



# TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

February 12, 2014

~~4:00 P.M.~~ **REVISED 11:00 A.M.**

651 Pine Street, Room 101, Martinez

Supervisor Mary N. Piepho, Chair  
Supervisor Candace Andersen, Vice Chair

<b>Agenda Items:</b>	Items may be taken out of order based on the business of the day and preference of the Committee
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1. Introductions
2. Administrative Items
3. ACCEPT public comments on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
4. APPROVE record of meeting for December 5, 2013.
5. RECEIVE correspondence and communication and DIRECT staff as appropriate.
6. REVIEW referrals to the Committee for consideration in 2014, ADOPT 2014 meeting calendar, and REVISE the Committee mailing list as appropriate.
7. RECEIVE report regarding Kinder Morgan's Integrity Management Program (IMP) and FORWARD to the Board of Supervisors for consideration and approval to send a letter to the State Fire Marshal requesting a review of the IMP for the Kinder Morgan pipeline in Central and South Contra Costa County.
8. CONSIDER Report on State Transportation Legislative Issues and DIRECT staff as appropriate.
9. CONSIDER Report on Federal Transportation Legislation Issues and DIRECT staff as appropriate.
10. CONSIDER accepting a report from the Department of Conservation and Development on the Central Contra Costa Transit Authority's Mobility Management Plan and DIRECT staff as appropriate.
11. The next meeting is currently scheduled for March 6, 2014 at 1:00 PM.

12. Adjourn

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*The Transportation, Water & Infrastructure Committee (TWIC) will provide reasonable accommodations for persons with disabilities planning to attend TWIC meetings. Contact the staff person listed below at least 72 hours before the meeting.*

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*Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the TWIC less than 72 hours prior to that meeting are available for public inspection at the County Department of Conservation and Development, 30 Muir Road, Martinez during normal business hours.*

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*Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

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For Additional Information Contact:

John Cunningham, Committee Staff  
Phone (925) 674-7833, Fax (925) 674-7250  
[john.cunningham@dcd.cccounty.us](mailto:john.cunningham@dcd.cccounty.us)

**Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):** Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in meetings of its Board of Supervisors and Committees. Following is a list of commonly used abbreviations that may appear in presentations and written materials at meetings of the Transportation, Water and Infrastructure Committee:

AB Assembly Bill	HOT High-Occupancy/Toll
ABAG Association of Bay Area Governments	HOV High-Occupancy-Vehicle
ACA Assembly Constitutional Amendment	HSD Contra Costa County Health Services Department
ADA Americans with Disabilities Act of 1990	HUD United States Department of Housing and Urban Development
ALUC Airport Land Use Commission	IPM Integrated Pest Management
AOB Area of Benefit	ISO Industrial Safety Ordinance
BAAQMD Bay Area Air Quality Management District	JPA/JEPA Joint (Exercise of) Powers Authority or Agreement
BART Bay Area Rapid Transit District	Lamorinda Lafayette-Moraga-Orinda Area
BATA Bay Area Toll Authority	LAFCo Local Agency Formation Commission
BCDC Bay Conservation & Development Commission	LCC League of California Cities
BDCP Bay-Delta Conservation Plan	LTMS Long-Term Management Strategy
BGO Better Government Ordinance (Contra Costa County)	MAC Municipal Advisory Council
BOS Board of Supervisors	MAF Million Acre Feet (of water)
CALTRANS California Department of Transportation	MBE Minority Business Enterprise
CalWIN California Works Information Network	MOA Memorandum of Agreement
CalWORKS California Work Opportunity and Responsibility to Kids	MOE Maintenance of Effort
CAER Community Awareness Emergency Response	MOU Memorandum of Understanding
CAO County Administrative Officer or Office	MTC Metropolitan Transportation Commission
CCTA Contra Costa Transportation Authority	NACo National Association of Counties
CCWD Contra Costa Water District	NEPA National Environmental Protection Act
CDBG Community Development Block Grant	OES-EOC Office of Emergency Services-Emergency Operations Center
CEQA California Environmental Quality Act	PDA Priority Development Area
CFS Cubic Feet per Second (of water)	PWD Contra Costa County Public Works Department
CPI Consumer Price Index	RCRC Regional Council of Rural Counties
CSA County Service Area	RDA Redevelopment Agency or Area
CSAC California State Association of Counties	RFI Request For Information
CTC California Transportation Commission	RFP Request For Proposals
DCC Delta Counties Coalition	RFQ Request For Qualifications
DCD Contra Costa County Dept. of Conservation & Development	SB Senate Bill
DPC Delta Protection Commission	SBE Small Business Enterprise
DSC Delta Stewardship Council	SR2S Safe Routes to Schools
DWR California Department of Water Resources	STIP State Transportation Improvement Program
EBMUD East Bay Municipal Utility District	SWAT Southwest Area Transportation Committee
EIR Environmental Impact Report (a state requirement)	TRANSPAC Transportation Partnership & Cooperation (Central)
EIS Environmental Impact Statement (a federal requirement)	TRANSPLAN Transportation Planning Committee (East County)
EPA Environmental Protection Agency	TWIC Transportation, Water and Infrastructure Committee
FAA Federal Aviation Administration	USACE United States Army Corps of Engineers
FEMA Federal Emergency Management Agency	WBE Women-Owned Business Enterprise
FTE Full Time Equivalent	WCCTAC West Contra Costa Transportation Advisory Committee
FY Fiscal Year	WETA Water Emergency Transportation Authority
GHAD Geologic Hazard Abatement District	WRDA Water Resources Development Act
GIS Geographic Information System	
HBRR Highway Bridge Replacement and Rehabilitation	



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

2.

**Meeting Date:** 02/12/2014

**Submitted For:** Catherine Kutsuris, Conservation and Development Director

**Department:** Conservation & Development

**Referral No.:** N/A

**Referral Name:** Administrative Items

**Presenter:** John Cunningham

**Contact:** John Cunningham, (925)  
674-7833

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#### **Referral History:**

Administrative Items.

#### **Referral Update:**

Staff will review any items related to the conduct of Committee business.

#### **Recommendation(s)/Next Step(s):**

None.

#### **Fiscal Impact (if any):**

No fiscal impact.

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#### **Attachments**

*No file(s) attached.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

4.

**Meeting Date:** 02/12/2014

**Submitted For:** Catherine Kutsuris, Conservation and Development Director

**Department:** Conservation & Development

**Referral No.:** n/a

**Referral Name:** Record of Action

**Presenter:** John Cunningham

**Contact:** John Cunningham, (925)  
674-7833

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#### **Referral History:**

n/a

#### **Referral Update:**

County Ordinance (Better Government Ordinance 95-6, Article 25-205[d]) requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

Transportation, Water, and Infrastructure Committee staff is transitioning to the Agenda Quick system for management and distribution of agendas and minutes. In future meetings the minutes will be formatted using the new system.

Links to the agenda and minutes will be available at the TWI Committee web page:

[www.co.contra-costa.ca.us/twic](http://www.co.contra-costa.ca.us/twic)

#### **Recommendation(s)/Next Step(s):**

Review and approve record of meeting for December 5, 2013 with revisions as appropriate.

#### **Fiscal Impact (if any):**

No fiscal impact.

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#### **Attachments**

DRAFT Record of 12/5/13 TWI Meeting

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**CONTRA COSTA COUNTY BOARD OF SUPERVISORS'  
TRANSPORTATION, WATER AND INFRASTRUCTURE (TWI) COMMITTEE**

**DRAFT Record of Meeting DRAFT  
1:30 AM, Thursday, December 5, 2013**

Chair Andersen and Vice-Chair Piepho were in attendance.

- 1. Introductions.** (See attached signup sheet).
- 2. Administrative Items**
- 3. Accept public comments on any item under the jurisdiction of the Transportation, Water, and Infrastructure (TWI) Committee and not on this agenda.**
- 4. Review record of meeting for October 3, 2013.** The record was approved as submitted.
- 5. Receive Integrated Pest Management Program Annual Report.** Michael Kent provided the annual report with assistance from Vincent Guise (Agriculture/Weights and Measures) and Joe Yee (Public Works) and responded to questions. The Committee directed TWI and Health Services Department (HSD) staff to put information previously submitted by members of the public on the [TWI website](#) and directed HSD staff to **1]** research and make recommendations on implementing open public meeting protocol/rules for the Integrated Pest Management Advisory Committee, and **2]** report back on outstanding inquiries from the public<sup>1</sup>. (Michael Kent, Health Services Department)
- 6. Receive report on 2013/2014 transportation legislative and related activities and take action as appropriate.** The Committee received the report and **1]** provided direction to staff regarding coordination between legislative advocates on any CEQA legislation in 2014, **2]** directed staff to bring federal bicycle/pedestrian safety bills to the BOS, and **3]** approved the state and federal legislative platforms (with changes as submitted), with **4]** the additional direction to DCD staff to research and insert the appropriate language/program to address rail safety concerns in both the federal and state platforms. (John Cunningham, DCD)
- 7. Receive Report on PG&E Coordination with Cities and County for Street Light Maintenance.** The Committee received the report and **1]** requested that Public Works staff consult with Danville staff on the LED conversion program, **2]** directed staff to submit this annual update to the Board of Supervisors and **3]** to report back to TWI Committee at their June 2014 meeting on AB 719, LED conversations. (Susan Cohen, Public Works Department)
- 8. AUTHORIZE the Director of Public Works on behalf of the County to submit to the Metropolitan Transportation Commission (MTC) the Transportation Development Act (TDA) 2014/2015 funding cycle grant applications.** The Committee provided the requested authorization. (Mary Halle, Public Works Department)
- 9. Consider report to the Board on the status of items referred to the Committee for 2013.** The Committee approved the report as submitted and directed DCD staff to bring the report to the Board of Supervisors. (John Cunningham, DCD)
- 10. Consider recommendations on referrals to the Committee for 2014.** The Committee approved the referrals as submitted and directed DCD staff to bring the list to the Board of Supervisors. (John Cunningham, DCD)

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<sup>1</sup> Posting use of pesticide online, posting maps of pesticide use online, respond to claims that other counties use less pesticides, input from Public Health officials/toxicologists on County pesticide use, provide Contra Costa County policy regarding gifts from private sector contractors, implement rules on conduct of IPM Advisory Committee public meetings, and document contracts/invoices with pest control contractors or pesticide suppliers.

\* This meeting record is provided pursuant to Better Government Ordinance 95-6, Article 25-2.205(d) of the Contra Costa County Ordinance Code.

**11. Adjourn to 2014 at a day and time to be determined/announced.**

**Attachments**

- A. Sign in Sheet
- B. Comments/documents provided by members of the public at the meeting

# Transportation, Water and Infrastructure Committee Meeting

December 5, 2013

## SIGN-IN SHEET

Signing in is voluntary. You may attend this meeting without signing in. (If front is filled, please use back.)

Name	Representing	Phone
John Cunningham	TWIL/CC County	674-7833
Susan Cohen	Contra Costa Co Public Works	313-2160
John Burgh	CCWD	688-8024
MARK WATTS	SWM.	916-446-5508
de Yee	CCC PWD	
Eric Rodriguez	Asm. Frazee	925-728-579
Tom Guarino	P6 + 5	510-847-6154
Frisella Rich	Transition Express (Candy)	925-288-1544
Michael Sullivan	PFSE	(925) 284-2461
Shirley Shlagaski	PFSE	925-917-4855
Susan Junfish	PFSE	On File
Steve Newman	PFSE	925-939-5168
Will Ray	BOS DIST 2	
BRIAN BALBAS	PWD	925-313-2204
Cece Sellgren	PWD	925-313-2296
Michele Marcuso	PWD	925-313-2236
John Steer	"	3-2281
Vince Guise	Agr. Dept	646-5250
Grace Schmidt	resident of Jans	925-871-0666
Mary Halle	CCC PWD	313-2327
JERRY FARM	" "	313-2276

**December 5, 2013**

# SIGN-IN SHEET

[illegible]



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

5.

**Meeting Date:** 02/12/2014

**Submitted For:** Catherine Kutsuris, Conservation and Development Director

**Department:** Conservation & Development

**Referral No.:** N/A

**Referral Name:** Correspondence

**Presenter:** John Cunningham, Conservation &  
Development Department

**Contact:** John Cunningham,  
925-674-7833

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#### **Referral History:**

N/A

#### **Referral Update:**

Attached is correspondence directed to the Committee and/or other communication that may be of interest.

1. 2/5/14 Memo from the Department of Agriculture to the Transportation, Water and Infrastructure Committee
2. 11/22/13 Letter from the Department of Agriculture to Parents for a Safer Environment
3. Flyer/Meeting Announcement from the Association of California Water Agencies re: an upcoming event, *"2014 Drought Briefing – Impacts and Actions: What You Need to Know"*
4. 1/15/14 Memo from County Counsel to the County Administrator, et al re: recent amendments to the Ralph M. Brown Act.

#### **Recommendation(s)/Next Step(s):**

Accept correspondence and communication and direct staff as appropriate.

#### **Fiscal Impact (if any):**

No fiscal impact.

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#### **Attachments**

Ag Dept Response Dtd Feb 2014

PSfE Response Ltr to Kestrel Study 11-22-2013a

Drought Briefing flyer

Brown Act Amendment RE: Votes

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To: Transportation, Water and Infrastructure Committee  
From: Vince Guise, Agricultural Commissioner/Director of Weights and Measures  
Date: February 5, 2014  
Subject: Agricultural Department Response to Public Comments Made at the December 5, 2013  
TWIC Meeting

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**Commenter:** Michael Sullivan representing PfSE

**Comment: County should use free labor programs**

**Response:** Almost all of our noxious weed program involves activity on private lands or lands that are not owned or managed by the county. Use of volunteer help in these areas would involve liability to those land owners or managers. Volunteer help used in field and remote locations involves a lot of county resources including organizing, outreach involving solicitation for volunteer help, supervision, training, equipment, and transportation.

**Commenter:** Stan Newman representing PfSE

**Comment #1: There is still no posting when pesticides are applied.**

**Response:** For the last two years we have fully abided by the posting policy adopted by the IPM Committee.

**Comment #2: Staff has still not demonstrated that for each pest control problem, least toxic alternatives were evaluated first prior to choosing pesticides.**

**Response:** Least toxic control is always our first consideration as demonstrated in our 50 page departmental IPM plan and further in our detailed decision documents. With both noxious weed species and ground squirrel control our treatment decision involves the biology of the species, the extent of the infestation, the immediate environment, all treatment options, endangered species act and injunction restrictions if chemical treatment is used, weather and other considerations at the time of treatment if chemicals are used. We mechanically remove or hand-pull five of the eighteen noxious weed species we manage as our only treatment method. Hand pulling was tried with four other species and was found either to be unsuccessful or exacerbated the problem. Hand-pulling or mechanical treatment is a viable option with three other species; however, because of the extensiveness of the infestations it is not a practical option. All other species have very extensive root systems that cannot be removed with hand or mechanical treatment making this method not an option. Grazing is also not an option for many reasons that include ineffectiveness due to the extensive root system of the species, non-county owned or controlled lands, and infestations that are a small percentage of larger lands. We have also tried various chemical control methods and materials on many of the species in an effort to find the least toxic but still effective material. Over the last two or three years as a result of striving to find and use the least toxic method we have switched from

the use of the less environmentally favorable herbicide imazapyr to glyphosate for pampas grass control after experimentation demonstrated to us that glyphosate is an effective alternative. We switched from chemical control of smooth distaff thistle to mechanical control using hand tools for this species after we successfully decreased the infestation to the point that we could make the switch. Note that the biology of the species is such that it can be effectively controlled with this method.

With ground squirrel control we have tried both raptor perches and live trapping. Unfortunately neither has been efficacious.

**Comment #3: TWIC was asked to instruct the Department of Agriculture to use trapping methods (for ground squirrels) that three neighboring counties with IPM Ordinances use with great success and satisfaction.**

**Response:** We ran a very extensive live trapping trial and analysis in 2012. We did this of our own volition and many of our findings were unexpected. We found that we were very successful with trapping to the extent that we captured and euthanized 152 ground squirrels in the 1,200 linear foot trial area over the five day trial period. Unfortunately, we found that squirrels from the surrounding area freely used the burrows that were vacated making this method ineffective in areas with surrounding ground squirrel pressure. This does not occur with the use of the treated bait even with surrounding ground squirrel pressure. We surmise that this is due to the fact that the treated squirrels die in the burrow which repels squirrels from the surrounding area. We also found live trapping to be cost prohibitive at an extrapolated \$5,074.36 per linear mile treated compared to \$220.40 per linear mile using bait. We verified this expense by contacting two pest control contractors. Using their fees per hour or per squirrel trapped, we extrapolated that the cost to use a contractor to trap ground squirrels would be between \$12,523.50 and \$16,700 per linear mile. One pest control operator told us that he observed the same ineffectiveness as we did in areas with surrounding pressure. We had other unexpected problems that included trapped squirrels bloodied from fighting and injuries trying to bite their way out of the traps, and trap vandalism that exposed the public to health risks from various transmissible diseases that are carried by ground squirrels. In certain small areas that have a limited number of ground squirrel colonies, live trapping may be a viable alternative. Santa Clara County uses traps near Regional Park building to prevent undermining of foundations. We do not have areas like this though with our program. We are protecting long strips of critical infrastructure that have ground squirrel pressure adjacent to the treatment areas.

We have also evaluated kill traps but have chosen not to use this method for many reasons that include increased risk of taking of non-target animals, risk of injury to curious children and expense.

Finally, we are not the only area county using ground squirrel bait treatment. The Santa Clara Valley Water District uses diphacinone treated grain bait in areas much the same as those that we treat for CC Water District. Alameda County Department of Agriculture has an extensive roadside ground squirrel treatment program.

**Commenter:** Priscilla Rich representing Transition Express Campaign

**Comment #1:** Unfortunately, Contra Costa County Departments are applying more pesticides than any other Bay Area County, even Santa Clara, which is twice as large as we are.

**Response:** As stated above Alameda County and Santa Clara Valley Water District use first generation anticoagulant baits. Undoubtedly others do too though this has not been verified. And roadside vegetation control by public works in Alameda and Solano Counties involves very much more herbicide use than in Contra Costa County.

**Comment #2:** Are pesticide-free alternatives considered and piloted prior to using pesticides as the last option.

**Response:** See previous responses related to the noxious weed hand-pulling and grazing and ground squirrel raptor perches and live/kill trapping methods.

**Commenter:** Shirley Shelangoski representing PfSE

**Comment:** Lack of progress is evident in that the county has not significantly altered their use of pesticides since 2009.

**Response:** Last year we altered our ground squirrel bait treatment program significantly. We now prebait with untreated bait. This increases squirrel activity making our treatments more focused to the areas of activity. We added a second person in the vehicle when the truck mounted bait spreader is used. This is a safety feature plus helps us to target our treatments more precisely and thus use less bait. We went from a standard three treatment regimen to a two day regimen with the third day focusing more on survey while treating only areas that still have activity. This has resulted in a decrease in bait applied.

Note that that the pounds of pesticide active ingredients used by the Agriculture Department went from 795 in FY 10-11 to 529 in FY 12-13. For County operations as a whole, the amount of pesticide active ingredients used has gone from 11,000 lbs. in FY 08-09 to 7,500 lbs. in FY 12-13.

See previous responses in regard to the many trials and altered uses of pesticides where we successfully switched to non-chemical use in two cases and switched to a less toxic alternative in another case.

**Commenter:** Karen Perkins representing PfSE

**Comment #1:** We are requesting that TWIC require that all staff involved in ordering pesticides from salespersons fill out a form disclosing any monetary compensation or any other forms of gifts from pesticide salespersons.

**Response:** Our department has never received gifts or compensation in any form. This would be against county policy and would subject our department and staff to disciplinary action.

**Comment #2: It is unfathomable to some of us why other comparable counties can use fewer pesticides than Contra Costa County.**

**Response:** See above comments in regard to ground squirrel and roadside use by Alameda, Santa Clara and Solano Counties. Alameda County Department of Agriculture also has a noxious weed control program that involves pesticide use. Marin County Department of Agriculture is in the process of implementing a noxious weed program due to extensive problems to their agriculture and environment that have developed due to the lack of a program.

**Commenter:** Sherrill Cook, volunteer with Lindsay Wildlife Museum

**Comment #1: Use alternatives to rodenticides (owl boxes are mentioned)**

**Response:** We have tried alternatives, see above responses. Also, owl boxes are not an effective alternative for ground squirrel control because owls hunt at night when ground squirrels are not out.

**Comment #2: It is her understanding that our department has not responded to the kestrel study that shows kestrels to be more sensitive to diphacinone than quail and ducks that were used in the studies for approval of the product.**

**Response:** We responded to Susan JunFish regarding the kestrel study on November 22, 2013 (copy included) and re-sent the documents on January 7, 2014. In summary, our surveys as well as those done in other areas of the state have shown that very few ground squirrels die above ground. In the 2012 treatment season only six dead ground squirrels were found by our staff in surveys performed on the equivalent of 725 linear miles treated in the county and no non-target mammals or raptors were found. This would indicate that any voles or mice affected by the treatment also die in their burrows or harborage. Also, since 2004 the California Department of Fish and Wildlife has had only ten raptors (and no mammals) that were submitted for analysis for suspected anticoagulant poisoning. The birds were red-tail and red-shoulder hawks plus two barn owls. Only one was found to have levels of diphacinone and this was found at a time of year prior to our scheduled use of the bait. That one and all others that had any detectable levels of anticoagulant (5 in total) were found to have brodifacoum, a second generation anticoagulant with known secondary poisoning potential. After our letter of response on the kestrel study, an eleventh raptor was submitted and found to have levels of brodifacoum with no diphacinone detected.

We suspect that second generation anticoagulants (not the first generation materials that we use) were the problem which is consistent with Fish and Wildlife Service findings. We support proposed restrictions of the California Department of Pesticide Regulation in regard to second generation anticoagulants and have actively participated in that regard in several meetings with that agency.

## **General charts and graphs submitted to TWIC from PfSE:**

### **Item #1: Pesticide use data in 2012/13 by the Department of Agriculture**

**Response/Comments:** The total amount of herbicide and rodenticide used by the Department per the PfSE chart is 30,134 pounds with 332 pounds active ingredient used. We are not disputing the amount that PfSE listed but must point out that the difference between these two numbers is the amount of inert material. Almost all of the inert material is the rolled oats that is used in the ground squirrel bait.

### **Item #2: Injunction listed materials List and Use Data.**

**Response/Comments:** There are two injunctions related to allegations that various pesticides have not received adequate consultation from the US Fish and Wildlife Service and the National Marine Fisheries Service in regard to the use of these pesticides in endangered species habitat. The pesticides covered by the injunctions are only restricted in specific areas that are listed in the injunctions, not the county as a whole. As an example the use of diphacinone is restricted where it cannot be used within 700 feet of known San Joaquin Kit Fox dens. There is also an exemption that allows use of listed herbicides in habitat areas for noxious weed control if done by government agencies using handheld equipment such as the backpack sprayers that we use.

### **Item #3: Potential Ground Water Contaminants.**

**Response/Comments:** Though these materials have certain characteristics that make them potential ground water contaminants, use restrictions on the label make this unlikely to occur. In fact, according to the California Department of Pesticide Regulation, none of these materials has been found to have contaminated ground water in any area of California from their normal legal use.

### **Item #4: Pesticide chart of materials used by the Department of Agriculture.**

**Response/Comments:** There are a number of PfSE listed applications that our department does not use or make. We do not apply any materials by air. We do not apply to surface water. We do not apply by chemigation methods. Those materials listed as ground water contaminants have never been found in California to have contaminated ground water as the result of any legal use.

Smoke cartridges are listed as a pressurized gas on the chart. They are not a pressurized gas. They are made of charcoal, potassium nitrate and cardboard. When placed in a squirrel burrow and lit, the burning creates carbon monoxide which displaces the oxygen in the burrow. PfSE also lists the "parent" material as a PANNA bad actor, presumably because of acute toxicity. Carbon monoxide build up in a confined space is highly toxic. These cartridges are only used in burrows in outdoor situations.

## Department of Agriculture

2366 A Stanwell Circle  
Concord, CA 94520-4807  
(925) 646-5250  
FAX (925) 646-5732

### Branch Office

Knighten Farm Center  
Delta Road @ Second Street  
P.O. Box 241  
Knightsen, CA 94548  
(925) 427-8610  
FAX (925) 427-8612

## Contra Costa County



## Vincent L. Guise

Agricultural Commissioner  
Director of Weights and Measures

November 22, 2013

Ms. Susan JunFish  
Parents for a Safer Environment  
460 Center Street #6673  
Moraga, CA 94570

Susan,

Per your request I reviewed both the kestrel study diphacinone study and your January 9, 2013 letter (with chart) addressed to the IPM Committee.

First on the study. I am not a toxicologist and it is hard to comment on a very technically written study. I suspect that field conditions are different from laboratory conditions. I was encouraged that the study mentioning in numerous places how quickly diphacinone breaks down in the liver of kestrels. I was also encouraged by the following statement:

*"Using the aforementioned diphacinone potency estimates for kestrels and rodent liver residue data in a deterministic approach, a 0.45kg Hawaiian hawk would have to consume 3.63kg of liver from black rats and a 0.35kg short-eared owl would have to consume 8.92kg of liver from house mice in order to ingest an acute median dose in a 24 hour period. If sublethal effects in kestrels were considered (eg., 50mg/kg prolonged PT and RVVT, and 35.1mg/kg produced microscopic hemorrhages), the amount of rodent liver consumed within a 24 hour period would be even lower, 1.32kg for the hawk and 3.24kg for the short-eared owl. These quantities of liver are far greater than the weight of both the Hawaiian hawk and short-eared owl, so the risk associated with a single-day exposure to diphacinone would be low"*

As mentioned at previous IPM Committee meetings our field observation and survey of the approximately 925 linear miles that we treated throughout the entire 2012 season resulted in finding only 6 dead ground squirrels above ground and no dead raptors or other wildlife in or near the treatment areas. From this I would have to suspect mice and voles that may eat the bait are dying in harborage areas or down in their holes too. These findings are consistent with the Ventura County studies as they did not find any above ground dead squirrels or nontarget raptors or other wildlife.

A few of other statements of interest in the study are:

*"Notably, tissue concentrations of anticoagulant rodenticides are likely much greater in acute toxicity studies than in rodenticide-poisoned wild birds"*

and

*"Taken together, these data suggest that diphacinone is cleared more rapidly in kestrels than in rats and pigs." and "Although the half-life of diphacinone has yet to be reported, data from the present study indicate that it is rapidly cleared from liver, and presumably other tissues."*

In regard to your chart in your January 9, 2013 letter to the IPM Committee, I feel that there is the same difficulty in extrapolating the data as with there is with that of the study. The biggest consideration again in my mind is that we are truly not finding dead raptors or other nontarget animals with our treatment methods. Again this is consistent with the Ventura County studies.

I did find a couple of errors in your January 9 letter. The study estimates an LD50 for kestrels at 96.8mg/kg, not the 35mg/kg that you list. The study abstract states that the acute oral toxicity of diphacinone is more than 20 times greater than for the bobwhite quail and mallard; and the text of the study states it is 20 to 30 times greater. In your letter you say 20 to 35 times greater.

In the last ten years a total of 10 raptors from Contra Costa County have been submitted to the California Department of Fish and Wildlife for analysis. Six were red-tailed hawks, 2 were red-shouldered hawks and 2 were barn owls. Of these one red-tailed hawk was found to have 0.32ppm brodifacoum in the anticoagulant analysis. Two red-shouldered hawks were found to have 0.39ppm and 0.52ppm of brodifacoum. One barn owl was found to have 0.017ppm brodifacoum and the other to have 0.00208ppm brodifacoum as well as 0.169ppm diphacinone in the assay. And the other five raptors were not identified to have any anticoagulant residues. The owl that had both brodifacoum and diphacinone was submitted on May 30<sup>th</sup> 2011 from an urban area in Antioch. This incident occurred prior to any treatments made by our department. As you are aware it has been determined that brodifacoum and other second generation anticoagulants present a real threat to raptors and wildlife and that the California Department of Pesticide Regulation is in the process of restricting their use, which our department fully supports.

Sincerely,



Vincent L. Guise  
Agricultural Commissioner  
Director of Weights and Measures

CC: Michael Kent, Chair, IPM Committee  
Tanya Drlik, IPM Coordinator



ACUTE TOXICITY, HISTOPATHOLOGY, AND COAGULOPATHY IN AMERICAN KESTRELS (*FALCO SPARVERIUS*) FOLLOWING ADMINISTRATION OF THE RODENTICIDE DIPHACINONE

BARNETT A. RATTNER,\*† KATHERINE E. HORAK,‡ SARAH E. WARNER,† DANIEL D. DAY,† CAROL U. METEYER,§

STEVEN F. VOLKER,‡ JOHN D. EISEMANN,‡ and JOHN J. JOHNSTON||

†Patuxent Wildlife Research Center, U.S. Geological Survey, Beltsville, Maryland

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**Abstract**—The acute oral toxicity of the anticoagulant rodenticide diphacinone was found to be over 20 times greater in American kestrels (*Falco sparverius*; median lethal dose 96.8 mg/kg body weight) compared with Northern bobwhite (*Colinus virginianus*) and mallards (*Anas platyrhynchos*). Modest evidence of internal bleeding was observed at necropsy, although histological examination of heart, liver, kidney, lung, intestine, and skeletal muscle revealed hemorrhage over a wide range of doses (35.1–675 mg/kg). Residue analysis suggests that the half-life of diphacinone in the liver of kestrels that survived was relatively short, with the majority of the dose cleared within 7 d of exposure. Several precise and sensitive clotting assays (prothrombin time, Russell's viper venom time, thrombin clotting time) were adapted for use in this species, and oral administration of diphacinone at 50 mg/kg increased prothrombin time and Russell's viper venom time at 48 and 96 h postdose compared with controls. Prolongation of in vitro clotting time reflects impaired coagulation complex activity, and generally corresponded with the onset of overt signs of toxicity and lethality. In view of the toxicity and risk evaluation data derived from American kestrels, the involvement of diphacinone in some raptor mortality events, and the paucity of threshold effects data following short-term dietary exposure for birds of prey, additional feeding trials with captive raptors are warranted to characterize more fully the risk of secondary poisoning. Environ. Toxicol. Chem. 2011;30:1213–1222. © 2011 SETAC

**Keywords**—Anticoagulant rodenticides    Birds    Clotting time    Diphacinone    Secondary poisoning

## INTRODUCTION

Several anticoagulant rodenticides have been identified as hazards to predatory and scavenging birds on a worldwide scale. Various targeted surveillance programs have reported high detection rates of anticoagulant rodenticide residues in liver of birds of prey collected in New York (49% of 265 raptors, 1998–2001) [1], France (73% of 30 raptors, 2003) [2], Great Britain (37% of 351 owls and kestrels, 2003–2005; derived from Walker et al. [3]), and western Canada (70% of 164 owls, 1988–2003) [4]. Although diagnostic residue concentrations associated with adverse effects in raptors have yet to be clearly established, the cause of death was attributed to secondary rodenticide poisoning in up to 14.6% of the exposure incidents [1,3,4].

Monitoring avian species during large-scale rodent eradication operations revealed that several second-generation rodenticides can result in nontarget mortality and even population-level effects through direct ingestion of bait or consumption of poisoned rodents. For example, baiting operations using brodifacoum resulted in > 80% reductions in woodhen (*Gallirallus australis*) populations and loss of some raptors (e.g., Australasian harrier, *Circus approximans*; morepork, *Ninox novaese-*

*landiae*) at Stewart, Ulva, and Inner Chetwode Islands in New Zealand [5,6]; the death of 13 ravens (*Corvus corax*) at Langara Island in British Columbia, Canada [7]; and, most recently, the apparent poisoning of 320 glaucous-winged gulls (*Larus glaucescens*) and 46 bald eagles (*Haliaeetus leucocephalus*) on Rat Island, Alaska (<http://alaska.fws.gov/ratislandreview-final.pdf>). Such rodent eradication operations use formulations and application rates that are atypical of more routine use of second-generation rodenticides. Nonetheless, the global magnitude of nontarget poisoning of wildlife both in pest eradication programs and in the more routine use of rodenticides is unknown, and most events probably go unnoticed or are not reported.

A risk assessment conducted by the U.S. Environmental Protection Agency (U.S. EPA) in 2002 identified several rodenticides that pose significant risk to birds and nontarget mammals, in part because of their toxicity and prolonged retention in liver [8]. Restrictions on the sale, distribution, and packaging of brodifacoum, difethialone, bromadiolone, and difenacoum were subsequently instituted by the U.S. EPA in 2008 (<http://www.epa.gov/pesticides/reregistration/rodenticides/finalriskdecision.htm>). This action will likely be offset by expanded use of acute toxicants and other anticoagulant rodenticides, including diphacinone (<http://www.regulations.gov/#/documentDetail;D=EPA-HQ-OPP-2006-0955-0003>). The hazard of diphacinone to nontarget organisms is inadequately characterized, although significant exposure and mortality suspected to be related to diphacinone have been reported for raptors (snowy owl, *Nyctea scandiaca*; red-tailed hawk, *Buteo jamaicensis*; and Cooper's hawk, *Accipiter*

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*cooperii*) [1,9]. Here, we report overt signs of intoxication, histopathological responses, blood clotting time, residues, and lethality following diphacinone administration to American kestrels (*Falco sparverius*), a well-studied toxicological model species for raptors [10]. These data, in combination with similar measurements in Northern bobwhite (*Colinus virginianus*), will assist in the development of a pharmacodynamic model and a more complete risk assessment of diphacinone for birds.

## MATERIALS AND METHODS

### Animals

All animal procedures were approved by the Institutional Animal Care and Use Committee of the Patuxent Wildlife Research Center. American kestrels, propagated at the captive colony at Patuxent [11], were reared in vinyl-coated wire outdoor flight pens (6.1 m long  $\times$  2.4 m wide  $\times$  2.1 m high) containing a nest box, several perches, feed tray and a bowl of fresh water. Birds were maintained on daily rations of either Classic Bird of Prey diet (Nebraska Brand) supplemented with Vionate<sup>®</sup> (Gimborn US), dead mice (*Mus musculus*), or dead chicken (*Gallus gallus*) hatchlings. For toxicity tests, kestrels were moved from flight pens to small outdoor cages (1.2 m long  $\times$  0.8 m wide  $\times$  0.6 m high) with a shade roof, rope perch, food tray and water bowl, where they were housed individually.

### Acute toxicity of diphacinone

In range-finding trials, serious problems were encountered because of regurgitation of diphacinone (2-[diphenylacetyl]indan-1,3-dione; CAS 82-66-6; 99.2% purity; Hacco) when administered as a suspension in vegetable oil or as a neat dose in a size-0 gelatin capsule (Eli Lilly). Through an iterative process, a method was developed that minimized regurgitation through repeated administration of small quantities of diphacinone (1–39 mg) as a divided dose over a 24-h period. Briefly, kestrels (body weight 98–127 g) were transferred from flight pens to small cages, acclimated for two weeks, fed Classic Bird of Prey diet, and weighed on the afternoon (1600–1700 h) before dosing. Individual size-4 gelatin capsules were weighed on a top-loading balance (1 mg sensitivity). Neat diphacinone was added to the capsule, which was then reweighed to verify dose. Freeze-dried diet and 5  $\mu$ l FD&C Blue No. 1 food dye (marker for regurgitation; McCormick) were then added to the capsule. After an overnight fast with water accessible at all times, the capsule was administered to the level of the proventriculus using a modified pilling device (pet piller; Jorgensen Laboratories) and a plastic probe that were both 8 mm in diameter. The capsule was chased with 0.2 ml distilled water delivered with a 16-gauge curved ball-point feeding needle (Popper & Sons). The dosed kestrel was returned to its pen and immediately presented with a highly desired food item (dead chicken hatchling). This dosing procedure was repeated up to three additional times within a 24-h period (i.e., at ~0900, 1300, 1700, and 0800 h), with the total daily dose ranging from 35.1 to 675 mg/kg. In total, 19 kestrels (two-year-old adults randomly assigned to dose, sexes divided nearly equally among doses) received diphacinone. Four kestrels that served as controls were similarly treated, except that capsules did not contain diphacinone. This acute toxicity study was conducted between September 14 and October 7, 2009, using a sequential dosing scheme that attempted to minimize the number of test subjects. Ambient temperature ranged from 9 to 29°C, which is typical

for Maryland, USA, at that time of year. Pens were lined with Kraft paper to monitor regurgitation, and birds were observed daily for overt signs of intoxication several times during daylight for one week. Birds that succumbed during the trial and survivors (euthanized with carbon dioxide) were necropsied. Portions of heart, liver, kidney, lung, spleen, intestine, brain, skeletal muscle, and occasionally other tissues were fixed in phosphate-buffered formalin for histopathological analysis, and the liver was frozen at  $-20^{\circ}\text{C}$  for residue analysis.

### Histopathology

In the acute toxicity study, formalin-fixed tissues were processed (American HistoLabs) using standard procedures [12]. In general, four 4- $\mu$ m sections per tissue, in steps of 100  $\mu$ m, were mounted on slides and stained with hematoxylin and eosin. All sections were consistently examined at a magnification of  $\times 200$ , and, if abnormalities were observed (e.g., hemorrhage and other lesions), the tissue was re-examined at a magnification of  $\times 400$ .

### Diphacinone purity and liver residue analysis

Neat diphacinone (5 mg) was dissolved in a volumetric flask with ethyl acetate to a nominal concentration of 1 mg/ml and diluted with a methanol solution containing 5 mM tetrabutylammonium dihydrogen phosphate (TBAP) to a nominal concentration of 50  $\mu$ g/ml. Samples were analyzed on a C18 column (ODS/H, 4.6  $\times$  250 mm, 5  $\mu$ m column; Keystone Scientific) by reversed phase ion-paired high-performance liquid (RP-HPLC) chromatography (Agilent 1100 series; Agilent Technologies). The mobile phase was 5 mM TBAP in a pH 7.5 solution of 20:80 water:methanol. Standards and samples were chromatographed at 1 ml/min for 10 min and detected at 285 nm. The determined purity for five replicate samples averaged 99.2% with precision (percentage relative standard deviation [SD], coefficient of variation [CV]) of 0.60%.

Kestrel livers were homogenized using liquid nitrogen with a mortar and pestle, and duplicate samples from each homogenate were weighed into digestion vessels. Chlorophacinone was added to each sample to serve as a surrogate standard. Acetonitrile was added to each sample, and samples were extracted at 125°C for 60 min using a microwave-accelerated reaction system (CEM Corporation). Extracts were then decanted into glass tubes and reduced to dryness, and residues were reconstituted in chloroform by vortex mixing and sonication. Hexanes were added to the samples, which were again vortexed and sonicated. Sample extracts were then filtered (0.7  $\mu$ m glass fiber syringe filters; Whatman), cleaned by loading filtrates onto conditioned (chloroform:hexanes, 2:1) 500 mg/3 ml Strata-X-AW solid-phase extraction cartridges (Phenomenex), and eluted with methanolic solution containing 15 mM TBAP. Each eluate was reduced to dryness, reconstituted in mobile phase (50% 5 mM TBAP in pH 8.5 6 mM phosphate buffer/50% methanol), and filtered into vials for RP-HPLC analysis. Diphacinone concentrations were determined using an Agilent 1100 series HPLC system and Gemini C18, 3.0  $\times$  150 mm, 3- $\mu$ m column (Phenomenex). The aqueous mobile phase was 5 mM TBAP in pH 8.5 6 mM potassium phosphate, and the organic mobile phase was 5 mM TBAP in methanol. For each 30- $\mu$ l injection, the methanolic component was maintained at 55% for 7 min, followed by a linear gradient to 77.5% over 10 min, raised to 85% over the next 10 min, and returned to the starting composition for 7.5 min. Diphacinone and surrogate were detected at 325 nm.

Control quail liver samples spiked with diphacinone at nominal concentrations of 0.2  $\mu\text{g/g}$  and 2  $\mu\text{g/g}$  produced surrogate-corrected recoveries  $\pm$  SD of  $144 \pm 14\%$  ( $n=6$ ) and  $109 \pm 7\%$  ( $n=6$ ), respectively. Chlorophacinone was spiked at a nominal concentration of 3.8  $\mu\text{g/g}$  and used as the surrogate to correct diphacinone recoveries. Surrogate recoveries were  $91 \pm 4\%$  and  $87 \pm 2\%$ , respectively, at the two diphacinone spiking levels. No significant interference was observed at the retention time for either diphacinone ( $\sim 19.5$  min) or chlorophacinone ( $\sim 23$  min) in extracted quail livers. The method limit of detection (three times the signal:noise ratio) and method limit of quantitation (10 times the signal:noise ratio) were 0.095  $\mu\text{g/g}$  and 0.317  $\mu\text{g/g}$ , respectively. The precision for duplicate determinations in liver samples ( $n=19$  dosed kestrels) averaged 20%.

#### Effects of diphacinone on clotting time

As part of a study to develop a physiologically based pharmacokinetic model, kestrels (94–137 g, 1- to 3-year-old adults) received diphacinone as a single sublethal dose using procedures employed in the acute toxicity trial. Between October 18 and November 2, 2009 (ambient temperature 2–25°C), treated birds received 50 mg/kg body weight, and blood was drawn at 6, 24, 48, 96, and 168 h after dosing ( $n=2$  males and 2 females per sampling time). Controls ( $n=2$  males and 2 females) received capsules containing only freeze-dried diet and dye, and blood was collected after 168 h. Blood collection entailed drawing a 0.9-ml jugular venipuncture sample into a 1-ml syringe containing 0.1 ml of 3.2% sodium citrate (Sigma-Aldrich). Blood samples were centrifuged (2,000 g for 5 min), and an aliquot of the citrated plasma ( $\sim 250$   $\mu\text{l}$ ) was frozen and stored at  $-80^\circ\text{C}$  for clotting assays. A combination of assays (prothrombin time and Russell's viper venom (RVV) time to determine vitamin K-dependent coagulopathies, fibrinogen concentration to rule out nonspecific influences on clotting time) [13] was used to analyze kestrel samples. Body-weight change over the course of the trial and liver:body weight ratio at sacrifice were also determined in this study.

#### Prothrombin time

In this assay, excess tissue factor and phospholipid (thromboplastin) interact with plasma factor VII to form an active complex, and through a cascade of reactions fibrinogen is converted to fibrin [13]. Prothrombin time (PT) was determined using a BBL fibrometer (Becton Dickinson). Instrument performance over one year was assessed using human reference samples and Simplastin<sup>®</sup> (rabbit brain thromboplastin; Trinity Biotech); PT values were within the reference range provided by the supplier (mean  $\pm$  SD of sample level 1:  $16.6 \pm 0.5$  s,  $n=8$  assays; sample level 2:  $35.5 \pm 1.67$  s,  $n=7$  assays), and interassay precision (2.1% and 3.9%, respectively) was satisfactory.

Because mammalian thromboplastin does not promote rapid clot formation in avian species, crude chick hatchling thromboplastin (CHT) was prepared [13–15]. For the assay of citrated kestrel plasma samples, a 50-mg aliquot of CHT was suspended in 2,500  $\mu\text{l}$  of 25 mM  $\text{CaCl}_2$  and incubated at  $42^\circ\text{C}$  for 15 min with intermittent vortexing. The suspension was centrifuged (1,500 g for 20 min), and the supernatant was diluted 1:1 with 25 mM  $\text{CaCl}_2$  ( $\sim 220$   $\mu\text{g}$  protein/ml). Kestrel plasma (100  $\mu\text{l}$ ) was incubated at  $37^\circ\text{C}$  for 2 min in a sample cup, and the clotting reaction was initiated by the addition of 200  $\mu\text{l}$  diluted CHT. In preliminary studies, PT of citrated kestrel plasma was related to CHT dilution (Fig. 1), and PT of kestrel plasma

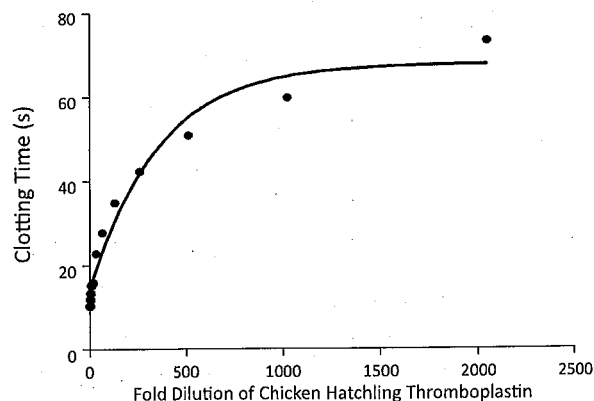


Fig. 1. Clot-promoting potential (prothrombin time) of undiluted and diluted (1:2 to 1:2,048) chicken hatchling thromboplastin incubated with citrated American kestrel plasma ( $Y = 67.89 - 53.54e^{-0.002822(\text{thromboplastin dilution})}$ ,  $R^2 = 0.97$ ).

diluted with 8.3 mM Na/K phosphate buffer (pH 7.2) was relatively stable in reactions containing as little as 50% plasma (Supplemental Data, Fig. S1). In these preliminary studies, intraassay precision for duplicate determinations of kestrel plasma was  $2.0 \pm 2.2\%$  ( $n=11$ ), but limited sample volume permitted only a single determination in diphacinone-treated kestrels.

#### Russell's viper venom time

Russell's viper venom activates factor X in the common pathway of the clotting cascade [13]. Reconstituted RVV factor X activator (American Diagnostica) was diluted 1:10 with imidazole-buffered saline (IBS; 0.0125 M imidazole 0.109 M NaCl, pH 7.4; Sigma-Aldrich) and maintained at room temperature. Kestrel plasma (100  $\mu\text{l}$ ) was incubated at  $37^\circ\text{C}$  for 2 min, and 100  $\mu\text{l}$  of diluted RVV was added and incubated for 15 s. The reaction was initiated with 100  $\mu\text{l}$  25 mM  $\text{CaCl}_2$ , and RVV time (RVVT) was determined [16]. In preliminary studies, RVVT remained relatively stable when kestrel plasma was diluted by as much as 60% with phosphate buffer (Fig. 2), and intraassay precision for duplicate determinations was  $3.4 \pm 4.1\%$  ( $n=9$ ). Because of limited volume, some plasma samples from diphacinone-treated kestrels were diluted in

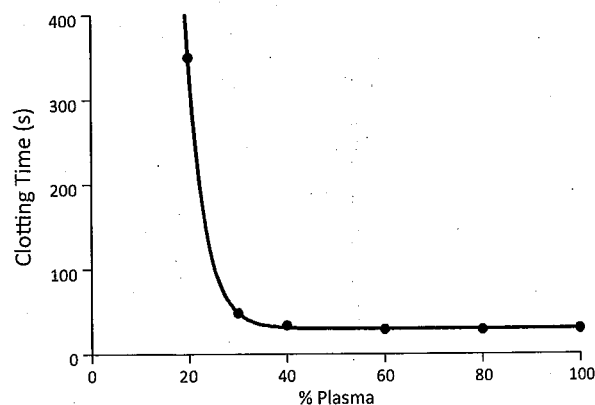


Fig. 2. Effect of diluting citrated kestrel plasma with phosphate buffer (100, 80, 60, 50, 40, 30, and 20% plasma) on Russell's viper venom clotting time ( $Y = 30.11 + 94634e^{-0.2845(\% \text{ plasma})}$ ,  $R^2 = 0.99$ ).

phosphate buffer, and RVVT was adjusted using the dilution curve.

#### Thrombin clotting time

This assay determines the time taken for fibrinogen to be converted to fibrin [16]. The thrombin clotting time assay is an indicator of fibrinogen concentration in a plasma sample, which is insensitive to deficiency of vitamin K-dependent clotting factors. Fibrinogen deficiency resulting from pathophysiologic conditions or improper sample collection can prolong clotting time, and in rodenticide toxicity studies it is important to verify that fibrinogen concentration is adequate to promote clot formation. Assay reagents included bovine thrombin and human fibrinogen reference material (AMAX Fibrinogen Kit; Trinity Biotech). A fibrinogen standard curve was prepared (65–520 mg/dl), and kestrel plasma samples were thawed a second time and diluted 1:10 with IBS. Diluted plasma (200  $\mu$ l total volume) was incubated at 37°C for 2 min, and the reaction was initiated by the addition of 100  $\mu$ l of thrombin reagent. Clotting time of each sample was transformed to fibrinogen concentration (mg/dl) from the standard curve. In preliminary studies, intraassay precision for duplicate determinations of kestrel plasma was  $1.8 \pm 2.2\%$  ( $n = 9$ ).

#### Statistical analysis

For the acute toxicity trial, the relation between dose and survival and the median lethal dose (LD50) of diphacinone in kestrels was estimated using probit analysis (SAS Institute). A one-phase exponential decay model (Prism; GraphPad Software) was used to describe the relation between clotting time (PT and RVVT) and dilution of kestrel plasma. To examine the effects of a sublethal dose of diphacinone, body weight change, liver:body weight ratio, PT, RVVT, and thrombin clotting time were tested for homogeneity of variances ( $F_{\max}$  test) and normality (Shapiro–Wilk test, normal probability plot and descriptive statistics). The measurement endpoints were tested by one-way analysis of variance (ANOVA), and clotting times of diphacinone-treated kestrels (hours postdose) were compared with the control group using Dunnett's test.

## RESULTS

#### Acute toxicity of diphacinone

At necropsy, birds were in good body condition with no evidence of starvation or dehydration. At the highest dosage levels, birds received three capsules containing diphacinone but succumbed before receiving the fourth (and final) capsule of their divided dose, so the actual administered doses were 675, 450, and 300 mg/kg (Table 1). These individuals appeared subdued, died within 8 to 23 h of receiving the initial capsule of the divided dose, and at necropsy exhibited some macroscopic evidence of hemorrhage, but not frank bleeding. There was no history or evidence of trauma in any of the diphacinone-treated or control birds. Histological examination of tissues revealed microscopic hemorrhage in the heart, liver, kidney, lung, intestine, and skeletal muscle of some individuals (Fig. 3). At the intermediate doses (266.7 down to 118.6 mg/kg), all birds died within 8 to 47 h, with the exception of a single bird that exhibited signs of intoxication but then recovered. Gross necropsy revealed some evidence of hemorrhage in the gastrointestinal tract, and the liver was often mottled. Microscopically, perivascular hemorrhage in the lung and free blood in the lamina propria of the intestine were consistently found. At 79.0 mg/kg, one of three kestrels died after 27 h. At the lowest

doses (52.7 and 35.1 mg/kg), all birds survived but exhibited varying degrees of hemorrhage in liver, lung, lamina propria of the intestine, and spleen. Kestrels that succumbed often exhibited a progression of toxic signs, including losing balance on their perch, standing on the floor of the pen rather than on their perch, being nonreactive when approached, showing subdued behavior, and showing tan urate deposits. All controls survived the 7-d trial and did not exhibit gross or microscopic evidence of hemorrhage other than in the airways (commonly found in birds euthanized with carbon dioxide). Probit analysis indicated that survival of kestrels during the 7-d acute toxicity trial was significantly ( $p < 0.023$ ) related to the total administered dose of diphacinone. The LD50 of diphacinone for kestrels was estimated to be 96.8 mg/kg (95% confidence interval 37.9–219 mg/kg), and the slope of the dose–response curve was  $6.69 \pm 2.94$  probit/log<sub>10</sub>.

Kestrels that died within 8 to 23 h received the largest doses of diphacinone and had greater concentrations of diphacinone in liver (32.8–56.3  $\mu$ g/g wet wt) than birds that died 27 to 47 h postdose (13.4–19.4  $\mu$ g/g wet wt; Table 1 and Fig. 4). Diphacinone appeared to be cleared rapidly from the liver, insofar as kestrels that survived the 7-d trial generally had concentrations  $< 1$   $\mu$ g/g.

#### Sublethal exposure and effects on clotting time

All birds receiving a single oral dose of 50 mg diphacinone/kg (estimated LD10 to LD15) survived to their scheduled time of sacrifice. No overt signs of toxicity were observed, and body weight change and liver:body weight ratio were not affected by diphacinone ( $p > 0.10$ ). Two of the twenty-four blood samples were problematic and were excluded. One of these samples had no detectable fibrinogen, and the other sample was poorly drawn. Fibrinogen concentration in the remaining 22 samples was between 41.3 and 160.2 mg/dl and did not differ among sampling times ( $p > 0.20$ ). Compared with that in the control group, PT at both 48 and 96 h postdose was significantly prolonged (2.5-fold and 1.6-fold, respectively;  $p < 0.05$ , log-transformed data), but by 168 h PT had returned to control levels (Fig. 5). A similar but more pronounced trend was observed for RVVT, with clotting time prolonged at 48 and 96 h (7.6-fold and 3.3-fold, respectively;  $p < 0.05$ , log-transformed data; Fig. 6). Notably, one RVVT value at 24 h postdose (173.9 s) was 4.8-fold greater than mean RVVT of controls (mean  $\pm$  SD,  $34.2 \pm 4.87$  s), which is suggestive of coagulopathy.

## DISCUSSION

#### Lethality and overt toxicity

With a relatively small number of individuals in a sequential acute oral dosing scheme, diphacinone was found to be moderately toxic (LD50 96.8 mg/kg) [17] to American kestrels. At doses that evoked lethality ( $\geq 79$  mg/kg), birds exhibited ataxia and subdued behavior but no signs of external bleeding. Based on the median lethal dose, kestrels were found to be about 20 to 30 times more sensitive to diphacinone than Northern bobwhite (LD50 2,014 mg/kg) [13] and mallards (*Anas platyrhynchos*; LD50 3,158 mg/kg) [8].

Although diphacinone is linked to secondary poisoning [1,9], only a few controlled studies have examined its toxicity in raptors. In an investigation of golden eagles (*Aquila chrysaetos*) fed muscle from diphacinone-treated sheep (*Ovis aries*; muscle contained 2.7 mg diphacinone/kg) for 5 to 10 d, adverse effects were observed at much lower concentrations [18] than in kestrels. One eagle that received a cumulative dose of 1.38 mg/

Table 1. Summary of observations of diphacinone acute toxicity trial in American kestrels<sup>a</sup>

Total dose administered (mg/kg)	Died/dosed	Time to death from initial dose	Overt signs of intoxication observed during daylight	Gross necropsy	Histological observations	Liver diphacinone residues ( $\mu\text{g/g}$ wet weight)	
						Died	Euthanized (day 8)
675.0	1/1	8–23 h	None	Bruise on heart	Hemorrhage: heart, kidney, gizzard, skeletal muscle	46.3	
450.0	1/1	8–23 h	None	Blood on serosal surface of gizzard	Hemorrhage: adventitia of aorta	56.3	
300.0	2/2	8–23 h	Subdued, tan urates	Unremarkable	Hemorrhage: skin, heart, aorta, intestine, lung, adrenal	33.6, 38.1	
266.7	0/1	Survived	Ataxia, subdued but recovered	Unremarkable	Breast muscle streaked, lung: perivascular hemorrhage, intestine: blood in lamina propria		0.591
200.0	1/1	8–23 h	None	Blood in gastrointestinal tract, liver: mottled	Heart: multifocal necrosis, lung: perivascular hemorrhage	32.8	
177.8	2/2	30–32 h	Ataxia, subdued	Liver: mottled, dark material in gastrointestinal tract	Hemorrhage: skeletal muscle, perivascular space of lung, subcapsular surface of spleen; intestine: blood in lamina propria	13.4, 17.2	
118.6	3/3	27–47 h	Ataxia, subdued, tan urates	Liver mottled, gastrointestinal tract mottled with dark contents	Hemorrhage: brain, heart, liver, lung, spleen, blood in lamina propria of intestine	16.6, 18.0, 19.4	
79.0	1/3	27 h and others survived	Ataxia, subdued	Liver: mottled, dark material in gastrointestinal tract	Hemorrhage: lung, skeletal muscle, spleen, blood in lamina propria of intestine	20.0	0.784, 1.06
52.7	0/3	Survived	None	Unremarkable	Perisplenic hemorrhage, blood in lamina propria of intestine		0.121, 0.175, 0.201 (All values < MLOQ)
35.1	0/2	Survived	None	Liver: mottled and bile stained	Lung: minimal perivascular hemorrhage, focally moderate hepatic hemorrhage		0.263, 0.280 (All values < MLOQ)
0.0	0/4	Survived	None	Unremarkable	Unremarkable		< MLOQ (< MLOD, 0.116)

<sup>a</sup> MLOQ = method limit of quantitation (0.317  $\mu\text{g/g}$ ); MLOD = method limit of detection (0.095  $\mu\text{g/g}$ ).

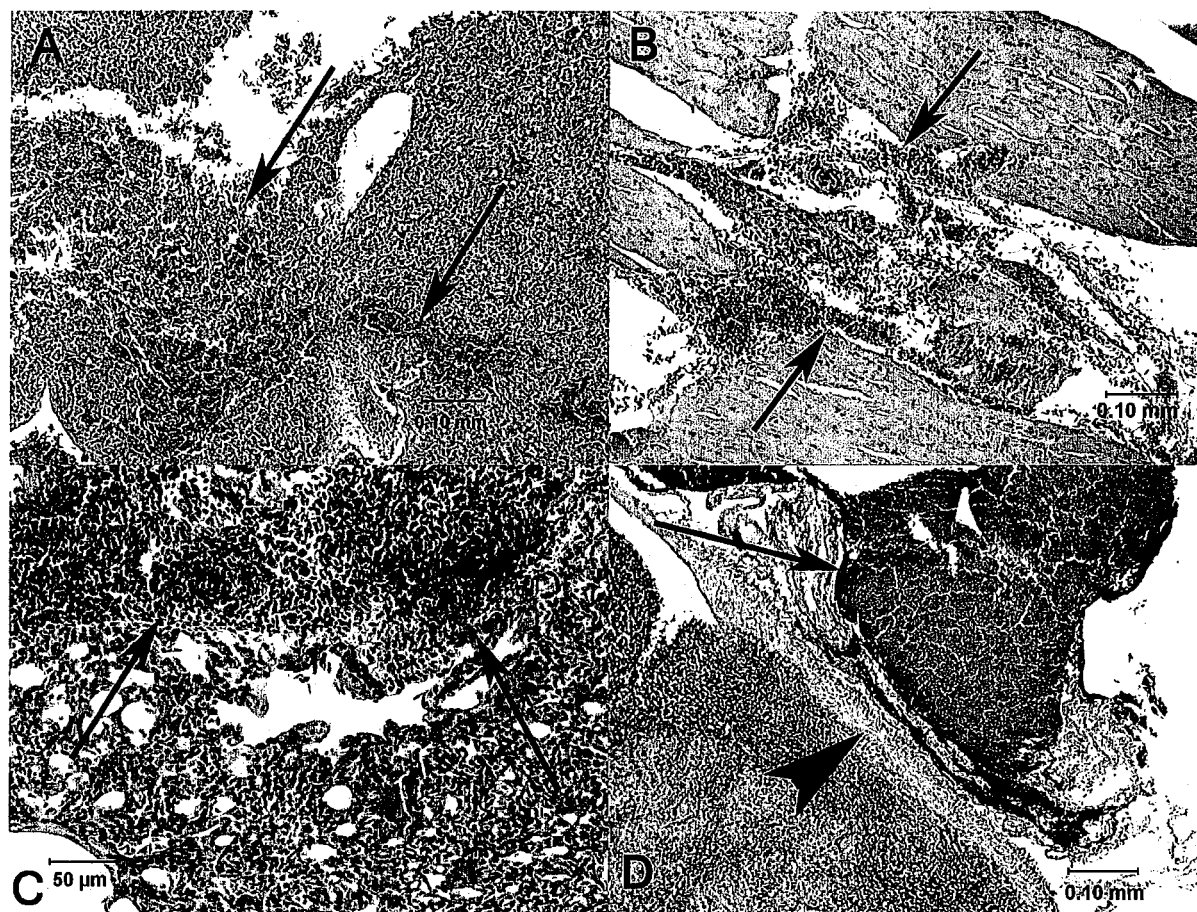


Fig. 3. Microscopic hematoxylin- and eosin-stained sections of tissues from four different kestrels experimentally dosed with diphacinone. (A) Liver with random foci of hemorrhage (arrows) associated with disruption of hepatic parenchyma (dose 300 mg/kg). (B) Skeletal muscle with hemorrhage (arrows) dissecting between muscle fibers (dose 79.0 mg/kg). (C) Lung hemorrhage (arrows) compressing airways (dose 118.6 mg/kg). (D) Spleen with hemorrhage (arrow) evident outside of its capsule (arrowhead; dose 52.7 mg/kg).

kg body weight exhibited extreme weakness, and another eagle that received a cumulative dose of 1.08 mg/kg exhibited hemorrhage from a wing and ataxia. However, all eagles survived the trial. In another study, great horned owls (*Bubo virginianus*) and a saw-whet owl (*Aegolius acadicus*) were fed diphacinone-poisoned mice (*Peromyscus maniculatus*; 0.01% diphacinone bait) for 5 d, and barn owls (*Tyto alba*) were fed diphacinone-

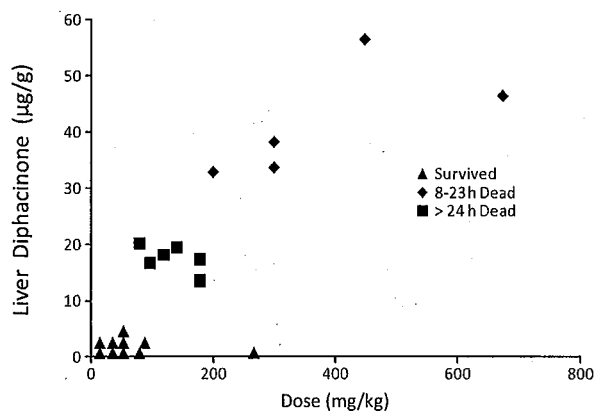


Fig. 4. Scatterplot depicting diphacinone dose and liver residues at time of death or when kestrels were euthanized.

poisoned rats (*Rattus norvegicus*, *R. rattus* and *R. exulans*; 0.005% diphacinone bait) for 10 d [19]. Unfortunately, the quantity of diphacinone in the poisoned rodents was not analytically determined. A very rough estimate of the cumulative dose (ignoring absorption, metabolism, and elimination of diphacinone in the rodents) suggests that lethality and severe hemorrhage occurred in great horned owls that consumed mice that had eaten the equivalent of 3 to 4 mg diphacinone/kg of owl weight and a saw-whet owl that had consumed mice that had eaten the equivalent of about 55 mg diphacinone/kg of owl weight (V.M. Mendenhall, personal communication). No overt signs of toxicity were observed in barn owls that consumed rats that had eaten the equivalent of about 14 to 17 mg diphacinone/kg of owl weight. In another investigation, communally housed American crows (*Corvus brachyrhynchos*) were fed rats poisoned with 0.005% diphacinone for 1 or 6 d ( $n = 10-11/\text{group}$ ) [20]. Based solely on visual observations while determining time activity budgets, it was suggested that about 10 mg of diphacinone was consumed following a single day of exposure, whereas 70 mg of diphacinone was consumed by crows in the 6-d-exposure group. One of the crows exposed for 6 d exhibited blood in the nares and petechial hemorrhages on the cloacal mucosa. There was evidence of lengthened PT in both of the dosed groups compared with controls, but white blood cell counts and clinical plasma chemistries were unaffected.

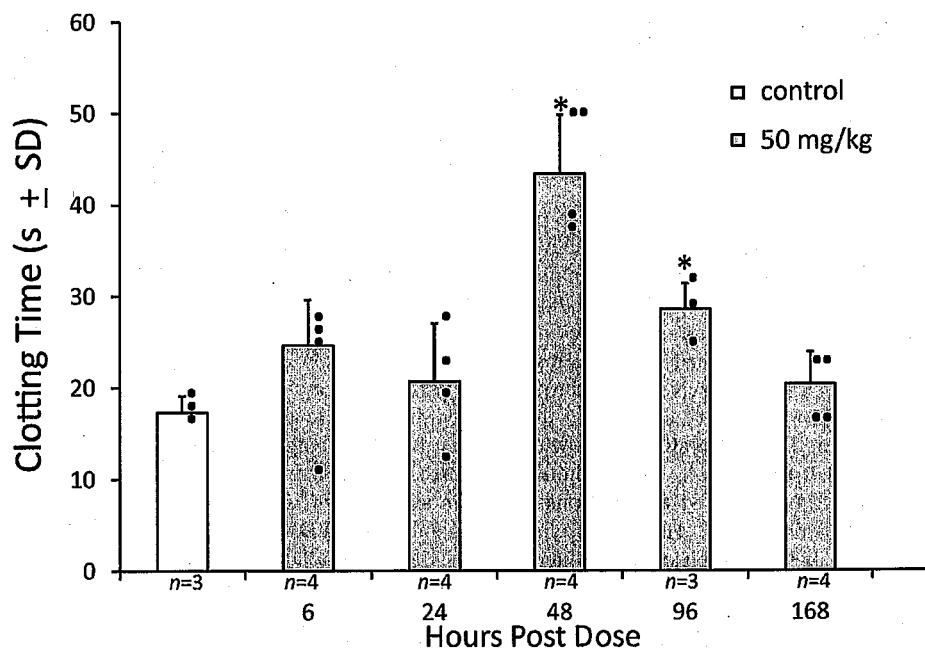


Fig. 5. Prothrombin time (individual values and mean  $\pm$  SD) of American kestrels dosed with diphacinone (50 mg/kg) at 6, 24, 48, 96, and 168 h postdose.  $n$  = No. of kestrels. \*Significantly different ( $p < 0.05$ ) from control collected at 168 h postdose.

Taken together, these studies in raptors (Falconiformes, Strigiformes) indicate that they are considerably more sensitive to diphacinone than are bobwhite and mallards, and their protection may require more substantial safety margins than afforded by avian game bird species traditionally used in pesticide registration studies. Although many factors may account for differences in the sensitivity of raptors to anticoagulant rodenticides (e.g., vitamin K 2,3-epoxide reductase kinetics and inhibition, rodenticide metabolism and clearance), a recent study demonstrated that hydroxylation rates of warfarin

in the great horned owl and snowy owl (*Bubo scandiacus*) are but a small fraction of that observed in mallards, chickens (*Gallus gallus*), and laboratory rats [21].

#### Histopathology, diphacinone residues, and clotting time

Only modest evidence of internal bleeding was apparent at necropsy in diphacinone-dosed kestrels. This is in contrast to findings of several anticoagulant rodenticide dosing trials in raptors that have reported external bleeding and extensive internal hemorrhages at necropsy [18,19,22,23]. Nonetheless,

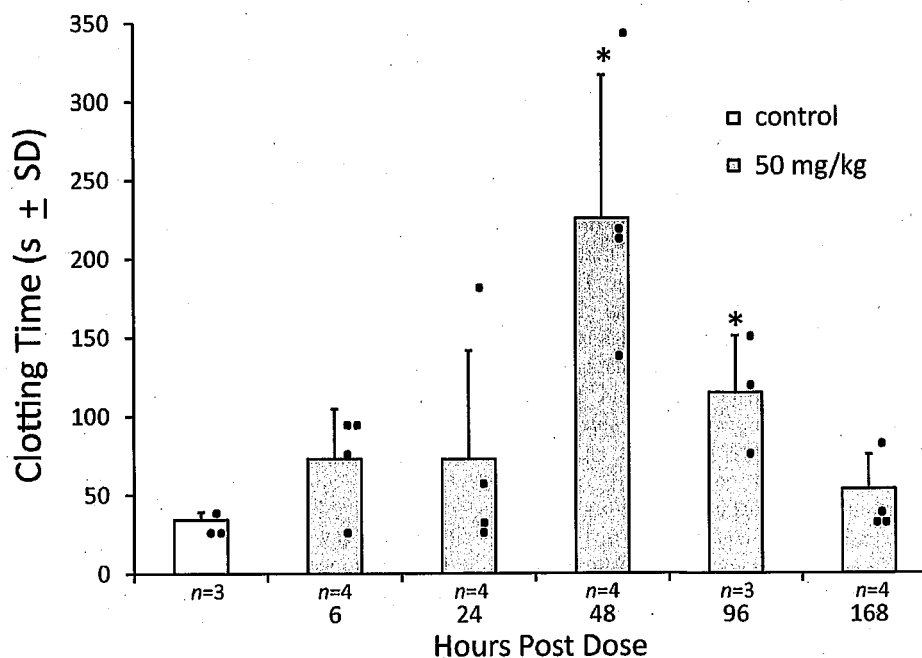


Fig. 6. Russell's viper venom time (individual values and mean  $\pm$  SD) of American kestrels dosed with diphacinone (50 mg/kg) at 6, 24, 48, 96, and 168 h postdose.  $n$  = No. of kestrels. \*Significantly different ( $p < 0.05$ ) from control.

histopathological observations of kestrels document hemorrhage in heart, liver, kidney, lung, intestine, and skeletal muscle over a wide range of doses. Hemorrhage in major organs and vessels was likely to be a contributor to death, if not the definitive cause of mortality. However, histopathological observations alone are generally not considered diagnostic of anticoagulant intoxication [24].

Although the half-life of diphacinone in birds has yet to be reported, data from the present study indicate that it is rapidly cleared from liver, and presumably other tissues. For example, kestrels that succumbed to diphacinone (79 to 675 mg/kg) within 48 h of dosing had liver concentrations exceeding 13 µg/g wet weight, whereas dosed individuals (35.1–79 mg/kg, and a single bird at 266.7 mg/kg) that survived the 7-d trial had concentrations < 0.8 µg/g. A preliminary estimate of the hepatic diphacinone half-life in kestrels orally dosed with 50 mg/kg suggests an overall half-life of 22 h, with an initial phase (6–48 h postdose) half-life of 7.8 h and terminal phase (48–168 h postdose) half-life of 59.8 h (K.E. Horak, personal communication). The hepatic half-life of diphacinone in laboratory rats is about 3 d [25], and in pigs (*Sus scrofa*) the overall half-life is about 5.43 d, with an initial phase (1–3 d) half-life of 1.30 d and a terminal phase half-life of 14.12 d [26]. Taken together, these data suggest that diphacinone is cleared more rapidly in kestrels than in rats and pigs. Tissue concentrations of anticoagulant rodenticides associated with adverse effects in raptors have yet to be definitively established, although hepatic concentrations of 0.1 to 0.2 µg brodifacoum/g wet weight in combination with evidence of hemorrhage have been considered diagnostic of death from secondary rodenticide poisoning [1,4]. Notably, tissue concentrations of anticoagulant rodenticides are likely much greater in acute toxicity studies than in rodenticide-poisoned wild birds (N.B. Vyas, U.S. Geological Survey, Patuxent Wildlife Research Center, Beltsville, MD, personal communication), although histological evidence of hemorrhage in lung and liver of kestrels was apparent at 0.263 and 0.280 µg diphacinone/g wet weight of liver, which is just above the diphacinone method limit of detection.

Anticoagulant rodenticides irreversibly inhibit vitamin K epoxide reductase that is necessary for post-translational carboxylation of the prothrombin group of serine protease coagulation factors (factors II, VII, IX, and X), and without the carboxyl group these factors do not assemble on cell surfaces to form active coagulation complexes [27]. Detection of vitamin K-dependent coagulopathy in kestrels employed a combination of assays [13], namely, PT and RVVT, that reflect effects on clotting factors (for review see Powers [28]) and measurement of fibrinogen to rule out improper sample collection and other pathophysiologic conditions (e.g., hepatic synthetic failure, disseminated intravascular coagulation) that can affect clotting time [29]. Prolonged clotting time was apparent at 48 h following administration of a single oral 50 mg diphacinone/kg dose to kestrels, remained elevated at 96 h postdose, and clearly exceeded the 25% increase above reference PT values that is suggestive of anticoagulant exposure [30]. The lag time between dosing and development of coagulopathy reflects the half-life clearance of functional coagulation factors (half-life of factors II, VII, IX, and X in humans are 120, 6, 18, and 65 h, respectively [31]; see [http://www.r2diagnostics.com/cascade\\_r2/r2.cascade2007.pdf](http://www.r2diagnostics.com/cascade_r2/r2.cascade2007.pdf)) and increasing circulation of des-carboxy dysfunctional factors. Notably, the onset of prolonged PT and RVVT corresponds with, and may even precede, overt toxicity and lethality at the doses used in the acute toxicity studies. A similar time course of coagulopathy was observed in

a small trial in which kestrels received 50 mg/kg as a divided dose (four capsules administered over a 24-h period) [32]. In the study of golden eagles fed meat from diphacinone-treated sheep [18], overt signs of toxicity appeared to correspond to prolonged PT, and several other studies in various species of birds have documented prolonged clotting within days of gavage or dietary exposure to anticoagulant rodenticides [33–36] (K.H. Webster, 2009, Master's thesis, Simon Fraser University, Burnaby, BC, Canada).

#### Risk evaluation

As part of a Special Local Needs pesticide registration (FIFRA Section 24c) for broadcast application of diphacinone (0.005% in a grain-based pellet) for the control of rodents and wild pigs in Hawaii, its hazard to various species of birds was evaluated by both deterministic [37] and probabilistic [38] risk assessments. Using the greatest quantity of diphacinone found in a pig liver (3.07 mg/kg) and the available toxicity data for game birds (LD<sub>50</sub> > 400 mg/kg for bobwhite), Eisemann and Swift [37] estimated the quantity of pig liver that would have to be scavenged by a Hawaiian hawk (*Buteo solitarius*; Federally listed as endangered) or a Hawaiian short-eared owl (*Asio flammeus sandwichensis*; State of Hawaii listed as endangered) to receive a median lethal dose would be 58.6 kg and 45.6 kg, respectively. Because diphacinone is now known to be less toxic to game birds (LD<sub>50</sub> 2,014 mg/kg for bobwhite and LD<sub>50</sub> 3,158 for mallard) [8,13], the quantity of pig liver that would have to be scavenged by these Hawaiian raptors would be even greater than originally estimated [37]. As a preliminary effort to refine this risk assessment, we used the acute toxicity data for American kestrels (LD<sub>50</sub> 96.8 mg/kg) from the present study. It is unlikely that the Hawaiian hawk or short-eared owl would frequently scavenge pigs, so we employed hepatic diphacinone residue data from field trials in Hawaii involving black rats (*Rattus rattus*; extreme value = 12 mg/kg) that would more likely be consumed by the Hawaiian hawk and house mice (*Mus musculus*; extreme value = 3.8 mg/kg) that would more likely be consumed by the short-eared owl (E.B. Spurr, U.S. Geological Survey, Pacific Island Ecosystem Research Center, Honolulu, HI, unpublished data).

Using the aforementioned diphacinone potency estimates for kestrels and rodent liver residue data in a deterministic approach [37], a 0.45-kg Hawaiian hawk would have to consume 3.63 kg of liver from black rats and a 0.35-kg short-eared owl would have to consume 8.92 kg of liver from house mice in order to ingest an acute median lethal dose in a 24-h period (Supplemental Data, Table S1). If sublethal effects in kestrels were considered (e.g., 50 mg/kg prolonged PT and RVVT, and 35.1 mg/kg produced microscopic hemorrhages), the amount of rodent liver consumed within a 24-h period would be even lower, 1.32 kg for the hawk and 3.24 kg for the short-eared owl. These quantities of liver are far greater than the weight of both the Hawaiian hawk and short-eared owl, so the risk associated with a single-day exposure to diphacinone would be low. However, applying the kestrel dose–response curve for lethality and the rodent liver residue data in the probabilistic-based 1-d exposure model described by Johnston et al. [38], 50% of male Hawaiian hawks would have a 1% probability of mortality if they consumed 0.0035 kg of liver from diphacinone-poisoned rats (Supplemental Data, Fig. S2). Likewise, 50% of the male Hawaiian short-eared owls would have a 1% probability of mortality if they consumed 0.0044 kg of mouse liver (Supplemental Data, Fig. S3). Because the dose–response curve does not permit an estimate of zero probability of lethality, the LD<sub>01</sub>



was used as a surrogate metric for the no-effect level. For most wildlife populations, toxicant exposures associated with the LD01 would likely have little impact on population viability, although for endangered species this approach may be valid, insofar as regulations (e.g., Endangered Species Act) do not permit adverse impacts on such species. If the objective of natural resource managers is to ensure the viability of a particular wildlife species, the relative harm of rodenticides should be compared with the estimated rodent-induced population effects in the absence of such control.

Given the data for the lowest lethal dose (LLD) for repeated dietary exposures in mallards (LLD = 0.6 mg/kg/d) [37] (R. Long, Wildlife International, Easton, MD, USA, unpublished data) and the liver residue data from black rats and house mice, adverse effects could occur if consumption by the hawk exceeded 0.022 kg of rat liver/d and if consumption by the short-eared owl exceeded 0.055 kg of mouse liver/d, suggesting that repeated exposure would constitute a moderate risk to these species (Supplemental Data, Table S1). Furthermore, prolonged PT in 5- and 10-d feeding trials in golden eagles [18,37] occurred following ingestion of 0.11 mg diphacinone/kg/d, suggesting that the lowest observed effect level for the hawk and short-eared owl could be 0.004 kg of rodent liver/d and 0.010 kg of rodent liver/d, respectively. Under this scenario, the quantities of liver are < 5% of the body weight of these raptors (viz. 4 g is 0.9% of hawk body weight and 10 g is 2.9% of owl body weight), so the Hawaiian hawk and short-eared owl would be at substantial risk of sublethal exposure. In view of the paucity of threshold effects data following repeated daily exposure of raptors to diphacinone, additional feeding trials in kestrels and owls are warranted to characterize better the uptake, tissue half-life, PT and RVVT responses, other potential adverse effects, and overall risk to birds of prey.

### CONCLUSIONS

Diphacinone was found to be considerably more toxic to American kestrels than previously reported in traditionally used avian wildlife test species. Sublethal effects on blood clotting were detected at a dose of 50 mg/kg, and histological evidence of hemorrhage was observed at 35.1 mg/kg. Measurement of diphacinone residues in liver suggest that its half-life may be shorter than that reported for rats and pigs. Recent restrictions on the use of some second-generation anticoagulant rodenticides (<http://www.epa.gov/pesticides/reregistration/rodenticides/finalriskdecision.htm>) may result in increased diphacinone application. In conjunction with its implication in some mortality events in raptors [1,9], and the paucity of threshold effects data following repeated daily exposure of birds of prey, additional feeding trials with diphacinone and other more toxic anticoagulant rodenticides (e.g., brodifacoum) in captive American kestrels and Eastern screech-owls are warranted to characterize better the risk of secondary poisoning.

### SUPPLEMENTAL DATA

**Table S1.** Acute and sublethal dietary risk to birds from secondary poisoning by consumption of contaminated rodents. (36 KB PDF)

**Fig. S1.** Effect of diluting citrated kestrel plasma with phosphate buffer (100, 60, 40, 20, and 15% plasma) on prothrombin time ( $Y = 9,605 + 16,289e^{-0.321(\% \text{ plasma})}$ ;  $R^2 = 0.99$ ).

**Fig. S2.** Probability mortality curve (LD01) of Hawaiian hawk consuming diphacinone-poisoned black rats.

**Fig. S3.** Probability mortality curve (LD01) of diphacinone in Hawaiian short-eared owl consuming poisoned house mice. (167 KB PDF)

**Acknowledgement**—The authors thank Wayne C. Bauer and Mary E. Maxey for animal care; Joann Beaver, Nimish B. Vyas, and Gary H. Heinz for suggestions related to dosing of kestrels; J. Christian Franson and Lesanna L. Lahner for help with preliminary studies; Marjory B. Brooks for guidance on the development of clotting assays; and Rebecca S. Lazarus for assistance with some statistical analyses. This work was supported by the U.S. Department of Agriculture, the U.S. Geological Survey, and a grant from the California Department of Food and Agriculture Vertebrate Pest Control Research Advisory Committee (agreement 07-0832). Any use of trade, product, or firm names is for descriptive purposes only and does not imply endorsement by the U.S. government.

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Received from PSFE

Jan 9, 2013

From: Susan JunFish, Parents for a Safer Environment, Steering Committee

To: IPM Advisory Committee

Rodenticide usage by the Department of Agriculture in open space and by the Public Works Dept contractors in school yards and other landscaped areas near civilians is not practiced by other counties with IPM Ordinances like Marin, S.F. and Santa Clara Counties.

Our county is endangering pets and wildlife with the use of diphacinone, according to the literature.

Kestrels were shown to be 20-35x more sensitive than non-predatory birds. As low as 35 mg/kg diphacinone showed internal bleeding in Kestrels. Hemorrhaging included liver, kidney, lung, intestine, and skeletal muscles. Authors conclude that Raptors may be at higher risk from diphacinone than understood previously. Please see full study as provided, and also electronically.

~ Rattner et al, Environmental Toxicology, May 2011

All Bobcats that died from a common mite that causes mange were biopsied and found to have rodenticides in their livers. Authors state that the animals may have a lowered immune system from the exposure and thus a natural parasite such as the mite may have been able to overcome the bobcat.

~ Laurel Serieys et al, Journal of Wildlife Management, 2007

The following are the LD 50 for the following animals upon exposure to diphacinone. E.g. the amount (in mg) of diphacinone per kg of animal's weight, to be lethal to at least 50% of a given animal:

- LD 50 in ground squirrels is .5 to 1 mg/kg
- LD 50 in rats is .3 to 7mg/kg
- LD50 in mice is 50 to 300 mg/kg
- LD50 in cats is 15 mg/kg
- LD50 in dogs is 3 to 8 mg/kg
- LD 50 in kestrels is 35 mg/kg

LD 50 data from the Cornell University IPM Cooperative Extension Program.

	Oral LD 50	Average weight	Diphacinone needed to kill individual animal	
<b>Ground Squirrels</b>	.5 to 1 mg/kg	.28-.74kg	High as .74 mg	
<b>Wood rat</b>	.3 to 7 mg/kg	.2 - .5 kg	High as 3.5 mg	
<b>mice</b>	50 to 300 mg/kg	.01 - .04kg	High as 12 mg	
<b>Cats</b>	15 mg/kg	3 -7 kg	As low as 45mg	Takes less than 4 mice or 13 rats
<b>Dogs</b>	3.0 - 7.5 mg/kg	> 20 kg eat ground squirrel	As low as 60 mg	Takes 5 mice or 17 rats
<b>Mallard ducks</b>	3158 mg/kg	1-1.4 kg	As low as 3,158 mg	-
<b>Northern Bobwhite</b>	2,014 mg/kg	.15 kg	As low as 302 mg	-
<b>Kestrels</b>	97 mg/kg	.08 - .12 kg	As low as 7.8 mg	Takes <1 mouse
<b>Red Tailed Hawk</b>	Predatory birds likely similar	.69 - 1.3 kg	? 67 mg ?	Takes 5 mice or 17 rats or 90 g.s.
<b>Bobcat</b>	indirect death via lowered immune system and inability to overcome stress from mites.	6 - 18 kg		

The endangered San Joaquin kit fox (*Vulpes macrotis mutica*), several endangered species of kangaroo rats, the riparian brush rabbit (*Sylvilagus bachmani riparius*), the riparian wood rat (*Neotoma fuscipes riparia*), and some endangered amphibians and reptiles also are within the California ground squirrels' range, so some squirrel control techniques could impact them as well.

~ UC IPM Cooperative Extension

# 2014 DROUGHT

## Impacts and Actions: What You Need to Know

**WHAT:** 2014 Drought Briefing – Impacts and Actions: What You Need to Know

**WHEN:** Friday, February 14, 2014, 9 a.m. to 12:30 p.m.

**WHERE:** Crest Theater, 1013 K Street, Sacramento

### INTENDED AUDIENCE:

**Media, local elected officials, water managers, legislative staff, statewide business / agricultural leaders.**

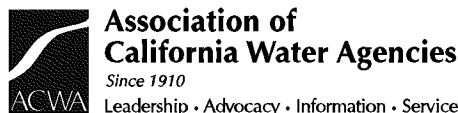
Whether it's the lowest Sierra snowpack on record or the historic announcement of zero deliveries from the State Water Project, it's clear that California is in a drought of epic proportions.

Local, state and federal agencies are mobilizing to address the challenge, but experts agree we are in uncharted territory. What will these unprecedented conditions and unprecedented response measures mean for Californians in 2014? How will impacts of the drought reverberate across the state this summer?

Find out what you need to know at a special briefing on the 2014 drought sponsored by the Association of California Water Agencies (ACWA), the California Department of Water Resources, the California State Association of Counties (CSAC), the League of California Cities, the California Farm Water Coalition, the California Farm Bureau Federation, the Metropolitan Water District of Southern California and others. The briefing is set for 9 a.m. to 12:30 p.m. on Friday, Feb. 14 at the Crest Theater in Sacramento.

*For more information, contact Paula Currie at 916-441-4545*

**This program is underwritten by:**



**CALIFORNIA FARM  
WATER COALITION**



**THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA**



**CALIFORNIA FARM BUREAU FEDERATION**



### REGISTRATION

Registration is available online at  
**WWW.ACWA.COM**

There is no charge to attend this event, but registration is required.

There will be a live webcast of the event. Please register to receive the webcast information.



### HOTEL

This event does not have a room block reserved.

*Participants are responsible for their own lodging or driving in on their own.*



### PRELIMINARY AGENDA

Among the topics to be covered:

- Overview of California's Drought Conditions
- A Look at Local Impacts Around the State
- Managing the Drought Crisis on the Ground
- The Ripple Effect
- Reaching the California Consumer

**GO TO ACWA.COM FOR UPDATED INFO**

**Office of the County Counsel**  
651 Pine Street, 9th Floor  
Martinez, CA 94553

Contra Costa County  
Phone: (925) 335-1800  
Fax: (925) 646-1078

**Date:** January 15, 2014

**To:** David W. Twa, County Administrator,  
Attn: Tiffany Lennear, Chief Clerk of the Board of Supervisors,  
County Boards, Commissions, and Committees and their Administrative  
Officers and Secretaries

**From:** Sharon L. Anderson, County Counsel  
By: Mary Ann McNett Mason, Assistant County Counsel

*M.A.M.*

**Re: Ralph M. Brown Act Amendment Requires Detailed Public Report of  
Individual Votes**

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For your information, we discuss a recent amendment to the Ralph M. Brown Act, the open meeting law, Statutes of 2013, Chapter 257, effective January 1, 2014. Government Code section 54953, subsection (c) (2) now provides:

“The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.”

Previously, the law prohibited public bodies from voting by secret ballot, but did not expressly require that individual votes be reported on open session items, unless the meeting involved a teleconference location.<sup>1</sup> Thus, some agencies would state in their minutes that an item passed, without specifying how the various board members voted. This made it hard for members of the public either not attending the meeting, or watching the meeting of a very large body, to know with certainty how individual members voted on any given item. Government Code section 54953 (c) (2) was added to improve public accountability by requiring agencies to clearly report the vote or abstention of each member present at the meeting.<sup>2</sup>

#### **A. Specificity in Minutes/Record of Actions Now Required**

To comply with this new public reporting requirement, each time a board, committee, or commission votes on an agenda item, the minutes or record of actions must

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<sup>1</sup> Gov. Code, § 54953 (b) (2).

<sup>2</sup> Senate Floor, Bill Analysis, SB 751 (5/28/13); Assembly Committee on Appropriations, Bill Analysis, SB 751 (7/3/13).

state how each individual board or committee member voted. If the member did not vote, the minutes/record of actions must specify whether the member was absent or abstained. To do this, include the following information in the minutes/record of actions for every vote:

AYES: (list names of members voting aye)  
NOES: (list names of members voting no)  
ABSENT: (list names of members absent)  
ABSTAIN: (list names of members who abstained)

A written record of the body's actions must be made available for public review. This is usually done by posting approved minutes or a record of actions.

If bodies pass resolutions or otherwise reflect their actions by annotating individual board orders, these documents must detail the vote in the form shown above. A simple statement of the number of votes pro and con on a resolution or an annotated board order will not suffice. Each board member's name and vote, absence, or abstention also must be listed on the resolutions or board orders.

#### **B. Enhancing Transparency in Open Session**

Sometimes when a vote taken in open session is not unanimous, it can be difficult for members of the public attending the meeting to follow. To enhance transparency in this circumstance, it is a good practice to publicly announce the vote immediately after it occurs. After a vote in open session that either is not unanimous or from which a member abstains, the chair may summarize the vote and action taken as follows:

"The motion passes 3-2, with Smith and Jones dissenting. Item x is approved." or

"The motion passes 4-0, with Smith abstaining. Item x is approved."

"The motion fails 3-2, with Smith, Jones, and Black voting against. Item x is not approved."

#### **C. Report of Vote following Closed Session**

Not all boards, committees, and commissions are authorized by the Brown Act to meet in closed session. Legal counsel must always be consulted before listing a closed session item on an agenda. When a closed session is authorized, and the body reports an

action taken in closed session in the minutes/record of actions or other written document, the same format described in Section A above must be used to describe the vote.<sup>3</sup>

In an oral report of action taken or direction given in a closed session, the vote or abstention of every member present for the closed session must be reported. This applies even if the vote is unanimous.<sup>4</sup> For example, the chair or counsel may state:

“In closed session, the board voted unanimously to seek appellate review in the case of *Green v. Miller*.” or

“In closed session, the board voted 3-2, to seek appellate review in the case of *Green v. Miller*, with Smith, Jones, and Black voting aye, and White and Rose dissenting.” or

“In closed session, the board voted unanimously to seek appellate review in the case of *Green v. Miller*, with Black abstaining.

MAM/am

cc: Members, Board of Supervisors  
County Administrator  
Attn: Terry Speiker, Chief Assistant County Administrator  
Julie Enea, Senior Deputy County Administrator  
Department Heads  
Steven Moawad, Senior Deputy District Attorney

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<sup>3</sup> Gov. Code, §§ 54953, 54957.1.

<sup>4</sup> Gov. Code, § 54957.1.



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

6.

**Meeting Date:** 02/12/2014

**Submitted For:** Catherine Kutsuris, Conservation and Development Director

**Department:** Conservation & Development

**Referral No.:** N/A

**Referral Name:** Review 2014 Referrals

**Presenter:** John Cunningham

**Contact:** John Cunningham, (925)  
674-7833

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#### **Referral History:**

N/A

#### **Referral Update:**

The Committee should review referrals to the Committee for consideration in 2014, adopt meeting calendar for 2014, and revise the Committee mailing list as appropriate.

#### **Recommendation(s)/Next Step(s):**

REVIEW, REVISE as appropriate, and APPROVE; the 2014 referrals, the 2014 calendar, and the Committee mailing list.

#### **Fiscal Impact (if any):**

No fiscal impact.

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#### **Attachments**

TWIC List of Referrals for 2014

Draft TWIC 2014 Meeting Schedule

2014 TWIC Mailing List

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**2014 Referrals to the  
Transportation, Water and Infrastructure Committee**  
(From January 14, 2014 Board Order with track changes removed)

1. Review legislative matters on transportation, water, and infrastructure.
2. Review applications for transportation, water and infrastructure grants to be prepared by the Public Works and Conservation and Development Departments.
3. Monitor the Contra Costa Transportation Authority including efforts to implement Measure J.
4. Monitor EBMUD and Contra Costa Water District projects and activities.
5. Review issues associated with the health of the San Francisco Bay and Delta, including but not limited to Delta levees, flood control, dredging, drought planning, habitat conservation, development of an ordinance regarding single-use plastic bags and polystyrene, and water quality, supply and reliability.
6. Review issues associated with County flood control facilities.
7. Monitor creek and watershed issues and seek funding for improvement projects related to these issues.
8. Monitor the implementation of the Integrated Pest Management policy.
9. Monitor the status of county park maintenance issues including, but not limited to, transfer of some County park maintenance responsibilities to other agencies and implementation of Measure WW grants and expenditure plan.
10. Monitor and report on the East Contra Costa County Habitat Conservation Plan.
11. Review the ability to revise the County design standards for residential streets to address traffic calming and neighborhood livability issues when these roads are built.
12. Monitor and report on the Underground Utilities Program.
13. Monitor implementation of the Letter of Understanding with PG&E for the maintenance of PG&E streetlights in Contra Costa.
14. Freight transportation issues, including but not limited to potential increases in rail traffic such as that proposed by the Port of Oakland and other possible service increases, safety of freight trains and trucks that transport hazardous materials, the planned truck route for North Richmond; and the deepening of the San Francisco-to-Stockton Ship Channel.
15. Monitor the Iron Horse Corridor Management Program.
16. Monitor and report on the eBART Project.
17. Review transportation plans and services for specific populations, including but not limited to *County Low Income Transportation Action Plan, Coordinated Human Services Transportation Plan for the Bay Area, Priorities for Senior Mobility, Bay Point Community Based Transportation Plan, Contra Costa County Mobility Management Plan*, and the work of Contra Costans for Every Generation.
18. Monitor issues of interest in the provision of general transportation services, including but not limited to public transportation and taxicab services
19. Monitor the statewide infrastructure bond programs.



# TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

Supervisor Mary N. Piepho, District III, Chair  
Supervisor Candace Andersen, District II, Vice Chair

## DRAFT

### 2014 Meeting Schedule

DATE	ROOM	TIME
February 12	Room 101	11:00 a.m. to 1:00 p.m.
March 6	Room 101	1:00 to 3:00 p.m.
April 3	Room 101	1:00 to 3:00 p.m.
May 1	Room 101	1:00 to 3:00 p.m.
June 5	Room 101	1:00 to 3:00 p.m.
July 3	Room 101	1:00 to 3:00 p.m.
August 7	Room 101	1:00 to 3:00 p.m.
September 4	Room 101	1:00 to 3:00 p.m.
October 2	Room 101	1:00 to 3:00 p.m.
November 6	Room 101	1:00 to 3:00 p.m.
December 4	Room 101	1:00 to 3:00 p.m.

The Agenda Packets will be mailed out prior to the meeting dates.

**For Additional Information Contact:**

John Cunningham, Committee Staff  
Phone (925) 674-7833  
[John.Cunningham@dcd.cccounty.us](mailto:John.Cunningham@dcd.cccounty.us)

# TWIC

# \*Full Packets Mailed

0 ★

BGO/Chron

0 ★

Clerk of the Board

0 ★

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-1  
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Save the Bay

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State Capitol, Room 2188  
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Joyce Ring-Reaves Conservation and Development 30 Muir Road Martinez, CA 94553	0	Pam Romo Friends of the Creeks 1929 Glenhaven Ave. Walnut Creek, CA 94595	0	Grace Schmidt 2394 Ironwood Place Alamo, CA 94507	0
Karen Schuler	0	Shirley Shelangoski	0	Terry Shoaff Contra Costa Council 1355 Willow Way, Suite 253 Concord, CA 94520	0
Corey Simon City of Martinez 525 Henrietta Street Martinez, CA 94553	0	Ellen Smith BART Planning Department 300 Lakeside Drive, 16th Floor Oakland, CA 94607-2688	0		
Robert Vaclav	0	Tomi Van de Brooke 11th Assembly District 2151 Salvio Street, Suite 395 Concord, CA 94520	0	Kerri Watt Private Island Homes 1499 Danville Blvd, Ste 200 Alamo, CA 94507	0
Mark Watts Smith, Watts & Company 1111 L Street Sacramento, CA 95814	0	Jack Weir City of Pleasant Hill 100 Gregory Lane Pleasant, CA 94523	0	Mike Yeraka Diablo Water District PO Box 127 Oakley, CA 94561	0
Linda Zimmerman CCC Public Works Dept. 255 Glacier Drive Martinez, CA 94553	0				



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

7.

**Meeting Date:** 02/12/2014  
**Department:** Conservation & Development  
**Referral No.:** 15  
**Referral Name:** RECEIVE report regarding Kinder Morgan's Integrity Management Program (IMP)  
**Presenter:** Carrie Ricci, Public Works Department  
**Contact:** (925) 313-2235

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#### **Referral History:**

N/A

#### **Referral Update:**

RECEIVE report regarding Kinder Morgan's Integrity Management Program (IMP) and forward to the Board of Supervisors for consideration and approval to send a letter to the State Fire Marshal requesting a review of the IMP for the Kinder Morgan pipeline in Central and South Contra Costa County.

#### **Recommendation(s)/Next Step(s):**

Forward the report to the Board of Supervisors for consideration and approval to send a letter to the State Fire Marshal requesting a review of the IMP for the Kinder Morgan pipeline in Central and South Contra Costa County.

#### **Fiscal Impact (if any):**

N/A

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#### **Attachments**

Kinder Morgan IMP Attachment

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Contra Costa County  
**Public Works**  
D e p a r t m e n t

Julia R. Bueren, Director

Deputy Directors

Brian M. Balbas

Stephen Kowalewski

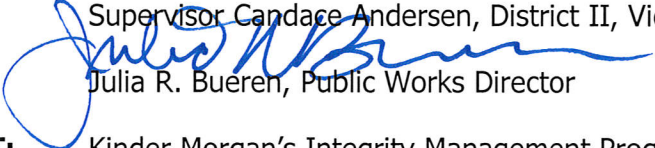
Stephen Silveira

Joe Yee

## Memo

**DATE:** January 28, 2014

**TO:** Supervisor Mary N. Piepho, District III, Chair  
Supervisor Candace Andersen, District II, Vice Chair

**FROM:**  Julia R. Bueren, Public Works Director

**SUBJECT:** Kinder Morgan's Integrity Management Program

### Recommendation:

Receive report regarding Kinder Morgan's Integrity Management Program (IMP) and forward to the Board of Supervisors for consideration and approval to send a letter to the State Fire Marshal requesting a review of the IMP for the Kinder Morgan pipeline in Central and South Contra Costa County.

### Financial Impact:

There is no impact to the County General Fund.

### Report Background:

In February 2013, Supervisor Andersen requested that the Hazardous Materials Commission provide input on whether the Kinder Morgan pipeline running parallel to the Iron Horse Trail through Central Contra Costa County contains the adequate number of valves and the right type of valves to protect nearby communities in the event of a spill or explosion. A concern was raised by nearby residents as a result of the role inadequate valves played in the San Bruno PG&E pipeline explosion.

In response to this request, Michael Kent, Executive Assistant to the Hazardous Material Commission in coordination with the Hazardous Materials Commission collected the following information:

The Kinder Morgan Pipeline is governed by federal regulations found in 49CFR 195 enforced by the Pipeline and Hazardous Materials Safety Administration (PHMSA) which is part of the Federal Department of Transportation. The relevant section of CFR195 is section 452, which governs pipeline integrity management in high consequence areas. The Kinder Morgan pipeline is located is considered a high consequence area.

This section states, in part, (Sec 195.452 (i)):



An operator must take measures to prevent and mitigate the consequences of a pipeline failure that could affect a high consequence area. These measures include conducting a risk analysis of the pipeline segment to identify additional actions to enhance public safety or environmental protection. Such actions may include, but are not limited to, implementing damage prevention best practices, better monitoring of cathodic protection where corrosion is a concern, establishing shorter inspection intervals, installing EFRDs (emergency flow restriction devices) on the pipeline segment, modifying the systems that monitor pressure and detect leaks, providing additional training to personnel on response procedures, conducting drills with local emergency responders and adopting other management controls.

The Commission tried to ascertain whether such an analysis had been done on this segment of the Kinder Morgan pipeline, and the results and evaluation of that analysis, by contacting Kinder Morgan, PHMSA and the State Fire Marshal. The State Fire Marshal shares regulatory oversight of this Pipeline with PHMSA because it is an interstate pipeline.

In a telephone conference call with PHMSA and the State Fire Marshal on October 10, 2013, Michael Kent learned that there has been a consent agreement with Kinder Morgan since 2005 for the whole Western Region governing their Integrity Management Program (IMP). In 2006 Kinder Morgan's Integrity Management Program was reviewed by PHMSA and the State Fire Marshal. They didn't look at the results for this specific pipeline, but at Kinder Morgan's overall procedure for conducting their IMP, which they found adequate. They completed another review of Kinder Morgan's pipelines in the Western Region this year, but again didn't look at the IMP for this section of pipeline specifically. They did perform a physical inspection.

At the end of the conversation, the representative from the State Fire Marshal's office said that County can request that the State Fire Marshal's review the IMP for this section of the pipeline, but it would depend on their workload, priorities, and the demand for such an analysis.

This information was shared with the Alamo Municipal Advisory Council on January 7, 2014. The Council requested that staff move forward on this. Supervisor Andersen has also expressed her support for this request to go to the State Fire Marshal.

**Consequences of Negative Action:**

The State Fire Marshal may not perform a review of Kinder Morgan's IMP for the section of pipeline that runs through County Costa County.

Please feel free to contact Carrie Ricci at 313-2235 with any additional questions.

JRB:CR:mw

G:\transeng\Iron Horse Corridor\Utilities (misc)\Kinder Morgan\TWIC Memo 2-2014 Review IMP KM Pipeline.docx  
Enclosure

c: Michael Kent, Health Services

# County Administrator

County Administration Building  
651 Pine Street, 10th Floor  
Martinez, California 94553-1229  
(925) 335-1080  
(925) 335-1098 FAX

**David J. Twa**  
County Administrator

# Contra Costa County



## Board of Supervisors

**John M. Gioia**  
1<sup>st</sup> District

**Candace Andersen**  
2<sup>nd</sup> District

**Mary N. Piepho**  
3<sup>rd</sup> District

**Karen Mitchoff**  
4<sup>th</sup> District

**Federal D. Glover**  
5<sup>th</sup> District

February [ ], 2014

Bob Gorham, Division Chief  
CAL FIRE  
Office of the State Fire Marshal  
Pipeline Safety Division  
3950 Paramount Blvd., #210  
Lakewood, CA 90712

**RE: Integrity Management Program Review of Kinder Morgan Pipeline**

Dear Chief Gorham:

After the 2010 PG&E gas pipeline explosion and fire in San Bruno, many residents in Central Contra Costa County that live near the Kinder Morgan pipeline running parallel to the Iron Horse Trail have expressed concern about the safety of that pipeline. We understand that your agency shares the responsibility of overseeing the safety of this pipeline with the Federal Department of Transportation, and that a satisfactory physical review of this pipeline was conducted in 2012. However, we also understand that the integrity management risk analysis required by Federal pipeline regulations that was conducted by Kinder Morgan on this segment of pipeline has not been reviewed by your office or the Federal Department of Transportation.

Therefore, we are writing to request that before the next full review of this pipeline your office review the integrity management risk analysis that was done on this segment of the pipeline by Kinder Morgan, determine if it was adequately done, and determine if Kinder Morgan completely implemented all the recommendations resulting from that analysis. Specifically, we request that your agency review the integrity management risk analysis that was conducted by Kinder Morgan required by 49CFR195.452(i) on line section 16 of Fire Marshal line # 0277 that runs through Central and South Contra Costa County parallel to the Iron Horse Trail in the Iron Horse Corridor.

We request that you share the results of this analysis at the County Board of Supervisors Transportation, Water and Infrastructure Committee Meeting. The committee meets monthly. Please contact Carrie Ricci at (925) 313-2235 if you have any questions. She can also schedule you or your staff to attend a future committee meeting.

Should you have any questions, please contact me at (925) 521-7100.

Sincerely,

Karen Mitchoff  
Chair, Board of Supervisors



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

8.

**Meeting Date:** 02/12/2014  
**Submitted For:** Catherine Kutsuris, Conservation and Development Director  
**Department:** Conservation & Development  
**Referral No.:** 1  
**Referral Name:** Review legislative matters on transportation, water, and infrastructure.  
**Presenter:** John Cunningham      **Contact:** John Cunningham, (925) 674-7833

### **Referral History:**

This is a standing item on the Transportation, Water, and Infrastructure Committee referral list.

### **Referral Update:**

In developing state legislative items to bring forward for the Committees consideration, staff considers the County's adopted 2014 State Legislative Platform (attached), consults with our state legislative advocate (Mark Watts - Smith, Watts & Martinez LLC), and coordinates with partner agencies and organizations.

In addition to the report provided by Mr. Watts below, the following is attached for the Committees consideration: Attached are items relevant to the subject item for the Committees consideration and reference:

1. Contra Costa County Adopted 2014 State Legislative Platform
2. DRAFT - Contra Costa County School Siting and Safety Initiative
3. CSAC/CEAC Budget Proposal – Transportation Items
4. Table: Active Transportation Program Proposal Fund Estimate
5. Contra Costa Transportation Authority (CCTA) State Legislative Advocacy Platform

**School Siting** (See attached white paper/policy proposal, "*Contra Costa County School Siting and Safety Initiative*")

The California Department of Education reports that the state needs anywhere from \$6 billion to \$12.3 billion in school-construction dollars, according to the report, and about \$4.7 billion in modernization funding.

California's school bond money from state sources may be tapped out, but local schools and districts have more than \$37 billion in authorized – but unspent – school-construction bonds,

according to a recent report by the state's debt commission. State law requires local school districts to have enough revenue to make payments on the borrowing. But the recession likely upended that math and put a chill on bond sales. A key reason for locals' reticence to sell bonds was a lack of state matching funds, according to a report by a committee assisting the Superintendent of schools.

Any plan for a new state GO Bond would have to win over Gov. Jerry Brown. In his proposed budget earlier this month, Brown voiced skepticism about local school projects relying on significant help from the state... "any future program should be designed to provide districts with the tools and resources to address their core facility gaps, but should also avoid an unsustainable reliance on state debt issuance that characterizes the current school facilities program," the budget summary reads.

The key measure shaping up at this point is a spot bill introduced by Assembly Member Buchanan, AB 1581, and others are anticipated to be introduced in the coming month.

The expected pressure to move a GO Bond to the ballot presents an opportunity to incorporate elements of the adopted county-adopted Legislative Platform related to School Siting into the measure.

### **Iron Horse Update**

Mark Watts has a session scheduled with the new Chair of the California Transportation Commission later in February to introduce the Iron Horse Trail matter.

### **Voter Tax Threshold Effort**

The Governor has not signaled support for a measure in 2014 for voter approval to be place on the General Election ballot in November. Moreover, he has limited his policy in the general area to supporting a modification of the vote requirement related to Infrastructure districts.

Transportation Secretary Kelly has indicated in the context of his the California Transportation Infrastructure Priorities Work Group (CTIP) that any measure that is intended to provide voter threshold reduction for transportation entities should be required to be accompanied by a measure that addresses additional funding for state transportation lifetime costs related to improvement projects on the state system.

As described previously, there are 8 measures in the legislature that would seek to change the constitution to reduce the voter approval threshold for a variety of local taxes, including 3 that are directly applicable to local transportation taxes. However, beyond the challenges represented above, there is a critical political overlay to consider. Recent polling performed by statewide transportation coalitions, which track public attitudes on the voter threshold matter clearly demonstrate that voters are not ready to approve such a concept. The following table reflects this:

Q: Would you favor or oppose a statewide ballot measure to allow local taxes to be approved by a 55% vote, rather than the current two-thirds vote requirement?

	<b>Favor</b>	<b>Oppose</b>	<b>No Opinion</b>	<b>Margin</b>
Nov., 2012	45	45	10	0
Feb., 2013	41	50	9	-9

July, 2013	37	57	6	-20
Oct., 2013	39	55	6	-16
Nov. 2013	35	57	8	-22

## Active Transportation Program

### *Guidelines*

The guidelines for an initial two-year program of projects available through 2015 must be adopted by March 26, 2014. No later than 45 days prior to adopting the initial set of guidelines for the Active Transportation Program, the Commission must submit the draft guidelines to the Joint Legislative Budget Committee.

### *Schedule*

The following schedule lists the major milestones for the development and adoption of the 2014 Active Transportation Program:

Commission adopts Fund Estimate **Completed** December 11, 2013

Guidelines hearing, South **Completed** January 22, 2014

Guidelines hearing, North **Completed** January 29, 2014

Guidelines submitted to the Joint Legislative Budget Committee **Completed** February 3, 2014

Commission adopts Active Transportation Program Guidelines March 20, 2014

Call for projects **Key Date** March 21, 2014

Project applications to Caltrans **Key Date** May 21, 2014

Large MPOs submit optional guidelines to Caltrans May 21, 2014

Commission approves or rejects MPO guidelines June 25, 2014

Staff recommendation for statewide and rural/small urban portions of the program August 8, 2014

Commission adopts statewide and rural/small urban portions of the program August 20, 2014

### *ELIGIBLE APPLICANTS*

The following entities, within the State of California, are eligible to apply for Active Transportation Program funds:

- *Local, Regional or State Agencies*- Examples include city, county, MPO, and Regional Transportation Planning Agency.
- *Caltrans*
- *Transit Agencies* - Any agency responsible for public transportation that is eligible for funds under the Federal Transit Administration.
- *Natural Resource or Public Land Agencies* - Federal, Tribal, State, or local agency responsible for natural resources or public land administration.

## Active Transportation Program - Example Projects And CTC Fund Estimate

### Example Projects

Below is a list of projects considered generally eligible for Active Transportation Program funding. This list is not intended to be comprehensive; other types of projects that are not on this list may also be eligible if they further the goals of the program.

- Development of new bikeways and walkways that improve mobility, access, or safety for nonmotorized users.
- Improvements to existing bikeways and walkways, which improve mobility, access, or safety for non-motorized users.
  - Elimination of hazardous conditions on existing bikeways and walkways.



- Preventative maintenance of bikeways and walkways with the primary goal of extending the service life of the facility.
- Installation of traffic control devices to improve the safety of pedestrians and bicyclists.
- Safe Routes to School projects that improve the safety of children walking and bicycling to school, in accordance with Section 1404 of Public Law 109-59.
- Safe routes to transit projects, which will encourage transit by improving biking and walking routes to mass transportation facilities and school bus stops.
- Secure bicycle parking at employment centers, park and ride lots, rail and transit stations, and ferry docks and landings.
- Bicycle-carrying facilities on public transit, including rail and ferries.
- Establishment or expansion of a bike share program.
- Recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to nonmotorized corridors, and conversion of abandoned railroad corridors to trails.
- Development of a bike, pedestrian, safe routes to schools, or active transportation plan in a disadvantaged community.
- Education programs to increase bicycling and walking, and other non-infrastructure investments that demonstrate effectiveness in increasing active transportation, including but not limited to:
  - Development and implementation of bike-to-work or walk-to-work school day/month programs.
  - Conducting bicycle and/or pedestrian counts, walkability and/or bikability assessments or audits, or pedestrian and/or bicycle safety analysis to inform plans and projects.
  - Conducting pedestrian and bicycle safety education programs.
  - Development and publishing of community walking and biking maps, including school route/travel plans.
  - Development and implementation of walking school bus or bike train programs.
  - Components of open streets events directly linked to the promotion of a new infrastructure project.
  - Targeted enforcement activities around high pedestrian and/or bicycle injury and/or fatality locations (intersections or corridors). These activities cannot be general traffic enforcement but must be tied to improving pedestrian and bicyclist safety.
  - School crossing guard training.
  - School bicycle clinics.
  - Development and implementation of programs and tools that maximize use of available and emerging technologies to implement the goals of the Active Transportation Program.

## **2014-15 State Budget**

### *Overview*

The new budget proposed by Governor Brown calls for spending \$154.9 billion from all funds, about a 5 percent increase over the current year, including \$106.8 billion from the general fund. It projects spending on K-12 schools will grow to almost \$70 billion, an increase of \$22 billion from 2011-12.

In general state general fund revenues increase from \$100 million in the current year to more than \$104 million in the budget year, which combined with a healthy carry-over balance permits proposed general fund spending of \$108 million, up from \$102 million. Also, the proposed budget continues to display a healthy reserve of \$1.9 billion and a jump start on the proposed “Rainy Day fund” of \$1.6 billion.

Due to the lack of detail available at this time this review relies on the Governor’s Budget Summary for information; as more details are available I will update this report.

### *Key Budget Highlights:*

- \$11 billion spent on debt reduction, over the next 3 fiscal years
- Transit and rail receive new funding and SHOPP and local roads maintenance benefit from early repayment of outstanding loans to the General fund
- Motor Vehicle Fuels sales continue to decline
- New “rainy-day fund” plan for November ballot
- Spending on K-12 schools will grow to almost \$70 billion, an increase of \$22 billion from 2011-12.
- 4.2 percent funding increase for UC, CSU; no tuition increases
- 5 percent welfare grant increase

### *Transportation*

The Budget includes total funding of \$15.3 billion (\$83 million General Fund and \$15.2 billion other funds) for all programs administered within the CalSTA Agency.

*Appropriation of Proposition 1B Bond Funds* — The Budget proposes \$1.1 billion in bond funds and administrative cost savings that Caltrans has generated in its management of the bond program.

The funding includes \$793 million to support local transit operators, \$160 million for intercity rail, and \$113 million for additional state highway projects.

*Cap and Trade Funding for Transportation* — The Budget includes Cap and Trade funds for programs that will be administered in full, or in part, by Caltrans (see more detailed under Cap and Trade information, below).

- Rail Modernization — The Budget proposes \$300 million in new funding for rail modernization; including \$50 million for Caltrans and \$250 million for the High-Speed Rail Authority.

The \$50 million in the Caltrans budget will fund competitive grants for existing rail operators to integrate rail systems and to provide connectivity to high-speed rail. The program will be managed by the Transportation Agency, and the work of southern and northern California rail partner groups will be considered in making project selections.

- Sustainable Communities Strategies — The Budget proposes \$100 million for the Strategic Growth Council support implementation of SB 375 sustainable communities strategies. The program will fund transit and transit oriented development that includes low-income housing; active transportation; agricultural land preservation; and related planning..

*Repayment of General Fund Loans* — The Budget includes \$351 million in early General Fund loan repayments. Of the total to be repaid, \$337 million will be used to accelerate preservation and maintenance projects on both state highways and local roads that would otherwise be funded in 2015-16 or thereafter. Accelerating existing projects will allow for new projects to be added to the SHOPP in future years.

Additionally, the proposed repayment includes support for sustainable communities through funding of active transportation and environmental mitigation. Funds from the repayment of General Fund loans will be allocated as follows:

- \$110 million to fund pavement rehabilitation projects on state highways.
- \$100 million to cities and counties for preservation of local streets and roads.
- \$100 million for traffic management mobility projects.
- \$27 million for highway pavement maintenance.
- \$9 million for active transportation projects.
- \$5 million for environmental mitigation.

*Capital Outlay Support Program* — The Capital Outlay Support program provides the resources necessary for design, environmental review, right of way, and construction oversight work for Caltrans’ capital projects.

This year’s budget continues the efforts to bring workload review and zero-based budgeting to key department programs. While Caltrans will continue to explore longer term improvements to both its processes and its internal

controls, the Administration is putting forward the following recommendations:

- (1) Improve project budgets through the development of a predictive tool to help establish initial project budgets that account for various factors like project types, environmental permits, and location,
- (2) Create a methodology for the use of flexible resources to meet overall staffing needs,
- (3) Increase accountability and transparency by aligning support cost guidelines currently used for the State Transportation Improvement Program and the State Highway Operation and Protection Program,
- (4) Consolidate and streamline statewide program management manuals and directives to increase project management efficiency and consistency across all 12 districts.

## **High Speed Rail Authority**

*Cap and Trade Funding* — The Budget includes \$250 million in Cap and Trade expenditures for Phase I project planning (\$58.6 million) and construction and right of way acquisition for the first phase of the Initial Operating Section (\$191.4 million).

According to the Governor, this is part of Rail Modernization, which also includes \$50 million for urban, commuter and intercity rail operators. Proposed legislation establishes an ongoing state commitment of Cap and Trade proceeds to high-speed rail, which will facilitate future phases of the initial operating segment.

In addition to previously identified federal and Proposition 1A bond funds, the new Cap and Trade funds are critical to addressing the overall funding needs for the initial operating segment, leveraging additional funding opportunities, and moving the project forward while legal issues surrounding Proposition 1A are being resolved. Moving the project forward with Cap and Trade funds will help meet the state matching requirements in the federal grant agreement and will help avoid long-term project escalation costs

## **Cap and Trade**

The Air Resources Board has held five auctions to date. The remaining two auctions for 2013-14 will occur in February and May 2014. Currently, GHG emissions from electricity and large industrial sources are subject to the cap. The sale of allowances consigned to auction by electric distribution utilities resulted in proceeds of \$836 million, to be used as directed by the California Public Utilities Commission or governing boards for ratepayer benefits consistent with the goals of AB 32. In addition, the five auctions to date have generated \$532 million in state auction proceeds.

The Budget proposes to invest \$850 million of Cap and Trade proceeds to support existing and pilot programs that will promote GHG reductions and meet SB 535 goals. This amount includes repayment of \$100 million of the 2013 Budget loan, with the remaining balance being repaid within the next few years.

The Budget proposes to invest in both near-term emission reductions and projects that support California's longer-term climate targets. Finally, these programs improve air and water quality, invest at least \$225 million for the benefit of disadvantaged communities, and create jobs.

Specifically, the Cap and Trade Expenditure Plan proposes investments in the following programs:

### *Sustainable Communities and Clean Transportation*

- Rail Modernization — \$300 million to continue the work of modernizing and integrating rail transportation. These funds will continue the work begun in 2012, when the Legislature approved Chapter 152, Statutes of 2012 (SB 1029), which provided \$7.8 billion in state and federal funds to start construction of high-speed rail and to modernize existing rail systems across the state. The Budget proposes the following allocation:
- High-Speed Rail — \$250 million for the High-Speed Rail Authority for construction of the Central Valley initial construction segment and further environmental and design work on the statewide system. Proposed legislation provides an ongoing state commitment of Cap and Trade proceeds to high-speed rail, which will leverage additional federal support for the project and facilitate future phases of the initial operating segment from Merced to the San Fernando Valley.



- Integration of Rail Systems — \$50 million for the Department of Transportation to administer a competitive grant program for existing rail operators for capital improvements to integrate rail systems, including those located in disadvantaged communities, and provide connectivity to the high-speed rail system.
- Sustainable Communities — \$100 million in local assistance funding to support regions in the implementation of the sustainable communities strategies required by SB 375, and to provide similar support to other areas with GHG reduction policies, but not subject to SB 375 requirements.

The Strategic Growth Council will coordinate this program with consultation with a multi-agency team of departments, including Caltrans, the California Transportation Commission, the Department of Housing and Community Development, and the Natural Resources Agency. Selected projects will prioritize disadvantaged communities and will reduce GHG emissions by increasing transit ridership, active transportation (walking/biking), affordable housing near transit stations, preservation of agricultural land, and local planning that promotes infill development and reduces the number of vehicle miles traveled.

- Low Carbon Transportation — \$200 million for the Air Board to accelerate the transition to low carbon freight and passenger transportation, with a priority for disadvantaged communities. This investment will support the state's clean air and climate change goals, as well as the Administration's goal to deploy 1.5 million zero-emission vehicles in California by 2025. The Air Board administers existing programs that provide rebates for zero-emission cars and vouchers for hybrid and zero-emission trucks and buses. This proposal will respond to increasing demand for these incentives, as well as provide incentives for the pre-commercial demonstration of advanced freight technology to move cargo in California, which will benefit communities near freight hubs.
- Other Activities - \$140 million for other activities ranging from Water Action Plan/Wetlands and Coastal Watersheds, Fire Prevention and Urban Forests, to Waste Diversion.

#### Local government

##### Infrastructure Finance District Modernization

Specifically, the Governor proposes legislation to do the following:

- Expand the types of projects that IFDs can fund to include military base reuse, urban infill, transit priority projects, affordable housing, and associated necessary consumer services. The goal is to maintain the IFD focus on projects which have tangible quality-of-life benefits for the residents of the IFD project area.
- Allow cities or counties that meet specified benchmarks to create these new IFDs, and to issue related debt, subject to receiving 55-percent voter approval.
- Allow new IFD project areas to overlap with the project areas of the former RDAs, while strictly limiting the available funding in those areas to dollars available after payment on all of the former RDA's approved obligations.
- Maintain the current IFD prohibition on the diversion of property tax revenues from K-14 schools, which will ensure any usage will have no state General Fund impact, and require entities that seek to establish an IFD to gain the approval of the county, cities, and special districts that would contribute their revenue, including residual revenue, to the IFD.

#### State Fuel Sales

The state continues to see a declining usage and sales of motor vehicle fuels. The gallons of gasoline consumed were down 0.74 percent in 2012-13 when compared to the prior fiscal year.

Gasoline consumption is expected to decrease 0.67 percent in both 2013-14 and 2014-15. Because most diesel fuel is consumed by the commercial trucking industry, the gallons consumed are affected most significantly by general economic conditions. A recovering economy is expected to contribute to growth of 2 percent in diesel consumption per year in 2013-14 and 2014-15.

### **Motor Vehicle Fuel Tax Revenue (Dollars in Thousands)**

2012-13	2013-14	2014-15
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	Preliminary	Forecast	Forecast
Gasoline	\$5,170,066	\$5,684,733	\$5,208,178
Diesel	320,576	327,082	333,721
Total	\$5,490,642	\$6,011,815	\$5,541,899

**Recommendation(s)/Next Step(s):**

CONSIDER report and DIRECT staff as appropriate.

**Fiscal Impact (if any):**

No fiscal impact.

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**Attachments**

CC County School Siting and Safety Initiative

Active Transportation Program Proposed Fund Estimate

CSAC/CEAC Budget Proposal – Transportation Items

CCTA State Leg Priorities

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## **DRAFT Contra Costa County School Siting and Safety Initiative (12/17/13)**

Schools have a large and enduring effect on the character and safety of the surrounding community due to the intensity of activity at the site and the vulnerable nature of the population served. Currently, the process by which schools are located and designed can result in adverse safety, community development, and public health outcomes. The State has acknowledged some of these issues in recent studies<sup>1</sup> and intends on addressing them in 2014<sup>2</sup>. Interested agencies and organizations will need to engage in the 2014 legislative and policy development process in order to ensure reforms are adequate. This paper provides an overview of the issue, identifies existing processes, and potential reforms.

**The current process of selecting and developing new school sites in California has substantial flaws. This flawed process can result in poorly functioning school sites, some of which have been acknowledged by the state in recent reports<sup>1</sup>. Examples of poor school site function are:**

- Inadequate or ill-conceived transportation infrastructure<sup>3</sup> which causes avoidable congestion and/or chaotic circulation patterns both of which ultimately result in unsafe conditions.
- School locations that have no or limited access to critical municipal services (e.g., fire, sewer, water) and/or are too distant from the population served to support walking & biking<sup>4</sup>.
- School locations that undermine local/state policies such as sites that are outside urban limit line/urban growth boundary, in agricultural areas, preclude access by walking and cycling, undermine AB32/SB375 goals, etc.
- The safety and access issues mentioned above drain very limited Safe Routes to School (SR2S) funds, and
- Certain sites are contentious and strain relations between City Councils, Boards of Supervisors, and School Boards.

**The current process has local school districts largely responsible for school siting and design. Unfortunately, school districts have limited policies, authority, and expertise that would ensure that school sites have positive outcomes related to safe access and broader community development goals. It is the cities/counties, and the State that carry out these duties. In more detail:**

- The state has substantial statutes and policies<sup>5</sup> that *should* inform school siting and design but school districts are not compelled to reflect these policies in their school siting decisions.
- Under state law, cities and counties are granted land use planning authority. Currently, cities & counties have little ability to influence the selection and development of school sites as state law allows school districts to exempt themselves from local land use planning authority<sup>6</sup>.
- Local school districts develop and design school sites independent<sup>6</sup> of the aforementioned state and local land development policies. This *disconnect* is acknowledged by the state in their recent studies<sup>1</sup>.

**This *disconnect* can be addressed through regulations tied to a state school construction and modernization bond that is anticipated in 2014. This approach has been suggested by the State during their December 2012 Policy Symposium<sup>7</sup> and in the Governors 2013-14 Budget Proposal<sup>2</sup>. The following are draft concepts to be considered in addressing school siting and design requirements attached to the proposed 2014 bond or with legislation developed in parallel: (next page)**

<sup>1</sup> 2012 - *California's K-12 Educational Infrastructure Investments: Leveraging the State's Role for Quality School Facilities in Sustainable Communities*, Report to the CA Department of Education by UC Berkley Center for Cities and Schools, and **2011** - *Schools of the Future Report*, Tom Torlakson/State Superintendent of Public Instruction

<sup>2</sup> Governor's 13-14 Budget Report, "...now is an appropriate time to engage in a dialogue on the future of school facilities..." / "School districts and their respective localities should have appropriate control of the school facilities construction process and priorities."

<sup>3</sup> Little to no bicycle/pedestrian supportive infrastructure, school sites in a cul-de-sac or with single points of access, etc.

<sup>4</sup> "...studies show that the distance between home and school is the strongest predictor of whether students walk/bike to school." Institute of Transportation Engineers, 2012 "School Site Selection and Off-site Access"

<sup>5</sup> AB32/SB375, The Complete Streets Act, Safe Routes to School concepts, and the Health in All Policies Initiative

<sup>6</sup> Government Code §53091(a)-53097.5: This section allows school district preemption from local zoning ordinances.

<sup>7</sup> Partnering with K-12 in Building Healthy, Sustainable, and Competitive Regions: Policy Symposium: Proceedings Summary & Next Steps: "These efforts will inform the legislative debates over the possibility—and priorities—of a future statewide K-12 school construction bond."

- Limit the ability of school districts to preempt local zoning ordinances<sup>6</sup>. This would bring schools under the influence of SB375 given that the cities and counties ultimately implement the sustainable communities strategy.
- Whether new school siting policies are advisory or more prescriptive is critical. Considering that there are *existing* advisory documents that *should* result in high quality school sites (but don't) it suggests that new policies will need to be compulsory in order to have the desired effect.
- Coordination of attendance boundaries between school districts, cities/counties should be compulsory.
- Statutes for Local Agency Formation Commissions (LAFCOs) provide a role for LAFCOs in school site development<sup>8</sup> and could be expanded. At a minimum, **1)** school districts should be required to consult with LAFCO when a new school site is being proposed, and **2)** LAFCO should discourage the extension of municipal services to school sites located in agricultural and open space areas pursuant to LAFCO law. More prescriptive requirements should be considered in areas with an adopted Urban Limit Line or Urban Growth Boundary.
- Legislation should require revised *School Site Selection and Approval Guide* and *Guide to School Site Analysis and Development*. Critical revisions should be moved from guidance to statutes. [revisions are too voluminous to list here]
- School districts, when approving a new site must **1)** make findings, w/evidence, that the decision is consistent with relevant requirements in statute, **2)** provide a full-cost accounting (construction, land, off-site infrastructure [utility/transportation], costs borne by other agencies, community, etc.), of site options, and **3)** the approval must include a comprehensive (auto & active modes) circulation plan signed and stamped by a traffic engineer.
- The State acknowledges a greater share of bond proceeds should be directed to modernization programs than in new school construction<sup>7</sup>. Any 2014 school construction and modernization bond should be linked to a comprehensive ***School Area Safety Initiative*** and include the following which would modernize existing schools:
  - **SR2S<sup>9</sup> Funding Eligibility:** SR2S projects/programs at existing schools should be an eligible use of bond funds.
  - **Redefinition of School Zone in state law:** Currently, in the vehicle code, school zone signage is limited to 500' and 1000'. These limits are **not** reflective of actual pedestrian/bicycle access patterns at K-12 schools and inconsistent with SR2S funding/projects/concepts and the State's Health in All Policies Initiative. The prescriptive figures should be increased (1320' minimum) and local agencies should have discretion to further expand the zone based on knowledge of attendance boundaries, travel sheds, as established in a traffic study.
  - **Reauthorize and fund implementation of Double Fine School Zone (DFSZ) statute:** In 2002 AB 1886 was passed which implemented a DFSZ as a pilot in specified areas<sup>10</sup>. The statute was allowed to sunset in 2007.
  - **Implement a Vulnerable Road User (VRU) Protection Law:** VRU protection laws establish the concept "whoever can do the most damage has an obligation to be the most careful". Oregon has such a statute and the League of American Bicyclists has drafted model legislation<sup>11</sup>.
  - **Implement K-12 bicycle and pedestrian transportation safety curriculum:** Class material would meet Common Core State Standards and include in-class and in-field lessons with a dual benefit of decreased injuries/deaths and increased walking/biking. California already has numerous communities implementing this and would be a natural leader to implement a statewide effort.
  - **The State and Caltrans to conduct a study on automobile speeds:** The study will **1)** document the change in automobile speeds over the past four decades due to vast improvements in vehicle technology, and **2)** document how that (assumed) change in speed has impacted other road users.

<sup>8</sup> LAFCO mandate: 1) encourage orderly formation of local governmental agencies, 2) preserve agricultural land, 3) discourage urban sprawl.

<sup>9</sup> Safe Routes to School (SR2S) is typically a program that has a goal of making it safe and convenient children (K-12) to bicycle and walk to school. Strategies typically fall in to the "Five E's"; evaluation, education, encouragement, engineering and enforcement and can include capital projects (sidewalks/paths), bicycle safety/rules of the road training, increased police presence, crossing guards, etc.

<sup>10</sup> The post-mortem report to the legislature on the program (by CHP) did not endorse it and gave a negative review of the program. The lack of success was likely related to the fact that little to no resources were devoted to implementation.

<sup>11</sup> 801.608 "Vulnerable user of a public way": [http://www.oregonlegislature.gov/bills\\_laws/lawsstatutes/2011ors801.html](http://www.oregonlegislature.gov/bills_laws/lawsstatutes/2011ors801.html)  
[http://www.bikeleague.org/sites/bikeleague.org/files/bikeleague/bikeleague.org/action/images/vru\\_story.pdf](http://www.bikeleague.org/sites/bikeleague.org/files/bikeleague/bikeleague.org/action/images/vru_story.pdf)

# ACTIVE TRANSPORTATION PROGRAM (ATP) PROPOSAL

## FUND ESTIMATE

(\$ in thousands)

	2013-14	2014-15	2015-16	2-Year Total	3-Year Total
<b>RESOURCES</b>					
<b>STATE RESOURCES</b>					
Beginning Balance	\$0				\$0
State Highway Account	34,200	34,200	34,200	68,400	102,600
<b>State Resources Subtotal</b>	<b>\$34,200</b>	<b>\$34,200</b>	<b>\$34,200</b>	<b>\$68,400</b>	<b>\$102,600</b>
<b>FEDERAL RESOURCES</b>					
Transportation Alternative Program (TAP)	\$63,650	\$63,650	\$63,650	\$127,300	\$190,950
TAP Recreational Trails	1,900	1,900	1,900	3,800	5,700
Other Federal	19,950	19,950	19,950	39,900	59,850
<b>Federal Resources Subtotal</b>	<b>\$85,500</b>	<b>\$85,500</b>	<b>\$85,500</b>	<b>\$171,000</b>	<b>\$256,500</b>
<b>TOTAL RESOURCES AVAILABLE</b>	<b>\$119,700</b>	<b>\$119,700</b>	<b>\$119,700</b>	<b>\$239,400</b>	<b>\$359,100</b>
<b>DISTRIBUTION</b>					
<b>URBAN REGIONS (MPO Administered)</b>					
State	(\$13,221)	(\$13,221)	(\$13,221)	(\$26,442)	(\$39,663)
Federal	(34,659)	(34,659)	(34,659)	(69,318)	(103,977)
<b>Urban Regions Subtotal</b>	<b>(\$47,880)</b>	<b>(\$47,880)</b>	<b>(\$47,880)</b>	<b>(\$95,760)</b>	<b>(\$143,640)</b>
<b>SMALL URBAN &amp; RURAL REGIONS (State Administered)</b>					
State	(\$4,829)	(\$4,829)	(\$4,829)	(\$9,658)	(\$14,487)
Federal	(7,141)	(7,141)	(7,141)	(14,282)	(21,423)
<b>Small Urban &amp; Rural Regions Subtotal</b>	<b>(\$11,970)</b>	<b>(\$11,970)</b>	<b>(\$11,970)</b>	<b>(\$23,940)</b>	<b>(\$35,910)</b>
<b>STATEWIDE COMPETITION (State Administered)</b>					
State	(\$16,150)	(\$16,150)	(\$16,150)	(\$32,300)	(\$48,450)
Federal	(43,700)	(43,700)	(43,700)	(87,400)	(131,100)
<b>Statewide Competition Subtotal</b>	<b>(\$59,850)</b>	<b>(\$59,850)</b>	<b>(\$59,850)</b>	<b>(\$119,700)</b>	<b>(\$179,550)</b>
<b>TOTAL DISBURSEMENTS</b>	<b>(\$119,700)</b>	<b>(\$119,700)</b>	<b>(\$119,700)</b>	<b>(\$239,400)</b>	<b>(\$359,100)</b>

Notes: Individual numbers may not add to total due to independent rounding. Final dollar amounts may vary based on actual apportionment and obligational authority by FHWA or any changes in Federal guidance.



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To: County Public Works Directors  
CEAC Transportation Committee

From: Kiana Buss, CSAC Legislative Representative  
Chris Lee, CSAC Legislative Analyst

RE: FY 2014-15 January Budget Proposal – Transportation Budget Items

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### ***Summary***

Consistent with the Governor's overarching theme to address remaining budgetary debt and long term funding liabilities, the Governor's FY 14-15 January State Budget Proposal directs \$1.7 billion in additional funding over the current budget year to transportation infrastructure. As described in detail below, this revenue comes from two key sources including appropriation of Cap and Trade auction revenue and the early repayment of transportation loans, which counties will benefit from in part.

### ***Highway User Tax Account Funding***

Pursuant to the 2011 Transportation Tax Swap, which replaced the sales tax on gasoline with an additional increment of annually adjusted gasoline excise tax, the Governor's proposed budget estimates that the tax rate will decrease in FY 14-15 by 3.1-cents from 39.5-cents to 36.4-cents. Citing reduced consumption in fuel revenues, a reduction in the tax rate will provide correspondingly reduced revenues to counties and cities for local street and road maintenance as well as to the State for highway preservation. To be clear, the reduction in revenues is not the result of state borrowing or taking of local revenue. CSAC staff is investigating further details to better prepare counties for the anticipated reduction in funding and will share allocation amounts as soon as they are available.

### ***California Transportation Infrastructure Priorities Working Group***

Last year's budget directed the Secretary of Transportation to convene the California Transportation Infrastructure Priorities (CTIP) Working Group, which included representation from CSAC, to discuss and prioritize the state's transportation expenditures. The Governor's 2014-15 budget tiers off those stakeholder discussions and identifies the Administration's priorities, specifically:

Maintaining the State's existing transportation infrastructure,  
Modernizing rail services, and  
Supporting local governments as they implement SB 375.

In support of those priorities, the Governor proposes investing Cap and Trade proceeds for high-speed rail and rail integration and local implementation of sustainable communities projects. The Governor also proposes continued appropriation of Proposition 1B bonds funds, although bond funds for local streets and roads agencies have already been appropriated, and the early repayment of \$351 million in previous transportation loans to the General Fund, including \$100 million in repayments to cities and counties.

The CTIP Working Group will continue to meet in 2014 with a focus on larger structural issues, including implementation of recommendations from the upcoming external review of CalTrans,

implementation of goods movement strategies, and discussion of alternatives to address declining revenues from fuel excise taxes.

#### ***Early Repayment of Transportation Loans***

The Governor's budget proposes debt reduction of \$11 billion in 2014-15, including early repayment of \$351 million in General Fund borrowing from transportation funding. This loan from FY 2010-11 was most recently set to be repaid in FY 2020-21. The Governor proposes to appropriate \$100 million to counties and cities for preservation projects on the local street and road system. The loan repayment will go through the base gas tax formula, allocating \$31.5 million to counties through Streets and Highways Code Section 2104, and \$32 million and \$16 million to cities and counties through Streets and Highways Code Section 2105 and 2106, respectively, and \$20 million to cities through Streets and Highways Code Section 2107.

In addition to the city and county share, \$137 million is allocated to state highway pavement maintenance and rehabilitation, \$100 million to traffic management mobility projects, \$9 million to bicycle and pedestrian projects and \$5 million to environmental mitigation.

#### ***Cap and Trade for Sustainable Communities***

The Governor's FY 2014-15 January Budget proposes to appropriate \$850 million in Cap and Trade revenues. \$100 million of this is a partial repayment of the \$500 million FY 13-14 Cap and Trade loan. The proposed allocation is as follows:

<b><i>Investment Category</i></b>	<b><i>Department</i></b>	<b><i>Program</i></b>	<b><i>Amount</i></b>
<b>Sustainable Communities &amp; Clean Transportation</b>	High Speed Rail Authority	Rail Modernization	\$300
	Strategic Growth Council	Sustainable Communities	\$100
	Air Resources Board	Low Carbon Transportation	\$200
<b>Energy Efficiency &amp; Clean Energy</b>	Dept. of Community Services and Development	Energy Efficiency Upgrades & Weatherization	\$80
	Dept. of General Services	Green State Buildings	\$20
	Dept. of Food & Ag	Agricultural Energy & Operational Efficiency	\$20
	Dept. of Water Resources	Water Action Plan - Water & Energy Efficiency	\$20
	Dept. of Fish & Wildlife	Water Action Plan - Wetlands & Watershed Restoration	\$30
<b>Natural Resources &amp; Waste Diversion</b>	Dept. of Forestry & Fire Protection	Fire Preservation & Urban Forestry Projects	\$50
	Cal Recycle	Waste Diversion	\$30
<b>TOTAL</b>			<b>\$850</b>

Under the Governor's budget proposal, there is no specific local government funding category for Cap and Trade revenues as CSAC has been advocating for. However, local governments will likely

have access to portions of several different funding categories-- sustainable community funding as well as a portion of the energy efficiency and natural resource categories.

While the details released in the budget are limited, counties are expected to have access to the \$100 million in Cap and Trade funds proposed for sustainable communities for specified transportation purposes, such as active transportation. The Governor intends to allocate this funding to the Strategic Growth Council, which will make grants to regional and local agencies. Based on statements from the State Transportation Agency, CSAC believes that counties outside of the large Metropolitan Planning Organizations that were required to develop Sustainable Communities Strategies pursuant to SB 375 will also be able to apply for grant. According to the budget, eligible projects will include transit and transit-oriented development that includes affordable housing, bike and pedestrian projects, agricultural land preservation, and related planning. It is unclear at this time whether local street and road maintenance is an eligible use under the Governor's plan.

### ***High-Speed Rail***

The High-Speed Rail Project – the development of a high-speed passenger train connecting San Francisco to Long Angeles/Anaheim with extensions to San Diego, Sacramento, and points in between – will continue to move forward under the Governor's FY 14-15 January Budget Proposal. As noted above in the Cap and Trade Section, the Governor's proposal directs \$300 million in auction revenues to the Project, \$50 million of which is for competitive grants for existing rail connectivity projects. The remaining \$250 million is for planning, right-of-way acquisition, and construction for the Initial Operating System. The budget also notes that in light of the overall price tag and legal difficulties with the High-Speed Rail bond, the Governor is making an on-going commitment of Cap and Trade revenues to the project.

### ***Five-Year Infrastructure Plan***

The Administration intends to release a Five-Year Infrastructure Plan in conjunction with the January State Budget Proposal, although the full plan is not available at the time of this writing. The budget summary indicates that given the State's increased debt burden and General Fund constraints, the plan will not rely heavily on new lease-revenue bonds to solve the State's infrastructure crisis. However, the Administration is committed to beginning to address the deferred maintenance of the State's expanse of critical infrastructure in the next fiscal year. Overall, the budget proposes \$815 million in one-time investments in maintenance of the State's infrastructure including roads and highways, schools, public safety/corrections facilities, state hospitals, etc. as follows:

- Highway User Tax Account Loan Repayment: \$337 million
- K-12 Schools Emergency Repair Program: \$188 million
- California Community Colleges: \$175 million
- Department of Parks and Recreation: \$40 million
- Department of Corrections and Rehabilitation: \$20 million
- Judicial Branch: \$15 million
- Department of Developmental Services: \$10 million
- Department of State Hospitals: \$10 million
- Department of General Services: \$7 million
- State Special Schools: \$5 million
- Department of Forestry and Fire Protection: \$3 million



- California Military Department: \$3 million
- Department of Food and Agriculture: \$2 million

### ***Caltrans Zero-Based Budgeting Review***

Pursuant to an Executive Order, the Department of Finance and Caltrans began in 2013 a multi-year plan to conduct a zero-base budget analysis of all Caltrans programs. In 2013, the review focused on Caltrans's Capital Outlay Support Program, which provides the resources for design, environmental review, right of way, and construction oversight for Caltrans's capital projects, and the Caltrans Aeronautics Program.

For the Capital Outlay Program, the review suggested changes to improve the development of initial project budgets through the creation of a predictive tool with inputs for project type, etc; creation of a methodology to allow flexible staff resources; increasing accountability by aligning STIP and SHOPP support cost guideline; and consolidating and streamlining statewide program management manuals and directives across all 12 Caltrans districts.

The review found that the Aeronautics Program had appropriate staffing to complete its duties, the budget recommends transferring funding from an undersubscribed loan program to provide additional state matching funds for federal aviation grants for local airports.

### ***Proposition 1B***

The budget proposes allocation of \$1.1 billion in Proposition 1B funds in 2014-15. The vast majority of the funding, \$793 million, will go to transit operators under the Public Transportation Modernization, Improvement, and Service Enhancement Account Program, but there are also significant allocations for intercity rail (\$160 million) and state highway projects (\$113 million), and \$10 million for local bridge seismic retrofitting.



## DRAFT STATE LEGISLATIVE ADVOCACY PLATFORM – 2014

Issue	Goal	Strategy
<b>1. Transportation Funding</b>	A. Lower the 2/3 super majority vote for local and regional transportation taxes	Support proposals to assist in the passage of local transportation measures by amending the constitution to allow a city, county, special district or regional transportation agency to impose a special tax for transportation projects with 55 percent approval. Oppose efforts to add burdensome restrictions on the expenditure plan for measures seeking passage by a 55 percent margin.
	B. Support efforts to secure new sources of statewide transportation funding	Engage in any efforts that may emerge in 2014 to provide new sources of statewide funding for transportation whether it is a new dedicated user fee, such as a gas tax or a vehicle license fee. Advocate that any new sources of funding should provide eligibility for all transportation modes.
	C. Support innovative transportation finance programs options to replace the loss of redevelopment funding	Support efforts to revive the authority of local governments to use tax-increment financing (TIF) or infrastructure finance districts in support of projects consistent with the sustainable communities strategy.
	D. FY 2014-15 State Budget	Advocate for effective use of existing transportation funds and protect them from diversion to the General Fund. Advocate for a FY 2014-15 State Budget that best addresses the state's extensive transportation needs.
<b>2. Cap-and-Trade Funding</b>	A. Secure funding in the FY 2014-15 Budget	Work closely with our Bay Area partner agencies and legislative delegation to secure cap-and-trade funding in the FY 2014-15 State Budget
	B. Enact legislation providing for a longer term commitment of cap-and-trade funds to regional agencies	Advocate for a long-term statutory framework for cap-and-trade funds — including extending the cap-and-trade program beyond 2020 to regional agencies.

**ATTACHMENT A**

<b>3. California Environmental Quality Act (CEQA)</b>	Monitor efforts to update and streamline the CEQA process	Work with Bay Area partner agencies or other coalitions to support CEQA streamlining for transportation projects that are consistent with an RTP.
<b>4. School Siting Reform</b>	Require school districts to take state and local planning goals into account when siting new schools	In partnership with other Bay Area agencies, support revision of the state's school siting requirements to require school districts to take into account state goals related to climate change, infill development, and open space preservation, as well as local and regional plans. Such changes would be applicable to schools built with funds approved in the next bond measure anticipated to be on the November 2014 ballot.
<b>5. Project Delivery</b>	Support institutional changes at all levels that result in more expeditious, cost-effective project delivery and/or a more efficient, cohesive transportation system	Support legislation to expand the use of Construction Manager/General Contractor (CM/GC) to Self-Help Counties or other local project sponsors of projects on the State highway system.
		Monitor and support elements of the State Smart Transportation Initiative (SSTI) report to California State Transportation Secretary that may require legislative action.
<b>6. Regional Autonomy</b>	Support efforts that respect, enhance or expand local decision-making authority and assures regional flexibility.	Monitor legislative or administrative efforts that propose new programs or amend existing programs to ensure that local decision-making authority is maintained.



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

9.

**Meeting Date:** 02/12/2014

**Submitted For:** Catherine Kutsuris, Conservation and Development Director

**Department:** Conservation & Development

**Referral No.:** 1

**Referral Name:** Review legislative matters on transportation, water, and infrastructure.

**Presenter:** John Cunningham

**Contact:** John Cunningham, (925)  
674-7833

### **Referral History:**

This is a standing item on the Transportation, Water, and Infrastructure Committee referral list.

### **Referral Update:**

In developing items to bring forward for the Committees consideration, staff considers the County's adopted 2014 Federal Legislative Platform (attached), consults with our federal legislative advocate (Paul Schlesinger - Alcalde & Fay), and coordinates with partner agencies and organizations. At this time staff is highlighting the items below for the Committees consideration:

### **MAP-21 (Moving Ahead for Progress in the 21st Century) Reauthorization**

MAP-21, the current surface transportation funding bill, is scheduled to expire in September of this year. While the House Transportation and Infrastructure Committee has initiated the process to reauthorize, there are no specific proposals to respond to at this time. Staff will continue to monitor progress on this effort and bring specific issues to your attention as they arise.

Attached are items relevant to the subject item for the Committees consideration:

1. Contra Costa County Adopted 2014 Federal Legislative Platform
2. Reports from Alcalde & Fay on 1) MAP-21 Reauthorization and 2) proposed Omnibus Spending Bill
3. Communication from California State Association of Counties re: potential revenue options (gas tax/vehicle miles traveled fee) and priorities for reauthorization.
4. Contra Costa Transportation Authority (CCTA) Federal Legislative Advocacy Platform (CCTA has not had a federal platform in the past)

As the reauthorization effort proceeds, and the platform of our partner agencies/organizations become available or are revised, staff will bring specific issues for the Committees consideration

and action.

In the past this item would include consideration of requests for federal funding earmarks for specific transportation projects. These requests are no longer included given the moratorium on earmarks.

**Recommendation(s)/Next Step(s):**

CONSIDER report and DIRECT staff as appropriate.

**Fiscal Impact (if any):**

No fiscal impact.

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**Attachments**

CSAC Communication Re Federal Leg Priorities

A&F Federal Update

DRAFT Federal Legislative Advocacy Platform-2014

CCC 2014 Federal Legislative Platform

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**From:** Chris Lee <clee@counties.org>  
**Sent:** Wednesday, February 05, 2014 1:37 PM  
**To:** Chris Lee  
**Cc:** Kiana Buss  
**Subject:** RE: MAP 21 Reauthorization Priorities - transportation revenues

To: CEAC Transportation Committee  
Public Works Directors

We wanted to share this article as background information related to our highest priority for transportation reauthorization. Our federal advocates point out that while the Chairman opposes a gas tax increase, he has indicated that he favors a VMT fee.

February 04, 2014, 10:44 am

## **House Transportation chairman opposes gas tax hike**

By Keith Laing

The chairman of the House Transportation Committee on Tuesday ruled out an increase in the federal gas tax this year to pay for transportation projects.

Transportation advocates argue that increasing the federal gas tax from 18.4 cents per gallon would be the easiest way to shore up the trust fund that Congress uses to pay for road and transit projects.

But Rep. Bill Shuster (R-Pa.) said Tuesday during an event hosted by the Washington, D.C.-based Building America's Future group that "economically, it's not the time" to raise the gas tax.

He added that he was not sure there was enough support from lawmakers or the public to move forward with such a proposal.

The Department of Transportation has projected that the Highway Trust Fund, which is facing a \$20 billion shortfall, would run out of money in September without additional congressional action.

Shuster is pushing for passage of a new transportation funding bill this year, and had previously said he would be open to any option for shoring up the trust fund's finances.

The gas tax has not been increased since 1993, and its revenue stream has been dwindling as Americans drive less and choose more fuel-efficient vehicles.

The idea of increasing the gas tax to pay for more transportation projects has drawn rare consensus from business and labor groups.

The sponsor of a bill in the House to nearly double the tax to 33.4 cents per gallon, Rep. Earl Blumenauer (D-Ore.), told The Hill he was disappointed in Shuster's decision to oppose the tax increase.

"I'm not surprised he doesn't like the gas tax. I don't like the gas tax," Blumenauer said in a statement. "That's why I would like the phased in gas tax increase to be the last time Congress acts to raise the gas tax. But, we need something to bridge the gap until we get a sustainable fee system like VMT [Vehicle miles traveled] in place or transportation funding will come to a standstill at the end of September."

Blumenauer said he is "glad [Shuster's] engaged in this conversation" and that he'd be "eager to hear his other ideas."

The current surface transportation funding bill, which includes the authorization of the gas tax at its current level, is scheduled to expire in September. The date coincides with the Department of Transportation's projected bankruptcy deadline for the Highway Trust Fund.

The expiring transportation measure was passed in 2012. It provided only two years of funding, compared to previous five- or six-year appropriation bills, because lawmakers struggled to close a shortfall between the gas tax collections and infrastructure spending.

Former Transportation Secretary Ray LaHood said at Tuesday's event that the easiest way to provide the additional funding would be to increase the gas tax.

"Nothing is going to create the kind of money that increasing the gas tax and indexing does," the former DOT chief said. "And then use tolling, raise TIFIA [the Transportation Infrastructure Finance and Innovation Act], do more TIGER [Transportation Investment Generating Economic Recovery] money, do all of these things. But only do it after you replenish the fund that has built America and put America back to work."

LaHood, who served as Transportation secretary when Congress passed its last transportation bill, called the 2012 measure a "joke."

"We need someone to step up and say we need a six-year bill; we need to increase the gas tax; we need to index it," LaHood said. "I would increase it 10 cents."

Shuster said during his remarks he was hoping for a long-term transportation bill as well, despite his opposition to increasing the federal gas tax.

LaHood said lawmakers should at least consider indexing the gas tax to future inflation rates.

"The idea of indexing is so critical to the future," he said. "If they'd have indexed it in '93, I don't think we'd be having this conversation."

Other ideas that have been floated by transportation advocates include replacing the gas tax on drivers altogether in favor of a fee that is paid by oil wholesalers.

Sen. Barbara Boxer (D-Calif.), who is chairwoman of the Senate Environment and Public Works Committee, said last fall that it was worth exploring the possibility of doing away with the gas tax after states such as Virginia had experienced success in making similar switches.

— *This story was last updated at 5:44 p.m.*

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**From:** Kiana Buss  
**Sent:** Tuesday, February 04, 2014 3:32 PM  
**To:** Kiana Buss  
**Cc:** Chris Lee  
**Subject:** MAP 21 Reauthorization Priorities - Final Draft - Last Chance to Provide Input

To: CEAC Transportation Committee  
County Public Works Directors

From: Kiana Buss, CSAC Legislative Representative  
Chris Lee, CSAC Legislative Analyst

**Re: MAP 21 Reauthorization Priorities - Final Draft - Last Chance to Provide Input**

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Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP 21), the federal surface transportation authorization measure, is set to expire on September 30, 2014. Congress has already started to hold informational hearings to consider policy and fiscal issues for the next reauthorization. For our part, in order to effectively advocate on behalf of counties during these reauthorization discussions, CEAC/CSAC has developed the attached priorities for MAP 21 reauthorization. Staff will take the MAP 21 reauthorization priorities to the CSAC Board of Directors for approval at their February 20<sup>th</sup> meeting.

Staff has circulated this document to the CEAC Transportation Committee a number of times via email and at committee meetings over the past year. This version is substantially similar to previous versions. The only notable difference is the Highway Bridge Program priority now includes an option to reestablish the bridge program *OR* dedicate a set-aside for local on-system bridge projects. The MAP 21 reauthorization priorities are consistent with existing CEAC/CSAC policy and our previous federal transportation funding efforts. However, please let us know if you have any questions or final comments regarding the final draft policy before the CSAC Board meeting on February 20<sup>th</sup>.

Thanks in advance for your attention to this issue.

**Kiana Buss**

Legislative Representative  
Housing, Land Use, & Transportation Policy  
California State Association of Counties  
1100 K Street, Suite 101  
Sacramento, CA 95814  
Phone: (916) 327-7500 ext. 566  
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See: [Web](#) / [Facebook](#) / [Twitter](#) / [The County Voice](#)





**California State Association of Counties**

**\*\*\*DRAFT\*\*\***

## **CSAC PRIORITIES FOR MAP 21 REAUTHORIZATION**

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**Pending Approval by CSAC Board of Directors**

### **MAP 21 Reauthorization Priority: Increase Federal Revenues for Transportation Infrastructure**

Without immediate, bold action by Congress, the Highway Trust Fund will continue to face insolvency. Existing federal revenues continue to fall short of meeting the funding needs to bring our nation's surface transportation infrastructure into the next century. Our future economic prosperity, our commitment to progressive environmental stewardship, and our dedication to the health, safety, and welfare of the traveling public and all Americans demands a significant reinvestment into the transportation network. **CSAC urges Congress to enhance revenues for investment in our national transportation infrastructure.**

The California State Association of Counties (CSAC) – the unified voice of California's 58 counties – believes that until the funding issue is addressed, we will not make significant progress in improving our critical transportation infrastructure. California's counties and cities are facing an \$82 billion funding shortfall over the next ten-years for the maintenance and preservation of the local system, let alone other vital modal needs. On average, pavement conditions are "at risk" and without a surge of new revenue, 25-percent of California's local roads will be in failed condition by 2022. News article after news article discusses staggering figures about the condition of the nation's bridges – an estimated 8,000 bridges nationally are structurally deficient or fracture critical. In California, 950 bridges need replacement and over 1,800 are in need of rehabilitation.

The demands on our infrastructure are relentless – Californians log 300 million vehicle miles traveled annually, which is more than the current system was ever intended to accommodate. At the same time, our existing sources of revenue are declining due to necessary improvements in fuel economy and hybrid, electric, and alternative fuel vehicle technology. In order to address pressing environmental concerns, ranging from air quality and climate change to impacts on our water resources and energy demands, the nation must continue its work to advance technological improvements in fuel economy, alternative vehicles such as zero emissions vehicles, and reduce the amount people must drive to access work, school, home, services, and recreation. These challenges will only exacerbate our current funding dilemma.

CSAC's policy supports a variety of new revenues sources from increasing the federal gas tax to assessing a user fee that more accurately charges motorists for their use of the system than traditional revenues sources. Failing to address the severe funding issue within the next reauthorization effort will only negatively impact the condition of our system, our economy, our environment, and the overall quality of life for Americans. Increased revenue is our highest priority for MAP 21 reauthorization.

In addition to the preeminent priority of addressing the ongoing revenue shortfall, CSAC submits the following additional policy and programmatic priorities for consideration by Congress.

#### **MAP 21 Reauthorization Priority: Restore the Highway Bridge Program**

- Provide dedicated revenue for on-system highway bridge projects, either by creating a set-aside similar to the off-system highway bridge set-aside or restoring the Highway Bridge Program as a core program. Increase dedicated funding for preventative maintenance on, and replacement of, bridges. This is a critical safety issue.

#### **MAP 21 Reauthorization Priority: Focus on Safety**

- Increase funding for safety infrastructure projects on the existing transportation system.
- Programs/projects must be aimed at reducing the greatest number of fatalities regardless of ownership of the system.
- Ensure the rural road system, where fatality rates are the highest, retains dedicated funding.
- Promote and increase funding for bicycle and pedestrian safety projects and programs.

#### **MAP 21 Reauthorization Priority: Fix-it-First**

- Provide increased funding for maintenance and preservation of the existing system. Reinvesting in the system now prevents exponentially higher costs down the road.

#### **MAP 21 Reauthorization Priority: Improve Environmental Stewardship & Address Climate Change**

- Provide financial incentives to States that adopt and set greenhouse gas (GHG) emissions reductions targets and programs to accomplish those targets.
- Provide incentives in current programs and/or provide new funding sources for climate change neutral or friendly transportation projects and programs.
- Provide financial incentives for rural sustainability.
- Provide financial support for regional and countywide planning processes that integrate transportation and land use planning to reduce GHG emissions.
- Provide funding for retrofitting equipment and for alternate fuel infrastructure.

#### **MAP 21 Reauthorization Priority: Streamlining Project Delivery & Environmental Review**

- Approve a state-federal environmental reciprocity pilot program.
- Support streamlining of federal regulations to facilitate more expeditious project delivery.
- Ensure that federal project oversight is commensurate to the amount of federal funding.

#### **MAP 21 Reauthorization Priority: Increase Flexibility to Meet State, Regional, and Local Needs**

- Maximize the use and flexibility of federal funds by not requiring minimum federal matches.
- Eliminate the need to program multiple phases for small projects.
- Eliminate need for TIP programming for air quality neutral projects.

#### **CSAC MAP 21 Reauthorization Priority: Assistance for Data Collection**

- Provide funding, training, tools, and uniform standards for the collection of roadway and traffic data specifically for the local and rural roadways.
- Provide assistance for data collection, and determining and quantifying GHG emissions, and other important data for addressing climate change in long-range transportation plans.

For more information regarding these priorities and principles, please contact:

Joe Krahn, Waterman & Associates, (202) 898-1444

Kiana Buss, California State Association of Counties, (916) 327-7500 ext. 566

January 24, 2014

MEMORANDUM

**Building the Foundation for Surface Transportation Reauthorization**

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On January 14, 2014, the House Transportation and Infrastructure (T&I) Committee held a hearing entitled, "Building the Foundation for Surface Transportation Reauthorization," to receive testimony from witnesses representing both the public and private sectors regarding their priorities for the next surface transportation reauthorization bill. During the hearing, the Committee examined several critical aspects of the reauthorization bill, including the following: the proposed process and timeline for drafting and advancing a bill through Congress; potential strategies for updating the funding mechanism for transportation projects; and the role of the federal government in funding transportation projects with specific focus given to transit projects.

The full list of witnesses testifying before the Committee is included below, along with links to their corresponding testimony:

- Honorable Mary Fallin, Governor, State of Oklahoma (*on behalf of the National Governors Association*)
  - [Testimony](#)
- Mr. Stuart Levenick, Group President, Caterpillar Inc.
  - [Testimony](#)
- Honorable Kasim Reed, Mayor, City of Atlanta (*on behalf of the U.S. Conference of Mayors*)
  - [Testimony](#)
- Mr. Lawrence Hanley, International President, Amalgamated Transit Union
  - [Testimony](#)

In his opening remarks, Chairman Bill Shuster (R-PA) announced that it was his intention to have a bill drafted and ready for Committee action by the "late spring or early summer," and that in the interim there would be several additional hearings and roundtable discussions so that the Committee members could meet with stakeholders to

hear their “policy priorities and concerns.” The Chairman said it was his hope to have the bill approved by the Committee and on the House floor before the August recess in order to provide adequate time to conference with the Senate on their version.

As you recall, the current authorization bill, MAP-21, which was signed into law in the summer of 2012, was essentially a two-year bill and is currently scheduled to expire on September 30, 2014. The short timeline is compounded by the fact that the Highway Trust Fund (HTF), which has been the primary source of federal funding for highway, highway safety, and transit projects, has faced a growing shortfall in recent years as the revenue it generates from gasoline (primarily), tire, and heavy truck taxes has suffered a steady decline. Despite a transfer of nearly \$19 billion from the general fund, the Congressional Budget Office (CBO) estimates the HTF will not be able to meet its obligations to states by early Fiscal Year (FY) 2015. As such, Congress will need to modify the existing financing program or use new and innovative revenue-generating methods, to provide sufficient funding for surface transportation. Despite these concerns, the Chairman was optimistic that the Committee and Congress could duplicate the bipartisan efforts surrounding the pending reauthorization of WRDA in order to advance a bill prior to the deadline.

In their testimony and responses to questions from Committee members, the witnesses did agree that a longer-term bill was needed in order to provide state and local entities, and in turn private companies, with the certainty needed to institute long-term transportation planning efforts. Oklahoma Governor Mary Fallin noted that there was a bipartisan consensus among Governors across the country that the bill needed to provide “long-term vision and funding stability,” in order to better meet the nation’s “diverse mobility needs.” This sentiment was echoed by Atlanta Mayor Kasim Reed, who specifically called for a six-year bill, saying that while MAP-21 made several important reforms, “a two-year bill doesn’t help us very much.” When asked by Congresswoman Eleanor Holmes-Norton (D-DC, ranking Democrat of the Highway and Transit Subcommittee) about the need for a long-term bill, Mayor Reed also suggested that with regard to the nation’s competitiveness in the global economy, as well as the competitiveness of cities in the regional and national economies, “without long-term planning, we’re just giving it (*our competitiveness*) away.” He also stressed that mayors need to be at the table in discussions on this bill, suggesting that they know best what works and does not work at the local level and so could provide the Committee with new and innovative ideas to incorporate into the reauthorization bill.

Another key point of agreement among several of the witnesses was on the issue of public-private-partnerships (PPP) and the role they might play in financing transportation projects. Governor Fallin commended the Committee for its role in

securing MAP-21's increase in funding and support for TIFIA (Transportation Infrastructure Finance and Innovation Act), which she heralded as a strong tool for leveraging private dollars. When asked by Congressman André Carson (D-IN) for his thoughts on partnering with the private sector on transportation infrastructure, Mayor Reed said that PPPs "are going to have to be part of the solution, because you have so much wealth that is prepared to invest." However, he cautioned that we should not allow PPP solutions to crowd out access for "traditional labor," suggesting again that it was critical when undertaking these projects "to have everyone at the table to show that you can compete." Speaking from his experience in his role as President of the Amalgamated Transit Union, Mr. Lawrence Hanley provided an opposing view, stating that private companies brought with them certain risks and outside influences that could negatively affect transit, and that "government can effectively run transit and government does effectively run transit." Speaking on the topic of seeking more involvement by private companies into public transit, Mr. Hanley further explained that "as we seek to improve transit by injecting the importance of a profit motor for private companies, we will fail."

On the issue of the federal role in funding public transit, Congressman Richard Hanna (R-NY) questioned Mr. Hanley about why people who use mass transit do not pay something to the federal government, as do highway users who pay through a gas tax. Congressman Hanna noted that there "is currently no quid pro quo" for these people, and that it was especially important since Mr. Hanley was there "asking for more money." In response, Mr. Hanley said that people using public transit already pay for this service because, "they pay huge fares, they pay incomes taxes, they pay real estate taxes ... all fund transit." However, Congressman Hanna again noted that "people who use the rest of the transportation system have historically paid directly," without a subsidization, unlike the current system for transit financing. Subsequently in the hearing, Chairman Shuster took a conciliatory tone with both sides of the transit funding debate, clarifying that public transit did provide benefits to the overall system and that the federal government does provide funding for highways, with the difference being that unlike transit it's a "user-based system ... so if you use it you pay for it." However, he also suggested the issue of subsidization for public transit should be discussed further and in greater detail in order to close the gap between the current model and making public transit profitable. Recalling his own experiences on Amtrak, the Chairman admitted that whenever he saw the ticket price and then sat down and factored in "gas, tolls, parking, my productivity goes from zero when I'm driving to 100 percent," he knew he should be paying more.

Also of interest was Q&A regarding the broader role of the federal government in providing funding for transportation infrastructure, and whether there was merit to

“devolution”; eliminating most federal assistance for transportation through a reduction of transportation-related revenue and a transfer of responsibility over federal highway and transit programs away from the federal government and to the states and municipalities. The idea of devolution was raised in the House during deliberations on MAP-21, and Congressman Tom Graves (R-GA) and Senator Mike Lee (R-UT) have introduced the Transportation Empowerment Act in both the House and Senate (*H.R. 3486 and S. 1702, respectively*). However, all four witnesses agreed that while there was certainly room to improve programs, increase flexibility, and in some cases leverage private funding; the federal government needed to have a major role in financing transportation projects. Governor Fallin went so far as to clarify that she did not want her comments in support of utilizing innovative state plans to be viewed as a signal to devolve funding back to the states, instead saying that “states can’t pick up the load by themselves and we need to have a national vision for a national transportation infrastructure system.” When asked for further clarification by Ranking Member Nick Rahall (D-WV), the Governor again stressed that there needs to be a “partnership between federal, state and localities to work together.”

Similarly, Congressman Peter DeFazio (D-OR) asked Caterpillar Inc.’s Group President Stuart Levenick about his opinion of devolution. Mr. Levenick said that Caterpillar does not support such proposals and that in fact, “the federal government has always had a constitutional role in creating a national system of transportation that supports the common good, and we couldn’t agree with that more.” Mr. Levenick also commended states for developing their own innovative financing systems and recommended that Congress thoroughly review such plans when developing the next reauthorization bill as they could be used to strengthen the national transportation network. However, he emphasized that devolution was not a practical solution due to its negative impacts on the national transportation network, suggesting that if devolution were implemented and the country ultimately ended up with “a patchwork of 50 different solutions, you don’t have a network.”

We will continue to follow progress on the reauthorization of the nation’s surface transportation programs and provide updates accordingly. If we may answer any questions or provide additional information, please do not hesitate to contact us.

# ALCALDE & FAY

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## FISCAL YEAR 2014 OMNIBUS APPROPRIATIONS BILL

Congressional appropriators this week released details of a \$1.012 trillion bipartisan spending package (HR 3547, The Consolidated Appropriations Act, 2014), which incorporates all 12 annual appropriations bills into one "Omnibus" bill and funds the government through the remainder of Fiscal Year (FY) 2014 which ends on September 30, 2014.

The Omnibus bill is reflective of the budget agreement that passed in December which set overall discretionary spending levels for FY 2014 and 2015 and partially restored funding cut by sequestration. The measure would provide a 2.6 percent increase in discretionary spending from the \$986.3 billion, sequester-set level for FY 2013. Under pressure from leadership, the measure keeps a tight rein on new funding and effectively freezes appropriations for President Obama's healthcare program at the reduced, post-sequester level. Despite these reductions, the Administration announced its support for the spending package and the President is expected sign the bill into law once Congress approves the measure later this week.

Proposed funding levels for programs generally of interest to local governments have been highlighted below as provided in the explanatory statements accompanying the omnibus bill, as well as the House and Senate Appropriations Committee summaries. Please let us know if you have any questions or would like additional information on specific agreement details not provided below.

### DEPARTMENT OF AGRICULTURE

The bill provides \$20.9 billion in discretionary funding for the Department of Agriculture, \$350 million above the FY 2013 enacted level.

- *Water and Waste Disposal Program*

\$1.752 billion, \$248 million above FY 2013 for the water and waste disposal program, which provides loans and grants to assist communities in obtaining clean water and sanitary waste disposal systems.

- *Community Facilities Program*

\$2.288 billion to assist rural communities with essential community facilities, including: hospitals, schools, health clinics, libraries, day care centers, public safety buildings and equipment.

- *Job Corps*

\$1.7 billion, \$14 million less than the FY 2013 enacted level, is provided to help unemployed, young Americans receive education, job training, and employment assistance

- *Veterans Employment and Training Service (VETS)*

\$269.5 million, which is \$5.1 million above the FY 2013 enacted level, is included for VETS. This includes \$14 million for the Transition Assistance Program to help new veterans receive training for civilian employment and job search assistance.

## DEPARTMENT OF TRANSPORTATION

The bill includes \$17.8 billion in discretionary appropriations, \$164 million below the FY 2013 enacted level. Key program funding includes:

- *TIGER Discretionary Program*

\$600 million is provided for TIGER grants, which is \$126 million more than the FY 2013 level.

- *Federal Highway Administration (FHWA)*

\$41 billion in obligation limitation funding for the Federal Highway program, which reflects level authorized in the MAP-21 transportation authorization legislation.

- *Federal Aviation Administration (FAA)*

\$12.4 billion is provided for the FAA, \$168 million below the FY 2013 enacted level, to support the full operations of the air traffic control system, including the hiring and training of air traffic controllers and safety inspectors. Funding is preserved for the FAA's Next Generation air transportation systems (NextGen), and \$3.35 billion in "obligation limitation" funding is provided for airport construction projects. However the omnibus bill does not include the Administration's proposals for new passenger facility fees.

- *Federal Railroad Administration (FRA)*

\$1.6 billion is provided for FRA programs, which \$34.6 million below the FY 2013 enacted level for railroad assistance and rail safety programs. Also no funding is provided for High Speed Rail initiatives.

- *Federal Transit Administration (FTA)*

\$2.15 billion, a decrease of \$100 million below the FY 2013 enacted level, is included for FTA programs. The bill allows \$8.6 billion in state and local transit grant funding from the Mass Transit Account of the Highway Trust Fund, which is consistent with MAP-21, in order to help local communities build, maintain, and ensure the safety of their mass transit systems.

\$1.942 billion is provided for Capital Investment Grants ("New Starts"), full funding for state and local "Small Starts," and funding for all current "Full Funding Grant Agreement"



projects. When combined with available prior year transit funds, \$2.132 billion is available for all New Start programs.

## **OTHER AGENCIES**

### **U.S. ARMY CORPS OF ENGINEERS**

The Army Corps of Engineers is funded at \$5.5 billion, an increase of \$487 million above the FY 2013 enacted level, focusing funding on navigation and flood control projects to advance public safety, boost U.S. export ability, create jobs, and help ensure our waterways stay open for business. Within the total, the bill provides: \$642 million above the request for essential flood control and navigation projects; \$2.3 billion for navigation projects and studies; more than \$1 billion in funding from the Harbor Maintenance Trust Fund; and \$1.6 billion for public health and flood and storm damage reduction activities, including \$247 million for critical dam safety improvements.

### **ECONOMIC DEVELOPMENT ADMINISTRATION (EDA)**

The bill provides \$247 million, \$28 million more than the FY 2013 enacted level, for investments that will leverage regional assets to support the implementation of regional economic development strategies designed to create jobs, leverage private capital, and encourage economic development.

### **ENVIRONMENTAL PROTECTION AGENCY (EPA)**

The bill provides \$8.2 billion for the EPA, which is \$143 million below the FY 2013 enacted level, and includes approximately \$2.35 billion for the Clean Water and Drinking Water State Revolving Funds, which provides grants to states for local drinking water and sewer construction projects.

### **NATIONAL SCIENCE FOUNDATION (NSF)**

The NSF is funded at \$7.2 billion, a decrease of \$82 million below the fiscal year 2013 enacted level. This funding is targeted to programs that help strengthen U.S. innovation and economic competitiveness, including funding for an advanced manufacturing science initiative, and for research in cybersecurity and cyber-infrastructure.


**DRAFT FEDERAL LEGISLATIVE ADVOCACY PLATFORM – 2014**

Issue	Goal	Strategy
<b>Surface Transportation Authorization</b>	A. Maintain basic structure of MAP 21, but provide financial stability supporting a multi-year surface transportation bill	Work with our partner Bay Area transportation agencies, Caltrans and other statewide transportation organizations to build on the structure and performance-based framework established by MAP-21 and identify a new, permanent funding source of funding for the Highway Trust Fund. Seek inclusion of a new program focused on metropolitan mobility, increased funding for maintaining our existing roadways and transit systems —and most importantly — a new, dedicated funding source that supports an authorization bill of at least five years.
	B. Support creation of a National Freight Program funded by a new, dedicated revenue stream	CCTA will partner with transportation organizations in California and nationwide to urge Congress to establish a National Freight Program in the next surface transportation act that includes the following key elements: <ul style="list-style-type: none"> <li>• Requires DOT to establish a multimodal National Freight Network, expanding on the highway-focused “Primary Freight Network” required by MAP-21.</li> <li>• Establishes a National Freight Trust Fund backed by new user fees generating at least \$2 billion per year.</li> <li>• Re-establishes the National Freight Research program</li> <li>• Incorporates multiple revenue options such that the burden of funding the new program is distributed widely across all freight modes.</li> </ul>
<b>Federal Appropriations</b>	A. Maximize federal transportation appropriations for MAP-21 programs	<ul style="list-style-type: none"> <li>• Partner with local, regional and statewide transportation agencies as well as national associations to ensure that Congress appropriates funding in fiscal years 2013-14 and 2014-15 consistent with amounts authorized in MAP-21.</li> <li>• Monitor and pre-position for federal competitive grant opportunities.</li> </ul>
<b>Pre-Tax Transportation Benefits</b>	Preserve mode-neutrality in pre-tax transportation benefits	Continue advocacy for parity between the pre-tax transportation benefit allowed for public transit and vanpooling and is the pre-tax transportation benefit allowed for parking.
<b>Transportation Infrastructure Funding and/or Financing</b>	Support legislation outside of the Reauthorization that provide alternative funding/financing opportunities	Continue support for legislation that seeks to provide alternative funding and financing for transportation and infrastructure projects.

<b>Intelligent Transportation Systems Federal Match</b>	Increase Federal Share on Intelligent Transportation System projects	Increase the Federal share payment to 100 percent for any projects on the Interstate System, and 95 percent for any other project, whose primary objective is to deploy, operate or maintain intelligent transportation systems (ITS) and other advanced technologies that improve the safety and efficiency of the transportation system.
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# ADOPTED 2014 FEDERAL LEGISLATIVE PLATFORM

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Contra Costa County

January 14, 2014



## 2014 FEDERAL LEGISLATIVE PLATFORM CONTRA COSTA COUNTY

Each year, the Board of Supervisors adopts a Federal Legislative Platform that establishes priorities and policy positions with regard to potential federal legislation and regulation. The 2014 Federal Legislative Platform identifies 10 funding needs for FFY 2015; 4 requests for the reauthorization of the federal transportation act; and 6 requests for the reauthorization of the Water Resources Development Act.

### **FEDERAL RELATED FUNDING NEEDS**

*The following list is a preliminary ranking in priority order. Adjustments to the priority order may be appropriate once the President releases his budget. The current priority ranking gives preference to those projects that we know will not be included in the President's budget, with lower priority to Army Corps of Engineers projects which may be in the budget. Also, Army Corps project requests will be adjusted to be consistent with Corps capability.*

**1. Delta LTMS-Pinole Shoal Management, CA** – **\$3,000,000** for the Army Corps of Engineers to continue a Long Term Management Strategy (LTMS) for levee rehabilitation, dredging and sediment reuse in the Delta, similar to the effort completed in the Bay area. Levee work, reuse of dredged sediments, dredging and other activities have been difficult to accomplish due to permitting problems and a divergence of priorities related to water quality. Significant levee rehabilitation is critical to the long term stability of these levees and to water quality and supply for the 23 million Californians who depend upon this water. Stakeholders from the Department of Water Resources, Ports, Army Corps, levee reclamation districts, local governments and other interested parties are participating in the LTMS. A Sediment or Dredged Material Management Office will be established, and in the longer term, preparation of a Sediment Management Plan will consider beneficial reuse of dredged materials as one potential source of sediment for levees. *(Note: \$500,000 appropriated for FFY 2005; \$225,000 for FFY 2006; \$500,000 for FFY 2007; \$462,000 for FFY 2008; \$235,000 for FFY 2009; \$100,000 for FFY 2010; \$0 since.)*

**2. Safe and Bright Futures for Children Exposed to Domestic Violence** – **\$400,000** to implement the federally funded plan to diminish the damaging effects of domestic violence on children and adolescents and to stop the cycle of intentional injury and abuse. A three year assessment and planning process resulted in a program plan that is working to align and create a system responsive to the needs of children exposed to domestic violence through identification, early intervention; raising awareness; training professionals; utilizing and disseminating data; establishing consultation teams to support providers in intervening and using best practices; and developing targeted services. Exposure to domestic violence reshapes the human brain and is the primary cause of trauma in children's lives. It influences personality, shapes personal skills and behaviors, impacts academic performance, and substantially contributes to the high cost of law enforcement, civil/criminal justice and social services. Exposure to domestic violence is associated with greater rates of substance abuse, mental illness, and adverse health outcomes in adulthood, and substantially contributes to the high cost of law enforcement, civil/criminal justice and social services. *(Note: \$428,000 appropriated for FFY 2009; \$550,000 for FFY 2010.)*

**3. Mt. Diablo Mercury Mine Clean-up – \$483,000** for the Army Corps of Engineers to complete the Technical Planning Process for the Mt. Diablo Mercury Mine Clean-up Project. The project will clean up the mine in a cost effective, environmentally-sound manner with minimal liability exposure for the County and involving all stakeholders through an open community-based process. The Corps initiated a Technical Planning Process in June 2008 to develop a preliminary remediation plan, identify applicable permit and environmental data requirements and complete a data collection and documentation program for the clean-up of the Mt. Diablo Mercury Mine. Several phases of the planning process have been completed, and this appropriation will allow the Corps to continue the planning process, which will include looking at watershed issues downstream of the mercury mine. The mine site is located on private property on the northeast slope of Mt. Diablo at the upper end of the Marsh Creek watershed. (Note: \$517,000 appropriated in FFY 2008.)

**4. Bay-Delta Area Studies, Surveys and Technical Analysis – \$2,500,000** for the Delta Counties Coalition to carry out technical analysis and planning associated with participation in the Bay-Delta Conservation Plan (BDCP) or implementation of any projects resulting from the Plan. The technical analysis and planning will focus on issues related to the planning of water delivery projects and conservation plans that are included in the BDCP.

**5. CALFED Bay Delta Reauthorization Act Levee Stability Improvement Program (LSIP) – \$8,000,000** for the Army Corps of Engineers for levee rehabilitation planning and project implementation. The CALFED Reauthorization Act, passed in January 2004, authorized \$90 million, which may be appropriated for levee rehabilitation work. The Corps has prepared a “180-Day Report” which identifies projects and determines how these funds would be spent. Since that time, the breakdown of CALFED, coupled with the Army Corps’ attempts to define an appropriate and streamlined process, has delayed funding and resultant levee work. (Note: \$500,000 appropriated for FFY 2006; \$400,000 for FFY 2007; \$4.92 million for FFY 2008; \$4.844 million for FFY 2010.)

**6. Suisun Bay Channel/New York Slough Maintenance Dredging – \$11,000,000** for the Army Corps of Engineers for maintenance dredging of this channel to the authorized depth of minus 35 feet. Continued maintenance is essential for safe transport of crude oil and other bulk materials through the San Francisco Bay, along the Carquinez Straits and into the Sacramento/San Joaquin Delta. Dredging for this channel section is particularly costly due to requirements on placement of dredged materials in upland environments. An oil tanker ran aground in early 2001 due to severe shoaling in a section of this channel, which creates a greater potential for oil spills (Note: \$4.559 million appropriated for FFY 2005; \$4.619 million for FFY 2006; \$2.82 million for FFY 2007; \$2.856 million for FFY 2008; \$2.768 million for FFY 2009; \$3.819 million for FFY 2010.)

**7. San Pablo/Mare Island Strait/Pinole Shoal Channel Maintenance Dredging – \$2,500,000** for the Army Corps of Engineers for maintenance dredging of the channel to the authorized depth of minus 35 feet. The Pinole Shoal channel is a major arterial for vessel transport through the San Francisco Bay region, serving oil refineries and bulk cargo which is transported as far east as Sacramento and Stockton. (Note: \$1 million appropriated for FFY 2005; \$2.988 million for FFY 2006; \$896,000 for FFY 2007; \$1.696 million for FFY 2008; \$1.058 million for FFY 2009; \$2.518 million for FFY 2010.)

**8. San Francisco to Stockton (J. F. Baldwin and Stockton Channels) Ship Channel**

**Deepening** – \$2,900,000 for the Army Corps of Engineers to continue the Deepening Project. Deepening and minor realignment of this channel will allow for operational efficiencies for many different industries, an increase in waterborne goods movement, reduced congestion on roadways, and air quality benefits. Phase one work focused on establishing economic benefit to the nation and initial salinity modeling in the channel sections. The second and final phase includes detailed channel design, environmental documentation, cost analysis, additional modeling, and dredged material disposal options. *(Note: \$500,000 appropriated for FFY 2005; \$200,000 for FFY 2006; \$200,000 for FFY 2007; \$403,000 for FFY 2008; \$1.34 million for FFY 2009; \$0 for FFY 2010; \$0 for FFY 2011; \$800,000 for FFY 2012.)*

**9. State Route 4 / Old River Bridge Study** – \$1,000,000 to work with San Joaquin County and the State of California on a study of improving or replacing the Old River Bridge along State Route 4 on the Contra Costa / San Joaquin County line. The study would determine a preferred alternative for expanding or replacing the existing bridge, which is part of State Route 4. The existing bridge is narrow, barely allowing two vehicles to pass each other, and is aligned on a difficult angle relative to the highway on either side, requiring motorists to make sharp turns onto and off of the bridge. The project would improve safety and traffic flow over the bridge. *(Note: no appropriations for this project as yet.)*

**10. Knightsen/Byron Area Transportation Study** – \$300,000 to re-evaluate the Circulation Element of the County General Plan (GP) to improve its consistency with the Urban Limit Line (ULL) and related policies that ensure preservation of non-urban, agricultural, open space and other areas identified outside the ULL. Policies will be evaluated to provide a more efficient and affordable circulation system for the study area, serve all transportation user-groups, support the local agricultural economy and accommodate the commuter traffic destined for employment centers outside the study area. Zoning and development regulations would be updated to implement the study recommendations.

**REAUTHORIZATION OF FEDERAL TRANSPORTATION ACT**

*The Safe, Accountable, Flexible and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), expired in 2009. SAFETEA-LU was renewed on ten occasions until the new program, Moving Ahead for Progress in the 21st Century (MAP-21) - a two year bill – was signed into law on July 6, 2012. MAP-21 is a 27-month bill that will expire September 30, 2014. The following are priority projects for which funding will need to be secured in the next multi-year transportation bill.*

**1. Vasco Road Safety Improvement Project** -- \$18 million for improvements to a 2.5-mile accident-prone section of Vasco Road. Project components include widening the roadway to accommodate a concrete median barrier and shoulders on either side of the barrier, construction of the barrier, and extension of an existing passing lane. The project will eliminate cross-median accidents which have caused numerous fatalities in recent years, and will provide increased opportunities for vehicles to safely pass (unsafe passing is a major cause of accidents and fatalities on this segment of the increasingly busy two-lane undivided road). The project will include provisions for wildlife undercrossings to preserve migration patterns. The proposed improvements will complement a \$10 million completed project that was funded with American Recovery and Reinvestment Act funds.



**1.b Vasco Road Safety Improvement Project Continuation -- \$30 million** for improvements to the remaining 9 miles of accident-prone sections of Vasco Road. Alameda County has been working on constructing improvements in their jurisdiction and it would be desirable for the two counties to work together to complete the gap left in the concrete median barrier near the County line. In addition to completing this gap, Contra Costa desires to extend the concrete median barrier further north of the recently completed median barrier project to the Camino Diablo Road intersection.

**2. North Richmond Truck Route -- \$25 million** to construct a new road or other alternate access improvements that will provide truck access between businesses and the Richmond Parkway, moving the truck traffic away from a residential neighborhood and elementary school. This project will increase safety, improve public health around the school and residential area by reducing diesel particulate emissions from those areas, increase livability of the neighborhood, improve local access to the Wildcat Creek Regional Trail, stimulate economic development in the industrial area of the community and provide a better route for trucks traveling to and from the Richmond Parkway. Several potential alignments have been identified, one of which was developed through a community planning process funded through an Environmental Justice planning grant from Caltrans.

**3. Eastern Contra Costa Trail Network -- \$10 million** for a joint planning, environmental review, right-of-way acquisition and constructions of a coordinated network of trails for walking, bicycling and equestrian uses in eastern Contra Costa County including facilities and projects improving access to existing or planned transit stations. Eligible trails include, but are not limited to, (1) the Mokelumne Trail overcrossing of the State Route 4 Bypass (\$6 million); (2) Contra Costa segments of the Great California Delta Trail (\$3 million); and (3) a transit supportive network of East Contra Costa trails in unincorporated County areas and the cities of Antioch, Brentwood, Oakley and Pittsburg (\$1 million).

**4. eBART Extension Next Phase Study/Environmental and Engineering -- \$10 million** for environmental review and engineering work on the project identified in the Bay Area Rapid Transit District's (BART) eBART Next Segment Study in eastern Contra Costa County. With regard to additional stations and eBART rail corridor alignment tasks may include, but not necessarily be limited to, completion of environmental review, and partial completion of engineering. Additional work may include, but not necessarily be limited to, evaluation and refinement of alignment and stations, development of capital and operating costs, land use analysis, completion of environmental review including appropriate mitigations, development of preliminary engineering, and public outreach. (Potential Program: FTA – New Starts, FHWA/FTA Congestion Mitigation and Air Quality)

➤ **Rural Road Funding Program** – The County supports the creation of a new funding program that will provide funds for converting or upgrading rural roads into more modern and safer roads that can better handle increasing commuter traffic in growing areas, such as East County. These roads do not often compete well in current grant programs because they do not carry as many vehicles as roads in more congested urban or suburban areas. As a result, improvements such as widenings (turn lanes, clear zone/recovery areas, etc.), realignments, drainage improvements and



intersection modifications often go unfunded, leaving such roads with operational and safety problems as well as insufficient capacity.

➤ **Transportation Funding for Disabled, Low-income, and Elderly Persons** – Transit services for elderly, disabled, and low-income persons are provided by the County, by some cities, by all of the bus transit operators, and by many community organizations and non-profits that provide social services. Increased funding is needed to provide and maintain more service vehicles, operate them longer throughout the day, upgrade the vehicle fleet and dispatching systems, improve coordination between public providers and community groups that also provide such services to their clients, and expand outreach programs to inform potential riders of the available services, among other needs. The County supports continuation and increased funding levels for federal funding programs dedicated to transit services for these population groups. All of the demographic trends point to a growing need for such services in the future. For example, the 65-and-older population in the Bay Area is projected to more than double by the year 2030.

➤ **Surface Transportation Program/Highway Bridge Funding** – The County supports the continuation of funding levels consistent with the Highway Bridge funding program in previous transportation funding bills that will provide funds for rehabilitating and replacing our aging bridges. The County has several aging bridges with deficient sufficiency ratings. Without federal transportation funding, these expensive projects would be deferred because they often exceed the County's funding capacity. Many of the bridges are on critical commute corridors, goods movement corridors, inter-regional routes, and farm to market routes. Failure of these important transportation assets can cause major disruptions to the transportation network.

## **REAUTHORIZATION OF WATER RESOURCES DEVELOPMENT ACT (WRDA)**

*The Water Resources Development Act of 2007 became law in November, more than seven years after the last authorization bill. A new WRDA bill is anticipated in 2014. The following are prioritized projects the County would submit for inclusion as the bill moves forward.*

**1. Army Corps Vegetation Policy** – Proposed amendments to 1996 Water Resources Development Act, Section 202: Flood Control Policy, (g) Vegetation Management Guidelines include the following: Engineering Technical Letter 1110-2-571 is suspended until that time a new policy is adopted. The policy guidelines shall be revised in accordance with the following: (A) Levee vegetation management guidelines shall represent regional variations based on a process that includes consultation with federal and state resource agencies, and preparation with local and state flood control agencies and corps districts. (B) Guidelines must undergo independent peer review which evaluates the structural and natural resource functions of vegetation on levees and the risks and benefits to the levee structure. (C) Guidelines and exemptions to them shall provide for protection of riparian and aquatic resources, reduction of costs and other community impacts in balance with public safety. (D) Existing projects in which the Corps has integrated vegetation into levees and floodwalls to meet project objectives and regulatory requirements shall be exempt from the guidelines.

**2. Mt. Diablo Mercury Mine Clean-up** – Authorize the Army Corps of Engineers, through their Remediation of Abandoned Mine Site program (RAMS), to perform and complete the Technical Planning Process and site characterization of the Mt. Diablo Mercury Mine in Contra Costa County as a demonstration project with no local match, and authorize the Army Corps of Engineers to construct the clean-up project at the Mt. Diablo Mercury Mine. This authorization will allow the Corps to fund elements of the mine remediation project that any responsible parties cannot. This would also allow the Corps' RAMS program to resolve liability issues associated with a clean-up project on private property and address mercury pollution on a watershed basis. Since this is a demonstration project, the Corps would fund the full Technical Planning Process, Remedial Investigation, design and project construction.

A 1995 study of Marsh Creek indicated the Mt. Diablo Mercury Mine tailings are responsible for 88% of the mercury in Marsh Creek. In addition, mercury levels in fish in Marsh Creek Reservoir downstream of the mine exceed the health standard concentration of 0.5 ppm.

**3. Sacramento San Joaquin Delta Infrastructure Improvements** – Contra Costa County, together with the four other Delta counties of Sacramento, San Joaquin, Solano and Yolo, has requested authorization for the Army Corps of Engineers to repair infrastructure in the Delta. This includes levees rehabilitation projects in the Delta as part of an overall system, rather than on a county-by-county or island-by-island basis. As the Administration has recognized, this ecosystem is among the most important in the nation, providing a source of drinking water for more than 25 million people, supporting a \$28 billion agricultural industry, and fostering a thriving commercial and recreational fishing industry that contributes millions to the California and national economies. The project is an authorization of \$2.5 billion for the Army Corps of Engineers to upgrade the levee system, including stockpiling rock to rebuild collapsed levees for emergency response purposes at selected areas of the Delta. Because of the importance of the Delta to the nation's agriculture and economy, the request includes a modification of the Federal/local cost share to 90% federal and 10% local.

**4. Rodeo Creek, Section 1135 Project** – The Contra Costa Flood Control and Water Conservation District is seeking an 1135 project authorization for the Army Corps of Engineers to prepare a study of the feasibility of restoring and enhancing wildlife resources in Rodeo Creek between San Pablo Bay and Highway 80. The channel was designed and constructed to provide adequate flood protection for the community of Rodeo and to control erosion of the creek. The channel currently does this, but requires extensive, environmentally insensitive maintenance to keep the channel functioning properly. In addition, the current channel design includes barriers to migration of anadromous fish. The Contra Costa Flood Control and Water Conservation District would like to partner again with the Corps of Engineers under the Corps' 1135 program to transform this outdated design into a sustainable, environmentally sensitive facility that better serves the community and the environment.

**5. Rheem Creek, Section 1135 Project** – The Contra Costa Flood Control and Water Conservation District is seeking an 1135 project authorization for Rheem Creek between the mouth at San Pablo Bay and Giant Road. The Army Corps of Engineers' existing flood protection project on Rheem Creek protects a number of commercial, industrial, residential and open space areas in the Richmond / San Pablo area of Contra Costa County. Surrounding the

mouth of the creek is a large undeveloped parcel (Brunner Marsh) which has been acquired by the East Bay Regional Park District for a future public park. Development of the adjacent lands as a regional park provides a unique opportunity for an enhanced creek environment in an area that will be very visible to the public.

**6. Walnut Creek, Select Deauthorization** – The Contra Costa County Flood Control and Water Conservation District is seeking to deauthorize the downstream portion of the Corps’ Walnut Creek project. The Flood Control District has been working with the Corps since 2002 on a Feasibility Study to re-evaluate and modify the lower portion of the Walnut Creek channel. Deauthorization of a select portion of the Corps’ Walnut Creek project would allow the Flood Control District to move forward with a more cost effective modification project than through the Corps process to modify this same portion of the channel.

#### **APPROPRIATIONS AND GRANTS – SUPPORT POSITIONS**

*The following support positions are listed in alphabetic order and do not reflect priority order. Please note that new and revised positions are **highlighted**.*

**Buchanan Field Airport** – The County approved a Master Plan for the Buchanan Field Airport in October 2008, which includes a Federal Aviation Regulation Part 150 Noise Study and a Business Plan for project implementation. The comprehensive planning effort has ideally positioned Buchanan Field Airport for future aviation (general aviation, corporate aviation and commercial airline service) and aviation-related opportunities. To facilitate the economic development potential, the Business Plan prioritizes necessary infrastructure improvements for Buchanan Field Airport (**including potential replacement of the 60 year old control tower**). Further, as the Airport is surrounded by urban residential uses, enhancing the noise program infrastructure is deemed essential for balancing the aviation needs with those of the surrounding communities. The Federal government, primarily through the Federal Aviation Administration (FAA), provides funding for planning, analysis, and infrastructure improvements. The County will support funding in all these areas for protection and enhancement of our aviation facility and network.

**Byron Airport** – The Byron Airport is poised for future general and corporate aviation and aviation-related development, but that future growth **and full build out of the airport as shown in the Master Plan** is dependent upon **utility and** infrastructure improvements both on and around the Airport. The Byron Airport Business Plan prioritizes infrastructure and possible additional land acquisition to assist the Byron Airport in fulfilling its aviation and economic development potential. The Federal government, primarily through the Federal Aviation Administration (FAA), provides funding for planning, analysis, infrastructure improvements and aviation land acquisition. The County will support funding in all these areas for protection and enhancement of our aviation facility and network.

**East Bay Regional Communication System (EBRCS)** – A project to build the East Bay Regional Communication System (EBRCS), a P25 Radio System infrastructure for Contra Costa and Alameda County. This system will provide interoperable voice communication in both the 800 MHz and 700 MHz frequencies to all public safety and public services agencies within Contra Costa County and Alameda County.

EBRCS will allow for interoperable voice communication within the region that can be integrated with other P25 radio systems outside the geographical area of the EBRCS, for example, with San Francisco. This project will provide Level 5 communications which is the highest level of interoperable communications. This project will allow for everyday interoperable communications, not just various levels of interoperability during big events or disasters in which radio caches are deployed or gateway devices used.

***Energy Efficiency & Conservation Block Grant (EECBG) Program*** – Advocate/support funding up to or above the authorized amount of \$2 billion for the EECBG Program established and authorized under the Energy Independence and Security Act (EISA) of 2007. The County's ability to continue offering programs/services improving energy efficiency and conservation while also creating jobs is contingent upon additional federal funding being appropriated to the EECBG Program in 2012 and beyond. Contra Costa and other local governments have identified and designed many successful programs and financial incentives targeting both the private and public sector which are now being implemented using EECBG funding authorized through the ARRA of 2009. Funding for the EECBG program is necessary to ensure the nation's local governments can continue their leadership in creating clean energy jobs, reducing energy consumption and curbing greenhouse gas emissions.

***Kirker Pass Road Truck Climbing Lanes*** – \$4.5 million for constructing northbound and \$20 million for constructing southbound truck climbing lanes on Kirker Pass Road, a heavily used arterial linking residential areas in eastern Contra Costa with job centers and the freeway system in central Contra Costa. The truck climbing lanes are needed to improve traffic flow and will also have safety benefits. The \$4.5 million will close a funding gap and augment secured funding: \$6 million in Measure J (local sales tax measure) funds and \$2.6 million in State Transportation Improvement Program funds. The \$20 million is the total cost of the southbound truck climbing lane segment.

***Regional Habitat Planning and Conservation*** – \$85 million to the U.S. Fish and Wildlife Service's "Cooperative Endangered Species Conservation Fund" to keep pace with land costs and the increasing number of Habitat Conservation Plans (HCPs) throughout the country. The County will support funding for the Fund to be restored to \$85 million, the 2010 funding level. This will provide much needed support to regional HCPs in California and nationally, including the East Contra Costa County HCP. Given the prolific growth in the number of regional HCPs, the Fund needs to be increased even more substantially in subsequent years. The East Contra Costa County HCP has received \$33.5 million from the Cooperative Endangered Species Conservation Fund in the past seven years and continuing this grant support is of vital importance to the successful implementation of that Plan. The County will pursue increasing appropriations to the Fund in partnership with numerous counties in northern and southern California and will support requests of the California Habitat Conservation Planning Coalition to increase the Fund up to \$85 million. The County will also request that the California State Association of Counties (CSAC) include this Fund increase as a priority on CSAC's federal platform.

***San Francisco Bay Improvement Act*** – \$1 billion restoration bill authored by Congresswoman Jackie Speier in 2010 but not passed. The bill, if passed, will help finance restoration of more than 100,000 acres of the Bay's tidal wetlands. Funds from the bill would implement a restoration plan that was adopted in 1993. In addition to benefits for fish and wildlife, wetlands restoration will create new jobs and provide regional economic infusions, as well as protect against the effects of sea level rise on the Bay's shores.

***Sacramento-San Joaquin Delta National Heritage Area*** – a bill authored by Senator Dianne Feinstein in 2010 but not passed. The bill, if passed, will authorize and fund a National Heritage Area (NHA) for the Sacramento-San Joaquin Delta. The NHA designation would be a first step in providing federal resources to agencies in the Delta for economic development and environmental protection. *Contra Costa County supports the legislation and participated in a feasibility study for the NHA through our seat on the Delta Protection Commission, which completed the study in 2012.*

***Vasco Road-Byron Highway Connector*** – \$30 million for design, engineering and construction of an east-west connector road between two major arterials that link Contra Costa County with Alameda and San Joaquin Counties. The Vasco Road-Byron Highway Connector will improve traffic circulation and linkages in the southeastern portion of the County and will provide a new route for truck traffic that will remove a significant portion of truck trips which currently pass through the rural community of Byron. Vasco Road is designated as State Route 84, and Byron Highway is under study as the potential alignment for future State Route 239.

## **2014 FEDERAL LEGISLATIVE PLATFORM POLICY POSITIONS**

*The following support positions are listed in alphabetic order and do not reflect priority order. Please note that new and revised policy positions are **highlighted**.*

***Affordable Housing and Homeless Programs*** –For Housing and Urban Development (HUD)'s Homeless Assistance Grants, the County will support funding that does not include set-asides or other requirements that limit local communities' ability to respond to the particular needs in their areas. For the Housing Assistance for People with AIDS (HOPWA) program, the County will support legislation to update the formula used to allocate HOPWA grants to reflect local housing costs as well as the number of AIDS cases.

The County supports full funding for HUD homeless assistance programs and funding for full implementation of the Homeless Emergency and Rapid Transition to Housing (HEARTH) Act of 2009.

The County supports funding the National Affordable Housing Trust Fund. Resources made available through the Trust Fund should be accessible to local housing and community development agencies, including public housing authorities. As the present home mortgage crisis demonstrates, homeownership is not for everyone. While we value and support the role that homeownership plays in meeting affordable housing needs, any new production program should prioritize efforts to address our nation's acute shortage of affordable rental housing.

***Agricultural Pest and Disease Control*** – Agriculture and native environments in Contra Costa County continue to be threatened by a variety of invasive/exotic pests, diseases and non-native weeds. The Federal government provides funding for research, regulation, pest exclusion activities, survey and detection, pest management, weed control, public education and outreach. The County will support funding in all these areas for protection of our agricultural industry and open space. Consistent with the policy position, the County will also support legislation which would authorize and direct the USDA to provide state and local funding for High Risk Prevention programs (also called Pest Detection Funding).

***Beneficial Use of Dredged Materials*** – As the beneficial reuse of dredged materials has a clear public benefit, particularly in the Delta, the County will continue to support beneficial reuse in general and also continue to advocate for funding for a federal study to determine the feasibility of beneficial reuse, considering the benefits and impacts to water quality and water supply in the Delta, navigation, flood control damage, ecosystem restoration, and recreation. The study would include the feasibility of using Sherman Island as a rehandling site for the dredged material, for levee maintenance and/or ecosystem restoration. Language to authorize the study was included in the Water Resources and Development Act (WRDA) which was passed into law on November 8, 2007.

***Child Care*** – Research continues to show that quality, affordable childcare is a necessity to ensuring a family's stability and economic success. Currently in Contra Costa County, there are over 10,000 low-income children eligible for affordable childcare services, yet only 29% of that need is met. Research also shows that in addition to a child's long-term success with school and employment, investing in high-quality early care and education results in a higher than average return on investments in the areas of crime reduction and positive health, education and economic outcomes.

With regards to childcare, the County will support the President's "Preschool for All" Initiative meant to close America's school readiness gap and ensure all children have access to quality care by expanding high quality learning opportunities for children 0-5. This proposal includes:

- An increase of over 100,000 new childcare slots and \$12 billion over the next 10 years;
- A focus on children and their families who are at or below 200% of poverty;
- Financing through a new cost-sharing partnership with states, already a proven successful model with Head Start in Contra Costa County.

The County will also advocate for the following federal actions:

- Increase funding to support employment of low-income families through greater access to child care subsidies, and increase the access of children from eligible families to high-quality care that supports positive child development outcomes.
- Provide flexibility at the state and local levels so that quality care can be balanced with access and parental choice.

***Child Support*** –The County will advocate for the following federal actions:

- Eliminate the \$25 fee for non-IV-A families.
- Restore the incentive match payments that were prohibited in the Deficit Reduction Act.
- Allow the automatic use of cash medical support to reimburse Medicaid expenditures.
- Allow IV-D agencies to access Health Insurance records for the purposes of Medical Support.

***Child Welfare and Well-being*** –The County will advocate for the following federal actions:

- Provide states with financial incentives, as opposed to monetary penalties, under the Child and Family Services Reviews and minimize the significant administrative burden associated with the review process.
- End Title IV-E disallowances from federal audits that take away funds from an already resource-strapped child welfare system. Allow states to reinvest these funds in preventing child abuse and neglect.
- Increase prevention dollars to help maintain children safely in their own homes. Federal funding currently gives disproportional support to out-of-home care rather than to preventing children from coming into care.
- Any increase in Federal Medical Assistance Percentage should include an associated increase in the Title IV-E matching rate to help support children in foster care.

***Community Development Block Grant and HOME Programs*** – The County’s ability to continue funding to a variety of nonprofit agencies that provide critical safety net services to lower income residents, including financing the development of affordable housing is threatened by further cuts as part of the Budget Control Act (Act) passed by Congress in July 2011. The Act established mandatory spending caps on most federal programs through 2021, and arranged additional across-the-board annual spending cuts to federal defense and non-defense discretionary (NDD) programs over this same period.

Included in non-defense discretionary programs are critical local government oriented programs including the CDBG and HOME programs. These programs are successful and productive, leveraging significant funding from non-federal sources to help spur economic development. The County agrees that reducing the federal deficit is an important component of achieving long-term national economic stability, but targeting solely NDD programs like the CDBG and HOME programs will not achieve significant reductions and will hinder the County’s ability to provide critical services to its most vulnerable populations. The County will continue to oppose any further reductions in the CDBG and HOME programs as part of the Budget Control Act or any other means.



***Cost Shifts to Local and State Government*** – Contra Costa County performs many of its services and programs pursuant to federal direction and funding. Other services and programs are performed at the behest of the state, which receives funding through the federal government. In the past, the Administration's budget has contained significant cuts to entitlement programs and/or caps on entitlements. Such actions could shift cost of services from the federal government to the state and/or local governments (and to the extent that costs would shift to the state, it is highly likely that these would be passed on to the County). The County will oppose any actions that would result in cost shifts on federal entitlement programs or which would result in greater dependency on county funded programs. In addition, the County will support federal and state financial assistance to aid county and local government efforts to meet unfunded federal mandates, such as those contained in the National Response Plan (NRP), the National Infrastructure Protection Plan (NIPP), and the National Incident Management System.

***Criminal Debt Collection*** – Nonpayment of court-ordered victim restitution, fines and fees is a problem of epidemic proportions for all jurisdictions. Literally billions of dollars go uncollected each year across the country, resulting not only in financial suffering of victims, but also the loss of public revenue. Many states already allow for the offset of State Tax Refunds, and these programs are successful in achieving revenue recovery. Federal Tax Refunds are already being successfully offset to pay for delinquent child support. The County will support amendments to the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for court-ordered debts that are past-due.

***Designation of Indian Tribal Lands and Indian Gaming*** – The Board of Supervisors has endorsed the California State Association of Counties' (CSAC) policy documents regarding development on tribal land and prerequisites to Indian gaming. These policy statements address local government concerns for such issues as the federal government's ability to take lands into trust and thus remove them from local land use jurisdiction, absent the consent of the state and the affected county; the need for tribes to be responsible for all off-reservation impacts of their actions; and assurance that local government will be able to continue to meet its governmental responsibilities for the health, safety, environment, infrastructure and general welfare of all members of its communities. The County will continue to advocate for federal legislation and regulation that supports the CSAC policy documents.

The County will also advocate for limitations on reservation shopping; tightening the definition of Class II gaming machines; assuring protection of the environment and public health and safety; and full mitigation of the off-reservation impacts of the trust land and its operations, including the increased cost of services and lost revenues to the County.

The County will also advocate for greater transparency, accountability and appeal opportunities for local government in the decision-making processes that permit the establishment of Indian gaming facilities. This includes sequencing the processes so that the Indian Lands Determination comes first, prior to initiation of a trust land request and associated environmental review.

The County will also consider support for federal action and/or legislation that allows Class III gaming at the existing gaming facility only if it can be shown that any change would result in a



facility that would be unique in nature and the facility can demonstrate significant community benefits above and beyond the costs associated with mitigating community impacts.

***Economic Development Programs*** – Congress should fund all the complementary programs within HUD’s community and economic development toolkit, ensuring that HUD does not lose sight of the development component of its mission. To that end, the County will support continued funding for the Section 108 loan guarantee program, the Brownfields Economic Development Initiative and the Rural Housing and Economic Development program. Each of these programs plays a unique role in building stronger, more economically viable communities, while enabling communities to leverage external financing in a way the CDBG program alone cannot do.

***Federal “Statewideness” Requirements*** – For many federally funded programs, there is a “statewideness” requirement; i.e., all counties must operate the specific program under the same rules and regulations. This can hamper the County’s ability to meet local needs, to be cost effective and to leverage the funding of one program to reduce costs in another program. Contra Costa County cannot negotiate for federal waivers or do things differently because it is not a state, yet its population is greater than seven states. Recognizing this is a very long-term effort, the County will advocate for relaxation of the “statewideness” rule to allow individual counties or a consortium of counties to receive direct waivers from the federal government and/or adopt the rules and regulations currently in use in another state for specific programs.

***Habitat Conservation Planning*** – The County will advocate for elevating the profile of Habitat Conservation Plans (HCPs) such as the East Contra Costa County HCP within Congress and Administration so that these critical federal/state/local partnerships can receive necessary attention and support. HCPs are flagship programs for the federal government and supporting effective implementation of approved HCPs should be a top priority for the U.S. Department of the Interior and U.S. Fish and Wildlife Service and HCPs should be a key tool in any federal climate change or economic stimulus legislation.

***Health*** – The County will advocate for the following actions by the federal government: provide enhanced Medicaid FMAP (“FMAP” is the “Federal Medical Assistance Percentage”) for Medicaid. It is the federal matching rate for state Medicaid expenditures. Increasing the federal matching rate for states would free up state general fund money for other purposes and would help counties as well.); suspend the Medicare “clawback” rule; suspend the “60-day rule” that requires states to repay the federal government overpayments identified by the state prior to collection, and even in instances where the state can never collect; ease the ability to cover those eligible for Medicaid by making documentation requirements less stringent; and prevent the implementation of the following seven federal regulations:

- Outpatient hospital
- Case Management
- School Based Administration & Transportation
- Public Provider Cost Limit
- Graduate Medical Education
- Rehabilitation Services Option

- Provider Tax

**Levee Restoration and Repair** – The County will support legislation such as H.R. 6484, the SAFE Levee Act (Garamendi) in 2012, which will authorize the U.S. Department of the Interior to invest in Delta levee repairs, for all levees that are publicly owned or publicly maintained. The bill also requires a cost-benefit analysis for the tunnel project being planned as part of the Bay-Delta Conservation Plan.

**Pension** – The County will support legislation that would modify the Internal Revenue Code and corresponding regulations to permit public employees to make an irrevocable election between their current pension formula and a less rich pension formula.

In 2006, Contra Costa County and the Deputy Sheriff's Association jointly obtained state legislation that would allow members of the Association to make a one-time irrevocable election between their current pension formula and a less rich pension formula, called Tier C. Orange County and its labor organizations obtained similar legislation in 2009. However, neither County has been able to implement this state legislation because such elections currently have negative tax consequences for employees and for retirement plans under federal tax law as interpreted by the Internal Revenue Service.

Like many local government entities nationwide, the County's fiscal position would benefit greatly from reduced pension costs. Allowing local government entities to implement collective bargaining agreements and state legislation that permits employees to elect less rich pension formulas would be a significant step in reducing pension costs.

**Public Housing Programs** – The County will support legislation that results in the transformation of existing programs to improve their effectiveness and efficiency, in tandem with the design of new and innovative responses, both to build upon recent progress and address outstanding issues.

The County will support legislation to protect the nation's investment in Public Housing:

- Enact affordable housing industry proposal to allow public housing agencies (PHAs) to voluntarily convert public housing units to Section 8 project-based rental assistance in order to preserve this vital component of the national infrastructure
- Oppose the Administration's proposal to impose a \$1 billion offset against the operating reserves of responsible, entrepreneurial PHAs
- Support the revitalization of severely distressed public housing units
- Address safety and security concerns connected to drug-related crime

The County will support legislation to preserve vital community and economic development programs:

- Fully fund the Community Development Block Grant Program in order to create and save jobs, revitalize local economies, and support critical services for vulnerable populations
- Maintain funding for HUD's cost-effective economic development tools

The County will support legislation to strengthen and simplify the Section 8 Rental Assistance programs:

- Provide adequate funding for Housing Assistance Payment contract renewals and ongoing administrative fees
- Enact the Section Eight Voucher Reform Act (SEVRA)
- Implement overdue regulatory and administrative revisions that ensure the efficient use of program funds

The County will support legislation to expand Affordable Housing Opportunities and combat homelessness:

- Fully fund the Home Investment Partnerships Program and HUD's homeless assistance programs
- Capitalize the Housing Trust Fund through a revenue-neutral approach
- Preserve and strengthen the Low Income Housing Tax Credit Program

The County will support legislation to foster innovation, increase efficiency, and streamline the regulatory environment:

- Promote reasonable and flexible federal oversight
- Incentivize green building and increased Energy Efficiency
- Support HUD's ongoing transformation efforts
- Ensure that HUD releases and distributes federal funding in a timely manner
- Eliminate statutory and regulatory barriers that prevent PHAs and redevelopment authorities from accessing federal programs they are qualified to administer.

***Retiree and Retiree Health Care Costs*** – The County operates many programs on behalf of the federal government. While federal funding is available for on-going program operations, including employee salaries, the allocation is usually capped, regardless of actual costs. For retiree and retiree health care, the County's ability to contain costs is extremely limited. The County will advocate for full federal financial participation in funding the County's retiree and retiree health obligations.

***San Luis Drain*** – The U. S. Bureau of Reclamation is under a court injunction to evaluate and implement options for providing drainage services for the west side of the San Joaquin

Valley. Drainage water from this area contains toxic concentrations of selenium and other hazardous substances. The San Luis Drain is one of the options studied. The Drain would pass through Contra Costa County to discharge in the Delta. The U.S. Bureau of Reclamation has determined to address the problem without building the Drain, but Congress would need to appropriate the funds before this alternative could be implemented. The injunction requiring provision of some type of drainage service still looms. The County will continue to oppose the San Luis Drain option and support, instead, drainage solutions in the valley, such as reducing the volume of problem water drainage; managing/reusing drainage waters within the affected irrigation districts; retiring lands with severe drainage impairment (purchased from willing sellers); and reclaiming/removing solid salts through treatment, bird safe/bird free solar ponds and farm-based methods.

***State Criminal Alien Assistance Program (SCAAP)*** – On May 23, 2012, the Department of Justice (DOJ) announced a change in the State Criminal Alien Assistance Program (SCAAP) that will prohibit SCAAP funds from being used to reimburse localities for foreign-born criminal aliens housed in jails that have been classified as “unknown inmates” by the Department of Homeland Security’s Immigration and Customs Enforcement (ICE) agency. This is a significant change to the SCAAP reimbursement formula and will heavily impact counties across the nation.

The County will support the rescinding of this decision and a reinstatement of the previous reimbursement practice, which would more equitably reimburse jurisdictions for the costs of housing undocumented individuals, including those inmates whose status may be unknown to the Department of Homeland Security.

***Second Chance Act*** – The County will support funding for the Second Chance Act, which helps counties address the growing population of individuals returning from prisons and jails. Despite massive increases in corrections spending in states and jails nationwide, recidivism rates remain high: half of all individuals released from state prison are re-incarcerated within three years. Here in California, unfortunately, the recidivism rate is even higher. Yet there is reason for hope: research shows that when individuals returning from prison or jail have access to key treatments, education, and housing services, recidivism rates go down and the families and communities they return to are stronger and safer.

The Second Chance Act ensures that the tax dollars on corrections are better spent, and provides a much-needed response to the "revolving door" of people entering and leaving prison and jail.

***Supplemental Nutrition Assistance Program (SNAP)*** – The County will advocate for the following federal actions:

- Increase SNAP benefits as a major and immediately available element of economic stimulus.
- Suspend the restrictions applying to ABAWDs. ("ABAWDs" stands for "Able-Bodied Adults without Dependents" and pertains to adults receiving food stamps who are considered employable.) They are subject to strict time limits on how long they can

receive food stamps. It is difficult administratively to track this, and when unemployment is high, it can result in more adults going hungry.

- Remove the current federal barriers that prevent some nutrition programs from employing EBT technology.

***Streamlining Permitting for Critical Infrastructure, Economic Stimulus, and Alternative Energy Projects –“Green” Job Creation*** – Request that Congress and the Administration recognize the value of Habitat Conservation Plans (HCPs) as a reliable way of streamlining critical infrastructure, economic stimulus, and alternative energy project permitting in a manner that is consistent with federal environmental regulations. HCPs not only facilitate such projects through permit streamlining, but the planning, implementation, management, and monitoring needs associated with regional HCPs plans also create many quality “green” jobs.

***Telecommunications Act of 1996 Revisions*** – The Telecommunications Act of 1996 governs local government’s role in telecommunications, primarily broadband cable that uses the County’s right-of-way as well as consumer protections. As Congress works to update the Act, the County will continue to advocate for strengthening consumer protections and local government oversight of critical communications technologies; local access to affordable and reliable high speed broadband infrastructures to support the local economy; the right of local municipalities and communities to offer high-speed broadband access; coordination and integration of private communication resources for governmental emergency communication systems; preservation of local government’s franchise fees; preservation of the local community benefits, including but not limited to public, education and governmental (PEG) access channels; authority for provision of municipal telecommunication services; preservation of local police powers essential for health, safety and welfare of the citizenry; preservation of local government ownership and control of the local public rights-of-way; and support for ensuring that communication policy promotes affordable services for all Americans.

The Community Broadband Act of 2007, S.1853, encourages the deployment of high speed networks by preserving the authority of local governments to offer community broadband infrastructure and services. The County will oppose all bills that do not address the County’s concerns unless appropriately amended. In addition, the Federal Communications Commission (FCC) has proposed rule-making (FCC Second Report and Order Docket 05-311 “Franchising Rules for Incumbents”) that, in the opinion of local government, goes beyond the scope of their authority in this area. The County will oppose all such rule making efforts.

***Telecommunications Issues*** – Support the Community Access Preservation (CAP) Act introduced in 2009 by Wisconsin Congresswoman Tammy Baldwin. The CAP Act addresses the challenges faced by public, educational and government (PEG) TV channels and community access television stations. The CAP Act addresses four immediate issues facing PEG channels. The CAP Act would: Allow PEG fees to be used for any PEG-related purpose; require PEG channels to be carried in the same manner as local broadcast channels; require the FCC to study the effect state video franchise laws have had on PEG; require operators in states that adopted statewide franchising to provide support equal to the greater of the support required under the

state law or the support historically provided for PEG; and make cable television-related laws and regulations applicable to all landline video providers.

In addition, the County should support the widespread deployment and adoption of broadband, especially as it serves to connect the educational community and libraries.

***Temporary Assistance for Needy Families*** – The County will advocate for the following federal actions:

- Relieve states of work participation rate and work verification plan penalties for fiscal years 2007, 2008, 2009 and 2010 in recognition of the serious downturn in the national economy and the succession of more “process-based” regulations issued in the last few years.
- Permanently withdraw the August 8, 2008, proposal that would have repealed the regulation that enables states to claim caseload reduction credit for excess MOE expenditures.
- Rescind the May 22, 2008, HHS guidance that effectively eliminated the ability of states to offer pre-assistance programs to new TANF applicants for up to four months.
- Rescind the final Deficit Reduction Act regulation restricting allowable state maintenance-of-effort expenditures under TANF purposes 3 and 4.
- End federal efforts to impose a national TANF error rate.

***Veterans Halls*** – The County will support legislation to provide America’s veterans organizations with resources to make necessary repairs to their meeting halls and facilities.

Across America, the meeting halls and posts of Veterans Service Organizations such as the American Legion and Veterans of Foreign Wars serve as unofficial community centers. Unfortunately, many of these facilities have deteriorated in recent years due to declining membership and reduced rental revenues as a result of the economic downturn.

The County will support legislation that would create a competitive grant program for veterans’ organizations, classified by the IRS as 501c19 non-profit organizations and comprised primarily of past or present members of the United States Armed Forces and their family members, to use for repairs and improvements to their existing facilities.

***Volume Pricing*** – The National Association of Counties supports greater access for local governments to General Services Administration (GSA) contract schedules. These schedules provide volume pricing for state and local governments and make public sector procurement more cost effective. However, current law does not provide full access to state and local governments for GSA schedules. The County will support legislation that gives local governments access to these schedules and provides the option of purchasing law enforcement, security, and other related items at favorable GSA reduced pricing.

***Water Quality, Quantity and Delta Outflow*** – Congress may consider legislation that could adversely affect water quality, quantity and flows in the Sacramento-San Joaquin Delta to the detriment of the County residents, economy and resources. The Board of Supervisors will rely on its adopted Delta Water Platform to determine the appropriate response to federal legislative issues brought to the Board's attention.

***Workforce Investment Act (WIA) Reauthorization*** – Congress may again consider reauthorization of the Workforce Investment Act in 2014. The County will support reauthorization of the Workforce Investment Act at current funding levels or higher; keeping the program at the federal level rather than block granting it; maximizing local control, so that we can meet local needs; and establishing reasonable performance measures. In addition, any reauthorization or new workforce legislation should: retain private sector led state and local Workforce Investment Boards (local boards) as governing bodies; expand, enhance and simplify the WIA Youth Program; redesign the Dislocated Worker program to reflect the new economy; and redesign how the funding of One-Stop facilities is structured.



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

10.

**Meeting Date:** 02/12/2014

**Submitted For:** Catherine Kutsuris, Conservation and Development Director

**Department:** Conservation & Development

**Referral No.:** 17

**Referral Name:** Review transportation plans and services for specific populations, including but not limited to...Contra Costa County Mobility Management Plan...

**Presenter:** John Cunningham

**Contact:** John Cunningham, (925) 674-7833

### **Referral History:**

This issue was first referred in 2014.

### **Referral Update:**

#### **Background**

Central Contra Costa Transit Authority (CCCTA – County Connection) and Contra Costa Transportation Authority (CCTA) staff brought the Contra Costa Mobility Management Plan to the CCTA Board at their January 15, 2014 meeting. Recommendations included adoption of the plan and subsequent implementation tasks.

After considerable discussion, The CCTA Board declined to formally adopt the plan. They did adopt the plan in concept, but directed staff to bring the plan back through the established local agency consultation process by way of the Regional Transportation Planning Committees (RTPCs). In preparation for this consultation I am bringing the plan to the Transportation, Water, and Infrastructure (TWI) Committee for discussion and possible action.

The TWI Committee and the Board of Supervisors have established an interest in this issue as follows:

1. The issue of the Contra Costa Mobility Management Plan is on the 2014 referral list for the TWI Committee {1}.
2. While not directly related to this local initiative, both the State and Federal Contra Costa County Legislative Platforms refer to improvements in paratransit service{2}.
3. The Board of Supervisors has previously gone on record with CCTA as supporting the mobility management concept. At the conclusion of the CCTA's Paratransit Improvement Study in 2004



the Board of Supervisors sent a letter to then CCTA Chair Amy Worth supporting certain recommendations of that study. Included in that support was the following which was a recommendation of that 2004 plan, “*Establish a Coordination/Mobility Manager Function*”.

## **Discussion**

I have identified the following items that the TWI Committee may wish to discuss at our February meeting:

**1. Dialog at the January 15, 2014 CCTA Board Meeting:** A summary of the Mobility Management discussion item is in the attached 1/17/14 memo from the CCTA Executive Director. That memo is brief and is not intended to capture the complete tone or content of the discussion. I can provide additional information at the February TWI on the following issues that were discussed at the CCTA:

- The county is facing a “silver tsunami” which begs a response.
- Existing community based, and private providers have grown organically. While these organizations can provide good service in a cost effective manner this model is not stable in the long term. (JC: The County needs a system or model that is scalable in order to be reliably responsive to the “silver tsunami”.)
- Overall, the tone at the meeting indicated the willingness to move ahead with the plan but not necessarily be constrained by the recommendations; the possibility of more fundamental changes in service structure/provision was alluded to.

**2. County Specific Obligations:** The County may have transportation obligations that are unique relative to the Cities and CCTA. It is not likely that these issues will be brought up in any other forum.

In order to receive the best available information on these matters, I have contacted staff from Aging & Adult Services and the Contra Costa Health Plan requesting that they either provide material for consideration by the TWI Committee and/or appear at the February meeting to participate in the discussion.

**3. County Staff Comments on the March 1, 2013 Draft Mobility Management Plan (Attached):** Not all comments were addressed in subsequent versions of the plan. The TWI Committee may benefit from a discussion on some of the more critical issues and should consider bringing them to a future Board of Supervisors meeting and/or including them in a comment letter to CCTA (the number below corresponds to the numbering in the attached comment letter):

[1] Emphasizing or implementing “refined” eligibility protocols without accompanying service improvements may have outcomes that should be discussed with decision makers.

[3] This comment was made considering the study has countywide implications but the lead agency (County Connection) only has authority in central county. This information would have provided insight as to the countywide interest in, or viability of the plan.

[5 & 12] This issue was brought up during the recent discussion at CCTA. The proximity and success of the Santa Clara operation may warrant further examination.

[11] This comment was meant to gauge the support of other affected transit agencies and hopefully result in a more coherent process by which to move the plan forward. In addition, the composition of the proposed “Oversight Board” (page 34 of the attached Mobility Management Plan), and direction to that body should be discussed.

**2014 TWIC Referrals:** 17. Review transportation plans and services for specific populations, including but not limited to County Low Income Transportation Action Plan, Coordinated Human Services Transportation Plan for the Bay Area, Priorities for Senior Mobility, Bay Point Community Based Transportation Plan, Contra Costa County Mobility Management Plan, and

*the work of Contra Costans for Every Generation.*

**{2} State Platform:** *“140. SUPPORT regional coordination that provides for local input in addressing transportation needs. Coordinated planning and delivery of public transit, paratransit, and rail services will help ensure the best possible service delivery to the public. Regional coordination also will be needed to...”* **Federal Platform:** *"Transportation Funding for Disabled, Low-income, and Elderly Persons – Transit services for elderly, disabled, and low-income persons are provided by the County, by some cities, by all of the bus transit operators, and by many community organizations and non-profits that provide social services. Increased funding is needed to provide and maintain more service vehicles, operate them longer throughout the day, upgrade the vehicle fleet and dispatching systems, improve coordination between public providers and community groups that also provide such services to their clients, and expand outreach programs to inform potential riders of the available services, among other needs. The County supports continuation and increased funding levels for federal funding programs dedicated to transit services for these population groups. All of the demographic trends point to a growing need for such services in the future. For example, the 65-and-older population in the Bay Area is projected to more than double by the year 2030."*

**Recommendation(s)/Next Step(s):**

**RECEIVE** report from staff and take action as appropriate including one or more of the following:

1. DIRECT staff to bring the Mobility Management Plan to the Board of Supervisors for further discussion and action, and/or
2. DIRECT staff to draft comment letter on the Mobility Management Plan to the Board of Supervisors for consideration.

**Fiscal Impact (if any):**

**No immediate, direct fiscal impact to the County.** The aging population is projected to result in a substantial increase in the demand for ADA paratransit type of transit service in the future. The subject plan is in the very early stages but is intended to control associated costs and improve service quality.

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**Attachments**

1-15-14 CCTA rtp & MMP

5/13/13 Email from Contra Costa County (John Cunningham) to County Connection (Laramie Bowron) re: the March 1, 2013 Draft of the Contra Costa County Mobility Management Plan

• 1/17/14 Letter from CCTA (Randell H. Iwasaki) to RTPC Managers Summarizing Discussion at the 1/15/14 CCTA Board Meeting.

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## Contra Costa Transportation Authority **STAFF REPORT**

**Meeting Date:** January 15, 2014

Subject	Presentation Regarding the Contra Costa Mobility Management Plan
<b>Summary of Issues</b>	The Central Contra Costa Transit Authority (CCCTA) prepared and adopted a Contra Costa County Mobility Management Plan and will present it to the Authority for its consideration and adoption. The plan identifies a need and provides a blueprint for Contra Costa to establish a Mobility Management function.
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. Adopt the Contra Costa Mobility Management Plan as a blueprint for a countywide mobility management function for implementation;</li> <li>2. Authorize Authority staff to work with MTC staff to redirect an awarded New Freedom Cycle 3 Grant to begin implementation of the mobility management function; and</li> <li>3. Bring back to the Authority in Spring of 2014 details and options for implementing the Mobility Management Plan.</li> </ol>
<b>Financial Implications</b>	The Authority was awarded a Federal New Freedom grant by MTC for \$96,000. The recommendation would redirect the use of these funds from a web enabled database to the implementation of the Mobility Management Plan.
<b>Options</b>	<ol style="list-style-type: none"> <li>1. Adopt the plan with recommended revisions.</li> <li>2. Adopt any combination of the three stated recommendations</li> <li>3. Do not approve any recommendations</li> </ol>
<b>Attachments</b>	<b>A.</b> Contra Costa Mobility Management Plan
<b>Changes from Committee</b>	N/A

## Background

In FY 2007-08 CCCTA was awarded a Cycle 2 Federal Transit Administration (FTA) Section 5317 “New Freedom” grant in the amount of \$80,000 to develop a Mobility Management Plan to include recommendations, goals, objectives, actions, timeline, and a funding plan for the establishment of a Mobility Management Center. CCCTA applied for the funding on behalf of multiple agencies countywide which met bi-monthly under the auspices of the Transportation Alliance. The Transportation Alliance included all of the public transit operators that operate in Contra Costa County, Contra Costa County Health and Human Services staff, RTPC staff, and staff from various social service agencies that provide transportation and CCTA. The purpose of the group was to coordinate services and better transportation options for seniors, people with disabilities, and low income families.

CCCTA agreed to submit an application with the understanding that the plan was to be a countywide effort and not be restricted to the CCCTA service area. Matching funds to the grant were provided by CCCTA, East Contra Costa Transit Authority (ECCTA) and West Contra Costa Transit Authority (WCCTA).

### What is Mobility Management?

“Mobility Management is the utilization of a broad mix of service delivery and support strategies that are directed primarily at the travel needs of seniors, persons with disabilities, and low income individuals. These strategies often integrate with and support other public service solutions provided to the larger public transit and paratransit rider populations. Mobility Management is not one solution but a toolkit of solutions that are tailored to the service needs of the special population groups.”

Effective mobility management has been shown to reduce costs and increase service through coordination of existing resources and the establishment of new programs, when necessary, to enhance travel options for these populations. It is because of this that the Metropolitan Transportation Commission (MTC) has embraced the development and implementation of mobility management throughout the Bay Area.

MTC, the programming agency for Federal New Freedom funds, has made mobility management a priority in its criteria for evaluating New Freedom project applications. MTC has also identified mobility management as a primary principle in addressing coordination and efficiencies in paratransit services in its recommendations regarding sustainable paratransit services in its Transit Sustainability Plan adopted by the Commission in May 2012.

### The Mobility Management Plan

In January 2012, the County Connection entered into an agreement with Innovative Paradigms to complete the resource inventory and develop a Mobility Management Plan. Since then, Innovative Paradigms has conducted significant outreach including: interviews with transit agencies, human service agencies, and advocates for seniors and the disabled. Additionally, three countywide transportation summits were held and input was received from the public, city and County staff, and the Contra Costa County Paratransit Coordinating Council. CCTA staff worked closely with CCCTA throughout the Plan's development.

Mobility management relates to administering functions associated with the mobility needs of seniors and those with disabilities. These functions can include: travel training, improved ADA eligibility, centralized maintenance, volunteer driver programs, centralized information, technical assistance, etc.

To implement mobility management in Contra Costa County, the report recommends the establishment of a Mobility Management Oversight Board to be staffed with executives from County Connection, Tri-Delta Transit, WestCAT, AC Transit, Contra Costa Transportation Authority, BART, and three executives representing human service agencies. This Board will guide the formation of a mobility management program and will be responsible for securing funding, hiring a mobility manager, and establishing by-laws and performance standards.

Ultimately it is envisioned that the mobility management "center" could implement several programs that could aid in improving coordination and operating efficiencies of multiple transportation providers.

Potential mobility management functions described in the plan include:

- **Travel Training:** Create a program to teach bus riding skills on all county transit systems.
- **Improved ADA Eligibility Process:** Institute a refined countywide ADA eligibility process, possibly an in-person assessment approach, to improve the accuracy of the eligibility determinations.
- **Agency Partnerships:** Work with human service agencies so they can provide transportation to their clients who currently use the ADA paratransit service operated by the transit agencies.
- **Centralized Maintenance:** Evaluate the viability of a centralized maintenance program directed at serving the unique needs of the human service community who are operating a variety of vehicles in their programs.

- Volunteer Driver Program: Expand volunteer driver programs throughout the County as an inexpensive means of serving difficult medical and other trip needs for seniors and persons with disabilities.
- Central Information Program: Expand information availability by making meaningful resource information available through a central referral mechanism.
- Advocacy Role of Mobility Management: Determine the level of advocacy appropriate for a new Coordinated Transportation Services Agency (CTSA) in Contra Costa County and include the new agency in all transportation planning processes.
- Technical Assistance Program: Include technical support as one of the services of the newly created CTSA to assist the human service community and other agencies in planning, grant management, and other technical functions.
- Driver Training Program: Establish a professional and consistent driver training program for human service agencies; offer driver training services relating to special needs populations to existing paratransit providers.

Prior to implementation of any of the above services, a dedicated source of funding will need to be identified to administer the program and pay for any services implemented. An initial role of the Mobility Management Oversight Committee will be to identify long term funding opportunities as well as a permanent agency structure.

CCCTA, as the grantee and lead agency on the development of the plan, adopted the Plan on October 10, 2013.

#### Next steps

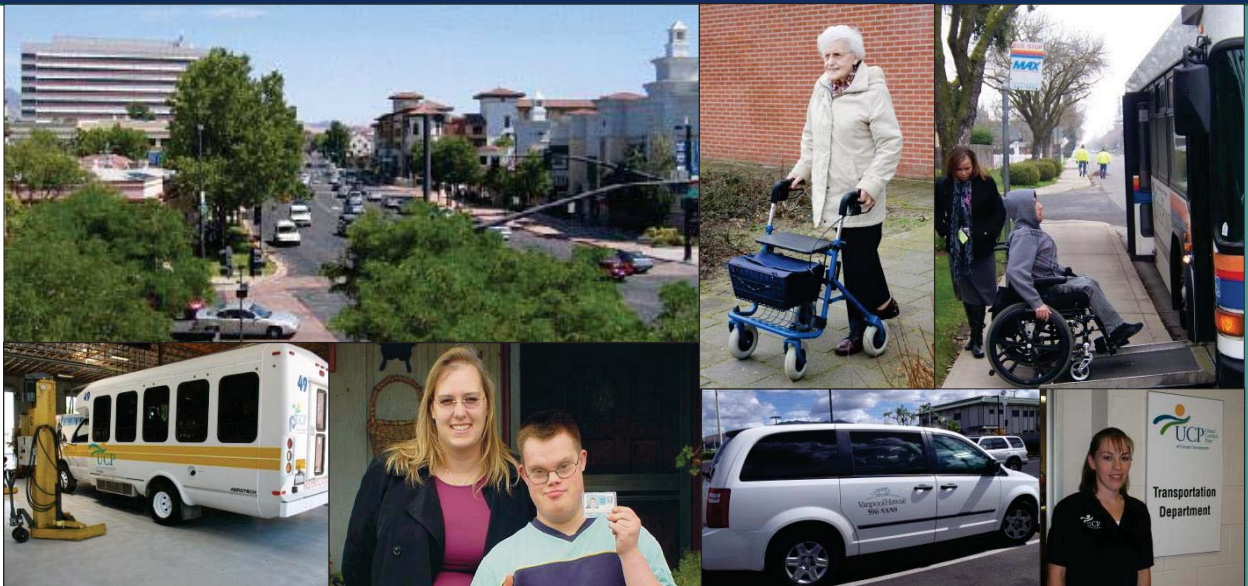
CCCTA has requested that the Authority adopt the mobility management plan and foster the development of the mobility management function to the next step. Some seed funding has been identified for this first step including a previously approved Cycle 3 New Freedom grant awarded to CCTA. The grant was awarded to convert a database of county service providers into a user-friendly web-enabled data resource. With the opportunity to seed the formation of a true mobility management function in the county, it might make more sense to redirect those funds. CCCTA also has some Cycle 2 funds that could be redirected to move the project forward.

If authorized by the Authority, staff will develop more defined options for the implementation of a mobility management function and present them for Authority consideration this Spring.

# Contra Costa County Mobility Management Plan

## Final Draft

October 17, 2013



*County Connection*

# **Contra Costa County Mobility Management Plan**

October 17, 2013

Prepared for

**County Connection**

by

**Innovative Paradigms**



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## EXECUTIVE SUMMARY

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The Central Contra Costa Transit Authority (County Connection) has taken the lead in managing the planning process for the development of a mobility management plan for the entire County. This Plan resulting from that effort is meant to guide implementation of a broad array of services under the mobility management framework. The starting point for the planning process is the definition of the concept.

**Mobility Management is the utilization of a broad mix of service delivery and support strategies that are directed primarily at the travel needs of seniors, persons with disabilities, and low income individuals. These strategies often integrate with and support other public service solutions provided to the larger public transit and paratransit rider populations. Mobility Management is not one solution but a toolkit of solutions that are tailored to the service needs of the special population groups.**

This Plan recommends the formation of an organization to take the lead in implementing a broad range of mobility management strategies. Specifically, a Consolidated Transportation Services Agency (CTSA) is recommended for Contra Costa County. A CTSA in the County would provide the vehicle through which the list of desired services could be deployed. The creation of a Mobility Management Oversight Committee is recommended to undertake the tasks needed to establish the CTSA. Options for funding the program are identified. A draft startup budget and a draft sample initial annual operating budget are included in the Plan. An initial budget of \$325,000 is proposed for each of the first two years of full operation following the formation phase.

The Plan acknowledges the contributions and relationships of the existing human service agencies in the County. It recommends careful attention to the roles of these organizations relative to the new CTSA and that funding considerations always be based upon a thorough analysis of the impacts of coordinating efforts between these existing organizations and the new agency.

The Plan suggests a number of service strategies responding to transportation needs identified in the planning process. These gaps were vetted through outreach efforts with community stakeholders that work with seniors, persons with disabilities, and persons with low-income. The specific strategies proposed for Contra Costa County are listed on the following page:

- Travel training: Create a program to teach bus riding skills on all county transit systems.
- Improved ADA Eligibility Process: Institute a refined countywide ADA eligibility process, possibly an in-person assessment approach, to improve the accuracy of the eligibility determinations.
- Agency Partnerships: Work with human service agencies so they can provide transportation to their clients who currently use the ADA paratransit service operated by the transit agencies.
- Centralized Maintenance: Evaluate the viability of a centralized maintenance program directed at serving the unique needs of the human service community who are operating a variety of vehicles in their programs.
- Volunteer Driver Program: Expand volunteer driver programs throughout the County as an inexpensive means of serving difficult medical and other trip needs for seniors and persons with disabilities.
- Central Information Program: Expand information availability by making meaningful resource information available through a central referral mechanism.
- Advocacy Role of Mobility Management: Determine the level of advocacy appropriate for a new CTSA in Contra Costa County and include the new agency in all transportation planning processes.
- Technical Assistance Program: Include technical support as one of the services of the newly created CTSA to assist the human service community and other agencies in planning, grant management, and other technical functions.
- Driver Training Program: Establish a professional and consistent driver training program for human service agencies; offer driver training services relating to special needs populations to existing paratransit providers.

## Chapter 1: METHODOLOGY

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### **Background**

The Contra Costa Mobility Management Plan was commissioned by the County Connection. It was derived from a Countywide outreach process, involved agencies throughout the entire County, and offers strategies applicable to the entire County. The Plan's technical basis is derived from input from transportation experts representing many agencies and the experience of the consulting team.

The Plan is intended to guide long term development of mobility management projects that fill gaps in existing transportation services and are sustainable both on the basis of organizational structure and funding. Traditional transportation services, such as public transit, are increasingly challenged to meet the needs of a diverse population. Public transit or "mass transit" is designed to carry large amounts of riders. Public transit includes fixed-route bus and rail service for the general public and paratransit bus service for disabled individuals in the community as described in the Americans with Disabilities Act (ADA). Although public transit provides an appropriate means of transportation for a majority of riders, there is an increasing population that requires specialized transportation. The result is increased emphasis on specialized programs that enhance transportation services and provide alternatives to fill gaps that seniors, persons with disabilities, and persons with low-income face. These are broadly defined as mobility management strategies. Effective mobility management strategies are those that coordinate with existing transportation services including: public transit, community based, and human service transportation programs. These strategies fill gaps often lost through public transit and will vary based on the demographic group being served. Examples of mobility management strategies specific to Contra Costa County are detailed in Chapter 3.

The identification and pursuit of these service delivery strategies is not enough to meet the need. Only through institutional commitment and appropriate institutional structures can these unique delivery strategies be provided. A CTSA will provide the framework for that process in Contra Costa County.

### **Methodology and Outreach**

The process used to construct the Plan involved the following steps:

Establish overall project direction and objectives: This initial planning stage involved discussions with the agencies managing the planning process, in particular County

Connection and the Contra Costa Transportation Authority (CCTA). The result was the broadening of the objective of the project to include consideration of the full range of mobility management options and structures for the County as opposed to a “one-stop” information referral project.

Identify appropriate mobility management functions and service delivery structures through technical analysis and community input: The analytical portion of the planning process was strongly supported by extensive community input. Activities involved meetings with community agencies to identify needs and to present technical options. The results of this process became the list of strategies included in the Plan.

Formal advisory input: The planning process was supported by two levels of advisory input. The first was the formation of an ad hoc Stakeholders Advisory Committee. This group represented varying interests throughout the County and included a cross section of agency types and geographic perspectives. The direction provided by this group was invaluable to the direction of the Plan. Among the most important outcomes of the advisory committee was recognition that an institutional framework was necessary to deliver the creative service options that are needed. The Plan defines both the structure recommended and the functional programs that were identified by the community and Advisory Committee.

The second level of advisory input was in the form of three Summit meetings held throughout the County. These Summits were structured to solicit input and feedback on specific mobility management options. Input from the participants was extremely helpful in defining the elements of this Mobility Management Plan.

Throughout the outreach process, stakeholder input was elicited to identify the challenges that their target population face when traveling throughout Contra Costa County. These findings were used to design strategies to fill the gaps that are detailed in Chapter 3. Throughout the outreach process the overarching theme was the lack of coordination amongst human service agencies, transit operators, and private/public/non-profit agencies. Although there are many providers of transportation, there is no central focal point for coordination, implementation, and enhancement of transportation options for these special needs populations. The recommendations in this Plan provide a comprehensive approach to address the challenges identified through outreach to the community.

## Chapter 2: MOBILITY MANAGEMENT STRUCTURE OPTIONS

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Mobility management is one part of a complex matrix of transportation services in any urban area. The “public transportation system” is made up of a number of elements that interact and often overlap. The major components of a public transportation system are: fixed-route bus service for the general public, paratransit bus service for individuals with disabilities as described in the Americans with Disabilities Act (ADA), and mobility management/human service transportation serving the specialized transportation needs of the population. These three elements have traditionally operated independently of each other.

In a coordinated transportation system, the three elements work in a more integrated fashion to serve certain targeted populations, specifically individuals with disabilities, the elderly, and persons of low income. This can result in service and cost efficiencies that yield benefits for the individual riders, public agencies, and smaller human service transportation providers. Within a coordinated transportation system, public transit, community based and human service agencies work with one another to refer riders to the service that is most appropriate for their functional abilities. Presently there are agencies in Contra Costa County that refer riders, but throughout the planning process there has been an emphasis on expanding and enhancing these efforts in a coordinated fashion. The quantitative and qualitative impacts of integrating a coordinated transportation system are captured in this Plan.

Though “mobility management” has often been defined narrowly to focus on one-stop call centers, this Plan takes a broader view. The concept goes far beyond minimal trip planning efforts for individuals to much broader strategies capable of improving service delivery to much larger numbers of individuals. No one strategy can serve all of the needs of the special needs groups targeted and for this reason the Plan consists of a variety of programs each meeting some aspect of the overall demand. This Plan includes strategies that exceed available funding and sets forth a list with recommended priorities. It also suggests approaches to funding intended to create a viable and sustainable program.

### ***Consolidated Transportation Services Agency***

Elements embodied in the concept of mobility management have been a part of the transportation service delivery framework for many years. Only recently have these elements been referred to as mobility management. Federal coordination requirements are now placing renewed emphasis on strategies to increase coordination in California such as the formation of CTSAs.

When the State passed AB 120, the Social Services Transportation Improvement Act, it allowed county or regional transportation planning agencies to designate one or more organizations within their areas as Consolidated Transportation Service Agencies (CTSAs). The goal was to promote the coordination of social service transportation for the benefit of human service clients, including the elderly, disabled individuals, and persons of low income. AB 120 specified the following strategies of service coordination through the use of CTSAs:

- Cost savings through combined purchasing of necessary equipment.
- Adequate training of drivers to insure the safe operation of vehicles. Proper driver training to promote lower insurance costs and encourage use of the service.
- Centralized dispatching of vehicles to efficiently utilize rolling stock.
- Centralized maintenance of vehicles so that adequate and routine vehicle maintenance scheduling is possible.
- Centralized administration of various social service transportation programs to eliminate duplicative and costly administrative functions. Centralized administration of social service transportation services permitting social service agencies to respond to specific social needs.
- Identification and consolidation of all existing sources of funding for social service transportation. This can provide more effective and cost efficient use of scarce resource dollars. Consolidation of categorical program funds can foster eventual elimination of unnecessary and unwarranted program constraints.

The CTSA structure is unique to California. While other states are beginning to implement coordinated transportation projects, only California has the state legislated model of the CTSA. Thus, for three decades, initiatives to coordinate human service transportation programs in California have been largely guided by AB 120. There is a new focus on CTSAs as the appropriate entity to implement the programs embodied in the federal legislation that provides funding for mobility management projects. Other communities are seeking to create new CTSAs or designate existing organizations as CTSAs to combine the State and federal legislation into service delivery mechanisms



that have resources and focus to achieve real coordination. A significant dialogue is underway throughout California regarding the role of the CTSA and its ability to meet both the federal and State coordination requirements.

In January 2013, the Metropolitan Transportation Commission (MTC) circulated a Draft Coordinated Public Transit – Human Services Transportation Plan Update which recommends the designation of CTSAs to facilitate sub-regional mobility management and transportation coordination efforts.

### What is a CTSA Intended to Do?

While no two CTSAs are structured the same way or provide exactly the same services, there are common objectives to be found in all CTSA activities:

- Increase transportation options for seniors, the disabled, and persons of low income.
- Reduce the costs for public transportation.
- Identify and implement efficiencies in community transportation operations.

### What Can a CTSA Look Like and Accomplish?

CTSAs in California have taken on a variety of forms and within those various forms they provide a range of services. The most successful CTSAs have embraced the concept of human service coordination and mobilized efforts to creatively use resources to accomplish great things in their local communities. While all forms of CTSA have the potential to achieve the objectives of the concept, evidence provided through a review of available CTSA documentation and case studies indicates that certain structures may be more conducive to successful project implementation than others.

AB 120, the California legislation creating CTSAs along with the subsequent federal guidance on human service transportation coordination offers a general concept of a mobility management agency. Within that guidance is great latitude to mold the concept to the unique circumstances of a local community. The most successful CTSAs have built a creative array of programs serving a broad population of persons in need. The typical target populations include the disabled, elderly, and low-income individuals. Many studies including planning efforts in Contra Costa County have documented the substantial unmet needs of these groups and the need for additional specialized transportation capacity programs capable of targeting these potential riders. As the definition of need is broadened to include young children and possibly other groups, the volume of need becomes even more extensive.



Well refined CTSAs have addressed the broad variety of needs in creative ways. They have typically used limited funds in creative ways to achieve substantial results. For example, efforts in other counties have included joint funding of service provided by human service agencies for their own client populations. Some communities combine funding for transportation programs with other sources. Examples of non-transportation funding that are sometimes used to support transportation services include Regional Centers, Temporary Assistance for Needy Families (TANF), and Area Agency on Aging.

An effective CTSA is an organization that serves as a broad facilitator – or champion - of transportation coordination. The role typically means that the agency is well connected in the transportation and human service community and is a leader in creating solutions to travel needs. This is often accomplished through negotiating cooperative agreements between agencies to coordinate the use of funds, acquiring capital assets (e.g. vehicles, computer equipment, etc.), and buying fuel and electricity for vehicles (e.g. joint fuel purchase). Service delivery can range from: coordinating a volunteer driver program to managing a travel training program for fixed-route service and can include the facilitation of direct service delivery through contracts with social service agencies. An important consideration is that most functions that a CTSA can perform can be offered through any of a variety of structural models.

### ***Consolidated Transportation Service Agency Models***

AB 120 requires that CTSAs be designated by a transportation planning agency. In Contra Costa County, this entity is the Metropolitan Transportation Commission (MTC). According to statute, each CTSA designated must be an agency other than the planning agency. The range of options for CTSA designation as defined in law are:

- A public agency, including a city, county, transit operator, any state department or agency, public corporation, or public district, or a joint powers entity created pursuant to the California Government Code Section 15951.
- A common carrier of persons as defined in Section 211 of the Public Utilities Code, engaged in the transportation of persons, as defined in Section 208.
- A private entity operating under a franchise or license.
- A non-profit corporation organized pursuant to Division 2 (commencing with Section 9000) of Title 1, Corporations Code.

Within these broad legal definitions, a number of alternative CTSA structure models have emerged. These or possible variations are open for consideration for application in Contra Costa County. The following are the principal structural options for CTSA organizations in the County.

- Single Purpose Non-profit Agency: In California there are limited examples of non-profit agencies that have been designated as a CTSA that provide a wide range of transportation programs and services. Noteworthy examples of existing non-profit CTSA's are Outreach in Santa Clara County, Valley Transportation Services in San Bernardino County, and Paratransit, Inc. in Sacramento County.

Outreach and Escort of Santa Clara County served as the CTSA in the County for several years before its designation was rescinded by MTC. It was recently re-designated by MTC and is currently the only CTSA in the nine county Bay Area. Among the provisions associated with this re-designation was an agreement that Outreach would not submit a claim for TDA Article 4.5 funds. Access Services in Los Angeles was created largely to manage the ADA paratransit program in LA County but was also designated the CTSA. It was created through action by public agencies to address ADA and coordination issues.

- Multi-Purpose Non-profit Agency: There are examples in California where a multi-purpose non-profit agency has been designated the CTSA. This is typically a situation where a strong non-profit organization with an effective infrastructure wishes to champion transportation issues and adds those functions to a broader list of agency activities. Ride-On of San Luis Obispo is an example of this form of organization. Ride-On was originally the United Cerebral Palsy (UCP) affiliate in San Luis Obispo and still serves in that capacity in addition to its transportation responsibilities. There are many examples of non-profit organizations that have created major transportation programs under an umbrella that includes nutrition services, housing programs, food banks, and other common human service functions.
- County Government: In many rural California counties, transportation services are provided by the County. Often this includes providing public transit services. This is a common structure in smaller or rural counties. Several counties have been designated CTSA's. Often, though not always, transportation services are provided through the public works department. Counties such as Glenn and Colusa are examples of this form of CTSA.
- Public Transit Agency: In some California counties the local public transit agency has been designated the CTSA. This applies to both legislated transit districts and Joint Powers Authority (JPA) agencies. It is typically in smaller counties that the transit agency has been designated. Examples of transit agencies that are

CTSAs are El Dorado Transit, Eastern Sierra Transit Authority (Bishop), and the Mendocino Transit Authority. All of these are JPAs.

Of the models presented above the non-profit agency model has historically been the most notable in terms of implementing programs with long-term sustainability. Non-profit agencies such as Outreach and Escort, Ride-On, and Paratransit, Inc. have delivered successful coordinated transportation programs throughout California for many years. Each of these organizations continues to evolve to meet the needs of the communities they serve. Non-profit organizations have typically been the most successful CTSA model for a number of specific reasons. These include:

- **Specific Mission:** Non-profit CTSAs have been established with a human services perspective focused on special needs populations and programs dedicated to fulfilling these unique needs. This differs from public transit agencies whose primary mission is to serve large groups of travelers (“mass” transportation). Human service transportation often plays a very small part in an organization with a mass transit mission.
- **Entrepreneurial style:** Non-profit CTSAs have often been created by transportation professionals seeking to apply creative approaches to the hard to serve needs of special population groups.
- **Flexibility:** Non-profit CTSAs typically have more flexibility to create and operate new programs than governmental agencies.
- **Applicable laws:** Non-profit corporations are subject to different laws than public agencies such as labor laws. This fact can provide more latitude to structure services with unique operating characteristics than most public agencies.
- **Access to funds:** Non-profit corporations may be eligible for funds that are not available to other organizations. Such funds may contribute to fulfilling the mission of the agency. An example would include the priority given to non-profit corporations applying for FTA Section 5310 funds.

### ***Legal Setting***

The legal basis for establishing and managing CTSAs is contained in the California enacted Transportation Development Act (TDA). This broad set of California laws and regulations concerning transportation funding and management contains the various provisions governing CTSAs. The CTSA portion of the TDA is a relatively small part of a much larger law concerning funding for all modes of transportation and certain specific funding sources available to all counties for transportation purposes.

The two funding sources included in TDA are:

- Local Transportation Fund (LTF): derived from a ¼ cent of the general sales tax collected within the county and
- State Transit Assistance Fund (STA): derived from the statewide sale tax on gasoline and diesel fuel.

The portion of the TDA creating CTSA states that such agencies are eligible to claim up to 5% of the LTF for community transportation purposes.

The Act also specifies the process through which a CTSA may be designated. The designating agency may promulgate regulations specific to the CTSA as well as the duration of the designation. The length of CTSA designation varies throughout California. For a number of CTSA, the term of designation has evolved over time. For example, Paratransit, Inc. in Sacramento was designated the CTSA in 1981 for a one year period. This designation was reviewed and extended later in multi-year increments. In 1988, the designation was extended “without a time limitation” and has retained designation to this day.

The oversight of claimants for TDA funds including CTSA are subject to two audits. The first is an annual fiscal audit that must be submitted within 180 days of the close of each fiscal year and the second is a triennial performance audit. This periodic audit conducted according to specific guidelines, evaluates the performance of a TDA claimant and could serve as the basis for determining the future of a CTSA.

### ***Governing Structure***

An area of CTSA oversight that is not contained in the TDA law and regulations is the local governing structure of the designated agency. If a CTSA is a public agency, the governing board of that agency would traditionally oversee receipt and expenditure of public funds. Since a CTSA can be a County, a transit agency, or other government agency, it would be subject to the scrutiny of a board that is otherwise responsible for fiduciary oversight. A CTSA may also be a non-profit corporation. The governing structure may vary substantially among non-profit corporations. Many traditional charitable non-profit corporations have self-appointing boards. This typically means that interested members of the community may be appointed to the board by the sitting board members. Ride-On in San Luis Obispo is an example of this type of governing structure.

There is precedent in California for a non-profit corporation to have a board of directors whose make-up is governed by political agreement associated with its structure. Paratransit, Inc. began as a traditional non-profit corporation with a self-appointing board. Later in its evolution, local public agencies formed an agreement associated with Paratransit's designation as a CTSA that included specific appointing authority to local governmental jurisdictions. This revised structure provided the desired level of oversight and representation.

Valley Transportation Services (VTrans) in San Bernardino County was created in 2010 to serve as the CTSA for the San Bernardino urbanized area. The Bylaws of this newly created non-profit agency specified that its Board of Directors be appointed by San Bernardino Associated Governments (SANBAG), Omnitrans (the public transit agency), and by San Bernardino County. This publicly appointed governing board structure reflected the importance of oversight in a case where large amounts of public funding are made available to a non-profit agency. VTrans, as the designated CTSA, is eligible to receive an allocation of local sales tax Measure I for transportation purposes.

An effective and functional Board of Directors for a new non-profit CTSA should be made up of approximately seven to nine members. Because of the management of large amounts of government funds, it is appropriate that public agencies appoint members to the new Board. A typical structure might include appointments by CCTA, Contra Costa County, each transit agency, and some human service agency representatives. Appointing agencies can usually appoint from their own membership or from the community. In some cases, governance structure formats are established to require representatives of the service population (e.g. disabled representatives or seniors). These decisions would be debated by the Oversight Board recommended as a key implementation step.

### ***Phased Implementation: Sample Consolidated Transportation Service Agency Operating Budget***

Various phases will be necessary to achieve full implementation of a CTSA in Contra Costa County. Each phase in the process will have its own budget. This will allow for clear delineation of the costs of each phase. The first phase is preparatory to establishing an operational CTSA. It consists of the formation of an Oversight Board to guide development of the CTSA concept, establish its legal framework, determine a governance structure, and make final budget and operating decisions. The Oversight Board phase of the project is proposed to be funded by two sources: 1) funds remaining on the Innovative Paradigms Mobility Management planning contract and, 2) reallocation of New Freedom funds that had been granted to the Contra Costa

Transportation Authority for phase 3 of initial planning process. In combination, these funding sources provide adequate funding for formation functions.

Once the functions to be performed by a new CTSA are determined, a budget for the early operation of the organization can be developed. The budget will depend on whether a new agency is created or the CTSA designation is added to an existing organization. This will determine whether the entire infrastructure of an organization is necessary or if staff and other support services are added onto an existing agency. Administrative overhead will be an important element to identify. The staff capacity of the CTSA will have an impact on the organization's ability to build programs and to manage the range of functions that a CTSA is capable of performing.

In the growth stage of a CTSA, considerable time and effort (staff resources) will be necessary to forge partnerships with other organizations, prepare grant applications, implement service functions, etc. For discussion purposes, two CTSA budgets for Contra Costa County are presented below. The first is a startup budget intended to capture the cost of organization formation, creation of basic organization infrastructure such as accounting and business management functions, and early staffing functions that eventually lead to dedicated management. The second budget is a pro forma first year operating budget. It presents a basic structural budget for the first year of operation. It does not present operating costs for the various programs that might be operated. The initial organization budget is to support the pursuit of operating programs with their necessary funding and interagency coordination.

It presents general cost estimates for overhead but does not include costs for individual program elements. Significant refinement would be necessary with actual implementation. However, the sample budget serves as a presentation of basic cost items to guide decision making relative to structure options. This draft budget is based on the premise that a new stand-alone agency would be created to operate the CTSA. The budget therefore includes the financing necessary to lease office space, equip and staff the office, and initiate selected startup service delivery projects.

### CTSA Formation Budget

[Estimated formation expense; approximately 6 months]

COST CATEGORY	Cost Estimate	Notes
<b>Professional Services</b>		
Management Consulting	\$75,000	Temporary management
Legal Services	\$40,000	Legal: document prep, filing
Accounting Services	\$40,000	Tax filings; accounting setup
<b>Temporary Operating Expenses</b>		
Office space	\$0	Possibly donated by agency?
Misc. office expense	\$10,000	Materials; travel; Bd expense
Filing fees; etc	\$2,000	Incorporation, etc.
<b>TOTAL OPERATING EXPENSES</b>	<b>\$167,000</b>	
<b>FUNDING SOURCES (existing)</b>		
Innovative Paradigms Contract	\$20,000	
New Freedom Grant (CCTA)	\$147,000	
<b>TOTAL FUNDING SOURCES</b>	<b>\$167,000</b>	



**CTSA Operating Budget: New Nonprofit Corporation**

<b>COST CATEGORY</b>	<b>Cost Estimate</b>	<b>Notes</b>
<b>Staff</b>		
Executive Director	\$140,000	Salary, taxes, benefits
Administrative Assistant	\$49,000	Salary, taxes, benefits
<b>Direct Expenses</b>		
Office Space	\$72,000	2000 sq ft @\$3 / sq ft
Utilities	\$5,400	\$450 / mo
Professional Services	\$35,000	legal; accounting
Phone	\$3,600	\$300 / mo
Supplies	\$3,600	\$300 / mo
Insurance	\$3,000	\$3,000/ yr
Travel	\$1,000	\$1,000 / yr
Misc Expense	\$12,000	
<b>Functional Programs</b>		
Travel Training		Cost to be determined
ADA Eligibility Process		Cost to be determined
Agency Partnerships		Cost to be determined
Coordinated Vehicle Maintenance		Cost to be determined
Volunteer Driver Programs		Cost to be determined
Central Information Program		Cost to be determined
Advocacy Role		Cost to be determined
Technical Support		Cost to be determined
<b>Reserve</b>		
<b>TOTAL OPERATING EXPENSES</b>	<b>\$324,600</b>	
<b>FUNDING SOURCES (potential)</b>		
MTC Grant	\$205,000	
Other	\$120,000	
<b>TOTAL FUNDING SOURCES</b>	<b>\$325,000</b>	



## Chapter 3: FUNCTIONS

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The actual functions or services provided by CTSA's and the methods through which they are delivered can vary widely. One major influence on the overall effectiveness of a CTSA is the amount of available funding that the organization has to manage or direct. Some funds do not have to actually flow through the agency. Other funds are directly managed by the agency and can be used to provide direct services or to “seed” projects through other agencies using various grant management strategies.

The service functions that were supported by the stakeholders and the public in Contra Costa County are defined below. Some of these have been under consideration by the community for several years. Others emerged as priorities through the planning process. A subsequent implementation step would be to set priorities among the listed strategies and prepare precise implementation plans and budgets.

### ***Travel Training***

#### Existing Travel Training Programs in Contra Costa County

Some travel training programs currently operate in Contra Costa County. These programs have limited scope both geographically and relative to the clientele that are included in the programs.

- County Connection has a travel ambassador program but staff time to manage it has been cut.
- Tri-Delta Transit operates a “Transit Orientation Class” four times per year to familiarize individuals with the fixed-route transit system. The agency also offers one-on-one travel training upon request. Coordination with high schools that offer travel training is also done by Tri-Delta.
- Contra Costa ARC and Futures Explored provide travel training for their consumers and receives a stipend from the Regional Center of the East Bay (RCEB) to provide this service.
- Independent Living Resources (ILR) of Solano and Contra Costa Counties has an informal travel training program for clients of their agency. ILR staff will provide training to clients on an as needed basis.

### Proposed Countywide Travel Training Program

There are several potential elements in a full scale travel training program. Each is defined below.

- **Travel Training or Mobility Training** – The most intensive level of travel training is based upon one-on-one instruction for difficult cases. Often the trainees are developmentally disabled and require extensive and repetitive instruction in order to achieve transit independence. The trainer will work with a client usually for several days to instruct them on how to use the transit system to get to their destination.
- **Bus Familiarization** – This type of training is less intensive and generally can be done in several hours. Typical bus familiarization training would be for a person or group to learn how to read transit schedules and/or take a single trip to a major destination such as a mall. This is also common for physically disabled individuals who need instruction on the use of the special equipment on standard transit buses such as wheelchair lifts, kneeling features, audio stop announcements both internal and external, farebox usage, etc. Bus familiarization is sometimes done in the field in active transit service. In other cases, this training is conducted at the transit facility using out-of-service transit coaches.
- **Transit Ambassador/Bus Buddy Program** – Transit ambassador or bus buddy programs can take several forms. The program usually matches a trainee with a trainer. Typically the trainee and trainer will have something in common - perhaps both are seniors going to a congregate meal site. Transit ambassador and Bus Buddy programs typically use volunteers to teach transit riding skills.

### **Financial Implications**

Moving riders from the ADA service to fixed-route transit can produce dramatic savings for transit agencies. For example, a rider traveling to and from a day-program Monday-Friday using a paratransit service costing \$31.00 per one-way trip that is trained to use fixed-route transit costing \$8.00 for the same trip can produce dramatic savings for the transit operator.

In addition to the financial implications, a rider that transitions from an ADA service to fixed-route transit has increased mobility and independence. This transition allows a rider to travel without the need to schedule a ride as required when using paratransit services. Travel training is an example of a mobility management strategy that

enhances existing public transit by moving riders from paratransit service to the less expensive option of fixed-route.

### ***ADA Eligibility Process***

#### Eligibility Assessment Options

The FTA does not prescribe a particular eligibility process and a number of models are in use across the US. Whatever process is selected by a local transit operator must simply meet the established FTA criteria outlined above. In addition to the paper application process currently in use by Contra Costa County transit operators, three other types of eligibility procedures are in use by transit operators in other communities. The three principal alternative approaches are: telephone interviews/assessments, web-based assessments, and in-person eligibility assessments. ADA eligibility experts debate the accuracy of the various assessment models. While telephone and web-based options are less expensive than an in-person process, the lack of personal contact and observation and the lack of functional testing make refined eligibility determinations, or conditional eligibility, difficult to assign. Yet some communities strongly endorse the telephone and web-based options.

#### Telephone Based Eligibility

Some agencies rely primarily on telephone interviews for eligibility determinations. These are usually conducted by high level professionals such as occupational therapists who conduct a comprehensive conversation on the phone with the applicant, and in a very few cases where a determination cannot be made, the applicant will be referred for an in-person assessment. Such assessments can be conducted at an applicant's home or other designated site. Eligibility outcomes are relatively similar to those of in-person assessments, though the ability to apply eligibility conditions is arguably more challenging.

#### Web-Based Eligibility

Web-based assessments have been pioneered by a Southern California firm. This model has been applied in nine paratransit programs, ranging from those in smaller communities such as Victor Valley and Butte County, CA (population in the 200,000 range) to larger systems such as Richmond, Virginia and North San Diego County (population in the 600,000 to 800,000 range). The web-based model is based on the premise that, since most applicants are found fully eligible, and since most systems that use in-person assessments have yet to apply their eligibility conditions, transit agencies that are fiscally constrained should not be spending significant sums on transporting

applicants to in-person assessments and burdening applicants with travel to an assessment location.

Under this model, applicants need to create an on-line account, complete the application and then mail or e-mail a healthcare form completed by a professional who is familiar with their abilities. This information is then reviewed by the professional on the evaluation team who has specific expertise in the disability that is the basis for the person's application. Team members include medical doctors, physical and occupational therapists, registered nurses, social workers etc. Eligibility outcomes are relatively similar to those from in-person assessments in terms of the breakdown of eligibility categories, but not in terms of level of detail. On average, about 56% of the 36,000 applications that have been reviewed so far have been determined fully eligible, 38% conditional (includes 11% temporary), and 6% ineligible. In a small number of cases, if determinations cannot be made remotely, the firm sets up in-person functional assessments locally. Appeals have remained below 1% of the total number of certifications.

Assessment costs range from \$45 to \$70 per application. While the relatively lower costs of these assessments have been appealing to a number of agencies, some of the shortcomings that have been cited by paratransit eligibility experts include:

- The model relies too heavily on applicants' ability to use technology (although these are often completed by caseworkers and other professionals, and exceptions are available for those who cannot use the web)
- There is limited ability to have a discussion with the applicant about the full range of mobility options afforded by in-person assessments.
- The inability to observe applicants ambulate in-person places a significant limit on the evaluator's ability to establish reliable and informative eligibility conditions.

An in-person assessment process results in the greatest accuracy. The ability to personally observe applicants, discuss their functional limitations, and perform structured functional evaluations results in a much greater level of accuracy. Though typically more expensive to perform than assessment models, many operators have determined that the refined ability to introduce conditions for ADA paratransit use make the additional expense of the assessment cost effective. Most of the major transit operators in the US have already introduced in-person assessments. Of the top 10 transit agencies, Boston was the last to introduce an in-person process in December, 2012. As interest in applying conditional eligibility as a cost control tool increases, more agencies are implementing in-person eligibility as the means to achieve that objective.

### In-Person Eligibility

An in-person ADA eligibility process typically consists of a number of steps in order to more precisely evaluate an applicant's ability to ride the bus, access bus stops, and to come to a definitive decision as to functional capability. The shift from a paper process to an in-person approach is based upon the Federal Transit Administration (FTA) focus on a functional model of eligibility versus a medical model. With a paper process, the emphasis is typically on the *function* of the applicant's disability.

Steps common to an in-person eligibility process include:

1. In-person interview of the applicant during which details of condition can be established by a trained interviewer.
2. Various transit skill functional tests that help the interviewer verify certain abilities relating specifically to transit riding.
3. Selected use of professional verification if the interviewer needs further information to establish details of conditions that are not readily apparent to the interviewer.

An in-person process usually takes between 30 and 90 minutes to complete depending upon the nature of the individual's disability and the resulting need for various functional tests. In order to render consistent and accurate determinations, the interview and any skills tests are conducted in a very uniform and "scientific" manner. Interviewers are typically trained to a high level of proficiency in evaluating information provided by the applicant and in interpreting information gathered during functional tests or from medical professionals. Thorough documentation of each assessment is then compiled. This becomes the basis for reviewing any case that is appealed by the applicant.

### **Financial Implications**

Financial implications for an ADA eligibility process vary amongst the models. There is typically a continuum of costs associated with the various processes with the in-person assessment being the most expensive. However, transit agencies that transition from a paper ADA eligibility application process to in-person assessment process typically realize an approximate 15% drop in applications. The drop in the application rate is one key method for controlling ADA paratransit costs. Another is the application of trip by trip eligibility using the conditional determinations made during an in-person process. With specific conditional information, operators are beginning to direct some ADA trips to fixed-route if the individual has been determined to be capable of taking that trip on

regular transit. While often starting incrementally, accurate mode assignment can also become a significant cost control tool.

As important as any cost control factor relating to the introduction of a refined eligibility process is the consistent application of determinations. At the present time, each operator in Contra Costa County makes its own eligibility determinations. Yet once made, the determinations apply to all operators in the Bay Area through the Regional Eligibility Database (RED) system. The application of determination criteria varies across operators. A countywide system would begin to standardize the application of eligibility criteria to result in more consistent eligibility determinations among County operators and perhaps lead to a more consistent regionwide process.

### ***Agency Partnerships***

One of the most effective tools available to CTSA's is partnering with community agencies to deliver trips more efficiently and at lower cost than those through traditional ADA paratransit service. An underlying concept in partnership agreements is shared cost contracting. This concept has proven effective in many communities and is now being replicated in others both within and outside California. This approach to service delivery builds on the resources of community agencies and offers partial support of their transportation through subsidized maintenance, insurance, or other technical contributions. Another form of community partnership involves the payment to an agency for the provision of its own transportation service through some combination of funding sources. The resulting service is far less expensive than traditional door-to-door service commonly provided today under ADA guidelines. Since virtually all clients of these agencies are ADA eligible, they could simply be added to the growing numbers of ADA riders. Instead, agency clients are carried on agency vehicles more efficiently and at lower cost. Higher quality service for the client also results from the dedication of the agency to its clients, the stability of routine pick-up and drop-off schedules, and the often shorter trip length due to the proximity of individuals to programs.

There are two advantages of this program to transit operators.

- By moving agency trips off ADA service, the 50% subscription cap in any given time period on ADA demand response service, which causes service denials under ADA, can be avoided.
- Reporting of CTSA agency trips can bring more federal funding into a region through formula programs. Some CTSA's report trips directly into the National Transit Database (NTD). Counting these trips increases the formula funding

available to a region through 5307. Agency trips typically qualify as part of the ADA trip total.

### **Financial Implications**

In locations where successful agency trip models have been deployed, cost savings for moving trips off ADA service are dramatic. Honolulu, Hawaii has such a model where trips performed by the local ADA service provider at a cost of \$38.63 for a one-way trip are now being completed by a human service agency for \$4.85 a one-way trip, with over 55,000 trips performed in the first year of operation. An annual savings of \$1,857,900 resulted.

A dramatic result of agency trip programs is the quality of service that riders experience. Using an agency trip model, the riders are generally transported by program staff. Staff members are generally familiar with the individual's disabilities and special needs, which general public ADA paratransit drivers are often not prepared to manage. Agency trips also typically exhibit shorter trip length, and routine pick-up and drop-off schedules. The combination of these factors results in service that is much higher in productivity than public paratransit services.

### ***Coordinated Vehicle Maintenance***

A major program function that can be performed by a CTSA is coordinated vehicle maintenance. In such a program, a central maintenance provider operates a garage servicing a broad range of vehicles. Participation in the maintenance program is voluntary but brings with it such benefits that make it appealing to community agencies from a business perspective. Typically, there are many advantages to the social service community in participating in a program designed to meet its unique maintenance needs. A primary benefit is the overall safety of the CTSA fleet. With services being provided according to rigorously structured maintenance standards, overall fleet safety is ensured. The central provider works with agency customers to ensure compliance with such requirements as CHP inspections and all OSHA regulations.

The beneficial features of a coordinated maintenance program are listed below:

#### Specialized Expertise

A centralized maintenance program that services paratransit-type vehicles (typically cutaway buses) develops specialized expertise that is not routinely available in commercial repair shops. This includes familiarity with wheelchair lifts, cutaway chassis, brake interlock systems, fareboxes, mobility securement systems, and other unique features.



### Central Record Keeping

A centralized maintenance program normally provides record keeping systems that help to ensure compliance with local laws and regulations as well as agency specific reporting on costs, maintenance intervals, life-cycle costs, vehicle replacement schedules, etc.

### Loaner Vehicles

A feature of a centralized maintenance program that is often cited as a “life saver” by participating agencies is the use of a loaner vehicle that is similar in size and configuration to the basic vehicles of the participants. This can be very beneficial to small agencies that do not have many or, in some cases, any backup vehicles.

### Specialized Schedules

A common feature of a centralized maintenance program is having business hours that best serve the client agencies. This can mean operating during evening hours or on weekends when commercial shops are often closed. Carefully crafted work schedules can greatly assist agencies by obtaining inspections and repairs when convenient to the customer.

### Fueling

Centralized fueling can also be a great benefit to agencies. It allows for careful monitoring of the fueling process and fuel usage. It also provides the opportunity for lower prices due to bulk purchasing and guaranteed availability in times of shortage.

### ***Volunteer Driver Programs***

Volunteer driver programs are an efficient method of providing transportation options in a community. These programs can take various forms, including: curb-to-curb, shared-ride transportation to common destinations, and highly specialized door-through-door service to riders with very specific needs. Whatever model is used, these programs are an important element in a community’s transportation framework. Volunteer driver programs models can vary significantly depending on the focus of the service. Volunteer programs typically involve some expense with the level of expense varying depending upon the service model employed. Two common approaches of volunteer driver programs include:

- **Shuttle Model:** In a volunteer shuttle operation, the driver is a volunteer but does not provide transportation with their personal vehicle. Instead, the volunteer typically drives an agency vehicle with the agency incurring expenses for all operating costs except the driver. The key cost saving element of this model is



the wages saved through the use of volunteers. Volunteer driver shuttles are often a curb-to-curb, shared-ride service that transport riders to common locations. Many shuttle programs require advance reservations, eligibility criteria (such as age), and a fee to ride.

Volunteer driver shuttles enhance transportation options for their passengers and assist with moving trips to the service that otherwise may be taken on ADA paratransit.

- **Door-through-Door Model:** This volunteer model typically involves a volunteer driving their own vehicle. The driver is not compensated for his time but may be reimbursed at a mileage rate to cover operating expenses such as use of personal gas. The door-through-door model is typically used to provide specialized transportation service for riders that need a high-level of assistance. In the door-through-door model, the driver may escort the passenger from the point of origin to the destination and wait for the passenger at the destination.

The service delivery approach for a door-through-door program varies but can include:

- Matching riders with volunteer drivers
  - Using this approach the agency recruits volunteers and matches the volunteer with a rider. Some programs schedule the rides with the driver and rider, and some “assign” a driver with a rider who coordinate trips without involving the agency.
- Rider finds their own driver
  - Using this model the rider finds their own driver and schedules trips with the driver as necessary.
- Mileage reimbursement
  - Some door-through-door volunteer driver programs offer mileage reimbursement for eligible trips. Reimbursement rates vary.

No matter the service delivery approach door-through-door models provide a highly specialized means of transportation for an often vulnerable population. These programs fulfill a growing need in communities presently only being transported by fee-based service providers.

Contra Costa County has a robust volunteer driver network. The County has multiple examples of both shuttle and door-through-door programs. These programs are tailored to the niche that they serve and provide an efficient method of transporting riders. These agencies also work collaboratively with one another to ensure that riders are provided the service that best suits their functional abilities.

### **Financial Implications**

Contra Costa County volunteer driver programs enhance the transportation matrix by providing transportation options for residents, moving trips off ADA paratransit, and offering a highly specialized means of travel for riders that cannot use other transportation options. These programs, in effect, provide a resource to residents that would otherwise use ADA paratransit, providing both quantitative and qualitative benefits to the community.

### ***Central Information Program***

A central information program is often considered the heart of a mobility management program. While this Plan includes an information program as an important element, it is only one of many forming a complete mobility management program. There are two primary call center functions: providing simple information referral and more sophisticated trip planning services.

The simplest call center is a referral service. In this case a caller would be asked questions by the call taker and referred to the appropriate agency.

Examples of Call Centers in Contra Costa County:

- Contra Costa Crisis Center 211 connects callers with community services, such as food, shelter, counseling, employment assistance, and child care. Callers are asked a series of questions to determine which services they are eligible for and then referred to the appropriate agency.
- Contra Costa 511 is a comprehensive Transportation Demand Management (TDM) program that promotes alternatives to single occupant vehicles including carpooling, vanpooling, telecommuting, biking, public transit, and walking.
- Area Agency on Aging (AAA) Information and Assistance (I & A) provides seniors and their families with information on community services and programs that solve the problems faced by Contra Costa seniors.

The central information program for Contra Costa County is meant to enhance the existing call centers and be a resource for persons needing to find information on public,

private, and human service transportation in the County. This could include detailed transit route and schedule information, eligibility information, fares, as well as information on private and non-profit transportation providers. The central information program for Contra Costa County will serve as a point of contact for residents to call to receive both transportation referral services and trip planning assistance. The call center was brought up as a helpful mobility management element during discussions with stakeholder groups.

### ***Advocacy Role of Mobility Management***

A mobility management CTSA can play an important role in advocating for the needs of the population groups that it represents. Because the CTSA works closely with agencies and individuals in the human services sector, it is often in a strategic position to advocate for these special needs populations.

There are several alternative approaches or levels of advocacy that the mobility management program can take. The advocacy role for a mobility manager can vary widely depending on the existing conditions in the area that is being served. Possible levels of advocacy are listed below.

- Information Source: Mobility Manager serves as a source of “expert” information for other agencies in the community on issues relating to special needs population.
- Special Needs Representative: Mobility Manager represents special needs populations in transportation decision making venues.
- Active lobbying for special needs populations: Proactive advocacy for special needs groups including initiating proposals for funding and service improvements.

The new CTSA in Contra Costa County would have some level of advocacy involvement simply by the nature of its position in the transportation mix. Such a role is typically defined by the Board of Directors who represent diverse interests in the County. A balanced advocacy role contributes to the overall effectiveness of the agency in the institutional mix in the service area.

### ***Technical Support***

Mobility management agencies can provide a variety of support services that benefit local human service transportation providers. Whether due to lack of staff, technical experience, or funds, many organizations are not able to fully utilize the resources available to them. A CTSA has the ability to assist agencies by supplying technical assistance that can allow for increased funding, expansion of existing programs, implementation of new projects, and development of a more highly trained staff.

#### Grant Writing

CTSAs have the potential to significantly impact available transportation services within their geographic area by supporting local agencies in their efforts to secure grant funding. Completing grant applications can be confusing and overwhelming. While larger agencies often have staff dedicated to the preparation of grant applications, smaller public and non-profit human service agencies usually assign this responsibility to a program manager or other administrative team member. A human service agency may not have the time or the expertise to seek out grant opportunities and submit applications.

Many human service agencies are intimidated by Federal or State grant application requirements and, although some agencies have projects that could qualify for grant funds, choose not to apply. Though grant programs are changing as a result of the passage of MAP-21, the newly enacted federal transit funding program, grants still contain rigorous requirements for management and reporting. Programs such as 5310 are available to agencies and now can be used in part for operations. Yet such grants carry complex requirements that a CTSA can help agencies fulfill.

A CTSA can provide the expertise and the technical support necessary to complete grant applications for local agencies. CTSA staff time can be dedicated to staying current on specific grant requirements and application instructions. This type of time commitment is often difficult or impossible for human service agencies to achieve. CTSA staff can provide assistance through local grant writing workshops, mentoring local agencies, and physically preparing grant applications.

#### Grant Management

Grant management is a complex process that often prevents agencies from applying for funding. The data collection and reporting requirements can be daunting. Often agencies look at the amount of the grant award and determine that the staff time necessary to oversee the grant is not worthwhile.

A CTSA can assist human services agencies in its region by providing grant management services or by offering training in grant management. In either case, the CTSA staff takes on the role of expert advisor based on its in-depth understanding of the rules and regulations required by each grantor. It can then provide advice and assistance in matters such as:

- Compliance with grant reporting requirements,
- Development of recordkeeping systems,
- Data collection techniques,
- Understanding of sub-recipient agreements in FTA grants, and
- Compliance with DBE and Title VI requirements.

The CTSA can go so far as to prepare and issue reports on behalf of the grant recipient or sub-recipient, if necessary.

### Driver Training and Professional Development

California state law is very specific about the requirements for driver training programs, including the qualifications for instructors. For a variety of reasons, agencies may have difficulty operating their own training programs. The driver corps may be small, the need for training classes may be infrequent, or the agency may not have the resources to employ a certified driver instructor. A CTSA can help meet the demand for qualified instruction in a variety of ways:

- Employing a fully certified instructor to teach driver training classes, to which agencies can send new drivers,
- Coordinating between those agencies that have their own programs and those that do not in order to fill available training “slots”, and
- Making materials and speakers available so they can be used as part of ongoing required safety training.

## Chapter 4: IMPLEMENTATION STEPS

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Successful implementation of the Mobility Management Plan for Contra Costa County will require a series of actions crafted to maintain the consensus that has emerged around the overall concepts contained in the Plan. Success will be evident in the level of community and agency support for the approach, the ability to obtain the necessary funds to achieve implementation, and the efficiency of the resulting structure. This Plan proposes the formation of a CTSA in the County. This has been well documented throughout the planning process. The basis for this recommendation is the long-running dialog in the County regarding mobility management activities with little actual implementation occurring. The planning process identified that a major impediment to action is the lack of a structural platform to serve as the vehicle through which action is accomplished. That vehicle has now been identified as a CTSA. Further, careful consideration has been given to alternative legal structures for a CTSA. The result of that dialog has been the agreement to pursue a non-profit corporation model. The principal basis for recommending this structural model is the level of success in other communities that have adopted this structure.

The steps or phases necessary to achieve successful implementation are defined here. They are presented in a level of detail consistent with the discussions throughout the planning process. It is clear that moving forward will require expertise in governance, finance, mobility management functional tools, and other very specific experience. Such resources have also been discussed throughout the planning process.

### ***Phase I: Adoption of the Plan***

The first step toward implementation of the Plan is its adoption by the Board of Directors of County Connection. As the sponsor of the planning process, County Connection is the first level of approval of the Plan and its recommendations. The County Connection Board should consider the implications of the Plan and adopt it both as the sponsoring agency and also as one of the key implementing agencies in the County. Concurrence of the other transit operators particularly WestCAT and Tri-Delta Transit should be sought to demonstrate the support of the transit community for the Plan. Their support will strengthen subsequent steps in the implementation process. It will also give the Transportation Authority what it needs to move the process forward. In adopting the Plan, County Connection should also officially forward the Plan on to the Contra Costa Transportation Authority (CCTA) as the countywide agency best suited to manage Phase II of the implementation process.

### ***Phase II: Formation of a Mobility Management Oversight Board***

An Oversight Board of critical agency representatives is the appropriate mechanism for Phase II of the process. This Board should be formed to guide discussion of the critical details of the CTSA formation process including makeup of the governing board, roles and responsibilities of the agency, identification and commitment of seed funds to create the organization, and other legal and procedural details. The Oversight Board is proposed to include: Executive staff from County Connection, Tri-Delta Transit, WestCAT, AC Transit, Contra Costa Transportation Authority, BART, and three executives representing human service agencies.

As a tool for use in guiding the efforts of the Mobility Management Oversight Board, it is recommended that a set of Guiding Principles be adopted to ensure that the interests and objectives of the affected agencies are represented and officially noted. Such a tool can help to keep the efforts of the participants focused and inclusive. A preliminary set of Guiding Principles is proposed below:

#### Guiding Principles

- **Recognize Existing Agencies' Roles:** Many agencies in Contra Costa County currently provide services under the broad definition of mobility management. The role and interests of these agencies should be recognized and included in the formation of a CTSA and in the future allocation of resources to our through that organization.
- **Minimize administration:** The CTSA will require a management structure in order to accomplish its mission. In creating such a structure, care should be taken to minimize administration in order to maximize the allocation of scarce resources to functional programs.
- **Broadly Analyze Resource Allocation Decisions:** One of the roles of a new CTSA will be to pursue resources for the implementation or continuation of functional programs. In so doing, the CTSA should as a matter of policy prepare an analysis of the impacts of alternative resource allocation strategies that can be considered by all affected agencies in the CTSA service area.



### Mobility Management Oversight Board Structure and Functions

- Oversight Board defines CTSA by-laws, board structure, and performance standards
- Oversight Board serves as advisory body after CTSA has been established
- Oversight Board consists of:
  - Executive staff representative of each of the following agencies:
    - County Connection
    - Tri-Delta Transit
    - WestCAT
    - AC Transit
    - BART
    - Contra Costa Transportation Authority
    - Three human service agencies

### ***Phase III: Form a CTSA as the Mobility Management Agency***

- Form a CTSA for Contra Costa County approximately twelve (12) months following formation of the Mobility Management Oversight Board.
- Establish a non-profit corporation to serve as the mobility management agency for the County.
- MTC designate the non-profit corporation as the CTSA for Contra Costa County
- Fund setup and initial operation of the CTSA through a combination of funding provided by the Contra Costa Transportation Authority (CCTA) and MTC for a minimum period of two years.
- Establish a governance structure for the non-profit corporation through appointment of Directors to the governing Board by public agencies in Contra Costa County.
- Allocate funds for an interim budget to cover agency formation expenses and initial management activities.
- Allocate a combination of funds totaling \$300,000 to \$400,000 per year for initial CTSA operation.

### Funding

- CTSA pursues available grant opportunities.
- CTSA works with transit operators to allocate funds to mobility management programs which move riders from ADA service.



- CTSA works with MTC to identify discretionary funds.
- CTSA participates in new funding opportunities to include funding specifically for seniors, persons with disabilities, persons with low-income, and the CTSA.
- CTSA enters into a dialog with the transit operators, MTC, and the Transportation Authority regarding allocation of TDA Article 4.5 as defined in statute. Action on this issue would only follow the achievement of consensus regarding this funding source. The most logical allocation of TDA to a new CTSA would follow transfer of trips from the transit operators to services coordinated through the new CTSA.

***Phase IV: Functional Programs***

- Direct the CTSA to establish priorities among the identified functional programs for Contra Costa County.
- Develop grant applications through community partnerships for the implementation of functional programs.

***Implementation Timeline***

**CTSA Implementation Time Line**

(approximate)

Date or Time Period	Activity
Obtain Transit Operator Support	August - October, 2013
CCCTA Board Adoption	October, 2013
Form Oversight Board	September - October, 2013
CCTA Presentation	September - October, 2013
Oversight Board hires Manager	January, 2014
Oversight Board conducts performance review	January, 2015

### Appendix 1

#### Contra Costa Mobility Management Plan Stakeholder Planning Group

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Elaine Clark	Meals on Wheels	925-937-8311 x 122	<a href="mailto:eclark@mowsos.org">eclark@mowsos.org</a>
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Debbie Toth	RSNC Mt. Diablo Center for Adult Day Health Care	925-682-6330 x 111	<a href="mailto:dtoth@rsnc-centers.org">dtoth@rsnc-centers.org</a>
John Rodriguez	Contra Costa Developmental Disabilities Council	925-313-6836	<a href="mailto:John.Rodriguez@hsd.cccounty.us">John.Rodriguez@hsd.cccounty.us</a>
Elaine Welch	Senior Help Line Services	925-284-6699	<a href="mailto:elaine@seniorhelpline.net">elaine@seniorhelpline.net</a>

## Appendix 2

### CTSA Case Studies

#### Overview

Case studies can be a useful tool in understanding how the experiences of other agencies or communities may offer guidance in a current decision process. Relative to the Contra Costa County Mobility Management Plan, a key underlying concept in implementing creative change in the County is consideration of the formation of a Consolidated Transportation Services Agency (CTSA). The guidelines within the Transportation Development Act (TDA) regarding formation of CTSA's are broad and offer the opportunity for a variety of approaches regarding their formation and operation.

What follows are illustrative case studies defining the approaches taken by other California communities to the formation and operation of CTSA's. Each goes into detail regarding such issues as:

- What approach led to the formation of the CSA? (Single agency application, competitive process, action by a major public agency, etc.)
- What is the governing structure of the CTSA?
- How is the CTSA funded?
- What are examples of the functional programs operated by or funded by the CTSA?

The CTSA's selected for case studies are:

- Paratransit, Inc., Sacramento: This was the first CTSA designated in California and has served as a model for the formation of others. It is a 501(c)3 non-profit corporation.
- Valley Transportation Services (VTrans), San Bernardino: This is among the newest CTSA's in California incorporated in 2010. It is a 501(c)3 non-profit corporation. In less than three years, VTrans has become a major service provider in urbanized San Bernardino County.
- Access Services, Los Angeles: The Los Angeles CTSA, Access Services, was formed in 1994. It also is a 501(c)3 non-profit corporation. It provides a range of services throughout LA County.
- CTSA of Stanislaus County: The CTSA in Stanislaus County was established in 2010. It is somewhat unique in the fact that the operator of the CTSA was chosen through a competitive process.

- Mendocino Transit Authority: This is a Joint Powers Authority transit agency in Mendocino County. This agency serves both as the transit operator and the CTSA. It greatly enhanced its emphasis on human service coordination with the hiring of a Mobility Management Coordinator in recent years.



## Paratransit, Inc. – Sacramento

### Organization Structure Summary

CTSA Designation: 1981

Organization Type: 501(c) 3 corporation

Board Structure: 9 member board of directors, established through an agreement among governmental jurisdictions

Paratransit, Inc. is a non-profit transportation agency originally incorporated in July, 1978. The agency's incorporation, built on the emerging concept of human service transportation coordination, was an early attempt to demonstrate the potential benefits of service coordination and the centralization of service delivery functions and administration under one organization.

Soon after its incorporation, Paratransit, Inc. served as a model for legislation being authored by the Assembly Transportation Committee to encourage coordination statewide. Assemblyman Walter Ingalls authored Assembly Bill (AB) 120, the Social Service Transportation Improvement Act. This landmark legislation included a provision calling for the designation of a Consolidated Transportation Service Agency (CTSA) in each California county. Paratransit, Inc. was the first such agency designated in California.

### Approach to Formation

Paratransit Inc. applied directly to SACOG (formerly SRAPC) for designation as the CTSA. No other agency at the time approached SACOG and no other agency was considered for designation as the CTSA.

Paratransit was designated the CTSA in the Sacramento area on July 16, 1981. At the same time it was authorized to claim up to the full 5% of TDA funds authorized under the law. The initial CTSA designation was for one year. Later designation periods varied between one and three years with the term typically becoming longer as the community became confident in the performance of the organization. In 1988, the CTSA designation was set without time limitation subject to rescission for performance issues.

Paratransit operates as a non-profit CTSA in a partnership with Sacramento Regional Transit District (RT). The two organizations are well respected in regional decision making in the Sacramento area serving together on the Sacramento Area Council of Governments (SACOG) Technical Coordinating Committee that oversees funding allocations. Paratransit has formal ties to RT on two levels. First, RT has the authority to appoint two members of the Paratransit Board of Directors (see Governance below). Further, Paratransit provides all complementary ADA paratransit service within the RT District under a collaborative agreement with RT. Paratransit's operation of the CTSA in parallel with the ADA service allows for maximum of service through unique agreements with many other community agencies.

### Governing Structure

Paratransit was initially incorporated with a self-selected and appointed Board of Directors. This model is common among human service organizations. The initial Board Members were mostly senior staff (Executive Directors in most cases) of other community organizations in the Sacramento area. These incorporating Directors had worked through the issues surrounding creation of a new single purpose transportation organization and thus supported the concept and direction. Within three years of its incorporation, Paratransit was receiving increasing amounts of local government funding. The major local jurisdictions then chose to institutionalize the governance of the agency through what became known as the Four Party Agreement. Parties to this agreement were the City of Sacramento, County of Sacramento, Sacramento Regional Transit District, and the Sacramento Area Council of Governments (SACOG). This agreement set forth terms concerning Board structure, financial commitments, asset transfers to Paratransit, oversight by the Sacramento Area Council of Governments, etc. The Four Party Agreement served as the structural guide to the CTSA until it was replaced by a new Collaborative Agreement in December, 2012.

The critical provision of the CTSA designation concerned the agency's governing structure. The Four Party Agreement set forth the required Board of Directors makeup and appointing structure. A nine member Board was established to replace the original self-appointing Board. The Board today is made up as follows:

- Two members appointed by the City Council, representative of the general public (non users).
- Two members appointed by the County Board of Supervisors, representative of the general public (non users).
- Two members appointed by the Board of Directors of the Sacramento Regional Transit District.
- One member appointed by SACOG representing any city or county with which Paratransit contracts for service.
- Two members, one appointed by the City Council and one appointed by the County Board of Supervisors, representing the user community.

### CTSA Operating Details

Paratransit, Inc. operates a large array of programs under the mantle of the CTSA. Most are directly related to the objectives for a CTSA outlined in the original AB 120 legislation.

The most noteworthy of the Paratransit CTSA programs is its partner agreements with local community agencies. For many years, Paratransit has refined the concept of shared cost contracting, wherein the partnering organizations each contribute a portion of the cost of service for specific client populations. Working with 8 local agencies today, Paratransit contributes some of the funds it derives from TDA Article 4.5 and the local option sales tax (Measure A) to a funding mix with the agencies. This results in the agencies transporting their own clients at a far lower cost and higher service quality than through the standard ADA paratransit service (which Paratransit, Inc. also operates under contract to Sac RT). This highly successful program has dramatically increased system capacity over what could be funded through the traditional ADA paratransit program. It serves as a cornerstone of Paratransit's CTSA functions.

In addition to partnership agreements with local human service organizations, Paratransit has operated a maintenance program for its own vehicles and for those of other community agencies. Today this operation, dating back 30 years, provides services for over 50 organizations ranging from local non-profit human service agencies to Sacramento State University to private Medicaid transport operators.



For many years, the agency has operated a large travel training program aimed at training individuals, many developmentally disabled, to ride the fixed-route transit service. This program has recently expanded in other regions including Spokane, Washington, San Joaquin and Santa Clara Counties in California, and Honolulu, Hawaii. Over the years this program has trained thousands of individuals to ride the bus, thus saving an enormous expenditure on ADA paratransit service.



## Valley Transportation Services (VTrans) – San Bernardino

### Organization Structure Summary

CTSA Designation: 2010

Organization Type: 501(c) 3 corporation

Board Structure: 7 member board of directors, specified in Corporate Bylaws

Valley Transportation Services (VTrans) is among the newest CTSA's in California. It was designated as the CTSA by the San Bernardino Transportation Commission (SANBAG) in September, 2010.

### Approach to Formation

The concept of a CTSA had been included in the San Bernardino County local sales tax measure as a recipient of a portion of the tax receipts. Yet at the time of passage of the tax (Measure I) no CTSA existed in the County. To accomplish formation of a CTSA, SANBAG commissioned a study of alternative approaches to a CTSA with the intent that the study would result in a formal recommendation of the appropriate structure of the CTSA for the San Bernardino urbanized area. The study considered all structural options and concluded with the recommendation that a new 501(c)3 corporation be created to be designated as the CTSA. VTrans incorporation was completed in October, 2010.

The provision of the local sales tax measure calls for the allocation of 2% of the tax proceeds to the CTSA. Funding began to accrue in 2009 and was made available to VTrans immediately upon formation. The 2% funding level in the tax measure provides approximately \$2 million per year for VTrans operations. These local funds have been used very successfully to date as local match to leverage federal funds (see CTSA Operating Details below).

### Governing Structure

The VTrans Bylaws specify its governing structure. The structure is dictated in part by the large amount of public funding received by the agency and also by the intent to involve the major governmental organizations in its governance. The Board of Directors of VTrans consists of the following:

- Three appointed by San Bernardino Associated Governments (must be representative of the San Bernardino Valley)
- Two appointed by San Bernardino County Board of Supervisors (must be representative of the San Bernardino Valley area)
- Two appointed by Omnitrans – must be representative of designated population

Both SANBAG and San Bernardino County have chosen to appoint members from the community. In certain cases, these have been former elected officials from the area. Omnitrans has chosen to appoint two members of its own Board of Directors. The Omnitrans Board is made up entirely of elected officials of the represented jurisdictions. Thus its appointees are elected officials. Also included in the Bylaws is the right of SANBAG to appoint an ex-officio member. It has chosen to appoint a senior transportation executive to this post. The original corporate Bylaws did not provide for staggered terms for Board Members. This has since been corrected. Board terms are three years with a limit of two consecutive terms.

### CTSA Operating Details

VTrans was interested in beginning operation very quickly following formation. In order to do so, the agency retained a very experienced CTSA executive on a contract basis to serve as its initial Executive Director. That individual was vested with full authority to manage the startup of the agency including money management, hiring authority, etc. Early startup steps included the selection of office space, full office setup, establishment of the accounting system, development of operating policies, and negotiation of initial operating agreements. The final step in the contract called for the Executive Director to guide the selection process for a permanent Chief Executive Officer. That permanent CEO took over in January, 2011.

Among the initial operational steps undertaken by the new agency were the application for federal funds to create a new travel training program and the formation of partner agreements with human service agencies to serve as transportation providers for agency clients. These newly created services took passenger trips off of the ADA paratransit system and onto a service with agency vehicles and drivers. Initial response was overwhelmingly positive regarding both service quality and cost savings.

VTrans has gone on to establish a volunteer driver program, partner on a grant applications, and expand agency trip participation by bringing in additional operating agencies. VTrans is presently in the final stages of creating a maintenance program for human service agencies in the San Bernardino area by opening its own facility staffed with agency employees.



## Access Services (ASI) – Los Angeles

### Organization Structure Summary

CTSA Designation: 1994

Organization Type: 501(c)3 corporation

Board Structure: 9 member board of directors

### Approach to Formation

In 1990, the Los Angeles County Transportation Commission (LACTC) adopted an Action Plan and established a CTSA to begin coordination of Social Services transportation. The adopted plan called for the CTSA to implement and operate an information and referral service for social services transportation as well as provide technical assistance and training to local service providers. In 1991, in response to the mandates of the Americans with Disabilities Act (ADA), the mission of the CTSA was expanded to include the implementation of a regional ADA paratransit system for the Los Angeles County region.

In 1994, shortly after its formation, the successor to the LACTC, the Los Angeles County Metropolitan Transportation Authority (LACMTA) determined that the mission of the CTSA could best be fulfilled if the CTSA were a stand-alone independent agency. From this action, Access Services was established and designated as the CTSA for Los Angeles County per California Government Code Article 7, Section 6680.

### Agency Structure and Functions

Access Services Incorporated (ASI) was established in 1994 and was designated as the Consolidated Transportation Services Agency (CTSA) for Los Angeles County by LACMTA (Metro). ASI is a public non-profit corporation and as the CTSA, administers the Los Angeles County Coordinated Paratransit Plan on behalf of the County's 43 public bus and rail operators. ASI facilitates the provision of complementary ADA paratransit services under the name "Access Paratransit."

In its role as Access Paratransit, ASI enters into and administers federally funded regional contracts with independent private transit providers. The agency also leases vehicles to the regional providers at \$1 per month to help facilitate the provision of service under the contracts. In total, the Access Paratransit system provides more than 2.3 million rides per year to more than 74,000 qualified disabled riders in a service area of over 1,950 square miles. Access Services receives its funding from Proposition C sales tax, Federal 5310 grants, and fare box revenue.

As the designated CTSA in Los Angeles County, ASI is in charge of the development and implementation of regional coordination of social service transportation to seniors, persons with disabilities, youth, and the low-income populations.

ASI operates as the ADA provider offering complementary service to the fixed-route operations of LACMTA and local municipal operators. Its governing structure is separate from that of LACMTA but provides for the transit agency to appoint one of its Board members.

### Governing Structure

ASI is governed by a nine-member board of directors with one appointment by each of the following.

1. Los Angeles County Board of Supervisors
2. City Selection Committee's Corridor Transportation Representatives
3. Mayor of the City of Los Angeles
4. Los Angeles County municipal fixed-route operators
5. Los Angeles County local fixed-route operators
6. Los Angeles County Commission on Disabilities
7. Coalition of Los Angeles County Independent Living Centers
8. Los Angeles County Metropolitan Transportation Authority
9. Alternating appointment by the municipal and local fixed-route operators

### CTSA Operating Details

Access Services performs a variety of functions as the CTSA. In 2009, ASI will sponsor over a dozen workshops in conjunction with Caltrans, CalACT, the

National Transit Institute, and other organizations. These professional development opportunities are available to public and non-profit agencies providing specialized transportation in Los Angeles County and their employees/affiliates (private sector applicants). Most of these programs are low or no cost and are subsidized by Access Services CTSA program.

In addition to training and education, ASI provides brokerage services, technical assistance, joint procurement, and travel training under the auspices of the CTSA.

For FY 2009-2010, the CTSA portion of the ASI Budget is projected to be \$223,103, which represents 0.24% of the agency's total operating costs of \$92,350,473.

***Consolidated  
Transportation Services  
Agency of the Stanislaus  
Region***

**Consolidated Transportation Services Agency of the Stanislaus Region**

Organization Structure Summary

CTSA Designation: 2010  
Organization Type: 501(c)3 corporation  
Organizational Approach: Contract with Paratransit, Inc. to serve as CTSA

Approach to Formation

A comprehensive Stanislaus County Transit Needs Assessment was prepared in 2009. This study identified a number of transportation service gaps in the County and recommended formation of a CTSA to address the variety of identified needs. The Stanislaus County Council of Governments (StanCOG) sponsored the study and directed implementation. StanCOG chose to create a CTSA and prepared a Request for Proposals (RFP) defining the responsibilities of the CTSA and openly solicited proposals for this service. This is a unique approach to the selection of an agency to serve as a CTSA.

Proposals were received by two agencies to serve as the Stanislaus County CTSA. One was submitted by Catholic Charities of Stanislaus County. This local non-profit agency operated a small volunteer driver program in the county in addition to other human service functions. The other proposal to serve as the CTSA was submitted by Paratransit, Inc. of Sacramento. This large non-profit corporation (see case study above) already served as the CTSA in Sacramento County and had more than 30 years of experience as a CTSA operating agency. StanCOG chose to designate Paratransit Inc. as the CTSA for Stanislaus County. StanCOG entered into a three year contract with Paratransit with two option years. A separate Resolution was also adopted designating Paratransit as the CTSA for Stanislaus County.



### Stanislaus Governing Structure

Paratransit Inc. is a Sacramento based corporation that does business throughout California and a number of other States. It has served as the CTSA in Sacramento County since 1981. Technically, the Stanislaus CTSA is governed by the Board of Directors of Paratransit, Inc.

To ensure local participation in governance, an advisory committee to StanCOG was established specifically to oversee the CTSA. This Mobility Advisory Committee (MAC) meets on a periodic basis to review operations and outcomes of the CTSA.

### CTSA Operating Details

The Stanislaus CTSA has no dedicated funding source. Instead, the CTSA claims TDA funds under Article 4.5 as provided for in the law. The amount of funding that is claimed each year is negotiated among the transit operators and through a review of program objectives with StanCOG. The expectation of the CTSA as it was formed was that it would use the local TDA allocation to leverage federal funds to operate agency programs. Within the first year of existence, the CTSA successfully sought Federal JARC and New Freedom funds to support operations. Because of the 80% federal share of these programs as mobility management projects, the CTSA was able to lever an initial \$100,000 TDA allocation into a \$400,000 budget in its first year. TDA allocations in subsequent years have increased along with additional successful grant applications.

The Needs Study that led to the formation of the CTSA established priority programs for implementation. These specifically included a volunteer driver program to provide door-through-door service beyond ADA requirements and a travel training program to operate for all 5 transit operators throughout the County. Both programs were created within the first year of operation. The CTSA presently has a full time staff of three. These employees of the CTSA perform travel training and manage an expanding volunteer program. In addition, the CTSA staff provides technical assistance to StanCOG and other County agencies regarding transportation issues and programs.



## Mendocino Transit Authority

### Organization Structure Summary

CTSA Designation: 1981

Organization Type: Joint Powers Authority: Transit Authority

Board Structure: 7 member board of directors as set forth in the JPA

The Mendocino Transit Authority (MTA) is a Joint Powers Agency created in 1975 to provide transportation services within Mendocino County. The agency was designated as the CTSA for Mendocino County in 1981 by the Mendocino Council of Governments (MCOG).

The designation was accomplished through the use of a Minute Order by the COG and has been in effect since 1981. MTA has not had to re-apply in order to maintain its status as CTSA.

### Mendocino Transit Authority Governing Structure

The MTA Board has seven appointed members.

- 3 appointed by the County Board of Supervisors
- 1 appointed by the City of Ukiah
- 1 appointed by the City of Point Arena
- 1 appointed by the City of Willits
- 1 appointed by the City of Fort Bragg

Membership on the JPA does not require a board member to be an elected official. Currently, about half of the membership consists of elected officials.

### CTSA Operating Details

The Mendocino Transit Authority has substantially enhanced its efforts to provide a range of mobility management services in recent years. The hiring of a Mobility Management Coordinator was a major step in this development for the Authority.

January 15, 2014  
Authority Meeting

# *Handouts*

*(Various Agenda Items)*

# **Contra Costa Mobility Management**

**Contra Costa Transportation Authority  
January 15, 2014  
Board Meeting**

## **Planning Process**

### **Outreach**

- Gathered detailed information from representative agencies.
- Formed a Stakeholders Advisory Committee
- Conducted three Summit Meetings through out the County

### **Planning Process (cont'd)**

- Technical Background Information
  - Field trip to Sacramento Consolidated Transportation Services Agency (CTSA)
  - Advisory input regarding other mobility management projects throughout CA
  - Case Studies provided as examples of approaches in other communities

Outreach process identified functions necessary or appropriate for Contra Costa County (not all mobility management programs include all of these).

- Travel training
- Agency partnerships
- Centralized maintenance of agency vehicles
- Central information program
- Advocacy for special needs population
- Technical assistance
- Driver training program

## **Mobility Management Structure Options Contra Costa County**

- Some agency needs to be identified to perform mobility management
- One agency does not need to “perform” all functions
- Agency structure could evolve over time
- Ultimate structure should be identified as long range goal

## **Mobility Management Structure Options (cont'd)**

The following agency structure options were considered by the Stakeholders and the consulting team:

- Sub-regional agency
- Existing non-profit agency
- CCTA
- New CTSA

### **Structure Option: Sub-Regional Agency**

- **Pros:**
  - Currently exist
  - Handle grants
- **Cons:**
  - Narrow governing structure
  - Not County-wide
  - Not operating agencies

### **Structure Option: Existing Non-Profit Agency**

- **Pros:**
  - Operate County-wide
  - Human service focus as current mission
  - Eligible for State and federal funds
- **Cons:**
  - Insufficient transportation expertise
  - Broad human service focus but narrow transportation focus



### **Structure Option: CCTA**

- **Pros:**
  - Existing Agency
  - County-wide
  - Recognized leader
  - Funding recipient
- **Cons:**
  - Not an operating agency
  - Human services not a primary mission

### **Structure Option: New Joint Powers Agency**

- **Pros:**
  - Can provide any functions
  - Can receive TDA, federal grants, other funds
  - Can be established with transportation operating expertise
  - Has legal standing to do business
  - Would have government agency credibility
- **Cons:**
  - New organizational layer
  - Could be seen as competitor to transit agencies



#### **Structure Option: New CTSA**

- **Pros:**
  - Can provide any functions
  - Can receive TDA, federal grants, other funds
  - Can be established with transportation operating expertise
  - Pattern after other successful models
- **Cons:**
  - New organizational layer
  - Could be seen as competitor to transit agencies

#### **Case Study: Valley Transportation Services (VTrans) San Bernardino**

- Created in 2010
- Written into sales tax measure (2% of total revenue dedicated to CTSA)
- Initiated travel training throughout the service area
- Partnered with 3 social service agencies to operate their own services (alleviated transit operator ADA burden)
- Leveraged federal funds to support these programs
- Opening central maintenance facility in February 2014

### **Implementation**

- Plan recommends the CTSA model
- Phased implementation is recommended approach
- Critical role of CCTA
  - County-wide representation
  - County-wide responsibility
  - Recognized leader in transportation issues in Contra Costa County

### **Implementation Phases**

- Phase I: Adoption of the Plan
- Phase II: Formation of Mobility Management Oversight Board
- Phase III: Form a CTSA as Mobility Management Agency
- Phase IV: Initiate operation of functional programs

### **Issues**

- Does this mean taking over existing programs?
- How could this be funded?
- Who would govern such an organization?
- How would this relate to the public transit operators (City paratransit services in West County?)

### **Recommendation**

- Adopt the Plan
- Authorize staff to work with MTC to redirect New Freedom grant to this effort
- Consider implementation details and options in Spring 2014

**Thank You!!**

**Phil McGuire**  
**Innovative Paradigms**

**[philm@innovativeparadigms.com](mailto:philm@innovativeparadigms.com)**

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CONTRA COSTA  
transportation  
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## MEMORANDUM

To: Barbara Neustadter, TRANSPAC

Andy Dillard, SWAT, TVTC

Jamar Stamps, TRANSPLAN

Jerry Bradshaw, WCCTAC

Shawna Brekke-Read, LPMC

From:   
Randell H. Iwasaki, Executive Director

Date: January 17, 2014

Re: Items approved by the Authority on January 15, 2014, for circulation to the Regional Transportation Planning Committees (RTPCs), and related items of interest

At its January 15, 2014 meeting, the Authority discussed the following item, which may be of interest to the Regional Transportation Planning Committees:

1. **Approval to Distribute the Final Measure J Calendar Year (CY) 2012 & 2013 Growth Management Program (GMP) Compliance Checklist for Allocation of Fiscal Year (FY) 2013-14 and 2014-15 Local Street Maintenance and Improvement Funds.** *The Authority approved distribution of the Calendar Year 2012 and 2013 GMP Checklist to the local jurisdictions.*
2. **Presentation Regarding the Contra Costa Mobility Management Plan.** *The Central Contra Costa Transit Authority (CCCTA) prepared and adopted a Contra Costa County Mobility Management Plan and will present it to the Authority for its consideration and adoption. The plan identifies a need and provides a blueprint for Contra Costa to establish a Mobility Management function. Following a presentation that was made by Rick Ramacier, General Manager for CCCTA, and Phil McGuire from Innovative Paradigm, the Authority adopted the plan in concept, directed staff to work with MTC on the possibility of redirecting the New Freedom Cycle 3 grant to begin implementation of a mobility management function, and reach out the Regional Transportation Planning Committees for review of the proposed plan. Staff will return to the*

Randell H. Iwasaki,  
Executive Director

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*Authority in Spring 2014 with a comprehensive report on the plan and a proposal.*





## **Mobility Management Discussion**

### **Regional Transportation Advisory Committee (RTPC) Meeting Schedule**

Region	RTPC	TAC	Committee
Southwest	SWAT	2/19 (2:30 p.m.)	3/3 (Time TBD)
East	TRANSPLAN	2/18 (1:30 p.m.)	3/13 (6:30 p.m.)
West	WCCTAC	2/13 (9:00 a.m.)	2/28 (7:30a.m.)
Central	TRANSPAC	2/27 (9:00 a.m.)	3/13 (9:00 a.m.)

## John Cunningham

---

**From:** John Cunningham  
**Sent:** Monday, May 13, 2013 12:50 PM  
**To:** Laramie Bowron  
**Cc:** Peter Engel; Cliff Glickman; Gayle Israel; Lauri Byers; Barbara Neustadter; Marjorie Koll; 'John.Rodriguez@hsd.cccounty.us'; Steve Goetz  
**Subject:** Contra Costa County Mobility Management Plan: Draft - March 1, 2013

**TO:**  
Laramie Bowron  
Manager of Planning  
Central Contra Costa Transit Authority  
2477 Arnold Industrial Way  
Concord, CA 94520

**File:** Transportation > Transit > CCCTA-CentralCCTransitAuthority > Correspondence  
TRANSPORTATION > Chron

Laramie:

I'm following up on my earlier communications. I realize the deadline was Friday, thank you for accepting these late comments on the subject document:

Page 5: While I realize it is in the summary section, caution is warranted in characterizing (and more importantly implementing) changes in eligibility protocols, even if described as "refined" or intended to "improve the accuracy". Cost controls are achieved more effectively by providing options to clients, and with little chance of discrimination claims. Later on in the document it describes increased options as an intent of the CTSA. How that intent is fulfilled in the "proposed strategy section" should be made much more clear. If you choose to continue to include the changes to the eligibility protocols in the document, **all** of the possible outcomes need to be described to decision makers.

Page 6: All agencies consulted with and/or who participated need to be identified in an appendix. This will be important as implementation proceeds.

Page 6: All comments received on this plan should must be published in an appendix including agency & community input.

Page 7: The membership of the Stakeholders Advisory Committee and attendees at the three summit meetings must be published.

Page 12: OUTREACH & Escort (OUTREACH) in Santa Clara County is described as a "single purpose nonprofit agency". While it may have morphed in to that over the years during the time it took on an increased transportation role it was a multi-purpose nonprofit agency providing services to an array of clients. My purpose in bringing this up is that, as the closest geographic example of a successful CTSA, the OUTREACH model could prove instructive for our decision makers and they should be aware of the background of the agency.

Page 13: Notably absent from the bullet list describing the reasons for successful CTSAs is the ability to attract additional funds not available to governmental entities. This may very well be an *outgrowth* or *characteristic* of one of the listed bullets but that is not clear with an initial read.



Page 14: The CTSA status of OUTREACH, and the conditions placed on OUTREACH by MTC as a part of that designation, should be described.

Page 17: Please provide the basis for the budget recommendations.

Page 21: Please provide the source and the original data regarding outcomes of the different eligibility options and any other quantitative measure, maintenance cost savings, cost per trip, etc.

Page 32: The first paragraph on this page should be revised to be more useful:

- *"The basis for this recommendation is the long-running dialog in the County regarding mobility management activities with little actual implementation resulting."* Shouldn't the findings in the plan be the primary guidance on whether or not to establish a CTSA rather than a undocumented, and I assume, casual ongoing dialog?
- *"That vehicle has now been identified as a CTSA."* This self-fulfilling proclamation might be premature.

Page 32 & 33: I believe the implementation steps would benefit from some additional steps. After CCCTA adoption and concurrent with forwarding the plan to CCTA for consideration, all other affected agencies should adopt or otherwise take a position on the recommendations. At a minimum that should be all of the transit operators in the County. If, in the following steps, an effective steering committee is to be formed, the participants will need to have clear direction from their respective boards.

I am concerned with the focus on Paratransit Inc. as a model in this document. I understand the author has a connection to that entity. However, the utility of the investment of public funds in this study should not be constrained by the personal experience of a single consultant. As I mentioned earlier, OUTREACH in Santa Clara County is the closest geographic CTSA example to Contra Costa. In 2012 OUTREACH has won the Community Transportation Association award for Mobility Management Organization and they have an excellent record of quality of service and cost controls. Please consider further investigation in to the Santa Clara County model as you move ahead.

In addition, as you move ahead, please be aware that FTA will soon release the study, *Accessible Transit Services for All*. This study included a nationwide scan of paratransit properties and will include best practices focusing on cost-effective solutions.

Considering the countywide implications of the study and the fact that CCTA is the primary transportation planning and funding agency in Contra Costa, I support the recommendation that CCTA be involved and invested in this effort as it proceeds.

Thank you for the opportunity to comment.

- John

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## MEMORANDUM

To: Barbara Neustadter, TRANSPAC

Andy Dillard, SWAT, TVTC

Jamar Stamps, TRANSPLAN

Jerry Bradshaw, WCCTAC

Shawna Brekke-Read, LPMC

From:   
Randell H. Iwasaki, Executive Director

Date: January 17, 2014

Re: Items approved by the Authority on January 15, 2014, for circulation to the Regional Transportation Planning Committees (RTPCs), and related items of interest

At its January 15, 2014 meeting, the Authority discussed the following item, which may be of interest to the Regional Transportation Planning Committees:

1. **Approval to Distribute the Final Measure J Calendar Year (CY) 2012 & 2013 Growth Management Program (GMP) Compliance Checklist for Allocation of Fiscal Year (FY) 2013-14 and 2014-15 Local Street Maintenance and Improvement Funds.** *The Authority approved distribution of the Calendar Year 2012 and 2013 GMP Checklist to the local jurisdictions.*
2. **Presentation Regarding the Contra Costa Mobility Management Plan.** The Central Contra Costa Transit Authority (CCCTA) prepared and adopted a Contra Costa County Mobility Management Plan and will present it to the Authority for its consideration and adoption. The plan identifies a need and provides a blueprint for Contra Costa to establish a Mobility Management function. *Following a presentation that was made by Rick Ramacier, General Manager for CCCTA, and Phil McGuire from Innovative Paradigm, the Authority adopted the plan in concept, directed staff to work with MTC on the possibility of redirecting the New Freedom Cycle 3 grant to begin implementation of a mobility management function, and reach out the Regional Transportation Planning Committees for review of the proposed plan. Staff will return to the*

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*Authority in Spring 2014 with a comprehensive report on the plan and a proposal.*