



METROPOLITAN
TRANSPORTATION
COMMISSION

Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, CA 94607-4700
TEL 510.817.5700
TTY/TDD 510.817.5769
FAX 510.817.5848
E-MAIL info@mtc.ca.gov
WEB www.mtc.ca.gov

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, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

COMMISSION MEETING

Wednesday, October 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 10:52 a.m. In addition to Chair Haggerty, the following Commissioners were present: Azumbrado, Bates, Chu, Cortese, Daly, Dodd, Giacopini, Glover, Halsted, Kinsey, Lempert, Rein Worth, Spering, Tissier, and Yeager.

CHAIR'S REPORT

Chair Haggerty presented the Chair's report to the Commission and reminded Commissioners that the new term of office for all Commissioners on MTC will begin on February 10, 2011. The Commission Secretary mailed letters to all respective nominating and/or appointing bodies, requesting that they make their MTC Commissioner appointments in time for the start of the next four-year Commission term. Commissioner Halsted has been the first Commissioner to be re-appointed.

Chair Haggerty reminded the Commission that due to the holidays, the Commission meetings in November and December have been scheduled one week earlier. Therefore, the new dates are November 17th and December 15th @ 1:30 p.m.

POLICY ADVISORY COUNCIL REPORT

Paul Branson, Chair of the Policy Advisory Council provided the monthly report to the Commission, highlighting the Committee's opportunity to discuss with staff the RTP/SCS – Performance Targets and Indicators. Staff explained how targets would be measured and Committee members suggested some ways of measuring different attributes of public health for consideration in the final set of targets.

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

Upon the motion by Commissioner Kinsey and second by Commissioner Spering the Commission unanimously approved the following items on the Consent Calendar with the exception of Resolution No. 3983 which will be voted on separately:

- Minutes of the Commission meeting of September 22, 2010.

Operations Committee

- Resolution No. 3983 – Clipper Operating Rules. Upon the motion by Commissioner Halsted and second by Commissioner Daly to approve Resolution No. 3983 staff was requested to come back with an amendment to the Resolution as indicated by Commissioner Halsted to make a change under 3.1.2.1 general responsibility of operators to promote the use of Clipper to respective customers and to add some language that will indicate that they have some responsibility for better language access.

The Commission received public comment from the following:

- Crystal Padilla spoke on behalf of Fred Nissan and voiced his concern on discounted passes on the Clipper Card and how they will affect people with disabilities and asked that the passes not be eliminated until a mechanism is in place to accommodate disabled fares. She suggested that issuing two picture I.D. one for the disabled person and one for the companion or assistant will probably work the best.

Motion passed unanimously after Public Comment.

Programming & Allocations Committee

- Resolution No. 3885, Revised and 3896, Revised – American Recovery and Reinvestment Act (ARRA) Program Revisions and Update.
- Resolution No. 3875, Revised – 2009 Transportation Improvement Program (TIP) Amendment 2009-56.
- Resolution Nos. 3914, Revised and 3819, Revised - Proposed allocation of approximately \$74 million in Bridge Toll funds and rescission of approximately \$12 million in RM2 funds.
- Resolution Nos. 3950, Revised and 3951, Revised – Allocation of \$53 million in FY 2010-11 TDA and STA funds to various claimants for transit operating.
- Resolution No. 3973 – 2010 Productivity Improvement Program (PIP) from Transportation Development Act (TDA) Triennial Audit Reports.

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 – October 8, 2010.
- Draft Minutes of the Operations Committee Meeting – October 8, 2010.
- Draft Minutes of the Legislation Committee Meeting – October 8, 2010.
- Draft Minutes of the Administration Committee Meeting – October 13, 2010.
- Draft Minutes of the Programming and Allocations Meeting – October 13, 2010.

Draft MTC Advisory Committee Minutes

Draft Advisory Committee minutes were presented for Commission information only.

- Minutes of the Policy Advisory Council Meeting – October 13, 2010.

COMMITTEE REPORTS

Ad Hoc Audit Committee

- a. FY 2010-11 Fiscal Audit. Commissioner Haggerty presented the MTC's Comprehensive Annual Financial Report (CAFR) and the Bay Area Infrastructure Financing Authority's (BAIFA) Financial Statements to the Commission for their information.

Programming and Allocations Committee

- a. Resolution No. 3925, Revised - New Federal Act Cycle 1 STP/CMAQ Program revision to add Climate Initiative Grants, the Climate Initiatives Innovative Grants and Safe Routes to School Creative Grants totaling \$33 million.

The Commission Chair recognized the following individuals who were in attendance to thank MTC for the grants:

- Sam Shelton, Solano Transportation Authority
- Tilly Chang, San Francisco County Transportation Authority
- Mark Spencer, Alameda County Waste Management Authority
- Marian Lee, SamTrans
- Diana Rohini LaVigne, Bay Area Bicycle Coalition
- John Brazil, City of San Jose
- Rafael Reyes, Bay Area Climate Collaborative
- Carli Paine, TransForm
- Sven Thesen, Better Place

- Beth Walukas, Alameda County Transportation Commission
- Suzanne Smith, Sonoma County Transportation Authority
- Tommy Bensko, Cycles of Change

Upon the Motion of Commissioner Kinsey and second by Commissioner Lempert the Commission unanimously approved Resolution No. 3925, Revised.

- b. Resolution Nos. 3975 and 3976 – Adoption of the 2011 Transportation Improvement Program (TIP) and Federal Air Quality Conformity Determination for the 2011 TIP. The federally required TIP is a comprehensive listing of all Bay Area surface transportation projects that receive federal funds or that are subject to federally required action. MTC is required to make a positive air quality conformity determination for the TIP in accordance with EPA’s transportation conformity regulations and MTC’s Bay Area Air Quality Conformity Procedure.

The Commission received public comment from the following:

- David Schonbrunn, TRANSDEF – expressed his disagreement with approval of the 2011 Transportation Improvement Program and Federal Air Quality Conformity Determination for the 2011 TIP.

Upon the Motion of Commissioner Kinsey and second by Commissioner Glover the Commission unanimously approved Resolution Nos. 3975 and 3976 after public comment. Note that Commission Chair Haggerty, Commissioners Daly and Dodd were not in the meeting room during the vote.

Planning Committee

- a. Resolution No. 3982 - Draft Title VI Compliance Report. The report describes the programs and activities MTC has in place to ensure nondiscriminatory delivery of services and benefits, and is prepared in response to Federal Transit Administration (FTA) Circular 4702.1A. MTC Resolution 3982 would authorize submission of the final report to the FTA. Staff requested that the Commission consider the following proposed addition to Section III.C.2 of the Report regarding Title VI complaints received during the reporting period: “On October 13, 2010, at a meeting of MTC’s Policy Advisory Council to discuss this Report, a representative of Urban Habitat referred to another Title VI complaint filed with FTA. As of the date of submitting this Report, MTC had not received a copy of the complaint from FTA.” The Commission was referred their attention to a letter from Urban Habitat commenting on the Report which was e-mailed and also distributed at the meeting of October 27th.

The Commission received public comment from the following:

- David Schonbrunn, TRANSDEF – expressed his disagreement with MTC’s Title VI Compliance Report without public input. He commented that the Title VI Compliance Report is incomplete, agreed with the Urban Habitat letter, and suggested that MTC’s advisory structure is not adequately providing input on civil rights issues. He also indicated that MTC should reconvene a minority citizens advisory committee.

Upon the Motion of Commissioner Spering and second by Commissioner Rein Worth the Commission unanimously approved Resolution No. 3982 with the additional language proposed by staff.

Legislation Committee

- a. S. 3629 (Lautenberg)/H.R. 5976 (Sires). The Focusing Resources, Economic Investment and Guidance to Help Transportation (FREIGHT) Act of 2010, would require the U.S. Department of Transportation to develop a National Freight Strategic Plan to guide and inform investment in goods movement infrastructure nationwide.

Upon the motion of Commissioner Yeager and second by Commissioner Chu the Commission unanimously approved the Support and Seek Amendments position of S. 3629 (Lautenberg)/H.S. 5976 (Sires).

Public Comment

The Commission received public comment from the following:

- Roxana Hart, Private Citizen – addressed the Commission on the reductions in AC Transit bus service and asked for MTC not to fund the Oakland Airport Connector and provide those funds to AC Transit instead.

Closed Session

At 11:39 a.m. Chair Haggerty asked that the Commission meet in closed session pursuant to Government Code Section 54956.9(a) to confer with counsel regarding the following litigation: Darensburg, et al. v. MTC, United States Court of Appeals for the Ninth Circuit, Case No. 09-15878, on appeal from the U.S. District Court, Northern District, Case No. C-05-01597-(EDL).

Open Session

The Commission reconvened in open session at 11:52 a.m. MTC General Counsel Adrienne Weil reported that there was no action taken in closed session.

PUBLIC COMMENT/ADJOURNMENT/NEXT MEETING

There being no further business or public comment, Commission Vice Chair Tissier adjourned the meeting at 11:53 a.m. The next Commission meeting is scheduled for Wednesday, November 17, 2010 in Oakland, California.

Scott Haggerty, Chair