

**Summary Minutes
TRANSPAC – May 8, 2008**

ATTENDANCE:

Elected Officials: David Durant, Pleasant Hill, TRANSPAC Chair; Mark Ross, Martinez, TRANSPAC Vice Chair; Julie Pierce, Clayton, CCTA Representative; Guy Bjerke, Concord; Cindy Silva, Walnut Creek, CCTA Representative. Absent: Susan Bonilla, Contra Costa County (excused).

Planning Commissioners: Bob Armstrong, Clayton; Diana Vavrek, Pleasant Hill; Jon Malkovich, Walnut Creek. Vacant Seat: Martinez. Absent: Bob Hoag, Concord (excused); Donnie Snyder, Contra Costa County.

Staff: Arielle Bourgart, CCTA; Bob McCleary, CCTA; Roddrick Lee, BART; Luis Quinonez, Supervisor Bonilla's office; Ray Kuzbari, Concord; John Greitzer, Contra Costa County; Martin Engelmann, CCTA; Cindy Dahlgren, County Connection; John Hall, Walnut Creek; Lynn Osborn, 511 Contra Costa Program Manager; Corinne Dutra-Roberts, 511 Contra Costa; Barbara Neustadter, Connie Peterson, TRANSPAC staff.

Public: None

Meeting convened with a quorum by Vice Chair Ross at 9:07 a.m.

- 1. Convene meeting: Pledge of Allegiance/Self-Introductions – completed**
- 2. Public Comment**

Lynn Osborn announced that at the Association for Commuter Transportation meeting last week she presented the 2008 Legislator of the Year award to Ellen Tauscher. She noted that Tauscher has been responsible for transportation monies coming to our area and has also been recognized nationally for her support of initiatives that help commuters.

Cindy Dahlgren reported that Caltrans signed the environmental clearance on the Pacheco Transit Hub project. The Project Study Report Project Report (PSRPR) should be signed this week, and she thanked Bob McCleary for allowing the Authority's consultant, Trudy Presser (Nolte) to help achieve this milestone.

Barbara Neustadter noted that there was a correction in the letter from the City of Concord's Measure J funds Advance Request. Although the letter indicates that the Authority approved the Strategic Plan Amendment on March 19, the Authority will act on it in June.

CONSENT AGENDA: Pierce/Silva/Unanimous

- 3. Approved April 10, 2008 TRANSPAC meeting minutes**
- 4. City of Concord Ygnacio Valley Road Slide Repair Measure J Advance Request**

The City of Concord is seeking TRANSPAC's approval of a City advance of funds to be repaid by a Measure J Advance request for the Ygnacio Valley Road Slide Repair project (presented to TRANSPAC on February 21, 2008). TRANSPAC's approval is required for the City to request action by CCTA. The TAC reviewed this request at its April 24, 2008 meeting and recommends approval.

END CONSENT AGENDA

5. Presentation by Arielle Bourgart, Director, Government and Community Relations, CCTA on SB 375 (Steinberg)

Mrs. Bourgart reviewed the provisions of SB 375 – Transportation Planning: Greenhouse Gas Emissions authored by Senator Steinberg. The packet included a summary of the bill's provisions, a list of issues, recommended language changes (1/08) and a letter from the California State Association of Counties (CSAC) to the Senator Steinberg outlining its requested amendments to the bill.

DISCUSSION:

Bourgart noted that SB 375 has been a source of consternation to the Authority since it was introduced last year by Senator Steinberg. Because the bill involves Greenhouse Gas (GHG) emissions reduction, it becomes politically difficult to oppose it. The bill has moved to the Assembly, where the Speaker had some serious issues with components of the bill. This delay has given us more time to work independently and with other local government agencies to address the most problematic points.

Mrs. Bourgart discussed the provisions of the amendment that ensure that the ARB targets are considered advisory targets, not mandates; that GHG reduction should not be considered to the exclusion of other critical transportation goals; removal of language that could allow potential litigation risks; that each county is allowed to propose and adopt its own sustainable communities strategy to present to the regional agency; protection for local sales tax programs; and that modeling requirements are realistic and reasonable.

Chair Durant arrived at 9:27 a.m.

Robert McCleary made the observation that if government cannot address the root cause of the problem or implement a mechanism to fundamentally change behavior, it mandates a process. SB 375's core problem is that it will mandate many processes and will potentially engage us in litigation, while not doing much to solve the actual problem. The bill also has some clever litigation "hooks" embedded in it. Although the bill might not go forward this year, we are continuing to work at all levels to remove these hooks. For a reduction in GHG emissions, we recognize that there are two choices: 1) we must fundamentally change our lifestyle or 2) we need to develop significant technological changes.

Ross asked for an example of litigation "hooks". McCleary explained that the way the bill is written, you must do everything feasible to achieve the target, but failing to achieve the target could result in litigation that could delay or curtail building of a capacity-enhancing project.

McCleary said that we need to work collaboratively with local agencies in order to see change, and it will not be achieved by land use planning imposed from the "top-down" by ABAG or MTC. The League of Cities has asked on several occasions about having financial incentives for smart growth, but this has not been addressed. The amendment also proposes involves protection of local sales tax programs. We have a voter-approved program that we need to implement and match local dollars with federal and state funds. The analytical requirement has a hook with its induced growth issue. We recognize that transportation is a major contributor to GHG emissions, but land use is a mechanism that is slow and uncertain with changes that cannot be seen overnight. McCleary noted that the legal opinion has been circulated and is available for review.

Armstrong asked if we are copying the governor with our response. McCleary answered that all the work that has been done has been shared with high-level gubernatorial staff.

Pierce noted that the former representative from the County, Mark DeSaulnier, is a good friend of Mr. Steinberg and had hoped the Assemblyman could be here today for this discussion. We should include copies of our letters to Assemblyman DeSaulnier because he might be able to help. She said that another point to consider was brought up at the recent ABAG general assembly: we can do everything we can incrementally to reach the targets, but we will not get there without drastic changes. We should look at end goal and then work back from that. We need to include community members in the discussion and convince them of the need for change and allow them buy in. This is the strategy from the ground up, not top down.

Durant added that we should not stop at copying DeSaulnier, but we should send copies to every assembly member and senator in the nine county Bay area, as well as to anyone who is currently seeking a seat.

Bjerke noted that the Authority's point of view has always been to leave land use issues to local government. Consistent with that philosophy, the amendments that the Authority is pursuing make a lot of sense and it should be working aggressively with all the other interest groups to protect the "bottoms up" approach to planning. It should be staff's priority to monitor this bill and protect the principles of the Authority.

McCleary affirmed that the Authority is doing so. The challenge to reducing GHG emissions is that only two mechanisms are effective: technology and pricing. Unless you get the public's attention there will be no fundamental changes in behavior. Transit can play a role, but it accounts for only 5.6% of total travel in the Bay area. We need a 30-40% reduction in auto travel to meet the target. As a society, we must decide how to balance mobility and personal flexibility while reducing GHG emissions.

Durant talked about how to change the behavior of people in the diverse Bay Area. People need job centers with well-paying jobs near where they live. People choose the way and where they want to live on purpose. All electeds must be willing to stand up and demonstrate to the public why it's not good as it looks on paper.

Pierce commented that the problem with this bill is that it looks good to the general public because it seems logical. They are not able to see the dire consequences associated with it.

Dahlgren reiterated that people's behavior won't change because their options are limited without an enormous investment in transit alternatives. Seventy percent of riders who use transit now do so because there are no other options. Until there is a real choice, people are not going to change.

Durant commented that solutions might look good on paper but don't solve the problem. This bill doesn't offer a broader solution that looks at all factors that have an impact. He related examples of express buses and BART, noting that people must be able to get to transit easily and transit must take people where they want to go.

Ross said the gas is going to be too expensive in 5-15 years, the transportation system still will be overwhelmed and there still will be no transit. The bill may be flawed but the concept isn't. He talked about how many jobs could be done at home by telecommuting, but Pierce added that few companies are willing to change unless it's mandated. Osborn said that locating job centers is long-term solution, but locating telework centers is a possibility, and we are developing a workplan for Contra Costa County. She noted that metro DC requires 15% of employees to telework.

Armstrong said that now we have discussion of the suspension of the federal gas tax for summer. This sends a mixed message.

ACTION: Report received with thanks to both Ms. Bourgart and Mr. McCleary.

6. Presentation on the "Policies, Issues and Process" surrounding the development of the Metropolitan Transportation Commission's 2009 Regional Transportation Plan (RTP) by Robert McCleary, Executive Director, CCTA

Mr. McCleary reviewed the many issues surrounding the development of the 2009 RTP and the possible impact of RTP policies on CCTA, its jurisdictions and the implementation of Measure J projects and programs. The packet includes an outline of Mr. McCleary's presentation, the CCTA staff report and "Developing a Project Tradeoff Framework" prepared by MTC staff for its April 11 Planning Committee meeting and distributed at the CCTA Board meeting on April 16, 2008.

DISCUSSION: McCleary said that the CMAs are concerned about five key issues as described in the outline. In the last RTP there was a slogan called "fix it first". He noted that of nearly all the transit agencies in the Bay Area, only BART has seen a dramatic increase in ridership in the past 25 years, while others either have not gone up or have decreased. We need to refocus on BART and other transit operators as well, but because "fix it first" is crucially important to BART, which has the largest capital need. It should be a core tenet of the RTP, but has not been MTC staff's highest priority. MPOs (particularly MTC) have been gradually reducing the flow of federal funds for Local Streets and Roads over the past 16-18 years. Local Streets and Road and transit capital funding are the foundation and must be sustained. Further, MTC staff wants to pick major capital projects while ignoring the CMAs' priorities. MTC needs to respect the county share. To fulfill voter-approved Measure J we need state and federal funds to supplement the sales tax. MTC has an overly optimistic and unrealistic estimate of \$30 billion of revenues over the next 25 years that might be available for the RTP. Of this, only about \$9 billion is realistic. There needs to be a balance between vision and reality. He noted that MTC is conducting a public outreach meeting to hear comments on this issue on May 12 in Walnut Creek.

Durant emphasized the importance for cities to have the local streets and road money as cities can't do much to generate more income. We need to be aggressive in combating efforts like this that divert LSR money that is needed now and to avoid the longer-term impacts of lack of repair.

Chair Durant asked what we can do, and McCleary answered that we could go to testify on Monday night. However, this will all play out behind the scenes. We can remind our commissioners to do the best they can, but they're in a tough situation. The way MTC works, you can suffer if you're on the wrong side of the vote. Communicating with the commissioners is important, especially the North Bay.

McCleary said that adopting the local streets and roads resolutions was helpful, and he concluded by saying that MTC needs to respect the counties and to shape a vision that's reasonable and that takes into account the diversity and needs of the Bay Area.

ACTION: Report received with thanks to Mr. McCleary for his time.

Before proceeding to Item #7, Chair Durant asked the two first-time visitors to introduce themselves: Roddrick Lee, BART's Government and Community Relations representative for Contra Costa County, and Luis Quinonez, Chief of Staff for Supervisor Bonilla.

7. 2009 Regional Transportation Plan Issues from 511 Contra Costa (TRANSPAC TDM) Program Perspective

There are number of programs described on pages A-5 and A-6 in Attachment A of the MTC memo attached to the CCTA memo on the 2009 RTP in the packet. These programs in many ways mirror

the mission and/or actual programs currently implemented by the 511 Contra Costa programs. The TRANSPAC/TRANSPLAN 511 Contra Costa staff has drafted a comment letter to MTC for TRANSPAC's review.

DISCUSSION: Osborn highlighted the points made in the letter and noted that the goal was to show the redundancy of the programs that MTC is proposing. Four of the nine Bay Area counties already have local county-run TDM programs that offer many outreach, demand management and incentive programs similar to those that are proposed in the 2009 RTP. Some programs are redundant to existing programs implemented by the Air District. Because many of these efforts are better done at the local level, perhaps MTC could take the \$187 million and allocate it among the counties for implementation of their programs. She also asked whether it was more appropriate for the clean air message to be handled by the Air District or by MTC.

Bjerke suggested revising the first paragraph to summarize the comments just made by Osborn to establish the tone and purpose of the letter.

Ross commented on the point that the Air District's restrictive nature of the TFCA program's clean fuels program. It is there is because a project has to meet "best of the best" standards. He also questioned the Spare the Air Program audit that had been referenced. The issue of cost effectiveness in terms of increasing ridership has yet to be determined. Ross pointed out that in 2008 the only free transit day is scheduled for Thursday, June 19. It was agreed that the reference to the Air District's Spare the Air program should be restated.

Durant stated that we should leave clean air to the people who deal with air. Silva supported Ross's comments and added that if we say that what they're doing is not effective, it will have the opposite effect of what we intended.

Silva asked for clarification about the issue with the Safe Routes programs. Osborn pointed out that these are current grant programs that have rules, policies, and an associated administrative burden.

ACTION: Directed staff to revise the 2009 RTP comment letter as requested for Chair Durant to review and transmit to MTC representatives. Bjerke/Pierce/Unanimous

8. Continued Review of the Draft Revised Regional Transportation Mitigation Program (RTMP)

At the April 10, 2008 meeting, TRANSPAC representatives suggested revisions to the Draft RTMP. The TAC has incorporated those changes into a revised draft for TRANSPAC review. Revisions are highlighted in the document. TRANSPAC is requested to review the revised draft, advise additional changes and/or approve the RTMP for inclusion in the TRANSPAC Action Plan.

ACTION: Approved the updated Regional Transportation Mitigation Program (RTMP). Silva/Pierce/Unanimous

9. Additional Action on the Establishment of a 100 Net New Peak Hour Vehicle Trip Threshold for Project Notifications and a 500 Net New Peak Hour Vehicle Trip Threshold for Project and General Plan Amendment Evaluation

Last October, the CCTA Planning Committee had suggested that the threshold for both the evaluation of the impact of new development and GPAs could be set at 500 peak hour vehicle trips.

DISCUSSION: Neustadter reported that in discussion at the Planning Committee meeting, CCTA staff reported that the TCC (except Central County) wanted to stay at 100 trips. The Planning Committee sent this issue back to the TCC with an option to consider allowing the RTPCs to

establish their own thresholds. Durant suggested that the decision be left to individual cities, based upon their own judgment. Hall stated regional areas were concerned that going to the 500 limit could limit their ability to challenge traffic impacts. Durant said TRANSPAC needs to go back to the Authority with a letter outlining this prior to the TCC meeting and include a copy to Bob McCleary.

ACTION: Adopted the establishment of 100 Net New Peak Hour Vehicle Trips as the Threshold for Project Notifications and the 500 Net New Peak Hour Vehicle Trips as the Threshold for Project and General Plan Amendment Evaluation for the TRANSPAC 2008 Action Plan. Pierce/Bjerke/Unanimous

10. Update on the MTSO Dilemma in the TRANSPAC Action Plan

The MTSO dilemma was discussed at length at the April 10, 2008 TRANSPAC meeting. Based on that discussion, the TAC is working on a number of tasks prior to another discussion of this issue with TRANSPAC.

DISCUSSION: Neustadter noted that the DKS analysis of the MTSO will be discussed again at a special TAC meeting on May 14 when the delay index report AVO analysis and transit ridership have been received. The MTSO dilemma is not solely a Central County issue, but one that is also shared by East County. East County is using the same kind of MTSOs that were in our last Action Plan. No one is comfortable with use of the MTSOs as the MTSOs are not achievable without some sort of manipulation. Staff will continue to look at other elements of commonality between the two RTPCs on the Action Plan issue. Neither Central nor East County wants to be detrimental to each other. East County staff is concerned that by going forward with the MTSOs the Authority suggested will cause conflict among the RTPCs and jurisdictions and will create a conflict resolution crisis. Pierce added that when the conflict resolution process was established in 1995 it was hoped that it would not be needed again. The MTSOs either should be achievable or eliminated. Silva pointed out that conflict will not only be created among the agencies, but also with the public at large when they perceive they have been misled.

ACTION: Report accepted.

11. Measure J Sub-regional Allocations

Measure J includes a number of "Subregional Project and Programs" which are specific to each RTPC area (see Measure J "Table of Expenditure Plan Allocations" chart in the packet). The current status of Central County Subregional Projects and Programs and requests for action are listed below.

A. Additional Bus Enhancements: County Connection is the only bus operator in the TRANSPAC area eligible for these funds. TRANSPAC TAC member Cindy Dahlgren, CCCTA, presented a proposal for the expenditure of the \$24 million (over 25 years) line 19 in the Measure J "Table of Expenditure Plan Allocations" at the April 24, 2008 TAC meeting. While the TAC appreciated the CCCTA proposal, its recommendation to TRANSPAC is that all of the line 19 funds be allocated to CCCTA to be expended to best address Central County needs. CCCTA is requested to a) report back annually to TRANSPAC on how the funds were used and; b) to consider establishing a reserve of these funds to ease expected variances in Measure J revenues over 25 years.

ACTION: Accepted the TAC recommendation. Bjerke/Pierce/Unanimous

B. Additional Transportation for Seniors and People with Disabilities. Hold for future discussion. This issue is of special interest to County Connection and paratransit operators including cities

and agencies that provide services to non-ADA seniors. TRANSPAC staff has advised that the TAC consider some form of public process with potential recipients in this category. TAC members will provide the TRANSPAC Manager with contact information of affected/interested local jurisdiction staff and agencies, if known. TRANSPAC representatives are requested to advise the TAC of any suggested approaches or issues that need to be addressed regarding the process for developing a proposal for this funding category.

NOTE: CCCTA has received a Freedom grant to do a Mobility Inventory of services available. CCCTA staff suggests that TRANSPAC "Additional" funds could be used for Mobility Management (providing assistance in finding an appropriate service) and/or a fare subsidy (70% of CCCTA riders make less than \$50K). There is also interest in funding jurisdictions and agencies that provide service to "non-ADA" seniors.

ACTION: Held over for future discussion.

- C. The TAC recommends that the Additional Local Streets and Roads Maintenance and Improvements (\$20M for Central County) be allocated to jurisdictions on the same formula basis as the countywide Measure J Local Streets and Roads Maintenance and Improvements. In addition, the TAC recommends that compliance with the Growth Management Program not be required for the allocation of subregional Local Streets & Roads Maintenance and Improvements funds.

ACTION: Accepted the TAC recommendation regarding the formula and allocation requirement. Pierce/Bjerke/Unanimous

- D. Programming for the \$48M in Major Streets improvements has been completed for the 25 Year STIP, both the 2009 and 2012 bond measures and the 2009 Regional Transportation Plan.

ACTION: No further action is necessary at this time.

- E. Commute Alternatives: Hold for future discussion. Originally, the first three years of this program were slated to fund capital sidewalk gap closure projects especially near schools. However, the Measure C TDM over-allocation payback (see #12A) may require a reassessment of this approach in the future depending on timing, revenues and CCTA actions.

ACTION: No action requested at this time.

12. Discussion/Comments on the Countywide Transportation Plan Vision, Goals and Strategies (CTP VGS)

ACTION: Discussion and review of the CTP VGS held over until next month. Chair Durant asked the committee to e-mail any comments to Neustadter for the TAC.

13. TRANSPAC and CCTA Representatives' Reports. The minutes of the March 19, 2008 CCTA meeting were included in the packet.

a. Administration and Projects Committee meeting

Member Pierce reported that the Administration and Projects Committee reviewed consulting agreements and discussed was the salary and benefit study, salary range adjustments and the adoption of COLA increases. The preliminary budget was also discussed.

b. Planning Committee meeting

Member Durant reported that the Planning Committee again reviewed the CTP brochure and proposed further changes.

TRANSPAC agreed that is important for the public to know about how Authority has carried out its charter but did not believe that a lengthy brochure best served that purpose. Members offered several suggestions such as providing the assistance of local jurisdictions' public information officers on staff; publish information in city newsletters; send informational postcards; or place an ad in the local newspaper.

ACTION: Reports Received

14. Reports from Staff and Committees – a. and b. held over until next month

a. Update on the TDM "deficit" and the proposed "Measure J" advance to address the shortfall in the TRANSPAC/TRANSPLAN TDM Program. TRANSPAC previously was advised of this problem regarding funding of the TRANSPAC/TRANSPLAN TDM program (aka 511 Contra Costa). Ms. Osborn will provide an update on the plan crafted by the TDM Program and RTPC Managers to address the over-allocation and required "payback" through a Measure J Advance.

b. 511 Contra Costa Monthly Report by Lynn Osborn, 511 Contra Costa Program Manager

c. Scheduling options for the briefing session for TRANSPAC/CCTA for TRANSPAC elected officials and Planning Commissioner appointees.

ACTION: Briefing session will be arranged.

15. Correspondence/Copies/Newsclips/Information – Accepted

16. For the Good of the Order – Because of commissioners' scheduling conflicts, the next TRANSPAC meeting will be held on the alternate date of June 19, 2008. Location is to be determined.

17. New TRANSPAC Roster Updated from the April meeting – No further changes were requested.

18. Adjournment - the meeting was adjourned at 11:47 a.m.