

MINUTES

CALIFORNIA TRANSPORTATION COMMISSION

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

SEPTEMBER 24-25, 2008

Sacramento, California

Wednesday, September 24, 2008

11:00 a.m.

Commission Meeting

Department of Water Resources
Auditorium, First Floor
1416 Ninth Street
Sacramento, California

GENERAL BUSINESS (#1)

1

Roll Call

John Chalker

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The meeting of the California Transportation Commission was called to order by Chair Chalker at 11:00 a.m. on Wednesday, September 24, 2008 at the Department of Water Resources Auditorium, First Floor, 1416 Ninth 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

COMMISSIONER DARIO FROMMER

Absent (arrived at 11:39 am)

COMMISSIONER JAMES GHIEMMETTI

COMMISSIONER CARL GUARDINO

Absent (arrived at 1:13 pm)

COMMISSIONER R. KIRK LINDSEY

COMMISSIONER PHILLIP H. TAGAMI

Absent (arrived at 1:00 pm)

COMMISSIONER JOSEPH TAVAGLIONE

COMMISSIONER LARRY ZARIAN

TOTAL

Present: 11

Absent: 0

Senator Alan S. Lowenthal, Ex-Officio

Not present

Assembly Member Mark DeSaulnier, Ex-Officio

Not present

Tab # / Time	Item Description	Presenter	Status*
2 8 Ayes	<p><u>Highway Right of Way Matters (#2)</u> Resolutions of Necessity – Appearances --RCK Properties, Inc., a Colorado Corporation 06-Tul-198-PM 3.0 Resolution C-19958</p>	Stephen Maller Malcolm Dougherty	A D

CTC Principal Transportation Engineer Stephen Maller presented this item with a PowerPoint presentation. He explained that the property owner was proposing an alternative plan to the department’s plan, which included converting State Route 198 from a two-lane highway to a four-lane limited access expressway. He explained that the property owner’s proposal to build a “merging intersection” instead was not the intention of the state at any time in the future. In the future, when the State Route 198 expressway would be converted to a freeway, the state would close the Road 64 intersection and would not build an interchange any closer to the Route99/198 freeway interchange on Route 198 than at Road 56. In addition, the property owner’s proposal would require 22 acres of a neighboring property be condemned in addition to the RCK property.

Stephen Foulkes, Vice President of RCK Properties, proposed his alternative plan with a PowerPoint presentation. He proposed that the state build a “merging intersection” and explained in detail where and how it should be built.

Commissioner Ghielmetti moved to approve the proposed resolution of necessity. Commissioner Zarian seconded the motion, which carried 9-0. (Commissioners Guardino and Tagami were absent.)

3	Approval of Minutes for August 27-28, 2008	John Chalker	A C
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Commissioner Zarian moved to approve the August 27-28, 2008 minutes. Commissioner Ghielmetti seconded the motion, which carried 9-0. (Commissioners Frommer and Guardino were absent.)

4	Commission Reports	John Chalker	A C
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There were no commission reports presented.

5	Commissioners’ Meetings for Compensation	John Chalker	A C
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Commissioner Tavaglione moved to approve the Commissioners’ August Meetings for Compensation. Commissioner Dunn seconded the motion, which carried 9-0. (Commissioners Frommer and Guardino were absent.)

6	Executive Director’s Report - Annual Report Outline	John Barna	A C
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CTC Executive Director Barna requested commissioners’ approval to move the October 2008 Commission meeting from October 22-23 to October 29-30.

Commissioner Tagami moved to approve the rescheduling of the October Commission meeting. Commissioner Tavaglione seconded the motion, which carried 8-0. (Commissioners Earp, Frommer, and Guardino were absent.)

Chair Chalker noted that Vice Chair Alvarado would be in charge of the October meeting due to his absence.

Mr. Barna noted that the 2009 Annual Report outline was contained in the commissioners’ handouts, and encouraged comments.

Mr. Barna raised the issue of receiving fair market value for excess property. He stated that the Attorney General’s Office had received a request to prepare an opinion on whether or not Caltrans could offer property along the I-710 corridor at less than fair market value. The Commission’s Attorney George Spanos asked if the Commission would like to submit a letter stating its opinion on the matter.

Tab # / Time	Item Description	Presenter	Status*
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Commissioner Lindsey asked how property could be sold at less than fair market value when legislation existed describing the process for disposal of the properties in question. Mr. Spanos replied that the opinion request does not refer to the Roberti Bill or the I-710 properties, and was not sure if it would address those properties.

Commissioner Lindsey moved that the Commission ask legal counsel to prepare a letter in support of property sale at or above fair market value. Commissioner Ghielmetti seconded the motion, which carried 10-0. (Commissioner Frommer was absent.)

Mr. Barna recommended approval of the new bond accountability program to establish a joint CTC-Caltrans Bond Accountability effort and engage a program management consulting firm.

Caltrans Director Will Kempton explained that a program management consultant would develop data reporting and tracking control systems to provide a level of accountability, acknowledging changes to budget, schedule, and scope. He explained that the data being collected was inaccurate and inconsistent and did not meet expectations. Commissioners Chalker, Lindsey and Tagami requested more detail from Mr. Kempton regarding the planned role for the consultant.

Commissioner Lindsey asked for the opinion of the local agencies. Regional Agencies Moderator Rachel Moriconi, Self-Help Counties Coalition Chair Suzanne Smith, Rural Counties Task Force Chair Mike Woodman, and Jack Boda of SANDAG all agreed that the process needed improvement and a consultant could possibly be beneficial.

Commissioner Tagami moved to approve the staff recommended new bond accountability program. Commissioner Ghielmetti seconded the motion, which carried 11-0.

Mr. Barna reported on the upcoming Transit Capital Summit to be held October 16 in Sacramento. He also reported the upcoming retirement in December 2008 of CTC Chief Deputy Director David Brewer.

Action Item: Draft a letter to the Attorney General's Office Opinion Unit presenting the Commission's opinion and perspectives on the necessity for Caltrans property to be sold, at a minimum, at fair-market value.

BUSINESS, TRANSPORTATION & HOUSING AGENCY REPORT (#7)

7	Report by Agency Secretary and/or Deputy Secretary	Dale Bonner	I	B
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Agency Secretary Dale Bonner expressed dismay due to the Metrolink crash, expressed gratefulness that the 2008/2009 fiscal year budget had passed and transportation funds were kept intact, and reported the development of a two-year work plan for his agency.

Mr. Bonner reported on the status of Trade Corridors Improvement Fund (TCIF) rail negotiations. He reported discussions had been terminated for the Donner project and the Colton project was moving along, with many complexities. Commissioner Frommer expressed his hopes that the funds from projects that would not move forward would be reallocated to rail safety projects. Mr. Bonner replied that the focus would mainly be projects with the most goods movement impact as intended by the program.

Commissioner Lindsey asked about negotiations with Union Pacific in Tehachapi regarding rail operation. Mr. Bonner and Caltrans Director Will Kempton replied that Union Pacific and Burlington Northern had existing agreements and the department had the cooperation of both railroads.

CALTRANS REPORT (#8)

8	Report by Caltrans' Director and/or Deputy Director	Will Kempton	I	D
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Caltrans Director Will Kempton stated that the department was working on selecting a District Director for Caltrans District 2. He announced the appointment of a new director to the San Bernardino office, Mr. Ray Wolf. He thanked Karla Sutliff for her willingness to volunteer to temporarily fill that position.

Mr. Kempton expressed his distress over the southern California Metrolink accident.

Tab # / Time	Item Description		Presenter	Status*
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Mr. Kempton expressed appreciation that Proposition 42 was not suspended for the 2008/2009 fiscal year, and thanked commissioners for their support. He went on to present a brief overview of the recently signed budget.

Mr. Kempton reported his attendance at the fourth Transportation Finance Forum on September 16, 2008. One of the items discussed was the possibility of using changeable message signs along the highways for advertising, although this would bring up many complications before it could be implemented. Commissioner Zarian asked Director Kempton if the lights on the signs would include flickering lights or a stationary message. Director Kempton responded that the details had not been worked out yet.

LOCAL REPORTS (#9-11)

9	Report by Regional Agencies Moderator		Rachel Moriconi	I	R
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Regional Agencies Moderator Rachel Moriconi reported that the Regional Agencies had met that morning. She expressed her relief that Proposition 42 was not suspended for 2008/2009. She reported that local assistance project sponsors were able to use all of Obligation Authority funds and would use them as soon as possible. She reported that she had received the update on the Federal Statewide Transportation Improvement Program (FSTIP) and encouraged the Commission to accept the report from Caltrans on this update.

Action Item: Include an FSTIP presentation on the December meeting agenda.

10	Report by Rural Counties Task Force Chair		Mike Woodman	I	R
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Rural Counties Task Force Chair Mike Woodman expressed his desire to continue communicating the dire needs of the transportation system in California and to continue to advocate for federal funding. CTC Executive Director Barna requested that Mr. Woodman send a few talking points to the commissioners so that they may express their opinions to members of Congress.

11	Report by Self-Help Counties Coalition Chair		Suzanne Smith	I	R
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Self-Help Counties Coalition Chair Suzanne Smith reported on the 18th Annual Picnic hosted that morning for the Caltrans Office of Engineers.

Ms. Smith reported that there were six counties with transportation related sales tax measures on the ballot for November.

Ms. Smith invited everyone to the Focus on the Future conference to be held November 16-18, 2008.

POLICY MATTERS (#12-19)

12	FY 2008-09 Budget Update		Mitchell Weiss Norma Ortega	A	D
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CTC Deputy Director Mitchell Weiss noted that the condition of passage of the fiscal year 2008/2009 budget for prior approved allocations had been met, and that the level of State Highway Operations and Protection Program (SHOPP) funding was down for the 2008/2009 fiscal year.

Caltrans Chief Division of Budgets Norma Ortega reported that the allocation capacity would be \$5.8 billion for 2008/2009. She reported that 72% of the STIP capacity was based on bond funding, and more detail and additional numbers could be found in the handout.

No action was taken.

13	Adoption of Revised 2008 STIP Fund Estimate		Mitchell Weiss Norma Ortega	A	D/C
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This item was withdrawn at the meeting as the 2008/2009 budget was enacted.

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
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14	Revised 2008 STIP Guidelines	David Brewer	A C
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This item was withdrawn at the meeting as the 2008/2009 budget was enacted.

15	TCRP Allocation Criteria	Juan Guzman Rachel Falsetti	A C/D
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CTC Associate Deputy Director Juan Guzman presented the Traffic Congestion Relief Program (TCRP) allocation plan for future funding and recommended approval. He stated that \$1.06 billion remained to be allocated. He explained that the allocation plan had two tiers. The first tier contained projects that had existing Letters of No Prejudice and projects with scheduled repayments. The second tier included projects that would be allocated on a first-come, first-serve basis.

Commissioner Lindsey asked if all projects would be built if the plan was followed. Mr. Guzman replied that all projects would be funded by fiscal year 2016/2017.

Commissioner Zarian asked about the first-come, first-serve process, and what would happen if several applicants applied at the same time. Mr. Guzman explained that the process had not been decided upon yet for that circumstance.

Diane Eidam, SANDAG, expressed her agreement with staff recommendation with one caveat. She understood that latitude existed to add projects to Tier One of the plan if the respective agency was willing to negotiate a repayment schedule. CTC Executive Director John Barna confirmed that was true. He explained that the plan was not set in stone and distribution of funds could be changed depending on the circumstances. He stated that this allocation approach would eliminate the need for Letters of No Prejudice.

David Yale, Metro and chairman of the TCRP working group, confirmed that Diane Eidam's characterization of the plan was correct.

Commissioner Guardino moved to approve staff recommendation. Commissioner Zarian seconded the motion, which carried 11-0.

16	TCIF Project Baseline Agreements Resolution TCIF-B-0809-02 TCIF-P-0809-02B	Maura Twomey	A C
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CTC Chief Delivery Officer Andre Boutros presented this item and recommended approval.

Commissioner Tavaglione moved to approve staff recommendation. Commissioner Ghielmetti seconded the motion, which carried 11-0.

17	Proposition 1B Semi-Annual Report to Department of Finance	Andre Boutros	A C
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CTC Chief Delivery Officer Andre Boutros presented this item, and recommended that the Commission send a letter to the Department of Finance that would direct them to project information on the Caltrans website. This letter would fulfill the requirement to send a semi-annual report of project progress.

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

18	CMIA and SR99 Quarterly Progress Reports and Corrective Action Plans	Andre Boutros	A C
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CTC Chief Delivery Officer Andre Boutros presented this item and recommended no action be taken.

Tab # / Time	Item Description		Presenter	Status*
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Chair Chalker asked if a change in the scope of a project was a reason for a corrective action plans. Mr. Boutros explained that baseline agreements included scope, cost, schedule and benefits, with the scope and benefits being the most critical. Any changes to these items would require a corrective action plan.

Chair Chalker asked for clarification of the terms “no tolerance” and “zero tolerance”. Mr. Boutros explained that the term no-tolerance meant that spending above one’s budget would not be tolerated. He explained that the Yellow symbol in the quarterly report would be based on anticipated or projected cost or delivery schedule at the completion of a component. For the cost item, the corrective plan would address available options to contain the potential cost increase, or by identifying a funding source to makeup the additional dollars needed to complete the project’s component. He clarified that projects anticipated to cost less than the baseline budget would not carry the Yellow symbol as long as the scope and benefits are not impacted.

No action was taken on the item.

19	Proposition 1B Local Bridge Seismic Retrofit Account Baseline Agreements	Stephen Maller Earl Seaberg	I D
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CTC Principal Transportation Engineer Stephen Maller presented this item. He reported that the Commission adopted guidelines at its May 2008 meeting requiring the department and local agencies to execute baseline agreements which would set forth each project’s scope, cost, and delivery schedule. The department reported that out of 468 bridge projects needing baseline agreements, all agreements had been executed except for two.

PROGRAM STATUS (#20-21)

20	Monthly Report on Toll Bridge Program Oversight Committee Activity	Dina Noel	I C
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CTC Supervising Transportation Engineer Dina Noel presented this item. She reported several updates on the self-anchored suspension bridge contract. She reported that a repair procedure had been established, assembly of the deck panels had started, and an anomaly elimination plan had been developed. She announced the next Program Oversight Committee meeting would be held the following week in China.

21	FY 2007-08 4 th Quarter and Year-End Finance Report	Mitchell Weiss Norma Ortega	I D
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CTC Deputy Director Mitchell Weiss and Caltrans Division Chief of Budgets Norma Ortega presented this item with a PowerPoint presentation. They explained several reasons why disparities exist within the numbers presented. Executive Director Barna further clarified the points made by explaining that external factors that the department had not been aware of would have an impact later.

MODAL ISSUES – Rail (#22-24)

22	Annual Review of Strategic Business Plan for Capitol Corridor	Robert Chung Gene Skoropowski	I R
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This item was presented by Gene Skoropowski of the Capitol Corridor Joint Powers Authority with a PowerPoint presentation. Mr. Skoropowski reported increased ridership and service, a 50% fare-box recovery ratio, high customer satisfaction, and excellent on-time train reliability. He reported that the plans for the coming year included planning for additional costs due to increased fuel and labor prices and more technologically advanced ticket purchasing options.

Commissioner Tagami asked about the efforts to enhance revenue. Mr. Skoropowski explained that a team continuously evaluated the dining menu to maximize profit and customer satisfaction, the CCJPA linked its marketing efforts to local sports’ teams’ games, and ticket prices increased incrementally every six months to accommodate increases fuel and labor costs.

Tab # / Time	Item Description		Presenter	Status*
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Commissioner Ghielmetti asked when the new train cars were expected to arrive and how many were ordered. Caltrans Director Will Kempton stated that 27 cars had been purchased and an unknown number of locomotives. He and Mr. Skoropowski agreed that it would take 3-4 years for delivery.

Commissioner Lindsey asked Mr. Skoropowski if the Capitol Corridor staff had considered shipping high-value freight during non-peak time periods. Mr. Skoropowski replied that would require expensive retrofitting of the train cars and explained that they chose to focus instead on small group and student travel.

Commissioner Lindsey asked why high-speed rail and Amtrak in California do not link, and Mr. Skoropowski replied that the high-speed rail service will link to Capitol Corridor.

23	Annual Review of Strategic Business Plan for San Joaquin Intercity Rail Corridor		Robert Chung Lam Nguyen	I D
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This item was taken together with Item 24.

Pat Merrill, Caltrans Division of Rail, presented the items with a PowerPoint presentation. He reported ridership increases and ongoing planning of new routes, marketing, and technological advances. He reported plans to implement an express run between San Diego to Los Angeles Express by June 2010.

Jack Boda of SANDAG commented that the Trade Corridors Improvement Fund (TCIF) project in the Pacific Surfliner plan is a very beneficial and strategic project.

Chair Chalker encouraged the use of data from more than just the current fiscal year in the business plans and commended Caltrans Director Will Kempton for the increased prioritization of rail services. Chair Chalker also stated the need to increase the amount of funds available in the Capital Expenditure Account. Discussion ensued regarding the different possible sources of revenue for rail services.

CTC Executive Director John Barna stated that Amtrak West would be invited to an upcoming CTC meeting to present their business plan and perspectives.

Action Item: Provide Commissioner Frommer with a breakdown of advertising and food revenues from rail operations.

Action Item: Contact Amtrak West to find out if they have a representative available to attend the October CTC meeting to discuss future plans they have in place.

24	Annual Review of Strategic Business Plan for Pacific Surfliner Intercity Rail Corridor		Robert Chung Lam Nguyen	I D
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This item was taken together with Item 23.

25	<p><u>Financial Allocations for Other Transit Projects (#25)</u> Financial Allocation (2.6d): \$57,050,877 in Public Transportation Account (PTA) funds to the Department for Intercity Rail Operations and Feeder Bus Service. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution MFP-08-02</p>		Robert Chung Lam Nguyen	A D
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CTC Deputy Director Robert Chung presented this item and recommended approval of the allocation request.

Commissioner Ghielmetti moved to approve staff recommendation. Commissioner Tavaglione seconded the motion, which carried 11-0.

5:00 pm ADJOURN

The meeting of the California Transportation Commission was adjourned at 4:55 p.m.

Tab # / Time	Item Description		Presenter	Status*
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Thursday, September 25, 2008

9:00 a.m. Commission Meeting

**Department of Water Resources
Auditorium, First Floor
1416 Ninth 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 a.m. on Thursday, September 25, 2008 at the Department of Water Resources Auditorium, First Floor, 1416 Ninth Street, Sacramento, California.

- VICE CHAIR BOB ALVARADO
- CHAIR JOHN CHALKER
- COMMISSIONER LUCETTA DUNN
- COMMISSIONER JAMES EARP
- COMMISSIONER DARIO FROMMER
- COMMISSIONER JAMES GHIELMETTI
- COMMISSIONER CARL GUARDINO
- COMMISSIONER R. KIRK LINDSEY
- COMMISSIONER PHILLIP H. TAGAMI
- COMMISSIONER JOSEPH TAVAGLIONE
- COMMISSIONER LARRY ZARIAN

TOTAL **Present: 11**
Absent: 0
 Senator Alan S. Lowenthal, Ex-Officio Not present
 Assembly Member Mark DeSaulnier, Ex-Officio Not present

At 9:05 a.m. the Commission convened for Closed Session.

CLOSED SESSION

The Commission will meet in closed session to consider the evaluation of personnel, pursuant to Government Code section 11126(a)(1).

NOTE: The Commission will convene in Open Session and then move immediately into Closed Session. Following the Closed Session, the Commission will reconvene in Open Session.

At 10:30 a.m. the Commission reconvened into open session.

No action was taken during the Closed Session.

INFORMATION CALENDAR (#26-32)

Stephen Maller

CTC Principal Transportation Engineer Stephen Maller presented the Information Calendar. There were no questions or comments from commissioners.

<u>Tab # / Time</u>	<u>Item Description</u>	<u>Presenter</u>	<u>Status*</u>
26 IC	<u>Informational Reports on Allocations Under Delegated Authority</u> -- Emergency G-11 Allocations (2.5f.(1)): \$3,745,000 for five projects. -- Minor G-05-05 Allocations (2.5f.(4)): \$731,000 for two projects. This item was presented on the Information Calendar on September 25, 2008.		I D
27 IC	Monthly Report on Projects Amended into the SHOPP by Department Action This item was presented on the Information Calendar on September 25, 2008.		I D
28 IC	Monthly Status of Construction Contract Award for State Highway Projects, per Resolution G-06-08 This item was presented on the Information Calendar on September 25, 2008.		I D
29 IC	Monthly Status of Construction Contract Award for Local Assistance STIP Projects, per FY 2005-06 Allocation Plan and Criteria and Resolution G-06-08 This item was presented on the Information Calendar on September 25, 2008.		I D
30 IC	Monthly Status of Construction Contract Award for TCRP Projects, per Resolution G-06-08 This item was presented on the Information Calendar on September 25, 2008.		I D/C
31 IC	Final Close-out Report on FY 2007-08 Minor Lump Sum Allocation This item was presented on the Information Calendar on September 25, 2008.		I D
32 IC	Final Close-out Report on FY 2007-08 Right of Way Lump Sum Allocation This item was presented on the Information Calendar on September 25, 2008.		I D
CONSENT CALENDAR (#33-37)		Robert Chung	
The Consent Calendar, presented by CTC Deputy Director Robert Chung, was heard following the Information Calendar on September 25, 2008.			
Commissioner Zarian moved to approve the Consent Calendar. Commissioner Ghielmetti seconded the motion, which carried 9-0. (Commissioners Dunn and Guardino were absent.)			
33 CC	STIP Amendment 08S-004 The Department, in conjunction with the Orange County Transportation Authority (OCTA), proposes to amend the STIP to split the Route 74 widening project (PPNO 4110) into two segments. This item was approved on the Consent Calendar on September 25, 2008.		A D

Tab # / Time	Item Description		Presenter	Status*
34 CC	The Department, in conjunction with the Los Angeles County Metropolitan Transportation Authority (LACMTA), proposes to amend TCRP Project #42 (Route 5; widen Santa Ana Freeway to 10 lanes, Orange County line to Route 740 605 in Los Angeles County) to update the project funding plan to be consistent with the approved CMIA baseline agreement. Resolution TAA-08-03, Amending Resolution TA-01-09			A D

This item was approved on the Consent Calendar on September 25, 2008.

35 CC 8 Ayes	36 Resolutions of Necessity Resolutions C-19959 through C-19994			A D
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This item was approved on the Consent Calendar on September 25, 2008.

36	Director's Deeds Items #1 through #11 Excess Lands – Return to State: \$718,501 Return to Others: \$0			A D
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This item was approved on the Consent Calendar on September 25, 2008.

37 CC	Technical Correction to Resolution FP-07-50 originally approved January 10, 2008, in the amount of \$1,863,000 for 14 locally administered STIP projects. A technical correction is needed for Project #10 – In Newman, at the Historical Newman Downtown Main Street Plaza (PPNO 10-0019H) to correct the implementing agency from Stanislaus Council of Governments to the City of Newman, as well as other modifications.			A D/C
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This item was approved on the Consent Calendar on September 25, 2008.

POLICY MATTERS

Environmental Matters – Approval of Projects for Future Consideration of Funding, Route Adoption or New Public Road Connection (Final Negative Declaration or EIR) (#38-40)

38	Approval of Project for Future Consideration of Funding: Route 405 in Los Angeles County – Northbound Route 101 Connector Improvement project to replace the existing connector by constructing a new bridge over the Sepulveda Dam. (MND) Resolution E-08-11		Susan Bransen Jay Norvell	A D
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CTC Associate Deputy Director Susan Bransen presented this item and recommended approval.

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

39	Approval of Project for Consideration of Funding: Route 50 in El Dorado County – Construct carpool lanes from the El Dorado County line to Ponderosa Road programmed in the CMIA-Program. (ND) <i>(Related item under Tab 48.)</i> Resolution E-08-12		Susan Bransen Jay Norvell	A D
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This item was taken together with Item 40.

CTC Associate Deputy Director Susan Bransen presented items 39 and 40 and recommended approval.

Commissioner Earp moved to approve staff recommendation. Commissioner Zarian seconded the motion, which carried 10-0. (Commissioner Guardino was absent.)

40	Approval of Project for Consideration of Funding: Route 50 in El Dorado County – Reconstruct the El Dorado Hills Boulevard-Latrobe Road Interchange project programmed in the CMIA Program. (FEIR) <i>(Related item under Tab 48.)</i> Resolution E-08-13	Susan Bransen Jay Norvell	A D
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This item was taken together with Item 39.

41	<u>Policy Matters (#41)</u> State and Federal Legislative Matters	Robert Chung	A C
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CTC Deputy Director Robert Chung reported that the Federal Highway Trust Fund issue had been resolved for this federal fiscal year. He also provided an update on bills as detailed in the meeting book item. He recommended the Commission take no action on legislation at the meeting.

No action was taken on the item.

Local Assistance Lump Sum Allocation (#42)

42	Financial Allocation (2.5h.): \$1,366,565,994 in federal funds for FY 2008-09 Local Assistance Lump Sum Allocation. Resolution FM-08-01, Amending Resolution FM-07-07	Robert Chung Earl Seaberg	A D
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CTC Deputy Director Robert Chung presented this item and recommended that the Commission allocate half of the federal funds requested and the remainder later in the fiscal year.

Commissioner Lindsey asked if the Commission was mandated to allocate in that way. Executive Director John Barna replied that it was not mandated, it was just a method that had worked well in the past. Earl Seaberg, Caltrans Division Chief of Local Assistance stated his agreement with the method. He reported that the current method of allocation allowed later adjustments to be made depending on the federal funds received.

Commissioner Tagami asked where the authority resided to modify or suggest dollar amounts per item. Caltrans Director Will Kempton replied that funding was decided by formula at the federal level.

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

43	<u>Right of Way Matters (#43)</u> Long-Term Lease Exchange --Exchange of leases between the San Diego Port District and the California Department of Transportation	Robert Chung Bimla Rhinehart	A D
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CTC Deputy Director Robert Chung presented this item and recommended approval of the exchange to satisfy mitigation requirements associated with the Coronado Bridge Seismic Retrofit project.

Tab # / Time	Item Description	Presenter	Status*
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Commissioner Zarian moved to approve staff recommendation. Commissioner Ghielmetti seconded the motion, which carried 10-0. (Commissioner Guardino was absent.)

PROJECT BUSINESS MATTERS
Proposition 1B CMIA Program Amendments (#44)

44	<p>The Department, in conjunction with the LACMTA, proposes to amend the CMIA Project Baseline Agreement for the Route 405 Northbound High Occupancy Vehicle (HOV) lane project, Route 10 to Route 101 in Los Angeles County (PPNO 0851G and TCRP Project #39) to revise the definitions of PS&E and Construction phases for the purposes of the design-build contract, designate LACMTA as co-applicant, redistribute TCRP funds between phases, and document the commitment of \$48,000,000 in LACMTA alternate funding to temporarily backfill TCRP funds that are unavailable in FY 2008-09. <i>(Related Item under Tab 48 and Tab 45.)</i> Resolution CMIA-PA-0809-003 Resolution TAA-08-04, Amending Resolution TAA-07-23</p>	<p>Andre Boutros Rachel Falsetti</p>	<p>A D/C</p>
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CTC Associate Deputy Director Susan Bransen presented this item and recommended approval. She explained that the amendment clarified project funding and schedule but did not increase the total cost.

Commissioner Tagami moved to approve staff recommendation. Commissioner Alvarado seconded the motion, which carried 11-0.

Changes were made to as follows and reflected on the pink *Changes to CTC Agenda*:

Correct Agenda Language to remove LACMTA as a co-applicant as follows: "...Construction phases for the purpose of the design-build contract, ~~designate LACMTA as co-applicant,~~ redistribute TCRP funds between phases,..."

Financial Allocations/Amendments for Traffic Congestion Relief Program (TCRP) Projects (#45-46)

45	<p>Financial Allocation Amendment (2.6e.(2)): One TCRP Project, no net change in funding. Resolution TFP-08-03</p>	<p>Juan Guzman Rachel Falsetti</p>	<p>A D/C</p>
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CTC Associate Deputy Director Juan Guzman presented this item and recommended approval.

Commissioner Lindsey moved to approve staff recommendation. Commissioner Tavaglione seconded the motion, which carried 11-0.

46	<p>Financial Allocation (2.6e.(1)): \$7,790,000 for two TCRP projects. Resolution TFP-08-02</p>	<p>Juan Guzman Rachel Falsetti</p>	<p>A D/C</p>
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CTC Associate Deputy Director Juan Guzman presented this item and recommended approval.

Commissioner Ghielmetti moved to approve staff recommendation. Commissioner Tavaglione seconded the motion, which carried 11-0.

Program/Project Amendments/Approvals for Action (#47)

Tab # / Time	Item Description	Presenter	Status*
47	The Santa Clara Valley Transportation Authority (VTA) proposes to amend TCRP Project #1.2 (BART to San Jose) to redistribute \$129,098,000 from R/W to PS&E (including \$35,000,000 from Project #2), and update the project schedule and funding plan. VTA is also requesting an AB 1335 Letter of No Prejudice for \$239,039,000 for PS&E. Resolution TAA-08-02, Amending Resolutions TA-02-07, and TAA-07-01 Resolution TL-08-01	Juan Guzman Rachel Falsetti	A D

CTC Associate Deputy Director Juan Guzman presented this item and recommended approval of the amendment. He also explained that approval of the TCRP Allocation Plan (item 15, approved on Wednesday) made the LONP unnecessary, thus, he recommended that no action be taken on the LONP.

Commissioner Guardino moved to approve staff recommendation. Commissioner Alvarado seconded the motion, which carried 11-0.

Proposition 1B CMIA Project Allocations (#48-49)

48	Financial Allocation (2.5g.(1a)): \$750,000,000 for two locally-administered CMIA projects, as follows: -- \$20,000,000 for one project on Route 50 in El Dorado Hills from El Dorado Hills Boulevard to Bass Lake Road. Contributions from other sources: \$17,808,000. -- \$730,000,000 for one project on Route 405 in the city of Los Angeles, from Route 10 to Route 101. Contributions from other sources: \$72,000,000. Contingent upon passage of the FY 2008-09 Budget Act. Resolution CMIA-A-0809-002	David Brewer Rachel Falsetti	A D
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CTC Chief Deputy Director David Brewer presented this item and recommended approval.

Commissioner Frommer moved to approve staff recommendation. Commissioner Earp seconded the motion, which carried 11-0.

Commissioner Lindsey asked when construction for the Los Angeles project would begin. Doug Failing, District Director of Caltrans District 7, replied that the design-build contract would take place in the spring and construction would begin 4-5 months later.

Caltrans Director Will Kempton noted that the Route 405 project in Los Angeles was the largest single-project allocation ever made by the Commission.

Changes were made to as follows and reflected on the pink *Changes to CTC Agenda*:

Correct Agenda, Vote List, and Book Item Attachment as follows: Project #2 (LACMTA, PPNO 07-0851G, EA 120301). Contributions from other sources for Construction ~~\$72,000,000~~ **\$62,000,000.**"

Tab # / Time	Item Description	Presenter	Status*
49	Financial Allocation (2.5g.(1b)): \$48,200,000 for one State-administered multi-program CMIA (\$41,700,000)/STIP (\$6,500,000) project on Route 101 in Rohnert Park from south of Wilfred Avenue to Santa Rosa Avenue. Contributions from other sources: \$15,070,000. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution CMIA-A-0809-003 Resolution STIP1B-A-0809-006	David Brewer Rachel Falsetti	A D

CTC Chief Deputy Director David Brewer presented this item and recommended approval.

Commissioner Ghielmetti asked what the project schedule would be. Suzanne Smith of Sonoma County Transportation Authority replied that it would be out for bid within 30-60 days and construction would begin the following spring.

Commissioner Lindsey moved to approve staff recommendation. Commissioner Earp seconded the motion, which carried 11-0.

Proposition 1B STIP Project Allocations (#50-51)

50	Financial Allocation (2.5g.(3a)): \$5,100,000 for one State-administered STIP project on Route 145 in the city of Madera at Route 99. Contribution from other sources: \$3,499,000. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution STIP1B-A-0809-005	David Brewer Rachel Falsetti	A D
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This item was withdrawn prior to the meeting.

51	Financial Allocation Adjustment (2.5g.(3b)): Reduce original allocation of \$23,404,000 to \$14,870,000, per AB 608, for one State-administered STIP project on Route 99 in Ceres. Resolution STIP1B-AA-0809-001, Amending Resolution STIP1B-A-0708-008	David Brewer Rachel Falsetti	A D
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CTC Chief Deputy Director David Brewer stated staff's recommendation was to defer this item.

Commissioner Lindsey moved to approve the recommendation to defer. Commissioner Tavaglione seconded the motion, which carried 11-0.

Proposition 1B Traffic Light Synchronization (TLS)-Project Allocations (#52)

52	Financial Allocation (2.5g.(7)): \$10,920,000 for five Traffic Light Synchronization projects. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution TLS1B-A-0809-002	Juan Guzman Rachel Falsetti	A D
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CTC Associate Deputy Director Juan Guzman presented this item and recommended approval.

Commissioner Alvarado moved to approve staff recommendation. Commissioner Guardino seconded the motion, which carried 11-0.

Financial Allocations for STIP Projects (#53-56)

Tab # / Time	Item Description	Presenter	Status*
53	Financial Allocation (2.5c.(2)): \$18,465,000 for three locally-administered STIP projects on the State Highway System. Contributions from other sources: \$30,701,000. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution FP-08-11	David Brewer Rachel Falsetti	A D

Commissioner Tagami asked to be recused, and stated that he has a conflict of interest due to potential property ownership in Project #1 in the City of Alameda and other economic reasons. He then left the meeting room.

CTC Chief Deputy Director David Brewer presented this item and recommended approval.

Commissioner Alvarado moved to approve staff recommendation. Commissioner Ghielmetti seconded the motion, which carried 10-0. (Commissioner Tagami was recused.)

Changes were made to as follows and reflected on the pink *Changes to CTC Agenda*:

Correct Vote List and Book Item Attachment as follows: Project #3 (OCTA, PPNO 12-4110A, EA 086911). Recipient: Orange County ~~Transportation Authority~~"

Action Item: Provide commissioners with the Government Code section pertaining to recusal from voting due to economic conflict of interest.

54	Financial Allocations (2.5c.(3)): \$7,248,000 for nine locally-administered STIP projects off the State Highway System, as follows: -- \$4,528,000 for three STIP projects. -- \$273,000 for one STIP Transportation Enhancement project. -- \$2,447,000 for five STIP Planning, Programming, and Monitoring projects. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution FP-08-12	David Brewer Earl Seaberg	A D
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Commissioner Tagami returned to the meeting room.

CTC Chief Deputy Director David Brewer presented this item and recommended approval.

Commissioner Alvarado moved to approve staff recommendation. Commissioner Tavaglione seconded the motion, which carried 11-0.

55	Financial Allocation Adjustment (2.5c.(4)): Reduce original allocation of \$20,985,000 to \$14,280,000, per AB 608, for one State-administered STIP project on southbound Interstate 5 in Mission Viejo. Resolution FA-08-04, Amending Resolution FP-07-82	David Brewer Earl Seaberg	A D
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CTC Chief Deputy Director David Brewer presented this item and recommended approval.

Commissioner Dunn moved to approve staff recommendation. Commissioner Tavaglione seconded the motion, which carried 11-0.

Changes were made to as follows and reflected on the pink *Changes to CTC Agenda*:

Correct Book Item subject line as follows: Financial Allocation Adjustment for Award Resolution FA-08-04, Amending Resolution ~~FP-07-02~~ **FP-07-82**"

Tab # / Time	Item Description		Presenter	Status*
56	Financial Allocation (2.5c.(5)): \$2,586,000 for one State-sponsored Transportation Enhancement STIP project off Route 80 in Nevada County. Contributions from other sources: \$5,187,000. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution FP-08-13		David Brewer Rachel Falsetti	A D

CTC Chief Deputy Director David Brewer presented this item and recommended approval.

Commissioner Ghielmetti moved to approve staff recommendation. Commissioner Earp seconded the motion, which carried 11-0.

Financial Allocations for SHOPP Projects (#57)

57	Financial Allocation (2.5b.): \$33,002,000 for 14 SHOPP projects, as follows: -- \$31,067,000 for ten projects programmed in the 2008 SHOPP. -- \$1,935,000 for four projects amended into the SHOPP by departmental action. <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution FP-08-10		Mitchell Weiss Rachel Falsetti	A D
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CTC Deputy Director Mitchell Weiss presented this item and recommended approval.

Commissioner Ghielmetti moved to approve staff recommendation. Commissioner Earp seconded the motion, which carried 11-0.

Financial Allocations for Supplemental Funds (#58-59)

58	Financial Allocation (2.5e.(1)): Supplemental funds for previously voted projects. One SHOPP project for \$2,917,000 to award the contract of the 06-Ker-166 project in Kern County. The current allocation is \$15,908,000. This request for \$2,917,000 results in an increase of 18.3 percent over the original allocation. Resolution FA-08-05		Mitchell Weiss Rachel Falsetti	A D
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CTC Deputy Director Mitchell Weiss presented this item and recommended approval.

Commissioner Ghielmetti asked how the bid was off by 18.3% when there were 7 bidders. Rachel Falsetti replied that the additional cost was due to rising asphalt prices.

Commissioner Zarian moved to approve staff recommendation. Commissioner Guardino seconded the motion, which carried 11-0.

Changes were made to as follows and reflected on the pink *Changes to CTC Agenda*:

Correct Book Item on Page 3, 2nd paragraph to reflect that the lowest bid was 44.7 **19.6** percent over the Engineer's Estimate."

Tab # / Time	Item Description	Presenter	Status*
59	Financial Allocation (2.5e.(2)): Supplemental funds for previously voted projects. One SHOPP project for \$236,000 to award the contract of the 08-SBD project in San Bernardino County. The current allocation is \$444,000. This request for \$236,000 results in an increase of 53.2 percent over the original allocation. Resolution FA-08-06	Mitchell Weiss Rachel Falsetti	A D

CTC Deputy Director Mitchell Weiss presented this item and recommended approval.

Commissioner Ghielmetti asked how an estimate could be off by so much. District 8 Acting Director Karla Sutliff explained that two main factors were estimated in the project – the prefabricated building and all other items. The prefabricated building estimate was not up-to-date at the time of construction.

Commissioner Lindsey asked for the revised costs and repayment by Federal Emergency Management Agency (FEMA). Ms. Sutliff explained that the revised project cost was \$680,000 and payback from FEMA was \$360,000. She also explained that they were losing money due to theft of materials not stored in a locked facility.

Commissioner Dunn moved to approve staff recommendation. Commissioner Ghielmetti seconded the motion, which carried 10-1. (Commissioner Lindsey opposed the motion.)

Proposition 116 – Rail Program Project Approvals/Amendments (#60)

60	Project Application Amendment to update application for the Transportation Agency for Monterey County’s Caltrain Extension project. PUC Section 99638. <i>(Related Item under Tab 61 and Tab 62.)</i> Resolution PA-08-03, Amending Resolution PA-04-02.	Juan Guzman	A C
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Items 60-62 were taken together.

CTC Deputy Director Juan Guzman presented items 60, 61 and 62 and recommended approval.

Commissioner Ghielmetti asked if there was difficulty with beginning the project. Project Manager Christina Watson explained that the cause of delay was additional ridership analysis, but service was expected to begin in 2011.

Commissioner Guardino moved to approve staff recommendation. Commissioner Tagami seconded the motion, which carried 11-0.

Financial Allocations for Local Proposition 116 Projects (#61-62)

61	Financial Allocation Amendment (2.6b.(1)): De-allocate \$580,000 from one Proposition 116 Rail Program project in Monterey County. PUC 99638. <i>(Related item under Tab 60 and Tab 62.)</i> Resolution BFA-08-01, Amending Resolution BFP-03-04.	Juan Guzman Gale Ogawa	A D
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Items 60-62 were taken together.

62	Financial Allocation (2.6b.(2)): \$580,000 in Proposition 116 Rail Program funds for the Transportation Agency for Monterey County Caltrain Extension project. PUC 99638. <i>(Related item under Tab 60 and Tab 61.)</i> <i>Contingent upon passage of the FY 2008-09 Budget Act.</i> Resolution BFP-08-01	Juan Guzman Gale Ogawa	A D
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<u>Tab # / Time</u>	<u>Item Description</u>		<u>Presenter</u>	<u>Status*</u>
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Items 60-62 were taken together.

OTHER MATTERS / PUBLIC COMMENT

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

12:00 pm ADJOURN

The meeting of the California Transportation Commission was adjourned at 11:24 a.m.

Original signed 10/15/08

JOHN F. BARNA, JR., Executive Director

Memorandum

To: Chair and Commissioners

Date: October 17, 2008

From: JOHN F. BARNA, JR.
Executive Director

File No: Item 1.2
ACTION

Ref: Correction to October 24, 2007 Meeting Minutes

RECOMMENDATION: Staff recommends approval of the attached corrections to the October 24, 2007 meeting minutes to reflect the action taken by the California Transportation Commission (Commission) on a Resolution of Necessity, Resolution Number C-19712 pertaining to the Sean McClelland property, as a result of staff review of the meeting audio tape and official meeting records.

ISSUE: The Department of Transportation (Caltrans) Division of Right of Way requested Commission staff to review the audio tape from the October 24, 2007 meeting to verify the action taken by the Commission on Resolution Number C-19712.

Staff completed its review of the audio tape, and the official meeting records, and found that the Commission had approved Resolution of Necessity, Resolution C-19712. However, the approved minutes of the October 24, 2007 meeting reflected that the Commission took action on Resolution Number C-19712, to have it be brought back to the Commission at its December 2007 meeting.

BACKGROUND: At its October 24, 2007 meeting, six Resolutions of Necessity were brought before the Commission for action regarding United States (US) Highway 395 in the unincorporated community of Independence in Inyo County. The overall project proposes to widen US Highway 395 from two to four-lanes from 2.7 miles south of Mazourka Canyon Road to 0.6 miles north of Shabbell Lane in and near Independence.

The Caltrans Division of Right of Way requested Commission staff to review the audio tape from the meeting to verify the action taken by the Commission on Resolution Number C-19712. Commission staff reviewed the audio tape and the official meeting records, and found that the October 24, 2007 meeting minutes approved by the Commission on December 12, 2007 were not consistent with the actual action taken by the Commission. As evidenced on the audio tape and in the official meeting records, Resolution Number C-19712 was approved by the Commission at its October 24, 2007 meeting.

Attachment

	<u>Item Description</u>	<u>Ref. #</u>		<u>Status*</u>
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~~The following Resolutions of Necessity, except for Resolution C19718, were presented together. The property owners were represented by Attorney Kenney L. Scruggs, who is also one of the property owners.~~

Andre Boutros, Chief Delivery Officer, reviewed the statutory authority for this item. 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 greater 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.

Tom Hallenbeck, District 9 Director, provided an overview of the properties for which the Department is seeking Resolutions of Necessity.

-- Sean McClelland 09-Iny-395-PM 73.16 Resolution C-19712	2.4a.(1)	A	D
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~~Commissioner Zarian moved to postpone the decision on the Resolution of Necessity and bring the item back in December. Commissioner Chalker seconded the motion, which carried 5-1. Commissioner Lindsey voted no. (Commissioners Bergeson was absent.)~~

No appearance was made by Mr. McClelland on this Resolution of Necessity (C-19712).

Commissioner Lindsey moved to approve the Resolution of Necessity, C-19712. Commissioner Earp seconded the motion, which carried 6-0. (Commissioner Bergeson was absent.)

~~Resolutions of Necessity C-19713, C-19716 and C-19717, except for Resolution C19718, were presented together. The property owners were represented by Attorney Kenney L. Scruggs, who is also one of the property owners.~~

Kenney L. Scruggs, Attorney and property owner, addressed the Commission on behalf of the ~~Sean McClelland~~, Sedoo Family, Loyd J. Hopper and Tamara Cohn properties. She provided a description of the sequence of events. She stated that the owners support expanding the two lane highway to a four lane highway. However, they are not in agreement with the sidewalks and the removal of 100 trees.

Commissioner Zarian recommended that the Department and the property owners try to come up with an alternative.

Commissioner Lindsey stated that the Commission cannot always send the Resolutions of Necessity back. He emphasized that the Commission's job is not to determine if the design is adequate. Commissioner Guardino agreed with Commissioner Lindsey.

-- Gerald C. Sedoo and Mikel D. Sedoo, as Trustees of the Sedoo Family Trust 09-Iny-395-PM 73.73 Resolution C-19713	2.4a.(2)	A	D
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~~Commissioner Zarian moved to postpone the decision on the Resolution of Necessity and bring the item back in December. Commissioner Chalker seconded the motion, which carried 5-1. Commissioner Lindsey voted no. (Commissioners Bergeson was absent.)~~

-- Loyd J. Hopper, et ux. 09-Iny-395-PM 73.76 Resolution C-19714	2.4a.(2)	A	D
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Lloyd Hopper addressed the Commission on behalf of his property. He is opposed to the destruction of trees. He asked the Commission to preserve their rural setting. He provided a handout as well as 90 letters of support from the residents of the community of Independence.

~~Commissioner Zarian moved to postpone the decision on the Resolution of Necessity and bring the item back in December. Commissioner Chalker seconded the motion, which carried 5-1. Commissioner Lindsey voted no. (Commissioners Bergeson was absent.)~~