

CITIZENS ADVISORY COMMITTEE (CAC)
SAN MATEO COUNTY TRANSPORTATION AUTHORITY (TA)
1250 San Carlos Avenue, San Carlos CA 94070
Bacciocco Auditorium, 2nd Floor

MINUTES OF MARCH 5, 2013

MEMBERS PRESENT: B. Arietta, J. Bigelow, E. Lasensky, L. Shaine, L. Simonson,
A. Vargas, B. Warhurst, J. Whittemore

TELECONFERENCE: R. Hedges

MEMBERS ABSENT: J. Fox, R. Hees, J. Londer, D. Maez, D. Mensing, G. Zimmerman

STAFF PRESENT: J. Averill, A. Chan, J. Hurley, J. McKim, S. Murphy

Chair Barbara Arietta called the meeting to order at 4:37 p.m. and Jim Whittemore led the Pledge of Allegiance.

APPROVAL OF MINUTES OF SEPTEMBER 4

Laurie Simonson said the word “be” should be added to the second paragraph on page two to read, “... the public will be asked what they think the scope...”

A motion (Bigelow/Shaine) to approve the February 5, 2013 minutes as amended was approved by roll call.

PUBLIC COMMENT

None.

ITEMS FOR REVIEW – MARCH 7, 2013 TA BOARD MEETING

Measure A Program Status Report (TA Item 6c)

No discussion.

Update on Grade Separation Programs (TA Item 12b)

Executive Officer, Planning and Development April Chan presented:

- Fifteen percent of Measure A funds was set aside for this program.
- Staff estimated \$225 million would be available over the life of the program; staff estimates \$200 million is left in the program.
- The purpose of the program is to improve safety at railroad crossings and relieve traffic congestion.
- The cities that have candidate railroad crossings listed in the Expenditure Plan include South San Francisco, San Bruno, Millbrae, Burlingame, San Mateo, Redwood City, Menlo Park, Atherton, and East Palo Alto.
- Selection criteria should consider safety improvement, geographic equity, economic development, and funding leverage.
- The project needs to be supported by Caltrain.
- Available funding is limited, so not all projects can be funded.

- Recent TA actions include: accepting New Measure A Implementation Plan in 2009, Allocating \$48.4 million in New Measure A funds for the San Bruno Grade Separation Project in June 2010, and authorizing the solicitation of letters of interest from cities in September 2012.
- Five cities expressed interest: South San Francisco, San Bruno, Burlingame, San Mateo, and Menlo Park.
- Proposed guiding principles include requiring at least 80 percent of remaining available funds be set aside for construction, up to 20 percent be for pre-construction with at least 10 percent for design, and a city is to receive no more than 50 percent of available construction funding from the program. Funds should be allocated in phases.
- Cities should study project alternatives and provide cost estimates for different options, including a scenario consistent with the Caltrain/High Speed Rail (HSR) Blended System, provide information on congestion relief and safety improvement, and provide information on economic development/transit-oriented development opportunities in the area.
- Once the planning phase is completed, city councils must approve the project, and Caltrain must concur with the selected project alternative.
- The design needs to be completed or coordinated with Caltrain to ensure railroad design standards are met. Value engineering is required, and non-Measure A funds must be leveraged.
- Before Measure A funds can be made available, the construction phase requires: city council approval, local community support, construction must be done by Caltrain, there must be an adequate full-funding plan, and the project must provide support for economic development.
- Next steps include Board approval of the project selection process in April, applicants to be notified to submit project requests in April and May, and the Board will approve the first round of funding in summer 2013.

Elizabeth Lasensky said seven cities were listed that could be eligible, and asked how East Palo Alto could be on that list. Director, Transportation Authority Program Joe Hurley said crossings in East Palo Alto on the Dumbarton Rail Corridor are in the Transportation Expenditure Plan. Ms. Lasensky said in Menlo Park where there are two train crossings it is hard to imagine having only one crossing with grade separations. Ms. Chan said the slide shows what cities' priorities are but cities are not restricted to only one crossing per city. Mr. Hurley said the Menlo Park crossings would be a challenge if the railroad profile was to change, but if it stayed the same and the road was put over the railroad it would be doable.

Larry Shaine said there's a special situation at Broadway because there is an expensive and important interchange project at U.S. Highway 101 that will end short of the tracks and it would make sense to continue that overpass past the tracks. He said it would concern him to have a new overpass over the highway that stopped short of the tracks and added to the backup in that area.

Jim Bigelow said the scoring should reflect that some cities are engaged in litigation to stop HSR, which is a funder of these projects. He said a penalty may need to be considered in the scoring if a city is litigating and also asking for funding.

Ms. Simonson said she suggests the local buy in should be moved up in the presentation, and cities can't be penalized for exercising their right to litigation. If the city is entering into litigation because they feel they are representing the wants of the constituents, perhaps they do not have the local support as required by the program.

April Vargas said one criterion is Caltrain must concur with the selected project alternative. She asked if Caltrain would review only what was proposed only or if they would have ideas about project alternatives. She asked if there will be an opportunity for the city to work with Caltrain to amend the project requests and negotiate what is best. Ms. Chan said Caltrain might need to be part of the study. She said the point is to make sure that the final alternative will support the HSR and the city in a partnership.

Bill Warhurst said he does not agree with penalizing cities for not supporting HSR because the criteria in the Expenditure Plan for this program has nothing to do with HSR. He said he has concern with a 50 percent match because there might be a lot of cities that have trouble finding the other 50 percent funding. Ms. Chan said this is not a match. She said staff is proposing that no city will receive more than 50 percent of the construction funding. She said this is a guiding principle and is flexible.

Jim Whittemore said he doesn't understand the 50 percent number and asked how it could be equitable when there are cities with different populations that pay different amounts of tax. He said it should be specified that geographic equity applies to cities within the railroad corridor only. He said community support is not quantified and it is not a metric.

Program Report: Highway Program U.S. Highway 101/Broadway Interchange (TA Item 12a)

Project Manager Jim McKim presented:

- The reason for this project is to improve an existing circuitous movement at the U.S. Highway 101/Broadway Interchange, accommodate future traffic growth, improve the southbound ramps, and increase bicyclist and pedestrian safety and access.
- Maps of the existing and proposed interchanges were shown.
- Total project cost is estimated to be \$80 million.
- There will be five stages with various phases.
- Landscape and aesthetic features were shown.
- Construction should begin in the spring of 2014 finish in spring of 2017.

Ms. Vargas said she commends the landscape design because it will make the city much more attractive.

Ms. Simonson asked for clarification on the pedestrian and bicycle access. Mr. McKim said there will be a lot of bike and pedestrian access in the new configuration and the existing bicycle and pedestrian overcrossing will remain.

Mr. Bigelow asked how much additional land was acquired to reconfigure the interchange. Mr. McKim said \$11 million was allocated for right of way acquisition and real estate negotiations are still underway.

Mr. Shaine said this is impressive and there are many good improvements.

Ms. Lasensky said it is hard to find out now how to get on and off the highway and asked for signage. Mr. McKim said there is a signage plan in place. Caltrans has required signage and the city has asked for more.

Ms. Simonson said she encourages right of way acquisitions to include extending the Bay Trail. Mr. McKim said that is being discussed as part of the permitting process.

Rich Hedges said he cautions on making the lights on the overpass too low because they could interfere with drivers' ability to see.

Capital Projects Quarterly Status Report – 2nd Quarter Fiscal Year 2013 (TA Item 12b)

Mr. Whittemore said projects 757, 758 and 764 disappeared since the last report.

Mr. Hurley said those have been the same over the last few years and staff felt they did not add value to have them on the report.

Mr. Whittemore said some of the projects incurred expenses even though they have been on hold.

Mr. Whittemore asked why the anticipated administrative costs are so high on Caltrain electrification. Mr. Hurley said he would get back to him.

Mr. Whittemore said the schedule for the Downtown Extension Project is yellow and it should be red.

Mr. Whittemore said the San Mateo Bridges Project will have extra money from the seismic upgrades and asked where the \$32 million will appear again when the project comes off the report. Mr. Hurley said it will remain in the Grade Separations Programs.

Mr. Warhurst asked for an update on the Bike and Pedestrian Call for Projects timelines. Mr. Hurley said that is still scheduled for the spring or summer.

Mr. Hurley asked for input from the CAC on what will be useful and what the appropriate level of reporting for bike and pedestrian projects. Mr. Whittemore said he wants all information. Mr. Warhurst said he wants more detail about those projects. Ms. Simonson said it would be good to have the projects included to see how things are progressing.

Chair Arietta said there should be clarification in the future about why projects are not being reported on, and the bike and pedestrian projects.

Acceptance of Statements of Revenues and Expenditures for January 2013 (TA Item 6b)

No discussion.

A motion (Whittemore/Shaine) to support the Statement of Revenues and Expenditures was approved by roll call.

Update on State and Federal Legislative Program (TA Item 12c)

State

Director, Government and Community Affairs Seamus Murphy said the highlight of the TA's legislative agenda is the Cap and Trade Program. About \$500 million in revenues has been received from auctions and more auctions are scheduled over the next year, with an expectation that a total of \$1.6 billion will come in. Transportation is one of the categories that will be eligible for expenditures from these funds. The process for creating the expenditure plan is in the works now. The TA and other transit agencies have been advocating for operations and capital improvements to be eligible expenditures. A decision will be made next year by the Legislature.

State Senator Jerry Hill has been appointed to the Environmental Quality Committee and will be involved in the California Environmental Quality Act (CEQA) reform. As proposals come out of the Legislature, TA staff will weigh in as appropriate.

Federal

The Obama Administration introduced an infrastructure plan with \$40 billion for State of Good Repair and opportunities for private capital investment in public transportation projects. It is not likely to be signed into law but the TA staff supports the plan.

Staff focus is on maintaining Federal funding for public transportation programs. The sequester does not impact formula funding for transportation. The big impact is on the New Starts Program which includes Bay Area Rapid Transit (BART) to San Jose and the central subway in San Francisco.

The Federal Rail Title Program expires in September and includes the Positive Train Control deadline, and will need to be reauthorized. This also includes funding for a number of inner city and HSR improvements.

Mr. Whittemore asked if Positive Train Control, and its funding, is independent of HSR. Mr. Murphy said it is an element of Caltrain Modernization. The funding is from Proposition 1A which is contingent on State funding for half and local, regional and Federal funding for the other half.

Mr. Bigelow asked when Caltrain HSR will chime in on the bill from Senator Hill regarding guaranteeing the funding in Palo Alto. Mr. Murphy said staff will be issuing a letter of support for that bill. He said he thinks HSR will do the same.

Mr. Shaine asked if there have been any changes in attitude concerning transportation issues in the Legislature. Mr. Murphy said a recent development is the Appropriations Committee released a Transportation Appropriations Continuing Resolution that will help fund the Federal government transportation programs through September. Other than that the opinions and disagreements stay the same.

Ms. Lasensky asked what the change to the provision in Assembly Bill 26 is. Mr. Murphy said it is listed because a change will be made but the exact change is not yet known.

Ms. Lasensky asked who "we" is when Mr. Murphy says "we support..." and she asked where staff gets the direction regarding what to support. Mr. Murphy said "we" is the TA staff and the Legislative Program is approved by the Board of Directors and it allows staff to take action on legislation that fits within the Program's goals and objectives. Ms. Lasensky asked if the public can comment on an ongoing basis. Mr. Murphy said public is always able to comment at any Board meeting and they could comment when the legislative program is approved by the Board every year.

Ms. Vargas and Mr. Warhurst left at 6:06 p.m.

Chair Arietta said a group called San Mateo County Democracy for America asked for this statement to be placed into the minutes:

Since 1970, California has had an "environmental bill of rights" called the California Environmental Quality Act (CEQA). Because of this important bill, we, the public, have the right to be involved in decisions that involve land use and development. The law has worked to make developers responsible for the environmental impact of the projects they undertake, and it ensures that the public is aware of pollution or other problems these project might cause.

Business interests and some governmental agencies are working to "reform" this law and exempt certain projects from CEQA review. This could allow developers to avoid responsibility for air or water pollution, traffic congestion, or other negative effects of their projects. Economic growth is cited as the rationale for the "reform." However, in the 43 years that CEQA has been in place, California has seen enormous development and growth.

The members of San Mateo County Democracy for America, a political club, are absolutely opposed to any changes to CEQA that would weaken it or in any way undermine the public interest or negatively impact our natural resources or our quality of life. San Mateo County, its elected officials, governmental agencies and their staffs, and all of the paid lobbyists that are hired by our county, should take the lead in protecting this important environmental legislation rather than working to "reform" it to suit developers.

We encourage the public to go to CEQAworks.org or to look for CEQAWorks on Facebook to learn more about this important environmental legislation and why it needs to be protected from developers and their allies.

Sincerely, Carole Dorshkind and Ashleigh Evans, Co-Chairs, San Mateo County Democracy for America.

Chair Arietta read Executive Officer, Public Affairs Mark Simon's explanation of the TA's take on CEQA reform from the previous CAC meeting. She said the concern is staff supporting CEQA. Mr. Murphy said Mr. Simon's comments were clear: the goals are not to degrade the environmental protections that CEQA has in place, and none of the issues staff has dealt with in the past would have that effect. He said it is not staff's intention to pursue reform that will expedite projects at the expense of thorough environmental study or protection. He said the National Environmental Policy Act (NEPA) is less stringent than CEQA so staff has considered supporting a stance to only get CEQA approval because having to get approved by both CEQA and NEPA tends to cause delays. There have been some streamlining efforts put forth and TA staff will react to those as they come out.

Ms. Lasensky said a concern with streamlining is removing the public's ability to comment on projects coming into development. Mr. Murphy said streamlining is for judicial expediting of issues.

Mr. Whittemore said he believes the TA and CEQA get along well and the TA puts environmental issues first.

SamTrans Liaison Report – February 13, 2013 (TA Item 9)

No discussion.

Approval of Minutes of February 7, 2013 (TA Item 6a)

No discussion.

REPORT OF THE CHAIR – BARBARA ARIETTA

See the attachment for Chair Arietta's complete report.

REPORT FROM STAFF – JOE HURLEY

Mr. Hurley said the new Board member is David Canepa, vice mayor of Daly City, and he will represent the northern cities.

MEMBER COMMENTS/REQUESTS

Mr. Whittemore said Burlington Northern Santa Fe Railroad, the second largest railway in the United States, is converting to natural gas and may replace their diesel engines.

Mr. Hedges said in the January minutes he commented about an editorial in the Mercury News about the trolley system not going to the airports. He said it is common for them not to go to airports primarily because airports sell parking. He said an unnamed airport Director at an unnamed airport told him that, and he was not talking about a San Jose airport Director, and he has never had a conversation with the San Jose airport director.

DATE, TIME AND PLACE OF NEXT MEETING

Tuesday, April 2, 2013 at 4:30 p.m. at 1250 San Carlos Avenue, Bacciocco Auditorium, 2nd Floor, San Carlos, CA 94070

The meeting adjourned at 6:27 p.m.

CAC Chair's Report 3/5/13

From: **Barbara Arietta** (barietta@hotmail.com)
Sent: Tue 3/05/13 3:01 PM
To: Barbara Arietta (barietta@hotmail.com)

Chair's Report

1. TransForms' Transportation Summit: In just a few weeks, the State will come out with a specific proposal on how to spend the new cap-and-trade funds, that will turn into literally billions of dollars per year by 2015. According to Stuart Cohen of TransForm, an incredible outpouring of support at hearings throughout the State has been seen and there is a huge push to request these funds for public transportation, bicycle and pedestrian safety, as well as affordable homes near transit.

And because of this, there will be a Transportation Choices Summit 2013 held in Sacramento on Tuesday, April 23. The summit will bring together advocates from the state to learn about state-level opportunities from leaders that include Brian Kelly, California Secretary of Business, Transportation and Housing and James Corless, Director of Transportation for America. For more info go to TransForm's website. The Summit will be followed by an optional Advocacy Day on Wednesday, April 24, where they will take their message to the Capitol.

2. HSR - High Speed Rail Meeting at BOS: The California High Speed Rail Authority will host its next board meeting in Redwood City tomorrow morning, March 6th, at 9 a.m. A vote on a critical Memorandum of Understanding with Caltrain is scheduled to take place at that meeting... This is the Authority's first Peninsula board meeting and attending in person or writing in with your support for continued investment in Corridor Modernization and the Caltrain MOU will help. Everyone is urged to attend. If you cannot attend, then it is asked that you write to both the Authority and Caltrain and tell how corridor electrification and High Speed Rail will improve regional transportation for you.

3. Letter on CEQA Reform Received from Public: Since our last meeting on 2/5/13, I, as Chair of the TA/CAC, have received the following letter from Ms. Ashleigh Evans and Ms. Carole Dorshkind, Co-Chairs of the organization, San Mateo County Democracy for America, (SMCDFA) The letter was sent in reference to what was discussed at our 2/5/13 meeting concerning potential CEQA Reform and the TA's Legislative Program. They have requested that their stance on CEQA Reform be read into our record tonite and that their stance on potential CEQA Reform be transmitted to the TA.

(See attached)

I am also reporting a portion of the transcript from that meeting concerning what Mark Simon actually said in reference to this issue. This information was provided to me by Josh Averill from our administrative staff after a thorough review of the meetings tapes and transcripts.

(See attached)

Respectfully,

Barbara Arietta
Chair, SMCTA/CAC


Urgent -- re: CEQA - see revisions

From: Elizabeth Lasensky (elasensky@yahoo.com)

Sent: Tue 3/05/13 11:07 AM

To: Carole Dorshkind (cdorshkind@comcast.net); Ashleigh Evans (Asevans2002@aol.com)

Cc: Barbara Arietta (barietta@hotmail.com)



san mateo county
democracy for america

February 26, 2013

Barbara Arietta
Chair
Citizens' Advisory Committee
San Mateo County Transportation Authority

Dear Ms. Arietta,

At the last Citizens' Advisory Committee meeting, on February 5, 2013, Mark Simon presented the legislative report. He noted that the legislative staff were supportive of some efforts to reform CEQA. It was pointed out to Mr. Simon that there is significant public protest against negatively reforming this legislation.

In response to the legislative report on CEQA, we wish you to read the following statement into the minutes of the next CAC meeting and forward this correspondence to the Transportation Authority as part of your report:

Since 1970, California has had an "environmental bill of rights" called the California Environmental Quality Act (CEQA). Because of this important bill, we, the public, have the right to be involved in decisions that involve land use and development. The law has worked to make developers responsible for the environmental impact of the projects they undertake, and it ensures that the public is aware of pollution or other problems these project might cause.

Business interests and some governmental agencies are working to "reform" this law and exempt certain projects from CEQA review. This could allow developers to avoid responsibility for air or water pollution, traffic congestion, or other negative effects of their projects. Economic growth is cited as the rationale for the "reform." However, in the 43 years that CEQA has been in place, California has seen enormous development and growth.

The members of San Mateo County Democracy for America, a political club, are absolutely opposed to any changes to CEQA that would weaken it or in any way undermine the public interest or negatively impact our natural resources or our quality of life. San Mateo County, its elected officials, governmental agencies and their staffs,

and all of the paid lobbyists that are hired by our county, should take the lead in protecting this important environmental legislation rather than working to "reform" it to suit developers.

We encourage the public to go to CEQAworks org or to look for CEQAWorks on Facebook to learn more about this important environmental legislation and why it needs to be protected from developers and their allies.

Sincerely,

*Carole Dorshkind and Ashleigh Evans
Co-Chairs
San Mateo County Democracy for America*

Thank you,

Ashleigh Evans
(650) 573-7544

Averill, Joshua

From: Averill, Joshua
Sent: Tuesday, February 26, 2013 4:50 PM
To: Barbara Arietta
Cc: Hurley, Joseph; Martinez, Martha
Subject: FW: Urgent -- re: CEQA

Barbara,

This is what Mark Simon really said when talking about the TA Legislative Program:


The second major category is a regulatory environment that streamlines project delivery and maximizes the TA's ability to meet public transportation service demands. An example of that: You are all familiar with the discussions that are going on about CEQA. Whether you want to call it "reform" or whatever words you might want to substitute. But clearly we want to be a part of that discussion, in particular as it can be used in a way that doesn't undermine the environmental quality of the State but allows us to pursue projects with a minimal amount of delays. So that's an important issue for us. Obviously the TA programs that we do, the great majority of them, have environmental benefit to them, so anything that can allow us to move that process along we're interested in participating in.

Elizabeth Lasensky asked, "What are you proposing or do you think will be proposed?" Mark said:

I don't think we'll be proposing anything. We'll probably be more in the position of reacting. The State senate leadership has appointed somebody to work specifically on what they're calling CEQA Reform and their whole orientation is toward streamlining the process. There are people who think CEQA has gotten to the point where it makes it too difficult for certain projects and programs to go forward. As they do that, should they end up streamlining the process, it would certainly help with many of the programs that we have here. We're not interested in undermining the environmental quality of the State or the laws that govern it. So it's more a matter of... a lot of times it's playing defense: making sure that whatever they do doesn't do more harm than good and making sure that any benefits that can be derived that can be acceptable to most people, that we also benefit.

-Joshua Averill
650-508-6223

From: Asevans2002@aol.com [mailto:Asevans2002@aol.com]
Sent: Tuesday, February 26, 2013 3:38 PM
To: barietta@hotmail.com
Cc: Averill, Joshua
Subject: Urgent -- re: CEQA



san mateo county
democracy for america

February 26, 2013

Barbara Arietta
Chair