



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## BOARD OF DIRECTORS' REGULAR MEETING

October 7, 2009

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:45 a.m. in the 7<sup>th</sup> floor Board Room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

### Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff person to contact for additional information or to resolve concerns is listed for each agenda item.

### Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:45 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

# BOARD OF DIRECTORS' REGULAR MEETING

## A G E N D A

WEDNESDAY  
OCTOBER 7, 2009  
9:45 A.M.

BOARD ROOM  
7TH FLOOR

### CALL TO ORDER

Opening Comments  
Roll Call  
Pledge of Allegiance  
Proclamation/Commendations

Chairperson, Pamela Torliatt  
Clerk of the Boards

### PUBLIC COMMENT PERIOD

**Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3**  
*Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to three (3) minutes each.*

### BOARD MEMBERS' COMMENTS

*Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)*

### CONSENT CALENDAR (ITEMS 1 – 5)

Staff/Phone (415) 749-

1. Minutes of September 16, 2009

L. Harper/5073

[lharp@baaqmd.gov](mailto:lharp@baaqmd.gov)

2. Communications

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Information only.*

3. District Personnel on Out-of-State Business Travel

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the attached memoranda lists District personnel who traveled on out-of-state business.*

4. Approval of Proposed Amendments to the Air District's Administrative Code Division I, Operating Policies and Procedures, Section 7: Advisory Council

J. Broadbent/5052

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Approval of proposed amendments to the Administrative Code Division I, Operating Policies and Procedures, Section 7.1: Advisory Council.*

5. Consideration of Recommendation to Establish a Job Classification Description of Director of Strategic Incentives with a Salary Range set at Range 156M

*The Board of Directors will consider approval of a recommendation to establish a job classification description for Director of Strategic Incentives set at pay range 156M.*

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

6. Report of the **Executive Committee Meeting** of September 24, 2009

**CHAIR: P. TORLIATT**

**J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Action(s): The Committee recommends Board of Directors' approval of the following:*

*A) Board of Directors Officers' Term of Office:*

- 1. Amend the Air District's Administrative Code Division I, Section 2.1: Officers of the Board to establish a two-year term for the Chairperson, commencing with the Vice Chairperson's term in 2010;*

*B) California Air Resources Board Appointments:*

- 1. Adopt a procedure for notifying the Board of Directors when the BAAQMD position on the California Air Resources Board becomes vacant.*

7. Report of the **Mobile Source Committee Meeting** of October 5, 2009

**CHAIR: S. HAGGERTY**

**J. Broadbent/5052**

[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*Action(s): The Committee may recommend Board of Directors' approval of the following:*

*A) Carl Moyer Program (CMP) Year 11 Projects:*

- 1. Approve Carl Moyer Program Year 11, projects with proposed grant awards over \$100,000; and*
- 2. Authorize the Executive Officer/APCO to enter into agreements for the recommended Carl Moyer Program Year 11 projects; and*
- 3. Reserve \$8 million in Mobile Source Incentive Funding for Carl Moyer Program eligible projects.*

*B) FY 09/10 Transportation Fund for Clean Air (TFCA) Regional Fund Shuttle, Ridesharing and Vanpool Projects:*

- 1. Approve allocation of \$3,847,372 in fiscal year (FY) 2009/2010 TFCA Regional Funds for the ten (10) projects listed in Attachment 1; and*
- 2. Authorize the Executive Officer/APCO to enter into funding agreements with recipients of grant awards for the projects listed in Attachment 1.*

C) *Drayage Truck Retrofit Program at the Port of Oakland:*

1. *Increase the Transportation Fund for Clean Air (TFCA) cost effectiveness threshold to \$150,000 per ton of emissions reduced for the Port Truck Retrofit Program in order to facilitate the maximum number of truck retrofits at the Port of Oakland (Port).*

**PRESENTATIONS**

8. Summary of the 2009 Ozone Season

G. Kendall/4932  
[gkendall@baaqmd.gov](mailto:gkendall@baaqmd.gov)

*Staff will present a summary of the 2009 ozone season and EPA's reconsideration of the revised 2008 national ozone standard.*

9. Advisory Council Report and Recommendations from the May 13, 2009 Meeting on California's 2050 GHG Emission Reduction Target – Transportation Sector

J. Broadbent/5052  
[jbroadbent@baaqmd.gov](mailto:jbroadbent@baaqmd.gov)

*The Advisory Council will present a report and recommendations from its May 13, 2009 meeting on California's 2050 GHG emission reduction target of 80% below 1990 levels – transportation sector.*

**CLOSED SESSION**

10. Conference with Legal Counsel – Existing Litigation

*Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following case(s):*

1. **Duraflame, Inc. v. Bay Area AOMD**, Contra Costa County Superior Court, Case No. N09-0102
2. **Richard M. Peekema v. Bay Area AOMD**, United States District Court, N.D. Cal., Case No. C09 03283 RS
3. **Pacific Steel Casting Company v. Bay Area AOMD**, San Francisco County Superior Court, Case No. CGC-08-482228
4. **Healthy Air Coalition v. Bay Area AOMD**, San Francisco County Superior Court, Case No. CGC-09-486990

**OPEN SESSION**

**OTHER BUSINESS**

11. Report of the Executive Officer/APCO
12. Chairperson's Report
13. Time and Place of Next Meeting – 9:45 A.M. Wednesday, November 4, 2009 - 939 Ellis Street, San Francisco, CA 94109
14. Adjournment

**CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109**

**(415) 749-5130**

**FAX: (415) 928-8560**

**BAAQMD homepage:**

**[www.baaqmd.gov](http://www.baaqmd.gov)**

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities. Notification to the Executive Office should be given at least 3 working days prior to the date of the meeting so that arrangements can be made accordingly.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the Air District's headquarters at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body. Such writing(s) may also be posted on the Air District's website ([www.baaqmd.gov](http://www.baaqmd.gov)) at that time.

**BAY AREA AIR QUALITY MANAGEMENT DISTRICT**  
**939 ELLIS STREET, SAN FRANCISCO, CALIFORNIA 94109**  
**(415) 771-6000**

**EXECUTIVE OFFICE:**  
**MONTHLY CALENDAR OF DISTRICT MEETINGS**

**OCTOBER 2009**

<b><u>TYPE OF MEETING</u></b>	<b><u>DAY</u></b>	<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>ROOM</u></b>
<b>Board of Directors Mobile Source Committee</b> – <i>(Meets 4<sup>th</sup> Thursday of each Month)</i>	Monday	5	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Personnel Committee</b> <i>(At the Call of the Chair) – CANCELLED</i>	Wednesday	7	9:00 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	7	9:45 a.m.	Board Room
<b>Board of Directors Legislative Committee</b> <i>(Meets 2<sup>nd</sup> Thursday each Month)</i> - CANCELLED	Thursday	8	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets 2nd Thursday each Month)</i>	Thursday	8	9:30 a.m.	4th Floor Conf. Room
<b>Advisory Council Regular Meeting</b>	Wednesday	14	9:00 a.m.	Board Room
<b>Board of Directors Public Outreach Committee</b> <i>(Meets 1<sup>st</sup> Thursday each Month)</i>	Thursday	15	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Stationary Source Committee</b> <i>(Meets 3<sup>rd</sup> Monday Quarterly)</i>	Monday	19	9:30 a.m.	Board Room
<b>Board of Directors Executive Committee</b> <i>(At the Call of the Chair) - CANCELLED</i>	Wednesday	21	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i> - CANCELLED	Wednesday	21	9:45 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> – <i>(Meets 4<sup>th</sup> Thursday of each Month)</i>	Thursday	22	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Ad Hoc Cme. on Port Emissions</b>	Monday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

## NOVEMBER 2009

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	4	9:45 a.m.	Board Room
<b>Advisory Council Regular Meeting</b>	Tuesday	10	9:00 a.m.	Board Room
<b>Board of Directors Legislative Committee</b> <i>(Meets 2<sup>nd</sup> Thursday each Month)</i>	Thursday	12	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets 2nd Thursday each Month)</i>	Thursday	12	Following Board Legislative Cme. Mtg.	4th Floor Conf. Room
<b>Joint Policy Committee</b>	Friday	13	10:00 a.m.	MTC Auditorium 101 8 <sup>th</sup> Street Oakland, CA 94607
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	18	9:45 a.m.	Board Room
<b>Board of Directors Budget &amp; Finance Committee</b> <i>(At the Call of the Chair)</i> - CANCELLED	Monday	25	1:30 p.m.	4th Floor Conf. Room
<b>Board of Directors Mobile Source Committee</b> <i>(Meets 4<sup>th</sup> Thursday each Month)</i>	Thursday	26	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

## DECEMBER 2009

<u>TYPE OF MEETING</u>	<u>DAY</u>	<u>DATE</u>	<u>TIME</u>	<u>ROOM</u>
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	2	9:45 a.m.	Board Room
<b>Board of Directors Climate Protection Committee</b> <i>(Meets 2nd Thursday each Month)</i>	Thursday	10	9:30 a.m.	4th Floor Conf. Room
<b>Board of Directors Regular Meeting</b> <i>(Meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Wednesday of each Month)</i>	Wednesday	16	9:45 a.m.	Board Room
<b>Board of Directors Mobile Source Committee</b> – <i>(Meets 4<sup>th</sup> Thursday of each Month)</i>	Thursday	24	9:30 a.m.	4 <sup>th</sup> Floor Conf. Room

HL – 9/30/09 (11:00 a.m.)  
P/Library/Forms/Calendar/Calendar/Moncal

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Pamela Torliatt and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 30, 2009

Re: Board of Directors' Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Board of Directors Regular Meeting of September 16, 2009.

DISCUSSION

Attached for your review and approval are the draft minutes of the Board of Directors Regular Meeting of September 16, 2009.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO



Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109  
(415) 749-5000

Board of Directors' Regular Meeting  
September 16, 2009

**DRAFT MINUTES**

**CALL TO ORDER:** Chairperson Pamela Torliatt called the meeting to order at 9:51 a.m.

Roll Call: Chairperson Pamela Torliatt; Vice Chairperson Brad Wagenknecht, Secretary Tom Bates; and Directors Harold Brown, Chris Daly, Dan Dunnigan, Susan Garner, John Gioia, Carole Groom, Scott Haggerty, Jennifer Hosterman, Liz Kniss, Eric Mar, Nate Miley, Mark Ross, James Sperring, Gayle B. Uilkema, Ken Yeager and Shirlee Zane

Absent: Directors Yoriko Kishimoto, Carol Klatt and James Sperring

**PLEDGE OF ALLEGIANCE:** Chair Torliatt led the Pledge of Allegiance.

Chairperson Torliatt announced that Director Michael Shimansky had passed away yesterday, after having been hospitalized in San Diego since August 17, 2009. Director Shimansky served as Council Member and three-time Mayor with the Town of Danville since 1989 and an active member on the Air District Board since his appointment in June of 2005. Board Members will be informed as to funeral arrangements as additional information becomes available and she asked for a moment of silence in honor of Director Shimansky.

**Public Comments:**

Clinton Brownley, Intern with the City of Cupertino's City Manager's Office, acknowledged and thanked the Board of Directors and Advisory Council for their work in improving air quality in the region and for GHG reductions in the transportation sector.

**Board Member Comments:**

Director Brown thanked Deputy APCO Jeff McKay and Enforcement Director Kelly Wee in helping him provide a response to his concerned constituents.

Director Miley reminded Board Members and the public of a Community Forum and panel discussion; "Repairing California", hosted by the Alameda County Board of Supervisors in the Oakland Supervisors' Board Chambers, and he encouraged other cities and counties to hold similar forums.

Director Zane thanked Chairperson Torliatt for meeting with John Webley, an entrepreneur in the telecom industry, who has the patent for a solar air conditioner geared to reduce energy costs by 80%.

Mr. Webley is active in forming relationships in the Bay Area and statewide, and she encouraged the District to lend support.

**CONSENT CALENDAR (Items 1-4):**

- 1. Approval of Minutes of August 5, 2009 Regular Meeting;**
- 2. Communications;**
- 3. District Personnel on Out-of-State Business Travel;**
- 4. Notice of Proposed Amendments to the Air District's Administrative Code Division I- Operating Policies and Procedures of the Board of Directors, Section 7: Advisory Council.**

**Board Action:** Director Brown made a motion to approve Consent Calendar Items 1, 2, 3 and 4; Director Hosterman seconded the motion; carried unanimously without opposition.

**COMMITTEE REPORTS AND RECOMMENDATIONS:**

**5. Climate Protection Committee Meeting**

September 10, 2009

Report given by Vice Chairperson T. Bates

The Climate Protection Committee met on Thursday, September 10, 2009 and approved the Climate Protection Committee minutes of May 28, 2009.

The Committee received an update on the development of a climate protection best practices web portal that went live on September 1<sup>st</sup>. The portal was developed in collaboration with the Institute for Local Governments (ILG) with a goal of helping local governments find and implement best practices to reduce GHG emissions, and the site can be found at [www.ca-ilg.org/SFBayClimate](http://www.ca-ilg.org/SFBayClimate).

The Committee was presented with samples of site content, customized search capabilities, and shared source pages. Next steps include outreach to local governments, providing targeted outreach to non-government organizations and planning consultants, and further development and update of site content.

The Committee then received an update on the revisions to the Air District's CEQA Guidelines and the inclusion of thresholds of significance for GHG emissions. The public draft CEQA Guidelines report was released Friday, September 4, 2009 and objectives of the guidelines are to:

- Provide guidance to local lead agencies on air quality analyses in CEQA documents;
- Assist in attainment of state and federal standards;
- Protect public health, reduce emissions and support transit-oriented, smart growth and infill development.

The Committee discussed recommended new and revised thresholds at the Project and Plan Levels, as well as reasons for arriving at thresholds. Committee Members requested an additional workshop be scheduled in Santa Clara County and asked that guidelines address the development of megamansions, which was not specifically called out in the document. Next steps include continuation of workshops, a proposal to bring significance thresholds to the Board of Directors in the fall of 2009, staff to continue providing support to lead agencies, and review and comment on CEQA documents. The next meeting of the Climate Protection Committee is scheduled for October 8, 2009.

**Board Action:** Secretary Bates made a motion to approve the report of the Climate Protection Committee; Director Garner seconded the motion; which carried unanimously.

## **6. Budget and Finance Committee Meeting**

September 16, 2009

Report given by Chairperson C. Daly

The Budget and Finance Committee met just prior to the Board of Directors meeting today and approved the minutes of June 1, 2009.

The Committee received the financial report for the fourth quarter for Fiscal Year 2008/2009. The Committee then received a breakdown of current budget revenue and expenditures, fiscal challenges and responses. It is estimated there will be a total shortfall of 4.9% or \$3.2 million composed of a \$1.6 million property tax "take-away" and \$1.6 million in grant revenues not realized. In response, the District will maintain its vacancies, which are estimated to provide \$1.3 million in reduced costs, defer building capital upgrades by \$300,000, and will either reduce budgeted services and supplies by \$1.6 million, or else securitize the 8% property tax decrease. The Committee requested additional information on the identification of the reductions in service and supplies and also on the reduced workload associated with the goods movement funding.

The Committee then received an overview of the Marine Highway Project at the Port of Oakland and was informed of the previous Board action to allocate funding for the project and of the referral by the Board of Directors to the Budget and Finance Committee for the transfer of funds. Following the recommendation of the Board at its August 5, 2009 meeting, the Committee recommends the Board approve the transfer of \$750,000 from the Reserve for Economic Uncertainties to the fiscal year 2009/2010 budget.

The Committee then discussed the Air District's development of improved process controls for grants administration. These controls were implemented for the Carl Moyer Program and have since been applied to current Transportation Fund for Clean Air Program projects.

The Committee recommends Board of Directors' approval to move \$200,000 from the Undesignated Reserve into the FY 2009/2010 budget and to authorize the Executive Officer/APCO to solicit bids and execute agreements to review the historical TFCA program projects and ensure compliance with current documentation standards, and for the selection of bids to return to the Budget and Finance Committee.

The next meeting of the Budget and Finance Committee is at the call of the Chair.

Motion: Director Daly made a motion to approve the report and recommendations of the Budget and Finance Committee, as amended, to hold a separate, roll call vote on the Marine Highway Project; Director Wagenknecht seconded the motion.

Director Uilkema clarified with staff that the District has approximately \$20 million in reserves.

**Board Action:** Director Daly made a motion to approve the report and recommendations of the Budget and Finance Committee, as follows, and hold a separate roll call vote on transfer of funds for the Marine Highway Project: Approve moving \$200,000 from the Undesignated Reserve into the FY

2009/2010 budget and to authorize the Executive Officer/APCO to solicit bids and execute agreements to review the historical TFCA program projects and ensure compliance with current documentation standards, and for the selection of bids to return to the Budget and Finance Committee; Director Wagenknecht seconded the motion, which carried unanimously.

Secretary Bates briefly described and recognized benefits of the Marine Highway Project. Director Garner asked to hear Director Daly's dissenting argument. Director Daly said his argument is based on him not having enough information that the reduction in diesel emissions in and around the Port of Oakland and the Bay Area would be worth the investment. He also believed that the project may increase the goods movement through the Ports of Sacramento and Oakland either through increased shipping or displacement from routes through Seattle or Los Angeles.

**Board Action:** Vice Chairperson Wagenknecht made a motion to approve the transfer of \$750,000 from the Reserve for Economic Uncertainties to the Fiscal Year 2009/2010 budget for the Marine Highway Project; Secretary Bates seconded the motion; which carried by the following roll call vote (15-1-1-4) Ayes: Bates, Brown, Dunnigan, Gioia, Groom, Haggerty, Hosterman, Mar, Miley, Ross, Uilkema, Wagenknecht, Yeager, Zane and Torliatt; Noes: Daly; Abstain: Garner; Absent: Kishimoto, Klatt, Kniss and Spring.

## **PRESENTATIONS:**

### **7. Update on Preparation of the Bay Area 2009 Clean Air Plan**

David Burch, Principal Planner, provided an update on the Bay Area 2009 Clean Air Plan, stating that it will update the 2005 Ozone Strategy. The plan's purpose is to improve air quality, protect public health and protect the climate and ecosystems. He discussed the plan's holistic approach, conceptual groundwork, benefits of multi-pollutant planning and evaluation, and the broader objectives to identify emerging challenges and opportunities, help define where to focus the District's efforts and helps to better integrate land use, transportation and air quality planning and demonstrate leadership.

Mr. Burch said extensive public outreach was conducted, as well as coordination with regional agency partners, and progress to date includes documentation of control measure review process, development of the MPEM and the Draft Control Strategy. He provided a hand-out and described the 57 control measures contained in the Control Strategy, along with their benefits. Next steps will be for staff to consider comments submitted, issue the Draft Clean Air Plan and DEIR by the end of October, issue a Draft Socio-Economic Analysis, and bring the final plan to the Board of Directors for consideration in December 2009. Mr. Burch voiced broad support for the multi-pollutant concept and said planning for the plan presents such challenges as where to draw the line, finding emission reductions to match Clean Air Plan goals, and securing resources to implement the plan.

### **Chairperson Excused**

Chairperson Torliatt turned over the meeting at 10:30 a.m. to Vice Chairperson Wagenknecht, who chaired the remainder of the meeting.

Vice Chairperson Wagenknecht questioned the definition of VOC emitting trees. Mr. Burch said there are certain species that emit biogenic VOC's such as Eucalyptus and Liquid Amber which are high emitters and trees that are low emitters. Those that do not emit a lot of VOC's should be encouraged for planting.

Director Haggerty referred to slides 11 and 12, stating that he receives complaints about asphalt plants in his district. He questioned why it was not included in stationary source measures. Dan Belik said there are two measures which could affect asphalt plants; one to control NOx emissions from dryers, ovens and kilns which would include asphalt plants, and complaints are most often received from the particulate matter and odor. Staff will begin looking at particulate matter regulations to reduce the allowable emissions, noting that the regulation has not been updated in decades.

Director Hosterman suggested staff keep moving ahead and be aggressive as possible, and when the Board actually implements the policy, it can then draw the line.

Director Ross specifically asked what would be done to the local land use, impact measures and air quality monitoring. Mr. Burch discussed the network of 28 air quality monitors around the region designed to measure air quality levels. For pollutants like toxics and PM, there is considerable localized variation. They have heard and acknowledge the need from impacted communities for more monitoring and resources are needed. Vice Chairperson Wagenknecht especially noted the importance of monitors' proximity to schools.

Director Zane echoed the issue of asphalt plants in her community. She asked Mr. Burch to speak more about the cumulative risk in LUM5 in terms of land use because she said it has a lot to do with asphalt plants, given their close proximity to homes, schools, and resorts. She also questioned cancer thresholds, as there has been criticism that the thresholds do not keep up with the latest research in terms of environmental illness.

Mr. Broadbent said the District is simultaneously working on a proposed change to its Toxics New Source Review Rule that would lower the threshold from 1 in a million to .5 in a million for new or modified permitted pieces of equipment. As part of the proposal, cumulative risk is also proposed to be tracked in the Bay Area. He said the new rule will be before the Board for consideration in the December/January timeframe.

Director Gioia voiced the need for discussion on the issue of buffer zones of development and industry. Infill development is often needed and located on sites, which is next to or nearby industry. He said there are objectives of having buffers for public health purposes and the objective of how to get infill development that achieves more dense development, which must be balanced. Mr. Broadbent said this has been raised with regional partners and more discussion should occur at the JPC.

Secretary Bates complimented staff for update of the Clean Air Plan, agreed the work is needed and said the District is one of the few in the U.S. who is pushing the envelope.

Vice Chairperson Wagenknecht agreed that the Clean Air Plan will break new ground and he challenged staff to be as large as it can in the outset, with the Board then narrowing it down.

## **8. Report on a Pilot Business Incentive for Industry Compliance Schools**

Barbara Coler, Air Quality Program Manager, introduced the Pilot Program, said the goals of the program are to provide compliance assistance for small business sectors, provide economic incentives for environmental education, with no reduction in environmental protection, and resulting in benefits for air quality and public health. The path used for the program is the District-run Industry

Compliance Schools. She discussed benefits of the program, results that provide better understanding of regulations, higher compliance rates and improved air quality and public health.

Ms. Coler said the program will be for auto body shops and mobile coaters, are regulated under Regulation 8, Rule 45, and amended in December 2008. Because the operations are mobile, they are more difficult to inspect and verify compliance. The amended regulation requires them to register annually with the District, maintain recordkeeping and client-schedule lists, and lower VOC limits. The pilot program will include a \$50 discount on the initial registration fee of \$100 and the operators must attend the entire school course and register on-line.

Next steps are to hold schools in October, evaluate pilot effectiveness, with the potential to expand program for small business sectors subject to registration requirements, and staff will evaluate the program's effectiveness.

Directors supported the value of the educational component, confirmed that results are able to be measured, the District will see enhanced benefits in terms of compliance, registration will begin October 1<sup>st</sup>, and follow-up information will be presented to the Stationary Source Committee in the first quarter.

### **CLOSED SESSION**

The Board of Directors adjourned to Closed Session at 10:51 a.m.

#### **9. Conference with Legal Counsel – Existing Litigation**

*Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following case(s):*

1. **Communities for a Better Environment, et al. v. City of Richmond (Chevron Products Company, Real Party in Interest)**, California Court of Appeals, 1<sup>st</sup> Dist., Case No. A125618
2. **Richard M. Peekema v. Bay Area AQMD**, United States District Court, N.D. Cal., Case No. C09 03283 RS

#### **10. Conference with Legal Counsel – Potential Litigation**

*Pursuant to Government Code Section 54956.9(b), a need exists to meet in closed session with legal counsel to consider the following case(s):*

1. **Tort Claim of Cheryl Yancey against the Bay Area AQMD** (Originally received 5/15/2009, amended July 15, 2009, and August 3, 2009)

### **OPEN SESSION**

The Board of Directors reconvened in Open Session at 11:02 p.m. District Counsel Brian Bunger stated that there was no reportable action taken in Closed Session on Item 9, and the Board denied the Tort Claim of Cheryl Yancey against the District in the amount of \$19,140 under Item 10.

### **OTHER BUSINESS:**

#### **11. Report of Executive Officer/APCO:**

Mr. Broadbent presented a summary of the 2009 Ozone Season, stating there were 6 exceedances and 7 *Spare the Air* Days called.

He reported on the Port of Oakland Truck Emissions Reduction Project, stating that there are 1,300 trucks that need to be addressed. As of September 15<sup>th</sup> staff has issued 615 retrofit contracts; however, 1,175 applications have been received. Staff is in the process of processing the applications and feels confident in being able to issue contracts for those 1,300 trucks (200 new trucks replaced and 1,100 retrofitted trucks). He said the Port OT411 Center is also still in operation and is used for outreach and information.

Directors confirmed with Mr. Broadbent that the majority of truck drivers availed themselves of a total of \$22 million in funding for retrofits, and future TFCA monies will become available but it will not pay for as much of the retrofit.

**12. Chairperson's Report:** None

**13. Time and Place of Next Meeting:** Regular Meeting - Wednesday, October 7, 2009 - 939 Ellis Street, San Francisco, CA 94109

**14. Adjournment:** The Board of Directors Meeting adjourned at 11:09 a.m. in memory of Director Michael Shimansky.

Lisa Harper  
Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Pamela Torliatt and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: October 1, 2009

Re: Board Communications Received from September 16, 2009 through October 6, 2009

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

A list of Communications directed to the Board of Directors received by the Air District from September 16, 2009 through October 6, 2009, if any, will be at each Board member's place at the October 7, 2009, Regular Board meeting.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO



BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chair Pamela Torliatt and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 28, 2009

Re: District Personnel on Out-of-State Business Travel

RECOMMENDED ACTION:

Receive and file.

BACKGROUND

In accordance with Section 5.4 (b) of the District's Administrative Code, Fiscal Policies and Procedures Section, the Board is hereby notified that the following District personnel have traveled on out-of-state business.

The out-of-state business travel summarized below covers the period from September 1 – September 30, 2009. Out-of-state travel is reported in the month following travel completion.

DISCUSSION

Douglas Tolar, Senior AQ Specialist, attended Under-fired Char Broiler Emission Control Device Compliance Testing Meeting in San Antonio, TX September 23 - 25, 2009

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Linda J. Serdahl, CPA, CFE  
Reviewed by: Jack M. Colbourn

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Pamela Torliatt and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 30, 2009

Re: Approval of Proposed Amendments to the Air District's Administrative  
Code Division I, Operating Policies and Procedures, Section 7 Advisory  
Council

---

RECOMMENDED ACTION

Approve proposed amendments to the Air District's Administrative Code Division I, Operating Policies and Procedures, Section 7 Advisory Council. These proposed amendments provide more flexibility for the Advisory Council to schedule the required number of topic meetings and related discussion meetings. The proposed revisions are indicated in underline and strikethrough in the attached proposal.

BACKGROUND

In accordance with provisions of the Administrative Code governing amendments to the Code, notice of these proposed amendments was given at the Board of Directors regular meeting of September 16, 2009.

On January 7, 2009 the Board of Directors amended the Administrative Code to revise meeting approach and role for the Advisory Council. The revisions specify that the Advisory Council meet only as a full Council nine times per calendar year. The nine meetings include a retreat and four topic meetings, each followed by discussion meeting at which a report to the Board is prepared. Experience during the first year of the revised approach has shown that the Council generally requires two discussion meetings after each topic meeting to discuss the presentations and materials received and prepare and finalize a report to the Board. Accordingly, the Council will not be able to schedule four topic meetings during calendar year 2009.

The proposed amendments specify up to ten meetings per year, including a retreat, up to four topic meetings and one or more discussion meetings following each topic meeting. This will provide more flexibility for the Council to schedule the required number of topic meetings and related discussion meetings, but still allow for up to four topic meetings, if only one discussion meeting is required for each topic meeting.

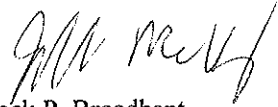
DISCUSSION

The Board of Directors will consider approval of proposed amendments to the Air District's Administrative Code to provide more flexibility for the Advisory Council to schedule topic meetings and related discussion meetings.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

  
re Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Gary Kendall  
Reviewed by: Jean Roggenkamp  
Brian Bunger

Attachment(s)

Proposed Amendments to Administrative Code

**SECTION 7      ADVISORY COUNCIL**

**7.1      ACTIVITIES OF COUNCIL. (Revised 1/7/09, 10/7/09)**

(a) The Advisory Council shall meet as a full Council a total of up to ten (10) times each year, for the following purposes: In or around January of each year the Advisory Council shall meet in a retreat format to consult with the Executive Officer/APCO to consider topics for no more than four (4) meetings in a symposium format at which presentations and discussion on specific topics shall take place. The topics for these meetings may include, but are not necessarily limited to, the following topics: (1) current developments in health information related to air quality; (2) current developments in technologies and techniques for control of air emissions from stationary sources; (3) current developments in technologies and techniques for control of air emissions from mobile sources; and (4) current developments related to air quality in land use planning and transportation planning. Each of these meetings shall be followed by one or more discussion meetings at which the presentations made and materials received at the topical meeting are discussed and a report for the Board's consideration on the specific topic is agreed upon. Except as provided in Section 7.1(b), the total number of meeting per year shall not exceed ten (10).

- Deleted: nine (9)
- Deleted: four (4)
- Deleted: a
- Deleted: b
- Deleted: c
- Deleted: d
- Deleted: four (4)
- Deleted: (for a total of four (4) additional meetings)
- Deleted:

(b) For any single additional meeting, if at least two-thirds (2/3) of the seated members of the Advisory Council determine by a vote taken in a regular meeting of the Advisory Council, or if at least two-thirds (2/3) of the seated members of the Board of Directors determine by a vote taken during a regular meeting of the Board of Directors, that such additional meeting is necessary, the Advisory Council may meet at such additional times and occasions as the Advisory Council, itself, or the Board of Directors shall determine is necessary.

(c) The Advisory Council shall make recommendations and reports to the Board of Directors on the matters considered at its meetings as the Council determines to be advisable and in such manner and form as the Council determines advisable. The Advisory Council shall consider and report to the Board on specific matters which may be referred to the Council by the Board of Directors or by the Executive Committee of the Board of Directors. The members of the Advisory Council are selected because of their eminence in their professions and fields of endeavor and as representatives of interest groups in the community. The Advisory Council shall consider for the Board of Directors matters which come before the Council to arrive at the best advice upon which the Council may agree, which advice may include the technical, social, economic, environmental and fiscal aspects of such issues.

(d) No more than four (4) Advisory Council members shall attend meetings other than meetings of the Advisory Council and meetings of the Board of Directors or Board of Directors' Committees at the District's expense.

**7.2      TERM OF OFFICE.**

The terms of office for members of the Advisory Council are fixed by Health and Safety Code Section 40263.

**7.3      LIMITS ON TERM OF OFFICE.**

Effective with appointments for terms on the Advisory Council commencing on January 1, 1992, and thereafter, it is the policy of the Board of Directors that members with twelve (12) consecutive years of membership on the Council not be re-appointed to the Council, except that such members who were serving on the Council on the date of adoption of this policy may be appointed to one additional term. A member not re-appointed because of having

## AGENDA: 4

served twelve (12) consecutive years on the Council shall again be eligible for appointment after an absence of two years from the Council.

**7.4 EXPENSE REIMBURSEMENT. (Revised 1/14/09)**

Members of the Advisory Council shall be reimbursed for actual and necessary expenses incurred by them in attending meetings of the Advisory Council and meetings and public hearings conducted by the Board of Directors. Mileage, tolls, parking fees, meals and other incidental expenses will be allowed at the same rate as is allowed to Members of the Board of Directors provided that receipts are presented pursuant to Section II-5.6.

**7.5 OTHER EXPENSES. (Revised 1/14/09)**

Other expenses may be allowed after prior specific approval by a majority of the Board of Directors.

**7.6 CLERK CERTIFICATION OF ATTENDANCE AND EXPENSES.**

The Clerk of the Boards shall certify to the Director of Administrative Services the attendance and the expense reports of members of the Advisory Council.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Pamela Torliatt and  
Members of the Board of Directors

From: Jack Broadbent  
Executive Officer/APCO

Date: September 23, 2009

Re: Consider Establishing the New Job Classification of Director of Strategic  
Incentives

---

RECOMMENDATION:

Approve establishing the new job classification of Director of Strategic Incentives with an annual salary range starting at \$131,252 and ending at \$159,538 (Salary Range 156M).

BACKGROUND

The Strategic Incentives Division has a need for a Director level job classification. The Board of Directors' approval of the new job classification and the attached draft job description is needed in order for the classification to be added to the classification system.

DISCUSSION

The Director of Strategic Incentives job classification will provide leadership and guidance to the Strategic Incentives Division staff, executive management and the Board of Directors relative to grant and incentive programs designed to reduce mobile source emissions in the Bay Area. This job classification will direct all activities of the Strategic Incentives Division, which includes the Transportation Fund for Clean Air (TFCA), the Carl Moyer Program (CMP) and various other grant and incentive programs, and will be responsible for accomplishing the goals and objectives related to the above activities and for furthering District goals and objectives within general policy guidelines.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

There is no financial impact beyond that already contemplated in the FY 2009-10 budget.

Respectfully Submitted,

Jack P. Broadbent  
Executive Officer/APCO

Reviewed by: Jack M. Colbourn

## **DIRECTOR OF STRATEGIC INCENTIVES**

### **DEFINITION**

Under executive direction, plans, organizes and directs the grant and incentive programs and activities of the Bay Area Air Quality Management District (District); provides expert professional assistance to District management and staff in grant and incentive programs and projects and related matters; performs related work as assigned.

### **DISTINGUISHING CHARACTERISTICS**

This single position class directs all activities of the Strategic Incentives Division, which includes the Transportation Fund for Clean Air (TFCA), the Carl Moyer Program (CMP), Mobile Source Incentive Fund and various other grant and incentive programs designed to reduce air pollutants and greenhouse gases, primarily from mobile sources. The incumbent is accountable for accomplishing goals and objectives related to the above activities and for furthering District goals and objectives within general policy guidelines. This class is distinguished from Deputy Air Pollution Control Officer in that the latter has managerial responsibility for multiple divisions of the District.

### **EXAMPLES OF DUTIES (Illustrative Only)**

Develops and directs the implementation of goals, objectives, policies, procedures and work standards for the division.

Directs the preparation and administration of the division budget; identifies and secures new sources of grant funding.

Plans, organizes, administers, reviews and evaluates the activities of professional, technical and support staff.

Communicates District policies, rules and regulations to staff and is responsible for staff productivity and discipline.

Selects personnel and provides for their training, motivation and professional development.

Directs the development of guidelines and policies to implement grant programs and ensures consistency with District, state and federal regulations and guidelines.

Oversees a system of process controls to ensure timeliness, fiscal responsibility, and adherence to applicable state requirements associated with grant funding.

Coordinates and directs division activities such as soliciting grant applications, conducting workshops for potential grant project sponsors, evaluating grant applications, recommending funding for projects, monitoring the implementation of funded projects, reporting on the use of grant funds, and auditing of funded projects and programs.

Provides technical and managerial direction to division staff regarding implementation of grant programs, assessment of mobile source technologies and maintaining process controls.

Manages contractual services agreements for implementing grant and incentive program activities such as direct mail and vehicle scrapping.

Analyzes technical and policy issues, assesses the efficacy of the District's grant programs, evaluates new approaches and initiatives and makes recommendations to executive management and the Board of Directors.

Identifies and pursues opportunities to fund demonstration projects and advanced technologies (primarily mobile sources).

Coordinates with other divisions regarding outreach, evaluation tools and financial tracking related to the District's grant and incentive programs.

Coordinates with local, regional and State agencies regarding grant and incentive programs and related issues.

Represents the District at meetings with the public, industry and other agencies.

### **QUALIFICATIONS**

#### **Knowledge of:**

Administrative principles and practices, including goal setting, program and budget development and implementation and employee supervision.

Principles and practices of public administration.

Principles and practices of effective grant program management.

Organization and functions of local, state and federal government.

Applicable District, state and federal laws, rules, regulations and guidelines.

Principles, practices and technologies of green house gas and mobile source emission reduction measures and programs.

#### **Skill in:**

Planning, organizing, assigning, directing, reviewing and evaluating the work of assigned staff.

Selecting and motivating staff and providing for their training and professional development.

Representing the District effectively in contacts with the public, industry, the media and other agencies.

Establishing and maintaining effective working relationships with those contacted in the course of the work.

Preparing clear and concise reports, correspondence and other written materials.

Exercising sound independent judgment within policy guidelines.

#### **Ability to:**

Interpret, explain and apply District, state and federal laws, rules, regulations and guidelines.



Analyze complex administrative as well as transportation, mobile source emissions and energy reduction problems, evaluate alternative solutions and adopt effective courses of action.

Maintain professional and effective working relationships with co-workers and stakeholders.

Administer the tracking and validation of grant program funds.

Guide the implementation of multiple grant and incentive programs with varying criteria, requirements, goals and reporting obligations to ensure that all conditions are met.

Make persuasive presentations.

Other Requirements:

Must possess a valid California driver's license.

**Education and Experience:**

A typical way to gain the knowledge, skills and abilities is:

Equivalent to graduation from a four year college or university with major coursework in engineering, environmental or transportation planning, environmental studies, public policy, or a closely related field and five years of grant or contract administration, preferably with a public agency, including three years of supervisory experience.

**Working Conditions and Physical Demands:**

Work is performed in an office environment with limited exposure to conditions such as dust, fumes, odors, or noise. It involves occasional travel by car requiring the ability to see colors of traffic signs and notice and react to traffic, pedestrian and road conditions. Physical demands include the ability to use a computer for several hours a day, telephone, and other electronic communication devices. Also, occasionally lifting boxes weighing 20-30 pounds, walking, standing, bending and reaching.

**FLSA – Exempt**

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson, Pamela Torliatt and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 29, 2009

Re: Report of the Executive Committee Meeting of September 24, 2009

RECOMMENDED ACTION

The Committee recommends Board of Directors' approval of the following items:

- A) Air District's Administrative Code Regarding Board of Directors Officers' Term of Office:
  - 1. Amend the Air District's Administrative Code Division I, Section 2.1: Officers of the Board, by establishing a two-year term of office for the Chairperson, to become effective with the 2010 Chairperson.
  
- B) California Air Resources Board Appointments:
  - 1. Adopt a procedure for notifying the Board of Directors when the BAAQMD position on the California Air Resources Board becomes vacant.

BACKGROUND

The Executive Committee met on Thursday, September 24, 2009. The Committee received the following reports and updates:

- A) Update on the Indirect Source Rule
- B) Air District CEQA Guidelines Update
- C) Continued Discussion to Amend the Air District's Administrative Code Regarding Board of Directors Officers' Term of Office
- D) Update on Survey Results Relative to Potential Relocation of Air District Headquarters (*Deferred to October 21, 2009 Executive Committee Meeting*)
- E) California Air Resources Board Appointments

Attached are the staff reports presented in the Executive Committee packet of September 24, 2009.

Chairperson Pamela Torliatt will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None.
- B) Funding for consultant services to update the Air District CEQA Guidelines is included in the approved FY 2008/2009 Air District budget.
- C) None.
- D) Funding for consulting services for this project is included in Program 702 of the approved FY 2009/2010 Air District budget.
- E) None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Lisa Harper  
Reviewed by: Jennifer Chicconi

Attachment(s)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Torliatt and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 14, 2009

Re: Indirect Source Review Rule Update

RECOMMENDED ACTION:

None. For information only.

BACKGROUND

Air District staff were directed at the Board retreat in January 2009 to commence work on an Indirect Source Review (ISR) rule. Since that time, staff has created a stakeholder work group to provide input on this rule development effort. The work group is comprised of representatives from cities and counties, regional agencies, government agencies, environmental, business and community organizations, and other interested parties. The District hosted the first stakeholder group meeting on May 28<sup>th</sup> where participants provided valuable insight on various broad issues associated with the rule. The next meeting of the stakeholder group is tentatively planned for October 2009.

DISCUSSION

Staff is developing an Indirect Source Review Rule concept paper. Staff will provide an update to the Executive Committee on the outcomes of the stakeholder meeting, preliminary concepts for the ISR rule, and a draft timeline for development of the ISR rule.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Sigalle Michael  
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Torliatt and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 14, 2009

Re: Air District CEQA Guidelines Update

RECOMMENDED ACTION:

None, for information only.

BACKGROUND

The BAAQMD Guidelines provide guidance to local lead agencies conducting air quality analyses pursuant to the California Environmental Quality Act (CEQA). Staff is updating and revising the Guidelines.

DISCUSSION

The CEQA Guidelines recommend air quality significance thresholds for local agencies to use when preparing impact analyses under CEQA and provide guidance on the District's recommended analytical methodologies and mitigation measures. Staff is reviewing, and revising as necessary, existing thresholds of significance, and developing new significance thresholds for local air quality impacts and for greenhouse gas emissions from projects subject to CEQA. Staff also is updating analytical methodologies and mitigation measures used in the Guidelines.

Staff hosted public workshops for the Guidelines update in February, April and September 2009. At the September workshops, staff presented the Draft CEQA Guidelines document with Air District recommended thresholds of significance, analytical methodologies and mitigation strategies.

Staff will provide an update on the progress made developing the District's recommended thresholds of significance and revising the CEQA Guidelines.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

Funding for consultant services to update the Air District CEQA Guidelines is included in the approved FY 2008/2009 Air District budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Greg Tholen  
Reviewed by: Henry Hilken

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Pamela Torliatt and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 10, 2009

Re: Continued Discussion to Amend the Air District's Administrative Code  
Regarding Board of Directors Officers' Term of Office

RECOMMENDED ACTION:

The Committee will continue discussions to amend the Air District's Administrative Code to revise the current one-year term of office for Board Officers to a two-year term of office. Consideration of Possible Amendments to the Air Districts' Administrative Code Division I, Section 2.1: Officers of the Board.

BACKGROUND

The term of office for Board Officers is currently a one-year term of office and was amended by the Board of Directors in 2003, effective 2005, from a two-year term of office to a one-year term. In 1999 the term of office was amended to a two-year term of office for the Chairperson, Vice-Chairperson and Secretary.

The Air District's Administrative Code Division I, Section 14 enables the Board of Directors to amend its Administrative Code "at any meeting by a vote of a majority of the members of the Board of Directors, provided notice of such amendments has been given at a preceding regular meeting."

The practice at other regional agencies with regard to the term of office for their respective Officers is as follows:

- 1) Metropolitan Transportation Commission- Chairperson two-year term
- 2) Association of Bay Area Governments' President serves two-year
- 3) South Coast Air Quality Management District, Sacramento Metro Air Quality Management District, and the Mojave Air Quality Management District is set by statute and have two-year term of office;

DISCUSSION

Per direction received at the Board of Directors' meeting of May 20, 2009, the Committee was asked to continue discussions on this item.

BUDGET CONSIDERATION/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Mary Ann Goodley



BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Pamela Torliatt and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 2, 2009

Re: Update of Survey Results Relative to Potential Relocation of Air District Headquarters

RECOMMENDED ACTION:

Consider recommending Board of Directors' authorize the Executive Officer/APCO to continue with facility assessment through completion of the Strategic Facility Planning Study.

BACKGROUND

The Executive Committee at its July 29<sup>th</sup> meeting, received an overview of the Strategic Facility Planning Process. The Committee received an overview of a revised Request for Proposal for Strategic Facilities Planning issued to include Phase I: Visioning Process and Phase II: Data Gathering. The Strategic Facility Planning process is a multi-phased approach that will be instrumental in determining recommendations for improvements. Hellmuth, Obata + Kassabaum, Inc. (HOK) Advanced Strategies has been contracted by the Air District to perform the study.

DISCUSSION

The Committee will receive an overview of study process and progress, interview and survey results conducted over the past month with Executive Management staff, operational staff, the Board of Directors, Advisory Council and the Hearing Board.

BUDGET/FINANCIAL IMPACT:

Funding for consulting services for this project is included in Program 702 of the approved FY 2009/2010 Air District budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Mary Ann Okpalaugo

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Pamela Torliatt and Members  
of the Executive Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 17, 2009

Re: California Air Resources Board Appointments

RECOMMENDED ACTION:

Consider adopting a procedure for notifying the Board of Directors when the BAAQMD position on the California Air Resources Board becomes vacant.

BACKGROUND

By California statute, one member of the California Air Resources Board is to be appointed from the Board of Directors of the Bay Area Air Quality Management District. The Governor makes the appointment. The Senate Rules Committee considers confirmation of the appointment within one year.

The BAAQMD position on the CARB Board became vacant when Jerry Hill was elected to serve in the California Assembly. BAAQMD board member Ken Yeager was appointed by the Governor to the CARB Board and was recently confirmed by the Senate. The issue of Board of Directors support for appointments to the CARB Board was discussed at the Executive Committee meetings held on June 29, 2009 and July 29, 2009. The Committee considered whether to have a policy regarding support for CARB Board appointments, but decided at the July 29<sup>th</sup> Committee meeting to instead have staff develop a procedure for notifying the Board members when the BAAQMD position on the CARB Board becomes vacant.

PROPOSAL

Based on the discussion at the July 29<sup>th</sup> Executive Committee meeting, staff suggests the following procedure when the BAAQMD position on the CARB Board becomes vacant:

- Executive Office staff will compile information about any process for expressing interest in and qualifications for the BAAQMD position on the CARB Board.
- BAAQMD Board Chair will notify all BAAQMD Board members of the vacancy as well as any process for expressing interest and qualifications to the Governor.

The Executive Committee concluded that the Board of Directors and staff would not prepare letters of support for any candidates; however, individual Board members could send letters of support if they wished to do so.

BUDGET/FINANCIAL IMPACT:

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Jean Roggenkamp

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Pamela Torliatt and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 29, 2009

Re: Report of the Mobile Source Committee Meeting of October 5, 2009

RECOMMENDED ACTIONS

The Committee may recommend Board of Directors' approval of the following items:

- A) Carl Moyer Program (CMP) Year 11 Projects:
1. Approve Carl Moyer Program Year 11, projects with proposed grant awards over \$100,000; and
  2. Authorize the Executive Officer/APCO to enter into agreements for the recommended Carl Moyer Program Year 11 projects; and
  3. Reserve \$8 million in Mobile Source Incentive Funding for Carl Moyer Program eligible projects.
- B) FY 09/10 Transportation Fund for Clean Air (TFCA) Regional Fund Shuttle, Ridesharing and Vanpool Projects:
1. Approve allocation of \$3,847,372 in fiscal year (FY) 2009/2010 TFCA Regional Funds for the ten (10) projects listed in Attachment 1; and
  2. Authorize the Executive Officer/APCO to enter into funding agreements with recipients of grant awards for the projects listed in Attachment 1.
- C) Drayage Truck Retrofit Program at the Port of Oakland:
1. Increase the Transportation Fund for Clean Air (TFCA) cost effectiveness threshold to \$150,000 per ton of emissions reduced for the Port Truck Retrofit Program in order to facilitate the maximum number of truck retrofits at the Port of Oakland (Port).

BACKGROUND

The Mobile Source Committee will meet on Monday, October 5, 2009. The Committee will consider and receive the following reports and recommendations:

- A) Approval for Carl Moyer Program Year 11 Projects with proposed grant awards over \$100,000 and allocation of an additional \$8 million in Mobile Source Incentive Funds for this year's program.
- B) Approval for FY 09/10 Transportation Fund for Clean Air (TFCA) Regional Fund for Shuttle, Ridesharing and Vanpool Projects.

- C) Increasing the TFCA Cost Effectiveness Threshold for Emissions Reductions for the Drayage Truck Retrofit Program at the Port of Oakland

Attached are the staff reports presented in the Mobile Source Committee packet.

Chairperson, Scott Haggerty will give an oral report of the meeting.

BUDGET CONSIDERATION/FINANCIAL IMPACT

- A) None. Through the CMP the Air District distributes “pass-through” funds from the ARB to public agencies and private entities on a reimbursement basis. Therefore, the grant funds awarded do not directly impact the Air District’s budget. The requested amount of additional MSIF funding would come from the \$2 surcharge in motor vehicle registration fees (authorized by AB923) collected within the Air District’s jurisdiction.
- B) None.
- C) None. The Port Truck Retrofit Program distributes funds from the Port, the Goods Movement Bond, DERA and TFCA to the District and then to eligible equipment owners. Staff costs for the administration of the Program are included in the FY 2009/2010 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Lisa Harper  
Reviewed by: Jennifer Chicconi

Attachment(s)

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Haggerty and  
Members of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 29, 2009

Re: Consideration of approval for Carl Moyer Program (CMP) Year 11 projects with proposed grant awards over \$100,000 and allocation of an additional \$8 million in Mobile Source Incentive funding for CMP projects

RECOMMENDATIONS

Request the Committee recommend the Air District Board of Directors:

1. Approve Carl Moyer Program Year 11, projects with proposed grant awards over \$100,000.
2. Authorize the Executive Officer/ APCO to enter into agreements for the recommended Carl Moyer Program Year 11, projects.
3. Reserve \$8 million in Mobile Source Incentive Funding for Carl Moyer Program eligible projects.

BACKGROUND

The Bay Area Air Quality Management District (Air District) has participated in the Carl Moyer Program (CMP), in cooperation with the California Air Resources Board (ARB), since the program began in fiscal year 1998/1999. The CMP provides grants to public and private entities to reduce emissions of oxides of nitrogen (NO<sub>x</sub>), reactive organic gases (ROG) and particulate matter (PM) from existing heavy-duty engines by either replacing or retrofitting them. Eligible heavy-duty diesel engine applications include on-road trucks and buses, off-road equipment, marine vessels, locomotives, stationary agricultural pump engines, forklifts, and airport ground support equipment.

Assembly Bill 923 (AB 923 - Firebaugh), enacted in 2004 (codified as Health and Safety Code Section 44225), authorized local air districts to increase their motor vehicle registration surcharge up to an additional \$2 per vehicle. The revenues from the additional \$2 surcharge are deposited in the Air District's Mobile Source Incentive Fund (MSIF). AB 923 stipulates that air districts may use the revenues generated by the additional \$2 surcharge for projects eligible for grants under the CMP.

On February 4, 2009, the Air District Board of Directors authorized Air District participation in Year 11, of the CMP, and authorized the Executive Office/ APCO to execute Grant Agreements and amendments for projects funded with CMP funds or MSIF revenues, with individual grant

award amounts up to \$100,000. Projects with grant award amounts over \$100,000 are brought to the Committee for consideration at least on a quarterly basis. Staff reviews and evaluates the Year 11 CMP grant applications based upon: the 2008 CMP guidelines and subsequent advisories issued by ARB, the Air District's CMP Year 11 procedures approved by ARB, and applicable regulations.

### ***Board Actions on Projects Greater than \$100,000***

The following is a list of board actions taken to date on projects over \$100,000:

- June 3, 2009 - approved 13 projects for a total allocation of \$5,789,626
- July 1, 2009 - approved 14 projects for a total allocation of \$6,844,216

More than 94% of the approximately \$13 million allocated to eligible projects has been awarded to projects that reduce emissions in highly impacted Bay Area communities.

### **DISCUSSION**

As of September 22, 2009, the Air District had received 105 CMP grant applications requesting more than \$18 million in incentive funds for potential emission reduction projects. Of the applications that have been evaluated between June 12, 2009 and September 22, 2009, nine eligible projects have individual grant awards over \$100,000. Attachment 1 lists the nine projects that staff recommends be awarded grants for an aggregate of \$2,344,567 in funding, using a combination of CMP funds and MSIF revenues. More than 93% of these funds will go to projects that will reduce emissions in impacted communities.

Attachment 2 to this staff report lists all of the eligible projects (Table 2) that have been received by the Air District as of September 22, 2009, and summarizes the allocation of funding by equipment category (Figure 1), and county (Figure 2). Staff requests the Committee recommend the Air District's Board of Directors approve CMP Year 11, projects with proposed grant awards over \$100,000, as listed in Attachment 1, and authorize the Executive Officer/ APCO to enter into agreements for these projects.

### ***New Off-Road Equipment Replacement Program***

On July 1, 2009, the Air District's Board of Directors authorized the implementation of an off-road equipment (Construction and agricultural industries) replacement program under the CMP. On September 2, 2009, the Air District introduced the new program to the public. This program has been well received by both equipment dealers, and operators in the Bay Area. The program will provide up to 80% of the cost of a new equipment purchase for retiring an older, higher polluting piece of equipment. This program is targeted specifically for small and medium sized fleets of off-road (construction and agriculture) equipment operating in the Bay Area.

Based on the initial public response, and the fact that nearly all of the \$20 million initially committed to this program have been encumbered, staff is recommending additional MSIF funds for the CMP Year 11 program. Therefore, staff requests the Committee recommend the Air District's Board of Directors reserve an additional \$8 million in MSIF funding for CMP eligible projects.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None. Through the CMP the Air District distributes “pass-through” funds from the ARB to public agencies and private entities on a reimbursement basis. Therefore, the grant funds awarded do not directly impact the Air District’s budget. The requested amount of additional MSIF funding would come from the \$2 surcharge in motor vehicle registration fees (authorized by AB923) collected within the Air District’s jurisdiction.

Respectfully submitted,

Jack P. Broadbent  
Executive Director/APCO

Prepared by: Anthony Fournier  
Reviewed by: Karen Schkolnick

Attachment 1: Projects with individual grant awards greater than \$100,000  
Attachment 2: Summary of all eligible projects as of September 22, 2009



## *Attachment 1: BAAQMD Year 11 Carl Moyer Program/ MSIF projects with grant awards greater than \$100k (Evaluated between 6/12/09 and 9/22/09)*

**1 Project #: 11MOY57 Applicant Name: Harley Marine Services, Inc. 2 engines**

<i>Unit #</i>	<i>Equipment category</i>	<i>Project type</i>	<i>Cost-effectiveness</i>	<i>Proposed award</i>	<i>NOx (TPY)</i>	<i>ROG (TPY)</i>	<i>PM (TPY)</i>	<i>AB1390 Designation</i>
Millennium Falcon-main-2	Marine	Repower	\$2,818.55	\$286,176.00	20.869	0.336	0.620	AB1390
Millennium Falcon-main-1	Marine	Repower	\$2,818.55	\$263,151.00	20.869	0.336	0.620	AB1390
<b>Project Totals</b>				\$549,327.00	41.739	0.672	1.241	

**2 Project #: 11MOY63 Applicant Name: Salt River Construction Corporation 2 engines**

<i>Unit #</i>	<i>Equipment category</i>	<i>Project type</i>	<i>Cost-effectiveness</i>	<i>Proposed award</i>	<i>NOx (TPY)</i>	<i>ROG (TPY)</i>	<i>PM (TPY)</i>	<i>AB1390 Designation</i>
Willamette Hustler-main-1	Marine	Repower	\$10,771.75	\$54,312.00	1.105	0.031	0.034	AB1390
Willamette Hustler-main-2	Marine	Repower	\$10,771.75	\$54,312.00	1.105	0.031	0.034	AB1390
<b>Project Totals</b>				\$108,624.00	2.211	0.061	0.068	

**3 Project #: 11MOY64 Applicant Name: Stroer & Graff, Inc. 7 engines**

<i>Unit #</i>	<i>Equipment category</i>	<i>Project type</i>	<i>Cost-effectiveness</i>	<i>Proposed award</i>	<i>NOx (TPY)</i>	<i>ROG (TPY)</i>	<i>PM (TPY)</i>	<i>AB1390 Designation</i>
F-15	Off-Road	Repower only	\$15,998.52	\$28,410.00	0.362	0.044	0.012	AB1390
F-12	Off-Road	Repower only	\$15,998.29	\$20,055.00	0.256	0.031	0.008	AB1390
F-18	Off-Road	Repower only	\$15,998.50	\$28,312.00	0.361	0.044	0.012	AB1390
F-1	Off-Road	Repower only	\$15,998.48	\$17,505.00	0.223	0.027	0.007	AB1390
F-13	Off-Road	Repower only	\$15,998.38	\$19,758.00	0.252	0.031	0.008	AB1390
F-16	Off-Road	Repower only	\$15,998.18	\$19,081.00	0.243	0.030	0.008	AB1390
F-17	Off-Road	Repower only	\$15,998.37	\$21,128.00	0.269	0.033	0.009	AB1390
<b>Project Totals</b>				\$154,249.00	1.966	0.240	0.064	

<b>4</b>	<b>Project #: 11MOY65</b>	<b>Applicant Name: C-Gull II Sportfishing Inc.</b>	<b>2 engines</b>
----------	---------------------------	--	------------------

<i>Unit #</i>	<i>Equipment category</i>	<i>Project type</i>	<i>Cost-effectiveness</i>	<i>Proposed award</i>	<i>NOx (TPY)</i>	<i>ROG (TPY)</i>	<i>PM (TPY)</i>	<i>AB1390 Designation</i>
C Gull-II-main-2	Marine	Repower	\$13,838.28	\$89,948.00	1.065	0.000	0.036	AB1390
C Gull-II-main-1	Marine	Repower	\$13,838.28	\$89,948.00	1.065	0.000	0.036	AB1390
<b>Project Totals</b>				<b>\$179,896.00</b>	<b>2.131</b>	<b>0.000</b>	<b>0.072</b>	

<b>5</b>	<b>Project #: 11MOY73</b>	<b>Applicant Name: Edward Gallia</b>	<b>2 engines</b>
----------	---------------------------	--------------------------------------	------------------

<i>Unit #</i>	<i>Equipment category</i>	<i>Project type</i>	<i>Cost-effectiveness</i>	<i>Proposed award</i>	<i>NOx (TPY)</i>	<i>ROG (TPY)</i>	<i>PM (TPY)</i>	<i>AB1390 Designation</i>
El Dorado-main-2	Marine	Repower	\$14,618.20	\$101,616.00	1.491	0.000	0.051	AB1390
El Dorado-main-1	Marine	Repower	\$14,618.20	\$101,616.00	1.491	0.000	0.051	AB1390
<b>Project Totals</b>				<b>\$203,232.00</b>	<b>2.983</b>	<b>0.000</b>	<b>0.101</b>	

<b>6</b>	<b>Project #: 11MOY76</b>	<b>Applicant Name: Blue Runner, Inc.</b>	<b>2 engines</b>
----------	---------------------------	--	------------------

<i>Unit #</i>	<i>Equipment category</i>	<i>Project type</i>	<i>Cost-effectiveness</i>	<i>Proposed award</i>	<i>NOx (TPY)</i>	<i>ROG (TPY)</i>	<i>PM (TPY)</i>	<i>AB1390 Designation</i>
Blue Runner-main-1	Marine	Repower	\$14,548.43	\$83,091.00	0.562	0.011	0.019	AB1390
Blue Runner-main-1	Marine	Repower	\$14,548.43	\$83,091.00	0.562	0.011	0.019	AB1390
<b>Project Totals</b>				<b>\$166,182.00</b>	<b>1.124</b>	<b>0.022</b>	<b>0.038</b>	

<b>7</b>	<b>Project #: 11MOY82</b>	<b>Applicant Name: West Coast Aggregates, Inc.</b>	<b>2 engines</b>
----------	---------------------------	--	------------------

<i>Unit #</i>	<i>Equipment category</i>	<i>Project type</i>	<i>Cost-effectiveness</i>	<i>Proposed award</i>	<i>NOx (TPY)</i>	<i>ROG (TPY)</i>	<i>PM (TPY)</i>	<i>AB1390 Designation</i>
004-928	Off-Road	Replacement	\$15,998.94	\$0.00	1.292	0.158	0.065	Not AB1390
004-927	Off-Road	Replacement	\$15,998.94	\$153,350.00	0.322	0.045	0.017	Not AB1390
<b>Project Totals</b>				<b>\$153,350.00</b>	<b>1.614</b>	<b>0.203</b>	<b>0.082</b>	

<b>8</b>		<b>Project #: 11MOY85</b>		<b>Applicant Name: Mission Trail Waste Systems</b>				<b>1 engine</b>	
<b>Unit #</b>	<b>Equipment category</b>	<b>Project type</b>	<b>Cost-effectiveness</b>	<b>Proposed award</b>	<b>NOx (TPY)</b>	<b>ROG (TPY)</b>	<b>PM (TPY)</b>	<b>AB1390 Designation</b>	
T12	Off-Road	Replacement	\$13,673.58	\$209,292.00	1.157	0.226	0.103	AB1390	
<b>Project Totals</b>				\$209,292.00	1.157	0.226	0.103		

<b>9</b>		<b>Project #: 11MOY91</b>		<b>Applicant Name: Howard Misle</b>				<b>2 engines</b>	
<b>Unit #</b>	<b>Equipment category</b>	<b>Project type</b>	<b>Cost-effectiveness</b>	<b>Proposed award</b>	<b>NOx (TPY)</b>	<b>ROG (TPY)</b>	<b>PM (TPY)</b>	<b>AB1390 Designation</b>	
1	Off-Road	Replacement	\$15,998.89	\$318,705.00	2.037	0.287	0.108	AB1390	
2	Off-Road	Replacement	\$15,998.83	\$301,710.00	1.928	0.272	0.102	AB1390	
<b>Project Totals</b>				\$620,415.00	3.965	0.559	0.210		

<b>Summary:</b>	<b>Projects</b>	<b>Engines</b>	<b>Proposed award</b>	<b>NOx (TPY)</b>	<b>ROG (TPY)</b>	<b>PM (TPY)</b>
	9	22	\$2,344,567.00	58.889	1.983	1.979

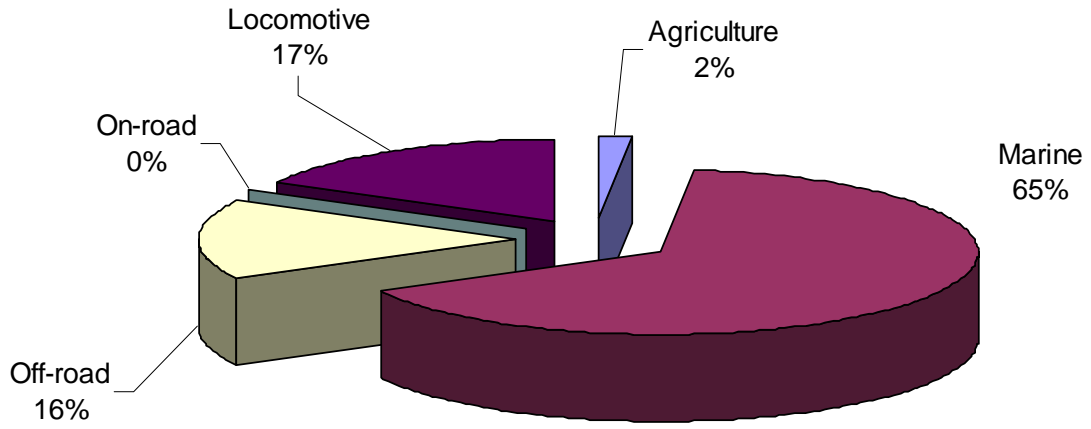
## Attachment 2

Summary of all CMP Yr 11/ MSIF approved/ eligible projects (4/15/09 to 9/22/09)

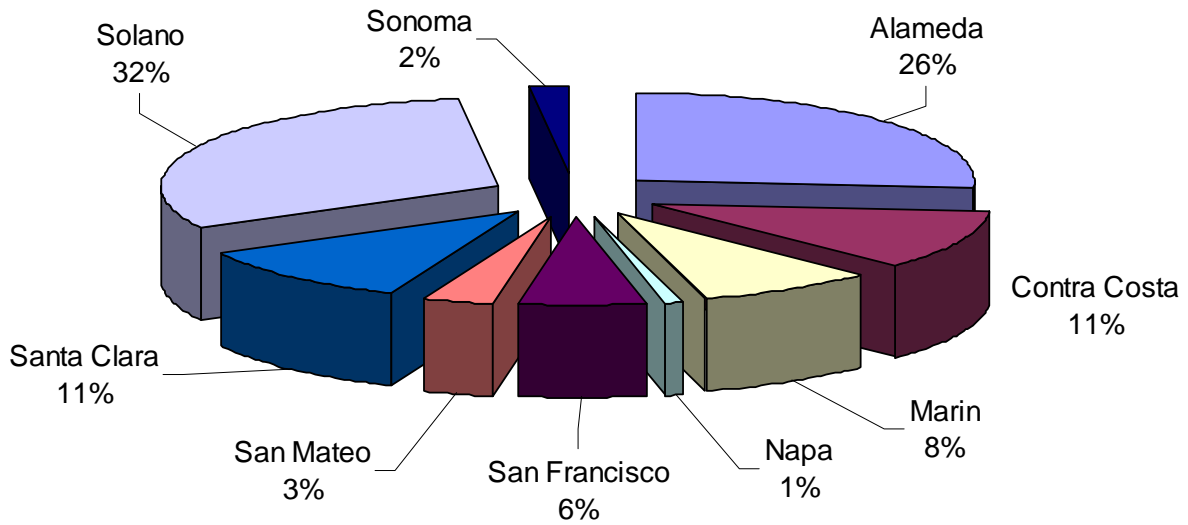
Project #	Equipment category	# of engines	Proposed contract award	Applicant name	NOx (TPY)	ROG (TPY)	PM (TPY)	Board approval date	County
11MOY1	Marine	2	\$ 274,156.00	Robert S. Tuckey	3.435	0.065	0.101	03-Jun-09	San Mateo
11MOY2	Marine	2	\$ 149,358.00	Blue and Gold Fleet LP	5.368	0.148	0.178	03-Jun-09	San Francisco
11MOY3	Agriculture	6	\$ 183,060.00	Gallo Family Vineyards	5.151	0.620	0.168	01-Jul-09	Sonoma, Napa
11MOY5	Marine	2	\$ 165,950.00	Kelli Dickinson	3.306	0.042	0.114	03-Jun-09	Solano
11MOY6	Marine	2	\$ 152,092.00	Jaqueline G. Douglas	1.296	-0.014	0.045	03-Jun-09	San Francisco
11MOY7	Marine	1	\$ 72,300.00	Frank A. Rescino	2.295	0.038	0.079	APCO	San Francisco
11MOY8	Marine	2	\$ 137,500.00	Chuck Louie	1.883	0.033	0.064	03-Jun-09	San Francisco
11MOY9	Marine	1	\$ 103,830.00	Erik Anfinson	0.562	-0.004	0.019	03-Jun-09	Marin
11MOY10	Marine	2	\$ 91,004.00	Golden Gate Bridge Highway and Transportation Dist	0.828	0.003	0.022	APCO	San Francisco
11MOY11	Marine	2	\$ 137,640.00	New Salmon Queen Sportfishing, LLC	4.110	0.000	0.139	03-Jun-09	Alameda
11MOY12	Agriculture	1	\$ 23,194.00	Riccoli Brothers	0.486	0.059	0.016	APCO	Sonoma
11MOY13	Marine	3	\$ 227,461.00	Fly Rose Marine, Inc.	2.918	0.085	0.098	01-Jul-09	Santa Clara
11MOY14	Off-road	5	\$ 264,398.00	Fremont Paving	1.622	0.247	0.117	03-Jun-09	Alameda
11MOY17	Marine	2	\$ 182,160.00	David Underwood	1.557	0.055	0.059	01-Jul-09	Solano
11MOY18	Marine	1	\$ 51,440.00	Shon Harbarth	1.430	0.036	0.042	APCO	Contra Costa
11MOY19	Marine	2	\$ 217,544.00	City of Alameda	15.069	-0.083	0.447	03-Jun-09	Alameda
11MOY20	Marine	8	\$ 3,791,855.00	City of Vallejo	94.079	1.495	2.793	03-Jun-09	Solano
11MOY22	Marine	1	\$ 41,488.00	Bay Marine Services, Inc.	0.975	0.028	0.032	APCO	Marin
11MOY23	Marine	1	\$ 65,240.00	Andy Guiliano	0.455	0.000	0.015	APCO	Contra Costa
11MOY24	Locomotive	1	\$ 101,400.00	Richmond Pacific Railroad	1.052	0.020	0.007	03-Jun-09	Contra Costa
11MOY26	Marine	2	\$ 165,898.00	State of California, State Parks Department	1.041	0.023	0.035	01-Jul-09	Marin
11MOY27	Marine	2	\$ 178,962.00	City and County of San Francisco, San Francisco Police Department	2.253	-0.034	0.079	01-Jul-09	San Francisco
11MOY30	Off-road	6	\$ 140,343.00	J. Flores Construction Company	0.589	0.097	0.073	03-Jun-09	San Francisco
11MOY33	Marine	2	\$ 144,504.00	Brian Guiles	1.329	-0.007	0.046	01-Jul-09	Marin
11MOY34	Marine	2	\$ 209,056.00	Bodega Bay Sportfishers, Inc.	2.644	0.040	0.084	01-Jul-09	Sonoma
11MOY35	Marine	2	\$ 49,830.00	Matt Butler	1.148	0.030	0.042	APCO	Marin
11MOY36	Marine	2	\$ 106,394.00	Geoff and David Bettencourt	2.670	0.116	0.094	01-Jul-09	San Mateo
11MOY37	Off-Road	1	\$ 58,384.00	Trucrew, Inc.	0.663	0.081	0.028	APCO	Contra Costa
11MOY39	Marine	2	\$ 61,616.00	Harry Vogal	0.423	0.002	0.015	APCO	San Francisco
11MOY40	Marine	1	\$ 102,984.00	James Gregory Smith	1.685	-0.001	0.057	01-Jul-09	Contra Costa
11MOY41	Marine	2	\$ 199,466.00	Bay Marine Services, Inc.	6.868	0.196	0.206	01-Jul-09	Marin
11MOY44	Locomotive	5	\$ 2,609,010.00	California Department of Transportation	49.080	1.150	0.390	01-Jul-09	Solano, Contra Costa, Alameda, Santa Clara
11MOY46	Marine	3	\$ 2,068,071.00	APL Maritime Services, Ltd.	22.710	0.810	12.420	01-Jul-09	Alameda
11MOY48	Off-Road	1	\$ 80,950.00	Contra Costa Topsoil, Inc	0.536	0.072	0.027	APCO	Contra Costa
11MOY51	Off-Road	4	\$ 191,709.00	Stroer & Graff, Inc.	5.007	0.650	0.181	01-Jul-09	Contra Costa
11MOY52	Off-Road	4	\$ 275,481.00	Salt River Construction Corp.	3.568	0.461	0.142	01-Jul-09	Marin
11MOY55	Agriculture	2	\$ 42,180.00	Huneus Vintners, LLC	0.614	0.080	0.020	APCO	Napa
11MOY21	Off-road	1	\$ 12,974.00	Thomas D. Eychner Co., Inc.	0.059	0.017	0.005	APCO	Contra Costa
11MOY48	Off-road	1	\$ 80,950.00	Contra Costa Topsoil, Inc	0.536	0.072	0.027	APCO	Contra Costa
11MOY54	Off-road	2	\$ 27,117.00	St. Francis Electric	0.264	0.052	0.014	APCO	Alameda
11MOY57	Marine	2	\$ 549,327.00	Harley Marine Services, Inc.	41.739	0.672	1.241	7-Oct-09	Alameda
11MOY59	Off-Road	3	\$ 74,567.00	Alameda County Water District	0.069	0.081	0.045	APCO	Alameda
11MOY63	Marine	2	\$ 108,624.00	Salt River Construction Corporation	2.211	0.061	0.068	7-Oct-09	Marin
11MOY64	Off-Road	7	\$ 154,249.00	Stroer & Graff, Inc.	1.966	0.240	0.064	7-Oct-09	Contra Costa
11MOY65	Marine	2	\$ 179,896.00	C-Gull II Sportfishing Inc.	2.131	0.000	0.072	7-Oct-09	Alameda
11MOY72	Off-Road	2	\$ 37,003.00	TMT Enterprises	0.000	0.000	0.026	APCO	Santa Clara
11MOY73	Marine	2	\$ 203,232.00	Edward Gallia	2.983	0.000	0.101	7-Oct-09	Contra Costa
11MOY74	Marine	2	\$ 75,666.00	Marin County Sheriff's Office	1.706	0.018	0.056	APCO	Marin
11MOY76	Marine	2	\$ 166,182.00	Blue Runner, Inc.	1.124	0.022	0.038	7-Oct-09	Marin
11MOY79	Off-Road	1	\$ 81,195.00	Kingsborough Atlas Tree Surgery, Inc.	0.654	0.087	0.020	APCO	Sonoma
11MOY82	Off-Road	2	\$ 153,350.00	West Coast Aggregates, Inc.	1.614	0.203	0.082	7-Oct-09	San Mateo
11MOY85	Off-Road	1	\$ 209,292.00	Mission Trail Waste Systems	1.157	0.226	0.103	7-Oct-09	Santa Clara
11MOY91	Off-Road	2	\$ 620,415.00	Howard Misle	3.965	0.559	0.210	7-Oct-09	Santa Clara
11MOY99	Off-Road	1	\$ 18,682.00	Galante Brothers General Engineering, Inc	0.092	0.019	0.008	APCO	Santa Clara

**54 Projects      125      \$ 15,870,629.00      312.972      8.968      20.675**

**Figure 1: CMP/ MSIF Funding Distribution by Equipment Category as of 9/22/09**



**Figure 2: CMP/ MSIF Funding Distribution by County as of 9/22/09**



BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Haggerty and  
Members of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 28, 2009

Re: Consideration of Approval for FY 09/10 Transportation Fund for Clean Air (TFCA) Regional Fund Shuttle, Ridesharing and Vanpool Projects

RECOMMENDED ACTIONS

Recommend Board of Directors (Board) approval of staff recommendations for:

1. The allocation of \$3,847,372 in fiscal year (FY) 2009/2010 TFCA Regional Funds for the ten (10) projects listed in Attachment 1; and
2. Authorization for the Executive Officer to enter into funding agreements with recipients of grant awards for the projects listed in Attachment 1.

BACKGROUND

In 1991, the California State Legislature authorized the Air District to impose a \$4 surcharge on motor vehicles registered within the San Francisco Bay Area to fund projects that reduce on-road motor vehicle emissions. The Air District has allocated these funds to its Transportation Fund for Clean Air (TFCA) to fund eligible projects. The statutory authority for the TFCA and requirements of the program are set forth in California Health and Safety Code Sections 44241 and 44242.

Sixty percent (60%) of TFCA funds are awarded directly by the Air District through a grant program known as the Regional Fund. The remaining forty percent (40%) of TFCA funds are forwarded to the designated agency within each Bay Area county and distributed by these agencies through the Program Manager Fund. Portions of the TFCA Regional Fund are allocated to eligible programs implemented directly by the Air District, including the Smoking Vehicle Program and the Spare the Air Program. The balance is allocated on a competitive basis to eligible projects proposed by project sponsors.

DISCUSSION

On April 1, 2009, the Board allocated FY 2009/2010 TFCA Regional Funds totaling \$4,000,000 to Shuttle and Ridesharing Projects. The FY 2009/2010 Regional Fund Call for Projects opened on July 21, 2009. As of August 31, 2009, the Air District received 12 grant applications. Staff is recommending the award of grants totaling approximately \$3.8 million in TFCA Regional Funds for ten shuttle, ridesharing and vanpool projects. Attachment 1 lists the final project scores and ranking for the eligible projects recommended for funding.

## Solicitation and Outreach

The Air District opened the Call for Projects on July 21, 2009. On July 20th, the Air District e-mailed notices to a list of 776 interested parties announcing the open solicitation and the application workshop. The Air District discussed this grant opportunity at meetings with stakeholders including at the monthly meeting of the Congestion Management Agency Directors on July 24, 2009. The Air District held an application workshop on August 7, 2009, which was attended by representatives from 30 agencies.

## Evaluation Criteria

The Board-adopted criteria to score and rank TFCA Regional Fund grant applications for FY 2009/2010 are shown in Table 1. The evaluation criteria emphasize cost effectiveness in reducing emissions by allotting 60% of the total possible points to this criterion. Cost effectiveness is calculated by dividing the total TFCA funds proposed for the project by a factor representing the estimated lifetime emission reductions for the project, yielding TFCA funds per ton of reduced emissions. The Board-approved cost effectiveness threshold is set at \$90,000/ton of reduced emissions for existing shuttle/feeder bus services and Regional Ridesharing, and at \$125,000/ton for pilot shuttle/feeder bus services.

The criteria also reward greenhouse gas reduction cost effectiveness, agencies that implement Transportation Control and Mobile Source Measures according to the current Clean Air Plan, and projects that benefit Impacted Communities and Planned/Potential Priority Development Areas. Table 1 below lists the six Board-adopted criteria and the maximum points available for each criterion.

**Table 1: FY 2009/2010 TFCA Regional Fund Scoring Criteria**

<b>Criteria</b>	<b>Maximum Points</b>
1. TFCA Cost Effectiveness	60
2. Greenhouse Gas Emission Reductions	10
3. Other Project Attributes	5
4. Clean Air Policies and Programs (for public agencies only)	10
5. Sensitive and Particulate Matter-Impacted Communities	10
6. Priority Development Areas	5
<b>TOTAL MAXIMUM POINTS (for public agencies)</b>	<b>100</b>

The Board establishes minimum point scores for projects to be eligible to receive TFCA Regional Funds. For the FY 2009/2010 funding cycle, the minimum scores are 60 points for public agency projects and 54 points for non-public entity projects. The intent of this policy is to assure that TFCA funding is provided only to projects that achieve an acceptable level of cost effectiveness and benefit to the region.

## Incomplete Grant Applications

Staff is still evaluating applications for two projects that lack information sufficient for a full evaluation and recommendation for funding. Staff is currently working with the project sponsors of these projects to obtain information necessary to complete the evaluations. Staff will return to a future Mobile Source Committee meeting with recommendations for these projects.

## **Project Funding**

Eight Regional Rideshare or existing shuttle projects, totaling \$3,298,750 in funding requests, met the minimum point score and complied with the \$90,000 per ton cost-effectiveness threshold. Additionally, two new, pilot shuttle projects, totaling \$548,622 in funding requests, met the minimum point score and complied with the \$125,000 per ton cost-effectiveness threshold. Attachment 1 lists the final project scores and ranking for the eligible projects recommended for funding.

Of the 10 projects recommended for approval, four requested funding for more than one year. The requested amounts beyond one year are not reflected in Attachment 1. Rather, if these projects are successful, staff will request Board approval of the appropriate additional funding at the beginning of the FY 2010/11 funding cycle.

## **Summary of Benefits**

Over the course of one year, the projects recommended for funding would eliminate an estimated 100 million vehicle miles traveled and an estimated 2,696,400 trips by single-occupancy vehicles—an average of 10,574 fewer one-way trips on a typical weekday. The total investment from all sources would equal approximately \$10.2 million dollars.

## **Emission Reductions**

The recommended projects would result in estimated emission reductions of 101.6 tons of ozone precursors and particulate matter (PM), and over 47,000 tons of carbon dioxide (CO<sub>2</sub>) over the life of the projects. The resulting aggregate cost effectiveness estimated for these projects is \$28,435/ton<sup>a</sup>.

## **Impacted Communities**

Seven of the recommended projects would reduce emissions in Impacted Communities, as defined by the Air District's Community Air Risk Evaluation (CARE) program. Together they represent 25% of all the funds recommended for allocation, and 20% of the total annual emission reductions of ozone precursors and PM from all recommended projects. The Impacted Communities are Eastern San Francisco, Western Alameda County, Richmond/San Pablo, San Jose, Redwood City/East Palo Alto, and Concord.

---

<sup>a</sup> TFCA dollars per ton of emissions reduction (ozone precursors and weighted particulate matter). The cost effectiveness calculations used for project evaluation includes a weighted factor of 20 for the reduction of tailpipe particulate matter emissions, consistent with the California Air Resources Board Carl Moyer Program guidelines.



BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer /APCO

Prepared by: Deepti Jain and David Wiley

Reviewed by: Karen M. Schkolnick

ATTACHMENT 1  
TFCA Regional Fund Grant Applications - FY 2009/2010  
Projects Recommended for Funding

Project #	County (1)	Public / Non-Public (2)	Sponsor	ProjectTitle	Yrs Effective	TFCA \$ Per Ton (3)	TFCA \$	CRITERIA POINT SCORE						TOTAL SCORE	Cumulative Total \$
								TFCA Cost-Effectiveness (C/E)	Greenhouse Gas C/E	Other Attributes	Clean Air Policies	Sensitive and PM Impacted Communities	Priority Dev't Areas		
09R13	SF	P	San Francisco General Hospital	SFGH Pilot Shuttle	1	\$ 34,169	\$ 50,122	59.25	9.00	5.00	6.00	10.00	5.00	94.25	\$ 50,122
09R12	SM	P	City of Redwood City	Redwood City Commuter Shuttle	1	\$ 38,645	\$ 15,000	57.50	8.00	5.00	7.00	10.00	5.00	92.50	\$ 65,122
09R14	AL	P	City of Oakland	Oakland Waterfront - Uptown Pilot Shuttle	1	\$ 82,238	\$ 498,500	53.50	5.00	5.00	8.00	10.00	3.00	84.50	\$ 563,622
09R08	REG	P	Metropolitan Transportation Commission	511 Rideshare Program	1	\$ 12,082	\$ 1,050,000	60.00	9.00	4.00	9.00	2.00	0.00	84.00	\$ 1,613,622
09R10	SC	P	Associated Students, San Jose State University	SJSU Ridesharing and Trip Reduction	1	\$ 33,318	\$ 120,000	58.75	8.00	4.00	5.00	2.00	1.00	78.75	\$ 1,733,622
09R05	SC	P	Santa Clara Valley Transportation Authority	ACE Shuttle Bus Program	1	\$ 47,348	\$ 960,000	55.50	8.00	4.00	8.00	1.00	2.00	78.50	\$ 2,693,622
09R06	AL	P	San Joaquin Regional Rail Commission	ACE Shuttle - Route 54	1	\$ 34,577	\$ 50,000	58.50	9.00	3.00	6.00	0.00	0.00	76.50	\$ 2,743,622
09R11	SM	P	Peninsula Corridor Joint Powers Board	Caltrain Shuttle	1	\$ 61,436	\$ 1,000,000	52.00	8.00	3.00	10.00	1.00	2.00	76.00	\$ 3,743,622
09R07	AL	P	San Joaquin Regional Rail Commission	ACE Shuttle - Route 53	1	\$ 76,368	\$ 44,000	48.00	8.00	3.00	6.00	0.00	0.00	65.00	\$ 3,787,622
09R10	CC	P	Livermore Amador Valley Transit Authority	Route 1A/B BART Shuttle	1	\$ 77,758	\$ 59,750	48.00	5.00	4.00	0.00	0.00	3.00	60.00	\$ 3,847,372

(1) REG = regional/multi-county, or entity outside Air District.

(2) P=Public Agency; N-P= Non-Public Entity.

(3) TFCA\$ divided by est. lifetime ER (ozone precursors and weighted PM). May include TFCA County Program Manager funds.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Haggerty and  
Members of the Mobile Source Committee

From: Jack P. Broadbent  
Executive Officer/APCO

Date: September 29, 2009

Re: Drayage Truck Retrofit Program at the Port of Oakland

RECOMMENDED ACTION

Staff requests that the Committee recommend that the Board of Directors (Board) increase the Transportation Fund for Clean Air (TFCA) cost effectiveness threshold to \$150,000 per ton of emissions reduced for the Port Truck Retrofit Program in order to facilitate the maximum number of truck retrofits at the Port of Oakland (Port).

BACKGROUND

Since May of 2009, the Bay Area Air Quality Management District (District) has operated a drayage truck retrofit program for vehicles visiting the Port. This program is funded by a combination of monies: \$5 million provided by the Port, \$15 million in District funding from the TFCA and Goods Movement Bond (I-Bond) programs, and \$2 million from the United States Environmental Protection Agency (USEPA) via the American Resource and Recovery Act (ARRA) Diesel Emissions Reduction Program (DERA). This program is now in its final leg, however, due to a number of issues program implementation continues to be subject to delays. These issues and the reasons for staff's recommendation are discussed below.

DISCUSSION

The Port Truck Retrofit Program has been difficult to administer due to fact it is subject to four sets of administrative guidelines (one for each of the different funding sources) and also because of a number of starts and stops to program rollout described by the chronology below:

- August 15, 2008 - the District receives over 1,200 applications for Port truck retrofits and replacements totaling \$28 million for a solicitation of \$15 million (\$5 million in Port funds, \$5 million in I-Bond funds and \$5 million in TFCA funds).
- November 19, 2008 - the Board of Port Commissioners (Port Commissioners) passed a resolution postponing the use of \$5 million in Port funds to retrofit trucks under the joint I-Bond program until after the adoption of its Comprehensive Truck Management Program (CTMP).
- December 23, 2008 - the District was notified by the ARB that due to the State of California's fiscal year budget crisis, that I-Bond program funding was frozen.

- March 18, 2009 - the Board authorized to move forward with the drayage to program using \$5 million in TFCA funding.
- June 16, 2009 - Port of Oakland Commissioners vote to reinstate \$5 million in funding to program via an amended memorandum of understanding (MOU) with the District.
- June 26, 2009 - ARB reinstates I-Bond funding
- July 2009 - District is awarded \$2 million in American Resource and Recovery Act funding from the United States Environmental Protection Agency for retrofits and Replacements at the Port.

### *Current Issues*

Throughout this time, staff has made progress in issuing grants and assisting truckers at its Oakland outreach center (OT 411). To date over 630 retrofit contracts have been issued to trucker, over 200 retrofits have been installed and over 2,000 truckers have been assisted at OT 411. Additionally, all \$5 million of funding from the Port of Oakland and approximately \$3.5 million in TFCA funding has been encumbered under contracts for the program. However, while the program continues to be successful, there continue to be implementation issues for grantees and vendors, and administrative issues for the District. These are as follows:

- There is currently a 6 to 8 weeks delay in the manufacturing of ECS hybrid retrofits, the device for which the most grants have been issued. This is slowing device installation considerably.
- Many drivers have had trouble coming up with the up to \$1,500 in match funding to pay for taxes on the devices and this has caused grantees to delay signing their contracts and getting their installations.
- Even though there is approximately \$1.5 million in TFCA funding still available, the amount of TFCA dollars that can be provided to each project has shrunk dramatically. This is due to the fact there is now insufficient time to install the device before the December 31, 2009 deadline while achieving a \$90,000 per ton of emissions reduced cost effectiveness.
- ARB imposed a number of new administrative hurdles on the District in order to receive Goods Movement Bond funding. While these requirements have been met, ARB has been slow to respond to the District on when actual funding will be delivered.

In order to deal with these issues staff is proposing to increase the cost effectiveness per ton of emissions reduced for the TFCA funding in the program to \$150,000. This increase will ensure the maximum flexibility in the use of District funding and will also allow for the maximum number of retrofits to be installed. By allowing this change more TFCA funding can be provided to pay for the initial invoices in the program. This frees up Port and Goods Movement monies, which are not subject to cost effectiveness requirements and can be used to fund projects up to the regulatory deadline of December 31, 2009.

BUDGET CONSIDERATION / FINANCIAL IMPACT

None. The Port Truck Retrofit Program distributes funds from the Port, the Goods Movement Bond, DERA and TFCA to the District and then to eligible equipment owners. Staff costs for the administration of the Program are included in the FY 2009/2010 budget.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer/APCO

Prepared by: Damian Breen  
Reviewed by: Karen Schkolnick

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Pamela Torliatt and  
Members of the Board of Directors

From: Jack P. Broadbent  
Executive Officer / APCO

Date: September 30, 2009

Re: Summary of 2009 Ozone Season

RECOMMENDED ACTION:

Receive and file.

DISCUSSION

Staff will present a summary of the 2009 Ozone Season. The summer of 2009 was cooler than the summer of 2008, with high temperatures on 9 days compared to 16 days in 2008. Through September 30<sup>th</sup> the revised 8-hour national ozone standard was exceeded on 8 days compared to 12 days in 2008. The 8-hour State ozone standard was exceeded on 13 days, and the 1-hour State ozone standard on 11 days.

EPA revised the 8-hour national ozone standard from 84 ppb to 75 ppb on March 12, 2008 and the revised standard became effective on May 27, 2008. States were required to make recommendations to EPA for areas to be designated as attainment or nonattainment by March 2009. Based on 2006 through 2008 monitoring data, the California ARB recommended that EPA designate the Bay Area as nonattainment for the revised ozone standard. EPA was scheduled to issue final designations for areas as attainment or nonattainment by March 2010. However on September 16, 2009 EPA announced that it would reconsider the revised ozone standard. EPA will propose revisions by December, 2009 and take final action by August, 2010. In the interim, EPA will propose to stay the designations for the revised ozone standard, originally scheduled for March, 2010.

The summer 2009 Spare the Air campaign runs from May 11<sup>th</sup> through October 2<sup>nd</sup>. Through September 30<sup>th</sup>, there were 14 Spare the Air days. There were no Free Transit days in 2009.

BUDGET CONSIDERATIONS/FINANCIAL IMPACTS

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer / APCO

BAY AREA AIR QUALITY MANAGEMENT DISTRICT  
Memorandum

To: Chairperson Pamela Torliatt and Members  
of the Board of Directors

From: Jack P. Broadbent  
Executive Officer / APCO

Date: September 30, 2009

Re: Report and Recommendations of the Advisory Council from the May 13, 2009  
Meeting on California's 2050 GHG Emission Reduction Target – Transportation  
Sector

---

RECOMMENDED ACTION:

Receive and File

DISCUSSION

The following presentations were made at the May 13, 2009 Advisory Council Meeting on California's 2050 GHG Emission Reduction Target of 80% below 1990 levels – Transportation Sector:

1. ***Regional Transportation Plan 2035: Change in Motion*** by Steve Heminger, Executive Director, Metropolitan Transportation Commission
2. ***Vehicle Technology & Travel Reduction*** by Dan Sperling, Professor of Civil Engineering and Environmental Science and Policy, ITS – U C Davis Automotive Related Member of the California Air Resources Board
3. ***Land Use, Public Transit & Trip Reduction*** by Tom Radulovich, BART Director – San Francisco, Executive Director, Livable City
4. ***Goods Movement*** by John Boesel, President & CEO, CALSTART

BACKGROUND

The Advisory Council voted at its July 8, 2009 meeting to have two meetings to discuss the presentations and materials received at the May 13, 2009 meeting on California's 2050 GHG emission reduction target for the transportation sector and prepare a report for the Air District Board of Directors. The two meetings were the originally scheduled July 8, 2009 meeting and a second meeting held on September 9, 2009.

Advisory Council members Stan Hayes, Emily Drennen, John Holtzclaw and Kraig Kurucz prepared a draft report for the May 13<sup>th</sup> meeting on California's 2050 GHG emission reduction target for the transportation sector, and thereafter, discussed and revised the draft report at the July 8, 2009 Advisory Council meeting. At the September 9, 2009 meeting, the Advisory Council discussed the revised draft report and finalized their recommendations. The completed

final report will be presented for consideration at the Board of Directors October 7, 2009 meeting.

BUDGET CONSIDERATIONS/FINANCIAL IMPACTS:

None.

Respectfully submitted,

Jack P. Broadbent  
Executive Officer / APCO



**FINAL REPORT ON THE MAY 13, 2009 ADVISORY COUNCIL MEETING  
ON CALIFORNIA'S 2050 GHG EMISSION REDUCTION  
TARGET – TRANSPORTATION SECTOR**

SUMMARY

The following presentations were made at the May 13, 2009 Advisory Council Meeting on California's 2050 GHG emission reduction target of 80% below 1990 levels - transportation sector:

1. ***Regional Transportation Plan 2035: Change in Motion*** by Steve Heminger, Executive Director, Metropolitan Transportation Commission. Mr. Heminger received his BA from Georgetown University and his MA from the University of Chicago. He has been appointed by House Speaker Nancy Pelosi to serve on the National Surface Transportation Policy and Revenue Study Commission, which will help chart the future course for the federal transportation program. In addition, Mr. Heminger is a member of the Board of Trustees for the Mineta Transportation Institute and the Board of Directors for the International Bridge, Tunnel and Turnpike Association.
2. ***Vehicle Technology & Travel Reduction*** by Dan Sperling, Professor of Civil Engineering and Environmental Science and Policy, ITS- Davis. Dr. Sperling was honored as a lifetime National Associate of the National Academies, is author or editor of 200 technical articles and 11 books, including *Two Billion Cars* (Oxford University Press, 2009). He has led ITS-Davis to international prominence by building strong partnerships with industry, government, and the environmental community, integrating interdisciplinary research and education programs, and connecting research with public outreach and education. Dr. Sperling is also the Automotive Related Member of the California Air Resources Board.
3. ***Land Use, Public Transit & Trip Reduction*** by Tom Radulovich, Vice Chairperson of BART's Planning, Public Affairs, Access and Legislation Committee. He serves as Vice Chairperson of the Regional Rail Committee and alternate for the Americans with Disabilities Act (ADA) Liaison Committee. He is a member of the Joint Development Liaison and San Francisco Transportation Authority Liaison Committees. Mr. Radulovich is also the Executive Director of Livable City, a non-profit organization whose mission is to create a balanced transportation system and promote complementary land use that supports a safer, healthier and more accessible San Francisco.

4. **Goods Movement** by John Boesel, the chief executive for CALSTART. After graduating from the University of California, Davis, in 1982, Mr. Boesel received his MBA from UC Berkeley in 1989. Prior to joining CALSTART in 1993, he worked as an Environmental Business consultant providing services to natural resource-based businesses and non-profit groups. Mr. Boesel began work as the Vice President of Programs for CALSTART and was promoted to President and the organization's chief executive position in the fall of 2001.

DISCUSSION MEETING

The Advisory Council held a meeting on July 8, 2009 to discuss the presentations on May 13, 2009 and a draft of this report. Minutes of the July 8<sup>th</sup> discussion meeting are attached.

KEY POINTS

Based upon speakers, members of the public and Advisory Council discussion, below is a summary of the key points made by the four speakers.

1. Widespread and major GHG reductions will be required in California. Under AB32 (California’s *Global Warming Solutions Act of 2006*) and the Governor’s Executive Order S-3-05 (establishing greenhouse gas reduction targets for California), widespread and major reductions in statewide emissions of greenhouse gases (GHG) will be required. As shown in the table below, in 2004, California’s GHG emissions totaled 469 million metric tons (MMT), but unless steps are taken, by 2020, that total will rise by 27% to 595 MMT. AB32 requires that California’s GHG emissions be reduced to 1990 levels (425 MMT) by 2020. The Governor’s Executive Order S-3-05 set a further target of 80% below 1990 levels (85 MMT) by 2050. As shown in the table, to achieve those goals, GHG emissions in 2020 will have to be reduced by 170 MMT below 2020 business-as-usual (BAU) levels and by another 340 MMT by 2050. Put another way, achieving AB32’s 2050 goal will require net reductions in statewide emissions (510 MMT) over 2020 BAU that are more than all of the GHG emitted by California in 2004 (469 MMT). This means a 9% reduction from 2004 levels by 2020 and an 82% reduction by 2050.

Year	GHG Emissions (MMT)	GHG Reduction from 2020 BAU (MMT)	% Reduction from 2004
1990	425		
2004	469		
2020 – BAU	595		
2020 - AB32	425	170	-9%
2050 - 80% Below 1990	85	510	-82%

2. Transportation is the largest and fastest growing contributor to GHG emissions in California. The transportation sector is the largest contributor to GHG emissions

in California, accounting for 38% of the state's GHG emissions in 2004. It is the fastest growing sector, with GHG emissions from transportation rising more rapidly than any other sector – up 120% between 1970 and 2004. At current rates, GHG emissions from transportation will increase by another 26% by 2020.

3. A large GHG “gap” exists between currently identified measures and California’s 2050 target. While hypothetical scenarios have been developed to examine what will be required to achieve California’s target of an 80% GHG reduction below 1990 levels by 2050, currently identified measures are not sufficient to achieve that target. A number of significant, new measures are needed to close the gap. These may include such measures as travel demand management (e.g., pricing incentives, zoning changes, expanded transit, HOV/HOT lanes), vehicle efficiency improvements, and major shifts from oil to lower-carbon fuels (e.g., biofuels, electricity, and hydrogen).
4. Transportation will have to be transformed. There is no clear, simple, and obvious path to achieve California’s 80% GHG reduction target by 2050. Rather, a major transformation of the entire transportation sector is necessary. Such transformation may be viewed as a “three-legged stool,” in which we must transform vehicles (“easiest”), transform fuels (hard), and transform mobility (hardest).
  - a. Transforming fuels will require that we shift from near-total (96%) dependence on oil today to a broad mix of lower-carbon fuels in the future, including biofuels, hydrogen, and electricity. What the best mix of new fuels will be is still unclear. All new fuels have drawbacks, with some even worse than gasoline. Rather than attempting to pick “winners” in advance, a durable, performance- and market-based policy, such as a Low Carbon Fuel Standard, is needed.
  - b. Transforming vehicles will require that cars of the future be far more efficient and be powered mostly by electric drive. Key policies for such transformation include Pavley (AB1493) GHG standards for vehicles and ARB’s Zero Emission Vehicle (ZEV) requirements. Plug-in Electric Vehicles (PHEV) is a promising technology and may succeed, but battery cost must drop sharply and durability increase. Vehicle efficiency (ton-mpg) has increased each year since the late-1980s, but fuel economy (mpg) has remained nearly the same, with fuel efficiency gains used to increase vehicle performance rather than to improve mileage. In the future, fuel efficiency increases must be converted into fuel economy gains.
  - c. Transforming mobility (and thus reducing VMT) will require us to address current land use policies and urban sprawl. Conventional transit currently serves only about two and a half percent of the VMT in the U.S. (although a higher percentage of trips). Expanded traveler choice is critical, with

more walkable neighborhoods, expanded conventional transit, and new mobility options that include dynamic ridesharing, smart paratransit, carsharing and Neighborhood Electric Vehicles (NEVs). Passage of SB375 is a step in the right direction.

5. California's transportation GHG policy addresses all three of the above "stool legs." Vehicles are being addressed through light-duty vehicle GHG standards (Pavley I and II); the ARB's ZEV mandate + ZEV incentives ["ZEV" includes battery electric vehicles (BEV), plug-in hybrid electric vehicles (PHEV), and fuel cell vehicles (FCV)]; "feebates" (mixture of fees and rebates to shift costs and incentivize behavior changes); and truck technology (aerodynamic design of cabs and trailer skirts, hybridization of urban and short-haul trucks). Fuels are being addressed through the Low Carbon Fuel Standard. Mobility (VMT and goods movement) is being addressed by VMT reduction via land use, transit and pricing (SB375) and by such measures as low-emission requirements at ports, eco-driving, and tire inflation.
6. Mobility (VMT reduction) is the "stool leg" most amenable to local control. Important means available to local governments to reduce VMT include:
  - a. Land use planning, including general plans and zoning requirements (e.g., where appropriate, allowing and encouraging the siting of markets and restaurants in residential areas, expansion of sidewalks, expanded use of traffic calming measures, reduction in local planning code parking requirements for new developments, modification of setback requirements, and relaxation of in-law unit prohibitions).
  - b. Implementation of SB375, which requires that ARB set regional targets for the purpose of reducing GHG emissions from automobiles and light-duty trucks by 2020 and 2035 and that requires that regional transportation plans adopt a sustainable communities strategy designed to achieve regional GHG reduction targets.
  - c. Incentive pricing, including a carbon tax (viewed by speakers as preferable to a cap-and-trade program because of its greater economic efficiency), parking fees, unbundling of parking, high-occupancy toll (HOT) lanes, and bridge tolls (e.g., time-of-day pricing).
  - d. Grants, including merging of statewide funding pools (e.g., for air quality and GHG reduction) and revising agency grant scoring criteria to combine GHG reduction with other criteria (e.g., air district grant award scoring that combines air quality and GHG criteria).
7. Because the current ability of local transportation planning to effect significant additional reductions is limited, further GHG reductions from the transportation sector sufficient to reach California's 2050 GHG reduction target will require

strong, new, and innovative policy tools, breakthrough technological advances, major changes in public attitudes and behavior, and large increases in funding. The Metropolitan Transportation Commission's Transportation 2035 (T2035) Plan includes a number of measures to improve traffic, expand rail, bus, and ferry service, establish new transit hubs, reduce roadway congestion, increase freeway performance through traffic operations systems and ramp metering, improve the efficiency of transit systems, establish a regional high-occupancy toll (HOT) network, and will invest in a Lifeline Transportation Program, a Regional Bicycle Network, and a Transportation for Livable Communities Program.

As shown in the table below, with respect to GHG emissions, MTC projects that ARB actions and implementation of the T2035 Plan will reduce CO<sub>2</sub> emissions from the transportation sector in the Bay Area by 35% over business-as-usual 2035 levels, compared with a 2035 objective of 57%. Almost all of these reductions (34%) are projected to result from measures adopted by ARB.

Year	Transportation CO <sub>2</sub> (1,000 TPD)	Relative to 2005	Relative to 2035 BAU	Reduction from 2035 ARB
2005	90			
2035 BAU	116	29%		
2035 ARB	77	-14%	-34%	
2035 ARB + T2035	75	-17%	-35%	-3%
2035 ARB + T2035 + Land Use + Pricing	67	-26%	-42%	-13%
2035 Objective	50	-44%	-57%	-35%

Limited additional GHG reductions are projected to result from additional, locally-adopted measures, over a wide range of locally-based infrastructure, land use, and pricing policy options. This is due to a variety of factors that include the following:

- a. The Bay Area's transportation infrastructure is aging and reaching limits to roadway infrastructure expansion. The T2035 Plan projects expenditures of \$218 billion by 2035. Of this, 81% will be required for maintenance and operations, with just 3% for roadway expansion, 14% for transit expansion, and 2% for bicycle, pedestrian, and other purposes.
- b. MTC projects that, by 2035, the Bay Area will have nearly 2 million more people, 1.8 million new jobs, a need for over 700,000 new homes, and a tripling of freight volumes. Commute distances and traffic congestion are expected by MTC to increase accordingly.
- c. Major shortfalls of as much as \$40 billion exist between highway, transit and local road repair needs and available funding. Moreover, significant transit operating deficits exist and are increasing, with routes and services overlapping among two dozen different transit operators.

MTC calculates that measures in the T2035 Plan will achieve a small additional reduction of about 1% in GHG emissions beyond ARB-adopted measures by 2035. Even with the most aggressive combination of additional local land use and pricing policy options from among those considered, MTC calculates that an additional reduction of only 10% would be achieved, still short of its 2035 objective.

There are no “silver bullets” available to address this shortfall. Because the current ability of local transportation planning to effect significant additional reductions is limited, further GHG reductions from the transportation sector sufficient to reach California’s 2050 GHG reduction target will require strong new and innovative policy tools, breakthrough technological advances, major changes in public attitudes and behavior, and large increases in funding.

8. Further GHG reductions could be achieved through transit and public planning measures that further reduce VMT. Additional VMT reductions might be accomplished in a number of ways, including further expanded access to transit, further expansion and improvements in transit systems, further implementation of sustainable urban planning measures (e.g., livable/walkable/mixed-use communities), and closer proximity between residences and jobs. Such improvements might be accomplished through such measures as more transit-oriented development (TOD), more compact development (with its reduced infrastructure costs and savings on embedded energy/GHG costs), and parking reforms.
9. Major needs and opportunities for the Air District exist. Although significant, breakthrough technological advancements are needed, major changes in public attitude and behavior related to mobility and transit are also needed to achieve California’s 2050 GHG target. While posing major challenges, this also presents major opportunities for the District:
  - a. There is an ongoing and important role for the District to continue its leadership in educating the public and other agencies about climate change and the co-benefits that exist between GHG reduction and air quality improvement (including the air quality benefits of livable communities, walking, biking, and increased use of public transit), thus helping the public better understand the relationship between personal actions and air quality and climate protection, and the proactive steps that can be taken to reduce our carbon footprints.
  - b. There is a need for continued District assistance and guidance, particularly in such areas as the development of GHG inventories for cities and others, recognizing and addressing the interactions between air quality and SB375 implementation, identification of GHG mitigation strategies and measures

for cities, and integration of GHG and air quality considerations in CEQA guidance.

- c. The District has an important role to play in working with the ARB in setting Bay Area regional GHG reduction targets under SB375 and in other aspects of its implementation.

### EMERGING ISSUES

- Multi-pollutant planning that further integrates consideration of criteria pollutants, air toxics, and GHGs in the development and implementation of air quality plans.
- Large “gap” between currently available measures and what will be needed to meet California’s GHG reduction target of 80% below 1990 levels by 2050.
- Need for, and the development of, measures to accomplish a major transformation of the transportation sector, including breakthrough technology advances and policy innovations to reduce the sector’s carbon footprint.
- Interactions between air quality and climate protection measures, both synergistic and antagonistic.
- Setting of SB375 regional GHG targets for the Bay Area and the District’s role in SB375 implementation.
- District’s role in, and best techniques for, increasing public awareness and concern about air quality and climate protection.
- Need for, and possible mechanisms to achieve, significant and long-term increases in transportation funding, recognizing the large technology and funding gaps that currently exist.
- Exploration of the role of innovative incentive policies (e.g., pricing) to reduce GHG emissions.

### RECOMMENDATIONS

The Advisory Council recommendations are based on the presentations by the four speakers on May 13th and subsequent discussion among the Advisory Council members.

For the Bay Area to reach California’s 2050 GHG reduction target, the District, MTC, and other responsible agencies will need to significantly expand multi-agency efforts to accomplish reductions in regional VMT. This will require additional strong and innovative policy tools, significantly expanded funding, major changes in public attitudes and behavior, and use of a broad range of expanded policy measures (e.g., significant expansion of high-occupancy networks, innovative pricing and toll incentives, and major expansion in and increase in the diversity of public transit and related options).

The District has taken an important and widely recognized leadership role in climate protection, and we strongly support those efforts and encourage the District to continue and expand them, as follows:

1. The District is commended for and should continue its efforts to provide assistance and guidance in the following areas:
  - a. Development of GHG emission inventories for the Bay Area and for communities requesting such assistance
  - b. Development and implementation of climate action plans by cities and counties that include emission inventories
  - c. Development and implementation of climate protection provisions in CEQA guidance
  - d. Development and distribution of a model climate protection element for community general plans
  - e. Development and distribution of model provisions for community climate action plans
  - f. Development and distribution of educational materials regarding such topics as climate protection, the benefits of livable and sustainable communities, and the relationship between personal actions and GHG reduction
  - g. Establishment of a climate-related Spare-the-Air-Everyday outreach program.
2. The District should implement an integrated multi-pollutant planning strategy that considers criteria pollutants, air toxics, and GHGs in the development of all air quality management plans.
3. The District should play a major role in the implementation of SB375, including the following:
  - a. Working closely with ARB in the setting of Bay Area GHG reduction targets
  - b. Supporting ambitious regional GHG reduction targets through the Joint Policy Committee to ensure a departure from “business as usual” approach to planning



- c. Identifying and describing key interactions among measures taken to improve air quality and climate protection, particularly the relationship of regional GHG reduction targets to the District's clean air plans
  - d. Providing technical support in the apportionment of regional GHG reduction targets among cities and other entities
  - e. Identifying and comparing alternative GHG mitigation strategies and measures for attaining SB375 targets
  - f. Exploring and developing policies and programs, including securing necessary legislative authority, to expeditiously achieve significant reduction in employer-related vehicle miles traveled, including employer-developed transportation demand management plans
  - g. Creating evaluation or accountability standards once GHG targets are adopted.
4. The District should continue to focus its attention and resources on the differential impact of air pollution on vulnerable populations and on most heavily impacted communities. In addressing GHG reductions, the District should continue this focus by evaluating the financial and quality of life impacts of its policies and activities on these vulnerable populations.
  5. The District should support such measures as pay as you go insurance or the establishment of a VMT fee or a gasoline tax in the Bay Area to achieve GHG and criteria pollutant and air toxics reductions goals.
  6. The District should continue its efforts to integrate air quality and climate protection goals into its evaluation and funding of grant applications. The District should also support the statewide merging of funding pools for air quality and climate protection grant programs.
  7. The District should continue to work closely and actively with other agencies, such as MTC and ABAG, in the joint development and implementation of climate protection programs, including the future regional transportation plan's Sustainable Communities provisions. It should also continue working with CARB, Caltrans, California Energy Commission, and other state agencies in the development of GHG and criteria pollutant reduction strategies.
  8. The District should encourage the Joint Policy Committee and MTC to develop specific and empirically justified HOT lane policies regarding induced VMT, air quality impacts, construction, and operating costs, use of toll monies for system expansion versus transit, and equity issues.
  9. The District should prepare a biennial report of Bay Area cities and counties on the basis of criteria, such as:

- a. Improvements in residential per capita GHG emissions and commercial/industrial per employee GHG emissions
- b. Enactment and implementation of planning policies and measures to reduce GHG emissions.

Bay Area Air Quality Management District  
939 Ellis Street  
San Francisco, CA 94109  
(415) 749-5000

**APPROVED MINUTES**

Advisory Council Regular Meeting  
9:00 a.m., Wednesday, July 8, 2009

**CALL TO ORDER**

**Opening Comment:** Chairperson Brazil called the meeting to order at 9:08 a.m.

**Roll Call:** Chairperson Harold Brazil; Vice Chairperson Jeffrey Bramlett; Secretary Ken Blonski; Council Members, Jennifer Bard, Louise Wells Bedsworth, Ph.D., Benjamin Bolles, Emily Drennen, MPA, Stan Hayes, John Holtzclaw, Ph.D., Robert Huang, Ph.D., Kraig Kurucz, M.S., Sara Martin-Anderson, M.P.P., Kendal Oku, Neal Osborne, Jonathan Ruel, Dorothy Vura-Weis, M.D., M.P.H.

**Absent:** Robert Bornstein, Ph.D., Rosanna Lerma, Karen Licavoli-Farnkopf, Jane Martin, Dr.P.H.

Deputy APCO Jean Roggenkamp introduced the Air District's new Manager of Executive Operations, Jennifer Chicconi. Advisory Council member Jennifer Bard introduced Sharlene Kraner, an Oakland High School Junior currently interning with the Lung Association.

**Public Comment Period:** There were no public comments.

**Consent Calendar:**

**1. Approval of Minutes of the May 13, 2009 Advisory Council Meeting**

Ms. Bard requested minor amendments to the minutes, as follows:

- Page 2, under Highlights of Presentation, delete the words, "...in 2002".
- Page 2, third bullet, replace "AB 375" with "SB 375".

**Council Action:** Member Holtzclaw made a motion to approve the minutes of May 13, 2009, as amended; Member Drennen seconded the motion; unanimously carried without objection.

**2. Discussion of Draft Report on the Advisory Council's May 13, 2009 Meeting on California's 2050 GHG emission reduction target of 80% below 1990 levels – transportation sector.**

Chairperson Brazil thanked the subcommittee of Advisory Council members who prepared the draft report; Stan Hayes, John Holtzclaw and Emily Drennen.

Mr. Hayes distributed a handout on "Emerging Issues" for the draft report, and Ms. Drennen distributed a document entitled, "Other transportation-related recommendations."

Advisory Council members recognized the work of the Subcommittee and provided the following comments and suggestions regarding the Draft Report:

**Council Member Discussion/Comments:**

**Key Point: #1:**

Dr. Vura-Weis questioned areas in the report where numbers of percentage reductions and different years they relate to is referenced, which she believed was confusing. She suggested adding to the end of the sentence: “This means a 9% reduction from 2004 levels by 2020 and an 82% reduction by 2050.”

Mr. Ruel supported the “business-as-usual” comment in Key Point #1, and he and Dr. Bedsworth both suggested a table be used for different years, tons and percentages for 1990, 2004, 2050, what it would measure, what business-as-usual would be, and what the target is. Members agreed with adding a graph and interpretive language to reference the graph under Key Point #1. Dr. Bedsworth agreed to provide an Excel chart for the Final Report showing business-as-usual, reductions and percentages relative to certain points in time, which shows a dramatic need to reduce.

**Key Points #2 - #6:**

Mr. Hayes discussed Key Points #2 and #3, stating that in order to achieve the 80% reduction envisioned in AB 32 and there must be a major transformation of the transportation sector, transforming fuels, vehicles, and dramatic changes in technology and mobility. While there have been vehicle fuel efficiencies, there has been no corresponding reduction in miles per gallon performance of vehicles.

Mr. Hayes reviewed Key Points # 4 and #5, stating he was struck at how daunting the GHG gap was between currently identified measures in the 2050 target.

Regarding Key Point #6, Mr. Hayes thinks it is the mobility as the “stool leg” that is most amenable to local control, and local governments can affect this process. He then provided a brief explanation regarding Key Point #6 a, b, c, and d.

Vice Chairperson Bramlett referred to Key Points #1 through #6, stating there are a lot of tools and things we can do already, but they are insufficient in our everyday approach and suggested adding stronger language. In comparing Key Point #1 to #2, he asked that percentages be checked. Members agreed to do so once the Excel chart is added.

Mr. Ruel referred to the gap between current measures and the 2050 target and suggested taking Key Point #5 and move it up to be Key Points # 1 or #2.

**Key Point #7:**

Mr. Hayes said Key Point #7 talks about the local transportation planning’s effect on GHG reductions from the transportation sector, which was difficult to write. He questioned whether or not to initially include Steve Heminger’s slide on the affect of various local policy options on GHG reductions by 2035. Sobering was the amount of GHG emission reduction from the transportation sector in the Bay Area which is virtually all due to measures adopted by the ARB. He believed that the amount of affect that variations have in local policy is limited, which is also an important message which should be conveyed to the Board of Directors. The Advisory Council heard about what MTC’s T2035 plan envisions and there are a number of reasons why it is there is such a large funding gap between what we would like to do and what we are able to do which are outlined as Key Points #7 a, b, and c.

Mr. Hayes noted that Mr. Heminger indicated it is also more maintenance and repair of the existing transportation systems than it is about construction of new freeways that represent the largest expenditure of funds.

Dr. Vura-Weis referred to Key Point #7 b and mention of an expectation of tripling of freight volumes by 2035, and she asked for an explanation to be provided. Mr. Hayes noted this was from the MTC presentation, but it could be removed. Kraig Kurucz said the comment seemed to be tied in the local population growth section, and Mr. Hayes agreed to follow-up on the reference.

Dr. Vura-Weis said Key Point #9 is important and covers two different opportunities for the Air District: 1) public education and helping to change public attitudes; and 2) providing guidance to cities on how they

make plans. She questioned whether there would be a way to separate those as two separate points. Mr. Hayes said the Recommendations section spells out what those mean and it dove tails the Recommendations back to this section. He noted that the guidance portion is contained in Recommendation #2.

Dr. Vura-Weis suggested changing the title of the Key Point #9 to, “Major needs and opportunities for the Air District exist in public education and assistance to cities” so it is clear what is contained in the section. Mr. Hayes said he did not want to limit it and noted that those opportunities would be identified and addressed in the Recommendations section.

Ms. Drennen suggested splitting the paragraph into two to make those points stick out more. Mr. Hayes suggested completing Key Point #9’s paragraph at: “While posing major challenges, this also presents major opportunities for the District. Then, make the next point out as “a”, start “b” with “There is a need for continued District assistance and guidance.”

**Key Point #8:**

Mr. Hayes said further improvements in mobility (and resulting reductions in VMT) are possible, and he discussed examples of good urban planning, more walkable communities, compact development, TOD and parking reforms.

Mr. Bramlett said Key Point #8’s title suggests that improvements in mobility will result in reductions in VMT but someone with another set of values may not agree with this. He suggested saying we are looking for reductions in VMT from that change in mobility and not what we expect the result to be, because it may not. Similarly, in the last sentence, Mr. Bramlett asked to list the actual concepts or programs rather than the locality, i.e., (such as those in San Francisco).

**Key Point #9:**

Mr. Hayes said there appears to be major needs and opportunities for the Air District and the subcommittee tried to summarize what they heard from the speakers about the things that the District can do. Primarily, they involve the District’s role in climate protection, co-benefits between GHG reduction and air quality improvement, need for assistance and guidance of technical areas in support of climate protection efforts, like GHG inventories and integration and guidance of SB 375 implementation.

Dr. Bedsworth said AB 32 does not contain the 2050 goal but rather the 2020 goal. She said the 2050 goal is in the Executive Order and there are several areas that refer to AB32’s 2050 goal which should be changed because it is not codified into law. She believed the freight volumes question relates to goods movement, the Port of Oakland and population growth, and this is the reason for the increase.

Dr. Bedsworth also referred to Key Point #7; MTC plan showing “limited effect from the transportation sector” and she cautioned the Council about being too pessimistic about it in presenting it. There needs to be fundamental and planning paradigm changes, and she suggested talking about current constraints, but would hesitate in being too pessimistic about the role that transportation planning can play.

Mr. Hayes agreed and said he did not want to discourage action by saying the target is impossible; there was some sensitivity analysis that looked at different levels of policy changes which were pretty aggressive, but it did not seem to move the graph line in the chart presented too much. He felt the Board of Directors should understand there is a lot to be done, but additional local land use policies are not the “silver bullet” and will not change the fundamental slope of the graph line.

Chairperson Brazil believed significant movement in the graph line and a pricing scenario policy was needed, which should be the type of message that should go to the Board of Directors.

Dr. Bedsworth said there are no “silver bullets” that are going to address transportation; all three pieces are needed and she asked not to downplay the results (or graph lines) of the T2035 objective.

Dr. Huang referred to page 5 of the PowerPoint slide from Mr. Heminger's presentation regarding telecommuting, which was not reflected in the Draft Report. It indicates telecommuting needs to go from 3% to 10% market share, as well as other parking strategies like parking cash-out. He suggested including this in the summary or in the recommendations. He shared sentiments about not doing enough and questioned if anyone read Thomas Friedman's book, "Hot, Flat and Crowded: Why We Need a Green Revolution--and How It Can Renew America." The author discusses examples of why Europe was able to reduce gas consumption through increasing the gasoline tax and utilizing funds into other areas. He questioned whether MTC or the Air District could do something like this and wanted to express this as a possibility.

Ms. Drennen said she recently heard Enrique Peñalosa Londoño speak, who is a Columbian politician and former Mayor of Bogota. In three years he was able to tax gasoline and prioritize infrastructure investment for people over cars. She believed there is a possibility to make fundamental changes and it takes a lot of political will.

Mr. Blonski referred to Key Point #7 b and the statement of a population of 2 million or more people, 1.8 million new jobs, and the need for 700,000 new homes. He thinks the District should encourage carrying capacity and the amount of growth as a direct effect on infrastructure and how much infrastructure is needed. He said it seems this is an important variable in all materials being looked at. Statistically, it would be interesting to see what would need to take place at varying population increases and the cost of those increases.

Mr. Blonski also asked to clarify in comments that transportation is reflected in the context with the whole number. Because of the references to so many numbers, he found it difficult to look at transportation just in context of all other sources of GHGs. Regarding land use planning, as long as local jurisdictions are able to receive income from land use and unless some policies are looked at, it will be difficult to change lifestyles and bring about change.

Chairperson Brazil referred to Key Point #7 b and noted that MTC has access to updated socio-economic data from ABAG. The numbers presented are already outdated; Projections was based on pre-recession information and they are now seeing numbers much lower.

Mr. Hayes thinks there is always a balance in the Key Points section to state what the speaker said and not to imply that the subcommittee has necessarily evaluated information themselves. He suggested replacing wording in Key Point #7 b to indicate that "MTC projects that the Bay Area will have ..."

Dr. Vura Weis suggested including a comment that, even though growth does not continue at these predicted rates, we still need to address the issues with the same energy and creativity as if they were to continue at predicted rates.

Dr. Holtzclaw referred to Mayor Peñalosa's talk, noting that he was not only the Mayor of a third world city, but a very poor one. He faced opposition about changing the auto and road use, as the land is divided up into private spaces and streets, which are controlled by those who have cars, and biking is fairly dangerous. The public spaces are sidewalks and parks. Cars used to park in public spaces all the time. The Mayor incrementally took streets, widened sidewalks, increased gas taxes on cars, took away parking, and Dr. Holtzclaw believed that this is the kind of planning transformation needed. While it will be hard to inspire, this is the task—for elected officials and the public to see there is another way of doing it, and agreed to draft a report on Mayor Penalosa's talk to be used as a footnote.

Mr. Kurucz referred to Key Point #3 and said in the "three-legged stool" comment about transforming fuels, vehicles and VMT, it seems like the efficiency of present vehicles is short-term but probably overwhelmed in the long-term by the change to entirely new fuels. He questioned how speakers inter-related their comments about vehicles versus fuels in the long term and thinks people might be willing to change VMT if they have a cleaner car.

Mr. Hayes said they all inter-react, particularly the vehicle and their fuel systems. He liked the “three-legged stool” analogy because it was easy to remember, it made sense to pass this along to the Board, but questioned the characterizations of “easiest”, hard and hardest, as he was not sure if this gave the wrong impression to the reader.

Dr. Bedsworth referred to Key Point #7 and suggested an amendment to the first sentence: “The current ability of local transportation planning to effect additional GHG reductions...” She suggested adding a colon after the word “factors” at the end of the paragraph; “This is due to a variety of factors: (and list out a, b, and c as stated).” Mr. Hayes questioned if this would imply that it is the current ability of planners to deal with the issue, or are there constraints they are stuck with. Dr. Bedsworth believed that a, b and c are the constraints and not the ability or willingness of people. She thinks that the fact that 81% of our money must go to maintaining or operating the current system seems like a hard constraint to vastly improve the efficiency of public transit.

Ms. Drennen believed some percent of MTC 2035 funding is open for negotiation, but noted there is a large portion that was voter-approved and can only be used for specific purposes. She suggested adding this statement as point “d”.

Ms. Bard suggested rewording the beginning of Key Point #7 to a positive rather than a negative in order to present the case for what needs to be done on scales, speed and scope to reach very aggressive GHG targets, and suggested starting the point: “MTC should develop a strong sustainable communities strategy containing all necessary policies on the scale, speed and scope required to reach our GHG goals.” She said this will capture more of the urgency and need to do far more of what we are doing, as well as recognize constraints that follow afterwards.

Mr. Ruel suggested the second sentence indicate: “The *current* ability of local transportation planning to effect additional GHG reductions from the transportation sector beyond those resulting from ARB-adopted measures will require a strong sustainable strategy containing all of these necessary policies beyond what is required in SB 375.”

Ms. Bard referred to Key Point #9 and asked to see recognition of the Air District’s role in advocating and working with local governments to set a strong regional GHG reduction target to help drive local policies. She noted that AB 32 has a 5 million metric ton reduction for transportation, which was based on one study. However, Growing Cooler indicates reductions of up to 11-14 million metric tons as being possible. Therefore, she asked for the Air District’s role to support a much stronger target for reducing GHGs through the JPC and in working with local governments and asked to add “c”. The subcommittee supported adding item c, and to wordsmith final language:

**“c. There is research to support much higher GHG reduction targets and reductions are possible (11-14 million metric tons). The Air District supports the strongest regional GHG targets to support local policies to be successful in reaching our GHG goals.”**

Ms. Roggenkamp agreed there are dramatic things that will need to happen in order to make a difference in GHG reductions. The JPC is working jointly to help agencies who have the primary responsibility for implementing SB 375. However, no one knows what SB 375 will take to implement in terms of setting targets and getting regional agencies to work together. So, saying things like “we should go beyond what is or will require” is pushing too far what is not known yet. She said the District will participate in the SB 375 process and will be working with partners, cities and counties.

Mr. Hayes said the ARB is supposed to set the regional targets and he was not sure what the District’s role is. Ms. Bard said regional stakeholders will have input into those target in a year-long process through the Regional Target Advisory Committee to identify methodologies to establish what the targets will be. The Air District, through the JPC, local governments and the public, can request the strongest possible reduction targets to be successful, which she also thought would help drive policy, as well.

Ms. Roggenkamp added that SB 375 even includes within it a possibility for regions to suggest targets for ARB, which may be stronger than what ARB may arrive at.

Mr. Hayes then discussed the outlined provided to Council members and staff on Emerging Issues, and asked for feedback.

Ms. Martin suggested moving up the third bullet regarding “multi-pollutant planning” to be the first bullet. Dr. Holtzclaw suggested amending the last bullet point, changing “educating” to “informing”. Mr. Kurucz questioned if the technology gap in development and adoption of the new technologies in vehicles would qualify as an emerging issue, and Ms. Drennen pointed out that this was included in the second bullet point.

Ms. Bard suggested there be a bullet which recognizes the need for regional planning. The Council briefly discussed the funding gap and the planning process, and members agreed to add the following bullet:

**“Need for a regional planning and funding revolution, recognizing a large technology and funding gap”**

Ms. Drennen asked to add a bullet regarding parking and the transportation pricing schemes as emerging issues, as follows:

**“Exploration on the role of pricing policies to reduce GHG emissions”**

Chairperson Brazil suggested there be recognition that a funding revolution is needed, as there are shortfalls in transportation.

Mr. Bolles suggested adding the following bullet:

**“Prioritize investment in people over cars”**

Mr. Blonski referred to Emerging Issues and requested replacing the previous suggestion made by Dr. Holtzclaw (6<sup>th</sup> bullet) of “informing” the public about air quality and climate protection, stating the next three bullets are different strategies about changing behavior. He believed it was one thing to inform the public but something else to get them to change their behavior. He suggested increasing the public’s knowledge, believing the District would want to weigh in on strategies to consider changing those behaviors.

Dr. Vura-Weis suggested not only increasing public knowledge/awareness but also motivation, and she asked to change the 6<sup>th</sup> bullet under Emerging Issues to:

**“District’s role in and best techniques for increasing public awareness and concern about air quality and climate protection”**

Dr. Holtzclaw and Ms. Drennen suggested that a “d” be added under #3 in Key Points to convey the idea that what seems impossible can become a reality in moving forward, recognizing the discussion regarding Mayor Peñalosa.

Mr. Bramlett suggested moving onto a discussion regarding Recommendations. While he likes the message he heard, he was somewhat uncomfortable including things only a few members have worked on when there is a process that establishes a record.

Council members discussed and agreed to the following amendments to emerging issues:

EMERGING ISSUES:

- Multi-pollutant planning that integrates criteria pollutants, air toxics, and GHGs in development and implementation of air quality plans.



- Large “gap” between currently available measures and what will be needed to meet AB 32’s 80% reduction target by 2050.
- Major transformation of transportation sector, including technology innovations to reduce carbon footprint.
- Interactions between air quality and climate protection measures, both synergistic and antagonistic.
- District’s role in implementation of SB 375 regional GHG targets.
- District’s role in and best techniques for increasing public awareness and concern about air quality and climate protection.
- Need for a regional planning and funding revolution, recognizing a large technology and funding gap.
- Exploration on the role of pricing policies to reduce GHG emissions.
- Prioritize investment in people over cars.

Regarding recommendations, Mr. Hayes said he thinks the compiled list is specific as to what the District can legally do within its authority in the near-term, and there are some recommendations that are longer term. He then briefly restated the draft Recommendations into the record.

Ms. Drennen noted that the recommendations were mostly formed from the work of the Council’s Air Quality Planning Committee. She and Dr. Holtzclaw believe that creating a HOT network will increase VMT and not decrease VMT, HOT lanes are a huge part of MTC’s 2035 plan, and a significant percent of money is going into this network.

Chairperson Brazil noted that MTC’s vision analysis was the precursor to the full RTP which was done, and it was done to develop scenarios to inform the MTC Commission to put the plan together. HOT lanes was one separate scenario, as well as land use policy changes, land use and pricing, but these could not be used as an actual project RTP, but they could with the investment strategies.

Mr. Hayes said he was not sure if Key Point #7 was within the District’s purview and Advisory Council Members recommended rewording #7 to make it more general, or leave it as is. Ms. Roggenkamp discussed previous Advisory Council recommendations such as the smog check program, noting that the Board has a Legislative Committee that weighs in on legislative matters. In this case; however, the Air District works all the time with MTC. The JPC is also the regional coordinating agency, and coordinating functions of land use, transportation and air quality issues are discussed. She noted the District is updating its Clean Air Plan, and the Advisory Council could suggest that the District consider how things might be incorporated into transportation-related measures in the Clean Air Plan.

Mr. Kendall asked that Key Point #7 be reworded and Mr. Hayes agreed the recommendation be made more general after the first sentence of #7, stating the basic question is how to reduce regional VMT which needs more study. He also did not believe the Council could complete the Report at this meeting and suggested a second meeting be held.

Ms. Bard questioned if there could be a recommendation that MTC go back and relook at the allocation of funding and where projects can be reallocated. Ms. Roggenkamp noted this will not occur until another RTP is done four years from now, and Council Members acknowledged this process was now starting.

Ms. Bard then described her work with Sonoma County in reallocating certain projects for more pedestrian and bicycle projects. She asked that consideration for reallocation of projects be considered, if appropriate, in the RTP process.

Ms. Martin referred to Recommendation #3 and suggested adding accountability standards in terms of SB 375. Council Members supported the suggestion, and Mr. Hayes asked to check and ensure it was not identical or included within Recommendation #8:

**“d. Creating evaluation or accountability standards once GHG targets are adopted.”**

Ms. Roggenkamp suggested concluding the regular meeting so the subcommittee could meet. Council members all agreed that another meeting was needed to finalize the Report.

### **ACTION**

#### **Potential Change in Advisory Council Meetings Schedule**

**Advisory Council Action:** Mr. Hayes made a motion to schedule an Advisory Council discussion meeting on September 9, 2009; Dr. Vura-Weis seconded the motion, which carried unanimously.

Council members discussed the subcommittee’s efforts and follow-up to the Final Report. Mr. Kendall suggested the subcommittee meet after the regular Advisory Council meeting to discuss the draft Report. Mr. Bunger clarified that per Brown Act requirements, up to 10 members would be able to meet as a subgroup.

Mr. Kendall recognized the complexity of topics and follow-up discussions. He said the Advisory Council will probably have 3 topic meetings this year, and the Air District may need to amend its Administrative Code slightly to limit the topic meetings to no more than 4 per year.

### **AIR DISTRICT OVERVIEW**

#### **Report of the Executive Officer/APCO**

On behalf of Mr. Broadbent, Ms. Roggenkamp discussed the PowerPoint presentation which staff provided to the Board of Directors’ Executive Committee meeting in May regarding the role and process of the Advisory Council. Discussed were types of recommendations that the Advisory Council had made based upon the first topic meeting, and staff are currently working on those recommendations and moving them into work programs.

She reported on the Summertime Spare the Air season, stating there have been 7 Spare the Air Alerts to date, 5 days each of exceedances of the federal and state 8-hour standard, and 4 days of exceedances of the state 1-hour standard. Spare the Air Everyday’s particular focus is on carpooling, with the tagline of “Any Ride is Worth Sharing.”

Ms. Roggenkamp reported on the District’s new website design, said the Board of Directors adopted its budget in June and it may need amendment depending upon the State’s budget adoption. The District also hopes to have a Health Officer on board in another month or two.

### **OTHER BUSINESS**

#### **Council Member Comments/Other Business**

Chairperson Brazil questioned and confirmed with Ms. Roggenkamp there has been no specific direction from the U.S. EPA on lowering the federal standard. The Air District assumes it will be a non-attainment area for the PM2.5 standard; however, the designations have not yet been officially finalized by U.S. EPA.

Mr. Hayes thanked Gary Kendall and Jean Roggenkamp for their work with keeping him and the subcommittee on track.

Ms. Bard reported that the EPA is revising the NO<sub>x</sub> standard, they are looking at near roadway levels, and she questioned what effect this would have. Mr. Kendall said staff is aware of this; there are a certain number of monitors required based on population, and the District will need to review those areas which are close to high traffic roadways.

Chairperson Brazil, Ms. Bard and Mr. Osborne reported on their attendance to the A&WMA Conference in Detroit, Michigan June 16-19, 2009.

**Time and Place of Next Meeting:** 9:00 a.m. Wednesday, September 9, 2009, 939 Ellis Street, San Francisco, CA 94109

**Adjournment:** The meeting adjourned at 11:35 a.m.

*/s/ Lisa Harper*  
Lisa Harper  
Clerk of the Boards