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San Francisco Mayor's Appointee

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Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

MTC PLANNING COMMITTEE

April 8, 2011

MINUTES

ATTENDANCE

Chair Spering called the MTC Planning Committee meeting to order at 9:31 a.m. Planning Committee members in attendance were: Giacomini, Green, Liccardo, Mackenzie, Mullin, and Rubin. Commission Chair Tissier and Vice Chair Rein-Worth were present in their ex-officio voting member capacity. Other Commissioners present as ad hoc members of the Committee were Bates and Cortese.

CONSENT CALENDAR: a) Minutes of March 11, 2011

Commissioner Mackenzie moved approval of the Consent Calendar, Commissioner Rien-Worth seconded. Motion passed unanimously.

FINAL COMMITTED FUNDS AND PROJECTS POLICY FOR PLAN BAY AREA

Ms. Ashley Nguyen presented staff's recommendation for the Final Committed Funds and Projects Policy, which included two options for determining committed projects: Option 1: projects that have a certified Environmental Impact Report (EIR) or Record of Decision for Environmental Impact Statement (EIS) by May 1, 2011; and Option 2: projects under construction, as indicated by utility relocation, subsequent construction activities, or vehicle award by May 1, 2011. Under both options, Proposition 1B CMIA and TCIF projects with full funding would be considered committed. She also summarized the request to consider sales tax projects as committed projects, and noted that projects deemed "uncommitted" would be subject to project performance assessment. Ms. Nguyen also explained the difference between committed and discretionary funds.

Ms. Nguyen recommended that the Committee approve and refer MTC Resolution No. 4006 to the Commission for approval noting that the language in the resolution would be finalized to be consistent with the option on committed projects recommended by the Committee.

Public Comment:

- Mr. David Schonbrunn, TRANSDEF, expressed his support for Option 2 and suggested a modification to consider projects as committed if they are under contract for 10% of the overall project costs.
- Mr. Jeff Hobson, TransForm, expressed his support for Option 2.
- Ms. Parisa Fatehi, Public Advocates, expressed her support for Option 2.
- Ms. Jenny Bard, American Lung Association, submitted a letter from the Bay Area Clean Air Task Force, which expressed support for Option 2.
- Mr. Azibuike Akaba, Regional Asthma Management and Prevention Organization, expressed his support for Option 2.
- Mr. Daryl Halls, Solano Transportation Authority and moderator for the Congestion Management Agencies, expressed the support of 8 of the 9 CMAs for Option 1.

Committee comments:

- Commissioner Green expressed his support for Option 1, as well as an exemption for voter-approved transportation sales tax projects.
- Commissioner Mackenzie spoke for Commissioner Halsted in her absence, and stated that she would like the committee to consider SPUR's modified Option 1 as described in its comment letter.
- Commissioner Tissier expressed reservations about automatically deeming sales tax projects as committed.
- Commissioner Liccardo noted that BART to San Jose is "in design" and asked if this constitutes under construction. Mr. Heminger replied that the BART to San Jose project is divided up into two phases – Phase 1 extends from Fremont to Berryessa, which is considered committed under either option; Phase 2 extends from Berryessa to Santa Clara, and is considered uncommitted under Option 2. Commissioner Liccardo asked if it is premature to identify Regional Express Lane tolls as discretionary funds. Mr. Heminger stated that the current plan includes the Regional Express Lane Network, and for the time being gross toll revenues would be considered committed to the network and any net toll revenues would be discretionary, subject to negotiation between MTC and the counties.
- Commissioner Worth expressed her support for Option 1.
- Commissioner Bates stated that the sales tax should not be there, and expressed his support for Option 2.
- Commissioner Spring expressed his support for Option 1, but did not agree with including the exemption for sales tax projects.
- Commissioner Mullin expressed his support for Option 2.
- Commissioner Rubin asked if Option 1 served SB375 principles and expressed concern that Option 2 would open projects to continuous re-evaluation. Mr. Heminger stated that both options are consistent with SB375.
- Commissioner Liccardo asked if staff considered an option that would incorporate right-of-way acquisition and scope expansion as a criterion for deciding whether or not to evaluate projects. Mr. Heminger stated that staff's recommendation is to establish a bright line either with the exclusion of the environmental phase with federal or state agency approvals, or acquisition of right-of-way.
- Commissioner Cortese asked what constitutes a bid award that is significant enough to trigger Option 2. Mr. Heminger responded that road projects are deemed under

construction if there is utility relocation or some kind of moving of earth. For transit, if the sponsor awarded a vehicle procurement, that project would be considered committed under Option 2.

Commissioner Green motioned to support Option 1 with additional wording that a performance assessment is not required for sales tax measure projects that were passed in a ballot measure as of December 31, 2008. There was no second to the motion. The motion failed.

Commissioner Mackenzie motioned to adopt Option 2. Commissioner Liccardo seconded. After a roll call vote, the motion passed with the following Commissioners voting:

Commissioner Spring – No
Commissioner Green – No
Commissioner Worth – No

Commissioner Liccardo – Yes
Commissioner Mackenzie – Yes
Commissioner Mullin – Yes
Commissioner Rubin – Yes
Commissioner Tissier - Yes

OTHER BUSINESS/PUBLIC COMMENT

There being no other business, the meeting adjourned at 10:35 a.m. The Committee's next meeting is scheduled for Friday, May 13, 2011 at 9:30 a.m. in the Lawrence D. Dahms Auditorium, Joseph P. Bort MetroCenter, Oakland, CA.