



**METROPOLITAN
TRANSPORTATION
COMMISSION**

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Agenda Item 2a

Amy Rein Worth, Chair
Cities of Contra Costa County

Dave Cortese, Vice Chair
Santa Clara County

Alicia C. Aguirre
Cities of San Mateo County

Tom Azumbrado
U.S. Department of Housing
and Urban Development

Jason Baker
Cities of Santa Clara County

Tom Bates
Cities of Alameda County

David Campos
City and County of San Francisco

Dorene M. Giacopini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Scott Haggerty
Alameda County

Anne W. Halsted
San Francisco Bay Conservation
and Development Commission

Steve Kinsey
Marin County and Cities

Sam Liccardo
San Jose Mayor's Appointee

Mark Luce
Napa County and Cities

Jake Mackenzie
Sonoma County and Cities

Julie Pierce
Association of Bay Area Governments

Bijan Sartipi
California State
Transportation Agency

James P. Spering
Solano County and Cities

Adrienne J. Tissier
San Mateo County

Vacant
Oakland Mayor's Appointee

Scott Wiener
San Francisco Mayor's Appointee

Steve Heminger
Executive Director

Alix Bockelman
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

OPERATIONS COMMITTEE MINUTES
December 12, 2014

ATTENDANCE:

Chair Mackenzie called the MTC Operations Committee Meeting to order at 10:40 a.m. Other Committee members in attendance were Commissioners Aguirre, Giacopini, Haggerty, Halsted, and Spering. Commissioners Bates, Campos, Luce, Pierce and Wiener were present as ad hoc non-voting members. Commission Chair Rein Worth was present in her ex-officio voting member capacity.

CONSENT CALENDAR:

Upon motion of Commissioner Haggerty, which was seconded by Commissioner Halsted, the Committee unanimously approved the consent calendar, which included the following items:

- a) Minutes of November 14, 2014 meeting.
- b) Clipper[®] Program Contract Actions
 - i. Contract Change Order Amendment – Clipper[®] Cards: Cubic Transportation Systems, Inc. (\$1,500,000)
 - ii. Contract Change Order – Modification of San Francisco Municipal Transportation Agency (SFMTA) Business Rules: Cubic Transportation Systems, Inc. (\$150,000)
- c) Funding Agreement Amendment – “Safe on 17” Program: Santa Cruz County Regional Transportation Commission

Custom Clipper[®] Card Evaluation Policy and Clipper[®] Card Advertising Standards (Jason Weinstein)

Jason Weinstein, MTC Clipper[®] staff, provided a summary of the custom Clipper[®] cards issued to date and recommended Committee approval of the Custom Clipper[®] Card Evaluation Policy (included in the item as Attachment 2) to be used as guidance for the creation of future custom Clipper[®] cards. Additionally, Mr. Weinstein presented a custom card opportunity with World Wrestling Entertainment, Inc. (WWE) for approval by the Committee.

Committee discussion:

Commissioner Campos asked for confirmation that the policy would stand up to potential challenges that it violates the First Amendment. SFMTA has faced some challenges limiting offensive advertising. Commissioner Wiener agreed that the legal issues related to freedom of speech warranted a deeper look.

DECEMBER MINUTES

Adrienne Weil, MTC General Counsel, responded that the Custom Clipper® Card Advertising Standards were adapted from advertising content guidelines that BART has adopted and contained provisions that would prohibit demeaning content. Carol Kuester, MTC Electronic Payments Section Director, added that the policy was intended to support requests for custom cards while protecting and promoting the Clipper® brand, and encouraging use of transit.

Commissioner Campos said that while the policy makes sense, the question is whether it would be legally enforceable if challenged. He asked that staff research and address First Amendment concerns before asking the Commission to approve the policy.

Steve Heminger, MTC Executive Director, clarified that this is not a Commission approval item but that it could nevertheless be referred to the Commission for approval.

Chair Rein Worth supported the request that the item be referred to the Commission for approval and that staff present additional information at that time. Chair Rein Worth further recommended that a specific Statement of Purpose be added to the policy.

Commissioner Luce asked whether customers have a choice of designs when purchasing a card. Staff responded that they do.

Commissioner Haggerty made the motion to refer this item to the Commission for approval. Commissioner Spring seconded the motion. The motion passed unanimously.

Public Comment/Other Business/Next Meeting/Adjournment:

There being no further business, Chair Mackenzie adjourned the meeting at 11:04 a.m. The next meeting of the Operations Committee is scheduled for Friday, January 9, 2015 at 9:35 a.m. in the Lawrence D. Dahms Auditorium, Joseph P. Bort MetroCenter, Oakland, CA.