



SUMMARY MINUTES
April 16, 2008

Commissioners Present: Dave Hudson (Chair), Janet Abelson, Susan Bonilla, David Durant, Donald P. Freitas, Federal Glover, Brad Nix, Julie Pierce, Karen Stepper, Don Tatzin, Maria Viramontes

Commissioners Absent:

Alternates Present:

Ex-Officios Present: Gail Murray, Amy Worth

Staff Present: Bob McCleary, Arielle Bourgart, Susan Miller, Amin AbuAmara, Brad Beck, Randall Carlton, Peter Engel, Jack Hall, Matt Kelly, Hisham Noeimi, Stan Taylor (Authority Counsel), Danice Rosenbohm (Executive Secretary)

A. CONVENE MEETING: *Chair Hudson* convened the meeting at 6:04 p.m.

B. PLEDGE OF ALLEGIANCE:

C. PUBLIC COMMENT:

There were no public comments on items not on the Agenda.

D. COMMENDATION: Former Commissioner Charlie Abrams.

Chair Hudson presented former Commissioner Charlie Abrams with a plaque in recognition of his service to the Authority spanning eleven years, which included two terms as Authority Chair. Mr. Abrams commended Authority staff and thanked his fellow commissioners, and stated that his experience with the Authority had been extremely rewarding.

Commissioner Stepper commented that Charlie Abrams' experience in the transportation field was particularly appreciated, and that he would be missed.

1. APPROVAL OF MINUTES:

Authority Minutes of March 19, 2008.

ACTION: *Commissioner Freitas* moved to approve the Minutes of March 19, 2008, seconded by *Commissioner Abelson*. The motion passed unanimously, 9-0. (*Commissioners Bonilla and Glover had not yet arrived.*)

Commissioner Bonilla arrived at 6:10 p.m.

2. CONSENT CALENDAR: Consent Items recommended by the following committees:

ACTION: *Commissioner Tatzin* moved to accept the Consent Calendar excluding items 2.B.1 and

2.B.7, seconded by *Commissioner Nix*. The motion passed unanimously, 10-0. (*Commissioner Glover had not yet arrived.*)

2.A Administration & Projects Committee:

2.A.1 Monthly Project Status Report.

2.A.2 Warrants Issued for Month of February. This report also includes the summary of payroll and benefits costs by organizational unit.

2.A.3 Monthly Investment Report for February 2008. The Authority's Investment Policy requires this report.

2.A.4 Replacement of Digital Copier. The 5-year lease term for the existing copier ends on May 14, 2008. The copier is due for replacement and staff is seeking authorization to issue a Request for Proposals to obtain competitive bids for a new digital copier.

2.A.5 Authorization to Issue Request for Qualifications for Website Services. Staff is requesting authorization to issue Request for Qualifications #08-04 to provide support services in maintaining the Authority's website. The services will address updating text content, photos, events, and topical matters of interest to Authority. Staff will return with a vendor recommendation at a future APC meeting.

2.A.6 Voluntary Flexible Spending Account for Authority Employees. Staff seeks authorization to establish a "Flexible Spending Account" (FSA) which would permit employees to set aside funds on a pre-tax basis to pay for medical expenses that are not covered by the employer's health plan. FSA plans can also be used for dependent care expenses and qualifying commute expenses.

2.A.7 Employee Travel Report. Pursuant to the Authority's new travel policy, out of state travel is approved by the Executive Director and reported to the APC.

2.A.8 Authorization to Amend the Memorandum of Understanding (MOU) among the East County Jurisdictions, Tri Delta Transit, BART and the Authority relative to eBART Ridership Development Plans. *The APC decided that this item would be held over until May.*

2.A.9 Caldecott Tunnel Fourth Bore Improvement Project (Project No. 1698). Staff seeks approval of Amendment No. 3 to Consulting Services Agreement No. 175 with Parsons to reflect a new overhead rate.

2.A.10 Measure J – San Ramon School Bus Program – Revision No. 1 to Resolution No. 06-02-P and Amendment No. 1 to Cooperative Agreement No. 21S.01. The Town of Danville has requested approval of an increase of \$50,000 in Measure J funds authorized for development of the San Ramon School Bus Program.

2.A.11 Quarterly Project Funding Plans – Major State Highways. The quarterly report on the status of ongoing consultant project-related contracts as well as on key project funding issues is attached.

2.A.12 Legislation. Action may be taken on any item listed or on any legislation pertaining to the Authority's legislative program.

2.A.13 Software Selection Consultant Contract. Qualifications from four firms have been evaluated and staff recommends contracting with Schafer Consulting. Staff and the consultant provided the APC with an overview of the software selection process, timeline and preliminary budget for the software implementation.

2.A.14 State Route 4 (e) Widening Project – Somersville to SR160 (Project 1407).

2.A.14.1 Overall Project Status Report. Staff made a presentation to the APC on the overall project development and schedule.

2.A.14.2 Regional Measure 2 Bridge Toll Funds. Staff seeks authorization to submit an allocation request for MTC for \$3.0 million. **Resolution No. 08-06-P.**

2.A.14.3 Amendment No. 2 to Agreement No. 202 with Mark Thomas & Company.* Staff seeks authorization to amend Consulting Agreement No. 202 to increase the not-to-exceed amount by \$251,000 for additional out of scope services to perform final design services for the eBART structures in the median of Route 4.

2.A.14.4 Amendment No. 2 to Agreement No. 203 with BKF. Staff seeks authorization to amend Consulting Agreement No. 203 to increase the not-to-exceed amount by \$261,000 for additional out of scope services to perform final design services for the eBART structures in the median of Route 4.

2.A.14.5 Amendment No. 2 to Agreement No. 204 with TY Lin. Staff seeks authorization to amend Consulting Agreement No. 204 to increase the not-to-exceed amount by \$531,000 for additional out of scope services to perform final design services for the eBART structures in the median of Route 4.

2.A.15 Draft Salary and Benefit Study. The Authority approved a contract with Koff & Associates to perform a salary and benefit study of Authority positions. The study compares Authority salary and benefit data against the average and median of twelve other public agencies. The APC requested a further discussion in a workshop format prior to making a recommendation next month.

2.B Planning Committee:

2.B.1 *Removed from Consent*

2.B.2 FY 2006-07 Report on the Measure C Funded Bus Transit Program. Each year, a summary of the countywide public bus transit activities is presented, including information on the use of Measure C funds by the bus transit operators.

2.B.3 Revision to Resolutions 07-05-G and 07-09-G for FY 2007-2008 Transportation Fund for Clean Air (TFCA) 40% Expenditure Plan and Measure C Carpool, Vanpool and Park and Ride Lot / CMAQ Allocations. The Lamorinda School Bus Program (LSBP) was not eligible to receive TFCA funding in 2007-08 due to an inability to meet required cost-effectiveness criteria. To backfill the loss of \$50,000 in TFCA funding, SWAT agreed to swap \$50,000 of its \$149,600 Measure C allocation to LSBP for the \$50,000 in TFCA funding. SWAT absorbed the \$50,000 TFCA funds into its 511 Contra Costa programs. The resolution revisions are necessary to make payments to the appropriate jurisdictions from both TFCA and Measure C Carpool, Vanpool and Park-and-Ride Lots programs. The revisions only affect programs in the SWAT region and do not increase or decrease either TFCA or Measure C funds to the SWAT region. **Resolution No. 07-05-G (Rev. 1) and Resolution No. 07-09-G (Rev.1)**

2.B.4 Approval of FY 2008–09 Transportation Fund for Clean Air (TFCA) 40% Expenditure Plan. In order to receive funding through the Transportation Fund for Clean Air (TFCA) Program, the Authority is required to submit an Expenditure Plan to the Bay Area Air Quality Management District (BAAQMD)

annually. TFCA funds are allocated by the BAAQMD, per state legislation, to fund local programs and projects that reduce motor vehicle emissions. **Resolution No. 08-09-G**

2.B.5 Discussion and Direction Regarding Measure J Paratransit Reserve Policy. Measure J allocated 5% of sales tax revenues to Paratransit services over the life of the program. Paratransit funding will increase to 3.5% of annual sales tax revenues beginning in FY 2009-10. Thereafter, the percentage of annual sales tax revenues will increase by 0.10% each year, to 5.9% in FY2033-34. A program reserve to account for monies needed after FY 2024-25, when the allocation rate is above 5%, would ensure the funds are available. The reserve account would use the unallocated monies prior to FY 2025 to create a minimum reserve of \$3.5 million (2004 dollars) to offset future costs after FY2024-25. The funds would be restricted for the Paratransit program and would accrue interest at annual LAIF interest rate. The interest income would be used to pay for management costs and create an allocation reserve as required by the Measure J Expenditure Plan.

2.B.6 Circulation of Draft Fiscal Year (FY) 2008–09 Congestion Management Agency Budget. The Contra Costa Congestion Management Agency (CMA) was established in 1993 to perform certain Authority planning functions, namely: the Measure C Growth Management Program (GMP), and the Congestion Management Program (CMP). Staff has prepared a draft Fiscal Year 2008–09 CMA budget for review by the Public Manager’s Association in April 2008. The final CMA budget must be adopted in June 2008 as part of the full Authority budget.

2.B.7 *Removed from Consent*

End of Consent Calendar

2.B.1 FY 2006-07 Report on the Measure C Funded Paratransit (Elderly and Handicapped) Program. Each year, a summary of the fiscal year's paratransit activities is presented, including operator and fund level statistics related to the use of the Measure C funds for paratransit, Paratransit Coordinating Council (PCC) activities during the year, paratransit services changes during FY 2006-07, and paratransit service activities undertaken or expected during FY 2007-08. A summary of Measure C allocations and paratransit reserve funds held by CCTA is also included. The Paratransit Coordinating Council approved the attached report on March 17, 2008, and approved transmittal to the Planning Committee and the Authority.

ACTION: *Commissioner Tatzin* moved to approve the FY 2006-07 paratransit program report, seconded by *Commissioner Abelson*. The motion passed unanimously, 10-0. (*Commissioner Glover* had not yet arrived.)

Commissioner Tatzin commented that he would like to see examples of non-Measure C/Measure J funded paratransit entities and counties included with the next paratransit report.

2.B.7 Further Discussion on “Looking to the Future” Brochure. This item was held over to May.

ACTION: *Commissioner Pierce* moved that the “Looking to the Future” brochure item be returned to the Planning Committee for discussion in May, seconded by *Commissioner Bonilla*. The motion passed unanimously, 10-0. (*Commissioner Glover* had not yet arrived.)

Commissioner Pierce said that the entire *Looking to the Future* report should be posted on the website rather than mailed out, with a link for downloading in order to save on publishing and postage expenses. She said that a postcard notice could be mailed out as an option.

Commissioner Glover arrived at 6:27 p.m.

3.0 MAJOR DISCUSSION ITEMS: *None*

4.0 REGULAR AGENDA ITEMS:

4.A Administration & Projects Committee: *None*

4.B Planning Committee

4.B.8 Status and Discussion of 2009 Regional Transportation Plan “Policies, Issues and Process.” Staff will provide an update on issues related to the 2009 RTP and discuss potential policies that the Authority may wish to consider.

ACTION: *None taken.*

STAFF REPORT:

Bob McCleary summarized items of concern related to the 2009 RTP Update, and updated the Authority on the status of MTC staff’s proposals. Mr. McCleary referenced the Transportation 2035 – Change in Motion PowerPoint presentation, *Developing a Project Tradeoff Framework*, which was made at MTC’s Planning Committee meeting of April 11th. The material was distributed as an Authority meeting handout.

Mr. McCleary stated that the issues were whether MTC would: (1) address local streets and roads and transit capital rehabilitation shortfalls, versus committing to new or expanded regional programs from existing and prospective Federal and State funds; (2) respect the priorities of Contra Costa and other CMAs; (3) recognize the significant funding shortfall and unrealistic funding projections of its staff; (4) seek to use the RTP as an advocacy document for the next Federal transportation authorization, and (5) if so used, the degree to which such advocacy would or would not be consistent with Contra Costa’s objectives.

Mr. McCleary stated that the Authority’s 2009 RTP approach (Resolution No. 08-01-G) provided for the following: Contra Costa’s STIP “county share” funds should be subject solely to Authority discretion; local streets and roads rehabilitation funding should be significantly increased from historic levels, and funded as a high priority from Federal STP funds; the shortfall between transit capital needs and available funding should be addressed with a greater commitment of Federal STP and CMAQ funds from MTC; existing MTC programs for Transportation for Livable Communities (TLC) and bicycles should continue at existing levels; the “freeway performance initiative” should be a high priority for other available funds; and assumptions about revenue from high occupancy toll (HOT) lanes should be consistent with existing statutes, whereby funds would remain in the corridor, and be managed by the CMA responsible for the county in which the HOT lanes operated.

Mr. McCleary said that MTC staff proposals included a dramatic expansion of the existing regional programs, new initiatives oriented toward “climate change”, and an overly optimistic and highly speculative approach to revenues subject to MTC’s discretion (a total of 250 percent of current revenues, as shown in the MTC Planning Committee document in escalated dollars).

Mr. McCleary outlined the process by which MTC staff intended to evaluate/score major capital projects and proposed programs, and the proposed trade-off scenarios which would ignore real funding restrictions and factors such as the dire needs of transit operators and local streets and roads. Mr. McCleary also emphasized BART’s vehicle replacement funding needs, largely ignored in recent RTPs. He added that staff hoped that much of the \$1.9 billion “vision element” project list submitted to MTC

by the Authority would be included in the RTP as the Authority's next set of priorities beyond the financially constrained STIP and programs lists the Authority had submitted.

Mr. McCleary stated that MTC would be conducting a series of "outreach" meetings in the Bay Area, and that Contra Costa's would be held on May 12th, at the Civic Park Community Center in Walnut Creek. He also mentioned a tour of Contra Costa that had been coordinated for the Santa Clara MTC commissioners which *Representative Worth* and *Commissioner Glover* would be participating in, scheduled for April 23rd.

Representative Amy Worth commented that the MTC Board included new commissioners from both Contra Costa and Santa Clara counties, and that it was very important for the Authority, CMA Directors, and transit operators to continue to provide input on critical issues. She said that all commissioners agree that more funding was needed for local Streets and Roads, but that the shortfall was significant and opportunities for increasing revenue needed to be explored. *Representative Worth* said that HOT lanes could be beneficial but presented very complex issues. She stated that the TLC program and Priority Development Areas (PDAs) were also of great concern, and that a combination of the programs may result.

Commissioner Glover agreed that it was very important for the MTC commissioners to understand the Authority's priorities. He said that Contra Costa's MTC commissioners were meeting with Bob McCleary on a regular basis, to stay abreast of issues of concern to the Authority and the CMA Directors. *Commissioner Glover* said that these steps were being taken in an effort to ensure that MTC policy was directed by its commissioners and not by MTC staff, but that change in that political arena may take some time.

Commissioner Tatzin said that with respect to the investment trade-off question, defining the objective was key. *Representative Worth* agreed with *Commissioner Tatzin*, noting that seventy percent of the plan comprised committed funds, and the balance related to speculative revenue over which further discussion was needed. She added that Contra Costa's perspective on the criteria for PDA and TLC funding was essential.

Commissioner Pierce said that the reality was that there would be limited (if any) discretionary funding after the committed projects, and said that she was concerned about building unrealistic public expectations and losing credibility with constituents. She also commented that commuter incentive programs were unnecessary, and that maintaining existing infrastructure was far more important.

Commissioners Freitas, Nix, Durant, Viramontes, and Abelson commented that they did not support HOT lanes. Some stated that they were opposed to the concept of "donor" counties, and that any revenue generated should stay in the county. Bob McCleary said that any HOT lane revenue should be restricted to improvements in the corridor, and not viewed by MTC as a funding stream to be used elsewhere.

Commissioner Freitas stated that the Authority should determine its top priorities and then focus on them. *Commissioner Viramontes* and *Abelson* both agreed. *Commissioner Durant* said that "visioning" processes were important, but that maintaining focus on realistically achievable projects and programs serving the purposes of the endeavor and the diversity of the Bay Area was imperative.

Commissioner Nix suggested that representatives from each city in Contra Costa as well as other counties should consistently attend MTC meetings and voice their concerns.

5.0 CORRESPONDENCE AND COMMUNICATIONS:

5.1 Letter Dated April 4, 2008 from BART General Manager Dorothy W. Dugger

6.0 ASSOCIATED COMMITTEE REPORTS:

- 6.1 Central County (TRANSPAC): Report of February 28, 2008
- 6.2 East County (TRANSPLAN): *(Meeting of March 13, 2008 Canceled)*
- 6.3 Southwest County (SWAT): *(Meeting Handout - Report of March 3, 2008)*
- 6.4 West County (WCCTAC): Report of March 28, 2008
- 6.5 Conference of Mayors (COM):
- 6.6 Contra Costa County (COUNTY)
- 6.7 CCTA Citizen Advisory Committee (CAC)

7.0 COMMISSIONER AND STAFF COMMENTS:

- 7.1 Chair's Comments and Reports
- 7.2 Commissioners' Comments and Reports
CTF Transportation Forum, March 19th, 2008

Commissioner Pierce mentioned the League of California Cities' policy sub-committee for setting speed limits, and briefly described the process. She said that progress was being made on re-writing definitions for the road operations manual, and that the next meeting would be held in June.

- 7.3 Executive Staff Comments

Prior to circulation of the Meeting Attendance Log, Bob McCleary pointed out a recent change requiring that commissioners and ex-officio representatives also initial the form to confirm their eligibility for mileage reimbursement. Mr. McCleary also requested that commissioners advise Danice Rosenbohm of any discrepancies in the noted round trip mileage.

Bob McCleary mentioned the MTC Outreach meeting scheduled for May 12th, being held at the Community Center in Civic Center Park in Walnut Creek.

8.0 CALENDAR: May/June/July 2008

9.0 ADJOURNMENT to Wednesday, May 21st, at 6:00 p.m.

The meeting was adjourned at 7:19 p.m. to May 21st, 2008, at 6:00 p.m.