

**CITIZENS ADVISORY COMMITTEE (CAC)**  
**SAN MATEO COUNTY TRANSPORTATION AUTHORITY**  
1250 San Carlos Avenue, San Carlos CA 94070  
Bacciocco Auditorium, 2<sup>nd</sup> Floor

**MINUTES OF OCTOBER 5, 2010**

**MEMBERS PRESENT:** B. Arietta, J. Bigelow, P. Dixon (Chair), J. Fox, R. Hedges, R. Hees, E. Lasensky, A. Mader-Clark, D. Maez, D. Mensing, L. Shaine, J. Whittemore, A. Vargas, P. Young

**MEMBERS ABSENT:** G. Zimmerman

**STAFF PRESENT:** B. Fitzpatrick, K. Green, J. Hurley, R. Lake, T. Reavey, K. Rothschild

Chair Pat Dixon called the meeting to order at 4:34 p.m. Larry Shaine led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

A motion (Hees/Bigelow) to approve the minutes of August 31, 2010 was passed.

**PUBLIC COMMENT**

None

**ITEMS FOR REVIEW – OCTOBER 7, 2010 TA BOARD AGENDA**

There was no discussion on the following items:

1. Approval of Minutes of September 2, 2010 – TA Item 4a
2. SamTrans Liaison Report – September 8, 2010 – TA Item 8

**Public Hearing to Address Adoption of an Updated Property Conveyance Policy and Fee Schedule – TA Item 3a**

Manager, Real Estate and Property Development Brian Fitzpatrick said the fee schedule includes fees the TA charges third parties to enter TA property. The current fee schedule hasn't been modified for 10 years. The TA wants to capture administrative expenses associated with the review and approval of property entry requests and also the loan value associated with a third party being on TA property. A service agreement is assessed when an applicant wants to conduct work on TA property. This allows staff to bill against a project. The standard processing fee is \$900. Limited encroachment permits don't allow construction on TA property and are billed at \$500. Facilities on TA property are an encumbrance to the property and there is a value of land cost and an annual fee associated with the encumbrance, which is \$1,500. Fee costs are reasonable and in line with other regional transit agencies and reflect actual staff time costs.

Mr. Shaine asked about fees for things like Christmas tree lots. Mr. Fitzpatrick said this would involve a lease and renting the property at fair market value.

Randy Hees asked if the general manager could handle very short-term leases. Mr. Fitzpatrick said the general manager is allowed to sign any agreement that is pending by either party upon 30 days notice or less. About 95 percent of TA permits are encroachment permits with a 30-day term. Some

leases that are on more competitive property may be offered for a five-year term. Staff would analyze this and make a recommendation to the general manager who could make the decision rather than taking it to the board.

Rich Hedges said some of the car dealerships adjacent to the Burlingame Caltrain Station park vehicles in train station spots. Mr. Fitzpatrick said the Mike Harvey dealership has rented spaces for years at fair market rates.

Jim Whittemore asked about potential increase to revenue. Mr. Fitzpatrick said the property access agreement fee will increase from \$900 to \$1,500. Most fees are captured in the service agreement and annual fees may increase from \$20,000 to \$30,000.

Mr. Whittemore asked who represents the largest lessees. Mr. Fitzpatrick said Pacific Gas and Electric (PG&E) is probably number one followed by AT&T and California Water Service.

Doris Maez asked if PG&E gas lines cross Caltrain property and how possible hazards are handled. Mr. Fitzpatrick said when a new request is received it is reviewed for compatibility with current and future transportation system options and from a safety perspective. Engineering and design drawings are inspected. No one is allowed to cross the Caltrain right of way if the project isn't determined to be completely compatible.

Mr. Fitzpatrick said most utility lines crossing the right of way were put there when Southern Pacific owned the right of way, which had the same type of processes Caltrain has today.

Ms. Maez said vibration on the corridor could be another cause of stress on a pipeline. Mr. Fitzpatrick said staff is working with PG&E to assess the issue.

Mr. Hees asked how the policy works with a request for an easement. Mr. Fitzpatrick said anyone crossing the right of way needs a license, which can be revoked in 30 days. An easement is a special case and, if permanent, would go to the board. This is strongly discouraged to maintain flexibility.

Mr. Shaine asked what criteria are involved with a public hearing. Mr. Fitzpatrick said the public hearing is required to increase the fees.

A motion (Hees/Hedges) to support adoption of the policy and fee schedule was approved.

**Information on Statement of Revenues and Expenses for the Period Ending June 30, 2020 –  
TA Item 4b**

Director, TA Program Joe Hurley said June 30, 2010 was the close of the fiscal year. Final audits are being completed on the Statement of Revenues and Expenses for the period ending June 30, 2010 so it is not available at this time. This report will be available at the November board meeting.

**Acceptance of Statement of Revenues and Expenses for the Period Ending July 2010 –  
TA Item 4c**

Mr. Whittemore asked why rental and grant revenue decreases are combined in the staff report when rental income is barely off and grant proceeds are about 95 percent below projection.

Director of Finance Trish Reavey said items are sometimes lumped together into one grouping for reporting. She said grant proceeds' data is just a timing difference in the way items are budgeted across the year. It depends on how quickly the objects are moving along so as those costs are incurred, they can draw down the grant proceeds. Staff may try to adjust the timing of the budgets in concert with project managers so the budget versus actual are more realistic.

Mr. Whittemore asked if a column could be added to the statement to show prior actual by month and asked for the spreadsheet in Word format. Ms. Reavey said she would check with staff on the possibility of an additional column. She said no financial documents are released in Word format because they can be altered and reproduced. Mr. Whittemore suggested putting a watermark on the spreadsheet.

Barbara Arietta and April Vargas arrived at 4:55 p.m.

**Authorize Amendment to the Fiscal Year 2011 Budget, Allocation of \$15,000 of New Measure A Funds for a Shuttle Business Practices Study, and Execution of Agreement Between the Transportation Authority, San Mateo County Transit District, Peninsula Traffic Congestion Relief Alliance and the City/County Association of Governments of San Mateo County – TA Item 11a**

Mr. Hurley reiterated the success of the county shuttle program. There are four partners in the shuttle program who have agreed to participate in the \$60,000 study to see if there is an opportunity to improve efficiency of the program and look for opportunities to, perhaps, reduce some redundancies. The TA's share of the study is \$15,000. The result of the study will be better management of the TA program for the benefit of the TA shuttle program and the shuttle program as a whole in San Mateo County.

Mr. Shaine asked if Menlo Park was involved in the study. Mr. Hurley said they are not participating and this would probably be a subject of the shuttle study.

A motion (Bigelow/Arietta) to support the Shuttle Business Practices Study, allocation and execution of the agreement was approved.

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

Mr. Hurley said the TA programmed \$27 million for the Downtown Extension (DTX) Project in 2001. Since then there has been a series of allocations made through the CAC and TA board to do with preliminary engineering associated with the DTX and allocations to the JPB for oversight associated with the design. Earlier this year there was an allocation for a property acquisition necessary for the DTX. This allocation of \$12.262 million will provide funding to acquire property at 85 Natoma Street, San Francisco. The property, which is necessary for construction of the train box underneath the transit center, has 10 condo units. This action will complete the TA's programmed obligation as far as the \$27 million towards this project. Earlier this year the TJPA was successful in securing \$400 million in American Recovery and Reinvestment Act funding.

John Fox asked if this purchase involved an entire building or one unit. Mr. Hurley said, the entire building needs to be acquired and the TA's funds will need to be supplemented with other funds to cover the entire cost of the property. In order to protect the TA's interest, the TA will have a

security interest in the property. If the project does not move forward or is no longer needed for the DTX, the TA would have a means of recapturing its allocation.

Mr. Fox asked if the point was to buy out the buildings and the tenants. Mr. Hurley said that is the goal.

Mr. Fox asked if it would be leased back for some indefinite period. Mr. Hurley said the property needs to be demolished to construct the train box.

Mr. Fox asked about the schedule for construction of the train box and the actual project. Mr. Hurley said some demolition has begun.

Senior Project Manager Bob Beck, TJPA, said the TJPA has a demolition contract of the terminal itself and would add this demolition to that contract, which is now out to bid. Bids are expected in November for the shoring wall that is going to be the perimeter of the excavation of the train box. That work is scheduled to begin next spring so the property needs to be demolished between now and next spring so the shoring wall can go across the property.

Mr. Fox asked if there were any potential issues getting the tenants to move out and what options are available to do this. TJPA outside counsel, Andrew Schwartz said two units are now in escrow and there are two units that the TJPA hopes to have voluntary agreements in order next month. If the TJPA is unable to negotiate voluntary purchases with the six remaining units, it will ask the city and county of San Francisco to condemn the units under eminent domain. The TJPA can do a quit-claim procedure where it deposits the probable compensation, which is essentially its appraisal, into the court and can get possession of the property in 120 days to begin demolition.

Ms. Maez asked if this could be a potential public relations issue. Mr. Schwartz said eminent domain is a harsh remedy and only used when absolutely necessary. He said the TJPA has been very successful, so far, in minimizing eminent domain. He said the TJPA has acquired 11 different properties for the project and 10 of those were voluntary purchases where the property owner and the TJPA reached an amicable, mutually agreeable price for the property. He said he thinks the TJPA offers a fair price for the property and thinks the fact that it has been able to enter into these agreements is proof it is offering fair prices.

Ms. Arietta asked if a property owner has legal recourse on the appraised value. Mr. Schwartz replied yes.

Ms. Arietta asked how long the process takes and what type of remedies are available. Mr. Schwartz said the law requires that before a public agency can use eminent domain, it has to appraise the property and offer the full amount of the appraisal to the property owner. The law also requires the public agency to give the property owner \$5,000 for their own appraisal, if they so choose. Most property owners find this isn't necessary because the offer from TJPA is well supported and fair.

Ms. Arietta asked about property owners who can't reach an agreement to sell. Mr. Schwartz said if the TJPA can't settle with the property owner and eminent domain is necessary, then eminent domain action is a lawsuit where each party presents their evidence of value at the trial and a jury decides which is right. There is no burden of proof on either party. It is a fair process where each

side has their appraisers and the jury selects the more credible appraisal or value between the appraisals.

Ms. Arietta said it may take more than 120 days if legal matters are involved. Mr. Schwartz said there is a procedure in eminent domain law called a quick take procedure where the acquiring agency deposits their appraised amount into court and then asks the court to give the agency possession, not title, in 120 days. This is almost always granted. After possession is transferred, the lawsuit determines the value, which is usually at a jury or a trial by a judge, where the fair market value of the property is determined.

Ms. Arietta said either way the property owner is out. Mr. Schwartz said yes, after the TJPA gets possession.

Mr. Hedges said it is regrettable than an agreement can't be reached but eminent domain is a necessary tool and should happen in a judicious way.

Mr. Bigelow said Caltrain is the number one project for the TA. It's agonizing using diesel fuel and the process is to ultimately deliver an electrified Caltrain to a more desirable connection than the current one.

Mr. Whittemore said he looked at property tax records for this block on Natoma Street and found the TJPA owns two properties that appear to have been purchased in March 2004. Ms. Schwartz said the TJPA does not own properties at 85 Natoma.

Mr. Whittemore said he believed the properties are at 80 and 75 Natoma and both had a sales price of \$12.5 million, which he thought was a coincidence. Mr. Schwartz said these must have been private sales. He said the TJPA acquired 77 through 83 Natoma in 2009 and two vacant lots to the east for parking.

Mr. Whittemore asked how many other properties on the block will be needed. Mr. Beck said Phase 1 of the Transbay Project, which generally involves the transit center, train box and extension of the train box under this property, will require three more properties on the block between Howard and Natoma streets.

Mr. Whittemore asked why the TA is providing \$12.5 million for this purchase as opposed to someone matching the costs. Mr. Hurley said there have been a number of properties purchased that have been funded through other agencies such as the Metropolitan Transportation Commission (MTC) or San Francisco Municipal Transportation Authority. This fulfills the programmed obligation of \$27 million.

A motion (Bigelow/Hedges) to support the allocation to the TJPA was approved.

### **Update on State and Federal Legislative Program – TA Item 12a**

Government Affairs Officer Kim Rothschild reported:

#### State

- October 27 is the next scheduled budget vote. The \$19 billion budget shortfall has been cut by about \$7 billion.

- The governor signed SB 987, which would extend the area included in a transit village development district from one-quarter to one-half mile of a transit station.

### Federal

- Congress did not approve its 2011 appropriations bill before their recess, but approved a continuing resolution through December 3, 2010. They will continue this work after the November elections.
- Agreement has not been reached on long-term surface transportation reauthorization, which expires on December 21, 2010.

### **Authorize Calling on Congress to Approve Long-Term Surface Transportation Reauthorization Legislation – TA Item 12ai**

Ms. Rothschild said the TA would benefit from this through increased and more predictable program and project funding opportunities. Staff is working with the American Public Transportation Association and has taken the measure to local city councils.

A motion (Hees/Hedges) to support the reauthorization legislation was approved.

### **Authorize Support of Measure M – The City/County Association of Governments of San Mateo County Vehicle Registration Fee to Fund Local Transportation Improvements in San Mateo County – TA Item 12aii**

Ms. Rothschild said 50 percent of net revenue would go to city and county local streets and roads and 50 percent to countywide transportation programs.

A motion (Hees/Hedges) to approve support of Measure M was passed. Mr. Whittemore and Ms. Maez abstained.

Ms. Rothschild said Proposition 22, prior to it being called Proposition 22, was the California Transit Initiative, which was the Local Taxpayer Public Safety and Transportation Protective Act 2010, and the board passed a resolution in March in support of getting it on the ballot.

Mr. Shaine asked if the presentations on Measure M to local cities included information on Proposition 22. Ms. Rothschild said her only comments are that it exists and helps transportation.

### **Highway Program: US 101/Broadway Interchange – TA Item 12b**

Mr. Hurley reported:

- The Broadway Interchange is the oldest in the county. Project challenges include proximity to the Bay, three creeks within the project limits, and built out areas on the east and west sides of the interchange.
- The purpose of the project is to improve traffic movements, accommodate future traffic growth, improve southbound US 101 ramps and increase bicyclist and pedestrian access.
- The current interchange is a 19-legged unconventional design of circuitous traffic patterns.
- The interchange overcrossing will have a 10-foot wide sidewalk and five-foot wide bike lanes on both sides of the overcrossing.
- The draft environmental document was released in August, a public meeting was held on September 15, and the comment period closed on September 29. Staff is compiling comments.

- Assessment of property impacts includes temporary construction easements and partial and full acquisitions.
- At completion in 2035, there will be seven intersections near the interchange that will realize benefits of the project.
- Twenty-one public comments were received from regional and local agencies, businesses and individuals and fell into categories of bike/pedestrian access, construction impacts and cost/ability to fund.
- Total project cost estimate of \$74.5 million include costs for the environmental and design phases, right of way/utilities, construction and construction administration.
- Project schedule completion dates: environmental spring 2011, design spring 2013, right of way/utilities spring 2013, bid and award of contract fall 2013, and construction completion winter 2016.
- The project is dependent on all funds falling into place.

Chair Dixon asked why the sidewalks are so wide. Mr. Hurley said this is standard to accommodate two-way foot traffic.

Mr. Hees asked about the level of commitment on funding from the State and MTC. Mr. Hurley said there are \$4.25 million of State Transportation Improvement Association funds programmed in this current year for design. The TA is proposing to go to the California Transportation Commission in May 2011 to get an allocation and beyond that, there is no funding commitment at this time.

Mr. Hees asked if there is concerned because nothing is certain at the State level. Mr. Hurley said the TA knows if this isn't taken through the environmental, it will jeopardize getting any funding for design. This particular project has a lot of momentum and support and the city of Burlingame is very active in working with Congresswoman Jackie Speier's office to secure Federal dollars, and shovel ready projects seem to attract funding.

Mr. Hees asked if the pedestrian overcrossing is duplicative. Mr. Hurley said the overcrossing, which was constructed as part of the Third Avenue to Millbrae Avenue Auxiliary Lane Project, will remain in place as part of a San Francisco Bay Conservation and Development Commission permit requirement. The new overpass will be built 170 feet north of the existing overpass.

Mr. Fox said the original design was for an interchange that could be done at speed. He asked if the new design included stop lights or stop signs because the old design had none. In comparing the level of service issue about congestion, the only way to assess the delays at intersections would have to be on other subsidiary intersections around it. The reason the new design would be better is that is it wider and carries more traffic and delays at feeder streets are lower. Mr. Hurley agreed and added that ramp metering will be installed and will result in queuing.

Mr. Fox said he is concerned because there isn't an actual bike connection on one end from an existing commuter route to a destination. It is always desirable in the design phase to identify commute routes, and adding the pedestrian/bike facilities to this new interchange will be best served if it is integrated into some type of concept of a commuter network from the start.

Ms. Maez has several concerns: another three years of construction impacts on Highway 101, the Anza ramps leading to some hotels, possible construction of a grade separation, and impacts of

High Speed Rail (HSR) on the area. Mr. Hurley said the majority of the work is not being done on Highway 101 and all traffic movements will be maintained. Mr. Hurley pointed out that every effort will be made to minimize disruption to the traveling public and the surrounding community but any project of this magnitude will create some disruption.

Ms. Maez asked if new piers will be constructed. Mr. Hurley said there would be columns in the medians.

Mr. Hurley said the Anza ramps only serve northbound and will not be modified by this project. He said this project is about 700 feet from the grade separation and doesn't preclude a future modification to the railroad profile. Traffic counts do take into consideration the train traffic and any potential backups. Storage on the southbound off-ramp has been designed to accommodate the automobile back-ups as a result of rail traffic.

Elizabeth Lasensky said the area around the interchange, which is accessed by many tourists, lacks effective signage. She did not see any budget item for signage and welcomes the solution to this problem. Mr. Hurley responded that issues such as signage would be addressed during the design phase.

Mr. Shaine asked if staff is working with HSR to develop a plan to integrate a grade separation into this project. Mr. Hurley said this is moving forward independent of HSR. Any changes would occur 700 feet west of where this project stops.

Ms. Arietta recently spent an excessive amount of time in traffic exiting westbound from Highway 101 to Carolan Avenue. She said the issue was signalization; and asked about southbound Highway 101 going west joining up with a new bigger ramp. Mr. Hurley said there is currently a five-legged intersection and this situation will be eliminated.

Mr. Hees asked if the project will have a component to retime all the lights. Mr. Hurley said signal interconnection is a project component.

Mr. Bigelow said old interchanges with single looping roads create safety problems for motorists and pedestrians. Grade separated intersections allow more vehicles to go through the intersections. He said this project concept makes alternatives clear.

Paul Young left at 5:52 p.m.

Mr. Whittemore recently walked from the Peninsula Avenue overcrossing to Broadway Avenue and up and down the overcrossing several times. He spoke with pedestrians who were very pleased with the new overcrossing, which has very functional signage. He thinks many people regularly use this as a loop down to Peninsula Avenue.

A motion (Hees/Arietta) to compliment staff on an excellent report and recommend support of the interchange project was approved.



### **REPORT OF THE CHAIR – PAT DIXON**

Encouraged everyone to vote on the day of our next meeting, which is November 2.

### **REPORT FROM STAFF – JOE HURLEY**

Mr. Hurley recently walked the Peninsula Avenue overcrossing to try and understand any concerns Austin Mader-Clark brought to a previous CAC meeting on behalf of a friend. She has since walked the overcrossing and said it works very well. Mr. Hurley's only concern is enforcement of the no right turn on the red light coming from northbound Highway 101.

### **COMMITTEE COMMENTS**

Mr. Whittemore asked about the publication date of the next TA annual Progress Report.

Mr. Hurley will report on this.

Ms. Vargas said last Friday was an extremely exciting day at Devil's Slide to see the extraordinary job being done on the project and the breakthrough of the tunnel. She said this is such a signature project for San Mateo County and a huge win for transportation and the environment.

Mr. Hees commented on motorists who use auxiliary lanes to exit the freeway and go through the off ramp at relatively high speeds to continue through the exit and return to the freeway while other motorists are weaving their way into the access lanes to the freeway. He hopes ramp metering lights will make this less attractive for those drivers because it is a major safety issue. Mr. Hurley said metering lights will solve the problem.

Mr. Hees recently purchased a Clipper card and used it on BART and Caltrain. He found the information to use the card very clumsy and staff seemed unclear on directions. He is pleased with options the card offers but said there is a lot of concern about the transition that doesn't seem to be handled well through the transit media. Mr. Hurley will speak with Mr. Hees offline. He said there is currently a pilot program to introduce the card to SamTrans riders.

Ms. Arietta said Speaker Pro tem Fiona Ma will attend a breakfast on October 16 at the Sharp Park Golf course from 9:30 a.m. to 11:30 a.m. for the monthly Pacifica democrats.

Mr. Bigelow said the Dumbarton Citizens Advisory Panel will meet October 27 at the District with an update on ridership and costs, which is a precursor to the policy committee of elected officials meeting in November.

Chair Dixon said voters in the general area who are non-absentee voters can vote about a week in advance at the county center.

### **Date and Time of Next Meeting**

The next regular meeting of the TA CAC will be held on Tuesday, November 2, 2010 at 4:30 p.m. at 1250 San Carlos Avenue, Bacciocco Auditorium, 2<sup>nd</sup> Floor, San Carlos, CA 94070.

**Adjournment** – 6:07 p.m.