**Board Members**

Jack Dale, Chair
*Councilmember, City of Santee*  
(Representing *East County*)

Jim Janney, First Vice Chair  
*Mayor, City of Imperial Beach*  
(Representing *South County*)

Don Higginson, Second Vice Chair  
*Mayor, City of Poway*  
(Representing *North County Inland*)

Matt Hall  
*Mayor, City of Carlsbad*  
(Representing *North County Coastal*)

Vacant  
*City of San Diego*

Greg Cox  
*Chairman, County of San Diego*

**Board Alternates**

Terry Sinnott  
*Mayor, City of Del Mar*  
(Representing *North County Coastal*)

Art Madrid  
*Mayor, City of La Mesa*  
(Representing *East County*)

Ron Morrison  
*Mayor, City of National City*  
(Representing *South County*)

Chris Orlando  
*Councilmember, City of San Marcos*  
(Representing *North County Inland*)

Marti Emerald  
*Councilmember, City of San Diego*

Sherri Lightner  
*Councilmember, City of San Diego*

Bill Horn  
*Supervisor, County of San Diego*

Gary L. Gallegos  
*Executive Director, SANDAG*

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**EXECUTIVE COMMITTEE AGENDA**

**Friday, December 6, 2013**  
9 to 10 a.m.  
*SANDAG, 7th Floor Conference Room*  
401 B Street  
San Diego

**AGENDA HIGHLIGHTS**

- **PROPOSED 2014 LEGISLATIVE PROGRAM**

**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 the Clerk of the Committee seated at the front table. Members of the public may 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.

Public comments regarding the agenda can be sent to SANDAG via comment@sandag.org. Please include the agenda item, your name, and your organization. Email comments should be received no later than 12 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 Committee Clerk no later than 12 noon, two working days prior to the meeting.

In order to keep the public informed in an efficient manner and facilitate public participation, SANDAG also provides access to all agenda and meeting materials online at www.sandag.org/meetings. Additionally, interested persons can sign up for e-notifications via our e-distribution list at either the SANDAG website or by sending an email request to webmaster@sandag.org.

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ITEM #  
RECOMMENDATION
+1. APPROVAL OF NOVEMBER 1, 2013, MEETING MINUTES  
APPROVE
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.

CONSENT (Item 3)
+3. LEGISLATIVE STATUS REPORT (Victoria Stackwick)  
INFORMATION
Periodic status reports on legislative activities are reported to the Executive Committee throughout the year. This report provides a summary of the various state and federal activities.

REPORTS (4 through 5)
+4. PROPOSED 2014 LEGISLATIVE PROGRAM (Jaymie Bradford)  
RECOMMEND
Each year, the Executive Committee recommends a legislative program to the Board of Directors for the next calendar year. Consistent with past programs, the proposed Legislative Program includes policies and proposals for possible federal and state legislation and local activities. The Executive Committee is asked to recommend that the Board of Directors approve the proposed 2014 Legislative Program.

+5. REVIEW OF DRAFT BOARD AGENDAS (Renée Wasmund)  
APPROVE
The Executive Committee is asked to approve the draft agenda for the December 20, 2013, Board Business meeting. Staff also will provide a verbal update on the January 10, 2014, Board Policy meeting agenda.

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  
INFORMATION
The next meeting of the Executive Committee is scheduled for Friday, January 10, 2014, at 9 a.m.

8. ADJOURNMENT
+ next to an agenda item indicates an attachment
EXECUTIVE COMMITTEE DISCUSSION AND ACTIONS
NOVEMBER 1, 2013

First Vice Chair Jim Janney (South County) called the meeting of the SANDAG Executive Committee to order at 9 a.m. The attendance sheet for the meeting is attached.

1. APPROVAL OF THE SEPTEMBER 13, 2013, MEETING MINUTES

Action: Upon a motion by Councilmember Marti Emerald (City of San Diego) and a second by Mayor Terry Sinnott (North County Coastal), the minutes of the October 11, 2013, Executive Committee meeting were unanimously approved.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

There were no public comments.

REPORTS (3 THROUGH 6)

3. PROPOSED FY 2014 PROGRAM BUDGET AMENDMENTS: CALTRANS TRANSPORTATION PLANNING GRANTS (APPROVE)

Caltrans recently announced the award of the 2013-2014 Caltrans Transportation Planning Grants for four SANDAG projects. Caltrans requires SANDAG to accept the grants at this time so that they can encumber the funds this fiscal year.

Tim Watson, Budget Program Manager, presented information regarding the various amendments to the FY 2014 Program Budget and Overall Work Program to incorporate the new Caltrans grant funding and required matching funds, and he also provided information on the four grants.

Action: Upon a motion by Councilmember Emerald and a second by Mayor Art Madrid (East County), the Executive Committee approved the proposed amendments to the FY 2014 Program Budget and Overall Work Program, and accepted $418,407 in Caltrans Transportation Planning Grant funding.

4. DRAFT 2014 LEGISLATIVE PROGRAM (DISCUSSION/POSSIBLE ACTION)

Each year, the Executive Committee recommends a legislative program to the Board of Directors for the next calendar year. Consistent with past programs, the draft 2014 Legislative Program includes policies and proposals for possible federal and state legislation and local activities.
Jaymie Bradford, Senior Legislative Analyst, presented the item and asked the Executive Committee to review and discuss the draft 2014 Legislative Program.

**Action:** This item was presented for discussion.

5. **REVIEW OF DRAFT BOARD AGENDAS (APPROVE)**

   A. **Draft Board Business Agenda - November 15, 2013**

Renée Wasmund, Chief Deputy Executive Director, presented the draft agenda for the November 15, 2013, Board Business meeting.

   B. **Draft Board Policy Agenda - December 6, 2013**

Ms. Wasmund presented the draft agenda for the December 6, 2013, Board Policy meeting.

**Action:** Upon a motion by Councilmember Emerald and a second by Mayor Sinnott, the Executive Committee approved the draft agenda for the November 15, 2013, Board Business meeting, as amended, and the draft agenda for the December 6, 2013, Board Policy meeting.

6. **PROPERTY ASSESSED CLEAN ENERGY OR “PACE” PROGRAM (DISCUSSION/POSSIBLE ACTION)**

Property Assessed Clean Energy or “PACE” programs allow local government entities to offer sustainable energy project loans to eligible property owners.

Supervisor Greg Cox (Chairman, County of San Diego) provided an overview of the PACE programs.

Supervisor Dave Roberts, County of San Diego, spoke in support of PACE programs and supported the involvement of SANDAG with PACE.

Dustin Reilich, Home Energy Renovation Opportunities (HERO), spoke in support of PACE programs, and presented information on the HERO Program.

Jim Waring, Cleantech San Diego, spoke in support of PACE programs, and supported the involvement of SANDAG with PACE.

Crystal Crawford, Ygrene Energy Fund, spoke in support of PACE programs, and supported the involvement of SANDAG with PACE.

**Action:** Upon a motion by Councilmember Emerald and a second by Mayor Madrid, the Executive Committee directed staff to develop a framework of options for the PACE Program and address outstanding issues raised, while adhering to the four-hour limit in Board Policy for performing work not included in the Program Budget.

7. **CONTINUED PUBLIC COMMENTS**

Mr. Mitch Meredith, a member of the public, spoke of his interest in applying for the Chief Deputy Executive Director position at SANDAG.
8. UPCOMING MEETINGS

The next meeting of the Executive Committee is scheduled for Friday, December 6, 2013, at 9 a.m. (first Friday due to the holiday schedule).

9. ADJOURNMENT

First Vice Chair Janney adjourned the meeting at 9:53 a.m.

Attachment: Attendance Sheet
# CONFIRMED ATTENDANCE
## SANDAG EXECUTIVE COMMITTEE MEETING
## NOVEMBER 1, 2013

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<td>Marti Emerald</td>
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<td>Greg Cox</td>
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<td>Bill Horn</td>
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LEGISLATIVE STATUS REPORT

File Number 7300400

Introduction

Monthly status reports on legislative activities are provided to the Executive Committee. Attachments 1 and 2 respectively include summaries from Ellison Wilson Advocacy on state legislative activity and from Peyser and Associates on federal legislative activity related to SANDAG for the month of November.

KIM KAWADA
TransNet and Legislative Affairs Program Director

Attachment(s): 1. Report from Ellison Wilson Advocacy
2. Report from Peyser and Associates

Key Staff Contact: Victoria Stackwick, (619) 699-6926, victoria.stackwick@sandag.org
TO: SANDAG BOARD OF DIRECTORS  
FROM: ELLISON WILSON ADVOCACY, LLC  
SUBJECT: SANDAG LEGISLATIVE ACTIVITY REPORT – OCTOBER/NOVEMBER 2013

CAPITOL UPDATE

In typically chaotic fashion, the first year of the two-year 2013-14 Legislative Session concluded late on September 12 and Interim Recess began upon adjournment. The Governor had until Sunday, October 13 to sign or veto all bills passed by the Legislature. In total, of the 2,540 bills introduced in 2013, only 896 successfully navigated the legislative process and made it to the Governor's desk. Of those, the Governor signed 800 new bills into law, and vetoed only 96 measures.

The Legislature is not scheduled to return until Monday, January 6, 2014. January will be particularly active, as January 31 is the deadline for all bills introduced in 2013 to be passed out of their House of Origin. Shortly thereafter, we will see the massive influx of new 2014 bills introduced, as the deadline to introduce new bills will be during the last week of February. Each of these bills will need to be heard in its respective policy and fiscal committees and passed off the Floor in its House of Origin by June 1, before each is sent to the second house. The Legislature will recess for about a month in July, and then return for the final sprint with an August 31 deadline for all bills to be passed by the Legislature. The Governor will then have until September 30 to sign or veto each bill that is placed on his desk.

Over the upcoming few weeks we will be meeting with staff from several policy committees as well as representatives from associated groups to get a sense for transportation and local government issues that are anticipated to be raised in 2014.

One issue that is being explored by the Senate Transportation and Housing Committee during the off-season is a review of “lessons learned” from the Bay Bridge Project, and how these lessons can be applied going forward for similar “megaprojects,” including High Speed Rail. On November 13, we attended the first of informational hearings on the matter, entitled “How to Save the State Billions: Improving Megaproject Outcomes.”

Overall, the hearing itself lasted a bit over two hours and according to the Committee Chair, Senator DeSaulnier, would be the first of “at least three” hearings on the subject from now throughout January. The second hearing would focus on the Bay Bridge, and any lessons that can be learned, and the third hearing would focus on “Caltrans Reform” as a result from problems that arose on the
Bay Bridge Project. Any findings from these three hearings will likely appear in a comprehensive legislative proposal that will be brought forward in 2014. Senator DeSaulnier was the only legislator present at this first hearing, but several committee consultants were present. The expert panel consisted of Alexander Budzier, Researcher from the BT Centre for Major Programme Management at Oxford University; Virginia Greiman, Professor at the Kennedy School of Government and Law School at Harvard University; William Ibbs, Professor at the Civil and Environmental Engineering Department at the University of California, Berkeley; and Louis Thompson, Chair of the California High Speed Rail Peer Review Group and Former Railways Advisor at the World Bank. Budzier spoke about a recently completed study he performed on a number of infrastructure projects from 1919-2001, which found that the average cost overrun on such projects was 34 percent, and 9 out of 10 of these projects were overrun. According to him, the overruns were the result of bias – both from “strategic misrepresentation” and optimism – and that the misrepresentations were mostly made by the project proposers “just to get the project going.” He made a specific recommendation for independent cost estimates to be completed. Greiman served as a key advisor for Boston’s “Big Dig” project (which started with a cost of $2.5 billion and ballooned into a final cost of $15 billion). She advocated for strict accountability measures and urged the Committee to give stakeholders an increased level of responsibility on these projects. Ibbs noted three specific ideas for consideration: 1) make full use of computer-based tools; 2) use integrated project delivery systems (i.e., a joint pact between parties that shares cost overruns); and 3) establishing a compact between the Governor, the Legislature, and the High Speed Rail Authority. Thompson advocated for a number of recommendations, including making efforts to affect a project at the outset, rather than before it has been funded and is too late, bringing the private sector into a project as soon as possible, putting in place regular reporting mechanisms for clear useful objectives, and taking the recommendations of the Legislative Analyst’s Office.

We will continue to monitor these efforts, as well as all other pertinent matters, and will keep SANDAG apprised going forward.

**ACTIVITY REPORT**

10/1: Provided updates to SANDAG staff on Governor’s actions (signed) on AB 946 (Stone), the Monterey and Santa Cruz Counties transit bill.

10/4: Provided updates to SANDAG staff on Governor’s actions (signed) on AB 1222 (Bloom), which exempts certain public transit workers from the requirements of the Public Employees' Pension Reform Act of 2013.

10/7: Bi-weekly teleconference with SANDAG staff. Provided updates to SANDAG staff on Governor’s actions (signed) on AB 401 (Daly), which authorizes the use of design-build procurements for highways and expressways. Provided SANDAG staff with comprehensive review of public safety legislation introduced in 2013, including each bill’s status.

10/8: Provided updates to SANDAG staff on Governor’s actions (signed) on AB 417 (Frazier), which establishes a California Environmental Quality Act exemption for a “bicycle transportation plan prepared pursuant to Section 891.2 of the Streets and Highways Code for an urbanized area for restriping of streets and highways; bicycle parking and storage; signal timing to improve street and highway intersection operations; and related signage for bicycles, pedestrians, and vehicles.”

10/14: Provided updates to SANDAG staff on Governor’s actions (vetoed) on AB 1290 (Perez), which would have modified the composition of the California Transportation Commission
and imposed new duties relative to assessing progress in implementing sustainable communities strategies.

10/15: Communication with SANDAG staff re: the SANDAG annual retreat in January 2014.
10/21: Bi-weekly teleconference with SANDAG staff. At SANDAG staff’s request, researched and created a comprehensive report of bills impacting Transit-Oriented Development and rail that were introduced in 2013, including a brief summary and each bill’s current status; provided report to SANDAG staff.
11/13: Attended/monitored Senate Transportation and Housing Committee informational hearing on “How to Save the State Billions: Improving Megaproject Outcomes;” communicated with Committee staff regarding future hearing topics; provided subsequent updates to SANDAG staff.
Biden and Foxx Tout Infrastructure Investment

Vice President Joe Biden and U.S. Department of Transportation (DOT) Secretary Anthony Foxx toured a CSX intermodal rail facility in Northwest Ohio this week and stressed the importance of infrastructure investment as a means to keeping the economy moving. “Infrastructure projects like this cutting-edge facility are the backbone of a growing American middle class and a thriving American economy,” Foxx said. “This facility provides tremendous benefits locally, regionally, and for the entire nation.” The CSX facility is a key part of the company’s National Gateway freight initiative. The National Gateway is an $850 million public private partnership to create a highly efficient and environmentally friendly, double-stack cleared rail corridor between the Mid-Atlantic and Midwest.

Transit P3 in Maryland Advances

The State of Maryland’s Board of Public Works on November 6 approved the issuance of a Request for Qualifications (RFQ) for the development of the Purple Line light-rail transit project as a P3 project. The state anticipates issuing the RFQ very soon, with a 30-day response period. Their goal is to select a private sector team to design, build, operate, maintain, and finance the project. They are planning to use an availability payment model assisted by a Transportation Infrastructure Finance and Innovation Act loan to support the project finance plan. They are hoping the successful project team will supply equity equal to about 10 percent of the estimated project cost of $2 billion.

The Board of Public Works approval was delayed a few weeks while the state worked to smooth out some issues regarding labor and workforce issues and the treatment of project debt as it relates to statutory debt caps. The pre-solicitation report approved this week includes newly added language indicating the state’s goals with regard to labor peace, wages and benefits, and equity investment by public pension plans. If possible, project teams follow the policy guidance in the report; this P3 would have a uniquely Maryland stamp on it and may even prove to be one transit unions could support.

If the Purple Line goes forward as envisioned by the state, it would be the second Design-Build-Operate-Maintain-Finance transit project in the U.S., after the Denver Eagle Project.

Conessional Update – FY2014 Budget Conference

The House-Senate conference committee, working to craft a FY 2014 budget deal by a December 13 deadline, met again this week, but there is little concrete action to report. House
Budget Committee Chairman Paul Ryan (R-WI) and Senate Budget Committee Chairwoman Patty Murray (D-WA) have been talking privately, but no deals have been made. Appropriators continue to push for an agreement as early as the end of November to help move things along before the current Continuing Resolution expires on January 15. However, Ryan took the opportunity during this week’s meeting to remind folks that the December 13 deadline is non-binding and the committee may miss the deadline. Any sort of “grand bargain” is almost an impossibility, but what many lawmakers would like to see is a solution that prevents the next round of sequestration cuts coming in January that will impact the Department of Defense.

The head of the Congressional Budget Office (CBO) appeared at the conference committee and spoke about his agency’s release of its biennial report on spending and revenue options to reduce the budget deficit, with 103 policy provisions listed as options. Many of them will never move forward. On the transportation front, if no new money is provided to the Highway Trust Fund (HTF), the CBO says DOT will have to cut out $65 billion over the next ten years. The report says that a 35 cent gas tax increase, along with indexing for inflation, will raise $207 billion over five years. Other ideas that get a write-up in the document include the elimination of Amtrak subsidies and Federal Transit Administration Capital Investment Grants. The arguments for and against such an idea (CBO is supposed to be non-partisan) can be found on page 84 of the CBO document (http://www.cbo.gov/sites/default/files/cbofiles/attachments/44715-OptionsForReducingDeficit.pdf).

Warner to Introduce Infrastructure Bank Bill

Virginia Democratic Senator Mark Warner will lead a bipartisan group of senators today to introduce legislation to create an infrastructure bank for large-scale projects. The legislation (Building and Renewing Infrastructure for Development and Growth in Employment Act or BRIDGE Act) will be similar to what Warner introduced in 2011, which was a $10 billion fund to leverage up to $640 billion in private investment for bridges, rail and road projects using loans, and loan guarantees.

Joining with Warner as original co-sponsors of the this session’s bill are Senators Roy Blunt (R-MO), Lindsey Graham (R-SC), Kirsten Gillibrand (D-NY), Dean Heller (R-NV), Chris Coons (D-DE), Amy Klobuchar (D-MN), Roger Wicker (R-MS) and Claire McCaskill (D-MO). Full Commerce Committee ranking member John Thune (R-SD), who has expressed support for alternative financing proposals as long as they do not take money away from HTF, told reporters that he does not expect to see action on such an idea this year, but it is likely to be brought up as part of next year’s transportation reauthorization debate.

Passenger Rail Investment and Improvement Act Reauthorization

We confirmed with the House Transportation and Improvement Committee this week that there is no action currently planned for a rail reauthorization bill. That does not preclude legislative action at some level before the end of the year, but only 12 legislative days remain in 2013 based on the current schedule. On the Administration front, the Federal Railroad Administration (FRA) tells us they hope the Administration’s draft Passenger Rail Investment and Improvement Act reauthorization bill will be sent to the Hill “very soon.” One element of that draft bill is likely to be a request that the FRA be given authority to waive the Positive Train Control deadline on a case-by-case basis.
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<td>Research and respond to email regarding Moving Ahead for Progress in the 21st Century (MAP-21) Research &amp; Development (R&amp;D) funding</td>
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<td>11/7</td>
<td>Prepare weekly transportation update and send to SANDAG, Metropolitan Transit System (MTS), and North County Transit District (NCTD) Emails regarding MAP-21 transit R&amp;D funding</td>
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<td>11/12</td>
<td>Biweekly teleconference with V. Stackwick, K. Kawada, and S. Cooney</td>
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<td>11/14</td>
<td>Prepare weekly transportation update and send to SANDAG, MTS, and NCTD</td>
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<td>11/18</td>
<td>Review traffic and revenue forecast for State Route 11/Otay Mesa East Project; email exchange with C. Casgar on same</td>
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PROPOSED 2014 LEGISLATIVE PROGRAM

Introduction

Each year, the Executive Committee recommends a legislative program to the Board of Directors for the upcoming year. Consistent with past programs, the proposed 2014 Legislative Program (Attachment 1) includes policies and programs for federal and state legislation as well as local activities. The Executive Committee reviewed the draft program at its November 1, 2013, meeting.

Discussion

The SANDAG Legislative Program serves as a road map for Board members and staff to follow as legislation is introduced and activities occur during the federal and state legislative sessions. The program is organized into three sections that relate to the level of effort needed to support corresponding legislative activities: (1) Sponsor, (2) Support/Oppose, and (3) Monitor. Within each section, individual goals are assigned a priority level, ranging from highest priority to lower priority. The program also lists the Board position, position year, which Policy Advisory Committee is involved, and whether the goals include federal, state, and/or local efforts. Changes from the 2013 Legislative Program are discussed below.

In addition, legislative highlights from calendar year 2013 are summarized in Attachment 2 of this report. A summary of monthly legislative activities is included as Agenda Item No. 3 of the December 6, 2013, Executive Committee agenda.

Proposed Modifications

The following goals are proposed to be modified:

- Goal No. 5A – Pursue legislative and/or administrative reform of the Regional Housing Needs Assessment process and state housing element law.

Last year, the California Department of Housing and Community Development enacted administrative changes that streamlined the housing element process for local jurisdictions. It still warrants inclusion in the legislative program, but in the category of “support” instead of “sponsor.” This goal is now proposed to be listed as Goal No. 13B.

- Goal No. 3B – Support efforts to pursue public transit funding, including a Full Funding Grant Agreement for the Mid-Coast Corridor Transit Project and continued support for intercity rail.

Recommendation

The Executive Committee is asked to recommend that the Board of Directors approve the proposed 2014 Legislative Program.
Staff proposes to include seeking a Full Funding Grant Agreement (FFGA) for the Mid-Coast Corridor Transit Project within Goal No. 3B due to the size and significance of the project. A Record of Decision for the Mid-Coast Project is anticipated in 2014, with an FFGA to follow.

Proposed New Goals

Two new goals are proposed for the draft 2014 Legislative Program:

- Goal No. 6A – Pursue policy and/or legislative changes to streamline or reform the California Environmental Quality Act (CEQA) for public transit improvements, active transportation projects, and other transportation projects located within existing rights-of-way.

The state continues to pursue CEQA streamlining and reform as a means to facilitate and accelerate critical infrastructure projects that support sustainable land use and transportation planning while respecting the environment, such as the recent legislation to remove the need to perform CEQA analysis on bicycle plans. Certainty in the process and clarity of levels of CEQA analysis would be beneficial next steps in streamlining efforts to advance public transit and active transportation projects consistent with the SANDAG Regional Transportation Plan and its Sustainable Communities Strategy (RTP/SCS).

- Goal No. 7A – Pursue policy and/or legislative changes to improve the planning and implementation of the RTP/SCS, including modifying the required planning cycle for major updates of the RTP/SCS and clarifying the level of CEQA analysis required for the associated program environmental document.

Current law requires RTP/SCS updates every four years and the Regional Housing Needs Assessment (RHNA) to be updated every eight years. Given the time and resources required to develop a major RTP/SCS update, extending the planning cycle to every eight years (consistent with the RHNA cycle) or to every ten years (to coincide with the U.S. Census) would be prudent. Major updates could occur on an eight to ten-year cycle, with less intensive technical updates occurring as needed in the interim years. This would allow attention to be focused on RTP/SCS implementation between major plan updates.

Next Steps

Should the Executive Committee recommend approval, action on the 2014 Legislative Program is scheduled for the December 20, 2013, Board of Directors meeting.

KIM KAWADA
TransNet and Legislative Affairs Program Director

Attachment(s): 1. Proposed 2014 Legislative Program
               2. 2013 Legislative Highlights

Key Staff Contact: Jaymie Bradford, (619) 699-1994, jaymie.bradford@sandag.org
## PROPOSED 2014 LEGISLATIVE PROGRAM

**OVERARCHING GOAL:** Pursue policy and legislative changes that enable SANDAG to better implement its adopted plans and programs.

### (A) SPONSOR

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<th>JURISDICTION</th>
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<tbody>
<tr>
<td>1A</td>
<td>Work with federal, state, and local stakeholders to implement Moving Ahead for Progress in the 21st Century including appropriate funding levels, goods movement and border programs, transit investment and reforms, process improvements (including streamlined environmental processes), active transportation, and tribal transportation planning. (2007, 2012)</td>
<td>Highest</td>
<td>Sponsor</td>
<td>X</td>
<td></td>
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<td>Federal/State</td>
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<tr>
<td>2A</td>
<td>Pursue resources and funding mechanisms consistent with financial strategies adopted in the Regional Transportation Plan (RTP) and Regional Comprehensive Plan (RCP), including but not limited to increasing revenues for transportation, cap-and-trade revenues, gas tax or equivalent revenue sources, bond measures, public/private partnerships, and smart growth. (2012)</td>
<td>Highest</td>
<td>Sponsor</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Federal/State/Local</td>
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<tr>
<td>3A</td>
<td>Expand access to resources and technical tools that will enable SANDAG to implement the 2050 RTP and its Sustainable Communities Strategy (SCS). (2009)</td>
<td>Highest</td>
<td>Sponsor</td>
<td>X</td>
<td>X</td>
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<td>Federal/State</td>
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<tr>
<td>4A</td>
<td>Pursue policy and/or legislative changes to enable the use of freeway shoulders as transit lanes on major corridors in the San Diego region. (2006)</td>
<td>High</td>
<td>Sponsor</td>
<td>X</td>
<td></td>
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<td>State</td>
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<tr>
<td>5A</td>
<td>Pursue efforts that address border transportation infrastructure needs consistent with the RTP, RCP, and California-Baja California Border Master Plan. (2012)</td>
<td>High</td>
<td>Sponsor</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Federal/State/Local</td>
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<tr>
<td>6A</td>
<td>Pursue policy and/or legislative changes to streamline or reform the California Environmental Quality Act (CEQA) for public transit improvements, active transportation projects, and other transportation projects located within existing rights-of-way. (2013)</td>
<td>High</td>
<td>Sponsor</td>
<td>X</td>
<td>X</td>
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<tr>
<td>7A</td>
<td>Pursue policy and/or legislative changes to improve the planning and implementation of the RTP/SCS, including modifying the required planning cycle for major updates of the RTP/SCS and clarifying the level of CEQA analysis required for the associated program environmental document. (2013)</td>
<td>High</td>
<td>Sponsor</td>
<td>X</td>
<td>X</td>
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(B) SUPPORT/OPPOSE

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<tbody>
<tr>
<td>1B</td>
<td>Legislation that provides incentives to jurisdictions that provide opportunities for more housing, including affordable and transit-oriented developments, supports regional fair-share allocation of housing funds, and provides additional affordable housing funding with greater local/regional control. (2002)</td>
<td>Highest</td>
<td>Support</td>
<td></td>
<td>X</td>
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<td>Federal/State</td>
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<tr>
<td>2B</td>
<td>Support policies and/or legislation implementing climate change plans and programs, including cap-and-trade that are consistent with the RCP and RTP. (2007)</td>
<td>Highest</td>
<td>Support</td>
<td>X</td>
<td>X</td>
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<td>Federal/State/Local</td>
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<tr>
<td>3B</td>
<td>Support efforts to pursue public transit funding, including a Full Funding Grant Agreement for the Mid-Coast Corridor Transit Project and continued support for intercity rail. (2008, 2013)</td>
<td>Highest</td>
<td>Support</td>
<td></td>
<td>X</td>
<td></td>
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<td>State</td>
</tr>
<tr>
<td>4B</td>
<td>Efforts to pursue resources to improve regional public safety voice and data communications and interoperability, including connectivity with state and federal systems. (2005)</td>
<td>Highest</td>
<td>Support</td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td>5B</td>
<td>Efforts to pursue funding at both the state and federal levels to improve public safety and security in the San Diego region through Automated Regional Justice Information System operations and enhancements, regional transportation system improvements, and activities related to regional emergency preparedness, prevention, and response to catastrophic events. (2003, 2005, 2011)</td>
<td>Highest</td>
<td>Support</td>
<td>X</td>
<td>X</td>
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<tr>
<td>6B</td>
<td>Fiscal reform initiatives that enable regions to develop their own fiscal strategies and oppose unfunded mandates on local governments. Pursue initiatives that balance the fiscal influence that sales tax revenues have upon local land use decisions. (2002)</td>
<td>Highest</td>
<td>Support</td>
<td>X</td>
<td></td>
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<tr>
<td>7B</td>
<td>Lower the current two-thirds voter requirement for special purpose taxes, such as transportation and quality of life improvements, to a simple majority vote. (2002)</td>
<td>Highest</td>
<td>Support</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>State</td>
</tr>
<tr>
<td>8B</td>
<td>Efforts assisting in the implementation of key environmental issues, including habitat conservation, planning, beach restoration and replenishment, and water quality-related issues. (2002)</td>
<td>Higher</td>
<td>Support</td>
<td>X</td>
<td></td>
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<td>State/Local</td>
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<tr>
<td>9B</td>
<td>Mechanisms providing for the implementation of the RTP, including value pricing, Managed Lanes, high occupancy toll lanes, the alleviation of current constraints on transponder technology, transit priority treatments, Transportation Demand Management, and other efforts that promote efficient use of highways and local roads. (2003)</td>
<td>Higher</td>
<td>Support</td>
<td>X</td>
<td></td>
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<td>Federal/State</td>
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<tr>
<td>10B</td>
<td>Support energy-related legislation, programs, and policies that are consistent with the Regional Energy Strategy. (2002)</td>
<td>Higher</td>
<td>Support</td>
<td>X</td>
<td></td>
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<td>Federal/State/Local</td>
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<tr>
<td>11B</td>
<td>Efforts to expand available methods of transportation project delivery, including design-build, design sequencing, construction manager/general contractor, and other alternative methods that expedite connectivity with state and federal systems. (2005)</td>
<td>High</td>
<td>Support</td>
<td>X</td>
<td></td>
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<td>State</td>
</tr>
<tr>
<td>12B</td>
<td>Efforts to support funding opportunities and legislation that promote the implementation of effective and collaborative strategies and programs that maintain public safety and promote quality of life, including initiatives that address substance abuse and graffiti abatement, and reduce youth and gang violence. (2005, 2009)</td>
<td>High</td>
<td>Support</td>
<td>X</td>
<td></td>
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<td>Federal/State/Local</td>
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<tr>
<td>14B</td>
<td>Support legislation and/or policies that promote governmental efficiencies and cost savings. (2009)</td>
<td>High</td>
<td>Support</td>
<td>X</td>
<td>X</td>
<td>X</td>
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(C) MONITOR

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<tbody>
<tr>
<td>1C</td>
<td>Proposals that limit the use of eminent domain for public infrastructure projects. (2005)</td>
<td>Lower</td>
<td>Monitor/Respond</td>
<td>X</td>
<td>X</td>
<td></td>
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<td>Federal/State</td>
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<tr>
<td>2C</td>
<td>Legislation affecting solid waste, water supply, and storm water, support of funding opportunities to assist in these areas. (2003)</td>
<td>Lower</td>
<td>Monitor/Respond</td>
<td>X</td>
<td>X</td>
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<td>State/Local</td>
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<tr>
<td>3C</td>
<td>Legislation relating to personnel matters, i.e., workers’ compensation, Public Employee Retirement System benefits, and other labor-related issues. (2003)</td>
<td>Lower</td>
<td>Monitor/Respond</td>
<td></td>
<td></td>
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<td></td>
<td>Federal/State/Local</td>
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<tr>
<td>4C</td>
<td>Legislation requiring local agencies to implement new administrative compliance measures. (2005)</td>
<td>Lower</td>
<td>Monitor/Respond</td>
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2013 Legislative Highlights

The Executive Committee was updated on a variety of federal and state legislative matters throughout the year. Of the measures reviewed, notable legislative actions in 2013 include:

- On September 27, 2013, the Governor signed into law Assembly Bill 179 (AB 179) (Chapter 375, Statutes of 2013), by Assembly Member Raul Bocanegra (D-Los Angeles). Initially opposed by SANDAG, AB 179 applies new restrictions for retention and sharing of personally identifiable information for both transit and toll road users. Data retention was proposed to be limited to six months, which would have undermined the ability of SANDAG to respond to customer inquiries and prohibit SANDAG from meeting credit card company requirements to retain customer data for 18 months. The author ultimately amended the legislation to extend the timeframe to be consistent with existing statutes at 4½ years.

- On September 27, 2013, the Governor signed into law Senate Bill 743 (SB 743) (Chapter 386, Statutes of 2013), by Senator Darrell Steinberg (D-Sacramento), and on October 7, 2013, he signed Assembly Bill 417 (AB 417) (Chapter 613, Statutes of 2013) by Assembly Member Jim Frazier (D-Oakley). California Environmental Quality Act (CEQA) reform discussions occurred throughout 2013 as part of the crafting of legislation by Senator Steinberg, originally in the form of Senate Bill 731 (SB 731). On the last day prior to legislative recess, Senator Steinberg abandoned SB 731, only to gut-and-amend SB 743 and shift focus to assisting the development of a new sports arena in downtown Sacramento. A couple of reforms from SB 731 were included, such as exempting aesthetic and parking impacts in transit priority areas from CEQA analysis and authorizing the development of new guidelines for measuring traffic impacts. On a positive note, AB 417 provides narrow exemptions (restriping of streets and highways, bicycle parking and storage, signal timing and related signage) for bicycle transportation plans in urbanized areas until 2018.

- On May 14, 2013, the Governor introduced the May Budget Revise, which included a $500 million loan from cap-and-trade auction proceeds from the Greenhouse Gas Reduction Fund to the General Fund. SANDAG participated in a coalition of transportation-related and environmental groups, the Transportation Coalition for Livable Communities (Coalition), to support Assembly Bill 574 (AB 574) by Assembly Member Bonnie Lowenthal (D-Long Beach), the Chair of Assembly Transportation Committee. AB 574 would have established a program to allocate a portion of cap-and-trade revenues to help local governments implement sustainable communities strategies and other regional transportation plans required by law. Although AB 574 did not advance due to the Governor's approved loan proposal, SANDAG continues to work with the Coalition to achieve the same principles through administrative and regulatory processes via California Air Resources Board hearings on the AB 32 Scoping Plan, which is where the Governor has indicated policy related to distribution of cap-and-trade revenues would be established.

- At the request of Orange County Transportation Authority, on September 13, 2013, SANDAG adopted a support position on Assembly Bill 401 (AB 401) (Daly) (Chapter 586, Statutes of 2013), which authorizes Caltrans to use design-build procurement for up to ten projects on state highways, and allows for unlimited authority for regional transportation agencies on expressways not on the state highway system until January 1, 2024. Governor Brown signed AB 401 on October 5, 2013.
• **Assembly Bill 1222 (AB 1222) (Chapter 527, Statutes of 2013)** by Assembly Member Richard Bloom (D-Santa Monica) creates a one-year exemption from the Public Employees' Pension Reform Act (PEPRA) of 2013 for transit employees covered under the Section 13(c) provisions of the Federal Transit Act. This legislation allows for grant funds to be released while litigation proceeds and a final decision on the status of transit employees under PEPRA is determined.

• **SANDAG** worked closely with Metropolitan Transit System and California Transit Association to oppose Senate Bill 556 (SB 556) (Corbett), which would prohibit persons working or affiliated with a nongovernmental entity contracted to perform services relating to public health or safety for a public entity from displaying on a vehicle or uniform a logo that could be interpreted as working directly for the public entity unless a disclosure is conspicuously displayed. SB 556 is a two-year bill and we will continue to monitor it.

• **SANDAG** collaborated with a coalition of regional agencies to amend and improve Assembly Bill 1290 (AB 1290) (Perez). Ultimately vetoed by the Governor, AB 1290 would have provided two additional voting members to the California Transportation Commission (CTC) and require transportation planning agencies that prepare a sustainable communities strategy as part of its regional transportation plan to provide the CTC with a copy of the strategy and a progress report on the reduction of greenhouse gas emissions.

• Finally, **SANDAG** supported Assembly Joint Resolution 4 (AJR 4) (Res. Chapter 24, Statutes of 2013), authored by Senator Ben Hueso (D-San Diego), which memorializes the Legislature’s desire to have the federal government fund improvements at the San Ysidro, Otay Mesa, and Calexico Ports of Entry. AJR 4 passed both the Assembly and Senate without opposition.
REVIEW OF DECEMBER 20, 2013, DRAFT BOARD BUSINESS AGENDA

ITEM #  RECOMMENDATION

+1. APPROVAL OF NOVEMBER 15, 2013, MEETING MINUTES  APPROVE

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 (Kim Kawada)  APPROVE

This item summarizes the actions taken by the Borders Committee on November 15, the Executive and Regional Planning Committees on December 6, and the Transportation and Public Safety Committees on December 13, 2013. The Board of Directors is asked to ratify the actions of the Policy Advisory Committees.

CONSENT (4 through xx)

+4. MEMORANDUM OF UNDERSTANDING FOR THE SAN YSIDRO LAND PORT OF ENTRY VIRGINIA AVENUE TRANSIT FACILITY PROJECT (Jennifer Williamson)  APPROVE

The U.S. General Services Administration is requesting that SANDAG, the City of San Diego, Caltrans, and Metropolitan Transit System enter into a Memorandum of Understanding (MOU) for the funding, design, and construction of the Virginia Avenue Transit Facility Project. The Board of Directors is asked to authorize the Executive Director to enter into the MOU in substantially the same form as attached to the report.

+5. PROPOSED AMENDMENTS TO CONFLICT OF INTEREST CODE (Julie Wiley)  APPROVE

Every two years, staff reviews the SANDAG Conflict of Interest Code to determine if updates are needed. Proposed amendments to the Code shown in the attachment to the staff report reflect updates to existing job titles and the addition of new positions to the list of designated positions.
+6. **AUTHORIZATION FOR ACCESS TO STATE BOARD OF EQUALIZATION TAX RECORDS FOR SALES AND USE TAX AUDITING, RECOVERY, AND REPORTING SERVICES (Ariana zur Nieden)**

The Board of Directors is asked to approve Resolution No. RTC-2014-XX, authorizing MuniServices to access State Board of Equalization tax records for sales and use tax auditing, recovery, and reporting services for the TransNet Program.

+7. **APPROVAL OF PROPOSED SOLICITATIONS AND CONTRACTS (Laura Coté)**

The Board of Directors is asked to review and approve the proposed solicitations and contract awards summarized in the attached reports:

A. Solicitations
B. Contract Awards

+8. **REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY THE EXECUTIVE DIRECTOR (André Douzdjian)**

In accordance with various SANDAG Board Policies, this report summarizes certain delegated actions taken by the Executive Director since the last Board of Directors meeting.

+9. **REPORT 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.

+10. **CHAIR’S REPORT (11)**

+11. **ELECTION OF 2014 SANDAG BOARD OFFICERS (National City Mayor Ron Morrison, Nominating Committee Chair)**

The Nominating Committee recommends the attached slate of candidates for SANDAG Chair, First Vice Chair, and Second Vice Chair for calendar year 2014. Additional nominations for any officer position may be made by Board members at the December meeting. The Board of Directors is asked to elect SANDAG Board Officers for the upcoming year.

**REPORTS (12 through xx)**

+12. **PROPOSED 2014 LEGISLATIVE PROGRAM (First Vice Chair Jim Janney; Jaymie Bradford)**

Consistent with past programs, the proposed legislative program for calendar year 2014 includes policies and proposals for possible federal and state legislation and local activities. The Executive Committee recommends that the Board of Directors approve the proposed 2014 SANDAG Legislative Program.
+13. METROPOLITAN TRANSPORTATION COMMISSION REQUEST FOR SUPPORT OF AMICUS BRIEF FILING IN ITS REGIONAL TRANSPORTATION PLAN LITIGATION (Julie Wiley)

Four petitions for writ have been filed against Metropolitan Transportation Commission (MTC), the Metropolitan Planning Organization for the San Francisco Bay Area, for the Regional Transportation Plan and Sustainable Communities Strategy adopted by MTC in September 2013. The Board of Directors is asked to authorize SANDAG to assist in preparing and filing an amicus brief, along with other interested agencies in support of MTC, in the cases described in the report.

+14. SAN DIEGO FORWARD: THE REGIONAL PLAN: PROPOSED UNCONSTRAINED TRANSPORTATION NETWORK (San Diego Interim Mayor Todd Gloria, Transportation Committee Chair; Phil Trom)*

The Transportation and Regional Planning Committees recommend that the Board of Directors accept the proposed Unconstrained Transportation Network for use in the development of San Diego Forward: The Regional Plan.

+15. RECOMMENDATIONS FROM THE 2013 BINATIONAL SEMINAR: MOVING THE BORDER FORWARD: COMPETITIVENESS AND SUSTAINABILITY (Vice Mayor John Minto, Borders Committee Chair; Hector Vanegas, SANDAG)

The Borders Committee recommends that the Board of Directors accept the recommendations from the 2013 Binational Seminar entitled "Moving the Border Forward: Competitiveness and Sustainability."

+16. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM UPDATE (Laura Coté and Elaine Richardson)

Staff will present an annual update on the agency's Disadvantaged Business Enterprise Program for federal fiscal year 2013.

+17. CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 – INLAND RAIL TRAIL PROJECT (Gregory Rodriguez)*

SANDAG will update the Board of Directors on the status of negotiations with various property owners along the Inland Rail Trail Project regarding price and payment terms for acquisition of the property interests in approximately 74 properties that will be identified in the final Board of Directors agenda.

Negotiators on behalf of SANDAG: Emilio Rodriguez, SANDAG; Gregory Rodriguez, SANDAG; Brad Kuhn, Nossaman LLP; and Chip Willett, Dokken Engineering.
CLOSED SESSION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 – SORRENTO VALLEY DOUBLE TRACK PROJECT (Gregory Rodriguez)*

SANDAG staff will update the Board of Directors on the status of negotiations with property owners along the Sorrento Valley Double Track Project regarding price and payment terms for acquisition of the property interests in the following properties: (1) 11722 Sorrento Valley Road, San Diego, CA 92121 (AGP Sorrento R&D Addition, LP); and (2) 11230 Sorrento Valley Road, San Diego, CA 92121 (Soval, LLC).

Negotiators on behalf of SANDAG: Bruce Smith, SANDAG; Gregory Rodriguez, SANDAG; Brad Kuhn, Nossaman LLP; and Julie Wood, HDR Engineering, Inc.

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2) – FOUR POTENTIAL CASES (John Kirk)

The Board of Directors will be briefed on four applications to present late claims stemming from alleged damages from the Regional Beach Sand Project in late 2012. The claimants are Boca Rio Homeowners Association (HOA); Michael and Robin Clegg; The Dolphins HOA; and Seacoast LLC.

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.

UPCOMING MEETINGS

The next Board Policy meeting is scheduled for Friday, January 10, 2014, at 10 a.m. The next Board Business meeting is scheduled for Friday, January 24, 2014, at 9 a.m.

ADJOURNMENT

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