair

Board Service

3,650

total days of service!

Board Service

**Thank you for your service
and contributions to NCTD**



Questions?



STAFF REPORT | **RECEIVE THE MONTHLY INTERGOVERNMENTAL AFFAIRS
REPORT**

Time Sensitive: **Consent:**

STAFF RECOMMENDATION: Receive the Monthly Intergovernmental Affairs Report for the reporting period of October 2020.

BACKGROUND INFORMATION: Attached is the Intergovernmental Affairs Monthly Report submitted by Townsend Public Affairs for October 2020.

ATTACHMENT: 3A – Monthly Legislative Report (Townsend) – October 2020

GOAL/STRATEGIC DIRECTION: Strategically Focus Intergovernmental and Legislative Relations

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

STAFF CONTACT: **Matthew O. Tucker, Executive Director**
E-mail: mtucker@nctd.org Phone: 760-966-6500

MEMORANDUM

To: North County Transit District Board of Directors
Matthew O. Tucker, Executive Director
Lori Winfree, General Counsel

From: Townsend Public Affairs, Inc.
Christopher Townsend, President
Richard Harmon, Senior Director

Date: November 2, 2020

Subject: Monthly Report—October 2020

SUMMARY

This memorandum is an overview of activities undertaken by Townsend Public Affairs (TPA) over the last month, working on behalf of the North County Transit District, including the following subjects:

- **Legislative Activity and Administration Updates**
 - *State Update*
 - Legislative Activity
 - Governor's COVID-19 Action Summary
 - Assembly Wildfire Hearing
 - Governor's Appointments
 - *Tracked Legislation*



LEGISLATIVE ACTIVITY AND ADMINISTRATION UPDATES

State Update

Legislative Activity

In October, Governor Newsom continued to hold regularly scheduled press briefings to update the public on COVID-19 and the wildfires. The Governor and Dr. Ghaly continued to provide updates for each county's tier status, as well as major actions taken by the Administration to continually combat the spread of the virus. The Governor also announced a COVID-19 Vaccine Scientific Working Group, a new health equity metric to be required of counties when moving between tiers, as well as new Homekey awards for local governments.

State lawmakers have been focused primarily on the upcoming General Election on November 3. Assembly Members are elected to two-year terms while Senators are elected to four-year terms with 20 of the 40 Senate seats up for re-election this year. The remaining 20 Senate seats will be up for re-election during the 2022 midterm elections. In the Assembly, Democrats currently hold 61 seats compared with Republicans' 17 seats with one independent and one vacancy. In the Senate, Democrats hold 29 seats compared with Republicans' 11 seats. TPA will be providing a post-election summary of the election results and updates regarding the Legislature's make-up.

Below are the upcoming relevant dates for the Legislature:

November 3 – General Election

December 7 – Legislature officially sworn in for the 2021-2022 Regular Session

January 1 – Most statutes passed in 2020 take effect

January 4 – Legislature reconvenes to begin legislative business

Governor's COVID-19 Action Summary

Below is a summary of the major COVID-19 actions taken by the State Administration in September:

- October 28 – Executive Order: Governor Newsom signed an executive order that will allow the Department of Transportation to more easily issue temporary permits for businesses along state highways to expand their outdoor dining options along sidewalks and parking areas, will allow seniors over the age of 70 to renew their drivers' licenses by mail, and extends the deadlines for real estate license application and renewal fees.
- October 19 – Vaccine Workgroup: Governor Newsom announced the formation of a scientific safety review workgroup to advise the State on forthcoming COVID-19 vaccines. The workgroup, which includes physicians, scientists, and immunization experts, will independently review the safety and efficacy of any vaccine that receives FDA approval for distribution. According to the Governor's office, the workgroup will aim to ensure that a COVID-19 vaccine meets the safety and distribution requirements and including community stakeholders in the group's recommendations.
- October 16 – Homekey Awards: Governor Newsom announced the fifth round of Homekey awards to local governments to help localities purchase and rehabilitate housing and convert them into long-term housing for those experiencing homelessness.

The announcement includes a total of \$30 million with \$2.2 million for the Yurok Tribe, over \$15 million for the City of San Luis Obispo, and \$13.5 million for the City of Los Angeles.

- October 9 – Homekey Awards: Governor Newsom announced the fourth round of Homekey awards to local governments, totaling \$147 million to 12 cities and counties throughout the State. These funds will go towards 1,109 units across the State to help local governments provide long-term housing options for their respective homeless populations.

Assembly Wildfire Hearing

On October 20, the Assembly Budget Sub 3 Committee on Resources and Transportation held an informational hearing on wildfire mitigation. The hearing consisted of three panels of speakers:

- Historical and Current Funding Levels
 - Brian Brown, Principal Legislative Analyst, Legislative Analyst's Office
- Fire Mitigation Needs
 - Nick Jensen, Lead Conservation Scientist, Native Plant Society
 - Michael O'Connell, Executive Director, Irvine Ranch Conservancy
- CalFIRE Fire Prevention Funding
 - Thom Porter, Department of Forestry and Fire Protection

The hearing took place in response to the most devastating wildfire year the State has ever experienced with more than 4 million acres burned and over 30 individuals who lost their lives due to the fires. The committee identified three primary factors that have added to this year's fires:

1) climate change, 2) higher density housing in fire-prone areas, and 3) increasing fuel for fires to burn. The committee also found that 95 percent of fires are caused by some form of human activity such as vehicle sparks, lawn mowers, faulty electrical connections, and utility lines.

Members in attendance for the hearing included Assembly Members Bloom (Chair), Friedman, Reyes, Ting, Mullin, Luz Rivas, and Garcia. Chair Bloom opened the hearing by noting that the State FY 2020-21 budget contained \$203.3 million for fire prevention and resource management and \$2.3 billion for suppression and response activities. Chair Bloom expressed the need for the State to increase spending on wildfire prevention and resource management without decreasing funding for suppression and response.

Notably, Assembly Member Mullin mentioned the attempts by the Legislature to pass a natural resource and climate bond for the 2020 ballot. Those efforts did not result in a passed bill, but the Assembly Member noted that there will be renewed efforts in 2021 to place a bond measure on the 2022 ballot. The Assembly Member expressed his support for including fire prevention and suppression as a key component of any such bond.

Governor's Appointments

Serge M. Stanich, 50, of Sacramento, has been appointed Director of Environmental Services at the California High-Speed Rail Authority. Stanich will start in his new role on November 16th. Stanich has been Senior Conservation Planner and Business Development Manager at Westervelt Ecological Services since 2020. He held several positions at WSP Global from 2015 to 2020, including Senior Permitting Manager and Program Director. Stanich held several

positions at HDR Inc. from 2014 to 2015 and from 2009 to 2013, including Business Class Leader of Environmental Sciences, Senior Permitting Scientist and Senior Planner. He was Director of Resource Management for Compliance and Permitting at FirstCarbon Solutions from 2013 to 2014. He was Vice President of Operations and Senior Managing Scientist at Great Eastern Ecology from 2005 to 2009. Stanich held several positions at Jones and Stokes from 1997 to 2005, including Senior Scientist, Project Manager and Regulatory Compliance Team Leader. This position does not require Senate confirmation and the compensation is \$172,008. Stanich is a Democrat.

Boris Lipkin, 32, of San Carlos, has been reappointed Northern California Regional Director at the California High-Speed Rail Authority, where he has served in that position since 2018. Lipkin served in several positions at the California High-Speed Rail Authority from 2014 to 2018, including Acting Northern California Regional Director and Deputy Director of Business Analytics and Strategic Planning. He was a Consultant at Parsons Brinckerhoff from 2011 to 2014. Lipkin earned a Master of City Planning degree from the University of Pennsylvania. He is a member of the Board of Directors for the Transbay Joint Powers Authority. This position does not require Senate confirmation and the compensation is \$210,000. Lipkin is a Democrat.

Tracked Legislation

The Legislature returns in December for an organizational session. Members will be able to introduce bills starting at that time.

STAFF REPORT

RECEIVE THE MONTHLY TRANSIT OPERATIONS PERFORMANCE REPORT FOR SEPTEMBER 2020

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Receive the Monthly Transit Operations Performance Report for September 2020.

**BACKGROUND
INFORMATION:**

The Monthly Transit Operations Performance Report (TOPR) provides an overview of the North County Transit District’s (NCTD) performance trends by mode as they relate to budgeted goals and minimum performance standards for each month of the fiscal year. NCTD’s performance goals are developed as part of the annual operations budget development process. Minimum performance standards are set forth in each modal operations and maintenance contract.

The Monthly TOPR is intended to provide performance reporting around key performance indicators without the detailed analysis of trends that are included in the Annual TOPR. The data contained in this report is unaudited and subject to change. Final performance results will be provided as part of NCTD’s Comprehensive Annual Financial Report. Attached to this report is a table that provides information on NCTD’s modal performance compared to the established goals or standards, as well as a comparison to the previous fiscal year.

Systemwide Performance

The negative impacts of COVID-19 on NCTD services, customer revenue, and ridership are ongoing. September ridership is reflective of immediate impacts caused by COVID-19 and actions to mitigate the spread of the virus such as the State of California’s Executive Order N-33-20 (Stay at Home Order). September 2020 systemwide ridership was 380,222, which is 3% higher than August 2020 ridership of 369,475 but 58% below September 2019 ridership of 904,612 and 48% below the FY2020 budgeted goal. NCTD’s budgeted ridership goals were established in May 2020, when the length and severity of the Stay at Home Order were not anticipated. The budget assumed ridership would have rebounded to 80% of prior year by September 2020. NCTD will continue to monitor the effects of COVID-19 and recessionary impacts.

BREEZE Performance

BREEZE boardings for September totaled 259,489, below the budgeted goal of 434,497 by 40%. BREEZE on-time performance (OTP) was 90.5% for the month which is above the minimum performance standard of 90%.

LIFT Performance

LIFT boardings for September totaled 4,608, below the budgeted assumption of 8,957 by 49%. LIFT OTP was 95% for the month which is above the minimum standard of 92%. LIFT productivity, measured by passengers transported per revenue hour, was 1.4 for the month, which is below the minimum performance standard of 1.8 passengers per revenue hour.

FLEX Performance

FLEX boardings for September totaled 1,612, below the budgeted goal of 2,631 by 39%. FLEX OTP was 94.8% for the month which is below the performance standard of 95%.

COASTER Performance

COASTER boardings for September totaled 10,020, below the budgeted goal of 89,866 by 89%. COASTER OTP was 95.2% for the month which is above the minimum standard of 95%.

SPRINTER Performance

SPRINTER boardings for September totaled 104,493, below the budgeted goal of 194,920 by 46%. On time performance was 97.6% for the month which is below the minimum standard of 98%.

ATTACHMENT: 4A – Monthly Transit Operations Performance Report, September 2020

GOAL/STRATEGIC DIRECTION: Accountability and Performance Management

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

STAFF CONTACT: **Robert Cálix, Chief of Planning, Strategy & Innovation**
E-mail: rcalix@nctd.org Phone: 760-967-2894

Transit Operations Performance Report - September 2020

External Indicators	September 2020	September 2019	Variance from Prior Year
Weekdays	21	20	1
Saturdays	5	5	0
Sundays	4	5	-1
Days of Inclement Weather	0	0	0
Number of Days under California's Stay at Home Order	30	--	--
Average Cost of Gallon of Gasoline**	\$3.22	\$3.70	-\$0.48

SYSTEM (All Modes)	Goal	September 2020	Variance from Goal	September 2019	Variance from Prior Year
Total Boardings	730,871	380,222	● (48%)	904,612	● (58%)
Average Weekday Boardings	29,375	13,952	● (53%)	37,504	● (63%)
Average Saturday Boardings	14,204	11,053	● (22%)	16,697	● (34%)
Average Sunday Boardings	10,743	7,990	● (26%)	14,210	● (44%)

BREEZE Performance	Goal/ Standard	September 2020	Variance from Goal/Standard	September 2019	Variance from Prior Year
Total Boardings	434,497	259,489	● (40%)	544,162	● (52%)
Average Weekday Boardings	17,486	9,407	● (46%)	22,485	● (58%)
Average Saturday Boardings	8,384	8,098	● (3.4%)	10,357	● (22%)
Average Sunday Boardings	6,341	5,363	● (15%)	8,536	● (37%)
Boardings per Revenue Hour	12.4	7.4	● (40%)	16	● (53%)
Percent of Scheduled Service Operated	99.98%	99.93%	● (0.1%)	99.88%	● 0.1%
Major Mechanical Failures	35	35	● 0%	62	● (44%)
Other Mechanical Failures	0	1	● 100%	7	● (86%)
Chargeable Accidents	5	5	● 0%	9	● (44%)
On-time Performance	90%	90.5%	● 0.6%	85.6%	● 5.8%
Passenger Concerns	44	123	● 180%	137	● (10%)

LIFT Performance	Goal/ Standard	September 2020	Variance from Goal/Standard	September 2019	Variance from Prior Year
Total Boardings	8,957	4,608	● (49%)	12,526	● (63%)
Average Weekday Boardings	371	185	● (50%)	536	● (65%)
Average Saturday Boardings	139	98	● (29%)	204	● (52%)
Average Sunday Boardings	117	59	● (50%)	158	● (63%)
Passengers per Revenue Hour	1.8	1.4	● (20%)	1.87	● (23%)
Passengers per Revenue Mile	0.092	0.08	● (12%)	0.11	● (24%)
Accidents and Incidents	1	1	● 0%	2	● (50%)
On-Time Performance	92%	95%	● 3.1%	86%	● 10%
Passenger Concerns	7	18	● 157%	65	● (72%)
Call Response Time (minutes)	2:00	1:16	● (37%)	0:56	● 36%
Average Length of Call (minutes)	2:00	2:48	● 40%	2:46	● 1.2%
1-30 Minutes Past the 30-Minute Pick-Up Window	334	129	● (61%)	969	● (87%)
31-60 Minutes Past the 30-Minute Pick-Up Window	23	13	● (43%)	186	● (93%)
>60 Minutes Past the 30-Minute Pick-Up Window	12	1	● (92%)	35	● (97%)

FLEX Performance	Goal/ Standard	September 2020	Variance from Goal/Standard	September 2019	Variance from Prior Year
Total Boardings	2,631	1,612	● (39%)	3,009	● (46%)
Average Weekday Boardings	107	62	● (42%)	128	● (52%)
Average Saturday Boardings	49	40	● (18%)	47	● (15%)
Average Sunday Boardings	36	26	● (28%)	43	● (40%)
Passengers per Revenue Hour	1.7	1.14	● (34%)	2.1	● (45%)
Passengers per Revenue Mile	0.091	0.061	● (33%)	0.12	● (49%)
On-time Performance	95%	94.8%	● (0.2%)	99.1%	● (4.3%)
Passenger Concerns	1	1	● 0%	2	● (50%)
Accidents and Incidents	0	0	● 0%	0	● 0%

COASTER Performance	Goal/ Standard	September 2020	Variance from Goal/Standard	September 2019	Variance from Prior Year
Total Boardings	89,866	10,020	● (89%)	114,233	● (91%)
Average Weekday Boardings	3,681	477	● (87%)	4,850	● (90%)
Average Saturday Boardings	1,582	0	● (100%)	1,690	● (100%)
Average Sunday Boardings	1,165	0	● (100%)	1,755	● (100%)
Boardings per Revenue Hour	120	27	● (78%)	158	● (83%)
Percent of Scheduled Service Operated	100%	100%	● 0%	99.8%	● 0.2%
Major Mechanical Failures	0	1	● 100%	0	● 100%
Other Mechanical Failures	0	0	● 0%	0	● 0%
Chargeable Accidents	0	0	● 0%	0	● 0%
On-time Performance	95%	95.2%	● 0.2%	91.5%	● 4%
Passenger Concerns	1	2	● 100%	3	● (33%)

SPRINTER Performance	Goal/ Standard	September 2020	Variance from Goal/Standard	September 2019	Variance from Prior Year
Total Boardings	194,920	104,493	● (46%)	230,682	● (55%)
Average Weekday Boardings	7,730	3,821	● (51%)	9,505	● (60%)
Average Saturday Boardings	4,050	2,817	● (30%)	4,399	● (36%)
Average Sunday Boardings	3,084	2,542	● (18%)	3,718	● (32%)
Boardings per Revenue Hour	101	54	● (46%)	120	● (55%)
Percent of Scheduled Service Operated	100%	99.7%	● (0.3%)	100%	● (0.3%)
Major Mechanical Failures	1	9	● 800%	1	● 800%
Other Mechanical Failures	0	0	● 0%	0	● 0%
Chargeable Accidents	0	0	● 0%	0	● 0%
On-time Performance	98%	97.6%	● (0.4%)	99.4%	● (1.8%)
Passenger Concerns	5	5	● 0%	12	● (58%)

* The included goals are developed within the FY20 budget document and are based upon ridership projections and past performance.

* The minimum performance standards are set forth in each modal operations and maintenance contract.

** Average San Diego County gas prices, AAA

STAFF REPORT | **RECEIVE AN UPDATE ON THE IMPACTS OF COVID-19 ON TRANSIT OPERATIONS**

Time Sensitive: **Consent:**

STAFF RECOMMENDATION: The North County Transit District (NCTD) staff will provide the NCTD Board of Directors (Board) with an update on the impacts of COVID-19 on transit operations.

BACKGROUND INFORMATION: Safety is one of NCTD’s core values. NCTD staff will provide the Board with an update on the impacts of COVID-19 on transit operations.

ATTACHMENT: 5A – COVID-19 Update – November 2020

GOAL/STRATEGIC DIRECTION: N/A

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

STAFF CONTACT: **Sean Loofbourrow, Chief of Safety**
E-mail: sloofbourrow@nctd.org Phone: 760-967-2827



MEMO

Date: November 12, 2020

To: NCTD Board of Directors

From: Sean Loofbourrow, Chief of Safety

Through: Matthew O. Tucker, Executive Director

Re: Coronavirus (COVID-19) Update – November 2020

810 Mission Avenue
Oceanside, CA 92054

www.GoNCTD.com

The North County Transit District (NCTD) has been responding to the public health emergency caused by the coronavirus (COVID-19) pandemic and is monitoring its impacts on transit operations. Following directions from Governor Gavin Newsom and the County of San Diego public health officials, NCTD has implemented its Emergency Response Plan and taken proactive measures to ensure the health and safety of the public, employees and contractors.

The following are detailed updates in key functional areas:

NCTD Ridership:

Ridership across all modes is approximately 63% less than previous year data. Transit operations is providing approximately 13,500 daily weekday trips compared with 36,664 in FY2019. Figure 1 (below) details SPRINTER and BREEZE ridership from March 23, 2020 to October 19, 2020 while Figure 2 details COASTER, LIFT, and FLEX ridership for the same period.

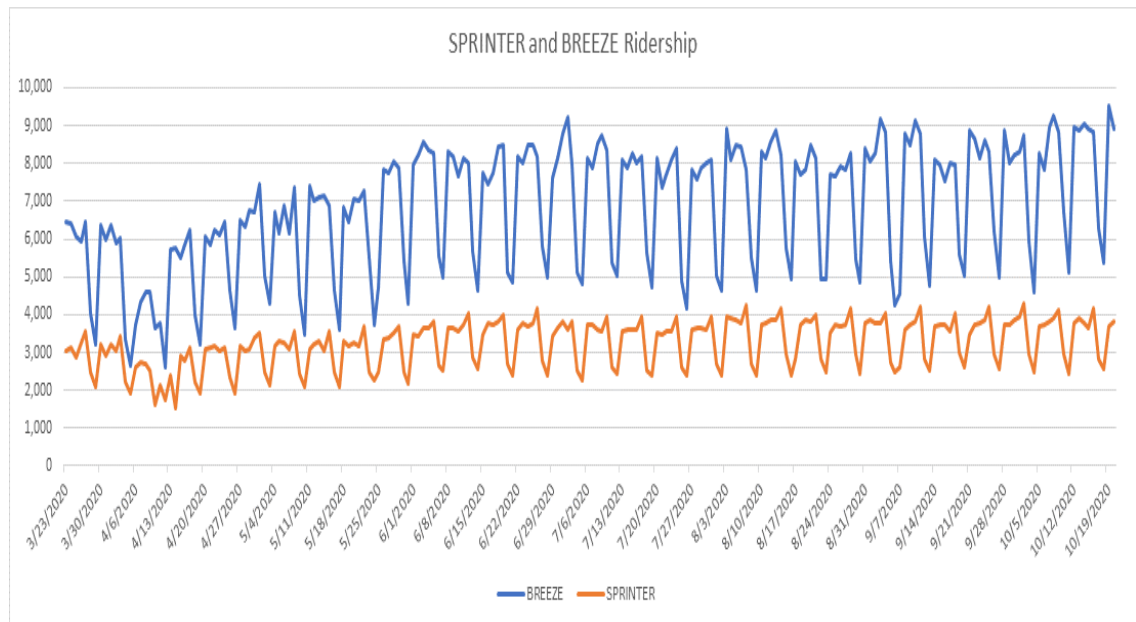


Figure 1 – SPRINTER and BREEZE Ridership

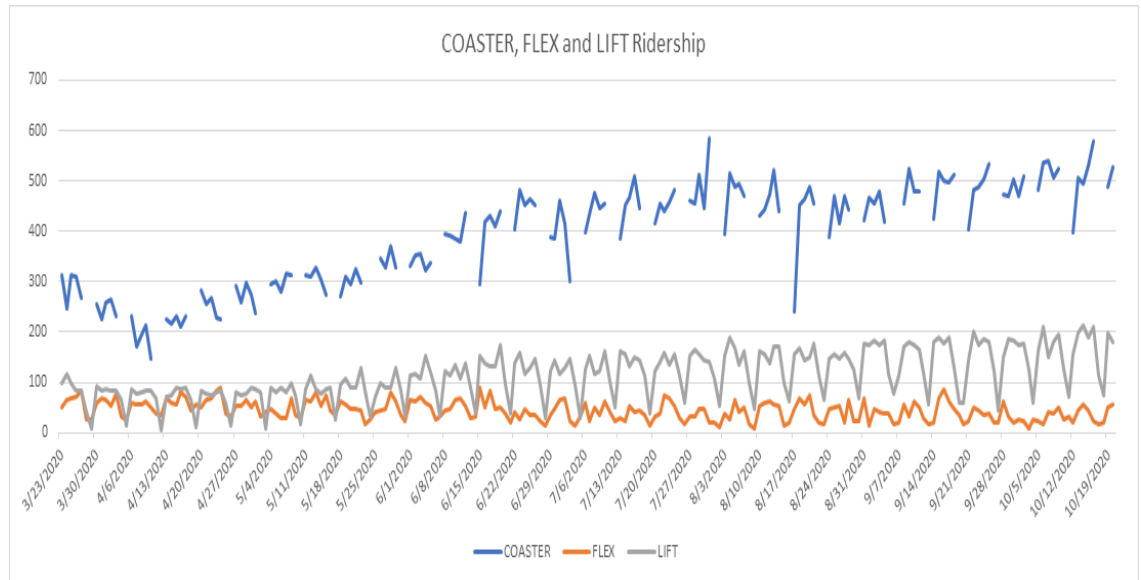


Figure 2 – COASTER, FLEX, and LIFT Ridership

Procurements:

NCTD has procured a thermal temperature scanning system that has been implemented at all NCTD facilities. This system ensures compliance with the San Diego County Public Health Order and a rapid screening process for all employees and contractors.

Additionally, NCTD procured hand sanitizer dispensers for all NCTD’s revenue vehicles. These dispensers are now installed and available for use by customers. NCTD has also advanced a procurement to purchase and install driver barriers for the existing fixed-route bus fleets and has included barriers in the specification for all new bus purchases. The installation for the barriers on the existing fleet has commenced and is anticipated to be complete by mid-December 2020.

Compliance:

NCTD has consistently observed a high rate of compliance of customers wearing face coverings, with less than 1% of ridership on bus and COASTER boardings without a face covering. For SPRINTER, the non-compliance rate for face coverings is currently at 2%. Face coverings are still available to customers across all NCTD modes and are available onboard revenue vehicles and at Customer Service Centers. Figure 3 below details compliance of face coverings on bus for September 2020.

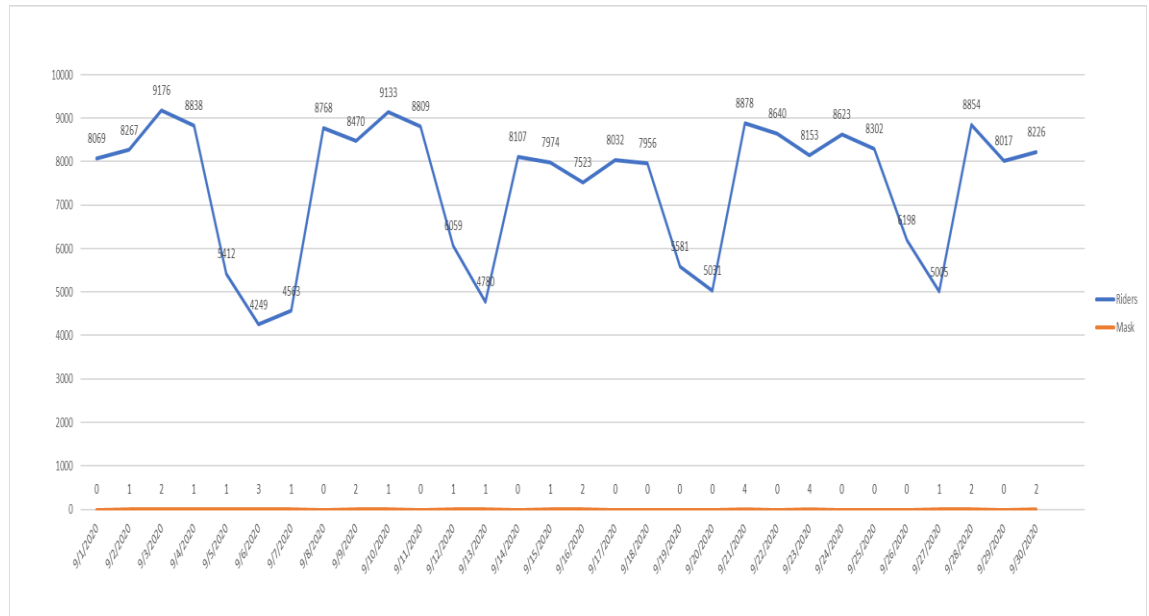


Figure 3 – Bus Ridership vs. Face Covering Non-Compliance September 2020
Cleaning Standard:

On June 22, 2020, the American Public Transportation Association (APTA) published *Cleaning and Disinfecting Transit Vehicles and Facilities During a Contagious Virus Pandemic* (Attachment A), which discusses current industry practices for cleaning in response to a pandemic virus.

NCTD established a working group to review the APTA white paper and provide a recommendation for the long-term cleaning strategy for NCTD vehicles and facilities. A statement of work and independent cost estimate has been developed and both are currently under review with NCTD staff.

NCTD will continue its proactive approach across all functional areas to continue essential transportation services while ensuring the health and safety of its employees, contractors, passengers, and the public at large.



STAFF REPORT

**RECEIVE THE QUARTERLY SAFETY REPORT FOR THE FIRST
QUARTER OF FY2021**

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Receive the Safety Division's Report for the first quarter of FY2021 (July 1, 2020 through September 30, 2020).

**BACKGROUND
INFORMATION:**

Safety is one of the North County Transit District's core values. Staff provides the Board with a quarterly update covering key safety topics and performance trends.

ATTACHMENT:

6A – Safety Report Q1FY2021

**GOAL/STRATEGIC
DIRECTION:**

Enhance Safety & Security

FISCAL IMPACT:

This staff report has no fiscal impact.

COMMITTEE REVIEW:

None

STAFF CONTACT:

Sean Loofbourrow, Chief of Safety
E-mail: sloofbourrow@nctd.org Phone: 760-967-2827

**NORTH COUNTY
TRANSIT DISTRICT**



Safety Division Quarterly Report

For the Period
July 1, 2020 – September 30, 2020
(Q1 of FY2021)

Contents

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Quarter 1 FY2021 Safety Performance Metrics

For the first quarter of FY2021 when compared to fourth quarter FY2020, preventable accidents trended down for SPRINTER and up for BREEZE. There was no change for LIFT/FLEX while COASTER preventable accidents remained at zero. Non-preventable accidents trended up for BREEZE and remained at zero for COASTER and SPRINTER. There was no change in non-preventable accidents for LIFT/FLEX.

Rail accidents saw an increase for Metrolink, decrease for SPRINTER and Amtrak, and no reported accidents for COASTER and BNSF. Rail near-miss incidents showed an increasing trend for COASTER, SPRINTER, Amtrak and Metrolink with no reported incidents for BNSF.

There were 22 near-miss incidents on the San Diego Subdivision, which represents an increase from the previous quarter. All twenty-two (22) of the near misses were due to trespassers. There were three (3) reports for Palm Street and the Agua Hedionda Bridge, two (2) reports for the Batiquitos Lagoon Bridge while all other reports were single events at various locations.

On the Escondido Subdivision, there was an increasing trend in near-miss events with twenty-two (22) trespasser and two (2) vehicle events. Five locations had more than one near-miss event: Reidy Creek Bike Path (3), Rancheros Drive (2), and Civic Center Avenue (2), Vista Transit Center (2), and Parkwood Lane (2). All other reports were single events at various locations.

For quarterly regulatory inspections, NCTD received fourteen (14) Federal Railroad Administration (FRA) inspections, six (6) California Public Utilities Commission (CPUC) inspections, and two (2) California Highway Patrol (CHP) inspections. These inspections resulted in thirty-five (35) FRA defects and five (5) CPUC defects.

Many of the FRA defects came from three (3) scheduled, focused audits: Drug and Alcohol Program, Hours of Service, and Locomotive Engineers / Conductors / Operating Tests. One violation was recommended for a Designated Supervisor of Locomotive Engineers (DSLE) who did not receive a knowledge exam within the required time limits. This violation was from 2018 and the DSLE received the exam 4 days later than the prescribed timeframe in the rule. The other defects identified by the regulatory agencies were administrative in nature including minor mechanical defects and incomplete or improper paperwork.

PREVENTABLE ACCIDENTS (ACROSS ALL MODES) - QUARTERLY TREND				
	Previous Quarter	Current Quarter	Change	Trend
BREEZE	14	24	10	Up
LIFT/FLEX	1	1	0	No change
SPRINTER	1	0	-1	Down
COASTER	0	0	0	Positive

NON-PREVENTABLE ACCIDENTS (ACROSS ALL MODES) - QUARTERLY TREND				
	Previous Quarter	Current Quarter	Change	Trend
BREEZE	13	27	14	Up
LIFT/FLEX	2	2	0	No change
SPRINTER	0	0	0	Positive
COASTER	0	0	0	Positive

RAIL ACCIDENTS - QUARTERLY TREND				
	Previous Quarter	Current Quarter	Change	Trend
COASTER	0	0	0	Positive
SPRINTER	1	0	-1	Down
BNSF	0	0	0	Positive
METROLINK	0	1	1	Up
AMTRAK	3	2	-1	Down

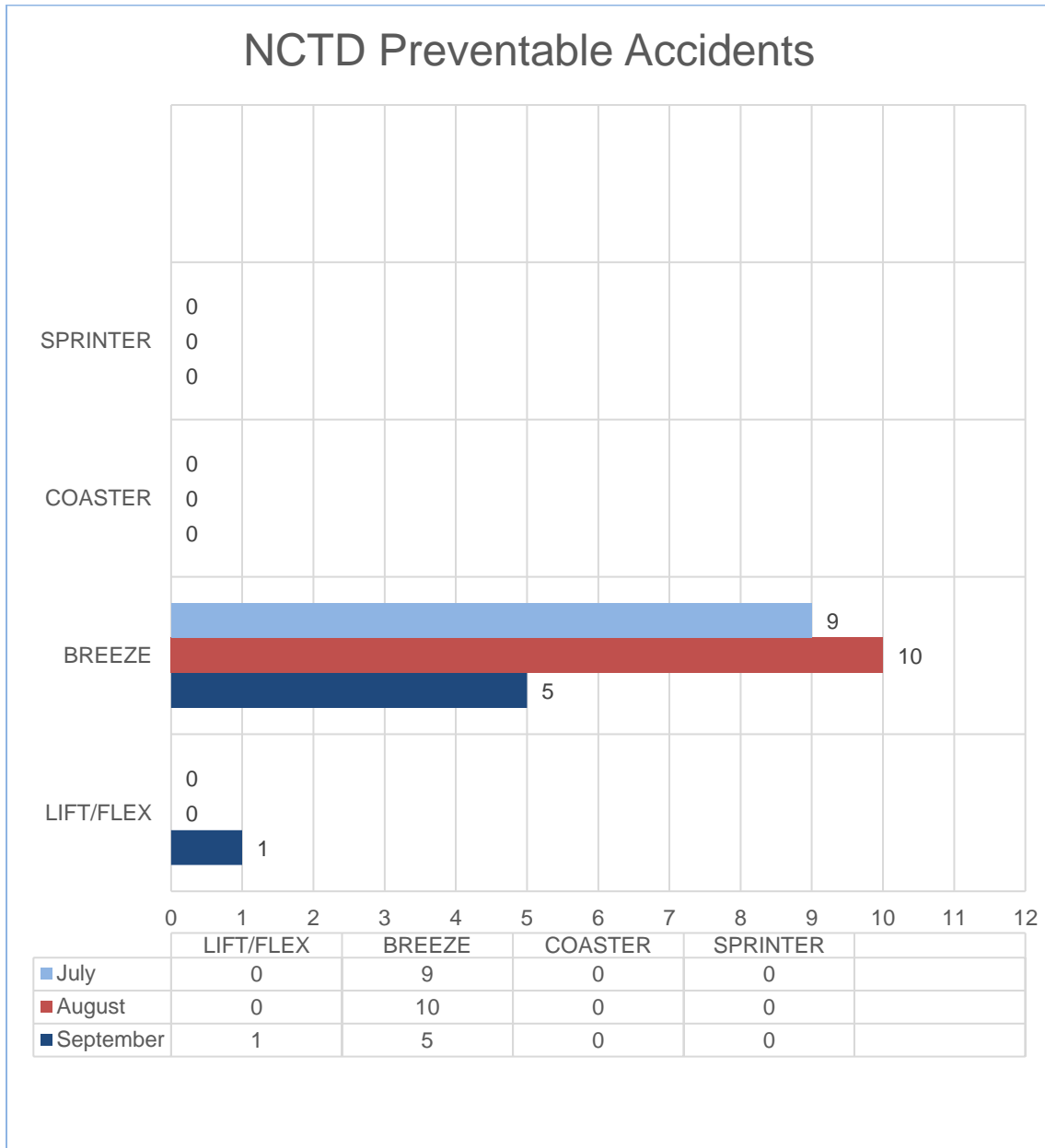
RAIL NEAR MISSES - QUARTERLY TREND				
	Previous Quarter	Current Quarter	Change	Trend
COASTER	8	15	7	Up
SPRINTER	19	24	5	Up
BNSF	0	0	0	Positive
METROLINK	0	1	1	Up
AMTRAK	5	6	1	Up

REGULATORY INSPECTIONS - SUMMARY		
	Inspections	Defects
FRA	14	35
CPUC	6	5
CHP	2	0

RAIL REGULATORY DEFECTS - QUARTERLY SUMMARY				
	Mechanical	Operations	Signal	Track
FRA	4	27	0	4
CPUC	0	0	2	3

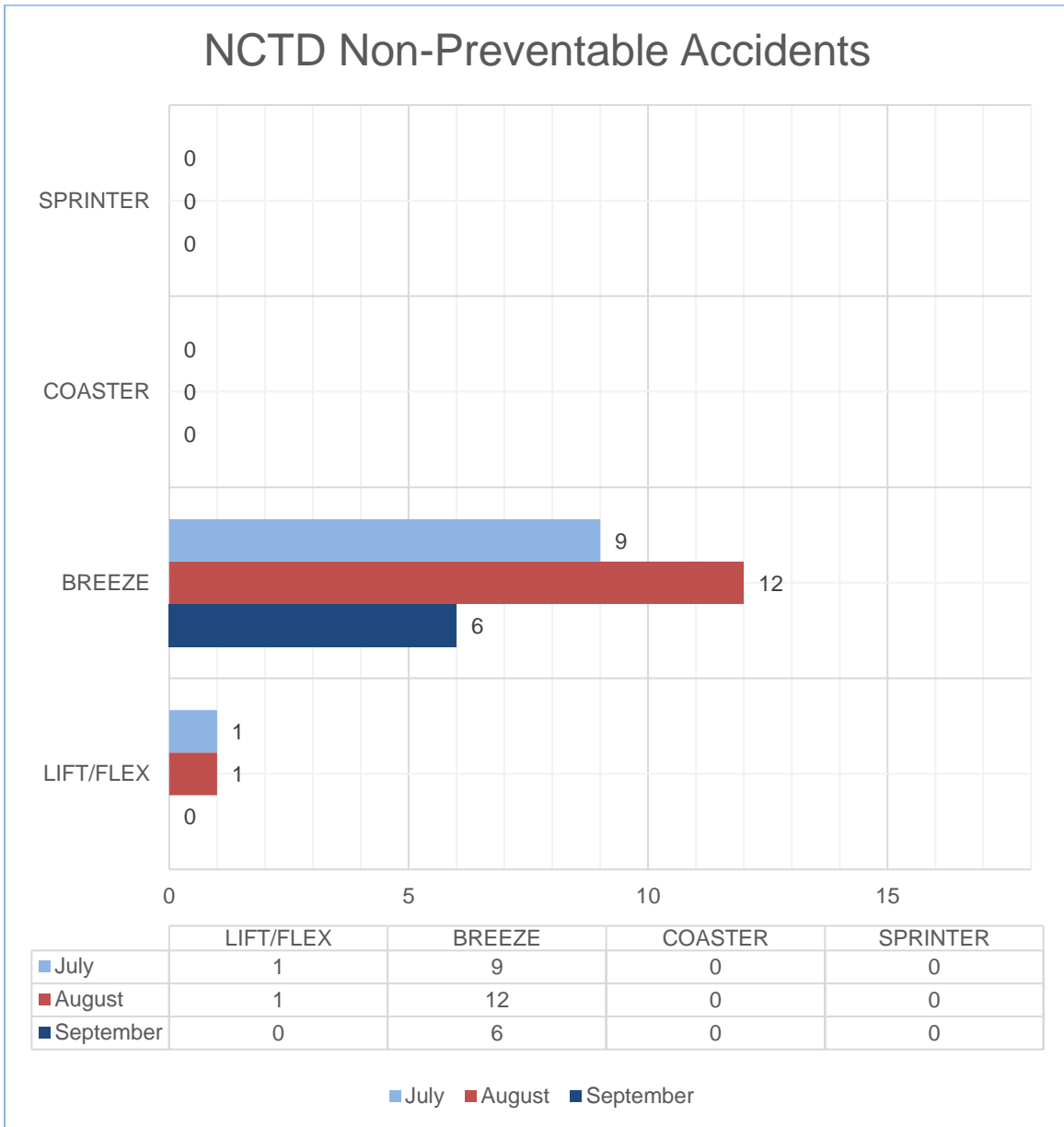
Preventable Accidents

A preventable accident is one in which the bus driver or train operator could have done something to prevent or avoid the accident regardless of fault, even if the investigation places fault on the other driver.



Non-Preventable Accidents

A non-preventable accident is one that could have not been avoided no matter what actions were taken. These numbers reflect a monthly comparison of non-preventable accidents on all NCTD transit modes for the previous quarter of the fiscal year.



Rail Accidents

Rail accidents that include collisions, derailments, injury, or death. The incidents listed in the chart below reflect the first quarter of fiscal year 2021.

- On July 18, 2020 at 2:51 p.m., Amtrak reported a non-fatal pedestrian strike at Mile Post 244.7 in Del Mar.
- On September 18, 2020 at 5:48 a.m., Metrolink reported a fatal pedestrian strike at MP 207.5 in San Clemente.
- On September 22, 2020 at 2:38 p.m., Amtrak reported a non-fatal pedestrian strike at MP 226.2 in Oceanside.
- The total delay for trespasser activities for this quarter was 367 minutes.

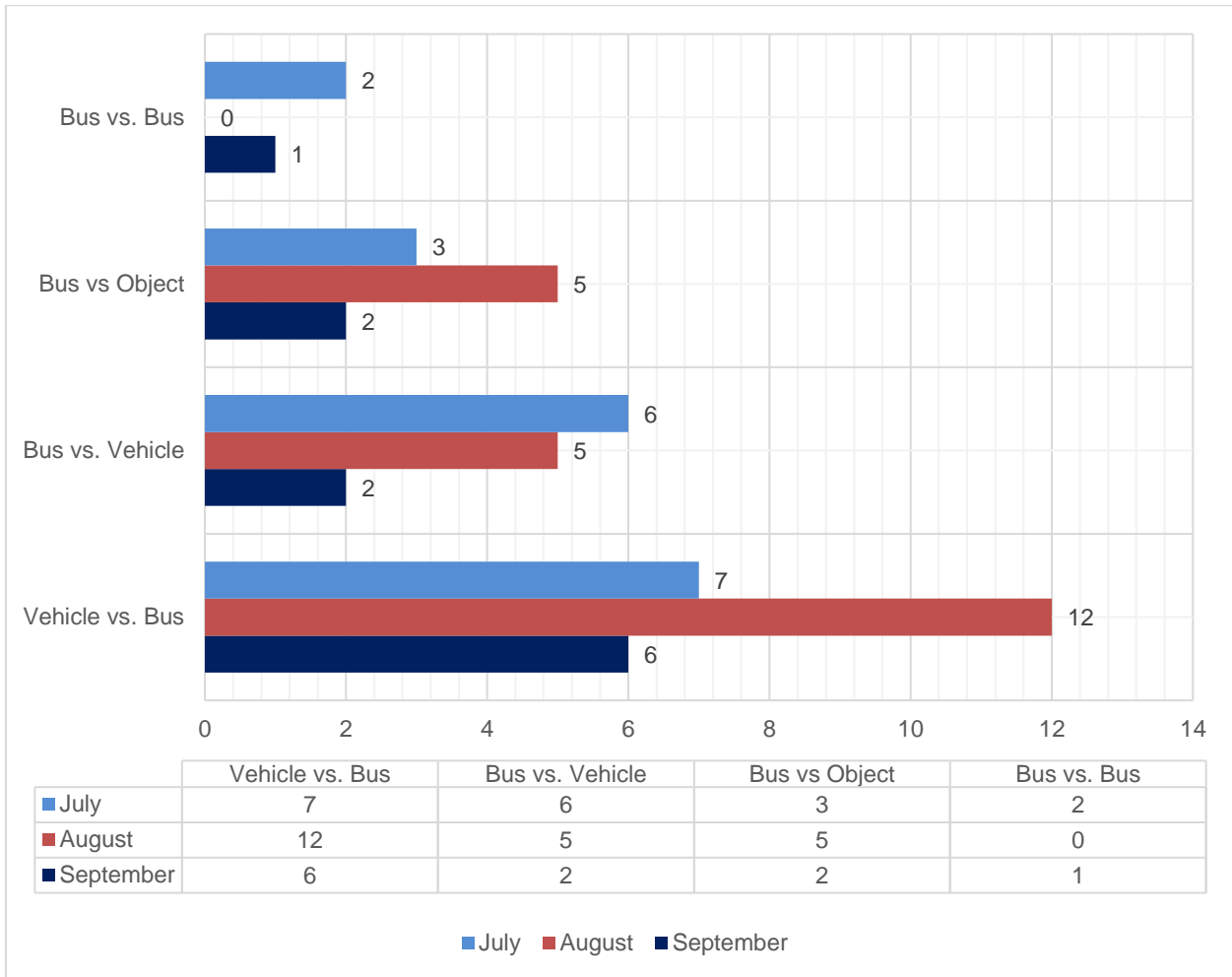
Rail Accidents



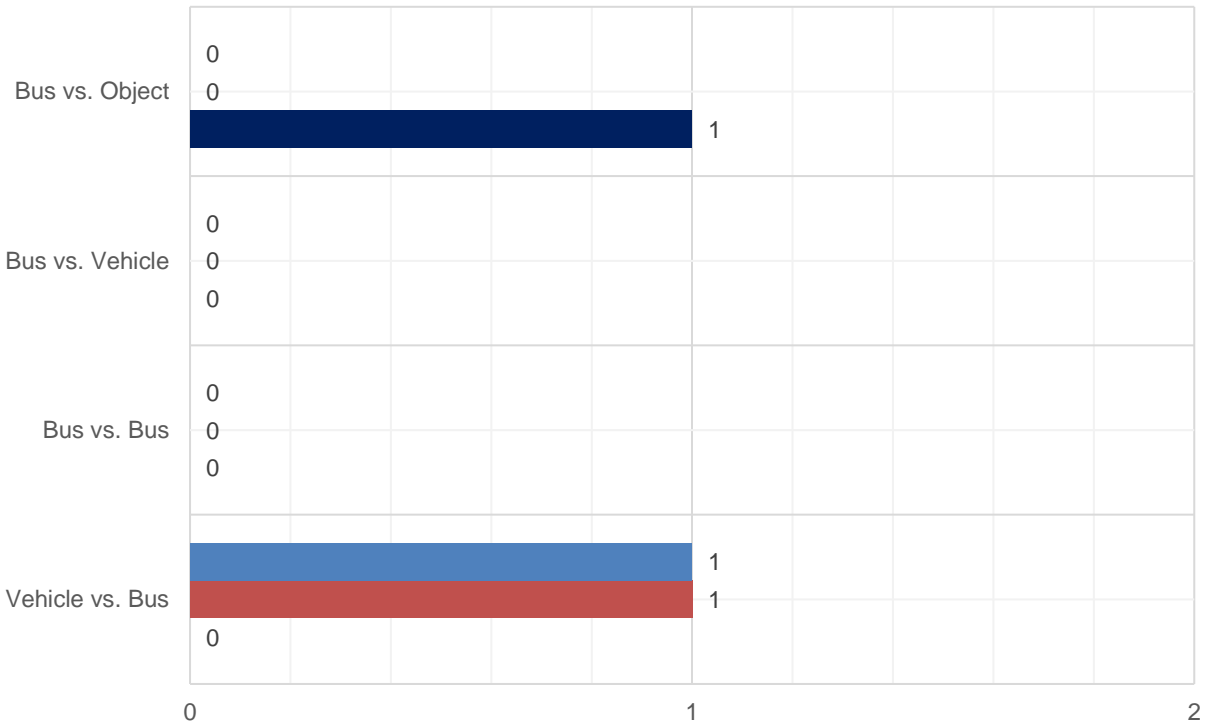
	COASTER	SPRINTER	Amtrak	Metrolink	BNSF	Pacific Sun
■ July	0	0	1	0	0	0
■ August	0	0	0	0	0	0
■ September	0	0	1	1	0	0

■ July ■ August ■ September

BREEZE Accidents by Category



LIFT/FLEX Accidents By Category



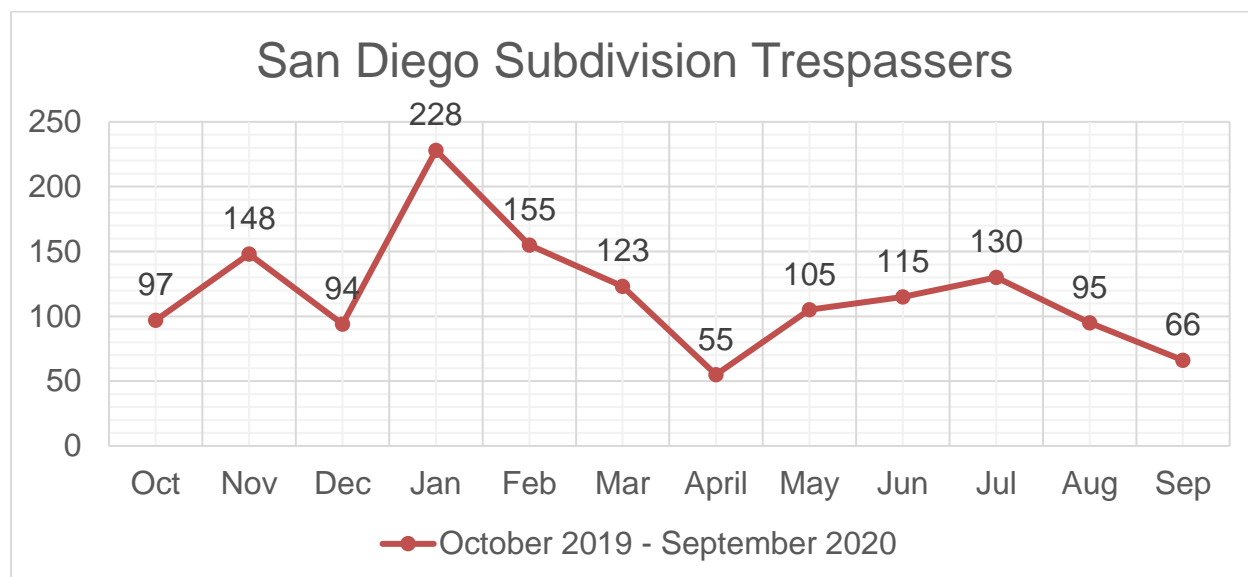
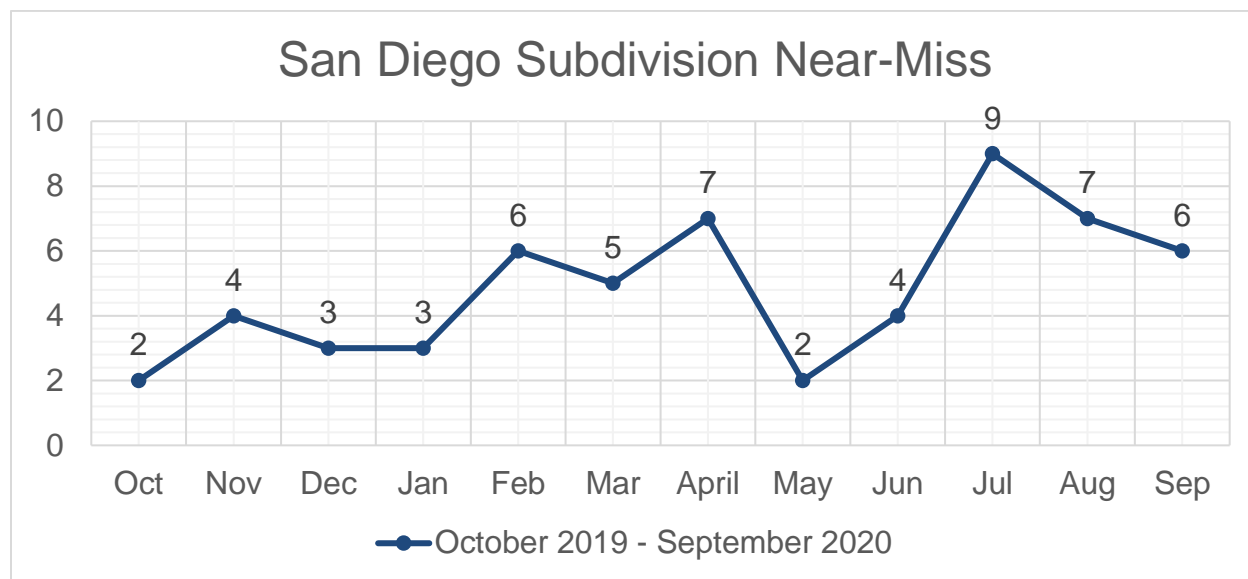
	Vehicle vs. Bus	Bus vs. Bus	Bus vs. Vehicle	Bus vs. Object
■ July	1	0	0	0
■ August	1	0	0	0
■ September	0	0	0	1

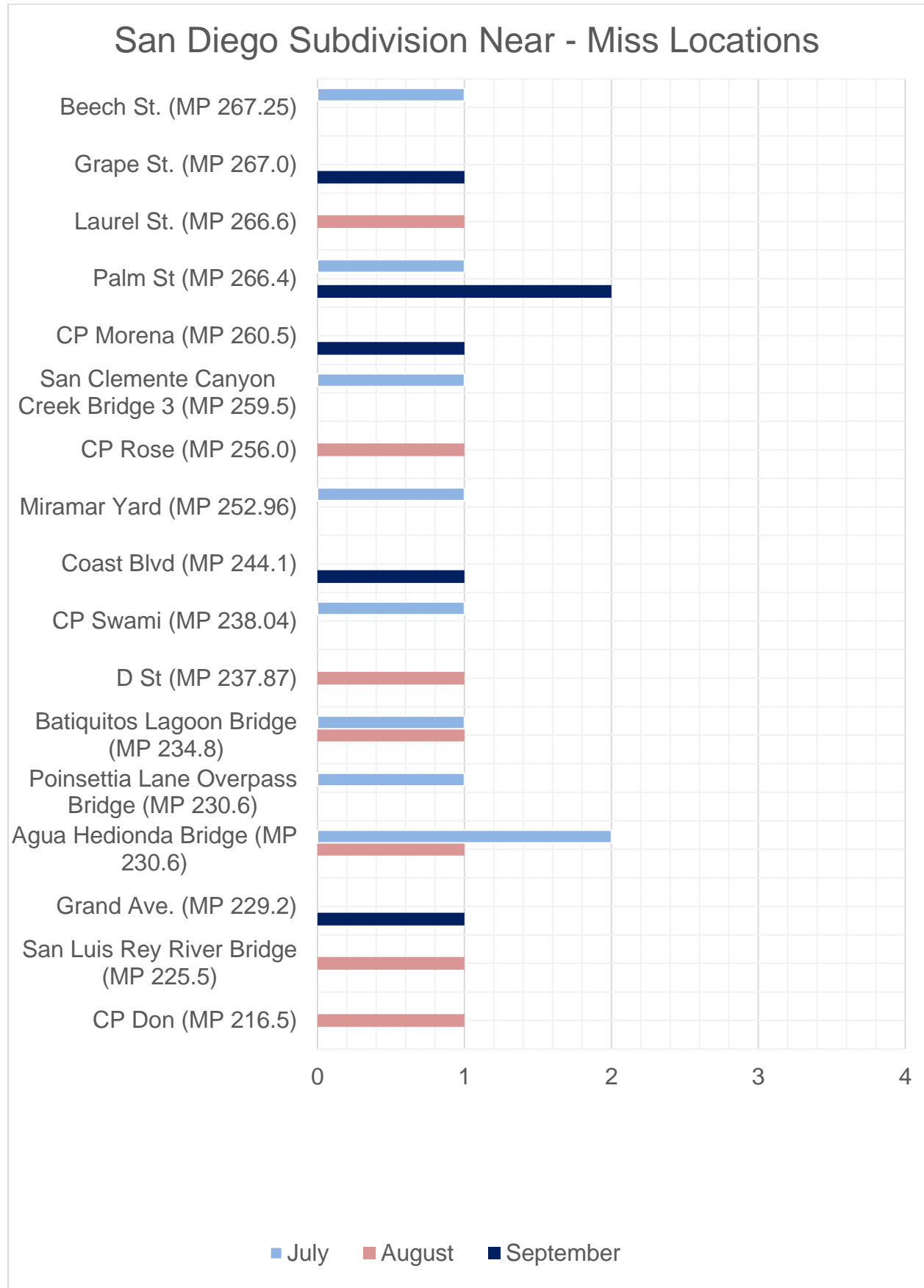
■ July ■ August ■ September



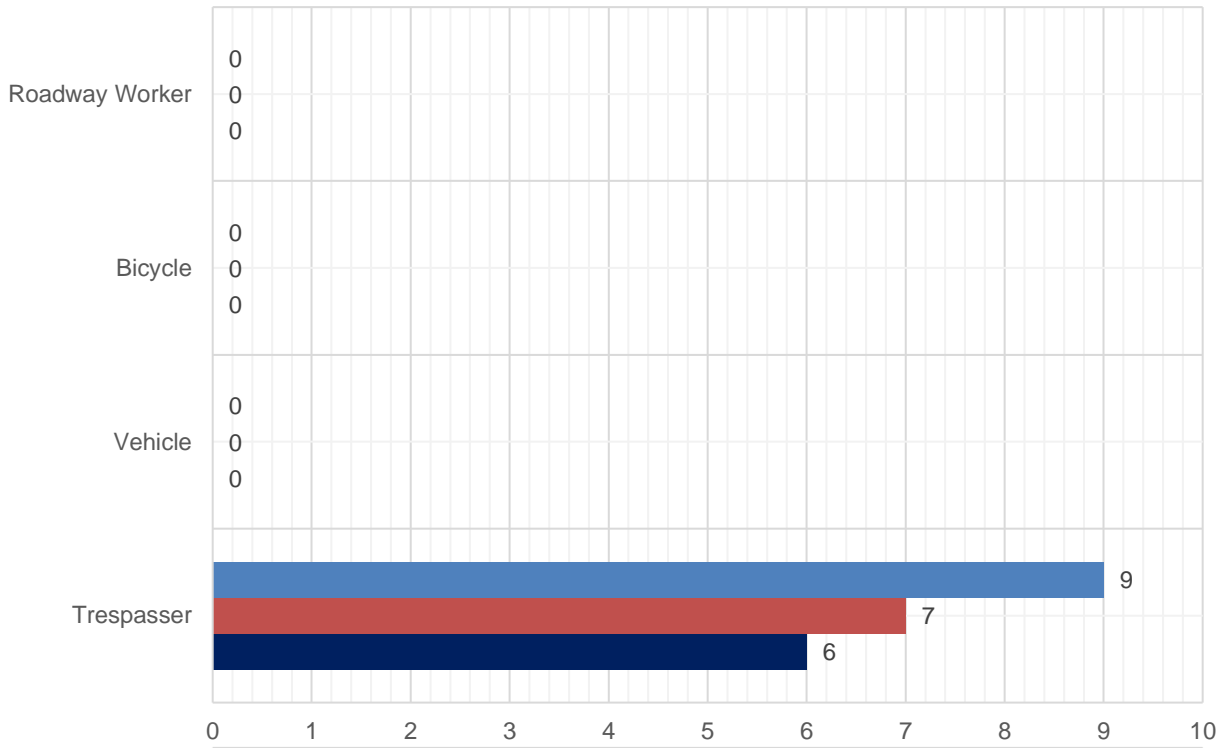
San Diego Subdivision Overview

A “near-miss” is any incident on the railroad right-of-way that causes the train operator/engineer to take an action, outside of the normal operation of a train, to avoid or mitigate a collision with a trespasser or vehicle. Actions include slowing of the train or initiating an emergency brake application. Trespasser incidents may include more than one trespasser per event.





San Diego Subdivision Near - Miss Cause



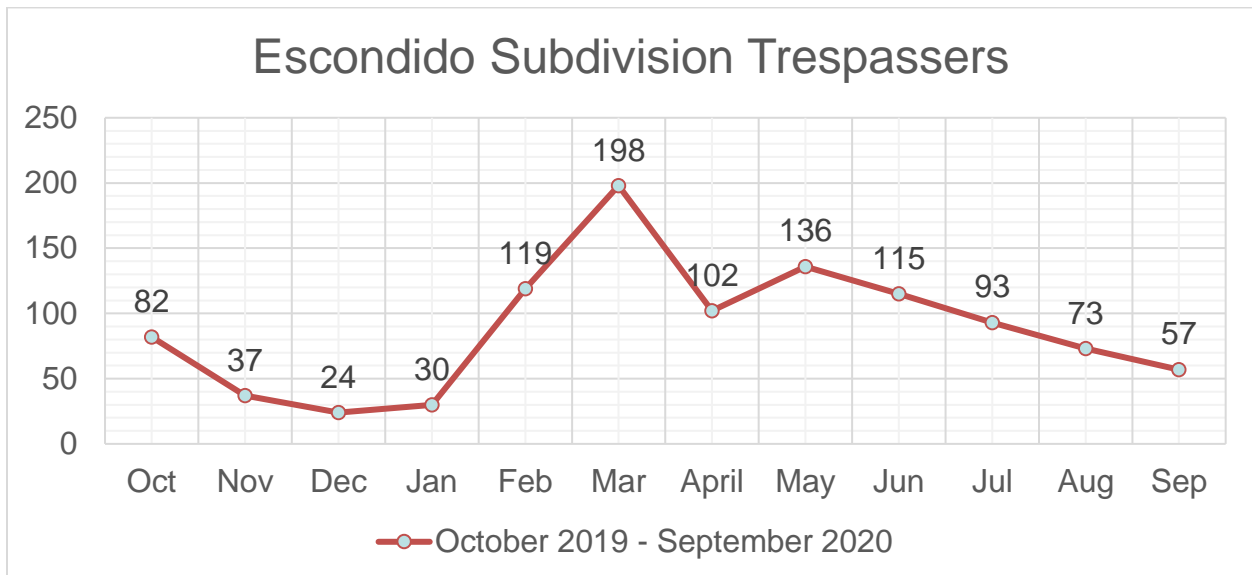
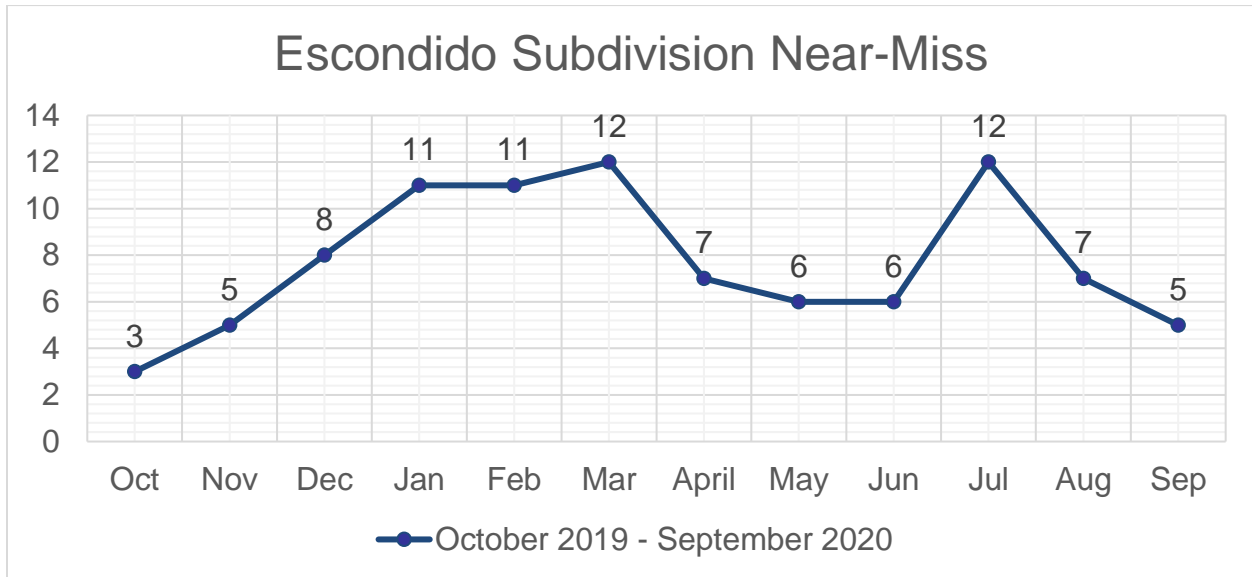
	Trespasser	Vehicle	Bicycle	Roadway Worker
■ July	9	0	0	0
■ August	7	0	0	0
■ September	6	0	0	0

■ July ■ August ■ September

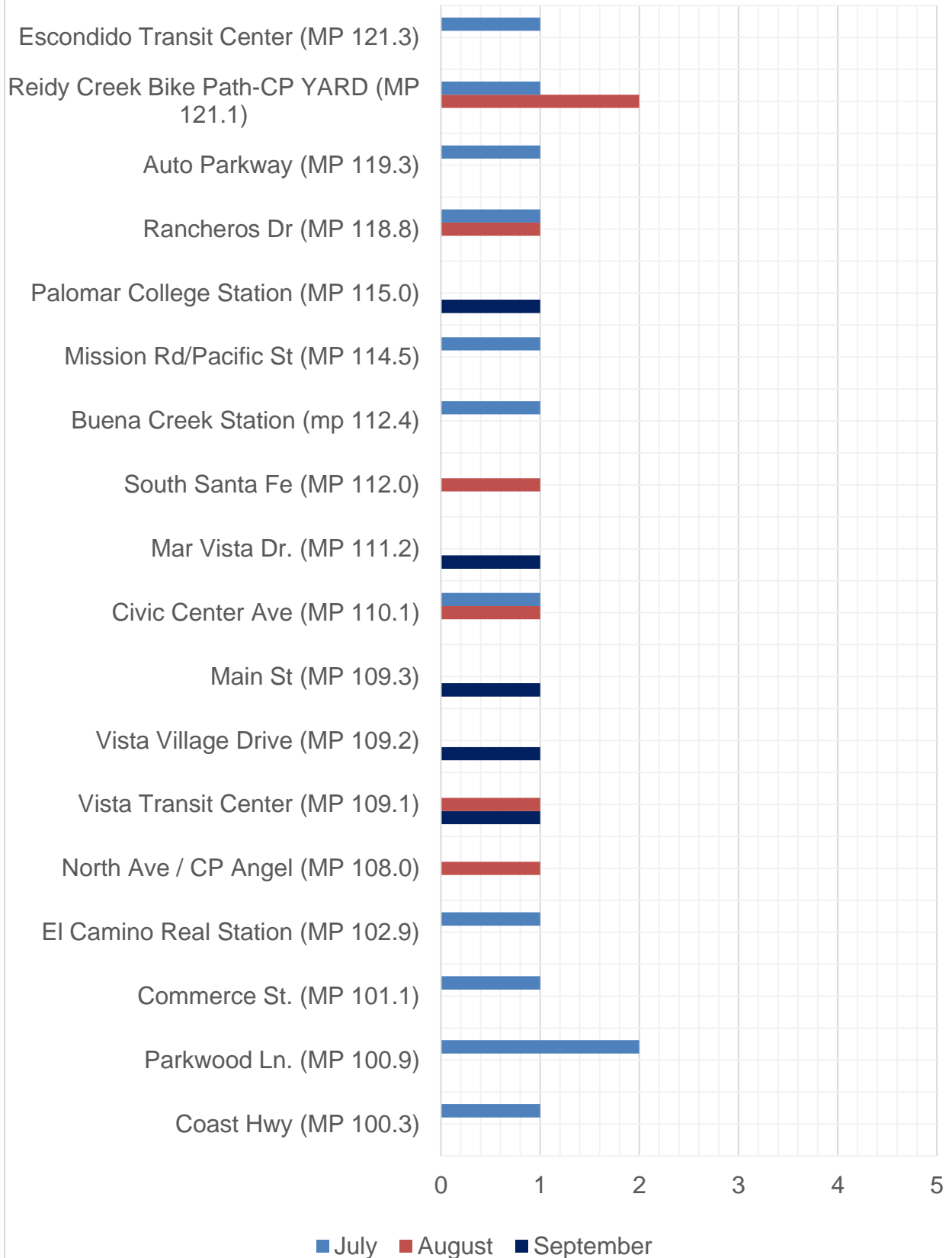


Escondido Subdivision Overview

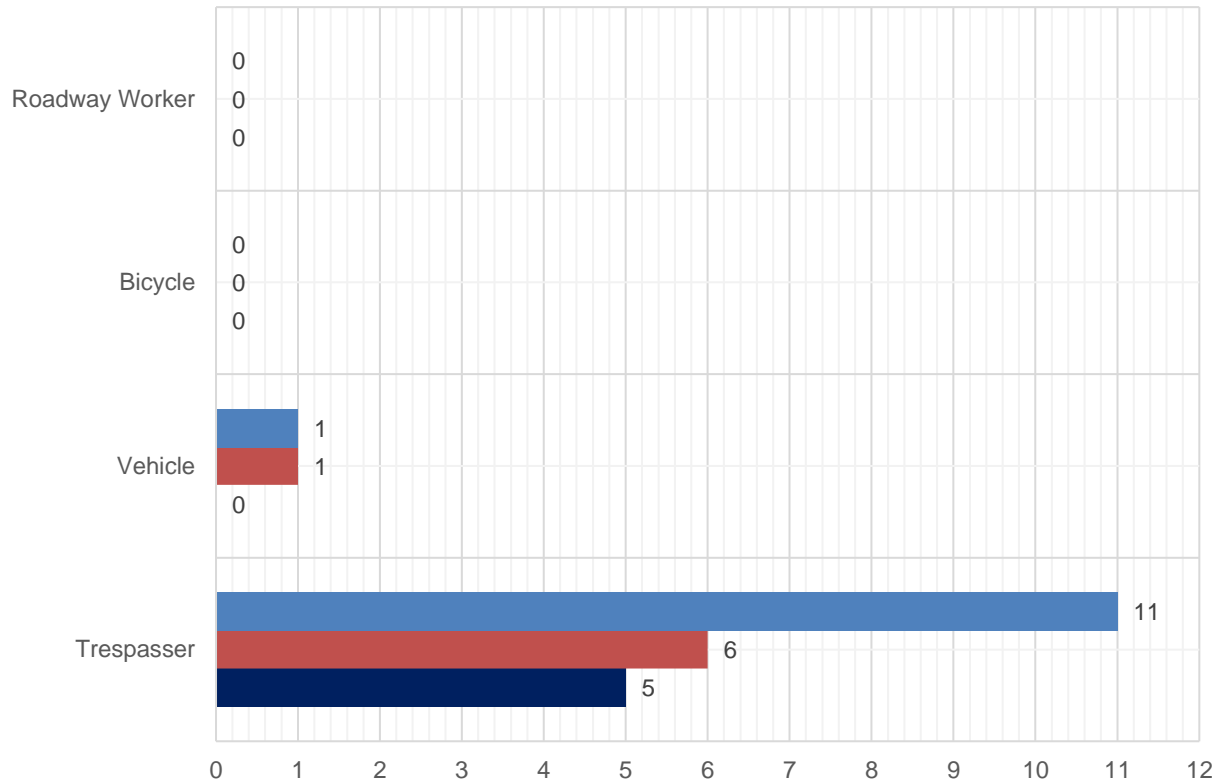
The near-miss activity on the Escondido Subdivision takes place at grade crossings as well as SPRINTER stations.



Escondido Subdivision Near - Miss Locations



Escondido Subdivision Near - Miss Cause



	Trespasser	Vehicle	Bicycle	Roadway Worker
■ July	11	1	0	0
■ August	6	1	0	0
■ September	5	0	0	0

■ July ■ August ■ September



NCTD Safety Division Activity

The NCTD Safety Division conducted the following Internal Safety and Security Audits (ISSA) during first quarter FY2021 in the following areas with the resulting corrective actions:

<u>Checklist #</u>	<u>Audit</u>	<u>Corrective Actions</u>
137-C	Passenger Rail Emergency Systems	0
137-B	Passenger Bus Emergency Systems	1

In addition to audit activities, the NCTD Safety Division conducts inspection activities throughout the District on revenue vehicles, facilities and transit stations. Inspection activities include ride checks, record reviews, training observations, safety inspections, and field observations. The following 217 inspections resulted in 9 corrective actions to remedy deficiencies observed during the evaluation activities.

<u>Inspection Activity</u>	<u>Number of Inspections Completed</u>
Bus Compliance	31
Rail Compliance	46
Customer Experience	31
Safety	109
Total	217

Finally, the NCTD Safety Division conducted an audit on the SPRINTER Cooling System which resulted in 16 recommendations to ensure compliance with the Original Equipment Manufacturer (OEM) and contractual requirements. The Safety Division is also an active participant in the acceptance of the new Charger locomotives and continues to provide updates to the NCTD Board of Directors, employees, and contractors related to COVID-19 impacts and protocols.



STAFF REPORT | **RECEIVE THE QUARTERLY SECURITY REPORT FOR THE FIRST QUARTER OF FY2021**

Time Sensitive: **Consent:**

STAFF RECOMMENDATION: Receive the Security Report for the first quarter of FY2021 (July 1, 2020 through September 30, 2020).

BACKGROUND INFORMATION: Fostering and maintaining safe and secure operations is one of the North County Transit District's (NCTD) primary goals. Staff provides the NCTD Board of Directors with a quarterly update covering law enforcement and security related activities including crimes, arrests, and citations.

ATTACHMENT: 7A – Security Report Q1FY2021

GOAL/STRATEGIC DIRECTION: Enhance Safety & Security

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

STAFF CONTACT: **Karen L. Tucholski, Chief Administrative Officer**
E-mail: ktucholski@nctd.org Phone: 760-966-6574

**NORTH COUNTY
TRANSIT DISTRICT**



Security Department Quarterly Report

For the Period
July 1, 2020 – September 30, 2020
(Q1 of FY2021)

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Quarter 1 FY2021 Security Performance Metrics

There was an increasing trend in Part 1 crimes for the quarter, from ten (10) to twelve (12) events on North County Transit District (NCTD) property. There was an increase in larceny/theft, from three (3) to five (5). There was a total of fourteen (14) assaults for the quarter; six (6) of the assaults were vehicle operator assaults and eight (8) were passenger vs. passenger assaults.

There is an increasing trend in crimes due to slowly growing ridership, but COVID-19 impacts still remain with overall ridership down approximately 60 percent. With that said, there has been an increase in complaints from customers and employees due to quality of life issues onboard revenue vehicles and at NCTD facilities. The complaints range from face covering compliance reports to more frequent interactions with loiterers and the homeless population.

The COVID-19 pandemic has negatively impacted the ability for the court system to process cases. COVID-19 has also impacted local police departments and the San Diego County Sheriff's Department enforcement activities by limiting the scope of criminal activities that would result in the arrest and detention of individuals. There has also been a reduction in social services that would be able to assist those in need of counseling or housing. NCTD has been working collaboratively and conducting outreach with law enforcement and local agencies to discuss and develop plans to foster safety and security at facilities and onboard revenue vehicles.

San Diego County Sheriff's Transit Enforcement Unit SPRINTER/ Bus Operations

The San Diego County Sheriff's (SDSO) Transit Enforcement Unit (TEU) completed its planned nine (9) week maximum enforcement operation during the months of July and August, specifically focusing on the SPRINTER and bus operations. The unit conducted fifteen (15) details in July, resulting in twenty-three (23) arrests and one-hundred and twenty-five (125) field interviews (FI); and fifteen (15) details in August, resulting in eighteen (18) arrests, one-hundred and twenty-four (124) field interviews (FI), and (1) one citation. The entire nine (9) week maximum enforcement operation resulted in thirty-seven (37) OT operations, fifty-four (54) arrests, three-hundred and twenty-four (324) field interviews (FI), and two (2) citations.

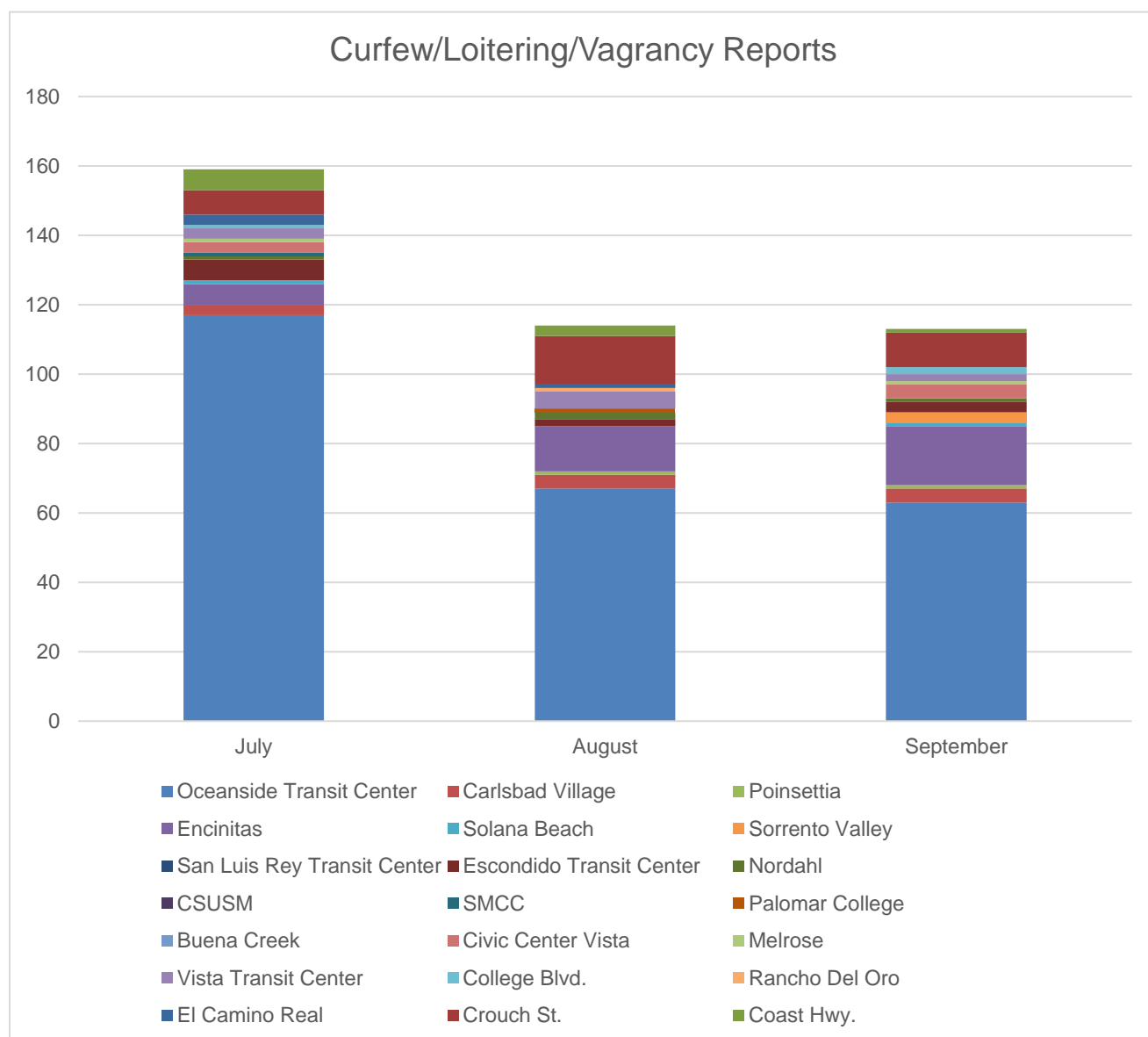


NCTD Curfew/Loitering/Vagrancy Reports

The following chart represents reported curfew/loitering/vagrancy incidents. These reports are received through the NCTD Monitoring Center, NCTD Operations Control Center, NCTD Customer Service, and contracted law enforcement agencies. FY21 Q1 tallied 508 reports of curfew/loitering/vagrancy, compared to the previous quarter at 267. There were 305 reports at the Oceanside Transit Center, accounting for 60% of the incidents. Much of this increase is attributed to the combination of warmer weather and the COVID-19 pandemic crisis, specifically considering a lack of resources for the public as social service agencies and the court system have closed their doors to assist in the public health effort to slow the spread of the virus.

NCTD staff is exploring alternative measures during the COVID-19 crisis to curb this activity and maintain a level of safety for customers and employees.

Table 1 - Curfew/Loitering/Vagrancy

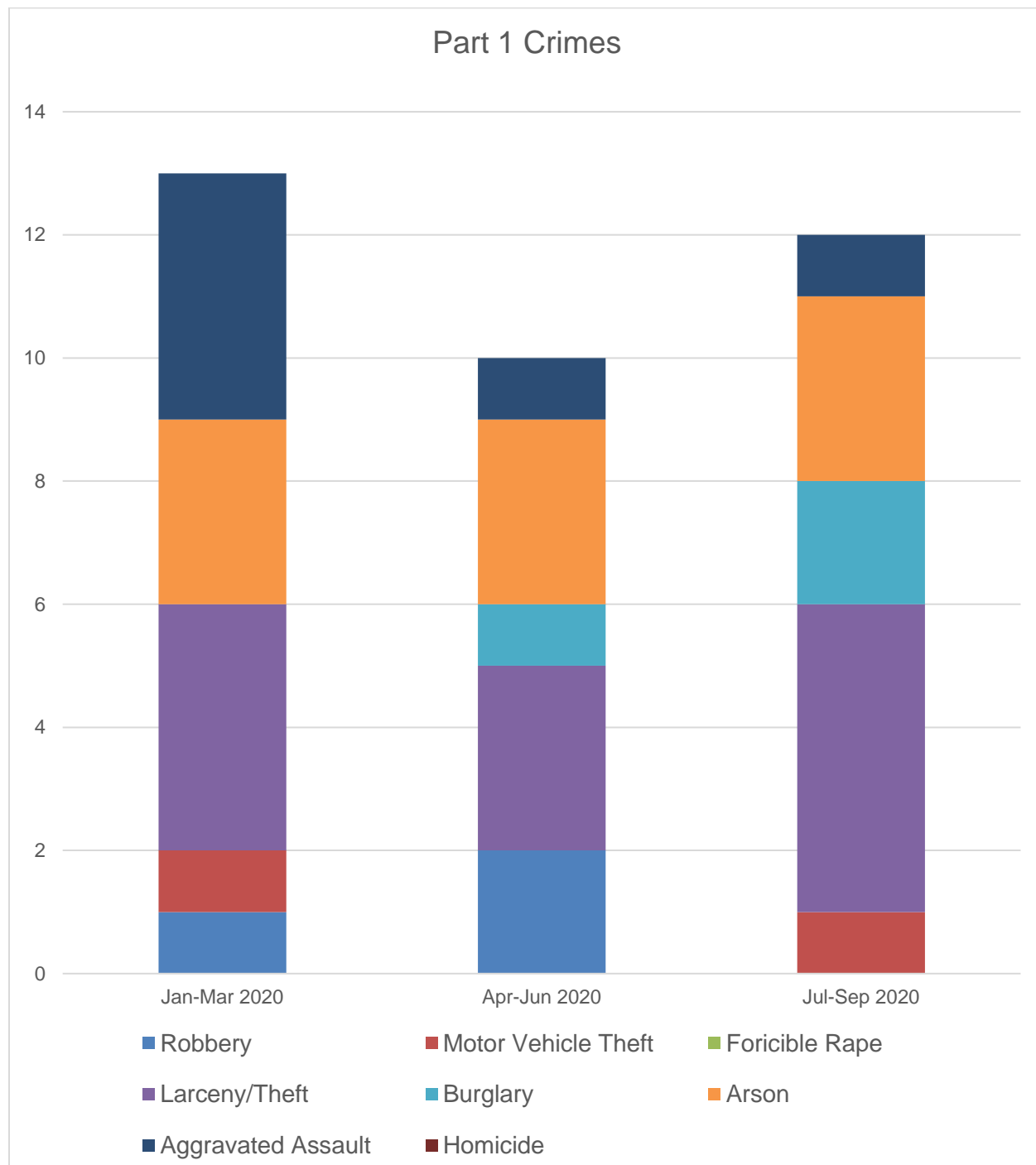


Part 1 Crimes

The following chart represents the eight (8) categories of major felony crimes (Part 1) reported to NCTD and its contracted law enforcement agencies occurring on NCTD property.

All local law enforcement agencies must report Part 1 crimes under the Federal Bureau of Investigation guidelines for Uniform Crime Reporting (UCR).

Table 2- Part 1 Crimes



Part 1 Crime Incidents of Note

- On July 31, 2020, a stabbing occurred inside the Oceanside Transit Center restrooms; suspect fled on foot. The Oceanside Police Department is investigating.
- On August 19, 2020, a SPRINTER Train Attendant was assaulted by 3 males on board a SPRINTER train. San Diego Sheriff's Office is actively working to identify the suspects.
- On September 3, 2020, a privately owned vehicle (POV) at the Oceanside Transit Center employee lot was lit on fire. The suspect was cited and released by Oceanside Police immediately after.

Law Enforcement Activities July - September 2020

The following chart represents a quarterly summary of arrests and/or citations issued for any crime, FIs, and other reports that required law enforcement action other than Part 1 crimes.

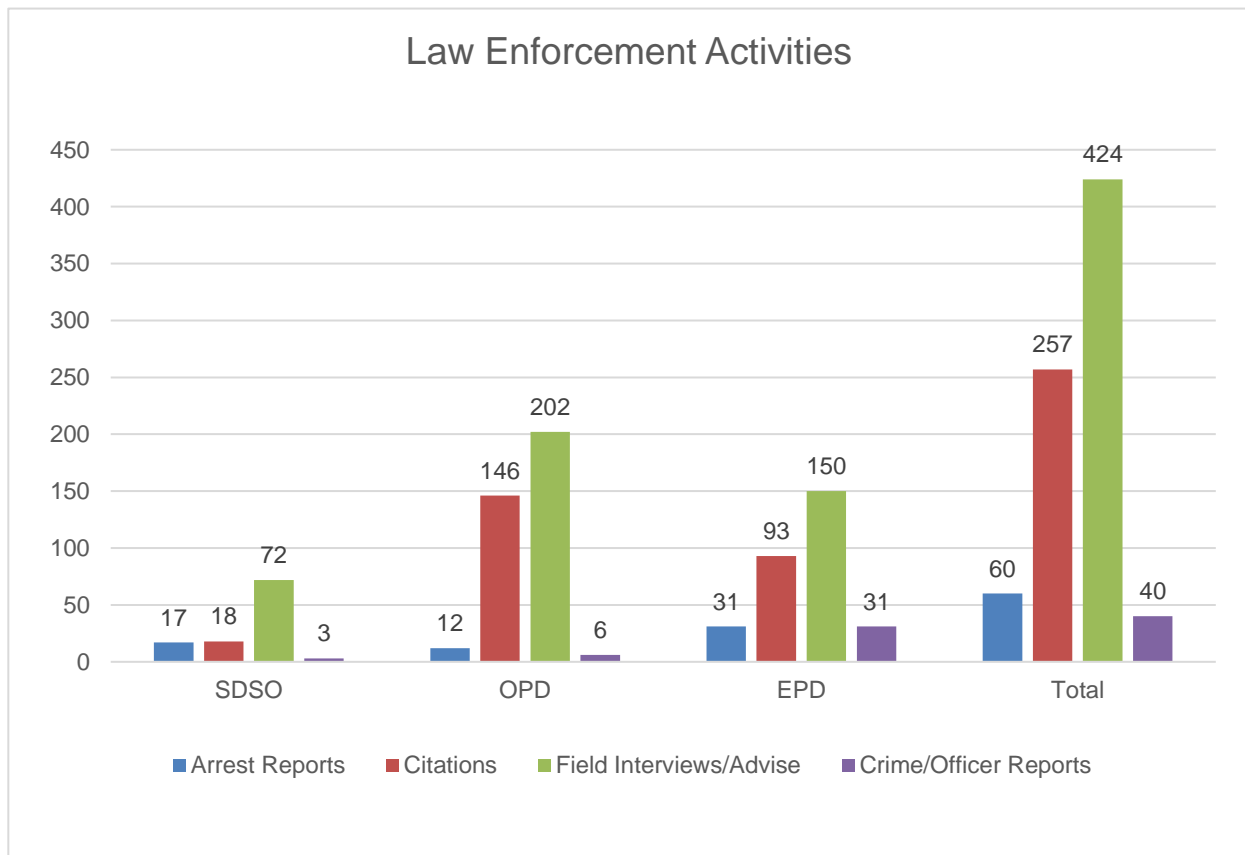
SDSO: San Diego Sherriff's Office

OPD: Oceanside Police Department

EPD: Escondido Police Department

	SDSO	OPD	EPD	Total
Arrest Reports	17	12	31	60
Citations	18	146	93	257
FIs/Advise	72	202	150	424
Crime/Officer Reports	3	6	31	40

Table 3 – Law Enforcement Activities



Assaults

The following chart represents assaults that occur on NCTD property, either against vehicle operators or against patrons. The vehicle operator assaults include a passenger swinging a purse at a SPRINTER train attendant and a passenger touching a SPRINTER train attendant, both of which were passed to NCTD contracted law enforcement for additional investigation. Other assault incidents are reported to either NCTD contracted law enforcement or local law enforcement, as applicable, for additional investigation. Future events will be mitigated through timely, proactive reporting and de-escalation techniques that are discussed in contractor and NCTD training.

Table 4 – Vehicle Operator Assaults

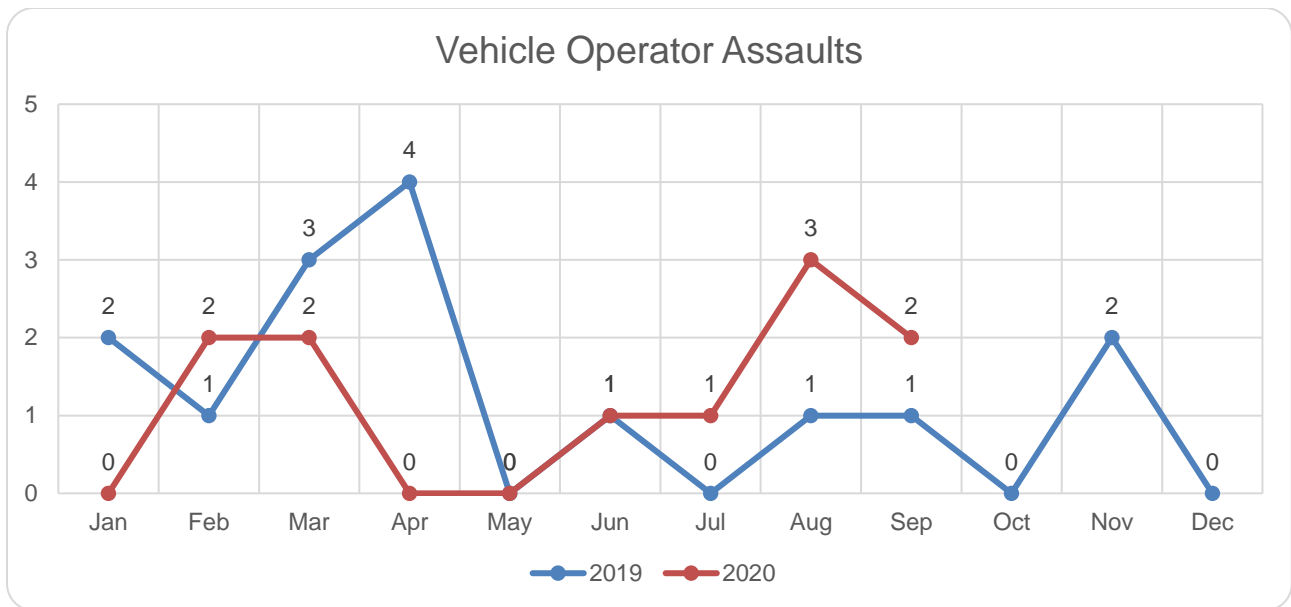
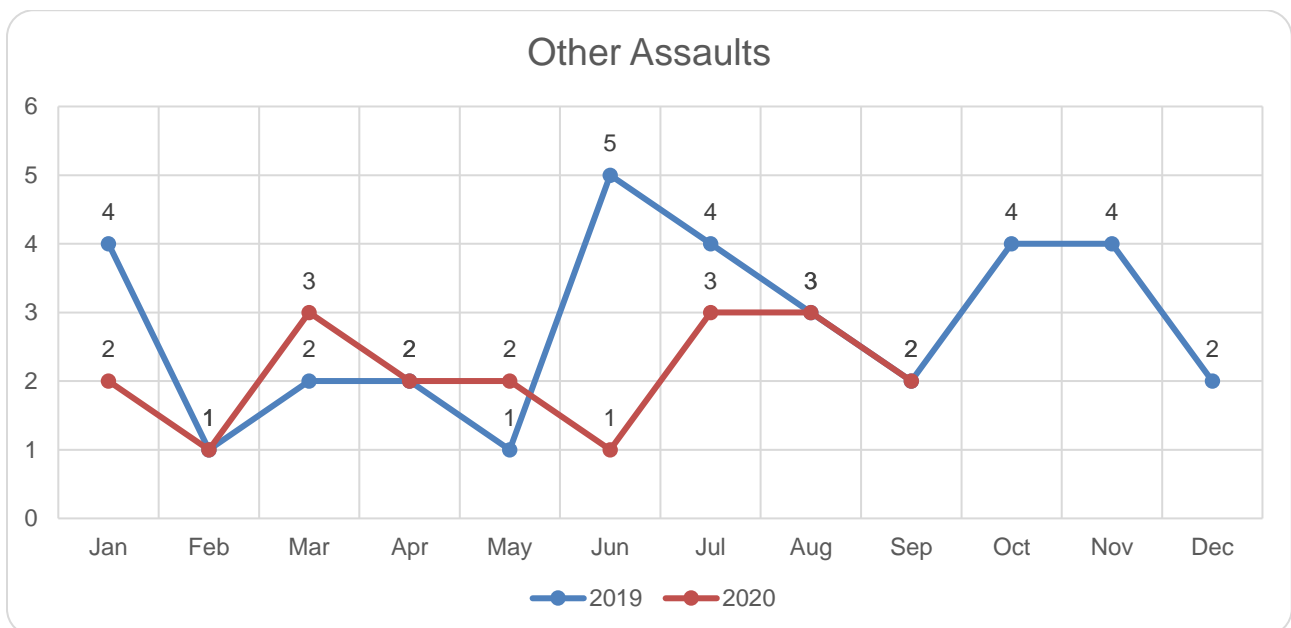


Table 5 – Other Assaults

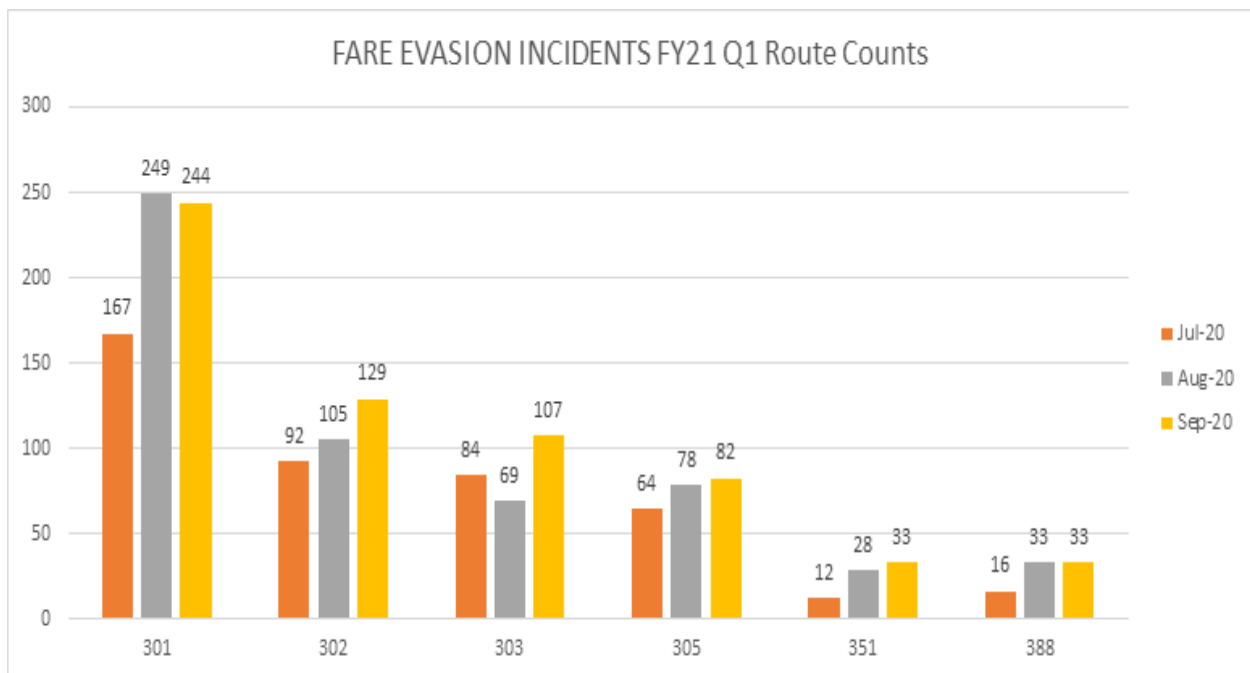


Fare Enforcement

Fare enforcement is performed on the bus modes primarily through validation by the coach operators as well as NCTD contracted law enforcement. NCTD’s Bus Operations Division provides monthly Fare Evasion reports which detail where fare disputes and/or fare evasions occur. These reports are sent to NCTD’s contracted law enforcement and provide focused time and locations to validate fare and reduce impacts of fare evasion. The following chart provides information regarding short pays that NCTD is monitoring to ensure operators make a good faith effort to fully collect fares and to identify routes and customers who consistently fail to pay the full fare.

The Customer Service Department will continue to work with both operating contractors to develop methods to properly and efficiently check for fare and gain compliance. Among these efforts is the long-term implementation of an Administrative Citation Program combined with training and certification of Train Crew members on both rail lines to issue warnings and citations consistent with California penal codes to reinforce and encourage customers to present valid fare. Similarly, customer service techniques for operators of all modes will be a continued focus in order to create a positive experience that invites public participation in transit, including the necessity of valid fare.

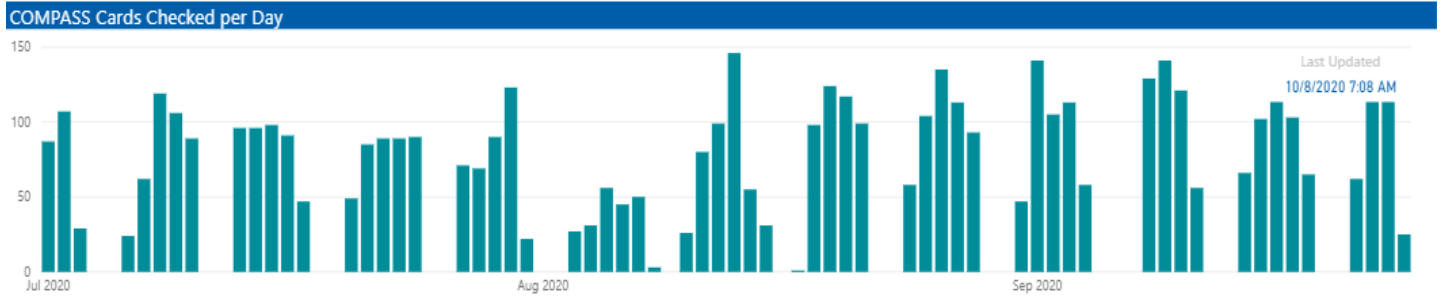
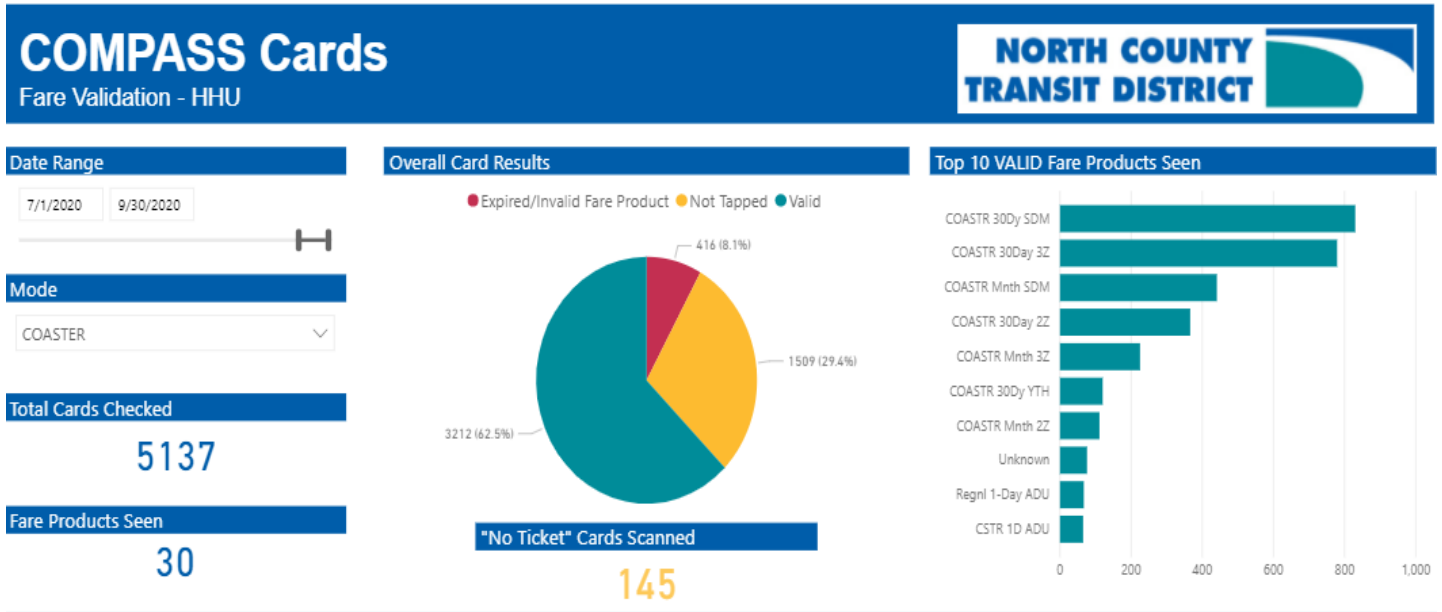
Table 6 – Bus Fare Evasion



For COASTER and SPRINTER, fare enforcement is performed by train crews. Similar to the bus modes, fare evasion reports are forwarded to NCTD’s contracted law enforcement personnel for additional investigation and fare enforcement activities.

The following chart represents fare validation with Hand-Held units (HHUs) on COMPASS Cards for all NCTD modes.

Table 7 – SPRINTER/COATER Fare Validation





STAFF REPORT

RECEIVE THE QUARTERLY INVESTMENT REPORT FOR THE FIRST QUARTER OF FY2021

Time Sensitive: Consent:

**STAFF
RECOMMENDATION:**

Receive the Quarterly Investment Report (unaudited) for the First Quarter of FY2021 (July 2020 through September 2020).

**BACKGROUND
INFORMATION:**

Pursuant to the North County Transit District's (NCTD) Board Policy No. 9 - Investment Policy (Board Policy No. 9), the Chief Financial Officer, acting as NCTD's Treasurer, submits a Quarterly Investment Report to the Board. The Quarterly Investment Report provides unaudited information on investment portfolio performance, and includes a listing of the current investment portfolio, the compliance or non-compliance of the investments with the investment policy, and the ability of the investment portfolio to provide the necessary liquidity to meet the expenditure requirements of NCTD for the next six (6) months.

Cash and Investments	Book Value	Market Value	Annual Yield
State of California Local Agency Investment Fund (LAIF)	\$46,775,611	\$46,775,611	0.85%
County of San Diego Investment Pool	\$20,007,196	\$20,007,196	1.34%
JPMorgan Chase Checking	\$8,805,248	\$8,805,248	0.06%
Total Cash and Investments	\$75,588,055	\$75,588,055	0.87%

The LAIF and County of San Diego investments are liquid, and funds may be accessed for immediate needs. As required by Board Policy No. 9, the Chief Financial Officer, as Treasurer, certifies that the investment portfolio is in compliance with NCTD's Board of Directors' investment policy. The Treasurer also certifies that the investment portfolio provides necessary liquidity to meet NCTD's expenditures for the next six (6) months, provided that grant-funding authorities continue to disburse funds to NCTD on a timely basis.

The variance between cash and investments per this report and the Statement of Financial Position amount as of September 30, 2020 for Cash and Investments, is related to cash held in ticket vending machines, petty cash, cash in transit held by armored services, and cash managed by third parties for payment of workers' compensation claims. The table below summarizes the balance of cash and investments and annual investment yield on September 2020, compared to September 30, 2019.

	9/30/2020	9/30/2019	Change%
Cash and Investments	\$75,588,055	\$75,495,599	0.12%
Annual Investment Yield	0.87%	2.17%	-59.91%

ATTACHMENT: None

GOAL/STRATEGIC DIRECTION: Accountability and Performance Management

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

STAFF CONTACT: **Eun Park-Lynch, Chief Financial Officer**
E-mail: eparklynch@nctd.org Phone: 760-967-2858

STAFF REPORT

RECEIVE THE QUARTERLY REPORT ON THE STATUS OF BUSINESS INITIATIVES FOR THE FIRST QUARTER OF FY2021

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Receive an update on the status of FY2021 business initiatives for the first quarter of FY2021 (July 2020 – September 2020).

**BACKGROUND
INFORMATION:**

The North County Transit District (NCTD, District) seeks to align strategic areas of focus with key business initiatives and activities that have been identified by staff, the Board of Directors, customers, and other key stakeholders on an annual basis. This is a critical activity to ensure that budget, personnel and business activities are aligned to support the strategic direction of the District. Below are the strategic areas of focus within which the business initiatives are developed:

- **Enhance Safety and Security:** activities that focus on improving system safety and security.
- **Improve Community Partnerships:** collaborative public and/or private partnerships that support NCTD’s goals. A key outcome of this strategic direction includes generating new revenues or sharing of costs and benefits.
- **Enhance Customer Service, Improve Service Quality, and Increase Ridership:** activities that support increasing transit ridership, improve the riding experience of customers, and increase communication with customers.
- **Improve Financial Health:** activities that result in cost savings, generation of new revenues, or that support long-term financial sustainability.
- **Foster Human Resource and Organizational Development:** activities that support workforce development and/or that positively impact the organizational culture.
- **Strategically Focus Intergovernmental and Legislative Relations:** activities related to local, state, and federal governmental relations that support the achievement of NCTD’s goals.
- **Successfully Implement Projects:** activities that support on-time and on-budget delivery of the capital (including planning studies) improvement projects.
- **Asset Management and State of Good Repair:** Activities that support the effective management of assets to include the maintenance and replacement of assets in accordance with NCTD Transit Asset Management Plan Requirements.
- **Legal, Regulatory and Policy Compliance:** Activities that support compliance with legal, regulatory, and policy requirements.
- **Accountability and Performance Management:** Activities that support transparency and accountability in the reporting of key performance indicators.

The attached staff report provides Board members with an update on the status of FY2021 business initiatives for the first quarter of FY2021 (July 2020 – September 2020).

ATTACHMENT: 9A – Business Initiatives Report Q1FY2021

GOAL/STRATEGIC DIRECTION: Accountability and Performance Management

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

STAFF CONTACT: **Karen L. Tucholski, Chief Administrative Officer**
E-mail: ktucholski@nctd.org Phone: 760-966-6574

**NORTH COUNTY
TRANSIT DISTRICT**



Business Initiatives Quarterly Report

For the Period
July 1, 2020 – September 30, 2020
(Q1 of FY2021)

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Strategic Areas of Focus

Each year, North County Transit District (NCTD, District) staff, its Board of Directors, customers, and key stakeholders identify key business activities and initiatives for the District. NCTD seeks to align its strategic areas of focus within these identified initiatives to ensure that budget, personnel, and business activities support the strategic direction and goals of the District. Below are the strategic areas of focus within which the business initiatives are developed:

- **Enhance Safety and Security:** activities that focus on improving system safety and security.
- **Improve Community Partnerships:** collaborative public and/or private partnerships that support NCTD goals. A key outcome of this strategic direction includes generating new revenues or sharing of costs and benefits.
- **Enhance Customer Service, Improve Service Quality, and Increase Ridership:** activities that support increasing transit ridership, improve the riding experience of customers, and increase communication with customers.
- **Improve Financial Health:** activities that result in cost savings, generation of new revenues, or that support long-term financial sustainability.
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- **Strategically Focus Intergovernmental and Legislative Relations:** activities related to local, state, and federal governmental relations that support the achievement of NCTD goals.
- **Successfully Implement Projects:** activities that support on-time and on-budget delivery of the capital (including planning studies) improvement projects.
- **Asset Management and State of Good Repair:** Activities that support the effective management of assets to include the maintenance and replacement of assets in accordance with NCTD Transit Asset Management Plan Requirements.
- **Legal, Regulatory and Policy Compliance:** Activities that support compliance with legal, regulatory, and policy requirements.
- **Accountability and Performance Management:** Activities that support transparency and accountability in the reporting of key performance indicators.

The following information details the FY2021 Business Initiatives and provides a status update on progress through the first quarter of the fiscal year (July 1, 2020 – September 30, 2020).

FY2021 Business Initiatives

Community Partnerships (CP):

CP 1: Solana Beach Transit-Oriented Development Project:

This business initiative supports a joint development project at the Solana Beach COASTER Station. NCTD staff will continue to support and collaborate with the City of Solana Beach to draft a Memorandum of Understanding (MOU) to advance this goal. The MOU would support a long-term lease and allow the City of Solana Beach to assume the lead role and responsibility for advancing development. NCTD will explore alternatives to support development at the Solana Beach COASTER Station if an agreement is not executed in FY 2021.

Responsible Division: Development Services Division

FY2021 Q1 Status Update: Staff continues to actively negotiate with the City of Solana Beach.

CP 2: Oceanside Transit Center Transit-Oriented Development Project:

This business initiative supports the advancement of the Request for Proposals (RFP) for a transit-oriented development project at the Oceanside Transit Center (OTC). The OTC redevelopment includes generating a revenue source for the District through ground lease payments that will accommodate transit operations, serve as NCTD's General Administration Office (GAO), and increase activation of downtown Oceanside. NCTD issued the Oceanside Transit Center (OTC) Development Request for Proposals (RFP) in January 2020. This business initiative supports negotiations with a selected developer, which is anticipated to commence in the second quarter of FY2021 and will include the development of a construction timeline. Concurrently, NCTD staff is validating previously developed GAO building requirements for issuance to the selected developer.

Responsible Division: Development Services Division

FY2021 Q1 Status Update: At the September 17, 2020 Board Meeting, the NCTD Board of Directors approved the OTC Redevelopment Source Selection Committee's recommendation to enter into an Exclusive Negotiation Agreement (ENA) with Toll Brothers, Inc. The ENA was finalized and fully executed on October 2, 2020. Staff has commenced meetings and negotiations with Toll Brothers in accordance with the terms of the ENA.



CP 3: SPRINTER Parking Lot Redevelopment Assessment

This business initiative supports the assessment of NCTD-owned parking lots located along the SPRINTER corridor in order to identify redevelopment potential. NCTD and its consultant team will coordinate with stakeholders to identify opportunities that are consistent with local goals and applicable to NCTD policies, the work to prioritize these opportunity scenarios and develop and implementation strategy. NCTD intends to issue a task order to its on-call real estate consultant by the beginning of FY 2021, and the assessment is scheduled to be complete by the end of FY2021.

Responsible Division: Development Services Division

FY2021 Q1 Status Update: A task order was issued to NCTD’s on-call real estate consultant in June 2020, following Board approval the same month. Task 1 – Potential Parking Lot Reuse Opportunities and Scenarios was delivered to NCTD staff in October and is currently under review. Task 2 – Prioritization Strategies and Implementation Strategies is anticipated in November.

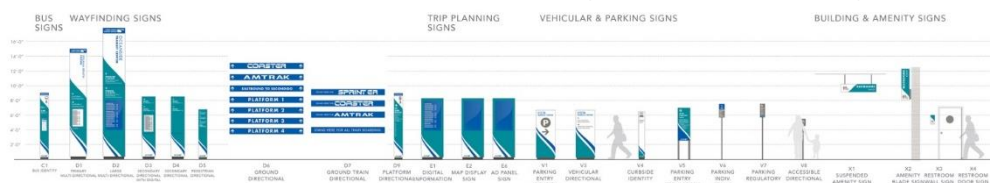
Customer Service, Marketing and Ridership Development (CSMRD):

CSMRD 1: Implement Customer Wayfinding Program:

This business plan initiative supports the development and implementation of a comprehensive and cohesive customer wayfinding program at transit stops, centers, and stations throughout the service area to improve the ease of using NCTD transit services. A contract was awarded to the selected vendor at the April 2018 meeting of the Board of Directors to develop the wayfinding plan and biddable specifications and support the procurement of a vendor for implementation. The comprehensive plan was completed at the beginning of FY2020. NCTD staff developed a phased implementation approach that prioritized program implementation to address all bus stop signage in the service as well as COASTER and SPRINTER electronic platform signage. The agreements for installation of both bus stop signage and electronic platform signage is anticipated to be awarded in early FY 2021. NCTD staff will continue to seek discretionary grant funding for the remainder of the program.

Responsible Division: Development Services Division

FY2021 Q1 Status Update: Staff completed the bid package for horizontal electronic signage for COASTER and SPRINTER platforms. The Invitation for Bid (IFB) has been put on a temporary hold while NCTD participates in a digital signage pilot program with Cal ITS. This pilot will test different vendor’s interaction with General Transit Feed Specifications Real time updates. The IFB will be issued upon completion of the pilot program, and prior to issuance will be revised to incorporate any changes identified during the pilot program.



CSMRD 2: Develop a Strategic Multimodal Transit Implementation Plan:

This business plan initiative supports the completion of the Strategic Multimodal Transit Implementation Plan (SMTIP). The SMTIP is a comprehensive analysis of NCTD's transit services, including data collection from users and non-users to support improved ridership and customer revenue. This study will look at enhanced bus and rail integration to provide a more seamless rider experience, as well as potential future mobility markets and service opportunities. A contract was awarded to the selected vendor at the March 2019 Board meeting, and the project was kicked-off in May 2019. The final plan, which will include service and capital recommendations across a 10-year timeframe, is expected to be presented to the Board in early 2021.

Responsible Division: Planning, Strategy and Innovation

FY2021 Q1 Status Update: In Q1 FY2021, the project team analyzed the results of the social media survey that was active in June 2020. These results informed the draft Service and Capital Plan, which was provided to NCTD for review. The Service and Capital Plan will directly inform the draft and final plan that will be presented to NCTD staff in Q2 of FY2021. The project will present the final plan and recommendations to the NCTD Board of Directors in Early 2021. Additional work associated with the project will include an update to NCTD's performance standards, a FLEX microtransit operating plan, and additional customer surveys to maintain accurate and relevant customer information. These activities will occur throughout FY2021.

CSMRD 3: Implement Mobility Hub Pilot Programs:

In January 2019, NCTD and SANDAG initiated project planning for a series of pilot programs within NCTD's service area. These programs include coordination with the City of Carlsbad on an on-demand rideshare service out of the Carlsbad Poinsettia COASTER Station. The Carlsbad Connector service was launched in August 2019 and the stakeholders approved an additional year of pilot service in April and May of 2020. Additionally, this business initiative supports the coordination with Cal State University-San Marcos and the City of Can Marcos on expanding the Carlsbad Connector service into San Marcos. This business plan initiative supports the continued planning and implementation of these pilot programs in FY2021.

Responsible Division: Planning, Strategy and Innovation

FY2021 Q1 Status Update: The pilot program concluded on July 31, 2020. NCTD intends to relaunch and rebrand the service under its FLEX model in alignment with planned expansion of FLEX microtransit services within NCTD's service area. NCTD is in the process of procuring the vehicles and microtransit software in order to relaunch this service. Award of a microtransit software contract is expected to be complete by the end of Q3 FY2021.



Asset Management and State of Good Repair (AMSGR):

MSGR 1: Capital Planning Support and Project Management Software Utilization:

This business initiative supports several capital planning efforts through FY2021 to improve the development of NCTD's Capital Improvement Program and aid in more accurate long-term planning. The District has procured a consultant to conduct a review of NCTD's existing program delivery processes and procedures to develop an implementation strategy for streamlined capital planning. Staff issued a task order for the services in FY2019. In FY2020, the consultant team developed tools to assist the District in short and long-term financial planning based on NCTD's state of good repair needs, as well as the defined capital project prioritization criteria. Additionally, the consultant is revising NCTD's Project Delivery Manual and all relevant training material.

NCTD has also secured consultant services to improve the District's project management software in order to facilitate increased utilization. The improvements will enable the District to gather the necessary project information to build a robust capital program and consistently report on the state of the District's capital projects. Once improvements are made to the project management software, NCTD will be conducting a clean-up of the current data and working with project managers to ensure all capital project information is captured in the system appropriately.

Responsible Division: Finance and Information Technology

FY2021 Q1 Status Update: The business initiatives to support the development of NCTD's CIP include the implementation of an Enterprise Asset Management Software (EAMS), enhancements to the project management software, and revisions to NCTD's Project Delivery Manual. The EAMS will provide information on NCTD's physical assets and infrastructure throughout their entire lifecycle, from procurement through operation, maintenance, disposal, and replacement.

NCTD secured consultant services to improve the District's project management software in order to facilitate increased utilization. The first task order was completed in October 2020, which included simplification of project schedules, reporting on future funding requests, and the incorporation of procurement projects. In the next quarter, NCTD will develop the scope of work for a second task order that will include additional enhancements and reporting. In addition, NCTD engaged a consultant that will revise the Project Delivery Manual upon completion of the enhancements to the project management software. The scope of work and the independent cost estimate for the EAMS have been finalized by the consultant based on NCTD's last set of changes. Funding for the EAMS will be programmed for Fiscal Year 2022; as soon as funding is secured, NCTD will initiate the procurement process.

MSGR2: Advance State of Good Repair Fleet Replacement Needs

This initiative supports the procurement of locomotives and transit buses to promote state of good repair of NCTD's fleet. In FY2021, NCTD will advance or continue significant procurements that will replace vehicles that have met or exceeded their useful life benchmark. This includes the delivery of Tier 4 COASTER locomotives and the procurement of compressed natural gas buses.

Responsible Division: Finance

FY2021 Q1 Status Update: In October 2015, the North County Transit District's Board of Directors (Board) awarded an agreement to New Flyer Industries (New Flyer) to support the purchase of vehicles over a five-year contract term with an initial purchase of 26 buses. Since then, NCTD's Board authorized the purchase of an additional 20 buses in April 2020 and 37 buses in June 2020. With the delivery of these new buses, the average age of NCTD's BREEZE fleet will be reduced from 11 years old to 4.6 years old.

NCTD currently operates a fleet of seven locomotives on the San Diego Subdivision to support COASTER operations. In June 2018, the Board awarded a contract to Siemens Mobility, Inc., for the purchase of five SC-44 Charger Locomotives to replace the existing five F40 locomotives. In March 2020, the Board authorized the purchase of two additional locomotives funded by SANDAG, for the implementation of expanded COASTER services. And finally, in September 2020, the Board authorized the purchase of the final two locomotives that will replace the remaining F-59 locomotives. The Siemens Chargers are among the nation's cleanest passenger locomotives and are the first high-speed passenger locomotive to receive Tier 4 emissions certification from the US Environmental Protection Agency (EPA). With the environmentally friendly Cummins-built diesel engine, the locomotives reduce emissions by nearly 90% compared to the Tier 0 F-40 locomotives currently being used by NCTD.

Financial Management and Health (FH):

FH 1: Positive Train Control Maintenance and Cost Containment:

This initiative supports the ongoing operations and maintenance of Positive Train Control (PTC) with a focus on identifying increased efficiencies and cost containment strategies. PTC is a technology that can prevent train-to-train collisions, derailments due to excessive speeds, and casualties or injuries to roadway workers. NCTD has achieved full implementation of the federal mandated PTC safety system for 58.5 miles of track it controls within the San Diego County portion of the Los Angeles-San Diego-San Luis Obispo Rail Corridor (LOSSAN). In FY2021, NCTD will continue its efforts to effectively manage PTC and the costs associated with this operating expense.

Responsible Division: Information Technology

FY2021 Q1 Status Update: NCTD continues to work on new contracts and amendments to contain costs related to ongoing PTC operations and maintenance. The contract to consolidate all of the Wabtec services under a single agreement with NCTD is scheduled for Board review in Q2 FY2021.

Intergovernmental and Legislative Relations (ILR):

ILR 1: Successfully Execute Legislative Agenda:

The NCTD Board adopted the 2020 Calendar Year Legislative Agenda at the February 2020 Board Meeting. NCTD staff will work to successfully execute the goals included in the plan for FY2021.

Responsible Division: Planning, Strategy, and Innovation; General Counsel

FY2021 Q1 Status Update: In FY2020, SANDAG developed a Los-Angeles-San Diego-San Luis Obispo (LOSSAN) San Diego Regional Rail Corridor Working Group. NCTD continues to coordinate with SANDAG and elected officials as part of this working group to identify funding for stabilization of the Del Mar Bluffs. NCTD staff has regularly participated in strategy calls to identify funding for the Del Mar Bluffs and provide updated information to key stakeholders on the stabilization efforts.

ILR 2: Execute Discretionary Grants Strategy:

The NCTD Board adopted the Discretionary Grants Strategy at the February 2020 Board meeting. NCTD staff will work to execute this strategy, ensuring the continuous improvement of the strategy as funding programs evolve or additional sources become available. NCTD will actively prioritize seeking funding for the identified list of NCTD project priorities and LOSSAN Corridor project priorities.

Responsible Division: Strategy, Planning and Innovation

FY2021 Q1 Status Update: NCTD continues to regularly pursue competitive grant opportunities. In Q1 of FY2021, SANDAG submitted an application to the state's Trade Corridor Enhancement Program. This funding request represents over \$200 million in

investments along the LOSSAN corridor that will significantly expand freight and passenger rail services. Projects include Del Mar Bluffs Phase 5, Convention Center Station, San Dieguito Double Track Phase I, and San Onofre to Pulgas Double Track. NCTD will be notified in mid-November 2020 on the success of this application.

Successfully Implement Projects (SIP):

SIP 1: Next Generation Fare System:

This business initiative supports the planning and development of an implementation plan for the Next Generation Fare System. In mid-FY2019, the San Diego Metropolitan Transit System (MTS) awarded an agreement for a new account-based fare system. This business initiative supports on-going discussions with NCTD and MTS to conduct parallel processes in implementation. NCTD awarded contracts to INIT for the field equipment and software associated with the Next General Regional Fare Collection System in the third and fourth quarters of FY2020. Implementation is expected to be completed by mid-FY2022.

Responsible Division: Information Technology

FY2021 Q1 Status Update: Most of the work completed in this quarter was for the functionality of the field equipment. Throughout July and August, the Final Designs were reviewed, while test scripts were being compiled for the Functional Unit Testing (FUT). This testing was completed at the end of August. At the end of August, a task order was issued to an NCTD's IT consultant to write and comprehensive scope of work (SOW) and complete an independent cost estimate (ICE) for the purchase of new fareboxes for the bus fleet. After several collaboration meetings this work was completed on time at the end of September.

Security and Safety (SS):

SS 1: Implement Parking Management Program:

This business initiative supports the development of a parking management program. NCTD staff will work toward developing a citation program and updating NCTD ordinances to promote parking enforcement. To support this, NCTD will procure a consultant to complete a study on Parking Management at Oceanside Transit Center. In min-FY2020, four vendors were awarded towing contracts and they were fully executed in December 2019. New signage for towing enforcement has been designed and installed on all COASTER station parking lots. SPRINTER parking lots are currently being assessed for signage requirements. The Administrative Citation Program is scheduled to be posted for bidders in early FY2021.

Responsible Division: Administration; Development Services

FY2021 Q1 Status Update: Regarding the towing contracts which had been awarded in FY 2020, new signage for towing enforcement has been installed at all SPRINTER parking lots and is now in place at all locations on both rail lines. Implementation of towing has commenced in coordination with NCTD's law enforcement partners. Regarding the agreement for parking and administrative citation processing services the Request for Proposals was posted ahead of schedule in May 2020 (Q4 FY2020). The

solicitation closed in June 2020 and four responsive proposals were received and evaluated by NCTD staff. The proposed agreement is scheduled for Board review on the November 2020 agenda. In calendar year 2021, NCTD will be implementing the new regional fare system, as well as completing plans for gating at select SPRINTER stations. The parking and administrative citation processing and collections services will complement these initiatives as it will support parking management and fare enforcement. Based upon the current operational impacts associated with COVID-19, NCTD anticipates commencing these services during FY2022. Information regarding the formal implementation plan will be shared with the Board and the public when it is available, and well in advance of initiation.

Accountability and Performance Management (APM):

APM 1: Implement Performance Dashboard:

NCTD will continue to develop a performance dashboard to better streamline internal data management and create a publicly available tool on NCTD's updated website. The dashboard will include key performance metrics such as ridership, revenue, and on-time performance. NCTD staff are working to streamline the database and develop user-friendly and visually appealing dashboards through an iterative process. NCTD staff plan to implement the dashboard through internal and external phases throughout FY2021.

Responsible Division: Information Technology

FY2021 Q1 Status Update: Several internal dashboards were created during Q1 FY2021, mainly focusing on Positive Train Controls performance. The public facing dashboard is in its final phase of visual design and data validation.

APM 2: Conduct Public Benefits Study:

NCTD will conduct a study to analyze and document the public benefits associated with NCTD's operations and services. These quantifiable benefits will be made available to key stakeholders to support the achievement of positive outcomes related to policy, operational, and competitive funding requests. A contract was awarded to the selected vendor at the March 2019 Board meeting, and the project was kicked off in May 2019. Staff anticipates this study to be completed by the end of FY2020 and presented to the Board in FY2021. After completion of the study, NCTD staff will develop a dashboard for visualization of the study's results to be housed on NCTD's website.

Responsible Division: Planning, Strategy, and Innovation

FY2021 Q1 Status Update: The project team is updating the Public Benefits Study model to include Amtrak Pacific Surfliner benefit data. This report is anticipated to be completed in December 2020.

Legal, Regulatory, and Policy Compliance (LRPC):

LRPC 1: Conduct Zero Emission Bus Infrastructure Planning Project Study Reports:

NCTD staff and its selected consultant will conduct a series of infrastructure planning studies in order to identify required modifications to the BREEZE Operations Bus Maintenance Facilities in Escondido (East Division), Escondido Transit Center (ETC), and the BREEZE Operations Bus Maintenance Facility in Oceanside (West Division) to support compliance with the California Air Resources Board’s Innovative Clean Transit Regulation. The needs assessment phase has been completed and a draft Facilities and Maintenance Equipment Requirements Report was delivered to NCTD in November 2019. Master plans, project study reports (PSR), and infrastructure design for an initial zero-emission bus (ZEB) pilot of six (6) battery electric buses (BEB) will be completed by December 2021. Infrastructure construction for the six pilot BEBs will be completed by December 2021. Additionally, a design-build project for the infrastructure to support a second pilot of eight (8) hydrogen fuel cell electric (FCEB) buses is anticipated to be awarded by the end of FY2021.

Responsible Divisions:

Development Services; Bus Operations

FY2021 Q1 Status Update:

On September 4, NCTD staff received approval of the rollout plan from CARB, whereby CARB agreed that the plan meets all requirements contained in of the Innovative Clean Transit (ICT) regulation. The Board approved the purchase of the six (6) BEB from the California State Contract with New Flyer at its regular meeting in July 2020. NCTD staff are finalizing the Scope of Work (SOW) and anticipate placing the order by the end of December 2020. The buses are scheduled to arrive between July and September of 2021.





STAFF REPORT

**AWARD AGREEMENT NO. 21016 TO DATA TICKET, INC. FOR
PARKING AND ADMINISTRATIVE CITATION PROCESSING AND
COLLECTION SERVICES**

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Award Agreement No. 21016 to Data Ticket, Inc. to provide Parking and Administrative Citation Processing and Collection Services, for a period of five (5) years in an amount not-to-exceed \$468,345.

**BACKGROUND
INFORMATION:**

The North County Transit District (NCTD) operates comprehensive public transit services which are supported by customer and operations/maintenance facilities. NCTD's Board of Directors (Board) has approved policies, procedures, and ordinances which govern the use of NCTD services and access to NCTD facilities and infrastructure. To support enforcement of NCTD policies, procedures, and ordinances, and help provide a safe and secure environment for our riders and the public, NCTD will be implementing a parking and administrative citation processing and collection services program. In calendar year 2021, NCTD will be implementing the new regional fare system, as well as completing plans for gating at select SPRINTER stations. The parking and administrative citation processing and collections services will complement these initiatives as it will support parking management and fare enforcement. Based upon the current operational impacts associated with COVID-19, NCTD anticipates commencing these services during FY2022. Information regarding the formal implementation plan will be shared with the public when it is available, and well in advance of initiation.

On May 7, 2020, NCTD issued Request for Proposals (RFP) No. 29179 for Parking and Administrative Citation Processing and Collection Services. Notices were published in two (2) newspapers of general circulation and posted on Planetbids. The solicitation closed on June 16, 2020, with four (4) proposals being received by the deadline. All four (4) proposals were deemed responsive and responsible, and evaluated by the Source Selection Committee (SSC) in accordance with the following selection criteria:

- Qualifications and Experience
- Current Performance (References)
- Draft Program Implementation Plan
- Cost Proposal

A Best and Final Offer was requested on September 25, 2020, which resulted in an overall reduction in the cost proposal and resultant cost savings of \$12,500 from the original proposal. The SSC determined that Data Ticket, Inc. (Data Ticket) is the proposer offering the best overall value to the District. Data Ticket has been in business for 31 years providing processing services for both parking citations and expanded to administrative citations. They have 54 staff and 400 clients nationwide, including numerous clients in California. Under the terms of the proposed agreement, Data Ticket will provide services which include the following:

- Handheld citation issuing devices and associated software
- Citation processing and reconciliation
- Administrative review process
- Payment and correspondence processing
- Customer service and support

Staff recommends that the Board award Agreement No. 21016 to Data Ticket, Inc. to provide Parking and Administrative Citation Processing and Collection Services, for a period of five (5) years in an amount not-to-exceed \$468,345.

ATTACHMENT: None

GOAL/STRATEGIC DIRECTION: Legal, Regulatory and Policy Compliance

FISCAL IMPACT: The fiscal impact of this action is not-to-exceed \$468,345. There is no fiscal impact for FY2021 since services will not commence until FY2022. Future years costs will be budgeted accordingly during the annual operating budget process.

COMMITTEE REVIEW: None

STAFF CONTACT: **Karen L. Tucholski, Chief Administrative Officer**
E-mail: ktucholski@nctd.org Phone: 760-966-6574



STAFF REPORT

**RECEIVE THE ANNUAL REPORT FROM BOMBARDIER
TRANSPORTATION (HOLDINGS) USA, INC. REGARDING FY2020
PERFORMANCE**

Time Sensitive: Consent:

**STAFF
RECOMMENDATION:**

Receive the annual report from Bombardier Transportation (Holdings) USA, Inc. (Bombardier) regarding its performance as specified in Agreement Nos. 16043 and 16044 for COASTER and SPRINTER operations, maintenance and capital program delivery for FY2020.

**BACKGROUND
INFORMATION:**

Bombardier was awarded Agreement No. 16043 on December 15, 2015 and assumed revenue operations on June 11, 2016. The scope of work includes the operations and maintenance activities associated with COASTER and SPRINTER transit services. In addition, Bombardier was awarded Agreement No. 16044 on December 15, 2015 (Agenda Item No. 11). This agreement covers capital program delivery for COASTER and SPRINTER. Agreement No. 16043 establishes the following key contractual performance metrics:

Performance Metric	Contract Performance Standard	FY2020 Performance
COASTER On-Time Performance	95%	93%
SPRINTER On-Time Performance	98%	98%
COASTER Mean Distance Between Failure (in miles)*	38,000	76,673
SPRINTER Mean Distance Between Failure (in miles)*	50,000	20,785
COASTER Customer Complaints	7/100k Boardings	6.88/100k
SPRINTER Customer Complaints	5/100k Boardings	3.14/100k
Monthly Signal Reliability Delays	90 minutes	205 minutes
Monthly Track Reliability Delays	45 minutes	22 minutes
Monthly Communications Delays	5 minutes	21 minutes
Monthly Dispatching Delays	5 minutes	0 minutes

* FY2020 performance is based on failures under Bombardier's control and should not be compared with National Transit Database (NTD) information.

NCTD staff continues to work with Bombardier to improve performance and compliance with contractual requirements. NCTD has provided feedback to Bombardier related to performance, safety and training program management, personnel management, vendor management, and corporate support. These areas have been a challenge for Bombardier since the inception of the contract.

In FY2020, Bombardier continued to advance work on the overhaul of the SPRINTER fleet. The Table below provides a status update related to the overhaul of key components/systems of the SPRINTER. NCTD expects Bombardier to improve performance related to mean distance between failures as the overhaul program concludes.

Overhaul	Start Date	Projected Completion Date	Current Status
SPRINTER Couplers (TO5)	04/04/17	04/30/21	92%
SPRINTER Gangways (TO6)	04/04/17	04/01/21	50%
SPRINTER Brake System (TO11)	10/12/17	05/31/21	42%
SPRINTER Fuel Tanks & Liners (TO14)	06/26/18	11/30/20	92%
SPRINTER HVAC, Gearbox, Wheelset & Journal Bearings (TO15)	10/18/18	06/30/22	36%
SPRINTER Wheelset & Journal Bearing Overhaul (TO17)	05/17/19	06/30/21	42%
SPRINTER Radio Booster (TO20)	04/10/19	11/06/19	95%

COASTER mean distance between failures exceeded the minimum contract performance standard. The performance likely reflects the impacts of capital projects, improved staffing, and improved oversight at the COASTER facility.

Overall signal reliability has been satisfactory as Bombardier has improved the planning of maintenance and proactive testing of the signal network. NCTD is in the process of developing a robust train and crossing control project that will significantly update the San Diego Subdivision and reduce signal delays.

Bombardier has provided the NCTD Board of Directors with a report regarding its performance as specified in Agreement Nos. 16043 and 16044 for COASTER and SPRINTER operations, maintenance and capital program delivery for FY2020. The report contains its performance measured against key goals and its planned actions to improve performance in FY2021. It should be noted that Bombardier is currently finalizing an agreement to be acquired by Alstom. NCTD and Bombardier will need to discuss terms and conditions of the acquisition that may impact the current agreements that are scheduled to expire on June 30, 2023.

ATTACHMENT: 11A – Bombardier Annual Report

GOAL/STRATEGIC DIRECTION: Accountability and Performance Management

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

STAFF CONTACT: **Graham Blackwell, Chief Operations Officer – Rail**
E-mail: gblackwell@nctd.org Phone: 760-966-6596

**NORTH COUNTY
TRANSIT DISTRICT**



COASTER and SPRINTER Service Performance FY2020

Presented by Bombardier
Transportation (Holdings) USA, Inc.

BOMBARDIER

For the Period
July 1, 2019 – June 30, 2020

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Section No. 1 Rail Operations and Maintenance Contracts Overview

There are two agreements between the North County Transit District (NCTD) and Bombardier Transportation (HOLDINGS) Inc. (Bombardier) associated with rail operations and maintenance and capital program delivery:

- Agreement No. 16043: Combined Rail Operations & Maintenance (O&M) for COASTER and SPRINTER. This is the base services agreement between NCTD and Bombardier.
- Agreement No. 16044: this is a Task Order-based agreement that capital program delivery for work activities which are outside of the base O&M scope

The term for Agreement No.16043 is a seven-year base with one three-year option. The base agreement term is effective from June 18, 2016 through June 30, 2023. The current not-to-exceed value for this agreement, inclusive of Supplemental Agreements Nos. 1-19, for the base seven-year term is \$193,328,429. If exercised, the not-to-exceed value for the three-year option is \$90,428,373. This brings the total agreement not-to-exceed value to \$283,756,802 if the full ten (10) years of the agreement are fulfilled.

The term for Agreement No. 16044 mirrors that of Agreement No. 16043; it is effective from June 18, 2016 through June 30, 2023. Through FY 2020 (June 30, 2020) 28 Task Orders for various capital projects have been issued, with a combined not-to-exceed value of \$22,446,402.



Section 2: Performance Summary for FY2020 – Agreement No. 16043

Key Elements for Agreement No. 16043:

- Train Operations:
 - COASTER:
 - 130 Weekly Trains
 - 8 Station Stops
 - SPRINTER:
 - 456 Weekly Trains
 - 15 Station Stops
- Maintenance of Equipment
 - COASTER:
 - Locomotives (two (2) F59s & five (5) F40s due to be replaced by Siemens Chargers SC-44
 - Bombardier Cab Cars (10)
 - Bombardier Bi-Level Coaches (18)
 - SPRINTER:
 - Siemens Desiro Classic DMU's (12)
- Maintenance of Way and Signal:
 - Track (COASTER – 61.4 Miles / SPRINTER 22 Miles)
 - Signals:
 - Grade Crossings
 - Switches
 - Communications (Station Passenger Information System / Fiber Network / Cameras)
- Optional Dispatching Services:
 - Effective July 1, 2020 NCTD took rail dispatching services in-house



New Charger that arrived FY2021

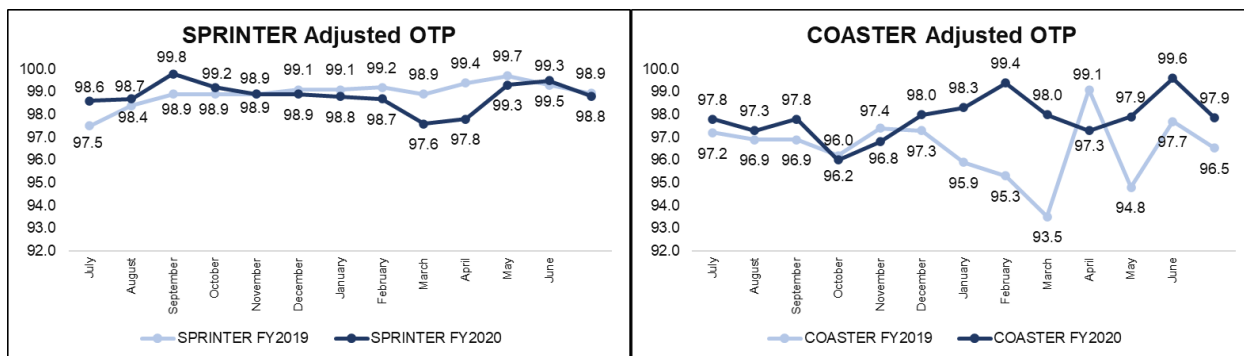
Additionally, capital-related project deliverables were included for maintenance of equipment and right-of-way activities which included but not limited to installing 11,044 crossties across the two subdivisions, rail grinding, wheel truing and bridge repairs.

Key Performance Indicators - Operations

Performance Metric	Mode	Goal	FY2020 Performance Unadjusted*	FY20 Performance Adjusted*
On-Time Performance (OTP)	COASTER	95%	93.1%	97.9%
On-Time Performance (OTP)	SPRINTER	98%	97.9%	98.9%
Mean Distance Between Failures (MDBF)	COASTER	38,000	32,860	76,673
Mean Distance Between Failures (MDBF)	SPRINTER	50,000	11,296	22,566
Customer Complaints	COASTER	<7/100K	6.88	
Customer Complaints	SPRINTER	<5/100K	3.14	

* Unadjusted performance reflects data prior to application of any mitigating factors. Adjusted performance reflects data after application of mitigating factors as agreed upon between the parties.

The above data reflects both adjusted and unadjusted figures. Adjusted figures reflect application of mitigating factors as agreed upon between the parties whereby Bombardier is not held accountable for items related to any delay in overhaul of equipment by NCTD.



Bombardier’s FY2020 adjusted On-time Performance (OTP) for SPRINTER service is 98.9% which equals our FY2019 OTP. COASTER FY2020 OTP is 97.9% which is a significant increase from 96.4% in FY2019.

SPRINTER Mean Distance Between Failures (MDBF) was below the 50,000-mile contract goal for FY2020 at 22,566 miles which is roughly flat compared to FY2019 at 22,665 miles. The SPRINTER overhaul program continued in FY2020 with one of the 12 units having all systems overhauled. As the SPRINTER overhaul program progresses, the MDBF and reliability for the Siemens DMUs will increase. One challenge that Bombardier faced in FY2020 is the COVID-19 pandemic. Bombardier experienced significant delay in receiving parts from its vendors located in Europe as factories and commerce between the EU and USA ground to a halt during FY Q3 and Q4 of 2020.

COASTER MDBF for FY2020 is 76,673 which is well over the 38,000-mile contractual goal and is also an increase over FY2019 results at 43,296. Five (5) new Siemens Charges will be brought into the fleet in FY2021 which will help maintain the solid reliability seen in FY2020.

Customer feedback is and always will be an extremely important metric as it reflects the customer’s experience and satisfaction with services rendered. While the goal of both NCTD and Bombardier is 100% customer satisfaction, the parties recognize that some negative feedback will be received and have accounted for this with the above-referenced contractual maximums (goals) for each mode as based on ridership. During FY2020, Bombardier exceeded contractual goals for both services, with COASTER receiving 6.88 complaints per 100,000 riders and SPRINTER receiving 3.14 complaints per 100,000 riders. Bombardier is committed to continued excellence and is striving to achieve even better results in FY2021.

Key Performance Indicators – Maintenance of Way, Signals, Communications

Performance Metric	Mode	Goal = Minutes / Month	FY 20 Performance
Signal	Right of Way	< 90/Month	204.83
Track	Right of Way	< 45/Month	22.42
Communication	Right of Way	< 5/Month	20.83
Dispatching	Operations	< 5/Month	0.00

Signal delay minutes for the year were negatively impacted by two incidents: 1) Manufacturer defect in a switch machine at 1,095 minutes and 2) Defective programmable memory chip at 531 minutes. These two incidents accounted for and contributed to 48% of the yearly total delay for the Signal contractual goal of less than 90 minutes of delay per month.

Bombardier Maintenance of Way exceeded its Track contractual goal of less than 45 minutes of delay per month by nearly 23 minutes. MOW was effective in finding and resolving track related issues before they caused delays. MOW continues to strive for zero delays though proper planning and utilizing its people to keep the track, roadbed and right of way in great shape.

Section No. 3 Operations & Maintenance Service Enhancements

Maintenance of Way:

- Utilization of Geometry Car on the Escondido and San Diego subdivisions.
 - Eight (8) Geometry Car Defects were found out of 121 Miles of Track FY2020.
 - Track miles are counted for double track areas. To clarify, if you have one mile of track per the timetable, and it is a double track, you inspect two tracks at one mile each for two miles.
- Track inspectors utilized to find geometry defects in order proactively handle surfacing issues.
- Track Surfacing – 25.6 Miles (25 by contract). Track surfacing ensures track is level and within all geometry requirements. Proper track surface contributes to ride quality and on time performance.
- Tie Replacement – 11,044 in total
 - SD 10,631
 - ESC 413
- Rail Grinding – 40.2 Miles on the San Diego Subdivision. Rail grinding is completed to establish the proper profile to the railhead (surface rail equipment rides on). Proper rail profile increases rail life and improves ride quality for passengers across the territory.
- Undercutting – 1,875 ft. Undercutting removes old sub ballast (support under the track) and new ballast is added. Undercutting improves the ballast condition, reduces the occurrence of track surface defects and improves ride quality.

Bombardier is looking forward to less delays across the Escondido and San Diego subdivisions and is utilizing its personnel to create better ride quality with minimum disruptions.

Maintenance of Signals:

- Commenced assessment to identify what operational performance benefits could be realized from the introduction of a Capital Program for signaling equipment and began the process for a *Signal Optimization Program* on the COASTER Subdivision. In FY Q4 2020 a quick decision chart was created and is being utilized to prioritize the most critical items to be replaced on the San Diego Subdivision (*Signal Optimization Program*).
- Review of what potential equipment enhancements are available within the industry. Much of the signaling equipment in use is reaching the end of its recommended service life. One example of this for FY2021 will be in the installation of Gate Savers at select crossings. Gate Savers help reduce delay and costs associated with gates having to be replaced by a Signal personnel

Maintenance of Equipment – Routine Maintenance:

- SPRINTER – wheel to wheel permissible wheel diameter variation change implemented
- SPRINTER/COASTER – Calipri - Predictive Wheel Wear Capabilities

➤ Currently in use at COASTER to give:

- Accurate wheel profile data
- Easy and accurate measurement of rotator and wheels to make for a more efficient inspection, placing equipment back on the road faster
- Able to track wheel wear to plan when wheel change out will be needed.
- Standard training plan and use of wheel gauge implemented at COASTER, SPRINTER waiting on training to commence in October 2020.



SPRINTER Operations Facility

Section No. 4 Agreement No. 16044 - Capital Program Delivery Performance

COASTER

Task Order Agreement No. 16 is the only open Task Order for COASTER under Agreement No. 16044. This Task Order covers the complete interior and exterior overhaul of 27 COASTER cars. Each car’s exterior will receive a new paint scheme, wheels, trucks, and suspension. The interior will be outfitted with new flooring, vinyl seat cushions, LED lighting throughout, and 120-volt electrical outlets with USB chargers. To date, Bombardier has completed three COASTER interior and exterior refreshes per Task Order Agreement No. 16. Per the current schedule, one vehicle will be completed every 12 weeks.

Description	TO#	Value of Order	Agreement Status	Date Executed	% Complete Against the TO	# Complete in FY20	% Complete against FY20 Schedule	Scheduled Completion Date
Task Order - COASTER Interior / Exterior Refresh	16	\$8,043,382	In Progress	10/2/2019	14%	3	100%	01/01/2026



COASTER exterior prior to overhaul



COASTER after being stripped down and re-painted with the new COASTER scheme.

SPRINTER

Per the Task Order Agreements outlined in the chart below, 12 SPRINTER DMUs are currently undergoing overhauls as well. Each DMU will receive new seats, couplers, gangway and articulations bearings, brake systems, HVAC, gearbox overhauls, airbag replacement, wheel replacement, transmission oil cooler, truck overhaul and powerpack overhauls. Bombardier is diligently working to complete each Task Order in a timely manner with minimal disruption to passenger service.

Description	TO#	Value of Order	Date Executed	% Complete Against the TO	# Complete in FY20	% Complete against FY20 Schedule	Original Task Order Completion Date	Scheduled Completion Date
Task Order - SPRINTER Couplers	5	\$364,705	04/04/17	92%	12	100%	12/31/19	04/30/21*
Task Order - SPRINTER Gangways	6	\$200,673	04/04/17	50%	6	100%	10/31/19	04/01/21
Task Order - SPRINTER Car body Brake System Overhaul	11	\$3,166,316	10/12/17	42%	4	80%	N/A	05/31/21
Task Order - Overhaul SPRINTER Fuel Tanks and Liners	14	\$259,673	06/26/18	92%	0	0%	07/01/21	11/30/20**
Task Order - SPRINTER Overhaul HVAC / Gearbox & Wheel Set & Journal Bearings	15	\$3,899,364	10/18/18	36%	14	93%	06/30/22	06/30/22
Task Order - SPRINTER Wheelset & Journal Bearing Overhaul	17	\$1,160,606	05/17/19	42%	34	90%	06/30/21	12/31/21
Task Order- SPRINTER Radio Booster	20	\$82,608.77	04/10/19	95%	95%	95%	11/06/19	11/30/20

*4009 is the last DMU waiting for the coupler overhaul and it will be completed Q2 FY2021.

**4009 is the last DMU waiting for Task Order 14 and it will be completed Q2 FY2021, ahead of the projected completion date by nearly eight months.

Section No. 5 Key Areas for Improvement

Bombardier Transportation continues to enhance team culture and employee engagement through various programs. Our Corporate Global Resources support Senior Management Leadership in the implementation of global process and standards and performance improvement initiatives across all site employees and functions.

Bombardier's local management team is conducting bi-monthly one-on-one department reviews. This is being done to quickly identify department strengths and weaknesses while providing immediate support and guidance to its team. Additionally, Bombardier Corporate is conducting an employee survey that will help identify employee engagement and key areas of improvement.

On-site training across each department is Bombardier's FY2021 focus. A cross department action plan identifying areas of improvement is being utilized by local managers to increase and upskill its work force. The plan focuses on the needs of its employees and is a foundation for reducing delays. By identifying upskilling opportunities Bombardier can continue to reduce incidents, improve customer service and provide greater on time performance on Agreement No. 16043.

STAFF REPORT

**RECEIVE PRESENTATION FROM MV TRANSPORTATION, INC.
REGARDING FY2020 PERFORMANCE**

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Receive a presentation from MV Transportation, Inc. (MV) regarding its performance as specified in Agreement No. 17033 for BREEZE, LIFT, and FLEX operations and maintenance.

**BACKGROUND
INFORMATION:**

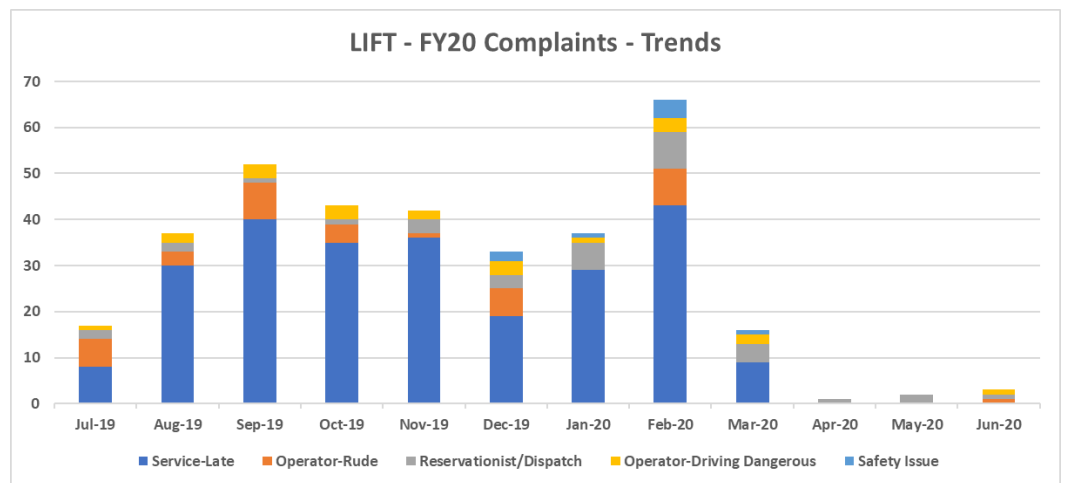
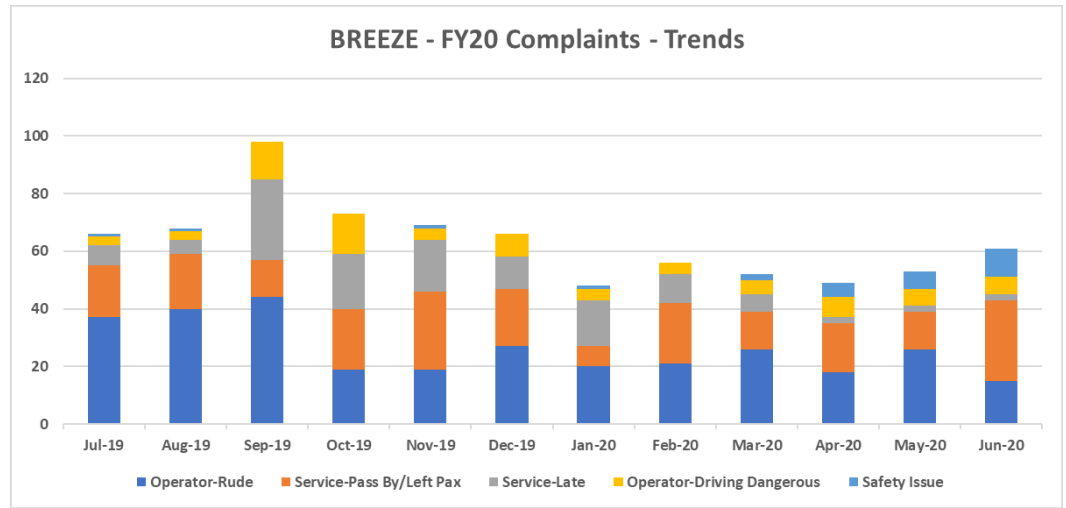
MV was awarded Agreement No. 17033 on January 9, 2017 and assumed revenue operations on July 1, 2017. The scope of work includes the operations and maintenance activities associated with BREEZE, LIFT, and FLEX transit services. Agreement No. 17033 establishes the following key contractual performance metrics:

Performance Metric	Contract Performance Standard	FY2020 Performance
BREEZE On-Time Performance (OTP)	88.0%	88.4%
LIFT OTP	92.0%	90.5%
FLEX OTP	95.0%	96.4%
BREEZE Mean Distance Between Failure (MDBF) (in miles)	14,000	7,479
LIFT / FLEX MDBF (in miles)	20,000	53,009
BREEZE Customer Complaints	17/100k Boardings	23.7
LIFT Customer Complaints	1.5/1k Boardings	4.3
FLEX Customer Complaints	1.5/1k Boardings	0.7
BREEZE Service Provided	99.96%	99.83%
LIFT Passengers Per Hour (PPH)	1.8	1.9

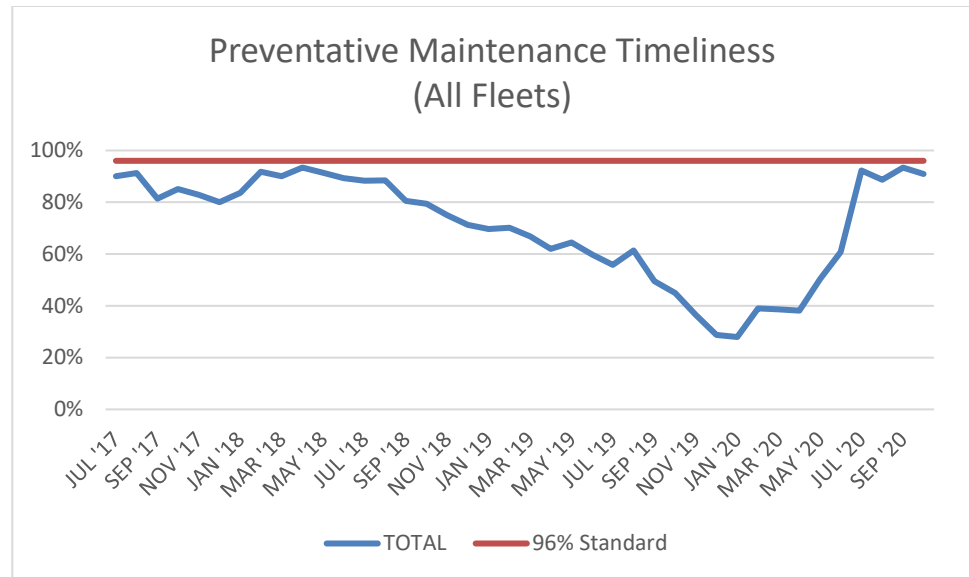
Despite the performance numbers cited above, MV's overall performance is satisfactory. LIFT OTP performance for FY2020 was below the contract standard primarily due to NCTD and MV efforts to reduce costs by increasing operator productivity as measured by passengers carried per revenue hour. As a result, LIFT OTP declined as vehicle operators adjusted to increased work assignments. Due to lower ridership, LIFT OTP performance improved beginning in April 2020 and met the performance standard from April 2020 thru June 2020. Based on the improvement in LIFT passengers carried per revenue hour, NCTD was able to keep the pure transportation cost per mile increase from FY2019 to FY2020 (pre-COVID) to 2.857% which is below the 3.0% contractual rate increase based on the San Diego Area CPI for the same time period.

FLEX OTP exceeded the standard; however, service reliability was impeded by access issues on Camp Pendleton due to the imposition of enhanced security measures and road closures due to construction, fires and flooding.

The increase in customer complaints on BREEZE and LIFT can partially be attributed efforts to mitigate the impacts of COVID-19 (complaints about masks and rear door boarding, these are coded as “Safety Issue” below) combined with low ridership in March thru June which skews the calculation of complaints per 100,000 boardings. With that said, the primary generator of BREEZE and LIFT complaints are specified in the graphs below.



MV has struggled to meet NCTD’s performance requirements related to mean distance between mechanical failure. NCTD has observed substandard performance in maintenance scheduling, completion of preventive maintenance inspections, quality control for work completed, and parts availability. The graph below shows the Preventative Maintenance Inspection timeliness performance for all fleets (BREEZE, LIFT, FLEX, and Non-Revenue) for the life of the contract.



While MV has made efforts to improve, the results thus far are not satisfactory. MV needs to improve performance related to Mean Distance Between Failure (MDBF) and customer complaints. MV has provided the attached Annual Report detailing its performance measured against key goals, planned actions to improve performance, and capital overhaul activities. MV has agreed to provide an in-person report during the first quarter of calendar year 2021 that will detail its progress in improving MDBF and reducing customer complaints.

ATTACHMENT: 12A – MV Annual Report

GOAL/STRATEGIC DIRECTION: Accountability and Performance Management

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

STAFF CONTACT: **Damon Blythe, Chief Operations Officer – Bus**
E-mail: dblythe@nctd.org Phone: 760-966-6708



MV Transportation FY2020 Performance



NCTD Board of Directors
November 19, 2020

MV TRANSPORTATION - BACKGROUND

- Celebrating 45th Year Anniversary in 2020
- Diverse portfolio: paratransit, fixed-route, shuttle, micro-transit, and school transportation services
- Operate more on-demand, advanced reservation-based transportation than any other North American company
- Largest privately-owned transportation company in North America
- Serves **110 million passengers** and driving over **300M miles annually**
- Supports over **200 transit agencies** and corporations in 28 states and Canada with **20,000 team members**
- Maintains **11,000 vehicles** in 100+ maintenance shops
- Focused on long-term partnerships, **averaging 9 years**
- Named **Industry's Safest Operator** with lowest accident rate of major service providers

MV and NCTD CONTRACT

- Began service July 1, 2017
- Initial contract term 7 years; one, 3-year option term
- Estimated contract value including all options of \$435,038,823
- Operates BREEZE, LIFT and FLEX services
- Responsible for vehicle & driver operations, maintenance, and safety & training
- 450 MV team members operating and maintaining over 300 vehicles

THIRD YEAR of SERVICE HIGHLIGHTS

- Focused on continued service quality improvements, including on-time performance (OTP), missed service and customer experience
- Continued improvement with NCTD's Zero Delay vision
- In partnership with NCTD, we strive for improving our Preventative Maintenance results consistent with agency expectations
- Implementation of Swiftly for Fixed Route real-time performance
- Zonar implementation for tracking vehicle metrics and maintenance
- Implemented 60/40 Taxi service strategy into LIFT operations
- Collaborated with NCTD to respond to service adjustments during the COVID pandemic and commit to employee health and safety
- Implemented Efficiency Testing program enhancing systemwide performance
- Partnered with local Bicycle Coalition to enhance safety awareness

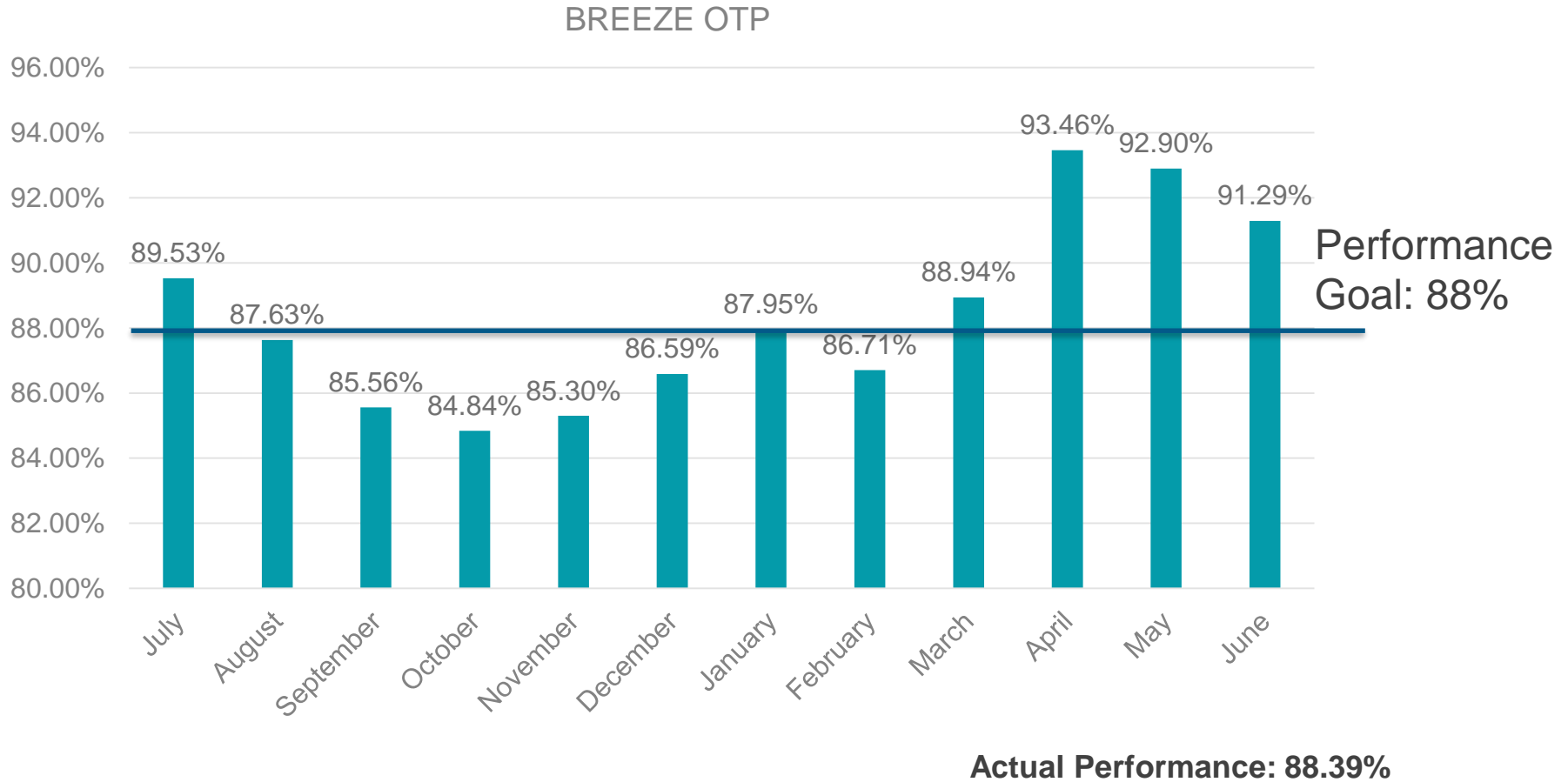
OPERATIONAL PERFORMANCE – THIRD YEAR of SERVICE

Performance Metric	Contractual Goal	FY20 Performance
BREEZE On-Time Performance (OTP)	88.0%	88.40%
LIFT OTP	92.0%	90.5%
FLEX OTP	95.0%	96.4%
BREEZE Mean Distance Between Failure (MDBF)	14,000	7,479
LIFT/FLEX MDBF (in miles)	20,000	53,009
BREEZE Customer Complaints	17/100k Boardings	23.7
LIFT Customer Complaints	1.5/1k Boardings	4.3
FLEX Customer Complaints	1.5/1k Boardings	0.7
BREEZE Service Provided	99.96%	99.83%
LIFT Passengers Per Hour (PPH)	1.8	1.9

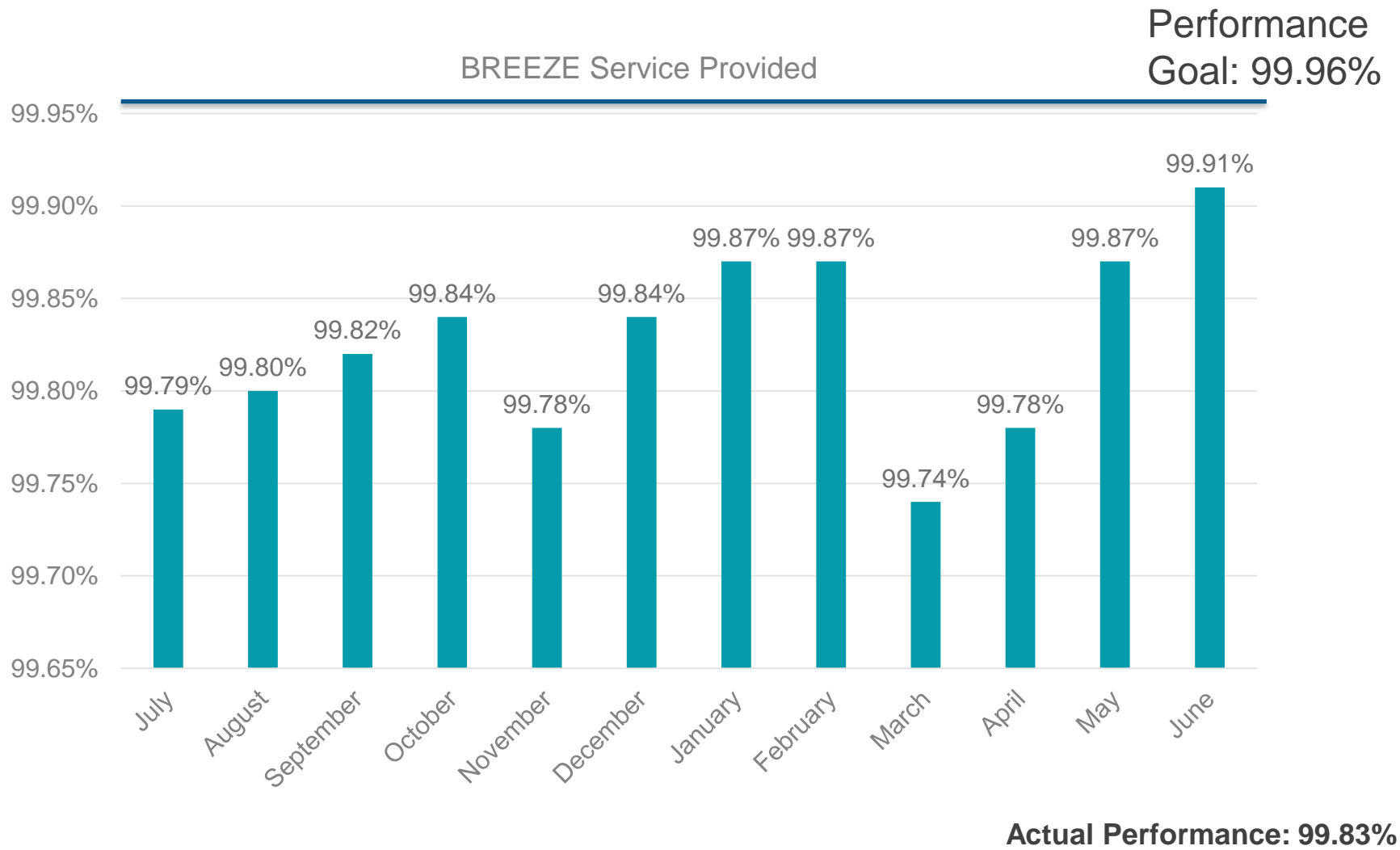
Performance Dashboard



BREEZE ON TIME PERFORMANCE (OTP)

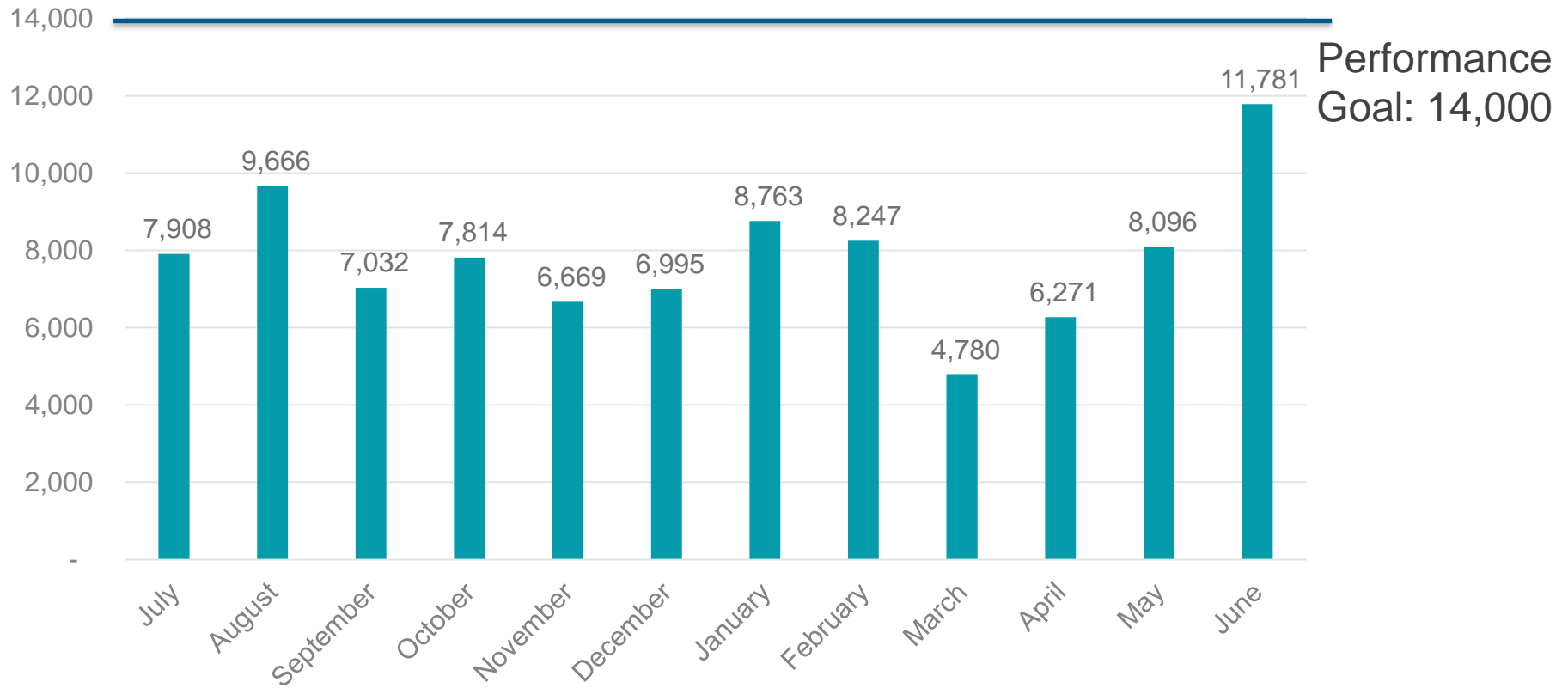


BREEZE PERCENTAGE of SERVICE PROVIDED



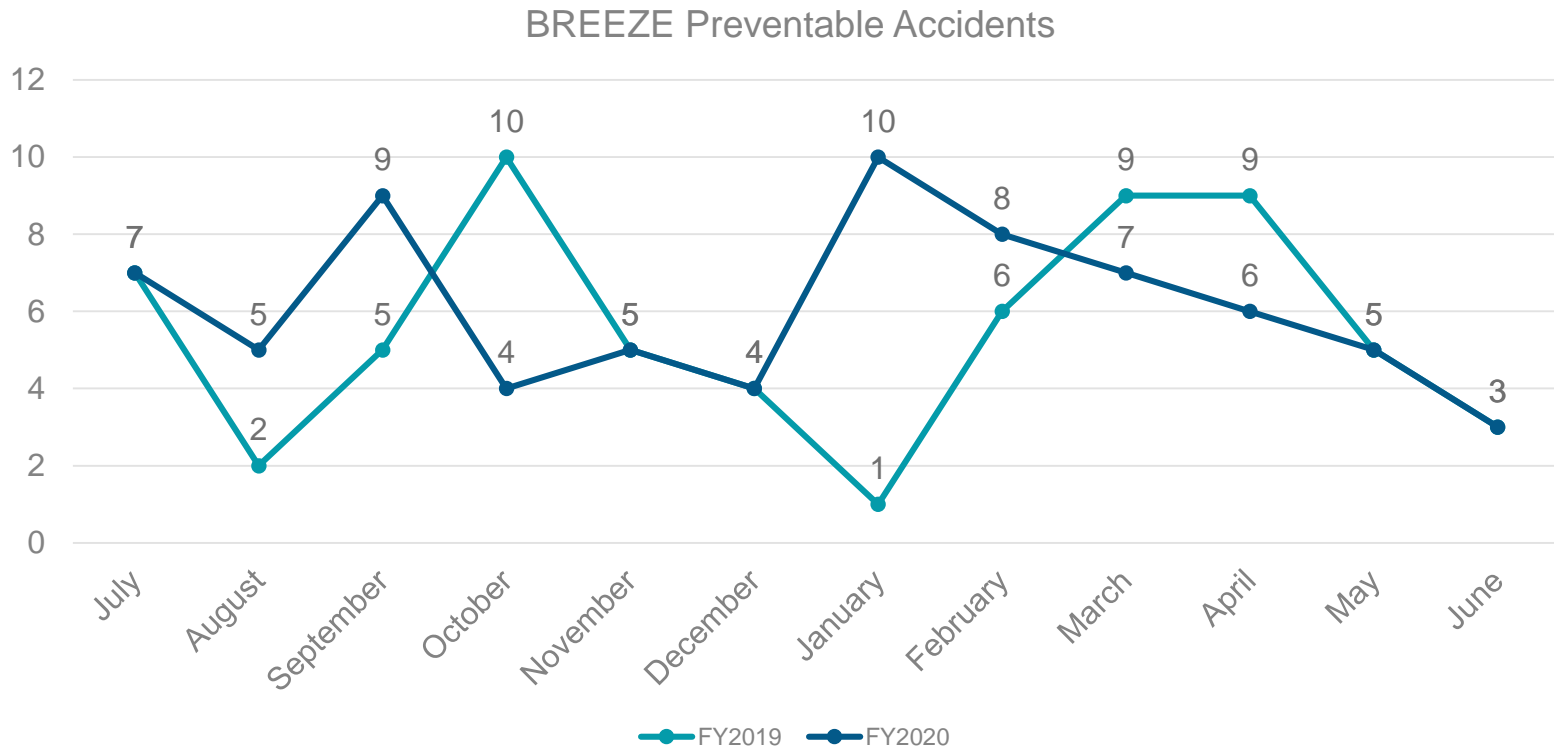
BREEZE DISTANCE BETWEEN FAILURES

Distance Between Failures



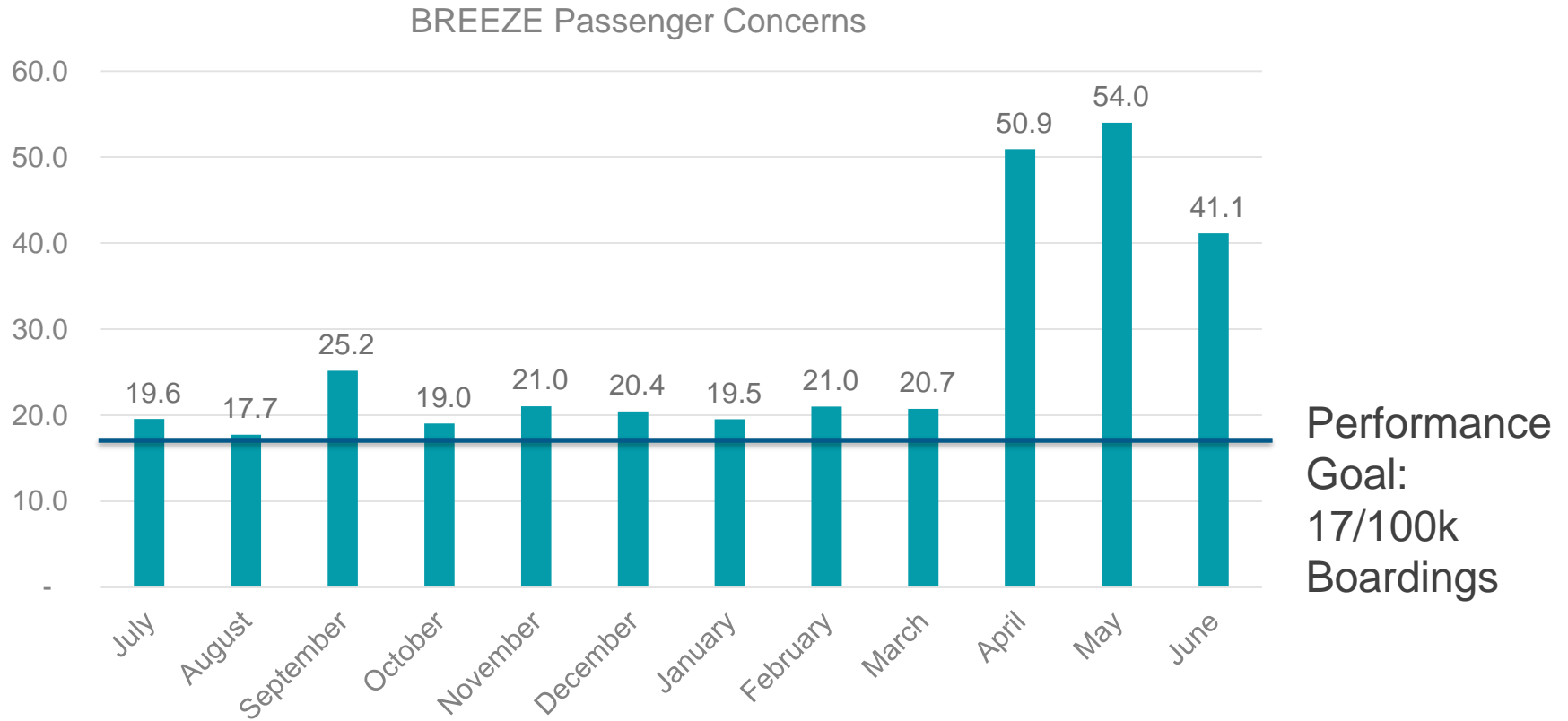
Actual Performance: 7,479

BREEZE PREVENTABLE ACCIDENTS



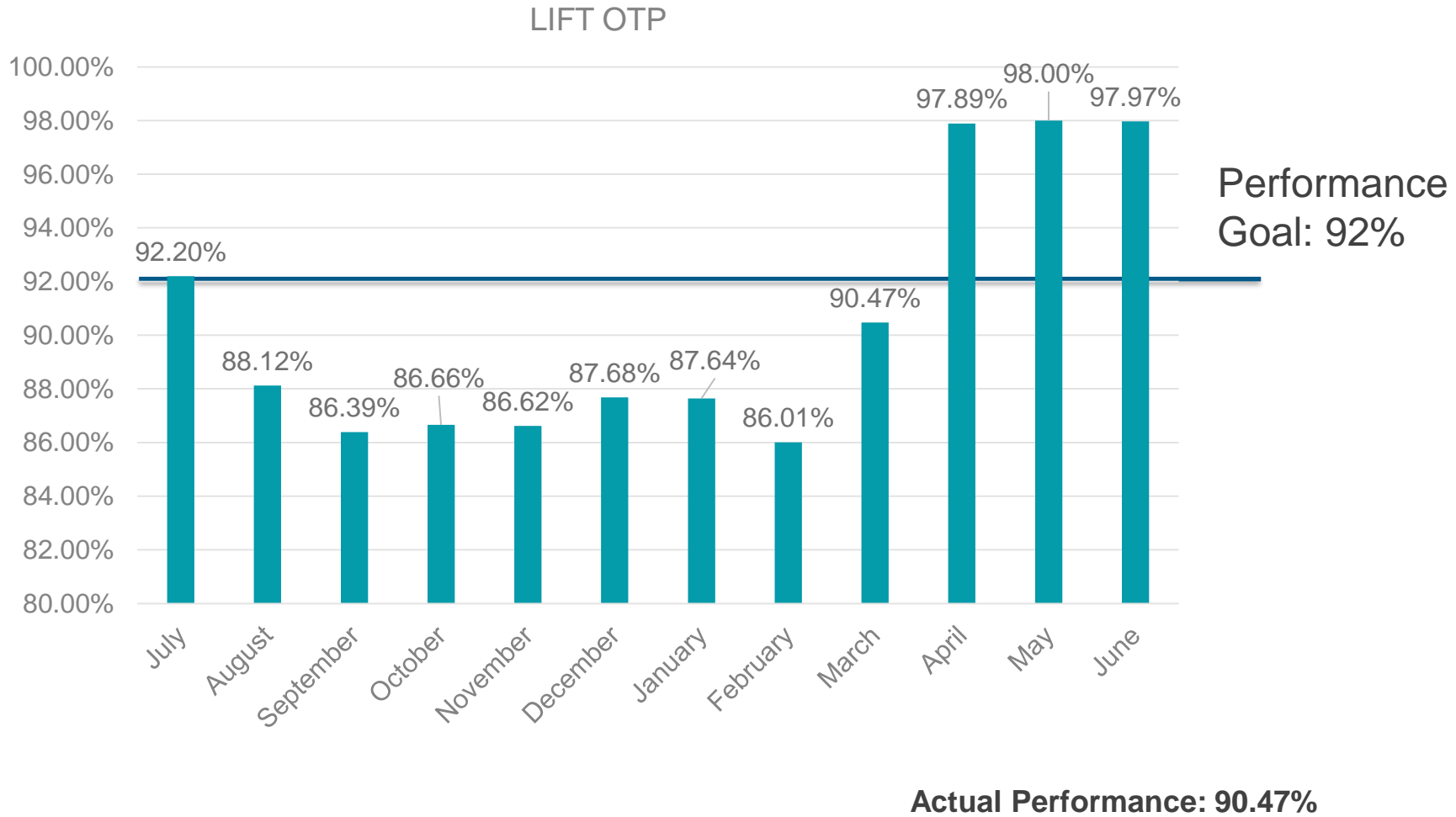
2020 Actual Performance: 6.08
2019 Actual Performance: 5.50

BREEZE CUSTOMER SERVICE (COMPLAINTS)

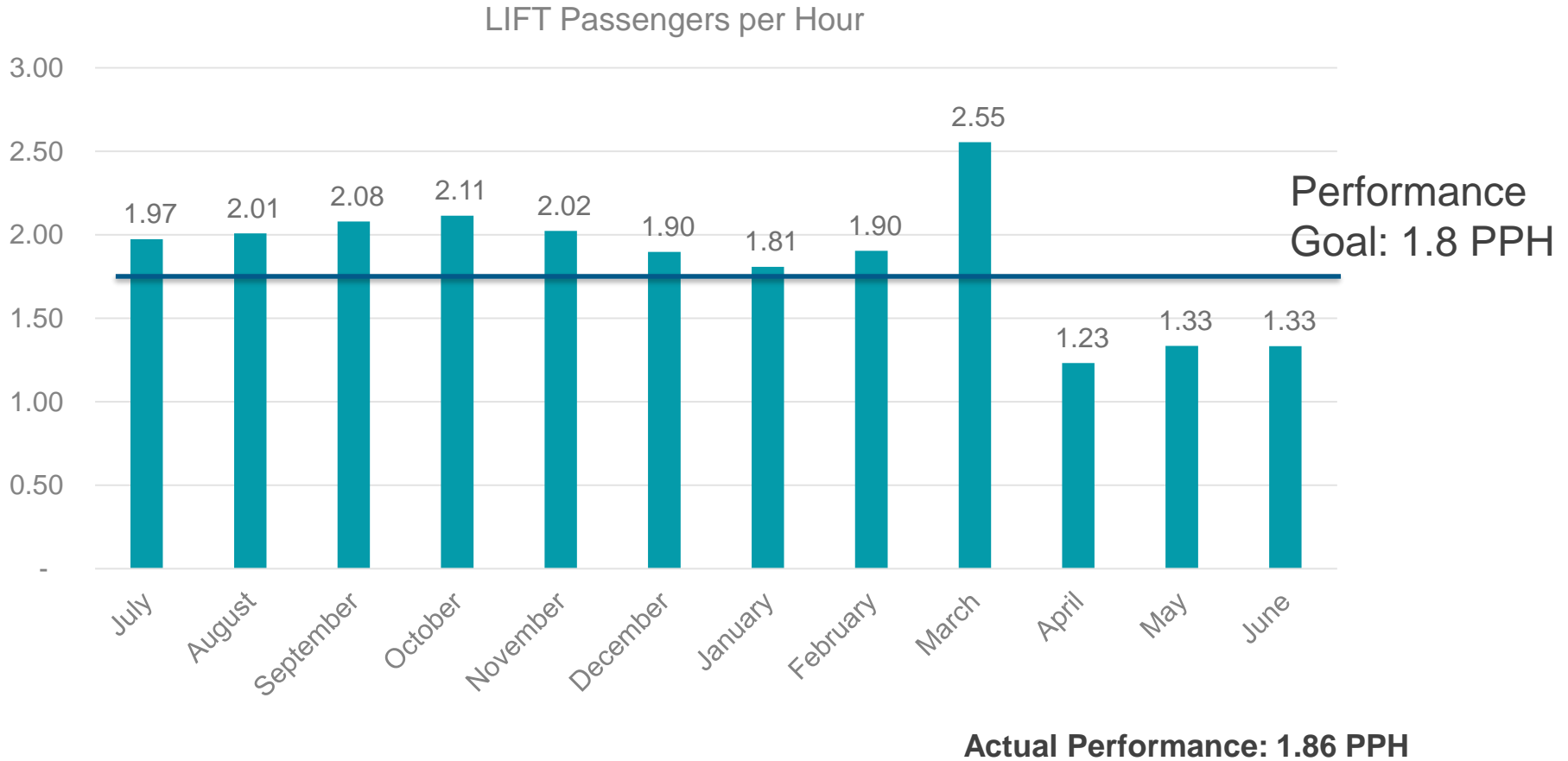


Actual Performance: 23.7/100k boardings

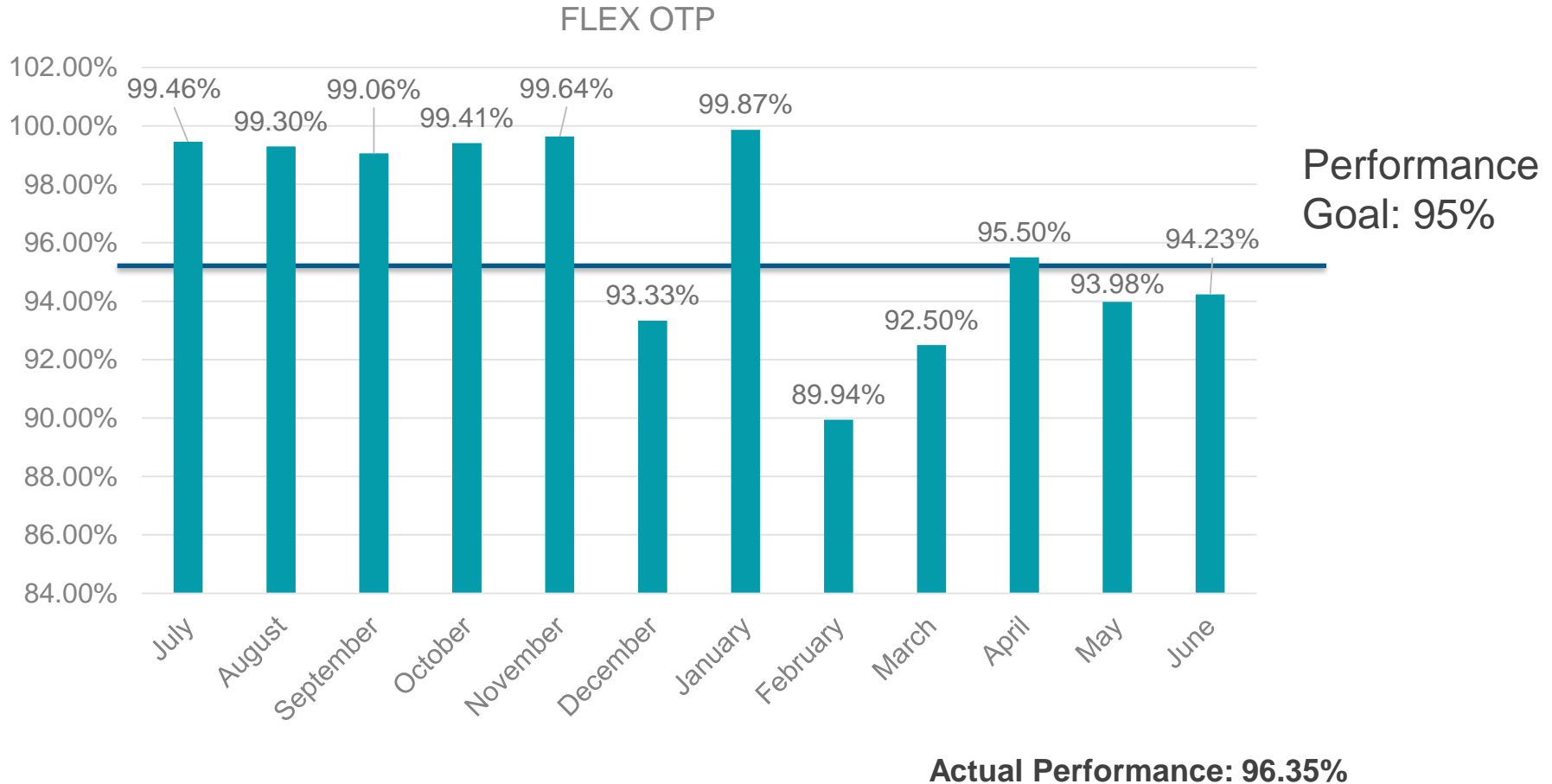
LIFT ON-TIME PERFORMANCE



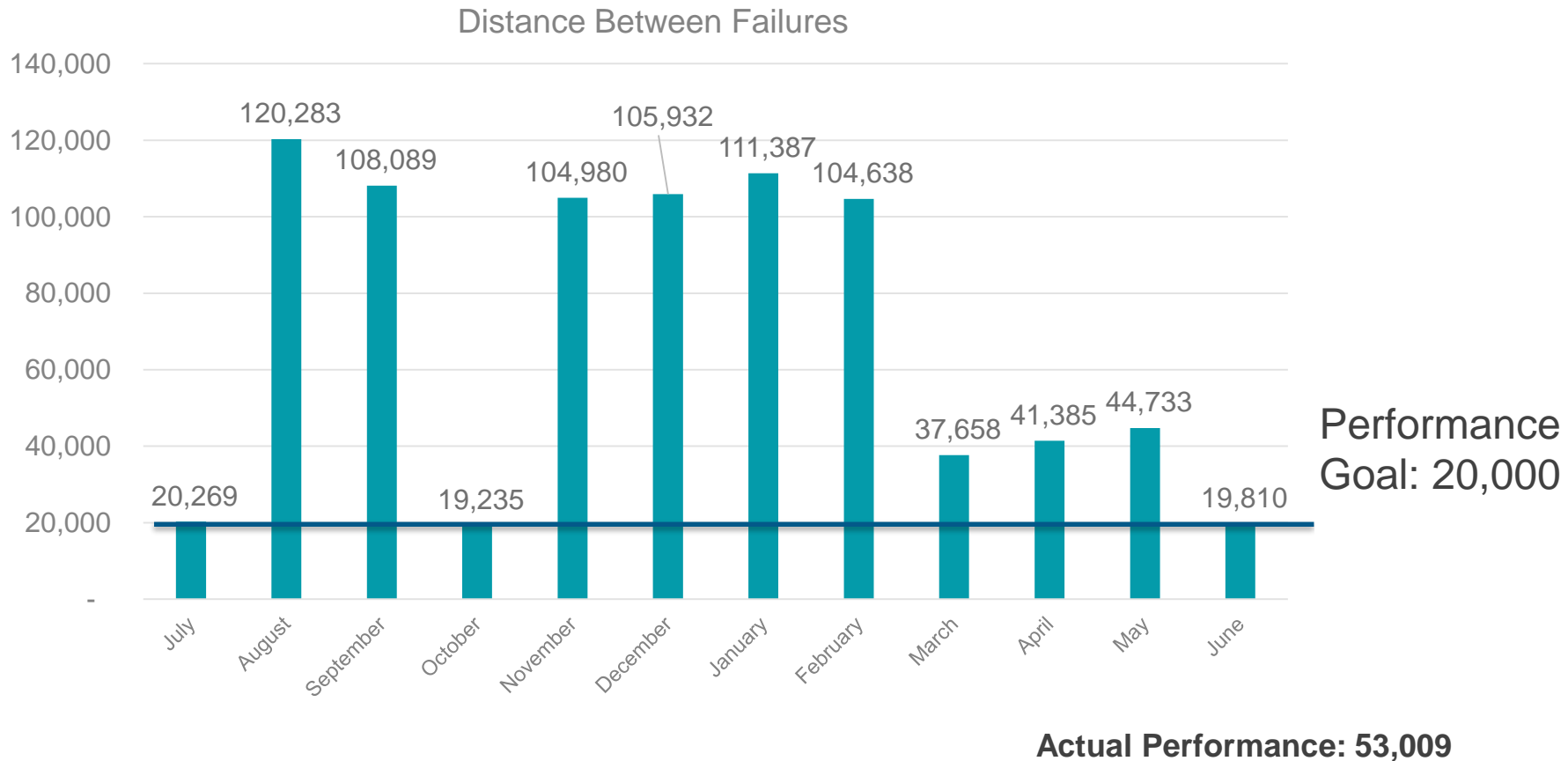
LIFT PASSENGERS PER HOUR (PPH)



FLEX ON TIME PERFORMANCE (OTP)

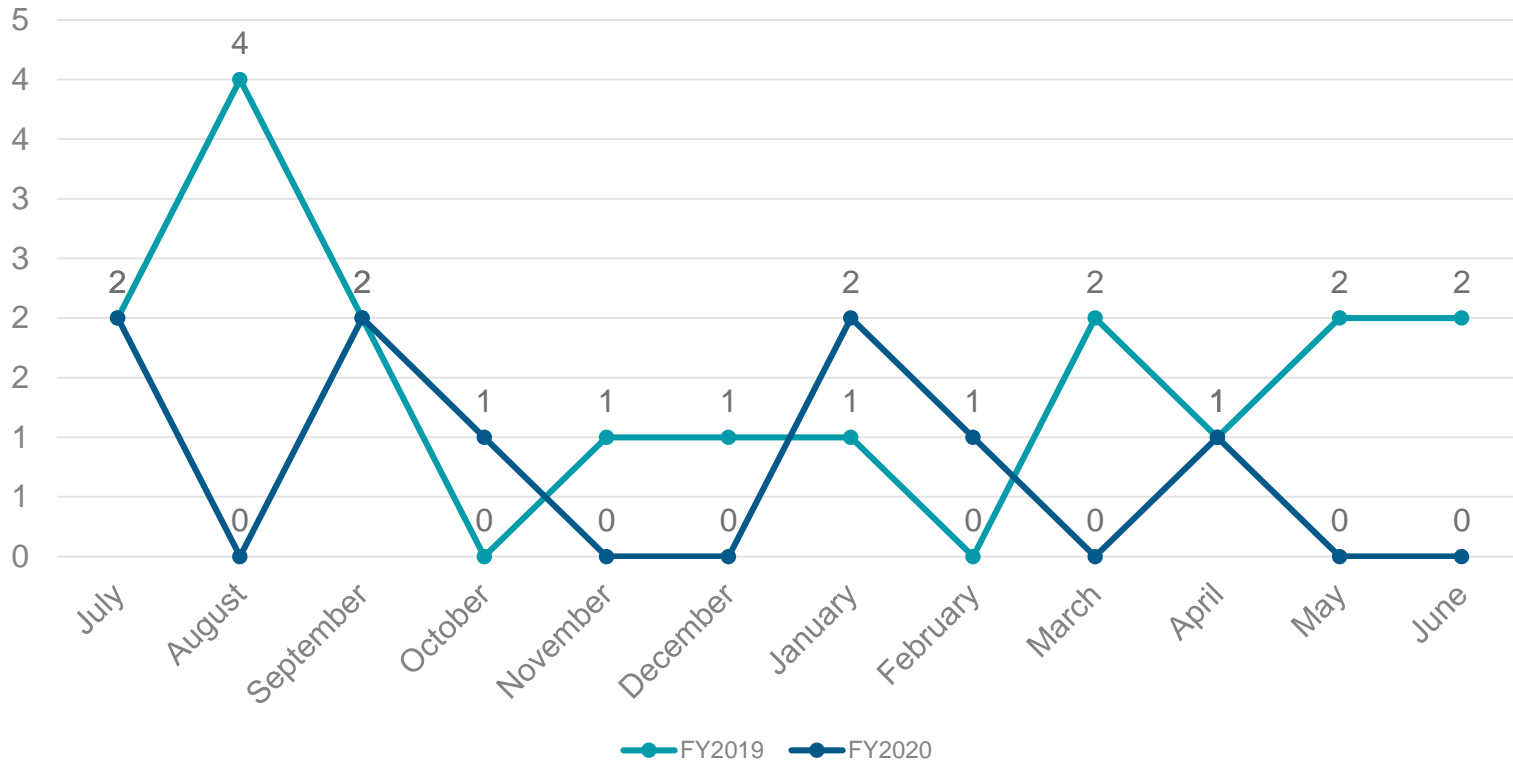


LIFT/FLEX DISTANCE BETWEEN FAILURES



LIFT/FLEX PREVENTABLE ACCIDENTS

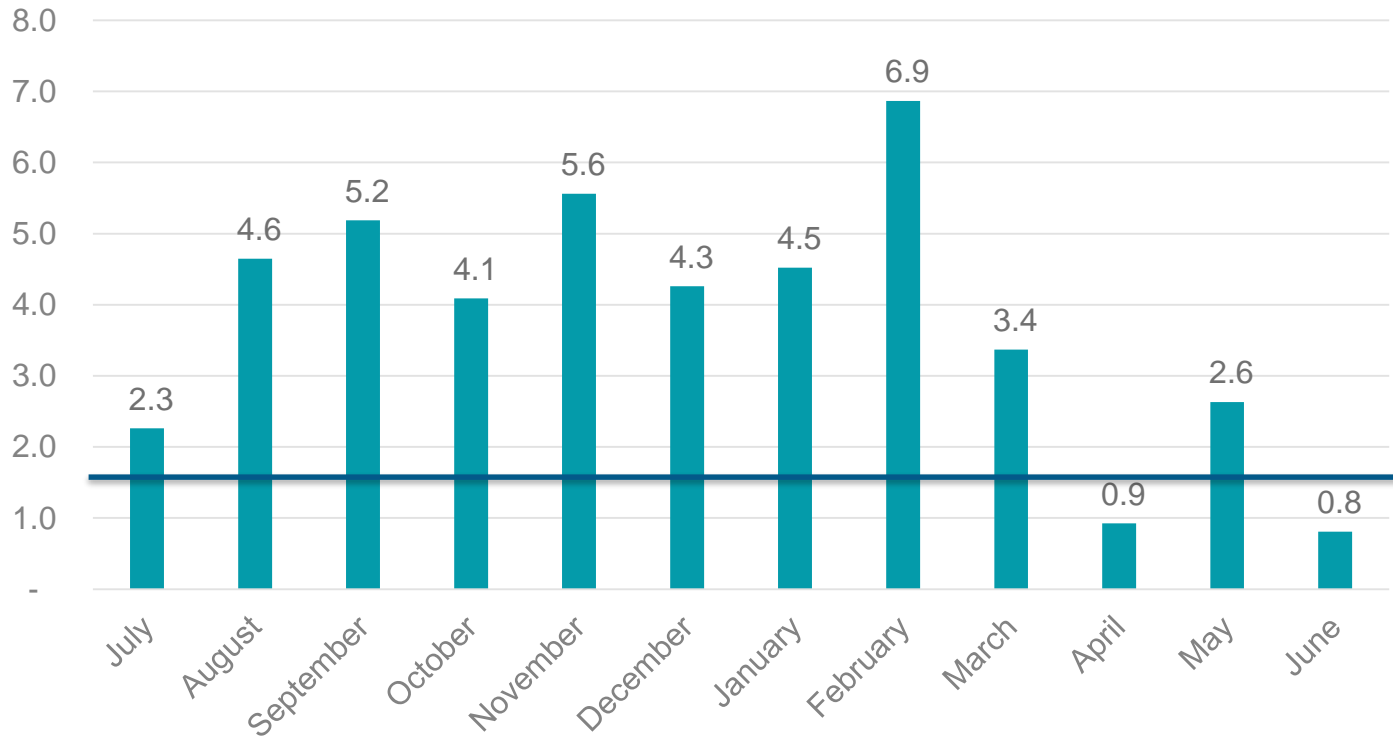
LIFT/FLEX Preventable Accidents



2020 Actual Performance: 0.75
2019 Actual Performance: 1.50

LIFT CUSTOMER SERVICE COMPLAINTS

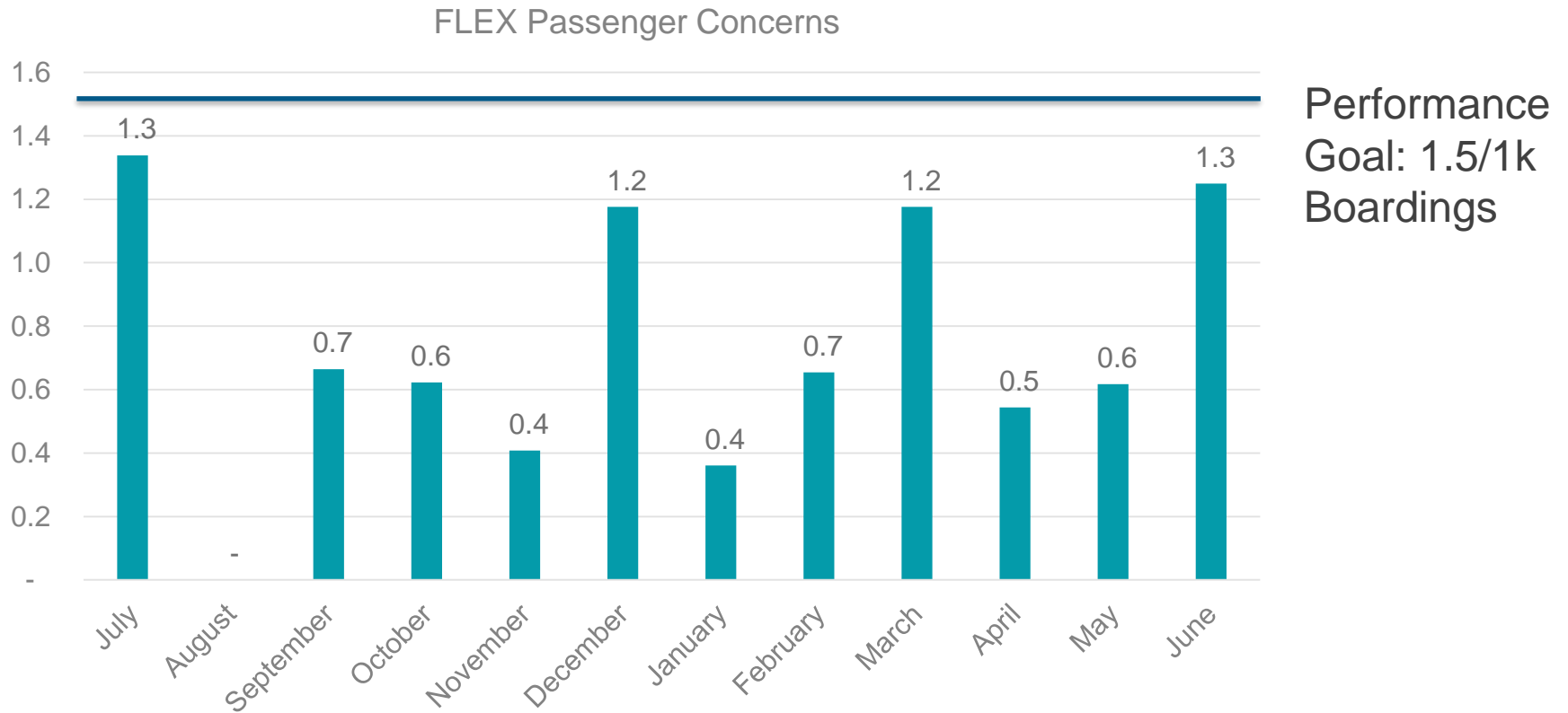
LIFT Passenger Concerns



Performance
Goal: 1.5/1k
Boardings

Actual Performance: 4.3/1k Boardings

FLEX CUSTOMER SERVICE COMPLAINTS



Actual Performance: 0.7/1k Boardings

We provide

Looking Toward the Future

the freedom.



YEAR FOUR GOALS

- **Maintenance:**

- Continued focus on improving Mean Distance Between Failure trends
- Ongoing capital overhaul program
- Direct vs. Indirect Productivity Analysis relating to Fleet Types and Staffing
- Improve efficiency of overall maintenance performed on fleet
- Integrate newly procured vehicles into all service modes

- **Training & Development:**

- CDL credentials for all operators to be cross-utilized for all modes
- Provide route familiarization for all operators, on all routes to achieve Zero Delay Vision

- **Operations**

- Engagement with operators/dispatchers to introduce on-board technologies
- Implement strategies and processes to support Zero Delays initiative

- **Technology Innovation:**

- Develop strategies and models for Predictive Maintenance
- Integration of Tablets for Technicians to build efficiency in workflows

- **Alternative Mobility Models:**

- Continue to evaluate efficiencies of the 60/40 Taxi service model
- Develop MicroTransit pilot within the service area

CAPITAL OVERHAUL PERFORMANCE

Series	Engines Rebuilt	Engines Met Mileage	Transmissions Rebuilt	Transmissions Met Mileage	Engines Remaining	Transmissions Remaining
1100's Diesels	1	0	0	1	4	1
1200 Cutaways	3	3	2	2	2	2
1300's	7	4	7	5	2	2
2200's	4	3	0	0	3	2
2300's	0	0	1	0	4	2
2400's	3	1	3	0	8	2
2500's	0	0	1	1	5	1
2600's	7	7	10	3	13	1
2700's	12	12	0	0	2	11
1900's	0	0	0	0	0	0
TOTAL	44	33	36	18	43	24

Performed to Date for FY20:

- 44 engines have been rebuilt
- 36 transmissions have been rebuilt

FY21 Projections

- 43 Engines
- 24 Transmissions

ENHANCING CUSTOMER SERVICE

- Provide continued operator "customer-focused" training to address service disruptions and rider complaints
- Mystery Rider Program anonymously providing in-service operator evaluations to identify training and service improvements
- Collaborate with NCTD Customer Service to identify trends and strategies to improve the customer experience
- Enhance coordination of overall NCTD service between Bus and Rail using OCC as focal point of coordination
- Monitoring and Improving rider experience during COVID pandemic



CONCLUSION

We are dedicated to:

- Our continued partnership with NCTD
- Meeting and exceeding Preventative Maintenance requirements
- Ongoing commitment to comply with operational performance standards
- Supporting NCTD's mission, "To deliver safe, convenient, reliable and user-friendly public transportation services" to the community!

We appreciate and value your continued support!



We provide freedom.



STAFF REPORT | **RECEIVE BOARD COMMITTEE PREFERENCE SELECTION
MEMORANDUM FOR CALENDAR YEAR 2021**

Time Sensitive: **Consent:**

STAFF RECOMMENDATION:	Receive and complete the annual Board Committee Preference Selection Memorandum.
BACKGROUND INFORMATION:	Attached is a memorandum describing the three (3) North County Transit District (NCTD) Board of Directors' (Board) Committees. Please complete the form, indicating your Board Committee preference, and return it to the Clerk of the Board on or before the Board meeting on December 17, 2020. The Board Chair will review the preferences and make recommendations for Committee appointments at the January 21, 2021 Regular Board meeting.
ATTACHMENT:	13A – Board Committee Preference Selection Memorandum for Calendar Year 2021
GOAL/STRATEGIC DIRECTION:	N/A
FISCAL IMPACT:	This staff report has no fiscal impact.
COMMITTEE REVIEW:	None
STAFF CONTACT:	Anthony Flores, Clerk of the Board E-mail: aflores@nctd.org Phone: 760-966-6553



MEMO

810 Mission Avenue
Oceanside, CA 92054

www.GoNCTD.com

Date: November 19, 2020

To: NCTD Board of Directors

From: Anthony Flores, Clerk of the Board

Re: CALENDAR YEAR 2021 COMMITTEE PREFERENCE

Each Board member eligible to vote may select at least one (1) Committee to serve on during the 2021 calendar year. In accordance with Board Policy No. 3 – *Committees and External Appointments*:

“Members of the Board shall state their preference at the December meeting as to which committee they would prefer to serve in the following term. Should more than four Board members request to be on the MSPBD Committee and more than three Board members (excepting the Board Vice-Chair) request to be on the PAF Committee, the Board Chair, with concurrence of the Board, will appoint the appropriate number of Board members to each committee. As needed, the Board Chair shall continue to appoint Board members of the committees with the consent of the Board, consistent with the aforementioned requirement that the Board Vice-Chair is required to serve as the Chair for the PAF Committee and is also a member of the Executive Committee”

The Board Chair will make their recommendations at the January 21, 2021 Regular Board meeting. Please check your Committee preference in the box below and return it to the Clerk of the Board at the Regular Board meeting on December 17th.

BOARD MEMBER NAME	MARKETING, SERVICE PLANNING, & BUSINESS DEVELOPMENT COMMITTEE (First meeting is Wednesday February 3, 2021 at 8:30 a.m. to elect a Committee Chair and Vice-Chair)	PERFORMANCE, ADMINISTRATION, & FINANCE COMMITTEE (First meeting is Thursday, February 4, 2021, at 8:30 a.m. to elect a Committee Vice-Chair)

Pursuant to NCTD Board Policy No. 3 – *Committees and External Appointments*, the Board’s Committee structure, composition, and responsibilities are detailed as follows:

Performance, Administration and Finance Committee (PAF):

Responsible to ensure that NCTD follows sound financial practices, complies with all financial reporting requirements, and reviews critical performance indicators to ensure the goals and objectives of NCTD are achieved. Following are examples of the subject matters addressed by this Committee:

- Oversee the preparation of an annual budget for NCTD; present annual budget to the full Board for approval;
- Monitor budget implementation and financial procedures;
- Review and recommend for approval significant changes to the budget (e.g. suggested new programs, funding reductions), and make recommendations to the full Board;
- Oversee the assets of NCTD and manage investments;
- Receive performance reports that capture the major performance indicators across all business areas of NCTD and present to the full Board along with recommendations for improvement, when necessary.
- Review the Internal Audit Program’s (IAP) annual Comprehensive Audit Plan developed by the Executive Director and General Counsel Department and provide reports to the full Board regarding the IAP activities.

Marketing, Service Planning and Business Development Committee (MSPBD):

Responsible to ensure that NCTD is formulating and executing strategies that support increasing ridership and revenues within the resources allocated through the budget process. Following are examples of the subject matters addressed by this Committee:

- Development and implementation of a marketing and communications plan;
- Development and modification of service plans across all modes;
- Development of strategies and plans to diversify and increase revenue through strategic partnerships;

Both the MSPBD Committee and the PAF Committee are comprised of four (4) members of the Board. The Board Vice-Chair shall be a member and Chair the PAF Committee.

Executive Committee:

The Executive Committee is comprised of four (4) members, consisting of the Board Chair and Board Vice-Chair, the Chair of the MSPBD Committee, and the Vice-Chair of the PAF Committee. The Board Chair and Board Vice-Chair shall serve as the Chair and Vice-Chair, respectively, of the Executive Committee.

The responsibilities of the Executive Committee include providing oversight to each Committee, ensuring that the Board protects the public and provides oversight and guidance to NCTD in the achievement of its goals. The following are examples of the subject matters addressed by the Executive Committee:

- Annually review and recommend amendments to the Board rules and procedures;
- Develop NCTD policy recommendations pertaining to strategic planning, values, ethics, and issues deemed necessary to be referred to the full Board by the committee;
- When authorized in advance by the Board, act for the full Board between meetings;
- Annually evaluate the in-house General Counsel pursuant to Government Code § 54957.6;
- Actively support the Executive Director; evaluate the Executive Director annually; and develop recommendations for full Board approval on Executive Director selection, compensation, and employment pursuant to Government Code § 54957.6.



STAFF REPORT | RECEIVE THE EXECUTIVE COMMITTEE CHAIR REPORT

Time Sensitive: **Consent:**

STAFF RECOMMENDATION:	Receive the Executive Committee Chair Report.
BACKGROUND INFORMATION:	On November 5, 2020 at 8:30 a.m., the Executive Committee met as scheduled with all appointed members in attendance. Attachment 14A provides summary information concerning the meeting.
ATTACHMENT(S):	14A – Executive Committee Chair Report
GOAL/STRATEGIC DIRECTION:	N/A
FISCAL IMPACT:	This staff report has no fiscal impact.
COMMITTEE REVIEW:	None
STAFF CONTACT:	Anthony Flores, Clerk of the Board E-mail: aflores@nctd.org Phone: 760-966-6553

**MEMO****Date:** November 19, 2020**To:** NCTD Board of Directors**From:** Karen L. Tucholski, Chief Administrative Officer**Re:** Executive Committee Meeting Summary – November 5, 2020810 Mission Avenue
Oceanside, CA 92054www.GoNCTD.com

On November 5, 2020, Executive Committee Chair Kranz called the Executive Committee Meeting to order at 8:30 a.m.

The following members were in attendance at the meeting:

- Tony Kranz, Board Chair (City of Encinitas)
- Jack Feller, Board Vice-Chair (City of Oceanside)
- Sharon Jenkins, PAF Committee Vice-Chair (City of San Marcos)
- Jewel Edson, MSPBD Committee Chair (City of Solana Beach)

1. Review of Draft November and December Board Agendas:

Karen L. Tucholski, Chief Administrative Officer, reviewed the proposed Board Agendas for the months of November and December.

The Committee agreed, if needed, to move the start time for the November 19th, Regular Board Meeting currently scheduled to start at 2:00 p.m. to a later time to accommodate an anticipated robust workshop discussion during the Special Board Meeting scheduled for November 19th at 1:00 p.m. Additionally, the Committee agreed to add an Informational Item to the December 17th agenda to receive an update on the plan to place the new Charger Locomotives into revenue service.

2. Closed Session Pursuant to Government Code Section 54957.6 – Public Employee Performance Evaluation, Title: Matthew O. Tucker, Executive Director:

The Committee went into Closed Session at 9:18 a.m. Anthony Flores, Clerk of the Board, conducted a roll call and confirmed Board Chair Kranz and Board Member Edson were connected to the Closed Session meeting. The Committee returned from Closed Session at 10:00 a.m. Lori A. Winfree, General Counsel, reported that the Executive Committee of the Board met in Closed Session to discuss the Executive Director's performance and has referred this matter to a Closed Session of the full Board at its regular meeting on November 19, 2020.

Board Chair Kranz adjourned the meeting at 10:01 a.m.

STAFF REPORT

APPROVE TASK ORDER AGREEMENT NO. 02 TO AGREEMENT NO. 19059 WITH HDR ENGINEERING, INC. FOR MAINTENANCE-OF-WAY BUILDING SITE EVALUATION AND PRELIMINARY DESIGN

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Approve Task Order Agreement No. 02 to Agreement No. 19059 with HDR Engineering, Inc. for Maintenance-of-Way Building Site Evaluation and Preliminary Design in an amount not-to-exceed \$793,860.

**BACKGROUND
INFORMATION:**

The North County Transit District (NCTD) currently leases a facility for Maintenance-of-Way (MOW) equipment maintenance and storage, located at 3700 Maritime Way, Oceanside, CA., and the lease is set to expire in June 2023. A facility designed to meet NCTD’s specific requirements at a location adjacent to the railroad right-of-way would significantly improve MOW functionality. This proposed Task Order Agreement (TOA) will include evaluation of potential sites, recommendation of the best alternative, and preliminary design of a new MOW building at the selected site. This preliminary work will better position NCTD for future grant funding opportunities that would allow the design and construction to advance.

Overall space requirements for a new MOW building are an approximate at-grade maintenance area of 5,000 - 8,000 square feet plus 3,000 square feet for office space. The building must accommodate open service bays for MOW vehicles, signal maintenance vehicles, track equipment storage, signal and grade crossing equipment storage, parts storage and distribution, fluid storage, workshops and tool storage, administrative and managerial offices, staff support areas, and mechanical and electrical rooms. Required building systems include process piping for the distribution of fluids to the service bays, compressed natural gas (CNG) leak detection and exhaust, fire suppression and alarm, and air-conditioning for offices and staff support areas. Additional requirements include the following:

- The 3,000 square foot office space must accommodate five (5) office spaces, two (2) restrooms with showers and lockers, a lunch/break room
- ADA compliant parking lot with a minimum of 35 parking stalls
- Direct access to a rail line for track maintenance vehicles
- Chassis wash bay/steam rack
- Site utility work including fire water, fire hydrants, domestic water supply, fiber and communication ducts and cables, street utility connections for domestic water, gas and electrical services
- Emergency generator
- Refueling station

On September 17, 2020, staff issued Request for Statements of Qualifications (RFSQ) No. 29711 to NCTD’s Architect and Engineering Bench for the MOW New Building Site Evaluation and Preliminary Design to NCTD’s On-Call Civil Engineering bench of firms. One response to the RFSQ was received by the

October 2, 2020 deadline. Following a single bid analysis, it was determined that the other two (2) firms on the bench did not have qualified team members available for the proposed work. The Statement of Qualifications submitted by HDR Engineering, Inc. (HDR), was deemed responsive and responsible and evaluated by the Source Selection Committee (SSC) in accordance with the Federal Brooks and California Mini-Brooks Acts, which is a qualifications-based selection process. The SSC determined that HDR was the most qualified and negotiations were completed, resulting in a cost savings of \$5,000. Further negotiations on the level of effort will be conducted after a site assessment is concluded and a specific site selected.

Based on the foregoing, staff recommends that the NCTD Board of Directors (Board) approve TOA No. 02 to Agreement No. 19059 with HDR for the MOW Building Site Evaluation and Preliminary Design in an amount not-to-exceed \$793,860.

ATTACHMENT: None

GOAL/STRATEGIC DIRECTION: Successfully Implement Major Projects

FISCAL IMPACT: The fiscal impact of this proposed contract action is \$793,860, which is funded with Federal Transit Administration (FTA) and matching State Transit Assistance (STA) funds in Project 719002, which has a total budget of \$875,000. If the Board approves this proposed contract action, the balance available in Project 719002 will be reduced to \$81,140.

COMMITTEE REVIEW: None

STAFF CONTACT: Tracey Foster, Chief Development Officer
E-mail: tfoster@nctd.org Phone: 760-966-6674



STAFF REPORT

RATIFY TASK ORDER AGREEMENT NO. 34 TO AGREEMENT NO. 16044 WITH BOMBARDIER TRANSPORTATION (HOLDINGS) USA, INC. FOR RAILROAD EMBANKMENT REPAIRS

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Ratify Task Order Agreement (TOA) No. 34 to Agreement No. 16044 with Bombardier Transportation (Holdings) USA, Inc. (Bombardier) for railroad embankment repairs at the San Dieguito Lagoon in an amount not-to-exceed \$824,965.

**BACKGROUND
INFORMATION:**

The North County Transit District's (NCTD) Maintenance-of-Way and Rail Engineering staff have identified new erosion on the west side of the railroad embankment at Mile Post (MP) 243 within the boundary of the San Dieguito Lagoon. The identified erosion is located just north of railroad Bridge 243 abutment near the location of a previous railroad embankment repair completed in February and March 2017.

Similar to the 2017 issue, the recently identified railroad embankment erosion along the west side has experienced loss of vegetation and material attributed to tidal influence and ocean wave action resulting from the development of a substantial sand bar which has engulfed several of the Camino Del Mar vehicle bridge spans, consequently concentrating tidal flows and wave action directly at the NCTD railroad embankment area described above.

Of importance, NCTD's underground fiber optic utilities cable for Positive Train Control (PTC) are located within the railroad embankment along the west side of the tracks and will be negatively impacted with further erosion from tidal and wave influences in the San Dieguito Lagoon. This eroded portion of the railroad embankment requires stabilization and protection against tidal influence and wave action to ensure public safety and to allow rail operations to continue without restrictions. The identification of recent embankment erosion at MP 243 confirmed that the previous repair performed in 2017 has been effective in protecting the railroad embankment, and a continuation of rip rap protection installed under a similar scope of work and construction means and method would provide the additional protection required. The repair work required will need to be performed prior to the rainy season and within the absolute work windows scheduled in October 2020 in order to mitigate damage to the track bed structure and potential shutdown of public services.

In accordance with Board Policy No. 19, the Executive Director has the authority to execute a contract without competitive bidding when it is determined by the Executive Director that either an emergency or an exigent circumstance exists. On August 7, 2020, a memorandum was provided to the Executive Director, briefing the embankment conditions. The same day, approval was given by the Executive Director to proceed with the necessary work and on August 18, 2020, the Executive Director formally declared in a memorandum the existence of an exigent circumstance, and authorized staff to advance procurement actions to obtain the services necessary to commence the railroad embankment repairs. Pursuant to Board Policy No. 19, the Executive Director is required to notify the

Board at its next public meeting of any contract action where the competitive bidding process was waived due to exigent or emergency circumstances and seek ratification.

Pricing for the riprap and flagging was competitively received as part of the Combined Rail Operations and Maintenance Services procurement awarded to Bombardier under Agreement 16044 and approved by the NCTD Board of Directors (Board) on December 17, 2015 (Agenda Item No. 11). NCTD has evaluated the pricing and determined that Bombardier's proposal is fair and reasonable compared to the Independent Cost Estimate (ICE) that was completed by staff prior to requesting pricing for the remaining items that were not priced with as part of the Combined Rail Operations and Maintenance Services award.

Staff recommends that the Board ratify Task Order Agreement No. 34 to Agreement No. 16044 with Bombardier for railroad embankment repairs at the San Dieguito Lagoon in an amount not-to-exceed \$824,965.

ATTACHMENT: None

GOAL/STRATEGIC DIRECTION: Asset Management and State of Good Repair

FISCAL IMPACT: The fiscal impact of this proposed Task Order Agreement is \$824,965, which will be funded with Los Angeles, San Diego, San Luis Obispo Rail Corridor Agency (LOSSAN) Transit and Intercity Rail Capital Program (TIRCP) state funds in Capital Project 521006, which has a total budget of \$836,965. If the Board approves this task order, the remaining balance in Project 521006 will be reduced to \$12,000.

COMMITTEE REVIEW: None

STAFF CONTACT: **Tracey Foster, Chief Development Officer**
E-mail: tfoster@nctd.org Phone: 760-966-6674



STAFF REPORT

APPROVE SUPPLEMENTAL AGREEMENT NO. 03 TO AGREEMENT NO. 17016 WITH SINGH GROUP, INC. FOR SOLANA BEACH STATION SLOPE LANDSCAPE MAINTENANCE

Time Sensitive: Consent:

**STAFF
RECOMMENDATION:**

Approve Supplemental Agreement No. 03 to Agreement No. 17016 with Singh Group, Inc. (Singh) for landscape maintenance services at North County Transit District's (NCTD) Solana Beach Station slopes in an amount not-to-exceed \$117,216.

**BACKGROUND
INFORMATION:**

On November 17, 2016, the North County Transit District's (NCTD) Board of Directors (Board) approved Agreement No. 17016 with Singh for system-wide landscape services for a period of five (5) years (Agenda Item No. 7). The current expiration date for this Agreement is November 30, 2021.

On November 16, 2017, the NCTD Board approved Agreement No. 18014 with Palm Engineering Construction Company (Palm) for Landscape Improvements and Maintenance at the Solana Beach Station slopes. Agreement No. 18014 (Agenda Item No. 17) was comprised of two parts: construction of landscaping improvements and post-construction landscape maintenance. The period of performance of the post-construction landscape maintenance was for a base period of three (3) years and an additional two (2) option years. The expiration date for the base period of performance of the post-construction landscaping maintenance was October 31, 2021. However, on August 25, 2020, NCTD issued Palm a notice of termination for Agreement No. 18014 as a result of multiple safety violations.

In order to ensure continued critical landscape maintenance services on the Solana Beach Station slopes, NCTD has determined that a supplemental agreement to its existing system-wide landscape services contract with Singh is the most prudent course. Previously, NCTD executed Supplemental Agreement No. 01 to Agreement No. 17016 for additional permitting and weed abatement costs in the amount of \$47,268 and Supplemental Agreement No. 02 for the initial Solan Beach Station slopes cleanup in the amount of \$27,243, for a cumulative total of \$74,511. NCTD executed the modifications without the need to return to the Board as they were in accordance with Board Policy No. 19, which authorizes the Executive Director to execute contract modifications up to \$100,000 (singular or cumulative). Staff now seeks the Board's authority for Supplemental No. 03 in accordance with Board Policy No. 19, as the cumulative contract modifications exceed the authority delegated to the Executive Director, thereby requiring the Board's approval.

NCTD and Singh have agreed, subject to Board approval and in accordance with the Section 9, Changes to the Agreement provision of Agreement No. 17016, to include the additional landscape maintenance services for the Solana Beach Station slopes in Agreement No. 17016 for the remaining agreement period of twelve (12) months from December 1, 2020 through November 30, 2021.

Based on the foregoing, staff recommends that the Board approve Supplemental Agreement No. 03 to Agreement No. 17016 with Singh for landscape maintenance services at NCTD's Solana Beach Station slopes in an amount not-to-exceed \$117,216.

ATTACHMENT: None

GOAL/STRATEGIC DIRECTION: Asset Management and State of Good Repair

FISCAL IMPACT: The total fiscal impact of the proposed contract action is not-to-exceed \$117,216 for twelve (12) months from December 1, 2020 through November 30, 2021. The fiscal impact for FY21 is estimated to be \$66,640 and will be funded with Federal Transit Administration (FTA) and matching local operating funds in accounts 220.50331*.201, which collectively have an FY21 budget of \$5,962,495. If the Board approves this proposed contract action, the FY21 budget available in accounts 220.50331*.201 will be reduced to \$129,890. Future expenditures will be programmed in future fiscal year operating budgets as required.

COMMITTEE REVIEW: None

STAFF CONTACT: Tracey Foster, Chief Development Officer
Email: tfoster@nctd.org Phone: 760-966-6674

STAFF REPORT

APPROVE SOLE SOURCE AGREEMENT NO. 21018 TO INNOVATIONS IN TRANSPORTATION, INC. FOR THE PURCHASE OF AUTOMATIC PASSENGER COUNTERS FOR COASTER RAIL SERVICE

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Staff recommends that the Board of Directors authorize the Executive Director to negotiate and execute Sole Source Agreement No. 21018 with Innovations in Transportation, Inc. for the purchase of a new Automatic Passenger Counter System for COASTER Rail service in an amount not-to-exceed \$800,000.

**BACKGROUND
INFORMATION:**

The North County Transit District (NCTD) uses automatic passenger counter (APC) technology onboard the COASTER, SPRINTER, and BREEZE modes to provide critical performance and regulatory reporting data. APC systems consists of on-board equipment that counts passengers passing through the rail car doorways and a back-end system made up of servers and software to collect and process the data received from the on-board equipment. The COASTER rail fleet is currently equipped with an older APC system that is past its useful life and needs to be replaced with a system that better meets the operating requirements for APC technology for commuter rail.

NCTD has determined that the APC technology utilized on the SPRINTER provided by Innovations in Transportation, Inc. (INIT) best meets NCTD's operational needs for data collection and reporting for the COASTER mode based on staff's analysis and determination that INIT's technology will support consolidation of NCTD's rail and bus modes within a single system with a proven backend that will meet NCTD's operational and reporting requirements. Further, consolidating to a single APC system will provide efficiencies by allowing staff to concentrate on the use, operation, and reporting features of one software application. The vendor for the current APC technology on the COASTER has provided documentation supporting that its technology cannot meet the operational requirements for COASTER operations.

On July 28, 2020 NCTD issued the scope of work to INIT for the new APC system. The vendor provided proposed pricing for the requested work to NCTD on October 23, 2020. NCTD has evaluated INIT's initial offer and is negotiating the final cost. NCTD anticipates concluding negotiations by the end of November 2020, with contract execution shortly thereafter.

Based on the foregoing, staff recommends that the NCTD Board of Directors authorize the Executive Director to negotiate and execute Sole Source Agreement No. 21018 to INIT for the purchase of a new APC System for COASTER rail service in an amount not-to-exceed \$800,000.

ATTACHMENT:

None

**GOAL/STRATEGIC
DIRECTION:**

Asset Management and State of Good Repair

FISCAL IMPACT: The fiscal impact of this proposed contract action is not to exceed \$800,000, which is funded with Federal Transit Administration (FTA) and matching State Transit Assistance (STA) funds in Project 421002, which has a total budget of \$500,000. Additional funding will be identified to support the completion of the project.

COMMITTEE REVIEW: None

STAFF CONTACT: **Ryan Cashin, Chief Technology Officer**
E-mail: rcashin@nctd.org Phone: 760-966-6554



STAFF REPORT

**AWARD AGREEMENT NO. 21019 TO WABTEC RAILWAY
ELECTRONICS, INC. FOR POSITIVE TRAIN CONTROL AND
COMPUTER AIDED DISPATCH MAINTENANCE AND SUPPORT
SERVICES**

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Staff recommends that the Board of Directors award Agreement No. 21019 (Agreement) to Wabtec Railway Electronics, Inc. (WRE) for Positive Train Control (PTC) and Computer Aided Dispatch (CAD) maintenance and support services, subject to successful negotiations by the Executive Director and with concurrence of the General Counsel; and authorize the Executive Director to execute a three-year Agreement with an option for an additional three-year term to be executed at the discretion of the Executive Director if determined to be in the best interest of the North County Transit District (NCTD), in a total amount-not-to-exceed \$15 million assuming the base and optional term is executed.

**BACKGROUND
INFORMATION:**

In compliance with the Rail Safety Improvement Act of 2008, the NCTD implemented a PTC system for the San Diego Subdivision through Agreement No. 11046 with Herzog Technologies, Inc. (HTI), which was approved by the NCTD Board of Directors (Board) on July 21, 2011 (Agenda Item No. 9). NCTD's PTC system was conditionally approved by the Federal Railroad Administration (FRA) for revenue service on September 21, 2018.

NCTD's PTC system uses an FRA-approved system, WRE's Interoperable Electronic Train Management System (I-ETMS®). The I-ETMS PTC system is interfaced to other NCTD systems, including WRE's Train Management and Dispatching System (TMDS®) CAD used by NCTD dispatchers.

The current agreements for WRE's PTC and CAD services are held and managed by two different NCTD contractors, with costs passed on to NCTD. To increase efficiencies and contain costs for ongoing operations and maintenance, NCTD is proposing to transition the existing subcontracts held by NCTD's contractors to a single WRE agreement executed directly with NCTD. Execution of a contract with Wabtec will ensure that NCTD has direct contract privity and access to the original equipment and software provider for PTC, CAD, and other railroad technologies. NCTD has advanced an organizational restructuring that established a Rail Technologies Department within the Information Technology Division. The establishment of this function along with the execution of this agreement will support more cost-effective operations and maintenance of these technologies and ensure that NCTD establishes and maintains direct oversight of these systems to ensure high performance and reliability.

To effectuate this transition, negotiations commenced in June 2019 to develop the Scope of Work and reach an agreement on the terms and conditions. NCTD anticipates concluding negotiations by December 31, 2020. The key terms of the final agreement include:

- Full Maintenance Support
- Software Updates and Improvements

- Two (2) dedicated on-site personnel
- Remote subject matter expert technical support
- Engineering Design Change Support
- Contract term of three (3) years with an option for an additional three (3) year term.

Accordingly, staff recommends that the Board award Agreement No. 21019 to WRE for PTC and CAD maintenance and support services, subject to successful negotiations by the Executive Director and with concurrence of the General Counsel; and authorize the Executive Director to execute a three-year Agreement with an option for an additional three-year term to be executed at the discretion of the Executive Director if determined to be in the best interest of the NCTD, in a total amount-not-to-exceed \$15 million assuming the base and optional term is executed.

ATTACHMENT: None

GOAL/STRATEGIC DIRECTION: Successfully Implement Major Projects

FISCAL IMPACT: The fiscal impact of this Board action is not-to-exceed \$15,000,000. For calendar year 2021, the WRE Agreement estimated costs of \$2,500,000 will be funded from capital project No. 512560, which has a total budget of \$11,738,034. If the Board approves this contract action, the balance remaining in project No. 512560 will be reduced to \$7,262,075. The remaining estimated costs of \$12,500,000 will be budgeted in future fiscal years operating budgets through the annual operating budget process.

COMMITTEE REVIEW: None

STAFF CONTACT: **Ryan Cashin, Chief Technology Officer**
E-mail: rcashin@nctd.org Phone: 760-966-6554



STAFF REPORT

AWARD AGREEMENT NO. 21017 TO DB ENGINEERING AND CONSULTING FOR ON-CALL RAIL PLANNING SERVICES

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Award Agreement No. 21017 to DB Engineering and Consulting for on-call rail planning services for a base period of three (3) years in an amount not-to-exceed \$300,000, and further authorize the Executive Director to exercise one (1) optional two (2) year extension, if determined in the best interest of NCTD, in an amount not-to-exceed \$100,000 annually, for a total not-to-exceed amount of \$500,000.

**BACKGROUND
INFORMATION:**

The North County Transit District (NCTD) has a requirement for rail planning services in order to ensure its multimodal transit system is operating efficiently and effectively. This will include tasks, issued by Task Order Agreements, such as rail corridor planning and scheduling, project planning and development, management planning services, and training. This work will help support NCTD's strategic planning, service planning, and discretionary grant application efforts.

On August 4, 2020, NCTD issued Request for Proposal (RFP) No. 29481 for On-Call Rail Planning Services. Notices were published in two (2) newspapers of general circulation and posted on Planetbids. The solicitation closed on September 9, 2020, with two (2) proposals received by the deadline. Both proposals were deemed responsive and responsible, and evaluated by the Source Selection Committee (SSC) in accordance with the following selection criteria:

- Technical Approach: Depth of Consultant's understanding of the Scope of Work; logic, clarity, and specificity of Consultant's proposal; and approach to providing deliverables and quality assurance.
- Personnel and Qualifications (Knowledge, Experience, Qualifications): Qualifications of the proposed key staff, including resumes, technical experience in performing work of a similar nature; and strength and stability of the Firm.
- Project Experience: Assessment of relevant project experience, previous successful implementations, and client references.
- Cost Proposal.

A Best and Final Offer was requested on October 6, 2020, which resulted in an overall reduction in the cost proposal and resultant cost savings of \$12,500 from the original proposal. The SSC determined that DB Engineering and Consulting is the proposer offering the best overall value to the District due to the quality of the proposal and the firm's extensive experience and technical abilities. Any work proposed and authorized by NCTD for on-call rail planning services is on an "as-needed" or "on-call" basis; accordingly, there is no commitment by NCTD to provide any specific scope or value of work for the proposed professional services.

Staff recommends that the NCTD Board of Directors award Agreement No. 21017 to DB Engineering and Consulting for on-call rail planning services for a base period of three (3) years in an amount not-to-exceed \$300,000, and further authorize the Executive Director to exercise one (1) optional two (2) year extension, if determined in the best interest of NCTD, in an amount not-to-exceed \$100,000 annually, for a total not-to-exceed amount of \$500,000.

ATTACHMENT: None

GOAL/STRATEGIC DIRECTION: Enhance Customer Service, Improve Service Quality, and Increase Ridership

FISCAL IMPACT: If the Board approves this contract action, it will establish the maximum procurement authority for this contract at a not-to-exceed amount of \$300,000 over three (3) years. Actual costs will be incurred when a task order for specific tasks are issued and will be funded from operating accounts 360.50311x and 260.50311x as permissible within the operating budget.

COMMITTEE REVIEW: None

STAFF CONTACT: **Katie Persons, Senior Strategic Planner**
E-mail: kpowers@nctd.org Phone: 760-966-6683



STAFF REPORT

AUTHORIZE THE EXECUTIVE DIRECTOR TO PAY THE NORTH COUNTY TRANSIT DISTRICT'S COMPREHENSIVE, GENERAL, AND EXCESS LIABILITY INSURANCE PREMIUM FOR POLICY YEAR 2021

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Authorize the Executive Director to pay the insurance premium for the purchase of the North County Transit District's (NCTD/District) comprehensive, general, and excess liability policies, including rail and auto liability for policy year 2021 in an amount not-to-exceed \$4,150,000.

**BACKGROUND
INFORMATION:**

The District purchases various types of insurance policies annually to cover the risks associated with its operations. Insurance policies include: comprehensive general liability and excess rail insurance, commercial primary and excess property insurance, public entity property insurance; workers' compensation insurance, self-insurance bond, flood and earthquake insurance.

The District utilizes the services of its current broker, Alliant Insurance Services (Broker), to obtain quotes from various carriers. The comprehensive general and excess liability coverage is obtained from several insurance carriers, each providing a certain "layer" of coverage up to the federally required \$295 million liability cap (49 U.S.C. 28103). This limit covers the District's exposure for railroad liability up to the statutory cap. The Legal Coordinator – Claims works closely with the Broker to provide accurate information to obtain the best rates for insurance. The cost of insurance premiums are generally included in the operating budget of the General Counsel which is approved by the District's Board of Directors (Board) annually prior to the renewal periods. Pursuant to Board Policy No. 19, assuming the premium does not exceed the Board-approved budget for the insurance line item, the Board has delegated authority to the Executive Director to make payment without returning to the Board.

Insurance providers are currently experiencing significant challenges that are negatively impacting the availability of coverage at each coverage layer and increasing costs for coverage. NCTD's premium for FY2020 for the \$295 million policy was \$2,742,100. The District did not incur any losses that exceeded the self-insured retention of \$2,000,000 during FY2020. The preliminary quotes that have been received for the policy year 2021 premium is estimated at \$4,150,000, which represents an approximate 48% increase over the policy year 2020 premium and exceeds the FY2021 adopted budget by \$365,000 (approximately 10%). District staff has been working with Alliant and the American Public Transportation Association (APTA) to evaluate opportunities to increase market capacity and contain costs. Staff will update the Board regarding the outcome of these efforts and new shifts/trends occurring in the insurance market. The significant increases in insurance premiums reinforces NCTD's need to reduce risks associated with its operations and activities.

Based on the foregoing, staff recommends that the Board authorize the Executive Director to pay the insurance premium for the purchase of the District's comprehensive, general, and excess liability policies, including rail and auto liability, for policy year 2021 in an amount not-to-exceed \$4,150,000.

ATTACHMENT: None

GOAL/STRATEGIC DIRECTION: Legal, Regulatory and Policy Compliance

FISCAL IMPACT: The fiscal impact of this proposed contract action is not-to-exceed \$4,150,000. The insurance premiums are funded from non-Federal Transit Administration grant funds in the operating budget in account numbers 357.50613*, which collectively have an available budget of \$3,785,000 in FY2021. If the Board approves this proposed contract action, the balance will be in a deficit of \$365,000. The deficit will be funded by savings within the General Counsel and other department's operating budgets as determined by the Executive Director without the requirement for any increase in the overall District Budget amounts.

COMMITTEE REVIEW: None

STAFF CONTACT: **Lori A. Winfree, General Counsel**
E-mail: lwinfree@nctd.org Phone: 760-966-6500



STAFF REPORT

**RECEIVE A REPORT FROM THE CALENDAR YEAR 2021 BOARD
CHAIR AND VICE-CHAIR NOMINATING COMMITTEE**

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

The Nominating Committee will provide the Board with an update on its status for nominations for Chair and Vice-Chair of the North County Transit District Board for Calendar Year 2021.

**BACKGROUND
INFORMATION:**

At the October 15, 2020, Regular Board meeting, the Board appointed the following Board Members to serve on the Nominating Committee for the Chair and Vice-Chair for Calendar Year 2021:

1. Priya Bhat-Patel, Councilmember, City of Carlsbad
(Chair of Nominating Committee)
2. Paul McNamara, Mayor, City of Escondido
3. Jim Desmond, Supervisor, County of San Diego

The Nominating Committee will provide the Board with an update on the status of nominations for Chair and Vice-Chair of the North County Transit District Board for Calendar Year 2021.

The election for the Chair and Vice-Chair will be conducted at the January 21, 2021, Board meeting per NCTD's enabling legislation.

ATTACHMENT:

None

**GOAL/STRATEGIC
DIRECTION:**

Legal, Regulatory and Policy Compliance

FISCAL IMPACT:

This staff report has no fiscal impact.

COMMITTEE REVIEW:

None

STAFF CONTACT:

Anthony Flores, Clerk of the Board
E-mail: aflores@nctd.org Phone: 760-966-6553



RELATED TO
AGENDA ITEM 22

NORTH COUNTY
TRANSIT DISTRICT

Receive a Report from the CY2021 Board Chair and Vice-Chair Nominating Committee

Board Meeting
November 19, 2020

**NORTH COUNTY
TRANSIT DISTRICT**



COASTER SPRINTER BREEZE FLEX LIFT

810 Mission Avenue, Oceanside, CA 92054 • GoNCTD.com

Background

- Pursuant to NCTD Board Policy No. 2 and in accordance with Public Utilities Code § 125000, the Board Chair and Vice-Chair shall be nominated each year by the Board at its December meeting.
- The Board Chair and Vice-Chair shall be elected at its January meeting.

Board Policy No. 2 –Chair/Vice Chair

- **Election of Board Chair and Vice-Chair (Public Utilities Code § 125100):**
 - The Board Chair shall appoint a three-person Nominating Committee (with the concurrence of the full Board).
 - The Nominating Committee shall present its recommendations to the Chair and the Board; the Board Chair and Board Vice-Chair shall be nominated by the Board.
 - The Board Chair and Board Vice-Chair shall be elected by the Board at the January meeting of the Board of Directors.
- **Only voting members are eligible to serve as the Board Chair and Vice-Chair and as members of the Nominating Committee.**

Nominating Committee

- **At the October Board meeting, the Board Chair, in concurrence with the full Board, appointed the following Board Members to serve on the Nominating Committee for the Chair and Vice-Chair for CY2021:**
 - Priya Bhat-Patel, Council Member, City of Carlsbad (Nominating Committee Chair)
 - Paul McNamara, Mayor, City of Escondido
 - Jim Desmond, Supervisor, County of San Diego

Nomination

- The Nominating Committee will provide a verbal report on the status of its recommendation.

Next Steps

- **The Nominating Committee will submit its final recommendation for the Board Chair and Vice-Chair positions at the December 17, 2020 Regular Board Meeting and will officially elect the Board Chair and Vice-Chair at the January 21, 2021 Regular Board Meeting.**

Questions?

STAFF REPORT

**RECEIVE AN UPDATE ON THE SIGNAL AND GRADE CROSSING
MODERNIZATION PROJECT**

Time Sensitive: **Consent:**

**STAFF
RECOMMENDATION:**

Staff will provide an update to the North County Transit District's Board of Directors on the Signal and Grade Crossing Modernization Project.

**BACKGROUND
INFORMATION:**

At the June 20, 2019 Regular Board Meeting, the North County Transit District's (NCTD) Board of Directors (Board) approved a Task Order Agreement to Pacific Railway Enterprises, Inc. for professional signal design services (Agenda Item No. 5). These signal design services support multiple upgrades and enhancements to the San Diego Subdivision, as part of the Signal Optimization project.

Significant progress has been made with the design and advancement of the projects. Staff will provide a presentation on the following signal and grade crossing modernization projects and will review the project's scope of work and deliverables, funding strategies, and schedule for completion:

- COASTER Braking Analysis
- Sorrento Valley Grade Crossing
- Wireless Mesh Node
- CP Broadway/San Diego Convention Center Platform
- Oceanside Transit Center Pedestrian Crossing
- Legacy Equipment Replacement

Additionally, the presentation will include an overview of the existing train and crossing control equipment, system options and the long-term approach to ensure safe and reliable rail operations.

ATTACHMENT:

None

**GOAL/STRATEGIC
DIRECTION:**

Asset Management and State of Good Repair

FISCAL IMPACT:

This staff report has no fiscal impact.

COMMITTEE REVIEW:

None

STAFF CONTACT:

Tracey Foster, Chief Development Officer
E-mail: tfoster@nctd.org Phone: 760-966-6674



**RELATED TO
AGENDA ITEM 23**

**NORTH COUNTY
TRANSIT DISTRICT**

Signal Optimization Program

**Board Meeting
November 19, 2020**

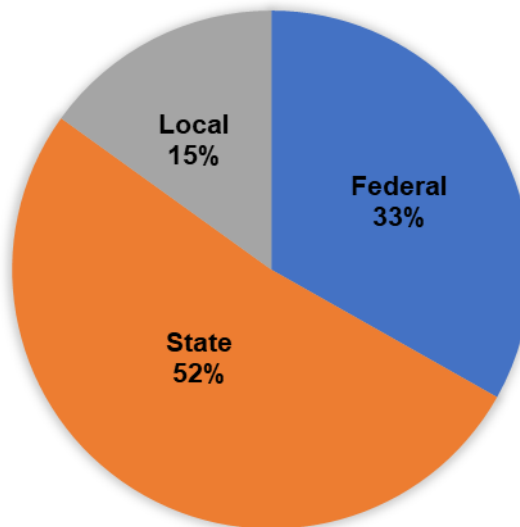
Background

- In October 2018, NCTD was awarded a State of California Transit and Intercity Rail Capital Program grant of \$15.9 million which included matching funds of \$2 million for design to support a program of projects for improved signal operations.
- In October of 2020, NCTD was awarded a \$9.8 million Federal-State Partnership for State of Good Repair Program grant from the Federal Railroad Administration for the San Diego Next Generation Signaling and Grade Crossing Modernization project.
 - The grant award added \$9.8 million of additional federal funds for the construction phase that is leveraged and matched by existing TIRCP and Transportation Development Act funding.
- NCTD has a total of \$32.7 million to support signal improvements from federal, state, and local grant awards.
- NCTD has advanced project development for the program of projects using a consultant, Pacific Railway Enterprises.

Funding Available

Phase	Local Partnership Program					TDA *	Total
	FTA	FRA (SOG)	TIRCP				
Design	\$ 1,000,000	\$ 1,000,000	\$ -	\$ -	\$ -	\$ 2,000,000	
Construction	\$ -	\$ -	\$ 9,836,916	\$ 15,900,000	\$ 4,918,458	\$ 30,655,374	
	\$ 1,000,000	\$ 1,000,000	\$ 9,836,916	\$ 15,900,000	\$ 4,918,458	\$ 32,655,374	

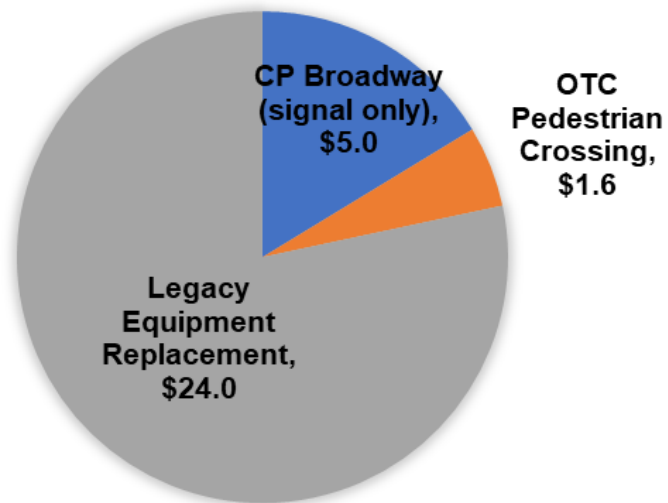
* \$2.5 million will be programmed in the FY2022 Capital Improvement Program



Funded Projects (Construction)

Project	FRA (SOGR)	TIRCP	TDA *	Total
CP Broadway (signal only)	\$ -	\$ 5,000,000	\$ -	\$ 5,000,000
OTC Pedestrian Crossing	\$ -	\$ 1,631,659	\$ -	\$ 1,631,659
Legacy Equipment Replacement	\$ 9,836,916	\$ 9,268,341	\$ 4,918,458	\$ 24,023,715
	\$ 9,836,916	\$ 15,900,000	\$ 4,918,458	\$ 30,655,374

* \$2.5 million will be programmed in the FY2022 Capital Improvement Program



Program of Projects Budget

Project	Construction Budget
Coaster Braking Analysis	\$350,000
Sorrento Valley Grade Crossing	\$2,500,000
Wireless Mesh Node	(to be phased) \$6,400,000
CP Broadway (signal only)	\$5,000,000
OTC Ped Crossing	\$1,600,000
Legacy Equipment Replacement	(to be phased) \$40,000,000

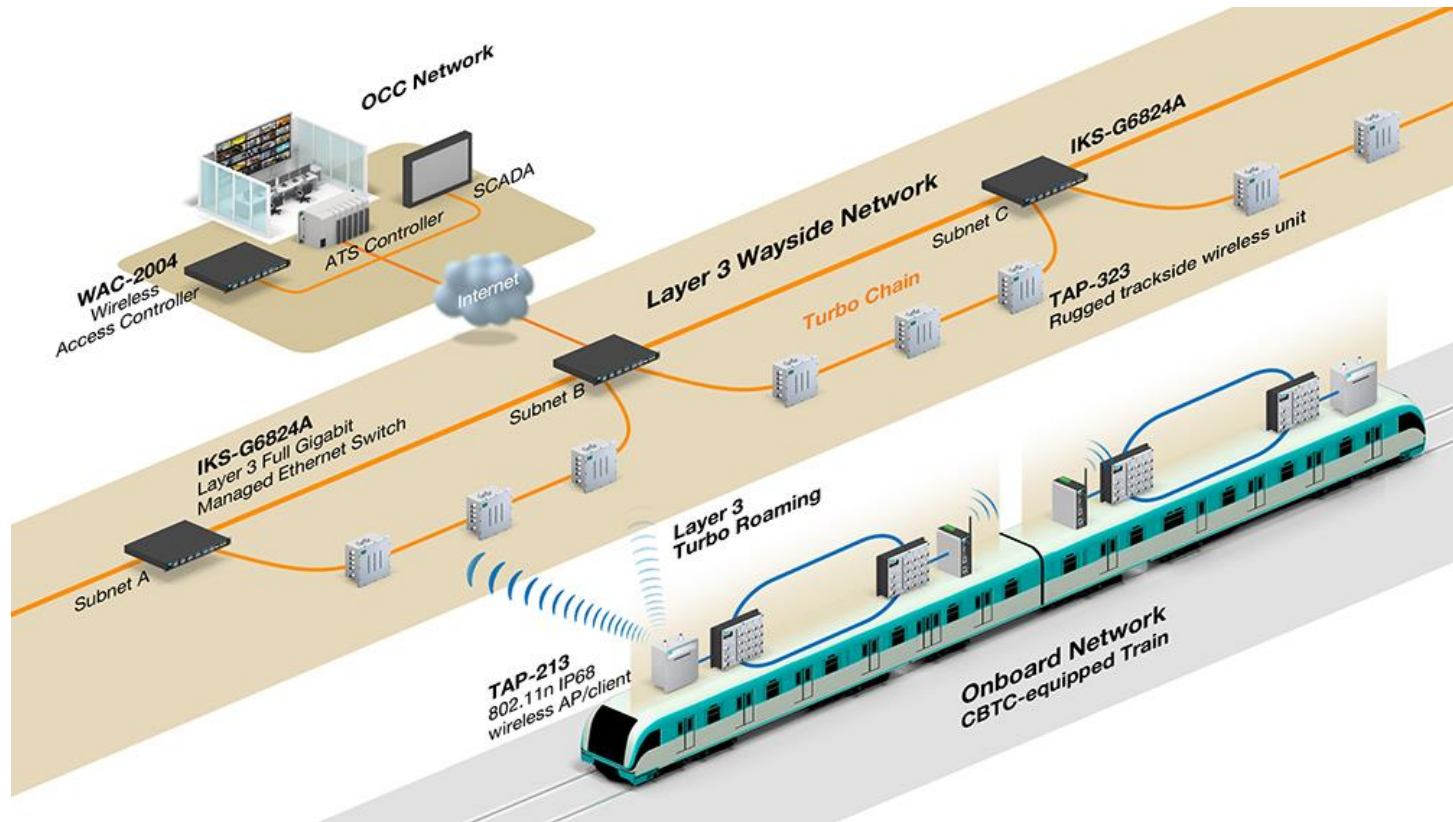
Sorrento Valley Grade Crossing Project

- **Objective:** Replace obsolete crossing controller equipment at four (4) locations and improve crossing prediction with adjacent station.



Wireless Mesh Project

- Objective: Complete build out of network primarily in Rose Canyon & City of Del Mar

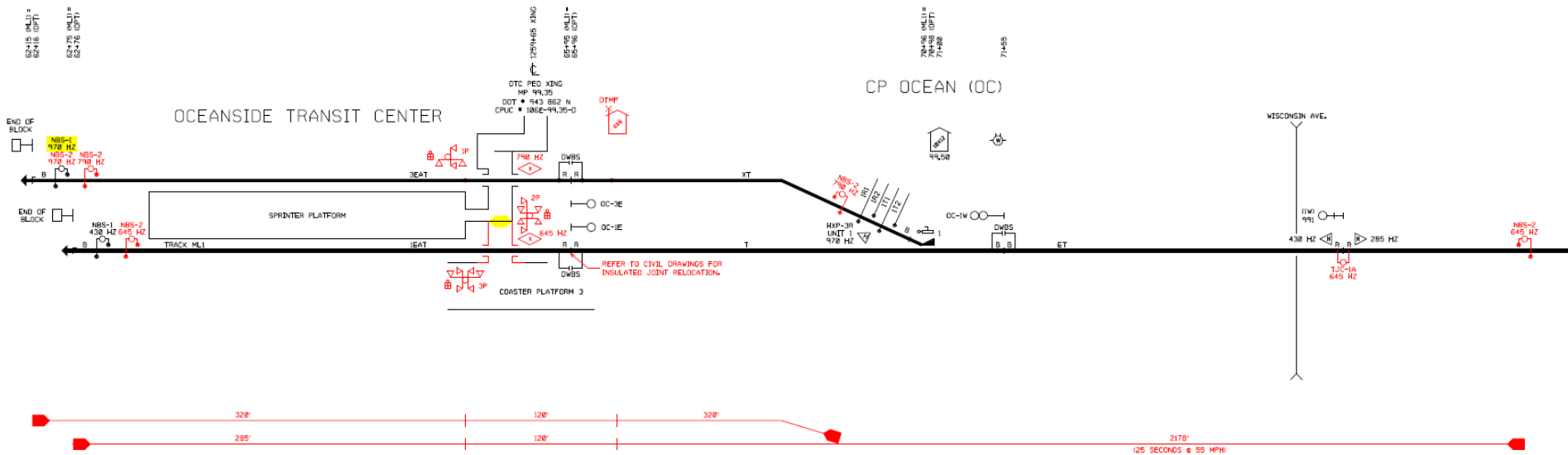


OTC Pedestrian Crossing

- Objective:** Provide access from SPRINTER directly to COASTER platforms (passenger ease of access)

PROJECT PLANS FOR THE CONSTRUCTION OF OCEANSIDE TRANSIT CENTER PLATFORM 3 PEDESTRIAN CROSSING

NORTH COUNTY TRANSIT DISTRICT
ESCONDIDO SUBDIVISION



OTC Pedestrian Crossing



Train Control and Crossings Modernization Project

- **Train Control**

- Signals, switches, track circuits



- **Crossings**

- Gates, lights, bells



Legacy Equipment Replacement

- **Objective: Replace “obsolete” equipment with “future-ready” components to support:**
 - Zero Delay initiative
 - Higher traffic volumes
 - Predictive analytics
 - Next-gen train control and crossing systems

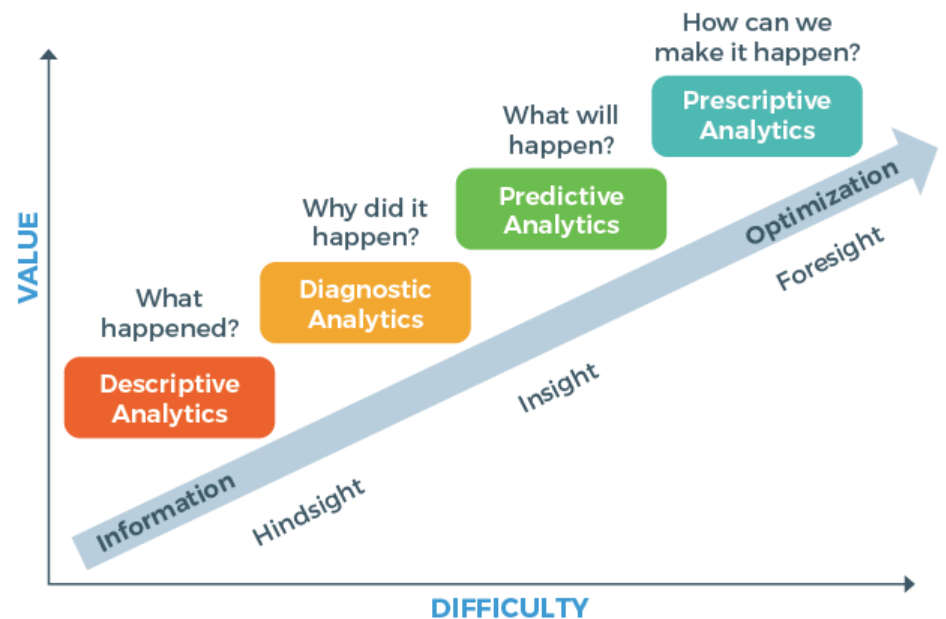


Predictive Analytics

- **Automated Equipment Health and Behavior Monitoring:**

- Monitor:
 - Crossing warning times
 - Gate descent times
 - False activations
 - Switch throw durations
- Prognostic Reporting:
 - Improve information flow
 - Improve resource allocation
 - Mitigate failures

Analytic Value Escalator



Gartner

Legacy Equipment Replacement Deep Dive

- What are the options when it comes to railroad crossing protection?
- What is the existing NCTD signal system comprised of (crossings and train control)?
- What are NCTD's current plans?
 - What is currently funded and in the works?
 - What are we working toward?



Current Status of Train and Crossing Control Systems

- **NCTD currently has signaling equipment that is deemed “obsolete” by the manufacturer and is no longer supported**

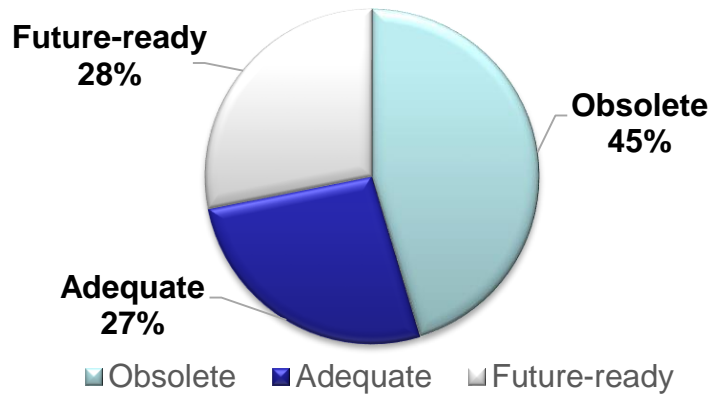
ElectroLogic-1A (EL-1A)	7 units remain
ElectroCode 4 (EC4)	22 units remain
HXP-3	154 units remain (45 on COASTER, 109 on SPRINTER)

- **NCTD also has equipment that is currently supported, but not “future-ready”**

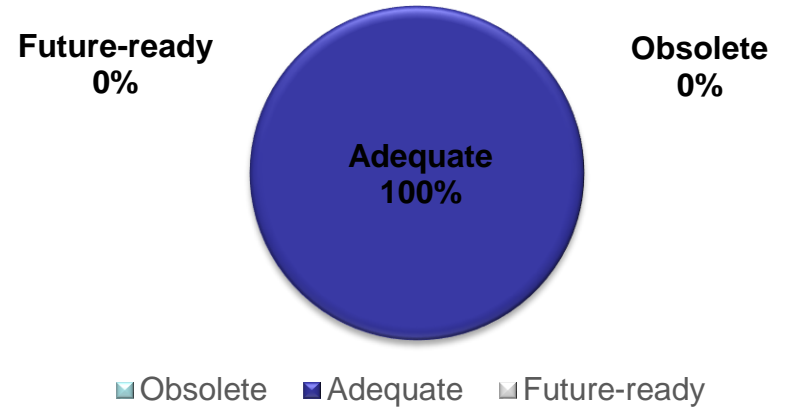
VHLC	17 units (all on COASTER)
VPI	51 units (all on SPRINTER)

Current Status of NCTD's Train and Crossing Control Systems

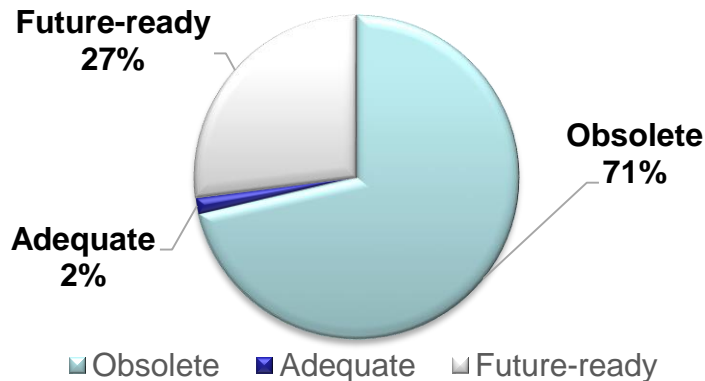
COASTER Train Control



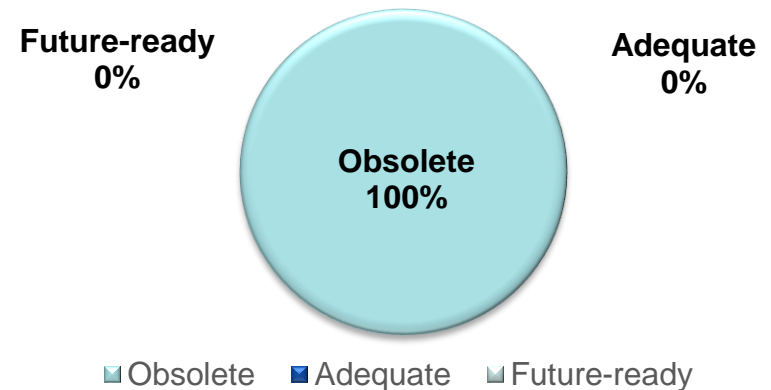
SPRINTER Train Control



COASTER Crossing Control



SPRINTER Crossing Control



What are the options for crossings?

- **There are options available:**

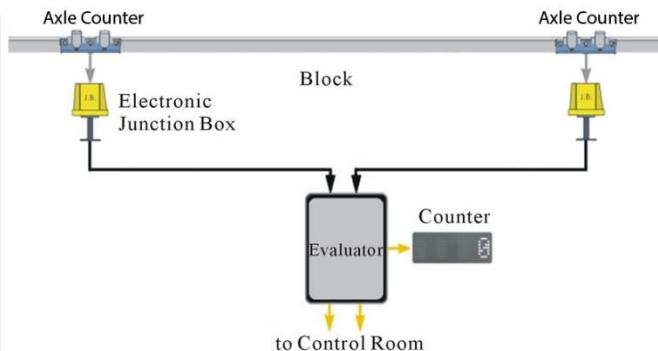
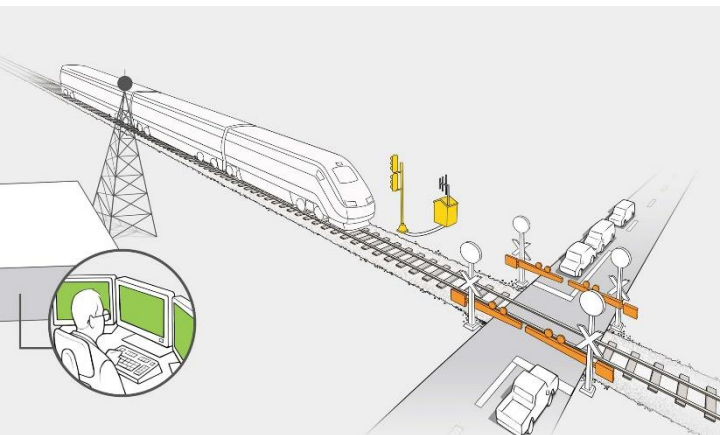
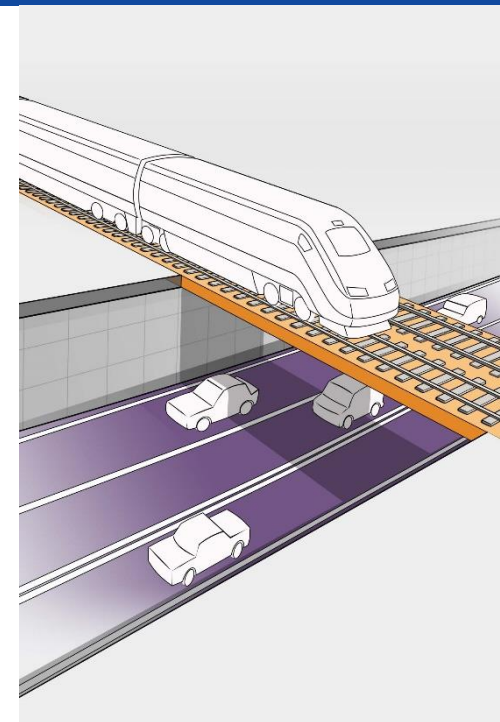
- Viable options must be regulator (FRA & CPUC) approved and industry proven
- NCTD is on an established path consistent with most other comparable railroads in the country
- NCTD is positioned to begin utilizing emerging technologies

- **No system is without risk:**

- For all these technologies, even if an issue can be detected on failure, this does not mean an accident can be avoided.
- Due to train speeds, distance required to stop, and the short window before train arrival at the crossing and the beginning of the activation, a train will most likely NOT be able to stop before arrival at the crossing in the event of a failure.
- Employees must help reduce risks that exist by following regulatory requirements that require immediate reporting of issues.

Options for Improving Grade Crossing Safety

- **Close/Grade separate crossings:**
 - Safest option with high infrastructure cost
- **Non-predictive systems:**
 - Result in longer waiting times at crossings (frustration to general public)OR
 - Result in extreme delays to service (frustration to riders)
- **Alternative predictive systems:**
 - Risk is shifted but not eliminated
 - Adds complexity which reduces maintainability
 - PTC 2.0 is not yet fully vetted and proven



Further detail on tradeoffs and options available upon request.

What are we working toward?

Tier 1

- Obsolete or old technology
- Lack of data infrastructure
- Reactionary
- Root-cause analysis difficult to conduct with limited information

Tier 2

- Adequate equipment
- Successful “firefighting”

Tier 3

- Spot-check preventative measures
- Selective monitoring of “hot spots”

Tier 4

- Current/Modern technology capable of delivering real-time data
- Secure infrastructure to deliver information
- Systems for identifying problems automatically

NCTD's Phased Approach to Upgrading Train and Crossing Control Systems

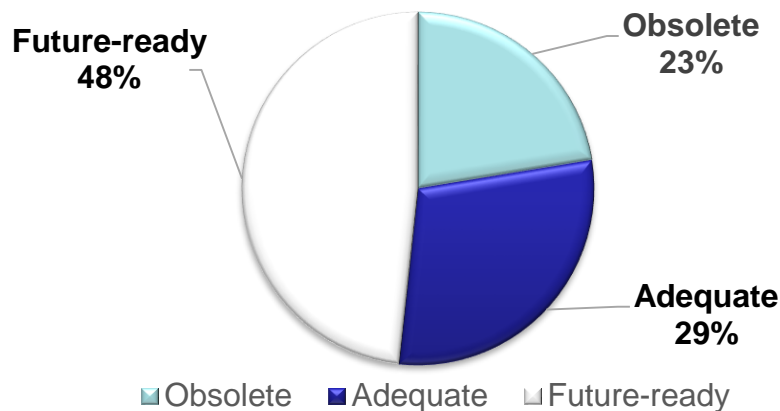
- **How do you eat an elephant?**
 - One bite at a time
- **Eliminate “obsolete” equipment ASAP through SGR grants and TIRCP funding**
- **Establish a routine replacement program to replace “adequate” equipment before it becomes obsolete.**



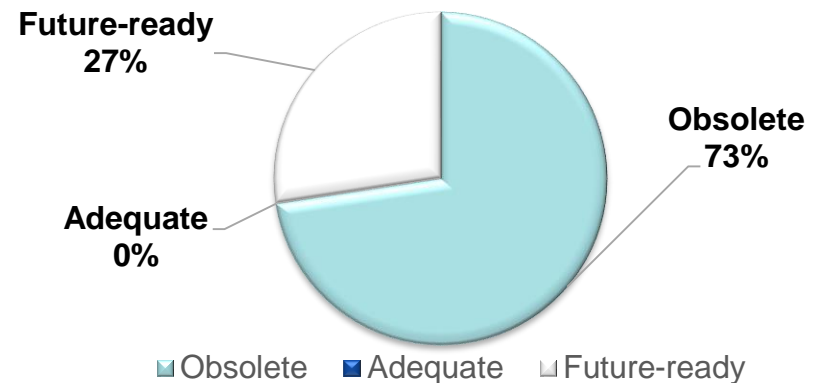
Phase 1 – Train Control Legacy

- **10 locations:**
 - Eliminate 16 obsolete units
 - Reduction in total devices by 6
- **Design complete November 2020**
- **Construction to commence 2021**

COASTER Train Control



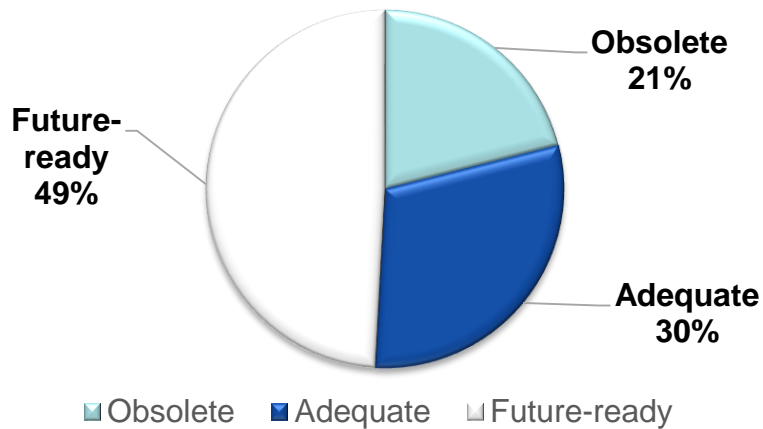
COASTER Crossing Control



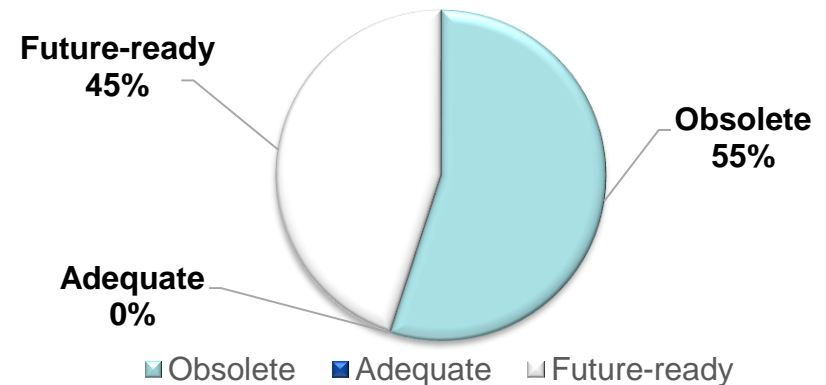
Phase 2 – Carlsbad Area Crossings

- **9 locations:**
 - Eliminate 13 obsolete units
 - Reduction in total devices by 3
- **Design complete July 2021**
- **Construction through 2022**

COASTER Train Control



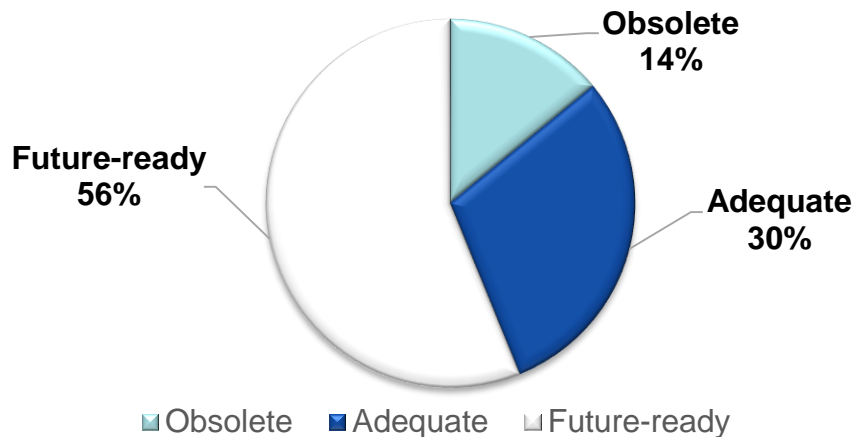
COASTER Crossing Control



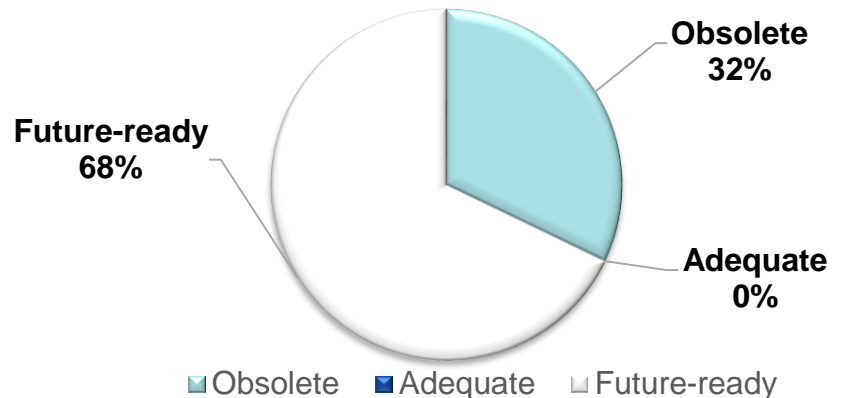
Phase 3 – San Diego Area Crossings

- **10 locations:**
 - Eliminate 19 obsolete units
 - Reduction in total devices by 4
- **Design complete November 2021**
- **Construction through 2022**

COASTER Train Control



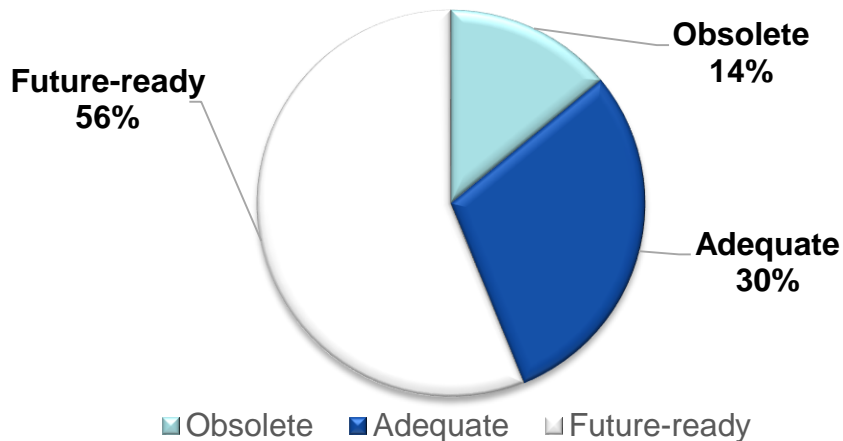
COASTER Crossing Control



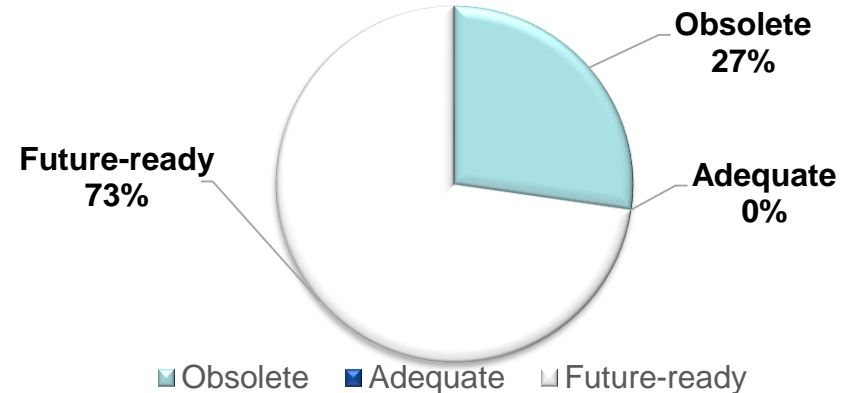
Phase 4 – Encinitas and Del Mar

- **2 locations:**
 - Eliminate 3 obsolete units
 - Reduction in total devices by 1
- **Design complete January 2022**
- **Construction through 2023**
- **With new additional funds this can be expanded**

COASTER Train Control



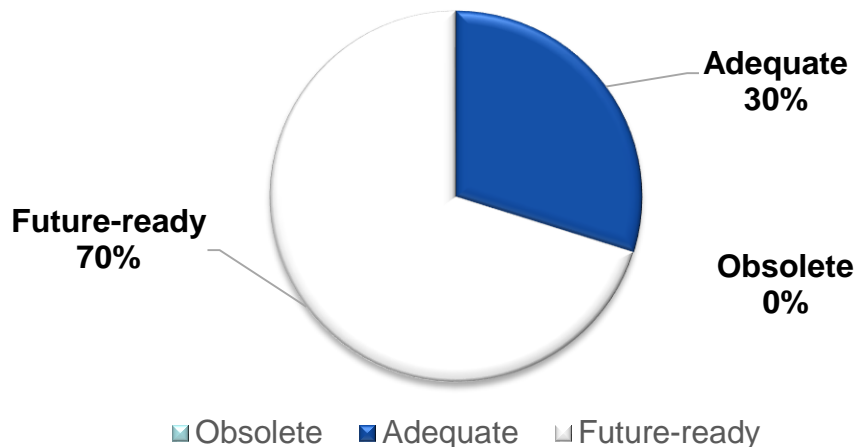
COASTER Crossing Control



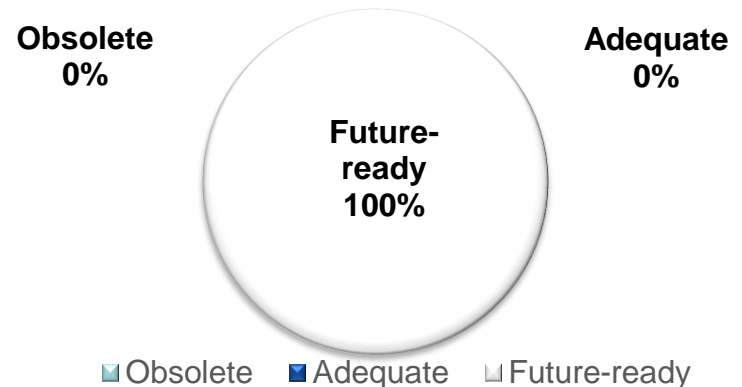
Phase 5 – Remaining Obsolete Equipment (COASTER)

- 8 train control devices
- 15 crossing control devices
- **Some of these may be funded by other projects:**
 - San Dieguito Double Track (Del Mar Fair Grounds)
 - East Brook to Shell Double Track
- **Reserving these to avoid work that would be quickly replaced**

COASTER Train Control



COASTER Crossing Control



Program of Projects Budget Allocation

Project	Budget to Complete	Amount Funded	Percentage Funded
COASTER Braking Analysis	\$350,000	\$350,000	100%
Wireless Mesh Node	(to be phased) \$6,400,000	\$0	0%
CP Broadway (signal only)	\$5,000,000	\$5,000,000	100%
OTC Ped Crossing	\$1,650,000	\$1,650,000	100%
COASTER Signal Legacy Equipment Replacement	(to be phased) \$33,000,000	\$24,000,000	73%
SPRINTER Signal Legacy Equipment Replacement	Not Estimated	\$0	0%

Program of Projects Schedule

Project	Schedule
Legacy Equip. Rpm. (P1 - design)	November 2020
OTC Ped Crossing (design)	February 2021
Sorrento Valley (design)	April 2021
Wireless Mesh Node (design)	June 2021
Legacy Equip. Rpm. (P2 – design)	July 2021
COASTER Braking Analysis (construction)	October 2021
CP Broadway (design)	90% complete Awaiting Convention Center
Legacy Equip. Rpm. (P3 – design)	November 2021
Legacy Equip. Rpm. (P4 – design)	January 2022
SPRINTER Signal Legacy Equipment	TBD

Questions?



STAFF REPORT

**APPROVE ANNUAL PERFORMANCE EVALUATION FOR THE
EXECUTIVE DIRECTOR**

Time Sensitive: **Consent:**

**EXECUTIVE
COMMITTEE
RECOMMENDATION:**

Receive recommendation from the Executive Committee and approve the annual performance evaluation for the Executive Director per his Employment Agreement.

**BACKGROUND
INFORMATION:**

The Executive Director is engaged via an Employment Agreement with the North County Transit District (NCTD) that was initially approved by the NCTD Board of Directors (Board) in 2008 and was most recently re-stated in 2010 with subsequent amendments in 2014 and 2017. Per the requirements therein, the Board conducts an annual performance evaluation of the Executive Director.

Key accomplishments and activities during FY2020 presented to the Board for consideration during the performance evaluation include:

- Advanced planning and execution of operational and financial strategy to mitigate impacts of COVID-19
- Creation of a grant strategy in collaboration with BNSF to support \$202 million Trade Corridor Enhancement Program
- Executed an agreement to support the re-development of the Oceanside Transit Center and 810 Mission Avenue General Administrative Building
- Successfully negotiated a technical services and materials management agreement for the Charger locomotive fleet
- Successful Federal Railroad Administration grant application for \$9.8 million for train and crossing control modernization
- Advanced bus and rail revenue equipment modernization to support improved reliability

The Executive Committee met in Closed Session, pursuant to Government Code §54957.6, on October 1, 2020 and on November 5, 2020, to evaluate the Executive Director's performance for this rating period and has developed recommendations which encompass various items for consideration by the full Board. The Board will meet in Closed Session pursuant to Government Code §54957.6 to review and consider the Executive Committee's recommendations and anticipates providing a summary recommendation for Board consideration in open session thereafter.

Based on the above, it is recommended that the Board of Directors receive a recommendation from the Executive Committee and approve the annual performance evaluation for the Executive Director per his Employment Agreement and any recommendations from the Executive Committee.

ATTACHMENT:

None

GOAL/STRATEGIC DIRECTION: Legal, Regulatory and Policy Compliance

FISCAL IMPACT: Any costs associated with this item, if approved, will be budgeted during the annual operating budget process for future years.

COMMITTEE REVIEW: Executive Committee

Date: October 1, 2020; November 5, 2020

STAFF CONTACT: **Karen L. Tucholski, Chief Administrative Officer**
E-mail: ktucholski@nctd.org Phone: 760-966-6574



RELATED TO
AGENDA ITEM 25

NORTH COUNTY
TRANSIT DISTRICT

Public Employee Performance Evaluation: Executive Director (Government Code § 54957.6)

Board Meeting
November 19, 2020

Background

- Hire date of December 14, 2008
- Engaged via Employment Agreement which provides for annual performance evaluation by the Board of Directors
- NCTD Executive Committee preliminary evaluation:
 - Initial meeting October 1, 2020
 - Secondary meeting November 5, 2020
- Full Board evaluation:
 - November 19, 2020

Key Performance Achievements

- **Advanced planning and execution of operational and financial strategy to mitigate impacts of COVID-19**
- **Creation of a grant strategy in collaboration with BNSF to support \$202 million Trade Corridor Enhancement Program**
- **Successful Federal Railroad Administration grant application for \$9.8 million for train and crossing control modernization**
- **Advanced bus and rail revenue equipment modernization**

2020 Performance Evaluation

- **Evaluation Rating: Meets Expectations; eligible for annual COLA increase:**
 - Increase deferred until NCTD staff are eligible for merit increases
- **Provide performance-based incentive in the amount of \$20,000:**
 - Payment deferred until NCTD staff are eligible for merit increases

2020 Performance Evaluation

- **Approve Amended and Re-stated Employment Agreement:**

- Conform 2010 Agreement with 2014 and 2017 Supplemental Agreements
- Updates 2008 benefits to 2020 (does not increase or decrease benefits)
- Restore discretionary performance-based incentive provision

Recommendation

- **Adopt the recommendation of the Executive Committee regarding the Executive Director's performance evaluation and approve the Amended and Restated Employment Agreement.**

Questions?

EXECUTIVE DIRECTOR'S REPORT

November 19, 2020

Message from the Executive Director: With the holiday season upon us, I would like to recognize the hard work and dedication of the entire NCTD team this past year. NCTD's Board of Directors, staff, and contractors came together in one of the most challenging years in the agency's history. Throughout the pandemic, the NCTD team persevered and pushed forward – continuously maintaining critical, safe transportation services to many essential workers throughout the region, while also pushing projects forward, looking beyond, and preparing ourselves to exit the COVID-19 era in the best position possible.

Over the past year, NCTD completed, funded, or began several projects critical to improving the quality of, and access to, service for our customers. This includes the purchase of nine new Siemens COASTER locomotives, the overhaul of SPRINTER and COASTER rail cars, and the kick-off of the Oceanside Transit Center redevelopment project. It has been an unprecedented year, and these are just a few recent successes, but 2020 gave us much to be thankful for.

As we look forward to the coming year, NCTD is grateful for the team we have in place that will make advancements on remaining unfunded projects such as double tracking, critical bridge repairs, zero-emission bus pilot programs, infrastructure enhancements, and Del Mar Bluff Stabilization projects. A complete list of key priority projects can be found on the new [NCTD Projects](#) webpage. While surely not without its own challenges, 2021 looks to be a busy year for NCTD. However, this team has proven we are up to the task and there is much to look forward to. Thank you and happy holidays!

COVID-19 Updates and Response: NCTD continues to respond to the COVID-19 pandemic and monitor its impacts on transit operations. Ridership across all modes continues to climb from the lows experienced in April, although ridership levels are still approximately 63% less than in 2019. Hand sanitizer dispensers have been installed on all revenue vehicles to support increased rider safety. Temperature scanning devices have been installed at all NCTD facilities, and all employees and contractors are required to undergo the rapid screening process immediately upon arrival at work.

NCTD has also advanced the procurement of driver barriers for the existing fixed-route bus fleets and has included barriers in the specification for all new bus purchases. The installation of barriers for the existing fleet has commenced and is anticipated to be complete by mid-December 2020. After these barriers have been installed, NCTD will return to front door boarding for all buses.

Trespasser Mitigation Webpage Launched: In order to provide more information and address concerns about the Railway Safety Enhancement Project, NCTD launched the Trespasser Mitigation webpage on

Friday, October 30, 2020. The webpage aims to provide national and regional context, information, and education about the fencing projects and how they will help minimize the injuries and fatalities that result from trespassing and illegal railroad track crossing in the cities of Oceanside, Encinitas, and Del Mar. Visitors to the webpage will find specifics about the proposed fencing types and locations, a dynamic map that provides information about the unfortunate rail incidents in the Del Mar area, and a frequently asked questions section that addresses some of the most common inquiries. The webpage may be found by clicking the [Safety and Security](#) tab on our landing page or by visiting the [Trespasser Mitigation webpage](#) directly.

Recognition for Sonya Fisher: A hero in our midst. On September 30, 2020, MV Bus Operator Sonya Fisher selflessly went to the aid of nearly 50 children and a handful of teachers stranded at the Child Development Center (CDC) in the De Luz Housing area of Camp Pendleton, when a wildfire broke out nearby. During her regular shift driving the BREEZE 315 route, Sonya was asked by police officers to assist with the rescue of the teachers and pre-school children stuck at the CDC. After immediately checking in with her supervisor, she bravely drove her bus towards the fire and black smoke, in order to save the children. With the children and teachers securely on the bus and headed towards safety, the children happily sang “Wheels on the Bus” to thank their brave bus operator. Sonya has been a bus operator with MV Transportation for four years and NCTD thanks her for her service and dedication to the community. Find the video of Sonya’s heroic actions [here](#).



See Tracks, Think Train Signs Posted: Recently, NCTD posted dozens of *See Tracks, Think Train* signs along the San Diego and Escondido subdivisions. These reflective signs were placed near cul-de-sacs, intersections, and trails where the public might consider crossing illegally. Safety is the top priority for NCTD, and these signs serve as another reminder not to trespass on railroad property since trains may be coming at any time, from any direction.



Virtual COASTER Holiday Express: NCTD is proud to host the COASTER Holiday Express – with a 2020 twist. This year, on Saturday, December 19, 2020 at 10:00 a.m., families can join NCTD for a magical experience from the comfort of their living room. Santa Claus and his merry carolers will virtually visit with children, singing songs, telling tales from the North Pole, and reading children’s holiday wish lists live on the broadcast. Registration for this event opened on November 5, 2020 and is still available on the [COASTER Holiday Express webpage](#). Tickets to this year’s event are free for all. As of Tuesday, November 10, 2020, more than 100 families had registered for the event. NCTD



will also record the event and post it on their website and YouTube channel for families that are unable to view the live broadcast.

Free Ride Day * Election Day: NCTD partnered with MTS to host the region’s third “Free Ride Day” on Tuesday, November 3, 2020 – Election Day. The agencies offered free transit rides to maximize voter participation and bridge the gap between where a voter lived and where they needed to vote. The San Diego County Registrar of Voters had fewer polling places than in prior elections, so many voters were required to drop off or cast their ballot at a different location than they did for the primary election in March. Free rides were honored on all MTS and NCTD services including BREEZE, FLEX, SPRINTER, COASTER, LIFT ADA Paratransit, and MTS buses, Trolley, and Access Paratransit. As compared to the prior Tuesday, October 27, 2020, ridership jumped by 74% on COASTER and 6% across all modes.

Stuff the Bus: On Saturday, December 12, 2020, NCTD will join once again with MTS, Vons/Albertsons, and the Girl Scouts of America to participate in the “Stuff the Bus” event benefitting the San Diego and North San Diego Food Banks. NCTD BREEZE buses will be stationed at five Vons/Albertsons in North County, including Escondido, San Marcos, Carlsbad, and two stores in Oceanside. Store patrons can purchase \$5 Hunger Bags or donate other food items during a collection period that will last from 10:00 a.m. – 1:00 p.m. After the collection, the buses will caravan to the North San Diego Food Bank to deliver all the donated items.



Proposed FLEX Service Change Open Houses and Public Hearing: NCTD is seeking public input before making changes to the FLEX routes 372, 392, and 395. The agency has preliminarily determined that these three routes should be considered for elimination during the April 2021 service change due to low customer demand, high cost per passenger, and alternative transportation options that are available for some of the serviced areas. At the October Board of Directors meeting, the NCTD Board set the public hearing for January 21, 2021 and directed staff to conduct public outreach and gather public comment on the proposed changes. NCTD is hosting four in-person open houses at transit centers and two virtual open houses during the November and December months to collect input from the public and answer questions. More information can be found about the open houses and other ways for the public to submit comments on the [FLEX Service Change webpage](#).

In-person Open Houses:

Tuesday, November 17, 2020 * 8:30 a.m. – 10:45 a.m.

Oceanside Transit Center * Bus island

Tuesday, November 17, 2020 * 2:30 p.m. – 4:30 p.m.

San Luis Rey Transit Center

Wednesday, November 18, 2020 * 2:00 p.m. – 4:00 p.m.

Oceanside Transit Center * Bus island

Thursday, November 19, 2020 * 2:00 p.m. – 4:00 p.m.

Escondido Transit Center * Bus island

Virtual Open Houses:

Wednesday, December 2, 2020 * 6:00 p.m. – 7:00 p.m.

Registration required. RSVP by emailing servicechanges@nctd.org or calling 760-966-6500.

Saturday, December 5, 2020 * 9:00 a.m. – 10:00 a.m.

Registration required. RSVP by emailing servicechanges@nctd.org or calling 760-966-6500.

Thanksgiving Service Schedule and Rail2Rail Blackout: For the Thanksgiving holiday, November 26, 2020, NCTD will offer the following service for passengers:

- COASTER – No service
- SPRINTER – Sunday service
- BREEZE/FLEX – Sunday service

In addition, the Rail2Rail partnership with Amtrak will be blacked out throughout the Thanksgiving week from Monday, November 23 – Monday, November 30, 2020. During this time, all Amtrak Pacific Surfliner customers will be required to show a valid Amtrak fare and no COASTER passes will be accepted.

Palomar College Transit Center Repaving Complete: After months of work, the Palomar College Transit Center repaving project is now complete. Repairs on the concrete bus lane at the transit center began in May 2020. The pavement was beyond its useful life and required repairs to reduce hazards such as potholes and concrete heaves to improve the safety of employees, customers, and vehicles. Improvements included reconstruction of 18,932 square feet of eleven-inch-thick concrete pavement and repainting of striping. Dokken Engineering provided the design plans, specifications, and estimate (PS&E) package; bid phase support; and design support during construction. HYM Engineering was awarded the construction contract in March 2020 and completed the project in October 2020.

NCTD Receives Nearly \$10 Million State of Good Repair Grant: On Wednesday, October 28, 2020, the Federal Railroad Administration (FRA) announced that NCTD would receive up to \$9,836,917 in grant funding for the San Diego Next Generation Signaling and Grade Crossing Modernization through the Federal-State Partnership for State of Good Repair Program (Partnership Program). The funding will be used to upgrade signaling and positive train control systems along the LOSSAN rail corridor. The Partnership Program is intended to improve intercity passenger rail performance by funding capital

projects to repair, replace, or rehabilitate publicly owned or controlled railroad assets, thereby bringing them into a state of good repair. Current train control and crossing equipment on the San Diego Subdivision pre-date 1991, the year that the railroad was purchased from the Atchison, Topeka, and Santa Fe Railway. The current equipment is reaching the end of its useful life. NCTD has developed a phased program of projects that will improve signal reliability, reduce train delays, and enhance safety for passenger and freight services. The grant funding will be matched with \$9.8 million in state and local funding for a total project budget of \$19.7 million. The project will be ready to bid by mid-2021.

Finance Division Wins Award: NCTD's Finance team has won the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. The award is for the Comprehensive Annual Financial Report (CAFR) for the fiscal year which ended June 30, 2019. The CAFR was found to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the document. This award reflects NCTD's commitment to transparency. NCTD is proud to have received this prestigious award multiple times for its CAFR and Annual Budget document.

Upcoming Procurements: The following key procurements are anticipated to be presented to the Board in coming months:

- Wireless Network Implementation – January 2021
- On-Call Planning Services – February 2021
- SPINTER Train Wash Improvements – February 2021