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Policy Advisory Council  
September 6, 2011  
**Draft Minutes**

Chair Dolly Sandoval called the meeting to order at 1:34 p.m. and introduced Lila Toleafoa, new Council secretary. Members in attendance were Naomi Armenta, Cathleen Baker, Paul Branson, Richard Burnett, JoAnn Busenbark, Carlos Castellanos, Wilbert Din, Richard Hedges, Linda Jeffery Sailors, Randi Kinman, Federico Lopez, Cheryl O'Connor, Frank Robertson and Egon Terplan. Excused: Bena Chang, Allison Hughes, Dolores Jaquez, Yokia Mason, Tanya Narath, Tina King Neuhausel, Kendal Oku and Gerald Rico. Absent: Sandi Galvez, Marshall Loring, Evelina Molina, and Lori Reese-Brown.

**Public Comment**

There was no public comment.

**Express Lane Network Authority**

Andrew Fremier, MTC Deputy Executive Director Operations, gave a presentation on the Express Lane Network Authority MTC may seek from the California Transportation Commission (CTC) later this year. He commented that the region already has High-Occupancy Vehicle (HOV) lanes that MTC is seeking to convert to High-Occupancy Toll (HOT or Express) lanes. In addition, there are already some HOT lanes in use in the region. However, the current proposal is for conversion of HOV lanes that will result in a much smaller network than originally planned.

The Council asked a variety of questions, including whether there are fees for carpoolers in the Express Lane Network; whether there might be public/private funding; whether profit from the network can and will be used to fund transit; whether the lower revenues beyond jobs and housing has anything to do with where tolls are set; whether there will be fees charged on the weekends; clarification on the goals of an Express Lane Network and whether it helps reduce vehicle miles traveled; and whether a "day pass" might be developed for those not from the area or in rental cars.

The Council made the following comments and observations:

- Drivers should be assured that there will be a consistency of enforcement of the use of the lanes.
- The project has no benefits for low-income drivers.
- There is no money assured for transit (the network is very expensive to build).

### **Express Lane Network Authority (continued)**

- Expanding lanes at the edge of the region does not address the issue of HOV-congested lanes in the inner corridor
- The lanes will induce driving demand (it will not reduce vehicle miles traveled)
- The plan precludes three obvious alternatives:
  - Expanding the hours of operation for HOV lanes
  - Creating HOV lanes out of existing regular lanes
  - Precludes the ability to move towards full lane pricing (where everybody pays and fees apply to all drivers equally)
- When the HOT lane was built on 580 through Livermore, the BART Right-of-Way was used with the promise that any revenues generated in that area would be used to buy back the BART Right-of-Way. People in that area are expecting to use any funds to purchase back the BART Right-of-Way, and they will likely be upset at any suggested change to that plan.
- Would like to see HOV lanes in the 101 corridor.
- Several members of former MTC advisory committees were concerned about the equity of this project and therefore did not support it. The projected revenues were also questions at that time.
- Would like to see the data that supports the statement that communities across the board are benefitting from these toll lanes.
- Would like to see policies developed first – especially related to the use of any revenue – before this project moves forward.

A motion was made by JoAnn Busenbark and seconded by Rich Hedges to support MTC's recommendation to submit an application to the CTC. Upon vote, the motion failed with 5 ayes, 9 nays and 1 abstention.

A second motion was made by Randi Kinman and seconded by Linda Jeffery Sailors to send a memo to the Planning Committee stating the Council does not support MTC going forward with the application at this time. The motion was passed with 13 aye votes and 2 nays. In addition, the Council decided to include the following statements and concerns to the Planning Committee:

- Previous discussions between former advisors and MTC staff focused on raising transit revenues through the Express Lane Network as a means of mitigating the inequity; now staff is saying the expectation of excess revenue from express lanes is not likely, and if there is excess revenue then use of those funds is negotiable and will be determined in the future.
- Since the only low-income means of accessing the lanes would be through carpools, there needs to be assurance that future HOV requirements are not increased so high so that the only way to use the lane is to pay for it.
- Commuters of lesser means will be priced out of using the very lanes they paid taxes to build; this is not equitable.
- There appears to be an inability to include express lanes throughout the Peninsula and San Mateo County, even though there appears to be a need. The inclusion of an express lane network in less affluent counties but not in higher income areas appears inequitable.

### **Express Lane Network Authority (continued)**

- There are no Project Performance Assessment results for an Express Lane Network yet. Given that the Council has spent many months discussing Plan Bay Area, it seems prudent to determine what the impact of additional express lanes would be on vehicle miles traveled and greenhouse gases associated with driving, as well as other targets.
- The network could induce a greater demand for overall driving and the use of roads, particularly in light of the statement that one of the goals of the express lane network is to create more capacity in non-priced lanes.

### **Update on Proposed MTC/BATA Office Relocation**

At the request of the Council at their meeting last month, Teri Green, MTC Director of Administrative and Technology Services, gave a report on the original proposal to relocate the MTC offices to 390 Main Street in San Francisco. Four of the main issues that have since surfaced in public discussions include:

- Use of toll funds to purchase the building
- The cost of the building - \$180 Million
- Is the price fair?
- The accessibility of the building

The Council asked a number of questions including why a move is necessary and who will benefit from it; how a potential move would benefit the overall mission of MTC; how the agency staff would be affected; whether all of the issues will be resolved prior to the acquisition of the property; and how a final decision by ABAG not to move to San Francisco might affect MTC's ultimate decision.

In addition, the Council had the following comments on the proposal:

- For many people who will be visiting the new building, it will add an extra leg to their transit trip.
- The employment of toll fees for real property ("creative financing") is very dangerous.
- The proposed location presents severe challenges of accessibility.
- The proposed move doesn't benefit anyone and will have a negative impact.
- Decisions should not have been made without hearing from individuals who will be affected.
- In an MTC study from several years ago regarding social and health services, MTC concluded that we do need to look at accessibility of transit before any property deal; property issues should come second to social and health issues.
- Policy discussions should have occurred before any standards were set regarding the property search and before the vote.
- Regarding the alternative solution of MTC maintaining more than one facility, having separate buildings would raise costs and doesn't provide the public with one location at which to hold demonstrations if need be.
- MTC should provide information to the public on how long it takes to get to the building from any means of transit (walking, BART, bicycling, train, etc.)
- Concerns were expressed about the audit being done by Senator DeSaulnier.

### **Update on Proposed MTC/BATA Office Relocation (continued)**

Ms. Green reminded the Council that an ad hoc subcommittee will present their recommendations to the Joint MTC/BATA Commission within 60 days, which is October 17<sup>th</sup>.

Chair Sandoval suggested, on behalf of the Council, that the ad hoc subcommittee present their recommendations at the October Commission meeting, so that the Council can have a chance to discuss this issue again at their October meeting.

### **Staff Liaison Report**

As we go forward with our SCS RTP Plan in the fall, MTC and ABAG have partnered with UC Berkeley to develop a tool to help people see a 3-D view of what projected growth might look like around the region. Ms. Grove commented that staff is hoping to have the Council preview this tool on September 14<sup>th</sup> and will send further information as the date is finalized.

### **Council Member Reports**

Mr. Terplan mentioned a 3-4 minute video he and others produced about how there has been no new added capacity between SF and the East Bay since the BART tube opened. He can send a link to the Council.

Mr. Robertson asked when was the last time MTC had a management audit; he stated he would like a copy of it. He also asked how many lawsuits have been filed against MTC in the last five years. Chair Sandoval asked Ms. Grove to follow up with Mr. Robertson's requests.

Ms. Busenbark announced the September 28<sup>th</sup> groundbreaking for a new transit center in Napa County and invited members to attend. She will send more information via email.

### **New Business**

Chair Sandoval expressed her gratitude to the Council for their willingness to change their schedules to accommodate the last minute change in the meeting date. She suggested the Council consider changing its regular meeting date from the second Wednesday of the month to the first Wednesday of the month in order to ensure the Council's input prior to the monthly Planning Committee meeting. She asked the Council to review their schedules so they can discuss the proposed date change at the October Council meeting.

Mr. Lopez expressed his appreciation to the MTC staff in their timely handling of the last minute meeting changes.

### **Adjournment/Next Meeting**

The meeting was adjourned at 3:54 p.m. The next Policy Advisory Council meeting is scheduled for October 12, 2011 in the MTC Auditorium, Joseph P. Bort MetroCenter, Oakland, California.