



METROPOLITAN  
TRANSPORTATION  
COMMISSION

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*Scott Haggerty, Chair*  
Alameda County

*Adrienne J. Tissier, Vice Chair*  
San Mateo County

*Tom Azumbrado*  
U.S. Department of Housing  
and Urban Development

*Tom Bates*  
Cities of Alameda County

*Dean J. Chu*  
Cities of Santa Clara County

*Dave Cortese*  
Association of Bay Area Governments

*Chris Daly*  
City and County of San Francisco

*Bill Dodd*  
Napa County and Cities

*Dorene M. Giacopini*  
U.S. Department of Transportation

*Federal D. Glover*  
Contra Costa County

*Anne W. Halsted*  
San Francisco Bay Conservation  
and Development Commission

*Steve Kinsey*  
Marin County and Cities

*Sue Lempert*  
Cities of San Mateo County

*Jake Mackenzie*  
Sonoma County and Cities

*Jon Rubin*  
San Francisco Mayor's Appointee

*Bijan Sartipi*  
State Business, Transportation  
and Housing Agency

*James P. Spering*  
Solano County and Cities

*Amy Rein Worth*  
Cities of Contra Costa County

*Ken Yeager*  
Santa Clara County

*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

## COMMISSION MEETING

Wednesday, January 27, 2010

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

## MINUTES

### ATTENDANCE

Chair Haggerty called the meeting to order at 10:33 a.m. In addition to Chair Haggerty, the following Commissioners were present: Bates, Chu, Cortese, Daly, Dodd, Glover, Halsted, Kinsey, Lempert, Mackenzie, Rubin, Sartipi, Spering, Tissier, Rein-Worth and Yeager.

### CHAIR'S REPORT

Chair Haggerty moved to approve the creation of a Select Committee on Transit Sustainability to include Commissioners Spering, Dodd, Rubin, Kinsey, Bates, Glover, Rein-Worth, Yeager, and Cortese. Chair Haggerty and Vice Chair Tissier would serve as ex-officio members, and Commissioner Dodd would chair the Committee. Motion passed unanimously.

As Francis Chin, General Counsel for MTC, has announced his retirement in 2010, Chair Haggerty announced the establishment of an MTC Commission Interview Panel to recommend a replacement finalist for Commission approval.

### 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](http://www.mtc.ca.gov).

### CONSENT CALENDAR

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

- Minutes of the Commission meeting of December 16, 2009.

### **Planning Committee**

- Resolution No. 3424, Revised – Consistency Findings for 2009 Congestion Management Plans (CMPs)

### **Programming and Allocations Committee**

- Resolution No. 3938 – 2010 Regional Transportation Improvement Program (RTIP) Program of Projects Adoption.

### **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 Meeting – January 8, 2010.
- Draft Minutes of the Legislation Committee Meeting – January 8, 2010.
- Draft Minutes of the Operations Committee Meeting – January 8, 2010.
- Draft Minutes of the Administration Committee Meeting – January 13, 2010.
- Draft Minutes of the Programming & Allocations Committee Meeting – January 13, 2010.

### **Draft MTC Advisory Committee Minutes**

Draft Advisory Committee minutes were presented for Commission information only.

- Elderly and Disabled Advisory Draft Minutes – January 7, 2010.
- Advisory Council Meeting Draft Minutes – January 13, 2010.
- Minority Citizens Advisory Draft Minutes – January 18, 2010.

### **COMMITTEE REPORTS**

#### **Administration Committee – Cortese**

The Commission unanimously approved the following:

- Resolution No. 3241, Revised – Reauthorization of MTC Investment Policy.
- Resolution No. 3907, Revised – FY 2009-10 MTC Agency Budget Amendment.

### **Planning Committee – Spring**

The Commission unanimously approved the following:

Transportation for Livable Communities (TLC) Program: Proposed Scoring Criteria.

### **Programming & Allocations Committee – Kinsey**

The Commission unanimously approved the following:

- Resolution No. 3667, Revised and 3655, Revised – Proposed allocation of approximately \$12 million in RM2 Capital funds.
- Resolution No. 3875, Revised – Jobs for Main Street Act of 2010: Proposed TIP Amendment 2009-34.
- BART Oakland Airport Connector Project. Steve Heminger reported that MTC and BART received a letter from the Federal Transit Administrator Peter Rogoff regarding the Oakland Airport Connector (OAC) project. The letter raised a number of concerns about BART's compliance with Title VI of the Civil Rights Act as it relates to construction and operation of the OAC project. As a result of these concerns, FTA is willing only to approve a conditional award of federal funds to the project, subject to BART submitting and completing an "action plan" to correct any deficiencies in the Title VI analysis for the OAC project. Mr. Heminger described two options for Commission action. First, the Commission could reaffirm its commitment of ARRA funds to the OAC project and accept the risk that the funds could be lost to the region if BART fails to remedy any Title VI deficiencies to FTA's satisfaction. Second, the Commission could withdraw the ARRA funds from the OAC project and instead program the funds to the Tier II list of rehabilitation and preventive maintenance projects that staff identified several months ago in case OAC encountered project delivery problems. Tier II funding was assigned by formula among the various Bay Area transit operators. Staff recommended to the Commission to choose a modified version of Option 1 subject to the following condition: that BART submit and FTA approve an action plan to correct any Title VI deficiencies by February 16, 2010. If favorable FTA action has not occurred by that date, then the \$70 million in ARRA funds would be re-directed by operation of Resolution No. 3942 to the Tier 2 projects, which should allow enough time for those projects to meet the March 5<sup>th</sup> obligation deadline

The Commission received public comment from the following:

- Ron Dellums, Mayor, City of Oakland spoke in support of OAC and recommends Option 1 of the OAC recommendation.
- Dorothy Dugger, BART General Manager addressed the Title VI issues raised in Administrator Rogoff's letter and advise how they are being addressed. She also reviewed BART's Action Plan to be submitted to the FTA.

- Carole Ward Allen, BART Board Director requests the Commission's continued support of OAC and reassured the Commission that BART is committed to addressing any/all Title VI issues.
- Audrey Hudson, Pile Drivers Local #34 spoke in support of the OAC.
- Pat Mosberg, Oakland Councilmember Reid's office spoke in support of the OAC.
- Victor Uno, Port of Oakland spoke in support of the OAC.
- Gilda Gonzalez, Port of Oakland and the Unity Council spoke in support of the OAC.
- Omar Benjamin, Port of Oakland spoke in support of the OAC.
- Daniel Schulman spoke in opposition of the OAC.
- Jana Lane, Genesis recommends Option II of the of the OAC recommendation.
- Ross Steinborn, Genesis spoke in opposition of the OAC.
- Stuart Cohen, Transform spoke in support in opposition of the OAC.
- Victoria Jimenez-Morales, Genesis recommends Option II of the OAC recommendation.
- Dennis Fagaly, Genesis recommends Option II of the OAC recommendation.
- Michelle Jordan, Genesis recommends Option II of the OAC recommendation.
- Mahasin Abdul Salaam, Genesis recommends Option II of the OAC recommendation.
- Betty Wharton, Genesis recommends Option II of the OAC recommendation.
- Claudia Morrow, Genesis recommends Option II of the OAC recommendation.
- James Fang, BART spoke in support of Option I of the OAC recommendation and assured the Commission of their commitment to address all Title VI issues.
- Nancy Shimmel, Genesis recommends Option II of the OAC recommendation.
- Eddie Dillard, OBBT&C spoke in support of the OAC and Option I of the OAC recommendation.
- John Claussen, Genesis spoke in support of Option II of the OAC recommendation.
- Marcia Lovelace, Genesis spoke in support of Option II of the OAC recommendation.
- Scott Denman, Genesis spoke in support of Option II of the OAC recommendation.
- Tim Rueda, Case Pacific Construction spoke in support of the OAC.
- Richard Raymond, UBCM Joint Venture spoke in support of the OAC.
- Joel Keller, BART spoke in support of the OAC and the job opportunities the project will provide.
- General Shepperd, Oakland resident/carpenter spoke in support of the OAC.
- Nancy Hall, Genesis spoke in support of Option II of the OAC recommendation.
- Andreas Cluver, Building Trades Council spoke in support of staff recommendation of Option I and believes BART will be able meet Title VI requirements.
- Clint Walker, Oakland Local #713 spoke in support of the OAC.
- Jenny Ong, Oakland Chinatown Chamber of Commerce spoke in support of the OAC.
- Doyle Williams, Oakland resident and carpenter spoke in support of the OAC.
- Mike Croll, Operating Engineers Local #3 spoke in support of the OAC.
- Ken Burns, Operating Engineers Local #3 spoke in support of the OAC.
- Anne Marie Gray, Operating Engineers Local #3 spoke in support of the OAC.
- King Brooks, Operating Engineers Local #3 spoke in support of the OAC.
- Jessica Barbosa, Operating Engineers Local #3 spoke in support of the OAC.
- Farid Majaid, Operating Engineers Local #3 spoke in support of the OAC.
- Rustin Roach, Schuff Steel Company spoke in support of the OAC.

- Luis Allende, Subcontractor FCI spoke in support of the OAC.
- Charles Killian, Ironworker Local #378 spoke in support of the OAC.
- Dave Weathers, Ironworker Local #378 spoke in support of the OAC.
- Paul Cohen, Northern California Carpenters spoke in support of the OAC.
- Darrell Carey, EBSCB spoke in support of the OAC.
- Ken Houston, Turner Group Construction spoke in support of the OAC.
- Tess Friedenburt, Genesis spoke in support of Option II of the OAC recommendation.
- David Schonbrunn, Trandef spoke in support of Option II of the OAC recommendation.
- John Knox White, Transform spoke in opposition of the OAC.
- Gerald Cauthen, SaveMuni.com spoke in support of Option II of the OAC recommendation.
- Claudia Hudson, ATU #192 spoke in support of Option II of the OAC recommendation.
- Mr. Bey, Bay Area Black Builders spoke in support of the OAC.
- Mark Coswell, SF Bicycle Coalition spoke in support of Option II of the OAC.
- Michael Quigley, California Alliance for Jobs, spoke in support of the OAC.
- Scott Zengel, Bay Area Council spoke in support of the OAC.
- Richard Grabinski, Flatiron/Parsons
- Alan Tobey, Berkeley resident, spoke in support of Option II of the OAC.
- Sylvester Grisby, Coliseum Neighborhood Council in support of Option I of the OAC.
- Michael Baines, Baines Group and SF African American Chamber spoke in support of the OAC.
- Jack Pryor, Diversified Product Industries spoke in support of the OAC.
- Dave Benjamin spoke in support of the OAC.
- Robert Brauer, Cypress Mandela Training Center spoke in support of the OAC.
- Karen Smulevitz, United Seniors of Oakland and Alameda County spoke in support of Option II of the OAC.
- Eric Chase spoke in support of Option II of the OAC recommendation.
- Michael Engemann spoke in support of Option II of the OAC recommendation.
- Mark Brucker, resident of Berkeley spoke in support of Option II of the OAC recommendation.
- Rebecca Schneider spoke in support of Option II of the OAC recommendation.
- Jonathan Mason, Bay Rail Alliance spoke in support of Option II of the OAC recommendation.
- Pastor Crawford, COPAM Faith Base spoke in support of the Option I of the OAC recommendation.
- Bob Allen, Urban Habitat, spoke in support of Option II of the OAC recommendation.
- Paul Cobb, Post News Group spoke in support of the OAC.
- Jerry Grace spoke in support of the OAC.
- Bobby Lux, Ironworkers Local #378 spoke in support of the OAC.
- Len Conly, Friends of BRT spoke in opposition of the OAC.
- Margaret Okuzumi, resident of Sunnyvale spoke in opposition of the OAC and supports Option II of the OAC recommendation.
- Victor Martinez, Hispanic Chamber of Commerce of Alameda County and Spanish Speaking Unity Council spoke in support of Option I of the OAC recommendation.

- Dave Snyder spoke in support of Option II of the OAC recommendation.
- Cathleen Sullivan, Oakland resident spoke in opposition of the OAC and supports Option II of the OAC recommendation.
- Ron Bishop, Sierra Club spoke in opposition of the OAC.
- Marta Lindsey, Transform spoke in opposition of the OAC and supports Option II of the OAC recommendation.
- Joel Ramos, Transform spoke in opposition of Option I and advocates Option II of the OAC recommendation.
- Carli Paine, Transform spoke in support of Option II of the OAC recommendation.
- Irwin Lum, TWU Local #250-A spoke in support of Option II of the OAC recommendation.
- Joel Goldberg, SFMTA acknowledges that SFMTA stands ready if a decision is made to redirect the funds and to make sure to mitigate the risk of losing funds to the region and put them to work quickly.
- Seth Goddard, Transform spoke in opposition of the OAC recommendation.

After receipt of public comment Commissioner Spering moved Option 1 with the following amendment to the first “resolved” clause of Resolution No. 3942: RESOLVED, that MTC affirms its support for programming \$70 million of ARRA FTA funds to the OAC project as set forth in MTC Resolution 3885, Revised, as last amended on December 19, 2009, subject to FTA approving a BART Title VI action plan by February 16, 2010, and subject to a review by MTC of this action plan at a special MTC meeting to take place on February 17, 2010. The Motion was Seconded by Commissioner Kinsey. Motion passed with 11 yes and 5 noes by Commissioners Daly, Bates, Halsted, Lempert, and Mackenzie.

### **PUBLIC COMMENT**

The Commission received public comment from the following:

- David Schonbrunn regarding the acoustics and audio of the MTC Auditorium.

### **ADJOURNMENT/NEXT MEETING**

There being no further business or public comment, Commission Chair Haggerty adjourned the meeting at 1:45 p.m. The next Commission meeting is scheduled for Wednesday, February 24, 2010 at 9:30 a.m. in Oakland, CA.

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Scott Haggerty, Chair