



**METROPOLITAN
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COMMISSION**

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Association of Bay Area Governments

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California State
Transportation Agency

James P. Spering
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Adrienne J. Tissier
San Mateo County

Scott Wiener
San Francisco Mayor's Appointee

Steve Heminger
Executive Director

Alix Bockelman
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

COMMISSION MEETING

Wednesday, June 25, 2014

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

MINUTES

ATTENDANCE

Chair Worth called the meeting to order at 10:27 a.m. In addition to Chair Worth and Vice Chair Cortese the following Commissioners were present: Bates, Campos, Giacomini, Glover, Haggerty, Kinsey, Liccardo, Luce, Mackenzie, Pirzynski, Quan, Spering, Tissier, and Wiener.

CHAIR'S REPORT

Chair Worth announced that the Executive Committee meeting met preceding the BATA and Commission meetings for the purpose of reviewing the Executive Director and General Counsel's performance evaluations and approved a four year renewal of their contracts.

Chair Worth asked Deputy Director of Policy Alix Bockelman to present the following:

- **MTC/ABAG Funding Agreements:**
 - a. Revised Funding Agreement Framework for MTC/ABAG Joint Planning Activities, Research and Administrative/Facilities. This revised framework addresses recently agreed to strategies to coordinate and secure efficiencies between the two agencies.

Upon the motion by Commissioner Wiener and second by Commissioner Kinsey, the Commission unanimously approved the Revised Funding Agreement Framework for MTC/ABAG Joint Planning Activities, Research and Administrative/Facilities.

- b. Funding Agreement: Association of Bay Area Governments (ABAG) for FY 2014-15 Planning, Research and Administrative/Facility Services.

Upon the motion by Commissioner Wiener and second by Commissioner Kinsey, the Commission unanimously approved the Funding Agreement to ABAG for FY 2014-15 Planning, Research and Administrative/Facility Services in the amount of \$3,451,035.

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POLICY ADVISORY COUNCIL REPORT

Cathleen Baker presented the Policy Advisory Council report and indicated that the Council was involved in a brainstorming session about public engagement as well as capital programs. Ms. Baker said that the Council is concerned about the ADA distribution and understanding the operators' perspective as far as providing ADA paratransit service. While critical need may not always meet the project efficiency standard the amount of money may not be sufficient to serve the high need population. Ms. Baker highlighted the Council's interest in effective performance measures going forward in relation to public participation in a more diverse approach in the next Plan Bay Area that is under development.

EXECUTIVE DIRECTOR'S REPORT

Steve Heminger, Executive Director, presented the Executive Director's report to the Commission. Copies of the report are available from the Executive Office or http://www.mtc.ca.gov/news/ed_report.htm.

COMMISSIONER COMMENTS

Commissioner Steve Kinsey thanked Chair Worth, Executive Director Steve Heminger and Assemblymember and former MTC Commissioner Tom Ammiano for their work with the Golden Gate Bridge, Highway and Transportation District in relation to securing funds for the suicide barrier on the bridge. Commissioner Kinsey also informed the Commission that he and Chair Worth will be meeting in Sacramento with Secretary of Transportation Brian Kelly and other high level officials in support of the Bay Trail on the Richmond-San Rafael Bridge.

Commissioner Mackenzie announced that a celebration of the Bay Trail's 25th Anniversary will be taking place on Thursday, June 26th at the former Hamilton Air Force Base in Novato, CA.

CONSENT CALENDAR

Upon the motion by Commissioner Haggerty and second by Commissioner Mackenzie, the Commission unanimously approved the Consent Calendar:

- Commission Meeting Minutes – May 28, 2014.

Programming and Allocations Committee

- Resolution Nos. 3889, Revised and 3890, Revised – Allocation of \$1.6 million in Regional Measure 2 (RM2) Capital funds to the Golden Gate Bridge, Highway and Transportation District for the purchase of replacement buses for Golden Gate Transit, and revisions to the RM2 Regional Express Bus North program of projects.

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- Resolution No. 4035, Revised – Revisions to Cycle 2 One Bay Area Grant (OBAG) Program.
- Resolution No. 4100, Revised – Allocation of FY 2013-14 Transportation Development Act (TDA) funds in the amount of \$3.5 million to AC Transit and \$4.1 million to Santa Clara Valley Transportation Authority.
- Resolution No. 4125, Revised – Revisions to the FY 2013-14 Rural Area (Section 5311) Program of projects.
- Resolution No. 4133, Revised – Revisions to the FY 2014-15 Fund Estimate to program \$150,000 in State Transit Assistance (STA) Fare Coordination Set-Aside funds to MTC for implementation of the Inner East Bay Fare pilot program.
- Resolution No. 4147 – Allocation of FY 2014-15 Transportation Development Act (TDA) funds to County Auditors for TDA administration and to MTC for TDA administration and planning.
- Resolution No. 4148 – Allocation of \$4.4 million in bridge toll funds to the Transbay Joint Powers Authority (TJPA) for the operation and maintenance of the Transbay Terminal Building for FY 2014-15.
- Resolution No. 4149 – Allocation of \$450,000 in Regional Measure 2 (RM2) capital funds for various Safe Routes to Transit (SR2T) Cycle 5 projects.
- Resolution No. 4150 – FY 2014-15 State Transit Assistance (STA) Regional Coordination Program.
- Resolution No. 4152 – Programming and allocation of approximately \$0.6 million in Five Percent Unrestricted State Fund Revenues and \$0.8 million in Two Percent Bridge Toll Revenues for Water Emergency Transportation Authority (WETA) ferry operations and the San Francisco Bay Trail project.

COMMITTEE REPORTS

Administration Committee – Tissier

- Resolution No. 4151 – FY 2014-15 MTC Agency Budget.

Upon the motion made by Commissioner Tissier and second by Commissioner Pirzynski the Commission unanimously approved Resolution No. 4151.

Programming and Allocations Committee – Glover

- Resolution No. 4140 – Transit Capital Priorities Policy for FY 2014-15 and FY 2015-16 FTA Formula Funds, and Cycle 2 STP/CMAQ Transit Capital Rehabilitation Funds. The Transit Capital Priorities (TCP) Process and Criteria is the region’s policy governing the programming of approximately \$390 million annually in Federal Transit Administration (FTA) formula funds for transit capital replacement and rehabilitation projects. It also establishes the policy for \$150 million of Transit Capital Rehabilitation funding included in Cycle 2 STP/CMAQ.

Upon the motion made by Commissioner Glover and second by Commissioner Tissier the Commission approved Resolution No. 4140 unanimously.

- Resolution Nos. 4143, 4144, 4145, and 4146 – Allocation of \$209 million in FY 2014-15 Transportation Development Act (TDA) funds, State Transit Assistance (STA) funds, Assembly Bill 1107 (AB 1107) funds, and Regional Measure 2 (RM2) operating and capital funds to support transit operations and capital projects in the region. Approves approximately \$209 million to AC Transit, County Connection, Livermore-Amador Valley Transit Authority (LAVTA) Napa County Transportation and Planning Agency (NCTPA) Tri-Delta Transit, Petaluma, WestCat, Water Emergency Transportation Authority (WETA), and MTC to support transit operations and capital projects.

Upon the motion made by Commissioner Glover and second by Commissioner Pirsynski the Commission approved Resolution Nos. 4143, 4144, 4145, and 4146 unanimously.

Legislation Committee – Haggerty presented by Liccardo

Upon the motion made by Commissioner Liccardo and second by Commissioner Tissier the Commission unanimously approved a support position on the following pending legislation:

- AB 1646 (Frazier) – Vehicles: Electronic Wireless Communication Devices: Prohibitions.

Upon the motion made by Commissioner Liccardo and second by Commissioner Mackenzie the Commission unanimously approved a support position on the following pending legislation:

- AB 2565 (Muratsuchi): Rental Property: Electric Vehicle Charging Stations.

PUBLIC COMMENT

- Andre Carpiaux – spoke on the issue of electric car service stations and solar cell fuel efficiency.

CLOSED SESSION

At approximately 10:58 a.m., the Commission met in closed session pursuant to the following:

a. CONFERENCE WITH LABOR NEGOTIATORS.

Government Code Section 54957.6 regarding ongoing negotiations of new memoranda of understanding with represented agency employee groups effective July 1, 2014. Agency designated representatives are: Steve Heminger and Andrew Fremier. The employee organizations represented are Committee for Staff Representation/Staff Representation-Confidential and Management Staff.

b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION.

Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 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; 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; Urban Habitat Program v. Metropolitan Transportation Commission, Alameda County Superior Court Case No.: RG14715534.

c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.

Government Code Section 54956.9(a) and paragraph (2) of subdivision (d) of Government Code Section 54956.9 to confer with counsel, based on existing facts and circumstances, regarding a significant exposure to litigation against the agency (one potential case).

OPEN SESSION

The Commission reconvened in open session at 12:11 p.m. Chair Worth referred to General Counsel to report that the Commission met pursuant to Government Code Sections as indicated above in closed session and approved a motion made by Commissioner Sperring

and second by Commissioner Glover to approve the Memoranda of Understanding (MOUs) which are listed on the Commission agenda as Resolution Nos. 4153 and 4154; and to refer to the Administration Committee discussion of the development of future MOUs. Commissioner Liccardo voted No. General Counsel Weil also indicated that there was no reportable action pursuant to conference with legal counsel - existing litigation and conference with legal counsel - anticipated litigation.

- Resolution Nos. 4153 and 4154 - Memoranda of Understanding for MTC Employee Salaries and Benefits beginning FY 2014-15 through FY 2017-18.

Upon the motion made by Commissioner Wiener and second by Commissioner Spering the Commission approved Resolution Nos. 4153 and 4154. Commissioner Liccardo voted No.

ADJOURNMENT/NEXT MEETING

Commission Chair Worth adjourned the meeting at 12:13 p.m. in Memory of Caroline Alain-Rodman, Director of Local & State Government Relations at T. Y. Lin International who passed away on June 8th. Condolences will be expressed to her family. There being no further business or public comment, Chair Worth announced the next regular Commission meeting scheduled for Wednesday, July 23, 2014.

Amy Rein Worth, Chair