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| | <u>GENERAL BUSINESS (#1-4)</u> | 1. |
| 1. | • Roll Call | 1.1 |

The meeting of the California Transportation Commission reconvened in open session at 9:05 a.m. on November 3, 2005, at the Department of Water Resources, Sacramento, California.

Roll call was conducted. The Commissioners attendance was as follows:

Members Present: Jeremiah Hallisey, Vice Chair
 Bob Balgenorth
 Marian Bergeson
 James Ghielmetti
 Allen Lawrence
 R. Kirk Lindsey

Members Absent: Joseph Tavaglione, Chair
 Esteban Torres
 Assemblymember Jenny Oropeza, Ex-Officio
 Senator Tom Torlakson, Ex-Officio

Vice Chair Hallisey said that he would read a letter from Chair Tavaglione, which announced his selection of an Ad Hoc Committee composed of himself and former Chairs of the Commission. Bob Balgenorth, Kirk Lindsey and Chair Tavaglione will be the Committee that will use a competitive process to select the new Executive Director. The selection will be subject to confirmation by the full Commission at a special meeting tentatively scheduled for December 2, 2005. [the tentative meeting date has been changed to December 5, 2005.]

Vice Chair Hallisey then noted that Items #18, 34, 35, and 55 were withdrawn. Item #62 was moved to the Consent calendar, and Item #47 was removed from the information calendar and will be heard after Item #63.

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| 2. | • Approval of Minutes for September 29, 2005 Meeting | 1.2 |
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Vice Chair Hallisey asked for approval of the September 29, 2005 Minutes.

Commissioner Ghielmetti moved to approve the minutes without changes. Commissioner Lawrence seconded the motion, which carried 6-0. (Chair Tavaglione and Commissioner Torres were absent)

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| 3. | • Commission Reports | 1.3 |
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Commissioner Lawrence noted that the Orange Line had opened to great success, with more than 11,000 riders the first day.

Commissioner Lindsey noted that he had attended the Rural CTF Autumn Conference and the Focus on the Future Conference in San Francisco. He commented that they were excellent conferences to attend.

Commissioner Balgenorth commented that the Folsom Light Rail Line had opened and the numbers of riders was far above expectations, so much so that additional cars were needed to handle the riders.

Commissioner Balgenorth announced that Executive Director Diane Eidam had been named the Women in Transportation (WTS) "Woman of the Year" at their annual awards dinner on November 2, 2005 and congratulated Executive Director Eidam on her award.

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Commissioner Bergeson noted that I-22/I-5 project, a design-build project, had opened on time and within budget.

Heinz Heckerth, Director of the California Transportation Foundation, spoke of the Foundation's upcoming events, including a conference next weekend at Asilomar and the Tranny Awards next spring.

- 4. • Commissioners' Meetings for Compensation 1.4

Commissioner Lawrence moved to approve. Commissioner Lindsey seconded the motion, which carried 6-0. (Chair Tavaglione and Commissioner Torres were absent)

BUSINESS TRANSPORTATION & HOUSING AGENCY REPORT (#5)

- 5. • Report by Agency Secretary and/or Deputy Secretary 1.5

Deputy Secretary John Barna gave an update on "Go California" rollout. He noted that he and Caltrans Director Kempton had attended "Go California" Workshops throughout the state and these workshops were a good opportunity to present the concepts of "Go California" and listen to the comments of the regions. Deputy Secretary Barna noted that he heard a great deal about goods movement throughout the state, and that most of the comments urged an enhanced focus on goods movement issues. On that note, he added that goods movement workgroups were meeting in Sacramento this week and will meet again in November. Agency will present an update on "Go California" to the Administration in December.

Deputy Secretary Barna also congratulated Executive Director Eidam on her WTS "Woman of the Year" award.

Commissioner Ghielmetti commented that he liked the "Go California" message, but questioned where does the Administration intend to go from here? In effect, where's the beef? Deputy Secretary Barna stated that the "beef" will come in the Governor's State of the State Address in January.

Commissioner Lindsey commented that he felt that the problem "Go California" is that it applies 80% of the dollars to 20% of the problem, the Los Angeles Basin. Commissioner Lindsey also noted that he was appalled that the Commission was neither aware nor part of the goods movement meetings being held this week in Sacramento. The two chairs of this week's meetings, the head of the Longshoremen and the Director of the Air Resources Board, are not transportation people. Deputy Secretary Barna indicated that he understood Commissioner Lindsey's frustration that he and Director Kempton are working hard to broaden the focus of the good movement meetings. He stated that he did not know why the Commission was not included in the meetings, except that the current meetings were a Cabinet level exercise with the logistics industry. He noted that the focus on the ports is just chapter one of the goods movement effort. The long-term goods movement effort will be broader and more collaborative. The ports are just the start. Deputy Secretary Barna stated that he will convey Commissioner Lindsey's concerns and try to be more inclusive.

Commissioner Bergeson noted that she had attended on of the "Go California" workshops and felt that the schedule and timelines were unrealistic, especially regarding land use issues. The issues are too complicated and the timeline is too short to provide real solutions.

CALTRANS REPORT (#6-10)

- 6. • Report by Caltrans' Director and/or Deputy Director 1.6

Director Kempton congratulated Executive Director Diane Eidam on receiving the WTS "Woman of the Year" Award. He also announced that WTS had awarded Caltrans its "Employer of the Year" Award.

Director Kempton noted that the November Commission votes of \$375 million in SHOPP, STIP, and TCRP brings total allocations for FY 05-06 to \$2.15 billion of the \$4.5 billion Caltrans has proposed for this FY.

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Director Kempton noted that he had recently met with the Department of Finance and the Legislative Analyst's Office to brief them on the progress of Caltrans delivery efforts. He also stated that he plans to have these meetings quarterly.

Director Kempton stated that Caltrans' FY 05-06 delivery plan is aggressive and that he has signed contracts with the District Directors regarding their delivery commitments. He noted that there are many challenges to delivery including the rapid increases in material costs and the continued uncertainty in transportation funding. He is currently working with the Assembly Republican Caucus to address the issue of stable funding and has asked for their help in achieving full Prop 42 funding in the next fiscal year. Director Kempton stated that the Commission's delegation to the Executive Director regarding supplemental allocations has sent a strong message to the construction industry that the State is back in business and serious about awarding jobs. As far as estimating practices, Caltrans met with the RTPAs in October to discuss the proposed changes. Caltrans will update the estimate until the vote. Director Kempton stated that he has directed staff to focus on problems in estimating, particularly in regard to signaling and traffic control. The Director stated that he hopes to have another meeting with Commissioners Tavaglione and Ghielmetti regarding estimating practices in the near future.

Commissioner Lindsey asked the Director when Caltrans was going to discuss the "Go California" pyramid and the current philosophy on funding projects. The Director responded that such a discussion will take place in the near future.

7. • Volatility of Markets 4.5

Rick Land, Chief Engineer, Caltrans, made a presentation entitled "Volatility of Markets". The presentation covered recent trends in construction including increasing bid prices, decreasing number of bidders, and the volatility of material costs. Commissioners Lindsey and Ghielmetti had questions regarding the charts presented and costs. Mr. Land responded that the costs presented on the charts include labor costs. Commissioner Ghielmetti stated that Caltrans needs to isolate material costs in order to understand trends in material. Commissioner Lindsey stated he wants to understand why there are cost increases. Commissioner Lawrence asked what Caltrans has done to increase the number of bidders. Rick Land responded that as part of "Go California" Caltrans has asked how it can help contractors and suppliers. The answer from the construction industry is to award contracts when the price is reasonable, even if it is above the Engineer's Estimate. The Commission's delegated process has helped Caltrans award such jobs and encourage the construction industry. Mr. Land noted that Caltrans has seen more bidders on jobs in the last week.

Director Kempton expanded on the point of what Caltrans is doing to bring contractors back to California. He stated that ensuring stable transportation funding was the highest priority in bringing contractors back to California and increasing the number of bidders on construction jobs. The Director stated that Caltrans also need more contractor friendly specifications to increase the number of bidders. Also, when Caltrans receives a reasonable bid, they need to award the job even when it is above the Engineer's Estimate. Not awarding when the price is reasonable is the major complaint of contractors. Caltrans also needs to help contractors with material availability. Commissioner Lawrence noted that Caltrans efforts were good, but that they need to advertise their efforts.

Commissioner Lindsey asked what a reasonable bid was. Director Kempton responded that a reasonable bid was best defined as two responsible bidders close in price and near the Engineer's Estimate. Commissioner Bergeson stated that an issue that has come to her attention is permitting. Is there something that Caltrans can do about permitting? Director Kempton stated that most of the permits in question are related to materials and are not issued by Caltrans, but by the local agencies. He agreed that Caltrans needs to provide assistance. The Director also noted that regulatory agencies need to become more contractor friendly. The State agencies have a process to follow when there is an impasse in permitting, but there is not such a process with the Federal agencies.

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Executive Director Eidam stated that Tony Grasso from the AGC has agreed to appear today to give some perspective on this issue. Mr. Grasso stated that material prices are having a huge impact on construction costs. The price of asphalt alone has increased 100% in the last year. Steel and fuel prices are also extremely volatile. Labor tends to be the most stable cost. The recent hurricanes in the Gulf region are stripping materials from California and further increasing costs. He stated that it is also important to understand that California is competing for contractors in the international construction market. Strong construction standards in California make such international competition more difficult. Also, many highway contractors are moving into development work, which has been more stable than transportation in recent years. Mr. Grasso stated that awarding jobs when the price is reasonable even if above the Engineer’s Estimate will bring bidders back to California. The more bidders there are, the more competitive the prices.

- 8. • Federal Reauthorization Bill – SAFE TEA-LU 4.1b

Director Kempton stated that Caltrans was engaged with the transportation stakeholders to review the Federal Reauthorization Bill to identify issues for California. There appears to be about 30 critical issues, which will be covered in 24 white papers. These white papers will be distributed to encourage discussion. A forum to discuss these issues was convened yesterday and another is scheduled for November 14. Consensus has been reached on a number of issues. Some issues require further discussion, including how to distribute the equity bonus dollars.

- 9. • Caltrans Monthly FY 2005-06 Finance Report 3.1

Norma Ortega, Chief, Caltrans Division of Budgets, presented the Monthly Finance Report. She provided handouts and noted that there have been changes in the allocation level proposed in April and the current allocation plan, primarily because the April plan assumed that there would be no TIF transfers or Indian gaming revenues. However, since the TIF transfers were made, allocations can be increased.

Commissioner Lindsey noted that the cash balance was high and wondered how you (transportation) plead poverty with nearly \$1 billion in the bank? Ms. Ortega responded that it was difficult to budget given the volatility of the market and the instability of funding. Cindy McKim, Caltrans Deputy Director for Finance, noted that it is difficult to increase the level of allocations if there is no certainty about future funding. Commissioner Balgenorth questioned whether the projections assumed no Prop 42 funds in future years. Ms. Ortega responded that the projections did not include Prop 42 funds in future years. Executive Director Eidam noted that assumption was based on information from the Administration. Commissioner Balgenorth asked what difference the Prop 42 funding would make. Ms. Ortega responded that the Prop 42 represents approximately a \$300-\$500 million increase in STIP funding.

Commissioner Lindsey raised the issue that PTA funding was currently available, but difficult for most small agencies to use. Since large agencies can spend PTA funds more easily, was there some way to encourage an exchange of PTA and STIP funds. Ms. Ortega stated that she would work with Commission staff to research that alternative.

- 10. • AB 1012 Unobligated RSTP and CMAQ “Use it or Lose it” Notification – Seventh Cycle 3.9

Terry Abbott, Chief, Caltrans Division of Local Assistance reported that Caltrans had sent notice to the regions with Federal funds that were subject to reprogramming if not spent within the next 12 months. Mr. Abbott stated that the Closeout Report on the Sixth Cycle will be presented in December.

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- Highway Right of Way Matters (#11-14)** 2.4
- Resolutions of Necessity – Appearances 2.4a.

Stephen Maller reviewed the statutory authority for Items 11-14. He stated that the four properties are required for a \$45 million project in the City of Fresno that converts State Route 180 from a two lane conventional highway to a freeway on a new alignment. Linda Wong, Caltrans made a presentation on the project and the necessity of the four properties for which Caltrans is requesting Resolutions of Necessity.

- 11. -- Hugh S. Turner, Sr. 2.4a.(2)
06-Fre-180-PM 54.12
Resolution C-19169

- 12. -- Telstar Utilities Construction Co., Inc. 2.4a.(3)
06-Fre-180-PM 54.06
Resolution C-19170

Stephen Maller noted that the properties in Item 11 and Item 12 were both owned by Mr. Hugh S. Turner, Sr. Mr. Maller recommended approval of Caltrans request for Resolutions of Necessity on these two properties. Vice Chair Hallisey asked if Mr. Turner or his representative was present. No one was present. Vice Chair Hallisey asked for a motion to approve.

Commissioner Lawrence moved to approve Caltrans request for Resolutions of Necessity on these two properties (06-Fre-180-PM 54.12 and 06-Fre-180-PM 54.06). Commissioner Bergeson seconded the motion. Roll call was taken; Commissioner Balgenorth – aye; Commissioner Bergeson – aye; Commissioner Ghielmetti – aye; Commissioner Hallisey – aye; Commissioner Lawrence – aye; Commissioner Lindsey – aye; Commissioner Torres – absent; Chair Tavaglione – absent. Six ayes; no noes. Motion approved.

- 13. -- Mary L. Lewis, et al. 2.4a.(1)
06-Fre-180-PM 54.87
Resolution C-19168

Stephen Maller recommended approval of Caltrans request for a Resolution of Necessity on this property.

Vice Chair Hallisey asked if the owner, Mary Lewis, or her representative was present. No one was present. Vice Chair Hallisey asked for a motion to approve.

Commissioner Lawrence moved to approve Caltrans request for a Resolution of Necessity on this property (06-Fre-180-PM 54.87). Commissioner Bergeson seconded the motion. Roll call was taken; Commissioner Balgenorth – aye; Commissioner Bergeson – aye; Commissioner Ghielmetti – aye; Commissioner Hallisey – aye; Commissioner Lawrence – aye; Commissioner Lindsey – aye; Commissioner Torres – absent; Chair Tavaglione – absent. Six ayes; no noes. Motion approved.

- 14. -- Bradley K. Sparks, et ux. 2.4a.(4)
06-Fre-180-PM 54.56
Resolution C-19171

Linda Fong, Caltrans, made a presentation on this specific property and why it is required for the project. She also noted that Mr. Sparks currently has an illegal driveway on Marks Avenue. The owner, Mr. Bradley K. Sparks, was present and asked to speak on Caltrans request. Mr. Sparks disagreed with Caltrans definition of need as related to his property and this project. He feels that there is no current need for the project and therefore his property at the current time based on current usage. Mr. Sparks feels that Caltrans is making decisions based on

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estimates, not on actual usage. He stated that he must have access to his property from Marks Avenue in order for him to operate his business. Commissioner Ghielmetti asked if the driveway on Marks Avenue is illegal, can Caltrans close it at any time. Ms. Fong responded yes. Commissioner Ghielmetti then asked if the old route will be relinquished to the local agency and if Caltrans has the right to include stipulations in the relinquishment. Ms. Fong responded that the old route will be relinquished, but she did not know if stipulations could be included. Director Kempton stated that stipulations may be possible, but the local agency may not agree to the relinquishment under such terms. Richard Williams, Caltrans Assistant Chief of Legal, stated that he believes that Caltrans can include restrictions on relinquishments. However, as a practical matter, such restrictions may impact the local agencies desire to accept the relinquishment. Mr. Sparks stated that his concerns with the acquisition and its effect on his property would be alleviated if he were allowed to purchase the excess land parcel adjacent to his property. Mr. Williams responded that the excess parcel was landlocked which meant Caltrans would offer it to the adjoining owner. In this case, there are two adjoining owners, therefore the parcel must be offered for bid. Commissioner Lindsey asked Mr. Sparks what type of business he operated on his property. Mr. Sparks responded that operated a heavy equipment rental business and that is why access to Marks Avenue is so critical to him. Kim Anderson, Caltrans Central Region, stated that the current driveway is illegal and that the small 0.3 acre take of Mr. Sparks' parcel along Marks Avenue is necessary to ensure safe access and operation of the planned freeway facility. Commissioner Ghielmetti asked if the item could be deferred to December, allowing Caltrans and Mr. Sparks to investigate options regarding access to the parcel. Director Kempton stated that Caltrans was willing to defer the item to December.

Commissioner Ghielmetti moved to defer the item until the December 2005 Commission meeting. Commissioner Bergeson seconded the motion, which carried 6-0. (Chair Tavaglione and Commissioner Torres were absent)

REGIONAL AGENCIES AND RURAL COUNTIES REPORT (#15-18)

- 15. • Report by Regional Agencies Moderator 1.7

Steve VanDenburg, Regional Agencies Moderator stated that the agencies were working on a letter to the Legislature and the Governor regarding the need for long term, stable transportation funding.

- 16. • Report by Rural Counties Task Force Chair 1.8

Kathryn Mathews, Chair of the Rural Counties Task Force reported on the Annual Conference that was held in Monterey in October. She thanked Commissioner Lindsey and Executive Director Diane Eidam for attending the conference. Ms. Mathews also congratulated Executive Director Diane Eidam on her WTS award.

- 17. • Presentation on Local Road Rehabilitation 1.9

Kathryn Mathews, Chair of the Rural Counties Task Force, introduced the presentation on Local Road Rehabilitation. Ms. Mathews noted that there are 26 counties that receive rural planning assistance funds. She noted that the rural counties were trying to solve their own problems and noted that El Dorado County has the highest developer fees in the State. Ms. Mathews also noted that it is difficult for the rural counties, with their limited populations and economic base, to pass sales tax measures for transportation.

Ms. Mathews gave the presentation for Del Norte County. She noted that the County has 1,000 square miles and that 79% of the land in the County is under public ownership.

Brian McDermott, Public Works Director, Siskiyou County, noted that his County is the fifth largest in square miles in the State. The population of the County is extremely small, numbering only about 46,000. There are nine incorporated cities in the County with 185 miles of local roads. There are 1395 miles of County maintained roads, 350 miles of State Highway. Mr. McDermott stated that there is virtually no capacity problem on State Highways in Siskiyou County. He stated that County needed State funding for local road rehabilitation, as there was almost no local funding available for roads in Siskiyou County.

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- 20. IC • Informational Report on SHOPP Safety: G-03-10 Allocations. Two Projects totaling \$6,164,000. 2.5f.(3)

This item was presented on the Information Calendar.

- 21. IC • Informational Report on Minor Projects: G-05-05 Allocations. Four Projects totaling \$1,558,000. 2.5f.(4)

This item was presented on the Information Calendar.

- 22. IC • Monthly Report on Status of Projects Previously Voted but Not Awarded 3.2

This item was presented on the Information Calendar.

- 23. IC • Monthly Report on Projects Amended into the SHOPP by Department Action 3.3

This item was presented on the Information Calendar.

- 24. IC • Monthly Report on Local Assistance STIP Projects Previously Voted but not Awarded 3.4

This item was presented on the Information Calendar.

- 25. IC • Status of STIP Cash Commitments for AB 3090 Reimbursements and GARVEE Debt Service 3.5

This item was presented on the Information Calendar.

- 26. IC • Aeronautics Account Pending Allocations – 15 Projects totaling \$2,797,200 4.2b.

This item was presented on the Information Calendar.

CONSENT CALENDAR (#27-52) CC

Deputy Director Robert Chung recommended approving Consent Calendar Items #27 through #52 with the following notations or modifications: Items #28, 32, 44 and 47 have recommended changes and corrections as noted on the pink – “Changes to CTC Agenda”.

Commissioner Bergeson moved to approve the Consent Calendar, as modified by staff. Commissioner Ghielmetti seconded the motion, which carried 6-0. (Chair Tavaglione and Commissioner Torres were absent)

- 27. CC • STIP Amendment 04S-081 2.1a.(1)
 The San Joaquin Council of Governments (SJCOG) is requesting this amendment. SJCOG proposes to reprogram \$375,000 of RIP Transportation Enhancement (TE) Reserve (PPNO 0018) from FY 2006-07 and FY 2007-08 to Construction in FY 2005-06 on a new Jack Tone Road Bike Path project (PPNO 2K60).

This item was approved on the Consent Calendar.

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- 28. **CC** • The Los Angeles County Metropolitan Transportation Authority requests a TCRP Application Amendment to program \$208,100,000 in new TCRP funding, and update the project schedule and funding plan for Project #37.2 – Los Angeles Mid-City Transit Improvements; Light Rail Transit system along Exposition Blvd. Resolution TAA-05-33, amending Resolution TAA-05-05 2.1c.(1)

This item was approved on the Consent Calendar.

- 29. **CC** • The Department requests a TCRP Application Amendment to designate the San Diego Association of Governments as the Implementing Agency, revise the project scope, and update the project schedule and funding plan for Project #83.1 – Route 15; high tech managed lane elements on I-15 from Route 163 to Route 78 in San Diego County. (Related Items under 2.2c.(3), 2.3b.(1), and 2.6e.(4).) Resolution TAA-05-34, amending Resolution TAA-03-02 2.1c.(2)

This item was approved on the Consent Calendar.

- 30. **CC** • The San Joaquin Valley Air Pollution Control District requests a TCRP Application Amendment to update the project schedule for Project #100 – San Joaquin Valley Emergency Clean Air Attainment Program. (Related Item under 2.6e.(2).) Resolution TAA-05-35, amending Resolution TA-00-02 2.1c.(3)

This item was approved on the Consent Calendar.

- 31. **CC** • The SacRT requests a TCRP Application Amendment to program \$17,100,000 in new TCRP funding, revise the project scope, and update the project schedule and funding plan for Project #116 – Route 80 Light Rail Corridor; double track for express service. (Related Item under 2.6e.(3).) Resolution TAA-05-36, amending Resolution TA-02-02 2.1c.(4)

This item was approved on the Consent Calendar.

- 32. **CC** • The Department requests a TCRP Application Amendment to update the project schedule and funding plan for Project #148.1 – Route 98; widen eight miles between Route 111 and Route 7 from two to four lanes. (Related Item under 2.6e.(2).) Resolution TAA-05-37, amending Resolution TA-00-02 2.1c.(5)

This item was approved on the Consent Calendar.

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- 33. CC • Project Approval for One Proposition 116 Rail Project to the Peninsula Corridor Joint Powers Board for \$1,100,000 to construct the North Terminal Operations Improvement Project.
Resolution PA-05-__ 2.1e.(1)

This item was approved on the Consent Calendar.

- 34. CC • ~~Project Approval Amendment for One Proposition 116 Water Borne Ferry Project to the City of Vallejo (PUC Section 99646) to de-program \$148,877 in cost savings from the Ferry Acquisition project.~~
~~Resolution PA-05 __, Amending PA-04-01~~ 2.1f(1)

This item was withdrawn prior to the Commission meeting.

- 35. CC • ~~Project Approval for One Proposition 116 Water Borne Ferry Project to the City of Vallejo (PUC Section 99646) for \$621,718 to construct the Baylink Permanent Maintenance Facility Project.~~
~~Resolution PA-05 __~~ 2.1f(2)

This item was withdrawn prior to the Commission meeting.

- 36. CC • Approval of Project for Future Consideration of Funding – Route 101 in Humboldt County – Construct median barrier near Fortuna (ND).
Resolution E-05-21 2.2c.(2)

This item was approved on the Consent Calendar.

- 37. CC • A New Public Road Connection to Route 15 at Del Lago Boulevard and Hale Avenue at 11-SD-15 KP M43.9 (PM M27.3) and KP R49.8 (PM R31.0) in the City of Escondido. *(Related items under 2.1c.(2) and 2.2c.(3).)*
Resolution S-725 2.3b.(1)

This item was approved on the Consent Calendar.

- 38. CC • A New Public Road Connection to Route 86 at Legion Road and Panno Road at 11-Imp-86 KP 30.88 (PM 19.19) and KP 31.12 (PM 19.34) in the City of Brawley.
Resolution S-726 2.3b.(2)

This item was approved on the Consent Calendar.

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39. CC • Six Relinquishment Resolutions 2.3c.

- 6-Tul-99-PM 40.6 (KP 65.44) Route 99 in the County of Tulare
Resolution R-3620

- 7-LA-170-PM 9.1/10.7 Route 170 in the City of Los Angeles
Resolution R-3621

- 10-SJ-4-PM R18.2/R19.5 Route 4 in the City of Stockton
Resolution R-3622

-- 10-Cal-4-PM 49.5 Route 4 in the County of Calaveras
Resolution R-3623

- 10-Ama-49-PM 7.2 (KP 11.6) Route 49 in the City of Sutter Creek
Resolution R-3624

- 11-SD-125-PM 11.2/13.6 Route 125 in the County of San Diego
Resolution R-3625

This item was approved on the Consent Calendar.

40. CC • 25 Resolutions of Necessity 2.4b.
Resolutions C-19172 through C-19196

This item was approved on the Consent Calendar.

41. CC • Director's Deeds 2.4d.
 - Items #1 through #19
Excess Lands – Return to State: \$2,440,450
Return to Others: \$0

This item was approved on the Consent Calendar.

42. CC • Financial Allocation for Two Minor Projects totaling 2.5a.
\$1,612,000.
Resolution FP-05-34

This item was approved on the Consent Calendar.

43. CC • Financial Allocation for Two Locally-Administered STIP 2.5c.(3)
Projects off the State Highway System totaling \$235,000,
plus \$820,000 from other sources.
Resolution FP-05-37

This item was approved on the Consent Calendar.

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- 44. **CC** • Financial Allocation for Four Locally-Administered STIP Transportation Enhancement Projects totaling \$531,000, plus \$1,515,000 from other sources. Resolution FP-05-38 2.5c.(5)

This item was approved on the Consent Calendar.

- 45. **CC** • Financial Allocation for Five Locally-Administered STIP Planning, Programming and Monitoring Projects totaling \$408,000. Resolution FP-05-39 2.5c.(6)

This item was approved on the Consent Calendar.

- 46. **CC** • Financial Allocation for One Locally-Administered STIP Project off the State Highway System totaling \$35,000. Resolution FP-05-___ 2.5c.(7)

This item was approved on the Consent Calendar.

- 47. **CC** • Financial Allocation for Two Local Proposition 116 Rail Program Projects for \$1,380,000 for the Peninsula Corridor Joint Powers Board. Resolution BFP-05-04 2.6b.

This item was removed from the Consent Calendar and heard after item #63.

Assistant Deputy Director Kathie Jacobs presented the Item and recommended the Commission approve the request.

Commissioner Lindsey moved to approve the recommendation. Commissioner Bergeson seconded the motion, which carried 6-0. (Chair Tavaglione and Commissioner Torres were absent.)

- 48. **CC** • Technical Change to Resolution BFA-05-08, originally approved August 18, 2005, de-allocating \$4,010,800 from seventeen Proposition 116 Rail Program projects. A technical correction is needed to adjust number of projects to be amended and dollar amount of savings achieved. Funding (\$908,160) from Project #10 (PPNO 6628) not available for de-allocation; funds previously paid out for disputed claim. 2.9a.

This item was approved on the Consent Calendar.

- 49. **CC** • Technical Change to Resolution FP-05-13, originally approved August 18, 2005, in the amount of \$137,044,000 for 38 SHOPP Projects. A technical correction is needed to correct the project description for Project #20 (EA 270511). 2.9b.

This item was approved on the Consent Calendar.

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- 50. CC • Technical Change to Resolution FP-05-11, originally approved July 14, 2005, in the amount of \$2,029,000 for ten locally-administered STIP PPM projects. A technical correction is needed for Project #2 – Marin County (EA 073864) and Project #5 – San Mateo County (EA 073874), to correct the allocation recipient and Expenditure Authorization (EA) for each project. 2.9c.

This item was approved on the Consent Calendar.

- 51. CC • Technical Change to Resolution FP-05-26, originally approved September 29, 2005, in the amount of \$126,196,000 for five State Administered STIP projects. A technical correction is needed for Project #1 El Dorado County (EA 355510), to correct project construction allocation. 2.9d.

This item was approved on the Consent Calendar.

- 52. CC • Technical Change to Resolution FP-05-30, originally approved September 29, 2005, in the amount of \$727,000 for four locally-administered STIP projects. A technical correction is needed for Project #3 – Los Angeles County (EA 4Y9928) to correct the allocation recipient project description, and program code. 2.9e.

This item was approved on the Consent Calendar.

PROGRAM AND POLICY MATTERS (#53-60)

- 53. • Report on Committee Activity Toll Bridge Program Oversight Committee 3.8

Executive Director Diane Eidam gave an updated on the Toll Bridge Program Oversight Committee (TBPOC), noting that the TBPOC had met several times. Stephen Maller stated that the Project Management Team was in place and that the Quarterly Report was currently in review.

- 54. • Selection of Alternate for Purposes of Toll Bridge Program Oversight Committee 4.8

Executive Director Diane Eidam explained that the selection of an alternate for the TBPOC was to address those instances where the Executive Director, as the Commission representative on the TBPOC, needs to recuse herself because of a conflict of interest with a contractor. Ms. Eidam explained that AB 144 names the Executive Director as the Commission representative on the TBPOC and does not specifically provide for an alternate. According to legal counsel and discussions with Senator Perata’s staff, the designation of an alternate in such a situation is consistent with the legislative intent. Ms. Eidam stated that the Commission could consider designating David Brewer, the Chief Deputy or Stephen Maller, the staff to the Commission’s efforts on the TBPOC.

Vice Chair Hallisey moved that Stephen Maller be designated as the alternate to the TBPOC. Commissioner Lawrence seconded the motion, which was approved 6-0. (Chair Tavaglione and Commissioner Torres were absent)

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- 55. • ~~I-710 Gateways Major Investment Study~~ 3-7

This item was withdrawn prior to the Commission meeting.

- 56. • Potential Revisions to Procedures Concerning 4.6
 Conveyances of Excess Highway Property

Stephen Maller stated that during recent litigation it was noted that there were discrepancies between the description of the conveyances presented in the Commission book items and the actual agreements between Caltrans and the prospective grantors. Mr. Maller requested the Commissioners to direct staff to develop procedures to ensure that the noted deficiency is corrected. Commissioner Ghielmetti asked if staff has reviewed this issued with Bimla Rhinehart, Chief, Caltrans Division of Right of Way. Mr. Maller responded that staff has reviewed this issue with Caltrans and will work with Ms. Rhinehart’s staff to develop the new procedures.

Commissioner Balgenorth moved that staff is directed to prepare a procedure, including standardized list of categories of information to be provided by the Department concerning proposed conveyances of excess highway property, so as to insure that all pertinent information is provided to the Commission when such conveyances are proposed. Commissioner Lawrence seconded the motion, which was approved 6-0. (Chair Tavaglione and Commissioner Torres were absent)

- 57. • Proposed Annual Allocation for Set-Aside for the Public 4.4
 Utilities Commission (PUC) Railroad Grade Crossing
 Protection Maintenance Program for FY 2006-2007.
 Resolution G-05-__

Robert Chung stated that the required annual allocation for set-aside for the PUC is \$1 million. The PUC has requested \$4.1 million this year. Wayne Horiuchi of Union Pacific Railroad spoke in support of the \$4.1 million allocation request by the PUC, stating that the Federal Section 130 Program is a great program because it saves lives. Director Kempton noted that he and Executive Director Eidam met with Mr. Horiuchi yesterday. Many highway projects require railroad agreements and not funding the program creates difficulties with the program. Director Kempton asked that the Commission approve \$2 million this year. Commissioner Lindsey stated that the railroad needed to show good faith. Director Kempton suggested that a Commissioner, the Executive Director, and he go to Omaha to discuss ways to increase partnership with the railroad.

Commissioner Ghielmetti moved to approve an allocation set-aside of \$2 million for next fiscal year. Commissioner Bergeson seconded the motion, which was approved 6-0. (Chair Tavaglione and Commissioner Torres were absent)

- 58. • Advice and Consent on CalTrans’ Ten-Year State Rail 4.3
 Plan

Bill Bronte, Chief, Caltrans Division of Rail, reviewed the Ten-Year Rail Plan, including the vision for intercity rail, the capital program goals, operation goals, marketing goals, performance goals, ridership goals, and proposed new routes. He also reviewed the funding sources.

Robert Chung recommended that the Commission should advise Caltrans that the Ten-Year Rail Plan should include:

- Charts or graphs, as appropriate, that provide a comparison of the Department’s progress and projected attainment in meeting its stated goals and “standards”.
- A discussion of the benefits of a stable funding source and increased funding to address future capital and operating requirements.

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- A discussion on the need for a dedicated and reliable funding source to perform the major overhaul of locomotives and passenger cars and acquisition of new equipment.

Mr. Chung provided a resolution that gives the Commission’s advice and consent as represented in the points noted. Mr. Chung recommended that the Commission approve the resolution.

Commissioner Lawrence moved to approve the resolution. Commissioner Balgenorth seconded the motion, which was approved 6-0. (Chair Tavaglione and Commissioner Torres were absent)

59. • State and Federal Legislative Matters * 4.1a

*The Commission may consider bills or resolutions newly introduced, recently amended, or calendared for Legislative committee or floor action, subsequent to publication of this agenda. For further information, call Executive Director Diane Eidam at (916) 654-4245.

Robert Chung reported that the Governor signed the following bills of interest to the Commission:

- AB 144: Bay Area State-Owned Toll Bridges Financing
- SB 66: Bay Bridge Financing
- AB 1358: Acquisition of Proposed School Sites
- AB 216: Administration of Transportation Funds
- AB 489: Ports – Transportation Network

Mr. Chung reported that the Governor vetoed the following bill:

- SB 792: North Coast Railroad Authority

Mr. Chung also noted that AB 1024 will be reintroduced next session.

60. • Proposed Regulation by the State Water Quality Control Board for Zero Pollutants in Storm Water Discharge Areas of Special Biological Significance Along the California Coast. 4.7

Robert Chung reported on regulations by the State Water Resources Control Board and recommended that Caltrans and the Water Resources Control Board provide a presentation in December on these regulations.

ENVIRONMENTAL AND PROJECT APPROVAL MATTERS (#61-63)

61. • Approval of Project for Future Consideration of Funding – Route 101 in Humboldt County – Construct interchange near Fortuna (ND). Resolution E-05-20 2.2c.(1)

Robert Chung reviewed and recommended approval of this item.

Commissioner Ghielmetti moved to approve. Vice Chair Hallisey seconded the motion, which was approved 6-0. (Chair Tavaglione and Commissioner Torres were absent)

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- 67. • Financial Allocation for Four SHOPP Projects totaling \$6,681,000. Resolution FP-05-___ 2.5b.(1.1)

Item 67 and 68 were considered together. Stephen Maller reviewed the Items and recommended that these projects be placed on the pending allocation list.

Commissioner Lindsey moved to place these projects on the pending allocation list. Vice Chair Hallisey seconded the motion, which was approved 6-0. (Chair Tavaglione and Commissioner Torres were absent)

- 68. • Financial Allocation for One Locally-Administered STIP Project off the State Highway System totaling \$129,000. Resolution FP-05-___ 2.5c.(3.1)

See above note.

- 69. • Financial Allocation for Projects that exceed 20 Percent of the Programmed Amount. One project for \$9,388,000. Resolution FP-05-40 2.5d.

-- 06-Kin-41 – SHOPP project in Kings County. Current programmed value of \$6,494,000 and current estimate of \$9,388,000, for an increase of 45% over the programmed amount.

Ross Chittenden reviewed the item and recommended approval.

Commissioner Lawrence moved to approve the allocation. Commissioner Bergeson seconded the motion, which was approved 5-1. (Chair Tavaglione and Commissioner Torres were absent)

- 70. • Informational Report on Supplemental Funds for Previously Voted Projects: G-05-04 Allocations. Ten Projects totaling \$13,000,000. 2.5f.(5)

Ross Chittenden reviewed the item and there was discussion regarding the bids and whether or not the problem is bids, material costs or something else.

- 71. • Financial Allocation for Supplemental Funds for Previously Voted Projects. One project for \$1,549,000. Resolution FA-05-04 2.5e.(1)

-- 08S-Sbd-40 – SHOPP project in San Bernardino County. Current allocation is \$6,060,000. This request for \$1,549,000 to complete the construction contract results in an increase of 39% over the voted amount.

Ross Chittenden reviewed the item and recommended approval.

Commissioner Ghielmetti moved to approve the allocation. Commissioner Lawrence seconded the motion, which carried 6-0. (Chair Tavaglione and Commissioner Torres were absent)

Tab # / Time	Item Description	Ref. #
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- 74. • Financial Re-Allocation of lapsing TCR funds totaling \$7,688,000 for Two Projects. Resolution TFP-05-16 2.6e.(2)

Ross Chittenden reviewed the item and recommended approval.

Commissioner Ghielmetti moved to approve the allocation. Commissioner Lawrence seconded the motion, which carried 6-0. (Chair Tavaglione and Commissioner Torres were absent)

- 75. • Financial Allocation Amendment for One TCR Project for the Sacramento Regional Transit District (SacRT), with no net change in TCRP funding. *(Related item under 2.1c.(4).)* Resolution TFP-05-17 2.6e.(3)

Ross Chittenden reviewed the item and recommended approval.

Commissioner Bergeson moved to approve. Commissioner Ghielmetti seconded the motion, which carried 6-0. Chair Tavaglione and Commissioners Torres and were absent)

- 76. • Financial Allocation for Three TCR Projects totaling \$45,500,000 in new TCR funding. Resolution TFP-05-__ 2.6e.(4)

Ross Chittenden reviewed the item and recommended approval.

Commissioner Bergeson moved to approve. Commissioner Ghielmetti seconded the motion, which carried 6-0. (Chair Tavaglione and Commissioners Torres and were absent)

- 77. • Financial Allocation for Two TCR Projects totaling \$16,530,000 in new TCRP funding. Resolution TFP-05-__ 2.6e.(5)

This item was withdrawn from the agenda.

Time Extension Requests per CTC Resolution G-03-19, STIP Guidelines, Section 65 – Timely Use of Funds / Proposition 116 Waiver Requests / Miscellaneous Requests (#78-80)

- 78. • Request to Extend the Period of Contract Award for one local STIP project for \$461,000. Waiver-05-24 2.8b.

Stephen Maller reviewed the item and recommended approval. Commissioner Lawrence moved to approve. Commissioner Ghielmetti seconded the motion, which carried 6-0. (Chair Tavaglione and Commissioners Torres and were absent)

STATUS OF ACTION ITEMS
From
November 3, 2005 Commission Meeting

- 14 (2.4a(4)) Bimla Rhinehart – Work with Mr. Sparks regarding access and median issues and return at the December Commission meeting. (*December Agenda Item*)
- **This will be discussed under December Tab 30, Agenda Item 2.4a(2).**
- 17 (1.9) David Brewer – Return at the December Commission meeting with a statement of intent regarding reprogramming and allocation priorities for local road rehabilitation. (*December Agenda Item*)
- **This will be discussed under December Tab 67, Agenda Item 4.9.**
- 17 (1.9) Kathryn Mathews – Provide Commissioners and Staff with copies of the full size, readable slides of the powerpoint regarding Local Road Rehabilitation which was presented at the November Commission meeting.
- **This has been done.**
- 19 (2.5f(1)) Ross Chittenden – By letter provide information on the November emergency projects which are proposed for Federal emergency reimbursement and whether or not emergency relief funds are be pursued. Also include this information regularly within the book item for future meetings.
- **This will be done prior to the December Commission meeting.**
- 19 (2.5f(1)) Ross Chittenden – By letter provide information and explanation to Commissioners and staff on Geo Grid Design work.
- **This will be done prior to the December Commission meeting.**
- 56 (4.6) Stephen Maller – Work with Caltrans staff regarding the revised procedure for dealing with excess lands and present at the March Commission meeting. (*March 2006 Agenda Item*)
- **This will be done and reported on at March 2006 Commission meeting.**
- 58 (4.3) Robert Chung – Include in the Commission comments on the 10-Year Rail Plan the issue of interconnectivity of rail to airports.
- **This will be done.**
- 70 (2.5f(5)) Ross Chittenden – Reconvene the small group consisting of the Chair and two Commissioners to develop a detailed action plan regarding the Department's estimating procedures and present the plan at the December Commission meeting. (*December Agenda Item*)
- **This will be discussed under December Tab 70, Agenda Item 4.5.**