EXECUTIVE COMMITTEE AGENDA

Friday, April 8, 2011
9 to 10 a.m.
SANDAG, 7th Floor Conference Room
401 B Street
San Diego

AGENDA HIGHLIGHTS

• MAYER HOFFMAN MCCANN P.C. INDEPENDENT AUDITOR PEER REVIEW REPORT

• STATE LEGISLATIVE STATUS REPORT

PLEASE TURN OFF CELL PHONES DURING THE MEETING

MISSION STATEMENT

The 18 cities and county government are SANDAG serving as the forum for regional decision-making. SANDAG builds consensus, makes strategic plans, obtains and allocates resources, plans, engineers, and builds public transit, and provides information on a broad range of topics pertinent to the region’s quality of life.

San Diego Association of Governments · 401 B Street, Suite 800, San Diego, CA 92101-4231
(619) 699-1900 · Fax (619) 699-1905 · www.sandag.org
Welcome to SANDAG. Members of the public may speak to the Executive Committee on any item at the time the Committee is considering the item. Please complete a Speaker’s Slip, which is located in the rear of the room, and then present the slip to Committee staff. Also, members of the public are invited to address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Public speakers are limited to three minutes or less per person. The Executive Committee may take action on any item appearing on the agenda.

This agenda and related staff reports can be accessed at www.sandag.org under meetings on SANDAG’s Web site. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form also available on the Web site. E-mail comments should be received no later than noon, two working days prior to the Executive Committee meeting. Any handouts, presentations, or other materials from the public intended for distribution at the Executive Committee meeting should be received by the Clerk of the Board no later than 12 noon, two working days prior to the meeting.

In compliance with the Americans with Disabilities Act (ADA), SANDAG will accommodate persons who require assistance in order to participate in SANDAG meetings. If such assistance is required, please contact SANDAG at (619) 699-1900 at least 72 hours in advance of the meeting. To request this document or related reports in an alternative format, please call (619) 699-1900, (619) 699-1904 (TTY), or fax (619) 699-1905.

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EXECUTIVE COMMITTEE  
Friday, April 8, 2011

ITEM # | RECOMMENDATION
--- | ---
+1. | APPROVAL OF MARCH 11, 2011, MEETING MINUTES
2. | PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS
   
Public comments under this agenda item will be limited to five public speakers. Members of the public shall have the opportunity to address the Executive Committee on any issue within the jurisdiction of the Committee that is not on this agenda. Other public comments will be heard during the items under the heading “Reports.” Anyone desiring to speak shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Public speakers should notify the Clerk if they have a handout for distribution to Committee members. Public speakers are limited to three minutes or less per person. Committee members also may provide information and announcements under this agenda item.

REPORTS (3 through 5)

+3. | MAYER HOFFMAN MccANN P.C. INDEPENDENT AUDITOR PEER REVIEW REPORT (Jennifer Farr, Mayer Hoffman McCann P.C.; Lauren Warrem)
   
The certified public accounting firm of Mayer Hoffman McCann P.C. (MHM) is the SANDAG independent auditor. MHM engaged an independent certified public accounting firm to evaluate the quality of the audit work performed by MHM with respect to its local government audit practice in California. This independent peer review report has been completed and is now available. Representatives from MHM will present the results of the peer review.

+4. | STATE LEGISLATIVE STATUS REPORT (Genevieve Morelos)
   
Periodic status reports on legislative activities are provided to the Executive Committee during the year. This report provides an update on the Governor’s FY 2011-2012 budget as well as information on pending state legislation, including Senate Bill 468 (Kehoe) and Assembly Bills 486 (Hueso) and 892 (Carter).

+5. | REVIEW OF APRIL 22, 2011, DRAFT BOARD AGENDA (Kim Kawada)
   
APPROVE

6. | CONTINUED PUBLIC COMMENTS
   
If the five speaker limit for public comments was exceeded at the beginning of this agenda, other public comments will be taken at this time. Subjects of previous agenda items may not again be addressed under public comment.
7. **UPCOMING MEETINGS**

   The next meeting of the Executive Committee is scheduled for Friday, May 13, 2011, at 9 a.m.

8. **ADJOURNMENT**

   + next to an agenda item indicates an attachment
EXECUTIVE COMMITTEE DISCUSSION AND ACTIONS
MARCH 11, 2011

Chair Jerome Stocks (North County Coastal) called the Executive Committee meeting to order at 9:02 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF MINUTES

Upon a motion by Mayor Don Higginson (North County Inland) and a second by First Vice Chair Jack Dale (East County), the minutes of the February 11, 2011, Executive Committee meeting were unanimously approved.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS

There were no public comments, communications, or member comments at this time.

CONSENT (3 through 4)

3. SERVICE BUREAU MID-YEAR STATUS REPORT AND FY 2010 SourcePoint AUDITED FINANCIAL STATEMENTS (INFORMATION)

SANDAG Board Policy requires that the Executive Committee receive periodic progress reports on the project activities and financial status of the Service Bureau. This report also included the FY 2010 financial audit of SourcePoint, performed annually, as required by the SourcePoint bylaws.

4. FEDERAL LEGISLATIVE STATUS REPORT (INFORMATION)

Periodic status reports on legislative activities are provided to the Executive Committee during the year. This status report provided an overview of the FY 2011 and FY 2012 federal budgets.

Action: Both items on consent were presented for information only.
REPORTS (5 through 8)

5. FY 2011 BUDGET AMENDMENT: 2050 REGIONAL TRANSPORTATION PLAN DEVELOPMENT (APPROVE)

Heather Adamson, Senior Planner, presented the staff report.

The Executive Committee was asked to approve an amendment to the FY 2011 Budget to allow the use of up to $700,000 in contingency reserve funds for the 2050 RTP Development work element (31005), and to increase the budget for work element 31005 by $50,000 for additional legal services for the 2050 RTP.

Mayor Mary Sessom (East County Alternate) asked for a chart of the reserve amounts over the past five years. Staff will provide the requested information.

Action: Upon a motion by First Vice Chair Dale, and a second by Second Vice Chair Jim Janney (South County), the Executive Committee voted to approve an amendment to the FY 2011 Budget to allow the use of up to $700,000 in contingency reserve funds for the 2050 RTP Development work element (31005), and to increase the budget for work element 31005 by $50,000 for additional legal services for the 2050 RTP.

6. DRAFT FY 2012 PROGRAM BUDGET (INCLUDING THE OVERALL WORK PROGRAM) (RECOMMEND)

Lauren Warrem, Director of Finance, provided the staff report.

The Executive Committee was asked to accept the Draft FY 2012 Program Budget (including the Overall Work Program (OWP)), authorize distribution of the document to the funding agencies for review, and recommend that the Board of Directors approve the Draft FY 2012 Program Budget for distribution to member agencies and other interested parties for review.

Mayor Sessom asked for a trend of budget amounts over the past five years. Gary Gallegos, Executive Director, agreed to provide the information but noted that the OWP would be listed separately from the capital program.

Action: Upon a motion by Mayor Higginson, and a second by First Vice Chair Dale, the Executive Committee voted to accept the Draft FY 2012 Program Budget (including the OWP), authorize distribution of the document to the funding agencies for review, and recommend that the Board of Directors approve the Draft FY 2012 Program Budget for distribution to member agencies and other interested parties for review.

7. PROPOSED SourcePoint CONTRACT WITH CITY OF SANTEE (APPROVE/RECOMMEND)

Renée Wasmund, Chief Deputy Executive Director, provided the staff report.

The City of Santee has requested that SourcePoint enter into a contract to provide the City with access to SANDAG on-call engineering contracts and to have SANDAG carry out the
competitive procurements and serve as the contract administrator on contracts for the construction of certain redevelopment projects in the City. The value of the project(s) is estimated at approximately $28.5 million, which exceeds the contracting authority of the Executive Committee acting as the SourcePoint Board of Directors.

Action: Upon a motion by Council President Tony Young (City of San Diego), and a second by Second Vice Chair Janney, the Executive Committee voted to approve a waiver of the 17 percent Regional Information System fee normally charged by SourcePoint and to recommend that the Board of Directors authorize the Executive Director to execute a contract with the City of Santee to provide the City with access to SANDAG on-call engineering contracts and to have SANDAG carry out the competitive procurements and serve as the contract administrator on contracts for the construction of certain redevelopment projects in the City, and make the necessary budget modifications to accept the funds from the City.

8. REVIEW OF MARCH 25, 2011, DRAFT BOARD AGENDA (APPROVE)

Renée Wasmund, Chief Deputy Executive Director, reviewed the draft agenda for the March 25, 2011, Board meeting, and noted any changes since the mailout.

Action: Upon a motion by Council President Young, and a second by Mayor Higginson, the Executive Committee voted to approve the agenda for the Board of Directors meeting on Friday, March 25, 2011, as revised.

9. CONTINUED PUBLIC COMMENTS

There were no continued public comments.

10. UPCOMING MEETINGS

The next meeting of the Executive Committee is scheduled for Friday, April 8, 2011, at 9 a.m.

11. ADJOURNMENT

Chair Stocks adjourned the meeting at 9:31 a.m.

Attachment: Attendance Sheet
<table>
<thead>
<tr>
<th>GEOGRAPHICAL AREA</th>
<th>JURISDICTION</th>
<th>NAME</th>
<th>MEMBER/ALTERNATE</th>
<th>ATTENDING</th>
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<tr>
<td>North County Inland</td>
<td>City of Poway</td>
<td>Don Higginson</td>
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<td>City of San Marcos</td>
<td>Jim Desmond</td>
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<tr>
<td>North County Coastal</td>
<td>City of Encinitas</td>
<td>Jerome Stocks, Chair</td>
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<td>City of Solana Beach</td>
<td>Lesa Heebner</td>
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<td>South County</td>
<td>City of Imperial Beach</td>
<td>Jim Janney, 2nd Vice Chair</td>
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<td></td>
<td>City of National City</td>
<td>Ron Morrison</td>
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<tr>
<td>East County</td>
<td>City of Santee</td>
<td>Jack Dale, 1st Vice Chair</td>
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<td>City of Lemon Grove</td>
<td>Mary Sessom</td>
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<td>Jerry Sanders</td>
<td>Member</td>
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<td>Tony Young</td>
<td>Alternate</td>
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<td>David Alvarez</td>
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<td>Ron Roberts</td>
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<td>Greg Cox</td>
<td>2nd Alternate</td>
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MAYER HOFFMAN MCCANN INDEPENDENT AUDITOR

Introduction

The certified public accounting firm of Mayer Hoffman McCann P.C. (MHM) is the SANDAG independent auditor. MHM engaged an independent certified public accounting firm to evaluate the quality of the audit work performed by MHM with respect to its local government audit practice in California. This independent peer review report has been completed and is now available. Representatives from MHM will present the results of the peer review report.

Discussion

MHM informed the Executive Committee at its February 11, 2011, meeting, of the firm’s association with the City of Bell. The following comments were made by the firm:

Mayer Hoffman McCann audits over 90 government agencies in California, including over 50 cities and one of the cities audited in 2009 was the City of Bell. None of the individuals who worked on the audit of the City of Bell worked on the audit of SANDAG. The firm was engaged to perform a financial statement audit, not a fraud audit, and stands behind the audit opinion that says the financial statements were not materially misstated. MHM has received some bad press related to Bell and have taken it seriously. Two of the partners from MHM met with SANDAG management to discuss the issues of the City of Bell at length. One of the steps the firm has taken to help restore its client’s confidence in the firm’s audit quality was to hire an independent CPA firm, Carr Riggs & Ingram, LLC CPAs and Advisors (CRI), to conduct a review of the firm’s California government audit practice in order to provide an objective opinion on the quality of the work performed by MHM.

The Executive Committee members requested that MHM discuss the results of the peer review with the Executive Committee upon issuance of the peer review report. This audit was completed and the report has been produced. Harold Monk served as the engagement partner for this review. Mr. Monk is a Certified Fraud Examiner and a nationally known expert on government accounting and auditing standards. Mr. Monk recently served as the Chairman of the Auditing Standards Board for the American Institute of Certified Public Accountants (AICPA). He is a former member of the Board of Directors of the AICPA and served as chairman of the Private Companies Practice Section of the AICPA. In 2002 he was appointed to the U.S. Government Accountability Office’s Advisory Committee on Auditing Standards by U.S. Comptroller General David Walker, where he continues to serve.
Attached is the report from CRI evaluating the quality of the audit work performed by MHM (Attachment 1). The reviewing firm issued an unqualified “clean” opinion and concluded that the audit work performed by MHM with respect to its local government audit practice in California conforms to professional auditing standards and the firm’s system of quality control.

LAUREN WARREM
Director of Finance

Attachment: 1. Independent Accountant’s Report from Carr Riggs & Ingram to the Board of Directors of Mayer Hoffman McCann P.C.

Key Staff Contact: Lauren Warrem, (619) 699-6931, lwa@sandag.org
INDEPENDENT ACCOUNTANT’S REPORT

To the Board of Directors of
Mayer Hoffman McCann P.C.

We have examined management’s assertion regarding the California Municipal Audit Practice of Mayer Hoffman McCann P.C. that:

"the system of quality control for the accounting and auditing practice applicable to municipal audits performed by the California offices of Mayer Hoffman McCann P.C. in effect for the year ended October 31, 2010, has been designed to meet the requirements of the quality control standards and requirements set forth in Government Auditing Standards, issued by the Comptroller General of the United States, referred to as generally accepted governmental auditing standards (GAGAS); U.S. generally accepted auditing standards (GAAS); Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments and Non-Profit Organizations; and the California Business and Professional Code. The system of quality control was also complied with during the year ended October 31, 2010, to provide the firm with reasonable assurance of complying with the applicable professional standards"

Mayer Hoffman McCann P.C.'s management is responsible for the assertion. Our responsibility is to express an opinion on the assertion based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and, accordingly, included examining, on a test basis, evidence supporting management’s assertion and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion; however, our examination does not provide a legal determination on compliance with the requirements of specified laws, regulations or rules.

In our opinion, management’s assertion referred to above is fairly stated, in all material respects, based on the criteria set forth above.

Carr, Riggs & Ingram

Gainesville, Florida
March 3, 2011
Harold L. Monk, Jr., CPA, CFE
Engagement Partner

Experience
Harold L. Monk, Jr. is a partner in the firm of Carr, Riggs & Ingram, LLC, in Gainesville, Florida. Born and raised in Gainesville, he graduated from the University of Florida in 1968 majoring in accounting. He worked as an internal auditor for the University of Florida for one year before joining a large local firm in 1969. In 1977, Harold was a founding partner of Davis, Monk & Company which merged with CRI in 2010. Harold is a Certified Public Accountant licensed in Florida and is a Certified Fraud Examiner.

Active professionally, Harold is the immediate past Chair of the Auditing Standards Board of the AICPA. He has served the Florida Institute of Certified Public Accountants as a member of numerous committees, and as a member of the Board of Governors, and as a CPE Discussion Leader. Harold was recognized as an “Outstanding Seminar Leader” for seven years by the FICPA, and was recognized as one of the top twenty instructors nationally for numerous years by the American Institute of CPAs. Harold continues to be an active speaker throughout the country on accounting and auditing issues. He has also served as a technical investigating officer for the Florida State Board ofAccountancy. For several years, he chaired the joint task force for the Auditor General’s office and the Florida State Board of Accountancy responsible for reviewing governmental audits filed within the State. In 2002 US Comptroller General Davis Walker appointed him the Advisory Council for the GAO.

Harold is the 2010 recipient of the AICPA’s Gold Medal for Distinguished Service, the highest award the AICPA gives to a member.

Numerous articles authored by Harold have been featured in state and national publications and he has authored or co-authored “Advanced Auditing for Partners and Managers” (AICPA), “Compliance Auditing” (AICPA), “Guide to Single Audits” (PPC), “Audits of Local Governments” (PPC), “Preparing Non Profit Financial Statements” (PPC), “Annual Accounting and Auditing Update” (PPC) and “Maximizing Single Audit Efficiency” (PPC).

Education
BSBA, Accounting, University of Florida

Professional Affiliations
American Institute of Certified Public Accountants (AICPA)
Florida Institute of Certified Public Accountants (FICPA)
STATE LEGISLATIVE STATUS REPORT

Introduction

This report provides an update on the Governor’s FY 2011-12 budget as well as information about pending state legislation, including Senate Bill 468 (Kehoe) and Assembly Bills 486 (Hueso) and 892 (Carter).

Discussion

State Budget

In January, the Governor introduced his budget to address a combined $25.4 billion deficit in FY 2010-11 and FY 2011-12. Since January, the budget deficit has increased to $26.6 billion. In response, on March 16 and 17, 2011, the Legislature approved a package of bills to address about $14 billion of the state budget deficit. At the time of this writing, the Legislature had not addressed the remaining $12.6 billion in other key budget components, including the proposal to eliminate redevelopment agencies, and the proposal to pass extensions of the current sales, vehicle registration, and income taxes that are scheduled to expire on June 30, 2011.

On March 24, 2011, the Governor signed 13 bills sent to him by the Legislature that included the following issues areas: health care services, resources, mental health, transportation, child care, K-12 and higher education, human services, developmental disabilities, judiciary, general government, cash management, special fund loans and transfers, and tax compliance. The transportation trailer bill, Assembly Bill 105 (Committee on Budget), would reenact the gas tax swap proposal to address potential conflicts with Proposition 26. Proposition 26 was passed in November 2010, and required a two-thirds vote by the Legislature or local voters for any new tax or tax increase.

For the local streets and roads funding derived from the Highway Users Tax Account (HUTA), the 18 cities and County of San Diego are expected to receive approximately $52.7 million as summarized in the table below.
<table>
<thead>
<tr>
<th>Local Streets and Roads Funding for the San Diego Region¹</th>
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<td>Carlsbad</td>
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<td>Chula Vista</td>
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<td>County of San Diego</td>
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<td><strong>Total</strong></td>
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As part of the gas tax swap, the State Transit Assistance (STA) program would be funded at $330 million for FY 2011-12. The STA funds provide funding to local transit agencies to fund a portion of the operation and capital costs associated with public transit programs. From the $330 million statewide allocation, San Diego Metropolitan Transit System (MTS) would receive $15.6 million, and North County Transit District (NCTD) would receive $4.9 million.

**Senate Bill 468 (Kehoe) Department of Transportation: Capacity-Increasing State Highway Projects: Coastal Zone**

Senate Bill 468 (SB 468) was introduced by Senator Christine Kehoe (D-San Diego) on February 17, 2011, and amended on March 29, 2011. The bill is scheduled to be heard in Senate Transportation and Housing Committee on April 12, 2011. SB 468 would impose additional requirements on Caltrans for the development of capacity-increasing state highway projects in the coastal zone.

Specifically, the bill as amended would create new section of law in the Streets and Highways code that would require Caltrans to comply with the following requirements:

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¹ California City Finance: http://www.californiacityfinance.com/HUTAupdate110214.pdf
• Collaborate with local agencies along coastal highway corridors and with countywide or regional transportation planning agencies to develop traffic congestion reduction goals for each proposed project. After identifying the goals, Caltrans would be required to identify how the proposed project would achieve the goals without compromising the unique features of the coastal zone.

• Include other proposed state highway projects or proposed local street and road projects that are parallel to the proposed project in the environmental analysis for the proposed project.

• If a proposed highway project will affect any public transit service in the coastal corridor, prohibits any capacity-increasing highway improvements to be constructed until a transit investment program in the same corridor is complete.

• The bill also prohibits any capacity enhancements if the proposed project will generate any additional traffic on city/county streets, until a mitigation program for local road impacts is developed, fully funded, and implemented.

• If there are multiple proposed projects in a corridor, requires that construction be implemented sequentially, with construction of one project beginning only after a previous project has been completed.

• Requires that Caltrans monitor the environmental consequences of each sequenced project to ensure that the benefits from project’s mitigation are being achieved.

While SB 468 is broadly written to impose additional requirements on Caltrans for the development of all capacity-increasing state highway projects in the coastal zone, it was introduced to address the Interstate 5 (I-5) North Coast Corridor project. The I-5 North Coast Corridor project is a key component of the Board’s TransNet Early Action Program, and to date the region has invested about $50 million in the development of the project’s draft environmental document.

While the bill imposes new requirements on Caltrans, if enacted it would have wide-reaching, detrimental effects on the ability of SANDAG to plan for and implement a multimodal transportation system consistent with the current Regional Transportation Plan (RTP) as well as the Draft 2050 RTP currently under development. It also would circumvent the will of local voters, who in 2004 approved the TransNet expenditure plan of major transit and highway projects that are included in the long-range RTP approved by SANDAG. By prioritizing one transportation mode (public transit) over another, SB 468 overrides the region’s role to plan for and decide the specific transportation improvements and phasing of projects that make the most sense given local land uses and travel demand.

Improving the I-5 coastal corridor has been a major component of our RTPs for more than 20 years. Our current 2030 RTP calls for significant improvements to this corridor by upgrading commuter rail service; adding express lanes to the freeway to give priority to carpools, vanpools, and buses; and easing congestion by taking cars off the general purpose lanes and putting them in the express lanes. Adding express lanes to the I-5 North Coast Corridor and double tracking the coastal rail corridor and increasing COASTER commuter rail service are among the region’s TransNet major corridor projects. As currently written, SB 468 could limit the region’s ability to maximize funding opportunities and would prevent these TransNet projects from being fully implemented.
SB 468 is not consistent with Goal Nos. 2A, 3B, and 16B of the SANDAG 2011 Legislative Program as it would significantly constrain the region's ability to plan for and implement the RTP and TransNet program. In addition, the bill would impose additional unnecessary requirements on Caltrans, which are duplicative of existing state and federal environmental laws and California Coastal Commission requirements. For these reasons, on March 28, 2011, SANDAG submitted a letter to Senator Kehoe opposing SB 468 (Attachment 1).

SB 468 was amended on March 29, 2011. The major changes are as follows:

- Adds new findings about the importance of meeting the greenhouse gas reduction goals of AB 32 and SB 375, including the need to reduce vehicle miles traveled (VMT) and enhance the jobs-housing balance
- Adds the California Coastal Commission to the list of agencies with which Caltrans must collaborate
- Deletes the provisions requiring construction sequencing (starting on one project only after previous project is complete), but adds that construction of projects can proceed only if they can demonstrate an overall reduction in VMT (in addition to completion of the transit investment program)
- Adds requirements that Caltrans suspend a notice of determination (NOD), issued between January 1, 2011, and January 1, 2012, until it is determined that project's environmental documents satisfy the requirements of the bill

Staff is in the process of developing additional comments on the March 29, 2011, bill amendments. Of particular concern is the requirement that proposed highway projects demonstrate “an overall reduction in vehicle miles traveled.” Any new capacity-increasing transportation projects are planned to meet long-term demand, as our region continues to grow over time. In the I-5 North Coast Corridor, average daily traffic is between 200,000 to 240,000 vehicles, and is projected to grow by 30 percent by 2030. By 2050, the region’s population is expected to grow from 3.1 million to 4.4 million, and jobs are expected to grow from 1.4 million to 1.9 million, and total housing units from 1.1 million to 1.5 million. It is highly unlikely that any proposed new transportation project would be able to demonstrate an overall reduction in VMT.

Under SB 375, the California Air Resources Board (CARB) is responsible for setting the greenhouse gas reduction targets for regions around the state for the years 2020 and 2035. The regional targets established by CARB call for reduction of per capita greenhouse gas emissions, because it was recognized that overall emissions would likely increase due to growth in population and employment. Further, with regard to the transportation sector, SB 375 is not specific about how a region should achieve the greenhouse gas reduction targets. SB 375 prescribes a process for preparing a Sustainable Communities Strategy (SCS) as part of the development of the RTP. The SCS provides the means for evaluating on a comprehensive, systemwide basis how local land use plans, transportation improvements, and transportation policies work together to meet greenhouse gas emissions targets.

SB 468 is supported by the California Coastal Commission. The American Council of Engineering Companies of California, California Chamber of Commerce, California Business Properties Association, Orange County Business Council, and Associated General Contractors are opposed to
the bill while the San Diego Regional Chamber Commerce has adopted an oppose unless amended position. SANDAG is working with other regional and statewide partners to oppose this bill as well.

**Assembly Bill 486 (Hueso) Graffiti Tracking System: Funding**

Assembly Bill 486 (AB 486) was introduced by Assemblymember Ben Hueso on February 15, 2011, and would require the 18 cities and the County in the San Diego region to pay on an annual basis 10 percent of any restitution funds collected from graffiti crimes to SANDAG. AB 486 requires that funds collected by SANDAG be used exclusively for funding and administering a graffiti tracking system. The bill is sponsored by the County of San Diego.

In January 2011, the 19 local jurisdictions in the San Diego region, MTS, NCTD, and the San Diego Unified Port District, joined together to test an 18-month graffiti tracking system pilot program. The pilot program will be completed in June 2012. The tracking system will analyze the symbols vandals leave behind to link together multiple crimes countywide. The pilot program is anticipated to cost $361,000. The county and cities are receiving $58,000 from outside sources, San Diego County will pay $126,000, and the cities will pay the rest depending on how many photos each is likely to need to track vandalism.

AB 486 would provide a funding mechanism, restitution, to help fund the tracking system. To date, funds collected by individual cities in San Marcos, Vista, and Encinitas have generated revenues ranging from $10,000 to $87,000. The 18-month pilot program will provide an opportunity to collect more information on how much funding the program will generate in the future. This is important because it will help determine whether restitution is a reliable source for ongoing funding for this program, or whether alternatives funding sources need to be considered.

Consistent with Goal No. 15B of the SANDAG 2011 Legislative program, which supports efforts to pursue legislation to permanently fund graffiti abatement programs with a dedicated portion of restitution revenues, staff sent a letter of a support in concept on April 1, 2011. The bill is scheduled to be heard in Assembly Local Government Committee on April 13, 2011. SANDAG staff will continue to work with staffs from the County and Assemblymember Hueso’s office.

**Assembly Bill 892 (Carter) Department of Transportation: Environmental Review: Federal Pilot Program**

Assembly Bill 892 (AB 892) was introduced by Assemblymember Carter on February 17, 2011. It would delete the current repeal date of January 1, 2012, and would extend indefinitely the state’s existing limited waiver of the 11th Amendment sovereign immunity from citizens’ suits and consent to the jurisdiction of the federal courts for purposes of the National Environmental Policy Act (NEPA).

This bill is needed in order for California to continue to participate in the NEPA Delegation Pilot Program authorized under SAFETEA-LU, which allows Caltrans to assume certain responsibilities under NEPA. Caltrans reports that the program allows them to streamline the environmental review process, achieve a median time savings of 14 months in processing standard environmental documents, and achieve significant savings on simpler projects. SANDAG supports efforts to accelerate transportation project delivery while maintaining appropriate environmental protections.
In May 2008, the Executive Committee adopted a support position on AB 2650 (Carter), which extended the repeal date to January 1, 2012. Consistent with both our SANDAG Legislative Program, which supports efforts to accelerate transportation project delivery while maintaining appropriate environmental protections and past Executive Committee action, staff sent a letter of support on March 25, 2011, to Assemblymember Carter. Staff will continue to monitor this legislation as it moves through the Legislature.

KIM KAWADA
TransNet and Legislative Affairs Program Director

Attachments: 1. SANDAG Letter of Opposition to Senate Bill 468(Kehoe)
2. Assembly Bill 486 (Hueso) Graffiti Tracking System: Funding

Key Staff Contact: Genevieve Morelos, (619) 699-1994, gmo@sandag.org
March 28, 2011

The Honorable Christine Kehoe
California State Senator
State Capitol, Room 5050
Sacramento, CA 95814

Dear Senator Kehoe:

SUBJECT: Oppose Senate Bill 468 (Kehoe): Department of Transportation: Capacity-Increasing State Highway Projects: Coastal Zone.

SANDAG strongly opposes Senate Bill 468 (SB 468), which if passed, would impose additional requirements on the California Department of Transportation (Caltrans) for the development of capacity-increasing state highway projects in the coastal zone. It is our understanding that your bill is intended to ensure that Caltrans and regional and local transportation agencies work together to identify, fund, and complete multimodal transportation solutions along our regional corridors.

While SB 468 imposes new requirements on Caltrans, the bill if enacted would have wide-reaching, detrimental effects on the region’s ability to plan for and implement a multimodal transportation system. It also would circumvent the will of local voters, who in 2004 approved the TransNet expenditure plan of major transit and highway projects that are included in the long-range Regional Transportation Plan (RTP) approved by SANDAG. By prioritizing one transportation mode (public transit) over another, SB 468 overrides the region’s role to plan for and decide the specific transportation improvements and phasing of projects that make the most sense given local land uses and travel demand.

In particular, SB 468 would bring to a halt the region’s efforts to reduce traffic congestion and provide multimodal transportation options in the Interstate 5 North Coast Corridor. Improving the I-5 coastal corridor has been a major component of our RTPs for more than 20 years. Our current RTP calls for significant improvements to this corridor by upgrading commuter rail service; adding express lanes to the freeway to give priority to carpools, vanpools, and buses; and easing congestion by taking cars off the general purpose lanes and putting them in the express lanes.
Adding express lanes to the I-5 North Coast Corridor is one of the region's key local sales tax measure projects, along with double tracking the coastal rail corridor and providing more frequent COASTER commuter rail service. As currently written, SB 468 could limit the region's ability to maximize funding opportunities and would prevent these TransNet projects from being fully implemented.

**Role of SANDAG**

As the metropolitan planning organization (MPO) and regional transportation planning agency (RTPA) for San Diego County, SANDAG is responsible for developing an RTP in conformance with federal and state laws, including Senate Bill 375 (Steinberg, 2008). The RTP is developed in partnership with our transit agencies, local jurisdictions, tribal governments, and Caltrans, among other agencies. Extensive public outreach is conducted with each plan update to solicit input from stakeholders and the general public.

The resulting RTP is the region's transportation blueprint, which outlines projects for rail and bus services, express or managed lanes, highways, local streets, bicycling and walking, and it includes the region's specific priorities for phasing and funding these projects.

As the MPO/RTPA, SANDAG has the responsibility to program funding to implement the RTP through the regional transportation improvement program. In addition, SANDAG administers the voter-approved TransNet local sales tax program, which over its 40-year life will fund major transit, highway, and local road improvements and environmental enhancements included in the region's RTP.

**New Requirements of SB 468 are Unnecessary**

SANDAG strongly opposes SB 468 and believes enacting into law the bill’s new requirements are unnecessary for the following reasons:

1. The bill would require Caltrans to collaborate with local agencies along coastal highway corridors and with countywide or regional transportation planning agencies to develop traffic congestion reduction goals for each proposed project. After identifying the goals, Caltrans would be required to identify how the proposed project would achieve the goals without compromising the unique features of the coastal zone.

The collaboration called for under SB 468 is already being done as part of the region's comprehensive transportation planning and programming process. The work Caltrans undertakes on any capacity-increasing highway project must be consistent with the RTP, and it is the region's role – and not the state's role – to determine which of these projects to fund and when. SANDAG and Caltrans have had a longstanding partnership in the delivery of transportation infrastructure improvements. The priority for these improvements is driven not by Caltrans, but by local and regional stakeholders. And they are funded today at the local level through sales tax programs such as TransNet and formula funds programmed by regional agencies like SANDAG.

In recognition of the importance of the coastal zone, SANDAG and Caltrans, in partnership with the California Coastal Commission, have been developing a draft Transportation & Resource Enhancement Program and Public Works Plan (TREP/PWP) as part of the I-5 North Coast Corridor
project. The TREP/PWP is intended to provide a coordinated framework for planning and implementing the diverse transportation, resource enhancement, and community improvements along the I-5 North Coast Corridor. It details how improvements in the corridor would move forward in a balanced approach.

The provisions of the bill focus on identifying traffic congestion reduction goals on a project-by-project basis, when in reality our transportation plans seek to make progress and balance a number of goals, including mobility, reliability, system preservation & safety – as well as social equity, a healthy environment, and a prosperous economy. These broad regional goals address on a comprehensive basis how well the overall regional transportation system enhances the mobility and quality of life of the San Diego region. Requiring Caltrans to focus solely on traffic congestion at the project level highlights a single objective to the detriment of other regional goals.

2. SB 468 requires other proposed state highway projects or proposed local street and road projects that are parallel to the proposed project to be included in the environmental analysis for the proposed project.

There are sufficient federal and state laws already in place to ensure capacity-increasing transportation improvements are properly vetted and environmental and community impacts are addressed. Coastal protection goals included in SB 468 are already addressed through the existing California Coastal Commission permit review process and federal and state environmental laws (NEPA and CEQA). Guided by existing law, environmental review of the I-5 North Coast Corridor project is already under way. Further, existing state Coastal Act provisions already require that transportation improvements result in a net benefit to the coastal resources, so it is unclear how the additional requirements imposed by SB 468 would contribute to enhancing the coastal zone.

SANDAG staff has been coordinating with staffs from Caltrans and the state and federal regulatory/resource agencies that will be responsible for issuing permits for construction of the I-5 improvements. SANDAG has identified costs of more than $100 million that would be utilized to enhance wetlands, restore lagoon ecosystems, and implement regional habitat conservation goals. The funds for these mitigation improvements are available through the TransNet program. The TransNet Extension Ordinance approved by the voters is clear that this funding is to mitigate impacts from projects that will be built. Consistent with the TransNet Extension Ordinance, SANDAG would not make these natural resource investments without assurances that the improvements would be made in the corridor.

It is unclear how this provision of the bill would affect the definition of the proposed project itself. Typically, the project purpose and need is explicitly defined in the project’s environmental document, and project alternatives are developed that meet that defined purpose and need. As a key interstate corridor, the project’s purpose and need were developed in partnership with the Federal Highway Administration and federal and state regulatory/resource agencies, to ensure the proposed improvements address federal and state needs in addition to local needs. Including additional parallel projects in the environmental analysis appears to expand the scope of the proposed project, without thought to how they would address the original need and intent for the project. Further, much of the analysis called for in the bill, including a multimodal analysis of traffic impacts on adjacent local streets and roads and on the regional transit network, has already been developed. The bill also does not consider that some of the impacts to the local streets and on I-5
itself are the result of local coastal development, and that the roadway improvements may be needed to mitigate and serve local land use developments.

3. If a proposed highway project will affect any public transit service in the coastal corridor, SB 468 prohibits any capacity-increasing highway improvements to be constructed until a transit investment program in the same corridor is complete. The bill also prohibits any capacity enhancements if the proposed project will generate any additional traffic on city/county streets, until a mitigation program for local road impacts is developed, fully funded, and implemented.

If this bill is passed, it would impact travelers using the Interstate 5 coastal corridor every day. No highway improvements would be able to be made in the foreseeable future, as SB 468 is currently written. Definitions of a “transit investment program” and the meaning of such a program to be “complete” are not provided in the bill. The vagueness of the language leaves open-ended the requirement to invest in public transit. The region’s long-term plans for the coastal rail corridor include major capital improvements – for example, bridges over the coastal lagoons and a new tunnel – that will require additional feasibility studies and identifying billions in future funding. Holding up any improvements to the freeway corridor while these long-term improvements are “built out” will guarantee traffic congestion for decades. Further, even if the coastal rail line is fully double tracked as planned, additional improvements to the freeway corridor will be needed to accommodate regional population and employment growth (the San Diego region is expected to add another 1.2 million residents and 500,000 jobs by 2050).

From a policy perspective, the bill raises a single mode of transportation above all other modes. During the last decade, the Legislature has routinely cut the State Transit Assistance program in favor of other general fund needs. SB 468 would mandate that coastal regions fully build public transit improvements, during a time when the state has eliminated a funding source to operate transit service.

SANDAG’s current work on the Draft 2050 RTP and other RTPs before it, have shown that we need both highway and rail transit improvements in the coastal corridor, and they should go hand-in-hand, not one before the other. At a national level, researchers at the Texas Transportation Institute, which publishes the annual Urban Mobility Report that monitors traffic congestion in more than 400 U.S. urban areas, recommend a balanced and diversified approach to reducing traffic congestion – one that focuses on adding roadway and public transportation capacity in the places where it is needed most, and providing more travel choices, among other congestion reduction strategies.

SB 468 would prevent much of the region’s multimodal plan from moving forward. Any improvements to the interstate freeway would have to wait until:

- All rail and other public transit improvements in the I-5 corridor are completed; and
- Funding for all mitigation improvements to local streets and roads are identified, and all are fully implemented.

The additional requirements of this bill would prevent timely, needed highway improvements from being built in the coastal zone. While the bill speaks to providing balanced transportation options and enhancing the coastal zone, it would have negative effects on residents living in the coastal areas by limiting transportation access to adjacent communities, and by ensuring intolerable
freeway congestion continues to build, while we work solely on the rail corridor and local streets. Personal and business travelers who use the I-5 corridor would face lost productivity while trapped in freeway congestion.

SB 468 also would have significant effects on our most vital transportation artery, limiting the region’s economic growth. Negative economic consequences of the resulting traffic congestion include losing employers that provide jobs, adding to the costs of goods to consumers, and discouraging tourism. Approximately 22 percent of the region’s jobs are located in the corridor, a ten-fold increase since 1970. About 95 percent of goods movement in San Diego County is done by truck, a trend that is not likely to change in the future. The I-5 corridor alone accounts for over 32 percent of the goods moved in San Diego County. In 2007, the corridor carried $87 million of goods, a number that is expected to increase to $481 million by 2050. Annually, more than 6 million people visit the beaches, fairgrounds, and other attractions in the coastal corridor, the equivalent to hosting 85 Super Bowls.

4. If there are multiple proposed projects in a corridor, SB 468 requires that construction be implemented sequentially, with construction of one project beginning only after a previous project has been completed. In addition, the bill requires that Caltrans monitor the environmental consequences of each sequenced project to ensure that the benefits from project’s mitigation are being achieved.

The region’s plans aim to provide transportation choices in the I-5 corridor by building a multimodal system – both rail and highway. This bill calls for breaking up that system and building it piece by piece over decades – one mode at a time. Practically speaking, the bill’s provisions requiring sequential construction of projects mean huge inefficiencies that will delay construction and significantly drive up costs. The bill would set a precedent by prescribing how Caltrans must construct state highway improvements, without regard to efficiency, economies of scale, and impacts to the traveling public. With the state budget deficit, and California and local economies coming out of one of the worst recessions, now is not the time for new legislation that drives infrastructure costs higher.

The region also has been working with the Coastal Commission to coordinate the coastal rail and highway improvements so that any effects to the six coastal lagoons from the construction of both sets of improvements along the 27-mile corridor are minimized. The bill’s provisions for sequencing the construction of individual projects would hamper these coordinated efforts and increase the time and duration of coastal lagoon impacts.

In addition, current state environmental laws already require lead agencies to prepare a mitigation monitoring program and ensure mitigation measures are carried out. The bill’s additional requirements for Caltrans to conduct monitoring of each individual construction phase are not necessary.

**Summary**

SANDAG recognizes that we cannot build our way out of traffic congestion – but we can build a system that gives travelers choices. The proposed I-5 corridor improvements are part of a new network of improvements we are building throughout the San Diego region to give travelers that choice. Like the Interstate 15 Express Lanes and FasTrak® system, the planned express lanes on I-5
will give priority to carpools, vanpools, and public transit, providing faster travel times and
providing a tangible incentive for travelers use a mode other than driving alone. Solo drivers will be
able to pay a fee to access any unused capacity on the new express lanes, with the revenue raised
invested back into public transit services in the same corridor.

This system is a proven success on I-15 where there are two new Express Lanes in each direction
(northbound and southbound) in addition to the freeway general-purpose lanes. Commuter express
buses currently use the I-15 Express Lanes, and new bus rapid transit service will begin in the next
few years. We’ve monitored the performance of these Express Lanes and the general-purpose lanes,
and found that during peak periods, the four Express Lanes on I-15 carry 25 percent of total
vehicles, but 40 percent of total people in the corridor. This is a model we are seeking to replicate
on the region’s freeways.

While we share your stated goals for a balanced transportation system and preserving the region’s
unique coastal resources, SB 468 is not the solution. Instead, the bill:

- Allows the state to dictate regional and local priorities;
- Guarantees traffic congestion;
- Will hamper job and economic growth;
- Provides fewer transportation choices for San Diegans;
- Imposes unnecessary requirements; and
- Causes unnecessary delays and cost inefficiencies.

For these reasons, SANDAG regrets to inform you of our opposition to SB 468. If you have any
questions, please do not hesitate to contact me.

Sincerely,

\[Signature\]

JEROME STOCKS
Chair, Board of Directors

Cc: Chair and Members, Senate Transportation and Housing Committee
Members, San Diego Legislative Delegation
Chair and Members, Senate Natural Resources and Water Committee
Art Bauer, Consultant, Senate Transportation and Housing Committee
Bill Craven, Chief Consultant, Senate Natural Resources and Water Committee
Ted Morley, Consultant, Senate Republican Caucus
An act to add Section 53069.35 to the Government Code, relating to graffiti abatement.

LEGISLATIVE COUNSEL’S DIGEST

AB 486, as introduced, Hueso. Graffiti tracking system: funding.

Existing law provides that a city or county may pass an ordinance to recover city or county funds used to remove graffiti or other inscribed material from publicly or privately owned real or personal property within the city or county. Existing law authorizes a city, county, or city and county, to pass an ordinance directing the probation officer of the county to recoup its costs associated with defacement by minors of its property and the property of others by graffiti or other inscribed material, through juvenile court proceedings, as provided.

This bill would require a city or county within the jurisdiction of the San Diego Association of Governments (SANDAG) to pay 10% of the amounts collected pursuant to the above provisions to SANDAG for the purpose of funding a graffiti tracking system to be administered by SANDAG.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.
This bill would make legislative findings and declarations as to the necessity of a special statute for the cities and counties within the jurisdiction of the San Diego Association of Governments.


The people of the State of California do enact as follows:

SECTION 1. Section 53069.35 is added to the Government Code, to read:

53069.35. (a) As used in this section, “SANDAG” means the San Diego Association of Governments, as referenced in the San Diego Regional Transportation Consolidation Act, Chapter 3 (commencing with Section 132350) of Division 12.7 of the Public Utilities Code.

(b) Ten percent of any amounts received by a city or county within the jurisdiction of SANDAG pursuant to an ordinance adopted pursuant to Section 53069.3 to recover funds used to remove graffiti or other inscribed material from publicly owned or privately owned real or personal property within the city or county, and 10 percent of any amounts received by a city or county within the jurisdiction of SANDAG pursuant to an ordinance adopted pursuant to Section 742.14 of the Welfare and Institutions Code to recoup its costs associated with defacement by minors of its property and the property of others by graffiti or other inscribed material, shall be paid to SANDAG on an annual basis.

(c) Funds paid to SANDAG pursuant to subdivision (b) shall be used exclusively for the purpose of funding a graffiti tracking system to be administered by SANDAG.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because this act will serve as a pilot program for local
government in San Diego County and therefore there is a need to enact this act on a trial basis only prior to extending the act to other jurisdictions.
REVIEW OF APRIL 22, 2011, DRAFT BOARD AGENDA

ITEM # | RECOMMENDATION
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+1. APPROVAL OF MEETING MINUTES | APPROVE
   +A. MARCH 11, 2011, BOARD POLICY MEETING MINUTES
   +B. MARCH 25, 2011, BOARD BUSINESS MEETING MINUTES
2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS | 
Public comments under this agenda item will be limited to five public speakers. Members of the public shall have the opportunity to address the Board on any issue within the jurisdiction of SANDAG that is not on this agenda. Other public comments will be heard during the items under the heading “Reports.” Anyone desiring to speak shall reserve time by completing a “Request to Speak” form and giving it to the Clerk of the Board prior to speaking. Public speakers should notify the Clerk of the Board if they have a handout for distribution to Board members. Public speakers are limited to three minutes or less per person. Board members also may provide information and announcements under this agenda item.

+3. ACTIONS FROM POLICY ADVISORY COMMITTEES | APPROVE
This item summarizes the actions taken by the Borders Committee on March 25, by the Transportation and Regional Planning Committees on April 1, the Executive Committee on April 8, and the Transportation Committee on April 15, 2011.

CONSENT (4 through X)

+4. FY 2011 BUDGET AMENDMENT: PORT OF SAN DIEGO FIBER OPTIC PROJECT (Chip Finch) | APPROVE

The Transportation Committee recommends that the Board of Directors approve an amendment to the FY 2011 Budget to accept up to $1,922,000 in additional funds from the Port of San Diego to extend a fiber optic network within the Metropolitan Transit System railroad right-of-way.
5. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR (Lauren Warrem)*

In accordance with SANDAG Board Policy Nos. 003 (Investment Policy), 017 (Delegation of Authority), and 024 (Procurement and Contracting-Construction), this report summarizes certain delegated actions taken by the Executive Director since the last Board of Directors meeting.

6. REPORTS ON MEETINGS AND EVENTS ATTENDED ON BEHALF OF SANDAG (Kim Kawada)

Board members will provide brief reports orally or in writing on external meetings and events attended on behalf of SANDAG since the last Board of Directors meeting.

7.

8.

CHAIR’S REPORT (9 through XX)

9.

10.

REPORTS (11 through XX)

11. DRAFT 2050 REGIONAL TRANSPORTATION PLAN (First Vice Chair Jack Dale, Transportation Committee Chair; Heather Adamson)*

The Draft 2050 Regional Transportation Plan (RTP) is the blueprint for keeping pace with the mobility and sustainability challenges in a growing region. The Plan is built on an integrated set of public policies, strategies, and investments to maintain, manage, and improve the transportation system so it meets the diverse needs of our changing region through 2050. The Board of Directors is asked to: (1) accept the Draft 2050 RTP for distribution; (2) authorize staff to distribute the Draft Environmental Impact Report (EIR) under development for the 2050 RTP as soon as it is available; and (3) schedule two public hearings on the Draft 2050 RTP, including its Sustainable Communities Strategy, and the Draft EIR in June, and set the closing date for public comments.

12. REGIONAL BICYCLE PLAN IMPLEMENTATION (First Vice Chair Jack Dale; Transportation Committee Chair; Chris Kluth)*

In May 2010, the Board of Directors approved Riding to 2050: San Diego Regional Bicycle Plan. The Plan includes recommendations for bicycle infrastructure improvements, bicycle-related programs, implementation strategies, and policy and design guidelines. The Transportation Committee recommends that the Board of Directors approve the proposed regional bicycle projects for implementation.
13. FINANCIAL MARKET STATUS (Marney Cox and Lauren Warrem)* INFORMATION

This quarterly briefing is intended to keep the Board of Directors informed about the latest developments in the financial markets, the economy, and revenues, and the strategies we are exploring and implementing to minimize possible impacts to SANDAG.

14.

15.

+16. CLOSED SESSION - PENDING LITIGATION - PURSUANT TO GOVERNMENT CODE SECTIONS 54956.9(b) AND 54956.8

One Potential Case - In re South Bay Expressway, L.P. and California Transportation Ventures, Inc., Case No. 10-04516 (Claims by debtor in bankruptcy) (Julie Wiley)

Property: State Route 125 Toll Road
SANDAG Negotiators: Gary L. Gallegos, Julie Wiley, Marney Cox
Property Owner Negotiators: South Bay Expressway, LP
Under Negotiation: Price and terms of payment for subject property

17. CONTINUED PUBLIC COMMENTS

If the five speaker limit for public comments was exceeded at the beginning of this agenda, other public comments will be taken at this time. Subjects of previous agenda items may not again be addressed under public comment.

18. UPCOMING MEETINGS INFORMATION

The next Board Policy meeting is scheduled for Friday, May 13, 2011, at 10 a.m. The next Board Business meeting is scheduled for Friday, May 27, 2011, at 9 a.m.

19. ADJOURNMENT

+ next to an agenda item indicates an attachment
* next to an agenda item indicates a San Diego County Regional Transportation Commission item