

# MADERA COUNTY TRANSPORTATION COMMISSION

## EXECUTIVE MINUTES

**Date:** Wednesday, September 29, 2004  
**Time:** 3:00 P.M.  
**Place:** Madera County Government Center,  
Board of Supervisor Chambers

**Members Present:** Chairman Frank Bigelow - Supervisor, Madera County  
Vice-Chair Gordon Skeels - Councilman, City of Madera  
Ronn Dominici – Supervisor, Madera County  
Gary Gilbert – Supervisor, Madera County

**Members Absent:** Alfred Ginsburg - Councilman, City of Chowchilla  
Gary Svanda - Councilman, City of Madera

**Policy Advisory Committee:** Above Members present and Caltrans Representatives:  
Paul Marquez

**MCTC Staff Present:** Patricia S. Taylor-Maley, Executive Director  
Derek Winning, Planner II  
Sheila Kingsley, Administrative Assistant

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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 were no public comments.

### III. TRANSPORTATION CONSENT ITEMS

#### A. *FY 2004-05 and 2005-06 Transportation Planning Grants*

Staff reported that the California Department of Transportation invited applications for Transportation Planning Grants Fiscal Years 2004-05 and 2005-06.

Fiscal Year 2004-05:

1. Community-Based Transportation Planning - \$1.5 million estimated funding
2. Environmental Justice: Context Sensitive Planning - \$1.5 million estimated funding

Fiscal Year 2005-06:

1. Community-Based Transportation Planning - \$1.5 million estimated funding
2. Environmental Justice: Context Sensitive Planning - \$1.5 million estimated funding
3. Partnership Planning / Statewide Transit Planning – \$3.0 million estimated funding

These transportation planning grants are intended to strengthen the economy, promote equity, and protect the environment. The results of these grants should improve mobility and lead to the programming and implementation of transportation improvement projects. These projects should emphasize economy, equity, environment, safety, jobs, housing, transportation, context-sensitive planning, sustainable communities, public participation and reduced traffic congestion. Projects are typically one year, but the proposal may be

scoped for a two-year timeline. Application Deadline is October 15, 2004.

The 2004-05 and 2005-06 Transportation Planning Grant application package is accessible on the California Department of Transportation, Division of Transportation Planning's website at <http://www.dot.ca.gov/hq/tpp/grants.htm>.

**Action:** Information and Discussion Only.

**B. *Madera County Traffic Monitoring Program – 2004 Annual Report***

Included in the Board's packet was a copy of the 2004 Annual Madera County Traffic Monitoring Report. This report has been developed as part of the MCTC FY 2004/05 Overall Work Program.

The report provides current traffic count information for planning and engineering projects. Traffic count information contained in this report is from selected sites from 1999 through July 2004. Section 1 contains counts for outlying County locations; Section 2 contains counts for the City of Madera; Section 3 contains counts for the City of Chowchilla; and Section 4 contains Caltrans' State Highway traffic volumes.

The traffic monitoring information collected assists in the following activities and programs:

1. Air Quality Monitoring
2. Traffic Modeling
3. Identify Signal Priorities and Capital Improvement Programs
4. Private Use
5. Other benefits include: identifies traffic volume growth rates, traffic accident rates, signal and stop sign warrants, signal timing, and traffic noise levels

**Action:** Accept the Madera County Traffic Monitoring Program – 2004 Annual Report.

**C. *Propositions 68 and 70 on the Upcoming November 4<sup>th</sup> General Election Ballot***

Governor Schwarzenegger had requested that the State's Regional Transportation Planning Agency Group take an opposing position on Proposition 70 by September 1<sup>st</sup>. Proposition 70 is a tribal gaming initiative on the upcoming November 4<sup>th</sup> General Election ballot. The Governor feels the RTPA group's opposition will illustrate that Proposition 70, if passed, would negatively affect transportation. Furthermore, Governor Schwarzenegger is also officially strongly opposed to Proposition 68, as both of these initiatives, if passed, would negate the Tribal/State Compacts, which were recently signed by the Governor that provide \$1.2 billion to transportation. The RTPA Group does not take formal positions on legislation; however, individual agencies may do so if desired.

Proposition 68 would allow the governor to renegotiate gambling compacts with Indian tribes to require that one fourth of their revenue be paid to the state. If tribes didn't agree within 90 days, 5 existing non tribal racetracks and 11 existing card rooms in Northern and Southern California would be able to operate 30,000 slot machines and pay 33 percent of the revenue to fund primarily additional police, firefighting, and child protective services.

Proposition 70 competes with the Proposition 68 initiative and calls for the governor to offer renewable 99-year gaming deals (current life of gaming compacts is 20 years) to Indian tribes with exclusive gaming rights and no limits on the number of slot machines and casinos they can operate as well as lifts the ban on such games as craps and roulette. Tribes would provide the state some of the proceeds based on the state's prevailing corporate tax or about 9%. According to the Legislative Analyst, this measure would result in lower payments to the state than currently experienced under the Tribal/State Compacts.

This past June, Governor Schwarzenegger signed new State/Tribal Compacts with 5 tribes, all of which currently operate casinos. These new compacts provide that Tribes must pay debt service for at least a \$1.2

billion transportation bond, among other financial contributions, and provide significant protection to the environment, as well as mitigation to local governments. If more tribes joined in this deal the amount for transportation could increase. If either of the Propositions 68 or 70 passes (or both), they will void the Tribal/State Compacts recently signed by the governor. In addition, if one of the Propositions passes, the revenue generated would be funneled to the general fund, rather than earmarked for transportation improvements, as the Governor's Compacts would.

For more detailed information including arguments in favor and against the Propositions, please see the attached Ballot Titles and Summaries for Propositions 68 and 70. Also included in Board's packet were CSAC Fact Sheets (the CSAC Executive Committee voted to oppose both Propositions).

**Action:** Information and Discussion Only.

**D. *TEA-21 Reauthorization Update***

A fifth extension of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) – the federal law authorizing highway and transit expenditures nationwide – passed in late July to allow further work on a multi-year reauthorization. The bill, H.R. 4916, extends highway safety, transit and motor carrier programs through September 30<sup>th</sup>. The federal-aid highway program portion of TEA-21 will extend only to September 24<sup>th</sup> to allow Congress to readdress the issues of project funding and minimum guarantee before this program expires. Under the provisions of the bill, the federal highway program would shut down on September 25<sup>th</sup> unless Congress passes another extension.

House and Senate members return from a six-week recess on September 7<sup>th</sup> and will have only a matter of weeks to strike an agreement on a reauthorization bill before Congress adjourns for the fall elections. The major obstacle to agreement has been the overall funding level as the House, Senate, and the Administration have been unable to find a compromise between their individual proposals.

**Action:** Information and Discussion Only.

**E. *State Highway Operation & Protection Program (SHOPP) – Status Report***

Per MCTC's agreement with Caltrans, Caltrans on a quarterly basis submits to MCTC a status report on Caltrans' State Highway Operation and Protection Program. Included in the Board's packet was a copy of the October 2004 status report.

**Action:** Information and Discussion Only.

**Transportation Consent Calendar Action:** Upon motion by Commissioner Gilbert, seconded by Commissioner Skeels to approve the Transportation Consent Calendar (Item III A-E). A vote was called and the motion carried.

**IV. TRANSPORTATION ACTION/DISCUSSION ITEMS**

**A. *California Transportation Commission – Transportation Funding Shortfall***

An emergency meeting was held on August 18<sup>th</sup> with the California Transportation Commissioners and the California Association of Council of Governments (CALCOG) member agencies to discuss the shortfall in transportation funding and the extent of the losses due to the suspension of Proposition 42 monies. The message received was that transportation agencies and organizations need to let their legislative representatives and the taxpayers know that there is still a shortfall of transportation dollars to meet the State's basic needs. We need to raise the profile of transportation funding shortfalls as it competes with the high profile issues such as education, prisons, and social services. Assembly Constitutional Amendment 24 (Dutra) was introduced February 13, 2004 in the State Assembly and it is an excellent example of an initiative that would make transportation dollars a priority in the State by protecting those monies identified

by voters for transportation improvements from being lost to other services.

Proposition 42, approved by voters in March 2002, requires that from FY 2003-04 through FY 2008-09, all revenue from the sales tax on motor vehicle fuel (about \$678 million) be annually transferred from the General Fund (GF) to the Transportation Investment Fund (TIF) to finance the Traffic Congestion Relief Program and thereafter this revenue be dedicated to transportation improvements by local agencies, public transportation and state highway improvements. This program provides millions of critical transportation dollars to fund significant projects across the state. Proposition 42 also allows the governor and the Legislature to suspend all or part of that transfer if state General Fund conditions warrant a suspension. Governor Gray Davis did declare a fiscal emergency and suspended millions of Proposition 42 transportation dollars in FY 2003-04 with no promise of repayment. This action resulted in many shelf-ready projects being halted due to lack of funding and agencies had to scurry to find replacement monies. There also were discussion of suspension in 2004-05 but no formal action to suspend passed the legislature.

ACA 24 proposes to put a measure on the ballot that would eliminate provisions that allow suspension of Proposition 42 revenue transfers from the GF to the TIF and clearly define the terms and conditions of loans from the TIP to the General Fund. Specifically, ACA 24 would permit a loan of TIP funds to the General Fund, state fund, or state account if the loan were paid in full within one year. ACA 24 would also permit a loan of up to three years to the General Fund, state fund, or state account, but requires that the loan be paid back within a three-year period with interest at the rate paid on money in the Pooled Money Investment Account (PMIA). This longer-term loan would be limited to situations in which either the Governor declares a state of fiscal emergency or the aggregate amount of General Fund revenues for the fiscal year is projected to be less than the General Fund revenues for the prior year adjusted for inflation and population changes. ACA 24 would further permit loans to local government and transportation agencies for transportation purposes for up to four years with interest at the rate paid on money in the PMIA.

It is important to note that the League of California Cities and California State Association of Counties is in support of this bill. Unfortunately, the bill stalled in the Assembly and will not pass in this legislative term, which ended August 31<sup>st</sup>. However, there is a growing interest in securing this important funding source so we should expect to see a similar bill next term. In fact, the California Performance Review report includes a recommendation for a ballot measure to protect the transfer of gasoline sales tax revenues to transportation.

**Action:** Information and Discussion Only.

**B. Interstate 99 Designation Proposal**

Staff reported that there is a proposal to convert State Route 99 to an Interstate designation from its junction with I-5 south of Bakersfield to State Route 4 in Stockton. The proposal originated as the result of the Fresno Regional Jobs Initiative (RJI) effort led by Fresno Mayor Alan Autry and former Fresno County Board of Supervisor's Chairman Juan Arambula. The objective of the RJI is to create 30,000 new medium paying jobs in the Fresno area within five years. They have been advised that businesses looking to expand or relocate to new geographic areas consider, as a screening criteria, whether the area is located on an Interstate Route or how far away it is from an Interstate Route. The RJI claims that not having State Route 99 with Interstate designation is screening Fresno and the San Joaquin Valley from effectively competing for new business expansion.

Included in the Board's packet was a Draft Fact Sheet prepared by Alan McCuen, Caltrans District 06, outlining technical and other considerations concerning the proposal to convert State Route 99 to an Interstate designation.

**Action:** Information and Discussion Only.

**C. Fresno-Madera Metropolitan Freeway/Interchange Deficiency Study – Phase II**

The MCTC is currently a participant (in-kind) in the Phase I of the Fresno-Madera Freeway/Interchange

Deficiency Study. Other partners in the study include: Fresno COG, Cities of Fresno, Clovis, Madera, Fowler, Selma, Kingsburg and City of Fresno, City of Clovis, City of Madera, Counties of Madera Fresno. The City of Fresno is considering and encouraging the partners to participate and apply for a grant for phase II of the study.

Phase I:

The primary purpose of Phase I is to study planned land uses and transportation projects and determine which interchanges will be deficient by the planning horizon of 2025. The following Tasks are included in Phase I:

1. Establish evaluation criteria
2. Evaluate Freeway Interchange System Performance
3. Identify Improvements
4. Identify benefit zones and origins of impacts
5. Final Report

Proposed Phase II:

1. Identify Policy Issues – interest to continue to study
2. What should be included in the study: Interchanges Only and/or arterial/roads?
3. Identification of projected deficiencies, together with the associated costs of appropriate mitigation measures will be further reviewed and refined if necessary
4. Review and refinement of each jurisdiction's quantified impacts and associated fair share proportional cost for improvements that may be used as the basis to develop a development impact fee system by local jurisdictions
5. Identification of three tiers (regional, metro, and local) of impacts for which impact fees could be reasonably assessed
6. Review, analysis, and development of appropriate fee program structures to address each tier
7. Identification of appropriate land use trip generation rates
8. Development of a Fee Ordinance for each tier
9. Development of MOU between local jurisdictions and Caltrans for the collection and expenditure of impact fees collected
10. Preparation of an Impact Fee Program Update schedule and process
11. Coordination among affected agencies and jurisdictions within the region and within the metropolitan area of Fresno and Clovis including the following: Caltrans; Fresno COG: MCTC: County of Fresno and Madera; and cities of Fresno and Madera.
12. Development of a Public Involvement Program to review the impact fee programs with interested organizations and individuals.

At this time it is unknown at what level MCTC is requested to participate. Staff will provide application and funding details as it becomes available.

**Action:** Direction was given to staff to compose a letter on behalf of the Board voicing their concerns regarding Phase II of the Fresno-Madera Metropolitan Freeway/Interchange Deficiency Study.

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

**Action:** Upon motion by Commissioner Dominici, seconded by Commissioner Skeels to reaffirm all actions taken while sitting as the Transportation Policy Committee. A vote was called and the motion carried.

**VI. ADMINISTRATIVE CONSENT ITEMS**

**A. Executive Minutes of July 21, 2004**

Included in the Commissioner's packet was a copy of the July 21, 2004 Executive Minutes for review.

**Action:** Approve the July 21, 2004 Executive Minutes.

**B. *FY 2004/05 Revised State Transit Assistance (STA) Estimate – STA Apportionment Resolution 04-08 Amendment No.1***

Pursuant to section 99312.7 of the Public Utilities Code (PUC), the State Controller is required to provide a revised estimate of the amount of the State Transit Assistance funds to be allocated to each transportation planning agency for the purposes of sections 99313 and 99314 of the PUC.

The amount of STA funds approved by the Governor in the State Budget for the 2004-05 fiscal year is \$117,262,507. In addition, section 99313 allocations are based on the latest available annual population estimates from the Department of Finance. The Madera County STA estimate is \$219,478 (\$32,800 increase from the original released estimate). The following is a list of STA funds available to each agency:

1. City of Chowchilla -- \$ 13,384 (increase of \$2,000)
2. City of Madera -- \$ 78,431 (increase of \$11,721)
3. County of Madera -- \$ 127,662 (increase of \$19,078)

Staff has requested that each agency inform MCTC by email recognizing the revised STA estimate and how those funds should be allocated. MCTC staff has yet to receive the revised applications from agencies staffs; therefore, the STA Allocation Resolution will be revised when applications are received.

**Action:** Approve FY 2004/05 Revised State Transit Assistance (STA) Estimate – STA Apportionment Resolution 04-08 Amendment No. 1

**C. *Proposal for Fiscal Audits and Claimant Audits for FY 2003/04***

The firm of Dedekian, George & Small Accountancy Corporation has submitted a proposal, included in the Board's packet, to perform Fiscal Audits and Claimant Audits for FY 2003/04. The proposal is for a not to exceed amount of \$22,750 with work to be completed by December 31, 2004. The Commission budget will be amended to reflect the audit proposal, an increase of \$2,750.

**Action:** Approve Proposal for Fiscal Audits and Claimant Audits for FY 2003/04

**Administrative Consent Calendar Action:** Upon motion by Commissioner Dominici, seconded by Commissioner Skeels to approve the Administrative Consent Calendar (Item VI. A-C). A vote was called and the motion carried.

**VII. ADMINISTRATIVE ACTION/DISCUSSION ITEMS**

**A. *Report of TDA allocations for Fiscal Years ended June 30, 3003 and June 30, 2002 – City of Chowchilla***

MCTC has received the Report of Examination of the Revenues and Expenses of the Transportation Development Act (TDA) allocations for the Fiscal Years ended June 30, 2002 and June 30, 2001 for the City of Chowchilla. This report was done in accordance with Section 99245 of the Public Utilities Code by Dedekian, George & Small Accountancy Corporation.

**Action:** Upon motion by Commissioner Gilbert, seconded by Commissioner Dominici to approve the Report of TDA allocations for Fiscal Years ended June 30, 2003 and June 30, 2002 – City of Chowchilla. A vote was called and the motion carried.

**VIII. Miscellaneous**

***A. Items from Caltrans***

No items from Caltrans.

***B. Items from Staff***

No items from staff.

***C. Items from Commissioners***

No Items from the Commissioners.

**IX. Adjournment**

Meeting adjourned at 3:20 p.m.

Next meeting set for Wednesday, October 20, 2004.

Respectfully Submitted,

Patricia S. Taylor-Maley, Executive Director  
Madera County Transportation Commission