TITLE VI
TRIENNIAL PROGRAM UPDATE FOR
NORTH COUNTY TRANSIT DISTRICT

SEPTEMBER 2015
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<td>NCTD Board of Directors Meeting Minutes, December 18, 2014</td>
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CHAPTER I

GENERAL REQUIREMENTS AND GUIDELINES
CHAPTER I
GENERAL REQUIREMENTS AND GUIDELINES

OVERVIEW

The Federal Transit Administration (FTA) requires that all transit operators who receive federal funds conduct assessments of Title VI of the Civil Rights Act of 1964 in order to demonstrate nondiscrimination of services and facilities for minority communities. In San Diego County, this responsibility is held by two transit agencies: the San Diego Metropolitan Transit System (MTS), and the North County Transit District (NCTD).

More than ten years ago, the San Diego Association of Governments (SANDAG) entered into a Master Memorandum of Understanding (MOU) with NCTD and took contractual responsibility for conducting the triennial Title VI Program Update on behalf of the transit agency. More information regarding the MOU is included in Chapter II. This update for FY 2015 is consistent with the Title VI Circular “Title VI Requirements and Guidelines for Federal Transit Administration Recipients” (October 1, 2012, FTA C 4702.1B, hereinafter referred to as the “Circular”) as required. Operational planning is managed by NCTD, along with the responsibility to evaluate major service changes under Title VI. SANDAG is responsible for the Title VI evaluation of transit fare changes that affect the Comprehensive Fare Ordinance pursuant to the MOU between the parties. A summary of SANDAG responsibilities under Title VI is included in the SANDAG Triennial Program Update prepared separately from this document. The next Triennial Program Update for SANDAG is due in October 2015.

REQUIRED COMPONENTS OF THE PROGRAM UPDATE

Two chapters of the Circular include instructions for the completion of the Title VI Program Update as they apply to NCTD. The following required components in this chapter are consistent with Chapter III of the Circular while Chapter II of this update is consistent with the reporting requirements specified in Chapter IV of the Circular.

GENERAL REQUIREMENTS

The following requirements are imposed on all FTA recipients and subrecipients to ensure that their programs, policies, and activities comply with the Department of Transportation (DOT) Title VI regulations.

1. Title VI Notice to the Public, including a List of Locations Where Posted

   The annual Title VI Certification and Assurances were provided to the FTA via an update in the FTA’s Transportation Electronic Award Management (TEAM) system. The NCTD certifications and assurances were updated on December 3, 2014.

   NCTD’s Notice to the Public is posted on its website at http://www.gonctd.com/title-vi-rights. Additional notices are posted in both English and Spanish on all COASTER and SPRINTER rail vehicles, at the customer service desks at the Oceanside and Escondido Transit Centers, and in the lobby and the Board Room of the General Administration Offices for NCTD, which is located at 810 Mission
Avenue in Oceanside, California. Placards in both English and Spanish are also posted aboard all transit buses.

A copy of the NCTD Notice to the Public is included in Appendix A.

2. **Discrimination Complaint Procedure**

NCTD Board Policy No. 26, Discrimination Complaint Procedures, establishes NCTD’s procedure for receiving discrimination complaints from visitors to NCTD, members of the public, or anyone receiving services from NCTD. The procedure includes compliance with federal non-discrimination laws under Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR Part 21, and the Americans with Disabilities Act of 1990 (ADA). Additionally, NCTD is also required to comply with the State of California’s non-discrimination laws under California Code § 51 (Unruh Civil Rights Act) and California Code § 11135. For this reason, along with race, color, and national origin, NCTD has included sex, sexual orientation, age, religion, ancestry, marital status, medical condition, and disability in the procedure. A copy of NCTD Board Policy No. 26 is included in Appendix B.

3. **Title VI/Unruh Discrimination Complaint Form**

NCTD has developed forms for the use of submitting a Title VI complaint. A copy of NCTD’s Title VI/Unruh Discrimination Complaint Form can be found in Appendix C.

4. **Title VI Investigations, Complaints, and Lawsuits**

NCTD does not have any open Title VI complaints remaining for Federal Fiscal Years 2012, 2013, and 2014. The majority of the complaints that were received alleging a Title VI violation originated with NCTD’s Customer Service Department, who then referred the complaints to the Civil Rights Officer for investigation. Any Title VI discrimination complaints investigated by the Civil Rights Officer lacking sufficient substantiating evidence or lacking merit establishing prima facie are referred back to Customer Service and addressed as a customer service issue. The Civil Rights Officer notifies both the complainant and NCTD’s Manager of Customer Service of this determination in writing. The Manager of Customer Service reviews the complaint and addresses any outstanding matters, pursuant to NCTD Administrative Policy and Procedure OPS-3004, Customer Feedback Procedure, Customer Service. For complaints not originating from the Customer Service Department, the Manager of Customer Service generates a report in the Customer Service Rider Report database and conducts any necessary follow up as deemed appropriate. A copy of NCTD’s complaint log showing the findings of all complaints, the action taken, and the status of the complaints is included in Appendix D.

5. **Public Participation Plan**

NCTD revised and approved Board Policy No. 5 Public Policy and Participation on October 16, 2014. The Policy defines the public participation processes and public notice and hearing requirements that support public comment and input to the Board in reaching policy decisions. NCTD has also engaged in public outreach activities pertaining to Title VI over the last three years. A copy of Board Policy No. 5 and a summary of all outreach efforts are included in Appendix E.
6. **Language Assistance Plan**

NCTD’s Language Assistance Plan (LAP) was developed in collaboration with SANDAG. This effort included a four factor analysis that determined the number or proportion of persons with Limited English Proficiency (LEP) who were eligible or likely to be encountered by the transit service (the results of the analysis are included in Table 1-1 below), the frequency with which LEP individuals came into contact with the transit service, the nature and importance of the program, activity, or service provided by the recipient to people’s lives, the resources available to the recipients, and costs.

The most recent LAP of the NCTD was completed in 2013, and revised in September 2015. A copy of the revised NCTD LAP is included in Appendix F. Table 1 of the LAP, included on page F-10 of this document, illustrates the LEP speakers by language (with at least 1,000 speakers) in NCTD’s jurisdiction. Maps of the service area are also included in the LAP, specifically on pages F-13 through F-17 of this document. The table is replicated here for convenience:

<table>
<thead>
<tr>
<th>Language</th>
<th>LEP Population</th>
<th>Percent of All LEP Speakers</th>
<th>Percent of Total Population (Age 5+)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish</td>
<td>61,974</td>
<td>88.51</td>
<td>8.04</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>1,308</td>
<td>1.87</td>
<td>0.17</td>
</tr>
<tr>
<td>Chinese</td>
<td>1,162</td>
<td>1.66</td>
<td>0.15</td>
</tr>
<tr>
<td>Tagalog</td>
<td>1,011</td>
<td>1.44</td>
<td>0.13</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, 2008-2010 American Community Survey PUMS data

In reviewing the frequency with which LEP populations come in contact with NCTD services, as identified in Factor 2, NCTD established that Spanish-speaking LEP persons utilize NCTD services and contact the agency with sufficient frequency and coverage to warrant providing all vital documents in both English and Spanish. The next largest group of the LEP population speaks Vietnamese, though the number of speakers is significantly lower than the Spanish speaking LEP population as a percentage of the total NCTD service area. The next largest group speaks Chinese, representing .15 percent of the NCTD service area population. Spanish is the only language with over 0.25 percent of the LEP population and over 5,000 speakers.

Based on the Four Factor Analysis in NCTD’s current Language Assistance Plan (LAP), NCTD is required to provide language services to LEP customers who speak Spanish (61,974), Vietnamese (1,308), Chinese (1,162), and Tagalog (1,011). The LAP estimates that 88.51% of all LEP passengers (and 8.04% of the total population) in NCTD’s service area speak Spanish. Due to the significantly larger number of Spanish speaking LEP passengers as compared to the other languages, NCTD translates all vital documents into Spanish for release near or at the same time as the English versions. NCTD’s Administrative Policy and Procedure GM-0010, Language Assistance Plan Implementation, establishes this requirement and identifies NCTD’s list of vital documents/media. Regarding any other languages, LEP customers can request translation of vital documents through the Customer Service department.

NCTD currently provides notice to LEP individuals in a number of ways, including translated information for fare changes and other important notices, as well as other documents such as project fact sheets. Additionally, the customer service telephone line provides access to multiple languages, all press releases are issued in English and Spanish and distributed to appropriate media, and interpreters are provided at community meetings. Written language assistance is available,
including bilingual (English and Spanish) or multilingual versions of fare payment instructions, system maps and timetables, Spanish language service change announcements, Spanish language notices pertaining to upcoming events, and a NCTD mirror website in Spanish. Oral language assistance consists of bilingual staff identified to answer inquiries, On Call translation and interpretation services, contracting for interpreters on an “as needed” basis, utilizing community volunteers to interpret information, including an “I Speak” Form and Staff Language List, as well as Language Line Service. Lastly, Pursuant to NCTD’s Administrative Policy and Procedure GM-0010, Language Assistance Plan Implementation, NCTD has established an LAP Committee to review vital document/media requests and to discuss ways to improve accessibility for NCTD’s LEP customers.

A copy of NCTD’s LAP and examples of public information materials are included in Appendix F.

7. Minority Representation on Planning and Advisory Boards

FTA recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting the membership of those committees broken down by race, and a description of efforts made to encourage the participation of minorities on such committees.

NCTD does not have any transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, with membership selected by NCTD. NCTD does not have any subcommittees. The racial breakdown of the membership of NCTD’s advisory committees was provided by NCTD’s Human Resources department.

The ADA Review Committee is a voluntary group, where interested persons show up as they like. The NCTD ADA Administrator announces the meeting date and time at other regional coordination meetings, and invites people to participate via normal customer interaction, and when giving presentations to the community. There is no committee roster; however, minutes are recorded.

The Language Assistance Plan (LAP) Committee consists of NCTD staff members who discuss issues facing the NCTD service area, including Limited English Proficient (LEP) communities, ideas to improve service to LEP passengers, and the review/recommendation of ‘vital documents/media’. The LAP Committee meets following the submittal of a request for review of documents or media to be included as a ‘vital document/media.’ If no submittals are received, the LAP Committee will convene on a semiannual basis for discussion. LAP Committee membership is made of six total members, including the Civil Rights Officer, Manager of Service Planning, Manager of Customer Service, and the remaining members consisting of one division staff member appointed by each division chief of Developmental Services, Code Enforcement, and Administration. This committee is in place pursuant to NCTD Administrative Policy and Procedure GM-0010, Language Assistance Plan (LAP) Implementation. Information on committee memberships and racial breakdown of the advisory committees is provided in Tables 1-2 and 1-3.

<table>
<thead>
<tr>
<th>Table 1-2 NCTD Table of Committee Membership</th>
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<tr>
<td>Approve Member</td>
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<td>Positions</td>
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<tr>
<td>ADA Review Committee</td>
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<tr>
<td>LAP Committee</td>
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</table>
Table 1-3 Racial Breakdown of the Membership of NCTD Advisory Committees

<table>
<thead>
<tr>
<th>Body</th>
<th>American Indian and Alaska Native</th>
<th>Asian</th>
<th>Black or African American</th>
<th>Hispanic or Latino</th>
<th>Native Hawaiian or other Pacific Islander</th>
<th>White</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population of NCTD Service Area</td>
<td>0.6%</td>
<td>6.5%</td>
<td>2.2%</td>
<td>33.0%</td>
<td>0.5%</td>
<td>54.1%</td>
<td>3.1%</td>
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<tr>
<td>ADA Review Committee</td>
<td>0</td>
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<td>0</td>
<td>0</td>
<td>4</td>
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<tr>
<td>LAP Committee</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>-</td>
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</tbody>
</table>

8. **Description of How Subrecipients are Monitored**

NCTD does not extend FTA financial assistance to any other recipients or subrecipients. Therefore, there are no recipients or subrecipients to monitor.

9. **Title VI Equity Analysis for the Construction of a Facility**

The requirement to conduct equity analysis to determine the site or location of facilities does not apply to NCTD. Since the passage of SB 1703 in 2002, major capital public transit projects are conducted by SANDAG on behalf of NCTD. Therefore, no such projects were conducted by NCTD during the reporting period.

SANDAG carries out the Title VI analyses for these projects when required by the Circular. SANDAG will include analyses of facilities constructed for NCTD projects in SANDAG's next Triennial Title VI program update, slated for submittal in October 2015. The Title VI analysis that is prepared prior to operation of new or changed services resulting from the construction of new facilities is carried out by NCTD, and is covered in Chapter II of this document. It is anticipated that the NCTD Title VI Program Update will be revised with the results of the SANDAG Title VI Equity Analysis for the Construction of a Facility by March 1, 2016.

NCTD may potentially plan and construct facilities covered under Circular 4702.1B, Chapter III, Part 13, which do not fall within SANDAG responsibilities in the future. (No such projects occurred within the past three-year program update period.) In this event, NCTD would complete a Title VI analysis during the planning stage to ensure that the facility is sited in such a manner that would ensure the location is selected without regard to race, color, or national origin. This process would incorporate public outreach to those potentially impacted by the siting of facilities, include a review of various alternatives, and be completed prior to the selection of a preferred site. A review of potential locations would include analysis of other nearby facilities to determine the potential for cumulative adverse impacts. This analysis will be done at either the Census tract or the Census block level, depending on the scope and nature of the proposed facility.

If, based on a review of all potential alternative sites, NCTD’s analysis determines that a project site that would result in a disparate impact on the basis of race, color, or national origin would be the preferred site, NCTD will select the preferred site only if both of the following are met: (1) there is a substantial legitimate justification for the preferred project location; and (2) there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin.
A copy of SB 1703, which describes SANDAG authority to carry out planning, project development and construction of projects to be operated by NCTD is included in Appendix G.

10. Approval of Title VI Program by Governing Entity

The recipient must provide a copy of board meeting minutes, resolutions, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions reviewed and approved the Title VI program. The approval must occur prior to submission to the FTA.

The NCTD Board of Directors approved the program update at their June 18, 2015 meeting. The approved minutes to the June 18, 2015 NCTD Board of Directors meeting are included in Appendix H.
CHAPTER II

REQUIREMENTS AND GUIDELINES
FOR FIXED ROUTE TRANSIT PROVIDERS

OVERVIEW

This chapter provides the requested information as specified under the Requirements of Transit Providers (Chapter IV) of the Title VI Circular (FTA C 4702.1B). The guidance applies to the NCTD as the agency is the recipient of FTA funds, operates 50 or more fixed route vehicles in peak service, and its service areas are located in a UZA of 200,000 or more in population.

PROGRAM-SPECIFIC REQUIREMENTS

The following requirements are provided in the order of the revised Title VI Circular (Chapter IV).

REQUIREMENT TO SET SYSTEMWIDE SERVICE STANDARDS AND POLICIES

1. Vehicle Load for Each Mode

NCTD’s Service Design Guidelines identifies the appropriate vehicle loads for each mode. As shown in Table 2-1, the peak load for a COASTER train (Commuter Rail) is 1.25, while the peak load factors for the SPRINTER light rail is 1.70, and BREEZE bus ranges from 1.4 for peak Corridor and Core routes, 1.10 for Local routes, and 1.25 for Commuter bus routes, respectively. A copy of NCTD’s Service Design Guidelines is included in Appendix I.

<table>
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<th>NCTD Load Factor</th>
<th>Standard</th>
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</tr>
<tr>
<td>COASTER Peak</td>
<td>1.25</td>
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<tr>
<td>COASTER Off-Peak</td>
<td>1.00</td>
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<tr>
<td>Corridor Routes</td>
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<tr>
<td>SPRINTER Peak</td>
<td>1.70</td>
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<td>SPRINTER Off-Peak</td>
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<td>Local Routes</td>
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<tr>
<td>BREEZE Corridor Peak</td>
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<td>BREEZE Corridor Off-Peak</td>
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<tr>
<td>BREEZE Core Peak</td>
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<td>BREEZE Core Off-Peak</td>
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<td>BREEZE Local Peak</td>
<td>1.10</td>
</tr>
<tr>
<td>BREEZE Local Off-Peak</td>
<td>1.10</td>
</tr>
<tr>
<td>BREEZE Commuter Peak</td>
<td>1.25</td>
</tr>
<tr>
<td>BREEZE Rural Peak</td>
<td>1.00</td>
</tr>
<tr>
<td>BREEZE Rural Off-Peak</td>
<td>1.00</td>
</tr>
</tbody>
</table>
2. **Vehicle Headway for Each Mode**

NCTD’s Service Design Guidelines identifies the appropriate vehicle headways for each mode. As shown in Table 2-2, the peak frequency standard for a COASTER train (Commuter Rail) is 20 minutes, while the peak headway standard for the SPRINTER light rail is five to ten minutes. The BREEZE bus routes have peak headway standards that range from 10 to 20 minutes during peak times, to headways of 30 to 60 minutes during off-peak times. A copy of NCTD’s Service Design Guidelines is included in Appendix I.

<table>
<thead>
<tr>
<th>NCTD Vehicle Headways</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Routes</td>
<td></td>
</tr>
<tr>
<td>COASTER Peak</td>
<td>20 min.</td>
</tr>
<tr>
<td>COASTER Off-Peak</td>
<td>60 min.</td>
</tr>
<tr>
<td>Corridor Routes</td>
<td></td>
</tr>
<tr>
<td>SPRINTER Peak</td>
<td>5-10 min.</td>
</tr>
<tr>
<td>SPRINTER Off-Peak</td>
<td>10-30 min.</td>
</tr>
<tr>
<td>Local Routes</td>
<td></td>
</tr>
<tr>
<td>BREEZE Peak</td>
<td>10-20 min.</td>
</tr>
<tr>
<td>BREEZE Off-Peak</td>
<td>30-60 min.</td>
</tr>
</tbody>
</table>

3. **On-Time Performance for Each Mode**

NCTD’s Service Design Guidelines identifies the appropriate On-Time Performance measures for each mode. NCTD defines the On-Time Performance of all of its rail and bus services as 59 seconds before, and up to five minutes and 59 seconds behind the published schedule at the departure terminal. As shown in Table 2-3, the On-Time Performance Standard for the COASTER commuter rail is 96 percent, 98 percent for the SPRINTER light rail, and 95 percent for BREEZE bus service. A copy of NCTD’s Service Design Guidelines is included in Appendix I.

<table>
<thead>
<tr>
<th>NCTD On-Time Performance</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Route</td>
<td>COASTER</td>
</tr>
<tr>
<td>Corridor Route</td>
<td>SPRINTER</td>
</tr>
<tr>
<td>Local Routes</td>
<td>BREEZE</td>
</tr>
</tbody>
</table>

4. **Service Availability for Each Mode**

NCTD’s standard for Service Availability requires that 90 percent of households in areas of high population density should be within 0.25 miles of a transit stop, while 75 percent of areas with medium population density, 50 percent of areas with low population density, and 10 percent of rural households should be within 0.25 miles of a transit stop. Additionally, the minimum threshold activity levels for transit service to non-residential locations include employment centers with over
100 employees per shift, medical facilities with over 50 employees and significant outpatient facilities, public facilities (such as senior centers and libraries), retail centers with at least 100,000 square feet of retail space and at least one “anchor” store, and schools with 500 combined students, faculty and employees. Lastly, NCTD’s stop spacing guidelines identify the recommended distance between bus stops, with 0.5 miles between rural stops, 0.3 miles between suburban stops, and 0.25 miles between urban stops. A copy of NCTD’s Service Design Guidelines is located in Appendix I.

5. **Distribution of Transit Amenities for Each Mode**

COASTER/SPRINTER: All COASTER and SPRINTER stations contain amenities such as seating, shade canopies, ticket vending machines, and security video surveillance. COASTER stations also have parking lots.

BREEZE: Installation of passenger amenities at bus stops such as shelters, benches, and passive and real-time schedule information displays is guided by passenger volumes supplemented by considerations of equity, safety and comfort.

Current route maps and timetables are available at COASTER and SPRINTER stations, bus transit centers, selected community locations, and aboard all NCTD buses. Route information is available by telephone during NCTD operating hours. The process that NCTD uses in distributing amenities is outlined in the NCTD Service Design Guidelines located in Appendix I.

6. **Vehicle Assignment for Each Mode**

**NCTD BREEZE Bus**

Vehicles are assigned by bus operators and according to the following vehicle/route characteristics:

- Vehicle Age and Type
- Fuel Capacity and/or Route Mileage
- Length of the Route
- Frequency of Service
- Passenger Capacity
- Operating Conditions (Including turns, dips, speed, and other road conditions)
- System-wide service needs

**NCTD SPRINTER**

Train sets on the SPRINTER light rail consist of one or two low-floor Diesel Multiple Units (DMUs). There are a total of 12 DMUs in the SPRINTER fleet. The 30-minute headway operated on the SPRINTER service requires four trains to be in operation. During the peak period, NCTD operates two-car trains to accommodate the existing peak demand within the load standard. Four two-car trains results in a peak vehicle requirement of eight cars. Two DMUs are operated during peak hours each day.
**NCTD COASTER**

Train sets on the COASTER consist of one locomotive and five passenger cars. The seating arrangements of the newest cars have been modified to better comply with the latest FRA Safety Standards. Generally, however, special vehicle assignments are not necessary.

Further information regarding the NCTD COASTER, SPRINTER, and BREEZE fleets can be viewed in the NCTD Service Design Guidelines located in Appendix I.

**REQUIREMENT TO COLLECT AND REPORT DEMOGRAPHIC DATA**

On behalf of NCTD, SANDAG prepares demographic and service profile maps for the evaluation of low-income and minority population groups. This information is updated every three years in the Program Update and also used by the transit agencies to evaluate the Title VI impacts of major services changes as necessary. Additionally, SANDAG collects survey data on customer demographics and travel patterns, which are used in the evaluation of transit service changes and fare proposals.

In order to comply with the reporting requirements in 49 CFR Section 21.9(b), recipients “should have available for the Secretary racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.” The information and data provided below is intended to meet these reporting requirements.

A:  *Demographic and Service Profile Maps and Charts*

(1) A base map of the agency’s service area that includes each Census tract, Census block or block group, traffic analysis zone (TAZ), or other locally available geographic data with transit facilities – including transit routes, fixed guideway alignments, transit stops and stations, depots, maintenance and garage facilities, and administrative buildings as well as major activity centers or transit trip generators, and major streets and highways; and

(2) A demographic map that plots the information listed in (1) above and also shades those Census tracts, blocks, block groups, TAZ’s or other geographic zones where the percentage of the total minority population residing in these areas exceeds the average percentage of minority populations for the service area as a whole.

(3) For purposes of addressing environmental justice, and in order to evaluate the impacts of major service changes on low-income populations, demographic maps shall also depict those Census tracts, blocks, block groups, TAZ’s or other geographic zones where the percentage of the total low-income population residing in these areas exceeds the average percentage of low-income populations for the service area as a whole.

To fulfill the requirements for Parts 1, 2, and 3, SANDAG used 2012 Population Synthesis (Popsyn)\(^1\) estimates to identify Low-Income and Minority census tracts. Census tracts were identified as minority where the percentage of the total minority population residing in these areas exceeded the average percentage of minority populations for the service area as a whole.

---

\(^1\) Popsyn procedures create synthetic populations that represent an existing or potential future population for a given region. The synthetic population is an integral input into an activity-based model system which relies on micro socioeconomic data to represent household and person level activities.
minority populations for NCTD’s distinct service areas. The same methodology was used to determine the low-income populations for each agency’s service area.

SANDAG identified the region’s most vulnerable communities as the following:

**Low-Income:** Any Census tracts where the percentage of the total low-income population (percentage of the population living at or below 200 percent of the federal poverty level) residing in these areas exceeds the average low-income population for the service area as a whole. The NCTD service area is 28.4 percent low-income.

**Minority:** Any Census tracts where the percentage of the total minority (non-White) population residing in these areas exceeds the average minority population for the service area as a whole. The NCTD service area is 45.9 percent minority.

Using the established criteria above, the region was broken up into three smaller areas to produce sub-regional maps that are easier to read. Figures 2-1, 2-2, and 2-3 illustrate the NCTD service areas by Census tract, and include transit facilities, Rail/Premium Express stations, and activity centers as defined in the Circular. Activity centers note the location of colleges and universities, government centers, hospitals, large private employers, school sites, and tourist attractions. Figures 2-4 and 2-5 illustrate the new and improved facilities that were recently replaced or constructed, as well as new stations and services that are scheduled to be completed within the next five years.

Figures 2-6, 2-7, and 2-8 illustrate the Low-Income Census tracts in the NCTD service areas, while Figures 2-9, 2-10, and 2-11 illustrate the Low-Income population’s access to transit amenities such as bus stops, benches, and shelters along all transit routes. Figures 2-12, 2-13, and 2-14 illustrate the Low-Income population’s access to activity centers via transit services. In addition, Figures 2-15, 2-16, and 2-17 illustrate the Minority population within the NCTD service area in relation to transit facilities, Rail/Premium Express stations, and activity centers. Figures 2-18, 2-19, and 2-20 show the distribution of transit services and amenities, including bus and rail services, along with bus stops, benches, and shelters in each service area. Figures 2-21, 2-22, and 2-23 illustrate the Minority population’s access to activity centers via bus and rail transit services.
Figure 2-1 Base Map of NCTD Service Area - Central
Figure 2-2 Base Map of NCTD Service Area - North
Figure 2-3 Base Map of NCTD Service Area - South
Figure 2-4 NCTD New and Improved Transit Facilities - Central
Figure 2-7 NCTD Low-Income Population - North

NCTD LOW-INCOME POPULATION
- Transit Facilities
- Rail / Premium Express Stations
- Activity Centers

Non-Low-Income Census Tract
NCTD Low-Income Census Tract
MTS Low-Income Census Tract
Figure 2-8 NCTD Low-Income Population - South
Figure 2-9 NCTD Low-Income Population Transit Amenities - Central
Figure 2-10 NCTD Low-Income Population Transit Amenities – North
Figure 2-11 NCTD Low-Income Population Transit Amenities – South

NCTD LOW-INCOME POPULATION

- Shelter
- Bench
- Bus Stop Only

- NCTD COASTER
- Trolley
- MTS Bus Route
- Non-Low-Income Census Tract
- MTS Low-Income Census Tract

0 1 2 Miles

SANDAG

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Figure 2-12 NCTD Low-Income Population Transit Access to Activity Centers - Central
Figure 2-14 NCTD Low-Income Population Transit Access to Activity Centers – South
Figure 2-17 NCTD Minority Population – South
Figure 2-19 NCTD Minority Population Transit Amenities – North
Figure 2-21 NCTD Minority Population Transit Access to Activity Centers – Central
Figure 2-22 NCTD Minority Population Transit Access to Activity Centers – North
Figure 2-23 NCTD Minority Population Transit Access to Activity Centers – South
**B: Demographic Ridership and Travel Patterns**

SANDAG collects information on the race, income, travel patterns and household characteristics of transit riders in the MTS and NCTD service areas. Additionally, public opinion surveys are conducted by telephone to collect information that will support and provide direction to future planning and marketing efforts related to transit use and operations in the San Diego region.

The last two Onboard Transit Surveys were conducted in 2003 and 2009. The Results of the 2009 Onboard Transit Passenger Survey for the San Diego Region are located online at the following link:


The most recent survey was planned for 2014 (a five-year interval to comply with the no less than every five years requirement), but due to concerns from FTA staff and agreement with FTA Region IX, SANDAG stopped the procurement and revised the scope to conduct in-person interviews on tablet computers rather than paper surveys that were self-administered. The 2015 survey is currently underway, with in-person interviews beginning in the spring of 2015, and continuing into the fall. The following information is currently being collected as recommended by the FTA in the October 1, 2012 Title VI Circular (FTA C 4702.1B):

1. Information on riders’ race, color, and national origin
2. English proficiency and language spoken at home
3. Information on riders’ household income
4. Travel patterns
5. Fare usage by fare type

The above information will be used to evaluate service and to conduct fare equity analysis consistent with Chapter IV Section 6 of the FTA Title VI Circular (FTA C 4702.1B).

SANDAG procures a consultant to conduct each survey, ensuring it is statistically valid for all routes and time periods. The consultant for the current survey, ETC Institute, has extensive experience in conducting on-board transit survey research, including experience in supporting Title VI requirements. The survey is being conducted onboard transit vehicles in English and Spanish. For Vietnamese, Tagalog, and Chinese passengers, there is a call back option with an interviewer fluent in their language. A copy of the questions for the survey currently being conducted is located in Appendix J.

The surveying of all transit lines is expected to be finished by late fall 2015. It is anticipated that the results of the survey will be completed in early 2016, and NCTD anticipates that this Title VI Program Update will be revised with the results of the survey by March 1, 2016. Information regarding the survey, including these target dates, is available online at:

REQUIREMENT TO MONITOR TRANSIT SERVICE

Overview

As outlined in Title VI Circular 4702.1B, the Federal Transit Administration (FTA) requires that all fixed route transit providers monitor the performance of their transit system relative to their system-wide service standards and service policies, such as vehicle load, vehicle assignment, and transit amenities, not less than every three years.

System Wide Service Standards

In accordance with FTA Title VI requirements, SANDAG monitors the performance of NCTD’s fixed route bus, light rail, and commuter rail services to ensure that minority and non-minority routes are being operated in a fair and equitable manner. NCTD’s Service Standards were adopted in June 2013, and provide a series of performance benchmarks for the various route categories based on the following four service indicators:

- Vehicle Load
- Vehicle Headways
- On-Time Performance
- Service Availability

NCTD’s Load Factor, Vehicle Headways, and On-Time Performance was provided by the FY 2014 NCTD Performance Monitoring Report included in Appendix K. Service availability standards were also provided by NCTD. Load factor, Headway, and On-Time Performance Analysis conducted on a route-by-route basis is included in Appendix L.

Route Categories

Commuter Rail – The COASTER is a diesel-propelled commuter rail service operating in the 41-mile segment of the LOSSAN corridor between the Oceanside Transportation Center and the Santa Fe Depot in downtown San Diego. Trains consist of up to six bi-level passenger cars plus locomotive averaging 40 mph, and completing a one-way trip end-to-end in 60 to 64 minutes. Access is provided at eight stations, five of which are within the NCTD service area, one in Sorrento Valley, and two in San Diego. The average distance between stations is 5.1 miles.

Light Rail – The SPRINTER network is a diesel-propelled hybrid rail service operating in a 22-mile corridor paralleling SR 76 between Escondido and Oceanside. Service speed averages 25 miles per hour, and a one-way end-to-end trip can be completed in 53 minutes. Fifteen stations serve the SPRINTER line. The average spacing between stations is 1.5 miles.

Corridor Routes – Serve moderate and higher density travel corridors using primarily arterial streets to provide direct connections between communities that are not linked by the SPRINTER.

Core Routes – Serve areas with high concentrations of employers, residences, and schools. The length of the route varies, but frequencies on these routes are the highest in the system due to high demand, which necessitates the need for increased capacity, and thus increased frequency on these routes.
Local Routes – Provide circulation within communities and short distance feeder trips to and from SPRINTERS
stations. Local routes tend to be moderate in length with end-to-end one-way running times of 25 to 40
minutes.

Commuter Routes – Focus on niche ridership markets and therefore are less likely to require all-day service
span or a constant service frequency.

<table>
<thead>
<tr>
<th>Type</th>
<th>Category</th>
<th>Minority</th>
<th>Non-Minority</th>
<th>Total</th>
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<td>1</td>
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<td>SPRINTERS Light Rail</td>
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<td>0</td>
<td>1</td>
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<td>3</td>
<td>4</td>
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<td>0</td>
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<td>Local</td>
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<td>3</td>
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<th>Total</th>
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<th>Non-Minority</th>
<th>Percent</th>
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</thead>
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<td>38</td>
<td>60.5%</td>
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<td></td>
<td>15</td>
<td>39.5%</td>
<td>100.0%</td>
<td></td>
</tr>
</tbody>
</table>

As shown in Table 2-4 above, the current NCTD system is comprised of one Commuter Rail, one Light Rail,
four Commuter bus, six Corridor bus, six Core bus, eight Local bus, eight Local (SV) bus, and four Rural bus
routes. A route listing that identifies the route type, category, and its status as a minority or non-minority
route is included in Table 2-5.

Minority Routes

All NCTD routes are designated as either a ‘minority route’ or a ‘non-minority’ route based on the FTA
definition of a ‘minority transit route’ which is defined in FTA Circular 4702.1B as “a route that has at least
1/3 of its total revenue mileage in a Census block or block group, or traffic analysis zone(s) with a percentage
of minority population that exceeds the percentage of minority population in the transit service area.”

Based on this classification, 23 of the 38 NCTD transit routes are classified as minority routes. This
information is listed by route in Table 2-5.
<table>
<thead>
<tr>
<th>Type</th>
<th>Category</th>
<th>Route</th>
<th>Title VI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional</td>
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</tr>
<tr>
<td>Corridor</td>
<td>Sprinter Light Rail</td>
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<td>Commuter</td>
<td>Route #311</td>
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<td>Core</td>
<td>Route #302</td>
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<td>Core</td>
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<td>Route #351/352</td>
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<td>Route #313</td>
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**Vehicle Loads**

NCTD has established load factor data for all bus and rail services to prevent overcrowding and to allocate resources appropriately. The load factor for each route is calculated based on the peak and non-peak load of
each trip on a route during an average weekday. As ridership is much lower on the weekends, Saturday and Sunday load factors are not included.

Figure 2-24 illustrates the average load factor during peak and off-peak times on both minority and non-minority transit routes. Minority routes do carry higher load factors during peak and off-peak times. This is most likely due to higher ridership productivity on minority routes in comparison to non-minority routes. Several minority routes (303, 332, 350, 311, and 388) have average peak load factors that exceeded 1.0. One non-minority route (389) had an average load factor of 1.0. All other routes had average load factors that were less than 1.0. No bus or rail lines exceeded the NCTD load factor standards as outlined in Tables 2-6 and 2-7.

Figure 2-24 NCTD System-Wide Average Vehicle Loads

![NCTD System Wide Average Vehicle Loads](image)

Table 2-6 NCTD System-Wide Minority Route Average Vehicle Loads

<table>
<thead>
<tr>
<th>NCTD Load Factor - Minority Routes</th>
<th># of Routes</th>
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<th>Off-Peak Load Factor</th>
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<td>0.20</td>
<td>1.00</td>
</tr>
<tr>
<td>Local Routes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BREEZE Corridor</td>
<td>1</td>
<td>0.95</td>
<td>1.40</td>
<td>0.38</td>
<td>1.10</td>
</tr>
<tr>
<td>BREEZE Core</td>
<td>6</td>
<td>0.88</td>
<td>1.40</td>
<td>0.32</td>
<td>1.10</td>
</tr>
<tr>
<td>BREEZE Local</td>
<td>8</td>
<td>0.53</td>
<td>1.10</td>
<td>0.32</td>
<td>1.10</td>
</tr>
<tr>
<td>BREEZE Local (SV)</td>
<td>5</td>
<td>0.63</td>
<td>1.10</td>
<td>0.40</td>
<td>1.10</td>
</tr>
<tr>
<td>BREEZE Commuter</td>
<td>1</td>
<td>1.20</td>
<td>1.25</td>
<td>1.20</td>
<td>1.25</td>
</tr>
<tr>
<td>BREEZE Rural</td>
<td>1</td>
<td>1.00</td>
<td>1.00</td>
<td>0.30</td>
<td>1.00</td>
</tr>
</tbody>
</table>

41
Table 2-7 NCTD System-Wide Non-Minority Route Average Vehicle Loads

<table>
<thead>
<tr>
<th>NCTD Load Factor - Non-Minority Routes</th>
<th># of Routes</th>
<th>Peak Load Factor</th>
<th>Peak Standard</th>
<th>Off-Peak Load Factor</th>
<th>Off-Peak Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Routes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COASTER Commuter Rail</td>
<td>1</td>
<td>0.37</td>
<td>1.25</td>
<td>0.24</td>
<td>1.00</td>
</tr>
<tr>
<td>Local Routes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BREEZE Corridor</td>
<td>5</td>
<td>0.79</td>
<td>1.40</td>
<td>0.31</td>
<td>1.10</td>
</tr>
<tr>
<td>BREEZE Local (SV)</td>
<td>3</td>
<td>0.55</td>
<td>1.10</td>
<td>0.18</td>
<td>1.10</td>
</tr>
<tr>
<td>BREEZE Commuter</td>
<td>3</td>
<td>0.28</td>
<td>1.25</td>
<td>0.28</td>
<td>1.25</td>
</tr>
<tr>
<td>BREEZE Rural</td>
<td>3</td>
<td>0.81</td>
<td>1.00</td>
<td>0.58</td>
<td>1.00</td>
</tr>
</tbody>
</table>

**Vehicle Headways**

Vehicle headways are defined as the base weekday frequency of service. Routes with high ridership typically have more frequent headways than routes that do not, and are adjusted as ridership increases or decreases – for example, routes that serve the beach areas often have increased service during the summer months to account for increased demand.

NCTD’s route headways vary by the type of service that is being provided. Light rail, Core, Corridor, Commuter, and Local routes are the most heavily utilized routes, and therefore have the most frequent headway standard (20-30 minutes during peak times). COASTER and Rural routes have standard headways of 40 and 120 minutes, respectively. Figure 2-25 and Table 2-8 below summarize the NCTD Headway Standards.

Figure 2-25 NCTD System Wide Weekday Headways
Table 2-8 NCTD Vehicle Headway Standards

<table>
<thead>
<tr>
<th>NCTD Headways</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Routes</td>
<td></td>
</tr>
<tr>
<td>COASTER Peak</td>
<td>40 min.</td>
</tr>
<tr>
<td>COASTER Off-Peak</td>
<td>180 min.</td>
</tr>
<tr>
<td>Corridor Routes</td>
<td></td>
</tr>
<tr>
<td>SPRINTHER Peak</td>
<td>30 min.</td>
</tr>
<tr>
<td>SPRINTHER Off-Peak</td>
<td>30 min.</td>
</tr>
<tr>
<td>Local Routes</td>
<td></td>
</tr>
<tr>
<td>BREEZE Corridor Peak</td>
<td>30 min.</td>
</tr>
<tr>
<td>BREEZE Corridor Off-Peak</td>
<td>60 min.</td>
</tr>
<tr>
<td>BREEZE Core Peak</td>
<td>20 min.</td>
</tr>
<tr>
<td>BREEZE Core Off-Peak</td>
<td>30 min.</td>
</tr>
<tr>
<td>BREEZE Local Peak</td>
<td>30 min.</td>
</tr>
<tr>
<td>BREEZE Local Off-Peak</td>
<td>60 min.</td>
</tr>
<tr>
<td>BREEZE Commuter Peak</td>
<td>30 min.</td>
</tr>
<tr>
<td>BREEZE Rural Peak</td>
<td>120 min.</td>
</tr>
<tr>
<td>BREEZE Rural Off-Peak</td>
<td>120 min.</td>
</tr>
</tbody>
</table>

The majority of NCTD’s minority route vehicle headways meet or exceed the agency’s standard. For example, the standard peak headway for BREEZE Core bus routes is 20 minutes; however the average peak headway for these routes is 16 minutes. The BREEZE Local routes have an average peak headway standard of 30 minutes; however, the average actual peak headway is 52.5 minutes. This average is driven higher by routes that operate much less frequently (routes 313, 355/357, and 358/359). Six routes operate with headways that are less frequent than the standard for their route category. Four of these routes (313, 355/357, 358/359, 334/335) are located within minority areas, while the other two (308 and 323) are located within non-minority areas. Tables 2-9 and 2-10 depict NCTD’s average weekday headways, at peak and off-peak times for both the minority and non-minority routes.

Table 2-9 NCTD Minority Route Headways

<table>
<thead>
<tr>
<th>NCTD Headways - Minority Routes</th>
<th># of Routes</th>
<th>Peak Headway</th>
<th>Peak Standard</th>
<th>Off-Peak Headway</th>
<th>Off-Peak Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corridor Routes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sprinter Light Rail</td>
<td>1</td>
<td>30 min.</td>
<td>30 min.</td>
<td>30 min.</td>
<td>30 min.</td>
</tr>
<tr>
<td>BREEZE Corridor</td>
<td>1</td>
<td>30 min.</td>
<td>30 min.</td>
<td>30 min.</td>
<td>60 min.</td>
</tr>
<tr>
<td>BREEZE Core</td>
<td>6</td>
<td>16 min.</td>
<td>20 min.</td>
<td>27 min.</td>
<td>30 min.</td>
</tr>
<tr>
<td>BREEZE Local</td>
<td>8</td>
<td>52.5 min.</td>
<td>30 min.</td>
<td>65 min.</td>
<td>60 min.</td>
</tr>
<tr>
<td>BREEZE Local (SV)</td>
<td>5</td>
<td>32.5 min.</td>
<td>30 min.</td>
<td>36.25 min.</td>
<td>60 min.</td>
</tr>
<tr>
<td>BREEZE Commuter</td>
<td>1</td>
<td>30 min.</td>
<td>30 min.</td>
<td>60 min.</td>
<td>30 min.</td>
</tr>
<tr>
<td>BREEZE Rural</td>
<td>1</td>
<td>120 min.</td>
<td>120 min.</td>
<td>120 min.</td>
<td>120 min.</td>
</tr>
</tbody>
</table>

43
Table 2-10 NCTD Non-Minority Route Headways

<table>
<thead>
<tr>
<th>NCTD Headways - Non-Minority Routes</th>
<th># of Routes</th>
<th>Peak Headway</th>
<th>Peak Standard</th>
<th>Off-Peak Headway</th>
<th>Off-Peak Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Routes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COASTER Commuter Rail</td>
<td>1</td>
<td>40 min.</td>
<td>40 min.</td>
<td>180 min.</td>
<td>180 min.</td>
</tr>
<tr>
<td>Local Routes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BREEZE Corridor</td>
<td>5</td>
<td>36 min.</td>
<td>30 min.</td>
<td>54 min.</td>
<td>60 min.</td>
</tr>
<tr>
<td>BREEZE Local (SV)</td>
<td>3</td>
<td>40 min.</td>
<td>30 min.</td>
<td>70 min.</td>
<td>60 min.</td>
</tr>
<tr>
<td>BREEZE Commuter</td>
<td>3</td>
<td>31.67 min.</td>
<td>30 min.</td>
<td>80 min.</td>
<td>30 min.</td>
</tr>
<tr>
<td>BREEZE Rural</td>
<td>3</td>
<td>90 min.</td>
<td>120 min.</td>
<td>100 min.</td>
<td>120 min.</td>
</tr>
</tbody>
</table>

On-Time Performance

On-Time Performance of transit routes is monitored by NCTD to ensure that the services that are being provided are reliable. Transit schedule service changes occur at least three times per year, in part to ensure that routes are running as timely as possible.

Figure 2-26 below illustrates the average on-time performance of both minority and non-minority transit routes. NCTD defines the On-Time Performance of all of its rail and bus services as 59 seconds before, and up to five minutes and 59 seconds behind the published schedule at the departure terminal. Tables 2-11 and 2-12 show the average on-time performance of each route category, and compare it to the standards set forth by NCTD. Minority routes had an average on-time performance of 91 percent overall. The Minority SPRINTER light rail, BREEZE Local (SV) bus, and BREEZE Rural bus routes were on-time an average of 99 percent, 92 percent, and 92.1 percent of the time respectively, exceeding the on-time standard for their route category. Non-Minority routes exceeded the standards for the COASTER Commuter Rail, BREEZE Local (SV) bus, and BREEZE Commuter bus routes, which were on time 96.8 percent, 92.8 percent, and 90.2 percent of the time. The overall on-time performance of the Non-Minority routes was also 91 percent.
Table 2-11 NCTD Minority Route On-Time Performance

<table>
<thead>
<tr>
<th>NCTD On-Time Performance - Minority Routes</th>
<th># of Routes</th>
<th>OTP</th>
<th>OTP Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corridor Routes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SPRINTER Light Rail</td>
<td>1</td>
<td>99%</td>
<td>98%</td>
</tr>
<tr>
<td>BREEZE Corridor</td>
<td>1</td>
<td>87%</td>
<td>90%</td>
</tr>
<tr>
<td>BREEZE Core</td>
<td>6</td>
<td>88%</td>
<td>90%</td>
</tr>
<tr>
<td>BREEZE Local</td>
<td>8</td>
<td>88%</td>
<td>90%</td>
</tr>
<tr>
<td>BREEZE Local (SV)</td>
<td>5</td>
<td>92%</td>
<td>90%</td>
</tr>
<tr>
<td>BREEZE Commuter</td>
<td>1</td>
<td>88%</td>
<td>90%</td>
</tr>
<tr>
<td>BREEZE Rural</td>
<td>1</td>
<td>92%</td>
<td>90%</td>
</tr>
</tbody>
</table>

Local Routes

<table>
<thead>
<tr>
<th>NCTD On-Time Performance - Non-Minority Routes</th>
<th># of Routes</th>
<th>OTP</th>
<th>OTP Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional Routes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COASTER Commuter Rail</td>
<td>1</td>
<td>97%</td>
<td>95%</td>
</tr>
<tr>
<td>BREEZE Corridor</td>
<td>5</td>
<td>87%</td>
<td>90%</td>
</tr>
<tr>
<td>BREEZE Local (SV)</td>
<td>3</td>
<td>93%</td>
<td>90%</td>
</tr>
<tr>
<td>BREEZE Commuter</td>
<td>3</td>
<td>90%</td>
<td>90%</td>
</tr>
<tr>
<td>BREEZE Rural</td>
<td>3</td>
<td>86%</td>
<td>90%</td>
</tr>
</tbody>
</table>

Table 2-12 NCTD Non-Minority Route On-Time Performance
Service Availability

NCTD operates a suburban-rural system, with some pockets of higher density in certain corridors. Compared with the area served by the San Diego Metropolitan Transit System (MTS), North San Diego County has much fewer areas of high density as shown in Figure 2-27. Higher density areas in North County are along SR 76 and Mission Avenue from Oceanside to Vista and along SR78 from Oceanside through Vista and San Marcos on to Escondido. Any pockets of medium and high density along the coastal cities of Carlsbad and Encinitas are mainly along Carlsbad Boulevard/Highway 101 and El Camino Real/Rancho Santa Fe. The remainder of the area is considered low or of rural density based on persons per acre.

Figure 2-27 Population Density of the NCTD Service Area

As shown in Table 2-13 and based on NCTD service guidelines for fixed-route service coverage, the current route structure of NCTD’s BREEZE service is meeting the target of service availability for low and rural areas in North County and below the target for medium and high density areas. Figure 2-28 graphically illustrates NCTD’s BREEZE coverage with respect to these density pockets.
Table 2-13 NCTD Service Availability

<table>
<thead>
<tr>
<th>Goal</th>
<th>Population Density</th>
<th>Persons per Acre</th>
<th>Percent of Housing Units Within 1/4-Mile of a bus stop or rail station</th>
</tr>
</thead>
<tbody>
<tr>
<td>90 percent of housing units in high density areas within 1/4-mile of a bus stop or rail station</td>
<td>High</td>
<td>16 or above</td>
<td>77.1 percent</td>
</tr>
<tr>
<td>75 percent of housing units in medium density areas within 1/4-mile of a bus stop or rail station</td>
<td>Medium</td>
<td>11 to 15</td>
<td>65.3 percent</td>
</tr>
<tr>
<td>50 percent of housing units in low density areas within 1/4-mile of a bus stop or rail station</td>
<td>Low</td>
<td>6 to 10</td>
<td>50.0 percent</td>
</tr>
<tr>
<td>10 percent of housing units in rural areas within 1/4-mile of a bus stop or rail station</td>
<td>Rural</td>
<td>5 or below</td>
<td>12.9 percent</td>
</tr>
</tbody>
</table>

Putting the topographic, land-use, and development patterns aside, there are additional reasons for NCTD’s current route structure being below target for medium and high density areas.

- In August 2011, NCTD began the implementation of the Mobility Plan, a five-phase major restructuring of its BREEZE bus service. The Mobility Plan also included a change in service policy. Before the Mobility Plan, NCTD BREEZE bus service was designed based on a balance of service productivity (65 percent) and service coverage (35 percent). The development of the Mobility Plan inherently proposed a change to the policy from the “65/35” split to 100 percent productivity due to budgetary constraints. The final phase of the Mobility Plan was implemented in February 2014.

- Bus ridership is not as high as in some of these areas of medium or higher density (some of these Medium/High density areas previously had service, but the service was eliminated due to low productivity)

- Growth and development (economic recovery) is occurring in areas where NCTD has yet to operate service, but NCTD plans to do so in the short and mid-term per NCTD’s Comprehensive Strategic, Operating and Capital Plan.
System Wide Service Policies

Transit Amenities

NCTD

NCTD provides a variety of transit amenities to its riders, including shelters, benches, and passive and real-time schedule information displays. The installation of such amenities is determined by passenger volumes, as well as considerations of equity, safety, and comfort.

NCTD’s rail station amenities include seating, shade canopies, parking lots, ticket vending machines, and feature video surveillance. NCTD’s station amenities are noted in the NCTD Service Design Guidelines in Appendix I.

Figures 2-29, 2-30, and 2-31 illustrate the distribution of bus stops, benches, and shelters throughout the MTS and NCTD service area.

Vehicle Assignment

NCTD’s Bus fleet consists of 167 Vehicles, which includes Standard buses and Minibuses. Standard buses are 30-40 feet medium or heavy-duty transit buses. The majority of these buses operate using Compressed
Natural Gas (CNG). The Minibus fleet consists of buses 29-32 feet in length, and operate demand-response service, and on fixed routes with lower ridership. The NCTD Service Design Guidelines are included in Appendix I.

These bus fleets are assigned to two divisions:

- Oceanside: referred to as the West Division – Operates Standard and Minibuses
- Escondido: referred to as the East Division – Operates Standard and Minibuses

NCTD’s Rail fleet consists of COASTER commuter rail vehicles and SPRINTER Low-Floor light rail trolley cars. The COASTER consists of one rail line, which can accommodate up to 140 passengers in each rail car, with a maximum six-car train accommodating 840 seated passengers. The SPRINTER consists of one light rail line, which has a maximum capacity of 1,741 riders. NCTD COASTER operates in one location north of Oceanside and SPRINTER operates in one location in Escondido.
Figure 2-29 NCTD Transit Amenities – Central
Figure 2-31 NCTD Transit Amenities – South
REQUIREMENT TO EVALUATE SERVICE CHANGES

NCTD complies with its requirements to evaluate service changes found in Chapter IV, Section 7 of the FTA Title VI Circular (FTA C 4702.1B).

Public Engagement Process for Major Service Change Policy

NCTD has policies in place to ensure that Title VI policies and procedures are followed.

NCTD adopted three policies in the fall of 2013 to comply with FTA Circular C4702.1B. NCTD developed Board Policies 30, 31, and 32 to determine the Threshold for a Major Service Change, the Threshold for Disparate Impact on Minority Populations, and the Threshold for Disproportionate Impact on Low-Income Populations. Discussions regarding the development of the policies were held at two separate Public Workshops: one at the Vista Community Center on October 10, 2013, and one at the Oceanside Civic Center on October 16, 2013. Copies of the workshop sign-in sheets, and the comments that were received are included in Appendix M. The policies were formally approved at the NCTD Board of Directors Meeting held on November 21, 2013. A summary of all activities conducted as part of the public engagement process can also be found in Appendix M.

As a result of the meetings, NCTD Board Policies 30, 31, and 32 were approved at the November 21, 2013 Board of Directors meeting. These policies establish the thresholds for major service changes, disparate impacts, and disproportionate burden. Board Policy No. 30 describes the threshold for a major service change. This policy defines a major service change requiring a Title VI Analysis and approval from the NCTD Board of Directors as “all proposed changes to existing routes, whereby route miles or revenue miles are changed in excess of twenty-five (25)% percent of their current configurations, measured as happening at one time, or cumulatively within a single year. Changes in number of daily trips that exceed twenty-five percent (25%) are also considered a major service change. Finally, elimination or addition of a route qualifies as a major service change.”

Board Policy No. 31 establishes a threshold which identifies when adverse effects of a major service change or any fare change are borne disproportionately by minority populations. The policy states that “A disparate impact occurs when the minority population adversely affected by a major service change as defined under NCTD Board Policy No. 30 is 10 percent more than the average minority population of the NCTD service area. A disparate impact may also occur when the non-minority population benefits from a major service change by 10 percent more than the average non-minority population of the NCTD service area”. Board Policy No. 32 sets forth NCTD’s threshold for disproportionate burden. The policy notes that “A disproportionate burden occurs when the low-income population adversely affected by a major service change as defined under NCTD Board Policy No. 30 is 10 percent more than the average low-income population of the NCTD service area. A disproportionate burden may also occur when the non-low income population benefits from a major service change by 10 percent more than the average non-low-income population of the NCTD service area. Copies of NCTD Board Policies 30, 31, and 32, as well as a copy of the agenda, agenda item, and minutes from the November 21, 2013 Board Meeting are included in Appendix M.
REQUIREMENT TO EVALUATE FARE CHANGES

All fare changes that do not qualify as a pilot are carried out by SANDAG pursuant to the Master MOU with MTS and NCTD. This MOU gave SANDAG the responsibility to set the fare policies for the region, including the NCTD service area. Therefore, it is the responsibility of SANDAG, not NCTD, to evaluate fare changes. The minority disparate impact policy and disproportionate burden policy for fare changes is the responsibility of SANDAG, not NCTD, and is not applicable to this Title VI Program. Any evaluation of fare changes would be included in the SANDAG Title VI Program, due in October 2015. A copy of the Master Memorandum of Understanding between SANDAG, MTS, and NCTD is included in Appendix N.

RESULTS OF SERVICE EQUITY ANALYSES

NCTD had two service changes that required Title VI analysis. The first major service change occurred in February 2014, and added service to several routes as part of the final phase of NCTD’s Mobility Plan. A Public Hearing was held on December 19, 2013, with the Board approving of the service changes. The second major service change occurred in February 2015, and was done to make a temporary bus route permanent. A public hearing was held on December 18, 2014, with the Board approving of the service changes. Copies of the NCTD Service Equity Analysis February 2014 Proposed Changes, NCTD Service Equity Analysis February 2015 Proposed Changes, Minutes from the December 19, 2013 NCTD Board of Directors Meeting, and the Minutes from the December 18, 2014 NCTD Board of Directors Meeting are included in Appendix O.

RESULTS OF FARE EQUITY ANALYSIS

The responsibility to conduct a fare equity analysis belongs to SANDAG, not NCTD. SANDAG has not implemented any fare changes in the last three years. The last fare change occurred in December 2008. As no fare changes have been implemented during the triennial period, no fare equity analysis has been conducted, no disparate impacts have been found, and no board approval has occurred.
APPENDIX A

NCTD NOTICE TO THE PUBLIC
North County Transit District (NCTD)
Title VI Notice to the Public

The North County Transit District (NCTD) gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964 and all related statues. Title VI requires that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which NCTD receives Federal financial assistance. Any person who believes that s/he, individually, or as a member of a specific class of persons, has been subjected to discrimination, based upon race, color, national origin, or limited English proficiency, under any NCTD service, program or activity, has the right to file a formal complaint.

To request a copy of the NCTD’s civil rights program and procedures or to file a complaint, you may contact NCTD’s Customer Service Department:
- Phone at 760-966-6500 (persons with hearing impairment should call the 711 California Relay Service)
- Email: creports@nctd.org
- In person at NCTD customer service centers.

Additionally, NCTD Customer Service can assist with requests for copies of the program in an alternative format in accordance with ADA and LEP regulations. NCTD offers a variety of resources and services in Spanish, Korean, Chinese, Vietnamese, etc., at no cost to the individual. Services include but are not limited to the following: oral interpreters, written language services and translations of vital documents.

Program information, including complaint forms, may also be obtained by visiting our website at GoNCTD.com.

Complaints will be accepted in writing and may be filed with:
- NCTD Customer Service; or
- NCTD’s Civil Rights Officer, at 810 Mission Avenue, Oceanside California 92054-2825.

A signed written complaint must be submitted within 60 calendar days of the alleged discriminatory act (or latest occurrence). NCTD will acknowledge receipt of the complaint within ten (10) working days. Individuals may also file complaints directly with the U.S. Department of Transportation (USDOT), and/or the Federal Transit Administration (FTA) within 180 calendar days of the alleged discriminatory act (or latest occurrence). NCTD specific complaint procedures are identified in NCTD Board Policy No. 26, Discrimination Complaint Process.

To thoroughly investigate complaints, the Civil Rights Officer must have as many details of the incident as possible. At a minimum, complaints should include the following information:
- Your name and address, and a telephone number where you may be reached during business hours;
- A general description of the person(s) or class of persons injured by the alleged discriminatory act(s);
- A description of the alleged discriminatory act(s) in sufficient detail to enable NCTD staff to understand what occurred, when it occurred, and the basis of the alleged discrimination complaint (race, color, or national origin);
- The letter must be signed and dated by the person filing the complaint or by someone authorized to do so on his or her behalf.
APPENDIX B

NCTD TITLE VI COMPLAINT PROCEDURES
Board Policy No. 26
Discrimination Complaint Procedures

Summary

This policy is intended to establish a procedure under which complaints alleging discrimination in NCTD's provision of services or NCTD activities can be made by persons who are not employees of NCTD.

Background

It is NCTD policy to comply with state and federal laws and regulations including the Americans with Disabilities Act of 1990 (ADA), Title VI of the Civil Rights Act of 1964 (Title VI), 49 CFR Part 21, California Code § 51 (Unruh Civil Rights Act), California Code § 11135, California Government Code § 12960(d), and other federal and state discrimination laws. NCTD prohibits discrimination by its employees, contractors, and consultants. The responsibility for the implementation of the discrimination complaint procedures is assigned to NCTD's Civil Rights Officer. NCTD does not discriminate on the basis of race, color, national origin, sex, sexual orientation, age, religion, ancestry, marital status, medical condition, or disability (or any other protected category under state or federal law) in conducting government business. Persons who believe they have been subjected to discrimination or have been denied access to services or accommodations required by law, have the right to use this grievance procedure. Additionally, it is NCTD policy to prohibit mistreatment by its employees, contractors, and consultants on the basis of gender identity or gender expression.

In order to comply with 49 CFR Part 21, recipients and sub-recipients of Federal Transit Administration (FTA) funding such as NCTD are required to develop procedures for investigating and tracking Title VI complaints and to make the procedures for filing a complaint available to members of the public upon request. This policy contains the procedures that members of the public should follow in order to request additional information regarding NCTD's nondiscrimination obligations or file a discrimination complaint against NCTD.

Applicability

This complaint procedure is applicable to all persons who are not employees of NCTD. This includes, but is not limited to, visitors to NCTD; members of the public; Board, committee and working group members; vendors; or any other persons transacting business with NCTD or using NCTD's services who believe that they have been subjected to discrimination by NCTD employees, contractors, or consultants. In general, it is designed to address disputes concerning the following:

1. Disagreements regarding a requested service, accommodation, or modification of a NCTD practice or requirement;

2. Inaccessibility of a program, publication, or activity;

3. Harassment or discrimination based on membership in a protected category under state or federal law;

4. Violation of privacy in the context of disability.
Board Policy No. 26 – Discrimination Complaint Procedures (continued)

Civil Rights Officer

NCTD's Civil Rights Officer is responsible for administering this complaint procedure as well as ensuring compliance with applicable laws.

NCTD Complaint Procedures

NCTD follows both Federal and State laws and regulations with regard to claims of discrimination from persons who are not NCTD employees.

1. When To File Complaint – Complaints should be in writing and must be filed with NCTD within sixty (60) calendar days of:
   • The date of the alleged discriminatory action; or
   • The date on which prior ongoing conduct was discontinued; or
   • The date complainant had knowledge of the alleged discriminatory practice

   Complaints may be accepted by NCTD beyond the sixty (60) calendar day deadline at the discretion of the Civil Rights Officer.

2. What To File – A complaint must be in writing and include the following:
   • The complaining party's name, address, e-mail address and phone number;
   • A full description of the problem;
   • A statement of the remedy requested

   Individuals filing a complaint may choose to use NCTD's Title VI/Unruh Discrimination Complaint Form, available at GoNCTD.com.

3. Filing Options – Complaints may be submitted with the following methods:
   • Filed with the Civil Rights Officer at NCTD, 810 Mission Avenue, Oceanside, CA 92054; or
   • Filed at NCTD Customer Service centers; or
   • Emailed to creports@nctd.org; or
   • NCTD's Customer Service may be contacted by phone at 760-966-5600.

4. Notice of Receipt – Upon receipt of the complaint, the Civil Rights Officer will review the complaint for timeliness and appropriateness for this grievance procedure, and will provide the complaining party with written notice acknowledging its receipt. The Civil Rights Officer may contact the complainant to clarify details to establish merit in order to determine if an investigation is warranted.

5. Investigation – If the complaint falls within the jurisdiction of the Civil Rights Officer, the Civil Rights Officer or his or her designee shall promptly initiate an investigation. In undertaking the investigation, the Civil Rights Officer may interview, consult with, and/or request a written response to the issues raised in the complaint from any individual the Civil Rights Officer believes to have relevant information, including staff and members of the public.
Board Policy No. 26 – Discrimination Complaint Procedures (continued)

6. Contractor Representation – Any contracted party who is a respondent shall have the right to have a contractor representative present. The party shall indicate whether he or she will be accompanied by a contractor representative and, if so, the name of that representative.

7. Findings And Notification – Upon completion of the investigation, the Civil Rights Officer will prepare and submit a Report of Findings to NCTD General Counsel for review. This submission will be expected within forty-five (45) calendar days of the filing of the formal complaint. The deadline may be extended by the Civil Rights Office for good cause. At the conclusion of the complaint, the Civil Rights Officer shall issue Letters of Determination, which contain the decision on the complaint and appeal rights.

Complainant Responsibilities

Complainants must cooperate with this process in order to reach a resolution of the complaint. Failure to cooperate, provide requested information to support the complaint, and/or maintain communication throughout the process will likely result in closure of the case.

Complainants must provide their correct contact information in order to proceed with a complaint. Inaccurate or incomplete contact information will likely result in closure of the case.

Complainants may request in writing to discontinue a complaint at any time they feel it has been resolved to their satisfaction or they feel no need to continue with the matter. Complainants should be aware that complaints with established merit may still require follow up by NCTD, regardless of whether a complainant has requested to discontinue their complaint.

Remedies

Possible remedies under this complaint procedure include, but are not limited to, corrective steps, actions to reverse the effects of discrimination or to end harassment, and measures to provide a reasonable accommodation or proper ongoing treatment.

Appeal

Complainants who are not satisfied with the determination of the Civil Rights Officer may file an appeal with the FTA, Office of Civil Rights, and the Department of Fair Employment and Housing (DFEH), as identified below.

Additional Filing Options

Federal Transit Administration - Office of Civil Rights:
Any person who believes himself or herself or any specific class of persons to be subjected to discrimination prohibited by Title VI also may file a written complaint with the FTA. A complaint must be filed with the FTA no later than one hundred-eighty (180) calendar days after the date of the alleged discrimination, unless the time for filing is extended by FTA. Title VI complaints regarding FTA funded programs at NCTD can be sent to:

FTA Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor - TCR
1200 New Jersey Ave. SE, Washington, DC 20590
Department of Fair Employment and Housing:
Written complaints may also be filed with the DFEH. A complaint must be filed with the DFEH no later than three hundred sixty-five (365) calendar days after the date of the alleged discrimination. Discrimination complaints may be sent to:

Department of Fair Employment and Housing
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758

Confidentiality

NCTD will take reasonable measures to protect the privacy of the complaining party and those individuals who may be the subject of a complaint. NCTD cannot guaranty privacy, however, particularly if disclosure is necessary for a complete investigation or where disclosure is required by law.

Assistance Filing Complaints

An alternate means of filing a complaint, such as personal interviews or audio recording of the complaint, will be made available for people with disabilities upon request.

Approvals

Board Chair
Date

Executive Director 10/16/14
Date

General Counsel 10-16-2014
Date
<table>
<thead>
<tr>
<th>DATE ISSUED</th>
<th>REVISION NUMBER</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/18/2012</td>
<td></td>
<td>Adopted</td>
</tr>
<tr>
<td>10/17/2013</td>
<td>1</td>
<td>2013 Revision</td>
</tr>
<tr>
<td>10/16/2014</td>
<td>2</td>
<td>2014 Revision</td>
</tr>
</tbody>
</table>
APPENDIX C
NCTD COMPLAINT FORM
### SECTION I

<table>
<thead>
<tr>
<th>Complainant Name:</th>
<th>Filing Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address:</td>
<td>City, State, &amp; Zip Code:</td>
</tr>
<tr>
<td>Telephone:</td>
<td>Alt Telephone:</td>
</tr>
<tr>
<td>Accessible Format Requirements?</td>
<td>Large Print</td>
</tr>
<tr>
<td></td>
<td>Audio Tape</td>
</tr>
</tbody>
</table>

### SECTION II

Are you filing this complaint on behalf of a third party?  
- **Yes**  
- **No** - Proceed to Section III

If “Yes”, please supply the name/relationship of the person for whom you are complaining:

Reason for filing for a third party:

Have you obtained permission to file on behalf of the third party?  
- **Yes**  
- **No**

### SECTION III

Basis of Discrimination (select all that apply):
- Race
- Color
- National Origin
- Disability
- Medical Condition
- Sex
- Sexual Orientation
- Age
- Ancestry
- Religion
- Marital Status

Specify the Selected Basis/Bases:  
Date/Time of Alleged Discriminatory Action:

Respondent Name/Title/Description:

<table>
<thead>
<tr>
<th>Bus/Train #:</th>
<th>Route #:</th>
<th>Destination/Direction:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding Location:</td>
<td>De-Boarding Location:</td>
<td></td>
</tr>
</tbody>
</table>

### SECTION IV

Have you previously filed a Title VI complaint with NCTD?  
- **Yes**  
- **No**

If you have filed this complaint with any Federal, State, or local agency, or with any Federal or State Court, please complete the following information:

<table>
<thead>
<tr>
<th>Agency/Court:</th>
<th>Contact Name/Title:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>Telephone:</td>
</tr>
</tbody>
</table>

### SECTION V

Describe the alleged discriminatory incident(s) (dates/times/witnesses/etc.). If you prefer, you may also attach a document with your date and signature:

---

**NORTH COUNTY TRANSIT DISTRICT**

TITLE VI/UNRUH DISCRIMINATION COMPLAINT FORM

810 Mission Avenue • Oceanside, CA 92054 • (760) 966-6500

C-1
SECTION VI

What remedy do you feel may resolve this matter?

I affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

_________________________ _____________________
Complainant’s Signature    Date

_________________________
Complainant’s Printed Name

Please submit this form in person or by mail to:
North County Transit District
Jarrett Wade, Civil Rights Officer
810 Mission Avenue
Oceanside, CA 92054

NCTD OFFICE USE ONLY

Date Received:

Received By:

Rev. 10/8/2013
APPENDIX D
NCTD COMPLAINT LOG
<table>
<thead>
<tr>
<th>Number</th>
<th>Filed</th>
<th>Complainant</th>
<th>Complaint/Lawsuit</th>
<th>Protected Basis</th>
<th>Specific Basis</th>
<th>Summary of Allegations</th>
<th>Prima Facie</th>
<th>Finding</th>
<th>Status</th>
<th>Closed Date</th>
<th>Action(s) Taken</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>7/15/13</td>
<td>Redacted</td>
<td>Complaint</td>
<td>Race</td>
<td>Redacted</td>
<td>Redacted</td>
<td>Yes</td>
<td>Not substantiated</td>
<td>Closed</td>
<td>9/10/13</td>
<td>Insufficient evidence to substantiate. Respondent denied allegation - no supporting evidence.</td>
</tr>
<tr>
<td>2</td>
<td>8/5/13</td>
<td>Redacted</td>
<td>Complaint</td>
<td>Unknown</td>
<td>Redacted</td>
<td>Redacted</td>
<td>No</td>
<td>N/A</td>
<td>Closed</td>
<td>10/9/13</td>
<td>No prima facie established - Complainant chose not to participate in the investigative process, due to the CRO not being a &quot;person of color&quot;. Several attempts were made to follow up with Complainant by phone, mailing address and email; however, no response was received.</td>
</tr>
<tr>
<td>3</td>
<td>8/7/13</td>
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<td>Complaint</td>
<td>Race</td>
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<td>Redacted</td>
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<td>Closed</td>
<td>9/6/13</td>
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<td>N/A</td>
<td>Closed</td>
<td>10/8/13</td>
<td>No prima facie established - Referred to Customer Service.</td>
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<td>N/A</td>
<td>Closed</td>
<td>9/10/13</td>
<td>No prima facie established - Referred to Customer Service.</td>
</tr>
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<td>Redacted</td>
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<td>N/A</td>
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<td>9/16/13</td>
<td>No prima facie established - Referred to Customer Service.</td>
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<td>7</td>
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<td>Race</td>
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<td>Redacted</td>
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<td>N/A</td>
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<td>9/18/13</td>
<td>No prima facie established - Complainant did not respond to attempts to contact by the CRO.</td>
</tr>
<tr>
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<td>9/25/13</td>
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<td>N/A</td>
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<td>10/15/13</td>
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</tr>
<tr>
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<td>Sexual Harassment</td>
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<td>Redacted</td>
<td>Yes</td>
<td>Not substantiated</td>
<td>Closed</td>
<td>2/15/14</td>
<td>Insufficient evidence to substantiate - Title VI/Unruh training provided to CEO/Conductors/Security Officers. Due to unrelated matter, Respondent no longer on contract with NCTD.</td>
</tr>
<tr>
<td>10</td>
<td>10/30/13</td>
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<td>Complaint</td>
<td>Gender</td>
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<td>Redacted</td>
<td>No</td>
<td>N/A</td>
<td>Closed</td>
<td>12/3/14</td>
<td>Complainant did not provide sufficient contact information or cooperate with the investigation. Operator management was contacted to investigate. Prima facie not established.</td>
</tr>
<tr>
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<td>11/1/13</td>
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<td>Race</td>
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<td>Redacted</td>
<td>No</td>
<td>N/A</td>
<td>Closed</td>
<td>12/10/13</td>
<td>No prima facie established. Referred to Customer Service.</td>
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<td>Age</td>
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<td>N/A</td>
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<td>12/10/13</td>
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<td>Closed</td>
<td>1/6/14</td>
<td>No prima facie established. Referred to Customer Service.</td>
</tr>
<tr>
<td>14</td>
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<td>Race</td>
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<td>Redacted</td>
<td>N/A</td>
<td>N/A</td>
<td>Closed</td>
<td>1/13/14</td>
<td>Attempts were made to contact the Complainant; however, complainant never responded or cooperated with investigation. Closed</td>
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<td>Redacted</td>
<td>No</td>
<td>N/A</td>
<td>Closed</td>
<td>1/30/14</td>
<td>No prima facie established. Operator management notified to review other allegations.</td>
</tr>
<tr>
<td></td>
<td>Date</td>
<td>Complaint Type</td>
<td>Race</td>
<td>Disability</td>
<td>Color/Religion</td>
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<td>Decision</td>
<td>Date</td>
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<td>Insufficient evidence to substantiate. Respondent denied making the alleged comment - no supporting evidence.</td>
<td>4/15/14</td>
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<td>6/19/14</td>
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<td>18</td>
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<td>6/19/14</td>
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<td>Redacted</td>
<td>Redacted</td>
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<td>N/A</td>
<td>Not substantiated</td>
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<td>5/1/14</td>
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<td>6/19/14</td>
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<td>Disability/Sexual Harassment</td>
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<td>Not substantiated</td>
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<td>7/15/14</td>
<td></td>
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<tr>
<td>22</td>
<td>5/19/14</td>
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<td>Race</td>
<td>Redacted</td>
<td>Redacted</td>
<td>No</td>
<td>N/A</td>
<td>Not substantiated</td>
<td>Insufficient evidence to substantiate. Respondent denied making alleged comment - no supporting evidence.</td>
<td>5/28/14</td>
<td></td>
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<tr>
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<td>Disability/Color/Religion</td>
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<td>Yes</td>
<td>Not substantiated</td>
<td>Substantiated</td>
<td>Insufficient evidence to substantiate. Respondent denied making alleged comment - no supporting evidence.</td>
<td>7/15/14</td>
<td></td>
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<tr>
<td>24</td>
<td>6/3/14</td>
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<td>Disability/Race</td>
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<td>Redacted</td>
<td>No</td>
<td>N/A</td>
<td>Not substantiated</td>
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<td>6/19/14</td>
<td></td>
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<tr>
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<td>Disability</td>
<td>Redacted</td>
<td>Redacted</td>
<td>No</td>
<td>N/A</td>
<td>Not substantiated</td>
<td>Insufficient evidence to substantiate. Respondent denied making alleged comment - no supporting evidence.</td>
<td>6/19/14</td>
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<tr>
<td>26</td>
<td>6/17/14</td>
<td>Redacted</td>
<td>Gender</td>
<td>Redacted</td>
<td>Redacted</td>
<td>Yes</td>
<td>Substantiated</td>
<td>Substantiated</td>
<td>Operator management confirmed the allegations were true and took corrective action with the Respondent. The Complainant stated that he wanted to be compensated with a free monthly pass; however, NCTD sent the Complainant a free day pass, consistent with past practice.</td>
<td>10/13/14</td>
<td></td>
</tr>
<tr>
<td>27</td>
<td>6/19/14</td>
<td>Redacted</td>
<td>Race</td>
<td>Redacted</td>
<td>Redacted</td>
<td>No</td>
<td>N/A</td>
<td>Not substantiated</td>
<td>Insufficient evidence to substantiate. Respondent denied making alleged comment - no supporting evidence.</td>
<td>8/8/14</td>
<td></td>
</tr>
<tr>
<td>28</td>
<td>6/19/14</td>
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<td>Disability</td>
<td>Redacted</td>
<td>Redacted</td>
<td>No</td>
<td>N/A</td>
<td>Not substantiated</td>
<td>Insufficient evidence to substantiate. Respondent denied making alleged comment - no supporting evidence.</td>
<td>8/10/14</td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>Filed</td>
<td>Complainant</td>
<td>Complaint / Lawsuit</td>
<td>Protected Basis</td>
<td>Specific Basis</td>
<td>Summary of Allegations</td>
<td>Prima Facie</td>
<td>Finding</td>
<td>Status</td>
<td>Closed</td>
<td>Action(s) Taken</td>
</tr>
<tr>
<td>--------</td>
<td>-------</td>
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</tr>
<tr>
<td>1</td>
<td>7/14</td>
<td>Redacted</td>
<td>Complaint</td>
<td>Race</td>
<td>Redacted</td>
<td>Redacted</td>
<td>No</td>
<td>N/A</td>
<td>Closed</td>
<td>7/15/14</td>
<td>No prima facie established. Referred to Customer Service.</td>
</tr>
<tr>
<td>2</td>
<td>7/14</td>
<td>Redacted</td>
<td>Complaint</td>
<td>Disability</td>
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<td>N/A</td>
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</table>

Several attempts were made to contact the complainant by phone and voice messages were left. Complainant packet sent to complainants address - complainant has not responded. Closed per policy, due to insufficient communication from the complainant.

No prima facie established. Referred to Customer Service.

Matter referred to contractor, who conducted an investigation and took corrective action. NCTD issued a complimentary month pass.

No prima facie established. Referred to Customer Service.

No prima facie established. Referred to Customer Service.

Complainant contacted - denied that allegations were a result of discrimination. No prima facie established. Referred to Customer Service.

Complainants were about other passengers. No prima facie established. Referred to Customer Service.
APPENDIX E

NCTD PUBLIC PARTICIPATION PLAN

NCTD LIST OF OUTREACH EFFORTS
Board Policy No. 5
Public Notice and Participation

Summary

This policy defines the public participation processes and public notice and hearing requirements that support public comment and input to the Board in reaching policy decisions.

The Ralph M. Brown Act (Government Code § 54950 et. seq. ("Brown Act"). – Agenda, Public Comment Requirements, and NCTD Procedures

1. The Ralph M. Brown Act – The Brown Act as stated in Chapter 9, Part 1, Division 2, Title 5 of the Government Code, commencing with § 54950, sets out California's open meetings law and regulates meetings of local public agencies. All meetings of the Board, including any public committee meetings, shall be conducted in the manner prescribed by the Brown Act.

2. Agendas – The Brown Act includes requirements for posting of agendas, distribution of agenda materials, access, meeting locations, and public input. Agendas will be posted on NCTD’s website and at NCTD’s administration building, in accordance with the requirements set forth in Board Policy No. 4, Rules of Procedure.

3. Public Comment, Generally – Pursuant to the Brown Act, NCTD agendas for regular meetings will allow members of the public to address NCTD on any item of interest to the public within the purview of NCTD. Members of the public will also be allowed to address NCTD before or during NCTD’s consideration of any agenda item to be considered at a regular or a special meeting of NCTD.

A request from the public to discuss an agenda item at a Board Meeting must be filed with the Clerk of the Board on a “Request to Speak” form before consideration of the item commences. A “Request to Speak” form must also be completed by any person, or group of persons, desiring to address the Board on a non-agendized matter, and submitted to the Clerk before the meeting is called to order. The forms will be available at the meeting.

Speakers turning in “Request to Speak” forms after discussion begins on an item that is not subject to a Public Hearing will be heard at the end of the meeting under agenda item “Remaining Public Communications.”

Public Hearings

NCTD conducts public hearings as part of its process to adopt an annual budget, adopt new or modify ordinances, and changes to fares and transit services. Notice of a public hearing will be posted and published, as further set forth below, to afford the public the opportunity to provide comments at the meetings or to submit comments in writing. “Request to Speak” forms should be submitted by persons desiring to speak during a public hearing, but are not required.
Board Policy No. 5 – Public Notice and Participation (continued)

Public Input Process and Time Limits

Each person desiring to address the Board on a non-agendized item shall state the subject they wish to discuss. Each person addressing the Board on any matter, whether listed on the agenda or not, shall state who they are representing if they represent an organization or other persons.

Speaker’s remarks are limited to three (3) minutes if they are speaking on an item not listed on the agenda. If the speaker is speaking on an item listed on the agenda, he/she may be donated three minutes by another speaker for a maximum of six (6) minutes. The Board may grant additional time to speak on an item. In such case, the same time limit shall apply to all speakers on that item.

All remarks shall be addressed to the Board as a whole and not to any Board Member specifically. No questions shall be asked of a Board Member or a member of the staff without obtaining permission of the presiding officer.

After a motion has been made, no member of the public shall address the Board from the audience on the matter under consideration without first securing permission to do so by a majority vote of the Board.

Process for Conducting Public Hearings

When required by law, public hearings will be conducted by NCTD at the date, time, and location previously noticed, and shall be held in accordance with the schedule on the agenda or as soon thereafter as practical. A public hearing is required for the adoption of NCTD’s annual budget and for fare and service changes, which additional procedures are set out below. These public hearings generally require a thirty (30) day notice. Public hearings for other matters shall otherwise be conducted as required by law.

Prior to all Board public hearings, copies of the Board’s agenda, with attachments, inclusive of any staff report, shall be available at the office of the Clerk of the Board at least seventy-two (72) hours prior to the commencement of the public hearing, provided, however, the Board may allow in its discretion the filing of supplemental reports which shall be made public at the commencement of the public hearing in accordance with the Brown Act. The public hearing will allow for all interested parties to be heard prior to Board consideration of the proposal. The Board will also consider any written comments which were forwarded to the Board on the hearing item.

1. Public Hearings Procedure

   Unless otherwise required by law, the order of the public hearing shall be as follows:

   a. Open the Public Hearing

      The presiding officer shall open the public hearing as scheduled on the agenda.

      i. Presentation of staff report
      ii. Questions from the Board
      iii. The presiding officer shall call for public testimony of people in favor/in opposition.
Board Policy No. 5 – Public Notice and Participation (continued)

The presiding officer may, dependent upon the necessity for ensuring adequate presentation of testimony and evidence to provide a fair hearing, set longer time limits than otherwise allowed. The decision of the presiding officer may be appealed to the full Board.

b. Public Hearings’ Closure

When neither the public nor District staff have further evidence to produce, or the presiding officer nor majority of the Board believes sufficient evidence has been presented, the presiding officer shall order the public hearing closed. Once closed, no further evidence, either oral or in writing, will be accepted by the Board, provided, however, that the presiding officer, where it appears that good cause exists to hear further evidence concerning the matter which is the subject of the public hearing, may reopen the public hearing.

c. Board Action

The Board has the authority to either approve, deny, or modify the proposal that is before the Board or, based on public comments, direct staff to research any comments for Board consideration at another meeting.

Public Hearing Notice Requirements

1. General

Notice of public hearing shall be published in the following local newspapers with circulation in the North County:

   a. The regional publication of the U-T San Diego
   b. Publication in a Spanish language newspaper with circulation in the North County.

Notice shall be published within the time limits required by law.

2. Special Information for Fare Increases or Major Service Changes

For any fare increase or “major service change,” as defined under Board Policy No. 30, Threshold for a Major Service Change, notice shall be published at least thirty (30) days in advance of the public hearing. The public notice shall include:

   a. As applicable, the route numbers of the services that would be affected with the proposed major service change and the proposed effective date of the change.

   b. The date, time, and location of the public hearing.

   c. A statement that the intent of the public hearing is to provide an opportunity for interested persons or agencies to be heard with respect to the effects of the proposed changes/matters to be considered at the public hearing.
Board Policy No. 5 – Public Notice and Participation (continued)

d. A statement that comments can be offered verbally or in writing, establishing the
date and time of the public hearing as the deadline for written submissions, and
providing a mailing address and facsimile number.

e. A statement informing any interested parties of the location where a copy of the
proposed change would be available for inspection.

f. A statement that NCTD does not discriminate on the basis of disability in the
admission or access to, or in treatment or employment in, its services, programs,
and activities. It shall include the contact person designated to coordinate
compliance with the Americans with Disabilities Act and how said person may be
contacted seventy-two (72) hours in advance of the public meeting to provide
disability accommodations if requested. It shall also include a statement that
agenda materials will be provided in accessible formats upon request.

g. A statement that NCTD does not discriminate on the basis of race, color, or
national origin in the level and quality of transportation services and transit-related
benefits in accordance with Title VI of the Civil Rights Act of 1964.

Title VI and Limited-English Proficiency Requirements

The 2013 Language Assistance Plan (LAP), developed based on SANDAG’s Four Factor
Analysis, describes how NCTD shall identify and meet the needs of the population with limited
English proficiency in the NCTD service area. NCTD’s LAP can be found on NCTD’s website at
www.goNCTD.com/title-vi-rights.

Public Comment and Participation Regarding Transit Improvements

Government Code § 14085 requires project development agencies receiving state or federal
funds for the purposes of project planning, design, rights-of-way, construction, acquisition, or
improvement of exclusive public mass transit guide ways, such as NCTD, to prepare policies and
procedures for project management, including public outreach and participation. Several federal
and state laws and regulations require that project development agencies conduct public
participation programs to ensure that the public is involved and that concerns are addressed.

1. Procedures

   a. For all major transit capital improvement projects, NCTD shall conduct a program
designed to ensure that the general public is informed of progress, safety, and
community impacts during the construction phase and is provided opportunities to
express concerns.

   b. NCTD shall hold public meetings at key stages of project implementation and
advertise them to all members of the affected community.

   c. NCTD shall solicit input from representatives of special user groups of the local
population (e.g., senior and disabled riders) during design and construction in
order to ensure that the capital facilities are usable by as many people as possible.
Board Policy No. 5 – Public Notice and Participation (continued)

d. NCTD shall work to minimize both actual and perceived disruption during the construction phase by disseminating informational, educational, and "public relations" materials and by utilizing other traditional public relations tools.

e. NCTD shall continue to cooperatively work with established community groups, such as planning groups and neighborhood associations.

f. NCTD should be prepared to meet citizens’ concerns as they arise, on an individual basis, in order to satisfy them to the degree practical.

g. For projects managed/implemented by SANDAG, SANDAG shall be responsible for public outreach and involvement, in accordance with its own policies.

Special Public Notice and Participation Requirements for Fare and Service Changes

Definitions:

1. “Major Service Change”: Under Board NCTD Policy No. 30, Threshold for a Major Service Change, a major service change is any proposed changes to existing routes, whereby route miles or revenue miles are changed in excess of twenty-five (25) percent of their current configurations, measured as happening at one time, or cumulatively within a single year. Change in number of daily trips that exceeds twenty-five (25) percent is also considered a major service change. Finally, elimination or addition of a route qualifies as a major service change.

2. “Minor service change” is defined as: All proposed changes to existing routes, whereby route miles or revenue miles are changed in excess of ten (10) percent but less than twenty-five (25) percent of their current configurations, measured as happening at one time, or within a single year.

3. “New route or service” is defined as: All new routes or services featuring the presence of new route numbers, new route alignments, new service types, or new service configurations for areas with existing service.

4. Routine schedule adjustments to improve service reliability where there is no overall change in service levels or trips operated, or where the schedule adjustments alter departure or arrival times on individual trips by ten (10) minutes or less is not considered a service change within the definitions above, and is not subject to the requirements below.

Items Subject to Public Hearing:

1. Fares: Public hearings on fare changes are conducted by SANDAG. Policies regarding those changes are contained SANDAG Regional Fare Policy and Comprehensive Fare Ordinance (SANDAG Policy No. 29) and applicable provisions of the SANDAG Public Participation/Involvement Policy (SANDAG Policy No. 25) as they may be amended from time to time, as related to fare changes.

2. Major service changes: A public hearing shall be held by the NCTD to seek public comment in considering proposed major service changes.
Board Policy No. 5 – Public Notice and Participation (continued)

3. Other: A service change proposal may be submitted for public hearing at the request of the Board or at the discretion of the Executive Director, even if it does not meet one or more of the criteria listed above.

Items Subject to Placement on the Board Agenda:

1. The Board shall consider all proposed minor service changes and new routes or services as a regular item placed on a Board agenda. No public hearing is required prior to consideration and/or approval of minor service changes and new routes or services.

Notification On-Board Revenue Vehicles:

1. Minor service changes and/or new routes and services: An informational flyer called a “Take One” shall be developed and include a detailed description of the proposed changes. The “Take One” will advise passengers of the board meeting date where these changes will be considered and invite them to make written or verbal comment at that meeting, or to provide written comment prior to the meeting for inclusion and consideration. The “Take One” shall be made available to the public on all routes one month prior to the relevant board meeting, and shall be printed in both English and Spanish.

2. Major service changes: In addition to the published Notice of Public Hearing, an informational flyer called a “Take One” shall be developed and will include a detailed description of the information contained in the public hearing notice.

   a. The “Take One” shall be made available to the public on vehicles on all routes one month prior to the public hearing date.

   b. The “Take One” shall be printed in both English and Spanish.

Review and comment from the Marketing, Service Planning and Business Development (MSPBD) Committee:

1. NCTD’s MSPBD Committee, a Board-appointment committee which advises the Board on service planning issues, shall review and comment on “major service change” proposals prior to the Board’s public hearing. NCTD’s Performance, Administration, and Finance (PAF) Committee, another Board-appointment committee which advises the Board on financial issues, shall review and comment on fare increase proposals.

Final Notification of Changes to the Public:

2. Following Board approval of a fare increase or service change, a “Take One” shall be placed aboard all vehicles one week prior to the effective date of the change to inform the public of the implementation of the change. The “Take Ones” shall be printed in English and Spanish.
Board Policy No. 5 – Public Notice and Participation (continued)

Approvals

Board Chair

Date

Executive Director

Date

General Counsel

Date
<table>
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<tr>
<th>DATE</th>
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<td>1</td>
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<td>October 16, 2014</td>
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Public Outreach and Involvement Activities undertaken since the last Program Update submission include:

Final Phase of North County Transit District’s Mobility Plan (First Approval)

**October 18, 2012:** Public Hearing and opening of a 30-day Public Comment Period on Phase V of North County Transit District (NCTD) Mobility Plan (Major Service Restructuring into the San Luis Rey Transit Center: Routes 303, 309, 311, 315) to be implemented in February 2013.

**November 15, 2012:** Continuation of Public Hearing and close of public comments (four comments from public) on Phase V of NCTD’s Mobility Plan (Major Service Restructuring into the San Luis Rey Transit Center: Routes 303, 309, 311, 315) to be implemented in February 2013.

Board approved these changes with slight modifications based on public input.

**Federal Transit Administration Title VI Policies**

Delay in the construction of the San Luis Rey Transit Center triggered a delay in the implementation of the Board-approved major service changes for the Final Phase of NCTD’s Mobility Plan. This delay resulted in an implementation date after the effective date of the Federal Transit Administration’s Title VI Circular 4702.1B (October 2012). After this date, NCTD was required to develop the following policies with public input:

- Threshold for a Major Service Change
- Threshold for Disparate Impact on Minority Populations
- Threshold for Disproportionate Impact on Low-Income Populations

As required under the Circular, NCTD conducted two Public Workshops (Inland and Coastal locations) to collect input on the Draft Policies:

- **October 10, 2013:** Vista Community Center (3 attendees – 1 comment)
- **October 16, 2013:** Oceanside Civic Center (1 attendee – 1 comment)

**Public Hearing and Board Approval of Policies**

**October 17, 2013:** The NCTD Board of Directors approved the opening of a 30-day Public Comment Period and the copies of the Draft Policies were made available at NCTD’s General Administration Offices, the Customer Service desks at the Oceanside Transit, and Vista Transit Centers.

**November 16, 2013:** The 30-day Public Comment Period for submitted comments closed.

**November 21, 2013:** The NCTD Board of Directors opened a Public Hearing to receive any oral comments from the public, closed the Public Hearing (no comments received), and approved the Staff recommendation of the Title VI Policies pursuant to Title VI Circular 4702.1B.
Final Phase of North County Transit District’s Mobility Plan (Second Approval)

Since the previously approved changes represented a major service change under the newly adopted Board Policies (NCTD Board Policy Nos. 30, 31, and 32), NCTD was required to conduct a Service Equity Analysis (SEA) and receive public comments.

October 17, 2013: Upon completion of the SEA, Staff presented the results to the NCTD Board of Directors who approved the opening of a 30-day Public Comment Period and copies of the details of the proposed changes were made available for public review and comment.

November 16, 2013: The 30-day Public Comment Period for submitted comments closed.

November 21, 2013: The NCTD Board of Directors opened a Public Hearing to receive any oral comments from the public, closed the Public Hearing (two comments received), and approved the Staff recommendation of the service changes under the Final Phase of the Mobility Plan to be implemented in February 2014.

Route Demonstration BREEZE Route 392

In December 2013, NCTD implemented BREEZE Route 392 with the opening of the Naval Hospital on Camp Pendleton. This service was implemented as a demonstration which allows the operation of a pilot up to one year, with Board approval, of a recommendation to either retain or eliminate the service. Per NCTD Board Policy No. 30, any new service, including service recommended for retention after demonstration, must receive public comment before Board approval.

November 20, 2014: NCTD Planning Staff presented the findings from the SEA for BREEZE Route 392 and requested the NCTD Board of Directors to open a Public Comment Period on the proposed change, and set a Public Hearing to receive public comments.

December 17, 2014: Public Comment Period for submitted comments closed.

December 18, 2014: The NCTD Board of Directors opened a Public Hearing to receive any oral comments from the public on NCTD Staff’s recommendation, closed the Public Hearing (no comments received), and approved the Staff recommendation to operate BREEZE Route 392 as a permanent service.

Purchase of New Transit Buses

November 20, 2014: The NCTD Board of Directors opened a Public Hearing to receive any oral comments from the public on NCTD Board’s authorization of Staff’s recommendation to purchase new transit buses, closed the Public Hearing (no comments received), and authorized NCTD Staff to purchase new proposed transit vehicles.

North County Transit District Ordinance Nos. 1, 2, and 3

December 18, 2014: The NCTD Board of Directors opened a Public Hearing to receive any oral comments from the public on NCTD Staff’s recommendation to adopt modifications to NCTD Ordinances 1, 2, and 3 regarding Smoking of Electronic Cigarettes, Alcohol Consumption on COASTER before 9:00 p.m., and Rules and Regulations Related to NCTD Vehicles and Facilities. After receiving 14 comments, the NCTD Board closed the Public Hearing and approved Staff’s recommendation to adopt the proposed modifications to NCTD’s Ordinances 1, 2, and 3.
APPENDIX F

NCTD LANGUAGE ASSISTANCE PLAN

NCTD SAMPLES OF PUBLIC INFORMATION DOCUMENTS
# NCTD 2013
Language Assistance Plan (LAP)

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# NCTD 2013
## Language Assistance Plan (LAP)

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EXECUTIVE SUMMARY

The following Language Assistance Plan (LAP) is based on a collaborative effort between the North County Transit District (NCTD), the Metropolitan Transit System (MTS), and the San Diego Association of Governments (SANDAG) to identify the language assistance needs for persons with Limited English Proficiency (LEP). Conducted in early 2012, included the development of the Four Factor Analysis as follows:

Factor 1: The number or proportion of Limited English Proficiency (LEP) persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.

Factor 2: The frequency with which LEP individuals come in contact with the program.

Factor 3: The nature and importance of the program, activity, or service provided by the recipient to people’s lives.

Factor 4: The resources available to the recipient and costs.

Identification of LEP Individuals
Following Factor 1 United States Department of Transportation (U.S. DOT) Guidance, multiple sources including: the US Census, American Community Survey (ACS), US Department of Labor, California Department of Education, and the San Diego County Department of Mental Health were used to determine the number of LEP individuals in the county. According to these findings, over 70,000 people over the age of five speak English “less than well” in the NCTD service area, accounting for 9 percent of the total population in the service area over the age of five.

Language Assistance Measures
Current language assistance measures are presented. Current language assistance measures were compiled by interviewing and surveying key staff who regularly work on outreach efforts and customer service. These measures include the means of written, oral, and customer service language assistance, resources and strategies for community outreach, interface at NCTD facilities and on NCTD vehicles, and public/press relations.

Training Staff
Following U.S. DOT guidance, staff training will be implemented according to the Four Factor Analysis and this Language Assistance Plan. Specific training elements are discussed in this report.

Providing Notice to LEP Persons
Laid out within this Plan are the ways that SANDAG provides notice to LEP persons. Additionally, due to this process, supplemental methods will be added. These are also detailed in this report.
Plan Monitoring and Updating
Lastly, to ensure compliance and practical implementation by all agency staff, this Plan details how monitoring and updating will occur.

I. NCTD BACKGROUND
The North San Diego County Transit Development Board (NSDCTDB) was created by California Senate Bill 802 on September 20, 1975. The Board was created to plan, construct and operate, directly, or through a contractor, public transit systems in its area of jurisdiction.

On January 1, 2003, a new state law was enacted (SB 1703) that essentially transferred future transit planning, programming, development and construction to SANDAG, San Diego's regional planning agency. The NSDCTDB, referred to as the North County Transit District (NCTD), continued to operate the BREEZE, COASTER and SPRINTER. In this new role, NCTD continues to provide integrated public transit service within the North San Diego County region.

On August 30, 2005, the North County Transit District Act was amended to rename the District to North County Transit District (NCTD), and this formal name change was effective January 1, 2006.

NCTD's services are a vital part of San Diego's regional transportation network. NCTD moves nearly 12 million passengers annually by providing public transportation for North San Diego County.

SERVICE AREA
NCTD provides nearly 12 million passenger trips per year in North San Diego County. NCTD provides service over a 1,020 square mile area with a population of approximately 842,000 people. Included in the service area are the cities of Carlsbad, Del Mar, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. The service area also includes areas of unincorporated North San Diego County, including Fallbrook.

The services provided by NCTD include BREEZE bus (with FLEX on-demand routes), COASTER commuter rail service, SPRINTER light service, and LIFT paratransit service. For FY13, the BREEZE/FLEX services carried approximately 8.3 million annual passengers, COASTER commuter rail trains carried approximately 1.6 million annual passengers, while the SPRINTER light rail service carried over 2.0 million annual passengers. LIFT paratransit service carried nearly 145,000 passengers in FY13.

NCTD riders also have access to other regional transit systems and transportation services in San Diego County, Riverside County, and Orange County. These services include: San Diego Metropolitan System (MTS); San Diego Trolley; Riverside Transit Agency; Metrolink; and AMTRAK.
II. PURPOSE

The NCTD recognizes the importance of effective and accurate communication between its personnel and the community that they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with Limited English proficiency (LEP) from accessing and/or understanding important rights, obligations and services, or from communicating accurately and effectively in difficult situations. Ensuring maximum communication ability between NCTD personnel and all segments of the community serves the interest of both. LEP is a term used to describe people who do not speak English as their primary language and who also may have limited ability to read, write, or understand English.

The purpose of this plan is to establish effective guidelines, consistent with Title VI of the Civil Rights Act of 1964, for NCTD personnel to follow when providing services to, or interacting with, individuals who are LEP.

III. TITLE VI POLICY STATEMENT SUMMARY

The North County Transit District (NCTD) gives public notice of its policy to assure full compliance with Title VI of the Civil Rights Act of 1964 and all related statues. Title VI requires that no person in the United States of America shall, on the grounds of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which NCTD receives Federal financial assistance. NCTD also ensures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, NCTD will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency.

NCTD has, as a normal part of doing business, committed to ensuring that publications intended for public outreach or public involvement, where appropriate, will be also offered in Spanish (NCTD's largest LEP population) and Vietnamese, Chinese, Tagalog, and Korean upon request. NCTD will continue to monitor requirements and add other languages when they meet the required LEP threshold.

IV. NCTD LEP SERVICES STATEMENT

NCTD strives to provide effective, efficient, and equitable service to all individuals regardless of their ability to speak, read, or write English. Service delivery options (translation of publication, oral language assistance etc.) are available to LEP
individuals, enabling them to communicate effectively with the District in person, over the phone, in writing, and through electronic media.

On August 11, 2000, Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, was signed by President Clinton. It directs federal agencies to examine the services they provide and develop and implement a system by which LEP persons can meaningfully access those services. Federal agencies were instructed to publish guidance for their respective recipients in order to assist them with their obligations to LEP persons under Title VI.

On December 14, 2005, the United States Department of Transportation (DOT) published revised guidance for its recipients on the Implementation of Executive Order 13166, “Improving Access to Services for Persons with Limited English Proficiency”. Limited English Proficiency (LEP) is a term used to describe people who do not speak English as their primary language and who also may have limited ability to read, write, or understand English. The foregoing Executive Order states that Title VI and its implementing regulations require that DOT recipients take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient (LEP) and that recipients should use the DOT LEP Guidance to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are LEP.

The Federal Transit Administration (FTA) references the U.S. DOT LEP guidance in Circular 4702.1A, Title VI and Title VI-Dependent Guidelines for FTA Recipients, which was finalized on April 13, 2007. Chapter IV Part 4 of this Circular reiterates the requirement to take responsible steps to ensure meaningful access to benefits, services, and information for LEP persons and suggests that FTA recipients and sub-recipients develop a language implementation plan consistent with the provisions of Section VII of the U.S. DOT LEP Guidance. The FTA Office of Civil Rights also released a handbook in 2007 for transit providers (Implementing the Department of Transportation’s Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons [FTA 2007]) to give technical assistance for the implementation of the U.S. DOT LEP guidance.

Transit agencies that provide language assistance to persons with Limited English Proficiency in a competent and effective manner will help ensure that their services are safe, reliable, convenient, and accessible to those persons. These efforts may attract riders who would otherwise be excluded from participating in the service because of language barriers and, ideally, will encourage riders to continue using the system after they are proficient in English and/or have more transportation options. Catering to LEP
persons may also help increase and retain ridership among the agency’s broader immigrant communities in two important ways: 1) agencies that reach out to recent immigrant populations in order to conduct a needs assessment and prepare a language implementation plan (pursuant to the DOT LEP Guidance) will send a positive message to these persons that their business is valued; and 2) community outreach designed to identify appropriate language assistance measures can also assist the agency in identifying the transportation needs of immigrant and linguistically isolated populations and ensuring that an agency’s transit routes, hours and days of service, and other service parameters are responsive to the needs of these populations. Additionally, transit agencies that conduct outreach to LEP persons can increase their potential for recruiting bilingual employees to better serve the needs of the community. In summary, serving the needs of LEP persons is not only a good business decision; it fulfills the mission of the transit agency to serve the public.

NCTD supports the goals of the DOT LEP Guidance to provide meaningful access to its services by LEP persons. NCTD has resources to provide oral and written language assistance services to LEP individuals. Each of the mentioned resources were used to guide the required Four Factor Analysis performed by SANDAG and this Language Assistance Plan (LAP).

NCTD has developed this LAP to address the needs of the LEP populations in the NCTD service area. Following U.S. DOT LEP Guidance, included in this report are the following five sections:

1. Identifying LEP individuals who need language assistance in NCTD’s service area as prescribed in SANDAG’s Four Factor Analysis
2. Providing language assistance measures
3. Training staff
4. Providing notice to LEP persons
5. Monitoring and updating the Plan

Included is a summation of SANDAG’s Four Factor Analysis which shaped the development of NCTD’s Language Assistance Plan (LAP).

V. FOUR FACTOR ANALYSIS

This section documents the research done to identify LEP populations in the NCTD service area. For the purposes of this publication, individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English are considered LEP. NCTD used SANDAG’s Four Factor LEP analyses which consider the following:
Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the transit service.

Factor 1 Analysis findings indicate that 9.3 percent of the population within the NCTD service area speaks English “less than well”. The top four languages spoken other than English are Spanish (8.04 percent of the NCTD service area population), Vietnamese (0.17%), Chinese (0.15%) and Tagalog (0.13). Combined, these four languages include 93.5% of the LEP population in the NCTD service area.

Factor 2: The frequency with which LEP individuals come in contact with the transit service.

Based on Community-Based Organization (CBO) interviews, focus groups with LEP individuals, staff interviews, and intercept surveys with LEP transit riders, it was determined that LEP individuals are regularly coming into contact with NCTD services.

Factor 3: The nature and importance of the program, activity, or service provided by the recipient to people’s lives.

Using the information gathered in the Factor 2 Analysis, Factor 3 findings suggest that access to public transportation is highly important for LEP persons. Because public transit serves such a large number of LEP individuals, results are largely focused around the need for, and access to, public transit.

Factor 4: The resources available to the recipient and costs.

The Factor 4 Analysis provided suggestions for LEP outreach measures, as well as consideration of the resources available for these efforts. Several key measures will be implemented based on these findings.

VI. IDENTIFYING LEP INDIVIDUALS WHO NEED LANGUAGE ASSISTANCE

There were several key findings revealed in the analysis of the data:

- Approximately 34 percent of persons in the NCTD service area speak a language other than English at home.
9.3 percent speak English less than “well” (includes those that speak English “not well” and “not at all”);

Spanish is the second most predominant language, other than English, spoken in the NCTD service area;

Of the languages spoken in the region, Table 1 shows the languages with over 1,000 LEP speakers;

<table>
<thead>
<tr>
<th>Language</th>
<th>LEP Population</th>
<th>% of All LEP Speakers</th>
<th>% of Total Population (Age 5+)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish</td>
<td>61,974</td>
<td>88.51%</td>
<td>8.04%</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>1,308</td>
<td>1.87%</td>
<td>0.17%</td>
</tr>
<tr>
<td>Chinese</td>
<td>1,162</td>
<td>1.66%</td>
<td>0.15%</td>
</tr>
<tr>
<td>Tagalog</td>
<td>1,011</td>
<td>1.44%</td>
<td>0.13%</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, 2008-2010 American Community Survey PUMS data

LEP POPULATION SOURCES

This NCTD LEP analysis was performed using Public Use Microdata Sample (PUMS) data, which is available at the Public Use Microdata Area (PUMA) geography. San Diego County is composed of 16 PUMAs (22 in 2010), each with a minimum population of 100,000 persons. PUMS data is composed of untabulated records from the American Community Survey (ACS). This allows for the creation of custom variables by cross-tabulating selected combination of characteristics from the records (i.e. population over 5 years old that speaks Spanish and speaks English “not well” or “not at all”).

A more detailed geographic analysis was performed using ACS language data at the Census Tract level. ACS data is available as 5 year estimates in pre-tabulated categories for at the tract level (5 year estimates are necessary in order to achieve a sufficient sample size).

Census 2000 data on language is also available at the tract level (Census 2000 tracts). Census 2000 used a longer form survey than 2010, and offers a more detailed language proficiency breakdown without margin of error issues.

PUMS/PUMAs USED AS LEP POULATION SOURCE

For the purposes of the NCTD Language Assistance Plan, PUMS/PUMAs were selected as the source for LEP population for the following reasons:
• Allow for the creation of custom variables
• Provide more detailed population characteristics (population that speaks a language other than English (total or for a specific language) and speaks English “very well”, “well”, “not well”, or “not at all”).
• Has a low margin of error due to large sample sizes

Other population sources – ACS Census Tracts and Census 2000/Census Tracts – have limitations, including fewer language categories, smaller sample sizes and larger margins of error, and data that does not capture shifts in population and immigration.

LEP POPULATION ANALYSIS

PUMS/PUMA

The DOT describes limited English proficiency as having a limited ability to read, write, speak or understand English. The DOT and FTA (in both the LEP guidance and Title VI Circular), define this population as people who reported that they speak English “not well” or “not at all.” Table 2 shows this analysis for the NCTD service area results in an overall LEP population of 9.3 percent of persons age five years and older.

Table 2: Community Survey 2010, 3-Year Estimates Language Spoken At Home/Ability to Speak English

<table>
<thead>
<tr>
<th>County</th>
<th>Total Population Age 5 and Over</th>
<th>Speaks English Only</th>
<th>Speaks English “Well” or “Very Well”</th>
<th>Less Than “Well”</th>
<th>Percentage Less than “Well”</th>
</tr>
</thead>
<tbody>
<tr>
<td>NCTD Service Area</td>
<td>770,517</td>
<td>516,933</td>
<td>183,568</td>
<td>70,016</td>
<td>9.1%</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, 2010 American Community Survey, Table B16004

The ACS data also includes information on languages spoken for 39 different language groups (but not by ability to speak English as is available in the ACS data). Table 2 shows the top five non-English languages spoken at home in the San Diego region in 2010 among the total population ages five and older (including both LEP and non-LEP populations). While there were respondents from all 39 language groups, Spanish, Tagalog, Chinese, Vietnamese, and German were the primary languages.
Table 3: Languages Spoken at Home in the NCTD Service Area

<table>
<thead>
<tr>
<th>Language</th>
<th>Language Spoken at Home for the Population 5 and Over</th>
<th>Percent of Total Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish</td>
<td>198,870</td>
<td>25.8%</td>
</tr>
<tr>
<td>Tagalog</td>
<td>8,600</td>
<td>1.1%</td>
</tr>
<tr>
<td>Vietnamese</td>
<td>4,030</td>
<td>0.6%</td>
</tr>
<tr>
<td>Chinese</td>
<td>4,143</td>
<td>0.5%</td>
</tr>
<tr>
<td>Korean</td>
<td>3,706</td>
<td>0.5%</td>
</tr>
<tr>
<td>German</td>
<td>3,240</td>
<td>0.4%</td>
</tr>
<tr>
<td>Japanese</td>
<td>2,962</td>
<td>0.4%</td>
</tr>
<tr>
<td>French</td>
<td>2,507</td>
<td>0.3%</td>
</tr>
<tr>
<td>Persian</td>
<td>2,245</td>
<td>0.3%</td>
</tr>
<tr>
<td>Arabic</td>
<td>1,797</td>
<td>0.2%</td>
</tr>
<tr>
<td>Italian</td>
<td>1,341</td>
<td>0.2%</td>
</tr>
<tr>
<td>Urdu</td>
<td>1,283</td>
<td>0.2%</td>
</tr>
<tr>
<td>Mandarin</td>
<td>1,271</td>
<td>0.1%</td>
</tr>
<tr>
<td>Dutch</td>
<td>1,108</td>
<td>0.1%</td>
</tr>
<tr>
<td>Polish</td>
<td>1,050</td>
<td>0.1%</td>
</tr>
<tr>
<td>Russian</td>
<td>1,048</td>
<td>0.1%</td>
</tr>
<tr>
<td>All Other</td>
<td>13,793</td>
<td>4.4%</td>
</tr>
</tbody>
</table>

Source: U.S. Census Bureau, American Community Survey, Table C16001

The Figure 1 below shows the LEP Census Tracts using PUMA data. The map illustrates the Census Tracts where the proportion of the population speaking English “less than well” is greater than 9.1 percent, the service area average. Figure 2 shows the Census Tracts where the proportion of LEP Spanish speaking population is greater than 8.04 percent, the service area average; Figure 3 where the proportion of LEP Vietnamese speaking population is greater than 0.17 percent; Figure 4 for Chinese where the proportion is greater than 0.15 percent, and Figure 5 for Tagalog where the proportion is greater than 0.13 percent.
Figure 1 – Total LEP Population

NCTD
Limited English Proficient (LEP)
Public Use Microsample Area (PUMA)

- Blue: Transit District Boundary
- Yellow: LEP All Languages
  Speaks English "Not Well" or "Not at All"
- Light Blue: At or Below District Average
- Dark Blue: Above District Average

The district average for the population five years and older that speak English "Not Well" or "Not at All" is 9.1 percent.
Figure 2 – Spanish LEP Population
NCTD
Vietnamese Limited English Proficient (LEP)
Public Use Microsample Area (PUMA)

--- Transit District Boundary

**LEP Vietnamese**
Speaks English "Not Well" or "Not at All"
- Yellow: At or Below District Average
- Gray: Above District Average

The district average for the Vietnamese speaking population five years and older that speak English "Not Well" or "Not at All" is 0.17 percent.

Figure 3 – Vietnamese LEP Population
NCTD
Chinese Limited English Proficient (LEP)
Public Use Microsample Area (PUMA)

--- Transit District Boundary

LEP Chinese
Speaks English "Not Well" or "Not at All"

- Yellow: At or Below District Average
- Red: Above District Average

The district average for the Chinese speaking population five years and older that speak English "Not Well" or "Not at All" is 0.15 percent

Figure 4 – Chinese LEP Population
Figure 5 – Tagalog LEP Population
VII. LANGUAGE ASSISTANCE MEASURES

The more frequent the contact with a particular language group, the more likely that enhanced services in that language are needed. NCTD considers the frequency of contact that patrons who speak different languages may have with NCTD services. For example, frequent contact with individuals who speak Spanish and who are also LEP may require bilingual staffing. Less frequent contact with other language groups may suggest a different and less intense approach. For NCTD programs where public outreach or public involvement is central to the mission, staff has and will continue to consider whether appropriate outreach to LEP persons could increase the frequency of contact with those groups, triggering a higher level of language assistance.

NCTD offers a variety of resources/services in multiple languages including Spanish, Vietnamese, Chinese, etc. These are provided at no cost to individuals. Services include but are not limited to the following “oral interpreters, written language services, and translation of vital documents. Individuals may request such resources and services by contracting NCTD’s Customer Service Department.

SANDAG has published a Language Assistance Plan and NCTD provides the following resources and services in languages other than English.

Vital Documents
Based on the Four Factor Analysis in NCTD’s current Language Assistance Plan (LAP), NCTD is required to provide language services to LEP customers who speak Spanish (61,974), Vietnamese (1,308), Chinese (1,162), and Tagalog (1,011). The LAP estimates that 88.51% of all LEP passengers (and 8.04% of the total population) in NCTD’s service area speak Spanish. Due to the significantly larger number of Spanish speaking LEP passengers as compared to the other languages, NCTD translates all vital documents into Spanish for release near or at the same time as the English versions. NCTD’s Administrative Policy and Procedure GM-0010, Language Assistance Plan Implementation, establishes this requirement and identifies NCTD’s list of vital documents/media. Regarding any other languages, LEP customers can request translation of vital documents through the Customer Service department.

Written Language Assistance
- Bilingual or multilingual versions of:
  - Spanish language fare payment instructions
  - Spanish language system maps and timetables
  - Printed Spanish language service change announcements
  - Spanish language notices pertaining to upcoming events
NCTD mirror website in Spanish
- As resources become available and materials are updated, more pictographs in stations and in vehicles are being implemented
- Ticket vending machines with Spanish language functions

Oral Language Assistance
- Bilingual staff identified to answer inquiries
- On Call translation and interpretation services
- Contracting for interpreters on an “as needed” basis
- Utilizing community volunteers to interpret information
- Using bilingual staff to interpret information on an “as needed” basis
- “I Speak” Form and Staff Language List
- Language Line Service

Community Outreach
- Availability of train-the-trainers for all Community Based Organizations (CBOs) on how to ride transit
- Spanish language radio advertisements
- Spanish language newspaper advertisements
- Advertisements in ethnic media
- Bilingual staff at all community outreach events
- Translators present at community meetings as needed
- Opportunity for both oral, as well as written comments

Stations
- Visible bilingual English/Spanish instructions on how to make fare payments
- Visible bilingual English/Spanish schedules, route maps and information on how to use the system
- Staff awareness regarding availability of translated materials
- Announcements at SPRINTER station are recorded in English and Spanish
- Wayfinding Signage - Pursuant to NCTD’s Administrative Policy and Procedure GM-0010, Language Assistance Plan Implementation, and due to the significantly large number of Spanish speaking LEP passengers, any future updates to wayfinding signage at NCTD transit locations must include directions in both English and Spanish.

Vehicles
- Bilingual operators (limited)
- Visible bilingual English/Spanish schedules, route maps, and information on how to use the system

Customer Service
- Bilingual English/Spanish customer service staff
– Bilingual English/Spanish IVR utilized

**Press/Public Relations**

– Working relationships with ethnic media who translate press release content
– Select translated information on website
– All press releases issued in Spanish
– Bilingual Spokesperson on call

Importance of Contact: Once NCTD has assessed what languages to consider by looking at demography and frequency of contact, we will look at the nature and importance of our programs, activities and services that we provide to that population. As a general rule, the more important the activity, information, service or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services will be needed. If the denial or delay of access to services or information could have serious implications for the LEP individual, procedures should be in place to provide language assistance to LEP persons as part of standard business practices.

**VIII. TRAINING STAFF**

**NCTD** will ensure that employees are knowledgeable about the District’s obligations to provide meaningful access to information and services for LEP persons and will ensure that employees having contact with the public have experience in the following areas:

– Policies and procedures of language access;
– Resources available to determine the language needs of a customer;
– Resources available to ensure that access is provided in a timely and effective manner;
– Working effectively with language interpreters; and,
– Available documents that have been translated into languages other than English, and Policies and procedures for "informed choice."
– Types of language services available;
– How staff can obtain those services;
– How to respond to LEP callers;
– How to respond to written communication from LEP persons and;
– How to respond to LEP individuals who have in-person contact with staff.

NCTD’s Civil Rights Officer will disseminate the LEP policies and procedures to all employees likely to have contact with LEP customers and will work with community organizations that are competent and experienced in such training and who are known to NCTD. The Civil Rights Officer will introduce new employees to LEP
policies and procedures by placing a LEP fact sheet in the new employee orientation packet.

IX. PROVIDING NOTICE TO LEP PERSONS

As more thoroughly discussed in earlier sections of this report, NCTD currently provides notice to LEP individuals in a number of ways. These include:

- Translated information for fare changes and other important notices
- Translated project fact sheets documents
- Access to multiple language customer service telephone line
- All press releases are issued in Spanish and distributed to ethnic media.
- Interpreters at community meetings
- Presence at community events with LEP attendees
- Some web translations
- Leveraging community partners to help disseminate notice of availability of language assistance to LEP populations
- Including notices in local newspapers in languages other than English

Moving forward, several other methods will be implemented to provide notice to LEP persons, including:

- Increased usage of multi-language newspaper and radio advertisements
- Creation of documents to notify people of the availability of language assistance to be taken to NCTD outreach meetings and distributed through CBO partners
- Language regarding availability of language assistance to be added to existing materials (Customer Service, facilities, etc.)
- Posting signs at the General Administration Offices (GAO) and other transit centers as appropriate specifying language assistance availability. The signs shall be in the most commonly spoken languages stating that interpreters are available free of charge to LEP individuals.
- Notification of the availability of translated forms and documents will be posted in the public lobby of NCTD Headquarters and ride stores to inform LEP persons about which forms are translated. In the case of illiteracy or languages into which written materials have not been translated, such forms and documents will be read to LEP individuals in their primary languages

LAP Plan Distribution

The LAP Plan will be:

- Distributed to all NCTD staff that have direct contact with the public.
- Available in the General Administration Office (GAO) of NCTD.
LAP Committee

Pursuant to NCTD’s Administrative Policy and Procedure GM-0010, Language Assistance Plan Implementation, NCTD has established an LAP Committee to review vital document/media requests and to discuss ways to improve accessibility for NCTD’s LEP customers.

X. MONITORING AND UPDATING THE LANGUAGE ASSISTANCE PLAN

NCTD will monitor its language assistance program annually to assess the following: the current LEP makeup of its service area, the current communication needs of LEP applicants and customers, whether existing assistance is meeting the needs of such persons, whether staff is knowledgeable about policies and procedures and how to implement them, and whether sources of and arrangements for assistance are still current and viable. It is NCTD’s intent to continually evaluate effectiveness and based on the results, make modifications where necessary.

It is the responsibility of the Civil Rights Officer to ensure that on an ongoing basis, whether new documents, programs, services and activities need to be made accessible for LEP individuals, and provide notice to the LEP public and to employees of any changes in programs or services. In addition, Civil Officer will consider whether changes in demographics, types of services, or other needs require annual re-evaluation of NCTD’s Language Assistance Plan.

The Civil Rights Officer will evaluate NCTD’s Language Assistance Plan by seeking feedback from the community, and assess potential plan modification based on:

– Current LEP population in service area or population encountered or affected;
– Frequency of encounters with LEP language groups;
– Nature and importance of activities to LEP persons;
– Availability of resources, including technological advances, additional resources, and the cost imposed;
– Whether staff know and understand the Language Assistance Plan and how to implement it; and
– Whether identified sources for assistance are still available and viable.
In monitoring compliance, an assessment will be made of whether the District's procedures allow LEP persons to overcome language barriers and participate in a meaningful way in the program activities and services. The program area's appropriate use of methods and options detailed in this LEP Plan will demonstrate their intent to comply with LEP requirements and Title VI of the Civil Rights Act of 1964.

**Current Efforts to Provide Services to the LEP Community**

NCTD's LAP Plan addresses outreach efforts, including use of a variety of print and electronic media outlets; meetings with advocacy groups; and preparation and distribution of public information materials "targeted to the needs of the LEP communities."

NCTD currently provides information in languages other than English through signs, audio messages, and with NCTD staff proficient in languages other than English. Certain NCTD information is provided in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean.

**XI. CONCLUSION**

Providing meaningful access to LEP persons to NCTD's services is an important effort that will help enable the District to ensure equal access to transit and to deliver safe, convenient, reliable and user-friendly transit service throughout NCTD's service area. Working together with LEP persons will gain equal opportunity to benefit from meaningful access to NCTD's programs and services.
APPENDIX A

U.S. DOT December 2005 Guidance
APPENDIX B
FTA Circular 4702.1B
Notifying the Public of Rights Under Title VI

North County Transit District (NCTD) operates its programs and services without regard to race, color, and national origin in accordance with Title VI of the Civil Rights Act. Any person who believes she or he has been aggrieved by any unlawful discrimination practice under Title VI may file a complaint with NCTD.

For more information on the NCTD’s civil rights program, and the procedures to file a complaint, contact 760-966-6500 (persons with hearing impairment should call the 711 California Relay Service); email creports@nctd.org; or in person at Customer Service Centers. You may also visit our website at www.GoNCTD.com.

If information is needed in another language, contact 760-966-6500.

Vietnamese - Nếu bạn yêu cầu tài liệu, dịch vụ giải thích bằng một ngôn ngữ khác tiếng Anh hoặc tiếng Tây Ban Nha, xin gọi (760) 966-6500 và chúng tôi sẽ sắp xếp cho bạn dịch.
Chinese - 如果您需要打印的文档或英文或西班牙文，以外的语言的口译服务请致电 (760) 966-6500，以及我们会安排翻译。
Filipino - Kung kayo ay nangangailangan ng nakalimbag na mga dokumento o interpretasyon sa isang wika maliban sa Ingles o Espanyol, hangyaaring tumawag sa (760) 966-6500 at kami ay ayusin para sa pagfasalin.
Notificación Pública sobre derechos bajo el Título VI

El Distrito de Transporte del Condado Norte (NCTD) opera sus programas y servicios sin importar raza, color u origen nacional de acuerdo al Título VI del Acto de Derechos Civiles. Cualquier individuo que crea que ha sido discriminado(a) ilegalmente bajo los estatutos del Título VI puede presentar una queja con NCTD.

Para más información sobre el programa de Derechos Civiles de NCTD y los procedimientos para presentar una queja por favor llame al 760-966-6500 (o al servicio de retransmisión de California 711 para personas con problemas auditivos), mande correo electrónico a creports@nctd.org, o visítenos en persona en cualquiera de nuestros centros de servicio a clientes. También puede presentar su queja visitando nuestra página web en www.GoNCTD.com.

NORTH COUNTY TRANSIT DISTRICT

Vietnamese - Nếu bạn yêu cầu tài liệu, dịch vụ giải thích bằng một ngôn ngữ khác tiếng Anh hoặc tiếng Tây Ban Nha, xin gọi (760) 966-6500 và chúng tôi sẽ sắp xếp cho bạn dịch.
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Senate Bill No. 1703

CHAPTER 743

An act to amend Section 29532.1 of the Government Code, and to amend Section 99233.5 of, and to add Chapter 3 (commencing with Section 132350) to Division 12.7 of, the Public Utilities Code, relating to transportation.

[Approved by Governor September 20, 2002. Filed with Secretary of State September 20, 2002.]

LEGISLATIVE COUNSEL’S DIGEST

SB 1703, Peace. San Diego: consolidated transportation agency.

Existing law, the San Diego County Regional Transportation Commission Act, requires the Board of Directors of the San Diego Association of Governments to serve as the San Diego County Regional Transportation Commission. Existing law provides that any board, commission, or department succeeding to the functions of the association is granted the powers and duties of the association.

This bill would create a consolidated transportation agency in San Diego from specified existing agencies, including the San Diego Association of Governments (SANDAG), the Metropolitan Transit Development Board (MTDB), and the North County Transit Development Board (NCTD), and would authorize that agency to assume certain responsibilities and functions of those agencies. The consolidated agency would be governed by a board of 20 members selected from specified areas within the county. The bill would provide that this agency assumes the powers of the transportation commission and would be designated the transportation planning agency for its area. The bill would allocate the agency’s votes among the board and specify a weighted vote formula. The bill would create the executive, transportation, regional planning, and borders policy committees and would authorize these committees to perform specific functions. The bill would authorize the agency to own, operate, and maintain property and to adopt regulations regarding specified transportation matters. The bill would authorize the agency to, among other things, contract for goods and services, employ legal counsel, provide retirement benefits to its employees, enter joint powers agreements, provide insurance, and issue bonds. The bill would provide that the executive director is the administrator of the agency. The bill would require the agency to submit a report to the Governor and the Legislature beginning in 2005 regarding
its progress in carrying out the provisions of this bill. The bill would make related conforming changes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares that this act is an incremental step toward establishing a regional agency having authority over a range of regional issues. There is a clear need for a regional agency having sufficient land-use authority to implement an efficient regional transportation system and develop a comprehensive plan coordinated with the regional transportation plan. The goals should include reducing traffic congestion, limiting sprawl, and improving the quality of life for San Diegans. To accomplish this, future legislation must assure an effective form of governance that includes, but is not limited to, public participation, accountability, and proportional representation, which would be approved by the voters of San Diego County.

SEC. 2. Section 29532.1 of the Government Code is amended to read:

29532.1. Pursuant to subdivision (a) of Section 29532, each of the following entities is designated the transportation planning agency for its respective area:
(a) The Metropolitan Transportation Commission created by Title 7.1 (commencing with Section 66500).
(b) The Tahoe Regional Planning Agency created by interstate compact and ratified by Title 7.4 (commencing with Section 66800).
(c) The Placer County Transportation Planning Agency created by Title 7.91 (commencing with Section 67910).
(d) The Nevada County Transportation Planning Agency created by Title 7.92 (commencing with Section 67920).
(e) The Transportation Agency of Monterey County created pursuant to Title 7.93 (commencing with Section 67930).
(f) The Santa Cruz County Regional Transportation Commission created by Title 7.94 (commencing with Section 67940).
(g) The El Dorado County Transportation Planning Agency created by Title 7.95 (commencing with Section 67950).
(h) The consolidated agency created by Chapter 3 (commencing with Section 132350) of Division 12.7 of the Public Utilities Code.

SEC. 3. Section 99233.5 of the Public Utilities Code is amended to read:

99233.5. Up to 10 percent of the remaining money for the area under the jurisdiction of a transit development board created pursuant to Division 11 (commencing with Section 120000) shall be allocated to the
transit development board and the transportation planning agency to carry out administrative and planning powers, duties, and functions and construction and acquisition programs in accordance with Article 4 (commencing with Section 132353) of Chapter 3 of Division 12.7.

Thereafter, the remaining money for allocation in that area shall be allocated by the transportation planning agency to claimants.

SEC. 4. Chapter 3 (commencing with Section 132350) is added to Division 12.7 of the Public Utilities Code, to read:

CHAPTER 3. TRANSPORTATION CONSOLIDATION FOR SAN DIEGO

Article 1. General Provisions, Findings, and Definitions

132350. This chapter shall be known and may be cited as the San Diego Regional Transportation Consolidation Act. The purpose of this act is to provide for the consolidation of transportation responsibilities in the San Diego region which can only be provided for by and through enactment of state law.

132350.1. The Legislature hereby finds and declares all of the following:

(a) There is an imperative need for comprehensive planning and implementation of regional transportation projects in the San Diego region. Diminution of congestion on the streets and highways in the San Diego region will facilitate passage of all Californians traveling through San Diego, and especially benefit persons who live or work in San Diego County who must commute to points within and outside the San Diego region on a daily basis.

(b) Several separate limited-purpose transportation agencies have been established in the San Diego region, however, the San Diego region would benefit from coordinated and comprehensive planning by these agencies.

(c) In view of the limited powers of the San Diego Association of Governments (SANDAG), to provide the needed comprehensive transportation planning and implementation without consolidation of certain responsibilities of the transit boards, the Legislature finds that consolidation of the planning, programming, project development, and construction activities of various transportation agencies in the San Diego region will improve the efficiency and effectiveness of implementing needed transportation infrastructure and services and provide for a focus on meeting the mobility needs of the region.

(d) It is, therefore, the intent of the Legislature in enacting this chapter to consolidate SANDAG and certain responsibilities of the transit boards to provide for sufficient power and authority to solve the
transportation problems in the San Diego region and the needed comprehensive transportation system.

132350.2. For purposes of this chapter, the definitions contained in this section have the following meanings:

(a) “Consolidated agency” means the authority resulting from the consolidation of SANDAG and the transit boards’ responsibilities as set forth herein.

(b) “Consolidated entities” means SANDAG and the transit boards as set forth in Article 4 (commencing with Section 132353).

(c) “Population” means that population of any agency last determined for the agency as certified by the Department of Finance as of April 1 of each year, or if no certification has been made, the last Federal Decennial Census, except that the population of San Diego County shall be that population determined in the same manner for the unincorporated area of the county. The population of the region shall be that population determined by adding the population of each agency.

(d) “North county coastal” means the Cities of Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside.

(e) “North county inland” means the Cities of Vista, San Marcos, Escondido, and Poway.

(f) “South county” means the Cities of Chula Vista, National City, Imperial Beach, and Coronado.

(g) “East county” means the Cities of El Cajon, Santee, La Mesa, and Lemon Grove.

(h) “San Diego region” means the territory located within the boundaries of San Diego County.

(i) “Transit boards” means the San Diego Metropolitan Transit Development Board (MTDB) and the North San Diego County Transit Development Board (NCTD).

Article 2. Organization and Governance

132351. The consolidation of SANDAG and the transit boards will consolidate responsibilities under the organization and governance structure and with the powers, duties, functions, and authority as set forth herein.

132351.1. (a) A board of directors consisting of 20 members shall govern the consolidated agency.

(b) All powers, privileges, and duties vested in or imposed upon the consolidated agency shall be exercised and performed by and through a board of directors provided, however, that the exercise of all executive, administrative, and ministerial power may be delegated and redelegated by the board, to any of the offices, officers, or committees created.
pursuant to this chapter or created by the board acting pursuant to this chapter.

(c) The board shall be composed of one primary representative selected by the governing body of each city in the county and a member of the San Diego County Board of Supervisors to serve until recalled by the governing body of the city or county. The City of San Diego shall have two primary representatives. Each director shall be a mayor, councilperson, or supervisor of the governing body which selected him or her. Vacancies shall be filled in the same manner as originally selected. Each city or county shall also select in the same manner as the primary representative one alternate to serve on the board when the primary representative is not available. The alternate shall be subject to the same restrictions and have the same powers, when serving on the board, as the primary representative.

(d) At its discretion, each city and county may select a second alternate, in the same manner as the primary representative, to serve on the board in the event that neither the primary representative nor the regular alternate is able to attend a meeting of the board. This alternate shall be subject to the same restrictions and have the same powers, when serving on the board, as the primary representative.

(e) The board may allow for the appointment of advisory representatives to sit with the board but in no event shall said representatives be allowed a vote. The current advisory representatives to the San Diego Association of Governments may continue his or her advisory representation on the consolidated agency at their discretion. The County of Imperial and the cities in that county may collectively designate an advisory representative to sit with the board.

132351.2. (a) A majority of the member agencies constitute a quorum for the transaction of business. In order to act on any item, except consent items which only require the vote specified in paragraph (1), the following voting formula in both paragraphs (1) and (2) shall apply:

(1) A majority vote of the members present on the basis of one vote per agency.

(2) A majority of the weighted vote of the member agencies present.

(b) The City of San Diego shall determine how to allocate its single agency vote and its weighted votes between its two members.

(c) For the weighted vote, there shall be a total of 100 votes, except additional votes shall be allowed pursuant to subdivision (f). Each representative shall have that number of votes determined by the following apportionment formula, provided that each agency shall have at least one vote, no agency shall have more than 40 votes, and there shall be no fractional votes:
(1) If any agency has 40 percent or more of the total population of the San Diego County region, allocate 40 votes to that agency and follow paragraph (2), if not, follow paragraph (3).

(2) Total the population of the remaining agencies determined in paragraph (1) and compute the percentage of this total that each agency has.

(A) Multiply each percentage derived above by 60 to determine fractional shares.

(B) Boost fractions that are less than one, to one and add the whole numbers.

(C) If the answer to subparagraph (B) is 60, drop all fractions and the whole numbers are the votes for each agency.

(D) If the answer to subparagraph (B) is less than 60, the remaining vote(s) is allocated one each to that agency(s) having the highest fraction(s) excepting those whose vote was increased to one in subparagraph (B) above.

(E) If the answer to subparagraph (B) is more than 60, the excess vote(s) is taken one each from the agency(s) with the lowest fraction(s).

In no case shall a vote be reduced to less than one.

(3) Total the population determined in paragraph (1) and compute the percentage of this total that each agency has.

(A) Boost fractions that are less than one, to one and add the whole numbers.

(B) If the answer to subparagraph (A) is 100, drop all fractions and the whole numbers are the votes for each agency.

(C) If the answer to subparagraph (A) is less than 100, the remaining vote(s) is allocated one each to that agency(s) having the highest fraction(s) excepting those whose vote was increased to one in subparagraph (A) above.

(D) If the answer to subparagraph (A) is more than 100, the excess vote(s) is taken one each from that agency(s) with the lowest fraction(s).

In no case shall a vote be reduced to less than one.

(d) When a weighted vote is taken on any item that requires more than a majority vote of the board, it shall also require the supermajority percentage of the weighted vote.

(e) The weighted vote shall be recomputed in the above manner every July 1.

(f) Any other newly incorporated city shall receive one vote under the single vote procedure and one vote under the weighted vote procedure specified above until the next recomputation of the weighted vote, at which time the new agency shall receive votes in accordance with the formula specified in subdivision (b). Until this recomputation, the total weighted vote may exceed 100.
132351.3. The consolidated agency is the successor agency to the San Diego Association of Governments (SANDAG) and those entities set forth in Article 4 (commencing with Section 132353). The consolidated agency is a statutorily created regional transportation planning agency under Section 29532.1 of the Government Code. As the successor to SANDAG, the consolidated agency succeeds to, continues, and maintains SANDAG's federal, state and local designations, including, but not limited to, designation as the Metropolitan Planning Organization, is the San Diego County Regional Transportation Commission pursuant to Section 132005, is the congestion management agency, and is the council of governments for the San Diego region.

132351.4. (a) The consolidated agency shall have four standing policy advisory committees named the executive, transportation, regional planning, and borders committees. The responsibilities of the committees shall be established by the board. Committee membership may be expanded by the consolidated agency, and shall be selected in accordance with a process established by the consolidated agency. The membership shall be as follows:

(1) The executive committee shall consist of six voting members with board members representing east county, north county coastal, north county inland, south county, and the representative, or the representative's alternate in their absence, from the City of San Diego and the county. The chairperson of the consolidated agency shall be one of the six voting members. The vice chairperson of the consolidated agency shall be one of the six voting members if the vice chairperson represents an area of the region that is different from the area of the region represented by the chairperson, as those areas are described in subdivisions (d) to (g), inclusive, of Section 132350.2.

(2) (A) The transportation committee shall consist of nine voting members with board members or alternates representing east county, north county coastal, north county inland, south county and the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, a member of the board of the MTDB appointed by the board of the MTDB, a member of the board of the NCTD appointed by the board of the NCTD, and a member of the San Diego County Regional Airport Authority appointed by the airport authority.

(B) Among its transportation responsibilities, the transportation committee shall provide a strong focus and commitment to meeting the public transit needs of the San Diego region, set transit funding criteria and recommend transit funding levels, and undertake transit responsibilities resulting from consolidation, as delegated by the board.

(3) The regional planning committee shall consist of six voting members with board members or alternates representing east county,
north county coastal, north county inland, south county, and the mayor or a council member from the City of San Diego, and a supervisor from the County of San Diego.

(4) The borders committee shall consist of seven voting members with board members or alternates representing east county, north county coastal, north county inland, south county, the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, and a mayor, council member, or supervisor from the County of Imperial.

(b) The board may appoint other standing and ad hoc working groups to advise it in carrying out its responsibilities.

(c) No board member may serve as a member of more than two standing policy advisory committees at any one time.

132351.5. (a) Each member of the consolidated agency, including alternate members when serving in the absence of a regular member at board meetings, and members, including alternates, of the policy advisory committees of the consolidated agency, shall be compensated as determined by the board, and for his or her necessary and reasonable expenses in performing his or her duties as a consolidated agency or policy advisory committee member.

(b) The chairperson shall receive additional monthly compensation in an amount established from time to time by the board.

132351.6. District 11 of the Department of Transportation shall coordinate with the consolidated agency on transportation planning for all projects within the jurisdiction of the consolidated agency in which the department and the consolidated agency have common planning or programming responsibilities.

Article 3. Administration

132352. The consolidated agency may adopt bylaws and other rules necessary to carry out its responsibilities.

132352.1. All meetings of the consolidated agency, including, but not limited to, adjourned regular and special meetings of the board, shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code). Ten members of the board shall constitute a quorum for transaction of the business of the board.

132352.2. Acts of the board shall be expressed by motion, resolution, or ordinance.

132352.3. The officers of the board are the chairperson and the vice chairperson. The board may create additional officers and elect members
to those positions. However, no member may hold more than one office. The term of office for the officers of the board shall be established by the board.

132352.4. (a) The Legislature finds and declares that there is a compelling interest in ensuring that all federal, state, local, and private funds available to the consolidated agency are captured and used in a timely manner. In order to maximize the use of federal, state, local, and private funds and to maintain a competitive posture in seeking supplemental federal funds, the consolidated agency shall have the authority to establish and use a flexible contracting process to maximize efficient use of public funds.

(b) The consolidated agency shall have the following powers with regard to contracting:

(1) The consolidated agency may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and hold harmless, and to do all acts necessary for, incidental to, or convenient for the full exercise of the powers granted in this chapter.

(2) The consolidated agency may contract with any department or agency of the United States or the State of California, local governmental authorities within or outside of the region, including those in Mexico, any city, county, public district, public corporation, or joint powers authority formed pursuant to the provisions of the Joint Exercise of Powers Act, Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code upon those terms and conditions as the consolidated agency finds are for the best interests of the consolidated agency.

(3) If the estimated total cost of any construction project or public works project will exceed fifty thousand dollars ($50,000), the consolidated agency shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids. The consolidated agency shall establish rules for procurement of construction of public works projects.

(4) Notwithstanding any provision of the Public Contract Code or any other provision of law, the consolidated agency may contract for the construction of buildings, structures, roads, bridges, and related facilities in accordance with Article 6.8 (commencing with Section 20209.5) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code.

(5) Except in cases when an article of a specified brand or trade name is the only article that will properly meet the needs of the consolidated agency, all contracts for the acquisition or lease of materials, supplies,
or equipment in an amount of fifty thousand dollars ($50,000) or a higher amount as may be authorized by the board, shall be made or entered into with the lowest responsible bidder meeting specifications. For purposes of determining the lowest bid, the amount of sales tax shall be excluded from the total amount of the bid.

(6) If the estimated total cost of required services exceeds one hundred thousand dollars ($100,000), the services will not be performed by an entity described in paragraph (2) of subdivision (b) of Section 132352.4, and the services are not within the category of services defined in Section 4525 of the Government Code, the consolidated agency shall solicit bids in writing and shall award the work in a competitive procurement process that is in the best interest of the consolidated agency.

(7) Contracts for architectural, landscape architectural, engineering, environmental, land surveying services, and construction project management services in excess of fifty thousand dollars ($50,000) shall be let in accordance with the provisions of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

(8) Notwithstanding any other provisions of this chapter, the consolidated agency is authorized to use any procurement method authorized for state or local agencies by state or federal law, including, but not limited to, use of a competitive negotiation process in accordance with the provisions of Article 7.5 (commencing with Section 20216) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code. The consolidated agency shall maintain acquisition and contracting guidelines to be followed by the consolidated agency with respect to procurement of goods and services. These guidelines may be in the form of standard formats or model formats.

132352.5. (a) All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workers’ compensation, and other benefits that apply to the activity of officers, agents, or employees of a public agency when performing their respective functions shall apply to employees of the consolidated agency.

(b) All claims for money or damages against the consolidated agency or its employees shall be governed by Part 1 (commencing with Section 810), Part 2 (commencing with Section 814), Part 3 (commencing with Section 900), and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code applicable to public agencies and their employees, or by other statutes or regulations expressly applicable thereto.

132352.6. (a) The consolidated agency shall submit a report to the Governor and Legislature by December 31 of odd numbered years
beginning in 2005, regarding progress in carrying out the provisions of this act.

(b) By December 31, 2004, the Legislative Analyst Office (LAO) shall prepare a report to the Governor and the Legislature which shall evaluate and make recommendations on the consolidated agency in the following areas:

1. The effectiveness of the current governance structure within the region including, but not limited to, public participation, accountability, proportional representation and to examine various alternative governance structures.

2. The effectiveness in addressing the transportation needs of the region, including coordination and efficiencies in transportation planning and implementation as a result of the consolidation.

3. The effectiveness of addressing quality of life indicators including, but not limited to, land use patterns, a viable and sustainable economy, affordable public transportation, affordable housing, transportation mobility options, air and water quality, and open space and natural habitat preservation, including, but not limited to, the agency created by the act, the county board of supervisors.

4. The adequacy of the scope and authority for regional decisionmaking.

(c) The consolidated agency shall pay for the costs of the study which shall be capped at an amount not to exceed one hundred fifty thousand dollars ($150,000).

Article 4. Consolidation

132353. Definitions. The following definitions contained in this article shall govern the construction of this article.

(a) “Construction” shall mean the final design, permitting and building of all transit projects including, but not limited to, commuter and freight rail, light rail, general rail infrastructure, regional bus facilities, paratransit, and other regional transit projects. Construction shall exclude the Oceanside to Escondido Rail Project and the Mission Valley East Extension Light Rail Project, and other projects or those portions of projects which have a construction contract in place at the time of the subsequent transfer defined in Section 132353.2. The aforementioned construction contracts may be assigned to the consolidated agency with mutual agreement of the consolidated agency and the respective transit board. Construction projects shall exclude local and minor improvement projects as defined in the transition plan.
(b) “Planning” shall include, but not be limited to, conceptual development of transit projects and services and integration and coordination of all modes of transportation.

(c) “Programming” shall mean the, acquisition, prioritization and allocation of funding of transit projects and services.

(d) “Project development” shall mean alternative analysis, environmental review and clearance, preliminary engineering, and any other activities necessary to prepare for the construction of a transit project, as defined in the transition plans.

132353.1. Notwithstanding any other provision of law and except as provided in this chapter, the San Diego Association of Governments shall be consolidated into a public agency known as the consolidated agency. In addition, upon adoption of the 2030 Regional Transportation Plan by the consolidated agency, and not later than July 1, 2003, all public transit and other transportation planning and programming responsibilities, including, but not limited to, short and near-term operational and financial planning and program development of the San Diego Metropolitan Transit Development Board (MTDB) and the North San Diego County Transit Development Board (NCTD), except as set forth in subdivision (c) of Section 132353.2 shall be consolidated into the consolidated agency. This consolidation shall be referred to as the initial transfer. A transition plan for the initial transfer of transit functions and responsibilities shall be developed by February 28, 2003, by the consolidated agency in consultation with the transit boards to ensure the efficient and timely transfer of the transit boards’ functions and responsibilities. All local, state, federal, and other funding available to carry out these responsibilities and those set forth in Section 132353.2, upon any consolidation, shall be deemed to be funding of the consolidated agency.

132353.2. (a) A transition plan for the transfer of project development and construction responsibilities of the transit boards and the financial resources therefore to the consolidated agency shall be developed by the consolidated agency in consultation with the transit boards to ensure the efficient and timely transfer of the transit boards’ project development and construction functions and responsibilities to the consolidated agency no later than September 30, 2003. The transfer and consolidation of project development and construction functions and responsibilities and the funding therefore shall occur no later than January 30, 2004, and shall be referred to as the subsequent transfer.

(b) The transition plans should define the functional roles and responsibilities of the consolidated agency and the transit boards and should define, in the applicable transition plan, service and operational planning; programming; project development and construction. The
transition plans should acknowledge a strong linkage between service planning and operations scheduling.

(c) Local route planning and scheduling and local financial planning therefore, would continue to be the responsibility of the transit boards in accordance with guidelines provided by the consolidated agency. The initial transition plan would include the development of guidelines, and would define local route planning.

(d) Notwithstanding the provisions of Section 132353.2, at any time after the initial transfer, the consolidated agency may enter into individual agreements with MTDB or NCTD for the transfer and consolidation of any or all functions, personnel and funding of either agency, except those functions set forth in Section 132354.5, to the consolidated agency on such terms and conditions as may be mutually agreed upon.

(e) MTDB and NCTD shall continue to be a claimant, applicant and grantee of local, state and federal grants until the transfer and consolidation of functions or responsibilities to the consolidated agency pursuant to a transition plan at which time the consolidated agency shall become the claimant, applicant and grantee for such funds. Except for funds which are transferred to the consolidated agency pursuant to a transition plan, MTDB and NCTD shall continue to receive funding pursuant to Transportation Development Act Articles 4.0 and 4.5 and the State Transportation Assistance fund in accordance with state law. Except for funds which are transferred to the consolidated agency pursuant to a transition plan, MTDB and NCTD shall continue to receive the Federal Section 5307 Urbanized Area Formula funds pursuant to federal statute. These funds should be allocated in a manner which will help to enable the transit boards to meet their obligations and responsibilities recognizing the methodology and historic funding levels that have previously guided these funding decisions. The consolidated agency shall conduct periodic review of the allocation and methodology for all formula-based funding.

(f) The consolidated agency and MTDB and NCTD shall work together to obtain funds for transit projects and services.

(g) It is the intent of the Legislature that future consolidation of transit operations of MTDB and NCTD into the consolidated agency should be comprehensively evaluated by the consolidated agency. Such a consolidation shall be referred to as a complete consolidation and shall be implemented only if it is considered to be appropriate by the consolidated agency and approved by a statute enacted by the Legislature.
132353.3. In the event of complete consolidation of MTDB with the consolidated agency, any corporation that is a wholly owned subsidiary of MTDB shall become a subsidiary of the consolidated agency.

132353.4. Upon the transfer of responsibilities and obligations from the consolidated entities into the consolidated agency, the consolidated agency, shall by operation of law, and in accordance with transition plans, succeed to all of the rights and obligations of the consolidated entities, including MTDB and NCTD, which enable the consolidated agency to perform the responsibility and obligations transferred, as provided in this section. This shall include, but not be limited to:

(a) The rights and property of the consolidated entities, including MTDB and NCTD, pertaining to the responsibilities and obligations transferred.

(b) The legally enforceable debts and liabilities of the consolidated entities, including MTDB and NCTD, pertaining to the responsibilities and obligations transferred in the same manner as if the consolidated agency had itself incurred them.

(c) The rights of creditors and all liens upon the property of the consolidated entities or of their responsibilities shall be preserved unimpaired, limited in lien to the property affected by the liens immediately prior to the transfer of related responsibilities and obligations.

(d) An action or proceeding pending by or against a consolidated entity, including MTDB and NCTD, may be prosecuted to judgment, and the judgment shall be binding on the consolidated agency, or the consolidated agency may be proceeded against or substituted in the place of a consolidated entity, if the action or proceeding pertains to a transferred responsibility or obligation.

(e) In order to protect the holders of outstanding, unmatured bonds and other evidences of indebtedness of the consolidated entities, including MTDB and NCTD pertaining to the responsibilities and obligations transferred, the consolidated agency shall have the power to take all actions and do all things necessary or required for the protection of those holders and for compliance with the terms of those bonds and other evidences of indebtedness. The consolidated agency shall have the power to continue all services that the consolidated entities, including MTDB and NCTD are furnishing pertaining to the responsibilities and obligations transferred on the date of the transfer.

Article 5. Powers and Functions

132354. The consolidated agency shall have and may exercise all rights and powers, expressed or implied, that are necessary to carry out
the purposes and intent of this chapter, including, but not limited to, the power to do all of the following:

(a) Sue and be sued.

(b) (1) To acquire any property by any means, and to hold, manage, occupy, develop, jointly develop, dispose of, convey, or encumber property.
   (2) To create a leasehold interest in property for the benefit of the consolidated agency.

(c) To acquire, by eminent domain, any property necessary to carry out any of its powers or functions.

(d) To merge or split parcels, adjust boundary lines, or take similar actions as part of the acquisition of land or as needed in order to carry out its functions.

(e) To construct, acquire, develop, jointly develop, maintain, operate, lease, and dispose of work, property, rights-of-way, and facilities.

(f) To appoint necessary employees, including counsel, and to define their qualifications and duties.

(g) To enter into and perform all necessary contracts.

(h) To fix and collect fees for any services rendered by it.

(i) To adopt a seal and alter it at the consolidated agency’s pleasure.

(j) To adopt an annual budget and to fix the compensation of its officers, board members, and employees.

(k) To establish and enforce rules and regulations for the administration, operation, and maintenance of facilities and services.

(l) To enter joint powers arrangements with other entities.

(m) To provide insurance.

(n) To issue bonds.

(o) To do any other things necessary to carry out the purposes of this chapter.

132354.1. The board shall arrange for a post audit of the financial transactions and records of the consolidated agency to be made at least annually by a certified public accountant.

132354.2. This chapter is necessary for the public health, safety, and welfare, and shall be liberally construed to carry out the objects and purposes of this chapter and the declared policy of the state as set forth in this chapter.

132354.3. It is the intent of the Legislature that the federal government, the state, and local agencies within the jurisdictional area of the consolidated agency will participate in support of the consolidated agency. It is further the intent of the Legislature that financial support for the activities of the consolidated agency will be made available from federal, state, and local sources normally available for transportation and
other planning purposes in the region and for those functions consolidated within the consolidated agency.

132354.4. The consolidated agency shall be excluded from the requirements of a “local agency” set forth in Section 53091 of the Government Code.

132354.5. Nothing in this chapter authorizes the consolidated agency to operate public transit systems.

132354.6. Except as otherwise provided by law, the consolidated agency shall not have any authority over local land use decisions affecting permitting or zoning of public or private development projects.

Article 6. Staffing, Labor, and Retirement Benefits

132355. Administrative authority for the consolidated agency shall be vested in the office of the executive director, subject to the direction and policies of the consolidated agency as approved by the board. The executive director shall serve at the pleasure of the board and may appoint employees as may be necessary to carry out the functions of the consolidated agency.

132355.1. The employees of the consolidated entities affected by this chapter shall become employees of the consolidated agency and shall suffer no loss of employment or reduction in wages, health and welfare and other benefits, seniority, retirement benefits or contributions made to retirement plans, or any other term or condition of employment as a result of the enactment of this chapter.

132355.2. (a) Upon succession of the consolidated agency under Section 132351.3, and in accordance with Article 4 (commencing with Section 132353), all affected employees of the consolidated entities shall become employees of the consolidated agency at their existing or substantially equivalent classifications, salaries, and benefits. All consolidated entity employees who become employees of the consolidated agency shall be given sick leave, seniority, and vacation credits in accordance with the records of the consolidated entity that previously employed them.

(b) On the effective date of succession of the consolidated agency:

1. Regular employees of the consolidated entities shall be deemed qualified, and no other qualifications shall be required for employment or retention by the consolidated agency.

2. Probationary employees of consolidated entities shall retain their probationary status and rights, and shall not be deemed to have transferred so as to require serving a new probationary period.

(c) Upon transfer of any public benefit corporation owned solely by the MTDB pursuant to Section 132353.3, any reference to the board or
to the San Diego Metropolitan Transit Development Board in Article 1 (commencing with Section 120500), Article 2 (commencing with Section 120520), and Article 3 (commencing with Section 120540) of Chapter 5 of Division 11 shall be deemed to refer to the consolidated agency.

132355.3. (a) Members and beneficiaries of any pension or retirement system or other benefits established by the consolidated entities shall continue to have comparable rights, privileges, benefits, obligations, and status with respect to the established systems.

(b) The consolidated agency and the Public Employees’ Retirement System (PERS) shall enter into an agreement to provide comparable benefits to those persons who were employees, retirees, or beneficiaries of the consolidated entities’ pension and retirement plans at the time of consolidation. Any expense related to this agreement between the consolidated agency and PERS, including retiree coverage, shall be borne by the consolidated agency. The agreement shall be effective as of the date of succession by the consolidated agency.

(c) Those retired employees of the consolidated entities, including their eligible dependents, who are (1) retired on the effective date of the succession; or (2) an eligible beneficiary of a retired employee on the effective date of succession, and (3) who were eligible for benefits through PERS as provided and paid for by a consolidated entity, shall continue to be eligible for comparable benefits, including health care insurance, under the terms of the contracts between the consolidated entities and PERS in effect on the day prior to the succession. These benefits shall be provided at no cost to the retired employee or eligible beneficiary, except for normal copayments as otherwise provided for in the terms of the contracts between the consolidated entities and PERS in effect on the day prior to the succession.

(d) Allowances of persons retired from the consolidated entities as of the consolidation date and their beneficiaries and of beneficiaries of deceased members or retired persons who are receiving allowances as of the succession date, shall be continued in at least the amount provided under the contracts between the consolidated entities and PERS in effect on the day prior to the succession. The succession shall not affect the contribution rate of any employee, retiree, or beneficiary or any retirement allowance or other benefit based on service to a consolidated entity being paid on the day prior to succession.

(e) Notwithstanding Section 20511 of the Government Code, time of service by consolidated entity employees shall be credited as services rendered for the consolidated agency for purposes of calculating retirement benefits. The time of service by consolidated entity employees shall create prior service liabilities against the consolidated
agency. Service rendered by consolidated entity employees who become employees of the consolidated agency on the date of succession shall be combined with service rendered by the employee as an employee of the consolidated agency for purposes of calculating retirement benefits. The consolidated agency’s contract with PERS shall contain a provision to bring this section into effect.

132355.4. (a) Whenever a majority of the employees employed by the consolidated agency in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, and upon determining that the labor organization represents at least a majority of the employees in the appropriate unit, the determination of questions concerning employee representation and the conduct of employee-employer relations for the consolidated agency shall be governed by the Meyers-Milias-Brown Act (Chapter 10 (commencing with Section 3500) of Division 4 of Title 1 of the Government Code).

(b) For the purposes of the wage orders of the Industrial Welfare Commission, the consolidated agency shall be considered a special district.

Article 7. Voter Approval

132632. In addition to the authority set forth in Article 5 (commencing with Section 132300) and Article 6 (commencing with Section 132320) of Chapter 2 of Division 12.7, if the consolidated agency provides compensation to San Diego County for the cost of including an ordinance or measure on the ballot, the consolidated agency may call an election, including an advisory election, in San Diego County on any ordinance or measure regarding the governance of or matters related to the powers, privileges, or duties of the consolidated agency, including, but not limited to, merger or complete consolidation of the transit boards.

132634. The county shall conduct an election, including an advisory election, called by the consolidated agency in the same manner as provided by law for the conduct of elections by a county.

Article 8. Bonds, Equipment, and Leases

132370. The consolidated agency may issue bonds, payable from revenue of any facility or enterprise to be acquired or constructed by the consolidated agency, in the manner provided by the Revenue Bond Law of 1941 (Chapter 6 (commencing with Section 54300) of Part 1 of Division 2 of Title 5 of the Government Code), and all of the provisions of that law are applicable to the consolidated agency.
132370.1. (a) The consolidated agency may issue revenue bonds under the Revenue Bond Law of 1941 for any one or more transit facilities authorized to be acquired, constructed, or completed by the consolidated agency or for transit equipment described in Section 132372 below authorized to be acquired by the consolidated agency or, in the alternative, the consolidated agency may issue revenue bonds under the Revenue Bond Law of 1941 for the acquisition, construction, and completion of any one of those transit facilities or for transit equipment described in Section 132372 below authorized to be acquired by the consolidated agency.

(b) Nothing in this article prohibits the consolidated agency from availing itself of, or making use of, any procedure provided in this chapter for the issuance of bonds of any type or character for any of the transit facilities authorized hereunder, and all proceedings may be carried on simultaneously or, in the alternative, as the consolidated agency may determine.

(c) Article 3 (commencing with Section 54380) of Chapter 6 of Part 1 of Division 2 of Title 5 of the Government Code does not apply to the issuance and sale of bonds pursuant to this chapter and the consolidated agency shall authorize the issuance of such bonds by resolution of its governing board.

132370.2. The Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code), the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code), and the Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code), are applicable to the consolidated agency.

132370.3. Chapter 1 (commencing with Section 99000) of Part 11 of Division 10 of the Public Utilities Code is applicable to the consolidated agency.

132370.4. The consolidated agency shall be considered to be a “local agency” as defined in subdivision (h) of Section 53317 of the Government Code and the provisions of Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code are applicable to the consolidated agency.

132370.5. The consolidated agency shall be considered to be a “local agency” as defined in subdivision (f) of Section 6585 of the Government Code and the provisions of Article 4 of Chapter 5 of Division 7 of Title 1 of the Government Code are applicable to the consolidated agency.

132370.6. The consolidated agency may borrow money in accordance with Article 7 (commencing with Section 53820), Article 7.6 (commencing with Section 53580), or Article 7.7 (commencing with
Section 53859) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.

132370.7. (a) The consolidated agency may borrow money in anticipation of the sale of bonds which have been authorized to be issued, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor and may renew the bond anticipation notes from time to time, but the maximum maturity of any bond application notes, including the renewals thereof, shall not exceed five years from the date of delivery of the original bond anticipation notes.

(b) The bond anticipation notes may be paid from any money of the consolidated agency available therefor and not otherwise pledged. If not previously otherwise paid, the bond anticipation notes shall be paid from the proceeds of the next sale of the bonds of the consolidated agency in anticipation of which they were issued. The bond anticipation notes shall not be issued in any amount in excess of the aggregate amount of bonds which the consolidated agency has not been authorized to issue, less the amount of any bonds of the authorized issue previously sold, and also less the amount of other bond anticipation notes therefor issued and then outstanding.

(c) The bond anticipation notes shall be issued and sold in the same manner as the bonds. The bond anticipation notes and the resolution or resolutions authorizing them may contain any provisions, conditions, or limitations which a resolution of the consolidated agency authorizing the issuance of bonds may contain.

132370.8. The consolidated agency may bring an action to determine the validity of any of its bonds, equipment trust certificates, warrants, notes, or other evidences of indebtedness pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

132370.9. All bonds and other evidences of indebtedness issued by the consolidated agency under this chapter, and the interest thereon, are free and exempt from all taxation within the state, except for transfer, franchise, inheritance and estate taxes.

132370.10. (a) Notwithstanding any other provisions of this article or any other law, the provisions of all ordinances, resolutions, and other proceedings in the issuance by the consolidated agency of any bonds, bonds with a pledge of revenues, bonds for any and all evidences of indebtedness or liability constitute a contract between the consolidated agency and the holders of the bonds, equipment trust certificates, notes, or evidences of indebtedness or liability, and the provisions thereof are enforceable against the consolidated agency or any or all of its successors or assigns, by mandamus or any other appropriate suit,
action, proceeding in law or in equity in any court of competent jurisdiction.

(b) Nothing in this article or in any other law shall be held to relieve the consolidated agency or the territory included within it from any bonded or other debt or liability contracted by the consolidated agency. Upon dissolution of the consolidated agency or upon withdrawal of territory therefrom, that territory formerly included within the consolidated agency, or withdrawn therefrom, shall continue to be liable for the payment of all bonded and other indebtedness or liabilities outstanding at the time of the dissolution or withdrawal as if the consolidated agency had not been so dissolved or the territory withdrawn therefrom, and it shall be the duty of the successors or assigns to provide for the payment of the bonded and other indebtedness and liabilities.

(c) Except as may be otherwise provided in the proceedings for the authorization, issuance, and sale of any revenue bonds, bonds secured by a pledge of revenues, or bonds for improvement districts secured by a pledge of revenues, revenues of any kind or nature derived from any revenue-producing improvements, works, facilities, or property owned, operated, or controlled by the consolidated agency shall be pledged, charged, assigned, and have a lien thereon for the payment of the bonds as long as they are outstanding, regardless of any changes in ownership, operation, or control of the revenue-producing improvements, works, facilities or property and it shall, in any later event or events, be the duty of the successors or assigns to continue to maintain and operate the revenue-producing improvements, works, facilities, and property as long as bonds are outstanding.

132372. (a) The consolidated agency may purchase transit equipment such as cars, trolley buses, motorbuses, light rail vehicles, or rolling equipment, and may execute agreements, leases, and equipment trust certificates in the forms customarily used by private corporations engaged in the transit business appropriate to effect the purchase and leasing of transit equipment, and may dispose of the equipment trust certificates upon the terms and conditions that the consolidated agency may deem appropriate.

(b) Payment for transit equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates that are or will be legally available to the consolidated agency. Title to the equipment shall not vest in the consolidated agency until the equipment trust certificates are paid.

132372.1. The agreement to purchase or lease transit equipment may direct the vendor or lessor to sell and assign or lease the transit equipment to a bank or trust company duly authorized to transact business in the state as trustee for the benefit and security of the
equipment trust certificates, and may direct the trustee to deliver the transit equipment to one or more designated officers of the consolidated agency and may authorize the consolidated agency to simultaneously therewith execute and deliver an installment purchase agreement or a lease of such equipment to the consolidated agency.

132372.2. (a) The agreements and leases shall be duly acknowledged before a person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds.

(b) The agreements, leases and equipment trust certificates shall be authorized by resolution of the consolidated agency and shall contain covenants, conditions, and provisions which may be deemed necessary or appropriate to ensure the payment of the equipment trust certificates from such legally available source or sources of funds as may be specified in the certificates.

132372.3. The covenants, conditions, and provisions of the agreements, leases and equipment trust certificates shall not conflict with any of the provisions of any trust agreement or similar document securing the payment of bonds, notes, or certificates of the consolidated agency.

132372.4. (a) An executed copy of each agreement and lease shall be filed in the office of the Secretary of State, who shall be entitled to receive one dollar ($1) for each copy filed.

(b) The filing constitutes notice to any subsequent judgment creditor or any subsequent purchaser.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.
CALL TO ORDER

Mark Packard, Board Chair, called the special meeting to order at 2:00 p.m.

ROLL CALL OF BOARD MEMBERS

1. Mark Packard (City of Carlsbad);
2. Don Mosier (City of Del Mar);
3. Tony Kranz (City of Encinitas);
4. Ed Gallo (City of Escondido);
5. Chuck Lowery (City of Oceanside);
6. Bill Horn (County of San Diego);
7. Rebecca Jones (City of San Marcos);
8. John Aguilera (City of Vista).

Chuck Lowery (City of Oceanside) arrived at 2:15 p.m.
Mike Nichols (City of Solana Beach) Absent

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board member Mosier led the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

None

PUBLIC COMMUNICATIONS

Andrew Kilpatrick, Oceanside, requested that NCTD provide service to Mission Vista High School, where his children would like to attend in the upcoming school year. He suggested extending Route 316 to San Luis Rey Transit Center or adjusting Route 303 to Melrose Drive. Planning Division staff will review the request.
APPROVAL OF MINUTES OF THE MAY 21, 2015 REGULAR BOARD MEETING

ON THE MOTION OF VICE CHAIR JONES TO APPROVE THE MINUTES OF MAY 21, 2015, SECONDED BY BOARD MEMBER HORN.

AYES: PACKARD, MOSIER, KRANZ, JONES, GALLO, HORN, AGUILERA
NOES: NONE
ABSENT: LOWERY, NICHOLS
ABSTAIN: NONE

MOTION CARRIES.

CONSENT ITEMS

1. Receive Monthly Intergovernmental Affairs Report
2. Receive Monthly Planning Division Report
3. Receive Committee Chair Report for MSPBD Committee
4. Award Task Order No. 10 to HDR Engineering, Inc. for Loma Alta Creek and Garrison Creek - Hydrology and Hydraulic (H&H) Analysis Services
5. Approve Revision 1 to Addendum 21 of Master Memorandum of Understanding between SANDAG, MTS, and NCTD Regarding Compass Card Program Management and Costs for FY 2016
6. Approve Contract to Elavon, Inc. for the Provision of Compass Card Program Merchant Services: Joint Procurement with MTS
7. Approve Supplemental Agreement No. 1 with Sectran Security, Inc. for Currency and Coin Processing
8. Approve Extension of Memorandum of Understanding with MTS for Sorrento Valley COASTER Connection
10. Approve the 2015 Update of the Title VI Triennial Program for MTS and NCTD
11. Approve Recommendation of Discontinuation of BREEZE Demonstration Route 331, Pursuant to NCTD Service Standards
ON THE MOTION OF BOARD MEMBER HORN TO APPROVE CONSENT ITEMS 1 THROUGH 11, SECONDED BY BOARD MEMBER GALLO.

AYES: PACKARD, MOSIER, KRANZ, GALLO, JONES, HORN, AGUILERA
NOES: NONE
ABSENT: LOWERY, NICHOLS
ABSTAIN: NONE

MOTION CARRIES.

OTHER BUSINESS

12. Authorize the Executive Director to Award As-Needed Contracts for Architectural and Engineering Services

Tamara Ford, Deputy Chief of Procurement and Contract Administration, made a presentation requesting the Board of Directors to award as-needed agreements for architectural and engineering services, which replace the current agreements that are set to expire on June 30, 2015. These services are typically utilized to complete design work related to capital projects; such as Bridge 243 repair, fiber optics installation, and NCTD’s General Administrative Office building remodel. Ms. Ford reviewed the procurement process which was utilized for these agreements, and provided a general overview of the results. She explained that projects will be assigned on a task order basis, and re-iterated that these are as-needed agreements issued with a not-to-exceed total of $9 million through 2018.

Board member Horn asked why SANDAG is not responsible in the construction of projects like Bridge 243. Mr. Tucker responded that the Bridge 243 replacement project for which SANDAG is responsible, is different than the strengthening project for which NCTD is responsible for as it is part of its maintenance obligations.

Board member Kranz asked about the procurement process in selecting these vendors. Ms. Ford responded that a distribution process was included in the solicitation which explains how work assignments will be awarded and distributed equitably among the vendors. Three different methods were identified, in compliance with state and federal regulations, that can be utilized to award the task orders as projects arise. All three methods are intended to help ensure as much competition as possible in the assignments. Ms. Ford stated no objections or exceptions to the process were posted.

Board Chair Packard inquired if the procurement process described was equivalent to a “best value” procurement. Ms. Ford responded that best value is a different process. The process NCTD utilized begins with evaluation of qualifications, then prices are reviewed after the firms are ranked.

Betsy Lindsay, owner of Ultrasystems Environmental, spoke on this item during the public comment period. Ms. Lindsay stated that her firm is a woman-owned business and Disadvantaged Business Enterprise (DBE) firm which has been in business since 1994. She stated that Ultrasystems submitted as a DBE prime on the Environmental and Engineering Services contract. Ms. Lindsay requested that the Board reconsider and re-evaluate these
contract awards based on District policies relating to diversity and DBE inclusion, since just believed there are no DBE firms as prime vendors in any of the contracts. She further stated that the majority of awards were to large, non-local firms.

Ms. Winfree, NCTD General Counsel, responded that she has reviewed the concerns made by Ms. Lindsay and she is confident that NCTD staff followed all legal requirements, as well as all applicable District policies and procedures in the procurement process. Furthermore, she noted that the District did not receive any protests from any of the proposers following the Notice of Intent to Award during the protest period.

ON THE MOTION OF BOARD MEMBER KRANZ TO APPROVE AGENDA ITEM 12, SECONDED BY BOARD MEMBER MOSIER.

AYES: PACKARD, MOSIER, KRANZ, AGUILERA, JONES, LOWERY, GALLO, HORN,
NOES: NONE
ABSENT: NICHOLS
ABSTAIN: NONE

MOTION CARRIES.

13. Conduct Public Hearing and Adopt FY 2016 Operating Budget and FY 2016 – 2020 Capital Improvement Program (CIP)

Ryan Bailey, Chief Financial Officer, provided an overview to the Board of Directors regarding the adoption of the FY 2016 Operating Budget and FY 2016-2020 Capital Improvement Program. Mr. Bailey provided a brief summary of the budget process and milestone dates from April to the current date. He stated that staff has not received any public comment since release of budget documents on June 2, 2015.

Relative to major components of the proposed budget, Mr. Bailey highlighted that there are no planned fare increases or reduction in service levels for FY 2016. Ridership, fare revenue, and capital improvement program investment are projected to increase in the next fiscal year. He provided detail on specific projections in key revenue and expense areas, including a comparison to projections and results for those same areas in FY 2015.

Vice-Chair Jones asked if the projected COASTER ridership reflects passengers in Amtrak’s Rail2Rail program. Mr. Bailey responded that it did not and that even if those numbers were included, COASTER ridership will still be lower than SPRINTER ridership.

Board member Gallo asked about the projected decreases in SPRINTER operating expenses and fare revenue for FY 2016. Mr. Bailey responded that the decrease in operating expenses is due to a reallocation of expenses for general professional services in accordance with a formula that spreads them across each respective mode based upon ridership. As BREEZE has the largest ridership, that mode has the largest allocation for professional service expenses. The decrease in revenue results from a decrease in allocation of grant funding that relates directly to the aforementioned decrease in expenses due to the revised allocation formula.
Board member Aguilera requested further detail behind the requested increase of 5.6% in salaries for FY 2016. Mr. Bailey responded that the increase in salaries is due to six (6) added positions, a 1.5% increase in PERS, and adjustments for staffing costs that were previously charged to the capital budget, now being charged to the operating budget. Mr. Tucker discussed plans to transition away from contract project management services to in-house staffing. He further added that the figures do not reflect an increase in salary related to individual employee compensation, rather they are an increase in overall staffing resources.

Board member Mosier asked for clarification on NCTD’s GASB 68 Pension Obligation relative to his understanding that NCTD is almost “fully-funded.” Mr. Bailey clarified that NCTD is not “fully-funded”, rather it is “well-funded.” He further explained that there have been changes in pension accounting as they relate to the actuarial valuation of assets. The most significant change is the requirement by GASB 68 to record the difference between the actuarial value of assets (AVA) and the market value of the assets as a liability. Given the market fluctuations in recent years, the difference, or gap, that is required to be reported has increased. Board member Mosier asked for additional clarification on how the new reporting requirements compare to the prior reporting requirements. Mr. Bailey stated that the prior percentage-based reporting of funding status is no longer valid, but that it does not reflect a negative impact on the plan, it is simply a different method of reporting. Mr. Tucker further clarified that it is not practical nor possible for NCTD to “fully-fund” the plan since that scenario implies that all eligible participants would retire at the same time, which would not occur.

Board member Kranz shared his concern about adding new positions and inquired what NCTD is doing to ensure that it has the right amount of employees for the amount of projects it anticipates. Mr. Tucker responded that the Development Services Division supports the District’s facilities, capital improvement, and certain SANDAG projects. Previously, CDM Smith was providing support for project management and oversight for many of these projects via a contracted service agreement. There is currently one open recruitment for Rail Engineer to support project development. In the future, NCTD anticipates only utilizing contracted engineering services for specific tasks that in-house employees cannot do.

Board Chair Packard opened the public hearing. There were no public speakers.

ON THE MOTION OF VICE CHAIR JONES TO CLOSE THE PUBLIC HEARING, SECONDED BY BOARD MEMBER MOSIER.

AYES: MOSIER, PACKARD, KRANZ, JONES, LOWERY, GALLO, HORN, AGUILERA
NOES: NONE
ABSENT: NICHOLS
ABSTAIN: NONE

MOTION CARRIES.
ON THE MOTION OF BOARD MEMBER GALLO TO APPROVE AGENDA ITEM 13 – ADOPT THE FY16 OPERATING BUDGET AND FY16-20 CAPITAL IMPROVEMENT PROGRAM, SECONDED BY BOARD MEMBER MOSIER.

AYES: MOSIER, PACKARD, KRANZ, JONES, LOWERY, GALLO, HORN, AGUILERA

NOES: NONE

ABSENT: NICHOLS

ABSTAIN: NONE

MOTION CARRIES.

14. Approve the FY 2016 - FY 2025 Comprehensive Strategic, Operating and Capital Plan

Dahvia Lynch, Chief Planning Officer, provided a follow-up presentation from the May 2015 meeting regarding the FY 2016 - 2025 Comprehensive Strategic, Operating and Capital Plan (Comprehensive Plan). She reminded the Board members that the purpose of the Comprehensive Plan is to provide NCTD’s short range transit plan and strategic business plan. She noted that it also includes the Service Implementation Plan (SIP) as required by law. Ms. Lynch stated that the Comprehensive Plan focuses on support for the District’s mission, vision, goals as approved by the Board, and details how progress towards those goals is tracked and analyzed.

Ms. Lynch provided an overview of NCTD’s plans for the District’s service levels over the next 5 to 10 years. She noted that due to economic constraints, NCTD takes a conservative approach to service planning that allows for very gradual increases over the aforementioned time period. She provided more detail on next year’s service levels, noting no significant changes are anticipated.

Vice Chair Jones asked if there has been an increase in ridership for LIFT service. Mr. Tucker and Mr. Bailey responded that it has increased significantly over the past 3 years and currently the District is projecting over 180,000 boardings for this mode in FY 2106.

Ms. Lynch shared information regarding service plans beyond five years at a high level, noting the continued constrained budget and conservative planning approach.

Board member Kranz commented that he hopes that the area in Encinitas that is currently outside of NCTD’s service area can be filled with FLEX service.

ON THE MOTION OF VICE CHAIR JONES TO APPROVE AGENDA ITEM 14, SECONDED BY BOARD MEMBER AGUILERA.

AYES: MOSIER, PACKARD, KRANZ, JONES, LOWERY, GALLO, HORN, AGUILERA

NOES: NONE

ABSENT: NICHOLS

ABSTAIN: NONE
INFORMATION ITEM

15. Receive: LOSSAN Interagency Transfer Agreement Update
Bridget Hennessey, Intergovernmental Affairs Officer, gave a verbal update on the approval of the LOSSAN Interagency Transfer Agreement. In 2012, Senate Bill 1225 gave the LOSSAN Agency approval to assume administrative responsibility for state-supported Pacific Surfliner Intercity Passenger Rail Service through an interagency transfer agreement to be executed by June 30, 2015. In early May, NCTD staff and Board member Kranz received a draft of the proposed agreement. After a thorough review by a working group that included NCTD staff and Board member Kranz, a position of support for the agreement was recommended. The LOSSAN Board unanimously approved the Interagency Transfer Agreement on June 8, 2015. Approval from the State is pending and expected to received, with the agreement taking effect on July 1, 2015.

Board member Kranz thanked NCTD staff for all the hard work in getting this agreement to be approved so that Pacific Surfliner’s Operations can now be managed by LOSSAN’s Joint Powers Agreement (JPA), which is one of three agreements in California. He is happy to announce that the LOSSAN Board received $1 million from the State of California for the marketing of the Pacific Surfliner. He noted that this will help with social media and other traditional marketing to increase ridership on the Pacific Surfliner. In response to a question from Board member Gallo regarding the intent of the JPA, Board member Kranz shared feedback from the working group review that ridership might generally benefit from local control.

EXECUTIVE DIRECTOR’S REPORT
Mr. Tucker advised the Board of Directors of the discontinuation of the monthly Board updates and stated that moving forward, information will be sent to the Board members on a timely, current basis as it becomes available.

BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE
Board member Gallo thanked Ms. Dahvia Lynch and Mr. Johnny Dunning for attending the City of Escondido’s Council Meeting last week to update the Council on NCTD’s transportation service in the area.

Board Chair Packard also thanked Mr. Johnny Dunning for attending a workshop at the City of Carlsbad on the future of transportation, at which they discussed the possibility of using an “Uber” business model as an alternative way for transporting passengers. He asked NCTD staff to explore this option to possibly offset the high cost of LIFT service.

REMAINING PUBLIC COMMUNICATIONS
None

ADJOURNMENT AND CERTIFICATION ON FOLLOWING PAGE:
ADJOURNMENT

The meeting adjourned at 3:05 p.m. Submitted by Anthony Flores, Clerk of the Board for North County Transit District.

CHAIRMAN:

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 June 18, 2015 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 16th day of July, 2015.

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 760/967-2808. 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: 800/735-0373 or 800-735-0193 TTY.
SECTION 5  Service Design Guidelines

NCTD routinely measures transit system performance using established service design guidelines, standards, and targets reflecting sound business practice and North American transit industry best practices. NCTD is unique as it is a medium sized transit operator that provides commuter rail and light rail, as well as fixed route bus, paratransit, and demand response services. In 2010, NCTD participated in a peer group analysis of transit agencies; the District was found to be unique among comparable agencies due to the number and variety of modes it operates for an agency of its size. The study determined that a transit agency with a $90 million annual operating budget would not usually operate fixed-route bus, light rail, commuter rail, paratransit, and demand response service, as well as own, operate, and maintain 60 miles of Class 5 railroad track (90 mile per hour operations). The regulatory and legal responsibilities associated with the aforementioned factors directly affect NCTD's costs and productivity. See Appendix D for the full North County Transit District Peer Assessment.

The 2011 Mobility Plan articulated new system design concepts with performance measurement tools to guide the restructuring process and maximize benefits to the communities served. Service design guidelines are focused on continuously improving the customer travel experience in context of a sustainable transit system. Performance targets and standards, where applicable, provide guidance to the following ongoing processes:

- Distribution of resources
- Service development
- Performance monitoring and assessment
- Budgeting
- Public accountability
- Title VI and environmental justice concerns

5.1 RAIL SERVICE DESIGN GUIDELINES

NCTD services include two distinct rail transit modes, commuter rail and light rail that differ in purpose, market segments served, level of service characteristics, and fare structure. The two modes are described in the following sections relative to North American industry characteristics and standards, as well as key performance measures, standards, and targets applied to COASTER and SPRINT services by NCTD.

5.1.1 COMMUTER RAIL

Description

According to the American Public Transportation Association (APTA), commuter rail (also called metropolitan rail, regional rail, or suburban rail) is a mode of transit service characterized by an electric or diesel propelled railway for urban passenger train service consisting of local short distance travel operating between a central city and adjacent suburbs. Service must be operated on a regular basis by or under contract with a transit operator for the purpose of transporting passengers within urbanized areas, or between urbanized areas and outlying areas. Such rail service, using either locomotive hauled or self-propelled railroad passenger cars, is generally characterized by multi-trip tickets, specific station to station fares, railroad employment practices and usually only one or two stations in the central business district. Intercity rail service is excluded, except for that portion of such service that is
operated by or under contract with a public transit agency for predominantly commuter services. Most service is provided on routes of current or former freight railroads.2

**Typical Characteristics**

<table>
<thead>
<tr>
<th>Propulsion:</th>
<th>Electric or diesel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service coverage:</td>
<td>10 – 50 miles</td>
</tr>
<tr>
<td>Station spacing:</td>
<td>5 – 10 miles</td>
</tr>
<tr>
<td>Operating speed (avg/max):</td>
<td>25 – 40 mph/80 mph</td>
</tr>
<tr>
<td>Service frequency*:</td>
<td>Peak: 20 minutes; Off-Peak: 60 minutes</td>
</tr>
<tr>
<td>Span of service*:</td>
<td>5 - 7 days/week 5:00 a.m. to 8:00 p.m. weekdays 7:00 a.m. to 8:00 p.m. weekends (weekend service may not be provided)</td>
</tr>
<tr>
<td>Car capacity:</td>
<td>90 – 140 seated (plus standees)</td>
</tr>
<tr>
<td>Maximum capacity:</td>
<td>2,520 passengers per hour (6-car train, 140 pass. per car/every 20 min.)</td>
</tr>
</tbody>
</table>

*COASTER service design characteristics are different than typical commuter rail service frequency and span of service.

**COASTER Service Design Characteristics**

COASTER is diesel-propelled commuter rail service operating in the 41-mile segment of the LOSSAN corridor between the Oceanside Transportation Center and the Santa Fe Depot in downtown San Diego. Trains consist of up to six bi-level passenger cars plus locomotive averaging 40 mph and completing a one-way trip end-to-end in 60 to 64 minutes. Access is provided at eight stations, five of which are within the NCTD service area, one in Sorrento Valley, and two in San Diego.3 The average distance between stations is 5.1 miles.

COASTER service design is generally consistent with typical coverage, station spacing, and operating speed conventions for commuter rail. However, deviations from typical service frequency and span are attributable to single track line capacity constraints that limit the number of trains that can be operated during peak hours.

**Car capacity** - As manufactured, the seating capacity for a COASTER car is 140.

**Maximum capacity** - Maximum train capacity differs for off peak periods, peak periods, and special events. For off peak trains, load factor is 1.00. This equates to a five-car train carrying 700 passengers. Peak load factor is 1.25, which increases the number of passengers a 5-car train to 875. Maximum load for a special event train is the same at 1.25, however, NCTD may add a sixth car to the train set to increase the train capacity to 1,050.

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2 American Public Transit Association 2012 Transit Factbook; p. 50.
3 NCTD is studying the feasibility of extending COASTER service north to a proposed new station near Stuart Mesa on Camp Pendleton, and south with a proposed station at the Convention Center.
Operating Environment and Capacity Constraints

Four railroads—COASTER, Amtrak, Metrolink, and BNSF—operate on the coastal corridor. Amtrak is the intercity rail provider for the State of California as mandated by the Federal Rail Passenger Service Act. Metrolink, the operating arm of the Southern California Regional Rail Authority (SCRRA), provides commuter rail service between Los Angeles, Riverside, and Orange Counties and northern San Diego County. BNSF is a freight operator that operates six trains per day, most of which are at night, and are critical to the goods movement of San Diego County by hauling freight to and from the Port of San Diego.

Shared-use agreements exist between each carrier and NCTD; each carrier is allocated train "slots," which safely allow all carriers to operate on the corridor. Currently, approximately 47 percent of the coastal corridor is single track. The significant amount of single track in the corridor requires the use of train slots to allow trains to safely pass each other on the double track segments and maintain the respective trip schedules.

The following infrastructure improvements would allow for an increased number of train slots:

1. Signal placement – Adding intermediate signals on long signal blocks would allow for the movement of increased trains for minimal increase in slot capacity. The amount of single track and the maximum railroad speed limit the effectiveness of this option on the coastal corridor.
2. Construction of crossovers – Crossovers allow the passage of trains between parallel tracks. Crossovers permit intercity trains to pass around commuter trains and minimize the impacts of train breakdowns and construction/maintenance projects on the railroad.
3. Double tracking/Bridge Replacement – Adding to the amount of double-track segments in the corridor increases the number of passing points or extends existing passing points for trains meeting, resulting in added capacity.

NCTD is working with SANDAG to determine which construction projects will have the greatest impact on increasing the number of train slots, which in effect, increases line capacity.

Service Capacity

Rail service capacity is a function of the number and size of the cars used to constitute a train, as well as track configuration and other train activity in the corridor. COASTER car capacity is 140 seated passengers, so a maximum six-car train can carry up to 840 seated passengers. Current schedules generally include at least one trip per hour, but not more than two trips during any hour in either direction. In the peak periods, NCTD load factors allow for 1.25 passengers; therefore, the effective maximum capacity of the line is currently 1,750 passengers in the peak direction and 875 passengers in the reverse direction, or 2,625 passengers during the peak hour.

COASTER operations are impacted by capacity constraints caused by lengthy single track segments, shared use arrangements with other operators, and limited capital funding with which to engineer and construct needed improvements. NCTD is working with other stakeholders in the region on short- and long-range plans to improve capacity in the LOSSAN corridor. For example, NCTD recently explored the feasibility of cross-jurisdictional service in order to increase capacity and provide more travel options for COASTER passengers. Such an agreement could potentially be less costly than building and maintaining track and signal equipment, and would also result in increasing line capacity. NCTD's
enhanced Rail-to-Rail Program is an example of providing more travel options with existing resources operating in the corridor.

Service Span

Service span refers to the days and hours during which COASTER service is available to customers. Existing and target spans by service day are shown in Table 5.1.

<table>
<thead>
<tr>
<th>Service</th>
<th>Weekday</th>
<th>Saturday</th>
<th>Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>5:15 a.m. - 8:10 p.m. Friday until 11:45 p.m.*</td>
<td>8:36 a.m. - 7:48 p.m. Saturday until 11:45 p.m.*</td>
<td>8:36 a.m. - 7:48 p.m.</td>
</tr>
<tr>
<td>Target</td>
<td>5:00 a.m. - 9:00 p.m. Friday until Midnight</td>
<td>7:00 a.m. - 9:00 p.m.</td>
<td>7:00 a.m. - 8:00 p.m.</td>
</tr>
</tbody>
</table>

*April-October

Service Frequency

The COASTER timetable currently includes 11 round trips on weekdays and 4 round trips on weekends and national holidays. Supplemental service operates on Friday and Saturday nights when Padres baseball games are played at Petco Park in downtown San Diego.

Station Amenities

Because the COASTER has just five stations in the NCTD service area and handles high passenger volumes during peak periods, amenities are critical. Such amenities include seating, shade canopies, parking lots for users who drive to the station, and curb space to for bus stops, kiss-and-ride, and taxi zones. All stations have ticket vending machines and security video surveillance technologies.

Service Quality Performance Standards and Targets

- **Operating safety**: NCTD’s first priority is to deliver the safest commuter rail service possible and measures its performance as the number of preventable accidents per 100,000 miles of revenue service.

- **Schedule reliability**: On-time performance is a basic concern of transit customers and the most widely used rail service performance measure among North American rail systems. The results are expressed as the percentage of trains in a given time period that operate “on time” as defined, which for NCTD is between 59 seconds early and five minutes and 59 seconds behind the published schedule at the departure terminal. The standard for COASTER schedule adherence is 96%.

- **Onboard conditions (passenger load)**: NCTD customers should have reasonable expectations that transit vehicles not be overcrowded and that seating be available at most times. During peak hours when passenger demand is heaviest, some standees must be tolerated, but total passenger loads should not become excessive. COASTER maximum load standards are 125 percent of
seated capacity during peak periods, 125 percent of seated capacity on special event trains, and
100 percent of seated capacity at all other times.

- **Customer satisfaction**: A bottom-line performance measure used increasingly by transit systems is
the level of customer satisfaction, most commonly determined through periodic or annual surveys.
Various rating structures may be used but the results usually are expressed as the percentage of
commuter rail customers who have a favorable opinion of the service. Once a baseline is
established, the results become useful for measuring the trend in overall performance.

- **New Service**: In order to measure performance of new COASTER trips, NCTD will evaluate
performance using 35% farebox recovery for those trips.

5.1.2 **LIGHT RAIL**

**Description**
According to APTA, light rail (also called streetcar, tramway, or trolley) is a mode of transit service
operating passenger rail cars singly (or in short, usually two-car or three-car, trains) on fixed rails in
right-of-way that is often separated from other traffic for part or much of the way. Light rail vehicles are
typically driven electrically with power being drawn from an overhead electric line via a trolley or a
pantograph; driven by an operator on board the vehicle; and may have either high platform loading or
low level boarding using steps.

**Typical Characteristics**

<table>
<thead>
<tr>
<th>Propulsion source*</th>
<th>Electrical – Overhead Catenary System (OTS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service coverage</td>
<td>5.0 - 20 miles</td>
</tr>
<tr>
<td>Station spacing</td>
<td>0.5 - 2.0 miles</td>
</tr>
<tr>
<td>Operating speed (avg/max)</td>
<td>20 - 25 mph/70 mph</td>
</tr>
<tr>
<td>Service frequency*</td>
<td>5 - 10 minutes (peak)</td>
</tr>
<tr>
<td></td>
<td>10 - 30 minutes (off-peak)</td>
</tr>
<tr>
<td>Span of service</td>
<td>7 days per week</td>
</tr>
<tr>
<td></td>
<td>Up to 21 hours/day</td>
</tr>
<tr>
<td>Car capacity*</td>
<td>30 – 60 seated (plus standees)</td>
</tr>
<tr>
<td>Maximum capacity*</td>
<td>2,160 passengers per hour</td>
</tr>
<tr>
<td></td>
<td>(3-car, 90 passengers per car every 7.5 min.)</td>
</tr>
</tbody>
</table>

*SPRINTER service design characteristics are different than typical light rail propulsion source, service frequency,
car capacity, and maximum capacity.

**SPRINTER Service Design Characteristics**
SPRINTER is diesel-propelled hybrid rail service operating in a 22-mile corridor paralleling SR-76
between Escondido and Oceanside. Service speed averages 25 mph, and a one-way end-to-end trip
can be completed in 53 minutes. Fifteen stations serve the SPRINTER line. The average spacing
between stations is 1.5 miles.

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SPRINTER differs from industry standards due to its unique operating environment and rolling stock. The corridor that the SPRINTER serves is a predominantly suburban environment with a lower population density than is typical around light rail lines and stations. Additionally, the self-propelled diesel multiple unit (DMU) railcars deployed on the line can carry more passengers than the more common electric cars used by peer systems. These factors allow a less frequent service with comparable or greater capacity than the typical North American light rail system.

The following attributes are unique to SPRINTER operations and account for the deviation from typical light rail service design characteristics.

**Propulsion source** - The use of DMU technology obviated the need for the overhead electric catenary system and significantly reduced the capital cost for the required infrastructure.

**Service frequency constraints** - Service frequency adjustments for the SPRINTER service are limited by physical constraints and require infrastructure improvements due to the constraints associated with single track segments, which account for 55 percent of the corridor. These improvements include the same infrastructure improvements on the coastal rail corridor, including double tracking, construction of crossovers, and signal placements.

**Car capacity** - As manufactured, the car capacity for a SPRINTER vehicle includes a seating capacity of 128 riders.

**Maximum capacity** - Train size and service frequency are two key factors that drive maximum line capacity. In the case of the SPRINTER, the maximum train size is two vehicles, and the maximum frequency without capital investment is every 30 minutes. Under these limitations and use of a maximum load factor of 1.70, the current maximum capacity on the SPRINTER line is 1,741 riders (assuming a 2-car train and 128 passengers per car every 30 minutes). The load factor for all other times of day is 1.10.

**Service Capacity**

Rail service capacity is a function of the number and size of the cars used to constitute a train, as well as track configuration and other train activity in the corridor. SPRINTER car capacity averages 128 passengers under normal operating conditions, recognizing that NCTD customers often travel with bicycles, baby strollers, and mobility devices including wheelchairs, walkers, and service animals. NCTD has removed some seats to create a common area in each car to better accommodate customers who need extra space when traveling. A two-car train operating during peak periods has capacity for 435 riders. Given existing track limitations, the maximum service frequency is limited to 30 minutes. Therefore, the effective maximum capacity of the line 870 passengers in each direction, or 1,741 passengers per revenue service hour during peak periods of the day.

**Service Span**

Service span refers to the days and hours during which SPRINTER service is available to customers. Existing and target spans by service day are shown in Table 5.2.
Table 5.2: SPRINTERS Service Span Targets

<table>
<thead>
<tr>
<th>Service</th>
<th>Weekday</th>
<th>Saturday</th>
<th>Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing</td>
<td>4:03 a.m. - 9:26 p.m.</td>
<td>4:33 a.m. - 12:26 p.m.</td>
<td>4:33 a.m. - 9:26 p.m.</td>
</tr>
<tr>
<td>Target</td>
<td>4:00 a.m. - 9:26 p.m.</td>
<td>4:30 a.m. - 12:26 a.m.</td>
<td>4:30 a.m. - 9:26 p.m.</td>
</tr>
</tbody>
</table>

Service Frequency

SPRINTER service frequency currently is below prevailing industry standards due to physical constraints in the corridor that limit service frequency to 30 minutes. This compares to generally 7.5 to 15 minute peak and 10 to 20 minute off-peak service frequencies that are encountered on other light rail lines in North America metro areas. While the current 30-minute service frequency may be adequate at present, NCTD must increase SPRINTERS line capacity both to accommodate increasing ridership and to attract a larger share of the travel market with more attractive service.

Station Amenities

Amenities at SPRINTERS stations vary significantly based on location, boarding volumes, and relationship to the BREEZE bus network. The following four stations are located adjacent to an off-street bus transfer center: Escondido, Palomar, Vista, and Oceanside. These stations are designed to accommodate higher passenger boarding volumes with surface auto and bicycle parking, bus stop islands, and passenger waiting areas. Various conditions exist at the remaining 11 stations, but all stations include seating, shade canopies, ticket vending machines, and security video surveillance technologies.

Service Quality Performance Standards and Targets

- **Operating safety**: NCTD’s first priority is to deliver the safest commuter rail service possible. NCTD measures operating safety as the number of preventable accidents per 100,000 miles of revenue service.

- **Schedule reliability**: On-time performance is a basic concern of transit customers and the most widely used rail service performance measure among North American rail systems. The results are expressed as the percentage of trains in a given time period that operate on time as defined, which for NCTD is between 59 seconds early and five minutes 59 seconds behind the published schedule at the departure terminal. The standard for SPRINTERS schedule adherence is 98%.

- **Onboard conditions (passenger load)**: NCTD customers should have reasonable expectation that transit vehicles not be overcrowded and that seating be available at most times. Given the capacity of the DMUs used for SPRINTERS service, the maximum load standard currently is 110 percent of seated capacity during the off peak, and 170 percent during the peak hours and special events.

- **Customer satisfaction**: A bottom-line performance measure used increasingly by transit systems is the level of customer satisfaction, most commonly determined through periodic or annual surveys.
Various rating structures may be used but the results usually are expressed as the percentage of commuter rail customers who have a favorable opinion of the service. Once a baseline is established, the results become useful for measuring the trend in overall performance.

- **New Service**: In order to measure performance of new SPRINTER trips, NCTD will evaluate performance using 20% farebox recovery for those trips.

### 5.2 FIXED-ROUTE BUS SERVICE DESIGN CRITERIA

**Description**

Local bus service, in which vehicles to stop every block or two along a route several miles long, is the most common type of bus service. When limited to a small geographic area or to short-distance trips, local service is often referred to as feeder service or circulator service. Such routes, which may have a lower fare than regular local service, may operate in a loop and connect, often at a transfer center or rail station, to major routes for travel to more distant destinations. Examples are office park circulator, historic district routes, transit mall shuttles, rail feeder routes, and university campus loops.

<table>
<thead>
<tr>
<th>Typical Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Service distance</strong></td>
</tr>
<tr>
<td><strong>Bus stop spacing</strong></td>
</tr>
<tr>
<td><strong>Speeds (avg/max)</strong></td>
</tr>
<tr>
<td><strong>Service frequency</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Span of service</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Bus capacity</strong></td>
</tr>
<tr>
<td><strong>Maximum capacity</strong></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**BREEZE Service Design Characteristics**

BREEZE bus routes are differentiated by route types for purposes of performance measurement.

**Corridor routes** listed in Table 5.3 serve moderate and higher density travel corridors using primarily arterial streets to provide direct connections between communities that are not linked by the SPRINTER. Corridor routes tend to be longer, with one-way travel times of 50 to 100 minutes. Level of service characteristics reflect the prevailing geographic and demographic conditions in the service area. For example, in areas of higher population and employment density (i.e., primary transit corridors), these routes likely are full-service in terms of coverage, span, and frequency. In areas of lower population and employment density (i.e., secondary transit corridors), corridor routes may be less than
full-service but nevertheless sufficient to meet the basic transportation needs of transit-dependent and mobility-challenged persons.

<table>
<thead>
<tr>
<th>Breeze Route</th>
<th>Communities Linked</th>
<th>Corridor(s) Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>Oceanside, Carlsbad, Encinitas, Solana Beach, Del Mar, San Diego</td>
<td>Pacific Coast Highway</td>
</tr>
<tr>
<td>304</td>
<td>San Marcos, Encinitas</td>
<td>Rancho Santa Fe</td>
</tr>
<tr>
<td>305</td>
<td>Escondido, San Marcos, Vista</td>
<td>Mission, South Santa Fe</td>
</tr>
<tr>
<td>308</td>
<td>Escondido, Solana Beach</td>
<td>Del Dios Highway, Via de la Valle</td>
</tr>
<tr>
<td>309</td>
<td>Encinitas, Carlsbad, Oceanside</td>
<td>El Camino Real</td>
</tr>
<tr>
<td>315</td>
<td>Oceanside, Camp Pendleton</td>
<td>Vandegrift Boulevard</td>
</tr>
</tbody>
</table>

Core routes: Like the corridor routes, core routes serve areas with high concentrations of employers, residences, and schools. The length of the route varies, but frequencies on these routes are the highest in the system due to high demand, which necessitates the need for increased capacity and thus increased frequency on these routes.

<table>
<thead>
<tr>
<th>Breeze Route</th>
<th>Communities Linked</th>
<th>Corridor(s) Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>302</td>
<td>Oceanside, Vista</td>
<td>Vista Way</td>
</tr>
<tr>
<td>303</td>
<td>Oceanside, Vista</td>
<td>Mission Ave, North Santa Fe</td>
</tr>
<tr>
<td>332</td>
<td>Vista</td>
<td>Melrose Drive, Sycamore Avenue, Kaplan College</td>
</tr>
<tr>
<td>350</td>
<td>Escondido</td>
<td>Rapid Bus via Escondido Boulevard, Sunset, Bear Valley Parkway</td>
</tr>
<tr>
<td>351/352</td>
<td>Escondido</td>
<td>Loop circulator via Grand Avenue, Washington Avenue</td>
</tr>
</tbody>
</table>

Local routes listed in Table 5.5 provide circulation within communities and short-distance feeder trips to and from SPINTER stations. Local routes tend to be moderate in length with end-to-end one-way running times of 25 to 40 minutes.

<table>
<thead>
<tr>
<th>Breeze Route</th>
<th>Communities Linked</th>
<th>Corridor(s) Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>313</td>
<td>Oceanside</td>
<td>Mission Avenue, Mesa Drive</td>
</tr>
<tr>
<td>316</td>
<td>Oceanside</td>
<td>Ocean Ranch Boulevard, Rancho del Oro SPRINTER Station</td>
</tr>
<tr>
<td>318</td>
<td>Oceanside</td>
<td>Oceanside Boulevard</td>
</tr>
<tr>
<td>323</td>
<td>Carlsbad, Vista</td>
<td>College SPRINTER Station</td>
</tr>
<tr>
<td>325</td>
<td>Carlsbad, Oceanside, Vista</td>
<td>Carlsbad Village Drive, College Boulevard</td>
</tr>
<tr>
<td>334/335</td>
<td>Vista</td>
<td>Loop circulator</td>
</tr>
<tr>
<td>347</td>
<td>San Marcos</td>
<td>CSU San Marcos – Palomar SPRINTER Station</td>
</tr>
<tr>
<td>353</td>
<td>Escondido, Nordahl</td>
<td>Palomar Medical Center, Citracado Parkway</td>
</tr>
<tr>
<td>354</td>
<td>Escondido</td>
<td>Lincoln Avenue, Midway Drive</td>
</tr>
<tr>
<td>355/357</td>
<td>Escondido</td>
<td>El Norte Parkway, Valley Parkway</td>
</tr>
<tr>
<td>356</td>
<td>Escondido</td>
<td>Escondido Boulevard, Morning View Drive</td>
</tr>
</tbody>
</table>
Commuter routes listed in Table 5.6 focus on niche ridership markets and therefore are less likely to require all-day service span or a constant service frequency.

Table 5.6: Commuter Routes

<table>
<thead>
<tr>
<th>Breeze Route</th>
<th>Communities Linked</th>
<th>Corridor(s) Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>358/359</td>
<td>Escondido</td>
<td>North Broadway, El Norte Parkway, Country Club Lane</td>
</tr>
<tr>
<td>392*</td>
<td>Oceanside, Camp Pendleton</td>
<td>Camp Del Mar, Naval Hospital</td>
</tr>
</tbody>
</table>

*Route 392 is operating on a "pilot service" basis until December 2014; staff will conduct a service equity analysis and determine final schedule prior to this date.

Rural Routes are those which are funded by FTA 5311 program. They are outside of the urbanized area boundary, and tend to be longer routes connecting rural areas to the urban transit center. Because of the length of the routes, they tend to not perform as well as other corridor routes. NCTD will conduct performance analysis on these routes but will use the outcomes to refine the service rather than eliminate it due to its unique funding status.

Table 5.7: Rural Routes

<table>
<thead>
<tr>
<th>Breeze Route</th>
<th>Communities Served</th>
<th>Coverage Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>311</td>
<td>East Oceanside</td>
<td>Rancho del Oro SPRINTER Station, Douglas Drive</td>
</tr>
<tr>
<td>444</td>
<td>Carlsbad Poinsettia COASTER Connection</td>
<td>Faraday Avenue, Rutherford Road</td>
</tr>
<tr>
<td>445</td>
<td>Carlsbad Poinsettia COASTER Connection</td>
<td>Palomar College</td>
</tr>
<tr>
<td>446</td>
<td>Carlsbad Poinsettia COASTER Connection</td>
<td>Legoland, Paseo del Norte</td>
</tr>
</tbody>
</table>

5.2.1 **Fixed-Route Service Coverage**

Transit route coverage is measured using three primary criteria: proximity to residential origins, access to non-residential destinations, and bus stop spacing. Service coverage must be understood in context of unique topographic conditions, prevailing land use patterns, and development densities found in NCTD member jurisdictions. These physical characteristics, as well as demographic and behavioral differences among population segments, weather variations, economic conditions, and other factors, all contribute to service coverage determinations.

Proximity to residential locations measures the walking distance and time required for transit riders to travel between home and the nearest NCTD bus stop. Reasonable access to transit is defined as 0.25-
mile, which is the distance traversed within 10 minutes at a pace of 1.5 miles per hour. Table 5.7 indicates the targeted percentage of households located within this threshold, depending on the population density of the service area.

**Table 5.7: Population Density Thresholds**

<table>
<thead>
<tr>
<th>Population Density</th>
<th>Persons per Acre</th>
<th>Percent of Households within 0.25-Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>High</td>
<td>16 or above</td>
<td>90%</td>
</tr>
<tr>
<td>Medium</td>
<td>11 – 15</td>
<td>75%</td>
</tr>
<tr>
<td>Low</td>
<td>6 – 10</td>
<td>50%</td>
</tr>
<tr>
<td>Rural</td>
<td>5 or below</td>
<td>10%</td>
</tr>
</tbody>
</table>

Access to non-residential destinations is used to identify those commercial and institutional trip generators such as downtown areas, office parks and factories, hospitals, colleges and secondary schools, shopping centers, public buildings, popular visitor destinations, and other facilities that should be accessible via public transportation. Minimum development activity thresholds are provided in Table 5.8.

**Table 5.8: Threshold Activity Levels for Transit Service to Non-Residential Destinations**

<table>
<thead>
<tr>
<th>Types of Development</th>
<th>Examples of Destinations</th>
<th>Threshold Size or Activity Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment</td>
<td>Central business district, office parks and buildings with</td>
<td>100 employees per shift (common start/quit times)</td>
</tr>
<tr>
<td>Medical</td>
<td>Hospital, medical offices</td>
<td>50 employees and significant outpatient facilities</td>
</tr>
<tr>
<td>Public Facilities</td>
<td>Government offices, human service agencies, libraries, and senior centers</td>
<td>Frequent public visitation during regular business hours</td>
</tr>
<tr>
<td>Retail</td>
<td>Regional mall or neighborhood shopping center</td>
<td>100,000 sq. ft. of retail space with at least one “anchor” store</td>
</tr>
<tr>
<td>School / Training</td>
<td>College, high school, and middle school</td>
<td>500 combined students, faculty, and employees</td>
</tr>
</tbody>
</table>

Bus stop spacing measures the physical distance between consecutive bus stops along a route. Locating bus stops reflects an important balance between convenient access for transit customers on one hand, and faster onboard travel time on the other. Bus stop spacing depends on various factors ranging from service area density and prevailing land use to the specific orientation of destinations relative to street intersections, availability of sidewalks, crosswalks, and traffic signals. Optimal bus stop spacing guidelines by population density are summarized in Table 5.9.

**Table 5.9: BREEZE Bus Stop Spacing Guidelines**

<table>
<thead>
<tr>
<th>Area Type</th>
<th>Distance Between Stops</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural</td>
<td>0.5 miles</td>
</tr>
<tr>
<td>Suburban</td>
<td>0.3 miles</td>
</tr>
<tr>
<td>Urban</td>
<td>0.25 miles</td>
</tr>
</tbody>
</table>
5.2.2 **Fixed-Route Service Frequency**

Service frequency refers to the interval of time, or "headway," between consecutive buses passing a given point along a route. A 15-minute weekday service frequency is a reasonable mid- to long-range design target for high-performing routes in the BREEZE network. Short-range frequency improvements must be selected based on current and projected demand as well as NCTD’s fiscal constraints. Short-range targets for route frequency by route category are provided in Table 5.10. Increases or decreases in service frequency should be made in consideration of population and population density of the area served, demographics, actual and anticipated ridership, topography and street network, and operating conditions.

<table>
<thead>
<tr>
<th>Route Classification</th>
<th>Weekday Peak</th>
<th>Weekday Base</th>
<th>Saturday</th>
<th>Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corridor</td>
<td>30</td>
<td>60</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Core</td>
<td>20</td>
<td>30</td>
<td>30*</td>
<td>30*</td>
</tr>
<tr>
<td>Local</td>
<td>30</td>
<td>60</td>
<td>60</td>
<td>60</td>
</tr>
<tr>
<td>Commuter</td>
<td>30</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

*Route 332 operates 90 minute frequency on the weekends.

5.2.3 **Fixed-Route Service Span**

Service span refers to the days and hours during which bus service is available to customers. Target spans of service are summarized in Table 5.11.

<table>
<thead>
<tr>
<th>Route Type</th>
<th>Weekday</th>
<th>Saturday</th>
<th>Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corridor</td>
<td>4:30 a.m. – Midnight</td>
<td>5:30 a.m. – 10:00 p.m.</td>
<td>6:30 a.m. – 6:00 p.m.</td>
</tr>
<tr>
<td>Core</td>
<td>4:00 a.m. – Midnight</td>
<td>5:00 a.m. – Midnight</td>
<td>6:00 a.m. – 11:00 p.m.</td>
</tr>
<tr>
<td>Local</td>
<td>5:00 a.m. – 8:00 p.m.</td>
<td>6:00 a.m. – 7:00 p.m.</td>
<td>7:00 a.m. – 6:00 p.m.</td>
</tr>
<tr>
<td>Commuter</td>
<td>Peak periods</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

5.2.4 **Fixed-Route Amenities**

Installation of passenger amenities at bus stops such as shelters, benches, and passive and real-time schedule information displays is generally guided by passenger volumes supplemented by considerations of equity, safety, and comfort. Location of amenities is primarily driven by route frequency; routes with higher frequency have more daily boardings. Minimum daily boarding warrants for shelters and benches are shown in Table 5.12 below.

<table>
<thead>
<tr>
<th>Route Type</th>
<th>Shelter</th>
<th>Bench</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Stops</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td>Suburban Stops</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Urban Stops</td>
<td>30</td>
<td>20</td>
</tr>
</tbody>
</table>
Beyond boarding volumes, other criteria may be used to evaluate the potential for providing a shelter, including:

- Number of transfers at a stop
- Availability of space to construct shelters and waiting areas
- Number of older adults or physically challenged individuals using the stop
- Frequency of service
- Adjacent land use compatibility
- Availability of shelter from other sources (e.g., building entrance, awning)

Other street furniture such as benches can be provided at bus stops as appropriate when shelters are not provided. Priority is given to those stop locations which are frequented by a significant number of senior citizens or persons with disabilities.

5.2.5 Fixed-Route Service Quality Performance Targets

Schedule Adherence

On-time performance targets by service mode and route type for fixed-route bus service are summarized in Table 5.13.

<table>
<thead>
<tr>
<th>Service Mode / Type</th>
<th>Measure</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>BREEZE</td>
<td>59 seconds early to 5 minutes 59 seconds late</td>
<td>95%</td>
</tr>
</tbody>
</table>

Onboard Loading Conditions

As previously discussed for the rail service, fixed-route bus service should also maintain the reasonable expectation that transit vehicles not be overcrowded and that seating be available at most times on most routes. Maximum loading targets by route category and service day/time period for fixed-route bus are shown in Table 5.14.

<table>
<thead>
<tr>
<th>Route Category</th>
<th>Service Day / Time Period</th>
<th>Maximum Load Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus – BREEZE corridor</td>
<td>Weekday peak</td>
<td>1.4</td>
</tr>
<tr>
<td></td>
<td>Other times</td>
<td>1.10</td>
</tr>
<tr>
<td>Bus – BREEZE core</td>
<td>Weekday peak</td>
<td>1.4</td>
</tr>
<tr>
<td></td>
<td>Other times</td>
<td>1.10</td>
</tr>
<tr>
<td>Bus – BREEZE local</td>
<td>Weekday peak</td>
<td>1.10</td>
</tr>
<tr>
<td></td>
<td>Other times</td>
<td>1.10</td>
</tr>
<tr>
<td>Bus – BREEZE commuter</td>
<td>Weekday peak</td>
<td>1.25</td>
</tr>
</tbody>
</table>
5.3 **BUS RAPID TRANSIT DESIGN CRITERIA**

**Description**

Bus rapid transit (BRT) is a type of limited-stop service developed in the 1990s that relies on technology to help speed up the service. It can operate on exclusive transitways, high-occupancy-vehicle lanes, expressways, or ordinary streets. A BRT line combines intelligent transportation systems technology, priority for transit, rapid and convenient fare collection, and integration with land use policy in order to substantially upgrade bus system performance. BRT was originally conceived as a less costly alternative to light rail.

The cost differential between LRT and BRT is primarily a function of providing the electrical power for light rail as well as the higher cost of LRT vehicles. Due to the difference in the capacity of the vehicles, BRT is likely to have somewhat higher operating costs, as more vehicles are required to provide the same passenger capacity as LRT.

**Typical Characteristics**

<table>
<thead>
<tr>
<th>Service distance</th>
<th>5 - 20 miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus stop spacing</td>
<td>0.50 - 2 miles</td>
</tr>
<tr>
<td>Speeds (avg/max)</td>
<td>12 – 20 mph / 50 mph</td>
</tr>
<tr>
<td>Service frequency</td>
<td>5 - 10 minutes (peak)</td>
</tr>
<tr>
<td></td>
<td>10 - 20 (off-peak)</td>
</tr>
<tr>
<td>Span of service</td>
<td>7 days per week</td>
</tr>
<tr>
<td></td>
<td>5:00 a.m. - 1:00 a.m. on weekdays*</td>
</tr>
<tr>
<td></td>
<td>8:00 a.m. - 1:00 a.m. on weekends*</td>
</tr>
<tr>
<td>Bus capacity</td>
<td>40 - 50 seated (plus standees)</td>
</tr>
<tr>
<td>Maximum capacity</td>
<td>544 passenger per hour</td>
</tr>
<tr>
<td></td>
<td>(68 passengers per bus every 7.5 minutes)</td>
</tr>
</tbody>
</table>

*NCTD’s rapid transit service span differs from typical characteristics

**BREEZE Rapid Service Design Characteristics**

The BREEZE Rapid (Route 350) operates from the Escondido Transit Center to the north and Westfield North County Mall/Del Lago Transit Center to the south. Unlike typical BRT, BREEZE Rapid does not travel along an exclusive transitway but operates primarily along Escondido Boulevard and Bear Valley Parkway corridors, intermixed with vehicular traffic. BREEZE Rapid design characteristics are unique, with BREEZE Rapid-branded buses and stops as well as eight stops with digital message signs that indicate the next bus arrival. Transit signal priority measures are at 19 intersections along the route and a queue jump lane westbound Valley Parkway before Centre City Parkway.

5.3.1 **RAPID SERVICE SPAN AND FREQUENCY**

Service frequency and span available to BREEZE Rapid customers are:

- Weekday service from 4:30 a.m. – 11:00 p.m. with 15-minute peak and off-peak headways
• Weekend service from 6:00 a.m. – 10:30 p.m. with 30-minute headways

5.3.2 **Rapid Amenities**

BREEZE Rapid bus stop improvements include enhancements and new amenities. The new amenities at the Rapid bus stops that are not typically found at other BREEZE routes include:

- Single shelter with integrated station marker
- Double shelter with integrated station marker
- Station marker with integrated seats
- Solar-powered LED lighting
- Digital message signs
- Trash cans
- Improved bus stop pads (where needed)

5.4 **Community-Based Transit Service Design Criteria**

**Description**

Demand response service is typically composed of small buses or vans operating in response to calls from passengers or their agents to the transit operator, who then dispatches a vehicle to pick up the passengers and transport them to their destinations. Demand response vehicles do not operate over a fixed-route or on a fixed schedule except, perhaps, on a temporary basis to satisfy a special need. Demand response vehicles may be dispatched to pick up several passengers at different pick-up points before taking them to their respective destinations and may even be interrupted en route to these destinations to pick up other passengers. The following types of operations fall under the above definitions, provided these operations are not a scheduled fixed-route basis:

- Service with many origins and many destinations
- Service with many origins and one destination
- Service with one origin and many destinations
- Service with one origin and one destination

Several types of demand response service exist:

**Complementary paratransit service.** Transit agencies are required under ADA to provide complementary paratransit service for persons with disabilities and others not able to use fixed-route service. Generally, this type of service must operate in the same areas and during the same hours as fixed-route service. The fare is limited to twice the fixed-route fare. Service may be provided by the fixed-route bus agency or contracted to a separate agency.

**General demand response service** is not required by law and is not subject to the restrictions imposed on complementary paratransit service. A transit agency may limit the service to certain people or make it available to anyone. Some such services operate during the late night and weekend hours in place of fixed-route services.
Typical Characteristics

<table>
<thead>
<tr>
<th>Service distance</th>
<th>Complementary paratransit: same as fixed-route; other varies by program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus stop spacing</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Speeds (avg/max)</td>
<td>10 – 15 mph / 30 mph</td>
</tr>
<tr>
<td>Service frequency</td>
<td>As requested</td>
</tr>
<tr>
<td>Span of service</td>
<td>7 days per week</td>
</tr>
<tr>
<td></td>
<td>5:00 a.m. - 1:00 a.m. on weekdays*</td>
</tr>
<tr>
<td></td>
<td>8:00 a.m. - 8:00 p.m. on weekends*</td>
</tr>
<tr>
<td>Bus capacity</td>
<td>5 - 18 seated</td>
</tr>
<tr>
<td>Maximum capacity</td>
<td>5 - 18 passengers per bus / van</td>
</tr>
</tbody>
</table>

*FLEX service deviates from the typical service span as it is tailored to the commuter rail span of service.

FLEX Service Design Characteristics

FLEX service represents a new demand response service mode created by the 2011 Mobility Plan. FLEX buses run on variable routes organized in near-real time as demand for service materializes. NCTD currently operates in three FLEX zones:

- 371/372 – SR 78 Corridor between Escondido and Ramona
- 373 – Southwest Carlsbad
- 374 – Encinitas/Solana Beach

5.4.1 FLEX Service Span and Frequency

Currently, FLEX service is available on weekdays only. FLEX 373 and 374 operates between 4:50 a.m. and 8:30 p.m., FLEX 371 consists of 10 trips in the peak periods, and FLEX 372 consists of two midday trips. Demand-based service quality is partly determined by vehicle response times to customer requests for transportation in the same way that service frequency is descriptive of fixed-route service. Currently customers are required to reserve their trip at least 30 minutes ahead of desired pickup time. This serves as a reasonable short-range target for FLEX response time. In addition, a minimum standard of 60 minutes is recommended to ensure minimum service quality that generally is comparable to BREEZE local routes.

LIFT Paratransit Service Design Characteristics

ADA requires NCTD to provide complementary paratransit service for eligible customers due to functional disability to ride COASTER, SPRINTER, and BREEZE fixed-route services. This requirement does not apply to FLEX service. “Complementary” means that service coverage and span must be generally the same as the fixed-route system. LIFT service must be provided to origins and destinations located within ½-mile of fixed-routes. Similar to FLEX, service response time rather than service frequency is the applicable performance measure for LIFT.
5.4.2 Community-Based Transit Service Quality Performance Targets

Schedule Adherence

On-time performance targets for FLEX and LIFT are summarized in Table 5.15 below.

<table>
<thead>
<tr>
<th>Service Mode / Type</th>
<th>Measure</th>
<th>Target</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLEX</td>
<td>Vehicle shall arrive within 20 minutes of pickup time</td>
<td>95%</td>
</tr>
<tr>
<td>LIFT</td>
<td>Vehicle shall arrive within 20 minutes of pickup time</td>
<td>95%</td>
</tr>
</tbody>
</table>

Onboard Loading Conditions

Maximum loading targets for FLEX are shown in Table 5.16.

<table>
<thead>
<tr>
<th>Route Category</th>
<th>Service Day / Time Period</th>
<th>Maximum Load Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus – FLEX</td>
<td>Weekday peak</td>
<td>1.00</td>
</tr>
<tr>
<td></td>
<td>Other times</td>
<td>1.00</td>
</tr>
</tbody>
</table>

5.5 Performance Monitoring and Reporting

NCTD compiles performance data outlined in the Performance Monitoring section below and produces several reports to summarize key performance indicators (KPIs). Performance is reported on a monthly, quarterly, and annual basis and is compared to performance goals and previous performance statistics. Operations and maintenance contractors are required to submit weekly performance reports and monthly comprehensive reports detailing operations and maintenance activity. Performance statistics are reported on NCTD’s intranet dashboard, and reported annually to the National Transit Database (NTD).

5.5.1 Performance Measurement

BREEZE

This section updates performance targets and minimum standards initially defined in the 2011 Mobility Plan as part of a comprehensive performance measurement process. The process ensures that transparency and objectivity are applied to resource allocation decisions. NCTD uses four measures to monitor route performance: cost/revenue hour, cost/revenue mile, cost/pasenger, and farebox recovery, as defined in Table 5.17.
Table 5.17: Route Performance Measurements

<table>
<thead>
<tr>
<th>Measure</th>
<th>Definition</th>
<th>Watch</th>
<th>Fail</th>
<th>Pass</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger/hour</td>
<td>Passengers per revenue hour</td>
<td>&lt;50% of average</td>
<td>40% of average</td>
<td>&gt;50% of average</td>
</tr>
<tr>
<td>Passenger/mile</td>
<td>Passengers per revenue mile</td>
<td>&lt;50% of average</td>
<td>40% of average</td>
<td>&gt;50% of average</td>
</tr>
<tr>
<td>Cost/passenger</td>
<td>Cost per trip per passenger</td>
<td>&gt;140% of average</td>
<td>150% of average</td>
<td>&lt;140% of average</td>
</tr>
<tr>
<td>Farebox recovery</td>
<td>Operating cost divided by passenger revenues</td>
<td>&lt;50% of average</td>
<td>40% of average</td>
<td>&gt;50% of average</td>
</tr>
</tbody>
</table>

The average of each measure is calculated by route category, and routes are compared to their respective category average. If a route fails three or four of the measures, it is deemed deficient. Performance will be monitored three times a year, coinciding with the three operator bids. If a route is deemed deficient for two consecutive non-summer bids, NCTD will take measures to improve the route, including:

- Targeted marketing of the route
- Service span and/or frequency modifications
- Restructuring of the route

If after two more reporting periods the route is still deemed deficient, NCTD will conduct a public hearing and recommend elimination of the route. Note that while route performance will be monitored during the summer bid, it will not be used to recommend service modifications that will be implemented during the school year.

FLEX

NCTD instituted FLEX demand response service to mitigate the elimination of low-performing BREEZE routes. FLEX service provides coverage-based transit access for low demand areas, where densities did not support fixed route service. As such, FLEX performs below that of fixed route service.

The performance targets throughout Section 5 are used to monitor and improve system performance. These design guidelines will be used when services are modified to respond to operational issues, or when improvement programs are developed. The amenity guidelines will assist in developing capital improvement programs. The performance of the services in meeting their targets will be reported to the NCTD Board on a quarterly and annual basis and will be incorporated into the Service Improvement Plan annual submittal to SANDAG. The report will be based on the performance targets developed for each service type.

5.5.2 Performance Monitoring and Reporting

NCTD compiles performance data in evaluating the services provided to the public. The following KPIs are used to monitor transit service performance: ridership, on-time performance, miles between mechanical losses, chargeable accidents/100,000 miles (/10,000 miles for paratransit), and
North County Transit District

complaints/100,000 passengers (/1,000 passengers for paratransit). NCTD establishes goals each year for the KPIs by mode and by the system. Staff monitors KPIs on a monthly and quarterly basis to establish trends and evaluate performance relative to the baseline.

Along with these metrics, other industry-standard measurements are tracked to assess NCTD transit operations, as seen in the following Table 5.18.

Table 5.18: Other Performance Metrics

<table>
<thead>
<tr>
<th>Metric</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ridership</td>
<td>An individual on board, boarding, or alighting from a revenue transit vehicle. Excludes operators, transit employees, and contractors.</td>
</tr>
<tr>
<td>Total miles</td>
<td>The time from when a transit vehicle starts (pull-out time) from a garage to go into revenue service to the time it returns to the garage (pull-in time) after completing its revenue service.</td>
</tr>
<tr>
<td>Revenue vehicle miles</td>
<td>The time when a vehicle is available to the general public and expected to carry passengers.</td>
</tr>
<tr>
<td>Passenger miles</td>
<td>The cumulative sum of the distances ridden by each passenger.</td>
</tr>
<tr>
<td>Fare revenue per passenger</td>
<td>All income received directly from passengers divided by the total number of passengers.</td>
</tr>
<tr>
<td>Farebox recovery ratio</td>
<td>Passenger fare revenue divided by operating cost.</td>
</tr>
<tr>
<td>Cost per passenger</td>
<td>Operating cost divided by total number of passengers.</td>
</tr>
<tr>
<td>Cost per passenger mile</td>
<td>Operating cost divided by total number of passenger miles.</td>
</tr>
<tr>
<td>Passengers per revenue mile</td>
<td>Total number of passengers divided by revenue miles.</td>
</tr>
<tr>
<td>Passengers per revenue hour</td>
<td>Total number of passengers divided by revenue hours.</td>
</tr>
<tr>
<td>Revenue hours</td>
<td>The hours that are comprised of running time and layover time.</td>
</tr>
<tr>
<td>Cost per revenue hour</td>
<td>Operating cost divided by revenue hours.</td>
</tr>
<tr>
<td>Miles between mechanical failures</td>
<td>Mechanical failures constitute removal of a vehicle from revenue service</td>
</tr>
</tbody>
</table>

5.5.3 PERFORMANCE REPORTING

Departmental Quarterly Reports

Departments have developed monthly and quarterly performance reports that include data specific to their functions and responsibilities, and summaries of milestones accomplished during that quarter. Departmental quarterly reports are submitted to the NCTD Board of Directors.

Contract Oversight Comprehensive Reports

Comprehensive reports are prepared by bus contract operations and maintenance staff and rail operations staff using performance metrics and maintenance summaries as reported by contractors.
Monthly Performance Report

Operations contractors provide weekly modal performance reports. For each mode, this report provides a detailed overview of service delivery, service effectiveness, service efficiency, service quality, and safety performance. Weekly performance reports compare performance against contractual performance goals, and are summarized monthly for inclusion in the comprehensive monthly report. Table 5.19 shows the monthly performance report for February 2014.

Web-based Performance Monitoring Dashboard

NCTD is in the process of overhauling the provision of providing online data and analysis regarding service performance through a business intelligence platform that provides closer to real-time performance data. The performance metric dashboard contains statistical data and charts in regards to service delivery, boardings, revenue, and operating costs.

National Transit Database

The NTD was established as the nation’s primary source for information and statistics on the transit systems of the United States. Recipients or beneficiaries of grants from the FTA under the Urbanized Area Formula Program (§5307) or Other than Urbanized Area (Rural) Formula Program (§5311) are required by statute to submit data to the NTD. Over 660 transit providers in urbanized areas currently report to the NTD through the Internet-based reporting system. As a recipient of both 5307 and 5311 funds, as well as numerous other grants, NCTD provides statistical information to NTD.

Transportation Development Act Reporting

NCTD provides data to SANDAG for quarterly and annual Transportation Development Act (TDA) reports. TDA reporting is necessary for NCTD to receive TDA funds, which is a major source of revenue for NCTD. See Section 8.2 for further information.
APPENDIX J

2015 ON BOARD TRANSIT SURVEY
Please take a few moments to help plan for your transit needs by filling out this survey.

All personal information will be kept strictly confidential and WILL NOT be shared or sold.

**What is your HOME ADDRESS?**: (please be specific, ex: 123 W. Main St):

(If you are visiting the San Diego area, please list the hotel name or address where you are staying)

**Street Address**: ________________________  ________________________  ________________________  ________________________  

**City**: ______________  **State**: ______  **ZIP**: ________

**EXACT STREET ADDRESS**: (Nearest intersection / Park & Ride lot below):

________________________________________________

**END**

---

**COMING FROM?**

1. What type of place are you COMING FROM NOW? *(the starting place for your one-way trip)*
   - Your usual Workplace
   - Other business related (e.g., meeting, delivery)
   - College / University (students only)
   - School K-12 (students only)
   - Medical Service / Hospital (non-work)
   - Shopping
   - Eating / Dining
   - Visit Friend / Relative
   - Recreation / Sightseeing
   - Major Sporting Event, Concert, or Conference
   - Escorting / Accompanying someone
   - Airport (passengers only)
   - Your hotel/motel/lodging ➔ Go to Question #4
   - Your HOME ➔ Go to Question #4
   - Other: __________________

2. What is the NAME of the place you are coming from now?

3. What is the EXACT STREET ADDRESS of this place? (OR Intersection if you do not know)

   ____________________________________________

   **City**: ___________  **State**: _______  **ZIP**: ________

4. How did you GET FROM the place in Questions #1-3 TO THE VERY FIRST bus / train / Trolley you used for this one-way trip?
   - Walk – how long? _____________ # minutes (go to Q5)
   - Bike – how long? _____________ # minutes (go to Q5)
   - Wheelchair – how long? _____________ # minutes (go to Q5)
   - Skateboard – how long? _____________ # minutes (go to Q5)
   - Was dropped off by someone (answer 4a)
   - Drove alone and parked (answer 4a)
   - Drove or rode with others and parked (answer 4a)
   - Carshare (i.e. car2go, Zipcar, etc.) (answer 4a)
   - Taxi, Uber, Lyft, etc. (answer 4a)
   - Free Shuttle (answer 4a)
   - Other Specify, __________________

   4a. Where did you park/get dropped off before the FIRST bus / train / Trolley you used for this one-way trip? (Nearest intersection / Park & Ride lot below):

---

**GOING TO?**

5. What type of place are you GOING TO NOW? *(the ending place for your one-way trip)*
   - Your usual Workplace
   - Other business related (e.g., meeting, delivery)
   - College / University (students only)
   - School K-12 (students only)
   - Medical Service / Hospital (non-work)
   - Shopping
   - Eating / Dining
   - Visit Friend / Relative
   - Recreation / Sightseeing
   - Major Sporting Event, Concert, or Conference
   - Escorting / Accompanying someone
   - Airport (passengers only)
   - Your hotel/motel/lodging ➔ Go to Question #8
   - Your HOME ➔ Go to Question #8
   - Other: __________________

6. What is the NAME of the place you are going to now?

7. What is the EXACT STREET ADDRESS of this place? (OR Intersection if you do not know)

   ____________________________________________

   **City**: ___________  **State**: _______  **ZIP**: ________

8. How will you GET TO your destination *(listed in Questions 5-7)* after you get off the LAST bus / train / Trolley you will use for this one-way trip?
   - Walk – how long? _____________ # minutes (go to Q9)
   - Bike – how long? _____________ # minutes (go to Q9)
   - Wheelchair – how long? _____________ # minutes (go to Q9)
   - Skateboard – how long? _____________ # minutes (go to Q9)
   - Was picked up by someone (answer 8a)
   - Get in a parked vehicle & drive alone (answer 8a)
   - Get in a parked vehicle & drive/ride w/others (answer 8a)
   - Carshare (i.e. car2go, Zipcar, etc.) (answer 8a)
   - Taxi, Uber, Lyft, etc. (answer 8a)
   - Free Shuttle (answer 8a)
   - Other Specify, __________________

8a. Where will you get your car/get picked up after the LAST bus / train / Trolley you are using for this one-way trip? (Nearest intersection / Park & Ride lot below):

---

9. Did you transfer FROM another bus/train/Trolley BEFORE getting on this bus/train/Trolley?  
   - Yes  
   - No

10. Where did you GET ON THIS bus / train / Trolley? Please provide the nearest intersection / station name / Park & Ride lot:

   ____________________________________________

11. Where will you GET OFF THIS bus / train / Trolley? Please provide the nearest intersection/station name/Park & Ride lot:

   ____________________________________________

12. Will you transfer TO another bus/train/Trolley AFTER getting off this bus/train/Trolley?  
   - Yes  
   - No

13. Please list the SYSTEM and BUS / TRAIN / TROLLEY ROUTES *(e.g., MTS Route 10, Trolley Blue Line, Breeze Route 316, Sprinter, Coaster, Coaster Connection Route 444)* in the exact order you use them for this one-way trip.

---

**START**  
1st Route  ➔  2nd Route  ➔  3rd Route  ➔  4th Route  ➔  **END**
14. What time did you get ON this bus/train/Trolley? _______ : _______ a.m. / p.m. (circle one)

15. What type of fare did you use for this one-way trip?
   - One-way fare
   - Regional Day Pass
   - Regional Plus Day Pass
   - SPRINT/BREEZE Day Pass
   - Regional Monthly Pass
   - Rapid Express Regional Monthly Pass
   - SPRINT/BREEZE Monthly Pass
   - COASTER Monthly - 1 Zone
   - COASTER Monthly - 2 Zone
   - COASTER Monthly – 3 Zone
   - COASTER Youth Monthly
   - COASTER S/D/M Monthly
   - College Pass – Please name college
   - Other ____________________________ (2, 3, or 14 day pass, free, employee, etc.)

15b. Did you receive any of the following special fare discounts for your trip today? (check only one)
   - None
   - Senior (Age 60+)
   - Disabled
   - Medicare Recipient
   - Youth (Ages 6-18)
   - Other ____________________________

16. Will you (or did you) make this same trip using the same transit routes in exactly the opposite direction today?  
   - No
   - Yes - At what time did/will you leave for this trip in the opposite direction? _______ : _______ a.m./p.m. (circle one)

17. Since you most recently left your home (or the place you are staying in the San Diego area) and the next time you will return home (or the place you are staying), did you or will you... (check all that apply)
   - Visit friend/relative or attend a religious/social event
   - Other errands
   - Other (please specify): ____________________________

18. Are you a resident of?
   - San Diego County
   - Orange, Riverside, Imperial County
   - Mexico
   - Other ____________________________

19. How many vehicles (cars, trucks, or motorcycles) are available to your household? _______ vehicles

20. Including YOU, how many people live in your household? _______ people

21. Including YOU, how many people (over age 15) in your household are employed full/part-time? _______ people

22. How many persons are traveling with you on this trip from the same origin to destination? _______ people

22a. [If #22 = ONE OR MORE] How many of these people are members of your household? _______ people

23. What is your employment status? (check the one response that BEST describes you)
   - Employed full-time (at least 35 hrs/wk)
   - Employed part-time (less than 35 hrs/wk)
   - Not currently employed, but seeking work
   - Retired
   - Homemaker

IF YOU ARE EMPLOYED:
23a. Does your employer pay all or part of your transit fare?  
   - O Yes (all cost)
   - O Yes (some cost)
   - O None of the cost

24. What is your student status? (check the one response that BEST describes you)
   - Not a student
   - O Yes – Full-time college/university
   - O Yes – Part-time college/university
   - O Yes – K-8th grade
   - O Yes – 9th-12th grade
   - O Yes – Vocational/technical/trade school
   - O Yes – Other ____________________________

25. Do you have a valid driver’s license?  
   - O Yes
   - O No

26. What is your year of birth? _______ year

27. What is your Race / Ethnicity? (check all that apply)
   - American Indian / Alaska Native
   - Asian
   - Black/African American
   - Hispanic/Latino
   - Native Hawaiian / Pacific Islander
   - White
   - Other: ____________________________

28. What is your gender?  
   - Male
   - Female

29. Which of the following BEST describes your TOTAL ANNUAL HOUSEHOLD INCOME in 2014 before taxes?
   - $14,999 or less
   - $25,000 - $29,999
   - $30,000 - $34,999
   - $35,000 - $39,999
   - $40,000 - $44,999
   - $45,000 - $49,999
   - $50,000 - $59,999
   - $60,000 - $69,999
   - $70,000 - $79,999
   - $80,000 - $89,999
   - $90,000 - $99,999
   - $100,000 - $149,999
   - $150,000 or above

30. Do you speak a language other than English at home?  
   - No
   - O Yes - Which language? ____________________________

30a. [If #30 = Yes] How well do you speak English?  
   - Very well
   - Well
   - Not very well
   - Not at all

31. How many days a week do you ride public transit?  
   - Less than once a week
   - O # Days: _______ 

32. How do you rate public transit service in your area?  
   - O Good
   - O Average
   - O Poor

REGISTER TO WIN $100
People who submit an accurately completed survey will have the option of being entered in a random drawing for one of ten $100 gift cards. You must provide your home address at the beginning of the survey to be eligible.
Name: ____________________________
Phone Number: ____________________________
Email address: ____________________________

Thank you for your help!
If you completed this survey before getting off the bus/train/Trolley, please return your completed survey to the survey staff. If you did not have time to complete the survey during your trip, please request an envelope and return it within 24 hours to be entered into the contest.
APPENDIX K

NCTD PERFORMANCE MONITORING REPORT FY 2014
## Route Headway, On-Time Performance, and Passenger Load Factor

<table>
<thead>
<tr>
<th>Route Category</th>
<th>Minority Route?</th>
<th>OTP</th>
<th>Route Frequency (P/B/Eve.)</th>
<th>Load Factor (Peak/Off-peak)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BREEZE Core</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goal/Standard</td>
<td>-</td>
<td>90.0%</td>
<td>20/30</td>
<td>1.4/1.1</td>
</tr>
<tr>
<td>302</td>
<td>Y</td>
<td>88.5%</td>
<td>15/20/30</td>
<td>0.74/0.46</td>
</tr>
<tr>
<td>303</td>
<td>Y</td>
<td>88.9%</td>
<td>15/15/30</td>
<td>1.05/0.37</td>
</tr>
<tr>
<td>332</td>
<td>Y</td>
<td>93.2%</td>
<td>15/20/60</td>
<td>1.16/0.21</td>
</tr>
<tr>
<td>350</td>
<td>Y</td>
<td>88.4%</td>
<td>15/15/30</td>
<td>1.23/0.27</td>
</tr>
<tr>
<td>351</td>
<td>Y</td>
<td>83.9%</td>
<td>20/20/30</td>
<td>0.58/0.29</td>
</tr>
<tr>
<td><strong>BREEZE Corridor</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goal/Standard</td>
<td>-</td>
<td>90.0%</td>
<td>30/60</td>
<td>1.4/1.1</td>
</tr>
<tr>
<td>101</td>
<td>N</td>
<td>82.7%</td>
<td>30/30/60</td>
<td>0.85/0.45</td>
</tr>
<tr>
<td>304</td>
<td>N</td>
<td>89.7%</td>
<td>30/60/60</td>
<td>0.96/0.27</td>
</tr>
<tr>
<td>305</td>
<td>Y</td>
<td>87.0%</td>
<td>30/30/30</td>
<td>0.95/0.38</td>
</tr>
<tr>
<td>308</td>
<td>N</td>
<td>84.4%</td>
<td>60/60/60</td>
<td>0.93/0.28</td>
</tr>
<tr>
<td>309</td>
<td>N</td>
<td>86.9%</td>
<td>30/30/60</td>
<td>0.71/0.32</td>
</tr>
<tr>
<td>315</td>
<td>N</td>
<td>89.4%</td>
<td>30/60/60</td>
<td>0.49/0.23</td>
</tr>
<tr>
<td><strong>BREEZE Local</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goal/Standard</td>
<td>-</td>
<td>90.0%</td>
<td>30/60</td>
<td>1.1</td>
</tr>
<tr>
<td>313</td>
<td>Y</td>
<td>95.6%</td>
<td>45/90</td>
<td>0.76/0.22</td>
</tr>
<tr>
<td>318</td>
<td>Y</td>
<td>85.5%</td>
<td>30/60/60</td>
<td>0.58/0.30</td>
</tr>
<tr>
<td>354</td>
<td>Y</td>
<td>92.1%</td>
<td>30/30/30</td>
<td>0.70/0.20</td>
</tr>
<tr>
<td>355</td>
<td>Y</td>
<td>88.2%/91.3%</td>
<td>60/60/60</td>
<td>0.37/0.50</td>
</tr>
<tr>
<td>356</td>
<td>Y</td>
<td>87.0%</td>
<td>30/30/30</td>
<td>0.38/0.31</td>
</tr>
<tr>
<td>358</td>
<td>Y</td>
<td>84.7%/83.2%</td>
<td>120/120/120</td>
<td>0.39/0.41</td>
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<td><strong>BREEZE Local (SV)</strong></td>
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<td></td>
<td></td>
</tr>
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<td>-</td>
<td>90.0%</td>
<td>30/60</td>
<td>1.1</td>
</tr>
<tr>
<td>316</td>
<td>Y</td>
<td>95.9%</td>
<td>30/30</td>
<td>0.77/0.24</td>
</tr>
<tr>
<td>323</td>
<td>N</td>
<td>91.4%</td>
<td>60/120</td>
<td>0.67/0.28</td>
</tr>
<tr>
<td>325</td>
<td>Y</td>
<td>88.0%</td>
<td>30/30/60</td>
<td>0.68/0.50</td>
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<tr>
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<td>Y</td>
<td>95.2%/92.2%</td>
<td>40/40/40</td>
<td>0.54/0.54</td>
</tr>
<tr>
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<td>30/30/30</td>
<td>0.51/0.21</td>
</tr>
<tr>
<td>353</td>
<td>Y</td>
<td>88.6%</td>
<td>30/30/30</td>
<td>0.53/0.33</td>
</tr>
<tr>
<td>392</td>
<td>N</td>
<td>94.3%</td>
<td>30/60</td>
<td>0.47/0.06</td>
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<tr>
<td><strong>BREEZE Commuter</strong></td>
<td></td>
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<td>30</td>
<td>1.25</td>
</tr>
<tr>
<td>311</td>
<td>Y</td>
<td>88.6%</td>
<td>30/60/60</td>
<td>1.2</td>
</tr>
<tr>
<td>444</td>
<td>N</td>
<td>87.0%</td>
<td>4 Trips</td>
<td>0.24</td>
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<td>N</td>
<td>90.0%</td>
<td>7 Trips</td>
<td>0.44</td>
</tr>
<tr>
<td>446</td>
<td>N</td>
<td>93.5%</td>
<td>4 Trips</td>
<td>0.16</td>
</tr>
<tr>
<td><strong>BREEZE Rural</strong></td>
<td></td>
<td></td>
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<tr>
<td>Goal/Standard</td>
<td>-</td>
<td>90%</td>
<td>120</td>
<td>1.0</td>
</tr>
<tr>
<td>306</td>
<td>N</td>
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<td>30/60/60</td>
<td>0.85</td>
</tr>
<tr>
<td>388/389</td>
<td>Y</td>
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<td>120/120/120</td>
<td>1.0/0.30</td>
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<tr>
<td>395</td>
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<td>30</td>
<td>1.7/1.0</td>
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<td>393</td>
<td>Y</td>
<td>99.3%</td>
<td>30</td>
<td>-</td>
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<td></td>
<td></td>
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<tr>
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<td>40/180</td>
<td>1.25/1.0</td>
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<tr>
<td>395</td>
<td>N</td>
<td>96.8%</td>
<td>40/180</td>
<td>-</td>
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APPENDIX L

NCTD LOAD FACTOR, HEADWAY, AND ON-TIME PERFORMANCE ANALYSIS
<table>
<thead>
<tr>
<th>NCTD Load Factor</th>
<th># of Routes</th>
<th>Standard</th>
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<tr>
<td>Regional Routes</td>
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</tr>
<tr>
<td>COASTER Peak</td>
<td>1.25</td>
<td>1.25</td>
</tr>
<tr>
<td>COASTER Off-Peak</td>
<td>1.00</td>
<td>1.00</td>
</tr>
<tr>
<td>Corridor Routes</td>
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<td>SPRINTIR Peak</td>
<td>1.70</td>
<td>1.70</td>
</tr>
<tr>
<td>SPRINTIR Off-Peak</td>
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<td>1.00</td>
</tr>
<tr>
<td>Local Routes</td>
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<td>BREEZE Corridor Off-Peak</td>
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<td>BREEZE Core Peak</td>
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<td>1.40</td>
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<td>BREEZE Core Off-Peak</td>
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<td>BREEZE Rural Peak</td>
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<table>
<thead>
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<th>Category</th>
<th>Minority</th>
<th>Non-Minority</th>
<th>Total</th>
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APPENDIX M

NCTD PUBLIC WORKSHOP SIGN-IN SHEET

NCTD WORKSHOP COMMENTS

NCTD POLICY NO. 30

NCTD POLICY NO. 31

NCTD POLICY NO. 32

NCTD BOARD OF DIRECTORS MEETING AGENDA, NOVEMBER 21, 2013

NCTD BOARD OF DIRECTORS MEETING AGENDA ITEM

NCTD BOARD OF DIRECTORS MEETING MINUTES
North County Transit District  
Public Workshop on Proposed Title VI Polices  
Taller público sobre propuestas a las políticas del Título VI  
October 10  
10 de octubre  

Please Sign In/Por favor, inicie sesión  

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<tr>
<td>Carolina G. Ferrel</td>
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Name/Nombre  James Hollis

Phone Number/Número Telefónico  760-978-2682

Email  jamescholls@gmail.com

Home Address/Residencia

Date/Fecha  10.16.13

Comment/Comentario  The representation & presentation as well as the Q's that were fielded were very insightful, comprehensive & understandable. I questioned about several topics (i.e., demographics (county, region, state, federal, etc) and disproportionate burden topics. All of my questions were answered very well and where there was ambiguity or confusion on my part, it was clarified.
Hello,

I’m just letting you know we got a phone call today regarding the policies 30 - 32.

Claire Arment, Vista resident, called to ask for clarification about the meetings: She wanted to ensure that a service change was not eminent, since she is a regular rider of our services. I clarified with her that the purpose of the meetings was to introduce the proposed policies for defining thresholds for major service changes, disparate impact on minority populations, and disproportionate burden on low-income, as a result of new requirements from FTA. She was satisfied with my explanation and felt no need to provide additional comment; however, I invited her to attend our next Board Meeting in November if she had any concerns with the proposed policies between now and then. Ms. Arment commented that she was happy that we exist, because we are her primary form of transportation and commented on her particular appreciation for the Sprinter.

Thanks,

Jarrett Wade  
Civil Rights Officer  
810 Mission Avenue | Oceanside, CA 92054 | P: 760.966.6607 | A: 760-966-6631
Board Policy No. 30
Threshold for Major Service Change

Summary

This policy describes the threshold for a major service change.

Background

The requirement of this policy comes from the Federal Transit Administration (FTA) Circular 4702.1B, “Title VI Requirements and Guidelines for Federal Transit Administration Recipients,” which became effective October 1, 2012. The Circular requires any FTA recipient that operates fifty (50) or more fixed route vehicles in peak service and serves a population of 200,000 or greater to evaluate any fare change and any major service change at the planning and programming stages to determine whether those changes have a discriminatory impact.

The purpose of this policy is to establish a threshold that defines a major service change and to define an adverse effect caused by a major service change.

Definition

Major service change – All proposed changes to existing routes, whereby route miles or revenue miles are changed in excess of twenty-five (25) percent of their current configurations, measured as happening at one time, or cumulatively within a single year. Changes in number of daily trips that exceed twenty-five (25) percent are also considered a major service change. Finally, elimination or addition of a route qualifies as a major service change.

Exemptions

LIFT Paratransit service is exempt from the “major service change” definition because of the regulations pursuant to the provision of Americans with Disabilities Act of 1990 (ADA) Paratransit service set forth in ADA.

Temporary service is exempt from the “major service change” definition. Temporary service is defined as a new or modified route that is placed into revenue service for less than twelve (12) months with a defined set of measures that must achieve to remain in service. If the service meets the criteria and will remain past twelve (12) months, then NCTD will conduct a Title VI service equity analysis for this service.

Notice

NCTD is required to hold a public hearing for all major service changes. The public hearing will be advertised at a minimum thirty (30) days in advance through means set forth in Board Policy No. 5, Public Notice and Participation.
Board Policy No. 30 – Threshold for Major Service Change (continued)

Approvals

Board Chair  Date

Executive Director  Date

General Counsel  Date

10/16/14
### Board Policy No. 30 – Threshold for Major Service Change (continued)

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Board Policy No. 31
Threshold for Disparate Impact on Minority Populations

Summary

This policy sets forth NCTD's threshold for disparate impact on minority populations.

Background

The requirement of this policy comes from the Federal Transit Administration (FTA) Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" which became effective October 1, 2012. The Circular requires any FTA recipient that operates fifty (50) or more fixed-route vehicles in peak service and serves a population of 200,000 or greater to evaluate any fare change and any major service change at the planning and programming stages to determine whether those changes have a discriminatory impact.

Purpose

The purpose of this policy is to establish a threshold which identifies when adverse effects of a major service change or any fare change are borne disproportionately by minority populations.

Policy

A disparate impact occurs when the minority population adversely affected by a major service change as defined under NCTD Policy No. 30 is ten (10) percent more than the average minority population of the NCTD service area. A disparate impact may also occur when the non-minority population benefits from a major service change by ten (10) percent more than the average non-minority population of the NCTD service area.

Disparate impacts on routes with either span of service changes and/or frequency changes will be determined by analyzing all routes with such changes together. Disparate impacts on routes with segment elimination, re-routing, or route elimination will be determined on a route by route basis.

If a potential disparate impact is identified, NCTD must determine whether there are one or more alternatives that would serve the same legitimate objectives, but with less disparate impact on the basis of race, color, or national origin. If no other options are identified, then NCTD must have a substantial, legitimate justification for making the service change. In the event a disparate impact is identified, NCTD will engage public participation to discuss less discriminatory alternatives or mitigation measures.
Board Policy No. 31 – Threshold for Disparate Impact on Minority Populations
(continued)

Approvals

Board Chair
Date

Executive Director
Date

General Counsel
Date

10-16-2014
Board Policy No. 31 – Threshold for Disparate Impact on Minority Populations (continued)

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Board Policy No. 32
Threshold for Disproportionate Burden

Summary

This policy sets forth NCTD's threshold for disproportionate burden.

Background

The requirement of this policy comes from the Federal Transit Administration (FTA) Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," which became effective October 1, 2012. The Circular requires any FTA recipient that operates fifty (50) or more fixed-route vehicles in peak service and serves a population of 200,000 or greater to evaluate any fare change and any major service change at the planning and programming stages to determine whether those changes have a discriminatory impact.

Purpose

The purpose of this policy is to establish a threshold which identifies when adverse effects of a major service change or any fare change are borne disproportionately by low-income populations.

Policy

A disproportionate burden occurs when the low-income population adversely affected by a major service change as defined under NCTD Policy No. 30, Threshold for Major Service Change, is ten (10) percent more than the average low-income population of the NCTD service area. A disproportionate burden may also occur when the non-low income population benefits from a major service change by ten (10) percent more than the average non-low income population of the NCTD service area.

Disproportionate burden on routes with either span of service changes and/or frequency changes will be determined by analyzing all routes with such changes together. Disproportionate burden on routes with segment elimination, re-routing, or route elimination will be determined on a route by route basis.

If NCTD finds a potential disproportionate burden, the agency will take steps to avoid, minimize, or mitigate impacts of the proposed change on the affected low income population and provide alternatives available to low income passengers affected by the service changes.

In the event a disproportionate burden is identified, NCTD will engage public participation to discuss less discriminatory alternatives or mitigation measures.
### Board Policy No. 32 – Threshold for Disproportionate Burden (continued)

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RECEIVE DRAFT NCTD BOARD POLICIES 30, 31, AND 32 RELATED TO TITLE VI CIRCULAR 4702.1B AND SET A PUBLIC HEARING

Receive draft NCTD Board Policies #.30, 31, and 32 related to Federal Transit Administration Circular 4702.1B and set a Public Hearing for November 21, 2013 to solicit public comment.

The Federal Transit Administration (FTA) Circular 4720.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," was updated effective October 1, 2012. The updated FTA Circular requires any FTA recipient that operates fifty (50) or more fixed route vehicles in peak service and serves a population of 200,000 or greater to evaluate any major service change during the planning and programming stages. The evaluation is required to determine whether the considered changes will have a disparate impact on minorities or disproportionate burden on low-income populations. Staff has developed three (3) proposed Board Policies presented below to comply with this requirement.

- Proposed Board Policy No. 30: Threshold for Major Service Changes
- Proposed Board Policy No. 31: Threshold for Disparate Impact on Minority Populations
- Proposed Board Policy No. 32: Threshold for Disproportionate Burden on Low-Income Populations

These proposed Board Policies address what qualifies as a major service change, the required analysis to be completed prior to the implementation of a major service change, and what constitutes a disproportionate burden or disparate impact on low-income and minority populations created by the proposed action. Concurrent with Board approval of these three (3) proposed Board Policies, Staff also proposes a modification to existing NCTD Policy No. 5 – Public Notice and Participation to reference these new Board Policies.

The objective of Policy No. 30 is to identify when NCTD must perform a service equity analysis to determine whether proposed service changes have an impact on protected populations. As required by FTA, NCTD has a written process to solicit and consider public comment before carrying out a major reduction of transportation service. Heretofore, NCTD Board Policy No. 5 defined a "major service change" under Special Public Notice and Participation Requirements for Fare and Service Changes. This definition referenced the former SANDAG Policy 18 – Regional Transit Service Planning and Implementation that established a "major service change" as a change of more than 25 percent of
weekday route miles or revenue miles. This past May, SANDAG's Board of Directors approved an amendment to SANDAG Policy 18 that effectively removed language that defined a "major service change."

Under draft Board Policy No. 30, NCTD will independently establish the threshold for a "major service change", which shall continue to be defined as consisting of a change in more than 25 percent of weekday route miles or revenue miles.

The objectives of Policy No. 31 and Policy No. 32 are to establish thresholds that allow NCTD to avoid, minimize, or mitigate disproportionately high and adverse impacts on minority and low-income populations as a result of a proposed major service change. NCTD proposes ten percent (10%) as the threshold to determine a disparate impact or disproportionate burden to the minority and low-income populations, respectively. This threshold is consistent with other regional entities, including SANDAG (fare equity) and MTS (service changes).

The updated FTA Circular requires transit agencies to solicit public comment on the draft policies. Staff held two public workshops on October 10 and October 16, 2013.

The Committee recommends that the Board receive proposed Board Policies No. 30, 31, and 32 related to Title VI Circular 4702.1B for consideration and set a Public Hearing for November 21, 2013, to solicit public comment.

ATTACHMENT:
ATACHMENT:
13A – Revised Board Policy No. 5: Public Notice and Participation
13B – Proposed Board Policy No. 30: Threshold for Major Service Changes
13C – Proposed Board Policy No. 31: Threshold for Disparate Impact on Minority Populations
13D – Proposed Board Policy No. 32: Threshold for Disproportionate Burden on Low-Income Populations

FISCAL IMPACT:
This staff report has no fiscal impact.

COMMITTEE REVIEW:
10/3/2013 Executive Committee
10/09/2013 Marketing, Service Planning and Business Development Committee

STAFF CONTACT:
David Murphy, Chief Operations Officer
E-mail: dmurphy@nctd.org Phone: 760/967-2850
MINUTES OF THE SPECIAL MEETING/CLOSED SESSION AND THE REGULAR MEETING
OF NORTH COUNTY TRANSIT DISTRICT HELD OCTOBER 17, 2013

CALL TO ORDER

Bill Horn, Board Chair, called the special/closed session meeting to order at 1:00 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Don Mosier (City of Del Mar); Tony Kranz (City of Encinitas); Ed Gallo (City of Escondido); Gary Felien (City of Oceanside); Rebecca Jones (City of San Marcos); Mike Nichols (City of Solana Beach); John Aguilera (City of Vista); Bill Horn (County of San Diego).

The Board went into Closed Session at 1:01 p.m. to discuss item i.

CLOSED SESSION


The Board returned from Closed Session at 1:15 p.m. Lori A. Winfree, General Counsel, stated that there was no reportable action from Closed Session.

WORKSHOP

W1. SANDAG Project Update for NCTD Projects

Mr. Bill Prey, SANDAG LOSSAN Corridor Director, reviewed: North Coast Corridor Program; Batiquitos Lagoon Double Track; Elvira to Morena and SD River Bridge; Sorrento Valley Double Track; San Onofre Double Track; Los Penasquitos Lagoon; Oceanside Transit Center; Santa Margarita River Bridge; Sorrento to Miramar Phase 1; Tecolote/Washington Crossovers; San Luis Rey Transit Center; and other SANDAG Initiatives.

W2. Monthly Ridership and Financial Performance Update

Mr. Ryan Bailey, Chief Financial Officer, reviewed the Monthly Ridership and Performance Report.

CALL TO ORDER

Bill Horn, Board Chair, called the regular meeting to order at 2:00 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Don Mosier (City of Del Mar); Tony Kranz (City of Encinitas); Ed Gallo (City of Escondido); Gary Felien (City of Oceanside); Rebecca Jones (City of San Marcos); Mike Nichols (City of Solana Beach); John Aguilera (City of Vista); Bill Horn (County of San Diego).
PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board member Tony Kranz led the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

Staff requested agenda items 3, 4 and 6 be moved to Other Business.

General Counsel informed the Board that they have a “pink slip” in their meeting packet for agenda item 14.

PRESENTATION OF COMMENDATIONS

Mr. Johnny Dunning, Deputy Chief Operations Officer, presented Mr. Brian Burkett, Customer Service Supervisor, with a letter of commendation.

PUBLIC COMMUNICATIONS

Mr. Scott Wade, San Diego, CA, representing Allied Barton Security Services, commented about his concerns regarding the award of the armed security contract to the incumbent service provider.

APPROVAL OF MINUTES

MOTION BY ED GALLO TO APPROVE THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 19, 2013, SECONDED BY TONY KRANZ. MOTION CARRIED UNANIMOUSLY.

CONSENT ITEMS

1. Authorize Change Order to Purchase Order # 30786-OP for Call Center Phone System
2. Award Contract # 14004 to T-Mobile USA, Inc. for SPRINTER WiFi
3. **Authorize Executive Director to Execute Exhibit A-2 for Los Penasquitos Bridge Projects Pursuant to Addendum 18 to the Memorandum of Understanding with SANDAG and MTS
4. **Authorize the Executive Director to Execute Exhibit A-1 for North Green Beach Bridge Project Pursuant to Addendum 18 to the Memorandum of Understanding with SANDAG and MTS
5. Adopt Resolution No. 13-07 Approving Revisions to Existing Board Policies
6. **Award Sole Source Contract No. 14010 for Analysis of Oracle Systems
7. Receive Government Affairs Update
9. Receive Committee Chair Reports

10. Calendar Year 2014 Chair and Vice-Chair Nominating Committee

**AGENDA ITEMS 3, 4 AND 6 WERE PULLED BY STAFF AND WERE DISCUSSED AFTER AGENDA ITEM 14.

MOTION BY GARY FELIEN TO APPROVE AGENDA ITEMS 1, 2, 5, 7, 8, 9 AND 10, SECONDED BY REBECCA JONES. MOTION CARRIED UNANIMOUSLY.

**OTHER BUSINESS**


   Eric Roe, Deputy Chief Operations Officer, reviewed the proposed changes to the PTC contract.

   MOTION BY GARY FELIEN TO APPROVE AGENDA ITEM 11, SECONDED BY JOHN AGUILERA. MOTION CARRIED UNANIMOUSLY.

12. Receive Proposed Amendments to Ordinances No. 2 and No. 3 Prohibiting Consumption and Possession of Open Containers of Alcoholic Beverages On All NCTD Modes and Set Public Hearing

   Tom Zoll, Chief of Transit Enforcement, reviewed proposed amendments to Ordinances 2 and 3.

   MOTION BY REBECCA JONES TO SET THE PUBLIC HEARING, SECONDED BY JOHN AGUILERA. MOTION CARRIED UNANIMOUSLY.

13. Receive Draft NCTD Board Policies No. 30, 31 and 32 Related to Title VI Circular 4702.1B and Set a Public Hearing

   Johnny Dunning, Deputy Chief Operations Officer, reviewed the proposed changes to Policies 30, 31 and 32.

   MOTION BY TONY KRANZ TO RECEIVE THE DRAFT POLICIES AND SET A PUBLIC HEARING, SECONDED BY GARY FELIEN. MOTION CARRIED UNANIMOUSLY.

14. Authorize Executive Director to Award Contracts for Third Floor Renovations

   Reed Caldwell, Deputy General Manager, reviewed the proposed renovations to the third floor.

   MOTION BY ED GALLO TO APPROVE AGENDA ITEM 14, SECONDED BY GARY FELIEN. MOTION CARRIED UNANIMOUSLY.
CONSENT ITEMS - continued

3. **Authorize Executive Director to Execute Exhibit A-2 for Los Penasquitos Bridge Projects Pursuant to Addendum 18 to the Memorandum of Understanding with SANDAG and MTS

Matthew Tucker, Executive Director, explained the addendum process related to agenda items 3 and 4.

MOTION BY TONY KRAZ TO APPROVE AGENDA ITEM 3, SECONDED BY REBECCA JONES. MOTION CARRIED UNANIMOUSLY.

4. **Authorize the Executive Director to Execute Exhibit A-1 for North Green Beach Bridge Project Pursuant to Addendum 18 to the Memorandum of Understanding with SANDAG and MTS

MOTION BY TONY KRAZ TO APPROVE AGENDA ITEM 4, SECONDED BY REBECCA JONES. MOTION CARRIED UNANIMOUSLY.

6. **Award Sole Source Contract No. 14010 for Analysis of Oracle Systems

Ryan Cashin, Chief Technology Officer, and Jennifer Lee, IT Program Manager, provided an overview of the request to award a contract to Oracle Systems for analysis of NCTD’s JDE business systems.

MOTION BY JOHN AGUILERA TO APPROVE AGENDA ITEM 6, SECONDED BY DON MOSIER. MOTION CARRIED UNANIMOUSLY.

- CHIEF EXECUTIVE OFFICER’S REPORT

Ryan Cashin, Chief Technology Officer, provided a training session on using I-pads to review the Board agenda rather than hard copies being mailed each month.

Matthew Tucker, Executive Director, informed the Board that the City of Oceanside is making improvements to Mission Avenue that will impact BREEZE routes 303 and 313 and that the Stuff the Bus, Scare Away Hunger, collection date is October 26th.

- BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE

Mike Nichols, City of Solana Beach, reported the City had a special meeting on October 16th on the development project with regard to the upcoming RFP that NCTD will be putting out. He said they got great feedback from the community and everyone seemed to be pretty positive, and the City looks forward to the NCTD Board approving the project.

Tony Kranz, City of Encinitas, informed the Board that he attended the LOSSAN meeting on September 25th and that the main discussion was about the managing agency and how to approach the administrative support agreement for OCTA taking over the management of LOSSAN.
Chair Horn stated that he inspected the fire departments and communication systems on October 16th and he discovered that three federal employees have been monitoring the federal forest nets, working without pay, and he wanted to publicly recognize their service.

- **REMAINING PUBLIC COMMUNICATIONS**

  None

- **ADJOURNMENT**

  The meeting adjourned at 3:07 p.m. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

  [Signature]

  **CHAIRMAN:**

  **CLERK OF THE BOARD:**

  **DATE:** November 21, 2013

For individuals with sensory disabilities, this document is available in alternate formats. For information, please contact the Clerk of the Board at 760/967-2808. 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: 800/735-0373 or 800-735-0193 TTY.
CONDUCT PUBLIC HEARING AND APPROVE REVISIONS TO NCTD BOARD POLICY NO. 5 AND ADOPT BOARD POLICY NOS. 30, 31, AND 32 AS REQUIRED BY FEDERAL TRANSIT ADMINISTRATION TITLE VI CIRCULAR 4702.1B

STAFF RECOMMENDATION:
Conduct public hearing and approve revisions to Board Policy No. 5 and adopt NCTD Board Policy Nos. 30, 31, and 32 as required by Federal Transit Administration Title VI Circular 4702.1B.

BACKGROUND INFORMATION:
The Federal Transit Administration (FTA) Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients" was updated effective October 1, 2012. The updated Circular requires any FTA recipient that operates 50 or more fixed-route vehicles in peak service and serves a population of 200,000 or greater to evaluate any major service change at the planning and programming stages to determine whether those changes have a disparate impact on minorities or disproportionate burden on low-income populations. Staff introduced the following three new policies to the Board of Directors at the October 17, 2013, Board meeting:

- Policy No. 30: Threshold for Major Service Changes
- Policy No. 31: Threshold for Disparate Impact on Minority Populations
- Policy No. 32: Threshold for Disproportionate Burden on Low-Income Populations

The three proposed policies address what qualifies as a major service change, what analysis must be done prior to the implementation of a major service change, and what constitutes a disproportionate burden or disparate impact on low-income and minority populations created by the proposed action. Adoption of these policies also requires revisions to Board Policy No. 5 to insert references to these newly-adopted policies as they relate to the conduct of public hearings.

The circular requires transit agencies to solicit public comment on the draft policies. Staff held two public workshops on October 10 and October 16, 2013. There were four attendees at the workshops, and two public comments generated, both in support of the draft policies.
The Board opened a 30-day public hearing at the October 17, 2013, Board meeting, and staff received two comments, both of which concurred with the proposed policies. Policy No. 30 was updated with additional conditions that require a major service change. Staff also asked MTS and SANDAG to review NCTD’s draft policies. MTS noted that their understanding of the Circular suggests not only measuring burdens on the protected community (minority/low-income) but also measuring any disparate or disproportionate benefits for the non-protected community (non-minority/non-low-income). To this end, staff revised draft Policies 31 and 32 by including changes that benefit areas having population concentrations greater than 10% of the service area average as disparate or disproportionate. Policies 31 and 32 also include clarification on steps to be taken if a potential adverse impact is identified.

If the Board approves the proposed Board Policies, staff will submit them to SANDAG for upload into the Regional Title VI Program.

Staff recommends that the Board receive final comment and conduct a public hearing. Following the closing of the public hearing, staff recommends the Board approve revisions to Board Policy No. 5 and adopt Board Policy Nos. 30, 31, and 32 as required by Federal Transit Administration Title VI Circular 4702.1B.

**ATTACHMENT:**
- 13A – Board Policy No. 30
- 13B – Board Policy No. 31
- 13C – Board Policy No. 32
- 13D – Board Policy No. 5

**FISCAL IMPACT:** This staff report has no fiscal impact.

**COMMITTEE REVIEW:** None

**STAFF CONTACT:** David Murphy, Chief Operations Officer
E-mail: dmurphy@nctd.org Phone: 760/967-2850
CALL TO ORDER

Bill Horn, Board Chair, called the special meeting to order at 1:30 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Don Mosier (City of Del Mar); Tony Kranz (City of Encinitas); Gary Felien (City of Oceanside); Rebecca Jones (City of San Marcos); Mike Nichols (City of Solana Beach); John Aguilera (City of Vista); Bill Horn (County of San Diego).

Absent: Olga Diaz (Alternate, City of Escondido).

WORKSHOP

W1. Contract Administration Management Action Plan Status Update

Robert Threatt, Compliance Officer, provided the Board with an update on the Contract Administration Management Action Plan.

W2. FY 14 and FY 15 Facilities Maintenance Program

Peykan Abbassi, Chief Development Officer, reviewed the FY 14 and FY 15 Facilities Maintenance Program.

W3. Monthly Ridership and Financial Performance Update

Mr. Ryan Bailey, Chief Financial Officer, reviewed the Monthly Ridership and Performance Report.

CALL TO ORDER

Bill Horn, Board Chair, called the regular meeting to order at 2:04 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Don Mosier (City of Del Mar); Tony Kranz (City of Encinitas); Gary Felien (City of Oceanside); Rebecca Jones (City of San Marcos); Mike Nichols (City of Solana Beach); John Aguilera (City of Vista); Bill Horn (County of San Diego).

Olga Diaz (Alternate, City of Escondido) arrived at 2:15 p.m.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board member Gary Felien led the Pledge of Allegiance to the American Flag.
CHANGES TO THE AGENDA

Lori Winfree, General Counsel, stated that the Board has received “pink slips” for items 13, 13A, 13B, 13C, 15 and 21. Additionally, the Board was scheduled to review modifications to Ordinances 2 and 3, but after a robust comment period, the public hearing was deferred until a later date.

PUBLIC COMMUNICATIONS

Ms. Nancy Logan, representing San Dieguito for Drug Free Youth, spoke in support of an alcohol prohibition on the COASTER versus allowing consumption before 9:00 p.m.

Ms. Erica Leary, representing North Coastal Prevention Coalition (NCPC), provided the Board with a letter from the President of NCPC supporting a prohibition on alcohol on the COASTER and requesting NCTD reschedule a public hearing on the issue.

Mr. Mikhail Ditelshpur commented regarding his concerns with his BREEZE service experiences.

Ms. Celeste Young, Poway, CA, requested the Board consider banning alcohol consumption.

Mr. Eric Collins, San Diego, Director of Alcohol Policy Panel of San Diego County, spoke in support of alcohol prohibition on the COASTER.

APPROVAL OF MINUTES

MOTION BY REBECCA JONES TO APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 17, 2013, SECONDED BY JOHN AGUILERA. MOTION CARRIED UNANIMOUSLY.

CONSENT ITEMS

1. Award Task Order Contract # 13024-OS to HNTB Corporation for Poinsettia Station Facility Assessment/Shelter and Roof Design
2. Award Contract # 14009 to New Tech Solutions of Fremont, CA for SPRINTER Resilient Ethernet Protocol Network Equipment
3. Approve NCTD’s Language Assistance Plan
4. Adopt Resolution # 13-08 Designating Applicant’s Agents for State Office of Emergency Services
5. Approve Modifications to FY 2014 Cost Recovery Fee Schedule
6. Nominations for 2014 Board Chair and Vice-Chair
7. Receive Monthly Report of Contract Actions Issued By NCTD Under the Executive Director’s Authority
8. Receive Intergovernmental Affairs Update
10. Monthly Positive Train Control Report
11. Monthly Safety Report
12. Monthly Contract Operators Key Performance Indicators Report

MOTION BY GARY FELIEN TO APPROVE AGENDA ITEMS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, AND 12, SECONDED BY MIKE NICHOLS. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

13. Conduct Public Hearing and Approve Revisions to NCTD Board Policy No. 5 and Adopt Board Policy Nos. 30, 31 and 32 as Required by Federal Transit Administration Title VI Circular 4701.B

Johnny Dunning, Deputy Chief Operations Officer, reviewed the proposed revisions to Board Policy No. 5 and new policies 30, 31 and 32.

CHAIR HORN OPENED THE PUBLIC HEARING. THERE WERE NO SPEAKERS, AND THE PUBLIC HEARING WAS CLOSED.

MOTION BY TONY KRANZ TO APPROVE AGENDA ITEM 13, SECONDED BY REBECCA JONES. MOTION CARRIED UNANIMOUSLY.

14. Award Contract # 13063-OS to Universal Protection Service, LP for Security Guard Services

Tom Zoll, Chief of Transit Enforcement, reviewed the agenda item.

Ms. Denesa Moore, Community and Political Coordinator at SEIU United Service Workers West, urged the Board to closely monitor this contract.
MOTION BY MARK PACKARD TO APPROVE AGENDA ITEM 14, SECONDED BY JOHN AGUILERA. MOTION CARRIED UNANIMOUSLY.

15. Award Contract # 14000-OS to Epic Land Solutions, Inc., for On-Call Real Estate Consulting Services.

Peykan Abbassi, Chief Development Officer, reviewed agenda item 15.

MOTION BY TONY KRANZ TO APPROVE AGENDA ITEM 15, SECONDED BY MARK PACKARD. MOTION CARRIED UNANIMOUSLY.

16. Approve Waiver of Fees Associated with the Incidental Use of NCTD Property Required for the Palomar Station Pedestrian

Peykan Abbassi, Chief Development Officer, reviewed agenda item 16.

MOTION BY JOHN AGUILERA TO APPROVE AGENDA ITEM 16, SECONDED BY TONY KRANZ. ABSTAIN: JONES. MOTION CARRIED.

17. Approve Sole Source Extension of Agreement # 06037 to JL Patterson for Bridge Inspection and Management Services

Nick Freeman, Deputy Chief Operations Officer, reviewed agenda item 17.

MOTION BY REBECCA JONES TO APPROVE AGENDA ITEM 17, SECONDED BY GARY FELIEN. MOTION CARRIED UNANIMOUSLY.

18. Approve Sole Source Agreements with Cubic for Driver Control Units

Ryan Bailey, Chief Financial Officer, reviewed agenda item 18.

MOTION BY GARY FELIEN TO APPROVE AGENDA ITEM 18, SECONDED BY OLGA DIAZ. MOTION CARRIED UNANIMOUSLY.

19. Authorize Executive Director to Pay Comprehensive General Liability Insurance Premium for FY14

Byll Shelton, Risk and Insurance Management Specialist, reviewed agenda item 19.

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20. Summary of BREEZE Major Services Changes Planned for February 2, 2014 and Set Public Hearing
Bill Olszanicky, Manager of Service Implementation, reviewed agenda item 20.

Ms. Gail Banks, Oceanside, CA, spoke on service to the new Camp Pendleton hospital.

Ms. Erlisa Volks, Oceanside, CA, spoke on service to the new Camp Pendleton hospital and requested Route 315 continue to go to the Walmart store.

MOTION BY MIKE NICHOLS TO APPROVE AGENDA ITEM 20, SECONDED BY GARY FELIEN. MOTION CARRIED UNANIMOUSLY.

21. Authorize Executive Director to Negotiate and Execute Purchase and Sale Agreement and Accept a Grant Deed for Property Located at 335 North Quince Street in Escondido

Peykan Abbassi, Chief Development Officer, reviewed agenda item 21.

MOTION BY JOHN AGUILERA TO APPROVE AGENDA ITEM 21, SECONDED BY TONY KRANZ. ABSTAIN: DIAZ. MOTION CARRIED.

22. Authorize Executive Director to Award a Contract for Sanitary Sewer System Rehabilitation at the NCTD General Administrative Office

Peykan Abbassi, Chief Development Officer, reviewed agenda item 22.

MOTION BY GARY FELIEN TO APPROVE AGENDA ITEM 22, SECONDED BY REBECCA JONES. MOTION CARRIED UNANIMOUSLY.

- CHIEF EXECUTIVE OFFICER'S REPORT

Matthew Tucker briefed the Board about a letter he received from the American Logistics Company requesting early termination of their contract that supports the provision of LIFT and FLEX services.

- BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE

Don Mosier thanked staff for providing I-pads with the agenda installed, and requested staff put page numbers on each item.

Tony Kranz stated that the City of Encinitas held a Strategic Planning Workshop and it kicked off with Transportation. He stated that David Murphy, NCTD’s Chief Operations Officer did a great job presenting information about NCTD’s services and initiatives to improve bus and rail transportation in North County.
CALL TO ORDER

Bill Horn, Board Chair, called the special meeting to order at 1:30 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Don Mosier (City of Del Mar); Tony Kranz (City of Encinitas); Gary Felien (City of Oceanside); Rebecca Jones (City of San Marcos); Mike Nichols (City of Solana Beach); John Aguilera (City of Vista); Bill Horn (County of San Diego).

Absent: Olga Diaz (Alternate, City of Escondido).

WORKSHOP

W1. Contract Administration Management Action Plan Status Update

   Robert Threatt, Compliance Officer, provided the Board with an update on the Contract Administration Management Action Plan.

W2. FY 14 and FY 15 Facilities Maintenance Program

   Peykan Abbassi, Chief Development Officer, reviewed the FY 14 and FY 15 Facilities Maintenance Program.

W3. Monthly Ridership and Financial Performance Update

   Mr. Ryan Bailey, Chief Financial Officer, reviewed the Monthly Ridership and Performance Report.

CALL TO ORDER

Bill Horn, Board Chair, called the regular meeting to order at 2:04 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Don Mosier (City of Del Mar); Tony Kranz (City of Encinitas); Gary Felien (City of Oceanside); Rebecca Jones (City of San Marcos); Mike Nichols (City of Solana Beach); John Aguilera (City of Vista); Bill Horn (County of San Diego).

Olga Diaz (Alternate, City of Escondido) arrived at 2:15 p.m.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board member Gary Felien led the Pledge of Allegiance to the American Flag.
CHANGES TO THE AGENDA

Lori Winfree, General Counsel, stated that the Board has received "pink slips" for items 13, 13A, 13B, 13C, 15 and 21. Additionally, the Board was scheduled to review modifications to Ordinances 2 and 3, but after a robust comment period, the public hearing was deferred until a later date.

PUBLIC COMMUNICATIONS

Ms. Nancy Logan, representing San Dieguito for Drug Free Youth, spoke in support of an alcohol prohibition on the COASTER versus allowing consumption before 9:00 p.m.

Ms. Erica Leary, representing North Coastal Prevention Coalition (NCPC), provided the Board with a letter from the President of NCPC supporting a prohibition on alcohol on the COASTER and requesting NCTD reschedule a public hearing on the issue.

Mr. Mikhail Ditelshpur commented regarding his concerns with his BREEZE service experiences.

Ms. Celeste Young, Poway, CA, requested the Board consider banning alcohol consumption.

Mr. Eric Collins, San Diego, Director of Alcohol Policy Panel of San Diego County, spoke in support of alcohol prohibition on the COASTER.

APPROVAL OF MINUTES

MOTION BY REBECCA JONES TO APPROVE THE MINUTES OF THE REGULAR MEETING OF OCTOBER 17, 2013, SECONDED BY JOHN AGUILERA. MOTION CARRIED UNANIMOUSLY.

CONSENT ITEMS

1. Award Task Order Contract # 13024-OS to HNTB Corporation for Poinsettia Station Facility Assessment/Shelter and Roof Design

2. Award Contract # 14009 to New Tech Solutions of Fremont, CA for SPRINTERS Resilient Ethernet Protocol Network Equipment

3. Approve NCTD's Language Assistance Plan

4. Adopt Resolution # 13-08 Designating Applicant’s Agents for State Office of Emergency Services
5. Approve Modifications to FY 2014 Cost Recovery Fee Schedule

6. Nominations for 2014 Board Chair and Vice-Chair

7. Receive Monthly Report of Contract Actions Issued By NCTD Under the Executive Director's Authority

8. Receive Intergovernmental Affairs Update


10. Monthly Positive Train Control Report

11. Monthly Safety Report

12. Monthly Contract Operators Key Performance Indicators Report

MOTION BY GARY FELIEN TO APPROVE AGENDA ITEMS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, AND 12, SECONDED BY MIKE NICHOLS. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

13. Conduct Public Hearing and Approve Revisions to NCTD Board Policy No. 5 and Adopt Board Policy Nos. 30, 31 and 32 as Required by Federal Transit Administration Title VI Circular 4701.B

Johnny Dunning, Deputy Chief Operations Officer, reviewed the proposed revisions to Board Policy No. 5 and new policies 30, 31 and 32.

CHAIR HORN OPENED THE PUBLIC HEARING. THERE WERE NO SPEAKERS, AND THE PUBLIC HEARING WAS CLOSED.

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**BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE**

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Mark Packard stated that the results of the Stuff the Bus – Scare Away Hunger campaign included 16,500 lbs. of food, enough for 13,700 meals.

- REMAINING PUBLIC COMMUNICATIONS

None

- ADJOURNMENT

The meeting adjourned at 3:53 p.m. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.

CHAIRMAN:

CLERK OF THE BOARD: Jill McNaughton

DATE: December 26, 2013

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MASTER
MEMORANDUM OF UNDERSTANDING
BETWEEN THE SAN DIEGO ASSOCIATION OF GOVERNMENTS,
THE NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD
AND THE METROPOLITAN TRANSIT DEVELOPMENT BOARD
DEFINING THE FUNCTIONS AND RESPONSIBILITIES
OF THE THREE AGENCIES

This Agreement is made and entered into this 23rd day of April, 2004, by and between the San Diego Association of Governments ("SANDAG"), the North San Diego County Transit Development Board ("NCTD") and the Metropolitan Transit Development Board, a California public agency operating the Metropolitan Transit System ("MTS").

RECITALS

WHEREAS, the San Diego Regional Transportation Consolidation Act ("Act") (Public Utilities Code § 132350 et seq) ("SB 1703") provides for the transfer of certain functions and responsibilities from NCTD and MTS to SANDAG pursuant to transition plans adopted by the two agencies;

WHEREAS, the agencies have approved a "Transition Plan - Initial Transfer" which was implemented on July 1, 2003 and a "Transition Plan - Subsequent Transfer" which was implemented on October 13, 2003 ("The Transition Plans");

WHEREAS, the agencies seek to memorialize a description of the functions and responsibilities of the three agencies as a permanent document which will be appended with addenda as functions and responsibilities evolve;

WHEREAS, the agencies intend this document to replace the two April 1996 agreements between SANDAG, and NCTD and MTS respectively, concerning transit planning, programming, and fund allocation required by 23 CFR 450.310(b);

WHEREAS, the three agencies seek to adopt and incorporate The Transition Plans as the description of the functions and responsibilities of the three agencies; and

WHEREAS, the three agencies also seek to append The Transition Plans with an addendum ("Addendum Number One") to describe the manner in which acquired real and personal property will be owned and managed by the three agencies;

AGREEMENT

IN CONSIDERATION of the mutual promises set forth herein, the parties agree as follows:

1. The parties adopt and incorporate The Transition Plans as a description of the functions and responsibilities of the three agencies to plan, develop and operate public transit within San Diego County.

3. The parties hereby adopt "Addendum Number One" to describe the manner in which acquired real and personal property will be owned and managed by the three agencies. Addendum Number One is attached hereto as Exhibit "C".

4. As functions and responsibilities of the three agencies evolve, said changed functions and responsibilities will be memorialized as Addenda to this MOU.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first above written.

NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD

By: [Signature]
Karen King, Executive Director

APPROVED AS TO FORM:

By: [Signature]
O. Michael Cowen
General Counsel
of Best Best & Krieger

SAN DIEGO ASSOCIATION OF GOVERNMENTS

By: [Signature]
Gary Gallegos, Executive Director

APPROVED AS TO FORM:

By: [Signature]
Office of the General Counsel
METROPOLITAN TRANSIT DEVELOPMENT BOARD

By. Paul Jablonski, Chief Executive Officer

APPROVED AS TO FORM:

Jeffrey Lowery
Office of the General Counsel
EXHIBIT "A"
Transition Plan - Initial Transfer
TRANSITION PLAN – INITIAL TRANSFER

February 28, 2003

Prepared by SANDAG, MTDB, and NCTD
Staff Transition Team under the direction
of the Ad Hoc Working Group on Transition
TRANSITION PLAN – INITIAL TRANSFER

Introduction

On New Year’s Day 2003 the San Diego consolidated transportation agency is statutorily created taking over all the functions of the San Diego Association of Governments (SB 1703 (Peace)). All the area’s 18 cities and county government are at the table as voting members of the consolidated agency.

The governance structure consists of 20 locally elected representatives – two from the City of San Diego, and one each from the 17 other Cities and the County of San Diego. Voting is patterned after the Senate and House of Representatives at the federal level, with approval of an action requiring both a majority of the jurisdictions and a majority of the weighted votes based upon the number of people who reside in a jurisdiction.

Prior to July 1, 2003 under the initial transfer the consolidated agency will assume the planning and programming functions of the San Diego Metropolitan Transit Development Board (MTDB) and the North San Diego County Transit Development Board (NCTD).

After July 1, the legislation calls for the consolidation of project development and construction functions and responsibilities of the transit agencies into the consolidated agency no later than January 30, 2004. In addition, the law allows transfer of other functions, with the exception of operations, based on agreement by the new consolidated agency and the transit boards.

Below are definitions as included in the Legislation for the transfer of the transit agencies functions:

- "Planning" shall include, but not be limited to, conceptual development of transit projects and services and integration and coordination of all modes of transportation.

- "Programming" shall mean the acquisition, prioritization and allocation of funding of transit projects and services.

- "Project Development" shall mean alternative analysis, environmental review and clearance, preliminary engineering, and any other activities necessary to prepare for the construction of a transit project, as defined in the transition plan.

- "Construction" shall mean the final design, permitting and building of all transit projects including, but not limited to commuter and freight rail, light rail, general rail infrastructure, regional bus facilities, paratransit, and other regional transit projects. Construction shall exclude the Oceanside to Escondido Rail project and the Mission Valley East Extension Light Rail Project, and other projects or those portions of projects, which have a construction contract in place at the time of the subsequent transfer as defined in 132353.2. The aforementioned construction contracts may be assigned to the consolidated agency with mutual agreement of the consolidated agency and the respective transit board. Construction projects shall exclude local and minor improvement projects as defined in the transition plan.
The bill also calls for and evaluation of the consolidated agency by the Legislative Analyst Office with recommendations to the Governor and Legislature by the end of 2004. Also, starting in 2005 and in every odd numbered year, the consolidated agency will submit a report on its progress.

To ensure a smooth transfer of responsibilities a transition team of staff members from SANDAG, MTDB, and NCTD began meeting in September 2002 to develop transition plans for the initial and subsequent transfers. An Ad Hoc Working Group on Transition, with three Board members from each of the agencies - MTDB, NCTD, and SANDAG - also has been established to provide policy direction for the transition.

This transition plan for the initial transfer, planning and programming, is due February 28, 2003 and the plan for transferring the project development and construction functions must be completed no later than September 30, 2003.

**Initial Transfer**

The initial transfer calls for the consolidation of planning and programming functions of MTDB and NCTD into the consolidated agency by July 1, 2003. Table 1 "Agency Transit Action Matrix - Initial Transfer" outlines the transferring functions covered under the initial transfer in terms of agencies' responsibilities before and after the transitions.

**Planning**

Attachment 1, Transit Service Planning, specifies the planning responsibilities of the consolidated agency and the responsibilities of the transit agencies. Figure 1.1 is a flow chart documenting the process for transit planning and the delivery of services.

The identified responsibilities and process recognizes the close tie between short range transit planning by the consolidated agency and the preparation of service implementation plans by the transit agencies. Also recognized is the need for the consolidated agency to initially maintain the existing service concepts upon which the service is based and the existing levels of service (revenue hours/miles) for each transit board. The revenue hours/miles budgeted in FY 2003 would be considered as minimum levels of service for each Transit Board and would assume net service levels to be added upon completion of the Oceanside to Escondido and Mission Valley East rail projects. If future funding shortfalls occur, necessitating cutbacks in service, then there would be a regionwide process of examination of service levels, protecting a "lifeline" system of services.

As outlined in Attachment 1 planning responsibilities vary for regional service and local service. Flexibility in implementing the service, in terms of minor changes to the planned services, is provided to the transit operators.

**Programming**

The programming functions being transferred from the transit agencies to the consolidated agency include the acquisition, prioritization and allocation of funding of transit projects and services. Table 1, under "Programming: Prioritization and Allocation of Funding" documents the responsibilities for the various federal, state, and local funding sources under the existing conditions and after the transfers. Attachment 2, Transit Programming and Funding, specifies the specific
programming responsibilities of the consolidated agency and the transit agencies with the implementation of the initial transfer.

The consolidated agency will act as the claimant, applicant, and grantee for local, state and federal formula and discretionary funds for the functions that are transferred. All local, state, federal, and other funding available to carry out the responsibilities of the consolidated agency shall become the funding of the consolidated agency (SB 1703). MTDB and NCTD shall continue to receive funds needed for operating purposes in accordance with state and federal law and as allocated by the consolidated agency.

Allocation of funds by the consolidated agency would recognize existing contract obligations and other commitments of MTDB and NCTD, and would be allocated in a manner which will help to enable the transit boards to meet their obligations, responsibilities, and commitments. A key to the process being established is the development of agreements by the consolidated agency with funding agencies and with respective project lead agencies to ensure a timely revenue flow.

Figure 2.2 provides a flow chart summarizing the programming and funding responsibilities for annual operating funds. Flexibility is provided to allow the transit boards to act as the claimant and grantee for operating items.

Figure 2.3 provides a flow chart summarizing the programming and funding responsibilities for major capital projects. Important to this process will be the establishment by the consolidated agency in conjunction with the transit agencies of criteria for selecting capital projects and standards for maintenance.

Other related functions

Regional Fare Policy: To ensure seamless transit service for the transit users of the region the consolidated agency, in consultation with the transit agencies, will be responsible for the development of a Regional Fare Policy. The Regional Fare Policy will incorporate a uniform fare structure, a transfer policy, and agreement for revenue sharing of regional tickets, tokens, and passes, while also allowing the consolidated agency to adopt specialized fare procedures for travel within each operator's service area. Additionally, the consolidated agency will adopt a Comprehensive Fare Ordinance setting forth all fares for all operators, including their special fares.

Lobbying Efforts: An opportunity may exist for a more coordinated and effective advocacy efforts by giving the consolidated agency primary responsibility for directing joint efforts by the three agencies and through the consolidation of contracts for legislative advocacy services, both in Sacramento and Washington, DC.

Board and Policy Advisory Committees Responsibilities

Attachment 3 outlines the responsibilities for the Board of Directors and each of the four Policy Committees (Executive, Transportation, Regional Planning, Borders) of the consolidated agency. Selected responsibilities are delegated by the Board to the Policy Committees to allow the consolidated agency to effectively address key public policy and funding responsibilities. A number of new transit related responsibilities have been delegated to the Transportation Committee.
All items delegated to the Policy Committees are subject to Board action upon request of any member.

Next Steps

With form following function - staff, non staff resources, funding, and the organizational structure needed to take on the responsibilities of the initial transfer are being identified by the management teams of each agency. Recognizing that each of the transit agencies are unique in their roles, responsibilities, and structures there is a need for separate and unique implementation plans for each agency to implement the functions outlined in the transition plans. Jobs, current pay levels, and benefits of the staff members affected by the transfer of these responsibilities to the consolidated agency are protected under SB 1703.

Specific planning and programming projects and functions will be identified in the consolidated agency's FY 2004 Overall Work Program and Budget. Work has also begun of the transition plan for the subsequent transfer – project development and construction.

The transition team and ad hoc working group also believe that it will be necessary to remain flexible as the plans are implemented.

Attachment 4 provides a glossary of terms and acronyms used in this report.
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<tr>
<th>Approval Process Actions</th>
<th>Existing Conditions</th>
<th>After Initial Transfer</th>
<th>After Subsequent Transfer</th>
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<tr>
<td>Local route planning, financial &amp; scheduling</td>
<td>Transit agencies</td>
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<td>Short-range planning</td>
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<td>Consolidated agency develops project list with input from transit agency</td>
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<td>Transit Agency inc. RTIP</td>
<td>Consolidated agency with transit agency input</td>
<td>Consolidated agency with transit agency input</td>
</tr>
<tr>
<td>FTA Section 5309 New Start</td>
<td>Transit Agency Obtains funds</td>
<td>Consolidated agency with transit agency input</td>
<td>Consolidated agency with transit agency input</td>
</tr>
<tr>
<td>APCD (AB2766)</td>
<td>App submitted to APCD</td>
<td>Consolidated agency with transit agency input</td>
<td>Consolidated agency with transit agency input</td>
</tr>
<tr>
<td>JARC, SP&amp;R, State Rural, TCRP</td>
<td>Transit agency</td>
<td>Consolidated agency with transit agency input</td>
<td>Consolidated agency with transit agency input</td>
</tr>
</tbody>
</table>

| Fare Policy              | Transit agency | Consolidated agency with transit agency input, See Attachment 1, #8 - Transit Service Planning | Consolidated agency with transit agency input, See Attachment 1, #8 - Transit Service Planning |
| Budget Develop. Cycle Begins| SANDAG and NCTD - Jan. MTDB - Nov. | Joint Development of work program and budget until transition complete | Joint Development of work program and budget until transition complete |
| Capital Improvement Program Cycle| MTDB - Sept. for 2004 NCTD - Dec. for 2005 | TBD by Consolidated agency | TBD by Consolidated agency |
| Lobbying Efforts         | All 3 agencies | Consolidated agency directs joint efforts | Consolidated agency directs joint efforts |

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TRANSIT SERVICE PLANNING

Consolidated Agency Responsibilities – carried out in consultation with the transit agencies

1. Preparation of long-range transit plans as part of the Regional Transportation Plan.

2. Preparation of a five year Short Range Transit Plan (SRTP) that defines both changes to regional and local service and new services, including new services for areas being developed, each year over the five year period covered in the plan. The consolidated agency would initially maintain the existing service concepts upon which the service is based in order to preserve and improve mobility. FY 2003 budgeted revenue hours/miles would be considered as minimum levels of service for each Transit Board and would assume net service levels to be added upon completion of the Oceanside to Escondido and Mission Valley East rail projects. If future funding shortfalls occur, necessitating cutbacks in service, then there would be a regionwide process of examination of service levels, protecting a “lifeline” system of services.

3. Annual route evaluations which will be incorporated into the annual updates of the short range transit plan and planned service changes. (Evaluations should vary by type of service and type of service area.)

4. Define regional transit service* in terms of the type of service, the route configuration, frequency of service, service hours, required major stops, and required timed-transfers with other services. (These regional services may cross transit operator boundaries.)

5. Identify parameters for local route transit services**, including geographic area, frequency of service, service hours, required connections to regional transit service defined in #4 above, and service unit (revenue hours, miles, or operating budget). Through an agreement with the consolidated agency the transit operators would define the actual route configuration within the defined parameters, see below Transit Operator Responsibilities.

6. Provide technical assistance to transit operators for local route planning.

7. Develop a public input process & hold required public hearings for service changes. The consolidated agency should ensure that the public input process for public hearings on service changes would be conducted in a manner to facilitate public input from the affected area.

8. Develops the Regional Fare Policy which incorporates a uniform fare structure, a transfer policy, and agreement for revenue sharing of regional tickets, tokens, and passes, while also allowing the consolidated agency to adopt specialized fare procedures for travel within each operator’s service area. Additionally, adopt the Comprehensive Fare Ordinance setting forth all fares for all operators, including their special fares.

9. Adoption of transit operator Service Implementation Plan to fund defined services.

* Regional transit service is defined as Corridor and Regional Service in the 2030 RTP, along with inter-community service, with lower speed, frequent stops.

** Local route transit service is defined intra-community service, with lower speed, frequent stops and community based shuttles, with lower speed, frequent stops.

Community** refers to residential, commercial, services, and/or employment areas that are closely linked and not defined strictly by municipal boundaries.
Transit Agencies Responsibilities - carried out consultation with the consolidated agency

A. Development of a Service Implementation Plan for regional and local transit services including defining route stops, and development of schedules/ runcutting, operating budget, and capital improvement needs. Through an agreement with the consolidated agency local route planning also would include defining the route configuration within the defined community area. Minor changes to a transit operator's defined service (less than 25% of revenue miles/hours of a route within the operator's existing approved budget) will be at the discretion of the transit operator.

B. Development of a Service Implementation Plan for special event transit service and service contingencies.

C. Submit Service Implementation Plans to the consolidated agency for adoption.

D. Service implementation including operations, contract services, service management, temporary changes and detours of service, service monitoring and reporting, and labor contract administration.

E. Provide input on long and short range transit plans, and route evaluations.
Set parameters, including route configuration, for changes to existing Regional Services and proposed new Regional Services allowing for minor changes by the operator. Set parameters for local services.

Proposed changes to existing Local Services and proposed new Local Services

SRTP Developed; includes new services and proposed changes to existing service

- Budget/Funding Process
- Public Hearings on fares and service
- Adopt

Service Implementation Plans Developed

Operating Budgets prepared to reflect funded services

Annual performance monitoring process conducted (Evaluation varies by type of service and type of service area.)

Service Monitoring and Reporting

Blue Boxes = Consolidated Agency function
Red Dashed Boxes = Transit Agencies function

Figure 1.1
Transit Service Planning
TRANSIT PROGRAMMING AND FUNDING

Consolidated Agency Responsibilities – Carried out with input from the transit agencies

1. Act as the claimant, applicant, and grantee for local, state and federal formula and discretionary funds once the transfer and consolidation takes place pursuant to a transition plan. All local, state, federal, and other funding available to carry out the responsibilities of the consolidated agency shall be deemed to be funding of the consolidated agency (SB 1703). MTDB and NCTD shall continue to receive operating funds in accordance with state and federal law and as allocated by the consolidated agency. Allocation of funds by the consolidated agency would recognize existing contract obligations and other commitments and responsibilities of MTDB and NCTD.

2. Adopt a Regional Transportation Improvement Program (RTIP) on a biennial basis, with amendments as required. RTIP to include all required federal, state, and local funding sources.

3. Develop and recommend a list of projects for funding under the State Transportation Improvement Program (STIP) – Regional Share for submittal to the California Transportation Commission (CTC). Coordinate with and provide input to Caltrans on projects to be included in the STIP – Interregional share.

4. Develop the annual Program of Projects for the FTA Section 5307 program, including preventive maintenance and any other funds used for operating purposes, as well as projects to be funded with Section 5309 rail modernization formula funds for inclusion in RTIP. Upon RTIP approval, submit FTA grants for the region and develop agreements with respective project lead agencies as needed to ensure timely revenue flow. As an option, transit operators may submit a separate grant for operating purposes. In accordance with SB 1703, except for funds which are transferred to the consolidated agency, MTDB and NCTD shall continue to receive FTA Section 5307 funds pursuant to federal statute. These funds should be allocated in a manner which will help to enable the transit boards to meet their obligations and responsibilities recognizing the methodology and historic funding levels that have previously guided these funding decisions. The consolidated agency shall conduct periodic reviews of the allocation and methodology for all formula based funding.

5. Incorporate TransNet funded projects in the RTIP consistent with the Ordinance and Expenditure Plan and retain/pass-through TransNet funds to the appropriate lead agencies.

6. For STP, CMAQ, TEA, and other federal, state and local funding programs, develop recommended project lists for inclusion in RTIP consistent with the requirements of the respective funding program and established project evaluation criteria, prepare applications and/or grants as needed, and develop agreements with lead agencies as needed to ensure timely revenue flow.

7. For TDA, STA and other annual operating funds, develop fund estimates based on formulae established in state law, approve claims prepared by the operators consistent with the Service Implementation Plans, and develop payment schedules to ensure timely payment to the operators. As described in the transit service planning memo (Attachment 1), the Service Implementation Plans are intended to provide the details on the services to be operated, the annual operating budgets, and related short-term capital improvement needs. Based on SB 1703, MTDB and NCTD will continue to receive TDA (Articles 4 and 4.5) and STA funds in accordance with state law. The 10% of the TDA funds taken off the top of the MTDB area
apportionment shall be shared between MTDB and the consolidated agency in accordance with the division of responsibilities as determined by the consolidated agency in consultation with MTDB.

8. Work with state and federal funding agencies to revise master agreements, grant contracts, etc., to make the cash flow process as efficient as possible. The basic approach should be to centralize the grant application process through the consolidated agency with funds to provide to the operators for projects or project categories for which they are to serve as the lead or responsible agency, and to ensure timely revenue flow.

9. Establish or revise financial tracking and auditing procedures as needed. Emphasis should be placed on examining the budget and budget process in an effort to obtain efficiencies.

10. Refine and enhance the current transit performance monitoring process to ensure that transit service is being provided as efficiently and effectively as possible. Establish criteria for selecting capital projects and establish standards for maintenance in consultation with the transit operators.

Transit Agencies Responsibilities

1. Develop annual operating budgets and related documentation for the annual claims process for TDA, STA and other operating funds consistent with the Service Implementation Plans and annual fund estimates.

2. Provide input for the development of programs and projects including capital and operations to be funded through the various capital funding programs (STIP, STP, CMAQ, FTA Section 5307 and 5309) including project descriptions, costs, and schedules for those projects for which the operator will serve as the lead agency for implementation.

3. Prepare Federal grants applications for operating purposes if the option of consolidating grants under the consolidated agency is not followed.

4. For funds received through various local, state and federal funding programs, maintain adequate financial reporting and accounting systems to meet project tracking and monitoring requirements.

5. Participate in the development of the enhanced performance monitoring system, criteria for the selection of capital projects, and the establishment of standards for maintenance, and provide transit performance data as needed.

6. Provide input on potential projects to be considered for state and federal discretionary funding processes and coordinate with the consolidated agency on efforts to obtain such funding.
Figure 2.2
Transit Programming and Funding
Flow Chart
For Annual Operating Funds

SRTP Identifies Short-Term Service Needs and Fund Estimates/Apportionment Schedules Provided

Service Implementation Plan Identifies Operating Budget

TDA/STA and other Claims Prepared based on Operating Budget

TDA/STA & Other Operating Claims Approved & Funds Prioritized and Programmed in RTIP if required (5307/5309 Rail mod./CMAQ/STP/TransNet Fund)

Consolidated Agency is Claimant/Grantee

Optional Track

Transit Board is Claimant/Grantee for operating items

Makes Expenditures under their Grant/Claim and draws down funds from FTA/Consolidated Agency

Consolidated Agency is Claimant/Grantee Makes Payment to Operators Consistent with Grant/Claim

Reports quarterly to FTA & Closes out Grant

Annual Fiscal Audits/Claim Adjustments

Ongoing Performance Monitoring/Triennial Performance Audits

Reports quarterly to FTA & Closes out Grant

Annual Fiscal Audits/Claim Adjustments

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Figure 2.3
Transit Programming and Funding
Flow Chart
For Major Capital Projects

SRTP/RTP
Identifies Project Needs/Priorities

Regional Prioritization Process by Major Fund Source/Type

Selected Projects Programmed in RTIP

Grant/Application Submitted to Funding Agency

Funds Received by Lead Implementing Agency

Project Tracking/Use-it-or-Lose-It Compliance (If Appropriate)

Funds Expended/Financial Reporting/Project Close Out

Annual Audits/Financial Reports

Blue Boxes = Consolidated Agency Function
Red Dashed Boxes = Transit Agency Function
OPERATIONS POLICY FOR NEW AGENCY

Board and Policy Advisory Committees Responsibilities

Shown below are responsibilities for the Board of Directors and each of the four Policy Advisory Committees (Executive, Transportation, Regional Planning, Borders) of the new Agency. Selected responsibilities are delegated by the Board to the Policy Committees to allow the Agency to effectively address key public policy and funding responsibilities. All items delegated to the Policy Committees are subject to Board action upon request of any member.

Board Responsibilities

- Approve Regional Comprehensive Plan and plan components and other regional plans (e.g. Regional Energy Plan, MHCP, etc.)
- Approve Regional Transportation Plan (RTP), Regional Transportation Improvement Program (RTIP) and corridor studies
- Fulfill responsibilities of SB 1703 as consolidated agency
- Fulfill the responsibilities of the San Diego Regional Transportation Commission (RTC)
- Approve programming of funds (TDA, CMAQ, STIP, etc.)
- Approve project environmental reports
- Approve Overall Work Program and Program Budget
- Approve amendments to the Budget and Work Program and authorize contracts with consultants for amounts equal to or greater than the amounts to be determined for administrative and policy committee authorization.
- Approve the annual legislative agenda
- Provide policy direction through Policy Development Board meetings
- Appoint Committees and Board officers
- Delegate responsibilities to Policy Advisory Committees and approve Committee actions. All items delegated to the four Policy Advisory Committees are subject to direct Board action upon request of any members.
- Delegate responsibilities to Board Chair consistent with Board criteria. Conference sponsorships and proclamations are hereby delegated subject to current or subsequently approved criteria.

Executive Committee Membership and Responsibilities

The Executive Committee shall consist of six voting members with board members representing East County, North County Coastal, North County Inland, South County, and the representative, or the representative’s alternate in their absence, from the City of San Diego and the County. The Chairperson of the consolidated agency shall be one of the six voting members. The Vice Chairperson of the consolidated agency shall be one of the six voting members if the Vice Chairperson represents an area of the region that is different from the area of the region represented by the Chairperson.

- Set agenda for Board
- Review and recommend annual work program and program budget
- Approve amendments to the Budget and Overall Work Program and authorize contracts up to amount approved by the Board
• Review and act on state and federal legislation
• Comment on project EIR/EIS
• Act upon and evaluate dispute resolution
• Advise on personnel actions
• Act on behalf of Board when timing requires
• Make policy recommendations to the Board
• Perform other duties as assigned by the Board

Transportation Committee Membership and Responsibilities

The Transportation Committee shall consist of nine voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County and the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, a member of the Board of the MTDB appointed by the Board of the MTDB, a member of the Board of the NCTD appointed by the Board of the NCTD, and a member of the San Diego County Regional Airport Authority appointed by the airport authority.

• Provide oversight for consolidated transit responsibilities
• Provide policy oversight for transportation plans and corridor and systems studies
• Establish/approve transportation prioritization criteria
• Establish/approve policies and monitor “Use it or lose it” project funding
• Approve TDA Claim, RTIP, and STIP amendments
• Recommend funding allocations to the Board
• Approve transit operator budgets for funding
• Approve Short Range Transit Plan
• Consistent with the transition plans, approve regional fare policy¹
• Conduct public hearings as delegated by Board
• Approve contracts for transit up to amount approved by the Board (for expenditures outside Board approved budget)
• Advise Board on other transportation policy-level issues
• Recommend legislative program for transportation and transit

Regional Planning Committee Membership and Responsibilities

The Regional Planning Committee shall consist of six voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County, and the mayor or a council member from the City of San Diego, and a supervisor from the County of San Diego.

• Provide oversight for preparation and implementation of Regional Comprehensive Plan (RCP) and its components
• Recommend regional infrastructure financing strategies to the Board

¹To ensure seamless transit service for the transit users of the region the consolidated agency, in consultation with the transit agencies, will be responsible for the development of a Regional Fare Policy. The Regional Fare Policy will incorporate a uniform fare structure, a transfer policy, and agreement for revenue sharing of regional tickets, tokens, and passes, while also allowing the consolidated agency to adopt specialized fare procedures for travel within each operator's service area. Additionally, the consolidated agency will adopt a Comprehensive Fare Ordinance setting forth all fares for all operators, including their special fares.
• Represent the Board for outreach and public information on the Regional Comprehensive Plan and its components
• Advise Board on regional planning policy issues

Borders Committee Membership and Responsibilities

The Borders Committee shall consist of seven voting members with board members or alternates representing East County, North County Coastal, North County Inland, South County and the mayor or a council member from the City of San Diego, a supervisor from the County of San Diego, and a mayor, council member, or supervisor from the County of Imperial.

• Provide oversight for planning activities that impact the borders
• Provide oversight for the preparation of bi-national and interregional planning programs
• Recommend border infrastructure financing strategies to the Board
• Establish closer SANDAG working relations with surrounding counties and Mexico
• Advise Board on bi-national and interregional policy-level issues

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## GLOSSARY OF TERMS AND ACRONYMS

### A
- APCD: (San Diego) Air Pollution Control District

### C
- Caltrans: California Department of Transportation
- CMAQ: Congestion Mitigation and Air Quality Program
- CTC: California Transportation Commission

### E
- EIR/EIS: Environmental Impact Report/Environmental Impact Statement

### F
- FHWA: Federal Highway Administration
- FTA: Federal Transit Administration

### J
- JARC: Job Assistance Reverse Commute

### M
- MHCP: Multiple Habitat Conservation Program
- MPO: Metropolitan Planning Organization
- MTDB: San Diego Metropolitan Transit Development Board

### N
- NCTD/NSDCTDB: North County Transit District/ North San Diego County Transit Development Board

### R
- RCP: Regional Comprehensive Plan
- RTC: Regional Transportation Commission
- RTIP: Regional Transportation Improvement Program (SANDAG)
- RTP: Regional Transportation Plan (SANDAG)
- RSTP: Regional Surface Transportation Program

### S
- SANDAG: San Diego Association of Governments
- SP&R: State Planning and Research
- SRTP: Short Range Transit Plan
- STA: State Transit Assistance (act)
- STIP: State Transportation Improvement Program (CTC)
- STIP-IIP: State Transportation Improvement Program - Interregional Program (CTC)
- STIP-RIP: State Transportation Improvement Program – Regional Improvement Program (SANDAG)
- STP: Surface Transportation Program
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>TEA</td>
<td>Transportation Enhancement Activities</td>
</tr>
<tr>
<td>TEA-21</td>
<td>Transportation Equity Act for the 21st Century</td>
</tr>
<tr>
<td>TCRP</td>
<td>Traffic Congestion Relief Program (Governor's initiative)</td>
</tr>
<tr>
<td>TDA</td>
<td>Transportation Development Act</td>
</tr>
<tr>
<td>TIP</td>
<td>Transportation Improvement Program</td>
</tr>
<tr>
<td>TransNet</td>
<td>San Diego Region 1/2% Local Transportation Sales Tax Program</td>
</tr>
</tbody>
</table>
NCTD Service Equity Analysis  
February 2014 Proposed Changes

NCTD proposes to implement service improvements on February 2, 2014 as per the final phase of the Mobility Plan. These improvements trigger a Major Service Change per Board Policy No. 30 by exceeding a 25% change in daily route miles, revenue miles, and/or trips. As a result, NCTD is required to hold a public hearing and conduct a service equity analysis to determine if the changes will result in disparate impacts or disproportionate burdens to the minority and low-income populations respectively. The following are the proposed major service changes:

- Route 347: Addition of 60-minute Saturday service
- Route 309: Increase in service frequency to every 30-minutes on Saturdays
- Route 355/357: Addition of midday weekday service on 357, and new Saturday & Sunday service on 355/357, operating every 120 minutes
- Route 304: Addition of 60-minute Saturday service
- Route 313: Extension from Town Center North Shopping Center to San Luis Rey Transit Center and realignment to serve Frazee Road

(1) Major Service Change Policy:
NCTD Policy No. 30
“All proposed changes to existing routes, whereby route miles or revenue miles are changed in excess of 25% of their current configurations, measured as happening at one time, or cumulatively within a single year. Change in number of daily trips that exceeds 25% is also considered a major service change. Finally, elimination or addition of a route qualifies as a major service change.”

Routes 304, 309, 313, 347, 355, and 357 exceed the major service change threshold of 25% as indicated in the table below.

<table>
<thead>
<tr>
<th>Route</th>
<th>Type of Change</th>
<th>% Change Trips</th>
<th>% Change Miles</th>
<th>Adverse Impact?</th>
</tr>
</thead>
<tbody>
<tr>
<td>304</td>
<td>Add Saturday service, 60 minute frequency</td>
<td>100%</td>
<td>100%</td>
<td>No</td>
</tr>
<tr>
<td>309</td>
<td>Increase Saturday daytime frequency to 30 minutes</td>
<td>59%</td>
<td>69%</td>
<td>No</td>
</tr>
<tr>
<td>313</td>
<td>Realign via Old Grove/Frazee all day on weekdays</td>
<td>8%</td>
<td>36%</td>
<td>No</td>
</tr>
<tr>
<td>347</td>
<td>Add Saturday service, 60 minute frequency</td>
<td>100%</td>
<td>100%</td>
<td>No</td>
</tr>
<tr>
<td>355</td>
<td>Add Saturday/Sunday service, 120 minute frequency</td>
<td>100%</td>
<td>100%</td>
<td>No</td>
</tr>
<tr>
<td>357</td>
<td>Add Saturday/Sunday service, 120 minute frequency</td>
<td>100%</td>
<td>100%</td>
<td>No</td>
</tr>
</tbody>
</table>

(2) Service Equity Analysis for Minority Populations:
Disparate Impact Policy
NCTD Policy No. 31
A disparate impact occurs when the minority population adversely affected by a major service change as defined under NCTD Policy No. 30 is ten (10) percent more than the average minority population of the NCTD service area. A disparate impact may also occur when the non-minority population benefits from a major service change by ten (10) percent more than the average non-minority population of the NCTD service area.
Disparate impacts on routes with either span of service changes and/or frequency changes will be determined by analyzing all routes with such changes together. Disparate impacts on routes with segment elimination, re-routing, or route elimination will be determined on a route by route basis.

If a potential disparate impact is identified, NCTD must determine whether there are one or more alternatives that would serve the same legitimate objectives, but with less disparate impact on the basis of race, color, or national origin. If no other options are identified, then NCTD must have a substantial, legitimate justification for making the service change.

In the event a disparate impact is identified, NCTD will engage public participation to discuss less discriminatory alternatives or mitigation measures.

Data Analysis/Assessing Service Impacts

In 2012, significant changes were made to the NCTD bus network as part of a comprehensive operations analysis to consolidate routes, modify headways, and change route alignments. NCTD does not currently possess ridership data that would account for these changes as passenger surveys are conducted every five years. As such, the service equity analysis for minority population was conducted solely with 2010 Census data. No ridership data was used in conducting the service equity analysis for minority populations or low-income populations.

To conduct the service equity analysis for minority populations, NCTD used the 2010 Census table for Hispanic or Latino Origin by Race (P5) with the geographic type of Block Group (150). The minority population was calculated by subtracting the White alone - Not Hispanic or Latino population from the total population.

NCTD selected the block group as the geographic unit for the minority service equity analysis. This selection was made as block groups, instead of blocks, provide a better geographic representation of the data when viewing the service area as a whole and helped staff to orient and explain the proposed policies and procedures during the public participation process.

ArcGIS mapping software was used to conduct the minority service equity analysis by joining the Census demographic data with the corresponding block group using the geographic identification number. Route shapefiles were added to the map and assigned a one-quarter mile buffer to represent the distance that passengers are generally willing to walk to a bus stop. Demographics of each block group within the one-quarter mile route buffer were combined to determine the minority population of each route. Each route’s minority population percentage was then compared to the service area minority population percentage to determine the impact of the proposed service change.

Determination of Disparate Impact

<table>
<thead>
<tr>
<th>NCTD Service Area</th>
<th>Total Population</th>
<th>Minority Population</th>
<th>Percent Minority</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>942,935</td>
<td>410,848</td>
<td>43.6%</td>
</tr>
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</table>
### Existing Service

<table>
<thead>
<tr>
<th>Route</th>
<th>Minority Population</th>
<th>Total Population</th>
<th>Percent Minority</th>
<th>Service Area Minority Population</th>
<th>Percent Difference</th>
<th>Adverse Impact?</th>
</tr>
</thead>
<tbody>
<tr>
<td>304</td>
<td>37,335</td>
<td>114,585</td>
<td>32.6%</td>
<td>43.6%</td>
<td>-11.0%</td>
<td>No</td>
</tr>
<tr>
<td>309</td>
<td>75,774</td>
<td>192,292</td>
<td>39.4%</td>
<td>43.6%</td>
<td>-4.2%</td>
<td>No</td>
</tr>
<tr>
<td>313</td>
<td>34,201</td>
<td>60,522</td>
<td>56.5%</td>
<td>43.6%</td>
<td>12.9%</td>
<td>No</td>
</tr>
<tr>
<td>347</td>
<td>15,021</td>
<td>33,680</td>
<td>44.6%</td>
<td>43.6%</td>
<td>1.0%</td>
<td>No</td>
</tr>
<tr>
<td>355</td>
<td>52,361</td>
<td>83,035</td>
<td>63.1%</td>
<td>43.6%</td>
<td>19.5%</td>
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</tr>
<tr>
<td>357</td>
<td>51,580</td>
<td>81,601</td>
<td>63.2%</td>
<td>43.6%</td>
<td>19.6%</td>
<td>No</td>
</tr>
<tr>
<td>TOTAL</td>
<td>266,272</td>
<td>565,715</td>
<td>47.1%</td>
<td>43.6%</td>
<td>3.5%</td>
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</table>

### Proposed Service

<table>
<thead>
<tr>
<th>Route</th>
<th>Minority Population</th>
<th>Total Population</th>
<th>Percent Minority</th>
<th>Service Area Minority Population</th>
<th>Percent Difference</th>
<th>Adverse Impact?</th>
</tr>
</thead>
<tbody>
<tr>
<td>304</td>
<td>37,335</td>
<td>114,585</td>
<td>32.6%</td>
<td>43.6%</td>
<td>-11.0%</td>
<td>No</td>
</tr>
<tr>
<td>309</td>
<td>76,094</td>
<td>193,004</td>
<td>39.4%</td>
<td>43.6%</td>
<td>-4.1%</td>
<td>No</td>
</tr>
<tr>
<td>313</td>
<td>41,865</td>
<td>70,419</td>
<td>59.5%</td>
<td>43.6%</td>
<td>15.9%</td>
<td>No</td>
</tr>
<tr>
<td>347</td>
<td>15,021</td>
<td>33,680</td>
<td>44.6%</td>
<td>43.6%</td>
<td>1.0%</td>
<td>No</td>
</tr>
<tr>
<td>355</td>
<td>53,670</td>
<td>82,678</td>
<td>64.9%</td>
<td>43.6%</td>
<td>21.3%</td>
<td>No</td>
</tr>
<tr>
<td>357</td>
<td>52,889</td>
<td>81,244</td>
<td>65.1%</td>
<td>43.6%</td>
<td>21.5%</td>
<td>No</td>
</tr>
<tr>
<td>TOTAL</td>
<td>276,874</td>
<td>575,610</td>
<td>48.1%</td>
<td>43.6%</td>
<td>4.5%</td>
<td></td>
</tr>
</tbody>
</table>

### Analysis of Modifications

The proposed service changes result in six routes exceeding the major service change threshold of 25% and are therefore subject to a service equity analysis under the Title VI program. In evaluating these changes, all six were determined to be service improvements that would result in more trips, additional days of service, or greater route coverage.

Routes 304 and 309 have a minority population percentage that is below the service area minority population percentage (-11.0% and -4.2%). Of these two routes, only Route 304 exceeds the disparate impact policy threshold of “10% more than the average non-minority population of the NCTD service area”. Routes 313, 347, 355, and 357 possess a minority population percentage that exceeds the service area minority population percentage.

The accrual of benefits from the proposed service improvement benefits a 48.1% minority population, which is 4.5% greater than the minority population of the service area. Additionally, the changes will result in a minority population benefit of 1% over the existing service minority population of 47.1%.

Under the proposed changes, Route 313 will possess a route length change that exceeds the 25% threshold for a major service change. In comparison with the existing service, the proposed service will increase the minority population percentage by 3% to 59.5%. As the proposed change is a service improvement, and will result in an increase to the percentage of the minority population served by Route 313, this change can be considered a service improvement.
Finding a Disparate Impact on the Basis of Race, Color, or National Origin
The proposed February 2014 service change does not result in a disparate impact finding as the proposed changes will benefit a minority population percentage that is greater than the service area minority population percentage.

Examining Alternatives
No alternatives were examined as the proposed changes will not result in a disparate impact.

(3) Service Equity Analysis for Low-Income Populations:
Disproportionate Burden Policy
NCTD Policy No. 32
A disproportionate burden occurs when the low-income population adversely affected by a major service change as defined under NCTD Policy No. 30 is 10% percent more than the average low-income population of the NCTD service area. A disproportionate burden may also occur when the non-low income population benefits from a major service change by 10% more than the average non-low income population of the NCTD service area.

Disproportionate burden on routes with either span of service changes and/or frequency changes will be determined by analyzing all routes with such changes together. Disproportionate burden on routes with segment elimination, re-routing, or route elimination will be determined on a route by route basis.

If NCTD finds a potential disproportionate burden, the agency will take steps to avoid, minimize, or mitigate impacts of the proposed change on the affected low income population and provide alternatives available to low income passengers affected by the service changes.

In the event a disproportionate burden is identified, NCTD will engage public participation to discuss less discriminatory alternatives or mitigation measures.

Selection of Comparison Population/Data Analysis
NCTD used the service area population as the comparison measure in performing the service equity analyses for minority and low-income populations.

To conduct the service equity analysis for low-income populations, NCTD used the 2010 American Community Survey (ACS) 5-year estimate table for Poverty Status in the Past 12 Months (S1701) with the geographic type of Census Tract (140).

The low-income population was taken from the population category of all individuals below 150 percent of the poverty level. NCTD selected 150 percent of the poverty level since SANDAG, the metropolitan planning organization for San Diego County, uses 150 percent to define the poverty level in the Onboard Passenger Transit Survey conducted every five years. If NCTD uses ridership data to conduct a future service equity analysis, the parameters for what constitutes the low-income threshold will be the same.

NCTD selected Census tract as the geographic unit for the low-income service equity analysis as income data is only available from the ACS dataset where Census tracts are the smallest geographic area available.
ArcGIS mapping software was used to conduct the low-income service equity analysis by joining the ACS data with the corresponding Census tracts using the geographic identification number. Route shapefiles were added to the map and assigned a one-quarter mile buffer to represent the distance that passengers are generally willing to walk to a bus stop. The low-income populations of each Census tract within the one-quarter mile route buffer were combined to determine the low-income population of each route. Each route’s low-income population percentage was then compared to the service area low-income population percentage to determine the impact of the proposed service change.

**Determination of Disproportionate Burden**

<table>
<thead>
<tr>
<th>NCTD Service Area</th>
<th>Total Population</th>
<th>Low-Income Population</th>
<th>Percent Low-Income</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>942,571</td>
<td>183,777</td>
<td>19.5%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Existing Service</th>
<th>Route</th>
<th>Low-Income Population</th>
<th>Total Population</th>
<th>Percent Low-Income</th>
<th>Service Area Low-Income Population</th>
<th>Percent Difference</th>
<th>Adverse Impact?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>304</td>
<td>25,055</td>
<td>154,390</td>
<td>16.2%</td>
<td>19.5%</td>
<td>-3.3%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>309</td>
<td>35,284</td>
<td>223,243</td>
<td>15.8%</td>
<td>19.5%</td>
<td>-3.7%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>313</td>
<td>16,711</td>
<td>65,140</td>
<td>25.7%</td>
<td>19.5%</td>
<td>6.2%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>347</td>
<td>8,470</td>
<td>43,159</td>
<td>19.6%</td>
<td>19.5%</td>
<td>0.1%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>355</td>
<td>35,317</td>
<td>119,501</td>
<td>29.6%</td>
<td>19.5%</td>
<td>10.1%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>357</td>
<td>35,317</td>
<td>119,501</td>
<td>29.6%</td>
<td>19.5%</td>
<td>10.1%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>156,154</td>
<td>724,934</td>
<td>21.5%</td>
<td>19.5%</td>
<td>2.0%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Service</th>
<th>Route</th>
<th>Low-Income Population</th>
<th>Total Population</th>
<th>Percent Low-Income</th>
<th>Service Area Low-Income Population</th>
<th>Percent Difference</th>
<th>Adverse Impact?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>304</td>
<td>25,055</td>
<td>154,390</td>
<td>16.2%</td>
<td>19.5%</td>
<td>-3.3%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>309</td>
<td>35,284</td>
<td>223,243</td>
<td>15.8%</td>
<td>19.5%</td>
<td>-3.7%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>313</td>
<td>19,305</td>
<td>79,303</td>
<td>24.3%</td>
<td>19.5%</td>
<td>4.8%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>347</td>
<td>8,470</td>
<td>43,159</td>
<td>19.6%</td>
<td>19.5%</td>
<td>0.1%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>355</td>
<td>36,752</td>
<td>119,593</td>
<td>30.7%</td>
<td>19.5%</td>
<td>11.2%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>357</td>
<td>36,752</td>
<td>119,593</td>
<td>30.7%</td>
<td>19.5%</td>
<td>11.2%</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>161,618</td>
<td>739,281</td>
<td>21.9%</td>
<td>19.5%</td>
<td>2.4%</td>
<td></td>
</tr>
</tbody>
</table>

**Assessing Service Impacts**
The proposed service changes result in six routes exceeding the major service change threshold of 25% and therefore subject to a service equity analysis under the Title VI program. In evaluating these changes, all six were determined to be service improvements that would result in more trips, additional days of service, or greater route coverage.
Routes 304 and 309 have a low-income population percentage that is below the service area low-income population percentage (-3.3% and -3.7%). Of these two routes, neither exceeds the disproportionate burden policy threshold of “10% more than the average non-low income population of the NCTD service area”. Routes 313, 347, 355, and 357 possess a low-income population percentage that exceeds the service area low-income population percentage.

The accrual of benefits from the proposed service improvement benefits a 21.9% low-income population, which is 2.4% greater than the low-income population of the service area. Additionally, the changes will result in a low-income population benefit of 0.4% over the existing service low-income population of 21.5%.

Under the proposed changes, Route 313 will possess a route length change that exceeds the 25% threshold for a major service change. In comparison with the existing service, the proposed service will decrease the low-income population percentage by 1.4% to 24.3%. As the proposed change is a service improvement, and will result in a decrease in the percentage of the low-income population served by Route 313 by less than 10%, this change is non-disproportionate based on NCTD policy.

**Avoid, Minimize, Mitigate**

The proposed February 2014 service change does not result in a disproportionate burden as the proposed changes will benefit a low-income population percentage that is greater than the service area low-income population percentage. Actions to avoid, minimize or mitigate the proposed changes were not analyzed as the proposed changes will not result in a disproportionate burden.
The North County Transit District (NCTD) is recommending the transition of Route 392, serving the Naval Hospital on Camp Pendleton, from demonstration status to permanent service. The transition is proposed to be effective on February 1, 2015. In December 2013, Route 392 was implemented as a lifeline service for military members and their families with the opening of the relocated Naval Hospital Camp Pendleton. Since that time, BREEZE Route 392 has performed above standard with respect to NCTD’s measures of productivity. The transition of BREEZE Route 392 to permanent status will represent a major service change as defined under NCTD Board Policy No. 30. Pursuant to Federal Transit Administration (FTA) Circular 4702.1B, a Title VI Equity Analysis is required for all major service changes as defined by NCTD.

Under Title VI of the Civil Rights Act of 1964 and with respect to environmental justice principles, this study is required in order to prevent minority and low-income communities from being subject to disproportionately high and adverse environmental effects. This analysis will evaluate whether or not the addition of Route 392 would have a disparate impact or disproportionate burden on both minority and low-income groups. If either a disparate impact or disproportionate burden are found, this analysis will identify the available service alternatives and mitigation strategies that can be used to minimize them.

Policy Considerations

Qualification as Major Service Change

NCTD Board Policy No. 30 defines a major service change as:

“All proposed changes to existing routes, whereby route miles or revenue miles are changed in excess of 25 percent of their current configurations, measured as happening at one time, or cumulatively within a single year. Changes in number of daily trips that exceed 25 percent are also considered a major service change. Finally, elimination or addition of a route qualifies as a major service change.”

This policy was developed with public input as part of a public engagement process in October 2013 when NCTD held public workshops to solicit stakeholder feedback.

The introduction of Route 392 as a new permanent route automatically qualifies it as a major service change. For reference, the following table (Table 1) shows the current operating characteristics of Route 392 as operated under the demonstration. The operating parameters are proposed to remain the same if approved for permanent operation.

<table>
<thead>
<tr>
<th>Route</th>
<th>Description of Service Change</th>
<th>Proposed</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Trips</td>
<td>Route Miles</td>
</tr>
<tr>
<td>392</td>
<td>New Service (Weekdays Only)</td>
<td>36</td>
<td>5.6</td>
</tr>
</tbody>
</table>
Purpose of Service Change

In December 2013, NCTD implemented Route 392 as a demonstration service. The initial consideration for a new route was driven by the relocation of the Naval Hospital Camp Pendleton, which was formerly served by NCTD Route 315. Because the new location would have no transit access, and several of the hospital’s workers and patients used Route 315 on a regular basis, NCTD considered the addition of service to the new hospital. Though other alternatives were reviewed, NCTD determined that the new hospital would be well-served through the addition of a new direct route that connects with seven other bus routes and four different rail services at Oceanside Transit Center. The route also provides access for workers and shoppers to the Marine Corps Exchange. During this demonstration period, Route 392 has performed efficiently under NCTD’s route performance standards.

Definition of Minority and Low-income Persons

This analysis will use the following definitions of minority and low-income persons, as defined in the FTA Circular 4702.1B:

- The FTA defines minority persons as American Indian and Alaska Native, Asian, African American, Hispanic or Latino, and Native Hawaiian or other Pacific Islander.
- The FTA encourages agencies to use a locally developed threshold for low-income person that is “at least as inclusive as the HHS poverty guidelines.” In coordination and in consistency with the San Diego Association of Governments’ (SANDAG) Onboard Passenger Survey, as well as with NCTD’s previous Title VI equity analysis, this analysis defines a low-income person as an individual whose household income is at or below 150 percent of the poverty level as defined by the United States Census Bureau.

Definition of Disparate Impact and Disproportionate Burden

This analysis will evaluate whether or not the addition of Route 392 would have a disparate impact or disproportionate burden on both minority and low-income groups. In order to provide the standards for the analysis, this section defines the criteria that NCTD policy considers as qualification for a disparate impact and disproportionate burden. These policies were developed with public input in October 2013 when NCTD held public workshops to solicit stakeholder feedback. In November of 2013, the NCTD Board of Directors approved NCTD Board Policy Nos. 31 and 32 which defined the thresholds for disparate impacts and disproportionate burdens, respectively.

- **NCTD Board Policy No. 31**: A **disparate impact** occurs when the minority population adversely affected by a major service change as defined under NCTD Policy No. 30 is ten (10) percent more than the average minority population of the NCTD service area. A disparate impact may also occur when the non-minority population benefits from a major service change by ten (10) percent more than the average non-minority population of the NCTD service area.

If a potential disparate impact is identified, NCTD must determine whether there are one or more alternatives that would serve the same legitimate objectives, but with less disparate impact on the basis of race, color, or national origin. If no other options are identified, then NCTD must have a substantial, legitimate justification for making the service change. In the event a disparate impact is identified, NCTD will engage public participation to discuss less discriminatory alternatives or mitigation measures.
For example, if the NCTD service area average is 40 percent minority, then a proposed service change that adversely affects a population that is 50 percent minority or greater would be defined as a disparate impact.

- **NCTD Board Policy No. 32:** A *disproportionate burden* occurs when the low-income population adversely affected by a major service change as defined under NCTD Policy No. 30 is ten (10) percent more than the average low-income population of the NCTD service area. A disproportionate burden may also occur when the non-low-income population benefits from a major service change by ten (10) percent more than the average non-low-income population of the NCTD service area.

If NCTD finds a potential disproportionate burden, the agency will take steps to avoid, minimize, or mitigate impacts of the proposed change on the affected low-income population and provide alternatives available to low-income passengers affected by the service changes. In the event that a disproportionate burden is identified, NCTD will engage public participation to discuss less discriminatory alternatives or mitigation measures.

For example, if the NCTD service area average is 25 percent low-income (75 percent non-low-income), then a proposed service change that benefits a population that is 85 percent non-low-income or greater would be defined as a disproportionate burden.

**Methodology**

The FTA guidelines allow transit agencies to use either ridership or population data as a basis to conduct the Title VI equity analysis. For this analysis, the 5-year estimates dataset from the American Community Survey (ACS) 2008-2012 is used for both the minority and low-income populations. This dataset is currently the most recent available from the US Census Bureau.

The Census block group level was chosen for both minority and low-income analyses, as it was the smallest geographic level available from the American Community Survey and most appropriate for Route 392. Since the proposed Route 392 is a short route covering only a small area, Census tracts were not a suitable choice for this analysis. It should be noted that a large segment of proposed Route 392 lies within the military base of Camp Pendleton, and almost the entire area of Camp Pendleton is made up of only one Census block group. No smaller geographic unit is available. Therefore, for that segment of the route in Camp Pendleton, this analysis considers the demographics of nearly the entire population of Camp Pendleton—although a large portion of the Camp Pendleton population lives in this southwest area.

To conduct a service equity analysis for minority populations, NCTD has used general population data from the table for Hispanic or Latino Origin by Race from the American Community Survey (ACS) 2008-2012 5-year estimates. Given that the Hispanic or Latino minority is not a race, but rather an origin or ethnicity that any race can identify with, this table breaks down each and every race by “Hispanic or Latino” and “Not Hispanic or Latino” origin. When subtracting the number for “Not Hispanic or Latino: White alone” from the total population, this properly accounts for persons who identify as having Hispanic origin, regardless of race, and therefore, identifies all minorities. This is consistent with the FTA definition of minority persons.

To conduct the analysis for low-income populations, NCTD used the table for *Ratio of Income to Poverty Level in the Past 12 Months* from ACS 2008-2012 (5-year estimates). The total population in each Census block group at
150 percent of the poverty level was calculated by subtracting the categories below the ratio of 1.5 from the total population. This is consistent with the FTA recommended definition of low-income persons as previously stated. The total population in this dataset is lower than the total population in the minority dataset because the “universe” for which the sample is taken from is the “population for whom poverty status is determined,” which does not include group quarters—many of which exist on military bases and college campuses.

ESRI ArcGIS software was used to conduct both analyses. The Census ACS data described above was joined with a Census block shapefile using the unique identification number for each Census block group. The service area averages were determined by selecting all Census block groups that intersect with the NCTD service area shapefile (Maps 1 and 2). The minority and low-income percentages for Route 392 were determined by drawing a one-quarter-mile buffer around the route (suggested walking distance to a bus stop in the FTA C 4702.1B), and by selecting all Census block groups that intersect with the quarter-mile buffer (Maps 3 and 4). These numbers will be compared to the service area averages to determine if the addition of Route 392 will have any disparate impact or disproportionate burden on minority or low-income populations.

The following maps show a visual representation of this data. Maps 1 and 2 display all minority and low-income Census block groups, respectively, that are within or intersect the NCTD service area boundary. Maps 3 and 4 display the minority and low-income Census block groups, respectively, that intersect the quarter-mile buffer around Route 392. For the purpose of this analysis, the block groups are symbolized as either below, above, or within the NCTD policy threshold of plus or minus 10 percent of the minority or low-income service area average.
Map 1 – NCTD Service Area Minority Population

Map 2 – NCTD Service Area Low-Income Population
Analysis Results

Because the addition of Route 392 introduces service to an area not previously served, it is a service improvement and would not have an adverse effect on minority or low-income populations. However, a service improvement must also be analyzed under FTA guidelines to determine whether non-minority or non-low-income populations would receive a greater benefit. Under NCTD policy, a disparate impact or disproportionate burden can also occur when a major service change benefits a population that is 10 percent more non-minority or 10 percent more non-low-income than the non-minority and non-low-income service area averages\(^1\). The non-minority and non-low-income service area percentages would be calculated by subtracting the minority and low-income service area percentages from 100 percent.

Service Area Averages

Table 2 presents the percent minority/non-minority and low-income/non-low-income populations within the NCTD service area, calculated as described in the Methodology section.

<table>
<thead>
<tr>
<th>Table 2 – NCTD Service Area Percentages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Block Groups</td>
</tr>
<tr>
<td>------------------------</td>
</tr>
<tr>
<td>NCTD Service Area</td>
</tr>
</tbody>
</table>

As mentioned previously, the total population for the low-income analysis is slightly lower than the total population for the minority analysis because the “universe” for which the Census ACS low-income sample is taken from is the “population for whom poverty status is determined,” which does not include group quarters, according to the Census Bureau. Group quarters often exist on military bases, and therefore, those people living in group quarters on Camp Pendleton are not counted in the low-income Census data. They are, however, counted in the minority data.

Minority Analysis (Disparate Impact)

Table 3 shows the percent minority/non-minority population within the Census block groups affected by the proposed new service Route 392, calculated as described in the Methodology section.

<table>
<thead>
<tr>
<th>Table 3 – Minority Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>Route</td>
</tr>
<tr>
<td>-------</td>
</tr>
<tr>
<td>392</td>
</tr>
</tbody>
</table>

\(^1\) In other words, a disparate impact or disproportionate burden can occur when a major service change benefits a population that is 10 percent less minority or 10 percent less low-income than the minority and low-income service area averages.
As shown in Table 3, the percentage of the population affected by the addition of Route 392 is 56.6 percent non-minority, which is 1.2 percent less non-minority than the service area average of 57.8 percent—likewise, 1.2 percentage greater minority than the minority service area average of 42.2 percent. Since this is not outside the policy threshold of 10 percent non-minority, and would actually benefit a minority population that is greater than the service area minority population percentage, this service improvement would not result in a disparate impact.

*Low-Income Analysis (Disproportionate Burden)*

**Table 4** shows the percent low-income/non-low-income population within the Census block groups that would be affected by the proposed new service Route 392, calculated as described in the Methodology section.

<table>
<thead>
<tr>
<th>Route</th>
<th>Type of Service Change</th>
<th>Number of Block GroupsAffected</th>
<th>Total Population for Income Analysis</th>
<th>Low-Income Population Affected</th>
<th>Route 392 Percent Low-Income</th>
<th>Route 392 Percent Non-Low-Income</th>
<th>Percent Difference from Service Area Average</th>
<th>Outside Policy Threshold (+10% non-low-income)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>392</td>
<td>New Route</td>
<td>11</td>
<td>34,296</td>
<td>9,055</td>
<td>26.4%</td>
<td>73.6%</td>
<td>-5.3%</td>
<td>No</td>
</tr>
</tbody>
</table>

The percentage of the population affected by the addition of Route 392 is 73.6 percent non-low-income, which is 5.3 percent less non-low-income than the service area average of 78.9 percent—likewise, 5.3 percent greater low-income than the service area average of 21.1 percent. Since this is not outside the policy threshold of 10 percent non-low-income, and would actually benefit a low-income population that is greater than the service area low-income population percentage, this service improvement would not result in a disproportionate burden.

**Summary of Conclusions**

The results of this service equity analysis found that, under FTA guidelines and NCTD policy, the addition of proposed Route 392 to the NCTD bus network would have no disparate impact or disproportionate burden on the affected minority or low-income populations. Consequently, no available service alternatives or mitigation strategies were considered.
CALL TO ORDER

Bill Horn, Board Chair, called the special/closed session meeting to order at 1:02 p.m.

ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Don Mosier (City of Del Mar); Tony Kranz (City of Encinitas); Ed Gallo (City of Escondido); Gary Felien (City of Oceanside); Rebecca Jones (City of San Marcos); Mike Nichols (City of Solana Beach); John Aguilera (City of Vista); Bill Horn (County of San Diego).

The Board went into Closed Session at 1:03 p.m. to discuss item i.

CLOSED SESSION

i. Closed Session Pursuant to Government Code Section 54957.6 – Public Employee Performance Evaluation, Title: Executive Director

The Board returned from Closed Session at 1:34 p.m. Lori Winfree, General Counsel, stated that there was no reportable action from Closed Session.

WORKSHOP

W1. FY 13 Financial Results

Mr. Kevin Starkey, Partner with the auditing firm of MGO, reviewed the FY 13 financial results.

Chair Horn requested staff provide the Board with a list of capital projects that were referenced in the FY 13 financial results presentation.

W2. Monthly Ridership and Financial Performance Update

Ryan Bailey, Chief Financial Officer, reviewed the Monthly Ridership and Performance Report.

W3. Annual CalPERS Report

Ryan Bailey provided the Board with an update on the annual CalPERS report.

CALL TO ORDER

Bill Horn, Board Chair, called the regular meeting to order at 2:05 p.m.
ROLL CALL OF BOARD MEMBERS

Mark Packard (City of Carlsbad); Don Mosier (City of Del Mar); Tony Kranz (City of Encinitas); Ed Gallo (City of Escondido); Gary Felien (City of Oceanside); Rebecca Jones (City of San Marcos); Mike Nichols (City of Solana Beach); John Aguilera (City of Vista); Bill Horn (County of San Diego).

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board member Rebecca Jones led the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

None

PUBLIC COMMUNICATIONS

Ms. Alicia Voeks, Oceanside, stated route 392 to the Naval Hospital was working out great.

Mr. Randy Ziglar, Carlsbad, CA, spoke in praise of the Rail-2-Rail program and suggested NCTD reach out to colleges and Camp Pendleton to inform them of the program. He spoke on his concerns that the evening buses to Palomar College do not run late enough.

APPROVAL OF MINUTES

MOTION BY REBECCA JONES TO APPROVE THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 21, 2013, SECONDED BY DON MOSIER. MOTION CARRIED UNANIMOUSLY.

CONSENT ITEMS

1. Authorize Executive Director to Execute Exhibit A-3, San Luis Rey Transit Center Project, to Addendum 18 to the Master Memorandum of Understanding between Metropolitan Transit System, San Diego Association of Governments and North County Transit District

2. Approve Supplemental Agreement for Assignment of Centralized Train Control (CTC) Support and Maintenance Services and Optional Positive Train Control (PTC) Integration Support from Agreement # 10054 (HTSI) to Agreement # 11046 (HTI)

3. Committee Chair Reports

4. 2014 Key Event Calendar

5. Receive Monthly Report of Contract Actions Issued by NCTD Under the Executive Director’s Authority


8. Monthly Positive Train Control Report

9. Monthly Intergovernmental Affairs Report

10. Monthly Contract Operators Key Performance Indicators Report

MOTION BY MARK PACKARD TO APPROVE AGENDA ITEMS 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, SECONDED BY ED GALLO. MOTION CARRIED UNANIMOUSLY.

OTHER BUSINESS

11. Conduct Public Hearing and Approve BREEZE Major Service Changes to be Implemented February 2, 2014

Bill Olszanicky, Manager of Service Implementation, reviewed the proposed BREEZE service changes.

CHAIR HORN OPENED THE PUBLIC HEARING.

Mr. Glenn Leider, Carlsbad, CA, spoke on extending route 313 to the new San Luis Rey Transit Center and questioned service changes to routes 309 and 311 and 315.

Mr. Anthony Kwo, Oceanside, CA, spoke on correcting connections for route 395 at the Oceanside Transit Center and requested a bench outside the Oceanside Public Library.

Mr. Anthony Wright, Oceanside, CA, questioned the service hours for route 309 on Saturdays.

Ms. Anais Campos, Vista, CA, spoke in support of changes for route 304 and asked if these changes were permanent.

Ms. Michelle Dolrin, Oceanside, CA, requested route 318 run later to meet the last COASTER and SPRINTER.

Mr. Randy Ziglar, Carlsbad, CA, stated that he appreciates the 30 minute service on route 309 and spoke in support of the drivers.

Board member Gallo thanked staff for increased service in Escondido.

CHAIR HORN CLOSED THE PUBLIC HEARING.
BOARD MEMBERS NICHOLS AND JONES REQUESTED A BRIEFING REGARDING NCTD’S MANAGEMENT OF RAIL AND BUS TRANSFER CONNECTIONS.

MOTION BY REBECCA JONES TO APPROVE AGENDA ITEM 11, SECONDED BY ED GALLO. MOTION CARRIED UNANIMOUSLY.

12. LIFT/ADA Paratransit/FLEX Contractor Transition Activities:

   1. Authorize the Executive Director to Execute Supplemental Agreement 12 to Terminate ALC’s Contract for the Provision of LIFT Services.

   2. Approve Sole Source Supplemental Agreement with First Transit for the Provision of LIFT and FLEX Services through June 30, 2017 at a cost not-to-exceed $13,100,000 (Supplemental Agreement 10)

   3. Authorize the purchase of fuel to support LIFT and FLEX operations and the payment of initial and ongoing software costs, estimated at $352,000 assuming five (5) months of fuel purchase.

   4. Approve the purchase of vehicles to support LIFT operations with a cost not-to-exceed $3.3 million.

   Mike Wygant, Deputy Chief Operations Officer, reviewed the activities related to the Lift/ADA Paratransit/FLEX contractor transition.

   Ms. Regina Yocum, Vista, CA, spoke on her concerns regarding the unreliability of the taxi service and buses difficult to board.

   Ms. Juliet Cody, Escondido, CA, spoke on her concerns regarding First Transit’s dispatching.

   Mr. Greg Hoffman, Carlsbad, CA, spoke on his concerns regarding the timeline for transition and First Transit’s previous service.

   Ms. Ethel Miranda stated the blind community is concerned about the transition and stated they need reliability and safety.

   Mr. Peter (no last name given) spoke on his concerns with First Transit’s previous service.

   Mr. Chris Arkano, San Marcos, CA, stated that ALC made him feel safe.

   Ms. Diedra Frank provided written comment in support of the service provided by ALC and was read into the record by Chair Horn.

   Mr. Michael Barry Pietronico, Vista, CA, an independent taxi consultant for ALC, spoke on his concerns about the transition.
BOARD MEMBER JONES REQUESTED THE BOARD RECEIVE MONTHLY UPDATES ON FIRST TRANSIT’S PERFORMANCE RELATED TO THE LIFT/ADA PARATRANSIT AND FLEX TRANSITION.

MOTION BY REBECCA JONES TO APPROVE AGENDA ITEM 12 IN ITS ENTIRETY, SECONDED BY MARK PACKARD. MOTION CARRIED UNANIMOUSLY.

13. Award Contract #14006-OS for Project Management Consultant Services

Peykan Abbassi, Chief Development Officer, reviewed the agenda item.

MOTION BY MIKE NICHOLS TO APPROVE AGENDA ITEM 13, SECONDED BY ED GALLO. MOTION CARRIED UNANIMOUSLY.

MARK PACKARD LEFT AT 3:47 P.M.


Ryan Bailey, Chief Financial Officer, reviewed the revised 2014 Operating Budget and FY 2014-2018 revised Capital Improvement Program.

MOTION BY ED GALLO TO APPROVE AGENDA ITEM 14, SECONDED BY JOHN AGUILERA. MOTION CARRIED UNANIMOUSLY.

15. Adopt 2014 Board and Committee Meeting Schedule

Lori Winfree, General Counsel, reviewed the proposed 2014 Board and Committee meeting schedule.

MOTION BY ED GALLO TO APPROVE AGENDA ITEM 15, SECONDED BY DON MOSIER. MOTION CARRIED UNANIMOUSLY.

16. Authorize Executive Director to Exercise Sole Source Option to Extend Agreement #05026 for SPRINTER Operations for a term of Eighteen (18) Months

Nick Freeman, Deputy Chief Operations Officer, reviewed agenda item 16.

BOARD MEMBER KRANZ REQUESTED THE BOARD RECEIVE AN UPDATE ON THE STATUS OF THE SPRINTER BRAKES.

MOTION BY DON MOSIER TO APPROVE AGENDA ITEM 16, SECONDED BY TONY KRANZ. MOTION CARRIED UNANIMOUSLY.
17. Authorize Executive Director to Increase Purchase Order # 29935-OP Under Contract # 6058-OS to HNTB Corporation for Positive Train Control Program Management

Eric Roe, Deputy Chief Operations Officer-Rail Systems, reviewed agenda item 17.

MOTION BY REBECCA JONES TO APPROVE AGENDA ITEM 17, SECONDED BY ED GALLO. MOTION CARRIED UNANIMOUSLY.

18. Receive and Complete 2014 Committee Preference

Lori Winfree, General Counsel, reviewed the 2014 Committee Preference memo.

• CHIEF EXECUTIVE OFFICER’S REPORT

Lori Winfree, General Counsel, provided the Board with an update on the acquisition of property in Escondido.

Matthew Tucker informed the Board that: the General Liability insurance renewal premium was $1.6M, a savings of $369K; Tom Zoll, Chief of Transit Enforcement is retiring; staff would contact them regarding dates for the 2014 Board retreat.

• BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE

Board member Kranz requested staff research current law and report back to the Board regarding a lawsuit related to railroad crossings in San Clemente, CA.

• REMAINING PUBLIC COMMUNICATIONS

None

• ADJOURNMENT

The meeting adjourned at 4:17 p.m. Submitted by Jill McNaughton, Clerk of the Board for North County Transit District.
CALL TO ORDER

Bill Horn, Board Chair, called the special meeting to order at 1:00 p.m.

ROLL CALL OF BOARD MEMBERS

1. Mark Packard (City of Carlsbad);
2. Don Mosier (City of Del Mar);
3. Tony Kranz (City of Encinitas);
4. Ed Gallo (City of Escondido);
5. Chuck Lowery (City of Oceanside)
6. Rebecca Jones (City of San Marcos);
7. Bill Horn (County of San Diego);
8. John Aguilera (City of Vista).

Mike Nichols (City of Solana Beach) was absent.

WORKSHOP

W1. Procurement System Review Presentation:
The Board of Directors received a presentation by George Harris from Calyptus Consulting Group with an overview of the Procurement System Review that was conducted by them for NCTD.

W2. Expressive Activities Presentation:
Lori Winfree, General Counsel and Jaime Becerra, Chief Transit Enforcement Officer, updated the Board of Directors on the locations and time restrictions noted in NCTD Ordinance No. 3 regarding expressive activities. Staff will return to the Board at a later time to discuss proposed recommendations to this ordinance.

Board member Gallo asked if MTS has a similar policy in their service area. Staff will investigate and let him know. Board members Mosier and Jones suggested signage be placed to designate proper locations where the expressive activities should take place at each station.

CALL TO ORDER

Bill Horn, Board Chair, called the regular meeting to order at 2:00 p.m.
ROLL CALL OF BOARD MEMBERS

1. Mark Packard (City of Carlsbad);
2. Don Mosier (City of Del Mar);
3. Tony Kranz (City of Encinitas);
4. Ed Gallo (City of Escondido);
5. Chuck Lowery (City of Oceanside);
6. Rebecca Jones (City of San Marcos);
7. Bill Horn (County of San Diego);
8. John Aguilera (City of Vista).

Mike Nichols (City of Solana Beach) was absent.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board member Jones led the Pledge of Allegiance to the American Flag.

CHANGES TO THE AGENDA

Lori Winfree, General Counsel, noted to the Board that there were two items with non-substantive revisions that were provided to the Board and public as a "pink sheet": 1) the minutes of the November 20, 2014 meeting, and Agenda Item 2A – Amendment to Executive Director’s Employment Agreement.

PUBLIC COMMUNICATIONS

Linda Searcy, Carlsbad, spoke on her concerns regarding LIFT Paratransit. She currently lives outside the ¾ mile service area and wishes to be grandfathered into the program so she can still receive service.

Mystie Bollaert, Carlsbad, expressed her concern about the discontinuation of ID cards for service animals.

APPROVAL OF MINUTES OF THE NOVEMBER 20, 2014 SPECIAL AND REGULAR BOARD MEETINGS:

ON THE MOTION OF BOARD MEMBER KRANZ TO APPROVE THE MINUTES OF THE NOVEMBER 20, 2014 SPECIAL AND REGULAR BOARD MEETINGS, SECONDED BY BOARD MEMBER AGUILERA.

AYES: PACKARD, MOSIER, KRANZ, JONES, GALLO, HORN, AGUILERA
NOES: NONE
ABSENT: NICHOLS
ABSTAIN: LOWERY
MOTION CARRIES.

CONSENT ITEMS:

1. Authorize Sole Source Extension of Contract 7044-OS to Tristar Risk Management Services for Administration of Existing Workers' Compensation Claims

2. Approve Amendment to Employment Agreement: Executive Director

3. Authorize the Executive Director to Award a Five (5) Year Contract to Rebuild COASTER Traction Drive Motors

4. Receive Nominations for Board Chair and Vice-Chair

5. Adopt Calendar Year 2015 Board and Committee Meeting Schedule

6. Adopt 2015 Key Event Calendar

7. Receive Board Committee Preference Selection

8. Receive Monthly Intergovernmental Affairs Report

9. Receive Monthly Planning Division Update

10. Authorize the Executive Director to Pay Comprehensive General Liability Insurance Premium for Policy Year 2015

11. Approve 2015 Legislative Agenda

ON THE MOTION OF BOARD MEMBER JONES TO APPROVE CONSENT ITEMS 1 THROUGH 11, SECONDED BY BOARD MEMBER KRANZ.

AYES: PACKARD, MOSIER, KRANZ, LOWERY, JONES, GALLO, HORN, AGUILERA

NOES: NONE

ABSENT: NICHOLS

ABSTAIN: NONE

MOTION CARRIES.

NOTE:
Following notification by a member of the public that access to the Board Room had been temporarily disabled just prior to the vote on the consent agenda items, by recommendation of General Counsel, Chairman Horn, after asking whether the public wanted to pull any items for discussion, requested a re-vote on consent items 1-11.
ON THE MOTION OF BOARD MEMBER JONES TO APPROVE CONSENT ITEMS 1 THROUGH 11, SECONDED BY BOARD MEMBER GALLO.

AYES: PACKARD, MOSIER, KRANZ, LOWERY, JONES, GALLO, HORN, AGUILERA
NOES: NONE
ABSENT: NICHOLS
ABSTAIN: NONE
MOTION CARRIES.

OTHER BUSINESS

12. Conduct Public Hearing and Consider Approval of Staff Recommendation to Transition BREEZE Route 392 from Demonstration Status to Permanent Service

Johnny Dunning, Manager of Service Implementation, made a presentation to the Board of Directors recommending the transition of BREEZE Route 392 from demonstration status to permanent service. After receipt of no public comment at the meeting, the Board closed the 30-day public comment period and moved forward with staff’s recommendation to transition the route to permanent service.

ON THE MOTION OF BOARD MEMBER GALLO TO APPROVE AGENDA ITEM 12, SECONDED BY BOARD MEMBER AGUILERA.

AYES: PACKARD, MOSIER, KRANZ, JONES, LOWERY, GALLO, HORN, AGUILERA
NOES: NONE
ABSENT: NICHOLS
ABSTAIN: NONE
MOTION CARRIES.

13. Conduct Public Hearing and Consider Adoption of Proposed Modifications to NCTD Ordinance Nos. 1, 2 and 3 Regarding Smoking of Electronic Cigarettes, Alcohol Consumption on COASTER before 9:00 p.m. and Rules and Regulations Related to NCTD Vehicles and Facilities

Lori A. Winfree, General Counsel, provided the Board with a presentation on the proposed changes to NCTD Ordinances Nos. 1 – 3. The Board was advised that staff recommended the modified ordinances would become effective on February 1, 2015, to allow time for public education and to coincide with the release of NCTD’s 2015 Rider’s Guide.

Pamela Myers, Oceanside, expressed her disappointment about being exposed to second hand smoke and electronic cigarette smoke at the stations. She requested that the 25-foot
restriction from NCTD property be kept in the proposed Ordinance. She also inquired about the responsibility of Code Enforcement Officers to cite smokers in Parking Lot 26 in Oceanside.

Eric Collins, San Diego, Director of Alcohol Policy Panel in San Diego County, expressed his support for the alcohol ban and his support for the proposed rescinding of Ordinance No. 2.

Joe Kellejian, Vista, spoke on behalf of the Vista Community Clinic and American Lung Association in support of the proposed changes to Ordinance No. 1 regarding the proposed electronic cigarette ban.

Gena Knutsen, Vista, Program Manager for the Tobacco Program at Vista Community Clinic, expressed her support for the electronic cigarette ban. She suggested that NCTD revise Ordinance No. 1 to use the terminology "electronic smoking devices", rather than "electronic cigarettes."

Phillip Galchutt, Del Mar, expressed his disapproval of the alcohol ban. He stated he has been a COASTER rider for a year and suggested that alcohol be banned only during special events, like Padres games or Del Mar Races. He spoke in support of the electronic cigarette ban.

John Byron, Vista, on behalf of North Coastal Prevention Coalition, spoke as a member of the recovering community. He expressed his support of the alcohol ban on the COASTER.

Carmela Muñoz, San Marcos, on behalf of Vista Community Clinic, spoke in support of the alcohol ban.

Trudy Clark, Carlsbad, stated that she is against the alcohol ban and has been a loyal COASTER rider for more than 7 years. She stated she has never seen minors given alcohol nor inappropriate behavior on the train due to the consumption of alcohol. She stated that she and a group of friends ride in the same car every day and have Christmas parties on the train every year.

Letty Robles, San Marcos, spoke on behalf of the San Marcos Prevention Coalition in support of the ban on alcohol and electronic cigarettes.

K.C. Strang, San Marcos, spoke in support of the ban of alcohol and electronic cigarettes. He stated he has been a COASTER rider for 10 years and recalls inappropriate and rowdy behavior from passengers consuming alcohol while returning from Padres games.

Helen Antoniak, San Diego, spoke in support of a complete ban of alcohol on the train.

Diane Strader, Vista, Board member of the North Coastal Prevention Coalition spoke in support of the ban on alcohol and electronic cigarettes. She stated that she believes that public transportation should not be a party venue.

Glen Leider, Carlsbad, spoke in support of the ban on alcohol and electronic cigarettes. He was concerned that the term "train stations" had been deleted out of the ordinance, but it was
clarified by General Counsel that train stations are included in the definition of "transit facilities". He also expressed concern that the no smoking policy applies to the facilities and not within 25-feet of them. He also stated that he believed that enforcement of the policy has been poor.

Judy Strang, Executive Director of San Dieguito Alliance, spoke in support of the ban on alcohol and electronic cigarettes.

Chairman Bill Horn commented that this is not the first time that the alcohol ban has come up for discussion. He stated that NCTD was formed to provide public transportation, not entertainment or refreshments. He stated that NCTD has an obligation to provide for the safety of its passengers and the ban will mitigate liability issues.

Board member Gallo commented on his support of the ban on alcohol and electronic cigarettes.

Board member Mosier commented on his support of the ban on alcohol but specifically on the danger of electronic cigarettes. He expressed concern about e-cigarettes not being safe for multiple reasons, including the vapors being carcinogenic. He expressed concern about risks to young people traveling on COASTER as they are more sensitive to second hand smoke and to vapors. He also expressed concern about inappropriate comments that inebriated passengers might make in the presence of children and young people. He stated that he believes that NCTD must be sensitive to the needs of all passengers.

Board member Jones commented on her support of the ban on alcohol and electronic cigarettes. Based on the data collected and the potential liability to NCTD, she stated that she believes the ban will ensure the public safety of NCTD riders. In regards to electronic cigarettes, she stated that she is a mother of two teenagers and she does not want them to think that e-cigarettes and vapes are o.k. She expressed concern that electronic cigarettes are becoming more common and acceptable. She stated that she believes as a mother and community member decisions sometimes need to be made that are not popular, but are best for the public safety of all citizens.

Board member Kranz commented on his support on the ban of both alcohol and electronic cigarettes. He remarked that he believes that the over-consumption of alcohol is not happening on the train, but that in order to limit liability to NCTD and for the safety of all passengers, he supported the ban.

Board member Packard asked Lori Winfree, General Counsel, whether the proposed revisions related to Ordinance No. 1 provided by Ms. Knutsen recommending the use of "electronic smoking devices" rather than "electronic cigarettes" had been considered. Ms. Winfree indicated that staff's recommendation was made after full consideration of the proposed revisions. Mr. Packard expressed that commuters are able to take the train in the morning without the need for a drink, and that he believed they were able to do so on their afternoon commutes as well. Mr. Packard stated that he supported the ban on alcohol and electronic cigarettes.
Board member Aguilera expressed regret that the actions of a few passengers created a condition requiring a policy that impacted all passengers and commented that although it is not NCTD's job to regulate people's behavior, he supported the ban on alcohol in order to limit NCTD's risk and liability.

Board member Lowery asked staff about the enforcement of the no smoking policy in parking lot 26. Ms. Winfree advised that she believed the agreement that NCTD has with the City of Oceanside had recently been modified and does not cover the entirety of the lot. She advised that she would review and follow up with him.

ON THE MOTION OF BOARD MEMBER KRANZ TO APPROVE AGENDA ITEM 13 — APPROVE PROPOSED CHANGES TO ORDINANCE NO. 1, SECONDED BY BOARD MEMBER JONES.

AYES: MOSIER, PACKARD, KRANZ, JONES, LOWERY, GALLO, HORN, AGUILERA
NOES: NONE
ABSENT: NICHOLS
ABSTAIN: NONE

MOTION CARRIES.

ON THE MOTION OF BOARD MEMBER MOSIER TO APPROVE AGENDA ITEM 13 — APPROVE RESCINDING ORDINANCE NO. 2 IN ITS ENTIRETY, SECONDED BY BOARD MEMBER JONES.

AYES: MOSIER, PACKARD, KRANZ, JONES, LOWERY, GALLO, HORN, AGUILERA
NOES: NONE
ABSENT: NICHOLS
ABSTAIN: NONE

MOTION CARRIES.

ON THE MOTION OF BOARD MEMBER AGUILERA TO APPROVE AGENDA ITEM 13 — APPROVE PROPOSED CHANGES TO ORDINANCE NO. 3, SECONDED BY BOARD MEMBER MOSIER.

AYES: MOSIER, PACKARD, KRANZ, JONES, LOWERY, GALLO, HORN, AGUILERA
NOES: NONE
ABSENT: NICHOLS
ABSTAIN: NONE
MOTION CARRIES.

INFORMATION ITEM

14. Receive Financial Audit Results

Ryan Bailey, Chief Financial Officer, introduced Kevin Starky, Audit Partner for Macias Gini & O'Connell (MGO), who provided a presentation regarding the financial audit results for FY2014. There were no audit revisions, management letter comments or outstanding issues for NCTD.

EXECUTIVE DIRECTOR'S REPORT

Matthew Tucker, Executive Director, reminded all Board members that Board Orientation will be at 11:30 a.m. on January 15, 2015. He also asked all members to complete the NCTD committee preference memo found in their folders. He mentioned that NCTD will offer free service to passengers on all modes on New Year's Eve after 6 p.m.

BOARD MEMBER REPORTS, COMMENTS AND CORRESPONDENCE
No comments – meeting was adjourned.

REMAINING PUBLIC COMMUNICATIONS

None.

ADJOURNMENT

The meeting adjourned at 3:39 p.m. Submitted by Anthony Flores, Clerk of the Board for North County Transit District.

CHAIRMAN: [Signature]

CLERK OF THE BOARD: [Signature]

DATE: December 18, 2014

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