



**METROPOLITAN  
TRANSPORTATION  
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*Amy Rein Worth, Vice Chair*  
Cities of Contra Costa County

*Tom Azumbrado*  
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and Urban Development

*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. Giacopini*  
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  
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*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

*Bijan Sartipi*  
State Business, Transportation  
and Housing Agency

*James P. Spering*  
Solano County and Cities

*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, October 24, 2012

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

## **MINUTES**

### **ATTENDANCE**

Chair Tissier called the meeting to order at 10:40 a.m. In addition to Chair Tissier the following Commissioners were present: Bates, Campos, Cortese, Dodd, Giacopini, Glover, Green, Haggerty, Halsted, Kinsey, Liccardo, Mackenzie, Mullin, Rein Worth, Spering, and Wiener.

### **CHAIR'S REPORT**

Chair Tissier thanked everyone who attended the MTC transportation awards ceremony earlier in the morning as well as staff and those on the jury who worked on selecting all the awards recipients.

Chair Tissier informed the Commission that on October 10<sup>th</sup> Commissioners Cortese, Dodd, Mackenzie and she attended the exit interview conducted by PricewaterhouseCoopers. They reviewed the:

- MTC financial report for June 30, 2012;
- Single Audit A-133 report on federal funding;
- BAIFA and BAHA financial statements; and
- Management comments on internal controls.

Chair Tissier stated that the auditors reported that their audit opinion is unqualified and they found no material weaknesses or questioned costs in internal controls. She noted that a copy of the MTC financial report had been mailed to each Commissioner.

### **POLICY ADVISORY COUNCIL REPORT**

Dolly Sandoval presented the Policy Advisory Council report. Ms. Sandoval highlighted the Policy Advisory Council 2012-13 Work Plan and indicated the Council's support with the time line presented for the ongoing Plan Bay Area.

## **EXECUTIVE DIRECTOR'S REPORT**

Andrew Fremier, Deputy Executive Director, Operations presented the Executive Director's report to the Commission in Steve Heminger's absence, who is attending the ITS World Congress in Vienna. Copies of the report are available from the Executive Office or [www.mtc.ca.gov](http://www.mtc.ca.gov).

## **COMMISSIONERS COMMENTS**

There were no Commissioner comments.

## **CONSENT CALENDAR**

Chair Tissier indicated that she was requested to pull Resolution No. 4035, Revised from the Consent Calendar. Upon the motion by Commissioner Kinsey and second by Commissioner Spring the Commission unanimously approved the following remaining items on the Consent Calendar:

- Commission Meeting Minutes – September 26, 2012.

## **Programming and Allocations Committee**

- Resolution No. 3664, Revised – Proposed allocation of approximately \$3.7 million in Regional Measure 2 (RM2) funds.
- Resolution Nos. 3880, Revised and 3814, Revised – Proposition 1B Transit: Program update to include fund transfers.
- Resolution Nos. 4061, Revised, and 4062, Revised – Allocate FY 2012-13 Transportation Development Act (TDA) funds and State Transit Assistance (STA) funds to SamTrans, BART, and CCCTA.

Chair Tissier asked Alix Bockelman, Director of Programming and Allocations Section, to provide a brief description of the revisions to Resolution No. 4035 recommended by the Programming and Allocations Committee. Ms. Bockelman indicated that there were three proposed revisions. The first is an update to the PDA Investment and Growth Strategy, the Commission previously directed staff to work with the congestion management agencies when the One Bay Area Grant Program (OBAG) was approved in May; and the proposed changes reflect the discussions with the CMAs. The second is an update to the funding by county to reflect the final Regional Housing Needs Assessment (RHNA) numbers that were approved by ABAG. The third amends specific projects for the regional freeway performance initiative program, and projects in Solano County and one in Santa Clara County based on their respective project selection processes.

The Commission received public comment from the following individuals:

- Bob Macaulay, Director of Planning, Solano Transportation Authority – indicated that the CMA directors support the Committee’s recommendations.
- Martin Engelman, Contra Costa Transportation Authority – indicated support and use of a compliance checklist for CMAs.
- Sam Teperman-Gelfant, Public Advocate – referred the Commission to a letter sent by Public Advocates and urged the Commission to share the proposed changes with advisory groups to allow feedback and public discussion and to defer action on revisions until next month’s Commission meeting.
- Sandy Wong, San Mateo CCAG – spoke in support of the Committee’s recommendations on Resolution No. 4035.
- Tess Lengyel, Alameda County Transportation Commission – spoke in support of the Committee’s recommendations on Resolution No. 4035.
- Bob Allen, Urban Habitat – spoke in support of a letter sent by Public Advocates urging the Commission to allow time for public comment and to defer action until next month’s Commission meeting.
- Dolly Sandoval, Individual – encouraged MTC to consider and take into account the production and allocation of housing and affordable housing when disseminating the OBAG monies. She expressed concern about the recommended changes and recommended that the CMAs be accountable for their fair share of housing.
- Linda Jackson, Transportation Authority of Marin – spoke in support of the proposed changes recommendations on Resolution No. 4035.

Commissioner Spring indicated that in May of 2012 during the Joint MTC and ABAG meeting there was a motion to shift \$70 million from the proposed Regional Smart Driving Program to Priority Development Area (PDA) implementation and to direct MTC staff to work with CMAs and ABAG to make this change. He indicated that the purpose of the motion was for these funds to be used for the start-up assessment and implementation of PDAs in each of the nine Bay Area counties, so that they could move forward with the planning. The \$70 million proposed for PDA implementation is not available in the current OBAG cycle, but a \$40 million Regional PDA Planning fund is potentially available. Commissioner Spring proposed that \$20 million of the \$40 million in regional PDA planning program be redirected to the CMAs as part of the OBAG cycle 2012-16 to move PDAs forward. The PDA projects would be developed through a specific PDA work plan by each of the CMAs in consultation with ABAG and MTC. He further recommended that the \$20 million in PDA implementation program funds be allocated to each CMA using the RHNA/OBAG formula that includes the hold harmless provision that no county would receive less than \$750,000, this adjustment would only affect Marin and Napa counties. Commissioner Spring indicated that this proposal is significant in providing assistance to assist cities at a time when many of the planning staff have been cut back and redevelopment funding has been eliminated.

Commissioner Haggerty indicated his support of the proposal.

Commissioner Green suggested that he would consider increasing the amount to the CMAs \$30 million/\$10 million split.

Commissioner Kinsey indicated his support of Commissioner Spring’s recommendation.

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Commissioner Liccardo asked for clarification of the proposal and asked that the Commission defer action to allow further evaluation and have staff input.

Commissioner Bates spoke in support of Commissioner Liccardo's recommendation to defer action for one month in order to have discussion on the proposed recommendation.

Commissioner Bates moved to defer action on Commissioner Spring's proposal for one month in order to allow for further review and public input. Commissioner Wiener seconded the motion. He also offered a recommendation that the funding go to the City Planning department in San Francisco, if Commissioner Spring's proposal moved forward, instead of to the San Francisco CMA.

Commissioner Dodd commented that he would support moving forward with Commissioner Spring's proposal.

Commissioner Campos indicated that he supports deferral of action for additional time. He expressed his disagreement with Commissioner's Wiener's recommendation that the funds go to the SF City Planning Department instead of to the CMA.

Commissioner Mullin asked for clarification of Commissioner's Spring's proposal as to whether the \$20 million is coming out of a planning pot of \$40 million that could not be allocated for some other use? Commissioner Mullin asked if this is designated planning money and if it was a matter of timing to allocate this money.

Ann Flemer, Deputy Executive Director, Policy, clarified that the current OBAG policy includes the \$40 million for a regional program for PDA planning and that was always intended to support local jurisdictions. The purpose of that program is three fold: additional investment to the Affordable Housing Fund for purposes of supplementing the fund that had leveraged private sector investment in affordable housing on a 4 to 1 basis; the second was to provide local jurisdictions additional planning assistance as a continuation of the station area planning program; and the third was to provide planning staff support directly to local jurisdictions. What is being proposed today is to re-direct half of the funding from those purposes, with the CMAs assuming the planning function for the PDAs. Ms. Flemer expressed that existing policy has those three elements and there would need to be an adjustment to the program if it were reduced from \$40 million to \$20 million.

Commissioner Mackenzie expressed his support of Commissioner Spring's proposal.

Commission Chair Tissier indicated that she is inclined to allow for more time to be able to review the proposal, for staff to provide input and to have a better understanding of what the proposal would do to the various elements of the OBAG program.

Commissioner Spring moved a substitute motion, seconded by Commissioner Haggerty, to allocate \$20 million under the terms he proposed for implementation of the PDA planning process with the funding formula offered.

Commissioner Kinsey asked for clarification that the funds would be passed through to local jurisdictions doing the planning, to which maker of the motion clarified that his motion does include the pass through of funds to local jurisdictions.

In response to further questioning, Ann Flemer, Deputy Executive Director, Policy, stated that the current \$40 million dollar program would have passed through directly to jurisdictions and not for PDA planning by CMAs. If that is still the intent, the local jurisdictions would still ultimately receive the funds. She pointed out that the OBAG program already provided flexibility for CMA planning funds to be drawn from the flexible OBAG funding allocated to each CMA. Staff is aware that most CMAs are already planning to dedicate additional OBAG funding for CMA planning purposes.

Commissioner Wiener offered an amendment to the motion that the San Francisco Planning Department would receive the funding instead of the CMA in San Francisco. Commissioners Spering and Haggerty accepted this amendment to his motion.

Chair Tissier asked if staff had seen the proposal before the meeting, to which Ms. Flemer stated that staff had not seen it.

The Commission received public comment from the following individuals:

- Parisa Fatehi-Weeks – asking for deferral of this proposal as well as the initial staff recommendations for a month in order to allow further review.
- Beth Walukas, Alameda CTC – indicated that the intent of the funds would be for the CMAs to pass it through to the local jurisdictions to plan for their PDAs because they don't have the money and CMAs are in the best position to determine which PDAs are ready to move forward. It is intended for the local jurisdictions' to use.

Chair Tissier asked for a roll call vote of the substitute motion made by Commissioner Spering seconded by Commissioner Haggerty, with the friendly amendment by Commissioner Wiener. After it was clarified that this motion is to approve Resolution No. 4035, Revised as presented by staff with the amendment made by Commissioner Spering with the friendly amendment by Commissioner Wiener. Motion passed with the following (9) Ayes by: Vice Chair Worth, Cortese, Dodd, Glover, Green, Haggerty, Kinsey, Mackenzie, and Spering; and (5) Noes by: Tissier, Bates, Campos, Mullin and Wiener. Commissioners Liccardo and Halsted had left the meeting at the time of the vote.

### **Committee Reports**

#### **Programming & Allocations Committee – Glover**

Commissioner Glover asked Commissioner Campos, Vice Chair of the Programming and Allocations Committee to present the Committee report.

Commissioner Campos moved to approve the following item. Commissioner Kinsey seconded the motion.

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Resolution No. 4072 – Transit Capital Priorities Policy for FY 2012-13 and FY 2013-14 FTA Formula Funds, and Cycle 2 STP/CMAQ Transit Capital Rehabilitation Funds and Transit Performance Initiative Funding Proposal. This resolution establishes the Transit Capital Priorities policy to govern the programming of approximately \$390 million annually in Federal Transit Administration (FTA) formula funds and \$150 million in Transit Capital Rehabilitation funding included in Cycle 2 STP/CMAQ. The proposed policy reflects changes to the FTA programs under the MAP-21 authorization; sets annual funding levels for the Transit Performance Initiative (TPI) Incentive and Investment programs at \$15 million and \$13 million, respectively; and approves the FY 2012-13 transition year TPI Incentive program formula based on each operator's share of ridership.

The Commission received public comment from the following individuals:

- Zeke Osmond, POWER – spoke in support of Resolution No. 4072.
- Maria Lopez, POWER – spoke in support of Resolution No. 4072.
- Angelina Yu, Chinatown Community Development Center – spoke in support of Resolution No. 4072.

Motion carried unanimously.

#### **PUBLIC COMMENT/ADJOURNMENT/NEXT MEETING**

There being no further business or public comment, Commission Chair Tissier adjourned the meeting at 11:50 a.m. The next Commission meeting is scheduled for Wednesday, November 28, 2012 in Oakland, California.

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Adrienne J. Tissier, Chair