

MINUTES

CALIFORNIA TRANSPORTATION COMMISSION

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

SEPTEMBER 15, 2004
Sacramento, California

Wednesday, September 15, 2004

GENERAL BUSINESS (#1-4)

1. • Roll Call 1.1

The meeting of the California Transportation Commission was called to order at 10:30 a.m. on September 15, 2004, at the Department of Water Resources Auditorium, 1416 Ninth Street, Sacramento, California. Roll call was conducted. The Commissioners attendance was as follows:

Members Present: Bob Balgenorth, Chair
Joseph Tavaglione, Vice Chair
R. Kirk Lindsey
Jim Ghielmetti
Allen Lawrence
Jeremiah Hallisey
Esteban Torres

Members Absent: Senator Kevin Murray, Ex-Officio
Assemblyman John Dutra, Ex-Officio

CLOSED SESSION

Chair Balgenorth called the meeting to order at 10:30 a.m. and immediately recessed the regular meeting to go into Closed Session pursuant to Government Code section 11126(e)(2)(A) to confer with legal counsel with regard to the Flying J, Inc. litigation. The Closed Session adjourned and the regular Commission meeting reconvened at 11:00 a.m. Chair Balgenorth announced that no reportable action occurred during the closed session.

2. • Approval of Minutes for August 4-5, 2004 Meeting 1.2

Chair Balgenorth asked if there were any corrections to the August 4-5, 2004 meeting minutes. There being no changes or corrections the Minutes stand adopted.

Commissioner Lindsey moved to approve the August 4-5, 2004 minutes. Commissioner Ghielmetti seconded the motion, which carried 5-0 (Commissioners Hallisey and Tavaglione were absent).

3. • Commission Reports 1.3

Chair Balgenorth gave an overview of the August 18th California Transportation Commission Leadership meeting. This meeting was well attended; 47 of the 61 regional agencies were represented, the majority by their Executive Directors. The objective of this meeting was to discuss transportation's huge funding problem and discuss to ideas on what each agency could do to help their area bring the cash problem to the forefront and to the attention of the Legislature, local officials and business leaders.

Tab # / Time	Item Description
--------------	------------------

Commissioner Lindsey reported on his meeting with Secretary McPeak, Great Valley Center, and Caltrans over the importance of Highway 99 through the central valley.

4. • Commissioners' Meetings for Compensation 1.4

Chair Balgenorth presented for approval the August List of Commissioners' Meetings for Compensation asking for any corrections. Commissioner Lindsey noted an error on his meeting report.

Commissioner Tavaglione moved to adopt the lists as modified. Commissioner Lindsey seconded the motion, which carried 7-0.

BUSINESS, TRANSPORTATION AND HOUSING AGENCY REPORT (#5)

5. • Report by Agency Secretary and/or Assistant Secretary 1.5

John Ferrera, Assistant Secretary BT&H, thanked the Commission and the staff for diligently working through the transportation issues, noting that the Commission is a very important partner.

CALTRANS REPORT (#6-12)

6. • Report by Caltrans' Director and/or Deputy Director 1.6

Randell Iwasaki, Caltrans, reported that Caltrans is currently: 1) working with Secretary McPeak on Performance Measures; 2) reviewing the transportation funding situation including the ethanol fix and tribal gaming; and 3) working with FHWA to ensure that FTIPs are approved in a timely manner. Mr. Ferrera introduced the recently appointed Caltrans Acting Deputy Director for Finance Cindy McKim.

7. • Caltrans Monthly FY 2004-05 Finance Report and Revised Cash Flow Report 3.1

Bimla Rhinehart, Caltrans Acting Chief Division of Budgets, gave a PowerPoint presentation on the Caltrans Monthly Finance report, which included a State Budget Update, the State Highway Account (SHA) September Forecast, The SHA Cash Forecast, the Public Transportation Account (PTA) September and Cash Forecasts, the Traffic Congestion Relief Fund (TCRF) September and Cash Forecasts and the Federal Budget Update.

John Ferrera, Assistant Secretary BT&H, stated that the Department is assuming a very conservative approach until after the results of the November election. Mr. Ferrera said the governor looked at opportunities to get money back into transportation and felt that the tribal gaming compacts were the best solution.

Deputy Director Stephen Maller commented that the majority of cash is now being used to service projects under construction and expressed the importance of making sure there are projects in the pipeline ready to go to construction once the current projects are done and cash becomes available.

8. • Report on Project Support Resources and Support Work Plan for FY 2004-05 4.2

Carl Haack, Caltrans, gave a PowerPoint presentation on the Department's project support resources and support work plan for FY 2004-05.

Deputy Director Stephen Maller said it was good to see that the Department plans to have a shelf of ready to go STIP projects in case funding becomes available faster than scheduled in the 2004 STIP. The Department has spent most of its right-of-way dollars on projects currently under construction and has nothing budgeted for right-

Tab # / Time	Item Description
-----------------	------------------

of-way dollars for future projects. Right-of-way acquisitions are the key to future project delivery. After a brief discussion, the following action will be taken:

- **Regarding the Project Support Resources and Support Work Plan report, provide an additional chart to Commissioners and staff showing the TCRP resources against TCRP delivery.**

ACTION: Carl Haack

9. Fifth Cycle AB 1012 Unobligated RSTP, CMAQ 3.7 and Regional TEA "Use It or Lose It" Notification

Terry Abbott, Caltrans, reported that on December 29, 2003, the Department released the fifth cycle 1012 "use-it-or-lose it" notices, showing they had \$229 million that had to be used by December 31 of this year. As of July 31, this balance has been brought down to \$42 million. There has been significant delivery in the last few weeks. Mr. Abbott noted the following correction to the book item: Lassen County had used all of their funds and Mariposa had \$17,000 remaining. San Benito will be done by the December 29, 2004 deadline. Mr. Abbott said the Sixth Cycle letter is due to come out in early November.

10. Local Assistance Quarterly Lump Sum Allocation 3.8 Status Report for 2004-05 Fiscal Year

Terry Abbott, Caltrans, presented the local assistance quarterly lump sum allocation status report for the 2004-05 fiscal year congratulating the local regions and MPOs for using 100% of their obligational authority (OA).

Deputy Director Stephen Maller said it was good to see the regional agencies using their OA.

Commissioner Lindsey noted that part of this is state match dollars and asked for the status on future state match when there is no money available and whether or not we are going to lose money. Mr. Abbott said the state match exchange is in statute allowing regions to swap funds from state funded programs, and that the seismic retrofit program doesn't see future funds.

- **At the October Commission meeting provide a presentation on delivery of the local seismic retrofit program. (October Agenda Item)**

ACTION: Cindy McKim/Terry Abbott

11. Report on the Additional \$16.5 million the Department Spent Above the Budgeted \$31 million in the Post-Certification Fund Reservation Category of the FY 2003-04 Right-of-Way Allocation 3.6

Brice Paris, Caltrans, reported on the post certification concerns that were expressed at the last Commission meeting. A breakout report of major and non-major post certification projects was reviewed. Mr. Paris provided the Commission with two summaries showing right-of-way (ROW) date and costs spent and a project-by-project list. Post certification costs for existing legal obligations are the number one priority for available ROW funds.

Deputy Director Stephen Maller reiterated that once the Department identified and broke out the post certification projects into their proper categories, the perceived 53% increase was in reality only a 6% increase, which illustrates how the proper presentation of facts is important.

Commissioner Ghielmetti moved to accept the report. Commissioner Tavaglione seconded the motion, which carried 7-0.

Tab # / Time	Item Description
--------------	------------------

- 18. IC • Monthly Report on Projects Amended into the SHOPP by Department Action 3.3

This item was presented on the Information Calendar.

- 19. IC • Monthly Report on Local Assistance STIP Projects Previously Voted but not Awarded 3.4

This item was presented on the Information Calendar.

- 20. IC • Status of STIP Cash Commitments for AB 3090 Reimbursements and GARVEE Debt Service 3.5

This item was presented on the Information Calendar.

- 21. IC • Pending Traffic Congestion Relief (TCR) Project Application Amendments – Ten application amendments, including one amendment to deprogram (\$2,078,000) of TCR funds, per Resolution G-03-14, Traffic Congestion Relief (TCR) Program Policy for Managing Cash Between TCR Projects 4.3b.(1)

This item was presented on the Information Calendar.

- 22. IC • Pending Traffic Congestion Relief (TCR) Project Letters of No Prejudice (Letter), per Resolution G-03-12 – Seven Letter requests totaling \$569,325,000 4.3b.(2)

This item was presented on the Information Calendar.

- 23. IC • Pending Traffic Congestion Relief (TCR) Project Allocations – 19 project allocations totaling \$188,502,000 4.3b.(3)

This item was presented on the Information Calendar.

- 24. IC • Aeronautics Account Pending Allocations – 17 Projects totaling \$2,672,000 4.3c.

This item was presented on the Information Calendar.

END OF INFORMATION CALENDAR ITEMS

CONSENT CALENDAR (#25-45)

CC

Deputy Director Robert Chung recommended approving the Consent Calendar (Items #25 through #45) with modifications to Items #25, #36, #38 and #43, as referenced on the "Changes to the CTC Agenda" pink handout. Mr. Chung reviewed and recommended approval to Item #37, as recommended by the Commission's Airspace Advisory Committee, which met as a committee of the whole, on a proposed Option to Lease.

Tab # / Time	Item Description
-----------------	------------------

Commissioner Lindsey moved to approve the Consent Calendar, as modified and recommended by staff. Commissioners Tavaglione seconded the motion. Chair Balgenorth requested a show of hands, which carried 7-0.

- 25. CC • Traffic Congestion Relief (TCR) Application 2.1c.(2)**
Amendment Approval. Six application amendments, no net change in TCR funding.
Resolution TAA-04-09, Amending Resolutions TA-00-01, TA-01-11, and TAA-04-05
- Project #1.2 – BART to San Jose; extend BART from Fremont to Downtown San Jose in Santa Clara and Alameda Counties – Extension from Warm Springs to Downtown San Jose. The Santa Clara Valley Transportation Authority requests an amendment to update project schedule and funding plan previously approved under Resolution TAA-04-05. (Related item under 2.6e)
 - Project #49.1 – Hollywood Intermodal Transportation Center; Intermodal facility at Highland Avenue and Hawthorn Avenue in the City of Los Angeles. The City of Los Angeles Department of Transportation (LADOT) requests an amendment to designate this sub-project as – ATCS in the Hollywood Intermodal Transportation Center Service Area, revise the project scope, receive a transfer of \$350,000 in TCRF from TCR Sub-project #49.2, and update the schedule and funding plan previously approved under Resolution TA-01-11. (Related item under 2.6e)
 - Project #49.2 – Hollywood Intermodal Transportation Center; Intermodal facility at Highland Avenue and Hawthorn Avenue in the City of Los Angeles. The LADOT requests an amendment to designate this sub-project as – Hollywood Intermodal Transportation Center, transfer \$350,000 of TCRF to TCR Sub-project #49.1, revise the project scope, and update the schedule and funding plan previously approved under Resolution TA-01-11. (Related item under 2.6e)
 - Project #50 – Route 71; complete three miles of six-lane freeway through Pomona, from Route 10 to Route 60 in Los Angeles County. The Department requests an amendment to update the project schedule and funding plan previously approved under Resolution TA-00-01. (Related item under 2.6e)
 - Project #158.1 – Remodel the intersection of Olympic Boulevard/Mateo Street/Porter Street – Mateo Street widening. The LADOT requests an amendment to transfer (\$75,000) of savings in programmed TCR funds to TCRP Sub-Project #158.2, and update the overall project schedule and funding plan previously approved under Resolution TA-00-01. (Related item under 2.6e)
 - Project #158.2 – Remodel the intersection of Olympic Boulevard/Mateo Street/Porter Street – Olympic Blvd. widening. The LADOT requests an amendment to receive transfer of \$75,000 in TCR funds from TCRP Sub-Project #158.1, and update the overall project schedule and funding plan previously approved under Resolution TA-00-01. (Related item under 2.6e)

This item was approved on the Consent Calendar.

Tab # / Time	Item Description
--------------	------------------

- 26. CC • Traffic Congestion Relief (TCR) Application Amendment Approval. One application amendment, no net change in TCR funding. Resolution TAA-04-10; Amending Resolution TAA-03-08 -- Project #44 – Route 47, Terminal Island Freeway; construct interchange at Ocean Boulevard Overpass in the City of Long Beach in Los Angeles County. The Port of Long Beach requests an amendment to update the project schedule and funding plan previously approved under Resolution TAA-03-08. 2.1c.(3)

This item was approved on the Consent Calendar.

- 27. CC • Approval of Project for Future Consideration of Funding – Route 101 in Humboldt County – Replace the southbound bridge near Fortuna (ND). Resolution E-04-18 2.2c.(1)

This item was approved on the Consent Calendar.

- 28. CC • Approval of Project for Future Consideration of Funding – Route 1 in Mendocino County – Realign Route 1 near Point Arena (ND). Resolution E-04-19 2.2c.(2)

This item was approved on the Consent Calendar.

- 29. CC • Approval of Project for Future Consideration of Funding – Route 20 in Mendocino County – Widen shoulders and construct left turn lanes near Fort Bragg (ND). Resolution E-04-20 2.2c.(3)

This item was approved on the Consent Calendar.

- 30. CC • Approval of Project for Future Consideration of Funding – Routes 299 and 395 in Modoc County – Rehabilitate and restore the roadway in Alturas (ND). Resolution E-04-21 2.2c.(4)

This item was approved on the Consent Calendar.

- 31. CC • Approval of Project for Future Consideration of Funding – Route 99 in Tehama County – Replace Toomes Creek Bridge near Los Molinos (ND). Resolution E-04-22 2.2c.(5)

This item was approved on the Consent Calendar.

Tab # / Time	Item Description
-----------------	------------------

- 32. CC • **Approval of Project for Future Consideration of Funding –Montgomery Way or Hess Road in Tehama County – Relocate the Red Bluff Maintenance Station in Red Bluff (ND). Resolution E-04-23** 2.2c.(6)

This item was approved on the Consent Calendar.

- 33. CC • **Approval of Project for Future Consideration of Funding – Route 80 in Placer County – Roadway rehabilitation near Kingvale (ND). Resolution E-04-24** 2.2c.(7)

This item was approved on the Consent Calendar.

- 34. CC • **Three Relinquishment Resolutions** 2.3c.
 -- 5-SLO-101-PM 0.6/0.8 Route 101 in the County of San Luis Obispo; Resolution R-3583
 -- 5-SCr-152-KP T2.9/T3.7 Route 152 in the City of Watsonville; Resolution R-3584
 -- 12-Ora-5-PM 39.1/39.2 Route 5 in the City of Anaheim; Resolution R-3585

This item was approved on the Consent Calendar.

- 35. CC • **One Vacation Resolution** 2.3d.
 -- 6-Ker-58, 14-KP 173.5/175.5, 29.9/30.6; Route 58, 14 in the County of Kern. Resolution A-857

This item was approved on the Consent Calendar.

- 36. CC • **17 Resolutions of Necessity Resolutions C-18929 through C-18931 and C-18933 through C-18946** 2.4b.

This item was approved on the Consent Calendar, as modified by Mr. Chung. Resolution C-18932 (Michael L. and Charlene Moule Turst) was withdrawn, as referenced on the pink "Changes to CTC Agenda" handout provided at the start of the meeting.

- 37. CC • **Airspace Lease Direct Negotiations – Airspace Option to Lease-Triangle Partners, LLC** 2.4c.

This item was approved on the Consent Calendar.

- 38. CC • **Director’s Deeds; Items #3Through #9 Excess Lands – Return to State 1,748,000 Return to Others: \$0** 2.4d.

This item was approved on the Consent Calendar, as modified by Mr. Chung. Director’s Deeds #1 and #2 (DD #007941-01-02 and #007941-01-03) were withdrawn, as referenced on the pink "Changes to CTC Agenda" handout provided at the start of the meeting.

Tab # / Time	Item Description
--------------	------------------

- 39. CC • **Financial Allocation for Four Minor SHOPP Safety Projects totaling \$1,280,000. Resolution FP-04-07** 2.5a.(3)

This item was approved on the Consent Calendar.

- 40. CC • **Financial Allocation for One SHOPP Safety Project for \$1,850,000, Amended into the SHOPP by Departmental action. Resolution FP-04-08** 2.5b.(2)

This item was approved on the Consent Calendar.

- 41. CC • **Financial Allocation for One SHOPP Transportation Enhancement Project for \$1,000,000, plus \$392,000 from other sources Resolution FP-04-09** 2.5b.(3)

This item was approved on the Consent Calendar.

- 42. CC • **Financial Allocation for One Locally Administered STIP Transportation Enhancement Project for \$80,000 plus \$20,000 from other sources. Resolution FP-04-10** 2.5c.(5)

This item was approved on the Consent Calendar.

- 43. CC • **Traffic Congestion Relief (TCR) Project Allocation Amendment Approval, seven allocation amendment requests, no net change in TCR funding. Resolution TFP-04-06, Amending Resolution TFP-00-02** 2.6e.

This item was approved on the Consent Calendar, as modified by Mr. Chung. Project #1 (TCRP Project #1.2) BART to San Jose was withdrawn prior to the CTC meeting, as listed on the pink "Changes to CTC Agenda" handout provided at the start of the meeting.

- 44. CC • **Aeronautics Financial Allocation of \$98,300 for FY 2004-05 California Aid to Airports Program (CAAP) funds for Three Safety Projects from the 2004 Aeronautics Program. Resolution FDOA-2004-4** 2.7
 - County of Del Norte – McBeth Field Airport in Del Norte County \$32,400 – Obstruction removal – Runway 11/29.
 - County of Del Norte – Ward Field Airport in Del Norte County \$45,900 – Obstruction removal – Runway 6/24
 - County of Alpine – Alpine County Airport in Alpine County \$20,000 – Relocate existing non-conforming segmented circle and windcone.

This item was approved on the Consent Calendar.

Tab # / Time	Item Description
--------------	------------------

- 47. • **Approval of Project for Future Consideration of Funding – Route 80 in Sacramento and Placer Counties – Add high occupancy vehicle (HOV) lanes in both directions in Roseville and Rocklin (FEIR). Resolution E-04-26** 2.2c.(9)

Deputy Director Robert Chung reviewed the Caltrans project where the Department is proposing to start Phase 1 for traffic operation systems elements on Route 80 between Rocklin and Roseville. Phase 1 is fully funded at \$4 million; however, the rest of the preferred alternative project needs approximately \$130 million to be fully funded.

Mr. Chung recommended that the Commission approve the Final Environmental Impact Report (FEIR), as a responsible agency, that Caltrans identify the revenues necessary to fully fund the remaining project phases, and adopt the resolution.

Commissioner Lindsey moved to approve the FEIR and resolution, as recommended by staff. Commissioner Tavaglione seconded the motion, which carried 7-0.

- 48. • **Approval of Project for Future Consideration of Funding – Route 905 in San Diego County – Construct six-lane freeway near San Diego (FEIR). Resolution E-04-27** 2.2c.(10)

Deputy Director Robert Chung reviewed Item #48, which Caltrans is proposing to begin construction in San Diego of a six-lane freeway in FY 2005-06. The project is funded at \$122 million from the STIP for the first phase between the Otay Mesa Border and the Route 905/805 interchange. The total cost of the project is expected to be \$310 million with \$93 million still needed to fully fund the total project using federal, local and TCRP funds.

Mr. Chung recommended the Commission adopt the FEIR, as a responsible agency, and approve the project for consideration of future funding.

Commissioner Lindsey moved to approve the FEIR and resolution as recommended by staff. Commissioner Tavaglione seconded the motion, which carried 7-0.

- 49. • **Approval of Project for Future Consideration of Funding–Route 180 in Fresno County–Roadway rehabilitation near Mendota (ND).Resolution E-04-28** 2.2c.(11)

Deputy Director Robert Chung reviewed the final negative declaration for Item #49, which is a roadway rehabilitation project on Route 180 in Fresno County near Mendota.

Mr. Chung recommended the Commission approve the final Negative Declaration, as a responsible agency, and approve the project for consideration of future funding.

Commissioner Tavaglione moved to approve the Final Negative Declaration and resolution, as recommended by staff. Commissioner Ghielmetti seconded the motion, which carried 7-0.

Tab # / Time	Item Description
-----------------	------------------

Rebecca Lang, MTC, spoke on Bechtel's findings, and that the redesign, rebid, cost overruns and delay could range from two and one-half to four years. Ms. Lang said that one-half of the \$3.2 billion cost overruns are due to the self anchor problem.

Deputy Director Stephen Maller noted that the Department's written report has missing information and recommended the following action:

- **Provide a comparison analysis of what was accomplished during the past year on the Seismic Retrofit Program, for inclusion in the CTC's Annual Report to the Legislature.**
ACTION: Greg Wong

Commissioner Tavaglione moved to approve staff's recommendation to include the seismic retrofit data in the annual report to legislature. Commissioner Lindsey seconded the motion, which carried 7-0.

51. • **Report on Estimated Cost to Retrofit the State's Seven Toll Bridges and the Actual Cost Regardless of the Funding Source** 4.4

This Item was handled under Item #50.

52. • **Status Report on the New Bay Bridge East Span** 4.5

This Item was handled under Item #50.

53. • **Report Under What Legal Authority the Commission can Transfer State Real Property for Less than Appraised Value to the Transbay Joint Powers Authority and/or to the City of San Francisco** 4.6

Tony Anziano, Caltrans, reviewed the legal authority that allows the Commission to transfer state property to the Transbay JPA and the City of San Francisco for the Transbay Terminal project. Section 30410 of Streets and Highways Code allows the Department's director to dispose of any property acquired for toll bridge purposes whenever it is in the public interest, if approved by the Commission. Section 73 of Streets and Highway Code requires the Commission to relinquish to any county or city any portion of any state highway within the county or city that has been deleted from the state highway system by legislative enactment.

54. • ~~**Status Report on the Transbay Terminal by Joint Powers Authority**~~ 4.7

This Item was withdrawn prior to the Commission meeting and will be placed on the October meeting agenda.

Financial Allocations for Supplemental Funds (#55-56)

55. • **Financial allocation for Supplemental Funds for Previously Voted Projects. Six Projects totaling \$4,860,000. Resolution FA-04-01** 2.5e.(1)
 -- 01-DN-169 – SHOPP Project in Del Norte County. Current allocation is \$3,300,000. This request for \$625,000 to award the construction contract results in an increase of 19% over the voted amount.
 -- 01-Hum-101 – SHOPP Project in Humboldt County. Current allocation is \$2,540,000. This request for \$840,000 to award the construction

Tab # / Time	Item Description
--------------	------------------

contract results in an increase of 33% over the voted amount.
 -- 04-Son-101 – SHOPP Project in Sonoma County. Current allocation is \$7,039,000. This request for \$2,638,000 to award the construction contract results in an increase of 37% over the voted amount.
 -- 07-LA-5 – SHOPP Project in Los Angeles County. Current allocation is \$855,000. This request for \$280,000 to award the construction contract results in an increase of 33% over the voted amount.
 -- 07-LA-101 – SHOPP Project in Los Angeles County. Current allocation is \$700,000. This request for \$357,000 to award the construction contract results in an increase of 51% over the voted amount.
 -- 08-Riv-71 – STIP Project in Riverside County. Current cost is \$9,674,000. This request for \$120,000 to complete the construction contract results in an increase of 17% over the allocated amount.

Ross Chittenden, Caltrans, gave a PowerPoint presentation for Items #55 and #56.

Commissioner Ghielmetti asked Mr. Iwasaki about Caltrans' experience with contractors and claims.

Commissioner Ghielmetti moved to approve the requested supplemental votes under Items #55 and #56, as recommended by staff. Commissioner Tavaglione seconded the motion, which carried 6-0. (Commissioner Lindsey was absent).

- **Meet with Commissioners Ghielmetti, Lindsey and Tavaglione to review Caltrans' experience with contractors and claims.**

ACTION: Bruce Behrens/Mike Leonardo

56. • **Financial Allocation for Supplemental Funds for Previously Voted Projects. Four projects totaling \$2,052,000. Resolution FA-04-02** 2.5e.(2)
- 02-Sha-36 – SHOPP Project in Shasta County. Current allocation is \$1,385,000. This request for \$473,000 to award the construction contract results in an increase of 34% over the voted amount.
 - 05-SB-1 – SHOPP Project in Santa Barbara County. Current allocation is \$3,250,000. This request for \$190,000 to close out the construction contract results in an increase of 64% over the voted amount.
 - 07-LA-47 – SHOPP Project in Los Angeles County. Current allocation is \$3,205,000. This request for \$700,000 to complete the construction contract results in an increase of 42% over the voted amount.
 - 10-SJ-99 – SHOPP Project in San Joaquin County. Current allocation is \$2,314,000. This request for \$689,000 to award the construction contract results in an increase of 30% over the voted amount.

This item was handled under Item #55.

Tab # / Time	Item Description
--------------	------------------

59. • Adoption of FFY 2004-05 Federal Transit Administration (FTA) Section 5310 Elderly and Disabled Transit Program. Resolution G-04-09 4.11

Assistant Deputy Director Annette Gilbertson reviewed the statutory authority and process for approving the Section 5310 project list. There were no appeals made at the August 18 conference, but four project scores were modified due to scoring errors. These modifications did not change the list. Chair Balgenorth asked for public comments of which there were none.

Ms. Gilbertson recommended the Commission approve the Section 5310 FFY 2004-05 Prioritized List of Projects and direct the Department to fund projects in priority order until all available funds have been utilized.

Commissioner Torres moved to approve the prioritized project list, as recommended by staff. Commissioner Tavaglione seconded the motion, which carried 7-0.

60. • North Coast Railroad Authority (NCRA) Proposition 116 Payback Plan 4.13

Assistant Deputy Director Kathie Jacobs reported in June 2001 Caltrans' Audits revealed improper expenditure of Proposition 116 Rail Bond funds by North Coast Railroad Authority (NCRA). The book item is the culmination of staff effort to work out an agreement acceptable to everyone. NCRA publicly stated at the August 18 Board meeting, that they will be out of administrative funds at end of October 2004. NCRA has indicated that in March of every year they will receive \$20,000 for use of its right-of-way for telecommunications and have necessary funds to payback the Proposition 116 Program. The NCRA Board did approve Resolution 2004-06, which approved the Proposition 116 audit exceptions.

Mitch Stogner, NCRA, reported they are in good shape in capitol dollars, but that they never had a dedicated source of operating revenue. They are hoping to get a bridge loan. If the Q fund loan is forgiven, \$5.5 million will technically become available and will enable them to continue operation four more years.

Commissioner Lawrence moved to approve staff recommendations. Commissioner Ghielmetti seconded the motion, which carried 7-0.

61. • Status Report on Previously Approved GARVEE Projects not yet Awarded 4.8

Ross Chittenden, Caltrans, reviewed the status of the eight STIP projects that were authorized by the Commission for GARVEE bond proceeds totaling \$678 million. Commissioner Ghielmetti expressed his concern that the Department appeared to have misrepresented the readiness of some of the projects. Chair Balgenorth asked the Department to:

- **Report at the October meeting on quarterly expenditure projections for those projects included in the first issuance of GARVEE bonds. (October Agenda Item)**
ACTION: Ross Chittenden

Bob Naylor, LAMTA, expressed frustration with the time it takes to draft the final cooperative agreement due to delays caused by having to go back and forth with Caltrans, MTA and the attorneys. John Ferrera, Assistant Secretary BT&H, said the Agency will work on clearing the process.

Tab # / Time	Item Description
--------------	------------------

**62. • Approval of Project for Future Consideration of 2.2c.(8)
Funding – Route 87 in Santa Clara County –
Construct high occupancy vehicle (HOV) lanes in
San Jose (ND). Resolution E-04-25**

Deputy Director Robert Chung reported that Caltrans is proposing to begin constructing an HOV lane on Route 87 in San Jose. The project is fully funded with GARVEE bonds. This Negative Declaration should have been presented to the Commission for action much earlier in the year. To avoid challenges to the Negative Declaration, however, the Commission must approve the project for funding, which will start the 30-day clock on legal environmental challenges.

Mr. Chung recommended the Commission: (1) direct Caltrans to be more timely in getting environmental documents to the Commission for action when the project will be funded with GARVEE bonds; and (2) approve the Negative Declaration, as a responsible agency, and approve the project for future consideration of funding.

Ross Chittenden, Caltrans, responded that this is an example of growing pains from Proposition 35, and that the Department will add this to their training menu.

Commissioner Ghielmetti moved to approve the final Negative Declaration, as recommended by staff. Commissioner Lindsey seconded the motion, which carried 6-0. (Commissioner Lawrence was absent).

63. • Potential for GARVEE Bond Project Candidates 4.9

Deputy Director David Brewer reviewed this item, which begins the discussion of how much the Commission should authorize for GARVEE bonding this year and for which projects. The book item included list of “potential GARVEE bonding candidates from the 2004 STIP Staff Recommendations, broken into three groups according to project readiness and how well projects met the selection criterion to provide major improvements for interregional travel.

Mr. Brewer asked the Department, regional agencies and the Department of Finance for their comments on candidate projects and the appropriateness of bond financing.

Ross Chittenden, Caltrans, responded that the major delivery risks are related to right-of-way capital.

Assemblymember Tony Strickland gave his support for two projects in Ventura County, SR 23 and 118.

Cecila McAdam, Executive Director, Placer County TPA, spoke in support of the Sierra College interchange project.

Ron Peterson, Deputy Director, Council of Fresno County Governments; Harry Armstrong, Chairman of Fresno CTA; Judy Case, Fresno County Supervisor; and Bob Sears, Vulcan Materials, all spoke in support of the SR 180 project.

Darrell Johnson, Orange County Transportation Authority, spoke in support of the SR 90 and I-5 North projects.

Mr. Brewer recommended that the Commission ask Caltrans, in cooperation with the regions, to report in October on the delivery schedule and projected cash flow needs for each potential GARVEE bonding candidate.

- **For the second round of GARVEE bonding, present information at the October meeting on the deliverability and readiness of the projects in Groups 1, 2, and 4 including quarterly expenditure projections. (October Agenda Item)**

ACTION: Ross Chittenden

<u>Tab # / Time</u>	<u>Item Description</u>
-------------------------	-------------------------

OTHER MATTERS / PUBLIC COMMENT 6.

There were no other matters or public comments.

ADJOURN

There being no further business, the meeting adjourned at 3:35 p.m.

Diane C. Eidam, Executive Director

STATUS OF ACTION ITEMS

From
September 15, 2004 Commission Meeting

- 8 (4.2) Carl Haack – Regarding the Project Support Resources and Support Work Plan report, provide an additional chart to Commissioners and staff showing the TCRP resources against TCRP delivery.
- **This will be done.**
- 10 (3.8) Cindy McKim/Terry Abbott – At the October Commission meeting provide a presentation on delivery of the local seismic retrofit program. (*October Agenda Item*)
- **This will be discussed under October Agenda Item Tab 11 (4.14).**
- 46 (2.2b) Robert Chung – Set-up a meeting with Commissioner Ghielmetti and appropriate Caltrans' staff to discuss Caltrans' philosophy in preparing environmental documents and to determine if legislative changes should be proposed.
- **Staff is attempting to arrange this meeting with all interested parties.**
- 50 (4.14) Greg Wong – Provide a comparison analysis of what was accomplished during the past year on the Seismic Retrofit Program, for inclusion in the CTC's Annual Report to the Legislature.
- **The analysis has been prepared and will be forwarded to CTC staff prior to the October meeting.**
- 55 (2.5e(1)) Bruce Behrens/Mike Leonardo – Meet with Commissioners Ghielmetti, Lindsey and Tavaglione to review Caltrans' experience with contractors and claims.
- **This meeting has been scheduled.**
- 57 (4.1) Diane Eidam – Prepare a letter to the Governor and Legislature, for Chair Balgenorth's signature, regarding Commission intent for GARVEE bonding in 2005-06.
- **This has been done.**
- 58 (4.15) Diane Eidam – Per Commissioner Lindsey's request, add in the Annual Report a discussion of international, interstate and intrastate goods movement. Also add a section for performance measure accomplishments and have Caltrans make a presentation at the October meeting on Transportation Performance Measures, including system, organizational and project performance measures. (*October Agenda Item*)
- **A Goods Movement section will be added to the Annual Report and Performance Measures will be discussed under October Agenda Item Tab 65 (4.15).**

61 (4.8) Ross Chittenden – Report at the October meeting on quarterly expenditure projections for those projects included in the first issuance of GARVEE bonds. (*October Agenda Item*)

- **This will be discussed under October Agenda Item Tab 57 (4.11).**

63 (4.9) Ross Chittenden – For the second round of GARVEE bonding, present information at the October meeting on the deliverability and readiness of the projects in Groups 1, 2, and 4 including quarterly expenditure projections. (*October Agenda Item*)

- **This will be discussed under October Agenda Item Tab 58 (4.12).**