



**BOARD OF DIRECTORS**  
**MAY 28, 2004**

**AGENDA ITEM NO. 04-05-1-B**  
**ACTION REQUESTED - APPROVE**

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## **BOARD OF DIRECTORS DISCUSSION AND ACTIONS**

Meeting of May 14, 2004

Chairman Ron Morrison (National City) called the meeting of the SANDAG Board of Directors to order at 10:20 a.m. The attendance sheet for the meeting is attached.

1. **ADDITIONS AND DELETIONS**

None.

2. **PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS**

Public comments were taken under Item 3.

### **REPORTS**

3. **COMMISSION ORDINANCE 04-01 – THE SAN DIEGO TRANSPORTATION IMPROVEMENT PROGRAM ORDINANCE AND EXPENDITURE PLAN PROVIDING FOR AN EXTENSION OF THE RETAIL TRANSACTION AND USE TAX IMPLEMENTED BY THE INITIAL SAN DIEGO TRANSPORTATION IMPROVEMENT PROGRAM ORDINANCE (COMMISSION ORDINANCE 87-1 – PROPOSITION A, 1987) FOR A 40-YEAR PERIOD COMMENCING ON APRIL 1, 2008 (RESOLUTION 2004-19) (ADOPTION OF ENVIRONMENTAL FINDINGS AND FIRST READING OF ORDINANCE)**

Chair Morrison noted that there were a lot of requests to speak. He stated that on April 9, 2004, SANDAG accepted the draft TransNet Extension Ordinance and Expenditure Plan for public review and comment. The entire package has been available on the SANDAG Web site. In addition, more than 700 individuals and representatives of various groups as well as all elected officials in the region and their key staff were notified of its availability. Attachment 7, starting on page 95, summarizes the public comments received to-date. There are additional comments that have been distributed to the Board at your places. Based on the public comments and questions raised on the draft material, staff has made minor changes to the language contained in the April 9 version of the Ordinance and the related attachments.

Chair Morrison noted that there are two recommended actions for the Board's consideration. The first is approval of Resolution 2004-19 dealing with the required environmental findings related to the *TransNet Extension*. The second action is to conduct the first reading of the *TransNet* Ordinance.

Chair Morrison indicated that SANDAG's consultant on this matter, D.J. Smith, and Mayor Joe Kellejian, Chair of the Transportation Committee will provide introductory remarks. Then public comments will be heard and Board member comments will follow public comments.

Transportation Committee Chair Joe Kellejian (Mayor, Solana Beach) reported that in April 2003 SANDAG adopted its new Regional Transportation Plan (RTP) known as MOBILITY 2030. The plan was the product of more than two years of detailed analyses, public meetings, and extensive public outreach. The RTP contains a balanced set of transportation improvements throughout the region. The centerpiece of the plan is our collective Regional Transit Vision, which embodies a number of smart growth practices. The intent is to move people—not just vehicles. The extension of *TransNet* is the financial backbone needed to make the adopted RTP a reality. The *TransNet Extension* package contains a balanced set of improvements for all modes of transportation. Unfortunately, earlier this week the County Board of Supervisors voted to oppose the *TransNet Extension* unless it is dramatically changed to provide 50 percent of the funding for highways. This significant detour at this late date is totally inconsistent with the direction we have been headed. Staff's response to the Supervisors' action states that the recommended direction by the County Board would result in more traffic congestion, not less. He strongly encouraged the SANDAG Board to move forward with the well-balanced *TransNet Extension* Ordinance as presented. The extension of TransNet is the major milestone to helping us to determine our region's transportation and mobility future. He asked DJ Smith to comment on issues that have been raised regarding the timing of the election and the potential impact of a major shift in the distribution of funds.

D.J. Smith stated that his comments are based on his experience of 14 years working on sales tax measures. The last two sales tax measures required two-thirds majority votes. He said that a balanced approach is absolutely essential with the voters. The last time a highway dominated measure was on the ballot was in San Bernardino County in 1986, and that measure was defeated. Two years later when a more balanced approach was presented, the measure was victorious. In every single poll in this county, transit has a deep and well-supported interest with voters across the board. We are not going to widen the freeway corridors due to environmental issues and the disruption to residential and business areas. More freeway lanes will not solve the traffic congestion problem. Managed lanes, reversible lanes, and bus rapid transit (BRT) are viewed as practical, efficient, and effective ways to use existing traffic corridors. We are living longer and will not be able to drive when we are older. We are going to have to have a system that older people can use. BRT, under development with other transit modes, will provide that next level of transit that people are expecting.

Mr. Smith said that this is the year to put the measure on the ballot. If Governor Schwarzenegger continues to do well, there is a good chance for his reelection in 2006. That could result in a low voter turnout. If you wait to put it on the 2006 ballot and the measure is not successful, the original *TransNet* Ordinance will terminate. It's much more difficult to gain approval of a new tax over that of extending an existing one. He believed that this is a solid program which is focused on the major concerns of the voters. Any major change in the measure at this time will have a significant negative impact. The stakes are really high for this county. If the tax goes away, it will be catastrophic to this region.

## Public Comments

Supervisor Ron Roberts (County of San Diego) stated that it would be wise to have as strong a consensus as possible on this measure. He shared some of Supervisor Jacob's points regarding the *TransNet* Ordinance as written. One of those concerns was related to making changes to promises to the voters. There are people who are trying to unravel the promises made in the original *TransNet* funding. Part of that promise was a proposal to build light rail to the University City area. Second is the concern over the split of the money. We need to have a balanced proposal. The Metropolitan Transit System (MTS) carries 73 million people a year. There is no roadway in this county that you could dump this amount of people onto without horrendous traffic congestion. He was hopeful that we can reach consensus. He suggested that a transportation study be conducted to determine how roads and transit work together.

Supervisor Pam Slater-Price (County of San Diego) said that the vote by the Board of Supervisors was not an attack on public transit but an emphasis on traffic improvements. What we are asking is to look at the formula that is proposed and at proportions that are consistent with the amount of transit riders in the region. What we find is that in the best case only 2 percent to 6 percent of people use the transit system. BRT is the path of the future because it is more flexible than fixed rail. We have to look at what is on the ground when we do planning. We need to figure out a way to improve our freeways and regional roads and put in place the BRT system. Heavy investment in heavy rail and light rail does not serve the intended purpose of this measure. We are looking for a solution for the future. We need to negotiate with all of the stakeholders to reach agreement.

Thomas Worham, Executive Vice President of Wells Fargo Bank and representing the Economic Development Corporation (EDC), expressed strong support for the *TransNet* Ordinance as presented. Economic development depends on infrastructure that works. If roads are clogged our economy will gravely suffer and the quality of life will be reduced. Businesses tell them that it is important to have highly skilled workers. Renewing *TransNet* can set the course for this region. It can make commutes better. Highway improvements and improvements in transit can be made. Please kept the momentum going and move approval of this Ordinance.

Vincent Mudd, representing San Diego Office Interiors and EDC, indicated that the focus should be on the small and micro businesses in San Diego. San Diego Office Interiors has 35 employees, and almost all of them are on the road. The cost of doing business has increased because it takes longer. We are wondering how long we can afford to do business here. *TransNet* will make a difference in his business. He thought that the one-third funding breakdown seemed to be reasonable. He noted that the hallmark of the service sector is mobility. He urged the Board to adopt the Ordinance and move forward.

Hal Sadler, Chairman of the Centre City Development Corporation (CCDC), commented that CCDC is involved in looking at the future. The downtown San Diego plan contemplates the doubling of the downtown residential population growth and employment. About 25 percent of the people who come into

downtown San Diego today use transit. It is important that future workers have that ability. They are also looking to limit the amount of parking in the inner core. Reduction in transit would cause service to be reduced and will force workers back into cars that would add to congestion. He encouraged the Board to support the one-third funding distribution.

Lisa Briggs, Executive Director, San Diego County Taxpayers Association, stated that the focus should be on the regional transportation system. We need to balance current and future decisions on quantitative data with a real need for flexibility. Overall the Ordinance has complied with these principles. She asked for an independent quality assessment study for transit. She said that the funding levels are not an arbitrary breakdown; but are related to specific projects. She believes this Ordinance is one she can take to her board for support. She said that the need for flexibility and study are key. Changes will need to be made in the future.

Dave Druker, Councilmember, City of Del Mar, and North County Transit District (NCTD) Board member, stated that transit is extremely important, and he was taken aback by the County Board's request that the transit portion be reduced. The public wants to know about the transit plan. Companies want to know about transit. There is a false notion that only 2 percent of trips use transit. If you look at all trips in the region over the entire day, that is true. However, 20 percent to 30 percent of the people going to downtown San Diego are using transit. The Coaster has been extremely successful. Building freeways gives people no alternative. Transit is the only way to address traffic congestion in San Diego.

Bob Emery, Councilmember, City of Poway, and member of the MTS Board, said that the MTS Board unanimously urged the SANDAG Board to approve the *TransNet* Ordinance. Reducing the amount of money for transit would eliminate all major transit projects including BRT, would result in 350,000 more car on the roads, use 600,000 more gallons of gasoline, generate 2.8 million more pounds of smog, and would significantly reduce current operating hours. He noted that 50 percent of nothing is nothing.

Julie Nygaard, past chair of NCTD and representative of the Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency (LOSSAN) said that LOSSAN represents six counties along the coastal rail corridor from San Diego to Los Angeles to San Luis Obispo. Last week, the LOSSAN Board voted unanimously to support local sales tax measures that enhance the accessibility and viability of rail and other public transit services. The *TransNet Extension* would include \$200 million in local match for critical projects along its portion of the coastal rail corridor. These improvements will benefit the Coaster as well as Amtrak, MetroLink, and freight services. With the current *TransNet* program as a local match (\$90 million in *TransNet*), over \$250 million in improvements in the rail corridor have been made. More of our citizens are making the choice to ride public transit. Increased frequency is needed now. *TransNet* will go a long way to meet our needs. We need a balanced picture.

Mitch Mitchell, representing the San Diego Regional Chamber of Commerce, urged the Board's approval for the project list that has been presented with a focus on achieving balance. This could be a tremendous step forward to create traffic

congestion relief and a more positive situation for residents and businesses. It is important to realize that every second counts, every negative statement hurts, and every delay can be catastrophic. As a consumer, he made the decision to lead by example, so he became a Coaster rider to downtown San Diego from Carlsbad. He appreciates the flexibility of having the option of the Coaster. We have to create consensus not controversy. He urged the Board's support and approval of the *TransNet* Ordinance.

Harry Mathis, a member of the public, stated that he was Chairman of the San Diego Trolley, Board for nine years. He encouraged the SANDAG Board to stay the course. The proposed plan wisely establishes a necessary balance from all walks of life. Any change in the allocation at the expense of public transportation will prevent it from providing viable transportation alternatives, and place in serious jeopardy the ability to continue to operate the existing system. Ridership will grow, but we must have the resources to support our service. This is and must remain a team effort for any chance of success.

Richard Gisler, representing San Diego Councilmember Scott Peters, read comments into the record. The letter stated that while the extension needs to be flexible enough to serve the region's changing needs throughout the proposed 40-year term, it must also be specific enough that voters will have confidence that the region's needs will be met with real projects in an efficient and cost-effective manner. He asked for a quality assessment of the transit system plan now in place to ensure that we spend our funds efficiently on the projects we build. This assessment should be performed by an independent consultant with expertise and a track record of success in evaluating complicated transportation systems worldwide. He also supported the ability to adjust the project list by a two-thirds vote of the SANDAG Board. Giving local jurisdictions a veto of changes guts the ability of this system to work and is a troubling departure from the goal of regionalism. He was opposed to the double tracking through the Los Penasquitos Lagoon. Any money that could be used for double tracking to improve the corridor would be better spent if it were earmarked for BRT along the I-5 corridor. He was troubled by the continued efforts to divert funding from innovative new transit technologies, community serving elements, and environmental mitigation to roads. The region as a whole made further concessions earlier this year and amended the proposal in response to the demands of the County. To continue this shift will stymie efforts to innovatively address mobility issues in the region and seriously compromise the measure's passage.

Kevin McNamara, a former chair of the Rancho Penasquitos Planning Board, said that they brought a lawsuit against the original *TransNet* projects over the issue of Route 56. However, they decided at that time that the greater good theory should hold. He said that the Board of Supervisors' support is a vital link. He said that if this measure doesn't get on the ballot, and it doesn't pass, you will discover the consequences of not looking ahead.

Julie Meier Wright, representing the San Diego Regional Economic Development Corporation (EDC), indicated that the EDC has made the renewal of *TransNet* in 2004 one of its top policy priorities. Traffic congestion affects our competitiveness

for job investment. She saw no reason for new issues to be raised at this late date. She said that the EDC supports this *TransNet* Ordinance and noted that it is essential to the long-term prosperity of San Diego County.

Paul Blackburn, representing the Sierra Club, stated that the one-third funding distribution is arbitrary. He stated that you can get money for local streets and roads from other sources, but questioned where you could get regional transit money. In terms of what is needed this plan does not provide a significant amount of funding for transit.

David Hogan, representing the Sierra Club on the habitat protection elements of the *TransNet* Ordinance, said that the Sierra Club is pleased that there is some environmental mitigation included in the Ordinance, but the details are entirely unsatisfactory. The environmental mitigation programs are not legally binding. They feel that all Environmental Mitigation Program (EMP) funding should be provided within a few years of the passage of *TransNet*. *TransNet* funding should also provide for projects in subregional plans.

Eric Bowlby, representing the Sierra Club, said that the RTP's reasonably expected revenue scenario anticipates a funding need of \$15.5 billion through 2030 including \$8.5 billion for major new transit facilities. This draft *TransNet* Ordinance provides only \$1 billion in transit capital facilities funding. The accomplishment of the majority of RTP projects will be impossible even with other funding sources. This will accelerate sprawl. There is also a lack of integration for smart growth efforts. The Ordinance should include meaningful development impact fees. The average future road construction cost per new home is between \$12,000 and \$15,000 or higher in the unincorporated areas. The lion's share of future growth will occur within the City of San Diego. They agree with Supervisor Slater-Price that BRT is the path to the future, but she is not supporting the funding to give that network a good chance.

Matt Holland, representing the Sierra Club, stated that the Sierra Club feels that funds should be used for transit purposes; however, the Ordinance should not force local jurisdictions to spend money on transit; local jurisdictions should have the opportunity to participate in funding decisions. The Sierra Club recommends that in Sections 2c and 5a, all project proposals should be included in a biennial list before they become available for money. Also, the basis for roadways should be average daily trips rather than mileage.

Carolyn Chase, representing the Sierra Club, stated that the Regional Transportation Congestion Improvement process excluded public comment. The Sierra Club feels that the fee specified will provide a paltry improvement in revenues. The amount for the impact fee has not been adequately studied. The Sierra Club thinks that the Capital Improvement Program is a product of negotiation with those who will fund the *TransNet* voter campaign. The development community has cut a deal in exchange for a few million dollars to pass the draft Ordinance. She said that the only part of the plan protected from change is the developer fee. She noted that the Sierra Club has submitted a 10-page letter outlining its concerns. She noted that they will oppose passage of this measure.

John Chalker, Managing Director with LM Capital Group in San Diego, and on behalf of the San Diego Regional Chamber of Commerce, strongly encouraged the Board's support of the *TransNet* Ordinance as currently drafted. The San Diego region is the seventh most congested region in the nation. Without additional funds we face gridlock and the economy will be negatively affected. We need to support any effort to bring additional funds into this area. While freeways are an integral component they are operating at near or at capacity. We need to consider other alternatives such as transit and smart growth to reduce traffic and to secure an economically prosperous community. He felt that transit ridership will grow in the future. He also thought that we need to send a unified voice to the voters.

Matt Adams, representing the Building Industry Association (BIA), stated that they have been working long and hard with SANDAG staff on this Ordinance. There is an absolute need to solve our traffic congestion problems. In the past, the building industry has steadfastly opposed impact fees. The building industry has provided over \$450 billion for traffic improvements over the past 17 years, and the cost of government regulations on a single-family home is \$126,000 per house. The BIA is supporting the *TransNet Extension* as it is currently presented. We have to work on the congestion issue and this is the best way to do it. It is essential to all of us to get this passed.

Therese O'Rourke, representing the US Fish and Wildlife Service, said they were cautiously optimistic about the existing plan. She asked that SANDAG continue to work with them to resolve the details.

William Jones, representing CityLink Investment Corporation, encouraged the Board to support the recommendation. He read a quote from a report sponsored by the Transportation Research Board of the National Research Council that stated that planning has changed towards more transit-oriented development. His company's aim is for 30 percent of its workforce to arrive by transit. He stated that unfettered market forces are having a significant impact. This is an opportunity to help move our region into the future. He urged the Board to stay the course and to be courageous. There are private citizens that will stand behind it.

Julia Minton, representing San Diego Transit Riders United, said that this is a new organization that is requesting the elimination of current and future transit service inequities. San Diego's urban bus routes have received inadequate funding. They asked that a transit equity study be funded every ten years. They also thought that the draft Ordinance should require no less from \$50 million to fund capital improvements to address inequities. Prior transit funding allocations have favored lightly used routes over heavily used ones. They asked that Section 4c be changed to maximize existing transit services rather than provide new service. She suggested that local jurisdictions should find other funding sources for the lower-productive transit services.

Robert J. Hoffman, a member of the public, said that the purpose of the *TransNet* Ordinance is to encourage the use of transit. He didn't feel that transit was the solution to traffic congestion. He noted that a surface street can handle 1,200

vehicles per hour, while a bus can only handle 504 seats, the Coaster handles only 540 seats in a trip, and the Trolley has 1,546 seats. He said that we are not solving transportation problems with this proposal; we are making jobs.

Chuck Lungerhausen, a member of the public, commented that three of the County Supervisors should be held accountable for trying to turn San Diego into Los Angeles. Los Angeles has dedicated a one cent sales tax for transit. We have one-sixth of one cent. He challenged the Supervisors to leave their cars at home and try to accomplish their tasks by transit. There needs to be more money for transit, not less. Unless you take transit, you don't understand what passengers face.

Tom Held, President of the San Diego Highway Development Association, commented their strong support of the *TransNet Extension*, but said that it must contain sufficient elements for congestion relief. Their top priorities are road improvements, traffic signals, and freeway expansion. They recommend the reallocation of certain projects in the unconstrained revenue category. They do not endorse the County Board's position, but it is consistent with their concerns contained in a previous letter to the Transportation Committee chair. They trust the SANDAG Board to provide the maximum benefit for the voters of San Diego County.

Jim Schmidt, a member of the public, suggested that to help the Board on the potential veto issue, the SANDAG Board should have veto power over the 16 highway projects on pages 49 and 50. He strongly supported the *TransNet Extension*, and disagreed with the comments made by the Sierra Club members.

Ron Boshun, a member of the public, said that SANDAG is not accountable to the citizens of San Diego. The people of San Diego need to know that the *TransNet Extension* will cost \$80 billion not \$40 billion because the money will be bonded and then we will have to pay it back with interest.

Michael Beck, representing the Endangered Habitats League, commented on the environmental component of this Ordinance. He appreciated all of the effort that has been put into this; however, the level of assurance and legally binding language is not there. We have to make sure that what we have agreed to is included. He expressed concern about the concept of double counting on the habitat side. He asked for some order of magnitude on what part of the \$850 million that could be made available early. We have expectations for up-front mitigations and there are no assurances on phasing.

Michael Winn, a member of the public, stated that there is an assumption that the voters will support the *TransNet Extension*. What is being proposed is a solution to a transportation problem while we are creating more problems. You have subsidized urbanized development and now you are saying there are traffic congestion problems. He thought there was a good chance that this measure will not be approved. He was not willing to sell the public on something that won't work.

Grace Roos, representing the League of Women Voters of San Diego County, stated that the League supports the request for an equity study of the San Diego transit

system. The League has reviewed the Ordinance and supports *TransNet*. The primary aim is to increase funds for public transit. They also support flexibility. She said that the regional impact fee is a step in the right direction, but these fees should be extended to include commercial and industrial land uses to defray the impact of going to and from work, based on real costs from a nexus study. There should be a condition added that there will be not be additional moneys for local streets and roads until the development impact fees are collected. These funds should also go to public transit.

Caroline Thompson, representing NCTD, expressed her appreciation for the efforts of SANDAG staff on this document. It is critical that the stakeholders throughout the region take a good look at it. While it doesn't solve all of the needs, it moves toward a regional transportation plan. This is a plan by which we will achieve our goals. NCTD's top legislative objective is the extension of *TransNet*.

Jim Whalen, representing the Alliance for Habitat Conservation, said that they balance the needs of clients with the environment. We should have *TransNet* moving ahead with the best consensus possible and to lock-in the one-third distribution balance. There should also be some fine-tuning of the local jurisdictional role in the addition/deletion of projects. He acknowledged the fact that the building industry is supporting this Ordinance. He did not support extending the development impact fee to business and industry. He urged the Board to move ahead with the Ordinance.

Steven Russell, representing City of San Diego Deputy Mayor Toni Atkins, expressed appreciation for the efforts to craft the *TransNet Extension*. The Deputy Mayor feels that significant changes have been made to better reflect the transit needs of this region, and this Ordinance is a balanced approach. The Deputy Mayor supports this proposal.

Chair Morrison called a break at 12:22 p.m. and reconvened the meeting at 12:33 p.m.

#### Public Comments (Continued)

Don Billings, representing the Torrey Pines Planning Board, said that he was a user of transit and understood the preconditions to make transit work. However, he expressed his strong opposition to what he called the "wasteful projects" in the *TransNet* Ordinance, and said that he would vigorously oppose it unless those projects were removed. He said that this plan squanders a real opportunity to build effective transit without lasting harm to our wetlands. SANDAG needs to drop the coastal double tracking project immediately.

Brad Barnum, representing the Associated General Contractors, expressed strong support of the *TransNet Extension*. He said that this balanced approach is the way to go. He also supported the two-thirds vote requirement to make a change. He commented that if this measure doesn't pass, the construction industry is going to lose significantly. He said they are looking to the SANDAG Board for leadership. He also said that this is a chance to protect a secure local funding source.

Barbara Minton, a member of the public, said that it seemed this matter needed a little more dialogue to resolve the concerns expressed.

Jim Baross, representing the San Diego County Bicycle Coalition, expressed their appreciation for the contribution to reduce car traffic congestion by supporting money for bicycle transportation. They didn't feel that the Ordinance provided sufficient resources for nonmotorized transportation, but supported moving the Ordinance forward.

Erik Bruvold, representing the San Diego Regional Economic Development Corporation, urged the Board to adopt the *TransNet Extension* Ordinance. He noted that the private sector has put aside its personal preferences to support this measure. It's time we moved forward to meet the needs of the diverse transportation requirements in our region. He said that we have a diverse region with different transportation needs.

David Hopkins, representing Walk San Diego and the SANDAG Walkable Communities Working Group, said that the Ordinance provides outstanding leadership by promoting new concepts for improving traffic congestion and for providing funding for pedestrian and bicyclists. Building freeways will not solve the congestion problem. Surveys have shown that transit is the way out of congestion.

John Quirk, Vice President of the Torrey Pines Association, said that a rail corridor through the Los Penasquitos Lagoon is damaging to the ecology. They would like the existing rail corridor moved from the wetlands into an alternative transportation corridor.

Tracy Morgan Hollingsworth, representing the East San Diego County Association of Realtors, urged the Board to consider their four points: support of the one-third funding split., good project definition, opposition to the residential development fee, and adoption of language to include concurrence from jurisdictions that would have projects deleted from the plan.

Craig Benedetto, representing the Alliance for Habitat Conservation, stated that they took a position in support of the *TransNet* Ordinance as drafted. They are committed to ensuring that all of the regional needs are met as quickly as possible. They support the balance of expenditures and feel that this Ordinance provides a significant amount of money for environmental mitigation. It is essential that this moves forward in 2004.

Jay Turner, representing North Park Main Street, stated that there is a need to balance all forms of transportation for the entire region. He stated that North Park is the most used corridor in the City of San Diego in terms of bus transportation. They are a mixed-use corridor, with many people moving in from suburban areas to eliminate their commute. They are strongly in support of the *TransNet Extension*. He didn't think that building more freeway lanes would be helpful.

Elizabeth Courtney, representing the National Federation of the Blind of California, said the community should spend more money on public transportation instead of

roads. Ms. Courtney is legally blind and she depends totally on buses, the Coaster, and the trolleys to get around the city. Building more roads means more population in rural areas. If more people take public transportation they would leave their cars at home, and there would be less cars on the highway, and less money would be spent on gas.

Fred Taylor, Vice President of the National Federation of the Blind of California, indicated that there are 90,000 blind people in San Diego County and, by and large, they use public transit. As the population ages, more in the region will be visually impaired. He encouraged the Board to pass *TransNet* now.

Lynn Baker, representing the Endangered Habitats League, stated that the goal is to work toward common interests. They support the *TransNet* project list although they would like to see regional projects as a priority. They also support a transportation analysis to assure voters that they will get what is promised. The nexus study is the largest challenge because it is inconsistent with the priorities in the Regional Comprehensive Plan. She believed there is a compromise solution that includes passage of this measure.

Bob Alba, a member of the public, stated that a proposed lower amount for transit is an attack on the working class. He asked where businesses will be if workers cannot get to work. He said that we need new and more frequent bus service. He thought that more frequent service leads to higher ridership. He also said that buses need to operate earlier in the morning and later at night. Riders are not having their needs met. He asked the Board to reconsider proposed cuts to transit from *TransNet* monies and to adequately fund public transit.

Gordon Lutes, representing the Civil Engineers and Land Surveyors Association, said that they strongly support the *TransNet Extension*. He offered the following two comments: he encouraged the leadership to continue to work hard to bring together all parties to build a strong consensus, and they join the Regional Chamber of Commerce in the asking that projects be delivered by contracting out to private consulting firms.

George Thompson, President of Local 1309 of the Amalgamated Transit Union, said that several months ago, he did not support the *TransNet Extension*. However, he now understands that if the *TransNet Extension* is not passed, public transit service impacts will be significant.

Elise Casbe, representing Transit Riders United, said that most people consider mass transit to be bus, light rail, and rail. We need to stop subsidizing roads and move away from gas and oil dependence, and support smart growth for our quality of life. She supported real science as opposed to biased studies. She said that pollution causes most of our modern day cancers. She didn't feel that the needs of workers on intercity bus lines were being addressed. She urged the Board to support mass transit, not roads.

Clive Richard, a member of the public, said that this is an issue where we have to come to some compromise and move forward to get ourselves out of the current

situation. He will be supporting *TransNet* and he will be urging others to support it as well.

#### Board Member Comments

Mayor Steve Padilla (City of Chula Vista) said that we have in front of us a draft Ordinance and Expenditure Plan that will not achieve all of the objectives. The question is whether or not it adheres in a general sense in a way that has value to improve the regional transportation infrastructure. It has been supported in this region and has been intelligently thought out. This plan had the unanimous support of this body. We can argue whether the plan contains enough for every interest. He asked to what point do you try to achieve consensus before you destroy it? It has been a substantial collaboration of a lot of different interests. The time has come for movement on this issue.

#### Motion Made

Mayor Padilla moved to: (1) adopt Resolution No. 2004-19, including the adoption of the environmental findings, a statement of overriding considerations, and a mitigation monitoring and reporting program consistent with California Environmental Quality Act (CEQA) requirements for the extension of the *TransNet* tax and adoption of a Regional Transportation Congestion Improvement Program; and (2) conduct the First Reading of the *TransNet Extension* Ordinance and Expenditure Plan (Commission Ordinance 04-01), read the title of the Ordinance and waive further reading, with the second reading and adoption scheduled for the May 28, 2004, SANDAG Board meeting. Mayor Lori Holt Pfeiler (Escondido) seconded the motion.

Vice Chair Mickey Cafagna (Mayor, Poway) said that we have been working with the County of San Diego through their representatives. In April 2003, we received a letter from the County approving the Regional Transportation Plan. He acknowledged that we don't have enough money in the *TransNet* Ordinance to satisfy all of the needs but there is something for everyone. He said that the only way to relieve congestion is for those people who cannot ride public transportation to provide an alternative for those who can. An adequate public transportation system would positively impact those who cannot use public transportation. This is a critical part of the transportation congestion relief.

Mayor Dick Murphy (City of San Diego) stated that everyone here shares the belief that alleviating traffic congestion is critical to our quality of life. To respond to that belief, we need to approve the *TransNet Extension* Ordinance today and have it placed on the 2004 ballot. He suggested several minor changes that respond to the public input we have received. He thought that the environmental mitigation program should only be amended by a public vote. The first recommended change stated that "the substance of the Environmental Mitigation Program Principles in Attachment 3 and highway Environmental Enhancement Criteria in Attachment 4 should be binding." The second recommended change was that "the Environmental Mitigation Program provisions should only be amended by public vote." He asked the maker of the motion and the second to add these changes to the motion.

SANDAG General Counsel read the title of the Ordinance. Mayor Padilla and Mayor Holt Pfeiler agreed to include the amendments proposed by Mayor Murphy into the motion.

Mayor Murphy stated that if *TransNet* passes in 2004, SANDAG staff should be directed to add to the FY 2005 Overall Work Program an "Independent Transit Planning Review" and to prepare a letter to MTS/NCTD requesting them to undertake a systemwide analysis to ensure services are responsive to the needs of the public, delivered in an equitable manner, and represents the best use of public funds by providing services in a cost-effective and efficient manner.

Mayor Padilla and Mayor Pfeiler agreed with that direction to staff.

Mayor Murphy commented that San Diego City Councilmember Scott Peters made it clear that he opposed double tracking through the Los Penasquitos Lagoon. While he believes in double tracking in the coastal corridor, he agreed with Councilmember Peters that double tracking through the Los Penasquitos Lagoon would be a mistake.

Vice Chair Cafagna asked for clarification on that. The SANDAG Executive Director said it was project 31, and there is an option for a series of improvements. The Ordinance was designed to give policy makers a tremendous amount of flexibility with projects.

Councilmember Jim Madaffer (City of San Diego) said that traffic congestion is the number one issue in San Diego. It is much easier to extend an existing tax than to get approval for a new tax. No one said this would be easy. He believed that this measure is a solid program and responds to the wishes of this community. He believed it to be a balance of what the voters want for the divergent needs of the region. The two members of the Board of Supervisors that were involved in earlier discussions of *TransNet* voted against the Board of Supervisors vote this week. The *TransNet* contribution is only 21 percent of the unconstrained program. *TransNet* brought millions of state and federal monies to this region.

Mayor Mark Lewis (El Cajon) asked about forming a subcommittee to work with the County of San Diego for 30 days to try to resolve their concerns.

Supervisor Dianne Jacob (County of San Diego) said that she was presenting the Board of Supervisors' position on the *TransNet* Ordinance. She provided a chronology of how the County Board came to its position, indicating that all along the County Board had expressed concerns about the funding split and other issues. On May 11, 2004, the County Board adopted an oppose position unless the proposal is amended so there is no less than 50 percent for highways and no less than one-third for local streets and roads, and the remainder for everything else. The proposed local streets and roads share is 30.9 percent, compared to the current one-third. The 31.5 percent for highways is less than the one-third amount in the current *TransNet* Ordinance. That leaves 35.1 percent for transit. She will oppose the motion on the floor without the provisions she presented. She said that the purpose of *TransNet* is to solve traffic congestion problems. The traffic congestion is on our roads and highways and that's where the money should be spent. Our congestion is worse now than with the current *TransNet* program. The issue is priorities. She provided information about money spent on transit operations. She suggested that we understand the cost to improve the existing system rather than expand the system at this time. The

public has a choice. The way the Ordinance is currently written is deceptive. Priority is placed on three projects: State Route 52, route 76, and the Mid-Coast light rail project. When you go out to sell this to the voters, you should be honest with them and tell them that by a two-thirds vote, the SANDAG Board can change the funding allocations for projects. She recognizes the importance of extending *TransNet* and said that we have until August 6 to be ready for the November ballot. There is time to try to iron out the differences between the County Board and the SANDAG Board.

Chair Morrison said that the information about *TransNet* was made available to all public officials for many months and the only entity that was consistently absent from the Ad Hoc Working Group on TransNet meetings was the East County representative from the County Board of Supervisors.

Chair Morrison noted that if you change the fund distribution to anything other than an equal one-third level, this would be considered a new tax rather than the extension of an existing tax.

Supervisor Jacob stated that in terms of the list of congestion relief projects, to not add a concurrence by a local jurisdiction for any project changes would be dishonest. She thought it would be a big mistake for the SANDAG Board not to consider the Board of Supervisors' position.

Chair Morrison said that traffic congestion is more now because the state took money away from local jurisdictions. The question is: are we better off from when *TransNet* was approved in 1987? He said the answer was "yes."

Mayor Pro Tem Phil Monroe (Coronado) said that it is the role of elected officials to build consensus. In June 2002, we looked at four different scenarios and seven criteria. The format for this *TransNet Extension* was decided then. He was opposed to eliminating the language that would allow the SANDAG Board to make changes with a two-thirds majority vote. He stated that this is a regional body. We will also have the Oversight Committee. Technology can change, and gas prices and parking can change in ten years. We have worked with the County and gave them five things that they asked for in this Ordinance. He strongly supported the motion and urged the Board to support it as well.

Councilmember Christy Guerin (Encinitas) said that we have been responsive in our public outreach and in collaboration with the local jurisdictions and community groups. The Board of Supervisors cannot even agree amongst itself. This Ordinance is a compromise document. She urged the Board to show its leadership and to move forward with the *TransNet Extension Ordinance*.

Councilmember Jack Feller (Oceanside) said that he is against any taxes, but we don't have an alternative on the horizon. He also doesn't like the idea of the \$2,000 developer impact fee, but the development community has committed to being part of this. He is against spending money in a couple of other areas, but this measure has something for everyone but not everything for everyone. His major concern is that if we don't go forward with this, the completion of route 76 will be delayed. Any percent of nothing is still nothing. We need to move forward to approve this measure.

Mayor Corky Smith (San Marcos) said he supported the proposed *TransNet Extension Ordinance*. His city council was concerned about money for grade crossings in his city but the second amendment proposed by Mayor Murphy would address that concern.

Chairman Leon Williams (MTS) said that the MTS Board took an action to authorize him to speak on its behalf, strongly supporting the *TransNet Ordinance* and opposing the action of the County Board of Supervisors. Failure to pass this Ordinance would have dire consequences to the public transit system. The MTS Board urges your support. Transit carries over 300,000 passenger trips a day; that's about 150,000 people. About 6.7 percent of residents use transit every day. We need to put the 2 percent number in context. Every day transit carries more than Interstates 5, 15, or 8, and significantly more than 805. He asked which one of those highways do we not need. As we get older, we will need public transit for our transportation alternative.

Mayor Pro Tem Ramona Finnila (Carlsbad) said that for every decision that SANDAG has made, we have gone through a public process to do it. She did not believe that major adjustments are needed to the *TransNet Ordinance*. This Ordinance is subject to amendments to be flexible for changes that are unforeseen. We cannot plan today for things that may happen in 40 years. Her city council unanimously approved support of the *TransNet Ordinance*. She noted that her city has been levying a development impact fee on both residential and industrial properties.

Mayor Pro Tem Finnila asked for clarification on the request for a transit performance analysis. She said that we are to conduct a performance analysis as part of Senate Bill 1703. Mayor Murphy responded that a letter from the San Diego Taxpayers Association indicates that we are not providing equity transit service. MTS is already considering the conduct of such a study. We should evaluate whether the service they are providing is equitably distributed. There is a clause to conduct a study if *TransNet* passes.

Councilmember Judy Ritter (Vista) stated that NCTD conducted that type of study last year. The Executive Director stated that this is something we should do on an ongoing basis.

Pedro Orso-Delgado (Caltrans) agreed that we need to have a balanced system between roadways and transit. The only way to achieve that is to incorporate the transit element and the local streets and roads. We are looking at the MOBILITY 2030 and performance measures. One of the ways that you will achieve that is with *TransNet*. The safest money you will have is *TransNet* funds.

Councilmember Ritter commented that tourists expect and use public transit. As the population gets older, it will be using transit. We need to continue to build a good quality transit system. She urged the support of the motion as it stands.

Vice Chair Cafagna wanted to correct a couple of comments made by Supervisor Jacob. He said that we want the County's support. After we take items off the top, as suggested by the Board of Supervisors, the new percent to highways is 32.7 percent, 33 percent for local streets and roads, and 34.2 percent for transit. We are pennies apart on the one-third split because it is project driven. You cannot leave a link off of it. We are looking at two things: 70 percent of the voters want transit, and 96 elected officials are going to be supporting this. It would be a very big mistake to oppose this. He said that traffic congestion is a

housing problem not a transit problem. He disagreed with the statement made by the Supervisor related to jurisdictions putting projects on this list. That is not the case. The list of projects was developed on a needs assessments and studies based on what is going to work. We went by a transportation and comprehensive plan to relieve congestion. The reason you find us unhappy is because we felt the County Board was in agreement with us and felt that it is unfair to come in at this late hour and tell us that you oppose this Ordinance. He noted that the two colleagues on the County Board who have worked with us and know about this work support it. He agreed on the issue of keeping our promises to the voters. He recommended that we come up with some kind of language to restrict the deletion of projects.

Mayor Padilla stated that with respect to the amendment language which now provides for a super majority vote and the supervisors advocacy of a local jurisdiction to that requirement, he suggested a language adjustment that would limit that concurrence requirement to a local jurisdiction only in the case of a project deletion.

Supervisor Jacob said that they want to ensure that when the voters approve this they will get what they voted for. This is a fundamental problem in the Ordinance as it is. The word "change" is what they object to.

Chair Morrison clarified that if you wanted to delete a project you would need a local jurisdiction concurrence. You would not be able to veto an ongoing project. Vice Chair Cafagna agreed with that clarification.

Supervisor Jacob said that language should be added to the end of Section 16 to delete a project listed in the Expenditure Plan or change the project scope defined in the Expenditure Plan, the concurrence of a jurisdiction or jurisdictions with land use authority must be maintained. This takes care of the problem indicated.

Mayor Padilla said that he could not support this change. The direction is to continue the dialogue. He would not support this change without some commitment from the County Board to support the *TransNet* Ordinance.

Councilmember Barry Jantz (La Mesa) thought the language should reflect a reduction of capacity rather than a change or deletion. He said there needs to be some continued dialogue. La Mesa's position is that they want a vote today, though they still have a concern related to the impact fee. He was concerned about the simple two-thirds vote of the SANDAG Board to make a change to a project and would like to have something that will include a consensus with a local jurisdiction.

#### Motion Made

Councilmember Christy Guerin moved to amend the Ordinance to state that a project cannot be deleted without a two-thirds vote of the SANDAG Board plus the concurrence of the affected jurisdiction(s). Vice Chair Cafagna seconded this motion.

Mayor Padilla said this amendment does not have his concurrence.

Chair Morrison asked for comments on the motion on the floor.

Councilmember Madaffer said that he would not be able to support the amendment but he appreciates its intent. He would rather vote on the original motion. He added that there has to be movement at the County Board before he would support that kind of an amendment.

SANDAG General Counsel stated that the Board can go forward with first reading and bring back a new amendment. The Ordinance would go to a second reading and the amendment could go for first reading. We have time to allow for that action.

Mayor Murphy opposed the amendment, indicating that it has to be conditioned upon the Board of Supervisors' commitment to joining the SANDAG Board in a positive vote on the *TransNet Extension* Ordinance.

#### Motion Withdrawn

Councilmember Guerin withdrew her motion to amend.

Mayor Pro Tem Finnila asked for clarity on the transit analysis. Chair Morrison stated staff would be directed to conduct such an analysis and to report back to the Transportation Committee; however, it is dependent upon the passage of the *TransNet Extension*.

Councilmember Crystal Crawford (Del Mar) said that we are using the same language that was included in the original *TransNet* Ordinance. The super-majority vote of the SANDAG Board has only used twice during that time period. This issue has been carefully scrutinized. To put additional constraints undermines what we have done in creating the Oversight Taxpayer Committee and the 10-year review. Her council unanimously approved the *TransNet Extension* as presented.

Mayor Joe Kellejian (Solana Beach) indicated that his city strongly supports the approval of this Ordinance. He thanked those who served on the Transportation Committee on the RTP process, and the members of the SANDAG Board who passed that unanimously. He also thanked those who participated in the Ad Hoc Working Group on *TransNet*, and for all those people who put countless hours into this effort. He encouraged the Board to vote yes on this issue.

Action: Upon a motion by Mayor Padilla and a second by Mayor Holt Pfeiler the SANDAG Board of Directors approved: (1) the adoption of Resolution No. 2004-19, including the adoption of the environmental findings, a statement of overriding considerations, and a mitigation monitoring and reporting program consistent with California Environmental Quality Act (CEQA) requirements for the extension of the *TransNet* tax and adoption of a Regional Transportation Congestion Improvement Program; (2) the conduct of the First Reading of the *TransNet Extension* Ordinance and Expenditure Plan (Commission Ordinance 04-01), read the title of the Ordinance and waive further reading, with the second reading and adoption scheduled for the May 28, 2004, SANDAG Board meeting; (3) modify the last sentence of Section 2D (page 52) as follows: Additional detail regarding this program is described in the documents titled "*TransNet Extension* Environmental Mitigation Program Principles," and "Environmental Enhancement Criteria Mitigation Highway 67, 76,

and 94 Expansion Impacts," which are hereby incorporated by reference as is fully set forth here; (4) modify the first sentence of Section 16 (page 59) as follows: "SECTION 16.

AMENDMENTS: With the exception of Sections 2D, 3, 4(E)(1), 8, 9, and 11, which require a vote of the electors of the County of San Diego to amend..."; (5) direct staff to add to the Fiscal Year 2005 Overall Work Program an "Independent Transit Planning Review" if the TransNet Extension passes and (6) direct staff to prepare a letter to MTS and NCTD requesting that each agency undertake a systemwide analysis of the transit system to ensure services are responsive to the needs of the public, delivered in an equitable manner, and represents the best use of public funds by providing services in a cost-effective and efficient manner. This letter shall be reviewed and approved by the Transportation Committee. Yes – 18 (weighted vote, 84%). No – 1 (weighted vote, 16%). Abstain – 0. Absent – 0.

#### 4. ADJOURNMENT

The meeting was adjourned at 3:11 p.m.

GARY L. GALLEGOS  
Secretary

**ATTENDANCE  
SANDAG BOARD OF DIRECTORS' MEETING  
MAY 14, 2004**

JURISDICTION/ ORGANIZATION	NAME	ATTENDING	COMMENTS
City of Carlsbad	Ramona Finnila (Member)	Yes	
City of Chula Vista	Steve Padilla (Member)	Yes	
City of Coronado	Phil Monroe (Member)	Yes	
City of Del Mar	Crystal Crawford (Member)	Yes	
City of El Cajon	Mark Lewis (Member)	Yes	
City of Encinitas	Christy Guerin (Member)	Yes	
City of Escondido	Lori Holt Pfeiler (Member)	Yes	
City of Imperial Beach	Mayda Winter (Alternate)	Yes	
City of La Mesa	Barry Jantz (Member)	Yes	
City of Lemon Grove	Jill Greer (Alternate)	Yes	
City of National City	Ron Morrison, Chair (Member)	Yes	
City of Oceanside	Jack Feller (Member)	Yes	
City of Poway	Mickey Cafagna, Vice Chair (Member)	Yes	
City of San Diego - A	Dick Murphy (Member)	Yes	
City of San Diego - B	Jim Madaffer (Member)	Yes	
City of San Marcos	Corky Smith (Member)	Yes	
City of Santee	Jack Dale (Alternate)	Yes	
City of Solana Beach	Joe Kellejian (Member)	Yes	
City of Vista	Morris Vance (Member)	Yes	
County of San Diego	Diane Jacob (Member)	Yes	
<b>ADVISORY MEMBERS LISTED BELOW (ATTENDANCE <b>NOT</b> COUNTED FOR QUORUM PURPOSES)</b>			
Caltrans	Pedro Orso-Delgado (Alternate)	Yes	
MTDB	Leon Williams (Member)	Yes	
NCTD	Judy Ritter (Member)	Yes	
Imperial County	Victor Carrillo (Member)	No	
US Dept. of Defense	CAPT Christopher Schanze (Member)	No	
SD Unified Port District	Jess Van Deventer (Member)	No	
SD County Water Authority	Bernie Rhinerson (Member)	No	
Baja California/Mexico	Luis Cabrera Cuaron (Member)	No	