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June 9, 2010

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The Honorable Kevin A. Enright
Presiding Judge
San Diego Superior Court
Department P
220 West Broadway
San Diego, CA 92101

Ms. Victoria D. Stubblefield
Foreperson
Grand Jury
County of San Diego
Hall of Justice
330 West Broadway, Suite 477
San Diego, CA 92101-3830

Dear Judge Enright and Ms. Stubblefield:

RE: GRAND JURY REPORT – IMPROVING ACCOMMODATIONS FOR VISUALLY IMPAIRED PASSENGERS ON THE SAN DIEGO TROLLEY

The San Diego Metropolitan Transit System (MTS) is in receipt of the Grand Jury Report regarding improving accommodations for visually impaired passengers on the San Diego Trolley. We are providing the following responses to the findings and recommendations contained in the report:

FINDINGS

Finding 01: *The MTS Trolley system policies and procedures comply with ADA requirements. However, improvements are needed in or carrying out those policies and procedures that impact the visually impaired.*

- **MTS Response:** Agree. MTS agrees that our policies and procedures comply with the requirements of the ADA. We believe that accessibility for all of our riders is of paramount importance, as is compliance with our policies and procedures. However, as a public agency, we recognize that there is always room for improvement, especially when our bus and train operators interact with over 250,000 passengers each day.

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Finding 02: *Trolley Operators do not consistently follow the mandatory announcement policies and procedures.*

- **MTS Response:** Disagree in part. Operators are required to follow all MTS policies regarding auditory announcements. MTS takes compliance with announcement requirements very seriously; however, inconsistencies may occur when a driver is distracted by pedestrians, vehicles, radio communications, safety hazards, or mechanical problems with the rail cars due to their age (discussed further in Recommendation 10-7). Improved communication is an ongoing process and is supported with appropriate training and disciplinary actions where applicable.

Finding 03: *Trolley operator evaluations and audits by supervisors are announced in advance allowing the operators knowledge of the date of their audit review.*

- **MTS Response:** Disagree. Mandatory observation checks are conducted a minimum of once per quarter; however, they are not scheduled in advance as to the date or time, and operators are not told when these inspections will occur. Checks are performed frequently and randomly; a check-off list is maintained to ensure that all staff are inspected within the three-month cycle. Operating checks are performed as observed (operator is aware that supervisor has boarded the train) and as unobserved (operator is not aware that supervisor has boarded the train). In all cases, the train operator is contacted after the check is performed to discuss and sign any formal documentation of the observation, including acknowledgement of any areas of improvement. These observations include the requirement to announce each station to the passengers.

Finding 04: *MTS is in the process of standardizing platform entry levels for trolley cars to help facilitate accessibility into cars for persons with disabilities, as described in the ADA.*

- **MTS Response:** Agree. MTS is currently midway through a large procurement of 57 new low-floor light rail vehicles with accessible ramps allowing all riders, including visually impaired and disabled riders, to board our system more easily. As part of the same \$600 million project, MTS is upgrading all of its platforms on the Blue Line and many of its platforms on the Orange Line to improve accessibility for all riders.

Finding 05: *The Federal Transit Administration (FTA) also provides ADA grant funds for programs to improve accessibility of transportation systems.*

- **MTS Response:** Disagree in part. To the best of our knowledge, we have been unable to locate any FTA ADA grant fund specifically designated for the improvement of accessibility of transportation systems. However, almost all FTA grant monies can be used to purchase capital items, such as low-floor light rail vehicles, to improve accessibility to our transportation system. MTS has a dedicated Grants Administrator whose primary function is to apply for and obtain the maximum amount of funding to effectively operate our public transportation system and constantly improve accessibility. MTS has made many such investments in ADA-related equipment and construction in the past using federal grant dollars.

RECOMMENDATIONS

Recommendation 10-6: *Enforce current policies and procedures, mandating audible announcements.*

- **MTS Response:** This recommendation has been implemented. Observation checks are conducted a minimum of once per quarter; however, they are not scheduled in advance as to the date or time, and operators are not told when these inspections will occur. Checks are performed frequently and randomly; a check-off list is maintained to ensure that all staff are inspected within the three-month cycle. Operating checks are performed as observed (operator is aware that supervisor has boarded the train) and as unobserved (operator is not aware that supervisor has boarded the train). In all cases, the train operator is contacted after the check is performed to discuss and sign any formal documentation of the observation, including acknowledgement of any areas of improvement.

Recommendation 10-7: *Immediately rectify any mechanical deficiency that prevents or reduces the clarity of audible announcements in every trolley car.*

- **MTS Response:** This recommendation has been implemented. The public announcement system for every vehicle is checked nightly to ensure functionality. Problems may occur with the quality of the sound or the magnitude of the sound depending on which types of light rail vehicles are coupled together. The three vehicles operated by MTS -- (SD 100s, U-2s, and S70s) all have different public announcement systems due to the age of each vehicle. MTS is working to eliminate these issues and currently has a capital project to purchase 57 new low-floor vehicles with new public announcement systems as well as a \$1.3 million capital project to upgrade the existing public announcement systems in our fleet of SD 100s. (U-2s are scheduled to be retired from the fleet as the new vehicles arrive; their announcement system is past its useful life, and it is cost prohibitive to replace the system alone.) MTS anticipates that these projects will be completed in 2013. While we wait for those vehicles to arrive, we have revised our maintenance procedures to ensure that all trolleys are checked independently and coupled together each night. Trolleys whose announcement systems are not functioning properly are pulled out of service and repaired.

Recommendation 10-8: *Consult with the visually impaired and organizations that serve them, on the best way to design, produce and provide large print schedules.*

- **MTS Response:** MTS currently has an Accessible Services Advisory Committee (ASAC) that includes staff from MTS and representatives from Access to Independence, Adult Protective Services, FACT, Developmental Disabilities Board – Area 13, the Center for the Blind, the San Diego Regional Center, County of San Diego, ADA Ride, and visually impaired and physically disabled riders. The ASAC Committee was consulted, along with the San Diego Center for the Blind and the Braille Institute, when MTS created its large-print timetables. MTS also sends staff members to attend meetings at these facilities; comments and criticisms are addressed by staff, and modifications are made to procedures whenever possible to ensure that visually impaired riders are accommodated to the fullest extent possible. MTS will agendaize a review of large-print timetables for the next ASAC Committee meeting to obtain further input on their format. We are also sending letters to each agency with a reminder on how to obtain large-print timetables and added this information to our Web site and trolley timetables. MTS has also retrained our customer service staff on handling calls related to large-print timetable requests.

Recommendation 10-9: Implement unannounced, random supervisor inspections in the audit process of trolley operator performance to ensure compliance with existing policies and procedures.

- **MTS Response:** This recommendation has been implemented. Observation checks are conducted a minimum of once per quarter; however, they are not scheduled in advance as to the date or time, and operators are not told when these inspections will occur. Checks are performed frequently and randomly; a check-off list is maintained to ensure that all staff are inspected within the three-month cycle. Operating checks are performed as observed (operator is aware that supervisor has boarded the train) and as unobserved (operator is not aware that supervisor has boarded the train). In all cases, the train operator is contacted after the check is performed to discuss and sign any formal documentation of the observation, including acknowledgement of any areas of improvement.

Recommendation 10-10: Pursue federal transit grant funds for a more effective, verbal and automated audible announcement system.

- **MTS Response:** This recommendation has been implemented. MTS currently has a \$225 million funded capital project to purchase 57 new low-floor vehicles with new public announcement systems as well as a \$1.3 million capital project to upgrade the existing public announcement systems in our fleet of SD 100s. (U-2s are scheduled to be retired from the fleet as the new vehicles arrive.) MTS anticipates that these projects will be completed in 2013. In addition, we actively pursue all forms of transportation funding grants from the FTA on an annual basis; MTS has a designated Grants Administrator whose primary function is to apply for and obtain the maximum amount of funding to effectively operate our public transportation system.

Should you have any questions or comments regarding our response, please contact us at your convenience.

Sincerely,



Paul C. Jablonski
Chief Executive Officer

JGardetto/
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cc: Harry Mathis, Chairman
Tiffany Lorenzen, General Counsel