



METROPOLITAN
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COMMISSION

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Tom Bates
Cities of Alameda County

David Campos
City and County of San Francisco

Dave Cortese
Santa Clara County

Bill Dodd
Napa County and Cities

Dorene M. Giacomini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Mark Green
Association of Bay Area Governments

Scott Haggerty
Alameda County

Anne W. Halsted
San Francisco Bay Conservation
and Development Commission

Steve Kinsey
Marin County and Cities

Sam Liccardo
Cities of Santa Clara County

Jake Mackenzie
Sonoma County and Cities

Kevin Mullin
Cities of San Mateo County

Jon Rubin
San Francisco Mayor's Appointee

Bijan Sartipi
State Business, Transportation
and Housing Agency

James P. Spering
Solano County and Cities

Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

COMMISSION MEETING

Wednesday, April 27, 2011

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

MINUTES

ATTENDANCE

Chair Tissier called the meeting to order at 9:45 a.m. In addition to Chair Tissier, the following Commissioners were present: Vice Chair Rein Worth, Commissioners Bates, Campos, Cortese, Dodd, Giacomini, Glover, Green, Haggerty, Halsted, Kinsey, Liccardo, Mackenzie, Mullin, Rubin and Spering.

CHAIR'S REPORT

- **Resolution No. 4017** – Resolution of Appreciation for departing BART General Manager, Dorothy Dugger.

Motion made by Commissioner Haggerty and seconded by Commissioner Spering to approve Resolution No. 4017 as presented. Motion passed unanimously. Ms. Dugger expressed her gratitude as well as her desire for continued regional transportation collaboration.

Commissioners Haggerty, Spering and Rubin thanked her for her work and dedication and wished her well.

- Chair Tissier welcomed new Commissioner David Campos who will represent the City and County of San Francisco.
- Chair Tissier announced a vacancy on the California Association of Council of Governments Board (CALCOG) and nominated Commissioner Green to represent MTC for the next two years.

Motion made by Chair Tissier and seconded by Commissioner Rein Worth to appoint Commissioner Green to the Board. Motion passed unanimously.

- Chair Tissier reminded Commissioners about the Commission Workshop to be on April 27, 2011 starting at 1:30 p.m. at the Oceano Hotel in Half Moon Bay.

POLICY ADVISORY COUNCIL REPORT

Paul Branson presented the Policy Advisory Council Report and reported that their April 13, 2011 meeting focused on the Initial Vision Scenario of Plan Bay Area. Members were interested in both the employment projections and the housing growth projections and how they interrelate. Overall, the Council is concerned about the jobs/housing imbalance, including the impact of long commutes from areas of affordable housing to employment and the impact on congestion and the environment, and believed the employment data needed deeper analysis.

He also reminded the Commission of the scheduled annual joint meeting with the Commission on May 25, 2011 to update the work plan.

Commissioner Campos requested additional information regarding the financial component of Plan Bay Area. Steve Heminger explained that the information will be disclosed beginning with the Committed vs. Uncommitted project discussion and continuing with revenue estimates. This information will begin rolling out over the next couple of months.

EXECUTIVE DIRECTOR'S REPORT

Steve Heminger presented the Executive Director's report.

Chair Tissier commented on the financial difficulties with Caltrain and the decision of a conceptual plan to accept all of the different funding sources that have come together as well as looking to MTC for stop gap funding for the first year. A dedicated source of funding is being sought for the second year.

COMMISSIONER COMMENTS

- Commissioner Giacomini thanked staff and the Commission on the last 15 years of work on the Ed Roberts Campus.
- Commissioner Kinsey commented on the effort to make the Bay Area the central focus of the Electric Vehicle (EV) industry both in supporting the consumer and being the production center for the EV industry.
- Commissioner Campos expressed his interest in serving on the MTC Commission.
- Chair Tissier advised that she, along with Vice Chair Rein Worth, accompanied Policy Advisory Council members on a tour of the Contra Costa Transit Center.

CONSENT CALENDAR

Upon the motion by Commissioner Mackenzie and second by Commissioner Halsted the Commission unanimously approved the following items on the Consent Calendar:

- Commission Meeting Minutes March 23, 2011.

Programming and Allocations Committee

- Resolution No. 3532, Revised – Revisions to Short Range Transit Plan Guidelines.
- Resolution No. 3723, Revised – Station Area Planning Grant Recommendations of \$780,000 along the Sonoma-Marín Area Rail Transit (SMART) Corridor.
- Resolution Nos. 3739 and 3721, Revised – Regional Measure 2 Capital Allocations of \$4.8 million in RM2 tolls for the I-680 SB HOV Gap Closure project between N. Main and Livorna in Contra Costa County and \$4.5 million in reallocated RM2 funds for the I-80 Eastbound Cordelia Truck Scales Replacement in Solano County.
- Resolution No. 3950, Revised – Allocation of \$5.6 million in Transportation Development Act (TDA) funds to Vallejo for transit operations.
- Resolution No. 3956, Revised – Reprogramming \$5.5 million in the RM2 Operating Program (MTC Resolution No. 3955) and Allocation of \$5.5 million in RM2 Operating Revenue to MTC for Clipper Operations.
- Resolution No. 3988, Revised – Revisions to the FY 2010-11 FTA non-urbanized Area Formula (Section 5311) Program of Projects.
- Resolution No. 4005 – FTA Section 5310 Elderly and Disabled Specialized Transit Program FY 2009-10 and FY 2010-11 Regional Priorities.

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.

- Planning Committee Meeting Draft Minutes – April 8, 2011.
- Operations Committee Meeting Draft Minutes – April 8, 2011.
- Legislation Committee Meeting Draft Minutes – April 8, 2011.
- Administration Committee Meeting Draft Minutes – April 13, 2011.
- Programming and Allocations Meeting Draft Minutes – April 13, 2011.

Draft MTC Advisory Committee Minutes

Draft Advisory Committee minutes were presented for Commission information only.

- Minutes of the Policy Advisory Council Meeting – April 13, 2011.

COMMITTEE REPORTS

Programming and Allocation Committee - Kinsey

Upon the motion by Commissioner Kinsey and second by Commissioner Cortese the Commission unanimously approved the following item:

- Resolution No. 4008 – Regional Toll Credit Policy - Proposed regional toll credit policy establishing conditions and criteria for using Toll Credits in lieu of local matching funds for federally-funded projects.

Planning Committee – Spering

- Resolution No. 4006 – Final Committed Funds and Projects Policy for Plan Bay Area_ Approval of a final policy to determine which RTP projects and funds are subject to project-level performance assessment and discretionary action by the Commission.

Commissioner Spering advised that at the April 8, 2011 Planning Committee meeting, the vote favored Option 2 and asked Steve Heminger to review the proposed options. Mr. Heminger explained:

- **Option 1 – Environmental Certification:** *Project has a certified Environmental Impact Report (EIR) or Record of Decision for Environmental Impact Statement (EIS) by May 1, 2011.* Under this option, projects would be deemed committed upon certification of the environmental document. The rationale is that by the time a project has cleared the environmental phase, the project has been fully vetted with resource agencies and the community, and project scopes are fully defined and evaluated.
- **Option 2 – Construction:** *Project is under construction, as indicated by utility relocation, subsequent construction activities, or vehicle award by May 1, 2011.* The rationale for Option 2 is that projects in the region have often experienced significant cost increases and scope adjustments after achieving an environmental certification. Given this track record, it may be reasonable to reconsider the project based on a set of factors including project performance.

Commissioner Spering motioned to approve Resolution No. 4006 per the Planning Committee's recommendation to support Option 2. The motion was seconded by Commissioner Mackenzie.

Commissioner Haggerty expressed his interest in making a substitute motion immediately after receiving public comment.

Commissioner Rubin inquired as to how the projects under Option 2 will be evaluated. Mr. Heminger reminded the Commission that it previously adopted a series of performance targets as the basis for evaluation, to the extent possible, and subject to benefit cost analysis that will involve peer review from our partners.

Commissioner Campos requested clarity of the Planning Committee's reasoning for their recommendation.

Commissioner Spring referred to Commissioner Mackenzie's reasoning to support Option 2. Commissioner Mackenzie clarified that he felt that the Commission has set targets, indicators, and requirements (under SB375) towards meeting those established targets and additionally applying a benefit cost analysis. He further reiterated that he believed Option 2 is not a mechanism for making project decisions but provides the more comprehensive list of projects subject to evaluation.

Chair Tissier further explained her decision to support Option 2 in the Committee. She was concerned that Option 1 would automatically include sales tax projects.

Commissioner Halsted explained that she had intended to vote for Option 1 but believed Option 2 provides a greater opportunity to meet the 15% emission reduction goal.

The Commission received public comment from the following:

- Cat Nguyen, Vietnamese Voluntary Foundation, spoke in favor of Option 2.
- Lindsay Imoi, Urban Habitat, spoke in favor of Option 2.
- Wafaa Aborashed, Bay Area Healthy 880 Communities, spoke in favor of Option 2.
- Art Dao, Alameda County Transportation Commission, spoke in favor of Option 1.
- Laura Fultz Stout, American Lung Association, spoke in favor of Option 2.
- Paul Cohen, Northern California Carpenters, spoke in favor of Option 1.
- Ken Okie, International Union of Operating Engineers Local #3, spoke in favor of Option 1.
- Andy Slivka, Carpenters Union Local 713, spoke in favor of Option 1.
- William Nack San Mateo BTC, spoke in favor of Option 1.
- Andreas Cluver, Building Trades Council of Alameda County, spoke in favor of Option 1.
- Michael Quigley, California Alliance for Jobs, spoke in favor of Option 1.
- Scott Zengel, Bay Area Council, spoke in favor of Option 1.
- Azibuike Akaba, RAMP, spoke in favor of Option 2.
- John Coleman, Bay Planning Coalition, spoke in favor of Option 1.
- Linda Best, Contra Costa Council, spoke in favor of Option 1.
- Scott Petersen, East Bay EDA, spoke in favor of Option 1.

- Stephanie Reyes, Greenbelt Alliance, spoke in favor of Option 2.
- David Schonbrunn, TRANSDEF, expressed his desire for MTC to revisit past investment decisions.
- Sandra Galvez, spoke in favor of Option 2.
- Jerry Grace, spoke in favor of Option 2.
- Jeff Hobson, Transform, spoke in favor of Option 2.
- Andy Katz, Breath California, spoke in favor of Option 2.

Upon receiving public comment, Commissioner Sperring reiterated that we are not trading jobs for clean air and believes Option 1 will accelerate projects that will clean the air and SB375.

Commissioner Haggerty presented a substitute motion to approve Option 1 for Resolution No. 4006. The motion was seconded by Commissioner Green. After a roll call vote, the motion passed as follows:

Yeas by Commissioners Cortese; Dodd; Glover; Green; Haggerty; Liccardo; Mackenzie; Rubin; Sperring; Vice Chair Worth and Chair Tissier. Noes by Commissioners Bates. Campos; Halsted; Kinsey; and Mullin.

Legislation Committee – Rubin

Upon the motion by Commissioner Rubin and seconded by Commissioner Worth the Commission unanimously approved the support position on the following pending legislation:

- AB 1308 (Miller) – Support. This bill continues appropriation of transportation funds.

Upon the motion by Commissioner Rubin and seconded by Commissioner Worth the Commission unanimously approved the support position on the following pending legislation:

- Toll Evasion Reduction Legislation –
SB 125 (Emmerson) – Support. This bill increases penalties for Toll Evasion.

Upon the motion by Commissioner Rubin and seconded by Commissioner Halsted the Commission unanimously approved the support and seek amendment position on the following pending legislation:

AB 1215 (Blumenfield) – Support and Seek Amendments. This bill supports Electric Vehicle Registration.

Upon the motion by Commissioner Rubin and seconded by Commissioner Spring the Commission unanimously approved the support position on the following pending legislation:

- Transit Oriented Development –
 1. SB 310 (Hancock) – Support. This bill supports the Transit Priority Project Program.
 2. AB 31 (Beall) – Support. This bill supports the High Speed Rail: Master Plan Pilot Program.
 3. AB 485 (Ma) – Support. This bill supports Infrastructure Financing Districts for Transit Oriented Development.

Upon the motion by Commissioner Rubin and seconded by Commissioner Worth the Commission unanimously approved the support position on the following pending legislation:

- H.R. 995 (Carnahan) — Smart Technologies for Communities Act – Support. This bill provides Federal Funding for Intelligent Transportation System Projects.

PUBLIC COMMENT/ADJOURNMENT/NEXT MEETING

The Commission received public comment from the following:

- Jerry Grace expressed his concern with the economy and the ongoing business bankruptcies.

There being no further business or public comment, Commission Chair Tissier adjourned the meeting at 11:39 a.m. The next Commission meeting is scheduled for Wednesday, May 25, 2011 in Oakland, California.