

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553

John Gioia, 1st District
Candace Andersen, 2nd District
Mary N. Piepho, 3rd District
Karen Mitchoff, 4th District
Federal D. Glover, 5th District

Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

April 22, 2014

Lisa Silverman, Executive Officer
Department of General Services
Office of Public School Construction
P.O. Box 980610
West Sacramento, CA 95798-0610

DRAFT

Dear Ms. Silverman:

The Contra Costa County Board of Supervisors is writing to make you aware of deficiencies in State school siting policies and practices. We are aware that legislation has been introduced that could be a vehicle to address this issue¹ and are working with the sponsors to advocate for necessary reforms. Our most recent draft advocacy document, *California School Siting and Safety Initiative* is attached. In addition, the County has submitted comments in the past on this issue to various State representatives. We have attached some of this prior communication to provide some background to this letter.

As you may be aware, the Board of Supervisors is obligated to protect public health, safety, and welfare of County residents. One mechanism by which this is done is through applying relevant policies during the land development process. The County's ability to fulfill these obligations during the school siting and design process is limited under current statutes and practices.

In light of this compromised ability to engage in the school siting and design process, the County is going on record with the Office of Public School Construction as follows:

- 1) current statutes and practices related to school siting and design leave a gap with regard to ensuring schools are located and designed to ensure safe access by the student body,
- 2) the County has no authority to fill this gap,
- 3) the State has acknowledged these issues², and
- 4) school siting and design practices are often inconsistent with the State's own policies³.

¹ AB 2235 (Buchanan) *Education facilities: Kindergarten-University Public Education Facilities Bond Act of 2014*

² *Schools of the Future Report (2011)*, *California's K-12 Educational Infrastructure Investments: Leveraging the State's Role for Quality School Facilities in Sustainable Communities (2012)*

³ AB32/SB375, *The Complete Streets Act*, *Safe Routes to School concepts*, and the *Health in All Policies Initiative*

Lisa Silverman, Executive Officer - OPSC
April 22, 2014
Page 2 of 2

It is our sincere hope that the OPSC will work with other responsible State agencies and representatives of the Legislature to correct the aforementioned deficiencies.

Sincerely,

Karen Mitchoff, Chair
Contra Costa County Board of Supervisors
Supervisor, District III

C:

Contra Costa County State Legislative Delegation
Amy Worth, Chair - Metropolitan Transportation Commission
John Gioia, President - California State Association of Counties
Tom Torlakson, State Superintendent of Public Instruction

Thomas L. Geiger, Supervising Deputy County Counsel
Stephen M. Siptroth, Deputy County Counsel
Pamela Miller, Executive Director – CALAFCO
Paul Eldredge, City Manager – City of Brentwood
Bryan Montgomery – City of Oakley
Brooke Peterson, President – American Planning Association/CA Chapter
Scott McGolpin, County Engineers Association of California
Chester Widom, State Architect (CA Architects Board License #4372)
Michael Cohen, Chair – CA State Allocation Board
Heidi Weiland, President - California School Boards Association

DRAFT Contra Costa County School Siting and Safety Initiative (3/28/14)

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 studies¹ and intends on addressing them in 2014². 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 reports¹. Examples of poor school site function are:

- Inadequate or ill-conceived transportation infrastructure³ 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 & biking⁴.
- 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:

- Although the state has substantial statutes and policies⁵ in place that *should* inform school siting and design school districts are not currently compelled to those policies in their school siting and design 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 authority⁶.
- Local school districts develop and design school sites independent⁶ of the aforementioned state and local land development policies. This *disconnect* is acknowledged by the state in their recent studies¹.

This *disconnect* can be addressed through regulations tied to a state school construction and modernization bond anticipated in 2014. This approach has been suggested by the State during their December 2012 Policy Symposium⁷ and in the Governors 2013-14 Budget Proposal². 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:

- Limit the ability of school districts to preempt local zoning ordinances⁶. This would bring schools under the influence of SB375 given that the cities and counties ultimately implement the sustainable communities strategy. *(next page)*

¹ 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 Berkeley Center for Cities and Schools, and 2011 - *Schools of the Future Report*, Tom Torlakson/State Superintendent of Public Instruction

² 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."

³ Bicycle/pedestrian infrastructure is inadequate or not present, school sites in a cul-de-sac or with single points of access, safe roadway crossings are not considered, and no necessary improvements being funded or constructed by the schools.

⁴ "...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"

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

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

⁷ 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."

- Whether new school siting policies are advisory or prescriptive is critical. Considering that there are *existing* advisory documents that *should* result in high quality school sites it suggests that new policies will need to be compulsory in order to be effective. Revised language could be implemented with revisions to the California Code of Regulations, Title 5
- 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 development⁸ 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 construction⁷. 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:
 - **SR2S⁹ 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 areas¹⁰. 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 legislation¹¹.
 - **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. Bicycle and pedestrian safety awareness during driver training should be included as well.
 - **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.

The concepts in this paper are for discussion purposes only; they do not reflect adopted policy positions.

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

⁹ 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.

¹⁰ 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.

¹¹ 801.608 "Vulnerable user of a public way": 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

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Contra Costa County



David Twa
Clerk of the Board
and
County Administrator
(925) 335-1900

May 8, 2012

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education
1430 N Street
Sacramento, CA 95814

Subject: *Schools of the Future Report*

Dear Superintendent Torlakson:

On behalf of the entire Board of Supervisors I am writing to congratulate you on the release of the *Schools of the Future Report* last year. The Board of Supervisors is particularly pleased with the recommendations regarding the development of more effective of school siting practices. The *Report* echoes a number of the County's comments and concerns over the years regarding the conflict between the State's school siting policies and safe routes to school programs, SB 375 requirements, the Strategic Growth Council's *Health in All Policies* initiative, complete streets initiatives, and state and local planning policies.

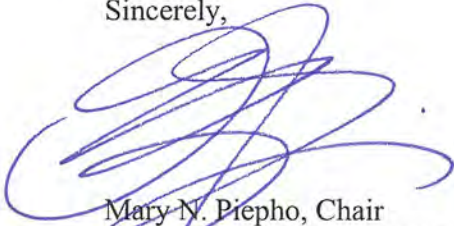
As you may be aware, Contra Costa County has experienced conflicts between local land use authorities and school districts as both entities grapple with the rapid growth in demand for school capacity, safe transportation facilities and adequate housing. The *Report* includes a number of encouraging recommendations that will hopefully mark the beginning of a change in the manner in which schools, which *potentially* act as the anchor of great communities, are developed.

The County understands that a dialog to discuss the implementation of the recommendations in the *Report* will begin this summer. Considering our experience and interest in this issue, we look forward to participating in these forums. In the interest of having a complete dialog and productive outcome we are hopeful that participation by a broad range of affected parties is fostered.

We close with an encouraging goal from the California Strategic Growth Council's Health in All Policies initiative, *Every California resident has the option to safely walk, bicycle, or take public transit to school, work, and essential destinations.*

Again, congratulations on your *Schools of the Future Report*, we look forward to working with you on implementation efforts in the near future.

Sincerely,



Mary N. Piepho, Chair
Contra Costa County Board of Supervisors
Supervisor, District III

C: Contra Costa County State Legislative Delegation
Hon. Alan Lowenthal, Chair, CA State Senate Education Cmte.
Hon. Julia Brownley, Chair, CA State Assembly Cmte. on Education
Dr. Wendel Brunner, MD, Director of Public Health, Contra Costa County
Catherine Kutsuris, Director, CC Cnty. Dept. of Conservation & Development
Julie Bueren, Director, CC Cnty. Public Works Dept.

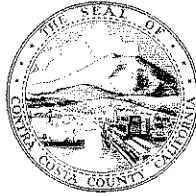
Don Tatzin, Chair, Contra Costa Transportation Authority
Mark Luce, President, Association of Bay Area Governments
John Gioia, Chair, Bay Area Air Quality Management District
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Department of Conservation & Development

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Contra Costa County



Catherine O. Kutsuris
Director

James Kennedy
Deputy Director
Redevelopment Division

Thomas J. Huggett, SE
Interim Deputy Director
Building Inspection Division

November 26, 2008

Mary D. Nichols, Chair
Air Resources Board
(AB 32 Scoping Plan Comments)
1001 I Street
Sacramento, CA 95814

Honorable Chair Nichols,

Contra Costa County appreciates the opportunity to comment on the Assembly Bill (AB) 32 Proposed Scoping Plan (PSP). The comments below focus on comments previously submitted by the County on the Draft Scoping Plan in August 2008 (see enclosure). This letter provides a more comprehensive explanation of those comments in the hopes that they will invoke a change in the final document or other response.

Being cognizant of the need to fulfill the requirements under AB 32, but also recognizing the realities of implementation, a number of our comments refer to *existing* policy or authorization as an implementation mechanism. This should make the State's efforts more feasible and effective. Relying on existing mechanisms typically requires only administrative action or an increase in enforcement or oversight rather than regulatory or legislative action for entirely new programs (requiring yet again new enforcement/oversight protocols). This should speed and make less costly the fulfillment of the goals of AB 32.

In addition to the efficiency represented by using existing mechanisms, many of the factors highlighted here have a significant secondary benefit relative to the influence State operations have at the local level. Local agencies are more likely to perform as the PSP expects if the State demonstrates that the desired outcomes can be achieved in its own operations.

A broader comment, substantiated below, is that by simply changing the way the State *currently* does business (rather than making new regulations or statutes), significant progress towards fulfilling the goals of AB 32 without incurring the full costs of new efforts. In one case, State agencies are currently exempt from having to comply with local land use regulations. Many of these local regulations are state-of-the-practice yet State activities are exempt from these regulations which help fulfill the goals strived for in AB 32.

Page 24: II. RECOMMENDED ACTIONS: A. The Role of State Government: Setting an Example

The PSP cites¹ standards and directs that new State facilities be constructed to these standards in order to meet the greenhouse reduction targets. However, adherence to LEED standards will have little impact on transportation to and from a facility, which is one of the largest contributors of a buildings total greenhouse gas

¹ Draft Scoping Plan Appendix C: Page C-169 (LEED-NC Silver or Higher).

contribution². The LEED standards apply to a broad array of topics. In examining this broad array, the criteria that address the (much larger) impact of transportation to and from a facility are very simple.

The State should place a higher priority on compliance with regulations already in place that have the potential to significantly reduce the greenhouse gases generated by transportation to and from State facilities. Examples include Executive Order D-46-01 which requires the Department of General Services to maximize its support of smart growth patterns through the location and design of State facilities. In addition, Executive Order D-73-8 requires State agencies to implement a transportation management program designed to result in an annual reduction in the number of commute trips by State employees. The Final Scoping Plan should direct the State Government Operation Subgroup to establish performance standards for complying with these directives and require annual reports to monitor the progress of the State agencies following these directives. The State has existing regulations and statutes³ that better address the greenhouse gas impact of facilities, more so than what is found in the LEED standards. The Final Scoping Plan should require that the State site its facilities in a manner consistent with its own planning priorities.

This matter is particularly peculiar in that local jurisdictions will be encouraged to alter their General Plans to comply with the sustainable community strategies developed pursuant to SB 375. However, these improved plans can be easily compromised by the actions of State agencies which are not required to comply with local land use policy. This is not theoretical; it is currently happening and, absent relief from the State, will continue to happen during the implementation of AB 32. Mounting a massive effort to reduce greenhouse gases in one department, while undercutting the very same goals in another department, is not good practice. Specifically, State prisons, court facilities, colleges, universities, water storage/conveyance facilities, state office buildings, state-funded schools facilities, have a large *direct* effect on greenhouse gas production as well as a significant *indirect* impact. The indirect impact influences local land use policies, development pressures and travel behavior, all which, in turn, have an influence on greenhouse gas emissions.

Consistent with the comments submitted by the Land Use Subgroup of the Climate Action Team (LUSCAT), the Final Scoping Plan should include the following (and direct the State Government Operations Subgroup to address):

- an evaluation of facility siting standards for activities undertaken/regulated by the State (schools⁴, courts, colleges, etc.) to ensure siting of facilities in a GHG efficient manner (e.g. protect greenfields, minimize transportation requirements, and preserve habitat and natural resources).

² Approximately 55% according to the draft Contra Costa County *Municipal Climate Action Plan*,

³ Chapter 1016 - Statutes of 2002,

⁴ Revision to the Government Code Section 65302 to include sites for school facilities as a required component of the land use element of General Plans.

- Adoption of siting criteria by state agencies (e.g. State Allocation Board) that minimizes GHG emissions as a prerequisite for grant funding or adoption of the criteria as a state requirement for any facility funding distributed by the State.

The PSP has minimal discussion on the role the State's planning priorities can make in achieving the mandates of AB 32. As stated in our comment on the Draft Scoping Plan, the proposed Regional Targets should be supported by the State Environmental Goals and Policy Report (EGPR) and the 5-year infrastructure plan required by State law, Chapter 1016 - Statutes of 2002. Existing statutes requires every officer, agency, department, and instrumentality of State government to ensure that their functional plan is consistent with the State planning priorities, and annually demonstrate to the Governor and the Department of Finance when requesting infrastructure how the plans are consistent with those priorities. Furthermore, with each annual budget the Governor must include information relating proposed expenditures to the achievement of State planning priorities. The last EGPR prepared in 2003 recommended formation of an Interagency Working Group to implement the EGPR, however, the Governor never adopted the EGPR. The Final Scoping Plan should integrate its implementation efforts with the EGPR, including identifying how the newly established State Government Operations Subgroup will support the EGPR.

Page 47: 6. Regional Transportation-Related Greenhouse Gas Targets

California has existing⁵ parking cash-out legislation which, if enforced more effectively, could lead to significant reductions in greenhouse gas emissions. As the responsible regulatory authority, the Air Resources Board should revise its administrative efforts to encourage participation among employers and advise cities and counties on conditions they should impose on new development to expand the application of this statute on employers⁶. This proposed action for the Air Resources Board should be included in the Final Scoping Plan as a supporting measure for reaching regional transportation-related GHG targets, or the Final Scoping Plan should explain why this action should not be done.

Page 57: 13. Green Building Strategy

The PSP acknowledges that "*A Green Building strategy also includes siting considerations. Buildings that are sited close to public transportation or near mixed-use areas can work in tandem with transportation related strategies to decrease greenhouse gas emissions that result from that sector.*" However, such considerations are substantially under represented in the PSP. LEED criteria for features that influence a project's potential transportation impacts represent on 6 points of the 69 possible points that can be awarded to a project. It is entirely possible for a building to receive a platinum LEED certification (requires only 52 out of 69 possible points) but by virtue of its location have substantially higher greenhouse gas emissions than a less efficient building on a site less reliant on motor vehicles for access.

⁵ AB 2109, KATZ – 2002

⁶ For example, require project sponsors to prepare covenants, conditions & restrictions for the project to ensure parking and building leases are unbundled and that financial compensation to affected occupants is provided as required by applicable State law.

The Green Building Strategy needs to place more emphasis on the location for new buildings. Life-cycle costing procedures should include an evaluation of the GHG generated from building occupants entering or leaving the structure by motor vehicles. Construction of new State facilities or facilities to be constructed with State funding should be required to comply with the planning regulations of cities and counties that have general plans consistent with the applicable sustainable communities strategy.

Page 58: 13. Green Building Strategy

By replacing the stronger phrase "*all new schools would be required to meet the Collaborative for High Performance Schools (CHPS) 2009 criteria*" in the Draft Scoping Plan with the more permissive phrase "*should be required*" in the PSP, the State is losing the *direct* positive impact on greenhouse gas reduction which would be realized by holding school districts to this standard. In addition, the State will lose the substantial *indirect* positive impact relative to the larger effect that schools have on local land use policies, development pressure and travel behavior. Given the pervasiveness of schools, the trip making characteristics of schools and the aforementioned indirect effect these facilities have on local activities, the State should either return to the stronger language or demonstrate how this lost opportunity is justified.

Alternatively, without having to refer to the *Collaborative for High Performance Schools (CHPS)*, significant gains can be made by requiring school and college districts (and other State agencies) to develop facilities consistent with local general plans once updated to comply with the sustainable communities strategies prepared pursuant to SB 375. Absent subjecting school districts to local land use policies or compliance with the applicable sustainable communities strategy; the State should reinstate the language which was in the Draft Scoping Plan requiring schools to meet standards in the CHPS.

Page 63: 16. Sustainable Forests

The State as an urban landowner and developer has the potential to contribute substantially in the development of urban forests. Appendix C refers to urban forestry strategies to help achieve the 5 Million Metric Tons of Carbon Dioxide Equivalents by 2020 from the Forests sector. This strategy discusses "*agency planting*". As an urban land owner, the State should look at its standards for landscaping on its property and the ability to support urban forestry through the planting of suitable species of trees in strategic locations. State departments responsible for establishing design standards for certain institutional facilities (e.g. schools and hospitals) could be required to foster the development of urban forests through standards developed by the State Architect.

Page 65: 17: Water

The County is encouraged that the Governor has issued an Executive Order on climate change. The State should be aware that Contra Costa County has, in its Delta Water Platform, actions that support the goals of AB 32 and the Executive Order, both directly and indirectly. These actions include:

Support addressing the impacts of climate change in any proposed studies and strategies, or in planning, engineering and constructing projects envisioned for the Delta.

A key component is a concept entitled Regional Self-Sufficiency, where all regions are required to implement a variety of local water supply options and institute conservation and reuse programs to reduce reliance on exports from the Delta.

The State may see improved response to the Governor's Executive Order on greenhouse gasses, and other water issues, if the State Resources Agency reduced its reliance on pumping water long distances as a water supply strategy.

Page 108: 4: Progress Toward the State Government Target

The PSP refers to the recently established a State Government Operations Subgroup⁷ to work with State agencies to create a statewide approach to meet the Scoping Plan's commitment to reduce greenhouse gas emissions by a minimum of 30 percent by 2020 below the State's estimated business-as-usual emissions. However, the description of the emission reduction strategies in Appendix C contains no reference to the State Government Operations Subgroup. The Final Scoping Plan should explicitly include State Operations in the measures proposed by this plan (Table 32), and describe how it will measure and track progress of the State Government Operations Subgroup. Since the expectation of the PSP is that the state will be able to develop and provide "best practices" for other branches of government to adopt, the activities of the State Government Operations Subgroup should be open to the review and comment by local agencies.

These comments are offered to ensure a complete and adequate Scoping Plan. Please contact John Cunningham of this office if you have any questions on these comments.

Sincerely



for Steven Goetz, Deputy Director
Transportation Planning Section

c: J. Cunningham,
D. Dingman DCD
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Enclosure

⁷ The PSP references to the State Government Subgroup and the State Operations Subgroup are interpreted to mean the same subgroup.

**DRAFT SCOPING PLAN
COMMENTS SUBMITTED BY
CONTRA COSTA COUNTY
August 1, 2008 (via ARB Website)**

General Comment

The web page for collecting comments on the Scoping Plan is difficult to use. The organization of the web page does not appear to be consistent with the organization of the document. It also makes it difficult to be a participant in this review if the State only encourages submittal of comments electronically. Public outreach for the Scoping Plan should be broader.

Transportation

The Sector Overview and Emission Reduction Strategies for Transportation include an evaluation of rail strategies. This evaluation is limited to High Speed Rail, which is contingent on voter approval of a state bond. The Scoping Plan should also evaluate the current state intercity rail program as a rail strategy. Implementation and expansion of intercity rail is not contingent on voter approval, but can be achieved through better coordination of existing state, regional and local transportation revenue available for this purpose. Such coordination is less likely to be achieved without some statewide evaluation of its potential effect on GHG emission reduction.

Land Use and Local Government

The proposed Regional Targets should be supported by the State Environmental Goals and Policy Report (EGPR) and the 5-year infrastructure plan required by State law, Chapter 1016 - Statutes of 2002. This coordination is mentioned in Appendix C, but apparently such coordination is not acknowledged at this point as appropriate for incorporation into the Scoping Plan. The recommendations of Appendix C regarding development and maintenance of the EGPR and a 5-year infrastructure plan for the State should be pulled into the Scoping Plan. Such coordination of planning efforts was also listed in the report of the Land Use Subgroup of the Climate Action Team (LUSCAT) as an essential principle to the long-term vision for land use planning in California.

The Scoping Plan on page 32 indicates that local governments have the ability to directly influence both the siting and design of new residential and commercial developments in a way that reduces greenhouse gases associated with energy, water, waste, and vehicle travel. The Scoping Plan should also acknowledge that single-purpose entities such as school and college districts operate independent of cities and counties under state law. These independent entities construct facilities that create major destinations for a community and can significantly affect green house gasses associated with energy, water, waste, and vehicle travel. The State can assist local government in meeting regional targets by ensuring that laws and regulations that support these special districts are coordinated with the actions of local government.

Substantial experience with development of school facilities under existing State law and related regulations/programs warrants consideration the following changes, in consultation with affected stakeholders:

- Revision to the Government Code Section 65302 to include sites for school facilities as a required component of the land use element of General Plans.
- Evaluation of state school facility siting standards and regulations to ensure siting of facilities in a GHG efficient manner (e.g. protect greenfields, minimize transportation requirements, and preserve habitat and natural resources).
- Adoption of siting criteria by the State Allocation Board as a prerequisite for grant funding or adoption of the criteria as a state requirement for any facility funding.

Please refer to the comments provided under the “State Government” sector for relevant State actions. These State actions will help provide the state leadership and funding to support the local government actions recommended by the Scoping Plan.

Green Buildings

The strategies for green building focus solely on the direct impact of structures on GHG emissions. There should be some acknowledgement of the indirect impact on GHG emissions by the provision of support facilities such as parking and their function in the community as a destination that generates vehicle trips. The Green Buildings sector of the Scoping Plan can refer to specific strategies in the “Land Use and Local Government” and “State Government” sectors of the Scoping Plan that address these indirect GHG impacts.

Forests

Appendix C refers to urban forestry strategies to help achieve the 5 Million Metric Tons of Carbon Dioxide Equivalents by 2020 from the Forests sector. This strategy discusses “agency planting”. As an urban land owner, the State should look at its standards for landscaping on its property and the ability to support urban forestry through the planting of suitable species of trees in strategic locations.

State Government Sector

A key element of the Scoping Plan is implementation of existing State laws and policies. This element needs to go beyond clean car standards, good movement measures, and the low Carbon Fuel Standard.

Appendix C refers to a strategy for locating State facilities based on the State’s planning priorities as embodied in Chapter 1016, Statutes of 2002. Construction of prisons, court facilities, colleges, universities, water storage and conveyance facilities, state office buildings, elementary and secondary schools as approved by the State Architect, all have significant influence on the land use policies, development pressures and travel behavior at the local level. This law requires each Governor’s Budget to include a 5-year infrastructure plan. The Governor is also required to prepare and maintain the State Environmental Goals and Policy Report (EGPR).

The public outreach and educational component of the Scoping Plan needs to make these documents more visible so the public can understand the sound environmental planning behind the capital facilities supported by each State budget. Has a greenhouse emission reduction goal been included in the EGPR? Is the State measuring and tracking compliance with this statute? Has preparation and maintenance of these documents been acknowledged in applicable State administrative manuals? Should development of the EGPR and the infrastructure plan be coordinated with the activities of the Governor's Strategic Growth Council? Can a copy of the most recent infrastructure plan and EGPR be made available for review by the public and local jurisdictions and other interested stakeholders?

Future GHG reduction efforts for State facilities should be expanded to include a review of the management of parking spaces owned or leased by the State. The Contra Costa County Climate Action Team is evaluating the feasibility of establishing a user fee for parking spaces owned or leased by the County and allocating any surplus revenue to incentives for use of commute alternatives. User fees would eliminate any subsidy that may exist for motorists who do not pay for the cost of the parking they use. Any revenue in excess of the cost to provide the parking could be used to provide improvements to transit service or made available to employees to help pay for their commuting costs. This strategy should be coordinated with potential future efforts listed under "employee practices" on page C-178, and other relevant state regulations such as Executive Order D-73-8 which requires State agencies to implement a transportation management program designed to result in an annual reduction in the number of commute trips by State employees.

The description of proposed measures to address "the State's Carbon Shadow", which begins on C-179 needs more detail in the following areas:

- The State's standards for the design of school and medical facilities currently emphasize requirements for buildings and support facilities. Equal emphasis is needed on requirements for site selection and the siting of these facilities in the community to ensure convenient access by transit, walking or bicycling. The criteria used by the State for awarding funding for facility construction should place greater weighting of facility siting in the community and transportation criteria. Some of these recommendations were in the LUSCAT report but do not appear in the Scoping Plan.
- The standards adopted by the State Fire Marshall need to be evaluated for their impact on GHG emissions and community design. The current requirements for fire access roads are based on operation of a standard multi-purpose fire/paramedic vehicle. These standards should encourage flexibility to allow the use of smaller vehicles that are compatible with more pedestrian-oriented street construction.
- The Air Resources Board (ARB) needs to improve its administration of the parking cashout program, Chapter 554, Statutes of 1992. This law requires certain employers who provide subsidized parking for their employees to offer a cash allowance in lieu of a parking space. Parking cashout offers the opportunity to reduce GHG emissions by reducing commute trips. The ARB is the agency authorized by the Legislature to

interpret and administer the parking cash-out law. Their administrative efforts have been limited to preparation of an informational guide to help employers determine whether they are subject to the requirements of the law. This "self-implementing" approach by the ARB has resulted in few employers offering a parking cash-out program to their employees. As the appropriate regulatory authority, the ARB should, in consultation with affected stakeholders, revise its administrative efforts to increase participation among employers and advise cities and counties on conditions they can impose on new development to expand the application of this statute on employers (e.g. require project sponsors to prepare CC&Rs for the project to ensure parking and building leases are unbundled and that financial compensation to affected occupants is provided as required by applicable state law)

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Department of Conservation & Development

Contra Costa County

Catherine O. Kutsuris
Director

Aruna Bhat
Deputy Director
Community Development Division

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Phone: 925 335-1240

November 30, 2009

Fred Yeager, Assistant Director
California Department of Education
School Facilities Planning Division
1430 N Street, Suite 1201
Sacramento, CA 95814.

Mr. Yeager,

The Contra Costa County Conservation and Development, and Health Services Departments appreciate the opportunity to review and comment on the California Department of Education's (CDE) "*Vision and Guiding Principles for California Public School Facilities*". We understand these concepts will inform the siting of educational facilities, please consider that our two Departments have much at stake in this effort. We are optimistic that the principles espoused in the draft *Vision*, combined with recent state legislation, can help to usher in a new era of vibrant communities bolstered by the presence of a critical neighborhood element, the public school.

The County is enthusiastically supportive of this effort and believes that the timing could not be better given the recent passage of Assembly Bill 32, the *Global Warming Solutions Act of 2006*, Senate Bill 375 – 2008 (SB 375) and the *California Complete Streets Act of 2008* (*Complete Streets Act*). As I am sure you are aware, SB 375 is intended to result in reduced vehicle use through more compact development patterns. The *Complete Streets Act* requires cities and counties to design roadways to accommodate all users including, "...pedestrians, bicyclists, children...". Both of these statutes reflect goals that are both supportive of, and need the support of, the concepts found in CDE's draft *Vision* and *Guiding Principles*.

We are excited that the California Department of Education (CDE) has the opportunity and interest to concurrently improve its own operations and support these vital state initiatives. The CDE may also find collaborative opportunities within the State in conjunction with 1) the California Department of Transportation which is currently rewriting their own policies to better position the agency to implement SB 375 and the *Complete Streets Act*, and 2) the Governor's Office of Planning and Research which is currently rewriting the State's *General Plan Guidelines* to, among other things, reflect the aforementioned legislation. We hope there is an interest to coordinate these separate but related activities.

Below we identify topics in the draft *Vision* and *Principles* where our two County Departments have significant responsibilities and expertise. As Contra Costa County prepares to respond to AB 32, SB 375 and the *Complete Streets Act* by updating local health and planning policy, we

believe there may be potential for collaboration with Local Education Agencies (LEAs). **We are interested if CDE shares a similar view.**

While our two Departments only represent the County of Contra Costa, the duties and responsibilities we describe below are replicated statewide through our peer agencies. We therefore make the comments confident that the input has substantial validity outside our own jurisdiction. The comments below are provided according to the draft *Vision's* numbering system.

3. Safe from existing and potential hazards and incompatible land uses.

The County maintains the General Plan which, among other things, is a compendium of policies which ensure that growth and land development, including education facilities, proceed in an optimal, safe and coherent manner. Our General Plan includes elements on land use, public facilities, safety and noise to address existing and potential hazards and incompatible land uses. While state law exempts LEAs from local land use regulations, County policies are consistent with Principle #3 and would encourage the state to provide incentives for LEAs to undertake cooperative efforts with cities and counties to provide school facilities safe from existing and potential hazards and incompatible land uses.

8. Sustainable and efficient in the use of energy and natural resources that optimize construction and life cycle costs, limit greenhouse gas emissions, and encourage walking and bicycling.

State law now requires local agencies with land use authority, including the Contra Costa County Department of Conservation and Development (DCD), to analyze greenhouse gas emissions as part of any development project. Both DCD and the Contra Costa Health Services Department (CCHS) play a significant role in planning for safe walking and bicycling. County policies and regulations are consistent with Principle #8. We encourage the State to provide incentives for LEAs to provide schools that are energy efficient, centrally located and well integrated with existing and planned transportation facilities and services.

9. Supportive of student health, nutrition, and physical fitness.

Local land use and development policies which will eventually stem from SB 375 and the *Complete Streets Act* will be meant to foster active living lifestyles. The CCHS Department has a broad range of programs designed to address the childhood obesity epidemic. The Department believes that school location is a critical element in ensuring that children are sufficiently active and are excited at the possibility of having the CDE as a partner in this effort.

10. Derived from an open, community-based, and comprehensive planning process including all stakeholders and early dialogue with all involved planning agencies.

State law requires cities and counties to conduct public hearings on land use planning activities and to broadly disclose the information used in decision making. We have found that our best planning occurs when all interested stakeholders are involved early in the process. As a stakeholder and a planning agency the County is particularly encouraged by this principle.

11. A part of the full spectrum of community facilities that support opportunities for joint-use and educational partnerships.

The County is in a unique position to coordinate joint use projects in that we maintain and construct numerous facilities, process land development applications and are either directly, or indirectly involved in a multitude of countywide planning efforts.

As CDE moves into the next phases of the re-visioning process Contra Costa County would like to work with CDE to further develop the following implementation concepts:

- Work with the State Legislature to implement incentives for school siting to be consistent with new regulations that are intended to come out of the Re-Visioning process as well as consistent with local and regional plans.
- Work with the Governor's Office of Planning and Research, as they update the *General Plan Guidelines*, to develop a process which would respect the aforementioned forthcoming regulations and ensure an expedited, mutually beneficial (for LEAs and local land use agencies) school siting process.

Contra Costa County requests that we be kept apprised of the process the CDE is undertaking specifically to this *Vision/Principles* development process and more broadly to the process defined in the *2008 Re-Visioning School Facilities Planning and Design for the 21st Century Roundtable*. The County also requests that a record of comments on this promising effort be published so that we may be kept informed of the input and views of other stakeholders.

As we look ahead to the eventual implementation of the *Vision* and *Guiding Principles* we hope that the spirit of the mission of the *Cities, Counties and Schools Partnership* will prevail, that new CDE policies will, "...build and preserve communities by encouraging local collaborative efforts..."

Please let us know if we can be of any assistance with this effort, we look forward to a successful working relationship in the future.



Catherine O. Kutsuris, Director
Department of Conservation and Development



Wendel Brunner, MD, Director of Public Health
Health Services Department

c. Board of Supervisors
Senator Mark DeSaulnier – 7th District
Senate Select Committee on State School Facilities c/o Senator Alan Lowenthal – 27th District
Cities, Counties and Schools Partnership, c/o Connie A. Busse
California School Board Association c/o Janice Friesen, Director – Region 7
Joan Sollenberger, Caltrans – Transportation Planning Manager

Scott Morgan, Governor's Office of Planning and Research
Cynthia Bryant, Governor's Office of Planning and Research
Julia Johnston, Governor's Office of Planning and Research
Clerk of the Board
CAO
P11CH Staff
Better Government Ordinance file

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**Contra
Costa
County**



Catherine Kutsuris
Director

Aruna Bhat
Deputy Director

November 10, 2010

Health in All Policies Task Force
Attn: Julia Caplan
California Department of Public Health
Center for Chronic Disease Prevention and Health Promotion
P.O. Box 997377, MS 0508
Sacramento, CA, 95899-7377

Dear Ms. Caplan:

Below are comments from the Transportation Planning Section of the Contra Costa County Department of Conservation and Development on the *Health in All Policies DRAFT Recommendations*. The County is hopeful that you will consider these comments as the California Department of Public Health (CDPH) facilitates the HiAPP Task Force activities.

The County understands that there is an array of critical issues facing the Strategic Growth Council (SGC) and the Department of Public Health (CDPH) in addressing the Governor's Executive Order S-04-10.

The following comments are organized according to the noted sections in the table in the *DRAFT Recommendations*:

B1: The Statewide Integrated Traffic Records System (SWITRS) should be added to the list of data sources and the SGC should encourage the CHP to improve data collection. SWITRS is a somewhat flawed (particularly for non-motorized collisions), but unique dataset which gives an important glimpse in to the safety of the transportation system.

B2a: The list of users should include *students*. This change would improve the internal consistency of *B. Promote Healthy Cities and Counties* in that the *Aspirational Goal* includes, includes *school* as the first *essential destination*.

The need for this change is that students are 1) a vulnerable enough user group to warrant a specific mention, 2) congestion in many municipalities peaks during the AM drop off time (in no small part because of school trips), and 3) The strength of habits formed at a young age should not be discounted. Attempting to change the habits of a population trained, from an early age, to equate mobility with an automobile rather than a bicycle for feet, is a difficult barrier to overcome. **The importance of siting and designing schools (and surrounding, supportive infrastructure), to support walking and bicycling goes far beyond the home-to-school trip, far beyond school age years and has a lifelong effect on travel habits.**

B2a: This action may already be mandated by AB1358 (2008), the *Complete Streets Act*, and the Caltrans Deputy Directive 64-R1 (DD64). References to these policies should be included to reinforce the influence of the recommendation.

B3a. Caltrans staff is called out specifically in this section. Please add California Department of Education (CDE) staff as well. The need for Safe Routes to School funding is driven, in part, by CDE practice of funding schools in inappropriate areas (that is to say without necessary infrastructure, outside populated areas and/or in agricultural lands).

B3b. Caltrans is in the process of revising the *Highway Design Manual* (HDM) to reflect the aforementioned *Complete Streets Act* and DD64. The HDM is a critical resource for local traffic engineers and is heavily relied on in the design and construction of local roads (despite “*Highway*” being in the name). The County recommends: 1) a cross reference to the revised HDM, and 2) review and comment of the draft revised HDM by CDPH staff (when it is available) to ensure appropriate revisions are included.

B3b. The International Code Council (ICC) has recently approved a new code (F-17 – Attachment 1) which prohibits all “*traffic calming devices*” unless approved by the fire code official. Please be aware that the definition of “*traffic calming devices*” is assumed by the ICC to include street width and alignment. This is a substantial topic which can’t be addressed in this comment letter, please see Attachment 2 for a summary of the issue as it relates to “*slower speeds*” and the reduction of injuries. If this change comes in to effect at the local level it may very likely hamper attempts to construct safe, livable communities. The County recommends that the CDPH work with the American Planning Association, the American Public Works Association and the Office of the State Fire Marshal to inform the ICC of the potential problems with the new code.

B4. The County recommends adding the following action item, “*Support school siting reform and promote policy changes which would compel the California Department of Education to follow SB 375 principles and local planning ordinances in the planning, funding, review, and approval of school siting and design undertaken by local school districts.*” The County does not make this suggestion lightly. We are aware that this is a contentious, complicated issue. The school siting issue has produced a mountain of studies, white papers, conferences, etc. Although we could provide substantial, specific comment on this topic, the County will go on record as 1) supporting the recommendations (Attachment 3), of the *Ad-Hoc Coalition for Healthy School Siting* (with the exception of their omission of the value local land use expertise and authority as critical to successful school siting), and 2) being clear that the issue is much, much broader than “a few schools on the suburban edge pushing out in to agricultural land”. Poorly sited schools, outside the Urban Limit Line¹ (ULL) in agricultural areas are the “tip of the spear” in terms of encouraging and enabling harmful, sprawling land use patterns. Joint Use, while an important piece of school siting reform, is only part of the issue. Defending an ULL in the presence of a high school, as an island in an agricultural area, is difficult at best.

The County is hopeful in the fact that, just as a poor school site can undermine safety, sustainability, public health, and local, regional, and state planning goals, a well sited school can be a force for world-class community building. The County recommends an action which provides some mechanism to compel the integration of land development and school development activities. The County hopes that the recent involvement of the CDPH will somehow allow progress to be made on this issue.

As a brief aside, local governments and our constituents are directly impacted by school siting decisions enabled and encouraged by the CDE. Counties and cities are forced to address the problems created by CDE and school districts as we are the immediately accessible “face” of government when constituents are impacted. In light of this, the County does not see the practice of conducting “invitation only” meetings on this issue as productive. Without local involvement the urgency and reality of the problem may be diminished or lost entirely.

¹ School Districts can exempt themselves from local ordinances with a vote of the Board.

B6: The County recommends adding the following action item, *"Promote the development of new funding mechanisms to support the development of an active transportation system."*

B7: The County suggests adding *"and leadership."* to the end of *"B7. Encourage sustainable development..."*. Please see comments above for explanatory comments regarding school siting reform.

C1: References to Caltrans and the CDE in this section is encouraging. However, without specific actions along the lines of the County suggestions above, we believe the status quo will continue to prevail which is unacceptable.

C2: The County supports this recommendation and action item. However, in some areas of the County, in light of troubling school siting practices, the authority of the State may not be such that "healthy community planning" guidance would be accepted or taken seriously.

C3: Again, the County supports the recommendations of the *Ad-Hoc Coalition for School Siting*. Some of their suggested reforms should be listed here.

C5: The definition of "State Projects" should include schools funding with funding from the State.

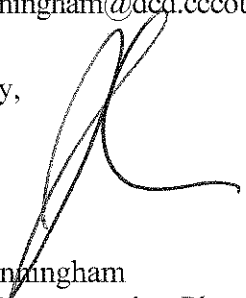
C8. The CDE should be listed as a potential collaborator.

Thank you for your consideration of these comments. Please be aware that this is not the County's only attempt to engage at the state level on these matters. The County has proactively attempted to address state level policies:

- In November of 2008 the County transmitted comments to the California Air Resources Board regarding the AB32 Scoping Plan (attached). The comments were similar to the comments provided here, the State, in their school construction efforts, **works at cross purposes with other programs and often counter to its own policies.**
- In November of 2009 the County transmitted comments to the California Department of Education regarding the *Re-Visioning* process it is engaged in (See attached letter) making recommendations and offering assistance. We are unaware of the status of CDE's process.
- More recently, staff has been communicating with SGC staff regarding SB375 and school siting issues. One invitation-only meeting has been held as far as County staff can ascertain. The County is excited about the ability of SB375 to bring about changes in school siting and design practices. We are awaiting SGC staff's response to several County inquiries about the results of the meeting and availability of a roster and meeting materials.

If you have any questions on these comments please feel free to contact me at 925-335-1243 or at john.cunningham@dcd.cccounty.us

Sincerely,



John Cunningham
Senior Transportation Planner

c: S. Goetz, DCD
N. Baer, CCHS
L. Overcashier, 511 Contra Costa

F17-09/10

504.3.1, 502.1

Proponent: Tom Lariviere, Chairman, Joint Fire Service Review Committee

Add new text as follows:

503.4.1. Traffic calming devices. Traffic calming devices are prohibited unless approved by the *fire code official*.

502.1 Definitions. The following words and terms shall, for the purposes of this chapter and as used elsewhere in this code, have the meanings shown herein.

TRAFFIC CALMING DEVICES. Traffic calming devices are design elements of fire apparatus access roads such as street alignment, installation of barriers, and other physical measures intended to reduce traffic and cut-through volumes, and slow vehicle speeds.

Reason: Many communities are facing increased traffic volumes. Both new and existing streets are experiencing higher vehicular volumes and speeds as drivers attempt to find “short cuts” to ease their commutes. Designers, planning departments and traffic departments are increasingly turning to traffic calming measures to preserve the quality and enjoyment of life for their citizens. A key interest of all emergency services is to provide timely response to emergencies. Traffic calming devices can unduly delay and result in damage to emergency apparatus. This proposed language will allow fire officials to restrict traffic calming devices to those that will minimize these problems.

Standard emergency medical service response times are based on 4-6 minutes. This time frame is based on the fact that brain damage resulting from cardiac arrest typically occurs within 4-6 minutes. Delaying, or extending, these response times in any fashion places the public at greater risk. Traffic officials and fire officials both have the responsibility to ensure that public interests are properly considered in their decision-making process. Both sets of officials have detailed regulations to provide for those interests.

This proposal requires approval of traffic calming measures by the fire code official. What it doesn't do is detail how that approval is to be made within various jurisdictions. Each jurisdiction has their own traffic pattern emergency response challenges. The purpose of this proposal is to ensure that the fire department is part of this decision-making process. This proposal requires approval of traffic calming measures in private fire access roads and public roads.

Many traffic calming designs include various road configurations that delay, or even restrict, fire apparatus access. Such items may include “roundabouts”, speed humps, narrowing of streets, winding roads rather than straight roads, etc. All of these items slow the response time of any emergency response vehicle whether it be law enforcement, medical services, or fire. The definition for traffic calming is based on the definition provided by the Institute of Transportation Engineers.

Cost Impact: The code change proposal will not increase the cost of construction.

Public Hearing: Committee: AS AM D

Assembly: ASF AMF DF

ICCFILENAME: LARIVIERE-F5-504.3.1DOC

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CNU fire code proposals shot down; appeal filed

ICC voters choose confrontation over cooperation in street design discussion

Submitted on 05/21/2010. Tags for this image: [CNU News](#) [Emergency response](#) [fire code](#) [street design](#) [transportation](#)

NEW: The Congress for the New Urbanism has filed an appeal, asking the ICC to overturn the approval of "F17." CNU will post updates as the appeals process moves along.

The [Emergency Response & Street Design Initiative](#) suffered a setback on May 20 when both of its [suggested amendments](#) to the International Fire Code were rejected at the International Code Council's Final Action Hearings in Dallas.

ICC voters ratified the Fire Code Committee's previous rejection (in October 2009) of the Congress for the New Urbanism's proposed change to Section 503 of the fire code – the passage that currently mandates designated fire access roads have at least 20 feet of clear space. This requirement can be a factor contributing to wider streets that signal to drivers to travel at faster speeds. CNU and its partners in the Fire Service drafted language that, had been accepted, would have affirmed that fire code officials have the flexibility to approve streets with less than 20 feet of clear space, depending on factors such as turning radii, connectivity, traffic safety, and the presence of sprinkler systems.

Voters also reversed the Fire Code Committee's previous overwhelming approval (12-1 at the [October 2009 code hearings in Baltimore](#)) of our proposed Appendix K, which offered performance-based guidance to fire code officials on street designs and "... establish[es] requirements consistent with nationally and internationally recognized good practice for achieving a reasonable level of overall life safety, by taking into account and balancing the need to prevent road traffic deaths and injuries and the need to safeguard against the hazards of fire, explosions and other dangerous conditions."

Perhaps more disturbing, however, was the ICC's ratification of Fire Code language that states, "Traffic calming devices are prohibited unless approved by the fire code official," and defines traffic calming devices as "...design elements of fire apparatus access roads such as street alignment, installation of barriers, and other physical measures intended to reduce traffic and cut-through volumes, and slow vehicle speeds."

In other words, the ICC has elevated fire code officials to be the ultimate arbiters of street design and traffic engineering. This undermines efforts to seek cooperative dialog on street design matters, and drew a swift response from CNU President and CEO John Norquist: "The Fire Committee of the ICC decided to disrespect engineers, planners and other design professionals. This arrogant action damages the credibility of the whole ICC. Groups like CNU, [American Society of Civil Engineers](#), [Urban Land Institute](#), [American Institute of Architects](#), and [Institute of Transportation Engineers](#) will now need to build coalitions with other groups like the [National Association of Home Builders](#) to get legislatures to reconsider their states' use of the International Fire Code."

CNU's proposals acknowledged that solid common ground exists for ongoing efforts to reconcile narrower streets and good emergency access: **Street connectivity — specifically well-connected networks of traditional street grids — is essential to good urbanism, shortens emergency response times, and improves overall community life safety.** Taken together, these changes would have made the fire code less focused on mandating wide streets, and more flexible in allowing cities to take advantage of the safety and response benefits of connected networks of walkable narrower streets.

[Download \(0B\)](#)

Opposition to CNU's proposals focused on the perceived absolute need for 20 feet clear to allow fire engines to pass one another or other vehicles en route to an emergency, and to have enough maneuvering room once on scene; on concerns that permissive language, once in the code, would be used to force fire marshals to approve narrower streets; and on the ever-growing size of fire apparatus.

Daniel E. Nichols, of the New York State Division of Code Enforcement and Administration, charged that in addition to the above reasons, CNU's proposed code changes really aimed to save developers money on their projects: "At the end of the day, decreasing road widths decreases the cost of projects, and that's what this is about."

Others, however, agreed that CNU's proposed code changes pointed the way toward greater cooperation as New Urbanism gains in popularity.

"I think that in today's world, the idea of a 20-foot-wide strip of concrete with two stripes down the middle, going through an urban neighborhood, is a lost cause," said Jim Tidwell, a former fire marshal in Fort Worth, Texas, and a member of that city's plan commission.

Once the ICC's Final Action Hearings are completed later this year, approved code changes and additions will take effect with the 2012 editions of ICC codes. (Those editions will be published in 2011.)

CNU's proposals were developed jointly with fire marshals participating in the Emergency Response & Street Design Initiative, including Carl Wren, of the Austin, Texas, Fire Department, and Rick Merck, of Montgomery County (Md.) Fire & Rescue, and fire code consultants Rolland Crawford and Page Dougherty. CNU was represented in Dallas by Carl Wren, Jon Davis, project manager for the Emergency Response & Street Design Initiative, and Patrick Siegman, a transportation planner with Nelson\Nygaard, of San Francisco, who co-authored the proposed Appendix K. Danielle Arigoni spoke on behalf of the U.S. Environmental Protection Agency's Smart Growth office, which has been CNU's partner in the Emergency Response & Street Design Initiative.

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Catherine O. Kutsuris
Director

Aruna Bhat
Deputy Director
Community Development Division

August 6, 2009

Mr. Wayne Reeves
Director of Project Development
Liberty Union High School District
20 Oak Street
Brentwood, CA 94513

Subject: *Comments on Draft Environmental Impact Report
Proposed 4th High School Campus, Liberty Union High School
District (SCH#200807044)*

Dear Mr. Reeves:

Contra Costa County appreciates the opportunity to review and comment upon the Draft Environmental Impact Report (DEIR) prepared for the Liberty Union High School District (LHUSD) on the proposed 4th High School campus to be sited in the unincorporated area between cities of Brentwood and Oakley at the southwest corner of Delta Road and Sellers Avenue. County staff from the Department of Conservation and Development (formerly Community Development) and the Public Work Department have reviewed the DEIR and offer the following comments:

GENERAL COMMENT

The County appreciates the need for a 4th High School Campus and recognizes the benefits it would provide for the current and projected demand for high school education. However, we are concerned that the DEIR has taken an approach toward mitigation of traffic-related impacts that calls into question whether the environmental review adequately meets the requirements of the California Environmental Quality Act. More specifically, at **ES Page 14: Table 1:** Traffic related mitigation measures are qualified in a number of ways in this table:

- Some mitigations are identified with the caveat that LUSHD shall contribute a "...fair share, if funding is available...". (Traffic 3.11-5, et al)
- Some indicate that LUSHD "...shall contribute towards..." (Traffic 3.11-3, et

al) but with the caveat that "...because mitigation measure does not depend solely on the LUHSD, this impact may be deemed Significant and unavoidable"

- Some measures are qualified as follows (Traffic 3.11-4), "The LUHSD shall contribute funding to this improvement if funding is available."

The California Environmental Quality Act (CEQA) requires that an EIR identify feasible mitigation measures (Public Resources Code section 21002). While the DEIR has identified mitigation measures for traffic impacts, which may not depend solely on the LUHSD for implementation, this does not relieve the District from identifying and participating financially in the implementation of any mitigation activities¹. In order to establish feasibility, the lead agency or project sponsor must establish that there is a "reasonable plan"² for mitigation. This would include identification of, and consultation with the jurisdiction that would be ultimately responsible for implementing the mitigation, establishing that the mitigation is physically possible, establishment of a cost of the mitigation, and a calculation of the project sponsor's fair share contribution toward the mitigation measure. CEQA directs that such information is necessary to establish that the mitigation measures are feasible. Absent such information, the DEIR should disclose what would happen if funding and/or inter-agency agreements to implement these mitigation measures are not available.

SPECIFIC COMMENTS

1. The **Cumulative Impacts** subsection of the **Executive Summary** (on **ES page 13**) discusses "planning officials from the City of Brentwood and City of Oakley" being contacted "regarding foreseeable construction/land use transformation projects in the vicinity of the proposed Site". It is not clear if Contra Costa County officials with either the Department of Conservation and Development or Public Works Department were also contacted regarding the same item. This should be clarified.
2. **Table 2-1 (on page 28)** does not mention the Contra Costa County Public Works Department as a "Regional and Local Agency" from which "approval and/or coordination" should occur. The County Public Works Department should be added and acknowledged in the EIR since the Department will be the issuer of encroachment permits for any improvements within County road right of way and coordination with the Engineering Services, Transportation/Traffic, and Flood Control Divisions within the County Public Works Department will be required.

¹ *City of Marina v. Board of Trustees of the California State University* (2006)

² *Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001)

Hydrology and Water Quality

3. There appears to be discussion pertaining to a **SWCS (Storm Water Control System)** and a **SWCP (Storm Water Control Plan)**, which are often used interchangeably in the text. On **page 97**, there is discussion regarding the LUHSD planning to “develop a SWCS to contain on-site storm water runoff” due to lack of adequate drainage systems to serve the site. However, the next paragraph describes the SWCS being based on the objectives of the Stormwater C.3 Guidebook (which are measures for storm water *treatment*, not conveyance). At the top of **page 98**, the SWCS is said to be implemented with a request for an exception from Title 9 of the (County Ordinance Code) for a diversion (of the watershed?). However, it would appear that the exception that should be sought from the County from Section 914 of the County Ordinance Code is to allow detention on-site and “pumping” excess stormwater into Marsh Creek during off-peak flows. The exception from Title 9 of the County Code, which requires all post-development stormwater to be “collected and conveyed” in an adequate storm drain system or natural watercourse, would be to instead detain runoff in basins and then pump out water as needed. This exception for conveyance may be granted, but only after thorough review by the County Public Works Department and this should not be confused with C.3 stormwater treatment on-site.
4. None of the **MM Hydro** mitigation measures (pages 103-105) mentions the preparation and implementation of the **Storm Water Control Plan (SWCP)** Best Management Practices (BMPs)/Integrated Management Practices (IMPs) as mitigation for long term treatment of pollutants. This should be addressed.
5. In **Section 3.2.5 Hydromodification**, there should be a discussion of how the Hydrograph Modification Management Plan (HMP) or flow-control element has been addressed. Although it is stated that HMP “strictly does not apply” since there are no historical flows to Marsh Creek from this site, (due to the proposed diversion of historical runoff) it could be argued that HMP should still be required due to the large amount of proposed impervious surfacing proposed with this project. The diversion of increased runoff volume generated by this project to Marsh Creek would appear to make flow control even more critical. The matter may have been addressed indirectly with the HEC-HMS analysis provided, which attempts to model how the basins will capture storm water runoff and detain peak flow events. However, the flow control element of HMP is not specifically addressed in the modeling analysis, as it should be.

6. In **Section 5.**, a **Means to Finance and Implement BMP Maintenance** section should include language stating that the LUHSD will be required to provide a Storm Water Control Operation and Maintenance (O&M) Plan for the review of the Public Works Department, and record an Operation and Maintenance Agreement, including any necessary rights-of-entry, prior to issuance to school construction. Additionally, LHUSD would be required to annex into any financing mechanisms (e.g. Community Facilities District) formed to insure that all costs associated with the perpetual Operation & Maintenance, administration and reporting of these water quality features (including costs associated with all required County administration and reporting) are paid for by LHUSD that are or will be benefiting from this development.
7. A **Construction Plan C.3 Checklist** should be included with any final SWCP.
8. The preliminary **Storm Water Control Plan (SWCP)** presented in **Appendix F** does not appear to contain a **SWCP Exhibit**, which should detail the limits of each Drainage Management Area (DMA), present a drainage plan, identify IMP's/BMP's, provide details/cross-sections of the treatment features, etc. The roofs, parking area, walkways, landscaping, etc. should be shown broken into distinct areas draining to individually sized IMPs, based on the finished elevations and grading. If a **SWCP Exhibit** is not included, it is difficult to analyze the effectiveness or adequacy of the plan proposed.
9. Each DMA (such as "sports arena", "walkways", "pvmnt 1"(?)) should be identified on the **SWCP Exhibit**. The exhibit needs to indicate how stormwater runoff generated from staff parking, tennis courts, and basketball courts located along the western boundary of the high school campus directed across the entire site back to the two IMPs proposed along the eastern limits of the campus.
10. In **Appendix A**, the **IMP C.3 Sizing Calculator**, it appears that a 25:1 factor is used to determine minimum IMP sizing, which is treatment-only. However, the proposed development of the high school will require *flow-control* and treatment (HMP). Will a flow-control element be included in the design of the basins?
11. In **Appendix A**, the **IMP C.3 Sizing Calculator**, the "south swale" is described as a self-treating area. IMP/BMPs should not be identified for treatment in a DMA since they are the treatment features. However, it remains unclear what function the "south swale" (linear bioretention area?) has, and what DMA(s) it treats.

12. Pollutant source areas, including refuse areas, outdoor pesticide for landscaping, etc. and the various methods for source control should be shown on a **SWCP Exhibit**.

Traffic and Circulation

13. In **Section 3.11.2.1**, there is no description of the County's ultimate planned roadway for the fronting roadways. The County Public Works Department has previously communicated to LHUSD's engineering consultant that although Sellers Avenue currently features a 50 foot wide right of way, the ultimate plan Sellers Avenue is a 100 foot wide right of way and LHUSD would be expected dedicate at least 25 feet of ROW along the frontage of Sellers Avenue. Similarly, Delta Road only features a 40 foot wide ROW, where 100 feet is ultimately required. Therefore 30 additional feet of dedication would be expected. Additional roadway widening and frontage improvements have also been recommended to accommodate the increased traffic generated by the school. It should be noted that west of Sellers Avenue, Delta Road (to the property line) was annexed by the City of Oakley. Therefore, all future Delta Road roadway dedications shall be offered to the City of Oakley and will be accepted and annexed by the City.
14. In **Section 3.11**, construction traffic impacts should be described, including the potential locations of haul routes and the damage of roads along such haul routes. This section should also describe how the construction impact to local roads will be mitigated, including the following:
 - 1) Damaged pavement along haul routes shall be repaired and restored to pre-construction conditions at the project sponsor's cost at the end of construction activities.
 - 2) Due to a lack of sidewalks and the existence of four-foot wide bike lanes on Delta Road in the vicinity of the schools site, areas where pedestrians and cyclists are likely to utilize shall be kept clear of construction debris.

Additionally, the **MM –Traffic** mitigation measures make no mention of preparation, submittal, and implementation of a "Traffic Control Plan" (TCP) for project construction that would be reviewed by the Cities of Brentwood and Oakley, as well as the County Public Works Department. The contents of the TCP should be described, including truck haul routes, staging areas, number of trucks, times of delivery, documentation of the pavement condition pre- and post-construction, responsibility of the school district to repair any damaged pavement, etc.

15. In **Section 3.11.2.1 (page 127)**, the list of seven intersections fails to mention that four of the seven are partially or fully within unincorporated County areas—they are not exclusively in the Cities of Brentwood and Oakley: (1) south side of Delta Road/SR-4, (2) all but the northwestern

corner of Delta/Sellers, (3) all of Delta/Knightsen, and (4) all of Sunset/Sellers.

16. In **Section 3.11.3 (page 131)**, four of the seven of the study intersections are partially or fully within unincorporated County areas (see comment above).
17. In **Table 3.11-14 (page 128)**, Please explain why evening peak hour counts were not taken and are not included in the analysis at the intersections of Delta Road/Knightsen Avenue, Lone Tree Way/SR-4, and Sunset Road/Sellers Avenue.
18. In **Table 3.11-17 (page 133)**, the LOS thresholds for Delta Road/Sellers Avenue and Sunset Road/Sellers Avenue should be LOS C with an average delay of 25 seconds and a volume/capacity (V/C) ratio of 0.80, based on the semi-rural designation of these intersections in the 2005-2025 Contra Costa County General Plan. The Delta Road/Knightsen Avenue intersection is within an area designated as both suburban and semi-rural, with a LOS designation of high C or low D. An average delay of 25 to 30 seconds and a V/C of 0.79-0.82 should be used. If the County General Plan designation has been overruled in favor of the LOS D designation with a V/C of 0.90, please explain where this is documented.
19. **Section 3.11.3.2 (page 139)** incorrectly states that a LOS D, or a traffic V/C ratio of 0.90, is the acceptable threshold for roadways in the vicinity of the Site. According to the County General Plan, a LOS C, or a traffic V/C ratio of 0.80, is the acceptable threshold.
20. In **Figure 5 (TIS page 16)** of the Draft Transportation Impact Study, Delta Road (between Knightsen Avenue and Byron Highway) and Chestnut Street (between Sellers Avenue and Byron Highway) are planned to serve as Class II bikeways according to TRANSPLAN's East Contra Costa County Bikeway Plan 2005 Update.
21. **At Page 144, 3.11.4 Alternative Approach to Addressing Effects on LOS, and, Page 150: Non-Motorized Site Access and Circulation**, the information in these sections is inadequate. It does not address the limited and poor access to the high school campus for pedestrians and cyclists and it fails to demonstrate how non-motorized site access would improve levels of service (LOS). It also does not address potential safety hazards for pedestrians and cyclists that would result from the site plan as it currently exists.

The attached graphic, entitled "Consultant Recommendations", Figure 17 taken from an October 2008 report prepared by Fehr & Peers and incorporated into the DEIR, illustrates County staff suggestions to address

these inadequacies and improve access and circulation for the high school campus. The numbers below refer to the numbers labeled on graphic:

(1) From the Marsh Creek trail pedestrians and cyclists wanting to access the school should not be directed to the sidewalk or Class II bike lane along Delta Road. On-site circulation should be designed such that pedestrians and cyclists can immediately enter the school property. This would make the route more direct (and thus more attractive) and eliminate the conflict between pedestrians/cyclists and vehicles from the driveways thereby increasing safety and improving vehicle circulation.

(2) A path should be provided from the Marsh Creek trail directly to the site without having to travel north to Delta Road. The project sponsor should negotiate, purchase or otherwise acquire an easement from the property owner to the west of the site to construct this path. The experience at Heritage High regarding pedestrian and cyclist issues should not be repeated here.

(3) From the south end of the site on Sellers Avenue, pedestrians and cyclists wanting to access the school should not be directed to the sidewalk along the roadway. On-site circulation should be designed such that pedestrians and cyclists can immediately enter the school property. This would make the route more direct (thus more attractive), and eliminate the conflict between pedestrians/cyclists and vehicles from the driveways thereby increasing safety and improving vehicle circulation.

(4) From the northeast corner of the site, the site plan should be modified to allow direct access to the school site to pedestrians and cyclists, allowing for a more direct route and eliminating the conflict with vehicles, at the driveways, if students were to use the sidewalks.

The modifications listed above and illustrated in the attached graphic would potentially provide safer access and circulation for the high school campus and promote incentives for pedestrian and bicycle access to the site.

21. Comments on October 2008 Traffic Impact Study, as incorporated in the DEIR

Figure 2: Conceptual Project Site Plan: Westernmost Driveway

- This location is identified as "right in/right out" only but has a two entry lanes marked. Should there be one lane here?
- If there is to be two lanes at this location it would suggest a "left in"

movement. If this is the case, will the onsite roundabout (just south of Delta Road) be multi-lane?

- If the intent is to eventually convert this to a full access point (left/right-in/out) that configuration must be evaluated.
- There is no analysis of the need to provide a right turn pocket at this location. At a minimum a turn pocket should be provided to reduce the impact to through traffic from vehicles slowing to enter the site.

Figure 7: Cumulative Project Distribution

The trip distribution from the high school project has approximately 25% of the trips accessing the site from the west using Delta Road. There is no accommodation to efficiently return those vehicles to their origins. The congestion issues experienced at Heritage High School should be considered when making circulation choices such as this. Without an accommodation to return vehicles to their origin, many motorists will likely exit the site and attempt a u-turn at the Sellers/Delta intersection which will create substantial congestion, either from the (additional) queuing at the future light or the delay from the vehicles negotiating a u-turn. The other option will have exiting vehicles turning right at Sellers adding to and conflicting with the school related congestion using the three access points on the east side of the project site. These factors diminish the benefits of having disbursed access points mentioned in the Revised Site Plan Assessment (April 22, 2008 Fehr & Peers Memorandum).

As a final comment, it is noted that the County's comments regarding the traffic-related impacts, and concerns about the adequacy of the approach toward mitigation of such impacts, echo similar concerns in the comment letters submitted on the DEIR by the cities of Brentwood and Oakley. The Liberty Union High School District, the cities of Brentwood and Oakley, and the County, each share a mutual interest in assuring that the 4th High School campus is safe and accessible for students, faculty, parents, and the larger community. Given these mutual concerns and interests, perhaps, rather than relying solely upon the Response to Comments/Final EIR process to address concerns about traffic-related impacts, it would be timely and appropriate for the planner/engineers of the cities of Oakley and Brentwood, and the County, to meet directly with District staff and its consultants on ways to improve access and circulation for the high school campus. Steve Goetz, Deputy Director – Transportation Planning Section, Department of Conservation and Development, is available to assist in facilitating such a meeting. He can be reached by telephone at (925) 335-1242 or by email at sgoet@cd.cccounty.us.

Thank you for considering the County's comments on the DEIR for the 4th High School Campus. Should you have any questions regarding this letter, please contact me by telephone at (925) 335-1242 or by email at proch@cd.cccounty.us.

Sincerely yours,



Patrick Roche

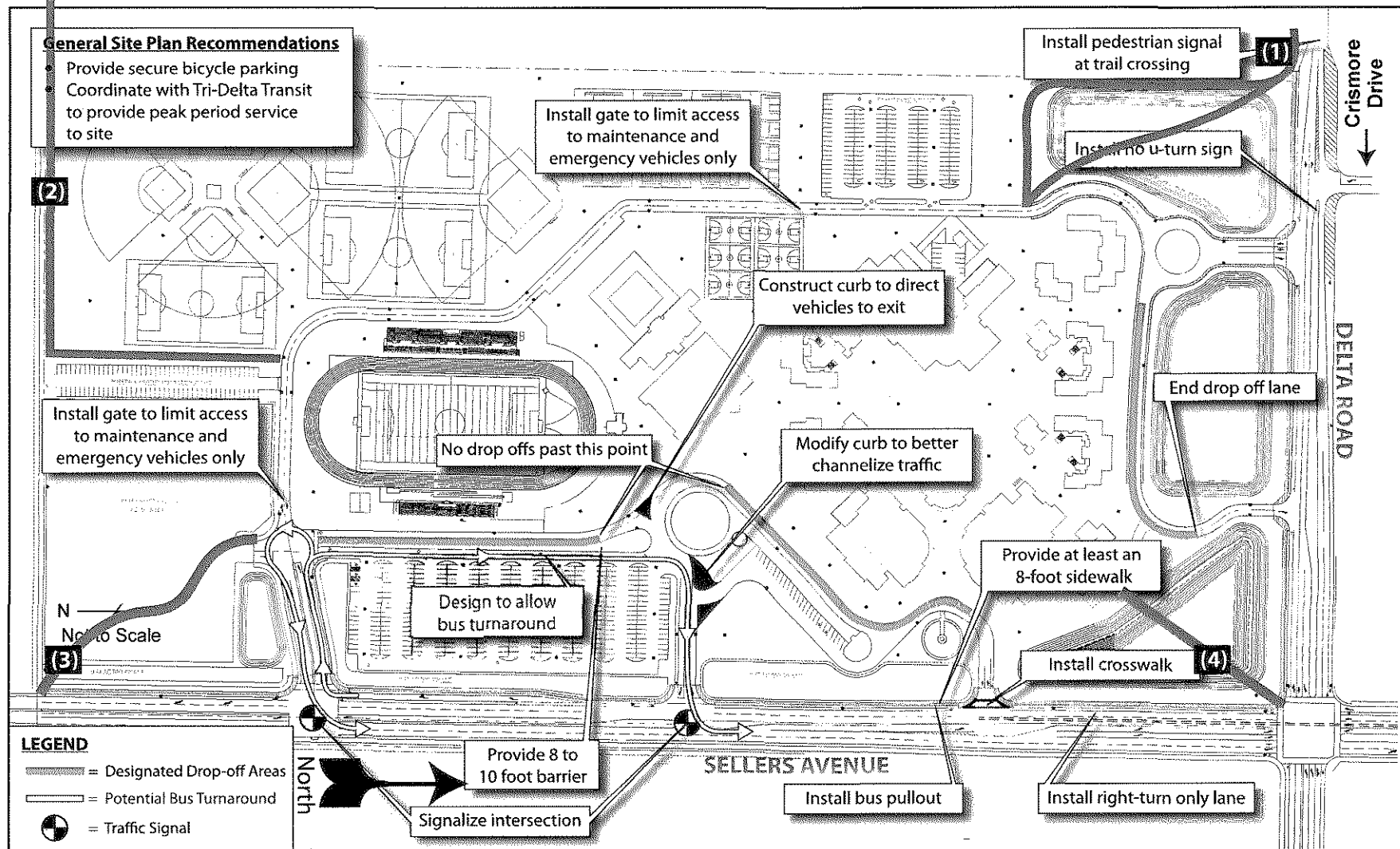
Principal Planner

Attachment (1)

CCC mark-up of Figure 17, Consultant Recommendations, Oct. 2008 report by Fehr & Peers

cc: Members, Board of Supervisors
Casey McCann, City of Brentwood
Rebecca Willis, City of Oakley
C. Kutsuris, Director, DCD
J. Bueren, Director, PWD

(2)



Liberty Union High School



FEHR & PEERS
TRANSPORTATION CONSULTANTS

October 2008
Graphics\Oct08\WC05-2146_17

CONSULTANT RECOMMENDATIONS

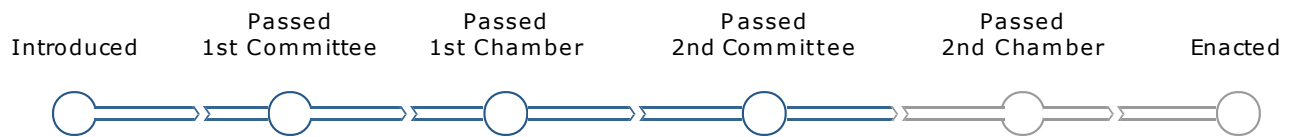
Figure 17

Status actions entered today are listed in bold.

File name: 2014TransLeg

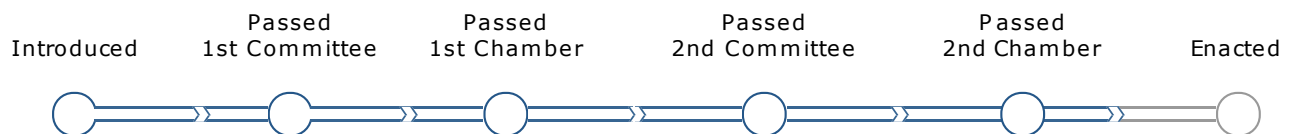
California

1. CA AB 26



Author: Bonilla (D)
 Title: Construction: Prevailing Wage/Mechanics Liens
 Fiscal Committee: yes
 Urgency Clause: no
 Introduced: 12/03/2012
 Last Amend: 03/18/2014
 Disposition: Pending
 Summary: Revises the definition for construction to include postconstruction phases and cleanup work at the jobsite. Expands the definition of public works regarding the payment prevailing wages to include any task relating to the collecting or sorting of refuse or recyclable metals, such as copper, steel, and aluminum performed at a public works jobsite.
 Status: 03/18/2014 From SENATE Committee on LABOR AND INDUSTRIAL RELATIONS with author's amendments.
 03/18/2014 In SENATE. Read second time and amended. Re-referred to Committee on LABOR AND INDUSTRIAL RELATIONS.
 Private File: 2014TransLeg

2. CA AB 229



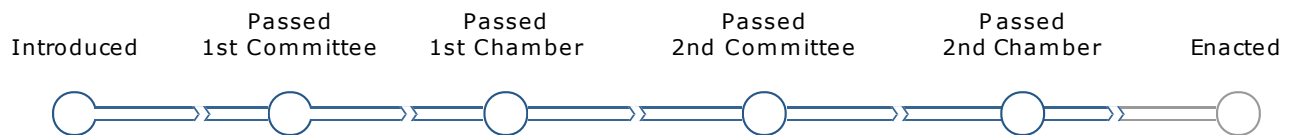
Author: Perez J (D)
 Title: Infrastructure and Revitalization Financing Districts
 Fiscal Committee: yes
 Urgency Clause: no
 Introduced: 02/04/2013
 Last Amend: 08/12/2013
 Disposition: Pending
 File: A-8
 Location: Assembly Inactive File

Summary: Authorizes the creation by a city, county, city and county, and joint powers authority, of an infrastructure and revitalization financing district and the issuance of debt with voter approval. Authorizes the creation of a district and the issuance of debt. Authorizes a district to finance projects in redevelopment project areas and former redevelopment project areas and former military bases.

Status: 09/11/2013 In ASSEMBLY. From Unfinished Business. To Inactive File.

Private File: 2014TransLeg

3. CA AB 418



Author: Mullin (D)

Title: Local Government: Assessment Or Property-Related Fee

Fiscal Committee: yes

Urgency Clause: no

Introduced: 02/15/2013

Last Amend: 02/10/2014

Disposition: Pending

Committee: Assembly Local Government Committee

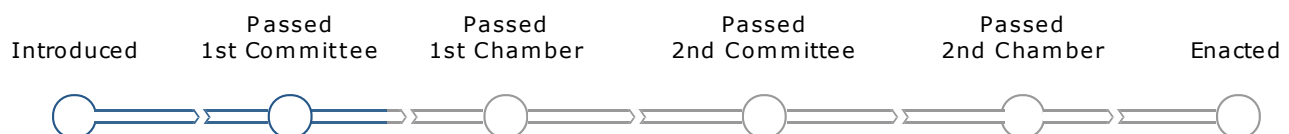
Hearing: 04/02/2014 1:30 pm, State Capitol, Room 127

Summary: Authorizes the City/County Association of Governments of San Mateo County, in accordance with specified provisions of the California Constitution, to impose a parcel tax or a property-related fee for the purpose of implementing stormwater management programs.

Status: 02/24/2014 Re-referred to ASSEMBLY Committee on LOCAL GOVERNMENT.

Private File: 2014TransLeg

4. CA AB 574



Author: Lowenthal B (D)

Title: Greenhouse Gas Reduction Fund: Sustainable Communities

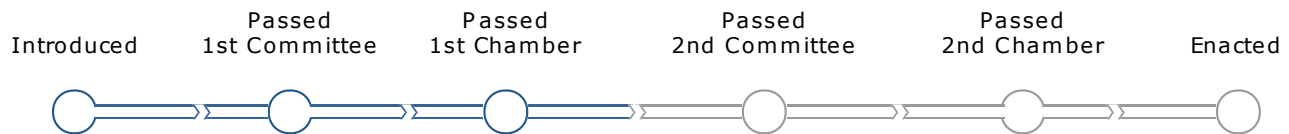
Fiscal Committee: yes

Urgency Clause: no

Introduced: 02/20/2013

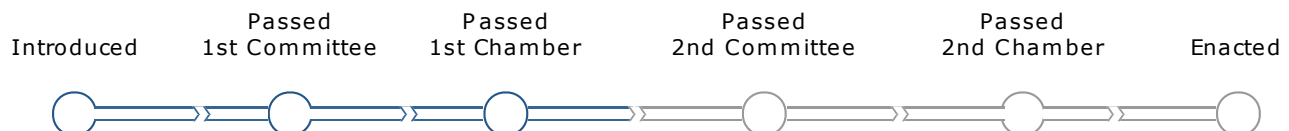
Last Amend: 04/15/2013
 Disposition: Failed
 Summary: Requires the State Air Resources Board to establish standards for the use of moneys allocated in the Greenhouse Gas Reduction Fund for sustainable communities projects. Requires the board to establish the criteria for the development and implementation of regional grant programs. Requires the State Transportation Commission to designate the regional granting authority within each region of the state to administer the allocated moneys for regional grant programs.
 Status: 01/31/2014 Died pursuant to Art. IV, Sec. 10(c) of the Constitution.
 02/03/2014 From Committee: Filed with the Chief Clerk pursuant to JR 56.
 Private File: 2014TransLeg

5. CA AB 935



Author: Frazier (D)
 Title: Bay Area Water Transportation Authority: Members
 Fiscal Committee: yes
 Urgency Clause: no
 Introduced: 02/22/2013
 Last Amend: 04/25/2013
 Disposition: Pending
 Summary: Relates to the San Francisco Bay Area Water Emergency Transportation Authority and board of directors. Expands the number of members appointed to the board by the Senate Committee on Rules and the Speaker of the Assembly. Relates to members appointed by the Governor.
 Status: 05/23/2013 To SENATE Committee on TRANSPORTATION AND HOUSING.
 Private File: 2014TransLeg

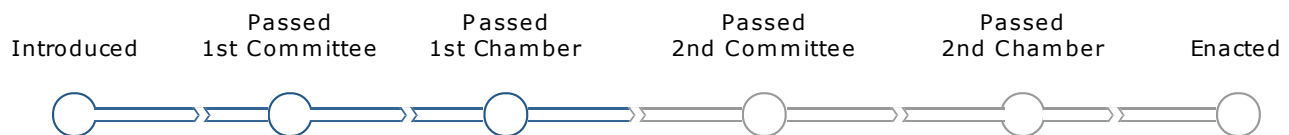
6. CA AB 1179



Author: Bocanegra (D)
 Title: Strategic Growth Council
 Fiscal Committee: yes
 Urgency Clause: no

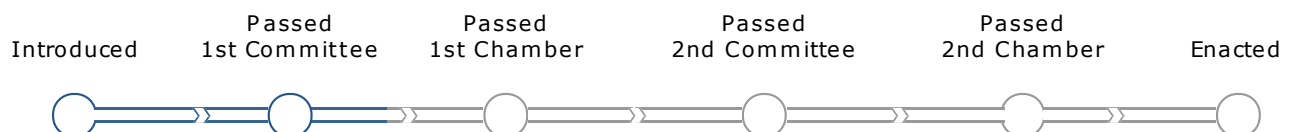
Introduced: 02/22/2013
 Last Amend: 01/06/2014
 Disposition: Pending
 Summary: Amends existing law that creates the Strategic Growth Council with specified duties relating to the coordination of actions of State agencies relative to improvement of air and water quality, natural resource protection, transportation, and various other matters. Adds the Superintendent of Public Instruction or his or her designee to the Council.
 Status: 02/06/2014 To SENATE Committee on NATURAL RESOURCES AND WATER.
 Private File: 2014TransLeg

7. CA AB 1193



Author: Ting (D)
 Title: Bikeways
 Fiscal Committee: yes
 Urgency Clause: no
 Introduced: 02/22/2013
 Last Amend: 01/23/2014
 Disposition: Pending
 Summary: Amends existing law that requires the State Department of Transportation to establish procedures to permit exceptions to the requirements that all city, regional, and other local agencies responsible for the development of bikeways or roadways where bicycles travel to utilize all minimum safety design criteria and uniform specifications for symbols, signs, markers, and traffic control devices. Requires the department to establish minimum safety design criteria for Class IV bikeways.
 Status: 02/06/2014 To SENATE Committee on TRANSPORTATION AND HOUSING.
 Private File: 2014TransLeg
 MTC: Support

8. CA AB 1532



Author: Gatto (D)
 Title: Vehicle Accidents
 Introduced: 01/21/2014

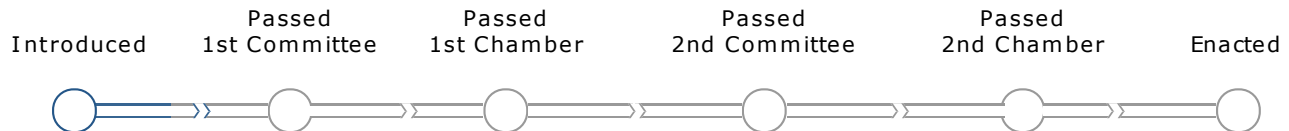
Disposition: Pending

Summary: Provides that a driver of a vehicle involved in an accident where a person is struck but not injured, shall immediately stop the vehicle at the scene of the accident and provide specified information including his or her name and current residence address. Identifies a violation of these provisions would be a misdemeanor and result in the immediate suspension of the driver's license of a convicted driver.

Status: 03/24/2014 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS.

Private File: 2014TransLeg

9. CA AB 1581



Author: Buchanan (D)

Title: School Facilities

Introduced: 02/03/2014

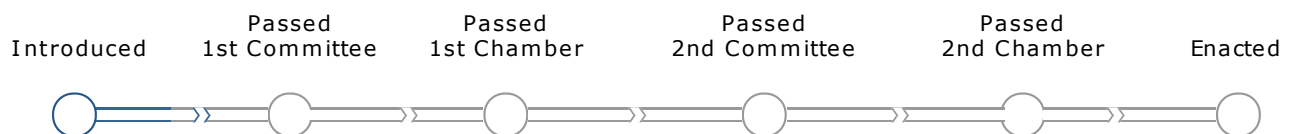
Disposition: Pending

Summary: Amends the Leroy F. Greene School Facilities Act of 1998. Imposes penalties if a material inaccuracy is found in an eligibility or funding application. Makes technical, nonsubstantive changes in the provision regarding penalties for material inaccuracies.

Status: 03/28/2014 To ASSEMBLY Committee on EDUCATION.

Private File: 2014TransLeg

10. CA AB 1724



Author: Frazier (D)

Title: Highways: Litter Control

Introduced: 02/14/2014

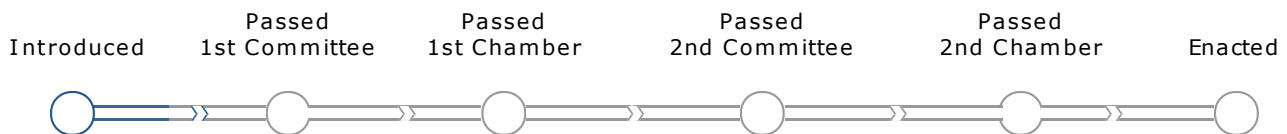
Disposition: Pending

Summary: Makes nonsubstantive changes to existing law that authorizes the Department of Transportation to enter into an agreement to accept funds, materials, equipment or services from any person for maintenance of a section of state highway, including, cleanup or abatement of litter, and to post a courtesy sign in that regard.

Status: 03/28/2014 To ASSEMBLY Committee on TRANSPORTATION.

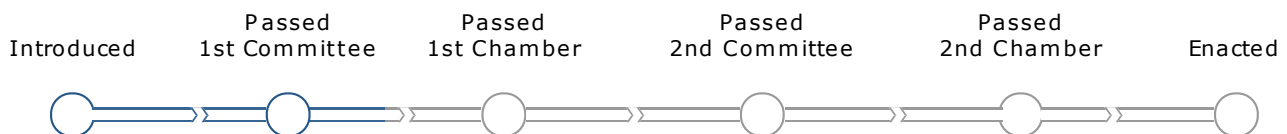
Private File: 2014TransLeg

11. CA AB 1811



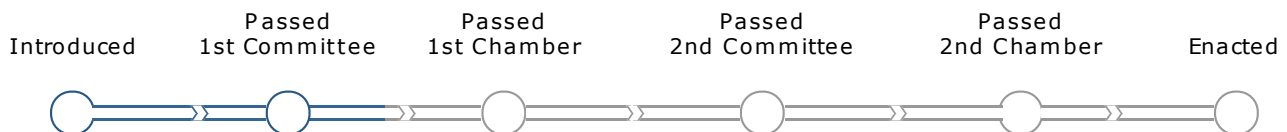
Author: Buchanan (D)
 Title: High-Occupancy Vehicle Lanes
 Introduced: 02/18/2014
 Disposition: Pending
 Committee: Assembly Transportation Committee
 Hearing: 04/21/2014 1:30 pm, State Capitol, Room 4202
 Summary: Requires that access to high-occupancy vehicle lanes by high-occupancy vehicles on specified highway corridors be available at all times.
 Status: 02/27/2014 To ASSEMBLY Committee on TRANSPORTATION.
 Private File: 2014TransLeg

12. CA AB 1857



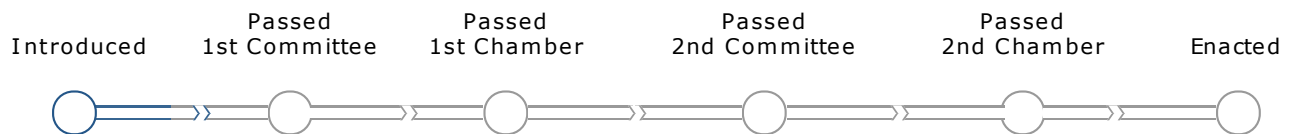
Author: Frazier (D)
 Title: Department of Transportation
 Introduced: 02/19/2014
 Last Amend: 03/28/2014
 Disposition: Pending
 File: 4
 Location: Assembly Second Reading File
 Summary: Authorizes the Department of Transportation to purchase and equip heavy mobile fleet vehicles and special equipment by means of best value procurement subject to an annual limitation. Requires the department to report to the Legislature with regard to this process.
 Status: 03/28/2014 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.
 Private File: 2014TransLeg

13. CA AB 2013



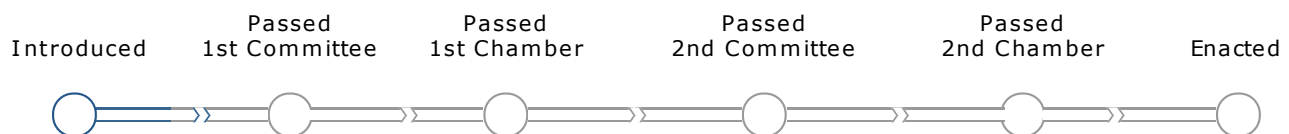
Author: Muratsuchi (D)
 Title: Vehicles: High-Occupancy Vehicle Lanes
 Introduced: 02/20/2014
 Last Amend: 03/17/2014
 Disposition: Pending
 Summary: Increases the number of identifiers that the Department of Motor Vehicles is authorized to issue under provisions authorizing the issuance of such identifiers to certain vehicles permitted to use high-occupancy vehicle lanes.
 Status: 03/24/2014 From ASSEMBLY Committee on TRANSPORTATION: Do pass to Committee on APPROPRIATIONS.
 Private File: 2014TransLeg

14. CA AB 2173



Author: Bradford (D)
 Title: Electric Bicycles
 Introduced: 02/20/2014
 Last Amend: 03/19/2014
 Disposition: Pending
 Committee: Assembly Transportation Committee
 Hearing: 04/21/2014 1:30 pm, State Capitol, Room 4202
 Summary: Redefines the term motorized bicycle by renaming it a low-speed electric bicycle and making other specified requirements. Exempts a low-speed electric bicycle from the provision prohibiting the operation of a motorized bicycle on a bicycle path or trail, bikeway, bicycle lane, equestrian trail, or hiking or recreational trail.
 Status: 03/19/2014 From ASSEMBLY Committee on TRANSPORTATION with author's amendments.
 03/19/2014 In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION.
 Private File: 2014TransLeg

15. CA AB 2235



Author: Buchanan (D)
 Title: Kindergarten-University Public Education Facilities B
 Introduced: 02/21/2014
 Disposition: Pending

Committee: Assembly Education Committee

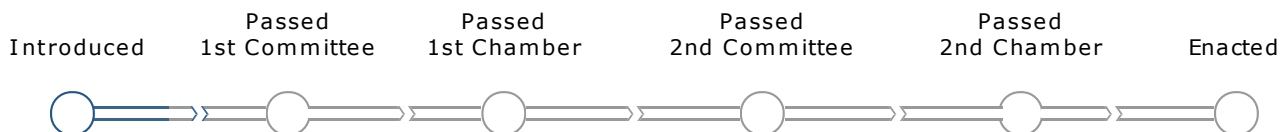
Hearing: 04/09/2014 1:30 pm, State Capitol, Room 4202

Summary: Enacts the Kindergarten-University Public Education Facilities Bond Act of 2014 to authorize an unspecified amount of state general obligation bonds to provide aid to school districts, county superintendents of schools, county boards of education, charter schools, the California Community Colleges, the University of California, the Hastings College of the Law, and the California State University to construct and modernize education facilities and school district facilities funding.

Status: 03/06/2014 To ASSEMBLY Committees on EDUCATION and HIGHER EDUCATION.

Private File: 2014TransLeg

16. CA AB 2250



Author: Daly (D)

Title: Toll Facilities: Revenues

Introduced: 02/21/2014

Last Amend: 03/24/2014

Disposition: Pending

Committee: Assembly Transportation Committee

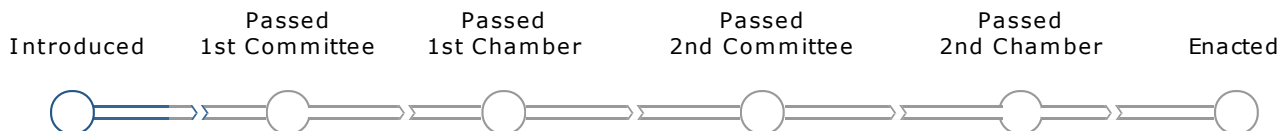
Hearing: 04/21/2014 1:30 pm, State Capitol, Room 4202

Summary: Requires the Department of Transportation when entering into a cooperative agreement with a local agency for a managed land on the State highway system, to ensure that any revenues from a managed land that is administered by a local agency remains available for expenditure within the respective corridor in which the managed lane is located.

Status: 03/24/2014 From ASSEMBLY Committee on TRANSPORTATION with author's amendments.
03/24/2014 In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION.

Private File: 2014TransLeg

17. CA AB 2398



Author: Levine (D)

Title: Vehicles: Pedestrians and Bicyclists

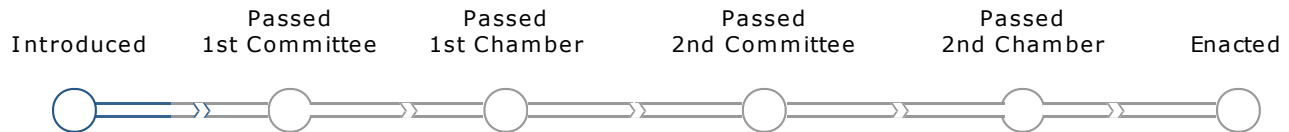
Introduced: 02/21/2014

Disposition: Pending

Committee: Assembly Transportation Committee

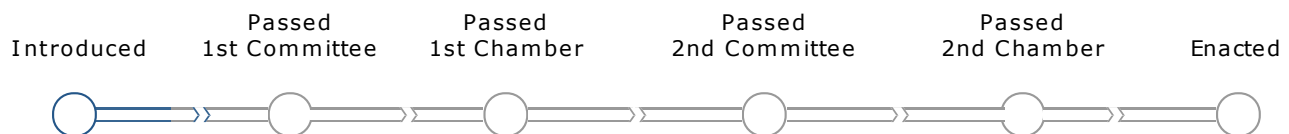
Hearing: 04/21/2014 1:30 pm, State Capitol, Room 4202
 Summary: Provides penalties for drivers who violate rules of the road, including violations regarding pedestrians and bicyclists.
 Status: 03/10/2014 To ASSEMBLY Committee on TRANSPORTATION.
 Private File: 2014TransLeg

18. CA AB 2471



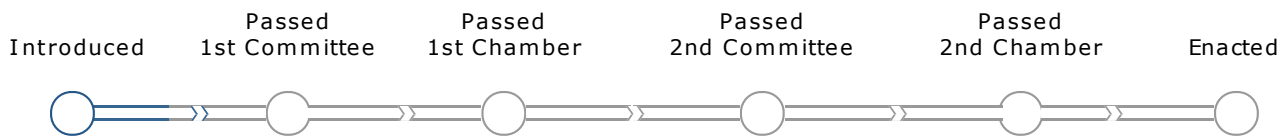
Author: Frazier (D)
 Title: Public Contracts: Change Orders
 Introduced: 02/21/2014
 Disposition: Pending
 Summary: Requires a public entity, when authorized to order changes or additions in the work in a public works contract awarded to the lowest bidder, to issue a change order promptly. Requires if this requirement is not met, the public entity to be liable to the original contractor for payment of the contractor's invoice.
 Status: 03/13/2014 To ASSEMBLY Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW.
 Private File: 2014TransLeg

19. CA AB 2651



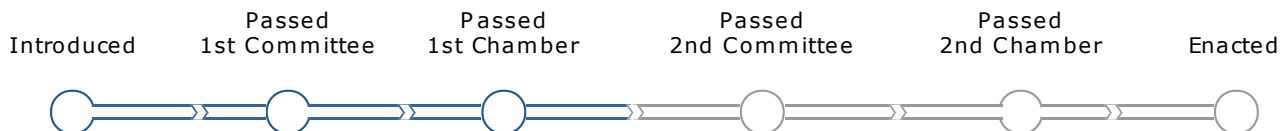
Author: Linder (R)
 Title: Vehicle Weight Fees: Transportation Bond Debt
 Introduced: 02/21/2014
 Disposition: Pending
 Committee: Assembly Transportation Committee
 Hearing: 04/21/2014 1:30 pm, State Capitol, Room 4202
 Summary: Prohibits weight fee revenue from being transferred from the State Highway Account to the Transportation Debt Service Fund or to the Transportation Bond Direct Payment Account, and from being used to pay the debt service on transportation general obligation bonds.
 Status: 03/17/2014 To ASSEMBLY Committee on TRANSPORTATION.
 Private File: 2014TransLeg

20. CA ACA 3



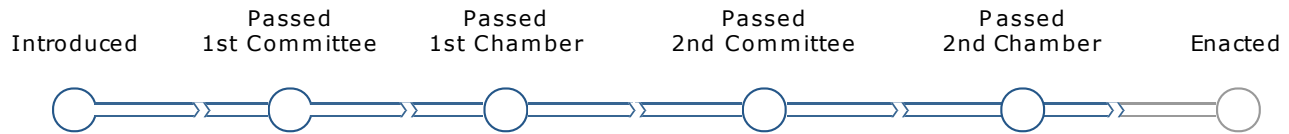
Author: Campos (D)
 Title: Local Government Finance: Public Safety Services
 Fiscal Committee: no
 Urgency Clause: no
 Introduced: 01/22/2013
 Disposition: Pending
 Summary: Authorizes the imposition, extension, or increase of a special tax for funding fire, emergency response, police, or sheriff services, upon the approval of 55% of the voters voting. Creates an additional exception to the 1% limit for a rate imposed by a city, county, or special district to service bonded indebtedness incurred to fund certain fire, emergency response, police, or sheriff buildings or facilities, and equipment that is approved by 55% of the voters of the city, county, or special district.
 Status: 04/04/2013 To ASSEMBLY Committees on LOCAL GOVERNMENT and APPROPRIATIONS.
 Private File: 2014TransLeg

21. CA ACA 8

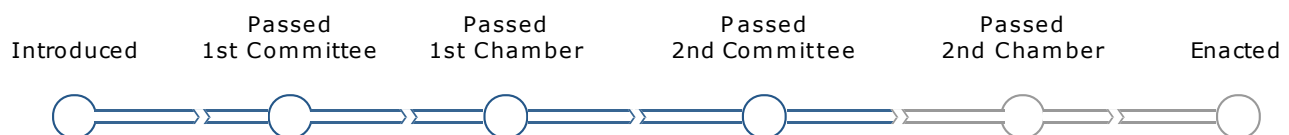


Author: Blumenfield (D)
 Title: Local Government Financing: Voter Approval
 Fiscal Committee: no
 Urgency Clause: no
 Introduced: 02/13/2013
 Last Amend: 04/04/2013
 Disposition: Pending
 Summary: Proposes an amendment to the Constitution to create an additional exception to the 1% limit for an ad valorem tax rate imposed by a city, county, city and county, or special district, to service bonded indebtedness incurred to fund specified public improvements and facilities, or buildings used primarily to provide sheriff, police, or fire protection services, that is approved by 55% of the voters of the city, county, city and county, or special district.
 Status: 06/27/2013 To SENATE Committees on GOVERNANCE AND FINANCE and ELECTIONS AND CONSTITUTIONAL AMENDMENTS.

Private File: 2014TransLeg

22. CA SB 1

Author: Steinberg (D)
 Title: Sustainable Communities Investment Authority
 Fiscal Committee: yes
 Urgency Clause: no
 Introduced: 12/03/2012
 Last Amend: 09/03/2013
 Disposition: Pending
 File: A-5
 Location: Senate Inactive File
 Summary: Authorizes certain public entities of a Sustainable Communities Investment Area to form a Sustainable Communities Investment Authority to carry out the Community Redevelopment Law. Provides for tax increment funding receipt under certain economic development and planning criteria. Establishes prequalification requirements for receipt of funding. Requires monitoring and enforcement of prevailing wage requirements within the area. Excludes certain types of farmland.
 Status: 09/12/2013 In SENATE. To Inactive File.
 Private File: 2014TransLeg

23. CA SB 33

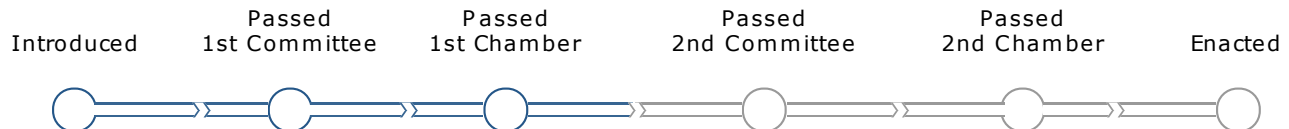
Author: Wolk (D)
 Title: Infrastructure Financing Districts: Voter Approval
 Fiscal Committee: yes
 Urgency Clause: no
 Introduced: 12/03/2012
 Last Amend: 08/26/2013
 Disposition: Pending
 File: A-13
 Location: Assembly Inactive File

Summary: Revises provisions governing infrastructure financing districts. Eliminates the requirement of voter approval for creation of the district and for bond issuance, and authorizes the legislative body to create the district subject to specified procedures. Authorizes the creation of such district subject to specified procedures. Authorizes a district to finance specified actions and project. Prohibits financing until a certain requirement is met. Prohibits assistance to a vehicle dealer or big box retailer.

Status: 09/11/2013 In ASSEMBLY. To Inactive File.

Private File: 2014TransLeg

24. CA SB 792



Author: DeSaulnier (D)

Title: Regional Entities: San Francisco Bay Area

Fiscal Committee: yes

Urgency Clause: no

Introduced: 02/22/2013

Last Amend: 01/27/2014

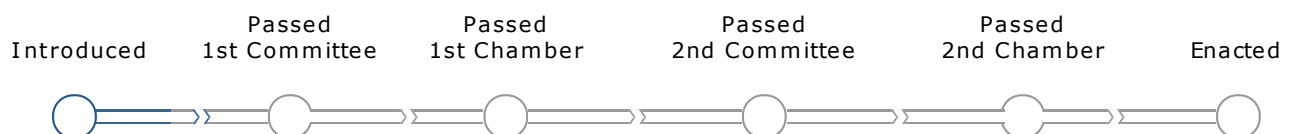
Disposition: Pending

Summary: Requires members agencies of the San Francisco Bay Area joint policy committee to prepare a plan for consolidating certain functions that are common to member agencies. Requires the plan to include a statement relative to the expected reduction of overhead, operation, and management costs. Requires a member agency to submit a copy of the plan to its board, and to report to a specified Senate committee. Requires the committee to maintain an Internet Web site containing committee activities.

Status: 01/28/2014 In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY.

Private File: 2014TransLeg

25. CA SB 969



Author: DeSaulnier (D)

Title: Public Works

Introduced: 02/10/2014

Disposition: Pending

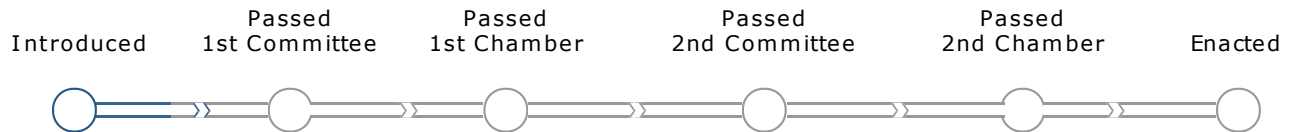
Summary: Authorizes these provisions to be known and cited as the Public Works Project Overview Improvement Act. Defines a megaproject as a transportation project with total estimated development and construction costs exceeding a specified amount.

Requires the agency administering a megaproject to establish a peer review group and to take specified actions to manage the risks associated with a megaproject including establishing a comprehensive risk management plan, and regularly reassessing its reserves.

Status: 02/20/2014 To SENATE Committee on TRANSPORTATION AND HOUSING.

Private File: 2014TransLeg

26. CA SB 990



Author: Vidak (R)

Title: Transportation Funds: Disadvantaged Small Communities

Introduced: 02/12/2014

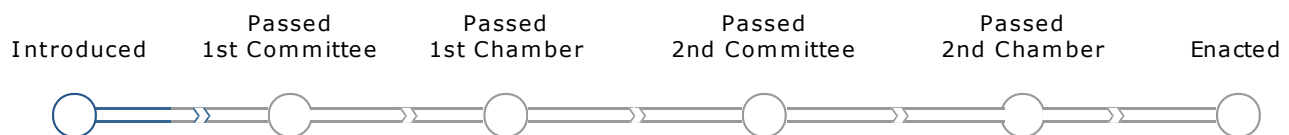
Disposition: Pending

Summary: Requires each regional transportation improvement program to program 5% of funds available for regional improvement projects to disadvantaged small communities. Requires regional transportation agencies and county transportation commissions to prioritize funding congestion relief and safety needs in programming these moneys.

Status: 02/20/2014 To SENATE Committee on TRANSPORTATION AND HOUSING.

Private File: 2014TransLeg

27. CA SB 1077



Author: DeSaulnier (D)

Title: Vehicles: Vehicle-Miles-Traveled Charges

Introduced: 02/19/2014

Disposition: Pending

Committee: Senate Transportation and Housing Committee

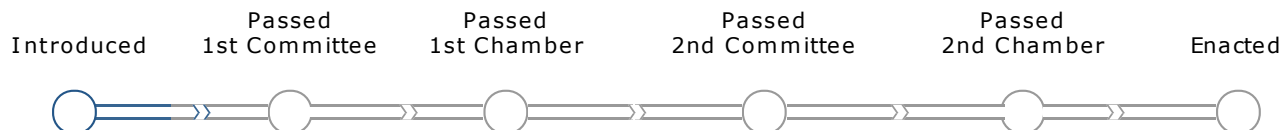
Hearing: 04/22/2014 1:30 pm, John L. Burton Hearing Room (4203)

Summary: Requires the Department of Motor Vehicles to develop and implement a pilot program designed to assess specified issues related to implementing a vehicle-miles-traveled fee. Requires the department to prepare and submit a specified report of its findings.

Status: 02/27/2014 To SENATE Committee on TRANSPORTATION AND HOUSING.

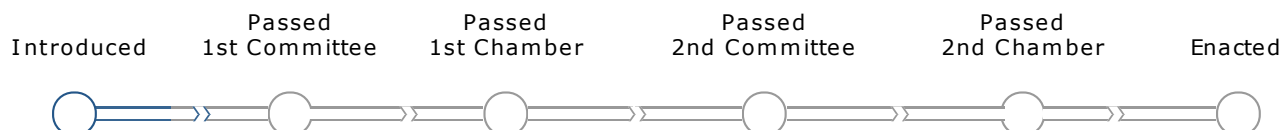
Private File: 2014TransLeg

28. CA SB 1122



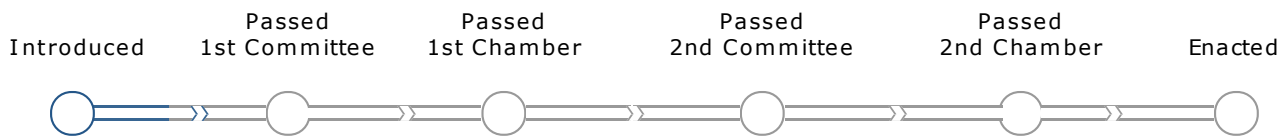
Author: Pavley (D)
 Title: Sustainable Communities: Strategic Growth Council
 Introduced: 02/19/2014
 Last Amend: 03/24/2014
 Disposition: Pending
 Committee: Senate Environmental Quality Committee
 Hearing: 04/02/2014 9:30 am, Room 3191
 Summary: Requires the Strategic Growth Council to provide plan financial assistance to be funded from moneys from the Greenhouse Gas Reduction Fund. Requires the regional plan or other planning instrument to meet the requirements of an applicable sustainable communities strategy, alternative transportation plans, or other regional greenhouse gas emission reduction plans within a developed area. Relates to model systems. Authorizes grants for agricultural, natural resource, and open space land protection.
 Status: 03/24/2014 From SENATE Committee on ENVIRONMENTAL QUALITY with author's amendments.
 03/24/2014 In SENATE. Read second time and amended. Re-referred to Committee on ENVIRONMENTAL QUALITY.
 Private File: 2014TransLeg

29. CA SB 1151



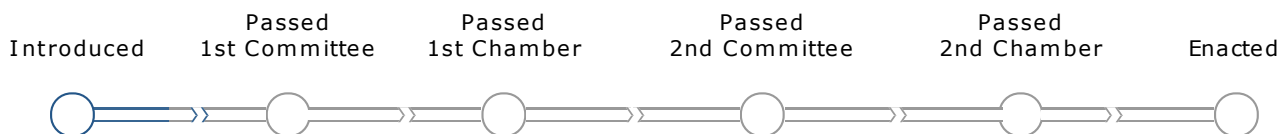
Author: Cannella (R)
 Title: Vehicles: School Zone Fines
 Introduced: 02/20/2014
 Disposition: Pending
 Committee: Senate Transportation and Housing Committee
 Hearing: 04/22/2014 1:30 pm, John L. Burton Hearing Room (4203)
 Summary: Requires that fines for specified violations be doubled or increased if the violation occurred when passing a school building or school grounds, and the highway is posted with a standard SCHOOL warning sign and an accompanying sign notifying motorists that increased penalties apply for traffic violations that are committed within that school zone.
 Status: 03/06/2014 To SENATE Committees on TRANSPORTATION AND HOUSING and PUBLIC SAFETY.
 Private File: 2014TransLeg

30. CA SB 1156



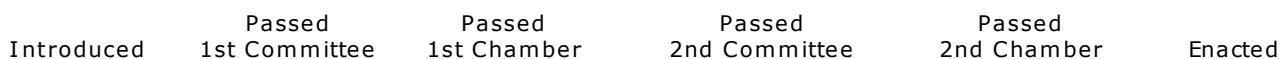
Author: Steinberg (D)
 Title: Carbon Tax Law of 2014
 Introduced: 02/20/2014
 Disposition: Pending
 Committee: Senate Governance and Finance Committee
 Hearing: 04/09/2014 9:30 am, Room 112
 Summary: Imposes a carbon tax of an unspecified amount per ton of carbon-dioxide-equivalent emission on suppliers of fossil fuels.
 Status: 03/06/2014 To SENATE Committees on GOVERNANCE AND FINANCE and RULES.
 Private File: 2014TransLeg

31. CA SB 1183



Author: DeSaulnier (D)
 Title: Bicycle Tax
 Introduced: 02/20/2014
 Last Amend: 03/24/2014
 Disposition: Pending
 Committee: Senate Governance and Finance Committee
 Hearing: 04/09/2014 9:30 am, Room 112
 Summary: Authorizes a city, county, or regional park district to impose, as a special tax, a point of sale tax on new bicycles, with the rate of the tax to be determined by the local agency. Excludes from the tax bicycles with wheels of 20 inches or less in diameter. Requires the State Board of Equalization to collect the tax and to transmit the net revenues to the local agency. Requires the local entity to use the moneys for improvement to paved and natural trails, including new trails, and for maintenance.
 Status: 03/24/2014 From SENATE Committee on GOVERNANCE AND FINANCE with author's amendments.
 03/24/2014 In SENATE. Read second time and amended. Re-referred to Committee on GOVERNANCE AND FINANCE.
 Private File: 2014TransLeg

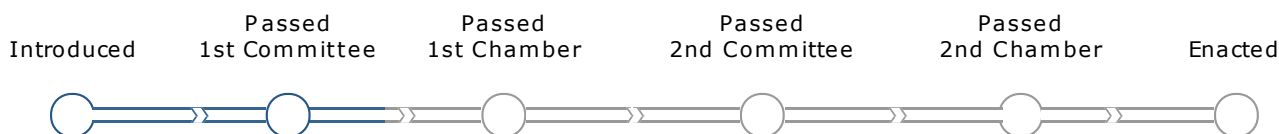
32. CA SB 1298





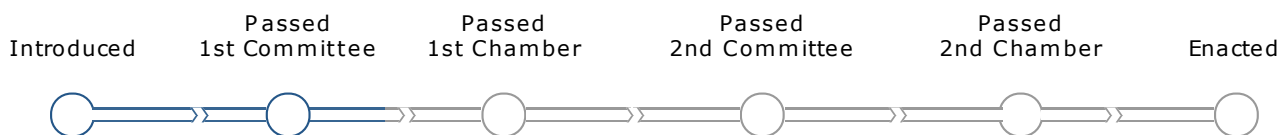
Author: Hernandez E (D)
 Title: High Occupancy Toll Lanes
 Introduced: 02/21/2014
 Disposition: Pending
 Summary: Removes the limitations on the number of high-occupancy toll lanes that the California Transportation Commission may approve. Provides for agreements between the Los Angeles County Metropolitan Transportation Authority, the Department of Transportation, and the Department of the California Highway Patrol.
 Status: 03/06/2014 To SENATE Committee on TRANSPORTATION AND HOUSING.
 Private File: 2014TransLeg

33. CA SCA 4



Author: Liu (D)
 Title: Local Government Transportation Project: Voter Approval
 Fiscal Committee: no
 Urgency Clause: no
 Introduced: 12/03/2012
 Last Amend: 08/28/2013
 Disposition: Pending
 Summary: Proposes an amendment to the Constitution to provide the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of a related proposition that includes certain requirements. Prohibits the local government from expending any revenues derived from a special transportation tax approved by the voters at any time prior to the completion of a identified capital project funded by specified revenues.
 Status: 08/29/2013 Re-referred to SENATE Committee on APPROPRIATIONS.
 Private File: 2014TransLeg

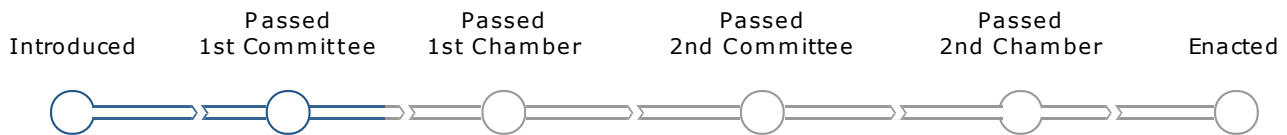
34. CA SCA 8



Author: Corbett (D)

Title: Transportation Projects: Special Taxes: Voter Approval
 Fiscal Committee: no
 Urgency Clause: no
 Introduced: 12/14/2012
 Last Amend: 05/21/2013
 Disposition: Pending
 Summary: Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for transportation projects requires the approval of 55% of its voters voting on the proposition, if the proposition includes certain requirements.
 Status: 08/29/2013 Re-referred to SENATE Committee on APPROPRIATIONS.
 Private File: 2014TransLeg

35. CA SCA 11



Author: Hancock (D)
 Title: Local Government: Special Taxes: Voter Approval
 Fiscal Committee: no
 Urgency Clause: no
 Introduced: 01/25/2013
 Last Amend: 05/21/2013
 Disposition: Pending
 Summary: Proposes an amendment to the Constitution to condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition, if the proposition proposing the tax contains specified requirements.
 Status: 06/27/2013 Re-referred to SENATE Committee on APPROPRIATIONS.
 Private File: 2014TransLeg