NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda

Thursday, March 19, 2026
Regular Meeting: 2:00 P.M.

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

View Live Stream at:
https://www.youtube.com/GoNCTD

MISSION

The mission of North County Transit District, which operates as North County Transit – San Diego Railroad and referred to herein as NCTD, is to operate an environmentally sustainable and fiscally responsible transit network that provides seamless mobility for all while achieving organizational and operational excellence.

VISION

NCTD envisions a comprehensive transit and mobility system that connects all North County San Diego residents and visitors to a healthy, economically vibrant, and thriving region.

ASSISTIVE SERVICES

For individuals with disabilities, NCTD will provide assistive services. To obtain such services or copies of documents in an alternate format, please call or write, a minimum of 72 hours prior to the event, to request these needed reasonable modifications. NCTD will make every attempt to accommodate requests that do not give 72-hour notice. Please contact the Clerk of the Board at (760) 966-6696 or clerk@nctd.org.

For individuals with sensory disabilities, this document is available in alternate formats. For information, please contact the Clerk of the Board at 760/966-6696 or clerk@nctd.org. Persons with hearing impairment, please use the California Relay Service (CRS): 800/735-2929 TTY; 800/735-2922 voice; 800/855-3000 Spanish. CRS Customer Service: 877/632-9095 English or 877/419-8440 Spanish.

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Any writings or documents provided to a majority of the members of the NCTD Board of Directors regarding any item on this agenda will be made available for public inspection at the office of the

Clerk of the Board located at 810 Mission Avenue, Oceanside, CA 92054, during normal business hours and on the website at GoNCTD.com.

PUBLIC COMMENT

IN-PERSON PARTICIPATION AT THE BOARD MEETINGS: All persons wishing to address the Board of Directors during the meeting can do so in-person. Speakers must complete a "Request to Speak" form provided at the meeting. The completed form must be submitted to the Clerk of the Board prior to the call of the specific agenda item on which the individual wishes to speak.

WRITTEN COMMENT PRIOR TO BOARD MEETINGS: Members of the public may also submit their comments via email at publiccomment@nctd.org. All comments received prior to the start of the Board or Committee meeting will be provided to the Board/Committee and made available for public inspection on the NCTD website at: https://gonctd.com/about-nctd/board-information/ prior to the meeting and included in the record of the Board/Committee Meeting.

VIRTUAL PARTICIPATION AT THE BOARD MEETINGS: Pursuant to Government Code section 54953, NCTD is providing alternatives to in-person attendance for viewing and participating in NCTD Board and/or Committee meetings.

Zoom Participation:
Members of the public may view or participate in the meeting through Zoom from a PC, MAC, iPad, iPhone, or Android device, at the following URL: https://nctd.zoom.us/j/85126534550?pwd=jMafaxqtq6d11kUjqQoBCeGlkL561j.1
Passcode: 084154

Phone Participation:
To join the meeting by phone, dial 669-900-6833
Webinar ID: 851 2653 4550
Passcode: 084154

If you would like to speak on an agenda item via Zoom during the meeting, you must email the Clerk of the Board at clerk@nctd.org. Please provide the Clerk your name and item number you wish to comment on. *If you plan on calling into the Zoom meeting rather than videoconferencing, you must also provide the telephone number you will be using.* You must be logged on to the Zoom meeting by phone or online to speak. When it is your turn to comment, the Clerk of the Board will call you by name or phone number. Members of the public may register with the Clerk of the Board to speak on an agenda item until the public comment period for that item is closed.

The public may also provide oral comments on agenda items by calling (760) 966-6560. When prompted, the caller should identify the agenda item they wish to speak about and leave a message not to exceed three minutes. All telephonic comments received prior to the start of the Board or Committee meeting will be provided to the Board/Committee prior to the meeting and made available for public inspection on the NCTD website at: https://GoNCTD.com/about-nctd/board-information/.

All written and/or telephonic comments received by 5:00 p.m. the day before the meeting will be shared with the Board of Directors and made available for public inspection prior to the meeting. Written and/or telephonic comments may not be read aloud or played for the Board of Directors during the meeting. All telephonic and written comments will be made part of the record.

REGULAR MEETING BEGINNING AT 2:00 PM

- **CALL TO ORDER**
- **ROLL CALL OF BOARD MEMBERS**
- **PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG**
- **SAFETY BRIEF & EVACUATION PROCEDURES – Suheil Rodriguez, Director of Administration/Clerk of the Board**
- **CHANGES TO THE AGENDA**
- **PUBLIC COMMUNICATIONS**

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

A. MINUTES

Approve Minutes for NCTD's Regular Board Meeting of January 15, 2026
(Suheil Rodriguez, Director of Administration/Clerk of the Board)

B. CONSENT ITEMS 1 – 13

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

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

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

1. Receive the Monthly Intergovernmental Affairs Report (S) (Attachments 1A – 1D)
   (Mary Dover, Chief of Staff)

2. Receive the Monthly Transit Operations Performance Report for November 2025 through January 2026 (S) (Attachments 2A – 2C)
   (Ioni Tcholakova, Director of Service Planning)

3. Receive the Annual Transit Operations Performance Report for Fiscal Year 2025 (S) (Attachment 3A)
   (Ioni Tcholakova, Director of Service Planning)

4. Receive the Performance, Administration and Finance Committee Chair Report for the Meeting on February 12, 2026 (S) (Attachments 4A – 4B)
   (Eun Park-Lynch, Chief Financial Officer)

5. Award Agreement No. 26018 to A.B. Hashmi, Inc. for Bus Stop Bench and Trash Can Replacements at Oceanside Transit Center and throughout North County (S)
   (Tracey Foster, Chief Operating Officer – General Services)

6. Approve Amendment to Agreement No. 24051 with Inter-Con Security Systems, Inc. to Increase the Contract Amount for the Base Term and Authorize the Chief Executive Officer to Exercise One Three-Year Optional Extension (S)
   (Lori A. Winfree, Deputy Chief Executive Officer/Chief General Counsel)

7. Approve the Public Transportation Agency Safety Plan for Bus Services and the Combined Public Transportation Plan/System Safety Plan for COASTER and SPRINTER Services (S) (Attachments 7A and 7B)
(Lori A. Winfree, Deputy Chief Executive Officer/Chief General Counsel)

8. Adopt Resolution No. 26-02 Approve Updates to Board Policy No. 24 – Drug and Alcohol Program (S) (Attachments 8A – 8C)
(Lori A. Winfree, Deputy Chief Executive Officer/Chief General Counsel)

9. Adopt Resolution No. 26-03 Approving Amendments for the 457(b) Deferred Compensation Plan and the 401(a) Retirement Plan Documents, and for the 457 Deferred Compensation Trust Agreement and the 401(a) Trust Agreement (S) (Attachments 9A – 9E)
(Lori A. Winfree, Deputy Chief Executive Officer/Chief General Counsel)

10. Adopt Resolution No. 26-04 Approving Modifications to Board Policy No. 8 – *Conflict of Interest Code* (S) (Attachments 10A – 10C)
(Suheil Rodriguez, Director of Administration/Clerk of the Board)

11. Adopt Resolution No. 26-05 Approving Modifications to Board Policy No. 10 – *Cash Reserve Funds* (S) (Attachments 11A – 11C)
(Lori A. Winfree, Deputy Chief Executive Officer/Chief General Counsel)

12. Adopt Resolution No. 26-06 Authorizing the Execution of the Certifications and Assurances and Authorized Agent Forms for the State Rail Assistance Program (S) (Attachment 12A)
(Eun Park-Lynch, Chief Financial Officer)

13. Approve Revised FY2026 Non-Represented and Represented Classification and Compensation Schedules (S) (Attachments 13A and 13B)
(Adrienne Johnson, Deputy Chief People Officer)

C. OTHER BUSINESS ITEMS 14

14. Review and Approve Final Climate Adaptation and Infrastructure Resiliency Plan (Attachments 14A – 14C)
(Ioni Tcholakova, Director of Service Planning)

D. INFORMATION ITEMS 15 AND 16

15. Receive an Update Regarding NCTD Bus and Maintenance Operations Insourcing (Attachment 15A)
(Shawn M. Donaghy, Chief Executive Officer)

16. Update on Proposed State Legislation Related to Senate Bill 79 (Attachment 16A)
(Mary Dover, Chief of Staff)

E. CLOSED SESSION ITEMS 17 AND 18

17. Closed Session Pursuant to Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation – Washington v. North County Transit District, et al., San Diego County Superior Court Case No. 26CU002169C.
(Lori A. Winfree, Deputy Chief Executive Officer/Chief General Counsel)

18. Closed Session Pursuant to Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Number of Potential Cases: One (1) – Existing facts and circumstances pursuant to Government Code Section 54956.9(e)(2): Employment-related dispute.
(Lori A. Winfree, Deputy Chief Executive Officer/Chief General Counsel)

- **CHIEF EXECUTIVE OFFICER'S REPORT**
- **BOARD MEMBER REPORTS, COMMENTS, AND CORRESPONDENCE**
- **REMAINING PUBLIC COMMUNICATIONS**
  - For any remaining speakers who have completed a "Request to Speak" form.
- **ADJOURNMENT**
- **CERTIFICATIONS AND RULES (FOR BOARD AND PUBLIC INFORMATION)**
  - Posting of Board Agenda (Page 7)
  - Rules for Public Speakers at meetings of North County Transit – San Diego Railroad (Page 8)
  - Quorum and Voting Information (Page 9)

Upcoming Meetings:

- ***Executive Committee Meeting: Thursday, April 7, 2026 at 11:00 a.m.***
- ***Regular Board Meeting: Thursday, April 16, 2026 at 2:00 p.m.***

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

NORTH COUNTY TRANSIT
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MAP OF NCTD OFFICES

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

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

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

March 12, 2026

To: North County Transit – San Diego Railroad Board Members

From: Suheil Rodriguez, Clerk of the Board

Subject: POSTING OF REGULAR BOARD AGENDA

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

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

Regular Meeting: March 19, 2026 at 2:00 p.m.

Posted At: 810 Mission Avenue, Oceanside, CA

Posted Online At: www.goNCTD.com

Date & Time of Posting: March 12, 2025 by 7:30 p.m.

Posted By: Suheil Rodriguez, Clerk of the Board

NORTH COUNTY TRANSIT
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Rules for Public Speakers at Meetings of the North County Transit – San Diego Railroad

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

1. COMMENTS FOR MATTERS NOT ON AGENDA

A. Total time limit for telephonic comments:
   - Beginning of meeting: 15 minutes
   - End of meeting: No time limit.

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

C. Priority: First come, first served. Speakers who registered to speak with the Clerk will be called to address the Board of Directors in the order they are received.

D. Order on agenda: Comments for matters not on the agenda will be heard at the beginning of the meeting and if the time limit stated in Paragraph A is exhausted, comments that were unable to be heard due to time limit stated above, will be heard at the end of the meeting under "*Remaining Public Communications.*"

2. TIME LIMITS FOR ADDRESSING MATTERS ON THE AGENDA

A. Total time limit: None.

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

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

D. Comments made not germane to the subject matter of the agenda item being considered will be considered out of order.

3. CUTOFF FOR TURNING IN SPEAKER SLIPS

A. Members of the public may register with the Clerk to speak on an agenda item up until the public comment period is closed on a particular item.

4. MODIFICATION OF RULES BY CHAIR

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

NORTH COUNTY TRANSIT
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Quorum and Voting

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

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

Jurisdiction	2023 Estimate	Percentage	Vote
Carlsbad	115,045	12.1%	12
Del Mar	3,918	0.4%	1
Encinitas	61,254	6.4%	6
Escondido	150,571	15.8%	16
Oceanside	172,186	18.1%	18
San Marcos	94,823	10.0%	10
San Diego County	240,653	25.3%	25
Solana Beach	12,831	1.3%	1
Vista	100,113	10.5%	11
Total	**951,394**	**100.0%**	**100**
Source: 2023 Estimate via SANDAG Open Data Portal – Updated November 2024			

NORTH COUNTY TRANSIT
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MINUTES OF THE REGULAR MEETING OF THE
NORTH COUNTY TRANSIT – SAN DIEGO RAILROAD BOARD OF DIRECTORS
HELD ON JANUARY 15, 2026

CALL TO ORDER

Board Chair Bhat-Patel called the Regular Meeting to order at 2:01 p.m.

ROLL CALL OF BOARD MEMBERS

1. Priya Bhat-Patel (City of Carlsbad)
2. Mike Sannella (City of San Marcos)
3. Tracy Martinez (City of Del Mar)
4. Jim O'Hara (City of Encinitas)
5. Joe Garcia (City of Escondido)
6. Eric Joyce (City of Oceanside)
7. Jim Desmond (County of San Diego)
8. Jewel Edson (City of Solana Beach)
9. Corinna Contreras (City of Vista)
10. Madison Coleman (City of San Diego) – Board Alternate, arrived at 2:07 p.m.

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

Board Member Desmond led the Pledge of Allegiance to the American Flag.

SAFETY BRIEF AND EVACUATION PROCEDURES

Suheil Rodriguez, Clerk of the Board, reviewed emergency evacuation procedures.

CHANGES TO THE AGENDA

None

PUBLIC COMMUNICATIONS

John Mosher, San Marcos, shared a letter with the Board from the Mayor of Sunnyvale. The letter explains how Senate Bill 79 allows new developments to be built near mobile home parks. He is asking for better protection of mobile home parks in North County under this law. He has also been notified of significant senior fraud and has been distributing flyers to all mobile home parks in the area.

DRAFT

Janet Rogers, representing the Train Coalition, shared her concern about the new COASTER schedule that allows the train to idle at the Santa Fe Depot station for longer periods. She wishes NCTD can find an alternative location for the train to dwell between rides.

Paul Herstein, representing the Train Coalition, shared concerns regarding pollution from train idling at Santa Fe Depot. He also shared that overhead lighting at the station should be improved.

APPROVAL OF THE MINUTES OF THE DECEMBER 18, 2025 REGULAR BOARD MEETING

ON THE MOTION OF BOARD MEMBER O'HARA TO APPROVE THE MINUTES OF THE DECEMBER 18, 2025 REGULAR BOARD MEETING, SECONDED BY BOARD MEMBER EDSON.

AYES: BHAT-PATEL, SANNELLA, MARTINEZ, O'HARA, GARCIA, JOYCE, DESMOND, EDSON, CONTRERAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION PASSES.

APPROVAL OF CONSENT ITEMS 1 – 15

1. Receive the Monthly Intergovernmental Affairs Report
2. Receive the Performance, Administration and Finance Committee Chair Report for the Meeting on December 15, 2025
3. Receive the Executive Committee Chair Report for the Meeting on December 18, 2025
4. Receive the Unaudited Quarterly Investment Report for the First Quarter of FY2026
5. Receive the Unaudited Quarterly Financial Report for the First Quarter of FY2026
6. Receive the Quarterly Safety and Risk Management Report for the First Quarter of FY2026
7. Receive the Quarterly Security Report for the First Quarter of FY2026
8. Receive the Quarterly Customer Experience Report for the First Quarter of FY2026
9. Receive the Quarterly Report of Contract Actions Issued Under the Chief Executive Officer's Authority for the First Quarter of FY2026
10. Receive Final Report of Contract Items for the Bus Transition Approved Pursuant to the Chief Executive Officer's Authority
11. Adopt Resolution No. 26-01 Approving Modifications to Board Policy No. 8 – *Conflict of Interest Code*
12. Approve NCTD's Board and External Committee Appointments for Calendar Year 2026

13. Adopt Proclamation Recognizing January as Human Trafficking Awareness and Prevention Month
14. Election of NCTD's Board Chair and Vice-Chair for Calendar Year 2026
15. Adopt the Proposed Calendar Year 2026 Legislative Agenda

Prior to the vote, Board Member Contreras asked when the next Transit Operations Performance Report (TOPR) will be available. CEO Shawn Donaghy responded that the Automatic Passenger Counters (APC) on the SPRINTER are not capturing passenger counts correctly. Once the data is collected and confirmed, the TOPR will be brought for review at the next Board meeting retroactively.

ON THE MOTION OF BOARD MEMBER CONTRERAS TO APPROVE CONSENT ITEMS 1-15, SECONDED BY BOARD MEMBER EDSON.

AYES: BHAT-PATEL, SANNELLA, MARTINEZ, O'HARA, GARCIA, JOYCE, DESMOND, EDSON, CONTRERAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION PASSES.

OTHER BUSINESS ITEM 16

16. Approve the Calendar Year 2026 Discretionary Grants Strategy

Mary Dover, Chief of Staff, and Tyler Mosher, Grants Coordinator/Government Affairs Analyst, presented an overview of NCTD projects that are included in the 2026 Discretionary Grants Strategy. In calendar year 2025, NCTD secured $16.8 million in discretionary grant funding from the Federal Transit Administration (FTA) to replace compressed natural gas (CNG) BREEZE buses. Additionally, NCTD applied for a variety of grant programs in CY 2025 that are still pending and could potentially be awarded an additional $2.8 million. Funding was requested for SPRINTER Improvements, San Diego Subdivision Positive Train Control (PTC), Bus Stop Improvements, Bus Stop Assessment and Buena Creek Grade Separation.

NCTD has approximately $1.5 billion in unfunded capital needs. Staff have identified four key projects for inclusion in the CY 2026 Discretionary Grants Strategy that require funding in excess of $1.3 billion. These high-priority projects are SPRINTER Fleet Replacement, SPRINTER Corridor Improvement Project, Eastbrook to Shell Double Track, and Sorrento to Miramar Double Track Phase II.

Board Member Contreras asked for information on grant applications submitted for the Buena Creek Grade Separation. Ms. Dover responded there have been three unsuccessful applications. Board Member Contreras would like NCTD to reconsider keeping this on the project priority list because no funding has been secured yet. She believes the Vista Village Grade Separation is a

higher priority and preliminary studies have already been completed. She further asked if NCTD will need to purchase a new SPRINTER fleet before platform modifications can begin. CEO Donaghy confirmed this is correct; the train also needs to be compliant with the Federal Railroad Administration (FRA) and with Positive Train Control (PTC). Ms. Dover added that NCTD staff carefully determines what projects should be on the priority list prior to submitting applications. Generally, projects that are similar in scope do not get submitted at the same time for grants due to limited funding availability. She suggests that the Board consider adopting the Discretionary Grants Strategy per staff recommendation, meanwhile, NCTD will work with the City of Vista to find other viable funding sources to fund the Vista Village Grade Separation project. Board Member Contreras requested that the Board consider adding the Vista Village Grade Separation project to the priority list in the near future.

Board Member Edson asked if some “shovel-ready” projects that are on hold due to partial funding make a grant application more attractive for award. Ms. Dover responded that when a project has a local match, the grant is more competitive.

Board Member Desmond shared that he believes the Buena Creek Grade Separation project is a priority for the area due to the current impacts to emergency services. He is confident that NCTD staff has vetted the priority list and determined the most important projects on the Discretionary Grants Strategy.

Board Member Joyce inquired about the process of determining what projects are submitted for applications. Ms. Dover responded that projects are chosen based on what NCTD staff determines is a priority coupled with considerations that would make the application more appealing and competitive. Board Member Joyce requested to review community improvements for the Eastbrook to Shell Bridge project. He would like the Board to have preliminary conversations about what projects make the priority list based on the needs of each city. Ms. Dover added that the Buena Creek Grade Separation project was determined to be a priority project because of an existing Memorandum of Understanding (MOU) with the County that allows NCTD to seek funding via grant applications. Among other considerations, NCTD staff assesses the number of trains or buses in the areas, traffic, vehicular or pedestrian related fatalities, etc. before determining which projects are on the Discretionary Grants Strategy. All cities represented by the Board are invited to establish similar MOUs that will advance projects in their respective jurisdictions.

Board Member Garcia shared that projects in Escondido are finally getting funded after several years and is excited to see these projects come to fruition.

Board Member O’Hara inquired if hydrogen buses are part of the Bus Replacement project. Ms. Dover responded that NCTD already received funding for hydrogen buses a couple of years ago so this time NCTD received funding for more CNG buses. Board Member O’Hara further asked if NCTD assesses bus stops to improve lighting, shade, ADA-accessibility, etc. Ms. Dover responded that NCTD’s core routes – or the routes with higher ridership – are assessed frequently and are typically good candidates for larger scale amenities like improved lighting and benches. However, the less frequent routes are also assessed to account for longer wait times, ADA-accessibility, and street infrastructure considerations, etc. This assessment includes over 1,600 bus stops in NCTD’s entire service area.

Board Member Martinez asked if NCTD would consider making the same assessment for intersections that need improvements to allow easier access for emergency personnel and first responders.

Vice-Chair Sannella agreed that the Board should discuss priority lists in the future to address all of the cities' project needs.

Board Chair Bhat-Patel asked what NCTD wishes to achieve in the near future given budget constraints and limited funding sources. CEO Donaghy responded that it will likely be challenging over the next couple of years, but NCTD will need to be more thoughtful on its future grant requests since discretionary grant funding will likely decrease in the future. NCTD is looking into ways to use federal dollars towards initiatives like safety and security. This way, NCTD can have more operating money to use for the things that are needed immediately. Board Chair Bhat-Patel noted that she appreciates the effort staff puts into applying for these grants, especially given how challenging it is to secure funding.

It was agreed by the Board that a discussion on grade separation projects and how they are prioritized will be agendized at a future meeting.

ON THE MOTION OF BOARD MEMBER DESMOND TO APPROVE AGENDA ITEM 16, SECONDED BY BOARD MEMBER O'HARA.

AYES: BHAT-PATEL, SANNELLA, MARTINEZ, O'HARA, GARCIA, JOYCE, DESMOND, EDSON, CONTRERAS

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

MOTION PASSES.

INFORMATION ITEM 17

17. Receive the Fiscal Year 2025 Financial Audit Results and Annual Comprehensive Financial Report (ACFR)

Eun Park-Lynch, Chief Financial Officer, and Kinnaly Soukhaseum, Partner with Eide Bailly, presented the FY25 Financial Audit Report. The FY2025 audit report highlighted the following:

- Cash and investments of $131.1 million as of June 30, 2025 and maintained the minimum cash reserve required by Board Policy No. 10 – Cash Reserve Funds
- $6.4 million Net Operating Income
- Capital expenditures of $78.5 million

Eide Bailly issued an unmodified (clean) opinion on the ACFR, Single Audit, and TDA reports and determined that no material weaknesses nor issues of non-compliance were identified.

The Board shared positive comments and appreciation to staff for a job well done.

CHIEF EXECUTIVE OFFICER'S REPORT

Shawn Donaghy reported the following:

- Congratulations to Board Chair Bhat-Patel and Vice-Chair Sannella for their reelection to the Board for 2026.
- A local news agency issued an article regarding NCTD's thoughts on fare evasion.
- Thanked the Maintenance of Way department for clearing the mudslide that occurred in Miramar on New Year's Day.
- Thanked the Board for their support on the proclamation for the Prevention of Human Trafficking. This is an important initiative for NCTD and he hopes this will have a positive impact.
- Thanked the crews during the Absolute Work Window that occurred last weekend in Leucadia, Encinitas and Del Mar.
- There have been reports of "surfers" riding the top of the COASTER. This has been addressed, and the authorities have arrested the suspects.
- A recent concern has arisen regarding non-domiciled employees that may lose their commercial driver's licenses (CDL). The impacted bus operators have been pulled out of service and will be placed on modified/alternative work while they work to get their CDLs reinstated. The Service Planning department is working on new run cuts to minimize any impact to bus service.

BOARD MEMBER REPORTS, COMMENTS, AND CORRESPONDENCE

Board Member O'Hara thanked Brian Helms and the Maintenance of Way staff for their professionalism and hard work during the AWW last weekend in Leucadia.

Board Member Edson reported that LOSSAN has reinstated a 13th Surfliner round-trip from Los Angeles to Santa Fe Depot.

Board Chair Bhat-Patel thanked the Board for reelecting her as Board Chair for 2026. She reported that the Carlsbad Marathon will take place the following weekend. There will be some road closures, so public transit is encouraged.

REMAINING PUBLIC COMMUNICATIONS

None

ADJOURNMENT

Board Chair Bhat-Patel adjourned the meeting at 3:35 p.m. Submitted by Suheil Rodriguez, Clerk of the Board, for the North County Transit – San Diego Railroad (NCTD).

_____
BOARD CHAIR
North County Transit – San Diego Railroad

CERTIFICATION

I, Suheil Rodriguez, duly appointed and qualified, Clerk of the Board of NCTD, do hereby certify that the above is a true and correct copy of the Minutes of the Regular Board Meeting held on January 15, 2026, approved by the Board of Directors of NCTD adopted at a legally convened meeting of the Board of Directors of NCTD held on March 19, 2026.

_____
CLERK OF THE BOARD
North County Transit – San Diego Railroad

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NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item # 1

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

Time Sensitive: ☐ **Consent:** ☒

STAFF RECOMMENDATION: Receive the Monthly Intergovernmental Affairs Report for January and February 2026.

BACKGROUND INFORMATION:

Attached are the Monthly Intergovernmental Affairs Reports for January and February 2026 (Attachments A, B, C, and D) submitted by Manatt and Townsend Public Affairs. The monthly reports provide updates on federal and state legislative activity impacting North County Transit – San Diego Railroad (NCTD). Highlights of the January and February reports include:

Legislative Activity and Updates – Federal:

Appropriations Update – On February 3, President Trump signed H.R. 7148, the *Consolidated Appropriations Act of 2026*, into law. This legislation covered multiple federal appropriations bills, including the Fiscal Year (FY) 2026 Transportation, Housing and Urban Development, and Related Agencies (THUD) Appropriations bill. Notably, the FY 2026 THUD bill included federal funding earmarked for three of NCTD's Community Project Funding and Congressionally Directed Spending requests, totaling roughly $2 million:

- Bus Stop Security and Enhancement Project - $250,000 (Rep. Peters)
- Positive Train Control Rail Safety Enhancement Project - $600,000 (Rep. Levin)
- SPRINTER Platform and Track Enhancement Project - $1.2 million (Sen. Padilla)

Rail Safety Legislation Introduced – In late February, members of Congress introduced two pieces of legislation intended to enhance rail safety. These efforts mirror previous legislative efforts following the 2023 Norfolk Southern derailment in East Palestine, Ohio. The *Railway Enhancement Act of 2026*, introduced by Representative Troy Nehls (R-TX) and Representative Seth Moulton (D-MA), requires Class 1 freight railroads and Amtrak to enroll in the Confidential Close Call Reporting System (C3RS) for two years, requires freight operators to notify states when transporting hazardous materials, and authorizes an additional $1 billion for the Railroad Crossing Elimination (RCE) Grant Program to improve safety at railroad grade crossings. The *Bipartisan Railway Safety Act of 2026*, introduced by a group of Senators, intends to strengthen rail safety requirements, improve train inspections, boost support for first responders, and increase penalties on rail companies for wrongdoing. Notably, this legislation would mandate the deployment of hotbox detectors on railroads at an average of every 15 miles. If the installation of these detectors were to be required of NCTD as the owner of both the San Diego and Escondido Subdivisions, NCTD would be expected to incur costs in excess of $2 million.

USDOT Leadership Changes – On February 20, Marcus Molinaro exited his role as Administrator for the Federal Transit Administration (FTA). Additionally, Matthew Welbes, Executive Director for the FTA, announced that he plans to

leave his role at the agency by the end of March. Lastly, the Senate confirmed Ryan McCormack to serve as Undersecretary for Policy at the United States Department of Transportation (USDOT). In this role, McCormack will oversee development of USDOT policy across all modal agencies. McCormack most recently served as Deputy Chief of Staff at the USDOT.

Legislative Activity and Updates – State:

Legislature Reconvenes – On January 5, the State Legislature commenced the second year of the 2025-2026 Legislative Session. Both the Assembly and Senate resumed committee activity, and legislators introduced new legislation ahead of the February 20 bill introduction deadline. Proposed legislation notable to NCTD this legislative session includes:

- **AB 1237 (McKinnor):** Requires ticket sellers for venues with a capacity of 1,000 or more to include an option during the transaction for a customer to also purchase a transit ticket from a public transit provider which offers service to the venue.
- **AB 1599 (Ahrens):** Requires Caltrans to create a centralized, statewide dataset of standardized information regarding transit stops that includes each stop's name, location, available amenities, and unique identifier. Also requires transit agencies to ensure the name and location of each of its transit stops conforms with the statewide dataset.
- **SB 667 (Archuleta):** Requires railroad corporations to install wayside detector systems at specified intervals on California railroads that provide freight rail service. This bill establishes penalties for violations and requires the California Public Utilities Commission (CPUC) to enforce those penalties.
- **SB 677 (Wiener):** Makes changes to SB 79 (Wiener, 2025) by changing the definitions for "high-frequency commuter rail" and "commuter rail."
- **SB 1136 (Blakespear):** Requires commuter rail agencies that have a connection station between two or more commuter rail services to adopt a special events service plan. Would make this requirement a condition for commuter rail agencies to receive State Rail Assistance (SRA) funds.

Budget Update – On January 9, the California Department of Finance released Governor Newsom's budget proposal. The Governor's proposal projects a $2.9 billion deficit, significantly lower than the $18 billion shortfall predicted by the Legislative Analyst's Office (LAO) in November. The Governor's proposal projects a smaller deficit due to a significantly better than expected tax revenue collection in late 2025. The Governor's proposal honors the Cap-and-Invest Expenditure Plan reached with the Legislature last year. However, it also reflects a modest decline in funding to local transportation agencies from the Greenhouse Gas Reduction Fund (GGRF) due to a weak Cap-and-Invest auction market. Additionally, the proposal does not appropriate an expected $230 million for the Zero Emission Transit Capital Program (ZETCP), which provides funding to transportation agencies for zero-emission transit equipment and operations.

2026 TIRCP Final Guidelines and Call for Projects Released – On February 23, the California State Transportation Agency (CalSTA) announced the 2026 Transit and Intercity Rail Capital Program (TIRCP) Final Guidelines and Call for Projects. TIRCP provides discretionary funding for capital improvements that modernize public transportation services or systems to reduce greenhouse gas emissions, increase ridership, and improve safety. For 2026, CalSTA anticipates at least $950 million will be available for applicants. NCTD has begun planning efforts to prepare an application before the deadline in mid-May.

Grant Activity

Below is an overview of successful grant awards in Calendar Year (CY) 2025, as well as successful and pending awards year-to-date in CY 2026. NCTD was the lead applicant for these grant applications, except where otherwise noted.

CY 2025		CY 2026	
Successful Awards		**Pending Awards**	**Successful Awards**
Bus Replacement Project (Low or No Emission Grant Program) ***$16,774,170***		Bus Stop Assessment (Caltrans Planning Grant) ***$393,820***	SPRINTER Improvements (Congressionally Directed Spending) ***$1,200,000***
		Buena Creek Grade Separation (Caltrans Planning Grant) ***$309,856***	San Diego Subdivision PTC (Community Project Funding) ***$600,000***
		SPRINTER Infrastructure Investment Program (BUILD) ***$2,328,000***	Bus Stop Improvements (Community Project Funding) ***$250,000***
		Eastbrook to Shell Double Track Project (SANDAG – Federal/State Partnership) ***$124,429,778***	
Total Successful: $18,794,170		**Total Pending: $127,461,454**	

ATTACHMENT: 1A – Federal Monthly Legislative Report (Manatt) – January/February 2026
1B – State Monthly Legislative Report (Townsend) – January 2026
1C – State Monthly Legislative Report (Townsend) – February 2026
1D – Status of Tracked Legislation Report – February 2026

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

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manatt

To: North County Transit District
From: Manatt, Phelps & Phillips LLP
Re: Federal Update – February 2026

The following memorandum summarizes recent federal developments of importance to the North County Transit District:

- FY26 Appropriations Update
- Members Continue Work on Surface Transportation Reauthorization and BASICS Act Introduced
- Senate Committee on Commerce, Science, and Transportation Holds Hearing on Self-Driving Vehicles
- DOT Announces All Stations Accessibility Program NOFO
- Marc Molinaro Departs Trump Administration
- Senate Confirms Ryan McCormack to Top Policy Role at DOT

<u>FY26 Appropriations Update</u>

- On February 3, the House passed a $1.2 trillion spending package, 217-214, sending the bill to President Trump's desk. The bill funds the remaining departments under the Defense; Financial Services and General Government; Labor, Health and Human Services, Education; Department of State-National Security; and Transportation-Housing and Urban Development (HUD) appropriations bills.

- The Transportation-HUD bill includes the following community project funding/Congressionally directed spending projects for NCTD:
    - Bus Stop Security and Enhancement Project - $250,000 (Rep. Peters)
    - Positive Train Control Rail Safety Enhancement Project - $600,000 (Rep. Levin)
    - SPRINTER Platform and Track Enhancement Project - $1.2M (Sen. Padilla)

- Following the incidents in Minneapolis, Democrats and Republicans have been unable to reach agreement on the DHS appropriations bill—and funding has lapsed for DHS resulting in a partial government shutdown. Weeks after the initial shutdown, Congress remains without a deal on DHS funding as Democrats and the White House exchange counteroffers on policy and spending provisions.

- Below are key budget highlights from the FY26 funding package for the Department of Transportation (DOT).

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DOT Program	FY25 Enacted	FY26 House	FY26 Senate	FY26 Final
BUILD *(previously known as RAISE)* *(In addition to IIJA Advanced Appropriations)*	$345 million	$0	$250 million	$145 million
Federal Highway Administration (FHWA)	$62.991 billion	$64.366 billion	$63.3 billion	$64.3 billion
FHWA Highway Formula Funding *(authorized by IIJA)*	$60.095 billion	$62.657 billion	$62.657 billion	$62.657 billion
FHWA Highway Infrastructure Grants	$340.5 million	$1.369 billion	$1.136 billion	$2.395 billion
Federal Transit Administration (FTA)	$16.603 billion	$14.91 billion	$16.89 billion	$16.5 billion
Reconnecting Communities Pilot (RCP) Program *(in addition to IIJA Advanced Appropriations)*	$0	$0	$62.2 million *(capital construction grants)*	$30 million *(capital construction grants)*
FTA Transit Infrastructure Grants	$45.568 million	$97.266 million	$140.857 million	$211.4 million
FTA Capital Investment Grants Program *(in addition to IIJA Advanced Appropriations)*	$2.205 billion	$53.74 million	$1.95 billion	$1.7 billion
FTA Transit Infrastructure Formula Funding *(authorized by IIJA)*	$14.279 billion	$14.642 billion	$14.642 billion	$14.642 billion
Federal Railroad Administration (FRA)	**$2.925 billion**	**$3.123 billion**	**$2.9 billion**	**$3.637 billion**
Fed-State Partnership for Intercity Passenger Rail	$75 million	$0	$75 million	$65 million
Consolidated Rail Infrastructure and Safety Improvements (CRISI)	$100 million	$538.4 million	$151.52 million	$137.42 million

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Members Continue Work on Surface Transportation Reauthorization and BASICS Act Introduced

- Lawmakers on the House Transportation & Infrastructure Committee have fallen behind their ideal timeline for releasing and marking up the next surface transportation reauthorization bill. House Transportation & Infrastructure Committee Chair Sam Graves (R-MO) planned an aggressive timetable for the release of the bill, but it was delayed due to the government shutdown in October and November. While many expected the bill to be released early February, the Transportation & Infrastructure Committee is now expected to release the bill sometime in March or later. On the Senate side, Senate Committees have only just begun conversations and will likely take longer to release their portions of the surface transportation bill.

- Organizations like the National League of Cities, U.S. Conference of Mayors, and National Association of Counties are pushing for the inclusion of the BASICS (Bridges And Safety Infrastructure for Community Success) Act (H.R. 7437). Introduced by Reps. Kristen McDonald Rivet (D-MI) and Rep. Rob Bresnahan (R-PA), the legislation aims to streamline federal funding for local and rural transportation projects. The legislation would empower local planners by increasing resources for regional planning organizations and ensuring smaller communities can access the federal dollars needed to repair aging bridges and high-risk roads.

Senate Committee on Commerce, Science, and Transportation Holds Hearing on Self-Driving Vehicles

- On February 4, the Senate Commerce, Science & Transportation Committee held a full committee hearing titled "Hit the Road, Mac: The Future of Self-Driving Cars." The hearing comes as the federal government looks to establish a national safety standard and foster the growth of autonomous vehicles (AVs). The current patchwork of state laws and regulations governing AVs has slowed their adoption and created an inconsistent—and often conflicting—landscape that makes it difficult for companies to scale and operate across state lines, ultimately stifling innovation and undermining U.S. leadership.

- Chairman Ted Cruz intended for the hearing to examine how outdated regulations are holding back lifesaving technology—and what Congress can do to fix it. Members of both parties grilled industry representatives over safety and agreed that Congress needs to take a stronger role in regulating AV technology. Industry representatives, which included executives from Tesla, Waymo, and the

Autonomous Vehicle Industry Association (AVIA), defended AVs, pointing to new domestic job growth and the technology's ability to transport Americans.

DOT Announces All Stations Accessibility Program NOFO

- On March 2, DOT announced the notice of funding opportunity (NOFO) for the All Stations Accessibility Program. This program provides funding to upgrade the accessibility of legacy rail fixed guideway public transportation systems for people with disabilities.

- Eligible activities include planning and capital projects to upgrade the accessibility of legacy rail public transportation systems for people with disabilities. Legacy stations are defined as:
    - Public transportation rail stations already constructed, or where construction began prior to January 25, 1992.
    - Commuter rail stations already constructed, or where construction began prior to October 7, 1991.
    - The stations were not identified as key stations (see 49 CFR § 37.47) and remain inaccessible to or unusable by persons with disabilities, including wheelchair users.

- The Department will prioritize applications that address the following three selection criteria:
    - Benefits for Families and Communities: how a project will improve the accessibility of transportation for families with young children, including those with strollers, and will improve access to jobs, healthcare facilities, recreational activities, and commercial activity.
    - Wayfinding Improvements: how a project will include universal wayfinding tools and signage to support individuals with disabilities.
    - Reduce Project Costs and Improve Project Delivery (capital projects only): how a project prioritizes efficiency and speed in project implementation, including strategies that provide longer work windows that allow time for concentrated and consistent work that shortens the project schedule and reduces costs.

- $686 Million is available in funding through the NOFO. Applications are due May 1, 2026.

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Marc Molinaro Departs Trump Administration

- Federal Transit Administration (FTA) Administrator Marc Molinaro announced his last day as Administrator would be February 20. Molinaro's tenure as Administrator lasted only six months after he was confirmed by the Senate in August 2025.

- Molinaro's departure is primarily driven by a desire to return to his home state of New York to be with his family and return to statewide politics. Before serving as Administrator, Molinaro represented New York's 19th congressional district.

- Reporting on Molinaro's departure suggests his motivations are primarily due to personal reasons rather than policy disagreements with Transportation Secretary Duffy or President Trump. Molinaro will join Matt Welbes, executive director of FTA, who also announced his departure from the federal government. Jamie Pfister, the current Associate Administrator for Regional Services, is expected to replace Welbes. DOT has not announced a successor for Molinaro as of March 6.

Senate Confirms Ryan McCormack to Top Policy Role at DOT

- The Senate voted 56-33 to confirm Ryan McCormack to be Undersecretary for Policy at DOT. McCormack comes to the Senate-confirmed role with a breadth of experience, most recently as deputy chief of staff for Sec. Sean Duffy at DOT. He also served as Duffy's legislative director when he was a member of the House representing Wisconsin.

- McCormack indicated that, as Undersecretary for Policy, he will focus on reducing highway deaths and improving the grant administration process. While McCormack was confirmed by a bipartisan vote, both California Senators Adam Schiff and Alex Padilla voted against McCormack's nomination.

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ATTACHMENT 1B

MONTHLY LEGISLATIVE UPDATE

To: **North County Transit – San Diego Railroad**

From **Townsend Public Affairs**

Date: **February 5, 2026**

Subject: **January 2026 Legislative Monthly Report**

STATE UPDATES

JANUARY 2026 RECAP:

The California Legislature reconvened on January 5 to formally begin the 2026 Legislative Session, with lawmakers returning to the Capitol and resuming full legislative operations. Early January activity focused on restarting committee work, advancing leftover bills introduced in 2025, and introducing new measures for consideration in 2026. The Senate also held its first Floor Session of 2026, highlighted by the swearing-in of Senate President pro Tempore Monique Limón.

January was marked by a fast-paced push to meet several key legislative deadlines for two-year bills. Policy committees kicked off early in the month and worked intensively to hear and report measures ahead of mid- and late-January cutoffs, while Appropriations Committees in both houses evaluated fiscal impacts to determine which bills would advance. By month's end, lawmakers faced the January 31 deadline requiring each chamber to pass bills introduced in its respective house during the 2025 legislative year, making January a critical inflection point for legislation carried over into the new session.

The Governor played a prominent role throughout the month, delivering the State of the State address and releasing the proposed FY 2026–27 State Budget. The budget's release initiated the annual funding negotiation process, with Assembly and Senate budget committees holding initial hearings to begin legislative review. Together, budget deliberations, appropriations hearings, and approaching bill deadlines signaled a transition from broad early-session activity to a more selective phase of the legislative process as the Legislature moves toward spring policy debates and the February bill introduction deadline.

STATE BUDGET UPDATE:

On January 9, the Department of Finance released the Governor's 2026-27 Proposed State Budget, initiating the budget cycle for the coming year. The Governor's proposal projects a modest $2.9 billion shortfall, largely addressed without tax increases or programmatic cuts, though major spending decisions remain dependent on revenues to be collected over the coming months.

The projected deficit is significantly lower than the approximately $18 billion shortfall estimated by the Legislative Analyst's Office (LAO), reflecting different economic assumptions—particularly regarding potential declines in capital gains tied to concerns about a possible "AI bubble." More detailed budget information will be provided in the May Revision, followed by the drafting of the main budget bill(s) in June. The Department of Finance is also expected to release trailer bill details by February 1.

Key Budget Highlights Include:

The Governor's proposed budget totals $348.9 billion, including $248.3 billion from the General Fund. Revenues are projected to exceed the 2025–26 Budget Act by $42.3 billion across the 2025–26 and 2026–27 budget window, triggering constitutionally required allocations. These include increased funding under Proposition 98 for K–14 education and contributions under Proposition 2 to the Public School System Stabilization Account.

A $2.9 billion deficit is projected for the 2026–27 fiscal year, driven primarily by increases in constitutionally and statutorily required spending. According to Director Stephenshaw, the shortfall is largely resolved by reducing planned deposits to the Budget Stabilization Account in 2025–26. By comparison, the LAO projected a $17.6 billion deficit last November due to a more pessimistic outlook on stock market performance and resulting state revenues.

The proposed budget raises total state reserves to $23 billion, including an approximately $3 billion deposit to the rainy-day fund, while suspending a scheduled $2.8 billion deposit in 2025–26—adjustments that account for nearly the entire projected deficit. The Director emphasized that the proposal maintains prior investment levels without new taxes or programmatic cuts.

Despite this approach, fiscal risks remain. Stock market volatility, particularly in the technology and emerging artificial intelligence sectors, as well as uncertainty surrounding federal policy, could affect revenue performance. The Department of Finance and the LAO will continue to monitor revenue collections through the spring tax season ahead of the May Revision.

Legislative Budget Committee Hearings Begin

Later in the month, Legislative Committees held initial budget hearings in both the Senate and Assembly as they began deliberations of the Proposed Budget amid diverging assessments of the state's fiscal outlook. In the Senate, members of the Budget and Fiscal Review Committee, led by new committee chair, Senator John Laird (D-Santa Cruz), discussed competing economic forecasts from the administration and the LAO, which present markedly different deficit scenarios. While the administration projects a relatively modest shortfall that could be managed through reserve adjustments, the LAO assumes a potential economic downturn and estimates a significantly larger deficit, raising concerns about the reliability of current revenue projections ahead of the May budget revision.

Across both chambers, panelists provided testimony emphasizing the state's growing structural deficit, noting that ongoing spending commitments continue to exceed sustainable revenue growth even during periods of strong market performance. Panelists also highlighted the state's reliance on volatile capital gains revenues tied to equity markets, including recent growth driven in part by emerging technologies, which could expose the budget to downside risk if market conditions shift.

Committee Members signaled that upcoming hearings will further scrutinize both spending levels and revenue assumptions. With dozens of additional budget hearings scheduled in both houses in the coming months, lawmakers are preparing for a challenging budget process focused on balancing near-term solutions with longer-term fiscal stability.

STATE AGENCY UPDATES:

State Auditor Releases Housing Element Audit Report

On January 15, the California State Auditor released an audit that evaluated the California Department of Housing and Community Development's (HCD) oversight of cities' and counties' housing element submissions and its procedures for reviewing and approving housing elements during the sixth cycle. The audit is expected to inform housing element legislation this year and can have direct implications for local governments navigating compliance and implementation challenges.

Initiated at the request of the Joint Legislative Audit Committee, the audit examines HCD's oversight of sixth-cycle housing element submissions and review procedures, following concerns about the growing complexity and duration of the process.

The audit finds that sixth-cycle housing element approvals took significantly longer than prior cycles, with median timelines increasing by more than 125 percent compared to the fifth cycle. While HCD generally met statutory review deadlines, jurisdictions required substantially more time to revise and resubmit elements due to new statutory requirements, higher RHNA targets, expanded analytical obligations, community opposition, and consultant capacity constraints. Delayed adoption exposes jurisdictions to legal and financial risks, including the builder's remedy, litigation, shortened rezoning timelines, and reduced access to key housing funding programs. As of late 2024, nearly one quarter of jurisdictions had not yet adopted a compliant housing element.

From an administrative perspective, the audit notes that HCD's findings letters are generally grounded in statute but do not always clearly distinguish between mandatory requirements and advisory guidance. In response, local agencies emphasized the need for individualized technical assistance, which HCD struggled to consistently provide due to staffing turnover and workload surges. The report also highlights challenges created by guidance that were not issued prior to new statutory requirements taking effect.

Looking ahead, the State Auditor recommends potential legislative actions, including further staggering housing element deadlines, creating transition periods for mid-cycle statutory changes, and improving predictability around when new requirements apply. The audit is likely to serve as a foundation for housing element process reforms this session.

Proposed Amendments to Cap-and-Invest Regulations Released

The California Air Resources Board has released proposed amendments to the state's Cap-and-Invest program, implementing recent legislation that extends the program through 2045. The proposal maintains a declining, economy-wide emissions cap aligned with California's long-term climate and carbon-neutrality goals, while still supporting a market-based structure of allowance auctions, trading, and compliance obligations. Auction proceeds will continue to support the Greenhouse Gas Reduction Fund and related climate investments outlined in the recent reauthorization.

Notable regulatory changes include updated allowance budgets for post-2026 compliance periods, revisions to cost-containment tools such as price ceilings and allowance reserves, and technical updates to market participation and compliance rules. The proposal also refines allowance allocation methodologies, particularly for industrial sources, to address emissions leakage and competitiveness concerns, while incorporating adjustments related to biomass fuels, limited exemptions, and specific technologies. Updates to the offset program are intended to strengthen environmental integrity through revised eligibility, monitoring, and verification requirements.

The release of the amendments evaluates economic, environmental, and equity impacts through a regulatory impact analysis, concluding that the amendments will deliver sustained greenhouse gas reductions while managing cost and competitiveness impacts on businesses and ratepayers. With upcoming auctions, the proposed amendments seem to signal a more modest approach to temper markets while the state allocates the first round of funding post-reauthorization.

State Announces New Platform to Streamline Consumer Data Deletion Requests

On January 20, Governor Newsom and the California Privacy Protection Agency (CalPrivacy) announced the launch of a new statewide privacy platform that lets residents prevent data brokers from selling their personal information. The tool, called the Delete Request and Opt-out Platform (DROP), was created under Senate Bill 362 (Becker, 2023), known as the *Delete Act*. DROP provides a single, streamlined online tool for Californians to submit deletion and opt-out requests to many registered data brokers at once, replacing the previously burdensome process of contacting each broker individually.

DROP became available to Californians as of January 1, 2026. Users verify their residency and then submit a request that is transmitted to registered data brokers, which under the Delete Act are required to begin processing those requests starting August 1, 2026. Officials have touted the platform as the first of its kind in the world and a significant enhancement to privacy control, aiming to reduce identity theft, fraud, spam, and other risks associated with personal data collection and sale. By the time of the announcement, more than 155,000 Californians had already used the tool to take action on their data.

EXECUTIVE BRANCH ACTIVITY:

On January 16, Governor Newsom announced new state investments in shelter and homelessness services following the release of preliminary data showing a 9% decline in unsheltered homelessness statewide. The data, based on recent point-in-time counts conducted by local jurisdictions, indicates a reduction in the number of people living outdoors or in places not meant for habitation, marking the first reported statewide decrease in more than 15 years.

The announcement includes approximately $419 million in Homeless Housing, Assistance and Prevention (HHAP) funding allocated to regions including Los Angeles, the Bay Area, and San Diego. The funding is intended to support interim and permanent housing, supportive services, and behavioral health and substance use treatment. The state also outlined strengthened accountability requirements for jurisdictions receiving homelessness funding, linking continued funding to demonstrated progress on housing and service outcomes.

The investments are part of broader state efforts to address homelessness, including resources authorized under Proposition 1 (2024), a voter-approved bond measure supporting housing and behavioral health infrastructure.

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ATTACHMENT 1C

MONTHLY LEGISLATIVE UPDATE

To: **North County Transit – San Diego Railroad**

From **Townsend Public Affairs**

Date: **March 6, 2026**

Subject: **February 2026 Legislative Monthly Report**

STATE UPDATES

FEBRUARY 2026 RECAP:

February marked a pivotal transition in the Legislative Session as the Legislature shifted from early organizational activity to a fast-moving bill introduction period and the first substantive steps in the budget process.

Throughout the month, lawmakers worked to finalize and introduce new legislation ahead of the February 20 bill introduction deadline. Activity ramped up significantly in the days leading to the cutoff, with hundreds of measures introduced in a matter of days. By the close of the deadline, more than 1,800 bills had been introduced for the 2026 session, including approximately 600 placeholder, or "spot," bills that are expected to be amended with substantive language in the coming weeks. The volume of introductions signals a robust and wide-ranging legislative agenda for the year ahead.

Fiscal matters were also a central focus, as the Senate Budget and Fiscal Review Committee convened hearings to review newly released budget trailer bills, providing an early look at proposed statutory changes tied to the Governor's January budget proposal. Budget committees in both houses also considered early action plan measures, which advanced through the legislative process and were signed into law by Governor Newsom the same day, marking the first formal budget action of the year and underscoring the Legislature's intent to address select fiscal items early in the cycle.

In addition to bill introductions and budget action, policy committees held a series of informational and oversight hearings. These hearings reflect the Legislature's ongoing oversight responsibilities as it evaluates program performance and funding priorities.

With the introduction deadline now passed, the Legislature is preparing for an influx of bill hearings. Measures must satisfy the 30-day in-print requirement before being eligible for committee consideration, positioning late March as the beginning of more intensive policy deliberations. To remain on track, bills with fiscal implications must advance out of policy committees and move to fiscal committees by April 24, while non-fiscal measures must clear policy committees by May 1 to reach their respective house of origin floors.

Separately, Governor Newsom announced the California Water Plan 2028, a long-term framework aimed at improving statewide water reliability in the face of climate variability. The plan sets a goal of developing 9 million acre-feet of additional water supply by 2040 through a combination of expanded storage, conservation, recycling, and groundwater recharge strategies, further signaling continued executive focus on water resilience and infrastructure planning.

Taken together, February represented an agenda-setting month defined by a surge in bill introductions, the first concrete budget actions of the year, and growing committee activity, laying the groundwork for an increasingly policy-focused spring.

STATE BUDGET UPDATE:

In mid-February, the Legislature advanced two early-action budget measures, AB 107 and AB 117, through the committee process and delivered them to the Governor for signature.

On February 17, the Senate Committee on Budget and Fiscal Review and the Assembly Budget Committees convened to consider both proposals. AB 107, a "budget bill junior", makes technical amendments to the 2023, 2024, and 2025 Budget Acts, including adjustments to federal fund authority, extensions of encumbrance deadlines, and modifications to Proposition 4 bond-funded programs. A central focus of committee discussion was the bill's exemption of specified Proposition 4 appropriations from the Administrative Procedure Act to accelerate wildfire prevention and natural resource initiatives. Members raised questions regarding oversight, competitive bidding, and program safeguards, while Department of Finance representatives emphasized that the exemption is intended to avoid delays in time-sensitive projects and does not diminish accountability mechanisms.

AB 117 authorizes the California State Transportation Agency to loan up to $590 million in previously awarded but unallocated Transit and Intercity Rail Capital Program (TIRCP) funds to the Metropolitan Transportation Commission to support short-term operating needs for BART, SFMTA, Caltrain, and AC Transit. Both Budget Committees examined repayment terms, security provisions, and potential fiscal risks, particularly in relation to a prospective regional ballot measure. Administration officials clarified that repayment obligations are enforceable regardless of ballot outcomes and are secured by pledged State Transit Assistance revenues, with the state retaining authority to withhold funds if necessary.

Following committee action, both measures moved to the Assembly and Senate Floors, where they passed both houses on February 19. Governor Newsom signed AB 107 and AB 117 into law the same day, and both measures took effect immediately.

LAO Revenue Outlook Update

In February, the Legislative Analyst's Office (LAO) released an updated forecast indicating that the state's three largest tax revenue sources, personal income, corporation, and sales taxes, are projected to exceed the Governor's Budget assumptions by approximately $6 billion.

The upward revision is driven primarily by stronger-than-anticipated personal income tax collections, supported by continued stock market gains. Much of this growth reflects elevated investment returns and higher compensation in the technology sector, including activity

associated with artificial intelligence, which has increased tax withholding and overall income tax receipts.

Income tax revenues have been buoyed by an unusually strong equity market. Major stock indices have roughly doubled in value since 2020 and increased by about 70 percent over the past three years. In addition, December and January income tax payments — which capture investment and business earnings — were more than 50 percent higher than during the same period in the prior year, contributing significantly to the improved revenue outlook.

Despite the stronger near-term outlook, the LAO advises caution. Economic conditions outside the technology sector remain uneven, and revenues tied to capital gains and market performance have historically proven volatile and subject to rapid reversal during downturns. While the state's revenue outlook has improved relative to budget expectations, ongoing economic uncertainty and the volatility of key revenue sources suggest these gains may not translate into long-term fiscal stability.

STATE LEGISLATIVE UPDATES:

State Lawmakers Review Fiscal and Local Implications of HR 1

On February 11, the Senate Budget and Fiscal Review Committee convened an informational hearing to examine the projected impacts of HR 1, the One Big Beautiful Bill Act, on California's core safety net programs, with a particular focus on Medi-Cal and CalFresh. Overall, the discussion centered on the state's financial exposure, operational challenges for departments and counties, and the potential coverage and benefit losses for Californians.

The first panel, which included representatives from the Legislative Analyst's Office (LAO), Department of Finance (DOF), UC Berkeley Labor Center, and national food policy experts, outlined the scope of federal changes. Panelists described expanded work requirements, tighter eligibility standards, and administrative burdens that could result in significant disenrollment from Medi-Cal and CalFresh. Estimates discussed during the hearing suggested that millions of Californians could lose full-scope Medi-Cal coverage over the next several years, with a substantial portion of losses attributed to procedural barriers rather than changes in underlying eligibility.

The DOF highlighted the state's fiscal exposure, including increased General Fund costs, estimated at approximately $1.4 billion in FY 2026–27, as well as pressures related to reductions in the Medical Care Organization (MCO) tax and potential CalFresh error rate penalties.

Committee Members questioned panelists about regional impacts, the extent of procedural disenrollment, caseloads and budget planning, and downstream effects on public hospitals and local health systems. There was notable discussion about the broader economic implications, including potential job losses in the healthcare sector and strain on county indigent care programs. Some legislators also raised concerns about the long-term growth trajectory of Medi-Cal costs and how federal retrenchment intersects with California's structural budget deficit.

A second panel featuring leadership from the Department of Health Care Services (DHCS), the Department of Social Services (CDSS), and county welfare representatives detailed mitigation strategies. Agencies outlined efforts to reduce procedural disenrollments through automation, data-sharing improvements, outreach campaigns, streamlined renewals, and targeted support for vulnerable populations, including individuals experiencing homelessness and medically frail

beneficiaries. County representatives emphasized workforce capacity challenges and the need for additional staffing resources to manage increased administrative complexity under HR 1.

Advocates and community-based organizations underscored the human impact of reduced benefits, highlighting concerns about increased food insecurity, health disparities, and uncompensated care burdens. Several Committee Members expressed interest in exploring revenue options, strengthening oversight of implementation, and investing in community-based assistance to help residents navigate new requirements.

Next steps are likely to unfold through both the state budget process and policy legislation. The Committee signaled continued oversight of departmental implementation plans, fiscal assumptions, and enrollment projections as budget negotiations advance. Lawmakers may also consider targeted statutory changes or funding augmentations aimed at minimizing procedural coverage losses and supporting county administration.

Lawmakers Conduct Oversight Hearing on Cap-and-Invest Rulemaking

The Joint Legislative Committee on Climate Change Policies convened on February 23 to examine proposed amendments to California's reauthorized Cap-and-Invest program, the state's primary market-based mechanism for reducing greenhouse gas emissions through 2045. The hearing focused on regulatory updates released by the California Air Resources Board (CARB) to implement AB 1207 and SB 840, which extended the program and introduced new design requirements emphasizing emissions targets, affordability, and program transparency.

CARB outlined several significant proposed changes, including aligning post-2030 allowance budgets with statutory climate targets, revising allowance allocations to electric utilities based on updated emissions and load data, gradually transitioning free allowances from natural gas suppliers to electric utilities, and maintaining existing industrial assistance factors through 2035. CARB also proposed mechanisms to retire allowances equal to offsets used for compliance and to stabilize year-to-year allowance supply to reduce revenue volatility for the Greenhouse Gas Reduction Fund (GGRF).

A central theme of the discussion was electricity affordability. Proposed revisions would substantially reduce allowance allocations to certain investor-owned utilities compared to prior projections, raising concerns from utilities and lawmakers about potential impacts on ratepayers and long-term clean energy planning. Legislators pressed CARB on the pace of transitioning natural gas allowances to electricity and urged clarity on how the updated allocation methodology balances decarbonization progress with consumer protection.

Industrial leakage protections were also scrutinized. While CARB maintains that continued leakage assistance factors through 2035 are intended to prevent emissions-intensive industries from relocating out of state, analysts and advocates cautioned that generous free allocations may reduce auction revenue available for climate investments and weaken the carbon price signal. Lawmakers signaled interest in greater transparency around leakage risk assumptions and allocation modeling.

Additional discussion addressed the treatment of petroleum refining and imported fuels, the role of carbon capture as a compliance pathway, and the importance of preserving linkage with Quebec and potential linkage with Washington State to maintain market stability and liquidity.

Overall, the hearing underscored the competing priorities embedded in the rulemaking process; achieving statutory emissions targets while maintaining affordability, preventing leakage, and sustaining economic competitiveness. While no formal action was taken, legislators made clear they intend to closely monitor CARB's rulemaking timeline and remain engaged as program design decisions move toward completion.

Senate Budget Subcommittee Reviews Homelessness Response and HHAP Outlook

The Senate Budget and Fiscal Review Subcommittee No. 4 held a hearing on February 26 to examine the state's homelessness response system. The discussion focused primarily on the Homeless Housing, Assistance, and Prevention (HHAP) program, data accountability, and long-term funding stability. Presenters noted some signs of stabilization in recent homelessness trends. However, a significant portion of the conversation centered on fiscal uncertainty and program oversight.

Members reviewed the status of HHAP Round 7, which is funded at $500 million in the 2025 Budget Act; half the amount provided in each of the four prior rounds. Distribution of Round 7 funds is delayed until July 1, 2026, and contingent upon enactment of additional implementing legislation. The Governor's January 2026 budget proposal did not include additional funding for HHAP beyond what is currently authorized.

The Subcommittee also examined implementation of AB 799 (Rivas, 2024), which requires standardized fiscal and outcome reporting and the development of public dashboards beginning in 2027. Members raised questions regarding data consistency, quality controls, and reporting transparency across jurisdictions. Panelists further cautioned that potential reductions in federal housing resources could increase pressure on state and local systems, underscoring the importance of stable, predictable funding.

STATE AGENCY UPDATES:

CTC Announces Investment in Transit & Transportation

Nearly $1 billion has been approved for investment in transportation funding aimed at strengthening public transit and enhancing highway safety statewide. The California Transportation Commission (CTC) approved a total of $988.7 million combining funding from the Infrastructure Investment and Jobs Act (IIJA) and the Road Repair and Accountability Act of 2017 enacted by SB 1 (Beall). The IIJA continues to fund investments in the state's transportation infrastructure including roads, bridges, rail, public transit, ports, and more, while SB 1 has provided $5 billion annually for transportation projects since 2017.

California Transportation Secretary Toks Omishakin highlighted the role of this investment in improving goods movement, expanding transit and rail operations, and advancing active transportation elements such as bike and pedestrian facilities. Examples of projects include HOV lanes, pedestrian and bike paths, transit enhancements, bridges, wildlife crossings, transit station rehabilitation, electric buses, and light rail vehicles.

EXECUTIVE BRANCH ACTIVITY:

Bills Signed into Law

In February, Governor Gavin Newsom signed multiple measures into law addressing consumer protection, veterans' benefits, and access to health care services. On February 10, he signed SB 694 (Caballero), which strengthens oversight of individuals and businesses that assist veterans in obtaining benefits, with the aim of preventing deceptive or predatory practices. The measure also establishes a tax reduction designed to provide targeted financial relief to military retirees.

In addition, the Governor took action on two additional measures, AB 1485 (Macedo) and SB 25 (Umberg), both of which address distinct but significant areas of state policy. AB 1485 revises state tax law to exempt certain property transfers involving the return of land to federally recognized Native American tribes from specified property and documentary transfer taxes. The measure is intended to reduce financial barriers associated with tribal land reacquisition and long-term land stewardship. SB 25 strengthens California's antitrust oversight by expanding reporting requirements for large mergers and acquisitions, providing state regulators with additional tools to monitor corporate consolidation and market impacts.

On February 11, the Governor signed SB 106 (Wiener), which allocates $90 million in one-time emergency state funding to Planned Parenthood following federal action to withdraw financial support from the organization. According to state officials, the appropriation is intended to stabilize operations and help maintain access to reproductive health services in California while longer-term budget considerations are assessed.

On February 19, Governor Newsom signed AB 107 and AB 117 into law, marking the first budget-related enactments of the year. AB 107, a budget bill junior, makes technical revisions to prior Budget Acts, including adjustments to federal fund authority and certain Proposition 4 bond programs, and streamlines implementation of specified wildfire prevention and natural resource projects. AB 117 authorizes a loan of up to $590 million in previously awarded Transit and Intercity Rail Capital Program funds to support near-term operating needs for select Bay Area transit agencies, with defined repayment and security provisions. Both measures took effect immediately upon the Governor's signature.

California High-Speed Rail Project Reaches Track Installation Milestone

Early in the month, Governor Newsom announced the completion of the Southern Railhead Facility in Kern County. State officials describe the facility as a key step that allows the High-Speed Rail project to begin track installation. The development marks a shift from primarily civil construction activities to the next phase of building the rail system.

The 150-acre facility near Wasco is connected to the national freight rail network and is intended to support the receipt, storage, and deployment of long-welded rail and other materials needed for track and systems installation. According to the state, approximately 119 miles of the project are under active construction, including more than 80 miles of completed guideway and multiple structures along the Central Valley corridor.

State officials highlighted the facility's role in supporting ongoing construction, workforce activity, and future system integration. Procurement processes for track-laying contracts are underway, and the announcement signals continued progress as the project moves toward eventual passenger service, though broader funding and timeline considerations remain unchanged.

California Water Plan 2028

On February 25, Governor Newsom announced the release of the California Water Plan 2028, an updated roadmap for the state's long-term water management efforts. The update is intended to better position California to respond to increasingly volatile hydrologic conditions, including more frequent droughts and extreme storm events, while improving coordination between state and regional planning efforts.

A key component of the announcement is the establishment of a statewide goal to secure an additional 9 million acre-feet of water supply by 2040. The Administration characterized this as the first unified statewide supply target designed to close projected gaps between future demand and available resources. Meeting the goal will require a mix of conservation, expanded storage, groundwater recharge, recycling, and other supply investments.

The update also reflects changes enacted through SB 72 (Caballero, 2025), which modifies the California Water Plan development process and enhances stakeholder engagement and accountability requirements. Work on the 2028 plan will focus on strengthening data and modeling tools, developing more region-specific supply targets, and advancing implementation strategies that better align state, federal, and local water planning efforts.

TOWNSEND PUBLIC AFFAIRS EST TPA 1998

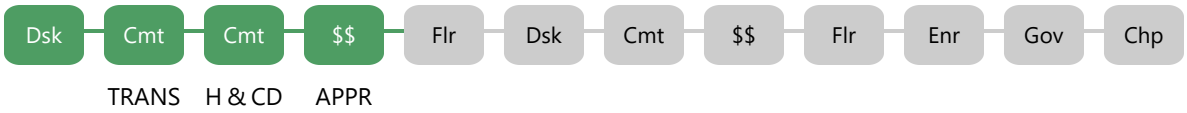
North County Transit District

Report Date: Mar 06, 2026

AB 939 Schultz — Housing development: density bonuses: affordability of for-sale units.

Status: Jan 29, 2026
Pending Referral | In Senate. Read first time. To Com. on RLS. for assignment.
Passed | Read third time. Passed. Ordered to the Senate. (Ayes 60. Noes 9. Page 3873.)

Location: Senate Rules



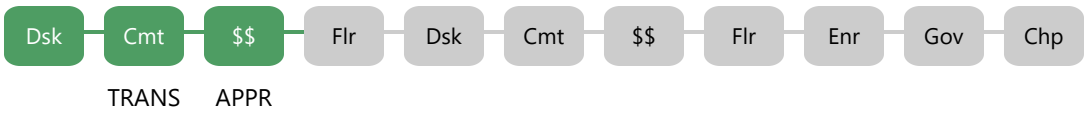
Summary:

AB 939 enhances Density Bonus Law provisions, allowing cities and counties to ensure affordability by permitting nonprofit corporations to purchase units for sale to low-income families, focusing on those in below-market interest loan programs. It mandates new duties for local agencies to implement the law, thereby supporting affordable housing efforts without requiring state reimbursement.

AB 1421 Wilson — Vehicles: Road Usage Charge Technical Advisory Committee.

Status: Jan 29, 2026
Pending Referral | In Senate. Read first time. To Com. on RLS. for assignment.
Passed | Read third time. Passed. Ordered to the Senate. (Ayes 49. Noes 21. Page 3868.)

Location: Senate Rules



Summary:

This bill involves the Road Usage Charge Technical Advisory Committee, managed by the California Transportation Commission and the Secretary of Transportation. It examines the potential for a mileage-based revenue system as an alternative to the gas tax. The bill mandates preparing and submitting research and recommendations on road user charges or mileage-based fees to the Legislature by 2027, requiring collaboration with state agencies and stakeholders for comprehensive analysis.

AB 1599 Ahrens — Public transit: California Transit Stop Registry: transit datasets.

Status: Feb 02, 2026

In Committee Process | Referred to Com. on TRANS.

Location: Assembly Transportation

Summary:

AB 1599 mandates the creation of the California Transit Stop Registry by the Department of Transportation by December 31, 2026. This registry will offer standardized and centralized data about public transit stops, including their names, locations, amenities, and identifiers. Public transit operators funded under the Transportation Development Act must align their transit stop information with this registry by June 1, 2027. The bill imposes new duties on transit operators and allows for state reimbursement of costs to local agencies if deemed necessary.

AB 1745 Jeff Gonzalez — Motor Vehicle Fuel Tax Law: suspension of tax.

Status: Feb 23, 2026

In Committee Process | Referred to Com. on TRANS.

Location: Assembly Transportation

Summary:

The bill proposes a one-year suspension of the motor vehicle fuel tax. It mandates that any savings from this suspension that are realized by parties other than end consumers must be passed on to them. A violation is considered an unfair business practice. Additionally, sellers must provide receipts showing the otherwise applicable tax amount. The bill includes financial provisions, directing the Controller to move funds from the General Fund to the Motor Vehicle Fuel Account, and is set to take immediate effect as an urgency statute.

AB 1837 Mark González — Video imaging of parking violations.

Status: Mar 02, 2026

In Committee Process | Referred to Coms. on TRANS. and P. & C.P.

Location: Assembly Transportation

Summary:

This bill allows the indefinite use of video imaging for enforcing parking and stopping violations, expanding its scope to include illegal parking alongside vehicles and in bike lanes. It mandates warnings before issuing actual violations for new enforcement types and extends reporting requirements to the legislature for new systems operating post-2027 until 2031.

AB 1855 Jeff Gonzalez — California Environmental Quality Act: exemption: passenger rail service.

Status: Feb 23, 2026
In Committee Process | Referred to Com. on NAT. RES.

Location: Assembly Natural Resources

Summary:

AB 1855 seeks to amend the California Environmental Quality Act (CEQA), broadening exemptions for passenger rail service projects. Previously, CEQA exemptions required projects to use zero-emission or Tier 4 locomotives and to be within an existing right-of-way. This bill proposes to remove the zero-emission requirement, permitting more rail projects to qualify for exemptions. It also redefines eligible projects to include only the mainline rail segment within existing corridors and allows projects in designated nonattainment air basins if they establish new passenger service over five miles where none existed before January 1, 2027. No state reimbursement to local agencies is necessitated by this bill.

AB 1941 Mark González — Organized metal theft.

Status: Mar 02, 2026
In Committee Process | Referred to Com. on PUB. S.

Location: Assembly Public Safety

Summary:

AB 1941 addresses organized metal theft by prohibiting actions where individuals collaborate to steal or deal in stolen metal materials knowingly. The bill classifies organized metal theft as punishable either as a misdemeanor or felony. It empowers law enforcement and agencies to share theft information with the Department of Justice to aid in timely crime reporting and prevention. The bill does not require state reimbursement for costs incurred by local agencies due to existing constitutional provisions.

AB 1944 Lee — Zero-emission transit buses: axle weight.

Status: Mar 02, 2026
In Committee Process | Referred to Com. on TRANS.

Location: Assembly Transportation

Summary:

The bill sets axle weight limitations for zero-emission transit buses, allowing a maximum of 25,000 pounds per axle through a specified procurement process. These weight limits apply from January 1, 2027, to December 31, 2031. Existing provisions allow 22,000 pounds per axle for buses procured after January 1, 2022. Violation of these weight restrictions constitutes a crime.

AB 2074 Haney — Land use.

Status: Feb 19, 2026
Pending Referral | From printer. May be heard in committee March 21.

Location: Assembly Floor

Summary:

The bill proposes legislation to enhance transit-oriented housing development and improve land use standards in major transit cities. It advocates for streamlined ministerial approval for projects adhering to high labor standards and plans to establish a revolving loan fund to support qualifying developments. The goal is to integrate housing projects with transit systems to promote urban renewal and efficient land use.

AB 2341 Fong — Surplus land: transit stops.

Status: Feb 20, 2026
Pending Referral | From printer. May be heard in committee March 22.

Location: Assembly Floor

Summary:

AB 2341 focuses on the management of surplus land, especially near transit stops, to promote housing and commercial developments. This bill shifts the legislative focus from transit stations to transit stops, reinforcing the importance of planning and development in these areas to foster environments that support housing and commercial activities.

AB 2433 Alvarez — Housing development: affordable homes bonus.

Status: Feb 21, 2026
Pending Referral | From printer. May be heard in committee March 23.

Location: Assembly Floor

Summary:

Bill AB 2433 proposes the Affordable Homes Bonus Program, modifying the existing Density Bonus Law. It mandates cities or counties to offer incentives for housing projects with defined low-income unit composition. The bill includes new definitions for income levels, allowing broader application of the floor area ratio for base density calculations. It also specifies procedural requirements for local governments and clarifies that neither environmental reviews nor general plan amendments are necessary for bonus approvals. The bill extends to all cities within California, including charter cities.

AB 2484 Alvarez — San Diego Metropolitan Transit System: transactions and use tax: voter initiatives.

Status: Feb 21, 2026
Pending Referral | From printer. May be heard in committee March 23.

Location: Assembly Floor

Summary:

The bill proposes enabling the San Diego Metropolitan Transit System to impose a transactions and use tax of up to 0.5% exclusively for public transit needs. It includes provisions for this tax to be initiated through a qualified voter initiative, separate from existing combined tax rate limits. The bill addresses potential state-mandated local programs by outlining reimbursement procedures for counties, provided specific conditions are met about state-imposed costs.

AB 2552 Ávila Farías — California Environmental Quality Act: transportation impact mitigation.

Status: Feb 21, 2026
Pending Referral | From printer. May be heard in committee March 23.

Location: Assembly Floor

Summary:

This proposed legislation addresses transportation impact mitigation under the California Environmental Quality Act (CEQA). It permits a lead agency to mitigate significant transportation impacts by contributing to the Transit-Oriented Development Implementation Fund, ensuring complete mitigation and legal compliance. The bill emphasizes urgent implementation as it declares immediate effect.

AB 2560 Schultz — Climate Action Plan for Transportation Infrastructure: goals.

Status: Feb 21, 2026
Pending Referral | From printer. May be heard in committee March 23.

Location: Assembly Floor

Summary:

AB 2560 aims to set climate action goals specifically for transportation infrastructure. It allows the Transportation Agency to update these goals. The bill emphasizes integrating climate-focused objectives into existing programs, such as the state highway system improvements and other transportation projects, using a "fix-it-first" strategy when feasible.

SB 239 Arreguín — Open meetings: teleconferencing: subsidiary body.

Status: Jan 27, 2026
Pending Referral | In Assembly. Read first time. Held at Desk.
Passed | Read third time. Passed. (Ayes 29. Noes 11. Page 3306.) Ordered to the Assembly.

Location: Assembly Floor

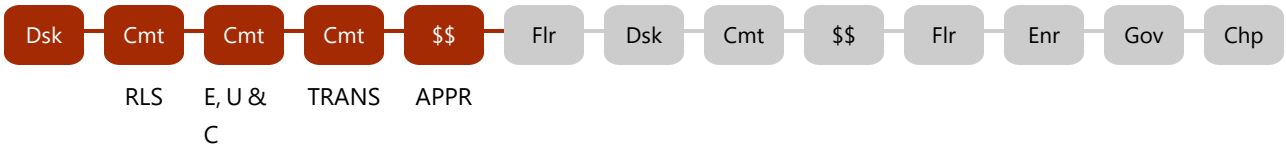
Summary:

SB 239 allows local agency subsidiary bodies to adopt alternate teleconferencing provisions, requiring meeting agendas to be posted at a designated physical location. Members must appear on camera during public online meetings, and remote participants must be recorded in meeting minutes. Authorization for teleconferencing must be reviewed annually, and certain bodies are exempt. Legislative findings affirm the need for this measure to ensure public access while addressing specific needs of oversight, elections, or budget-related meetings.

SB 667 Archuleta — Railroads: safety: wayside detectors.

Status: Jan 27, 2026
Pending Referral | In Assembly. Read first time. Held at Desk.
Passed | Read third time. Passed. (Ayes 26. Noes 11. Page 3305.) Ordered to the Assembly.

Location: Assembly Floor



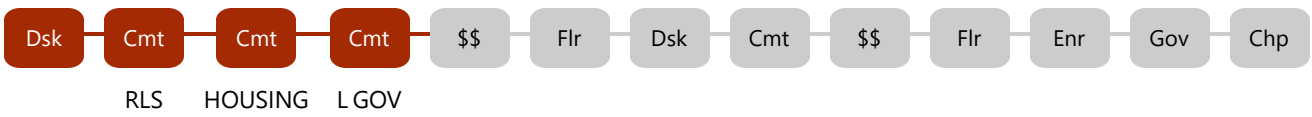
Summary:

SB 667 requires railroad corporations to establish a network of wayside detector systems along tracks used by freight trains to scan for defects. It encompasses the detectors' configuration, spacing, and effectiveness in maintaining rail safety. Additionally, the bill introduces penalties for violations and sets a 7,500-foot limit on train lengths to prevent the obstruction of emergency crossings.

SB 677 Wiener — Housing development: transit-oriented development.

Status: Jan 26, 2026
Pending Referral | In Assembly. Read first time. Held at Desk.
Passed | Read third time. Passed. (Ayes 24. Noes 10. Page 3285.) Ordered to the Assembly.

Location: Assembly Floor



Summary:

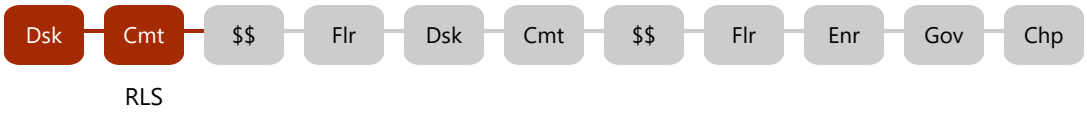
SB 677 introduces revised definitions for "high-frequency commuter rail" and transit-oriented development stops to facilitate housing developments near major transit hubs. It excludes developments on parcels governed by mobilehome laws and expands the duties of local officials by imposing specific TOD zoning standards. These changes are intended to streamline housing development in proximity to transit services and leverage zoning for enhanced urban planning.

SB 908 Wiener — Housing development: transit-oriented development.

Status: Feb 11, 2026

In Committee Process | Referred to Com. on RLS.

Location: Senate Rules



Summary:

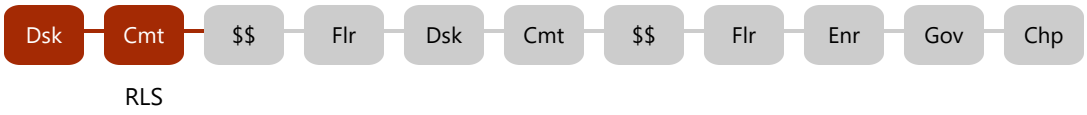
SB 908 intends to update laws governing transit-oriented housing developments near transit stops. It mandates local governments to align zoning codes accordingly and includes San Francisco Bay area ferry terminals in these provisions. The Department of Housing and Community Development will monitor compliance.

SB 1087 Cabaldon — Transportation planning: sustainable communities strategies: Road Maintenance and Rehabilitation Program: local planning grants.

Status: Feb 26, 2026

In Committee Process | Referred to Coms. on E.Q. and TRANS.

Location: Senate Environmental Quality



Summary:

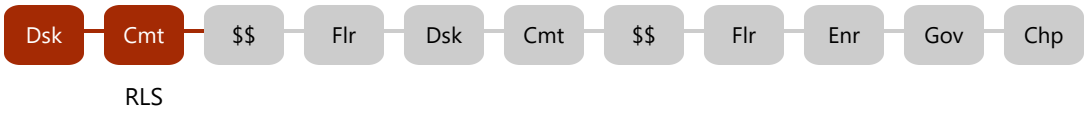
SB 1087 revises transportation planning, requiring every second regional transportation plan to integrate a sustainable communities strategy. It modifies fund allocation in the Road Maintenance and Rehabilitation Program, directing $25 million for local planning grants to support state goals, distributed according to population share.

SB 1136 Blakespear — Intercity rail and commuter rail: special events service plans.

Status: Feb 26, 2026

In Committee Process | Referred to Com. on TRANS.

Location: Senate Transportation



Summary:

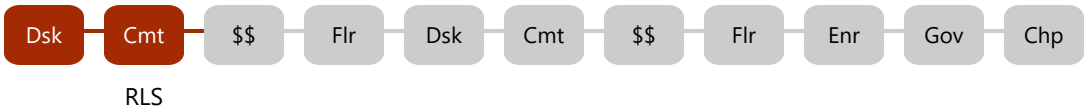
SB 1136 requires California's commuter rail agencies to implement special event service plans for events, ensuring direct access without transfers, interoperable tickets, and necessary infrastructure. It mandates joint powers boards in charge of intercity rail corridors to include service plans for significant events, detailing operations, fares, and equipment needs. If state mandates impose costs, reimbursement procedures are specified.

SB 1265 Richardson — California Alternative Energy and Advanced Transportation Financing Authority: financial assistance programs and products.

Status: Mar 04, 2026

In Committee Process | Referred to Com. on E., U & C.

Location: Senate Energy, Utilities and Communications



Summary:

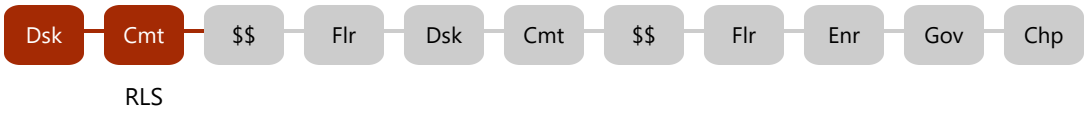
SB 1265 proposes the creation of financial assistance programs under the California Alternative Energy and Advanced Transportation Financing Authority. The bill aims to reduce greenhouse gas emissions and promote renewable energy and advanced transport technologies. It establishes a new fund to support these initiatives and covers related administrative costs.

SB 1324 Blakespear — Passenger and freight rail: LOSSAN Rail Corridor.

Status: Mar 04, 2026

In Committee Process | Referred to Com. on RLS.

Location: Senate Rules



Summary:

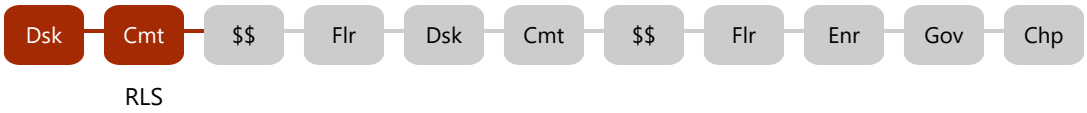
SB 1324 focuses on the management of the LOSSAN Rail Corridor, which connects San Diego, Los Angeles, and San Luis Obispo. The bill proposes legislative actions to potentially enhance oversight and performance in this key intercity rail corridor administered by the LOSSAN Rail Corridor Agency under an interagency agreement.

SB 1337 Richardson — Transportation fuels: interagency working group.

Status: Mar 04, 2026

In Committee Process | Referred to Com. on E., U & C.

Location: Senate Energy, Utilities and Communications



Summary:

SB 1337 proposes the creation of an interagency workgroup led by the State Energy Resources Conservation and Development Commission. The group will include the State Lands Commission, relevant air districts, local governments, airports, and ports. The aim is to improve coordination and establish communication channels to prioritize energy policies and regulations, strategically aligning them with state policy goals. The bill facilitates partnerships across government levels to support effective regulation and permitting processes.

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item # 2

STAFF REPORT

RECEIVE THE MONTHLY TRANSIT OPERATIONS PERFORMANCE REPORT FOR NOVEMBER 2025 THROUGH JANUARY 2026

Time Sensitive: ☐ **Consent:** ☒

STAFF RECOMMENDATION:

Receive the Monthly Transit Operations Report for November 2025, December 2025, and January 2026.

BACKGROUND INFORMATION:

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

The monthly TOPR is intended to provide performance reporting on key performance indicators without the detailed analysis of trends that are included in the annual TOPR. The data contained in this staff report is unaudited and subject to change. Starting in FY 2025, staff removed certain metrics from the TOPR attachment to improve legibility and allow for the inclusion of the NCTD+ mode. Metrics removed include passengers per revenue mile and metrics related to LIFT response time and pick-up windows. These metrics will continue to be tracked internally for performance management purposes.

Attached to this staff report is a table that provides information on NCTD's modal performance compared to the established goals or standards, as well as a comparison to the previous fiscal year.

Systemwide Performance

November 2025

November 2025 systemwide ridership was 645,640, which is 7.4% below the November 2024 ridership of 697,150.

December 2025

December 2025 systemwide ridership was 656,434, which is 1.8% above the December 2024 ridership of 644,542.

January 2026

January 2026 systemwide ridership was 676,913, which is 3.3% below the January 2025 ridership of 655,314.

BREEZE Performance

November 2025

BREEZE boardings in November 2025 totaled 410,197, a 9.2% decrease compared to November 2024. BREEZE on-time performance (OTP) was 86.0% for the month, below the minimum performance standard of 88%.

December 2025
BREEZE boardings in December 2025 totaled 443,415, a 4.0% increase compared to December 2024. BREEZE on-time performance (OTP) was 84.7% for the month, below the minimum performance standard of 88%.

January 2026
BREEZE boardings in January 2026 totaled 452,655, a 2.9% increase compared to January 2025. BREEZE on-time performance (OTP) was 85.6% for the month, below the minimum performance standard of 88%.

SPRINTER Performance
November 2025
SPRINTER boardings in November 2025 totaled 147,772, a 10.1% decrease compared to November 2024. Reported SPRINTER ridership is preliminary and subject to change as data validation is ongoing. SPRINTER OTP was 96.9% for the month, above the minimum performance standard of 95%.

December 2025
SPRINTER boardings in December 2025 totaled 121,194, a 12.2% decrease compared to December 2024. Reported SPRINTER ridership is preliminary and subject to change as data validation is ongoing. SPRINTER OTP was 97.5% for the month, above the minimum performance standard of 95%.

January 2026
SPRINTER boardings in January 2026 totaled 136,570, a 1.2% decrease compared to January 2025. Reported SPRINTER ridership is preliminary and subject to change as data validation is ongoing. SPRINTER OTP was 97.9% for the month, above the minimum performance standard of 95%.

COASTER Performance
November 2025
COASTER boardings in November 2025 totaled 67,375, an 8.6% increase compared to November 2024. COASTER OTP was 89.6% for the month, below the minimum performance standard of 95%.

December 2025
COASTER boardings in December 2025 totaled 70,641, a 14.1% increase compared to December 2024. COASTER OTP was 90.4% for the month, below the minimum performance standard of 95%.

January 2026
COASTER boardings in January 2026 totaled 66,377, a 15.4% increase compared to January 2025. COASTER OTP was 85.9% for the month, below the minimum performance standard of 95%.

FLEX Performance
November 2025
FLEX boardings in November 2025 totaled 8,431, a 4.9% increase compared to November 2024. FLEX OTP was 81.9% for the month, below the performance standard of 88%.

December 2025
FLEX boardings in December 2025 totaled 8,476, a 14.9% increase compared to December 2024. FLEX OTP was 83.4% for the month, below the performance standard of 88%.

January 2026
FLEX boardings in January 2026 totaled 8,584, a 3.8% increase compared to January 2025. FLEX OTP was 81.1% for the month, below the performance standard of 88%.

LIFT Performance
November 2025
LIFT boardings in November 2025 totaled 8,410, a 6.8% decrease compared to November 2024. LIFT OTP was 88.4% for the month, below the minimum standard of 92%. LIFT Productivity, measured by passengers transported per revenue hour, was 2.61 for the month, which is above the minimum performance standard of 1.80 passengers per revenue hour.

December 2025
LIFT boardings in December 2025 totaled 8,947, a 2.7% increase compared to December 2024. LIFT OTP was 88.0% for the month, below the minimum standard of 92%. LIFT Productivity, measured by passengers transported per revenue hour, was 2.41 for the month, which is above the minimum performance standard of 1.80 passengers per revenue hour.

January 2026
LIFT boardings in January 2026 totaled 8,650, a 5.0% decrease compared to January 2025. LIFT OTP was 90.4% for the month, below the minimum standard of 92%. LIFT Productivity, measured by passengers transported per revenue hour, was 1.97 for the month, which is above the minimum performance standard of 1.80 passengers per revenue hour.

NCTD+ Performance
November 2025
NCTD+ boardings in November 2025 totaled 3,455, a 90.9% increase compared to November 2025. Total boardings included 1,812 boardings in the San Marcos Zone and 1,643 in the Vista Zone. NCTD+ OTP was 87.9% for the month, below the minimum standard of 92%.

December 2025
NCTD+ boardings in December 2025 totaled 3,761, an 87.9% increase compared to December 2025. Total boardings included 1,956 boardings in the San Marcos Zone and 1,805 in the Vista Zone. NCTD+ OTP was 85.8% for the month, below the minimum standard of 92%.

January 2026
NCTD+ boardings in January 2026 totaled 4,077, an 88.7% increase compared to January 2024. Total boardings included 2,035 boardings in the San Marcos Zone and 2,042 in the Vista Zone. NCTD+ OTP was 84.9% for the month, below the minimum standard of 92%.

Youth Opportunity Pass (YOP) Performance

November 2025
Youth pass usage for November 2025 totaled 78,483 a 17.4% decrease compared to November 2024.

December 2025

	Youth pass usage for December 2025 totaled 80,676 a 13.9% decrease compared to December 2024. **January 2026** Youth pass usage for January 2026 totaled 85,073 a 13.0% decrease compared to January 2025.
ATTACHMENT:	2A – Monthly Transit Operations Performance Report, November 2025 2B – Monthly Transit Operations Performance Report, December 2025 2C – Monthly Transit Operations Performance Report, January 2026
FISCAL IMPACT:	This staff report has no fiscal impact.
COMMITTEE REVIEW:	None
STAFF CONTACT:	**Ioni Tcholakova, Director of Service Planning** E-mail: itcholakova@nctd.org Phone: 760-966-6588

ATTACHMENT 2A

Transit Performance Report - November 2025

SYSTEM Performance (All Modes)	Goals/Standards[1]	November 2025	Variance from Goal	November 2024	Variance from Prior Year
Total Boardings	717,928	645,640	-10.1%	697,150	-7.4%
Average Weekday Boardings	28,816	26,384	-8.4%	27,345	-3.5%
Average Saturday Boardings	17,920	15,248	-14.9%	17,711	-13.9%
Average Sunday Boardings	13,472	11,317	-16.0%	13,075	-13.4%
BREEZE Performance	**Goals/Standards[1]**	**November 2025**	**Variance from Goal**	**November 2024**	**Variance from Prior Year**
Total Boardings	463,076	410,197	-11.4%	451,837	-9.2%
Average Weekday Boardings	18,625	16,908	-9.2%	17,761	-4.8%
Average Saturday Boardings	11,432	9,414	-17.7%	11,024	-14.6%
Average Sunday Boardings	8,675	6,980	-19.5%	8,301	-15.9%
Boardings per Revenue Hour	13.57	12.15	-10.4%	13.11	-7.3%
On-Time Performance	88.0%	86.0%	-2.3%	82.3%	4.4%
SPRINTER Performance	**Goals/Standards[1]**	**November 2025**	**Variance from Goal**	**November 2024**	**Variance from Prior Year**
Total Boardings	167,379	147,772	-11.7%	164,399	-10.1%
Average Weekday Boardings	6,744	6,109	-9.4%	6,473	-5.6%
Average Saturday Boardings	3,942	3,450	-12.5%	3,851	-10.4%
Average Sunday Boardings	3,257	2,407	-26.1%	3,137	-23.3%
Boardings per Revenue Hour	87.96	79.59	-9.5%	88.77	-10.3%
On-Time Performance	95.0%	96.9%	2.0%	97.6%	-0.7%
COASTER Performance	**Goals/Standards[1]**	**November 2025**	**Variance from Goal**	**November 2024**	**Variance from Prior Year**
Total Boardings	62,715	67,375	7.4%	62,045	8.6%
Average Weekday Boardings	2,408	2,478	2.9%	2,318	6.9%
Average Saturday Boardings	2,056	2,072	0.8%	2,545	-18.6%
Average Sunday Boardings	1,114	1,657	48.7%	1,379	20.2%
Boardings per Revenue Hour	32.96	65.71	99.4%	64.30	2.2%
On-Time Performance	95.0%	89.6%	-5.7%	89.8%	-0.3%
FLEX Performance	**Goals/Standards[1]**	**November 2025**	**Variance from Goal**	**November 2024**	**Variance from Prior Year**
Total Boardings	10,034	8,431	-16.0%	8,037	4.9%
Average Weekday Boardings	443	365	-17.6%	333	9.6%
Average Saturday Boardings	137	145	6.1%	131	11.0%
Average Sunday Boardings	155	129	-17.0%	145	-11.3%
Boardings per Revenue Hour	4.86	4.20	-13.6%	3.78	11.0%
On-time Performance	88.0%	81.9%	-6.9%	79.3%	3.2%
LIFT Performance	**Goals/Standards[1]**	**November 2025**	**Variance from Goal**	**November 2024**	**Variance from Prior Year**
Total Boardings	8,925	8,410	-5.8%	9,022	-6.8%
Average Weekday Boardings	414	373	-9.8%	384	-2.8%
Average Saturday Boardings	132	107	-18.9%	129	-17.1%
Average Sunday Boardings	65	82	25.5%	79	3.3%
Boardings per Revenue Hour	1.80	2.61	44.8%	2.05	27.1%
On-Time Performance	92.0%	88.4%	-3.9%	90.9%	-2.7%
NCTD+ Performance	**Goals/Standards[1]**	**November 2025**	**Variance from Goal**	**November 2024**	**Variance from Prior Year**
Total Boardings	5,799	3,455	-40.4%	1,810	90.9%
Average Weekday Boardings	182	150	-17.6%	76	97.4%
Average Saturday Boardings	221	59	-73.3%	31	90.3%
Average Sunday Boardings	206	63	-69.4%	34	85.3%
Boardings per Revenue Hour	1.80	3.22	79.0%	2.94	9.7%
On-Time Performance	92.0%	87.9%	-4.4%	91.6%	-4.0%
Median Wait Time (minutes)	20	14.07	-29.7%	13.15	7.0%

[1] Budgeted goals are developed every fiscal year within budget documents and are based upon ridership projections and past performance while minimum performance standards were generally established in past contracts.

ATTACHMENT 2B

Transit Performance Report - December 2025

SYSTEM Performance (All Modes)	Goals/Standards[1]	December 2025	Variance from Goal	December 2024	Variance from Prior Year
Total Boardings	691,913	656,434	-5.1%	644,542	1.8%
Average Weekday Boardings	25,594	24,453	-4.5%	24,272	0.7%
Average Saturday Boardings	16,463	15,132	-8.1%	15,747	-3.9%
Average Sunday Boardings	12,599	11,550	-8.3%	11,936	-3.2%
BREEZE Performance	**Goals/Standards[1]**	**December 2025**	**Variance from Goal**	**December 2024**	**Variance from Prior Year**
Total Boardings	455,906	443,415	-2.7%	426,527	4.0%
Average Weekday Boardings	17,014	16,679	-2.0%	16,216	2.9%
Average Saturday Boardings	10,427	9,866	-5.4%	10,049	-1.8%
Average Sunday Boardings	7,978	7,405	-7.2%	7,631	-3.0%
Boardings per Revenue Hour	12.43	12.12	-2.5%	12.23	-1.0%
On-Time Performance	88.0%	84.7%	-3.8%	82.9%	2.1%
SPRINTER Performance	**Goals/Standards[1]**	**December 2025**	**Variance from Goal**	**December 2024**	**Variance from Prior Year**
Total Boardings	145,927	121,194	-16.9%	138,008	-12.2%
Average Weekday Boardings	5,336	4,504	-15.6%	5,122	-12.1%
Average Saturday Boardings	3,541	2,499	-29.4%	3,460	-27.8%
Average Sunday Boardings	2,875	2,423	-15.7%	2,770	-12.5%
Boardings per Revenue Hour	72.67	60.56	-16.7%	88.53	-31.6%
On-Time Performance	95.0%	97.5%	2.6%	96.0%	1.6%
COASTER Performance	**Goals/Standards[1]**	**December 2025**	**Variance from Goal**	**December 2024**	**Variance from Prior Year**
Total Boardings	64,883	70,641	8.9%	61,913	14.1%
Average Weekday Boardings	2,302	2,449	6.4%	2,216	10.5%
Average Saturday Boardings	1,935	2,414	24.8%	1,916	26.0%
Average Sunday Boardings	1,300	1,421	9.3%	1,287	10.4%
Boardings per Revenue Hour	32.31	63.85	97.6%	58.69	8.8%
On-Time Performance	95.0%	90.4%	-4.9%	96.6%	-6.5%
FLEX Performance	**Goals/Standards[1]**	**December 2025**	**Variance from Goal**	**December 2024**	**Variance from Prior Year**
Total Boardings	9,671	8,476	-12.4%	7,379	14.9%
Average Weekday Boardings	376	320	-14.8%	283	13.2%
Average Saturday Boardings	175	168	-4.1%	166	1.1%
Average Sunday Boardings	138	152	10.0%	129	17.7%
Boardings per Revenue Hour	4.25	3.72	-12.4%	3.33	11.8%
On-time Performance	88.0%	83.4%	-5.2%	82.4%	1.2%
LIFT Performance	**Goals/Standards[1]**	**December 2025**	**Variance from Goal**	**December 2024**	**Variance from Prior Year**
Total Boardings	9,271	8,947	-3.5%	8,713	2.7%
Average Weekday Boardings	384	353	-8.1%	356	-0.8%
Average Saturday Boardings	120	113	-5.6%	117	-3.2%
Average Sunday Boardings	70	94	33.9%	81	15.7%
Boardings per Revenue Hour	1.80	2.41	34.0%	2.12	13.6%
On-Time Performance	92.0%	88.0%	-4.3%	90.4%	-2.6%
NCTD+ Performance	**Goals/Standards[1]**	**December 2025**	**Variance from Goal**	**December 2024**	**Variance from Prior Year**
Total Boardings	6,255	3,761	-39.9%	2,002	87.9%
Average Weekday Boardings	182	148	-18.7%	79	87.3%
Average Saturday Boardings	265	73	-72.5%	39	87.2%
Average Sunday Boardings	238	55	-76.9%	38	44.7%
Boardings per Revenue Hour	1.80	2.84	57.9%	3.06	-7.1%
On-Time Performance	92.0%	85.8%	-6.8%	91.1%	-5.9%
Median Wait Time (minutes)	20	14.15	-29.3%	14.15	0.0%

[1] Budgeted goals are developed every fiscal year within budget documents and are based upon ridership projections and past performance while minimum performance standards were generally established in past contracts.

ATTACHMENT 2C

Transit Performance Report - January 2026

SYSTEM Performance (All Modes)	Goals/Standards[1]	January 2026	Variance from Goal	January 2025	Variance from Prior Year
Total Boardings	681,731	676,913	-0.7%	655,314	3.3%
Average Weekday Boardings	25,589	25,639	0.2%	24,265	5.7%
Average Saturday Boardings	17,186	16,816	-2.2%	16,522	1.8%
Average Sunday Boardings	13,105	12,452	-5.0%	12,434	0.1%
BREEZE Performance	**Goals/Standards[1]**	**January 2026**	**Variance from Goal**	**January 2025**	**Variance from Prior Year**
Total Boardings	454,497	452,655	-0.4%	440,048	2.9%
Average Weekday Boardings	17,116	17,161	0.3%	16,316	5.2%
Average Saturday Boardings	10,776	10,552	-2.1%	10,428	1.2%
Average Sunday Boardings	8,236	7,901	-4.1%	7,878	0.3%
Boardings per Revenue Hour	12.57	12.43	-1.1%	11.92	4.3%
On-Time Performance	88.0%	85.6%	-2.8%	84.2%	1.6%
SPRINTER Performance	**Goals/Standards[1]**	**January 2026**	**Variance from Goal**	**January 2025**	**Variance from Prior Year**
Total Boardings	142,336	136,570	-4.1%	138,192	-1.2%
Average Weekday Boardings	5,162	5,063	-1.9%	4,955	2.2%
Average Saturday Boardings	3,853	3,421	-11.2%	3,765	-9.1%
Average Sunday Boardings	2,932	2,628	-10.4%	2,824	-6.9%
Boardings per Revenue Hour	71.20	73.56	3.3%	68.91	6.7%
On-Time Performance	95.0%	97.9%	3.0%	96.5%	1.4%
COASTER Performance	**Goals/Standards[1]**	**January 2026**	**Variance from Goal**	**January 2025**	**Variance from Prior Year**
Total Boardings	59,252	66,377	12.0%	57,543	15.4%
Average Weekday Boardings	2,315	2,587	11.7%	2,228	16.1%
Average Saturday Boardings	2,028	2,444	20.5%	2,008	21.7%
Average Sunday Boardings	1,517	1,575	3.8%	1,502	4.9%
Boardings per Revenue Hour	29.64	67.65	128.2%	59.45	13.8%
On-Time Performance	95.0%	85.9%	-9.5%	96.5%	-11.0%
FLEX Performance	**Goals/Standards[1]**	**January 2026**	**Variance from Goal**	**January 2025**	**Variance from Prior Year**
Total Boardings	10,415	8,584	-17.6%	8,266	3.8%
Average Weekday Boardings	425	314	-26.2%	319	-1.7%
Average Saturday Boardings	178	215	20.6%	169	27.0%
Average Sunday Boardings	122	185	51.8%	114	62.5%
Boardings per Revenue Hour	4.70	3.87	-17.6%	3.63	6.6%
On-time Performance	88.0%	81.1%	-7.8%	84.2%	-3.7%
LIFT Performance	**Goals/Standards[1]**	**January 2026**	**Variance from Goal**	**January 2025**	**Variance from Prior Year**
Total Boardings	9,087	8,650	-4.8%	9,104	-5.0%
Average Weekday Boardings	389	350	-10.1%	362	-3.4%
Average Saturday Boardings	119	121	1.8%	116	4.5%
Average Sunday Boardings	65	88	35.8%	79	11.7%
Boardings per Revenue Hour	1.80	1.97	9.4%	2.21	-11.0%
On-Time Performance	92.0%	90.4%	-1.7%	88.9%	1.7%
NCTD+ Performance	**Goals/Standards[1]**	**January 2026**	**Variance from Goal**	**January 2025**	**Variance from Prior Year**
Total Boardings	6,144	4,077	-33.6%	2,161	88.7%
Average Weekday Boardings	182	165	-9.3%	85	94.1%
Average Saturday Boardings	232	63	-72.8%	36	75.0%
Average Sunday Boardings	233	74	-68.2%	37	100.0%
Boardings per Revenue Hour	1.80	3.84	113.5%	3.14	22.4%
On-Time Performance	92.0%	84.9%	-7.8%	86.0%	-1.3%
Median Wait Time (minutes)	20	14.48	-27.6%	13.45	7.7%

[1] Budgeted goals are developed every fiscal year within budget documents and are based upon ridership projections and past performance while minimum performance standards were generally established in past contracts.

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item #
3

STAFF REPORT

RECEIVE THE ANNUAL TRANSIT OPERATIONS PERFORMANCE REPORT FOR FISCAL YEAR 2025

Time Sensitive: ☐ **Consent:** ☒

STAFF RECOMMENDATION:

Receive the Fiscal Year (FY) 2025 Annual Transit Operations Performance Report.

BACKGROUND INFORMATION:

The Annual Transit Operations Performance Report (TOPR) provides an overview of North County Transit – San Diego Railroad's (NCTD) performance trends by mode as they relate to the budgeted goals and minimum performance standards for FY2025. NCTD's performance goals are developed as part of the annual operations budget development process. Minimum performance standards are outlined in the applicable modal operations and maintenance contracts. Final performance results are included in the statistical section of NCTD's Annual Comprehensive Financial Report and reported to the National Transit Database.

The TOPR aligns NCTD's service principles with measurable performance indicators to monitor progress toward NCTD's defined goals. The annual TOPR includes a system summary for NCTD's FY2025 performance, as well as key performance indicators for NCTD's modal operations. The modal section provides a three-year trend for each metric, as well as a dashboard indicator that demonstrates whether NCTD achieved its corresponding FY2024 goal.

NCTD staff regularly monitors the performance indicators included in this TOPR and provides updates through the monthly TOPRs presented to the Board of Directors. Measuring key areas of performance allows NCTD to identify areas for improvement and link transit performance to investment decisions in the District's capital and operating budgets.

ATTACHMENT:

3A – Annual Transit Operations Performance Report, FY2025

FISCAL IMPACT:

This staff report has no fiscal impact.

COMMITTEE REVIEW:

None

STAFF CONTACT:

Ioni Tcholakova, Director of Service Planning
E-mail: itcholakova@nctd.org Phone: 760-966-6588

ATTACHMENT 3A

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Annual Transit Operations Performance Report

FY 2025

July 1, 2024 - June 30, 2025

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Introduction

BACKGROUND

The Annual Transit Operations Performance Report (TOPR) summarizes the performance of North County Transit District's (NCTD, the District) system for a given fiscal year (FY). The report provides an annual overview to the Board of Directors and other stakeholders on numerous key performance indicators (KPI) for the following modes:

- **BREEZE** fixed-route bus
- **SPRINTER** hybrid rail
- **COASTER** commuter rail
- **LIFT** paratransit
- **FLEX** deviated- & point-deviated fixed-route bus
- **NCTD+** on-demand microtransit

As part of the TOPR process, NCTD tracks select KPIs and monitors progress toward the agencies defined goals and standards. Table 1 outlines and defines KPIs. For the Annual TOPR, KPIs are organized into four broad categories: Ridership, Customer Safety & Satisfaction, Service Reliability, and Financial Performance.

Table 1. Performance Metrics & Definitions

Metric	Category	Definition	Goal/Standard*
Total Boardings	Ridership	The total individuals boarding a revenue vehicle, excluding operators, transit employees, and contractors.	Established annually with the budget and based on historical trends.
Preventable Accidents	Customer Safety & Satisfaction	The number of preventable accidents per 100,000 miles operated where the operator was at fault.	Established in contractual requirements for operators.
Passenger Concerns	Customer Safety & Satisfaction	The number of passenger concerns per 100,000 boardings.	Established in contractual requirements for operators.
On-Time Performance	Service Reliability	The percentage of actual arrival or departure times that are between an established range at stations and timepoints.	Established in contractual requirements for operators.
Mechanical Failures	Service Reliability	A failure of a mechanical element on a revenue vehicle that prevents the vehicle from completing a scheduled revenue trip or starting the next scheduled revenue trip. Mechanical failures that are due to actual movement being limited or safety concerns are categorized as “major mechanical failures,” while failures that are due to an agency’s policy are considered “other mechanical failures.”	Established in contractual requirements for operators.
Farebox Recovery Ratio	Financial Performance	Passenger fares divided by operating costs. Differs from the Transportation Development Act (TDA) farebox recovery ratio reported to the State Controller’s office which allows for the exclusion of certain costs and the inclusion of local funds in its calculation.	Established annually with the budget and based on historical trends.

Service Changes & Agency Highlights

NCTD implemented two service changes in FY2025 – one in October 2024 and another in May 2025. As illustrated in Figure 1, changes to service included routing adjustments to BREEZE 101, 313, 332, 623, and FLEX 392 and 395. Due to low performance, BREEZE 444 was eliminated. BREEZE 334 was eliminated and replaced with NCTD+ microtransit service in Vista.

Furthermore, as depicted in Figure 2, NCTD marked several significant achievements in FY2025. These activities included grant awards for planning studies and key rail infrastructure projects, implementation NCTD+ in Vista, and the complete insourcing of bus operations.

Figure 1. FY2025 Service Changes

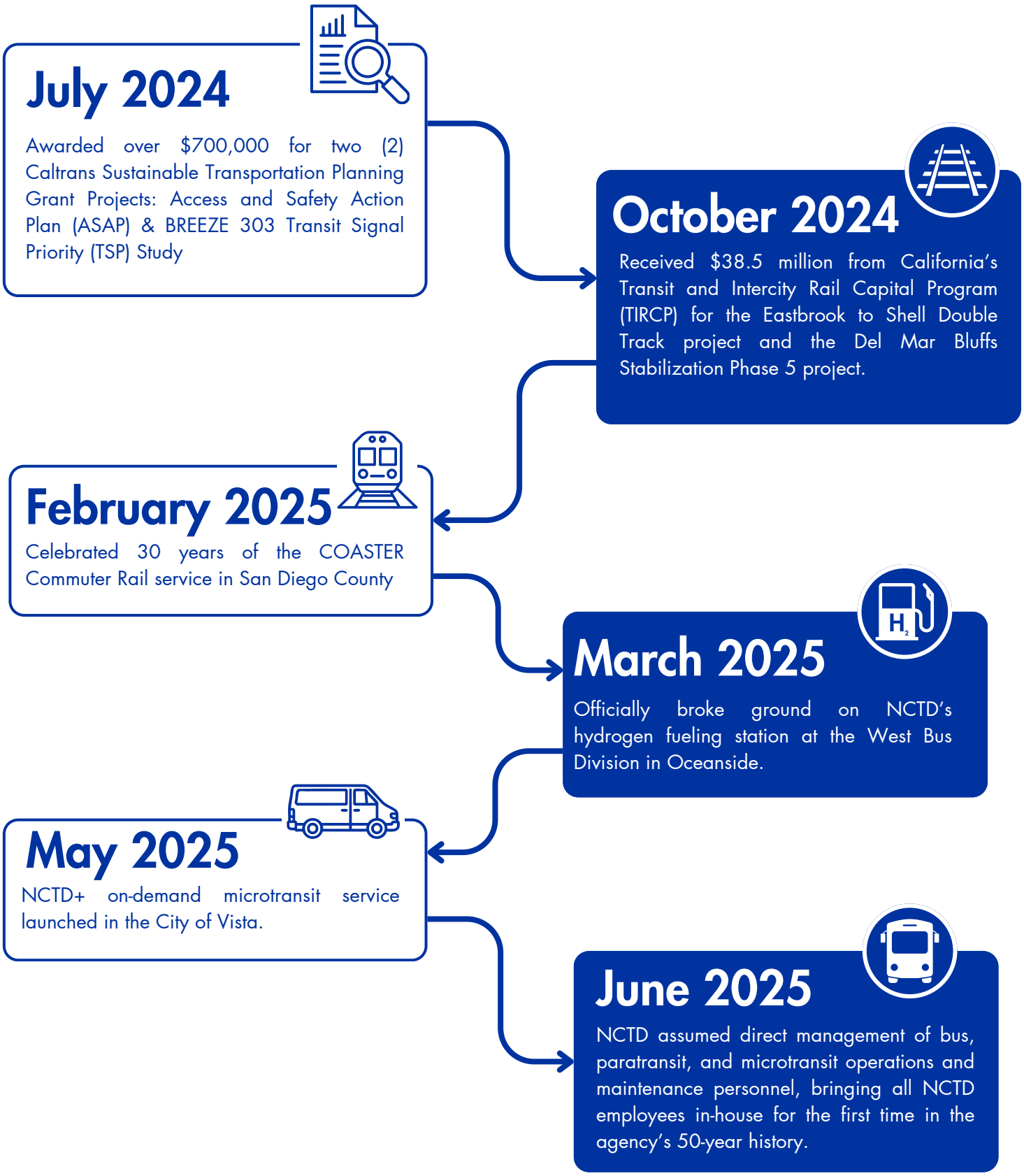
October 2024

- **Routing adjustments to improve operational efficiency and access to the routes: BREEZE 101, 332, and FLEX 392**

May 2025

- **Routing adjustments to improve operational efficiency and access to the routes: BREEZE 313, 623, FLEX 392 and 395**
- **Elimination of BREEZE Routes 334 and 444**
- **Launch of NCTD+ Microtransit in Vista**

Figure 2. District Highlights, FY2025



System Summary

System Summary

Ridership

Total systemwide boardings were over nearly 8.5 million in FY2025, a 10.6% increase compared to the previous fiscal year and 6.0% over the budgeted goal. All modes experienced ridership gains.

Customer Safety & Satisfaction

There were 169 total preventable accidents in FY2025. Incidents increased across all modes except SPRINTER and COASTER.

Passenger complaints increased 0.1% over the previous fiscal year, with BREEZE being the only mode experiencing a decrease.

Service Reliability

On-time performance increased by 2.4% in FY2025. All modes, except BREEZE, experienced increases.

Total mechanical failures increased by 17.1%, with SPRINTER, LIFT, and FLEX experiencing the highest proportional increases.

Financial Performance

Operating expenses across all modes was 3.1% below budget. The operating cost for all modes except BREEZE and LIFT were lower than projected.

Systemwide fare revenue totaled $11.6 million, an increase of 8.7% from FY2024. All modes, except LIFT, experienced an increase.

Farebox recovery ratio across all modes was 18.0% higher than the budgeted goal.

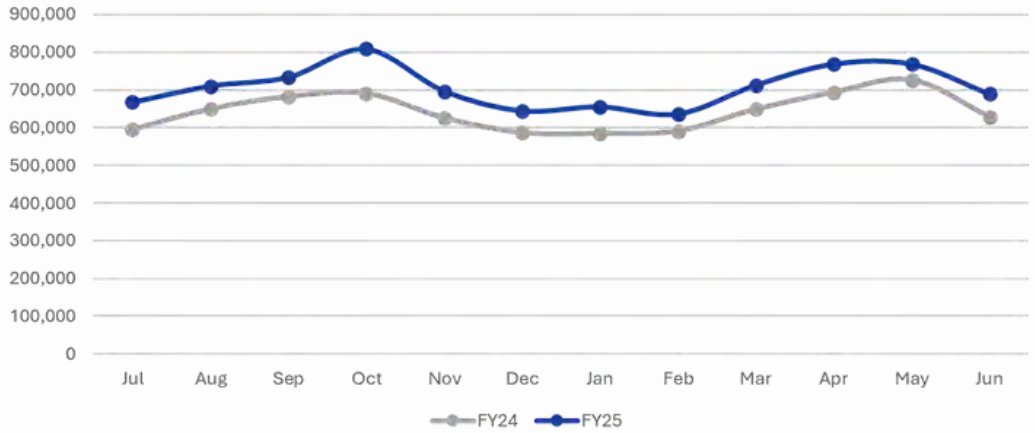


Figure 3. Systemwide Monthly Ridership, FY24-FY25

Table 2. Systemwide Performance Summary

Metric	BREEZE	SPRINTER	COASTER	LIFT	FLEX	NCTD+	System Total	% Change from FY24
Total Boardings	5,458,166	1,876,403	927,557	111,204	100,309	22,459	8,496,098	10.3%
Boardings per Revenue Hour	12.7	82.3	76	2	3.8	3.1	15.3	2.8%
Vehicle Revenue Miles	5,050,027	501,642	397,260	938,400	381,384	79,175	7,347,888	4.5%
On-Time Performance	83.39%	96.63%	94.40%	90.04%	84.97%	86.91%	89.4%	2.4%
Mechanical Failures	607	185	20	20	15	3	850	17.1%
Preventable Accidents	156	0	0	9	3	1	169	27.1%
Passenger Complaints	886	113	117	183	38	19	1356	0.1%
Operating Expenses	$68,939,835	$36,047,983	$41,090,698	$15,164,639	$4,914,722	$476,484	$166,634,361	10.8%
Fare Revenue	$5,249,437	$1,313,507	$4,144,971	$754,128	$192,428	$15,496	$11,669,967	8.7%
Farebox Recovery	7.6%	3.6%	10.1%	5.0%	3.9%	3.3%	7.0%	-1.9%

BREEZE Performance

Ridership

Service adjustments implemented in FY2025, including rerouting of BREEZE routes 101, 313, and 332 improve operational efficiency and access, contributed to strong ridership performance. Continued school-related travel and stable weekday demand also supported overall system use. As shown in Figure 4, **there were nearly 5.5 million BREEZE boardings in FY2025—exceeding last year's ridership by 11.9% and 8.9% above the budgeted goal.**

Table 3. BREEZE Ridership, FY25

Schedule	Average Daily Boardings	Boardings per Revenue
Weekday	17,256	13.1
Saturday	10,574	11.4
Sunday	8,661	10.7

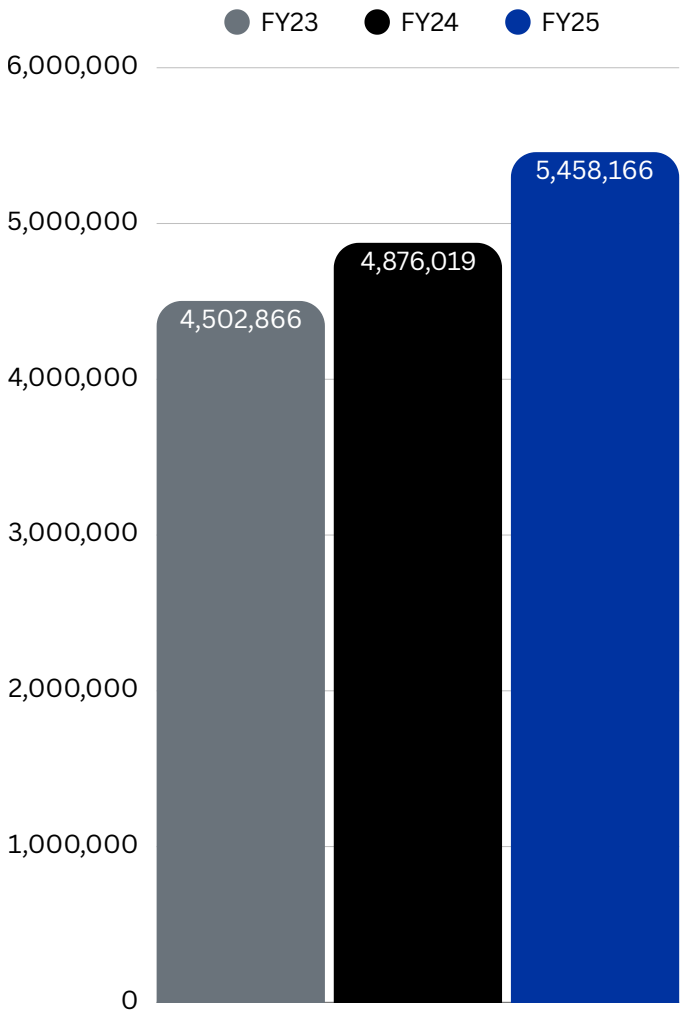


Figure 4. BREEZE Ridership, FY23-FY25

Customer Safety and Satisfaction

Preventable Accidents

There were 156 preventable accidents on BREEZE in FY2025 – 164.4% above the contractual standard. As illustrated in Figure 5, BREEZE preventable accidents continued its upward trend with a 27.9% increase from FY2024 total.

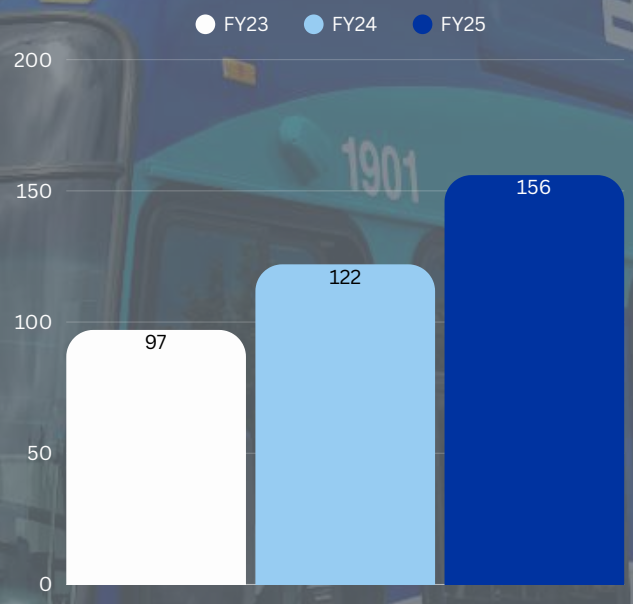


Figure 5. BREEZE Preventable Accidents, FY23-FY25

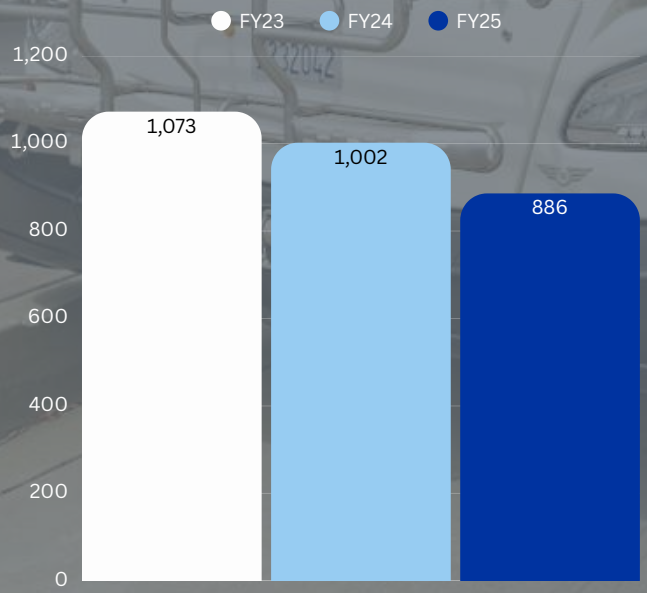


Figure 6. BREEZE Passenger Complaints, FY23-FY25

Passenger Complaints

There were 886 passenger complaints in BREEZE in FY2025. As shown in Figure 6, passenger complaints continued their downward trend from the previous two fiscal years.

Service Reliability

On-Time Performance

As shown in Figure 7, BREEZE on-time performance was 83.4% in FY2025 – below the minimum contractual standard of 88% and 0.4 percentage points lower than the previous year.

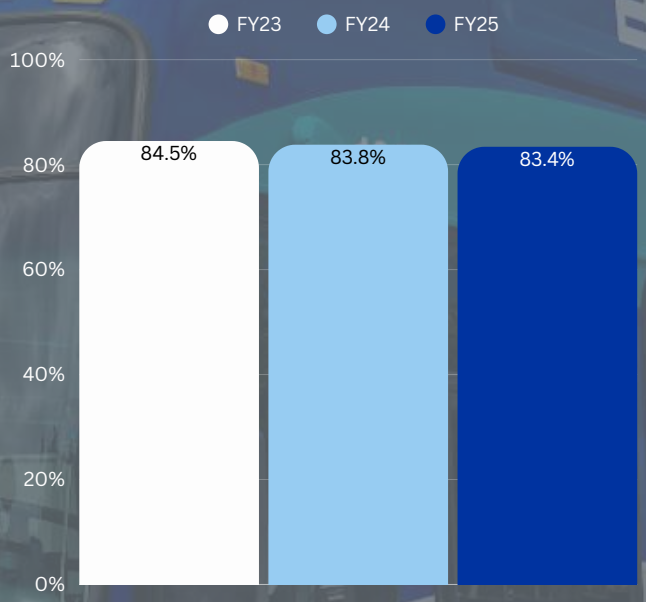


Figure 7. BREEZE On-Time Performance, FY23-FY25

Mechanical Failures

BREEZE mechanical failures in FY2025 totaled 607 and included 555 major mechanical failures, as shown in Figure 8. BREEZE exceeded the minimum contractual standard by 44.9%.

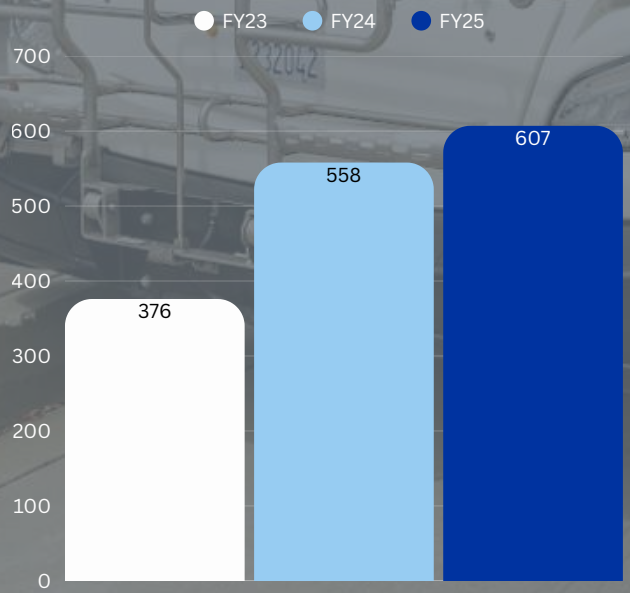


Figure 8. BREEZE Mechanical Failures, FY23-FY25

Financial Performance

Operating Expenses

BREEZE operating expenses in FY2025 were roughly 4.8% above the budgeted goal and increased by 13% compared to the previous fiscal year. Service changes, inflation, and changes in operational structure have contributed to the growth illustrated in Figure 9.

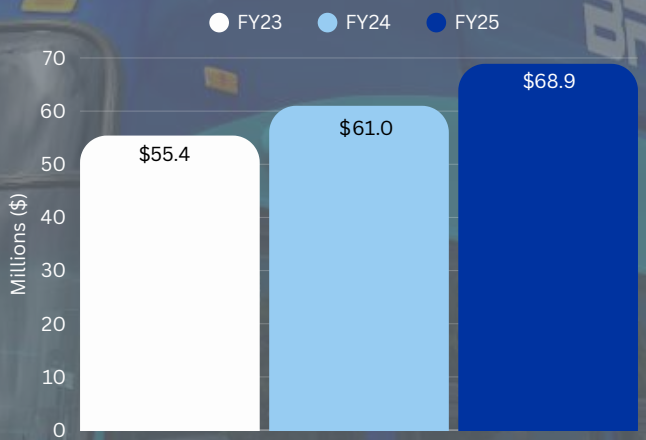


Figure 9. BREEZE Operating Expenses, FY23-FY25

Fare Revenue

As illustrated in Figure 10, fare revenue on BREEZE has shown growth over the last three fiscal years. Fare revenue in FY2025 not only surpassed the budgeted target by 13.6% but also experienced a 2.0% increase compared to the prior year.

Figure 10. BREEZE Fare Revenue, FY23-FY25

Farebox Recovery

Farebox recovery on BREEZE was 7.6% in FY2025 – surpassing the budgeted goal of 8.4%. As shown in Figure 11, farebox recovery has also decreased 9.7% compared to the prior year.

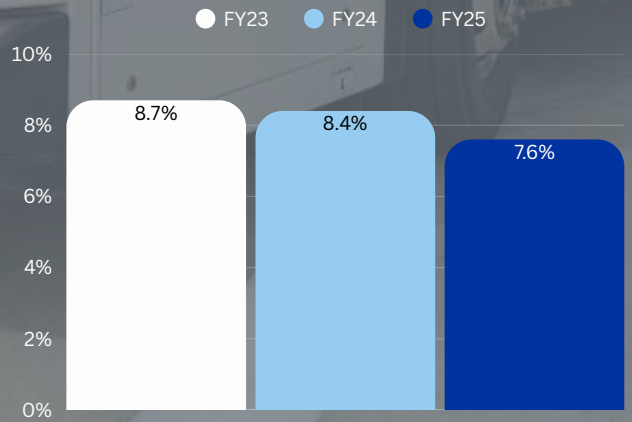


Figure 11. BREEZE Farebox Recovery, FY23-FY25

SPRINTER Performance

Ridership

As illustrated in Figure 12, there were over **1.8 million SPRINTER boardings in FY2025, a 2.9% increase over the previous year.** Ridership performed close to expectations, coming within 0.7% of the budgeted goal. Boardings per revenue hour increased across all service days, with the strongest proportional growth occurring on weekend service.

Table 4. SPRINTER Ridership, FY25

Schedule	Average Daily Boardings	Boardings per Revenue
Weekday	5,892	87.1
Saturday	3,693	69.5
Sunday	3,115	64.7

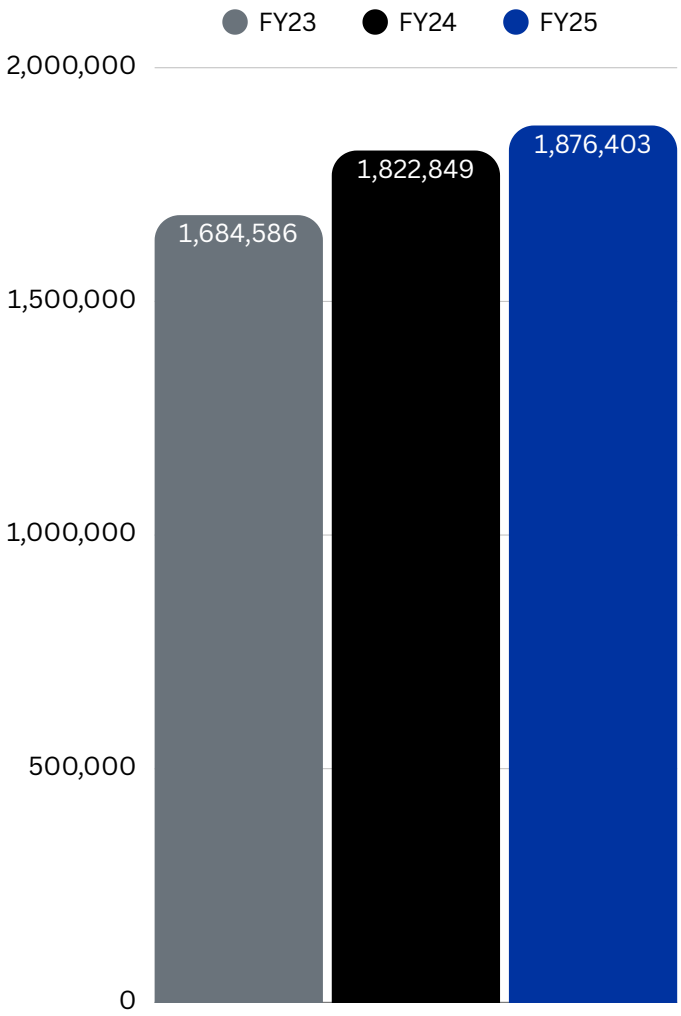


Figure 12. SPRINTER Ridership, FY23-FY25

Customer Safety and Satisfaction

Preventable Accidents

In FY2025, zero preventable accidents occurred on SPRINTER, meeting the minimum standard. As shown in Figure 13, this represents an improvement from the previous year.

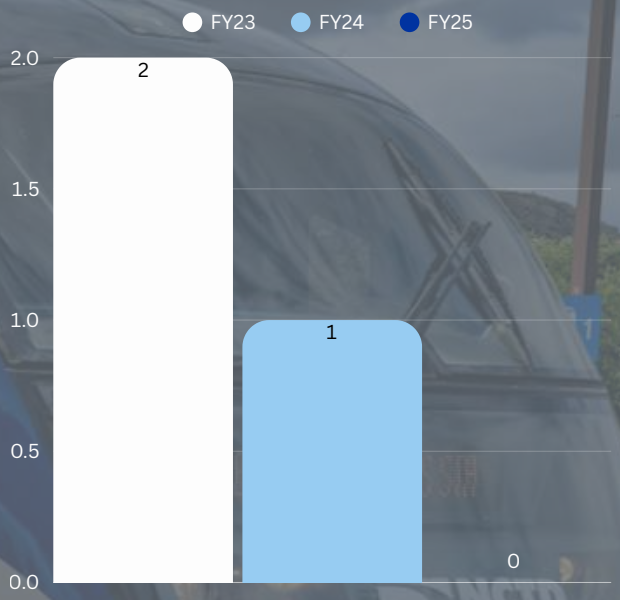


Figure 13. SPRINTER Preventable Accidents, FY23-FY25

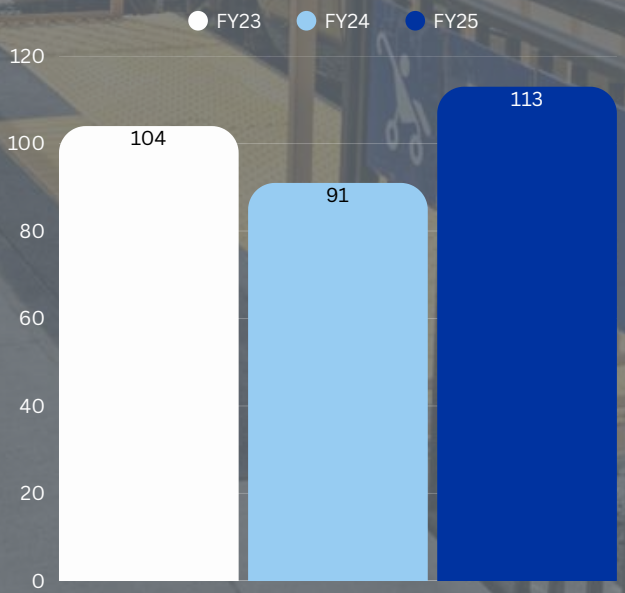


Figure 14. SPRINTER Passenger Complaints, FY23-FY25

Passenger Complaints

There were 113 passenger complaints on SPRINTER in FY2025, not exceeding the minimum standard. However, as shown in Figure 14, complaints increased 24.2% over the previous fiscal year.

Service Reliability

On-Time Performance

As shown in Figure 15, SPRINTER's on-time performance in FY2025 was 96.6, 0.3 percentage points higher than the previous year, and above the 95% contractual standard.

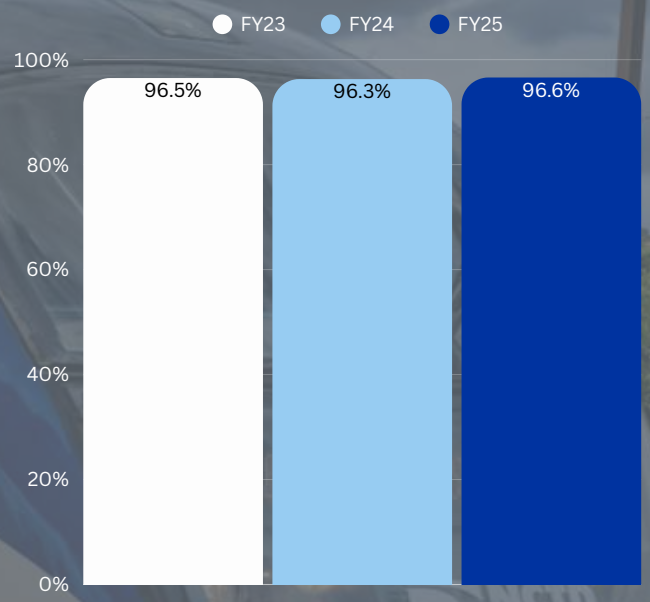


Figure 15. SPRINTER On-Time Performance, FY23-FY25

Mechanical Failures

Due to its aging fleet and unique vehicle requirements, SPRINTER experienced 185 mechanical failures in FY2025, including 150 major mechanical failures. As illustrated in Figure 16, this exceeded the minimum standard but declined substantially from the previous year.

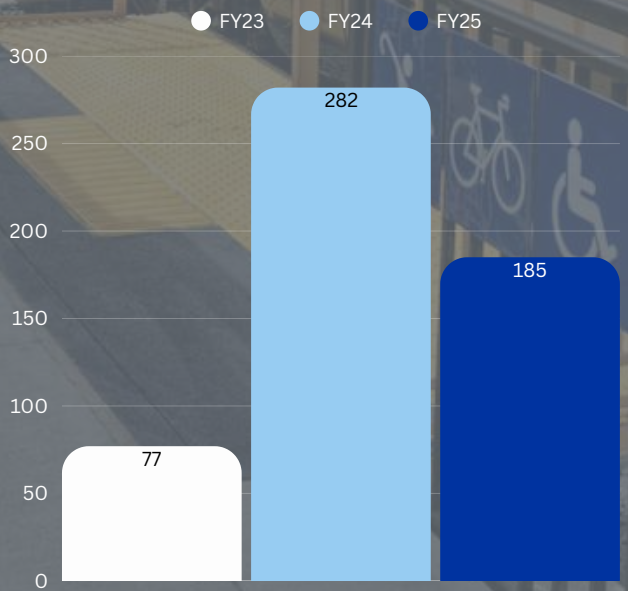


Figure 16. SPRINTER Mechanical Failures, FY23-FY25

Financial Performance

Operating Expenses

SPRINTER operating expenses totaled $36.0 million in FY2025 – 14.9% below budgeted and 7.8% greater than the previous year, as illustrated in Figure 17.

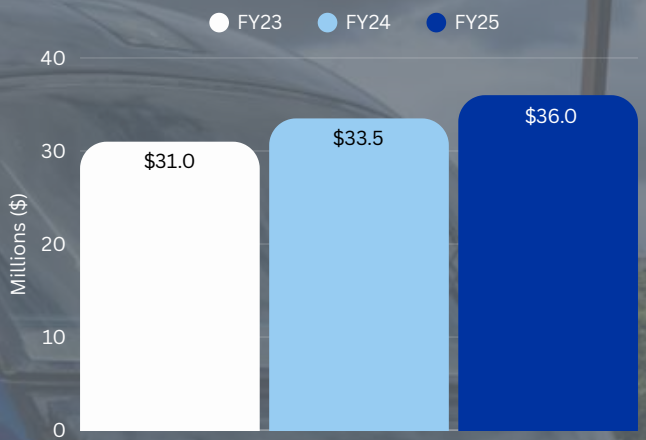


Figure 17. SPRINTER Operating Expenses, FY23-FY25

Fare Revenue

As shown in Figure 18, fare revenue increased by 22.0% compared to the previous year. Fare revenue in FY2025 substantially exceeded projections, coming in 25.0% above the budgeted amount.

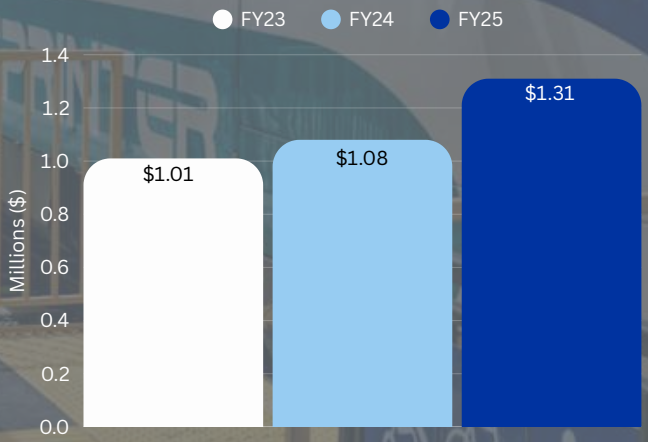


Figure 18. SPRINTER Fare Revenue, FY23-FY25

Farebox Recovery

Farebox recovery on SPRINTER was 3.6% in FY2025 – above the budgeted goal of 2.5% as illustrated in Figure 19.

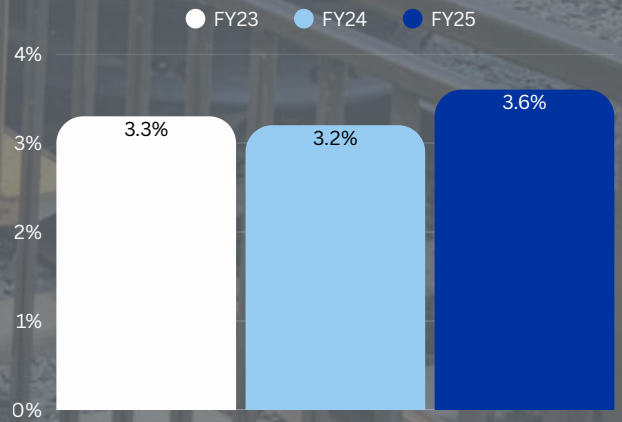


Figure 19. SPRINTER Farebox Recovery, FY23-FY25

COASTER Performance

COASTER

Ridership

Special event service and leisure travel remained key contributors to COASTER ridership in FY2025. Average daily boardings increased across all service days, with Saturdays experiencing the largest increase, rising by an average of over 300 passengers per day. **Overall, COASTER ridership increased by 8.7% compared to the previous year and exceeded the budgeted goal by 3.3%**

Table 5. COASTER Ridership, FY25

Schedule	Average Daily Boardings	Boardings per Revenue
Weekday	2,758	72.7
Saturday	2,795	97.8
Sunday	1,895	78.8

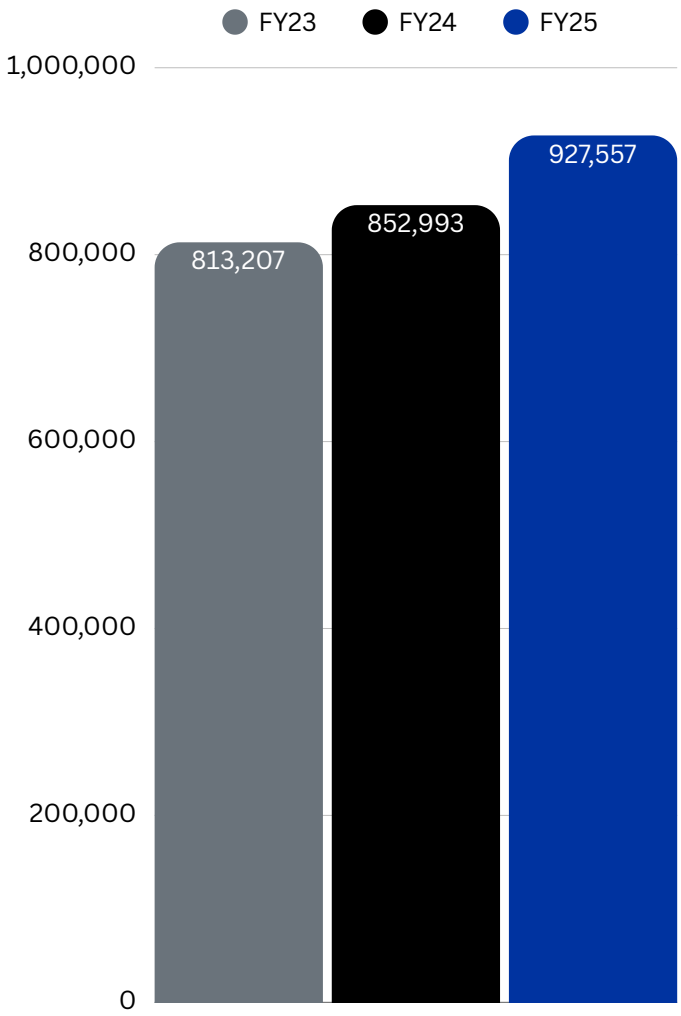


Figure 20. COASTER Ridership, FY23-FY25

Customer Safety and Satisfaction

Preventable Accidents

COASTER recorded zero preventable accidents in FY2025. As shown in Figure 21, this represents an improvement from the previous year.

Figure 21. COASTER Preventable Accidents, FY23-FY25

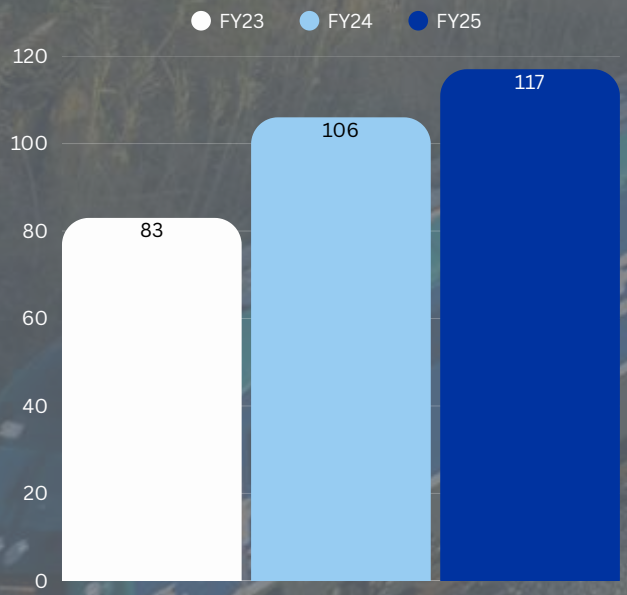


Figure 22. COASTER Passenger Complaints, FY23-FY25

Passenger Complaints

There were 117 passenger complaints on COASTER in FY2025. Complaints have continued to trend upwards, as shown in Figure 22, with a 10.4% increase compared to the previous fiscal year.

Service Reliability

On-Time Performance

As shown in Figure 23, COASTER on-time performance in FY2025 was 94.4% – a slight increase from the previous year and just 0.6% under the 95% contractual standard.

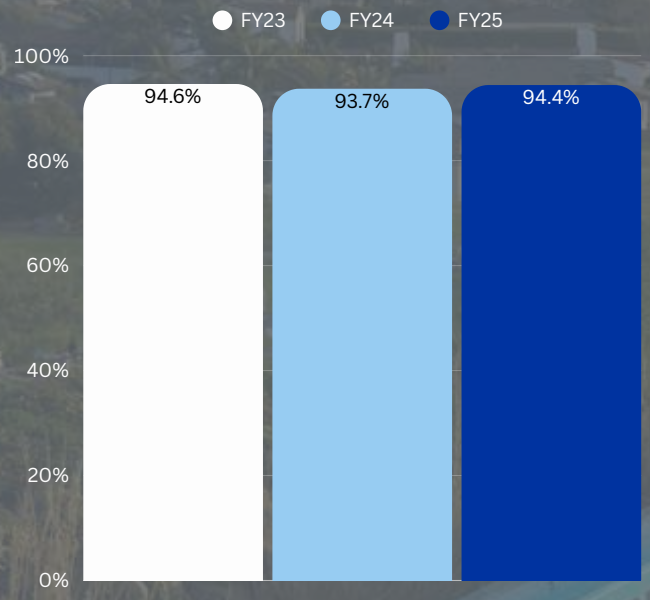


Figure 23. COASTER On-Time Performance, FY23-FY25

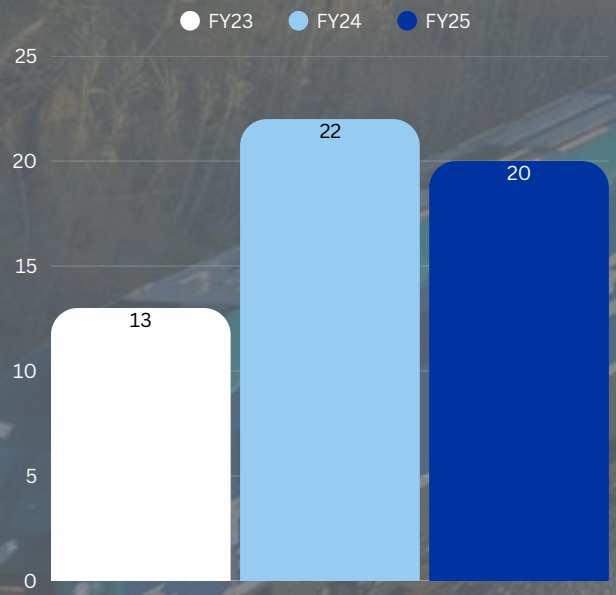


Figure 24. COASTER Mechanical Failures, FY23-FY25

Mechanical Failures

COASTER mechanical failures in FY2025 exceeded the minimum standard of 18 by 11.1%. However, as illustrated in Figure 24, COASTER mechanical failures did decrease slightly from the previous year.

Financial Performance

Operating Expenses

COASTER operating expenses in FY2025 were 4.3% below budget and 6.4% higher than the previous fiscal year, as shown in Figure 25.

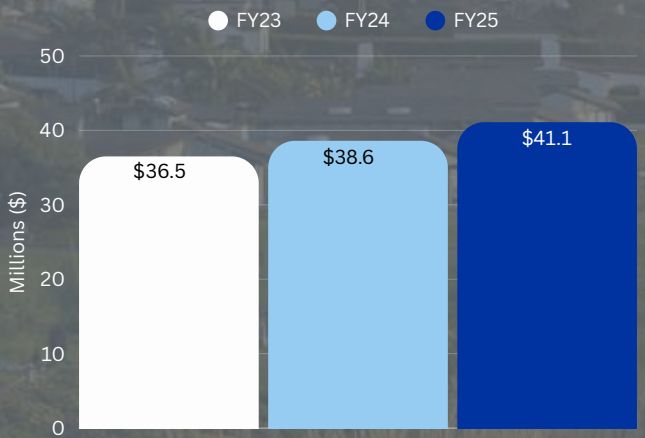


Figure 25. COASTER Operating Expenses, FY23-FY25

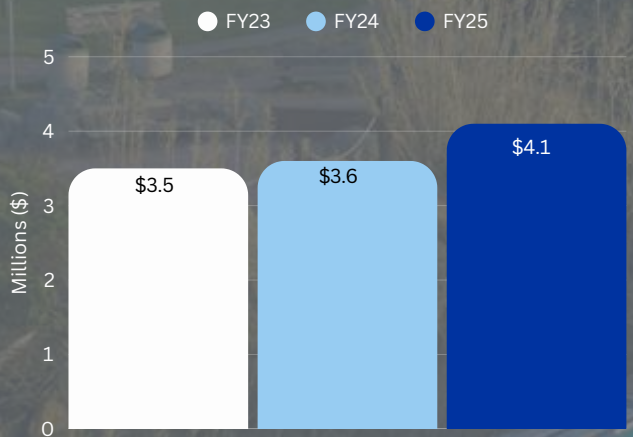


Figure 26. COASTER Fare Revenue, FY23-FY25

Fare Revenue

COASTER fare revenue in FY2025 totaled approximately $4.1 million, exceeding the projected budget by 10.3%. Despite accounting for only 11% of total ridership in FY2025, COASTER generated approximately one-third of overall fare revenue.

Farebox Recovery

Farebox recovery on COASTER was 10.1% in FY2025, representing a 8.9% increase from the previous year and exceeding the budgeted standard of 8.8% by 15.3%. As shown in Figure 27, this improvement reflects both increased fare revenue and operating below the projected operating expenses.

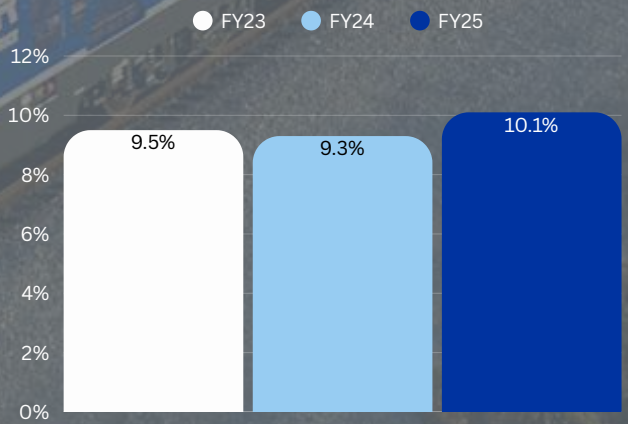


Figure 27. COASTER Farebox Recovery, FY23-FY25

LIFT Performance

LIFT

Ridership

There were over 111,000 total boardings on LIFT in FY2025, representing a 5.7% increase compared to the previous year. However, total ridership was 2.2% below the budgeted goal of approximately 113,000 boardings. Overall boardings per revenue hour remained at 2.0 which is above the minimum contractual standard of 1.80 for productivity. Productivity improved across all service days, with the largest proportional increase occurring on Sundays.

Table 6. LIFT Ridership, FY25

Schedule	Average Daily Boardings	Boardings per Revenue
Weekday	387	2.1
Saturday	115	1.7
Sunday	80	1.8

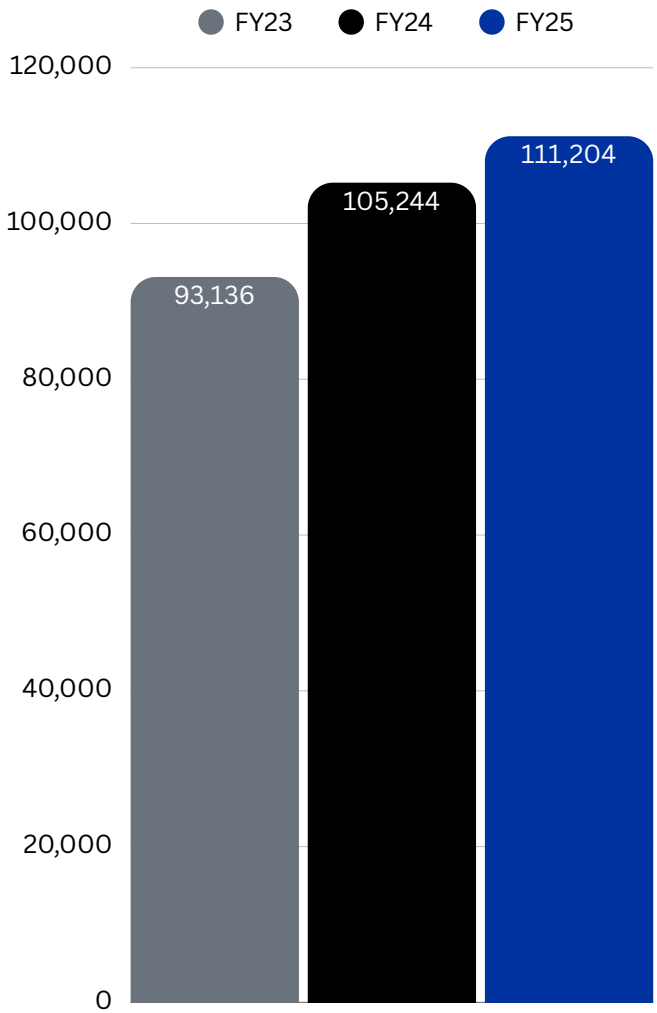


Figure 28. LIFT Ridership, FY23-FY25

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

LIFT

Customer Safety and Satisfaction

Preventable Accidents

LIFT recorded nine (9) preventable accidents in FY2025, remaining within the allowable standard. As shown in Figure 29, this represents an increase of two (2) accidents compared to the previous year.

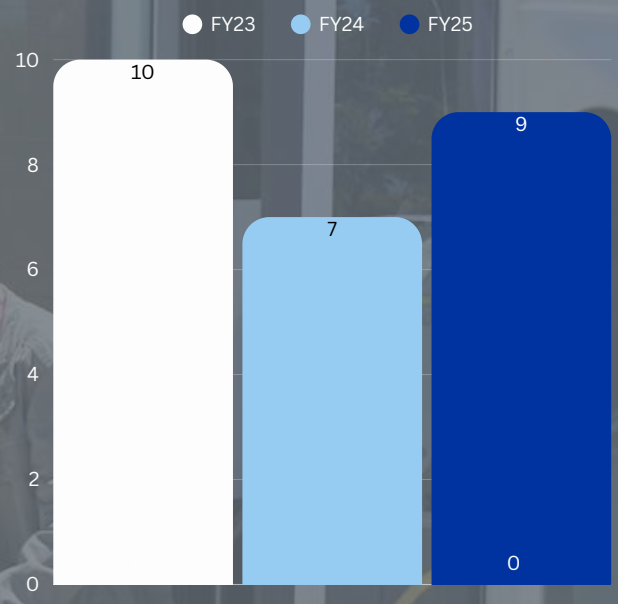


Figure 29. LIFT Preventable Accidents, FY23-FY25

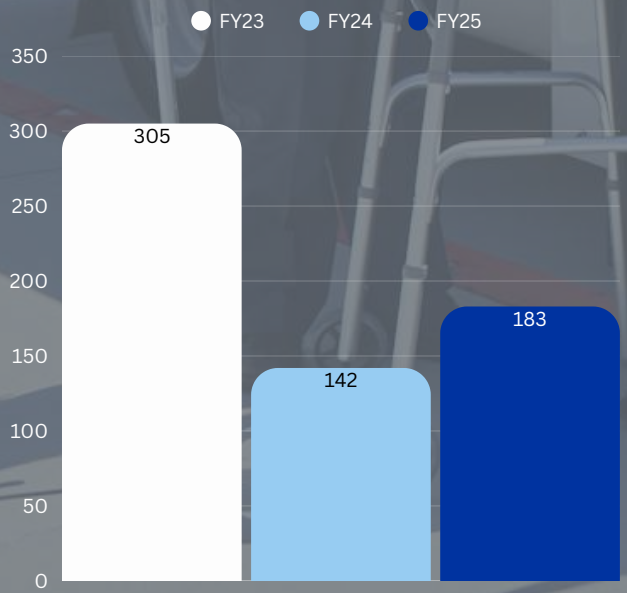


Figure 30. LIFT Passenger Complaints, FY23-FY25

Passenger Complaints

There were 183 LIFT passenger complaints in FY2025, above the minimum contractual standard. As shown in Figure 30, passenger complaints increased by 28.9% from the previous fiscal year.

LIFT

Service Reliability

On-Time Performance

LIFT on-time performance in FY2025 was 90.0%, below the minimum contractual standard of 92% and a slight decrease (0.1 percentage points) from the previous year.

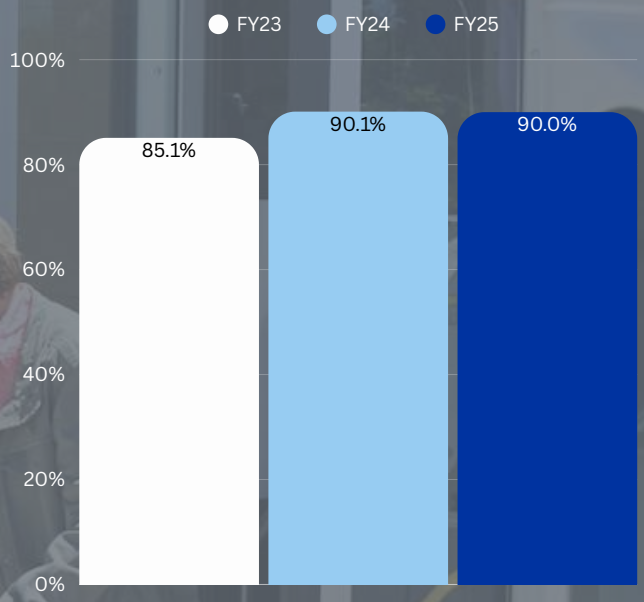


Figure 31. LIFT On-Time Performance, FY23-FY25

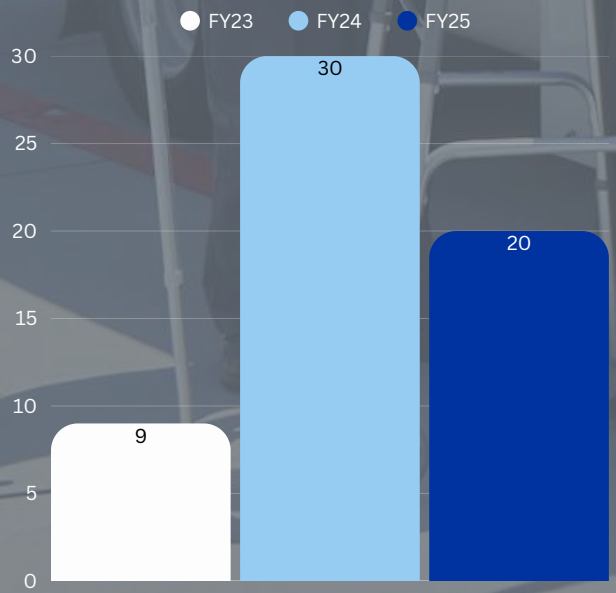


Figure 32. LIFT Mechanical Failures, FY23-FY25

Mechanical Failures

Previously, the minimum standard for mechanical failures combined LIFT and FLEX modes. Beginning in FY2025, these modes were evaluated separately for this metric. As illustrated in Figure 32, LIFT recorded 20 mechanical failures, which is 5.3% above the minimum standard of 19.

LIFT

Financial Performance

Operating Expenses

LIFT operating expenses totaled approximately $15.2 million in FY2025, 8.8% above the projected operating expenses and 13.8% higher than the previous year.

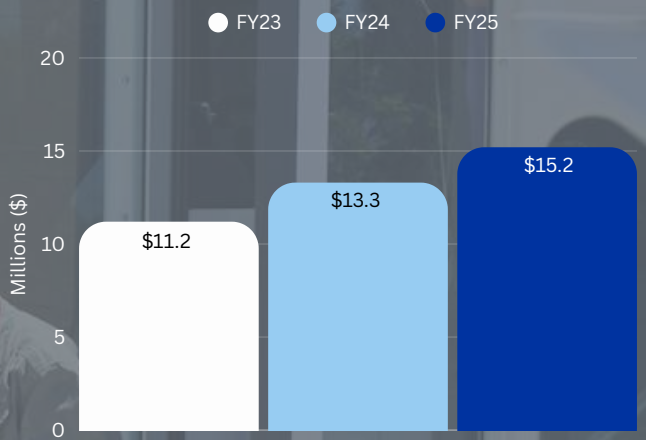


Figure 33. LIFT Operating Expenses, FY23-FY25

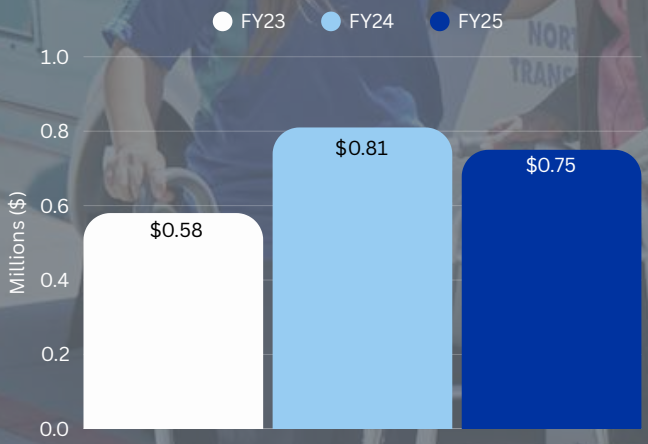


Figure 34. LIFT Fare Revenue, FY23-FY25

Fare Revenue

LIFT fare revenue in FY2025 exceeded the budgeted goal by 42.5%. As illustrated in Figure 34, fare revenue did decrease 6.7% compared to the previous fiscal year.

Farebox Recovery

LIFT farebox recovery in FY2025 was 5.0%, exceeding the projected standard of 3.8% by 31.0%, but 1.1 percentage points lower than the previous year.

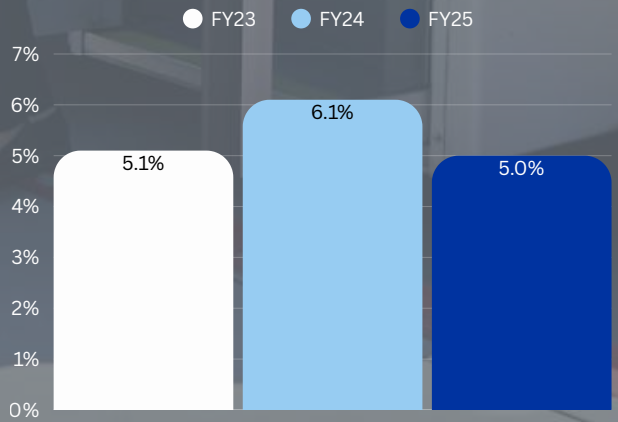


Figure 35. LIFT Farebox Recovery, FY23-FY25

FLEX Performance

FLEX

Ridership

There were approximately 100,000 total boardings on FLEX in FY2025, exceeding the budgeted ridership goal of 62,000 by 61.6%. This reflects the first full fiscal year of service following the addition of five (5) FLEX routes in the Sorrento Valley area in June 2024. Weekend service experienced strong gains, with boardings per revenue hour increasing by over 60% on both Saturdays and Sundays.

Table 7. FLEX Ridership, FY25

Schedule	Average Daily Boardings	Boardings per Revenue
Weekday	328	3.6
Saturday	168	5.4
Sunday	135	4.3

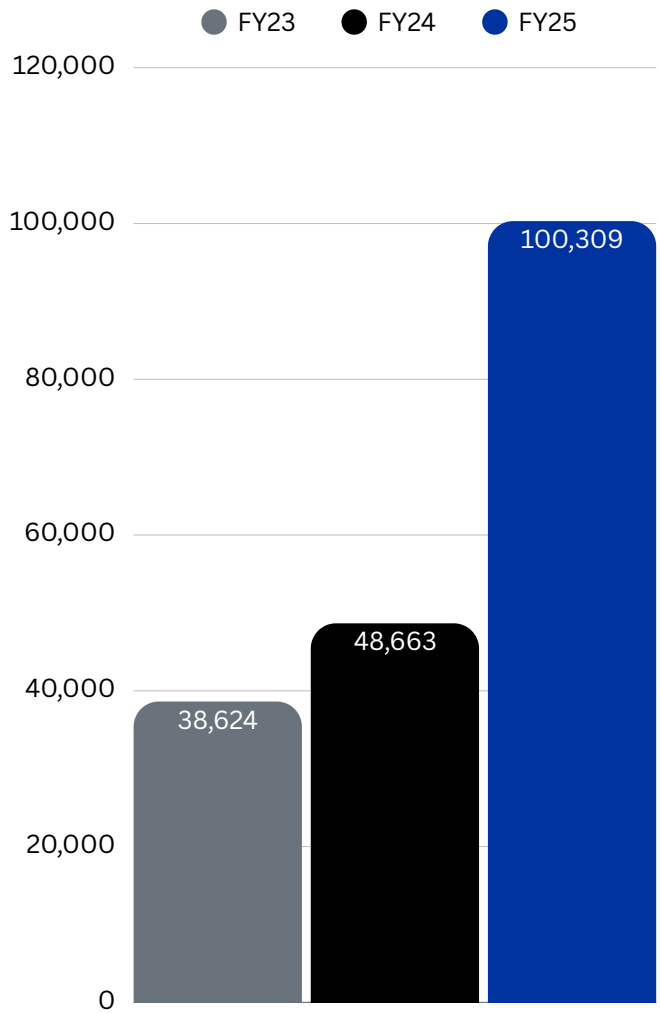


Figure 36. FLEX Ridership, FY23-FY25

Customer Safety and Satisfaction

Preventable Accidents

There were three (3) preventable accidents on FLEX in FY2025 – below the minimum contractual standard. As shown in Figure 37, FLEX preventable accidents increased by one (1) from the previous year.

Figure 37. FLEX Preventable Accidents, FY23-FY25

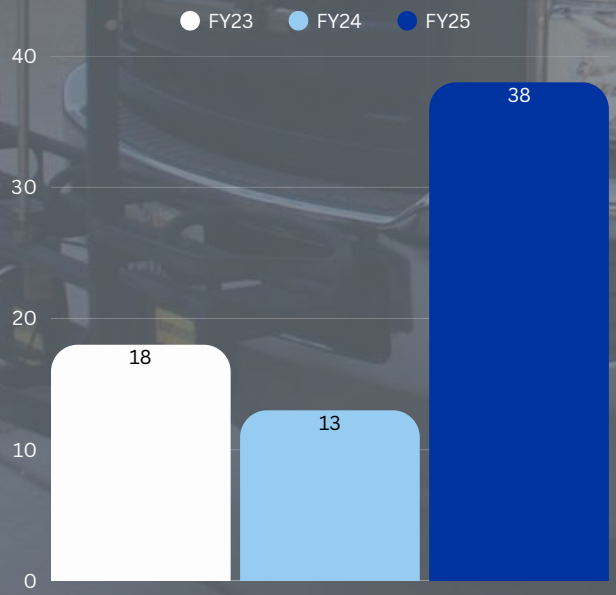


Figure 38. FLEX Passenger Complaints, FY23-FY25

Passenger Complaints

There were 38 FLEX passenger complaints in FY2025, exceeding the minimum standard. As shown in Figure 38, this represents an increase of 25 complaints compared to the previous year, corresponding with the expansion of FLEX service and increased ridership.

Service Reliability

On-Time Performance

FLEX on-time performance in FY2025 was 85.0%, below the minimum contractual standard of 95%. As shown in Figure 39, the performance remained largely consistent with the previous year.

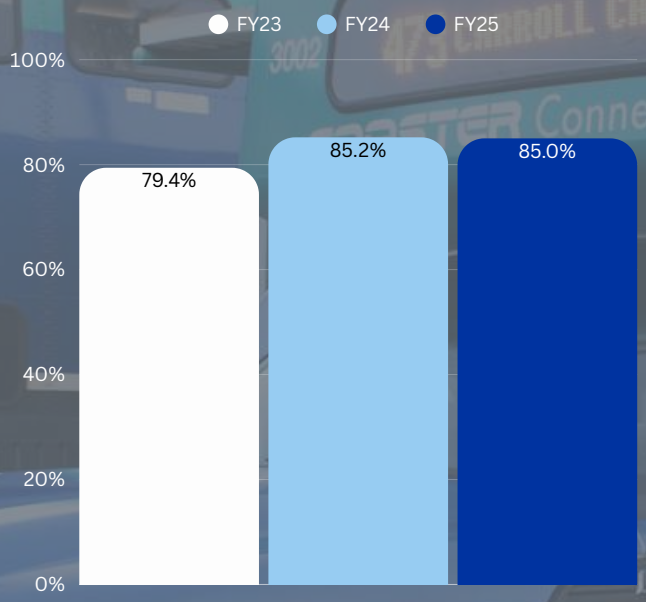


Figure 39. FLEX On-Time Performance, FY23-FY25

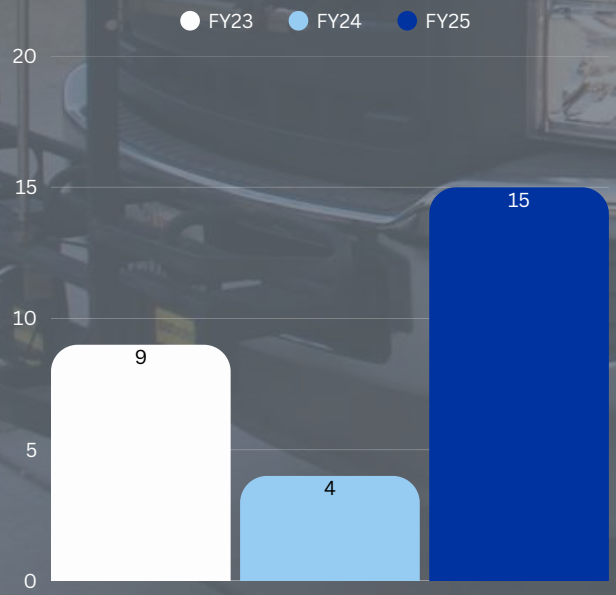


Figure 40. FLEX Mechanical Failures, FY23-FY25

Mechanical Failures

Beginning in FY2025, mechanical failure standards for LIFT and FLEX are evaluated separately rather than as a combined metric. FLEX recorded 15 mechanical failures in FY2025, exceeding the contractual standard of nine (9). This increase corresponds with the implementation of the Sorrento Valley COASTER Connection routes and the use of aging cutaway vehicles to support the expanded service.

FLEX

Financial Performance

Operating Expenses

FLEX operating expenses totaled approximately $4.9 million in FY2025, 20.1% below the projected budget. As illustrated in Figure 41, operating costs increased by 28.5% compared to the previous year, reflecting the addition of new FLEX service.

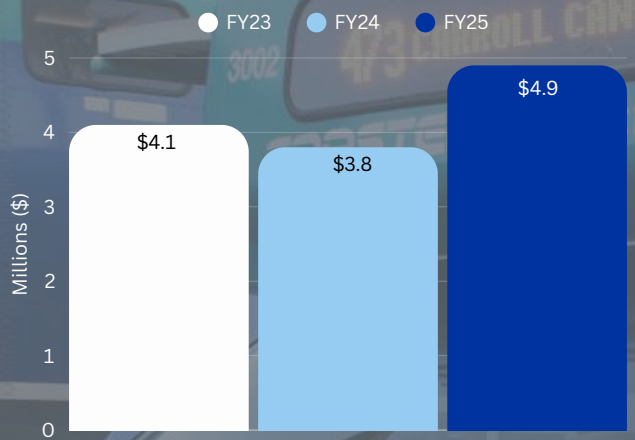


Figure 41. FLEX Operating Expenses, FY23-FY25

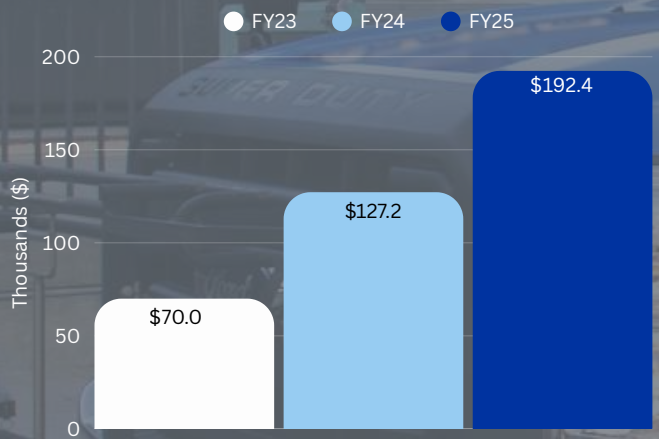


Figure 42. FLEX Fare Revenue, FY23-FY24

Fare Revenue

Due to strong ridership growth, FLEX fare revenue in FY2025 exceeded the budgeted goal by 26.2%. Also, as Figure 42 shows, FLEX fare revenue increased by 51.3% compared to the previous year.

Farebox Recovery

FLEX fare revenue totaled approximately $192,000 in FY2025, exceeding the budgeted goal by 26.2%. As shown in Figure 43, farebox recovery increased by 0.6 percentage points compared to the previous year.

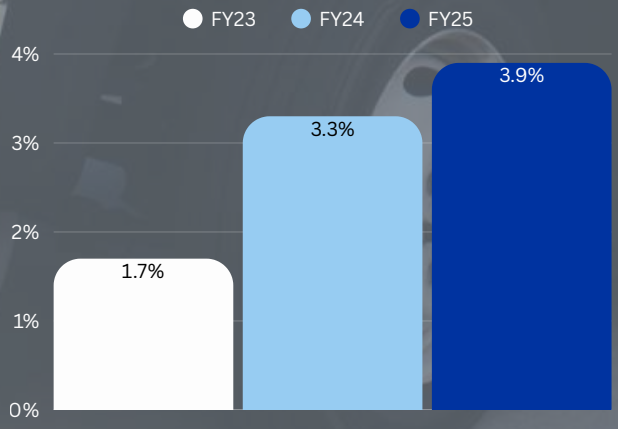


Figure 43. FLEX Farebox Recovery, FY23-FY25

NCTD+ Performance

Ridership

NCTD launched its first NCTD+ microtransit pilot zone in San Marcos on June 10, 2024. As FY2024 only captured the first few weeks of service, FY2025 represents the first full fiscal year of NCTD+ data for the San Marcos zone. In May 2025, NCTD expanded the program with the launch of a second NCTD+ zone in Vista. **In total, NCTD+ recorded 22,459 boardings in FY2025.**

Table 7. NCTD+ Ridership, FY25

Schedule	Average Daily Boardings	Boardings per Revenue
Weekday	73	3.1
Saturday	34	2.9
Sunday	34	2.9

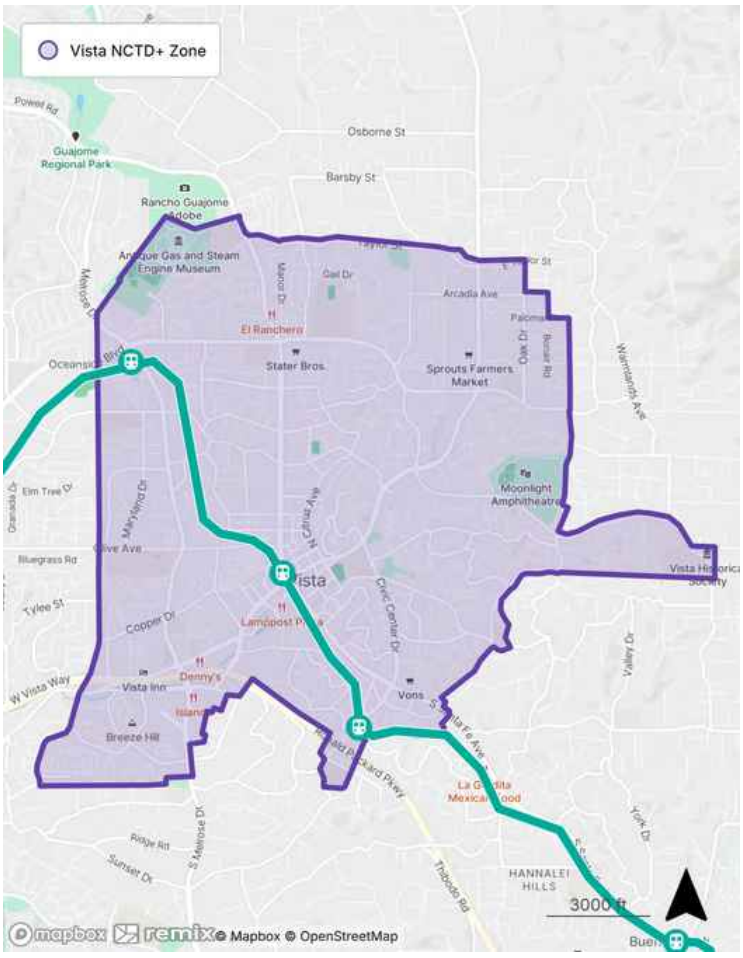


Figure 44. NCTD+ Vista Zone

Customer Safety & Satisfaction

1
Preventable Accidents

19
Passenger Complaints

Service Reliability

86.9%
On-Time Performance

3
Mechanical Failures

Financial Performance

$476,484
Operating Expenses

$15,496
Fare Revenue

3.3%
Farebox Recovery

NCTD Supported Services

Rail-2-Rail Program

NCTD and Amtrak's Rail-2-Rail program allows COASTER day and monthly pass holders to ride Amtrak Pacific Surfliner and Amtrak ticketholders to ride COASTER within San Diego County. The program is designed to provide passengers additional trip options while limiting operating cost increases. Per the agreement, the District reimburses Amtrak $4.42 per user and receives an equal amount per Amtrak passenger on COASTER.

As shown in Figure 45, Rail-2-Rail ridership has continued to decline in FY202 with the number of Amtrack passengers on COASTER decreasing by 11.8%.

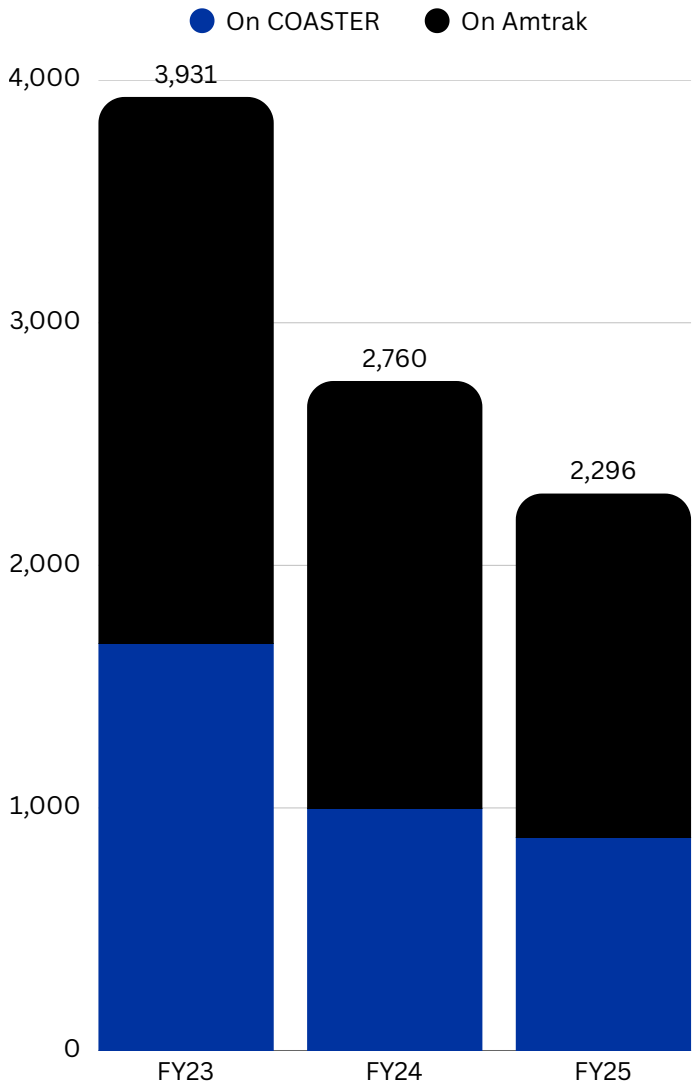


Figure 45. Rail-2-Rail Ridership, FY23-FY25

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Youth Opportunity Pass Program

The Youth Opportunity Pass (YOP) program is a pilot initiative supported by the San Diego Association of Governments and the County of San Diego that launched on May 1, 2022. The program allows participating PRONTO customers under the age of 19 to ride transit for free throughout the County. It includes all NCTD modes, except for LIFT paratransit.

In FY2025, there were over 1.1 million YOP boardings on NCTD services – roughly 13.5% of total fixed-route ridership. As illustrated in Figure 46, annual YOP ridership has continued to grow since the program's launch in late FY2022. Additionally, the vast majority of those boardings continue to be on BREEZE and FLEX routes, with only 3.8% on SPRINTER and COASTER.

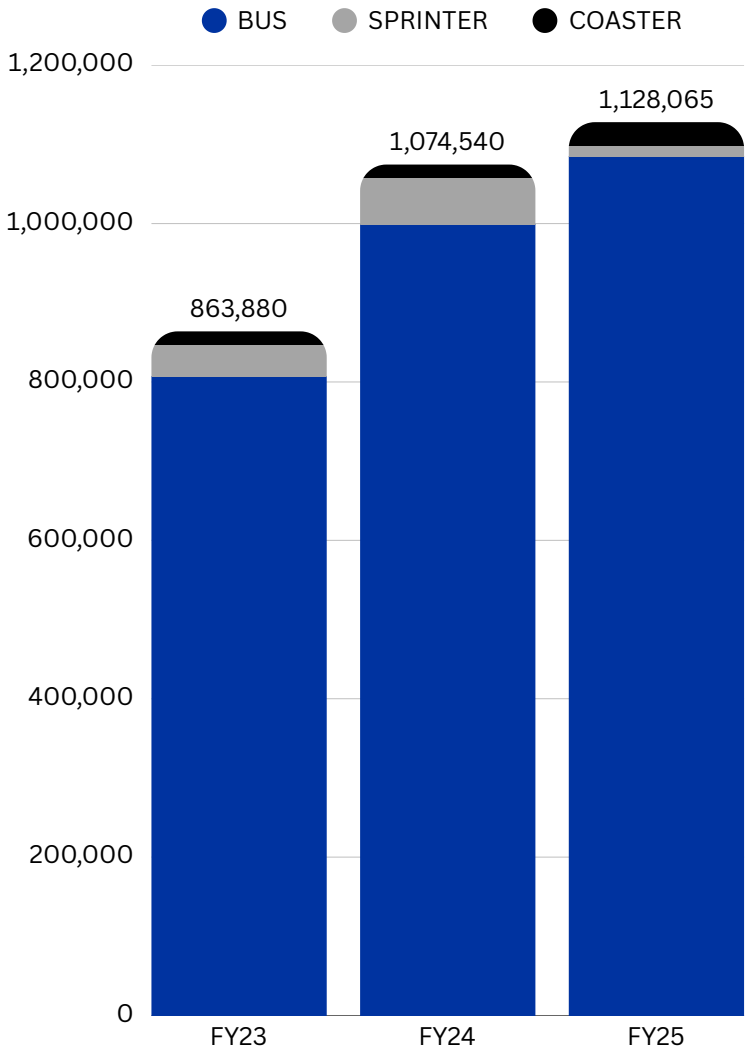


Figure 46. YOP Ridership by Mode, FY23-FY25

STAFF REPORT

RECEIVE THE PERFORMANCE, ADMINISTRATION AND FINANCE COMMITTEE CHAIR REPORT FOR THE MEETING ON FEBRUARY 12, 2026

Time Sensitive: ☒ **Consent:** ☒

STAFF RECOMMENDATION:

Receive the Performance, Administration and Finance (PAF) Committee Chair Report for the February 12, 2026 meeting.

BACKGROUND INFORMATION:

On February 12, 2026, at 11:04 a.m., the PAF Committee met as scheduled with all appointed members in attendance. Committee Member Edson arrived at 11:13 a.m.

PAF Committee Agenda Item No. 1 – Elect PAF Committee Vice-Chair

Suheil Rodriguez, Director of Administration, reviewed the election process and nomination of PAF Committee Vice-Chair for Calendar Year (CY) 2026.

After a brief discussion among the Committee members, Jewel Edson was nominated to serve as PAF Committee Vice-Chair for CY2026.

ON THE MOTION OF COMMITTEE MEMBER BHAT-PATEL, SECONDED BY COMMITTEE MEMBER CONTRERAS, TO APPROVE JEWEL EDSON AS VICE-CHAIR FOR PAF COMMITTEE FOR CALENDAR YEAR 2026.

YES: SANNELLA, BHAT-PATEL, CONTRERAS
ABSTAIN: NONE
NO: NONE

MOTION PASSES.

PAF Committee Agenda Item No. 2 – Receive Proposed CY2026 PAF Committee Work Plan

Eun Park-Lynch, Chief Financial Officer, reviewed the proposed CY2026 PAF Committee Work Plan. She added that the Fare Change Study item is scheduled to be discussed at the Executive Committee and Regular Board meeting in April.

Committee Member Contreras inquired about availability of agenda item materials for a proposed update to the Fare Change Study ahead of the April Executive Committee and Regular Board meeting. She further asked about the consideration of introducing a low-income fare by sending a letter of intent to SANDAG. Mary Dover, Chief of Staff, responded that the item regarding lower fares was initially reviewed at the PAF Committee meeting in December 2025. Managing the eligibility process for a low-income fare may be challenging as the region does not currently offer this fare type.

Committee Member Bhat-Patel asked if there is information on how a fare change may impact the agency. Chief Executive Officer (CEO) Shawn Donaghy responded that SANDAG is responsible for developing the models that calculate how fare changes impact ridership and fare revenues for the region.

Committee Vice-Chair Edson asked what a senior pass cost. Staff advised that one-way and round trips are discounted at 50% of the regular fare and monthly passes are discounted at 66%. The age minimum for obtaining a senior fare is 65. Committee Vice-Chair Edson noted that seniors make up a large portion of low-income individuals in San Diego County, so this senior discount is a way to keep fares lower for some low-income individuals.

PAF Committee Agenda Item No. 3 – Adopt Proposed CY2026 Internal Audit Plan

Karen Tucholski, Senior Legal Counsel – Regulatory Compliance, presented the proposed CY2026 Internal Audit Plan. NCTD plans to conduct the following internal audits: Intercon Security Contract Compliance and Human Resources Benefits.

Committee Member Contreras asked if NCTD is aligned with the projected budget for insourcing bus operations. CEO Donaghy responded that the Board of Directors (Board) will receive an update soon regarding bus operations insourcing. Last year, costs for healthcare rose approximately 20% so NCTD is navigating how this will impact benefits that are offered to its employees. She encouraged NCTD to continue focusing on the customer and appreciates the dynamic discussion amongst the Committee members and NCTD staff.

Committee Member Bhat-Patel believes that NCTD does a great job trying to make the agency sustainable for the future. CEO Donaghy stated that he works closely with Eun Park-Lynch, Chief Financial Officer, to review the budget on a monthly basis and make any adjustments as needed.

Committee Vice-Chair Edson agreed that NCTD staff always demonstrate diligence and transparency and always provide information in a timely manner.

ON THE MOTION OF COMMITTEE CHAIR SANNELLA, SECONDED BY COMMITTEE MEMBER BHAT-PATEL, TO ADOPT PROPOSED CY2026 INTERNAL AUDIT PLAN.

YES: SANNELLA, EDSON, BHAT-PATEL, CONTRERAS
ABSTAIN: NONE
NO: NONE

MOTION PASSES.

BOARD MEMBER COMMENTS AND REPORTS

Committee Member Contreras stated that she is now representing the City of Vista on the SANDAG Transportation Committee.

The meeting was adjourned at 11:50 a.m.

ATTACHMENT(S): 4A – CY2026 PAF Work Plan
4B – CY2026 Internal Audit Plan Presentation

FISCAL IMPACT: This staff report has no fiscal impact.

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

ATTACHMENT 4A

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Performance, Administration, and Finance (PAF) Committee

CY2026 WORK PLAN

Mike Sannella, Committee Chair
Priya Bhat-Patel, Committee Member
Jewel Edson, Committee Member
Corinna Contreras, Committee Member

Staff Committee Liaison:
Eun Park-Lynch, Chief Financial Officer

COMMITTEE REVIEW	ITEM
February 12	• Elect PAF Committee Vice-Chair • Receive Proposed CY2026 PAF Committee Work Plan • Adopt CY2026 Internal Audit Plan
May 21	• Receive Update on Proposed FY2027 Operating and Capital Budget • Receive Draft Proposed FY2027 Fee Schedule
December 17	• Receive FY2026 Unaudited Financial Statements and Key Performance Indicators • Receive Update on NCTD's Pension Liability GASB 68 Report • Receive Update on the Proposed FY2028-FY2032 Capital Improvement Program • Review Updates to Internal Audit Program and Charters

ATTACHMENT 4B

Receive Internal Audit Program Update

PAF Committee Meeting
February 12, 2026

Background

- Key purposes of the Internal Audit Program (IAP):
  - Provide reasonable assurance that internal control systems are well-designed and operating effectively
  - Assist in identifying measures to incorporate efficient and effective systems of operations
  - Help NCTD's Board of Directors and Executive Management achieve NCTD's goals and objectives
- The PAF Committee is responsible for approving the annual Internal Audit Work Plan

Proposed CY 2026 IAP Work Plan

Intercon Security Contract Compliance

- Effective July 2024 Intercon Security provides field security services for NCTD
  - Audit Intercon's records for compliance with contractual requirements regarding personnel hiring, onboarding and training.
  - Audit Intercon's records for compliance with contractual requirements regarding contract performance and reporting.

Proposed CY 2026 IAP Work Plan

Human Resources Benefits Audit

- Ensure that employee benefit programs are administered in accordance with applicable laws, rules, regulations and NCTD policies and procedures. This audit will include both the Human Resources and Payroll Departments.
  - Audit employee contributions and associated benefits costs relative to individual employee pay.
  - Audit benefit invoice payments to ensure that they are properly processed and that payments are correctly made to companies providing employee benefits.

Staff Recommendation

- Adopt the proposed CY 2026 Internal Audit Work Plan

Questions?

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item # 5

STAFF REPORT

AWARD AGREEMENT NO. 26018 TO A.B. HASHMI, INC. FOR BUS STOP BENCH AND TRASH CAN REPLACEMENTS AT OCEANSIDE TRANSIT CENTER AND THROUGHOUT NORTH COUNTY

Time Sensitive: ☐ **Consent:** ☒

STAFF RECOMMENDATION:

Award Agreement No. 26018 to A.B. Hashmi, Inc. for Bus Stop Bench and Trash Can Replacements at Oceanside Transit Center and throughout North County as needed, in an amount not-to-exceed $562,075.

BACKGROUND INFORMATION:

Bus stop bench and trash can replacements at the Oceanside Transit Center (OTC) and throughout North County are essential to support riders and residents by improving safety, comfort, and accessibility at our facilities. These improvements also enhance the visual appeal of our facilities by promoting cleanliness, sustainability, and a more welcoming public environment.

Based on available grant funding, the initial phase of this award will include the replacement of 71 benches and 22 trash cans at OTC. Further, based on historical data, additional benches and trash receptacles will need to be replaced over the next three years due to corrosion, accidents, or other reasons.

On October 7, 2025, North County Transit – San Diego Railroad (NCTD) issued Invitation for Bid (IFB) No. 36704 for Bus Stop Bench and Trash Can Replacement. Notices were published in two newspapers of general circulation and posted on PlanetBids. Three bids were received by the November 14, 2025 deadline, all of which were deemed responsive and responsible. A summary of the responsive and responsible bids is as follows:

Bidder Name	Grand Total Bid (based on the estimated quantities in the solicitation)
A.B. Hashmi, Inc.	$562,075
ROMA Engineering & Construction, Inc.	$666,275
JNH Construction, Inc.	$791,260

Following the bid analysis, it was determined that A.B. Hashmi, Inc. provided the lowest, responsive, and most responsible bid. Staff have deemed A.B. Hashmi's bid to be fair and reasonable.

FISCAL IMPACT:

The not-to-exceed fiscal impact of this proposed contract action is $562,075. The cost for the Oceanside Transit Center improvements is $219,575. Improvements specific to the SPRINTER platform are funded with Affordable Housing and Sustainable Communities (AHSC) funds programmed in project 426003, which has a budget of $500,000. Improvements for bus stops in general are funded with AHSC funds programmed in project 126009, which has a budget of $625,000.

COMMITTEE REVIEW:

None

STAFF CONTACT:

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

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item #
6

STAFF REPORT

APPROVE AMENDMENT TO AGREEMENT NO. 24051 WITH INTER-CON SECURITY SYSTEMS, INC., TO INCREASE THE CONTRACT AMOUNT FOR THE BASE TERM AND AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXERCISE ONE THREE-YEAR OPTIONAL EXTENSION

Time Sensitive: ☐ **Consent:** ☒

STAFF RECOMMENDATION:

Approve amendment to Agreement No. 24051 with Inter-Con Security Systems, Inc., increasing the contract amount for the three-year base term to an amount not-to-exceed $4,600,000, and authorize the Chief Executive Officer to exercise one three-year optional extension, if determined in the best interest of NCTD, in an amount not-to-exceed $4,500,000, for a total not-to-exceed amount of $9,100,000.

BACKGROUND INFORMATION:

Fostering and maintaining safe and secure operations is one of the North County Transit – San Diego Railroad's (NCTD) top priorities. NCTD currently has an agreement with the San Diego Sheriff's Office (SDSO) for the provision of law enforcement services. Based on security trends and the desire to enhance safety and security for customers and employees, the NCTD Board of Directors (Board) awarded Agreement No. 24051 to Inter-Con Security Systems, Inc. (Inter-Con), at its January 18, 2024 meeting (Agenda Item No. 12). Under the Agreement, Inter-Con provides on-call security services on an as-needed basis throughout the system. The original award was for a not-to-exceed amount of $2,250,000 for the initial three-year base period, and $2,250,000 for the three-year option period.

Over the past 20 months, Inter-Con has become a central component of NCTD's overall security program, in conjunction with its Code Compliance Inspectors and the San Diego Sheriff's Office. In 2024, NCTD expanded Inter-Con's role to include providing 24/7 fixed-post security services at Oceanside and Escondido Transit Centers, as well as periodic roving security patrols on-board buses and trains, and special event security support at activities such as the Holiday Express and on Padres COASTER trains. These changes were reflected in both the Fiscal Year (FY) 2025 and FY2026 budgets approved by the Board, however, the original contract is in need of an amendment to cover NCTD's approved budget for security.

Staff recommends that the Board approve an amendment to Agreement No. 24051 with Inter-Con Security Systems, Inc., increasing the contract amount for the three-year base term to an amount not-to-exceed $4,600,000, and authorize the Chief Executive Officer to exercise one three-year optional extension, if determined in the best interest of NCTD, in an amount not-to-exceed $4,500,000, for a total not-to-exceed amount of $9,100,000.

FISCAL IMPACT:

FY2026 security costs will be covered within the total expenditures approved by the Board in the adopted FY2026 operating budget. Future years expenditures will be programmed through the annual operating budget process.

COMMITTEE REVIEW:

None

STAFF CONTACT:

Lori A. Winfree, Deputy Chief Executive Officer and Chief General Counsel
E-mail: lwinfree@nctd.org Phone: 760-966-6532

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item # 7

STAFF REPORT

APPROVE THE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN FOR BUS SERVICES AND THE COMBINED PUBLIC TRANSPORTATION AGENCY SAFETY PLAN/SYSTEM SAFETY PLAN FOR COASTER AND SPRINTER SERVICES

Time Sensitive: ☐ **Consent:** ☒

STAFF RECOMMENDATION:

Staff recommends that the Board of Directors (Board) approve North County Transit – San Diego Railroad's (NCTD) Public Transportation Agency Safety Plan for Bus Services and the combined Federal Railroad Administration Public Transportation Agency Safety Plan/System Safety Plan for the COASTER and SPRINTER Services for compliance with 49 CFR Part 673 and 49 CFR Part 270.

BACKGROUND INFORMATION:

Both the Federal Railroad Administration (FRA) and the Federal Transit Administration (FTA) have adopted the principles and methods of Safety Management Systems (SMS) as the framework for enhancing the safety of public transportation in the United States. SMS establishes a proactive, risk-based approach to safety management, emphasizing hazard identification, risk mitigation, safety assurance, and safety promotion. As a public transportation provider subject to both FRA and FTA oversight, NCTD is responsible for preparing and maintaining safety plans that comply with applicable regulations for its BREEZE/LIFT/FLEX ("Bus Services") and COASTER/SPRINTER ("Rail Services") services.

NCTD's Bus Services are required to maintain a Public Transportation Agency Safety Plan (PTASP, Plan) in accordance with FTA regulations at 49 CFR Part 673. NCTD's Rail Services are required to maintain a System Safety Program Plan (SSP) in accordance with FRA regulations at 49 CFR Part 270. In addition, the SPRINTER must maintain a PTASP under 49 CFR Part 673. To streamline compliance and ensure consistency across services, NCTD has developed a combined SSP/PTASP document for its Rail Services. Within the combined document, elements that are required under the PTASP but not under the SSP are clearly identified (e.g., by a California flag icon) to distinguish FTA-specific requirements from FRA requirements.

FTA regulations require that the PTASP be approved by the NCTD Board of Directors and signed by the Accountable Executive. Both FRA and FTA regulations also require meaningful engagement with frontline employee representatives in the development and updating of the plans, as well as an annual review and update of the plans to ensure they remain current and effective.

The Bus Services PTASP and the combined Rail Services SSP/PTASP were approved by the Board at its Regular Board meeting on September 18, 2025. In accordance with FTA regulations, NCTD must update its safety performance targets on an annual basis. Both Plans have been revised to incorporate updated safety performance targets, as well as general non-substantive changes to reflect the current organizational structure.

Consistent with federal requirements for employee participation, NCTD met with the Rail Safety Committee on January 20, 2026, at which time Committee members approved the proposed revisions to the combined SSP/PTASP. NCTD also met with the Bus Safety Committee on January 29, 2026, and the Committee approved the proposed changes to the Bus Services PTASP.

If the Board approves staff's recommendation, the adopted combined SSP/ PTASP for COASTER and SPRINTER will be submitted to the California Public Utilities Commission (CPUC), acting as the State Safety Oversight Agency on behalf of FTA for rail transit, and to the FRA for final review and approval.

Based on the foregoing, staff recommends that the Board approve NCTD's Public Transportation Agency Safety Plan for Bus Services and the combined FRA System Safety Plan/Public Transportation Agency Safety Plan for COASTER and SPRINTER Services, in compliance with 49 CFR Part 673 and 49 CFR Part 270.

ATTACHMENT: 7A – NCTD Combined FRA System Safety Program and FTA Public Transportation Agency Safety Plan for NCTD's Rail Services
7B – NCTD Bus Services Public Transportation Agency Safety Plan

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

STAFF CONTACT: **Lori A. Winfree, Deputy Chief Executive Officer and Chief General Counsel**
E-mail: lwinfree@nctd.org Phone: 760-966-6532

ATTACHMENT 7A

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Federal Railroad Administration
System Safety Program Plan
and
Federal Transit Administration
Public Transportation Agency Safety Plan
for the COASTER and SPRINTER Services

March 19, 2026

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Revision Record

SSP Revision Information

DATE	REVISION NO.	PAGES AFFECTED	COMMENTS
February 24, 2021	Initial Publication		
July 15, 2021	Revision 1	All	Updated based on request for additional information from the FRA after initial review
May 16, 2024	Revision 2	All	Updated to combine SSP and PTASP for SPRINTER into one document
May 15, 2025	Revision 3	All	Updated based on request for additional information from the FRA after review of May 16, 2024 document.

PTASP Revision Information

DATE	REVISION NO.	PAGES AFFECTED	COMMENTS
February 20, 2020	Initial Publication		
May 21, 2020	Revision 1	All	Updated based on SSOA review
July 22, 2021	Revision 2	All	Annual review and updated based on requirements of CPUC GO 175 Series
January 19, 2023	Revision 3	All	Annual review and updated based on organizational changes and Bipartisan Infrastructure Law of 2021 requirements.
November 8, 2023	Revision 4	All	Updated with administrative changes only.
May 16, 2024	Revision 5	All	Annual Review and updated to combine SSP and PTASP for SPRINTER into one document
May 15, 2025	Revision 6	All	Annual Review and updated to include newest FTA and CPUC regulations.
September 18, 2025	Revision 7	All	Updated to new CPUC requirements and general organizational changes.
March 19, 2026	Revision 8	All	General updates throughout; updated annual PTASP safety performance metrics

1.0 System Safety Program Policy Statement

Safety is a core value and the North County Transit District, operating as North County Transit – San Diego Railroad (NCTD), is committed to implementing, maintaining, and constantly improving safety processes to ensure, to the maximum extent possible, that its activities are supported by an appropriate allocation of agency resources.

Employees and contractors at all levels are accountable for the delivery of the highest level of safety performance, starting with the Chief Executive Officer (CEO) and continuing throughout the agency including contractors and their employees. This combined Federal Railroad Administration (FRA) System Safety Program (SSP) Plan/Federal Transit Administration (FTA) Public Transportation Agency Safety Plan (PTASP) serves as a guiding policy document describing the agency's approach to managing risk and proactively addressing safety for COASTER commuter rail and SPRINTER hybrid rail. Where an item is only applicable to PTASP requirements, the section will be labeled with a California State Flag.

This document is based on the four components of Safety Management: 1) Safety Management Policy, 2) Safety Risk Management, 3) Safety Assurance and 4) Safety Promotion. This plan provides evidence of NCTD's commitment to the following safety objectives:

1. **Support** the management of safety by providing appropriate resources to foster an organizational culture that encourages safe operational practices, effective safety reporting and communications, and pro-actively manages safety with equivalent attention to results as other management systems.
2. **Enforce** the management of safety as an explicit responsibility of all NCTD employees and contractors.
3. **Define** for all NCTD employees and contractors their accountabilities and responsibilities for the delivery of safe transit operations.
4. **Operate** a safety reporting program as a fundamental tool in support of hazard identification and safety risk evaluation activities to eliminate or mitigate the safety risks of the consequences of hazards resulting from transportation activities to a point that is as low as reasonably practicable (ALARP).
5. **Ensure** that no action will be taken against any NCTD employee or contractor employee who voluntarily discloses a safety concern through the safety reporting system, provided that such disclosure does not indicate, beyond a reasonable doubt, an illegal act, gross negligence or a deliberate or willful disregard of regulations or procedures by the reporting party.
6. **Comply** with and whenever possible and practicable, exceed any applicable legislative or regulatory requirement or standard.
7. **Ensure** that sufficiently trained and skilled staff are available and assigned to manage the NCTD SSP/PTASP.
8. **Ensure** that all NCTD employees and contractors are formally made aware of adequate and appropriate safety management information, trained properly on safety requirements, and are competent in SSP/PTASP policies and procedures, as well as being only assigned to safety related duties that are commensurate with their skills and training.

9. **Establish and measure** NCTD safety performance against realistic system safety program goals and against realistic safety performance indicators and targets including those established by the National Transportation Safety Plan (NPTSP).
10. **Improve**, on a continuous basis, NCTD's safety performance though management processes that ensure appropriate safety action is taken in a timely fashion and is effective when implemented.

The Rail Safety Committee is responsible for supporting the development, management and implementation of this PTASP as described further in Section 15.7 – *Hazard Communications and Reporting* of this document and in NCTD Administrative Policy SAF-2004 – Safety Committee. NCTD's Deputy CEO/Chief General Counsel is the designated SMS Executive and is responsible for the overall management, daily implementation, and compliance of this document. However, it is everyone's responsibility to actively promote a culture of safety from within. This policy statement will be posted on employee bulletin boards at NCTD facilities and will be revised (if applicable) during the annual review process.

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Priya Bhat-Patel Date
Board Chair
North County Transit District

_____

Shawn M. Donaghy Date
Chief Executive Officer
North County Transit District

_____

Lori A. Winfree Date
Deputy Chief Executive Officer and Chief General Counsel
SMS Executive, Safety Committee Co-Chair
North County Transit District

2.0 Goals, Objectives, and Scope

2.1 Goals

The overall goal of this document is to identify, eliminate, minimize, and control safety hazards and their attendant risks to a point that is As Low as Reasonably Practicable (ALARP). NCTD will accomplish this by establishing requirements, lines of authority, levels of responsibility, accountability, and methods of documentation and communication throughout the Agency.

This document serves as a framework to implement the following four components of a Safety Management System (SMS):

1. Safety Management Policy – including safety accountabilities and responsibilities, integration with public safety and emergency management, and documentation and records. (Sections 1.0 through 5.0)
2. Safety Risk Management – including hazard identification and analysis, risk evaluation and mitigation based on a pre-defined decision process. (Sections 14.0 through 17.0)
3. Safety Assurance - including safety performance monitoring, internal safety audits, accident investigations, employee reporting systems, and safety certification and configuration management. (Sections 6.0, 12.0, 13.0, and 18.0 through 20.0)
4. Safety Promotion – includes communication of safety information to employees and training to achieve and maintain competencies. (Sections 7.0 through 10.0)

2.1.1 SSP Goals - FRA

System Safety Program Goals apply to both COASTER and SPRINTER operations. The data will be collected separately but then combined to create the statistics needed to monitor the trends related to the goals below.

1. **Zero Fatalities, Serious Injuries, and Significant Accidents** – This goal helps ensure mitigation of any risks with a severity level that could result in the death of a passenger or employee, serious injury to a passenger or employee, or an accident that would trigger an independent investigation by a regulator (FRA or FRA) or the NTSB.

    1.1. *Strategy 1* – The NCTD Safety Department will assess risks for all hazards and corrective actions to ensure identified and reported hazards are mitigated through the hazard management process.
    1.2. *Strategy 2* – Ensure all employees are properly trained in their job responsibilities.
    1.3. *Strategy 3* – Conduct inspection, audit, and testing programs for compliance.
    1.4. *Strategy 4* – Engage tenant railroads through Quarterly Stakeholder Meetings to reduce the likelihood of tenant incidents on NCTD's rail corridors.

2. **Reduce Employee Injury Rate** – This aim of this goal is to reduce the employee injury by at least 5% year-over-year. While the FTA views injury rates by vehicle revenue miles, for the purposes of the SSP, NCTD will review the injury rates using a ratio based on 200,000 work hours.

    2.1. *Strategy 1* - Promote employee reporting of hazards through the use of the Employee Hazard Reporting Form and C3RS (see Goal 4).

2.2. *Strategy 2* – Implement employee safety messaging through "Safety First" bulletins and targeted messaging.
2.3. *Strategy 3* – Perform injury reenactments to determine true root causes that can be tracked and mitigated.

3. **Reduce Near Misses and Trespasser Strikes** – This goal aims to reduce near miss events and trespasser strikes by 5% year-over-year. Near misses and other trespasser events are not only safety issues, but they also create unnecessary stress for employees and unnecessary delays for passengers.

   3.1. *Strategy 1* – Improve trespasser reporting by field employees. Accurate trespasser reporting allows NCTD to better understand hot spots of trespasser activity and allow stakeholders to improve anti-trespassing efforts.
   3.2. *Strategy 2* – Improve reporting of fencing defects. Much of the right of way, especially on the San Diego Subdivision, is not fenced. However, where fencing does exist, ensuring that it is intact and adequate helps in deterring trespassing activities.
   3.3. *Strategy 3* – Engage local stakeholders. Where documentation of high trespasser activity exists, NCTD will work with local jurisdictions, including city government officials and local law enforcement, to determine how best to deter access to the right-of-way.

4. **Voluntary Hazard Reporting** – This goal aims to increase the number of hazards reported by employees, contractors, and tenant railroads by 20% year-over-year.

   4.1. *Strategy 1* – Continue promotion of employee hazard reporting form, including sharing outcomes of those reports with the Safety Committee and posting the results in breakrooms.
   4.2. *Strategy 2* – Revitalize NCTD's C3RS program with the FRA and NASA.
   4.3. *Strategy 3* – Work with tenant railroads to identify methods to engage their employees in reporting hazards along NCTD's corridors.

2.1.2 PTASP Safety Performance Measures and Targets - FTA

These safety performance measures and targets only apply to SPRINTER Operations and are based on the measures established under the National Public Transportation Safety Plan. NCTD's safety performance targets seek to mitigate identified safety risks to a point that is as low as reasonably practicable. By identifying targets that are specific, measurable, attainable, relevant, and time-bound (SMART), NCTD will ensure safety data is evaluated against these performance measures and targets. The Safety Performance Targets set are based on a three-year rolling average of data submitted by NCTD to the NTD. The Safety Committee reviews the data provided, recommends specific performance measures, and approves the final Safety Performance Measures. The Safety Performance Targets are outlined in Appendix A.

NCTD's safety performance measures and targets are made available to the state and the San Diego Association of Governments (SANDAG), which is NCTD's Metropolitan Planning Organization (MPO). NCTD has representation on the SANDAG Transportation Committee, which advises the SANDAG Board of Directors on major policy-level matters related to transportation. This membership supports regional transportation planning as well as NCTD PTASP's safety goals and objectives. Board membership also permits NCTD to coordinate with SANDAG in the selection of their safety performance targets.

2.2 Plan Objectives

The SMS Executive is responsible for ensuring the following objectives are achieved and serves as the Chief Executive Officer's designee for oversight and execution of this document. The objectives of this document are:

- Provide an overall safety management methodology that coordinates the various programs, policies, and procedures affecting NCTD's operations system in order to reduce risks and maximize safety.
- Provide a level of safety that is comparable to or exceeds industry standards.
- Achieve and maintain a level of safety in employees' work environment comparable to or well above that of other organizations in the rail industry.
- Identify, manage, mitigate, and/or control potential hazards that may exist in NCTD's system to a point that is ALARP.
- Maintain compliance with the applicable requirements of regulatory agencies.
- Maximize continuing safety by affecting the design and configuration of future growth in services and infrastructure.

2.3 Scope

This document encompasses the safety activities associated with NCTD operations and maintenance. The Federal Railroad Administration (FRA) safety requirements detailed in this document are based on 49 CFR Part 270. This document has also been prepared in accordance with NCTD's standards and plans, as provided below under applicable documents, and complies with the requirements in CPUC General Order (GO) 164 Series and Rail Transit Safety Branch Program Standards, Federal Transit Administration (FTA) 49 CFR Part 673, Public Transportation Agency Safety Plan (PTASP) and 49 CFR Part 674, State Safety Oversight. NCTD receives federal funding under 49 U.S.C. §5307, §5337 and §5339. In addition, the American Public Transit Association (APTA) Manual for the Development of Rail Transit System Safety Program Plans was used for guidance in preparing this document.

Additional guidance has been provided by the FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan. NCTD intends to comply with any minimum safety performance standards authorized under 49 U.S.C. 5329(b)(2)(C).

3.0 Rail System Description

3.1 System Overview

The North San Diego County Transit Development Board (NSDCTDB) was created by California Senate Bill 802 on September 20, 1975, to plan, construct, and operate, directly, or through a contractor, public transit systems in its area of jurisdiction, as codified in California Public Utilities Code sections 125000, *et. seq*. On January 1, 2003, a state law was enacted (SB 1703) that essentially transferred transit planning, programming, development, and construction to the San Diego Association of Governments (SANDAG), San Diego County's Regional Planning Agency. As a result, SANDAG leads the project planning and development for capacity enhancing projects for NCTD pursuant to an agreement that clearly defines roles, responsibilities, and processes to govern the relationship. In January 2006, the California State Legislature renamed NSDCTDB, the "North County Transit District".

NCTD is governed by a 10-member Board of Directors (Board) with voting members from: the cities of Carlsbad, Del Mar, Encinitas, Escondido, Oceanside, Solana Beach, San Marcos, and one member from the Fifth District San Diego County Board of Supervisors. The City of San Diego is also represented on the Board as a non-voting member.

NCTD provides integrated public transit service in North San Diego County with its BREEZE buses, FLEX on-demand, LIFT ADA-certified paratransit, NCTD+ micro transit, COASTER commuter rail, and SPRINTER hybrid rail modes of transportation. The NCTD service area includes the cities of Oceanside, Carlsbad, Encinitas, Solana Beach, Del Mar, San Diego, Vista, San Marcos, and Escondido, Camp Pendleton, and unincorporated areas of the County.

In 1992, NCTD purchased the portion of the San Diego Subdivision mainline rail corridor between the Orange County/San Diego County line and the Del Mar city limits from the Atchison Topeka and Santa Fe Railway (ATSF). ATSF retained an exclusive freight easement and the maintenance responsibility for industry tracks off the main tracks. The freight easement is now owned by BNSF Railway. The route south of Del Mar is owned by the San Diego Metropolitan Transit System (MTS); however, NCTD has the responsibility to operate and maintain the entire railroad, now known as the San Diego Subdivision pursuant to an Amended and Restated Shared Use Agreement between NCTD, MTS and BNSF. COASTER service began between Oceanside and San Diego in 1995.

NCTD is designated as a rail common carrier by the Surface Transportation Board based on the movement of interstate commerce on the tracks and the Railroad of Record by the Federal Railroad Administration responsible for safety over the entire San Diego portion of the LOSSAN corridor.

As part of the same transaction with ATSF, NCTD purchased the Escondido Subdivision, a 22-mile branch line that extends from the San Diego Subdivision in an easterly direction from Oceanside to Escondido on which NCTD's SPRINTER diesel multiple unit (DMU/hybrid) rail services run. SPRINTER service started in 2008.

COASTER is a commuter rail service that currently operates 30 trains Monday through Thursday and 32 trains on Fridays between Oceanside and downtown San Diego. In addition, 22 trains currently operate on Saturdays, and 20 on Sundays and holidays. Additional service is provided to support special events. Trains are operated in a push-pull configuration with one locomotive engineer and one conductor.

SPRINTER hybrid rail operates over the 22-mile route between Oceanside and Escondido serving 15 stations. SPRINTER operations have been relieved of certain FRA requirements and follow FTA/CPUC regulations. Additionally, NCTD will adhere to FTA and CPUC regulations unless they conflict with FRA regulations that have not been waived by the FRA. The DMUs generally operate on 30-minute headways, with some periods of hourly service, starting early morning and continuing service throughout the day, including weekends and holidays. SPRINTER operates 68 trains Monday through Thursday and 78 trains on Fridays between Oceanside and downtown San Diego. In addition, 55 trains operate on Saturdays, and 50 trains operate on Sundays and holidays. Passenger and freight services are temporally separated per Federal Railroad Administration (FRA) requirements. DMUs are operated with a Train Operator. Train Attendants are part of the train crew as often as possible but not required.

3.2 Safety Sensitive Contractors

NCTD contracts with Jacobs Engineering to provide on-track protection/flagging services to third party contractors. NCTD shares this plan with Jacobs Engineering and provides appropriate training to all Jacobs employees working on NCTD property. Contact information for Jacobs Engineering is provided along with the Additional Infrastructure Users in Appendix B.

3.3 Additional Infrastructure Users

Tenants/users of NCTD's rail systems are the following:

Amtrak: Operates 26 daily Pacific Surfliner intercity trains on the Los Angeles – San Diego – San Luis Obispo (LOSSAN) Corridor serving San Diego, Orange, and Los Angeles Counties and points north.

BNSF Railway: Operates nightly local freight service, and occasional daytime trains, on both the San Diego and Escondido Subdivisions.

Metrolink Commuter Rail Service: Southern California Regional Rail Authority (SCRRA), referred to as Metrolink, operates 12 daily trains serving the Oceanside Transit Center. The Orange County Transit Authority (OCTA) owns the portion of the LOSSAN rail corridor between the Orange/San Diego County line and the BNSF Railway connection in Fullerton.

Additional infrastructure points of contact can be found in Appendix B.

<u>Responsibilities of additional infrastructure users:</u>

- Notify NCTD of any potential or recognized hazard in a timely manner
- Ensures that all accidents or incidents are investigated, documented, and reported to NCTD as required by regulation
- Compliance with required operating and maintenance rules and regulations such as Timetable/Special Instructions (TTSI), General Code of Operating Rules (GCOR), and applicable Codes of Federal Regulations (CFRs).

3.4 Parallel Rail Operations

San Diego Trolley (SDTI) runs electrified light rail on tracks parallel to the San Diego Subdivision in a shared right-of-way between MP 257.1 and the Santa Fe Depot (MP 267.5). In the event of an unusual or emergency incident between these mile posts, San Diego Subdivision operating rules require communication between the Operations Control Center (OCC) and the SDTI Control Center to request that trolley traffic be slowed or stopped and, if necessary, the overhead catenary power shut off. In addition, SDTI standard operating procedures require communication between the Trolley Control Center and the OCC to slow or stop trains in the event of a trolley emergency in the shared right-of-way. Contacts for SDTI can also be found in Appendix A.

3.5 Physical Characteristics

COASTER – The San Diego Subdivision mainline consists of a mix of 115 and 136 lb. continuous welded rail (CWR) which is maintained to FRA Class 5 track standards. Maximum passenger train speed is 90 MPH, and the maximum authorized speed for freight trains is 55 MPH. Though geographically oriented north-south, the San Diego Subdivision is operated in an east-west timetable direction, San Diego being east, to maintain consistency with timetable directions of connecting railroads. Positive Train Control (PTC) is implemented throughout the San Diego Subdivision.

SPRINTER – The Escondido Subdivision mainline consists of 136 lb. continuous welded rail (CWR) which is maintained to FRA Class 3 standards. Maximum speed for passenger equipment is 55 mph and 30 mph for freight. The Escondido Subdivision is operated as an east-west railroad with Oceanside as the westernmost point. The line is operated under Centralized Traffic Control (CTC) rules. Between CP Loop west (MP 116.4) and CP Loop east (MP 118.4), a freight bypass track exists as the San Marcos Loop was not designed to support freight trains. The San Marcos Loop alignment diverges to the south of the original track providing a connection to California State University San Marcos.

3.6 Equipment

Currently, the COASTER operates a fleet of 28 Bombardier bi-level commuter cars and cabs and nine Siemens Charger locomotives. NCTD primarily utilizes five four-car sets for the current baseline service schedule. Extra cars are used based on demand, special capacity, special events, etc. Vehicles operate at a maximum authorized speed of 90 MPH, depending on location.

NCTD has procured eight Alstom/Bombardier Bi-Level Coaches and three Alstom/Bombardier Bi-Level Cabs. Each coach car has a seating capacity of approximately 130 passengers and the capability of accommodating up to an additional 110 standing passengers. Level boarding is provided at all stations for all passengers and complies with the requirements of the Americans with Disabilities Act (ADA).

The SPRINTER system fleet is composed of 12 Siemens VT-642 diesel multiple unit (DMU) vehicles. Vehicles operate at a maximum authorized speed of 55 MPH and are capable of being operated as a single or coupled with one or more other vehicles and operated as a train by a single train operator with a train attendant inside the passenger compartment. Each vehicle is propelled by two diesel engines and has an operator cab at each end with a driving console for bi-directional operation.

A single SPRINTER consist is approximately 137 feet long with a seating capacity of approximately 128 seated passengers and the capability of accommodating up to approximately 100 additional standing passengers. Level boarding is provided at all stations for all passengers and complies with ADA requirements.

3.7 Facilities

The Facilities Department (is responsible for facilities maintenance. The Facilities Department maintains facilities to support the NCTD transit system and services including the following:

General Administrative Offices (GAO): GAO is NCTD's administrative headquarters, located at 810 Mission Avenue in Oceanside. GAO houses NCTD's administrative, financial, marketing, public information, operations, planning, safety, development services, and executive management functions.

Oceanside Transit Center (OTC):
OTC is located at 195 S. Tremont Street, in Oceanside. OTC is the primary hub for all NCTD modes including BREEZE, SPRINTER, COASTER, FLEX, and LIFT services. Located within OTC in Oceanside, the Security Monitoring Center (MC) is staffed 24 hours a day, 7 days a week by Control Center Technicians who monitor the District's closed-circuit TV (CCTV) security cameras and communications throughout the District. The MC is the central location for transportation system security, and emergency response coordination. Customer Experience is also housed at OTC.

311 S. Tremont Ave.: The building at 311 S. Tremont Avenue in Oceanside, CA. The Facilities Department is currently located at this location; however, the facility is part of the Oceanside Transit Center redevelopment.

SPRINTER Operations Facility (SOF): The SPRINTER fleet is maintained at the hybrid rail vehicle maintenance facility and storage yard at 1021 West Washington Avenue in Escondido, CA. The SOF is located approximately 0.2 miles west of the Escondido Transit Center, on the north side of the Escondido Subdivision. The track connecting the yard to the Escondido Subdivision is used exclusively by SPRINTER trains. The SOF also houses the Operations Control Center (OCC). The OCC is staffed 24-hours a day, 7 days per week and is the central location for transportation system security, emergency response coordination, rail dispatching, emergency communications, and on-platform customer service communications.

Stuart Mesa Maintenance Facility (SMMF): The maintenance and storage facility for COASTER, Metrolink and freight train equipment is located at MP 222.0. This facility is equipped with passenger storage tracks, an inspection/servicing/wash track, and two inside shop tracks. Shop facilities include three inspection and maintenance pits, an overhead crane, car, and locomotive jacks, car, and locomotive washer, fueling and sanding equipment, car cleaning and service support equipment, heavy maintenance work areas, storage spurs, materials warehouse, a crew room, and administrative offices. By agreement with NCTD, Metrolink and freight trains use SMMF for layovers and/or light servicing.

Maintenance of Way Facility (MOW): The facility is located at 3700 Maritime Way in Oceanside, CA. Track and signal maintenance staff, activities, and equipment are based in the MOW facility located in Oceanside. Track and signal maintenance for the San Diego and Escondido Subdivisions are operated from this facility.

3.8 San Diego Subdivision – Rail Stations

- Oceanside - OTC: Served by COASTER, SPRINTER, Metrolink, and Amtrak. (195 S. Tremont St., Oceanside, CA 92054)
- Carlsbad - Carlsbad Village: Served by COASTER, (2775 State St., Carlsbad, CA 92008)
- Carlsbad - Poinsettia: Served by COASTER, (6511 Avenida Encinas, Carlsbad, CA 92009)
- Encinitas: Served by COASTER, (25 East D St, Encinitas, CA 92024)
- Solana Beach: Served by COASTER and Amtrak. (105 N. Cedros Ave., Solana Beach, CA 92075)
- Sorrento Valley: Served by COASTER, (11170 Sorrento Valley Rd., San Diego, CA 92121)
- San Diego - Old Town Transit Center: Served by COASTER and Amtrak. (4005 Taylor St., San Diego, CA 92110)
- San Diego - Santa Fe Depot: Served by COASTER and Amtrak. (1050 Kettner Blvd., San Diego, CA 92101)

NOTES:

- MTS owns Old Town Transit Center.
- Santa Fe Depot is owned by Santa Fe Depot, LLC.
- Amtrak staffs ticket offices at OTC, Solana Beach, and Santa Fe Depot.
- All stations have CCTV monitoring and public address systems operated by and viewed from the OCC and the MC. Stations are equipped with automatic ticket vending machines (TVMs). The Security Department provides 24/7 monitoring of the CCTV system at the MC.

3.9 Escondido Subdivision – Rail Stations

- Oceanside - OTC: Served by COASTER, SPRINTER, Metrolink, and Amtrak (195 S. Tremont St., Oceanside, CA 92054)
- Coast Highway: Served by SPRINTER (1304-1/2 S. Tremont St., Oceanside CA 92054)
- Crouch Street: Served by SPRINTER (609 Crouch St., Oceanside CA 92054)
- El Camino Real: Served by SPRINTER (1505 El Camino Real, Oceanside, CA 92054)
- Rancho Del Oro: Served by SPRINTER (3513 Oceanside Blvd., Oceanside, CA 92056)
- College Blvd: Served by SPRINTER (4103-1/2 Oceanside Blvd., Oceanside, CA 92056)
- Melrose: Served by SPRINTER (1495-1/2 N. Melrose Dr., Oceanside, CA 92056)
- Vista Transit Center: Served by SPRINTER (240 N. Santa Fe Rd., Vista, CA 92083)
- Civic Center Vista: Served by SPRINTER (810 Phillips St., Vista, CA 92083)
- Buena Creek: Served by SPRINTER (1923 Buena Creek Rd., San Diego, CA 92084)
- Palomar College: Served by SPRINTER (1142 W. Armorlite Dr., San Marcos, CA 92069)
- Civic Center-San Marcos: Served by SPRINTER (40 W. San Marcos Blvd., San Marcos, CA 92069)
- Cal State San Marcos: Served by SPRINTER (410 La Moree Rd., San Marcos, CA 92069)
- Nordahl Road: Served by SPRINTER (2121 Barham Dr., Escondido, CA 92025)
- Escondido: ETC Served by SPRINTER (796 W. Valley Parkway, Escondido, CA 92025)

NOTES:

- All stations have CCTV monitoring, public address systems, and electronic message boards operated by and viewed from the OCC and the MC. Stations are equipped with TVMs. The Security Department provides 24/7 monitoring of the CCTV system at the MC.

4.0 NCTD Organizational Structure

4.1 NCTD Divisions

NCTD's operations are led by a Chief Executive Officer who reports to the Board. All NCTD employees and contractors have general safety-related tasks under this document. NCTD's Organizational Structure is detailed in Appendix B.

Chief Executive Officer

The NCTD Chief Executive Officer, as the Accountable Executive, has the following authorities, accountabilities, and responsibilities:

- Control and direction over human and capital resources needed to develop and maintain both this document and the Transit Asset Management (TAM) Plan
- Designate a Chief Safety Officer/SMS Executive in accordance with 49 CFR 673.23(d)(2)
- Address the safety performance of NCTD and its contractors
- Address substandard performance under this document
- Has the ultimate responsibility for carrying out this document
- Execute the NCTD Transit Asset Management Plan
- Establishment and implementation of this document
- Implement safety risk mitigations for the safety risk reduction program and consider other safety risk mitigations recommended by the Safety Committee and included in the PTASP per 49 CFR 673.23(d) (see also SAF-2004 – Safety Committee Policy)

Under the guidance of the Chief Executive Officer, NCTD Division Chiefs have the following authorities, accountabilities, and responsibilities:

- Allocate appropriate resources to accomplish goals and objectives
- Responsible for functional area oversight and day-to-day operations
- Ensure compliance with programs and processes identified in this document

SMS Executive

The SMS Executive is responsible for the implementation of this document, is adequately trained and does not serve in any other capacity in operations or maintenance. The SMS Executive has the following authorities, accountabilities, and responsibilities:

- Implementation of this document and operation of NCTD's SMS
- Ensure action is taken to address substandard performance
- Advise NCTD Chief Executive Officer on safety related items
- Ensure NCTD policies are consistent with the stated objectives

Office of Chief General Counsel

NCTD's Deputy CEO/Chief General Counsel is appointed by and reports directly to the Board of Directors. The Office of Chief General Counsel provides compliance oversight for all agency activities and divisions, including safety and security, through the Comprehensive Compliance and Oversight Program (CCOP). The Senior Legal Counsel - Regulatory Compliance, who is part of the Office of Chief General Counsel, facilitates coordination for additional regulatory audits and inspections. The Safety Department reports to the Deputy CEO/Chief General Counsel who serves as NCTD's SMS Executive. In addition to oversight for the Safety Department, the Office of

Chief General Counsel supports achievement of safety program goals and objectives through the Risk Management and Regulatory Compliance functions, oversees the drug and alcohol program, and provides overall legal support and guidance on safety matters as needed. The Security Department and People Division also report to the Deputy CEO/Chief General Counsel.

Safety Department

The Safety Department is dedicated to maintaining the highest standard of safety for NCTD operations and facilities to ensure that NCTD's customers, employees, and the public are not exposed to an unacceptable level of risk. One primary focus of this Department is to prevent or mitigate accidents and injuries by identifying hazards, analyzing safety data to determine trends, and using trend analysis to resolve hazards. The Department also conducts internal inspections and audits to verify that the agency is compliant with federal and state regulations. The Department fosters a positive culture of safety at all levels of the organization both for employees and contractors.

Specifically, the Safety Department:

- Issues and maintains this document and NCTD's SMS
- Promotes the Culture of Safety
- Participates in the Risk Roundtable meetings
- Oversees the Hazard Management Process
- Collects and analyzes safety data
- Oversees the accident/incident notification, investigation, and reporting
- Manages the Internal Safety and Security Audit (ISSA) program
- Assures SSP/PTASP compliance/procedures review
- Conducts safety reviews/inspections
- Ensures compliance with safe and healthy work practices by employees and contractors
- Communicates with employees regarding occupational health and safety issues
- Identifies, evaluates, and corrects hazards in a timely manner
- Assists other departments in resolving hazards
- Ensures that accidents, injuries, and illnesses are investigated and that recommendations for corrective actions are developed and implemented as warranted
- Ensures compliance with local, state, and federal safety requirements

The Safety Department is comprised of the following staff:

- SMS Executive or designee
- Rail System Safety Specialist
- Bus System Safety Specialist
- Principal Management Analyst
- Safety Trainer

Security Department

The Director of Security reports to the Deputy Chief Executive Officer/Chief General Counsel and is responsible for all security related events and activities throughout the NCTD system, including bus and rail. Security Department staff support achievement of safety program goals and objectives related to transit worker assaults

through proactive security measures and training of staff throughout the District on the System Security Program. The Security Department also manages scheduling and coordination of NCTD Emergency Preparedness exercises.

People Division

NCTD's Chief People Officer oversees the Human Resources and the Learning and Development Departments. The People Division provides support through timely recruitment and onboarding of staff as well as through compliance with training requirements. Together, their efforts support the recruitment, training and retention of a highly qualified and skilled workforce.

Bus Operations Division

NCTD's Chief Operating Officer overseeing bus operations also oversees the Security Department. The Chief Operating Officer reports to the Chief Executive Officer. Bus Division staff support achievement of safety program goals and objectives through daily compliance with all operating rules, regulations, policies and procedures that may arise during any interactions with the rail operating environment. Staff in this division also support achievement of goals and objectives through timely identification and reporting of safety hazards.

Rail Operations Division

NCTD's Chief Operating Officer overseeing rail operations reports to the Chief Executive Officer. The Rail Operations Division is responsible for the operation and maintenance of NCTD's rail modes (SPRINTER and COASTER), including the Operations Control Center (OCC) which is NCTD's dispatch center. Rail Operations also provides training for the Rail Division Employees. NCTD's Rail Operations staff focuses on providing high quality rail service. Rail Division staff support achievement of safety program goals and objectives through daily compliance with all operating rules, regulations, policies and procedures. Staff in this division also support achievement of goals and objectives through timely identification and reporting of safety hazards encountered in the operating environment.

Office of the Chief of Staff

The NCTD Chief of Staff reports to the Chief Executive Officer. The Office of the Chief of Staff includes the Administration, Government Relations, Communications & Marketing, and Customer Experience Departments. Staff in this division support achievement of safety program goals through identification and application for grant funding, general communication about safety initiatives to the public via the Communications & Marketing team, and through receipt of feedback from the public about safety matters through the Customer Experience Department.

Finance Division

The Chief Financial Officer reports directly to the Chief Executive Officer. The Finance Division includes the Grants, Accounting, Payroll and Fare Collection Departments. Finance Division staff support the achievement of safety program goals and objectives by ensuring adequate fiscal resources are available for staffing, goods, and services throughout NCTD.

Development Services Division

NCTD's Chief Development Officer reports to the Chief Executive Officer. The Development Services Division (DSD) includes the Project Delivery, Engineering, Land Use, Planning and Asset Control, Maintenance of Way, Maintenance of Signal and Information Technology Departments. DSD oversees rail projects and real estate, including right-of-way permitting. Staff in this division support achievement of safety program goals through project development and management to ensure that safety elements are incorporated throughout the life cycle of the project, they are also critical to the configuration management review process. Engineering Department staff also coordinate with SANDAG on projects they are managing for NCTD to ensure appropriate inclusion of safety policies and procedures. The Land Use, Planning and Asset Control Department further supports safety program goals through management of right-of-entry process which incorporates a safety review into permits and work plans. The Technical Manager – Train Control Systems, including Positive Train Control (PTC), also reports within this Division. PTC staff support achievement of safety program goals and objectives by ensuring proper software and hardware functionality at all times (both directly and through collaboration with other staff and/or external entities), and through proactive recommendations for improvement in the overall PTC system. Information Technology staff support achievement of safety program goals and objectives through the purchase, installation and maintenance of hardware and software for all NCTD divisions, as well as serving as the lead for NCTD's cybersecurity program.

General Services Division

NCTD's Chief Operating Officer overseeing General Services reports to the Chief Executive Officer. The General Services Division includes the Procurement and Contract Administration, Materials Management and Quality Assurance, Facilities, and Business Intelligence Departments, as well as the Bus Stop Program. Facilities staff support achievement of safety program goals and objectives through daily compliance with all applicable rules, regulations, policies and procedures. Staff in this department also support achievement of goals and objectives through timely identification and reporting of safety hazards encountered in the working environment. Staff in the Procurement and Contract Administration Department support achievement of safety program goals and objectives by ensuring the timely purchase of goods and services which support general safety needs, in compliance with the required specifications. The Materials Management and Quality Assurance Department collaborates with the Procurement and Contract Administration Department to ensure adequate inventory levels and that all goods received therein meet specifications. Business Intelligence Department staff support safety

program goals and objectives through development and implementation of safety data tracking and reporting. The Bus Stop Program is responsible for managing NCTD-owned bus stops in the system and liaising with partner jurisdictions on municipal or county-owned stops on bus stop issues.

4.2 Contractor Organization

NCTD requires each safety-critical contractor (hereinafter "contractor") to be responsible for safety and security for the contract operations.

Contractor Safety personnel are responsible for safety within their organizational units including the safety of employees, facilities, equipment, operations, and services provided. Contractor Safety Managers retain ownership of all safety programs within their organizational units and are responsible for coordinating the implementation and maintenance of these programs. Specifically, Contractor Safety Managers shall:

- Implement this document as provided by NCTD
- Ensure employees comply with safe and healthy work practices
- Communicate with employees regarding occupational health and safety issues
- Identify, evaluate, and correct hazards in a timely manner
- Assist other contractor departments in resolving hazards
- Ensure that all accidents, injuries, and illnesses are investigated, documented, and that recommendations for corrective actions are developed and implemented as warranted
- Evaluate the potential impact of proposed modifications on the safety of all affected systems prior to implementation
- Ensure that employees have required licenses, and all required up-to-date certifications and training to perform their job safely
- Ensure that supervisors under their control train employees in the elements of the contractor's Injury and Illness Prevention Program (IIPP), employee responsibilities under the IIPP, hazards associated with the employees' work environment, job specific safety requirements, and safety-related policies, procedures, rules, and workplace practices

4.3 NCTD Contractor Oversight

NCTD seeks to foster and continuously enhance a strong culture of safety within its third-party contractors. The key to the SMS approach is the oversight of the contractors by the Project Managers. These Project Managers work in close coordination with NCTD Safety Department staff to ensure that safety is paramount and that employees at all levels - from front line to management - are involved in the safety culture and have the freedom to report safety issues without fear of reprisal.

In the performance of oversight duties, documents can be requested at any time and will be made available within a reasonable time. Any identified problems and concerns will be discussed, documented and an action plan developed with a schedule for completion as soon as practical. All corrective actions and issues are documented in NCTD's safety database.

5.0 Plan Implementation Process

5.1 Responsibility

NCTD's Chief Executive Officer ensures that the NCTD SMS is effectively implemented throughout the transit system. The SMS Executive or designee is responsible for the content, implementation, distribution, control, and update of this plan. This is a living document, available for review at all times by all NCTD employees and contractors. Comments and revisions may be submitted to the SMS Executive or designee for evaluation and inclusion in the next iteration of the plan. The signed copy of the current plan will be maintained in the Laserfiche Records Repository. All SMS documents will be maintained for a minimum of four years after they are created.

Compliance

This document applies to all persons whose work brings them into contact with COASTER and SPRINTER in the NCTD system, including but not limited to NCTD employees and all contractor personnel (and their subcontractors) for rail services. All persons affected are governed by, and must be fully compliant with, the requirements of this document as it applies to their respective duties while working on or within the NCTD system.

5.1.1 SSP Consultation Process

Substantive changes and amendments to this plan will be sent to each local union representative (lead designated representative for the represented labor organizations) for review and comment for a minimum of 60 days.

For non-substantive changes, each local union representative will be provided a copy of the final document. Changes will be discussed at the next Safety Committee meeting.

5.1.2 PTASP Consultation Process

The Rail Safety Committee will be consulted for approval as required by regulation for the PTASP. Additional consultation meetings will be scheduled as needed to discuss potential updates to the plan prior to submission to the FRA and the CPUC as needed. The meeting minutes documenting the approval of the Safety Plan, including the date, will be included in the Appendices of this document.

5.2 SSP Plan Implementation Timeline

The document was fully implemented by March 18, 2025 (three years following initial approval of the FRA). Internal System Safety Audits, as described in Section 20, ensure that NCTD remains on course with the implementation of this and other safety documents.

5.3 Continuous Plan Evaluation

The NCTD Safety Department will, at a minimum, review this document on an annual basis for updates and revisions. This review will incorporate updates recommended by NCTD Divisions. The consultation process will occur through the NCTD Rail Safety Committee. The Rail Safety Committee will be asked to provide input to the document update and will be given 60 days to review the document. The minutes of the Safety Committee meetings will document any discussion regarding the revisions and will be submitted with the final document for FRA/CPUC review. The document will be reviewed and approved by the Chief Executive Officer, SMS Executive and Board of Directors via signature.

5.4 Strategic Communications and Coordination

NCTD has multiple processes to facilitate continuous improvement throughout the NCTD transit system. These include Safety Committee meetings, Risk Roundtable meetings and Internal Safety Audits.

Safety Committee Meetings allow front line contract employees the opportunity to discuss safety issues and recommend improvements. For issues that are unable to be resolved at the Safety Committee Meetings, those items are referred to the NCTD Risk Roundtable for a detailed risk assessment and mitigation plan.

The Internal Safety Audit program enables NCTD to self-evaluate the safety program and provide opportunities for improvement for both Agency and contract processes and procedures. This program is described in Section 20.

Based on the processes above, NCTD is able to carry out a plan to address any identified safety deficiency and reevaluate the process of improvement through the SMS program.

NCTD maintains a safety communication process that is consistent with the requirements of SMS. The process supports the timely and effective notification and communication between NCTD and its key stakeholders that includes customers, contractors, and the general public. Communications and coordination between NCTD, contractors, other system users, and interested parties, both internal and external, is facilitated through the following methods:

Quarterly Stakeholders Meeting

A quarterly safety meeting for the tenant railroads on the San Diego, and Escondido Subdivisions. Members of the Amtrak, BNSF, and Metrolink safety teams attend and discuss any concerns along the two corridors with members of the NCTD Safety Department.

Timetable Committee/Metrolink Operating Rules Committee

A regional committee consisting of Metrolink, NCTD, Amtrak, and LOSSAN representatives and their respective operating and maintenance contractors, as well as BNSF and Union Pacific in an *ex officio* capacity, that meets monthly as a forum for all rail carriers in the region to discuss and address joint safety, operations, timetable, and rules issues.

5.5 SMS Executive – Responsible for Compliance

The SMS Executive briefs the Chief Executive Officer on a monthly basis, at minimum, on all safety issues, concerns, and activities.

The NCTD SMS Executive is responsible for compliance with this document in accordance with 49 CFR 270.103e(6). Contact information is listed below.

NCTD SMS Executive
Lori A. Winfree
Deputy CEO/Chief General Counsel
810 Mission Avenue
Oceanside, CA 92054
760.966.6532| lwinfree@nctd.org

The NCTD SMS Executive certifies that the contents of this document are compliant with 49 CFR 673 and the CPUC's Program Standard and that NCTD will implement the contents of the plan.

5.6 External Oversight Agencies (Mode Specific)

Each of the NCTD modes of operations has specific external oversight agencies responsible for auditing and reviewing the safety programs.

COASTER has regulatory oversight provided by the FRA. NCTD also participates in the American Public Transit Association (APTA) commuter rail committees.

SPRINTER has been designated as a transit hybrid rail system. Regulatory oversight is provided by the FRA, FTA, and California Public Utilities Commission (CPUC). The CPUC provides oversight of the SPRINTER programs in conjunction with the FTA when their regulations are not in conflict with those that have not been waived by the FRA. Additional details on the specific regulations are located in the North County Transit District Shared Use and Waiver of Federal Railroad Administration Regulations, FRA Docket Number FRA-2002-11809. NCTD also participates in the American Public Transit Association (APTA) commuter rail transit committees.

NCTD will provide access to SMS documentation to the FTA, CPUC, or other Federal entity upon request. Additionally, NCTD acknowledges the CPUCs authority for developing the RBI processes and procedures in Sections 1.5.0 and 1.6.0 and will incorporate these requirements as the required RBI procedures applicable in California into NCTD's Agency Safety Plan.

NCTD complies with the authority of the CPUC by assisting in providing timely responses, data requests, records requests, and assistance while on NCTD property. NCTD works in partnership with the CPUC on Safety Certifications, Event Reports, System Modifications, and construction consultations. NCTD recognizes CPUC's authority outlined in the Public Utilities Code and other state laws, and all NCTD employees are required to comply with CPUC representatives performing regulatory oversight in accordance with those laws.

6.0 Maintenance, Repair, and Inspection Program

This section identifies and describes the processes and procedures used for maintenance and repairs of infrastructure and equipment directly affecting railroad safety. This includes facilities, rolling stock, signal and train control systems, track and right-of-way, and station platforms.

6.1 Maintenance Inspections

Maintenance inspections are used to verify that effective maintenance activities are being performed for equipment, track, right-of-way, and associated systems and structures. This practice applies to all parties performing inspections, maintenance, and repairs to all NCTD transit and supporting vehicles, right-of-way, track, bridges, signal and communication systems, and support structures. Inspections, tests, maintenance, and repairs of items subject to this section are performed in compliance with standards set by the CPUC, FTA, FRA, OEM, and Occupational Safety and Health Administration (OSHA), APTA and with NCTD maintenance policies, practices, and guidelines.

6.2 Maintenance Inspections - Infrastructure and Equipment

Equipment and infrastructure that must be maintained for safe rail transit operations include:

- COASTER rolling stock
- SPRINTER railcars
- Dispatching system
- Right-of-way
  - Track
  - Bridges
  - Signal and communication systems
  - Drainage systems

6.3 Maintenance Standards

Comprehensive inspection, servicing, maintaining, and repairing of all transit vehicles is in accordance with standards established by the vehicle manufacturer. NCTD will issue and periodically update a vehicle maintenance plan including documented inspection procedures. Inspection procedures are required to be performed in compliance with applicable CPUC, FTA, FRA regulations and APTA standards for transit vehicle inspections, maintenance, repairs, and regulatory documentation. Vehicle maintenance plans may be maintained within a Computer Maintenance Management System (CMMS) versus a written plan document. NCTD currently utilizes the CORMAP CMMS for COASTER and SPRINTER.

Track, dispatching, and infrastructure systems maintenance inspections and related activities are performed in compliance with applicable FRA and CPUC regulations. NCTD has and will periodically update a track, signal or infrastructure maintenance plan including documented inspection procedures.

Non-routine or special maintenance activities shall be either subject to the hazard management process and/or examined during the applicable NCTD Risk Roundtable meeting.

6.4 Maintenance Inspections - Documentation

Documentation of maintenance inspections performed by NCTD will be maintained in the CMMS. Contractors are expected to make related maintenance records available for NCTD to review upon request.

6.5 Maintenance Inspections - Tracking Corrective Actions to Conclusion

Corrective actions identified through NCTD inspections are entered into the Safety database and tracked until completion. Hazards discovered through the inspections and maintenance process are corrected or removed through normal maintenance procedures.

If, for any reason, a hazard is determined unacceptable and cannot be resolved through the normal maintenance process, the equipment or structure is not returned to service, or its service is restricted to the limits of a lower level of compliance until repairs are completed. Under no circumstance is any equipment or structure not in compliance with applicable federal or state regulations allowed to remain in service, unless appropriate safety mitigations are implemented.

6.6 Maintenance Inspections – Responsibilities

All NCTD Divisions and contractors who perform maintenance related activities will be responsible for:

- Inspecting, servicing, maintaining, and repairing equipment and rolling stock in accordance with applicable maintenance instructions.
- Compliance with all CPUC, FTA, FRA regulations, NCTD contractual requirements, and APTA standards (as appropriate) for locomotive and passenger car inspections, maintenance, repairs, and all regulatory documentation.
- Tracking and documenting equipment, signal, and track maintenance activities, and training and certification of qualified persons performing service activities.
- Inspecting, maintaining, and repairing track, signals, bridges, right-of-way, and associated structures; modifying the signal system; and coordinating and protecting projects on and adjacent to the San Diego and Escondido Subdivisions and right-of-way.
- Managing a fleet maintenance plan that includes an inventory of revenue vehicles, fleet reliability performance, scheduled and unscheduled maintenance, light and heavy overhauls programs, maintenance procedures, and inspection checklists. As noted under 6.3 above NCTD utilizes CORMAP for its vehicle maintenance plan.

Divisions responsible for maintenance shall:

- Perform inspections to oversee the maintenance activities
- Assign corrective actions for non-compliance items that need to be addressed
- Analyze inspection data for safe, abnormal, or unsafe trends
- Correct or address trends through investigation and resolution activities

The Safety Department shall:

- Perform field inspection audits that include some elements which overlap with maintenance inspections oversight primarily performed by the Divisions
- Perform NCTD compliance oversight inspections to observe NCTD operations and maintenance quality control staff perform inspection duties

- Perform an annual internal safety audit focused on maintenance inspections to ensure the NCTD Divisions are providing proper oversight of this component relevant to the department work plan or contract
- Communicate any findings to the Divisions for review and proper assignment for correction

6.7 Facilities Inspections

Facility inspections enhance safety through consistent and thorough documented reviews of facilities to verify that hazards are resolved through routine mitigation efforts as outlined in the hazard management process. Facilities and rail stations will be inspected regularly by the Facilities Department and the Safety Department. This will include inspecting the passenger train/station platform interface (gaps).

6.8 Facility Inspection Techniques

To verify that facilities are well maintained and free of serious hazards, activities performed by the Facilities Department and Safety Department will consist of a combination of some or all of the following:

- Field inspections
- Record reviews
- Internal audits
- Observations
- Evaluations

Periodic Inspections

Passenger and maintenance facilities shall receive regular inspections by Facilities Department, Safety Department, and facilities maintenance contractor(s).

6.9 Facility Inspections - Tracking Corrective Actions to Conclusion

Findings discovered during the course of inspections are addressed through documentation and assignment of corrective actions through the Safety database. Any findings that may be corrected immediately should be addressed and noted in the database and entered as a Facilities Request as detailed in *NCTD SOP 3000.88 – Facilities Work Request Procedure*.

6.10 Facility Inspection Responsibilities

The Facilities Department shall:

- Maintain facilities, keeping safety a top priority
- Cooperate with all inspections, audits, or reviews performed by NCTD or other oversight entities
- Address all corrective actions as assigned
- Maintain facility condition reports as outlined in contracts and other agreements and provide to internal and external auditors upon request
- Perform inspections to oversee the facilities employees
- Assign corrective actions for non-compliant items that need to be addressed
- Identify abnormal or unsafe trends
- Correct or address trends through investigation and solution activities

- Maintain a Facilities Management Plan that incorporates budget development, capital planning, and maintenance inspection programs and procedures. Facility maintenance plans may be maintained within a Computer Maintenance Management System (CMMS) versus a written plan document. NCTD currently utilizes the CORMAP CMMS for Facilities.

The Safety Department shall:

- Perform separate facility audits focused on facility safety and emergency preparedness items. These inspection audits purposely overlap with facility compliance oversight primarily performed by the Facilities Department
- Perform internal safety audits focused on facility inspections, which include various OSHA elements, to ensure the NCTD Facilities Department is providing proper oversight of employees and contractors
- Communicate any findings to the Facilities Department for review and proper assignment either through a corrective action or Facilities Request

Response to Discrepancies and Unsafe Conditions

Discrepancies, potential hazards, or unsafe conditions discovered through inspections or by any other means should be resolved promptly through mitigation or maintenance action by the party responsible.

A discrepancy or condition related to an NCTD facility, whether administrative, fleet maintenance, transit center or maintenance and operations facility that does not present an immediate hazard or unsafe condition must be reported to the NCTD Facilities Department who will forward to the appropriate contractor or NCTD department for resolution.

7.0 Rules Compliance and Procedures Review

This section describes the processes and procedures used by NCTD to develop, maintain, and comply with applicable railroad safety laws and regulations.

7.1 Rules and Procedures Review

NCTD coordinates and promotes rail corridor operational safety through multiple initiatives including, but not limited to:

- Development of SOPs. A detailed list of all NCTD SOPs is included in Appendix D.
- Implementation of zero-tolerance on the improper use of cell phones and electronic devices by personnel. Details can be found in *NCTD SOP 3000.66 –Electronic Device Usage - Rail.*
- Review of preventative maintenance (PM) schedules and inspections
- Participation in the national General Code of Operating Rules Committee
- Continuously monitoring operating rules compliance and grade crossing safety
- Implementing and maintaining the Timetable Special Instructions governing train movements over the territory
- Participation in the Confidential Close Call Reporting System (C3RS)

Details for each of these initiatives are provided below.

Railroad Rules Committee

NCTD has implemented a Railroad Rules Committee that reviews and updates railroad related rules for both COASTER and SPRINTER. The committee considers rule changes based on input from the departments including, but not limited to, incidents, PTC manufacturer updates, feedback from training classes, FRA safety bulletins and advisories, and response to industry developments. More information is available in the *NCTD Administrative Policy and Procedure SAF-2009 – Railroad Rules Committee*.

Development of Standard Operating Procedures

NCTD has developed a series of Standard Operating Procedures (SOPs) which provide detail, standardization, and uniformity when conducting certain procedures. This series of SOPs allow all NCTD employees and contractors to have a standard framework and language to effectively work as a team across all modes while conducting service management, emergency management, or operational and maintenance functions. More information on the SOP Committee is available in the *NCTD SOP 3000.37 – Development and Management of SOPs*.

Zero Tolerance – Cell Phone and Electronic Devices

NCTD requires its operating employees comply with zero-tolerance policies governing the misuse of cell phones and electronic devices. CPUC GO 172 Series requires in-cab cameras and monitoring is performed. Conduct monitoring and enforcement for compliance with 49 CFR Part 220 and results from observations are entered into the NCTD efficiency testing database. Details on the discipline and appeals process can be found in *NCTD SOP 3000.66 –Electronic Device Usage - Rail*.

Review of Preventative Maintenance Schedules and Inspections

Preventative maintenance (PM) schedules and maintenance of NCTD inspection requirements will help ensure revenue vehicles are operating in a safe and reliable manner. Mechanical departments will ensure adherence to approved PM and inspection schedules to provide safe and properly maintained transit vehicles.

General Code of Operating Rules National Committee

NCTD believes that compliance with operating rules and instructions by railroad operating personnel creates a safe rail operations environment. NCTD is a voting member of and actively participates on the General Code of Operating Rules (GCOR) National Committee, the industry managed entity that maintains, develops, and promulgates the industry standard GCOR.

Operating Rules Compliance

NCTD management monitors rules compliance for rail operations, maintenance of equipment, maintenance of way, and maintenance of signal. Instances of non-compliance or rule violation(s) are reviewed to verify that the employee(s) involved received appropriate remedial training, medical evaluation (when warranted), and verification of skills and knowledge.

NCTD verifies that periodical operational evaluations and inspections are conducted to determine the extent of compliance with operating rules, timetables, and special instructions. For COASTER and SPRINTER, testing is conducted as detailed in the *Program of Operational Tests and Inspections*. All records are maintained in accordance with the NCTD record retention policy, NCTD Board Policy No. 15 – Records Retention Policy and Schedule and are available for review by Regulatory Agencies upon request.

Violations of drug or alcohol usage prohibitions (49 CFR Part 219 or 49 CFR Part 655) or the misuse of cell phones or electronic devices (49 CFR Part 220) may result in the temporary or permanent debarment of an operating employee on NCTD property.

Grade Crossing Public Safety

Grade crossing safety and warning devices in the State of California governed by the FRA and the CPUC. At present, 30 CPUC-approved public grade crossings, including two private grade crossings, and three station pedestrian grade crossings exist on the San Diego Subdivision mainline. The Escondido Subdivision has 60 CPUC approved public grade crossings, 20 station pedestrian grade crossings, and three private crossings. Each crossing is equipped with active warning devices consisting of flashing lights, bells, and all road crossings are equipped with crossing gates of CPUC-approved designs.

NCTD is committed to pursuing the highest level of grade crossing safety for the general public, passengers, and train personnel. NCTD continuously monitors grade crossing safety through field evaluations, investigating outside reports of potential issues, analyzing safety data for trends and trouble spots, and maintaining constant vigilance for potential hazards. Working within the parameters of the agencies and regulatory resources, NCTD seeks to mitigate or eliminate hazards through various means, including, but not limited to:

- Safety-focused engineering of new or modified projects to maximize safety
- Cooperative law enforcement education and enforcement activities

- Support of local Operation Lifesaver programs and participation in local activities promoting and educating about railroad and grade crossing safety.

7.2 Rules and Procedures Review - Responsibilities

Department Management

- Train personnel and enforce operating rules, air brake and train handling rules, general orders, original equipment manufacturers (OEM) recommendations, and COASTER or SPRINTER specific instructions, policies, and procedures relating to or governing operations, customer service, safety, and maintenance activities
- Recommend operating rules and Special Instruction additions, changes, modifications and/or deletions.
- Issue and enforce additional workplace safety rules, hazardous materials handling and storage rules, and other rules as necessary to administrative, mechanical, maintenance of way, signal, dispatching and operating employees
- Enforce compliance with all applicable federal regulatory requirements
- Perform and document operating rules tests and inspections per 49 CFR Part 217 to monitor safety and operating rules compliance by employees. Take appropriate remedial action for non-compliance.
- Correct or address trends through investigation and resolution activities
- Perform field inspection safety and operating practices audits that include rules and procedures compliance

Safety Department

- Perform internal safety audits focused on employee training on rules and procedures
- Conduct root cause analysis as required
- Analyze records and data for abnormal or unsafe trends
- Assign corrective actions for non-compliant items that need to be addressed
- Track corrective actions to completion
- Perform field inspection safety and operating practices audits that include rules and procedures compliance
- Communicate any findings to the applicable department for review and proper assignment of corrective action

Tenant Railroads: Amtrak, Metrolink, and Railroad Freight Carriers

- Issue carrier-specific rules and special instructions applicable to tenant railroad crews
- Provide tenant railroad crews with current Timetable Special Instructions and any other operating instructions for both the San Diego and Escondido Subdivisions
- Verify tenant railroad employees, equipment, and practices are in compliance with all applicable FRA and NCTD requirements

7.3 Operating Rules Review

Train operations and MOW activities on the San Diego and Escondido Subdivisions are governed by the current version of the GCOR. The San Diego and Escondido Subdivisions railroad operating and maintenance-of-way rules, special instructions, and procedures to promote safe train operations and MOW functions are documented, monitored, and periodically reviewed. Operations and maintenance activities on the track right-of-way are

controlled from the OCC by the San Diego and Escondido Subdivisions dispatcher. The GCOR is an industry-adopted standard set of railroad operating rules utilized by most railroads in the western United States. Individual rules in the GCOR can be modified or deleted for local operating conditions by:

- Timetable Special Instructions (supersede any conflicting GCOR rules)
- General Orders (supersede conflicting Special Instructions or GCOR rules)
- Form C Track Bulletins (supersede all of the above)

7.4 Hazardous Material Program

The Hazardous Material Program is maintained to ensure that adequate safeguards are in place to prevent exposure to hazardous materials for employees, contractors, passengers, and the general public and to minimize environmental damage as a result of NCTD transit operations.

NCTD makes every reasonable effort to protect people and the environment from potentially harmful effects of hazardous materials and waste. All persons subject to this section will comply with applicable local, state, and federal laws pertaining to environmental protection, and to the use, handling, storage, and transportation of hazardous materials. Areas of responsibilities include:

- Spill response, cleanup, and investigation
- Environmental compliance audits at NCTD facilities
- Storm water management
- Capital program review and advisement
- Regulatory review and interpretation
- Authority policy review and implementation
- Technical advisor and expertise

7.5 Hazardous Materials – Responsibilities

The following responsibilities detail how NCTD staff maintain compliance with the hazardous materials program:

Policies and Procedures

NCTD and its contractors will institute policies for the safety and protection of the environment and persons who may come into contact with hazardous materials used in the San Diego and Escondido Subdivisions maintenance for rail operations. These practices shall be approved by NCTD.

Training

NCTD and contractor employees whose job duties expose them to hazardous materials shall receive initial training and periodic refresher training in hazardous materials identification, safety data sheets (SDS), personal protective equipment (PPE), the Storm Water Pollution Prevention Plan (SWPPP), proper handling and disposing of hazardous materials, and emergency procedures in response to hazardous material spills.

Safety Data Sheets (SDS)

NCTD and its contractors will maintain the SDS and chemical lists for all products that contain or produce exposure to hazardous chemicals in accordance with the requirements of OSHA regulations in 29 CFR Part 1910.

Emergency Response

The OCC initiates an emergency response to any hazardous materials incident involving NCTD operations. Incidents are immediately reported to the OCC, who in turn initiate the emergency response notification process, specified in the NCTD Emergency Response Plan (ERP).

Hazardous Material Information

BNSF train crews must have information on hazardous materials carried on freight trains prior to entering NCTD territory. BNSF is responsible for providing that information to the train dispatcher and to comply with applicable regulations regarding rail transportation of hazardous materials.

The Office of Chief General Counsel shall:

- In collaboration with Program Managers (PMs) and SMEs, coordinate with the NCTD Procurement and Contract Administration (PCA) Department to verify each contractor is compliant with the established contract language
- Coordinate with Development Services Division to ensure employees and contractors are following all applicable local, state, and federal environmental regulations
- Cooperate with and review internal oversight and inspection activities

Safety Department shall:

- Perform audits focused on high-level facility safety and emergency preparedness items. These audits purposely overlap with facility compliance oversight primarily performed by the Facilities Department
- Perform internal safety audits based on the triennial audit schedule focused on facility inspections to ensure that the NCTD Facilities Department is providing proper oversight
- Communicate any findings to the Facilities Department for review and proper assignment for correction

Rail Departments shall:

- Perform routine inspections and provide oversight of their employees and their contractors
- Ensure that their contractors have a Hazard Materials Management program and is contractually compliant with that program

8.0 System Safety Employee and Contractor Training

Employees who are responsible for implementing and supporting this document and any person who is utilizing significant safety related services will be trained in this document.

8.1 NCTD System Safety Training

System Safety training will cover goals of this document, elements in the program, and required knowledge and skills to fulfill their responsibilities under the program. For applicable NCTD employees, the training will be provided during new-hire orientation for incoming employees and will be conducted annually for refresher

training. Training will be conducted by a member of the Safety Department, or other individual designated by the SMS Executive.

Training for NCTD employees with implementation responsibilities, including the Safety Department, members of the Safety Committee, Railroad Rules Committee, and Risk Roundtable, will be given enhanced training that details the Hazard Assessment and Risk Index process and their roles as outlined in this document.

8.1.1 FTA Required Safety Training

In accordance with 49 CFR 672.13, the SMS Executive and members of the Safety Department have been designated to be directly responsible for the safety oversight of the rail modes. As such, they are required to complete their Public Transportation Safety Certification Transit Plan within 3 years. This training includes the relevant investigation training along with the required refresher courses every two years.

8.2 System Safety Training – Contractor

Contractor's training requirements, including refresher training, are detailed in the contract agreement, site work permitting process, and/or comprehensive training plan.

Contractors will be provided with System Safety training as contractor starts or as new individuals are assigned to the contract. The System Safety training for contractors will cover goals of this document, elements in the program, and required knowledge and skills to fulfill their responsibilities under the program. Training for contractors will be conducted by a member of the Safety Department, or other individual designated by the SMS Executive.

8.3 Employee Training Records

NCTD training records are maintained by the Learning and Development Department and stored in the NCTD learning management system.

8.4 Safety Training - General

Detailed training programs are necessary to ensure policies, procedures, and programs are followed accordingly. Formal training programs entail in class activities, curriculums, training manuals, lesson plans, field exercises, drills, computer-based training, written and video communications, and testing. NCTD requires all employees and contractors working with the transit system to be properly trained and qualified to perform the duties to which they have been assigned prior to performing those duties. NCTD verifies that initial and recurrent training is conducted, as appropriate, for employees and contractors of the transit agency. The operational and maintenance rules and procedures may vary depending on the mode and location. Those that affect safety for COASTER and SPRINTER employees are listed below:

- General Code of Operating Rules (GCOR)
- Timetable and Special Instructions, General Orders, General Track Bulletins
- Roadway Worker Protection (RWP)
- On-Track Safety Manual (OTSM)
- Applicable Standard Operating Procedures
- Program for Qualification of DMU Operators

- Program for Qualification of Train Attendants
- Certification of Locomotive Engineers
- Certification of Conductors
- Air Brake and Train Handling Rules
- Qualified Mechanical Person Training
- Train Dispatch Manual
- Passenger Train Emergency Preparedness Plan (PTEPP)
- Blue Signal Protection Procedures
- Signal Maintenance Manual
- Emergency response procedures

8.5 Safety Training Programs

NCTD has a comprehensive safety training program for all employees directly responsible for safety. NCTD Learning and Development is responsible for maintaining the NCTD Learning Management System that has details of training requirements for NCTD employees. This includes mandatory, initial, refresher and optional in-house and external training based on NCTD policies and state and federal regulations. NCTD's goal is to achieve a high level of staff competency while meeting all regulatory requirements. Training plans maintained in the LMS outline each Division's responsibilities and list the course requirements based on the employee's role at NCTD.

8.6 Training and Certification Review

Training and certification are critical to ensure employees have the necessary knowledge, skills, and abilities to work safely and effectively.

NCTD verifies that a training program is implemented for new employees on the operating rules, and a re-certification course is conducted on the rules, as applicable per craft. When certifications are issued, NCTD requires a certification review and audit process to verify that all required certifications are always up to date.

NCTD verifies that periodical operational evaluations and inspections are conducted to determine the extent of compliance with operating rules, timetables, and special instructions. See Section 7.1 under Operational Rules Compliance.

8.7 Training and Certification - Responsibilities

Rail Departments shall:

- Ensure employees are properly trained as outlined in the training plan and required by state and federal regulations
- Update training programs and testing as needed
- Cooperate with all inspections, audits, and reviews performed by NCTD or other oversight entities
- Address all corrective actions, as assigned
- Provide training reports as outlined in contracts and other agreements with NCTD
- Document all training in the NCTD Learning Management System
- Analyze inspection data for safe, abnormal, or unsafe trends
- Assign corrective actions for non-compliant items and monitor the results
- Address trends promptly through investigation and resolution activities

Any observations or concerns discovered by the Safety Department with regards to COASTER/SPRINTER related training will be communicated to the applicable department for review and proper assignment of corrective actions.

The Safety Department shall:

- Perform an internal safety audit focused on training, certification, and qualifications to ensure that NCTD staff are providing proper oversight of this component, as it is a critical element of safe operations
- Communicate any findings to the appropriate Division for review and proper assignment of corrective actions
- Ensure all corrective actions are addressed and closed out based on assigned timeline

9.0 Emergency Management

Natural and manmade events can impact transit operations at any time and place. Life safety is and will always be the top priority during emergency response efforts. This section reviews the key elements of NCTD's Emergency Management Program. Full details on the NCTD Emergency Management Program can be found in NCTD's Emergency Response Plan (ERP).

FRA regulations including 49 CFR Part 238, Passenger Equipment Safety Standards, and 49 CFR Part 239, Passenger Train Emergency Preparedness Plan detail specific plans and procedures that NCTD follow to maintain safety standards for passenger equipment and help manage passenger train emergencies.

9.1 Infectious Diseases

NCTD follows regulatory guidance from the Centers for Disease Control and Prevention (CDC), FRA, FTA, California Department of Public Health (CDPH), CPUC, and the County of San Diego Health and Human Services Agency (HHSA) as applicable to minimize exposure to infectious diseases. Specific details related to a pandemic prevention program can be found in Appendix D of the NCTD IIPP or a contractor's IIPP, as applicable.

9.2 Meetings with External Agencies

NCTD meets with first responder agencies to:

- Plan and execute emergency preparedness drills
- Familiarize first responders with NCTD equipment and property
- Coordinate first responder exercises on NCTD property

All on-scene emergency response activities will utilize the Incident Command System (ICS). ICS is a component of the National Incident Management System, which is a framework that enhances coordination between responders and resources from various entities (state, local, non-governmental agencies, and volunteers).

9.3 Planning Responsibilities

NCTD and contractors may be valuable resources for assisting first responders at the incident scene or managing resources for the emergency by sharing their subject matter expertise and problem-solving skills. Their understanding of incident response and coordination with first responders is critical for managing transit incidents while keeping life safety as the top priority.

NCTD's Security Department develops and maintains NCTD's Emergency Response Plan (ERP). The NCTD ERP provides guidance for employees and emergency personnel to execute a well-organized, informed, and efficient response to critical incidents, should one occur, in order to reduce or mitigate resulting impacts. In addition, the ERP outlines how NCTD will coordinate with federal, state, regional and local officials when responding to emergencies within NCTD service area.

9.4 Evaluation of Emergency Preparedness

NCTD emergency preparedness is evaluated through plan reviews, training sessions, and exercises. Emergency response training for all modes may be provided as workshops, table-top scenarios, drills, tactical exercises, and large-scale drills. A large-scale drill will be conducted at least once every two years for COASTER and SPRINTER and will include external response agencies.

Every calendar year, at least one of the following types of training relevant to NCTD rail operations emergency response scenarios will be conducted:

- Table-top exercise
- Emergency planning workshops
- Emergency simulations
- Emergency drills

9.5 After Action Reports

Hands-on or scenario-based training will be evaluated to identify strengths and areas for improvement through the completion of an After-Action Report (AAR). Likewise, an AAR may be developed for an actual, noteworthy accident/incident to identify lessons learned and areas for improvement. Any major lessons learned may require the development of corrective actions to address areas for improvement. Corrective actions resulting from an exercise or actual event will be entered into and tracked through NCTD's Safety database.

9.6 Revision and Distribution of Emergency Response Plans

NCTD's Security Department is responsible for managing and distributing the NCTD ERP. The NCTD ERP is a living document, available for review at all times to all NCTD staff and contractors. Comments and revisions may be submitted to the Security Department for evaluation and inclusion in the next iteration of the plan. The plan will be updated as needed and reviewed at a minimum, annually.

9.7 Familiarization Training for Public Safety Organizations

NCTD encourages emergency response agencies to reach out and request coordinating activities during tactical exercises and drills. NCTD will make every effort to provide resources for training and practice of emergency response activities. NCTD is also available to provide classroom training for public safety organizations upon request. Requests may be made through the Customer Experience Department or directly to the Security Department. Additional details may be found in *NCTD SOP 3000.13 – Recommended Practice for Emergency Responder Familiarization of Transit Systems*.

9.8 Responsibilities

Rail Departments shall:

- Participate in the planning, enactment, debriefing, and evaluation of required emergency drills and table-top exercises
- Participate in after action activities and any related corrective actions as assigned.
- Coordinate all initial and recurrent PTEPP and ERP training as required, training for rail operators, mechanical staff, and Right of Way employees, along with management personnel. Training shall be documented for regulatory compliance.

- Develop facility emergency plans in coordination with the Facilities Department and the Safety Department

The Security Department shall:

- Manage, revise, publish and distribute the NCTD ERP
- Coordinate and supervise emergency simulations, exercises, and drills including preparatory meetings with external agencies and as-needed follow-up meetings
- Coordinate after action reports, assign and follow up on corrective actions, as necessary

10.0 Workplace Safety

Safety Assurance is one of the key components of SMS. It includes systematic and ongoing monitoring and recording of safety performance, as well as an evaluation of SMS processes and practices. Safety Assurance ensures compliance with SMS requirements and utilizes the Safety Performance

10.1 Employee Safety Reporting Program

Employee Hazard Reporting

NCTD employees and contractors are encouraged to report hazards to their supervisor/manager at any time, including but not limited to assaults on transit workers, near-misses, and unsafe acts and conditions. Hazards may also be reported directly to the OCC for entry into the NCTD Safety database. Additionally, NCTD has provided a Safety Hazard Form that is available in an electronic format through the NCTD intranet site, LiNK, or via a QR code. For specific details, the Safety Hazard form is located in Appendix E of this document.

This form may be used by all employees and contractors to report hazards throughout the system. Once submitted, a member of the Safety Department will investigate the matter with the appropriate department and determine if a true safety hazard exists (in the case of personnel issues or other non-safety related items, the Safety investigator will forward the information to the most relevant manager). If a safety hazard exists, the Safety investigator will enter that information into the NCTD Safety database and determine a risk assessment using the predetermined hazard assessment table, in coordination with the Rail Safety Committee. Once the hazard has been assigned a risk level, a corrective action must be assigned to all hazards. A resolution must be achieved prior to any close out.

NCTD's Safety Department is ultimately responsible for ensuring all corrective actions are addressed and closed out in a timely fashion. If the hazard requires additional resources beyond those assigned responsibility, the Safety Department may assign the hazard to the Risk Register. Additional details on the Risk Management Process can be found in Section 15.0. Employees are notified by the Safety Department once a hazard has been received and once again when it has been mitigated or eliminated either through direct communication or posting the information through safety committee minutes action, in the event of an anonymous report.

Whistleblower Hotline

NCTD is an organization with strong values of responsibility and integrity. It has developed policies and procedures to provide employees and contractors with clear direction and guidance to ensure that NCTD's business is carried out with fairness, efficiency, impartiality, and integrity. NCTD has created avenues to report suspected violations without fear of retaliation. NCTD is committed to an environment where open, honest communication is the expectation, not the exception. If an employee or contractor believes ethical misconduct, and acts of fraud, waste and abuse have occurred, NCTD employees and contractors are encouraged to report the suspected violation via the anonymous Whistleblower Hotline managed by a third-party vendor, at www.nctd.ethicspoint.com or by calling 855-877-6048.

Confidential Close Call Reporting System (C3RS)

C3RS is an FRA-sponsored voluntary confidential program that allows railroad carriers and their employees to report close calls. The program provides a safe environment for employees to report unsafe events and conditions. Employees receive protection from discipline and FRA enforcement. Railroads also receive protection from FRA enforcement for events reported within C3RS. NCTD participates in the C3RS program. Employees may

submit paper reports via forms located throughout NCTD Rail facilities. Employees may also submit electronic reports on the C3RS website at https://c3rs.arc.nasa.gov.

Employee Behaviors and Disciplinary Action

Certain employee behaviors such as willful negligence, drug or alcohol usage prohibitions, or the use of cell phones or electronic devices may result in disciplinary action. For additional details, NCTD's employee discipline policy is provided in the NCTD Employee Handbook. Contractors' discipline policies are located in their respective employee handbooks.

10.2 Roadway Worker Protection (RWP)

The RWP program ensures the safety of persons working on or near the railroad and the railroad right-of-way (ROW) including non-railroad contractors and outside parties that require access or perform work within the San Diego or Escondido Subdivisions. This specific requirement is detailed in 49 CFR Part 214, 49 CFR Part 671, and in CPUC GO 175 Series.

10.3 RWP Safety Requirements

NCTD's RWP program prescribes the safety requirements for both railroad and non-railroad personnel (third-party contractors) to work safely in or near the railroad environment. This applies to all outside parties, except law enforcement and public emergency response personnel, whose work brings them near or on NCTD's rail system. Specific information related to the NCTD RWP program may be found in the NCTD RWP Plan and in the On-Track Safety Manual.

For third party contracts along the right-of-way, training is provided in a classroom environment administered by an NCTD contractor, a qualified party that manages RWP on behalf of NCTD. Training for NCTD employees may also be provided by a member of the Safety Department, or other individual designated by the SMS Executive. Participants' successful completion of this course is identified through hardhat decals and ID cards.

Protection for emergency response personnel is initially provided through the rail dispatcher and is detailed in the Train Dispatcher's Manual. All on-track vehicle movement is halted until qualified NCTD personnel arrive on scene.

Training is offered to emergency responders including hands-on familiarization, participation in exercises, and locally scheduled drills. Additional details can be found in *NCTD SOP 3000.13 – Recommended Practice for Emergency Responder Familiarization of Transit Systems.*

10.4 RWP Near-Miss Program

RWP near-miss events are critical to report, investigate, and document to gather potential lessons learned to prevent recurrence.

RWP near-miss events are hazards which have the potential to cause employee injury or damage to facilities, infrastructure, or the environment. Near-miss events may be reported via the following methods:

- To either the OCC or the RWIC on scene

- To the employee's supervisor
- Via the NCTD Whistleblower Hotline
- Via C3RS

Additional details on employee hazard reporting may be found in Section 10.1.

All RWP near-miss events are stored and tracked in the NCTD safety database. RWP near-miss records will be retained for four years and be available upon request.

Any investigation for an RWP near-miss event will be conducted based on *NCTD SOP 3000.15 – Accident/Incident Investigation - Rail*. Investigations of near-miss events will identify primary and contributory causal factors, including root causes, and implement corrective actions as applicable.

10.5 RWP Verification Process

The RWP/Flagging Contractor shares responsibility to verify personnel are qualified and in compliance with this program. Verification of the program is conducted through regular field inspections of construction worksites. Non-compliance by those subject to NCTD's RWP program may result in:

1) A safety stand-down
2) A stop work order
3) Re-training and/or
4) Removal of individuals from the property.

10.6 RWP Responsibilities

Regulatory Compliance

NCTD has a 49 CFR Part 214 compliant on-track safety program. NCTD will submit the program to the FRA along with any changes to the program as needed.

Contractor Requirements

Contractors are required to meet all applicable regulatory requirements. The RWP/Flagging Contractor may not use a Roadway Worker in Charge (RWIC) to provide Lookout/Watchman duties when that RWIC is working with multiple work groups or multiple Lookout/Watchmen.

Employee Training

Employees working as Roadway Workers as defined by 49 CFR 214 will be provided with initial and annual refresher training on Roadway Worker Protection. Those employees eligible to be RWICs will also be trained in the applicable documents, job-specific technical training, and supplemental or refresher training for on-track protection technologies, territory, and equipment, as appropriate.

10.7 Drug and Alcohol Program

NCTD is committed to maintain an alcohol and drug-free workplace, provide a safe and productive work environment, and retain the public's trust and confidence in its transportation services. This section provides instructions to prevent accidents, incidents, and losses resulting from alcohol and drug use.

10.8 Drug and Alcohol Program Applicability

This section applies to all employees and contractors connected with the San Diego and Escondido Subdivisions. NCTD maintains a comprehensive drug and alcohol policy (including appropriate training) that conforms to FTA's requirements in 49 CFR Parts 40 and 655, FRA's requirements in 49 CFR Part 219, or FMCSA's requirements in 49 CFR Sections 382/390, as applicable.

Third-party contractors employing safety-sensitive employees (e.g., Positive Train Control (PTC) contractors) are required to submit an FRA compliant 219 Plan to NCTD prior to conducting any work or services on NCTD property.

10.9 Drug and Alcohol Program – Responsibilities

Rail Departments shall:

- Adhere to drug and alcohol programs as required by NCTD, FTA, FMCSA, and FRA, as applicable
- Cooperate with all inspections, audits, or reviews performed by NCTD or other oversight entities
- Address all corrective actions, as assigned

Drug and Alcohol Program Management staff shall:

- Manage drug and alcohol program requirements
- Coordinate annual drug and alcohol program audits
- Assign corrective actions for non-compliant items and track to completion
- Analyze inspection data for abnormal or unsafe trends
- Correct and/or address trends through investigation and resolution activities

The Safety Department shall:

- Conduct applicable internal safety audits of drug and alcohol programs, including any applicable contractors
- Verify Drug and Alcohol Program Management staff are compliant with the requirements of 49 CFR Part 219, 49 CFR Parts 40 and 655, and 49 CFR Sections 382/390 as applicable.

10.10 Fitness for Duty Programs

NCTD maintains fitness for duty requirements as detailed in 49 CFR Part 228, Passenger Train Employees Hours of Service. NCTD also offers an Employee Assistance Program, which offers counseling for problems such as marital issues, family relationships, depression, and anxiety, alcohol, and drug issues, and/or problems within the workplace. There is no cost to employees with this benefit. Additional details may be found in the Employee Handbook or through the Human Resources Department.

Additionally, NCTD has a Fatigue Risk Management Plan as required by 49 CFR 270 Subpart E – Fatigue Risk Management Programs. The consultation process for this plan is the same as described in Section 5.1 of this document.

11.0 Public Safety Outreach Program

NCTD has a public safety outreach program that provides safety information to passengers and the general public. Safety concerns or hazards may be reported to NCTD Customer Service through the NCTD website at www.gonctd.com or via telephone at 760-966-6500 during regular business hours. Additionally, the NCTD Security Department maintains a 24-hour Security reporting line at 760-966-6700 to receive reports of safety hazards.

11.1 Public Safety Outreach

NCTD provides safety information to passengers and public utilizing the three "E's" of safety: Education, Engineering and Enforcement.

Educational opportunities for the customers and public will include relevant safety information in the Rider's Guide, on the NCTD website, part of newsletters and mailings, advertising, and community events. The NCTD Safety Department also provides a quarterly safety update to the NCTD Board of Directors which details relevant safety statistics and trends that is available on the NCTD website.

Engineering and enforcement safety outreach for passengers and public includes physical barriers and signage programs to deter trespassing and encourage use of regulated grade and pedestrian rail crossings. NCTD has contracted with the San Diego Sheriff's Office for enforcement activities at all major transit centers as well as along the railroad right-of-way.

California Operation Lifesaver (CAOL)

NCTD partners with California Operation Lifesaver for community events throughout the year and culminating every September for Rail Safety Month.

Outreach Events

Outside of official CAOL events and presentations, NCTD sets up booths at community events like Street Fairs and Schools.

Rail Safety Month

In addition to the CAOL Rail Safety Month events, the NCTD Communications & Marketing Department provides additional outreach during Rail Safety Month, in coordination with Safety, Rail Operations and Security Departments.

Suicide Prevention Signs

Suicide prevention signs are provided throughout the right of way, predominantly along station platforms.

Code Compliance Inspectors

Code Compliance Inspectors work throughout NCTD properties and provide security assistance.

See Something, Say Something Posters

See Something, Say Something posters are posted on vehicles and at Transit Centers in both English and Spanish.

Social Media

The NCTD Communications & Marketing Department provides outreach via various social media platforms.

12.0 Accident/Incident Reporting and Investigation

12.1 Notification, Investigation and Reporting

This section describes NCTD's process for performing accident notification, investigation, and reporting. Accidents and emergencies shall be subject to a formal and objective investigation. Incidents shall be investigated at the discretion of the NCTD Operations and/or the Safety Department.

In the event investigators from the FRA, CPUC, or National Transportation Safety Board (NTSB) should observe an internal investigation or conduct their own investigation of an incident occurring on the San Diego or Escondido Subdivision, all parties involved shall cooperate fully with the needs and requests of these agencies.

12.2 Notification, Investigation and Reporting Responsibilities

Safety Department

The NCTD SMS Executive or designee shall:

- Directly manage the accident investigation process, regulatory agency reporting, corrective action plan(s), and document control
- Ensure that accident investigations include at least:
    - A summary of the incident
    - Root cause and contributing factors
    - Corrective action plan, if applicable
- Function as the primary point of contact with external agencies and regulatory bodies such as FRA, NTSB, CPUC, or FTA
- Submit all necessary reports as required by the FRA, CPUC, or any other governmental organization to NCTD for review and submission to the required regulatory agency

The Safety Department shall:

- Coordinate with applicable internal department(s) to ensure proper notifications and investigation of events involving NCTD employees and/or property
- Verify that contractors conduct the proper notifications and investigation
- Enter all corrective actions identified in the corrective action plan into the internal Safety data base for assignment and completion

The San Diego County Sheriff's Department

The San Diego County Sheriff’s Department or local law enforcement (as applicable) investigates:

- Any other fatal incident across all modes or on NCTD property, including death of any person on board a train, related to the movement of a train or otherwise on the San Diego or Escondido Subdivisions’ right-of-way
- Grade crossing collisions
- Any impact between a train or on-track equipment and a pedestrian, trespasser, motor vehicle, occupied bicycle, or other object under the control of another person
- Unusual criminal activity
- Other safety or security incidents as requested by NCTD

The Sheriff's Department report of the investigation and conclusions are usually issued within 30 days of the occurrence.

Additionally, the Sheriff's Department will coordinate with other law enforcement agencies as necessary for multi-jurisdictional investigations and incidents.

Rail Departments

The appropriate department manager performs and assists in the formal investigations of:

- Train and/or hybrid rail vehicle collisions and derailments
- Grade crossing and trespasser incidents
- Passenger injuries
- Incidents that result in damage to rail equipment, structures, or property
- Employee injuries and occupational illnesses

Facilities Department

The Facilities Department assists in the formal investigations of:

- Incidents that result in damage to NCTD equipment, structures, or property

A preliminary report is normally provided within 24 hours of an incident. A comprehensive written report with all supporting data shall be submitted within 30 days of the occurrence, when warranted. If additional time is required to determine the root causes of an incident, a written communication stating such must be provided to both the NCTD Rail Operations and the Safety Departments.

12.3 Notification Thresholds

All external regulatory agency notification for both the San Diego and Escondido Subdivisions and all NCTD property will be performed by the Director of the OCC, or designee, as detailed in the *NCTD SOP 3000.15 – Accident/Incident Investigation*.

The following information will be included as part of the initial notification:

- The time and date of the incident
- The location of the incident, including CPUC grade crossing number if applicable
- The number of fatalities or injuries
- The rail vehicles involved in the incident, if any
- The factor that makes the incident immediately reportable
- The emergency response organizations at the scene of the incident

National Response Center (NRC)/FRA Accident/Incident Reporting Thresholds

- The NRC is not a response agency. It serves as an emergency call center that fields initial reports for pollution and railroad (FRA) incidents.
- NCTD will notify the NRC within two hours of any incident involving railroad equipment or any incident occurring on NCTD railroad-controlled property, where one or more of the following occurs:
    - A passenger or employee fatality

- Death of an employee or a contractor to a railroad performing work for the railroad on property owned, leased, or maintained by the contracting railroad
- Death or injury of five or more persons
- A train accident that results in serious injury to two or more Train Crew Members or passengers requiring their admission to a hospital
- A train accident resulting in evacuation of a passenger train
- Damage to a tank car or container resulting in release of hazardous materials or involving evacuation of the general public
- A fatality resulting from a train accident or train incident at a highway-rail grade crossing when death occurs within 24 hours of the accident or incident
- Collision or derailment on a main line that is used for scheduled passenger service
- Collision or derailment that fouls a main line used for scheduled passenger service
- A train accident resulting in damage (based on a preliminary gross estimate) of $150,000 or more to railroad and non-railroad property
- A train accident resulting in damage of $25,000 or more to a passenger train, including railroad and non-railroad property

California Public Utilities Commission (CPUC) Reporting Thresholds

NCTD adheres to reporting thresholds and timelines to the CPUC/FTA/FRA as detailed in CPUC General Order 164-F, Section 7. This document can be found in Laserfiche at SHARED/Forms & Templates/Safety. Safety events requiring reporting per these thresholds shall be submitted utilizing the CPUC webform tool located at: Rail Transit Accident Form

12.4 Accident Investigation References

The following documents and topics are references to assist with the development of accident/incident investigation and reporting procedures:

- CPUC GO 164 Series: Rules and Regulations Governing State Safety Oversight for Rail Fixed Guideway Systems
- 49 CFR, Part 225: Railroad Accidents/Incidents: Reports, Classification, and Investigation (partially waived in FRA waiver 2002-11809 for SPRINTER)
- 49 CFR, Part 674: State Safety Oversight
- FRA Guide for Preparing Accident/Incident Reports
- U.S. Dept. of Transportation Rail Accident Investigator's Handbook
- NCTD SOP 3000.15 - *Accident/Incident Investigation - Rail*

12.5 Accident Investigation and Reporting

Accidents related to all operations or infrastructure are investigated by the NCTD Safety Department in conjunction with the department responsible. NCTD also collects and maintains accident information from other rail partners, such as BNSF and Amtrak.

A final investigation report will be submitted no later than 30 calendar days after the accident has occurred. If the investigation takes longer than this time period, an interim status report will be submitted every 30 calendar days. For contractors, NCTD may at any time choose to do a separate and independent investigation, if applicable. All accident investigations conducted by NCTD are on behalf of the CPUC (if applicable). NCTD will submit final reports to the required regulatory agency.

When necessary, a Safety Review meeting shall be conducted following unusual and/or significant incidents. Causes and contributory factors identified through the debriefing shall be analyzed, and any recurring or continuing hazards, unsafe conditions, or unsafe practices discovered shall be classified in accordance with the hazard classification procedures. The reviewing body will then issue written recommendations to address or mitigate any such conditions or practices. Recommendations will be tracked until completed or closed.

12.6 Corrective Actions Resulting from Investigations

NCTD develops corrective action plans based on the results of the investigation. Causal and contributing factors will be assessed, and any areas identified as in need of improvement may be included in a corrective action plan. All corrective actions will be input and tracked in the NCTD Safety database.

If the NTSB investigates an accident involving NCTD, the appropriate regulatory agency (FRA or CPUC) and NCTD meet to address NTSB's findings and determine the appropriate corrective actions to be taken based on those findings and other information available about the incident.

12.7 Coordination with NTSB/FRA/CPUC

When investigating accidents NCTD shall:

- Notify NTSB/FRA/CPUC staff when any additional investigation beyond the initial on-scene investigation is conducted by a team or panel, such as performing interviews, questioning witnesses, reenacting accidents, or conducting inspections, measurements, examinations, or tests
- Provide for NTSB/FRA/CPUC and San Diego County Sheriff’s Department staff's participation to the fullest extent possible, and make all information related to the accident investigation, including data from event recorders, available to staff for review
- Document in a written report for each incident investigated (except where protected by the attorney-client privilege/work product) the investigation findings, the most probable root cause of the accident, contributing causes, and recommendations for corrective action to prevent a recurrence of the accident
- Prepare a corrective action plan as a part of the investigation report or in a separate document
- Submit its final investigation report within 30 calendar days after the last day of the month in which the accident occurred, and provide an interim status update every 30 days thereafter if necessary.

13.0 Safety Data Acquisition

13.1 Safety Data Acquisition and Analysis

The objectives of safety data acquisition and analysis are to:

- Monitor overall safety performance of COASTER/SPRINTER systems
- Identify potentially hazardous or unsafe trends and take action before they cause, or contribute to the cause of, injuries, accidents, or damage
- Collect, maintain, analyze, and distribute safety data in support of this document
- Document organizational efforts to improve safety and the results thereof

13.2 Safety Data Collection

The activities of this section complement and are supported by Section 15.3, Hazard Investigation, Evaluation and Analysis. Safety statistics and data are gathered through field inspections, incidents, observations, compliance audits, and record reviews. Data is recorded in a comprehensive database, which is used for tracking both safety-related data and contract oversight activities.

External sources of safety and safety-related data will be collected from various sources such as the FRA, FTA, CPUC, and APTA. NCTD will use this information to conduct trend and comparison analysis.

13.3 Safety Performance Metrics and Targets

The Safety Department provides employees and contractors with detailed performance metrics that are utilized by all NCTD Divisions. NCTD is using statistics garnered from an internal Safety database, which collects safety and security information to compare historical data and predictively measure future performance and mitigate potential risk.

13.4 Safety Data Analysis

The safety database offers reporting features to allow users to run comparison and trending reports. Monthly, quarterly, annual, and ad-hoc reports are run by the Safety Department to examine data trends in comparison with previous time periods. The Safety Department examines reports in the following areas:

- Broad contract compliance inspection activities including internal, external, and regulatory inspections and audits
- Corrective action status for all rail modes
- Near miss and unusual occurrence activities for all modes including trespasser reports, rule violations and system failures
- Accidents and incidents for all rail modes

Any factors that reveal unsafe trends are addressed through corrective action measures.

13.5 Safety Data Reporting and Distribution

NCTD Safety Staff use results of trending and data analysis to develop various reports. A report is provided, as required, to the Chief Executive Officer at the Risk Roundtable meetings. A quarterly report is presented to the NCTD Board of Directors at a public meeting to highlight key safety performance indicators.

13.6 Safety Data Acquisition and Analysis - Responsibilities

Rail Departments shall:

- Provide the Safety Department with reports on incidents, accidents and identified hazards
- Report identified trends or concerns to the Safety Department
- Coordinate with the Safety Department on the investigation and corrective actions addressing abnormal trends involving safety concerns
- Conduct regular efficiency testing of operating and maintenance employees to monitor the safety awareness of the front-line employees
- Properly use the Safety database, as assigned, to support the integrity of the data and information and address safety and other non-compliance issues

The Safety Department shall:

- Observe efficiency testing of operating and maintenance employees with rail testing officers to monitor the safety awareness of the front-line employees
- Directly investigate or assign an investigation of potential risks discovered through monthly and other reporting activities
- Submit quarterly safety report to the NCTD Board of Directors
- Report abnormal trends and issues at each applicable Risk Roundtable meeting

Other NCTD Divisions and Departments shall:

- Regularly review and examine compliance and oversight activities
- Input compliance data related to contract oversight into the Safety database
- Analyze safety issues resulting from data trends
- Cooperate with the Safety Department and compliance personnel during regular audits and/or investigations

14.0 Contract Procurement Requirements

14.1 Procurement Activities

This section covers practices for the procurement of materials, equipment, and supplies, the evaluation of such for quality, application, and potential hazards. This section applies to the purchasing processes for operations, maintenance, and capital purchases. For details on NCTD procurement activities, please refer to PCA Department Policies and Procedures Procurement Manual.

14.2 Procurement Controls

For procurement of parts, components, supplies, and materials, NCTD requires operations and maintenance to maintain procurement quality assurance procedures. NCTD will ensure equipment and materials are in accordance with the technical specifications and requirements set forth by the project's manager or team.

14.3 Procurement Responsibilities

The NCTD PCA Department is responsible for system capital purchases, fuel, and other services that require procurement in accordance with specifications set forth by the project manager. When safety issues are identified that require capital purchases, the Safety Department will support the purchasing division and the PCA Department as needed for the timely acquisition of the items or resources necessary to implement the resolution to the concern.

15.0 Risk-Based Hazard Management Program

Safety risk management is one of the key components of SMS. This risk-based hazard management process is used to identify hazards, evaluate them, and implement actions to eliminate, mitigate or accept the hazard. A hazard is any real or potential condition that can cause injury, illness, or death; damage to or loss of a system, equipment, or property; or damage to the environment.

NCTD's hazard identification and resolution process has been implemented to ensure potential hazards are systematically identified, evaluated, and resolved during design, construction, and revenue operations. Through this process, NCTD seeks to minimize and eliminate injuries to passengers, employees, and the general public, and to prevent service delays and damage to property, equipment, and the environment.

Goals for the risk-based hazard management program are detailed this document. Performance against those goals is reviewed quarterly, at a minimum, and updates are provided to staff, contractors and the NCTD Board of Directors.

As the SMS Executive, the Deputy CEO/Chief General Counsel is responsible for administering the risk-based hazard management program.

15.1 Purpose

This section outlines NCTD's formal process used to identify, evaluate, and mitigate potential hazards associated with transit operations and maintenance. Hazards identified are analyzed for potential impact and resolved by design, procedure, warning device, or other method so that identified hazards are at a point that is ALARP.

Hazard management consists of:

- Hazard identification
- Hazard investigation, evaluation, and analysis
- Hazard mitigation, control, and elimination
- Hazard tracking

15.2 Hazard Identification

The physical and functional characteristics of the system to be analyzed are NCTD operations, maintenance, facilities, procedures, employee practices, and general contractor oversight. Knowledge of how the individual system elements interface with each other is essential to the hazard identification effort. Hazards may be identified through:

- Daily tasks and routine activities conducted by NCTD employees and contractors
- Inspections and observations conducted by the NCTD Safety Department
- Internal audits and records reviews
- External audits conducted by regulatory agencies
- Design reviews where representatives of Safety as well as Operations Divisions participate
- Hazard analyses and special reports prepared by consultants, NCTD employees, contractors, and suppliers
- Hazards that develop as a result of accidents/incidents
- Information from other transit systems or the public at large; and

- Data and information provided by an oversight authority, including but not limited to FTA, the State, or as applicable, the State Safety Oversight Agency having jurisdiction
- Data and information regarding exposure to infectious disease provided by the CDC or a State health authority
- Safety concerns identified through Safety Assurance Activities carried out under 49 CFR 673.27

15.3 Hazard Investigation, Evaluation, and Analysis

Employees are encouraged to immediately address hazards that may be easily resolved, such as a trip hazard that may be easily moved. Hazards that require more extensive measures for resolution should be elevated to managers or mode specific safety committees for corrective action. Managers and safety committees are encouraged to conduct appropriate investigations to determine the potential risk as evaluated through examining the severity and likelihood of the hazard.

Hazard Severity Categories

All identified hazards are assigned one of four severity levels:

CATEGORY NAME	LEVEL	CHARACTERISTICS
Catastrophic	1	Fatality or multiple severe injuries, severe environmental damage, total system loss, extreme financial loss to NCTD
Critical	2	Severe injury or occupational illness, significant environmental, system or equipment damage, major service disruptions, significant financial loss to NCTD
Marginal	3	Minor injury or occupational illness, minor environmental, system, or equipment damage, minor service disruption
Negligible	4	Less than minor injury or occupational illness, less than minor environmental, system or equipment damage. Insignificant service disruption.

Hazard severity is the measure of the consequence the hazard presents. The greater the potential hazard consequence, the more severe the hazard.

Hazard Likelihood Categories

All identified hazards are assigned one of five likelihood levels:

CATEGORY NAME	LEVEL	SPECIFIC INDIVIDUAL ITEM OR LOCATION	FLEET, INVENTORY OR SYSTEMWIDE
Highly Probable	A	Likely to occur with high frequency	Continuously experienced
Probable	B	Will occur many times in the life of an item or at a specific location	Will occur frequently
Possible	C	Likely to occur one or more times in the life of an item or at a specific location	Will occur several times during the life of system
Unlikely	D	Unlikely but possible to occur in the life of an item or at a specific location	Can reasonably be expected to occur during the life of system
Highly Unlikely	E	So unlikely, it can be assumed occurrence will not be experienced at a specific location	Not expected to occur during the life of system

The likelihood that a consequence associated with a given hazard will occur can be described in potential occurrences per unit of time, events, population items or activity. The hazard consequence occurrence likelihood, or frequency of occurrence, represents a qualitative judgment of the relative likelihood of occurrence of an accident caused by an uncorrected or uncontrolled hazard as a result of a particular event or series of events.

A qualitative hazard likelihood will be derived from research, analysis, and evaluation of safety data from the operating experience of NCTD or other similar transit authorities. For example, a derailment of a rail passenger vehicle is typically due to one or several events (e.g., poor construction of the trackway, vehicle over speed, rail-vehicle interface, and/or poor maintenance of the track). The term fleet or inventory in the table refers to the number of units or size of a system elements as an aggregate in the NCTD system (e.g., the number of rail crossings, collectively). Therefore, the table provides a qualitative likelihood category for a particular event occurring within the entire inventory of crossings, or at a single crossing, for example.

Hazard Risk Assessment Table

Risk assessment determines the acceptability of assuming a risk associated with a hazard, the necessity of implementing corrective measures to eliminate or reduce the hazard, or a combination of both. Hazard risk assessment involves categorization of hazard severity and likelihood of occurrence. The guidelines for determining hazard risk are presented in the tables below:

Hazard Risk Levels					
Hazard Severity	**Hazard Likelihood**				
	A - Highly Probable	**B - Probable**	**C - Possible**	**D - Unlikely**	**E - Highly Unlikely**
1 - Catastrophic	H	H	H	M	L
2 - Critical	H	H	M	M	L
3 - Marginal	H	M	M	L	VL
4 - Negligible	L	L	L	VL	VL

Hazard Risk Index	Risk Level Definitions
H	High – Unacceptable
M	Moderate – Undesirable, Decision Required
L	Low – Acceptable with Review
VL	Very Low – Acceptable without Review

Unacceptable means the hazard cannot remain as is and must be mitigated.
Undesirable means that the hazard should be mitigated, if at all possible, within fiscal constraints. Fiscal constraints are determined by the Chief Financial Officer in conjunction with the Chief Operating Officer and the SMS Executive or designee.
Acceptable with review means that NCTD management determines that the risk associated with the hazard is acceptable with proposed mitigations.
Acceptable without review means that the hazard can remain.

Hazard risk assessment is initially conducted by the reporting party in the Safety Database. Corrective actions also require the completion of an initial risk assessment by the investigator. The NCTD Safety Department reviews all hazard assessments monthly and recommends mitigation strategies. Hazards that require executive management attention for mitigation are forwarded to the applicable NCTD Risk Roundtable as discussed in Section 15.7.

15.4 Hazard/Risk Mitigation

All corrective actions for hazard and risk mitigation will be completed by the assigned department/division. The party responsible for the corrective action will analyze the hazard and develop recommendations for mitigation or elimination of the hazard. Interim measures may be implemented until the corrective action is completed. Recommendations may include the following protective measures or controls to mitigate the hazard including:

- Elimination (Avoidance)
- Substitution
- Engineering
- Administrative (including training, procedures, warnings, and awareness)
- Personal Protective Equipment

For serious hazards that represent immediate danger to life and health, employees and contractors shall take immediate action to mitigate the hazard and report to the OCC as detailed *in NCTD SOP 3000.15 – Accident/Incident Investigation*. If the hazard can't be immediately mitigated or eliminated, all employees, contractors and customers are to be removed from the affected area until safety can be assured.

The below are considered as a source for safety risk mitigation in accordance with 49 CFR 673.25(d):

- Guidance provided by an oversight authority, if applicable, and FTA
- Guidelines to prevent or control exposure to infectious diseases provided by the CDC or a State health authority

15.5 Regulatory Accident/Incident Reporting Thresholds

All accident and incident reporting must be completed by NCTD as detailed in 49 CFR Part 225.9, CPUC GO-164 Series, or 49 CFR 674, as applicable. These are the minimum regulations that must be met; however, it does not exempt NCTD from meeting all of the reporting requirements and is not all-inclusive. *Additional details may be found in NCTD SOP 3000.15 – Accident/Incident Investigation - Rail.*

15.6 Hazards and Corrective Actions Tracking

Hazards needing correction are entered and tracked in the NCTD Safety database. Corrective actions will have:

1) original finding information
2) a suggested corrective action
3) the responsible parties assigned
4) a due date identified
5) an initial risk assessment.

The NCTD safety data base is designed to provide notification of the corrective action to responsible parties as well as alert them of upcoming due dates and overdue corrective actions. Individuals assigning a corrective action and those responsible for the corrective action are expected to work together to effectively mitigate and/or eliminate the issue. All corrective actions are reviewed by the NCTD Safety Department.

Additionally, NCTD creates corrective action plans as a result of CPUC regulatory inspections utilizing the same process detailed above. Corrective Action Plans (CAPs) as a result of a regulatory inspection are due to the CPUC within 30 days of receipt and must contain all of the items listed in this section. NCTD will update the CPUC with the status of SPRINTER related CAPs every 30 calendar days for CAPs that will be open longer than 60 calendar days.

Detailed hazard identification and corrective actions tracking will support continuous safety improvement throughout the life of the rail system by quickly identifying hazards, assessing risk, and assigning corrective actions to mitigate or eliminate the hazard.

15.7 Hazards Communications and Reporting

CPUC Hazard Reporting Thresholds

Per the requirements of CPUC General Order 164 Series Section 6 (e), NCTD shall report the following hazards to the CPUC either monthly at the NCTD/CPUC Monthly Meetings or within 2 hours via the Webform as indicated by each respective item.

- Near miss collision of train with trespasser or vehicle on the rail right of way (MONTHLY)
- Near miss collision of train, hi-rail equipment, or on rail work equipment with employee, contractor, or another train (2 HOURS)
- Reports received by NCTD through the Hazard Reporting Form (MONTHLY)
- Any significant malfunction or failure of the signaling system/signal system components (2 HOURS)
- Any switch that has been run through by a rail vehicle on main line track (2 HOURS)
- Any main line authority violation defined as a de-certifiable event in the Code of Federal Regulations as outlined in 49 CFR part 240 and part 242 (2 HOURS)

CPUC and FTA Identified Hazards

Information provided by the CPUC, and FTA can be a source for hazard identification activities. The NCTD Safety Department will receive and assess the information provided by either the CPUC or FTA and report back to the applicable regulatory agency regarding the results of any activities or analysis performed.

FTA Risk Reduction Program

The Bipartisan Infrastructure Law of 2021 requires transit agencies to develop a risk reduction program to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers based on data submitted to the National Transit Database (NTD).

NCTD's safety performance measures and targets are based on the measures established under the National Public Transportation Safety Plan. A detailed list of these safety performance measures, and performance targets are found in Appendix A.

As necessary, for hazards that cannot be mitigated at the operational level, a risk-based hazard analysis is performed at the Safety Committee meetings and documented in the safety database Risks which cannot be mitigated through the Safety Committee process, may be elevated to the Risk Roundtable for review.

To reduce the number of accidents, injuries, and assaults on transit workers, NCTD mitigation efforts may include deployment of infrastructure and technology on trains including barriers to restrict the unwanted entry of individuals and objects into the workstations of operators, if the safety committee determines that such barriers or other measures would reduce assaults on transit workers and injuries to transit workers.

Safety Committee Meetings

The NCTD Safety Department hosts a joint labor and safety committee to provide an opportunity for all parties to discuss safety issues identified due to a specific event or identified but not resolved at the supervisor level. The NCTD Safety Committee is composed of 14 voting members, with an equal number of representatives from NCTD Management and labor union appointed frontline employees. Additional attendees

may be invited as needed to provide subject matter or technical expertise. The meetings are chaired by two co-chairs: the SMS Executive or designee and a frontline committee member chosen by other frontline committee members.

The Safety Committee is responsible for:

- Reviewing and approving the Public Transportation Agency Safety Plan and any updates.
- Setting annual safety performance targets for the safety risk reduction program
- Supporting the operation of the NCTD's SMS by:
    - Identifying, recommending and monitoring safety risk-based mitigations or strategies, including those in NCTD's risk reduction program, necessary to reduce the likelihood and severity of potential consequences identified through the transit agency's safety risk assessment;
    - Identifying safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended, including safety risk mitigations associated with any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program; and
    - Identifying safety deficiencies for purposes of continuous improvement as required at § 673.27(d), including any instance where the transit agency did not meet an annual safety performance target in the safety risk reduction program.

In accordance with 49 CFR 673.12(7), safety risk mitigations identified and recommended by the Safety Committee shall be included or incorporated by reference into this document.

More information on the Safety Committee is available in the NCTD Administrative Policy and Procedure SAF-2004 – Safety Committee, including the compensation policy for participation in safety committee meetings and dispute resolutions mechanisms.

The action items arising from the Safety Committee Meeting may be addressed in the following manner:

- Assign a subcommittee to research resolution scenarios or alternatives and work with department managers to implement
- Bring the hazard or unsafe condition to the attention of the appropriate supervisor or manager for internal follow-up and resolution
- Develop a specific action plan for elimination or mitigation of the hazard, and recommend a responsible party to implement the plan
- Recommend a course of action to department or executive management for elimination or mitigation of the hazard

Hazards that are not resolved by the Safety Committee meetings are elevated to the Risk Roundtable and evaluated independently to determine overall impact from a detailed risk assessment based on likelihood and severity.

Risk Roundtable

The Risk Roundtable chaired by the Enterprise Risk Manager or designee, will meet at least quarterly and includes safety representatives and management. This group looks at higher level safety trends, specific incidents, or

hazards that warrant special attention, and emphasizes any topics that require agency level risk mitigation or elimination. The Risk Register is the formal log which documents items that are deemed significant enough to warrant tracking to either mitigate or eliminate risk.

The standing agenda includes any issues not resolved at the safety committee meetings. NCTD employees that comprise the Risk Roundtable include the: Deputy CEO/Chief General Counsel/SMS Executive, Chief Operating Officer(s), Chief Development Officer, Director of Security, or their designees, and other key staff whose duties are critical to the specific mode of operations. The Risk Roundtable members may:

- Assign a subcommittee to research resolution scenarios or alternatives and work with department management to implement
- Develop a specific action plan for elimination or mitigation of the hazard, and recommend a responsible party to implement the plan
- Close the hazard on the Risk Register upon resolution

The Risk Roundtable post-meeting report notes are maintained in the NCTD document management system and are also provided in an email to attending participants, copying the Chief Executive Officer.

Quarterly Safety Reports to the Board of Directors

The Safety Department provides a quarterly report to the Board of Directors covering key safety performance metrics.

15.8 Hazard Management Responsibilities

NCTD and its contractors are required to coordinate and collaborate to support the effective management of the hazard management process. The risk-based hazard management program is administered by the NCTD SMS Executive or designee.

Rail Departments and contractors shall:

- Train employees with all, or a portion of the hazard management process based on employee job duties and responsibilities
- Conduct daily safety meetings/job briefings before employees begin duty
- Conduct and participate in monthly safety meetings
- Perform root cause analysis of accidents and incidents in coordination with the Safety Department
- Address corrective actions as assigned

The Safety Department shall:

- Train select NCTD employees and contractors on the hazard management process
- Conduct ongoing inspection activities to identify hazards
- Perform root cause analysis of incidents and risks
- Track accident and incident trends
- Track safety trends to identify developing issues
- Ensure the hazard management process is effective
- Evaluate system changes for hazards
- Assist with hazard resolution at all levels of reporting
- Address hazards that are discussed at the Risk Roundtable meeting or placed on the Risk Register
- Ensure that assigned corrective actions include the following:
    - Initial finding
    - Recommended corrective action
    - Responsible parties
    - Due date
    - Risk assessment
- Coordinate with responsible parties for the completion of corrective actions
- Review initial risk assessments on corrective actions
- Maintain a comprehensive Safety database and provide training to other divisions and contractors on its proper use

All other NCTD divisions and departments shall:

- Identify, address, report, and document hazards if able and/or notify supervisory staff or the NCTD Safety Department of hazards
- Enter accurate data into the Safety database
- Assist with the completion of corrective actions when requested
- Track corrective actions to completion

16.0 Risk-based Hazard Analysis

16.1 Risk-Based Hazard Analysis

Risk-based hazards analyses are conducted when there is an identified risk related to operating rules and practices, infrastructure, equipment, employee levels, schedules and training, management structure, or any other aspect that has an impact to passenger rail operator safety not covered by safety regulations or other federal regulations. The hazard is logged into the NCTD Safety database, and risk-based hazard analyses are completed by the Safety Departments in conjunction with the appropriate NCTD or contractor management and are retained in the NCTD Safety database. Should the risk level be deemed unacceptable, all work related to that risk will stop until appropriate mitigations are identified and implemented.

Operating Rules and Practices

The Committees below regularly various rules and practices related to operations:

The Railroad Rules Committee is an interdisciplinary group that reviews all rules related to the operation of the railroad. The interdisciplinary nature minimizes the risk associated with conflicting rules across departments. More information about the Railroad Rules Committee can be found in *NCTD Administrative Police SAF-2009 Railroad Rules Committee.*

The SOP Committee is an interdisciplinary group that reviews all of NCTD's Standard Operating Procedures (SOP). These are procedures that affect various aspects of NCTD operations, and are separate from regulatory-required railroad rules, plans, and programs. More information on the SOP Committee can be found in NCTD *SOP 3000.37 - Development and Management of SOPs*.

Any hazards identified by these Committees that cannot be immediately mitigated will be forwarded to the Safety Department for review and analysis. If necessary, the hazard will be added to the Risk Register and reviewed by the Risk Roundtable.

Infrastructure and Equipment

NCTD infrastructure and equipment will be inspected and audited per Section 6.0 Maintenance, Repair, and Inspection Program. Any hazards identified through these activities that cannot be immediately mitigated will be forwarded to the Safety Department for review and analysis. If necessary, the hazard will be added to the Risk Register and reviewed by the Risk Roundtable.

Employee Levels, Schedules, and Training

Each Division is responsible for reviewing their employee levels, schedules and training for any potential risk. Those departments that are subject to the Fatigue Risk Management Program are likewise responsible for ensuring that their staffing meets those requirements.

Management Structure

Management structure can change due to evolving needs of the organization. These changes are reviewed at the Chief Executive Officer level with the SMS Executive to identify and mitigate any potential hazards

Any other hazards that are identified which have a potential impact on railroad safety not covered by railroad safety regulations or other Federal regulations will be forwarded to the Safety Department for review and analysis. These hazards can be reported through the employee hazard reporting system, the Safety Committee, Risk Roundtable, or directly with the Safety Department.

16.2 Risk Mitigations and Hierarchy of Controls

Mitigations for any risk will follow the Hierarchy of Controls and will be considered in the following order of priority:

- Elimination: The mitigation will ensure that the hazard is eliminated, and no additional risk is present.
- Substitution: The mitigation will substitute another component that will reduce the risk related to the hazard.
- Engineering Controls: The mitigation will add engineering controls to prevent human interface with the risk, thereby reduce the risk related to the hazard.
- Administrative Controls: The mitigation will provide work process, plans, or procedure, so that when followed, will reduce the risk related to the hazard.
- Personal Protective Equipment (PPE): The mitigation will provide PPE to the employee to reduce the risk related to the hazard.

16.3 Risk Register

The risk-based hazard analysis and resulting mitigations are documented in a formal document called the Risk Register. The Risk Register details specific hazards based on analysis to determine the resulting risks related to Identified hazards. This document also details the hazards likelihood and severity, impacts, and proposed methods that will be used to mitigate or eliminate the hazard and resulting risks.

The Risk Register and post-meeting reports for Risk Roundtable meetings are maintained in the NCTD document management system and are available for review by a regulatory agency upon request.

17.0 Technology Analysis and Implementation Plan

NCTD maintains a Technology Analysis and Implementation Plan as part of its Combined System Safety Program (SSP) and Public Transportation Agency Safety Plan (PTASP). This plan establishes a structured process to identify, evaluate, implement, and monitor current or emerging technologies that mitigate hazards documented in the Risk Register.

Consistent with 49 CFR Part 673 (PTASP) and 49 CFR Part 270 (SSP), all rail transportation technology evaluations will:

- Be initiated through NCTD's Safety Risk Management (SRM) process.
- Assess safety impacts, feasibility, lifecycle costs, and cost-benefit tradeoffs.
- Consider compliance with FRA requirements (e.g., §236.1007 configuration management) and applicable industry standards (AREMA, IEEE, AAR, CPUC GO-88B).
- Be reviewed, approved, and monitored through the System Modification Review process described in Section 18.
- Undergo ongoing monitoring through Safety Assurance activities, including audits, inspections, performance target tracking, and post-implementation evaluations.

This plan is updated in conjunction with the PTASP/SSP review cycle and revised as needed to reflect changes in hazards, industry practices, funding, and regulatory requirements.

17.1 Identification of Technology to Mitigate Hazards

Hazards are identified through NCTD's Safety Risk Management process, including employee reporting, Risk Roundtable meetings, inspections and audits, and analysis of useful life in the Transit Asset Management (TAM) Plan.

Where new technology is recommended as a mitigation, the responsible Division will initiate the System Modification Review process under Section 18. This includes preparation of a Risk-Based Hazard Analysis (RBHA) and review by an Ad Hoc Committee.

For Positive Train Control (PTC)-related technologies or modifications, NCTD's PTC Configuration Control Board (PTC CCB), as established by the Configuration & Change Management Plan (CCMP), shall serve as the designated Ad Hoc System Modification Review Committee. The PTC CCB evaluates proposed modifications for alignment with regulatory requirements, the introduction and mitigation of risks and hazards, and adherence to configuration and change management principles.

If the recommended technology needs to be procured, the responsible Division, working with the NCTD Procurement and Contracts Administration Department (PCA) team, is responsible for evaluating the feasibility, cost, and scope of the proposed procurement or project. This division of responsibility ensures that all PTC-related projects are assessed holistically across safety, regulatory, financial, and technical dimensions.

All PTC-related changes must also be reviewed for consistency with NCTD's FRA-approved PTC Safety Plan (PTC SP). The PTC SP provides the governing safety case under 49 CFR Part 236 Subpart I. Any modification must demonstrate alignment with the PTC SP, and where applicable, updates will be submitted as Request For Amendment (RFA) to FRA in accordance with regulatory requirements.

Potential technologies that may be considered include, but are not limited to:

Potential technologies that will be considered include the following:

- Positive Train Control (PTC) systems and evolutions (e.g., PTC 2.0)
- Electronically-controlled pneumatic brakes
- Rail integrity inspection and warning systems
- Switch position monitors and indicators
- Trespasser prevention technology
- Highway-rail grade crossing and warning technology
- Onboard event recorders and inward/outward-facing camera systems
- Data analytics and condition-based maintenance platforms

17.2 Recommended Project List

The following projects are under consideration for implementation over the next ten years. Each project has been assessed to improve NCTD's State of Good Repair, mitigate an existing hazard, and improve the quality and reliability of rail service. Each is subject to funding availability, prioritization through Safety Risk Management process, and review under Section 18. For PTC-related projects, review and documentation will occur through the PTC CCB in accordance with the CCMP and PTC SP. For all proposed projects, feasibility, cost, and scope reviewed by PCA and the initiating Project Manager.

Priority	Project	Timing	Project Status	Funding Status	Description
1	Signal Optimization – San Diego Sub	2021	Construction	Partially Funded	Eliminate "obsolete" signal equipment to achieve signal system SoGR. Allow for implementation of future looking technologies such as PTC 2.0 and data collection to enact predictive analytics.
2	Signal Optimization – Escondido Sub	2024	Planning	Partially Funded	Eliminate "obsolete" signal equipment to achieve signal system SoGR. Allow for implementation of future looking technologies such as PTC 2.0 and data collection to enact predictive analytics.
3	San Diego Sub Crossing Fiber	2023	Concept	Unfunded	Pull fiber into all signal houses where it does not currently exist including crossings. This will allow for collection of data for predictive analytics, facilitate PTC 2.0 concepts such as wireless crossing, and allow for addition of safety features

					like CCTV cameras at all grade crossings.
4	Escondido Sub Crossing Fiber	2025	Concept	Unfunded	Pull fiber into all signal houses where it does not currently exist including crossings. This will allow for collection of data for predictive analytics, facilitate PTC 2.0 concepts such as wireless crossing, and allow for addition of safety features like CCTV cameras at all grade crossings.
5	Big Data/ Analytics and Preventative Maintenance	2024	Concept	Unfunded	Utilize Signal Optimization as well as Fiber projects to achieve data connectivity with all signal locations. Data pulled from these and other locations can be used to identify and address issues before they impact train service or the public.
6	PTC 2.0	2030	Concept	Unfunded	Monitor, investigate, and integrate new PTC technologies into NCTD's existing PTC infrastructure as they are developed and brought to market. PTC technologies and industry stands will continue to evolve to implement new functionalities enhance safety for train operations and passengers. Furthermore, the new technologies will enable rich data generation opportunities for NCTD that will drive operational excellence.
7	PTC Escondido Subdivision	2030	Concept	Unfunded	Extend the NCTD PTC system to the Escondido Subdivision which will include signal system upgrades, expansion of the PTC communications infrastructure (radio, cell, and ground fiber), modifications to the PTC back office datacenter, and PTC onboard equipment refresh.

17.3 Monitoring and Continuous Improvement

All approved technology projects will undergo post-implementation review and ongoing monitoring to ensure effectiveness:

- For non-PTC projects, monitoring will occur through the Ad Hoc Committee process under Section 18.
- For PTC projects, post-implementation monitoring, configuration documentation, and Safety Assurance evaluations will be recorded through the PTC CCB in accordance with the CCMP and the PTC SP.
- Cost, feasibility, and scope compliance will continue to be tracked by the PCA team and the responsible Project Manager through established NCTD procurement and project delivery processes.
- Safety Assurance activities will include post-inspection, deficiency correction, performance monitoring, and entry of new hazards into the Hazard Management process.

Results will be integrated into the Risk Register and considered in future technology evaluations.

18.0 Safety Assurance

Safety Assurance is one of the key components of SMS. It includes the systematic and ongoing monitoring and recording of safety performance, as well as an evaluation of SMS processes and practices. Safety Assurance ensures compliance with SMS requirements and utilizes the Safety Performance Targets to help measure these activities while providing opportunities for improving safety and minimizing risk.

NCTD ensures that Safety Assurance is maintained through efforts in three core areas:

- Safety Performance Monitoring and Measurement
- Management of Change
- Continuous Improvement

NCTD conducts Safety Performance Monitoring and Measurement through a variety of inspection/audit activities and processes including:

- Internal Safety Audits
- Facilities Inspections
- Maintenance Inspections
- Notification, Investigation and Reporting
- Safety Data Acquisition and Analysis
- Drug and Alcohol Compliance

Management of Change is conducted through the following activities:

- Configuration/Change Management Process
- System Modification and Review
- Safety and Security Certification

Continuous improvement is conducted through the following list of activities:

- Corrective Action Plans (CAPs)
- Lessons Learned
- Procedure Updates
- Employee Training

NCTD has multiple processes to facilitate continuous improvement including safety meetings, Risk Roundtable meetings and Internal Safety Audits.

Should any established annual safety performance target set by the Safety Committee under 49 CFR 673.19(d)(2) for the safety risk reduction program not be met, NCTD shall follow the procedures outlined under 49 CFR 673.27(d)(3).

18.1 Change and Configuration Management

Change management is the process and procedure used to manage significant operational changes, system extensions, system modifications or other changes that will have a direct impact on railroad safety.

Configuration Management (CM) details the process used to make configuration changes to the rail system.

CM refers to a discipline for evaluating, coordinating, approving, or disapproving, and implementing changes in a rail system. The CM process ensures there is a process to document changes from the initial concept through development, implementation, and an on-going evaluation of results.

Successful CM requires a well-defined and institutionalized set of policies and procedures to ensure that all NCTD Divisions as well as contractor staff that are affected by the configuration changes are formally notified and approve of the change.

Change Management and Configuration Management will utilize the same System Modification Review, Approval, and Implementation process which is described below. Any change that affects PTC will also go through the PTC Change Control Board in addition to System Modification process.

Rail Operations and Development Services Divisions

The Rail Operations and Development Services Divisions are the divisions primarily responsible for Configuration Management activities related to managing and documenting significant changes and/or modifications to NCTD's transportation system, and for verifying that new system elements and modifications in development are reviewed by key stakeholders at appropriate intervals for input and/or approval.

For these types of modifications to mission-critical equipment, facilities, infrastructure, and/or procedures, the Rail Operations and Development Services Divisions will ensure that:

- A comprehensive review is conducted, and approvals/signoffs are secured from key stakeholders before such changes are made
- Primary and secondary safety and functional impacts of a proposed change are identified, evaluated, and addressed early in a project's design phase
- The completed modifications are properly incorporated into the existing system
- Projects will be managed through the use of Smartsheets and implemented as directed in NCTD’s Project Delivery Manual.

Safety Department

The Safety Department shall:

- Perform an internal safety audit focused on configuration management to ensure the NCTD Rail Operations and/or Development Services Divisions provide proper oversight of this component relevant to this document and the various operating and maintenance contracts.
- Communicate any findings to the Rail Operations and/or Development Services Division for review and proper assignment of corrective actions.

18.2 System Modification Review, Approval, and Implementation

The system modification review process negates or minimizes the risk involved in acquiring new, or modifying existing systems, equipment, procedures, and service. NCTD is responsible for ensuring all projects implemented will either enhance or maintain COASTER and SPRINTER safety and are implemented in a safe manner. Where a formal Safety and Security Certification program is not required, this section shall apply for system modifications. The overall safety impact, feasibility, cost, and benefit of implementing this system modification are evaluated during the review.

18.4 System Modifications Purpose

Project plans for system modifications to rail operations, maintenance, or infrastructure will include a safety element that addresses the project's overall impact to employees and passengers' safety, as well as a safety plan to be followed during the construction/implementation of the project. The system modification review process will identify and analyze current or new technologies, systems or processes that will mitigate or eliminate hazards and resulting risks identified by a risk-based hazard analysis. These risks can be recorded and tracked in any Risk Roundtable meeting.

18.5 System Modifications Review, Approval, Implementation, and Responsibilities

The Division Chief or designee initiating the proposed change will convene an Ad Hoc System Modification Review Committee Meeting. The agenda will include a review of the project and draft risk-based hazard analysis as proposed by the Division. The Ad Hoc committee will include at least one representative of the following areas of NCTD:

- Safety
- Risk Management
- Engineering
- Office of Chief General Counsel
- Rail Operations
- Facilities
- Customer Service
- Security

Other departments may be included as needed.

The Ad Hoc committee will review the Risk Based Hazard Analysis (RBHA) and provide suggestions and comments. The final RBHA must be approved by a majority of attendees. If the RBHA is not approved unanimously by the Ad Hoc Committee, the final document must include documentation of unmitigated risks that a committee member bases their vote on. The CEO will be the final signatory on the RBHA.

The Ad Hoc committee will be reconvened throughout the life of the project as determined by the committee during the RBHA review. The follow up meetings will provide updates to the Ad Hoc Committee and present the status of any ongoing mitigations and any new risks that were not previously identified.

NCTD also has additional processes which provide for review of the project throughout the life cycle, including Right of Entry permits and Construction Design Reviews, where technical SMEs provide feedback on various

aspects of the project including risk and safety information. Input from these processes will be shared with the Ad Hoc Committee as indicated.

All activities of the Ad Hoc committee will be documented in accordance with NCTD *Administrative Policy and Procedure GM-001 Communicating Critical Business Decisions.*

All new and modified NCTD system at-grade crossings on the San Diego and Escondido Subdivisions will follow the procedures described in CPUC GO-88B, as applicable.

18.6 Evaluation of System Modifications

After system modifications have been implemented, an on-going evaluation must be performed to ensure changes to the system don't pose a safety impact or effect safety performance. This is performed by completing the project's post-inspection activities and correcting any identified deficiencies. Once these deficiencies are corrected, the Ad Hoc committee will be notified and closed out. Additionally, ongoing inspection activities and evaluation by the responsible Division and by the NCTD Safety Department will assess changes and monitor for new hazards. If new hazards are identified, they will be tracked through the Hazard Management process.

18.7 Safety and Security Certification

NCTD/SANDAG will prepare a specific Safety and Security Certification Plan (SSCP) according to applicable FRA/FTA guidelines for each of its major projects that may impact safety or security. NCTD/SANDAG verifies that all entities involved in design, construction, operation, and maintenance of all responsible projects comply with the requirements of the safety certification process. Additional details can be found in the NCTD/SANDAG Configuration Management Plan, Engineering and Construction Projects, NCTD Corridor Projects.

18.8 Safety and Security Certification Process

Project-specific SSCPs address safety/security certification management for major projects. Each project SSCP identifies the process used to verify and document conformance with safety and security requirements during design, construction, testing, and operational readiness. The SSCP includes the following:

- The hazard management process to conduct safety hazard analyses and safety hazard resolution. It includes a list of hazard analyses to be performed and submitted as required.
- A list of all safety and security design criteria that will be used in the planning, design, and construction of the project
- A list of certifiable elements and sub-elements
- A description of safety certification audits conducted in accordance with written checklists to verify compliance
- The format and list of safety certification checklists as they become available
- A list of safety certification schedule milestones
- Procedure for updates

18.8.1 CPUC Safety Certification Plans

The CPUC requires Safety Certification Plans for major projects as defined below in Section 21.0 – List of Definitions and Acronyms, related to the SPRINTER service that follow the regulatory requirements set forth in General Order 164 series, Section 11.

- NCTD shall prepare a Project specific SC Plan for each of its Projects, using applicable FTA guidelines as a reference.
- NCTD will submit the SC Plan to the CPUC for review and approval during the preliminary engineering phase.
- The SC Plan shall:
    - Address safety certification management including organizational authority and responsibilities, safety certification activities, processes and procedures, documentation requirements and responsibilities, and reporting requirements.
    - Describe the controls used to maintain effective communications and liaison with CPUC throughout the life of the Project. It shall also include procedures to obtain and adequately address Staff's written comments on safety and security design reviews conducted throughout Project development lifecycle.
    - The SC Plan shall identify the process used to verify and document conformance with safety and security requirements during design, construction, testing, and operational readiness as outlined in Section 11 of CPUC GO 164 Series.
    - The SC Plan shall include the following:
        - The hazard management process to conduct safety hazard analyses and safety hazard resolution. The document shall include a list of hazard analyses to be performed.
        - A list of all safety and security design criteria that will be used in the planning, design, and construction of Projects.
        - Certifiable elements and sub-elements list.
        - Safety Certification audits conducted in accordance with written checklists to verify compliance and judge the effectiveness of the SC Plan.
        - Format of Conformance checklists, and a list of the actual checklists as they become available.
        - Safety Certification milestones
        - Procedure for updates.

18.8.2 CPUC Safety Certification Verification Reports

The CPUC requires the submission of a Safety Certification Verification Report to verify Project compliance with the SC Plan as set forth in General Order 164 series, Section 12. NCTD shall:

- Submit the SCVR to Staff at least 21 calendar days prior to the start of service.
- The SCVR shall certify that:
    - All requirements of the SC Plan have been completed except for listed open items, if any.
    - All safety hazards have been adequately mitigated.
    - Adequate restrictions/workarounds are in place to ensure the safety of operations until open items are closed.
- The Project shall not be placed in service until the SCVR is provisionally approved by Staff via issuance of a formal letter to NCTD
- The SCVR shall include:

- Letter of Intent to Operate;
- Final Project Verification of Safety; and
- Remaining Open Items List, if any, with appropriate mitigations.

18.9 Safety and Security Certification Responsibilities

SANDAG and/or applicable NCTD staff in collaboration with the Safety Department are responsible for:

- Ensuring an SSCP is developed with the aforementioned elements
- Submitting the SSCP to the FRA (as applicable) for review and approval during the preliminary engineering phase of major safety/security critical projects and revising the SSCP as the project progresses
- Submitting all revisions to FRA or FTA staff, as applicable
- Ensuring adherence to the SSCP during the development and construction of major safety/security critical projects
- Submitting a Safety Certification Verification Report to verify project compliance with the SSCP.
- NCTD Safety as well as other NCTD Divisions are responsible for supporting safety certification through appropriate planning, reviews, testing, and validations.

19.0 Safety Culture

19.1 Safety Culture Assessment

In an effort to continuously improve its safety management system, NCTD has initiated an agency-wide Safety Culture Assessment Program (Program). This Program provides a means to evaluate NCTD's SMS maturity level, processes, and activities. A Safety Culture Assessment shall be conducted once every three years. The product of the Safety Culture Assessment will provide input for future updates of this document.

19.2 Safety Culture Assessment Surveys

The primary source of data for conducting the Safety Culture Assessment is an online employee survey.

In addition to evaluating the culture of safety at all levels throughout the organization, another purpose of the safety assessment is to evaluate this document and incorporates the four supporting components of SMS:

- Safety Management Policy
- Safety Risk Management
- Safety Assurance
- Safety Promotion

The safety assessment reviews the safety programs for each operating mode, and other relevant safety plans developed by NCTD contractors and measure the maturity level of SMS.

20.0 Internal System Safety Program Assessment

20.1 Annual Assessment

NCTD conducts an annual assessment to:

- Assess implementation of this document
- Ensure compliance with implemented elements of this document
- Review and measure achievement towards goals

The Assessment will be conducted by the NCTD Safety Department in conjunction with the NCTD Senior Legal Counsel – Regulatory Compliance. The assessment report including recommendations and comments will be presented to NCTD Division Chiefs. Any corrective actions will be assigned to the responsible NCTD Division and tracked in the NCTD Safety database.

Within 60 days of completing the Internal Assessment, NCTD will submit a copy of the assessment report to the FRA including findings and improvement plans necessary to achieve full implementation of this document as well as achieving the goals of the plan.

20.2 Internal Safety Audits (ISA)

This section outlines NCTD's ISA process instituted to self-evaluate the safety program. This section summarizes additional inspection and review activities performed by the Safety Department that augment this program.

20.3 ISA Departments and Functions Subject to Review

The following groups are subject to internal safety audits and reviews:

- Safety Department
- Rail Operations Division
- General Services Division
- Development Services Division
- People Division
- Security Department
- Contractor(s)

20.4 ISA Review Scheduling

NCTD's Safety Department performs scheduled internal safety and security audits annually to evaluate compliance and measure the effectiveness of this document. Internal safety and security audits are conducted in compliance with GO-164 Series. NCTD's Safety Department prepares and submits this schedule to CPUC at least 30 calendar days prior to the beginning of any scheduled audits. NCTD documents the internal safety and security audits performed during each calendar year within the Safety database and in an annual report provided to the CPUC.

Audits are scheduled by the Safety Department and are conducted in accordance with written checklists by personnel qualified to verify compliance and judge the effectiveness of the activity. Auditors will be independent from the first line of supervision responsible for performance of the activity being audited.

20.5 Scheduled Inspections

The following table explains the elements and responsible parties involved in internal safety reviews. This total scope is completely covered by internal safety and security audits conducted within a three-year or triennial period, and every three-year period thereafter.

Audit	Auditing Department	Audited Department	Performed in Conjunction with Bus?
NCTD Safety Plan Analysis and Review	Chief Operating Officers, Bus & Rail	Safety Department	Yes
Vehicle Maintenance Inspection - Non Revenue	Safety	Bus Operations	No
Vehicle Maintenance Inspections SPRINTER	Safety	SPRINTER MOE	No
Vehicle Maintenance Inspections COASTER	Safety	COASTER MOE	No
SSEPP ISA Process	Safety	Security / Safety Department	Yes
Hours of Service	Safety	OPS/MOS/DIS	No
System Modification Review and Approval	Safety	Development Services	Yes
SSEPP Policies, Goals, and Objectives	Safety	Security Department	Yes
Emergency Management Program	Chief Operating Officers, Bus & Rail	Safety Department & Security Department	Yes
Notification, Investigation, and Reporting COASTER	Chief Development Officer	COASTER OPS, DIS	No
Notification, Investigation, and Reporting SPRINTER	Chief Development Officer	SPRINTER OPS, DIS	No
Configuration Management and Safety in Procurement	Safety	Development Services/PCA	Yes
Hours of Service Dispatch	Safety	DIS	No
Rules and Procedures Review NCTD (Dispatch)	Safety	DIS	No
SSEPP Security of Passengers and Employees	Safety	Security Department	Yes
Hazard Management Process	Deputy Chief Operating Officers, Rail	Safety Department	Yes
Safety Data Collection and Analysis	Deputy Chief Operating Officers, Rail	Safety Department	Yes
SSEPP Managing Threats and Vulnerabilities	Safety	Security Department	Yes

Hazardous Material Program (SPRINTER)	Safety	SPRINTER MOE/MOF	No
Hazardous Material Program (COASTER)	Safety	COASTER MOE/MOF	No
Rules and Procedures Review	Safety	OPS, MOS, MOW	No
Drug and Alcohol Program COASTER OPS, MOE, DIS, MOS, MOW,	Safety	People Division	No
Drug and Alcohol Program SPRINTER OPS, MOE	Safety	People Division	No
SSEPP Investigation and Reporting Process	Safety	Security Department	Yes
SSEPP Review and Approval Process	Safety	Security Department	Yes
Track and Signal Maintenance SPRINTER	Safety	MOW, MOS	No
Track and Signal Maintenance COASTER	Safety	MOW, MOS	No
Training and Certification Review NCTD (Dispatch)	Safety	DIS	No
Passenger Rail Emergency Systems SOF	Safety	SPRINTER MOE	No
Passenger Rail Emergency Systems SMF	Safety	COASTER MOE	No
Facility Inspection SPRINTER Facility Operations	Safety	SPRINTER MOE, MOF	No
Facility Inspection COASTER Facility Operations	Safety	COASTER MOE, MOF	No
Training and Certification Review MOW, MOS, MOF	Safety	MOW, MOS, MOF	No
Roadway Worker Protection + GO 175	Safety	MOW, MOS, MOF	No
Training and Certification Review (SPRINTER) Operations, MOE	Safety	SPRINTER OPS, MOE	No
Training and Certification Review (COASTER) Operations, MOE	Safety	COASTER OPS, MOE	No

NCTD audits each of the safety program elements over a three-year period. NCTD's internal safety reviews entail an annual review of one-third of the System Safety Program elements contained in this Plan, executed each year, for three years. At the end of the three-year cycle, after all safety program elements have been reviewed, the process is completed, and the cycle begins anew the following year. Formal internal safety review schedules are created by the Safety Department and the actual review dates are coordinated with the entity under review.

In addition to NCTD's internal safety reviews, this document is available to be audited by the FRA upon request. NCTD is responsible for preparing a response to each defect or recommendation and submitting a written reply to the audit findings within 45 calendar days following receipt of the report. If the findings cannot be resolved prior to submitting NCTD's response, NCTD will develop a corrective action plan for each outstanding item. The

corrective action plan shall include the finding, noted by number and specific narrative, the proposed resolution of each finding, as well as interim methods to mitigate risk, the individual responsible for resolving the finding, and the estimated date of closure.

Unscheduled Inspections

The Safety Department performs reviews, audits and inspections of the following programs and facilities throughout the year at their discretion:

- Maintenance facilities and activities
- Station facilities
- Service operations
- Construction activities
- Employee health and safety

20.6 ISA Review Process

Development of Checklists

All internal safety audit checklists, scheduled inspection checklists, and unscheduled inspections checklists are maintained and recorded in the Safety database where findings from these audits and inspections are recorded and tracked until closure.

Issuing of Findings

Findings may be rated in the following four manners:

- NA - Not applicable
- 1 - Compliance Verified, No Deficiencies Observed
- 2 - Substantial Compliance with Exception or Comment
- 3 - Compliance Deficiency, Corrective Action Required

All findings marked as a "3" require an explanation of the finding and the development of a recommended corrective action, assigned to select responsible parties with a due date. The Safety database automatically alerts responsible parties when corrective actions due dates are approaching, or corrective actions are overdue. The person assigning the corrective action is responsible for following up and verify closure and completion of corrective actions.

20.7 ISA Reporting Requirements

The annual internal safety audit report states the results of each internal audit in terms of the adequacy and effectiveness of this document and includes the status of any subsequent findings and corrective actions. NCTD submits this report to CPUC staff prior to February 15 of each year for internal safety audits performed during the preceding calendar year.

20.7 Coordination with CPUC

The CPUC annual report is accompanied by a formal letter of certification signed by the NCTD Chief Executive Officer indicating that NCTD is in compliance with this document. If NCTD is not in compliance, the letter identifies the activities NCTD will take to achieve compliance.

CPUC reviews and subsequently approves or rejects the annual report. If rejected, CPUC staff identifies the areas in the report to be corrected, and NCTD revises the rejected report and resubmits it to CPUC staff. If NCTD does not agree with the rejection, NCTD engages in discussions with CPUC until resolution is achieved. If no resolution is achieved, NCTD will appeal to the Commission pursuant to the Commission Rules of Practice and Procedure.

The annual report will be distributed internally to applicable departments and/or contractors with appropriate follow-up activities for any open items.

20.8 ISA Responsibilities

Rail Departments and contractors shall:

- All managers and employees will cooperate with audit, inspection, and review activities conducted by NCTD, including the review of practices and documents
- Any findings resulting from internal or other audit/inspection activities will be assigned a corrective action, and contractors are expected to address assigned corrective actions effectively in a timely manner

Safety Department shall:

- In collaboration with the Senior Legal Counsel – Regulatory Compliance, will conduct ongoing audits for the areas assigned in the table provided in Section 20.4 and in accordance with the annual audit schedule
- Perform scheduled internal safety audits on NCTD rail operations, facilities, and engineering groups to ensure their oversight works in conjunction with the practices outlined in this document
- Conduct ongoing audits and internal safety audits to provide oversight in the following areas:
    - Maintenance facilities and activities
    - Station facilities
    - Service operations
    - Construction activities
    - Employee health and safety

The Chief Operating Officers for Bus and/or Rail will oversee the annual internal safety audits for activities led by the Safety Department

NCTD Division Chiefs are responsible for assigning and ensuring cooperation and coordination of Division staff with internal safety audit activities and scheduled and non-scheduled inspection activities.

21.0 List of Definitions and Acronyms Used

Accident or Safety Event

Per 49 CFR 225 accident is defined as:

(1) Any impact between railroad on-track equipment and a highway user at a highway-rail grade crossing. The term "highway user" includes automobiles, buses, trucks, motorcycles, bicycles, farm vehicles, pedestrians, and all other modes of surface transportation motorized and un-motorized;

(2) Any collision, derailment, fire, explosion, act of God, or other event involving operation of railroad on-track equipment (standing or moving) that results in reportable damages greater than the current reporting threshold to railroad on-track equipment, signals, track, track structures, and roadbed;

(3) Each death, injury, or occupational illness that is a new case and meets the general reporting criteria listed in § 225.19(d)(1) through (d)(6) if an event or exposure arising from the operation of a railroad is a discernable cause of the resulting condition or a discernable cause of a significant aggravation to a pre-existing injury or illness. The event or exposure arising from the operation of a railroad need only be one of the discernable causes; it need not be the sole or predominant cause.

(4) Occupational illness.

Per 49 CFR 673 a Safety Event is defined as:

an unexpected outcome resulting in injury or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

ALARP – As Low As Reasonably Practicable

American Public Transportation Association (APTA) – APTA is a nonprofit international association of more than 1,500 public and private sector member organizations that represents all modes of public transportation, including bus, paratransit, light rail, commuter rail, subways, waterborne services, and intercity and high-speed passenger rail. NCTD is an APTA member.

Amtrak – Operator of intercity passenger rail services on the Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor that operates over NCTD's San Diego Subdivision.

BNSF Railway – The freight railroad operating on the San Diego and Escondido Subdivisions.

California Public Utilities Commission (CPUC) – State regulatory agency that oversees and regulates railroad and rail fixed guideway safety in the State of California.

Centralized Traffic Control (CTC) – A method of train operations in which trains are authorized to occupy the main track by signal indication, and the train dispatcher remotely controls the switches and signals.

Chief Safety Officer – An adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities.

COASTER – Commuter rail service provided by NCTD that operates over the San Diego Subdivision between Oceanside and San Diego.

Commuter Rail – A passenger rail transport service that primarily operates between a city center, and the middle to outer suburbs beyond 15 km (10 miles) and commuter towns or other locations that draw large numbers of commuters - people who travel on a daily basis. Trains operate following a schedule, at speeds up to 90 mph. Distance charges or zone pricing may be used. The COASTER service is considered commuter rail.

Confidential Close Call Reporting System (C3RS) – An FRA sponsored voluntary program designed to improve the safety of railroad operations by allowing railroad employees to confidentially report currently unreported or underreported unsafe events. NCTD participates in C3RS.

Contractor – A third party that performs safety-critical tasks on behalf of NCTD.

Corrective Action Plan (CAP) – Actions or a plan of actions developed by NCTD that describes the tasks or measures implemented to minimize, mitigate, control, correct, or eliminate hazard, and the schedule for implementing those actions.

Electronic Device (ED) – Any device that makes or receives phone calls, leaves messages, sends, or receives text messages, accesses the internet, receives, or sends a global positioning system (GPS) signal, allows for uploads or downloads of data, text, or images, or requires any user action to operate. These include but are not limited to cell phones, smart phones, two-way pagers, personal digital assistants (PDA), GPS, games, iPods, iPads, portable computers, MP3 players, Bluetooth devices, any headphones or earbuds, televisions, radios, video players, as well as any similar or future devices known by different names, whether or not the device is company issued.

Emergency – An unexpected serious event or situation which requires immediate response to the urgent needs of the situation, or to maintain the security and/or integrity of the system, including, but not limited to, any of the following:

a) Any accident that meets reporting criteria for a regulatory agency
b) Any injury or illness requiring immediate medical attention, or fatality, involving persons on board a revenue vehicle
c) Threatened, attempted, or successful suicides
d) Serious threat to the security or safety of passengers and/or employees
e) Any event requiring the evacuation of a passenger train
f) Derailments on the main track or controlled siding
g) Any unplanned event causing a significant disruption of rail service which may require the arrangement of alternative transportation for NCTD system passengers

Employees – When used in this document, all executives, management, staff, labor, consultants, and contractors of NCTD working on the rail systems.

Escondido Subdivision – NCTD owned and maintained right of way extending from MP 99.3 at Oceanside Transit Center to MP 121.66 at the end of the line in Escondido.

Event - Any Accident, Incident, or Occurrence.

Federal Railroad Administration (FRA) – Agency of the U.S. Department of Transportation charged with the development, oversight, and enforcement of the Code of Federal Regulations (CFR) relating to the general railroad system in the United States.

Federal Transit Administration (FTA) – Agency of the U.S. Department of Transportation charged with the funding of transit capital and via formula, operations in the United States.

Fully Implemented – All elements of a system safety program (SSP) as described in this document are established and applied to the safety management of the passenger rail operation.

General Code of Operating Rules (GCOR) – Standardized set of rules governing the movement of trains and duties of employees in operations and maintenance of way of a railroad, adopted by NCTD and in effect on the San Diego and Escondido Subdivisions.

Grade Crossing – A designated location approved by the CPUC where a public or private roadway or pedestrian thoroughfare is authorized to cross active railroad tracks at grade. Public grade crossings are part of a public thoroughfare and are required to be equipped with approved passive signage and/or active warning devices. Private grade crossings are not intended for general public use but are for private thoroughfares with limited access which must cross the tracks.

Hazard – Any real or potential condition (as identified in a risk-based hazard analysis) that can cause injury, illness, or death; damage to or loss of a system, equipment, or property; or damage to the environment.

Hazard Analysis – Any analysis performed to identify hazards for the purpose of their elimination, mitigation, or control.

Hybrid Rail – Rail system primarily operating routes on the National System of Railroads, but not operating with the characteristics of commuter rail. This service typically operates light rail-type vehicles as diesel multiple-unit trains (DMU's). These trains do not meet FRA standards, and so must operate with temporal separation from freight rail traffic. The SPRINTER service is considered hybrid rail.

Incident – An event that involves any of the following:

a) A personal injury that is not a serious injury;
b) One or more injuries requiring medical transport; or
c) Damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

Internal Safety Audit (ISA) – An audit program used by NCTD to evaluate compliance and measure the effectiveness of this document.

Investigation – The process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.

Learning Management System – The database used by NCTD to retain training records for District employees.

Mainline – All tracks used for the purpose of the movement of passengers on NCTD vehicles. Mainline does not include storage tracks, yard tracks, or other tracks used for the purpose of storage or maintenance.

Major Projects – New rail systems or extensions, the acquisition and integration of new vehicles and safety critical technologies into existing service, or major safety critical redesign projects, excluding functionally and technologically similar replacements, with a total project cost as defined by the Federal Transit Administration.

Metrolink – Commuter rail service operated by the Southern California Regional Rail Authority (SCRRA) connecting Oceanside with the greater Los Angeles and Inland Empire areas. Operates over the San Diego Subdivision between CP Songs, MP 209.18, and Oceanside, MP 226.4, or further into NCTD territory under special arrangement.

Near Miss – A narrowly avoided accident or safety event. In railroad reporting, a near miss is any interaction with an object, vehicle, or trespasser on or near the right of way which causes the engineer or operator to adjust the controls of the rail vehicle to include braking or slowing down.

North County Transit District (NCTD) – The transit district that is responsible for providing BREEZE, LIFT, FLEX, NCTD+ bus services and the COASTER and SPRINTER rail services. NCTD is the owner of the rolling stock, infrastructure, and owner of the Escondido Subdivision and a significant portion of the San Diego Subdivision.

Occurrence - An Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

Operations Control Center (OCC) – Located at the SOF in Escondido, the OCC dispatches and supervises all train, hybrid rail and bus movements on the San Diego and Escondido Subdivisions and throughout the NCTD service area. Additionally, emergency management and service management functions are led from the OCC under the Director of the OCC.

Original Equipment Manufacturer (OEM) – A term that refers to the vendor or firm that produces transit vehicles, mainline railroad equipment and/or major subcomponents.

Passenger – A person who is on board, boarding, or alighting from an NCTD vehicle for the purpose of travel.

Passenger Rail Operation – An intercity, commuter, or other short-haul passenger rail service.

Passenger Train Emergency Preparedness Plan (PTEPP) – A plan required by 49 CFR Part 239 that describes NCTD's railroad emergency response procedures and training.

Person – An entity of any type covered under 49 U.S.C 21301, including, but not limited to, the following: a railroad, a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lesser of railroad equipment, track or facilities; any independent contractor or subcontractor providing goods or services to a railroad; any employee of such owner, manufacturer, lessor, lessee, or independent contractor or subcontractor.

Positive Train Control (PTC) – Communication-based/processor-based train control technology that provides a system capable of reliably and functionally preventing train-to-train collisions, overspeed derailments, incursions into established work zone limits, and the movement of a train through a main line switch in the wrong position.

Rail Transit Vehicle – Transit rolling stock, including but not limited to passenger and maintenance vehicles.

Risk – The composite of predicted severity and likelihood of the potential effect of a hazard.

Risk Mitigation - A method or methods to eliminate or reduce the effects of hazards.

Risk Roundtable Meetings – A committee composed of various NCTD representatives convening quarterly or as required to assure compliance with the requirements of this SSP/PTASP and address high level safety concerns with a discussion of risk based on severity and likelihood.

Roadway Worker Protection (RWP) – Safety training provided for employees whose duties include inspection, construction, maintenance, or repair of track, bridges, roadway, signals, communications systems, roadway facilities, or maintenance machinery on or near the railroad track per FRA 49 CFR 214.

Safety – Freedom from harm resulting from unintentional acts or circumstances.

Safety Assurance - Processes within a transit agency's Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Safety Certification – The series of acts or processes that collectively verify the safety readiness of a project for public use.

Safety and Security Certification Plan (SSCP) – A project-specific document developed by NCTD, which verifies that elements critical to safety are planned, designed, constructed, analyzed, tested, inspected, and implemented, and that employees are trained and follow rules and procedures, in compliance with NCTD and regulatory safety requirements.

Safety Committee – Internal safety committee consisting of staff, labor, and management. Meets periodically to address safety concerns and issues discovered through the routine operation and maintenance of the COASTER and SPRINTER system. Issues that exceed this committee's ability to resolve are referred to the higher-level Risk Roundtable meeting for review.

Safety Database – The database utilized for recording and tracking safety and security activities, including inspections, corrective actions, and accidents/incidents.

Safety Management Systems (SMS) – A comprehensive, collaborative approach that brings management and labor together to build on the transit industry's existing safety foundation to control risk better, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more carefully.

Safety Promotion - A combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.

Safety Risk Assessment - The formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

Safety Risk Management - A process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

San Diego Subdivision – NCTD operated and maintained section of right-of-way from MP 209.18 in San Diego County to MP 267.7 in the City of San Diego. NCTD's OCC, manages the dispatching duties on the San Diego Subdivision. Passenger trains operated by Amtrak, Metrolink, COASTER, and freight trains operated by BNSF, use all or portions of the San Diego Subdivision.

San Diego Trolley (SDTI) – Light rail transit lines owned and operated by MTS in and around the greater San Diego area. SDTI track parallels the San Diego Subdivision mainline between Old Town, MP 264.1, and the San Diego Santa Fe Depot, MP 267.5.

Security – Freedom from harm resulting from intentional acts or circumstances.

Southern California Regional Rail Authority (SCRRA) – Multi-county commuter rail transportation agency, based in Los Angeles, which provides Metrolink regional commuter rail service. Operates commuter trains between Los Angeles and Oceanside, partially over the San Diego Subdivision.

Storm Water Pollution Prevention Plan (SWPPP) – NCTD's program for preventing pollution caused by storm water run-off.

System Safety – A principle of safety management, developed by the U.S. Military, which recognizes that all organizational plans, programs, policies, practices, and procedures impact the safety of the system as a whole. It requires that these be developed and implemented through a review process that provides for integration of individual departmental needs with the hierarchical needs of the entire system and/or organization.

System Safety Program Plan – A document developed by the passenger rail operation that implements and supports the system safety program.

System Security and Emergency Preparedness Plan (SSEPP) – A document that details NCTD's procedure for maintaining system security as well as its procedure to lead and manage any emergency on the transit system.

Unusual Occurrence – A non-emergency event that is related to safety, the environment, health, security, or operations, which requires appropriate notification and documentation.

22.0 List of Appendices

The following documents are attached as appendices to this document:

A. Performance Targets
B. Additional Infrastructure Users Contact Information
C. NCTD Organization Chart
D. List of NCTD Standard Operating Procedures (SOPs)
E. NCTD Hazard Reporting Form
F. Post Meeting Report from Safety Committee Approving SSP/PTASP

Appendix A – Performance Targets - SPRINTER

	Safety Performance Measure	Goal for 2026
1	Measure 1a – Major Events	7
2	Measure 1b – Major Event Rate	1.35
	Collisions	3
3	Measure 1.1 – Collision Rate	0.57
	Pedestrian Collisions	2
4	Measure 1.1.1 – Pedestrian Collision Rate	0.38
	Vehicular Collision	1
5	Measure 1.1.2 – Vehicular Collision Rate	0.19
6	Measure 2a – Fatalities	2
7	Measure 2b – Fatality Rate	0.38
8	Measure 2.1 – Transit Worker Fatality Rate	0.00
9	Measure 3a – Injuries	3
10	Measure 3b – Injury Rate	.058
	Transit Worker Injuries	1
11	Measure 3.1 – Transit Worker Injury Rate	0.19
12	Measure 4a – Assaults on Transit Workers	15
13	Measure 4b – Rate of Assaults on Transit Workers (new)	2.90
14	Measure 5 – System Reliability	4,500

* All rates are based on 100,000 VRM, 518, 850 for 2026

Appendix B – Additional Infrastructure Users Contact Information

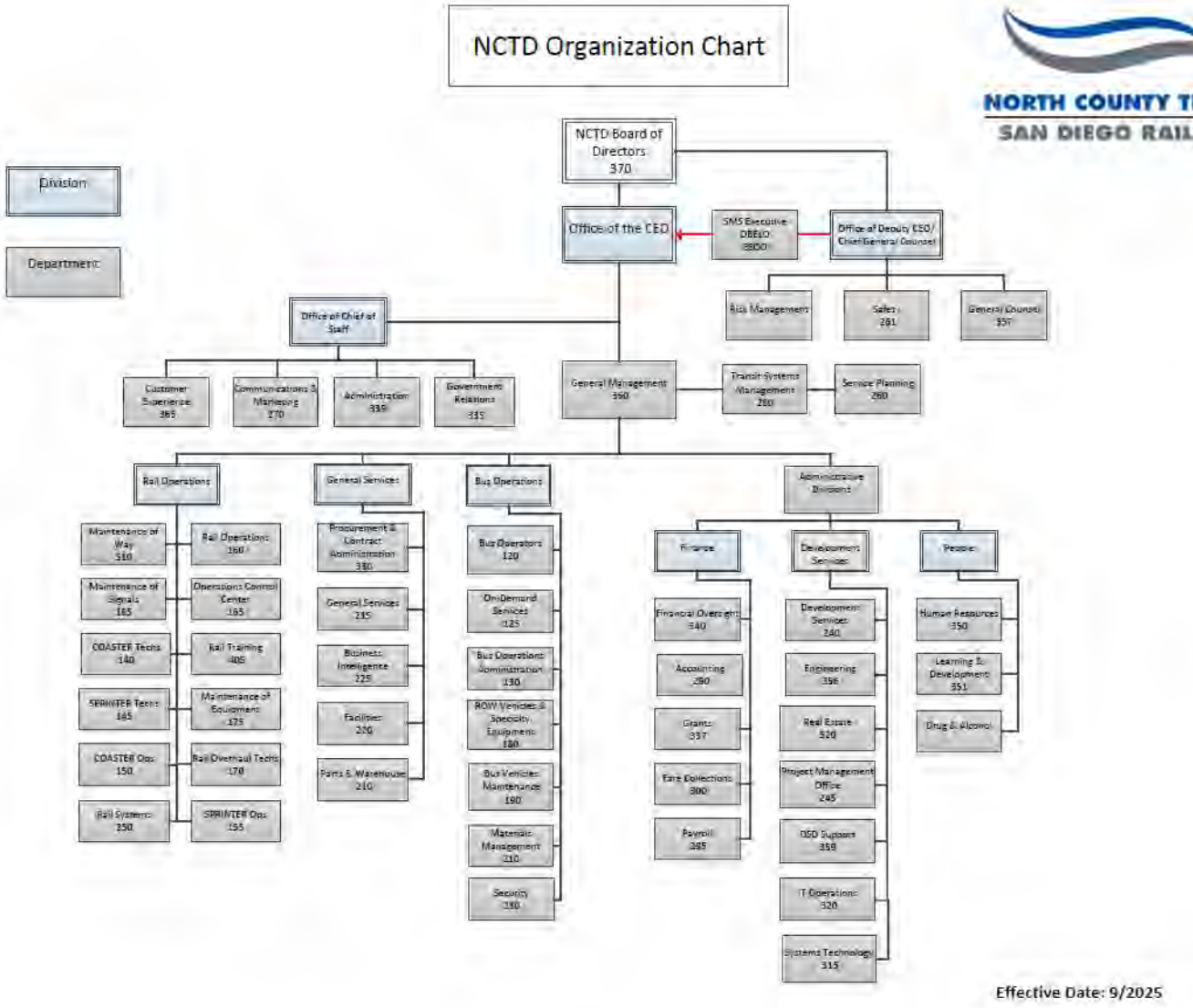
Amtrak
Justin Meko
Vice President of Operational Safety
1 Massachusetts Ave., NW
Washington, D.C. 20002
Justin.meko@amtrak.com|202.230.2416

Metrolink
Hilary Konczal
Chief of Safety, Security, and Compliance Officer
2704 N. Garey Avenue
Pomona, CA 91767

BNSF Railway
Tim Coleman
Superintendent of Safety and Operating Practices, Southern California Division
740 E Carnegie Drive
San Bernardino, CA 92408
Herbert.Coleman@bnsf.com

Jacobs Engineering
Ralph Godinez, Project Manager
(760) 422-7797
3508 Seagate Way Suite 150
Oceanside, CA 92056

Appendix C – NCTD Organization Chart



Appendix D – List of NCTD Standard Operating Procedures (SOPs)

Number	Division/Department	Title
3000.01	Safety	Use of On-Track Equipment by Third Party Contractors
3000.02	Operations	Medical Incidents/Emergencies
3000.03	Operations	Track Irregularities
3000.04	Security Department	Natural Disaster Response
3000.05	Operations	Sheltering Vehicles
3000.06	Operations	Bus Pre-Trip Inspections
3000.07	Operations	Evacuation of NCTD Facilities
3000.08	Operations	Responding to and Reporting on Derailments
3000.09	Operations	Bus Radio Communications and Reports to Dispatch
3000.10	Operations	Reporting for Work for NCTD Operations Contractors
3000.11	Operations	Hours of Service (HOS) for Contractor Employees
3000.12	Security Department	Trespassers and Intrusions into ROW
3000.13	All	Recommended Practice for Emerg. Responder Fam. of Transit Systems
3000.15	Safety	Accident/Incident Investigation
3000.16	Operations	Bicycles onboard NCTD Vehicles
3000.17	Operations	Bus In-Service Stops
3000.18	Security Department	Chem/Bio/Radio/Nuclear/Explosive Incidents
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3000.28	Safety	Safety and Security Meetings
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Appendix E – NCTD Hazard Reporting Form

NORTH COUNTY TRANSIT DISTRICT

IF THIS IS AN EMERGENCY OR IMMEDIATE ACTION IS NEEDED.

CALL (760) 966-6700 INSTEAD.

Appendix F – Post Meeting Report from Safety Committee Approving SSP/PTASP

NORTH COUNTY TRANSIT

SAN DIEGO RAILROAD

Post-Meeting Report Form

Distribution List

Lori Winfree, Alex Denis, Jeff Johnson, Francisco Perez, Robert Lawrence, Herman Guzman, Casey Klein, Maria Rogers, Porschia Wong, Wayne Sanders, Brigitte Ponce, Chris Carrillo, Jose Vargas, Brian Helms, Adrian Bueno, Gabe Puente, Rodney Adger, Elizabeth Wolf, Jaime Valadez, Karen Tucholski, Justin Richardson, Patrick Cola, Devin Wormington, Daniel Midani, Misty Calder, Tina McDermott, Marq Webb, Erina Androvich, Tommy Stewart

Meeting Topic/Title

NCTD Rail Safety Committee Meeting

Meeting Date

January 20, 2026, 1:30PM-3:30PM

Meeting Location

311 S Tremont Street, Oceanside

Meeting Participants

Lori Winfree, Jose Vargas (Teamsters), Brigitte Ponce, Karen Tucholski, Donald Mack (Teamsters), Herman Guzman (SMART), Marq Webb, Jeff Johnson (SMART), Devin Wormington, Chris Carrillo, Robert Lawrence (Carpenters), Misty Calder, Kheim Trinh, Adan Renteria, Daniel Midani, Elizabeth Wolf (SMART), Patrick Cola, Brian Pflueger, Rodney Adger (SMART)
Teams: Jorge Viramontes (Carpenters), Victor Diaz (Carpenters), Porschia Wong, Brian Helms, Glen Concepcion, Mikaela Minamishin, Mike Longoria

Summary of Discussion

1. Housekeeping

a. Safety Briefing: Brigitte Ponce
b. Sign-In/Roll Call: Brigitte Ponce- 2026 membership roster was reviewed and updated. Alternates remain pending for Robert Lawrence (SW Carpenters) and Lori Winfree (Safety).

2. PTASP 2025/2026 Goals

- 2025 YTD PTASP goal tracking and 2026 goal setting were reviewed.
- The Committee discussed increased reporting accuracy, noting that improved awareness and reporting practices (including physical and nonphysical transit worker assaults) have resulted in higher reported numbers year over year.
- Goals for 2026 were adopted; they will be added to the PTASP which will then be sent to the Board of Directors for approval.

Hazard Risk Analysis Training

- This item was deferred to the next Rail Safety Committee meeting.

3. Hazard Reports Review

- **Spot Cab Signs (Old)**
  Spot cab signs have been installed at various locations. Patrick and rail crews have verified them. Facilities added reflective tape to sign poles to improve visibility. *Closed.*
- **COASTER Windows (New)**
  MOE identified a new cleaning process, with increased NMS oversight. A new man lift will support improved access for window cleaning. *Closed.*
- **CP Rose (New)**
  Incident involving a worker fouling the track without protection. Regulatory inspector was not subject to 214. Regulatory authority agreed to coordinate with NCTD prior to fouling the ROW in the future. *Closed.*

4. Transit Worker Assaults & Security Incidents

- Chris Carrillo provided an update on transit worker assaults and security trends.
- Use of body-worn cameras by Intercon and identification of repeat offenders were discussed; Security can identify approximately 70% of repeat offenders.
- Emphasis was placed on pressing charges when appropriate and completing employee statements on the same day as the incident.
- Out of ten assaults discussed, nine were physical; seven suspects were identified and four arrests were made.

5. Follow-Up / Discussion Items

- **SPRINTER Plug-In at OTC** – Patrick Cola
  Item remains open.
- **OPS / MOE Feedback Mechanism** – Patrick Cola / Casey Klein
  A standardized three-sheet feedback process has been developed: pink copy retained by the engineer, white copy to COASTER MOE, and yellow copy to COASTER supervisors. *Closed.*
- **AED Placement – Security Office** – Brigitte Ponce
  AED placed at OTC. *Closed.*
- **MC & OCC Access / Egress Routes** – Brigitte Ponce
  Reviewed California Building and Fire Code requirements based on occupant load (49 or fewer occupants require one exit). *Closed.*
- **SMMF Bottled Water During Power Outage** – Maria Rogers
  Item remains open.
- **Security Coverage – Evening SPRINTER Service** – Chris Carrillo
  Intercon Security on swing shift (approximately 1400–2100, Monday–Friday) is boarding and riding to VTC from OTC or ETC when no Train Attendant is onboard. *Closed.*
- **Narcan for Facilities** – Daniel Midani
  Discussion included updates from APTA, planned SOP improvements, increased PPE requirements, and potential state mandates by 2028. Narcan will not be issued to personnel. NCTD is exploring implementation of sharps-resistant gloves and respirators. *Closed.*
- **C3RS Update** – Karen Tucholski
  Ron Simpson is scheduled to visit NCTD on February 3, 2026. Updates include new peer review teams and additional training opportunities across MOE, MOW, MOS,

COASTER, and Dispatch. Union representatives and potential participants will be included. Item remains open.

6. New Items / Open Forum

- Lori Winfree addressed cultural differences between SPRINTER and COASTER operations, emphasizing the need to continue strengthening rail safety culture within SPRINTER operations.

ATTACHMENT 7B

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

North County Transit District

Bus Services

Public Transportation Agency

Safety Plan

March 19, 2026

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Revision Record

Date	Revision No.	Pages Affected	Comments
February 20, 2020	Initial Publication		
May 21, 2020	Revision 1	All	Updated based on SSOA review
July 22, 2021	Revision 2	All	Annual review and updated based on requirements of CPUC GO 175 Series
January 19, 2023	Revision 3	All	Annual review and updated based on organizational changes and Bipartisan Infrastructure Law of 2021 requirements.
November 8, 2023	Revision 4	All	Updated with administrative changes only.
May 16, 2024	Revision 5	All	Annual review and update to remove SPRINTER, which will have its own PTASP that is combined with the FRA System Safety Program.
May 15, 2025	Revision 6	Various	Updates for organizational changes and regulatory requirements
September 18, 2025	Revision 7	Various	Updates based on bus in-house transition
March 19, 2026	Revision 8	Various	Annual safety target update; general updates based on organizational changes

1.0 Safety Management Policy

Safety is a core value and NCTD is committed to implementing, maintaining, and constantly improving safety processes to ensure, to the maximum extent possible, that its activities are supported by an appropriate allocation of agency resources.

Employees at all levels are accountable for the delivery of the highest level of safety performance, starting with the Chief Executive Officer and continuing throughout the agency including contractors and their employees. This Public Transportation Agency Safety Plan (PTASP) serves as a guiding policy document describing the agency's approach to managing risk and pro-actively addressing safety for all bus services (BREEZE, FLEX, LIFT, NCTD+). It is based on the four components of Safety Management:

- Safety Management Policy
- Safety Risk Management
- Safety Assurance
- Safety Promotion.

This plan provides evidence of NCTD's commitment to the following safety objectives:

1. **Support** the management of safety by providing appropriate resources to foster an organizational culture that encourages safe operational practices, effective safety reporting and communications, and pro-actively manages safety with equivalent attention to results as other management systems.
2. **Enforce** the management of safety as an explicit responsibility of all NCTD employees and contractors.
3. **Clearly define** for all NCTD employees and contractors their accountabilities and responsibilities for the delivery of safe transit operations.
4. **Operate** a safety reporting program as a fundamental tool in support of hazard identification and safety risk evaluation activities to eliminate or mitigate the safety risks of the consequences of hazards resulting from transportation activities to a point that is As Low As Reasonably Practicable (ALARP).
5. **Ensure** that no action will be taken against any NCTD employee or contractor employee who voluntarily discloses a safety concern through the safety reporting system, provided that such disclosure does not indicate, beyond a reasonable doubt, an illegal act, gross negligence or a deliberate or willful disregard of regulations or procedures by the reporting party.
6. **Comply** with and whenever possible and practicable, exceed any applicable legislative or regulatory requirement or standard.
7. **Ensure** that sufficiently trained and skilled staff are available and assigned to manage the NCTD PTASP.
8. **Ensure** that all NCTD employees and contractors are formally made aware of adequate and appropriate safety management information, trained properly on safety requirements, and are competent in the PTASP policies and procedures, as well as being only assigned to safety related duties that commensurate with their skills and training.

9. **Establish and measure** NCTD's safety performance against realistic safety performance indicators and targets including those established by the National Public Transportation Safety Plan (NPTSP).
10. **Improve**, on a continuous basis, NCTD's safety performance through management processes that ensure appropriate safety action is taken in a timely fashion and is effective when implemented.

The Bus Safety Committee is responsible for supporting the development, management and implementation of this PTASP as described further in Section 4.3 – *Strategic Communications and Coordination* of this document and in NCTD Administrative Policy SAF-2004 – Safety Committee. NCTD's Deputy CEO/Chief General Counsel is the designated SMS Executive and is responsible for the overall management and daily implementation of this PTASP; however, it is everyone's responsibility to actively promote a culture of safety from within.

This policy statement will be posted on employee bulletin boards at NCTD facilities and will be revised (if applicable) during the PTASP annual review.

_____

Priya Bhat-Patel Date
Board Chair
North County Transit - San Diego Railroad

_____

Shawn M. Donaghy Date
Chief Executive Officer
North County Transit - San Diego Railroad

_____

Lori A. Winfree Date
Deputy Chief Executive Officer/Chief General Counsel
SMS Executive and Safety Committee Co-Chair
North County Transit - San Diego Railroad

2.0 PTASP Goals, Objectives, Scope, and Authority

2.1 Goals

The overall goal of the PTASP is to identify, eliminate, minimize, and control safety hazards and their attendant risks to a point that is As Low As Reasonably Practicable (ALARP). NCTD will accomplish this by establishing requirements, lines of authority, levels of responsibility, accountability, and methods of documentation and communication throughout the Agency.

This PTASP serves as a framework to implement the following four components of a Safety Management System ("SMS"):

1. Safety Management Policy – including safety accountabilities and responsibilities, integration with public safety and emergency management, and documentation and records.
2. Safety Risk Management – including hazard identification and analysis, risk evaluation and mitigation based on a pre-defined decision process.
3. Safety Assurance - including safety performance monitoring, internal safety audits, accident investigations, employee reporting systems, and safety certification and configuration management.
4. Safety Promotion – includes communication of safety information to employees and training to achieve and maintain competencies.

2.2 PTASP Goals, Objectives, Scope, and Authority

Specific goals of the PTASP are:

- To continuously enhance the culture of safety and increase safety awareness and foster accountability and responsibility for our transportation systems by incorporating the use of a Safety Management System (SMS).
- Present a clear approach to being continuously proactive in the endless cycle of identifying and managing safety risks through the continual improvement of management processes.
- To place safety as the most important criterion in the development and execution of NCTD's business plans, programs, and initiatives.
- To encourage and facilitate open lines of communication amongst NCTD employees, contractors, and management.
- To continue to educate and familiarize NCTD employees and contractor staff with the SMS and the culture they are required to live by.
- To establish and promote safety as a core value throughout NCTD in all management decision-making and service delivery activities for the BREEZE/FLEX/LIFT/NCTD+ bus services. The safety culture is promoted at all levels and all employees and contractors are held accountable, from the Board of Directors down to the field level employee.
- To incorporate a safety program that will provide the highest level of training for NCTD employees and contractors.
- To track and trend all relevant material such as training records, training programs, accident data, incident logs, inspection records, and internal audit findings to ensure that NCTD staff understands the history of its deficiencies and the direction needed to improve on those areas moving forward.

2.3 Plan Objectives

The SMS Executive or designee is responsible for ensuring that the following objectives are achieved and sustained to provide a safe environment for passengers, employees, and the public at large. The objectives of the PTASP are to:

- Serve as the Chief Executive Officer's designee for oversight and execution of PTASP responsibilities.
- Provide an overall safety management methodology that coordinates the various programs, policies, and procedures affecting NCTD's operations system in order to reduce risks and maximize safety.
- Provide a level of safety in transit services that is comparable to or exceeds industry standards.
- Achieve and maintain a level of safety in employees' work environment comparable to or well above that of other organizations in the transit industry.
- Identify, manage, mitigate, and/or control potential hazards that may exist in NCTD's system to a point that is ALARP.
- Maintain compliance with the applicable requirements of regulatory agencies.
- Maximize continuing safety by affecting the design and configuration of future growth in services and infrastructure.

2.4 Plan Control, Revisions, and Updates

This PTASP is a living document subject to update or revision as needed to meet the evolving safety needs of bus operations and maintenance. Revisions and updates will be issued by the NCTD Safety Department as necessary and will supersede previous pages or editions. At a minimum, the PTASP shall be reviewed on an annual basis no later than the fourth quarter of the calendar year for any updates and revisions, however, reviews may be conducted more frequently if needed. The PTASP review will incorporate updates recommended by NCTD Divisions/Departments including Safety, Development Services and Bus Operations, as well as the Bus Safety Committee. The PTASP is approved by the NCTD Bus Safety Committee, followed by the Chief Executive Officer, Deputy Chief Executive Officer/Chief General Counsel/SMS Executive and the NCTD Board of Directors via signature.

The responsibility for implementation, distribution, control, and update of the PTASP resides with NCTD's SMS Executive or designee.

2.5 Scope

The PTASP encompasses the safety activities associated with NCTD operations and maintenance for the BREEZE/FLEX/LIFT/NCTD+ bus service.

This PTASP has been prepared in accordance with NCTD's standards and plans, as provided in Section 2.8 Applicable Documents, and complies with the requirements in Federal Transit Administration (FTA) 49 CFR Part 673, Public Transportation Agency Safety Plan (PTASP). NCTD receives federal funding under 49 U.S.C. §5307, §5337 and §5339.

Additional guidance has been provided by the FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan. NCTD will comply with any minimum safety performance standards authorized under 49 U.S.C. 5329(b)(2)(C).

2.6 Authority

The North San Diego County Transit Development Board (NSDCTDB) was created by California Senate Bill 802 on September 20, 1975, and was renamed the North County Transit District (NCTD) in January 2006. NCTD 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 state law was enacted (SB 1703) that essentially transferred future transit planning, programming, development, and construction to the San Diego Association of Governments (SANDAG), San Diego County's Regional Planning Agency.

NCTD provides integrated public transit service in North San Diego County with its BREEZE buses, FLEX on-demand, LIFT ADA-certified paratransit, NCTD+ micro transit, COASTER commuter rail, and SPRINTER hybrid rail modes of transportation.
Bus services carry passengers in the north San Diego County region from Oceanside to Del Mar, northeast to Escondido, east to Ramona, north to Fallbrook - and service for Camp Pendleton Marine Corps Base. Two facilities located in Oceanside and Escondido support BREEZE, LIFT, FLEX and NCTD+ micro transit operations. The region is more than 1,020 square miles in area and has a population of more than 840,000 people. NCTD's headquarters is located in Oceanside. The SPRINTER Operations Facility (SOF) is located in the City of Escondido. SOF also houses the Operations Control Center (OCC) which hosts the dispatching center for both sub-divisions as well as service management and dispatching for BREEZE fixed route service.

2.7 Compliance

This PTASP applies to all personnel whose work brings them into contact with BREEZE, FLEX, LIFT, or NCTD+ services in the NCTD system, including but not limited to NCTD employees for all bus services. All personnel affected are governed by, and must be fully compliant with, the requirements of this PTASP as it applies to their respective duties while working on or within the NCTD system.

2.8 Applicable Documents

The following documents were used in preparation of this Plan or are referenced and provide related information.

1. Safety Management System Manual Public Passenger Transportation Systems, March 2016.
2. Public Transportation Safety Certification Training Program. FTA. Code of Federal Regulations, Chapter 49, Part 672
3. Public Transportation Agency Safety Plan. FTA. Code of Federal Regulations, Chapter 49, Part 673
4. Standard Practice for System Safety. U.S. Department of Defense, MIL-STD-882D.
5. Handbook for Transit Safety and Security Certification. U.S. Department of Transportation. FTA.
6. California Vehicle Code

7. Federal Motor Vehicle Safety Standards
8. NCTD System Security and Emergency Preparedness Plan (SSEPP)
9. NCTD Emergency Response Plan (ERP)
10. NCTD Standard Operating Procedures (SOP), Series
11. NCTD Injury and Illness Prevention Program (IIPP)

3.0 System Description and Organization Structure

3.1 System Overview

NCTD provides public bus transportation services primarily within the northern San Diego County region including the cities of Oceanside, Carlsbad, Encinitas, Solana Beach, Del Mar, San Diego, Vista, San Marcos, and Escondido, as well as to large unincorporated areas of the county and Camp Pendleton Marine Corps Base. NCTD is governed by a Board of Directors composed of one member of each of the city councils of the cities of Carlsbad, Del Mar, Encinitas, Escondido, Oceanside, Solana Beach, San Marcos, and Vista, one member from the San Diego County Board of Supervisors, and one non-voting member from the City Council of the City of San Diego.

NCTD directly manages bus operations and maintenance functions.

- BREEZE consists of 30 fixed bus routes serviced by a fleet of 152 buses. NCTD is the owner of the bus transit vehicles and associated supporting facilities.
- FLEX is an on-demand service (reservations required) with three routes in parts of Ramona and Camp Pendleton where BREEZE service is not available, as well as via the Sorrento Valley COASTER Connector service. FLEX vehicles take passengers anywhere within the FLEX zone or to the nearest transfer point on the BREEZE, COASTER, or SPRINTER. FLEX has three different service models: on-demand, deviated fixed-route, and point-deviated fixed-route. FLEX on-demand routes take passengers anywhere within the FLEX Zone. FLEX deviated fixed-route service has a set schedule and route but can deviate from the route up to a certain distance to pick-up or drop-off customers. FLEX point-deviated fixed-route has a set schedule and can deviate to certain points along the route. Reservations are required at least 30 minutes in advance for any on-demand service and allowable deviation.
- LIFT vehicles provide curb-to-curb service for people with disabilities who are unable to use BREEZE buses due to their disability and have been certified for eligibility. Service is available for trips within 3/4 mile of fixed bus routes. LIFT services require a reservation.
- NCTD+ is an on-demand transit service that provides shared rides within a service zone. The service is available to all riders and uses ADA accessible vans that can seat up to eight passengers.

3.2 Additional Infrastructure Users

Users of the NCTD's bus systems are the following:

San Diego MTS – San Diego transit operator interfaces with NCTD Bus and Rail at the Escondido Transit Center via Rapid Ride bus route services.

Greyhound Bus: Long distance bus operator Greyhound interfaces with NCTD bus and rail at the Oceanside Transit Center.

FLiXBUS: Long distance bus operator that interfaces with NCTD bus and rail at the Oceanside and Escondido Transit Centers.

3.3 Bus Fleet

BREEZE

The BREEZE bus fleet consists of 152 buses which are a mix of diesel, CNG, battery electric, and fuel cell electric vehicles. NCTD began operating battery electric buses and hydrogen fuel cell electric buses in FY2025.

LIFT

The LIFT fleet consists of 30 vehicles that are a mix of Ford Transit and E450 models.

FLEX

The FLEX fleet consists of 19 vehicles and is a mixture of 35' New Flyer CNG buses and Ford cut-away buses.

NCTD+

There are an additional 10 vehicles used for the NCTD+ Microtransit service.

3.4 Facilities

The General Services Division (GSD) maintains NCTD's facilities which are necessary to support the NCTD bus services including the following:

General Administrative Offices (GAO): GAO is NCTD's administrative headquarters, located at 810 Mission Avenue in Oceanside. GAO houses NCTD's administrative, financial, operations, planning, safety, , development services and executive management functions.

Oceanside Transit Center (OTC): OTC is located at 195 S. Tremont Street, in Oceanside. OTC is the primary hub for all NCTD modes including BREEZE, SPRINTER, COASTER, FLEX, and LIFT services. Located within OTC in Oceanside, the Security Monitoring Center (MC) is staffed 24 hours a day, 7 days a week by Control Center Technicians who monitor NCTD's closed-circuit TV (CCTV) security cameras and communications throughout the District. The MC is the central location for transportation system security, and emergency response coordination. Customer Experience is also housed at OTC.

311 S. Tremont Ave.: The building at 311 S. Tremont Avenue in Oceanside, CA is home to NCTD's Facilities Department.

SPRINTER Operations Facility (SOF): Located at 1021 West Washington Avenue in Escondido, CA, the SOF is the principal location for SPRINTER operations and maintenance; it also houses the Operations Control Center (OCC). The OCC is staffed 24 hours a day, 7 days per week and is responsible for rail and bus dispatching, emergency communications, and on platform customer service communications.

Bus Operations West (BOW): BOW is located at 303 and 305 Via Norte, Oceanside, CA, and serves as one of two bus hubs for operations and maintenance. NCTD operates and maintains approximately 65% of the bus fleet from this location.

Bus Operations East (BOE): BOE is located at 755 Norlak Avenue, Escondido, CA, and serves as one of two bus hubs for operations and maintenance. NCTD operates and maintains approximately 35% of the bus fleet from this location.

3.5 Transit Centers

The BREEZE bus system connects to all SPRINTER stations except Civic Center/Vista. Significant connections include:

- Oceanside Transit Center: listed above in Section 3.4
- Vista Transit Center: 240 N. Santa Fe Rd., Vista, CA 92083
- Escondido Transit Center: 796 W. Valley Parkway, Escondido, CA 92025

Additional BREEZE-only transit centers are:

- Plaza Camino Real Transit Center – Carlsbad (2525 El Camino Real, Carlsbad, CA 92008)
- San Luis Rey Transit Center – Oceanside (5091 North River Rd., Oceanside, CA 92057)
- Del Lago Station – Escondido (3310 Del Lago Blvd., Escondido, CA 92029)

3.6 NCTD Organizational Structure, Authority, Accountability, and Responsibility

NCTD's operations are led by the Chief Executive Officer, who reports to the Board of Directors. All NCTD employees have general safety-related tasks under the PTASP. NCTD's Organizational Structure is detailed in Appendix A.

NCTD Chief Executive Officer

As the Accountable Executive, has the following authorities, accountabilities, and responsibilities:

- Control and direction over human and capital resources needed to develop and maintain both the PTASP in accordance with 49 USC 5329 (d), and the Transit Asset Management (TAM) Plan in accordance with 49 USC 5326
- Designate a Chief Safety Officer/SMS Executive in accordance with 49 CFR 673.23(d)(2)
- Monitor safety performance of NCTD and its contractors
- Address substandard performance under the PTASP
- Maintains ultimate responsibility for carrying out NCTD's PTASP
- Execute the NCTD TAM Plan
- Establish and implement the PTASP
- Implement safety risk mitigations for the safety risk reduction program and consider other safety risk mitigations recommended by the Safety Committee and included in the PTASP per 49 CFR 673.23(d) (see also SAF-2004 – Safety Committee Policy)

Under the guidance of the Chief Executive Officer, NCTD Division Chiefs have the following authorities, accountabilities, and responsibilities:

- Allocate appropriate resources to accomplish PTASP goals and objectives
- Maintain responsibility for functional area oversight and day-to-day operations
- Remain compliant with programs and processes identified in the PTASP

SMS Executive

The NCTD SMS Executive is responsible for the daily implementation of the PTASP, is adequately trained and does not serve in any other capacity in operations or maintenance. The SMS Executive reports directly to the CEO/Accountable Executive and the Board of Directors regarding safety matters and has the following authorities, accountabilities, and responsibilities:

- Implementation of PTASP and operation of NCTD's SMS
- Ensure action is taken to address substandard safety performance
- Advise NCTD Chief Executive Officer on safety related items
- Ensure NCTD policies are consistent with PTASP objectives

Office of Chief General Counsel

NCTD's Deputy CEO/Chief General Counsel is appointed by and reports directly to the Board of Directors. The Office of Chief General Counsel provides compliance oversight for all agency activities and divisions, including safety and security, through the Comprehensive Compliance and Oversight Program (CCOP). The Senior Legal Counsel - Regulatory Compliance, who is part of the Office of Chief General Counsel, facilitates coordination for additional regulatory audits and inspections. The Safety Department reports to the Deputy CEO/Chief General Counsel who serves as NCTD's SMS Executive. In addition to oversight for the Safety Department, the Office of Chief General Counsel supports achievement of safety program goals and objectives through the Risk Management and Regulatory Compliance functions, oversees the drug and alcohol program, and provides overall legal support and guidance on safety matters as needed. The Security Department and People Division also report to the Deputy CEO/Chief General Counsel.

Safety Department

The Safety Department is dedicated to maintaining the highest standard of safety for NCTD operations and facilities to ensure that NCTD's customers, employees, and the public are not exposed to an unacceptable level of risk. One primary focus of this Department is to prevent or mitigate accidents and injuries by identifying hazards, analyzing safety data to determine trends, and using trend analysis to resolve hazards. The Department also conducts internal inspections and audits to verify that the agency is compliant with federal and state regulations. The Department fosters a positive culture of safety at all levels of the organization both for employees and contractors.

Specifically, the Safety Department:

- Issues and maintains this document and NCTD's SMS
- Promotes the Culture of Safety
- Participates in the Risk Roundtable meetings
- Oversees the Hazard Management Process
- Collects and analyzes safety data
- Oversees the accident/incident notification, investigation, and reporting
- Manages the Internal Safety and Security Audit (ISSA) program
- Assures SSP/PTASP compliance/procedures review
- Conducts safety reviews/inspections
- Ensures compliance with safe and healthy work practices by employees and contractors
- Communicates with employees regarding occupational health and safety issues

- Identifies, evaluates, and corrects hazards in a timely manner
- Assists other departments in resolving hazards
- Ensures that accidents, injuries, and illnesses are investigated and that recommendations for corrective actions are developed and implemented as warranted
- Ensures compliance with local, state, and federal safety requirements

The Safety Department is comprised of the following staff:

- SMS Executive or designee
- Rail System Safety Specialist
- Bus System Safety Specialist
- Management Analyst, Audit Compliance
- Safety Trainer

Security Department:

The Director of Security reports to the Deputy Chief Executive Officer/Chief General Counsel and is responsible for all security related events and activities throughout the NCTD system, including bus and rail. Security Department staff support achievement of safety program goals and objectives related to transit worker assaults through proactive security measures and training of staff throughout the District on the System Security Program. The Security Department also manages scheduling and coordination of NCTD Emergency Preparedness exercises.

People Division

NCTD's Chief People Officer oversees the Human Resources and the Learning and Development Departments.

Bus Operations Division

The Chief Operating Officer – Bus reports directly to the Chief Executive Officer. This Division includes Bus Operations and Bus Fleet Maintenance Departments. The Bus Operations Division oversees the operation of NCTD's bus modes (BREEZE, LIFT, FLEX, and NCTD+).

Finance Division

The Chief Financial Officer reports directly to the Chief Executive Officer. This Division includes the Grants, Accounting, Payroll, and Fare Collection Departments.

Development Services Division

NCTD's Chief Development Officer reports to the Chief Executive Officer. The Development Services Division (DSD) includes the Project Delivery, Engineering, Land Use, Planning and Asset Control, Maintenance of Way, Maintenance of Signal and Information Technology Departments.

Office of the Chief of Staff

The NCTD Chief of Staff reports to the Chief Executive Officer. The Office of the Chief of Staff includes the Administration, Government Relations, Communications & Marketing, and Customer Experience Departments.

Key Staff including supervisors and managers who directly oversee a division, department, or facility have the following authorities, accountabilities, and responsibilities:

- Accountability for maintaining the program within their area of responsibility
- Accountability for compliance with processes identified in the PTASP
- Maintaining required documentation that is identified in the PTASP
- Implementing corrective actions in a timely manner
- Verifying PTASP compliance and report deficiencies to the NCTD Safety Department

3.7 NCTD Oversight

NCTD seeks to continuously enhance a strong culture of safety within its own organization. The key to the SMS approach is the oversight in the areas of transportation operations, equipment maintenance, and infrastructure construction via coordination with the NCTD Safety Department staff. Communication is maintained with managers and supervisors through regular morning conference call briefings, Safety Committee meetings, Risk Roundtable meetings, and regular departmental oversight and document review as determined by the functional area managers. In the performance of oversight duties, documents can be requested at any time and will be made available within a reasonable time. Any identified problems and concerns will be discussed, and an action plan developed as soon as practical. All problems and/or concerns that have not been appropriately addressed through applicable NCTD Safety Committee meetings which expose the agency to significant risk, may be elevated to the Risk Roundtable meeting. All hazards and corrective actions are documented in NCTD's safety database.

Furthermore, NCTD's Office of Chief General Counsel, through the implementation of the CCOP, provides additional compliance reviews and oversight as it relates to NCTD's operations and maintenance activities and ensures all internal requirements and practices are executed as intended and to a satisfactory level.

4.0 Program Implementation

4.1 Responsibility for the PTASP

The NCTD Chief Executive Officer is the PTASP Accountable Executive and ensures that the NCTD SMS is effectively implemented throughout the transit system. The SMS Executive is responsible for the content, maintenance, and dissemination of this plan. The PTASP is a living document, available for review by all NCTD employees. Comments and revisions may be submitted to the SMS Executive or designee for evaluation and inclusion in the next iteration of the plan. The signed copy of the current plan will be maintained in the Records repository in Laserfiche. All SMS related documents will be maintained for a minimum of four years after they are created.

4.2 Continuous Plan Evaluation

During the course of internal audit activities or the issuance of new regulations or recommended industry wide practices, the Safety Department will continuously evaluate the relevancy and applicability of this PTASP.

All revisions will be noted in the revision record at the beginning of the document. If any revision requires a change in process, a notice will be disseminated to appropriate personnel explaining

- The document change
- The reason for change
- The impact on any job functions.

NCTD employees will be notified of a substantially revised plan via email.

The revised plan will be disseminated by one or more of the following methods: delivered as a hard copy and/or emailed as a soft copy to each relevant operating department or available through a request from the Safety Department.

The FTA, other federal entities, and the California Public Utilities Commission have access to review any SMS documentation maintained by NCTD upon request.

4.3 Strategic Communications and Coordination

NCTD maintains a Safety Communications Plan that is consistent with the requirements of SMS. The Safety Communications Plan supports the timely and effective notification and communication between NCTD and its key stakeholders that includes customers, contractors, and the general public. Communications and coordination between NCTD, other system users, and interested parties, both internal and external, is facilitated through:

Safety Meetings: Bus Operations conducts Safety Meetings on a regular basis. Currently, meetings are bi-monthly but are subject to future revision based on operational needs. These safety meetings allow all bus employees to learn about important safety information. Multiple meetings in both divisions are scheduled to allow all staff to attend. NCTD's Safety Department staff attend and actively participate in these meetings.

NCTD Bus Safety Committee Meeting:
NCTD holds a joint management-labor Bus Safety Committee Meeting at least quarterly. This safety Committee is responsible for the following:

- Identifying, recommending and monitoring risk-based mitigations or strategies, including those in NCTD's risk reduction program, necessary to reduce the likelihood and severity of consequences identified through NCTD's safety risk assessment
- Identifying mitigations or strategies that may be ineffective, inappropriate, or were not implemented as intended
- Identifying safety deficiencies for the purposes of continuous improvement.

Based on the Bipartisan Infrastructure Law (BIL) of 2021, the Safety Committees will also:

- Determine for bus operations if barriers or other measures would reduce assaults and injuries to transit workers
- Establish performance targets for the risk reduction program using a three-year rolling average of data submitted to the National Transit Database.

The Safety Committee will participate in the PTASP review and update process, including providing any input or recommendations for revisions.

Further information regarding the operation of the Safety Committee, including dispute resolution mechanisms, is included in NCTD Policy SAF-2004 – Safety Committee.

More information regarding hazard identification and mitigation can be found in Section 7.7. In accordance with 49 CFR 673.12(7), safety risk mitigations identified and recommended by the Safety Committee shall be included or incorporated by reference into this document.

NCTD Risk Roundtable Meeting: This quarterly meeting is led by the Risk Management team within the Office of Chief General Counsel and includes bus and rail staff as well as other stakeholder departments. This group looks at higher level safety trends, specific incidents, or hazards that warrant special attention, and emphasizes any topics that require agency level risk mitigation or elimination. The Risk Register is the formal log which documents items that are deemed significant enough to warrant tracking to either mitigate or eliminate risk.

More information can be found in Section 7.7.

Chief Executive Officer and SMS Executive: The SMS Executive briefs the Chief Executive Officer on a monthly basis, at minimum, on all safety issues, concerns, and activities.

4.4 Safety Culture Assessment Surveys

In an effort to continuously improve its PTASP, NCTD has initiated an agency-wide safety culture assessment program. This program provides a means to evaluate NCTD's SMS maturity level, processes, and activities. A safety culture assessment shall be conducted once every three years. The product of the safety culture assessment will provide input for future updates of the PTASP.

In addition to evaluating the culture of safety at all levels throughout the organization, another purpose of the safety assessment is to evaluate NCTD's PTASP which incorporates the four supporting components of SMS:

- Safety Management Policy
- Safety Risk Management
- Safety Assurance
- Safety Promotion

The safety assessment reviews the safety programs for each operating mode, and other relevant safety plans developed by NCTD and measures the maturity level of NCTD's Safety Culture.

4.5 Public Safety Outreach

NCTD will provide safety information to passengers and public utilizing the three "E's" of safety: Education, Engineering and Enforcement.

Educational opportunities for the customers and public will include relevant safety information in the Rider's Guide, on the NCTD website, part of newsletters and mailings, advertising, and community events.

4.6 External Oversight Agencies

Each of the NCTD modes of operations has specific external oversight agencies responsible for auditing and reviewing the safety programs. The FTA and California Highway Patrol (CHP) provide oversight of the bus system's safety and security programs.

5.0 Emergency Management Program

Natural and manmade events can impact transit operations at any time and place. Life safety is and will always be the top priority during emergency response efforts. This section reviews the key elements of NCTD emergency preparedness. Full details on the Emergency Response Program (ERP) can be found in NCTD's ERP.

5.1 Infectious Diseases

NCTD follows regulatory guidance from the Centers for Disease Control and Prevention (CDC), FTA, the California Department of Public Health (CDPH), and the County of San Diego Health and Human Services Agency (HHSA) as applicable to minimize exposure to infectious diseases. Specific details related to a pandemic prevention program can be found in the NCTD IIPP

5.2 Meetings with External Agencies

All on-scene emergency response activities will utilize the Incident Command System (ICS). ICS is a component of the National Incident Management System (NIMS), which is a framework that enhances coordination between responders and resources from various entities (state, local, nongovernmental agencies, and volunteers).

NCTD participates in the following meetings and provides training with external first responder agencies:

- Emergency preparedness symposiums - Coordinated by various jurisdictions within San Diego County and attended periodically by NCTD representatives
- Unified Disaster Council - Coordinated by San Diego County and attended periodically by NCTD representatives
- Large-scale exercise planning and execution - Coordinated by NCTD with local first responders

5.3 Planning Responsibilities

NCTD staff may be valuable resources for assisting first responders at the incident scene or managing resources for the emergency by sharing their subject matter expertise and problem-solving skills. Their understanding of incident response and coordination with first responders is critical for managing transit incidents while keeping life safety as the top priority.

The Security Department develops NCTD's ERP in coordination with internal stakeholder departments and staff. The NCTD ERP provides guidance for employees and emergency personnel to execute a well-organized, informed, and efficient response to critical incidents, should one occur, in order to reduce or mitigate resulting impacts. In addition, the ERP outlines how NCTD will coordinate with federal, state, regional and local officials when responding to emergencies within NCTD service area.

5.4 Evaluation of Emergency Preparedness

NCTD emergency preparedness is evaluated through plan reviews, training sessions, and exercises. Emergency response training may be provided as workshops, table-top scenarios, drills, tactical

exercises, and large-scale drills. A large-scale drill will be conducted annually for BREEZE and will include external response agencies.

Every calendar year, at least one of the following types of training relevant to NCTD bus operations emergency response scenarios will be conducted:

- Table-top exercise
- Emergency planning workshops
- Emergency simulations
- Emergency drills

5.5 After Action Reports

Hands-on or scenario-based training will be evaluated to identify strengths and areas for improvement through the completion of an After-Action Report (AAR). Likewise, an AAR may be developed for an actual, noteworthy accident/incident to identify lessons learned and areas for improvement. Any major lessons learned may require the development of corrective actions to address areas for improvement. Corrective actions resulting from an exercise or actual event will be entered into and tracked through NCTD's Safety database.

5.6 Revision and Distribution of Emergency Response Plans

NCTD's Security Department is responsible for managing and distributing the NCTD ERP. The NCTD ERP is a living document, available for review at all times to all NCTD staff and contractors. Comments and revisions may be submitted to the Security Department for evaluation and inclusion in the next iteration of the plan. The plan will be updated as needed and reviewed at least annually.

5.7 Familiarization Training for Public Safety Organizations

NCTD encourages emergency response agencies to reach out and request coordinating activities during tactical exercises and drills. NCTD will make every effort to provide resources for training and practice of emergency response activities. NCTD is also available to provide classroom training for public safety organizations upon request. Requests may be made through the Security Department. Additional details may be found in NCTD SOP 3000.13 – Recommended Practice for Emergency Responder Familiarization of Transit Systems.

5.8 Responsibilities

NCTD

The Security Department shall:

- Manage, revise, publish and distribute the NCTD ERP
- Coordinate and supervise emergency simulations, exercises, and drills including preparatory meetings with external agencies and as-needed follow-up meetings
- Coordinate after action reports and assign corrective actions, if necessary

6.0 Safety Performance Measures and Targets

NCTD's safety performance measures and targets are based on the measures established under the National Public Transportation Safety Plan. NCTD's safety performance targets seek to mitigate identified safety risks to a point that is as low as reasonably practicable. By identifying targets that are specific, measurable, attainable, relevant, and time-bound (SMART), NCTD will ensure safety data is evaluated against these performance measures and targets.

Performance Measure	**Target 2026**
Vehicle Revenue Miles Total, BREEZE, LIFT, FLEX	6,622,702
Measure 1a – Major Events	8
Measure 1b – Major Event Rate	..12
Collisions	4.
Measure 1.1 – Collision Rate	..06
Pedestrian Collision	0
Measure 1.1.1 – Pedestrian Collision Rate	0
Vehicular Collision	4
Measure 1.1.2 – Vehicular Collision Rate	..06
Measure 2a – Fatalities	0
Measure 2b – Fatality Rate	0.0
Measure 2.1 Transit Worker Fatality Rate	0.0
Measure 3a – Injuries	15
Measure 3b – Injury Rate	..24
Transit Worker Injuries	2
Measure 3.1 – Transit Worker Injury Rate	..03
Measure 4a – Assaults on Transit Workers	20
Measure 4b – Rate of Assaults on Transit Workers	..30
Measure 5 – System Reliability BREEZE	14,000
Measure 5 – System Reliability LIFT	45,000
Measure 5 – System Reliability FLEX	50,000

NCTD's safety performance measures and targets are made available to the state and the San Diego Association of Governments (SANDAG), NCTD's Metropolitan Planning Organization (MPO). NCTD has representation on the SANDAG Transportation Committee, which advises the SANDAG Board of Directors on major policy-level matters related to transportation. This membership supports regional transportation planning as well as NCTD PTASP's safety goals and objectives. Board membership also permits NCTD to coordinate with SANDAG in the selection of their safety performance targets.

7.0 Safety Risk Management

Safety risk management is one of the key components of SMS. This process is used to identify hazards, evaluate them, and implement actions to eliminate, mitigate or accept the hazard. A hazard is any real or potential condition that can cause injury, illness, or death; damage to or loss of a system, equipment, or property; or damage to the environment.

NCTD's hazard identification and resolution process has been implemented to ensure potential hazards are systematically identified, evaluated, and resolved during design, construction, and revenue operations. Through this process, NCTD seeks to minimize and eliminate injuries to passengers, employees, and the general public, and to prevent service delays and damage to property, equipment, and the environment.

Goals for the risk-based hazard management program are detailed this document. Performance against those goals is reviewed quarterly, at a minimum, and updates are provided to staff, contractors and the NCTD Board of Directors.

As the SMS Executive, the Deputy CEO/Chief General Counsel is responsible for administering the risk-based hazard management program.

7.1 Purpose

This section outlines NCTD's formal process used to identify, evaluate, and mitigate potential hazards associated with transit operations and maintenance. Hazards identified are analyzed for potential impact and resolved by design, procedure, warning device, or other method so that identified hazards are at a point that is ALARP. Hazard management consists of:

- Hazard identification
- Hazard investigation, evaluation, and analysis
- Hazard mitigation, control, and elimination
- Hazard tracking

7.2 Hazard Identification

The physical and functional characteristics of the system to be analyzed are NCTD operations, maintenance, facilities, procedures, employee practices, and general contract oversight. Knowledge of how the individual system elements interface with each other is essential to the hazard identification effort. Hazards may be identified through:

- Daily tasks and routine activities conducted by NCTD staff
- Inspections and observations conducted by NCTD Safety Department
- Internal audits and records reviews
- External audits conducted by regulatory agencies
- Design reviews where representatives of Safety and Risk Management as well as Operations Divisions participate

- Hazard analyses and special reports prepared by consultants, NCTD employees, contractors, and suppliers
- Hazards that develop as a result of accidents/incidents
- Information from other transit systems
- Data and information provided by an oversight authority, including but not limited to FTA, the State, or as applicable, the State Safety Oversight Agency having jurisdiction
- Data and information regarding exposure to infectious disease provided by the CDC or a State health authority
- Safety concerns identified through Safety Assurance Activities carried out under 49 CFR 673.27

7.3 Hazard Investigation, Evaluation, and Analysis

Employees are encouraged to immediately address hazards that may be easily resolved, such as a trip hazard that may be easily moved. Hazards that require more extensive measures for resolution should be elevated to managers or the safety committee for corrective action. Managers and safety committees are encouraged to conduct appropriate investigations to determine the potential risk as evaluated through examining the severity and probability of the hazard.

Hazard severity is the measure of the consequence the hazard presents. The greater the potential hazard consequence, the more severe the hazard. Below is a chart describing the Hazard Severity Categories:

Hazard Severity Categories

CATEGORY NAME	LEVEL	CHARACTERISTICS
Catastrophic	1	Fatality or multiple severe injuries, severe environmental damage, total system loss, extreme financial loss to NCTD
Critical	2	Severe injury or occupational illness, significant environmental, system or equipment damage, major service disruptions, significant financial loss to NCTD
Marginal	3	Minor injury or occupational illness, minor environmental, system, or equipment damage, minor service disruption
Negligible	4	Less than minor injury or occupational illness, less than minor environmental, system or equipment damage. Insignificant service disruption.

The likelihood that a consequence associated with a given hazard will occur can be described in potential occurrences per unit of time, events, population items or activity. The hazard consequence occurrence likelihood, or frequency of occurrence, represents a qualitative judgment of the relative likelihood of occurrence of an accident caused by an uncorrected or uncontrolled hazard as a result of a particular event or series of events. All identified hazards are assigned one of five likelihood levels, as provided in the Hazard Frequency Categories chart below:

Hazard Frequency Categories

CATEGORY NAME	LEVEL	SPECIFIC INDIVIDUAL ITEM OR LOCATION	FLEET, INVENTORY OR SYSTEMWIDE
Highly Probable	A	Likely to occur with high frequency	Continuously experienced
Probable	B	Will occur many times in the life of an item or at a specific location	Will occur frequently
Possible	C	Likely to occur one or more times in the life of an item or at a specific location	Will occur several times during the life of system
Unlikely	D	Unlikely but possible to occur in the life of an item or at a specific location	Can reasonably be expected to occur during the life of system
Highly Unlikely	E	So unlikely, it can be assumed occurrence will not be experienced at a specific location	Not expected to occur during the life of system

A qualitative hazard probability will be derived from research, analysis, and evaluation of safety data from the operating experience of NCTD or other similar transit authorities. For example, a bus vehicle accident may be due to one or several events (e.g., road construction, vehicle over speed, poor visibility). The term fleet or inventory in the table refers to the number of units or size of a system elements as an aggregate in the NCTD system (e.g., the number of a specific make of vehicle in the fleet, collectively). Therefore, the table provides a qualitative probability category for a particular event occurring within the entire inventory of buses, or a single bus, for example.

Risk assessment determines the acceptability of assuming a risk associated with a hazard, the necessity of implementing corrective measures to eliminate or reduce the hazard, or a combination of both. Hazard risk assessment involves categorization of hazard severity and probability of occurrence. The guidelines for determining hazard risk are presented in the tables below:

Hazard Risk Assessment Table

Hazard Risk Levels					
Hazard Severity	Hazard Likelihood				
	A - Highly Probable	B - Probable	C - Possible	D - Unlikely	E - Highly Unlikely
1 - Catastrophic	H	H	H	M	L
2 - Critical	H	H	M	M	L
3 - Marginal	H	M	M	L	VL
4 - Negligible	L	L	L	VL	VL

Hazard Risk Index	Risk Level Definitions
H	High – Unacceptable
M	Moderate – Undesirable, Decision Required
L	Low – Acceptable with Review
VL	Very Low – Acceptable without Review

Unacceptable means the hazard cannot remain "as is" and must be mitigated.
Undesirable means that the hazard should be mitigated, if at all possible, within fiscal constraints. Fiscal constraints are determined by the Chief Financial Officer in conjunction with the Chief Operating Officer – Bus and the SMS Executive or designee.
Acceptable with review means that NCTD management determines that the risk associated with the hazard is acceptable with proposed mitigations.
Acceptable without review means that the hazard can remain.

Hazard risk assessment is initially conducted by the reporting party in the Safety Database. Corrective actions also require the completion of an initial risk assessment by the investigator. The NCTD Safety Department reviews all hazard assessments monthly and recommends mitigation strategies. Hazards that require executive management attention for mitigation are forwarded to the NCTD Risk Roundtable as discussed in Section 7.7 below.

7.4 Hazard/Risk Mitigation

All corrective actions for hazard and risk mitigation will be completed by the assigned department/division. The party responsible for the corrective action will analyze the hazard and develop recommendations for mitigation or elimination of the hazard. Interim measures may be implemented until the corrective action is completed. Recommendations may include the following protective measures or controls to mitigate the hazard including:

- Avoidance/Elimination
- Substitution
- Engineering
- Administrative (including training, procedures, warnings, and awareness)
- Personal Protective Equipment

For serious hazards that represent immediate danger to life and health, employees shall take immediate action to mitigate the hazard and report to the OCC as detailed in NCTD SOP 3000.15 – Accident/Incident Investigation. If the hazard can't be immediately mitigated or eliminated, all employees, external workers, and customers are to be removed from the affected area until safety can be assured.

The below are considered as a source for safety risk mitigation in accordance with 49 CFR 673.25(d):

- Guidance provided by an oversight authority, if applicable, and FTA
- Guidelines to prevent or control exposure to infectious diseases provided by the CDC or a State health authority

7.5 Regulatory Accident/Incident Reporting Thresholds

All accident and incident reporting must be completed by NCTD.

7.6 Hazards and Corrective Actions Tracking

Hazards needing correction are entered and tracked in the NCTD safety database. Corrective actions will have:

1) Original finding information
2) A suggested corrective action
3) The responsible parties assigned
4) A due date identified
5) An initial risk assessment.

The NCTD safety database is designed to provide notification of the corrective action to responsible parties as well as alert them of upcoming due dates and overdue corrective actions. Individuals assigning a corrective action and those responsible for the corrective action are expected to work together to effectively mitigate and/or eliminate the issue. All corrective actions are reviewed by the NCTD Safety Department on a monthly basis.

7.7 Hazards Communications and Reporting

Employee Safety Reporting Program/Employee Hazard Reporting

NCTD employees and contractors are encouraged to report hazards to their supervisor/manager at any time, including but not limited to assaults on transit workers, near-misses, and unsafe acts and conditions. Hazards may also be reported directly to the OCC for entry into the NCTD Safety database. Additionally, NCTD has provided a Safety Hazard Form that is available in an electronic format through the NCTD intranet site, LiNK, or via a QR code. For specific details, the Safety Hazard form is located in Appendix B of this document.

This form may be used by all employees and contractors to report hazards throughout the system. Once submitted, a member of the Safety Department will investigate the matter with the appropriate department and determine if a true safety hazard exists (in the case of personnel issues or other non-safety related items, the Safety investigator will forward the information to the most relevant manager). If a safety hazard exists, the Safety investigator will enter that information into the NCTD Safety database and determine a risk assessment using the predetermined hazard assessment table. Once the hazard has been assigned a risk level, a corrective action must be assigned to all hazards. A resolution must be achieved prior to any close out. The Bus Safety Committee will receive updates on submitted hazards and will review and concur with the risk assessment and corrective action close out.

NCTD's Safety Department is ultimately responsible for ensuring all corrective actions are addressed and closed out in a timely fashion. If the hazard requires additional resources beyond those assigned responsibility, the Safety Department may assign the hazard to the Risk Register.

Employees are notified by the Safety Department once a hazard has been received and once again when it has been mitigated or eliminated either through direct communication or posting the information through safety committee minutes action, in the event of an anonymous report.

Whistleblower Hotline

NCTD is an organization with strong values of responsibility and integrity. It has developed policies and procedures to provide employees and contractors with clear direction and guidance to ensure that NCTD's business is carried out with fairness, efficiency, impartiality, and integrity. NCTD has created avenues to report suspected violations without fear of retaliation. NCTD is committed to an environment where open, honest communication is the expectation, not the exception. If an employee or contractor believes ethical misconduct, and acts of fraud, waste and abuse have occurred, NCTD employees and contractors are encouraged to report the suspected violation via the anonymous Whistleblower Hotline managed by third-party vendor, at www.nctd.ethicspoint.com or by calling 855-877-6048.

FTA Identified Hazards

Information provided by FTA can be a source for hazard identification activities. The NCTD Safety Department will receive and assess the information provided by FTA and report back any activities or analysis performed as requested.

FTA Risk Reduction Program

The Bipartisan Infrastructure Law of 2021 requires transit agencies to develop a risk reduction program to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers based on data submitted to the National Transit Database (NTD).

NCTD's safety performance measures and targets are based on the measures established under the National Public Transportation Safety Plan. A detailed list of these safety performance measures, and performance targets are found in Section 6.0.

A risk-based hazard analysis is performed at the Risk Roundtable meetings and documented in a formal document called the Risk Register. This document details the hazards' probability and severity, impacts, and proposed methods that will be used to mitigate or eliminate the hazard and resulting risks. Additional details about the Risk Roundtable and Risk Register are found below.

To reduce the number of accidents, injuries, and assaults on transit workers, NCTD mitigation efforts may include deployment of infrastructure and technology on buses including barriers to restrict the unwanted entry of individuals and objects into the workstations of operators, if the Safety Committee determines that such barriers or other measures would reduce assaults on transit workers and injuries to transit workers.

To reduce the number of vehicular and pedestrian accidents involving buses posing visibility impairments for bus operators, NCTD will incorporate an assessment during project review to determine impacts to operator visibility impairments during the retrofit of buses in revenue service or future procurements of new vehicles. Any potential impairment can be reviewed by the Safety Committee or elevated to the applicable NCTD Risk Roundtable meeting.

NCTD Safety Committee Meeting

Applicable employees meet at least quarterly to address safety concerns and issues discovered through the routine operation and maintenance of the bus service systems.

The meetings are chaired by two co-chairs: the SMS Executive or designee and a frontline committee member chosen by other frontline committee members.

Hazards or items that are unresolved may be forwarded to the applicable Risk Roundtable meeting for resolution as appropriate. Additional information about the NCTD Safety Committee may be found in NCTD Policy SAF-2004 – Safety Committee.

Risk Roundtable

The Risk Roundtable chaired by the Enterprise Risk Manager or designee, will meet at least quarterly and includes safety representatives and management. This group looks at higher level safety trends, specific incidents, or hazards that warrant special attention, and emphasizes any topics that require agency level risk mitigation or elimination. The Risk Register is the formal log which documents items that are deemed significant enough to warrant tracking to either mitigate or eliminate risk.

The standing agenda includes any issues not resolved at the safety committee meetings. NCTD employees that comprise the Risk Roundtable include the: Deputy CEO/Chief General Counsel/SMS Executive, Chief Operating Officer(s), Chief Development Officer, Director of Security, or their designees, and other key staff whose duties are critical to the specific mode of operations. The Risk Roundtable members may:

- Assign a subcommittee to research resolution scenarios or alternatives and work with department management to implement
- Develop a specific action plan for elimination or mitigation of the hazard, and recommend a responsible party to implement the plan
- Close the hazard on the Risk Register upon resolution

The Risk Roundtable post-meeting report notes are maintained in the NCTD document management system and are also provided in an email to attending participants, copying the Chief Executive Officer.

Quarterly Safety Reports to the Board of Directors

The Safety Department provides a quarterly report to the Board of Directors covering NCTD's compliance with the PTASP and adherence to program goals.

7.8 Hazard Management Responsibilities

NCTD staff must support the effective management of the hazard management process, which includes collaboration with internal stakeholders throughout NCTD.

Safety Department

- Train select NCTD employees on the hazard management process
- Conduct ongoing inspection activities to identify hazards
- Perform root cause analysis of preventable incidents and risks
- Track safety trends to identify developing issues
- Ensure the hazard management process is effective
- Evaluate system changes for hazards
- Assist with hazard resolution at all levels of reporting
- Address hazards that are discussed at the Risk Roundtable meeting or placed on the Risk Register
- Ensure that assigned corrective actions include the following:
    - Initial finding
    - Recommended corrective action
    - Responsible parties
    - Due date
    - Risk assessment
- Coordinate with responsible parties for the completion of corrective actions
- Review initial risk assessments on corrective actions
- Participate in and/or lead Safety Committee meetings
- Maintain a comprehensive Safety database and provide training to other divisions on its proper use

All other NCTD divisions and departments shall:

- Identify, address, report, and document hazards if able and/or notify supervisory staff or the NCTD Safety Department of hazards
- Enter accurate data into the Safety database
- Assist with the completion of corrective actions when requested
- Track corrective actions to completion
- Participate in safety meetings

7.9 Employee Behaviors and Disciplinary Action

Certain employee behaviors such as willful negligence, drug or alcohol usage prohibitions, or the use of cell phones or electronic devices may result in disciplinary action. For additional details, NCTD's employee discipline policy for non-represented employees is in the NCTD Employee Handbook. Represented employees will have discipline policies in their respective Collective Bargaining Agreement.

7.10 Procurement Activities

This section covers practices for the procurement of materials, equipment, and supplies, the evaluation of such for quality, application, and potential hazards. This section applies to the purchasing processes provided by NCTD transit operations and to NCTD capital purchases for the NCTD transit system service. For details on NCTD procurement activities, please refer to the NCTD Procurement and Contract Administration (PCA) Department Policies and Procedures Procurement Manual.

7.11 Procurement Controls

NCTD is responsible for purchasing all parts, components, supplies and materials, including capital purchases, to support bus operations. NCTD will ensure equipment and materials are in accordance with the technical specifications and requirements set forth by the project manager or team.

7.12 Procurement Responsibilities

The NCTD PCA Department is responsible for system capital purchases, fuel, parts, supplies, materials, and other services that require procurement in accordance with specifications set forth by the project manager.

When safety issues are identified that require capital purchases, the Safety Department will support the purchasing division and the PCA Department as needed for the timely acquisition of the items or resources necessary to implement the resolution to the concern.

8.0 Safety Assurance

Safety Assurance is one of the key components of SMS. It includes systematic and ongoing monitoring and recording of safety performance, as well as an evaluation of SMS processes and practices. Safety Assurance ensures compliance with SMS requirements and utilizes the Safety Performance Targets (Section 6) to help measure these activities while providing opportunities for improving safety and minimizing risk.

NCTD ensures that Safety Assurance is maintained through efforts in three core areas:

- Safety Performance Monitoring and Measurement
- Management of Change
- Continuous Improvement

NCTD conducts Safety Performance Monitoring and Measurement through a variety of inspection/audit activities and processes including:

- Internal Safety Audits
- Facilities Inspections
- Maintenance Inspections
- Notification, Investigation and Reporting
- Safety Data Acquisition and Analysis
- Drug and Alcohol Compliance

Management of Change is conducted through the following activities:

- Configuration/Change Management Process
- System Modification and Review
- Safety and Security Certification

Continuous improvement is conducted through the following list of activities:

- Corrective Action Plans (CAPs)
- Lessons Learned
- Procedure Updates
- Employee Training

NCTD has multiple processes to facilitate continuous improvement including safety meetings, Risk Roundtable meetings and Internal Safety Audits.

In any instance where NCTD does not meet an established safety performance target set by the Safety Committee under 49 CFR 673.19(d)(2) for the safety risk reduction program, NCTD shall follow the procedures outlined under 49 CFR 673.27(d)(3).

8.1 Internal Safety Audits (ISA)

This section outlines NCTD's internal safety audit process instituted to self-evaluate the safety program and the PTASP. This section summarizes additional inspection and review activities performed by the Safety Department that augment this program.

8.2 ISA Departments and Functions Subject to Review

The following groups are subject to internal safety audits and reviews:

- Safety Department
- Bus Operations Division
- Development Services Division
- Security Department
- Facilities Department

8.3 ISA Review Scheduling

NCTD's Safety Department performs scheduled internal safety and security audits annually to evaluate compliance and measure the effectiveness of this PTASP. NCTD's Safety Department prepares the audit schedule at least 30 calendar days prior to the beginning of any scheduled audits. NCTD documents the internal safety and security audits performed during each calendar year within the Safety database.

Audits are scheduled by the Safety Department and are conducted in accordance with written checklists by personnel qualified to verify compliance and judge the effectiveness of the PTASP activity. Auditors will be independent from the first line of supervision responsible for performance of the activity being audited.

Audits performed on the Safety Department are conducted by the Chief Operating Officer(s) – Bus and/or Rail.

The following table explains the elements and responsible parties involved in internal safety reviews. This total scope is completely covered by internal safety and security audits conducted within a three-year or triennial period, and every three-year period thereafter.

Audit	Auditing Department	Audited Department	Performed in Conjunction with Rail?
NCTD Safety Plan Analysis and Review	Chief Operating Officers, Bus & Rail	Safety Department	Yes
Vehicle Maintenance Inspections	Safety	Bus Operations	No
SSEPP ISA Process	Safety	Security / Safety Departments	Yes
Hours of Service	Safety	Bus Operations	No
System Modification Review and Approval	Safety	Bus Operations	Yes
SSEPP Policies, Goals, and Objectives	Safety	Security Department	Yes
Emergency Management Program	Chief Operating Officers, Bus & Rail	Safety & Security Departments	Yes
Notification, Investigation, and Reporting	Safety	Bus Operations	No
Configuration Management and Safety in Procurement	Safety	Bus Operations/PCA	Yes
Rules and Procedures Review	Safety	Bus Operations	No
SSEPP Security of Passengers and Employees	Safety	Security Department	Yes
Hazard Management Process	Deputy Chief Operating Officers, Rail	Safety Department	Yes
Training and Certification Review	Safety	Bus Operations	No
Safety Data Collection and Analysis	Deputy Chief Operating Officers, Rail	Safety Department	Yes
Drug and Alcohol Program	Safety	People Division	No
SSEPP Managing Threats and Vulnerabilities	Safety	Security Department	Yes
Hazardous Material Program	Safety	Bus Operations/Facilities	No
SSEPP Investigation and Reporting Process	Safety	Security Department	Yes
SSEPP Review and Approval Process	Safety	Security Department	Yes

Passenger Bus Emergency Systems	Safety	Bus Operations	No
Facility Inspection - Bus	Safety	Facilities	No

Scheduled Inspections

NCTD audits each of the safety program elements over a three-year period. NCTD's internal safety reviews entail an annual review of one-third of the system safety program elements contained in this Plan, executed each year, for three years. At the end of the three-year cycle, after all safety program elements have been reviewed, the process is completed, and the cycle begins anew the following year. Formal internal safety review schedules are created by the Safety Department and the actual review dates are coordinated with the entity under review.

Unscheduled Inspections

The Safety Department performs reviews, audits and inspections of the following programs and facilities throughout the year at their discretion:

- Maintenance facilities and activities
- Bus facilities
- Service operations
- Construction activities
- Employee health and safety

8.4 ISA Review Process

Development of Checklists

All internal safety audit checklists, scheduled inspection checklists, and unscheduled inspections checklists are maintained and recorded in the safety database where findings from these audits and inspections are recorded and tracked until closure.

Issuing of Findings

Findings may be rated in the following four manners:

- NA - Not applicable
- 1 - Compliance Verified, No Deficiencies Observed
- 2 - Substantial Compliance with Exception or Comment
- 3 - Compliance Deficiency, Corrective Action Required

All findings marked as a "3" require an explanation of the finding and the development of a recommended corrective action, assigned to select responsible parties with a due date. The safety database automatically alerts responsible parties when corrective actions due dates are approaching, or corrective actions are overdue. The person assigning the corrective action is responsible to follow up and verify closure and completion of corrective actions.

8.6 ISA Responsibilities

NCTD

- Safety Department staff in concert with key stakeholder staff will conduct ongoing audits for the areas assigned in the table provided in Section 8.3 and in accordance with the annual audit schedule.
- Safety Department staff will perform scheduled internal safety audits on NCTD bus operations, facilities, and engineering groups to ensure their oversight works in conjunction with the practices outlined in this PTASP.
- Safety staff will conduct ongoing audits and internal safety audits to provide oversight.
- The NCTD Chief Operating Officer(s) for Bus and/or Rail will oversee the annual internal safety audits for activities led by the Safety Department.
- NCTD Division Chiefs are responsible for assigning and ensuring cooperation and coordination of Division staff with internal safety audit activities and scheduled and non-scheduled inspection activities.

8.7 Facilities Inspections

Facility inspections enhance safety through consistent and thorough documented reviews of facilities to verify that hazards are resolved through routine mitigation efforts as outlined in the hazard management process.

Facilities, including Transit Centers, are subject to reviews and inspection by the Facilities Department and the Safety Department and are listed in Section 3.4 and 3.5.

Periodic Inspections

Passenger and maintenance facilities shall receive regular inspections by the Facilities Department and the Safety Department.

8.8 Facility Inspection Techniques

To verify that facilities are well maintained and free of serious hazards, activities performed by the Facilities Department and Safety Department will consist of a combination of some or all of the following:

- Field inspections
- Records reviews
- Internal audits
- Observations
- Evaluations

8.9 Facility Inspections- Tracking Corrective Actions to Conclusion

Findings discovered during the course of inspections are addressed through documentation and assignment of corrective actions through the safety database. Any findings that may be corrected immediately should be addressed and noted in the database and entered as a Facilities Request as detailed in NCTD SOP 3000.88 – Facilities Work Request Procedure.

8.10 Facility Inspection Responsibilities

NCTD

The Facilities Department shall:

- Perform inspections
- Assign corrective actions for non-compliant items that need to be addressed
- Identify abnormal or unsafe trends
- Correct or address trends through investigation and solution activities

The Safety Department shall:

- Perform separate facility audits focused on facility safety and emergency preparedness items. These inspection audits purposely overlap with facility compliance oversight primarily performed by the Facilities Department.
- Perform internal safety audits based on the triennial audit schedule focused on facility inspections to ensure the NCTD Facilities Department is providing proper oversight of this function.
- Perform quarterly inspections at all major transit facilities, which include various OSHA elements, and report findings to the Facilities Department.
- Communicate any findings to the Facilities Department for review and proper assignment either through a corrective action or Facilities Request

Response to Discrepancies and Unsafe Conditions

Discrepancies, potential hazards, or unsafe conditions discovered through inspections or by any other means should be resolved promptly through mitigation or maintenance action by the party responsible. OCC staff will immediately notify the appropriate NCTD manager(s) and/or safety staff of any reported hazards for investigation and follow-up.

NCTD Facilities

A discrepancy or condition related to an NCTD facility, whether administrative, fleet maintenance, transit center or maintenance and operations facility that does not present an immediate hazard or unsafe condition must be reported to the NCTD Facilities Department who will forward to the appropriate contractor or NCTD department for resolution.

8.11 Maintenance Inspections

Maintenance inspections are used to verify that effective maintenance activities are being performed. This practice applies to all parties performing inspections, maintenance, and repairs to all NCTD transit and supporting vehicles. Inspections, tests, maintenance, and repairs of items subject to this section are performed in compliance with standards set by FTA, OEM, and Occupational Safety and Health Administration (OSHA), American Public Transportation Association (APTA) and with NCTD maintenance policies, practices, and guidelines.

8.12 Maintenance Inspections – Infrastructure and Equipment

Equipment and infrastructure that must be maintained for safe transit operations includes:

- BREEZE buses

- LIFT/FLEX/NCTD+ vehicles
- Dispatching system

8.13 Maintenance Standards

Comprehensive inspection, servicing, maintaining, and repairing of all bus transit vehicles is in accordance with standards established by the vehicle manufacturer. Inspection procedures are performed in compliance with applicable FTA regulations and APTA standards for transit vehicle inspections, maintenance, repairs, and regulatory documentation.

Dispatching and infrastructure systems maintenance inspections and related activities are performed in compliance with applicable federal regulations.

Non-routine or special maintenance activities shall be either subject to the hazard management process and/or examined during the applicable NCTD Risk Roundtable meeting.

8.14 Maintenance Inspections – Documentation

Documentation of maintenance inspections performed by NCTD is maintained in the safety database.

8.15 Maintenance Inspections – Tracking Corrective Actions to Conclusion

Corrective actions identified through NCTD inspections are entered into the safety database and tracked until completion.

If, for any reason, a hazard is determined unacceptable and cannot be resolved through the normal maintenance process, the equipment or structure cannot be returned to service, or its service is restricted to the limits of a lower level of compliance until repairs are completed. Under no circumstance is any equipment or structure not in compliance with applicable federal or state regulations allowed to remain in service.

8.16 Maintenance Inspections – Responsibilities

NCTD Bus Operations Division

- Complete maintenance activities and perform inspections
- Tracking and documenting vehicle maintenance activities, and training and certification of qualified persons performing service activities.
- Assign corrective actions for non-compliance items that need to be addressed
- Analyze inspection data for safe, abnormal, or unsafe trends
- Correct or address trends through investigation and resolution activities

NCTD General Services Division

- Complete facility maintenance activities and perform inspections
- Assign corrective actions for non-compliance items that need to be addressed
- Analyze inspection data for safe, abnormal, or unsafe trends
- Correct or address trends through investigation and resolution activities

NCTD Safety Department

- Perform field inspection audits and construction site inspections that include some elements which overlap with maintenance inspections oversight, primarily performed by the Operations Divisions.
- Perform NCTD compliance oversight inspections to observe NCTD operations and maintenance quality control staff perform inspection duties
- Perform an annual internal safety audit focused on maintenance inspections to ensure the NCTD Operations Divisions are providing proper oversight of this component relevant to the contract
- Communicate any findings to the Operations Divisions for review and proper assignment for correction

8.17 Notification, Investigation and Reporting

This section describes NCTD's process for performing accident notification, investigation, and reporting. Accidents and emergencies shall be subject to formal and objective investigation. Incidents shall be investigated at the discretion of the NCTD Bus Operations and/or Safety Departments.

In the event investigators from National Transportation Safety Board (NTSB) should observe an internal investigation or conduct their own investigation of an incident, all parties involved should cooperate fully with the needs and requests of these agencies.

8.18 Notification, Investigation and Reporting Responsibilities

Bus Operations Personnel

As soon as practicable following any event involving injury or death to any person or damage to equipment, all information must be obtained, secured, and retained for further investigation.

Bus operations personnel should notify the OCC of the following incidents:

- Collision
- Employee injury
- Passenger/third-party injury
- Assault
- Facility/property damage
- Sleeping children
- Any other significant incident

NCTD SMS Executive or designee

The NCTD Deputy CEO/Chief General Counsel/SMS Executive shall:

- Manage the accident investigation process, regulatory agency reporting, corrective action plan(s), and document control
- Function as the primary point of contact with external agencies and regulatory bodies such as NTSB, FTA, CHP

San Diego County Sheriff's or Local Law Enforcement

These entities investigate (as applicable):

- Traffic collisions and incidents
- Death of any person onboard a bus vehicle when related to the movement of a vehicle
- Grade crossing collisions involving buses

The San Diego County Sheriff's Department Transit Enforcement Services Unit (TESU) investigates:

- Any fatal incident on NCTD rail modes
- Unusual criminal activity
- The Sheriff's Department TESU reports of the investigation are usually issued within 30-days of the occurrence.
- Additionally, the Sheriff's Department TESU will coordinate with other law enforcement agencies as necessary for multi-jurisdictional investigations and incidents.

8.19 Notification Thresholds

All external regulatory agency notification for will be performed by the Director of the OCC, or their designee as detailed in the NCTD SOP 3000.15 – Accident/Incident Investigation.

NCTD Bus Operations staff will provide the following information as part of the initial notification:

- The time and date of the incident
- The location of the incident, including CPUC grade crossing number if applicable
- The number of fatalities or injuries
- The transit vehicles involved in the incident if any
- The factor that makes the incident immediately reportable
- Narrative description of the accident, known at the time of reporting
- The emergency response organizations at the scene of the incident

Federal Transit Administration (FTA) Accident/Incident Reporting Thresholds

- NCTD will notify FTA within two hours of any required incident.
- The report to the FTA shall include all required information and also include the primary and secondary event types (e.g., collision, fire, etc.).

8.20 Accident Investigation References

The following documents and topics are references to assist with the development of accident/incident investigation and reporting procedures:

- NCTD SOP 3000.XX Accident/Incident Investigation – Bus and Non-Revenue Vehicles

8.21 Accident Investigation and Reporting

BREEZE/LIFT/FLEX/NCTD+

The Bus Operations Division, in coordination with the Safety Department, shall perform the formal investigations of:

- Bus, paratransit, and/or non-revenue vehicle safety events
- Passenger injuries
- Incidents that result in damage to NCTD equipment, structures, or property
- Employee injuries and occupational illnesses
- Enter all corrective actions identified in the corrective action plan into safety database for assignment and completion

When necessary, a Safety Review meeting shall be conducted following unusual and/or significant incidents. Causes and contributory factors identified through the debriefing shall be analyzed, and any recurring or continuing hazards, unsafe conditions, or unsafe practices discovered shall be classified in accordance with the hazard classification procedures. The reviewing body will then issue written recommendations to address or mitigate any such conditions or practices. Recommendations will be tracked until completed or closed.

8.22 Corrective Actions Resulting from Investigations

NCTD develops corrective action plans based on the results of the investigation. Causal and contributing factors will be assessed, and any areas identified as in need of improvement may be included in a corrective action plan. All corrective actions will be entered and tracked in the NCTD safety database. If the NTSB investigates an accident involving NCTD, NCTD will meet to address NTSB's findings and determine the appropriate corrective actions to be taken based on those findings and other information available about the incident.

8.23 Coordination with NTSB

When investigating accidents NCTD shall:

- Notify NTSB staff when any additional investigation beyond the initial on-scene investigation is conducted by a team or panel, such as performing interviews, questioning witnesses, reenacting accidents, or conducting inspections, measurements, examinations, or tests
- Provide for NTSB and San Diego County Sheriff Department staff's participation to the fullest extent possible, and make all information related to the accident investigation, including data from event recorders, available to staff for review
- Document in a written report each item investigated (except where protected by the attorney-client privilege/work product), the investigation findings, the most probable root cause of the accident, contributing causes, and recommendations for corrective action to prevent a recurrence of the accident
- Prepare a corrective action plan as a part of the investigation report or in a separate document
- Submit its final investigation report within 30 calendar days after the last day of the month in which the accident occurred, and provide an interim status update every 30 days thereafter if necessary

8.24 Safety Data Acquisition and Analysis

The objectives of safety data acquisition and analysis are to:

- Monitor overall safety performance of BREEZE/FLEX/LIFT/NCTD+ services
- Identify potentially hazardous or unsafe trends and take action before they cause, or contribute to the cause of, injuries, accidents, or damage
- Establish performance metrics and goals
- Document organizational efforts to improve safety and the results thereof

8.25 Safety Data Collection

The activities of this section complement and are supported by Section 7.3, Hazard Investigation, Evaluation and Analysis. Safety statistics and data are gathered through field inspections, incidents, observations, compliance audits, and records reviews. Data is recorded in a comprehensive database, which is used for tracking both safety-related data and contract oversight activities.

8.26 Safety Performance Metrics and Targets

The Safety Department provides employees with detailed performance metrics that are utilized by all NCTD Divisions. NCTD uses statistics garnered from an internal safety database, which collects safety and security information to compare historical data and predictively measure future performance and mitigate potential risk. NCTD's Safety Performance Metrics and Targets are based on the measures established in the National Public Transportation Safety Plan and are located in Section 6.

8.27 Safety Data Analysis

The safety database offers reporting features to allow users to run comparison and trending reports. Monthly, quarterly, annual, and ad-hoc reports are run by the Safety Department to examine data trends in comparison with previous time periods. The Safety Department examines reports in the following areas:

- Inspection activities including internal, external, and regulatory inspections and audits
- Corrective action status
- Accidents and incidents for all modes
- Any factors that reveal unsafe trends are addressed through corrective action measures.

8.28 Safety Data Reporting and Distribution

NCTD Safety Staff use results of trending and data analysis to develop various reports. A report is provided on a quarterly basis to the Chief Executive Officer and presented to the NCTD Board of Directors at a public meeting to highlight key safety performance indicators.

8.29 Safety Data Acquisition and Analysis- Responsibilities

<u>NCTD Bus Operations</u>

- Provide reports on incidents, accidents and identified hazards to NCTD Safety Department as delineated in the contract or in NCTD SOPs
- Report identified trends or concerns to the NCTD Safety Department

- Analyze safety issues resulting from data trends
- Cooperate with the Safety Department and the Office of Chief General Counsel during regular audits or an investigation
- Coordinate with the NCTD Safety Department on the investigation and corrective actions addressing abnormal trends involving safety concerns
- Conduct regular efficiency testing of operating and maintenance employees with the NCTD Safety Department observing to monitor the safety awareness of the front-line employees. Properly use the safety database, as assigned, to support the integrity of the data and information and address safety and other non-compliance issues.

NCTD

The Safety Department shall:

- Observe efficiency testing of operating and maintenance employees with modal contracting testing officers to monitor the safety awareness of the front-line employees
- Directly investigate or assign an investigation of potential risks discovered through monthly and other reporting activities
- Submit quarterly safety report to the NCTD Board of Directors
- Report abnormal trends and issues at each applicable Risk Roundtable meeting

8.30 Drug and Alcohol Program

NCTD is committed to maintaining an alcohol and drug-free workplace, provide a safe and productive work environment, and retain the public's trust and confidence in its transportation services. This section provides instructions to prevent accidents, incidents, and losses resulting from alcohol and drug use.

8.31 Drug and Alcohol Program Applicability

This section applies to all employees and contractors connected with the BREEZE/FLEX/LIFT/NCTD+ services. NCTD shall maintain a comprehensive drug and alcohol policy (including appropriate training) that conforms to FTA's requirements in 49 CFR Parts 40 and 655.

Third-party contractors employing safety-sensitive employees are required to submit a compliant Drug and Alcohol Plan to NCTD prior to conducting any work or services on NCTD property.

8.32 Drug and Alcohol Program- Responsibilities

NCTD Bus Operations Staff and Contractors

Direct and Contractor Staff shall:

- Adhere to drug and alcohol programs as outlined in contracts and as required by FTA
- Cooperate with all inspections, audits, or reviews performed by NCTD or other oversight entities
- Address all corrective actions, as assigned
- Provide documentation as required in contracts and other agreements with NCTD

NCTD

Drug and Alcohol Program Management personnel shall:

- Adhere to drug and alcohol programs as outlined in contracts and as required by FTA

- Cooperate with all inspections, audits, or reviews performed by the NCTD Safety Department or other oversight entities
- Address all corrective actions, as assigned
- Coordinate two annual drug and alcohol program audits on bus operations and maintenance program compliance
- Assign corrective actions for non-compliant items
- Analyze inspection data for abnormal or unsafe trends
- Correct and/or address trends through investigation and resolution activities

The Safety Department shall:

- Conduct applicable internal safety audits of drug and alcohol programs
- Verify the BREEZE/LIFT/FLEX/NCTD+ contractor is compliant with the requirements of 49 CFR Parts 40 and 655
- Ensure that NCTD Operations Division staff members are providing proper oversight of this contract component

8.33 Configuration and Change Management

Configuration Management (CM) details the process used to make configuration changes to the transit system. Change Management is the process and procedure used to manage significant operational changes that will have a direct impact on system safety.

CM refers to a discipline for evaluating, coordinating, approving, or disapproving, and implementing changes in a transit system. The CM process ensures there is a process to document changes from the initial concept through development, implementation, and on-going evaluation of results.
Successful CM requires a well-defined and institutionalized set of policies and procedures to ensure that all NCTD Divisions as well as contractor staff that are affected by the configuration changes are formally notified and approve of the change.

For specific details on CM, please refer to the NCTD/SANDAG Configuration Management Plan, Engineering and Construction Projects, NCTD Corridor Projects.

<u>Bus Operations and Development Services Divisions</u>
The Bus Operations and Development Services Divisions are the primary divisions responsible for configuration management activities related to managing and documenting significant changes and/or modifications to NCTD's transportation system, and for verifying that new system elements and modifications in development are reviewed by key stakeholders at appropriate intervals for input and/or approval.

For these types of modifications to mission-critical equipment, facilities, infrastructure, and/or procedures, the Bus Operations and Development Services Divisions will ensure that:

- A comprehensive review is conducted, and approvals/signoffs are secured from key stakeholders before such changes are made

- Primary and secondary safety and functional impacts of a proposed change are identified, evaluated, and addressed early in a project's design phase
- The completed modifications are properly incorporated into the existing system
- Projects will be managed through the use of Microsoft Project and implemented as directed in NCTD's Project Delivery Manual (PDM).

Safety Department

The Safety Department shall:

- Perform an internal safety audit focused on configuration management to ensure the NCTD Operations and/or Development Services Divisions are providing proper oversight of this component relevant to this PTASP and the various operating and maintenance contracts.
- Communicate any findings to the responsible Operations and/or Development Services Division for review and proper assignment of corrective actions.

8.34 System Modification Review, Approval, and Implementation

The system modification review process negates or minimizes the risk involved in acquiring new, or modifying existing systems, equipment, procedures, and service. NCTD is responsible for ensuring all projects implemented will either enhance or maintain BREEZE, FLEX/LIFT/NCTD+ safety and are implemented in a safe manner. Where a formal Safety and Security Certification program is not required, this section shall apply for system modifications. The overall safety impact, feasibility, cost, and benefit of implementing this system modification are evaluated during the review.

8.35 System Modifications Purpose

Project plans for system modifications to transit operations, maintenance, or infrastructure will include a safety element that addresses the project's overall impact to employees and passengers' safety, as well as a safety plan to be followed during the construction/implementation of the project. The system modification review process will identify and analyze current or new technologies, systems or processes that will mitigate or eliminate hazards and resulting risks identified by a risk-based hazard analysis. These risks can be recorded and tracked in any Risk Roundtable meeting.

8.36 System Modifications Review, Approval, and Implementation- Responsibilities NCTD

The Division Chief or designee initiating the proposed change will convene an Ad Hoc System Modification Review Committee Meeting. The agenda will include a review of the project and draft risk-based hazard analysis as proposed by the Division. The Ad Hoc committee will include at least one representative of the following areas of NCTD:

- Safety
- Risk Management
- Office of Chief General Counsel
- Engineering
- Bus Operations
- Facilities

- Customer Experience
- Security

Other departments may be included as needed.

The Ad Hoc committee will review the Risk Based Hazard Analysis (RBHA) and provide suggestions and comments. The final RBHA must approved by a majority of attendees. If the RBHA is not approved unanimously by the Ad Hoc Committee, the final document must include documentation of unmitigated risks that a committee member bases their vote on. The CEO will be the final signatory on the RBHA.

The Ad Hoc Committee will be reconvened throughout the life of the project as determined by the Committee during the RBHA review. The follow up meetings will provide updates to the Ad Hoc Committee and present the status of any ongoing mitigations and any new risks that were not previously identified.

NCTD also has additional processes which provide for review of the project throughout the life cycle, including Right of Entry permits and Construction Design Reviews, where technical SMEs provide feedback on various aspects of the project including risk and safety information. Inputs from these processes will be shared with the Ad Hoc Committee as indicated.

All activities of the Ad Hoc committee will be documented in accordance with NCTD *Administrative Policy and Procedure GM-001 Communicating Critical Business Decisions.*

8.37 Evaluation of System Modifications

After system modifications have been implemented, an on-going evaluation must be performed to ensure changes to the system don't pose a safety impact or affect safety performance. This is performed by completing the project post-inspection activities and correcting any identified deficiencies. Once these deficiencies are corrected, the Ad Hoc committee will be notified and closed out. Additionally, ongoing inspection activities and evaluation by the responsible Division and by the NCTD Safety Department will assess changes and monitor for new hazards. If new hazards are identified, they will be tracked through the Hazard Management process.

8.38 Safety and Security Certification

NCTD/SANDAG will prepare a specific Safety and Security Certification Plan (SSCP) according to applicable FTA guidelines for each of its major projects that may impact safety or security.

NCTD/SANDAG verifies that all entities involved in design, construction, operation, and maintenance of all responsible projects comply with the requirements of the safety certification process. Additional details can be found in the NCTD/SANDAG Configuration Management Plan, Engineering and Construction Projects, NCTD Corridor Projects.

8.39 Safety and Security Certification Process

Project-specific SSCPs address safety/security certification management for major projects. Each project SSCP identifies the process used to verify and document conformance with safety and security requirements during design, construction, testing, and operational readiness. The SSCP includes the following:

- The hazard management process to conduct safety hazard analyses and safety hazard resolution.
- A list of all safety and security design criteria that will be used in the planning, design, and construction of the project
- A list of certifiable elements and sub-elements
- A description of safety certification audits conducted in accordance with written checklists to verify compliance
- The format and list of safety certification checklists as they become available
- A list of safety certification schedule milestones
- Procedure for updates

8.40 Safety and Security Certification Responsibilities

SANDAG and Development Services Division are responsible for ensuring:

- The SSCP shall address safety certification management including organizational authority and responsibilities, safety certification activities, processes and procedures, documentation requirements and responsibilities, and reporting requirements.
- SSCP Plan will identify process used to verify and document conformance with safety and security requirements during design, construction, testing, and operational readiness.
- NCTD Safety as well as other NCTD Divisions are responsible for supporting safety certification through appropriate planning, reviews, testing, and validations.

8.41 Continuous Improvement

NCTD has multiple processes to facilitate continuous improvement throughout the NCTD transit system. These include Safety Committee meetings, Risk Roundtable meetings and Internal Safety Audits. Safety Committee Meetings allow front line contract employees the opportunity to discuss safety issues and recommend improvements. This process is described in Section 7.7.

The Internal Safety Audit program enables NCTD to self-evaluate the safety program and provide opportunities for improvement for both Agency and contract processes and procedures. This program is described in Section 8.1.

Based on the processes above, NCTD is able to carry out a plan to address any identified safety deficiency and reevaluate the process of improvement through the SMS program.

9.0 Safety Promotion

Safety promotion is accomplished through NCTD's Safety Training and Certification Review, Rules and Procedures Review, Hazardous Materials Program and Roadway Worker Protection. These programs promote and communicate safety and safety performance to employees, both Agency and contractor. NCTD encourages open communication with all employees to promote a healthy culture of safety across the organization. The following processes ensure that hazards can be identified and understood so employees know what risks they may encounter, and what NCTD is doing to help mitigate or eliminate the risk.

9.1 Training and Certification Review

Training and certification are critical to ensure employees have the necessary knowledge, skills, and abilities to work safely and effectively.

9.2 Safety Training

NCTD requires all employees and contractors working with the transit system to be properly trained and qualified to perform the duties to which they have been assigned prior to performing those duties. In accordance with 49 CFR 673.29, persons directly responsible for safety, including but not limited to the following job functions, must have adequate training, qualifications, and/or certifications to complete their duties in a safe and effective manner:

- Operating supervisors and managers
- Bus vehicle maintenance employees
- Facility maintenance employees
- Transit vehicle operators
- Dispatchers

9.3 Safety Training Programs

NCTD ensures that all training plans meet requirements set forth by NCTD, the FAST Act, MAP-21, and other regulatory agencies. These plans set the minimum training requirements for NCTD employees, which includes mandatory, refresher and optional in-house and external training. The District's goal is to achieve a high level of staff competency while meeting all regulatory requirements. Training requirements for respective departments and positions are maintained in the NCTD Learning Management System, which include:

- Operating managers and supervisors are trained in and qualified on the operating and safety rules applicable to their positions, other applicable regulations, and the standard operating procedures applicable to the various aspects of the operation of the BREEZE system, including the operation of vehicles and buses.
- Bus, including BREEZE, LIFT, FLEX and NCTD+ vehicle maintenance employees are trained and qualified on the vehicle maintenance policies and procedures. Fleet maintenance employees also receive specialized training on the specific maintenance recommendations of the OEM.
- Facility maintenance employees are trained and qualified on the building and transit center maintenance policies and procedures. Facility maintenance employees also receive specialized

training on the specific maintenance recommendations of the OEM for major systems such as HVAC, CNG servicing stations, and compressors.
- BREEZE/FLEX/LIFT/NCTD+ operators receive initial and recurring training focused on safe work practices. Initial training includes, but is not limited to basics of safety, drug and alcohol abuse, defensive driving, pre-trip inspections, emergency management and blood borne pathogens. Drivers are also trained on the unique characteristics of each vehicle type and providing excellent customer service.
- NCTD Safety, bus operations and maintenance personnel receive safety concern identification and reporting training, de-escalation training upon hire and biennially thereafter.

9.4 Employee Training Records

Detailed training programs are necessary to ensure policies, procedures, and programs are followed accordingly. Formal training programs entailing in class activities, curriculums, training manuals, lesson plans, field exercises, drills, computer-based training, written and video communications, and testing, have been established for vehicle operators, maintenance personnel, and front-line employees. Additionally, training programs have been developed to address safety topics and concerns, which may be faced by NCTD employees during the performance of their daily duties. Examples of training programs include, but are not limited to:

- State or federally mandated training
- Vehicle operator training
- Maintenance training for various job classifications
- Equipment operation training
- ADA Laws and Regulations Compliance
- Injury and illness prevention training
- Customer relations training
- Emergency preparedness and response training including NIMS/ICS training
- System safety training
- NCTD's alcohol and drug abuse policy
- Blood borne pathogens training
- Hazard identification and resolution training

The training programs received by an employee are dependent on their job classification and the responsibilities of their position. The training programs may also include on-the-job training that is monitored by a supervisor or mentor. Training efforts are first started at the initial stages of employment and are continued periodically throughout an employee's career as necessary to maintain certifications and to ensure the employee is capable of performing their duties in a safe and efficient manner.
The following employees will complete and maintain training requirements as outlined in Public Transportation Safety Certification Training Program, 49 CFR Part 672 as applicable:

- All NCTD Safety Department employees (bus curriculum as applicable)
- NCTD employee training records are maintained in the NCTD Training database

9.5 Training and Certification Compliance

Verifications of such qualification are conducted through internal audits of training programs and documentation. NCTD verifies that initial and recurrent training is conducted, as appropriate, for employees and contractors of the transit agency. The operational and maintenance rules and procedures may vary depending on the mode and location. Those that affect safety are listed below:

- California Commercial Driver's License with passenger endorsement
- Bus environment safety for facilities maintenance
- Transit safety and security procedures
- Emergency response procedures

NCTD verifies that a training program is implemented for new employees on the BREEZE/FLEX/LIFT/ NCTD+ system operating rules, and a re-certification course is conducted on the rules at least every two years, as applicable. When certifications are issued, NCTD requires a certification review and audit process to verify that all required certifications are always up to date.

NCTD verifies that periodical operational evaluations and inspections are conducted to determine the extent of compliance with operating rules, timetables, and special instructions. The results and records of these evaluations and inspections are maintained for four years and are available to NCTD and regulatory agency oversight staff.

9.6 Training and Certification- Responsibilities

<u>NCTD Bus Operations and Training Departments</u>

- Ensure employees are properly trained as outlined in contracts and/or required by state and federal regulations
- Ensure employees are properly trained as detailed in industry standards and OEM training programs
- Update training programs and testing as needed
- Cooperate with all inspections, audits, and reviews performed by the NCTD Safety Department or other oversight entities
- Address all corrective actions as assigned
- Provide training reports as outlined in contracts and other agreements with NCTD
- Document all training as required
- Perform inspections to oversee the training programs of applicable contractor(s)
- Determine root cause of safety issues
- Analyze inspection data for safe, abnormal, or unsafe trends
- Assign corrective actions for non-compliant items and monitor the results
- Address trends promptly through investigation and resolution activities

The Safety Department shall:

- Perform safety field inspection that include some elements of safe operations which overlap with operations oversight inspections
- Perform an internal safety audit focused on training, certification, and qualifications to ensure that NCTD bus operations staff are providing proper oversight of this component, as it is a critical element of safe operations
- Communicate any findings to the applicable Division for review and proper assignment of corrections
- NCTD Safety Department and Operations staff are responsible for supporting safety certification through appropriate planning, reviews, testing, and validations

Any observations or concerns discovered by the NCTD Safety Department with regards to BREEZE/FLEX/LIFT/NCTD+- related training will be communicated to the applicable Division for review and proper assignment of corrections.

9.7 Rules and Procedures Review

NCTD coordinates and promotes bus operational safety through multiple initiatives including, but not limited to:

- Development of SOPs and various Operating Manuals. A detailed list of all NCTD SOPs is included in Appendix C.
- Implementation of zero-tolerance on the improper use of cell phones and electronic devices by safety sensitive personnel. Details can be found in NCTD SOP 3000.105 – Electronic Device Usage – Bus and Non-Revenue Vehicles.
- Review of preventative maintenance (PM) schedules and inspections
- Review of the California Highway Patrol (CHP) Basic Inspection of Terminals (BIT) Program

<u>Development of SOPs and Operating Manuals</u>

NCTD has developed a series of SOPs which provide detail, standardization, and uniformity when conducting certain procedures. This series of SOPs allow all NCTD employees to have a standard framework and language to effectively work as a team across all modes while conducting service management, emergency management, or operational and maintenance functions. A detailed list of all NCTD SOPs is included in Appendix C. In addition to SOP's various departments have Operating Manuals that provide details on requirements for performing specific job responsibilities. All manuals are compliant with any applicable regulations.

<u>Review of Preventative Maintenance Schedules and Inspections</u>

Preventative maintenance (PM) schedules and maintenance of NCTD inspection requirements will help ensure revenue vehicles are operating in a safe and reliable manner. The NCTD Bus Operations Division will ensure adherence to approved PM and inspection schedules to provide safe and properly maintained transit vehicles for all employees and public at large.

Review of the CHP BIT Program

The BIT program determines whether the transportation provider's selected maintenance schedules are adequate to prevent collisions or mechanical breakdowns involving the vehicles, and all required maintenance and driver records are prepared and retained as required by law. The Bus Operations Division and the Safety Department will review the results of the CHP BIT Program to ensure compliance with all state and local regulations.

9.8 Rules and Procedures Review- Responsibilities

Bus Operations Division

- Train and/or certify personnel and enforce operating rules and specific instructions, policies, and procedures relating to or governing operations and maintenance activities. Recommend operating rules and Special Instruction additions, changes, modifications and/or deletions
- Issue and enforce additional workplace safety rules, hazardous materials handling and storage rules, and other rules as necessary to administrative, facility maintenance, mechanical, and operating employees
- Enforce compliance with all applicable federal regulatory requirements
- Take appropriate remedial action for non-compliance
- Transit operators are subject to all traffic laws and law enforcement direction
- Transit operators are to operate vehicles in a safe manner at all times.
- Verify any contractor(s) are in compliance with the contract (to include compliance with applicable federal and state regulatory requirements along with industry standards and recommended practices)
- Verify any contractor(s) are in compliance with any internal rules and procedure compliance program
- Participate in efficiency testing for BREEZE/LIFT/FLEX/NCTD+ and review results including supervisory oversight and follow-up
- Correct or address trends through investigation and resolution activities
- Perform field inspection safety and operating practices audits that include rules and procedures compliance

Safety Department

- Perform internal safety audits focused on employee training on rules and procedures reviews
- Conduct root cause analysis as required
- Analyze records and data for abnormal or unsafe trends
- Assign corrective actions for non-compliant items that need to be addressed
- Perform field inspection safety and operating practices audits that include rules and procedures compliance
- Communicate any findings to the applicable Division for review and proper assignment of corrective action

9.9 Operating and Maintenance Rules

The NCTD Bus Operations personnel must comply with NCTD rules and contract language, as well as applicable state and federal regulations

9.10 Rules and Compliance Documentation

The NCTD safety database will be the primary location of records related to NCTD activities that oversee contracts and rules and compliance programs. All records are maintained in accordance with the NCTD Board Policy No. 15 – *Records Retention Policy and Schedule*, and are available for review by regulatory agencies upon request. Additional policies and procedures referenced in the PTASP are maintained in the NCTD document management system.

9.11 Hazardous Material Program

The hazardous material program is maintained to ensure that adequate safeguards are in place to prevent exposure to hazardous materials for employees, contractors, passengers, and the general public and to minimize environmental damage as a result of NCTD transit operations.

NCTD makes every reasonable effort to protect people and the environment from potentially harmful effects of hazardous materials and waste. All persons subject to this section will comply with applicable local, state, and federal laws pertaining to environmental protection, and to the use, handling, storage, and transportation of hazardous materials. Areas of responsibilities include:

- Spill response, cleanup, and investigation
- Environmental compliance audits at NCTD facilities
- Storm Water Management
- Capital program review and advisement
- Regulatory review and interpretation
- Authority policy review and implementation
- Technical advisor and expertise

9.12 Hazardous Materials – Responsibilities

The following responsibilities detail how NCTD staff maintain compliance with the hazardous materials program:

NCTD Bus Operations Division responsibilities include:

- Policies and procedures: NCTD will institute policies for the safety and protection of the environment and persons who may come into contact with hazardous materials used in Bus West and East Yard maintenance for bus operations as well as all modal transit operations throughout the NCTD service area. These practices shall be approved by NCTD.
- Training: Employees whose job duties expose them to hazardous materials shall receive initial training and periodic refresher training in hazardous materials identification, safety data sheets (SDS), PPE, the Storm Water Pollution Prevention Plan (SWPPP), proper handling and disposing of hazardous materials, and emergency procedures in response to hazardous material spills.

- Safety Data Sheets (SDS): Maintain the SDS and an up-to-date list of all hazardous chemicals present in the workplace in accordance with the requirements of OSHA's Hazard Communication Standard (29 CFR 1910.1200).
- Emergency response: The OCC initiates an emergency response to any hazardous materials incident involving NCTD operations. Incidents are immediately reported to the OCC, who in turn initiate the emergency response notification process, specified in the NCTD ERP.

The Office of Chief General Counsel shall:

- Coordinate with the PCA Department to verify any applicable contractor is compliant with the established contract language
- Coordinate with Development Services Division to ensure applicable contractors are following all applicable local, state, and federal environmental regulations
- Cooperate with all internal oversight and inspection activities

The Safety Department shall:

- Perform audits focused on high-level facility safety and emergency preparedness items. These audits purposely overlap with facility compliance oversight primarily performed by the Facilities Department
- Perform internal safety audits based on the triennial audit schedule focused on facility inspections to ensure the NCTD Facilities Department is providing proper oversight of this contract component
- Communicate any findings to the NCTD Facilities Department for review and proper assignment for correction

10.0 List of Definitions and Acronyms Used

Accident/Safety Event –An unexpected outcome resulting in injury or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment. When used within this document, the term Accident is synonymous with the term Safety Event.

Accountable Executive - A single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326.

American Disabilities Act (ADA) – The ADA became law in 1990. The ADA is a civil rights law that prohibits discrimination against individuals with disabilities in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.

American Public Transportation Association (APTA) – APTA is a nonprofit international association of more than 1,500 public and private sector member organizations that represents all modes of public transportation, including bus, paratransit, light rail, commuter rail, subways, waterborne services, and intercity and high-speed passenger rail. NCTD is an APTA member.

California Highway Patrol (CHP) – Enforce traffic laws and manage traffic and emergency incidents in California

California Public Utilities Commission (CPUC) – State regulatory agency that oversees and regulates railroad and rail fixed guideway safety in the State of California.

Certifiable Elements List – A list that contains all facilities, systems, and other items that are subject to safety certification due to their safety functions.

Chief Safety Officer – An adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities.

COASTER – Commuter rail service provided by NCTD that operates over the San Diego Subdivision between Oceanside and San Diego.

Contractor – A third-party operating or maintenance provider that performs tasks required on behalf NCTD.

Corrective Actions (CAs) or Corrective Action Plan (CAP) – Actions or a plan of actions developed by NCTD that describes the tasks or measures implemented to minimize, mitigate, control, correct, or eliminate hazard, and the schedule for implementing those actions.

Electronic Device (ED) – Any device that makes or receives phone calls, leaves messages, sends, or receives text messages, accesses the internet, receives, or sends a global positioning system (GPS) signal, allows for uploads or downloads of data, text, or images, or requires any user action to operate. These include but are not limited to cell phones, smart phones, two-way pagers, personal digital assistants (PDA), GPS, games, iPods, iPads, portable computers, MP3 players, Bluetooth devices, any headphones or earbuds, televisions, radios, video players, as well as any similar or future devices known by different names, whether or not the device is company issued.

Emergency – An unexpected serious event or situation which requires immediate response to the urgent needs of the situation, or to maintain the security and/or integrity of the system, including, but not limited to, any of the following:

a) Any accident that meets reporting criteria for a regulatory agency
b) Any injury or illness requiring immediate medical attention, or fatality, involving persons on board a revenue vehicle
c) Threatened, attempted, or successful suicides
d) Serious threat to the security or safety of passengers and/or employees
e) Any unplanned event causing a significant disruption of service which may require the arrangement of alternative transportation for NCTD system passengers

Employees – When used in this document, all executives, management, staff, labor, consultants, and contractors (and their sub-contractors) of NCTD.

Event - Any Accident, Incident, or Occurrence.

Federal Transit Administration (FTA) – Agency of the U.S. Department of Transportation charged with the funding of transit capital and via formula, operations in the United States.

Grade Crossing – A designated location approved by the CPUC where a public or private roadway or pedestrian thoroughfare is authorized to cross active railroad tracks at grade. Public grade crossings are part of a public thoroughfare and are required to be equipped with approved passive signage and/or active warning devices. Private grade crossings are not intended for general public use but are for private thoroughfares with limited access which must cross the tracks.

Hazard – Any real or potential condition (as defined in NCTD's hazard management process) that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Hazard Analysis – Any analysis performed to identify hazards for the purpose of their elimination, mitigation, or control.

Incident – An event that involves any of the following:

a) A personal injury that is not a serious injury;
b) One or more injuries requiring medical transport; or
c) Damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

Investigation – The process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of prevent recurrence and mitigating risk.

Safety Committee – The NCTD Safety Committee consists of staff, labor, and management to address safety concerns and issues discovered through the routine operation and maintenance. Issues that exceed this committee's ability to resolve are referred to the higher-level Risk Register meeting for review. Additional details may be found in NCTD Policy SAF-2004 – Safety Committee

Major Projects (Projects) – The acquisition and integration of new vehicles and safety critical technologies into existing service, or major safety critical redesign projects, excluding functionally and technologically similar replacements with a total project cost as defined by the Federal Transit Administration.

National Public Transportation Safety Plan (NPTSP) – The plan to improve the safety of all public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53.

North County Transit District (NCTD) – The transit district that is responsible for providing BREEZE, LIFT, FLEX, NCTD+ bus services and the COASTER and SPRINTER rail services. NCTD is the owner of the rolling stock, infrastructure, and the San Diego and Escondido Subdivisions.

Occurrence - An Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

Operations Control Center (OCC) – Located at the SOF in Escondido, the OCC dispatches and supervises all train, light rail and bus movements on the San Diego and Escondido Subdivisions and throughout the NCTD service area. Additionally, emergency management and service management functions are led from the OCC under the Director of the OCC.

Original Equipment Manufacturer (OEM) – A term that refers to the vendor or firm that produces transit vehicles and/or major subcomponents.

Passenger – A person who is on board, boarding, or alighting from an NCTD vehicle for the purpose of travel.

Performance Measure – An expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

Performance Target – A quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the FTA.

Public Transportation Agency Safety Plan (PTASP) – The comprehensive agency safety plan for RTAs that is required by 49 CFR 673 and based on Safety Management System.

Risk – The composite of predicted severity and likelihood of the potential effect of a hazard.

Risk Mitigation - A method or methods to eliminate or reduce the effects of hazards.

Risk Roundtable Meetings – A committee composed of various NCTD representatives convening monthly or as required to assure compliance with the requirements of this PTASP and address high level safety concerns with a discussion of risk based on severity and probability.

Safety – Freedom from harm resulting from unintentional acts or circumstances.

Safety Assurance - Processes within a transit agency's Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Safety Certification – The series of acts or processes that collectively verify the safety readiness of a project for public use.

Safety and Security Certification Plan (SSCP) – A project-specific document developed by NCTD, which verifies that elements critical to safety are planned, designed, constructed, analyzed, tested, inspected, and implemented, and that employees are trained and follow rules and procedures, in compliance with NCTD and regulatory safety requirements.

Safety Database – The database utilized for recording and tracking safety and security activities, including inspections, corrective actions, and accidents/incidents. NCTD currently utilizes Vector Solutions for its Safety database.

Safety Management Policy – A transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety.

Safety Management Systems (SMS) – A comprehensive, collaborative approach that brings management and labor together to build on the transit industry’s existing safety foundation to control risk better, detect and correct safety problems earlier, share and analyze safety data more effectively, and measure safety performance more carefully.

Safety Promotion - A combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.

Safety Risk Assessment - The formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

Safety Risk Management - A process within a transit agency's Public Transportation Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

Safety Sensitive Personnel – An individual employed by a transit agency who operates or maintains transit vehicles.

Security – Freedom from harm resulting from intentional acts or circumstances.

Serious Injury – Any injury which: (1) requires hospitalization for more than 48 hours, commencing within seven days from the date of the injury was received; (2) results in a fracture of any bone (except simple fractures of fingers, toes or nose); (3) causes severe hemorrhages, nerve, muscle, or tendon damage' (4) involves any internal organ; or (5) involves second or third-degree burns, or any burns affecting more than five percent of the body surface.

Storm Water Pollution Prevention Plan (SWPPP) – NCTD's program for preventing pollution caused by storm water run-off.

System Safety – A principle of safety management, developed by the U.S. Military, which recognizes that all organizational plans, programs, policies, practices, and procedures impact the safety of the system as a whole. It requires that these be developed and implemented through a review process that provides for integration of individual departmental needs with the hierarchical needs of the entire system and/or organization.

System Security and Emergency Preparedness Plan (SSEPP) – A document that details NCTD's procedure for maintaining system security as well as its procedure to lead and manage any emergency on the transit system.

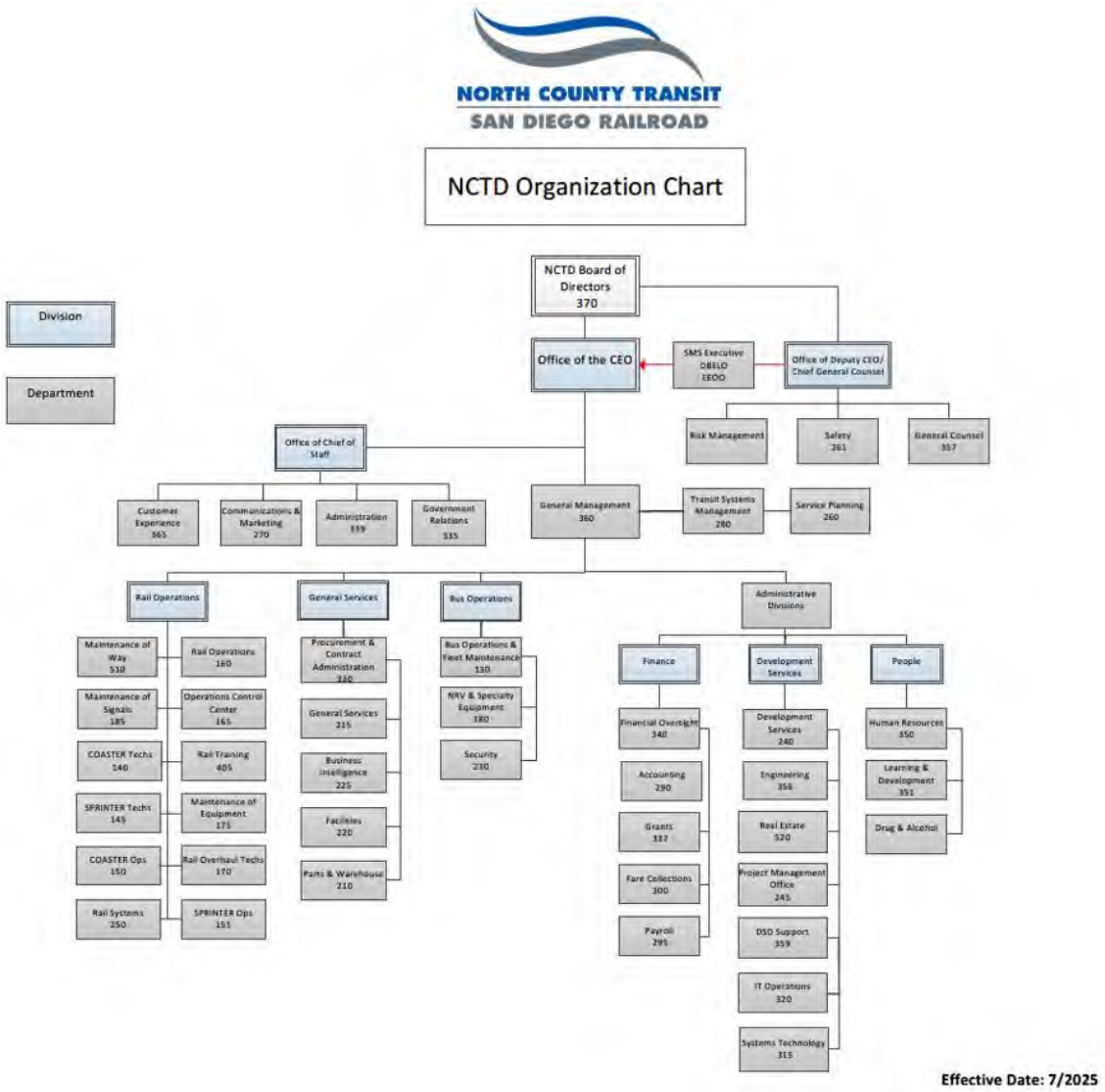
Unusual Occurrence – A non-emergency event that is related to safety, the environment, health, security, or operations, which requires appropriate notification and documentation.

11.0 List of Appendices

The following documents are attached as appendices to this document:

A. NCTD Organization Chart
B. Electronic Hazard Reporting Form
C. List of NCTD Standard Operating Procedures (SOPs)
D. Post Meeting Report of NCTD Safety Committee Approval of this PTASP

Appendix A – NCTD Organization Chart



Appendix B – Electronic Hazard Reporting Form

Appendix C – List of NCTD Standard Operating Procedures (SOPs)

Number	Division/Department	Title
3000.01	Safety	Use of On-Track Equipment by Third Party Contractors
3000.02	Operations	Medical Incidents/Emergencies
3000.03	Operations	Track Irregularities
3000.04	Security Department	Natural Disaster Response
3000.05	Operations	Sheltering Vehicles
3000.06	Operations	Bus Pre-Trip Inspections
3000.07	Operations	Evacuation of NCTD Facilities
3000.08	Operations	Responding to and Reporting on Derailments
3000.09	Operations	Bus Radio Communications and Reports to Dispatch
3000.10	Operations	Reporting for Work for NCTD Operations Contractors
3000.11	Operations	Hours of Service (HOS) for Contractor Employees
3000.12	Security Department	Trespassers and Intrusions into ROW
3000.13	All	Recommended Practice for Emerg. Responder Fam. of Transit Systems
3000.15	Safety	Accident/Incident Investigation
3000.16	Operations	Bicycles onboard NCTD Vehicles
3000.17	Operations	Bus In-Service Stops
3000.18	Security Department	Chem/Bio/Radio/Nuclear/Explosive Incidents
3000.20	All	Customer Relations
3000.21	Operations	Emergency Communications - Rail
3000.22	Safety	NCTD Fire Safety Inspections
3000.23	Operations	Fitness for Duty for NCTD Operations Contractors
3000.24	Safety	General Housekeeping and Safety
3000.25	Operations	Shared Use Rail Crossing
3000.26	Safety	PPE
3000.27	Operations	Roadway Worker Protection Program
3000.28	Safety	Safety and Security Meetings
3000.29	All	Security Incidents
3000.30	Operations	Signals and Grade Crossing Issues
3000.31	All	Special Event Service
3000.32	Operations	SPRINTER Operations Facility Emergency Intercom
3000.34	Operations	Train Evacuations
3000.36	Operations	Station Stop Announcements - Bus
3000.37	Safety	Development and Management of SOPs
3000.38	Operations	Elevator Out of Service
3000.39	Development Services	Precision Measuring Equipment Calibration and Inspection
3000.40	Safety	Bridge Worker Safety
3000.41	Development Services	Access and Use of Restrooms at NCTD Transit Centers
3000.42	Development Services	Lockout/Tagout of Equipment
3000.43	All	Active Shooter Incidents
3000.44	Safety	Data Collection and Analysis
3000.45	Safety	Blood-Borne Pathogens
3000.46	Security Department	Security Awareness Training
3000.47	Operations	Trespasser Strike Response
3000.48	Security Department	Threat Condition Levels

3000.49	Security Department	Threat and Vulnerability Assessment
3000.50	Operations	Bus Evacuations
3000.51	Security Department	Bombs and Threats
3000.52	Development Services	Water Conservation
3000.53	Operations	Coupling and Uncoupling for SPRINTER Vehicles
3000.54	Operations	Power and System Outages
3000.55	Operations	Road Call Procedures
3000.56	Operations	Rail Vehicle Pull-In
3000.57	Operations	Bus Bridges
3000.58	Security Department	Proof of Payment (POP) Enforcement Procedures
3000.59	Operations	Pull-In and Securing Buses
3000.60	Operations	Bus Fire Safety Shutdown
3000.61	Operations	Earthquake Response
3000.62	Operations	Transporting and Securing Mobility Devices
3000.63	Operations	Service Disruption and Recovery
3000.64	Operations	Blue Signal Protection
3000.65	Operations	East Loop Bridge Evacuation
3000.66	Operations	Personal Electronic Device
3000.68	Safety	Emergency Information Book
3000.71	Operations	PA System for Passenger Info/Station Announcements
3000.72	Operations	Troubleshooting and Inspection of Disabled Trains
3000.73	Operations	Rail Radio Communications and Reports to Dispatch
3000.74	Operations	Reports of Unsafe Conditions at Highway - Rail Grade Crossings
3000.76	Operations	COASTER Pre-Trip Inspection
3000.77	Operations	SPRINTER Pre-Trip Inspection
3000.78	Operations	Fast Act Speed Reduction Requirements
3000.79	Bus Operations	Zonar Oversight Procedures
3000.80	Operations	NCTD Bus Radio Monitoring and Reporting
3000.81	Operations	Rail Vehicle Operations Cabinet Securement
3000.82	Security Department	Closed Circuit Television Monitoring Procedures
3000.83	Safety	Use of Off-Track Equipment by CFR 214 Exempt Contractors, Subcontractors, and Third-Party Employees
3000.84	Operations	Contractor Reporting for Service Requirements to the OCC
3000.85	Security Department	Badge Issuance
3000.86	Operations	LIFT/ADA Paratransit Operations
3000.87	Operations	LIFT/ADA Paratransit Transfers
3000.88	All	Facilities Work Request Procedure
3000.89	All	Environmental Compliance
3000.90	All	Stormwater Management Plan
3000.91	Bus Operations	LIFT Subscription Scheduling
3000.92	General Counsel	California Environmental Quality Act (CEQA) Compliance
3000.93	Security Department	Abandoned Property and Encampments
3000.95	Operations	Post Incident Inspection Form
3000.96	Security Department	Refusal of Service
3000.97	Safety	Employee Health Screening
3000.98	Operations	PTC Certification, Operation and Support
3000.99	Operations	Policy and Testing Schedule for OCC Backup Dispatching Locations
3000.100	Operations	Zero Emission Bus Dispatch

3000.101	Operations	ROW Early Warning Detection System
3000.102	Operations	Thermal Runaway Events
3000.103	Operations	Suspension of Service
3000.104	Operations	Hot Work Program
3000.105	Operations	Use of Electronic Devices – Bus & NRVs

Appendix D – Post Meeting Report of NCTD Safety Committee Approval of this PTASP

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD
Post-Meeting Report Form

Distribution List
NCTD
Abraham Sandoval, Arlett Rincon, Baker Alloush, Brigitte Ponce, Bryan Killian, Chris Carrillo, Daniel Midani, Daphanie Grimsley, Derrick Wojcik-Damers, Edward Harrison, Esther Rivers, Freddy Jimenez, Gilbert Castillo, Hiram Arjon, Ioni Tcholakova, Jeffrey Hiott, Jeffrey Nelson, Jennie Griffin, Jennifer Lara, Lawana Porter, Leslee Mack, Lisa Madsen, Lori Winfree, Marq Webb, Meghan Michel, Misty Calder, Monica Tapia, Robert Harris, Ron Prevost, Rosendo Paleo, Sergio Lopez, Sonya-Lynn Fisher, Stephen Dunham, Troy Simon, Tyler Brett

Teamsters
Don Mack, Dwayne Garrett

ATU
Duane Koslicki

Meeting Topic/Title
NCTD Bus Safety Committee Meeting

Meeting Date
January 29, 2026, 10:00am

Meeting Location
GAO/TEAMS

Meeting Participants
NCTD
Ester Rivers, Lawana Porter, Rosendo Paleo, Daphanie Grimsley, Hiram Arjon, Jennie Griffin, Monica Tapia, Robert Harris, Freddy Jimenez, Karen Tucholski, Daniel Midani, Duane Koslicki, Tyler Brett, Leslee Mack, Jennifer Lara, La Tara Welch-Davis, Mikaela Minamishin, Abraham Sandoval, Lori Winfree, Porschia Wong, Stephen Dunham, Martin Flores, Baker Alloush, Jeffrey Hiott

Teamsters
Don Mack

Summary of Discussion
Agenda Item Responsible Party
1. Housekeeping
   a. Safety Briefing – Tyler Brett gave a safety briefing.

   b. Sign In/Roll Call – Porschia Wong took roll call for the Committee.

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Members present:
Jennie Griffin, Robert Harris, Hiram Arjon, Stephen Dunham, Daphanie Grimsley, Don Mack, Lori Winfree, Daniel Midani, Freddy Jimenez, Lawana Porter, Abraham Sandoval, Jeffrey Hiott, Jennifer Lara

c. Membership Roster Review and Update – Porschia Wong reviewed with the safety committee the membership Roster. The committee welcomed Hiram Arjon as an alternate to Gilbert Castillo to replace Ron Prevost. Stephen Dunham replaced Sonya-Lynn Fisher as a representative. Monica Tapia is the alternate to Jeffrey Hiott.

2. PTASP Related Activities
   a. Safety Performance Targets for 2026 – Karen Tucholski reviewed the Safety Performance Targets for the year. The committee discussed and reviewed the safety targets set previously for 2023, 2024, and 2025. Targets for BREEZE, LIFT, and FLEX were discussed. All committee members voted and agreed on the proposed safety targets for 2026 which will be presented to the NCTD Board of Directors for approval.

Next Meeting
April 28, 2026, 1:00pm

NORTH COUNTY TRANSIT
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Agenda Item # 8

STAFF REPORT

ADOPT RESOLUTION NO. 26-02 APPROVING MODIFICATIONS TO BOARD POLICY NO. 24 – EMPLOYEE DRUG AND ALCOHOL POLICY

Time Sensitive: ☐ **Consent:** ☒

STAFF RECOMMENDATION:

Adopt Resolution No. 26-02 approving modifications to Board Policy No 24 – *Employee Drug and Alcohol Policy* to ensure continued compliance with the Department of Transportation and Federal Transit Administration requirements.

BACKGROUND INFORMATION:

In accordance with the U.S. Department of Transportation's (DOT) and Federal Transit Administration's (FTA) Drug and Alcohol Program requirements, North County Transit – San Diego Railroad (NCTD) must maintain compliance with the following regulations:

- 49 Code of Federal Regulations (CFR) Part 32 "Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)"
- 41 United States Code (USC) Sections 701, et. seq., as amended, Drug-Free Workplace Act (DFWA) of 1988
- 49 CFR Part 655 "Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations"
- 49 CFR Part 40 "Procedures for Transportation Workplace Drug and Alcohol Testing Programs"

Following the transition to in-house Bus Operations as well as transitions in the personnel responsible for daily program management and implementation, updates to Board Policy No. 24 – *Employee Drug and Alcohol Policy* are required. Changes to the policy reflect clarification on testing conducted under NCTD/Non-DOT authority and updates to personnel identified as Drug and Alcohol Program Managers with responsibility for program administration.

Staff recommends that the NCTD Board of Directors adopt Resolution No. 26-02, approving modifications to Board Policy No. 24 – *Employee Drug and Alcohol Policy* to ensure continued compliance with the DOT and FTA requirements.

ATTACHMENT:

8A – Draft Resolution No. 26-02 Approving Modifications to Board Policy No. 24
8B – Draft Board Policy No. 24 – *Employee Drug and Alcohol Policy* Blackline
8C – Draft Board Policy No. 24 – *Employee Drug and Alcohol Policy* Clean

FISCAL IMPACT:

This staff report has no fiscal impact.

COMMITTEE REVIEW

None

STAFF CONTACT:

Lori A. Winfree, Deputy Chief Executive Officer/Chief General Counsel
E-mail: lwinfree@nctd.org Phone: 760-966-6532

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

RESOLUTION NO. 26-02

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY TRANSIT DISTRICT APPROVING MODIFICATIONS TO BOARD POLICY NO. 24 – *EMPLOYEE DRUG AND ALCOHOL POLICY*

WHEREAS, the North County Transit District, operating under and pursuant to Public Utilities Code sections 125000, et seq., as North County Transit – San Diego Railroad ("NCTD") Board of Directors ("Board") has adopted Board Policies 1 through 34 to guide the daily operations of NCTD; and

WHEREAS, Following the in-house transition of Bus Operations, as well as transitions in personnel responsible for daily program management and implementation, updates to Board Policy No. 24 – *Employee Drug and Alcohol Policy*, are required.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the North County Transit - San Diego Railroad hereby approves modifications to Board Policy No. 24 – *Employee Drug and Alcohol Policy*, set forth in full in Exhibit A to this Resolution.

BE IT FURTHER RESOLVED that insofar as the provisions of any Ordinance, Resolution, document or previous action of the Board and/or the Chief Executive Officer, prior to the date of this Resolution, are inconsistent with the provisions of this Resolution or the policy adopted by this Resolution, this Resolution and the Board Policy adopted herein shall control.

PASSED, APPROVED AND ADOPTED at the regular meeting of the Board of Directors of the North County Transit – San Diego Railroad this 19th day of March 2026.

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BOARD CHAIR
North County Transit District

CERTIFICATION

I, Suheil Rodriguez, duly appointed and qualified, Clerk of the Board of the North County Transit - San Diego Railroad, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the North County Transit - San Diego Railroad adopted at a legally convened meeting of the Board of Directors of the North County Transit - San Diego Railroad held on the 19th day of March 2026.

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CLERK OF THE BOARD
North County Transit District

RESOLUTION NO. 26-02

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY TRANSIT – SAN DIEGO RAILROAD APPROVING MODIFICATIONS TO BOARD POLICY NO. 24 - *EMPLOYEE DRUG AND ALCOHOL POLICY*

Exhibit A (on following page)

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Board Policy No. 24
Employee Drug and Alcohol/Drug-Free Workplace Policy

Summary

This policy applies to employees of the North County Transit – San Diego Railroad (NCTD~~,~~), who are covered under the U.S. Department of Transportation (DOT) regulations based upon the nature of their job duties. Terms that are applicable, per DOT regulations are identified in regular typeface~~,~~ and terms that are applicable, per ~~based on~~ NCTD (non-DOT) authority, are identified in *italic* typeface. Upon adoption by the Board, this policy supersedes the Drug & Alcohol Policy of ~~June 26~~October 23, 2025, and all other prior-adopted Drug & Alcohol policies.

NCTD is a drug-free workplace in accordance with Drug-Free Workplace statutory requirements (41 U.S.C. sections 8101, et seq.), as promulgated under 49 CFR Part 32.

Purposes

A. To maintain a safe and efficient public transportation system;
B. To maintain a safe, healthy working environment for all employees;
C. To reduce the incidence of accidental injury to person or property;
D. To reduce absenteeism, tardiness, and indifferent job performance;
E. To maintain a work environment free of alcohol and drug related performance problems, accidents, and injuries; and
F. To comply with the Federal Transit Administration (FTA) regulations on prevention of alcohol misuse and prohibited drug use in transit operations (49 C.F.R. Part 655) and on procedures for transportation workplace drug and alcohol testing programs (49 C.F.R. Part 40).

Drug-Free Workplace

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited while on NCTD business or on NCTD premises, ~~property~~property, or vehicles. Further, no employee shall bring drug paraphernalia onto NCTD premises or property or into NCTD vehicles. All employees must abide by this policy statement as a condition of employment. Violation of these rules will result in disciplinary action, up to and including termination; termination is likely for any violation, even a first offense.

Under the Federal Drug Free Workplace Act, all employees are required to notify the Human Resources department in writing immediately, ~~but in any event within~~and no later than five calendar days, after they have been convicted of violating a criminal drug statute that occurred in the workplace or while working. *Any employee who fails to provide such notification shall be subject to termination of employment under NCTD authority.*

1.1 Pursuant to 49 CFR Part 32.225, NCTD is responsible to notify the appropriate Federal agencies if an employee who is engaged in the performance of an award informed NCTD about a conviction, or if NCTD otherwise learns of this conviction. “Award” means an award of financial assistance by the DOT or other Federal agency directly to a recipient

such as NCTD. NCTD must notify every Federal agency on whose award the convicted employee was working. The notice must be in writing, include the employee's position title and employee identification number(s) of each affected award, and must be sent within 10 calendar days to the affected Federal agencies after NCTD has learned of a conviction. It must be sent to every awarding official or designee unless the Federal agency has specified a central point for the receipt of the notice. Within 30 calendar days of learning about the employee's conviction, NCTD must take appropriate personnel action against the employee, up to and including termination.

Application of Policy

This policy applies to employees of the NCTD who work in the titles listed in Appendix A and/or perform safety-sensitive functions as defined below.

Some of the drug and alcohol testing and procedures required in this policy are mandated by FTA regulations preventing prohibited drug use and alcohol misuse in transit operations (49 C.F.R. Part 655). The drug testing and alcohol testing mandated by FTA (49 C.F.R. Part 40) is applicable to "safety-sensitive employees" of NCTD, which includes those who:

A. Operate revenue service vehicles, including when such vehicles are not in revenue service.;
B. Operate a non-revenue service vehicle, when such vehicle is required to be operated by a holder of a Commercial Driver's License;
C. Control dispatch or movement of a revenue service vehicle;
D. Maintain a revenue service vehicle or equipment used in revenue service;
E. Security personnel who carry firearms;

NCTD has reviewed the actual duties performed by employees. -The positions listed in Appendix A have been determined to require the performance of safety-sensitive duties as defined above.

NCTD does not employ volunteers to conduct safety-sensitive duties.

Illegal Drugs, Legal Drugs, and Alcohol

A. Illegal Drugs

Illegal drug means any drug (a) which is not legally obtainable or (b) which is legally obtainable but has not been legally obtained. The term includes marijuana, cocaine, opiates (codeine, morphine, heroin), phencyclidine (PCP), amphetamines (amphetamine, methamphetamine, MDMA, MDA), and semi-synthetic opioids (hydrocodone, oxycodone, hydromorphone, oxymorphone). Regardless of any State laws protecting the medicinal or recreational use of marijuana, federal regulations forbid its use by safety-sensitive employees. Employees are prohibited from using the six listed drugs at all times, and covered employees may be tested for these drugs any time while on duty as discussed below. *The term "illegal drugs" also includes prescribed drugs not legally obtained, or prescribed drugs not being used for prescribed purposes.*

B. Legal Drugs

The use of legal drugs at a level, or in a manner, combination or quantity which impedes an employee's ability to perform his job is prohibited and will lead to disciplinary action, up to and including termination. NCTD policy (not FTA regulations) also deems failure to report the use of legal drugs per the procedure described below as a violation of this policy that will result in discipline up to and including termination of employment.

It is the employee's responsibility to ensure that any legal drug(s) they are taking allow them to safely perform their duties. Employees have an affirmative obligation to discuss any potential impact a prescription drug may have upon their ability to perform their job duties with their physician. If the physician feels a potential impact may exist, the employee must report any such prescribed drug or medication, to a member of the Human Resources Department so that a determination can be made as to the ability of the employee to perform their particular job safely while using that drug or combination of drugs. If the NCTD has determined that the employee does not pose a threat to his or her own safety, public safety, or the safety of coworkers, and that the employee's job performance will not be significantly affected by the legal drug, the employee may continue to work while taking that particular legal drug. Any employee using a prescription legal drug must provide the prescription to the designated Medical Review Officer as soon as possible (but in any case, within 24 business hours) after notification by NCTD management.

C. Alcohol

No employee shall consume alcoholic beverages in NCTD vehicles, within four hours before performing safety-sensitive functions, or while in uniform. An employee shall not allow an open container of alcohol or an illegal drug to be placed or carried in an NCTD vehicle or in any vehicle over which an employee has control while conducting NCTD business. NCTD prohibits the consumption of alcohol by employees while conducting NCTD business, whether or not such consumption will cause the employee to be considered under the influence of alcohol. Violation of these rules will result in disciplinary action, up to and including termination, even for a first offense.

No employee who is on-call and therefore subject to being called in to work shall consume alcohol within four hours of or during those on-call hours. In the event such an employee is called and must report for duty, the employee has the opportunity to acknowledge that he/she has used alcohol and therefore is not able to perform his/her safety-sensitive function. *In such a case, that employee shall not be required to perform work, but may be disciplined for the use of alcohol during on-call hours based on NCTD policy (not FTA regulations).* FTA regulations mandate that employees with a breath-alcohol concentration between 0.02% and 0.039% not be allowed to perform any safety-sensitive function until the start of the employee's next regularly scheduled duty period that is at least eight hours following the administration of the alcohol test. FTA regulations also mandate that employees with a breath-alcohol concentration of 0.04 or greater not be allowed to perform any safety-sensitive function and follow additional steps before a return to duty as described below for a positive test. *NCTD policy is that any employee who is tested for alcohol and has a breath-alcohol content of 0.02% or greater will be terminated, even for a first offense.*

Prohibition Against Employees Having Illegal Drugs or Alcohol in their Bodies During Working Time

All employees must report for work with no illegal drugs or their metabolites or alcohol in their bodies. *Employees must not have illegal drugs or their metabolites or alcohol in their bodies at any time while on the job and employees may be tested for the presence of drugs and/or alcohol at any time while on duty or at a NCTD facility, under the circumstances described below.* Alcohol tests on safety-sensitive employees who are performing, are about to perform or who have just completed performing safety-sensitive duties are FTA-mandated tests when they are based on reasonable suspicion, post-accident or random (as described below); *all other alcohol tests are required by NCTD policy.* Drug tests on safety-sensitive employees are FTA-mandated tests when they are pre-employment (including assuming safety-sensitive duties), based on reasonable suspicion, post-accident, follow-up or random (as described below); all other drug tests are required by NCTD policy. FTA regulations prohibit safety-sensitive employees from using alcohol within four hours prior to their shift or while on call, and from having a breath-alcohol concentration of 0.02 or higher while performing safety-sensitive duties. *NCTD policy likewise prohibits employees from having a breath-alcohol concentration while on duty of 0.02% or higher. Any employee with a breath-alcohol concentration of 0.02% or higher will be terminated.* ***Compliance with these rules is considered an essential job qualification for all employees. Termination of employment will occur for a violation of any of these rules, even for a first offense. This is a zero-tolerance policy. No employee who violates this policy will be given a second chance.***

Enforcement of Rule Prohibiting Employees from Having Illegal Drugs or Alcohol in their Bodies During Working Time

A. Pre-employment Drug Testing

Individuals who are applying for safety-sensitive positions are subject to an FTA pre-employment drug test. All drug tests will be administered by a medical facility designated by NCTD. If the drug test is cancelled by the Medical Review Officer (MRO), the applicant must retake and pass the drug test before being hired. NCTD extends conditional offers of employment to successful candidate's contingent on their passing a pre-employment drug test; any prospective employee refusing to submit to the drug test will not be hired by the District. A covered employee or applicant, who has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason and has not been in NCTD's random selection pool, shall take a pre-employment drug test with a verified negative result before being permitted to perform any safety-sensitive duties.

Any prospective employee with a positive drug test will be rejected from further consideration for employment with NCTD. Further, any applicant or employee who has previously failed or refused a drug test must provide proof to NCTD, prior to being considered for employment, that he/she has successfully completed a referral, evaluation, and substance abuse treatment plan compliant with the requirements in 49 CFR Parts 40 and 655. NCTD will provide each applicant or employee who fails a drug test with a list of names, addresses and telephone numbers of locally available Substance Abuse Professionals (SAPs) qualified under 49 CFR Part 40 requirements. *NCTD policy, not FTA regulations, requires that all fees, other than the cost of the drug test itself, including but not limited to referral, counseling and treatment fees will be paid by the candidate/employee.*

B. Reasonable Suspicion Alcohol and Drug Testing

Employees who work in safety-sensitive positions are subject to an FTA alcohol test and drug test. Reasonable suspicion testing will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of an employee. One or more supervisors or NCTD officials trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations. For FTA reasonable suspicion alcohol tests, the alcohol testing authorized in this section (and the observations required by the supervisors or NCTD officials referred to above) must occur during, just before or just after the performance of safety sensitive job functions. Observations leading to FTA drug tests may occur any time a safety-sensitive employee is on duty.

FTA regulations require that any employee with a positive drug test or an alcohol concentration measure of 0.02% or higher be immediately removed from service, and that an employee with an alcohol concentration measure of 0.02 to 0.039% will, at a minimum, not be allowed to perform a safety-sensitive function until the start of the employee's next regularly scheduled duty period that is at least eight hours following the administration of the alcohol test.

Any employee with a positive drug test or having a breath alcohol concentration measure of 0.02% or higher will be terminated from employment with NCTD. -Any employee who has a positive FTA drug test or an alcohol concentration measure of 0.04% or higher on an FTA-mandated alcohol test will be referred to the SAP for evaluation in accordance with 49 CFR Part 40. *NCTD policy, not FTA regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to, referral, counseling and treatment fees will be paid by the candidate/employee.*

Refusal to submit to any testing required by this section will be sufficient grounds for termination and will result in the employee being relieved of his or her duties immediately.

C. Post-Accident Alcohol and Drug Testing

FTA regulations require drug and alcohol testing following certain accidents. In addition, NCTD requires post-accident testing for accidents in circumstances when such testing is not required by the FTA. The following guidelines describe when a test is required by the FTA versus when the test is required by NCTD policy. Employees will be informed whether the test is an FTA test or a NCTD test. NCTD tests will not be conducted using FTA testing forms.

1. FTA Definition of "Accident": An accident, as defined by the FTA, is an occurrence associated with the operation of a vehicle, if as a result:
    a) An individual dies; or
    b) An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or
    c) With respect to an occurrence in which the public transportation vehicle involved is a bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as a result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle. In the case of a rail vehicle, disabling damage means that the vehicle must be removed from operation.
    d) Disabling damage means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Disabling damage includes damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage that can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available or damage to headlights, tail-lights, turn signals, horns, or windshield wipers that makes the vehicle inoperative.

2. Fatal Accidents. As soon as practicable following an accident involving the loss of human life, each surviving employee operating the public transportation vehicle at the time of the accident shall submit to an alcohol test and a drug test. Further, any other employee whose performance could have contributed to the accident (e.g., a mechanic in the case of brake failure causing the accident), as determined by NCTD using the best information available at the time of the decision, shall also be required to submit to an alcohol test and a drug-screen test.

3. Non-fatal Accidents. As soon as practicable following an accident not involving the loss of human life, each employee operating the public transportation vehicle (as defined above in item 4.F.1. – FTA Definition of "Accident") at the time of the accident shall submit to an alcohol test and a drug-screen test, unless NCTD management determines, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. In addition, any employee whose performance could have contributed to the accident, as determined by NCTD, using the best information available at the time of the decision, will be required to submit to an alcohol test and a drug-screen test.

~~4. *NCTD Definition of "Accident". NCTD adheres to the same definition of an accident as the FTA definition above at 4.F.1., which extends application to any NCTD vehicle, including non-revenue vehicles. All employees involved in an accident in as defined in 4.F.1 will be subject to a post-accident drug and alcohol test. The procedures and rules outlined in this section apply uniformly regardless of whether the test is a NCTD test or an FTA test; however, NCTD sets the procedures for its own testing based on its own authority, not FTA authority.*~~

~~5.~~4. Post-Accident Testing Procedures.

a) Any employee involved in an accident is prohibited from using alcohol for eight hours following the accident or until they undergo a post-accident alcohol test and drug test. Any employee involved in an accident who fails to remain readily available for the testing required by this section, including notifying NCTD officials of his or her location if they leave the scene of the accident prior to submission to such tests, will be deemed to have refused to submit to testing.

b) Post-accident testing will occur after the employee assists in resolution of the accident or receives medical attention following the accident. NCTD will complete the post-accident drug testing as soon as possible, and such testing will occur no later than 32 hours after the accident. NCTD will attempt to complete the post-accident alcohol testing within two hours of the accident. If the testing is not completed within two hours, NCTD will continue to attempt to complete the test and will prepare a report explaining why the breath specimen was not collected within two hours. If the alcohol test is not completed within eight hours of the accident, NCTD shall cease attempts to complete the test and update the report as to why the test was not completed.

c) *Refusal to submit to a test required by this section will be sufficient grounds for termination* and will result in the employee being relieved of their duties immediately. Based on FTA regulations, any employee with a positive drug test or having an alcohol concentration measure of 0.02% or higher will be immediately removed from service. *Based on NCTD policy, any employee with a positive drug test and/or an alcohol concentration measure of 0.02% or higher will be terminated from employment with NCTD.*

d) Any employee who has a positive FTA drug test or an alcohol concentration measure of 0.04% or higher on an FTA-mandated alcohol test will be referred to the SAP for evaluation in accordance with 49 C.F.R. Part 40. *NCTD policy, not FTA regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to referral, counseling and treatment fees will be paid by the employee/former employee.*

D. Random Alcohol Testing and Drug Testing

All safety-sensitive employees as identified in Appendix A will be subject to unannounced, random alcohol testing and random drug testing in accordance with 49 CFR Part 655. The selection of employees for random alcohol testing and random drug testing shall be made randomly by NCTD. The selection of employees for random alcohol testing and random drug testing shall be by a scientifically valid method, such as a random number table or a computer-based random number generator. Each employee will have an equal chance of being tested each time selections are made. These tests will not be announced in advance and will be administered on all days and at during all work hours throughout the year. The minimum testing requirement effective January 1, 2022, is to annually perform drug tests on 50% and alcohol tests on 10% of the safety-sensitive employees. ~~The NCTD's~~NCTD's Drug and Alcohol Program Manager (DAPM) will adjust the number of tests as needed to ensure NCTD conducts no fewer than the FTA-mandated number of tests.

Each employee selected for random alcohol testing and/or random drug testing must proceed to the test site immediately. *Refusal to submit to such testing will be deemed a positive and be sufficient grounds for termination* and will result in the employee being relieved of his or her duties immediately. Based on FTA regulations, any employee failing a drug test or having an alcohol concentration measure of 0.02 percent or higher will be immediately removed from service. *Based on NCTD policy, any employee with a positive drug test and/or an alcohol concentration measure of 0.02% or higher will be terminated from employment with NCTD.* Any employee who has a positive FTA drug test or a finding of an alcohol concentration measure of 0.04% or higher on an FTA-mandated alcohol test will be referred to the SAP for evaluation in accordance with 49 CFR Part 40. *NCTD policy, not FTA regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to referral, counseling and treatment fees will be paid by the employee/former employee.*

Random alcohol testing is only permissible just before an employee performs safety-sensitive duties, during that performance, and just after an employee has performed covered duties.

E. Drug Testing for Employees Assuming Safety-Sensitive Duties

Any employee who accepts a position with NCTD involving safety-sensitive duties, who has previously been engaged in non-safety-sensitive duties, will be required to submit to and pass a

pre-employment drug test prior to assumption of the safety-sensitive duties. In addition, any employee who has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and where that employee has not been in the NCTD's random drug testing selection pool during that time, shall be required to take a pre-employment drug test in accordance with Section A (Pre-Employment Drug Testing) above, with a verified negative result before returning to duty.

If the drug test is cancelled by the MRO, the employee must retake and pass the test before assuming safety-sensitive duties. *Refusal to submit to such testing will be deemed a positive and are sufficient grounds for termination of employment.* Any employee with a positive drug test result will be immediately removed from service. *Further, having a positive drug test result will subject the employee to termination from employment with NCTD.* Any employee who has a positive FTA drug test will be referred to the SAP for evaluation in accordance with 49 CFR Part 40. *NCTD policy, not FTA regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to referral, counseling and treatment fees will be paid by the employee/former employee.*

F. Reasonable Cause Testing – NCTD Authority – NON-DOT

Under NCTD authority, NCTD may require any safety sensitive employee to submit to drug and alcohol testing whenever a determination is made that "Cause" exists. Any tests done under NCTD authority shall be non-DOT tests and shall be conducted accordingly. The following circumstances constitute "Cause" for the administration of drug and/or alcohol testing:

1. ~~*Safety Critical Violation:*~~ *ALL FTA Regulated Employees*
   - ~~*An employee directly involved in a safety critical rule or whose performance resulted in a violation that could possess an immediate threat to the safety of employees, passengers or the general public will be immediately taken out of service and required to submit to drug and/or alcohol testing.*~~
     - *An employee directly involved in any accident, incident or safety event in a revenue service or a non-revenue service vehicle which does not meet the definition of an FTA accident may be required to submit to drug and/or alcohol testing in the determination of the responding supervisor and/or NCTD management personnel based on the nature and severity of the situation.*

2. ~~*Operating Rule Violation:*~~ *All FTA Regulated SPRINTER Employees*

~~2.~~ *An employee directly involved in a safety critical rule violation or whose performance results in an event that could* ~~*possess*~~*posess as an immediate threat to the safety of employees, passengers, or the general public will be required to submit to drug and/or alcohol testing.*

- *An employee directly involved in one of the following Operating Rules violations will be required to submit to drug and/or alcohol testing:*
  - *Noncompliance with a Track Permit, Timetable, Signal Indication, Special instruction or other rule or procedure with respect to movement of a train.*
  - *Operation of a train at a speed that exceeds the maximum authorized speed by at least five miles per hour or by 50% of such maximum authorized speed, whichever is less.*

- *Failure to apply or stop short of derail as required.*

3. *Based on NCTD policy, any employee with a positive drug test and/or an alcohol concentration measure of 0.02% or higher under this section will be terminated from employment with NCTD.*

G. Alcohol Testing and Drug Testing Following Injuries

The alcohol testing and drug testing required in this section is required by NCTD; these are not FTA-mandated tests. Any employee who sustains an injury on the job may be required to submit to an alcohol test and a drug test as part of the physician's examination of the employee for the injury, at Management's discretion. Refusal to submit to such alcohol tests or drug tests will result in the employee being relieved of his or her duties immediately and will subject the employee to termination of employment. Any employee with a positive drug test or an alcohol concentration measure of 0.02% or higher will be terminated by NCTD.

Falsification, Failure to Timely Arrive for Testing, and Failure to Notify

Any employee who provides false information in connection with an alcohol test or drug test administered under this policy, or who attempts to falsify test results through tampering, contamination, adulteration or substitution, shall be terminated by NCTD. Any employee who fails to appear for a drug test or alcohol test within a reasonable time when required by this policy, or to remain at the testing site until the testing process is completed, or to cooperate fully in the testing process, will be deemed to have refused to be tested, and will be considered to have a positive test.

Behavior Constituting a Refusal to Submit to a Test

The behaviors listed in 49 CFR Part 40 apply to all tests administered under this policy regardless of if they are FTA-mandated or required by NCTD's authority; however, NCTD tests will not be conducted on DOT testing forms. The behaviors that constitute a refusal to submit to a drug and/or alcohol test are identified in 49 CFR Part 40 as amended, and below. Employees can obtain a current list from the DAPM.

A. Refusal to Submit to Testing for Alcohol and/or Drugs

In accordance with 49 CFR Part 40 the following are considered a refusal to test if the employee:

1. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
2. Fails to remain at the testing site until the testing process is complete (an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test);
3. Fails to provide a urine specimen or adequate amount of breath for any drug or alcohol test required by 49 C.F.R. Part 40 or DOT agency regulations;
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of provision of a specimen;

5. For an observed collection fails to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
6. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
7. Admitting to the collector or MRO that you adulterated or substituted the specimen;
8. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
9. Fails or declines to take a second test the employer or collector has directed you to take;
10. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "Shy Bladder" or "Shy Lung" procedures;
11. Fails to sign the certification at Step 2 of the Alcohol Test Form;
12. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector);
13. If the MRO confirms that you have a verified adulterated or substituted test result that test is considered a refusal to test.

Any covered employee who refuses to submit to a drug or alcohol test will be immediately removed from performing any safety-sensitive function and in accordance with 49 C.F.R., Part 40.285, and Subpart O will be referred to the NCTD's SAP.

<u>Procedures for Alcohol and Drug Testing</u>

A. Procedure for Alcohol Tests

All FTA-mandated alcohol testing called for in this policy shall be conducted in accordance with 49 CFR Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs, as amended. All NCTD -mandated breath alcohol testing will follow the same procedures, but NCTD -mandated tests are not required or governed by 49 C.F.R. Part 40. However, the results of FTA-mandated breath alcohol testing will be compiled on a DOT Alcohol Testing Form (ATF). *The results of breath alcohol testing required by NCTD (and not FTA) will be on non-DOT testing forms.* NCTD management will inform the collection facility whether the test is an FTA or a NCTD test. The alcohol testing in this policy applies regardless of whether the alcohol was ingested as beverage alcohol or in a medicinal or other preparation.

The alcohol tests will be administered by a breath alcohol technician (BAT), using an evidential breath testing device (EBT). The BAT will be trained to proficiency in the operation of the EBT. The EBTs are subject to a quality assurance plan developed by the manufacturers of EBTs. In order to ensure that the test results are attributed to the correct employee, the BAT will require the employee to provide photo identification before tests are conducted. If the result of the alcohol screening test is an alcohol concentration of less than 0.02%, the employee will be deemed to have passed the FTA and NCTD alcohol test. If the initial result of an FTA screening test is a

breath alcohol concentration of 0.02% or higher, a confirmation test shall be performed under the FTA's authority. *If the initial result of a NCTD screening test is a breath alcohol concentration of 0.02% or higher, a confirmation test shall be performed under the NCTD's authority.* All alcohol confirmation tests shall be conducted within 30 minutes of the completion of the screening test.

~~C.~~B. Procedure for Drug Tests

All FTA-mandated drug tests called for in this policy shall be conducted in accordance with 49 C.F.R. Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs, as amended. All NCTD -mandated drug tests will follow the same procedures, but NCTD -mandated tests are not required or governed by 49 CFR Part 40. The DOT drug testing custody and control form will be used in connection with all FTA-mandated drug tests administered pursuant to this policy. *The results of drug testing required by the NCTD (and not FTA) will be on non-DOT testing forms.* NCTD management will inform the collection facility whether the test is an FTA or a NCTD test.

The drugs tested for will be marijuana metabolites, cocaine metabolites, opioids, phencyclidine, and amphetamines (amphetamine, methamphetamine, MDMA, MDA). When an employee arrives at the collection site, the collection site person shall positively identify the employee through the presentation of photo identification. Collection personnel will be trained to ensure employee privacy in providing the urine specimen.

Urine specimens collected for drug testing will be split into two containers at the collection site. Collection site personnel will be trained to maintain the integrity of the specimen collection and transfer process. In order to maintain the integrity of the urine specimen, the specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the mailer to the laboratory conducting the testing on the urine specimen. A tamper-proof sealing system will be utilized to ensure against undetected opening. The specimen bottle shall be identified with a unique identifying number identical to that appearing on the urine custody and control form.

Transfer of urine specimens will be accomplished through appropriate chain of custody procedures. The forms accompanying the specimens will have unique preprinted specimen ID numbers and the employee will sign or initial certifying that the specimen was taken from that employee. All drug tests that are positive will be retested in a confirmation test prior to the laboratory specifying a positive result on a drug test. All drug testing done under this policy will be done by a laboratory that has been certified by the federal Department of Health and Human Services (DHHS). The NCTD's current DHHS-certified laboratory is Pacific Toxicology and Quest Diagnostics, Inc. for out-of-town testing. All confirmatory tests will be performed using CC/MS techniques.

There are federally mandated cut-off limits for the minimum quantity of drug that must be detected for a positive test on the initial and confirming test. The current cut-off limits are as specified in 49 CFR 40.87.

In order to protect the NCTD's employees and the integrity of the drug screen testing process, the NCTD has retained the services of an MRO. The NCTD's MRO is Dr. Kirk A. Roberts, M.D., of Cynergy Wellness. Dr. Robert's phone number is 844-730-7996. The MRO is a licensed physician with knowledge of drug abuse disorders. If the laboratory results are confirmed positive, the MRO will interview the employee and review all information provided by the employee to determine whether the results are indicative of illegal or illicit drug use. If the employee provides an adequate explanation, the MRO will verify the test results as negative with the Drug and Alcohol Program Manager and take no further action. If the test result of the primary specimen is positive, the employee may request that the MRO direct that the second split specimen be tested in a different DHHS laboratory. *NCTD policy requires that employees bear all expenses related*

to verification tests they request.

The MRO shall honor such request if it is made within 72 hours of the employee having been notified of a verified positive test. If an employee has not contacted the MRO within 72 hours, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact the MRO within 72 hours, the MRO shall direct that analysis of the split specimen be performed. The results of the test at the second DHHS-approved laboratory will be forwarded to the MRO. If the results of the second test fail to confirm the presence of the drugs or drug metabolites found in the primary specimen, the MRO shall cancel the test.

If the MRO advises NCTD that the result of the drug test was negative, but that the test was diluted because the specimen contained a creatinine concentration greater than or equal to two mg/dL, but less than or equal to five mg/dL, the employee will be required to take another drug screen test immediately; the new test will be an observed collection. In this circumstance, the employee will be given as little advance notice as possible that he or she must return to the collection site. The test result from this test will be used to determine if the employee passes the drug test.

If the MRO advises NCTD that the result of the drug test was negative, but that the test was diluted and the specimen contained a creatinine concentration greater than five mg/dL, the employee will be required to take another drug screen test immediately; the new test will not be an observed collection. In this circumstance, the employee will be given as little advance notice as possible that he or she must return to the collection site. The test result from this test will be used to determine if the employee passes the drug test.

The drug testing laboratory shall report test results to the MRO in writing, identifying the results of the test. The MRO will report to the DAPM whether the test is positive or negative, and will report the drug for which there was a positive test, but shall not disclose the quantitation of the test results (except in the case of a grievance, lawsuit, or other proceeding or inquiry initiated by the employee arising out of the verified positive drug test). All records pertaining to urine specimens shall be retained by the drug testing laboratory for a minimum of two years. The drug testing laboratory shall retain all urine specimens confirmed as positive and place them into properly secured long-term frozen storage for a minimum of one year.

~~*NCTD policy, not FTA regulations, requires that employees who are waiting to provide a breath or urine sample refrain from using electronic devices such as laptops, cell phones, iPads, and PDAs. Employees violating this rule will be suspended without pay for a minimum of one day.*~~

Miscellaneous Information Regarding this Drug and Alcohol Policy

A. Contact Person – Drug and Alcohol Program Manager (DAPM). See Appendix A.

B. Training

NCTD provides training for ~~all its~~applicable supervisors in order for them to be able to make a determination of whether reasonable suspicion exists for an employee to be required to submit to reasonable suspicion alcohol testing and drug testing. This training includes a minimum of 60 minutes of supervisor training on the effects of drug use and 60

minutes of supervisor training on the effects of alcohol use and this policy. Training of newly promoted or hired supervisors will occur before they assume supervisory duties (unless they are under the direct supervision of a trained supervisor or manager).

C. Notice of Certain Requirements in Addition to FTA-Mandated Requirements

The policy is designed in part to comply with FTA regulations on prevention of prohibited drug use and alcohol misuse in transit operations, 49 CFR Part 655. However, NCTD has added certain additional requirements to this policy, including the following:

1. *NCTD requires post-accident alcohol and drug testing in cases where such testing is not required by the FTA. The FTA regulations limit the circumstances under which post-accident alcohol and drug testing will occur, as set forth in ~~Section 5 (~~under "Post-Accident Testing"~~)~~ above. NCTD requires post-accident alcohol and drug testing using a much broader definition of accident.*
2. *NCTD requires alcohol testing and drug testing following work injuries (if deemed necessary) as a result of an incident or unsafe action that had a direct result in causing the injury, which is not required by FTA regulations.*
3. *This policy requires employees using prescription drugs, as defined under Illegal Drugs, Legal Drugs, and Alcohol, Section B in this policy, to report the prescription to the Drug and Alcohol Program Manager by using the "Prescription Drug Notification Form".*
4. *This policy sets forth the disciplinary action for violations of the policy, which is a NCTD decision, and is not part of the FTA regulations.*
5. *This policy requires that all costs of drug treatment and/or SAP evaluation be paid by the employee or former employee. This is a NCTD decision, not an FTA requirement.*

D. Substance Abuse Professional

NCTD has secured the services of an SAP as noted in Appendix A.

E. Right to Examine Records

Every employee has the right to review his/her drug and alcohol testing records (except SAP determined DOT follow-up testing plans), provide information to dispute the results of a drug or alcohol test and, upon written request, to obtain copies of any records pertaining to his or her drug and alcohol tests, including records pertaining to equipment calibration and laboratory certifications.

F. Reporting Alcohol/Drug Related Motor Vehicle Actions

Employees must report any of the following alcohol/drug-related motor vehicle actions to the DER/DAPM within 48 hours:

- *DUI charge*
- *Driver's License cancellation*
- *Driver's License suspension*
- *Conviction for DUI or any other related offense (i.e., reckless driving, "wet and reckless," etc.)*
- *Denial of Driver License issuance / renewal*

Approvals

Board Chair	Date
Chief Executive Officer	Date
Deputy Chief Executive Officer/Chief General Counsel	Date

Board Policy No. 24 – Employee Drug and Alcohol Policy

DATE	REVISION NO.	RESOLUTION NO.	COMMENTS
10/18/2012	ADOPTED	12-10	
10/17/2013	1	13-07	2013 REVISION
10/16/2014	3	14-04	2014 REVISION
11/19/2015	4	15-08	2015 REVISION
10/20/2016	5	16-10	2016 REVISION
01/19/2017	6	17-01	2017 REVISION
10/19/2017	7	17-10	2017 REVISION
12/21/2017	8	17-14	FTA DRUG SCHEDULE UPDATE.
10/18/2018	9	18-09	2018 REVISION; ADDRESSES FTA 49 CFR 655.45 REVISION EFFECTIVE 01/01/2019
10/17/2019	10	19-06	SECTION NO. 1 OF APPENDIX A UPDATED.
6/18/2020	11	20-06	SECTION NO. 1 AND 3 OF APPENDIX A UPDATED
10/15/2020	12	20-08	STRUCTURE OF POLICY UPDATED FOR BETTER FLOW OF INFORMATION.
10/21/2021	13	21-05	2021 REVISION
05/19/2022	14	22-07	2022 REVISION; ADDS FTA SAFETY SENSITIVE POSITIONS
10/20/2022	15	22-18	2022 REVISION
10/19/2023	16	23-06	2023 REVISION; ADDED REASONABLE CAUSE TESTING
10/17/2024	17	24-08	2024 REVISION: ADDED SECTION F IN MISCELLANEOUS INFORMATION ADDED NEW DAPM
6/26/2025	18	25-04	REVISION DUE TO ADDITION OF POSITIONS FOR BUS TRANSITION
10/23/2025	19	26-06	2025 REVISION: UPDATES TO POINTS OF CONTACTS IN APPENDIX A
03/19/2026	20	XXX	REVISION: UPDATES TO NON-DOT TESTING PROCEDURES AND PROGRAM PERSONNEL

Appendix A

1. DOT Safety-Sensitive Positions (effective June 26, 2025):

- SPRINTER Train Attendant
- SPRINTER Train Operator
- SPRINTER Maintenance Technician
- SPRINTER Maintenance of Equipment Supervisor
- SPRINTER Maintenance of Equipment Manager
- SPRINTER Operations Supervisor
- Bus Operations Manager
- Road Supervisor/Dispatcher
- Coach Operator
- Demand Response Dispatcher
- Demand Response Driver
- OCC Traffic Controller
- Senior Operations Instructor, Bus
- Operations Instructor, Bus
- Maintenance Supervisor
- Maintenance Manager
- Auto Technician II
- Auto Technician III
- Body Technician III
- Electronics Technician
- Bus Servicer
- Operations Supervisor, On-Demand Services

2. DAPM Contact Information

Any employees having questions about the District's Drug and Alcohol Policy should contact one of the following individuals:

Albert Aguero
Program Administrator – Drug & Alcohol
760-435-9158

~~Jesus Garcia~~
~~Human Resources Manager~~
~~760-967-2824~~

~~Celeste Leichliter~~
~~Senior Human Resources Business Partner~~
~~760-967-2815~~

Karen Tucholski
Senior Legal Counsel – Regulatory Compliance
760- 966-6574/760-405-3949

Tyler Brett
System Safety Specialist – Bus
~~Xxxxx~~760-966-6591

Arturo Lopez
System Safety Specialist – Rail
760-458-0078

Brigitte Ponce
Safety Trainer
760-989-5921

3. SAP Provider Information

American Substance Abuse Professionals (ASAP)
10151 York Road, Suite 120
Cockeysville, MS 21030
(888)792-2727

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Board Policy No. 24
Employee Drug and Alcohol/Drug-Free Workplace Policy

Summary

This policy applies to employees of the North County Transit – San Diego Railroad (NCTD), who are covered under the U.S. Department of Transportation (DOT) regulations based upon the nature of their job duties. Terms that are applicable, per DOT regulations are identified in regular typeface and terms that are applicable, per NCTD (non-DOT) authority, are identified in *italic* typeface. Upon adoption by the Board, this policy supersedes the Drug & Alcohol Policy of October 23, 2025, and all other prior-adopted Drug & Alcohol policies.

NCTD is a drug-free workplace in accordance with Drug-Free Workplace statutory requirements (41 U.S.C. sections 8101, et seq.), as promulgated under 49 CFR Part 32.

Purposes

A. To maintain a safe and efficient public transportation system;

B. To maintain a safe, healthy working environment for all employees;

C. To reduce the incidence of accidental injury to person or property;

D. To reduce absenteeism, tardiness, and indifferent job performance;

E. To maintain a work environment free of alcohol and drug related performance problems, accidents, and injuries; and

F. To comply with the Federal Transit Administration (FTA) regulations on prevention of alcohol misuse and prohibited drug use in transit operations (49 C.F.R. Part 655) and on procedures for transportation workplace drug and alcohol testing programs (49 C.F.R. Part 40).

Drug-Free Workplace

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited while on NCTD business or on NCTD premises, property, or vehicles. Further, no employee shall bring drug paraphernalia onto NCTD premises or property or into NCTD vehicles. All employees must abide by this policy statement as a condition of employment. Violation of these rules will result in disciplinary action, up to and including termination; termination is likely for any violation, even a first offense.

Under the Federal Drug Free Workplace Act, all employees are required to notify the Human Resources department in writing immediately, and no later than five calendar days, after they have been convicted of violating a criminal drug statute that occurred in the workplace or while working. *Any employee who fails to provide such notification shall be subject to termination of employment under NCTD authority.*

1.1 Pursuant to 49 CFR Part 32.225, NCTD is responsible to notify the appropriate Federal agencies if an employee who is engaged in the performance of an award informed NCTD about a conviction, or if NCTD otherwise learns of this conviction. “Award” means an award of financial assistance by the DOT or other Federal agency directly to a recipient such as NCTD. NCTD must notify every Federal agency on whose award the convicted employee was working. The notice must be in writing, include the employee’s position title and employee identification number(s) of each affected award, and must be sent within 10 calendar days to the affected Federal agencies after NCTD has learned of a conviction. It must be sent to every awarding official or designee unless the Federal agency has specified a central point for the receipt of the notice. Within 30 calendar days of learning about the employee’s conviction, NCTD must take appropriate personnel action against the employee, up to and including termination.

Application of Policy

This policy applies to employees of the NCTD who work in the titles listed in Appendix A and/or perform safety-sensitive functions as defined below.

Some of the drug and alcohol testing and procedures required in this policy are mandated by FTA regulations preventing prohibited drug use and alcohol misuse in transit operations (49 C.F.R. Part 655). The drug testing and alcohol testing mandated by FTA (49 C.F.R. Part 40) is applicable to “safety-sensitive employees” of NCTD, which includes those who:

A. Operate revenue service vehicles, including when such vehicles are not in revenue service.
B. Operate a non-revenue service vehicle, when such vehicle is required to be operated by a holder of a Commercial Driver’s License;
C. Control dispatch or movement of a revenue service vehicle;
D. Maintain a revenue service vehicle or equipment used in revenue service;
E. Security personnel who carry firearms;

NCTD has reviewed the actual duties performed by employees. The positions listed in Appendix A have been determined to require the performance of safety-sensitive duties as defined above.

NCTD does not employ volunteers to conduct safety-sensitive duties.

Illegal Drugs, Legal Drugs, and Alcohol

A. Illegal Drugs

Illegal drug means any drug (a) which is not legally obtainable or (b) which is legally obtainable but has not been legally obtained. The term includes marijuana, cocaine, opiates (codeine, morphine, heroin), phencyclidine (PCP), amphetamines (amphetamine, methamphetamine, MDMA, MDA), and semi-synthetic opioids (hydrocodone, oxycodone, hydromorphone, oxymorphone). Regardless of any State laws protecting the medicinal or recreational use of marijuana, federal regulations forbid its use by safety-sensitive employees. Employees are

prohibited from using the six listed drugs at all times, and covered employees may be tested for these drugs any time while on duty as discussed below. *The term "illegal drugs" also includes prescribed drugs not legally obtained, or prescribed drugs not being used for prescribed purposes.*

B. Legal Drugs

The use of legal drugs at a level, or in a manner, combination or quantity which impedes an employee's ability to perform his job is prohibited and will lead to disciplinary action, up to and including termination. NCTD policy (not FTA regulations) also deems failure to report the use of legal drugs per the procedure described below as a violation of this policy that will result in discipline up to and including termination of employment.

It is the employee's responsibility to ensure that any legal drug(s) they are taking allow them to safely perform their duties. Employees have an affirmative obligation to discuss any potential impact a prescription drug may have upon their ability to perform their job duties with their physician. If the physician feels a potential impact may exist, the employee must report any such prescribed drug or medication, to a member of the Human Resources Department so that a determination can be made as to the ability of the employee to perform their particular job safely while using that drug or combination of drugs. If the NCTD has determined that the employee does not pose a threat to his or her own safety, public safety, or the safety of coworkers, and that the employee's job performance will not be significantly affected by the legal drug, the employee may continue to work while taking that particular legal drug. Any employee using a prescription legal drug must provide the prescription to the designated Medical Review Officer as soon as possible (but in any case, within 24 business hours) after notification by NCTD management.

C. Alcohol

No employee shall consume alcoholic beverages in NCTD vehicles, within four hours before performing safety-sensitive functions, or while in uniform. An employee shall not allow an open container of alcohol or an illegal drug to be placed or carried in an NCTD vehicle or in any vehicle over which an employee has control while conducting NCTD business. NCTD prohibits the consumption of alcohol by employees while conducting NCTD business, whether or not such consumption will cause the employee to be considered under the influence of alcohol. Violation of these rules will result in disciplinary action, up to and including termination, even for a first offense.

No employee who is on-call and therefore subject to being called in to work shall consume alcohol within four hours of or during those on-call hours. In the event such an employee is called and must report for duty, the employee has the opportunity to acknowledge that he/she has used alcohol and therefore is not able to perform his/her safety-sensitive function. *In such a case, that employee shall not be required to perform work, but may be disciplined for the use of alcohol during on-call hours based on NCTD policy (not FTA regulations).* FTA regulations mandate that employees with a breath-alcohol concentration between 0.02% and 0.039% not be allowed to perform any safety-sensitive function until the start of the employee's next regularly scheduled duty period that is at least eight hours following the administration of the alcohol test. FTA regulations also mandate that employees with a breath-alcohol concentration of 0.04 or greater not be allowed to perform any safety-sensitive function and follow additional steps before a return to duty as described below for a positive test. *NCTD policy is that any employee who is tested for alcohol and has a breath-alcohol content of 0.02% or greater will be terminated, even for a first offense.*

Prohibition Against Employees Having Illegal Drugs or Alcohol in their Bodies During Working Time

All employees must report for work with no illegal drugs or their metabolites or alcohol in their bodies. *Employees must not have illegal drugs or their metabolites or alcohol in their bodies at any time while on the job and employees may be tested for the presence of drugs and/or alcohol at any time while on duty or at a NCTD facility, under the circumstances described below.* Alcohol tests on safety-sensitive employees who are performing, are about to perform or who have just completed performing safety-sensitive duties are FTA-mandated tests when they are based on reasonable suspicion, post-accident or random (as described below); *all other alcohol tests are required by NCTD policy*. Drug tests on safety-sensitive employees are FTA-mandated tests when they are pre-employment (including assuming safety-sensitive duties), based on reasonable suspicion, post-accident, follow-up or random (as described below); all other drug tests are required by NCTD policy. FTA regulations prohibit safety-sensitive employees from using alcohol within four hours prior to their shift or while on call, and from having a breath-alcohol concentration of 0.02 or higher while performing safety-sensitive duties. *NCTD policy likewise prohibits employees from having a breath-alcohol concentration while on duty of 0.02% or higher. Any employee with a breath-alcohol concentration of 0.02% or higher will be terminated.* ***Compliance with these rules is considered an essential job qualification for all employees. Termination of employment will occur for a violation of any of these rules, even for a first offense. This is a zero-tolerance policy. No employee who violates this policy will be given a second chance.***

Enforcement of Rule Prohibiting Employees from Having Illegal Drugs or Alcohol in their Bodies During Working Time

A. Pre-employment Drug Testing

Individuals who are applying for safety-sensitive positions are subject to an FTA pre-employment drug test. All drug tests will be administered by a medical facility designated by NCTD. If the drug test is cancelled by the Medical Review Officer (MRO), the applicant must retake and pass the drug test before being hired. NCTD extends conditional offers of employment to successful candidate's contingent on their passing a pre-employment drug test; any prospective employee refusing to submit to the drug test will not be hired by the District. A covered employee or applicant, who has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason and has not been in NCTD's random selection pool, shall take a pre-employment drug test with a verified negative result before being permitted to perform any safety-sensitive duties.

Any prospective employee with a positive drug test will be rejected from further consideration for employment with NCTD. Further, any applicant or employee who has previously failed or refused a drug test must provide proof to NCTD, prior to being considered for employment, that he/she has successfully completed a referral, evaluation, and substance abuse treatment plan compliant with the requirements in 49 CFR Parts 40 and 655. NCTD will provide each applicant or employee who fails a drug test with a list of names, addresses and telephone numbers of locally available Substance Abuse Professionals (SAPs) qualified under 49 CFR Part 40 requirements. *NCTD policy, not FTA regulations, requires that all fees, other than the cost of the drug test itself, including but not limited to referral, counseling and treatment fees will be paid by the candidate/employee*.

B. Reasonable Suspicion Alcohol and Drug Testing

Employees who work in safety-sensitive positions are subject to an FTA alcohol test and drug test. Reasonable suspicion testing will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of an employee. One or more supervisors or NCTD officials trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations. For FTA reasonable suspicion alcohol tests, the alcohol testing authorized in this section (and the observations required by the supervisors or NCTD officials referred to above) must occur during, just before or just after the performance of safety sensitive job functions. Observations leading to FTA drug tests may occur any time a safety-sensitive employee is on duty.

FTA regulations require that any employee with a positive drug test or an alcohol concentration measure of 0.02% or higher be immediately removed from service, and that an employee with an alcohol concentration measure of 0.02 to 0.039% will, at a minimum, not be allowed to perform a safety-sensitive function until the start of the employee's next regularly scheduled duty period that is at least eight hours following the administration of the alcohol test.

Any employee with a positive drug test or having a breath alcohol concentration measure of 0.02% or higher will be terminated from employment with NCTD. Any employee who has a positive FTA drug test or an alcohol concentration measure of 0.04% or higher on an FTA-mandated alcohol test will be referred to the SAP for evaluation in accordance with 49 CFR Part 40. *NCTD policy, not FTA regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to, referral, counseling and treatment fees will be paid by the candidate/employee.*

Refusal to submit to any testing required by this section will be sufficient grounds for termination and will result in the employee being relieved of his or her duties immediately.

C. Post-Accident Alcohol and Drug Testing

FTA regulations require drug and alcohol testing following certain accidents. In addition, NCTD requires post-accident testing for accidents in circumstances when such testing is not required by the FTA. The following guidelines describe when a test is required by the FTA versus when the test is required by NCTD policy. Employees will be informed whether the test is an FTA test or a NCTD test. NCTD tests will not be conducted using FTA testing forms.

1. <u>FTA Definition of "Accident":</u> An accident, as defined by the FTA, is an occurrence associated with the operation of a vehicle, if as a result:
    a) An individual dies; or
    b) An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or
    c) With respect to an occurrence in which the public transportation vehicle involved is a bus, van, or automobile, one or more vehicles (including non-FTA funded vehicles) incurs disabling damage as a result of the occurrence and such vehicle or vehicles are transported away from the scene by a tow truck or other vehicle. In the case of a rail vehicle, disabling damage means that the vehicle must be removed from operation.
    d) Disabling damage means damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs.

Disabling damage includes damage to a motor vehicle, where the vehicle could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage that can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available or damage to headlights, taillights, turn signals, horns, or windshield wipers that makes the vehicle inoperative.

2. Fatal Accidents. As soon as practicable following an accident involving the loss of human life, each surviving employee operating the public transportation vehicle at the time of the accident shall submit to an alcohol test and a drug test. Further, any other employee whose performance could have contributed to the accident (e.g., a mechanic in the case of brake failure causing the accident), as determined by NCTD using the best information available at the time of the decision, shall also be required to submit to an alcohol test and a drug-screen test.

3. Non-fatal Accidents. As soon as practicable following an accident not involving the loss of human life, each employee operating the public transportation vehicle (as defined above in item 4.F.1. – FTA Definition of "Accident") at the time of the accident shall submit to an alcohol test and a drug-screen test, unless NCTD management determines, using the best information available at the time of the decision, that the employee's performance can be completely discounted as a contributing factor to the accident. In addition, any employee whose performance could have contributed to the accident, as determined by NCTD, using the best information available at the time of the decision, will be required to submit to an alcohol test and a drug-screen test.

4. Post-Accident Testing Procedures.

    a) Any employee involved in an accident is prohibited from using alcohol for eight hours following the accident or until they undergo a post-accident alcohol test and drug test. Any employee involved in an accident who fails to remain readily available for the testing required by this section, including notifying NCTD officials of his or her location if they leave the scene of the accident prior to submission to such tests, will be deemed to have refused to submit to testing.

    b) Post-accident testing will occur after the employee assists in resolution of the accident or receives medical attention following the accident. NCTD will complete the post-accident drug testing as soon as possible, and such testing will occur no later than 32 hours after the accident. NCTD will attempt to complete the post-accident alcohol testing within two hours of the accident. If the testing is not completed within two hours, NCTD will continue to attempt to complete the test and will prepare a report explaining why the breath specimen was not collected within two hours. If the alcohol test is not completed within eight hours of the accident, NCTD shall cease attempts to complete the test and update the report as to why the test was not completed.

    c) *Refusal to submit to a test required by this section will be sufficient grounds for termination* and will result in the employee being relieved of their duties immediately. Based on FTA regulations, any employee with a positive drug test or having an alcohol concentration measure of 0.02% or higher will be immediately removed from service. *Based on NCTD policy, any employee with a positive drug test and/or an alcohol concentration measure of 0.02% or higher will be terminated from employment with NCTD.*

d) Any employee who has a positive FTA drug test or an alcohol concentration measure of 0.04% or higher on an FTA-mandated alcohol test will be referred to the SAP for evaluation in accordance with 49 C.F.R. Part 40. *NCTD policy, not FTA regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to referral, counseling and treatment fees will be paid by the employee/former employee.*

D. Random Alcohol Testing and Drug Testing

All safety-sensitive employees as identified in Appendix A will be subject to unannounced, random alcohol testing and random drug testing in accordance with 49 CFR Part 655. The selection of employees for random alcohol testing and random drug testing shall be made randomly by NCTD. The selection of employees for random alcohol testing and random drug testing shall be by a scientifically valid method, such as a random number table or a computer-based random number generator. Each employee will have an equal chance of being tested each time selections are made. These tests will not be announced in advance and will be administered on all days and at during all work hours throughout the year. The minimum testing requirement effective January 1, 2022, is to annually perform drug tests on 50% and alcohol tests on 10% of the safety-sensitive employees. NCTD's Drug and Alcohol Program Manager (DAPM) will adjust the number of tests as needed to ensure NCTD conducts no fewer than the FTA-mandated number of tests.

Each employee selected for random alcohol testing and/or random drug testing must proceed to the test site immediately. *Refusal to submit to such testing will be deemed a positive and be sufficient grounds for termination* and will result in the employee being relieved of his or her duties immediately. Based on FTA regulations, any employee failing a drug test or having an alcohol concentration measure of 0.02 percent or higher will be immediately removed from service. *Based on NCTD policy, any employee with a positive drug test and/or an alcohol concentration measure of 0.02% or higher will be terminated from employment with NCTD.* Any employee who has a positive FTA drug test or a finding of an alcohol concentration measure of 0.04% or higher on an FTA-mandated alcohol test will be referred to the SAP for evaluation in accordance with 49 CFR Part 40. *NCTD policy, not FTA regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to referral, counseling and treatment fees will be paid by the employee/former employee.*

Random alcohol testing is only permissible just before an employee performs safety-sensitive duties, during that performance, and just after an employee has performed covered duties.

E. Drug Testing for Employees Assuming Safety-Sensitive Duties

Any employee who accepts a position with NCTD involving safety-sensitive duties, who has previously been engaged in non-safety-sensitive duties, will be required to submit to and pass a pre-employment drug test prior to assumption of the safety-sensitive duties. In addition, any employee who has not performed a safety-sensitive function for 90 consecutive calendar days regardless of the reason, and where that employee has not been in the NCTD's random drug testing selection pool during that time, shall be required to take a pre-employment drug test in accordance with Section A (Pre-Employment Drug Testing) above, with a verified negative result before returning to duty.

If the drug test is cancelled by the MRO, the employee must retake and pass the test before assuming safety-sensitive duties. *Refusal to submit to such testing will be deemed a positive and are sufficient grounds for termination of employment.* Any employee with a positive drug test result will be immediately removed from service. *Further, having a positive drug test result will subject the employee to termination from employment with NCTD.* Any employee who has a positive FTA drug test will be referred to the SAP for evaluation in accordance with 49 CFR Part 40. *NCTD policy, not FTA regulations, requires that all costs, other than the cost of the drug test itself, including but not limited to referral, counseling and treatment fees will be paid by the employee/former employee.*

F. Reasonable Cause Testing – NCTD Authority – NON-DOT

Under NCTD authority, NCTD may require any safety sensitive employee to submit to drug and alcohol testing whenever a determination is made that "Cause" exists. Any tests done under NCTD authority shall be non-DOT tests and shall be conducted accordingly. The following circumstances constitute "Cause" for the administration of drug and/or alcohol testing:

a. ALL FTA Regulated Employees
   - *An employee directly involved in any accident, incident or safety event in a revenue service or a non-revenue service vehicle which does not meet the definition of an FTA accident may be required to submit to drug and/or alcohol testing in the determination of the responding supervisor and/or NCTD management personnel based on the nature and severity of the situation.*

b. All FTA Regulated SPRINTER Employees
   - *An employee directly involved in a safety critical rule violation or whose performance results in an event that could pose as an immediate threat to the safety of employees, passengers, or the general public will be required to submit to drug and/or alcohol testing.*
   - *An employee directly involved in one of the following Operating Rules violations will be required to submit to drug and/or alcohol testing:*
     - *Noncompliance with a Track Permit, Timetable, Signal Indication, Special instruction or other rule or procedure with respect to movement of a train.*
     - *Operation of a train at a speed that exceeds the maximum authorized speed by at least five miles per hour or by 50% of such maximum authorized speed, whichever is less.*
     - *Failure to apply or stop short of derail as required.*

c. *Based on NCTD policy, any employee with a positive drug test and/or an alcohol concentration measure of 0.02% or higher under this section will be terminated from employment with NCTD.*

G. Alcohol Testing and Drug Testing Following Injuries

The alcohol testing and drug testing required in this section is required by NCTD; these are not FTA-mandated tests. Any employee who sustains an injury on the job may be required to submit to an alcohol test and a drug test as part of the physician's examination of the employee for the injury, at Management's discretion. Refusal to submit to such alcohol tests or drug tests will result

in the employee being relieved of his or her duties immediately and will subject the employee to termination of employment. Any employee with a positive drug test or an alcohol concentration measure of 0.02% or higher will be terminated by NCTD.

Falsification, Failure to Timely Arrive for Testing, and Failure to Notify

Any employee who provides false information in connection with an alcohol test or drug test administered under this policy, or who attempts to falsify test results through tampering, contamination, adulteration or substitution, shall be terminated by NCTD. Any employee who fails to appear for a drug test or alcohol test within a reasonable time when required by this policy, or to remain at the testing site until the testing process is completed, or to cooperate fully in the testing process, will be deemed to have refused to be tested, and will be considered to have a positive test.

Behavior Constituting a Refusal to Submit to a Test

The behaviors listed in 49 CFR Part 40 apply to all tests administered under this policy regardless of if they are FTA-mandated or required by NCTD's authority; however, NCTD tests will not be conducted on DOT testing forms. The behaviors that constitute a refusal to submit to a drug and/or alcohol test are identified in 49 CFR Part 40 as amended, and below. Employees can obtain a current list from the DAPM.

A. Refusal to Submit to Testing for Alcohol and/or Drugs

In accordance with 49 CFR Part 40 the following are considered a refusal to test if the employee:

1. Fails to appear for any test (excluding pre-employment) within a reasonable time, as determined by the employer, after being directed to do so by the employer;
2. Fails to remain at the testing site until the testing process is complete (an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test);
3. Fails to provide a urine specimen or adequate amount of breath for any drug or alcohol test required by 49 C.F.R. Part 40 or DOT agency regulations;
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of provision of a specimen;
5. For an observed collection fails to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process;
6. Possessing or wearing a prosthetic or other device that could be used to interfere with the collection process;
7. Admitting to the collector or MRO that you adulterated or substituted the specimen;
8. Fails to provide a sufficient amount of urine or breath when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
9. Fails or declines to take a second test the employer or collector has directed you

to take;

10. Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the "Shy Bladder" or "Shy Lung" procedures;
11. Fails to sign the certification at Step 2 of the Alcohol Test Form;
12. Fails to cooperate with any part of the testing process (e.g., refuses to empty pockets when so directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector);
13. If the MRO confirms that you have a verified adulterated or substituted test result that test is considered a refusal to test.

Any covered employee who refuses to submit to a drug or alcohol test will be immediately removed from performing any safety-sensitive function and in accordance with 49 C.F.R., Part 40.285, and Subpart O will be referred to the NCTD's SAP.

Procedures for Alcohol and Drug Testing

A. Procedure for Alcohol Tests

All FTA-mandated alcohol testing called for in this policy shall be conducted in accordance with 49 CFR Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs, as amended. All NCTD -mandated breath alcohol testing will follow the same procedures, but NCTD -mandated tests are not required or governed by 49 C.F.R. Part 40. However, the results of FTA-mandated breath alcohol testing will be compiled on a DOT Alcohol Testing Form (ATF). *The results of breath alcohol testing required by NCTD (and not FTA) will be on non-DOT testing forms.* NCTD management will inform the collection facility whether the test is an FTA or a NCTD test. The alcohol testing in this policy applies regardless of whether the alcohol was ingested as beverage alcohol or in a medicinal or other preparation.

The alcohol tests will be administered by a breath alcohol technician (BAT), using an evidential breath testing device (EBT). The BAT will be trained to proficiency in the operation of the EBT. The EBTs are subject to a quality assurance plan developed by the manufacturers of EBTs. In order to ensure that the test results are attributed to the correct employee, the BAT will require the employee to provide photo identification before tests are conducted. If the result of the alcohol screening test is an alcohol concentration of less than 0.02%, the employee will be deemed to have passed the FTA and NCTD alcohol test. If the initial result of an FTA screening test is a breath alcohol concentration of 0.02% or higher, a confirmation test shall be performed under the FTA's authority. *If the initial result of a NCTD screening test is a breath alcohol concentration of 0.02% or higher, a confirmation test shall be performed under the NCTD's authority.* All alcohol confirmation tests shall be conducted within 30 minutes of the completion of the screening test.

B. Procedure for Drug Tests

All FTA-mandated drug tests called for in this policy shall be conducted in accordance with 49 C.F.R. Part 40: Procedures for Transportation Workplace Drug and Alcohol Testing Programs, as amended. All NCTD -mandated drug tests will follow the same procedures, but NCTD -mandated tests are not required or governed by 49 CFR Part 40. The DOT drug testing custody

and control form will be used in connection with all FTA-mandated drug tests administered pursuant to this policy. *The results of drug testing required by the NCTD (and not FTA) will be on non-DOT testing forms.* NCTD management will inform the collection facility whether the test is an FTA or a NCTD test.

The drugs tested for will be marijuana metabolites, cocaine metabolites, opioids, phencyclidine, and amphetamines (amphetamine, methamphetamine, MDMA, MDA). When an employee arrives at the collection site, the collection site person shall positively identify the employee through the presentation of photo identification. Collection personnel will be trained to ensure employee privacy in providing the urine specimen.

Urine specimens collected for drug testing will be split into two containers at the collection site. Collection site personnel will be trained to maintain the integrity of the specimen collection and transfer process. In order to maintain the integrity of the urine specimen, the specimen shall remain under the direct control of the collection site person from delivery to its being sealed in the mailer to the laboratory conducting the testing on the urine specimen. A tamper-proof sealing system will be utilized to ensure against undetected opening. The specimen bottle shall be identified with a unique identifying number identical to that appearing on the urine custody and control form.

Transfer of urine specimens will be accomplished through appropriate chain of custody procedures. The forms accompanying the specimens will have unique preprinted specimen ID numbers and the employee will sign or initial certifying that the specimen was taken from that employee. All drug tests that are positive will be retested in a confirmation test prior to the laboratory specifying a positive result on a drug test. All drug testing done under this policy will be done by a laboratory that has been certified by the federal Department of Health and Human Services (DHHS). The NCTD's current DHHS-certified laboratory is Pacific Toxicology and Quest Diagnostics, Inc. for out-of-town testing. All confirmatory tests will be performed using CC/MS techniques.

There are federally mandated cut-off limits for the minimum quantity of drug that must be detected for a positive test on the initial and confirming test. The current cut-off limits are as specified in 49 CFR 40.87.

In order to protect the NCTD's employees and the integrity of the drug screen testing process, the NCTD has retained the services of an MRO. The NCTD's MRO is Dr. Kirk A. Roberts, M.D., of Cynergy Wellness. Dr. Robert's phone number is 844-730-7996. The MRO is a licensed physician with knowledge of drug abuse disorders. If the laboratory results are confirmed positive, the MRO will interview the employee and review all information provided by the employee to determine whether the results are indicative of illegal or illicit drug use. If the employee provides an adequate explanation, the MRO will verify the test results as negative with the Drug and Alcohol Program Manager and take no further action. If the test result of the primary specimen is positive, the employee may request that the MRO direct that the second split specimen be tested in a different DHHS laboratory. *NCTD policy requires that employees bear all expenses related to verification tests they request.*

The MRO shall honor such request if it is made within 72 hours of the employee having been notified of a verified positive test. If an employee has not contacted the MRO within 72 hours, the employee may present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice of the verified positive test, or other circumstances

unavoidably prevented the employee from timely contacting the MRO. If the MRO concludes that there is a legitimate explanation for the employee's failure to contact the MRO within 72 hours, the MRO shall direct that analysis of the split specimen be performed. The results of the test at the second DHHS-approved laboratory will be forwarded to the MRO. If the results of the second test fail to confirm the presence of the drugs or drug metabolites found in the primary specimen, the MRO shall cancel the test.

If the MRO advises NCTD that the result of the drug test was negative, but that the test was diluted because the specimen contained a creatinine concentration greater than or equal to two mg/dL, but less than or equal to five mg/dL, the employee will be required to take another drug screen test immediately; the new test will be an observed collection. In this circumstance, the employee will be given as little advance notice as possible that he or she must return to the collection site. The test result from this test will be used to determine if the employee passes the drug test.

If the MRO advises NCTD that the result of the drug test was negative, but that the test was diluted and the specimen contained a creatinine concentration greater than five mg/dL, the employee will be required to take another drug screen test immediately; the new test will not be an observed collection. In this circumstance, the employee will be given as little advance notice as possible that he or she must return to the collection site. The test result from this test will be used to determine if the employee passes the drug test.

The drug testing laboratory shall report test results to the MRO in writing, identifying the results of the test. The MRO will report to the DAPM whether the test is positive or negative, and will report the drug for which there was a positive test, but shall not disclose the quantitation of the test results (except in the case of a grievance, lawsuit, or other proceeding or inquiry initiated by the employee arising out of the verified positive drug test). All records pertaining to urine specimens shall be retained by the drug testing laboratory for a minimum of two years. The drug testing laboratory shall retain all urine specimens confirmed as positive and place them into properly secured long-term frozen storage for a minimum of one year.

<u>Miscellaneous Information Regarding this Drug and Alcohol Policy</u>

A. Contact Person – Drug and Alcohol Program Manager (DAPM). See Appendix A.

B. Training

   NCTD provides training for applicable supervisors in order for them to be able to make a determination of whether reasonable suspicion exists for an employee to be required to submit to reasonable suspicion alcohol testing and drug testing. This training includes a minimum of 60 minutes of supervisor training on the effects of drug use and 60 minutes of supervisor training on the effects of alcohol use and this policy. Training of newly promoted or hired supervisors will occur before they assume supervisory duties (unless they are under the direct supervision of a trained supervisor or manager).

C. Notice of Certain Requirements in Addition to FTA-Mandated Requirements

   The policy is designed in part to comply with FTA regulations on prevention of prohibited drug use and alcohol misuse in transit operations, 49 CFR Part 655. However, NCTD has added certain additional requirements to this policy, including the following:

1. *NCTD requires post-accident alcohol and drug testing in cases where such testing is not required by the FTA. The FTA regulations limit the circumstances under which post-accident alcohol and drug testing will occur, as set forth in under "Post-Accident Testing" above. NCTD requires post-accident alcohol and drug testing using a much broader definition of accident.*
2. *NCTD requires alcohol testing and drug testing following work injuries (if deemed necessary) as a result of an incident or unsafe action that had a direct result in causing the injury, which is not required by FTA regulations.*
3. *This policy requires employees using prescription drugs, as defined under Illegal Drugs, Legal Drugs, and Alcohol, Section B in this policy, to report the prescription to the Drug and Alcohol Program Manager by using the "Prescription Drug Notification Form".*
4. *This policy sets forth the disciplinary action for violations of the policy, which is a NCTD decision, and is not part of the FTA regulations.*
5. *This policy requires that all costs of drug treatment and/or SAP evaluation be paid by the employee or former employee. This is a NCTD decision, not an FTA requirement.*

D. Substance Abuse Professional

NCTD has secured the services of an SAP as noted in Appendix A.

E. Right to Examine Records

Every employee has the right to review his/her drug and alcohol testing records (except SAP determined DOT follow-up testing plans), provide information to dispute the results of a drug or alcohol test and, upon written request, to obtain copies of any records pertaining to his or her drug and alcohol tests, including records pertaining to equipment calibration and laboratory certifications.

F. Reporting Alcohol/Drug Related Motor Vehicle Actions

Employees must report any of the following alcohol/drug-related motor vehicle actions to the DER/DAPM within 48 hours:

- *DUI charge*
- *Driver's License cancellation*
- *Driver's License suspension*
- *Conviction for DUI or any other related offense (i.e., reckless driving, "wet and reckless," etc.)*
- *Denial of Driver License issuance / renewal*

Approvals

Board Chair	Date
Chief Executive Officer	Date
Deputy Chief Executive Officer/Chief General Counsel	Date

Board Policy No. 24 – Employee Drug and Alcohol Policy

DATE	REVISION NO.	RESOLUTION NO.	COMMENTS
10/18/2012	ADOPTED	12-10	
10/17/2013	1	13-07	2013 REVISION
10/16/2014	3	14-04	2014 REVISION
11/19/2015	4	15-08	2015 REVISION
10/20/2016	5	16-10	2016 REVISION
01/19/2017	6	17-01	2017 REVISION
10/19/2017	7	17-10	2017 REVISION
12/21/2017	8	17-14	FTA DRUG SCHEDULE UPDATE.
10/18/2018	9	18-09	2018 REVISION; ADDRESSES FTA 49 CFR 655.45 REVISION EFFECTIVE 01/01/2019
10/17/2019	10	19-06	SECTION NO. 1 OF APPENDIX A UPDATED.
6/18/2020	11	20-06	SECTION NO. 1 AND 3 OF APPENDIX A UPDATED
10/15/2020	12	20-08	STRUCTURE OF POLICY UPDATED FOR BETTER FLOW OF INFORMATION.
10/21/2021	13	21-05	2021 REVISION
05/19/2022	14	22-07	2022 REVISION; ADDS FTA SAFETY SENSITIVE POSITIONS
10/20/2022	15	22-18	2022 REVISION
10/19/2023	16	23-06	2023 REVISION; ADDED REASONABLE CAUSE TESTING
10/17/2024	17	24-08	2024 REVISION: ADDED SECTION F IN MISCELLANEOUS INFORMATION ADDED NEW DAPM
6/26/2025	18	25-04	REVISION DUE TO ADDITION OF POSITIONS FOR BUS TRANSITION
10/23/2025	19	26-06	2025 REVISION: UPDATES TO POINTS OF CONTACTS IN APPENDIX A
03/19/2026	20	XXX	REVISION: UPDATES TO NON-DOT TESTING PROCEDURES AND PROGRAM PERSONNEL

Appendix A

1. DOT Safety-Sensitive Positions (effective June 26, 2025):

- SPRINTER Train Attendant
- SPRINTER Train Operator
- SPRINTER Maintenance Technician
- SPRINTER Maintenance of Equipment Supervisor
- SPRINTER Maintenance of Equipment Manager
- SPRINTER Operations Supervisor
- Bus Operations Manager
- Road Supervisor/Dispatcher
- Coach Operator
- Demand Response Dispatcher
- Demand Response Driver
- OCC Traffic Controller
- Senior Operations Instructor, Bus
- Operations Instructor, Bus
- Maintenance Supervisor
- Maintenance Manager
- Auto Technician II
- Auto Technician III
- Body Technician III
- Electronics Technician
- Bus Servicer
- Operations Supervisor, On-Demand Services

2. DAPM Contact Information

Any employees having questions about the District's Drug and Alcohol Policy should contact one of the following individuals:

Albert Aguero
Program Administrator – Drug & Alcohol
760-435-9158

Karen Tucholski
Senior Legal Counsel – Regulatory Compliance
760- 966-6574/760-405-3949

Tyler Brett
System Safety Specialist – Bus
760-966-6591

Arturo Lopez
System Safety Specialist – Rail
760-458-0078

Brigitte Ponce
Safety Trainer
760-989-5921

3. SAP Provider Information

American Substance Abuse Professionals (ASAP)
10151 York Road, Suite 120
Cockeysville, MS 21030
(888)792-2727

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item # 9

STAFF REPORT

ADOPT RESOLUTION NO. 26-03 APPROVING AMENDMENTS FOR THE 457(B) DEFERRED COMPENSATION PLAN AND THE 401(A) RETIREMENT PLAN DOCUMENTS, AND FOR THE 457 DEFERRED COMPENSATION TRUST AGREEMENT AND THE 401(A) TRUST AGREEMENT

Time Sensitive: ☐ **Consent:** ☒

STAFF RECOMMENDATION:

Adopt Resolution 26-03 approving plan amendments for the North County Transit District 457(b) Deferred Compensation Plan, the 401(a) Retirement Plan, 457 Deferred Compensation Plan Trust Agreement and the 401(a) Trust Agreement.

BACKGROUND INFORMATION:

North County Transit District, operating as North County Transit – San Diego Railroad and referred to herein as ("NCTD"), maintains a Deferred Compensation 457(b) Plan and a 401(a) Retirement Plan for the benefit of regular, full-time and part-time (working a minimum of 20 hours per week) employees of NCTD. These retirement programs are part of NCTD's comprehensive benefits offerings for its employees. As such, NCTD must ensure continuous legal and regulatory compliance to support recruitment and retention of highly qualified employees. The 457(b) and 401(a) Plans were last amended for legal and regulatory compliance in May 2022.

To comply with required legal changes approved by Congress in the *SECURE 2.0 Act* and update contact information based upon personnel transitions, NCTD proposes to amend the Plan Documents and Trust Agreements for the 457(b) Deferred Compensation and 401(a) Retirement Plans.

Staff recommends that the Board of Directors adopt Resolution 26-03 approving plan amendments for the NCTD 457(b) Deferred Compensation Plan, the 401(a) Retirement Plan, 457 Deferred Compensation Plan Trust Agreement and the 401(a) Trust Agreement.

ATTACHMENT:

9A – Draft Resolution 26-03 Approving Amendments to Retirement Plan Documents
9B – Draft 457(b) Deferred Compensation Plan Documents
9C – Draft 457(b) Deferred Compensation Plan Trust Agreement
9D – Draft 401(a) Retirement Plan Document
9E – Draft 401(a) Retirement Plan Trust Agreement

FISCAL IMPACT:

This staff report has no fiscal impact.

COMMITTEE REVIEW:

None

STAFF CONTACT:

Lori A. Winfree, Deputy Chief Executive Officer/Chief General Counsel
E-mail: lwinfree@nctd.org Phone: 760-966-6632

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

RESOLUTION NO. 26-03

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY TRANSIT DISTRICT APPROVING AMENDMENTS TO 457(B) AND 401(A) RETIREMENT PLAN DOCUMENTS

WHEREAS, the North County Transit District (NCTD) maintains the North County Transit District Deferred Compensation 457(b) Plan ("457(b) Plan") and the North County Transit District 401(a) Retirement Plan ("401(a) Plan") for the benefit of regular, full-time and part-time employees (working a minimum of 20 hours per week) of NCTD; and

WHEREAS, the respective Plan documents were last amended and restated in July 2022; and

WHEREAS, NCTD is aware that minor updates to the respective Plan documents are required to maintain compliance with applicable legal and regulatory guidelines and reflect responsibilities based on staffing transitions;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors (Board) of the North County Transit District hereby approves the following:

1. That NCTD shall adopt the amended North County Transit District 457(b) Deferred Compensation Plan heretofore considered, effective as of March 19, 2026;

2. That NCTD shall adopt the amended North County Transit District 457(b) Deferred Compensation Plan Trust Agreement heretofore considered, effective as of March 19, 2026;

3. That NCTD shall adopt the amended North County Transit District 401(a) Retirement Plan heretofore considered, effective as of March 19, 2026;

4. That NCTD shall adopt the amended North County Transit District 401(a) Retirement Plan Trust Agreement heretofore considered, effective as of March 19, 2026.

BE IT FURTHER RESOLVED that insofar as the provisions of any Ordinance, Resolution, document or previous action of the Board and/or the Chief Executive Officer, prior to the date of this Resolution, are inconsistent with the provisions of this Resolution or the policy adopted by this Resolution, this Resolution and the Board Policy adopted herein shall control.

PASSED, APPROVED AND ADOPTED at the regular meeting of the Board of Directors of the North County Transit District this 19th day of March 2026.

BOARD CHAIR
North County Transit District

CERTIFICATION

I, Suheil Rodriguez, 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 a resolution passed and approved by the Board of Directors of the North County Transit District adopted at a legally convened meeting of the Board of Directors of the North County Transit District held on the 19th day of March 2026.

CLERK OF THE BOARD
North County Transit District

RESOLUTION NO. 26-03

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY TRANSIT DISTRICT APPROVING MODIFICATIONS TO BOARD POLICY NO. 24 - *EMPLOYEE DRUG AND ALCOHOL POLICY*

Exhibit A (on following page)

ATTACHMENT 9B

NORTH COUNTY TRANSIT DISTRICT
DEFERRED COMPENSATION PLAN

Restated Effective March 19, 2026

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NORTH COUNTY TRANSIT DISTRICT
DEFERRED COMPENSATION PLAN

RECITALS

A. The NORTH COUNTY TRANSIT DISTRICT DEFERRED COMPENSATION PLAN ("Plan") was established effective September 18, 1997, and was most recently amended and restated as of July 19, 2022, by NORTH COUNTY TRANSIT DISTRICT ("Employer").

B. The purpose of the Plan is to provide certain Employees of the Employer the opportunity to enhance their retirement security by permitting them to enter into agreements to defer compensation, and to receive benefits at retirement, death, severance from employment, and in the event of financial hardship due to unforeseeable emergencies. The Plan is intended to comply with and be maintained as an "Eligible Deferred Compensation Plan" under Code Section 457(b).

C. Applicable provisions of the Plan provide that the Employer shall have the right to amend the Plan at any time, and from time to time, in whole or in part. Accordingly, the Employer hereby amends and restates the Plan, effective March 19, 2026, except to the extent an alternative effective date with respect to a particular Plan provision is specified herein.

ARTICLE I
DEFINITIONS

The following terms, when used herein, shall have the following meaning, unless a different meaning is clearly required by the context.

1.1 Administrator. "Administrator" shall mean the Employer, as described in Article VIII.

1.2 Account. "Account" or "Account Balance" shall mean the bookkeeping account maintained with respect to each Participant which reflects the value of the deferred Compensation credited to the Participant, including the Participant's annual Deferral Amounts, the earnings or losses allocable to the Participant, any transfers for the Participant's benefit, and any distribution made to the Participant or Participant's Beneficiary. If a Participant has more than one Beneficiary at the time of the Participant's death, then a separate Account Balance shall be maintained for each Beneficiary. The Account Balance shall also include any rollover contributions and plan-to-plan transfers made for a Participant, any separate account established for a Beneficiary after a Participant's death, and any account or accounts established for an Alternate Payee (as defined in Code Section 414(p)(8)).

1.3 Beneficiary. "Beneficiary" means the designated person(s) (or, if none, the Participant's estate) who is entitled to receive benefits under the Plan after the death of a Participant pursuant to Article VII.

1.4 Code. "Code" means the Internal Revenue Code of 1986, as now in effect or as amended, and including all regulations promulgated thereon.

1.5 Compensation. "Compensation" means all cash compensation for services rendered to the Employer, including regular wages and salary, that is includible in the Employee's gross income for the calendar year, plus amounts that would be otherwise includible in the Employee's gross income for the calendar year but for a compensation reduction election under Code Sections 125, 132(f), 403(b), or 457(b) (including an election to defer compensation under Article III hereunder). For this purpose, Compensation shall specifically include overtime pay, paid time off (PTO), sick time, vacation, holiday pay, bonuses, and paid leaves of absences (other than administrative leave), such as sick leave, bereavement, jury duty, and military leave; however, reimbursements and allowances paid by the Employer for cell phones, automobile, clothing, moving expenses, mileage, which are reported as taxable compensation by the Employer, shall be excluded. Compensation shall also exclude severance payments, recruitment bonuses and any other taxable benefits or payments made by the Employer which are not directly attributable to services rendered.

1.6 Deferral Amount. "Deferral Amount" means the annual amount of Compensation that a Participant elects to defer in any Plan Year pursuant to his or her executed Participation Agreement.

1.7 Eligible Deferred Compensation Plan. "Eligible Deferred Compensation Plan" means any plan defined in Code Section 457(b) and includes this Plan, among others.

1.8 Eligible Designated Beneficiary. An individual is an Eligible Designated Beneficiary of a Participant if the individual qualifies as a designated Beneficiary, as defined in Section 4.10(e)(1), and is:

(a) The surviving spouse of a Participant.

(a) A child of the Participant who has not attained the "age of majority" within the meaning of Code Section 401(a)(9)(E)(ii)(II), until such child attains the "age of majority."

(b) Disabled (within the meaning of Code Section 401(a)(9)(E)(ii)(III)).

(c) A chronically ill individual within the meaning of Code Section 401(a)(9)(E)(ii)(IV)).

(d) An individual not described in Section 1.8 (a) through (d) above, who is not more than ten years younger than the Participant.

1.9 Eligible Employee. "Eligible Employee" means any officer, employee or elected official of the Employer designated by Employer to be eligible to participate in the Plan. Eligible Employee shall not include temporary employees or part-time employees who are normally scheduled to work less than twenty (20) hours per week.

1.10 Employer. "Employer" means NORTH COUNTY TRANSIT DISTRICT, a public agency operating pursuant to California Public Utilities Code Section 125000 et seq., created under the laws of the State of California.

1.11 Highly Compensated Employee. "Highly Compensated Employee" shall mean an Employee described in Code Section 414(q) and the Treasury Regulations Promulgated thereon.

1.12 Includible Compensation. "Includible Compensation" means a Participant's actual wages in box 1 of Form W-2 for a year for services to the Employer, but subject to a maximum of $200,000 (or such higher maximum as may apply under Code Section 401(a)(17)) and increased (up to the dollar maximum) by any compensation reduction election under Code Sections 125, 132(f), 401(k), 403(b), or 457(b) (including an election to defer Compensation under Article III). The amount of Includible Compensation is determined without regard to any community property laws.

Effective for Plan Years beginning on or after July 1, 2007, "Includible Compensation" shall also include any amount which is paid within two and one-half (2 ½) months following a Severance from Employment or by the end of the Plan Year in which the Severance from Employment occurs, including the following types of payments:

(a) Regular Pay. Compensation attributable to services performed by the Employee during the Employee's regular working hours as well as outside the Employee's regular working hours (including overtime, commissions, bonuses, or other similar payments) and which would have been paid prior to the Employee's Severance from Employment if the Employee had continued in employment with Employer.

(b) Accrued Paid Leave. Amounts paid for unused accrued bona fide sick, vacation or other leave provided the Employee would have been able to use the leave prior to Severance from Employment.

(c) Deferred Compensation. Compensation paid to the Employee pursuant to a nonqualified deferred compensation plan sponsored by the Employer and includible in the Employee's gross income so long as the payment would have been made if the Employee had continue in employment with Employer.

"Includible Compensation" shall not include any severance payments or salary continuation payments paid by the Employer due to military service or Disability.

1.13 Investment Product. "Investment Product" means group or individual annuity contracts or such other investment arrangements issued by or offered through the Provider and used to hold assets of the plan.

1.14 Normal Retirement Age. "Normal Retirement Age" means age 70 $^{1}/_{2}$; however, each Participant shall be entitled to elect an alternative retirement age for purposes of contributing additional deferrals pursuant to Section 3.3(b). In no event shall the Normal Retirement Age elected be earlier than age 65 or later than age 70 $^{1}/_{2}$.

1.15 Participant. "Participant" means an individual who is currently deferring Compensation, or who has not received a distribution of his or her entire benefit or has been deferring Compensation under the Plan and who has not received a distribution of his or her entire benefit under the Plan.

1.16 Participation Agreement. "Participation Agreement" means a written agreement between the Participant and the Employer to defer receipt by the Participant of Compensation not yet earned. The agreement shall state the amount of Compensation to be withheld from a Participant's paycheck.

1.17 Payroll Period. "Payroll Period" means the work period for which a paycheck is issued by the Employer to the Employee.

1.18 Plan. "Plan" means NORTH COUNTRY TRANSIT DISTRICT DEFERRED COMPENSATION PLAN, in its present form, or as amended from time to time.

1.19 Plan Administrator. "Plan Administrator" or "Administrator" shall mean the Employer or other person(s) named in Section 8.2 of the Plan.

1.20 Plan Year. "Plan Year" means the 12-month period beginning January 1 and ending on December 31 of each year.

1.21 Provider. "Provider" means the Plan record keeper and/or investment manager or such other organization that has been approved by the Employer and Trustees to provide services or Investment Products to the Employer and/or the Trust under the Plan.

1.22 Severance from Employment. "Severance from Employment" means the date that the Employee dies, retires, becomes disabled or otherwise has experienced a severance from employment with the Employer for any reason, as determined by the Administrator. An Employee shall be treated as having experienced a Severance from Employment during a period of qualified military service (as described under Code Section 414(u)).

1.23 Trust Agreement. "Trust Agreement" shall mean the written agreement made by and between the Employer and the Trustee under which the Trust is maintained, as amended.

1.24 Trust. "Trust" shall mean the NORTH COUNTY TRANSIT DISTRICT DEFERRED COMPENSATION PLAN/TRUST originally established effective November 25, 1998, as amended.

1.25 Trustee. "Trustee" shall have the same meaning set forth in the Trust.

1.26 Valuation Date. "Valuation Date" shall mean the last day of the Plan Year.

ARTICLE II
PARTICIPATION

2.1 Eligibility. Each Eligible Employee will become eligible to participate in this Plan and defer Compensation hereunder upon commencement of employment with Employer and execution of a Participation Agreement.

2.2 Election Required for Participation. An Eligible Employee may elect to become a Participant by executing a Participation Agreement to defer a portion of his or her Compensation, and have that amount contributed as an annual Deferral Amount on his or her behalf, and filing it

with the Administrator. Such election shall be made on the form of Participation Agreement provided by the Administrator under which the Employee agrees to be bound by all the terms and conditions of the Plan. Any such election shall remain in effect until a new Participation Agreement is filed.

2.3 Commencement of Participation. A salary deferral election shall be effective on the first day of month in which Compensation earned by the Participant during the payroll period commencing in the calendar month next following the date of the Participant's election. A new Employee may begin deferring with respect to Compensation earned from and after his or her date of hire, provided the Employee executed the Participation Agreement on or before his or her date of hire with the Employer.

2.4 Information Provided by Participant. Each Employee enrolling in the Plan shall provide to the Administrator at the time of initial enrollment, and later if there are any changes, any information necessary or advisable for the Administrator to administer the Plan, including, without limitation, whether the Employee is a participant in any other Eligible Deferred Compensation Plan. In addition, the Participant shall provide investment direction for contributions made to the Investment Product on such forms as may be required by the Provider.

ARTICLE III
DEFERRAL OF COMPENSATION

3.1 Deferred Amounts.

(a) Salary Reduction. Each Participation Agreement shall specify the percentage of the Participant's gross compensation that is to be deferred and withheld from the compensation otherwise payable to the Participant for each payroll period while the Participation Agreement is in effect.

(b) Deferral Procedure. Pursuant to a Participation Agreement, each Participant's annual Deferral Amount shall be deducted from his or her paychecks at approximately equal increments throughout the year, or according to any other method approved of by the Administrator.

3.2 Deferral of Accrued Sick, Vacation and Back Pay. A Participant may elect to defer Compensation attributable to unpaid and accumulated sick pay, accumulated vacation pay, and back pay, provided all of the following requirements are met:

(a) the election to defer said amounts is completed and filed with the Administrator prior to the beginning of the month in the benefits would be otherwise paid or made available to the Participant;

(b) the Participant is an Employee of the Employer in that month; and

(c) the Deferral Amount shall not cause the Participant to exceed the maximum deferral amount under Section 3.3 below.

3.3 Maximum Deferral.

(a) Primary Limitation. Except to the extent permitted under Sections (b) and (c) below, the total Deferral Amount that may be contributed to a Participant's Account for any taxable year shall not exceed the lesser of:

(1) The "applicable dollar amount" determined for the Plan Year pursuant to Code Section 457(e)(15), as follows:

2002	$11,000
2003	$12,000
2004	$13,000
2005	$14,000
2006 or thereafter	$15,000; or

(2) 100% of the Participant's Includible Compensation.

For plan years beginning after December 31, 2006, the amount specified in subsection (a)(1) hereof shall be adjusted in accordance with Code Section 457(d)(15).

(b) Catch-Up Limitation.

(1) The maximum total Deferral Amount for each of a Participant's last three (3) taxable years ending before he or she attains Normal Retirement Age is the lesser of:

(i) an amount equal to twice the amount of the "applicable dollar amount" specified in Section 3.3(a)(1) above; or

(ii) the primary limitation amount determined under Section 3.3(a)(1) for the current year, plus so much of the primary limitation amount that was not utilized in prior taxable years in which the employee was eligible to participate in the Plan or another Eligible Deferred Compensation Plan sponsored by the Employer, beginning after December 31, 1977. A Participant may use a prior year only if the total Deferral Amounts under the Plan in existence during that year were subject to the maximum deferral amount described in Code Section 457(b)(3) as in effect prior to and after January 1, 2002.

(2) The catch-up limitation is available to a Participant only during one three-year period. If a Participant uses the catch-up limitation and then postpones Normal Retirement Age or returns to work after retiring, the limitation shall not be available again before a subsequent retirement.

(c) Additional Elective Deferral. All Participants who have attained the age of fifty (50) years before the close of the Plan Year shall be eligible to defer additional amounts of Compensation in accordance with, and subject to the limitations of, Code Section 414(v). In the case of Participants who have attained the age of fifty (50) years and are eligible to use the catch-up limitation provided under Section 3.3(b) above, such Participants shall be eligible to defer an amount equal to the greater of: (i) the amount permitted under this Section 3.3(c); or (ii) the amount permitted under Section 3.3(b) above. Such additional elective deferrals shall not be taken into

account for purposes of the "applicable dollar amount" specified in Section 3.3(a)(1) in effect for the Plan Year.

(d) Coordination With Other Plans. If a Participant participates in more than one Eligible Deferred Compensation Plan, the aggregate total Deferral Amounts under all plans shall be subject to the maximum limitations specified in this Section 3.3. If a Participant is eligible to defer additional amounts under the "special Section 457 catch-up option" prescribed in (b) above, under more than one Eligible Deferred Compensation Plan, and, the applicable catch-up amount is not the same for each plan for a Plan Year, said Participant shall be permitted to defer the catch-up amount under the plan which permits the largest catch-up amount for the Participant.

(e) Roth Catch Up Designation Requirement. Effective January 1, 2026, a Participant who elects to defer additional amounts of Compensation pursuant to Section 3.3(c), above, who had wages (as defined in Code Section 3121(a)) from the Employer for the preceding calendar year exceeding the threshold amount under Code Section 414(v)(7)(A) shall have the portion of the Participant's catch-up contributions that exceeds the maximum amount permissible under Code Section 457(b)(3) (determined without regard to Code Section 457(e)(18)) treated as designated Roth contributions under Code Section 402A.

3.4 Minimum Deferral. The minimum dollar amount deferred shall not be less than twenty-five dollars ($25.00) per Payroll Period.

3.5 Changing Deferrals. A Participant may change Deferral Amounts with respect to Compensation not yet earned by executing a new Participation Agreement. The new Participation Agreement shall be effective for the Payroll Period immediately following the Payroll Period of receipt of the new election by the Administrator or, if not administratively feasible, the second Payroll Period following receipt of such election.

3.6 Revocation or Suspension of Deferrals.

(a) Revocation. A Participant may revoke the deferral of Compensation by giving the Administrator written notice of such revocation. Such revocation shall be effective for the first payroll for which it is administratively feasible. Following revocation, a Participant may reinstate Deferral Amounts by executing a new Participation Agreement and delivering it to the Administrator. Reinstatement shall be effective for the first Payroll Period immediately following the Payroll Period of receipt of the new election by the Administrator or, if not administratively feasible, the second Payroll Period following receipt of such election.

(b) Suspension. Deferrals of Compensation pursuant to the Participation Agreement shall automatically be suspended for any Payroll Period in which there is insufficient Compensation available to make the entire deduction agreed upon, and automatically reinstated in the Payroll Period that Compensation is sufficient to make up the agreed upon deferral of Compensation.

3.7 Rollovers Disregarded in Determining Maximum Deferral Amount. Any rollover contribution (and any earnings allocable thereto) received from an Eligible Deferred

Compensation Plan on behalf of a Participant during a Plan Year shall not be included for purposes of determining the Participant's maximum deferral amount under Section 3.3 for the Plan Year.

3.8 Excess Deferrals. If a Participant's annual Deferral Amount for a calendar year would be more than permitted under this Article III, including additional deferrals pursuant to Section 3.3(b) or (c), such amounts shall be considered "Excess Deferrals" and the Employer shall not withhold any additional Compensation on behalf of such Participant. In the event the Administrator determines that a Participant's annual Deferral Amount contributed to the Plan for a calendar year exceed the annual deferral limitation under Section 457(e), the Administrator shall distribute to the Participant such Excess Deferrals, adjusted for any income or loss in value, as soon as administratively practicable. Distributions shall be made without regard to any requirements which might otherwise preclude distribution only to the extent allowed under the Code, Treasury Regulations, and other interpretative pronouncements.

3.9 Roth Elective Deferral. The Employer shall permit Participants to make Roth Elective Deferrals as defined in this Section 3.9 and pursuant to the provisions of this Section 3.9. Notwithstanding any conflicting provision of the Plan, the following provisions and definitions apply with respect to application of this Section 3.9 and with regard to Roth Elective Deferrals (as defined in this Section 3.9):

(a) Elective Deferral. "Elective Deferral" means a contribution the Employer makes to the Plan pursuant to a Participant's Participation Agreement. The term "Elective Deferral" includes both Pre-Tax Elective Deferrals (as defined below), and Roth Elective Deferrals.

(b) Pre-Tax Elective Deferral. "Pre-Tax Elective Deferral" means the portion of a Participant's Deferral Amount that is not includible in the Participant's gross income at the time deferred and that has been irrevocably designated as Pre-Tax Elective Deferrals by the Participant in his or her Participation Agreement. A Participant's Pre-Tax Elective Deferrals will be separately accounted for, as will gains and losses attributable to those Pre-Tax Elective Deferrals.

(c) Roth Elective Deferral. "Roth Elective Deferral" means the portion of a Participant's Deferral Amount that is includible in the Participant's gross income at the time deferred and that has been irrevocably designated as Roth Elective Deferrals by the Participant in his or her Participation Agreement. A Participant's Roth Elective Deferrals shall be separately accounted for, as will gains and losses attributable to those Roth Elective Deferrals. However, forfeitures may not be allocated to such account. The Plan must also maintain a record of a Participant's investment in the contract (i.e., designated Roth contributions that have not been distributed) and the year in which the Participant first made a Roth Elective Deferral.

(d) Ordering Rules for Distributions. The Administrator operationally may implement an ordering rule procedure for withdrawals (including, but not limited to, withdrawals on account of unforeseeable emergency) from a Participant's accounts attributable to Pre-Tax Elective Deferrals or Roth Elective Deferrals. Such ordering rules may specify whether the Pre-Tax Elective Deferrals or Roth Elective Deferrals are distributed first. Furthermore, such

procedure may permit the Participant to elect which type of Elective Deferrals shall be distributed first.

(e) Corrective Distributions Attributable to Roth Elective Deferrals. For any Plan Year in which a Participant may make both Roth Elective Deferrals and Pre-Tax Elective Deferrals, the Administrator may implement an ordering rule procedure for the distribution of Excess Deferrals. Such an ordering rule may specify whether the Pre-Tax Elective Deferrals or Roth Elective Deferrals are distributed first, to the extent such type of Elective Deferrals was made for the year. Furthermore, such procedure may permit the Participant to elect which type of Elective Deferrals shall be distributed first.

(f) Participant Loans. The Administrator may modify the Loan Program to provide limitations on the ability to borrow from, or use as security, a Participant's Roth Elective Deferral Account. Similarly, the Loan Program may be modified to provide for an ordering rule with respect to the default of a loan that is made from the Participant's Roth Elective Deferral Account and other accounts under the Plan.

(g) Rollovers.

(1) Direct Rollovers From the Plan. Notwithstanding Section 4.5 of the Plan, a direct rollover of a distribution from Roth Elective Deferrals shall only be made to another governmental Code Section 457(b) plan which includes Roth "elective deferrals" as described in Code Section 402A(e)(2), to a Code Section 401(k) plan which includes Roth "elective deferrals" as described in Code Section 402A(e)(2), to a Code Section 403(b) plan which includes Roth "elective deferrals" as described in Code Section 402A(e)(2), or to a Roth IRA as described in Code Section 408A, and only to the extent the rollover is permitted under Code Section 402(c).

(2) Direct Rollovers Into the Plan. Notwithstanding Section 6.2 of the Plan, the Plan shall accept a rollover contribution of Roth "elective deferrals" as described in Code Section 402A(e)(2) only if it is a direct rollover from another governmental 457(b) plan which includes Roth "elective deferrals" as described in Code Section 402A(e)(2). Direct rollovers of Roth "elective deferrals" as described in Code Section 402A(e)(2) shall only be permitted if the transmitting plan satisfies the conditions set forth in Code Section 402A(e)(1) and only to the extent the rollover is permitted under Code Section 402(c), and permitted by the Investment Products utilized by the Participant. The Employer, operationally and on a uniform and nondiscriminatory basis, may decide whether to accept any such rollovers.

(h) Operational Compliance. Notwithstanding any other conflicting Plan provision, the Administrator shall administer Roth Elective Deferrals in accordance with applicable Treasury Regulations or other binding authority.

3.10 Leave of Absence; Disability. Unless an election is otherwise revised or revoked, if a Participant is absent from work by leave of absence, his or her Deferral Amounts under the Plan shall continue to the extent that Compensation continues to be paid to the Participant. A disabled Participant may elect to contribute Deferral Amounts during any portion of the period of his or her disability to the extent that he or she has actual Compensation (other than disability

benefits) from which to make contributions to the Plan, provided he or she has not experienced a Severance from Employment.

3.11 Special Rules for Qualified Military Leave. An Employee whose employment is interrupted by or who is on a leave of absence for qualified military service under Code Section 414(u) may elect to make additional annual Deferral Amounts upon resumption of employment with the Employer equal to the maximum annual Deferral Amounts that the Employee could have elected during that period if the Employee's employment with the Employer had continued (at the same level of Compensation) without the interruption or leave, reduced by the annual Deferral Amounts, if any, actually made for the Employee during the period of military leave. This right applies for five years following the resumption of employment (or, if sooner, for a period equal to three times the period of the interruption or leave).

Effective for years beginning after December 31, 2008, an individual receiving from the Employer a differential wage payment, as defined in Code Section 3401(h)(2), shall be treated as an Employee of the Employer and the differential wage payments shall be treated as Compensation for purposes of determining benefit accrual. The Plan shall not be treated as failing to meet the requirements of any provision described in Code Section 414(u)(1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

ARTICLE IV
DISTRIBUTION OF BENEFITS

4.1 Eligibility for Payment. No amounts due under the Plan shall be paid or made available earlier than any of the following: retirement, Severance from Employment, an unforeseeable emergency as described in Section 4.6 of the Plan, or upon attainment of the Required Beginning Date under Section 4.10 of the Plan. Retirement shall occur upon Severance from Employment on or after attainment of the Normal Retirement Date. Upon the occurrence of a Participant's retirement, Severance from Employment, or attainment of the Required Beginning Date under Section 4.10, benefit payments to a Participant shall commence upon the date elected by Participant.

4.2 Notice Requirements. The Administrator shall provide a notice which provides an explanation of the following upon a Participant's becoming eligible to receive benefits under the Plan:

(a) The right to defer the commencement of benefits until the Normal Retirement Date pursuant to Section 4.4(e), if applicable. For any distribution notice issued after January 1, 2007, the description of a Participant's right, if any, to defer receipt of a distribution also will describe the consequences of failing to defer receipt of the distribution. Such notice will include: (1) a description indicating the investment options available under the Plan (including fees) that will be available if the Participant defers distribution; and (ii) the portion of the summary plan description that contains any special rules that might materially affect a Participant's decision to defer.

(b) The form of benefits available under the Plan in accordance with Section 4.4.

(c) The option to transfer a lump sum distribution to an Eligible Plan in accordance with Section 4.5.

(d) The mandatory income tax withholding provisions applicable if the distribution is not transferred to an Eligible Plan.

(e) The provisions under which the distribution will not be subject to tax if transferred to an Eligible Plan within sixty (60) days after the date on which the Participant received the distribution.

(f) The applicable rules on rollover and taxation of a lump sum distribution under Code Section 402(d) and (e).

The notice shall be provided to a retired or terminated Participant not less than thirty (30) days, nor more than one hundred eighty (180) days, prior to the first day of the first period for which an amount is paid. Written consent shall be given within the one hundred eighty (180) day period ending on the first day of the first period for which an amount is paid and shall include an acknowledgment of the effect of such election.

4.3 Election to Commence Distribution. A Participant may elect to commence distribution of benefits and may elect the form of payment of benefit at any time after retirement or other Severance from Employment by a notice filed at least thirty (30) days before the date on which benefits are to commence. However, in no event may distribution of benefits commence later than April 1 of the year following the calendar year in which the Participant attains age 73 in accordance with Section 4.10. A Participant may revoke his or her election (with or without a new election) at any time before thirty (30) days preceding the benefit commencement date by notifying the Administrator in writing, subject to the Administrator's approval.

(a) Waiver of 30-day Period for Distribution Consent. The Plan may distribute a benefit less than thirty (30) days after providing the Participant notice of the distribution option, if the Participant affirmatively elects a distribution. The Participant must be notified that the Participant has the opportunity to elect a distribution for at least thirty (30) days after receiving the notice.

(b) Failure to Respond; Elect Distribution. The failure of a Participant to respond to the notice described in Section 4.2 and elect a distribution for a benefit that is immediately distributable shall be deemed an election to defer commencement of payment.

(c) Mandatory Distributions. Notwithstanding paragraph (b), in the event that a retired or terminated Participant fails to elect a payment option and the value of the Participant's Accounts does not exceed $1,000 as of the date of distribution, no consent shall be required and the Participant shall receive a distribution of his or her entire benefits in a lump sum distribution. However, if the value of the Participant's Accounts is greater than $1,000 but less than $7,000 and the Participant fails to submit a distribution election then the Administrator shall pay the distribution in a direct rollover to an individual retirement plan designated by the Administrator.

4.4 Forms of Payment. If the value of a Participant's Account does not exceed $7,000 as of the date of distribution or on the date of the Participant's death, the Account shall be paid in

a lump sum payment. If the value of the Participant's Account exceeds $7,000, the Participant may elect payment in one of the following forms:

(a) Lump Sum. A single payment of the entire balance in a Participant's account.

(b) Partial Withdrawals. Partial withdrawals of the balance in a Participant's account.

(c) Immediate or Deferred Annuity. Periodic payments contingent on the life expectancy of the Participant or Beneficiary.

(d) Joint and Survivor Annuity. Periodic payments contingent on the life expectancy of the Participant and the Participant's spouse.

(e) Installments. Periodic payments over a specified period of time, provided that payments made over a period of more than one year shall only be made in substantially non-increasing amounts (paid not less frequently than annually).

Distribution from this Plan must be made primarily for the benefit of Participants. Any payment form specified above must be such that benefits payable to a Beneficiary are not more than incidental. The determination of whether a benefit payable to a Beneficiary shall be considered incidental shall be determined in accordance with Code Section 401(a)(9)(G) and regulations thereunder. In the case of distributions which begin before the death of the Participant, all remaining benefits shall be distributed after the death of the Participant at least as rapidly as under the method of distribution set forth in the immediately preceding sentence as of the date of the Participant's death. Also, in the case of distributions which do not begin before the death of the Participant, all benefits payable to a Beneficiary of such Participant shall be paid in full within (i) the life of the Beneficiary, if the Beneficiary is the Participant's surviving spouse, or (ii) within fifteen (15) years after the death of a Participant for all other Beneficiaries.

4.5 Direct Rollovers. A Participant or the surviving spouse of a Participant (or a former spouse who is the Alternate Payee under a Qualified Domestic Relations Order, as defined in Code Section 414(p)) may elect, at the time and in the manner prescribed by the Administrator, to have any portion of any Eligible Rollover Distribution paid directly to an Eligible Plan specified by the Participant in a direct rollover. The Participant must provide the Administrator with sufficient information to identify the Eligible Plan as well as the trustee or custodian of the funds to whom the transfer is to be made.

For purposes of this Section 4.5, the following definitions apply:

(a) Eligible Plan. "Eligible Plan" shall mean an eligible retirement plan described in Code Section 402(c)(8)(B) and shall include: (i) an individual retirement account described in Code Section 408(a); (ii) an individual retirement annuity described in Code Section 408(b); (iii) a qualified trust described in Code Section 401(a); (iv) an annuity plan described in Code Section 403(a) or 403(b); and (v) an Eligible Deferred Compensation Plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A).

(b) Eligible Rollover Distribution. An "Eligible Rollover Distribution" shall mean any distribution of all or any portion of a Participant's Account Balance, except that it shall not include:

(1) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten (10) years or more; or

(2) any portion that is a required minimum distribution under Code Section 401(a)(9); or

(3) any distribution made under Section 4.6 as a result of an unforeseeable emergency.

4.6 Unforeseeable Emergency Distribution. A Participant may request an emergency withdrawal of all or a portion of his or her Accounts by submitting a written request to the Administrator, accompanied by evidence that his or her financial condition warrants an advance release of funds and results from an unforeseeable emergency which is beyond the Participant's control as provided herein.

(a) Distribution. If the Participant has an unforeseeable emergency before retirement or other Severance of Employment, the Participant may elect to receive a lump sum distribution equal to the amount requested or, if less, the maximum amount determined by the Administrator to be permitted to be distributed under this Section 4.6.

(b) Unforeseeable Emergency Defined. An unforeseeable emergency means a severe financial hardship of the Participant resulting from: an illness or accident of the Participant, the Participant's spouse, the Participant's dependent (as defined in Code Section 152(a)) or the Participant's Beneficiary; loss of the Participant's property due to casualty (including the need to rebuild a home following damage to a home not otherwise covered by homeowner's insurance, e.g., as a result of a natural disaster); the need to pay for the funeral expenses of the Participant's spouse, dependent, or Beneficiary; or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the Participant's control or as otherwise defined by the Internal Revenue Service in regulations or rulings concerning Code Section 457.

Unforeseeable emergencies may include the imminent foreclosure of or eviction from the Participant's primary residence or payment of medical expenses (including non-refundable deductibles or prescription drug medication). Unforeseeable emergencies shall not include the payment of college tuition or purchase of a home.

(c) Distribution Standard. Whether circumstances constitute an unforeseeable emergency depends on the facts of each case, but, in any case, payment may not be made to the extent that such emergency is or may be relieved through reimbursement or compensation by insurance or otherwise; by liquidation of the Participant's assets, to the extent that liquidation itself would not cause severe financial hardship; or by cessation of deferral under the Plan.

(d) Amount Necessary to Satisfy Emergency Need. The Administrator shall review the request and determine whether payment of any amount is justified. If payment is justified, the amount shall be limited to an amount reasonably needed to meet the emergency, including any amounts necessary to pay any taxes or penalties reasonably anticipated to result from the distribution.

(e) Distributions After Benefit Commencement. Once regular installment payments to a Participant have commenced under the Plan, the Participant may request payment acceleration if the Participant suffers an unforeseeable emergency, as defined above. The Administrator may permit an additional emergency payment provided the amount distribution does not exceed the amount needed to meet the emergency. Any amount remaining in the Participant's Account after such emergency distribution shall be distributed in accordance with the provisions of this Plan.

4.7 Distribution of Small Account Balances (In Service De Minimis Distribution).

(a) A Participant may elect to receive, or the Administrator may direct without the Participant's consent, a distribution of benefits in the Plan, in the following circumstances:

(1) the total amount payable does not exceed $7,000;

(2) no amount has been deferred under the Plan with respect to the Participant for the two (2) year period ending on the date of distribution; and

(3) no prior distribution has been made under this Section 4.7.

(4) The value of a Participant's Accounts for purposes of this Section 4.7 shall be determined without regard to that portion of the Account balance that is attributable to rollover contributions (and earnings allocable thereto) within the meaning of Code Section 457(e)(16).

4.8 Distribution under Qualified Domestic Relations Order. An "Alternate Payee" under a "Qualified Domestic Relations Order" ("QDRO") shall be entitled to benefits in accordance with the requirements of this Article, except that a distribution pursuant to a QDRO will be permitted whether or not the affected Participant has experienced a Severance from Employment or attained the "Earliest Retirement Age" under the Plan. For purposes of this Section, "Qualified Domestic Relations Order," "Alternate Payee," and "Earliest Retirement Age" shall have the meanings set forth in Code Section 414(p).

4.9 Death Benefit Distributions. Commencing in the calendar year following the calendar year of the Participant's death, the Account shall be paid to the Participant's designated Beneficiary in a lump sum payment. However, if the Account exceeds $7,000, the Beneficiary may elect that distribution be paid in either a lump sum or installments pursuant to a schedule which satisfies the minimum distribution requirements set forth in Section 4.10. A Beneficiary may also elect a direct rollover pursuant to paragraph (a) or (b) below.

(a) Rollovers to Surviving Spouse. If the designated Beneficiary is the surviving spouse of the Participant, the Beneficiary shall have the option of electing to have his or her benefit

paid in the form of a direct rollover in accordance with Section 4.5. The Participant's Accounts shall be distributed, or begin to be distributed, to the surviving spouse on or before December 31 of the calendar year immediately following the calendar year in which the Participant died. However, if the surviving spouse is the sole designated Beneficiary of the Participant, distribution shall commence no later than December 31 of the calendar year immediately following the calendar year in which the Participant died or December 31 of the calendar year in which the Participant would have attained age seventy three (73).

(b) Direct Rollovers for Non-spouse Beneficiaries. A designated Beneficiary who is not the surviving spouse of the deceased Participant may elect a direct rollover of the benefits at the time and in the manner prescribed by the Plan Administrator. Any such distribution may be transferred only to an individual retirement account or annuity described in Code Sections 408(a) or (b) established for the purpose of receiving the distribution on behalf of the designated Beneficiary and treated as an inherited IRA within the meaning of Code Section 408(d)(3)(C). The Beneficiary must provide the Plan Administrator with sufficient information to identify the status of the inherited IRA as well as the custodian of the funds to whom the direct transfer is to be made. Any distribution made in accordance with this provision shall be considered an "Eligible Rollover Distribution" excludable from gross income for the year in which payment is made under Code Section 402(c)(1). If a Participant's designated Beneficiary is a trust, the trustee of such trust shall be permitted to elect a direct rollover to an individual retirement account in accordance with this subsection provided the beneficiaries of the trust otherwise satisfy the requirements to be designated beneficiaries within the meaning of Code Section 401(a)(9)(E).

4.10 Required Minimum Distributions. Notwithstanding any other provisions of this Article, the distribution of a Participant's Accounts shall meet the requirements of this Section and Code Section 401(a)(9). These minimum distributions shall be calculated each year by the Plan Administrator and shall be distributed in accordance with this Section. To the extent any provision of this Section conflicts with Code Section 401(a)(9), Code Section 401(a)(9) shall supersede any such conflicting provision of this Section 4.10.

(a) Time and Manner of Distribution.

(1) Required Beginning Date. The Participant's Accounts will be distributed, or begin to be distributed, to the Participant no later than the Participant's Required Beginning Date.

(2) Death of Participant Before Distributions Begin. If the Participant dies before distributions begin, the Participant's Accounts will be distributed, or begin to be distributed, no later than as follows:

(i) If the Participant's surviving spouse is the Participant's sole designated Beneficiary, distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained age 73, if later.

(ii) If the Participant's sole designated Beneficiary is not the Participant's surviving spouse, but is an Eligible Designated Beneficiary, then distributions to the

Eligible Designated Beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died.

(iii) If the Participant's designated Beneficiary is not an Eligible Designated Beneficiary, then the Participant's entire interest will be distributed not later than the end of the tenth calendar year following the year of the Participant's death.

(iv) If there is no designated Beneficiary as of September 30 of the year following the year of the Participant's death, the Participant's Accounts will be distributed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(v) If the Participant's surviving spouse is the Participant's sole designated Beneficiary and the surviving spouse dies after the Participant but before distributions to the surviving spouse begin, this Section 4.10(a)(2), other than Section 4.10(a)(2)(i), will apply as if the surviving spouse were the Participant.

For purposes of this Section 4.10(a)(2) and 4.10(c), unless Section 4.10(a)(2)(v) applies, distributions are considered to begin on the Participant's Required Beginning Date. If Section 4.10(a)(2)(v) applies, distributions are considered to begin on the date distributions are required to begin to the surviving spouse under Section 4.10(a)(2)(i). If distributions under an annuity purchased from an insurance company irrevocably commence to the Participant before the Participant's Required Beginning Date (or to the Participant's surviving spouse before the date distributions are required to begin to the surviving spouse under Section 4.10(a)(2)(i)), the date distributions are considered to begin is the date distributions actually commence.

(3) Forms of Distribution. Unless the Participant's Accounts are distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the Required Beginning Date, as of the first distribution calendar year distributions will be made in accordance with paragraphs (b) and (c) of this Section 4.10. If the Participant's Accounts are distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Code Section 401(a)(9).

(b) Required Minimum Distributions During Participant's Lifetime.

(1) Amount of Required Minimum Distribution for Each Distribution Calendar Year. During the Participant's lifetime, the minimum amount that will be distributed for each distribution calendar year is the lesser of:

(i) the quotient obtained by dividing the Participant' s Account balance, excluding the balance of the Participant's Roth Elective Deferral Account as described in Section 8.1(e), by the distribution period in the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the Participant's age as of the Participant's birthday in the distribution calendar year; or

(ii) if the Participant's sole designated Beneficiary for the distribution calendar year is the Participant's spouse, the quotient obtained by dividing the

Participant's Account balance by the number in the Joint and Last Survivor Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the Participant's and spouse's attained ages as of the Participant's and spouse's birthdays in the distribution calendar year.

(2) Lifetime Required Minimum Distributions Continue Through Year of Participant's Death. Required minimum distributions will be determined under this paragraph (b) beginning with the first distribution calendar year and up to and including the distribution calendar year that includes the Participant's date of death.

(c) Required Minimum Distributions After Participant's Death.

(1) Death on or After Date Distributions Begin.

(i) Participant Survived by Eligible Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is an Eligible Designated Beneficiary, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's Account balance by the longer of the remaining life expectancy of the Participant or the remaining life expectancy of the Participant's Eligible Designated Beneficiary, determined as follows:

a. the Participant's remaining life expectancy is calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.

b. If the Participant's surviving spouse is the Participant's sole designated Beneficiary, the surviving spouse shall be treated as the Participant for purposes of this Section 4.10. The minimum distribution for each distribution calendar year commencing in the year after the Participant's death, is the quotient obtained by dividing the Participant's Account balance by the distribution period in the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the surviving spouse's age as of the surviving spouse's birthday in the distribution calendar year. Notwithstanding the preceding provisions of Section 4.10(c)(1)(i)(b), the surviving spouse may also irrevocably elect, in writing and in the form and manner prescribed by the Plan Administrator, to not be treated as the Participant for purposes of this Section 4.10, and to instead have minimum distributions calculated by dividing the Participant's Account balance by the distribution period in the Single Life Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the lesser of the surviving spouse's age as of the spouse's birthday in that year or the Participant's age as of the Participant's birthday in that year. For distribution calendar years after the year of the surviving spouse's death, the remaining life expectancy of the surviving spouse is calculated using the age of the surviving spouse as of the spouse's birthday in the calendar year of the spouse's death, reduced by one for each subsequent calendar year.

c. If the Participant's surviving spouse is not the Participant's sole designated Beneficiary, but the Participant's designated Beneficiary is an Eligible Designated Beneficiary, the designated Beneficiary's remaining life expectancy is calculated using the age of the Beneficiary in the year following the year of the Participant's death, reduced by one for each subsequent year.

d. If the Participant's designated Beneficiary is not an Eligible Designated Beneficiary, then the Participant's remaining life expectancy is calculated using the age of the Participant in the year of death, reduced by one for each subsequent year. In addition to ensuring required annual amounts that will be distributed for each distribution calendar year after the year of the Participant's death are made, the Participant's entire interest will be distributed not later than the end of the tenth calendar year following the year of the Participant's death.

(ii) No Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is no designated Beneficiary as of September 30 of the year after the year of the Participant's death, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's Account balance by the Participant's remaining life expectancy calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.

(2) Death Before Date Distributions Begin.

(i) Participant Survived by Eligible Designated Beneficiary. If the Participant dies before the date distributions begin and the Participant's designated Beneficiary is an Eligible Designated Beneficiary, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's Account balance by the remaining life expectancy of the Participant's designated Beneficiary, determined as provided in Section 4.10(c)(1).

(ii) Participant Survived by Surviving Spouse. If the Participant dies before the date distributions begin and the Participant's sole designated Beneficiary is the Participant's surviving spouse, the minimum amount that will be distributed for each distribution calendar year commencing with the distribution calendar year in which the Participant would have attained age seventy three (73), is the quotient obtained by dividing the Participant's Account balance, by the distribution period in the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the surviving spouse's age as of the surviving spouse's birthday in the distribution calendar year.

(iii) Participant Survived by designated Beneficiary who is not an Eligible Designated Beneficiary. If the Participant dies before the date distributions begin and the Participant's designated Beneficiary is not an Eligible Designated Beneficiary, then the Participant's entire interest will be distributed not later than the end of the tenth calendar year following the year of the Participant's death.

(iv) No Designated Beneficiary. If the Participant dies before the date distribution begins and there is no designated Beneficiary as of September 30 of the year following the year of the Participant's death, distribution of the Participant's Accounts will be completed by December 31 of the calendar year containing the fifth (5^{th}) anniversary of the Participant's death.

(v) Death of Surviving Spouse Before Distributions to Surviving Spouse are Required to Begin. If the Participant dies before the date distributions begin, the Participant' s surviving spouse is the Participant's sole designated Beneficiary, and the surviving spouse dies before distributions are required to begin to the surviving spouse under Section 4.10(a)(2)(i), this Section 4.10(c)(2) will apply as if the surviving spouse were the Participant.

(d) Application of 5-Year Rule.

(1) Election by Participant or Beneficiary. A Participant or Beneficiary may elect on an individual basis whether the 5-year rule or the life expectancy rule in Sections 4.10(a)(2) and 4.10(c)(2) applies to distributions after the death of a Participant who has a designated Beneficiary. The election must be made no later than the earlier of September 30 of the calendar year in which distribution would be required to begin under Section 4.10(a)(2), or by September 30 of the calendar year which contains the fifth anniversary of the Participant's (or, if applicable, the surviving spouse's) death. If neither the Participant nor the Beneficiary makes an election under this paragraph, distributions will be made in accordance with Section 4.10(a)(2) and Section 4.10(c)(2).

(2) Election By Current Beneficiary. A designated Beneficiary who is receiving payments under the 5-year rule may make a new election to receive payments under the life expectancy rule until December 31, 2003, provided that all amounts that would have been required to be distributed under the life expectancy rule for all distribution calendar years before 2004 are distributed by the earlier of December 31, 2003, or the end of the 5-year period.

(e) Definitions.

(1) Designated Beneficiary. The individual who is designated as the Beneficiary pursuant to Section 7.1 of the Plan and is the designated Beneficiary under Code Section 401(a)(9) and Section 1.401(a)(9)-1, Q&A-4, of the Treasury Regulations.

(2) Distribution Calendar Year. A calendar year for which a minimum distribution is required. For distributions beginning before the Participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the Participant's Required Beginning Date. For distributions beginning after the Participant's death, the first distribution calendar year is the calendar year in which distributions are required to begin under Section 4.10(a)(2). The required minimum distribution for the Participant's first distribution calendar year will be made on or before the Participant's Required Beginning Date. The required minimum distribution for other distribution calendar years, including the required minimum distribution for the distribution calendar year in which the Participant's Required Beginning Date occurs, will be made on or before December 31 of that distribution calendar year.

(3) Eligible Designated Beneficiary. Eligible Designated Beneficiary has the meaning specified in Section 1.8 of the Plan.

(4) Life Expectancy. Life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the Treasury Regulations.

(5) Participant's Account Balance. The account balance as of the last valuation date in the calendar year immediately preceding the distribution calendar year (valuation calendar year) increased by the amount of any contributions made and allocated or forfeitures allocated to the account balance as of dates in the valuation calendar year after the valuation date and decreased by the distributions made in the valuation calendar year after the valuation date. The account balance for the valuation calendar year includes any amounts rolled over or transferred to the Plan either in the valuation calendar year or in the distribution calendar year if distributed or transferred in the valuation calendar year.

(6) Required Beginning Date. The "Required Beginning Date" of a Participant who is a 5-percent owner is the April 1 of the calendar year following the calendar year in which the Participant attains age 73, except that the benefit distributions to a Participant (other than a 5-percent owner) must commence by the later of the April 1 of the calendar year following the calendar year in which the Participant attains age 73 or retires.

(f) WRERA Elections for 2009 Calendar Year. Notwithstanding any other provisions of this Section 4.10, a Participant or Beneficiary who would have been required to receive required minimum distributions for 2009 but for the enactment of Code Section 401(a)(9)(H) ("2009 RMDs") and who would have satisfied that requirement by receiving distributions that are: (1) equal to the 2009 RMDs; or (2) one or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant's designated Beneficiary, or for a period of at least 10 years, will not receive those distributions for 2009 unless the Participant or Beneficiary chooses to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect to receive the distributions described in the preceding sentence. In addition, notwithstanding Section 4.5 of the Plan, and solely for purposes of applying the direct rollover provisions of the Plan, a direct rollover will include 2009 RMDs but only if paid with an additional amount that is an Eligible Rollover Distribution (as defined in Section 4.5(b)) without regard to Code Section 401(a)(9)(H).

(g) Special Rule for Deceased or Disabled Veterans. In the case of a Participant who becomes disabled or dies during qualified military service, as defined under USERRA, on or after January 1, 2007, the Participant or his or her designated Beneficiary shall be entitled to any additional benefits provided under the Plan as if the Participant had resumed employment with the Employer on the day preceding death or Disability and then terminated employment on the actual date of the death or Disability.

ARTICLE V
LOANS TO PARTICIPANTS

5.1 Permitted Loans. The Employer shall be authorized to direct the Trustee to make loans to Participants and their Beneficiaries upon their written application. The Trustee may, in the Trustee's sole discretion, make Plan loans available to Participants or Beneficiaries under the following circumstances: (1) loans shall be made available to Participants and Beneficiaries on a reasonably equivalent basis; (2) loans shall not be made available to Highly Compensated Employees in an amount greater than the amount that is made available to other Participants and

Beneficiaries; (3) loans shall bear a reasonable rate of interest; (4) loans shall be adequately secured; and (5) loans shall provide for periodic repayment over a reasonable period of time. Furthermore, no loan shall exceed a Participant's vested interest in the Plan. The Employer may, in a nondiscriminatory manner, operationally choose to treat all Eligible Employees who make a rollover contribution to the Plan as being Participants who are eligible for Participant loans, even if such individuals have not yet met the eligibility requirements for entry into the Plan under Article II).

5.2 Prohibited Assignment or Pledge. An assignment or pledge of a Participant's interest in the Plan and a loan, pledge, or assignment with respect to any life insurance contract under the Plan, shall be treated as a Plan loan under this Article V.

5.3 Loan Program. The Employer, in its discretion, may adopt a separate written loan policy forming part of this Plan which shall be incorporated herein by this reference ("Loan Program"). The Loan Program shall be established in accordance with Treasury Regulation Section 1.457-6(f)(2). The Loan Program may be modified or amended in writing from time to time without the necessity of amending the Plan. The Loan Program shall include, without limitation, the following:

(a) the identity of the person or positions authorized to administer the Participant Loan Program;

(b) the procedure for applying for loans;

(c) the basis on which loans will be approved or denied;

(d) limitations (if any) on the types and amount of loans offered;

(e) the procedure under the program for determining a reasonable rate of interest;

(f) the types of collateral which may secure a Participant loan; and

(g) the events constituting default and the steps that will be taken to preserve the Plan assets in event of default.

5.4 Loan Default. Notwithstanding anything in this Plan to the contrary, if a Participant or Beneficiary defaults on a Plan loan made pursuant to this Article V and such loan is secured by the Participant's interest in the Plan, then, to the extent provided in the Loan Program, a Participant's interest may be offset by the amount subject to the security to the extent there is a distributable event permitted by the Code.

5.5 Special Rule for Veterans. The suspension of an Employee's obligation to repay a plan loan for the period during which the Employee is performing military service (as described in Code Section 414(u)(4)) will not disqualify the Plan from satisfying the prohibited transaction exemption for plan loans.

ARTICLE VI
ROLLOVERS AND TRANSFERS

6.1 Plan-to-Plan Transfers Among Eligible Deferred Compensation Plans. Plan-to-plan transfers shall be permitted as follows:

(a) Transfers From the Plan. Notwithstanding any other Plan provision, distribution of amounts deferred by a former Participant or Beneficiary of this Plan may be transferred to another Eligible Deferred Compensation Plan of which the former Participant has become or the Beneficiary is a Participant, if the following conditions are met:

(1) the plan receiving such amounts provides for such transfer;

(2) the former Participant or Beneficiary will have an amount deferred immediately after the transfer at least equal to the amount deferred with respect to that Participant or Beneficiary immediately before the transfer; and

(3) in the case of a transfer for a former Participant, the Participant has had a Severance from Employment with the transferring plan and is performing services for the entity sponsoring the receiving plan.

(b) Transfers to the Plan. If a Participant was formerly a participant in another Eligible Deferred Compensation Plan, and if such plan permits the direct transfer of the Participant's interest therein to the Plan, the Employer may in its discretion accept a transfer of amounts for such Participant under the prior plan. Such amount shall be held, accounted for, administered and otherwise treated in that same manner as Compensation deferred by the Participant under the Plan, except that no amount so transferred will be taken into account in applying the maximum deferral limitations set forth in Article III.

In addition, the receipt of assets under this Section 6.1 shall be subject to the following conditions:

(1) no transfer shall be in an amount less than One Hundred Dollars ($100);

(2) no amount may be transferred to the Plan without the prior approval of the Trustee. The Trustee shall act in a uniform, nondiscriminatory manner in this regard; and

(3) all transfers shall be paid to the Trustee to hold in the Trust;

6.2 Transfer From Other Qualified Plans; Rollover Contributions. A Participant may roll over or transfer to this Plan amounts from a qualified plan that meets the requirements of Code Section 402(c)(8) which are eligible to be rolled over or transferred to this Plan pursuant to the provisions of Code Section 402(c)(4). Such rollover or transfer must comply with the requirements of Code Section 457(e)(16). The assets to be transferred must be accompanied by written representations, satisfactory to the Plan Administrator, identifying the transferor plan, stating the name of the Participant, and providing such other information as the Plan Administrator may require. The Plan Administrator may require that certain assets be reduced to cash in order that the

rollover or transfer be accepted by the Plan. If a direct rollover received by the Plan Administrator from another qualified plan, the Plan is not required to provide, with respect to amounts paid to it in such a direct rollover, the same optional forms of benefit that were provided under the transferor plan.

In addition, the receipt of assets under this Section 6.2 shall be subject to the following conditions:

(a) no transfer shall be in an amount less than one hundred dollars ($100);

(b) no amount may be transferred to the Plan without the prior approval of the Trustee. The Trustee shall act in a uniform, nondiscriminatory manner in this regard;

(c) all transfers shall be paid to the Trustee to hold in the Trust;

(d) a separate Account shall be established and maintained for each Participant who has made a transfer.

(e) the Participants' interest in the Account shall be fully vested and nonforfeitable;

(f) all transfers will be held and invested in the Trust in the same manner as amounts deferred under the Plan; and

(g) if it is determined that a Participant's transfer mistakenly failed to qualify under the Code as a tax-free rollover, it shall be immediately corrected as follows:

(1) the amount of the rollover contribution, plus any earnings attributed to that contribution shall be segregated from all other Plan assets;

(2) treated as a non-qualified trust established by and for the benefit of the Participant; and

(3) distributed to the Participant within a reasonable amount of time after the determination that the rollover is not valid.

6.3 Transfers to Purchase Permissive Service Credit. All or a portion of a Participant's Account may be transferred directly to the trustee of a defined benefit governmental plan (as defined in Code Section 414(d)) if such transfer is: (i) for the purchase of permissive service credit (as defined in Code Section 415(n)(3)(A)) under such plan; or (ii) a repayment to which Code Section 415 does not apply by reason of subsection (k)(3) thereof, within the meaning of Code Section 457(e)(17). A transfer under this Section 6.3 may be made before the Participant has had a Severance from Employment.

6.4 In-Service Distributions from Rollover Account. If a Participant has a separate account attributable to rollover contributions to the Plan, the Participant may at any time elect to

receive a distribution of all or any portion of the amount held in the rollover account. Any distribution of such amounts shall be payable in accordance with the applicable provisions of Article IV.

ARTICLE VII
BENEFICIARIES

7.1 Designation. A Participant shall have the right to designate a Beneficiary and amend or revoke such designation at any time, in writing. Such designation, amendment or revocation shall be effective upon receipt by the Administrator.

7.2 Failure to Designate a Beneficiary. If no designated Beneficiary survives the Participant, and benefits are payable following the Participant's death, the benefits shall be paid to the Participant's estate.

ARTICLE VIII
PLAN ADMINISTRATION

8.1 Participant Accounts. The Employer shall establish and maintain Accounts on behalf of each Participant, as follows:

(a) Salary Deferral Account. A separate Salary Deferral Account shall be established for each Participant, which shall be credited with his or her salary deferral contributions.

(b) 457 Rollover Account. A separate 457 Rollover Account shall be established for each Participant, which shall be credited with amounts transferred into the Plan from an eligible 457(b) sponsored by another governmental employer.

(c) Non-457 Rollover Account. A separate Non-457 Rollover Account shall be established for each Participant, which shall be credited with rollover contributions from any Eligible Retirement Plan (as described in Section 4.5(a)) that is not an eligible 457(b) deferred compensation plan.

(d) Pre-Tax Elective Deferral Account. A separate Pre-Tax Elective Deferral Account shall be established for each Participant in accordance with the provisions of Section 3.9(b) of the Plan.

(e) Roth Elective Deferral Account. A separate Roth Elective Deferral Account shall be established for each Participant in accordance with the provisions of Section 3.9(c) of the Plan.

Accounts shall be valued at least once each Plan Year, and each Participant shall receive written notice of his or her account balance following such valuation. Account balances shall reflect the total Deferral Amount plus any additional contributions credited to the Participant's Account, including any earnings or losses attributable to such amount, and shall be reduced by administrative, investment and other fees in such amounts and at such times as the Administrator deems necessary for the maintenance of this Plan.

8.2 Plan Administrator. The Plan shall be administered by the Employer or persons designated by the Employer to administer the Plan. The Administrator shall have responsibility for the operation and administration of the Plan and shall direct payment of Plan benefits. The Administrator shall have the power and authority to adopt, interpret, alter, amend or revoke rules and regulations necessary to administer the Plan and to delegate ministerial duties and employ such outside professionals as may be required for prudent administration of the Plan. The Administrator shall also have authority to enter agreements on behalf of the Employer necessary to implement this Plan.

8.3 Establishment of Trust. Notwithstanding any contrary provision of the Plan, in accordance with Code Section 457(g), all amounts of compensation deferred pursuant to the Plan, all property and rights purchased with such amounts, and all income attributable to such amounts, property, or rights shall be held and invested in the Trust in accordance with this Plan and the Trust Agreement. Any trust under the Plan shall be established pursuant to a written agreement between the Employer and Trustee which constitutes a valid trust under the law of the State of California. The Trustee shall ensure that all investments, amounts, property, and rights held under the Trust are held for the exclusive benefit of Participants and their Beneficiaries. The Trust assets shall be held in trust pursuant to the Trust Agreement for the exclusive benefit of Participants and the Beneficiaries and defraying reasonable expenses of the Plan and of the Trust. It shall be impossible, prior to the satisfaction of all liabilities with respect to Participants and their Beneficiaries, for any part of the assets and income of the Trust to be used for, or diverted to, purposes others than for the exclusive benefit of Participants and their Beneficiaries.

8.4 Investments.

(a) Amounts deferred under the Plan shall be invested in any Investment Product. Participants will direct the investment of their Participant Accounts among the investment options available under the Investment Product. Contributions shall be allocated to a Participant Account in accordance with Section 8.1, including earnings and losses attributable to such contributions. If any provision of an Investment Product agreement is not consistent with the Plan provisions, the terms of the Plan shall control.

(b) The Provider who shall issue an Investment Product shall take only those actions directed by the Administrator or Employer, and shall have no duty to see to the application of any funds paid from the Plan pursuant to the direction of the Administrator, nor be required to question any actions directed by the Administrator, subject to applicable law. Regardless of any provision of this Plan to the contrary, the Provider shall not be required to take or permit any action or allow any benefit or privilege contrary to the terms of any Investment Product, which it issues hereunder, or the practices and procedures of the Provider. In addition, the Provider is entitled to rely on all information provided by the Administrator, the District, its agents, officer and Employees.

8.5 Lost Participant. The Administrator shall make all reasonable attempts to determine the identity and address of a Participant or Beneficiary entitled to benefits under the Plan. For this purpose, a reasonable attempt means the "required search steps" set forth in Department of Labor Field Assistance Bulletin 2014-01, as modified, amended, or superseded, including the following: (a) the mailing by certified mail of a notice to the last known address shown on the Employer's or

Administrator's records; (b) reviewing other available Employer records (including other Employer-sponsored plans) for Participant or Beneficiary address and contact information; (c) with respect to a Participant, contacting such Participant's Beneficiary; and (d) utilizing internet search tools that do not charge a fee to search for the missing Participant or Beneficiary. If the Administrator is unable to locate such a person entitled to benefits hereunder, or if there has been no claim made for such benefits, the Trust shall continue to hold the benefits due such person.

8.6 Use of Electronic Medium for Participant Notices and Elections.

(a) Definition of Electronic Medium. "Electronic medium" means an electronic method of communication system between the Plan Administrator, or its designated representative, and Recipient thereby allowing each party to send and receive notice and elections through the same medium. The only form of electronic communication permitted by the Plan shall be via electronic mail on the Employer's network or intranet, through an interactive website, or to a private e-mail address supplied by the Recipient for communication purposes. The electronic medium must be designed so that the information provided is no less understandable to the receiving party than a written paper document. The electronic medium shall be designed to alert the Recipient, at the time a notice is provided, to the significance of the information in the notice (including identification of the subject matter of the notice), and provide any instructions needed to access the notice, in a manner than is readily understandable. The electronic medium shall be designed to preclude any person, other than the appropriate individual, from making a participant election or accessing individual participant account information.

For purposes of this Section 8.6, "Recipient" shall mean an Employee, Participant, or other individual to the extent such individual has a vested interest in the Plan.

(b) Disclosure and Consent Requirements.

(1) Disclosure Statement. Prior to electronically transmitting any consent or notice to the Recipient, the Plan Administrator shall provide a statement which contains the following: (i) informs the Recipient of the right to receive a paper document of the notice or other Plan-related material either prior to or after giving consent to electronic transmission; (ii) informs the Recipient of the right to withdraw his or her consent at any time and the procedures for withdrawal, including any conditions, consequences, or fees arising from such withdrawal; (iii) describes the scope and duration of the consent as it related to various plan transactions; (iv) describes the procedures for updating Recipient contact information; and (v) describes the hardware or software requirements needed to access and retain the notice.

(2) Consent. The Plan Administrator shall be exempt from the consent requirements of Section 101(c) of the Electronic Signatures in Global and National Commerce Act (E-SIGN) provided the electronic medium used to provide notices and Plan-related material is a medium that the Recipient has the effective ability to access and the Recipient is advised, each time a notice is transmitted, that he or she can request to receive the notice in paper form at no charge. The form of electronic medium utilized by this Plan shall be through an interactive website requiring the Recipient to register an e-mail address for communication purposes.

(3) Changes in Hardware or Software Requirements. In the event of any changes in the hardware or software requirements needed to access the electronic medium, the Plan Administrator, or its designated representative, shall provide a statement to each Recipient of the revised requirements and the right to withdraw consent to receive electronic delivery of Plan-related materials without consequence.

(c) Participant Elections. The Plan Administrator, or its designated representative, shall be permitted to electronically distribute participant elections by electronic medium. Each Recipient who is provided with enrollment or election information via electronic medium will also be informed by the Plan Administrator that he or she may receive a paper copy of the relevant documents upon request. A participant election will not be treated as being made available to an individual if such individual cannot effectively access the electronic medium for purposes of making the election. An election completed by a Recipient via electronic medium shall be deemed as being provided in written form so long as the following requirements are satisfied:

(1) The Recipient has a reasonable opportunity review, confirm, modify or rescind the terms of the election before the election becomes effective

(2) The Recipient receives, within a reasonable time, a confirmation of the election either through written paper form or by electronic mail (e-mail).

(d) Timing and Content of Elections and Notices. The provisions of this Section 8.6 shall in no way affect or alter the timing or content requirements applicable to each individual notice or document.

ARTICLE IX
AMENDMENT AND TERMINATION

9.1 Amendment. The Employer shall have the right to amend this Plan at any time, and from time to time, in whole or in part. The Employer shall notify each Participant in writing of any Plan amendment.

9.2 Termination. Although the Employer has established this Plan with a bona fide intention and expectation to maintain the Plan indefinitely, the Employer may terminate or discontinue the Plan in whole or in part at any time without any liability for such termination or discontinuance. Upon Plan termination, all Deferrals shall cease. In the event the Plan is terminated, the Trust shall continue and the Trustee shall retain all Deferrals and the earnings and interest thereon in Trust until a Participant incurs a Severance from Employment, attains Normal Retirement Age or incurs a Hardship, and benefits commence pursuant to the provisions of Article IV.

ARTICLE X
MISCELLANEOUS

10.1 Limitation of Rights; Employment Relationship. Neither the establishment of this Plan nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, shall be construed as giving a Participant or other person any legal or equitable right

against the Employer except as provided in the Plan. In no event shall the terms of employment of any employee be modified or in any way be affected by the Plan.

10.2 Limitation on Assignment. Except as otherwise provided, benefits under this Plan may not be assigned, sold, transferred or encumbered, and any attempt to do so shall be void. A Participant's or Beneficiary's interest in benefits under the Plan shall not be subject to debts or liabilities of any kind and shall not be subject to attachment, garnishment or other legal process.

10.3 IRS Levy. Notwithstanding Section 10.2, the Administrator may pay from a Participant's or Beneficiary's Account the amount that the Administrator finds is lawfully demanded under a levy issued by the Internal Revenue Service with respect to the Participant or Beneficiary or is sought to be collected by the United States Government under a judgment resulting from an unpaid tax assessment against the Participant or Beneficiary.

10.4 Mistaken Contributions. If any contribution (or any portion of a contribution) is made to the Plan by a good faith mistake of fact, then within one year after the payment of the contribution, and upon receipt in good order of a proper request approved by the Administrator, the amount of the mistaken contribution (adjusted for any income or loss in value, if any allocable thereto) shall be returned directly to the Participant or, to the extent required or permitted by the Administrator, to the Employer.

10.5 Representations. The Employer does not represent or guarantee that any particular federal or state income, payroll, personal property or other tax consequence will result from participation in this Plan. A Participant should consult with professional tax advisors to determine the tax consequences of his or her participation. Furthermore, the Employer does not represent or guarantee successful investment of amounts deferred under the Plan, and shall not be required to repay any loss which may result from such investment or lack of investment.

10.6 Severability. If a court of competent jurisdiction holds any provisions of this Plan to be invalid or unenforceable, the remaining provisions of the Plan shall continue to be fully effective.

10.7 Applicable Law. This Plan shall be construed in accordance with applicable federal law and, to the extent otherwise applicable, the laws of the State of California.

EXECUTION

IN WITNESS WHEREOF, the Employer has caused this Plan to be executed on March 19, 2026.

EMPLOYER:

NORTH COUNTY TRANSIT DISTRICT

By: _____
Shawn M. Donaghy
Its: Chief Executive Officer

APPROVED AS TO FORM AND CONTENT:

SELTZER CAPLAN McMAHON VITEK,
A Law Corporation (Attorneys for Employer)

By: _____
Brian M. Katusian, Esq.

APPROVED AS TO FORM AND CONTENT:

NORTH COUNTY TRANSIT DISTRICT

_____
Lori A. Winfree
Deputy Chief Executive Officer and Chief General Counsel

AMENDED AND RESTATED TRUST AGREEMENT FOR THE NORTH COUNTY TRANSIT DISTRICT DEFERRED COMPENSATION PLAN

THIS AMENDED AND RESTATED AGREEMENT FOR THE NORTH COUNTY TRANSIT DISTRICT DEFERRED COMPENSATION PLAN is made and entered into as of March 19, 2026 ("Agreement"), by and between NORTH COUNTY TRANSIT DISTRICT ("Employer"), on the one hand, and the Trustee, on the other hand.

RECITALS

1. Employer adopted the NORTH COUNTY TRANSIT DISTRICT DEFERRED COMPENSATION PLAN ("Plan") effective July 1, 1999, for the exclusive benefit of regular, full-time Employees of the Employer and their Beneficiaries.

2. Funds and other assets are from time to time contributed to the Trustee to be maintained in trust for the benefit of the Employees and their Beneficiaries under the terms of the Plan.

3. Effective July 19, 2018, the Employer, on the one hand, and EUN PARK-LYNCH, ROSE JEAN-PAUL, and KAREN TUCHOLSKI ("Prior Trustees"), on the other hand, entered into that certain TRUST AGREEMENT FOR THE NORTH COUNTY TRANSIT DEFERRED COMPENSATION AGREEMENT ("Prior Trust Agreement").

4. Pursuant to the provisions of Article IX of the Prior Trust Agreement, as of _____, 2026 ("Effective Date"), the Prior Trustees have been replaced by the duly-appointed current Trustee.

5. Article XI of the Prior Trust Agreement provides, in relevant part, that the Prior Trust Agreement may be amended at any time by written agreement of the Employer and Trustee.

6. The Employer and Trustee desire to amend and restate the Prior Trust Agreement in order to accurately reflect and define the current duly-appointed Trustee.

NOW, THEREFORE, in consideration of the above premises, effective as of the Effective Date, the Prior Trust Agreement is hereby amended and restated in its entirety as follows:

ARTICLE I
DEFINITIONS

1.1 General Definitions. The words and phrases used in this Agreement shall have the same meanings as are defined in Article I of the Plan, unless their context clearly indicates otherwise or as otherwise specifically provided.

1.2 Additional Definitions. In addition to the terms defined in the Plan, the following words and phrases, when used herein, shall have the following meanings:

(a) Fund or Trust Fund. "Fund" or "Trust Fund" shall mean all monies, securities and assets held by the Trustee for the benefit of Participants and Beneficiaries.

(b) Investment Manager. "Investment Manager" shall mean a person or organization acting as a fiduciary (other than a trustee with respect to investments of the trust fund).

(c) Trust. "Trust" shall mean the NORTH COUNTY TRANSIT DISTRICT DEFERRED COMPENSATION PLAN/TRUST established pursuant to the Plan.

(d) Trustee. "Trustee" shall mean any person designated as Trustee pursuant to Article IX hereof, and the successors of such persons from time to time in office.

ARTICLE II
ADMINISTRATION OF TRUST FUND

2.1 Trust Administration. The Trust shall be administered as a trust of such funds as shall from time to time be deposited with the Trustee, by or on behalf of the employees of the Employer, together with any income generated by the Trust Fund.

The Trustee shall accept payments and contributions made to the Trust and hold, manage, and administer the Trust pursuant to the terms of this Agreement. The Trustee shall be responsible for the investment and reinvestment of the Trust Fund and the Administrator hereby delegates to the Trustee, except as otherwise provided herein, the exclusive authority and discretion to manage and control the assets of the Trust.

2.2 Plan Administrator. The Employer shall be the Administrator, with authority to control and manage the operation and administration of the Plan.

2.3 Allocation and Delegation of Fiduciary Duties. The Administrator may allocate its fiduciary duties among its members or may delegate its responsibilities to persons who are not named fiduciaries with respect to the specific responsibility delegated. Such allocation shall be reviewed periodically by the Administrator and shall be terminable upon such notice as the Administrator, in its sole discretion, deems reasonable and prudent under the circumstances.

2.4 Trustee. The Trustee shall have the authority to receive, hold, invest, administer and distribute the Trust Fund as provided in the Plan and as directed by the Administrator. The Administrator shall administer the Plan in accordance with Article VIII of the Plan and the Trustee shall not be responsible for administering the Plan but shall only be responsible for administering the Trust Fund as established in this Agreement and in Article VIII of the Plan.

2.5 Pooling of Assets. The assets of the Trust Fund may be combined or pooled with the assets of other trusts maintained by Employer under the provisions of any qualified employee benefit plan and the Trustee may commingle investments and carry joint accounts on behalf of the funds; provided that undivided shares or interests in such investments or accounts or in any pooled assets shall be allocated to each trust in accordance with its respective interest. In addition, the Trustee shall keep separate accounting records for each fund.

ARTICLE III
INVESTMENT POWERS

3.1 Investment of Trust. The Trustee shall invest and reinvest the principal and income of the Trust Funds in such bonds, securities, real or personal property, or other forms of investment as the Trustee determines appropriate, except as limited as follows:

(a) The Trustee shall not engage in any transactions prohibited by Code Section 4975(c), except as provided in Code Section 4975(d).

(b) The Trustee shall not acquire any assets in which it would maintain the indicia of ownership outside the jurisdiction of the District Court of the United States, except as otherwise permitted by regulations of the Secretary of Labor of the United States.

3.2 Purchase of Life Insurance. At the direction of the Administrator in accordance with the Participant's election, the Trustee shall apply for life insurance to be issued on the life of any insurable Participant in the Plan. Any such policy shall be an ordinary term, whole or universal type form contract issued by any legal reserve life insurance company designated by the Administrator. Each such policy shall be a contract between the insurer and the Trustee, and shall be held by the Trustee as an asset of the Trust.

(a) Premiums and Policy Rights. The Trustee shall pay the premiums on any policy held in the Trust, accumulate dividends, and apply dividends in reduction of premiums. Any dividends payable with respect to any policy as to which there shall be no further premiums due shall be paid in cash to the Trustee and added to the Trust Fund, and allocated to the Participant's account from which the premiums on such policy have been paid. The Trustee shall exercise all rights, options, and benefits provided by any policy or permitted by any insurer with respect to any policy issued by it, including the right to change any provisions which shall become operative upon the retirement of any Participant. No Participant shall have the right to direct the Trustee with respect to any policy held in the Trust on his or her life.

(b) Limitation on Premiums. The aggregate premiums for life insurance in the case of each insured Participant shall be less than fifty percent (50%) of the aggregate of contributions allocated to him or her at any particular time. In addition, such insurance contracts shall be converted entirely to cash at or before retirement or distributed to the Participant upon retirement or any distribution to him prior to retirement.

(c) Beneficiary. The Trustee shall be the named beneficiary of any such policy.

ARTICLE IV
TRANSFER OF INVESTMENT AUTHORITY

4.1 Transfer to Employer or Investment Manager. The Employer may remove from the Trustee and transfer to the Employer or to an Investment Manager the authority and duty to manage, acquire or dispose of all or a portion of the Trust assets. In addition, if such authority

has been transferred to the Employer, it may appoint an Investment Manager to manage, acquire or dispose of all or a portion of the Trust assets.

(a) Transfer to Employer. If the authority to manage, acquire or dispose of trust assets is transferred to the Employer, the Trustee shall follow the written directions of the Employer with respect to the management, acquisition or disposal of trust assets. The Employer may employ such persons or organizations to render advice or perform other services with respect to its responsibilities as it determines to be necessary or appropriate. Such persons or organizations shall not be authorized to direct the Trustee as to investments, and shall have no discretionary authority over the assets of the Trust unless appointed as an Investment Manager.

(b) Investment Manager. If an Investment Manager is appointed by the Employer, the Trustee shall follow the written directions of the Investment Manager with respect to the management, acquisition or disposal of trust assets.

4.2 Self-Directed Accounts. The Administrator may authorize the Participants to select and manage the investment of all or a portion of the assets in their individual Accounts in accordance with the procedure established by the Administrator.

(a) Procedure for Directing Investments. Any Participant or Beneficiary who elects to direct the investment of his or her Accounts shall give investment instructions to the Trustee in writing, or otherwise (if written confirmation of such instructions can be obtained), in such form as the Trustee may require.

(b) Segregation of Accounts. The Trustee shall segregate the designated self-directed Account(s), or the applicable portion, and all earnings, gains, or losses of a Participant's Account(s) shall be allocated to such Account(s).

(c) Investment Expenses. Reasonable expenses incurred in connection with the implementation of investment instructions shall be charged to the Participant's Account(s) in accordance with procedures established by the Administrator.

4.3 Compliance with Investment Instructions. The Trustee shall implement Participant instructions or instructions under Section 4.1 as soon as administratively practical, provided it may decline to carry out any instructions which it deems inappropriate by virtue of applicable law. In addition, the Trustee may decline to carry out instructions which:

(a) would result in a prohibited transaction, as defined in Code Section 4975;

(b) would generate income that would be taxable to the Plan.

ARTICLE V
SPECIFIC POWERS OF TRUSTEE

The Trustee shall have the full power and authority with respect to any and all assets at any time received or held in Trust, to do all such acts, take all such proceedings, and exercise all such rights and privileges as could be done, taken, or exercised by the absolute owner thereof,

necessary to hold and administer the Trust Funds, including, but without in any way limiting the generality of the foregoing, the following powers and authority:

(a) To sell and exchange with any person any and all assets which from time to time comprise the Trust, at either public or private sale, at such time or times and on such terms and conditions as to credit or otherwise, as the Trustee, in its discretion, may deem appropriate;

(b) To invest and reinvest all or any part of the Trust in such manner as it shall deem advisable, including stocks, bonds, notes, option contracts, listed or unlisted, covered or uncovered, puts and calls, securities, or obligations of any kind, real property wherever situated, annuities, and such other property and investments as the Trustee deems advisable with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

(c) To vote by proxy or otherwise to represent securities and in that connection to delegate such of its discretionary powers as it deems appropriate; to consent as stockholder to any corporate acts it shall deem proper; to participate in any plans or arrangements for the protection or promotion of the interest of stockholders; to pay such sums of money as it deems expedient for the protection of its interests as stockholder; and to retain assets received in lieu of or because of any securities held;

(d) To extend the time for payment of or hold past due any obligations held or any installment thereof; to consent to the modification thereof or waive any defaults thereunder; to compromise, arbitrate, or otherwise adjust claims in favor of or against the Trust; to foreclose upon any security in such manner as it deems proper; to pay such sums of money as it deems expedient for the insurance, protection, maintenance, and repair of property or to redeem property for nonpayment of taxes or any liens; and to lease for such time as the Trustee deems proper, whether within or beyond the termination of the Trust;

(e) To cause investments to be registered in its name as Trustee or in that of its nominee, or to retain investments unregistered and in a form permitting transfer delivery;

(f) To borrow money for any Trust purpose upon such terms and conditions as it deems proper and to obligate the Trust for repayment, and to encumber the Trust or any of its property;

(g) To lend money to any person, including any Participant; provided that loans to Participants shall have been authorized in writing by the Administrator and are in accordance with the provisions of the Plan and Code Section 4975;

(h) To consult with or employ legal counsel of its own selection (who may, but need not be, counsel to the Employer or the Trustee), agents, or independent contractors (to whom it may delegate such ministerial and limited

discretionary duties as it deems fit). The reasonable compensation and fees of such persons shall be chargeable as an expense of the Trust.

If there shall be more than one person serving as Trustee, then the Trustee shall act by a majority of their number. Accordingly, if there shall be more than one person serving as Trustee, the signatures of the majority of their number shall be required in order to carry out an act approved by the Trustee, and the signatures of the majority of their number shall be sufficient evidence that such act is made in accordance with the provisions of this Trust.

ARTICLE VI
FIDUCIARY STANDARDS AND INDEMNIFICATION

6.1 Fiduciary Standards. The Trustee and all other fiduciaries shall discharge their duties with respect to the Trust solely in the interest of the Participants of the Plan. These duties shall be discharged for the exclusive purpose of providing benefits to the Participants.

6.2 Indemnification of Trustee. The Employer shall indemnify and hold harmless the Trustee from and against any and all liabilities, claims, demands, costs and expenses, including attorney's fees, arising out of an alleged breach in the performance of its fiduciary duties under this Agreement and under the laws of the state of California, other than such liabilities, claims, demands, costs and expenses as may result from gross negligence or willful misconduct. The Employer shall have the right, but not the obligation, to conduct the defense of such persons in any proceeding to which this Section 6.2 applies. In lieu of the foregoing, the Employer may satisfy its obligations under this Section 6.2 through the purchase of a policy or policies of insurance providing equivalent protection; however, no insurer shall have any rights against the Employer arising out of this Section.

ARTICLE VII
DISTRIBUTIONS

The Trustee shall from time to time make distributions from the Trust Fund in accordance with the written directions of the Administrator. These payments may be made either directly to the person designated by the Administrator or to the Administrator for transmittal to the Participant or Beneficiary. Additionally, the Administrator's directions may provide for the distribution of benefits directly to Participants, retired Participants, and their Beneficiaries, for the purchase of such insurance policies, including annuity contracts, as may be issued by any insurance carrier approved by the Employer. Any annuity contract distributed from the Trust Fund must be nontransferable and the terms of such contract shall comply with the requirements of the Plan.

The Trustee shall not be responsible in any way for the application of such payments, provided that the Trustee complies with the written instructions of the Administrator.

ARTICLE VIII
ACCOUNTING

8.1 Record-Keeping. The Trustee shall maintain accurate and detailed records and accounts of all investments, receipts, disbursements, and other transactions hereunder, and such records shall be available at all reasonable times to inspection by the Administrator or any other person designated by the Administrator.

The Trustee, at the direction of the Administrator, shall submit to the

Administrator any valuations, reports, or other information as the Employer may reasonably require. In the absence of fraud or bad faith, the valuation of the Trust by the Trustee shall be conclusive.

8.2 Annual Account. Within a reasonable period following the close of each Plan Year (or following the close of such period as may be agreed upon by the Trustee and the Administrator), the Trustee shall file with the Administrator a written account setting forth a description of all securities and other property purchased and sold, all receipts, disbursements, and other transactions effected by it during such period, and listing the securities and other property held by it at the end of such period.

The Administrator may approve such account by written notice of approval delivered to the Trustee. Upon receipt of a written approval of the account, such account shall be final and binding, and shall be a full discharge of the Trustee's liability and responsibility to the Employer with respect to the matters set forth in such account.

ARTICLE IX
CHANGE OR ADDITION OF TRUSTEE

9.1 Resignation or Removal. Any persons serving as Trustee may resign or be removed by the Employer at any time upon the giving of thirty (30) days' written notice. Upon such resignation or removal, the Employer, by written designation, shall, if the persons formerly serving as Trustee was the sole person serving as Trustee, and may, if the former persons serving as Trustee was one (1) of two (2) or more persons serving as Trustee, appoint successor persons to serve as Trustee who shall have the same powers and duties as those conferred upon the persons formerly serving as Trustee. Upon acceptance of such appointment by the successor Trustee, the Trustee shall transfer all Trust Funds and property to such successor.

9.2 Accounting. Within sixty (60) days after such transfer, the resigning or removed person formerly serving as sole Trustee shall render to the Administrator an account in the form and manner prescribed for the annual account. The Administrator may approve such account by written notice of approval delivered to the Trustee. Upon receipt of a written approval of the account, such account shall be final and binding, and shall be a full discharge of the liability and responsibility of the person formerly serving as Trustee to the Administrator with respect to the matters set forth in such account.

9.3 Co-Trustee. The Employer at any time may, by written designation, appoint one (1) or more additional persons to serve as Trustee, who shall have the same powers and duties as those conferred upon the Trustee hereunder.

ARTICLE X
FEES AND EXPENSES

10.1 Compensation. The Employer shall reimburse the Trustee for any reasonable expenses incurred in the performance the Trustee's duties and obligations hereunder. An individual serving as Trustee who already receives full-time pay from the Employer shall not receive any compensation for the individual's services as Trustee. With respect to any other person serving as Trustee, the Employer and the Trustee may agree upon in writing, and such person may be paid, reasonable compensation for such person's services as Trustee. Reimbursement of expenses and compensation paid pursuant to this Section 10.1 shall be paid from the Trust Fund unless paid or advanced by the Employer.

10.2 Taxes. All taxes of any kind assessed upon, or in respect of, the Trust Fund shall be paid from the Trust Fund.

ARTICLE XI
AMENDMENT AND TERMINATION

11.1 Amendments. This Agreement, other than Section 11.2, may be amended at any time by written agreement of the Employer and the Trustee; provided, however, that such amendment shall not operate to:

(a) Revest the Trust or any part thereof in the Employer; or

(b) Reduce the amount then held for the benefit of any Participant in the Plan.

11.2 Termination. The Employer intends that this Trust be permanently administered for the benefit of the Participants and this Trust is accordingly irrevocable, but the Employer reserves the right to terminate the Trust by giving written notice to the Trustee, and, upon such termination, the Trust shall be distributed as provided by law by the Trustee when directed by the Employer.

ARTICLE XII
GENERAL PROVISIONS

12.1 Governing Law. This Trust will be administered in the State of California, and its validity, construction, and all rights hereunder shall be governed by the laws of the State of California. If any provisions of this Agreement shall be invalid or unenforceable, the remaining provisions shall continue to be fully effective.

12.2 Diversion of Assets. No portion of the assets in the Trust shall revert to or become the property of the Employer or be diverted to purposes other than for the exclusive benefit of any Participant in the Plan or his beneficiaries, except as follows:

(a) In the event a contribution is made due to a mistake of fact, the contribution may upon written direction of the Employer be returned to Employer within one (1) year of the payment; provided: (1) the amount returned does not exceed the amount which would have not been contributed had there been no mistake of fact; (2) the amount returned does not include earnings attributable to it; (3) the amount returned is reduced by any losses attributable to it; and (4) the individual account of no Participant is reduced by the return of the contribution to less than the amount which would have been in the account had the returned contribution never been made.

(b) Any unallocated balance in a suspense account created under the Plan which cannot be allocated upon the termination of the Plan without exceeding the limitations of Code Section 415 shall be returned to the Employer.

12.3 Spendthrift. No Participant shall have any right to assign, transfer, hypothecate, encumber, commute, or anticipate his or her interest in any benefits under this Trust, and such benefits shall not in any way be subject to any legal process of levy or execution upon, or attachment or garnishment proceedings, against the same for the payment of any claim against

any such person. This prohibition against assignment or alienation of benefits shall not apply to any loan made to a Participant under Section (g) of Article V of this Agreement, if such loan is exempt from the tax imposed by Code Section 4975(d)(1), or to the creation, assignment, or recognition or a right to any benefit pursuant to a qualified domestic relations order, as defined in Code Section 414(p), or any domestic relations order entered into before January 1, 1985.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the Effective Date.

EMPLOYER:

NORTH COUNTY TRANSIT DISTRICT

By: _____
Shawn M. Donaghy
Its: Chief Executive Officer

TRUSTEE:

_____
EUN PARK-LYNCH

_____
KAREN TUCHOLSKI

APPROVED AS TO FORM AND CONTENT:

SELTZER CAPLAN McMAHON VITEK,
A Law Corporation (Attorneys for Employer)

By: _____
Brian M. Katusian, Esq.

APPROVED AS TO FORM AND CONTENT:

NORTH COUNTY TRANSIT DISTRICT

_____
Lori A. Winfree
Deputy Chief Executive Officer and Chief General Counsel

ATTACHMENT 9D

NORTH COUNTY TRANSIT DISTRICT
401(a) RETIREMENT PLAN

Restated Effective March 19, 2026

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NORTH COUNTY TRANSIT DISTRICT
401(a) RETIREMENT PLAN

INTRODUCTION

A. NORTH COUNTY TRANSIT DISTRICT ("Employer") adopted the NORTH COUNTY TRANSIT DISTRICT 401(a) RETIREMENT PLAN ("Plan") effective July 1, 2006.

B. Under the terms of the Plan, the Employer reserves the right to amend the Plan, including retroactive amendments.

C. Except as otherwise provided herein, the Employer hereby amends and restates the Plan in its entirety effective March 19, 2026, to provide as follows:

ARTICLE I
TITLE

This retirement plan shall be known as the NORTH COUNTY TRANSIT DISTRICT 401(a) RETIREMENT PLAN.

ARTICLE II
GENERAL DEFINITIONS

For purposes of the Plan, the following words and phrases, when used herein, shall have the following meanings, unless their context clearly indicates otherwise or an Article specifically provides otherwise:

2.1 Account. "Account" or "Accounts" shall mean any of the individual accounts maintained by the Employer to record a Participant's interest in the Trust.

2.2 Administrator. "Administrator" shall mean the Employer, as described in ARTICLE IV.

2.3 Anniversary Date. "Anniversary Date" shall mean June 30.

2.4 After-Tax Account. "After-Tax Account" means that portion of an Account that maintains Participants' after-tax voluntary contributions, plus interest and earnings and less losses and distributions.

2.5 Beneficiary. "Beneficiary" shall mean a person who will become entitled to receive benefits under the Plan upon the death of a Participant, as provided in ARTICLE X.

2.6 Code. "Code" shall mean the Internal Revenue Code of 1986, amendments thereto and Treasury Regulations promulgated thereon.

2.7 Compensation. "Compensation" shall mean all cash compensation for services rendered to the Employer, including regular wages and salary, that is includible in the Employee's gross income for the calendar year, plus amounts that would otherwise includible in the Employee's gross income for the calendar year but for a compensation reduction election under Code Section

125, 132(f), 403(b), and including an election to defer compensation under ARTICLE III hereunder. For this purpose, "Compensation" shall specifically include overtime pay, paid time off (PTO), sick time, vacation, holiday pay, bonuses, and paid leaves of absences (other than administrative leave), such as sick leave, bereavement, jury duty, and military leave; however, reimbursements and allowances paid by the Employer for cell phones, automobile, clothing, moving expenses, mileage, which are reported as taxable compensation by the Employer, shall be excluded. Compensation shall also exclude severance or salary continuation payments, recruitment bonuses and any other taxable benefits or payments made by the Employer which are not directly attributable to services rendered or due to military service or Disability.

Solely for purposes of applying the annual limits on benefits under ARTICLE IX, effective for Plan Years beginning on or after July 1, 2007, "Compensation" shall also include any amount which is paid within two and one-half (2 ½) months following a Severance from Employment or by the end of the Plan Year in which the Severance from Employment occurs, including the following types of payments:

(a) Regular Pay. Compensation attributable to services performed by Employee during the Employee's regular working hours as well as outside the Employee's regular working hours (including overtime, commissions, bonuses, or other similar payments) and which would have been paid prior to the Employee's Severance from Employment if the Employee had continued in employment with Employer.

(b) Accrued Paid Leave. Amounts paid for unused accrued bona fide sick, vacation or other leave provided the Employee would have been able to use the leave prior to Severance from Employment.

(c) Deferred Compensation. Compensation paid to the Employee pursuant to a nonqualified deferred compensation plan sponsored by the Employer and includible in the Employee's gross income so long as the payment would have been made if the Employee had continue in employment with Employer.

2.8 Compensation Limit. "Compensation Limit" shall mean the maximum amount of Compensation (as defined in Section 7 pursuant to Code Section 414(s)) that shall be taken into account for each Participant during each Plan Year for determining all benefits provided under the Plan, as provided herein. The annual Compensation Limit for each Participant for each Plan Year beginning on or after January 1, 2026, shall be $360,000, as adjusted by the Commissioner of Internal Revenue for increases in the cost-of-living in accordance with Code Section 401(a)(17)(B). Annual Compensation means Compensation during the Plan Year or such other consecutive 12-month period over which Compensation is otherwise determined under the Plan (the "determination period"). The cost-of-living adjustment in effect for a calendar year applies to annual Compensation for the determination period that begins with or within such calendar year. If a determination period consists of fewer than 12 months, the annual Compensation Limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is 12. If Compensation for any prior determination period is taken into account in determining a Participant's allocations for the current Plan Year, the Compensation for such prior determination period is subject to the applicable annual Compensation Limit in effect for that prior period.

2.9 Computation Period. "Computation Period" shall mean each twelve (12) month period designated in the Plan for the purposes of determining vesting and benefit accrual.

2.10 Disability. "Disability" shall mean the inability of a Participant to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve (12) months. A Participant shall be considered permanently and totally disabled for purposes of this Plan, upon providing the Administrator notice of a Social Security disability determination.

2.11 Eligible Designated Beneficiary. "Eligible Designated Beneficiary" shall mean an individual that qualifies as a designated Beneficiary, as defined in Section 10.6(e)(1), and is:

(a) The surviving spouse of a Participant.

(b) A child of the Participant who has not attained the "age of majority" within the meaning of Code Section 401(a)(9)(E)(ii)(II), until such child attains the "age of majority."

(c) Disabled (within the meaning of Code Section 401(a)(9)(E)(ii)(III)).

(d) A chronically ill individual within the meaning of Code Section 401(a)(9)(E)(ii)(IV)).

(e) An individual not described in Section 2.11 (a) through (d) above, who is not more than ten years younger than the Participant.

2.12 Employee. "Employee" shall mean any person employed by the Employer whose Compensation is subject to withholding of federal and state income tax and/or for whom Social Security contributions are made by the Employer. "Employee" shall not include any Leased Employees, as defined in Code Section 414(n)(2).

2.13 Employer. "Employer" shall mean the NORTH COUNTY TRANSIT DISTRICT.

2.14 Forfeiture. "Forfeiture" shall mean the portion of the Account of a Participant to which he or she has lost any claim for an immediate or deferred benefit.

2.15 Fund or Trust Fund. "Fund" or "Trust Fund" shall mean all monies, securities and assets held by the Trustee for the benefit of Participants of the Plan.

2.16 Inactive Participant. "Inactive Participant" shall mean any Employee or former Employee who is not entitled to contributions under the Plan but on whose behalf one or more Accounts is maintained under the Plan.

2.17 Limitation Year. "Limitation Year" shall mean, for the purposes of applying the limitations of Section 415 of the Code, the consecutive twelve (12) month period adopted by the Employer beginning on January 1 of each year and ending on December 31.

2.18 Normal Retirement Date. "Normal Retirement Date" for each Participant shall mean the date on which the Participant reaches the age of 65 years. Each Participant shall be entitled

to retire on such date. In the event a Participant continues in active service after reaching his or her normal retirement age, he or she shall continue to participate in the Plan.

2.19 Participant. "Participant" shall mean an Employee or former Employee who has become eligible to acquire either a forfeitable or nonforfeitable interest in the Trust which has not become distributable and who has not waived his or her right of participation.

2.20 Plan. "Plan" shall mean the NORTH COUNTY TRANSIT DISTRICT 401(a) RETIREMENT PLAN set forth herein, including all subsequent amendments or modifications.

2.21 Highly Compensated Employee. "Highly Compensated Employee" shall mean an Employee described in Code Section 414(q).

2.22 Plan Year. "Plan Year" shall mean the twelve (12) consecutive month period adopted by the Employer commencing on January 1 of each year and ending on December 31.

2.23 Severance from Employment. "Severance from Employment" shall mean the Participant's cessation of employment from or by the Employer sponsoring the Plan. An Employee shall be treated as having experienced a Severance from Employment during a period of qualified military service (as described under Code Section 414(u)).

2.24 Trust. "Trust" shall mean the pension trust established by that certain TRUST AGREEMENT FOR THE NORTH COUNTY TRANSIT DISTRICT 401a RETIREMENT PLAN, as amended.

2.25 Trustee. "Trustee" shall have the same meaning set forth in the Trust.

2.26 USERRA. "USERRA" shall mean the Uniformed Services Employment and Reemployment Rights Act.

ARTICLE III
TRUSTEE AND TRUST FUND

Contributions under the Plan and all other assets of the Plan shall be held in Trust under a Trust Agreement between the Employer and the Trustee. The Trustee shall hold, invest and distribute the trust fund and the income and gains therefrom in accordance with the provisions of such Trust Agreement. The Trust Agreement, contained in a separate document, is hereby incorporated by reference.

ARTICLE IV
ADMINISTRATION

4.1 Administration of Plan. The Employer shall be the Administrator of the Plan with authority to control and manage its operation and administration. The Administrator shall make such rules, regulations, interpretations and computations and shall take such other action to administer the Plan as it may deem appropriate. The Administrator shall have absolute discretion in carrying out its responsibilities and its decisions shall be conclusive and binding on all parties.

4.2 Administrator's Powers. The Employer shall have all necessary and appropriate powers including, but not limited to, the following:

(a) to determine all questions relating to the interpretation, application and administration of the Plan, including questions as to eligibility to participate and claims submitted by a participant or individual;

(b) to maintain all necessary records for the administration of the Plan, other than those records maintained by the Trustee;

(c) to authorize and instruct the Trustee to make disbursements from the Trust to purchase life insurance in accordance with the provisions of the Trust Agreement;

(d) to delegate to others any of its rights, powers, duties and responsibilities;

(e) to direct the Trustee, in writing, from time to time, to retain, sell, exchange or lease any property of the trust estate, to invest trust funds, or to purchase for the Trust any property which it designates; and

(f) to establish a funding policy and method for the Plan.

4.3 Expenses and Compensation. The Employer, serving in its capacity as Administrator, shall not receive compensation for the administration of the Plan. Any expenses related to the administration and operation of the Plan shall be paid from Plan assets to the extent such expenses are not paid by the Employer. Expenses paid with Plan assets will generally be allocated among the Accounts of all Participants in the Plan during the Plan Year. These expenses will be allocated either proportionally based on the value of the account balances or as an equal dollar amount based on the number of participants in the Plan. For expenses or costs which can be attributed to a Participant or specific group of Participants, such expense shall be charged directly to the account of the Participant incurring the expense. The Employer may establish a fee schedule for certain administrative transactions, including plan loans and lump sum distributions; however, any fee schedule adopted by the Employer shall be applied in a uniform and nondiscriminatory manner and will be disclosed to the Participants prior to any transaction subject to a fee.

4.4 Consultants. The Employer may employ such persons or organizations to render advice or to perform services with respect to the responsibilities of the Employer under the Plan which it, in its sole discretion, determines necessary and appropriate. Such persons or organizations shall have no discretionary authority or responsibility in the management, operation or administration of the Plan. Such persons or organizations may include, without limitation, actuaries, attorneys, accountants and benefit, financial and administrative consultants.

4.5 Fiduciary Duties. Any person to whom any fiduciary responsibilities with respect to the Plan may be allocated or delegated shall discharge his or her duties and responsibilities with respect to the Plan in accordance with the laws of the State of California.

4.6 Indemnification of Fiduciary. The Employer shall indemnify and hold harmless any persons to whom any of the Employer's fiduciary responsibilities under the Plan are allocated or delegated, from and against any and all liabilities, claims, demands, costs and expenses, including attorneys' fees, arising out of any alleged breach in the performance of their fiduciary duties under the Plan, other than such liabilities, claims, demands, costs and expenses as may result from the gross negligence or willful misconduct of such persons. The Employer, in its discretion, may

conduct the defense of such person(s) in any proceeding to which this Section applies. In addition, the Employer may satisfy its obligations under this Section through the purchase of a policy or policies of insurance providing equivalent protection and coverage.

4.7 Use of Electronic Medium For Participant Notices and Elections.

(a) Definition of Electronic Medium. "Electronic medium" means an electronic method of communication system between the Plan Administrator, or its designated representative, and Recipient thereby allowing each party to send and receive notice and elections through the same medium. The only form of electronic communication permitted by the Plan shall be via electronic mail on the Employer's network or intranet, through an interactive website, or to a private e-mail address supplied by the Recipient for communication purposes. The electronic medium must be designed so that the information provided is no less understandable to the receiving party than a written paper document. The electronic medium shall be designed to alert the Recipient, at the time a notice is provided, to the significance of the information in the notice (including identification of the subject matter of the notice), and provide any instructions needed to access the notice, in a manner than is readily understandable. The electronic medium shall be designed to preclude any person, other than the appropriate individual, from making a participant election or accessing individual participant account information.

For purposes of this Section 4.7, "Recipient" shall mean an Employee, Participant, or other individual to the extent such individual has a vested interest in the Plan.

(b) Disclosure and Consent Requirements.

(1) Disclosure Statement. Prior to electronically transmitting any consent or notice to the Recipient, the Plan Administrator shall provide a statement which contains the following: (i) informs the Recipient of the right to receive a paper document of the notice or other Plan-related material either prior to or after giving consent to electronic transmission; (ii) informs the Recipient of the right to withdraw his or her consent at any time and the procedures for withdrawal, including any conditions, consequences, or fees arising from such withdrawal; (iii) describes the scope and duration of the consent as it related to various plan transactions; (iv) describes the procedures for updating Recipient contact information; and (v) describes the hardware or software requirements needed to access and retain the notice.

(2) Consent. The Plan Administrator shall be exempt from the consent requirements of Section 101(c) of the Electronic Signatures in Global and National Commerce Act (E-SIGN) provided the electronic medium used to provide notices and Plan-related material is a medium that the Recipient has the effective ability to access and the Recipient is advised, each time a notice is transmitted, that he or she can request to receive the notice in paper form at no charge. The form of electronic medium utilized by this Plan shall be through an interactive website requiring the Recipient to register an e-mail address for communication purposes.

(3) Changes in Hardware or Software Requirements. In the event of any changes in the hardware or software requirements needed to access the electronic medium, the Plan Administrator, or its designated representative, shall provide a statement

to each Recipient of the revised requirements and the right to withdraw consent to receive electronic delivery of Plan-related materials without consequence.

(c) Participant Elections. The Plan Administrator, or its designated representative, shall be permitted to electronically distribute participant elections by electronic medium. Each Recipient who is provided with enrollment or election information via electronic medium will also be informed by the Plan Administrator that he or she may receive a paper copy of the relevant documents upon request. A participant election will not be treated as being made available to an individual if such individual cannot effectively access the electronic medium for purposes of making the election. An election completed by a Recipient via electronic medium shall be deemed as being provided in written form so long as the following requirements are satisfied:

(1) The Recipient has a reasonable opportunity review, confirm, modify or rescind the terms of the election before the election becomes effective.

(2) The Recipient receives, within a reasonable time, a confirmation of the election either through written paper form or by electronic mail (e-mail).

(d) Timing and Content of Elections and Notices. The provisions of this Section 4.7 shall in no way affect or alter the timing or content requirements applicable to each individual notice or document.

ARTICLE V
ELIGIBILITY AND PARTICIPATION

5.1 Eligibility. Each Employee of the Employer who is a member of one of the classes of Employees identified below is eligible to participate in the Plan:

(a) Chief Executive Officer.

(b) Effective July 1, 2012, all regular Employees of the Employer who are eligible to participate in the Section 457(b) deferred compensation plan sponsored by the Employer. Temporary and part-time employees who are normally scheduled to work less than twenty (20) hours per week are not eligible to participate.

(c) Deputy Chief Executive Officer/Chief General Counsel.

5.2 Participation. An Employee who has become eligible to participate in the Plan shall become a Participant on the first day of the calendar month concurrent with or immediately following the satisfaction of the eligibility requirements specified in Section 5.1.

5.3 Accrual of Benefits. A Participant shall be entitled to his or her interest in the Employer contributions under Section 6.1 for each Plan Year of employment.

5.4 Duration or Participation. Participation continues until a Participant who has terminated employment incurs a Severance from Employment. In the event an Employee whose participation has terminated is re-employed, he or she shall resume Participation on the date of the commencement of re-employment.

5.5 Special Rule for Qualified Military Service. Notwithstanding any provision of this Plan to the contrary, effective December 12, 1994, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Section 414(u) of the Code.

Effective for years beginning after December 31, 2008, an individual receiving from the Employer a differential wage payment, as defined in Code Section 3401(h)(2), shall be treated as an Employee of the Employer and the differential wage payments shall be treated as Compensation for purposes of determining vesting and benefit accrual. The Plan shall not be treated as failing to meet the requirements of any provision described in Code Section 414(u)(1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

ARTICLE VI
CONTRIBUTIONS

6.1 Employer Contributions.

(a) Matching Contributions. For each Plan Year, provided such Participant is employed by the Employer on the last day of such Plan Year, the Employer shall contribute a matching contribution on behalf of each Participant in an amount equal to fifty percent (50%) of the Participant's salary deferrals under the Employer's Section 457(b) deferred compensation plan for such year up to a maximum of eight percent (8%) of the Participant's Compensation for the Plan Year. Therefore, Employer matching contributions on behalf of each Participant shall not exceed four percent (4%) of the Participant's Compensation for the Plan Year.

(b) Discretionary Contributions. For each Plan Year, provided such Participant is employed by the Employer on the last day of such Plan Year, the Employer shall annual pay into the Trust that amount, if any, which it in its sole discretion determines to be a proper contribution on behalf of a Participant belonging to an Employee classification identified under Section 5.1(a) or Section 5.1(c). Notwithstanding, the Plan shall be designed to qualify as a profit-sharing plan for purposes of Code Sections 401(a) and 402.

6.2 Timing of Employer Contribution. Contributions made pursuant to Section 6.1 shall be made no later sixty (60) days following the close of the Plan Year.

6.3 Employee Pick-Up Contributions. Any Participant belonging to an Employee classification identified under Section 5.1(a) or 5.1(c) may irrevocably elect to contribute to the Plan for each year a specified percentage or amount of his or her compensation which shall be treated as an Employer Contribution for purposes of Code Section 414(h)(2). The total amount of Employee Contributions for any Plan Year when combined with the amount contributed by the Employer pursuant to Section 6.1 above shall not cause the Participant's total contribution to exceed the annual limit then in effect for such Plan Year pursuant to Section 9.2.

6.4 Employee After-Tax Voluntary Contributions. For each Plan Year, after-tax voluntary contributions are made in an amount elected by the Participant through a Participant election form.

ARTICLE VII
ALLOCATION TO PARTICIPANTS' ACCOUNTS

7.1 Allocation to Profit-Sharing Account.

(a) Matching Contribution Account. A separate matching contribution account shall be established for each Participant and shall be credited with the matching contributions allocated to the Participant pursuant to paragraph (a) of Section 6.1.

(b) Discretionary Contribution Account. A separate Discretionary Contribution Account shall be established for each Participant eligible under the Employee classifications identified under Section 5.1(a) and Section 5.1(c), and such Discretionary Contribution Accounts shall be credited with discretionary Employer contributions allocated to the eligible Participant pursuant to Section 6.1(b). Such contributions shall be allocated to the Discretionary Contribution Accounts of eligible Participants for the Plan Year in such amounts as shall be determined by the Employer, except as otherwise limited by this ARTICLE VII.

7.2 Allocation of Employee Contributions. Any mandatory Employee Contributions elected by the Participant pursuant to Section 6.3 shall be allocated to the Participant's Discretionary Contribution Account.

7.3 Allocation of Employee After-Tax Voluntary Contributions. Any after-tax voluntary contributions elected by the Participant pursuant to Section 6.4 shall be allocated to the Participant's After-Tax Account.

7.4 Annual Valuation and Change in Value. The Trustee shall determine, as of the last day of each Plan Year and on such other dates as the Administrator shall determine, the fair market value of the net Trust assets. The Administrator shall allocate the profits to, or charge the losses against, the respective Accounts of the Participants in proportion to the balances of the Account as of the most recent valuation date.

7.5 Directed Accounts. The Employer may, in its discretion in a uniform and nondiscriminatory manner, permit Participants to direct the Trustee as to all or part of the investment of his or her Accounts, as provided in the Trust Agreement. Directed accounts shall be credited or charged with investment gains or losses of the assets in such accounts.

7.6 Interim Valuation. In accordance with the Employer's uniform and nondiscriminatory policy, the Accounts of a Participant whose employment is terminated at any date other than a valuation date shall be valued currently in the event of a substantial change in the fair market value of the Trust assets between the last valuation date and the date of Severance from Employment.

7.7 Interest in Trust Assets. Nothing herein contained shall be deemed to give any Participant any interest in any specific assets of the Trust and each Participant shall only have the right to receive payment at the time or times and upon the terms and conditions expressly set forth in the Plan.

7.8 Transfer From Other Qualified Plans; Rollover Contributions. The Plan will accept an Eligible Rollover Distribution (as defined in Section 10.7(c)) from another Eligible

Retirement Plan (as defined in Section 10.7(b)) on behalf of an Employee, including an Employee who has not yet satisfied the requirements of Section 5.2 but who is not a member of an ineligible class of Employees, as specified in Section 5.1, pursuant to the following:

(a) Permissible Types of Rollover Contributions. The Plan shall accept an Eligible Rollover Distribution from —

(1) a qualified plan and trust, as defined in Code Section 401(a) or Code Section 403(a), excluding contributions previously characterized by the Employee as a designated Roth contribution under Code Section 402A;

(2) an annuity contract described in Code Section 403(b);

(3) an eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state; or

(4) an individual retirement account that meets the requirements of Code Section 408(d)(3)(A)(ii), excluding an individual retirement account designated as a "Roth IRA" under Code Section 408A at the time of establishment.

(b) Requirements for Rollover Contribution. Such rollover or transfer must comply with the requirements of Code Section 402. The assets to be transferred must be accompanied by written representations, satisfactory to the Plan Administrator, identifying the transferor plan, stating the name of the Employee, and providing such other information as the Plan Administrator may require. In addition, the receipt of assets under this Section shall be subject to the following conditions:

(1) no transfer shall be in an amount less than one hundred dollars ($100);

(2) transfers must be in cash. In kind transfers are not permitted;

(3) no amount may be transferred to the Plan without the prior approval of the Trustee. The Trustee shall act in a uniform, nondiscriminatory manner in this regard;

(4) all transfers shall be paid to the Trustee to hold in the Trust;

(5) a separate Account shall be established and maintained for each Participant who has made a transfer;

(6) the Participant's interest in the Account shall be fully vested and nonforfeitable;

(7) the Participant may notify the Employer in writing, at the time designated by the Employer that his or her in-kind transfers are to be sold. Any expenses of sale shall be allocated to that Participant's Account;

(8) the amount held in the Account shall be paid to the Participant upon the Participant's request. Any distribution of such amounts shall be made in accordance with the applicable provisions of ARTICLE X;

(9) if it is determined that a Participant's transfer mistakenly failed to qualify under the Code as a tax-free rollover, it shall be immediately corrected as follows:

(i) the amount of the rollover contribution, plus any earnings attributed to that contribution shall be segregated from all other Plan assets;

(ii) treated as a non-qualified trust established by and for the benefit of the Participant; and

(iii) distributed to the Participant within a reasonable amount of time after the determination that the rollover is not valid.

(10) No Transfer of Benefit Options. If a direct rollover is received by the Administrator from another qualified plan, the Plan is not required to provide, with respect to amounts paid to it in such a direct rollover, the same optional forms of benefit that were provided under the transferor plan.

ARTICLE VIII
VESTING OF INTEREST

8.1 Vesting.

(a) Discretionary Employer Contribution Account. The discretionary Employer contribution Account of each Participant shall be fully vested and nonforfeitable at all times, including upon attainment of Normal Retirement Date or by reasons of death or Disability.

(b) Matching contribution Account. The matching contribution Account of each Participant shall be fully vested and nonforfeitable upon attainment of Normal Retirement Date or by reasons of death or Disability, but shall otherwise vest in accordance with Section 8.2.

(c) After-Tax Account. The Employee shall be fully vested and nonforfeitable at all times for all after-tax voluntary contributions.

8.2 Vesting Schedule. Each Participant shall have a nonforfeitable and vested right to his or her matching contribution for each Year of Service completed while an Employee of the Employer, in accordance with the following schedule:

Completed Years of Service	Vested Percentage
Less than 1	0%
1	33%
2	67%

3 or more	100%

8.3 Determination of Vested Interest. In computing the period of service for the purpose of determining the vested and nonforfeitable interest of a Participant, all of the Participant's Years of Service while an Employee of the Employer shall be taken into account.

For purposes of this ARTICLE VIII, "Year of Service" shall mean the period during which an Employee completes twelve (12) consecutive months of service with Employer commencing on the date of employment or any anniversary thereof.

8.4 Forfeitures. Upon termination of participation, the unvested portion of a Participant's matching contribution Account shall be forfeited pursuant to this Section 8.4. Forfeitures shall be used for defraying reasonable expenses of administering the Plan. Any remaining Forfeiture amounts not applied toward the payment of administrative expenses shall be applied toward the Employer contribution allocable under Section 7.1(a) or 7.1(b).

8.5 Lost Participants.

(a) Location of Lost Participant. The Employer shall take all necessary steps, upon the termination of participation, to ascertain the whereabouts of a lost Participant or Beneficiary whose benefit is payable.

(b) Mandatory Distribution. If the Account balance of a lost Participant or Beneficiary is $1,000 or more, and the Employer has exhausted its efforts to locate the missing Participant or Beneficiary, then the Plan Administrator may distribute the entire Account via a direct rollover to an individual retirement plan designated by the Plan Administrator.

(c) Forfeiture. If the Account balance of a lost Participant or Beneficiary is less than $1,000, and the Employer has exhausted its efforts to locate the missing Participant or Beneficiary and the Plan Administrator has concluded that a Participant or Beneficiary cannot be located, the Participant's entire Account(s) may be forfeited and allocated as provided in Section 8.4. In the event the lost Participant subsequently claims his or her vested benefit, the vested portion of the Account(s) shall be reinstated and distributed as provided in ARTICLE X.

ARTICLE IX
LIMITATION ON BENEFITS

9.1 Annual Additions. "Annual Additions" shall mean the sum for any Limitation Year of the following amounts allocated to a Participant's accounts in all defined contribution plans maintained by the Employer:

(a) Employer contributions;

(b) Forfeitures;

(c) Employee contributions (including after-tax voluntary contributions);

(d) amounts allocated after March 31, 1984, to an individual medical account (as defined in Code Section 415(1)(2)) which is part of a pension or annuity plan

maintained by the Employer. Also amounts derived from contributions paid or accrued after December 31, 1985, in taxable years ending after such date, which are attributable to post-retirement medical benefits, allocated to the separate account of a Key Employee (as defined in Code Section 419A(d)(3)) maintained by the Employer.

For the purposes of this paragraph, the term "Annual Additions" shall not include the following:

(1) Rollover contributions (as defined in Code Sections 402(c), 403(a)(4), 403(b)(8) and 408(d)(3));

(2) Amounts derived from the repayment of cashouts or contributions under a governmental plan (as described in Code Section 414(d)) pursuant to Code Section 415(k)(3).

(3) Loan repayments on a participant loan.

9.2 Maximum Permissible Amount.

(a) Total Annual Additions. The amount of Annual Additions which may be contributed or allocated to a Participant's Accounts for any Limitation Year shall not exceed the lesser of:

(1) $72,000 (the limit for 2026), as adjusted for increases in the cost of living under Code Section 415(d); or

(2) one hundred percent (100%) of the Participant's Compensation, as defined in Section 2.7, for the Limitation Year.

The Compensation limit referred to in paragraph (ii) above shall not apply to any contribution for medical benefits after Severance from Employment (within the meaning of Code Section 401(h) or Code Section 419A(f)(2)) which is otherwise treated as an Annual Addition. For purposes of determining the total Annual Additions allocated to a Participant's Accounts during the Limitation Year, amounts or benefits provided to an Alternate Payee (as defined in Section 10.9) of the Participant shall be treated as if such allocations were allocated to the Participant's Account.

(b) Aggregation and Disaggregation of Other Defined Contribution Plans.

(1) Aggregating Plans. For purposes of applying the limitations of Section 9.2(a) for a Limitation Year, all qualified defined contribution plans (without regard to whether a plan has terminated) ever maintained by the Employer (or a "predecessor employer" as defined in subparagraph (i) below), including this Plan, shall be aggregated as one (1) defined contribution plan. An annuity contract under Code Section 403(b) and a simplified employee pension plan under Code Section 408 shall be treated as a defined contribution plan maintained by the Employer.

(i) Predecessor Employer. A former Employer is a "predecessor employer" with respect to a Participant if the Employer maintains a plan under which the Participant had accrued a benefit during the course of employment with the former Employer and that benefit is provided under the Plan currently maintained by the "successor

employer." An Employer is a successor employer with respect to a Participant if, under the facts and circumstances, the Employer represents a continuation of all or a portion of the trade or business of the former entity.

(ii) Mid-year Aggregation. Two or more defined contribution plans that are not required to be aggregated pursuant to Code Section 415(f) as of the first day of a Limitation Year shall not cause a Participant to fail to satisfy the requirements of Code Section 415 for the Limitation Year merely because the plans are aggregated later in the Limitation Year, provided that no Annual Additions are credited to such Participant after the date on which the plans are first required to be aggregated.

(2) Nonduplication of Benefits. If the Plan is aggregated with another defined contribution plan pursuant to this Section 9.2(b), a Participant's benefits are not counted more than once in determining the Participant's aggregate Annual Additions under ARTICLE IX.

9.3 Treatment of Excess Amounts. If the total Annual Additions that may be made with respect to any individual exceeds the limits of Code Section 415, or under any other limited facts and circumstances that the Commissioner of Internal Revenue finds justify the application of this Section, the excess amount will be corrected in accordance with the Employee Plans Compliance Resolution System as set forth in Revenue Procedure 2021-30, as modified, amended, and/or superseded.

9.4 Special Rule for Short Limitation Year. In the event of a short Limitation Year because of an amendment changing the Limitation Year to a different 12 consecutive month period, the maximum permissible amount shall not exceed the total amount of Annual Additions (as defined in Section 9.2(a)) for the Plan Year multiplied by a fraction, the numerator of which is the number of months in the short Limitation Year and the denominator of which is 12.

9.5 Special Rule for Make-Up Contributions Under USERRA. Any contributions allocated to the Accounts of a Participant who has served in qualified military service, as defined in USERRA, which is made and allocated to a Limitation Year but which is attributable to a prior Limitation Year shall not be taken into account in applying the limitations for the Limitation Year for which the contribution is made, but rather, shall be counted and subject to the limitations, for purposes of Code Section 415, for the Limitation Year to which the contributions relate.

ARTICLE X
DISTRIBUTION OF BENEFITS

10.1 Entitlement to Benefits. A Participant shall be entitled to a distribution of benefits under this Plan following his or her Severance from Employment. Benefits shall also be payable following the Participant's death in accordance with Section 10.5 or upon attainment of the Required Beginning Date under Section 10.6.

A Participant who is still employed on his or her Normal Retirement Date shall not be entitled to a distribution of benefits under this Plan until the Participant experiences a Severance from Employment. Such a Participant shall continue to participate in contributions under the Plan.

An Alternate Payee under a Qualified Domestic Relations Order shall be entitled to benefits under this Plan in accordance with Section 10.9.

10.2 Notification of Benefit Options. A Participant shall be furnished a notice not less than thirty (30) days, nor more than one hundred eighty (180) days (the "distribution election period"), prior to the first day of the first period for which an amount is paid. Such notice shall contain an explanation of the following:

(a) The right to defer the commencement of benefits until Normal Retirement Date, if applicable. The notice shall also describe the consequences of failing to defer receipt of the distribution and include: (1) a description indicating the investment options available under the Plan (including fees) that will be available if the Participant defers distribution; and (ii) the portion of the summary plan description that contains any special rules that might materially affect a Participant's decision to defer.

(b) The form of benefits available under the Plan in accordance with Section 10.3.

(c) The option to elect a direct rollover to an Eligible Retirement Plan in accordance with Section 10.7 and the automatic distribution provisions of Section 10.4(b).

(d) The mandatory income tax withholding provisions applicable if the distribution is not transferred to an Eligible Retirement Plan.

(e) The provisions under which a lump sum distribution will not be subject to tax if transferred to an Eligible Retirement Plan within sixty (60) days after the date on which the Participant received the distribution.

(f) The applicable rules on rollover and taxation of a lump sum distribution under Code Section 402(d) and (e).

10.3 Form of Retirement Benefit. If the value of a Participant's Account does not exceed $7,000 as of the date of distribution or on the date of the Participant's death, the Account shall be paid in a lump sum payment. If the value of the Participant's Account exceeds $7,000, the Participant may elect payment in one of the following forms:

(a) Lump Sum. A single payment of the entire balance in a Participant's account.

(b) Partial withdrawals.

(c) Immediate or Deferred Annuity. Periodic payments contingent on the life expectancy of the Participant or Beneficiary.

(d) Joint and Survivor Annuity. Periodic payments contingent on the life expectancy of the Participant and the Participant's spouse.

(e) Installments. Periodic payments over a specified period of time, provided that payments made over a period of more than one year shall only be made in substantially non-increasing amounts (paid not less frequently than annually).

10.4 Timing and Consent to Distribution. Except as provided herein, the distribution of a Participant's Accounts shall begin as soon as administratively feasible following the Participant's Severance from Employment.

(a) Consent to Distribution. Subject to the provisions of Section 10.4(b), distributions from the Plan shall only be made with the consent of the Participant. Consent shall be given within the 180-days "distribution election period" and shall include an acknowledgment of the effect of an election. No consent under this Section 10.4 shall be valid unless the Participant has first received a notice which satisfies the requirements of Section 10.2.

(1) No Consent. The failure of a Participant to consent to a distribution while a benefit is immediately distributable shall be deemed an election to defer commencement of payment until the benefit is no longer immediately distributable.

(2) Waiver of 30-day period for distribution consent. The plan may distribute a benefit less than 30 days after providing the Participant notice of the distribution option, if the Participant affirmatively elects a distribution. The Participant must be notified that the Participant has the opportunity to elect a distribution for at least 30 days after receiving the notice.

(b) Mandatory Distributions.

(1) In the event that a Participant fails to submit an election within the "distribution election period" specified in Section 10.2 and the value of the Participant's vested Accounts does not exceed One Thousand Dollars ($1,000) as of the date of distribution, no consent under this Section 10.4 will be required and the Participant shall receive a lump sum distribution of the entire vested portion of his or her Accounts.

(2) However, if the value of the Participant's vested Accounts is greater than One Thousand Dollars ($1,000) and less than Seven Thousand Dollars ($7,000) and the Participant fails to submit an election during the "distribution election period," then the Plan Administrator will pay the distribution in a direct rollover to an individual retirement plan designated by the Plan Administrator.

(c) Forfeiture. If a Participant receives a distribution or is deemed to have received a distribution which is less than the value of such Participant's Accounts, the unvested balance shall be forfeited. If a Participant elects to receive a distribution which is less than the entire vested portion of his or her Account balance derived from Employer contributions, the part of the nonvested portion that will be treated as a Forfeiture is the total nonvested portion multiplied by a fraction, the numerator of which is the amount of the distribution attributable to Employer contributions and the denominator of which is the total value of the vested Employer derived Account balance. If a Participant has no vested interest in his or her Account, he or she shall be deemed to have received a distribution for purposes of this Section 10.4 and the unvested balance shall be forfeited.

10.5 Death Benefit.

(a) Form of Death Benefit. The vested amount credited to a Participant's Accounts shall be distributed to the designated Beneficiary in one lump sum as soon as administratively feasible following the death of the Participant.

(b) Direct Rollover by Surviving Spouse. If the designated Beneficiary is the surviving spouse of the Participant, the surviving spouse may also elect a direct rollover of the benefit to an Eligible Retirement Plan pursuant to Section 10.7. The Participant's Accounts shall be distributed, or begin to be distributed, to the surviving spouse on or before December 31 of the calendar year immediately following the calendar year in which the Participant died. However, if the surviving spouse is the sole designated Beneficiary of the Participant, distribution shall commence no later than December 31 of the calendar year immediately following the calendar year in which the Participant died or (ii) December 31 of the calendar year in which the Participant would have attained age seventy three (73).

(c) Direct Rollover by Nonspouse Beneficiary. A designated Beneficiary who is not the surviving spouse (as defined under federal law) of the deceased Participant may elect a direct rollover of the benefits at the time and in the manner prescribed by the Plan Administrator. Any such distribution may be transferred only to an individual retirement account or annuity described in Code Section 408(a) or (b) established for the purpose of receiving the distribution on behalf of the designated Beneficiary and treated as an inherited IRA within the meaning of Code Section 408(d)(3)(C). The Beneficiary must provide the Plan Administrator with sufficient information to identify the status of the inherited IRA as well as the custodian of the funds to whom the direct transfer is to be made. Any distribution made in accordance with this provision shall be considered an "Eligible Rollover Distribution" (as defined in Section 10.7) excludable from gross income for the year in which payment is made under Code Section 402(c)(1). If a Participant's designated Beneficiary is a trust, the trustee of such trust shall be permitted to elect a direct rollover to an individual retirement account in accordance with this subsection provided the beneficiaries of the trust otherwise satisfy the requirements to be designated beneficiaries within the meaning of Code Section 401(a)(9)(E) and the Treasury Regulations promulgated thereon.

(d) Timing of Election. The Participant's designated Beneficiary shall elect the method of distribution no later than September 30 of the calendar year following the year of the Participant's death. If the designated Beneficiary does not elect a method of distribution, distribution of the Participant's entire interest must be completed by December 31 of the calendar year containing the fifth (5th) anniversary of the Participant's death.

10.6 Minimum Distributions. Notwithstanding any other provisions of this Article, with respect to distributions occurring on or after January 1, 2003, the distribution of a Participant's Accounts shall meet the requirements of this Section 10.6, Code Section 401(a)(9), and in accordance with the minimum distribution incidental benefit requirements of Code Section 401(a)(9)(G). These minimum distributions shall be calculated each year by the Administrator and shall be distributed in accordance with this Section 10.6. To the extent any provision of this Section conflicts with Code Section 401(a)(9), Code Section 401(a)(9) shall supersede any such conflicting provision of this Section.

(a) Time and Manner of Distribution.

(1) Required Beginning Date. The Participant's Accounts will be distributed, or begin to be distributed, to the Participant no later than the Participant's Required Beginning Date.

(2) Death of Participant Before Distributions Begin. If the Participant dies before distributions begin, the Participant's Accounts will be distributed, or begin to be distributed, no later than as follows:

(i) If the Participant's surviving spouse is the Participant's sole designated Beneficiary, distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained age 73, if later.

(ii) If the Participant's sole designated Beneficiary is not the Participant's surviving spouse, but is an Eligible Designated Beneficiary, then distributions to the Eligible Designated Beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died.

(iii) If the Participant's designated Beneficiary is not an Eligible Designated Beneficiary, then the Participant's entire interest will be distributed not later than the end of the tenth calendar year following the year of the Participant's death.

(iv) If there is no designated Beneficiary as of September 30 of the year following the year of the Participant's death, the Participant's Accounts will be distributed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(v) If the Participant's surviving spouse is the Participant's sole designated Beneficiary and the surviving spouse dies after the Participant but before distributions to the surviving spouse begin, this Section 10.6(a)(2), other than Section 10.6(a)(2)(i), will apply as if the surviving spouse were the Participant.

For purposes of this Section 10.6(a)(2) and 10.6(c), unless Section 10.6(a)(2)(v) applies, distributions are considered to begin on the Participant's Required Beginning Date. If Section 10.6(a)(2)(v) applies, distributions are considered to begin on the date distributions are required to begin to the surviving spouse under Section 10.6(a)(2)(i). If distributions under an annuity purchased from an insurance company irrevocably commence to the Participant before the Participant's Required Beginning Date (or to the Participant's surviving spouse before the date distributions are required to begin to the surviving spouse under Section 10.6(a)(2)(i)), the date distributions are considered to begin is the date distributions actually commence.

(3) Forms of Distribution. Unless the Participant's Accounts are distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the Required Beginning Date, as of the first distribution calendar year distributions will be made in accordance with paragraphs (b) and (c) of this Section 10.6. If the Participant's Accounts are distributed in the form of an annuity purchased from an

insurance company, distributions thereunder will be made in accordance with the requirements of Code Section 401(a)(9).

(b) Required Minimum Distributions During Participant's Lifetime.

(1) Amount of Required Minimum Distribution for Each Distribution Calendar Year. During the Participant's lifetime, the minimum amount that will be distributed for each distribution calendar year is the lesser of:

(i) the quotient obtained by dividing the Participant's Account balance by the distribution period in the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the Participant's age as of the Participant's birthday in the distribution calendar year; or

(ii) if the Participant's sole designated Beneficiary for the distribution calendar year is the Participant's spouse, the quotient obtained by dividing the Participant's Account balance by the number in the Joint and Last Survivor Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the Participant's and spouse's attained ages as of the Participant's and spouse's birthdays in the distribution calendar year.

(2) Lifetime Required Minimum Distributions Continue Through Year of Participant's Death. Required minimum distributions will be determined under this paragraph (b) beginning with the first distribution calendar year and up to and including the distribution calendar year that includes the Participant's date of death.

(c) Required Minimum Distributions After Participant's Death.

(1) Death on or After Date Distributions Begin. If the distribution of a Participant's interest has begun in accordance with Section 10.6(b)(1) and the Participant dies before the entire Account balance has been distributed, the remaining portion of the Account balance must be distributed at least as rapidly as under the distribution method used as of the date of the Participant's death. Thereafter, the applicable distribution period for distribution years after the year of the Participant death shall be as provided under subparagraph (i) or (ii) below.

(i) Participant Survived By Eligible Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is an Eligible Designated Beneficiary, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's Account balance by the longer of the remaining life expectancy of the Participant or the remaining life expectancy of the Participant's Eligible Designated Beneficiary, determined as follows:

a. the Participant's remaining life expectancy is calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.

b. If the Participant's surviving spouse is the Participant's sole designated Beneficiary, the surviving spouse shall be treated as the

Participant for purposes of this Section 10.6. The minimum amount that will be distributed for each distribution calendar year commencing in the year after the Participant's death, is the quotient obtained by dividing the Participant's Account balance by the distribution period in the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the surviving spouse's age as of the surviving spouse's birthday in the distribution calendar year. Notwithstanding the preceding provisions of Section 10.6(c)(1)(i)b, the surviving spouse may also irrevocably elect, in writing and in the form and manner prescribed by the Plan Administrator, to not be treated as the Participant for purposes of this Section 10.6, and to instead have minimum distributions calculated by dividing the Participant's Account balance by the distribution period in the Single Life Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the lesser of the surviving spouse's age as of the spouse's birthday in that year or the Participant's age as of the Participant's birthday in that year. For distribution calendar years after the year of the surviving spouse's death, the remaining life expectancy of the surviving spouse is calculated using the age of the surviving spouse as of the spouse's birthday in the calendar year of the spouse's death, reduced by one for each subsequent calendar year.

c. If the Participant's surviving spouse is not the Participant's sole designated Beneficiary, but the Participant's designated Beneficiary is an Eligible Designated Beneficiary, the designated Beneficiary's remaining life expectancy is calculated using the age of the Beneficiary in the year following the year of the Participant's death, reduced by one for each subsequent year.

d. If the Participant's designated Beneficiary is not an Eligible Designated Beneficiary, then the Participant's remaining life expectancy is calculated using the age of the Participant in the year of death, reduced by one for each subsequent year. In addition to ensuring required annual amounts that will be distributed for each distribution calendar year after the year of the Participant's death are made, the Participant's entire interest will be distributed not later than the end of the tenth calendar year following the year of the Participant's death.

(ii) No Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is no designated Beneficiary as of September 30 of the year after the year of the Participant's death, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's Account balance by the Participant's remaining life expectancy calculated using the age of the Participant in the year of death, reduced by one for each subsequent year.

(2) Death Before Date Distributions Begin.

(i) Participant Survived By Eligible Designated Beneficiary. If the Participant dies before the date distributions begin and the Participant's designated Beneficiary is an Eligible Designated Beneficiary (other than a sole surviving spouse as set forth in Section 10.6(c)(2)(ii) below), the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's Account balance by the remaining life expectancy of the Participant's designated Beneficiary, determined as provided in Section 10.6(c)(1).

(ii) Participant Survived by Surviving Spouse. If the Participant dies before the date distributions begin and the Participant's sole designated Beneficiary is the Participant's surviving spouse, the minimum amount that will be distributed for each distribution calendar year commencing with the distribution calendar year in which the Participant would have attained age seventy three (73), is the quotient obtained by dividing the Participant's Account balance, by the distribution period in the Uniform Lifetime Table set forth in Section 1.401(a)(9)-9 of the Treasury Regulations, using the surviving spouse's age as of the surviving spouse's birthday in the distribution calendar year.

(iii) Participant Survived by designated Beneficiary who is not an Eligible Designated Beneficiary. If the Participant dies before the date distributions begin and the Participant's designated Beneficiary is not an Eligible Designated Beneficiary, then the Participant's entire interest will be distributed not later than the end of the tenth calendar year following the year of the Participant's death.

(iv) No Designated Beneficiary. If the Participant dies before the date distribution begins and there is no designated Beneficiary as of September 30 of the year following the year of the Participant's death, distribution of the Participant's Accounts will be completed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(v) Death of Surviving Spouse Before Distributions to Surviving Spouse are Required to Begin. If the Participant dies before the date distributions begin, the Participant's surviving spouse is the Participant's sole designated Beneficiary, and the surviving spouse dies before distributions are required to begin to the surviving spouse under Section 10.6(a)(2)(i), this Section 10.6(c)(2) will apply as if the surviving spouse were the Participant.

(d) Application of 5-Year Rule.

(1) Election by Participant or Beneficiary. A Participant or Beneficiary may elect on an individual basis whether the 5-year rule or the life expectancy rule in Sections 10.6(a)(2) and 10.6(c)(2) applies to distributions after the death of a Participant who has a designated Beneficiary. The election must be made no later than the earlier of September 30 of the calendar year in which distribution would be required to begin under Section 10.6(a)(2), or by September 30 of the calendar year which contains the fifth anniversary of the Participant's (or, if applicable, the surviving spouse's) death. If neither the Participant nor the Beneficiary makes an election under this paragraph, distributions will be made in accordance with Sections 10.6(a)(2) and Section 10.6(c)(2).

(2) Election By Current Beneficiary. A designated Beneficiary who is receiving payments under the 5-year rule may make a new election to receive payments under the life expectancy rule until December 31, 2003, provided that all amounts that would have been required to be distributed under the life expectancy rule for all distribution calendar years before 2004 are distributed by the earlier of December 31, 2003, or the end of the 5-year period.

(e) Definitions.

(1) Designated Beneficiary. The individual who is designated as the Beneficiary under Section 10.8 of the Plan and is the designated Beneficiary under Code Section 401(a)(9) and Section 1.401(a)(9)-4 of the Treasury Regulations.

(2) Required Beginning Date. The "Required Beginning Date" of a Participant is April 1 of the calendar year following the later of the calendar year in which the Participant attains age 73 or the calendar year in which the Participant retires.

(3) Distribution Calendar Year. A calendar year for which a minimum distribution is required. For distributions beginning before the Participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the Participant's Required Beginning Date. For distributions beginning after the Participant's death, the first distribution calendar year is the calendar year in which distributions are required to begin under Section 10.6(a)(2). The required minimum distribution for the Participant's first distribution calendar year will be made on or before the Participant's Required Beginning Date. The required minimum distribution for other distribution calendar years, including the required minimum distribution for the distribution calendar year in which the Participant's Required Beginning Date occurs, will be made on or before December 31 of that distribution calendar year.

(4) Eligible Designated Beneficiary. Eligible Designated Beneficiary has the meaning specified in Section 2.11 of the Plan.

(5) Life Expectancy. Life expectancy as computed by use of the Single Life Table in Section 1.401(a)(9)-9 of the Treasury Regulations.

(6) Participant's Account Balance. The account balance as of the last valuation date in the calendar year immediately preceding the distribution calendar year (valuation calendar year) increased by the amount of any contributions made and allocated to the account balance as of dates in the valuation calendar year after the valuation date and decreased by the distributions made in the valuation calendar year after the valuation date. The account balance for the valuation calendar year includes any amounts rolled over or transferred to the Plan either in the valuation calendar year or in the distribution calendar year if distributed or transferred in the valuation calendar year.

(f) TEFRA Section 242(b)(2) Elections. Notwithstanding any other provisions of this Section 10.6, distributions may be made under a designation made before January 1, 1984, in accordance with Section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the Plan that relate to Section 242(b)(2) of TEFRA.

(g) WRERA Elections for 2009 Calendar Year. Notwithstanding any other provisions of this Section 10.6, a Participant or Beneficiary who would have been required to receive required minimum distributions for 2009 but for the enactment of Code Section 401(a)(9)(H) ("2009 RMDs") and who would have satisfied that requirement by receiving distributions that are (1) equal to the 2009 RMDs or (2) one or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of

the Participant and the Participant's designated Beneficiary, or for a period of at least 10 years, will not receive those distributions for 2009 unless the Participant or Beneficiary chooses to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect to receive the distributions described in the preceding sentence. In addition, notwithstanding Section 10.7 of the Plan, and solely for purposes of applying the direct rollover provisions of the Plan, a direct rollover will include 2009 RMDs but only if paid with an additional amount that is an Eligible Rollover Distribution (as defined in Section 10.7(c)) without regard to Code Section 401(a)(9)(H).

10.7 Direct Rollovers. A Distributee may elect, at the time and in the manner prescribed by the Administrator, to have any portion of an Eligible Rollover Distribution that is equal to at least $200 paid directly to an Eligible Retirement Plan specified by the Distributee. If an Eligible Rollover Distribution is less than $200, a Distributee may not make the election described herein to rollover a portion of the Eligible Rollover Distribution. The Distributee must provide the Administrator with sufficient information to identify the Eligible Retirement Plan as well as the trustee or custodian of the funds to whom the transfer is to be made.

For purposes of this Section, the following definitions shall apply:

(a) Distributee. A "Distributee" shall mean an Employee, former Employee, or the surviving spouse of a deceased Employee or former Employee. In addition, the Employee's or former Employee's spouse or former spouse who is the Alternate Payee under a Qualified Domestic Relations Order, as defined in Code Section 414(p), shall be a Distributee with regard to the interest of the spouse or former spouse. A Distributee shall also mean an Employee's or former Employee's nonspouse designated beneficiary, in which case, the distribution can only be transferred to a traditional or Roth IRA established on behalf of the nonspouse designated beneficiary for the purpose of receiving the distribution in accordance with Section 10.5(c).

(b) Eligible Retirement Plan. "Eligible Retirement Plan" shall mean any of the following types of retirement plans which accepts the Distributee's Eligible Rollover Distribution and agrees to separately account for amounts transferred from this Plan: (i) an individual retirement account described in Code Section 408(a); (ii) an individual retirement annuity described in Code Section 408(b); (iii) an annuity plan described in Code Section 403(a); (iv) an annuity contract described in Code Section 403(b); (v) a qualified trust described in Code Section 401(a); or (v) an eligible plan under Code Section 457(b) which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state of political subdivision of a state.

"Eligible Retirement Plan" shall also mean a Roth IRA described in Code Section 408A(b) provided such distribution is made by a direct trustee-to-trustee transfer and the receiving plan agrees to separately account for the amounts transferred.

(c) Eligible Rollover Distribution. An "Eligible Rollover Distribution" shall mean any distribution of all or any portion of the balance to the credit of the Distributee, except that it shall not include:

(1) any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Distributee or the joint lives (or joint life expectancies) of the Distributee and the Distributee's designated Beneficiary, or for a specified period of ten (10) years or more; or

(2) any distribution required under Code Section 401(a)(9); or

(3) any amount that is distributed on account of hardship; or

(4) the portion of any distribution that is not includable in gross income of the Distributee; or

(5) any other distribution that is reasonably expected to total less than $200 during a year.

Notwithstanding the foregoing, a portion of a distribution shall not fail to be an Eligible Rollover Distribution merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, such portion may only be transferred in a direct trustee-to-trustee transfer to an individual retirement account or annuity described in Code Section 408(a) or (b), or to a qualified defined contribution plan described in Code Section 401(a) or 403(a), or to an annuity contract described in Code Section 403(b) that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

(d) Rollovers to Roth IRA. A Distributee may also elect to have any portion of an Eligible Rollover Distribution paid directly to a Roth IRA described in Code Section 408A provided the distribution requirements of Section 10.4 and this Section 10.7 have been satisfied. Any distribution made in accordance with this provision shall be considered a "qualified rollover contribution" and includable in the Distributee's gross income for the year in which payment is made under Code Section 408A(c)(3)(A).

10.8 Designation of Beneficiary. Each Participant shall designate a primary Beneficiary and a contingent Beneficiary to receive any death benefit under this Plan in accordance with this Section 10.8. The designation of a primary Beneficiary and a contingent Beneficiary may be changed from time to time by filing a new designation in writing with the Employer. This designation shall be made at the time and in the manner established by the Employer in accordance with Code Section 401(a)(9).

(a) Primary Beneficiary. A primary Beneficiary's rights shall arise if the Participant dies before receiving all of his or her benefits.

(b) Contingent Beneficiary. The rights of a contingent Beneficiary shall arise if the primary Beneficiary predeceases the Participant or has not survived to receive all of the Participant's undistributed death benefits. In the event that a contingent Beneficiary was not designated by the Participant, then the designation of a contingent Beneficiary shall be made by the Employer in accordance with subsection (d) below.

(c) Requirements of Spousal Consent. The written consent of the Participant's spouse shall be obtained in the event the Participant's spouse has a community property interest in the Participant's Account and the Participant designates another individual or entity (rather than the spouse) as the sole primary Beneficiary.

(d) Designation of Beneficiary by Employer. If no designated Beneficiary survives the Participant, and benefits are payable following the Participant's death, the benefits shall be paid to the Participant's estate.

10.9 Distribution under Domestic Relations Order. An "Alternate Payee" under a "Domestic Relations Order" ("DRO") shall be entitled to benefits in accordance with the requirements of this Article, except that a distribution pursuant to a DRO will be permitted whether or not the affected Participant has separated from service or attained the "Earliest Retirement Age" under the Plan. For purposes of this Section, "Domestic Relations Order," "Alternate Payee," and "Earliest Retirement Age" shall have the meanings set forth in Code Section 414(p).

10.10 Rollovers Disregarded in Determining Value of Account Balance for Involuntary Distributions. For purposes of Section 10.4(b), the value of a Participant's nonforfeitable Account balance shall be determined without regard to that portion of the Account balance that is attributable to rollover contributions (and earnings allocable thereto) within the meaning of Code Sections 402(c), 403(a)(4), 403(b)(8), 408(d)(3)(A)(ii), and 457(e)(16).

10.11 Special Rule for Deceased or Disabled Veterans. In the case of a Participant who becomes disabled or dies during qualified military service, as defined under USERRA, on or after January 1, 2007, the Participant or his or her designated Beneficiary shall be entitled to any additional benefits provided under the Plan as if the Participant had resumed employment with the Employer on the day preceding death or Disability and then terminated employment on the actual date of the death or Disability.

ARTICLE XI
LOANS TO PARTICIPANTS

11.1 Permitted Loans. The Employer shall be authorized to direct the Trustee to make loans to Participants and their Beneficiaries upon their written application. The Trustee may, in the Trustee's sole discretion, make Plan loans available to Participants or Beneficiaries under the following circumstances: (1) loans shall be made available to Participants and Beneficiaries on a reasonably equivalent basis; (2) loans shall not be made available to Highly Compensated Employees in an amount greater than the amount that is made available to other Participants and Beneficiaries; (3) loans shall bear a reasonable rate of interest; (4) loans shall be adequately secured; and (5) loans shall provide for periodic repayment over a reasonable period of time. Furthermore, no loan shall exceed a Participant's vested interest in the Plan. The Employer may, in a nondiscriminatory manner, operationally choose to treat all Eligible Employees who make a rollover contribution to the Plan as being Participants who are eligible for Participant loans, even if such individuals have not yet met the eligibility requirements for entry into the Plan (as authorized by Section 5.2).

11.2 Prohibited Assignment or Pledge. An assignment or pledge of a Participant's interest in the Plan and a loan, pledge, or assignment with respect to any life insurance contract under the Plan, shall be treated as a Plan loan under this ARTICLE XI.

11.3 Loan Program. The Employer, in its discretion, may adopt a separate written loan policy forming part of this Plan which shall be incorporated herein by this reference ("Loan Program"). The Loan Program shall be established in accordance with Department of Labor Regulation Section 2550.408(b)-1(d)(2) providing for loans by the Plan to parties-in-interest under

the Plan, such as Participants and Beneficiaries. The Loan Program may be modified or amended in writing from time to time without the necessity of amending the Plan. The Loan Program shall include, without limitation, the following:

(a) the identity of the person or positions authorized to administer the Participant loan program;

(b) the procedure for applying for loans;

(c) the basis on which loans will be approved or denied;

(d) limitations (if any) on the types and amount of loans offered;

(e) the procedure under the program for determining a reasonable rate of interest;

(f) the types of collateral which may secure a Participant loan; and

(g) the events constituting default and the steps that will be taken to preserve the Plan assets in event of default.

11.4 Loan Default. Notwithstanding anything in this Plan to the contrary, if a Participant or Beneficiary defaults on a Plan loan made pursuant to this ARTICLE XI and such loan is secured by the Participant's interest in the Plan, then, to the extent provided in the Loan Program, a Participant's interest may be offset by the amount subject to the security to the extent there is a distributable event permitted by the Code.

11.5 Special Rule for Veterans. The suspension of an Employee's obligation to repay a plan loan for the period during which the Employee is performing military service (as described in Code Section 414(u)(4)) will not disqualify the Plan from satisfying the prohibited transaction exemption for plan loans.

ARTICLE XII
AMENDMENT AND TERMINATION

12.1 Employer Reserves Right to Amend. The Employer reserves the right to amend the Plan, including retroactive amendments, provided that no such amendment or modification shall revert any part of the principal or interest of the Trust to the Employer; or shall divert any part of the assets of the Trust for purposes other than the exclusive benefit of Participants or their Beneficiaries who have an interest in the Plan or for the purpose of defraying the reasonable expenses for administering the Plan.

12.2 Employer's Discretion. The Employer has established the Plan with the bona fide intention and expectation that it will be able to make its contributions indefinitely, but the continuance of the Plan is not assumed as a contractual obligation by the Employer and the Employer is not under any obligation to continue its contributions or to maintain the Plan for any given length of time. The right is reserved by the Employer, in its sole and absolute discretion, to discontinue contributions or terminate the Plan, at any time, without any liability whatsoever for such discontinuance or termination.

12.3 Termination Events. The Plan and Trust shall terminate upon the delivery to the Trustee of a notice of termination executed by the Employer specifying the date as of which the Plan and Trust shall terminate. Termination of the Plan and Trust shall also occur upon the adjudication of the Employer as bankrupt or the Employer's general assignment for the benefit of creditors.

In the event of complete discontinuance of contributions or the termination in whole or in part of the Plan, the interest of each Participant in his or her Accounts at the date of such discontinuance or termination shall be vested in its entirety (i.e., nonforfeitable). In addition, upon the termination of the Plan, the interest of each affected Participant shall be fully vested at the date of termination.

12.4 Termination Procedure.

(a) Revaluation of Assets and Allocation. Upon the whole or partial termination of the Plan, the Trustee shall revalue the Trust assets as of the date of termination and, after satisfying Trust obligations, shall adjust all Participants' Accounts for such obligations and Trust profits or losses (whether or not such profits or losses have been realized) to the date of termination. The allocation to each individual Participants' Accounts of expenses, profits, or losses shall be in the proportion that the Account values of each individual Participant bears to the total Account values of all Participants.

(b) Distribution of Assets. Upon termination of the Plan, the Employer shall direct the Trustee to distribute all of the remaining Participant Accounts. Distribution may be made in a single lump sum payment, in cash or assets of the Trust, without the Participant's consent. However, if the Employer maintains another defined contribution plan, the Participant's Accounts may be transferred to the other plan.

ARTICLE XIII
GENERAL PROVISIONS

13.1 Non-Reversion. No portion of the principal or income of the Trust from the Employer contributions shall be paid to or revert to the Employer or be used for a purpose other than for the exclusive benefit of the Participants and their Beneficiaries, except to defray reasonable expenses of the administration of the Plan.

13.2 Type of Plan. The Plan is a governmental plan as defined in Code Section 414(d).

13.3 Nondiscrimination. Effective for the Plan Year beginning after August 17, 2006, governmental plans (within the meaning of Code Section 414(d)) maintained by a State or local government or political subdivisions thereof (or agency or instrumentality thereof) are exempt from the nondiscrimination and participation requirements of Code Sections 401(a)(3), 401(a)(4) and 401(a)(26). Governmental plans which include a cash or deferred arrangement are deemed to satisfy the participation and nondiscrimination requirements of Code Sections 401(k) and 401(m).

13.4 Discharge of Employee. The adoption and maintenance of the Plan shall not be deemed to be a contract between the Employer and any Employee. Nothing herein contained shall be deemed to give any Employee the right to be retained in the employ of the Employer or to interfere with the right of the Employer to discharge any Employee at any time.

13.5 Consolidation With Other Plan. In the event the Plan and the Trust merge or consolidate with, or transfer the assets and liabilities to, any other qualified plan of deferred compensation, no Participant herein shall, solely on account of such consolidation or transfer, be entitled to a benefit on the day following such event which is less than the benefit to which he or she was entitled on the day preceding such event. For the purpose of this Section 13.5, the benefit to which a Participant is entitled shall be calculated and based upon the assumption that a Plan termination and distribution of assets occurred on the day as of which the amount of the Participant's entitlement is being determined.

13.6 The Plan. The Trust and the Plan are part of a single, integrated employee benefit system and shall be construed together. In the event of any conflict between the terms of these documents, such conflict shall be resolved first in favor of the Plan, and then the Trust.

13.7 Applicable Law. The Plan and Trust, including any administrative policies adopted by the Employer (collectively the "Plan Documents"), shall be construed, administered and governed under the Code; and to the extent any of the provisions of the Plan Documents are inconsistent with the Code, the provisions of the Code shall control. The Plan Documents shall also be construed, administered and governed by the laws of the State of California to the extent that the state law is not superseded or inconsistent with the Code. If, however, any provision is susceptible to more than one (1) interpretation, such interpretation shall be given thereto as is consistent with the Plan Documents constituting a qualified plan and trust within the meaning of the Code.

13.8 Successors and Assigns. The Plan shall inure to the benefit of and be binding upon the parties hereto, their successors and assigns.

13.9 Severability. If a court of competent jurisdiction shall find any provision of the Plan invalid or unenforceable, the remaining provisions of the Plan shall continue to be fully effective.

13.10 Gender and Number. Words used in the masculine, feminine, or neuter gender shall each be deemed to refer to the other whenever the context so requires; and words used in the singular or plural number shall each be deemed to refer to the other whenever the context so requires.

13.11 Headings. Headings used in the Plan are inserted for convenience of reference only and any conflict between such headings and the text shall be resolved in favor of the text.

13.12 Counterparts. The Plan may be executed in an original and any number of counterparts by the Employer, each of which shall be deemed to be an original of one and the same instrument.

EXECUTION

IN WITNESS WHEREOF, the Employer has caused this Plan to be executed on March 19, 2026.

EMPLOYER:

NORTH COUNTY TRANSIT DISTRICT

By: _____
Shawn M. Donaghy
Its: Chief Executive Officer

APPROVED AS TO FORM AND CONTENT:

SELTZER CAPLAN McMAHON VITEK,
A Law Corporation (Attorneys for Employer)

By: _____
Brian M. Katusian, Esq.

APPROVED AS TO FORM AND CONTENT:
NORTH COUNTY TRANSIT DISTRICT

_____
Lori A. Winfree
Deputy Chief Executive Officer and Chief General Counsel

AMENDED AND RESTATED TRUST AGREEMENT FOR THE NORTH COUNTY TRANSIT DISTRICT 401(a) RETIREMENT PLAN

THIS AMENDED AND RESTATED TRUST AGREEMENT FOR THE NORTH COUNTY TRANSIT DISTRICT 401(a) RETIREMENT PLAN is made and entered into as of March 19, 2026 ("Agreement"), by and between NORTH COUNTY TRANSIT DISTRICT ("Employer"), on the one hand, and the Trustee , on the other hand.

RECITALS

1. The Employer adopted the NORTH COUNTY TRANSIT DISTRICT 401(a) RETIREMENT PLAN ("Plan") effective July 1, 2006, for the exclusive benefit of regular, full-time Employees of the Employer and their Beneficiaries.

2. Funds and other assets are from time to time contributed to the Trustee to be maintained in trust for the benefit of the Employees and their Beneficiaries under the terms of the Plan.

3. Effective July 19, 2018, the Employer, on the one hand, and EUN PARK-LYNCH, ROSE JEAN-PAUL, and KAREN TUCHOLSKI ("Prior Trustees"), on the other hand, entered into that certain TRUST AGREEMENT FOR THE NORTH COUNTY TRANSIT DISTRICT 401a RETIREMENT PLAN ("Prior Trust Agreement").

4. Pursuant to the provisions of Article IX of the Prior Trust Agreement, as of _____, 2026 ("Effective Date"), the Prior Trustees have been replaced by the duly-appointed current Trustee.

5. Article XI of the Prior Trust Agreement provides, in relevant part, that the Prior Trust Agreement may be amended at any time by written agreement of the Employer and Trustee.

6. The Employer and Trustee desire to amend and restate the Prior Trust Agreement in order to accurately reflect and define the current duly-appointed Trustee.

NOW, THEREFORE, in consideration of the above premises, effective as of the Effective Date, the Prior Trust Agreement is hereby amended and restated in its entirety as follows:

ARTICLE I
DEFINITIONS

1.1 General Definitions. The words and phrases used in this Agreement shall have the same meanings set forth in Article II of the Plan, unless their context clearly indicates otherwise or as otherwise specifically provided herein.

1.2 Additional Definitions. In addition to the terms defined in the Plan, the following words and phrases, when used herein, shall have the following meanings:

(a) Fund or Trust Fund. "Fund" or "Trust Fund" shall mean all monies, securities and assets held by the Trustee for the benefit of Participants and Beneficiaries.

(b) Investment Manager. "Investment Manager" shall mean a person or organization acting as a fiduciary (other than a trustee with respect to investments of the trust fund).

(c) Trust. "Trust" shall mean the NORTH COUNTY TRANSIT DISTRICT 401(a) RETIREMENT TRUST established pursuant to the Plan.

(d) Trustee. "Trustee" shall mean any person designated as Trustee pursuant to Article IX hereof, and the successors of such persons from time to time in office.

ARTICLE II
ADMINISTRATION OF TRUST FUND

2.1 Trust Administration. The Trust shall be administered as a trust of such funds as shall from time to time be deposited with the Trustee, by or on behalf of the employees of the Employer, together with any income generated by the Trust Fund.

The Trustee shall accept payments and contributions made to the Trust and hold, manage, and administer the Trust pursuant to the terms of this Agreement. The Trustee shall be responsible for the investment and reinvestment of the Trust Fund and the Administrator hereby delegates to the Trustee, except as otherwise provided herein, the exclusive authority and discretion to manage and control the assets of the Trust.

2.2 Plan Administrator. The Employer shall be the Administrator, with authority to control and manage the operation and administration of the Plan.

2.3 Allocation and Delegation of Fiduciary Duties. The Administrator may allocate its fiduciary duties among its members or may delegate its responsibilities to persons who are not named fiduciaries with respect to the specific responsibility delegated. Such allocation shall be reviewed periodically by the Administrator and shall be terminable upon such notice as the Administrator, in its sole discretion, deems reasonable and prudent under the circumstances.

2.4 Trustee. The Trustee shall have the authority to receive, hold, invest, administer and distribute the Trust Fund as provided in the Plan and as directed by the Administrator. The Administrator shall administer the Plan in accordance with Article IV of the Plan and the Trustee shall not be responsible for administering the Plan but shall only be responsible for administering the Trust Fund as established in this Agreement and in Article III of the Plan.

2.5 Pooling of Assets. The assets of the Trust Fund may be combined or pooled with the assets of other trusts maintained by the Employer under the provisions of any qualified employee benefit plan and the Trustee may commingle investments and carry joint accounts on behalf of the funds; provided that undivided shares or interests in such investments or accounts or in any pooled assets shall be allocated to each trust in accordance with its respective interest. In addition, the Trustee shall keep separate accounting records for each fund.

ARTICLE III
INVESTMENT POWERS

3.1 Investment of Trust. The Trustee shall invest and reinvest the principal and income of the Trust Funds in such bonds, securities, real or personal property, or other forms of investment as the Trustee determines appropriate, except as limited as follows:

(a) The Trustee shall not engage in any transactions prohibited by Section 4975(c) of the Code, except as provided in Section 4975(d) of the Code.

(b) The Trustee shall not acquire any assets in which it would maintain the indicia of ownership outside the jurisdiction of the District Court of the United States, except as otherwise permitted by regulations of the Secretary of Labor of the United States.

3.2 Purchase of Life Insurance. At the direction of the Administrator in accordance with the Participant's election, the Trustee shall apply for life insurance to be issued on the life of any insurable Participant in the Plan. Any such policy shall be an ordinary term, whole or universal type form contract issued by any legal reserve life insurance company designated by the Administrator. Each such policy shall be a contract between the insurer and the Trustee, and shall be held by the Trustee as an asset of the Trust.

(a) Premiums and Policy Rights. The Trustee shall pay the premiums on any policy held in the Trust, accumulate dividends, and apply dividends in reduction of premiums. Any dividends payable with respect to any policy as to which there shall be no further premiums due shall be paid in cash to the Trustee and added to the Trust Fund, and allocated to the Participant's account from which the premiums on such policy have been paid. The Trustee shall exercise all rights, options, and benefits provided by any policy or permitted by any insurer with respect to any policy issued by it, including the right to change any provisions which shall become operative upon the retirement of any Participant. No Participant shall have the right to direct the Trustee with respect to any policy held in the Trust on his or her life.

(b) Limitation on Premiums. The aggregate premiums for life insurance in the case of each insured Participant shall be less than fifty percent (50%) of the aggregate of contributions allocated to him or her at any particular time. In addition, such insurance contracts shall be converted entirely to cash at or before retirement or distributed to the Participant upon retirement or any distribution to him prior to retirement.

(c) Beneficiary. The Trustee shall be the named beneficiary of any such policy.

ARTICLE IV
TRANSFER OF INVESTMENT AUTHORITY

4.1 Transfer to Employer or Investment Manager. The Employer may remove from the Trustee and transfer to the Employer or to an Investment Manager the authority and duty to manage, acquire or dispose of all or a portion of the Trust assets. In addition, if such authority

has been transferred to the Employer, it may appoint an Investment Manager to manage, acquire or dispose of all or a portion of the Trust assets.

(a) Transfer to Employer. If the authority to manage, acquire or dispose of trust assets is transferred to the Employer, the Trustee shall follow the written directions of the Employer with respect to the management, acquisition or disposal of trust assets. The Employer may employ such persons or organizations to render advice or perform other services with respect to its responsibilities as it determines to be necessary or appropriate. Such persons or organizations shall not be authorized to direct the Trustee as to investments, and shall have no discretionary authority over the assets of the Trust unless appointed as an Investment Manager.

(b) Investment Manager. If an Investment Manager is appointed by the Employer, the Trustee shall follow the written directions of the Investment Manager with respect to the management, acquisition or disposal of trust assets.

4.2 Self-Directed Accounts. The Administrator may authorize the Participants to select and manage the investment of all or a portion of the assets in their individual Accounts in accordance with the procedure established by the Administrator.

(a) Procedure for Directing Investments. Any Participant or Beneficiary who elects to direct the investment of his or her Accounts shall give investment instructions to the Trustee in writing, or otherwise (if written confirmation of such instructions can be obtained), in such form as the Trustee may require.

(b) Segregation of Accounts. The Trustee shall segregate the designated self-directed Account(s), or the applicable portion, and all earnings, gains, or losses of a Participant's Account(s) shall be allocated to such Account(s).

(c) Investment Expenses. Reasonable expenses incurred in connection with the implementation of investment instructions shall be charged to the Participant's Account(s) in accordance with procedures established by the Administrator.

4.3 Compliance with Investment Instructions. The Trustee shall implement Participant instructions or instructions under Section 4.1 as soon as administratively practical, provided the Trustee may decline to carry out any instructions which it deems inappropriate by virtue of applicable law. In addition, the Trustee may decline to carry out instructions which:

(a) would result in a prohibited transaction, as defined in Code Section 4975;

(b) would generate income that would be taxable to the Plan.

ARTICLE V
SPECIFIC POWERS OF TRUSTEE

The Trustee shall have the full power and authority with respect to any and all assets at any time received or held in Trust, to do all such acts, take all such proceedings, and exercise all such rights and privileges as could be done, taken, or exercised by the absolute owner thereof,

necessary to hold and administer the Trust Funds, including, but without in any way limiting the generality of the foregoing, the following powers and authority:

(a) To sell and exchange with any person any and all assets which from time to time comprise the Trust, at either public or private sale, at such time or times and on such terms and conditions as to credit or otherwise, as the Trustee, in its discretion, may deem appropriate;

(b) To invest and reinvest all or any part of the Trust in such manner as it shall deem advisable, including stocks, bonds, notes, option contracts, listed or unlisted, covered or uncovered, puts and calls, securities, or obligations of any kind, real property wherever situated, annuities, and such other property and investments as the Trustee deems advisable with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

(c) To vote by proxy or otherwise to represent securities and in that connection to delegate such of its discretionary powers as it deems appropriate; to consent as stockholder to any corporate acts it shall deem proper; to participate in any plans or arrangements for the protection or promotion of the interest of stockholders; to pay such sums of money as it deems expedient for the protection of its interests as stockholder; and to retain assets received in lieu of or because of any securities held;

(d) To extend the time for payment of or hold past due any obligations held or any installment thereof; to consent to the modification thereof or waive any defaults thereunder; to compromise, arbitrate, or otherwise adjust claims in favor of or against the Trust; to foreclose upon any security in such manner as it deems proper; to pay such sums of money as it deems expedient for the insurance, protection, maintenance, and repair of property or to redeem property for nonpayment of taxes or any liens; and to lease for such time as the Trustee deems proper, whether within or beyond the termination of the Trust;

(e) To cause investments to be registered in its name as Trustee or in that of its nominee, or to retain investments unregistered and in a form permitting transfer delivery;

(f) To borrow money for any Trust purpose upon such terms and conditions as it deems proper and to obligate the Trust for repayment, and to encumber the Trust or any of its property;

(g) To lend money to any person, including any Participant; provided that loans to Participants shall have been authorized in writing by the Administrator and are in accordance with the provisions of the Plan and Code Section 4975;

(h) To consult with or employ legal counsel of its own selection (who may, but need not be, counsel to the Employer or the Trustee), agents, or independent contractors (to whom it may delegate such ministerial and limited

discretionary duties as it deems fit). The reasonable compensation and fees of such persons shall be chargeable as an expense of the Trust.

If there shall be more than one person serving as Trustee, then the Trustee shall act by a majority of their number. Accordingly, if there shall be more than one person serving as Trustee, the signatures of the majority of their number shall be required in order to carry out an act approved by the Trustee, and the signatures of the majority of their number shall be sufficient evidence that such act is made in accordance with the provisions of this Trust.

ARTICLE VI
FIDUCIARY STANDARDS AND INDEMNIFICATION

6.1 Fiduciary Standards. The Trustee and all other fiduciaries shall discharge their duties with respect to the Trust solely in the interest of the Participants of the Plan. These duties shall be discharged for the exclusive purpose of providing benefits to the Participants.

6.2 Indemnification of Trustee. The Employer shall indemnify and hold harmless the Trustee from and against any and all liabilities, claims, demands, costs and expenses, including attorney's fees, arising out of an alleged breach in the performance of its fiduciary duties under this Agreement and under the laws of the state of California, other than such liabilities, claims, demands, costs and expenses as may result from gross negligence or willful misconduct. The Employer shall have the right, but not the obligation, to conduct the defense of such persons in any proceeding to which this Section applies. In lieu of the foregoing, the Employer may satisfy its obligations under this Section through the purchase of a policy or policies of insurance providing equivalent protection; however, no insurer shall have any rights against the Employer arising out of this Section.

ARTICLE VII
DISTRIBUTIONS

The Trustee shall from time to time make distributions from the Trust Fund in accordance with the written directions of the Administrator. These payments may be made either directly to the person designated by the Administrator or to the Administrator for transmittal to the Participant or Beneficiary. Additionally, the Administrator's directions may provide for the distribution of benefits directly to Participants, retired Participants, and their Beneficiaries, for the purchase of such insurance policies, including annuity contracts, as may be issued by any insurance carrier approved by the Employer. Any annuity contract distributed from the Trust Fund must be nontransferable and the terms of such contract shall comply with the requirements of the Plan.

The Trustee shall not be responsible in any way for the application of such payments, provided that the Trustee complies with the written instructions of the Administrator.

ARTICLE VIII
ACCOUNTING

8.1 Record-Keeping. The Trustee shall maintain accurate and detailed records and accounts of all investments, receipts, disbursements, and other transactions hereunder, and such records shall be available at all reasonable times to inspection by the Administrator or any other person designated by the Administrator.

The Trustee, at the direction of the Administrator, shall submit to the

Administrator any valuations, reports, or other information as the Employer may reasonably require. In the absence of fraud or bad faith, the valuation of the Trust by the Trustee shall be conclusive.

8.2 Annual Account. Within a reasonable period following the close of each Plan Year (or following the close of such period as may be agreed upon by the Trustee and the Administrator), the Trustee shall file with the Administrator a written account setting forth a description of all securities and other property purchased and sold, all receipts, disbursements, and other transactions effected by it during such period, and listing the securities and other property held by it at the end of such period.

The Administrator may approve such account by written notice of approval delivered to the Trustee. Upon receipt of a written approval of the account, such account shall be final and binding, and shall be a full discharge of the Trustee's liability and responsibility to the Employer with respect to the matters set forth in such account.

ARTICLE IX
CHANGE OR ADDITION OF TRUSTEE

9.1 Resignation or Removal. Any persons serving as Trustee may resign or be removed by the Employer at any time upon the giving of thirty (30) days' written notice. Upon such resignation or removal, the Employer, by written designation, shall, if the persons formerly serving as Trustee was the sole person serving as Trustee, and may, if the former persons serving as Trustee was one (1) of two (2) or more persons serving as Trustee, appoint successor persons to serve as Trustee who shall have the same powers and duties as those conferred upon the persons formerly serving as Trustee. Upon acceptance of such appointment by the successor Trustee, the Trustee shall transfer all Trust Funds and property to such successor.

9.2 Accounting. Within sixty (60) days after such transfer, the resigning or removed person formerly serving as sole Trustee shall render to the Administrator an account in the form and manner prescribed for the annual account. The Administrator may approve such account by written notice of approval delivered to the Trustee. Upon receipt of a written approval of the account, such account shall be final and binding, and shall be a full discharge of the liability and responsibility of the person formerly serving as Trustee to the Administrator with respect to the matters set forth in such account.

9.3 Co-Trustee. The Employer at any time may, by written designation, appoint one (1) or more additional persons to serve as Trustee, who shall have the same powers and duties as those conferred upon the Trustee hereunder.

ARTICLE X
FEES AND EXPENSES

10.1 Compensation. The Employer shall reimburse the Trustee for any reasonable expenses incurred in the performance the Trustee's duties and obligations hereunder. An individual serving as Trustee who already receives full-time pay from the Employer shall not receive any compensation for the individual's services as Trustee. With respect to any other person serving as Trustee, the Employer and the Trustee may agree upon in writing, and such person may be paid, reasonable compensation for such person's services as Trustee. Reimbursement of expenses and compensation paid pursuant to this Section 10.1 shall be paid from the Trust Fund unless paid or advanced by the Employer.

10.2 Taxes. All taxes of any kind assessed upon, or in respect of, the Trust Fund shall be paid from the Trust Fund.

ARTICLE XI
AMENDMENT AND TERMINATION

11.1 Amendments. This Agreement, other than Section 11.2, may be amended at any time by written agreement of the Employer and the Trustee; provided, however, that such amendment shall not operate to:

(a) Revest the Trust or any part thereof in the Employer; or

(b) Reduce the amount then held for the benefit of any Participant in the Plan.

11.2 Termination. The Employer intends that this Trust be permanently administered for the benefit of the Participants and this Trust is accordingly irrevocable, but the Employer reserves the right to terminate the Trust by giving written notice to Trustee, and, upon such termination, the Trust shall be distributed as provided by law by the Trustee when directed by the Employer.

ARTICLE XII
GENERAL PROVISIONS

12.1 Governing Law. This Trust will be administered in the State of California, and its validity, construction, and all rights hereunder shall be governed by the laws of the State of California. If any provisions of this Agreement shall be invalid or unenforceable, the remaining provisions shall continue to be fully effective.

12.2 Diversion of Assets. No portion of the assets in the Trust shall revert to or become the property of the Employer or be diverted to purposes other than for the exclusive benefit of any Participant in the Plan or his beneficiaries, except as follows:

(a) In the event a contribution is made due to a mistake of fact, the contribution may upon written direction of the Employer be returned to the Employer within one (1) year of the payment; provided: (1) the amount returned does not exceed the amount which would have not been contributed had there been no mistake of fact; (2) the amount returned does not include earnings attributable to it; (3) the amount returned is reduced by any losses attributable to it; and (4) the individual account of no Participant is reduced by the return of the contribution to less than the amount which would have been in the account had the returned contribution never been made.

(b) Any unallocated balance in a suspense account created under the Plan which cannot be allocated upon the termination of the Plan without exceeding the limitations of Code Section 415 shall be returned to the Employer.

12.3 Spendthrift. No Participant shall have any right to assign, transfer, hypothecate, encumber, commute, or anticipate his or her interest in any benefits under this Trust, and such benefits shall not in any way be subject to any legal process of levy or execution upon, or attachment or garnishment proceedings, against the same for the payment of any claim against

any such person. This prohibition against assignment or alienation of benefits shall not apply to any loan made to a Participant under Section (g) of Article V of this Agreement, if such loan is exempt from the tax imposed by Code Section 4975(d)(1), or to the creation, assignment, or recognition or a right to any benefit pursuant to a qualified domestic relations order, as defined in Code Section 414(p), or any domestic relations order entered into before January 1, 1985.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the Effective Date.

EMPLOYER:

NORTH COUNTY TRANSIT DISTRICT

By: _____
Shawn M. Donaghy
Its: Chief Executive Officer

TRUSTEE:

_____
EUN PARK-LYNCH

_____
KAREN TUCHOLSKI

APPROVED AS TO FORM AND CONTENT:

SELTZER CAPLAN McMAHON VITEK,
A Law Corporation (Attorneys for Employer)

By: _____
Brian M. Katusian, Esq.

APPROVED AS TO FORM AND CONTENT:

NORTH COUNTY TRANSIT DISTRICT

_____
Lori A. Winfree
Deputy Chief Executive Officer and Chief General Counsel

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item # 10

STAFF REPORT

ADOPT RESOLUTION NO. 26-04 APPROVING MODIFICATIONS TO BOARD POLICY NO. 8 – CONFLICT OF INTEREST CODE

Time Sensitive: ☒ **Consent:** ☒

STAFF RECOMMENDATION:

Adopt Resolution No. 26-04 approving North County Transit – San Diego Railroad Board Policy No. 8 – *Conflict of Interest Code*.

BACKGROUND INFORMATION:

Pursuant to Board Policy No. 1 - *General Provisions*, "At least annually, staff will review and suggest revisions to existing North County Transit – San Diego Railroad (NCTD) Board of Directors (Board) Policies, as appropriate, and bring new Board Policies, if appropriate, to the Board for consideration and approval."

Since the Board's last review of Board Policies in October 2025, certain position(s) have been added, and several job title(s) have been updated to reflect operational needs. Accordingly, Board Policy No. 8 – *Conflict of Interest Code* must be updated to reflect those additions and changes.

Staff recommends that the Board adopt Resolution No. 26-04 approving the modifications to Board Policy No. 8 – *Conflict of Interest Code*. If the Board adopts Resolution No. 26-04, Board Policy No. 8 shall supersede all prior policies previously adopted by the Board and will be effective immediately upon adoption.

ATTACHMENT:

10A – Draft Resolution No. 26-04 Approving NCTD Board Policy No. 8
10B – Blacklines of Board Policy No. 8 – *Conflict of Interest Code*
10C – Clean version of Board Policy No. 8 – *Conflict of Interest Code*

FISCAL IMPACT:

This staff report has no fiscal impact.

STAFF CONTACT:

Suheil Rodriguez, Director of Administration/Clerk of the Board
E-mail: srodriguez@nctd.org Phone: 760-966-6696

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

RESOLUTION NO. 26-04
RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY TRANSIT – SAN DIEGO RAILROAD APPROVING MODIFICATIONS TO BOARD POLICY NO. 8 – CONFLICT OF INTEREST CODE

WHEREAS, the North County Transit – San Diego Railroad ("NCTD") Board of Directors ("Board") has adopted Board Policies 1 through 34 to guide the daily operations of NCTD; and

WHEREAS, Board Policy No. 1 states that at least annually, the Board will review such Board Policies as previously adopted; and

WHEREAS, due to certain positions being added, and several job titles that have been updated to reflect operational needs, modifications to Board Policy No. 8 – *Conflict of Interest Code* are required; and

WHEREAS, the Board has reviewed the proposed modifications to this Board Policy, as identified in Exhibit A to this Resolution and set forth in full in Exhibit B to this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of NCTD hereby approves the revised Board Policy No. 8 – *Conflict of Interest Code* set forth in full in Exhibit B to this Resolution.

BE IT FURTHER RESOLVED that insofar as the provisions of any Ordinance, Resolution, document or previous action of the Board and/or the Chief Executive Officer, prior to the date of this Resolution, are inconsistent with the provisions of this Resolution or the policy adopted by this Resolution, this Resolution and the Board Policy adopted herein shall control.

PASSED, APPROVED AND ADOPTED at the Regular Meeting of the Board of Directors of NCTD this 19th day of March 2026.

_____
BOARD CHAIR
North County Transit – San Diego Railroad

CERTIFICATION

I, Suheil Rodriguez, duly appointed and qualified, Clerk of the Board of NCTD, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the NCTD adopted at a legally convened meeting of the Board of Directors of the NCTD held on the 19th day of March 2026.

_____
CLERK OF THE BOARD
North County Transit – San Diego Railroad

DRAFT

RESOLUTION NO. 26-04

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY TRANSIT – SAN DIEGO RAILROAD APPROVING MODIFICATIONS TO BOARD POLICY NO. 8 – *CONFLICT OF INTEREST*

Exhibit A

BLACKLINES MODIFICATIONS

Exhibit B

FINAL VERSION OF NCTD BOARD POLICY NO. 8 – *CONFLICT OF INTEREST*

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Board Policy No. 8
Conflict of Interest Code

Summary

This policy establishes the NCTD Conflict of Interest Code pursuant to the Political Reform Act (Government Code § 81000, et seq.).

Purpose

The Political Reform Act (Government Code § 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission ("FPPC") has adopted 2 Cal. Code of Regulations (hereinafter, "Regulation") § 18730 which contains the terms of a standard conflict of interest code which can be incorporated by reference in an agency's code. After public notice and hearing, Regulation 18730 may be amended by the FPPC to conform to amendments in the Political Reform Act. Therefore, the terms of Regulation 18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference. This incorporation page, Regulation 18730 and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the North County Transit – San Diego Railroad (NCTD).

Government Code § 87306.5 also requires every local government agency to review its Conflict of Interest Code biennially to determine if it is accurate or if the code must be amended. Once the determinations have been made, a notice must be submitted to the code reviewing body pursuant to the biennial review.

All officials set forth in Government Code § 87200 and designated positions shall file their Statement of Economic Interest, also known as the Form 700, with NCTD via the e-file web portal managed by the County of San Diego. Digital copies of such statements are maintained by the Clerk of the County of San Diego Board of Supervisors. The Clerk of the Board will make all digital statements and electronic filings available for public inspection and reproduction during regular business hours (Gov. Code § 81008.)

Officials Who Manage Public Investments

NCTD officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18700.3(b), are not subject to the NCTD's Code, but must file disclosure statements under Government Code § 87200, et seq. (Regs. 18730(b)(3)) These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments. (Note: Individuals holding one of the below-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by 87200):

Board Members and Alternates
Chief Executive Officer/Executive Director
Chief Financial Officer
Financial Consultants

In October 2025, Governor Newsom signed into law Senate Bill 852 (SB852) amending Section 87500 of the Political Reform Act, which establishes California's campaign finance and disclosure laws for designated public officials via a Statement of Economic Interest, or Form 700. Under SB852, "public officials who manage public investments" on behalf of their agency, must now file their Form 700s with the Fair Political Practices Commission (FPPC) using the FPPC's electronic filing system, rather than with the County of San Diego. SB852 will take effect on January 1, 2026.

Disclosure Requirements

A. Public Officials and employees holding positions designated in this Conflict of Interest Code are required to file the initial, annual, and leaving office Statement of Economic Interest for the types of interests in the categories set forth in the applicable Disclosure Categories. It has been determined that these persons make or participate in making decisions, which foreseeably may have a material effect on such financial interests.

B. Where the Disclosure Category requires disclosure of interests in real property, the designated employee is only required to disclose real property which is located in whole or in part within or not more than two miles outside the boundaries of the jurisdiction or within two miles of any land owned or used by NCTD.

C. Where the Disclosure Category requires disclosure of investments or sources of income, the designated employee is only required to disclose investments in business entities and sources of income that do business in the jurisdiction, plan to do business in the jurisdiction, or have done business in the jurisdiction within the past two years. In addition to other activities, a business entity is doing business within the jurisdiction if it owns real property within the jurisdiction.

D. Where the Disclosure Category requires disclosure of business positions, the designated employee is only required to disclose positions of director, officer, partner, employee, or any position of management in organizations or enterprises operated for profit.

Designated Positions Governed by the Conflict of Interest Code

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	**DISCLOSURE CATEGORIES ASSIGNED**
Accountant (All)	5
Accounting Technician	1
Analyst (All)	5

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Architect (All)	2, 3, 5
Asset Administrator (All)	5
Chief General Counsel	1, 2, 3, 4
Chief Development Officer	1, 2
Chief Executive Officer	1, 2, 3, 4, 5, 6
Chief Financial Officer	1, 2, 3, 4, 5, 6
Chief Operating Officer	1, 2
Chief People Officer	1, 2
Chief of Staff	1, 2
Contract Officer (All)	1, 2
Controller	1, 2
Deputy Director/Chief (All)	1, 2
Deputy Chief Executive Officer/Chief General Counsel	1, 2, 3, 4, 5, 6
Deputy Chief General Counsel	1, 2, 3, 4
Director (All)	1, 2
Drug & Alcohol Program Administrator	5
Engineer (All)	5
Engineering Technician	5
Executive Assistant/Deputy Clerk	5
Fare Revenue Specialist	4
Human Resources Business Partner (ALL)	5
Human Resources Specialist	5
Labor Relations Specialist	5
Maintenance-of-Way Supervisor	5, 6
Management Analyst (All)	5
Manager (All)	5
Marketing and Communications Associate (All)	5
Operations Supervisor (All)	5
Paralegal	5
Planner (All)	2, 5
Program Manager (All)	5
Project Analyst (All)	5
Project Administrator	5
Project Manager (All)	5
Project Specialist	5
Quality Control Supervisor (All)	5
Rail Technologies (All)	5

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Recruiter	5
Real Estate Administrator	6
Risk Manager (All)	1, 2, 4
Senior Administrative Assistant/Deputy Clerk	5
Senior Graphic Communications Designer	5
Senior Legal Counsel (All)	1, 2, 3, 4
Senior Right-of-Way Coordinator	6
Staff Attorney (All)	1, 2, 3, 4
System Safety Specialist (All)	5
Telecommunications Engineer	5
Trainer/Instructor (All)	5
Consultants and New Positions	Individuals providing services as a Consultant defined in Regulation 18700.3, or in a new position created since this Code was last approved that makes or participates in making decisions shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation: The Chief Executive Officer may determine that due to the range of duties or contractual obligations, it is more appropriate to assign a limited disclosure requirement. A clear explanation of the duties and a statement of the extent of the disclosure requirements must be in a written document. (Gov. Code §82019; Regulations 18219 and 18734). The Chief Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. (Gov. Code §81008.)

Disclosure Categories

The disclosure categories listed below identify the types of economic interests that the Designated Position must disclose for each disclosure category to which they are assigned. (Note: This Conflict of Interest Code does not require the reporting of gifts from outside NCTD's jurisdiction if

the source does not have some connection with or bearing upon the functions or duties of the position. (Reg.18730.1.)

Category 1: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are located in, do business in, or own real property within the jurisdiction of NCTD.

Category 2: All interests in real property which is located in whole or in part within, or not more than two miles outside the jurisdiction of NCTD.

Category 3: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of NCTD.

Category 4: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by NCTD.

Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Position's department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the Designated Position's department, unit or division.

Approvals

Board Chair	Date
Chief Executive Officer	Date
Deputy Chief Executive Officer/Chief General Counsel	Date

DATE	REVISION NO.	RESOLUTION NO.	COMMENTS
10/18/2012	ADOPTED	12-10	
10/17/2013	1	13-07	2013 REVISION
10/16/2014	2	14-04	2014 REVISION
11/19/2015	3	15-08	2015 REVISION
10/20/2016	4	16-10	2016 REVISION
10/19/2017	5	17-10	2017 REVISION
10/18/2018	6	18-09	2018 REVISION
10/17/2019	7	19-06	2019 REVISION
10/15/2020	8	20-08	2020 REVISION
10/21/2021	9	21-05	2021 REVISION
05/21/2022	10	22-08	2022 REVISION
10/20/2022	11	22-18	2022 REVISION
10/19/2023	12	23-06	2023 REVISION – UPDATE TO POSITION TITLES
06/20/2024	13	24-04	2024 REVISION – UPDATE TO POSITION TITLES
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03/20/2025	15	25-02	2025 REVISIONS – UPDATE TO TITLES, STREAMLINE, AND INCLUDE BUS
10/23/2025	16	25-06	UPDATES TO RETENTION PROCESS FOR DIGITAL FILINGS AND ADDITIONS AND REMOVALS OF POSITIONS SUBJECT TO DISCLOSURE

01/15/2026	17	26-01	ADDITION OF SENATE BILL 852 REQUIREMENTS EFFECTIVE JANUARY 1, 2026
03/19/2026	18	26-03	UPDATES TO POSITION TITLES

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Board Policy No. 8
Conflict of Interest Code

Summary

This policy establishes the NCTD Conflict of Interest Code pursuant to the Political Reform Act (Government Code § 81000, et seq.).

Purpose

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Analyst (All)	5

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Asset Administrator (All)	5
Chief General Counsel	1, 2, 3, 4
Chief Development Officer	1, 2
Chief Executive Officer	1, 2, 3, 4, 5, 6
Chief Financial Officer	1, 2, 3, 4, 5, 6
Chief Operating Officer	1, 2
Chief People Officer	1, 2
Chief of Staff	1, 2
Contract Officer (All)	1, 2
Controller	1, 2
Deputy Director/Chief (All)	1, 2
Deputy Chief Executive Officer/Chief General Counsel	1, 2, 3, 4, 5, 6
Deputy Chief General Counsel	1, 2, 3, 4
Director (All)	1, 2
Drug & Alcohol Program Administrator	5
Engineer (All)	5
Engineering Technician	5
Executive Assistant/Deputy Clerk	5
Fare Revenue Specialist	4
Human Resources Business Partner (ALL)	5
Human Resources Specialist	5
Labor Relations Specialist	5
Maintenance-of-Way Supervisor	5, 6
Management Analyst (All)	5
Manager (All)	5
Marketing and Communications Associate (All)	5
Operations Supervisor (All)	5
Paralegal	5
Planner (All)	2, 5
Program Manager (All)	5
Project Analyst (All)	5
Project Administrator	5
Project Manager (All)	5
Project Specialist	5
Quality Control Supervisor (All)	5
Rail Technologies (All)	5

DESIGNATED EMPLOYEES' TITLE OR FUNCTION	DISCLOSURE CATEGORIES ASSIGNED
Recruiter	5
Real Estate Administrator	6
Risk Manager (All)	1, 2, 4
Senior Administrative Assistant/Deputy Clerk	5
Senior Graphic Communications Designer	5
Senior Legal Counsel (All)	1, 2, 3, 4
Senior Right-of-Way Coordinator	6
Staff Attorney (All)	1, 2, 3, 4
System Safety Specialist (All)	5
Telecommunications Engineer	5
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Disclosure Categories

The disclosure categories listed below identify the types of economic interests that the Designated Position must disclose for each disclosure category to which they are assigned. (Note: This Conflict of Interest Code does not require the reporting of gifts from outside NCTD's jurisdiction if

the source does not have some connection with or bearing upon the functions or duties of the position. (Reg.18730.1.)

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Category 5: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, products, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Position's department, unit or division.

Category 6: All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, subject to the regulatory, permit, or licensing authority of the Designated Position's department, unit or division.

Approvals

Board Chair	Date
Chief Executive Officer	Date
Deputy Chief Executive Officer/Chief General Counsel	Date

DATE	REVISION NO.	RESOLUTION NO.	COMMENTS
10/18/2012	ADOPTED	12-10	
10/17/2013	1	13-07	2013 REVISION
10/16/2014	2	14-04	2014 REVISION
11/19/2015	3	15-08	2015 REVISION
10/20/2016	4	16-10	2016 REVISION
10/19/2017	5	17-10	2017 REVISION
10/18/2018	6	18-09	2018 REVISION
10/17/2019	7	19-06	2019 REVISION
10/15/2020	8	20-08	2020 REVISION
10/21/2021	9	21-05	2021 REVISION
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10/20/2022	11	22-18	2022 REVISION
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10/17/2024	14	24-08	2024 REVISION – UPDATE TO POSITION TITLES
03/20/2025	15	25-02	2025 REVISIONS – UPDATE TO TITLES, STREAMLINE, AND INCLUDE BUS
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03/19/2026	18	26-03	UPDATES TO POSITION TITLES

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item # 11

STAFF REPORT

ADOPT RESOLUTION NO. 26-05 APPROVING MODIFICATIONS TO BOARD POLICY NO. 10 – CASH RESERVE FUNDS

Time Sensitive: ☒ **Consent:** ☒

STAFF RECOMMENDATION:

Adopt Resolution No. 26-05 approving modifications to North County Transit – San Diego Railroad (NCTD) Board Policy No. 10 – *Cash Reserve Funds*.

BACKGROUND INFORMATION:

Pursuant to Board Policy No. 1 - *General Provisions*, "At least annually, staff will review and suggest revisions to existing NCTD Board of Directors (Board) Policies, as appropriate, and bring new Board Policies, if appropriate, to the Board for consideration and approval."

Since the Board's last review of the Board Policies in October 2025, NCTD increased its Self-Insured Retention (SIR) cash reserve fund. The increase to the General/Public Liability reserve was driven by NCTD's increased reliance on international insurance carriers to satisfy the federal liability insurance requirement of $323 million.

Maintaining the prior reserve level of $2 million would have required NCTD to obtain additional commercial insurance coverage to meet the federal requirement, resulting in an estimated premium increase of approximately $1 million annually. Increasing the SIR reserve allows NCTD to continue meeting the federal liability coverage requirement while avoiding these additional insurance costs and maintaining a financially prudent risk-management approach.

Accordingly, Board Policy No. 10 – *Cash Reserve Funds* is being updated to reflect the revised reserve level and ensure that the policy remains consistent with NCTD's current insurance structure and risk financing strategy.

Staff recommends that the Board adopt Resolution No. 26-05 approving the modifications to Board Policy No. 10 – *Cash Reserve Funds*. If the Board adopts Resolution No. 26-05, Board Policy No. 10 shall supersede all prior policies previously adopted by the Board and will be effective immediately upon adoption.

ATTACHMENT:

11A – Draft Resolution No. 26-05 Approving NCTD Board Policy No. 10
11B – Blacklines of Board Policy No. 10 – *Cash Reserve Funds*
11C – Clean version of Board Policy No. 10 – *Cash Reserve Funds*

FISCAL IMPACT:

This staff report has no fiscal impact.

STAFF CONTACT:

Lori A. Winfree, Deputy Chief Executive Officer and Chief General Counsel
E-mail: lwinfree@nctd.org Phone: 760-966-6532

ATTACHMENT 11A

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

RESOLUTION NO. 26-05
RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY TRANSIT DISTRICT APPROVING MODIFICATIONS TO BOARD POLICY NO. 10 – CASH RESERVE FUNDS

WHEREAS, the North County Transit District, operating under and pursuant to Public Utilities Code sections 125000, et seq., as North County Transit – San Diego Railroad ("NCTD") Board of Directors ("Board") has adopted Board Policies 1 through 34 to guide the daily operations of NCTD; and

WHEREAS, Board Policy No. 1 states that at least annually, the Board will review such Board Policies as previously adopted; and

WHEREAS, since the Board's last review of Board Policy No. 10 – *Cash Reserve Funds*, NCTD has increased its Self-Insured Retention (SIR) cash reserve fund for General/Public Liability in order to support NCTD's current insurance structure and maintain compliance with federal liability insurance requirements; and

WHEREAS, maintaining the prior reserve level would have required NCTD to obtain additional commercial insurance coverage at a significantly higher premium cost; and

WHEREAS, updates to Board Policy No. 10 – *Cash Reserve Funds* are necessary to reflect the revised SIR reserve level and ensure that the policy accurately aligns with NCTD's current risk management and insurance strategy;

WHEREAS, the Board has reviewed the proposed modifications to this Board Policy, as identified in Exhibit A to this Resolution and set forth in full in Exhibit B to this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of NCTD hereby approves the revised Board Policy No. 10 – *Cash Reserve Fund* set forth in full in Exhibit B to this Resolution.

BE IT FURTHER RESOLVED that insofar as the provisions of any Ordinance, Resolution, document or previous action of the Board and/or the Chief Executive Officer, prior to the date of this Resolution, are inconsistent with the provisions of this Resolution or the policy adopted by this Resolution, this Resolution and the Board Policy adopted herein shall control.

PASSED, APPROVED AND ADOPTED at the Regular Meeting of the Board of Directors of NCTD this 19th day of March 2026.

_____
BOARD CHAIR
North County Transit District

DRAFT

CERTIFICATION

I, Suheil Rodriguez, duly appointed and qualified, Clerk of the Board of NCTD, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of the NCTD adopted at a legally convened meeting of the Board of Directors of the NCTD held on the 19th day of March 2026.

CLERK OF THE BOARD
North County Transit District

RESOLUTION NO. 26-05

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORTH COUNTY TRANSIT – SAN DIEGO RAILROAD APPROVING MODIFICATIONS TO BOARD POLICY NO. 10 – *CASH RESERVE FUNDS*

Exhibit A

BLACKLINES MODIFICATIONS

Exhibit B

MODIFICATIONS TO NCTD BOARD POLICY NO. 10 – *CASH RESERVE FUNDS*

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Board Policy No. 10
Cash Reserve Funds

Summary

This policy establishes the guidelines for minimum cash reserve funds required at the North County Transit – San Diego Railroad (NCTD), including target balances and anticipated uses pursuant to Resolution No. 19-06, dated October 17, 2019.

Establishing a minimum cash reserve fund (or preparing for a "rainy day") allows NCTD to deal with unforeseen and/or high-priority situations which could not otherwise be funded in the near term. This cash reserve fund policy is based on prudent financial management.

Required Cash Reserve Funds

a. Minimum Cash Reserve Fund

NCTD should maintain a minimum working capital balance (current assets less current liabilities as presented in the Statement of Net Position) of the lower of $15 million or 15 percent of the annually budgeted operating expenditures. Working capital must include free cash of at least $15 million or 15 percent of the annually budgeted operating expenditures, whichever is lower. Free cash is defined as total cash and marketable investments less current unearned grant revenues, which are advances received by NCTD from state and local grants for capital projects that are anticipated to be spent in the following twelve months. NCTD is not required to maintain a separate bank account for the Minimum Cash Reserve Fund and can be included in the total cash balance as presented in the Statement of Net Position.

b. Self-Insured Retention Cash Reserve Fund

NCTD shall maintain an additional $~~3~~6,600,000 free cash reserve fund to cover the following:

Purpose	Amount Reserved
General/Public Liability	$ ~~2~~5,000,000
Workers' Compensation	$750,000
Non-Rail Property Damage	$100,000
Rail Property Damage	$750,000
Total	$ ~~3~~6,600,000

NCTD is not required to maintain a separate bank account for the Self-Insured Retention Cash Reserve Fund and can be included in the total cash balance as presented in the Statement of Net Position.

Board Policy No. 10 – Cash Reserve Funds

Anticipated Uses

In the event of unanticipated and unusual financial circumstances, including but not limited to spikes in the cost of fuel or other materials; urgent, high-priority needs; and unforeseen withdrawal or cutback of a revenue source, NCTD will propose an operating budget amendment per Board Policy No. 17 - *Budget Development.*

In the event that the balance of the Minimum Cash Reserve Fund falls below the threshold under II(a) as result of the operating budget amendment, NCTD will request approval from the Board to reduce the balance of the Minimum Cash Reserve Fund during the operating budget amendment process.

Approvals

Board Chair	Date
Chief Executive Officer	Date
Deputy Chief Executive Officer/Chief General Counsel	Date

Board Policy No. 10 – Cash Reserve Funds

DATE	REVISION NO.	RESOLUTION NO.	COMMENTS
10/18/2012	ADOPTED	12-10	
10/17/2013	1	13-07	2013 REVISION
10/16/2014	2	14-04	2014 REVISION
11/19/2015	3	15-08	2015 REVISION
1/21/2016	4	16-02	2016 REVISION
6/16/2016	5	16-08	2016 REVISION
10/20/2016	6	16-10	2016 REVISION
10/19/2017	7	17-10	2017 REVISION
10/17/2019	8	19-06	POLICY DELETED IN ITS ENTIRETY AND REPLACED WITH NEW POLICY
10/20/2022	9	22-18	2022 REVISION
10/17/2024	10	24-08	2024 REVISION: UPDATES TO POSITION TITLES
10/23/2025	11	25-06	2025 REVISION: AMOUNT INCREASE FOR NON-RAIL PROPERTY DAMAGE AND POSITION TITLES
03/19/2026	12	26-~~XXX~~05	2026 REVISION: INCREASE IN SELF-INSURED RETENTION CASH RESERVE FUND FOR GENERAL/PUBLIC LIABILITY

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Board Policy No. 10
Cash Reserve Funds

Summary

This policy establishes the guidelines for minimum cash reserve funds required at the North County Transit – San Diego Railroad (NCTD), including target balances and anticipated uses pursuant to Resolution No. 19-06, dated October 17, 2019.

Establishing a minimum cash reserve fund (or preparing for a "rainy day") allows NCTD to deal with unforeseen and/or high-priority situations which could not otherwise be funded in the near term. This cash reserve fund policy is based on prudent financial management.

Required Cash Reserve Funds

a. Minimum Cash Reserve Fund

NCTD should maintain a minimum working capital balance (current assets less current liabilities as presented in the Statement of Net Position) of the lower of $15 million or 15 percent of the annually budgeted operating expenditures. Working capital must include free cash of at least $15 million or 15 percent of the annually budgeted operating expenditures, whichever is lower. Free cash is defined as total cash and marketable investments less current unearned grant revenues, which are advances received by NCTD from state and local grants for capital projects that are anticipated to be spent in the following twelve months. NCTD is not required to maintain a separate bank account for the Minimum Cash Reserve Fund and can be included in the total cash balance as presented in the Statement of Net Position.

b. Self-Insured Retention Cash Reserve Fund

NCTD shall maintain an additional $6,600,000 free cash reserve fund to cover the following:

Purpose	Amount Reserved
General/Public Liability	$ 5,000,000
Workers' Compensation	$750,000
Non-Rail Property Damage	$100,000
Rail Property Damage	$750,000
Total	$ 6,600,000

NCTD is not required to maintain a separate bank account for the Self-Insured Retention Cash Reserve Fund and can be included in the total cash balance as presented in the Statement of Net Position.

Board Policy No. 10 – Cash Reserve Funds

Anticipated Uses

In the event of unanticipated and unusual financial circumstances, including but not limited to spikes in the cost of fuel or other materials; urgent, high-priority needs; and unforeseen withdrawal or cutback of a revenue source, NCTD will propose an operating budget amendment per Board Policy No. 17 - *Budget Development.*

In the event that the balance of the Minimum Cash Reserve Fund falls below the threshold under II(a) as result of the operating budget amendment, NCTD will request approval from the Board to reduce the balance of the Minimum Cash Reserve Fund during the operating budget amendment process.

Approvals

Board Chair	Date
Chief Executive Officer	Date
Deputy Chief Executive Officer/Chief General Counsel	Date

Board Policy No. 10 – Cash Reserve Funds

DATE	REVISION NO.	RESOLUTION NO.	COMMENTS
10/18/2012	ADOPTED	12-10	
10/17/2013	1	13-07	2013 REVISION
10/16/2014	2	14-04	2014 REVISION
11/19/2015	3	15-08	2015 REVISION
1/21/2016	4	16-02	2016 REVISION
6/16/2016	5	16-08	2016 REVISION
10/20/2016	6	16-10	2016 REVISION
10/19/2017	7	17-10	2017 REVISION
10/17/2019	8	19-06	POLICY DELETED IN ITS ENTIRETY AND REPLACED WITH NEW POLICY
10/20/2022	9	22-18	2022 REVISION
10/17/2024	10	24-08	2024 REVISION: UPDATES TO POSITION TITLES
10/23/2025	11	25-06	2025 REVISION: AMOUNT INCREASE FOR NON-RAIL PROPERTY DAMAGE AND POSITION TITLES
03/19/2026	12	26-05	2026 REVISION: INCREASE IN SELF-INSURED RETENTION CASH RESERVE FUND FOR GENERAL/PUBLIC LIABILITY

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item # 12

STAFF REPORT

ADOPT RESOLUTION NO. 26-06 AUTHORIZING THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES AND AUTHORIZED AGENT FORMS FOR THE STATE RAIL ASSISTANCE PROGRAM

Time Sensitive: ☐ **Consent:** ☒

STAFF RECOMMENDATION:

Adopt Resolution No. 26-06 authorizing the Execution of the Certifications and Assurances and Authorized Agent Forms for the State Rail Assistance Program.

BACKGROUND INFORMATION:

Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017, created the State Rail Assistance Program (SRA) by directing a portion of new revenue specifically to intercity rail and commuter rail services. Public Utilities Code (PUC) section 99312.3 continuously appropriates the revenue received from a 0.5% sales tax on diesel fuel to the SRA Program. PUC section 99312.3 directs 50% of SRA to intercity rail agencies and 50% to commuter rail agencies like North County Transit - San Diego Railroad (NCTD). The SRA Program provides an equal distribution of the first $17.5 million of commuter rail annual revenues among the five commuter rail agencies, with the remaining revenue allocated based on National Transit Database-reported service statistics. NCTD's approximate total allocation for Fiscal Year (FY) 2026 is $4.3 million. Funding can be used for capital and/or operations.

On June 26, 2025, NCTD's Board of Directors (Board), adopted the Proposed FY2026 Operating Budget, which included revenue estimates from SRA to support existing COASTER operating expenses, including but not limited to: wages and benefits for train engineers, conductors, and dispatchers; fuel; vehicle maintenance costs; train station maintenance costs; COASTER operations and maintenance facilities costs; and Positive Train Control.

Staff recommends that the Board adopt resolution No. 26-06 authorizing the execution of the Certifications and Assurances and Authorized Agent Forms to fund ongoing COASTER operations. Board adoption of Resolution 26-06 is required for NCTD to receive the funds from the State Rail Assistance Program.

ATTACHMENT:

12A - Resolution No. 26-06 Authorization to Execute the Certifications and Assurances and Authorized Agent Forms for the State Rail Assistance Program for Existing COASTER Operations ($4.3 million)

FISCAL IMPACT:

There is no direct fiscal impact with adoption of this Board resolution; however, Board adoption of this resolution is required for receiving funding under the State Rail Assistance Program.

COMMITTEE REVIEW:

None

STAFF CONTACT:

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

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

RESOLUTION NO. 26-06

AUTHORIZATION TO EXECUTE THE CERTIFICATIONS AND ASSURANCES AND AUTHORIZED AGENT FORMS FOR THE STATE RAIL ASSISTANCE PROGRAM FOR EXISTING COASTER OPERATIONS ($4.3 MILLION)

WHEREAS, the North County Transit District, operating under and pursuant to Public Utilities Code sections 125000, et seq., as North County Transit – San Diego Railroad ("NCTD"), is an eligible project sponsor and may receive state funding from State Rail Assistance (SRA) now or sometime in the future for transit projects;

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, Senate Bill 1 (2017) named the California State Transportation Agency (CalSTA) as the administrative agency for SRA; and

WHEREAS, CalSTA has developed guidelines for the purpose of administering and distributing SRA funds to eligible project sponsors (local agencies); and

WHEREAS, NCTD wishes to delegate authorization to execute these documents and any amendments thereto to Shawn M. Donaghy, Chief Executive Officer, and his designees;

WHEREAS, NCTD wishes to implement the SRA project listed above,

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of NCTD that the fund recipient agrees to comply with all conditions and requirements set forth in the Certification and Assurances and the Authorized Agent documents and applicable statutes, regulations and guidelines for all SRA funded transit projects.

NOW THEREFORE, BE IT FURTHER RESOLVED that Shawn M. Donaghy, Chief Executive Officer, be authorized to execute all required documents of the SRA program and any Amendments thereto with the California Department of Transportation.

NOW THEREFORE, BE IT FURTHER RESOLVED that Shawn M. Donaghy, Chief Executive Officer has designated the following positions as NCTD Authorized Agents for the SRA program and any Amendments thereto with the California Department of Transportation:

Eun Park-Lynch, Chief Financial Officer
Pete Kovacevic, Accounting Manager – Projects & Grants

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of NCTD that it hereby authorizes the submittal of the following project nomination and allocation request to the CalSTA in FY 2025-26 SRA funds:

Project Name: COASTER Operations Expenses

Amount of SRA funds requested: $4,318,189

Description of project: SRA Funding will be used for operating expenses for existing COASTER service.

Benefit to a Priority Populations: The project supports continued reliable rail service that connects North San Diego County communities with regional employment, education, and transit hubs. Maintaining reliable service benefits disadvantaged and low-income communities that rely on transit for travel and reduces greenhouse gas emissions by encouraging public transit. Reliable rail operations also support economic activity and regional mobility.

PASSED, APPROVED AND ADOPTED at the regular meeting of the Board of Directors of NCTD this 19th day of March 2026.

_____
BOARD CHAIR
North County Transit District

CERTIFICATION

I, Suheil Rodriguez, duly appointed and qualified, Clerk of the Board of the NCTD, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Board of Directors of NCTD adopted at a legally convened meeting of the Board of Directors of NCTD held on the 19th day of March 2026.

_____
CLERK OF THE BOARD
North County Transit District

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

RESOLUTION NO. 26-06

AUTHORIZATION TO EXECUTE THE CERTIFICATIONS AND ASSURANCES AND AUTHORIZED AGENT FORMS FOR THE STATE RAIL ASSISTANCE PROGRAM FOR EXISTING COASTER OPERATIONS ($4.3 MILLION)

Exhibit A

State Rail Assistance Program (SRA)
Certifications and Assurances

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Certifications & Assurances
2025-26

Lead Agency: North County Transit District

Project Title: COASTER Operations Expenses

Prepared by: North County Transit District

The California State Transportation Agency (CalSTA) has adopted the following Certifications and Assurances for State Rail Assistance (SRA). As a condition of the receipt of SRA funds, the Lead Agency lead must comply with these terms and conditions.

A. General

1. The Lead Agency agrees to abide by the current SRA Guidelines and applicable legal requirements.
2. The Lead Agency must submit to CalSTA a signed Authorized Agent form designating the representative who can submit documents on behalf of the project sponsor and a copy of the board resolution appointing the Authorized Agent

B. Project Administration

1. The Lead Agency certifies that required environmental documentation (if applicable) is complete before requesting an allocation of SRA funds. The Lead Agency assures that projects approved for SRA funding comply with Public Resources Code § 21100 and § 21150.
2. Separate bank accounts are not maintained for SRA funds; however, the Lead Agency certifies that it has the accounting procedures in place to properly allocate interest earned on SRA surplus funds.
3. The Lead Agency certifies that when SRA funds are used for a transit capital project, that the project will be completed and remain in operation for its useful life.
4. The Lead Agency certifies that it has the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of that project.
5. The Lead Agency certifies that they will notify CalSTA of pending litigation, dispute, or negative audit findings related to the project, before receiving an allocation of funds.
6. The Lead Agency must maintain satisfactory continuing control over the use of project equipment and facilities and will adequately maintain project equipment and facilities for the useful life of the project.
7. Any interest the Lead Agency earns on SRA funds must be used only on approved SRA projects.

8. The Lead Agency must notify CalSTA of any changes to the approved project with a Corrective Action Plan (CAP).

9. Under extraordinary circumstances, a Lead Agency may terminate a project prior to completion. In the event the Lead Agency terminates a project prior to completion, the Lead Agency must (1) contact CalSTA in writing and follow-up with a phone call verifying receipt of such notice; (2) pursuant to verification, submit a final report indicating the reason for the termination and demonstrating the expended funds were used on the intended purpose; (3) submit a request to reassign the funds to a new project within 180 days of termination.

10. Funds must be encumbered and liquidated within the time allowed.

C. Reporting

1. The Lead Agency must submit the following SRA reports:
    a. Semi-Annual Progress Reports by August 15th and February 15th.
    b. A Final Report within six months of project completion.

D. Record Retention

1. The Lead Agency agrees, and will assure that its contractors and subcontractors shall establish and maintain an accounting system and records that properly accumulate and segregate incurred project costs and matching funds by line item for the project. The accounting system of the Lead Agency, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles (GAAP), and enable the determination of incurred costs at interim points of completion. All accounting records and other supporting papers of the Lead Agency, its contractors and subcontractors connected with SRA funding shall be maintained for a minimum of three (3) years after the "Project Closeout" report, and shall be held open to inspection, copying, and audit by representatives of the State and the California State Auditor. Copies thereof will be furnished by the Lead Agency, its contractors, and subcontractors upon receipt of any request made by the State or its agents. In conducting an audit of the costs claimed, the State will rely to the maximum extent possible on any prior audit of the Lead Agency pursuant to the provisions of federal and State law. In the absence of such an audit, any acceptable audit work performed by the Lead Agency's external and internal auditors may be relied upon and used by the State when planning and conducting additional audits.

2. For the purpose of determining compliance with Title 21, California Code of Regulations, Section 2500 et seq., when applicable, and other matters connected with the performance of the Lead Agency's contracts with third parties pursuant to Government Code § 8546.7, the project sponsor, its contractors and subcontractors and the State shall each maintain and make available for inspection all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts. All of the above referenced parties shall make such materials available at their respective offices at all reasonable times during the entire project period and for three (3) years from the date of final payment. The State, the California State Auditor, or any duly authorized

representative of the State, shall each have access to any books, records, and documents that are pertinent to a project for audits, examinations, excerpts, and transactions, and the Lead Agency lead shall furnish copies thereof if requested.

3. The Lead Agency, its contractors and subcontractors will permit access to all records of employment, employment advertisements, employment application forms, and other pertinent data and records by the State Fair Employment Practices and Housing Commission, or any other agency of the State of California designated by the State, for the purpose of any investigation to ascertain compliance with this document.

F. Special Situations

CalSTA may perform an audit and/or request detailed project information of the project sponsor's SRA funded projects at CalSTA discretion at any time prior to the completion of the SRA funded project.

I certify all of these conditions will be met.

Shawn M. Donaghy	Chief Executive Officer
(Print Authorized Agent)	*(Title)*
(Signature)	*(Date)*

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

RESOLUTION NO. 26-06

AUTHORIZATION TO EXECUTE THE CERTIFICATIONS AND ASSURANCES AND AUTHORIZED AGENT FORMS FOR THE STATE RAIL ASSISTANCE PROGRAM FOR EXISTING COASTER OPERATIONS ($4.3 MILLION)

Exhibit B

State Rail Assistance Program (SRA)
Authorized Agent Form

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Authorized Agent
State Rail Assistance
2025-26

AS THE Chief Executive Officer
(Chief Executive Officer/Director/President/Secretary)

OF THE North County Transit – San Diego Railroad
(Name of County/City Organization)

I hereby authorize the following individual(s) to execute for and on behalf of the named Regional Entity/Transit Operator, any actions necessary for the purpose of obtaining State Rail Assistance (SRA) funds provided by CalSTA. I understand that if there is a change in the authorized agent, the project sponsor must submit a new form. This form is required even when the authorized agent is the executive authority himself. I understand the Board must provide a resolution approving the Authorized Agent. The Board Resolution appointing the Authorized Agent is attached.

Eun Park-Lynch, Chief Financial Officer *OR*
(Name and Title of Authorized Agent)

Pete Kovacevic, Accounting Manager – Projects & Grants *OR*
(Name and Title of Authorized Agent)

Shawn M. Donaghy — Chief Executive Officer
(Print Name) — *(Title)*

(Signature)

Approved this 19th *day of* March *20* 26

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item #
13

STAFF REPORT

APPROVE REVISED FY2026 NON-REPRESENTED AND REPRESENTED CLASSIFICATION AND COMPENSATION SCHEDULES

Time Sensitive: ☒ **Consent:** ☒

STAFF RECOMMENDATION:

Approve revisions to the FY2026 Classification and Compensation Schedule.

BACKGROUND INFORMATION:

North County Transit – San Diego Railroad (NCTD) is required to maintain a Classification and Compensation Schedule for its represented and non-represented positions that must be approved by the NCTD Board of Directors (Board). The schedule consists of individual pay grades that are grouped within career bands, which reflect progressively increasing levels of responsibility and scope of authority. The Classification and Compensation Schedules are approved by the Board as part of the annual fiscal operating budget approval process and are subject to updates throughout the fiscal year (FY) based on position changes and operational needs.

Since the approval of the revision to the FY2026 Classification and Compensation Schedule at the December 18, 2025 Board of Directors Meeting (Agenda Item No. 7), updates to several non-represented and represented positions have occurred as NCTD continues to optimize its resources. Accordingly, the Classification and Compensation Schedules must be updated to remain current.

The following position is proposed to be **added** to the FY2026 Classification and Compensation Schedule:

Grade	Classification
B03	Document Control Coordinator

The following position is proposed to be **reclassified** to the FY2026 Classification and Compensation Schedule:

Grade	Classification
C05	Project Manager (formerly C04)
D02	Senior Manager (formerly Manager – Operations – All)
RB02	Inventory Clerk (formerly RB01 Warehouse Clerk)
RB04	Road Supervisor/Dispatch Supervisor (formerly RB03)
RB05	Body Technician III (formerly RB04)
RB05	Fleet Technician III (formerly RB04)
RB05	Electronics Technician (formerly RB04)

Staff recommends that the Board approve the revisions to the FY2026 Classification and Compensation Schedule. Should the Board approve these revisions, the updated FY2026 Classification and Compensation Schedule will be posted to NCTD's website.

ATTACHMENT:	13A – FY2026 Non-Represented Classification Salary Range Table 13B – FY2026 Represented Classification Salary Range Table
FISCAL IMPACT:	This staff report has no fiscal impact.
COMMITTEE REVIEW:	None
STAFF CONTACT:	**Adrienne Johnson, Deputy Chief People Officer** E-mail: ajohnson@nctd.org Phone: 760-966-6776

ATTACHMENT 13A

North County Transit - San Diego Railroad
REVISED FY 2026 CLASSIFICATION SALARY RANGE TABLE (July 1, 2025 - June 30, 2026)

Class No	POSITION CLASSIFICATIONS	HOURLY SALARY RANGE Minimum	Midpoint	Maximum	ANNUAL SALARY RANGES Minimum	Midpoint	Maximum
A01	**CLASS SALARY RANGE.....**	$16.44	$19.73	$23.02	$34,203.42	$41,044.10	$47,884.78
	Intern						
A02	**CLASS SALARY RANGE.....**	$18.28	$21.94	$25.59	$38,024.00	$45,628.79	$53,233.58
	Receptionist						
B01	**CLASS SALARY RANGE.....**	$18.57	$23.12	$27.68	$38,616.76	$48,094.42	$57,572.08
	Customer Experience Assistant						
B02	**CLASS SALARY RANGE.....**	$22.01	$27.52	$33.02	$45,790.60	$57,232.47	$68,674.33
	Accounting Technician I						
	Administrative Assistant						
	Eligibility and Administrative Coordinator						
	Fare Revenue Specialist						
	Human Resources Coordinator						
	Payroll Assistant						
	Senior Customer Experience Assistant						
B03	**CLASS SALARY RANGE.....**	$24.66	$31.23	$37.80	$51,283.06	$64,953.40	$78,623.72
	Accounting Technician II						
	Document Control Coordinator						
	Grants Analyst						
	Paratransit Scheduler						
	Payroll Specialist I						
	Senior Administrative Assistant						
	Transit Clerk						
B04	**CLASS SALARY RANGE.....**	$30.77	$39.58	$46.15	$63,993.49	$82,319.91	$95,990.23
	Help Desk Administrator I						
	Information Technology Technician I						
	Payroll Specialist II						
B05	**CLASS SALARY RANGE.....**	$37.31	$48.49	$59.68	$77,596.69	$100,861.00	$124,125.30
	Help Desk Administrator II						
	Information Technology Technician II						
C01	**CLASS SALARY RANGE.....**	$30.53	$38.17	$45.80	$63,508.02	$79,385.03	$95,262.03
	Asset Administrator I						
	Graphic Communication Designer						
	Human Resources Specialist						
	Information Technology Project Coordinator						
	Management Analyst I						

North County Transit - San Diego Railroad
REVISED FY 2026 CLASSIFICATION SALARY RANGE TABLE (July 1, 2025 - June 30, 2026)

Class No	POSITION CLASSIFICATIONS	HOURLY SALARY RANGE Minimum	Midpoint	Maximum	ANNUAL SALARY RANGES Minimum	Midpoint	Maximum
	Operations Instructor						
	Planner						
	Quality Control Supervisor						
	Real Estate Administrator						
	Staff Accountant						
C02	**CLASS SALARY RANGE.....**	$32.85	$41.05	$49.25	$68,318.56	$85,376.14	$102,433.71
	Administrative Analyst						
	Associate Project Manager						
	Engineering Technician I						
	Grants Coordinator/Government Affairs						
	IT Software Training Specialist						
	Marketing & Communications Associate I						
	Procurement Contracting Officer						
	Quality Assurance/Quality Control Specialist						
	Senior Accountant I						
	Senior Planner						
	Senior Quality Control Supervisor						
	Senior Real Estate Administrator						
	Senior Right of Way Coordinator						
	Systems Engineer I						
C03	**CLASS SALARY RANGE.....**	$38.35	$49.01	$59.68	$79,771.19	$101,948.25	$124,125.30
	Asset Administrator II						
	Engineering Technician II						
	Executive Assistant/Deputy Clerk						
	Field Safety Specialist						
	General Services Supervisor						
	Human Resources Business Partner						
	Labor Relations Specialist						
	Maintenance Supervisor						
	Management Analyst II						
	Operations Supervisor (All)						
	Project Analyst						
	Recruiter						
	Senior Accountant II						
	Senior Financial Analyst						

North County Transit - San Diego Railroad
REVISED FY 2026 CLASSIFICATION SALARY RANGE TABLE (July 1, 2025 - June 30, 2026)

Class No	POSITION CLASSIFICATIONS	HOURLY SALARY RANGE Minimum	Midpoint	Maximum	ANNUAL SALARY RANGES Minimum	Midpoint	Maximum
	Senior Graphic Communications Designer						
	Senior Marketing and Communications Associate						
	Senior Procurement Contracting Officer						
	Senior Strategic Planner						
	System Safety & Compliance Inspector						
	Systems Engineer II						
	Training Analyst						
C04	**CLASS SALARY RANGE.....**	$39.76	$53.16	$66.56	$82,706.06	$110,576.33	$138,446.61
	Business Intelligence Analyst						
	Paralegal						
	Principal Contracting Officer						
	Senior Human Resources Business Partner						
	Senior Operations Instructor						
	Senior Project Analyst						
	Senior Systems Engineer I						
	Senior Trainer						
	Senior Training Analyst						
	Technical Trainer						
	Telecommunications Engineer						
	Transit On-Boards Systems Technician						
C05	**CLASS SALARY RANGE.....**	$46.79	$63.69	$81.59	$97,314.24	$132,484.69	$169,715.14
	Architect I						
	Civil Engineer I						
	Drug & Alcohol Program Administrator						
	Facilities Engineer						
	Program Manager						
	Project Manager						
	Rail Structures Engineer						
	Safety Trainer						
	Senior Network Engineer						
	Senior Quality Control Supervisor - Signals						
	Senior Systems Engineer II						
	Supervisor of Rail Operations						
	Supervisor, Maintenance of Equipment						
	System Safety Specialist (All)						

North County Transit - San Diego Railroad
REVISED FY 2026 CLASSIFICATION SALARY RANGE TABLE (July 1, 2025 - June 30, 2026)

Class No	POSITION CLASSIFICATIONS	HOURLY SALARY RANGE Minimum	Midpoint	Maximum	ANNUAL SALARY RANGES Minimum	Midpoint	Maximum
C06	**CLASS SALARY RANGE.....**	$58.69	$76.29	$93.90	$122,073.10	$158,692.82	$195,312.53
	Architect II						
	Civil Engineer II						
	Program Network Operations Manager						
	Senior Rail Engineer						
	Senior Systems Engineer III						
D01	**CLASS SALARY RANGE.....**	$42.70	$57.27	$71.84	$88,807.40	$119,121.62	$149,435.83
	Maintenance of Way Supervisor						
	Manager (All)						
	Principal Management Analyst						
D02	**CLASS SALARY RANGE.....**	$58.69	$76.29	$93.90	$122,073.10	$158,692.82	$195,312.53
	Senior Manager (All)						
D03	**CLASS SALARY RANGE.....**	$66.10	$86.85	$107.60	$137,496.88	$180,648.46	$223,800.04
	Controller						
	Director (All)						
	Staff Attorney (All)						
E01	**CLASS SALARY RANGE.....**	$73.53	$97.41	$121.29	$152,940.91	$202,605.59	$252,288.81
	Deputy Chief (All)						
	Senior Legal Counsel						
E02	**CLASS SALARY RANGE.....**	$101.41	$122.15	$152.12	$210,935.78	$254,081.73	$316,403.66
	Chief Development Officer						
	Chief Financial Officer						
	Chief of Staff						
	Chief Operating Officer						
	Deputy General Counsel						
E03	**CLASS SALARY RANGE.....**	$109.85	$135.65	$171.35	$228,481.75	$282,141.77	$356,401.81
	Deputy Chief Executive Officer						
BOARD -GC	**CLASS SALARY RANGE.....**	$116.85	$142.10	$179.51	$217,780.87	$295,577.09	$373,373.32
	Deputy Chief Executive Officer /Chief General Counsel						
BOARD-CEO	**CLASS SALARY RANGE.....**	$135.99	$176.78	$217.58	$282,851.21	$367,708.78	$452,566.36
	Chief Executive Officer						

Revision Date 10/23/2025
Adoption Date:
Total Count 122

ATTACHMENT 13B

North County Transit - San Diego Railroad (NCTD)
REVISED FY 2026 CLASSIFICATION SALARY RANGE TABLE (July 1, 2025 - June 30, 2026)

Class No	POSITION CLASSIFICATIONS	HOURLY SALARY RANGE			ANNUAL SALARY RANGES		
		Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum
RA01	**CLASS SALARY RANGE.....**	$16.44	$19.73	$23.02	$34,203.42	$41,044.10	$47,884.78
RA02	**CLASS SALARY RANGE.....**	$18.28	$21.94	$25.59	$38,024.00	$45,628.79	$53,233.58
RB01	**CLASS SALARY RANGE.....**	$18.57	$23.12	$27.68	$38,616.76	$48,094.42	$57,572.08
	Control Center Technician						
	Facility Maintenance Technician I						
	Facility Custodian						
	Facilities Technician I (Bus Ops)						
	Reservationist						
	Train Attendant (SPRINTER Ops)						
RB02	**CLASS SALARY RANGE.....**	$22.01	$27.52	$33.02	$45,790.60	$57,232.47	$68,674.33
	Coach Operator						
	Code Compliance Inspector						
	Demand Response Driver						
	Facility Maintenance Technician I Lead						
	Fleet Servicer						
	Inventory Clerk						
	Maintenance Clerk						
RB03	**CLASS SALARY RANGE.....**	$24.66	$31.23	$37.80	$51,283.06	$64,953.40	$78,623.72
	Demand Response Dispatcher						
	Facility Maintenance Technician II						
	Facilities Technician II (Bus Ops)						
	Train Operator (SPRINTER Ops)						
RB04	**CLASS SALARY RANGE.....**	$30.77	$39.58	$46.15	$63,993.49	$82,319.91	$95,990.23
	Assistant Dispatcher						
	Assistant Signal Maintainer						
	Conductor (COASTER)						
	Facility Maintenance Technician III						
	Facility Maintenance Technician III Lead						
	Facilities Technician III (Bus Ops)						
	Fleet Technician II						
	Heavy Equipment Operator I						
	Material Handler/Driver						
	MOE Technician (COASTER)						
	MOE Technician (SPRINTER)						
	Operations Control Supervisor						
	Overhaul and Repair Mechanic						
	Road Supervisor / Dispatch Supervisor						
	Track Maintainer						
	Track Maintainer Foreman						
RB05	**CLASS SALARY RANGE.....**	$37.31	$48.49	$59.68	$77,596.69	$100,861.00	$124,125.30
	Body Technician III						

North County Transit - San Diego Railroad (NCTD)
REVISED FY 2026 CLASSIFICATION SALARY RANGE TABLE (July 1, 2025 - June 30, 2026)

Class No	POSITION CLASSIFICATIONS	HOURLY SALARY RANGE			ANNUAL SALARY RANGES		
		Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum
	Electronics Technician						
	Equipment Operator Foreman						
	Fleet Technician III						
	Heavy Equipment Operator II						
	Locomotive Engineer (COASTER)						
	Rail Systems & Communications Technician						
	Signal Inspector						
	Signal Maintainer						
	Track Inspector						
	Track Welder						
	Train Dispatcher						

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item # 14

STAFF REPORT

REVIEW AND APPROVE FINAL CLIMATE ADAPTATION AND INFRASTRUCTURE RESILIENCY PLAN

Time Sensitive: ☒ **Consent:** ☐

STAFF RECOMMENDATION:

Review and approve North County Transit – San Diego Railroad's (NCTD) final Climate Adaptation and Infrastructure Resiliency Plan.

BACKGROUND INFORMATION:

On August 31, 2023, NCTD was awarded $627,000 in funding through the Caltrans Climate Adaptation Planning – Sustainable Transportation Planning Grant Program to conduct an NCTD Climate Adaptation and Infrastructure Resiliency Plan (CAIRP, Plan). On July 18, 2024, the NCTD Board of Directors (Board) approved Task Order Agreement No. 5 to Agreement No. 21029 with WSP USA, Inc. (Agenda Item No. 12) to complete all tasks associated with the development of the Plan, including public outreach.

The CAIRP assesses the NCTD service area and facilities to identify and assess climate risks to NCTD rail and bus infrastructure, facilities, and surrounding populations. The Plan evaluates specific climate impacts and identifies remedies aimed at improving NCTD's resiliency for convenience, access, and reliability of its multimodal transit system. The CAIRP includes a "Resilient NCTD" Climate Vulnerability Assessment which identifies the vulnerabilities of NCTD's assets and potential impacts on the NCTD transit system, operations and ridership. The results of the assessment were used to identify adaptation strategies for improvement of NCTD's services.

NCTD and WSP USA, Inc. conducted robust public and stakeholder outreach to solicit feedback on community-specific risks and potential recommended improvements. Outreach included on-board surveys, in-person pop-ups at local events, and online surveys. NCTD received 589 survey responses and utilized feedback from respondents to inform the Plan's recommendations.

Recommended capital improvements detailed in the CAIRP will be considered as part of NCTD's annual Capital Improvement Program process, pending available funding.

NCTD's Executive Committee received a presentation on the draft CAIRP at its December 18, 2025, meeting and provided staff with feedback that was incorporated in the final Plan. Staff recommends that the Board approve the final CAIRP.

ATTACHMENT:

14A – Final Climate Adaptation and Infrastructure Resiliency Plan Presentation
14B – Climate Adaptation and Infrastructure Resiliency Plan: Executive Summary
14C – Climate Adaptation and Infrastructure Resiliency Plan: Full Plan

FISCAL IMPACT:

This staff report has no fiscal impact.

COMMITTEE REVIEW:

NCTD's Executive Committee received a presentation on the draft CAIRP at its December 18, 2025, meeting.

STAFF CONTACT: | **Ioni Tcholakova, Director of Service Planning**
E-mail: itcholakova@nctd.org Phone: 760-967-6588

ATTACHMENT 14A

NCTD Climate Adaptation and Infrastructure Resiliency Plan Update

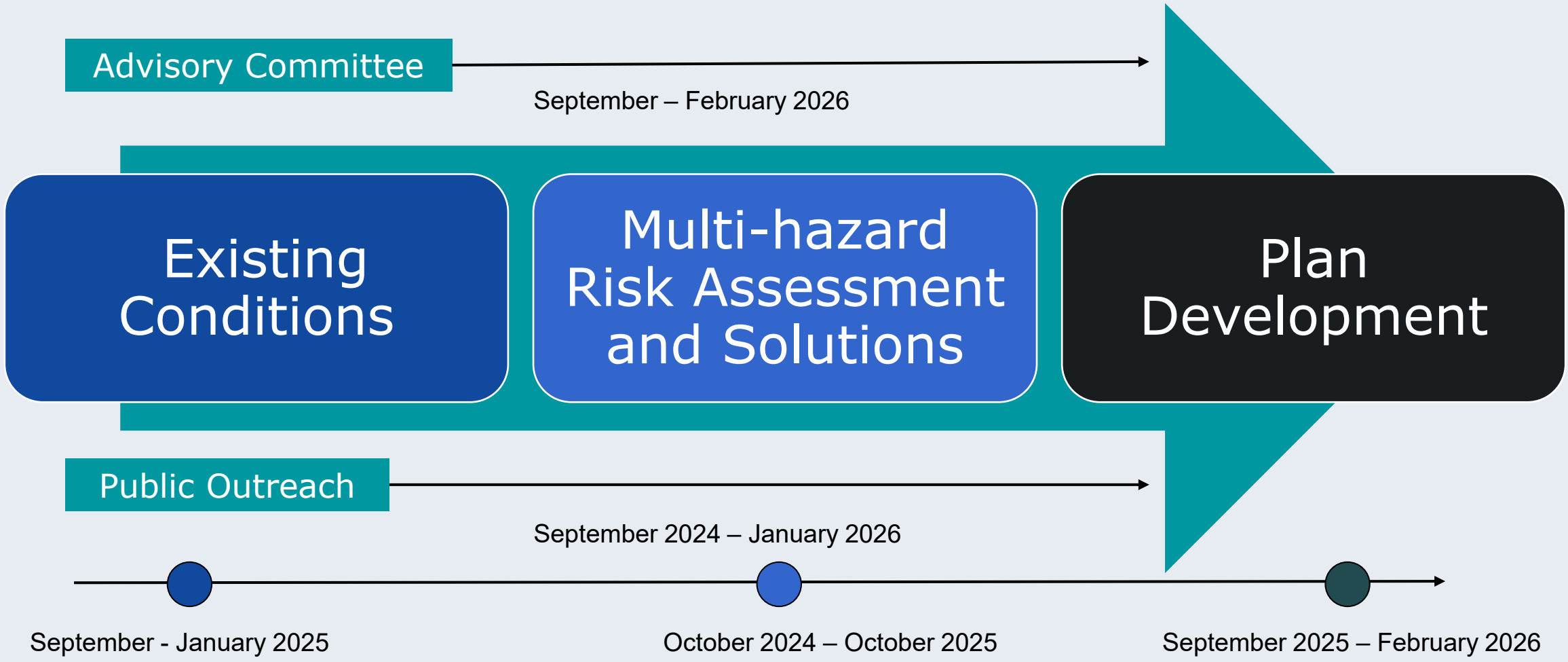
Board of Directors Meeting
March 19, 2026

COASTER SPRINTER BREEZE FLEX LIFT NCTD

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

810 Mission Avenue | Oceanside, CA 92054 | (760) 966-6500 | GoNCTD.com

Project Timeline



The Climate Adaptation and Infrastructure Resiliency Plan (CAIRP)

What does the CAIRP include?

Assessing NCTD's Vulnerability to Climate Hazards *Methodology and results from the Vulnerability Assessment*
Public Engagement *An overview of the project's engagement efforts*
Identifying Resilience Solutions *Solutions Matrix overview*
Demonstrating Resilience Investments *High-risk area identification & sample applications of solutions*

Assessing NCTD's Vulnerability to Climate Hazards

Evaluate exposure of

- Routes
- Tracks
- Stops
- Stations
- Fleet
- Facilities
- Transit passengers

Internal and External Engagement

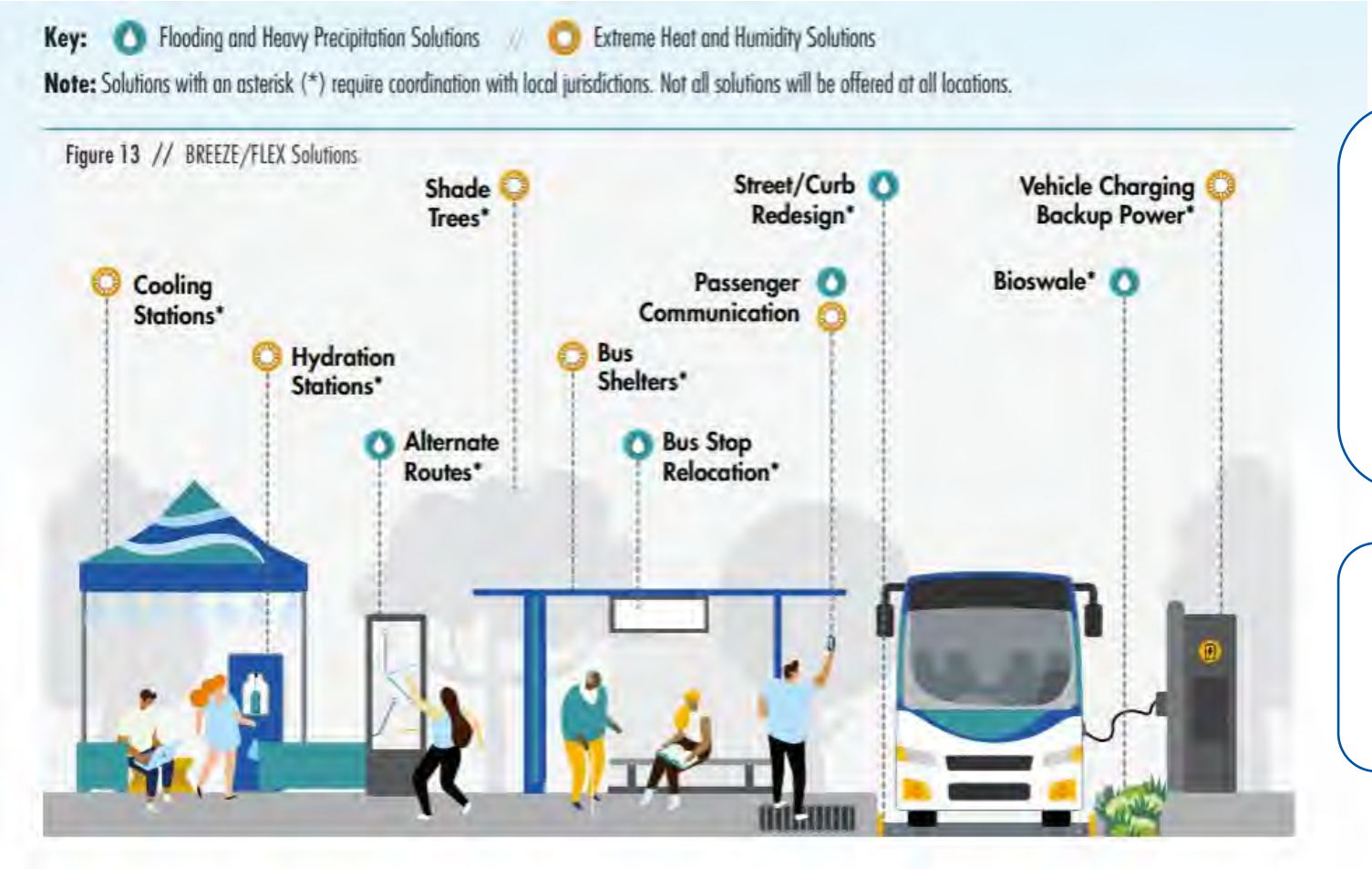
Stakeholders

- NCTD passengers
- Residents within the NCTD service area
- Educational Institutions
- The Business Community
- Historically disadvantaged communities
- NCTD staff
- Advisory Committee
- CBOs

Priorities

- Communication about service changes or hazards
- Flooding at bus or train stops
- Reducing delays and maintaining on-time performance
- More shaded areas (trees or shelters) at bus stops and stations

Adaptation Solutions

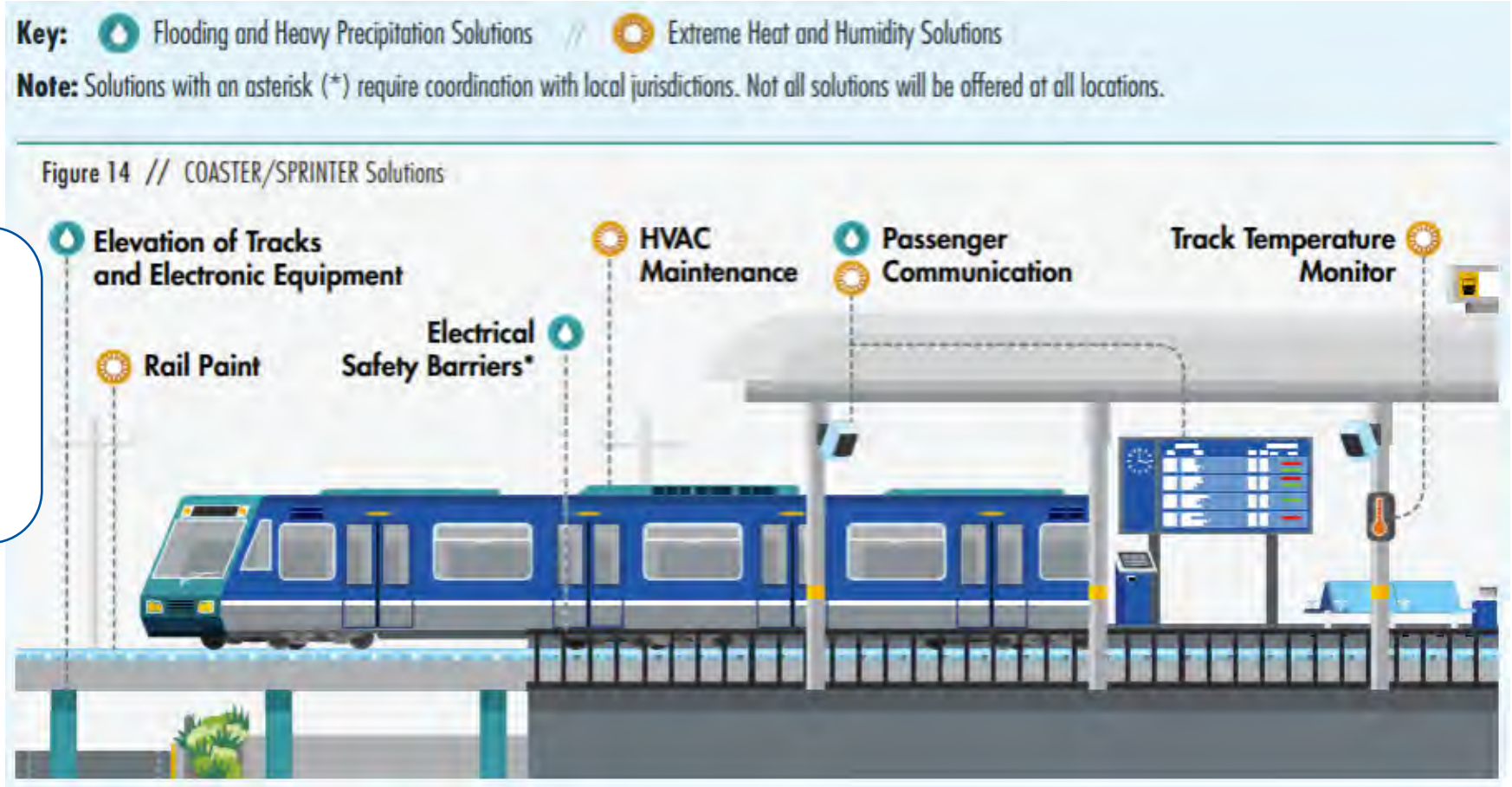


A toolbox of adaptation solutions was developed, based on feedback from internal and external stakeholders and best practices from across the region, to support NCTD in mitigating the impacts of climate and natural hazards.

A sample of resilience solutions was developed to address flooding and extreme heat and humidity for BREEZE/FLEX.

Adaptation Solutions

A sample of resilience solutions developed to address flooding, heavy precipitation and extreme heat and humidity for COASTER and SPRINTER.



Recommended Next Steps

Develop an internal guidance document that all internal employees can reference to support incorporating resilience into future project planning.

Amend or update existing jurisdictional MOUs to incorporate additional resilience considerations.

Conduct training for NCTD staff on climate hazard safety protocols and general hazards safety communication tools.

Develop climate hazard safety tools such as signage at transit stations and stops to inform the public about safety measures to minimize the risks of climate impacts.

Conduct facility-level assessments to identify site-specific vulnerabilities and further evaluate resilience strategies based on local site conditions and project limitations.

Evaluate and consider potential funding streams to support implementation of resilience measures.

Consult with regional stakeholders and local agencies to create a streamlined and effective process for developing and implementing adaptation measures.

Plan Review & Finalization

- **Feedback following the Public Comment period and NCTD staff review has been incorporated into the both the CAIRP and Executive Summary.**

- **Following Board approval, the CAIRP will be published and shared with the public.**

QUESTIONS?

ATTACHMENT 14B

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Climate Adaptation and Infrastructure Resiliency Plan

Executive Summary

MARCH 2026

Caltrans

wsp

Our Mission

NCTD aims to operate an environmentally sustainable and fiscally responsible transit network that provides seamless mobility for all while achieving organizational and operational excellence. Its goal is to deliver safe, reliable, accessible, and efficient transit options, maintain and grow infrastructure, protect and maximize public investment, and partner with local communities and stakeholders.

ACKNOWLEDGMENTS

North County Transit – San Diego Railroad

Advisory Committee

Alliance for Regional Solutions
California Coastal Commission
Caltrans
City of Del Mar
City of Carlsbad
City of Encinitas
City of Escondido
City of Oceanside
City of Vista
County of San Diego
SANDAG
Vista Community Clinic

Consultant Team

WSP USA
COOK & SCHMID
AKIMA CONSULTING, LLC

Thank you to the California Department of Transportation (Caltrans) for funding this effort through the Sustainable Transportation Planning Grant Program.

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How the Region is Addressing Climate Hazards // 7

Assessing NCTD's Climate Vulnerability // 9

- Coastal Flooding, with Sea Level Rise
- Fluvial Flooding and Precipitation
- Extreme Heat and Humidity
- Other Hazards

Public Engagement // 17

Addressing Hazard Risk // 19

Looking Ahead // 22

GLOSSARY

Climate Hazards

Hazards that are driven by climate or weather variability/extremes including both rapid onset (e.g., storms, extreme heat) or slow onset (e.g., sea-level rise, drought trends) that may cause damage and loss.

Greenhouse Gases

Greenhouse gases (GHGs) are a category of gases that absorb heat energy emitted from the planet's surface and remain in Earth's atmosphere for a long time (from decades to centuries).

Minority Route

A route that has a third of its total revenue mileage in a Census block, 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.

Natural Hazards

Naturally occurring phenomena with the potential to impact and cause damage to communities, infrastructure, and environmental systems (e.g., tsunamis or seismic activities).

Introducing the Plan

The North County Transit – San Diego Railroad is a key transit *provider* and *connector.*

The North County Transit – San Diego Railroad (NCTD) provides essential transportation services to the northern region of San Diego County, California. Covering over 1,000 square miles, the NCTD service area includes the cities of Carlsbad, Del Mar, Encinitas, Escondido, Oceanside, San Marcos, San Diego, Solana Beach, Vista, and unincorporated San Diego County. NCTD's transportation services include the COASTER commuter rail, SPRINTER hybrid rail, BREEZE bus services, LIFT ADA paratransit, NCTD+ microtransit, and FLEX on-demand flexible service.

Why a Climate Adaptation and Infrastructure Resilience Plan (CAIRP)

San Diego County faces the intensifying impacts of climate hazards and natural hazards, which can disrupt NCTD's services and operations and reduce rider comfort and safety. To better prepare for these impacts, NCTD developed a Climate Adaptation and Infrastructure Resilience Plan (CAIRP) to assess the agency's climate and natural hazard risks and identify resilience solutions to address these hazards (**Figure 1**).

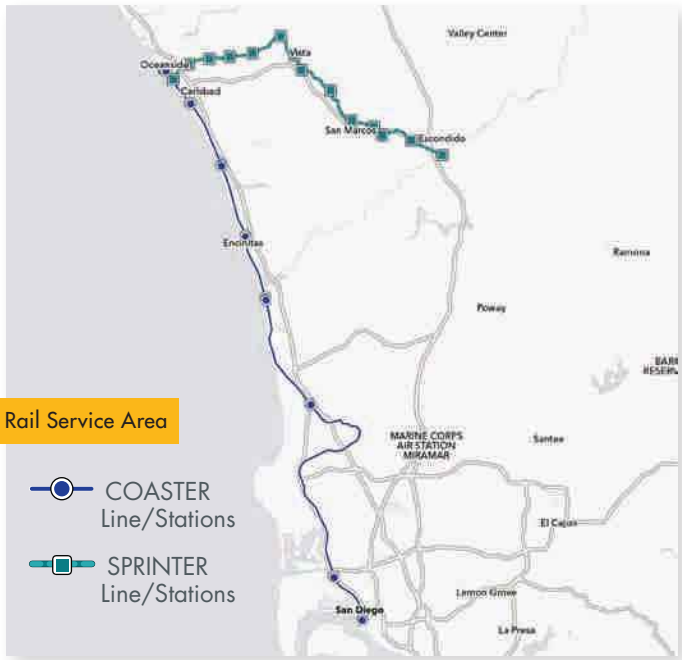
The NCTD Sustainability and Climate Action Plan (SCAP) developed in 2024 serves as a strategic roadmap for reducing GHG emissions for the agency. The CAIRP builds on the important principles of the Climate Action Plan, including providing critical regional transportation services and focusing on equity in its resilience solutions.

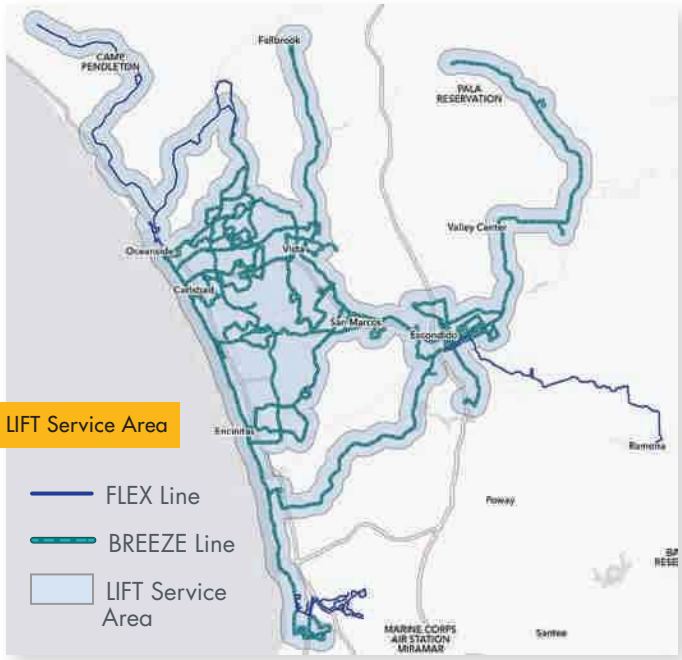
Figure 1 // Goals of the Climate Adaptation and Infrastructure Resilience Plan

- Identify climate-related risks and impacts on the regional commuter rail, bus assets, and infrastructure in the NCTD service area.
- Improve the resiliency of the passenger rail and bus system in Southern California.
- Identify planning needs for improving coordination with stakeholders to implement action items.
- Enhance communications between relevant stakeholders, including new stakeholders and/or expanded roles for current stakeholders.
- Protect NCTD infrastructure and assets from damage and service disruptions.
- Provide resilient and supplementary emergency mobility options to support regional accessibility during climate and seismic related impacts.
- Protect the mobility of Southern Californians, including the most vulnerable, disadvantaged, and transit-dependent populations.
- Continue to provide the community benefits of a strong passenger rail and bus system, which include reducing air pollution, greenhouse gas emissions, roadway vehicle miles traveled, and roadway congestion.

Figure 2 // Bus, LIFT, and Rail Service Areas

Maps and analysis were devised in early 2025 and depict NCTD operations at the time.





Plan Objectives

The CAIRP aims to identify routes or locations that are currently or may be impacted in the future by multiple hazards. The CAIRP will benefit all transit users who rely on NCTD services, particularly undeserved communities disproportionately impacted by climate hazards. Identifying these disparities can help prioritize resilience investments in the areas that need the most, like communities along NCTD Minority Routes.

A Minority Route is a route that has a third of its total revenue mileage in a Census block, 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.

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

How the Plan was Developed

Developing the CAIRP involved multiple phases of research, analysis, and public engagement. The research and analysis conducted in each phase of the project included input and feedback from NCTD employees, regional agencies and stakeholders, and members of the public (see **Figure 3**).

How this Plan will be Used

Looking ahead, NCTD intends to use the CAIRP as a critical tool for improving resiliency, planning, and prioritizing investments in the face of climate and natural hazards. The results of the vulnerability assessment will be used to identify and prioritize adaptation projects for NCTD's services and assets.

Figure 3 // CAIRP Development Process

Public Engagement

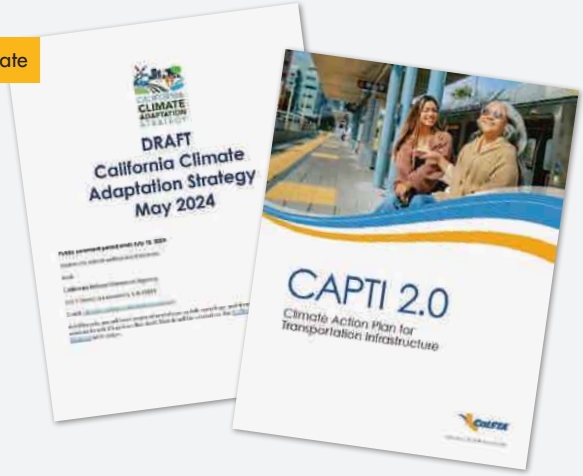
Focus groups with stakeholders, Community-Based Organizations (CBO), and NCTD employees	Public Engagement events with online and in-person surveys	Advisory Committee meetings

How the Region is Addressing Climate Hazards

The CAIRP is part of a broader regional and statewide effort to enhance the resilience of the region's transportation system. NCTD reviewed existing state, regional, and local policies, plans, and protocols to align the plan with best practices and incorporate relevant resilience strategies. Some of the plans and strategies reviewed are included below. This research provided NCTD with a better understanding of how other regional agencies are addressing similar challenges.

Figure 4 // A Subset of the Reports, Policies, Plans and Protocols reviewed for the CAIRP

State



- The 2024 Draft California Climate Adaptation Strategy[1] creates an integrated framework of sector-specific plans, success metrics, timeframes, and climate adaptation strategies, including high-level priorities with specific goals and actions that can help transit agencies reduce the risk of climate hazards to California's transportation system.
- The California State Transportation Agency's Climate Action Plan for Transportation Infrastructure (CAPTI) provides guidelines for developing more sustainable, equitable, and healthy modes of transportation throughout California. The CAPTI also prioritizes resilience and includes a strategy to support climate resilience through transportation system improvements. This strategy includes the development of a risk assessment planning and implementation guide for updating transportation infrastructure that can help transit agencies implement climate-resilient solutions.

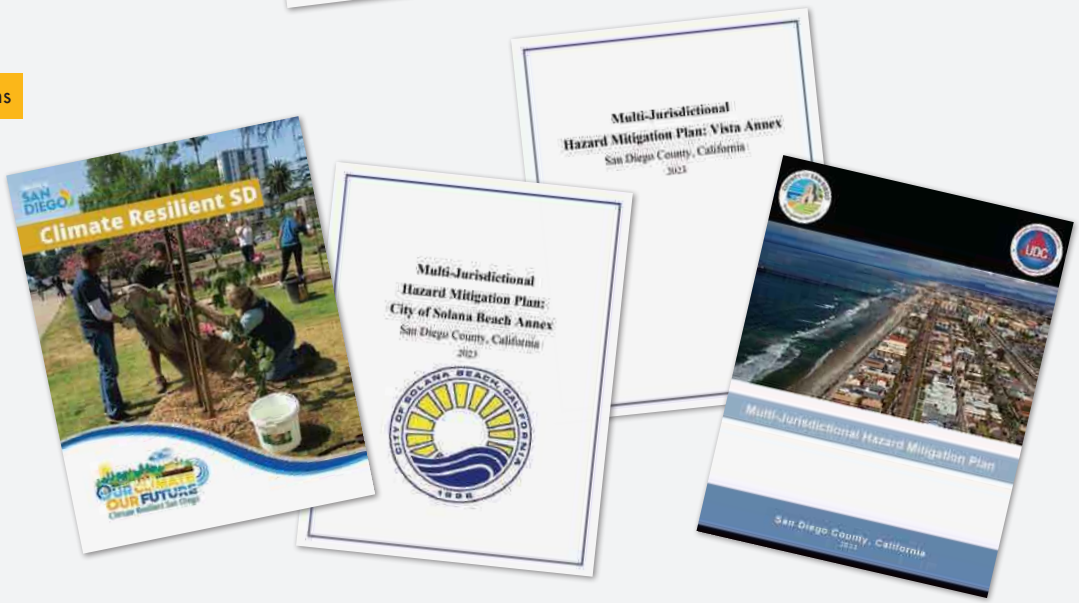
Caltrans

- The Caltrans Climate Vulnerability Assessment for District 11 provides an overview of the potential effects of climate change in San Diego County, including NCTD service area. The document provided regional metrics on climate hazards and risks to infrastructure assets relating to temperature, precipitation, wildfire, sea level rise, storm surge, flooding, erosion, and cliff retreat. This assessment supported the preliminary evaluation of climate impacts on NCTD locations, assets, and services.

1 The 2024 Draft California Climate Adaptation Strategy has since been finalized.

SANDAG

Local Jurisdictions



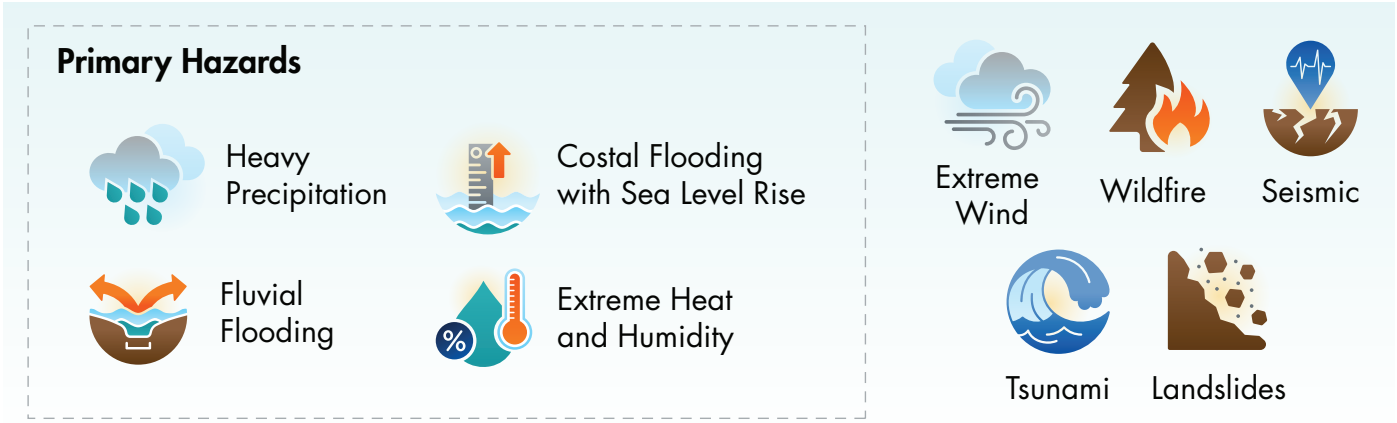
REPORTS PICTURED: State – Left: 2024 Draft California Climate Adaptation Strategy, ***Right:*** California State Transportation Agency's Climate Action Plan for Transportation 2.0; ***Caltrans – Left:*** Caltrans Climate Vulnerability Assessment for District 11, ***Right:*** Caltrans 2020–2024 Strategic Plan; ***SANDAG – Left:*** Regional Adaptation Needs Assessment, ***Right:*** 2025 Regional Plan (Draft); ***Local Jurisdictions – Left:*** The City of San Diego Climate Resilient SD Plan, ***Middle Left:*** Multi-Jurisdictional Hazard Mitigation Plan: City of Solana Beach Annex, ***Middle Right:*** Multi-Jurisdictional Hazard Mitigation Plan: Vista Annex, ***Right:*** County of San Diego – Multi-Jurisdictional Hazard Mitigation Plan

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Assessing NCTD's Climate Vulnerability

NCTD conducted an assessment of several climate and natural hazards to identify the vulnerabilities of its assets and potential impacts on the system, operations, and ridership. Four primary climate hazards were identified based on their impacts on the system (see **Figure 5**).

Figure 5 // Climate and Natural Hazards Assessed[2]



Conducting the Assessment

The assessment began with identifying where the system may be exposed to a hazard. Then, impacts from climate and natural hazards were evaluated based on current conditions and into the future using different planning horizons (i.e., the years 2050, 2080, and 2100). Depending on the nature of the hazard, either a quantitative or qualitative approach to measuring the intensities of the hazards was used. **Figure 6** lays out the methodology for developing the vulnerability assessment.

Figure 6 // Vulnerability Assessment Process

2 Natural Hazards: naturally occurring phenomena with the potential to impact and cause damage to communities, infrastructure, and environmental systems. Climate Hazards: hazards that are driven by climate or weather variability/extremes including both rapid onset (e.g., storms, extreme heat) or slow onset (e.g., sea-level rise, drought trends) that may cause damage and loss.

The vulnerability assessment found that NCTD is primarily at risk from **coastal flooding with sea level rise, fluvial flooding, heavy precipitation, and extreme heat and humidity**. Although the threats of landslides, extreme wind, wildfires, seismic events, and tsunamis exist, they pose comparatively lower risks to NCTD services and assets. NCTD analyzed the impacts all of these hazards could have on its operations and finances, and also assessed how climate hazards could impact passengers, including those most vulnerable. To assess social vulnerability, NCTD looked at potential impacts to its Minority Routes, which have a greater than average minority population compared to the rest of the service region. Minority routes vulnerable to climate and natural hazards include:

- **Route 303** – vulnerable to fluvial flooding and seismic activity
- **Route 305** – vulnerable to extreme heat and heavy precipitation
- **Route 313** – vulnerable to landslides and seismic activity

A full list of minority routes that are exposed to climate and natural hazards is available in the Climate Adaptation and Infrastructure Resilience Plan.

Table 1 // Top At-Risk Assets

Service	Coastal Flooding, with Sea Level Rise	Fluvial Flooding (100-year flood)	Heavy Precipitation	Extreme Heat and Humidity (Heat Index of 90°F and 103°F; Rail Tracks Impacted by Dry Bulb Temperature of 95°F included as indicated)
BREEZE	101: Oceanside–UTC/VA/UCSD	303: Oceanside–Vista via Mission Av 309: Town Center North–Encinitas via ECR	388: Escondido to Pala 359: Escondido Country Club 356: Morning View & Escondido Blvd 357: Valley Parkway to El Norte Parkway 354: Escondido TC to Orange Glen High School	354: Orange Glen High School via Mission, Lincoln, and Citrus 357: Valley Pkwy 355: El Norte Pkwy 351/352: Escondido Circulator
FLEX	395: Oceanside TC–Camp San Onofre	392: Oceanside TC – 14 Area	371: Escondido to Ramona 395: Oceanside TC to Camp San Onofre 392: Oceanside TC to 14 Area 473: Carroll Canyon COASTER Connection	371: FLEX Ramona Commuter 392: Oceanside to 14 Area via Vandergrift 395: Oceanside Transit Center to 52 Area via Naval Hospital

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

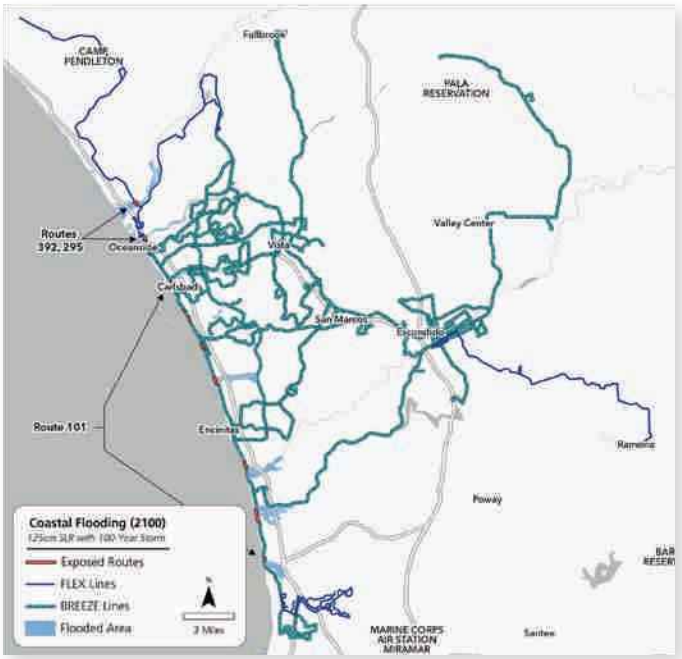
Service	Coastal Flooding, with Sea Level Rise	Fluvial Flooding (100-year flood)	Heavy Precipitation	Extreme Heat and Humidity (Heat Index of 90°F and 103°F; Rail Tracks Impacted by Dry Bulb Temperature of 95°F included as indicated)
COASTER	Solana Beach Station–Sorrento Valley Station	» Sorrento Valley Station–San Diego Old Town Station » (1 station impacted)	» Oceanside Transit Center to Carlsbad Village Station » Carlsbad Village Station to Carlsbad Poinsettia Station » Carlsbad Poinsettia Station to Encinitas Station » Encinitas Station to Solana Beach Station » San Diego Old Town to San Diego Santa Fe Depot » (3 stations impacted)	Routes Impacted (95°F): » Oceanside Transit Center–Carlsbad Village » Carlsbad Village–Carlsbad Poinsettia » Solana Beach–Sorrento Valley » Sorrento Valley–San Diego Old Town » San Diego Old Town–San Diego Santa Fe Depot Stations Impacted (Heat Index of 90°F and 103°F): » Oceanside Transit Center » Carlsbad Village » Sorrento Valley » Old Town » Santa Fe Depot
SPRINTER	Not Impacted	» Coast Hwy Station–Crouch St Station » (6 stations impacted)	» Vista Transit Center to Civic Center–Vista » Palomar College Station to San Marcos Civic Center Station » Civic Center–Vista to Buena Creek Station » San Marcos Civic Center Station to Cal State San Marcos Station » Cal State San Marcos Station to Nordahl Rd Station » (3 stations impacted)	Routes Impacted (95°F): » Buena Creek–Palomar College » Palomar College–San Marcos Civic Center » San Marcos Civic Center–Cal State San Marcos » Cal State San Marcos–Nordahl Rd » Nordahl Rd–Escondido Transit Center Stations Impacted (Heat Index of 90°F and 103°F): » Vista Transit Center » Buena Creek » San Marcos Civic Center » Cal State San Marcos » Escondido Transit Center
LIFT	6–7% Service Area (roughly 19–22 sq miles)	11% of the LIFT Service Area Potentially Impassable	Under historical conditions, 44% of the LIFT service area experienced heavy precipitation during a 100-year storm event. These figures increase to 53% of the total area by 2050 and 55% of the total area by 2080.	Historically, 35% of the LIFT service experiences a multi-day HI over 90°F; this rises to 41% by 2050 and 47% by 2080. Historically, 36% of the LIFT service experiences a multi-day HI over 103°F; this is 32% by 2050 and 36% by 2080.
FACILITIES	Not Impacted	» BREEZE Operations West » San Luis Rey Transit Center	» Palomar College Transit Center » Vista Transit Center » BREEZE Operations East » Escondido Transit Center » SPRINTER Operations Facility	» BREEZE Operations East » Escondido Transit Center » SPRINTER Operations Facility » Palomar College Transit Center » Vista Transit Center

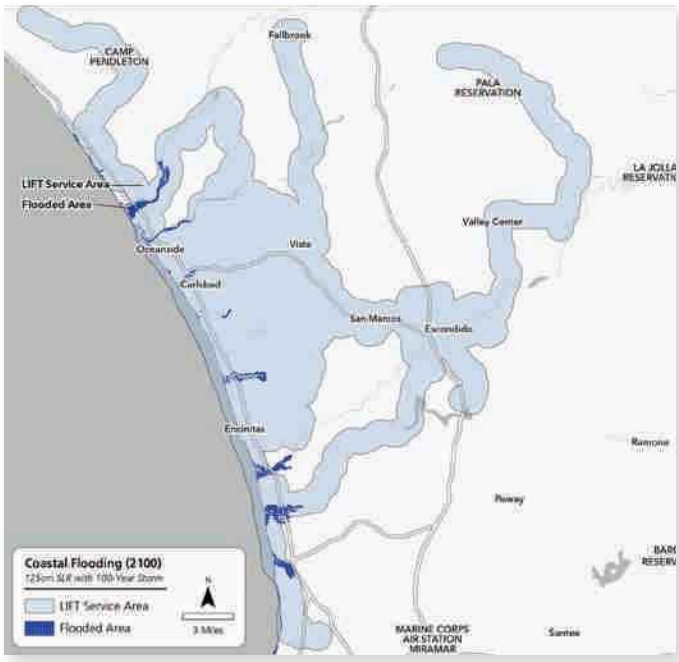
* This results in this table represent the top at-risk assets. A comprehensive list of exposed assets may be found in the appendix of the Climate Adaptation and Infrastructure Resiliency Plan

Coastal Flooding, with Sea Level Rise

Sea level rise is leading to increased coastal flooding, which can inundate low-lying areas or at-grade rail stations along the coastline with saline water, saturating track beds or washing out ballasts (essential elements of a functioning rail system). Repeated exposure to saline water can also corrode and damage tracks, signals, and equipment. Coastal bluffs are part of the North County coastline and are also vulnerable to erosion; however, as there are active efforts underway to address this risk, the CAIRP did not heavily focus on coastal erosion.

Figure 7 // Coastal Rail Exposure, Coastal Flooding Routes Exposure, and LIFT Coastal Risk
Maps and analysis were devised in early 2025 and depict NCTD operations at the time.

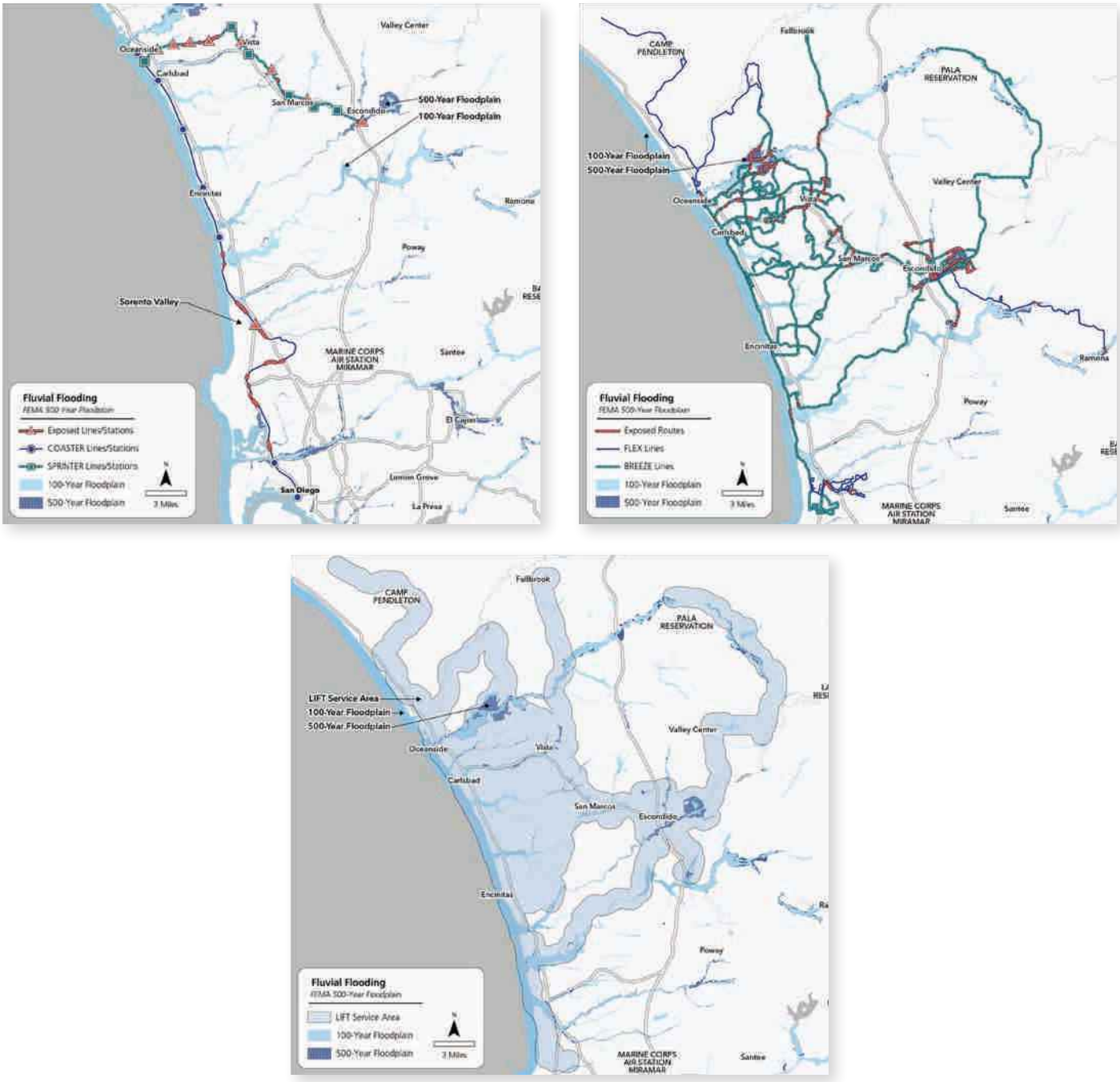




Fluvial Flooding and Precipitation

Fluvial flooding occurs when levels in a river, creek, or stream rise. Fluvial flooding, and the debris and fallen trees that come with it, can close roadways and cause detours, delays, or suspension of transit services. Flooded curbs or roads can limit access to stations, platforms, and loading areas, or force station closures. Slippery surfaces can create unsafe conditions at stops or stations for passengers, especially for elderly passengers or those with limited mobility. Flooded or slippery tracks can lead to service delays or suspended service. NCTD vehicles, maintenance areas, and electrical equipment can also be damaged when facilities flood.

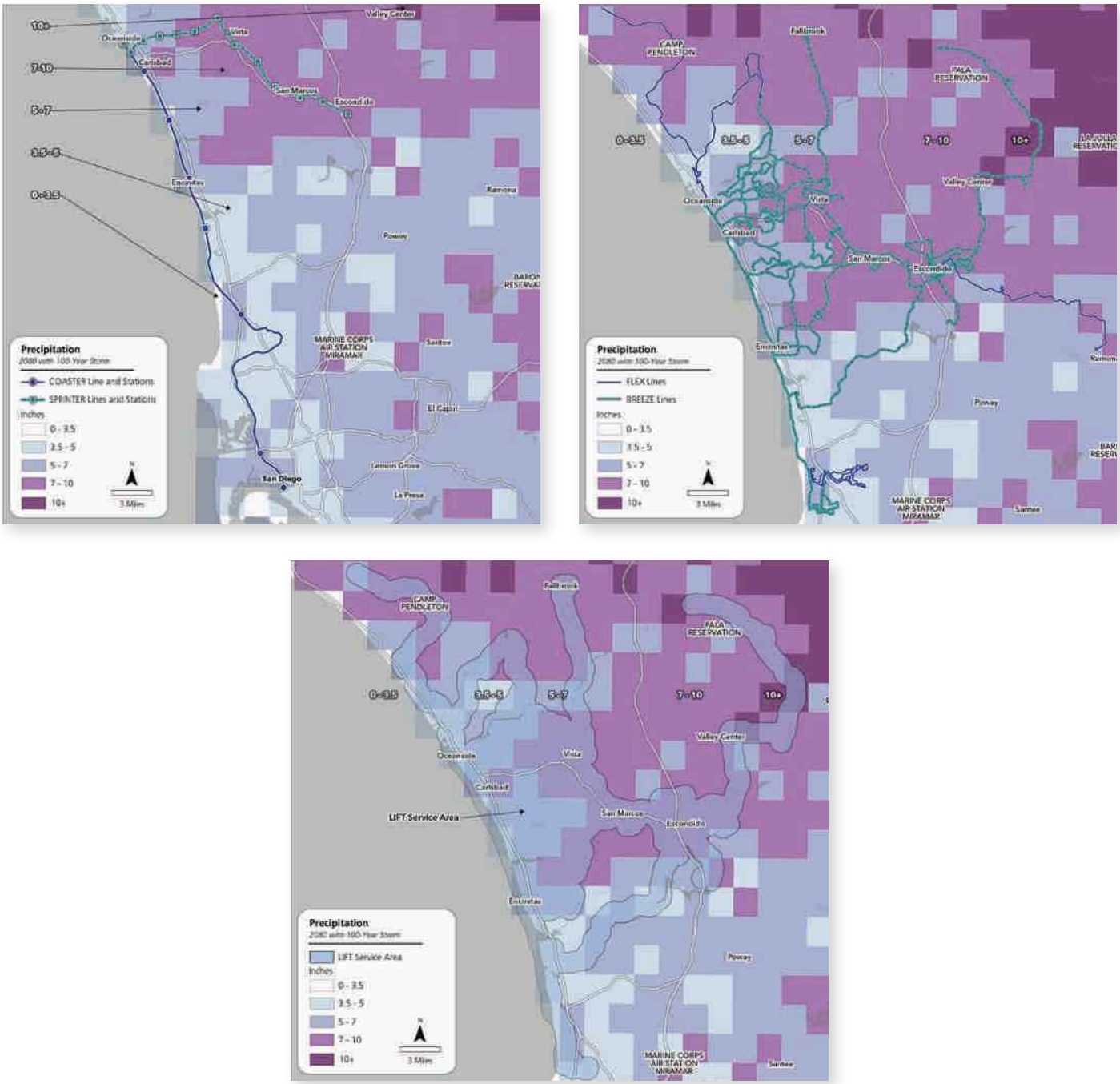
Figure 8 // Rail FEMA 500-year Exposure, Bus FEMA 500-year Exposure, and LIFT Fluvial 500-year
Maps and analysis were devised in early 2025 and depict NCTD operations at the time.



Heavy precipitation can lead to flooding of roads, tracks, and station entrances. Heavy rain can reduce visibility and braking control, creating unsafe driving conditions for NCTD bus and rail operators. Passengers may also experience unsafe or uncomfortable conditions waiting at bus stops or opt out of using public transportation altogether, reducing NCTD ridership. Heavy precipitation at maintenance yards can lead to water accumulation in vehicle pits and overwhelm the capacity of drainage systems. It can also cause roof and window leaks at NCTD facilities.

Figure 9 // Precipitation Rail, Precipitation Bus, and Precipitation LIFT

Maps and analysis were devised in early 2025 and depict NCTD operations at the time.



Extreme Heat and Humidity

Extreme heat and humidity are a threat to NCTD's assets as well as the health and wellbeing of riders and staff. Passengers, operators, drivers, and operations and maintenance staff are increasingly exposed to high temperatures and can experience discomfort and negative health effects. During extreme heat days, transit passengers who typically walk to stops and stations or have long wait times in the heat may opt out of using public transportation, reducing ridership. Extreme heat conditions can also increase the risk of workplace injury or heat-related illness for NCTD staff.

Extreme heat can damage rail tracks and lead to service suspensions. Transit agencies commonly monitor and inspect rail infrastructure once the ambient, or dry bulb, temperature exceeds 95°F. At a dry bulb temperature above 95°F, rail tracks can begin to kink or buckle, creating safety concerns and service suspensions for rail systems. High heat also increases tire wear and fuel consumption, causes engines to overheat, and strains air conditioning systems, causing operational inefficiencies and delays for bus services. NCTD bus routes may experience reduced fleet availability, slower response time, and service rerouting as a result.

Figure 10 // Extreme Heat (Dry Bulb), Extreme Heat 90-year Rail, Extreme Heat 90-year Bus, and Extreme Heat 90-year LIFT
Maps and analysis were devised in early 2025 and depict NCTD operations at the time.

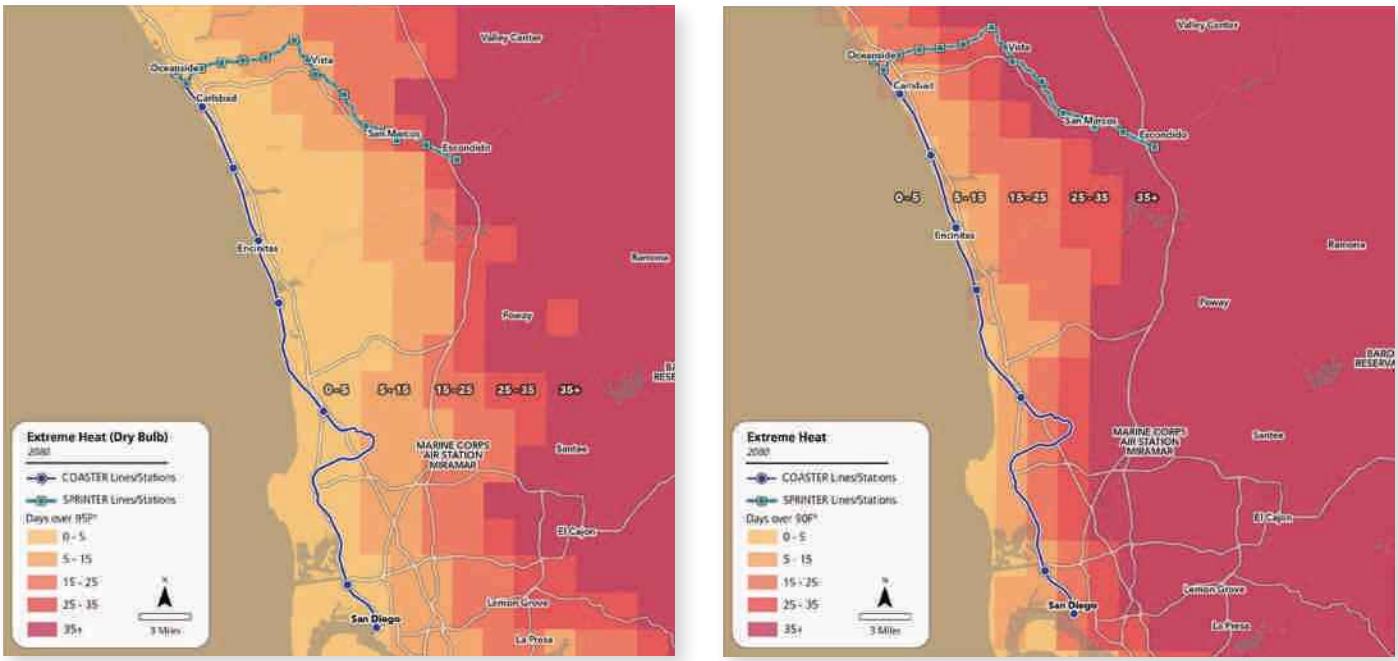
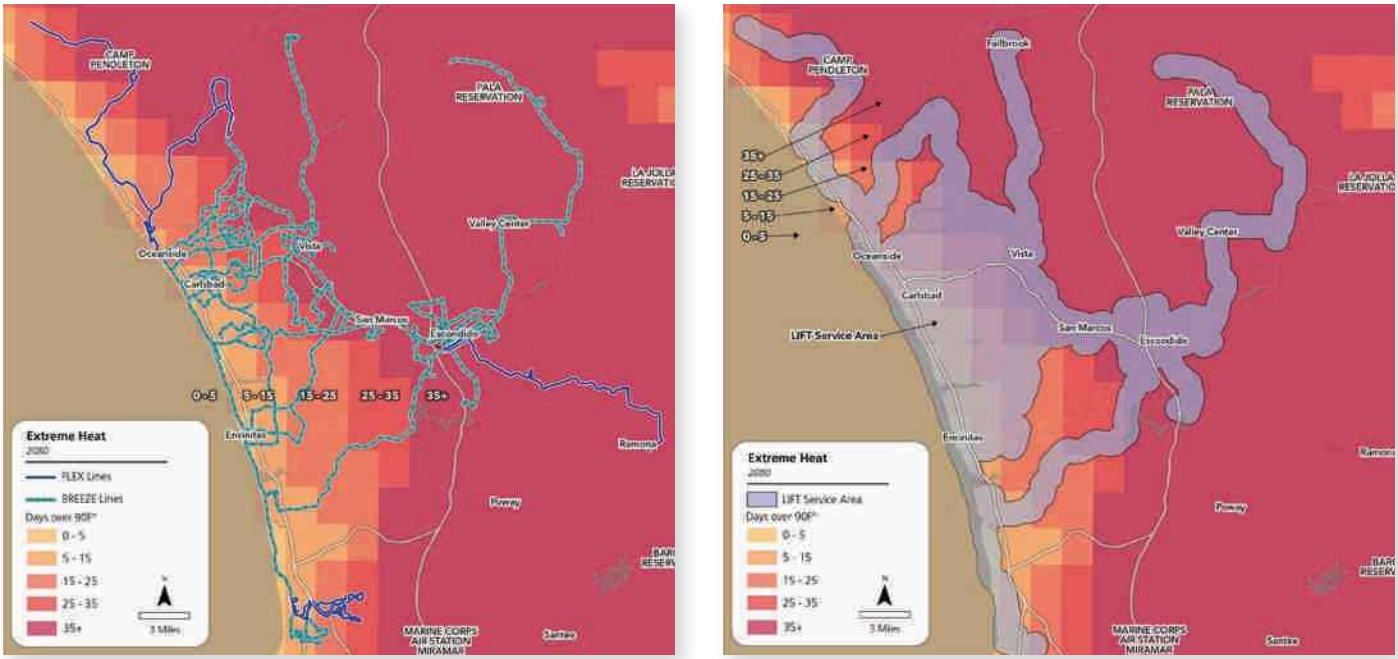


Figure 11 // Extreme Heat (Dry Bulb), Extreme Heat 90-year Rail, Extreme Heat 90-year Bus, and Extreme Heat 90-year LIFT
Maps and analysis were devised in early 2025 and depict NCTD operations at the time.



Other Hazards

NCTD assessed risks from other climate hazards including wildfires and landslides, as well as natural hazards like seismic and tsunamis.

Wildfires threaten passenger safety and can damage transportation assets, vehicles, and facilities. Wildfire smoke exposure poses health risks to passengers and staff, from eye and throat irritation to respiratory or cardiovascular issues. Tsunamis can damage infrastructure and threaten safety by sending forceful waves of water onto land. In addition to water damage, tsunami flood waters can also carry debris that block roads and tracks, causing delays and service disruptions. Landslides can create disruptions in transit services when debris block roads that require detours and cause delays. Landslides can also severely damage roads, threatening the safety of passengers and employees. Seismic activity can threaten transit services by causing ground shifting, cracks, and displacements of roads and tracks, leading to delays and service disruptions. Seismic activity can also threaten life safety by creating uneven ground or falling debris.

Results of the vulnerability assessment indicate that NCTD's assets and services face limited exposure to wildfires, tsunamis, landslides, and seismic hazards. Among these hazards, landslides pose the most likely risk to COASTER and SPRINTER lines, BREEZE/FLEX routes, the LIFT service area, and some facilities. Although the threats of landslides, extreme wind, wildfire, seismic, and tsunamis exist, they pose highly localized and comparatively lower risks to the agency and NCTD assets.

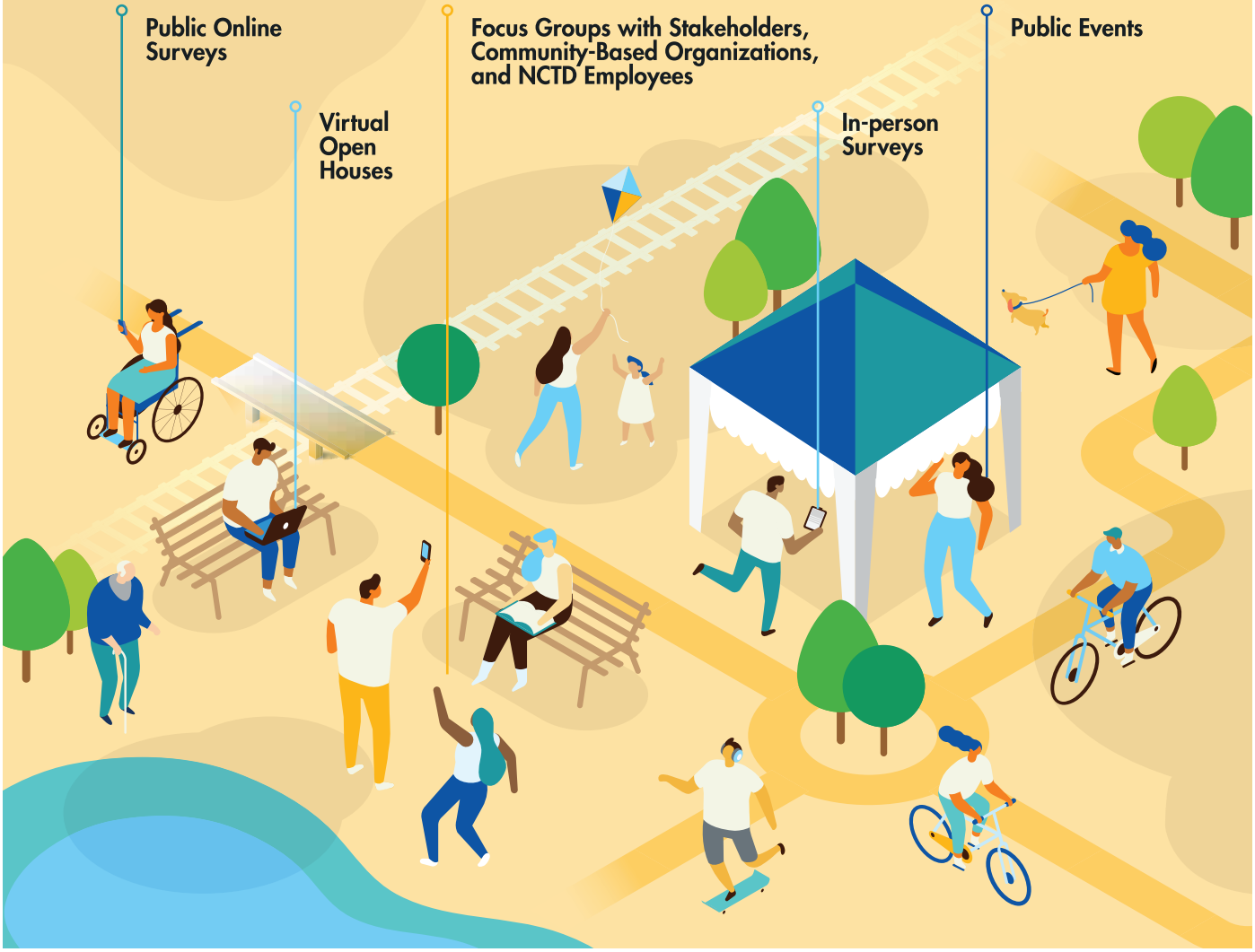
Public Engagement

Consulting with and gathering feedback from the public was a critical element of the CAIRP development process. The public engagement process identified communities throughout the NCTD service area vulnerable to climate and natural hazards, specifically those that are reliant on public transit. Moreover, the engagement process garnered information that helped NCTD evaluate transit amenities and improvements that enhance accessibility, safety, reliability, resilience, and improve the travel experience for underserved communities and affected residents. This feedback will help NCTD determine where to prioritize future investments.

A wide variety of stakeholders were consulted and engaged throughout this project, including:

- NCTD passengers
- The business community
- Residents within the NCTD service area
- Educational institutions (California State University San Marcos, Palomar College, Mira Costa College, and University of California, San Diego)
- Advocacy groups representing disadvantaged and diverse communities
- NCTD staff
- The Advisory Committee
- NCTD Board of Directors
- Community-Based Organizations
- Historically disadvantaged, underserved, multicultural, and vulnerable communities

Figure 12 // Engagement Touchpoints



Several tools, platforms, and forums were utilized throughout the public engagement process to ensure that multiple stakeholders were consulted and provided with various opportunities to participate. Engagement touchpoints included public events, virtual open houses, public online and in-person surveys, focus groups with stakeholders, focus groups with Community-Based Organizations, and focus groups with NCTD employees (**Figure 12**).

How Public Feedback Informed the CAIRP

- NCTD gathered information about experiences with hazards, hazards of concern, locations of concern, and potential solutions.
- Data from the public survey and focus groups were used to provide context and detail for the vulnerability analysis.
- Feedback was also cross-referenced with the draft adaptation solutions to identify preferred solutions to enhance resiliency and service reliability within the NCTD service area.

Addressing Hazard Risk

A toolbox of adaptation solutions was developed to support NCTD in mitigating the impacts of climate and natural hazards. These solutions incorporate best practices and recommendations gathered from community feedback and from partners across the state, including:

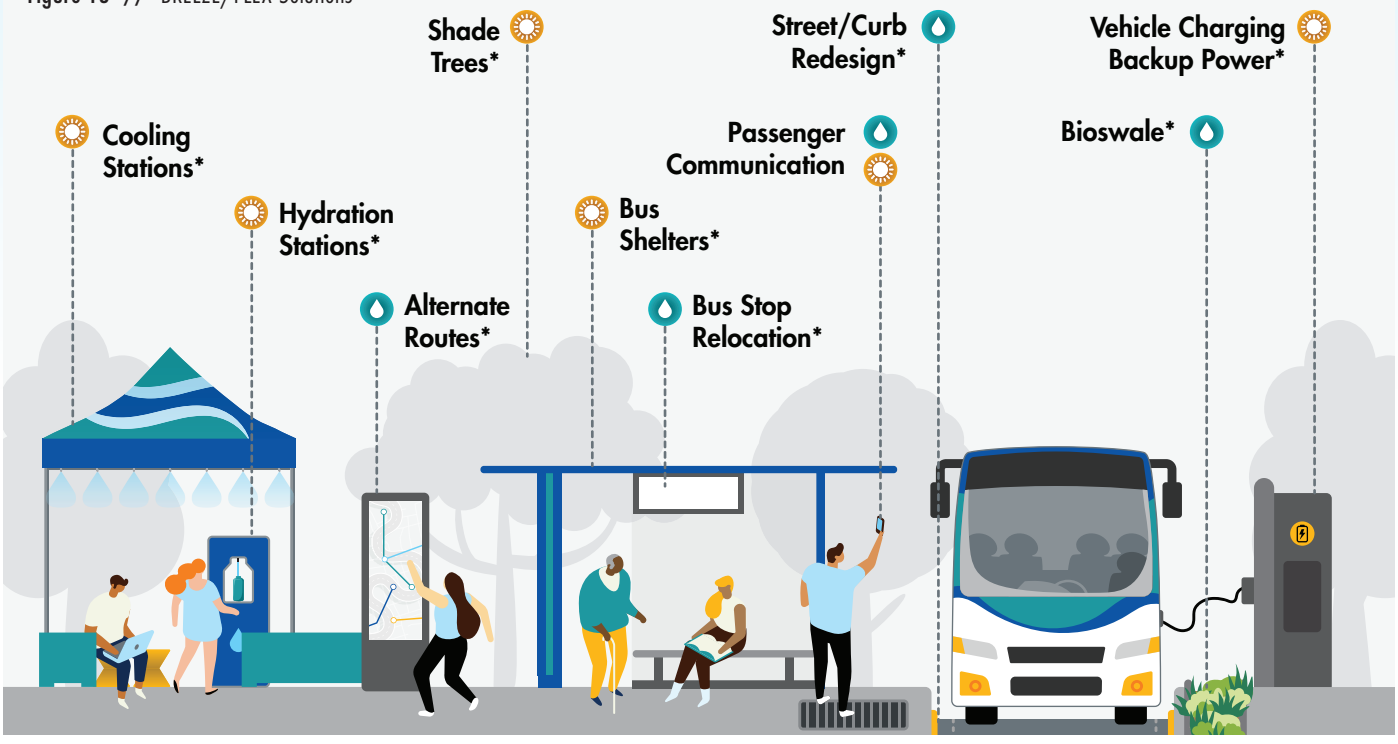
- The City of San Diego's solution to address urban flooding, including implementation of Low Impact Development strategies that can effectively manage stormwater runoff, including vegetated swales, cisterns, and green roofs on transit facilities.
- The City of San Marcos' solution to install green infrastructure such as tree canopies to mitigate against the impacts of extreme heat.

A sample of these resilience solutions for flooding (including coastal flooding, fluvial flooding, and heavy precipitation), and extreme heat and humidity are included here.

Key: Flooding and Heavy Precipitation Solutions // Extreme Heat and Humidity Solutions

Note: Solutions with an asterisk (*) require coordination with local jurisdictions. Not all solutions will be offered at all locations.

Figure 13 // BREEZE/FLEX Solutions



Key: Flooding and Heavy Precipitation Solutions // Extreme Heat and Humidity Solutions

Note: Solutions with an asterisk (*) require coordination with local jurisdictions. Not all solutions will be offered at all locations.

Figure 14 // COASTER/SPRINTER Solutions

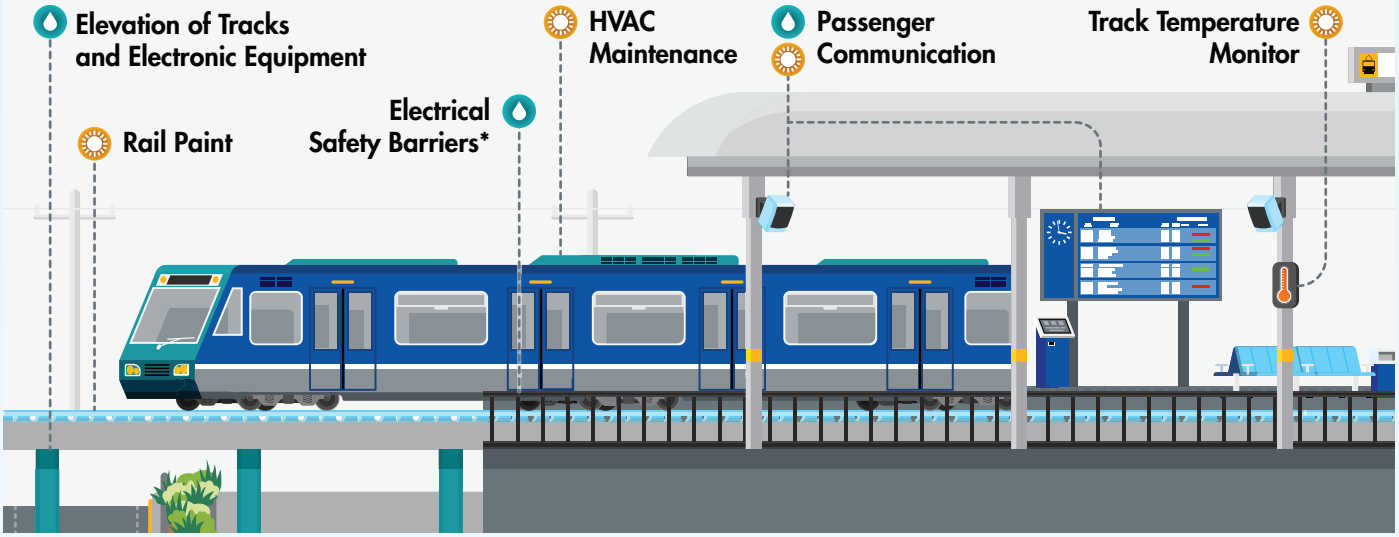
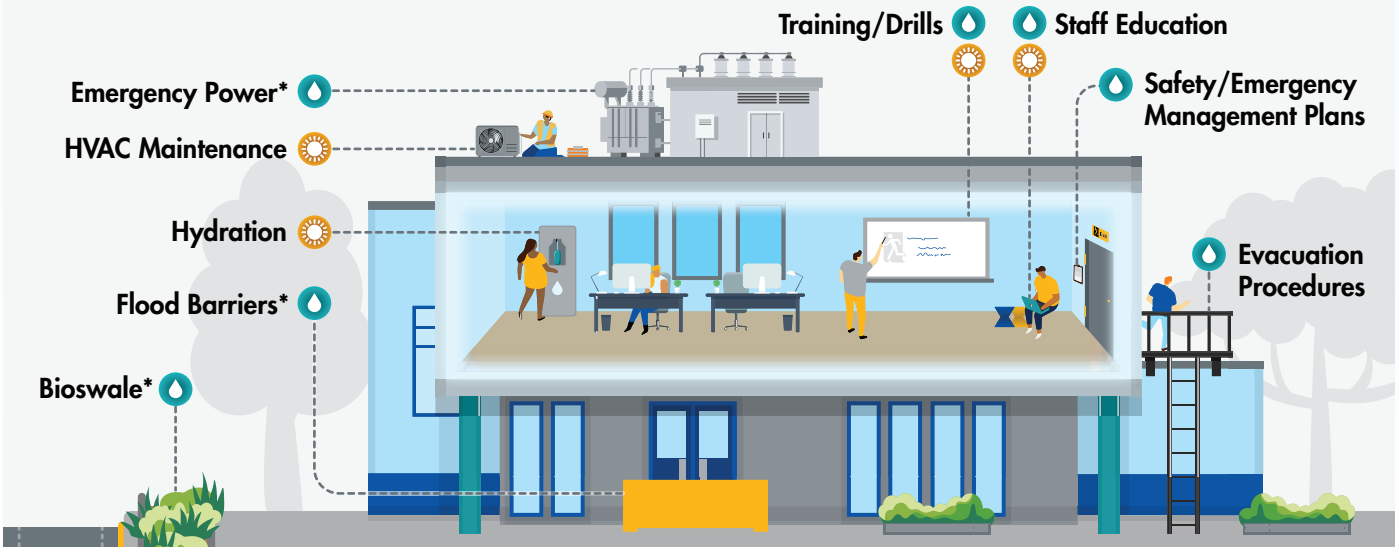


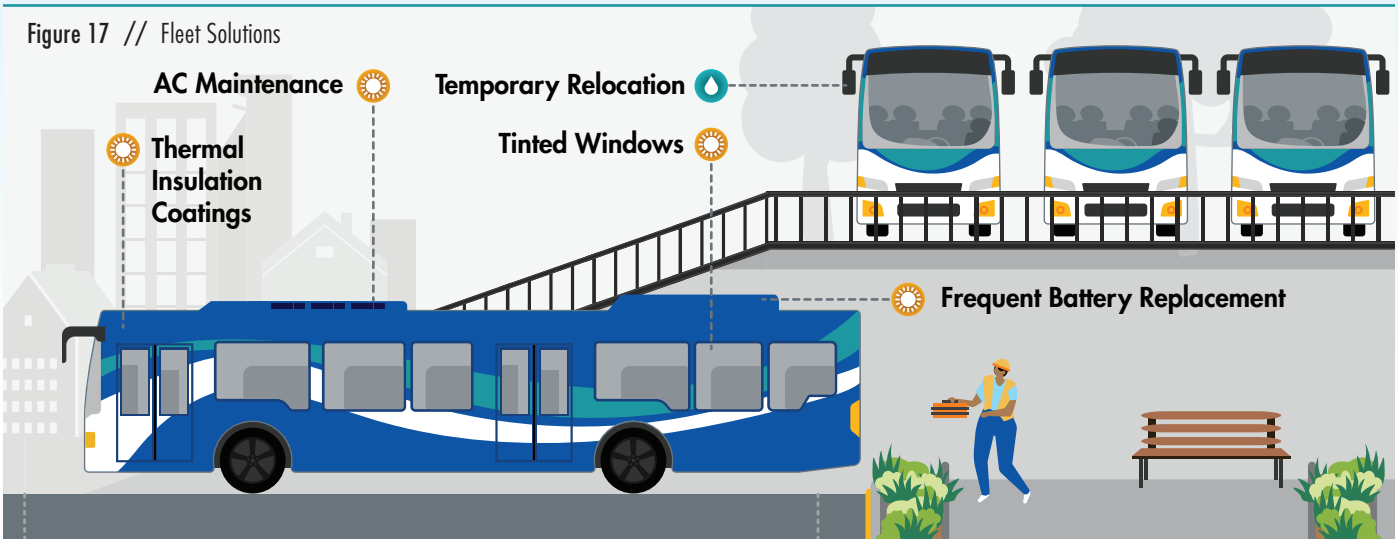
Figure 15 // LIFT Solutions

Figure 16 // Facilities and Operations/Staff Solutions



Key: Flooding and Heavy Precipitation Solutions // Extreme Heat and Humidity Solutions

Figure 17 // Fleet Solutions



NCTD is already undertaking several efforts to reduce the vulnerability of its assets, improve operations during emergencies, and increase overall resiliency to climate and natural hazards, including:

- Implementing several alternative and detour routes to address flooding along rail and bus routes.
- Installing high water detectors at low-lying rail and bridge locations that provide real-time water level detection. If a water level threshold is surpassed, it provides signals to operations that turn on a light alerting the operators to stop operations into those areas.
- Employing the Continuity of Operations Plan (COOP) and System Security & Emergency Preparedness Plan (SSEPP) for emergencies and ensuring all new employees are familiar with the plans.
- Proactively managing weeds and vegetation to reduce impact to operations and prevent wildfire risks.
- Enhancing slope stability and conducting additional grading, drainage, utility and fencing improvements to prevent rockslides along portions of NCTD's service area.

NCTD and SANDAG are working to stabilize portions of the Del Mar Coastal Bluffs. This is an ongoing, multiphase effort to maintain a stable track bed along the coastal bluffs and protect the railroad from erosion, landslides, and seismic events.

Looking Ahead

The CAIRP is a culmination of NCTD's efforts to identify and address the risks that climate and natural hazards pose to its operations, systems, employees, and riders. The CAIRP is a guide for NCTD to evaluate and prioritize the potential measures it can implement to maintain a resilient system in the face of climate hazards. Improving resiliency is particularly important along minority routes and for riders in underserved areas.

In addition to the solutions identified in the CAIRP and the work that NCTD has already undertaken, several other policy-level and programmatic steps can aid NCTD in providing safer and more reliable service to its riders and incorporating resilience into all future planning efforts. Some of the items include:

- Amend or update existing MOUs with municipalities to implement resilience solutions
- Conduct new training for NCTD staff on climate hazard safety protocols and general hazard safety communication tools
- Develop climate hazard safety tools such as signage at transit stations and stops to inform the public about risk minimization measures

Implementation of these actions is subject to NCTD Board of Directors' approval.

Through an assessment of the hazard impacts and vulnerabilities, an evaluation of best practices across the state, and thorough public engagement efforts, NCTD has developed the tools and insights needed to respond to the climate and natural hazards the service region faces. Through ongoing coordination with local partners and a commitment to service improvements, NCTD will continue to develop a more resilient transit system for the region.

The full plan is available on the NCTD website.

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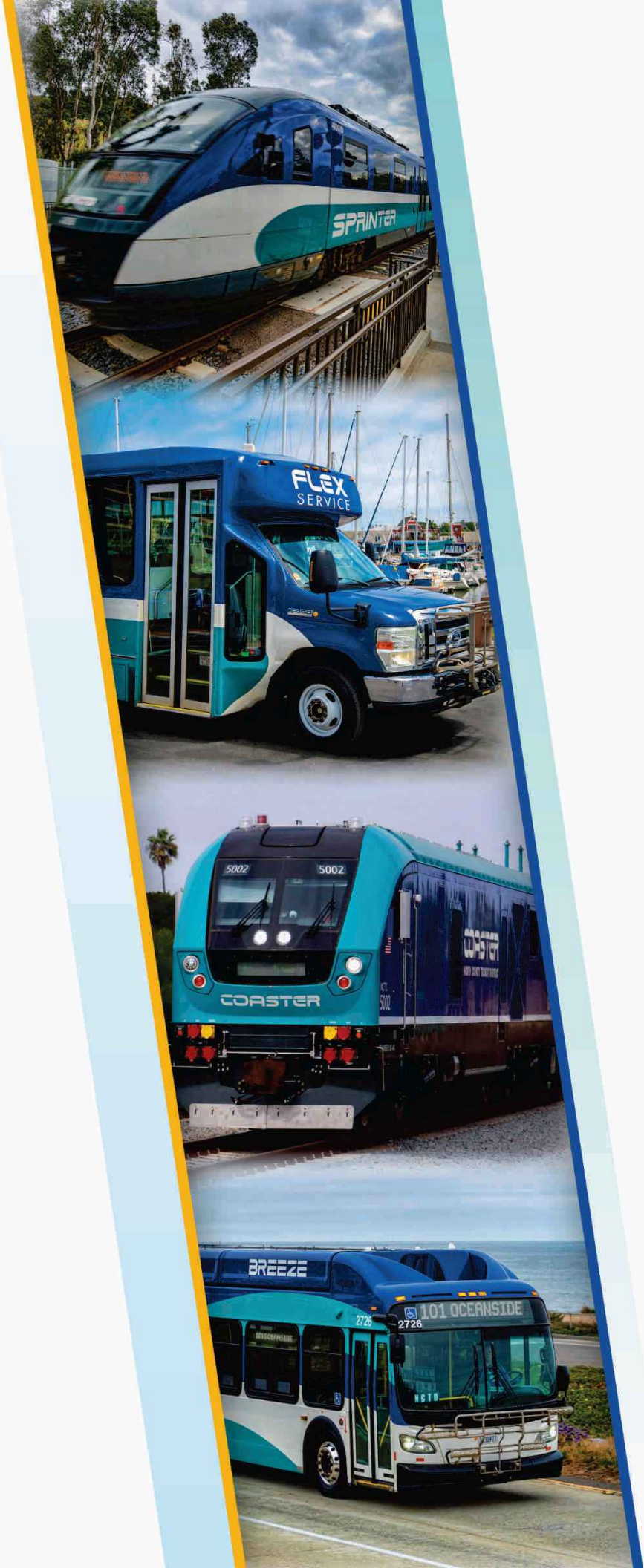
ATTACHMENT 14C

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Climate Adaptation and Infrastructure Resiliency Plan

March 2026 – Final



Caltrans

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Acronyms List

ADA	Americans with Disabilities Act
ASCE	American Society of Civil Engineers
Blvd	Boulevard
Caltrans	California Department of Transportation
CAIRP	Climate Adaptation and Infrastructure Resilience Plan
CAPTI	Climate Action Plan for Transportation Infrastructure (California State Transportation)
CBO	Community Based Organization
CCC	California Coastal Commission
FEMA	US Federal Emergency Management Agency
FTA	Federal Transit Administration
GHG	Greenhouse gas emissions
HI	Heat index
HVAC	Heating, Ventilation and Air-Conditioning
IT	Information technology
LID	Low impact development
LOSSAN	Los Angeles-San Diego-San Luis Obispo rail corridor
NCTD	North County Transit – San Diego Railroad
NWS	National Weather Service
SANDAG	San Diego Association of Governments
SEI	Structural Engineering Institute
St	Street
US	United States

Glossary

Minority Route	A route that has at least ⅓ 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 (FTA Circular 4702.1B).
Heat Index	The apparent temperature; what the temperature feels like to the human body when relative humidity is combined with the air temperature.
Dry Bulb Temperature	Dry bulb temperature is the air temperature measured by a thermometer that is not affected by moisture.
Fluvial Flooding	Fluvial flooding happens when the water level in a river, stream, or ditch rises and spills over its banks due to excessive rainfall or snowmelt.
100-Year Flood	Also known as the 1% annual chance of flooding. This is the flood event having a 1-percent chance of being equaled or exceeded in any given year. Areas that may be inundated by a 100-year flood can be identified on the FEMA Flood Insurance Rate Map as the Special Flood Hazard Area (SFHA).
500-Year Flood	Also known as the 0.2% annual chance of flooding. This is the flood event having a 0.2-percent chance of being equaled or exceeded in any given year. Areas that may be inundated by a 500-year flood can be identified on the FEMA Flood Insurance Rate Map as Moderate flood hazard areas, labeled Zone B or Zone X.

1. Introduction

North County Transit – San Diego Railroad (NCTD) operates essential public transportation services to the northern region of San Diego County, California. Its service area covers over 1,000 square miles including the cities of Carlsbad, Del Mar, Encinitas, Escondido, Oceanside, San Diego, San Marcos, Solana Beach, Vista, and Unincorporated portions of San Diego County. NCTD offers a range of services that include the COASTER commuter rail, SPRINTER light rail, BREEZE bus services, NCTD+ microtransit, LIFT ADA paratransit, and FLEX on-demand flexible service.

Our Mission

NCTD aims to operate an environmentally sustainable and fiscally responsible transit network that provides seamless mobility for all while achieving organizational and operational excellence. Its goal is to deliver safe, reliable, accessible, and efficient transit options, maintain and grow infrastructure, protect and maximize public investment, and partner with local communities and stakeholders.

San Diego County is faced with the intensifying impacts of climate hazards as well as natural hazards, which threaten to disrupt NCTD's services and operations and affect rider comfort and safety. To better prepare for these impacts, NCTD has developed a Climate Adaptation and Infrastructure Resilience Plan (CAIRP) to assess the climate hazard risks it faces and identify resilience solutions that can address these challenges (Figure 1). NCTD developed a Sustainability and Climate Action Plan (CAP) in 2024, which serves as a strategic roadmap for reducing GHG emissions for the agency. The CAIRP builds on important principles of the CAP, including providing a critical regional transportation service and centering equity in its resilience solutions.

The CAIRP aims to benefit all transit users who rely on NCTD services, particularly undeserved communities in the region that are disproportionately impacted by climate hazards. Accounting for these disparities allows NCTD to prioritize resilience investments that can benefit underserved communities, including those along NCTD's Minority transit routes (Minority Route). A Minority Route is defined by the Federal Transit Administration (FTA) as a route that has at least one-third of its total revenue milage 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, per FTA Title VI Requirement and Guidelines. The CAIRP also aims to prioritize routes or locations that are or may be impacted by multiple hazards to implement multi-benefit solutions.

Figure 1. Goals of the Climate Adaptation and Infrastructure Resilience Plan

Goals of the Climate Adaptation and Infrastructure Resilience Plan

- Identify climate-related risks and impacts on the regional commuter rail, bus assets, and infrastructure in the NCTD service area.
- Improve the resiliency of the passenger rail and bus system in Southern California.
- Identify planning needs for improving coordination with stakeholders to implement action items.
- Enhance communications between relevant stakeholders, including new stakeholders and/or expanded roles for current stakeholders.
- Protect NCTD infrastructure and assets from damage and service disruptions.
- Provide resilient and supplementary emergency mobility options to support regional accessibility during climate and seismic related impacts.
- Protect the mobility of Southern Californians, including the most vulnerable, disadvantaged, and transit-dependent populations.
- Continue to provide the community benefits of a strong passenger rail and bus system, which include reducing air pollution, greenhouse gas emissions, roadway vehicle miles traveled, and roadway congestion.

The development of the CAIRP involved multiple phases of research, analysis, and public engagement. The research and analysis conducted in each phase of the project was informed by input and feedback from NCTD employees, stakeholders, and members of the public so that their feedback was not only incorporated, but also influential in the project development process. This report delves into the process and findings from each phase of the project (Figure 2).

Figure 2. CAIRP Development Process

Publicly available materials from state, regional, and local agencies were reviewed to align the CAIRP with existing state and regional guidelines and to incorporate best practices. The policies, practices, and data included in the resulting Existing Conditions Report laid the groundwork for the CAIRP and informed its potential solutions, outlined in the Solutions Matrix, to address climate impacts. Several of the relevant documents reviewed include the following:

- The 2024 Draft California Climate Adaptation Strategy[1] creates an integrated framework of sector-specific plans, success metrics, timeframes, and climate adaptation strategies, including high-level priorities with specific goals and actions that can help transit agencies reduce the risk of climate

[1]The 2024 Draft California Climate Adaptation Strategy has since been finalized.

hazards to California's transportation system.

- The California State Transportation Agency's Climate Action Plan for Transportation Infrastructure (CAPTI) provides guidelines for developing more sustainable, equitable, and healthy modes of transportation throughout California. The CAPTI prioritizes resilience and includes a strategy to support climate resilience through transportation system improvements. This strategy includes the development of a risk assessment planning and implementation guide for updating transportation infrastructure that can help transit agencies implement climate-resilient solutions.
- The Caltrans Climate Vulnerability Assessment for District 11 provides an overview of the potential effects of climate hazards in San Diego County, including the NCTD service area. The document provided regional metrics on climate hazards and risks to infrastructure assets relating to temperature, precipitation, wildfire, sea-level rise, storm surge, flooding, erosion, and cliff retreat. This assessment supported the preliminary evaluation of climate impacts on NCTD locations, assets, and services.

This research provided NCTD with a better understanding of how other regional agencies are addressing similar challenges and how NCTD can align with state policy and guidelines. The Existing Conditions Report also preliminarily identified the physical or structural damage that each climate hazard could cause, and how such damage would affect each of NCTD's major assets. A few of the major potential impacts included the following:

- Extreme heat can cause damage to rail tracks by expanding, bending, breaking, or developing sun kinks.
- Extreme wind can cause debris and downed trees, which can block rail tracks, block roadways, damage rail stations, impact mobility, and limit access to bus stops.
- Extreme precipitation can cause roadway closures if they become inundated with debris.
- Flooding from heavy precipitation and/or sea-level rise can cause inundation of roadways or rail tracks, causing detours, delays, or service cancellations.
- Coastal erosion and landslides can cause coastal bluff[2] or hillside collapse, which can damage infrastructure, obstruct railways, block roadways, and lead to costly delays and repairs.

In the second phase of the CAIRP's development, NCTD undertook a vulnerability assessment that evaluated the climate-related risks and impacts on its services and protections for NCTD infrastructure and assets from damage and service disruption.

The vulnerability assessment conducted found that the primary climate hazards facing NCTD are **coastal flooding with sea-level rise, fluvial flooding, heavy precipitation, and extreme heat and humidity**. Although the threats of landslides, extreme wind, wildfire, seismic, and tsunamis exist, they pose comparatively lower risks to the agency. NCTD analyzed the various impacts of these hazards—particularly the primary hazards—will have on its system in terms of operations and finances and its passengers, including social vulnerability concerns (Figure 3).

[2] Coastal bluffs are part of the North County coastline and are also vulnerable to erosion. As there are active efforts underway to address this risk, the climate analysis undertaken by NCTD did not heavily focus on these impacts.

Figure 3. Impacts Assessed

Impacts Assessed

NCTD IMPACTS

Operational impacts: Associated loss of service due to service delays and service disruptions. For example, loss of service of a bus route because of flooding during the 100-year flood. Downtime estimates are related to the time within which the agency may be able to restore services.

Financial impacts: The additional transportation operating costs due to increased travel distances. All costs are expressed in dollars per day of disruption, meaning the overall impact of a flooding event depends on the number of days a route is expected to be affected. To estimate additional travel distances and times caused by flooded roads, a network analysis was conducted to determine detours between stops when flooding occurs. The NCTD impact does not include the repair and replacement cost of damaged assets.

PASSENGER-RELATED IMPACTS

User (passenger) impacts: Incorporate consequences from service suspension or delays and social vulnerability considerations. These impacts consider social and economic costs related to loss of transit services for transit-dependent individuals in low-income communities, including disabled individuals with accessibility needs who are reliant on LIFT ADA Paratransit services. For example, passengers waiting at bus stops may be exposed to extreme heat that would cause hazardous health conditions.

Financial impacts: The costs of additional travel time resulting from detours or service delays, presented both as a total cost for all passengers on a route and as an average cost per passenger.

SOCIAL VULNERABILITY

Social vulnerability impacts are assessed in terms of Minority Routes affected, consistent with the analysis methodology of the 2024 Title VI Triennial Program Update for North County Transit – San Diego Railroad. A Minority Route is defined as having at least ⅓ 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 (FTA Circular 4702.1B).

Minority Routes exposed to the priority hazards are identified in the vulnerability assessment. Minority Routes with exposure and impacts from climate and natural hazards above the system average are also identified.

NCTD prioritized consultation with the public, Community-Based Organizations (CBOs), and its riders. Feedback was incorporated throughout the CAIRP's development process, with a focus on understanding the hazards most commonly affecting riders and at which locations. The engagement approach included a variety of tactics, including in-person events, surveys, virtual open houses, and focus groups, which gave the community flexibility in how to contribute to the process.

In the third phase, NCTD took the research and assessment findings as well as feedback from the public to develop a suite of potential adaptation strategies. While developing these strategies, NCTD also took into consideration the efforts of agencies and cities throughout California, including municipalities within NCTD's service area to assess climate adaptation best practices. NCTD prioritized several locations for deeper analysis, which can serve as examples for the types of climate investments NCTD could consider implementing. Looking ahead, NCTD intends to use this report as a critical tool to better plan for the impacts of climate hazards and prioritize future investments to build a more resilient system.

2. Assessing NCTD's Vulnerability to Climate Hazards

To support the development of the CAIRP, a vulnerability assessment was conducted to identify the vulnerabilities of NCTD's assets and potential impacts on the NCTD transit system, operations, and its ridership. The results of the assessment were used to identify and prioritize adaptation strategies for improvements to NCTD's services, including COASTER, SPRINTER, BREEZE, FLEX, and LIFT ADA Paratransit, as well as NCTD facilities. These improvements will allow for safe and reliable service for the region, even in the face of climate hazards.

Climate impacts on NCTD routes, tracks, stops, stations, fleet, facilities, and transit passengers were evaluated for exposure to the climate hazards shown in Figure 4.

Figure 4. Climate and Natural Hazards Assessed

Note Natural Hazards are naturally occurring phenomena with the potential to impact and cause damage to communities, infrastructure, and environmental systems. Climate Hazards are hazards that are driven by climate or weather variability/extremes including both rapid onset (e.g., storms, extreme heat) or slow onset (e.g., sea-level rise, drought trends) that may cause damage and loss.

The vulnerability assessment is intended to provide information for planning-level decision-making and high-level prioritization. Asset vulnerability is dependent upon several factors specific to the asset type and particular hazard, such as the location and level of exposure. For example, the level of flooding with respect to the elements of a transit center, the elevation of these individual elements, and their level of flood protection on site all influence vulnerability. The quantified potential impacts of this vulnerability assessment can be used to inform prioritization of adaptation strategies and can serve as a baseline for facility-level assessments to identify additional site-specific needs. The results of this assessment can also inform coordination with other infrastructure agencies for resilience planning.

2.1 Methodology

The asset exposure assessment considered sea-level rise, coastal and fluvial flooding, extreme heat and humidity, heavy precipitation, landslides, wildfire, extreme wind, seismic activity, and tsunamis. For each hazard, exposure was evaluated by overlaying publicly available hazard data with transit asset locations. Scenarios for climate-related hazards represented different time horizons (i.e., the years 2050, 2080, and 2100). The intensities of the hazards and the methods varied depending on the nature of the hazard, using either quantitative or qualitative approaches. Figure 5 depicts the methodology process of the vulnerability assessment.

Figure 5. Vulnerability Assessment Process

2.2 Results

The vulnerability assessment found that the primary climate hazards facing NCTD are coastal flooding with sea-level rise, fluvial flooding, heavy precipitation, and extreme heat and humidity. Although the threats of landslides, extreme wind, wildfire, seismic and tsunamis exist, they pose comparatively lower risks to the agency. NCTD analyzed the various impacts that these hazards—particularly the primary hazards—will have on its system in terms of operations and finances and its passengers, including social vulnerability concerns.

2.2.1 Flooding (Coastal, Fluvial, and Heavy Precipitation)

Flooding, as well as the associated debris and fallen trees, can close roadways and cause detours, delays, or suspension of transit services. Inundated curbs or roads can create unsafe boarding conditions and block access to ADA-compliant loading areas. Pooling on platforms and slippery surfaces can also create hazardous conditions at stops or stations for passengers, especially elderly passengers or those with limited mobility, and limit access to stations or force station closures. Flooding can make at-grade tracks slippery, and inundated tracks can lead to suspended operations. Low clearance vehicles, maintenance areas, and electrical or IT equipment can also be damaged when facilities flood.

Coastal flooding can inundate low-lying areas or at-grade rail stations along the coastline with saline water, which can saturate track beds or washout ballasts (essential elements of a functioning rail system). Repeated exposure to saline water can also cause corrosion and damage to tracks, signals, and equipment. Coastal bluffs are part of the North County coastline and are also vulnerable to erosion. As there are active efforts underway to address this risk, the climate analysis undertaken by NCTD did not heavily focus on these impacts.

Heavy precipitation can contribute to flooding that inundates roads, tracks, and station entrances. Poor conditions can reduce visibility and braking control, creating hazardous driving conditions along railways and roadways. Passengers may also experience poor waiting conditions at bus stops or opt

out of using public transportation altogether if they must walk to stops or shelters in poor conditions, reducing potential ridership. Heavy precipitation at maintenance yards can lead to water accumulation in vehicle pits and overwhelm the capacity of drainage systems. Heavy rain can also cause roof and window leaks at NCTD facilities.

Table 1 through Table 5 identify and summarize the NCTD service lines and assets with the greatest exposure to these priority hazards. A select number of maps have been included to identify the impacted routes, stops, and stations (Figure 6 through Figure 9). Appendix A contains additional maps displaying other impacted service lines for each of the priority hazards.

Coastal Flooding

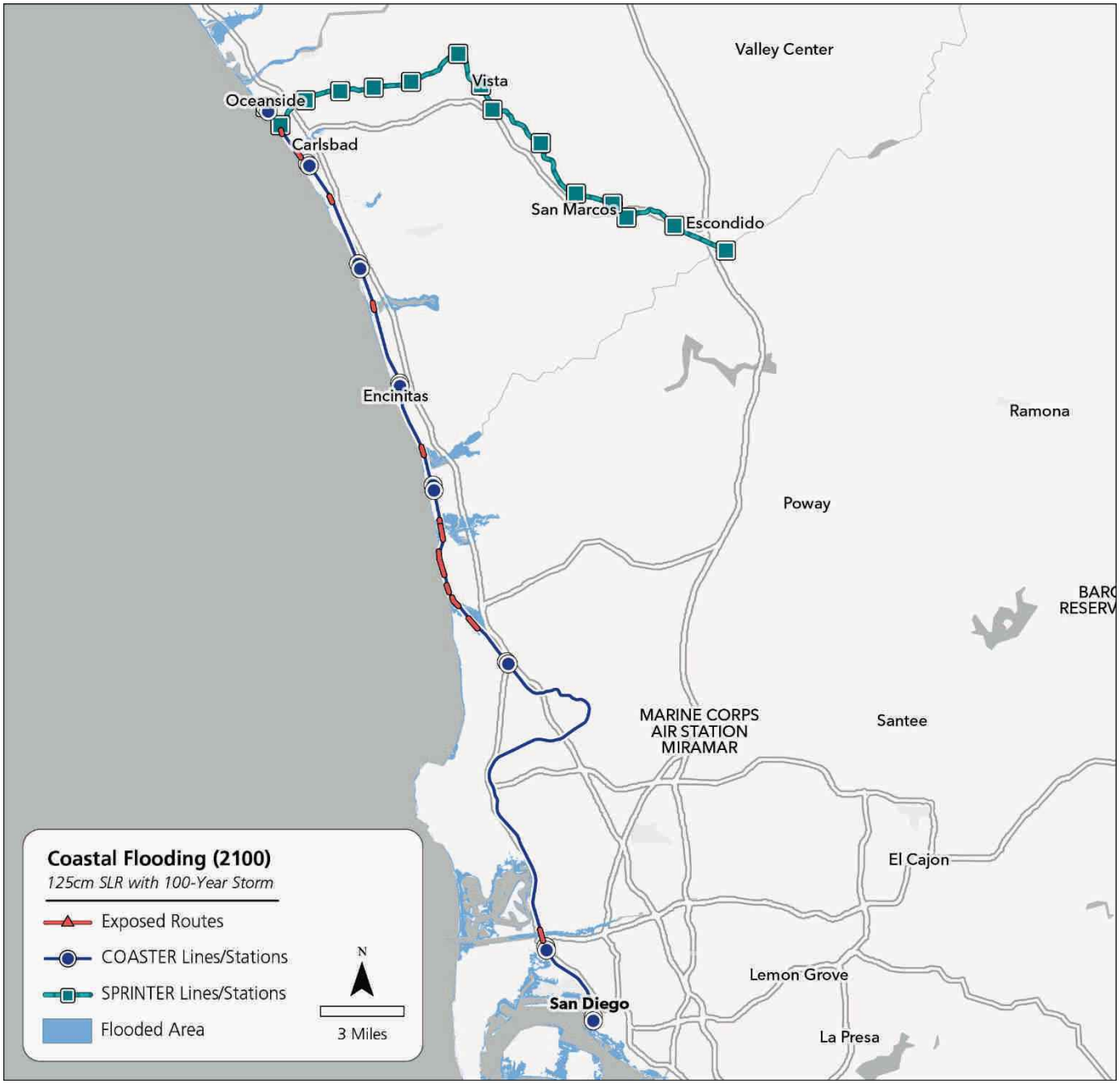
Coastal flooding is based on NCTD's exposure to the 100-year storm and different sea-level rise projections. Sea-level rise projections are determined for mid-century (2050) and end-of-century (2080) under Intermediate, Intermediate-High and High scenarios from the California Ocean Protection Council. Coastal flooding is expected to disrupt services for COASTER rail lines, BREEZE and FLEX bus lines, and LIFT. SPRINTER lines and NCTD facilities are not expected to be impacted by coastal flooding. Table 1 summarizes the service areas and assets that are expected to have the highest exposure to coastal flooding and sea-level rise through 2100.

Table 1. NCTD Services with the Highest Exposure to Coastal Flooding

Service	Impacted Area
BREEZE	101: Oceanside to VA / UCSD / UTC via Highway 101
FLEX	395: Oceanside TC–Camp San Onofre
COASTER	Solana Beach Station–Sorrento Valley Station
SPRINTER	Not Impacted
LIFT	6–7% Service Area (roughly 19–22 sq miles)
Facilities	Not Impacted

Figure 6 depicts potential impacts on COASTER lines under the most severe coastal flooding scenario (125 centimeters of sea-level rise with a 100-year storm by the year 2100). Note SPRINTER is not impacted. The sections in red denote portions of the lines that are exposed to coastal flooding. Appendix A contains additional coastal flooding maps.

Figure 6. COASTER Lines and Stations Exposed to Coastal Flooding
(125 Centimeters of Sea-Level Rise by 2100)



Fluvial Flooding

Fluvial flooding (river flooding) is based on the US Federal Emergency Management Agency (FEMA) assessments for 100-year and 500-year floods. According to FEMA, a 100-year flood represents areas with a 1% annual chance of flooding, while a 500-year flood represents areas with a 0.2% annual chance of flooding. The 500-year flood zone is considered the more severe fluvial flooding scenario. Fluvial flooding is expected to disrupt services for COASTER and SPRINTER rail lines, BREEZE and FLEX bus lines, LIFT paratransit, and some NCTD facilities. Service disruption is defined as delays or detours resulting from flooding impacts to assets or operations. Table 2 summarizes the service areas and assets that are expected to have the highest exposure to fluvial flooding during 100-year and 500-year floods through the year 2100.

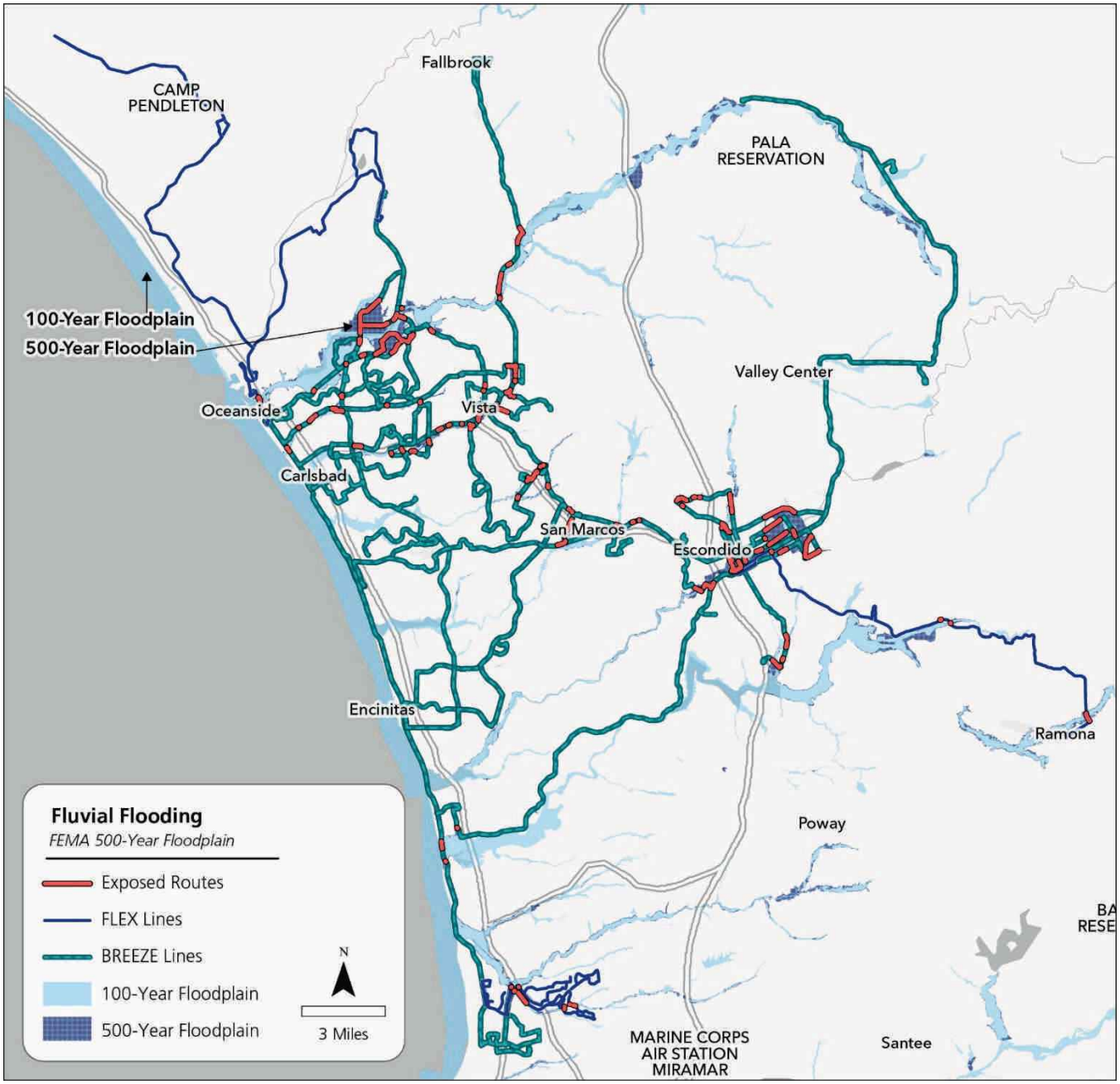
Table 2. NCTD Services with the Highest Exposure to Fluvial Flooding

Service	Impacted Area	
	100-Year Flood	500-Year Flood
BREEZE	303: Oceanside–Vista via Mission Av 309: Town Center North–Encinitas via ECR	303: Oceanside–Vista via Mission Av 351 / 352: Escondido Circulator
FLEX	392: Oceanside TC - 14 Area	371: Escondido - Ramona 392: Oceanside TC - 14 Area
COASTER (Routes)	Sorrento Valley Station–San Diego/Old Town Station	Sorrento Valley Station–San Diego/Old Town Station
COASTER (Stations)	Sorrento Valley	Sorrento Valley
SPRINTER (Routes)	Coast Hwy Station–Crouch St Station	Coast Hwy Station–Crouch St Station
SPRINTER (Stations)	Crouch St El Camino Real Rancho Del Oro College Blvd Buena Creek San Marcos Civic Center	Crouch St El Camino Real Rancho Del Oro College Blvd Vista Transit Center Buena Creek San Marcos Civic Center Escondido Transit Center
LIFT	11% of the LIFT Service Area Potentially Impassable	13% of the LIFT Service Area Potentially Impassable

Service	Impacted Area	
	100-Year Flood	500-Year Flood
Facilities	BREEZE Operations West San Luis Rey Transit Center	BREEZE Operations West BREEZE Operations East SPRINTER Operations Facility San Luis Rey Transit Center Vista Transit Center Escondido Transit Center

Figure 7 depicts potential exposure to BREEZE and FLEX routes under the most severe fluvial flooding scenario (FEMA 500-year flood). The areas and routes that are affected by fluvial flooding are marked in red. Appendix A contains additional fluvial flooding maps.

Figure 7. BREEZE and FLEX Routes Exposed to Fluvial Flooding (FEMA 500-Year Floodplain)[3]



[3] Maps and analysis were devised in early 2025 and depict NCTD operations at the time.

Heavy Precipitation

Heavey precipitation is based on NCTD's exposure to 10-year and 100-year storms over three different time horizons - historical, 2050, and 2080. Heavy precipitation can contribute to flooding that inundates roads, tracks, and station entrances. Poor conditions can reduce visibility and braking control, creating hazardous driving conditions along railways and roadways. Heavy precipitation is expected to disrupt services for COASTER and SPRINTER rail lines, BREEZE and FLEX bus lines, LIFT paratransit, and some facilities. Table 3 summarizes the service areas and assets that are expected to have the highest exposure to heavy precipitation through 2100.

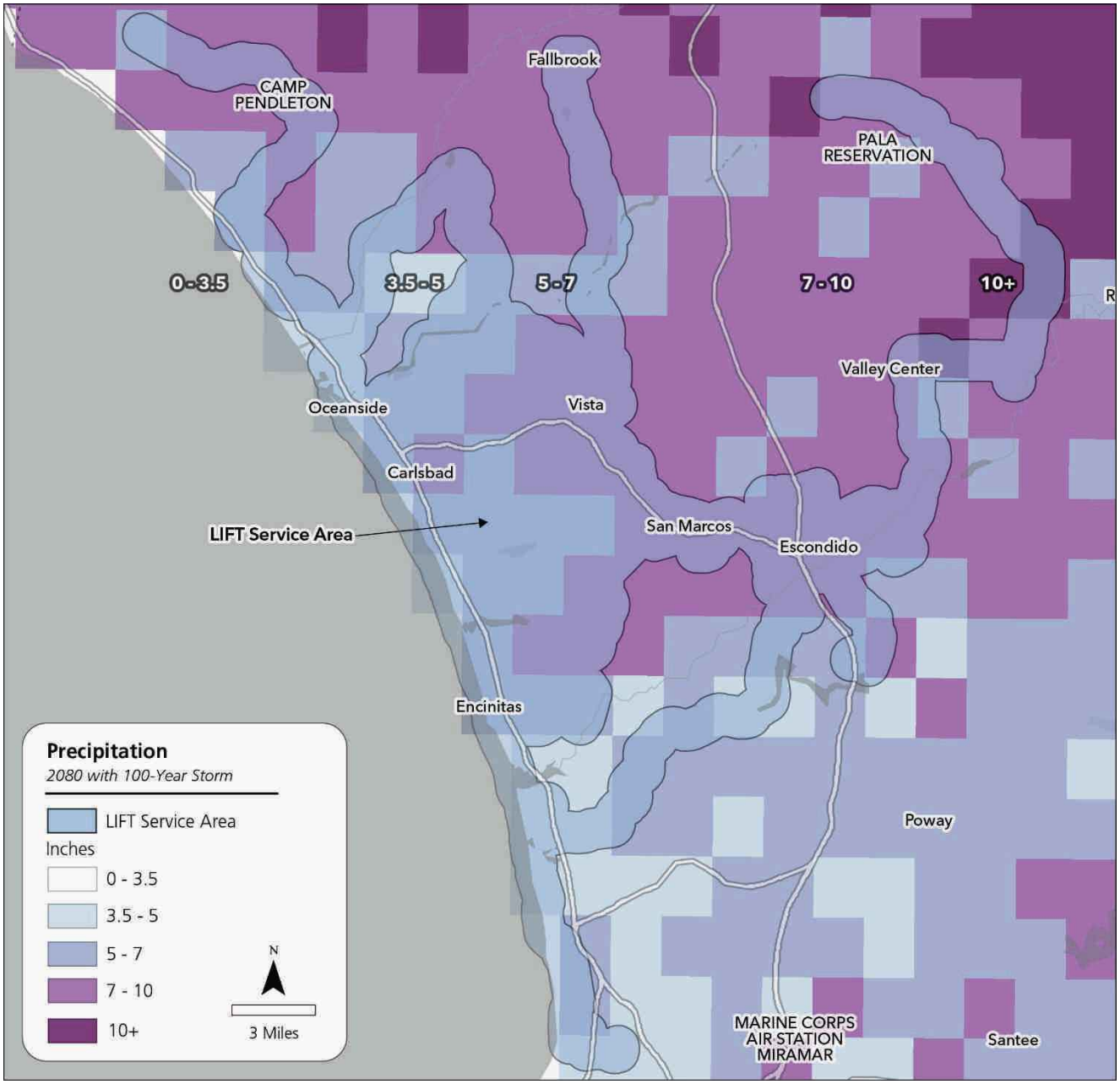
Table 3. NCTD Services with the Highest Exposure to Heavy Precipitation

Service	Impacted Area
BREEZE	354: Escondido TC to Orange Glen High School356: Morning View & Escondido Blvd (Clock) 357: Valley Parkway to El Norte Parkway 388: Escondido to Pala 359: Escondido Country Club (Counter)
FLEX	371: Escondido to Ramona 392: Oceanside TC to 14 Area 395: Oceanside TC to Camp San Onofre
COASTER (Routes)	Oceanside Transit Center Platform 3 - Carlsbad Village Station Carlsbad Village Station - Carlsbad Poinsettia Station Carlsbad Poinsettia Station - Encinitas Station Encinitas Station - Solana Beach Station San Diego Old Town - San Diego Santa Fe Depot
COASTER (Stations)	Carlsbad Village Encinitas Old Town (San Diego)
SPRINTER (Routes)	Vista Transit Center - Civic Center–Vista Palomar College Station - San Marcos Civic Center Station Civic Center–Vista to Buena Creek Station San Marcos Civic Center Station - Cal State San Marcos Station Cal State San Marcos Station - Nordahl Rd Station
SPRINTER (Stations)	Vista Transit Center San Marcos Civic Center

Service	Impacted Area
	Cal State San Marcos
LIFT	Under historical conditions, years prior to 2024, 44% of the LIFT service area experienced heavy precipitation during a 100-year storm event. These figures increase to 53% of the total area by 2050 and 55% of the total area by 2080.
Facilities	Palomar College Transit Center Vista Transit Center BREEZE Operations East Escondido Transit Center SPRINTER Operations Facility

Figure 8 depicts potential exposure to LIFT service areas under the most severe heavy precipitation scenario (100-year storm by 2080). The LIFT services areas subject to higher precipitation rates are shaded in darker purple. The locations with the potential highest exposure to precipitation, with 10 or more inches of rain, are in the east near Valley Center. Appendix A contains additional heavy precipitation maps.

Figure 8. LIFT Service Area Exposed to Heavy Precipitation (100-Year Storm in 2080)



2.2.2 Extreme Heat and Humidity

Extreme heat is a threat to both NCTD assets and the health and wellbeing of its riders and staff. Passengers, operators, drivers, and operations and maintenance support staff that are exposed to high temperatures can experience discomfort and negative health outcomes.

Heat Index (HI) is what the temperature feels like to the human body when relative humidity is combined with the air temperature. Per the National Weather Service (NWS) guidelines, the human

body may experience more serious health outcomes, such as heat stroke, heat cramps, or heat exhaustion, when exposed to prolonged temperatures at or above an HI of 90°F. Heat-related illnesses, such as heat cramps or exhaustion and heat stroke, are more likely to occur when the HI exceeds 103°F. This risk is especially concerning for passengers waiting at unshaded bus stops, stations, or platforms, or in rail cars without proper cooling.

The National Weather Service issues a Heat Advisory when the HI is 100°F+ for two consecutive days and an Extreme Heat Warning when the HI is 105°F+ for two consecutive days or greater than 115°F for any duration During extreme heat days, transit passengers who usually walk to stops and stations may opt out of using public transportation, which results in ridership loss. Passengers that are dependent on public transportation may experience additional hardships organizing their travel. Extreme heat can also decrease workplace productivity. California's Heat Illness Prevention and Occupational Safety and Health Administration Standards mandate regular cooldown breaks for staff working outside in maintenance yards or in the field once temperatures reach 95°F.

Extreme heat can also cause damage to rail tracks and suspend operations. Transit agencies commonly monitor and inspect rail infrastructure once the ambient, or dry bulb temperature exceeds 95°F. At a dry bulb temperature above 95°F, rail tracks can begin to kink or buckle, creating safety concerns for rail systems. High heat also increases tire wear and fuel consumption, causes engines to overheat, and strains air conditioning systems, causing operational challenges and delays. NCTD service lines may experience reduced fleet availability, slower response time, and rerouting needs as a result.

Extreme heat is expected to disrupt services for COASTER and SPRINTER rail lines, BREEZE and FLEX bus lines, LIFT paratransit, and some NCTD facilities. Table 4 summarizes the service areas and assets that are expected to have the highest exposure to HIs of 90°F and 103°F and rail tracks with the highest exposure to dry bulb temperatures exceeding 95°F through 2100.

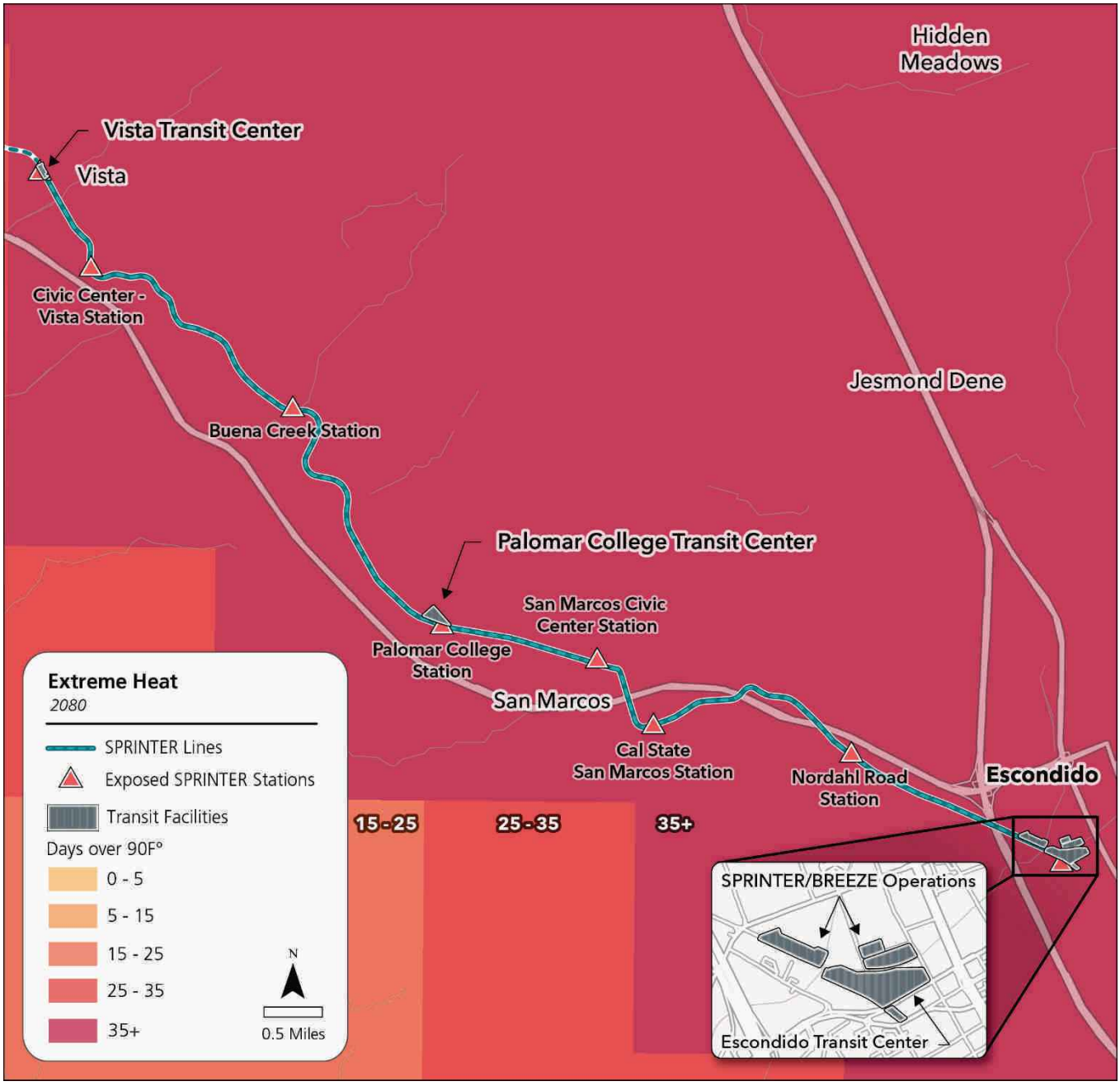
Table 4. NCTD Services with Highest Exposed to Extreme Heat (Heat Index of 90°F and 103°F / Dry Bulb 95°F)

Service	Exposure Risk	Impacted Area
BREEZE	HI 90°F and 103°F	351 / 352: Escondido Circulator 354: Orange Glen High School via Mission, Lincoln, and Citrus 355: El Norte Pkwy 357: Valley Pkwy
FLEX	HI 90°F and 103°F	371: FLEX Ramona Commuter 392: Oceanside to 14 Area via Vandergrift 395: Oceanside Transit Center to 52 Area via Naval Hospital

Service	Exposure Risk	Impacted Area
COASTER (Routes)	Dry Bulb 95°F	Oceanside Transit Center Platform 3–Carlsbad Village Carlsbad Village–Carlsbad Poinsettia Solana Beach–Sorrento Valley Sorrento Valley–San Diego Old Town San Diego Old Town–San Diego Santa Fe Depot
COASTER (Stations)	HI 90°F and 103°F	Oceanside Transit Center Carlsbad Village Sorrento Valley Old Town Santa Fe Depot
SPRINTER (Routes)	Dry Bulb 95°F	Buena Creek–Palomar College Palomar College–San Marcos Civic Center San Marcos Civic Center–Cal State San Marcos Cal State San Marcos–Nordahl Rd Nordahl Rd–Escondido Transit Center
SPRINTER (Stations)	HI 90°F and 103°F	Vista Transit Center Buena Creek San Marcos Civic Center Cal State San Marcos Escondido Transit Center
LIFT	HI 90°F and 103°F	Historically, prior to 2024, 35% of the LIFT service area has an average of +17 days per year with an HI over 90°F, which rises to 41% by 2050 (+25 days per year) and 47% by 2080 (+35 days per year). Historically, prior to 2024, 36% of the LIFT service area has an average of +2 days with HIs over 103°F, which changes to 32% by 2050 with +5 days per year and 36% by 2080 +11 days per year.
Facilities	HI 90°F and 103°F	BREEZE Operations East Escondido Transit Center SPRINTER Operations Facility Palomar College Transit Center Vista Transit Center

Figure 9 depicts potential impacts on facilities under extreme heat scenarios with an HI of at least 90°F in terms of days. A segment of the SPRINTER line that includes the Vista Transit Center, Palomar College Transit Center, and Escondido Transit Center are all in areas likely to experience 35 or more days of temperatures of 90°F or above. Appendix A contains additional extreme heat maps.

Figure 9. Facilities Exposed to Extreme Heat (Heat Index of 90°F) by 2080



3. Public Engagement

Consulting with and gathering feedback from the public was a critical element of the CAIRP's development. The public engagement process identified communities throughout the NCTD service area that are vulnerable to climate hazards, specifically those reliant on public transit. Moreover, the engagement provided information to evaluate transit amenities and improvements that enhance accessibility, safety reliability, equity, resilience, and improve the travel experience for underserved communities and affected residents and recommend where NCTD should prioritize its investments. Ultimately, the input and feedback gathered from the public engagement was incorporated into the CAIRP so that NCTD prioritizes its investments and meets the needs of the public.

The stakeholders consulted and engaged throughout this project included the following:

- NCTD passengers
- The business community
- Residents within the NCTD service area
- Educational institutions (California State University San Marcos and Palomar College, Mira Costa College, University of California San Diego)
- Advocacy groups representing disadvantaged and diverse communities
- NCTD staff
- The Advisory Committee
- NCTD Board of Directors
- CBOs
- Historically disadvantaged, underserved, multicultural, and vulnerable communities

Figure 10. NCTD Pop-Up Event at Oceanside Concert

Figure 11. NCTD Pop-Up Event at Cyclovia Vista

The public engagement process consisted of several types of engagement so that multiple stakeholders were involved and were provided with various opportunities to participate. The types of engagement included public engagement events, virtual open houses, public online and in-person surveys, focus groups with stakeholders, focus groups with CBOs, and focus groups with NCTD

employees.

The outreach objectives for public engagement included garnering feedback to inform climate hazard identification and solutions as well as providing project transparency from NCTD and the consultant team so that the public understood the purpose of the CAIRP and was engaged throughout its development. Various types of engagement offered in multiple languages created opportunities for public input. Specifically, the public engagement process sought to engage residents who are most likely to have their transportation options affected by climate hazards.

An advisory committee representing key local stakeholders, agencies, and organizations provided critical feedback on the development of the CAIRP. The Advisory Committee included representatives from California Coastal Commission (CCC), California Department of Transportation (Caltrans), San Diego Association of Governments (SANDAG), the County of San Diego, Alliance for Regional Solutions, Vista Community Clinic, the City of Carlsbad, the City of Del Mar, the City of Encinitas, the City of Escondido, the City of Oceanside, the City of San Diego, and the City of Vista. The Advisory Committee met throughout the CAIRP's development and provided guidance to NCTD and the project team.

3.1 Survey Responses

Stakeholders provided input via the public survey, which was available on the project website. Stakeholders also completed in-person surveys during various outreach events hosted in May, August, and September 2025. Stakeholders were asked questions about how their experiences with NCTD services were affected by climate hazards.

Overall, the results of the public survey confirmed that there are several key climate hazards affecting NCTD services. The public indicated that the primary hazards affecting NCTD services are fluvial flooding, heavy precipitation, and extreme heat. These findings supported the prioritization of the impacts of these climate hazards in the CAIRP. Moreover, site-specific solutions were developed for locations identified by the public in conjunction with the NCTD internal focus groups and the prioritization analysis.

Some key survey responses included the following:

- Most survey respondents who indicated their use of public transportation had been affected by extreme weather events identified extreme heat or heavy precipitation as the reason for a disruption in public transportation.
- Specific locations where survey respondents experienced a disruption due to climate-related impacts include Oceanside, San Clemente, Del Mar, tip of Point Loma, and Vista.
- Most of the respondents who indicated an NCTD service disruption identified the BREEZE fixed route bus service as the service most frequently disrupted by climate hazards.
- When classifying how their transit experience was affected, survey respondents identified delayed service as the main impact. The second highest response selected was choosing to stay home.

3.2 Community-Based Organization Focus Groups

CBOs were invited to participate in a one-and-a-half-hour virtual focus group that explored how climate-

related events were affecting transit in their communities and how NCTD could strengthen its transit system in an equitable and community-informed way. Given participant availability, one focus group was held.

The CBO focus group identified challenges people face accessing transit during extreme weather, which grounded the technical findings from vulnerability assessment in real community experiences. The CBO focus group also identified potential solutions for flooding, extreme heat, and general public emergencies. Themes and responses from the CBO focus group included the following:

- Clear and timely messaging
- Use of electronic signs at bus stops or sound systems at stations that provide route updates and information on delays
- Bilingual transit ambassadors at transit stations
- Communications within Pronto or other apps to communicate route disruptions
- Incorporation of tree planting and reduction of impervious surfaces around stops and stations to improve soil retention and stormwater management
- Improvement of coordination regarding access to public services, including Cool Zones, a program within San Diego County, which provides specific locations that are free, air-conditioned places for persons to stay cool when it is very hot outside, as well as water access during extreme heat events
- More shelters or shade structures at stops and stations made of durable materials that do not conduct heat
- Prioritization for improvements along transit lines that provide essential services, such as schools, which are critical during extreme weather events
- Additional safety training for drivers to recognize signs of things like heat stroke if they encounter a passenger in distress

The results of the focus groups and surveys were incorporated into the development of potential solutions as described in **Section 4**.

3.3 NCTD Focus Groups

The purpose of the NCTD internal focus group sessions was to discuss the tools, strategies, plans, operations, and maintenance efforts already taken by NCTD to address each of the individual climate hazards and risks. Two NCTD internal focus group sessions were conducted with bus, rail, and facility experts. The overall goals of the focus groups were to identify gaps or areas of improvement within any existing efforts to address climate hazards and recommend potential additional strategies to address the risks.

The focus groups discussed each of the climate hazards with an emphasis on the priority hazards: coastal flooding with sea-level rise, fluvial flooding, extreme heat and humidity, and heavy precipitation. Participants discussed aspects of the NCTD system that have historically been the most sensitive to climate hazards as well as any tools or strategies being used to manage these risks. The focus groups also identified any routes, stations, or facilities that are known to be more vulnerable to climate hazards, whether they require more frequent repairs or replacements, and if there are any opportunities to improve how these risks are managed. A few notable highlights from the NCTD focus groups follow:

- In preparation for a major flooding event, NCTD evacuated all vehicles to higher ground outside the floodplain. To accommodate all vehicles, NCTD had to relocate vehicles to two locations.
- NCTD has installed high water detectors in low-lying areas that connect to railroad signal systems and automatically illuminate red signals to alert staff to stop trains during high water/flooding in those segments of the corridor.
- As king tides and heavy rain regularly affect Highway 78, NCTD has implemented standardized detours and alternative routes when the area is impacted by flooding.
- Coastal flooding can impact electrical equipment on the SPRINTER and COASTER routes. Salt water can corrode or damage signal houses, track signals, and control switches on the ground, impacting services.
- Extreme heat has delayed rail services as staff must conduct track inspections per NCTD safety protocol. In addition, during extreme heat events, SPRINTER engines require cooldown time before powering back up to avoid overheating.
- COASTER and SPRINTER train coaches have also experienced extreme heat and passenger discomfort despite HVAC systems working. Identifying previous hazards and building on existing strategies will strengthen NCTD's preparedness and response capabilities to future hazards.

Additional outreach and feedback from NCTD passengers and CBO groups provided a wider perspective on how NCTD services are impacted by climate hazards and potential strategies to address them.

The results of the focus groups were incorporated into the development of potential solutions as described in **Section 4**.

4. Identifying Resilience Solutions

A menu of resilience solutions (i.e., the Solutions Matrix) was developed to support NCTD in addressing the identified climate hazards and impacts. The research conducted for the Existing Conditions Report helped NCTD understand best practices across the state and identify applicable resilience solutions, forming the foundation of the Solutions Matrix. Some examples of best practice solutions include the following:

- The City of San Diego's solution to address urban flooding included implementation of Low Impact Development strategies that can effectively manage stormwater runoff, including vegetated swales, cisterns, and green roofs on transit facilities.
- The City of San Marcos recommends installing green infrastructure such as tree canopies to mitigate against the impacts of extreme heat.

Section 4.1 describes the process of developing and prioritizing resilience strategies in the Solutions Matrix, which included incorporation of feedback from the public engagement process and focus groups, which ensured that the needs of NCTD ridership were taken into consideration when weighing various solutions. The Solutions Matrix was then combined with the assessment results to identify locations for site-specific resilience solutions, as described in Section 5.1.

4.1 Solutions Matrix

The Solutions Matrix serves as a menu of mitigation solutions, informed by adaptation and mitigation strategies outlined in publicly available materials from state, regional, and local agencies, climate adaptation best practices, local Climate Action Plans and Hazard Assessments, and current NCTD plans and data. Many of the key strategies identified in The Solutions Matrix are identified in Section 5.1. The Solutions Matrix is organized by hazard and includes specific solutions for each of the NCTD services and major asset classes, including the following:

- BREEZE and FLEX routes, stops, and passengers
- COASTER and SPRINTER tracks, stations, and passengers
- LIFT services area and passengers
- NCTD facilities and in-office staff
- NCTD drivers, operators, and field maintenance staff
- Fleet vehicles

The risk assessment identified the asset types at risk from each hazard. Solutions for each hazard/asset combination include relevant examples from other transit agencies, municipal jurisdictions, and state authorities.

The Solutions Matrix also incorporated the experience and expertise shared through CBO and NCTD focus groups. Specifically, the Solutions Matrix highlighted existing NCTD projects and strategies aimed at addressing specific climate hazards, which were identified through focus groups. The information provided by the focus groups provided important details and context for the existing conditions and operational efforts currently being implemented by NCTD. The focus groups also provided lessons learned from the implementation of technologies and strategies. Table 5 provides a list of solutions for mitigating the potential impact to NCTD services and assets from the various hazards. This is a high-

level summary of the full list of strategies included in the Solutions Matrix.[4] While each solution effectively addresses a single hazard, certain NCTD routes, stations, and locations are vulnerable to multiple hazards. Therefore, implementing multiple solutions with overlapping benefits can significantly increase NCTD's overall resilience and mitigate impacts on services and routes.

Table 5: Solutions Matrix Summary

	MITIGATION SOLUTIONS		
Hazard	**BREEZE / FLEX / LIFT**	**COASTER / SPRINTER**	**Facilities / Operations / Fleet**
Coastal Flooding with Sea-Level Rise & Erosion	• Develop pre-determined detours for routes vulnerable to coastal flooding or erosion. • Relocate bus stops vulnerable to coastal flooding or erosion. • Install erosion protection and slope stabilization.	• Install flood barriers at bridges and low-lying track. • Elevate tracks, electrical equipment, safety barriers, and signals/communications in coastal flood zones. • Implement shoreline restoration with dunes, reefs, native vegetation, and wetlands.	• Update site-specific safety and emergency plans based on coastal flooding and hazard projections. • Relocate assets prior to coastal flooding or impact from erosion.
Fluvial Flooding & Heavy Precipitation	• Develop alternative boarding and alighting locations for bus stops vulnerable to heavy precipitation and flooding. • Update stormwater management infrastructure to address 100-year floods.	• Implement stormwater management to divert flooding away from rail tracks and stations. • Elevate the top of track bed to be above flooding levels.	• Implement low impact development (LID) for stormwater management and flood control at facilities. • Locate maintenance yards and fleet parking outside of high-risk flood areas.
Extreme Heat	• Install bus shelters made of heat-reflective material for shade. • Install shade trees at bus stops and along routes. • Conduct pre-seasonal vehicle maintenance to	• Test vulnerable portions of the rail tracks to ensure they have not become misaligned in the heat. • Paint rails white to absorb less heat.	• Review and update staff procedures during heat advisory warnings (hydration, limit mid-day sun exposure, reduce hours for field staff, etc.)

[4] The complete Solutions Matrix is not included in this report.

	MITIGATION SOLUTIONS		
Hazard	**BREEZE / FLEX / LIFT**	**COASTER / SPRINTER**	**Facilities / Operations / Fleet**
	ensure HVAC systems are functioning properly.		• Review performance of HVAC systems at all facilities.
Landslide	• Install catchments walls, ground anchors, or grade beams to stabilize hillsides near vulnerable routes and stops. • Install protective netting on hillsides to protect stops and bus shelters from debris.	• Install coastal bluff and hill stabilization along vulnerable tracks and near stations. • Coordinate and operate alternative routes with bus connections to move passengers around disrupted sections.	• Install retaining walls to protect facilities that are vulnerable to landslides and debris. • Develop reporting procedures for unsafe conditions or unexpected landslides.
Wildfire	• Retrofit shelters at bus stops with ignition-resistant material. • Install Automatic Vehicle Location and Global Positioning System (AVL/GPS) technology in buses and vehicles to track locations during emergencies.	• Remove dry brush and provide firebreaks or barriers alongside tracks. • Post evacuation routes at stations to help passengers evacuate. • Replace wooden ties with fire-resistant materials.	• Upgrade HVAC and filters to address air quality during wildfires. • Create defensible space or install drought tolerant native landscaping surrounding facilities. • Ensure staff receive training on safety protocols for handling lithium-ion batteries during and after a wildfire.
Extreme Wind	• Set up operations reporting procedure for unsafe conditions or road debris. • Determine maximum wind speeds for safe driving.	• Determine maximum wind speeds for safe rail operations. • Add or upgrade wind barriers at stations to protect passengers from debris.	• Develop staff procedures for outdoor work during extreme wind events. • Store fleet and support vehicles in garages designed to withstand high wind speeds.
Seismic	• Partner with local jurisdictions to retrofit roadways servicing high traffic bus routes to withstand seismic impacts.	• Install automatic stopping systems to deploy in an earthquake warning. • Evaluate stations to assess seismic vulnerabilities and add	• Plan safety procedures for drivers, conductors, and field work staff before, during, and after an earthquake.

	MITIGATION SOLUTIONS		
Hazard	**BREEZE / FLEX / LIFT**	**COASTER / SPRINTER**	**Facilities / Operations / Fleet**
		retrofits to enhance seismic resilience.	• Retrofit garages and maintenance yards to withstand seismic impacts.
Tsunami	• Install signage and maps at stops on safety procedures if a tsunami advisory is issued.	• Conduct an evaluation of existing structures to assess tsunami vulnerabilities and potential retrofits to enhance resilience.	• Update safety procedures for staff under tsunami classifications (watch, warning, or advisory). • Schedule practice drills for employees to evacuate if a tsunami advisory or warning is issued.

5. Demonstrating Resilient Investments

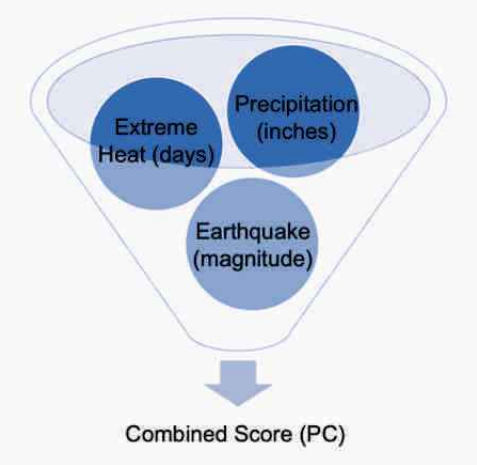
The Solutions Matrix served as a menu of adaptation strategies, and a prioritization process was undertaken to focus on several high-risk areas based on factors like operational importance and social vulnerability. The prioritization process was informed by past hazard incidents, projected climate impacts, ridership, Minority Route designations, current NCTD and SANDAG projects, and the feedback received in the survey and the multiple focus groups conducted.

To demonstrate how NCTD could address climate hazards, several resilience solutions identified in the Solutions Matrix were selected and applied to sample NCTD sites. These sample applications of resilience solutions are intended to inform NCTD's resilience planning. Sections 5.1 and Section 5.2**.** describe the site selection methodology and resulting sample applications.

5.1 High-Risk Area Identification

Most NCTD assets are exposed to multiple hazards that can affect NCTD's services at different frequencies and intensity. To address this variability, the various hazard metrics were combined into a single composite score, enabling NCTD to identify and prioritize the highest risk assets and locations with the greatest potential to mitigate risk across multiple hazards.

Figure 12. Representation of Prioritization Process



The prioritization process was conducted in two phases, separately for each asset class—including bus routes, stops, rail tracks and stations, transit centers, and facilities. Phase One of the processes focused on assessing exposure to multiple hazards by integrating diverse metrics into a single composite score, allowing consistent comparison within each asset class. A statistical method was used to simplify the data and highlight cumulative exposure.

Phase Two refined the rankings by incorporating the following additional criteria:

- Asset criticality (based on ridership data)

- Service to populations along Minority Routes
- Inclusion in current capital improvement plans (based on current and planned NCTD and SANDAG programs)
- History of past hazard events (based on survey results and focus group findings)

Final rankings were developed by combining results from both phases of the prioritization process. These rankings identified the assets most exposed to multiple hazards and were used to demonstrate sample applications of resilience solutions.

5.2 Sample Application of Resilience Solutions

The following section presents six sample applications of multi-hazard resilience solutions. The locations for applying these sample applications are meant to represent a range of geographic contexts, service types, urban and rural settings, and hazards. For each bundle of resilience solutions, all hazards present at each site were evaluated, including both primary and secondary hazards.

Note that these sample applications of resilience solutions are intended to serve as representative examples of how NCTD could apply these types of resilience strategies, and help highlight the potential benefits, limitations, costs, and considerations of different hazard mitigation strategies. These sample applications are not site-specific recommendations and do not represent a commitment to any projects on the part of NCTD. As a next step, NCTD may consider conducting facility-level risk assessments to identify preferred hazard mitigation strategies for each of the identified locations.

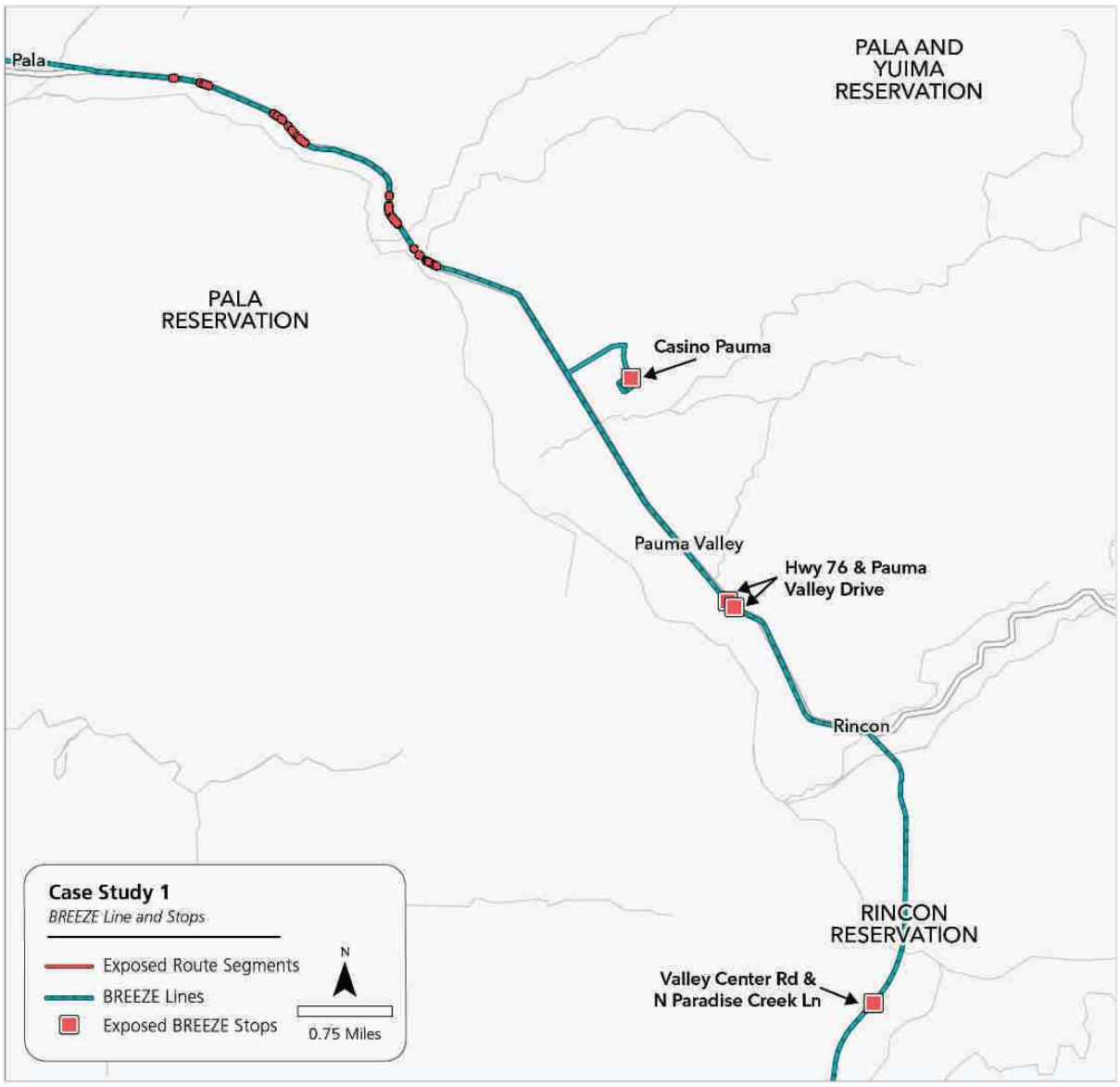
Each sample application includes the location, identified climate hazards, and recommended resilience strategies to address the risks. Estimated solutions implementation timelines are subject to change and are intended to assist NCTD in comparing solution types. Expected solutions implementation timelines are defined as:

- Short-term: 1–3 years
- Medium-term: 3–5 years
- Long-term: 5+ years

Please note, within the implementation considerations, interagency coordination refers to the potential organization, partnership, and collaboration that NCTD would need to undertake with other agencies, local jurisdictions, and municipalities to implement a proposed strategy.

A Benefit–Cost Analysis (BCA) was only completed for coastal and fluvial flooding as these were the only hazards whose impacts were assessed quantitatively. Additional information could be gathered by NCTD to conduct quantitative assessments of the other hazards necessary to complete a BCA. The Benefit–Cost Ratio (BCR) for each flood-related strategy is included in the summary, and a solution cost estimate is provided for other hazards strategies. BCRs compare the total expected benefits of a mitigation solution (in this case, avoided direct and indirect losses from flooding) to its implementation cost and are calculated as benefits divided by costs. A BCR greater than 1 means the solution's benefits exceed its costs. The higher the BCR, the more cost-effective the solution is. A detailed overview of the BCA methodology and results can be found in the Climate Analysis Report.

5.2.1 Sample Application #1: BREEZE Line 388 and Stops

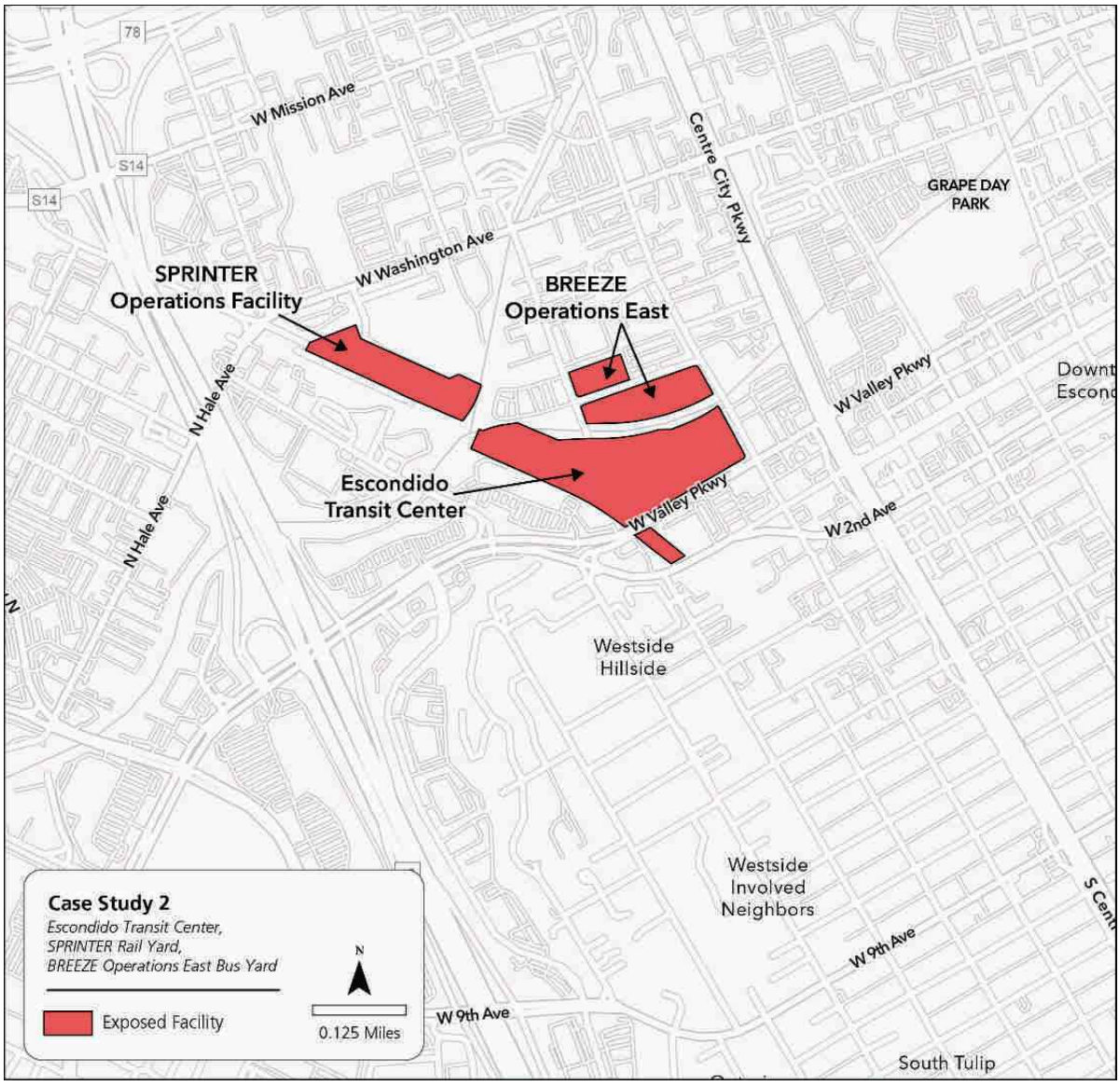
Location	**BREEZE Line**: 388 Escondido–Pala **BREEZE Stops:** Casino Pauma (24979) Hwy 76 & Pauma Valley Dr (22038, 20983) Valley Center Rd & N Paradise Creek Ln (20389)
Map	
Hazards Impacting the Area	Fluvial Flooding; Heavy Precipitation; Extreme Heat and Humidity; Landslide; Seismic

Sample Strategies

Strategy 1: Improve roadway drainage system.	**Strategy 2:** Create slope stability using vegetation and drainage management.	**Strategy 3:** Install bus shelters with green roofs (pilot).
Hazards Addressed:	**Hazards Addressed:**	**Hazards Addressed:**
Description: Improve roadway drainage system, including drains, ditches, and culverts, to improve capacity and mitigate roadway overtopping.	**Description:** Create slope stability using vegetation and drainage management techniques.	**Description**: Install shelters at bus stops constructed with living "green roofs" or add living roofs to existing bus shelters. This strategy may be used as an opportunity to "pilot" this shelter design.
Timeline: Medium-term	**Timeline**: Medium-term	**Timeline**: Short-term
Implementation Authority: County of San Diego, SANDAG, City of Escondido, Escondido Public Works, Pala Band of Mission Indians	**Implementation Authority:** NCTD, County of San Diego, SANDAG, City of Escondido, Pala Band of Mission Indians	**Implementation Authority:** City of Escondido, Escondido Public Works, County of San Diego, SANDAG, Pala Band of Mission Indians, NCTD (if new bus shelters need to be constructed or if anything will be added to existing shelters)
Implementation Considerations: Coordination with authorities having jurisdiction.	**Implementation Considerations:** Interagency coordination.	**Implementation Considerations:** Coordination with authorities having jurisdiction; maintenance of roofs.
Benefit–Cost Ratio: 52.2 (Cost-Effective)	**Cost:** Vegetation and Drainage Management: $4- $8/sq. ft.	**Cost:** Bus Shelter Install and Purchase: $11,560[5] Living Roof Addition: $15/ sq. ft. of roof area
Example Application: The City of Miami Beach is raising roadways in its First Street Neighborhood to a minimum elevation in combination with stormwater drainage improvements to minimize street flooding associated with king tides and sea-level rise.	**Example Application:** Metrolink Southern California Regional Rail Authority Design Criteria Manual outlines slope stabilization strategies to areas previously burned by wildfire. It implements slope stabilization (vegetation or engineered) where infrastructure is located within landslide exposure areas.	**Example Application:** The City of Boston is installing several cooling solutions at its bus stops. The City is currently piloting the installation of "green roofs," using plants to provide shading around bus stops. Proposals to install green roofs at bus stops are also in consideration in Annapolis, Maryland, and in New York.

[5] Cost estimate for bus shelter from "North County Complete Streets & Walking Paths Appendix A: Order of Magnitude Cost Estimate Sheets by Station" October 2019.

5.2.2 Sample Application #2: Escondido Transit Center, SPRINTER Rail Yard, BREEZE Operations East Bus Yard

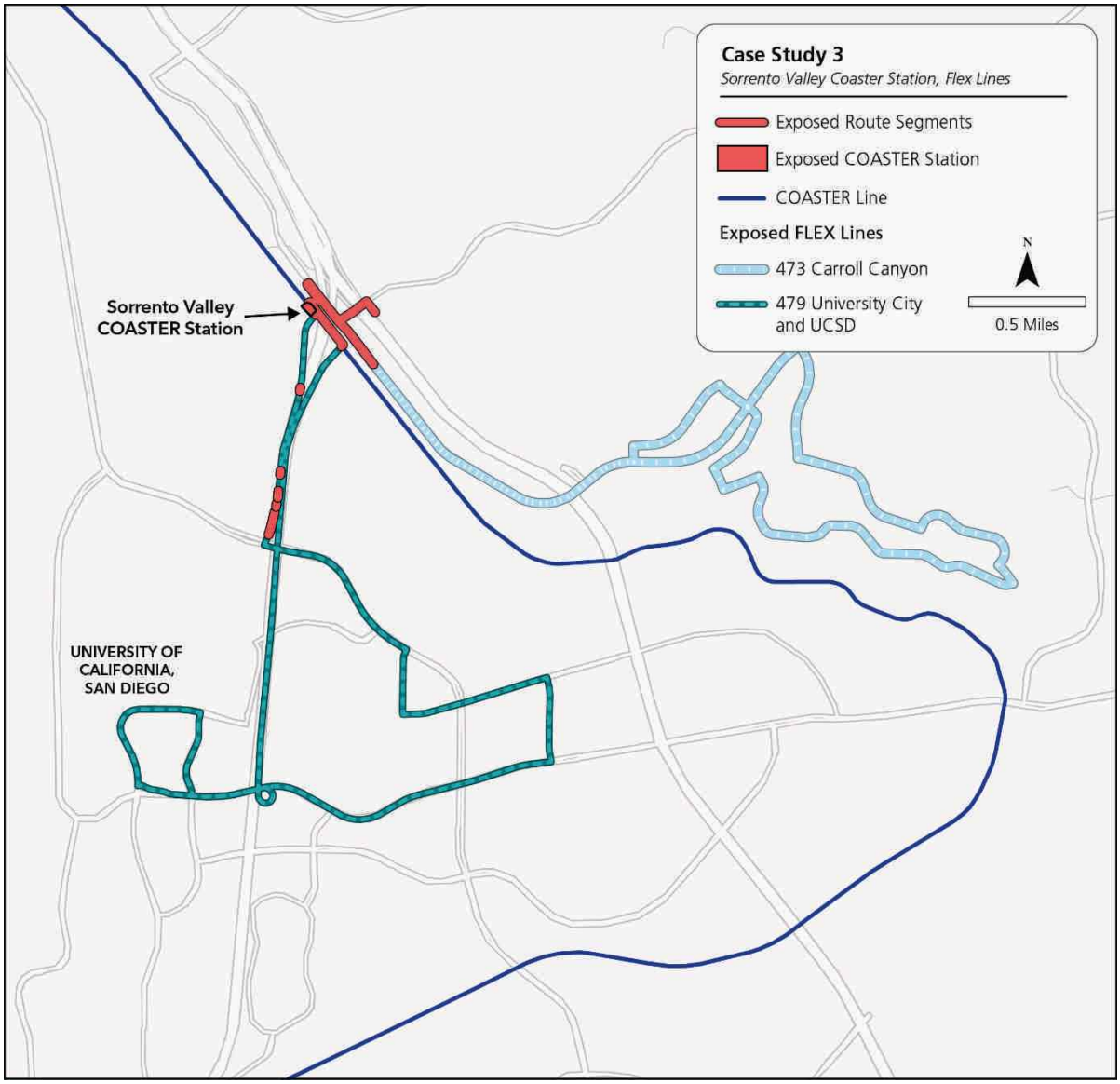
Location	Escondido Transit Center, SPRINTER Rail Yard, BREEZE Operations East Bus Yard
Map	
Hazards Impacting the Area	Fluvial Flooding Heavy Precipitation Extreme Heat and Humidity Landslide Seismic

Sample Strategies

Strategy 1: Train staff on heat safety protocols.	**Strategy 2:** Implement flood barriers.	**Strategy 3:** Conduct seismic vulnerability assessment to identify retrofit needs.
Hazards Addressed:	**Hazards Addressed:**	**Hazards Addressed:**
Description: Train staff on heat safety protocols and general heat safety communication tools such as encouraging hydration, limiting sun exposure during midday, and reducing the number of hours for outdoor field maintenance.	**Description**: Implement flood mitigation techniques such as erecting passive flood barriers to block entry of floodwater into yards and facilities. Passive flood barriers deploy automatically.	**Description**: Conduct a facility-level assessment of facilities identified as vulnerable and evaluate existing structures to identify potential retrofits needed to enhance seismic resilience. A three-tier seismic evaluation is provided by ASCE/SEI 41-23 Seismic Evaluation and Retrofit of Existing Buildings. Consider retrofits that meet or exceed the minimum seismic design criteria for new construction as defined by the 2025 California Building Code.
Timeline: Short-term	**Timeline:** Flood Gates: Short-term Floodwall: Medum-term	**Timeline:** Long-term
Implementation Authority: NCTD	**Implementation Authority:** NCTD	**Implementation Authority:** NCTD
Implementation Considerations: Establishing training, monitoring, and evaluation frameworks both for internal trainings and for heat related illnesses.	**Implementation Considerations:** Recommend design coordination with neighboring property owners to avoid redirection of floodwater into neighboring properties. Passive flood barriers remove the need for staff deployment. Unlike cast-in-place floodwalls, passive floodwalls can lay flat or remain underground when not in use. This strategy could be implemented in concert with other related strategies including planting trees, ensuring proper drainage, and expanding permeable surfaces.	**Implementation Considerations:** Retrofit costs and benefits are variable. Escondido Transit Center is in the early stages of redevelopment; this could inform those redevelopment plans.
Cost: Cost includes staff time.	**Benefit–Cost Ratio**: 7.0 (Cost-Effective)	**Cost:** Assessment Cost: $50,000–

Strategy 1: Train staff on heat safety protocols.	**Strategy 2:** Implement flood barriers.	**Strategy 3:** Conduct seismic vulnerability assessment to identify retrofit needs.
		$55,000 **Retrofit Cost:** Variable depending on findings of assessment
Example Application: The New York Metropolitan Transit Authority has implemented additional safety procedures to keep passengers and staff safe during extreme heat days, including briefing employees on safety procedures, installing air-conditioned waiting rooms, and increasing heat patrols across transit services to identify and respond to heat impacts.	**Example Application:** In New York, the Brooklyn Bridge-Montgomery Coastal Resiliency project provides 1 mile of flood protection using flood gates that can flip up in advance of a storm but lie flat in the ground during blue-sky days so that the community can access the waterfront unobstructed. Caltrans also conducted an investigation into passive flood barriers, comparing advantages, disadvantages, and relevant case studies for different barrier designs.	**Example Application:** The California Building Code includes Guidelines for the Seismic Retrofit of Existing Buildings.

5.2.3 Sample Application #3: Sorrento Valley COASTER Station, FLEX Lines

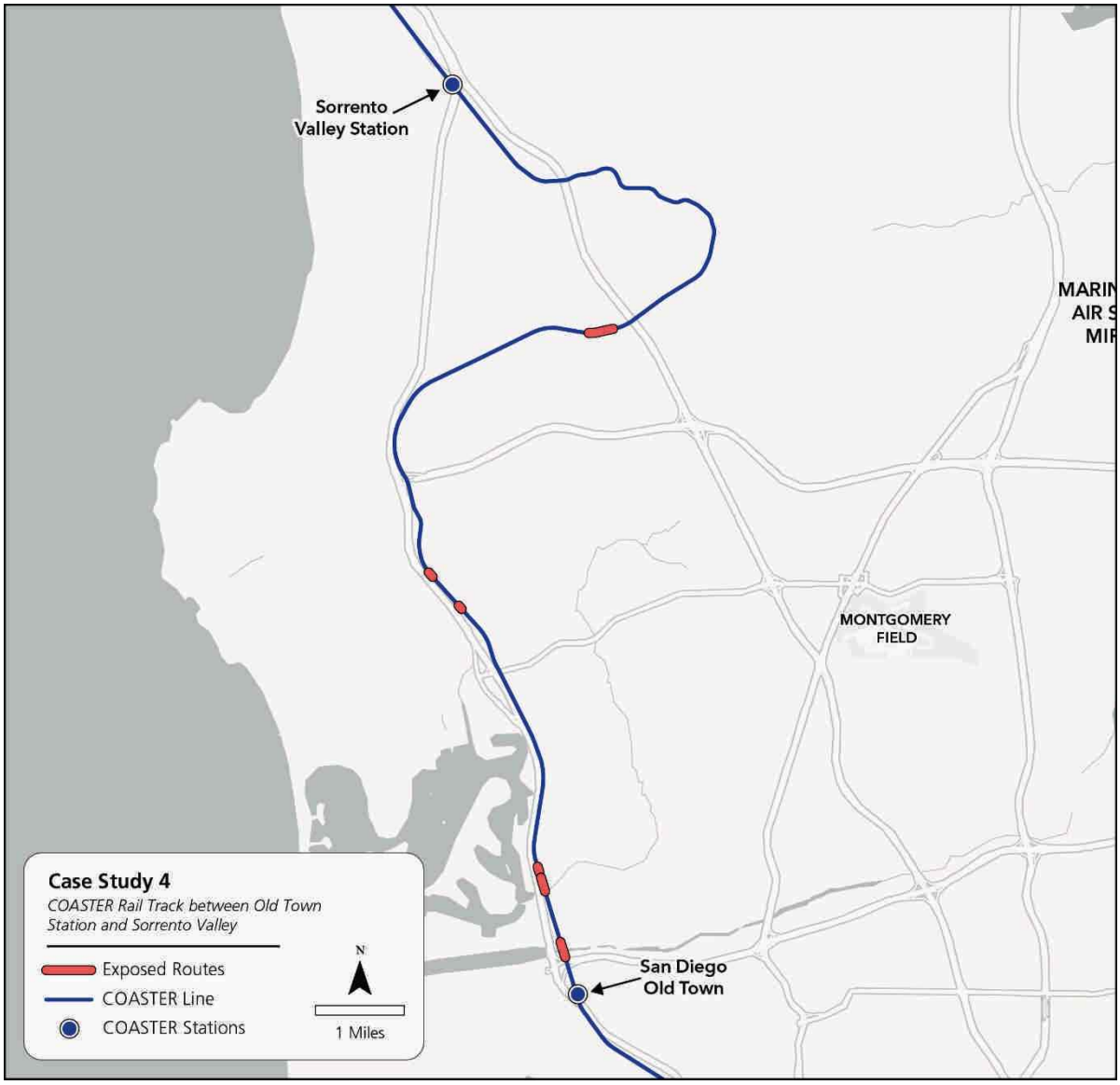
Location	**COASTER station:** Sorrento Valley **FLEX lines:** 479 University City and University of California San Diego COASTER Connection
Map	
Hazards Impacting the Area	Fluvial Flooding Heavy Precipitation Extreme Heat and Humidity Landslide Seismic

Sample Strategies

Strategy 1: Install protective barriers.	**Strategy 2:** Plant and maintain shade trees.	**Strategy 3:** Implement flood barriers for COASTER station and drainage improvements for FLEX lines.
Hazards Addressed:	**Hazards Addressed:**	**Hazards Addressed:**
Description: Design and install barriers and catchment walls to protect tracks from debris.	**Description**: Plant native, drought-tolerant shade trees at stations, bus stops, or within the local municipalities' rights-of-way.	**Description**: Install flood gates at station entrance and cast-in place floodwalls along rail tracks to prevent entry of floodwater. Improve roadway drainage system, including drains, ditches, and culverts, to improve capacity and mitigate roadway overtopping for bus lines.
Timeline: Medium-term	**Timeline:** Short-term	**Timeline:** Flood Gates: Short-term Floodwall: Medum-term Drainage Improvements: Short-term
Implementation Authority: NCTD, City of San Diego, County of San Diego, SANDAG LOSSAN	**Implementation Authority:** NCTD, City of San Diego, County of San Diego, SANDAG LOSSAN	**Implementation Authority:** NCTD, California Department of Fish and Wildlife, U.S. Army Corps of Engineers
Implementation Considerations: Maintenance costs and coordination with authorities having jurisdiction. External funding is likely required.	**Implementation Considerations:** Maintenance costs and coordination with authorities having jurisdiction.	**Implementation Considerations:** Recommend design coordination with neighboring property owners to avoid redirection of floodwater into neighboring properties. Active flood barriers, such as flood logs, require staff training and time to deploy in advance of a flood event. Advance warning of several hours is required to appropriately deploy flood barriers at station entrances. Intercity coordination is required. Ensure drainage updates do not interfere with existing transit infrastructure.
Costs: Steel wire mesh: $3-$10/sq. ft.	**Costs:** $585–$720/tree	**Benefit–Cost Ratio:** 7.1 (Cost-Effective)

Strategy 1: Install protective barriers.	**Strategy 2:** Plant and maintain shade trees.	**Strategy 3:** Implement flood barriers for COASTER station and drainage improvements for FLEX lines.
Example Application: Washington State Department of Transportation received federal and state grants to implement landslide mitigation solutions such as catchment walls and slope stabilization across several rail tracks along the Pacific Northwest rail corridor.	**Example Application:** The Jacksonville Transportation Authority is piloting a program to plant shade trees at bus stops in coordination with the City's Resilient Jacksonville Plan and Urban Forestry Management Plan. The plantings were paid for by the City's tree mitigation fees.	**Example Application:** Flood barriers including stackable flood logs and flood gates have been used at a multitude of transit facilities. The New York Metropolitan Transportation Authority has used a number of flood gate designs to block water from flooding into its subway stations.

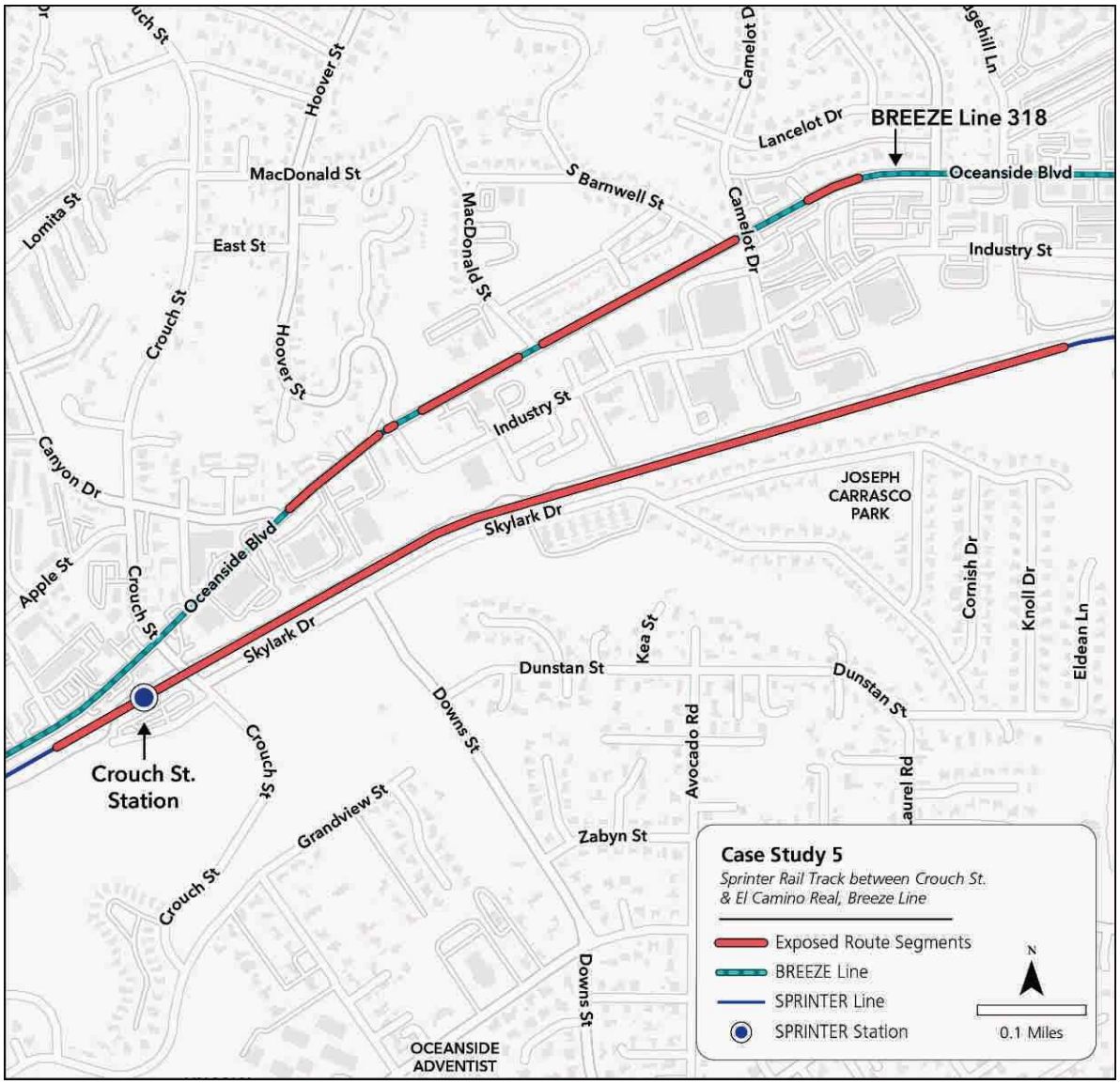
5.2.4 Sample Application #4: COASTER Rail Track Between Old Town Station and Sorrento Valley

Location	COASTER Line Rail Track Between Old Town Station and Sorrento Valley
Map	
Hazards Impacting the Area	Fluvial Flooding; Heavy Precipitation; Coastal Flooding with Sea-Level Rise; Landslide; Seismic; Extreme Heat and Humidity

Sample Strategies

Strategy 1: Implement Flood Barriers	**Strategy 2:** Test rail exposure to heat	**Strategy 3:** Install protective barriers
Hazards Addressed:	**Hazards Addressed:**	**Hazards Addressed:**
Description: Implement permanent (cast-in-place) floodwalls along vulnerable rail track to mitigate against flooding. Implement permanent (cast-in-place) floodwalls along vulnerable rail track to mitigate against flooding.	**Description:** Install track temperature monitoring sensors to alert Operations Center when rail reaches damaging temperatures thresholds.	**Description:** Design and install barriers and catchment walls to protect tracks from debris.
Timeline: Medium-term	**Timeline:** Short-term	**Timeline:** Medium-term
Implementation Authority: NCTD, San Diego County Department of Public Works	**Implementation Authority:** NCTD	**Implementation Authority:** NCTD, City of San Diego, County of San Diego, SANDAG LOSSAN
Implementation Considerations: Interagency coordination. Flood gates allow for egress, but permanent floodwalls can limit site access. Verify that the stormwater system can withstand additional diverted water.	**Implementation Considerations:** Monitoring and evaluation required.	**Implementation Considerations:** External funding likely required. Interagency coordination.
Benefit–Cost Ratio: 11.3 (Cost-Effective)	**Cost:** $1,200–$1,320 per sensor plus installation and platform cost	**Cost:** Steel wire mesh: $3-$10/sq. ft.
Example Application: The Massachusetts Bay Transportation Authority implemented floodwalls around the perimeter of four entrances around the Aquarium Station of its Blue Line. It undertook this pilot project to assess various flood barriers. Although this project is an example of a floodwall of an underground station entrance, the solution is comparable.	**Example Application:** The Bay Area Rapid Transit Authority has installed track temperature sensors to ascertain real-time data on track heating and expansion.	**Example Application:** Washington State Department of Transportation received federal and state grants to implement landslide mitigation solutions such as catchment walls and slope stabilization across several rail tracks along the Pacific Northwest rail corridor.

5.2.5 Sample Application #5: SPRINTER Rail Track Between Crouch St. and El Camino Real, BREEZE 318 Line

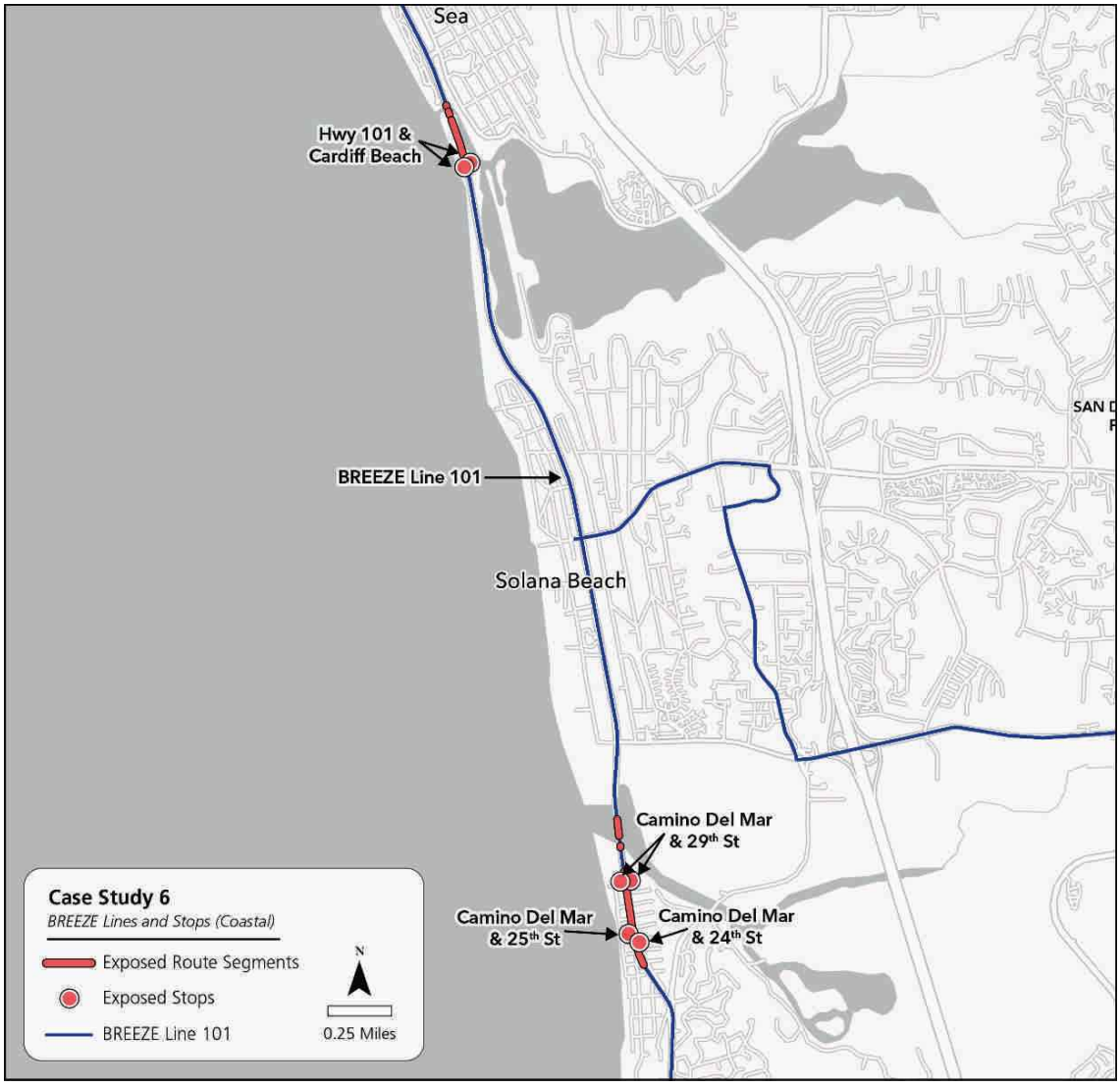
Location	BREEZE Line 318 Oceanside – Vista via Oceanside Blvd SPRINTER Rail Track Between Crouch St and El Camino Real
Map	
Hazards Impacting the Area	Fluvial Flooding; Heavy Precipitation; Extreme Heat and Humidity; Seismic; Landslide

Sample Strategies

Strategy 1: Stabilize hillsides above BREEZE routes.	**Strategy 2:** Implement flood barriers for SPRINTER rail and drainage improvements for BREEZE line.	**Strategy 3:** Install bus shelters with hydration stations (pilot).
Hazards Addressed:	**Hazards Addressed:**	**Hazards Addressed:**
Description: Install retaining walls, ground anchors, and/or grade beams to stabilize hillsides above vulnerable portions of BREEZE route.	**Description:** Implement permanent (cast-in-place) floodwalls along vulnerable rail track to mitigate flooding impacts. Improve roadway drainage system, including drains, ditches, and culverts, to improve capacity and mitigate roadway overtopping for bus lines.	**Description**: Install bus shelters with "hydration stations" or enhance existing bus shelters by installing misters, fans, and/or water fountains. This may be used as an opportunity to pilot this shelter design.
Timeline: Medium-term	**Timeline:** Floodwall: Medum-term Drainage Improvements: Short-term	**Timeline:** Short-term
Implementation Authority: NCTD, City of Oceanside	**Implementation Authority:** NCTD, City of Oceanside, SANDAG	**Implementation Authority:** City of Oceanside, NCTD (if new bus shelters need to be constructed or if anything will be added to existing shelters)
Implementation Considerations: External funding will likely be required.	**Implementation Considerations:** Interagency coordination. Flood gates allow for egress, but permanent floodwalls can limit site access. Verify that drainage updates do not interfere with existing transit infrastructure.	**Implementation Considerations:** Water use and electricity requirements. Public Health considerations in terms of water sources and sanitation. Authority of pavement at bus stops.
Cost: Steel wire mesh: $3–$10/sq. ft.	**Benefit–Cost Ratio:** 7.3 (Cost-Effective)	**Cost:** Bus Shelter Install and Purchase: $51,600–$56,760 Hydration Station Addition Purchase and Installation: $8,500–$9,350

Strategy 1: Stabilize hillsides above BREEZE routes.	**Strategy 2:** Implement flood barriers for SPRINTER rail and drainage improvements for BREEZE line.	**Strategy 3:** Install bus shelters with hydration stations (pilot).
Example Application: Pittsburgh Regional Transit experienced landslides along one of its bus routes. In response, it conducted the East Busway Rock Slope Stabilization Study, which recommended several solutions (such as barriers, anchors, and catchment walls).	**Example Application:** New York City Transit and the Metropolitan Transportation Authority implemented a 1,535-linear-foot marine flood wall along the Harlem River adjacent to its 207th Street Rail Yard Project to mitigate against flooding of this critical facility.	**Example Application:** The City of Phoenix offers misters at its outdoor light rail stations and is also considering the installation of water fountains at its over 4,000 bus stops. As part of its 2022 Heat Resilience Plan, the City of Boston has plans to install misters and cooling fans across the city.

5.2.6 Sample Application #6: BREEZE Line and Stops (Coastal)

Location	**BREEZE line:** 101 Oceanside – VA/UCSD/UTC **BREEZE stops:** Camino Del Mar & 24th St (21629) Camino Del Mar & 29th St (21627, 21145) Hwy 101 & Cardiff Beach (22106, 22087) Camino Del Mar & 25th St (20899)
Map	
Hazards Impacting the Area	Coastal Flooding with Sea-Level Rise Extreme Heat and Humidity Fluvial Flooding Heavy Precipitation Seismic

Sample Strategies

Strategy 1: Improve coastal roadway drainage system	**Strategy 2:** Install Bus Shelters (Pilot)	**Strategy 3:** Retrofit and maintain roadways
Hazards Addressed:	**Hazards Addressed:**	**Hazards Addressed:**
Description: Improve roadway drainage system, including drains, ditches, and culverts, to improve capacity and mitigate overtopping along the stretch of coastal roadway	**Description**: Install bus shelters at bus stops constructed with durable and heat reflective materials to provide shade to passengers. This may be used as an opportunity to pilot this shelter design.	**Description**: Coordinate with relevant agencies to maintain and retrofit roadways servicing high traffic bus routes to withstand seismic impacts.
Timeline: Short-term	**Timeline**: Short-term	**Timeline**: Short-term
Implementation Authority: City of Encinitas, City of Encinitas Public Works, City of Solana Beach, City of Solana Beach Public Works, City of Del Mar, City of Del Mar Public Works, and Caltrans	**Implementation Authority:** City of Encinitas, City of Solana Beach, City of Del Mar, NCTD	**Implementation Authority:** City of Encinitas, City of Encinitas Public Works, City of Solana Beach, City of Solana Beach Public Works, City of Del Mar, City of Del Mar Public Works, and Caltrans
Implementation Considerations: Intercity coordination. Verify that drainage updates do not interfere with existing transit infrastructure.	**Implementation Considerations:** The cost of designing and building bus shelters varies depending on the materials.	**Implementation Considerations:** Interagency coordination
Benefit–Cost Ratio: 16.1 (Cost-Effective)	**Cost:** $51,600–$56,760 for bus shelter purchase and install	**Cost:** Stabilization: $17/cubic yard
Example Application: The Metropolitan Transit Authority in NYC announced plans to protect stretches of its Hudson line from coastal flooding by updating and rebuilding drainage system along its line, where half of the system is vulnerable to coastal flooding from storms.	**Example Application:** Sacramento Regional Transit was awarded a $450,000 grant to deploy 20 bus shelters across the city to mitigate extreme heat, particularly to areas that serve disadvantaged groups.	**Example Application:** Seattle Department of Transportation, through its bridge seismic retrofit program, is retrofitting the Leary Way Bridge, which serves several bus routes, to reduce its vulnerability to earthquakes.

6. Next Steps

This CAIRP is a culmination of NCTD's efforts to identify and address the risks that natural hazards and climate impacts pose to its operations, systems, and riders. Through an assessment of the hazard impacts NCTD faces and its system's vulnerabilities, and an evaluation of best practices across the state and thorough public engagement efforts, NCTD has the tools and insights needed to respond to the threat climate hazards pose.

The CAIRP serves as a guide for NCTD's evaluation and prioritization of the measures it can implement to maintain a resilient system and operations in the face of climate hazards, particularly for riders in underserved areas. In addition to the solutions provided in the Solutions Matrix of Strategies for Mitigating NCTD Exposure to Hazards (Table 5) and sample applications, several other policy-level and programmatic steps can allow NCTD to provide a safe and reliable service to its riders, despite increasing and intensifying climate impacts. The list below outlines various steps NCTD can take to improve agency resilience through planning, coordination, internal operations, stakeholder engagement, and passenger awareness.

Planning and Coordination with Agencies:

- Incorporate resilience planning into all future planning efforts.
- Amend or update existing MOUs to incorporate additional resilience considerations.
- Ensure coordination with all relevant agencies on resilience projects underway within a specific jurisdiction.
- Coordinate resilience project development with appropriate jurisdictions, such as SANDAG, Caltrans, California Coastal Commission, cities, and municipalities.
- Consult with regional stakeholders and local agencies to create a streamlined and effective process for developing and implementing resilience solutions.

Internal Operations and Staff Preparedness:

- Develop internal and external training and communication tools for hazard preparedness.
- Develop an internal guidance document that all internal employees can reference to support incorporating resilience into future project planning.
- Conduct training for NCTD staff on climate and natural hazard safety protocols and general hazards safety communication tools.

Stakeholder Engagement and Passenger Safety

- Develop climate and natural hazard safety tools such as signage at transit stations and bus stops to inform the public about safety measures.
- Continually engage the public and regional stakeholders in resilience project development.

Evaluate Costs and Local Conditions:

- Weigh costs and benefits of resilience solution at each specific site.

- Evaluate and consider potential funding streams to support implementation of resilience solutions.
- Conduct facility-level assessments to identify site-specific vulnerabilities and further evaluate resilience solutions based on local site conditions and project limitations.
- Identify and integrate more refined wildfire hazard data to enhance future analyses and support deeper understanding of local hazard conditions.

These next steps serve as a guide for NCTD to take forward the research and analysis conducted in the Plan; any implementation of the above actions will be subject to NCTD Board of Directors approval. Through ongoing local partnerships and a commitment to continual improvement, NCTD will continue to invest in a more resilient system for the region.

7. Appendix A. Vulnerability Analysis Maps and Summary

The following maps are intended to display the NCTD service lines and assets exposed to the priority hazards identified in the climate hazard vulnerability analysis, including coastal and fluvial flooding, heavy precipitation, and extreme heat and humidity. Please note that at the time of the analysis (March through June 2025), NCTD was operating FLEX routes 471, 472, and 478. As of February 22, 2026, these routes will no longer be in service.

Figure 13. BREEZE and FLEX Routes and Stops Exposed to Coastal Flooding (125 Centimeters of Sea-Level Rise by 2100)

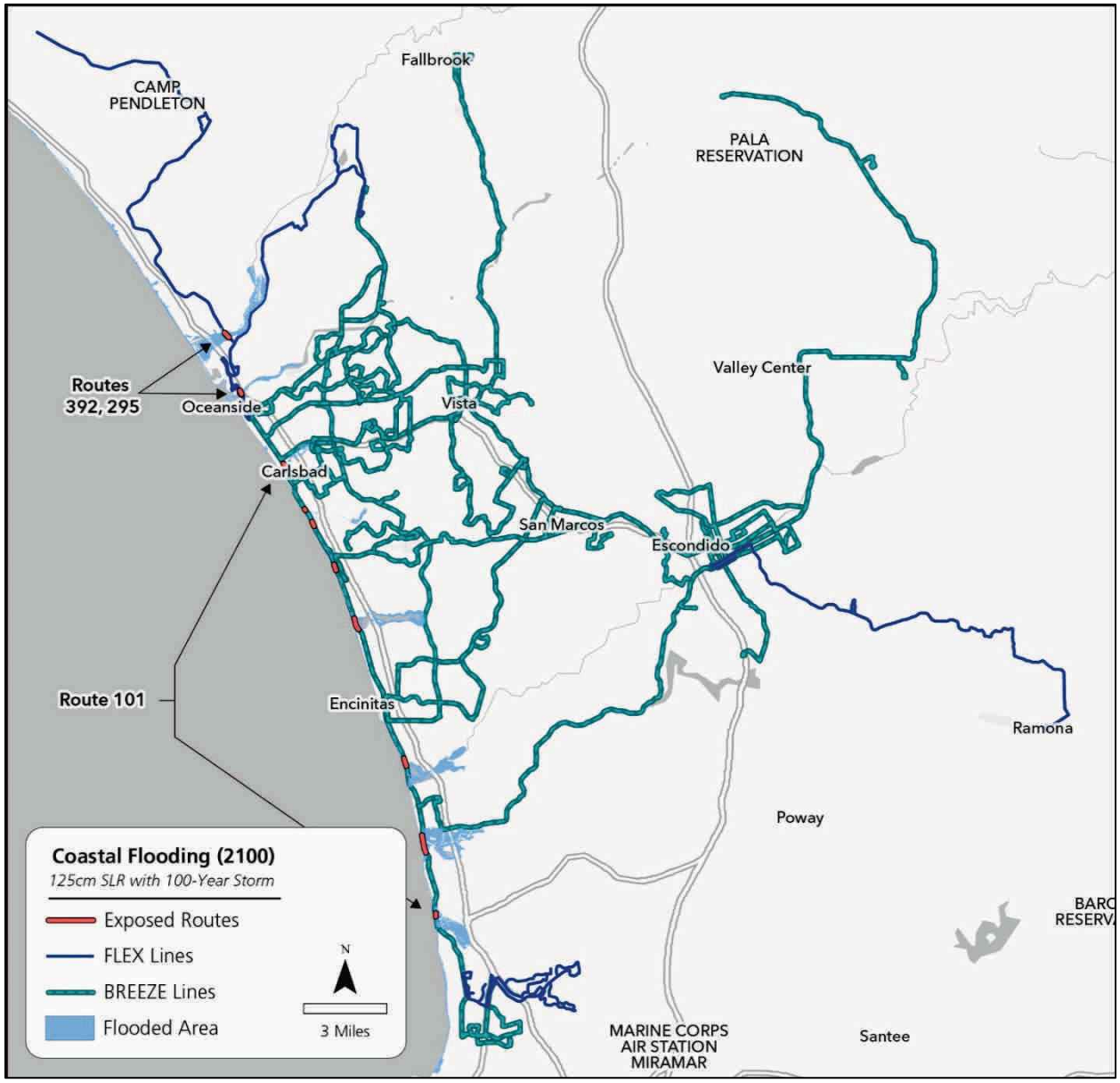


Figure 14. LIFT Services Exposed to Coastal Flooding (125 Centimeters of Sea-Level Rise by 2100)

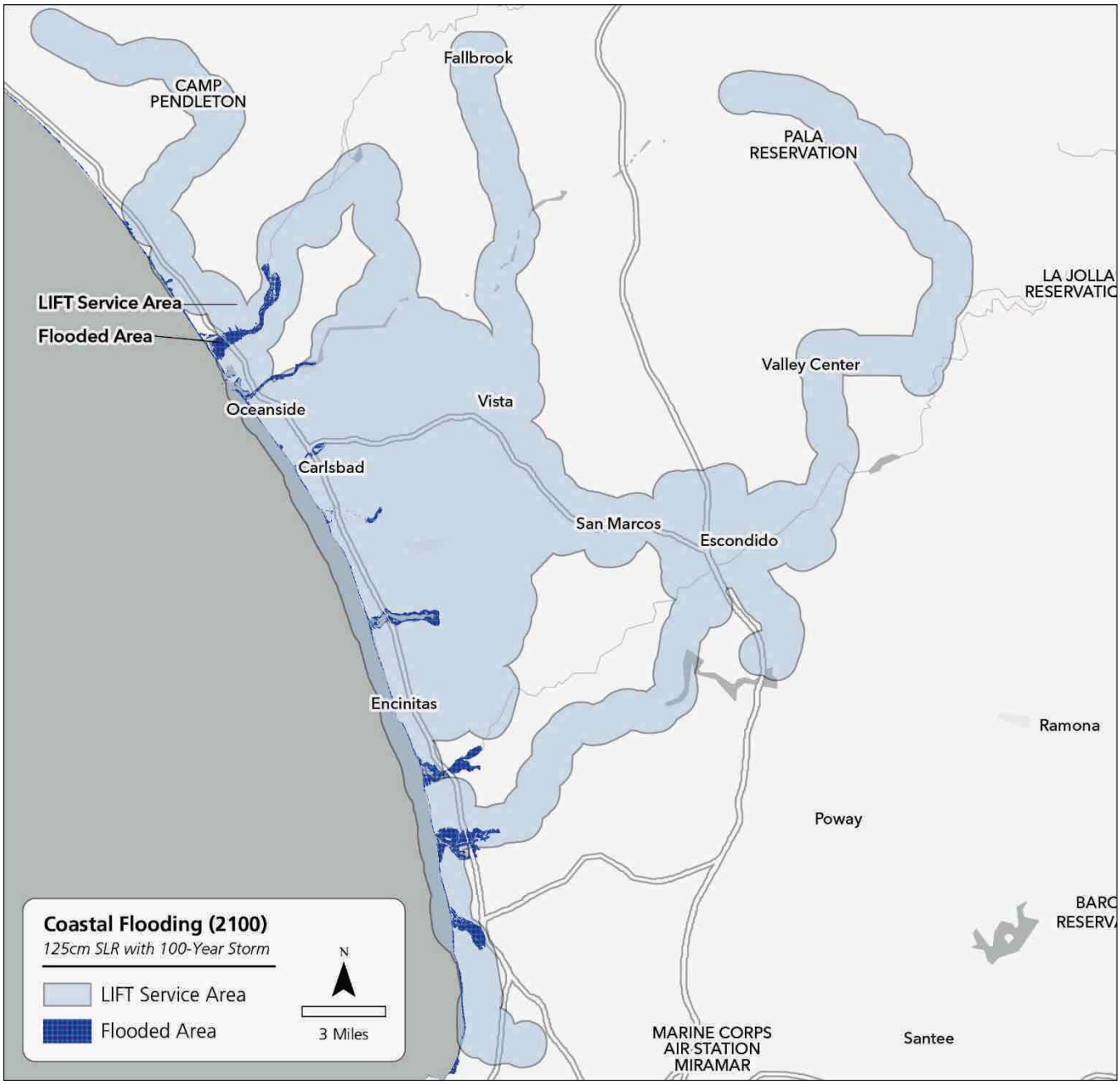


Figure 15. COASTER and SPRINTER Lines Exposed to Fluvial Flooding (FEMA 500-Year Flood by 2100)

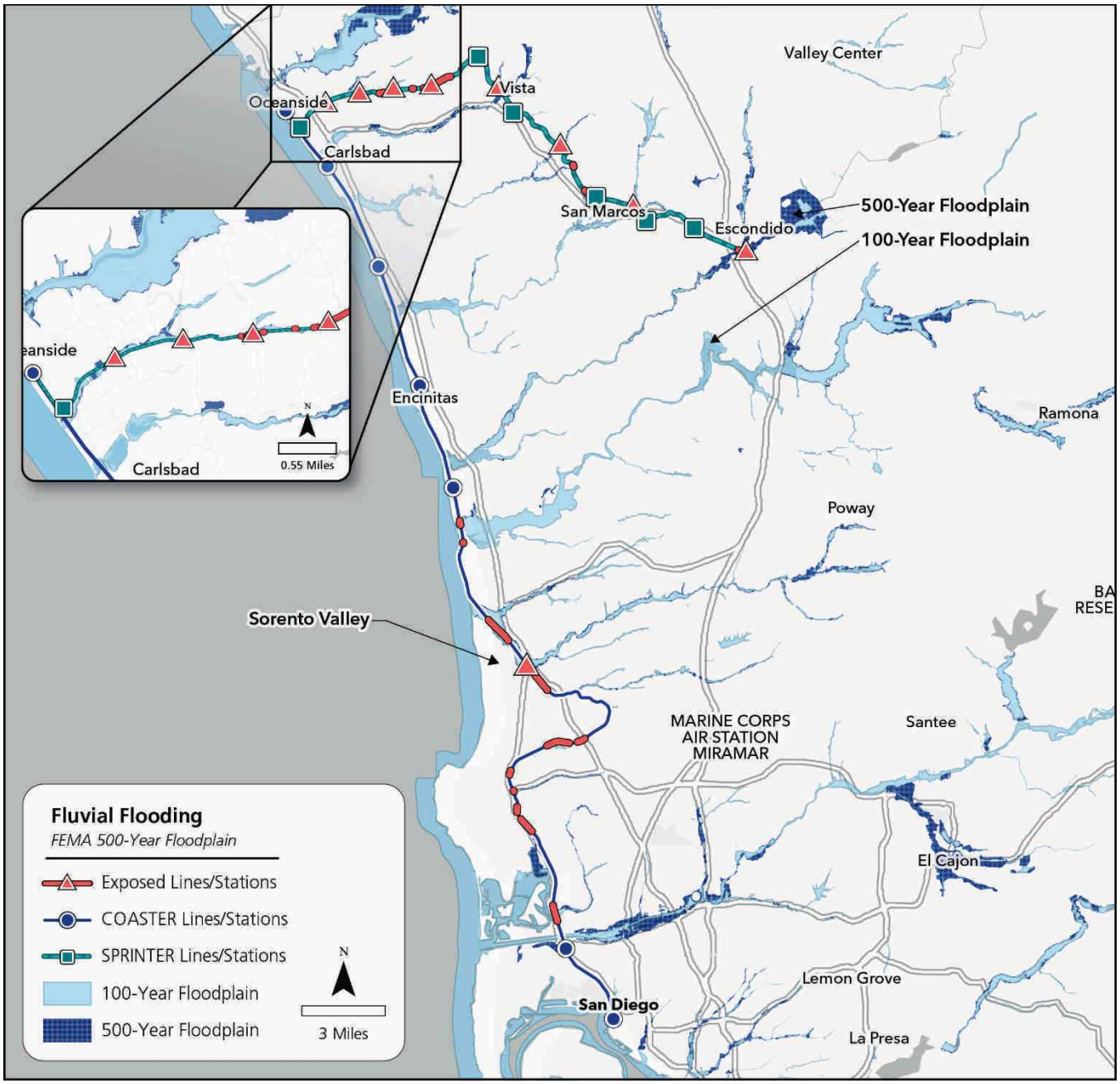


Figure 16. LIFT Services Exposed to Fluvial Flooding (FEMA 500-Year Flood by 2100)

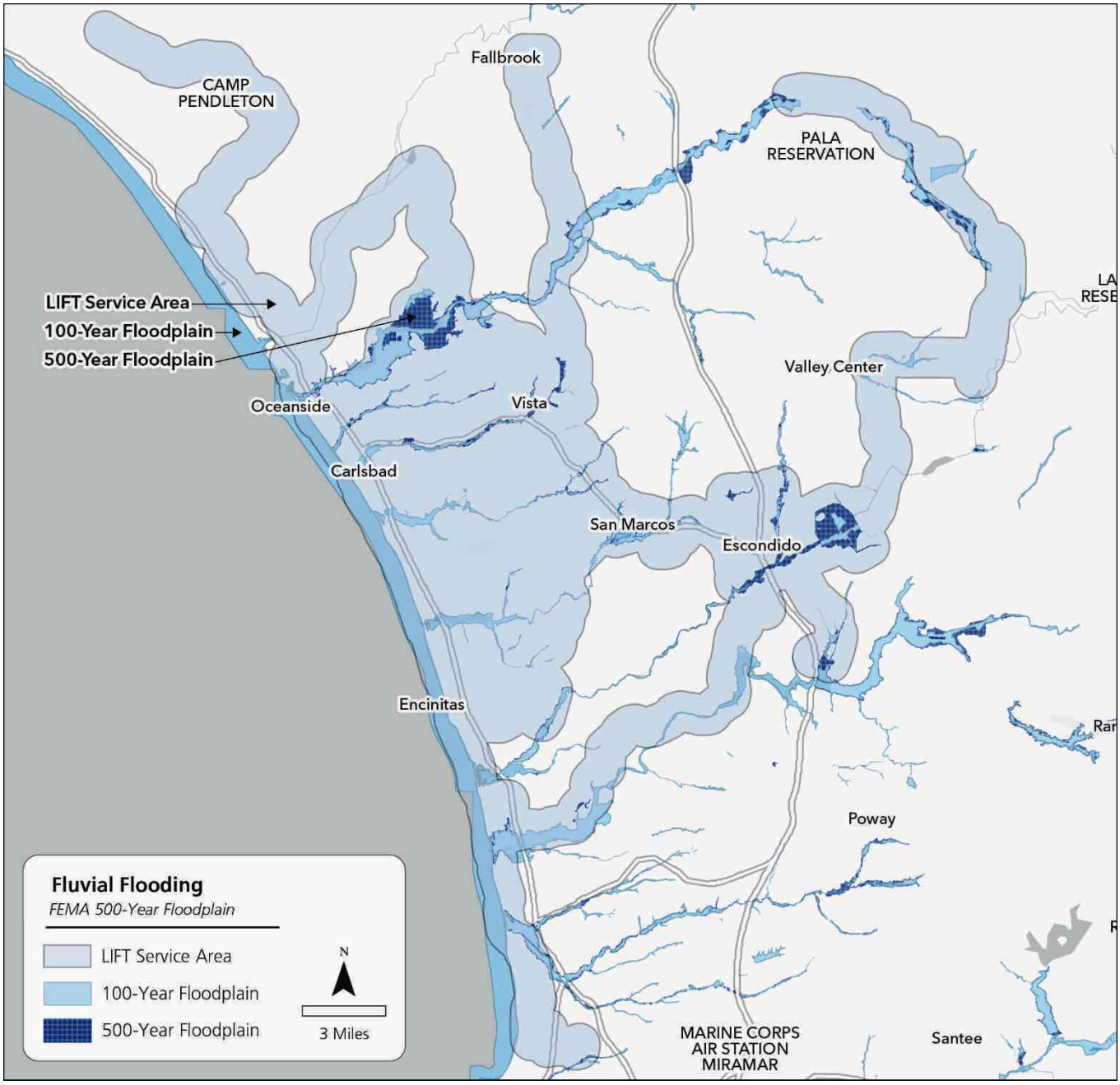


Figure 17. Facilities Impacted by Fluvial Flooding (FEMA 500-Year Flood by 2100)

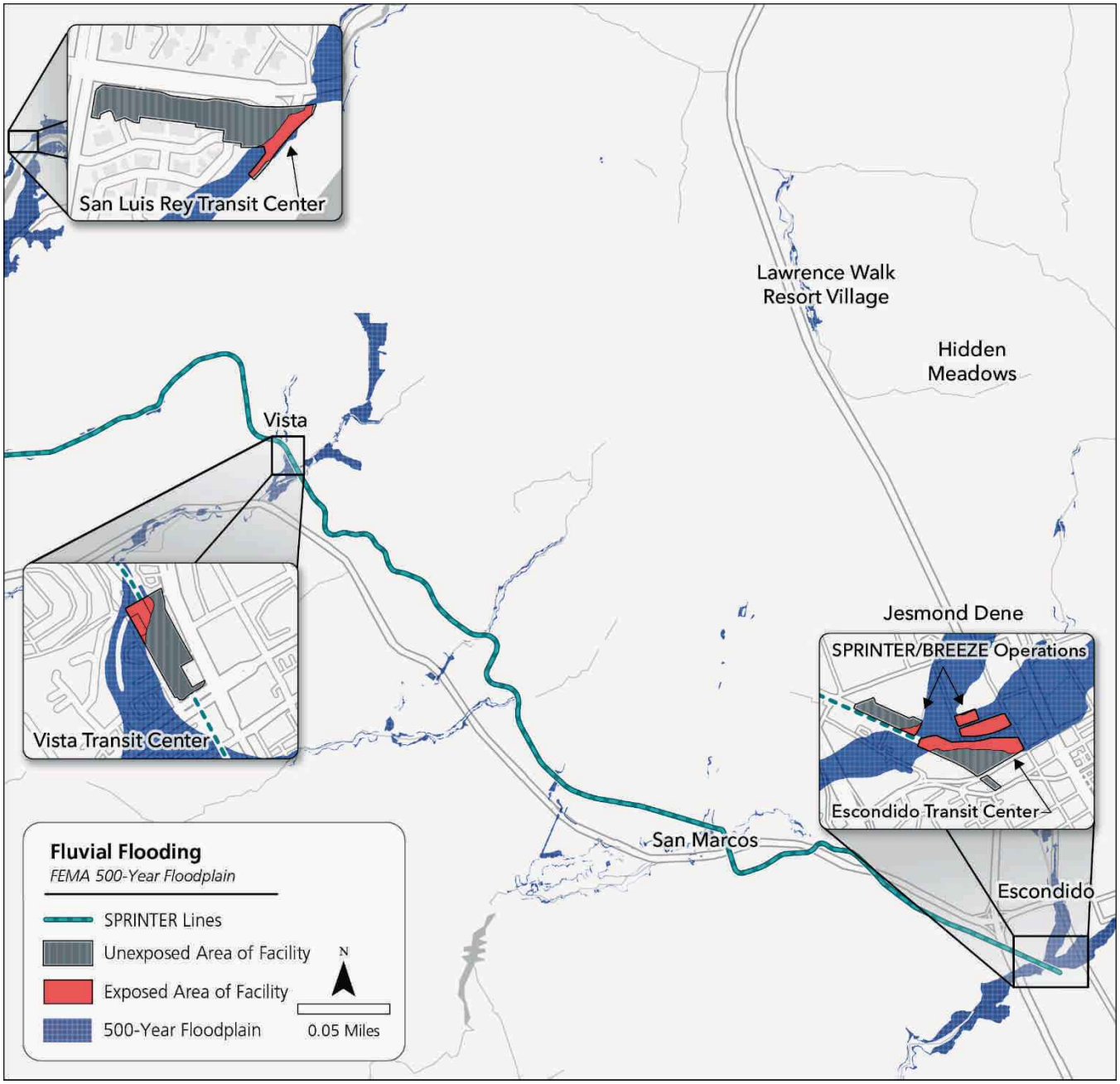


Figure 18. COASTER and SPRINTER Lines and Stations Impacted by Heavy Precipitation (100-Year Storm by 2080)

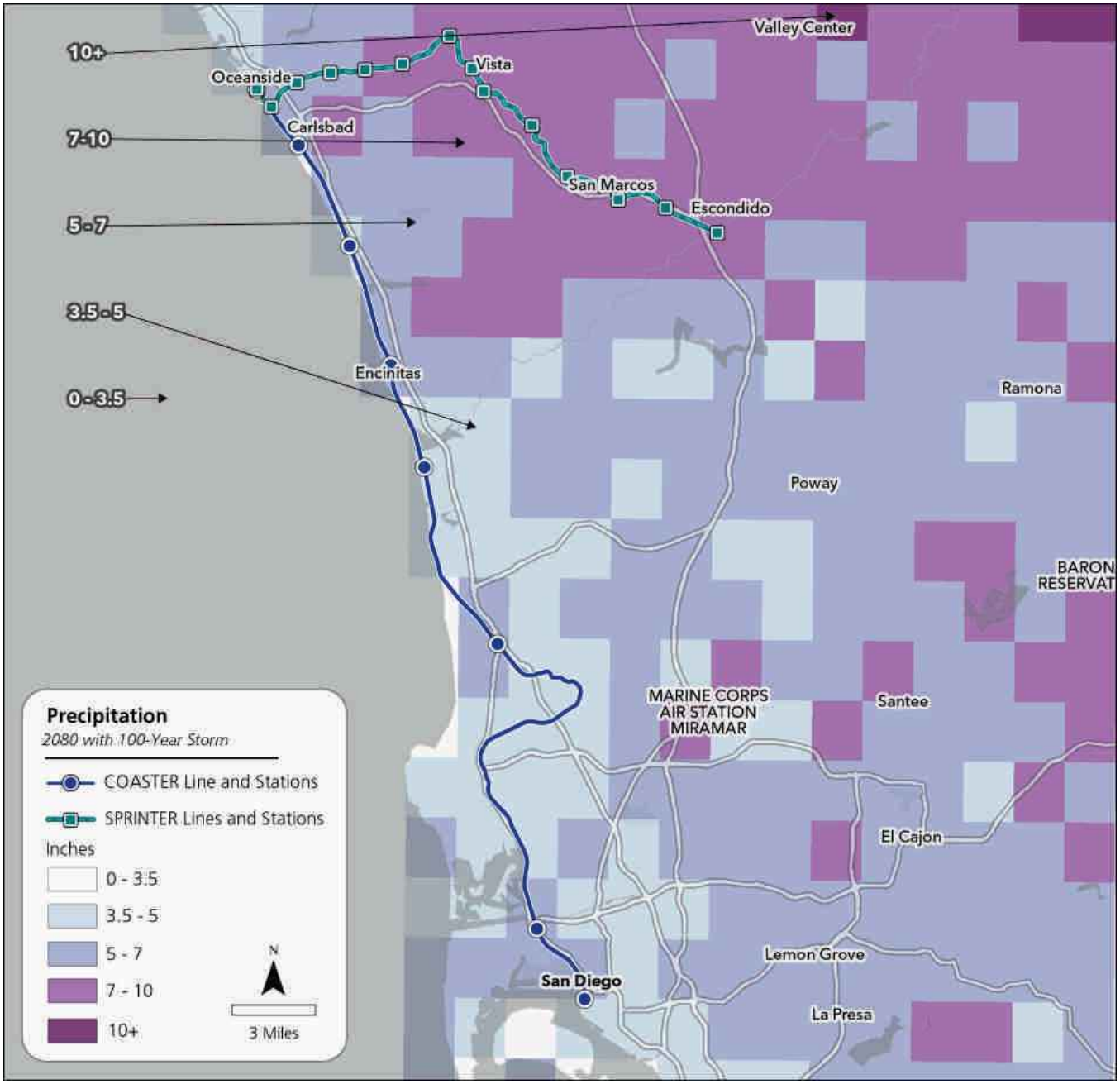


Figure 19. BREEZE and FLEX Lines Impacted by Heavy Precipitation (100-Year Storm by 2080)

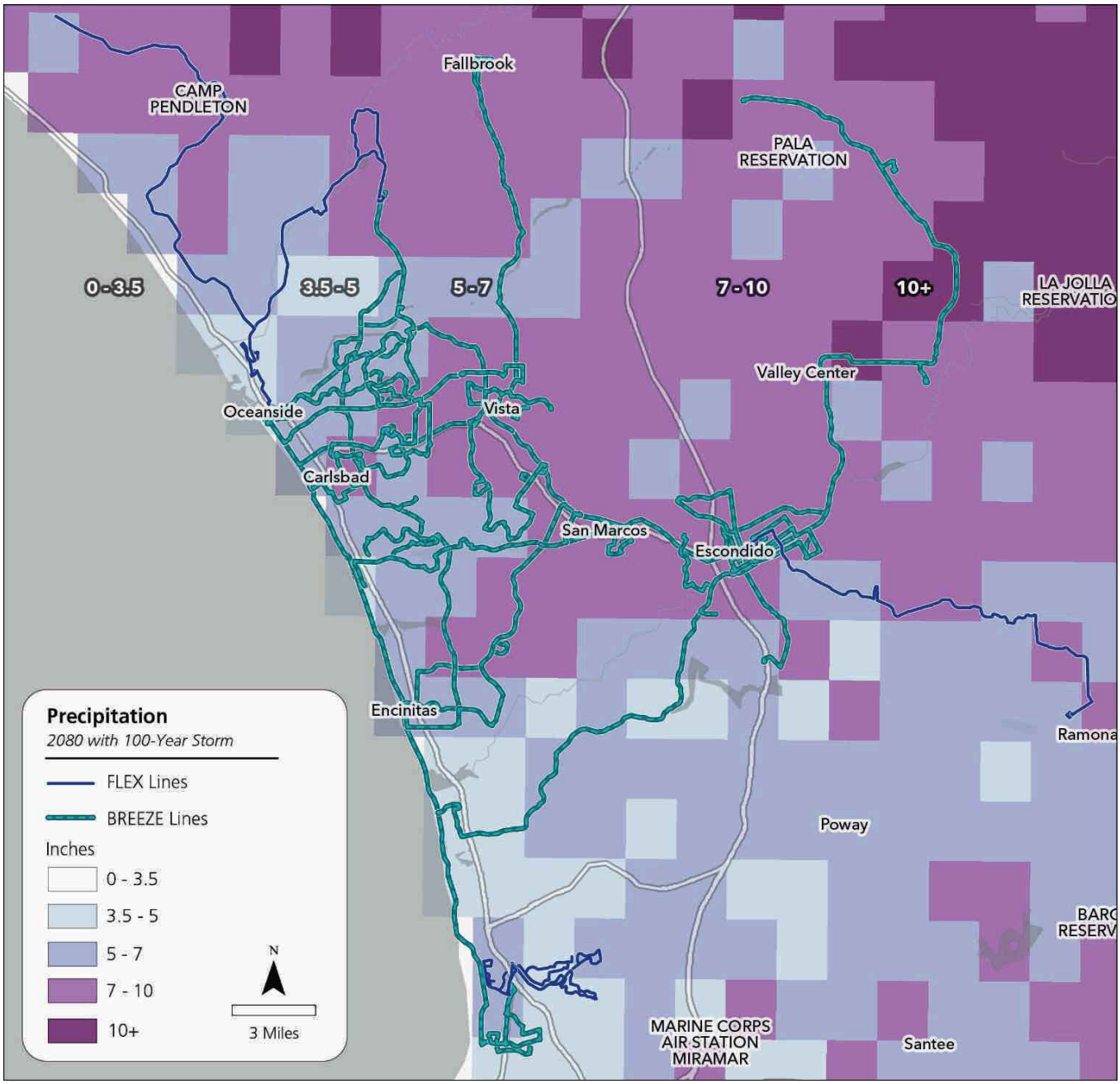


Figure 20. Facilities Impacted by Heavy Precipitation (100-Year Storm by 2080)

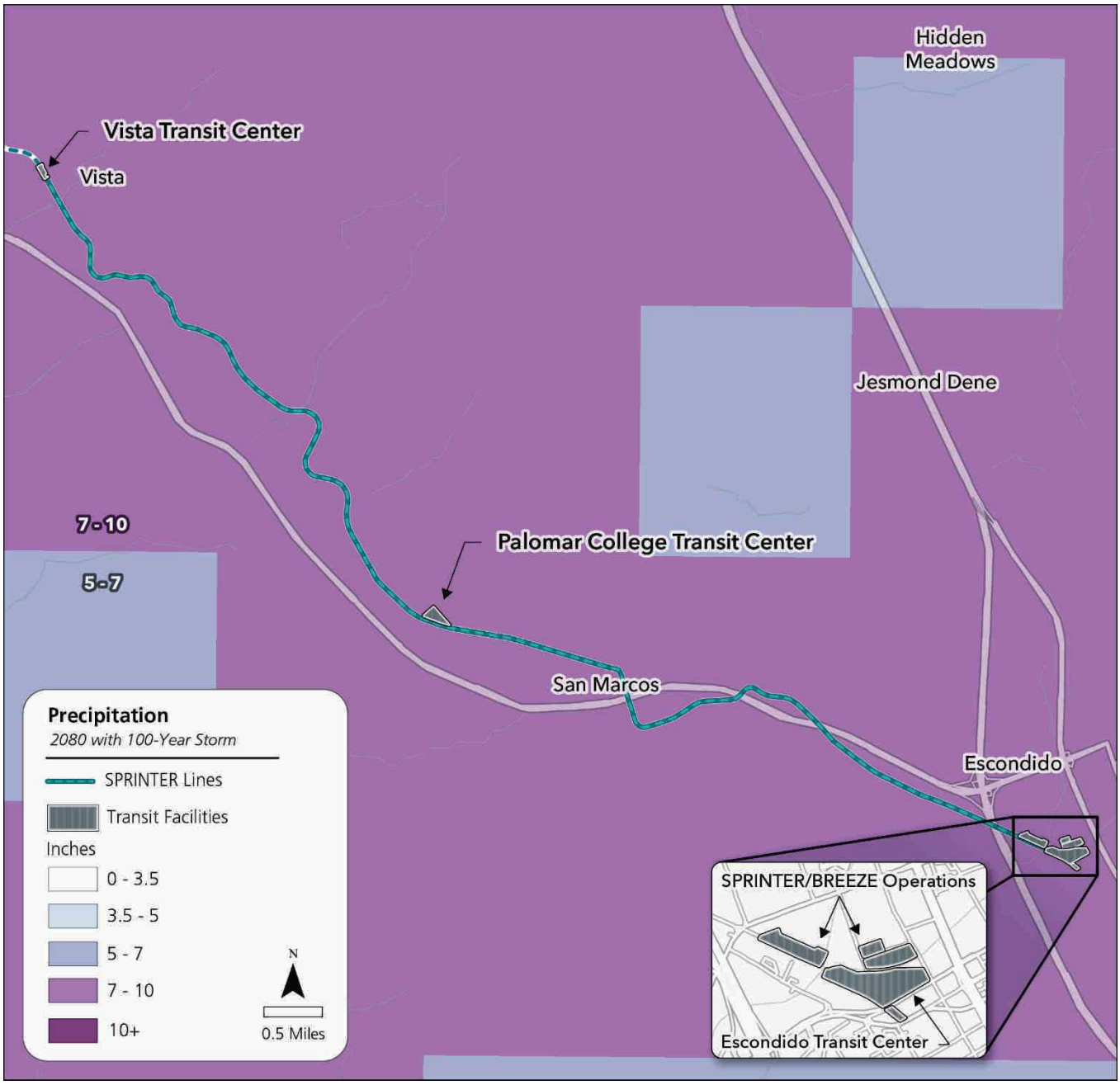


Figure 21. COASTER and SPRINTER Lines Impacted by Extreme Heat (Dry Bulb Temperature of 95°F)

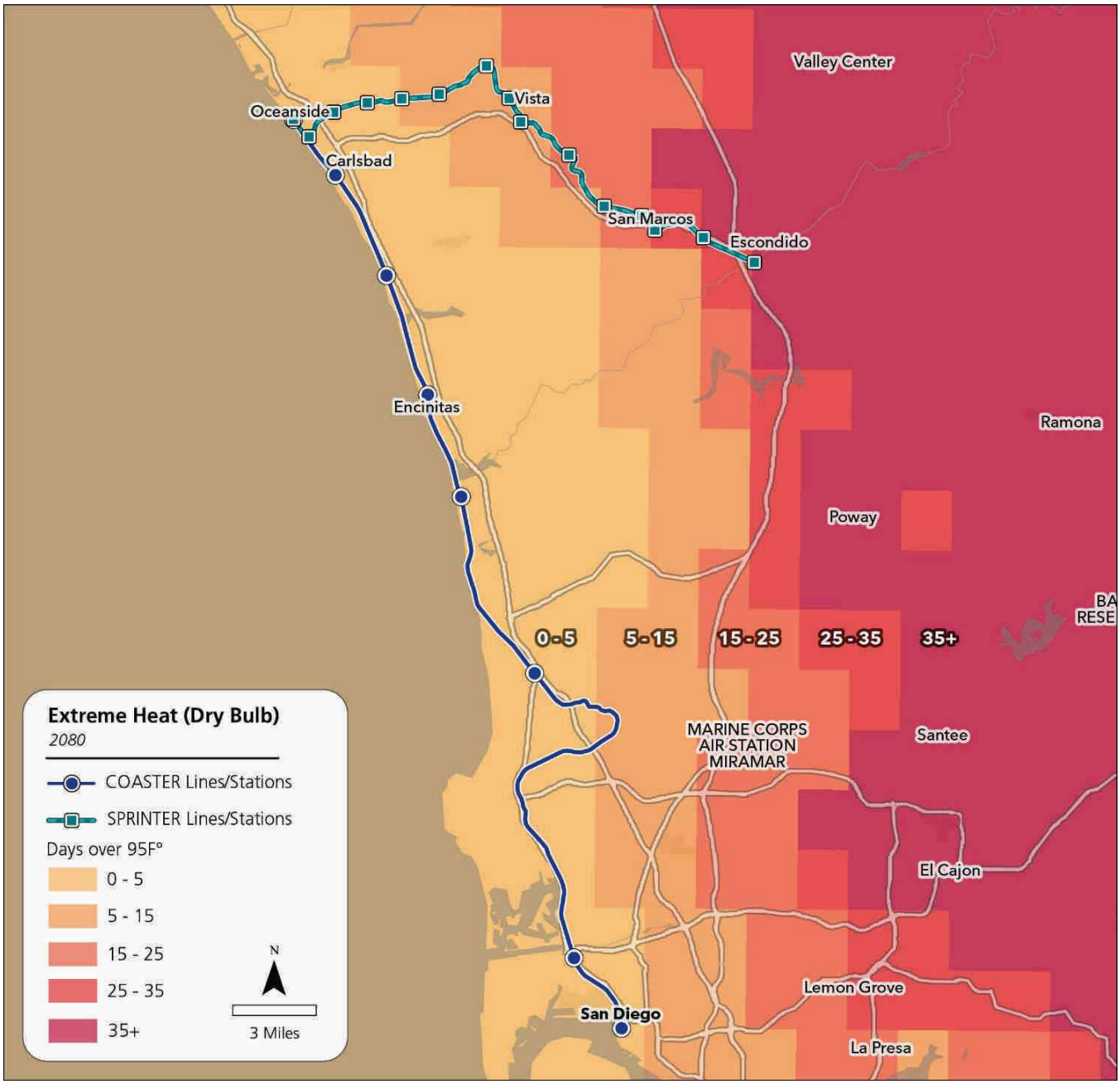


Figure 22. COASTER and SPRINTER Lines Impacted by Extreme Heat (Heat Index of 90°F)

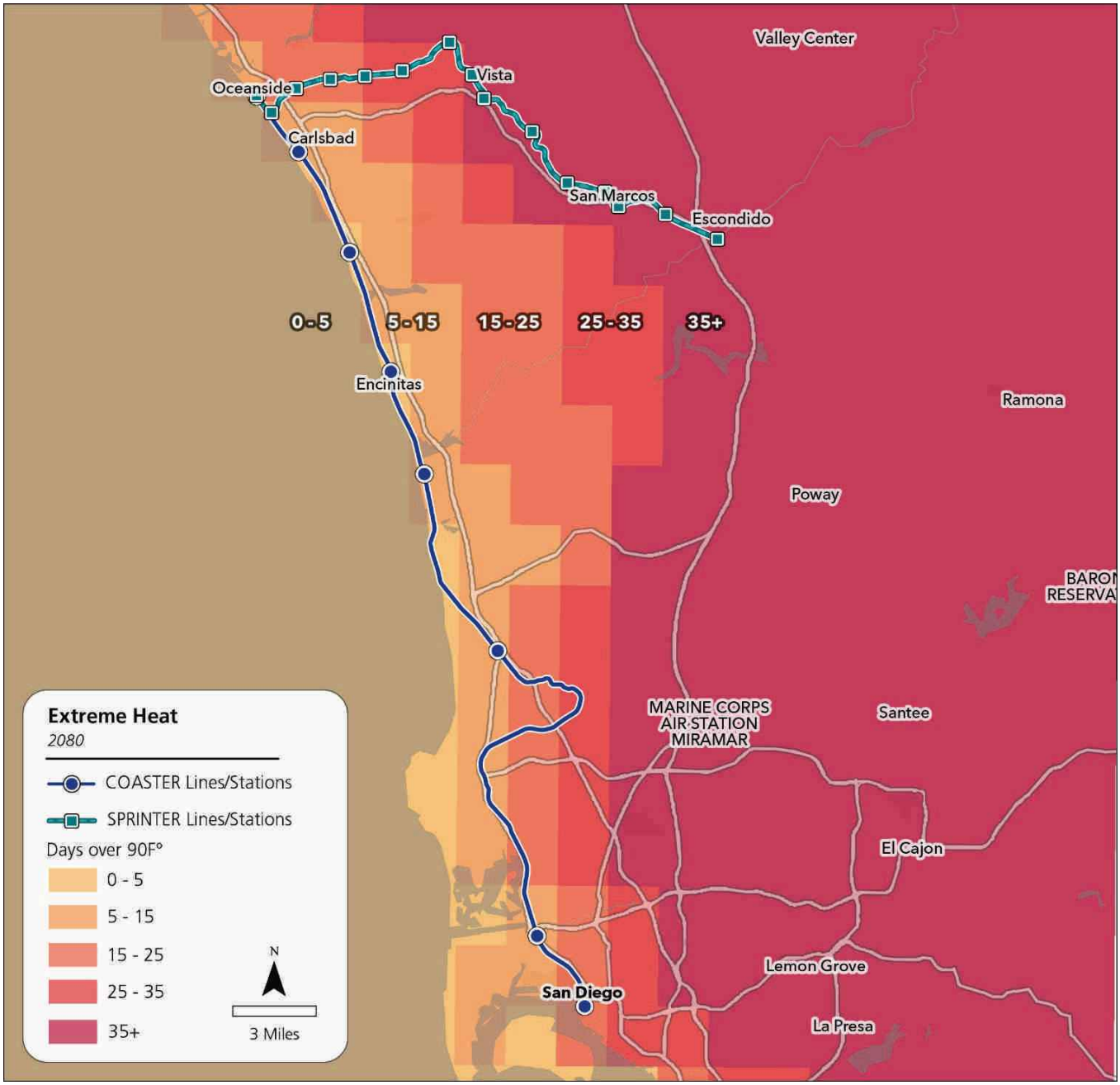


Figure 23. BREEZE and FLEX Lines Impacted by Extreme Heat (Heat Index of 90°F)

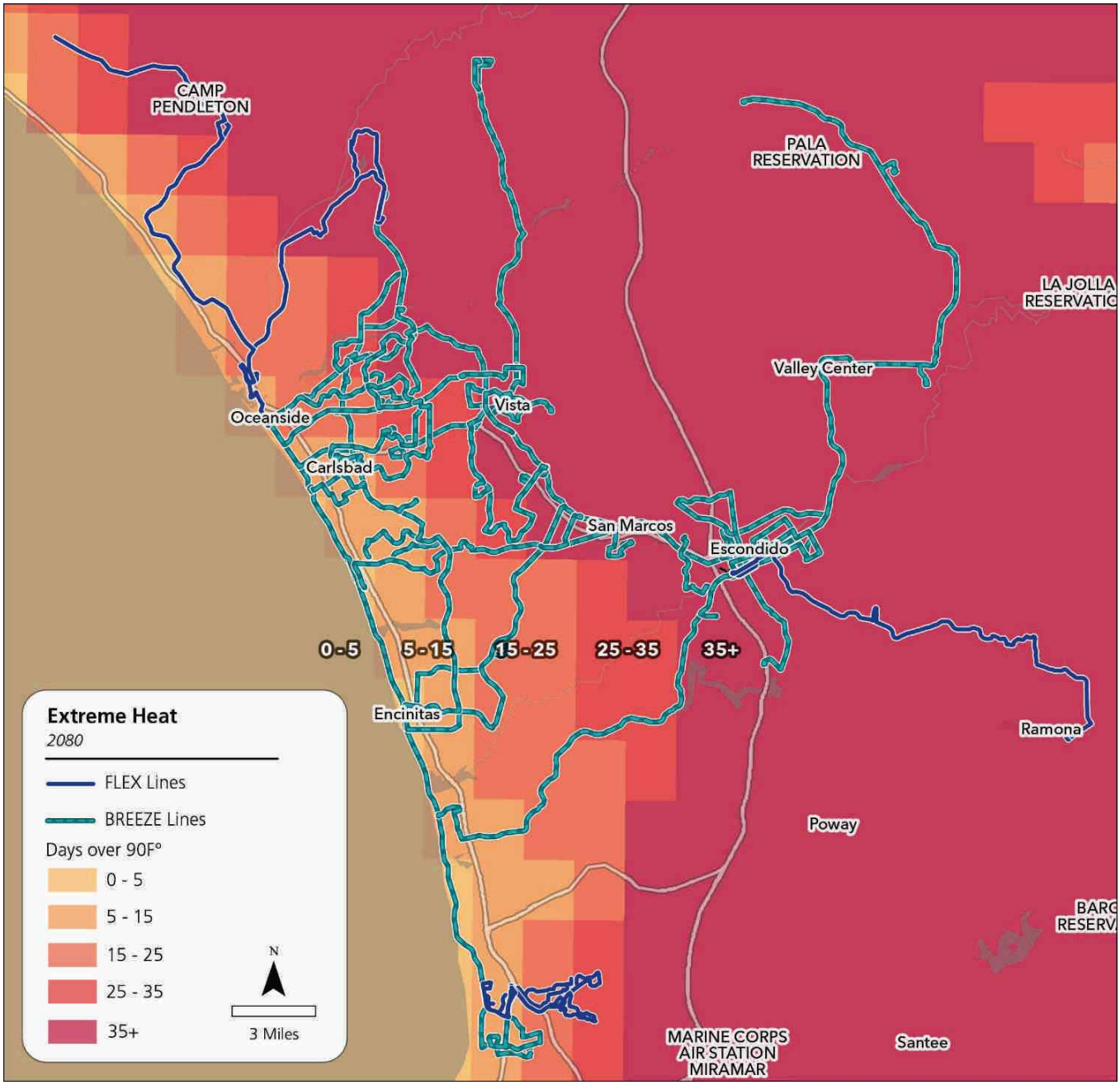
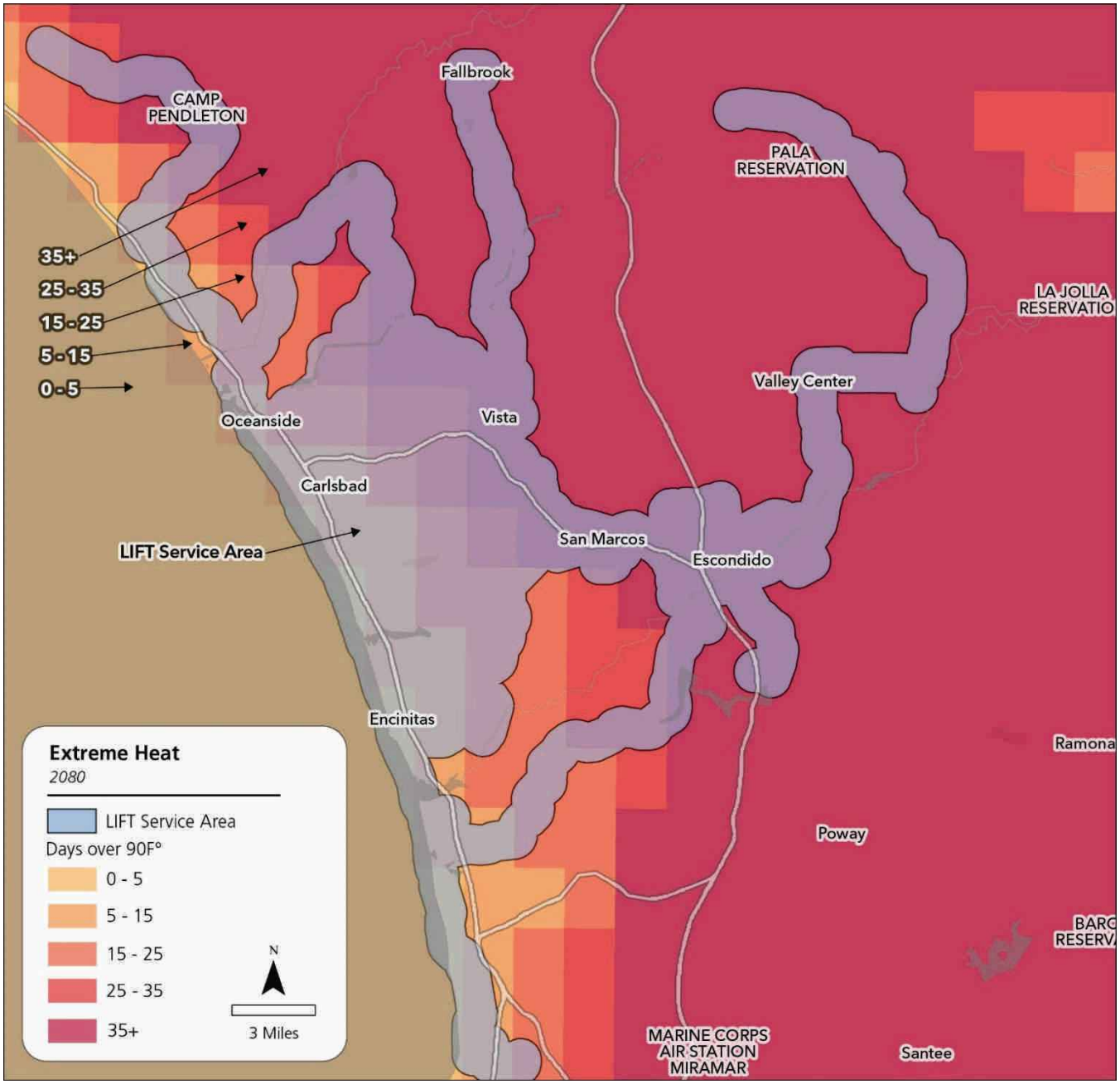


Figure 24. LIFT Service Area Impacted by Extreme Heat (Heat Index of 90°F)



8. Appendix B. Engagement Summary

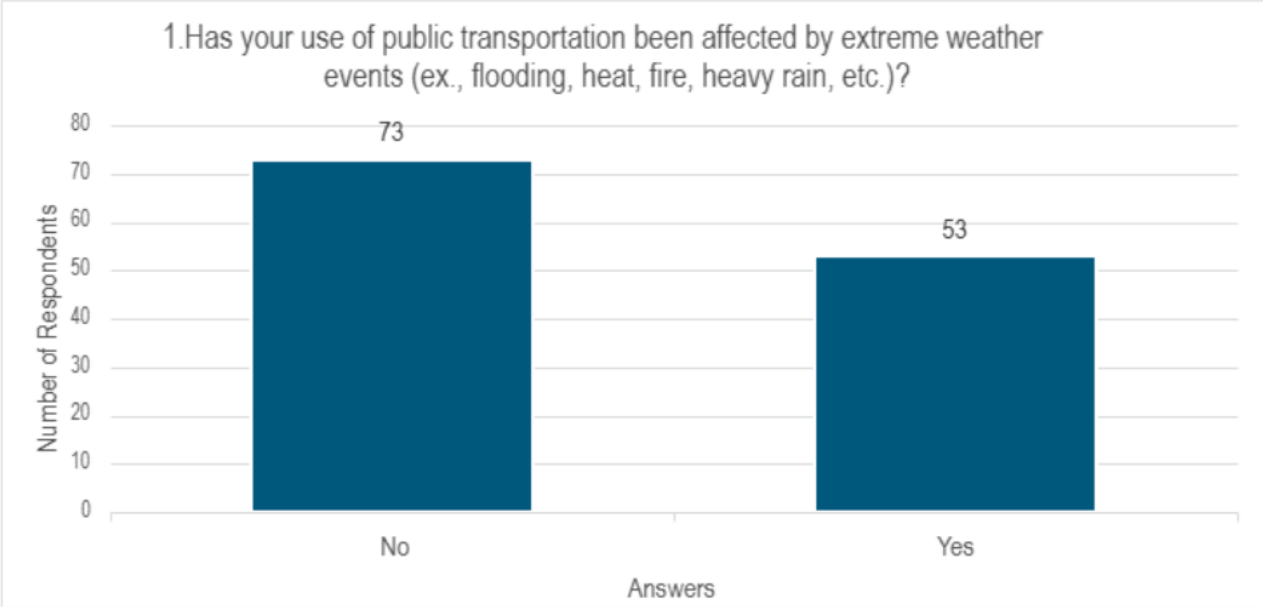
Survey #1 Results

Note that survey respondents may not have answered all questions; as a result, there may be inconsistencies in the number of responses across all the questions.

[Question 1] Survey respondents were asked if their use of public transportation has ever been affected by extreme weather events.

Most survey respondents selected “No.” However, some survey respondents who selected “No” indicate through later questions that they have been affected by extreme weather events.

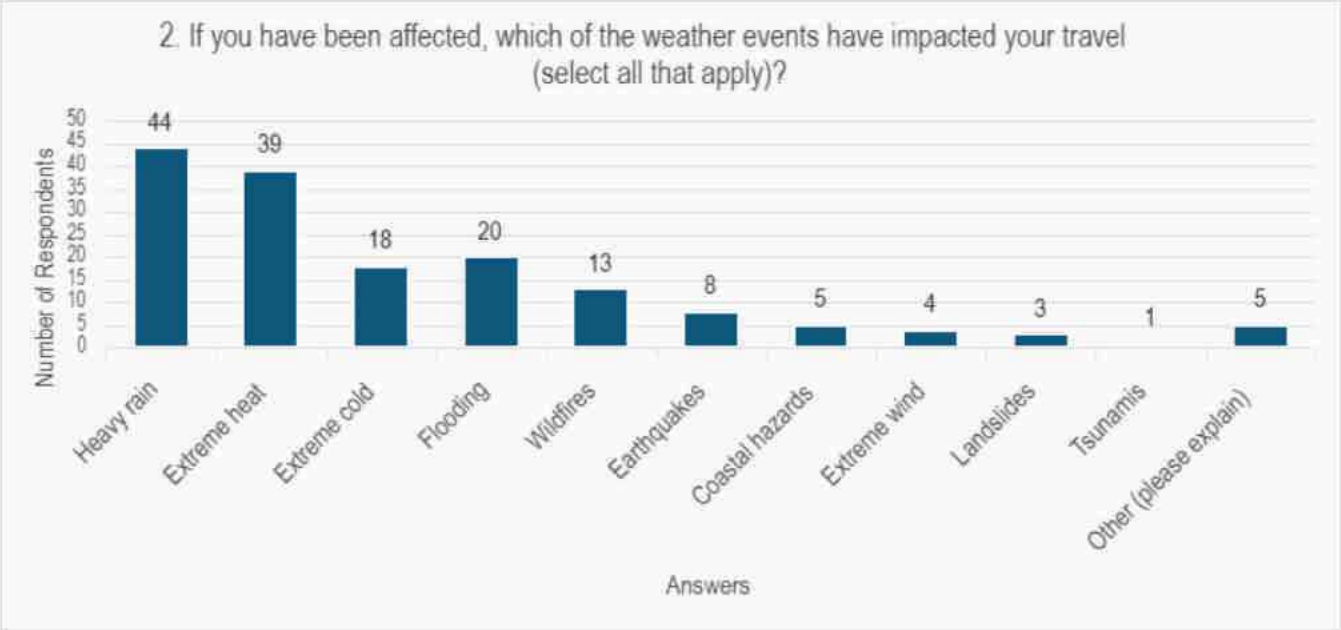
Figure 25. Survey 1 Question 1 Results: Has your use of public transportation been affected by extreme weather events (ex., flooding, heat, fire, heavy rain, etc.)?



[Question 2] Respondents were asked to select all of the weather events that have impacted their use of public transportation.

The three most common answers were heavy rain, extreme heat, and flooding. Some respondents who answered "No" or did not answer the previous question may have responded to this question. Among the respondents who answered "Other," specific hazards were not identified.

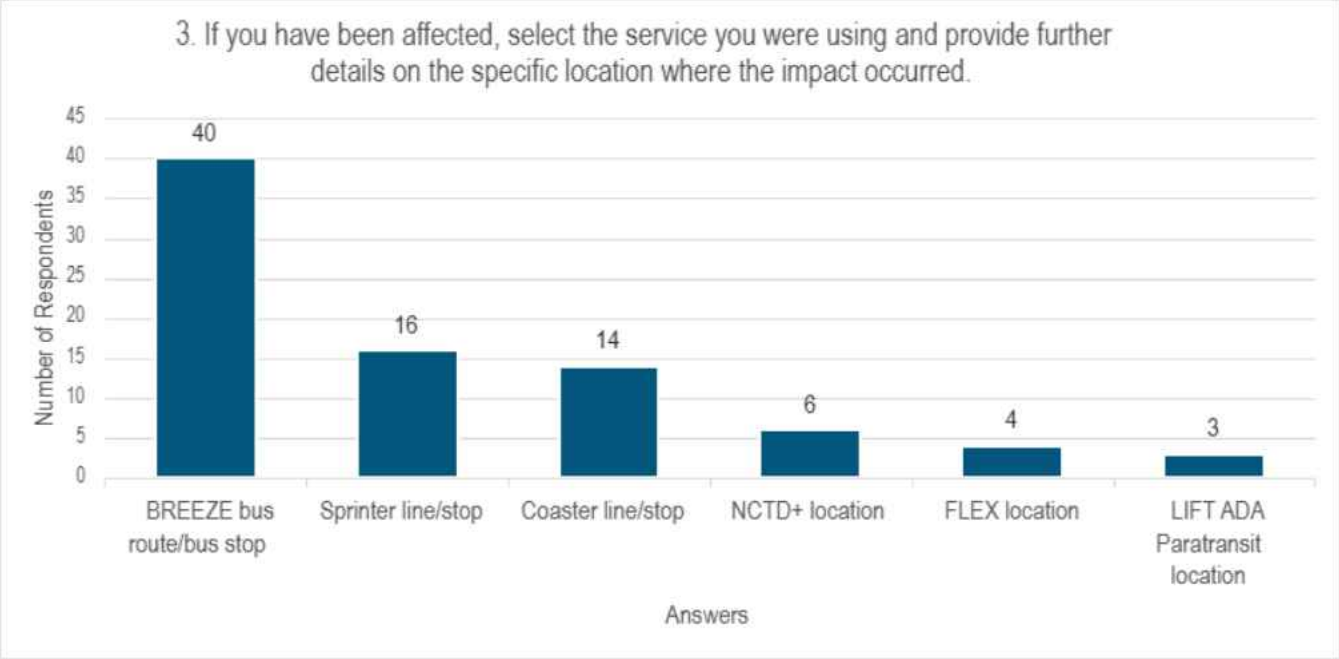
Figure 26. Survey 1 Question 2 Results: If you have been affected, which of the weather events have impacted your travel?



[Question 3] Respondents were asked to select the public transportation service that was affected by extreme weather.

Respondents were given the opportunity to identify the specific location where the impact occurred.

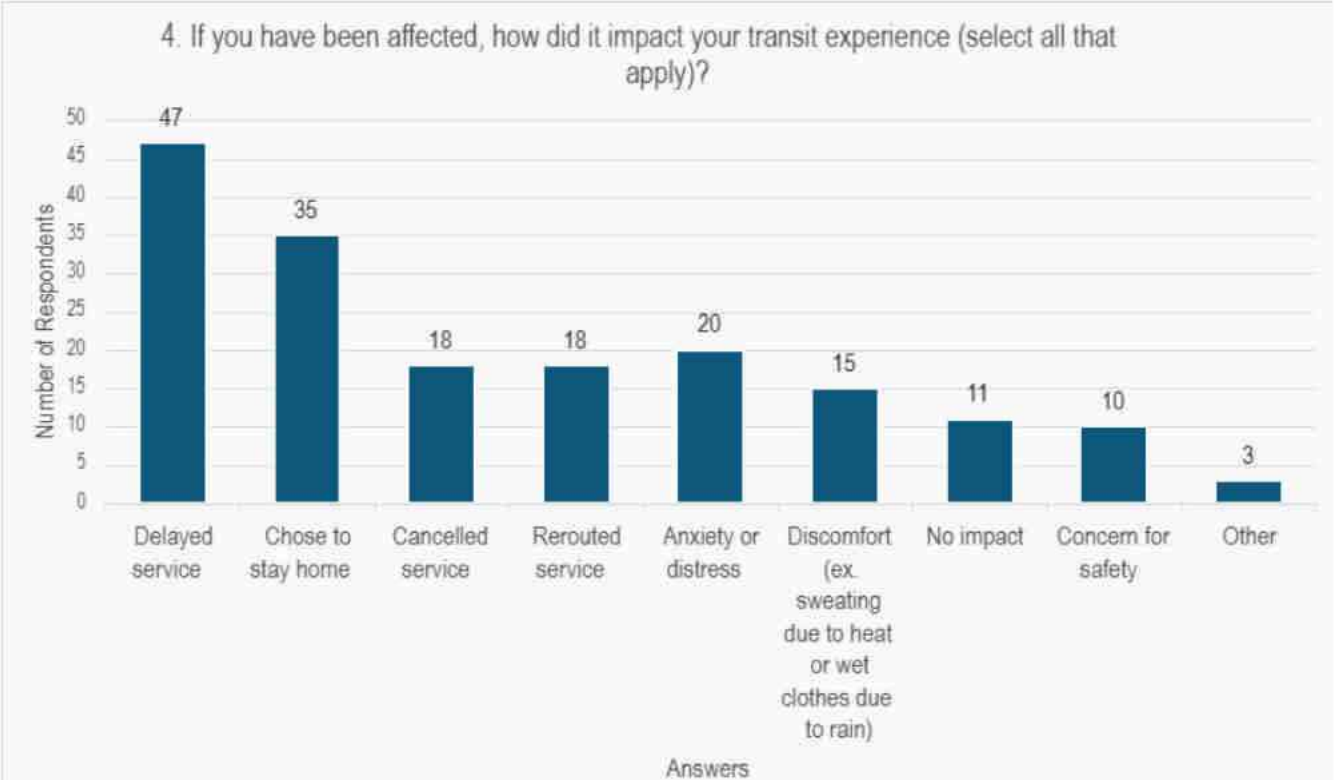
Figure 27. Survey 1 Question 3 Results: If you have been affected, select the service you were using and provide further details on the specific location where the impact occurred.



[Question 4] Respondents were asked to describe how the weather events impacted their transit experience.

The three most common responses were “Delayed Service,” “Chose to stay home” and “Anxiety or distress.” “Rerouted service” and “Cancelled service” were also common answers. Among the respondents who selected “Other,” one respondent commented “Unruly passengers.”

Figure 28. Survey 1 Question 4 Results: If you have been affected, how did it impact your transit experience?

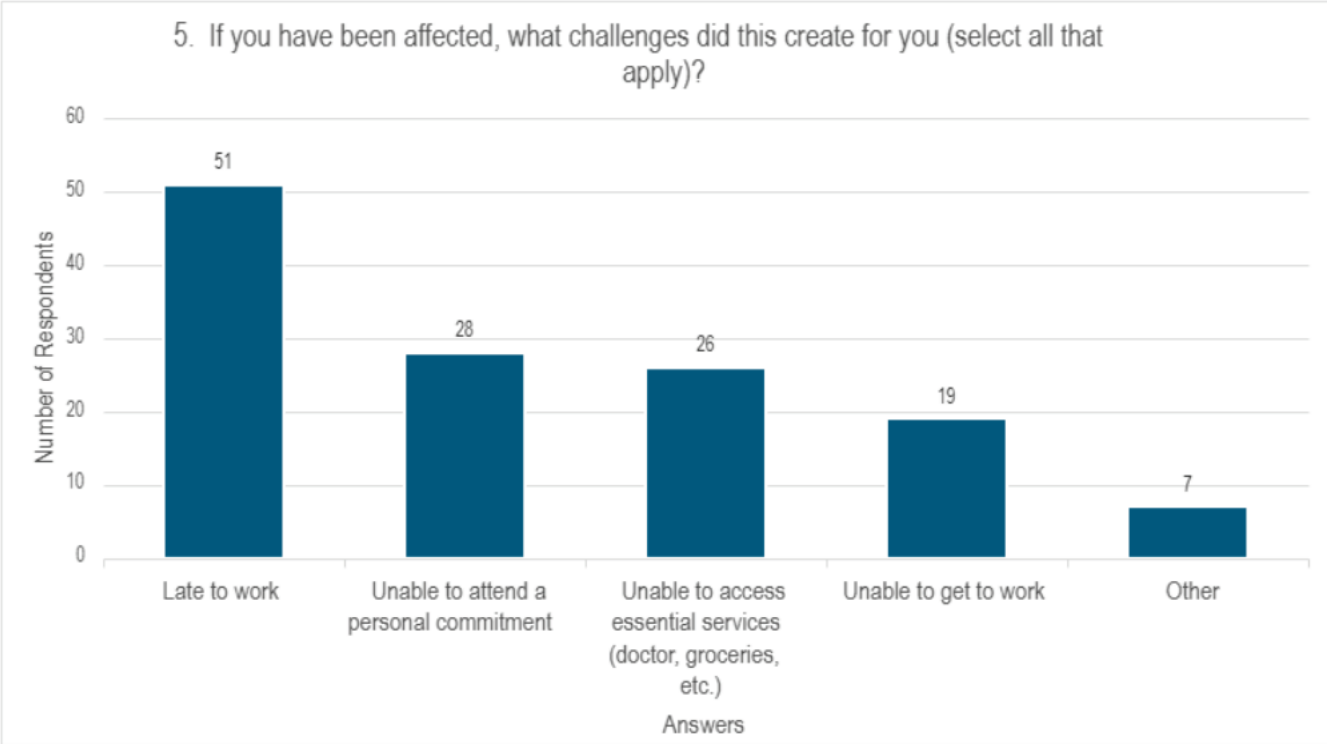


[Question 5] Respondents were asked to describe the challenges created when extreme weather affected their transit experience.

The most common response was “Late to work.” Among the respondents who answered “Other,” comments included:

- “Got Lost”
- “school (Mira costa)”
- “Uber”
- “Laid Off”

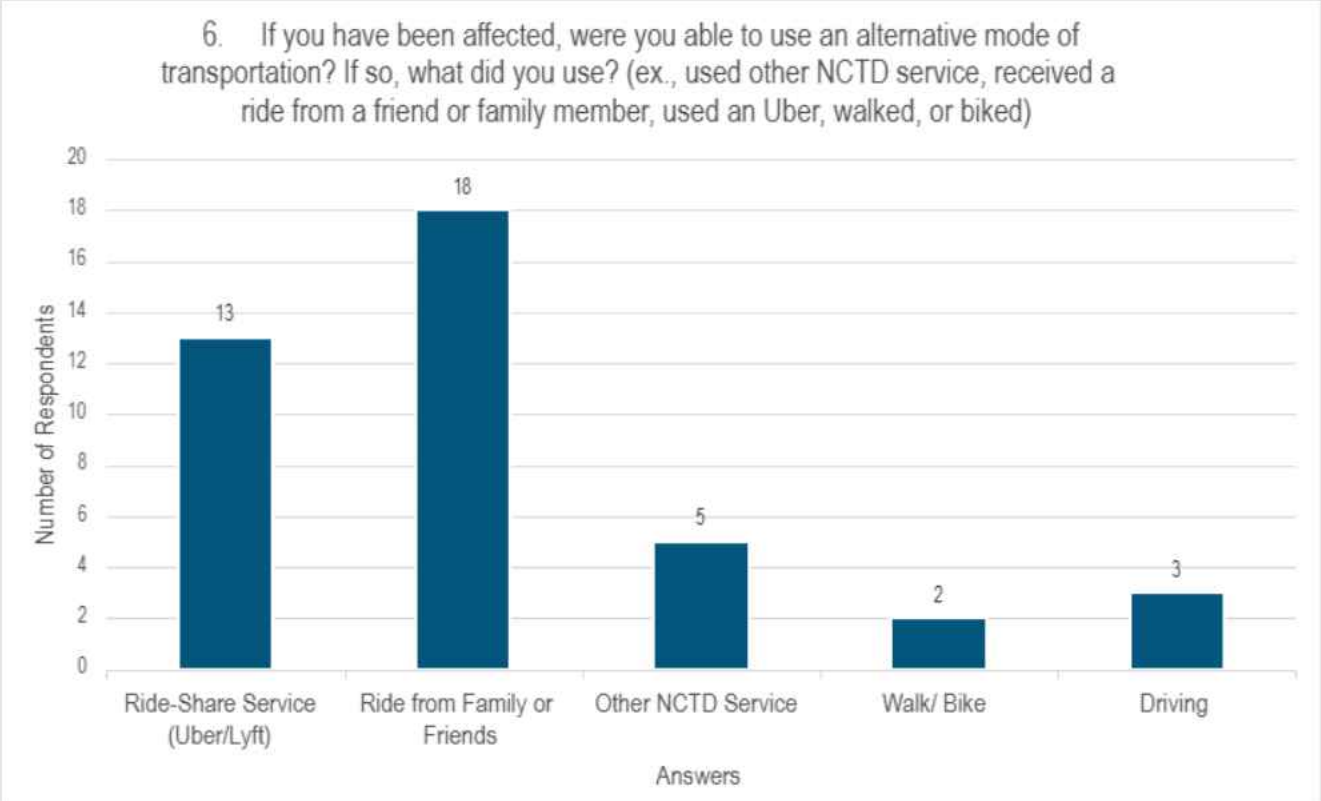
Figure 29. Survey 1 Question 5 Results: If you have been affected, what challenges did this create for you?



[Question 6] Respondents who had transit experiences affected by extreme weather events were asked if they were able to use an alternative mode of transportation.

Responses were open-ended and consolidated into five categories.

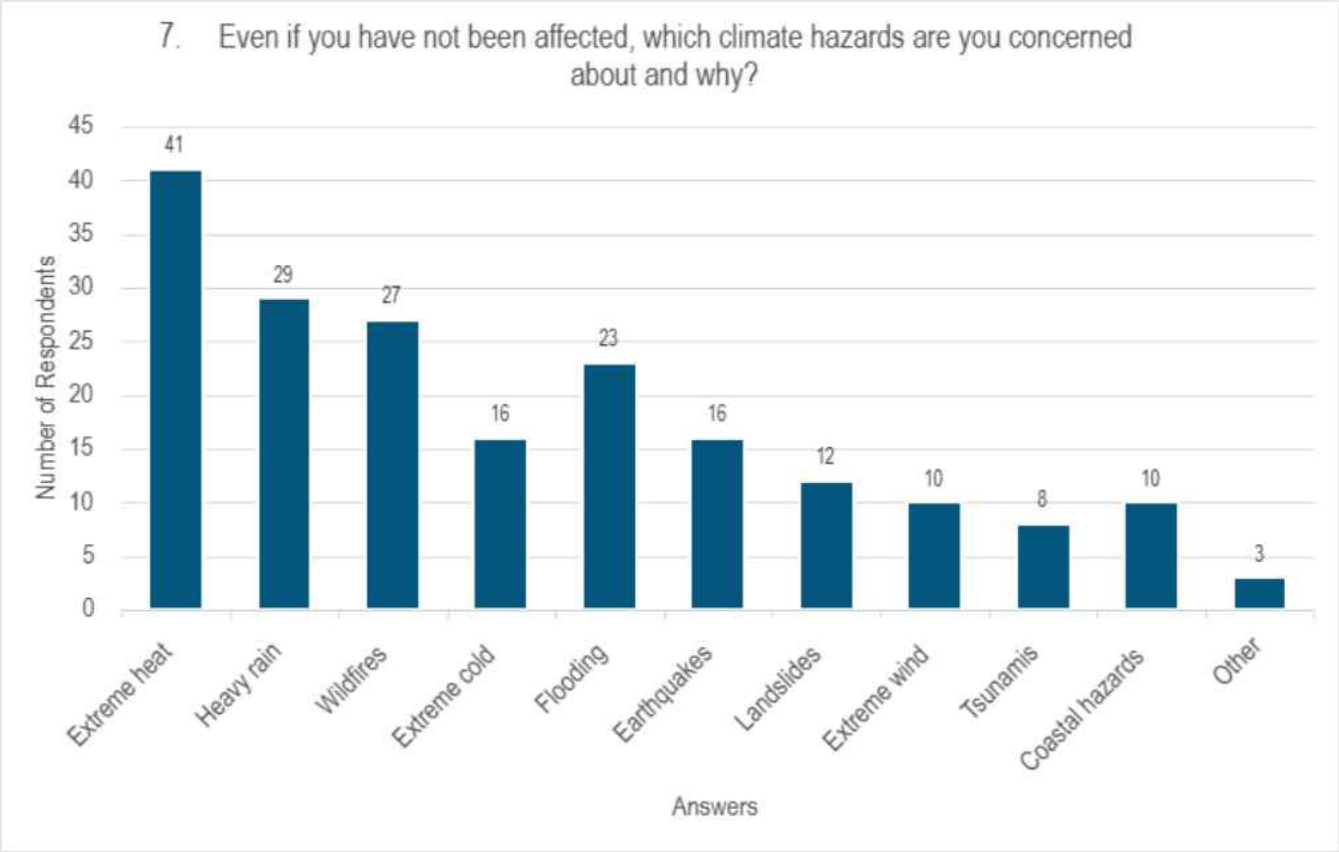
Figure 30. Survey 1 Question 6 Results: If you have been affected, were you able to use an alternative mode of transportation?



[Question 7] Respondents were asked to indicate which climate hazards they were concerned by, even if their transit experiences were not directly affected.

The three most common answers were: extreme heat, heavy rain, and wildfires. Flooding was also a common answer.

Figure 31. Survey 1 Question 7 Results: Even if you have not been affected, which climate hazards are you concerned about and why?



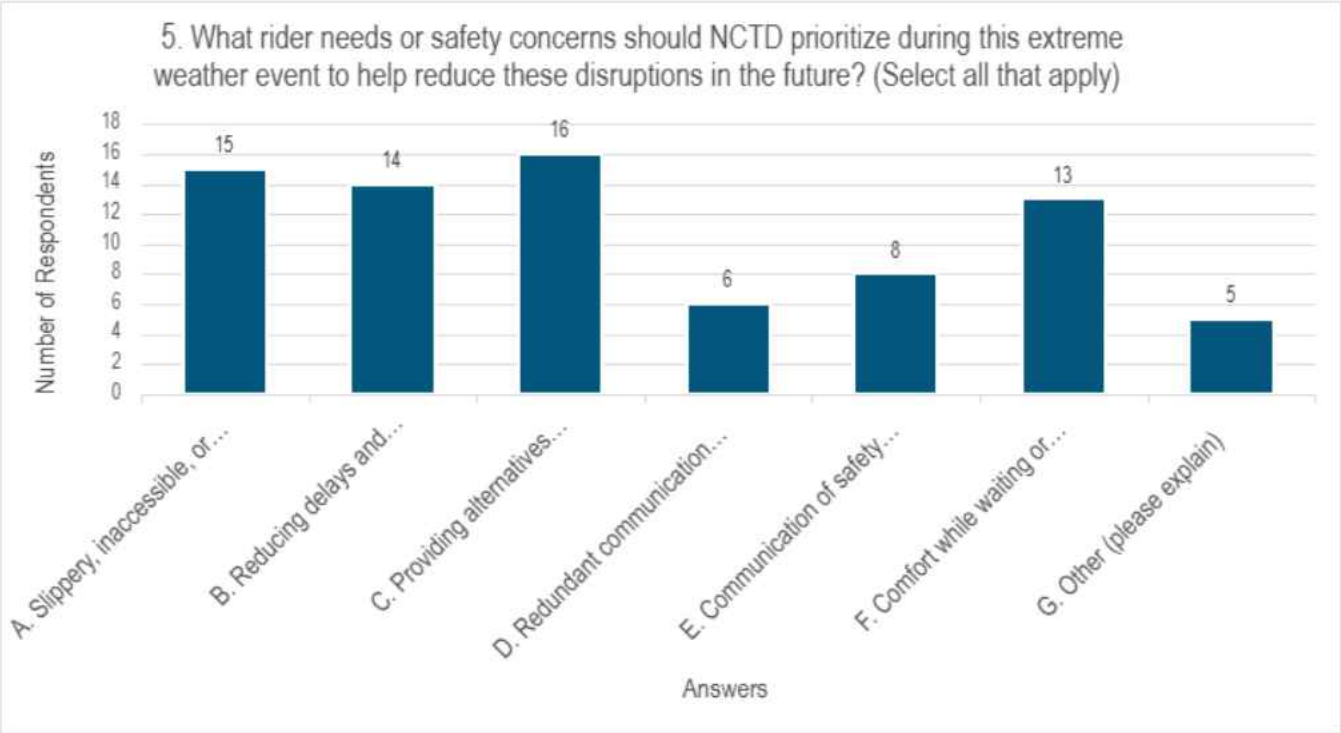
Survey #2 Results

The survey results summarized below include the questions in the second survey that were not included in the first survey.

[Question 5] Survey respondents were asked which rider needs or safety concerns NCTD should prioritize during this extreme weather event to help reduce these disruptions in the future.

Among the answer choices, the three most common were: A. Slippery, inaccessible, or unsafe stop or station boarding or platform conditions, B. Reducing delays and maintaining on-time performance, and C. Providing alternatives routes across transit types.

Figure 32. Survey 2 Question 5 Results: What rider needs or safety concerns should NCTD prioritize during this extreme weather event to help reduce these disruptions in the future?



Legend:

A. Slippery, inaccessible, or unsafe stop or station boarding or platform conditions
B. Reducing delays and maintaining on-time performance
C. Providing alternatives routes across transit types
D. Redundant communication channels (Ex. Station alerts, social media, website, email) to receive information on service changes
E. Communication of safety procedures and evacuation routes (Ex. Station alerts, social media, website, email)
F. Comfort while waiting or traveling
G. Other (please explain)

[Question 6] Survey respondents were asked “As NCTD begins to plan how to respond to these risks, what should they prioritize to protect riders? For example, which locations should be addressed first? Which riders need to be considered most?”

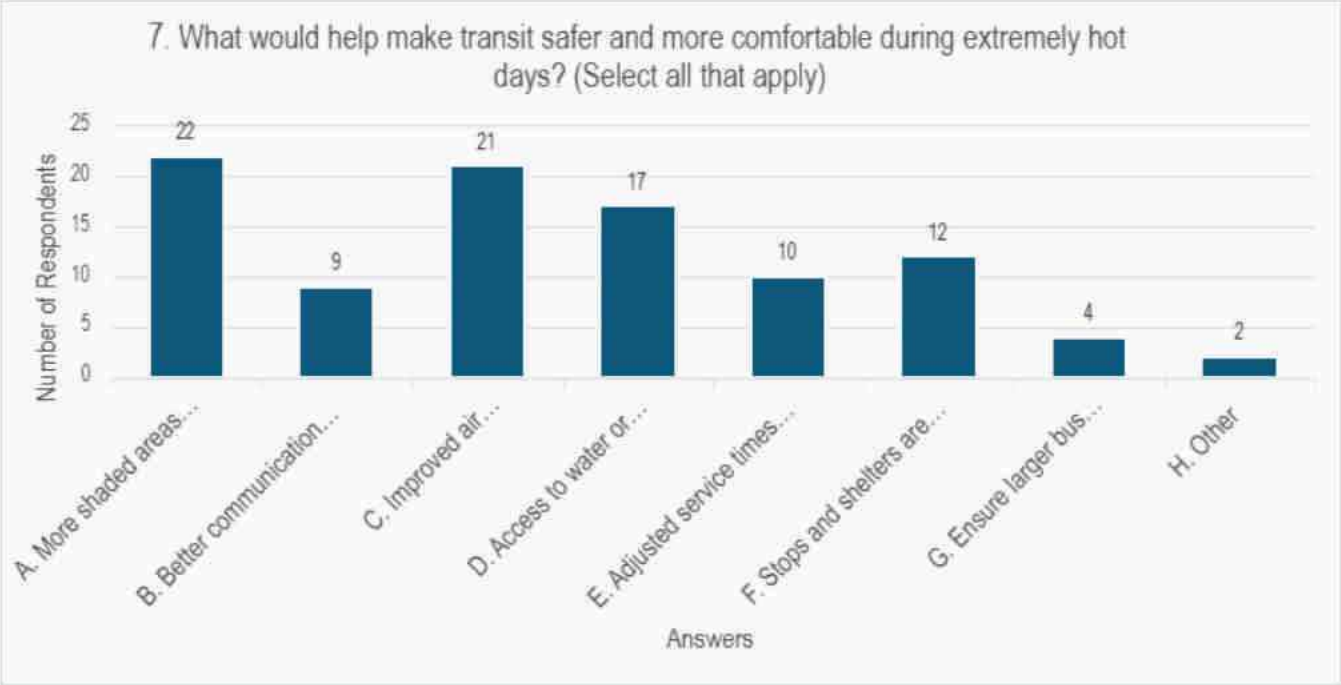
Responses to this question are included as written by respondents below:

- Locations
    - Oceanside
    - Buena Creek
    - Vista
    - Urban areas
    - Coastal bluffs
        - Coastal bluffs - addressing commuter needs and regional freight rail
        - Coastal bluffs due to commuter service and regional economic impact (freight rail)
- Topics
    - Safety, more fare enfor.,[enforcement]
    - Prioritizing coolants in buses in any way, it gets pretty hot in there
    - Establishing safety for riders waiting for their transport
    - Better shelters at bus stops

[Question 7] Survey respondents were asked what would help make transit safer and more comfortable during extremely hot days.

The three most common answer choices include: More shaded areas (trees or shelters) at bus stops and stations, Improved air conditioning on buses and trains, and Access to water or cooling (cooling centers, air conditioning, fans) near transit centers or stations.

Figure 33. Survey 2 Question 7 Results: What would help make transit safer and more comfortable during extremely hot days?



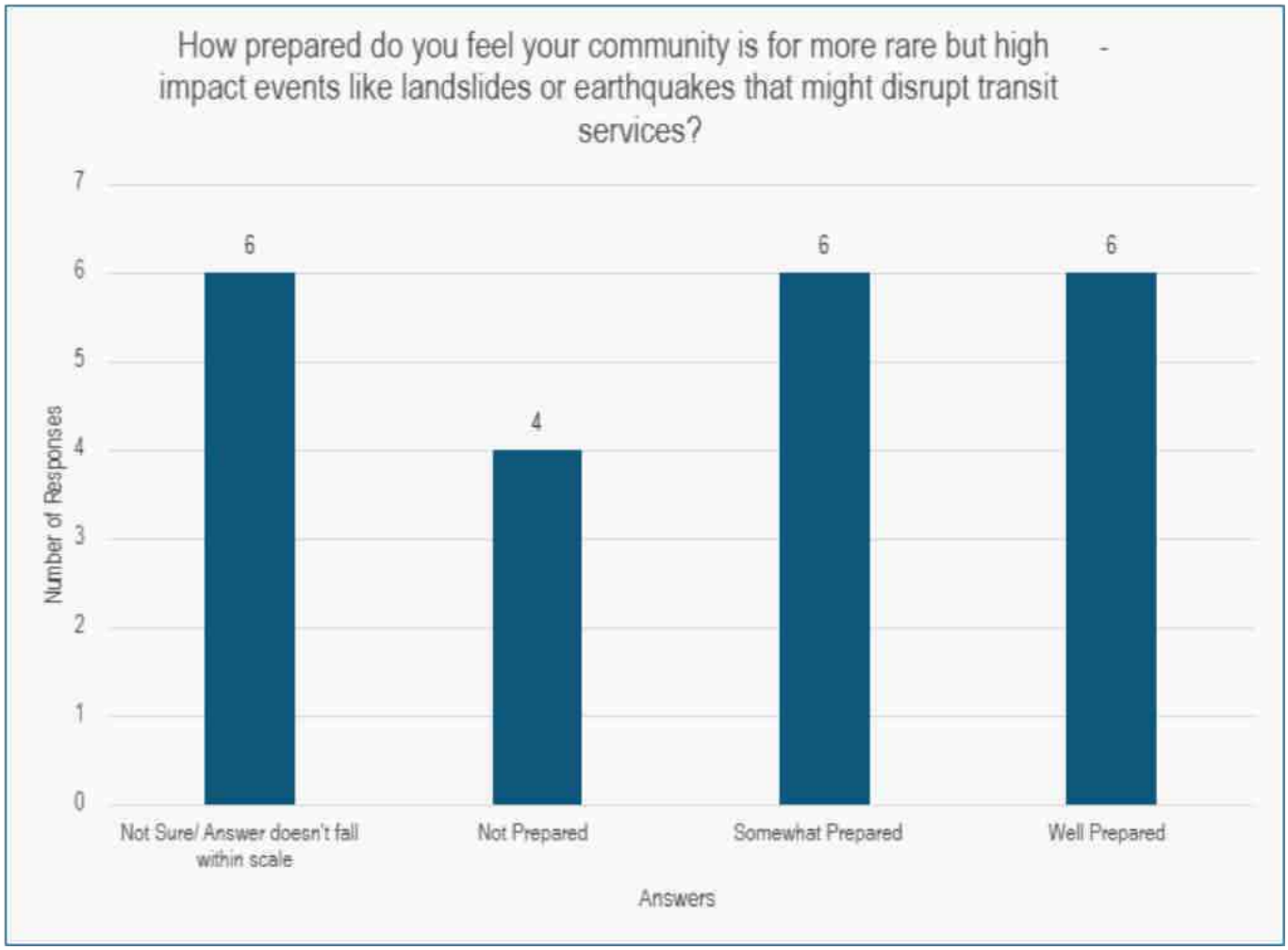
Legend:

A. More shaded areas (trees or shelters) at bus stops and stations
B. Better communication about heat-related delays or changes
C. Improved air conditioning on buses and trains
D. Access to water or cooling (cooling centers, air conditioning, fans) near transit centers or stations
E. Adjusted service times during peak heat
F. Stops and shelters are made from durable material that does not conduct heat
G. Ensure larger bus stations or depots include emergency generators or backup power to maintain operations and services during power outages
H. Other

[Question 8] Survey respondents were asked how prepared they feel their community is for more rare but high-impact events like landslides or earthquakes that might disrupt transit services.

Answers were grouped and assigned a quantitative value to summarize the results below.

Figure 34. Survey 2 Question 8 Results: How prepared do your feel your community is for more rare but high impact events like landslides or earthquakes that might disrupt transit services?



Responses, as written by respondents, included:

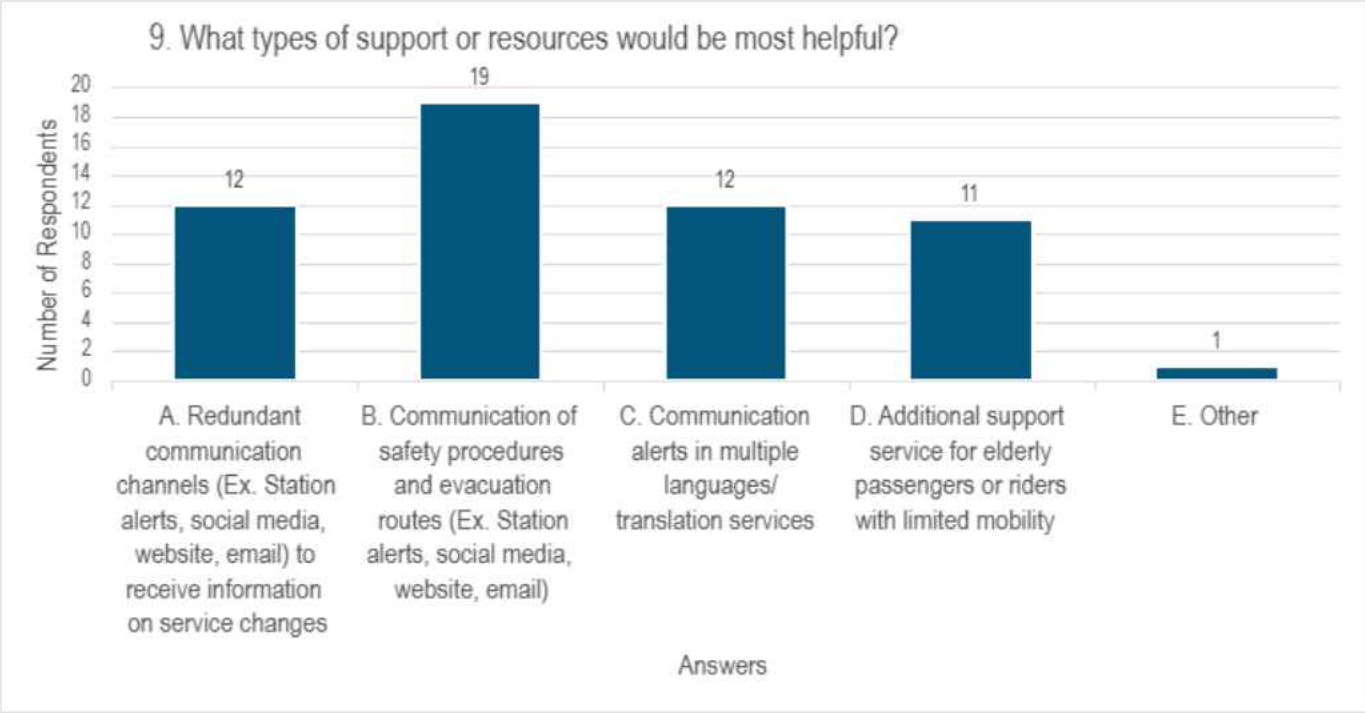
- Not sure
- I am not aware of any preparedness
- estan algo preparados pero si hay muchos cambios que me han afectado al cual siento que no esta muy preparado [“They are somewhat prepared, but there are many changes that have affected me and I feel they are not very prepared for them.”]
- N/A
- Not that prepared. Traffic will be severely impacted, and train service will be stopped
- well prepared

- We get a lot of education on how to be safe from these things
- unsure
- I feel that they're doing all they can as the situation arises
- 50/50 Prepared
- well prepared
- I am not sure but I think a lot of people will still be impacted because they won't have confidence in it to use it
- not prepared
- Ok, but need alerts on the news
- okay
- not because they close the train for 3 months
- somewhat prepared
- good
- I think they are prepared
- Not really
- I hope the community is prepared for a high impact event
- not sure, just moved to Lemon Grove

[Question 9] Survey respondents were asked what types of support or resources would be most helpful.

The most common answer choice was “Communication of safety procedures and evacuation routes (Ex. Station alerts, social media, website, email).” The remaining answer choices received a similar number of responses.

Figure 35. Survey 2 Question 9 Results: What types of support or resources would be most helpful?

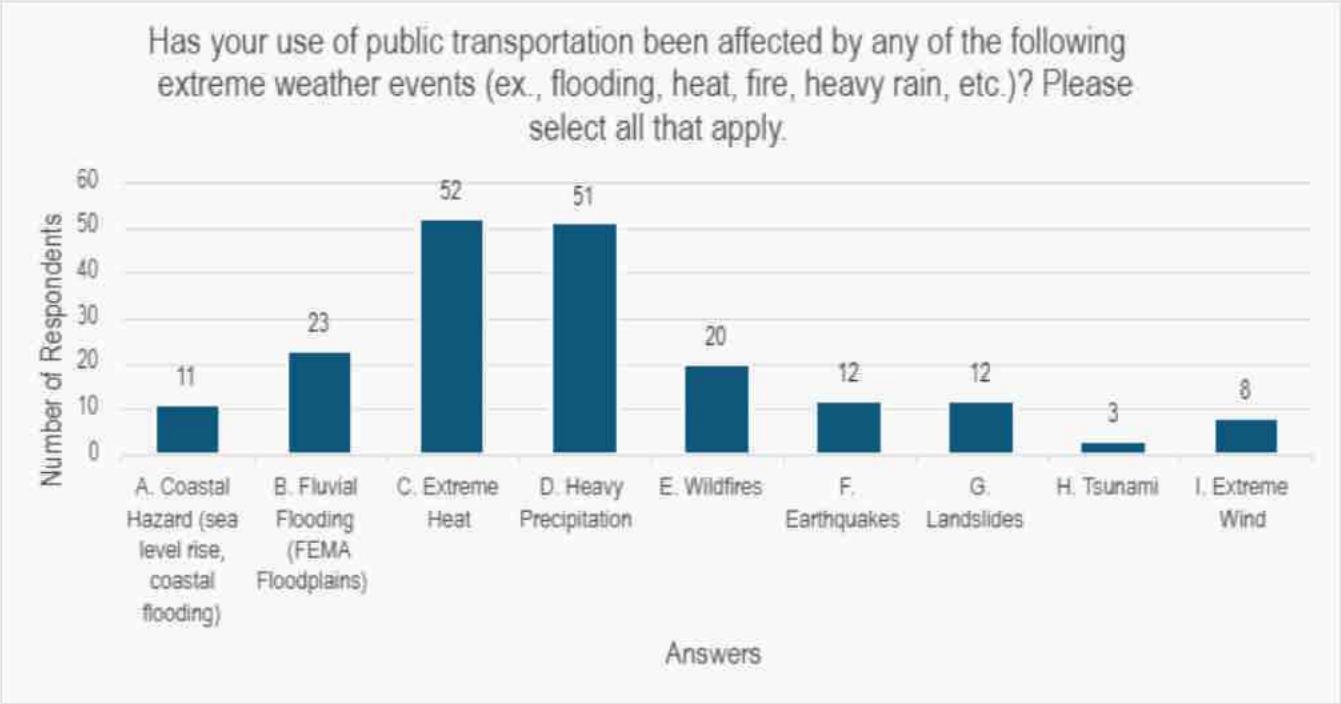


Aggregated Results

The survey results below combine the results of the two surveys for questions that they had in common. Note that some answer choices differed between the two surveys and have been noted with each question. Aggregating the survey results is simply meant to demonstrate the volume of similar responses across both surveys. Because not all participants had access to the same answer choices, the results cannot be meaningfully interpreted as a whole (e.g., 50% of participants chose answer B).

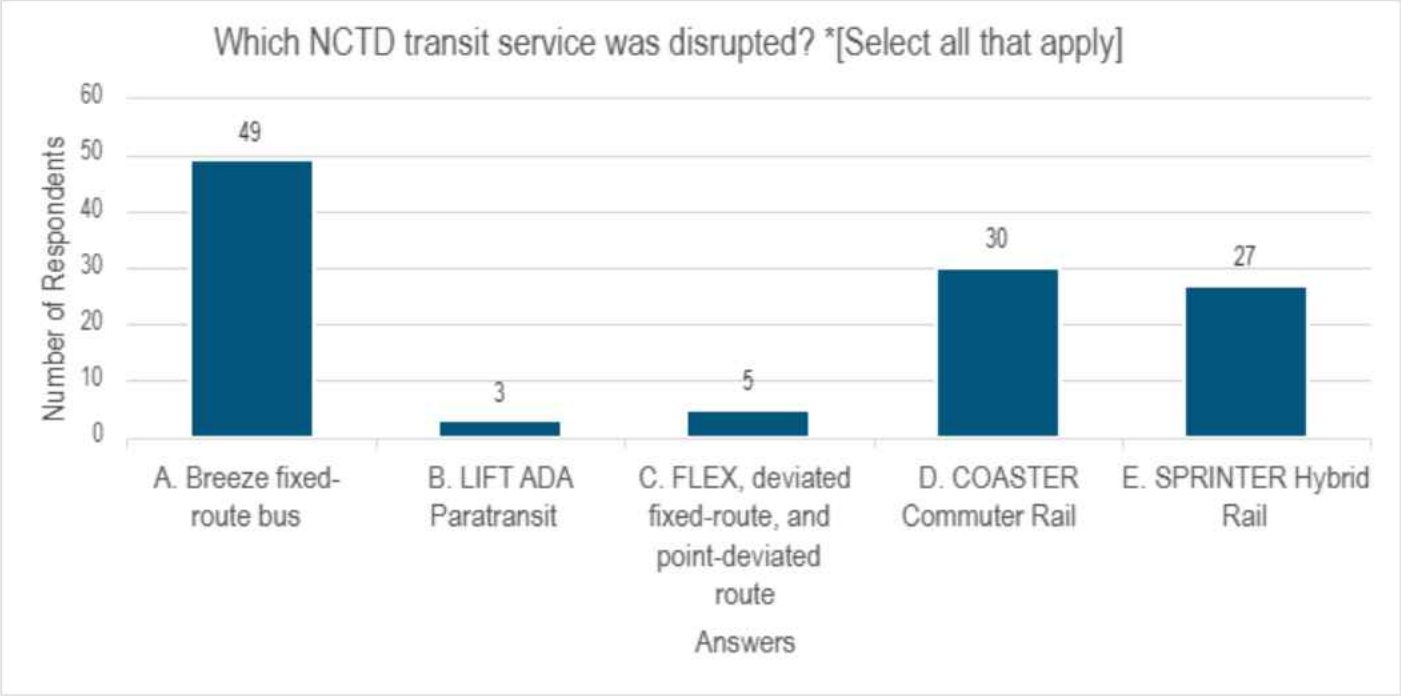
[Survey 1 & 2: Question 1] Survey 1 asked a slightly different version of this question: “If you have been affected, which of the weather events have impacted your travel (select all that apply)?”

Figure 36. Survey 1 and 2 Question 1 Results: Has your use of public transportation been affected by any of the following extreme weather events (ex. flooding, heat, fire, heavy rain, etc.) Please select all that apply.



[Survey 1 Question 3 and Survey 2 Question 2] Survey 2 asked a slightly different version of this question: “If you have been affected, select the service you were using and provide further details on the specific location where the impact occurred.”

Figure 37. Survey 1 Question 3 and Survey 2 Question 2 Results: Which NCTD transit service was disrupted?



Note 11 survey respondents selected “none of the these”. This answer choice was only included in the second survey.

[Survey 1 & 2 Question 4] Note response options marked with * were only available for survey 2 and response options marked with ** were only available for survey 1.

Figure 38. Survey 1 and 2 Question 4 Results: If you have been affected, how did it impact your transit experience (select all the apply)?

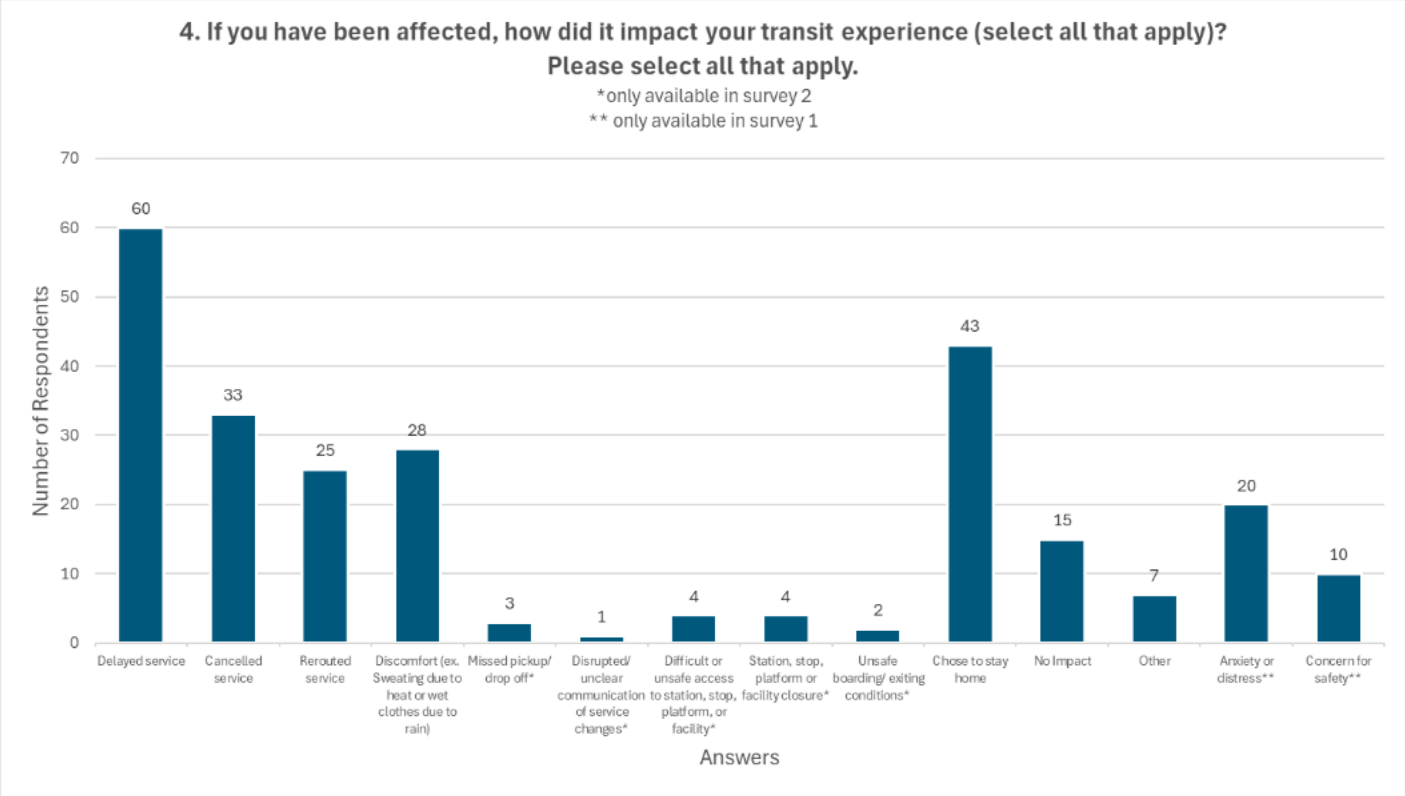


Table 5. Discussion Summary from NCTD Internal Focus Groups

Hazards	Service	Identified locations/routes NCTD noted are most vulnerable to climate hazards	Potential solutions identified
Coastal Flooding, Extreme Precipitation and Fluvial Flooding	Bus	Critical infrastructure like BREEZE/FLEX facilities are located in floodplains and face flood risks, including parking lot water accumulation and road backups during heavy rain. King tides and heavy rains cause water encroachment affecting rail tracks and highways, leading to detours and operational restructuring coordinated with emergency management. Sorrento Valley Station experiences flooding from a nearby river during heavy rains, affecting roads and platforms, with standard detours and communication protocols in place. Routes along creek beds are prone to flooding and damage, especially the 400-series FLEX routes and on Highway 78. Limited rerouting options in some areas like Camp Pendleton.	Evacuations are preferred over mitigation at some sites. Flood damage often requires debris removal rather than structural repair unless it is severe.
	Rail	Low-lying areas such as Sorrento Valley and lagoon bridges (e.g., Batiquitos and San Dieguito Lagoons) are prone to flooding and scour, requiring maintenance and monitoring for washouts and erosion. Water table issues have also affected construction materials in bus divisions.	Rail infrastructure is designed with a 100-year life expectancy considering sea-level rise projections, with projects like Del Mar Bluffs and Los Penasquitos Lagoon Bridge replacement incorporating climate hazard impacts. Maintenance crews follow standard operating procedures during rain and storm events, using real-time water detectors linked to signal systems to halt trains in flooded areas. Bus bridge provides alternative connections if portions of rail services are suspended due to track flooding.
Extreme Heat and Humidity	Bus	Heat impacts on passengers waiting at bus stops and transit centers.	HVAC systems are being replaced and maintained to ensure employee safety and passenger comfort, with funding approved for ongoing upgrades.

Hazards	Service	Identified locations/routes NCTD noted are most vulnerable to climate hazards	Potential solutions identified
	Rail	Heat impacts facilities, fleet, and passengers, particularly rail services with rail cars overheating and where track buckling can delay service. Extreme heat affects signal systems, causing operational delays and trip cancellations, especially on the Escondido line. Signal system upgrades aim to improve heat resilience. Fleet vehicles, such as SPRINTER and hydrogen fuel cell buses, experience mechanical issues and range limitations under high temperatures. NCTD has received customer complaints related to heat and shade at stations.	HVAC systems are being replaced and maintained to ensure employee safety and passenger comfort. Tracks are monitored and inspected for safety during extreme heat events. Temperature monitoring trails are underway to manage heat restrictions effectively. Bus bridge provides alternative connections if portions of rail services are suspended due to track flooding.
Landslides, wildfires, earthquakes, extreme wind, and tsunamis	Bus	None provided	None provided
	Rail	None provided	Landslide detection systems have been explored but faced challenges in installation.
Emergency Management System	Bus	None provided	Essential facilities have backup generators to maintain critical infrastructure during power outages caused by hazard events. NCTD coordinates with regional agencies for mutual aid and emergency response adjustments.
	Rail	None provided	Emergency management includes backup generators and coordination with other agencies.
Plan Support/ Utility	Bus	None provided	Planning side: the heat maps and some other natural disasters overlaid over the network would be a helpful piece of data in discussions about amenities, bus passengers, and shelter placement.
	Rail	None provided	Suggestions for specific locations would be the most helpful. Ideally will find things not already on NCTD's radar.

Table 6. Discussion Summary from External CBO Focus Groups[6]

Hazards	Locations/routes identified as most vulnerable to climate hazards	Other vulnerabilities identified	Potential solutions identified
Coastal Flooding, Extreme Precipitation, and Fluvial Flooding	Escondido doesn't have a bus system for the schools and relies on NCTD services; there is high bus usage at those times [of year]. For the bus lines that connect to schools (In Vista 332 or 303): when it rains, people who walk to school opt to use transit, so the buses get fuller and more slippery. There is an area of the 334 route that used to be flooded but is no longer. I think Density Plus will pass by there to pick people up. The West of San Jules area gets flooded. Buses that don't have sidewalks adjacent to them will get muddy and floods; there is no sidewalk on the 302 route. We had a lot of issues of flooding in Leucadia and restoring access to the COASTER as soon as possible. Another one is the bluff erosion up north, and in Del Mar, that can impact the system down the line.	On bus lines used by students, if you have high precipitation and don't have any covering, you are also dealing with behavioral things that come up because people are pushing to be the first to get home. 30% of our community (Escondido) does not own a vehicle so they rely on public transit to go to school/work…When you talk about first/last mile, now they are soaking wet, these are things they are considering: am I going to be able to go? Do I need to take more clothes? What does the stop look like? What is going to be their impact in terms of time? During rain events people are not using the safest path to get to the station, they are using the quickest path. When we have heavy rain, we get flooding which causes connectivity issues. If sidewalks are flooded with mud that people have to get through, people using bikes scooters, etc. have issues. Train stations and bus stations are used as shelters for the unsheltered community during rain and extreme events.	Having alternatives in place, like being proactive about what that is going to look like for those lines in terms of priority would be a good place to start Incorporate trees at bus stop for soil moisture retention. Prioritizing priority investment neighborhoods identified in City of Escondido's 2022 General Plan Amendment to add an Environmental Justice chapter to the Community Health & Services Element and add climate resiliency policies to the Community Protection Element. Reducing impervious surfaces around stops and stations. Looking into innovative strategies such as vegetation and trees to keep these stops open; TriMet agency has developed an EcoTrack that is supposed to help reduce flooding.

[6] Comments, vulnerabilities, and solutions are direct quotations from participants.

Hazards	Locations/routes identified as most vulnerable to climate hazards	Other vulnerabilities identified	Potential solutions identified
Extreme Heat and Humidity	Escondido has a growing population of unhoused people, and because of this, shade coverings are not provided to deter people from congregating. We don't have a school bus system in Escondido, so the lack of bus stops/covering has been one of the biggest comments from families, especially Inland. When it reaches the 90's it's too uncomfortable to have youth out there when it's so hot. Often when there is extreme heat and rain, people won't use transit. They look for other ways to get around such as family or Uber/Lyft. Because of heat, people would opt out of transit because of the lack of seating and shade on the bus stops in Escondido. There are pockets of very hot areas in San Marcos and Vista.	Even a rubber bench gets hot when it's 100°F, which means people have nowhere to sit when they get to the stop. Signal failures are more likely in extreme heat, and battery-electric buses lose range as they divert energy to HVAC, which may affect operations.	I work at North County shelters and unhoused populations use trains and buses to get relief from rain and heat; is there any way you guys can provide resources such as cool zones where people who are hot can go to those places? "Misting stations" at transit stations or at high volume bus stops Cool zones and water access Shelters/shade structures at stops and stations including shelters with green roofs Stops and shelters made from durable material that does not conduct heat Additional safety training for drivers to recognize signs of things like heat stroke Directing routes to cool zones Development of "La Sombrita" bus stop design used in LA
Landslides, Wildfires, Earthquakes, Extreme Wind, and Tsunamis	Participants noted a potential fire hazard risk near the California State University San Marcos stop on the SPRINTER line in the Fire Hazard Severity Zone (FHSZ)	Wildfires- in terms of evacuation. It is a matter of not using transit at all and relying on family and friends to get to where they go because it's difficult to rely on transit in those situations.	Adjusting transit lines to provide access to community shelter locations during emergencies like flood events or wildfires

Hazards	Locations/routes identified as most vulnerable to climate hazards	Other vulnerabilities identified	Potential solutions identified
Communication and Outreach			Electronic signs at bus stops that provide route updates and information on delays Use of speakers at transit centers to convey information for BREEZE (these are currently used for SPRINTER updates) An app that communicates route disruptions in multiple languages Bilingual transit ambassadors could be useful at transit stations to spread info among passengers Communications within the Pronto app Sharing resources with channels that communities, especially Spanish speaking populations, already use (e.g., WhatsApp, Facebook, news stations) Communicate with local jurisdictions to identify infrastructure issues and help share information with the public on what local governments are doing to address these problems It is helpful for jurisdictions to understand what is happening at the NCTD level and hear from other jurisdictions
Safety and Security			We had comments when we were doing outreach of community members asking for more security in and around transit centers; should be a conversation with local jurisdictions. How can we make sure that everyone feels safe using public transportation because it's the reality of our communities? Increased lighting with shelters especially during winter when it gets dark early (during commuting times).

Hazards	Locations/routes identified as most vulnerable to climate hazards	Other vulnerabilities identified	Potential solutions identified
Other Solutions Offered			Identify those populations of focus and have discounted programs for them so that they can have equitable access in terms of their finances; a way that businesses can buy in, so that they can share some of the costs and benefit they can offer their employees. Innovative approaches; looking at what other jurisdictions are doing. Adding trees, landscaping, and lightning around stops. Optimizing routes & schedules to improve service frequency and capacity, with a focus on underserved areas to increase ridership and reduce dependence on vehicles.

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item # 15

STAFF REPORT

RECEIVE AN UPDATE REGARDING NCTD BUS AND MAINTENANCE OPERATIONS INSOURCING

Time Sensitive: ☐ **Consent:** ☐

STAFF RECOMMENDATION:

Receive an update regarding North County Transit – San Diego Railroad (NCTD) Bus and Maintenance Operations insourcing.

BACKGROUND INFORMATION:

At the December 15, 2022, Board Meeting (Agenda Item No. 21), NCTD Board of Directors (Board) authorized NCTD to resume direct operations of BREEZE, LIFT, FLEX, and NCTD+ no later than July 1, 2027. The decision to insource operations received unanimous support, citing a desire to "increase accountability from Bus Operations and Maintenance staff and provide a positive customer transit experience." In line with this directive, NCTD issued written notice to MV Transportation on November 12, 2024, terminating Agreement No. 17033 effective June 30, 2025. In June 2026, the Board approved the Fiscal Year (FY) 2026 Operations Budget and the FY2026–FY2030 Capital Improvement Program (Agenda Item No. 14), allocating funds to support insourced Bus Operations. The transition formally began on June 29, 2025, marking a major milestone in NCTD's history, the first time in nearly 50 years that all services are directly operated.

In under eight months, NCTD staff collaborated with MV Transportation to complete the full transition of Bus Operations. This effort included issuing over 55 purchase orders for essential services and specialty equipment; onboarding approximately 450 employees from MV Transportation; developing a custom Bus Operations dispatch system; and aligning Standard Operating Procedures to support direct operations.

Since the transition, NCTD has completed negotiations with Teamsters Local 542 and Amalgamated Transit Union (ATU) Local 1309 and has implemented five new collective bargaining agreements associated with Bus Operations and Maintenance. NCTD has also focused on managing and acquiring parts and materials contracts, integrating our Safety Teams directly with frontline staff, and streamlining processes for administrative and front-line employees.

Several external factors have impacted costs associated with both bus operations and NCTD operations in general, including but not limited to: tariff costs and parts availability, increases in liability insurance/health insurance premiums, costs and availability of hydrogen fuel, sustainability of funding sources, and changes in federal and state policies.

ATTACHMENT: 15A – BREEZE Operations Update Presentation

FISCAL IMPACT: This staff report has no fiscal impact.

COMMITTEE REVIEW: None

STAFF CONTACT:

Shawn M. Donaghy, Chief Executive Officer
E-mail: sdonaghy@nctd.org Phone: 760-967-2869

ATTACHMENT 15A

BREEZE Operations Update

Regular Board Meeting
March 19, 2026

COASTER SPRINTER BREEZE FLEX LIFT NCTD

Timeline Recap

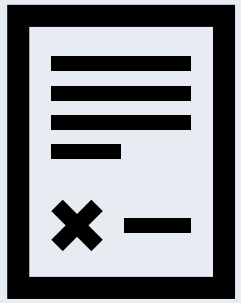
KEY DATES

December 15, 2022: Board direction to insource Bus Operations

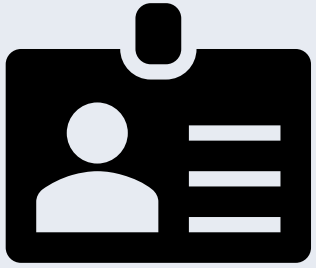
November 12, 2024: Notice sent to MV Transportation to terminate contract

June 29, 2025: Direct operations begins for all bus operations functions

8 Months

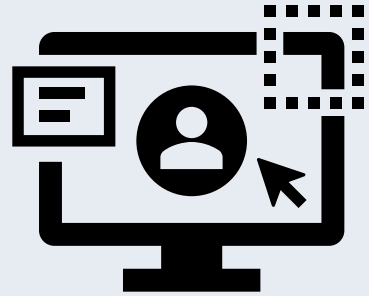


55+ Purchase Agreements



450+ New Employees

5 Labor MOU Extensions



3 New System Implementations

Continued Initiatives Recap

Clean Air Initiatives

Implementation of NCTD's Battery Electric and Hydrogen Fuel Cell Bus Fleet

NCTD+ Expansion

Expansion of NCTD+ in the City of Vista

Bus Roadeo

NCTD competed in an inaugural joint Roadeo with MTS and the APTA International Bus Roadeo

Initiatives in FY26

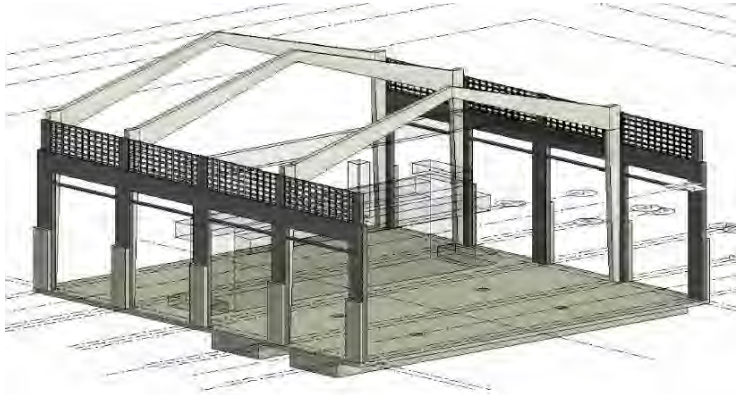
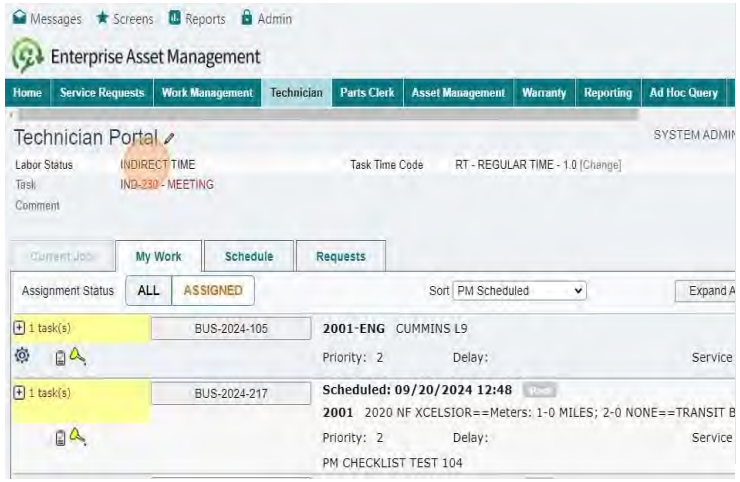


Figure 8: BOE w/ Bus and Crane Systems



Facility Upgrades

Approved FY26 CIP includes nearly $6M in investments in passenger amenities and supportive infrastructure

Workforce Development

Zero Emission Vehicle Tech Program and Apprenticeship with Palomar College

Optimize Operations

Continued refinement of operational systems, procedures, and services

Completed Items Since Transition

- Bargaining Unit Contracts
  - Four contracts with our partners at the Teamsters Local 542
  - One contract with our partners at the ATU Local 1309
- Management and acquisition of parts and materials contracts directly with vendors
- Safety improvements systemwide / integration of our safety teams directly with frontline staff
- Streamlining of processes / data transfer across the system for administrative and front-line employees
- Increased focus on necessary equipment and tools for maintenance employees to perform work as well as facility improvements

Budget / Service Changes

- **Organizational Budget**
  - We continue to operate YTD at $5.1 million under budget for FY26
  - Operations Departments (Bus and Rail) have overages in certain areas related to impacts to the agency externally
  - Service change impacts will not be realized until at least June, as service changes started in February
- **External Budgetary Impacts**
  - Tariff costs have impacted both parts availability and price of materials – this will have an immediate impact on the cost of bus and rail purchases going forward as well
  - Liability insurance / health insurance premiums (NCTD saw significant increases in both in FY2026)

Critical Items Impacting Operations

- **Factors Directly Impacting Operations (and NCTD)**
  - California State Zero Emission Requirements / Cost of Fuel - Lack of Fuel
  - Non-Domiciled CDL Changes
  - Sustainable Local / State Funding (i.e. SB125)
  - Infrastructure Grants Available at FTA / CA State
  - Change in Federal Policies / Enforcement
  - Unfunded Mandates in State Legislation
  - Population Decrease in San Diego County

QUESTIONS?

NORTH COUNTY TRANSIT
SAN DIEGO RAILROAD

Agenda Item # 16

STAFF REPORT

UPDATE ON PROPOSED STATE LEGISLATION RELATED TO SENATE BILL 79

Time Sensitive: ☒ **Consent:** ☐

STAFF RECOMMENDATION:

Receive staff presentation regarding proposed state legislation related to Senate Bill 79 and provide direction to staff on potential next steps.

BACKGROUND INFORMATION:

Senate Bill (SB) 79 (Wiener, Chapter 512, Statutes of 2025) enacted significant changes to state housing law intended to increase housing density near major transit stops in transit-dense counties. Specifically, SB 79 requires a housing development project within a specified radius of an existing or currently proposed major transit-oriented development (TOD) stop be an allowable use on a site zoned for residential, mixed, or commercial development if the project meets certain affordability and labor requirements. SB 79 also enables public transit agencies to adopt TOD zoning standards for district-owned land located near major TOD stops.

SB 79 created two "tiers" of TOD stops, each with different height and density standards. In general, Tier 1 TOD stops allow for taller and denser development than Tier 2 stops. A Tier 1 TOD stop must be serviced by heavy rail transit or very high frequency commuter rail. A Tier 2 TOD stop excludes all Tier 1 stops, and must be serviced by light rail transit, high frequency commuter rail, or bus rapid transit service. SB 79 will take effect on July 1, 2026.

Key definitions in SB 79 include:

- **Commuter rail:** a public rail transit service not meeting the standards for heavy rail or light rail, excluding California High-Speed Rail and Amtrak Long Distance Service.
- **High-frequency commuter rail:** commuter rail service operating a total of at least 48 trains per day across both directions.
- **Very high frequency commuter rail:** a commuter rail service with a total of at least 72 trains per day across both directions.
- **Light rail transit:** includes streetcar, trolley, and tramway service.

This legislative session, Senator Wiener has introduced two bills that would make changes to SB 79: SB 677 and SB 908. SB 677 would revise the definition of "high-frequency commuter rail" to mean a public commuter or intercity rail station with a total of at least 48 passenger trains on average per weekday across all directions. According to NCTD's staff analysis, this would allow multiple rail services to be added together to meet the 48-train threshold for high frequency commuter rail, potentially expanding SB 79's applicability to additional rail stations. SB 908 is Senator Wiener's legislative vehicle to address questions and concerns from jurisdictions impacted by SB 79. NCTD, through the California Transportation Association, is participating in discussions with other transit agencies to discuss concerns and potential amendment requests for SB 908.

Staff will present the Board with an update regarding SB 79 and related proposed state legislation. The Board may provide direction to staff on potential future advocacy.

ATTACHMENT:	16A – Proposed State Legislation Related to Senate Bill 79 Presentation
FISCAL IMPACT:	This staff report has no fiscal impact.
COMMITTEE REVIEW:	None
STAFF CONTACT:	**Mary Dover, Chief of Staff** E-mail: mdover@nctd.org Phone: 760-967-2895

ATTACHMENT 16A

Update on Proposed State Legislation Related to Senate Bill 79

Regular Board Meeting
March 19, 2026

SB 79 (Wiener, 2025)

- Takes effect July 1, 2026
- Allows for larger heights and densities for residential development near specified transit stops, among other provisions
- Creates two "tiers" of Transit Oriented Development (TOD) stops:
  - **Tier 1 TOD stop:** means a TOD stop within an urban transit county, served by heavy rail transit or very high frequency commuter rail
  - **Tier 2 TOD stop:** excludes a Tier 1 stop, and means a TOD stop within an urban transit county served by light rail transit, by high-frequency commuter rail, or by bus rapid transit service
  - **Urban transit county:** means a county with more than 15 passenger rail stations (includes San Diego County)

SB 79 (Wiener, 2025)

- **Commuter rail:** a public rail transit service not meeting the standards for heavy rail or light rail, excluding California High-Speed Rail and Amtrak Long Distance Service.
- **High-frequency commuter rail:** commuter rail service operating a total of at least 48 trains per day across both directions
- **Very high frequency commuter rail:** a commuter rail service with a total of at least 72 trains per day across both directions
- **Light rail transit:** includes streetcar, trolley, and tramway service

SB 79 (Wiener, 2025)

- San Diego Subdivision
  - 30 COASTER trains Mon-Thurs; 32 COASTER trains on Fridays (all stations)
  - 24 Amtrak Pacific Surfliner trains per weekday (Oceanside Transit Center, Solana Beach Station, San Diego-Old Town, San Diego-Santa Fe Depot)
  - 12 Metrolink trains per weekday (Oceanside Transit Center only)
- Escondido Subdivision
  - 68 SPRINTER trains Monday-Thursday
  - 78 trains on Fridays

SB 79 (Wiener, 2025)

- Stations potentially impacted by SB 79:
  - All SPRINTER stations: Tier 2
  - Oceanside Transit Center (COASTER, Amtrak, Metrolink, and SPRINTER): Tier 2
  - San Diego-Old Town: (COASTER, Amtrak, MTS Trolley): Tier 2
  - San Diego-Santa Fe Depot: (COASTER, Amtrak, MTS Trolley): Tier 2
- SB 79 requires SANDAG, as the region's Metropolitan Planning Organization, to create a map of designated TOD stops and zones in San Diego County.

Related Legislation

- **SB 677 (Wiener)**: would revise the definition of "high-frequency commuter rail" in SB 79
  - **SB 79:** High-frequency commuter rail means a commuter rail *service* operating a total of at least 48 trains per day across both directions
  - **SB 677:** High-frequency commuter rail means a public commuter or intercity rail *station* with a total of at least 48 passenger trains on average per weekday across all directions
- **SB 908 (Wiener)**: Legislative vehicle to address questions and concerns from jurisdictions impacted by SB 79
- NCTD staff is participating in high-level discussions with other transit agencies regarding potential amendments

Considerations

- Several cities within NCTD's jurisdiction opposed SB 79:
  - Oceanside
  - Vista
  - San Marcos
  - Carlsbad
  - Encinitas
  - Solana Beach
- Housing densities in SB 79 and related legislation are tied to service frequency, which could potentially hinder service expansion efforts

Questions?