

Additional Measure J Allocations:

- Approval of FY 2009-10 Measure J Allocation for the Express Bus Program (Program 16);
- Approval of FY 2009-10 Measure J Commute Alternatives Program Allocation (Program 17).

5. Legislation.

- **AB 1175 (Torlakson) Bay Area Toll Bridges.** *The Authority took a "support if amended" position, seeking a strategic planning process involving the CMAs, and assurances that the plan would provide funds to each county's projects and programs based on the tolls paid by its residents (approximately 14% for Contra Costa).*
- **AB 744 (Torrico) Bay Area HOT Lane Network.** *The Authority took a "support if amended as specified; otherwise oppose" position on this bill. The amendments include a provision requested by West Contra Costa to provide assurances that "net benefits" will accrue to residents along a corridor from a HOT lane. (Attachment)*

- 6. Certification of the Final Environmental Impact Report (FEIR) for the 2009 Countywide Comprehensive Transportation Plan by Adoption of Resolution 09-29-G, Including Approval of Responses to Comments on the Draft Environmental Impact Report for the Countywide Comprehensive Transportation Plan.** Staff has prepared responses to comments received on the Draft EIR that was released on February 18, 2009 for a 45-day review period. The comment period closed on April 6, 2009. CEQA requires that responses to comments be transmitted to commentors on the Draft EIR ten days prior to EIR certification. In adopting Resolution 09-29-G, the Authority certifies that: 1) the Final EIR has been completed in compliance with CEQA; 2) that the Authority reviewed and considered the information provided; and 3) that the FEIR reflects the independent judgment and analysis of the Authority. *The Authority approved Resolution 09-29-G certifying the FEIR. Resolution 09-29-G*



CONTRA COSTA
transportation
authority

19 June 2009

COMMISSIONERS:

Maria Viramontes,
Chair

Robert Taylor,
Vice Chair

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Newell Americh

Ed Bakco

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Hon. Alan Lowenthal, Chairman
Transportation Committee
California State Senate
10th and L Streets
Sacramento, CA 95814

RE: AB 744 (Torrico): Support if Amended as Specified; Otherwise Oppose

Dear Senator Lowenthal:

At its meeting of June 17th, 2009, the Contra Costa Transportation Authority reviewed its position on AB 744, and determined that it does not support the bill in its current form. The Authority remains concerned that the process in the bill is not sufficient to assure the proposed HOT Lane network (or various potential segments of it) will meet the tests of efficacy, safety, operational feasibility, financial soundness, and benefits claimed for it.

Nonetheless, in the interests of trying to work cooperatively with other parties in the region, the Authority is prepared to offer its support if the attached amendments are incorporated into the bill in advance of the Transportation Committee hearing and approved therein, and if no other substantive changes are made that would contravene or conflict with the provisions previously agreed-upon between the Authority and MTC staff in May 2009. Unfortunately, those changes were abrogated in the June 1 version of the bill. We are not opposed to HOT Lanes, but do strongly believe that our recommended changes are needed to ensure both the viability of the transportation network as a whole and that HOT Lanes are not imposed on areas where there is simply no reasonable basis to believe that they would be effective, safe, feasible, or otherwise beneficial. Absent the positive steps requested in the attached amendment, the Authority is opposed to this legislation and would urge your committee to not advance the bill.

Our proposed amendments are to Streets & Highways Code Section 30914.7 (d), and are shown on the attachment.

Thank you in advance for your consideration of our views.

Sincerely,

Robert Taylor
Vice-Chairman

c.c. Senator Mark DeSaulnier
Senator Loni Hancock
Assemblyman Tom Torlakson
Assemblyman Albert Torrico

Assemblywoman Nancy Skinner
Assemblywoman Joan Buchanan
Hon. Scott Haggerty, Chairman, MTC
Steve Heminger, Rebecca Long, MTC

(d) The authority shall develop and implement in a collaborative manner with the department, the Department of the California Highway Patrol, and Bay Area congestion management agencies the express lane development plan accepted by it pursuant to subdivision (b) of Section 30914.6, except any elements or features of the plan that the authority determines are impracticable or infeasible or do not provide a significant net benefit to the travelers residing along a corridor or that will unduly delay commencement of operation of the resulting network or that may ~~or will~~ materially ~~or and~~ adversely affect the financial condition of the network or the authority or its credit rating. In addition, the authority may change or add elements or features of the plan that it determines, in its sole discretion, to be necessary or advisable to protect or improve the financial condition of the network or its results of operation or to protect the credit rating of the authority.



SUMMARY MINUTES
May 20, 2009

Commissioners Present: Janet Abelson, Newell Arnerich, Ed Balico, Susan Bonilla, Mike Metcalf, Julie Pierce, Bob Taylor, Maria Viramontes

Commissioners Absent: David Durant, Michael Kee, Federal Glover
Alternates Present: Gayle Uilkema for Federal Glover
Ex-Officios Present: Joel Keller, Nancy Parent for Mike Shimansky, Amy Worth

Staff Present: Paul Maxwell, Arielle Bourgart, Martin Engelmann, Susan Miller, Amin AbuAmara, Brad Beck, Randall Carlton, Erick Cheung, Peter Engel, Jack Hall, Hisham Noeimi, Stan Taylor (Authority Counsel), Danice Rosenbohm (Executive Secretary)

A. CONVENE MEETING: *Chair Viramontes* convened the meeting at 6:05 p.m.

B. PLEDGE OF ALLEGIANCE:

C. PUBLIC COMMENT:
There were no public comments on items not on the Agenda.

1. APPROVAL OF MINUTES:

1.1 Approval of Authority Minutes of April 15, 2009 (Regular Authority Meeting)

1.2 Approval of Authority Minutes of April 23, 2009 (Special Authority Meeting)

ACTION: *Commissioner Pierce* moved to approve both the Minutes of April 15, 2009 and the Minutes of April 23, 2009, seconded by *Commissioner Balico*. The motion passed unanimously, 9-0.

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

ACTION: *Alternate Uilkema* moved to approve the Consent Calendar excluding Items 2.A.7, 2.A.15, and 2.A.17.2, seconded by *Commissioner Pierce*. The motion passed unanimously, 9-0.

Chair Viramontes said that staff had requested that Items 2.A.15 and 2.A.17.2 be removed from the Consent Calendar for discussion.

Stan Taylor, Authority Counsel, stated that Item 2.A.7 involved an Ordinance and needed to be adopted by a roll-call vote.

2.A. Administration & Projects Committee:

2.A.1 Monthly Project Status Report.

- 2.A.2 **Monthly Expenditure Report for March 2009.** This report also includes the summary of payroll and benefits costs by organizational unit.
- 2.A.3 **Monthly Investment Report for March 2009.** The Authority's Investment Policy requires this report.
- 2.A.4 **Modifications to Existing Resolutions.** Consistent with Authority policy, appropriation resolutions may be modified to extend their expiration date or reflect actual construction bid amounts, or be terminated if the activity that was funded has been completed. Recommended changes are summarized.
- 2.A.5 **Quarterly Sales Tax and Investment Report for Quarter Ended March 31, 2009.** This is presented in accordance with regulations and the Authority's Investment Policy, which requires that the Chief Financial Officer provide an analysis of the Authority's portfolio including composition, credit quality, maturity distribution, and an analysis of sales tax revenues.
- 2.A.6 **Internal Accounting Report for the Nine Months Ended March 31, 2009.**
- (2.A.7 Amendments to Chapter 2 of the Administrative Code. *Removed from Consent Calendar.*)
- 2.A.8 **Disadvantaged Business Enterprise (DBE) Program Implementation Agreement.** Caltrans is requiring the implementation of a new DBE program, including a race conscious component, contract goals and good faith efforts for federally funded contracts awarded after June 2, 2009.
- 2.A.9 **I-680 Auxiliary Lane Project – Amendment No. 4 to Agreement No. 200 with AECOM (formerly DMJM + Harris) (Project 1106).** Staff seeks authorization to amend the contract scope of services to include the preparation of As-Built Drawings and to reallocate the contract task budgets to accommodate this change in scope. No additional funds are involved.
- 2.A.10 **Route 4 (West) Gap Closure Segment III (Project 1501) – Amendment No. 6 to Cooperative Agreement No. 4-1746 (CCTA No. 90.15.01) with Caltrans.** Staff seeks authorization to extend the term of the cooperative agreement through June 30, 2010. No additional funds are involved.
- 2.A.11 **Consultant Agreement Amendments.** Staff has identified a number of Consultant Agreements which are due to expire within the upcoming months. Staff seeks authorization to extend the terms of these Agreements. No other changes are proposed, and there are no financial implications to the amendments.
- 2.A.12 **City of Orinda – Moraga Way Rehabilitation and Improvements Project (Project No. 1625/1625SW): Request for Appropriation for Project Development.** The City of Orinda is requesting appropriation of \$211,302 for environmental review, design, and administration. **Resolution No. 09-18-P.**
- 2.A.13 **State Route 4(e) Widening Project Somersville Road to Route 160 (Project 1407/3001) - Utility Relocation Agreements with PG&E.** Staff seeks authorization to enter into two utility relocation agreements with PG&E, Agreement No. 263 in the amount of \$279,360 to relocate electric distribution facilities and No. 264 in the amount of \$380,000 to relocate electric transmission facilities near Somersville Road in conflict with the freeway widening project.
- 2.A.14 **Contra Costa's Project Initiation Document (PID)/Project Study Report (PSR) Priority Projects for FY 2009-10.** Caltrans and MTC have requested the Authority's PID/PSR priority list for FY 2009-10.

(2.A.15 Legislation. *Removed from Consent Calendar.*)

- 2.A.16 State Route 4 (e) Widening Project – Somersville Road to State Route 160 Project (Project No. 1407): Authorization to negotiate with Jacobs and Vali Cooper for Construction Management Services.*** Staff seeks authorization to begin negotiations with the third and fourth ranking firms, Jacobs Civil and Vali Cooper & Associates, from the Construction Management (CM) On-call list established in July 2005, for constructability reviews on two construction packages.
- 2.A.17 State Route 4(e) Widening Project – Loveridge to Somersville (Project 1406).**
- 2.A.17.1 Project Update.**
- (2.A.17.2 Regional Measure 2 Bridge Toll Funds. *Removed from Consent Calendar.*)
- 2.A.17.3 Amendment No. 1 to the 2008 Measure C Strategic Plan.** This amendment reprograms \$2.02M in 1988 dollars (\$3.82M escalated) from SR4 East Widening - Somersville to SR160 (Project 1407) to SR4 East Widening - Loveridge to Somersville (Project 1406). **Resolution No. 09-19-P.**
- 2.A.18 Caldecott Tunnel Improvement Project – Approval to execute Consulting Services Agreement No. 262 with PB Americas. (Project 1698).** Last month the Authority authorized staff to begin negotiations with PB Americas for construction management services for the project. Negotiations for the initial set up and other pre-construction tasks are complete. Staff seeks authorization for the Chair to execute the initial contract for \$ 1,093,079.
- 2.A.19 Investment Banking Pool for Authority Sales Tax Revenue Financings.*** The Authority has completed a Request for Qualifications process for investment banking firms. It is recommended that the Authority approve a pool of investment banking firms to assist with its financial structure, credit rating approach, marketing and issuance of bonds as needed over the next three years.
- 2.A.20 Preliminary Authority Budget for FY 2009-10.** Any comments or adjustments to the Preliminary Budget will be incorporated into the Proposed Budget to be considered in June, following a public hearing on the matter.
- 2.1 NEW ITEM: Approval to execute Consulting Services Agreement No. 261 with Parsons for on-call design support services for the Caldecott Fourth Bore Project.** Parsons provided final design services for the project. Negotiations for the pre-construction design support services are complete. Staff seeks authorization for the Chair to execute the contract for \$ 418,000.
- 2.2 NEW ITEM: Route 4 Widening (Loveridge Road to Somersville Road) – AT&T utility relocation for UPRR Team Track Facility (Project 1406).** Staff seeks authorization for the chair to execute a utility relocation agreement with AT&T to relocate facilities that are in conflict with construction of the Team Track Facility.
- 2.B Planning Committee:**
- 2.B.1 Modifications to Existing Resolutions:** Consistent with Authority policy, appropriation resolutions may be modified to extend their expiration date or reflect actual construction bid amounts, or be terminated if the activity that was funded has been completed. Recommended changes are summarized.
- 2.B.2 Release of Draft Countywide Bicycle and Pedestrian Plan.** Working with the Countywide Bicycle and Pedestrian Advisory Committee, the consultant team of Fehr & Peers and Eisen|Letunić has prepared a draft update of the Countywide Bicycle and Pedestrian Plan (CBPP). The draft document updates the information and policies outlined in the 2003 CBPP and provides additional detail to make it easier for local jurisdictions to use the document in seeking funds for the Bicycle Transportation Account (BTA).

2.B.4 Approval of the Measure J Allocations for the Fourth Quarter FY 2008-09 and FY 2009-10 for the Sub-Regional Southwest County Safe Transportation for Children: School Bus Program. The Measure J Expenditure Plan establishes the sub-regional Southwest County Safe Transportation for Children: School Bus Program (Program 21c) funding at 3.32% of sales tax revenues. Within that allocation, the Lamorinda School Bus Program receives 1.32% of annual revenues and the newly formed San Ramon Valley school bus program (dba TRAFFIX) receives 2.00% of annual revenues. Proposed program allocations are based on those percentages applied to projected Measure J sales tax revenues for FY 2008-09 and FY 2009-10. **Resolution No. 09-12-G, Resolution No. 09-16-G**

Separate action was taken on the following items, which were removed from the Consent Calendar:

2.A.7 Amendments to Chapter 2 of the Administrative Code. The Authority is in the process of implementing its own accounting system. Historically, accounting services have been provided by Contra Costa County. The attached ordinance will provide the necessary amendments to remove references to the County in this regard and establishes new fiscal procedures for the Authority.
Ordinance 09-02

ACTION: *Commissioner Abelson* moved to approve Ordinance 09-02, seconded by *Commissioner Metcalf*. A roll-call vote was taken by the Executive Secretary. Ordinance 09-02 passed unanimously 9-0, with "Yes" votes by *Commissioners Abelson, Arnerich, Balico, Bonilla, Metcalf, Pierce, Taylor, Viramontes, and Alternate Uilkema* (for *Commissioner Glover*, who was absent).

2.A.15 Legislation. Information on the following legislation is enclosed:

- AB 744 (Torrico)—authorizing Bay Area HOT lane network
- SB 406 (DeSaulnier)—authorizes MTC to impose a vehicle registration fee for development and implementation of regional blueprints
- AB 1135 (Skinner)—would require vehicle owners to report odometer readings annually
- AB 1175 (Torlakson)—Incorporates the Antioch and Dumbarton Bridges into the region's seismic retrofit program; authorizes MTC/BATA to put bridge toll increases on the ballot to fund improvements in all the region's bridge corridors; allows variance in toll structure among bridges, including 'discounts' for carpools.

The Authority may take action on these bills or on any other matter pertaining to the Authority's legislative objectives.

ACTION: *Commissioner Pierce* moved to approve to proposed bill revisions as outlined, seconded by *Commissioner Balico*. The motion passed unanimously, 9-0.

STAFF REPORT:

Arielle Bourgart, Director of Government and Community Relations, stated that at a special meeting on April 23rd, the Authority voted to support the proposed amended legislative framework of AB 744 (Torrico), authorizing the development of a High Occupancy Vehicle/Toll Road Network in the Bay Area.

Ms. Bourgart said that MTC had amended the legislative framework on April 22nd, addressing four areas of concern to the Authority which included (1) representation on the Network Project Oversight Committee and Corridor Working Groups; (2) the requirement for a Project Study Report to be prepared by each Corridor Working Group for the express lane in its corridor; (3) equity consideration, including impacts of the proposed network on low-income areas and transit service; and (4) safety and operational considerations, addressing such things as ingress and egress.

Ms. Bourgart stated that Authority staff had worked with MTC staff on revised bill language. While all proposed specific verbiage was not incorporated into the bill text, Ms. Bourgart said that the revisions

responded to the Authority's concerns and were consistent with the principles approved by the Authority and MTC. She acknowledged MTC legislative staff's efforts to incorporate Authority-proposed language wherever appropriate.

Ms. Bourgart referenced a meeting handout which included extracted bill text and proposed revisions in response to the outlined areas of concern. Additionally, Ms. Bourgart said that MTC had proposed several other amendments to the bill related to the strategic planning process and "up-front" identification of funding sources. She said that further proposed language amendments were expected before MTC's meeting scheduled for May 27th, and that staff would be tracking the bill closely.

Chair Viramontes thanked MTC Commissioners *Amy Worth and Federal Glover*, *Arielle Bourgart*, and *Janet Abelson* for their support and hard work.

Commissioner Arnerich also acknowledged *Maria Alegria* for her efforts in facilitating a helpful conversation with the bill's author, Assembly Member *Alberto Torrico*.

Representative Worth thanked *Chair Viramontes* for her leadership, and said that MTC staff and commission appreciated *Contra Costa's* courage and effort on behalf of the region.

Alternate Uilkema mentioned that the Bay Area Air Quality Management District had a lengthy discussion regarding HOT lanes and their environmental impact. She said that many believed that single occupancy vehicle drivers should not be rewarded by a HOV/HOT Network.

Commissioner Abelson asked for clarification of the proposed language relating to representation on Corridor Working Groups. *Paul Maxwell*, Chief Deputy Executive Director, Projects responded that the intention was to have more than one CMA participate. Ms. Bourgart said that the bill language could be clarified.

Commissioner Balico asked why the plan would be updated every four years. *Chair Viramontes* responded that she believed the Executive Director had recommended every four years for consistency with capital improvement plans. Mr. Maxwell said that four years was suggested only as a means for periodic review of revenue projections. Ms. Bourgart said that MTC proposed text called for MTC to revisit toll amounts "from time to time", and that she would ask the Executive Director clarify his recommendation.

2.A.17.2 Regional Measure 2 Bridge Toll Funds. Staff seeks authorization to submit allocation request to MTC for \$32.1 million. **Resolution No. 09-17-P.**

ACTION: *Commissioner Pierce* moved to approve the RM2 funding allocation request, seconded by *Commissioner Arnerich*. The motion passed unanimously, 9-0.

STAFF REPORT:

Susan Miller, Director of Projects, outlined minor clerical changes/revisions to the funding allocation request for State Route 4 (East) Widening Project: Loveridge Road to Somersville Road, which were reflected in a revised staff report that was distributed as a meeting handout.

Ms. Miller said that the overall joint CCTA/BART funding request remained at \$32.1 million, as did the Authority's commitment of \$10 million from the BART RM2 Project Number 13.1. Ms. Miller said that the funding requirement to provide the wider median had increased from \$14 million to \$15 million, and that the balance for eBART project development activities was revised from \$8 million to \$7 million.

Ms. Miller stated that BART and MTC Management Staff had met following the APC meeting in May, and that the revised staff report reflected a reduction of funding from \$60.1 million to \$32.1 million, predicated on a Measure J Strategic Plan amendment. Due to the decline in sales tax revenues and

because the Authority had decided to postpone adoption of the 2009 Measure J Strategic Plan, Ms. Miller said that MTC staff had requested that the Authority make available an early commitment of Measure J funds and a shared commitment of project resources. She said that Authority staff would request a Measure J Strategic Plan amendment in June, to move forward \$20 million to Fiscal Year 2010-11 for the eBART transit project.

Ms. Miller explained that the funding advance would be possible because of the enhanced cash flow situation as a result of receiving federal economic stimulus funding for the Caldecott Tunnel.

3.0 MAJOR DISCUSSION ITEMS: *None*

4.0 REGULAR AGENDA ITEMS:

4.A Administration & Projects Committee: *None*

4.B.3 Responses to Comments Received on the Draft 2009 Countywide Comprehensive Transportation Plan. On February 18, 2009, the Authority released the Draft 2009 Countywide Comprehensive Transportation Plan and Draft Environmental Impact Report for public review. In response, the Authority received comments, on both the plan and the draft EIR, primarily from the RTPCs and local jurisdictions and agencies. The comments range from factual corrections and typos to significant policy issues. Staff has summarized the more significant issues as well as identifying changes to draft plan to respond to these comments and respond to direction from the Planning Committee.

ACTION: *Commissioner Bonilla* moved to approve incorporation of comments into the Draft CTP, seconded by *Commissioner Arnerich*. The motion passed unanimously, 9-0.

STAFF REPORT:

Martin Engelmann, Deputy Executive Director for Planning, stated that both Measure C and Measure J required the Authority to prepare and update a Countywide Transportation Plan for Contra Costa. He explained that the 2009 CTP refined the Authority's vision, goals and strategies, incorporated updates to the Action Plans for Routes of Regional Significance and upcoming new Measure J Projects and Programs, and offered a preliminary response to SB 375 and emerging regional policies aimed at reducing green-house gas emissions.

Mr. Engelmann said that the Draft 2009 CTP and Draft EIR were released on February 18, 2009 and were made available to all interested stakeholders and constituents for a 45-day review period, and that comments were due on April 6, 2009.

Mr. Engelmann stated that comments received (included in the Planning Committee packet) recommended factual changes and updates to the CTP document and Comprehensive Transportation Project List. He said that input would be sought from the TCC in May on proposed detailed responses to the comments and recommended changes to the Draft CTP, and that the Final CTP would return to the Authority for final approval in June.

Mr. Engelmann said that staff was seeking Authority direction on how the Draft CTP could be strengthened to provide the Authority and its partners direction for responding to SB 375. He referenced a letter and proposed modifications to the CTP sent by Steve Goetz, Deputy Director for Contra Costa County's Transportation Planning Section, which was distributed as a meeting handout. Mr. Goetz recommended that the CTP should clearly outline the Authority's proposed approach to reducing Vehicle Miles Travelled (VMT) and developing the Sustainable Communities Strategy (SCS) called for in SB 375, which the Planning Committee supported.

Mr. Engelmann stated that Mr. Goetz had also suggested that the Authority delay the adoption of the

CTP to allow the development of a comprehensive strategy for addressing sustainability, but noted that such a study could take a year or more. Mr. Engelmann said that the Planning Committee had requested that the CTP emphasize connections between Measure J and Sustainable Communities, and recommended that staff proceed towards adoption of the CTP in June with the following revisions:

1. Add a section to describe the process and requirements of SB375, and what the Authority's role might be in that process;
2. Describe how the Authority has already implemented many actions necessary to achieve the goals of SB 375 through the implementation of Measure J; and
3. Include a new implementation task to examine the broader issues of sustainability, greenhouse gas emissions, smart growth, congestion pricing, and other looming issues, such as system maintenance and transit funding shortfalls.

Mr. Engelmann stated that the Planning Committee would meet on June 3rd at 5:00 p.m. (prior to the special Authority Board Meeting scheduled for 6:00 p.m.) to review the Proposal for Adoption showing all of the recommended changes, and that the CTP would be forwarded along with Planning Committee comments for adoption by the Authority at its meeting of June 17th. He said that the proposed schedule for adoption of the Final CTP (included in the Authority packet) would allow the entire process to be completed by mid-summer.

Commissioner Pierce stated that the direction suggested by Mr. Goetz was very appropriate. She asked staff to incorporate his suggestions into the CTP and that the revision be submitted to the Planning Committee and Authority for consideration in June.

Commissioner Abelson asked for clarification of the schedule. Mr. Engelmann responded that the proposed schedule was included in the Authority packet on page 4.B.3-6. He said that after the TCC meeting, letters advising of the Authority's proposed response would be sent to all those who commented on the Draft CTP. Mr. Engelmann stated that one week prior to the June 3rd Planning Committee meeting, the full proposal for adoption (incorporating all changes) would be mailed, and then submitted to the Authority for approval at its June 17th meeting. He noted that because all RTPCs had approved their Action Plans, a full RTPC review cycle had not been incorporated.

Commissioner Bonilla thanked Mr. Goetz for his detailed work and follow-up, and also stated that she appreciated staff's efforts.

- 4.B.5 Measure J Expenditure Plan Amendment of Programs 19 and 20 for Central and West County.** In February 2009 the Authority agreed to consider an amendment to the Measure J Expenditure Plan for sub-regional programs 19 and 20 if so requested by the respective RTPCs. The amendment would add flexibility to the programs by allowing the RTPCs to program funds to support existing services under certain situations of financial need. Both TRANSPAC and WCCTAC have made such a request of the Authority. **Ordinance 09-01**

ACTION: *Commissioner Pierce* moved to approve the form of Ordinance 09-01 for circulation to the jurisdictions, with adoption following a Public Hearing scheduled for the June 17th Authority meeting, seconded by *Commissioner Abelson*. The motion passed unanimously, 9-0.

STAFF REPORT:

Peter Engel, Program Manager, gave a PowerPoint presentation on the proposed Measure J Expenditure Plan Amendment of Programs 19 and 20 for Central and West County, to provide additional funding to these two sub-regions.

Mr. Engel stated that transit and paratransit operators had faced significant losses due to reduced sales tax revenues and Transportation Development Act (TDA) and State Transit Assistance (STA) funds, necessitating cuts to core services. He explained that the Expenditure Plan currently required the Regional Transportation Planning Committees (RTPCs) to use Program 19 and 20 funds for new or enhanced bus and paratransit services. Mr. Engel stated that both TRANSPAC and WCCTAC had requested the flexibility to program these funds for new or existing services, in light of the funding crisis.

Mr. Engel described the Expenditure Plan amendment process as outlined in Ordinance 88-01, which includes a Public Hearing within 45 days of adoption. He explained that if a jurisdiction disagreed with the amendment and wanted to appeal, it would have 45 days to obtain resolutions in support of the appeal from a majority of the cities representing the majority of its population residing in the incorporated areas of the county and from the Board of Supervisors, or the amendment would stand.

Mr. Engel said that staff was seeking approval of Ordinance 09-01, and approval to schedule a Public Hearing for June 17th.

Commissioner Pierce clarified that formal adoption of Ordinance 09-01 would occur following the Public Hearing at the June Authority meeting. She said that the first several PowerPoint slides were very helpful, and should be forwarded to the jurisdictions to illustrate why the amendment was needed.

Commissioner Arnerich said that Measure J funds were not intended to replace lost funding. *Commissioner Pierce* said that it was very clear at TRANSPAC that the exception was due to extraordinary circumstances, and that there were no promises made that would obligate the Authority to make such accommodations in the future.

Representative (Alternate) Nancy Parent stated that Tri-Delta Transit had recently evaluated its entire system and responded by making adjustments to services. She said that in times like these, it was important to consider new efficiencies before cutting back.

Stan Taylor, Authority Counsel, stated that the Authority should approve the form of the Ordinance for circulation to the jurisdictions and schedule the Public Hearing and formal adoption of the Ordinance by roll call vote at the June Authority Board meeting.

5.0 CORRESPONDENCE AND COMMUNICATIONS:

6.0 ASSOCIATED COMMITTEE REPORTS:

- 6.1 Central County (TRANSPAC): *Report of April 16, 2009*
- 6.2 East County (TRANSPAC): *(Meeting of April 9, 2009 Canceled)*
- 6.3 Southwest County (SWAT): *Report of May 4, 2009 (Meeting Handout if Available)*
- 6.4 West County (WCCTAC): *Report of April 24, 2009*
- 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
- 7.3 Executive Staff Comments

Paul Maxwell, Chief Deputy Executive Director, Projects, stated that a letter to the Authority from Robert Allen, former BART Director, dated May 13th, 2009, regarding eBART had been distributed as a meeting handout.

Also distributed as a meeting handout was a copy of a letter to Mr. Ted Droettboom, MTC's Joint Policy Committee, from Susan Bonilla, Chair, Contra Costa County Board of Supervisors, dated May 5, 2009. Mr. Maxwell stated that the County's letter summarized Contra Costa's position with respect the proposed Joint Policy Committee policies for the implementation of SB 375

8.0 **CALENDAR:** June/July/August 2009

10.0 **ADJOURNMENT** to Wednesday, June 3rd, at 6:00 p.m.

Chair Viramontes adjourned the meeting at 6:59 p.m. to the special Authority meeting scheduled for June 3rd, 2009, 6:00 p.m.

