

MINUTES
DALLAS AREA RAPID TRANSIT
BOARD OF DIRECTORS'
March 23, 2010

The Dallas Area Rapid Transit **Board of Directors'** meeting convened on Tuesday, March 23, 2010, at 6:30 p.m., at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair ~~Chrisman~~ Velasco presiding.

City of Dallas

Scott Carlson - **Secretary**
Jerry L. Christian
Pamela Dunlop Gates – ~~Assistant Secretary~~
Angel Reyes
Robert Strauss – ~~Vice-Chair~~
William Tsao
William M. Velasco - **Chair**
Claude Williams

City of Garland

Tracey M. Whitaker

City of Irving

John C. Danish – ~~Secretary~~ Vice-Chair

City of Plano

Loretta Ellerbe – **Assistant Secretary**

Cities of Addison, Highland Park, Richardson, and University Park

Raymond Noah

Cities of Carrollton and Irving

Randall Chrisman – ~~Chair~~

Cities of Dallas, Plano, Glenn Heights, and Cockrell Hill

Faye Moses Wilkins

Cities of Farmers Branch, Garland, and Rowlett

Mark C. Enoch

Angel Reyes and Faye Moses Wilkins were absent.

program. Ms. Curry stated that the brevity of the program demonstrates the agency's contempt for its lesbian, gay, bi-sexual, and/or trans-gender employees.

Ms. Patti Fink, 324 Easton Road, Dallas, Texas, 75218, (214) 418-6019: Ms. Fink identified herself as the President of the Dallas Gay and Lesbian Alliance. She, like Ms. Curry and Mr. Loza, urged the Board to implement an expanded diversity training program. Ms. Fink stated that treating every member of the public fairly and respectfully was very important to the Dallas community. Ms. Fink said DART's response to a request to change gender marker is draconian and urged the Board to explore and study the law and how it's being applied in Texas.

The following individuals spoke during the 4., **Public Hearing**, but should have been included in 2., **Public Comments**:

Ms. Sharon Vernon (did not state address/no Public Speaker card completed): Ms. Vernon stated that she has been injured several times while riding DART and her son has been injured as well. She asked for the Board to consider insuring its riders. Ms. Vernon said she has not been compensated for any of the injuries she has received while riding DART.

Mr. Harry Hill, 9448 Forest Springs, Dallas, Texas: Mr. Hill stated that he was seriously concerned about the amount of noise pollution that is occurring on the DART system. Mr. Hill stated that an immediate increase policing of trains and buses is necessary. He went on to say that he has contacted DART repeatedly concerning disturbingly loud music blaring on all of the trains and buses to no avail. Mr. Hill suggested that DART follow the lead of some other high traffic businesses, such as McDonald's and Grey Hound, and play classical music on buses and trains as a noise pollution deterrent.

Ms. Gillie Mosley (did not state address, no Public Speaker card completed): Ms. Mosely stated that one of the bus operators on Route 19 frequently applies the bus's air brake when approaching the bus stop, causing a harder than normal stop that makes passengers lose their balance. After the air brake has brought the bus to a stop, Ms. Mosley continued, the curb is several feet distant from the door of the bus making safe exiting and entering precarious.

Ms. Susan Christine Rhodes, 4500 Sojourn Drive, Addison, Texas: Ms. Rhodes stated that she is a daily DART passenger and rides routes 341, 400, 183, 26, 110, 111, 1 to name a few. Ms. Rhodes asked the Board to investigate deploying volunteers to assist DART Police in monitoring passenger safety and security on buses and trains. Ms. Rhodes related that frequent riders such as herself get to know others who ride and these groups could become a transit "neighborhood watch".

Ms. Debra Mosley, 4821 Gaston Avenue, Dallas, Texas, 75246: Ms. Mosley advised the Board that some light rail operators were not properly aligning the

vehicle door with the handicapped platform, making it more time consuming for handicapped individuals to board. Ms. Mosley suggested increasing the training provided to rail operators so they would be more considerate of mobility challenged individuals riding on the system.

3. Citizens Advisory Committee Meeting Report Concerning Their Meeting of March 18, 2010

Mr. Bob Ganson, Chair of the CAC, touched on the highlights of the March 18th meeting and called attention to the detailed, written report (on file with the Office of Board Support) concerning the March 18, 2010, meeting, which had been provided to each member of the DART Board.

4. Public Hearing on 2010 Service Modifications

Chair Velasco established himself as the Hearing Officer and reviewed the guidelines that would govern the Public Hearing (on file in the Office of Board Support). Chair Velasco stated that DART did not receive a request for hearing impaired services and, as a result, a sign-language interpreter was not available. Chair Velasco continued that Spanish translation services were available; the translator repeated this announcement in Spanish. There was no reply or reaction to this announcement.

Chair Velasco stated that the Public Hearing would be divided into two parts: the first part would consist of a brief overview regarding the project provided by DART Technical Staff and the Public Hearing would follow the presentation.

Chair Velasco went on to describe specific guidelines that would be followed during the Public Hearing: pre-registered speakers would be allowed to make their comments first and would be followed by sign-in speakers in the order received. He went to say that those who do not wish to speak may submit written comments and all comments will be included in the official Public Record.

Chair Velasco stated that a DART Board Resolution has established a limit of three-minutes per speaker and the speaker must address the topic of the Hearing and other subjects will not be allowed. Chair Velasco stated that questions, interchanges, and discussions are not generally allowed during the Hearing, but added that if a Board member wishes to raise a question, he/she may do so.

Chair Velasco concluded by saying that Technical Staff will be available after the Technical Presentation and the Public Hearing to answer questions.

Chair Velasco introduced Mr. Rob Smith, Assistant Vice President of Service Planning and Development, who provided the Technical Presentation. In summary, he said the 2010 Modifications call for the creation of 19 new routes, 3 routes to be renumbered to reflect new functionality as rail feeders, physically

modifying 39 routes, discontinuation of nine routes, and at least 35 routes would have changes to service frequency or service span.

Chair Velasco announced that the Public Hearing was being recorded by a court reporter and, as a result, all comments received would be recorded as a matter of Public Record.

Chair Velasco stated that it was 6:49 p.m. on Tuesday, March 23, 2010, and the Public Hearing was being held pursuant to the requirements DART's enabling legislation. He continued that the Public Hearing concerning **2010 Service Modifications** was now open to receive comments.

Chair Velasco stated that, to date, DART had received 328 written comments on the above issue. He added that any written comments received by the end of the Public Hearing would be added to the total.

Chair Velasco then began calling the pre-registered Public Hearing Speakers (refer to Court Reporter's transcript on file with the Office of Board Support).

Chair Velasco confirmed that there were no other individuals present who wished to speak to the **2010 Service Modifications**. Chair Velasco asked if there were additional written comments; an unnamed individual reacted to the invitation by submitting a written comment. Chair Velasco advised all attending that any comments made after the Public Hearing would not be a part of the Record of the proceedings.

Chair Velasco closed the Hearing at 8:14 p.m. and directed the Board to consider its remaining business.

Consent Items:

Mr. Carlson made a motion to approve Consent Items 5. – 14.

5. Contract for Print and On-Line News Services

Approval of Resolution No. 100029 that authorizes the President/Executive Director or his designee to execute a three-year contract for print and on-line news services with A. H. Belo Corporation, in a total authorized amount not to exceed \$750,000.

6. Use of Outside Counsel in Monroe Shop Partners, Ltd. v. Dallas Area Rapid Transit, Cause No. DC-08-01935-B

Approval of a Resolution No. 100030 that authorizes the General Counsel to continue the engagement of Thomas Brandt and the firm of Fanning, Harper & Martinson, P.C. in litigation styled Monroe Shop Partners, Ltd. v. Dallas

Area Rapid Transit, Cause No. DC-08-01935-B, in an additional amount of \$230,000, for a total amount not to exceed \$365,000.

7. Contract for Tire Leasing and Service for Revenue Fleets

Approval of Resolution No. 100031 that authorizes the President/Executive Director or his designee to award a five-year contract for tire leasing and service for revenue fleets to Bridgestone/Firestone Americas Tire Operations, LLC, in a total authorized amount not to exceed \$10,947,450 for the five-year period.

8. Contract to Overhaul Ten Trinity Railway Express (TRE) Bi-Level Coaches and Overhaul and Convert Two Bi-Level Cab Cars to Coaches

Approval of Resolution No. 100032 that authorizes the President/Executive Director or his designee to award a contract to Relco Locomotives, Inc., to overhaul ten Bi-Level coaches, and convert two Bi-Level cab cars to coaches in an amount not to exceed \$8,308,594, plus a 10% contingency of \$830,859, for a total authorized amount not to exceed \$9,139,453.

9. Contract for Miscellaneous Rear Axle Parts for Nova Bus Fleet

Approval of Resolution No. 100033 that authorizes the President/Executive Director or his designee to award a two-year contract for miscellaneous rear axle parts for Nova bus fleet to New Flyer Industries for a total authorized amount not to exceed \$524,910 for the two-year base period.

10. Contract for Janitorial Services for DART Operating Facilities

Approval of Resolution No. 100034 that authorizes the President/Executive Director or his designee to award a two-year contract for janitorial services for DART operating facilities to Unicare Building Maintenance, Inc., in a total authorized amount not to exceed \$866,260 for the two-year base period.

11. Contract for Bus Operator Seats

Approval of Resolution No. 100035 that authorizes the President/Executive Director or his designee to award a two-year contract for bus operator seats to Gillig, LLC, for a total authorized amount not to exceed \$422,640 for the two-year base period.

12. Exercise Contract Option for Miscellaneous Non-Revenue Vehicle Automotive and Truck Parts

Approval of Resolution No. 100036 that authorizes the President/Executive Director or his designee to exercise a contract option for miscellaneous non-

revenue vehicle automotive and truck parts with Auto Parts Solutions [Contract No. C-1014201-01] to:

Section 1: Exercise the one-year option.

Section 2: Increase the not-to-exceed amount by \$115,557, for a new total authorized amount not to exceed \$365,533.

13. Contract for Bus Repower Kits for Cummins Engines

Approval Resolution No. 100037 that authorizes the President/Executive Director or his designee to award a three-year contract for repower kits for Cummins engines to Cummins Southern Plains, LLC, in a total authorized amount not to exceed \$3,173,672 for the three-year period.

14. Authorize a Limited Exception to DART Board Policy 111.06, Advertising and Concessions Policy; and Authorize a Limited Waiver of Section 2.4 of the Restated Interlocal Cooperative Agreement between DART and the Fort Worth Transportation Authority for the Operation and Development of the Trinity Railway Express Commuter Rail Service.

Approval of Resolution No. 100038 that states:

Section 1: The restriction on placing advertising on the exterior of rail cars contained in Section 1 of DART Board Policy 111.06, Advertising and Concessions Policy, is hereby waived for the limited purpose of a pilot project for placing advertising on the exterior of TRE vehicles for an 18 month period beginning on May 1, 2010.

Section 2: The requirement that DART process procurements and administer contracts in accordance with the procurement policies and procedures of DART, contained in Section 2.4 of the Restated Interlocal Cooperative Agreement between DART and the Fort Worth Transportation Authority for the Operation and Development of the Trinity Railway Express Commuter Rail Service, is hereby waived for the limited purpose of a pilot project for placing advertising on the exterior of TRE vehicles for an 18 month period beginning on May 1, 2010.

Mr. Danish seconded the motion and it was approved unanimously.

Individual Items:

15. *Progress of DART Access to Texas Department of Transportation (TxDOT) SH 114 Corridor for Construction of Line Section Irving-1 (I-1)

This Item was considered by the Committee-of-the-Whole only.

16. **+Authorize Negotiation Of An Agreement With The Regional Transportation Council/North Central Texas Council Of Governments (RTCINCTCOG) For The Financing Of A Public Private Partnership To Provide Transit Service On The Cotton Belt Corridor**

Mr. Chrisman explained that Mr. Noah had been unable to stay for the duration of the meeting (note: Mr. Noah had excused himself during the Public Hearing). As a result, Mr. Noah had asked Mr. Chrisman to make the appropriate motion in his stead and to stress that the Item only contemplated exploring innovative financing.

Mr. Chrisman made a motion to approve Resolution No. 100039 that directs the President/Executive Director to make a request to the RTC/NCTCOG to undertake the pursuit of innovative financing for the corridor and to negotiate an agreement with the RTC/NCTCOG under which the RTC/NCTCOG would be responsible for indentifying sources of funding to implement rail transit service on the Cotton Belt corridor, which agreement shall be brought back to the Rail Corridor Ad Hoc Negotiation Committee for review and recommendation to the Board.

Mr. Carlson seconded the motion and it was approved unanimously.

Other Items:

17. **Public Comments**

There were no subsequent Public Comments.

18. **Identification of Future Agenda Items**

This Item was considered by the Committee-of-the-Whole only.

19. **Adjournment**

There being no further business to discuss, the meeting was adjourned 8:15 p.m.

Gail Cook
Board/Committee Secretary

+ Same Night Item
* Briefing Item