

MINUTES OF A REGULAR MEETING OF THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY GOVERNING BOARD HELD IN THE BOARD ROOM OF THE HARBOR DEPARTMENT ADMINISTRATION BUILDING AT 925 HARBOR PLAZA, LONG BEACH, CALIFORNIA, ON JANUARY 8, 2009, AT 9:00 A.M.

Members present:

Janice Hahn, City of Los Angeles
Gary DeLong, City of Long Beach
Don R. Knabe, Los Angeles County
Metropolitan Transportation Authority
Nick Sramek, Port of Long Beach
Richard D. Steinke, Port of Long Beach
Douglas Krause, Port of Los Angeles
Geraldine Knatz, Port of Los Angeles

Members absent:

None

Also present:

John T. Doherty, ACTA, Chief Executive Officer
James P. Preusch, ACTA, Chief Financial Officer
Art Goodwin, ACTA, Director of Planning
Carl Wolf, ACTA, Director of Internal Audit & Control
Charles Gale, ACTA, Co-General Counsel
Thomas A. Russell, ACTA, Co-General Counsel
Heather McCloskey, ACTA, Co-General Counsel

MR. DeLONG PRESIDED AS CHAIR.

APPROVAL OF MINUTES

Mr. Knabe moved, seconded by Mr. Steinke and unanimously carried, the minutes of the regular meeting of November 13, 2008, were approved.

PUBLIC COMMENTS

There was no one present to address the Governing Board on non-agenda items.

CLOSED SESSION

At 9:10 a.m., Mr. DeLong recessed the Governing Board meeting to hold an attorney-client meeting pursuant to Government Code Section 54956.9, Subdivision (b), regarding anticipated litigation.

At 9:15 a.m., Ms. Janice Hahn arrived at the meeting during the closed session.

At 9:50 a.m., the meeting was again called to order by Chairperson Hahn.

Mr. Thomas Russell announced there were no reportable actions from the closed session.

CONSENT CALENDAR - ITEMS NOS. 2 - 4.

2. MONTHLY FINANCIAL REPORTS FOR THE PERIOD ENDED NOVEMBER 30, 2008 – RECEIVED AND FILED.

Communication from James Preusch, Chief Financial Officer, dated January 8, 2009, recommending that the monthly financial reports for the period ended November 30, 2008, be received and filed, was presented to the Governing Board.

3. FAST LANE TRANSPORTATION, INC. – AMENDMENT TO REVOCABLE PERMIT – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated January 8, 2009, recommending authorization for the Chief Executive Officer or Chief Financial Officer to execute an amendment to a Revocable Permit dated May 9, 2008, issued to Fast Lane Transportation, Inc., due to a delay in taking possession of Parcel SE-1520-1 in East Wilmington, was presented to the Governing Board.

4. VASQUEZ & COMPANY, LLP – AMENDMENT TO CONTRACT NO. CO754 – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated January 8, 2009, recommending authorization for the Chief Executive Officer or Chief Financial Officer to execute an Amendment to Contract No. CO754 with Vasquez & Company, LLP, for audit support services for FY2009 in the not-to-exceed amount of \$75,000, was presented to the Governing Board.

Mr. DeLong moved, seconded by Mr. Knabe, that the communications be received and filed and that Items Nos. 2-4 be approved as recommended. Carried by the following vote:

AYES: Members: Krause, Knatz, Sramek, Steinke, Knabe, DeLong, Hahn
NOES: None
ABSENT: None

5. SR-47 ENVIRONMENTAL PROCESS – REQUEST FOR TIME EXTENSION AND PUBLIC MEETING – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated January 8,

2009, recommending authorization for the Chief Executive Officer to request Caltrans to extend the public comment period for the Draft EIR/EIS Supplemental Information for the SR-47 Project that was issued on November 20, 2008, to early February, more specifically, February 10, 2009, and to authorize ACTA staff to advertise and hold a public meeting in January 2009 to discuss the Supplemental Information, was presented to the Governing Board.

Mr. Doherty stated that ACTA is targeting January 27, 2009, as the date for the public meeting, and arrived at the February 10, 2009, public comment extension date as a two-week period following the public meeting.

Public Comments on Agenda Item No. 5:

Speaker 1 – Brian Mineghino, Field Representative for Assemblymember Warren Furutani.

Mr. Mineghino thanked the Governing Board for putting this item on the agenda and asked that it be considered. He stated that his office fully supports public works projects, but also supports the rights of the community to have their day in court. He stated they feel this is a great opportunity to learn about the Health Risk Assessment and some of the other items that were not originally in the Report and, also with the holidays, to extend the public comment period.

Speaker 2 – Elina Green, Long Beach Alliance for Children with Asthma.

Ms. Green stated that she had written a letter and “cc’d” ACTA specifically about this issue. She stated that she really appreciates the opportunity to speak on this matter. She stated that the Long Beach Alliance for Children with Asthma is a community coalition that’s been serving Long Beach, Carson, San Pedro, and Wilmington for many years through direct services and policy change. She stated they are concerned about the existing health impacts for the West Long Beach area and Wilmington and that they see this project could increase, and indeed does according to the HRA, health impacts to those communities. She stated that the Alliance for Children with Asthma has been recognizing the lack of community outreach that was done to those heavily impacted areas and, specifically, feel that there’s been a lack of transparency in what the actual project is and what those health impacts look like. She stated they specifically feel that having a meeting on the HRA will help community members understand what this project is, what the impacts are that they may experience, what the project is and how they may become involved in the project. She stated there is mention in the HRA of specific homes being heavily impacted beyond just the general elevated cancer risks, and they believe those homes should be identified – that those people should have the opportunity to hear the details about the project, how an HVAC system might help mitigate whatever health impacts there are. She stated they believe all this should happen prior to the January public meeting so that they can also become engaged in the public process that is being proposed. She stated she is speaking very much in support of this agenda item and appreciates the

Governing Board taking the opportunity to consider community groups that are working hard to address impacts. She stated the next speaker, Elena Rodriguez, is going to share some of her experiences that brought this issue to the Alliance for Children with Asthma organization's attention.

Speaker 3 – Elena Rodriguez, Long Beach Alliance for Children with Asthma and Long Beach resident.

Ms. Rodriguez thanked the Governing Board for giving her the opportunity to attend the Governing Board meeting and to express her concerns about the SR-47 Project. She stated that approximately one month ago, she received a flyer regarding the Project and she did not understand it, so she went to the library and asked for the Draft Report. She stated that the Librarian did not know where the Report was and that it took her approximately half-an-hour to find the Report. Ms. Rodriguez stated that she thought it took so much time for the Librarian to find the Report because no one else had gone to the library and requested the Report because most of the residents had no idea what the SR-47 Project was. She stated that when she got the Report, she tried to find out what was happening, but she did not understand what the Project was about so she decided to speak to Elina Green from the Long Beach Alliance for Children with Asthma about it. Ms. Rodriguez stated that she is sure the residents in her area also do not know about the Project. She stated that she would like the Governing Board to hold the public meeting to inform the residents about the impacts of the Project.

Speaker 4 – Andrea Hricko, University of Southern California.

Ms. Hricko thanked the Governing Board for the opportunity to address the Board. She stated that her organization is concerned about the public health impacts of air pollution from the increased number of trucks that there may be on the proposed SR-47 expressway. She stated that USC's Scientists have done a lot of research about proximity to freeways and that they now know that if you are within certain distances of freeways, that children are more likely to have asthma or reduced lung function - this is the perspective she comes with. She stated that she would like to applaud ACTA for taking the steps to be responsive to the comments that came in about the need for a Health Risk Assessment. She stated that she knows that it was very clear from reading the document that there was a struggle, and continues to be a struggle, with Caltrans on this issue and knows ACTA is trying to be responsive and that the Governing Board is in the middle of this somewhat difficult situation. She thanked the Governing Board for the Health Risk Assessment. She stated that she has spent an unfortunate amount of time over the holidays, because the deadline was originally January 5, 2009, looking at the traffic data, because the traffic data are what the Health Risk Assessment is based upon. She stated that the traffic data are critical, and that after several days of working with those data, she stated that she simply cannot understand them. She stated she thought there should be a public meeting where the public would get to ask questions, not only to say that we don't understand the Project, but where someone could explain why, if this project is suppose to take trucks off the local area roads and put them on to the expressway and, therefore, the area would be greener after the

Project is built, why are there twice as many trucks going by Hudson School after the Project is built, than currently there are twice as many trucks. She stated the HRA claims that the whole area around West Long Beach and Cabrillo High School will be greener and have a reduced cancer risk after the Project. It also shows that with a doubling of trucks going past Hudson School, they seem to be going to an expanded ICTF and yet the HRA and the Draft EIR does not consider that the SCIG has been built or that the ICTF has been expanded. She stated that if you have bad numbers going into the HRA, maybe a lot of people in that community are going to be seriously impacted. She stated that she has her comments printed and a report she did on the health impacts for the ICTF.

Speaker 5 – David Pettit, NRDC.

Mr. Pettit thanked the Governing Board for what they've done on the Health Risk Assessment. He stated he supports the staff recommendation, and there's one thing he'd like to add in connection with the previous speaker. He thinks it would be very important, if there is going to be a public meeting, to have some people from Meyer Mohaddes show up so that the public can ask questions of them. He stated that when the first Draft EIR came out on this project, he thought the traffic numbers were so confusing, and that there is a new traffic study in part which is still very confusing and in his view somewhat inconsistent with the first one.

Speaker 6 – Jesse Marquez, Executive Director, Coalition for a Safe Environment, and Wilmington resident.

Mr. Marquez thanked the Governing Board for the opportunity to address this issue. He stated that part of his organization's concern is they have members throughout Long Beach, Wilmington and San Pedro and their organization did not receive a copy of the notice that was distributed to some of the residents and his organization traditionally attends almost every major meeting. He stated that one of his members called and said they received one of the flyers delivered to their house and that they didn't understand what it said. He stated the public receives many types of notices regarding meetings, but then it says there's going to be a meeting and a new project, that the project may have an impact and there's an opportunity to discuss it, that's not enough information to understand what the project is all about. He stated that flyers, post cards, at least need to give some basic information, that they should state that this project will have an air quality impact, and that air quality impact will have an impact on your public health, so certain points should be emphasized. He stated his organization supports the extension of time in order to have enough time to fully understand the project and its impacts. And that a limited distribution of public notices is not proper. He stated that if it's going to affect an entire community, then the entire community should receive copies of the notices. Mr. Marquez is requesting a 60-day extension to February.

Speaker 7 – John Cross, Vice President, West Long Beach Neighborhood Association.

Mr. Cross commended ACTA for requesting an EIR for this project and would like ACTA to continue with the work they are currently doing and ask for an extension and more public comments and a public meeting from Caltrans and the developers of the project. He stated that these types of projects are only to expedite goods movement out of the Ports of Long Beach and Los Angeles. He stated this project is looking at an expanded ICTF and a building of a BNSF near-dock rail facility and that those are going to require major impacts on existing neighborhoods right now. He stated he believes the Caltrans EIR is flawed – that it says it will take traffic off the public streets. He doesn't think this is going to happen much in the West Long Beach area and that our kids' lungs cannot be filters for all this truck pollution. He stated that ACTA should keep up the good work its doing now and to look at this seriously. Mr. Cross thinks the health impacts are going to be greater than the commerce coming through the Ports of Los Angeles and Long Beach.

Chairperson Hahn stated that she wanted to make it clear that this is Caltrans' process and that the ACTA Governing Board is going to merely request that there should be a public meeting and that the comment period should be extended, but that it's up to Caltrans to either grant this or not.

Mr. Doherty stated that ACTA can hold a public meeting, but the informal extension would have to be requested.

Chairperson Hahn stated that there were a couple public comments that she shares as well, one being that the nature of the public meeting would be to focus on the Health Risk Assessment. She asked if there would be representatives from Meyer Mohaddes at the public meeting so the public could ask questions about the traffic.

Mr. Doherty stated the consultant that prepared the Health Risk Assessment, Weston Solutions, would be at the public meeting and that there would also be representatives from Meyer Mohaddes to answer questions regarding the traffic.

Chairperson Hahn stated that another public comment she shares a concern about is the homes that are going to be identified as experiencing some major impacts.

Mr. Doherty stated that those homes would be contacted on a case-by-case basis, each of the homes that the Health Risk Assessment has identified as having been impacted.

Chairperson Hahn asked when those homes would be contacted.

Mr. Doherty stated that the homes would be contacted within the next week and a half, prior to the public meeting. He stated that there would be a team of two people that would be calling them or going to their home.

Chairperson Hahn asked how many homes would be contacted.

Mr. Doherty responded there are eight homes.

Mr. DeLong thanked the staff for listening and being responsive to the community on this issue. Mr. DeLong motioned to authorize the Chief Executive Officer to request Caltrans to extend the public comment period for the Draft EIR/EIS Supplemental Information issued November 20 to early February and authorize ACTA staff to advertise and hold a public meeting in January, on or around January 27, 2009, to discuss the Supplemental Information.

Chairperson Hahn recommended that there be an amendment to extend the public comment period to Friday, February 13, as opposed to February 10, 2009.

Mr. DeLong agreed to the amendment. Mr. Krause seconded the motion and amendment to the motion.

Ms. Knatz brought up the point about the public comment regarding the Librarian not being able to find the document.

Mr. Doherty stated that each of those libraries would be revisited to make certain the documents are current and available.

Ms. Andrea Hricko addressed the Governing Board with two questions. (1) Will the public meeting be part of the legal record for this proceeding?

Mr. Doherty responded, yes, comments from the public meeting will be submitted to the process. He stated that if Caltrans refuses to extend the public comment period, then ACTA would insure that the public meeting comments would be incorporated as part of the draft or the final document. He stated it would be ACTA's effort to get the public meeting comments incorporated as part of the Draft document.

Ms. Hricko's second question was that the Health Risk Assessment states there are about 30 homes impacted that would need HVAC hepa filters. Ms. Hricko asked how that number dropped from 30 homes to eight.

Mr. Doherty responded and stated that the document says less than 30. He stated that what is anticipated when we visit these homes is that there are certain border lines. In other words, resident A gets the mitigation, resident B who lives 40 feet away, doesn't. He stated that we may have to broaden slightly the impacted homes to not-so-impacted homes just to have the perception of fairness in the area. So, when we sit down with the residents, this number may have to be broadened.

Item No. 5 was unanimously approved as recommended. Carried by the following vote:

AYES: Members: Krause, Knatz, Sramek, Steinke, Knabe, DeLong, Hahn

NOES: None
ABSENT: None

6. URS CORPORATION – CONTRACT NEGOTIATIONS - FINAL DESIGN OF THE SR-47 PROJECT – APPROVED.

Communication from John T. Doherty, Chief Executive Officer, dated January 8, 2009, recommending authorization for the Chief Executive Officer to enter into contract negotiations with URS Corporation for the final design of the SR-47 Port Access Expressway/Heim Bridge Replacement Project, was presented to the Governing Board.

Mr. Doherty stated that this item is to request approval to begin negotiations, not to enter into a contract at this time.

Mr. Knabe moved, seconded by Mr. DeLong, that the communication be received and filed and that Item No. 6 be approved as recommended. Carried by the following vote:

AYES: Members: Krause, Knatz, Sramek, Steinke, Knabe, Hahn, DeLong
NOES: None
ABSENT: None

At 10:30 a.m., Ms. Knatz left the meeting.

7. LEGISLATIVE UPDATE – INFORMATION ITEM.

Mr. Norm Emerson gave a legislative update on the status of the economic stimulus package at both the federal and state levels.

At 10:35 a.m., Mr. Sramek left the meeting.

Mr. Knabe recommended getting ACTA projects on the state-wide list.

8. NOVEMBER PERFORMANCE UPDATE – INFORMATION ITEM.

Mr. Doherty gave an update on the November performance – specifically: Train Counts, Revenue, and TEU Counts.

At 10:55 a.m., Mr. Knabe left the meeting.

PUBLIC COMMENTS.

There were no additional members of the public to address the Governing Board.

ADJOURNMENT

At 10:58 a.m., the meeting was adjourned sine die.