

# Transportation Solutions Defense and Education Fund

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April 27, 2008  
By E-mail

Ashley Nguyen, Program Manager  
Metropolitan Transportation Commission  
101 Eighth Street  
Oakland, CA 94607

Re: 2009 TIP Conformity Analysis

Dear Ashley:

Thank you for inviting comment on the 2009 TIP. We seek more detail to augment the Financial Constraint section of the Conformity Analysis. We find the following statement inadequate and ambiguous: "The 2009 TIP is financially constrained based on revenue estimates from the State at the time of its preparation."

Please provide a financial plan, as well as certification that the existing transportation system is being adequately operated and maintained, as per 23 CFR 450.324(e):

The TIP shall be financially constrained by year and include a financial plan that demonstrates which projects can be implemented using current revenue sources and which projects are to be implemented using proposed revenue sources (while the existing transportation system is being adequately operated and maintained).

We have not seen MTC make such a certification in its previous Conformity Analyses. We consider such a certification to be invaluable in ensuring that portions of the existing system are not left with operating shortfalls and deferred maintenance while other parts of the system are being expanded.

Please clarify: Do the revenue estimates include the categories of "Anticipated/ Unspecified," HOT Lane or Sales Tax Extension revenues, which are currently part of the revenue estimates for the 2009 RTP? TRANSDEF has communicated with MTC's General Counsel that we do not believe these funds qualify as "reasonably available" under federal law.

Thank you for considering these comments.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,  
President