

MINUTES

CALIFORNIA TRANSPORTATION COMMISSION

<http://www.catc.ca.gov>

September 6-7, 2006
Santa Barbara, California

Wednesday, September 6, 2006

3:00 p.m.

Commission Meeting

Fess Parker's Doubletree Resort
633 East Cabrillo Boulevard
Santa Barbara, California

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Ref. #</u>
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GENERAL BUSINESS

1.

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| 1 | • Roll Call | 1.1 |
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The meeting of the California Transportation Commission was called to order by Chair Bergeson at 3:00 p.m. on September 6, 2006, at the Fess Parker's Doubletree Resort, 633 East Cabrillo Boulevard, Santa Barbara, California.

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

Members Present: Marian Bergeson, Chair
John Chalker
James Ghielmetti, Vice Chair
R. Kirk Lindsey
Joe Tavaglione
Esteban Torres (Arrived at 3:40 p.m.)
Larry Zarian

Members Absent: Bob Alvarado
Jeremiah Hallisey
Senator Alan S. Lowenthal, Ex-Officio
Assemblymember Jenny Oropeza, Ex-Officio

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| 2 | • Approval of Minutes for June 27 and July 19-20, 2006 Meetings | 1.2 |
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Chair Bergeson asked for approval of the Minutes for June 27, 2006 and July 19-20, 2006. Commissioner Zarian moved to approve the minutes. Commissioner Chalker seconded the motion, which carried 6-0. (Commissioners Alvarado, Hallisey and Torres were absent)

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| 3 | • Executive Director's Report
-- CTC Committees' Purpose and Function
-- Report on Transportation Bond Workgroups
-- Revised 2007 Meeting Schedule | 1.3 |
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Executive Director John Barna acknowledged Chair Bergeson and Bimla Rhinehart, Caltrans, both had birthdays this month.

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The following items were reviewed on the Executive Director’s Report:

CTC Committees’ Purpose and Function

Deputy Director Maura Twomey distributed a handout at the meeting, which gave a brief description of the duties and responsibilities for the Mass Transportation Committee, Streets and Highways Committee, Committee on Planning, Goods Movement Advisory Committee, Real Estate Advisory Panel and Technical Advisory Committee on Aeronautics. Mr. Barna asked Chief Deputy Director David Brewer and Deputy Director Robert Chung to provide a history with regard to these meetings. After much discussion on why some of these committees have not worked well in the past, it was agreed that the committees are more successful when they are narrowly scoped and when the Commission receives and acts on committee recommendations without rehearing them. Chair Bergeson noted that according to legislation we are required to have certain committees and that these committees should focus on specific, urgent issues and report back to the whole Commission.

Report on Transportation Bond Workgroups

Executive Director Barna reviewed the Public-Private Partnerships framework.

A Goods Movement meeting has been scheduled for the Port of Oakland on Wednesday, September 13. A meeting with the Bay Area Council will be held in October. Interested parties plan to convene around mid-November after the election.

The State and Local Partnership Program Work Group will meet on Friday, September 22.

The Trade Corridor Investment Fund Guidelines will be adopted by the first quarter next year.

Deputy Director Mitch Weiss gave updates on the discussions and outcomes of the Corridor Mobility and Performance Measure workgroups.

Ross Chittenden, Caltrans, reported that the Department has been active in all of the workgroups. Major emphasis was given on projects in congested urban corridors to work toward a corridor systems management plan. Also, emphasis was given on focus routes that were left behind in the Interregional Transportation Improvement Program (ITIP) and project selection.

Chief Deputy Director Brewer stated that developing the guidelines will be a major challenge. The plan is to review draft guidelines at the October meeting and to adopt the guidelines at the November meeting.

Revised 2007 Meeting Schedule

Mr. Barna distributed the Revised 2007 Meeting Schedule. Commissioner Ghielmetti said he would appreciate it if Commission staff would look into holding a Commission meeting in Eureka next year.

Mr. Barna presented a plaque and a resolution adopted on his behalf to Steve VanDenburgh in appreciation for his year of service as the Regional Transportation Planning Agency Moderator. Director Kempton commended Mr. VanDenburgh for a race he recently ran from the pier to the highest peak in Santa Barbara County.

Mr. Barna introduced Teresa Favila, who recently joined the Commission staff as the Administrative Officer. Mr. Barna also recognized Mary Lea Filbert, CTC Staff, who has served the State for 25 years and is the longest serving member of the Commission staff, where she has worked for 20 years. Ms. Filbert recently won a blue ribbon at the California State Fair for her “porcelain painted paisley pig.”

- **Have the 2007 Commission meeting schedule revised to reflect location changes adopted at meeting. Solicit from Regions a possible location for a Northern California meeting in 2007.**

ACTION: John Barna

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4	• Commission Reports	1.4
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Chair Bergeson asked for the Commission reports. Commissioner Lindsey thanked Commissioner Ghielmetti for hosting the goods movement meeting he attended last week in Pleasanton.

5	• Commissioners' Meetings for Compensation	1.5
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Chair Bergeson requested approval of the July 2006 Meetings for Compensation. Commissioner Ghielmetti noted a change for the July and August 2006 Meetings for Compensation, changing the name from "Bob Balgenorth" to "Bob Alvarado."

Commissioner Torres moved to approve the July and August 2006 Meetings for Compensation, as modified. Commissioner Tavaglione seconded the motion, which carried 7-0. (Commissioner Alvarado and Hallisey were absent).

6	• Welcome to Santa Barbara	1.10
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Jonny Wallis, Mayor of Goleta and Chair of SBCAG, stated that Joe Centeno, SBCAG Chair, was not able to attend the meeting as previously planned. Ms. Wallis welcomed the Commission to Santa Barbara and spoke about Measure D. Ms. Wallis announced that a reception with Santa Barbara County Association of Governments and community leaders would be held at Chase Palm Park following the meeting.

Chair Bergeson said she was delighted to be in Santa Barbara and thanked the Mayor, adding that they were looking forward to the reception.

7	• Workshop on Developer Fees	4.3
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Executive Director Barna gave an introduction to the Workshop on Developer Fees, affordable housing and the impacts to transportation. Mr. Barna noted that developer fees and sales tax measures were the only source of new revenue for transportation in recent years.

Speakers:

Bill Gray, Gray-Bowen and Company, provided a handout at the meeting. Mr. Gray noted that most of the dollars have come from the development community and what he doesn't want is more fees. The goal should be to spread the cost around. Affordable housing is a critical problem in California. Mr. Gray gave a PowerPoint Presentation on "Developer Impact Fees," highlighting the observations, LD/CEQA, LD/IGR and impact fee opportunities, and provided recommendations. Commissioner Ghielmetti noted that the only reason the developer is involved is because they are required to go through the Environmental Impact Report (EIR) process, noting that shippers are exempt from this process. Trucks and cars are using the roads, but unfortunately the costs of these roads are being added on to the homebuyer. Commissioner Ghielmetti noted that using the EIR alone is not fair, and that we need to find a more equitable process to address the funding shortfall. Chair Bergeson suggested that we need to work with the Legislature to find a more equitable solution to the problem.

David Grannis, President of Planning Company Associates, noted that Mr. Gray had already covered many points that he had planned to present. Mr. Grannis further detailed the issues in his PowerPoint presentation entitled, "Good Owners, Good Partners." He stressed that it is important to get involved early; and, unfortunately, when budgets are tight, many people leave out planning, which is the worst thing to do.

Eric Haley, RCTC Executive Director, gave a handout entitled "On the Move," and reviewed the history of Riverside County and the developer fee program. Riverside is the fastest growing county in California and ranks fourth nationally.

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Layne Marceau, Shea Development Homes and Chairman of the California Mobility Association, noted that the housing market is not as robust as it has been in the last six to seven years and that soon the developers will just stop building. CENTEX homes may have to walk away from projects because they no longer find it economically feasible to move forward. Mr. Marceau spoke about the potential for CEQA reform. CEQA is broadened every year, but unfortunately all of the fees are hampering the developer, and is a hidden tax to the consumer.

Joan Sollenberger, Caltrans, reported that the State is responsible for maintaining the safety and integrity of the State transportation system, and Caltrans is the steward of that system. Caltrans does not assess fees, but occasionally collects fees on behalf of the local agencies. The biggest challenge is that there is not enough revenue for this development, with sales tax measures the only source of revenue. With over 600 local agencies, there is an unbelievable workload for Caltrans, which has resulted in inconsistencies. In the past, Caltrans has reacted to land use, but they are now making efforts to take a more proactive role by working with city, local, and tribal agencies while they are in the General Plan Development stage. Caltrans wants to be a better partner but admits that the transportation system has broken down. There have also been problems due to a large turnover in staff. Ms. Sollenberger stated they are working on distributing information to the agencies and partners and they have also planned workshops around the State with developers and local governments.

Commissioner Ghielmetti said he appreciated Caltrans' willingness to cooperate with developers, but emphasized this is not just about the development community; it's about all of transportation. California is growing by half a million people a year; it's not about housing, it's all about growth. Commissioner Ghielmetti asked why they don't tax automobile dealers, since they also add vehicles to the system, adding that we need to think outside the box. This issue needs to be addressed with legislation.

Director Will Kempton stated the problem cannot be solved today. He reviewed the local agencies' background and said he knows the process is flawed and is not equitable. Caltrans plans to work with all of the partners for a better process. If impacts to the State's transportation facilities are ignored, Caltrans may not have much choice but to consider legal action as a last resort. Director Kempton said he was very happy to hear the discussions today and acknowledged the impact of development on all transportation facilities and the need to analyze these impacts. Caltrans must be consistent. There may need to be a comprehensive local and regional fee program rather than on an individual development-by-development basis. Caltrans will continue to work with all of the partners for a fair and equitable solution.

Jim Bourgart, Assistant Secretary BTH, articulated that Secretary Sunne Wright McPeak has a great concern that we not use this process to punish the last developer who comes through the door, and that we need comprehensive and regional equity. The beneficial impacts to the developer need to be added into the equation. Mr. Bourgart stated that Secretary McPeak views litigation as the absolute last resort.

Chair Bergeson said she thinks it will be up to the Legislature to figure out the funding. She expressed her appreciation to Commissioner Ghielmetti for giving everyone present an understanding from a practical point of view, as we all want to see affordable housing. Chair Bergeson thanked everyone for their presentations adding that there still needs to be much discussion before a consensus is reached.

ADJOURN

The meeting of the California Transportation Commission adjourned at 5:20 p.m.

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Thursday, September 7, 2006

9:00 a.m. Commission Meeting

**Fess Parker’s Doubletree Resort
633 East Cabrillo Boulevard
Santa Barbara, California**

- 1 • Roll Call 1.1

The meeting of the California Transportation Commission was called to order by Chair Bergeson at 9:00 a.m. on September 7, 2006, at the Fess Parker’s Doubletree Resort, 633 East Cabrillo Boulevard, Santa Barbara, California.

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

Members Present: Marian Bergeson, Chair
John Chalker
James Ghielmetti, Vice Chair
R. Kirk Lindsey (Arrived 9:05 a.m.)
Joe Tavaglione
Esteban Torres
Larry Zarian

Members Absent: Bob Alvarado
Jeremiah Hallisey
Senator Alan S. Lowenthal, Ex-Officio
Assemblymember Jenny Oropeza, Ex-Officio

Executive Director John Barna announced the agenda changes, as noted on the pink – “Changes to CTC Agenda” that was distributed at the meeting and made part of the record.

BUSINESS. TRANSPORTATION & HOUSING AGENCY REPORT

- 8 • Report by Agency Secretary and/or Deputy Secretary 1.6

Jim Bourgart, BTH, speaking on behalf of Secretary McPeak, gave performance kudos to Caltrans. He also stated that Secretary McPeak is very concerned if the bond package passes this November and there is a major infusion of funding, do we have sufficient workforce, materials, and engineers to deliver the programs. Caltrans and BTH are working closely with the California State Association of Counties (CSAC) to work on permitting and extra quarries so that there will be materials nearby.

Mr. Bourgart commended Caltrans on completing two major projects with incredible speed; namely reopening State Route 140 to Yosemite and the demolition of the west approach of the Bay Bridge over Labor Day weekend. The word got out not only to the Bay Area residents, but to the world. Mr. Bourgart toured the demo site on Saturday and was very impressed at how this project was done so quickly and safely.

REGIONAL AGENCIES AND RURAL COUNTIES REPORT

- 9 • Report by Regional Agencies Moderator 1.8

Lisa Rheinheimer, Regional Agency Moderator, reported that the regional agencies have been working with Commission staff on developing Corridor Mobility Improvement Account (CMIA) guidelines. Ms. Rheinheimer gave kudos to Terry Abbott and the regions for their excellent work in delivering all of their federal Obligation

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Authority (OA) this year. The regions have been under additional FHWA scrutiny, and it is hoped that they will soon moderate that policy and do more random sampling.

Chair Bergeson said that the Commission looks forward to working with the regions.

- 10 • Report by SBCAG on Santa Barbara County's 1.11
Transportation Needs, Challenges and Opportunities

Salud Carbajal, Santa Barbara District 1 County Supervisor, welcomed the Commission to Santa Barbara. Mr. Carbajal spoke about the changes in the Santa Barbara area affecting traffic and mobility and the transportation challenges in their community. Many lessons have been learned in trying to solve the Highway 101 bottleneck. An Executive Summary handout was distributed entitled, "101 in Motion." They have worked over two years to develop a package of solutions that has broad-based community support, the cost of which over the next 30 years will exceed \$800 million. Santa Barbara has been a self-help county since 1989 and renewing Measure D will allow the County to leverage State and federal funds.

Jim Kemp, SBCAG Executive Director, thanked the Commission for coming to Santa Barbara and thanked Executive Director Barna, Commissioner Chalker, and Director Will Kempton for attending the Community Leaders Breakfast held on September 6, which was held to discuss some of the transportation challenges Santa Barbara is currently facing. Mr. Kemp presented a PowerPoint entitled, "101 in Motion," which detailed the major traffic problems on Highway 101, community issues, approved consensus plan, funding, performance outcomes and the importance of renewing the sales tax – Measure D. Mr. Kemp stated that what was once just a weekend traffic problem has now turned into a daily traffic problem, which is overflowing onto the city streets.

Commissioner Chalker asked what the difference was in this new plan over the original plan that was proposed in the 1990's. Mr. Kemp responded that when the original plan was done they did not have community input.

- 11 • Report by Rural Counties Task Force Chair 1.9

Mike Woodman, spoke in place of Kathryn Mathews, RCTF Chair, who was unable to attend the meeting. Mr. Woodman reported that the rural counties have been actively working with the infrastructure working groups and thanked the Commission for being active participants. Many foothill counties are struggling with congestion. Commissioner Lindsey asked if they could have projects ready to be delivered by 2012, and Mr. Woodman said they would be ready. Commissioner Lindsey asked Director Kempton to help the rural counties and Director Kempton agreed he would. Mr. Woodman acknowledged Debbie Mah, Caltrans, and other participants responsible for putting together the guidebook on performance measures noting that it has been very helpful.

- **As requested by Regional Agencies, include regional representatives in future developer fee work groups.**

ACTION: John Barna

CALTRANS REPORT

- 12 • Report by Caltrans' Director and/or Deputy Director 1.7

Director Will Kempton thanked Santa Barbara for their hospitality and spoke about the groundbreaking ceremony he attended in Santa Maria. Caltrans will work diligently with the local partners in rural areas to provide assistance in delivering projects working within the mandates of the bond package.

Director Kempton announced the recent Caltrans staff changes. Richard Krumholz was appointed as the District 5 Director and Malcolm Dougherty as the District 6 Director. Updates were given on the Research and Technology Expert Review Panel, where Dr. Genevieve Giuliano was recently been appointed as Chair.

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Director Kempton reported that the contracts for delivery were a raging success this year. He completed the victory tour of all the districts and announced that various awards were presented. The best overall delivery award was given to District 7 and second place to District 8. District 1 did not deliver all its projects, but they worked very hard.

Updates were given on the federal Disadvantaged Business Enterprise (DBE) program, which has been race neutral since May 2005. An Executive Order was recently issued that reaffirmed the Governor's commitment to the Small Business and DBE programs at Caltrans. The Department and Agency will emphasize and, whenever possible, increase small business participation and DBEs in federally assisted highway projects.

The Department was recognized by the State Controller's Office (SCO) for Excellence in Financial Reporting for the year ended June 30, 2006.

The Bay Bridge closure was very successful over the Labor Day weekend. Director Kempton noted this was an amazing operation with the San Mateo and Golden Gate bridges being closely monitored.

Crews worked around the clock on Caltrans District 4 Devil's Slide Project, which opened seven weeks early. Richard Napier, Executive Director of San Mateo C/CAG, expressed his appreciation to Caltrans for doing such an outstanding job on this project, which he stated is critical to all residents in San Mateo County.

The Geyserville Bridge on State Route 128, which was damaged by winter storms, was replaced in six months.

Director Kempton said he is very pleased with all of the progress that Caltrans has been making.

Status of Construction Contract Award, per FY 2005-06 Allocation Plan Criteria 3.3

- 13 • Monthly Status of Construction Contract Award for State Highway Projects, per FY 2005-06 Allocation Plan Criteria 3.3a.

Deputy Director Maura Twomey reviewed Items 13, 14, 15, 17, 19, 20 and 21 and recommended the Commission accept them as presented in the book item.

Commissioner Ghielmetti questioned the Merritt Road Bridge project 20-month time extension request under Item #15. Ms. Twomey responded that they have cleared the right-of-way concerns and will not be coming in for a material extension.

Commissioner Ghielmetti expressed his concerns over the seismic retrofit report under Project #17. Rick Land, Caltrans, said he shared his concerns on these projects. There are five bridges left and they are currently working on the right-of-way issues.

Commissioner Lindsey asked Caltrans to identify the four counties and specify how much might be lost under Project #21, "Use It or Lose It."

Terry Abbott, Caltrans, responded that the allocation plans do not show this information. Executive Director Barna requested that Mr. Abbott return in October with a clarification of this book item.

- **In book item for Monthly Status of Construction Contract Award for State Highway Projects, include a start date for beginning of construction and an estimated completion date.**

ACTION: Ross Chittenden

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- 14 • Status of Construction Contract Award for Traffic Congestion Relief Program Projects, per FY 2005-06 Allocation Plan Criteria 3.3c.

This item was reviewed under Item #13.

- 15 • Monthly Status of Construction Contract Award for Local Assistance STIP Projects, per FY 2005-06 Allocation Plan Criteria 3.3b.

This item was reviewed under Item #13.

- 16 • FY 2005-06 4th Quarter and Year-End Delivery Report 3.7

Deputy Director Maura Twomey briefly reviewed this item and Rick Land, Caltrans, gave further details on the “Year-end Fourth Quarter Delivery FY 2005-06 Project Delivery Report. Mr. Land reviewed the environmental documents, construction contracts and the estimating accuracy. The group will look at the delays in the environmental milestones. Commissioner Ghielmetti congratulated Caltrans for getting 93 percent, but noted that the trend line on the environmental documents is going the wrong way. Mr. Land agreed and said the Department will be working on this the next few months to turn things around. Commissioner Lindsey asked what the criteria was to no longer carry over a project, noting on Page 18 some projects were carried over at least two fiscal years. Mr. Land said he will evaluate this request and will return with a response. Jay Norvell, Caltrans, stated it is hard to “kill” a project and suggested they need to work in partnership with other agencies.

Commissioner Lindsey requested more information on the one deprogrammed rail project. Director Kempton noted it was a Fresno siding job that had received a very negative public response.

Commissioner Lindsey commended Caltrans for doing a great job and said they deserved a round of applause.

- 17 • Quarterly Non-Toll Seismic Safety Retrofit Report 3.14

This item was reviewed under Item #13.

- 18 • FY 2005-06 Year-End Financial Report 3.9

Deputy Director Mitch Weiss informed that this is the Department’s first quarterly report. This report was previously presented on a monthly basis.

Norma Ortega, Caltrans, thanked Mr. Weiss for his input on developing the report guidelines and making it easier to read. In the Fourth Quarter Finance Report PowerPoint presentation, Ms. Ortega reviewed the cash forecast for the State Highway Account, Public Transportation Account, Traffic Congestion Relief Fund and the Transportation Investment Fund. Also reviewed were the capital allocations and a graph showing the State Highway Account five-year cash forecast. Recommendations were made to maintain the 2006-07 allocation capacity level of \$4.176 billion and revisit the 2006-07 Allocation Plan in the Second Quarter Finance Report. A total of \$309 million was received for federal emergencies, but only \$100 million had been expended.

Director Kempton informed that if the bonds are approved in November, this will impact the balances.

Commissioner Ghielmetti said he hopes that there will be additional capacity for the SHOPP and Ms. Ortega said that that was the intent.

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Commissioner Chalker commended Ms. Ortega for the format of the report, but expressed his displeasure with the tardiness. Commissioner Lindsey also commended Ms. Ortega on the new format, especially the verbiage noting when something is out of order.

Commissioner Ghielmetti noted on Page 12 under the advance for 2006-07, there was no mention of TCRP. Ms. Ortega said this may have been an oversight.

Director Kempton complimented Ms. Ortega and their staff for a great report and noted that Secretary McPeak was also very impressed.

- 19 • Status of Delivery of AB 3090 Project Components 3.11

This item was reviewed under Item #13.

- 20 • Final Close-out Report on FY 2005-06 Minor Lump Sum Allocation 3.13

This item was reviewed under Item #13.

- 21 • Seventh Cycle AB 1012 Unobligated RSTP and CMAQ "Use It or Lose It" Balance Report 3.10

This item was reviewed under Item #13.

- **At the October Commission meeting explain what the RSTP and CMAQ cycles mean and the status of obligations at the next quarterly report. (December Agenda Item)**

ACTION: Terry Abbott

- 22 • Outline for Commission's 2006 Annual Report to Legislature 4.5

Executive Director John Barna distributed to the Commissioners the Draft "Outline for Commission's 2006 Annual Report to the Legislature." Mr. Barna noted this draft is similar to what has been done in the past, but that the outcome of the November election will have a big impact on this report. Mr. Barna reviewed the major topics and asked if anyone has comments and suggestions to please give them to him within the next two weeks.

- 23 • Report on Toll Bridge Program Oversight Committee Activity 3.5

Deputy Director Stephen Maller reviewed the Toll Bridge Seismic Retrofit Program Report. Commissioners Alvarado, Tavaglione, Hallisey and Ghielmetti attended a bridge tour on August 8. The Skyway is 93 percent complete and is scheduled for completion in the fall of 2007. The SAS Tower foundation is 46 percent complete with an estimated completion date of March 2008. The China steel fabricator is setting up new fabrication facilities for the SAS project in Shanghai, and the fabrication facility will be finished by the end of February 2007. Construction updates were reviewed for the West Approach project in San Francisco.

- 24 • Cancellation of Delegated Allocation Resolutions Resolution G-06-13, Replacing Resolutions G-01-03, G-01-04, G-01-05, G-01-06, G-01-07, and Amending Resolution G-03-10 4.6

Deputy Director Stephen Maller reported that since January 2003, the Commission has annually suspended all delegated allocation authority except for state highway emergency, safety and seismic retrofit projects. Staff

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recommended that the Commission cancel all individual project allocation delegations given to Caltrans, except for emergency, safety and seismic retrofit projects.

Commissioner Lindsey moved to approve staff's recommendation. Commissioner Tavaglione seconded the motion, which carried 7-0. (Commissioner Alvarado and Hallisey were absent).

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| 25 | <ul style="list-style-type: none"> • One Resolution of Necessity – Appearance Elizabeth A. Mariner, et al. 03-Pla-65-PM 18.2 Resolution C-19430 | 2.4a. |
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Deputy Director Stephen Maller reviewed the statutory authority for Item #25. In adopting a Resolution of Necessity the Commission must determine that (1) public interest and necessity require the project, (2) the proposed project is planned or located in a manner that is most compatible with the greatest public good and the least private injury, and (3) the property described in the resolution is necessary for the proposed project. Under State law the Commission does not determine the amount or value of compensation.

Amarjeet Benipal, Caltrans, presented information to familiarize the Commission with the project location, the need and purpose of the project, parcel data, the property owners concerns, and other environmental mitigation properties considered. The need for the Mariner parcel easements were reviewed in detail. Mr. Benipal stated the Mariner property is necessary in order to secure mitigation and environmental permits for the Lincoln Bypass project.

Brad Hirsch, representing the owner Elizabeth Mariner, questioned the Caltrans comments made about the unavailability of other mitigation property. Mr. Hirsch stated his client does not intend to delay the Lincoln Bypass project. Ms. Mariner had completed her own wetlands delineation study, which is now before the Army Corps of Engineers. Mr. Hirsch also reviewed other available habitat for the Lincoln Bypass project, credit-value for mitigation, and the reasons for creating a mitigation bank. Mr. Hirsch noted that the Caltrans appraisal did not include information of what Caltrans had paid for the Rockwell property.

Celia McAdam, Executive Director for Placer County Transportation Planning Agency, spoke in support of the bypass project, noting that work on the environmental documents have been in process for the past eight years. Ms. McAdam said the property is absolutely necessary for the project to move forward and asked for the Commission's support.

Commissioner Ghielmetti moved to approve the Resolution of Necessity. Commissioner Zarian seconded the motion, which carried 7-0.

AYES: Commissioners Chalker, Ghielmetti, Lindsey, Tavaglione, Torres, Zarian, Bergeson (7)
 ABSENT: Commissioners Alvarado and Hallisey (2)

INFORMATION CALENDAR (#26 – 32) **IC**

Deputy Director Stephen Maller presented the Information Calendar agenda Items #26 through #32. There were no issues or individual presentations.

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| 26 | <ul style="list-style-type: none"> • Informational Report on Emergency G-11 Allocations. 22 Projects totaling \$41,185,000. | 2.5f.(1) |
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This item was presented on the Information Calendar.

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- 27 IC • Informational Report on Seismic Retrofit (Proposition 192, Phase II) G-11 Allocations. One Project for \$7,570,000. 2.5f.(2)

This item was presented on the Information Calendar.

- 28 IC • Informational Report on SHOPP Safety G-03-10 Allocations. Three Projects totaling \$37,232,000. 2.5f.(3)

This item was presented on the Information Calendar.

- 29 IC • Informational Report on Minor G-05-05 Allocations. 16 Projects totaling \$9,490,000. 2.5f.(4)

This item was presented on the Information Calendar.

- 30 IC • Monthly Report on Status of Projects Previously Voted but Not Awarded 3.1

This item was presented on the Information Calendar.

- 31 IC • Monthly Report on Local Assistance STIP Projects Previously Voted but not Awarded 3.2

This item was presented on the Information Calendar.

- 32 IC • Monthly Report on Projects Amended into the SHOPP by Department Action 3.4

This item was presented on the Information Calendar.

END OF INFORMATION CALENDAR

CONSENT CALENDAR (#33 – 71)

CC

Deputy Director Robert Chung recommended approving the Consent Calendar, Items #33 through #71, with the following additional changes, as noted on the pink – “Changes to CTC Agenda.” Item #35 was withdrawn and changes were noted for Items #49, #55, #56, #58 and #64, and Item #55 (2.4b) is a Resolution of Necessity and requires 6 affirmative votes.

Commissioner Tavaglione moved to approve the Consent Calendar, as modified and recommended by staff. Commissioner Chalker seconded the motion, which carried 7-0.

AYES: Commissioners Chalker, Ghielmetti, Lindsey, Tavaglione, Torres, Zarian, Bergeson (7)
 ABSENT: Commissioners Alvarado and Hallisey (2)

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Program Amendments/Project Approvals – STIP Amendments for Action (#33 - 43)

- 33 CC** • STIP Amendment 06S-003 2.1a.(1)
- Four San Francisco Bay Area agencies are requesting to program funds to one new and four existing PTA eligible projects. The agencies and projects are as follows: Alameda County Congestion Management Agency (ACCMA) proposes to program \$14,000,000 RIP in FY 2006-07 for the new Bus Purchase project (PPNO 2009Q). Transportation Authority of Marin (TAM) proposes to add \$554,000 RIP in FY 2008-09 for Right of Way (R/W) and \$2,869,000 in FY 2010-11 for Construction of the South Novato Transit Facility project (PPNO 2128A). San Mateo County Transportation Authority (SMCTA) proposes to add \$11,000,000 RIP in FY 2007-08 for construction of the Tilton and Poplar Avenue Grade Separation project (PPNO 1003G). Solano Transportation Authority (STA) proposes to add \$4,000,000 RIP in FY 2009-10, delay \$6,528,000 from FY 2008-09 to FY 2009-10 and advance \$5,000,000 from FY 2010-11 to FY 2009-10 for the Vallejo Ferry Terminal Parking project (PPNO 2260), and add \$2,000,000 RIP in FY 2008-09 for the Fairfield/Vacaville Intercity Rail Station project (PPNO 6045K).

This item was approved on the Consent Calendar.

- 34 CC** • STIP Amendment 06S-004 2.1a.(2)
- The Placer County Transportation Planning Agency (PCTPA) proposes to split the I-80 Capacity/Operational Improvements project (PPNO 0146D) funded with \$2,000,000 RIP and \$4,600,000 IIP into two new projects as follows: Phase I - \$2,000,000 in RIP and \$600,000 in IIP for the I-80 Capacity/Operational Improvements project (PPNO 0146B); and Phase II - \$4,000,000 in IIP for the I-80 Capacity/Operational Improvements project (PPNO 0146C).

This item was approved on the Consent Calendar.

- ~~**35 CC** • STIP Amendment 06S-005 2.1a.(3)~~
- ~~The Tuolumne County Transportation Council (TCTC) proposes to program \$1,322,000 in PTA funds from RIP shares for a new Transit Facility project (PPNO 0144) in FY 2006-07, FY 2007-08, and FY 2008-09.~~

This item was withdrawn from the agenda prior to the meeting, as noted on the pink – “Changes to CTC Agenda.”

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- 36 CC • STIP Amendment 06S-006 2.1a.(4)
 The Orange County Transportation Authority (OCTA) is requesting to program two new PTA eligible projects in their RIP for inclusion in the 2006 STIP as follows: Program \$24,000,000 in FY 2006-07 to construct the Jeffrey Road Grade Separation project in the City of Irvine (PPNO 9513). Program \$2,500,000 in FY 2006-07 for PS&E of the Placentia Transit Station in the City of Placentia (PPNO 9514).

This item was approved on the Consent Calendar.

- 37 CC • STIP Amendment 06S-007 2.1a.(5)
 The San Joaquin Council of Governments (SJCOG) is requesting to program two new PTA eligible projects, add programming to one existing PTA eligible project, delete funds from one existing RIP project, and program one new RIP project in the 2006 STIP as follows: program \$1,850,000 in FY 2007-08 for Construction of the City of Lodi's new Municipal Service Center (MSC) Transit Vehicle Maintenance Facility project (PPNO 0139); program \$1,300,000 in FY 2006-07 for PA&ED for the San Joaquin Regional Transit District's new Regional Operations Facility project (PPNO 0140); advance \$887,000 of PS&E from FY 2009-10 to FY 2008-09 and program \$13,000,000 for the City of Lathrop's existing Lathrop Road Grade Separation project (PPNO 3K41); delete \$16,667,000 from the Route 12 (Bouldin Island) Passing Lane project (PPNO 7350); and program \$16,667,000 in FY 2009-10 for Construction of the City of Stockton's new Route 5/French Camp Interchange project (PPNO 7239).

This item was approved on the Consent Calendar.

- 38 CC • STIP Amendment 06S-008 2.1a.(6)
 The Stanislaus Council of Governments (StanCOG) proposes to reduce the scope of the Route 219 (Kiernan Avenue) Widening project (PPNO 9940) to acquire **right of way** and construct the project in two phases and shifts a total of \$927,000 in RIP programmed in prior years from R/W Support to the PA&ED and PS&E.

This item was approved on the Consent Calendar.

- 39 CC • STIP Amendment 06S-009 2.1a.(7)
 The Department and the Southern California Regional Rail Authority (SCRRA) proposes to program a total of \$5,000,000 in PTA funds from IIP shares for PS&E and Construction of the new SCRRA Sealed Corridor project (PPNO 2070) in FY 2006-07 and FY 2007-08.

This item was approved on the Consent Calendar.

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- 40 CC** • STIP Amendment 06S-010 2.1a.(8)
 The Transportation Agency for Monterey County (TAMC) proposes to program a total of \$14,859,000 in PTA funds from RIP shares to two existing projects as follows: \$3,020,000 in FY 2006-07 for PS&E for the Caltrain Extension project (PPNO 1155); and \$4,208,000 in FY 2006-07 for PA&ED and \$7,631,000 in FY 2007-08 for PS&E for the Monterey Branch Line project (PPNO 1164).

This item was approved on the Consent Calendar.

- 41 CC** • STIP Amendment 06S-011 2.1a.(9)
 The Santa Cruz Metropolitan Transit District (SCMTD) is requesting to add programming to an existing project and program three new PTA eligible projects in their RIP for inclusion in the 2006 STIP. The projects are as follows: Add \$1,137,000 in FY 2006-07 for Construction of the existing MetroBase Consolidated Operations Facility project (PPNO 0924). Add \$3,200,000 in FY 2006-07 for Construction of the new Replace Local Fixed-Route Buses project (PPNO 1930). Add \$2,000,000 in FY 2006-07 for Construction of the new Replace Highway 17 Express Buses project (PPNO 1929). Add \$6,800,000 in FY 2006-07 for Construction of the new Convert Transit Buses from Diesel to Compressed Natural Gas (CNG) Fuel project (PPNO 1928)

This item was approved on the Consent Calendar.

- 42 CC** • STIP Amendment 06S-012 2.1a.(10)
 The Tehama County Public Works proposes to add \$90,000 in PTA funds from RIP shares for R/W in FY 2007-08 and \$498,000 in PTA funds from RIP shares for Construction in FY 2007-08 for an existing transit facility project (PPNO 2425) near Red Bluff.

This item was approved on the Consent Calendar.

- 43 CC** • STIP Amendment 06S-014 2.1a.(11)
 The County of El Dorado requests the Commission consider this amendment for AB 3090 Replacement. The County of El Dorado proposes to use local funds to replace a total of \$11,160,000 RIP programmed in FY 2008-09 for Construction of the Missouri Flat Road Phase 1A Interchange Improvements project (PPNO 3L19). The County of El Dorado intends to program a replacement project (PPNO 3L19B) in FY 2008-09 for \$11,160,000, combined with future STIP or other funds as they become available to fully fund the project.

This item was approved on the Consent Calendar.

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Traffic Congestion Relief Program (TCRP) Application Approvals/Amendments (#44 – 49)

- 44 CC • The Transportation Agency for Monterey County requests a TCRP Application Amendment to program a net total of \$19,000,000 in new TCRP funds for PS&E and R/W for Project #14 – CalTrain; extension to Salinas in Monterey County. This amendment will also update the project schedule and funding plan.
(Related Items under 2.6e.(2), 2.1a.(8), 2.2c.(3).)
Resolution TAA-06-50, Amending Resolution TAA-02-07

This item was approved on the Consent Calendar.

- 45 CC • The Department requests a TCRP Application Amendment to redistribute a net total of \$467,000 from PS&E and R/W to PA&ED for Project #46 – Route 1; reconstruct intersection at Route 107 in Los Angeles County. This amendment will also de-program \$1,183,000 from R/W. *(Related Item under 2.6e.(2).)*
Resolution TAA-06-51, Amending Resolution TA-01-17

This item was approved on the Consent Calendar.

- 46 CC • The San Diego Association of Governments requests a TCRP Application Approval to program \$23,007,000 in new TCRP funds for Construction for Project #74.9 – Pacific Surfliner; Santa Margarita River Bridge and Double Track.
Resolution TA-06-01

This item was approved on the Consent Calendar.

- 47 CC • The City of Santa Barbara requests a TCRP Application Amendment to redistribute \$28,000 from Construction to PS&E for Project #102.3 – Route 101; Intersection Improvements and signal Coordination. This amendment will also revise the project scope, and update the project schedule and funding plan.
(Related Items under 2.6e.(1) and 2.6e.(2).)
Resolution TAA-06-54, Amending Resolution TAA-05-06

This item was approved on the Consent Calendar.

- 48 CC • The Department requests a TCRP Application Amendment to program a net total of \$286,000 in new TCRP funds for PS&E and R/W for Project #140 – City of Goshen; overpass for Route 99. This amendment will also redistribute \$20,000 from PA&ED to PS&E, and update the project schedule and funding plan.
(Related Item under 2.6e.(2).)
Resolution TAA-06-55, Amending Resolution TAA-02-01

This item was approved on the Consent Calendar.

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- 49 CC • The Santa Cruz Metropolitan Transit District requests a TCRP Application Amendment to update the project schedule for Project #150 – Renovation or rehabilitation of Santa Cruz Metro Center. 2.1c.(6)
(Related Items under 2.6e.(1) and 2.6e.(2).)
 Resolution TAA-06-56, Amending Resolution TAA-05-10

This item was approved on the Consent Calendar. There was a correction to the Resolution Number in the Book Item, as noted on the pink – “Changes to CTC Agenda.”

- 50 CC • Project Approval for \$35,875 for One Proposition 116 Rail Project for Goleta Amtrak Station – Station Enhancements (PUC Section 99623(a)(2).) 2.1e.
 Resolution PA-06-05

This item was approved on the Consent Calendar.

- 51 CC • Route 12 in Calaveras County – Rehabilitate roadway near Wallace (ND). 2.2c.(1)
 Resolution E-06-26

This item was approved on the Consent Calendar.

- 52 CC • Route 204 in Kern County – Replace bridge in Bakersfield (ND). 2.2c.(2)
 Resolution E-06-27

This item was approved on the Consent Calendar.

- 53 CC • Caltrain Extension to Monterey County – Passenger Rail Station (FEIR). (TCRP #14). 2.2c.(3)
 Resolution E-06-28

This item was approved on the Consent Calendar.

Highway Route/Right of Way Matters (#54 – 56)

- 54 CC • Five Relinquishment Resolutions 2.3c.
 -- 2- Las-36-PM 25.1, Route 36 in the City of Susanville
 Resolution R-3640
 -- 6-Ker-58-PM 107.5 and 108.9/117.8, Route 58 in the County of Kern
 Resolution R-3641
 -- 6-Tul-198-PM 21.9 (KP 35.23), Route 198 in the County of Tulare
 Resolution R-3642
 -- 7-LA-164-PM 8.8/11.0, Route 164 in the County of Los Angeles
 Resolution R-3643
(Related item under 2.5b.(2).)
 -- 8-Riv-215-PM 27.9/32.4, Route 215 in the County of Riverside
 Resolution R-3644

This item was approved on the Consent Calendar.

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- 55 CC** • 41 ~~37~~ Resolutions of Necessity 2.4b.
6 AYES Resolutions C-19432 through C-19434, C-19436 through C-19460, C-19462 through C-19467, and C-19469 through C-19471 ~~C-19472~~

This item was approved on the Consent Calendar, as modified. Resolutions C-19435, C-19461, C-19468 and C-19472 were withdrawn from the agenda, as noted on the pink – “Changes to CTC Agenda.”

- 56 CC** • Director’s Deeds 2.4d.(1)
 Items #1 and #3 through #7
 Excess Lands - Return to State: ~~\$7,275,000~~ **\$6,475,000**
 Return to Others: \$0

This item was approved on the Consent Calendar, as modified. Item #2 was withdrawn from the agenda, as noted on the pink – “Changes to CTC Agenda.”

Financial Allocations for STIPP/SHOPP/Minor and TCRP Projects (#57 - 70)

- 57 CC** • Financial Allocation for Three District Minor Projects 2.5a.
 totaling \$1,102,000.
 Resolution FP-06-14

This item was approved on the Consent Calendar.

- 58 CC** • Financial Allocation for 44 ~~18~~ SHOPP Projects totaling 2.5b.(1)
 \$231,075,000.
 Resolution FP-06-15

This item was approved on the Consent Calendar. The total project number was corrected, as noted on the pink – “Changes to CTC Agenda.”

- 59 CC** • Financial Allocation for 11 SHOPP Projects totaling 2.5b.(2)
 \$23,436,000 amended into the SHOPP by Departmental action.
 Resolution FP-06-16

This item was approved on the Consent Calendar.

- 60 CC** • Financial Allocation for Two SHOPP Mobility Projects 2.5b.(4)
 totaling \$5,300,000.
 Resolution FP-06-17

This item was approved on the Consent Calendar.

- 61 CC** • Financial Allocation for Three State-Administered STIP 2.5c.(1)
 Projects on the State Highway System totaling \$4,202,000, plus \$812,000 from other sources.
 Resolution FP-06-18

This item was approved on the Consent Calendar.

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- 62 CC • Financial Allocation for One Locally-Administered STIP Project on the State Highway System for \$9,316,000. Resolution FP-06-19 2.5c.(2)

This item was approved on the Consent Calendar.

- 63 CC • Financial Allocation for Two Locally-Administered STIP Projects off the State Highway System totaling \$283,000, plus \$1,220,000 from other sources. Resolution FP-06-20 2.5c.(3)

This item was approved on the Consent Calendar.

- 64 CC • Financial Allocation for ~~Two~~ **One** Locally-Administered STIP Transportation Enhancement Projects totaling \$1,029,000, **\$329,000** plus \$2,615,000 from other sources. Resolution FP-06-21 2.5c.(5)

This item was approved on the Consent Calendar, as modified on the pink – “Changes to CTC Agenda.” Project #2 was withdrawn prior to the meeting.

- 65 CC • Financial Allocation for Two Locally-Administered STIP Planning, Programming and Monitoring Projects totaling \$111,000. Resolution FP-06-22 2.5c.(6)

This item was approved on the Consent Calendar.

- 66 CC • Financial Allocation for \$227,000 to reimburse One previously approved AB 3090 Reimbursement Project. Resolution FP-06-23 2.5c.(7)

This item was approved on the Consent Calendar.

- 67 CC • Financial Allocation for Four Locally-Administered Rail/Transit STIP Projects totaling \$6,205,000. Resolution MFP-06-05 2.6a.(1)

This item was approved on the Consent Calendar.

- 68 CC • Financial Allocation for Three State-Administered Rail/Transit STIP Projects totaling \$4,302,000. Resolution MFP-06-06 2.6a.(2)

This item was approved on the Consent Calendar.

- 69 CC • Financial Re-Allocation of \$238,000 in Lapsing TCRP Funds for Three TCRP projects. Resolution TFP-06-19 2.6e.(1)

This item was approved on the Consent Calendar.

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- 70 CC • Financial Allocation for Five TCRP Projects totaling \$20,601,000 in new TCRP Funding. Resolution TFP-06-20 2.6e.(2)

This item was approved on the Consent Calendar

- 71 CC • Technical Correction to Resolution FP-04-45, originally approved on April 13, 2005, in the amount of \$3,066,000 for 11 Locally-Administrative STIP Transportation Enhancement Projects. A technical correction is needed for Project #2 – Plumas County (PPNO 2394) to correct the implementing agency/allocation recipient. 2.9

This item was approved on the Consent Calendar.

END OF CONSENT CALENDAR

Right of Way Matters (#72 – 76)

- 72 • Final Close-out Report on FY 2005-06 Right of Way Lump Sum Allocation 3.12

Deputy Director Stephen Maller briefly reviewed the right of way allocation close-out report. The Department provided a preliminary report at the June Commission meeting.

Bimla Rhinehart, Caltrans, reported that the Department has expended 100 percent of the \$171 million allocation for the Department’s FY 2005-06 right of way capital outlay expenditure program. Chair Bergeson and Commissioner Lindsey both commended Ms. Rhinehart for doing a great job.

- 73 • Financial Allocation of \$81,000,000 to Augment FY 2006-07 Right of Way Lump Sum Allocation. Resolution FM-06-01, Amending Resolution FM-05-05 2.5g.

Deputy Director Stephen Maller briefly reviewed Item #73 and recommended the Commission approve the Resolution to increase the FY 2006-07 lump sum Right-of-Way capital allocation by \$81 million. Bimla Rhinehart, Caltrans, reviewed this item in further detail.

Commissioner Ghielmetti moved to approve staff’s recommendation. Commissioner Zarian seconded the motion, which carried 7-0. (Commissioner Alvarado and Hallisey were absent).

- 74 Director’s Deed Item #1 Excess Lands – Return to State: \$0 Return to Others: \$0 **Resolution FM-06-01, Amending Resolution FM-05-05** 2.4d.(2)

Deputy Director Robert Chung recommended the Commission approve the Director’s Deed to permit a conveyance of excess property to Sycamore Canyon Landslide Repair, Inc. in the City of Santa Barbara. Bimla Rhinehart, Caltrans, reviewed this item in further detail.

Commissioner Lindsey moved to approve the Director’s Deed. Commissioner Tavaglione seconded the motion, which carried 7-0. (Commissioner Alvarado and Hallisey were absent).

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75	Director's Deed Item #1 Conceptual Approval of Maintenance Station in the City of Fairfield	2.4d.(4)
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Deputy Director Robert Chung reviewed Item #75 and recommended that the Commission conceptually approve the functional replacement of a maintenance station with the Redevelopment Agency of the City of Fairfield.

Bimla Rhinehart, Caltrans, reported that the Department and the City of Fairfield plan to enter into this exchange agreement where the Agency will provide, at no cost to the Department, a turnkey functional replacement facility to the Department.

Chair Bergeson wanted to make sure that this is not a "cash cow." Commissioner Lindsey asked for what the Committee findings were. Mr. Chung stated that the Real Estate Advisory Panel (REAP) advised that it thought the proposal was sound.

Commissioner Zarian moved to conceptually approve the functional replacement of the maintenance station and land exchange. Commissioner Ghielmetti seconded the motion, which carried 7-0. (Commissioner Alvarado and Hallisey were absent).

76	Director's Deed Item #1 Excess Lands – Return to State: \$5,000,000 Return to Others: \$0	2.4d.(3)
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Deputy Director Robert Chung reviewed this item and recommended the Commission approve the Director's Deed to convey excess Caltrans property to the City of Newport Beach for \$5 million, with Caltrans retaining a scenic easement appraised at \$3.1 million, based upon the pending conceptual agreement reached by Caltrans and the City. The appraised value of the property for highest and best use is \$8.1 million. He also recommended that the Department and the City return next month and identify the specific location for the scenic easement.

Bimla Rhinehart, Caltrans, further reviewed the item. Commissioner Lindsey questioned why we would approve an easement for scenic view, suggesting the City of Newport should pay the \$8.1 million. Executive Director John Barna said that this transaction is similar to the logic that was used when approving the Director's Deed for Children's Hospital in San Diego, adding that it is the best and most fair way to protect all of the parties and enable everyone to move on.

Chair Bergeson complimented staff for working on this arduous task.

Commissioner Ghielmetti moved to approve staff's recommendation. Commissioner Tavaglione seconded the motion, which carried 6-1. (Commissioner Lindsey voted no, and Commissioners Alvarado and Hallisey were absent).

- **Return at the October Commission meeting for final approval of the Newport Beach director's deed with assurances from Newport Beach City Council regarding the use of the property for active park purposes. (October Agenda Item)**

ACTION: Robert Chung/Bimla Rhinehart

77	<ul style="list-style-type: none"> • Local Assistance Quarterly Lump Sum Allocation Status Report for FY 2005-06 	3.6
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Deputy Director Maura Twomey reported that as of June 30, 2006, \$626 million or 64 percent of the \$976 million of Local Assistance funds have been allocated, and requested the Commission accept this report.

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- 78 • Financial Allocation of ~~\$1,147,130,000~~ **\$1,423,549,000** 2.5h.
for FY 2006-07 Local Assistance Lump Sum Allocation
Resolution FM-06-02

Deputy Director Maura Twomey reviewed the Department’s request to approve the Resolution allocating \$1,423,549,000 for the FY 2006-07 Local Assistance lump sum allocation. Ms. Twomey recommended the Commission approve an allocation of \$711,774,500, with the remainder to be requested at the January or February 2007 CTC meeting. A correction was made to the agenda language, as noted on the pink – “Changes to CTC Agenda.”

Commissioner Lindsey moved to approve staff’s recommendation. Commissioner Torres seconded the motion, which carried 5-0. (Commissioners Bergeson, Alvarado, Hallisey, and Tavaglione were absent).

- 79 • FY 2005-06 4th Quarter and Year-End Rail Operations Report 3.8

Deputy Director Robert Chung briefly introduced the intercity rail Fourth Quarter Operations Report. Bill Bronte, Caltrans, reviewed the ridership, on-time performance, and farebox recovery ratio for all corridors. Mr. Bronte noted the major problem has been the increase in fuel charges, which have gone up 50 percent since January.

- 80 • Financial Allocation of \$49,552,000 in Public Transportation Account (PTA) Funds to the Department for FY 2006-07 for Intercity Rail and Feeder Bus Services. Resolution MFP-06-08 2.6f.

Deputy Director Robert Chung reviewed the Department’s request for an allocation of \$49.5 million of Public Transportation Account (PTA) funds to support the Department’s intercity rail and feeder bus services on the Pacific Surfliner and San Joaquin routes for FY 2006-07 and recommended approval. Bill Bronte, Caltrans, further reviewed the item and was available to answer questions.

Commissioner Lindsey moved to approve the allocation request as recommended by staff. Commissioner Chalker seconded the motion, which carried 5-0. (Commissioner Alvarado, Bergeson, Hallisey, and Tavaglione were absent).

Legislation (#80)

- 81 • State and Federal Legislative Matters 4.1

*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 John Barna at (916) 654-4245.

Deputy Director Robert Chung reviewed the legislative issues and made the following:

Proposition 90 is an initiative dealing with the powers of eminent domain. The Real Estate Advisory Panel (REAP) reviewed this initiative and felt that the Proposition was not in the State’s best interest and advised the Commission to oppose Proposition 90. Chair Bergeson noted that with the move toward public/private partnerships, Proposition 90 would have a direct, dramatic impact should it pass. Staff recommended that the Commission oppose Proposition 90 and prepare a letter, as needed, to send to editorial boards opposing Proposition 90.

Commissioner Torres moved to approve staff’s recommendation on Proposition 90. Commissioner Tavaglione seconded the motion, which carried 7-0. (Commissioner Alvarado and Hallisey were absent).

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Mr. Chung reviewed two more bills of interest to the Commission:

SB 1210 (Torlakson) relates to eminent domain and defines litigation expenses. Staff recommended the Commission take no action.

SB 1650 (Kehoe) relates to eminent domain and prohibits a public entity from using a property for any use other than the public use stated in its resolution of necessity. Mr. Chung noted that if the property is no longer needed, the bill requires a public entity to pay the previous owner(s) from whom the property was acquired the sum of any financial gain between the original acquisition price, adjusted for inflation, and the final sale price. Staff recommended the Commission oppose SB 1650.

Commissioner Ghielmetti moved to approve staff's recommendation to take no action on SB 1210 and oppose SB 1650. Commissioner Tavaglione seconded the motion, which carried 7-0. (Commissioner Alvarado and Hallisey were absent).

- **Prepare a letter of opposition regarding Proposition 90.**

ACTION: Robert Chung

- **Prepare a letter opposing SB 1650 (Kehoe) and ask Governor Schwarzenegger to veto it.**

ACTION: Robert Chung

Financial Allocations for AB 3090 Reimbursements and TCRP LONP Projects (#82 – 84)

- 82** • Financial Allocation for \$43,800,000 to Reimburse One Previously Approved AB 3090 Reimbursement Project for the Los Angeles County Metropolitan Transportation Authority. Resolution MFP-06-07 2.6a.(3)

Chief Deputy Director David Brewer reported that this is the first of three annual reimbursements to the Los Angeles County Metropolitan Transportation Authority (MTA) for \$131.4 million advanced by the MTA for the Eastside light rail line, and he recommended Commission approval.

Commissioner Lindsey moved to approve the financial allocation request as recommended by staff. Commissioner Chalker seconded the motion, which carried 5-0. (Commissioner Alvarado, Hallisey, Tavaglione, and Bergeson were absent).

- 83** • Financial Allocation to Reimburse \$166,914,000 in TCRP Funds for One Previously Approved AB 1335 Letter of No Prejudice for the Los Angeles County Metropolitan Transportation Authority. Resolution TFP 06 ____ 2.6e.(3)

Assistant Deputy Director Annette Gilbertson recommended the Commission defer Item #83 until January 2007. The Los Angeles County Metropolitan Transportation Authority staff also agreed with this recommendation. David Yale, representing Los Angeles County MTA, concurred with staff's recommendation, noting that the action taken today will not impact the East end project. The completion date for this project is scheduled for July 2009.

The Commission unanimously agreed to defer the item until January 2007.

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- 84 • Financial Allocation to Reimburse \$250,000 in TCRP Funds for One Previously Approved AB 1335 Letter of No Prejudice for the San Bernardino Associated Governments. Resolution TFP-06-21 2.6e.(4)

Assistant Director Annette Gilbertson reviewed this item and recommended approval.

Commissioner Lindsey moved to approve staff's recommendation. Commissioner Chalker seconded the motion, which carried 5-0. (Commissioners Alvarado, Hallisey, Tavaglione, Bergeson were absent).

Financial Allocations for Projects that Exceed 20 Percent of the Programmed Amount (#85)

- 85 • Financial Allocation for SHOPP Projects that Exceed 20 Percent of the Programmed Amount. One project for \$14,600,000. Resolution FA FP-06-24 -- 04-CC-4 – SHOPP project in Contra Costa County. Current programmed amount of \$11,242,000 and current estimate of \$14,600,000, for an increase of 30 Percent over the programmed amount. 2.5d.

Deputy Director Maura Twomey reviewed this item and recommended approval. Bijon Sartipi, Caltrans, explained the reasons for the cost increases.

Correction was made to the Resolution, as noted on the pink – “Changes to CTC Agenda.”

Commissioner Chalker moved to approve the allocation as recommended by staff. Commissioner Lindsey seconded the motion, which carried 5-0. (Commissioners Alvarado, Hallisey, Tavaglione and Bergeson were absent).

Financial Allocations for Supplemental Funds (#86 – 87)

- 86 • Financial Allocation for Supplemental Funds for Previously Voted Projects. One combined SHOPP-STIP project totaling \$8,331,000 to Settle Construction Claims and Close-Out Contract. Resolution FA-06-04 -- 04-CC-680 – SHOPP/STIP project in Contra Costa County. Current allotment is \$36,123,000. This request for \$8,331,000 to settle construction claims and close-out contract results in an increase of 25.4 Percent over the award amount. 2.5e.(1)

Deputy Director Maura Twomey reported that this is a project on Route 680 in Contra Costa County and that claims were a result of a survey error. Staff recommended approval.

Commissioner Lindsey asked what the reasons were for the cost increases. Bijon Sartipi, Caltrans, explained the reasons for the cost increases. The design was done in metric and there was an error made when the data was converted. Director Kempton expressed his frustration with this system and said the conversion back to English is being accomplished at an additional cost.

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Commissioner Chalker moved to approve the financial allocation request as recommended by staff. Commissioner Lindsey seconded the motion, which carried 5-0. (Commissioner Alvarado, Hallisey, Tavaglione and Bergeson were absent).

- 87 • Financial Allocation for Supplemental Funds for Previously Voted Projects. Two SHOPP projects totaling \$11,357,000 to award construction contracts. Resolution FA-06-05 2.5e.(2)
 - 03-Nev-20 – SHOPP project in Nevada County. Current allocation is \$26,100,000. This request for \$10,248,000 to award the construction contract results in an increase of 39.3 Percent over the vote amount.
 - 05-Mon-1 – SHOPP project in Monterey County. Current allocation is \$4,664,000. This request for \$1,109,000 to award the construction contract results in an increase of 23.8 percent over the vote amount.

Deputy Director Maura Twomey reported that the bids came in significantly higher than the estimates and the Department is now asking for \$10 million in supplemental funds to award this project. Staff recommended approval.

Amarjeet Benipal, Caltrans, reported that the estimates were approved by the District Director in 2006. Mr. Benipal reviewed the specialty items that caused the increase, adding that this is still a worthy safety project. Executive Director John Barna asked if all three bidders had similar approaches to dealing with NID.

Mike Woodman, spoke about the operational and safety benefits of this project. SR 20 is a major east/west route and this project will have operational as well as safety benefits with the truck climbing lane. Mr. Woodman said this is a worthy project and recommended Commission approval.

Commissioner Chalker moved to approve the allocation request as recommended by staff. Commissioner Torres seconded the motion, which carried 4-1. (Commissioner Lindsey voted No, and Commissioners Alvarado, Hallisey, Tavaglione, and Bergeson were absent).

- 88 • Request to Extend the Period of Contract Award for One SHOPP Project for \$3,253,000. Waiver-06-34 2.8b.(1)

Deputy Director Maura Twomey reviewed this item and recommended approval to extend the period of contract award for six months to March 31, 2007 for the Water Quality Drainage Improvement SHOPP project on Route 267 in Placer County.

Commissioner Torres moved to approve the extension request for six months as recommended by staff. Commissioner Zarian seconded the motion, which carried 5-0. (Commissioner Alvarado, Hallisey, Tavaglione, and Bergeson were absent).

- 89 • Request to Extend the Period of Contract Award for One TCRP Project for \$9,488,000, per FY 2005-06 Allocation Plan Criteria. Waiver-06-35 2.8b.(2)

Deputy Director Maura Twomey reviewed this item and recommended approval to extend the period of contract award for six months to March 31, 2007 for Traffic Congestion Relief Program (TCRP) Project #96.

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Commissioner Torres moved to approve the extension request for six months as recommended by staff. Commissioner Chalker seconded the motion, which carried 5-0. (Commissioner Alvarado, Hallisey, Tavaglione, and Bergeson were absent).

- 90 • Request to Extend the Period of Project Reimbursement 2.8e.
for One Locally-Administrated STIP Project for \$1,071,000.
Waiver-06-36

Deputy Director Maura Twomey reviewed this item and recommended approval to extend the period of contract award for a three month post fact extension request to September 30, 2006, for the City of Los Angeles Metro Blue Line Right-of-Way Landscaping project.

Commissioner Chalker moved to approve the extension request for three months as recommended by staff. Commissioner Torres seconded the motion, which carried 5-0. (Commissioner Alvarado, Hallisey, Tavaglione, and Bergeson were absent).

- 91 • 2006 Report of STIP Balances County and Interregional 4.2
Shares

Chief Deputy Director David Brewer reviewed the 2006 Report of STIP Balances, County and Interregional Shares, also known as the "Orange Book." Since SB 45 was passed in 1997, statutes require that the June balances be made available to regional agencies no later than August 15. This information was posted on the Commission's website on July 31, 2006. There was no action required.

- 92 • Notice of FFY 2006-07 Federal Transit Administration 4.4
(FTA) Section 5310 Elderly and Disabled Transit Program

Assistant Director Annette Gilbertson reported that the estimated available funding for the Section 5310 Elderly and Disabled Transit Program (EDD) is \$14 million. SAFETEA-LU provided a small amount of additional funding with an added requirement that the projects must be contained in a transit-human services plan. The FTA has not yet issued program guidelines. The list includes projects down to 110 percent. An appeals conference will be held on September 13, 2006 to hear any appeals from program applicants.

Commissioner Lindsey said he wants to see more outreach to people who aren't getting this information to make sure they are informed. Ms. Gilbertson responded that the outreach program is very extensive, adding that the Department does workshops each year and there is also a toll free number people can call for assistance.

OTHER MATTERS / PUBLIC COMMENT

ADJOURN

The meeting of the California Transportation Commission adjourned at 1:40 p.m.

JOHN F. BARNA, Jr., Executive Director

STATUS OF ACTION ITEMS
from
September 6-7, 2006 Meeting

- 3 (1.3) John Barna – Have the 2007 Commission meeting schedule revised to reflect location changes adopted at meeting. Solicit from Regions a possible location for a Northern California meeting in 2007.
- **This will be done.**
- 11 (1.9) John Barna – As requested by Regional Agencies, include regional representatives in future developer fee work groups.
- **This will be done.**
- 13 (3.3a) Ross Chittenden – In book item for Monthly Status of Construction Contract Award for State Highway Projects, include a start date for beginning of construction and an estimated completion date.
- **This will be done.**
- 21 (3.10) Terry Abbott – At the December Commission meeting explain what the RSTP and CMAQ cycles mean and the status of obligations at the next quarterly report. *(December Agenda Item)*
- **This will be done and reported on at the December 2006 Commission meeting.**
- 76 (2.4d(3)) Robert Chung/Bimla Rhinehart – Return at the October Commission meeting for final approval of the Newport Beach director's deed with assurances from Newport Beach City Council regarding the use of the property for active park purposes. *(October Agenda Item)*
- **This will be discussed under October Agenda Tab 53, Agenda Item 2.4d.(2).**
- 81 (4.1) Robert Chung – Prepare a letter of opposition regarding Proposition 90.
- **This has been done, but pending review and approval.**
- 81 (4.1) Robert Chung – Prepare a letter opposing SB 1650 (Kehoe) and ask Governor Schwarzenegger to veto it.
- **This has been done.**