

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

**MINUTES  
NOVEMBER 6, 2008**

**MEMBERS PRESENT:** M. Church, R. Foust (Chair), R. Gordon, J. Lee, K. Matsumoto,  
R. O'Mahony, J. Vreeland

**MEMBERS ABSENT:** None

**STAFF PRESENT:** G. Cameron, J. Cassman, V. Harrington, C. Harvey, J. Hurley, R. Lake,  
M. Lee-Skowronek, M. Martinez, I. McAvoy, N. McKenna, D. Miller,  
M. Scanlon, M. Simon

Chair Rosanne Foust called the meeting to order at 5:05 p.m. Director Rosalie O'Mahony led the Pledge of Allegiance.

**CONSENT CALENDAR**

- a. Approval of Minutes of October 2, 2008
- b. Acceptance of Statement of Revenues and Expenses for September 2008
- c. Approval of 2009 Meeting Calendar
- d. Adoption of the Amended Conflict of Interest Code

A motion (O'Mahony/Church) to approve the Consent Calendar was passed unanimously by roll call.

Director James Vreeland arrived at 5:06 p.m.

**PUBLIC COMMENT**

Pat Giorni, Burlingame, said that five of the 14 public comments received on the TA Strategic Plan related to bicycle project funding. She said 3 percent of Measure A funding for bicycles is not enough and hopes that this amount can be raised 20 years from now when the reauthorized Measure A expires. She said too much TA money is going into highway projects.

**CITIZENS ADVISORY COMMITTEE (CAC) REPORT**

Chair Pat Dixon reported that at its meeting of November 4, 2008, the CAC:

- Received an update on the TA Strategic Plan including a review of public comment themes.
- Recommended approval of TA Board items to program unexpended funds from the 1988 Expenditure Plan and allocation of \$11 million of Measure A funds to the Peninsula Corridor Joint Powers for Caltrain grade crossing safety improvements.
- Received a staff report on a California Transportation Association award of \$2 million for the Smart Corridor Project and a possible transportation stimulus package.
- Will email interested CAC members to create a nominating committee for the election of 2009 officers.

Director John Lee asked about the number of CAC members. Chair Dixon said there are currently 14 members and one vacancy.

Chair Foust asked if the CAC was subject to the email meeting rules. Legal Counsel Joan Cassman said the CAC is subject to the Brown Act. Chair Foust said she wanted to make sure the CAC members followed Brown Act requirements. Staff will work with the CAC on the requirement.

### **CHAIRPERSON'S REPORT – ROSANNE FOUST**

Policy Discussion: South San Francisco Request for Funding of Ferry Service

Executive Director Michael Scanlon said staff has had additional exchanges of information and has spoken to Nina Rannells, Deputy Director of Finance and Administration for the Water Emergency Transportation Authority, which will operate the ferry service. Mr. Scanlon said staff is close to a recommendation and is looking at some form of collateral of performance expectation to safeguard the investment of the taxpayers.

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

The October 1 and October 15 reports were included in the agenda packet. Director Matsumoto noted that at the October 1 workshop Mr. Scanlon said the governor has diverted approximately \$1.7 billion in public transportation funding. Mr. Scanlon said additional funding is being diverted since the October 15 report.

### **JOINT POWERS BOARD REPORT (JPB)**

Mr. Scanlon reported on the November 6 meeting:

a. The Board

- Approved the minutes of October 2, 2008 and accepted the Statement of Revenues and Expenses for September 2008.
- Approved the Board meeting calendar for 2009.
- Approved the Conflict of Interest Code.
- Authorized amending the FY 2009 Capital Budget by \$329,729 to \$151,104,629 for the Stockton Avenue Railroad Crossing Project.
- Authorized execution of a baseline agreement and subsequent funding agreements with the California Department of Transportation for Caltrain grade separation projects from the Proposition 1B Highway-Railroad Grade Crossing Safety Account in a total amount of \$45,000,000.
- Authorized award of a contract for rail grinding services to Advanced Rail Management Corporation for \$1,843,350 for a three-year term.
- Adopted a policy to permit persons with disabilities who use Electric Personal Assistive Mobility Devices (EPAMD) as a mobility device to ride Caltrain.
- Rejected all proposals for Train Predictive Arrival/Departure System.
- Received a report from CAC Chair Bruce Jenkins on the October meeting.
- Were told about a Caltrain incident at 6:50 a.m. today on a private crossing on the Union Pacific right of way south of Blossom Hill when the first northbound Caltrain hit a privately owned vehicle. The operator of the vehicle was transported to a hospital. The Santa Clara Valley Transportation Authority (VTA) provided bus transport for passengers to the Diridon station.
- Last Thursday the first northbound train made contact with a vehicle stopped on the tracks around Ninth Avenue in San Mateo.

b. Performance statistics for September 2008 compared to September 2007:

- Total Ridership was 1,140,660, an increase of 18.8 percent.
- Average Weekday Ridership was 43,769, an increase of 13.4 percent.

- Total Revenue was \$3,849,884, an increase of 18.3 percent.
- On-time Performance was 94.5 percent, an increase of 0.4 percent.
- Caltrain Shuttle Ridership was 6,020, an increase of 11.4 percent.

Year-to-date Statistics:

- Total Ridership was 3,575,034, an increase of 16.4 percent.
  - Average Weekday Ridership was 44,896, an increase of 14.8 percent.
  - Total Revenue was \$12,066,208, an increase of 15.2 percent.
  - On-time Performance was 93.8 percent, no change from last year.
  - Caltrain Shuttle Ridership was 6,241, an increase of 18.4 percent.
- c. The governor is proposing to take another \$2.6 million from Caltrain and another \$3 million from SamTrans in addition to the \$1.7 billion in funding already diverted.
  - d. Caltrain police are working with Palo Alto police to make sure riders and people around the Palo Alto station are safe.
  - e. The reading file included:
    - September Safety and Security Report.
    - Public comments on the Caltrain Bicycle Access and Parking Plan. It is anticipated the Board may consider staff recommendations for modifications to accommodate more bikes by Spring.
    - 2008 Caltrain Progress Report.
  - f. Staff is preparing for a fare increase, which is effective January 1, 2009.
  - g. Special service included Stanford football and a Halloween party at AT&T Park.
  - h. All cracked truck bolsters are repaired and back in service. A settlement has been negotiated with the original manufacturer of the vehicle and the money has been received by Caltrain.
  - i. Eight new Bombardier cars have been received: six trailers and two cab cars.
  - j. The Holiday Train will run the weekend of December 6 and 7.
  - k. Proposition 1A, the High Speed Rail (HSR) bond passed. Caltrain has a Memorandum of Understanding with HSR that will provide wonderful opportunities and significant challenges.
  - l. Legal counsel convened to a closed session to update the Board on potential litigation.

Director Lee asked what fuel costs were compared to a year ago. Mr. Scanlon said fuel costs are now approximately \$2 per gallon compared to a high of about \$4 per gallon. Fuel costs are over budget year-to-date by about 8 percent. Caltrain and SamTrans use a total of about 7.5 million gallons of fuel per year.

Chief Operating Officer Chuck Harvey said fuel prices are 7 to 8 percent over budget for total dollars spent for the year, even with lower prices.

## **REPORT OF THE EXECUTIVE DIRECTOR**

Mr. Scanlon:

1. Thanked Chief Communications Officer Rita Haskin and staff for the 2008 TA Progress Report.
2. Said that in light of recent Caltrain accidents, upcoming approval for an allocation of \$11 million of Measure A funds to the JPB for Caltrain grade crossing safety improvements will be an additional step to layer on more safety.
3. Thanked staff for preparation and presentation of the Strategic Plan.

## **FINANCE**

Chair Foust said the following two items were reviewed by the Strategic Plan Subcommittee at its October 22 meeting.

### **Program Unexpended Funds from the 1988 Transportation Expenditure Plan to Preserve Funding for 1988 Plan**

Director of TA Programs Joe Hurley presented information on the resolution to program unexpended funds.

- This is part of the closeout of the 1988 Measure A, which expires on December 31, 2008. Comments received from public outreach and city managers stressed the need to preserve 1988 dollars for 1988 projects in order to fulfill the will of the voters as expressed in the passage of the Measure A plan in 1988. Preserving funding for the Calera Parkway project was emphasized at the Pacifica outreach session; preserving money for the Broadway interchange was stressed at the Burlingame workshop; and money for the Woodside Road Interchange Project was discussed at the Redwood City outreach.
- The language of the 1988 Measure A specified that funding associated with any project deemed infeasible would be redirected to the number one priority program, expressed in the Measure as Caltrain. This can include Caltrain upgrades, extensions and grade separation projects.
- Criteria for infeasibility included lack of a project sponsor, insurmountable obstacles associated with funding or environmental issues, or a lack of support for the project.
- The \$3 million 280 Crestview Drive/I-280 Project was deemed infeasible because the City of San Carlos and the San Francisco Water Department withdrew support for the project.
- Total dollars that will be collected through the sales tax of the 1988 Measure are \$1,232 billion, which includes \$934 million in budgeted funds and \$289 million in unbudgeted funds for reprogramming.
- The \$25 million corpus of the Paratransit Trust Fund and remaining interest earnings will be transferred to SamTrans in January 2009 for administration in perpetuity.

Director Rich Gordon asked if there were any rules or restrictions placed on SamTrans relative to the Paratransit funds. Legal Counsel David Miller said when Measure A was created, the trust fund was deemed to be a perpetual trust fund. The obligation will carry forward if transferred to SamTrans. SamTrans must maintain the corpus of the trust fund, using the interest on it for the purpose of funding Paratransit services.

Director Matsumoto asked if there were projects in the Streets and Highways category that could receive the \$3 million that had been designated for the Crestview Drive/I-280 project. Mr. Hurley said the language of the 1988 Measure A specified that funding associated with any project deemed infeasible would be redirected to the number one priority program, Caltrain.

Director Matsumoto said the language presented on the slide presentation says it “may be” and not “shall be” compulsory. Mr. Miller said the “may” has to do with the decision to reallocate, not where it goes. He said the decision on the infeasibility is a discretionary judgment that is not an absolute standard. Once a determination is made that the project is infeasible, then the direction is to move those funds in accordance with the priorities established in the 1988 Measure A. Mr. Miller said the “may” is referencing the decision on infeasibility, not on the decision of where the funds go once a determination of infeasibility is made.

Director Matsumoto said she is not arguing the point that it’s not a feasible project; just that it was allocated, based on the Measure A formula, to Streets and Highways.

Chief Development Officer Ian McAvoy said staff went through an analysis looking over the different projects that have not yet started design or are still in the planning stage. Staff made sure every project could move forward into becoming a project that could be built and every project that was included in the 1988 Measure was looked at very carefully. Only one project was found to be infeasible and every other project that hasn't started still has a chance. Mr. McAvoy said between now and some time in the future, if the project becomes infeasible, staff has to come back to the Board and give the same presentation to say this project cannot move to the next step.

Chair Foust asked if Mr. McAvoy was saying there is no other project in the Streets and Highways category that was determined to be infeasible and the remainder were started. Mr. McAvoy said yes.

Director Gordon said, if he remembered correctly, there are not enough funds in the Streets and Highways category to complete those projects. He suggested that the Board does have discretion to leave unexpended funds in the Streets and Highways category for other projects and is not obligated to move them to the Transit category.

Mr. Miller said the recommendations are based on examining the Expenditure Plan as a whole and what was the intention. It is in other provisions of the same guidelines that Caltrain improvements are the number one priority within the Expenditure Plan. The entire framework of the 1988 Measure was built around the importance of Caltrain and that emphasis, coupled with the overarching intent to give credence to the wishes of the voters in 1988, leads to the recommendation to not leave these funds in the highway program but to give them to Caltrain. Mr. Miller said if you want us to look at that further, we are certainly happy to do so.

Mr. Scanlon added there is language in the Expenditure Plan that talks very specifically about going forward and dealing with projects that have commenced and that those funds will be allocated to projects started under the 1988 Measure, and not be moved forward into the 2004 Measure.

Mr. Scanlon said there are a lot of programs listed in the 1988 Measure that will not be funded just because they were listed. Unless they were commenced under the 1988 measure, he thinks they fall off the list.

Mr. Miller said the guidelines of the 2004 Measure also address the issue of what to do with unexpended funds. He agreed with Mr. Scanlon that the way to give best expression to the wishes of the voters in 1988 is that there are a lot of projects that haven't commenced but continue to have active sponsors who desire to carry out projects in the 1988 Measure. This overarching plan preserves the 1988 Measure intact. The alternative to this would be redistributing funds from 1988 into a full variety of other programs.

Director Gordon said he did not know if the Strategic Plan Subcommittee reviewed this but he felt he had discretion and would vote that he had discretion. He said before he is comfortable with these unexpended funds going to Transit, he is interested in knowing what Streets and Highways projects are not to be part of the program for this county. He said he could not get there tonight.

Mr. Miller said one option the Board may have, and this is a small piece of the matter, if they wanted to sever and go forward with the decision that a project is infeasible, staff can come back next month with a more complete explanation of where the funds would have otherwise gone as well as our own rationale as to the interpretation staff has provided so far.

Chair Foust asked if the Board could accept points 2 and 3 of the resolution and sever point 1 that deals with programming unexpended Measure A funds earmarked in the Transportation Expenditure Plan (“1988 Plan”) for this project totaling approximately \$3 million to Caltrain, the number one priority program under the 1988 Plan.

Mr. Miller said yes.

Chair Foust said one Director would like to sever point 1 from the resolution. She said that when the Strategic Plan Subcommittee reviewed the issue, they looked at the word feasible as regarding the particular project, not the funding, so the Subcommittee had a different interpretation.

Directors Lee and Mark Church agreed with Chair Foust. Director Church said, however, that with the difference of opinion being expressed at the meeting, if there is no downside to addressing Director Gordon’s concerns, he would like staff to do so at the next meeting.

Director Vreeland said he echoed what Director Church said and agreed with Director Gordon’s comments. If there isn’t flexibility, the Board should at least see that before action is taken.

Director O’Mahony concurred with Director Church. She would move for the acceptance of conditions in points 2 and 3 in the resolution and then the return of Board discussion of point 1 at the next Board meeting. She thought it was good to move this whole thing forward in light of the Strategic Plan coming up and having this squared away. She thinks Director Gordon’s question certainly merits attention.

Mr. Scanlon pointed out that there is an update on the Strategic Plan at tonight’s meeting and staff will make sure this item appears before the adoption of the Strategic Plan on the December agenda so the Board will be able to do exactly as Director O’Mahony suggested.

A motion (O’Mahony/Gordon) to approve point 2, which authorizes programming all other unexpended funds from the 1988 Plan to projects that remain to be completed under the 1988 Plan based on the adjusted percentages of sales tax revenues attributable to each 1988 Program Category and point 3, which authorizes transfer of the \$25 million corpus of the Paratransit Fund and all remaining interest earnings thereon to SamTrans in January 2009 for continued administration in perpetuity as called for in the 1988 Plan was approved unanimously by roll call. Point 1 will be brought back to the Board at its next meeting.

**Allocation of \$11,000,000 of Measure A Funds to the Peninsula Corridor Joint Powers for the Caltrain Grade Crossing Safety Improvement Program in San Mateo County**

Mr. Hurley said the JPB and TA continue to support the effort to improve safety on the Caltrain system with the ultimate goal of grade separating the entire railroad. Because of the time and cost associated with grade separations, the TA staff looked at a quick way of implementing safety improvements. The first phase, which includes the north end of the county, is under construction and scheduled to be completed by the end of the year. The \$11 million allocation will provide the necessary funds associated with the design and construction for the second phase of the program. Improvements include raised medians, quad gates at selected crossings, pedestrian gate crossings and a signal preemption system.

A motion (Church/Lee) to approve the allocation was unanimously approved by roll call.

## **PROGRAM – PRESENTATION ON THE FINAL DRAFT STRATEGIC PLAN**

Chief Development Officer Ian McAvoy recognized Marian Lee-Skowronek, Director, Planning and Development, and her staff and Mr. Hurley for the work involved in completing the draft Strategic Plan (Plan).

Ms. Lee-Skowronek said an update on Plan outreach was provided at the last Board meeting. The Plan was released and posted on the Web on October 20 for a two-week public review period, which closed on November 3. Comments were received from 14 people, which have been distributed in the Board correspondence file.

Key comments/themes from public review and the TA CAC include:

- Emphasizing the environmental benefits associated with projects. Current criteria relate to environmental impact and a clarification will be included to highlight environmental benefits.
- The Plan is at a policy level but projects were called out as interest areas by the public, including Highways 101 and 92, and improvements to Caltrain that support transit-oriented-development.
- The actual amount of money for the bike/pedestrian program is small relative to the larger programs and the TA needs to be prudent about how the money is used in order to make cost-effective investments in bike/pedestrian facilities.
- Bridges are expensive projects and need to be built in the right places.
- Highway/road projects should ensure bike/pedestrian facilities are attached to the project or if there is a Caltrain bike/pedestrian related improvement, it could be funded by Caltrain.
- Bike/pedestrian responders want to ensure bike routes and efforts related to education and publicity about safety are eligible projects. These projects are eligible.
- The TA will not have enough money to fund all projects. The TA may have to think about early delivery and financing mechanisms for cost containment. The Plan indicates projects will be funded as money becomes available and there may be cases where advancing funds is necessary.
- There was a request for more specifics on the make-up of the project review committee in addition to a request to suggest a mandatory coordination with all of the multiple agencies and stakeholders that may get involved in the process. The staff recommendation in terms of project review would be post-Strategic Plan adoption.
- Staff will respond to all comments in order to bring the final Plan to the December Board meeting for a request for adoption.

Director Vreeland asked if staff would be responding to each comment in some form or fashion because some are very specific local issues. Mr. Scanlon said yes.

Director Vreeland said there are two specific issues he would like to address that affect the Coastsides. The first is the land between Kentucky Fried Chicken (KFC) and Rockaway Beach that has been set aside if the highway ever gets extended. The owners of this land have expressed concern that no decision has been made, they are stuck and the area continues to be kind of a blight.

Mr. Scanlon said he is not sure if counsel has had a chance to examine this matter and the owners want the TA to either decide or say they are never going to have it. It's a matter we need to be look at and address.

Director Vreeland said he wants the TA to respond to the owner who has had the property for 30-40 years and can't do anything with it. Director Vreeland said a letter needs to be written to address the specific issues even though it is not in the Strategic Plan.

Director Vreeland said his second issue concerns public comment about congestion issues on Highway 1 in Pacifica and requested a letter be sent to the individual who asked who would be the lead agency in project work. He said there needs to be communication between the TA and individuals with a copy to the city council on exactly what the process is and what the TA is doing. The council is in fact, as a majority, supporting this project and wants the project to move forward. Road congestion will become worse as the Devil's Slide tunnel is built..

Chair Foust asked for any additional comments on the presentation.

Mr. Scanlon said, in response to Pat Giorni who had to leave the meeting, the 2004 Measure A has 3 percent funding for bicycles, which compares to 0.01 percent in the 1988 Measure, which is a 300 times increase. Bicycles are getting more money than BART, the ferry service, Dumbarton Rail and only 1 percent below shuttle services.

### **REQUESTS FROM THE AUTHORITY**

None.

Mr. McAvoy reported on a ribbon-cutting ceremony in Burlingame for the Broadway Pedestrian Over-Crossing Project to be held on Friday, November 14 at 11:30 a.m. on the eastern landing of the Broadway over-crossing. He recognized Director O'Mahony for the efforts in getting this project completed. Mr. Hurley will represent TA staff at the ceremony.

Director O'Mahony said Burlingame needs to thank Mr. Scanlon, Mr. Hurley and all of the team that worked so hard to make the Auxiliary Lane Project a reality; two pedestrian/bike passes will be opened on November 14. She also thanked the JPB and Mr. McAvoy, in particular, who came to the opening of the Burlingame/Hillsborough Historical Museum on October 26 and spoke at the opening. None of this would have happened without the tremendous partnership and help from the JPB in the intervening years. The museum at the Burlingame train station is open on Sundays from 1-4 p.m.

Director O'Mahony invited all to the Broadway Pedestrian Over-Crossing ribbon-cutting ceremony. She said this will be a bridge between east and west and said who would have believed a year and a half ago when the Auxiliary Lane project began, that seemed so tenuous, that the result would be so wonderful. She thanked Caltrain and particularly Mr. Hurley for making all this reality.

### **WRITTEN COMMUNICATIONS TO AUTHORITY**

No additional communications other than the Strategic Plan comments in the correspondence file.

### **REPORT OF LEGAL COUNSEL**

None.

### **DATE AND PLACE OF NEXT MEETING**

The next meeting will be Thursday, December 4, 2008 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.

The meeting adjourned at 5:36 p.m. in memory of Beverly Anderson Young, wife of TA CAC Vice Chair Paul Young.