

AGENDA

TAMC RAIL POLICY COMMITTEE

Meeting of Monday
January 7, 2013

Transportation Agency for Monterey County
Conference Room
55-B Plaza Circle, Salinas

3:00 P.M.

Complete agenda packets are on display at the Transportation Agency for Monterey County (TAMC) office and at these public libraries: Carmel, Monterey, Salinas Steinbeck Branch, Seaside, Prunedale, and King City. Any person who has a question concerning an item on this agenda may call the TAMC office to make inquiry concerning the nature of the item described on the agenda. Please recycle this agenda.

- 1. Quorum Check, Call to Order and Introductions.** A quorum for the voting TAMC Rail Policy Committee members consists of a minimum of 6 of the following voting members: Potter (Chair), Sollecito (Vice-Chair), Armenta, Rubio, Calcagno, Parker, Delgado, Craig, Matarazzo, and Chavez.

If you are unable to attend, please make sure that one of your two alternates attends the meeting. Your courtesy to the other members to assure a quorum is appreciated.

- 2. PUBLIC COMMENT ON TRANSPORTATION MATTERS NOT ON TODAY'S AGENDA.**

Any member of the public may address the Rail Policy Committee on any item not on the agenda but within the jurisdiction of the Rail Policy Committee. Comments on items on today's agenda may be given when that agenda item is discussed.

BEGINNING OF CONSENT AGENDA: Approve the staff recommendations for **items 3.1-3.2** below by majority vote with one motion. Any member may pull an item off the Consent Agenda to be moved to the end of the **CONSENT AGENDA** for discussion and action.

- 3.1 APPROVE** minutes of November 5, 2012 Rail Policy Committee meeting.
– Cook

- 3.2 RECEIVE** information regarding free rail passes for elected officials.
– Watson **Pages 8 - 15**

The question came up at the November Rail Policy Committee meeting that if all rail tickets are free, whether local officials are allowed to accept them under the state constitution. Agency staff requested an opinion from Agency Counsel. The conclusion is that in situations where all rail tickets are free, it would not be a conflict for elected officials to accept a free ticket. In other situations, legal counsel should be consulted.

END OF CONSENT AGENDA

- 4. REVIEW and COMMENT** on the draft 2013 Legislative Program. – Watson
Pages 16 - 19

The purpose of the legislative program is to set general principles to guide staff and Board responses to proposed legislative or budgetary issues. The program also notifies state representatives of the Transportation Agency's position on issues of key importance to the agency.

- 5. RECEIVE** update on the Rail Extension to Monterey County project and **PROVIDE** input on proposed implementation plans. – Watson
Pages 20 - 24

Progress on the Rail Extension project since the last report to this Committee on November 5, 2012, includes continuing to work with the Federal Transit Administration and Capitol Corridor Joint Powers Authority to ensure the project is eligible for the FTA Small Starts funds as well as meetings with the City of Salinas. Staff will present proposed implementation plans for Committee input.

- 6. ANNOUNCEMENTS and/or COMMENTS** from Rail Policy Committee members on matters that they wish to put on future Committee agendas.
- 7. ADJOURN**

ANNOUNCEMENTS

Next Rail Policy Committee meeting:
Monday, February 4, 2013
3:00 p.m.

Transportation Agency for Monterey County Conference Room
55-B Plaza Circle, Salinas, California 93901

Light refreshments will be provided

**If you have any items for the next agenda, please submit them to:
Christina Watson, Rail Program Coordinator
by Tuesday, January 22, 2013
Christina@tamcmonterey.org**

Documents relating to an item on the open session that are distributed to the Committee less than 72 hours prior to the meeting shall be available for public inspection at the office of the Transportation Agency for Monterey County, 55-B Plaza Circle, Salinas, CA. Documents distributed to the Committee at the meeting by staff will be available at the meeting; documents distributed to the Committee by members of the public shall be made available after the meeting.

**Transportation Agency for Monterey County
55-B Plaza Circle, Salinas, CA 93901-2902
Monday thru Friday
8:00 a.m. – 5:00 p.m.
TEL: 831-775-0903
FAX: 831-775-0897**

The next Rail Policy Committee agenda will be prepared by Agency staff and will close at noon Tuesday, January 22, 2013, nine (9) working days before the regular meeting. Any member may request in writing an item to appear on the agenda. The request shall be made by the agenda deadline and any supporting papers must be furnished by that time or be readily available.

If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Individuals requesting a disability-related modification or accommodation, including auxiliary aids or services, may contact Transportation Agency at 831-775-0903. Auxiliary aids or services include wheelchair accessible facilities, sign language interpreters, Spanish Language interpreters and printed materials, and printed materials in large print, Braille or on disk. These requests may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting, and should be made at least 72 hours before the meeting. All reasonable efforts will be made to accommodate the request.

CORRESPONDENCE, REPORTS, MEDIA CLIPPINGS

Online at www.tamcmonterey.org

CORRESPONDENCE

None this agenda

REPORTS

- R-1** October 2012 Capitol Corridor and California Intercity Passenger Rail Performance Results

MEDIA CLIPPINGS

- M-1** Article in November 16, 2012 *Monterey County Herald*, “MST’s JAZZ bus line gets rolling”
- M-2** Article in November 17, 2012 *Santa Cruz Sentinel*, “Hundreds climb aboard for inaugural train ride up the coast; \$14.2 million acquisition of rail line celebrated countywide”
- M-3** Article in the November 21, 2012 *Californian*, “New buses JAZZ up busy route”
- M-4** Article in November 21-December 5, 2012 *Monterey Bay News & Views*, “All Aboard? The Santa Cruz & Monterey Bay Railway debuts with celebration”
- M-5** Article in the November 23-29, 2012 *Carmel Pine Cone*, “Feds spend big \$\$\$ on JAZZ buses, shelters: Traffic jams tie up New Monterey”

TRANSPORTATION AGENCY FOR MONTEREY COUNTY (TAMC)
RAIL POLICY COMMITTEE MEETING
DRAFT Minutes of November 5, 2012
 Transportation Agency for Monterey County
 55-B Plaza Circle, Salinas

	NOV 11	JAN 12	FEB 12	MAR 12	APR 12	MAY 12	JUN 12	AUG 12	SEP 12	OCT 12	NOV 12
F. Armenta, Dist. 1 (J. Martinez)	C	P	P	E	C	P	C	E	C	P	P(A)
L. Calcagno, Dist. 2 (H. Gowin)	A	P(A)	P(A)	P(A)	A	P(A)	A	P(A)	A	P(A)	P(A)
J. Parker, Dist. 4 (K. Markey)	N	P(A)	-	P(A)	N	P(A)	N	E	N	P(A)	E
D. Potter, Dist. 5, Chair (K. Lee , J. Mohammadi)	C	P	P	P(A)	C	P	C	P	C	P	P
B. Delgado, Marina (F. O'Connell)	E	E	P	P	E	-	E	E	E	-	-
F. Sollecito, Monterey – Vice Chair (C. Della Sala, R. Deal)	L	P	P	P	L	P	L	P	L	P	P
K. Craig, Salinas (S. Sanchez, J. Serrano)	L	P	P	P	L	P	L	P	L	P	P
S. Matarazzo, Sand City (R. Simonitch)	E	E	P	P	E	E	E	P	E	P	P
F. Bachofner, Seaside (D. Ingersoll , S. Bloomer)	D	P	P	P	D	P	D	P(A)	D	P	P
A. Chavez, Soledad (F. Ledesma)		P	P	P		P		E		P	E
M. Twomey, AMBAG (H. Adamson)		-	-	-		-		P(A)		P(A)	P(A)
M. McCumsey, Caltrans District 5		E	E	E		E		E		-	-
C. Sedoryk, MST (M. Hernandez, M. Gallant)		-	-	P(A)		-		-		P(A)	-
W. Sabo, Airport (R. Searle)		P	-	P		P		-		P	P
STAFF											
D. Hale, Exec. Director		P	P	P		P		P		P	P
T. Muck, Dep. Exec. Director		P	P	P		P		P		P	P
C. Watson, Sr. Transp. Planner		P	P	P		P		P		P	P
A. Cook, Assoc. Transp. Planner		P	P	P		P		E		P	P
M. Zeller, Assoc. Transp. Planner		-	-	-		-		-		-	P
S. Gavin, Community Outreach Coordinator		P	P	-		-		-		P	P
H. Myers, Assoc. Transp. Planning Engineer		P	-	-		-		-		P	-
E – Excused VC – Video Conference P(A) – Alternate TC – Teleconference											

1. QUORUM CHECK AND CALL TO ORDER

Chair Potter called the meeting to order at 3:03 p.m. Introductions were made and a quorum was established.

OTHERS PRESENT

Sam Teel	Mo. Co. Hospitality Assoc.	Eric Petersen	Salinas Resident
John Cutler	Overland, Pacific and Cutler	Bob Scales	Parsons
George Dondero	SCCRTC	Ken Slavin	Graniterock
Chris Flescher	Rail Pass. Assoc. of CA		

2. PUBLIC COMMENTS

None

3. CONSENT AGENDA

M/S/C Craig/Sollecito/unanimous

- 3.1** Approved minutes of the October 1, 2012 Rail Policy Committee meeting.
- 3.2** Approved 2013 schedule of Rail Policy Committee meetings.
- 3.3** Received final Independent Ridership Review of the Monterey Branch Line corridor.

END OF CONSENT AGENDA

4. CLOSED SESSION

Committee member Matarazzo recused himself from the closed session.

Real Estate Negotiations: Pursuant to Government Code section §54956.8, conferred with real property negotiators concerning the acquisition of one property for the Salinas train station.

Reconvened in open session. Chair Potter reported that the committee received the report and took no action in the closed session.

5. COMMUTER RAIL EXTENSION TO MONTEREY COUNTY PROJECT UPDATE

The Committee received an update on Commuter Rail Extension to Monterey County project.

Christina Watson, Principal Transportation Planner, reported that Agency staff has been working with the Federal Transit Administration (FTA) and Capitol Corridor Joint Powers Authority (CCJPA) to ensure the project is eligible for Small Starts funds. Since the committee's last update in October, staff traveled to Washington, DC to meet with staff of FTA, Congressman Farr, Senators Boxer and Feinstein, and the Office of Management and Budget about the project. Staff also traveled to Portland, ME to tour the Downeaster service, which is comparable to the proposed project. Staff also held a coordination team meeting with CCJPA staff on October 18, 2012.

Ms. Watson noted that the FTA staff has raised questions about whether the project is eligible for Small Starts funding with the Capital Corridor as the operator. FTA staff stressed the need for the project to qualify as commuter service. Staff is continuing to work with the FTA and CCJPA to refine the Agency's grant application, but staff is also developing a backup plan for the project in

case the project does not secure Small Starts funds. The backup plan involves working with the Capitol Corridor to implement the Salinas Extension project in phases using secured state and local funds. As part of this phased scenario, staff may recommend that Capitol Corridor service to the Salinas Station be implemented first, with the other proposed stations constructed in subsequent phases when funds are available.

Chair Potter recommended that that Agency coordinate closely with the Capitol Corridor staff on lobbying efforts for the Salinas Extension.

Committee alternate Gowin asked how much input the committee would have into the prioritization of phases for the project, and asked whether the Pajaro station could be constructed first. Executive Director Hale responded that the priority of phases would be based primarily on ridership and cost considerations, and noted that staff would bring more information back to the committee in January for further discussion.

6. SANTA CRUZ BRANCH LINE

The Committee received an update from George Dondero, Executive Director of the Santa Cruz County Regional Transportation Commission (SCCRTC), on the Santa Cruz Branch Line.

Mr. Dondero reported that SCCRTC has entered into an agreement with a rail operator for service on the line, which is in the process of upgrading the track and ballast south of Santa Cruz to Federal Railroad Administration Class I welded rail standards. The operator is planning to initiate freight and some limited theme-oriented passenger service on the line, which includes “Train to Christmas Town” excursion trains between Santa Cruz and Davenport during the holiday season. Mr. Dondero invited everyone to a ribbon-cutting event for the rail corridor on November 17, 2012.

7. ANNOUNCEMENTS AND/OR COMMENTS FROM COMMITTEE MEMBERS

Christina Watson announced that staff would be attending the November 14, 2012 CCJPA Board meeting to present the draft Goals and Objectives for the extension of service to Monterey County project for adoption, and that the Goals and Objectives would also be on the agenda for the December 5, 2012 TAMC Board meeting.

8. ADJOURNMENT

Chair Potter adjourned the meeting at 3:55 p.m.



Memorandum

To: Rail Policy Committee
From: Christina Watson, Principal Transportation Planner
Meeting Date: January 7, 2013
Subject: Free Rail Tickets

RECOMMENDED ACTION

RECEIVE information regarding free rail passes for elected officials.

SUMMARY

The question came up at the November Rail Policy Committee meeting that if all rail tickets are free, whether local officials are allowed to accept them under the state constitution. Agency staff requested an opinion from Agency Counsel. The conclusion is that in situations where all rail tickets are free, it would not be a conflict for elected officials to accept a free ticket. In other situations, legal counsel should be consulted.

FINANCIAL IMPACT

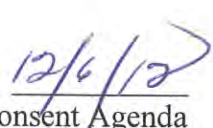
No financial impact to the Agency.

DISCUSSION

Attached is the response to this question from Agency Counsel.

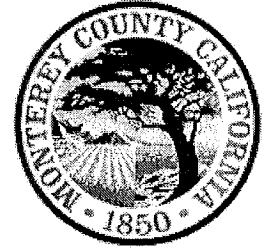
Approved by: 
Debra L. Hale, Executive Director

Date signed:


Consent Agenda
Reviewed by Counsel: Yes

Attachment: November 30, 2012 letter from County Counsel

MONTEREY COUNTY



OFFICE OF THE COUNTY COUNSEL

168 WEST ALISAL STREET, 3RD FLOOR, SALINAS, CALIFORNIA 93901-2439
(831) 755-5045 FAX: (831) 755-5283

CHARLES J. McKEE
COUNTY COUNSEL

Kathryn Reimann
Sr. Deputy County Counsel

November 30, 2012

Christina Watson
Transportation Agency for Monterey County
55B Plaza Circle
Salinas, California 93901

Re: Question Concerning Ability of Public Officials to Accept a "Free Pass" for an Event Held by the Santa Cruz Regional Transportation Commission

Dear Ms. Watson:

Recently, the Santa Cruz Regional Transportation Commission held an event promoting their new rail service on the Santa Cruz Branch Line. As part of that event, free tickets were available to the general public to ride on that portion of the branch line. Members of the TAMC Board were invited to attend and participate in this promotional event, including riding on the train.

A question has arisen as to whether or not TAMC Board members could participate in the free rail pass portion of the event, because of language found in California Constitution, Article XII, Section 7. That provision states:

A transportation agency may not grant free passes or discounts to anyone holding an office in this State; and the acceptance of a pass or discount by a public officer, other than a Public Utilities Commissioner, shall work a forfeiture of that office. A Public Utilities Commissioner may not hold an official relation to nor have a financial interest in a person or corporation subject to regulation by the commission.

Despite the seemingly strict language of the provision, the California Attorney General has provided a number of opinions on the topic, and each one stands for the proposition that where a "free pass" or discount is provided to the public generally (or an identifiable group that is not related to the official's regulatory role), then the offering and accepting of such a benefit "would not constitute the type of conduct contemplated" by the adoption of this prohibition.

For example, I am attaching one of the most recent Attorney General Opinions on the issue, 85 Ops.Cal.Atty.Gen 40 (2002). The question there was whether or not the members of a public transit agency could accept bus passes in order to perform the members' duties of monitoring the agency's transportation services. The Attorney General held that they could. Similar opinions allowed the receipt of free or discounted "passes" in cases related to an official's ability to accept frequent flyer miles available to all passengers; upgrades to first-class that were granted to all honeymoon couples; and discounts offered to all spouses of flight attendants. *See* 85 Ops.Cal.Atty.Gen. at 41 [and Opinions cited therein].

The basic rule appears to be that if a "free pass" or discount is granted as part of something available to a larger group, and the holding of the office is unrelated to that larger group, then the constitutional prohibition is inapplicable. Accordingly, in this particular instance, where a special event occurred, and public officials were treated no differently than any member of the general public, there is no evidence of an intent to provide a special benefit in return for legislative favor. As such, public officials who wish to participate in events such as that recently presented by the Santa Cruz Regional Transportation Commission should not have cause for concern over Article XII, section 7, provided the discounts or "free passes" are made available to the general public. If the circumstances differ, however, counsel should be consulted.

Please feel free to distribute this letter, if desired by the Executive Director. Please also let me know if you wish to discuss the matter further.

Sincerely,

CHARLES J. McKEE, County Counsel



By: Kathryn Reimann
Senior Deputy County Counsel

KR:so
Attachment



OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF
CALIFORNIA

No. 01-802

2002 Cal. AG LEXIS 9; 85 Ops. Cal. Atty. Gen. 40

March 8, 2002

QUESTION:

[*1]

THE HONORABLE MARGUERITE P. BATTERSBY, City Prosecutor, City of Calimesa, has requested an opinion on the following question:

May the members of the board of directors of a public transit agency accept passes for free transportation on the agency's buses in order to perform their duties of monitoring the agency's transportation services?

CONCLUSION

Members of the board of directors of a public transit agency may accept passes for free transportation on the agency's buses in order to perform their duties of monitoring the agency's transportation services.

OPINIONBY:

BILL LOCKYER, Attorney General; THOMAS S. LAZAR, Deputy Attorney General

OPINION:

[**40] ANALYSIS

Article XII, section 7 of the Constitution provides in part:

"A transportation company may not grant free passes or discounts to anyone holding an office in this State; and the acceptance of a pass or discount by a public officer, other than a Public Utilities Commissioner, shall work a forfeiture of that office."

We are advised that a joint powers agency (see *Gov. Code*, [] [] 6500- 6599.2), consisting of 14 cities and a county, operates a public bus system in Southern [*2] California. May the agency's directors be given free bus passes in order to perform their duties of monitoring the agency's transportation services? We conclude that the constitutional prohibition against the granting of free passes would be inapplicable in the circumstances presented.

In a series of opinions, we have examined the phrase "free passes or discounts" in light of the purposes of the constitutional prohibition. In *67 Ops.Cal.Atty.Gen. 81, 84 (1984)*, we found that the prohibition against granting free passes was to control "the perceived corruptive influence [consisting] of the granting of special benefits in exchange for legislative favor." Where this purpose is not served, the constitutional prohibition is inapplicable, such as where the public officer is granted a free pass as part [**41] of a larger group and the holding of the office itself is irrelevant. (*80 Ops.Cal.Atty.Gen. 146 (1997)* [frequent flyer miles available to all passengers]; *74 Ops.Cal.Atty.Gen. 26 (1991)* [upgrades to first-class granted to all honeymoon couples]; *67 Ops.Cal.Atty.Gen. 81, supra* [discounts [*3] offered to all spouses of flight attendants]). In our 1984 opinion, we observed:

"It is unclear from a literary examination of article XII, section 7, whether it applies to a public officer only in such specific capacity, or extends to such officer without regard to his membership in some external class or universe. The article does not directly answer whether a transportation company may grant a discount to a public officer on a certain day or at a certain time or hour in which it grants a discount to every other passenger, or as one of many 'persons injured' in an accident or wreck as provided in subdivision (c) of *section 523 of the Public Utilities Code*. In arriving at the meaning of constitutional language, consideration must be given to the words employed, giving to every word, clause and sentence their ordinary significance. If doubt or ambiguity remains, then well recognized extrinsic aids may be introduced. Among these is a consideration of the objective sought to be accomplished. [Citations.]

"Article XII, section 7 (formerly [] 19), was adopted to control the perceived corruptive influences of the railroads on the legislative [*4] process. [Citation.] Would the acceptance of a free or discounted transportation pass by a member of the Legislature as a spouse of a flight attendant tend to corrupt the legislative process? It is apparent that the perceived corruptive influence consisted of the granting of special benefits in exchange for legislative favor. Thus, explicitly or implicitly, legislation favorable to the railroads was the *quid pro quo*. From this perspective, the pertinent question is not whether the pass be gratuitous vis-a-vis the company employee but whether it be granted subject to some express or implied condition of legislative or other official approbation.

"If, as we assume in the absence of contrary advisement or indication, the *sole* condition for the receipt of the propounded benefit is the spousal relationship, then the element of corruptive influence appears to be lacking, and the ap-

plication of the constitutional prohibition would fail to serve its intended objective." (67 *Ops. Cal. Atty. Gen.* at pp. 83-84.)

[*42] Likewise, here, a transit agency giving free bus passes to its own directors would lack the element of corruptive influence. The agency would, in effect, [*5] be giving the bus passes to itself. The bus passes would not be given in exchange for legislative favor or other "outside" benefit; the agency's granting of the passes to itself would not constitute the type of conduct contemplated by the electorate in adopting section 7 of article XII of the Constitution.

Rather, the free bus passes would be given so that the directors of the transit agency may perform their official duties in monitoring the agency's transportation services. The monitoring activities required by the agency prevent the bus passes from constituting "free passes or discounts" within the meaning of the constitutional prohibition. Indeed, if the bus passes were not provided to the directors, the directors would be entitled to submit expense claims to the agency for reimbursement of any bus tickets purchased by them. Whether granting free passes or reimbursing the directors, the agency would be responsible for providing the transportation services without cost to the directors. n1

n1 Whether a public transit agency constitutes a "transportation company" for purposes of the constitutional prohibition is beyond the scope of this opinion. The term may possibly refer exclusively to privately owned and operated transportation companies such as railroads, airlines, and cruise ship companies. (See Cal. Const., art. XII, [] 3; *Los Angeles Met. Transit Authority v. Pub. Util. Com.* (1963) 59 Cal.2d 863, 870; *Board of Railroad Commissioners v. Market Street Railway Company* (1901) 132 Cal. 677, 678-680; Webster's 3d New Internat. Dict. (1971) p. 461 [company defined as "a chartered commercial organization"].)

Similarly, we need not decide whether a member of the board of directors of a public transit district that is a joint powers agency holds an "office" for purposes of the constitutional prohibition. (See *Pacific Finance Corp. v. City of Lynwood* (1931) 114 Cal.App. 509, 514 ["A public officer is not the offspring of a contract"]; 78 *Ops. Cal. Atty. Gen.* 60, 62, fn. 2 ["a member of the governing body of a joint exercise of powers agency may not be an officer since the position arises by virtue of a contract"]; 3 *Ops. Cal. Atty. Gen.* 318, 319 (1944) [prohibition against accepting a free pass or discount directed at officers only].) The members of the board of directors of a joint powers agency may, of course, be public officers in some other capacity.

[*6]

We conclude that members of the board of directors of a public transit agency may accept passes for free transportation on the agency's buses in order to perform their duties of monitoring the agency's transportation services.

END

Reimann, Kathryn x5358

From: Reimann, Kathryn x5358
Sent: Tuesday, November 20, 2012 11:38 AM
To: 'Debbie Hale'
Subject: RE: ATTY-CLIENT RE: RPC question
Attachments: 85 OpsCalAttyGen 40 - bus passes.doc

Dear Debbie:

Quick research has revealed this Attorney General Opinion (which in turn references other opinions) that takes a more reasonable view of the Constitutional provision – if it is clear that there is no potential “corruptive influence” that may be derived from the discount (or free pass), then it’s not a problem.

The specific Opinion I am attaching seems most on point for you – a public transit agency gave free bus passes to all its members for purposes of monitoring performance – and that was no problem. This Opinion references another that I reviewed that also has similarities, in that it was “free passes” for spouses of airline employees, so that the passes were available to a wider group (like your thing on Saturday) and was unrelated to any attempt to curry favor.

The upshot is, between these two circumstances, I think you were fine on Saturday.

Please let me know if you'd like to discuss further, or want something formal.

Thanks,

Kay

From: Debbie Hale [<mailto:debbie@tamcmonterey.org>]
Sent: Monday, November 19, 2012 11:53 AM
To: Reimann, Kathryn x5358
Subject: RE: ATTY-CLIENT RE: RPC question

Mayor Bachofner asked this question at RPC regarding the one day free rides provided to anyone who signed up online, by the Santa Cruz County Regional Transportation Commission, in order to promote their new rail service on the Santa Cruz Branch Line. Tickets were available to the general public. I suppose I am late in getting this info since the event happened Saturday, but we probably should know for the future.

The California State constitutional provision is the one that says that elected officials, Article XII, Public Utilities Section 7:

SEC. 7. A transportation company may not grant free passes or discounts to anyone holding an office in this State; and the acceptance of a pass or discount by a public officer, other than a Public Utilities Commissioner, shall work a forfeiture of that office. A Public Utilities Commissioner may not hold an official relation to nor have a financial interest in a person or corporation subject to regulation by the commission.

It would seem that because the general public could get the free tickets that it wouldn't matter if office holders also took the free tickets. Everyone had to sign up for the tickets online or arrive in person and wait for vacancies. In the interest of closing the loop, I thought we should ask you.

Debbie Hale, TAMC

From: Reimann, Kathryn x5358 [<mailto:ReimannK@co.monterey.ca.us>]
Sent: Monday, November 19, 2012 9:37 AM

To: Debbie Hale
Subject: ATTY-CLIENT RE: RPC question

Dear Debbie:

I'm afraid I need a bit more context – what do you mean “all rail tickets are free”? For one particular trip? Is the trip open to the general public in a meaningful way? Is there a particular constitutional provision that someone is thinking about? Generally speaking, public officials can accept “gifts,” but they must be reported.

Questions about reportable “gifts” are very fact specific. For example, will there be tickets issued? Will they have a face value on them? What is the context in which this is going on?

To the extent that whatever entity is putting this on is a public entity, and is making this a free event, then I suppose one must look quickly at whether or not this might be considered a gift of public funds – but I assume this is for a promotional event and the rationale would be that it encourages ridership, etc.

I'm sorry that I haven't been following the Rail Policy Committee very much, but I need a little more information to understand what kind of information you would like.

Thanks,

Kay

From: Debbie Hale [<mailto:debbie@tamcmonterey.org>]

Sent: Monday, November 19, 2012 8:47 AM

To: Reimann, Kathryn x5358

Cc: Christina Watson; Todd Muck

Subject: RPC question

Kay,
It may be too late, but the question came up at Rail Policy Committee that if all rail tickets are free, then are local officials allowed to accept them under the state constitution? It seemed like that would be the case but we promised to check.

Debbie Hale
Transportation Agency for Monterey County
55B Plaza Circle, Salinas, CA 93901
Direct: 831-775-4410
Cell: 831-596-4542
Debbie@tamcmonterey.org



TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Memorandum

To: Rail Policy Committee
From: Kaki Cheung, Associate Transportation Planner
Meeting Date: January 7, 2013
Subject: **Legislative Program**

RECOMMENDED ACTION

REVIEW and **COMMENT** on the draft 2013 Legislative Program.

SUMMARY

The purpose of the legislative program is to set general principles to guide staff and Board responses to proposed legislative or budgetary issues. The program also notifies state representatives of the Transportation Agency's position on issues of key importance to the agency.

FINANCIAL IMPACT

The 2012 Transportation Agency Legislative Program focused on maintaining and augmenting transportation funding. The federal program included requests for federal funding for high priority projects. The draft 2013 legislative program continues this focus on funding.

DISCUSSION

Attached is the draft 2013 legislative program, showing changes from the version that was on the December 5, 2012 Agency Board consent agenda. Committee members are requested to review the draft program and provide comments. The final program will return to the Board for adoption at the January 23rd meeting.

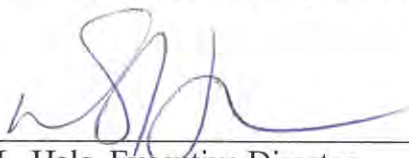
Rail-specific items on the 2013 program include:

- 2S: Seek state funding for the rail extension to Salinas and Monterey Peninsula light rail transit projects.
- 11S: Monitor California High-Speed Rail project and seek funding as possible for Monterey County rail projects.

- 12 S: Support legislation that promotes transit-oriented development, transit villages and smart growth, and support eligibility for housing bond funds.
- 13S: Support "complete streets" and development guidelines that integrate alternative forms of transportation, such as transit, bicycle and pedestrian commuting.

Items of particular interest to this committee on the federal program include:

- 1F: Seek federal authorization, appropriations, stimulus or other funding for the rail extension to Salinas and Monterey Peninsula light rail transit projects.
- 5F: Support an adequate level of funding for Amtrak in the annual appropriations bill and authorization legislation and support a fair share allocation to California for capital improvements and vehicle acquisition.

Approved by: 
Debra L. Hale, Executive Director

Date signed: 12/6/12

Regular Agenda

Agency Counsel Review: N/A

Attachment: Draft 2013 Legislative Program



DRAFT 2013 Legislative Program: State Issues

- 1S. **Preserve funding and delivery schedule of priority transportation projects.**
- 2S. **Seek state funding for the Agency's high priority projects, in priority order:**
 - 1. State Route 156 improvements
 - 2. Rail Extension to Salinas
 - 3. MST Bus Replacements
 - 4. US 101 South County Frontage Roads
 - 5. Monterey Peninsula light rail transit
 - 6. Local streets and roads projects
- 3S. **Support state legislation to ensure federal transportation authorization bill (MAP-21) implemented fairly for all regions, including maintaining bicycle and pedestrian project funds.**
- 4S. **Monitor climate change legislation** implementing state law (AB 32, the California Global Warming Solutions Act, and SB 375, the Sustainable Communities and Climate Protection Act) as relates to transportation and **seek funding** through the cap and trade programs.
- 5S. **Encourage the state to stabilize and increase transportation funding.**
- 6S. **Support proposals to lower the voter threshold for local transportation sales tax ballot measures.**
- 7S. **Raise awareness of the Highway 101 Corridor** and its importance as a transportation facility of state and national significance.
- 8S. **Monitor state proposals for budget and pension reform.**
- 9S. **Monitor state proposals for California Environmental Quality Act (CEQA) reform.**
- 10S. **Support efforts to improve the ability of agencies to plan and deliver transportation projects in a timely and cost effective manner, including updates to storm water runoff requirements.**
- 11S. **Monitor California High-Speed Rail project** and seek funding as possible for Monterey County rail projects.
- 12S. **Support legislation that promotes transit-oriented development, transit villages and smart growth, and support eligibility for housing bond funds.**
- 13S. **Support "complete streets" and development guidelines that integrate alternative forms of transportation, such as transit, bicycle and pedestrian commuting.**
- 14S. **Support member agencies' requests for state funding of regionally significant transportation projects and support partner agency legislative efforts** as they interface with regional transportation priorities, when they are consistent with Transportation Agency for Monterey County priorities.



DRAFT 2013 Legislative Program: Federal Issues

- 1F. Seek federal authorization, appropriations, stimulus or other funding** for the Agency's high priority projects, in priority order:
1. State Route 156 improvements
 2. Rail Extension to Salinas
 3. MST Bus Replacements
 4. US 101 South County Frontage Roads
 5. Monterey Peninsula light rail transit
 6. Monterey Bay Sanctuary Scenic Trail
 7. Local streets and roads projects
- 2F. Support the following priorities for federal transportation legislation:**
1. Stabilize and increase transportation funding sources in order to avoid the bankruptcy of the federal highway and transit trust funds:
 - a. Index the gas tax to inflation or increase the gas tax to meet the nation's transportation needs.
 - b. Identify additional funding sources for maintenance and operations on the existing network.
 - c. Support removal of procedural obstacles that impede expenditure of authorized federal funding.
 - d. Focus funding on projects that support safety, economic development and job creation.
 2. Streamline project delivery.
 3. Support "complete streets" programs.
 4. Support infrastructure bank programs.
- 3F. Ensure that MAP-21 implementation supports our transportation priorities.**
- 4F. Ensure that climate change legislation proposals are coordinated with California's state requirements** and do not adversely affect transportation projects.
- 5F. Support an adequate level of funding for Amtrak** in the annual appropriations bill and authorization legislation and support a fair share allocation to California for capital improvements and vehicle acquisition.
- 6F. Support member agencies' requests** for federal funding of regionally significant transportation projects and **support partner agency legislative efforts** as they interface with regional transportation priorities, when they are consistent with Transportation Agency for Monterey County priorities.



TRANSPORTATION AGENCY FOR MONTEREY COUNTY

Memorandum

To: Rail Policy Committee
From: Christina Watson, Principal Transportation Planner
Meeting Date: January 7, 2013
Subject: Rail Extension to Monterey County Project Update

RECOMMENDED ACTION

RECEIVE update on the Rail Extension to Monterey County project and **PROVIDE** input on proposed implementation plans.

SUMMARY

Progress on the Rail Extension project since the last report to this Committee on November 5, 2012, includes continuing to work with the Federal Transit Administration and Capitol Corridor Joint Powers Authority to ensure the project is eligible for the FTA Small Starts funds as well as meetings with the City of Salinas. Staff will present proposed implementation plans for Committee input.

FINANCIAL IMPACT

The capital cost of full buildout of the rail extension is estimated at \$135.7 million in year-of-expenditure dollars. \$45 million has been secured in state, local and federal funds. The Transportation Agency for Monterey County (TAMC) has been working with the Federal Transit Administration (FTA) to qualify the project for a \$75 million Small Starts grant. The gross operating cost of the project is estimated at approximately \$5 million per year. The estimated ticket revenue is expected to be around \$4 million per year, so the net subsidy needed to support the service would be about \$1 million per year. This could be funded through intercity rail funds. If federal capital funding is not secured, the project could be phased, starting with the construction of improvements to the Salinas station, followed by other station construction work. See below for the cost implications of phasing the project implementation.

DISCUSSION

Salinas

Staff has held several meetings with the City of Salinas and a project update is on the agenda for the January 8, 2013 City Council meeting.

Federal Transit Administration

Federal Transit Administration (FTA) staff has raised several questions about the project in its review of various draft submittals, including whether the project is eligible for Small Starts funding. Staff is working with FTA staff and others to confirm that the project is eligible. Staff also continues to work on finalizing the Administrative Draft Environmental Assessment in anticipation of publishing a public review draft this year.

Capitol Corridor Joint Powers Authority

On November 14, 2012, the Capitol Corridor Joint Powers Authority Board adopted the Goals and Objectives to help guide the development and operation for the extension of Capitol Corridor trains to Salinas. The TAMC Board adopted these same goals on December 5, 2012. The next step is to develop a Principles of Agreement document for adoption by the CCJPA Board on February 20, 2013 and by the TAMC Board on February 27, 2013.

On December 4, 2012, staff held a Salinas Extension coordination team meeting with Capitols staff to discuss the FTA's concerns, the draft operating agreement outline, and the state rail ridership model run on the draft train schedule. The draft schedule shows service starting with early morning departures from Salinas (about 5 am and 6 am, arriving to San Jose about 6:30 am and 7:30 am, respectively) and afternoon return trips (leaving San Jose at about 5:20 pm and 6:45 pm, arriving Salinas about 6:45 pm and 8:15 pm, respectively). The draft schedule is the basis for a ridership analysis done via the state intercity rail model. The initial analysis resulted in very low ridership estimates, so staff is coordinating with Capitols staff to review the assumptions underlying the model and perform a sensitivity analysis to see if changing the draft schedule might result in higher estimates.

Project Implementation Options

In case the project is deemed ineligible for Small Starts funds, staff has researched options for implementing the project in phases. **Attachment 1** is a matrix examining the cost and ridership assumptions for the full project as compared to phased implementation of the project.

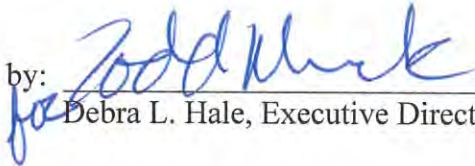
In this scenario, **Phase 1** would be extending service to Salinas (bypassing Gilroy, Pajaro/Watsonville and Castroville). Phase 1 is estimated to cost \$36.4 million, assuming Union Pacific and the Capitols would support moving the layover facility to a location south of Salinas. Given the currently secured and as yet unexpended total funds of \$32.3 million, the Agency would need to secure another \$4.1 million to build the improvements at Salinas. Starting the project in Salinas would realize about 40% of the ridership of the full buildout scenario. Staff also analyzed the option of building the Pajaro/ Watsonville station in Phase 1 instead of Salinas. It would be possible to find space for a layover facility (again assuming support from Union Pacific and the Capitols), and would cost about \$29 million. The ridership in that scenario would be approximately 35% of the full buildout.

Assuming Salinas is the Phase 1 station, improvements to the Gilroy station (**Phase 2**) would cost about \$12 million, and ridership would jump to 60% of the full buildout. Santa Clara Valley Transportation Authority (VTA) staff has indicated they may support using \$10 million of their state funding to make improvements to the tracks at Gilroy, leaving an additional \$2 million in unfunded costs.

Phase 3 could then be the Pajaro/Watsonville station, at a cost of \$22-23 million. Assuming the Santa Cruz County Regional Transportation Commission (SCCRTC) might be able to secure approximately \$5.8 million for that station, the Agency would still need to secure another \$17.2 million to fully fund the station. Full buildout of the Salinas station, constructing the layover facility and additional parking, (**Phase 4**) would cost about \$30-40 million, and **Phase 5**, Castroville, would cost about \$18-21 million. Possible funding sources would be: stimulus funds, federal transportation grants, high-speed rail funds, or future state or local funds.

Under the phasing scenario, many of the activities needed to support the full buildout scenario are still necessary – i.e., environmental clearance, a Memorandum of Understanding with the City of Salinas, track rights agreements, and an operating plan with the Capitols. The activities that could be deferred in the phased scenario would be obtaining permits from the County and coordinating with VTA and the City of Gilroy for improvements in Gilroy. **Attachment 2** lists some pros and cons of the phased scenario to assist in the Committee's discussion and deliberation over options.

Approved by:


Debra L. Hale, Executive Director

Date signed: 12-7-12

Regular Agenda

Reviewed by Counsel: N/A

Attachments:

1. Matrix: Full Project vs. Phased Implementation of Project
2. Pros & Cons: Phased Implementation of Project

	Full Project Implementation (FTA Small Starts Funding)	Phased Implementation, Phase 1: Extend Service to Salinas only (no stop in Gilroy)	Phased Implementation, Phase 2: Connect to Gilroy Station	Phased Implementation, Phase 3: Construct Pajaro Station	Phased Implementation, Phase 4: Full Build-out of Salinas Station	Phased Implementation, Phase 5: Construct Castroville Station
COST ESTIMATE	\$M (YOE)	\$M (YOE)	\$M (YOE, approx)	\$M (YOE, approx)	\$M (YOE, approx)	\$M (YOE, approx)
	\$135.7	\$36.4	\$12	\$22-23	\$30-40	\$18-21
CAPITAL FUNDING (SECURED)	\$M	\$M	\$M	\$M	\$M	\$M
State TCRP funding	\$20	\$15.9	---	---	---	---
State Prop 116 funding	\$7.2	\$6.1	---	---	---	---
State STIP funding	\$14.8	\$10.3	---	---	---	---
Local Funding - RSTPI	\$0.32	---	---	---	---	---
Other funds (expended)	\$2.60	---	---	---	---	---
TOTAL SECURED FUNDS	\$44.92	\$32.3	\$0.0	\$0.0	\$0.0	\$0.0
CAPITAL FUNDING (IDENTIFIED)	\$M	\$M	\$M	\$M	\$M	\$M
FTA "Small Starts" Funding	\$75	---	---	---	---	---
SCCRTC funding for Pajaro Station	\$5.8	---	---	\$5.8	---	---
VTA funding for Gilroy/Morgan Hill Station	\$10	---	\$10	---	---	---
TOTAL IDENTIFIED FUNDS	\$90.8	\$0.0	\$10	\$5.8	\$0	\$0
TOTAL NEEDED FUNDS	\$75	\$4.1	\$2.0	Up to \$17.2	Up to \$40 M	Up to \$21 M
OPERATING FUNDS	\$M/yr	\$M/yr	\$M/yr	\$M/yr	\$M/yr	\$M/yr
Operating Costs	\$4.9	\$4.0	\$4.1	\$4.5	\$4.6	\$4.9
Farebox Revenue	\$4.3	\$1.9	\$2.6	\$3.9	\$3.9	\$4.3
Operating Funds - PTA / ICR?	\$0.6	\$2.1	\$1.5	\$0.6	\$0.7	\$0.6
RIDERSHIP ASSUMPTIONS						
Parsons - based on ACE estimates	1,000/day each way	400/day each way	Plus 200/day each way	Plus 300/day each way	---	Plus 100/day each way
PROPERTY ACQUISITION						
Property Acquisition - Salinas Station Improvements	19 parcels	10 parcels	---	---	9 parcels	---
Property Acquisition - Castroville Station Improvements	2 parcels	---	---	---	---	2 parcels
Property Acquisition - Pajaro Station Improvements	1 parcel	---	---	1 parcel	---	---

Agenda Item ____, Att. ____

Pros & Cons of Phasing Rail Service Project Implementation

Pros

Avoid further time delays and loss of state funds

Capitols are supportive

Defers acquisition of several properties, some of which may be difficult and time-consuming

May increase eligibility for state intercity and high-speed rail funds

Would likely be implemented more quickly

Early phases are cheaper than full buildout, requires less new money now

Could use Caltrans NEPA-delegated authority

Once service is running, support will build for new funding for additional stations

Eligible for state intercity rail funds for operations

Cons

Loss of \$75 million in federal leverage

May never build later phases

Fewer riders in early phases

More expensive over time