

## Partnership Technical Advisory Committee Minutes

December 18, 2006

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1. Introductions

Rick Moshier (Chair) requested introductions.

2. Minutes of September 1, 2006 PTAC Meeting

The minutes of the September 2006 PTAC meeting were accepted.

3. Partnership Reports

Alix Bockelman reported that there were three items of note at the previous Partnership Board meeting. It was agreed that the Spare the Air Free Transit program would be continued based on performance findings of the program from the last ozone season. The safety and operational concerns that had been expressed by the transit operators will continue to be addressed before the next season. The Board also reviewed the Environmental Justice Principles and advised that the proposal presented to the Commission should include a number of alternatives. The final item of significance was the CMIA Program, which needs to be submitted to the California Transportation Commission by January 16, 2007. A \$1.9 Billion package is being proposed and will be submitted to the Commission at their next meeting.

The Transit Finance Working Group did not meet.

Sri Srinivasan reported that at the last LS&R meeting, the 2007 MTC legislative program, and Water Board's new rules were discussed, which might impact Local streets and roads projects. Another significant discussion took place about the MTC Routine Accommodation Checklist. The group requested further clarification and guidance from MTC staff on how the list is to be applied and information on potential impacts on local streets and roads project delivery.

Kenneth Kao outlined the items taken up by the Project Delivery Working Group (PDWG): STIP Augmentation and CMIA programming, the Routine Accommodation Checklist, STIP Augmentation Procedures and deadlines, and the schedule for the upcoming SAFETEA compliant TIP update.

### Standing Updates

4. Transportation Improvement Program (TIP) Update

Ross McKeown announced that TIP amendments 07-01 and 07-02 had been approved by FHWA. Amendment 07-03 was pending and 07-04 was undergoing public comment. The deadline for the next formal TIP amendment is January 1, 2007.

Ross additionally explained some of the confusion regarding federal expectations about when the RTP and the TIP need to comply with SAFETEA planning requirements. In general, any RTP or TIP updates need to comply with SAFETEA starting on July 1, 2007. MTC staff believes that the Bay Area's TIP is already compliant with SAFETEA requirement and will go through an update and formal federal review process this spring to ensure that the Region's TIP is compliant by that date. However, the RTP is on a later schedule and will not be approved by the Commission until January 2009.

There are differences in opinion between FHWA Headquarters and their district office about the timetable for compliance. Headquarters has written to MTC staff that as long as the TIP is SAFETEA compliant by July 1, 2007, TIP amendments could proceed, absent an RTP prepared under SAFETEA. However, the Sacramento Division office maintains that any TIP amendments that add new projects or project phases in a SAFETEA compliant TIP could not be approved absent an RTP developed and adopted per SAFETEA. MTC staff is hoping to sort out these divergent viewpoints with FHWA in the next few weeks. Interestingly, FTA takes the position that a new RTP does not need to be adopted if the underlying assumptions/process of the document meets SAFETEA, which it believes it does. Therefore, FTA has no issues with future programming of FTA program cycles in the MTC's TIP after July 1, 2007.

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In any case, MTC is moving ahead with a major TIP amendment to ensure that the CMIA and STIP Augmentation projects, as well as any other project additions/modifications to the TIP are approved prior to July 1, 2007 to address a worst-case scenario.

MTC staff is also beginning the development of a new TIP to meet SAFETEA requirements. The 2007 TIP last spring was developed fully with the SAFETEA in mind; so staff believes that the TIP is already compliant. However, in the absence of final regulations, FHWA was not willing to make that finding.

The Partnership will be kept up to date regarding discussions with FHWA/FTA on this matter and will take all possible actions in the meantime to ensure minimum delays for projects affected by this issue.

### 5. Legislative Update

Rebecca Long provided updates on federal and state legislation.

The most significant current issue on the federal side of legislation is Congress' delay passing the 2007 Appropriations Bill. One issue contributing to this delay is the insistence of the majority of lawmakers that no earmarking will be permitted. Continuing legislation would provide funding at fiscal year 2006 levels, which presents its own challenges, as those levels are 10% less than those, anticipated in 2007. There may need to be an accommodation for the New Starts Program and other congressionally earmarked programs, as well.

A major funding initiative on the State side is the "Pennies for Potholes" user fee. MTC is asking for a bill sponsor to introduce a bill to allow MTC to impose up to 9 cents per gallon tax on gasoline to use for maintenance purposes in the region. MTC is also seeking to broaden eligibility of STA funds to fund low-income bus pass programs as well as streamline STA fund availability reporting to improve administration of the funds.

### Action Items

No items

### Discussion Items

#### 6. 2006 Regional Transportation Improvement Program (RTIP) Augmentation Policies, Procedures and Project Selection Criteria. MTC Resolution No. 3790

Kenneth Kao presented the Policies and Procedures for the upcoming 2006 STIP Augmentation covering fiscal years 2007-08 through 2010-11. New policies take into consideration an increase in Planning, Programming, and Monitoring (PPM) funding from 1% to 5% of the county share as well as the consideration of the CMIA. Furthermore, when a project sponsor requests an extension to the mandated program deadlines, the sponsor must now be present at the applicable CTC meeting. Kenneth also pointed out that there is a new resolution of local support and that county targets are lower because of a \$170 million reduction in the PTA. This item will go to the Commission for approval on December 20<sup>th</sup>.

#### 7. Proposition 1B State Local Partnership Program

Rebecca presented the status of the nascent State Local Partnership (SLP) Program. The SLP program still requires legislation to fully implement. The CTC have discussed a preliminary approach for the program that would be competitive in nature, allowing the CTC discretion in project selection. Self-help or fee counties would be eligible with a funding cap of \$50 per capita, or \$25 million, whichever is greater. CTC's preferences favor the Central Valley through the imposition of fund minimums. CTC will unveil their detailed approach at their meeting in January.

MTC prefers a formula program that is fully revenue based, as geographic equity was not the rationale for the SLP program. This approach would minimize State discretion. Regions would be credited for any voter

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imposed transportation fee including toll revenues. There are questions about whether revenues are to include developer-based fees.

Art Dao of ACTIA requested that project readiness be a criterion for the SLP program and that the CMIA and SLP programs have distinct funding objectives. Therefore the SLP should not be considered a program supplement to extend the CMIA program. The SLP program should also be more about local projects, and Art supports early allocation to send a positive message to the voters.

Amber Crabbe of the San Francisco Transportation Authority emphasized that the SLP is not simply a highway program but also a transit program. Policies need to place transit projects on a level playing field with highway and road projects.

David Chan of the Transportation Authority of Marin commented that funding criteria currently shut out smaller counties out of the process. Rebecca agreed that eligibility requirements were too narrow and promised to work to widen them.

Ross McKeown pointed out that members of the CTC were supportive that all locally imposed transportation taxes should be considered in the SLP. However, there needs to be a better understanding of uniform developer fees. The sooner comments about these fees are provided to the CTC better. MTC would appreciate any information provided on developer fees.

Nancy Whelan of the TransBay Authority noted that eligible sponsors do not include transit operators, districts or JPAs. Rebecca replied that if these entities levied a voter-approved fee, they would be eligible under MTC's proposal.

Rebecca concluded her presentation with a request for information on uniform developer fees by the end of the year and asked that either she or Theresa Romell be contacted regarding how these would make sense to be considered as revenue for the SLP Program.

### Information Items

#### 8. Annual Listing of Obligated Projects

Kenneth Kao presented a summary of all federal funds obligated in the past fiscal year 2005-06 which totaled \$1.15 billion in the region and requested input from the Partnership. Projects include FHWA Highway Projects, FTA funded projects, and FHWA local STP, CMAQ, and TEA funded projects. This listing is used for public information purposes to inform how the region has committed its discretionary federal funding. After input from the Partnership, MTC will finalize and release the document.

#### 9. Recommended Future Agenda Items

Requests were received for next month's agenda items: Project Study Reports, Update on the SLP Program, and the schedule for the development of the next Regional Transportation Plan Update.

#### 10. Next Meeting

January 22, 2007

MetroCenter, Auditorium

1:30 p.m. – 3:30 p.m.

Owing to the late January meeting date, the preference would be to cancel the February meeting date; unless there were items of urgency to be considered by PTAC.