

# MINUTES

## CALIFORNIA TRANSPORTATION COMMISSION

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

**AUGUST 27-28, 2008**  
**Sacramento, California**

---

### Wednesday, August 27, 2008

1:00 p.m.

Commission Meeting

Lincoln Plaza  
Auditorium, First Floor  
400 P Street  
Sacramento, California

#### GENERAL BUSINESS

1

Roll Call

John Chalker

I

C

The meeting of the California Transportation Commission was called to order by Chair Chalker at 1:00 pm on Wednesday, August 27, 2008 at the Lincoln Plaza Auditorium, First Floor, 400 P Street, Sacramento, California.

Roll call was conducted and the following commissioners were in attendance:

VICE CHAIR BOB ALVARADO

CHAIR JOHN CHALKER

COMMISSIONER LUCETTA DUNN

COMMISSIONER JAMES EARP

Absent (arrived at 1:15pm)

COMMISSIONER DARIO FROMMER

Absent

COMMISSIONER JAMES GHIELMETTI

COMMISSIONER CARL GUARDINO

Absent (arrived at 1:15pm)

COMMISSIONER R. KIRK LINDSEY

COMMISSIONER PHILLIP H. TAGAMI

COMMISSIONER JOSEPH TAVAGLIONE

COMMISSIONER LARRY ZARIAN

**TOTAL**

**Present: 10**

**Absent: 1**

Senator Alan S. Lowenthal, Ex-Officio

Not present

Assembly Member Mark DeSaulnier, Ex-Officio

Not present (arrived at 4:43pm)

Tab # / Time	Item Description		Presenter	Status*
2	Approval of Minutes for July 23-24, 2008		John Chalker	A C
Commissioner Zarian moved to approve the July 23-24, 2008 minutes. Commissioner Ghielmetti seconded the motion, which carried 8-0. (Commissioners Earp, Frommer and Guardino were absent.)				
3	Executive Director's Report		John Barna	A C
CTC Executive Director John Barna wished Commissioner Tagami a happy birthday.				
Mr. Barna announced there would be no CTC meeting in November 2008. He also announced that the December 2008 meeting location would be moved from Sacramento to the San Francisco Bay Area contingent upon the Commission's approval.				
Mr. Barna announced that he and the Director of Caltrans, Will Kempton, had begun to meet regarding Proposition 1B accountability issues. He suggested the CTC Executive Committee be involved in those conversations. He concluded after noting that Mr. Kempton was recognized by <i>Sacramento Magazine</i> as one of the top 100 most powerful people in the Sacramento area.				
4	Commission Reports		John Chalker	A C
Commissioner Tagami reported that he and Commissioner Guardino participated in a teleconference with the Technical Advisory Committee on Aeronautics (TACA) during which state budget issues regarding pending projects for small airports were discussed. He expressed concern regarding the potential loss of funding for small airports and requested more details from CTC Deputy Director Robert Chung and expressed the need for TACA and the Commission to have better communication.				
Mr. Chung reported that while at the TACA meeting the committee was informed by Caltrans of the potential diversion of funding for small airports.				
Commissioner Tagami requested that CTC staff draft a letter in support of funding to small airports. CTC Executive Director John Barna suggested that a draft letter be presented at the August 28 CTC Meeting, during the presentation of State and Federal Legislative Matters.				
5	Commissioners' Meetings for Compensation		John Chalker	A C
Commissioner Tavaglione moved to approve the Commissioners' July Meetings for Compensation. Commissioner Ghielmetti seconded the motion, which carried 8-0. (Commissioners Earp, Frommer and Guardino were absent.)				
<b><u>BUSINESS, TRANSPORTATION &amp; HOUSING AGENCY REPORT</u></b>				
6	Report by Agency Secretary and/or Deputy Secretary		Dale Bonner	I B
Deputy Secretary Jim Bourgart reported that as a result of the late budget, some contract suppliers had ceased services due to nonpayment by the state. He expressed concern for the small businesses requiring payment in order to continue operation.				
Mr. Bourgart reported on his experience at the National Rural Traffic Safety Conference in Santa Rosa. He reported that it was a great success with excellent attendance. He notified the Commission of the Transportation Future Symposium to be held on the UC Davis campus on September 2 and 3, 2008.				

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
---------------------	-------------------------	------------------	----------------

### CALTRANS REPORT

<b>7</b>	Report by Caltrans Director and/or Deputy Director	Will Kempton	<b>I</b> <b>D</b>
----------	--	--------------	-------------------

Caltrans Director Will Kempton reported on his trip to Melbourne, Australia to gather information on Public Private Partnerships. He found these partnerships to be very successful and expressed his desire for California to follow the example of Australia.

Mr. Kempton reported that Caltrans was at work identifying the impacts of a possible Proposition 42 suspension.

Mr. Kempton reported his attendance at the Board of Governors Conference at Universal Studios in Hollywood, California, hosted by Governor Schwarzenegger. The conference was attended by the governors of the six Mexican states bordering the United States.

Mr. Kempton praised the department's excellent productivity over the past three years. He reported that Caltrans had delivered a total of \$4.5 billion in projects for the 2007/2008 fiscal year, which surpassed the previous record by \$1.4 billion. He reported 98 percent contract acceptance in the 2007/2008 fiscal year. He also praised the quick and successful completion of the Interstate 5 project in Sacramento.

Commissioner Lindsey asked Director Kempton what is necessary for California to catch up to Australia's model of Public Private Partnerships. Mr. Kempton reported that California would need the authority of the state legislature and to identify appropriate facilities for such ventures.

### LOCAL REPORTS

<b>8</b>	Report by Regional Agencies Moderator	Rachel Moriconi	<b>I</b> <b>R</b>
----------	---------------------------------------	-----------------	-------------------

Rachel Moriconi, Regional Agencies Moderator, reported that the RTPA group met the morning of August 27 to discuss the possible suspension of Proposition 42. She reported that the regions were very concerned about the potential impact on projects. She asked the CTC to work closely with the regions if Proposition 42 was suspended, thus requiring reprogramming of the State Transportation Improvement Program (STIP). She reported that RTPA members met with the Air Resources Board and Caltrans planning staff to discuss the AB 32 Scoping Plan and SB 375.

<b>9</b>	Report by Rural Counties Task Force Chair	Mike Woodman	<b>I</b> <b>R</b>
----------	---	--------------	-------------------

Mike Woodman, Rural Counties Task Force Chair (RCTF), reported that the RCTF did not meet in August. He expressed concern on behalf of the RCTF regarding the possible suspension of Proposition 42 and subsequent impact on projects. He expressed hope for passage of a budget with Proposition 42 intact.

<b>10</b>	Report by Self-Help Counties Coalition Chair	Suzanne Smith	<b>I</b> <b>R</b>
-----------	--	---------------	-------------------

Anne Mayer, Self-Help Counties Coalition (SHCC) Vice-Moderator, reported that several counties have new sales tax measures and renewals on the November ballot. She reported that the SHCC and transportation stakeholders had been very engaged in discussions regarding the possible suspension of Proposition 42 and resulting impacts. She expressed her agreement with Caltrans Director Will Kempton's praise of the department's delivery record. She concluded with an open invitation to the Focus on the Future Conference scheduled for November 16-18, 2008 in Monterey.

Chair Chalker asked Ms. Mayer how many counties have sales tax measures on the November ballot.

Ms. Mayer responded that a total of six counties have sales tax measures on the ballot, including two renewals and four new sales tax measures.

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
---------------------	-------------------------	------------------	----------------

**POLICY MATTERS**

11	Fund Estimate Update	Mitchell Weiss Norma Ortega	A C/D
----	----------------------	--------------------------------	-------

CTC Deputy Director Mitchell Weiss presented staff recommendations for development of a limited revision of the 2008 State Transportation Improvement Program (STIP) fund estimate if there is a suspension of Proposition 42. Staff recommended limiting discussion to three things: timing of the Proposition 42 repayment if suspended, programming and allocation methodology, and that the revision to the STIP fund estimate exclude Public Transportation Account (PTA) funding.

Norma Ortega, Chief Caltrans Division of Budgets, reported that it would be assumed that if Proposition 42 suspension occurred it would not be repaid for three years, and that there would be no funding available for early repayment.

CTC Executive Director John Barna emphasized that the Commission's approval of this item would be contingent on budget passage. If Proposition 42 were to remain intact, then revision of the fund estimate would not be necessary. He reminded the Commissioners that in the letter to the legislature relative to the suspension of Proposition 42, staff stated that no future STIP allocations would be made and previously approved allocations could be rescinded depending on available resources.

Commission staff and Caltrans staff both recommended that the current method of using cash versus accrual remain in place.

Discussion ensued among Commissioners regarding proposed recommendations.

Commissioner Lindsey moved to approve staff recommendations. Commissioner Earp seconded the motion, which carried 10-0. (Commissioner Frommer was absent.)

Action Item: Chair Chalker asked that the Commission work with the Department to develop two separate scenarios for repayment of Proposition 42 funding, one assuming repayment in three years and the other in six years should Proposition 42 be suspended a second time within a ten year period. The scenarios should describe growth factors and pressures to the transportation system. These scenarios should be presented at the September CTC meeting.

12	Approve Substantially Final Bond Documents for Federal Grant Anticipation Bonds, Series 2008A (GARVEEs) Resolution FG-08-01	Mitchell Weiss Barbara Lewis	A D
----	---	---------------------------------	-----

CTC Deputy Director Mitchell Weiss presented this item and introduced Barbara Lewis of the Caltrans Office of Innovative Finance.

Commissioner Lindsey moved to approve staff recommendations. Commissioner Tavaglione seconded the motion, which carried 10-0. (Commissioner Frommer was absent.)

**PROGRAM STATUS**

13	2008 Report of State Transportation Improvement Program (STIP) Balances, County and Interregional Shares	Mitchell Weiss	I C
----	--	----------------	-----

CTC Deputy Director Mitchell Weiss presented this item.

Tab # / Time	Item Description		Presenter	Status*
--------------	------------------	--	-----------	---------

**POLICY MATTERS**

14	Amendment to Proposition 1B SHOPP Augmentation Project List		Mitchell Weiss Rachel Falsetti	I D
----	---	--	-----------------------------------	-----

CTC Deputy Director Mitchell Weiss reported that three projects were being amended into the State Highway Operations and Protection Program (SHOPP). Mr. Weiss also stated that in order to perform its administrative role established by SB 88, the CTC has requested the Department perform the functions necessary to ensure proper accountability measures are employed and reporting requirements are met for bond-funded SHOPP projects.

**POLICY MATTERS**

15	Discussion on TCRP Allocation Criteria		Juan Guzman Rachel Falsetti	A C
----	--	--	--------------------------------	-----

CTC Associate Deputy Director Juan Guzman presented this item. He reported staff recommendations to approve projects on a first-come/first-serve basis for fiscal year 2008/2009 with established guidelines for future TCRP allocations.

Chair Chalker asked what the recommendation was for Letters of No Prejudice (LONP) that have already been submitted.

Mr. Guzman answered that two LONP reimbursement requests had been received and were deferred previously by the Commission. He indicated that the two requests appear later in the agenda and they would be the highest priority items.

Commissioner Earp requested a list of TCRP projects still in the pipeline, which Mr. Guzman agreed to provide.

Public Comments:

- Diane Nakano, Sacramento Regional Transit District
- Pete Hathaway, Sacramento Area Council of Governments
- Assembly Member Cathleen Galgiani
- Chancellor Steve Kang, UC Merced
- Mayor Ellie Wooten, City of Merced

Commissioner Lindsey moved to approve staff recommendations. Commissioner Ghielmetti seconded the motion, which carried 9-0. (Commissioners Frommer and Tagami were absent.)

16	Presentation of the Proposition 1B Highway-Railroad Crossing Safety Account (HRCSA) Program Staff Recommendations		Juan Guzman Robert Chung Andre Boutros	A C
----	---	--	--	-----

CTC Chief Delivery Officer Andre Boutros presented this item. Staff recommendations were based on the order of construction delivery and whether the financial contribution of the local agency either equaled or exceeded the requested HRCSA amount. He explained that there would be no reserve set aside for the event of increased project cost, and any cost increases would be the responsibility of the nominating agency.

Public Comments:

- Mayor Gayle McLaughlin of Richmond
- Contra Costa County Supervisor John Gioia
- Craig Pope, County of Kern Road Commissioner/Director

CTC Executive Director John Barna clarified for the Commissioners that the vote on the project list would take place on August 28, and directed staff to include the City of Richmond's Marina Bay Grade Separation Project on the project list to present to the Commission on August 28, with the stipulation that the City of Richmond must submit a full funding plan within 90 days.

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
---------------------	-------------------------	------------------	----------------

Commissioner Alvarado moved to approved staff recommendations with the addition of the City of Richmond's project and the related stipulation for submission of a full funding plan within 90 days. Commissioner Ghielmetti seconded the motion, which carried 10-0. (Commissioner Frommer was absent.)

17	Resolutions of Necessity Discussion	John Barna George Spanos Bimla Rhinehart	I	C/D
----	-------------------------------------	--	---	-----

George Spanos, CTC Attorney, presented this item with a Power Point presentation on the Commission's role and responsibility pertaining to resolutions of necessity.

Division Chief of Right of Way Bimla Rhinehart, Caltrans Chief of the Division of Right of Way and Land Surveys, followed with a Power Point presentation regarding the resolution of necessity appearance process.

CTC Executive Director John Barna asked the Commissioners to provide him with their concerns and questions regarding the resolutions of necessity process.

Action Item: The Commission suggested staff work with the Real Estate Advisory Panel (REAP) to perform a review of Resolutions of Necessity appearances within the last year to analyze problems and predict/preclude future issues.

#### INFORMATION CALENDAR

Andre Boutros

Chief Delivery Officer Andre Boutros presented the Information Calendar. There were no questions or comments from Commissioners.

18	<b>IC</b>	<b><u>Informational Reports on Allocations Under Delegated Authority</u></b>	I	D
		-- Emergency G-11 Allocations (2.5f.(1)): Four projects totaling \$3,140,000.		
		-- SHOPP Safety G-03-10 Allocations (2.5f.(3)): One project for \$698,000.		
		-- Minor Construction Program G-05-05 Allocations (2.5f.(4)): Ten projects totaling \$5,686,000.		

This item was presented on the Information Calendar on August 27, 2008.

19	<b>IC</b>	Monthly Report on Projects Amended into the SHOPP by Department Action	I	D
----	-----------	--	---	---

This item was presented on the Information Calendar on August 27, 2008.

20	<b>IC</b>	Monthly Status of Construction Contract Award for State Highway Projects, per Resolution G-06-08	I	D
----	-----------	--	---	---

This item was presented on the Information Calendar on August 27, 2008.

21	<b>IC</b>	Monthly Status of Construction Contract Award for Local Assistance STIP Projects, per Resolution G-06-08	I	D
----	-----------	--	---	---

This item was presented on the Information Calendar on August 27, 2008.

22	<b>IC</b>	Quarterly Report on AB 1012 Unobligated RSTP and CMAQ "Use It or Lose It"	I	D
----	-----------	---	---	---

Tab # / Time	Item Description		Presenter	Status*
--------------	------------------	--	-----------	---------

This item was presented on the Information Calendar on August 27, 2008.

- |              |   |              |
|--------------|---|--------------|
| <b>23 IC</b> | Monthly Status of Construction Contract Award for TCRP Projects, per Resolution G-06-08 | <b>I D/C</b> |
|--------------|---|--------------|

This item was presented on the Information Calendar on August 27, 2008.

**CONSENT CALENDAR**

Robert Chung

The Consent Calendar was heard following the Information Calendar on August 27, 2008.

CTC Deputy Director Robert Chung presented the Consent Calendar. He noted changes to items 25 and 30 as listed on the pink hand-out titled "Changes to CTC Agenda". Items 25 and 30 were taken off of the consent calendar and voted heard separately.

Commissioner Zarian moved to approve the Consent Calendar with the changes as noted by staff. Commissioner Tavaglione seconded the motion, which carried 9-0. (Commissioners Frommer and Guardino were absent.)

- |              |  |              |
|--------------|--|--------------|
| <b>24 CC</b> | STIP Amendment 08S-003<br>The Metropolitan Transportation Commission and the City of Berkeley propose to amend the STIP to designate the Ashby BART Station Intermodal Improvements Project (PPNO 2009W) as an AB 3090 Reimbursement project. The City will use local funds to replace \$1,500,000 in FY 2009-10 RIP funds for Construction. | <b>A D/C</b> |
|--------------|--|--------------|

This item was approved on the Consent Calendar on August 27, 2008.

- |              |   |            |
|--------------|---|------------|
| <b>25 CC</b> | Approval of Project for Future Consideration of Funding: Interstate 5 In Los Angeles to Orange County – Construct new mixed flow and high occupancy vehicle (HOV) lanes from State Route 91 in Orange County through the Interstate 5/605 Interchange in Los Angeles County. (FEIR)<br>Resolution E-08-09 | <b>A D</b> |
|--------------|---|------------|

CTC Associate Deputy Director Susan Bransen presented this item. This item had changes noted on the Pink under "Changes to the Consent Calendar." This item was voted separately from the Consent Calendar per staff recommendations and noted changes.

Commissioner Ghielmetti moved to approve the item. Commissioner Dunn seconded the motion, which carried 9-0. (Commissioners Frommer and Guardino were absent.)

- |              |  |            |
|--------------|--|------------|
| <b>26 CC</b> | Approval of Project for Future Consideration of Funding: State Route 89 in El Dorado County – Water Quality Improvements along State Route 89 between Meyers and the El Dorado County Line. (ND)<br>Resolution E-08-10 | <b>A D</b> |
|--------------|--|------------|

This item was approved on the Consent Calendar on August 27, 2008.

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
-------------------------	-------------------------	------------------	----------------

27 CC Two Relinquishment Resolutions A D

■ 2-The-5-PM R27.5

Right of Way on Route 5 in the county of Tehama near the city of Red Bluff  
Resolution R-3708

■ 3-Sac-16-PM R11.4/19.5

Right of Way on Route 16 in the county of Sacramento near Sloughhouse  
(Related Item under Tab 28.)  
Resolution R-3710

This item was approved on the Consent Calendar on August 27, 2008.

28 CC Two Vacation Resolutions A D

-- 2-Teh-36-PM 99.7/99.9

Right of Way on Route 36 in the county of Tehama near the junction of Route 32  
Resolution A-869

-- 3-Sac-16-PM R16.7/R16.9

Right of Way on Route 16 in the county of Sacramento near Sloughhouse  
(Related Item under Tab 27.)  
Resolution A-870

This item was approved on the Consent Calendar on August 27, 2008.

29 CC 14 Resolutions of Necessity A D  
8 Ayes Resolutions C-19943 through C-19956

This item was approved on the Consent Calendar on August 27, 2008.

30 CC Director's Deeds A D  
--Items #1 through #33  
Excess Lands – Return to State: \$3,356,325  
Return to Others: \$0

Project # 5 was voted separately based on staff recommendation. Changes on this item were noted on the pink under "Changes to the Consent Calendar". Commissioner Ghielmetti recused himself from the Commission vote on this project due to a conflict of interest, pursuant to Fair Political Practices Commission Title 2, Division 6, California Code of Regulations Section 18762.5.

Commissioner Lindsey moved to approve Project #5. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Frommer and Guardino were absent and Commissioner Ghielmetti was recused.)

Projects # 1-4 and #6-33 were heard after Commissioner Ghielmetti returned.

Commissioner Tavaglione moved to approve the items. Commissioner Dunn seconded the motion, which carried 9-0. (Commissioners Frommer and Guardino were absent.)

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
31 CC	Financial Allocation (2.7): \$360,000 for the California Pines Airport project in Modoc County programmed in the FY 2008-09 California Aid to Airports Program (CAAP) in the 2006 Aeronautics Program. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution FDOA-2008-02		A D

This item was approved on the Consent Calendar on August 27, 2008.

### **PROGRAM STATUS**

32	CMIA/SR 99 Quarterly Progress Reports (4 <sup>th</sup> Quarter) and Corrective Plans	Andre Boutros	A C
----	--	---------------	-----

CTC Chief Delivery Officer Andre Boutros presented this item. He stated that a revised version of the report, to correct some noted errors, along with corrective plans would be provided at the next Commission meeting, as submittals from Caltrans had not yet been reviewed.

Assemblyman DeSaulnier arrived during the presentation of this item.

No action was taken on this item.

Action Item: As approved by the Commission, the Executive Committee will be engaged with Commission staff and the Department in the corrective action plan processes.

33	Proposition 1B Quarterly Report – Local Bridge Seismic Retrofit Program	Dina Noel Earl Seaberg	A D/C
----	---	---------------------------	-------

CTC Supervising Transportation Engineer Dina Noel presented this item and recommended approval.

Commissioner Lindsey moved to approve staff recommendation . Commissioner Ghielmetti seconded the motion, which carried 10-0. (Commissioner Frommer was absent.)

34	Monthly Report on Toll Bridge Program Oversight Committee Activity (TBPOC)	Dina Noel	I C
----	--	-----------	-----

CTC Supervising Transportation Engineer Dina Noel presented this item. She reported that two of the temporary towers were up, and a full-time designer had been selected to join the team in China. The primary contractor, ABF, had proposed an adjustment to the QC/QA process for approval of the deck panels. In turn, ZPMC, the fabricator in China, agreed to a six week trial period. At the end of that time, ZPMC would decide if they would accept ABF's proposal and would possibly agree to specific delivery dates. She stated that the TBPOC team would be making another trip to China at the beginning of October and would have more to report upon return.

### **5:00 pm Adjourn**

The meeting of the California Transportation Commission was adjourned at 4:47pm.

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
---------------------	-------------------------	------------------	----------------

### Thursday, August 28, 2008

9:00 a.m.

#### Commission Meeting

Lincoln Plaza  
Auditorium, First Floor  
400 P Street  
Sacramento, California

#### GENERAL BUSINESS

Roll Call

John Chalker

I C

The meeting of the California Transportation Commission was called to order by Chair Chalker at 9:00 am on Thursday, August 28, 2008, at the Lincoln Plaza Auditorium, First Floor, 400 P Street, Sacramento, California.

Roll call was conducted and the following Commissioners were in attendance:

VICE CHAIR BOB ALVARADO Absent

CHAIR JOHN CHALKER

COMMISSIONER LUCETTA DUNN

COMMISSIONER JAMES EARP

COMMISSIONER DARIO FROMMER Absent

COMMISSIONER JAMES GHIEMMETTI

COMMISSIONER CARL GUARDINO Absent (arrived at 9:36 am)

COMMISSIONER R. KIRK LINDSEY

COMMISSIONER PHILLIP H. TAGAMI Absent

COMMISSIONER JOSEPH TAVAGLIONE

COMMISSIONER LARRY ZARIAN

#### TOTAL

**Present: 8****Absent: 3**

Assembly Member Mark DeSaulnier, Ex-Officio

Not present

Senator Alan S. Lowenthal, Ex-Officio

Not present

#### PROGRAM STATUS

35 FY 2007-08 4<sup>th</sup> Quarter Project Delivery ReportMaura Twomey  
David Youmans

I D

David Youmans, Caltrans Acting Division Chief of Project Management presented this item. He reported that the department successfully delivered 100 percent of its 290 projects with an estimated contract value of \$3.3 billion for the 2007-08 fiscal year.

Chair Chalker recognized Senator Don Perata's attendance at the Commission meeting and thanked him for his efforts in transportation during his term as Pro Tempore. He also wished him luck on his future ventures.

36 Quarterly Report on Non-Toll Seismic Retrofit Program

Dina Noel  
David Youmans

I D

Tab # / Time	Item Description		Presenter	Status*
--------------	------------------	--	-----------	---------

David Youmans, Caltrans Acting Division Chief of Project Management presented this item. He reported that the Phase 2 Seismic Retrofit Program was 99 percent complete. He explained there have been challenges regarding the Fifth Avenue Overhead Project in the City of Oakland, which has had ongoing city permit and utility relocation issues.

Caltrans Director Will Kempton stated that the Fifth Avenue Bridge was ready to be constructed and was awaiting approval.

Chair Chalker asked if the Gerald Desmond/Schuyler F. Heim Bridge projects were funded. Andre Boutros replied that staff was currently reviewing the baseline agreements, which were submitted to the Commission, and recommended deferral of action until the September 2008 meeting.

<b>37</b>	FY 2007-08 4 <sup>th</sup> Quarter Excess Land Sales Report	Robert Chung Bimla Rhinehart	<b>I</b>	<b>D</b>
-----------	---	---------------------------------	----------	----------

CTC Deputy Director Robert Chung introduced Bimla Rhinehart, Caltrans Chief of the Division of Right of Way and Land Surveys. She reported that as of July 1, 2006 Caltrans Director Will Kempton entered into excess land disposal contracts with each of the twelve district directors. Their commitment was to dispose of 1140 parcels by December 2008. In the 4<sup>th</sup> quarter of the 2007-08 fiscal year, there were 45 planned parcel disposals, all of which were disposed. There were an additional 45 parcels disposed of, which brought the total to 90 parcel disposals in the 4<sup>th</sup> quarter.

<b>38</b>	Quarterly Report on Local Assistance Lump Sum Allocation	Robert Chung Earl Seaberg	<b>I</b>	<b>D</b>
-----------	--	------------------------------	----------	----------

CTC Deputy Director Robert Chung presented this item and introduced Earl Seaberg, Caltrans Acting Chief for the Division of Local Assistance. Mr. Seaberg reported a delivery rate of 63 percent by the end of June 2008, which represented an increase of approximately 20 percent from the previous June.

<b>39</b>	FY 2007-08 4 <sup>th</sup> Quarter Rail Operations Report	Robert Chung Lam Nguyen	<b>I</b>	<b>D</b>
-----------	---	----------------------------	----------	----------

Pat Merrill, Caltrans Office Chief Division of Rail, presented a Power Point presentation. He reported that rider ship had increased to record-setting levels in the 4<sup>th</sup> quarter as well as the entire fiscal year.

Chair Chalker requested the load factor numbers on the trains from Mr. Merrill. Mr. Merrill replied that the numbers were being compiled and would be forwarded the following week.

Chair Chalker and Commissioner Lindsey asked about the process of purchasing fuel for the trains. CTC Executive Director John Barna explained that fuel purchasing contracts are negotiated by Amtrak, the trains' operator, and Caltrans had limited input. Pat Merrill reported that he was pushing for direct billing of fuel instead of an allocation system, as they were not currently able to see actual fuel costs on the invoices. Instead, the amount of fuel and the related cost were allocated by route.

Caltrans Director Will Kempton reported that the purchase of bulk fuel had been attempted in the past, but was blocked by both the Department of General Services and the Department of Finance.

Chair Chalker asked Mr. Merrill what could be done to improve customer service and reliability on the trains, and stated that he would like the policies reviewed.

Action Item: Provide Chair Chalker with the load factor information he requested by September 5, 2008.

Action Item: Provide a status report to Chair Chalker, via letter, regarding the policy of de-boarding passengers when a train encounters problems (i.e., stopped on tracks due to accident, runs out of fuel).

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
---------------------	-------------------------	------------------	----------------

**POLICY MATTERS**

<b>40</b>	Approval of Amendments to Proposition 1B Intercity Rail Bond Program List Resolution ICR1B-P-0809-01	Robert Chung Lam Nguyen	<b>A D</b>
-----------	---	----------------------------	------------

CTC Deputy Director Robert Chung presented this item with noted changes on the pink under "Changes to Other Items".

Commissioner Ghielmetti moved to approve this item with noted changes. Commissioner Tavaglione seconded the motion, which passed 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

Chair Chalker asked Patrick Merrill if the Coast Daylight Track and Signal Project was related to a similar project contained in AB 3034 which would be on the November ballot as Proposition 1A. Mr. Merrill replied that he was not aware of a connection. Mr. David Schonbrunn of TransDEF stated that per AB 3034, 20 percent of bond proceeds would go to intercity rail programs, although specific projects had not been identified in the bill.

Action Item: Chair Chalker requested staff to check for mention of a specific project in AB 3034.

<b>41</b>	TCIF Baseline Agreements	Maura Twomey	<b>A C</b>
-----------	--------------------------	--------------	------------

CTC Chief Delivery Officer Andre Boutros presented this item and recommended approval of 24 of 39 baseline agreements, and recommended deferral of the others. Several projects with projected environmental clearance dates beyond 2010 will be reviewed by staff to determine if delivery by December 2013 remains feasible.

CTC Executive Director John Barna reported staff's concern regarding the projected milestone dates, possible completion, and environmental clearance.

Commissioner Lindsey stated that the project scope was not addressed, and asked what the methodology was for addressing project scope changes. Mr. Boutros replied that the accountability discussion was evolving, and the recommendations were based on documents provided by the nominating agencies. Mr. Boutros also reminded the Commissioners that corrective plans must be approved by the Commission.

Commissioner Ghielmetti moved to approve the item based on staff recommendations. Commissioner Tavaglione seconded the motion, which passed 7-0. (Commissioners Alvarado, Frommer, Guardino and Tagami were absent.)

<b>42</b>	Construction Industry Update	John Barna Rick Land	<b>I D/C</b>
-----------	------------------------------	-------------------------	--------------

CTC Executive Director John Barna introduced Rick Land, Caltrans Deputy Director for Project Delivery and Chief Engineer. Mr. Land presented this item with a Power Point presentation.

Commissioner Tavaglione asked Mr. Land if there was a way to bring down the cost of asphalt. Mr. Land replied that the designers were looking into the option of recycling existing asphalt.

Commissioner Lindsey asked if there had been any changes to the process of cost estimation. Mr. Land replied that Caltrans staff continued to estimate cost to the midpoint of construction. He explained that looking at past costs did not help the estimating process due to rapid price changes, and that accurate cost estimation was a challenge due to unforeseen cost changes during the construction and approval phases.

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
---------------------	-------------------------	------------------	----------------

**POLICY MATTERS**

<b>43</b>	Adoption of the Highway-Railroad Crossing Safety Account (HRCSA) Program Resolution GS1B-P-0809-01	Juan Guzman Robert Chung Andre Boutros	<b>A C</b>
-----------	---	--	------------

CTC Chief Delivery Officer Andre Boutros presented this item. He reported the addition of the City of Richmond's Marina Bay Grade Separation Project into the recommended program list as a result of discussion at the previous day's meeting on August 27, and recommended approval.

Commissioner Ghielmetti moved to approve the item based on staff recommendations. Commissioner Zarian seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

<b>44</b>	State and Federal Legislative Matters	Robert Chung	<b>A C</b>
-----------	---------------------------------------	--------------	------------

CTC Deputy Director Robert Chung presented this item. He explained that this item would be presented for Commission action in seven separate votes.

1. For the first course of action, staff recommended the Commission send letters of support to the authors of AB 901 and AB 1422. There were no questions or comments from Commissioners. Commissioner Zarian moved to approve the item. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

2. For the second course of action, staff recommended the Commission send a letter in opposition to the author of SB 404. Commissioner Ghielmetti asked for Bimla Rhinehart's comments on staff's recommendation. Ms. Rhinehart explained that the property in question was the old District 11 office building in Old Town San Diego. The department had appraised the property at a value of \$14.9 million. The offer to purchase from the Department of Parks and Recreation was substantially lower than market value.

CTC Executive Director John Barna recommended sending a letter explaining staff's recommendation while acknowledging that negotiations would continue with the Department of Parks and Recreation.

Commissioner Zarian moved to approve staff recommendation of opposition. Commissioner Ghielmetti seconded the motion, which carried 7-1. (Commissioner Guardino voted No. Commissioners Alvarado, Frommer and Tagami were absent.)

3. For the third course of action, staff recommended that the Executive Committee send a letter on the Commission's behalf to the Governor requesting that he veto SB 404.

Commissioner Tavaglione moved to approve the item based on staff recommendation. Commissioner Dunn seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

4. Mr. Chung asked the Commission for their position on Proposition 1A. He described the bill as being based on AB 3034 and provided funding of \$9.95 billion for safe and reliable high speed rail, including \$950 million for intercity rail and the remainder for commuter urban rail.

Commissioners Earp, Guardino and Zarian, as well as Caltrans Director Will Kempton expressed their support of Proposition 1A.

Commissioner Earp moved to support Proposition 1A. Commissioner Guardino seconded the motion, which carried 7-0. (Chair Chalker abstained from the vote. and Commissioners Alvarado, Frommer and Tagami were absent.)

## Public Comment:

David Schonbrunn, TransDEF, asked the Commission to support SB 53.

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
---------------------	-------------------------	------------------	----------------

5. Mr. Chung presented staff's recommendations of funding for local airports. Commissioner Guardino moved to approve the item based on staff recommendations. Commissioner Ghielmetti seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

6. Commissioner Dunn asked that the CTC staff send a letter to the author of SB 375 regarding concerns raised over the delayed delivery of projects. Commissioner Zarian moved to approve this action. Commissioner Ghielmetti seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

7. Chair Chalker asked the Commission to take a position of support on SB 53. Commissioner Tavaglione moved to support the recommendation. Commissioner Dunn seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

Action Item: Prepare letters to appropriate authors in support of AB 901, AB1422, SB 53, SB375 and Proposition 1A.

Action Item: Prepare letter to the Governor recommending that he veto SB 404.

Action Item: Staff to work with Commissioner Dunn to write a letter to Senator Steinberg to raise concerns of project delivery pertaining to SB 375.

<b>45</b>	Real Property Retention Review: 2008 Annual Report	Robert Chung Bimla Rhinehart	<b>I</b>	<b>D</b>
-----------	--	---------------------------------	----------	----------

There were no comments or questions from commissioners. The report was accepted. No action was taken or required.

#### Highway Right of Way Matters

<b>46</b>	One Director's Deed in the city of Hawthorne Excess Lands – Return to State: \$300,000 Return to Others: \$0	Robert Chung Bimla Rhinehart	<b>A</b>	<b>D</b>
-----------	--	---------------------------------	----------	----------

CTC Deputy Director Robert Chung reported that at the May 2008 Commission Meeting the non-profit organization, From Lot to Spot, was given a 90 day period to secure funding for the property and had not been able to do so. Bimla Rhinehart, Caltrans Chief Division of Right of Way and Land Surveys recommended that the property be sold to the active bidder and Commission staff concurred with this recommendation.

Ms. Viviana Franco, Executive Director of From Lot to Spot, asked the Commission for an additional 60 day extension due to the inability of her organization to secure funds within the 90 day period previously granted.

Commissioner Dunn moved to approve staff recommendation. Commissioner Ghielmetti seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

#### Program/Project Amendments/Approvals for Notice

<b>47</b>	STIP Amendment 08S-004 The Department, in conjunction with the Orange County Transportation Authority (OCTA), proposes to amend the STIP to split the State Route 74 widening project (PPNO 4110) into two segments.	Mitchell Weiss Rachel Falsetti	<b>I</b>	<b>D</b>
-----------	---	-----------------------------------	----------	----------

Chair Chalker asked the Commission to vote on items 48, 49 and 51-60 as a package based on staff recommendations, with the exception of Items 47 and 50. Item 47 was an information item not requiring action, and the information was accepted. Item 50 was withdrawn prior to the meeting. CTC Executive Director John Barna reminded the Commission that staff recommended deferral on Item 54.

Tab # / Time	Item Description		Presenter	Status*
--------------	------------------	--	-----------	---------

Commissioner Lindsey moved to approve staff recommendations on Items 48-60. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

**Financial Allocations for SHOPP Projects**

48	Financial Allocation (2.5b.(1)): Eight SHOPP Projects totaling \$4,062,000, as follows: -- \$450,000 for one project programmed in the 2007 SHOPP. -- \$3,612,000 for seven projects amended into the SHOPP by departmental action. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution FP-08-05	Mitchell Weiss Rachel Falsetti	A    D
----	--	-----------------------------------	--------

Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60, with noted changes on the pink under "Changes to Other Items". Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

**Financial Allocations for STIP Projects**

49	Financial Allocations (2.5c.(3)): 12 Locally-Administered STIP Projects off the State Highway System totaling \$3,543,000, as follows: -- \$1,796,000 for two STIP projects. -- \$433,000 for five STIP Transportation Enhancement projects. -- \$1,314,000 for five STIP Planning, Programming, and Monitoring projects. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution FP-08-07	Mitchell Weiss Earl Seaberg	A    D
----	---	--------------------------------	--------

Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

50	Financial Allocation (2.5c.(4)): One Locally-Administered STIP Transportation Enhancement Project on Waterfront Drive in Eureka for \$150,000 programmed in FY 2010-11. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution FP-08-__	Mitchell Weiss Earl Seaberg	A    D
----	--	--------------------------------	--------

This item was withdrawn from the agenda prior to the meeting.

51	Financial Allocation (2.5c.(1)): Two State-Administered STIP Projects on the State Highway System totaling \$3,056,000, as follows: -- \$2,600,000 for one STIP project on Route 299 near Lewiston in Trinity County. -- \$456,000 for one STIP Transportation Enhancement project on Route 99 in Bakersfield in Kern County. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution FP-08-06	Mitchell Weiss Rachel Falsetti	A    D
----	--	-----------------------------------	--------

Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

Tab # / Time	Item Description		Presenter	Status*
52	Financial Allocation Adjustment (2.5c.(1)): One State-Administered STIP Route 89 Wildlife Crossing Project in Sierra County, per AB 608. Resolution FA-08-02, Amending Resolution FP-07-54		Mitchell Weiss Rachel Falsetti	A D

Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

**Financial Allocations for Supplemental Funds**

53	Financial Allocation (2.5e.): Supplemental funds for previously voted projects. One STIP project for \$3,825,000 to complete construction of the 04-Son-101 project in Sonoma County. The current budget amount is \$74,827,000. This request for \$3,825,000 results in an increase of 5.1 percent over the current allocation. Resolution FA-08-03		Mitchell Weiss Rachel Falsetti	A D
----	---	--	-----------------------------------	-----

Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

<b><u>Financial Allocations for Proposition 1B Projects</u></b>				
---	--	--	--	--

<b><u>Proposition 1B CMIA Project Allocations</u></b>				
---	--	--	--	--

54	Financial Allocation (2.5g.(1b)): One Multi-Program State-Administered Project on Route 405 in the city of Los Angeles, from Route 10 to Route 101, for \$778,000,000 (\$730,000,000 CMIA and \$48,000,000 TCRP) <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution CMIA-A-0809-____ Resolution TFP-08-____		Mitchell Weiss Ross Chittenden	A D
----	---	--	-----------------------------------	-----

This item was deferred based on staff recommendations. Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60, with noted changes on the pink under "Changes to Other Items". Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

**Proposition 1B STIP Project Allocations**

55	Financial Allocation (2.5g.(3a)): One Locally-Administered STIP Project on Route 25 in San Benito County for \$10,825,000. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution STIP1B-A-0809-003		Mitchell Weiss Rachel Falsetti	A D
----	--	--	-----------------------------------	-----

Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

56	Financial Allocation (2.5g.(3b)): Two Locally-Administered STIP Projects off the State Highway System totaling \$133,200,000. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution STIP1B-A-0809-004 Resolution FP-08-08		Mitchell Weiss Rachel Falsetti	A D
----	--	--	-----------------------------------	-----

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
---------------------	-------------------------	------------------	----------------

Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60, with noted changes on the pink under "Changes to Other Items". Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

<b>57</b>	Financial Allocation (2.5g.(3c)): One Locally-Administered STIP Project in Stanislaus County near Salida and Escalon for \$6,200,000. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution STIP1B-A-0809-005	Mitchell Weiss Rachel Falsetti	<b>A D</b>
-----------	---	-----------------------------------	------------

Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60, with noted changes on the pink under "Changes to Other Items".. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

**Proposition 1B State Highway Operation and Protection Program (SHOPP) Project Allocations**

<b>58</b>	Financial Allocation (2.5g.(6)): Three SHOPP Projects totaling \$3,522,000. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution SHOP1B-A-0809-001	Mitchell Weiss Rachel Falsetti	<b>A D</b>
-----------	---	-----------------------------------	------------

Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

**Proposition 1B Traffic Light Synchronization (TLS) Project Allocations**

<b>59</b>	Financial Allocation (2.5g.(7)): Nine Traffic Light Synchronization Projects totaling \$3,506,000. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution TLS1B-A-0809-001	Juan Guzman Ross Chittenden	<b>A D</b>
-----------	---	--------------------------------	------------

Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

**Proposition 1B Intercity Rail Project Allocations under PTMISE**

<b>60</b>	Financial Allocation (2.5g.(8)): Two Intercity Rail Projects totaling \$40,500,000. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution ICR1B-A-0809-02	Robert Chung Lam Nguyen	<b>A D</b>
-----------	---	----------------------------	------------

Commissioner Lindsey moved to approve staff recommendations on Items 48-49 and 51-60, with noted changes on the pink under "Changes to Other Items". Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

**Financial Allocations/Amendments for Traffic Congestion Relief Program (TCRP) Projects**

<b>61</b>	Financial Allocation (2.6e.): 14 TCRP Projects totaling \$200,852,000 (including reimbursement for seven LONPs). <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution TFP-08-__	Juan Guzman Rachel Falsetti	<b>A D</b>
-----------	--	--------------------------------	------------

Tab # / Time	Item Description		Presenter	Status*
-----------------	------------------	--	-----------	---------

CTC Associate Deputy Director Juan Guzman presented this item and recommended allocation for 8 of the 14 projects identified in the handout. The projects included projects numbered 2, 4, 9, 10, 11, 12, 13, and 14. Staff recommended deferring allocations to the remaining 6 projects.

Commissioner Lindsey moved to approve the item based on staff recommendations. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Alvarado, Frommer and Tagami were absent.)

Public Comment:

Kathleen Crookham, Merced County Board of Supervisors  
 Paul Fillebrown, Director of Merced County Department of Public Works  
 Steve Rough, Supervising Engineer for Merced County Department of Public Works

**Request to Extend the Period of Contract Award**

62	Request to Extend the Period of Contract Award for \$3,774,000 for TCRP Project #32.9 – North Coast Railroad; long term stabilization, per Resolution G-06-08. Waiver-08-32	Juan Guzman Rachel Falsetti	A D
----	---	--------------------------------	-----

CTC Associate Deputy Director Juan Guzman presented this item and recommended approval of the extension request.

Commissioner Zarian moved to approve the item based on staff recommendation. Commissioner Tavaglione seconded the motion, which carried 7-0. (Commissioners Alvarado, Frommer, Ghielmetti, and Tagami were absent.)

63	Request to Extend the Period of Contract Award for one Locally-Administered STIP Project for \$1,416,000 in the City of Moreno Valley in Riverside County, per Resolution G-06-08. Waiver-08-33	Juan Guzman Earl Seaberg	A D
----	---	-----------------------------	-----

CTC Associate Deputy Director Juan Guzman presented this item and recommended approval of the extension request.

Commissioner Tavaglione moved to approve the item based on staff recommendation. Commissioner Dunn seconded the motion, which carried 7-0. (Commissioners Alvarado, Frommer, Ghielmetti, and Tagami were absent.)

**OTHER MATTERS / PUBLIC COMMENT**

There were no additional matters or public comment presented at this meeting.

12:00 pm	Adjourn			
----------	---------	--	--	--

Chair Chalker adjourned the meeting at 12:06 p.m. on August 28, 2008.

Original signed 9/11/08

\_\_\_\_\_  
 JOHN F. BARNA, JR., Executive Director