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U.S. Department of Transportation

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*Sue Lempert*  
Cities of San Mateo County

*Jake Mackenzie*  
Sonoma County and Cities

*Jon Rubin*  
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*Bijan Sartipi*  
State Business, Transportation  
and Housing Agency

*James P. Spering*  
Solano County and Cities

*Adrienne J. Tissier*  
San Mateo County

*Amy Worth*  
Cities of Contra Costa County

*Ken Yeager*  
Santa Clara County

*Vacant*  
City and County of San Francisco

*Steve Heminger*  
Executive Director

*Ann Flemer*  
Deputy Executive Director, Operations

*Andrew B. Fremier*  
Deputy Executive Director,  
Bay Area Toll Authority

*Therese W. McMillan*  
Deputy Executive Director, Policy

## Programming and Allocations Committee January 14, 2009 Minutes

Chair Tissier called the meeting to order at approximately 10:12 a.m. Committee members present were: Commissioners Glover, Cortese, Kinsey, and Mackenzie. Other Commissioners present were: Dodd, Haggerty, Chu, Giacopini, Halsted, Lempert, Rubin, Spering, Worth, and Yeager.

### Public Hearing

The Programming and Allocations Committee held a public hearing for consideration of the reassignment of Regional Measure 2 (RM2) funding from the Dumbarton Commuter Rail Bridge project to the BART Warm Springs Extension project, and from the BART Transbay Tube Seismic Strengthening project to the BART Oakland Airport Connector project. The Committee heard from several public speakers.

Sue Lempert, MTC Commissioner, requested that staff address the legal questions raised by public speakers and further commented that if the reassignment of funds is approved she would like a commitment that the funding for the Dumbarton Rail project will be available when the project is ready to go.

Scott Haggerty, MTC Commissioner, also requested that staff address the legal questions raised by public speakers.

Steve Heminger, MTC Executive Director, responded by stating that there are three conditions under which the reassignment of capital funds under Regional Measure 2 can be made which include: if there are cost savings, if the project cannot be completed because of delivery challenges, and if there is another source of funds that could implement the project. The first two conditions were in the original statute and the third condition was a 2006 amendment to the statute and the condition that is being invoked today.

Scott Haggerty, MTC Commissioner, further commented that now is the time to go out with bids for major infrastructure projects such as the BART to Warm Springs project.

Adrienne Tissier, MTC Commissioner, commented that she believes the people of San Mateo County are generally not against the transfer of funds, but that they would like a commitment that when the Dumbarton Rail project is ready to move forward, the funds will be available for the project. Commissioner Tissier moved forward in the agenda to item 5b which is directly associated with the Public Hearing.

### **Regional Programming**

- *Resolution 3434 Transit Expansion Program: various actions to implement the Resolution 3434 Strategic Plan. MTC Resolution Nos. 3801, Revised, 3831, Revised, 3884.*

Dean Chu, MTC Commissioner, asked if the use of bridge tolls could be used to help pay for the Dumbarton project.

Steve Heminger, MTC Executive Director, explained that the \$4 bridge toll is at its maximum capacity and that BATA will need to raise the tolls to at least \$5 to fund existing obligations as well as the seismic retrofit for the Dumbarton and Antioch Bridges.

Jake Mackenzie, MTC Commissioner, commented that moving forward with the transfer of funds is an incredible opportunity to save money if the projects are shovel-ready.

Scott Haggerty, MTC Commissioner, moved that MTC Resolution Nos. 3801, Revised, 3831, Revised, and 3884 be referred to Commission for approval.

David Schonbrunn, TRANSDEF, disagreed with Steve Heminger's explanation of the three legal conditions and questioned the cost of the BART to San Jose project.

Sue Lempert, MTC Commissioner, noted that a companion to the Strategic Plan was a follow-up staff report to the Commission outlining how all the Resolution 3434 projects would be funded. She noted her support of the transfer of funds is contingent on staff providing that report and assurances of funding options for the Dumbarton Rail project.

Steve Heminger, MTC Executive Director, stated that staff is preparing a report on funding options. He further explained that the legal provisions do state that "if a program or project identified in subdivision (c) is to be implemented with other funds not derived from tolls the Commission shall follow the same consultation and hearing process described above and may vote thereafter to reassign the funds to another project consistent with the intent of this chapter." In terms of whether or not the Warm Springs project is eligible, the Warm Springs project is a Regional Measure 2 project with Fremont being at the other end of the Dumbarton Bridge.

Chair Adrienne Tissier, requested that additional funding options for the Dumbarton project be presented to the full Commission.

Steve Heminger, explained that the action before the Committee today is not to judge the merits of either project, rather which project is ready to move forward and that staff will put together a list of funding options to be presented to the Commission.

Alix Bockelman, Director of Programming and Allocations, explained that other actions within item 5b include programming \$35 million toward the AC Transit Bus Rapid Transit project and directing \$40 million in State Local Partnership Program funds toward the BART to Warm Springs project, both consistent with the Resolution 3434 Strategic Plan.

The Committee approved staff's recommendation to refer MTC Resolution Nos. 3801, Revised, 3831, Revised, and 3884 to Commission for approval.

### **Consent Calendar**

The Committee approved the following consent items:

- Minutes of December 10, 2008 meeting as submitted.
- FY 2008-09 Fund Estimate Revision. MTC Resolution 3845, Revised.

The Committee also received for information the Quarterly Report of Executive Director's Delegated Authority Actions.

### **State Programming**

- Proposition 1B – Transit Security Population-based Funds Allocation Requests. MTC Resolution No. 3882.

Amy Burch, Programming and Allocations, reviewed staff's recommendation requesting allocations for \$5.8 million of Transit Security Population-based Funds in the first round of FY 2008-09.

The Committee approved staff's recommendation to refer MTC Resolution No. 3882 to the Commission for approval.

- Update on Bay Area Proposition 1B Bond Projects Affected by PMIA Suspension.

Alix Bockelman, Programming and Allocations, provided the Committee an update on the bond funds for Bay Area transportation projects that have been put on hold after the Pooled Money Investment Board suspended disbursements last month. She outlined several options that could be pursued to keep the projects in construction.

Dan McElhinney, Chief Deputy District Director of Caltrans, explained the steps Caltrans was taking to keep projects in construction and avoid the roughly \$50-80 million in costs statewide to demobilize and remobilize projects already in construction.

### **Regional Programming**

- Proposed allocation of approximately \$2.5 million in RM2 Capital funds. MTC Resolution No. 3722, Revised.

The Committee approved staff's recommendation to refer MTC Resolution No. 3722, Revised to the Commission for approval.

- Second-Cycle Lifeline Transportation Proposed Program – Tier 1. MTC Resolution No. 3881.

Therese Knudsen, Planning Section, presented the Committee with information supporting the Tier 1 Program of Projects which included a table of Fund Sources from STA, Prop 1B, and JARC.

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Staff will return to the Commission later in 2009 with recommendations for Tier 2 projects following more certain FY 2009-10 state budget estimates.

The Committee approved staff's recommendation to refer MTC Resolution No. 3881 to the Commission for approval.

**Public Comment**

Commissioner Tissier adjourned the meeting at approximately 11:44 a.m.