

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

MINUTES – DECEMBER 3, 2009

MEMBERS PRESENT: R. Foust (Chair), C. Groom, J. Lee, K. Matsumoto,
R. O’Mahony

MEMBERS ABSENT: R. Gordon, J. Vreeland

STAFF PRESENT: C. Cavitt, G. Harrington, C. Harvey, R. Haskin, J. Hurley,
R. Lake, M. Lee, M. Martinez, N. McKenna, D. Miller,
K. Rothschild, M. Scanlon, M. Simon

Chair Rosanne Foust called the meeting to order at 5:04 p.m. Vice Chair Rosalie O’Mahony led the Pledge of Allegiance.

CONSENT CALENDAR

- a. Approval of Minutes of November 5, 2009
- b. Acceptance of Statement of Revenues and Expenses for October 2009

A motion (O’Mahony/Lee) to approve the Consent Calendar was passed.

PUBLIC COMMENT

Jim Bigelow, on behalf of the business community and Redwood City/San Mateo County Chamber of Commerce, commended Vice Chair O’Mahony for her many years of public service as she leaves the Board and specifically for her involvement with the City/County Association of Governments of San Mateo County (C/CAG).

Pat Giorni, Burlingame, thanked Executive Director Michael Scanlon for his support to accommodate bikes in the Redwood City project on El Camino Real. She said Measure A bicycle/pedestrian projects should be reviewed every year rather than every two years. Ms. Giorni thanked Vice Chair O’Mahony for being a representative of the underrepresented in the county.

Rich Hedges, San Mateo, said the Port of Oakland Commission voted yesterday to support the BART/Oakland Airport Connector Project.

CITIZENS ADVISORY COMMITTEE (CAC) REPORT

Chair Pat Dixon said, at its December 1, 2009 meeting, the CAC received an update on the New Measure A Program-Strategic Plan Implementation. Ms. Dixon was re-elected chair for 2010; Barbara Arietta was elected vice chair. Members enjoyed a holiday appreciation dinner following the meeting.

Chair Foust congratulated Ms. Dixon and Ms. Arietta.

CHAIRPERSON'S REPORT – ROSANNE FOUST

Resolution of Appreciation

Chair Foust presented a Resolution to outgoing Board member Vice Chair O'Mahony who served the TA from 2006 through 2009. She said the Board is losing a tremendous asset and will engage Vice Chair O'Mahony in their continued efforts on behalf of San Mateo County.

A motion (Lee/Matsumoto) to pass the resolution of appreciation was approved.

Vice Chair O'Mahony said every moment with the TA has been a highlight of her political life. She thanked Director John Lee for his involvement with the Broadway interchange and Third Avenue to Millbrae Avenue Auxiliary Lane Project. She acknowledged the collaboration between the TA and C/CAG for unparalleled leveraging of funding. She recognized Mr. Scanlon for the accomplishments of the TA and inspiration and encouragement during his 10-year tenure with the agency.

Director Carole Groom thanked Vice Chair O'Mahony for her involvement in transportation and leadership for the City of Burlingame.

Director Karyl Matsumoto said Vice Chair O'Mahony leads by example and it has been a great honor to serve with her.

Mr. Scanlon said Vice Chair O'Mahony is the consummate professional, knowledgeable about issues, an advocate for transportation and has the courage of her convictions. Mr. Scanlon praised above all Vice Chair O'Mahony's sense of loyalty to principles, friends, and the City of Burlingame. He said it has been a privilege to work with Vice Chair O'Mahony and is saying goodbye with a heavy heart.

Vice Chair O'Mahony acknowledged the CAC as the best CAC she has experienced and thanked the members for their hard work and diligence on transportation issues.

PROGRAM: Update on the New Measure A Implementation Plan (Plan)

Executive Officer, Planning and Development Marian Lee provided an overview of the Plan, approach, criteria and monitoring details and stakeholder comments.

- An Expenditure Plan was approved in 2004. A five-year Strategic Plan adopted in 2008 outlines the New Measure A Implementation Plan.
- The Plan was reviewed by the TA Board Strategic Plan Subcommittee, the CAC, C/CAG committees and an ad hoc committee of city managers in the fall of 2009. Stakeholder comments were finalized in November and the Plan is presented to the TA Board today.
- Project selection approaches include a call for projects for three, a plan-based strategy for two and an agreement-based strategy for three. Program strategies are to be determined for three other programs -- Accessible Services, the Dumbarton Corridor and Grade Separations.
- The call for projects includes the local shuttle, pedestrian and bike and Alternative Congestion Relief programs. Program criteria include eligibility requirements, and prioritization of need, policy consistency, readiness, effectiveness and sustainability.
- The plan-based strategy includes the Caltrain and Highway programs and involves a needs-based approach, a comprehensive 5-10 year Capital Improvement Program (CIP) and leveraging of funding for the whole program.

- The agreement-based strategy includes the ferry program, BART and local streets/transportation.
- Capital projects in the implementation plan will be monitored quarterly and during project development. Operating projects will be monitored annually with a focus on relative performance. Thresholds will be set for long-term goals.
- Stakeholder comments fell into three categories: overall support for the implementation approach, C/CAG coordination and the call for project criteria, and the Highway Plan.

Director Matsumoto said she sits on the Bicycle and Pedestrian Advisory Committee of C/CAG and encouraged strong coordination between the Board and C/CAG because the call for projects is a very expensive process for cities.

Public Comment

Jim Bigelow, Redwood City/San Mateo County Chamber of Commerce, urges strong support for the Implementation Plan. He said there are several billion dollars on the table for projects from San Francisco to San Jose including High Speed Rail (HSR) and Caltrain electrification. He thanked staff for their three-year effort to bring the Plan to the Board.

A motion (Lee/Groom) to accept the Implementation Plan was approved.

Chair Foust left at 5:40 p.m.

FINANCE

Authorize Rejection of All Proposals for Providing Environmental Planning

Director of Contracts and Procurement Cheryl Cavitt said staff requests the Board reject all proposals received for Environmental Planning as not meeting the minimum evaluation criteria.

Director Matsumoto asked if the TA would resubmit a request for proposals. Ms. Cavitt replied yes. She said staff did a survey of why firms chose not to submit and a good number of vendors mentioned similar proposals were being requested by other agencies.

A motion (Groom/Matsumoto) to reject proposals was approved.

Authorize Award of Contract to Shaw/Yoder/Antwih, Inc. to Provide State Legislative Advocacy Services for a Total Not-to-Exceed Cost of \$133,328 for Three Years

Ms. Cavitt said staff proposes the Board award the contract to Shaw/Yoder/Antwih, Inc. for dedicated State legislative advocacy services. This is the first time the TA has had its own lobbying firm.

Vice Chair O'Mahony said she had hoped for legislative advocacy services for a long time.

Mr. Scanlon said the proposals for State and Federal legislative advocacy services are a result of the Board's initiative to request services that would provide an opportunity to attract and leverage more funding.

Director Lee said this is especially important at the State level because of short term limits.

A motion (Lee/Groom) to award the contract to Shaw/Yoder/Antwih, Inc. was approved.

Authorize Award of Contract to Holland & Knight LLP to Provide Federal Legislative Advocacy Services for a Total Not-to-Exceed Cost of \$180,000 for Three Years

Ms. Cavitt said staff proposes the Board award a contract to Holland & Knight for dedicated Federal advocacy services to the TA.

A motion (Groom/Matsumoto) to award the contract to Holland & Knight LLP was approved.

Authorize Award of Contract to Maze & Associates Accountancy Corporation to Provide Financial Audit Services for a Total Not-to-Exceed Cost of \$77,100 for a Three-year Base Term and Up to Two Additional One-year Option Terms

Ms. Cavitt said staff proposes the Board award the contract, which has some additional on-call financial auditing services that will be procured at the hourly rate quoted in the proposal. This action will ensure the TA has its own independent financial audit service as required by the TA bylaws and enabling legislation.

A motion (Groom/Matsumoto) to award the contract to Maze & Associates Accountancy Corporation was approved.

Authorize Allocation Up to an Additional \$50 Million in Funds for Investment Advisory Services by Tamalpais Wealth Advisors (TWA) for the San Mateo County Transportation Authority

Deputy CEO Gigi Harrington said this is a request to consider moving an additional \$50 million from the County Pool to TWA. The TA currently has about \$314 million in the County Pool. In 2008 the Board authorized moving \$100 million in a series of quarterly increments. Staff is pleased with the performance of the portfolio under TWA management. Staff would propose to move no more than \$10 million a month in a very methodical fashion and perhaps less than that depending on market conditions. The Board will continue to receive quarterly reports from TWA Chief Economist Bill Osher. Fees are slightly lower for TWA services and TWA has outperformed the County Pool with the current amount in the portfolio.

Vice Chair O'Mahony asked if staff was going to deposit the money with the Bank of New York. Ms. Harrington said the \$50 million would not be moved until it is into investments.

A motion (Lee/Matsumoto) to authorize the allocation of \$50 million was approved.

PROGRAM

Verbal Update on State and Federal Legislative Program

Government Relations Officer Kim Rothschild reported:

State

- The Legislature is currently not hearing bills.
- Despite growing budget shortfalls the Assembly Transportation Committee is moving forward with hearings to address the State transit funding crisis. The first hearing is tomorrow in Los Angeles and the second is December 8 in Sacramento. Staff is participating in collaboration with the California Transit Association (CTA) to ensure that legislators understand the impact that transit funding cuts have had on transit service in San Mateo County.
- At its meeting on December 9, the California Transportation Commission (CTC) will be considering guidelines for the Corridor Mobility Improvement Account (CMIA) program

that allow cost savings on CMIA projects to be preserved and used on other proposed CMIA projects in the same corridor. Currently, any cost savings are sent back to the CTC for use anywhere in the State. Although the Marsh Road Auxiliary Lane Project was the only CMIA project approved for San Mateo County, the change in policy would allow any cost savings from that project to be used on other projects in the corridor. This would include the Willow Road/101 Interchange Project and Route 101 Intelligent Transportation System projects at Route 84 and Route 92. Staff will be attending the meeting on December 9 to support the new guidelines.

Federal

- Congressman John Garamendi was appointed to the Transportation and Infrastructure Committee. Government Affairs Manager Seamus Murphy will be meeting with Congressman Garamendi and his staff next week to brief him on the TA's Federal Legislative Program and issues regarding San Mateo County.
- All signs point to approval of the Appropriations Bill in a couple of weeks.
- SAFETEA-LU will probably be extended again for another six months.
- With continuing high unemployment rates, a separate effort has emerged in Congress to enact a jobs bill early next year. More than 9,500 transportation projects have been identified totaling about \$69 billion. Senator Barbara Boxer, who co-chairs a group of senators working on the legislation, said that this amount will be reflected in the bill once it's introduced and that they are exploring the use of Troubled Asset Relief Program (TARP) funds to finance the bill.
- The TARP program is also the focus of legislation that would compel the Treasury Department to reimburse local governments for losses they experienced when Lehman Brothers collapsed. The TA saw a \$25 million loss as a result of this collapse and staff is participating in a coalition effort being organized by the County of San Mateo next week in Washington, D.C. to encourage Congress to support the bill.

Vice Chair O'Mahony said Congresswomen Jackie Speier and Anna Eshoo met recently with Treasury Secretary Timothy Geithner about TARP funds but did not receive any definitive outcome on dispersal of funds.

Vice Chair O'Mahony asked about the SAFETEA-LU extension. Mr. Scanlon said SAFETEA-LU is authorizing legislation that is required before the appropriations process. SAFETEA-LU expired on September 30, 2009. On December 18 the second of two extensions will expire. The administration wanted to do an 18-month extension. Congressman Jim Oberstar said an 18-month extension would not keep the pressure on to get a full-term bill. A group of senators including Senator Boxer would like to do a six-month extension and then do appropriations under that probably as part of an omnibus bill of about 13 transportation bills. There is talk of a possible two-year extension that would be about \$100 billion for transportation.

Mr. Scanlon said Congresswoman Speier recently signed on as co-sponsor of the TARP bill. Also, staff is meeting in Washington, D.C. seeking relief for TARP funds for the Lehman Brothers financial collapse resulting in loss of TA investments.

Capital Projects Status Report – 1st Quarter Fiscal Year 2010

Program Director Joe Hurley said since publication of the report it has been reported there will be a delay in the completion of the environmental document associated with the Route 1 Fassler

Avenue to Westport Project. The stop light display for this project will be changed from green to yellow.

SAMTRANS LIAISON REPORT – KARYL MATSUMOTO

The November 12, 2009 report is in the agenda packet.

JOINT POWERS BOARD REPORT (JPB)

Mr. Scanlon reported on the meeting of December 3, 2009.

- An item was added to the agenda per Legal Counsel to do with lighting changes with the JPB and the City of Palo Alto at the Palo Alto Caltrain crossing where there have been a series of deaths by suicide in 2009.
- Approved the minutes of November 5, 2009 and accepted the Statement of Revenues and Expenses for October 2009.
- The Chair appointed a nominating committee for 2010 officers.
- A Resolution of Appreciation was presented to outgoing Director Jim Hartnett.
- MTC liaison Sue Lempert said MTC is discussing the possibility of increasing bridge tolls to do seismic work; and have revised their Advisory Committee structure opening up opportunities. Ms. Lempert encouraged members of the audience to become involved in an advisory capacity to the MTC.
- Reviewed the monthly performance statistics – October 2009 compared to October 2008
 - a. Total Ridership was 1,039,342, a decrease of 10.4 percent.
 - b. Average Weekday Ridership was 38,174, a decrease of 9 percent.
 - c. Total Revenue was \$3,553,368, a decrease of 5.9 percent.
 - d. On-time Performance was 94.4 percent, an increase of 1.5 percent.
 - e. Caltrain Shuttle Ridership was 5,935, a decrease of 6 percent.Year-to-date performance statistics – October 2009 compared to October 2008
 - f. Total Ridership was 4,235,994, a decrease of 10.5 percent.
 - g. Average Weekday Ridership was 39,742, a decrease of 10.1 percent.
 - h. Total Revenue was \$14,984,557, a decrease of 5.4 percent.
 - i. On-time Performance was 94.1 percent, an increase of 0.5 percent.
 - j. Caltrain Shuttle Ridership was 5,638, a decrease of 9.9 percent.
- Peninsula Rail Program Director Bob Doty presented an update on the Peninsula Rail Program.
- Executive Officer Public Affairs Mark Simon presented an update on continuing efforts to address suicide prevention and outreach with particular focus on a cluster of suicides in Palo Alto.
- Deputy CEO Chuck Harvey received the Board's approval for lighting changes proposed by the City of Palo Alto on the JPB and City of Palo Alto property adjacent to the East Meadow Crossing.
- Mr. Harvey responded to a petition from concerned parents concerning Gunn High School deaths by suicide who wanted to slow trains to five miles per hour through the East Meadow Crossing. Changes in train rate of speed to five miles per hour would cause cascading effects throughout the entire Caltrain corridor and include an added 4,000 hours of service.
- Work has been completed on expanding on-board bike capacity, including retrofit of three additional Bombardier cars. Eight of the 15 gallery car consists have two bike cars and there are two bike cars on every Bombardier consists with 2,800 bike riders per day. The primary concern is not the availability of seats, but dwell times involved with loading and unloading bicycles.

- The train horn retrofit is complete, including second bike cars in the middle of consists.
- Ridership was more than 4,000 for Stanford's Big Game with Cal.
- The Safety and Security Report is in the reading file.
- The Holiday Train will make its annual tour for Toys for Tots on December 5 and 6.
- The Board met in closed session to discuss real estate matters relating to the San Bruno Grade Separation Project. This project is scheduled to be underway before July 2010 in order to qualify for CTC funding of \$30 million for the project estimate of \$150-\$160 million. The Board met in open session to approve a resolution to proceed with the property acquisitions for the project.

Director Lee asked what time of day the suicides in Palo Alto occurred. Mr. Scanlon said there were three suicides at night in the dark and one in the morning.

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

Mr. Miller commented on an amicus brief filed on behalf of the TA in the California Environmental Quality Act (CEQA) litigation involving San Bernardino's Transportation Expenditure Plan, which was reflected in the November Board meeting minutes. The issue was whether CEQA applied at the time when a board was planning to put an expenditure plan measure on the ballot. The trial court and ultimately the appellate court confirmed that CEQA does not apply.

Mr. Miller reported the Court of Appeal granted the motion, in which the TA joined, to publish that opinion. The effect of the court's decision to publish its opinion is that the ruling can be cited and relied upon as legal precedent in future cases. This is important guidance given the number of transportation authorities that will face renewal measures or changes that may be proposed during the life of an expenditure plan. Mr. Scanlon said the court actually rules in a manner consistent with advice Mr. Miller provided to the Board at the time the TA's Measure A program was presented to San Mateo County.

Mr. Miller thanked and sent well wishes to Vice Chair O'Mahony on behalf of Hanson Bridgett law firm staff. He said Vice Chair O'Mahony serves on other regional bodies as well and others in the Hanson Bridgett firm have had the privilege of learning from and being mentored by Vice Chair O'Mahony. Mr. Miller said Vice Chair O'Mahony's gifts go well beyond those to the City of Burlingame and to transportation and the important area of water.

Vice Chair O'Mahony thanked Mr. Miller for the well wishes and the stand taken on the CEQA issue.

Vice Chair O'Mahony wished all happy holidays and asked everyone to be as great as they have been in the past to lead our county, especially with the leadership of Mr. Scanlon.

DATE AND PLACE OF NEXT MEETING

The next meeting is scheduled for Thursday, January 7, 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.

The meeting adjourned at 6:25 p.m.