

**BERKELEY-OAKLAND-SAN LEANDRO  
BUS RAPID TRANSIT  
POLICY STEERING COMMITTEE (PSC)**

**AC TRANSIT  
1600 FRANKLIN STREET  
OAKLAND, CALIFORNIA**

**MEETING SUMMARY**

**October 16, 2009, 3:00 PM**

**ROLL CALL:** At 3:09 PM, Executive Administrative Assistant Kim Vazquez called the roll.

**PSC MEMBERS PRESENT:** AC Transit Director Elsa Ortiz; AC Transit Director Greg Harper; AC Transit Board President Rocky Fernandez (Committee Chair); Berkeley Councilperson Kriss Worthington; Berkeley Mayor and MTC Commissioner Tom Bates; on behalf of Oakland Councilmember Larry Reid, Pat Mossberg; Oakland Councilmember Rebecca Kaplan; San Leandro Councilmember Michael Gregory; Caltrans District 4 Director (Caltrans Ex Officio) Bijan Sartipi.

**PSC MEMBERS ABSENT:** Alameda County Supervisor Nate Miley; Oakland Councilmember Larry Reid; San Leandro Councilmember Joyce Starosciak.

**AC TRANSIT STAFF:** Deputy General Manager Jim Gleich; Deputy General Manager for Service Development Nancy Skowbo; BRT Project Manager Jim Cunradi; Long Range Planning & Data Analysis Transportation Planning Manager Tina Spencer; Executive Administrative Assistant Kim Vazquez.

**ITEM 1: GREETINGS AND INTRODUCTIONS**

**ITEM 2: PUBLIC COMMENT**

Comments of the public contained in the minutes are the opinion of the speakers, and there is no guarantee of their accuracy.

None

**ITEM 3: ADOPTION OF MINUTES FOR THE August 21, 2009 MEETING**

**Motion** to accept the May 15 Meeting Minutes, moved by Ortiz, seconded by Kaplan; passed unanimously (Miley, Reid and Starosciak not present).

**ITEM 4 CHAIR'S REPORT and ITEM 5 PROPOSAL TO DIVERT FUNDS FROM BRT PROJECT:**

**Chair Rocky Fernandez** advised meeting attendees that a lawsuit filed by the California Transit Association against the State of California prohibiting the State from diverting funds from transit in order to resolve State budgetary issues, was successful. We don't know yet whether we will see any of the money that was previously taken away from AC

Transit, and which contributed to the current financial need to reduce service. AC Transit staff and selected Board members are in the process of working with MTC to explore the potential to divert CMAQ funds from the BRT project to AC Transit's operating budget. There may also be further discussions with MTC to move forward with diverting some RM2 monies into the operating budget. The meeting with MTC went well, and MTC asked a few things of AC Transit in return, as the proposal moves forward through the process:

- Financial overview of AC Transit books
- Cooperation with a full analysis of transit operations in the East Bay and the interactivity of all East Bay transit agencies
- Ensure the restructured service meets the eligibility requirements for using CMAQ funds
- Work with MTC on the use of RM2 funds

As AC Transit receives more information from MTC, the Board will be able to make decisions as to how the District moves forward.

**Councilmember Kaplan** agreed that it is certainly worthwhile to explore the possibility of the fund shift but thinks the optimal solution would be to shift only some of the funds rather than all (as the AC Transit Board recommended), and to preserve some of the funds for the BRT project. This would allow the project to proceed with "BRT type" improvements which would improve speed and efficiency along the corridor. It would be interesting to look at what a smaller capital project would look like and what kind of improvements could really be made by using only a portion of the funds, and still be able to support AC transit operations. This would buy the project maybe three years and by then there will be a new Federal Transportation bill, and possibly a new Alameda County Measure B in November of 2012.

**Deputy General Manager Skowbo** added that it is staff's intention to continue and complete the environmental process for the entire BRT project, and then see where the project stands next April.

<p><b>ITEM 6 STATUS OF THE BRT PROJECT AND ITEM 7 LOCALLY PREFERRED ALTERNATIVE (LPA) ADOPTION AND FINAL ENVIRONMENTAL IMPACT STATEMENT/REPORT (FEIS/R)SCHEDULE</b></p>
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**BRT Project Manager Jim Cunradi** said that because Item 6 and 7 are so closely related, that he would discuss them both at the same time and take questions on both at the end.

He began by explaining that for purposes of this discussion, he is assuming a fund shift from CMAQ rather than RM2 because the possibility of the RM2 funds is not as likely. He set three goals for his discussion:

1. Describe the impact the fund swap will have on planning for the BRT project.
2. Describe the planning tasks ahead
3. Discuss any possible risks to the schedule

1. Diverting a portion of the CMAQ funds away from the BRT project and into AC Transit operations doesn't present an insurmountable hurdle for BRT. Most transit projects in the Bay Area, including transit, highway and bridge projects, experience budget shortfalls in the advanced planning stage. The difference with BRT is that it had fully committed funds, and the current funding gap is a self-imposed one, occurring a bit late in the process. For this project, the funding shortfall may actually occur around the time construction begins, and staff will need to plan accordingly.
2. The cities' selection of their locally preferred alternatives will dictate what the actual budget is, and that work should continue. By the same token, the technical work for the final EIS should continue. Both of these efforts are well underway. There are two possible scenarios if at the end of the day there is a budget shortfall. One is that based on the decisions the cities have made, the project comes in under the remaining budget (after the diversion of a portion of the CMAQ funds to AC Transit operations). In that instance, the project has no funding shortfall. The second scenario is that the cities' proposals cost more than what is left after the diversion of the CMAQ funds. In that scenario, staff would either locate alternate sources of funding, or if there isn't sufficient funding, staff will work with the cities to pare back the project so it meets the budget. This wouldn't be done unilaterally by AC Transit, but staff would use the mechanisms already in place such as the BRT Technical Advisory Committee and continued meetings with the individual cities.
3. The schedule for the project has been disrupted a bit, but overall it is still hitting the mark.

Berkeley has published its *BRT for Berkeley* report on line. The city has already held 9 or ten stakeholder meetings; however, a city-wide meeting scheduled for October 17<sup>th</sup>, has been postponed. This means that other meetings that would have followed the city-wide meeting, i.e. planning commission meetings, will also be delayed.

**Director Ortiz** asked why the city-wide meeting was postponed.

**Mayor Bates** explained that public reaction to the plan was extremely negative, almost across the board. Consequently, planners are evaluating how to proceed.

**BRT Project Manager Jim Cunradi** said that as long as Berkeley can maintain the April decision making, the schedule will remain on track.

He went on to say that San Leandro has scheduled public workshops for October 22<sup>nd</sup>, 27<sup>th</sup>, and November 7<sup>th</sup>, and that they've already done extensive outreach and taken out ads. Stakeholder meetings will be scheduled in the next couple of weeks. Results of the outreach and stakeholder meetings will be taken to the Commissions and City Council in December, January and February, on schedule.

With respect to Oakland, a final technical staff to staff wrap-up meeting has been scheduled for Monday, October 18, which will conclude the design charrette process. Oakland's public outreach meetings are being postponed until January 2010, but staff is committed to meeting the April deadline for council action.

This will all make for a very tight schedule. AC Transit has offered Oakland whatever help it needs to adhere as best it can to the schedule.

If all cities are on track to make a decision by April, then the Final EIS and the Small Starts Update will be completed on schedule and on target to be included in the President's Budget to Congress. If the local process gets delayed significantly, a Small Starts Update could still be submitted in time to be in the President's Budget, but this is less than ideal. Without the Final EIS and a Record of Decision, the project is at a disadvantage relative to other projects in the process.

**Caltrans Director Bijan Sartipi** noted that with a Federal Highway project, if the project doesn't have full funding at the final stage of the environmental document, it needs to be in a financially constrained regional transportation plan and have a financial plan that is acceptable to the agency. He asked how that works in our project when we are supposed to have a final environmental document.

**BRT Project Manager Jim Cunradi** reiterated that if indeed the cities' final decisions end up costing more than the remaining CMAQ funds, we can still submit the Small Starts Update, admitting there is a funding gap. It would certainly be better to have a final EIS and a Record of Decision, but the ROD is only going to be issued on a fully funded project.

**Mayor Bates** asked, if the CMAQ money is delayed, will that impact our ability to fund the cities' and AC Transit staff efforts?

**BRT Project Manager Jim Cunradi** explained that we currently have a Federal grant and money set aside for environmental under Measure B, so there is money to continue the planning process with the cities.

**Councilmember Kaplan** asked if the environmental document could be phased in segments so that the cities could prioritize the segments they feel would be the most productive.

**BRT Project Manager Jim Cunradi** said that yes, the project could be phased by segments. AC Transit would work with the cities to identify the most productive segments. The funding limit would be the "minimum operating segment" (a term used by FTA). Environmental reporting would be done on the entire project, not just the prioritized segments. Anyone reading the environmental report would see the impacts and benefits of the entire project and also the impacts and benefits of the minimum operating segment that meets the funding.

**ITEM 6 STATUS OF THE BRT PROJECT AND ITEM 7 LOCALLY PREFERRED ALTERNATIVE (LPA) ADOPTION AND FINAL ENVIRONMENTAL IMPACT STATEMENT/REPORT (FEIS/R) SCHEDULE – PUBLIC COMMENT**

**Roland Peterson, Director of the Telegraph Business Improvement District in Berkeley:** Hosted one of the community meetings held by Berkeley staff. He said there were 40-50 attendees at the meeting and there was “complete animosity” toward the BRT project, as well as complete mistrust of city staff. He wants the PSC to be aware that selecting the LPA is going to be an extraordinarily raucous and contentious issue in Berkeley, and one that could generate headlines.

**Berkeley Resident Merrilie Mitchell:** Key points

1. BRT Makes sense from 12<sup>th</sup> Street toward San Leandro, but maybe not in San Leandro
2. Better if BRT goes on the freeway – dedicated lane
3. Regional routes don't serve local people
4. BRT doesn't fit narrow streets in Berkeley
5. Taking money from here and there is screwing up the whole money system
6. Berkeley residents don't want BRT

**Joel Ramos, Transform:** With regard to the recent Berkeley meeting, city staff contacted the Sierra Club, Transform, and the Bicycle Friendly Coalition for Berkeley with the intention of having a meeting to offer feedback and information about the LPA. A lot of those groups made a conscious decision not to organize for the meeting that was held because they wanted their members to come to the community meeting that was to be held on the 17<sup>th</sup>, primarily because everybody from those coalitions and groups were in support of the project. He doesn't believe we've heard the last from the supporters of BRT and is looking forward to the meetings in San Leandro and Oakland, as well as the future community meeting in Berkeley, where supporters will be in attendance.

**Councilmember Kris Worthington** mentioned said it is interesting that the city-staff-prepared LPA managed to alienate people who weren't against the original AC Transit proposals for the project. He thinks that one of the things that may be alienating the general public is that the costs for the various components of the project are not itemized; rather they are all-inclusive so citizens as well as electeds can't understand what exactly they are paying for. He would like to see the costs for the various components of the project broken down, and Councilmember Kaplan agreed it would be beneficial for the PSC to talk through it.

**Chairman Rocky Fernandez** agreed and suggested AC Transit staff makes sure they work with city staff to get that hashed out.

**Councilmember Kris Worthington** requested clarification about how many stakeholder meetings have been held in Berkeley. He also requested he be added to whatever notice list (or email list) there is so he is aware when these meetings are happening, as he is interested in hearing what the public has to say.

**Berkeley Senior Planner Elizabeth Green** explained that city staff has so far met with the following groups, and agreed to add Councilmember Worthington to their notification list for future meetings:

1. Sierra Club, Transform, and the Bicycle Friendly Coalition for Berkeley
2. 5 different neighborhood organizations in one meeting
3. Telegraph Business Improvement District
4. South Telegraph Businesses – including all businesses in the commercial district (not a formal group)
5. Disabled community
6. Seniors
7. BB Top – which is proposing Rapid Bus Plus
8. UC

**Councilmember Gregory** commented that the meetings in San Leandro have been adequately noticed, and is looking forward to the next round of meetings. San Leandro has been making significant improvements to its downtown and transit planning, and he would like to capitalize on that momentum by using the PSC meetings to advance the BRT project. It is crucial to getting people out of their cars and onto public transportation.

Councilmember Kaplan commented that although BRT does have its opponents, they are not necessarily a representative sample. For example, in Berkeley, 77% of voters chose not to oppose BRT. On a separate note, she added that one of the reasons BRT is such an effective technology worldwide is because it can be implemented in phases. That is, if you cannot implement the entire project at once, if it is phased properly, you can complete 80 or 90% of the project with the funds you have available and still provide benefit to the public.

**Chairman Rocky Fernandez** thanked staff and the PSC members for their continued efforts to move forward with the project even though there is some uncertainty around the funding, and more uncertainty as to whether or when the state monies will start coming back in. He said it is important for the project to continue to the extent possible rather than for us to wait.

#### **Next Two Meeting Dates**

November 20 at 3:00pm. There was some discussion as to whether or not to meet on December 18<sup>th</sup> as several committee members had conflicts. The group agreed they would decide whether or not to meet in December at the November meeting.

#### **Committee Comments**

**Councilmember Kaplan** announced a collaborative project between the city of Oakland, as the lead agency, and AC Transit as an active participating entity, to launch a transit shuttle on Broadway. The Broadway Waterfront Transit Shuttle will carry people from Uptown, Downtown, Old Oakland and Jack London Square. It will tie together the ferry, Amtrak, BART and AC Transit hub. It will launch in Spring of 2010. The project is funded by a grant from the Air Board (thanks to Tom Bates who sits on the board). The City of Oakland and AC Transit will be having several coordination meetings on the implementation of the project.

Mayor Bates was happy to be a part of this project. He's hoping that shuttles will be implemented in other parts of the region, including his hometown, and has been working on getting money available for shuttles.

Chairman Rocky Fernandez commented that the PSC should discuss, at a future meeting, the outcome of San Francisco shutting down parts of Market Street to traffic completely. Although it was thought there would be negative response to doing it, from what he's read, it seems to have been a pretty positive experience, and one we might want to look at. Director Harper agreed.

**The meeting adjourned at 3:54 PM.**

**KV**