

BOARD MEETING NOTICE

**Thursday, July 22, 2010
2:30 P.M.**

ACTIA Board Room

1333 Broadway, Suite 300

Oakland, California 94612

(see map on last page of agenda)

Chair:

Vice Chair:

ACTIA Executive Director: Christine Monsen

ACCMA Executive Director: Dennis R. Fay

Interim Clerk of the Board: Gladys V. Parmelee

AGENDA

Copies of Individual Agenda Items are Available on the:

Alameda CTC Website -- www.alamedactc.org

ACTIA website -- www.actia2022.com

ACCMA website -- www.accma.ca.gov

A. JOINT ACTIA, ACCMA AND ALAMEDA CTC BOARD MEETING 2:30 p.m.

A.1 Convene joint meeting of the Boards of the Alameda County Congestion Management Agency (ACCMA), the Alameda County Transportation Improvement Authority (ACTIA), and the Alameda County Transportation Commission (Alameda CTC)

A.2 Pledge of Allegiance

A.3 Roll Call

A.4 Election of Chair and Vice Chair for all three Boards

A.5 Public Comment

Members of the public may address the Board during “Public Comment” on any item not on the agenda. Public comment on an agenda item will be heard as part of that specific agenda item. Anyone wishing to comment should make his or her desire known to the Chair.

A.6 Recess Joint Meeting and Reconvene Alameda CTC Board Meeting

1.0 DESIGNATION OF THE EXISTING ACTIA AND ACCMA EXECUTIVE DIRECTORS AS INTERIM CO-EXECUTIVE DIRECTORS

It is recommended that the existing Executive Directors of ACTIA and ACCMA be designated as the interim co-executive directors of the Commission, to serve until an executive director is hired for the Alameda CTC.

2.0 ADOPTION OF THE ADMINISTRATIVE CODE* (page 1)

3.0 APPROVAL OF THE TRANSIT AGENCY FEES* (page 17)

4.0 APPOINT/REAPPOINT COUNTYWIDE TRANSPORTATION PLAN UPDATE AND SALES TAX REAUTHORIZATION STEERING COMMITTEE MEMBERS* (page 19)

5.0 EXECUTIVE DIRECTORS' REPORT Information/Action

5.1 ACTIA Executive Director's Report* (attached separately)

5.2 ACCMA Executive Director's Report* (page 23)

6.0 CONSENT CALENDAR Information/Action

6.1 Approval of ACTIA Board Meeting Minutes, June 24, 2010* (page 37)

6.2 Approval of ACCMA Board Meeting Minutes, June 24, 2010* (page 43)

Consent Items recommended by the following committees:

6.3 ACTIA WORK PROGRAM COMMITTEE

6.3.1 Telegraph Avenue Corridor Bus Rapid Transit (ACTIA 7A) – Approval of Measure B Allocation to the PE/Environmental Phase and Approval of Amendment No. 4 to the PE/Environmental Project Specific Funding Agreement with AC Transit (A05-0005)* **(page 49)**

6.3.2 East Bay Greenway Project – Approval of the Consultant Shortlist and Authorization to Interview, Negotiate and Execute a Contract with the Top-Ranked Firm for Engineering, Environmental Clearance and Implementation Strategy Services (ACTIA RFP No. 10-01)* **(page 59)**

6.3.3 Measure B Capital Projects – I-880/Mission Boulevard (Route 262) Interchange Reconstruction (MB196) and I-880 to Mission Boulevard East-West Connector (MB226) – Update on Funding Plans* **(page 61)**

6.4 ACTIA ADMINISTRATION, LEGISLATION AND FINANCE COMMITTEE

6.4.1 Approval of Final Countywide Safe Routes to Schools Program* **(page 63)**

Note: 14 affirmative votes required.

See related agenda item 6.5.2

6.4.2 Approval of Contract Extension for Executive Director* **(page 79)**

6.4.3 Year-End Detail of Investments for ACTA and ACTIA Funds * **(page 81)**

6.5 ACCMA PLANS & PROGRAMS COMMITTEE

6.5.1 Transportation and Land Use Program - Approval of Transit Oriented Development (TOD) Quarterly Update* **(page 91)**

6.5.2 Approval of Safe Routes to School (SR2S) Final Program* **(page 101)**

Note: 14 affirmative votes required.

See related agenda Item 6.4.1

6.6 ACCMA ADMINISTRATION & LEGISLATION COMMITTEE

6.6.1 Quarterly Investment Report* **(page 107)**

6.6.2 Quarterly SBE, LBE, and DBE Reports* **(page 109)**

6.6.3 Route 84/ Ardenwood Boulevard Park and Ride Lot Project (Regional Measure 2 Project 29.5) – Acceptance of Construction Contract* **(page 113)**

- 6.6.4 I-680 Express Lane Project - Authorization for ACCMA Director to Negotiate and Execute Professional Services and Co-Location Contracts* (**page 115**)

***** END OF CONSENT ITEMS *****

INFORMATION AND ACTION ITEMS

7.0 ACTIA COMMUNITY ADVISORY COMMITTEE REPORTS – (TIME LIMIT: 3 MINUTES PER SPEAKER)

- 7.1 Bicycle and Pedestrian Advisory Committee – Midori Tabata, Chair* (**page 117**)
7.2 Citizens Advisory Committee – Barry Ferrier, Chair* (**page 119**)
7.3 Citizens Watchdog Committee – James Paxon, Chair * (**page 125**)
7.4 Paratransit Advisory Committee – Sylvia Stadmir, Chair* (**page 131**)

8.0 ACTIA WORK PROGRAM COMMITTEE REPORTS

On Consent and In Closed Session

9.0 ACTIA ADMINISTRATION, LEGISLATION & FINANCE COMMITTEE REPORTS

- 9.1 Legislative Program Update* (**page 139**)

10.0 ACCMA PLANS AND PROGRAMS COMMITTEE REPORT

- 10.1 New Federal Act Program: Approval of Final CMA Block Grant Program* (**page 157**)
Note: 14 affirmative votes required.

- 10.2 Approval of Transportation Fund for Clean Air (TFCA): FY 2010/11 Final Program* (**page 165**)
Note: 14 affirmative votes required.

10.3 State Transportation Improvement Program (STIP):

- 10.3.1 Approval of Amendment Request: Transportation Enhancement (TE) funds for the LAVTA Rideo Bus Project* (**page 169**)
Note: 14 affirmative votes required.

- 10.3.2 Approval of 2010 STIP Update: BART Oakland Airport Connector Project* (**page 173**)
Note: 14 affirmative votes required.

11.0 ACCMA ADMINISTRATION & LEGISLATION COMMITTEE REPORTS

No report this month.

- 12.0 Update on Altamont Corridor Rail Project* (page 177) Information/Discussion**
Representatives of California High-Speed Rail Authority will present an update.

13.0 CLOSED SESSION

- 13.1 Closed Session** - Pending Litigation, Government Code section 54956.9(a), conference with legal counsel regarding the matter of *Nilex Corporation, et al. v. DGI-Menard, Inc., et al.*, San Francisco County Superior Court Case No. CGC-09-484937, related to the I-238 Widening Project (ACTIA 21) in which ACTIA is an intervening plaintiff.

13.2 Report on Closed Session

14.0 MEMBER REPORTS

15.0 STAFF REPORTS

16.0 ADJOURNMENT: 4:00 p.m.
NEXT MEETING – SEPTEMBER 23, 2010 at 2:30 PM

*Attachment enclosed for members and key staff.

**Verbal presentation will be made or materials will be available at the meeting.

(#) All items on the agenda are subject to action and/or change by the Alameda CTC Board. Times for agenda items are approximate.

PLEASE DO NOT WEAR SCENTED PRODUCTS SO INDIVIDUALS WITH ENVIRONMENTAL SENSITIVITIES MAY ATTEND

September Meeting Schedule: Some dates are tentative. Persons interested in attending should check dates with Alameda CTC staff.

Citizens Advisory Committee	5:30 pm	No meeting in September	
Citizens Watchdog Committee	6:30 pm	No meeting in September	
Alameda County Transportation Advisory Committee (ACTAC)	1:30 pm	September 7, 2010	1333 Broadway Suite 220
Bicycle and Pedestrian Advisory Committee	5:30 pm	September 9, 2010	1333 Broadway Suite 300
Planning, Policy and Legislation Committee	TBD	September 9, 2010	1333 Broadway Suite 300
Programs and Projects Committee	TBD	September 9, 2010	1333 Broadway Suite 300
Finance and Legislation Committee	TBD	September 9, 2010	1333 Broadway Suite 300
Paratransit Technical Advisory Committee	1:00 pm	September 14, 2010	1333 Broadway Suite 300
Paratransit Advisory and Planning Committee	1:00 pm	September 20, 2010	
Alameda CTC Board Meeting	2:30 PM	September 23, 2010	1333 Broadway Suite 300

July 22, 2010
Agenda Item 2.0

July 14, 2010

To: Board of Directors
Alameda County Transportation Commission

From: Administrative Code Ad Hoc Committee
Dennis Fay, ACCMA Executive Director
Arthur Dao, ACTIA Deputy Director
Geoffrey Gibbs, ACTIA General Counsel
Neal Parish, ACTIA and ACCMA General Counsel
Lynn Dantzker, Management Partners

Subject: Alameda CTC Administrative Code

RECOMMENDATION:

The Board is requested to review and adopt the attached Alameda CTC Administrative Code.

DISCUSSION:

The members of the Administrative Code Ad Hoc Committee, with input from other ACTIA and ACCMA staff members, as well as input from the Ad Hoc Committee on the Merger, have drafted the attached initial Administrative Code for the Alameda CTC. The purpose of the Administrative Code is to prescribe the powers and duties of officers of the Commission, the method of appointment of employees of the Commission, and the methods, procedures, and systems of operation and management of the Commission. The proposed Administrative Code is similar in purpose to the existing Administrative Codes previously adopted and amended by ACTIA and ACCMA, but is a more complete and thorough document than those prior Codes.

The Articles of the proposed Administrative Code consist of the following:

- General Provisions
- Code of Ethics
- Definitions
- Powers, Authority and Duties
- Advisory and External Committees

It is anticipated that the Administrative Code will be continuously reviewed, expanded and amended during the life of the Commission, especially during the initial transition period.

Attachment

ALAMEDA COUNTY TRANSPORTATION COMMISSION
ADMINISTRATIVE CODE

TABLE OF CONTENTS

	Page
ARTICLE 1 GENERAL PROVISIONS	2
ARTICLE 2 CODE OF ETHICS.....	2
ARTICLE 3 DEFINITIONS.....	3
ARTICLE 4 POWERS, AUTHORITY AND DUTIES	7
ARTICLE 5 ADVISORY AND EXTERNAL COMMITTEES	14

**ALAMEDA COUNTY TRANSPORTATION COMMISSION
ADMINISTRATIVE CODE**

**ARTICLE 1
GENERAL PROVISIONS**

1.1 Title. This Code is enacted by the Alameda County Transportation Commission (“Alameda CTC” or “Commission”) pursuant to the provisions of California Public Utilities Code Section 180105 and the Joint Powers Agreement dated for reference purposes as of March 25, 2010 (as it may subsequently be amended from time to time) which created the Commission (“JPA”). This Code may be referred to as the “Alameda County Transportation Commission Administrative Code.” This Code prescribes the powers and duties of officers of the Commission, the method of appointment of employees of the Commission, and the methods, procedures, and systems of operation and management of the Commission.

1.2 Reference Includes Amendments. Reference to this Code or any portion thereof includes later amendments thereto. This Code may be amended by motion, resolution or other proper action of the Board.

1.3 Severability. If any term or provision of this Code is ever determined to be invalid or unenforceable for any reason, such term or provision shall be severed from this Code without affecting the validity or enforceability of the remainder of this Code.

1.4 Interpretation. Section headings in this Code are for convenience of reference only and shall not affect the meaning or interpretation of any provision of this Code. As used herein: (a) the singular shall include the plural (and vice versa) and the masculine or neuter gender shall include the feminine gender (and vice versa) where the context so requires; (b) locative adverbs such as “herein,” “hereto,” and “hereunder” shall refer to this Code in its entirety and not to any specific Section or paragraph; (c) the terms “include,” “including,” and similar terms shall be construed as though followed immediately by the phrase “but not limited to;” and (d) “shall,” “will” and “must” are mandatory and “may” is permissive.

**ARTICLE 2
CODE OF ETHICS**

2.1 Ethics Statement. The foundation of any democratic institution or governmental agency relies upon the trust and confidence its citizens place in its elected officials, appointed managers or administrators, and staff. Honesty, integrity and professionalism must serve as the guiding principles for the Commission in carrying out its deliberations and the Commission’s business. The ethical operation of local government requires that decision-makers be impartial and accountable. The Commission expects its representatives, including but not limited to Board Members, employees, contractors, and advisory committee members to act in a manner that retains and inspires the trust and confidence of the people they serve.

2.2 Expectations. It is the general policy of the Commission to promote the highest standards of personal and professional ethics by individuals charged with carrying out the Commission's business. The Commission expects all participants to:

2.2.1 Conduct public deliberations and Commission business in an atmosphere of mutual respect, consideration, cooperation and civility.

2.2.2 Conduct public processes openly, unless legally required to be confidential.

2.2.3 Comply with both the letter and spirit of the laws and policies affecting the operations of government in general and the Commission specifically, including but not limited to the Conflict of Interest Code.

2.2.4 Use public service for the public good, not for personal gain.

ARTICLE 3 DEFINITIONS

3.1 Existing Definitions Adopted. For the purposes of this Code, all words not defined herein shall have such meanings as (i) have been established in a controlling Expenditure Plan, or (ii) have been determined by the laws of the State and decisions of the courts of the State.

3.2 "1986 Expenditure Plan" means the Alameda County Transportation Expenditure Plan approved by the voters of Alameda County pursuant to the passage of the original Measure B on November 4, 1986, as it may subsequently be amended from time to time.

3.3 "2000 Expenditure Plan" means Alameda County's 20-Year Transportation Expenditure Plan, dated July 2000 and funded by the retail transactions and use tax imposed pursuant to 2000 Measure B, as it may subsequently be amended from time to time.

3.4 "2000 Measure B" means Measure B as adopted by the voters of Alameda County on November 7, 2000 pursuant to Section 180206 of the Act.

3.5 "Act" means Division 9 of the California Public Utilities Code, Sections 180000 et seq., also known as the Local Transportation Authority and Improvement Act, as the Act may be amended from time to time.

3.6 "ACCMA" or "CMA" each mean the Alameda County Congestion Management Agency, the agency originally tasked with the duty of adopting and implementing the Congestion Management Program.

3.7 "ACTA" means the Alameda County Transportation Authority, the agency originally tasked with the duty of implementing the 1986 Expenditure Plan. ACTA has now been dissolved, and ACTIA has assumed its duties, rights and obligations, which have been delegated to the Commission pursuant to the JPA.

3.8 “**ACTAC**” means the Alameda County Transportation Advisory Committee, the technical advisory committee to the Commission, as described herein.

3.9 “**ACTIA**” means the Alameda County Transportation Improvement Authority, the agency originally tasked with the duty of implementing the 2000 Expenditure Plan.

3.10 “**Advisory Committee**” means each advisory committee established by or for the Commission.

3.11 “**Alameda CTC**” and “**Commission**” each mean the Alameda County Transportation Commission.

3.12 “**Alternate**” means each of those persons appointed, pursuant to the JPA, to serve and vote as an alternate member of the Board or of a Standing Committee in the absence of a specific Board Member.

3.13 “**Annual Budget**” means the budget for the Commission, including separate budget sections related to (i) the 1986 Expenditure Plan, (ii) the 2000 Expenditure Plan, as required by Section 180105 of the Act, (iii) the Congestion Management Program, (iv) the VRF Expenditure Plan, and (v) other matters.

3.14 “**Authorized Vote**” means the total number of weighted votes represented by all Board Members, pursuant to the provisions of the JPA.

3.15 “**Board**” and “**Board of Directors**” each mean the governing body of the Commission, which constitutes the legislative body of the Commission as defined under Section 54952 of the Brown Act.

3.16 “**Board Member**” means each of those persons appointed to serve as a member of the Board pursuant to the JPA.

3.17 “**Board of Supervisors**” means the Board of Supervisors of the County.

3.18 “**Bonds**” means indebtedness and securities of any kind or class, including but not limited to bonds, refunding bonds, or revenue anticipation notes.

3.19 “**Brown Act**” means the Ralph M. Brown Act, Government Code Sections 54950 *et seq.*, as it may be amended from time to time.

3.20 “**Chair**” means the Chair of the Board, as elected by the Board.

3.21 “**Citizens Watchdog Committee**” means the Advisory Committee for 2000 Measure B required by the 2000 Expenditure Plan.

3.22 “**City**” means any incorporated city or town within the County.

3.23 “**Code**” means this Administrative Code of the Alameda County Transportation Commission.

3.24 “Commission Engineer” means a Staff member holding and maintaining a California Professional Civil Engineer license who is designated by the Executive Director as the Commission Engineer.

3.25 “Conflict of Interest Code” means the Conflict of Interest Code of the Commission, as adopted and regularly updated by the Board pursuant to the provisions of Government Code Section 87300 *et seq.*

3.26 “Congestion Management Agency” means the Commission serving in its role as the County’s Congestion Management Program agency, as designated pursuant to Government Code Section 65089 and the JPA.

3.27 “Congestion Management Program” means the program developed and administered by the Congestion Management Agency, as successor to the ACCMA, in accordance with the provisions of Government Code Section 65089.

3.28 “County” means the County of Alameda.

3.29 “Elected Official” means (i) any duly elected and serving official of the legislative body, as defined in Government Code Sections 34000 and 34002, of any City, (ii) any duly elected and serving member of the Board of Supervisors, and (iii) any duly elected and serving official of the legislative body of any Member Transit Agency.

3.30 “Executive Director” means the chief executive officer selected by the Board to conduct the overall and day-to-day management of the activities of the Commission.

3.31 “Expenditure Plan Project” means a project and/or a program described in one or more of the Expenditure Plans.

3.32 “Expenditure Plans” means the 1986 Expenditure Plan, the 2000 Expenditure Plan, and the VRF Expenditure Plan.

3.33 “Finance and Administration Committee” or “FAC” each mean such Standing Committee as described herein.

3.34 “Fiscal Year” means July 1 to and including the following June 30.

3.35 “General Counsel” means the attorney(s) or law firm(s) acting as general counsel to the Commission.

3.36 “Geographic Area” means the four subareas in the County, consisting of North County (the cities of Albany, Berkeley, Emeryville, Piedmont, Oakland and Alameda), Central County (the cities of San Leandro and Hayward and the unincorporated areas of Castro Valley, San Lorenzo, Ashland and others in the central section of the County), South County (the cities of Union City, Newark and Fremont), and East County (the cities of Dublin, Pleasanton and Livermore and the unincorporated areas of the Livermore Valley).

3.37 “Holiday” means any day observed by the Commission as a holiday, other than a Saturday or Sunday.

3.38 “Investment Policy” means any investment policy adopted by the Board in conformance with applicable law.

3.39 “JPA” means the Joint Powers Agreement which created the Commission, dated for reference purposes as of March 25, 2010, as it may subsequently be amended from time to time.

3.40 “Member Agency” means each public agency which is a member of the Commission pursuant to the JPA.

3.41 “Member Transit Agency” means each transit agency which is a Member Agency.

3.42 “Metropolitan Transportation Commission” means the regional transportation planning agency for the San Francisco Bay Area authorized and created by Government Code Sections 66500 *et seq.*

3.43 “Net Revenues” means respectively (i) gross revenues derived from imposition of a retail transactions and use tax, less Board of Equalization administrative and other charges, with respect to the 1986 Expenditure Plan and 2000 Expenditure Plans, or (ii) gross revenues derived from imposition of the VRF, less Department of Motor Vehicles administrative and other charges, with respect to the VRF Expenditure Plan.

3.44 “Official Acts” means all substantive actions taken by the Board, excluding matters which are procedural in nature.

3.45 “Planning, Policy, and Legislation Committee” and **“PPLC”** each mean such Standing Committee as described herein.

3.46 “Programs and Projects Committee” or **“PPC”** each mean such Standing Committee as described herein.

3.47 “Procurement Policy” means any policy or policies adopted by the Board regarding procurement of goods, services and supplies, and hiring of consultants and contractors, as such policy or policies may be amended from time to time. Until such time as the Board adopts a Procurement Policy, (i) all such procurement and hiring of consultants and contractors related to ACTIA projects, programs and activities shall be governed by the ACTIA Procurement Policy, Local Business Contract Equity Program, and related policies; (ii) all such procurement and hiring of consultants and contractors related to ACCMA projects, programs and activities shall be governed by the ACCMA Project Delivery Administration Guide, the ACCMA Small Business Enterprise Policy, the ACCMA Local Business Enterprise Policy and other applicable ACCMA policies.

3.48 “Secretary” means the Staff member designated by the Executive Director to serve as the Secretary of the Board.

3.49 “**Staff**” means direct employees of the Commission, and also means employees of ACCMA or ACTIA acting as employees of the Commission pursuant to agreement or contract between the Commission and such agency.

3.50 “**Standing Committee**” means each of the standing subcommittees of the Board as described herein, consisting of the FAC, the PPLC and the PPC.

3.51 “**State**” means the State of California.

3.52 “**Vice Chair**” means the Vice Chair of the Board, as elected by the Board.

3.53 “**VRF**” means any vehicle registration fee adopted by the voters of the County pursuant to Government Code Section 65089.20, as codified pursuant to Senate Bill 83 in 2009.

3.54 “**VRF Expenditure Plan**” means the expenditure plan adopted with respect to the VRF, and as it may subsequently be amended from time to time.

3.55 “**Working Day**” means any day other than a Saturday, Sunday or Holiday.

ARTICLE 4 POWERS, AUTHORITY AND DUTIES

4.1 Power, Authority and Duty of the Board. The Board shall have the power, authority, and duty to do all of those things necessary and required to accomplish the stated purpose and goals of the Commission as set forth in the JPA. Except as otherwise provided herein, the Board may delegate its power and authority to the Executive Director, who may further delegate such power and authority to Staff. Without limiting the generality of the foregoing, the Board shall have the power and authority to do any of the following on behalf of the Commission:

4.1.1 To administer and amend, as necessary, the Expenditure Plans, to provide for the design, financing and constructing of the projects described therein, and to determine the use of Net Revenues in conformance with the parameters established in the Expenditure Plans, and in conformance with governing statutes.

4.1.2 To provide for the design, financing and constructing of other projects as may be undertaken from time to time by the Alameda CTC.

4.1.3 To prepare, adopt, implement and administer the Congestion Management Program as the designated congestion management agency for Alameda County.

4.1.4 To establish, update and amend the Annual Budget.

4.1.5 To enter in a contract with the Executive Director, which contract shall include the rate of compensation and other benefits of the Executive Director.

4.1.6 To establish and revise the salary and benefit structure for Commission employees from time to time.

4.1.7 To make and enter into contracts.

4.1.8 To appoint agents.

4.1.9 To acquire, hold, or dispose of real property and other property by any lawful means, including without limitation, gift, purchase, lease, lease purchase or sale, including use of the power of eminent domain to the extent the Commission is legally entitled to exercise such power.

4.1.10 To incur debts, liabilities or obligations subject to applicable limitations, including without limitation the issuance of Bonds.

4.1.11 Subject to applicable reporting and other limitations as set forth in the Conflict of Interest Code, to receive gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any governmental entity.

4.1.12 To sue and be sued on behalf of the Commission.

4.1.13 To apply for appropriate grants under any federal, state, regional or local programs for assistance in developing any of its projects, administering any of its programs, or carrying out any other duties of the Commission pursuant to the JPA.

4.1.14 To create, modify and/or terminate the Standing Committees, Advisory Committees, and ad hoc committees as may be deemed necessary by the Board, subject to compliance with the Expenditure Plans and applicable laws.

4.1.15 To review and amend the Administrative Code as necessary.

4.1.16 To establish such policies for the Board and/or Commission as the Board deems necessary or are required by applicable law, and thereafter to amend such policies as appropriate.

4.1.17 To exercise any other powers authorized in the JPA, the Act, the congestion management statutes (Government Code §§65088 *et seq.*), and/or any other applicable state or federal laws or regulations.

4.1.18 To administer the Commission in furtherance of all the above.

4.2 Rules For Proceedings. Except as otherwise provided herein, the following rules shall apply to all meetings of the Board, the Standing Committees and all Advisory Committees.

4.2.1 All proceedings shall be governed by Robert's Rules of Order, unless otherwise specifically provided in this Code.

4.2.2 All meetings shall be conducted in the manner prescribed by the Brown Act.

4.2.3 A majority of the members of the Board constitutes a quorum for the transaction of business of the Board, regardless of the percentage of Authorized Vote present at the time.

4.2.4 Except as otherwise provided herein or otherwise required by applicable law, all Official Acts require the affirmative vote of a majority of the weighted vote of the Board Members (and/or Alternates eligible to vote) present at the time of the vote.

4.2.5 As required by the 2000 Expenditure Plan, two-thirds of the weighted vote of the Board Members (and/or Alternates eligible to vote) present at the time of the vote is required to approve an amendment to the 2000 Expenditure Plan.

4.2.6 A majority of the total Authorized Vote shall be required for each of the following actions by the Board:

4.2.6.1 To adopt or amend the Congestion Management Program.

4.2.6.2 To adopt a resolution of conformance or non-conformance with the adopted Congestion Management Program.

4.2.6.3 To approve or reject a deficiency plan.

4.2.6.4 To adopt or amend the Countywide Transportation Plan.

4.2.6.5 To approve federal or state funding programs.

4.2.6.6 To adopt the Annual Budget or to levy fees or charges on any Member Agency.

4.2.7 Annually, or as otherwise determined by the Board, the Board shall elect the Chair and Vice Chair. In choosing the Chair and Vice Chair, Members shall give reasonable consideration to rotating these positions among the Geographic Areas and the transit representatives, among other factors.

4.2.8 The acts of the Board shall be expressed by motion, resolution, or ordinance.

4.2.9 A majority of the members of an Advisory Committee or Standing Committee constitutes a quorum for the transaction of business of such committee.

4.2.10 The acts of the Standing Committees and Advisory Committees shall be expressed by motion.

4.3 Compensation of Board Members and Alternates. Board Members or Alternates attending and participating in any meeting of the Board, a Standing Committee, or any external committee where such Board Member or Alternate serves as the appointed or designated representative of the Commission, shall be compensated at the rate of \$225 for each such meeting, plus travel costs at the per diem rate of \$25. Notwithstanding anything to contrary in

the administrative code of ACTIA or ACCMA, no Board Member or Alternate shall receive any compensation for meetings of ACTIA or ACCMA which are held concurrently with, or immediately before or after, any meeting for which compensation is payable under this Code.

4.4 Powers Reserved to Board. The matters not delegated to the Executive Director but rather specifically reserved for the Board include adoption of the Annual Budget, establishment of strategy and policies for the Commission, and succession planning for the Executive Director.

4.5 Board Directions to Staff through Executive Director. Except for the purposes of inquiry and obtaining or providing information, neither the Board nor any Board Member or Alternate shall deal with any Staff member except by and through the Executive Director, and neither the Board nor any Board Member or Alternate shall give orders to any Staff member.

4.6 Power, Authority and Duty of the Executive Director. The Board delegates to the Executive Director all matters necessary for the day-to-day management of the Commission, except matters specifically reserved for the Board herein. The Executive Director shall, on behalf of the Commission, be responsible for instituting those methods, procedures and systems of operations and management which, in his/her discretion, shall best accomplish the mission and goals of the Commission. Without limitation, the Executive Director shall have the power, authority, and duty to do each of the following:

4.6.1 To serve as the chief executive officer of the Commission and to be responsible to the Board for the proper administration of all Commission affairs.

4.6.2 To prepare and submit an annual budget, and such amendments thereto as may be necessary, to the Board for its approval.

4.6.3 To prepare and submit an annual salary and benefits plan, and such amendments thereto as may be necessary, to the Board for its approval.

4.6.4 To administer the personnel system of the Commission, including hiring, controlling, supervising, promoting, transferring, suspending with or without pay or discharging any employee, including but not limited to determination of a staffing plan and determination of each employee's level of salary, subject to conformance with the Annual Budget and the salary and benefit plan established from time to time by the Board.

4.6.5 To prepare periodic reports updating the Board and the Commission on financial and project status, as well as other activities of the Commission and Staff.

4.6.6 To approve and execute contracts on behalf of the Commission following such approvals as may be required hereunder, subject to compliance with the Procurement Policy and any other applicable direction or policy of the Board, and in accord with the Annual Budget.

4.6.7 To see that all rules, regulations, ordinances, policies, procedures and resolutions of the Commission are enforced.

4.6.8 To accept and consent to deeds or grants conveying any interest in or easement upon real estate to the Commission pursuant to Government Code Section 27281 and to prepare and execute certificates of acceptances therefor from time to time as the Executive Director determines to be in furtherance of the purposes of the Commission. Such authority shall be limited to actions of a ministerial nature necessary to carry out conveyances authorized by the Board.

4.6.9 To designate, in writing, the Commission Engineer and such Commission Engineer's authorized delegees. Any such designations will remain in effect until modified or revoked by the Executive Director.

4.7 Power, Authority and Duty of the Commission Engineer. The Commission Engineer shall do the following:

4.7.1 Sign plans for conformance with project requirements and design exceptions.

4.7.2 Certify matters related to utilities and rights-of-way in connection with right-of-way programs approved by the Board.

4.7.3 Approve construction contract change orders (CCOs) and other documents which require, or recommend, the signature of a Commission representative with a California Professional Civil Engineering license, all in accordance with the applicable construction program manual.

4.8 Power, Authority and Duty of the Chair and Vice Chair.

4.8.1 The Chair shall preside over all meetings of the Board. In the absence of the Chair, the Vice Chair shall serve as and have the authority of the Chair. In the event of absence of both the Chair and Vice Chair or their inability to act, the members present shall select one of their members to act as Chair Pro Tempore, who, while so acting, shall have the authority of the Chair.

4.8.2 The Chair shall appoint all members, and select the chair and vice-chair, of each Standing Committee. In making such appointments, the Chair shall endeavor to include members from all four geographic areas on each Standing Committee.

4.8.3 The Chair and Vice Chair shall serve as voting ex-officio members of each Standing Committee.

4.8.4 In urgent situations where Board action is impractical or impossible, the Chair may take and communicate positions on behalf of the Commission regarding legislative matters. The Chair shall report to the Board and the appropriate Standing Committee at the next meeting of each said body regarding any such actions taken by the Chair.

4.9 Power, Authority and Duty of the Standing Committees.

4.9.1 The following general provisions apply to each of the Standing Committees:

4.9.1.1 All members of the Standing Committees shall be Board Members, and shall be appointed by the Chair after consultation with the Members and solicitation of information regarding each Member's interests. Appointments to the Standing Committees shall occur when a vacancy occurs, or as otherwise needed or desired. Upon the removal or resignation of a Board Member, such Board Member shall cease to be a member of any Standing Committee.

4.9.1.2 Each member of a Standing Committee shall carry one vote.

4.9.1.3 The Standing Committees may meet as committees of the whole with respect to the Board.

4.9.1.4 Whether or not a Standing Committee meets as a committee of the whole, no recommendation by a Standing Committee shall be deemed an action of the Board, except with respect to any actions that the Standing Committee may be specifically authorized to approve by Board Action.

4.9.1.5 Unless specifically stated otherwise, all actions of the Standing Committees are advisory and consist of recommendations to the Board.

4.9.1.6 All Board Members shall be notified of the time and date of Standing Committee meetings. However, Board Members and Alternates who are not members of a given Standing Committee may attend such meetings as members of the public, including sitting with other members of public rather than with the Standing Committee members, neither voting nor participating in discussions except as a member of the public.

4.9.2 The functions and authority of the Finance and Administration Committee (FAC) are as follows:

4.9.2.1 Agency operations and performance.

4.9.2.2 Human resources and personnel policies and procedures.

4.9.2.3 Administrative Code.

4.9.2.4 Salary and benefits.

4.9.2.5 Procurement policies and procedures.

4.9.2.6 Procurement of administrative contracts.

4.9.2.7 Contract preference programs for entities such as local business enterprises, small business enterprises and disabled business enterprises, including consideration of participation reports.

4.9.2.8 Bid protests and complaints related to administrative contract procurement.

4.9.2.9 Annual budget and financial reports.

4.9.2.10 Investment policy and reports.

4.9.2.11 Audit reports, financial reporting, internal controls and risk management.

4.9.2.12 Annual work program.

4.9.2.13 Other matters as assigned by the Board or Chair.

4.9.3 The functions and authority of the Planning, Policy, and Legislation Committee (PPLC) are as follows:

4.9.3.1 Congestion Management Program (CMP).

4.9.3.2 Countywide Transportation Plan (CWTP).

4.9.3.3 Federal, state, regional and local transportation and land-use planning policies.

4.9.3.4 Transportation and land use planning studies and policies.

4.9.3.5 Amendments to the 1986 Expenditure Plan or the 2000 Expenditure Plans.

4.9.3.6 Amendments to the VRF Expenditure Plan.

4.9.3.7 Transit oriented development, priority development areas projects and programs.

4.9.3.8 Annual legislative program.

4.9.3.9 State and Federal legislative matters.

4.9.3.10 General and targeted outreach programs (public information, media relations, and public participation).

4.9.3.11 Advisory committees' performance and effectiveness.

4.9.3.12 Other matters as assigned by the Board or Chair.

4.9.4 The functions and authority of the Programs and Projects Committee (PPC) are as follows:

4.9.4.1 Local, state, ACCMA Transportation Improvement Program (TIP), TFCA vehicle registration fee programs, and Expenditure Plan programs and projects.

4.9.4.2 Local, state and federally funded projects and funding programs.

4.9.4.3 Annual Strategic Plan for programs and projects.

4.9.4.4 Funding requests from project sponsors and other eligible recipients.

4.9.4.5 Paratransit services programs and projects.

4.9.4.6 Bicycle and pedestrian projects and programs.

4.9.4.7 Funding allocations to the various transportation programs and projects.

4.9.4.8 Eminent domain proceedings.

4.9.4.9 Environmental evaluations.

4.9.4.10 Contract procurement for specific engineering and construction contracts not delegated to the Executive Director.

4.9.4.11 Good faith efforts policies and procedures.

4.9.4.12 Bid protests and complaints regarding engineering and construction contract procurement.

4.9.4.13 Other matters as assigned by the Board or Chair.

ARTICLE 5 ADVISORY AND EXTERNAL COMMITTEES

5.1 Continuation of Existing Advisory Committees. All ACTIA and ACCMA advisory committees in existence as of the first adoption of this Code shall continue in their current form and purpose until and unless the Board determines otherwise.

5.2 Citizens Watchdog Committee. The Citizens Watchdog Committee defined in and required by the 2000 Expenditure Plan shall continue to have all duties and obligations as described therein with respect to the 2000 Expenditure Plan, and shall have the membership required thereby.

5.3 Alameda County Transportation Advisory Committee. ACTAC shall be composed of one staff representative, preferably from a planning or public works department,

from each of the following: the Commission, each City, the County, each Member Transit Agency, the Livermore Amador Valley Transit Agency, the Port of Oakland, the Metropolitan Transportation Commission, and Caltrans. Each representative shall have one vote. ACTAC may form subcommittees as necessary. The Executive Director or his/her designee shall preside over the meetings of the ACTAC.

5.4 Other Advisory Committees. The Board shall establish and appoint such advisory committees as it deems necessary, and as may be required by the Expenditure Plans or applicable statutes.

5.5 Compensation of Advisory Committee Members and Alternates. Any person appointed as a member or alternate to, and participating as a voting representative at a meeting of, any Advisory Committee shall be compensated at the rate of \$50 for each such meeting. Notwithstanding the foregoing, no compensation shall be payable hereunder to any representative of ACTAC.

5.6 Geographic Area Meetings. Meetings of representatives (including Board Members, Alternates and ACTAC members) from a Geographic Area may be called on an as-needed basis by the Chair, the Executive Director, or by two or more Board Members from a Geographic Area. Such meetings are intended to provide an opportunity to discuss matters of common interest and to advise the Board on matters affecting the Geographic Area.

5.7 Staff Support. The Executive Director shall designate one or more Staff members to aid each advisory committee in its work.

5.8 Representation on External Committees and Agencies. The Chair or the Board may designate either Board Members, Alternates, or members of Staff, as may be deemed appropriate, to serve as the designated representative(s) of the Commission on any outside committees or agencies. Such representative(s) shall make a good faith effort to represent the position of the Board on any matter on which the Board has taken an official position or has otherwise taken formal action. Such appointments shall include provisions for the designation of alternates and of term of the appointment where appropriate.

July 22, 2010
Agenda Item 3.0

July 22, 2010

To: Board of Directors
Alameda County Transportation Commission

From: Ad Hoc Committee on the Merger
Mayor Mark Green
Supervisor Alice Lai-Bitker
Supervisor Scott Haggerty
Councilmember Rebecca Kaplan
Councilmember Olden Henson
Councilmember Robert Wieckowski

Subject: Transit Agency Fees

RECOMMENDATION:

Assess AC Transit and BART an Alameda County Transportation Commission (Alameda CTC) fee for the new agency of \$73,000 each for FY 2010/11, pursuant to the provisions of the Joint Powers Agreement (JPA) which created the Alameda CTC. Other member agencies have previously been assessed a fee as part of the adoption of the ACCMA budget for FY 2010/11.

DISCUSSION:

Section 18 (Special Provisions) of the JPA calls for an annual fee to be levied against each of the member agencies for the purpose of defraying certain costs, which costs generally relate to functions previously performed by ACCMA. Both AC Transit and BART are members of the Alameda CTC and each has one vote on the Board of Directors. Section 10 (vi) (Organization) of the JPA further states that:

“Notwithstanding the foregoing, only members of bodies who have paid or allocated the fees set by the ACTC Board shall be entitled to be members of the ACTC Board.”

In early May, the Ad Hoc Committee on the Merger of ACCMA and ACTIA met and addressed the matter of the fee to be assessed on AC Transit and BART pursuant to the JPA. The Committee considered the fees being assessed on other Alameda CTC member jurisdictions for 2010-11, which range from \$3,502 (Emeryville) to \$473,630 (County). By long standing mutual agreement among the member agencies, and consistent with the practice of ACCMA, the fee assessment is based on each jurisdiction’s percentage share of Proposition 111 fuel tax subvention, which varies slightly from year to year. The average fee amount for the 2010-2011 fiscal year is about \$73,000 and the median is \$32,132. Transit agencies do not receive fuel tax subvention and therefore there is no direct mathematical basis to set a fee. Nonetheless, the Committee agreed that both transit agencies benefit significantly from being full voting members

of the new Commission and should be assessed a fee to support the administration and implementation of the congestion management program, the countywide transportation plan, and related matters which formerly were within the purview of the ACCMA . The Committee recommended that the average of the current member agencies, or \$73,000, be assessed on each transit agency.

The Ad Hoc Committee's recommendation regarding the fee assessment was made prior to each transit agency's action approving the JPA, and each transit agency was informed of the recommended fee amount prior to their consideration of the JPA. Each agency subsequently voted affirmatively to join the JPA. Now that the Alameda CTC JPA has been approved by all parties, the Alameda CTC Board must now take action to assess a fee, in compliance with the JPA requirement.

July 22, 2010
Agenda Item 4.0

MEMORANDUM

TO: Alameda CTC Board

FROM: Christine Monsen, ACTIA Executive Director
Dennis Fay, ACCMA Executive Director
Tess Lengyel, ACTIA Programs and Public Affairs Manager
Beth Walukas, ACCMA Planning Manager

DATE: July 22, 2010

SUBJECT: **Appoint and/or Reappoint Countywide Transportation Plan Update and Sales Tax Reauthorization Steering Committee Members**

Recommendation

Staff recommends that the Board appoint and/or reappoint members of the Countywide Transportation Plan Update and Sales Tax Reauthorization Steering Committee.

Summary

In March and April 2010, the ACTIA and ACCMA Boards formed the Countywide Transportation Plan Update and Sales Tax Reauthorization Steering Committee (Steering Committee) to guide the development and adoption of these two plans. Due to the formation of the Alameda County Transportation Commission and establishment of the new Alameda CTC Board, staff recommends that the appointments to the Steering Committee be reconfirmed, or where necessary, new appointments be made.

Background

The combined update of the Alameda County Countywide Transportation Plan and the development of a new Sales Tax Reauthorization Expenditure Plan require incorporation of new planning and technical elements in the Countywide Transportation Plan, significant coordination amongst stakeholders, and outreach to the public. Development of these plans requires technical, political, public and stakeholder engagement. The establishment of three committees to implement a two-year planning process will provide guidance for the plans and will be inclusive of those interested in the process. The three committees include the Steering Committee, a Technical Working Group, and a Community Working Group.

The Steering Committee was appointed by the ACTIA and ACCMA Boards, and is comprised of ACTIA and ACCMA Board members. Due to the formation of the Alameda CTC and potential new elected official representation on the Board, staff recommends that the appointments to the Steering Committee be reconfirmed, or where necessary, new appointments made.

Fiscal Impact

No impact

Attachments

A: Roster of current CWTP/TEP Steering Committee
B: CWTP/TEP Committee Roles and Responsibilities

Membership includes:

- Existing Alameda County Technical Advisory Committee (ACTAC)
- Alameda County and Cities Planning Staff
- Alameda County Public Health Department
- Education representatives
- Enforcement agencies
- Port of Oakland
- Park Districts
- Transit operators not represented on the current ACTAC
- Social Service Agencies representing the needs of youth, seniors/disabled and economically disadvantaged

Community Advisory Working Group: A Community Advisory Working Group comprised of members of the general public, as well as representatives of special interest and advocacy groups, will be appointed by the Steering Committee. Representation will be non-duplicative, broad-based and equitably represent all areas of the county. This committee will review the vision, projects, programs, and will make comments and recommendations that will be heard at both the Technical Working Group and Steering Committee. This Working Group will operate through bylaws established by the Steering Committee and membership will be approved by the Steering Committee. Members must be residents in Alameda County, or work in a bona-fide Alameda County business. This committee will seat twenty-seven members (27), including the following:

- Representatives from ACTIA's current community advisory committees
 - Citizens Watchdog Committee (CWC)
 - Bicycle and Pedestrian Advisory Committee (BPAC)
 - Paratransit Advisory and Planning Committee (PAPCO)
 - Citizens Advisory Committee (CAC)
- Representatives from following organizations that are part of the CWC
 - League of Women Voters
 - East Bay Economic Development Alliance
 - Sierra Club
 - Alameda County Taxpayer's Association
 - East Bay Bicycle Coalition
 - Alameda County Labor Council
- Environmental, social justice and faith-based advocacy groups
- Businesses
- Health
- Education
- Seniors/Disabled

FINAL APPROVED By Joint Boards on 4/22/10

	Alameda County Total Population*	1,556,657	% of total Alameda County Population	% of Total Population by Planning Area		Steering Committee Recommendation	ACCMA/ACTIA Representation*	Planning Area Representation	Term End					
alt	Alameda	74,683	4.8%	41.4%	North	<i>ALTERNATE: Mayor Johnson</i>	ACCMA/ACTIA	North	2010					
	Albany	16,884	1.1%											
1	Berkeley	107,178	6.9%							Councilmember Worthington	ACCMA	North	2010	
	Emeryville	10,087	0.6%								Mayor Atkin	ACCMA	North	2011
2,3	Oakland	425,068	27.3%							Councilmember Kaplan and Reid		ACTIA and ACCMA	North	2012
	Piedmont	11,165	0.7%											
4	Hayward	150,878	9.7%	23.7%	Central	Councilmember Henson	ACCMA	Central	2012					
alt	San Leandro	82,472	5.3%			<i>ALTERNATE: Councilmember Starosciak</i>		ACCMA	Central	2012				
5	Unincorporated Central County	134,992	8.7%			Supervisor Miley	ACCMA/ACTIA	North, Central, East	2012					
6	Fremont	215,636	13.9%	21.4%	South	Councilmember Wieckowski	ACCMA	South	2012					
alt	Newark	44,035	2.8%			<i>ALTERNATE: Councilmember Freitas</i>		ACCMA	South	2011				
7	Union City	73,977	4.8%			Mayor Green		ACTIA/ACCMA Chair	South	2012				
8	Dublin	47,922	3.1%	13.5%	East	<i>ALTERNATE: Mayor Sbranti</i>	ACCMA/ACTIA	East	2011					
	Livermore	84,409	5.4%			Mayor Kamena								
	Pleasanton	70,097	4.5%			Mayor Hosterman								
9	Unincorporated East County	7,280	0.5%			Supervisor Haggerty				ACCMA/ACTIA	South and East	2012		
10	AC Transit					Director Harper	ACCMA	North	2012					
11	BART					Director Blalock	ACCMA	Central/South	2010					

8 ACCMA only
 6 ACTIA/ACCMA
 1 ACTIA only

Attachment B: Committee Roles and Responsibilities

The combined update of the Alameda County Countywide Transportation Plan (CWTP) and the development of a new Sales Tax Reauthorization Expenditure Plan will require incorporation of new planning and technical elements in the Countywide Transportation Plan, significant coordination amongst stakeholders, and outreach to the public. This new process for Alameda County aims to enhance the current countywide planning document by including countywide transportation operations and maintenance costs, while also retaining the capital investment costs. The aim of expanding the elements in the countywide transportation plan is to ensure that all the true costs for transportation in Alameda County are captured in the Plan so it can serve as a planning, funding and advocacy guidance document.

It is envisioned that the Sales Tax Reauthorization Expenditure Plan would naturally evolve from the development of the CWTP and therefore, all projects included in the CWTP and Expenditure Plan will require going through a scoring and screening process for inclusion in both plans.

Development of these plans will require technical, political, public and stakeholder engagement. Establishment of three committees to implement a two-year process will provide guidance for the plan and will be inclusive of those interested in the process. The three committees include the Steering Committee comprised of Alameda County Transportation Commission (Alameda CTC) members, a Technical Working Group, and a Community Working Group. Each of these is further described below:

Steering Committee: A thirteen-member Steering Committee will serve as the primary guiding and decision-making body and will provide recommendations to the full Alameda CTC for approval. The roles for this committee are as follows:

- Meet regularly during the development of the countywide transportation and expenditure plans to guide the plans' development processes, review technical and public feedback, and participate in the project and program selection processes, and financial forecasting evaluations;
- Review and make recommendations on the technical and public process approaches to plan development and associated budgets;
- Approve membership on the Technical Working Group and the Community Working Group, which will provide input into the work of the Steering Committee;
- Establish the first-level transportation vision for the County and recommend a final vision to guide plan development; and
- Make recommendations on the adoption of draft and final plans to the full Alameda CTC.

The composition of the Steering Committee will represent all areas of the county with as much fair population representation as possible. The Committee will have a Chair and Vice-Chair who will preside over each of the meetings and present recommendations to the Commission.

The Steering Committee will be advised by a Technical Advisory Working Group and a Community Advisory Working Group, both of which will provide recommendations to the Steering Committee for their review, evaluation and approvals, as determined by the Steering Committee.

Technical Advisory Working Group: A Technical Advisory Working Group comprised of agency staff will provide technical input on countywide transportation vision, needs and issues, as well as on the evaluation and scoring processes for projects and programs that will be recommended for inclusion in both the Countywide Transportation Plan and the Expenditure Plan. This Working Group will review materials for inclusion in the Plans and will make comments and recommendations to the Steering Committee. Guidelines will be established for the functioning roles and participation on this committee.



ALAMEDA COUNTY
CONGESTION MANAGEMENT AGENCY

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July 22, 2010
Agenda Item 5.2

Memorandum

Date: July 13, 2010
To: Alameda County Transportation Commission
From: Dennis R. Fay, Executive Director, ACCMA
Subject: EXECUTIVE DIRECTOR'S REPORT

Sacramento Report

A report from the CMA's Sacramento representative is attached to Agenda Item 9.1.

Washington, DC Report

I have attached a report from the CMA's Washington, DC representative.

Update on a Constitutional Amendment Initiative relative to Fees

A constitutional amendment initiative, called the "Stop Hidden Taxes Initiative" by its proponents and the "Polluter Protection Act" by others, has qualified for the November 2010 ballot. This initiative, Proposition 26, may impact the programs contained in the Vehicle Registration Fee Expenditure Plan as well as other programs proposed to be funded by fees

Transportation Bond Measure Projects

I-580 Eastbound HOV Lane Project – The first segment was opened to traffic on October 2, 2009 and the construction contract was accepted on February 2, 2010. Construction of the second segment began on August 21, 2009 by Ghilotti Construction. The HOV lane between Airway and First Street was opened on July 18, 2010. The remaining portion between Hacienda and Airway will open fall 2010. The design consultant is preparing the project development package for the auxiliary lanes between Isabel and North Livermore Avenue and North Livermore Avenue and First Street. The CMA is preparing a re-validation of the I-580 Eastbound HOV Lane Project Environmental Document for the addition of the Eastbound auxiliary lanes and an Environmental Document (IS/EA) for conversion of the HOV Lane to a double HOT Lane. A re-validation has already been approved for a single HOT lane.

I-580 Westbound HOV Lane Project – A CMIA project amendment was approved at the April 2010 CTC meeting. The project's design package was split into three smaller construction contracts. Rehabilitation of the existing pavement was added to the project in January 2010, the

design consultant has revised the plans to add the rehabilitation. The west segment 95% PS&E package was submitted to Caltrans on April 1, 2010 and comments have been received. The east segment package was submitted on May 13, 2010. Phase three, consisting of work in the eastbound direction, will be combined with the Eastbound auxiliary lane project.

I-580/Route 84/Isabel Interchange – This project is sponsored by the City of Livermore and received \$68 million from the CMIA bond fund program. The project was split into three smaller contracts. Contract three, consisting of work within Caltrans right of way, was awarded to RGW on July 29, 2009 and is administered by Caltrans. The other two contracts are administered by the City of Livermore and are under construction. The estimated completion is in February 2011.

I-880 Southbound HOV Lane Extension (Hegenberger to Marina) – Engineering work is underway. The Environmental Document was approved by FHWA on February 11, 2010 and Caltrans approved the Project Report on March 11, 2010. The North segment 95 percent PS&E package (Civil) was submitted to Caltrans on April 16, 2010. The South segment 95 percent PS&E package was submitted to Caltrans for review on June 1, 2010. At the request of the City of San Leandro, the ACCMA is overseeing the Marina Boulevard Interchange Project Study Report/Project Report (PSR/PR).

I-80 Integrated Corridor Mobility (ICM) Project – The Design Team delivered the 100 percent PS&E (including bid documents) for the Traffic Operations System (TOS) Project #3 to Caltrans on August 31, 2009, obtained ready to list (RTL) status on October 28, 2009 and submitted a request for CMIA funds to be considered at the August 2010 CTC meeting. The Team also delivered 100 percent PS&E for the TLSP Project #6 to Caltrans in October 2009, achieved RTL on January 27, 2010 and submitted a request for TLSP funds to the CTC for the August 2010 meeting.

I-880 North Safety and Operational Improvements at 23rd/29th Avenues – The Final Project Report and Environmental Document were approved by Caltrans on April 14, 2010. RFPs for both the Civil and Structural design packages were released in June 2010. A consultant team has been selected for contract negotiations to prepare the Final Design/Bid Documents.

Status of Corridor Studies/Projects

I-680 Express Lane Project – The CMA has partnered with Caltrans on the design of this project. The project has been split into six contracts: three roadway contracts, one landscape contract, an environmental mitigation contract and a system integrator contract. Bay Cities, the contractor for the first contract, Grimmer to Route 238 (Mission Blvd), is continuing to work aggressively to complete the project. Due to weather delays, the project completion is currently estimated to be June 2010. Contract 3, Route 237 to Grimmer, was awarded on April 7, 2009 to Top Grade and Contract 2, Route 238 to Stonebridge, was awarded on April 17, 2009 to Bay Cities. While both contractors are working aggressively on constructing the civil elements of the projects, construction activities were slowed down due to the weather. Electronic Transaction Consultants (ETC), the System Integrator consultant, has completed its design and performed the factory

acceptance testing. Installation of the electronic toll system devices is scheduled for this month. Completion of the site acceptance testing is scheduled for early September with an opening date of the facility of September 20, 2010. The bench test to validate the dynamic pricing algorithm was successfully completed. The interface with Caltrans TMC, CHP and BATA customer service are underway. The CHP agreement is being circulated for approval. Scope changes to Contracts 2 and 3 have been made to allow for opening of the Express Lane in fall 2010.

I-580 Transportation Management Plan Project (Software Development Project) – The Software Development Project was completed in August 2009. The software has provided capabilities to integrate links between cameras, detectors and changeable message signs along I-580 with communication centers at the cities of Dublin, Livermore, Pleasanton and Alameda County SMART Corridors Center. The deployment of all ITS components and integration of the I-580 TMP system have been completed, the testing, calibration and adjustment of the system are completed. The deployment of the equipment needed for the CMA Traffic Management Center is still underway.

I-580 Center-to-Center Program – The Center-to-Center (C2C) Program communication hub project links various Transportation Management Centers in the Bay Area. The project incorporates the newly developed I-580 software in order to provide links between cameras, detectors and changeable message signs along I-580 with communication centers at the Cities of Dublin, Livermore and Pleasanton and at the Alameda County SMART Corridors Center and the Metropolitan Transportation Commission (MTC). This first phase of the Center-to-Center project has been completed. The second phase of this project, communication hubs system integration, is underway and it is scheduled for completion by December 30, 2010.

I-580 Ramp Metering - The design of the I-580 Ramp Metering Project started on September 10, 2009 and is due for completion in September 2010. This project includes replacing the temporary ramp meters on Grant Line Road and North Flynn Road with new permanent ramp meters funded through an MTC grant. The construction and installation of ramp meters is forecast for completion by December 30, 2010.

I-580 Corridor ROW Preservation – A project funding agreement between the City of Livermore and the CMA was provided to the City of Livermore for approval in November 2009. Property acquisitions depend upon the selection of a preferred corridor alternative for the Livermore extension or inclusion in the 2040 MTC Regional Transportation Plan (RTP) as a Special Corridor. BART approved the Preferred Alternative Memo and Final Program EIR on July 1, 2010. The selected route would follow I-580 to East Airway Boulevard and Portola Avenue. At that location, it would continue as a subway along the East Airway Boulevard-Portola Avenue-Junction Avenue corridor to an underground downtown station near the Altamont Commuter Express station-transit center. The tracks then would rise to ground level along the existing Union Pacific Railroad corridor, ending at a station near Vasco Road.

I-580 Corridor Mitigation – The CMA submitted funding agreements for the I-580 Eastbound HOV Lane project landscape mitigation to the cities of Dublin, Pleasanton and Livermore for

their review and approval in October 2009. The CMA has received signed agreements from all the cities. Each City will prepare an individual landscaping project for the impacts within their city limits. The CMA is working with the U.S. Corps of Engineers, Calif. Dept. of Fish & Game, Bay Area Regional Water Quality Control Board and Caltrans to finalize environmental mitigation for the I-580 WB HOV Lane Project. Negotiations are underway with a mitigation bank for the purchase of Conservation Easements to meet the project mitigation requirements.

I-580 Westbound Auxiliary Lane Project – This ACTIA Measure B funded project consists of two westbound I-580 auxiliary lane segments from Airway Boulevard to Fallon Road and from Fallon Road to Tassajara Road. The CMA is the lead agency for the environmental and design phase for the Airway to Fallon Road auxiliary lane. This lane is included in the I-580 WB HOV Lane Widening Project. The construction of the auxiliary lane from Fallon to Tassajara was completed with City of Dublin Fallon Interchange project.

I-580 Eastbound High Occupancy Toll (HOT) Lane: Technical Studies and Preliminary Engineering – Preliminary Engineering and preparation of the Environmental Document began in July 2008. The consultant is addressing Caltrans' comments on the traffic operations analysis report. The CMA has requested that an Environmental Document be prepared for the construction of a double HOT lane. The environmental technical reports have been completed and are with Caltrans for review. A contract change order to install the infrastructure for some of the civil elements of the HOT Lane was issued to the Eastbound HOV project. The CMA is investigating possible alternatives for delivery of the civil elements of the project. A RFP for a System Integrator for the Eastbound I-580 Express Lane Electronic Toll System was issued on November 3, 2009, a pre-proposal conference was held on November 18, 2009, two proposals were received by the December 18, 2009 deadline and interviews have been held. Both teams submitted best and final offers (BAFO) and a final selection was made in March 2010. The first design workshop session took place early this month.

I-580 Westbound High Occupancy Toll (HOT) Lane: Cost/Revenue and Operations Analysis – Caltrans approved the modeling and traffic operations methodology recommendations and a draft travel demand forecast was submitted for review in March 2010. The Cost/Revenue and Operations Analysis is underway and scheduled to be completed in September 2010.

I-680/I-880 Cross Connector Project – This project is currently on hold while additional project alternatives are evaluated.

I-580 Soundwalls: San Leandro – The San Leandro soundwall project contractor began work on June 15, 2009. The project is approximately 70 percent completed and scheduled to be finished in early September 2010. The contract time has been extended approximately twelve weeks due to weather conditions. The masonry block soundwalls on the east side of I-580 have been completed. The contractor is currently working on the precast sound absorptive walls on the west side of I-580. The work on the lightweight material walls (Paraglas) proposed on the San Leandro Creek Bridge and Estudillo Bridge is scheduled to begin this month

I-580 Soundwall Design: Oakland – The 100 percent PS&E for the Oakland soundwall project was submitted to Caltrans on February 23, 2010. Funding strategies are being considered for this project.

I-580 Eastbound Off-Ramp at 106th Avenue/Foothill – Expenditures for this project were approved by the ACCMA Board at the April 2010 meeting. An RFP for a consultant firm to prepare the project study report is being prepared.

Caltrans Corridor System Management Plans (CSMPs) - In Alameda County, CSMPs are required for I-80, I-880, I-580 and SR-24. The CSMP development process has been a joint effort by Caltrans, MTC, and ACCMA. This Core Stakeholder Group worked with local planning agencies through their respective Technical Advisory Committees (TACs) to develop these plans. The goal is to propose strategies to achieve the highest mobility benefits to travelers across all jurisdictions and modes along the I-580 East, I-80, I-880, and SR-24 CSMP Corridors.

Caltrans is requesting that all CSMPs in Alameda County be signed by the ACCMA Executive Director as a document informing the regional transportation planning process. At its April 2010 meeting, the CMA Board approved a process to review the CSMPs and authorized the ACCMA Executive Director to accept and sign the above documents as they are completed and reviewed, including a review and acceptance of the I-580 East CSMP. SR-24 CSMP has been completed and it was presented to ACTAC and PPC at their July 6, and 12, 2010 meetings, respectively.

The Draft Final reports for the I-880 and I-80 CSMPs have been completed and distributed to stakeholders for their review and comment. The final reports are due for completion by mid July 2010 and are expected to be reviewed by the Committees and Commission in September and October 2010 respectively.

BART to Warm Springs — BART's Fremont Central Park Subway contractor made substantial progress this past month. Replacement park facilities including the dog park, basketball courts and associated parking are now in public use. The contractor has also made excellent progress on the subway excavation support system. This system is designed to keep both soil and groundwater out of the excavated trench during subway construction. Cement deep soil mix (CDSM) walls are now complete, while the jet grouted base slab is on schedule at approximately 25% complete. Sheet piling (together with the jet grouted base slab) will be utilized in the area in and around Lake Elizabeth. The temporary cofferdam is in place and the eastern lobe of Lake Elizabeth has been dewatered. The contract is on schedule and within budget. Environmental monitoring and public outreach efforts are in full effect.

The Line, Track, Station and Systems ("LTSS") contract, preliminary engineering is complete and the procurement documents are being finalized. Submittals for the Request for Qualifications (RFQ) were received on May 18, 2010 and are being evaluated. A Request for Proposals (RFP) is expected to be issued to pre-qualified teams in late July 2010. LTSS contract award, based on "best value" criteria, is expected in early 2011.

BART to Silicon Valley (Silicon Valley Rapid Transit Corridor (SVRTC)) –VTA is seeking

permission to enter the Final Design phase of the New Starts Program and anticipates that FTA will grant that permission in late 2010. This will position the project for negotiating a Full Funding Grant Agreement with FTA in early 2012.

Caldecott Tunnel – The Caldecott Tunnel Project consists of four construction contracts. The contracts are:

Caldecott Fourth Bore: This construction contract was awarded to Tutor-Saliva Corporation of Sylmar, California, on November 10, 2009. The award amount totaled \$239.4 million and includes supplemental work, state furnished materials and contingency. A ground breaking ceremony was held on January 22, 2010 and construction began in early 2010. The new tunnel will be opened to traffic in summer 2013 and construction activities are expected to be completed in spring 2014. The Contractor's bid includes the cost of completing all necessary work, as well as the number of days required to open the new tunnel to traffic. The underutilized, disadvantaged business enterprises goal under the contract is three percent.

Kay Street Improvements: The contract was awarded in December 2009 to Ghilotti Brothers, Inc for the amount of \$311,000. Construction started in January 2010.

Westbound SR 24 to northbound SR 13 ramp re-alignment: The contract was awarded in December 2009 to RGW Construction for the amount of \$2.4 million. Construction started in January 2010.

Landscaping Project: This project will be designed in 2013 and construction will start in the summer of 2014.

Financing for the entire project (the contracts detailed above) is estimated at \$420 million and comes from federal, state and local funds. Included in the funding is \$197.7 million the state secured from the federal government through the American Recovery and Reinvestment Act (Recovery Act). The CMA staff continues to work closely with Caltrans and the Contra Costa Transportation Authority (CCTA) on the project delivery through the Project Leadership Team (PLT) and the Executive Steering Committee (ESC).

Dumbarton Rail Corridor – The administrative draft EIS/EIR is complete and the design is 15% complete. The next Policy Advisory Committee (PAC) meeting in October 2010 will include a discussion of alternatives and funding options.

SMART Corridors Programs – CMA's SMART Corridors partnerships includes 29 public agencies. The CMA provides video and traffic data to the public and to transportations managers as well as emergency service providers in real-time. The public website address for the SMART Corridors is: <http://www.smartcorridors.com>. CMA is also assisting the City of Oakland in procuring traffic signal central software to accommodate Transit Signal Priority (TSP) on AC Transits' Rapid Bus on San Pablo Avenue. The vendor for the system has been selected and the work is estimated to be completed by June 2010.

Webster Street SMART Corridor – The CMA in partnership with the City of Alameda is implementing the Webster Street SMART Corridor project. The purpose of this project is to improve traffic and transit operations and safety. The project includes operations and safety improvements related to traffic and transit, and implements a Traffic Incident Management (TIM) system through the Webster/Posy Tube connecting the City of Alameda with the City of Oakland where the area trauma center is located. The City of Alameda Public Works Department is coordinating activities with the local fire and police departments. Additional stakeholders on this project are AC Transit, Caltrans, California Highway Patrol and the City of Oakland. The funding for this project has been provided through a variety of local and federal sources totaling \$1.4 million, including a \$340,000 federal Earmark. Additional funds are being sought for the unfunded portion of this project.

San Pablo Avenue Rapid Bus Stop Improvements - The CMA implemented approximately \$2.6 million in improvements to the Rapid Bus stops in Alameda County funded through AC Transit using Measure B funds. The project was completed in December 2009. The project was closed-out in January 2010 and CMA Board accepted the completed construction contract at the February 25, 2010 Board meeting.

Central Alameda County Freeway System Study – At its June 30, 2010 meeting, CTC approved the advancement of funds for the Route 238 Corridor Improvement Project as well as relinquishment of State Highways 92, 185, and Route 238. On March 22, 2010, the Settlement Agreement, approved by both Caltrans and the attorneys representing the tenants, was formally approved in State Court. The City of Hayward and Caltrans are working on dismissal of the original Federal lawsuit and once that action occurs, CTC can adopt the formal route rescission and the excess right of way can begin to be sold. It is anticipated that the dismissal of the Federal lawsuit will occur in the next several months.

I-80/Gilman Interchange Improvements – The CMA is leading this project based on a request from the City of Berkeley. Based on the proposals submitted and subsequent interviews, the selection panel scored and ranked the five firms who submitted proposals. The CMA is in negotiations with the top ranked firm.

MTC's Lifeline Transportation Program – The Lifeline Transportation Program provides \$13.2 million for projects approved by the ACCMA Board, which increase transportation mobility for low income residents in Alameda County. It is funding AC Transit Lifeline Routes, LAVTA Wheels Route 14, West Oakland library shuttle and Cycles of Change bicycle program in Oakland and Alameda. It is also funding bus and street access improvements on E. Lewelling, unincorporated Hayward, and transportation improvements at the Ashby/Ed Roberts Campus, Berkeley, both of which are under construction and expected to be complete in 2010. Three other Lifeline projects are pending funding agreements with MTC: Meekland and Hacienda street improvements, unincorporated Hayward, BART EJ program, Berkeley, and LINKS shuttle, San Leandro.

Berkeley/Oakland/San Leandro BRT – The June 10, 2010 TAC meeting was cancelled and is being rescheduled. The next BRT PSC meeting will be on September 17, 2010.

Transportation and Land Use Work Program – The San Leandro BART station access study is underway. Recommendations for County TLC projects for the Block Grant funding will be presented to the Commission as part of the July 2010 agenda. Staff continues to coordinate within the county to determine how to integrate Transit Oriented Development (TOD) into climate action goals. At the July ACTAC meeting, ACTAC was requested to submit proposals for the TOD TAP (Technical Assistance Program), which funds studies and plans that help advance TOD projects in the County.

Guaranteed Ride Home Program –The 4,181 employees and 196 employers actively registered in the program resulted in a reduction of 3,102 vehicle trips, 170,990 vehicle miles traveled, and 7,566 gallons of gas per work week. In the most recent month, 34 new employees registered, and four cab rides were taken. The average cost per taxi trip is \$83.31 and the average trip length is 38.4 miles.

Update on Climate Action Activities – The County Climate Action Transportation Working Group met on May 12, 2010 to discuss Transit Oriented Development. The County Climate Action Transportation Working Group is co-hosted by the Office of Alameda County Supervisor Haggerty, ACTIA and the ACCMA. The next meeting is July 14, 2010 and the topic will be CEQA Reform and the Countywide Transportation Plan Update/Measure B Reauthorization.

Staff continues to work with MTC, ABAG, ACTIA and other CMAs to define the CMAs role in helping jurisdictions implement SB 375. The Countywide Sustainable Communities Strategy (SCS) Working Group has been formed by ACCMA staff to work in conjunction with the Regional Advisory Working Group being hosted by ABAG and MTC. The next meeting will be held on July 23, 2010 at noon. The SCS Regional Working Group, hosted by MTC, BCDC, ABAG, and the BAAQMD, was held on July 6, 2010. The next meeting is August 3, 2010. The first SCS Executive Committee meeting was held on June 7, 2010. The next meeting is scheduled for July 29, 2010.

The Regional Model Working Group, formed by MTC and ABAG to address implementing SB 375 and the Sustainable Communities Strategy from a modeling perspective, met on on May 5, 2010 to discuss MTC's Activity Based Model development. The next meeting is September 1, 2010.

Countywide Bicycle and Pedestrian Plans – A consultant team is gathering data for the update of the 2006 Countywide Pedestrian and Bicycle Plans. A Working Group meeting was held June 3, 2010.

Countywide Travel Demand Model Update to Projections 2009 – The countywide model update to Projections 2009 (P2009) is in progress. On May 12, 2010, the CMA distributed the reallocated draft P2009 data (along with supporting information) to the local jurisdictions with a request to review the material and provide comments by July 12, 2010. This model update effort is being done in conjunction with ABAG and the jurisdictions as a first step in developing the baseline scenario of the Sustainable Community Strategy (SCS) to meet the greenhouse gas

reduction targets set by SB 375. In order to assist the jurisdictions in their review, the CMA held Planning Area and other meetings in June 2010 in conjunction with ABAG staff to address concerns and questions. While few jurisdictions have provided their final comments on the distribution of the land use and socio-economic data, many jurisdictions are working on their review based on the clarifying responses received from the CMA/ABAG meetings. It is anticipated that all the jurisdictions will provide comments by end of July.

MTC's Climate Initiatives Program Competitive Grants – On April 30, 2010, MTC released a call for projects for two competitive grant programs: 1) Innovative Grants and 2) Safe Routes to Schools. MTC released one solicitation for both grant programs. The two-part selection process requested that letters of interest be submitted by June 1, 2010. Staff submitted two letters of interest: for the Safe Routes to School Grant Program and for the Innovative Grants Program to develop a Countywide Parking Management Pilot Program to support the Parking Management Element of the Countywide Transportation Plan Update/Reauthorization of Measure B. On June 30, 2010, we were requested to submit an application for the Countywide Parking Management Program. The application is due on July 30, 2010.

Environmental Documents/General Plan Amendments Reviewed

Since my last report, no environmental documents have been received and reviewed.

Alameda County Transportation Commission Board and Committee Meeting Dates

Board meetings will be at 2:30 p.m. in the ACTIA offices. Administration and Finance Committee, Planning, Policy and Legislation Committee, and Programs and Projects Committee meetings will be held every second Thursday of the month starting at 11 a.m. in the ACTIA offices in Oakland unless otherwise noted.

Alameda CTC Board
August - no meeting
September 23, 2010
October 28, 2010

Planning, Policy & Legislation Committee
Programs and Projects Committee
Finance and Administration Committee
August - no meeting
September 9, 2010
October 14, 2010

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MEMORANDUM

TO: Dennis Fay
Alameda County Congestion Management Agency
FROM: CJ Strategies
RE: Legislative Update
DATE: July 15, 2010

Congress returned this week from its July Fourth recess with a long list of bills that should be taken up in the next few weeks including: an extension of unemployment insurance and other safety net programs, the FY10 supplemental appropriations bill, FY11 appropriations bills, climate/energy bills, and the Kagan nomination. The House is scheduled to leave for the August recess on June 29, leaving only 3 weeks to complete much of the legislation. The Senate is scheduled to leave on August 5.

Congress failed to complete action on a number of priorities in June, primarily because of concerns about the federal deficit. Democratic leaders have continued in their attempts to further bolster the economy and help create or preserve jobs, arguing that higher deficits are acceptable in the short term to ensure that the economic recovery firmly takes hold and that efforts to tackle long-term deficits should wait until the economy has sufficiently recovered. But public anxiety about deficits has only risen as Republicans and Democrats continue their arguments over the merits of last year's \$787 billion economic stimulus law as well as the impact of this year's health care overhaul law.

FY11 Appropriations

As reported previously, the House began Appropriations Subcommittee at the end of June, including Transportation HUD. The bill totals \$126.4 billion and \$67.4 billion in discretionary spending. The discretionary spending level is \$500 million below FY10 levels and \$1.3 billion below the President's budget request.

The draft provides \$79.3 billion for the Department of Transportation, nearly \$3.7 billion more than appropriated for fiscal 2010 and \$1.7 above the president's request. This includes

- \$45.2 billion for the Federal Highway Administration (FY10 enacted level is \$42.1 billion)
- \$11.3 billion for the Federal Transit Administration (FY10 enacted level is \$10.7 billion)

The Subcommittee ignored a proposed cut to transit formula and bus grants, providing \$690 million more than requested (and \$618 million over FY10 funding), while giving high-speed and intercity passenger rail activities \$400 million more than requested (funding that account at \$1.4 billion, a \$1.1 billion reduction from 2010). The bill would provide \$400 million for the “TIGER” national infrastructure investments grants program, under which the Transportation Department makes discretionary grants for local transportation projects. The president had proposed to terminate the program, which received \$600 million in 2010. To provide for those bill increases over the administration’s request, the Subcommittee provided none of the \$4 billion requested by the administration for a National Infrastructure Innovation and Finance Fund. The draft also includes \$150 million for the Sustainable Communities Initiative, a partnership with DOT, HUD and EPA to assist communities in improving coordination of their housing and transportation resources.

In addition, the subcommittee draft includes **\$1,000,000 for the I-80/Gilman Street Interchange.**

The Committee has not yet scheduled a full committee mark up, but we expect it could happen in the next two weeks. It is likely that final bills will not be completed until after the elections.

The Senate also began its subcommittee markups this week. We anticipate the Transportation HUD subcommittee could schedule its mark up as early as next week.

We will keep you updated as the process moves forward.

Climate Change/Energy Legislation

Majority Leader Reid hopes to take up comprehensive energy legislation that also addresses the Gulf oil spill later this month. At this point, it is unclear whether this legislation would incorporate some elements from the Kerry-Lieberman plan. Several senators are backing a narrower energy bill (S. 1462) that passed out of the Energy and Natural Resources Committee last year as the starting point for Senate discussions. That bill, which the committee approved with bipartisan support, would mandate an increase in the percentage of electricity generated from renewable sources, make it easier to site new power transmission lines and open new areas in the Gulf of Mexico to oil and gas drilling. The legislation also includes a host of provisions designed to boost energy efficiency and promote renewables.

President Obama held a bipartisan meeting before the July 4 recess with a number of Senators to discuss moving forward with an energy bill. Following the meeting, Senators Kerry and Lieberman said they would scale back their carbon-pricing system, limiting it to utilities only. Furthermore, it is now likely that the legislation will include elements of the Bingaman-Murkowski bill which would implement new safety requirements on the oil and gas industry. While transportation funding is unlikely to be included, other transportation elements could be included such as the planning provisions from the CLEAN-TEA legislation sponsored by Senator Tom Carper (S. 575).

Funding Formula Change for Highway Trust Fund

The SAFETEA-LU extension that was approved in March distributed \$932 million from two discretionary highway programs created by SAFETEA-LU (Projects of Regional and National Significance and the National Corridor Infrastructure Improvement program) to states at the same percentage at which states received earmarks under the 2005 law. Chairman Oberstar and other House Democrats objected to this because they argued it would give four states

(California, Illinois, Louisiana and Washington) 60 percent of the funding, with 21 states receiving nothing. Oberstar allowed for passage of the SAFETEA-LU extension once he received assurances from Senate Majority Leader Reid that the Senate would approve a new distribution method which would send money to states using the average of all current highway formulas in future legislation.

The change is currently included in HR 4213, but a \$500 million “hold harmless” fund is also included to ensure that those four states, including California, do not lose any federal funding. Because this bill has been stalled in the Senate, the language has also been included in the FY10 Supplemental Appropriations bill (HR4899) that would provide additional funds for the wars in Iraq and Afghanistan. The House approved and amended the bill before the July 4th recess to include this language as well as include funding for some other domestic priorities. The Senate could take up the bill as early as next week.

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**Alameda County Transportation Improvement Authority
Board Meeting Minutes
Thursday, June 24, 2010, 1:45 p.m., 1333 Broadway, Suite 300, Oakland**

Attendance Key (A = Absent, P = Present)

Members:

<u> </u> P Mayor Mark Green, Chair	<u> </u> P Councilmember Rebecca Kaplan
<u> </u> P Supervisor Scott Haggerty, Vice-Chair	<u> </u> P Supervisor Alice Lai-Bitker
<u> </u> P Mayor Ruth Atkin, Alternate	<u> </u> P Supervisor Nate Miley
<u> </u> P Supervisor Keith Carson	<u> </u> P Mayor Anthony Santos
<u> </u> P Mayor Jennifer Hosterman	<u> </u> P Supervisor Gail Steele
<u> </u> A Mayor Beverly Johnson	
<u> </u> P Mayor Marshall Kamena	

Staff:

<u> </u> P Christine Mosen, Executive Director	<u> </u> P Angie Ayers, Acumen Building Enterprise
<u> </u> P Anees Azad	<u> </u> A Geoffrey Gibbs, Legal Counsel
<u> </u> P Art Dao	<u> </u> P Zack Wasserman, Legal Counsel
<u> </u> P Tess Lengyel	

Meeting Key (Action Items = A, Information/Discussion Items = I)

Chair Mark Green called to order the regular meeting of the Alameda County Transportation Improvement Authority at 1:45 p.m.

1. Approval of Consent Calendar - A

- A. Approval of Minutes of May 27, 2010
- B. Approval of Revised 2009-10 Budget and New Budget for Fiscal Year 2010-11
- C. Approval of Paratransit Program Plans and Budgets
- D. Approval of Express Bus Contract End-date Extension
- E. Approval of Funding for Transit Oriented Development (TOD) – Technical Assistance Program (TAP)
- F. Approval of an Expenditure Plan Amendment to reflect the creation of the Alameda County Transportation (ACTC)
- G. Approval of Acceptance of ACTA’s Authority, Functions, Roles and Responsibilities, and Assets and Liabilities
- H. Approval of Route 92/Clawiter – Whitesell Interchange and Reliever Route (ACTIA 15) – Consideration of Approval of City of Hayward’s Request to Revise Project Scope and Approval of Amendment No. 1 to Project Specific Funding Agreement (A07-0063) for the PE/Environmental Phase
- I. Dumbarton Rail Corridor (ACTIA 25) – Approval of Amendment No. 4 to the Project Funding Agreement with San Mateo County Transportation Authority (A05-0007) to Extend Agreement Expiration Date for the PE/Environmental Phase
- J. I-580/BART to Livermore Studies (ACTIA 26) – Approval of Amendment No. 2 to the Project Specific Funding Agreement with BART (A08-0048) to Extend Agreement Expiration Date for the PE/Environmental Phase

Mayor Anthony Santos moved to approve the ACTIA Consent Calendar items A through J. Supervisor Alice Lai-Bitker seconded the motion. The motion carried 6-0.

2. Community Advisory Committees Report – I

A. Bicycle and Pedestrian Advisory Committee – Midori Tabata, Chair – I

Midori Tabata reported that the BPAC met on June 10, 2010. During the BPAC meeting, topics covered were: 1) Election of officers – Midori Tabata was elected to continue as Chair and Tom Van Demark was elected as Vice Chair; 2) Approval of BPAC Bylaws – the Bylaws eliminated the term limit of officers; 3) Countywide Pedestrian and Bicycle Plan – staff provided an update on the Countywide pedestrian and bicycle plan, and BPAC will receive regular updates from staff on the progress of the Plans Working Group; 4) BPAC completed the Countywide Discretionary Fund Cycle 4 Evaluation; and 5) Three volunteers, Midori Tabata, Tom Van Demark, and Ann Welsh, applied for the Countywide Transportation Plan and Expenditure Plan Development Community Advisory Working Group (CAWG).

B. Citizens Advisory Committee – Barry Ferrier, Chair – I

Barry Ferrier reported that on June 17, 2010, the CAC met at ACTIA offices for the organizational meeting. Eleven of the 23 CAC members were present. At this meeting, Barry Ferrier and Cynthia Dorsey were elected to continue as Chair and Vice Chair. Also, members reviewed and approved the CAC Bylaws and calendar. Three volunteers, Frances Hilliard, Alton Jefferson, and Roop Jindal, have applied for a position on CAWG.

Barry stated that the CAC meeting covered outreach in general. He mentioned that between April and June 2010, the ACTIA website had 4, 997 visits and 28,088 page views. A major goal of the CAC is to increase the e-notifier service usage.

C. Citizens Watchdog Committee – James Paxson, Chair – I

The chair was unavailable and did not give a report.

D. Paratransit Advisory and Planning Committee – Sylvia Stadmire, Chair – I

The chair was unavailable and did not give a report.

3. Consideration and Necessary Action on Administration/Legislation/Finance Committee Items (Lai-Bitker/Monsen):

A. Approval of Legislative Items/Update – A

- SB 1215 Price: Architectural and engineering services; prequalification lists. Staff recommended to support this bill, which would authorize Caltrans to establish prequalified lists of firms for small, medium, and large architectural and engineering contracts.
- SB 1318 (Committee on Transportation and Housing). Staff recommended to support this Senate Transportation and Housing Omnibus bill, which will include all the statutory changes ACTIA and CMA need for the agencies' merger.
- SB 1445 (DeSaulnier): Planning. Staff recommended to support this bill, which increases the vehicle registration fee by one dollar for land-use planning activities.

- AB 2620 (Eng) Transportation: Toll Facilities. Staff recommended a watch position on this bill since it was gutted and amended for a different purpose.
- AB 1955 (De La Torre) Public Officers: Incompatible offices. Staff recommended an oppose position on this bill, which proposes to provide greater clarity of what constitutes an incompatible office and which prohibits an officer from simultaneously serving on various government bodies.

Councilmember Kaplan inquired about the California Environmental Quality Act (CEQA) thresholds adopted by the Bay Area Air Quality Management District's Board of Directors on June 2, 2010. She wanted to know if there will be legislation to overturn the CEQA guidelines.

Tess Lengyel mentioned that staff is inviting the Air District to the July 19, 2010 Steering Committee, and members can bring their questions to the Air District at this time. One goal in meeting with the Air District is to determine the impact on transit-oriented projects as we move forward with the development of the countywide transportation plan and sales tax reauthorization. Supervisor Haggerty suggested inviting groups/areas that opposed the CEQA thresholds to attend this meeting. He stated that the meeting should be in the form of a debate rather than competing advocates.

Councilmember Kaplan moved to support bills SB 1215, SB 1318, and SB 1445; watch bill AB 2620; oppose bill AB 1955. Supervisor Lai-Bitker seconded the motion. The motion carried 10-0.

B. Approval of ACTIA's Share of the Countywide Transportation Plan and Expenditure Plan Budget and Authorization to Release RFP – A

Tess Lengyel presented the recommendation for approval of the scope outlines, budgets, and funding sources for the Countywide Transportation Plan and Expenditure Plan Development for sales tax reauthorization; and authorization to release two RFPs: one jointly with the CMA for the technical and outreach work scopes, and another by ACTIA for polling services related to the Expenditure Plan Development. Tess mentioned that three committees are working on efforts to develop the plans. The committees are the Steering Committee, the Community Advisory Working Group, and the Technical Advisory Working Group.

Supervisor Lai-Bitker moved to approve the scope outlines, budgets, and funding sources for the Countywide Transportation Plan and Expenditure Plan Development for sales tax reauthorization, and authorization to release two RFPs. Mayor Santos seconded the motion. The motion carried 11-0.

C. Approval of Safe Routes to Schools Draft Program

Tess Lengyel stated that staff recommends approval of a Safe Routes to Schools Program (SR2S) that will be jointly administered by ACTIA and the CMA. The program consists of the following four elements:

1. Funding to expand the elementary and middle schools program.
2. A new high school program.
3. A Ride sharing/carpooling program targeted toward staff, faculty, and parents.
4. A new capital and technical assistance program for developing construction-ready projects and for capital infrastructure.

Supervisor Haggerty stated that the SR2S program is more urban centric and questioned if suburban communities will be able to participate. Tess Lengyel noted that currently suburban schools participate and that they will continue to be able to do so with this program. It was questioned whether the schools will serve as the lead agency. Tess Lengyel responded that an RFP will be released to hire a team to implement the SR2S program on a countywide basis and that the schools will be partners, but not lead agencies. Supervisor Miley inquired if there will be one team with one contract for RFP selection. Staff stated that the RFP will go through Alameda CTC, which will make the decision.

Supervisor Carson moved to approve the Safe Routes to Schools Program. Mayor Kamena seconded the motion. The motion carried 11-0.

4. Consideration and Necessary Action on Work Program Committee Items (Haggerty/Monsen)

On consent

5. Reports from Staff – I

Anees Azad informed the Board that the actual sales tax revenue for this fiscal year will be \$94 million, which is 7 percent lower than last year's actual, but higher than the \$90 million budgeted.

Tess Lengyel announced the upcoming South County Transportation Forum on July 15, 2010 at the Ruggieri Senior Center in Union City.

6. Reports from Members – I

None

7. Public Comments – I

None

8. Joint Board Meeting

A. Convene joint meeting with Alameda County Congestion Management Agency (CMA) Board
Mayor Mark Green called to order the joint meeting of ACTIA and CMA at 3 p.m.

B. CMA Roll Call – Confirm Quorum of CMA Board (no action by ACTIA)
A quorum was present for both the ACTIA and CMA Boards.

C. Approval of Creation of Alameda County Transportation Commission and Approval of Joint Powers Agreement - A

Christine Monsen stated that staff from both ACTIA and CMA recommends the approval of the creation of the Alameda County Transportation Commission (Alameda CTC); approval of the Alameda CTC Joint Powers Agreement (JPA); authorization for the Chair of each agency to execute the JPA, and agreeing to become a member of the Alameda CTC.

Supervisor Haggerty from ACTIA Board and Councilmember Henson from CMA Board moved to approve the Alameda CTC as an entity; approve the Alameda CTC JPA; approve the authorization for the Chair of both agencies to execute the JPA; and agree to become members of the Alameda

CTC. Supervisor Lai-Bitker with ACTIA and Vice-Mayor Chiang with the CMA seconded the motion. The motion carried unanimously with both agencies. The motion for ACTIA passed 11-0.

Supervisor Haggerty mentioned that Supervisors Carson and Steele were here for the opening of ACTIA. He also said that merging both ACTIA and CMA has been a goal of Mayor Green. He congratulated Mayor Green for his perseverance in seeing the goal complete.

D. Review and Comment on the Standing Committee Structure Proposed for the Alameda CTC - I

Mayor Green stated that the Ad Hoc Committee on the merger and staff recommend establishment of three standing committees as follows for the Alameda CTC:

- Finance and Administration
- Planning, Policy and Legislation
- Programs and Projects

All Board members will be on at least one committee. The Board Chair and Vice Chair will be on all three committees as ex-officio members. All three committees will meet on the same day, the second Thursday of the month. Meeting times agreed on in the Joint Board meeting are: 11 a.m., 12:30 p.m., and 2 p.m.

Discussion took place on the following:

1. The need to determine if the meetings schedule will work considering the number of meetings within the industry. Mayor Green stated that the times can be tightened if the schedule does not work for the majority of the membership.
2. What is the voting structure of the Alameda CTC Board Chair and Vice Chair at the standing committees? Will he/she have an actual vote? Mayor Green stated that the Chair and Vice Chair will have one vote each, the same as each committee member.
3. Gladys Parmelee will solicit feedback from the Board Members regarding committee preferences and interests, meeting sequence, meeting duration, and alternates.
4. The Board Chair will appoint committee members once input is received from those interested in serving on the committee. The Board Chair will also appoint the Chair and Vice Chair of each committee.
5. The Mayor's Conference will no longer appoint members and alternates to the Board. On designating alternates, a Board of Supervisor shall appoint his/her alternate, and if shall be a mayor or city council member of a City primarily or fully contained within the Supervisor's District, who is not otherwise a voting member of Alameda CTC. For a member representing a City, his/her alternate must be a member of that city council.

The new Administrative Code will include the committee structure for consideration by the Alameda CTC at its first Board meeting in July.

E. Time to Start Alameda CTC Board Meetings

It is proposed that the Alameda CTC hold its Board meetings every fourth Thursday of the month. The meeting schedule agreed on in the joint session is 2:30 p.m.

F. Recess Joint Board Meeting

The joint session was recessed at 3:15 p.m.

G. Adjourn ACTIA Meeting/ Next Meeting: Alameda CTC, Thursday, July 22, 2010 at 2:30 p.m.

9. **Adjournment/Next Meeting: Thursday, June 24, 2010**
The ACTIA meeting adjourned at 2:25 p.m.

ALAMEDA COUNTY CONGESTION MANAGEMENT AGENCY BOARD
MINUTES OF JUNE 24, 2010
OAKLAND, CALIFORNIA

A JOINT BOARD MEETING WITH ACTIA

A.1 Convene joint meeting with Alameda County Transportation Improvement Authority (ACTIA) Board

Chair Green called to order the joint meeting of ACTIA and ACCMA at 3:00 p.m..

A.2 CMA Roll Call – Confirm Quorum of CMA Board

Parmelee conducted the roll call to confirm quorum. The roll call roster is attached.

A.3 Approval of Creation of Alameda County Transportation Commission and Approval of Joint Powers Agreement therefor

Christine Monsen stated that both ACTIA and ACCMA staff recommend approval of the creation of the Alameda County Transportation Commission (Alameda CTC); approval of the Alameda CTC Joint Powers Agreement (JPA); authorization for the Chair of each agency to execute the JPA, and agreeing to become a member of the Alameda CTC. For ACTIA, a motion to approve staff recommendation was made by Haggerty; a second was made by Lai-Bitker. The motion passed unanimously. For ACCMA, a motion to approve staff recommendation was made by Henson; a second was made by Chiang. The motion passed as follows: (20 – aye, 0 – nay, 17 – absent, 0 – abstain) AC Transit (1) – aye; Alameda County (3) – aye; City of Alameda (2) – absent; City of Albany (1) – absent; BART (1) – aye; City of Berkeley (2) – aye; City of Dublin (1) – absent; City of Emeryville (1) – aye; City of Fremont (4) – absent; City of Hayward (3) – aye; City of Livermore (2) – aye; City of Newark (1) – aye; City of Oakland (9) – absent; City of Piedmont (1) – aye; City of Pleasanton (1) – aye; City of San Leandro (2) – aye; City of Union City (2) – aye

Haggerty congratulated Green for his perseverance in merging ACTIA and CMA.

A.4 Review and Comment on the Standing Committee Structure Proposed for the Alameda CTC

Chair Green stated that the Ad Hoc Committee on the merger recommended the establishment of the following standing committees for the Alameda CTC: (1) Finance and Administration; (2) Planning, Policy and Legislation; and (3) Programs and Projects. He added that the Chair and the Vice Chair will be on all three committees as ex-officio members with one vote each. The Chair will appoint the Committee chair and vice chair and each board member would serve on at least one committee. The new Administrative Code will include the committee structure for consideration by the Alameda CTC at its first Board meeting in July. He also said that it would be ideal to hold the meetings of the three committees on the same day and proposed to hold it on the second Thursday of the month. After some discussion, Green suggested to hold the three meetings as follows: 11:00 a.m., 12:30 p.m. and 2 p.m.. In order to assist the Chair in appointing committee members, Gladys Parmelee was directed to solicit board members' committee preferences and time availability for the committee meetings. On designating alternates, a Board of Supervisor

shall appoint his/her alternate, and shall be a mayor or city council member of a City primarily or fully contained within the Supervisor's District, who is not otherwise a voting member of Alameda CTC. For a member representing a City, his/her alternate must be a member of that city council.

A.5 Time to start Alameda CTC Board Meetings

It was proposed to hold the Alameda CTC board meeting every fourth Thursday of the month at 2:30 p.m..

A.6 Recess joint meeting

Chair Green recessed the joint meeting at 3:15 p.m.

A.7 Reconvene CMA Board meeting

Chair Green reconvened the CMA board meeting at 3:18 p.m..

1.0 PLEDGE OF ALLEGIANCE

2.0 PUBLIC COMMENT

There was no public comment.

3.0 CHAIR'S/VICE-CHAIR'S REPORT

Green stated that he, Haggerty, Fay and Frank had a field trip to the Express Lanes in Miami, FL and the three things that caught his attention were: (1) Debris and incident removal - he suggested that the ACCMA should consider this in the express ways; (2) Congestion is not the only thing that draws people to use express lanes but also, safety and easy driving experience; and (3) the administrators' goal was driving public usage on that corridor such that public transportation increased after opening the lanes.

4.0 EXECUTIVE DIRECTOR'S REPORT

In addition to Chair Green's report on the Miami field trip, Fay said that the extension of the express lanes is about 20 miles which will connect downtown Miami to Fort Lauderdale. He also said that it was a wise decision for the CMA not to put pylons on the lanes because it costs Miami a lot to clear the pylons. Fay stated that the I-680 press briefing yesterday was a success and there was good media coverage on several newspapers and television. There will be a follow-up media event in August. On the Sacramento report, he said that the vehicle license fee surcharge of \$18 to fund state parks and wildlife refuges has qualified for the November ballot. He also discussed the gasoline excise tax revenues loaned to the General Fund with a repayment date of June 2013. In addition he also discussed the Prop 1B Bond appropriations.

5.0 CONSENT CALENDAR

5.1 Board Meeting Minutes, May 27, 2010

5.2 Financial Reports: May 2010

Consent Items recommended by the following committees:

5.3 Plans & Programs Committee

5.3.1 State Transportation Improvement Program (STIP): Caltrans' Request for Additional Funds for Route 262 (Mission Boulevard)/Warren Avenue/I-880 Interchange Reconstruction and I-880 Widening Project

5.4 Administration & Legislation Committee

5.4.1 Executive Director's Salary and Benefits Through the End of 2010

5.4.2 I-580 Right-of-Way Preservation Project: Agreement with Metropolitan Transportation Commission (MTC) and Request for Allocation – City of Livermore El Charro Right-of-way Acquisition

5.4.3 SB 1318 (Committee on Transportation and Housing)

5.4.4 AB 1955 (De La Torre)

5.4.5 Extension of Annual Contracts

A motion to approve the consent calendar was made by Haggerty; a second was made by Henson. The motion passed unanimously.

*** END OF CONSENT ITEMS ***

6.0 PLANS & PROGRAMS COMMITTEE REPORTS

6.1 Lifeline Transportation Program: Interim Funding Cycle

Todd recommended that the Board approve the Interim Funding Cycle for the Lifeline Transportation Program, including: 1) increasing AC Transit's Lifeline service by \$2,925,147 and 2) increasing LAVTA's WHEELS Route 14 service by \$144,000. The Board approved the current Lifeline Program in February 2010. A motion to approve staff recommendation was made by Miley; a second was made by Blalock. The motion passed unanimously.

6.2.1 New Federal Act Program

6.2.1 CMA Block Grant: Draft Program

Todd requested the Board to approve the draft CMA Block Grant program. A motion to approve staff recommendation was made by Hosterman; a second was made by Henson. The motion passed unanimously.

6.2.2 MTC Safe Routes to School (SR2S) Draft Program

Todd recommended that the Board approve the draft Alameda County SR2S program. The draft program identifies four components as well as a recommended range of funding for each component. He said that the Committee's recommendation includes increasing the level of funding for the High School component of the program. He added that a final program is scheduled to be presented to the Committees and Board in July. A motion to approve staff recommendation was made by Haggerty; a second was made by Hosterman. The motion passed unanimously.

7.0 ADMINISTRATION & LEGISLATION COMMITTEE REPORTS

7.1 Proposed FY 2010/11 Budget

Swanson recommended that the Board approve the proposed draft budget for FY 2010/11. A motion to approve staff recommendation was made by Haggerty; a second was made by Kamena. The motion passed unanimously.

7.2 Alameda County Countywide Transportation Plan and Expenditure Development Plan – Consultant Services

Walukas recommended that the Board authorize the Executive Director to jointly, with ACTIA, execute an agreement with the selected consultant team to provide professional and technical

planning services to support the update and adoption of the Countywide Transportation Plan and Expenditure Plan Development for sales tax reauthorization for an amount not to exceed \$1,940,000. This total contract amount will be shared with ACTIA equally with ACCMA's share being \$970,000. A motion to approve staff recommendation was made by Starosciak; a second was made by Henson. The motion passed unanimously.

7.3 AB 1500 (Lieu)

Fay stated that AB 1500 was recently amended to extend the proposed sunset date for white stickers from January 2, 2014 to January 1, 2015. As introduced last year, AB 1500 proposed to extend the sunset date for hybrid stickers as well as the zero emission stickers. He added that given that AB 1500 only applies to the white stickers, the ACCMA should consider if it wants to continue to oppose this bill. A motion to approve staff recommendation was made by Hosterman; a second was made by Harper. The motion passed unanimously.

8.0 EXPENDITURE PLAN STEERING COMMITTEE REPORTS

8.1 Final Expenditure Plan Report and Resolution

Green opened a public hearing on the proposed Final Expenditure Plan. Following a noticed public hearing on the matter, Walukas requested the Board to (1) approve the attached Final Expenditure Plan Report and (2) adopt Resolution 10-09, which includes the ballot measure language, Required Findings of Fact (Exhibit A) and the Final Expenditure Plan (Exhibit B). A motion to approve staff recommendation was made by Worthington; a second was made by Starosciak. The motion passed unanimously.

9.0 ADJOURNMENT

Chair Green adjourned the meeting at 3:50 pm.

This is the last CMA Board meeting. The first meeting of the Alameda CTC is scheduled on July 22, 2010 at 2:30 p.m.

Attest By:



Gladys V. Parmelee
Board Secretary