



California Fair Political Practices Commission

March 30, 1988

Francis Chin
General Counsel
Metropolitan Transportation Commission
Metrocenter
101-8th Street
Oakland, CA 94607

Re: Your Request for Advice
Our File No. A-88-091

Dear Mr. Chin:

You have requested advice on behalf of Metropolitan Transportation Commissioner Angelo Siracusa, concerning his duties under the conflict-of-interest provisions of the Political Reform Act (the "Act").^{1/} This letter confirms the telephone advice I provided to you on March 24.

This letter concerns only Mr. Siracusa's ability to participate in future decisions of the Metropolitan Transportation Commission ("MTC"). We make no comment on Mr. Siracusa's past conduct regarding any MTC decisions. (Regulation 18329(b)(8)(A) copy enclosed.)

QUESTION

May Mr. Siracusa participate in decisions of the Metropolitan Transportation Commission if his employer, the Bay Area Council, offers public comment on those decisions?

CONCLUSION

Mr. Siracusa may participate in the decisions of the Metropolitan Transportation Commission despite the Bay Area Council's public comments on those decisions. Based on the specific facts presented, the decisions in question affect the

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, *et seq.* All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

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Bay Area Council in substantially the same manner as the public generally.

FACTS

The MTC is the regional transportation planning agency for the nine-county San Francisco Bay Area. It has sixteen voting members, including Mr. Siracusa.

MTC is performing a review of its regional priorities for development of public transportation projects. MTC's priority list recommends allocation of public funds to various public agencies throughout the San Francisco Bay Area. This includes recommendations about possible further extension of service by the San Francisco Bay Area Rapid Transit District ("BART") into San Mateo County and its effect on public funding for Southern Pacific Railroad Commuter Service ("Caltrain") in Santa Clara County, San Mateo County and the City and County of San Francisco.

Mr. Siracusa is employed as the president of the Bay Area Council. He receives an annual salary of more than \$250. The Bay Area Council is a private, nonprofit, business-sponsored organization involved in public policy issues in the San Francisco Bay region. It has approximately 300 members who are major corporations and business firms. It has been active on issues ranging from economic development and transportation to jobs and the environment.

The Bay Area Council has submitted public comments to MTC in response to MTC's request to the general public for comments on priorities for development of public transportation projects. You have informed us that the Bay Area Council has imposed no restrictions on Mr. Siracusa's decisionmaking as an MTC commissioner.

ANALYSIS

Section 87100 prohibits any public official from making, participating in or using his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally, on, among other interests, any source of income of \$250 or more provided to, received by or promised to the official within 12 months prior to the decision. (Section 87103(c).)

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Mr. Siracusa is a public official because of his position as an MTC Commissioner. (Section 82048.) He is employed as the president of the Bay Area Council, and has received more than \$250 in income from his employer during the preceding 12 months. Thus, Mr. Siracusa must disqualify himself from participating in any decision before the MTC if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally, on the Bay Area Council.

Regulation 18702 (copy enclosed) contains specific tests for determining whether the effect of a decision on an official's source of income is considered material. In particular, Regulation 18702(b)(3)(B) provides that the effect of a decision on an official's source of income will be considered material if there is a nexus between the governmental decision and the purpose for which the official receives income. In other words, the regulation prevents an official from using his official position to accomplish what his employer pays him to do. (See Best Advice Letter, No. A-81-032; Scheidig Advice Letter, No. A-82-212, copies enclosed.)

Based on the facts provided, we conclude the "nexus" test probably applies to Mr. Siracusa's situation. We do not have specific facts concerning Mr. Siracusa's involvement in the comments the Bay Area Council submitted to the MTC. However, if Mr. Siracusa was involved in developing those comments, the nexus test would apply. Furthermore, if Mr. Siracusa's duties as president of the Bay Area Council include furthering or supporting the position of the council on the issues before MTC, the nexus test would apply. Under the nexus test, it is not necessary for the Bay Area Council to have instructed Mr. Siracusa on how to vote regarding MTC's regional priorities for public transportation projects. It is sufficient that Mr. Siracusa is paid by the Bay Area Council to perform certain functions related to the decisions before the MTC.

While we do not have specific facts concerning Mr. Siracusa's duties as president of the Bay Area Council, we think it is likely that the president of such an organization at least would be responsible for furthering or supporting the position of the council on the issues before the MTC. For purposes of this letter, we shall assume this is the case. If you or Mr. Siracusa wish to furnish additional information on this point, please contact us. However, we shall assume that the nexus test applies to Mr. Siracusa's situation. Accordingly, the decisions before MTC will have a material financial effect on Mr. Siracusa's source of income, the Bay Area Council.

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Even if the decisions will materially affect the Bay Area Council, Mr. Siracusa may participate in those decisions if the effects on the Bay Area Council are not distinguishable from the effects on the public generally. (Section 87103.) Regulation 18703 (copy enclosed) provides that the effect of a decision on an official's economic interest is distinguishable from the effect on the public generally unless a significant segment of the public would be affected in substantially the same manner.

The Commission has defined the "general public" as the entire jurisdiction of the official's agency. (In re Owen (1976) 2 FPPC Ops. 77, 81, copy enclosed.) The jurisdiction of the MTC is the nine-county San Francisco Bay Area. Accordingly, the residents, property owners and businesses of those nine counties are the "general public" for purposes of this analysis.

In your letter, you state that MTC's decisions about transportation funding priorities directly affect only public agencies. You also assert that these decisions have the same general effect on all private interests in MTC's jurisdiction and that there is no special financial effect on the Bay Area Council, which represents business interests in general. For these reasons, you believe the decisions before the MTC are distinguishable from the decisions discussed in the Best and Scheidig Advice Letters, supra, which focused on more specific planning or housing project decisions in a particular city or county.

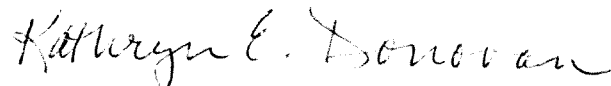
Based on the fact that the MTC funding decisions will have widespread effects throughout the San Francisco Bay Area, and that the Bay Area Council represents a broad range of business interests, we conclude that the transportation funding decisions pending before MTC will not affect the Bay Area Council in a manner distinguishable from the effect on the public generally. We recognize that the question of funding for the BART extension to San Mateo County most directly affects only one of the nine counties in MTC's jurisdiction, but we conclude that the population of San Mateo County is a significant segment of MTC's jurisdiction. Thus based on the facts provided, Mr. Siracusa may participate in the decisions before MTC concerning funding priorities for public transportation projects, even though his employer has submitted public comments for the purpose of influencing these decisions.

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If you have any further questions concerning this letter,
please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel



By: Kathryn E. Donovan
Counsel, Legal Division

DMG:KED:plh
Enclosures

F P P C
MAR 1 3 22 PM '88



February 29, 1988

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OAKLAND, CA 94607
(415) 464-7700

Alameda County

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Association of
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DIANNE McKENNA

S.F. Bay Conservation
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ANGELO J. SIRACUSA

State Business,
Transportation and
Housing Agency

BURCH BACHTOLD

U.S. Department
of Transportation

ROBERT E. MAYER

Executive Director
LAWRENCE D. DAHMS

Deputy Executive Director
WILLIAM F. HEIN

Ms. Diane Griffiths
General Counsel
Fair Political Practices Commission
428 J Street, Suite 800
Sacramento, CA 95814
Attention: Legal Opinion Section

RE: Request for Written Opinion

Dear Ms. Griffiths:

I write on behalf of a member of the Metropolitan Transportation Commission (MTC) concerning certain provisions of the Political Reform Act (Government Code § 87103 and 2 Cal. Admin. Code § 18702).

I. Introduction

The Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the nine-county San Francisco Bay Area (Government Code § 66500 *et seq.*) It has sixteen voting members. Included among MTC's planning responsibilities is the establishment of regional priorities for the development of public transportation projects.

Mr. Angelo Siracusa is an MTC Commissioner. Mr. Siracusa is employed as the President of the Bay Area Council. He receives a salary of more than \$250 annually from the Bay Area Council. The Bay Area Council is a private, non-profit, business-sponsored organization involved in public policy issues in the San Francisco Bay region. It has been active on issues ranging from economic development and transportation to jobs and the environment.

I was advised by Mr. Steve Crooks in a telephone call on February 23, 1988, that a complaint had been filed with the FPPC alleging a violation of the Political Reform Act by Mr. Siracusa. I have had several telephone conversations since with Mr. Crooks and Ms. Margueta Aldebarado of your office.

II. Opinion Requested

The issue is whether Mr. Siracusa, as an MTC Commissioner, may participate in discussions and vote on decisions regarding MTC's current

review of its regional priorities for the development of public transportation projects, if representatives from the Bay Area Council offer public comment concerning that review.

III. Prior and Pending Action by Mr. Siracusa regarding MTC's Priorities

I had advised Mr. Siracusa, prior to notification from your agency of the complaint, that he may participate in MTC's current review of its priorities for the development of public transportation projects, even though a representative of the Bay Area Council had offered public comments on the subject. My advice was based on the following facts, supporting the conclusion that there is no material financial interest involved because there is no nexus between MTC's review of its regional priorities and the purpose for which Mr. Siracusa receives his income from the Bay Area Council:

- The public comments offered by the Bay Area Council were in response to an MTC request to the general public for comment.
- Mr. Siracusa is under no instruction from his employer, the Bay Area Council, on how to vote regarding MTC's regional priorities for public transportation projects.
- MTC's regional priorities have no greater or lesser effect on Mr. Siracusa or the Bay Area Council than they would on any other person or private organization.
- - The Bay Area Council has no contractual relationship with MTC regarding the current review of MTC's regional priorities.
- A decision by MTC on regional priorities will result in no award of any contract for any specific project because funding for any project must still be approved by other public agencies and, in some instances, by the electorate.

MTC was scheduled to make a final decision on its current review of its regional priorities on February 24, 1988. Mr. Siracusa, prior to February 23, 1988, had participated in discussions regarding this matter. Having been advised by your agency that a complaint had been filed regarding Mr. Siracusa's legal eligibility to participate in that decision, I advised Mr. Siracusa not to participate or vote on that decision, pending a resolution of the complaint. Mr. Siracusa agreed with my legal advice and did not, on February 24, 1988, participate or vote on this matter. The Commission, on a 15-0 vote, with Mr. Siracusa abstaining, voted to delay a final decision until March 24, 1988. The delay was to accommodate efforts by members of the Commission to complete development of a consensus package of revisions to MTC's regional priorities for the Commission's subsequent consideration and approval. The decision to delay a final decision was in no way influenced by the Bay Area Council. Mr. Siracusa advises me that had he voted on February 24, 1988, the vote would have been unanimous.

IV. History of MTC's Regional Priorities

MTC's priorities for the development of public transportation projects are referred to by MTC as its "San Francisco Bay Area New Rail Transit Starts and Extensions Program." It was first developed in 1983 and incorporated in MTC Resolution No. 1367 (attached). Mr. Siracusa was not a member of MTC at the time of the adoption of MTC Resolution No. 1367. The Bay Area Council, in response to MTC's solicitation for public comment, offered public comments in 1983 during the development of Resolution No. 1367.

MTC decided in 1987 to review the priorities set forth in Resolution No. 1367. Public comment was solicited by MTC. In response to that solicitation, MTC received public comments from representatives of members of Congress, the State Legislature, local governments, public transportation agencies, private business entities, transportation unions, and private citizens. Representatives of the Bay Area Council submitted public comment. In addition, discussions have taken place with representatives of the federal and state administrative agencies responsible for providing federal and state project approval.

V. MTC's Regional Public Transportation Projects Priorities Has No Nexus to Mr. Siracusa's Bay Area Council Salary or any Financial Interest of the Bay Area Council

One of MTC's roles is to present to the state and federal government evidence to support continued funding support for the San Francisco Bay Area's complex and varied public transportation program. With well over a dozen major public transportation agencies, the region's competitive ability to obtain state and federal transportation funds is effective only if competitive claims from within the region are dealt with by the region before submission to the State legislature, the State administration, Congress, and Federal administrative agencies.

All projects included in MTC's priority list must have a public agency project sponsor, must undergo future environmental review, and, in instances where local funding is proposed, future approval by the electorate. The most critical issue being debated in the current review of MTC Resolution No. 1367, and the issue on which the Bay Area Council has offered comment (which comment forms the alleged basis of the complaint filed with the Fair Political Practices Commission regarding Mr. Siracusa) is how, given the scarcity of local, state and federal funds, will the Southern Pacific Railroad Commuter Service (Caltrain) in Santa Clara County, San Mateo County, and the City and County of San Francisco be maintained and extended while also allowing for possible further extension of service by the San Francisco Bay Area Rapid Transit District (BART) into San Mateo County.

In addition to future State and Federal review, any effort by BART to extend its service into San Mateo County requires the approval of the electorate (Public Utilities Code § 29654). Required local funding for Caltrain extension/improvements is currently included within a program to be submitted

Diane Griffiths, FPPC
February 29, 1988
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for voter approval in San Mateo County pursuant to the County Transportation Commission Act (Public Utilities Code § 130000 et seq.). With all due respect to the comments offered by the Bay Area Council regarding the question of Caltrain and BART, its comments have no greater or lesser effect than any other person or entity, since final project approval of any project on MTC's priority list must be supported by the state, the federal government, and by the electorate.

Mr. Siracusa assures me that the Executive Committee of the Bay Area Council has imposed no limitations on him relative to his responsibilities to MTC. Indicative of Mr. Siracusa's complete freedom to act is his interest in participating in the current development of the consensus package pending for approval by the Commission next month.

VI. Prior FPPC Letter Opinions Referenced by Complaint Can Be Distinguished.

The two letter opinions referenced by the complaint are distinguishable. Your office, in FPPC Opinion Letter No. A-81-032, concluded that the Executive Secretary of the Coalition of Labor and Business, Alameda and Contra Costa Counties, cannot, as a member of the San Ramon Valley Area Planning Commission, participate in Planning Commission matters in which the Coalition has taken a position. Also, your office opined that an employee of the Bay Area Council whose responsibility is field liaison for (its) Housing Advocacy Program cannot participate as a City Council member on matters on which the Bay Area Council has taken a position (FPPC Advice Letter No. A-82-212).

- As stated earlier, Mr. Siracusa is under no instructions by his employer to vote a particular way. Unlike housing and land use issues, MTC's priorities, as discussed above, affect only public agencies specifically and have the same general effect on all private interests. Further, because public transportation projects affect everyone in the San Francisco Bay Area, MTC wants comments from all segments of the regional community.

Mr. Siracusa would appreciate a speedy response to this opinion request. It is his hope that this matter will be favorably resolved in his favor to allow him to participate in helping to complete MTC's current priorities review on March 24, 1988.

Please do not hesitate to contact me should you have any questions or require any further information.

Very truly yours,



Francis Chin
General Counsel

FC:lt:9401L44
cc: Angelo Siracusa
Steve Crooks, Esq.

Date: 2/22/84
W.I.: 1201.01.01
W.A.: 9328R
Referred By: Executive
Revised: 3/27/85

ABSTRACT

Resolution No. 1367

This resolution sets forth a 16-year program of New Rail Transit Starts and Extensions.

The Commission unanimously adopted a motion on March 27, 1985 to amend the date of the first update from June 30, 1985 to November 30, 1985.

Date: 2/22/84
W.I.: 1201.01.01
W.A.: 9328R
Referred By: Executive
Revised: 3/27/85

Re: New Rail Starts and Extensions

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 1367

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, there are State and Federal discretionary funds available for new rail transit starts and extensions; and

WHEREAS, with the assistance provided by State Transportation Development Act (TDA) and Federal Urban Mass Transit Administration (UMTA) planning funds over the past fifteen years, BART has sponsored several planning studies to provide the eventual basis for extensions including Pittsburg and Antioch in Contra Costa County and Livermore and Pleasanton in Alameda County; and

WHEREAS, the MTC has sponsored a process for selecting candidate projects to be included in the San Francisco Bay Area's program of new rail transit starts and extensions; and

WHEREAS, MTC seeks a consensus in support of funding its program; and

WHEREAS, the scope and cost of a project must be defined and approved according to a well defined planning process which usually includes an UMTA defined Alternatives Analysis and Environmental Impact Statement; and

WHEREAS, having completed the necessary planning tests, the Guadalupe corridor, CalTrain rail modernization, and BART - Daly City turnback and storage and rail car projects are eligible for capital funding and will use a substantial portion of the rail modernization and new starts funds available to the San Francisco Bay Area in the next 3-5 years; and

WHEREAS, MTC intends to encourage project sponsors to define the scope and cost of additional projects so they will be eligible for funding as additional funds become available; and

WHEREAS, Santa Clara County proposes a Santa Clara Transportation 2000 project; MTC, BART, and Santa Clara County jointly sponsor the Fremont - San Jose project; MTC in cooperation with Alameda and Contra Costa Counties is conducting the I-680 corridor project; MTC's PENTAP Committee is sponsor of the Route 101 corridor project; Caltrans, San Francisco, and MTC are sponsors of the I-280 transfer project; and Caltrans, Santa Clara County, and the cities contiguous to Route 85 are sponsoring the West Valley Corridor (Route 85) Alternative Analysis and Environmental Impact Statement; and

WHEREAS, MTC recognizes that during the time that these corridor planning projects are being conducted there are important agreements being developed regarding station locations, cost sharing and other vitally important factors; now, therefore, be it

RESOLVED, that MTC adopts a 16-year new rail starts program, reviewable in the period July 1, 1984 through June 30, 1985, and thereafter at least every two years; and, be it further

RESOLVED, that MTC will seek capital funds for the Guadalupe corridor project (\$262 million), CalTrain modernization (\$110 million), BART-Daly City turnback, storage yards and rail cars (\$280 million) and Muni Metro Embarcadero turnaround (\$41 million) in the current year and 1984-85; and, be it further

RESOLVED, that MTC will allocate UMTA Section 9 planning funds to project sponsors for the further development of the following projects:

<u>Project</u>	<u>Estimated Capital Cost</u>
BART extension to West Pittsburg including a North Concord Station	\$336 million
Muni Metro J Line extension	16.5
Muni Metro extension to 4th and Townsend Streets, San Francisco	12.5

<u>Project</u>	<u>Estimated Capital Cost</u>
BART extension, Fremont to Warm Springs including an Irvington station	\$266 Million
BART extension, Bayfair to Dublin including a Castro Valley station	202
Acquisition of various rights-of-way including Northwestern Pacific Railway in Marin County and Southern Pacific in the San Ramon Valley, Contra Costa County and the Livermore/Amador Valley, Alameda County, together with appropriate station sites	100
Oakland Airport Connector	86
CalTrain Peninsula commute service improvements in the Northern Route 101 corridor, including an extension into downtown San Francisco to a location at or near the Transbay Terminal	400
CalTrain Peninsula commute service San Jose Terminal relocation	50
Rail extension, Warm Springs to San Jose	102
Guadalupe corridor extension to Lockheed Corporation Facility	90
BART extension in San Mateo County, Daly City to San Francisco Airport Corridor	370
Muni Metro E Line	33
Muni Metro F Line	13

and, be it further

RESOLVED, that MTC awaits the recommendations of the Santa Clara County Transportation 2000 plan to provide the basis for project priority decisions within the county (having reserved a total of \$300 million in the MTC program based on the sum of \$102 million for a Warm Springs-San Jose light rail line, \$90 million Guadalupe-Lockheed extension, \$50 million Southern Pacific terminal relocation and \$58 million reservation for light rail, CalTrain or BART in the county); and, be it further

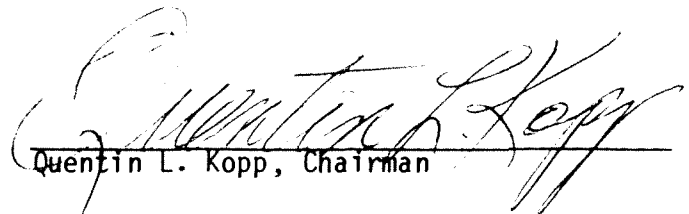
RESOLVED, in order to achieve the objectives of the Regional Transportation Plan which recommends a redistribution of additional airline service to Oakland and San Jose Airports, MTC recommends that the Port of Oakland and BART proceed expeditiously with development of the Oakland Airport transit access project; and, be it further

RESOLVED, that MTC will refer to progress being made in the relevant corridor planning projects, alternative analysis and environmental impact reports as it conducts its reviews of the program; and, be it further

RESOLVED, that MTC anticipates that equitable financial participation by the necessary parties to any station and other agreements will be agreed upon as the planning proceeds; and, be it further

RESOLVED, that MTC will refer to the provisions of this resolution as the basis for consideration of grant applications.

Metropolitan Transportation Commission


Quentin L. Kopp, Chairman

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on February 22, 1984.

88-091

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February 29, 1988

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Mr. Siracusa assures me that the Executive Committee of the Bay Area Council has imposed no limitations on him relative to his responsibilities to MTC. Indicative of Mr. Siracusa's complete freedom to act is his interest in participating in the current development of the consensus package pending for approval by the Commission next month.

VI. Prior FPPC Letter Opinions Referenced by Complaint Can Be Distinguished.

The two letter opinions referenced by the complaint are distinguishable. Your office, in FPPC Opinion Letter No. A-81-032, concluded that the Executive Secretary of the Coalition of Labor and Business, Alameda and Contra Costa Counties, cannot, as a member of the San Ramon Valley Area Planning Commission, participate in Planning Commission matters in which the Coalition has taken a position. Also, your office opined that an employee of the Bay Area Council whose responsibility is field liaison for (its) Housing Advocacy Program cannot participate as a City Council member on matters on which the Bay Area Council has taken a position (FPPC Advice Letter No. A-82-212).

As stated earlier, Mr. Siracusa is under no instructions by his employer to vote a particular way. Unlike housing and land use issues, MTC's priorities, as discussed above, affect only public agencies specifically and have the same general effect on all private interests. Further, because public transportation projects affect everyone in the San Francisco Bay Area, MTC wants comments from all segments of the regional community.

Mr. Siracusa would appreciate a speedy response to this opinion request. It is his hope that this matter will be favorably resolved in his favor to allow him to participate in helping to complete MTC's current priorities review on March 24, 1988.

Please do not hesitate to contact me should you have any questions or require any further information.

Very truly yours,



Francis Chin
General Counsel

FC:lt:9401L44
cc: Angelo Siracusa
Steve Crooks, Esq.

Date: 2/22/84
W.I.: 1201.01.01
W.A.: 9328R
Referred By: Executive
Revised: 3/27/85

ABSTRACT

Resolution No. 1367

This resolution sets forth a 16-year program of New Rail Transit Starts and Extensions.

The Commission unanimously adopted a motion on March 27, 1985 to amend the date of the first update from June 30, 1985 to November 30, 1985.

Date: 2/22/84
W.I.: 1201.01.01
W.A.: 9328R
Referred By: Executive
Revised: 3/27/85

Re: New Rail Starts and Extensions

METROPOLITAN TRANSPORTATION COMMISSION
RESOLUTION NO. 1367

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, there are State and Federal discretionary funds available for new rail transit starts and extensions; and

WHEREAS, with the assistance provided by State Transportation Development Act (TDA) and Federal Urban Mass Transit Administration (UMTA) planning funds over the past fifteen years, BART has sponsored several planning studies to provide the eventual basis for extensions including Pittsburg and Antioch in Contra Costa County and Livermore and Pleasanton in Alameda County; and

WHEREAS, the MTC has sponsored a process for selecting candidate projects to be included in the San Francisco Bay Area's program of new rail transit starts and extensions; and

WHEREAS, MTC seeks a consensus in support of funding its program; and

WHEREAS, the scope and cost of a project must be defined and approved according to a well defined planning process which usually includes an UMTA defined Alternatives Analysis and Environmental Impact Statement; and

WHEREAS, having completed the necessary planning tests, the Guadalupe corridor, CalTrain rail modernization, and BART - Daly City turnback and storage and rail car projects are eligible for capital funding and will use a substantial portion of the rail modernization and new starts funds available to the San Francisco Bay Area in the next 3-5 years; and

WHEREAS, MTC intends to encourage project sponsors to define the scope and cost of additional projects so they will be eligible for funding as additional funds become available; and

WHEREAS, Santa Clara County proposes a Santa Clara Transportation 2000 project; MTC, BART, and Santa Clara County jointly sponsor the Fremont - San Jose project; MTC in cooperation with Alameda and Contra Costa Counties is conducting the I-680 corridor project; MTC's PENTAP Committee is sponsor of the Route 101 corridor project; Caltrans, San Francisco, and MTC are sponsors of the I-280 transfer project; and Caltrans, Santa Clara County, and the cities contiguous to Route 85 are sponsoring the West Valley Corridor (Route 85) Alternative Analysis and Environmental Impact Statement; and

WHEREAS, MTC recognizes that during the time that these corridor planning projects are being conducted there are important agreements being developed regarding station locations, cost sharing and other vitally important factors; now, therefore, be it

RESOLVED, that MTC adopts a 16-year new rail starts program, reviewable in the period July 1, 1984 through June 30, 1985, and thereafter at least every two years; and, be it further

RESOLVED, that MTC will seek capital funds for the Guadalupe corridor project (\$262 million), CalTrain modernization (\$110 million), BART-Daly City turnback, storage yards and rail cars (\$280 million) and Muni Metro Embarcadero turnaround (\$41 million) in the current year and 1984-85; and, be it further

RESOLVED, that MTC will allocate UMTA Section 9 planning funds to project sponsors for the further development of the following projects:

<u>Project</u>	<u>Estimated Capital Cost</u>
BART extension to West Pittsburg including a North Concord Station	\$336 million
Muni Metro J Line extension	16.5
Muni Metro extension to 4th and Townsend Streets, San Francisco	12.5

<u>Project</u>	<u>Estimated Capital Cost</u>
BART extension, Fremont to Warm Springs including an Irvington station	\$266 Million
BART extension, Bayfair to Dublin including a Castro Valley station	202
Acquisition of various rights-of-way including Northwestern Pacific Railway in Marin County and Southern Pacific in the San Ramon Valley, Contra Costa County and the Livermore/Amador Valley, Alameda County, together with appropriate station sites	100
Oakland Airport Connector	86
CalTrain Peninsula commute service improvements in the Northern Route 101 corridor, including an extension into downtown San Francisco to a location at or near the Transbay Terminal	400
CalTrain Peninsula commute service San Jose Terminal relocation	50
Rail extension, Warm Springs to San Jose	102
Guadalupe corridor extension to Lockheed Corporation Facility	90
BART extension in San Mateo County, Daly City to San Francisco Airport Corridor	370
Muni Metro E Line	33
Muni Metro F Line	13

and, be it further

RESOLVED, that MTC awaits the recommendations of the Santa Clara County Transportation 2000 plan to provide the basis for project priority decisions within the county (having reserved a total of \$300 million in the MTC program based on the sum of \$102 million for a Warm Springs-San Jose light rail line, \$90 million Guadalupe-Lockheed extension, \$50 million Southern Pacific terminal relocation and \$58 million reservation for light rail, CalTrain or BART in the county); and, be it further

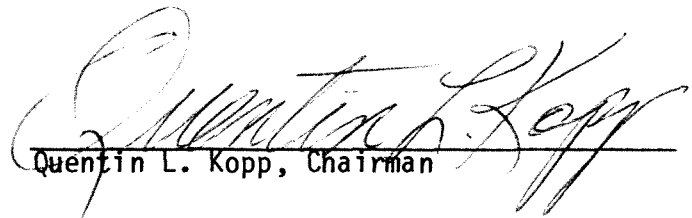
RESOLVED, in order to achieve the objectives of the Regional Transportation Plan which recommends a redistribution of additional airline service to Oakland and San Jose Airports, MTC recommends that the Port of Oakland and BART proceed expeditiously with development of the Oakland Airport transit access project; and, be it further

RESOLVED, that MTC will refer to progress being made in the relevant corridor planning projects, alternative analysis and environmental impact reports as it conducts its reviews of the program; and, be it further

RESOLVED, that MTC anticipates that equitable financial participation by the necessary parties to any station and other agreements will be agreed upon as the planning proceeds; and, be it further

RESOLVED, that MTC will refer to the provisions of this resolution as the basis for consideration of grant applications.

Metropolitan Transportation Commission


Quentin L. Kopp, Chairman

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in Oakland, California, on February 22, 1984.



California Fair Political Practices Commission

March 2, 1988

Francis Chin
General Counsel
Metropolitan Transportation Commission
101 - 8th Street
Oakland, CA 94706

Re: 88-091

Dear Mr. Chin:

Your letter requesting advice under the Political Reform Act was received on March 1, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Kathryn Donovan, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script that reads "Diane M. Griffiths".

Diane M. Griffiths
General Counsel

DMG:plh
cc: Angelo Siracusa