



1. Call to Order

2. Roll Call

A roll call was conducted. All members were present with the exception of Commissioners Haggerty and Mei.

Commissioner Cox attended as an alternate for Commissioner Chan. Commissioner Cavanaugh attended as an alternate for Commissioner McBain.

Subsequent to the roll call:

Commissioners Haggerty and Mei arrived during item 5.

3. Public Comment

There were no public comments.

4. Chair and Vice Chair Report

Chair Cutter thanked the Commissioners, staff and members of the public for their cooperation and patience in adjusting to the ways in which the agency is conducting public meetings remotely. She stated that it is important that we continue our commitment to support transportation projects, programs, transit operations, jobs and mobility during this crisis. She noted during May, staff have been leading remote planning area briefings with Commissioners and alternates in the Central, East, and South planning areas of the county. Commissioner Cutter thanked Commissioners Haggerty and Dutra-Vernaci who are Alameda CTC's representatives on MTC for their support of projects, including significant funding approvals at the MTC meeting.

Vice Chair Bauters provided instructions to the Commission regarding technology procedures including instructions on administering public comments during the meeting.

5. Executive Director Report

Tess Lengyel confirmed that Alameda CTC is continuing to garner major external funding and policy actions that support the agency's planning, projects, and programs. Ms. Lengyel gave commendations to Vivek Bhat and the Programming Team for working with the MTC to receive \$230 Million for Alameda CTC projects and she noted that the agency is continuing to leverage funds for state competitive grants. Ms. Lengyel informed the Commission that the express lanes will reopen on June 1, 2020 with a modified toll rate.

6. Consent Calendar

6.1. Approve April 23, 2020 Commission Meeting Minutes

6.2. FY2019-20 Third Quarter Report of Claims Acted Upon Under the Government Claims Act

- 6.3. Receive 2019 Alameda CTC Annual Report
- 6.4. Approve Alameda CTC Investment Policy
- 6.5. Approve Alameda CTC FY2019-20 Third Quarter Consolidated Financial Report
- 6.6. Approve Alameda CTC FY2019-20 Third Quarter Investment Report
- 6.7. Approve an amendment to the Alameda CTC Administrative Code in order to create the Multi-Modal Committee and clarify other management and administrative items of the Commission
- 6.8. Approve 2020 Comprehensive Investment Plan Update
- 6.9. Approve actions necessary to facilitate project advancement into the construction phase for I-80 Gilman Interchange Improvements Project
- 6.10. Approve Amendment No. 3 to Agreement 15R390000 with the California Highway Patrol for I-580 Express Lanes Enforcement Services
- 6.11. Congestion Management Program (CMP): Summary of the Alameda CTC's Review and Comments on Environmental Documents and General Plan Amendments
- 6.12. 2020 Countywide Transportation Plan: Community-Based Transportation Plan Update

Commissioner Halliday moved to approve the Consent Calendar. Commissioner Marchand seconded the motion. The motion passed with the following votes:

Yes: Arreguin, Bauters, Carson, Cavanaugh, Cox, Cutter, Dutra-Vernaci, Ezy Ashcraft, Freitas, Haggerty, Halliday, Haubert, Kaplan, Marchand, Mei, Miley, Ortiz, Pilch, Saltzman, Thao, Thorne, Valle

No: None
 Abstain: None
 Absent: None

7. Finance and Administration Committee (FAC)

7.1 Approve the Alameda CTC FY2020-21 Proposed Budget

Patricia Reavey recommended that the Commission approve the Alameda CTC Proposed Budget for FY2020-21. Ms. Reavey stated that the Proposed Budget includes revenues and expenditures necessary to provide vital programs and planning projects for Alameda County to deliver significant capital projects that expand access and improve mobility in Alameda County consistent with the Comprehensive Investment Plan. She reviewed significant programming, planning, and programs activities accounted for in the proposed budget. Ms. Reavey noted key significant capital projects that are also included in the proposed budget and she reviewed the proposed consolidated budget revenues and expenditures in detail.

Ms. Reavey informed the Committee how the effects of COVID-19 impacted Alameda CTC's projected revenues in the proposed budget versus the current FY2019-20 budget. Ms. Reavey stated that sales tax revenues in the proposed budget decreased by \$30 million from FY2019-20 budget, express lanes revenues decreased \$7.2 million, and investment income decreased \$5.6 million due to changing market conditions. Ms. Reavey stated that the current market downturn will not affect the ability of delivery of Measure B programs. With the market

downturn, Alameda CTC may need to get external financing to keep the projects on track.

Commissioner Saltzman commented that she is uncomfortable with the budget because it seems too optimistic. Ms. Lengyel stated staff has been in contact with partner agencies and economists across the state and the assumptions in this budget are in line with other agencies. She noted that staff thought that express lanes would have been closed longer, but they're opening on June 1, 2020. Ms. Lengyel stated that with the analysis that was done this is an appropriate level of the budget and if there are changes needed, staff will bring a modified budget back to the Commission.

Commissioner Saltzman asked how will spending be structured. Ms. Reavey said that staff took a conservative approach to expenses in the budget. She noted that Alameda CTC may look at external financing if the agency needs additional funding. Ms. Reavey stated that Alameda CTC has a net increase in the fund balance and there are reserves if needed.

Commissioner Dutra-Vernaci asked for additional information about reserves. Ms. Reavey stated there are different categories of reserves. The fund balance reserve can be used in catastrophic situations. Ms. Reavey noted that the Alameda CTC has enough cash flow at this time; however, it would take about 18 months of preparation to apply for external financing. Ms. Reavey assured the Commission that the agency is monitoring the sales tax projections and adjustments to the budget will be made if necessary.

Commissioner Arreguin asked will Alameda CTC be able to fund all of the projects that were anticipated funding for the next year. Ms. Lengyel stated that the agency is in a good place to move forward with projects.

Commissioner Arreguin asked how will the CTP be impacted in terms of new projects. Ms. Lengyel stated that the CTP is a 30-year plan and projections show that the agency will exceed the 2014 Transportation Expenditure Plan estimate. Alameda CTC uses a "pay as we go" method for projects, funding them in phases.

Commissioner Arreguin raised an issue of the impact transit operators are experiencing in the drop of ridership and if the drop continues transit agencies will need more of Alameda CTC support.

Commissioner Pilch asked for an explanation on the ramp up shown on the Measure BB projected revenue slide. Ms. Reavey stated that the ramp up is in FY2021-22 when Measure B expires and Measure BB will go from a half-cent sales tax to a full cent sales tax.

Commissioner Halliday asked if Alameda CTC receives sales tax from online sales. Ms. Reavey affirmed that Alameda CTC receives those funds, but they are not disaggregated from other sales tax receipts when we receive them.

Commissioner Pilch moved to approve this item. Commissioner Dutra-Vernaci seconded the motion. The motion passed with the following votes:

Yes: Arreguin, Bauters, Carson, Cavanaugh, Cox, Cutter, Dutra-Vernaci, Ezzy Ashcraft, Freitas, Haggerty, Halliday, Haubert, Kaplan, Marchand, Mei, Miley, Ortiz, Pilch, Saltzman, Thao, Thorne, Valle

No: None

Abstain: None

Absent: None

8. Planning, Policy and Legislation Committee (PPLC)

8.1. Approve Tri-Valley-San Joaquin Valley Regional Rail Authority Request for a 2014 Measure BB Transportation Expenditure Plan Amendment

Tess Lengyel stated that the Tri-Valley-San Joaquin Valley Regional Rail Authority (TVSJVRRA) requested that Alameda CTC amend the 2014 Measure BB Transportation Expenditure Plan (TEP) to add Valley Link and move \$400 million from the BART to Livermore TEP project to Valley Link and remove the BART to Livermore project. She noted that the TEP amendment process requires a 45-day comment period for all jurisdictions in Alameda County. Michael Tree, Executive Director of the TVSJVRRA, provided an overview of the project background, project description, schedule and current funding. Ms. Lengyel recommended that the Commission approve beginning the comment period for an amendment to the TEP. The TEP amendment would include four elements: 1) acknowledge TVSJVRRA as a new agency in Alameda County that can be an eligible recipient of Measure BB funds; 2) remove the BART to Livermore project and associated \$400 million Measure BB funding; 3) add Valley Link in Alameda County project with \$400 million in Measure BB funding; and 4) make associated technical amendments. Approval of this item will initiate a 45-day comment period by jurisdictions in Alameda County on the proposed amendment, which would then return to the Committee and Commission for final action. She stated that this is an action item and requires 2/3 approval by the full Commission according to the Implementing Guidelines of the 2014 TEP.

Zack Wasserman, Alameda CTC legal counsel, stated that the action requires two-third weighted in-person votes to be approved.

The following public comments were heard during the meeting:

- Jason Bezis stated he did not support staff's recommendation and noted his concerns about the \$400 Million being used by San Joaquin residents and not Alameda County.
- BART Director John McPartland stated that he supports staff's recommendation.
- Pat Piras, on behalf of the Sierra Club, urged Alameda CTC to defer this action and requested Alameda CTC respond to the letters and comments before the end of the 45-day comment period.
- Gerald Cauthen expressed his opposition to staff's recommendation.

The following Public comment letters were received by the noticed deadline:

- Alameda County Taxpayers Association [ACTA] – Oppose staff's recommendation
- BART Director John McPartland – Support of staff's recommendation
- BART General Manager Robert Powers – Support of staff's recommendation
- Jim Wunderman writes on behalf of the Bay Area Council – Support of staff's recommendation
- Gerald Cauthen, President and co-founder of the Bay Area Transportation Working Group – Oppose staff's recommendation
- Andreas Culver, Secretary-Treasurer, of the Alameda County Building and Construction Trades Council – Support of staff's recommendation
- Ronald P. Gerhard, Chancellor of the Chabot-Los Positas Community College District – Support of staff's recommendation
- Linda Smith, City Manager of the City of Dublin – Support of staff's recommendation
- John Marchand, Mayor of the City of Livermore – Support of staff's recommendation
- Nelson Fialho, City Manager of the City of Pleasanton – Support of staff's recommendation
- Tim Sbranti, on behalf of the business and civic leaders who comprise the Innovation Tri-Valley Leadership Group – Support of staff's recommendation
- Rafael Gonzalez on behalf of Laborers' Local 304 – Support of staff's recommendation
- David Haubert on behalf of the Livermore Amador Valley Transit Authority – Support of staff's recommendation
- Steve Van Dorn, President and CEO of the Pleasanton Chamber of Commerce – Support of staff's recommendation
- David Schonbrunn, President of the Train Riders Association of California, writes to urge the Commission to defer action on amending the Expenditure Plan for Measure BB until Alameda CTC receives an environmental impact report for Valley Link

Commissioner Haubert commented that this is a long-established and much needed project because traffic will continue heavily through the I-580 corridor. He stated that this project directly benefits Alameda County.

Commissioner Pilch stated that he would rather have stations placed around existing density rather than build new stations. He expressed his concern about having a new transit agency and which agency will run the agency; however, he stated he is in favor of rail infrastructure and if it can move freight it would be great.

Commissioner Valle asked how many miles of rail are in Alameda County and San Joaquin County. Mr. Tree said there are 11.5 miles on the 580 section, 12.5 miles in Altamont corridor, and 17.5 miles in San Joaquin.

Commissioner Valle asked has TVSJVRRRA undertaken a sales tax measure to support their portion of the project. Mr. Tree said that similar to FASTER Bay Area, TVSJVRRRA is looking toward San Joaquin Council of Governments to include a sales tax measure in November 2022.

Commissioner Arreguin stated that he supports the requested action and amending the TEP. He noted that this will fund the portion of the project in Alameda County.

Commissioner Saltzman asked why is there an urgency to move this project forward now. Ms. Lengyel stated that this request came to Alameda CTC eight months ago and staff did due diligence with reviewing the request. She noted that the \$400 million is only for the construction of the project and the project must have full funding before the \$400 million is used.

Commissioner Saltzman asked what is the process to undo this action if the TVSJVRRRA is not able to fund their portion of the project. Ms. Lengyel stated that this project will follow the same implementing guidelines as other projects in the TEP. If the project is not able to move forward, it is up to the Commission to decide how any unused funds will be allocated.

Commissioner Kaplan asked what would be the timeline and strategy for the evaluation and alternatives. Ms. Lengyel stated that the projects must go through the environment process, which includes California Environmental Quality Act analysis and the National Environmental Policy Act process and they are required to look at alternatives in that process.

Commissioner Kaplan requested that Alameda CTC get the responses to the Sierra Club and they come back to the Commission. Ms. Lengyel said the comments received will be incorporated in a table and the responses will be included.

Commissioner Kaplan asked if a project is added to the expenditure plan is the funding automatic. Ms. Lengyel stated the final allocation of funds comes to the Commission for approval for all Alameda CTC projects.

Commissioners Arreguin, Dutra-Vernaci, Haubert, Marchand, and Mei confirmed that this project will benefit Alameda County and all of the cities along the corridor and BART supports Valley Link. They noted that connecting the mega-region is important and the green house gas reduction is immense. The Commissioners also support staff's recommendation.

Commissioner Ortiz thanked Ms. Lengyel and Mr. Tree for presenting this item to the AC Transit Board and noted that AC Transit Board authorized Commissioner Ortiz to support the 45-day comment period.

Commissioner Carson asked if the 45-day comment period is open to the general public. Ms. Lengyel stated that the TEP specifies that the comment period is open to all jurisdictions in Alameda County. She stated that each jurisdiction has their own process for hearing comments from the public and that comments will also be heard at all Alameda CTC meetings where the item is agendaized. Mr. Wasserman stated that the public will have numerous opportunities to comment during this period either at their local jurisdictions or at Alameda CTC public meetings.

Commissioner Carson asked how will Alameda CTC ensure that Measure BB funds will not be spent outside of Alameda County. Ms. Lengyel stated that a detailed funding agreement will specify where the funds will be spent and she reminded that Commission that none of the funds can be expended until the project is fully funded.

Commissioner Haggerty moved to approve the Tri-Valley-San Joaquin Valley Regional Rail Authority (TVSJVRRA) request for an amendment to the 2014 Measure BB Transportation Expenditure Plan (TEP) to: 1) acknowledge TVSJVRRA as a new agency in Alameda County that can be an eligible recipient of Measure BB funds; 2) remove the BART to Livermore project and associated \$400 million Measure BB funding; 3) add Valley Link in Alameda County project with \$400 million in Measure BB funding; and 4) make associated technical amendments. Commissioner Haubert seconded the motion. The motion passed with the following votes:

Yes: Arreguin, Bauters, Carson, Cox, Cutter, Dutra-Vernaci, Ezzy Ashcraft, Freitas, Haggerty, Halliday, Haubert, Kaplan, Marchand, Mei, Miley, Ortiz, Thorne, Valle
No: Saltzman
Abstain: None
Absent: Cavanaugh*, Pilch, Thao

**Commissioner Cavanaugh was present during the vote, however her voice could not be captured. She later reported on the record that she was having technical issues and although she was not able to unmute during the voting, she heard the discussion and would have voted Yes on the motion.*

8.2. Federal, state, regional, and local legislative activities update

Carolyn Clevenger gave an update on federal, state, regional, and local legislative activities. Ms. Clevenger noted that given the current COVID-19 circumstances we are in, bills that the Alameda CTC took positions on are now considered dead for this session. She mentioned that discussions are underway regarding a potential stimulus bill that would include funding for infrastructure, in addition to the CARES Act funding. The current federal authorization, the FAST Act, is set to expire this fall and staff is working with the Commission Chair and Vice Chair to schedule remote briefings with Alameda CTC's federal delegation in June. Ms. Clevenger noted that to prepare for the stimulus efforts, staff worked closely with local jurisdictions to identify priority projects and investment to consider should a bill develop and an updated list is in the packet.

9. Commission Member Reports

There were no member reports.

10. Adjournment

The next meeting is Thursday, June 25, 2020 at 2:00 p.m.

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