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Bay Area Toll Authority

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Deputy Executive Director, Policy

Legislation Committee  
October 10, 2008  
**Minutes**

Chair Rubin called the committee to order at 11:10 a.m. Committee members in attendance: Azumbrado, Chu, Dodd, Haggerty, Giacomini, Halsted, Lempert, Spering, Worth, Yeager. Also in attendance: Commissioners Mackenzie and Tissier.

**Minutes** of the Sept. 12, 2008 meeting were unanimously approved following a motion by Commissioner Yeager and a second by Commissioner Worth.

**Consent Calendar**

Commissioner Haggerty made a motion, seconded by Commissioner Worth, to move the following two ballot measures to the Consent Calendar:

- **Alameda-Contra Costa Transit District Parcel Tax Measure VV – Support**  
Measure VV would double AC Transit's existing parcel tax of \$48 per parcel for ten years (on the ballot in every city where AC Transit provides service, except Union City and Fremont, and certain unincorporated areas of Contra Costa and Alameda counties). The parcel tax increase would raise an additional \$14 million annually, helping to address an estimated \$20 million deficit without a fare increase.
- **City of Berkeley Measure KK: Voter Approval of Bus Rapid Transit – Oppose**  
Measure KK would require voter approval before the city could dedicate a public street or lane to "bus-only, transit-only, or high occupancy vehicle-only use." The measure, titled the "Voters Right to Approve Certain Transportation Changes," is specifically aimed at requiring voter approval for the implementation of one of MTC's highest priority transit expansion projects – AC Transit's bus rapid transit (BRT) project from International Boulevard in Oakland to Telegraph Avenue in Berkeley. This project is a top regional priority in MTC's Transit Expansion Program (Resolution 3434).

Also on the Consent Calendar:

- **Resolution No. 3516, Revised** – MTC Advisory Committee Appointment  
To appoint Julio Lacayo to represent the Elderly and Disabled Advisory Committee on the MTC Advisory Council, replacing Steve Belkin who resigned from EDAC.

Commissioner Haggerty moved to approve the Consent Calendar, which was seconded by Commissioner Worth. Without opposition, all Consent items were referred to Commission.

**Legislative History**

Rebecca Long reported that four of the bills MTC supported this session were vetoed:

- AB 996 (Spitzer) to collect bridge tolls from violators.
- AB 1221 (Ma) to allow tax-increment financing for transit-oriented developments.
- SB 974 (Lowenthal) to require freight container fees.
- SB 1731 (Yee) to increase the vehicle registration fee by \$1 for the SAFE program (Service Authority for Freeways and Expressways).

Among signed bills that MTC supported, Ms. Long said SB 375 (Steinberg) was the most significant. She distributed a fact sheet on the bill, noting the need for clean-up legislation.

### **FY 2008-09 State Budget**

Ms. Long reported on the need for the budget to be re-opened fairly soon, given a state shortfall already of \$3 billion. She said Proposition 42 is fully funded (\$1.4 billion) but could be suspended by the Governor and the Legislature. If so, the funds would have to be paid back within three years with interest, but given the state's position it remains a possibility even so. Among the bad news is that \$1.7 billion in Public Transportation Account funding was diverted, including the "spillover," all of which was diverted this year, as well as base funding for transit.

### **Contract Amendment: Legislative Representation for FY 2009-11**

Randy Rentschler reported on the Administration Committee's approval this week of the amendment to extend Tom Bulger's contract for two additional years, a practice that MTC has often done in the past. Regarding MTC's presence in Washington, he noted that current federal transportation authorization is set to expire at the end of September 2009.

Commissioner Spering made a motion, seconded by Commissioner Halsted, to approve the contract amendment for Mr. Bulger in an amount not to exceed \$497,254 for legislative representation of MTC in Washington, D.C. for an additional two years (through October 2011), subject to approval of future agency budgets.

Commissioner Azumbrado commented on the sole-source aspect of the renewal, given the nature of MTC's process being such that contract extensions could continue for the next decade. In response, Chair Rubin said that that aspect was carefully weighed by a subcommittee of Commissioners. Commissioner Lempert said that, unlike a contract for an accounting firm that benefits from periodic competitive procurements, a lobbyist contract is much different in nature and that if you have a good relationship it should continue uninterrupted. Commissioner Haggerty asked for clarification if the contract would be looked at for bidding in two years. Mr. Rentschler stated that was the direction he heard from the Committee. Chair Rubin said a set of criteria would be created for that. The contract amendment was approved unanimously.

**Tom Bulger's Report** – was received by the Committee.

### **Other Business/Public Comment/Adjourn**

There was no public comment. The committee's next meeting was scheduled for Nov. 14, 2008. The meeting was adjourned at approximately 11:30 a.m.