



CONTRA COSTA
transportation
authority

COMMISSIONERS: *Maria Viramontes, Chair* *Robert Taylor, Vice Chair* *Janet Abelson* *Newell Arnerich* *Ed Balico*
Susan Bonilla *David Durant* *Federal Glover* *Michael Kee* *Mike Metcalf* *Julie Pierce*

TO: Barbara Neustadter, TRANSPAC Christina Atienza, WCCTAC
 Andy Dillard, SWAT Lisa Bobadilla, TVTC
 John Cunningham, TRANSPLAN Calvin Wong, LPMC/SWAT (TAC)

FROM: Robert K. McCleary, Executive Director

DATE: May 21, 2009

SUBJECT: **Items approved by the Authority on May 20, 2009, for circulation to the Regional Transportation Planning Committees (RTPCs), and items of interest**

At its May 20, 2009 meeting, the Authority discussed the following items, which may be of interest to the Regional Transportation Planning Committees:

- 1. 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.
- 2. 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. *The Authority approved the initial contract with PB Americas for \$1,093,079.*
- 3. 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. *The Authority approved Agreement No. 261 with Parsons for \$ 418,000.*
- 4. Investment Banking Pool for Authority Sales Tax Revenue Financings.** The Authority has completed a Request for Qualifications process for investment banking firms. *The Authority approved 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. A special Authority meeting on the proposed bond issue is scheduled for June 3rd at 6:00 p.m.*
- 5. 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). *The Authority approved the release of the Draft 2009 CBPP for review.*

6. **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. *The Authority approved Resolution No. 09-12-G and Resolution No. 09-16-G.*
7. **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 (CTP) 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 ranged 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. *The Authority authorized staff to proceed with revisions to the Draft CTP, to incorporate the following: 1) emerging requirements of SB 375 and AB 32, 2) a description of how the Authority is already implementing many of the actions that will be necessary to achieve the SB 375 goals through Measure J; and 3) a proposed implementation task that looks at the broader issue of sustainability, smart growth, and other issues. The Authority approved the proposed schedule leading to certification of the FEIR and adoption of the Final 2009 CTP on June 17, 2009.*
8. **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. *The Authority approved for circulation proposed Ordinance 09-01 amending the Measure J Expenditure Plan, and scheduled a Public Hearing for the June 17th Authority meeting.*



SUMMARY MINUTES

April 15, 2009

Commissioners Present: Janet Abelson, Newell Arnerich, Ed Balico, Susan Bonilla, David Durant, Michael Kee, Julie Pierce, Bob Taylor, Maria Viramontes

Commissioners Absent: Federal Glover, Mike Metcalf

Alternates Present: Don Tatzin for Mike Metcalf, Gayle Uilkema for Federal Glover

Ex-Officios Present: Joel Keller, Mike Shimansky, Amy Worth

Staff Present: Bob McCleary, 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 6:07 p.m.
- B. **PLEDGE OF ALLEGIANCE:**
- C. **PUBLIC COMMENT:** *(Public comment was made after approval of the Minutes and Consent Calendar)*

Commissioner Pierce stated that TRANSPAC had requested that Amin AbuAmara, Jack Hall, and Hisham Noeimi be recognized for their collective efforts in shepherding all of Contra Costa's twenty jurisdictions through the stimulus project preparation, submission, and fulfillment of State and Federal requirements. On behalf of TRANSPAC, they were each presented a letter of commendation signed by all of the TRANSPAC representatives, acknowledging their efforts in guiding jurisdictions through the rapid and complex process related to the Federal economic stimulus project allocation and approval.

Hisham Noemi said that it was nice to be recognized for just doing his job.

1. **APPROVAL OF MINUTES:** Authority Minutes of March 18, 2009.

ACTION: *Commissioner Arnerich* moved to approve the Minutes of March 18, 2009, seconded by *Commissioner Balico*. The motion passed unanimously, 9-0. *(Commissioners Durant and Pierce had not yet arrived.)*

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

ACTION: *Alternate Tatzin* moved to approve the Consent Calendar, seconded by *Commissioner Abelson*. The motion passed unanimously, 9-0. *(Commissioners Durant and Pierce 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 2009.** This report also includes the summary of payroll and benefits costs by organizational unit.
- 2.A.3 Monthly Investment Report for February 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 State Route 4 Widening Project - Loveridge Road to Somersville Road (Project 1406).**
- 2.A.5.1 Award of Construction Contract No. 258 for the Union Pacific Railroad Team Track (trans-loading) Facility Project.** Staff recommends awarding contract to the William G. McCullough Co. **Resolution No. 09-15-P.**
- 2.A.5.2 Memorandum of Understanding (MOU) Between the Authority and Delta Diablo Sanitation District (DDSD).** The construction of the Union Pacific Railroad (UPRR) Team Track Facility as a sub-phase of the SR4 freeway widening project provides the opportunity for DDSD to install a steel casing under railroad tracks for their future utility use. DDSD also needs concrete saddle protection of their existing pipeline at several locations within the Team Track parcel. The proposed MOU (14.06.04) defines the terms and conditions under which work for DDSD is to be designed, constructed, financed, and maintained.
- 2.A.5.3 Amendment No. 4 to Contract No. 206 with TranSystems Corporation.** Staff seeks approval for the Chair to execute Amendment No. 4 with TranSystems Corporation to increase the total agreement value by \$15,700 for additional design services related to the railroad Team Track (trans-loading) Facility.
- 2.A.5.4 Amendment No. 4 for Consultant Agreement No. 179 with URS Corporation for Additional Design Services.** Staff seeks approval for the Chair to execute amendment No. 4 with URS Corporation to increase the total agreement value by \$218,264 for additional design services related to the final PS&E.
- 2.A.5.5 Caltrans Cooperative Agreement for Construction.** Staff seeks authorization for the Chair to execute Cooperative Agreement No. 90.14.20 with Caltrans for construction.
- 2.A.6 Status Update of New Financial Management System.** In October the Authority approved a series of contracts providing for the purchase of hardware, software and implementation services for a new financial management system. The project is approximately 50% complete, within budget and on track to 'go live' effective July 1, 2009.
- 2.A.7 City of Concord – Ygnacio Valley Road Permanent Restoration – Phase 2 (Project 24027).**
- 2.A.7.1 Peer Review of Design Plans:** A peer review committee completed review of the 65% design plans on February 26, 2009 for the Ygnacio Valley Road Permanent Restoration – Phase 2 project. Staff recommends approval of peer review recommendations.
- 2.A.7.2 Request for Appropriation of Measure J funds for Construction.** The City of Concord is requesting the appropriation of \$2,691,000 for construction activities on Ygnacio Valley Road Permanent Restoration - Phase 2 Project 24027. **Resolution No. 09-14-P.**

- 2.A.8 I-680 /Norris Canyon Carpool/Bus Ramps (Project 8003) – Amendment No. 1 to Contract No. 213 with CH2M Hill for Design Services.** Staff seeks authorization to augment Agreement No. 213 with CH2M Hill by \$45,000 to provide additional out-of-scope services to complete the Project Study Report.
- 2.A.9 Letter of Support for the eBART Project.** On April 23, 2009, the BART board will consider adoption of the Environmental Impact Report (EIR). Staff recommends sending a letter of support for the eBART project.
- 2.A.10 Legislation.** Staff will report on developments regarding the state budget, economic stimulus legislation, and the following bills of potential interest to the Authority:
- SB 406 (DeSaulnier)—This bill would authorize an MPO or COG to impose a vehicle registration fee to fund development and implementation of regional blueprints; this could potentially be competitive with legislation authorizing county transportation agencies to put a vehicle registration fee on the ballot.
 - ACA 9 (Huffman)—This proposed constitutional amendment would lower the voter threshold for bonds and special taxes for public facilities and housing to 55%. This would specifically allow countywide transportation sales taxes to pass with this lowered threshold.
 - AB 1135 (Skinner)—This bill would require motor vehicle owners to report their odometer readings as part of the annual vehicle registration process. The intent of the bill is to obtain information on the amount of emissions attributable to cars and trucks, but presents concerns about the privacy of vehicle owners.

The APC did not take action on these bills, which will be discussed in the upcoming months. The Authority may take action on these bills or on any other matter related to the Authority's legislative objectives.

2.A.11 State Route 24 - Caldecott Tunnel Improvement Project (Project No. 1698).

2.A.11.1 Project Status Report – Project staff provided a PowerPoint presentation to the APC outlining project status, schedule, and project construction elements.

2.A.11.2 Authorization to negotiate a consultant contract with PB Americas, Inc. for Construction Management Services. Staff seeks authorization to begin negotiations with the top ranked firm, PB Americas, Inc., in the recently concluded consultant selection process for construction management services.

2.A.13 FY 2009-10 Salaries and Benefits Resolution. The Authority annually adopts a resolution which establishes staff salary ranges and benefits for the upcoming fiscal year. There are no recommended changes to salary ranges or benefits. One title change and one reclassification are proposed. **Resolution No. 09-13-A.**

2.1 NEW ITEM: Update on ARRA Funding for Local Streets and Roads. As a result of anticipated changes to State ARRA allocations, MTC has identified \$3.43 million in additional funding available to Contra Costa. Per APC direction on January 28th, the funds would be distributed by formula to all twenty local jurisdictions.

2.B Planning Committee:

2.B.1 Approval of the City of Pleasant Hill's Calendar Year 2006 & 2007 Growth Management Program (GMP) Compliance Checklist. The City of Pleasant Hill has submitted its Calendar Years 2006 & 2007 Growth Management Program Compliance Checklist for allocation of Measure C Local Street Maintenance and Improvement (LSM) Funds. An allocation of \$488,530 in FY 07-08 LSM funds will be paid out, following Authority approval of the GMP Compliance Checklist.

- 2.B.2 Circulation of Draft Fiscal Year (FY) 2009–10 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 2009–10 CMA budget for review by the Public Manager’s Association in April 2009. The final CMA budget must be adopted in June 2009 as part of the full Authority budget.
- 2.B.3 Status of Local Compliance with the Measure J Urban Limit Line (ULL) Requirement.** According to the information recently obtained by staff, all 20 local jurisdictions in Contra Costa have fulfilled the requirement of the Measure J Growth Management Program (GMP) to adopt a voter-approved ULL. Contra Costa County, San Ramon, Pittsburg, and Antioch have each adopted a “Local ULL.” The remaining jurisdictions have adopted the “County ULL.” Authority Ordinance 06-04 clarifies the procedure for adopting either type of ULL. The information received indicates that as of the start of Measure J on April 1, 2009, all local jurisdictions have complied with the ULL requirement of the Measure J GMP. This information could be used for the allocation of FY 08-09 Local Street Maintenance and Improvement funds.
- 2.B.4 Approval of the Fourth Quarter FY 2008-09 (First Quarter Measure J) Allocation for the Central County Additional Bus Service Enhancements Program (Sub-Regional Program 19a).** The Measure J Expenditure Plan establishes the Central County Additional Bus Service Enhancements program (Program 19a) at 1.2% of sales tax revenues. As a sub-regional program the funds are programmed by TRANSPAC. At its March 12, 2009 meeting TRANSPAC took action on programming the funds to County Connection. **Resolution 09-06-G.**

End of Consent Calendar

*Commissioner Pierce arrived at 6:08 p.m.
Commissioner Durant arrived at 6:09 p.m.*

3.0 MAJOR DISCUSSION ITEMS:

4.0 REGULAR AGENDA ITEMS:

4.A Administration & Projects Committee

- 4.A.10 Legislation.** Discussion of AB 744 (Torrice), proposed Bay Area HOT lanes network, in the context of Authority-approved principles. (*Attachment – Action to be Determined*)

ACTION: *Commissioner Pierce* moved to authorize a “support if amended” position on AB 744, and direct the Executive Director to work with the Authority’s MTC Representatives as well as CMA Directors, on draft language changes to AB 744, reflecting the Authority discussion and direction. Staff was further directed to return to the Authority for review and approval of language at a special meeting on April 23rd, seconded by *Commissioner Arnerich*. The motion passed unanimously, 11-0.

STAFF REPORT:

Bob McCleary stated that a meeting handout distributed on the item included: (1) *Chair Viramontes’* testimony at MTC’s Legislative Committee Hearing of April 10th; (2) a red-line/strike-out version of suggested changes to AB 744’s text; (3) a Supplemental Analysis and Options document reflecting recent developments, Authority staff draft amendments, the status of the bill’s text, and options for Authority consideration; and (4) a Santa Clara Valley Transportation Authority (VTA) memorandum on the HOT Lanes Network Legislative Framework.

Mr. McCleary stated that he was seeking Authority direction on whether the Authority's position should be modified. He said that draft AB 744 legislation differed from the basic policy framework adopted by MTC approximately nine months ago. It included a less significant role for the Congestion Management Agencies than previously envisioned, differences in funding accountability, and reduced amounts to be returned to the generating corridor. He said that the importance of partnership, keeping dollars generated in the corridor, placing transit capital needs as a top priority for revenues, and recognizing the challenges of severely impacted corridors in setting implementation priorities—eg., such as for I-80—should be addressed.

Mr. McCleary said that based on very recent discussions with MTC commissioner Amy Worth, and an amendment proposed by Jim Spering and adopted at MTC's meeting of April 10th eliminating an "opt-out" provision, further revisions may be appropriate.

He provided some insights regarding MTC's perspective that bridge toll funding and credit rating enhancement allowed advancing projects beyond what would otherwise be possible and at a lower cost. Mr. McCleary said that MTC's claims had not been validated, and his concerns involved openness, accountability and partnership.

Mr. McCleary summarized options for Authority consideration: (1) continue with "oppose unless amended" position; (2) withdraw Authority opposition if Authority-approved language is incorporated; (3) withdraw from efforts to influence the process entirely; or (4) adopt a "support if amended" position.

Mr. McCleary stated that the VTA memorandum urged its Board to request changes to AB 744 that were consistent with the Authority's concerns and draft language. It proposed a strengthened role for Bay Area CMAs, including the responsibility to define corridors and establish Corridor Working Groups and approve Corridor Improvement Plans. The VTA memorandum defined net revenues differently than MTC, requested the re-investment of the redefined 95 percent of net revenues back to the corridor, and addressed sunset of existing toll-setting authority.

Mr. McCleary explained that further strategic planning was needed, and that bill language proposed by staff included strategic planning at five year increments. He said that the strategic planning process would address such things as community support, and evaluating the effects of increasing carpool occupancy to generate revenue.

Mr. McCleary said that three HOT lanes would result from the initial investments: Alameda I-680, Sunol Grade to Milpitas; a conversion of the I-580 eastbound HOV project; and Santa Clara HOT Connector Ramps. Start ups would be costly and likely would be phased-in. Mr. McCleary stated that completion of the 800 mile HOT Lane Network by 2016 would not be feasible, and that initial consultant estimates projected completion at the earliest in 2023, dependent on funding being available by then.

Mr. McCleary noted that HOT and toll lanes in southern California had resulted from initial Federal or private funding, and that HOT lanes projects in San Diego included two lanes in each direction, which typically was not possible in the Bay Area.

Christina Atienza, WCCTAC Executive Director, stated that her research and review of the proposed legislation primarily focused on MTC's authority with respect to the Bay Area Toll Authority (BATA), and sections of the streets and highways code which discussed HOV and HOT lanes. She said that other applications of HOT lanes in the state had made sure that the level of service on existing HOV lanes did not degrade due to the implementation or conversion to HOT lanes.

Ms. Atienza suggested that the criteria for prioritizing the corridors should be strengthened beyond what had been outlined by staff, and should specify that there must be *available capacity* today for the

HOV/HOT lane to be implemented.

Commissioner Arnerich asked about the relationship between BATA and MTC. *Ms. Atienza* explained that BATA and MTC had the same Board, similar to the relationship between a jurisdiction's City Council and its Redevelopment Agency.

Representative Worth stated that the proposed Bay Area HOT Lanes Network had evolved through efforts over the last two years to update the Regional Transportation Plan, and was related to a means for increasing revenue to build out the HOV network and express bus transit. She thanked the Authority for its thoughtful discussion and consideration, and said that it was important that the Authority's concerns and values be considered in the process. *Representative Worth* stated that there was support at MTC for the Authority's concerns, but that MTC representatives viewed the Network as a *regional* network. She said that Alameda and Santa Clara County were interested in moving forward with the process.

Representative Worth explained that there was an opportunity over the upcoming week to influence legislation that reflected the Authority's values. *Ms. Worth* said that the last day for legislation to be heard by the Assembly Transportation Committee was April 27th.

Chair Viramontes explained that while the Authority had taken a position to oppose HOT lanes, she had made a strategic decision at MTC's Legislative Committee Meeting of April 10th only to characterize the Authority's concerns, recognizing the opportunity for the Authority to oppose the bill at a later time.

Chair Viramontes circulated a map which had been distributed at the MTC meeting, identifying gaps resulting from structural, environmental, or other problems that would prohibit HOT lanes. She stated that WCCCTAC staff had recommended that all gaps in Contra Costa be identified and potentially included (as gaps) in the legislation. *Chair Viramontes* said that portions of I-80 fit that criterion.

At the MTC meeting, *Chair Viramontes* said that she had identified examples of HOT lanes projects in the nation that did not generate sufficient revenue to cover the costs of construction and maintenance of the corridor. She noted that while a San Diego HOT lanes project was able to pay for the system and generate funding for transit, two lanes had been built in each direction.

Chair Viramontes stated that she was concerned about the plan to use bridge tolls to mitigate funding gaps, and that the opportunity for transit funding should not be diminished. She said that if the bill was supported primarily as a method to raise funding for transit, the revenues dedicated for transit should be specified in the legislation. She said that the legislation should also include the provision for a third-party independent review of the financial models, and further studies on the implementation of HOT lanes.

Commissioner Arnerich said that he supported the Chair's judgment call. He said that MTC seemed to believe that it would make money on a HOT Lanes Network, but that the reality was that it would barely pay for itself and would take billions away from other projects. *Commissioner Arnerich* said that although the California League of Cities was neutral, the East Bay League had more at stake and should be encouraged to support the Authority's position. He said that specific exclusion of I-80 (from the "network") should be avoided in favor of using criteria to achieve desired results.

Commissioner Abelson asked the Chair to clarify the governance issue. *Chair Viramontes* stated that CMA involvement where HOT lanes exist was supported, and that reinvestment of 95 percent of net revenues should be returned to the corridor. *Commissioner Abelson* asked about the transition area near Route 4 on I-80, and asked if it was too late to back out of the integrated corridor management (ICM) project. *Christina Atienza* responded that it may be premature to withdraw. *Bob McCleary* commented that MTC's map was only an example, and that the legislation would give MTC authority over all state highways where HOT lanes could be implemented. He said that excluding specific areas/projects may

not be politically possible.

Commissioner Abelson noted that there was not a lack of transit service on the I-80 corridor, but that the road design was more the problem. She said that she was concerned about inadequate transit funds in the corridor, and that downstream transit issues also needed to be addressed.

Commissioner Tatzin stated that he also supported the Chair's political approach, and that the Authority should be clear on its definition of net revenues. He said that the effect of the gaps should be studied to determine if there would be a net benefit to building them.

Representative Worth said that VTA's key points were consistent with the Authority's position. She agreed that every host CMA should participate in decision-making on its corridor. She said that transit was an important component of the bill, and providing options for drivers and the funding to build the remaining HOV lanes for transit were important to Contra Costa.

Alternate Uilkema said that as Supervisor, she had concerns about the impacts of HOT lanes. She said that the idea of stopping the I-80 HOT lane in Vallejo should be further explored.

Commissioner Balico stated that the Authority should support AB 744 (Torrico) if amended, and recommended that the amendment exclude I-80 specifically.

Commissioner Bonilla said that she also supported the Chair's wise decision to not express Authority opposition to the bill. She stressed the importance of a collaborative approach which would benefit Contra Costa and furtherance of the Authority's objectives. *Commissioner Bonilla* suggested that encompassing language could be used to keep the list of priorities at a reasonable level.

Commissioner Durant agreed that the Authority should focus on what it hopes to achieve. He said that the Authority had finally been heard and supported. He urged a pragmatic approach considering the Authority's objectives for implementing HOT lanes in places where they make sense.

Chair Viramontes summarized the Authority's position: (1) do not degrade the level of service on HOV lanes; (2) consider a gap allowance for I-80; (3) do an independent third-party study on the implementation of an I-80 HOT lanes or transition area; (4) some funds for transit are established up front; (5) bridge toll funding to transit would not be at risk; (6) the CMAs would be part of the work group; (7) 95 percent of net funding (per VTA definition) would stay in the corridor; and (8) social equity and environmental impacts would be considered.

Commissioner Pierce said that the Authority's four principles and VTA letter needed to be merged, and that getting specific about the gaps would be a mistake. A brief discussion about the trade-offs, studies, and options for I-80 were discussed. *Commissioner Pierce* suggested that the Executive Director and MTC Representatives work with the other CMAs on draft language consistent with Authority discussion, for review and approval by the Executive Committee, so that the Authority's position could be "support as amended". *Commissioner Pierce* said that if the bill language does not evolve, the Authority's position could be changed. The Authority approved a special meeting scheduled for Thursday, April 23rd at 6:00 p.m., following MTC's April 22nd meeting, and before the Assembly Transportation Committee hearing scheduled for April 27th.

Representative Worth thanked the Authority and staff for the careful consideration of the matter.

- 4.A.12 Authorize Request for Qualifications # 09-01 for Investment Bankers Related to the Issuance of 2009 Sales Tax Revenue Bonds.** Authorization is sought to issue a RFQ to form the investment banking underwriter team. The underwriters assist with the structuring of the bond transaction, the rating agency approach, and marketing the bond sale. Additionally, two special Board workshops are proposed.

ACTION: *Commissioner Arnerich* moved to approve issuance of RFQ #09-01, and that two special Authority meetings be scheduled for June 3rd and August 26th, seconded by *Commissioner Balico*. The motion passed unanimously, 11-0.

STAFF REPORT:

Randall Carlton, Chief Financial Officer, stated that the Authority was preparing to issue \$300 million of sales tax revenue bonds in September 2009. He stated that the APC had approved issuing a Request For Qualifications to form the investment banking underwriter team, to assist with the structuring of the bond transaction, the rating agency approach, and marketing of the bonds.

Mr. Carlton said that the financing plan would be extremely detailed and complex, and that two special Authority Board meetings had been tentatively scheduled. Mr. Carlton stated that the first workshop to approve the financing team, review financial plan options, and provide authorization to proceed had been tentatively scheduled for June 3rd at 6:00 p.m. The second workshop, at which the Authority would approve bond documents, was scheduled for August 26th, 6:00 p.m.

Mr. Carlton said that staff was seeking authorization to issue the RFQ and approve the two special Authority meetings on June 3rd and August 26th.

Commissioner Arnerich asked if there had been any improvements in reinsurance, in light of recent improvements in the financial markets. Mr. Carlton responded that there had not been improvements in bond insurance, and that the value of the swap continued to deteriorate.

4.A.14 American Recovery and Reinvestment Act (ARRA): Proposal for Loans from the Authority to Supplement ARRA Funding for the Caldecott Tunnel and Vasco Road Safety Projects.

ACTION: *Commissioner Arnerich* moved to authorize loans to Caltrans for the Caldecott Tunnel project and to Contra Costa County for Vasco Road safety improvements, seconded by *Commissioner Taylor*. The motion passed unanimously, 11-0.

STAFF REPORT:

Bob McCleary stated that there had been two requests of the Authority to provide loans to Caltrans and Contra Costa County, to keep two projects supported through American Recovery and Reinvestment Act moving forward.

Mr. McCleary explained that in order to show the Caldecott Tunnel as fully funded, MTC had asked the Authority to loan Caltrans \$12.1 million (above the \$125 million already committed), to show the Caldecott Tunnel project as fully funded. Mr. McCleary said that while he hoped that the advance would not be required, if needed the loan would occur at the end of the ARRA funding—approximately two years at the earliest. He said that Caltrans would then reimburse the Authority from Proposition 1B bond proceeds or through an AB 3090 commitment in the STIP.

Mr. McCleary explained that the State had agreed to put all available ARRA funding for Northern California into the Caldecott Tunnel, and that CTC had voted to approve the ARRA funding commitment. He said that if MTC acted favorably on its commitment of ARRA funds to the Caldecott, Caltrans could soon advertise the project. He said that the loan was a small price toward getting the Caldecott Tunnel back on schedule, and hopefully would not be needed.

The second requested loan of \$8 million to Contra Costa County would help advance Vasco Road safety improvements, which could likely be covered with minimal impact to the Authority's cash flow. It would be subject to repayment from either the County's 18 percent Local Streets and Roads funds or Proposition 1B Bond funds. Mr. McCleary said that if approved, the need would be near the end of the

process, within the next year or so. Mr. McCleary explained that details would be worked out in a cooperative agreement with the County.

Mr. McCleary said that staff was seeking the Authority's conceptual approval of both loans.

4.B Planning Committee

- 4.1 NEW ITEM: Proposed Transportation Authority Economic Stimulus Through Accelerated Payment of Local Streets and Roads Funds.** Existing Authority policy provides that local jurisdictions submit a Growth Management Compliance Checklist covering two consecutive calendar years. Once approved, a jurisdiction then receives its share of the 18 percent of funds allocated for local streets and roads maintenance from the first of two fiscal years from which compliance funds are drawn. Funds from the second fiscal year are disbursed one year after the disbursement of the first-year funds. The delay was intended to be an incentive for jurisdictions to submit their checklists in a timely way.

ACTION: *Commissioner Durant* moved to approve early disbursement of the second year LSM funds as outlined by staff, seconded by *Commissioner Abelson*. The motion passed unanimously, 11-0.

STAFF REPORT:

Martin Engelmann, Deputy Executive Director – Planning, stated that Authority policy required local jurisdictions to submit Growth Management Compliance Checklists covering two consecutive calendar years. He said that jurisdiction checklists were due June 30, 2009, before FY 2007-08 and 2008-09 funding could be disbursed.

Mr. Engelmann said that Brentwood, Clayton, the County, and Walnut Creek, which had submitted their checklists in time to receive their Local Streets Maintenance & Improvement (LSM) funds prior to September 1, would be paid FY 2008-09 off-year payments on July 1, 2009; other jurisdictions that qualified would be paid September 1.

Based on approval of Agenda Item 2.B.3, Mr. Engelmann stated that staff recommended an early distribution of FY 2008-09 funds in September 2009 of \$8.599 million to the remaining jurisdictions who had submitted their checklists by then. He said that staff would return to the Authority with a Resolution and firm schedule of payments for approval.

5.0 CORRESPONDENCE AND COMMUNICATIONS:

5.1 Letter from City of San Pablo dated March 17, 2009 RE: Comments on HOT Lanes Proposal in *Transportation 2035*.

5.2 Letter from Capitol Corridor dated March 23, 2009 RE: Annual Performance Report of the Capitol Corridor Intercity Rail Service. (Please note that the 2008 Annual Report is available at www.capitolcorridor.org)

5.3 Letter from TRANSPAC dated March 13, 2009 RE: Measure J Additional Bus Transit and Transportation for Seniors and People with Disabilities.

5.4 Letter from TRANSPAC dated March 23, 2009 RE: Draft 2009 Countywide Transportation Plan.

5.5 Letter from TRANSPAC dated March 24, 2009 RE: Project and Program Accomplishments.

6.0 ASSOCIATED COMMITTEE REPORTS:

- 6.1 Central County (TRANSPAC): *Report of March 12, 2009*
- 6.2 East County (TRANSPLAN): (Meeting of February 12th Canceled)
Report of March 12, 2009
- 6.3 Southwest County (SWAT): *Report of April 6, 2009*
- 6.4 West County (WCCTAC): *Report of March 27, 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**

Commissioner Arnerich asked for clarification of upcoming special Authority meeting dates. Bob McCleary responded that a special full Authority Board meeting on AB 744 (Torrico) and the proposed Bay Area HOT Lanes Network would be scheduled for April 23rd at 6:00 p.m.

7.3 **Executive Staff Comments**

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

10.0 **ADJOURNMENT** to Wednesday, April 23rd, at 6:00 p.m.

Chair Viramontes adjourned the meeting at 8:00 p.m. to April 23rd, 2009, 6:00 p.m., in memory of the four Oakland police officers and a Martinez firefighter recently killed in the line of duty.