



METROPOLITAN
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COMMISSION

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Deputy Executive Director,
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Therese W. McMillan
Deputy Executive Director, Policy

COMMISSION MEETING

Wednesday, April 22, 2009

Joseph P. Bort MetroCenter Lawrence D. Dahms Auditorium
101 Eighth Street
Oakland, CA 94607

MINUTES

ATTENDANCE

Chair Haggerty called the meeting to order at 9:18 a.m. In addition to Chair Haggerty, the following Commissioners were present: Bates, Chu, Cortese, Daly, Dodd, Giacopini, Glover, Halsted, Kinsey, Lempert, Mackenzie, Rubin, Sartipi, Spering, Tissier, Rein Worth and Yeager.

CLOSED SESSION

At 9:19 a.m. Chair Haggerty asked that the Commission meet in closed session pursuant to Government Code Section 54956.9(a): (1) Darensburg v. MTC, U.S. District Court, Northern Dist. Case No. C-05-01597 (EDL); and (2) Lewis, et al. v. MTC, et al., Alameda County Superior Court, Case No. RG-09-438262, and as authorized pursuant to Government Code Section 54956.9(b) and/or (c) to confer with counsel regarding anticipated litigation.

OPEN SESSION

The Commission reconvened in open session at 9:50 a.m. MTC General Counsel Francis Chin reported that there was no action taken in closed session.

CHAIR'S REPORT

Chair Haggerty presented the Chair's report to the Commission and announced an Executive Committee meeting scheduled for June 24th.

EXECUTIVE DIRECTOR'S REPORT

Steve Heminger presented the Executive Director's report to the Commission. Copies of the report are available from the Executive Office or www.mtc.ca.gov.

CONSENT CALENDAR

The Commission unanimously approved the following items on the Consent Calendar:

- Minutes of the Commission meeting of March 25, 2009.

Administration Committee

- Resolution No. 1198, Revised – MTC's Conflict of Interest Code – Submission to the Fair Political Practices Commission.
- Resolution No. 3857, Revised – FY 2008-09 Overall Work Program (OWP).
- Resolution No. 3899 – FY 2009-10 Caltrans Planning Grants.

Programming and Allocations Committee

- Resolution No. 3288, Revised – Update of programming and allocation policies for the Five Percent State General Fund Revenues and Two Percent Bridge Toll Revenues programs.
- Resolution No. 3636, Revised – Revisions to the Regional Measure 2 (RM2) Policies and Procedures.
- Resolution No. 3651, Revised – Proposed allocation of \$5 million in RM2 Capital funds.
- Resolution No. 3875, Revised – 2009 Transportation Improvement Program (TIP) Amendments 2009-13 and 2009-14.
- Resolution No. 3880, Revised – Proposition 1B – Transit: FY 2008-09 Population -Based Funds Round 2.
- Resolution No. 3885, Revised – Federal American Recovery and Reinvestment Act (ARRA).

The Commission received public comment from the following:

- Bob Planthold, EDAC member – spoke on Resolution No. 3885 – Asked for monitoring and enforcement of routine recommendations check list. Both Executive Director Heminger and Commissioner Sartipi clarified position of both MTC and Caltrans to Mr. Planthold as far as monitoring of projects.

- Resolution No. 3897 – Regional Measure 2 (RM2): Proposed Program for FY 2009-10 Operating Assistance.

Legislation Committee

- MTC Advisory Committees – Extension of Terms for Advisory Committee Members through 2009.
- Support Position of AB 672 (Bass): Letter of No Prejudice; AB 1072 (Eng): Proposition 1B – Transit Funding Formula - Proposition 1B Project Delivery.

Draft MTC Standing Committee Minutes

Draft Committee minutes of the following standing committees were presented for information only; they were provided as background information for items that were being taken up by the full Commission.

- Draft Minutes of the Planning Committee Meetings – April 10, 2009.
- Draft Minutes of the Legislation Committee Meeting – April 10, 2009.
- Draft Minutes of the Administration Committee Meeting – April 15, 2009.
- Draft Minutes of the Programming & Allocations Committee Meeting – April 15, 2009.

Draft MTC Advisory Committee Minutes

Draft Advisory Committee minutes were presented for Commission information only.

- Minutes of the Elderly and Disabled Advisory Committee Meeting – April 2, 2009.
- Minutes of the Minority Citizens Advisory Committee Meeting – April 14, 2009.
- Minutes of the Advisory Council Meeting – April 2, 2009.

COMMITTEE REPORTS

Programming and Allocations Committee – Kinsey

The Commission unanimously approved the following:

- Resolution No. 3896 – Federal American Recovery and Reinvestment Act (ARRA): Proposal for State Funding. This item is a proposal for the State funding element of the ARRA. The Bay Area's share is roughly \$167 million in flexible highway funds, including \$9.6 million for Transportation Enhancement projects.

The Commission received public comment from the following:

- Carli Paine, TRANSFORM – referred Commissioners to a letter from TRANSFORM in front of them and asked that MTC reconsider redirecting funds to transit systems.

- Bob Allen Jr., Urban Habitat – spoke in support of programming funds for transit systems.

Legislation Committee – Rubin

- AB 744 (Torrico) – Legislative Principles: Regional High Occupancy Toll Lane Network.

The Commission received public comment from the following:

- Dennis Fay, Alameda County CMA – spoke in support of AB 744.
- Bob Allen, Urban Habitat – recommends commitments be defined, therefore does not support recommendation of AB 744.
- Carli Payne, TRANSFORM – believes the bill does not indicate good faith in developing processes and does not agree with support position of AB 744.
- Stephanie Reyes, Greenbelt Alliance – although her agency has not taken a formal position to support the resolution, concerns were expressed with the development processes taken in determining the support position.
- Irwin Dawid, Sierra Club, Bay Area Transportation Commission – referred to 4/8/09 letter in the Commission packet and believes committing the monies violates principles. He suggests maintaining transit money focused on operations within the corridor from which it is taken.
- Andy Katz, individual – although AB 744 principles are good, suggests further conversion studies and proposes a 2-year bill to garner support from the environment community.

After receipt of public comment, the Commission approved the support position of AB 744. Commissioner Kinsey abstained.

Planning Committee – Sperring

Transportation 2035 Plan:

The Commission unanimously approved the following:

- a) Resolution No. 3891 – Proposed Final Transportation Air Quality Conformity Analysis.
- b) Resolution No. 3875, Revised – Proposed Final 2009 Transportation Improvement Program/Amendment #09-06.
- c) Resolution No. 3892 – Proposed Final Environmental Impact Report (EIR).

The Commission received public comment from the following:

- Robert Allen, retired BART Director – Suggested that rail transit should be the main transportation plan in the Bay Area and the resolution should include provisions to expand BART along the major corridors.

- David Schonbrunn, TRANSDEF – expressed disappointment with the Commission’s approval of Resolution 3892, noting the defensive character of the FEIR regarding the responses to comments which rejects the idea of modeling the full impacts of committed projects by having a “no project alternative” that has no projects in it. He also notes that the Commission rejected the environmentally superior alternative and believes there is nothing in the RTP adoption resolutions which commits MTC to take steps which the EIR identified necessary for the implementation of the environmentally superior alternative and that MTC has not committed to seeking legislative authority for pricing of all highway lanes.

The Commission unanimously approved Resolution No. 3892 after receipt of public comment.

d) Resolution No. 3893 – Proposed Final Transportation 2035 Plan.

The Commission received public comment from the following:

- Kevin Ruiz, SF cyclist – expressed appreciation of commitment of funds which will provide additional safe cycle paths.
- Andrew Casteel, Bay Area Bicycle Coalition - appreciates MTC vision and committed resolution funds. He urges the Commission to seek funding in the early portion of the RTP as well as identifying new funding to help local governments plan and build bike and walking infrastructures needed to make neighborhoods around transit usable for bikers and walkers.
- Christine Culver, Sonoma County Bicycle Coalition – spoke in support of Resolution 3893 and urges placing bicycle infrastructure in a priority position.
- Robert Rayburn, East Bay Bicycle Coalition – spoke in the support of the Regional Bicycle Network.
- David Schonbrunn, TRANSDEF - read a prepared statement on behalf of various Transportation professionals and himself stating profound disagreement with the Transportation 2035 plan.
- Bob Planthold, EDAC member - would like MTC to commit and honor whatever comes out of SB 375.
- Carli Paine, TRANSFORM – spoke in support of the plan and appreciates MTC vision and performance targets for the plan but requests the removal of the language that would give \$2 billion to VTA from future HOT revenue and revert to the language in the draft that gives the full \$6 billion to a future program to be distributed following the principles in AB744.
- Stephanie Reyes, Greenbelt Alliance - spoke in support of the plan and urges the Commission to seek new or existing funding which supports PDA’s.
- Bob Allen, Urban Habitat – spoke in support of the plan but urges the Commission to invest in more equitable projects.
- Stuart Cohen, TRANSFORM – notes the plan stopped far short of meeting performance objectives and feels that once the resolution is adopted we need to step outside of the box on how RTP’s are conducted, and the need to redefine committed projects.
- Sabrina Merlow, Bay Area Bicycle Coalition – expressed appreciation to MTC for its vision and bicycle path plans.

- Jenny Bard, American Lung Association of CA – thanked the Commission for its vision and support of reducing greenhouse gases.
- Andy Katz, Breathe California - encouraged MTC to look and support projects that reduce green house gases and include advocates in technical analysis processes and continue to seek transit funds.

The Commission approved Resolution No. 3893 after receipt of public comment.

Commissioner Spring, on behalf of the Commission, presented a special recognition to staff members Ashley Nguyen and Joe Curley for their commitment and stellar contribution to the making of the Transportation 2035 Plan.

PUBLIC COMMENT/ADJOURNMENT/NEXT MEETING

There being no further business or public comment, Commission Chair Haggerty adjourned the meeting at 12:05 p.m. The next Commission meeting is scheduled for Wednesday, May 27, 2009, in Oakland, California.

Scott Haggerty, Chair