



METROPOLITAN
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Steve Heminger
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COMMISSION MEETING

Wednesday, December 18, 2013

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

MINUTES

ATTENDANCE

Chair Worth called the meeting to order at 1:52 p.m. In addition to Chair Worth and Vice Chair Cortese the following Commissioners were present: Aguirre, Azumbrado, Bates, Campos, Dodd, Giacopini, Glover, Haggerty, Halsted, Kinsey, Liccardo, Luce, Mackenzie, Pirzynski, Quan, Spering, Tissier, and Wiener.

CHAIR'S REPORT

Chair Worth presented Resolution No. 4127 – Resolution of Appreciation to Golden Gate Division Chief Teresa Becher Upon her Retirement from the California Highway Patrol after 25 years of service.

Upon the motion by Commissioner Aguirre and second by Commissioner Kinsey, the Commission unanimously approved Resolution No. 4127.

Chair Worth reminded Commissioners about the upcoming Commission Workshop scheduled for the afternoon of March 26th and 27th and noted the venue change. The workshop will take place at the MacArthur Place, 29th East MacArthur Street, in Sonoma, California.

POLICY ADVISORY COUNCIL REPORT

Cathleen Baker, new Policy Advisory Council Chair presented its report and highlighted on its support for Cap and Trade funding framework item on the Commission Agenda and referred the Commission to the Policy Advisory Council's comments indicated as part of Attachment 1 to Resolution No. 4130.

EXECUTIVE DIRECTOR'S REPORT

Steve Heminger, Executive Director presented his report to the Commission.

COMMISSIONER COMMENTS

There were no Commissioner comments.

CONSENT CALENDAR

Upon the motion by Commissioner Aguirre and second by Commissioner Spring, the Commission unanimously approved the Consent Calendar:

- Commission Meeting Minutes – November 20, 2013.

Programming and Allocations Committee

- Resolution No. 3882, Revised – approval of \$5.7 million in allocation requests for Proposition 1B – Transit Security Population-Based Funds.
- Resolution Nos. 4053, Revised and 3880, Revised – Revisions to the Third Cycle Lifeline Transportation Program of Projects.
- Resolution Nos. 3738, Revised, and 4126 – Revisions to BART Car Replacement Funding Policy Commitment and BART Car Replacement Funding Exchange Agreement.
- Resolution No. 4125 – FY 2013-14 and FY 2014-15 FTA Non-urbanized Area Formula (Section 5311) Program of Project.
- Resolution Nos. 3708, Revised and 4050, Revised – Allocation of \$74,535 in RM2 funds for the LAVTA Automatic Vehicle Location project.
- Resolution No. 3909, Revised – Allocation of \$4 million in RM2 funds for WETA Transbay Commute Ferry Service vessels.

COMMITTEE REPORTS

Programming and Allocations Committee – Glover

- Plan Bay Area Investment Implementation
 - Resolution No. 4130 – Cap and Trade Funding Framework. This Resolution proposes a regional program architecture for investing Cap and Trade revenues and a process for developing individual investment category guidelines. Executive Director Steve Heminger referred the Commission to Attachment 1 which outlines distribution options for the Cap and Trade Transit Operating and Efficiency Program, as recommended by the Programming and Allocations Committee.

The Commission received public comment from the following individuals:

- Pilar Lorenzana-Campo, NPH – spoke in support of Resolution No. 4130.
- Matt Jones, Bay Area Open Space Council – spoke in support of Resolution No. 4130.

- Louise Towerhawn, Working Partnerships USA – spoke in support of Resolution No. 4130.
- Adam Garcia, Greenbelt Alliance – spoke in support of Resolution No. 4130.
- Lewis Clinton, AC Transit – spoke in support of Resolution No. 4130.
- Tim Frank, Center for Sustainable Neighborhoods – spoke in support of Resolution No. 4130.
- Marybelle Nzegwn, Public Advocates, Inc. – spoke in opposition of Resolution No. 4130.
- Marty Martinez, Safe Routes to School National Partnership – spoke in opposition of Resolution No. 4130.
- Adena Levin, Friends of CalTrain – spoke in support of Resolution No. 4130.
- Clarissa Cabansagan, Transform – spoke in support of Resolution No. 4130.
- Tilly Chang, SFCTA – spoke in support of Resolution No. 4130.
- Belen Seara, San Mateo County Union Community Alliance – spoke in support of Resolution No. 4130.
- Azibuike Akaba, Public Health Institute – spoke in support of Resolution No. 4130 specifically of the goods movement program.
- Roland Lebrun – spoke in support of Mr. Akaba’s comments and opposition of Resolution No. 4130.
- Seamus Murphy, SamTrans – spoke in support of the Resolution No. 4130.
- Jane Kramer – spoke in opposition of Resolution No. 4130.
- Michael Tanner, BART – spoke in support of Resolution No. 4130.

After public comment and discussion and upon the motion made by Commissioner Sperring and second by Commissioner Dodd, the Commission approved Resolution No. 4130 with the following changes:

- Fund the Transit Operating and Efficiency Program at \$500 million and follow Scenario A for the distribution of the Program. Scenario A first distributes Transit Operating and Efficiency funding 40%-60% with 40% for AC Transit, BART, and SFMTA and 60% to the remaining transit operators, and within the two categories distributes the funding on a formula that includes percentage of total ridership, low-income ridership, and minority ridership;
- Fund the Transit Capital Challenge Grant Program at \$875 million with \$75 million for VTA’s purchase of BART rail cars for the extension of BART to Silicon Valley; and
- Fund the Climate Initiatives category at \$275 million.

Motion passed with a no vote from Commission Liccardo and one abstention from Commissioner Quan.

- Resolution No. 4123 – Transit Core Capacity Challenge Grant Program, including a policy commitment of approximately \$7.5 billion in federal, state, regional and local funds to high-priority transit capital projects that will improve the capacity and state of good repair of transit services in the urban core of the region.

Upon the motion made by Commissioner Tissier and second by Commissioner Aguirre the Commission unanimously approved Resolution No. 4123 as amended by the approval of Resolution No. 4130.

- Resolution Nos. 3833, Revised, 3914, Revised, and 4022, Revised – Allocation of \$30.2 million in AB 1171, Regional Measure 1 (RM1), and Two Percent Capital funds to the eBART and SMART projects. This resolution allocates \$13.5 million in AB1171 and RM1 funds to BART for construction activities on the eBART project; \$16.7 million in AB1171 and Two Percent Capital funds for the track, system and station costs for the Sonoma County Airport segment of the SMART project.

Upon the motion made by Commissioner Glover and second by Commissioner Mackenzie the Commission unanimously approved Resolution Nos. 3833, Revised, 3914, Revised, and 4022, Revised.

- Resolution No. 4128 – 2014 Regional Transportation Improvement Program of Projects Adoption which is the regional portion of the 2014 State Transportation Improvement Program (STIP).

Upon the motion made by Commissioner Glover and second by Commissioner Tissier the Commission unanimously approved Resolution No. 4128.

- Resolution Nos. 3925, Revised, 4035 Revised and 4124 – Freeway Performance Initiatives (FPI) Programming Revision and Agreement with the Contra Costa Transportation Authority (CCTA) to exchange Regional Discretionary Funds for Measure J funds. These Resolutions revise the FPI program and expansion to the MTC exchange program to align funding availability with project timelines for the FPI program and expand the local flexibility exchange program.

Upon the motion made by Commissioner Glover and second by Commissioner Pirzynski the Commission unanimously approved Resolution Nos. 3925, Revised, 4035 Revised and 4124.

Legislation Committee – Haggerty

- 2014 Final Advocacy Program. The Commission received the final version for state and federal legislative priorities for 2014 which includes revisions made to the Program in response to comments from the Legislation Committee.

Upon the motion by Commissioner Haggerty and second by Commissioner Sperring the Commission unanimously approved the 2014 Final Advocacy Program as revised.

PUBLIC COMMENT

The Commission received public comment from the following individuals:

- Jerry Grace – wished Commissioners happy holidays.

- Roland Lebrun – spoke about transportation ridership issue in Santa Clara vs. San Francisco and invited Commissioners to ride public transit.

Closed Session

At approximately 4:30 p.m., the Commission met in closed session pursuant to Government Code Section 54956.9(a) to confer with counsel regarding the following litigation: *Bay Area Citizens v. Association of Bay Area Governments and Metropolitan Transportation Commission, et al.*, Alameda County Superior Court Case No.: RG-13690631; *Building Industry Association Bay Area v. Association of Bay Area Governments and Metropolitan Transportation Commission, et al.*, Alameda County Superior Court Case No.: RG-13692098; *Communities for a Better Environment and The Sierra Club v. Metropolitan Transportation Commission and Association of Bay Area Governments, et al.*, Alameda County Superior Court Case No.: RG-13692189; *The Post Sustainability Institute; Rosa Koire; Michael Shaw v. Association of Bay Area Governments and Metropolitan Transportation Commission, et al.*, Alameda County Superior Court Case No.: RG-13699215.

Open Session

The Commission reconvened in open session at 4:52 p.m. Chair Worth reported that pursuant to Government Code Section 54956.9(a) the Commission met in closed session to discuss the above litigation, and no action was taken.

ADJOURNMENT/NEXT MEETING

There being no further business or public comment, Chair Worth adjourned the meeting at 4:52 p.m. The next regular Commission meeting is scheduled for Wednesday, January 22, 2014.

Amy Rein Worth, Chair