

**SAN MATEO COUNTY TRANSPORTATION AUTHORITY  
1250 SAN CARLOS AVENUE, SAN CARLOS, CA 94070**

**MINUTES OF JANUARY 13, 2010**

**MEMBERS PRESENT:** R. Foust (Chair), R. Gordon, C. Groom, J. Lee, K. Matsumoto, T. Nagel

**MEMBERS ABSENT:** J. Vreeland

**STAFF PRESENT:** G. Harrington, C. Harvey, R. Haskin, J. Hurley, R. Lake, L. Larano, M. Lee, M. Martinez, N. McKenna, D. Miller, S. Murphy, M. Scanlon, M. Simon

The Oath of Office was administered to Rich Gordon (Board of Supervisors), John Lee (Cities-at-Large) and Terry Nagel (Central).

Chair Rosanne Foust called the meeting to order at 4:03 p.m. and led the Pledge of Allegiance.

**ELECTION OF 2010 OFFICERS**

The motion (Lee/Groom) to re-elect Chair Foust as chair was approved.

The motion (Gordon/Groom) to elect Director Lee as vice chair was approved.

Chair Foust congratulated Director Lee and welcomed Director Nagel to the TA Board.

**CONSENT CALENDAR**

- a. Approval of Minutes of December 3, 2009
- b. Acceptance of Statement of Revenues and Expenses for November 2009

A motion (Gordon/Lee) to approve the Consent Calendar was passed.

**PUBLIC COMMENT**

Jerry Grace, San Lorenzo, congratulated the new chair and vice chair.

**CITIZENS ADVISORY COMMITTEE (CAC) REPORT**

Chair Pat Dixon said, at its January 12, 2010 meeting, the CAC received presentations on the San Bruno Grade Separation Project and 101/Broadway Interchange Project.

**CHAIRPERSON'S REPORT – ROSANNE FOUST**

- Expressed appreciation and respect for the CAC for being so engaged in analysis of TA Board items.
- Thanked the Directors for the opportunity to serve as chair again and staff for their efforts in facing difficult challenges in these unprecedented times.

## **SAMTRANS LIAISON REPORT – KARYL MATSUMOTO**

Reported:

- Director Omar Ahmad was welcomed to the Board and is also the new SamTrans representative to the Joint Powers Board (JPB).
- Director Rose Guilbault is the first Latina to chair the San Mateo County Transit District Board of Directors.
- Director Matsumoto is the new Board vice chair.
- John Baker is the new CAC chair.

## **JOINT POWERS BOARD REPORT**

Executive Director Mr. Scanlon reported on the meeting of January 7, 2010.

- Welcomed new director Ahmad and congratulated Chair Sean Elsbernd and Vice Chair Mark Church on their election as officers to the board.
- A representative from the San Francisco Bicycle Coalition recognized Caltrain for the 30 percent increase in bicycle capacity over the last year.
- Metropolitan Transportation Commission (MTC) liaison Sue Lempert reported:
  - a. MTC revised its Advisory Committee and she encouraged people to apply.
  - b. The TransLink program is being renamed Clipper.
  - c. Received an update on Dumbarton Rail.
- A Resolution of Appreciation was presented to Doug Johnson for rescuing a physician and her dog from Caltrain tracks as a train was approaching.
- Reviewed monthly performance statistics – November 2009 compared to November 2008
  - a. Total Ridership was 950,672, a decrease of 5.6 percent.
  - b. Average Weekday Ridership was 36,775, a decrease of 7.5 percent.
  - c. Total Revenue was \$3,315,349, a decrease of 0.8 percent.
  - d. On-time Performance was 92 percent, a decrease of 4.5 percent.
  - e. Caltrain Shuttle Ridership was 5,270 a decrease of 28.8 percent.

Year-to-date performance statistics – November 2009 compared to November 2008

- f. Total Ridership was 5,186,665 a decrease of 9.7 percent.
  - g. Average Weekday Ridership was 39,149 a decrease of 9.6 percent.
  - h. Total Revenue was \$18,299,906, a decrease of 4.6 percent.
  - i. On-time Performance was 93.7 percent, an increase of 0.4 percent.
  - j. Caltrain Shuttle Ridership was 4,377, a decrease of 32.5 percent.
- The Federal Transit Administration (FTA) issued a Finding of No Significant Impact (FONSI) for the electrification project. Staff will focus on going forward with High Speed Rail (HSR) and State certification.
  - The Holiday Train event collected more than 4,000 gifts for the Toys for Tots program and more than 46,000 gifts in nine years in partnership with the Marine Corps and Salvation Army.
  - Special service for the Emerald Bowl increased 27 percent with almost 4,700 riders and New Year's Eve service increased 52 percent with about 6,800 riders.
  - Caltrain is partnering with the Santa Clara Valley Transportation Authority for the January 18 Martin Luther King, Jr. Freedom Train.
  - Annual passenger counts will begin in mid-January and run through mid-February.
  - California HSR Project Manager Dominic Spaethling presented an update on the Peninsula Rail Program.

- The Board:
  - a. Approved the minutes of December 3, 2009 and accepted the Statement of Revenues and Expenses for November 2009.
  - b. Authorized amending and increasing the Fiscal Year 2010 Capital Budget by \$73,625,000 for the San Bruno Grade Separation Project and the San Mateo Grade Crossing Safety Improvement Program from \$85,236,042 to \$158,861,042.
  - c. Authorized the filing of an application for \$19,203,000 in 2010 Regional Transportation Improvement Program funds for the San Bruno Grade Separation Project.
  - d. Adopted the 2010 State and Federal Legislative Program.
  - e. Accepted the Fiscal Year 2009 Comprehensive Annual Financial Report.
- General Counsel briefed the Board on real estate acquisitions in conjunction with the San Bruno Grade Separation Project.

#### Public Comment

Jerry Grace, San Lorenzo, asked about a report presented at the January 13 JPB meeting. Staff will discuss this offline with Mr. Grace.

#### **REPORT OF THE EXECUTIVE DIRECTOR**

Mr. Scanlon:

- Welcomed Director Nagel.
- Congratulated Directors Rich Gordon, John Lee and Jim Vreeland on re-election to the Board.
- Congratulated Chair Foust on re-election as chair and Director Lee on election as vice chair.

#### **FINANCE**

##### **Authorize Amendment to the Fiscal Year 2010 Capital Budget and Allocation to the Peninsula Corridor Joint Powers Board for the San Bruno Grade Separation Project.**

Deputy CEO Gigi Harrington said the Board previously allocated \$33.61 million and \$7.4 million of that was used for interim at-grade crossing improvements, which are not part of the larger San Bruno Grade Separation Project. Staff is requesting an additional \$35 million in original Measure A funds for this project. Additional funding being secured includes a \$30 million grant from State Proposition 1B and \$10 million anticipated from the State Public Utilities Commission Section 190 Grade Separation Program. Staff is looking to apply for Federal stimulus funding for the project and may come back to the Board for an allocation from original or new Measure A funds.

Deputy Director, JPB Capital Program Liria Larano provided the following details:

- The project goal is to improve safety by eliminating conflicts between trains and vehicular/pedestrian traffic at crossings between Highway 380 and San Felipe Avenue in San Bruno.
- Schedule completion dates include final design by January 2010, procurement by June 2010, and construction completion by June 2012.
- Estimated project cost is \$165 million for a two-track grade-separated structure.
- Grade-separated vehicular crossings will be completed at San Bruno, San Mateo and Angus avenues.
- Pedestrian crossings will be completed at Euclid and Sylvan avenues.

- A new San Bruno Station will be constructed on San Bruno Avenue north of the current station.

Director Nagel asked how tall trucks would pass through when the project is completed. Ms. Larano said the project includes proper clearance to meet whatever trucks pass through.

#### Public Comment

Jim Bigelow, Redwood City/San Mateo County Chamber of Commerce, said the San Bruno Grade Separation Project is key to one of the segments along the San Francisco to San Jose rail corridor. The City of San Bruno has done extensive outreach in the community. He urged support of this project and two other allocations on the agenda for the Transbay Transit Center/Caltrain Downtown Extension Project and 101/Broadway Interchange.

A motion (Gordon/Matsumoto) to approve the amendment and allocation for the San Bruno Grade Separation Project was passed.

#### **Authorize Allocation of Original Measure A Funds to the Transbay Joint Powers Authority (TJPA) for the Transbay Transit Center/Caltrain Downtown Extension Project**

Executive Officer, Strategic Planning and Development Marian Lee said staff is requesting approval of an allocation of \$3.8 million to the TJPA from the original Measure A Caltrain Program for acquisition and relocation costs associated with Unit #500 at 580 Howard Street in San Francisco necessary for construction of the Caltrain Downtown Extension Project. The Board previously programmed \$27 million in 2001 dollars from the original Measure A program to this project. The TJPA is seeking an allocation from the TA because Measure A is one of the remaining unallocated fund sources. The TA is being asked to contribute to acquisition activities. There is particular urgency to acquire this unit now because it has high risk of being subject to eminent domain proceedings, which would be more complicated and could result in higher acquisition costs. Ms. Lee said legal counsel recommended the Measure A allocation to TJPA be conditioned on granting the TA a security interest in which the TA would obtain title to the property under certain circumstances, such as a change in the alignment of the Caltrain Downtown Extension that would eliminate the need for the 580 Howard Street property. This item was presented to the TA CAC at their January 12 meeting and concerns were addressed by TJPA project consultant Nancy Whelan.

Director Gordon asked for a map of the project. Ms. Whelan provided a map for review.

Mr. Scanlon said this is an allocation of money that was previously programmed for the project. The appraisal process involved several appraisals and an appraisal review by the FTA.

Legal Counsel David Miller said the TA's interest in the property will be recorded as a quitclaim deed that will set forth contingencies that would give rise to the TA exercising its right to claim ownership.

Director Nagel asked if the TJPA owned the land at 580 Howard Street in San Francisco. Mr. Miller said the TA would have recorded security interest in the form of a quitclaim deed.

Chair Foust said the appraisal process and approval by the FTA has secured the asset for the TA. She asked CAC Chair Dixon if she was satisfied due diligence was completed on project details outlined in the staff report. Chair Dixon replied yes.

#### Public Comment

Jerry Grace, San Lorenzo, asked about the progress of the project. Mr. Scanlon said a lot is riding on American Recovery and Reinvestment Act funding of \$400 million. If the project receives this funding, construction can begin on a temporary bus terminal.

A motion (Lee/Nagel) to authorize the allocation to the TJPA was passed.

#### **Authorize the Filing of an Application to the Metropolitan Transportation Commission to Request Regional Improvement Program Funds in the Amount of \$4,218,000 for the 101/Broadway Interchange Project.**

Director of TA Program Joe Hurley said the TA knows the challenges associated with securing State dollars and the chance is less if we don't ask. Mr. Hurley said the TA is being aggressive and one of the driving ideas of the TA is the ability to leverage other dollars.

Mr. Hurley provided details:

- The project goal is to mitigate existing and future traffic congestion; improve safety; increase bicyclist and pedestrian access and eliminate the circuitous traffic movements for bicycles, pedestrians and automobiles.
- The existing interchange has problematic routes and traffic backs up on the southbound ramp. There are no real sidewalks or shoulders for bikes/pedestrians on the overcrossing.
- A new overcrossing will have sidewalks; will be wider to accommodate vehicular traffic and will have wider shoulders for bicyclists.
- Total cost estimate is \$75.4 million to include \$0.4 million for preliminary studies; \$4 million for environmental issues; \$7.8 million for design; \$10.4 million for right of way/utilities; and \$52.8 million for construction.
- Programmed funding totals \$8 million from the TA and targeted funding for design in the amount of \$4.2 million from State Transportation Improvement Plan (STIP) funds.
- Project schedule includes:
  - a. Completion of environmental in spring 2011.
  - b. Design, right of way/utilities – completion spring 2013.
  - c. Bid/award of contract – completion fall 2013.
  - d. Construction fall 2013 - winter 2016.
- Approval of the proposed action would allow for submittal of a funding application to MTC to be used to support the design effort associated with the 101/Broadway Interchange Project.

Chair Foust asked if construction costs projected to Fall 2013 are with today's dollar. Mr. Hurley said they are dollars at the time of construction.

Chair Foust thanked Mr. Hurley for being so aggressive in leveraging TA dollars to attract other money.

Mr. Scanlon said this action will take the project to a state of readiness. This project will create jobs and put Americans back to work; it is a safety project for an unsafe intersection.

A motion (Groom/Gordon) to authorize the allocation of original Measure A funds for the interchange project passed.

### **Fiscal Year 2009 Comprehensive Annual Financial Report**

Deputy CEO Gigi Harrington said the auditors have issued a clean bill of health.

### **Adoption of the 2010 Transportation Authority State and Federal Legislative Program**

Government Affairs Manager Seamus Murphy provided details:

- This legislative program outlines 2010 priorities and guides public policy advocacy efforts, organized into State and Federal issue areas with corresponding objectives and strategies.
- The program describes a variety of strategies that support the ongoing need to protect existing funding, while advocating for the restoration of funding that has been cut or diverted.
- Staff will be working to take advantage of opportunities associated with climate change, and regulations as the Air Resources Board continues its efforts to implement AB 32 and SB 375, in addition to annual Federal appropriations issues and new economic recovery opportunities.
- The bulk of potential funding opportunities exist at the Federal level and staff will be focusing on those opportunities and working with partners at the American Public Transportation Association to ensure those issues are on Congress' agenda in 2010.
- A number of advocacy tactics include participating in and organizing coalition activities and identifying opportunities for direct advocacy by the Board.

Chair Foust said Mr. Murphy is available to speak to business and community groups about legislative activities.

Director Nagel suggested legislative updates be emailed to city clerks for inclusion in city newsletters.

A motion (Groom/Nagel) to adopt the Legislative Program was passed.

### **PROGRAM**

#### **Verbal Update on State and Federal Legislative Program**

Mr. Murphy reported:

#### State

- The California Transit Association (CTA), California League of Cities and California Alliance for Jobs are sponsoring a ballot measure to preserve transit funding. The measure received a Title and Summary, which clears the campaign to begin collecting 700,000 valid signatures by mid-April to put the measure on the November ballot.
- The transportation component of this measure would protect against elimination of State transportation funding sources including State sales tax on gas and diesel fuel, Proposition 42 and spillover; State excise taxes on gas and diesel fuel; the ¼ cent sales tax specified by the Transportation Development Act; and local transportation sales tax generated by the Self Help Counties Coalition.
- The measure would preserve traditional uses for revenues for the Public Transportation Account (PTA); STIP; local transportation needs funded through the Transportation Development Act; and the Highway Users Tax Account.

- This measure is especially relevant because the governor's proposed 2010-2011 budget would completely eliminate the sales tax on gas and partially replace that revenue by increasing the excise tax by 10.8 cents. Unfortunately for transit, instead of using the new excise tax revenue to fund the State Transit Assistance (STA) program, it would be used to fund transportation-related bond debt service.
- The governor's strategy is an obvious end run around CTA's successful lawsuit, which prevents the State from using spillover revenue for any non-mass transportation purposes. The decision requires the State to deposit spillover revenue into the PTA but does not specify how the funding will be appropriated. By eliminating sales tax on gas, the governor would completely eliminate the source of spillover revenue and the State would absolve itself from committing any funds to the PTA. The governor proposes to divert to Caltrans any spillover funds currently being deposited in the PTA as a result of the court's decision. The funds shifted to Caltrans would be used for ongoing mass transit-related bond debt service, which is normally a General Fund obligation.
- If successful the governor's proposal would essentially preserve the suspension of the STA program the Legislature approved last year. It also would reduce the State's education funding obligations under Proposition 98, since the revenues from sales tax on gas are normally scored as a part of the General Fund. Staff is working with CTA to explore whether this creates an opportunity to coordinate our opposition with the education community.

#### Federal

Before the holiday recess, Congress approved a final appropriations package that included a third extension of SAFETEA-LU through the end of February. The House also approved the \$87 billion Jobs for Main Street Act, which would use Troubled Asset Relief Program funds to stimulate job creation. Similar to last year's Recovery Act, the bill includes \$8.4 billion in funding for FTA programs, allows for 10 percent of funding to be used to meet operating costs, and grants a longer, one-year extension of SAFETEA-LU in an attempt to provide more reliable transportation funding in the absence of a full six-year authorization. Staff is hopeful the Senate will consider the bill when Congress returns to session next week.

#### **REPORT OF THE EXECUTIVE DIRECTOR**

No report

#### **REQUESTS FROM THE AUTHORITY**

None

#### **WRITTEN COMMUNICATIONS TO THE AUTHORITY**

The Board received a letter from Mr. Scanlon to Treasury Secretary Timothy Geithner.

#### **LEGAL COUNSEL**

David Miller said there is a related component to the San Bruno Grade Separation Project, which triggers the deadline of June 30 for funding. Acquisition of six or seven small parcels of real estate will be the subject of either agreements to actually acquire, agreements for possession pending negotiation of final purchase terms or even conceivably eminent domain proceedings. At a minimum, control of each parcel through a right of possession must be in place by June 30 to retain eligibility for the State funding needed for the project. Timing is crucial and the project

is moving well. It is conceivable, but not likely, that as part of future reports on the project to the TA Board, staff may return to the Board with updates.

**DATE AND PLACE OF NEXT MEETING**

The next meeting is scheduled for Thursday, February 4, 2010, at 5 p.m. at the San Mateo County Transit District Administrative Building, Bacciocco Auditorium, 2nd Floor, 1250 San Carlos Avenue, San Carlos CA 94070.