

MINUTES

CALIFORNIA TRANSPORTATION COMMISSION

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

**March 3, 2005
Sacramento, California**

GENERAL BUSINESS (#1-5)

1.

1. • Roll Call 1.1

The meeting of the California Transportation Commission was called to order at 9:10 a.m. on March 3, 2005, at the Department of Water Resources Auditorium, 1416 Ninth Street, Sacramento, California.

Roll call was conducted. The Commissioners attendance was as follows:

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

Members Absent: Assemblymember Jenny Oropeza, Ex-Officio
Senator Tom Torlakson, Ex-Officio

Chair Tavaglione made the following agenda announcements:

- The closed session regarding the Flying J lawsuit is scheduled in conjunction with the lunch break;
- Item #3 will be heard after Item #8;
- Item #40 was removed from the Consent Calendar; and
- Item #71 was added to the Consent Calendar.

2. • Approval of Minutes for January 20, 2005 Meeting 1.2

Chair Tavaglione presented the January 20, 2005 Minutes for approval. Commissioner Lindsey moved to approve the minutes. Commissioner Bergeson seconded the motion, which carried 8-0.

3. • Commission Reports 1.3
-- Appointment of Committee Chairs and Members

Executive Director Diane Eidam announced the following Committee and Liaison assignments:

Mass Transportation Committee

Esteban Torres, Chair
Jeremiah Hallisey
Allen Lawrence

Planning Committee:

Bob Balgenorth, Chair
James Ghielmetti
R. Kirk Lindsey

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Streets and Highways Committee

Jeremiah Hallisey, Chair
 Marian Bergeson
 R. Kirk Lindsey

Executive Committee

Joseph Tavaglione, Chair
 Bob Balgenorth
 Jeremiah Hallisey

Goods Movement Ad Hoc Committee

R. Kirk Lindsey, Chair
 Marian Bergeson
 Allen Lawrence
 Esteban Torres

Liaison to Technical Advisory Committee on Aeronautics (TACA)

James Ghielmetti

Liaison to Airspace Advisory Committee (AAC)

Allen Lawrence

Liaison to Rural Counties Task Force

R. Kirk Lindsey, Liaison

Sunne Wright McPeak, BTH Secretary, announced a Goods Movement public forum subcommittee meeting scheduled for Thursday, March 24 at the Caltrans' District 7 office in Los Angeles.

- Prepare a letter to the Governor and Legislative leaders asking that they convene a special summit, as soon as possible, to reach a decision on the Bay Bridge issue.

ACTION: Diane Eidam

- Update the Committee Roster to reflect the new appointments made at the Commission meeting and distribute to interested parties and post on the Commission's website.

ACTION: Mary Lea Filbert

- Per Secretary McPeak's invitation, provide Commissioners with the information on the upcoming Goods Movement meetings in Los Angeles.

ACTION: Diane Eidam/Ross Chittenden

- Per Commissioner Ghielmetti's request, notify Caltrans' Chief of Aeronautics Austin Wiswell of upcoming Goods Movement Committee meetings and invite him to attend those meetings.

ACTION: Annette Gilbertson

Commissioner Ghielmetti moved to have a letter sent to the Governor that would request the minority and majority leaders to meet, as soon as possible, and request their support to resolve the Bay Bridge design issues and funding issues that would allow Caltrans to complete their mission. Commissioner Torres seconded the motion, which carried 8-0.

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- 4. • Commissioners' Meetings for Compensation 1.4

The List of Commissioners' Meetings for Compensation was presented for approval. Commissioner Lindsey moved to approve the List. Commissioner Lawrence seconded the motion, which carried 8-0.

- 5. • Report by Agency Secretary and/or Deputy Secretary 1.5

Sunne Wright McPeak (BTH Secretary) reported on two major issues facing California:

(1) "Go California" is the Governor's initiative to improve project delivery; and

(2) The Bay Bridge issues have spanned several administrations. The general consensus is that this self-anchored suspension bridge is the longest, widest bridge with this design in the world and involves extremely complicated and expensive construction. The Commissioners expressed their concern over the cost and safety factors involved with the delays in completing the Bay Bridge. Secretary McPeak requested advice from the Commission on how to get the bridge built sooner and save money.

Secretary McPeak also reviewed current legislation aimed at improving transportation mobility, design sequencing, public-private partnerships, goods movement, methods for accelerating project delivery, the need for more investments in the transportation system, strengthening Proposition 42, and the repayment of outstanding loans. Secretary McPeak also requested the Commission's comments on the Transportation Performance Measures.

- As requested by Secretary McPeak, work with BTH, Caltrans and the Department of Finance on proposed legislation on partnering for investments in transportation.

ACTION: Diane Eidam

CALTRANS REPORT (#6-16)

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

Will Kempton, Caltrans, announced that efforts continue to permanently fill vacant Caltrans positions. Later in the meeting, Mr. Kempton announced that Karla Sutliff was confirmed as the new Chief, Division of Project Management. Business, Transportation and Housing Agency (BTH) recently issued a press release on the following "Go California" bills: AB 850 (Canciamilla) Public-Private Partnerships High-Occupancy Toll Lanes; SB 705 (Runner) Design-build contracts; and AB 1266 (Niello) Design-Sequencing. Transportation is not keeping pace with California's growth, and the Governor feels this initiative is a fantastic strategic vision for the State.

Mr. Kempton also reported on project delivery improvements, concentration on land use and its impacts on transportation, continued work on accelerating environmental work, public-private partnerships, goods movement, reauthorization efforts, minimum guarantee, and the mitigation air-quality program.

Mr. Kempton gave a PowerPoint presentation on the storm damage. Seven out of the eight storm-damaged counties were declared as disaster areas. This was the third wettest season on record. Mr. Kempton noted that the dollars have to be spent before federal government reimbursement is received, which occurs fairly quickly. Thanks and appreciation were given to the partners for their support, response and input.

- Provide Commissioners and staff with the Transportation Performance Measures matrix and the prototype report and seek Commission comments at the April Commission meeting. *(April Agenda Item)*

ACTION: Ross Chittenden/Brian Smith

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- 7. • Status Report on Toll Bridge Seismic Retrofit Program 4.8

Will Kempton, Caltrans, announced that Chief Deputy Director Randy Iwasaki was also assigned the role of Toll Bridge Seismic Retrofit Program Manager.

Dan McElhinney, Caltrans, presented updates on the Toll Bridge Seismic Retrofit Program, which included the Richmond-San Rafael Bridge and the east and west spans of the San Francisco-Oakland Bay Bridge. Retrofitting on the other five toll bridges is now complete.

- 8. • 2004 3rd Quarter Report on Seismic Safety Retrofit Program 3.13

Will Kempton, Caltrans, presented the Department's Seismic Safety Retrofit Program Report. Phase 1 is 100% complete, Phase 2 is 98.4% complete, and 90% of the budget is committed. Director Kempton reviewed the status of the eight remaining Phase 2 bridges. The local bridge program is only 45% complete due to funding constraints. The state matching funds have been withdrawn for the local bridge program.

- 9. • Transportation Performance Measures 4.7

Brian Smith, Caltrans, gave a PowerPoint presentation entitled, "Performance-Based Management – Moving Caltrans to Mobility Company." Mr. Smith highlighted what has been done to date, how progress has been measured, and the Department's plans for the future.

- Work with Caltrans on the performance measures and define the baseline for use in evaluating the progress of the performance measures, and report back at the April Commission meeting. *(April Agenda Item)*

ACTION: Diane Eidam

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

Norma Ortega, Caltrans, presented the Caltrans Monthly Finance Report. Ms. Ortega reviewed the sustainable State Highway Account allocation level and the account cash forecasts. There are continued uncertainties in cash forecast. The Governor predicts tribal compact revenues will not be available until 2005-06.

- Report back to Commissioners on the total Phase 1 capital costs funded to date for the Seismic Retrofit Program (\$848 versus \$811).

ACTION: Norma Ortega

- 11. • Overview of 2006 Fund Estimate Development 4.5

Norma Ortega, Caltrans, presented the "Fund Estimate Overview," reviewing the timeline, methodology, prior fund estimates (programming capacity for STIP), assumptions, significant events since the 2004 Fund Estimate, two-tiered fund estimate options, and scheduled upcoming Commission meetings.

- Report back to the Commission on estimates of what we can expect to receive from the Indian Gaming revenues and include an inflation factor of 2 to 3 percent.

ACTION: Ross Chittenden

- At the April Commission meeting, schedule a workshop on the afternoon of the first day to review the Fund Estimate.

ACTION: Diane Eidam

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- 12. • Status Report on Previously Approved GARVEE Projects Not Yet Awarded 3.6

Ross Chittenden, Caltrans, presented the status report on previously approved GARVEE projects not yet awarded, the interest earned and expended, and the principal payments made to date.

- Per Commissioner Lindsey’s request, for all future GARVEE status reports, include the start date and completion date for all projects.

ACTION: Ross Chittenden

- 13. • Local Assistance Quarterly AB 1012 Unobligated RSTP, CMAQ, and Regional TEA Balances 3.10

Terry Abbott, Caltrans, reported that the Department released the sixth cycle AB 1012 “use-it-or-lose-it” notices on November 15, 2004. At that time, the RSTP, CMAQ and Regional TEA funds potentially subject to Commission redirection on November 15, 2005 totaled approximately \$119 million. Since that time, local agencies delivered \$24 million worth of projects and the current outstanding balance is \$95 million. The Department is continuing to work with agencies to get the balance down to zero by the November 15, 2005 deadline.

- 14. • Local Assistance FY 2004-05 Quarterly Lump Sum Allocation Status Report 3.11

Terry Abbott, Caltrans, reviewed the Department’s use of the local assistance lump sum allocation. As of December 31, 2004, the local agencies have expended 18% of their FY 2004-05 allocation.

- 15. • FY 2004-05 2nd Quarter Project Delivery Report 3.8

Jay Norvell, Caltrans, began his presentation announcing that his acting position has been filled today by Karla Sutliff. Mr. Novell stated the Department is working hard to deliver programs in the fiscal year. Since their report was written, \$100 million in SHOPP projects have been delivered. The Department’s delivery commitment is to deliver 100% of the programmed dollars in the fiscal year. The soundwall program and final environmental document delivery reports were reviewed. Most of the SHOPP delays are due to external issues or funding constraints.

- 16. • FY 2004-05 2nd Quarter Rail Operations Report 3.9

Bill Bronte, Caltrans, reviewed the Department’s 2nd Quarter Rail Operations Report. The ridership, farebox revenues and the passenger miles/train mile increased for all three corridors. Mr. Bronte gave an advance warning that the ridership numbers for the next quarter will be down substantially due to the severe damage caused by the winter storms in southern California and the scheduled track work on the San Joaquin by BNSF.

MODAL ISSUES (Intercity Rail) (#17-19)

- Annual Review of Draft Strategic Business Plans for Intercity Rail Corridors.

- 17. -- Pacific Surfliner 5.1a.(2)

This Item was withdrawn and deferred to the April meeting.

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- 18. -- San Joaquin 5.1a.(3)

This Item was withdrawn and deferred to the April meeting.

- 19. -- Capitol Corridor 5.1a.(1)

This Item was withdrawn and deferred to the April meeting.

REGIONAL AGENCIES AND RURAL COUNTIES REPORT (#20-21)

- 20. • Report by Regional Agencies Moderator 1.7

Celia McAdam, RTPA, began her report by acknowledging Will Kempton for the workshop held with the Regional Transportation Planning Agencies (RTPAs) on TEA-21 reauthorization. The regions are working on Planning, Programming and Monitoring (PPM) legislation to provide some certainty for regions to deliver.

Ms. McAdam stressed the importance that regions will need the maximum time possible between when the Fund Estimate comes out and when the Regional Transportation Improvement Plans (RTIPs) are due, because with the two-tiered fund estimate options, the work involved in completing multiple RTIPs on time will be a huge challenge.

- 21. • Report by Rural Counties Task Force Chair 1.8

Jeff Schwein, RCTF Vice-Chair, stated that the rural counties next meeting will be on March 18, 2005 at the Caltrans Headquarters building. Mr. Schwein reported that no new information was available to report.

INFORMATION CALENDAR (#22-33) IC

Deputy Director Stephen Maller presented the Information Calendar agenda Items #22 through #33 and noted they were information reports that were deemed by staff not to raise any issues.

- 22. IC • STIP Amendment 04S-020 2.1b.(2)

The City of Portola and Plumas County are requesting this amendment. The City of Portola and Plumas County propose to shift \$1,138,000 of RIP Construction funds programmed on the A-15 Reconstruction project (PPNO 2371) from FY 2005-06 to FY 2007-08 and to reprogram \$30,000 of R/W in FY 2005-06 to PA&ED in FY 2005-06. In addition, Plumas County also proposes to make minor programming and schedule changes to ten other existing local projects. These changes result in a net decrease of \$2,000 of RIP funds in FY 2007-08 to be returned to the county share.

This item was presented on the Information Calendar and noticed as required.

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- 23. IC** • STIP Amendment 04S-021 2.1b.(3)

The Contra Costa Transportation Authority (CCTA), City/County Association of Governments of San Mateo County (C/CAG), and the Santa Clara Valley Transportation Authority (VTA) are requesting this amendment. CCTA, C/CAG, and VTA propose to shift a total of \$3,531,000 of RIP Transportation Enhancement (TE) programming in FY 2005-06 to FY 2006-07 and FY 2007-08 on four projects (PPNOs 2011K, 2025C, 2140C and 2255B).

This item was presented on the Information Calendar and noticed as required.

- 24. IC** • STIP Amendment 04S-026 2.1b.(7)

The Department is requesting this amendment. The Department proposes to reprogram from FY 2004-05 to FY 2005-06 \$61,639,000 in RIP funds and \$9,434,000 in IIP funds for various components on 38 projects not included in the priority categories list adopted at the January 2005 Commission meeting.

This item was presented on the Information Calendar and noticed as required.

- 25. IC** • Informational Report on Emergency G-11 Allocations. 2.5f.(1)

14 projects totaling \$8,187,000.

This item was presented on the Information Calendar.

- 26. IC** • Informational Report on Seismic Retrofit (Proposition 2.5f.(2)

192, Phase II) G-11 Allocations. One project for \$117,000.

This item was presented on the Information Calendar.

- 27. IC** • Monthly Report on Status of Projects Previously Voted 3.2

but Not Awarded

This item was presented on the Information Calendar.

- 28. IC** • Monthly Report on Projects Amended into the SHOPP 3.3

by Department Action

This item was presented on the Information Calendar.

- 29. IC** • Monthly Report on Local Assistance STIP Projects 3.4

Previously Voted but not Awarded

This item was presented on the Information Calendar.

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

This item was presented on the Information Calendar.

- 31. IC • Annual Review of the Rate for Local Government Matching of California Aid to Airports Program (CAAP) Grants 4.2

This item was presented on the Information Calendar.

- 32. IC • Pending Traffic Congestion Relief (TCR) Project Letters of No Prejudice (Letter) Requests, per Resolution G-03-12. Eight Letter requests totaling \$595,425,000. 4.3a.

This item was presented on the Information Calendar.

- 33. IC • Aeronautics Account Pending Allocations – 18 Projects totaling \$3,084,200. 4.3b.

This item was presented on the Information Calendar.

END OF INFORMATION CALENDAR ITEMS

CONSENT CALENDAR (#34-52)

CC

Deputy Director Robert Chung recommended approving Consent Calendar Items #34 through #52 with the following notations or modifications: Item #39, Director’s Deeds #3, #4 and #8 were withdrawn; Item #40 was taken off the Consent Calendar for a separate vote and action; Item #40 had an error in the dollar amount and the corrected amount was given, Item #71 was added, and Item #38 requires six yes votes to be approved.

Commissioner Lawrence indicated that he had concern with Director’s Deeds #5 and #9 under Item #39, because both properties would be conveyed to the same developer. Commissioner Lawrence was specifically concerned with #9, but stated he would vote “yes” on all of the transactions under Item #39. In terms of Director’s Deeds #5 and #9, Commissioner Lawrence asked that the Department place a contingency on #9 that the Department should give permission to the developer to enter the property to do the grading and to build a retaining wall. When the Department is satisfied with the grading and retaining wall, the slope easement can then be quit claimed and the Department can record the Director’s Deed conveying the easement to the developer.

Francine Oshchin, representing the developer, C.W. Plummer Company, said she accepted the contingency added to Project #9 by Commissioner Lawrence under Item #39.

Commissioner Lindsey moved to approve the Consent Calendar, as modified by staff, and to include the contingency added under Item #39 by Commissioner Lawrence. Commissioner Hallisey seconded the motion, which carried 8-0.

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- 34. CC • STIP Amendment 04S-017 2.1a.(1)
 The Butte County Association of Governments (BCAG) is requesting this amendment. BCAG proposes to delete \$442,000 in RIP Construction funds from FY 2005-06 on the Skyway/Wagstaff Signalization project (PPNO 2L120) and program \$263,000 in RIP Construction funds in FY 2005-06 for a new project, the Route 99/162 Signalization project (PPNO 2420). The remaining \$179,000 will be returned to Butte County's unprogrammed share balance.

This item was approved on the Consent Calendar.

- 35. CC • Proposition 116 Non-Urban County Project Approval Amendment for the Napa County Transportation Planning Agency. Request to transfer eligible applicant status from the City of Napa to the Napa County Transportation Planning Agency and program an additional \$2,128 in Proposition 116 funds to the Napa Bus Yard Expansion project. (*Concurrent Allocation under 2.6b.*) Resolution PA-05-01, Amending Resolution PA-00-25 2.1d.

This item was approved on the Consent Calendar.

- 36. CC • Environmental Matters – Approval of Project for Future Consideration of Funding – Route 5 in Tehama County – Truck climbing lane near Red Bluff (ND). Resolution E-05-03 2.2c.(1)

This item was approved on the Consent Calendar.

- 37. CC • One Relinquishment Resolution 7-LA-105-PM R14.7/R15.2 Route 105 in the City of Paramount Resolution R-3604 2.3c.(1)

This item was approved on the Consent Calendar.

- 38. CC • 15 Resolutions of Necessity 2.4b.
 6 AYES Resolutions C-18996 through C-19010

This item was approved on the Consent Calendar.

- 39. CC • Director's Deeds, Items #1-2, #5 through #7, #9 Excess Lands - Return to State: \$386,300 Return to Others: \$0 2.4d.(1)

Director's Deeds #3 (DD #0B3042-03-01); #4 (DD #0B3057-01-01); and #8, (DK #074493-01-01) were withdrawn prior to the Commission meeting, as referenced on the "Changes to the CTC Agenda" pink handout.

This item was approved on the Consent Calendar with a contingency for Item #39 as described in the preceding paragraphs.

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- 40. CC • Financial Allocation for 26 Minor Projects totaling \$14,055,000 plus \$500,000 from other sources. Resolution FP-04-31 2.5a.(1)

Deputy Director Stephen Maller reported that the Department has delivered 26 minor SHOPP projects and is requesting an allocation of \$14 million. Mr. Maller recommended the Commission allocate all the projects except for projects #3 (EA 0C0201), #4 (EA 1C7601), and #15 (EA 0G8921), because the three projects were not included in the Commission adopted FY 2004-05 allocation plan.

Commissioner Lindsey moved to allocate funds to all projects except #3, #4, and #15, as recommended by staff. Commissioner Hallisey seconded the motion, which carried 8-0.

- 41. CC • Financial Allocation for Six Minor SHOPP Safety Projects totaling \$2,920,000 plus \$100,000 from other sources. Resolution FP-04-32 2.5a.(3)

This item was approved on the Consent Calendar.

- 42. CC • Financial Allocation for Four SHOPP Projects totaling \$10,827,000. Resolution FP-04-33 2.5b.(1)

This item was approved on the Consent Calendar.

- 43. CC • Financial Allocation for Three SHOPP Projects for \$10,332,000 Amended into the SHOPP by Departmental action. Resolution FP-04-34 2.5b.(2)

This item was approved on the Consent Calendar.

- 44. CC • Financial Allocation for One State Administered STIP Project on the State Highway System for \$900,000. Resolution FP-04-35 2.5c.(1)

This item was approved on the Consent Calendar.

- 45. CC • Financial Allocation for Seven Locally Administered STIP Projects off the State Highway System totaling \$547,000 plus \$5,078,000 from other sources. Resolution FP-04-36 2.5c.(3)

This item was approved on the Consent Calendar.

- 46. CC • Financial Allocation for One State Administered STIP Transportation Enhancement Project for \$675,000. Resolution FP-04-39 2.5c.(4)

This item was approved on the Consent Calendar.

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- 47. CC • Financial Allocation for Seven Locally Administered STIP Transportation Enhancement Projects totaling \$2,518,000 plus \$283,000 from other sources. Resolution FP-04-37 2.5c.(5)

This item was approved on the Consent Calendar.

- 48. CC • Financial Allocation for 28 Locally Administered STIP Planning, Programming and Monitoring projects totaling \$8,511,000. Resolution FP-04-38 2.5c.(6)

This item was approved on the Consent Calendar.

- 49. CC • Financial Allocation for Two Intercity Rail STIP projects totaling \$10,254,000. Resolution MFP-04-01 2.6a.(2)

This item was approved on the Consent Calendar.

- 50. CC • Financial Allocation for Two Proposition 116 Non-Urban County Program projects totaling \$155,215. Resolution BFP-04-03 2.6b.

This item was approved on the Consent Calendar.

- 51. CC • Technical Change to Resolution FP-04-13, originally approved October 28, 2004, in the amount of \$661,000 for Three Locally Administered STIP Transportation Enhancement Projects. A technical correction is needed to clarify the project recipient for Project #1 (PPNO 3036A) as Lake County and to clarify allocation component as PA&ED. 2.9a.

This item was approved on the Consent Calendar.

- 52. CC • Technical Correction to Delegated Allocation #2001-581 approved June 11, 2001, for \$35,000 for PA&ED, and Resolution FP-02-80, approved May 22, 2003, for \$85,000, for the Amesti Road Reconstruction Project (PPNO 05-2054). Correction is needed to modify the project funding from State/federal to State Only and to clarify the allocation component under Resolution FP-02-80 as PA&ED. 2.9b.

This item was approved on the Consent Calendar.

END OF CONSENT CALENDAR ITEMS

LUNCH BREAK & CLOSED SESSION

Chair Tavaglione announced that the closed session would be held in conjunction with the lunch break to discuss the *Flying J, Inc. v. California Transportation Commission, et al.*, Kern County Superior Court, Case No. 253208 SPC. The meeting was scheduled to reconvene at 12:30 p.m.

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Ahmed Abu Aly, representative from the City of Antioch, reviewed the Contra Costa project stating it will be ready for construction in FY 2008. José Luis Moscovich, San Francisco County Transportation Authority, supported an interpretation of AB 3090 policy under which the concept of “beginning delivery” would be satisfied by inclusion of a project in an adopted plan for later delivery.

Commissioner Lindsey moved for approval of the staff recommendation. Commissioner Bergeson seconded the motion, which carried 8-0.

- 56. • 2004 Excellence in Transportation Facilities Awards 4.6

Item #56 was withdrawn and will be heard at the April meeting.

- 57. • STIP Amendment 04S-018 2.1a.(2)

The Riverside County Transportation Commission (RCTC) is requesting this amendment. **RCTC proposes to transfer \$1,050,000 of the \$5,665,000 in IIP funds from Construction Support to Construction in FY 2004-05 for the Route 60 Highway Occupancy Vehicle (HOV) Lanes project (PPNO 0033) in Riverside County.** RCTC is **also** requesting the Commission approve this amendment for AB 3090 Replacement. ~~for the Route 60 Highway Occupancy Vehicle (HOV) Lanes project (PPNO 0033) in Riverside County.~~ RCTC will use local Transportation Uniform Mitigation Fee (TUMF) funds to replace ~~\$13,046,000~~ **\$8,881,000** (~~\$9,785,000~~ **\$5,421,000** in IIP and ~~\$3,261,000~~ **\$3,460,000** in RIP funds) programmed in FY 2004-05. RCTC will program ~~\$13,046,000~~ **\$8,881,000** in FY 2007-08 for a replacement project, (PPNO 0116C), to be identified at a later date. *(Related items under 2.1c.(1) and 2.1c.(4).)*

Chief Deputy Director David Brewer asked the Commission to consider Items #58 and #59 before taking action on Item #57, which is a proposed STIP amendment for an AB 3090 replacement project arrangement in Riverside County. The Riverside County Transportation Commission (RCTC) is proposing to advance \$8.9 million in local mitigation fees, which is a reduction from \$13 million that would be directly funded and not be part of the AB 3090 arrangement. If the Commission approves the two TCRP items under Items #58 and #59, then there is no issue with this STIP item.

Mr. Brewer recommended the Commission approve Item #57, subject to the approval of Items #58 and #59.

Eric Haley, RCTC, spoke in favor of this project and expressed appreciation to David Brewer and the Commission staff for all of their efforts.

Commissioner Lindsey moved to approve the STIP amendment, as recommended by staff. Commissioner Ghielmetti seconded the motion, which carried 8-0.

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Traffic Congestion Relief (TCR) Program Items (#58-61)

- 58. • Traffic Congestion Relief Program (TCRP) Application Approval. One application to program \$21,000,000 in TCRP funding for Phase 4 - Construction. Resolution TA-05-01 2.1c.(1)
 - Project #63 – \$21,000,000 for Phase 4, for Route 60; add seven miles of HOV lanes west of Riverside, Route 15 to Valley Way in Riverside County. Also update application to indicate the Riverside County Transportation Commission as applicant agency.
Applicant Agency: ~~Department~~ **Riverside County Transportation Commission**
Implementing Agency: Department
(Related items under 2.1a.(2) and 2.1c.(4).)

Ross Chittenden, Caltrans, reviewed Items #58 and #59 and recommended approval.

Executive Director Diane Eidam noted that this would be the first TCRP letter of no prejudice (LONP) approved since December 2003. She stressed that every agency proposing to proceed under an LONP should understand that the Commission is acting on the best information it has, but that an agency with an LONP is still taking a considerable risk.

Commissioner Lawrence moved to approve Items #58 and #59. Commissioner Lindsey seconded the motion, which carried 8-0.

- 59. • Traffic Congestion Relief Program (TCRP) Letter of No Prejudice (LONP) Approvals. One LONP Request for \$21,000,000. Resolution TL-05-01 2.1c.(4)
 - Project #63 – \$21,000,000 for Phase 4, for Route 60; add seven mile of HOV lanes west of Riverside, Route 15 to Valley Way in Riverside County.
Applicant Agency: Riverside County Transportation Commission
(Related items under 2.1a.(2) and 2.1c.(1).)

This Item was taken up under Item #58.

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60.	<ul style="list-style-type: none"> • Traffic Congestion Relief (TCR) Application Amendment Approval. Two application amendments, including one amendment to deprogram (\$7,000,000) TCR funding, per Resolution G-03-14, Traffic Congestion Relief Program Policy for Managing Cash Between TCR Projects. Resolution TAA-05-02, Amending Resolution TAA-02-06 and TAA-04-09 -- Project #50 – Route 71; complete three miles of six-lane freeway through Ponomo, from Route 10 to Route 60 in Los Angeles County. The Department requests amendment to deprogram \$7,000,000 in TCR funding, and to update project schedule previously approved under Resolution TAA-04-09. <i>(Related item under 2.6e.)</i> -- Project #41.1 – Route 5; add HOV lanes on Golden State Freeway through San Fernando Valley, Route 170 (Hollywood Freeway) to Route 14 (Antelope Valley Freeway) in Los Angeles County. The Department requests amendment to update project schedule and funding plan previously approved under Resolution TAA-02-06. <i>(Related item under 2.6e.)</i> 	2.1c.(2)

Assistant Deputy Director Annette Gilbertson reviewed Items #60 and #61, which relate to the Traffic Congestion Relief Program (TCRP) cash management policy that was approved in September 2003. The proposed shift in available funds would not jeopardize the project’s eligibility for existing and future TCR Program allocation.

Ross Chittenden, Caltrans, further explained the projects specified in Items #60 and #61.

Commissioner Torres moved to approve Items #60 and #61. Commissioner Lawrence seconded the motion, which carried 8-0.

61.	<ul style="list-style-type: none"> • Traffic Congestion Relief (TCR) Project Allocation Amendment Approval. Two allocation amendment requests, no net change in TCR funding, per Resolution G-03-14, Traffic Congestion Relief Program Policy for Managing Cash Between TCR Projects. Resolution TFP-05-02 	2.6e.
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This Item was presented under Item #60.

Highway Route and Right of Way Matters (#62-66)

62.	<ul style="list-style-type: none"> • One Vacation Resolution 03-Sac-5 PM 23.5 Route 5 in the City of Sacramento Resolution A-858 	2.3d.
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Item #62 was withdrawn at the Commission meeting.

63.	<ul style="list-style-type: none"> • Director’s Deeds, Item #1 Excess Lands - Return to State: \$6,895,000 Return to Others: \$0 	2.4d.(4)
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Item #63 was withdrawn at the Commission meeting.

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| 64. | <ul style="list-style-type: none"> • One Relinquishment Resolution 3-Sac-275-KP 0.11/1.13 Route 275 in the City of Sacramento Resolution R-3601 | 2.3c.(2) |
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Item #64 was withdrawn prior to the Commission meeting.

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| 65. | <ul style="list-style-type: none"> • Director’s Deeds, Items #1 through #6 Excess Lands - Return to State: \$719,570 Return to Others: \$0 | 2.4d.(2) |
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Barry Cowan, Caltrans, reviewed the Director’s Deeds to convey six excess properties, three properties to Rancho Cucamonga and three to Santa Ana.

Commissioner Lawrence commended the Department for the improvements made to this month’s report stating it was very clear and understandable.

Commissioner Lawrence moved to approve the Director’s Deeds to convey the parcels, as recommended by Department staff. Commissioner Ghielmetti seconded the motion, which carried 8-0.

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| 66. | <ul style="list-style-type: none"> • Director’s Deeds, Item #1 through #2 Excess Lands - Return to State: \$442,500 Return to Others: \$0 | 2.4d.(3) |
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Robert Chung presented Item #66 regarding Director’s Deeds 007941-01-02 and 007941-01-03, and recommended the Commission, after hearing from the interested parties, defer the item to allow time for the Commission’s attorney to review the use of Streets and Highways Code 118.1 for the sale and the definition of “improvement”.

Jean Schafer, Caltrans Senior R/W Agent, reviewed the history of the parcels and the two separate staff appraisals. The Department has consulted with its legal staff and has determined that they do meet statutory requirements.

Lucille Baca, Caltrans’ Attorney, reviewed the Department’s findings regarding Streets and Highways Code 118.1 with regard to zoning the properties as commercial. Ms. Baca reported that there was nothing found in the statutes stating the property had to be zoned commercial when it was purchased. The property in question was zoned commercial in 1980-1981 and has been zoned commercial ever since it has been leased to Representing Redwood Community Action Agency (RCAA). The State’s ROW manual distinguishes between repairs and improvements. Ms. Baca reviewed case law and a lengthy discussion ensued on the statute interpretation of repairs versus improvements.

The following people appeared before the Commission and spoke in favor of the direct sale of the property:

- Valerie Martinez, Representing RCAA, (handouts provided)
- Lloyd Throne, Representing RCAA

The following people appeared before the Commission and opposed the direct sale of the property:

- Don Davenport, retired real estate developer (handouts provided)
- Kelly Walsh, representing Eureka citizen Ben Jones

After a lengthy discussion the following actions were decided:

- Request the Commission’s attorney to review the issues surrounding the director’s deed sale.

ACTION: Robert Chung

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Ross Chittenden, Caltrans, reviewed the supplemental allocation and indicated the funds are needed to settle contractor claims on the Weaverville Maintenance Station reconstruction project. Mr. Chittenden requested that the Commission allocate \$800,000 in supplemental funds.

Commissioner Lindsey moved to allocate the \$800,000 supplemental funds request. Commissioner Balgenorth seconded the motion, which carried 7-0 (Commissioner Ghielmetti was absent).

- 70.
 - Financial Allocation Adjustment of \$360,723,000 in 2.5g. Federal Funds for FY 2004-05 Local Assistance Lump Sum Allocation. Resolution FM-04-05

Terry Abbott, Caltrans, reviewed Item #70 and requested that the Commission allocate \$361 million in Federal Funds to complete the FY 2004-05 local assistance lump sum allocation.

Commissioner Lindsey moved to allocate \$361 million to complete the FY 2004-05 local assistance lump sum allocation. Commissioner Balgenorth seconded the motion, which carried 7-0 (Commissioner Ghielmetti was absent).

- 71.
 - Budget Revision to Transfer Authority within the STIP 2.5h. Budget Act Item in FY 2004-05. Resolution FM-04-04

Item #71 was added to the Consent Calendar and approved on consent.

Time Extension Requests (#72-75)

- 72.
 - Request to Extend the Period of Contract Award for 2.8b. One SHOPP Project in Del Norte County for \$3,600,000. Waiver-05-03

Deputy Director Stephen Maller reviewed the extension request and recommended approval.

Commissioner Lindsey moved to approve the extension, as recommended by staff. Commissioner Balgenorth seconded the motion, which carried 7-0 (Commissioner Ghielmetti was absent).

- 73.
 - Request to Extend the Period of Project Completion for 2.8c.(1) One Intercity Rail STIP Project for \$132,000. Waiver-05-01

Deputy Director Stephen Maller reviewed the Department's request to extend the project completion deadline for its \$132,000 Pacific Surfliner global position system (GPS) project. This request was tabled at last month's Commission meeting because the Department did not specify the amount of time it needed to complete the project. The Department now states it needs 20 months to finish this last stage of a very large GPS project. Mr. Maller recommended that the Commission approve the extension request.

Commissioner Lindsey moved to approve the extension request, as recommended by staff. Commissioner Hallisey seconded the motion, which carried 7-0 (Commissioner Ghielmetti was absent).

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accommodate a cost increase. The Lewis Road Widening project is currently programmed with \$18,222,000 in RIP Construction funds in FY 2008-09; an additional \$4,778,000 is needed for construction cost increases. VCTC is also requesting the Commission approve an AB 3090 Reimbursement for the Lewis Road Widening project. VCTC will use local bond funds to award the contract in FY 2004-05 and program \$23,000,000 in RIP funds for cash reimbursement (PPNO 3626) in FY 2008-09.

Chief Deputy Director David Brewer reviewed the proposed STIP amendment, noting that the Commission's AB 3090 policy is to favor replacement project arrangements over cash reimbursements wherever feasible. He also noted that AB 3090 cash reimbursements cannot be used to secure a local loan. Ventura expects to repay a loan using the AB 3090 cash reimbursement, while pledging only future RSTP funds. Mr. Brewer stated that, consistent with Commission policy, staff would recommend reframing the amendment as a replacement project. If the Commission were to approve the project for cash reimbursement, he recommended that reimbursement be in 2010-11 rather than 2008-09, to maintain STIP capacity neutrality.

The following people spoke in favor of the cash reimbursement request:

- Ginger Gherardi, Executive Director of the Ventura County Transportation Commission
- Kathy Long, Ventura County Supervisor
- Richard Rush, President, California State University Channel Islands

77. • STIP Amendment 04S-019 2.1b.(1)

The Santa Barbara County Association of Governments (SBCAG) is requesting this amendment. SBCAG proposes to reprogram a total of \$2,766,000 in RIP funds from seven local road projects to two existing projects: \$2,742,000 to the Santa Maria Six-Lane project (PPNO 4460) in FY 2005-06 for Construction, and \$24,000 to SBCAG's Transportation Enhancement (TE) Reserve (PPNO 1834) in FY 2007-08. To accomplish this, SBCAG proposes to: transfer a total of \$1,367,000 in FY 2005-06 from four local road projects (PPNOs 1194, 1194C, 1197 and 1202); move \$859,000 in FY 2005-06 from PPNO 1194B and \$310,000 in FY 2004-05 from PPNO 0223G; and move \$230,000 of RIP and RIP TE funds in FY 2005-06 from the Coast Route Bike Path Improvement project (PPNO 0223E) and program \$206,000 to the Santa Maria Six-Lane project and \$24,000 to SBCAG's TE Reserve. The Construction and Construction Support programmed on Santa Maria Six-Lane project are in FY 2004-05. The funding for this project did not meet the allocation criteria established and adopted at the January 2005 Commission meeting, therefore, the funding will be moved to FY 2005-06. The affected local agencies are in agreement with SBCAG's proposal. This is a revenue neutral programming action.

Chief Deputy Director David Brewer presented this notice of a proposed STIP amendment. Mr. Brewer described the issues staff had with this amendment request and said staff would work with the Santa Barbara County Association of Governments (SBCAG) to resolve these concerns before the April meeting.

STATUS OF ACTION ITEMS
From
March 3, 2005 Commission Meeting

- 3 (1.3) Diane Eidam – Prepare a letter to the Governor and Legislative leaders asking that they convene a special summit as soon as possible to reach a decision on the Bay Bridge issue.
- **This has been done.**
- 3 (1.3) Mary Lea Filbert – Update the Committee Roster to reflect the new appointments made at the Commission meeting and distribute to interested parties and post on the CTC website.
- **This has been done.**
- 3 (1.3) Diane Eidam/Ross Chittenden – Per Secretary McPeak’s invitation, provide Commissioners with the information on the upcoming Goods Movement meetings in Los Angeles.
- **This has been done.**
- 3 (1.3) Annette Gilbertson – Per Commissioner Ghielmetti’s request, notify Caltrans Chief of Aeronautics Austin Wiswell of upcoming Goods Movement Committee meetings and invite him to attend those meetings.
- **This will be done.**
- 5 (1.5) Diane Eidam – As requested by Secretary McPeak, work with Agency, Caltrans and the Department of Finance on proposed legislation on partnering for investments in transportation.
- **This will be done routinely.**
- 6 (1.6) Ross Chittenden/Brian Smith – Provide Commissioners and staff with the Transportation Performance Measures matrix and the prototype report and seek Commission comments at the April Commission meeting. (*April Agenda Item*)
- **This will be discussed under April Tab #75 (Agenda Item 1.7).**
- 9 (4.7) Diane Eidam – Work with Caltrans on the performance measures and define the baseline for use in evaluating the progress of the performance measures, and report back at the April Commission meeting. (*April Agenda Item*)
- **This will be discussed under April Tab #75 (Agenda Item 1.7).**
- 10 (3.1) Norma Ortega – Report back to Commissioners on the total Phase 1 capital costs funded to date for the Seismic Retrofit Program (\$848 versus \$811).
- **This will be done.**

- 11 (4.5) Ross Chittenden – Report back to the Commission on estimates of what we can expect to receive from the Indian Gaming revenues and include an inflation factor of 2 to 3 percent.
- **This will be done.**
- 11 (4.5) Diane Eidam – At the April Commission meeting, schedule a workshop on the afternoon of the first day to review the Fund Estimate.
- **This workshop has been scheduled for 1:00 pm on April 13.**
- 12 (3.6) Ross Chittenden – Per Commissioner Lindsey’s request, for all future GARVEE status reports, include the start date and completion date for all projects.
- **This will be done.**
- 53 (3.12) Ross Chittenden – Include an historical breakdown of roadway capacity then and now, and levels of transportation investments not only for the SHOPP but for all programs
- **This will be done.**
- 66 (2.4d(3)) Robert Chung – Request the CTC attorney to review the issues surrounding the director’s deed sale.
- **This is being done.**
- 66 (2.4d(3)) Ross Chittenden –Have Caltrans attorney respond in writing to Commissioner Lawrence’s questions regarding the director’s deed sale.
- **This will be done.**