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Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

Programming and Allocations Committee
July 14, 2010
Minutes

Chair Kinsey called the meeting to order at approximately 10:10 a.m. Committee members present were: Commissioners Bates, Cortese, Daly, Dodd, and Sartipi. Commissioners Haggerty and Tissier were present as ad hoc members of the Committee. Other Commissioners present were: Chu, Halsted, Lempert, Mackenzie, Rubin, Spering, Worth, and Yeager.

Consent Calendar

The Committee approved the following consent items:

- Minutes of the June 9, 2010 meeting;
- 2009 Transportation Improvement Program (TIP) Amendment 2009-54. MTC Resolution No. 3875, Revised;
- Programming of FY 2010-11 5% State Unrestricted Funds and 2% Bridge Toll Revenues. MTC Resolution No. 3966;
- Revisions to the Second Cycle Lifeline Program of Projects. MTC Resolution No. 3881, Revised;
- Draft 2011 Transportation Improvement Program (TIP) Financial Constraint Analysis and Air Quality Conformity analysis. Authorize the release for public review and comment on August 6, 2010, and set a public hearing date of September 8, 2010;
- Quarterly Report of Executive Director's Delegated Authority Actions.

Federal

- *New Federal Transportation Act First Cycle Programming Revision. MTC Resolution No. 3925, Revised.*

Ross McKeown, Programming and Allocations Section, presented a proposal to spend approximately \$15.1 million in additional federal STP and CMAQ funding for FY 2009-10 on three projects: 1) Regional Strategic Investment – advancement of SamTrans payback (\$6.0 million); 2) Transportation for Livable Communities (\$4.1 million); and 3) Regional Commitment – Golden Gate Bridge Suicide Deterrent (\$5.0 million).

The following members of the public spoke in support of the Golden Gate Bridge Suicide Deterrent: Mary Zablony, Eve Meyer, Mel Blaustein, Esther Marks, Dayna Whitmer, John Brooks, and David Hull.

The Committee approved the referral of MTC Resolutions No. 3925, Revised to the Commission for approval.

- *Regional Transportation for Livable Communities Program Awards. MTC Resolution No. 3925, Revised.*

Doug Johnson, MTC Planning Section, presented to the Committee a recommendation for 21 projects to receive approximately \$44 million in STP/CMAQ funds for the Regional Transportation for Livable Communities (TLC) grants.

Commissioner Tom Bates commented that this program is a tremendous opportunity for many communities.

The Committee approved the referral of MTC Resolution No. 3925, Revised to the Commission for approval after a motion by Commissioner Bates and a second by Commissioner Rubin.

Regional

- *Water Emergency Transportation Authority Multi-Year Regional Measure 2 Operating Commitment. MTC Resolution No. 3972.*

Theresa Romell, Programming and Allocations Section, and Brian Mayhew, CFO, presented to the Committee a proposal to make a multi-year Regional Measure 2 (RM2) operating commitment to the Water Emergency Transportation Authority (WETA) for debt service payments on an approximately \$10.3 million short-term revenue bond.

Nina Rannells, WETA Executive Director, extended her appreciation to MTC staff for working with WETA to come up with a solution to assist in the completion of the San Francisco Terminal construction and provide financial stability for future projects.

Commissioner Jim Spering commented that there is a concern in Solano County with maintaining the existing ferry service and asked if the assets of existing ferry service would be transferred to WETA before WETA implements new programs and service expansions. Ms. Rannells responded that they have been directed by the State Legislature to take over the Alameda and Vallejo City services and agreements to maintain the existing services are being discussed with each city to become effective within the next several months.

Commissioner Dean Chu asked how the private placement is priced and if there is an independent entity that will set the price. Mr. Mayhew explained that the placement will be priced equivalent to the Build America bonds within the range of two to three hundred over a three year treasury at which point will be set by a placement agency and selected from the Bloomberg Screen.

The Committee approved the referral of MTC Resolution No. 3972 to the Commission for approval after a motion by Commissioner Tissier and a second by Commissioner Bates.

- *FY 2010-11 Fund Estimate Revision and allocation of \$94 million in Transportation Development Act (TDA) funds, \$67 million in State Transit Assistance (STA) funds, \$52*

million in Assembly Bill (AB) 1107 funds and \$24 million in Regional Measure 2 (RM2) operating funds for FY 2010-11 to various claimants in the region. MTC Resolution Nos. 3939, Revised, 3950, Revised, 3951, Revised, 3952, and 3956, Revised.

Theresa Romell, Programming and Allocations Section, presented a revision to the FY 2010-11 Fund Estimate to reflect actual TDA and AB1107 revenue resulting in an approximately \$35 million reduction in funding made available to operators; a rescission of approximately \$10.6 million to bring commitments in line with actual revenue for FY 2009-10; and an adjustment to operator and program apportionments to reflect the state's final population and revenue bases.

Commissioner Jim Sperring commented that in Solano County growth takes place in incorporated cities and there is no efficient way for the county to provide transit services because of the vast distances in the unincorporated areas. An agreement has been reached with the Transportation Authority, which will take effect later this year, to use the Transportation Development funds for transit needs. He noted that this should be the last year that Solano County will use TDA funds.

The Committee approved the referral of MTC Resolution Nos. 3939, Revised, 3950, Revised, 3951, Revised, 3952, and 3956 after a motion by Commissioner Tissier and a second by Commissioner Cortese.

- *Proposed allocation of approximately \$157 million in RM2 Capital funds, AB 1171 funds and RM1 funds. MTC Resolution Nos. 3653, Revised, 3658, Revised, 3664, Revised, 3667, Revised, 3735, Revised, 3819, Revised, 3833, Revised, 3914, Revised, and 3967.*

Shruti Hari and Kenneth Kao, Programming and Allocations Section, requested allocations of approximately \$113 million in RM1 funds for the BART to Warm Springs Extension; \$34 million in RM2 Capital funds for the Caldecott Tunnel Fourth Bore (\$6.4 million), I-880 North Safety Improvement (\$4.6 million), I-580 Corridor HOV Lanes Environmental Mitigation (\$1.3 million), Safe Routes to Transit Cycle 3 projects (\$0.5 million) and BART to Warm Springs Extension (\$21.8 million); and \$9 million in AB 1171 funds for the Regional Express Lane Network (\$2.8 million), BART to Warm Springs Extension (\$5 million), and the BART to Livermore ROW Preservation (\$1.5 million).

Commissioner Sue Lempert asked where the BART to Livermore Extension is in the list of projects in Resolution No. 3434. Steve Heminger responded that there is a project in Resolution No. 3434 in this corridor called the Tri-Valley Transit Improvement project and noted that the action before the Committee today is to attempt to preserve some right-of-way for a potential BART extension that is currently estimated near \$4 billion.

Commissioner Scott Haggerty noted that staff's recommendation regarding the BART to Livermore Extension calls for sale of the property after ten years if the BART extension does not happen and asked if this condition could be more general, permitting use of the property for other forms of rail transit, if the BART extension is not funded. Mr. Heminger responded that staff will review the language and suggest a possible revision to the resolution at the full Commission meeting.

Commissioner Chris Daly asked if there is any relationship between the Committee's action to move RM2 funds on the I-880 Safety Project and the CTC's action in redirecting STIP funds from I-880 to the Oakland Airport Connector (OAC). Mr. Kao responded that the CTC's action moved \$3 million for design on the OAC project and the action before the Committee today would back-fill the funds that were reduced from the STIP. Mr. Daly noted that it would have been helpful for the item to make this connection.

Under a separate vote on MTC Resolution No. 3658, the resolution was referred to the Commission for approval, with Commissioners Cortese, Dodd, Haggerty and Tissier voting yes, and Commissioners Daly and Bates voting no. The Committee unanimously approved the referral of MTC Resolution Nos. 3653, Revised, Revised, 3664, Revised, 3667, Revised, 3735, Revised, 3819, Revised, 3833, Revised, 3914, Revised, and 3967 to the Commission for approval after a motion by Commissioner Haggerty and a second by Commissioner Cortese.

California Transportation Commission Update

Ross McKeown, Programming and Allocations Section, gave the Committee an update from the CTC meeting held on June 30 – July 1 in Sacramento. Highlights included the programming of two new Bay Area CMIA Projects including the US-101 North Phase B Improvements in Sonoma County for \$22 million and the I-80/680/SR-12 Interchange Improvements in Solano County for \$24 million; the programming of MTC requested AB 3X 20 CMIA Projects which included I-880/280 Stevens Creek Interchange Improvements in Santa Clara County for \$31 million and the Freeway Performance Initiative projects for \$43 million; Caldecott Tunnel Fourth Bore CMIA Adjustment; a 2010 STIP Technical Adjustment to the recently adopted 2010 STIP including advancement of a Transportation Enhancement project in Marin County; and a redirection of \$20 million for the I-880 29th to 23rd and I-880/Mission Blvd. projects to the OAC.

Under public comment on this item, John Knox White, TransForm, referenced a letter from Public Advocates, dated July 13, 2010, handed out to the Committee, stating concern that the public process and policies for the regional transportation improvement program and amendments to the STIP, as adopted by the Commission on October 28, 2009, were not followed. Mr. Knox White asked that the Commission give direction to staff to bring the item back before the Committee and follow proper procedure.

Lindsay Imai, Urban Habitat, commented that adding a project like the OAC to the RTIP is a major amendment, not a technical amendment, and when such an amendment is made, it should be approved by both the Alameda County CMA and the Programming and Allocations Committee, which will enable the public and environmental justice communities to have a hearing about the issue. Ms. Imai further commented that those hearings were not held and requested that the Commission ask staff to correct the issue and follow proper procedure.

Commissioner Scott Haggerty commented that on July 12, 2010 the Plans and Programs Committee for the Alameda County CMA did hear and approve this item.

Steve Heminger commented that MTC has made no secret of its intention to pursue alternative funding for the OAC project and that all proper procedures have been followed. The way that the

STIP works is MTC adopts the RTIP with the CMAs' approval and submits it to the CTC. In this case, there was additional funding available at the State level after the RTIP was submitted and the CTC, in discussions with MTC, tried to determine if additional funds could be made available to the OAC project. However, the additional State funds could not be put directly on the OAC project; therefore, fund swaps would be necessary and projects that were already in the STIP were given additional State funds so that they could shift funds to the OAC project. While the RTIP was developed through the public process, CTC is not precluded from making a different decision given they are the final decision makers for the STIP.

Commissioner Chris Daly asked why RM2 funds could not have been moved directly to the OAC project instead of the swap of funds from the I-880 Safety Improvements. Mr. Heminger responded that there is a procedure under the law that permits moving RM2 funds directly, but it requires a finding, a public hearing, and the fulfillment of certain conditions for the project involved.

Commissioner Tom Bates requested an update on the funding for the OAC project. Mr. Heminger explained that BART is working to get the project before their Board in either July or August. There was a responsive bid that was not awarded due to the Title VI issues raised when the project was considered to receive federal ARRA funding. The contractor has allowed several extensions to keep the bid viable. BART is working to identify funding to replace the \$70 million in ARRA funds, to complete the Title VI work, and to identify cost reductions.

Commissioner Haggerty commented that the CTC is working hard to get the OAC project funded on its own initiative.

Commissioner Sue Lempert commented that when the OAC project is brought back before the Commission, they should take into consideration the news reports that the Airport is in trouble due to reduction of revenues and passengers, given that most airports are taking a large hit due to the economy. Additionally, the request for funding for the Caltrain electrification item will be back in front of the CTC in August, and MTC should give the CTC some reassurance that Caltrain is still financially viable. Electrification is very important to the Caltrain system and the environment, and MTC should make sure that those funds are allocated.

Public Comments

Richard Hedges spoke in support of the OAC project.

Commissioner Kinsey adjourned the meeting at approximately 11:18 a.m.