



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Agenda

Bay Area Toll Authority

Jake Mackenzie, Chair Scott Haggerty, Vice Chair

Wednesday, September 26, 2018

9:45 AM

Board Room – 1st Floor

This meeting is scheduled to be webcast live on the Metropolitan Transportation Commission's website: <http://mtc.ca.gov/whats-happening/meetings> and will take place at 9:45 a.m. or immediately following the 9:40 a.m. Commission meeting.

1. Roll Call/Confirm Quorum

Quorum: A quorum of this Authority shall be a majority of its voting members (10).

2. Chair's Report (Mackenzie)

3. Consent Calendar

- 3a. [18-0704](#) Minutes of the July 25, 2018 meeting

Action: Authority Approval

Attachments: [3a BATA Meeting Minutes 07-25-2018.pdf](#)

- 3b. [18-0650](#) BATA Resolution No. 126 - Regional Measure 3 Election Results

A request for approval of BATA Resolution No. 126, accepting certified statements from county election officials that the majority of all voters affirmatively approved Regional Measure 3 on the June 5, 2018 ballot.

Action: Authority Approval

Attachments: [3b Reso-126 Certification of RM3 Election Results.pdf](#)

4. Approval

- 4a. [18-0705](#) Closed Session - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

The Authority will meet in closed session pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 to confer with counsel regarding Michael Saliani, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-14-540384; Pamela Moore, et al. v. BATA, et al., San Francisco Superior Court Case No. CGC-15-549048; Kristen Freeland and Michael Jefferson, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-16-550947; and Sumatra Kendrick and Michelle Kelly, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-17-562613.

- 4b. [18-0706](#) Open Session

Action: Authority Approval

5. Public Comment / Other Business

6. Adjournment / Next Meeting

The next meeting of the Bay Area Toll Authority will be held on October 24, 2018, at 9:30 a.m. in the Board Room, Bay Area Metro Center, 375 Beale Street, San Francisco, CA 94105.

Public Comment: The public is encouraged to comment on agenda items at Authority meetings by completing a request-to-speak card (available from staff) and passing it to the Authority secretary. Public comment may be limited by any of the procedures set forth in Section 3.09 of MTC's Procedures Manual (Resolution No. 1058, Revised) if, in the chair's judgment, it is necessary to maintain the orderly flow of business.

Meeting Conduct: If this meeting is willfully interrupted or disrupted by one or more persons rendering orderly conduct of the meeting unfeasible, the Chair may order the removal of individuals who are willfully disrupting the meeting. Such individuals may be arrested. If order cannot be restored by such removal, the members of the Authority may direct that the meeting room be cleared (except for representatives of the press or other news media not participating in the disturbance), and the session may continue.

Record of Meeting: Authority meetings are recorded. Copies of recordings are available at a nominal charge, or recordings may be listened to at MTC offices by appointment. Audiocasts are maintained on MTC's Web site (mtc.ca.gov) for public review for at least one year.

Accessibility and Title VI: MTC provides services/accommodations upon request to persons with disabilities and individuals who are limited-English proficient who wish to address Commission matters. For accommodations or translations assistance, please call 415.778.6757 or 415.778.6769 for TDD/TTY. We require three working days' notice to accommodate your request.

可及性和法令第六章: MTC 根據要求向希望來委員會討論有關事宜的殘疾人士及英語有限者提供服務/方便。需要便利設施或翻譯協助者，請致電 415.778.6757 或 415.778.6769 TDD / TTY。我們要求您在三個工作日前告知，以滿足您的要求。

Acceso y el Titulo VI: La MTC puede proveer asistencia/facilitar la comunicación a las personas discapacitadas y los individuos con conocimiento limitado del inglés quienes quieran dirigirse a la Comisión. Para solicitar asistencia, por favor llame al número 415.778.6757 o al 415.778.6769 para TDD/TTY. Requerimos que solicite asistencia con tres días hábiles de anticipación para poderle proveer asistencia.

Attachments are sent to Authority members, key staff and others as appropriate. Copies will be available at the meeting.

All items on the agenda are subject to action and/or change by the Authority. Actions recommended by staff are subject to change by the Authority.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 18-0704 **Version:** 1 **Name:**
Type: Minutes **Status:** Consent
File created: 8/23/2018 **In control:** Bay Area Toll Authority
On agenda: 9/26/2018 **Final action:**
Title: Minutes of the July 25, 2018 meeting
Sponsors:
Indexes:
Code sections:
Attachments: [3a BATA Meeting Minutes_07-25-2018.pdf](#)

Date	Ver.	Action By	Action	Result
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Subject:
Minutes of the July 25, 2018 meeting

Recommended Action:
Authority Approval



Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105

Meeting Minutes

Bay Area Toll Authority

Jake Mackenzie, Chair Scott Haggerty, Vice Chair

Wednesday, July 25, 2018

10:15 AM

Board Room – 1st Floor

Call Meeting to Order

1. Roll Call/Confirm Quorum

Present: 16 - Commissioner Aguirre, Commissioner Bruins, Commissioner Connolly, Commissioner Cortese, Commissioner Dutra-Vernaci, Commissioner Glover, Vice Chair Haggerty, Commissioner Halsted, Commissioner Josefowitz, Commissioner Kim, Chair Mackenzie, Commissioner Pierce, Commissioner Schaaf, Commissioner Slocum, Commissioner Spering and Commissioner Worth

Absent: 2 - Commissioner Liccardo and Commissioner Pedroza

Non-Voting Commissioners Present: Commissioner Azumbrado and Commissioner Giacomini

Non-Voting Commissioner Absent: Commissioner Davis

2. Chair's Report (Mackenzie)

3. Consent Calendar

Approval of the Consent Calendar

Upon the motion by Vice Chair Haggerty and the second by Commissioner Bruins, the Consent Calendar was unanimously approved by the following vote:

Aye: 16 - Commissioner Aguirre, Commissioner Bruins, Commissioner Connolly, Commissioner Cortese, Commissioner Dutra-Vernaci, Commissioner Glover, Vice Chair Haggerty, Commissioner Halsted, Commissioner Josefowitz, Commissioner Kim, Chair Mackenzie, Commissioner Pierce, Commissioner Schaaf, Commissioner Slocum, Commissioner Spering and Commissioner Worth

Absent: 2 - Commissioner Liccardo and Commissioner Pedroza

3a. [18-0568](#) Minutes of the June 27, 2018 meeting

Action: Authority Approval

4. Committee Report

- 4a. [18-0489](#) BATA Resolution No. 125: Final Environmental Impact Report for Gateway Park

A request for approval of BATA Resolution No. 125, the Final Environmental Impact Report for Gateway Park in accordance with the California Environmental Quality Act

Action: Authority Approval

Upon the motion by Commissioner Worth and the second by Commissioner Sperling, the Authority unanimously adopted BATA Resolution No. 125: Final Environmental Impact Report for Gateway Park. The motion carried by the following vote:

Aye: 16 - Commissioner Aguirre, Commissioner Bruins, Commissioner Connolly, Commissioner Cortese, Commissioner Dutra-Vernaci, Commissioner Glover, Vice Chair Haggerty, Commissioner Halsted, Commissioner Josefowitz, Commissioner Kim, Chair Mackenzie, Commissioner Pierce, Commissioner Schaaf, Commissioner Slocum, Commissioner Sperling and Commissioner Worth

Absent: 2 - Commissioner Liccardo and Commissioner Pedroza

5. Approval

- 5a. [18-0605](#) Closed Session - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

The Authority met in closed session pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 to confer with counsel regarding Howard Jarvis Taxpayers Association, Brandon Kline, Angelique Bacon, and Deidre Dawson vs. The Bay Area Toll Authority, the California State Legislature, and All Persons Interested, San Francisco Superior Court Case No. CGC 18-567860.

Meeting went into Recess

Meeting Reconvened

5b. [18-0606](#) Open Session

The Authority reconvened in open session. Adrienne Weil, General Counsel, reported that the Authority met in closed session pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 to discuss the above litigation and there were no reportable actions.

Action: Authority Approval

6. Public Comment / Other Business

7. Adjournment / Next Meeting

The next meeting of the Bay Area Toll Authority will be held on **September 26, 2018**, at 9:30 a.m. in the Board Room, Bay Area Metro Center, 375 Beale Street, San Francisco, CA 94105.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 18-0650 **Version:** 1 **Name:**
Type: Report **Status:** Authority Approval
File created: 7/30/2018 **In control:** Bay Area Toll Authority
On agenda: 9/12/2018 **Final action:**
Title: BATA Resolution No. 126 - Regional Measure 3 Election Results

A request for approval of BATA Resolution No. 126, accepting certified statements from county election officials that the majority of all voters affirmatively approved Regional Measure 3 on the June 5, 2018 ballot.

Sponsors:

Indexes:

Code sections:

Attachments: [3b Reso-126 Certification of RM3 Election Results.pdf](#)
[5b Reso-126 Certification of RM3 Election Results.pdf](#)

Date	Ver.	Action By	Action	Result
9/12/2018	1	Bay Area Toll Authority Oversight Committee		

Subject:

BATA Resolution No. 126 - Regional Measure 3 Election Results

A request for approval of BATA Resolution No. 126, accepting certified statements from county election officials that the majority of all voters affirmatively approved Regional Measure 3 on the June 5, 2018 ballot.

Presenter:

Peter Lee

Recommended Action:

Authority Approval



BAY AREA TOLL AUTHORITY

Bay Area Metro Center

375 Beale Street

San Francisco, CA 94105

TEL 415.778.6700

WEB www.mtc.ca.gov

Memorandum

TO: BATA

DATE: September 5, 2018

FR: Executive Director

W. I. 1252

RE: BATA Resolution No. 126 – Regional Measure 3 Election Results

On the June 5, 2018 ballot, Regional Measure 3 (RM3) was submitted to voters in the nine Bay Area counties for approval of a toll increase of three dollars (\$3.00) to be phased in over seven years to fund a program of transportation projects. The toll increase includes a one dollar (\$1.00) toll increase on January 1, 2019, a one dollar (\$1.00) toll increase on January 1, 2022, and a one dollar (\$1.00) toll increase on January 1, 2025, for vehicles traveling on the seven state-owned bridges in the Bay Area: the Antioch, Benicia-Martinez, Carquinez, Dumbarton, Richmond-San Rafael, San Mateo-Hayward, and the San Francisco-Oakland Bay bridges.

Election officials for each of the counties have certified the results of the vote on RM 3 and have each submitted a report of the results to BATA. The sum total of all votes cast in the nine counties shows that 55 percent of voters voting on RM 3 voted affirmatively in favor of its approval, thus clearing the majority vote threshold required.

Attached is BATA Resolution No. 126, which formally acknowledges BATA receipt and acceptance of the election results from each of the respective counties.

Recommendation

Staff recommends that this Committee refer BATA Resolution No. 126 to the Authority for approval.



Steve Heminger

SH:mn

Attachment

Date: September 26, 2018
Referred by: BATA Oversight

ABSTRACT

BATA Resolution No. 126

This resolution accepts certified statements from county election officials regarding the results of Regional Measure 3 on the June 5, 2018 ballot, and observes that a majority of all voters voting on Regional Measure 3 affirmatively approved the Measure.

Further discussion of this resolution is contained in the Executive Director's memorandum to the BATA Oversight Committee dated September 5, 2018.

Date: September 26, 2018
Referred by: BATA Oversight

Re: Results of Regional Measure 3 Election

BAY AREA TOLL AUTHORITY
RESOLUTION NO. 126

WHEREAS, on June 5, 2018, a special election was held in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma (individually, each a “County” and, collectively, the “Counties”) to approve a toll increase of three dollars (\$3.00) phased in over time, including a one dollar (\$1.00) toll increase on January 1, 2019, a one dollar (\$1.00) toll increase on January 1, 2022, and a one dollar (\$1.00) toll increase on January 1, 2025, for vehicles traveling on the state-owned bridges located in the San Francisco Bay Area (“Regional Measure 3”); and

WHEREAS, in accordance with subsection (e) of Section 30923 of the California Streets and Highways Code (the “Code”), the Registrar of Voters of the City and County of San Francisco and of each of the Counties has submitted to the Bay Area Toll Authority (the “Authority”) a certified statement of the votes cast in said election, showing the total votes cast for and against Regional Measure 3 (collectively, the “Statement of Election Results”), as summarized in Attachment A of this Resolution, and a complete record of the Statement of Election Results is on file at the Office of the General Counsel of the Authority; now, therefore, be it

RESOLVED, that the Authority specifically finds and declares that the statements, findings and determinations of the Authority set forth in the preambles above are true and correct; and be it further

RESOLVED, that the Authority accepts the Statement of Election Results submitted by the Counties; and be it further

RESOLVED, that the Authority observes that, pursuant to the Statement of Election Results, as summarized in Attachment A hereto, a majority of all voters voting on Regional Measure 3 at such election voted affirmatively for Regional Measure 3; and be it further

RESOLVED, that the Chair of the Authority, the Vice Chair of the Authority, the Executive Director, the Chief Financial Officer and other appropriate officers of the Authority, be and they are hereby authorized and directed, jointly and severally, for and in the name and on behalf of the Authority, to do any and all things that they deem necessary or advisable in order to effectuate the purposes of this Resolution in accordance with the terms hereof and of applicable provisions of law.

BAY AREA TOLL AUTHORITY

Jake Mackenzie, Chair

The above resolution was first entered into by the Bay Area Toll Authority at a regular meeting of the Authority held in San Francisco, California, on September 26, 2018.

Date: September 26, 2018
Referred by: BATA Oversight

Attachment A
BATA Resolution No. 126
Page 1 of 1

Summary of the Statement of Election Results for Regional Measure 3

County	“Yes” Votes	Percent “Yes”	“No” Votes	Percent “No”	Total Yes+No	Date certified
Alameda	173,275	54%	148,245	46%	321,520	6/21/18
Contra Costa	101,070	45%	125,851	55%	226,921	6/25/18
Marin	48,090	61%	31,366	39%	79,456	6/27/18
Napa	17,350	51%	16,828	49%	34,178	6/25/18
San Francisco	153,812	65%	81,383	35%	235,195	6/27/18
San Mateo	89,524	55%	73,533	45%	163,057	7/3/18
Santa Clara	212,661	61%	133,488	39%	346,149	7/5/18
Solano	24,182	30%	56,334	70%	80,516	6/21/18
Sonoma	67,006	53%	58,556	47%	125,562	7/2/18
Total	886,970	55%	725,584	45%	1,612,554	—

Source: Registrars of Voters of the City and County of San Francisco and of each of the Counties
Certified statements from each county are on file in the Authority’s offices.



Metropolitan Transportation Commission

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Legislation Details (With Text)

File #:	18-0705	Version:	1	Name:	
Type:	Report	Status:		Agenda Ready	
File created:	8/23/2018	In control:		Bay Area Toll Authority	
On agenda:		Final action:			
Title:	Closed Session - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION				

The Authority will meet in closed session pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 to confer with counsel regarding Michael Saliani, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-14-540384; Pamela Moore, et al. v. BATA, et al., San Francisco Superior Court Case No. CGC-15-549048; Kristen Freeland and Michael Jefferson, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-16-550947; and Sumatra Kendrick and Michelle Kelly, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-17-562613.

Sponsors:**Indexes:****Code sections:****Attachments:**

Date	Ver.	Action By	Action	Result
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Subject:

Closed Session - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

The Authority will meet in closed session pursuant to Government Code Section 54956.9(a) and paragraph (1) of subdivision (d) of Government Code Section 54956.9 to confer with counsel regarding Michael Saliani, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-14-540384; Pamela Moore, et al. v. BATA, et al., San Francisco Superior Court Case No. CGC-15-549048; Kristen Freeland and Michael Jefferson, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-16-550947; and Sumatra Kendrick and Michelle Kelly, et al., v. BATA, et al., San Francisco Superior Court Case No. CGC-17-562613.



Metropolitan Transportation Commission

375 Beale Street, Suite 800
San Francisco, CA 94105

Legislation Details (With Text)

File #: 18-0706 **Version:** 1 **Name:**
Type: Report **Status:** Authority Approval
File created: 8/23/2018 **In control:** Bay Area Toll Authority
On agenda: 9/25/2018 **Final action:**
Title: Open Session
Sponsors:
Indexes:
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
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Subject:
Open Session

Recommended Action:
Authority Approval