



METROPOLITAN  
TRANSPORTATION  
COMMISSION

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**COMMISSION MEETING**

Wednesday, July 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 1:07 p.m. In addition to Chair Tissier, the following Commissioners were present: Vice Chair Rein Worth, Campos, Dodd, Giacopini, Glover, Green, Haggerty, Halsted, Kinsey, Liccardo, Mackenzie, Mullin, Sartipi, Spering and Wiener.

**CHAIR'S REPORT**

- Resolution No. 4029 – Creation of Bay Area Headquarters Authority.

Motion made by Commissioner Spering and seconded by Commissioner Halsted to approve Resolution No. 4029 as presented. Motion passed with Commissioners Green and Haggerty dissenting.

Chair Tissier advised that MTC recently received correspondence from the Bay Area Council asking the Commission to engage its partners along the Peninsula on the subject of California High-Speed Rail with a focus on gaining the needed consensus to move forward.

Chair Tissier articulated her support of high-speed rail service to connect the Peninsula to Los Angeles and other cities throughout California and believes it is a necessary step to ensure the economic vitality of the Bay Area. She expressed her frustration at the limited progress-to-date on making this vision a reality and continued by stating that a positive outcome is achievable; one that can provide attractive high-speed rail travel at sufficient speed and capacity, while also providing for a sustained Caltrain service.

Chair Tissier noted that the Commission has assisted California High Speed Rail at several key junctures, including actions to recommend a preferred Bay Area alignment and funding support for critical preparatory activities. She suggested the Commission be updated with regular reports through the Planning Committee, beginning with the Committee's September meeting. To accomplish this work, MTC would convene its partner agencies — including the California High-Speed Rail Authority and other interests on the Peninsula — to create a work plan of future actions needed to succeed in obtaining its objectives.

Johnnie F. Tinsley, Chair  
David Campos  
Rein Worth, Vice Chair  
Doreen M. Giacopini  
Tina Glover  
David Halsted  
Mullin  
Sartipi  
Spering  
Wiener  
Green  
Haggerty  
Liccardo  
Mackenzie  
Campos  
Dodd  
Glover  
Kinsey  
Mullin  
Sartipi  
Spering  
Wiener

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Chair Tissier indicated that she hopes these efforts will result in a tangible outcome by early 2012, with the goal of the High Speed Rail Authority restarting preliminary engineering work on the Peninsula corridor as soon as possible. MTC's immediate aim would be to identify a set of near-term projects and to complete engineering on them right away, while keeping the long-range vision for High-Speed Rail service constantly in mind.

Motion made by Commissioner Spering and seconded by Commissioner Halsted to request regular reports through the Planning Committee, to convene MTC partner agencies and create a work plan for needed future actions. Motion passed unanimously.

- Commissioner Wiener introduced Deborah Johnson, Acting Director of the SF Municipal Transportation Agency who pledged that they will be a more engaged partner with MTC and will work collaboratively with their representatives as regional issues arise.

## **POLICY ADVISORY COUNCIL REPORT**

Egon Terplan, Vice Chair reported on the Alternative Scenarios discussions at their meetings and recommended that equity needs to be incorporated, analyzed and included seriously across all the scenarios. He noted that the unconstrained Core Concentration Scenario will meet the Bay Area population growth target and will succeed in building housing in the region. In addition; the Council believes that the transportation alignment that will go with such a core concentration will also achieve equity goals.

He reiterated that if equity is not clear enough and not sufficiently included across all scenarios then it is appropriate to proceed with a sixth scenario. He explained that generally, there is a strong support of the core concentration scenario and it should be included as one of the scenarios that will be analyzed thoroughly.

Mr. Terplan noted that the Coouncil understands that this is a difficult process, and is seeking an increased transparency in the planning process. He asked for more tangible numbers about the planning assumptions and impacts on Green House Gas (GHG) reductions. Upcoming scheduled meetings provide sufficient time to for the Council to deliberate and provide feedback properly.

## **EXECUTIVE DIRECTOR'S REPORT**

Steve Heminger referred the Commission to the Executive Director's report. Copies of the report are available from the Executive Office or [www.mtc.ca.gov](http://www.mtc.ca.gov).

## **CONSENT CALENDAR**

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

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- Commission Meeting Minutes - June 22, 2011.
- Joint Commission/ABAG Administration Committee Minutes – June 22, 2011.

## **Programming and Allocations Committee**

- Resolution No. 3667, Revised, 3914, Revised, and 3833, Revised – Update on BART Warm Springs Line Track, Systems, and Station (LTSS) Project and Change in Allocation Conditions.
- Resolution No. 3691, Revised – Proposed allocation of approximately \$5 million in RM2 Capital funds for the Fairfield/Vacaville Intermodal Train Station project.
- Resolution No. 3950, Revised – FY 2010-11 Year-End Transportation Development Act Allocations of \$17.4 million.
- Resolution No. 3975, Revised – 2011 Transportation Improvement Program (TIP) Amendment 2011-09. Update to the TIP Revision Procedures including delegation of authority for Federal Statewide Transportation Improvement Program (FSTIP) administrative modifications; and 2011 Transportation Improvement Program (TIP) Amendment 2011-10.
- Resolution No. 4009 – Programming of FY 2011-12 5% State Unrestricted Funds and 2% Bridge Toll Revenues.
- Resolution No. 4012, Revised – Revisions to the New Freedom Cycle 4 Program Guidelines.
- Resolution No. 4027 – Proposed allocation of \$2 million of bridge tolls to the Transbay Joint Powers Authority (TJPA) for operations and maintenance of the Transbay Terminal Building.

## **Legislation Committee**

- Recommendation for Clean Fuels Grant Application.
- AB 1164 (Gordon) – Federal Transportation Funds & Proposition 1B.  
– Oppose Unless Amended.

## **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.*

- Administration Committee Meeting Draft Minutes – July 13, 2011.

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

## **Draft MTC Policy Advisory Council Minutes**

*Draft Policy Advisory Council minutes were presented for Commission information only.*

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

## **COMMITTEE REPORTS**

### **Administration Committee – Weiner**

Upon the motion by Commissioner Wiener and second by Commissioner Kinsey, with a no vote by Commissioner Green, the Commission approved the following items:

- Resolution Nos. 4023 and 4024 – Memorandum of Understanding for MTC Employee Salaries and Benefits beginning FY 2011-12 to FY 2014.

### **Programming and Allocations Committee - Kinsey**

- Resolution Nos. 3712, Revised, 3801, Revised, 3884, Revised, and 4022  
– Sonoma Marin Area Rail Transit (SMART) Project Hearing and Allocations.

Commissioner Kinsey advised that when the Committee met on July 13, 2011 they referred approval to the Commission of the SMART program amendments and allocations under a set of conditions. One condition stated that the Commission action would be deferred and revisited if a SMART staff report indicated that the project cost had increased above what was presented to the Committee on July 13th. He stated that we were in receipt of a staff report from SMART dated July 22, 2011 that includes a new cost estimate for the project of approximately \$400 million, up from the \$330 million presented at the Committee meeting. Therefore, Committee action on this item will be deferred to a future meeting.

Commissioner Kinsey added that the SMART staff report also recommends a funding strategy to keep the project fully funded at the higher cost. If the SMART Board approves a full funding plan and completes the necessary submittals for RM2 funding, a new public hearing will be scheduled before the Programming & Allocations Committee. This hearing will take comments on the new information approved by the SMART Board as early as September of this year. The Commission could then reconsider the RM2 program amendments and the funding allocations following Committee action.

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Commissioner Mackenzie advised that that the SMART Board of Directors was scheduled to meet on August 17, 2011.

Upon the motion by Commissioner Kinsey and second by Commissioner Glover, the Commission approved the following items:

- Resolution Nos. 3990, Revised, 4025 and 4026 – FY 2011-12 Fund Estimate Revision and allocation of \$77.8 million in Transportation Development Act (TDA) funds and \$18.0 million in State Transit Assistance (STA) funds to various claimants in the region.

### **Planning Committee - Spering**

Commissioner Spering advised that the MTC Planning Committee and ABAG Administrative Committee met on July 8, 2011 to further discuss the proposed equity-focused scenario and provided the following direction to staff: 1) Continue to meet with the equity advocates to get more clarification on the equity elements to be addressed in the scenarios; and 2) illustrate, within the five scenarios how staff will address those equity elements.

He asked MTC staff to report on these two items, and present its recommendations. Additionally, he reported that the ABAG Executive Board met on July 21, 2011, and took an action to modify Land Use Scenario #3, which is called the Focused Growth Scenario, to reflect the equity modifications as proposed by the equity advocates.

Ashley Nguyen, MTC Planning, presented information on recent actions made by the Commission, ABAG and the MTC Policy Advisory Council, proposed modifications to be made to Land Use Scenario #3, and the Core Capacity Transit Network, and next steps.

Commissioner Campos commended the recent public outreach efforts. He asked if any of the scenarios taken implemented transit funding cuts into consideration and what if the existing service baseline is reflective of today or a few years back.

Ms. Nguyen responded that in terms of the Transit Network assumptions, the baseline network is the existing 2010 Network. However, as development of transit networks to support the land use patterns that will occur over the next 20 years, steps will be taken to make improvements and monitor those areas where we believe there is high growth and its needs transit service to make that area work.

Commissioner Campos believes that we should use the 2005 network as the number of cuts that have been made have left us in a current insufficient position to address the region's transportation needs. Mr. Heminger responded that federal law requires us to use the most recent planning assumption which is the 2010 network.

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Commissioner Mackenzie inquired if the modified core capacity transit network implies that we are only pursuing constrained options. Mr. Heminger responded that although we all want to see more transit service, the law requires the plan that we ultimately have a reasonable financial assumption.

Commissioner Liccardo referenced a 10% Revenue Assumption increase from the presentation and asked what anticipated funds we are expecting beyond the sales tax reauthorization and bridge tolls, once these funds are received, are whether they are allocated for capital or operating purposes. Mr. Heminger explained that we consistently underestimated the amount of revenue using known funding sources but never estimated revenue from unknown sources such as the passing of the Federal Stimulus Bill and California's Proposition 1B, which were captured and spent -- these funds are allocated for capital purposes.

Commissioner Wiener expressed his concern that if we are focusing growth outside of PDAs in the equity scenario, it will lead to increased demand for transit service expansion at the expense of existing transit services and systems.

The Commission received public comment from the following:

- Shiela Gunn Cushman, Transit Dependent Rider, agreed with the Policy Advisory Committee comments and requested that Americans with Disabilities Act (ADA) requirements be a focus in decision making.
- Parisa Fatehi-Weeks, Public Advocates, spoke in favor of the modifications to the Land Use #3 Scenario and that a 10-20% increase be implemented on the existing network to 2005 transit service levels.
- Shiela Lumford, ACCE, spoke in favor of the modifications to the Focus Growth Scenario.
- Michael Alexander, Genesis, asked that transit services on the existing network be increased by 10% above 2005 levels.
- Dr. Bette Ingraham, Genesis, believes that social justice should be a love letter that is written to the next generation and choosing to write it well or not so well will have a big impact on our children and our childrens' children.
- Carmen Angelondretti, homeless advocate, BOSS, ACCE spoke in support of the modifications to the equity scenario.
- Alia Phelps, ACCE, expressed that she wants reliable public transit services when needed.

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- Nathaniel Jonathan Arnold, Local 192 and Genesis, asked the Commission to consider the decisions that will be made as they will directly affect the disabled community -- too many cuts have already been made which is devastating to all public ridership.
- V Virtuous, Genesis, is in favor of decisions that will benefit his community.
- Joanna Jones, Transportation Equity Alliance of Marin spoke in support of the modifications to Land Use Scenario #3.
- Lindsay Imai, Urban Habitat spoke in favor of the modifications to the Land Use #3 Scenario and requests that a 10-20% increase to 2005 transit service levels be considered.
- Gayle Theard, Marin Grassroots, asked for the results of the analysis in terms of how each transportation system will perform if you have the same funding levels as we do today vs. 10% more transit dollars vs. 20% transit operation money. She also asked how project level performance results will be utilized to decide which capital expansion projects to include in each scenario and how important considerations such as social equity are and cost effectiveness weighed. Commissioner Spering referred Ms. Theard to Ms. Nguyen.

Upon the motion by Commissioner Spering to approve staff recommendations to (a) ratify the ABAG Executive Board's modifications to Land Use Scenario #3, and (b) approve staff to move forward with the modifications to the Core Capacity Transit Network as presented, and second by Commissioner Halsted, the Commission approved the motion unanimously.

Commissioner Mackenzie commended staff for their work and believes the modifications and combination of other data presented successfully addresses previous concerns.

## **Legislation Committee – Tissier**

Chair Tissier presented the Legislation Committee report for Commissioner Haggerty who had to leave the meeting by this time. Chair Tissier advised that under current law, creation of an Infrastructure Financing District or IFD, and issuance of bonds backed by IFD revenue, requires voter approval by a two-thirds margin of the voters residing within the IFD. SB 214 (Wolk), SB 310 (Hancock) and AB 485 (Ma) seek to eliminate the voter approval requirement. The Legislation Committee requested that staff develop legislative principles for MTC's advocacy efforts in the event that a conference committee is formed to combine the various bills into one final bill.

MTC Senior Legislative Analyst, Rebecca Long, presented and explained the proposed Legislative Principles for Infrastructure Financing Districts.

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Upon the motion by Commissioner Tissier and second by Commissioner Glover, the Commission unanimously approved the adoption of the Principles.

### **PUBLIC COMMENT**

The Commission received public comment from the following:

Jerry Grace commented on Social Security benefits and the opening of the Sonoma County Fair in Santa Rosa.

Clarence Fischer, Disabled Community, expressed his frustration with the delay of the implementation of the Clipper<sup>®</sup> attendant card.

Adina Levin, Friends of Caltrain, expressed her appreciation of Commissioner Tissier and her earlier remarks to engage MTC partners along the Peninsula on the subject of California High-Speed Rail with a focus on gaining the needed consensus to move forward.

### **OTHER BUSINESS/ADJOURNMENT**

There being no further business, Commission Chair Tissier adjourned the meeting at 1:59 p.m. in Memory of Jane Baker, Former MTC Commissioner and Chair, who passed away on July 1, 2011. The Commission observed a moment of silence and conveyed their condolences to the Baker family. The next Commission meeting is scheduled for Wednesday, September 28, 2011 in Oakland, California.

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Adrienne J. Tissier, Chair