



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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James P. Spering
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Scott Wiener
San Francisco Mayor's Appointee

Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

COMMISSION MEETING

Wednesday, September 28, 2011

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

MINUTES

ATTENDANCE

Vice Chair Rein-Worth called the meeting to order at 12:05 p.m. In addition to Chair Tissier and Vice Chair Rein-Worth, the following Commissioners were present: Commissioners Azumbrado, Bates, Campos, Cortese, Dodd, Giacomini, Glover, Green, Haggerty, Halsted, Kinsey, Liccardo, Mackenzie, Mullin, Sartipi, Spering, and Wiener.

CHAIR'S REPORT

- **Resolution No. 4039** – Creation of Bay Area Headquarters Authority. This resolution authorizes the formation of the Bay Area Headquarters Authority (BAHA), a Joint Powers Authority comprised of Bay Area Toll Authority (BATA) and MTC to develop, plan and acquire office space and facilities and undertake related activities to acquire office space and facilities and undertake related activities to acquire a regional headquarters office facility. Resolution No. 4039 also acknowledges and approves certain related actions by the BATA and BAHA.

Motion made by Commissioner Spering and seconded by Commissioner Halsted to approve Resolution No. 4039 as presented. Motion passed with the 10 yes votes by Commissioners Campos; Dodd; Halsted; Kinsey; Liccardo; Mackenzie; Mullin; Spering; Tissier and Wiener and 6 noes by Bates; Cortese; Glover; Green; Haggerty; and Rein Worth.

POLICY ADVISORY COUNCIL REPORT

Marshall Loring presented the Policy Advisory Council Report and advised that in August a special meeting was called to review the One Bay Area grant proposal and while Council did not submit a memo, he noted that they did vote in favor of supporting staff's recommendation of a 70% allocation of STP/CMAQ funds in Priority Development Areas. At their September meeting, the Council expressed their concern with the Express Lane proposals as they believe it will be very costly and the likelihood that there will not be any excess revenue from the network to add funding for transit. The Council was also concerned about the lack of a policy justification in the presentation of the need for additional express lanes. Mr. Loring stated that ultimately the Council voted not to support MTC going forward with the application process and felt there were potential issues of inequity and believed

that the issue to find new revenues for transit from an Express Lane system should be addressed first.

Additionally, Mr. Loring reminded the Commission that they were not able to provide input in the deliberation on the proposed joint regional agency co-location facility prior to the July 27 vote. Mr. Loring also advised of their dissatisfaction because although staff provided a briefing with more in-depth information and Council understood there would be a report presented within 60 days, they requested that it be submitted in October to allow time to provide input and noted that they were unable to weigh in on this issue yet again.

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.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT CALENDAR

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

- Commission Meeting Minutes – July 27, 2011.
- Joint MTC/BATA Meeting Minutes – July 27, 2011.
- Special Commission Meeting Minutes – August 17, 2011.
- Special Joint MTC/BATA Meeting Minutes – August 17, 2011.

Administration Committee

- Resolution No. 4034 – Adopting MTC's Local Annex to the San Francisco Bay Area Local Hazard Mitigation Plan.

Programming and Allocations Committee

- Resolution No. 3888, Revised – Revisions to the American Recovery and Reinvestment Act (ARRA): FTA Section 5311 (Non-urbanized) Program.
- Resolution No. 3975, Revised – 2011 Transportation Improvement Program (TIP) Amendment 2011-13.

- Resolution No. 3990, Revised – FY 2011-12 Fund Estimate Revision.
- Resolution Nos. 4004, 4025, Revised, 4026, Revised and 4032 – Allocation of \$7.1 million in Regional Measure 2 (RM2), \$59.4 million in Transportation Development Act (TDA) funds, \$42.1 million in State Transit Assistance (STA) funds and \$29.2 million in AB 1107 funds to various claimants in the region.
- Resolution No. 4007, Revised – FY 2011-12 State Transit Assistance (STA) Regional Discretionary Program.
- Resolution No. 4009, Revised – Programming of FY 2011-12 5% State Unrestricted Funds and 2% Bridge Toll Revenues to WETA for Ferry service.

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 – September 9, 2011.
- Operations Committee Meeting Draft Minutes – September 9, 2011.
- Legislation Committee Meeting Draft Minutes – September 9, 2011.
- Administration Committee Meeting Draft Minutes – September 14, 2011.
- Programming and Allocations Meeting Draft Minutes – September 14, 2011.

Draft MTC Advisory Committee Minutes

Draft Advisory Committee minutes were presented for Commission information only.

- Policy Advisory Council Meeting – August 10 and September 6, 2011.

COMMITTEE REPORTS

Administration Committee - Cortese

Upon the motion by Commissioner Cortese and seconded by Commissioner Sperring the Commission unanimously approved the following item:

- Resolution No. 1198, Revised – MTC's Conflict of Interest Code - Approves MTC's conflict-of-interest code, which has been updated and approved by the FPPC this year in order to accurately reflect the most current designated positions in MTC's organizational structure since November 2002, and applies the new standardized disclosure categories for transit agencies.

Upon the motion by Commissioner Cortese and seconded by Commissioner Spring the Commission unanimously approved the following:

- Resolution No. 3769, Revised – Amends MTC’s Joint Exercise of Powers Agreement with BATA to provide for the Bay Area Infrastructure Financing Authority (BAIFA) to participate in developing and operating a high-occupancy toll facility in the Bay Area.

Programming and Allocation Committee - Kinsey

- Resolution Nos. 3712, Revised, 3801, Revised, 3884, Revised, and 4022 – Sonoma Marin Area Rail Transit (SMART) Project Allocations.
 - i. Proposed Amendment to the Regional Measure 2 (RM2) Program.

In accordance with the provisions in California Streets and Highways Code Section 30914(f), staff proposed to modify the project scope for RM2 project #10, the Sonoma Marin Area Rail Transit (SMART) project, to include the segment from San Rafael to Santa Rosa, and to reassign \$1.5 million in funding from Project #11 (Greenbrae Interchange/Larkspur Ferry Access Improvements) to Project #10 (SMART). Resolution No 3801, Revised.
 - ii. Proposed programming and allocation of funds to the SMART project for design and construction:
 - a. Revision to the State Local Partnership Program (SLPP) to program \$5 million. Resolution No. 3884, Revised.
 - b. Allocation of \$23.1 million in RM2 funds. Resolution No. 3712, Revised.
 - c. Programming and allocation of \$5 million in bridge toll funds. Resolution No. 4022.

The Commission received public comments from the following:

- Andy Peri, Marin County Bicycle Coalition - expressed total support in favor of the resolutions.

After receipt of public comment and upon the motion by Commissioner Kinsey and seconded by Commissioner Cortese the Commission unanimously approved Resolution Nos. 3712, Revised, 3801, Revised, 3884, Revised, and 4022.

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

- Resolution Nos. 3914, Revised, and 3682, Revised – Proposed allocation of \$27.1 million in AB 1171 Capital funds, and a rescission and allocation of approximately \$1 million in RM2 Capital funds. The Contra Costa Transportation Authority (CCTA) & the Bay Area Rapid Transit (BART) requested \$27.1 million towards construction and construction management activities for the integration of eBART median structures into Caltrans/CCTA SR 4 contract segments and to accommodate eBART in the median. MTC requested rescissions totaling approximately \$1 million from prior allocations to the Clipper® project and a reallocation of the same to other Clipper® activities.

Upon the motion by Commissioner Kinsey and seconded by Commissioner Spering the Commission unanimously approved the following:

- Resolution No. 3925, Revised – Surface Transportation Program/Congestion Mitigation and Air Quality Improvement (STP/CMAQ) First Cycle Programming Revision. It was proposed to use additional FY 2010-11 apportionment to advance \$18 million in Cycle 2 programming within the existing New Transportation Act STP/CMAQ Program framework. This action increased programming in First Cycle and reduced commitments in Second Cycle by an equal amount.

The Commission received public comments from the following:

- Andy Peri, Marin County Bicycle Coalition and the Bay Area Bicycle Coalition - expressed his support for staff's recommendations.

After receipt of public comment and upon the motion by Commissioner Kinsey and seconded by Commissioner Spering the Commission unanimously approved Resolution No. 3925, Revised.

Commissioner Liccardo noted that since he is not aware of some of the programs that exist in one city and not the other, he suggested that staff provide the Commissioners with an explanation as to what the program is about, what it does and note from where the monies are being moved.

Committee Chair Kinsey advised that two elements of the policies – the schedule and the fund estimate were inadvertently omitted in the Commission mailing but were distributed during the meeting. He further noted that there were no substantive changes to these items since referral to the Committee.

Upon the motion by Commissioner Kinsey and seconded by Commissioner Glover the Commission unanimously approved the following:

- Resolution No. 4028 – 2012 RTIP Policies and Procedures – Adopts the policies and procedures for the 2012 Regional Transportation Improvement Program.

Planning Committee – Spering

- Resolution No. 4030 – Express Lane Network Authority. Committee Chair Spering stated that this Resolution authorizes MTC to submit an application to the California Transportation Commission (CTC) as a regional transportation agency pursuant to Streets and Highways Code Section 143(a)(4)(D) to develop and operate high-occupancy toll lanes (Express Lanes) in the Bay Area, consistent with California Streets and Highways Code Section 149.7.

Andrew Fremier, MTC Deputy Executive Director, Operations referenced the distributed memorandum and noted that one change was made at the CTC's recommendation. The Planning Committee authorized Bay Area Infrastructure Financing Authority (BAIFA) to submit an application. Mr. Fremier noted that the CTC felt more comfortable if MTC had the authority to develop and implement an express lane facility on portions of I-80, I-880, I-680 and the Dumbarton and San Mateo-Hayward bridge approaches pursuant to California Streets and Highways Code Sections 143(a)(4)(D) and 149.7. He further explained that under existing law, either a regional transportation planning agency (RTPA) such as MTC or a joint exercise of powers authority (e.g., BAIFA), with the consent of its RTPA, can apply to the CTC for such authority.

Commissioner Kinsey requested a through analysis be conducted as to whether the Express Lane Network program addresses our climate change and our equity issues adequately and wants assurance that over the course of time that this application is being processed there will be an opportunity for the Commission and the public to look into those matters.

Commissioner Bates requested a transparent process which fully integrates and expands the express buses, van pools and car pools to maximize the benefit for everyone in the region. Additionally, he requested that the affect on the low income population and SCS targets and the commitment to reduce Green House Gas Emissions be further analyzed.

Mr. Heminger noted that there are two points before the Commission; first, there is a deadline on the application to the CTC to be granted authority to get a network; their authority to grant that authority (which expires at year end so action must be taken today) and secondly, there is the Commission's deliberation once authority is granted as to how widely to deploy it.

Commissioner Kinsey noted his appreciation that the Commission and Staff recognize that further analysis is required and these issues will be brought back to the Commission for further discussion.

Commissioner Mackenzie agreed with both Commissioner Bates and Kinsey.

The Commission received public comment from the following:

- Amy Petre Hill, Unitarian Universal Legislative Ministry of CA – expressed her concern with the processes taken and commented that if this group wants to be inclusive it needs to be consistent.
- Michael Diehl, Building Opportunities for Self Sufficiency (BOSS) Community Organizer – expressed his concern and frustration with the current transit system.
- Jeff Hobson, Transform – requested more than a verbal commitment to the express lane process as he believes that there has not been any public planning process.
- Tony Sustak, Richmond Progressive Alliance – noted that the proposal would likely drain funds as opposed to generate funds and is race biased.
- Parisa Fatehi Weeks, Public Advocates – believes the proposal lacks public involvement and support and noted the Policy Advisory Council opposition to it. Additionally, she believed it lacks a meaningful assessment regarding low income drivers and residents of color in the Bay Area.
- Margaret Browne, Richmond resident – does not support the proposal as it will impact low income drivers.
- Lindsay Imai, Urban Habitat – expressed concerns and reservations of the approval of the proposal as it should not be rushed and needs further analysis and will impact low income communities and communities of color.

Commissioner Haggerty understood the time line but asked if the proposal could be amended to include “engage in a public process upon approval”.

Mr. Heminger noted that we need an unconditional action today to apply for this authority and if that action is conditioned on something else then we really haven’t applied. He preferred that the application be unfettered which allows the CTC to debate it and they can grant the authority or not. Once this action is determined then, should the Commission want, could refer continuing action to the Planning Committee.

Commissioner Spring reminded everyone that this was the beginning of the process and assured that there would be many opportunities for the Commission as well as the public to analyze these issues further.

After receipt of public comment and upon the motion by Commissioner Spring seconded by Commissioner Green the Commission unanimously approved Resolution 4030.

Legislation Committee – Haggerty

- Resolution No. 4031 – TIGER III: Proposed Projects for Grant Funds.

The Commission received public comments from the following:

- Andy Peri, Marin County Bicycle Coalition - expressed his support in favor of the resolution.

After receipt of public comment and upon the motion by Commissioner Haggerty and seconded by Commissioner Bates the Commission unanimously approved Resolution No. 4031.

Upon the motion by Commissioner Haggerty and seconded by Commissioner Bates the Commission unanimously approved the support position on the following pending legislation n:

- H.R. 2412 (McGovern) – S. 1034 (Schumer): Commuter Benefit Equity Act of 2011.

PUBLIC COMMENT/ADJOURNMENT/NEXT MEETING

The Commission received public comment from the following:

- Jerry Grace – Requested additional information regarding the Clipper[®] program.

There being no further business or public comment, Commission Vice Chair Rein Worth adjourned the meeting at 12:43 p.m. The next Commission meeting is scheduled for Wednesday, October 26, 2011 in Oakland, California.

Adrienne J. Tissier, Chair