



Meeting Minutes

Metropolitan Transportation Commission

Dave Cortese, Chair Jake Mackenzie, Vice Chair

Wednesday, June 22, 2016

9:50 AM

The Board Room - 1st Floor

1. Roll Call / Confirm Quorum

- Present:** 16 - Chairperson Cortese, Vice Chair Mackenzie, Commissioner Aguirre, Commissioner Baker, Commissioner Bates, Commissioner Campos, Commissioner Glover, Commissioner Haggerty, Commissioner Kinsey, Commissioner Liccardo, Commissioner Luce, Commissioner Pierce, Commissioner Rein Worth, Commissioner Spering, Commissioner Tissier, and Commissioner Wiener
- Absent:** 2 - Commissioner Halsted, and Commissioner Schaaf

Non Voting Member Present: Commissioner Giacomini

Non Voting Members Absent: Commissioner Azumbrado and Commissioner Sartipi

2. Chair's Report – Cortese

Chair Cortese reported that the Executive Committee met preceding the BATA and Commission meetings for the purpose of reviewing the General Counsel's annual performance evaluation and found it satisfactory to the Commission. Chair Cortese asked for ratification of the Executive Committee's action to affirm the salary increase terms in the Commission's contract with the General Counsel to increase the general counsel's salary by 1.5 % plus the percent adjustments received by MTC staff employees to their salary schedule beginning July 1, 2016.

Upon the motion by Commissioner Haggerty and second by Vice Chair Mackenzie, the Commission unanimously ratified the Executive Committee's Actions to increase General Counsel's salary by 1.5% plus the percent adjustments received by MTC staff employees to their salary schedule beginning July 1, 2016. The motion carried by the following vote:

Aye: 16 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 2 - Halsted and Schaaf

- 2a. [15-1677](#) MTC Resolution No. 4238 - Resolution of Appreciation to Joe Curley on the Occasion of his Retirement from MTC after 22 years of service.

Action: Commission Approval

Upon the motion by Commission Vice Chair Mackenzie and second by Commissioner Rein Worth, the Commission unanimously adopted Resolution No. 4238.

Aye: 16 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 2 - Halsted and Schaaf

3. Policy Advisory Council Report – Carlos Castellanos

4. Executive Director’s Report – Heminger

Roland Lebrun was called to speak.

5. Commissioner Comments

6. Consent Calendar - Cortese

Approval of the Consent Calendar

Upon the motion by Commissioner Haggerty and second by Vice Chair Mackenzie, the Commission unanimously approved the Consent Calendar. The motion carried by the following vote:

Aye: 16 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Kinsey, Liccardo, Luce, Pierce, Rein Worth, Spering, Tissier and Wiener

Absent: 2 - Halsted and Schaaf

6a. [15-1676](#) Minutes - May 25, 2016.

Action: Commission Approval

Administration Committee

6b. [15-1642](#) MTC Resolution No. 4236 - FY 2016-17 Agency Pay Schedules

Action: Commission Approval

Programming and Allocations Committee

6c. [15-1629](#) MTC Resolution Nos. 3880, Revised, and 3881, Revised, and 4053, Revised. Revisions to the Lifeline Transportation Cycle 2 and Cycle 3 Program of Projects and the Proposition 1B - Regional Transit Program.

Action: Commission Approval

6d. [15-1630](#) MTC Resolution No. 4234. Allocation of \$4.7 million in bridge toll funds to the Transbay Joint Powers Authority (TJPA) for the operation and maintenance of the Transbay Terminal Building for FY2016-17.

Action: Commission Approval

- 6e.** [15-1631](#) MTC Resolution No. 4233. Allocation of FY2016-17 Transportation Development Act (TDA) funds to County Auditors for TDA administration and to MTC for TDA administration and planning.
Action: Commission Approval
- 6f.** [15-1632](#) MTC Resolution No. 4239. Programming for FY2016-17 and allocation of \$0.3 million in Five Percent Unrestricted State Fund Revenues and \$1.4 million in Two Percent Bridge Toll Reserves for the San Francisco Bay Trail project and Water Emergency Transportation Authority (WETA).
Action: Commission Approval
- 6g.** [15-1668](#) MTC Resolution No. 4235, Revised. Update the FY2016-17 State Transit Assistance (STA) Regional Coordination Program to add the Bike Share Education project and additional funding for Clipper®.
Action: Commission Approval

Committee Reports

7. Administration Committee – Tissier

- 7a.** [15-1643](#) MTC Resolution No. 4240 - FY 2016-17 MTC Agency Budget

Approval of the FY 2016-17 MTC Agency Budget.
Action: Commission Approval

Ken Bukowski was called to speak.

Upon the motion by Commissioner Campos and second by Commissioner Baker, the Commission unanimously adopted Resolution No. 4240. The motion carried by the following vote:
- Aye:** 14 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Kinsey, Liccardo, Luce, Pierce, Rein Worth and Spering
- Absent:** 4 - Halsted, Schaaf, Tissier and Wiener

8. Programming and Allocations Committee – Wiener

- 8a. [15-1634](#) MTC Resolution Nos. 3915, Revised, 4137, Revised, 4212, Revised, 4241 and 4243. Peninsula Corridor Electrification Project Memorandum of Understanding and Funding Plan.

This item proposes to update the funding plan for the Peninsula Corridor Electrification Project (PCEP), with certain conditions, by:

- 1) Authorizing the Executive Director to execute a Seven-Party Supplement to the 2012 Memorandum of Understanding regarding the High Speed Rail Early Investment Strategy for the Peninsula Corridor;
- 2) Programming and allocating \$8.4 million of RM1 West Bay Rail Reserve funds to PCEP;
- 3) Allocating \$11 million of RM1 West Bay Rail Reserve funds and \$20 million of RM2 funds, which were previously programmed to PCEP; and
- 4) Revising the FY2015-16 Transit Capital Priorities program to program \$22.6 million of FTA formula funds to Caltrain's Railcar Replacement project, and \$12.6 million to Caltrain fixed guideway rehabilitation projects.

Action: Commission Approval

Roland Lebrun was called to speak.

Upon the motion by Commissioner Glover and second by Commissioner Haggerty, the Commission unanimously adopted Resolution Nos. 3915, Revised, 4137, Revised, 4212, Revised, 4241 and 4243. The motion carried by the following vote:

Aye: 14 - Cortese, Mackenzie, Aguirre, Baker, Bates, Campos, Glover, Haggerty, Kinsey, Liccardo, Luce, Pierce, Rein Worth and Spering

Absent: 4 - Halsted, Schaaf, Tissier and Wiener

- 8b. [15-1635](#) MTC Resolution Nos. 4229, 4230, and 4231.

Allocation of \$57.3 million in FY2016-17 Transportation Development Act (TDA) funds, State Transit Assistance (STA) funds, and Regional Measure 2 (RM2) operating and capital funds to support transit operations and capital projects in the region.

Action: Commission Approval

Upon the motion by Commissioner Glover and second by Commissioner Aguirre, the Commission unanimously adopted Resolution Nos. 4229, 4230, and 4231. The motion carried by the following vote:

Aye: 13 - Cortese, Mackenzie, Aguirre, Baker, Bates, Glover, Haggerty, Kinsey, Liccardo, Luce, Pierce, Rein Worth and Spering

Absent: 5 - Campos, Halsted, Schaaf, Tissier and Wiener

- 8c. [15-1542](#) Regional Support of Bay Area Projects for the State's Cap and Trade Transit and Intercity Rail Capital Program 2016 Programming Cycle.

Recommended endorsements for the state Transit and Intercity Rail Capital Program (TIRCP) based on the region's adopted Cap and Trade Framework.

Action: Commission Approval

Upon the motion by Commissioner Glover and second by Commissioner Haggerty, the Commission unanimously approved the Regional Support of Bay Area Projects for the State's Cap and Trade Transit and Intercity Rail Capital Program 2016 Programming Cycle. The motion carried by the following vote:

Aye: 13 - Cortese, Mackenzie, Aguirre, Baker, Bates, Glover, Haggerty, Kinsey, Liccardo, Luce, Pierce, Rein Worth and Spering

Absent: 5 - Campos, Halsted, Schaaf, Tissier and Wiener

9. Legislation - Aguirre

- 9a. [15-1607](#) SB 885 (Wolk): Construction Contracts: Indemnity

Modifies a public agency's liability related to engineering, land surveying, architecture, and landscape architecture work performed on its behalf by narrowing the liability of the design professional.

Action: Oppose / Commission Approval

Upon the motion by Commissioner Aguirre and second by Commissioner Liccardo, the Commission unanimously adopted an oppose position on Senate Bill 885 (Wolk). The motion carried by the following vote:

Aye: 13 - Cortese, Mackenzie, Aguirre, Baker, Bates, Glover, Haggerty, Kinsey, Liccardo, Luce, Pierce, Rein Worth and Spering

Absent: 5 - Campos, Halsted, Schaaf, Tissier and Wiener

10. Joint MTC Planning/ABAG Administrative Committee - Spering

- 10a. [15-1737](#) Approval of Implementation Action Plan for MTC/ABAG Merger Study Option 7 and Related Financial Actions.

- 1) Approval of the Implementation Action Plan (IAP) to guide Option 7 implementation (the consolidation of all staff functions of MTC and ABAG within MTC under one executive director and consideration of new governance options).
- 2) Approval of a \$1.9 million funding agreement to support ABAG planning functions through December 31, 2016.
- 3) Approval of a \$250,000 contract with Public Financial Management to support financial due diligence called for in the IAP.
- 4) Approval of a \$250,000 contract with Orrick, Herrington & Sutcliffe LLP to conduct legal due diligence called for in the IAP.

Action: Commission Approval

Lee Huo, ABAG staff, was called to speak.

Michael Brinton, MTC staff, was called to speak.

Upon the motion by Commissioner Spering and second by Commissioner Kinsey, the Commission unanimously approved the Implementation Action Plan and directed staff to send a letter to the California State Assembly Select Committee on Regional Planning from MTC Commission Chair Cortese and ABAG Executive Board President Pierce regarding the approval of Option 7. The motion carried by the following vote:

Aye: 12 - Cortese, Mackenzie, Aguirre, Baker, Bates, Glover, Haggerty, Kinsey, Luce, Pierce, Rein Worth and Spering

Absent: 6 - Campos, Halsted, Liccardo, Schaaf, Tissier and Wiener

Upon the motion by Commissioner Spering and second by Vice Chair Mackenzie, the Commission unanimously approved three related financial actions: a \$1.9 million funding agreement to support ABAG Planning function through December 31, 2016; a \$250,000 contract with Pubic Financial Management to support IAP financial due diligence; and a \$250,000 contract with Orrick, Herrington & Sutcliffe LLP to support legal due diligence for the IAP. The motion carried by the following vote:

Aye: 12 - Cortese, Mackenzie, Aguirre, Baker, Bates, Glover, Haggerty, Kinsey, Luce, Pierce, Rein Worth and Spering

Absent: 6 - Campos, Halsted, Liccardo, Schaaf, Tissier and Wiener

Upon the motion by Commissioner Rein Worth and second by Vice Chair Mackenzie, the Commission unanimously approved referring documents presented by ABAG Employees in regard to worker protection principles and MTC staff CSR statement currently on the record, and to forward both documents to the Working Committee so that they can be incorporated into the work plan. The motion carried by the following vote:

Aye: 12 - Cortese, Mackenzie, Aguirre, Baker, Bates, Glover, Haggerty, Kinsey, Luce, Pierce, Rein Worth and Spering

Absent: 6 - Campos, Halsted, Liccardo, Schaaf, Tissier and Wiener

11. Other Business / Public Comment

Roland Lebrun was called to speak.

There was no other business or public comment.

12. Adjournment / Next Meeting

The next meeting of the Commission will be held on Wednesday, July 27, 2016 at 9:30 a.m. in the Bay Area Metro Center, 375 Beale Street, San Francisco, CA 94105.

Dave Cortese, Chair