

MADERA COUNTY TRANSPORTATION COMMISSION

EXECUTIVE MINUTES

Date: Wednesday, June 17, 2009

Time: 3:00 p.m.

Place: MCTC Board Chambers

Members Present: Chairman Max Rodriguez – Supervisor, Madera County
Vice Chairman Jim Kopshever – Councilman, City of Chowchilla
Tom Wheeler – Supervisor, Madera County
Sam Armentrout – Councilman, City of Madera
Alt. Steve Mindt – Councilman, City of Madera
Alt. Frank Bigelow – Supervisor, Madera County

Members Absent: Vern Moss – Supervisor, Madera County
Robert Poythress – Councilman, City of Madera

Policy Advisory Committee: Above Members present and Caltrans Representatives:
Jim Perrault, Acting Deputy Dist. Director

MCTC Staff Present: Derek Winning, Deputy Director
Troy McNeil, Fiscal Supervisor
Richard Poythress, Planner I
Sheila Kingsley, Administrative Assistant

MCTC sitting as the Transportation Policy Committee.

I. PLEDGE OF ALLEGIANCE

II. PUBLIC COMMENT

This portion of the meeting is reserved for person(s) wishing to address the MCTC on items within their jurisdiction but not on this agenda.

There was not Public Comment.

III. TRANSPORTATION CONSENT ITEMS

A. TIGER Discretionary Grant Program – Letter of Support

On February 17, 2009, the President of the United States signed the American Recovery and Reinvestment Act of 2009 (the “Recovery Act”) to, among other purposes, (1) preserve and create jobs and promote economic recovery, (2) invest in transportation infrastructure that will provide long term economic benefits, and (3) assist those most affected by the current economic downturn. The Recovery Act appropriated \$1.5 billion of discretionary grant funds to be awarded by the Department of Transportation (the “Department”) for capital investments in surface transportation infrastructure. The Department is referring to these grants as “Grants for Transportation Investment Generating Economic Recovery” or “TIGER Discretionary

Grants.”

The Recovery Act specifies that TIGER Discretionary Grants may be no less than \$20 million and no greater than \$300 million. However, the Department has discretion under the Recovery Act to waive the \$20 million minimum grant size requirement for significant projects in smaller cities, regions or States. Applicants for TIGER Discretionary Grants of less than \$20 million are encouraged to apply.

The San Joaquin Valley Policy Council in cooperation with the Partnership for the San Joaquin Valley have decided to submit a joint eight county application for a State Route 99 project in order to be competitive nationally. The project is consistent with the State Route 99 Business Plan. The State Route 99 project selected for TIGER Grant Nomination is located in the County of Merced:

Convert State Route (SR)-99 from a four-lane expressway to six-lane freeway between Buchanan Hollow Road to the Miles Creek Overflow. This project also includes a new interchange at Arboleda Road. Funding Request: \$50 million.

Commissioner Kopshever request to pull Item III. A. from the Consent Calander for discussion.

Upon motion by Commissioner Kopshever, seconded by Commissioner Armentrout to add back Consent Item III A. to the Agenda for approval. A vote was call and the motion carried. Commissioner Bigelow was not present during the vote.

Action: Approve letter of support.

B. State Route 99/ Avenue 12 Interchange Project – Open House

The California Department of Transportation (Caltrans) is proposing interchange improvements at State Route 99 and Avenue 12. The Draft Environmental Document is currently available for review and circulation (June 1, 2009 – July 1, 2009). As part of the Environmental Document circulation process, Caltrans will hold an Open House on Thursday, June 18, 2009, from 4:00pm – 7:30pm at Madera “South” High School – 705 W. Pecan Avenue. Preliminary design plans and environmental study information will be available at the meeting. The Public Meeting provides an opportunity to talk with Caltrans’ staff and to provide input on the alternative to be selected.

Public comments will be accepted until July 1, 2009. Comments can be mailed to:

California Department of Transportation
2015 East Shields Avenue, Suite 100
Fresno, California 93726

Attn: G. William “Trais” Norris III, Senior Environmental Planner
Sierra Pacific Environmental Analysis, Unit 189
Or email: trais_norris@dot.ca.gov

Action: Information and Discussion Only.

Transportation Consent Calendar Action: Upon motion by Commissioner Armentrout, seconded by Commissioner Kopshever to approve the Transportation Consent Calendar (Item III A-B). A vote was called and the motion carried. Commissioner Bigelow was not present during the vote.

IV. TRANSPORTATION ACTION/DISCUSSION ITEMS

A. Redetermination of Conformity for the 2009 FTIP Amendment No. 3

**NOTICE OF PUBLIC COMMENT PERIOD ON THE
REDETERMINATION OF CONFORMITY FOR THE 2009 FEDERAL TRANSPORTATION
IMPROVEMENT PROGRAM AMENDMENT #3 AND 2007 RTP**

NOTICE IS HEREBY GIVEN that the Madera County Transportation Commission (MCTC) is conducting a 30-day public comment period on the redetermination of conformity for the federally-approved 2009 Federal Transportation Improvement Program (FTIP) Amendment #3 and 2007 RTP.

- The 2009 FTIP is a listing of capital improvement and operational expenditures utilizing federal and state monies for transportation projects in Madera County during the next four years.
- The San Joaquin Valley is a PM2.5 multi-jurisdictional area; there are 8 MPOs within the PM2.5 nonattainment area and no PM2.5 conformity budgets are available for use at this time. Consequently, the PM2.5 conformity determination must be based on a regional emissions analysis that covers the entire nonattainment area.
- The San Joaquin Council of Governments has revised their portion of the PM2.5 conformity analysis. Consequently, the other 7 MPOs must redetermine conformity. Since no other transportation planning changes are being made, the 7 other MPO individual conformity analyses remain unchanged. However, the new Appendix D “PM2.5 Conformity Results Summary for Each MPO in the San Joaquin Valley Nonattainment Area” is being made available for a 30-day public comment period prior to re-adoption of their conformity determination.

The 30-day public review and comment period will commence on May 8, 2009 and conclude June 8, 2009 at 5 p.m. The draft documents are available for review at the MCTC office, located at 2001 Howard Road, Suite 201, Madera, CA 93637 and on the MCTC website at <http://www.maderactc.org/>.

Public comments may be submitted in writing by 5 p.m. on June 8, 2009 to Richard Poythress at the address below.

After considering the comments, the documents will be considered for adoption, by resolution, by the MCTC Board of Directors at a regularly scheduled meeting to be held on June 17, 2009. The documents will then be submitted to state and federal agencies for approval.

Contact Person: Richard Poythress
2001 Howard Road, Suite 201
Madera, CA 93637
559-675-0721
richard@maderactc.org

Action: Upon motion by Commissioner Kopshever, seconded by Commissioner Armentrout to approve Redetermination of Conformity for the Federally Approved 2009 Federal Transportation Improvement Program Amendment #3 and 2007 RTP – Resolution 09-10. A vote was called and the motion carried.

B. California Transportation Plan – Caltrans Presentation

Caltrans, Jeff Sorensen, provided an update on the 2035 Transportation Plan. Information was included in the Boards packet. In addition to the draft strategies, a fact sheet (brochure as a handout) was available to provide additional information regarding the update. The brochure describes the challenges facing the State, major topics to be addressed in the plan, new strategies being considered and key public involvement opportunities. The 2035 update will conclude with plan approval by the Secretary of the California Business, Transportation and Housing Agency in September of 2010. For more information, you can visit the CT web portal at <http://www.californiatransportationplan2035.org/>.

Action: Information and Discussion Only.

C. 2009-10 State Local Partnership Program – Call for Projects

The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, approved by the voters as Proposition 1B on November 7, 2006, authorized \$1 billion to be deposited in the State-Local Partnership Program (SLPP) Account to be available, upon appropriation by the Legislature, for allocation by the California Transportation Commission over a five-year period to eligible transportation projects nominated by an applicant transportation agency. The Bond Act required a dollar for dollar match of local funds for an applicant agency to receive state funds under the program.

In 2008, the Legislature enacted implementing legislation (AB 268) to add Article 11 (commencing with Section 8879.66) to Chapter 12.491 of Division 1 of Title 2 of the Government Code. Article 11 defines the purpose and intent of the program, defines the eligibility of applicants, projects, and matching funds, and provides that 95% of program funds will be distributed by formula to match voter-approved transportation taxes and fees and that the remaining 5% will be available for a competitive grant application program to match uniform developer fees. Section 8879.74 requires the Commission to adopt an annual program of projects for the program and to develop and adopt guidelines to implement the program, consistent with Article 11. Project allocations are to be made beginning no later than October of each year.

The Commission will adopt an annual program of projects for the SLPP, by October of each fiscal year. The program will consist of projects nominated by eligible applicants for the formula program and projects selected by the Commission under the competitive grant program to match uniform developer fees. SLPP project funding will match eligible local funding for project construction or equipment acquisition, consistent with Section 8879.70. The Commission will not program or allocate SLPP funding to match local funding for preconstruction work. The program of projects for each fiscal year will include, for each project, the amount to be funded from the SLPP, the source of the dollar-for-dollar match of SLPP funding, and the estimated total cost of project construction or equipment acquisition, including any additional supplementary funding. The source of the dollar-for-dollar match will include only revenues from the transportation tax or fee that qualifies the applicant for SLPP funding and only funds to be expended after the Commission allocation of SLPP funds.

SLPP SCHEDULE

CTC SLPP Fund Estimate	June 2009
Project Nominations Due	August 15, 2009
CTC SLPP Adoption	October 2009

Action: Information and Discussion Only.

V. REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY COMMITTEE

Action: The Commission unanimously approved to reaffirm all actions taken while sitting as the Transportation Policy Committee.

VI. ADMINISTRATIVE CONSENT ITEMS

A. Executive Minutes of May 20, 2009

Included in the Commissioner's packet was a copy of the May 20, 2009 Executive Minutes for review.

Action: Approve Executive Minutes of May 20, 2009.

B. Transportation Development Act (LTF & STA) – Allocation, LTF Resolution 09-09

At the May 20, 2009 Board Meeting, the MCTC Board approved the FY 2009/10 LTF & STA apportionments. Included in the Commissioner's packet was the allocation resolution that reflects how each jurisdiction is allocating their respective apportionment.

Local Transportation Fund (LTF): Prior to February 1, of each year, the county auditor provides MCTC

an estimate of monies to be available for apportionment and allocation during the ensuing fiscal year. The estimate for FY 2009-10 is \$3,390,000 (increase \$124,300 from 2008/09). The estimate includes monies anticipated to be deposited in the fund during the ensuing fiscal year and the unrestricted balance anticipated to be available in the fund at the end of the current fiscal year. The unrestricted balance is the balance that is neither allocated, reserved, nor retained in the fund as an unallocated apportionment pursuant to Section 6655.1. The county auditor makes an estimate from such data including those which may be furnished by the State Board of Equalization. The county auditor will furnish a revised or updated estimate of funds available when requested by MCTC staff.

State Transit Assistance (STA): Pursuant to Public Utilities Code Section 99312.7, the State Controller is directed to send a preliminary estimate of STA Funds to each transportation planning agency. For fiscal year 2009-10, there is \$0 budgeted according to the most current information from the Department of Finance. STA allocation estimate for Madera County is \$0 decrease \$303,503 from FY 2008/09. No allocation resolution will be made.

Action: Approve Transportation Development Act (LTF) – Allocation, LTF Resolution 09-09.

Administrative Consent Calendar Action

Action: Upon motion by Commissioner Kopshever, seconded by Commissioner Armentrout to approve the Administrative Consent Calendar. A vote was called and the motion carried. Commissioner Bigelow was not present during the vote. Commissioner Mindt abstained from the vote.

VII. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

There was no Administrative Action/Discussion Items

MCTC Sitting as the Madera County 2006 Transportation Authority

VIII. ADMINISTRATIVE ACTION/DISCUSSION ITEMS

A. Update on Measure T Bond Offering (schedule) for Ellis Overcrossing Project

KNN Financial Services Inc. has developed a 120-day Private Placement Bond offering schedule. The MCTC Policy Board has previously approved a Bonding Services Contract with KNN Inc, in the amount of \$6 million for the construction of the Measure T Regional Program - Ellis Street Overcrossing Project. The Ellis Street Project is scheduled for a STIP (\$8.5 million) construction allocation vote before the California Transportation Commission (CTC) on May 14, 2009. The CTC has not identified the funding for the project, so the project will be placed on the “Pending List” awaiting funding and authorization to bid a contract. The State has had recent success selling transportation bonds and it is anticipated that the project will be able to go to bid sometime within the next 6 months.

Included in the Commissioners packet was an updated Measure T Cash Flow Analysis used to determine the bond amount for the (\$6 million) Ellis Street project. A comparison of the current fee structures and market rates for private placement bonds and public offerings was available as a handout.

Action: Upon motion by Commissioner Armentrout, seconded by Commissioner Kopshever to proceed with the 15 year Private Placement Bond. A vote was called and the motion carried.

B. Measure “T” Draft 2009-10 Annual Work Program

Per Authority policy the AWP is prepared annually and serves as the annual funding authority for the Measure “T” program. The Annual Work Program recognizes funds available for projects according to the Measure “T” Investment Plan and outlines each local jurisdiction’s Annual Expenditure Plan with respect to the available funds. The Draft Annual Work Program only includes budgets for the 2009-10 fiscal year and does not yet contain any prior year reports.

Action: Information and Discussion only.

C. Measure "T" Compliance Reports: County of Madera; and Madera County Transportation Authority

MCTA has received the Measure "T" Compliance Audit Reports for the Fiscal Year ended June 30, 2008 for the County of Madera. The report was done in accordance with Section 99245 of the Public Utilities Code by Dedekian, George, Small & Markarian Accountancy Corporation.

Staff is pleased to report that there are no adverse findings.

Madera County Transportation Authority Compliance Report will be available at the next months meeting of the Commission for review and acceptance.

Action: Upon motion by Commissioner Armentrout, seconded by Commissioner Wheeler to accept the County of Madera June 30, 2008 Measure "T" Compliance Report. A vote was called and the motion carried.

IX. Miscellaneous

A. Items From Caltrans

Jim Perrault of Caltrans, updated the Commission regarding the status of the Economic Stimulus package and the Safe Route to School program. He also mentioned that Caltrans is looking into a new program called High Risk Rural Roads Program.

B. Items from Staff

No Items from Staff.

C. Items from Commissioners

No Items from the Commissioners.

X. Adjournment

Meeting adjourned at 3:35 p.m.

Next MCTC meeting set for Wednesday, July 22, 2009

Respectfully Submitted,

Patricia S. Taylor, Executive Director
Madera County Transportation Commission