

CONTRA COSTA  
transportation  
authority

ORDINANCE 16-02

DATE

July 27, 2016

CERTIFIED BY

Tarienne Grover

Tarienne Grover, Board Clerk

**AN ORDINANCE OF THE CONTRA COSTA TRANSPORTATION AUTHORITY  
ADOPTING 2016 TRANSPORTATION EXPENDITURE PLAN**

**WHEREAS**, the Contra Costa Transportation Authority (hereinafter "Authority") is considering the countywide imposition of a one half of one percent sales tax for transportation purposes for a period of thirty years, effective on April 1, 2017 through March 31, 2047; and

**WHEREAS**, Public Utilities Code section 180206 requires preparation and adoption of a Transportation Expenditure Plan ("TEP") for the expenditure of the revenues expected to be derived from a transactions and use tax, together with other federal, state, and local funds expected to be available for transportation improvements, for the period during which the transportation and use tax is to be imposed; and

**WHEREAS**, the Authority is required to receive approval of the TEP from the Board of Supervisors of Contra Costa County and of the city/town councils representing both a majority of the cities in the county and a majority of the population residing in the incorporated areas of the county; and

**WHEREAS**, the Authority conducted extensive consultations with local governments and conducted outreach to a wide variety of interest groups and the public in order to develop a TEP proposing a potential mix of projects and programs to be funded by the proposed sales tax; and

**WHEREAS**, the Authority circulated the TEP and received unanimous approval of the TEP from the Contra Costa County Board of Supervisors and the city/town councils representing all cities in the county and a majority of the population residing in the incorporated areas of the county.

**NOW, THEREFORE, THE CONTRA COSTA TRANSPORTATION AUTHORITY DOES ORDAIN AS FOLLOWS:**

- 1. ADOPTION.** The Authority adopts the Transportation Expenditure Plan, which is set forth in the text of Exhibit 1 to this Ordinance, incorporated herein by reference and made a part of this Ordinance as if fully set forth at this point. The graphical representation of the text serves as illustrations and are not a substantive part of the

TEP. The revenues received by the Authority from this Ordinance, after deduction of required Board of Equalization costs for performing the functions specified in Section 180204 of the Public Utilities Code, and for the administration of the Transportation Expenditure Plan commencing with Public Utilities Code Section 180200, shall be used for transportation projects and programs countywide as set forth in the TEP and in a manner consistent with the Comprehensive Transportation Plan developed by the Authority.

- 2. TRANSPORTATION IMPROVEMENT PROGRAM PURPOSES.** In the allocation of all revenues made available from the transactions and use tax, the Authority shall make every effort to maximize state, federal and regional transportation. The Authority may amend the TEP, in accordance with Section 3, as needed, to maximize the transportation funding to Contra Costa County. The revenues shall be allocated in accordance with the TEP and subject to the following provisions:

**A. For all projects.**

1. No revenues shall be allocated for any state projects or programs until the Authority has certified that Contra Costa is receiving, at a minimum, its fair share of funds from state and federal sources for transportation projects and programs. The determination of fair share shall consider all relevant factors including the degree to which the Contra Costa region is receiving its statutory county share and county minimum funding for all budgeted, expended, and programmed state funds and federal funds available for capital projects and operational subsidies. The policies and project approval actions of the California Transportation Commission, the State Department of Transportation (hereafter referred to as Caltrans) and the federal Department of Transportation (e.g. Federal Highway Administration and Federal Transit Administration) will also be reviewed to ensure that Contra Costa is receiving full consideration in the allocation of any additional uncommitted state and federal funding. Part of the certification shall include a finding that the state has not reduced any state fund allocations to the Contra Costa region as a result of the addition of any local revenues as provided herein. The certification shall be made annually.
2. If the Authority finances the construction of transportation facilities by the issuance of bonds or any similar financing device, the Authority shall first allocate the funds necessary to meet all debt service requirements.
3. Each project shall have a local jurisdiction(s) or special district as a sponsor of the project. If there is no local jurisdiction or special district as a project

sponsor for a specific Project or Program, the Authority shall be the sponsor for that Project or Program.

4. The Authority may use the proceeds of this Ordinance to accelerate projects which are anticipated to be funded through the State Transportation Improvement Program ("STIP"). It must be demonstrated by the implementing agency (generally the Authority or Caltrans) that a meaningful acceleration can be accomplished using Authority funds and the State must commit to refunding those proceeds in dollars or in the completion of other TEP Projects and Programs and/or STIP projects using State funds not otherwise committed to Contra Costa County.

In the event that the refund of acceleration funds impacts the implementation of any TEP Project or Program, the Authority shall amend the Expenditure Plan under Section 3.

5. Any local funds already allocated, committed or otherwise included in the financial plan for any project on the Expenditure Plan shall be made available for project development and implementation as required in the project's financial and implementation program. All local jurisdictions and special districts are encouraged to seek all available funding from private and public sources to further the purposes of the Expenditure Plan and this Ordinance.

**B. For Highway Projects.**

1. All state improvements to be funded with revenues as provided in this Ordinance, including project development and overall project management, shall be a joint responsibility of Caltrans, the Authority and the affected local jurisdiction(s) or special district(s). All major project approval actions including the project concept, the project location, and any subsequent change in project scope shall be jointly agreed upon by Caltrans, the Authority and the project sponsors, and where appropriate, by the Federal Highway Administration and/or the California Transportation Commission.
2. Once any state highway facility or usable portion thereof is constructed to at least minimum acceptable state standards, the state shall be responsible for the maintenance and operation thereof.

**C. For Transit Projects.** Prior to the construction of any transit facility or usable portion thereof, the Authority, in cooperation with affected transit operators and agencies, shall determine the entity to be responsible for the maintenance and operation thereof.

- D. For Transit Rolling Stock.** Prior to the appropriation of any funds for transit rolling stock, the Authority, in cooperation with affected transit operators and agencies, shall determine the entity(ies) to be responsible for the ownership, maintenance and operation thereof.
- E. For Local Streets and Road Projects.** Prior to the construction of any local street and road facility or usable portion thereof, the Authority in cooperation with affected local agency(ies), shall determine the local agency(ies) to be responsible for the maintenance and operation thereof.
- F. For Trail Projects.** Prior to the construction of any trail facility or usable portion thereof, the Authority in cooperation with affected agencies, shall determine the entity(ies) to be responsible for the maintenance and operation thereof.
- G. For Maintenance and Operational Programs.** The Authority may adopt guidelines, policies and other requirements for the administration of and appropriation of funds for programs in the TEP targeted for infrastructure maintenance or operational programs. The Authority will develop any such guidelines, policies and other requirements in cooperation with the Regional Transportation Planning Committees and other affected stakeholder.
- H. Bay Area Rapid Transit District (BART) Maintenance of Effort (MOE):** Prior to any appropriation, allocation or reimbursement of funds to BART from the "BART Capacity, Access or Parking Improvements" category, the Authority Board shall make a finding that BART has continued to use a proportional share of its operating allocations for capital projects. BART's preliminary FY 2017 Budget forecasts approximately \$144 million of its operating allocations to capital projects. BART shall demonstrate that it continues to use an equivalent proportional share of its operating revenues for capital projects allowing for normal annual fluctuations in capital projects or maintenance expenditures. In years where BART fare revenues or other general fund revenues are reduced by a decrease in ridership or unforeseen economic circumstances, loss of regional, state or federal funding, or where one-time costs are increased by a natural disaster, then the Authority may release funds only if the Authority Board makes findings that 1) BART has not reduced its capital project funding disproportionately to the total operating revenue and 2) BART made best efforts to fund capital projects that benefit Contra Costa County.

### **3. AMENDMENTS.**

#### **A. Amendments to the Ordinance.**

1. This Ordinance may be amended to further its purposes. The Authority shall establish a process for proposed Ordinance amendment(s) which ensures that the Regional Transportation Planning Committees participate in proposed Ordinance amendment(s). Upon completion of that process, amendment(s) to this Ordinance must be passed by a roll call vote entered in the minutes and must have two-thirds of the Authority concurring with the proposed amendment(s).
2. In the event that a local jurisdiction does not agree with the Authority's amendments(s), the jurisdiction's policy decision-making body must, by a majority vote, determine to formally notify the Authority of its intent, in writing via registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date the Authority adopts the proposed amendment(s) to obtain resolutions supporting its appeal for an override of the amendment(s) from a majority of the cities representing a majority of the population residing within the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting its appeal, the Authority's amendment(s) to the Ordinance will stand.

#### **B. Amendments to the TEP.**

1. The Authority may annually review and propose amendments to the TEP to provide for the use of additional federal, state, and local funds, to account for unexpected revenues, to take into consideration unforeseen circumstances, and to account for impacts, alternatives, and potential mitigation determined during review under the California Environmental Quality Act (CEQA) at such time as each Project and Program is proposed for approval. The Authority shall establish a process for proposed TEP amendment(s) which ensures that the affected Regional Transportation Planning Committee(s) participate in the development of the proposed amendment(s). Upon completion of this process, amendment(s) to the Expenditure Plan must be passed by a roll call vote entered in the minutes and must have a majority of the Authority concurring with the proposed amendment(s). Subsequently, the Authority shall notify the Board of Supervisors, the City/Town Council of each city/town in the county and the Mayors' Conference and provide each entity with a copy of the proposed

amendment(s). Pursuant to Public Utilities Code 180207, proposed amendment(s) shall become effective 45 days after notice is given, unless appealed under the process outlined in the following paragraph. The Authority shall hold a public hearing on the proposed amendment(s) within this 45-day period.

2. In the event that a local jurisdiction does not agree with the Authority's amendments(s), the jurisdiction's policy decision-making body must, by a majority vote, determine to appeal and shall, within 45 days after notice is given by the Authority, formally notify the Authority of its intent, in writing via registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date of its determination to appeal the proposed amendment(s) to obtain resolutions supporting its appeal for an override of the amendment(s) from a majority of the cities representing a majority of the population residing in the incorporated areas of the county and from the Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting its appeal, the Authority's amendment(s) to the Expenditure Plan will stand.
4. **PRIVATE SECTOR FUNDING.** Revenues provided from the transactions and use tax shall not be used to replace private developer funding which has been or will be committed for any project.
5. **DESIGNATION OF FACILITIES.** Each project or program in excess of \$250,000 funded in whole or in part by revenues from the Ordinance shall be clearly designated in writing via signs and/or documents, during its construction or implementation as being funded by revenues from the Ordinance.
6. **COORDINATION.** The Authority shall consult and coordinate its actions to secure funding for the completion and improvement of the priority regional projects with the California Transportation Commission, transit operators and other interested and affected parties for the purpose of integrating its transportation improvements with other planned improvements and operations impacting the county. In addition, the Authority shall seek all ways to expedite the completion of Expenditure Plan projects, the implementation of which is the responsibility of other agencies.
7. **EMINENT DOMAIN.** The Authority will not use its power of eminent domain as provided in Public Utilities Code Section 180152.
8. **COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA").** The Authority finds that the approval of this Ordinance is not a "project" and, alternatively, is exempt from the California Environmental Quality Act ("CEQA"). The

Ordinance is intended to provide a plan for a funding mechanism for future projects and programs, related to the Authority's provision of transportation services. The Ordinance does not commit the Authority to any particular project, program, or capital improvement. Accordingly, the Authority hereby finds that, under State CEQA Guidelines section 15378(b)(4), adoption of the Ordinance and TEP as a prerequisite to establishing a government funding mechanism is not a project subject to the requirements of CEQA because the TEP merely facilitates "[t]he creation of [a] government funding mechanism[] or other fiscal activity which do[es] not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment." (Cal. Code Regs., tit. 14, § 15378, subd. (b)(4); see also *Sustainable Transportation Advocates of Santa Barbara v. Santa Barbara County Association of Governments* 179 Cal.App.4th 113, 123 [holding that the adoption of a transportation expenditure plan in accordance with Public Utilities Code section 180206 "does not qualify as a project within the meaning of CEQA because it is a mechanism for funding proposed projects that may be modified or not implemented depending upon a number of factors, including CEQA environmental review"].) Further, because the Ordinance does not authorize the construction of any projects that may result in any direct or indirect physical change in the environment and is subject to further discretionary approvals, including the pre-conditions found in Public Utilities Code section 180206(b), approving the Ordinance is not an approval that "commits the agency to a definite course of action" (State CEQA Guidelines section 15352). The timing, design, and approval of individual projects to be funded by the Ordinance are dependent on funding availability, need, and CEQA review. Thus, the Ordinance has no potential for causing a significant effect on the environment and is exempt from any further review under CEQA (State CEQA Guidelines section 15061(b)(3)).

9. **SEVERABILITY.** If any section, part, clause or phrase of this Ordinance is for any reason held invalid or unconstitutional, the remaining portions shall not be affected but shall remain in full force and effect.

**Adopted by the Contra Costa Transportation Authority at a Special Meeting thereof, held this 20th day of July, 2016, by the following vote:**

**AYES:** Chair Hudson, Vice Chair Butt, and Commissioners Abelson, Arnerich, Durant, Glover, Mitchoff, Pierce, Romick, Tatzin, and Taylor  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

A handwritten signature in black ink, appearing to read "David E. Hudson", written over a horizontal line.

David E. Hudson, Chair

**This Ordinance 16-02 was entered into at a special meeting of the Contra Costa Transportation Authority held on July 20, 2016, in Walnut Creek, California, and shall become effective as provided above.**

**Attest:**

A handwritten signature in blue ink, appearing to read "Tarienne Grover", written over a horizontal line.

Tarienne Grover, Board Clerk



**EXHIBIT 1**

**2016 TRANSPORTATION EXPENDITURE PLAN**  
**[Attached behind this page]**

# TRANSFORMING CONTRA COSTA COUNTY

## Our New 30-Year Transportation Expenditure Plan

### TABLE OF CONTENTS

Transforming Contra Costa County	1	Policy Statements	15
Plan Summary	2	Taxpayer Safeguards and Accountability	24

### Transforming Contra Costa County

Contra Costa is a county as unique and diverse as its residents. Our communities stretch from the Richmond coastline to Discovery Bay, from Port Chicago to the San Ramon Valley, and from Mount Diablo to Crockett Hills. We are growing with the times while protecting the qualities that make Contra Costa County a wonderful place to call home. **We need a transportation plan that reflects where we are now and, more importantly, our commitment to pursue transportation policies, planning and investments that will get us where we want to be.**

The Contra Costa Transportation Authority (CCTA) is responsible for maintaining and improving the county's transportation system by planning, funding, and delivering critical transportation infrastructure projects and programs that connect our communities, foster a strong economy, increase sustainability, and safely and efficiently get people and freight where they need to go. CCTA is also the county's designated Congestion Management Agency (CMA), responsible for putting programs in place to keep traffic levels manageable.

Currently, our transportation needs significantly exceed available revenue to meet those needs. Over the next 30 years, our population will continue to grow and that population will have new and additional needs. A new countywide funding measure and Transportation Expenditure Plan (TEP) can keep Contra Costa County moving and create the livable and sustainable communities that all Contra Costans deserve.

After extensive public engagement and analysis, CCTA prepared a 30-year TEP that will **promote a strong economy, protect the environment, maintain and improve local streets and roads, encourage greater transit usage and alternate forms of transportation, and enhance the quality of life for all** of Contra Costa's diverse communities. This new TEP will benefit every person and every part of the county.

This plan is transformative on every level. With a strong focus on technology and innovation, the plan will deliver **a more efficient, cleaner and faster transportation system.**

The new plan will significantly cut emissions through an emphasis on transit, electric and other non-fossil fuel oriented modes of transportation and transportation networks. It provides for new BART cars that will reduce energy use, pollution and costs, and that will provide increased frequency of BART trains and improved BART station access, and also provides for improved bus transit operations and improved bus frequency, potential driverless vehicles, bikes in every community, and connectivity

among and with all modes of transportation.

The plan also sets forward clear policies that ensure that while we grow, we will keep all growth within clear urban limit lines. This will allow the county to continue growing in a smart way, while protecting vital open space for parks and farmland. Furthermore, increased investments in bike and pedestrian paths and walkways bring access to the outdoors to every community.

Smooth, safe and complete streets for cars, trucks, buses, bikes and pedestrians, along with extraordinary investments in direct funding to Contra Costa's communities for local street and road repair, will greatly enhance all communities.

For our urban areas, the plan focuses on support for transit and transit-oriented mixed-use development. This includes an emphasis on bicycle and pedestrian opportunities, interconnectivity, transit, traffic smoothing, and technological advances to ensure our systems are efficient and work well together.

This plan will benefit the people who live in Contra Costa County by:

- **Attracting more good jobs**, which will reduce commute trips and congestion
- **Actively managing the impacts of growth** on our community so we support local businesses and preserve our environment
- **Accommodating the needs of all** transportation modes, while increasing the use of alternative transportation; and
- **Enhancing transportation services** for seniors, persons with disabilities and school children

This TEP was developed with two key documents as guidance – the Expenditure Plan Advisory Committee (EPAC) Vision, Goals and Objectives and the CCTA Principles for Development of a Transportation Expenditure Plan. Both documents are available for review at [www.CCTA.net](http://www.CCTA.net). Building on these two documents and extensive public engagement with stakeholders, the TEP articulates how the Authority will use nearly \$3 billion in additional revenue to invest wisely – using locally-generated funds and leveraging outside matching funds – to maximize the benefits for all Contra Costa residents by promoting a strong economy, protecting the environment, maintaining and improving local streets and roads, and encouraging greater transit usage and alternate forms of transportation.

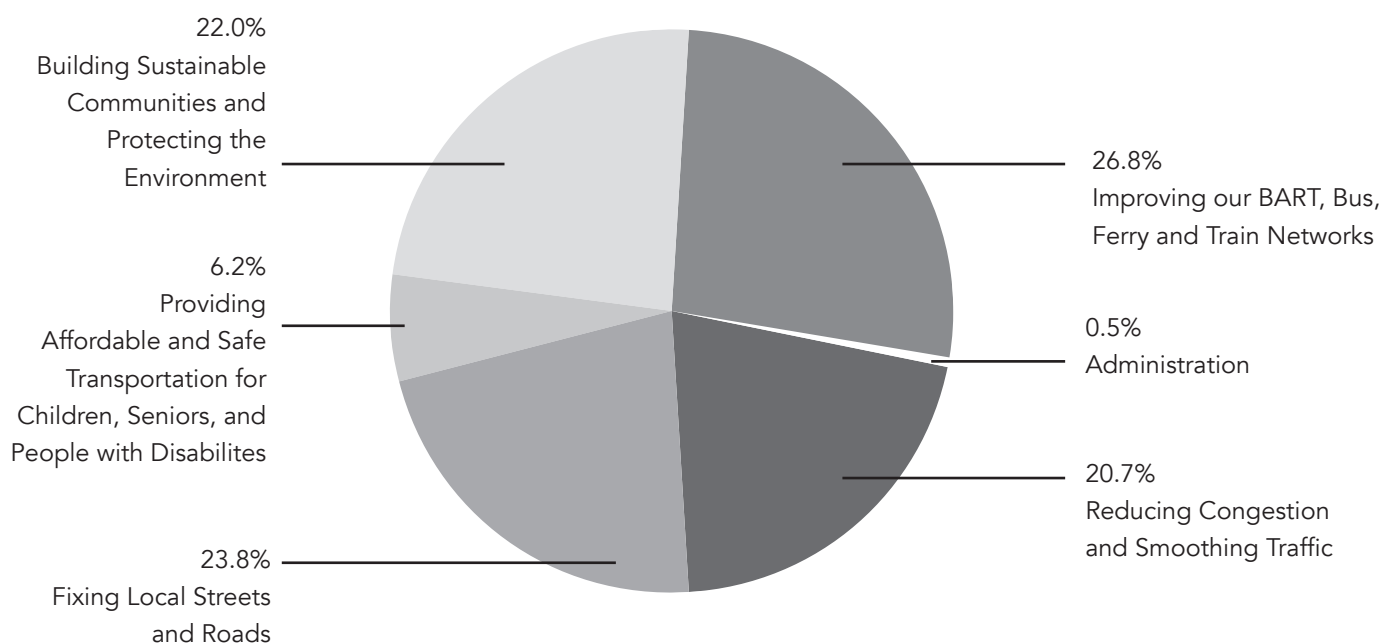
## Transportation Expenditure Plan Summary

Transportation Expenditure Plan: Summary of Funding		Funds (\$ millions)	%
Improving our BART, Bus, Ferry and Train Networks		770	26.79%
	BART Capacity, Bicycle and Pedestrian Access and Parking Improvements	300	10.44%
	Bus Transit and Other Non-Rail Transit Enhancements	295	10.26%
	East Contra Costa Transit Extension	70	2.44%
	High Capacity Transit Improvements Along the I-80 Corridor	55	1.91%
	Intercity Rail and Ferry Service Improvements	50	1.74%
Reducing Congestion and Smoothing Traffic		595	20.71%
	Traffic Flow Improvements and High Capacity Transit Implementation Along I-680 and SR 24	250	8.70%
	East County Corridor (Vasco Road and/or Byron Highway Corridors) Improvements	117	4.07%
	Traffic Flow Improvements Along SR 242 and SR 4	108	3.76%
	I-80 Interchange Improvements at San Pablo Dam Road and Central Ave	60	2.09%
	I-680 and SR 4 Interchange Improvements	60	2.09%
Fixing Local Streets and Roads		684	23.79%
	Local Street Maintenance and Improvements	684	23.79%
Providing Affordable and Safe Transportation for Children, Seniors, and People with Disabilities		179	6.23%
	Safe Transportation for Children	64	2.23%
	Transportation for Seniors and People with Disabilities	115	4.00%
Building Sustainable Communities and Protecting the Environment		632	21.98%
	Major Streets and Complete Streets Project Grants	290	10.09%
	Pedestrian, Bicycle and Trail Facilities	115	4.00%
	Community Development Transportation Program	100	3.48%
	Innovative Transportation Technologies/Connected Communities Grant Program	65	2.26%
	Transportation Planning, Facilities and Services	43	1.50%
	Regional Transportation Priorities	19	0.65%
	<b>Total Investments</b>	<b>2860</b>	<b>99.50%</b>
	Administration	14	0.50%
	<b>Total Funds</b>	<b>2874</b>	<b>100.0%</b>

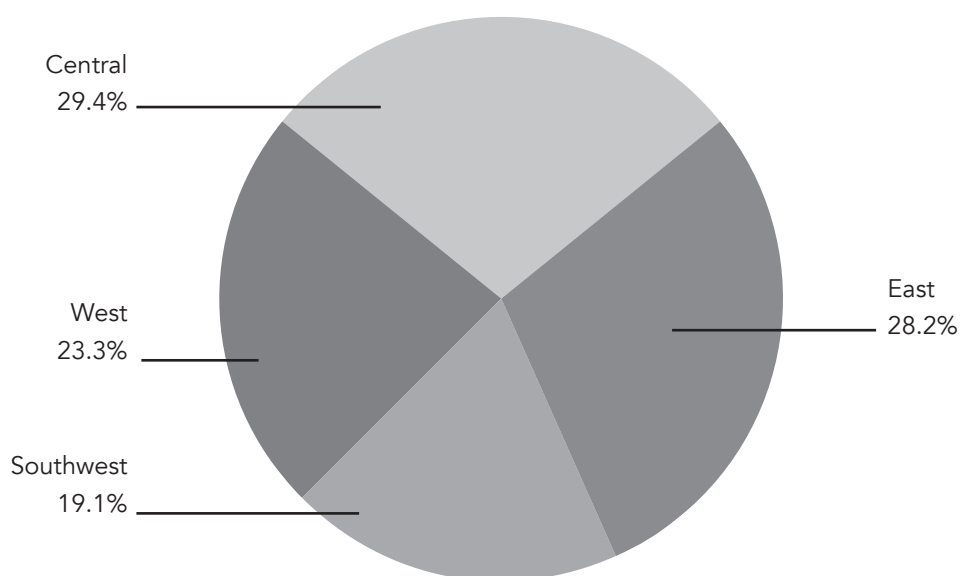
Funding amounts in 2016 Dollars

For the full breakdown see the chart on page 31.

## Transportation Expenditure Plan Summary by Category













## Transportation Expenditure Plan Summary by Region

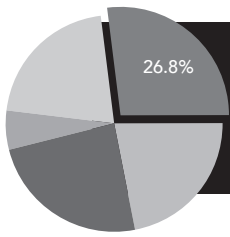


See page 31 for detailed distribution of funding by subregion.

## Benefits Key

	Reduces Congestion
	Reduces Greenhouse Gas Emissions
	Improves BART Service
	Improves Bus Service
	Expands Bicycle Access/Improves Bicycle Safety
	Improves Pedestrian Safety
	Improves Transportation Connectivity
	Provides Alternatives to Single-Occupant Vehicle Use
	Integrates New Technology
	Creates Good Local Jobs

Each icon represents a benefit to Contra Costa County as a result of the portion of the plan being described.



# IMPROVING OUR BART, BUS, FERRY AND TRAIN NETWORKS



## BART Capacity, Access and Parking Improvements

**\$300 Million**

This category is intended to provide funding to increase the capacity of and ridership on the BART System in Contra Costa County, including improvements to local BART stations, as well as access and parking in Contra Costa County. Funds in this category are intended to be allocated by the Authority for the acquisition of additional new BART cars, provided that: 1) BART agrees to fund a minimum of \$100 million in BART station, access and parking improvements in Contra Costa County from other BART revenues, and 2) a regional approach, that includes commitments of equal funding shares from both Alameda and San Francisco counties and additional regional funding from the Metropolitan Transportation Commission, is developed and approved no later than December 31, 2024.

BART station, access and parking improvements or alternate public transit services that access BART may include station capacity, safety and operational improvements; infrastructure improvements that facilitate Transit Oriented Development at or near BART stations; additional on or off site parking, last mile shuttle or shared vehicles that provide alternatives to driving single-occupant vehicles to BART stations; and bicycle/pedestrian facilities that provide access to BART stations.

In the event that commitments from the four parties to fund additional BART cars are not approved by December 31, 2024, or any date earlier if BART informs the Authority it is no longer pursuing the acquisition of additional BART

cars as provided herein, and if BART has maintained the commitment to fund a minimum of \$100 million in improvements as described above, the Authority (in consultation with the RTPCs) and BART will jointly identify, and the Authority will allocate these funds for other capacity-enhancing, safety and efficiency increasing projects (to include station, access and parking improvements or alternate public transit services that access BART) that benefit the residents of Contra Costa County.

Prior to any appropriation, allocation or reimbursement of funds to BART, the Authority Board shall make a finding that BART has continued to use a proportional share of its operating allocations for capital projects. BART's preliminary FY 2017 Budget forecasts approximately \$144 million of its operating allocations to capital projects. BART shall demonstrate that it continues to use an equivalent proportional share of its operating revenues for capital projects allowing for normal annual fluctuations in capital projects or maintenance expenditures. In years where BART fare revenues or other general fund revenues are reduced by a decrease in ridership or unforeseen economic circumstances, loss of regional, state or federal funding, or where one-time costs are increased by a natural disaster, then the Authority may release funds only if the Authority Board makes findings that 1) BART has not reduced its capital project funding disproportionately to the total operating revenue and 2) BART made best efforts to fund capital projects that benefit Contra Costa County.



### Bus Transit and Other Non-Rail Transit Enhancements

**\$295 million**

#### **Bus Transit Enhancements in the West Subregion of Contra Costa**

**\$111 million**

This subcategory is intended to provide funding for public transit operators to maintain and increase transit operations, including any transit capital expenses and/or operating expenses for existing service or service improvements/enhancements in the West subregion of Contra Costa. Funding is to provide for bus transit operations to increase or maintain ridership, including incentivizing transit use by offsetting fares, and improve the frequency and capacity of routes, especially high demand routes. Funding will be allocated by the Authority based on input from the WCCTAC in consultation with local bus operators and stakeholders.

#### **Bus Transit Enhancements and Other Non-Rail Transit Enhancements in the Central, East and Southwest Subregions of Contra Costa**

**\$184 million**

This subcategory is intended to provide funding for public transit operators to maintain and increase transit operations, including any transit capital expenses and/or operating expenses for existing service or service improvements/enhancements, and also to provide funding for future non-rail transit service alternatives in the Central, East and Southwest subregions of Contra Costa. Funding is to provide for bus transit operations to increase or maintain ridership, including incentivizing transit use by offsetting fares, and improve the frequency and capacity of routes, especially high demand routes. Funding will be allocated by the Authority for the Central, East and Southwest subregions of Contra Costa based on input from the RTPCs in those subregions, in consultation with local bus operators and stakeholders. Funding allocation by the Authority may include use of a portion of the funds for non-rail transit services/projects that demonstrate an innovative approach to maximize the movement of people efficiently and in a manner that reduces Vehicle Miles Traveled (VMT) and Green-house Gas (GHG).



## East Contra Costa Transit Extension (BART or alternative)

**\$70 million**

This category is intended to provide funding to improve access to and extend high capacity transit service easterly from the Hillcrest BART Station in Antioch through Oakley to a new transit station in Brentwood. To the greatest degree

possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for this project. Funds from this category may be used to complete an interim transit station in Brentwood.



## High Capacity Transit Improvements along the I-80 Corridor in West Contra Costa County

**\$55 million**

This category is intended to fund projects/programs for high capacity transit improvements along the I-80 corridor. Final determination on the scope of the improvements to be constructed will be based on the final recommendations in the West County High Capacity Transit Study and in

consultation with the west subregion. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for this project.



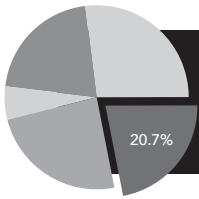
## Intercity Rail and Ferries

**\$50 million**

This category is intended to provide funding to construct station and/or track improvements to the Capitol Corridor and/or the San Joaquin corridors, as well as to implement new or improved ferry services (including both capital and operations) in Richmond, Hercules, Martinez and/or Antioch. Projects that increase ridership using existing capacity, including incentivizing use by offsetting fares or other methodologies, may also be considered. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/

or federal funds for this project. Any projects funded in this category will be evaluated by the Authority and demonstrate progress toward the Authority's goals of reducing Vehicle Miles Traveled (VMT) and green-house gas (GHG) reductions. Selection of final projects to be based on a performance analysis of project alternatives consistent with Authority requirements. Sponsors of projects requesting funding from this category will be required to demonstrate to the Authority that sufficient funding is available to operate the proposed project and/or service over a long period of time.





# REDUCING CONGESTION AND SMOOTHING TRAFFIC



## Traffic Flow Improvements and High Capacity Transit Implementation Along I-680 and SR 24

**\$250 million**

This category is intended to fund an I-680 corridor express lane and operational improvement project to facilitate carpools and increase transit use in the corridors as an alternative to single occupant vehicle travel. Funding may also be used to implement high capacity transit improvements in the corridor (including those identified in the I-680 Transit Investment and Congestion Relief Options and other relevant studies). Funding may also be used to complete improvements to the mainline freeway and/or local interchanges along I-680 and SR 24 as may be required to implement express lane and/or transit projects as well as advanced traffic management programs and/or other projects or programs that encourage the use of

connected vehicle and/or autonomous vehicles in the corridor provided that the project sponsor can show that they reduce congestion, increase mobility and provide alternatives to single occupant vehicle travel. Selection of final projects shall be based on a performance analysis of project alternatives consistent with Authority requirements. Projects funded from this category must be on or near the I-680 or the SR 24 corridors. Of the funds assigned to this category in Southwest County, \$20 million will be eligible for interchange improvements on the SR 24. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for this project.



## East County Corridor (Vasco Road and/or Byron Highway Corridors) Improvements

**\$117 million**

The Authority shall provide funding to construct a new 2-lane "limited access" connector between Byron Highway and Vasco Road south of Camino Diablo Road as well as shoulder and other improvements to the Byron Highway (including a railroad grade separation) to improve safety and access to the Byron Airport and to facilitate economic development and access for goods movement in East Contra Costa County. For the Vasco Road corridor, the Authority shall provide funding for safety and other improvements oriented at facilitating the use of high-capacity transit and/or high occupancy carpools. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for these projects.

Prior to the use of any local sales tax funds to implement capacity improvements to either or both of these corridors,

the Authority Board must make a finding that the project(s) include measures to prevent growth outside of the Urban Limit Lines (ULL). Such measures might include, but are not necessarily limited to, limits on roadway access in areas outside the ULL, purchase of abutters' rights of access, preservation of critical habitat and/or the permanent protection/acquisition of agricultural and open space or performing conservation measures required to cover this project under the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCP). With the exception of the new connection between Vasco Road and the Byron Highway, funding from this category shall not be used to construct new roadways on new alignments. The Authority will work with Alameda and/or San Joaquin Counties to address project impacts in those jurisdictions.



## Traffic Flow Improvements Along the SR 242 and SR 4

**\$108 million**

This category is intended to provide funding to improve traffic flow and reduce congestion between Concord and Brentwood along State Route 242 and State Route 4 to reduce congestion, increase mobility and provide alternatives to single occupant vehicle travel. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for this project. Advanced traffic management programs and/or other projects or programs

that encourage the use of connected vehicle and/or autonomous vehicles in the corridor are eligible for funding from this category provided that the project sponsor can demonstrate that they reduce congestion, increase mobility and provide alternatives to single occupant vehicle travel. Projects funded from this category must be on or near the SR 242 or SR 4 corridors. Selection of final project(s) shall be based on a performance analysis of project alternatives consistent with Authority requirements.



## I-80 Interchange Improvements at San Pablo Dam Road and Central Avenue

**\$60 million**

This category is intended to fund improvements of the I-80 interchanges at San Pablo Dam Road, Central Avenue, and other locations along I-80 in consultation with the

subregion. The improvements of the interchanges are a priority to gain corridor traffic flow improvements.

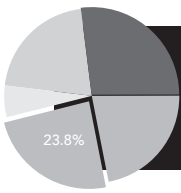


## Interstate 680/State Route 4 Interchange

**\$60 million**

This category is intended to fund an Interstate 680/State Route 4 interchange improvement project as necessary to improve traffic flow and enhance traffic safety along both the I-680 and SR 4 corridors. To the greatest degree possible, local funds generated by this measure shall be

used to leverage additional regional, state and/or federal funds for this project. Authority shall prioritize local funding commitments to this project in such a way as to encourage carpools and vanpools, public transit usage and other alternatives to the single occupant vehicle.



# FIXING LOCAL STREETS AND ROADS



## Local Street Maintenance & Improvements

**\$664 million**

This category is intended to fund maintenance and improvement projects on local streets and roads and may be used for any eligible transportation purposes as defined under the Act. The Authority will distribute 23.1 percent of the annual sales tax revenues to all local jurisdictions with a base allocation of \$100,000 for each jurisdiction, the balance will be distributed based 50 percent on relative population and 50 percent on road miles for each jurisdiction, subject to compliance with the Authority's reporting, audit and GMP requirements. Population figures used shall be the most current available from the

State Department of Finance. Road mileage shall be from the most current information included in the Highway Performance Monitoring System (HPMS)

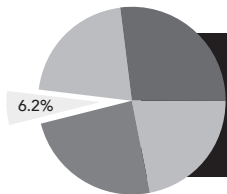
Funds shall be used by each jurisdiction to maintain and enhance existing roadway and other transportation facilities. Jurisdictions shall comply with the Authority's Maintenance of Effort (MOE) policy as well as Implementation Guidelines of this TEP. Local agencies will report on the use of these funds, such as the amount spent on roadway maintenance, bicycle and pedestrian facilities, transit facilities, and other roadway improvements.

## Additional Local Street Maintenance & Improvements

**\$20 million**

This subcategory is intended to fund additional maintenance and improvement projects on local streets and roads. These additional funds will be allocated to Central Contra Costa County jurisdictions based on the formula of 50 percent on

relative population and 50 percent on road miles for each jurisdiction and subject to program requirements detailed above.



# PROVIDING AFFORDABLE AND SAFE TRANSPORTATION FOR CHILDREN, SENIORS AND PEOPLE WITH DISABILITIES



## Safe Transportation for Children

**\$64 million**

This category is to provide funds to programs and projects that promote safe transportation options for children to access schools or after school programs. Eligible projects include but are not limited to reduced fare transit passes and transit incentive programs, school bus programs, and projects for pedestrian and bicycle safety that provide school-related access.

The Authority will allocate funds and will establish guidelines (in cooperation with project sponsors) to define priorities and maximize effectiveness. The guidelines may require provisions such as parent contributions; operational efficiencies; specific performance criteria and reporting requirements.



## Transportation for Seniors & People With Disabilities

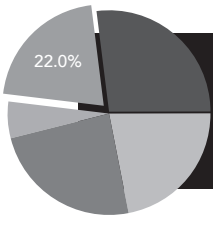
**\$115 million**

Funding in this category is to support mobility opportunities for seniors and people with disabilities who, due to age or disability, cannot drive or take other transit options.

To ensure services are delivered in a coordinated system that maximizes both service delivery and efficiency, an Accessible Transportation Service (ATS) Strategic Plan will be developed and periodically updated during the term of the measure. No funding under this category will be allocated until the ATS Strategic Plan has been developed and adopted. An overarching component in the development and delivery of the ATS Strategic Plan is using mobility management to ensure coordination and efficiencies in accessible service delivery. The plan will address both Americans with Disabilities Act (ADA) and non-ADA services. The plan will evaluate the appropriate model for our local structure including how accessible services are delivered by all agencies and where appropriate coordination can improve

transportation services, eliminate gaps in service and find efficiencies in the service delivered. The ATS Strategic Plan would also determine the investments and oversight of the program funding and identify timing, projects, service delivery options, administrative structure, and fund leverage opportunities.

The ATS Strategic Plan will be developed by the Authority, in consultation with direct users of service, stakeholders representing seniors and people with disabilities who face mobility barriers, and non-profit and publicly operated paratransit service providers. Public operators in Contra Costa must participate in the ATS planning process to be eligible to receive funding in this category. The ATS Strategic Plan must be adopted no later than April 1, 2018. The development of the ATS Strategic Plan will not affect the allocation of funds to current operators as prescribed in the existing Measure J Expenditure Plan.



# BUILDING SUSTAINABLE COMMUNITIES AND PROTECTING THE ENVIRONMENT



## Major Streets, Complete Streets, and Traffic Synchronization Project Grants **\$290 million**

This category is intended to fund improvements to major thoroughfares throughout Contra Costa to improve the safe, efficient and reliable movement of buses, vehicles, bicyclists and pedestrians along said corridors (i.e. traffic smoothing). Eligible projects shall include a variety of components that meet the needs of all users and respond to the context of the facility. Projects may include but are not limited to installation of bike and pedestrian facilities, installation of “smart” parking management programs, separated bike lanes, synchronization of traffic signals and other technology solutions to manage traffic, traffic calming and pedestrian safety improvements, shoulders, sidewalks, curbs and gutters, streetscapes and bus transit facility enhancements such as bus turnouts and passenger amenities. As an element of this program, the Authority will adopt a ‘traffic signal synchronization’ program and award grants for installation of ‘state of the art’ technology designed to smooth the flow of traffic along major arterial roadways throughout the county. Funding from this program will be prioritized to projects that improve access for all modes to jobs, commercial areas and transit, and the design process which includes opportunity for public input from existing and potential users of the facility. Priority will be given to projects that can show a high percentage of “other funding” allocated to the project (i.e. – leverage). The Authority will adopt program guidelines that will include information regarding how to evaluate the

range of possible project components. All projects will be selected through a competitive project selection process within each subregion with the Authority approving the final program of projects, allowing for a comprehensive countywide approach while recognizing subregional needs to achieve the overall program goal. All projects funded through this program must comply with the Authority’s Complete Streets Policy and include complete street elements whenever possible. Twenty percent of the program funding will be allocated to four Complete Streets demonstration projects, one in each subregion, recommended by the relevant RTPC and approved by Authority, to demonstrate the successful implementation of Complete Streets projects no later than April 1, 2022.. Projects will be required to strongly pursue the use of separated bike lane facilities in the demonstration project program. The purpose of these demonstration projects is to create examples of successful complete street projects in multiple situations throughout the county.



## Pedestrian, Bicycle and Trail Facilities

**\$115 million**

Two-thirds of the funds from this program shall be used to implement projects in the Countywide Bicycle and Pedestrian Plan, consistent with the current Measure J program. These funds shall be allocated to projects that improve safety for pedestrians and bicyclists, serve the greatest number of users and significant destinations, and remove missing segments and existing barriers to walking and bicycling. All projects will be selected through a competitive project selection process within each subregion with the Authority approving the final program of projects, allowing for a comprehensive countywide approach while recognizing subregional needs to achieve the overall program goal. The review process shall consider project feasibility and readiness and the differing needs of the sub-regions when identifying projects for funding. Funding available through this program is to be primarily used to construct and maintain bicycle, pedestrian and trail facilities, as well as to make safety or other improvements to bicycle, pedestrian and trail facilities. Planning to identify a preferred alignment

for major new bicycle, pedestrian or trail connections may also be funded through this program.

One-third of the funds are to be allocated to the East Bay Regional Park District (EBRPD) for the development and rehabilitation of paved regional trails. EBRPD is to spend its allocation proportionally in each sub-region, subject to the review and approval of the conceptual planning/design phase by the applicable sub-regional committee, prior to funding allocation by the Authority. The Authority in conjunction with EBRPD will develop a maintenance-of-effort requirement for funds under this component of the funding category.

Consistent with the Countywide Bicycle and Pedestrian Plan and the complete streets policy established in this expenditure plan, project sponsors receiving funding through other funding categories in this Plan shall incorporate, whenever possible, pedestrian, bicycle, and trail facilities into their projects.



## Community Development Transportation Program

**\$100 million**

This category is intended to provide funding to implement a new Community Development Transportation Program (CDTP) to be administered by the Authority in conjunction with the Authority's existing Transportation for Livable Communities Program (TLC) with projects identified by the Authority's Regional Transportation Planning Committees (RTPCs). Funds will be allocated by the Authority on a competitive basis to transportation projects or programs that promote housing within planned or established centers that are supported by transit, or that support economic development and job creation in Contra Costa County. All projects will be selected through a competitive project selection process within each subregion with the Authority approving the final program of projects, allowing for a

comprehensive countywide approach while recognizing subregional needs to achieve the overall program goal. Project sponsors must demonstrate that at least 20 percent of the project is funded from other than local transportation sales tax revenue. Additional priority will be given to projects where the sponsor can demonstrate that the project supports and facilitates development of jobs or housing for all income levels and that have additional matching funds that have already been committed or secured. Working with the RTPCs, the Authority will prepare guidelines and establish overall criteria for the program with the intent of complementing and administering the program in conjunction with the Authority's Measure J TLC program no later than December 31, 2017.

## Building Sustainable Communities and Protecting the Environment



### Innovative Transportation Technology/Connected Communities Program

**\$65 million**

This category is intended to provide funding for the planning and development of projects and programs that include innovative solutions intended to (a) develop and demonstrate transportation innovation through real-world applications, (b) reduce GHG emissions, and (c) implement connected transportation solutions. The Authority intends innovative solutions to include installing new digital and communications infrastructures, automated processes and intelligent controls, and integration with other community services, such as public safety and communications providers, to support a more integrated transportation system that promotes economic development, expanded job opportunities, increased government efficiency, reductions in consumption of nonrenewable resources, and increased sustainability, safety and mobility. Examples of eligible projects include but are not limited to expanding opportunities for zero emission vehicle charging; smart rideshare, carshare and bikeshare services; on-demand and personal transit services that complement traditional fixed-route transit; smart and automated parking; intelligent, sensor-based infrastructure; smart payment systems; and data sharing to improve mobility choices for all users. Projects are intended to promote connectivity between all users of the transportation network (cars, pedestrians,

bikes, buses, trucks, etc.) and automation technologies that collectively facilitate the transformation toward connected communities. Funding is intended to match State, federal, or regional grants and private-sector investment to achieve maximum benefits. By investing in these solutions, Contra Costa County can become a national model in sustainable, technology-enabled transportation.

A minimum of twenty-five percent is to be allocated to each sub-program (a, b and c above) over the life of the measure. The Authority will prepare guidelines and establish overall criteria for the Innovative Transportation Technology/Connected Communities Program and provide technical resources to project sponsors. All programs/projects will be selected through a competitive project selection process within each subregion with the Authority approving the final programs/projects for each of the sub-programs, allowing for a comprehensive countywide approach while recognizing subregional needs to achieve the overall program goal.

Project sponsors must demonstrate that the programs provide highly efficient services that are cost effective, integrated and responsive to the needs of the community.



### Transportation Planning, Facilities and Services

**\$43 million**

This category is intended to provide funding to implement the countywide Growth Management Program, prepare the countywide transportation plan, and support the

programming and monitoring of federal and state funds, as well as the Authority's Congestion Management Agency functions.



### Regional Transportation Priorities

**\$19 million**

This category is intended to fund any project or program identified in the Expenditure Plan or eligible under the provisions of the Act, including activities that promote

alternatives to travel in single occupant vehicles. Program and project recommendations shall be made by each subregion for consideration and funding by the Authority.



## The Growth Management Program

### Goals and Objectives

The overall goal of the Growth Management Program is to preserve and enhance the quality of life and promote a healthy, strong economy to benefit the people and areas of Contra Costa through a cooperative, multi-jurisdictional process for managing growth, while maintaining local authority over land use decisions.<sup>1</sup>

The objectives of the Growth Management Program are to:

- Assure that new residential, business and commercial growth pays for the facilities required to meet the demands resulting from that growth.
- Require cooperative transportation and land use planning among Contra Costa County, cities, towns, and transportation agencies.
- Support land use patterns within Contra Costa that make more efficient use of the transportation system, consistent with the General Plans of local jurisdictions.
- Support infill and redevelopment in existing urban and brownfield areas.

The Measure J Transportation Expenditure Plan Growth Management Program (see page 18) includes: Principles of Agreement for Establishing the Urban Limit Line, is replaced in its entirety by this Growth Management Program (see page 18): Urban Limit Line (ULL) Definitions and Compliance Requirements.

### Components

To receive its share of the 2016 Transforming Contra Costa County Expenditure Plan funding from Local Streets Maintenance and Improvements funds and its share of Contra Costa's Measure J Transportation Sales Tax Expenditure Plan Local Streets Maintenance & Improvements funding and to be eligible for Contra Costa's Measure J Transportation Sales Tax Expenditure Transportation for Livable Communities funds and the 2016 Transforming Contra Costa County Expenditure Plan funding from Community Development Transportation Program funds each jurisdiction must:

#### **1. Adopt a Growth Management Element**

Each jurisdiction must adopt, or maintain in place, a Growth Management Element as part of its General Plan that outlines the jurisdiction's goals and policies for managing growth and requirements for achieving those goals. The Growth Management Element must show how the jurisdiction will comply with sections 2–8 below. The Authority will refine its model Growth Management Element and administrative procedures in consultation with the Regional Transportation Planning Committees to reflect the revised Growth Management Program.

Each jurisdiction is encouraged to incorporate other standards and procedures into its Growth Management Element to support the objectives and required components of this Growth Management Program.

#### **2. Adopt a Development Mitigation Program**

Each jurisdiction must adopt, or maintain in place, a development mitigation program to ensure that new growth is paying its share of the costs associated with that growth. This program shall consist of both a local program to mitigate impacts on local streets and other facilities and a regional program to fund regional and subregional transportation projects, consistent with the Countywide Comprehensive Transportation Plan.

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<sup>1</sup> The Authority will, to the extent possible, attempt to harmonize the Growth Management and the State-mandated Congestion Management Programs. To the extent they conflict, Congestion Management Program Activities shall take precedence over Growth Management activities.



The jurisdiction's local development mitigation program shall ensure that revenue provided from this measure shall not be used to replace private developer funding that has or would have been committed to any project.

The regional development mitigation program shall establish fees, exactions, assessments or other mitigation measures to fund regional or subregional transportation improvements needed to mitigate the impacts of planned or forecast development. Regional mitigation programs may adjust such fees, exactions, assessments or other mitigation measures when developments are within walking distance of frequent transit service or are part of a mixed-use development of sufficient density and with necessary facilities to support greater levels of walking and bicycling. Each Regional Transportation Planning Committee shall develop the regional development mitigation program for its region, taking account of planned and forecast growth and the Multimodal Transportation Service Objectives and actions to achieve them established in the Action Plans for Routes of Regional Significance. Regional Transportation Planning Committees may use existing regional mitigation programs, if consistent with this section, to comply with the Growth Management Program.

### ***3. Address Housing Options***

Each jurisdiction shall demonstrate reasonable progress in providing housing opportunities for all income levels as part of a report on the implementation of the actions outlined in its adopted Housing Element. The report will demonstrate progress by:

- a. Comparing the number of housing units approved, constructed or occupied within the jurisdiction over the preceding five years with the number of units needed on average each year to meet the housing objectives established in the jurisdiction's Housing Element; or
- b. Illustrating how the jurisdiction has adequately planned to meet the existing and projected housing needs through the adoption of land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development; or
- c. Illustrating how a jurisdiction's General Plan and zoning regulations facilitate the improvement and development of sufficient housing to meet those objectives.

In addition, each jurisdiction shall consider the impacts that its land use and development policies have on the local, regional and countywide transportation system, including the level of transportation capacity that can reasonably be provided, and shall incorporate policies and standards into its development approval process that support transit, bicycle and pedestrian access in new developments.

### ***4. Participate in an Ongoing Cooperative, Multi-Jurisdictional Planning Process.***

Each jurisdiction shall participate in an ongoing process with other jurisdictions and agencies, the Regional Transportation Planning Committees and the Authority to create a balanced, safe and efficient transportation system and to manage the impacts of growth. Jurisdictions shall work with the Regional Transportation Planning Committees to:

- a. Identify Routes of Regional Significance, and establish Multimodal Transportation Service Objectives or other tools adopted by the Authority for measuring performance and quality of service along routes of significance, collectively referred to as Multimodal Transportation Service Objectives for those routes and actions for achieving those objectives.
- b. Apply the Authority's travel demand model and technical procedures to the analysis of General Plan Amendments (GPAs) and developments exceeding specified thresholds for their effect on the regional transportation system, including on Action Plan objectives.
- c. Create the development mitigation programs outlined in section 2 above.
- d. Help develop other plans, programs and studies to address other transportation and growth management issues.

In consultation with the Regional Transportation Planning Committees, each jurisdiction will use the travel demand model

to evaluate changes to local General Plans and the impacts of major development projects for their effects on the local and regional transportation system and the ability to achieve the Multimodal Transportation Service Objectives established in the Action Plans.

Jurisdictions shall also participate in the Authority's ongoing countywide comprehensive transportation planning process. As part of this process, the Authority shall support countywide and subregional planning efforts, including the Action Plans for Routes of Regional Significance, and shall maintain a travel demand model. Jurisdictions shall help maintain the Authority's travel demand modeling system by providing information on proposed improvements to the transportation system and planned and approved development within the jurisdiction.

#### ***5. Continuously Comply with an Urban Limit Line (ULL)***

In order to be found in compliance with this element of the Authority's Growth Management Program, all jurisdictions must continually comply with an applicable voter approved Urban Limit Line (ULL). Said ULL may either be the Contra Costa County voter approved ULL (County ULL) or a locally initiated, voter approved ULL (LV- ULL).

Additional information and detailed compliance requirements for the ULL are fully defined in the ULL Compliance Requirements, which are incorporated (see page 18).

Any of the following actions by a local jurisdiction will constitute non-compliance with the Growth Management Program:

1. The submittal of an annexation request to Local Agency Formation Commission (LAFCO) for lands outside of a jurisdiction's applicable ULL.
2. Failure to conform to the Authority's ULL Compliance Requirements (See page 18).

#### ***6. Develop a Five-Year Capital Improvement Program***

Each jurisdiction shall prepare and maintain a capital improvement program that outlines the capital projects needed to implement the goals and policies of the jurisdiction's General Plan for at least the following five-year period. The Capital Improvement Program shall include approved projects and an analysis of the costs of the proposed projects as well as a financial plan for providing the improvements. The jurisdiction shall forward the transportation component of its capital improvement program to the Authority for incorporation into the Authority's database of transportation projects.

#### ***7. Adopt a Transportation Systems Management (TSM) Ordinance or Resolution***

To promote carpools, vanpools and park and ride lots, each jurisdiction shall adopt a local ordinance or resolution that conforms to the model Transportation Systems Management Ordinance that the Transportation Authority has drafted and adopted. Upon approval of the Authority, cities with a small employment base may adopt alternative mitigation measures in lieu of a TSM ordinance or resolution.

#### ***8. Adopt Additional Growth Management Policies, as applicable***

Each jurisdiction shall adopt and thereafter continuously maintain the following policies (where applicable): a hillside development policy, a ridgeline protection policy, a wildlife corridor policy and a creek development policy. Where a jurisdiction does not have a developable hillside, ridgeline, wildlife corridor or creek, it need not adopt the corresponding policy. An ordinance that implements the East Contra Costa HCP/NCCP shall satisfy the requirement to have an adopted wildlife corridor policy and creek development policy. In addition to the above, jurisdictions with Prime Farmland and Farmland of Statewide Importance (as defined by the California Dept. of Conservation and mapped by FMMP) within their planning areas but outside of their city shall adopt and thereafter continuously maintain an Agricultural Protection Policy. The policy must ensure that potential impacts of converting Prime Farmland and Farmland of Statewide Importance outside the ULL to other uses are identified and disclosed when considering such a conversion. The applicable policies are required to be in place by no later than April 1, 2019.

## Allocation of Funds

Portions of the monies received from the retail transaction and use tax will be returned to the local jurisdictions (the cities and the county) for use on local, subregional and/or regional transportation improvements and maintenance projects. Receipt of all such funds requires compliance with the Growth Management Program and the allocation procedures described below. The funds are to be distributed on a formula based on population and road miles.

Each jurisdiction shall demonstrate its compliance with all of the components of the Growth Management Program in a completed compliance checklist. The jurisdiction shall submit, and the Authority shall review and make findings regarding the jurisdiction's compliance with the requirements of the Growth Management Program, consistent with the Authority's adopted policies and procedures.

If the Authority determines that the jurisdiction complies with the requirements of the Growth Management Program, it shall allocate to the jurisdiction its share of 2016 Transforming Contra Costa County Expenditure Plan funding from Local Streets Maintenance and Improvements funding and its share of Contra Costa's Measure J Transportation Sales Tax Expenditure Plan Local Streets Maintenance & Improvements funding. Jurisdictions may use funds allocated under this provision to comply with these administrative requirements.

If the Authority determines that the jurisdiction does not comply with the requirements of the Growth Management Program, the Authority shall withhold those funds and also make a finding that the jurisdiction shall not be eligible to receive 2016 Transforming Contra Costa County Expenditure Plan funding from Community Development Transportation Program funds or Contra Costa's Measure J Transportation Sales Tax Expenditure Plan Transportation for Livable Communities funds until the Authority determines the jurisdiction has achieved compliance. The Authority's findings of noncompliance may set deadlines and conditions for achieving compliance.

Withholding of funds, reinstatement of compliance, reallocation of funds and treatment of unallocated funds shall be as established in adopted Authority's policies and procedures.

## Urban Limit Line (ULL) Compliance Requirements

Definitions - the following definitions apply to the GMP ULL requirement:

1. Urban Limit Line (ULL): An urban limit line, urban growth boundary, or other equivalent physical boundary judged by the Authority to clearly identify the physical limits of the local jurisdiction's future urban development
2. Local Jurisdictions: Includes Contra Costa County, the 19 cities and towns within Contra Costa, plus any newly incorporated cities or towns established after April 1, 2017.
3. County ULL: A ULL placed on the ballot by the Contra Costa County Board of Supervisors, approved by voters at a countywide election, and in effect through the applicable GMP compliance period. The current County ULL was established by Measure L approved by voters in 2006.

*The following local jurisdictions have adopted the County ULL as their applicable ULL:*

City of Brentwood	Town of Moraga
City of Clayton	City of Oakley
City of Concord	City of Orinda
Town of Danville	City of Pinole

City of El Cerrito	City of Pleasant Hill
City of Hercules	City of Richmond
City of Lafayette	City of San Pablo
City of Martinez	City of Walnut Creek

4. Local Voter ULL (LV-ULL): A ULL or equivalent measure placed on the local jurisdiction ballot, approved by the jurisdiction's voters, and recognized by action of the local jurisdiction's legislative body as its applicable, voter-approved ULL. The LV-ULL will be used as of its effective date to meet the Authority's GMP ULL requirement and must be in effect through the applicable GMP compliance period.

*The following local jurisdictions have adopted a LV-ULL:*

City of Antioch  
City of San Ramon  
City of Pittsburg

5. Minor Adjustment: An adjustment to the ULL of 30 acres or less is intended to address unanticipated circumstances.
6. Other Adjustments: Other adjustments that address issues of unconstitutional takings, and conformance to state and federal law.

## Revisions to the ULL

1. A local jurisdiction which has adopted the County ULL as its applicable ULL may revise its ULL with local voter approval at any time during the term of the Authority's GMP by adopting a LV-ULL in accordance with the requirements outlined for a LV-ULL contained in the definitions section.
2. A local jurisdiction may revise its LV-ULL with local voter approval at any time during the term of the Authority's GMP if the resultant ULL meets the requirements outlined for a LV-ULL contained in the definitions section.
3. If voters, through a countywide ballot measure, approve a revision to the County ULL, the legislative body of each local jurisdiction relying on the County ULL shall:
  - a. Accept and approve its existing ULL to continue as its applicable ULL, or
  - b. Accept and approve the revised County ULL as its applicable ULL, or
  - c. Adopt a LV-ULL in accordance with the requirements outlined for a LV-ULL contained in the definitions section.
4. Local jurisdictions may, without voter approval, enact Minor Adjustments to their applicable ULL subject to a vote of at least 4/5 of the jurisdiction's legislative body and meeting the following requirements:
  - a. Minor adjustment shall not exceed 30 acres.
  - b. Adoption of at least one of the findings listed in the County's Measure L (§82-1.018 of County Ordinances 2006-06 § 3, 91-1 § 2, 90-66 § 4) which include:
    - A natural or man-made disaster or public emergency has occurred which warrants the provision of housing and/or other community needs within land located outside the urban limit line.
    - An objective study has determined that the urban limit line is preventing the jurisdiction from providing its fair share of affordable housing, or regional housing, as required by state law, and the governing elected legislative body finds that a change to the urban limit line is necessary and the only feasible means to enable the county jurisdiction to meet these requirements of state law.

- A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement.
  - A minor change to the urban limit line will more accurately reflect topographical characteristics or legal boundaries.
  - A five-year cyclical review of the urban limit line has determined, based on the criteria and factors for establishing the urban limit line set forth in Contra Costa County Code (Section 82-1.010), that new information is available (from city, town, or county growth management studies or otherwise) or circumstances have changed, warranting a change to the urban limit line.
  - An objective study has determined that a change to the urban limit line is necessary or desirable to further the economic viability of the East Contra Costa County Airport, and either (i) mitigate adverse aviation-related environmental or community impacts attributable to Buchanan Field, or (ii) further the county's aviation related needs; or
  - A change is required to conform to applicable California or federal law.
- c. Adoption of a finding that the proposed Minor Adjustment will have a public benefit. Said public benefit could include, but is not necessarily limited to, enhanced mobility of people or goods, environmental protections or enhancements, improved air quality or land use, enhanced public safety or security, housing or jobs, infrastructure preservation or other significant positive community effects as defined by the local land use authority. If the proposed Minor Adjustment to the ULL is proposed to accommodate housing or commercial development, said proposal must include permanent environmental protections or enhancements such as the permanent protection of agricultural lands, the dedication of open space or the establishment of permanent conservation easements.
- d. The Minor Adjustment is not contiguous to one or more non-voter approved Minor Adjustments that in total exceed 30 acres.
- e. The Minor Adjustment does not create a pocket of land outside the existing urban limit line, specifically to avoid the possibility of a jurisdiction wanting to fill in those subsequently through separate adjustments.
- f. Any jurisdiction proposing to process a minor adjustment to its applicable ULL that impacts Prime Farmland and Farmland of Statewide Importance (as defined by the California Dept. of Conservation and mapped by FMMP) is required to have an adopted Agricultural Protection Ordinance or must demonstrate how the loss of these agricultural lands will be mitigated by permanently protecting farmland.
5. A local jurisdiction may revise its LV-ULL, and the County may revise the County ULL, to address issues of unconstitutional takings or conformance to State or federal law.

## Conditions of Compliance

1. Submittal of an annexation request of greater than 30 acres by a local jurisdiction to LAFCO outside of a voter-approved ULL will constitute non-compliance with the GMP.
2. For each jurisdiction, an applicable ULL shall be in place through each GMP compliance reporting period in order for the local jurisdiction to be found in compliance with the GMP requirements.

# Complete Streets Policy

## *Vision*

This Plan envisions a transportation system in which each component provides safe, comfortable and convenient access for every user allowed to use it. These users include pedestrians, bicyclists, transit riders, automobile drivers and their passengers, and truckers, and people of varying abilities, including children, seniors, people with disabilities and able-bodied adults. The goal of every transportation project is to provide safer, more accessible facilities for all users and all projects shall be planned, designed, constructed and operated to take advantage of that opportunity.

By making streets more efficient and safe for all users, a complete streets approach will expand capacity and improve mobility for all users, giving commuters convenient options for travel and minimizing the need to widen roadways.

## *Policy*

To achieve this vision, all recipients of funding through this Plan shall consider and accommodate, wherever possible and subject to the Exceptions listed in this Policy, the needs of all users in the planning, design, construction, reconstruction, rehabilitation and maintenance of the transportation system. This determination shall be consistent with the exceptions listed below. Achieving this vision will require balancing the needs of different users, and may require reallocating existing right of way for different uses.

The Authority shall revise its project development guidelines to require the consideration and accommodation of all users in the design and construction of projects funded with Measure funds and shall adopt peer review and design standards to implement that approach. The guidelines will allow flexibility in responding to the context of each project and the needs of users specific to the project's context, and will build on accepted best practices for complete streets and context-sensitive design.

To ensure that this policy is carried out, the Authority shall prepare a checklist that sponsors of projects using Measure funds must submit that documents how the needs of all users were considered and how they were accommodated in the design and construction of the project. In the checklist, the sponsor will outline how they provided opportunity for public input, in a public forum, from all users early in the project development and design process. If the proposed project or program will not provide context appropriate conditions for all users, the sponsor shall document the reasons why in the checklist, consistent with the following section on "exceptions" below. The completed checklist shall be made part of the approval of programming of funding for the project or the funding allocation resolution.

Recipients of Local Maintenance and Improvements funds shall adopt procedures that ensure that all agency departments consider and accommodate the needs of all users for projects or programs affecting public rights of way for which the agency is responsible. These procedures shall:

- 1) be consistent with and be designed to implement each agency's general plan policies once that plan has been updated to comply with the Complete Streets Act of 2008,
- 2) involve and coordinate the work of all agency departments and staff whose projects will affect the public right of way,
- 3) consider the complete street design standards adopted by the Authority, and
- 4) provide opportunity for public review by all potential users early in the project development and design phase so that options can be fully considered. This review could be done through an advisory committee such as a Bicycle and Pedestrian Advisory Committee or as part of the review of the agency's capital improvement program.

As part of their biennial Growth Management Program checklist, agencies shall list projects funded by the Measure and detail how those projects accommodated users of all modes.

As part of the multi-jurisdictional planning required by the Growth Management Program, agencies shall work with the Authority and the Regional Transportation Planning Committees to harmonize the planning, design and construction of transportation facilities for all modes within their jurisdiction with the plans of adjoining and connecting jurisdictions.

### **Exceptions**

Project sponsors may provide a lesser accommodation or forgo complete street accommodation components when the public works director or equivalent agency official finds that:

1. Pedestrians, bicyclists, or other users are prohibited by law from using the transportation facility,
2. The cost of new accommodation would be excessively disproportionate to the need or probable use, or
3. The sponsor demonstrates that, such accommodation is not needed, based on objective factors including:
  - a. current and projected user demand for all modes based on current and future land use, and
  - b. lack of identified conflicts, both existing and potential, between modes of travel.

Project sponsors shall explicitly approve exceptions findings as part of the approval of any project using measure funds to improve streets classified as a major collector or above.<sup>1</sup> Prior to this project sponsors must provide an opportunity for public input at an approval body (that regularly considers design issues) and/or the governing board of the project sponsor.

## **Advance Mitigation Program**

The Authority is committed to participate in the creation and funding of an Advance Mitigation Program as an innovative way to advance needed infrastructure projects more efficiently and provide more effective conservation of our natural resources, watersheds and wetlands, and agricultural lands. As a global biodiversity hot spot, the Bay Area and Contra Costa County hosts an extraordinarily rich array of valuable natural communities and ecosystems that provide habitat for rare plants and wildlife, and support residents' health and quality of life by providing clean drinking water, clean air, opportunities for outdoor recreation, protection from disasters like flooding, landslides, and adaptation to climate change. The Advance Mitigation Program aims to integrate conservation into infrastructure agencies' plans and project development well in advance and on a regional scale to reduce potential impacts of transportation projects, as well as to drive mitigation dollars to protect regional conservation priorities and protect important ecological functions, watersheds and wetlands, and agricultural lands that are at threat of loss. The Advance Mitigation Program will provide environmental mitigation activities specifically required under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), Clean Water Act Section 401 and Section 404, and other applicable regulations in the implementation of the major highway, transit and regional arterial and local streets and roads projects identified in the Plan.

The Authority's participation in an Advance Mitigation Program is subject to the following conditions:

1. Development of a Regional Conservation Assessment/Framework that identifies conservation priorities and mitigation opportunities for all of Contra Costa County. The Regional Conservation Assessment/Framework will include countywide opportunities and strategies that are, among other requirements, consistent with

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1. Major Collectors and above, as defined by the California Department of Transportation California Road System (CRS maps).

and support the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (East Contra Costa HCP/NCCP) for the areas of the county covered by the East Contra Costa HCP/NCCP. The Regional Conservation Assessment/Framework will identify mitigation opportunities for all areas of the county to ensure that mitigation occurs in the vicinity of the project impact to the greatest extent possible. The Authority will review and approve the Regional Conservation Assessment/Framework, in consultation with the RTPCs, prior to the allocation of funds for Advance Mitigation Program.

2. Development of a Project Impacts Assessment that identifies the portfolio of projects to be included in the Advance Mitigation Program and the estimated costs for mitigation of the environmental impacts of the projects. The Authority will review and approve the Project Impacts Assessment prior to the allocation of funds for the Advance Mitigation Program. The Assessment and estimated costs do not in any way limit the amount of mitigation that may be necessary or undertaken for the environmental impacts of the projects.
3. Development of the legislative and regulatory framework necessary to implement an Advance Mitigation Program in Contra Costa County.
4. The identification of the Implementing Agency to administer the Advance Mitigation Program for Contra Costa County or portions of the Bay Area Including Contra Costa County.

The Authority will determine the amount of funds to be dedicated to this Program following the satisfaction of the above conditions. Funds from the Plan will be allocated consistent with the Regional Conservation Assessment/Framework to fund environmental mitigation activities required in the implementation of the major highway, transit and regional arterial and local streets and roads projects identified in the Plan. If this approach cannot be fully implemented, these funds shall be used for environmental mitigation purposes on a project by project basis. Mitigation required for future transportation improvements identified in the Plan are not limited by the availability of funding or mitigation credits available in the Program.

Projects funded from the following categories of Expenditures are eligible for inclusion in the Advance Mitigation Program:

- Major Streets, Complete Streets and Traffic Synchronization Project Grants
- East Contra Costa Transit Extension
- High Capacity Transit Improvements along the I-80 Corridor in West Contra Costa County
- Traffic Flow Improvements Along I-680 and SR 24
- Traffic Flow Improvements Along SR 242 and SR 4
- I-80 Interchange Improvements at San Pablo Dam Road and Central Ave
- I-680 and SR 4 Interchange Improvements
- East County Corridor (Vasco Road and/or Byron Highway Corridors)
- Pedestrian, Bicycle and Trail Facilities
- Community Development Transportation Program



## Governing Structure

### *Governing Body and Administration*

The Authority is governed by a Board composed of 11 members, all elected officials, with the following representation:

- Two members from the Central County Regional Transportation Planning Commission (RTPC) also referred to as TRANSPAC
- Two members from the East County RTPC, also referred to as TRANSPLAN
- Two members from the Southwest County RTPC, also referred to as SWAT
- Two members from the West County RTPC, also referred to as WCCTAC
- One member from the Conference of Mayors
- Two members from the Board of Supervisors

The Authority Board also includes three (3) ex-officio, non-voting members, appointed by the MTC, BART and the Public Transit Operators in Contra Costa County.

The four subregions within Contra Costa: Central, West, Southwest and East County are each represented by a Regional Transportation Planning Commission (RTPC). Central County (TRANSPAC subregion) includes Clayton, Concord, Martinez, Pleasant Hill, Walnut Creek and the unincorporated portions of Central County. West County (WCCTAC subregion) includes El Cerrito, Hercules, Pinole, Richmond, San Pablo and the unincorporated portions of West County. Southwest County (SWAT subregion) includes Danville, Lafayette, Moraga, Orinda, San Ramon and the unincorporated portions of Southwest County. East County (TRANSPLAN subregion) includes Antioch, Brentwood, Oakley, Pittsburg and the unincorporated portions of East County.

### *Public Oversight Committee*

The Public Oversight Committee (Committee) shall provide diligent, independent and public oversight of all expenditures of Measure funds by Authority or recipient agencies (County, cities and towns, transit operators, etc). The Committee will report to the public and focus its oversight on the:

- Review of allocation and expenditure of Measure funds to ensure that all funds are used consistent with the Measure.
- Review of fiscal audits of Measure expenditures.
- Review of performance audits of projects and programs relative to performance criteria established by the Authority, and if performance of any project or program does not meet its established performance criteria, identify reasons why and make recommendations for corrective actions that can be taken by the Authority Board for changes to project or program guidelines.
- Review of application of the Performance-based Review policy
- Review of the maintenance of effort compliance requirements of local jurisdictions for local streets, roads and bridges funding.
- Review of each jurisdiction's Growth Management Checklist and compliance with the Growth Management Plan policies.

The Committee shall prepare an annual report including an account of the Committee's activities during the previous year, its review and recommendations relative to fiscal or performance audits, and any recommendations made to the

Authority Board for implementing the expenditure plan. The report will be noticed in local media outlets throughout Contra Costa County, posted to the Authority Website and made continuously available for public inspection at Authority offices. The report shall be composed of easy to understand language not in an overly technical format. The Committee shall make an annual presentation to the Authority Board summarizing the annual report subsequent to its release.

Committee members shall be selected to reflect community, business organizations and other interests within the County. The goal of the membership makeup of the Public Oversight Committee is to provide a balance of viewpoints including but not limited to geography, age, gender, ethnicity and income status to represent the different perspectives of the residents of Contra Costa County. One member will be nominated by each of the four subregions with the RTPC representing the subregion nominating the member. The Board of Supervisors will nominate four members, with each of these four members residing in and representing one of the county's four subregions. Eight members will be nominated by each respective organization detailed here, with each having one representative: League of Women's Voters, Contra Costa Taxpayers Association, East Bay Leadership Council, Building and Construction Trades Council, Central Labor Council, Paratransit Coordinating Council, Bike East Bay, and environmental and/or open space organizations operating in Contra Costa County (specific organization may vary during the life of the measure). About one half of the initial member appointments will be for two years and the remaining appointments will be for three year terms. Thereafter, members will be appointed to two year terms. Any individual member can serve on the Committee for no more than 6 consecutive years.

Committee members will be Contra Costa County residents who are not elected officials at any level of government or public employees from agencies that either oversee or benefit from the proceeds of the Measure. Membership is restricted to individuals with no economic interest in any of Authority's projects or programs. If a member's status changes so that he/she no longer meet these requirements, or if a member resigns his/her position on the Committee, the Authority Board will issue a new statement of interest from the same stakeholder category to fill the vacant position.

The Committee shall meet up to once a month to carry out its responsibility, and shall meet at least once every 3 months. Meetings shall be held at the same location as the Authority Board meetings are usually held, shall be open to the public and must be held in compliance with California's open meeting law (Brown Act). Meetings shall be recorded and the recordings shall be posted for the public.

Members are expected to attend all meetings. If a member, without good reason acceptable to the Chair of the Committee, fails to attend either (a) two or more consecutive meetings or (b) more than 3 meetings a year, the Authority Board will request a replacement from the stakeholder categories listed above.

The Authority commits to support the oversight process through cooperation with the Committee by providing access to project and program information, audits, and other information available to the Authority, and with logistical support so that the Committee may effectively perform its oversight function. The Committee will have full access to Authority's independent auditors, and may request Authority staff briefings for any information that is relevant to the Measure. The Committee Chair shall inform the Authority Board Chair and Executive Director of any concern regarding Authority staff's commitment to open communication, the timely sharing of information, and teamwork.

The Committee shall not have the authority to set policy or appropriate or withhold funds, nor shall it participate in or interfere with the selection process of any consultant or contractor hired to implement the expenditure plan.

The Committee shall not receive monetary compensation except for the reimbursement of travel or other incidental expenses, in a manner consistent with other Authority advisory committees

In order to ensure that the oversight by the Committee continues to be as effective as possible, the efficacy of the Committee's Charter (i.e. this document) will be evaluated on a periodic basis and a formal review will be conducted by the Authority Board, Executive Director and the Committee a minimum of every five years to determine if any amendments

to this Charter should be made. The formal review will include a benchmarking of the Committee's activities and charter with other best-in-class oversight committees. Amendments to this Charter shall be proposed by the Committee and adopted or rejected by the Authority Board.

The Committee replaces the Authority's existing Citizens Advisory Committee.

### **Advisory Committees**

The Authority will continue the committees that were established as part of the Transportation Partnership Commission organization as well as other committees that have been utilized by the Authority to advise and assist in policy development and implementation. The committees include:

The Regional Transportation Planning Committees that were established to develop transportation plans on a geographic basis for sub-areas of the County, and

- The Technical Coordinating Committee that will serve as the Authority's technical advisory committee.
- The Paratransit Coordinating Council
- The Bicycle and Pedestrian Advisory Committee
- Bus Transit Coordinating Committee

## **Implementing Guidelines**

This Transportation Expenditure Plan (Plan) is guided by principles that ensure the revenue generated by the sales tax is spent only for the purposes outlined in this Plan in the most efficient and effective manner possible, consistent with serving the transportation needs of Contra Costa County. The following Implementing Guidelines shall govern the administration of sales tax revenues by the Authority. Additional detail for certain Implementing Guidelines is found elsewhere in this Plan.

### **Duration of the Plan**

The duration of the Plan shall be for 30 years from April 1, 2017 through March 31, 2047.

### **Administration of the Plan**

1. **Funds only Projects and Programs in the Plan:** Funds collected under this Measure may only be spent for purposes identified in the Plan, as it may be amended by the Authority governing body. Identification of Projects or Programs in the Plan does not ensure their implementation. As authorized, the Authority may amend or delete Projects and Programs identified in the Plan, including to provide for the use of additional federal, state and local funds, to account for unexpected revenue, to maintain consistency with the current Contra Costa Countywide Transportation Plan, to take into consideration unforeseen circumstances, and to account for impacts, alternatives, and potential mitigation determined during review under the California Environmental Quality Act (CEQA) at such time as each Project and Program is proposed for approval.
2. **All Decisions Made in Public Process:** The Authority is given the fiduciary duty of administering the transportation sales tax proceeds in accordance with all applicable laws and with the Plan. Activities of the Authority will be conducted in public according to state law, through publically noticed meetings. The annual budgets of Authority, strategic plans and annual reports will all be prepared for public review. The interest of the public will be further protected by a Public Oversight Committee, described previously in the Plan.

3. **Salary and Administration Cost Caps:** Revenues may be expended by the Authority for salaries, wages, benefits, overhead and those services including contractual services necessary to administer the Measure; however, in no case shall the expenditures for the salaries and benefits of the staff necessary to perform administrative functions for the Authority exceed one half percent (0.5%) of revenues from the Measure. The allocated costs of Authority staff who directly implement specific projects or programs are not included in the administrative costs.
4. **Expenditure Plan Amendments Require Majority Support:** The Authority may review and propose amendments to the Expenditure Plan and the Growth Management Program to provide for the use of additional federal, state and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. Affected Regional Transportation Planning Committee(s) will participate in the development of the proposed amendment(s). A majority of the Authority Board is required to approve an amendment and all jurisdictions within the county will be given a 45 day period to comment on any proposed Expenditure Plan amendment.
5. **Augment Transportation Funds:** Funds generated pursuant to the Measure are to be used to supplement and not replace existing local revenues used for transportation purposes. Any funds already allocated, committed or otherwise included in the financial plan for any project in the Plan shall be made available for project development and implementation as required in the project's financial and implementation program.
6. **Jurisdiction:** The Authority retains sole discretion regarding interpretation, construction, and meaning of words and phrases in the Transportation Expenditure Plan.

#### *Taxpayer Safeguards, Audits and Accountability*

7. **Public Oversight Committee:** The Public Oversight Committee will provide diligent, independent and public oversight of all expenditures of Measure funds by Authority or recipient agencies (County, cities and towns, transit operators, etc). The Committee will report to the public and focus its oversight on annual audits, the review and allocation of Measure funds, the performance of projects and programs in the Plan, and compliance by local jurisdictions with the maintenance of effort and Growth Management Program described previously in the Plan
8. **Fiscal Audits:** All Funds expended by Authority directly and all funds allocated by formula or discretionary grants to other entities are subject to fiscal audit. Recipients of Local Streets Maintenance & Improvements, Bus Transit and Other Non-Rail Transit Enhancements, or Transportation for Seniors & People With Disabilities programs funding (including but not limited to County, cities and towns and transit operators) will be audited at least once every five (5) years, conducted by an independent CPA. Any agency found to be in non-compliance shall have its formula sales tax funds withheld, until such time as the agency is found to be in compliance.
9. **Performance Audits:** The following funding categories shall be subject to performance audits by the Authority: Local Streets Maintenance and Improvements, Major Streets/Complete Streets/Traffic Signal Synchronization Program, Bus Transit and Other Non-Rail Transit Enhancements, Transportation for Seniors and People with Disabilities, Safe Transportation for Children, Intercity Rail and Ferry Service, Pedestrian, Bicycle, and Trail Facilities, Community Development Transportation Program, and Innovative Transportation Technology/ Connected Communities Program. Each year, the Authority shall select and perform a focused performance audit on two or three of the funding categories listed above, so that at the end of the fourth year all funding categories listed above are audited. This process shall commence two years after passage of the new sales tax measure. Additional Performance Audits shall continue on a similar cycle for the duration of the Plan. The performance audits shall provide an accurate quantitative and qualitative evaluation of the funding categories to determine the effectiveness in meeting the performance criteria established by the Authority. In the event that any performance audit determines that a funding category is not meeting the performance requirements

established by the Authority, the audit shall include recommendations for corrective action including but not limited to revisions to Authority policies or program guidelines that govern the expenditure of funds.

10. **Maintenance of Effort (MOE):** Funds generated by the new sales tax Measure are to be used to supplement and not replace existing local revenues used for streets and highways purposes. The basis of the MOE requirement will be the average of expenditures of annual discretionary funds on streets and highways, as reported to the Controller pursuant to Streets and Highways Code Section 2151 for the three most recent fiscal years before the passage of the Measure where data is available. The average dollar amount will then be increased once every three years by the construction cost index of that third year. Penalty for non-compliance of meeting the minimum MOE is immediate loss of all Local Streets Maintenance and Improvements funds until MOE compliance is achieved. The audit of the MOE contribution shall be at least once every five years. Any agency found to be in non-compliance shall be subject to annual audit for three years after they come back into compliance.

Any local jurisdiction wishing to adjust its maintenance of effort requirement shall submit to the Authority a request for adjustment and the necessary documentation to justify the adjustment. The Authority staff shall review the request and shall make a recommendation to the Authority. Taking into consideration the recommendation, the Authority may adjust the annual average of expenditures reported pursuant to Streets and Highways Code Section 2151. The Authority shall make an adjustment if one or more of the following conditions exists:

1. The local jurisdiction has undertaken one or more major capital projects during those fiscal years, that required accumulating unrestricted revenues (i.e., revenues that are not restricted for use on streets and highways such as general funds) to support the project during one or more fiscal years.
  2. A source of unrestricted revenue used to support the major capital project or projects is no longer available to the local jurisdiction and the local jurisdiction lacks authority to continue the unrestricted funding source.
  3. One or more sources of unrestricted revenues that were available to the local jurisdiction is producing less than 95 percent of the amount produced in those fiscal years, and the reduction is not caused by any discretionary action of the local jurisdiction.
  4. The local jurisdiction Pavement Condition Index (PCI) is 70 or greater, as calculated by the jurisdiction Pavement Management System and reported to the Metropolitan Transportation Commission.
11. **Annual Budget and Strategic Plan:** Each year, the Authority will adopt an annual budget that estimates expected sales tax receipts, other anticipated revenue and planned expenditures for the year. On a periodic basis, the Authority will also prepare a Strategic Plan which will identify the priority for projects; the date for project implementation based on project readiness and availability of project funding; the state, federal and other local funding committed for project implementation, and other relevant criteria. The annual budget and Strategic Plan will be adopted by the Authority Board at a public meeting.
  12. **Requirements for Fund Recipients:** All recipients of funds allocated in this expenditure plan will be required to sign a Master Cooperative Agreement that defines reporting and accountability elements and as well as other applicable policy requirements. All funds will be appropriated through an open and transparent public process.
  13. **Geographic Equity:** The proposed projects and programs to be funded through the Plan constitute a “balanced” distribution of funding allocations to each subregion in Contra Costa County. However, through the course of the Measure, if any of the projects prove to be infeasible or cannot be implemented, the affected subregion may request that the Authority reassign funds to another project in the same subregion, as detailed in an Authority Fund Allocations policy, and to maintain a “balanced” distribution of funding allocations to each subregion.

## Restrictions On Funds

14. **Expenditure Shall Benefit Contra Costa County:** Under no circumstance may the proceeds of this transportation sales tax be applied for any purpose other than for transportation improvements benefitting residents of Contra Costa County. Under no circumstance may these funds be appropriated by the State of California or any other local government agency as defined in the implementing guidelines.
15. **Environmental Review:** All projects funded by sales tax proceeds are subject to laws and regulations of federal, state, and local government, including the requirements of the California Environmental Quality Act (CEQA). Prior to approval or commencement of any project or program included in the Plan, all necessary environmental review required by CEQA shall be completed.
16. **Performance-based Project Review:** Before the allocation of any measure funds for the construction of a project with an estimated capital cost in excess of \$25 million (or elements of a corridor project with an overall estimated cost in excess of \$25 million), the Authority will: 1) verify that the project is consistent with the approved Countywide Transportation Plan (CTP), as it may be amended, 2) verify that the project is included in the Regional Transportation Plan / Sustainable Communities Strategy, and 3) require the project sponsor to complete a performance based review of project alternatives prior to the selection of a preferred alternative. Said performance based review will include, but not necessarily be limited to, an analysis of the project impacts on greenhouse gas emissions, vehicle miles travelled, goods movement effectiveness, travel mode share, delay (by mode), safety, maintenance of the transportation system and consistency with adopted Authority plans. The Authority may require the evaluation of other performance criteria depending on the specific need and purpose of the project. When appropriate, the Authority will encourage project sponsors to identify and select a project alternative that reduces greenhouse gas emissions as well as vehicle miles travelled per capita. The Authority will also prioritize and reward high performing projects by leveraging additional regional and other funding sources. The Authority shall adopt detailed guidelines for evaluating project performance and applying performance criteria in the review and selection of a preferred project alternative no later than October 1, 2018.
17. **Countywide Transportation Plan:** State law allows each county in the San Francisco Bay Area that is subject to the jurisdiction of the regional transportation planning agency to prepare a Countywide Transportation Plan (CTP) for the county and cities within the county. Both Measure C and Measure J also require the Authority to prepare and periodically update a CTP for Contra Costa. State law also created an inter-dependent relationship between the CTP and regional planning agency. Each CTP must consider the region's most recently adopted Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) while the adopted CTPs must form the "primary basis" for the next RTP and SCS. The Authority shall follow applicable statutes and the most current guidelines for preparing the CTP, as established and periodically updated by the regional transportation planning agency. The Authority shall also use the CTP to convey the Authority's investment priorities, consistent with the long-range vision of the RTP and SCS.
18. **Complete Streets:** The Authority has adopted a policy requiring all recipients of funding through this Plan to consider and accommodate, wherever possible, the needs of all users in the planning, design, construction, reconstruction, rehabilitation and maintenance of the transportation system. Achieving this vision will require balancing the needs of different users, and may require reallocating existing right of way for different uses.
19. **Compliance with the Growth Management Program:** If the Authority determines that a jurisdiction does not comply with the requirements of the Growth Management Program, the Authority shall withhold funds and also make a finding that the jurisdiction shall not be eligible to receive Local Streets Maintenance & Improvements or Community Development Transportation Program (CDTP) funding until the Authority determines the jurisdiction has achieved compliance, as detailed in the Growth Management Program section of the Plan.



20. **Local Contracting and Good Jobs:** Authority will develop a policy supporting the hiring of local contractors and businesses, including policy requiring prevailing wages, apprenticeship programs for Contra Costa residents, and veteran hiring policy (such as the Helmets to Hardhats program) to the extent permitted by law. The Authority, will adopt the aforementioned policy for projects and programs funded by the measure no later than April 1, 2018.
21. **New Agencies:** New cities or new entities (such as new transit agencies) that come into existence in Contra Costa County during the life of the Plan may be considered as eligible recipients of funds through a Plan amendment.
22. **Countywide Transit Plan:** The Authority will develop a countywide transit plan identifying services and projects to be funded with this Measure. The plan will be inclusive of services and projects in adopted plans of existing transit operators which have gone through a public review process prior to adoption. The plan will be periodically reviewed and updated. Funding will be allocated by the Authority throughout the County based on input from each Regional Transportation Planning Committee and on performance criteria established by the Authority in consultation with local and regional bus transit operators, providers of alternate non-rail transportation, and stakeholders. Said performance criteria will include a review of impact on Vehicle Miles Traveled (VMT) and Green-house Gas (GHG) and shall require a finding that any proposed new or enhanced services demonstrate the ability to improve regional and/or local mobility for Contra Costa residents.

#### *Project Financing Guidelines and Managing Revenue*

23. **Fiduciary Duty:** Funds may be accumulated for larger or longer term projects. Interest income generated will be used for the purposes outlined in the Plan and will be subject to audits.
24. **Project and Program Financing:** The Authority has the authority to bond for the purposes of expediting the delivery of transportation projects and programs. The Authority will develop a policy to identify financing procedures for the entire plan of projects and programs.
25. **Programming of Variations from the Expected Revenue:** Actual revenues may, at times be higher or lower than expected in this Plan due to changes in receipts. Additional funds may become available due to the increased opportunities for leveraging or project costs being less than expected. Revenue may be lower than expected as the economy fluctuates. Determination of when the contingency funds become excess will be established by a policy defined by the Authority. Funds considered excess will be prioritized first to expenditure plan projects and programs, and second to other projects of regional significance that are consistent with the expenditure plan. The new project or program will be required to be amended into the expenditure plan.
26. **Fund Allocations:** Through the course of the Measure, if any of the projects do not require all funds programmed for that project or have excess funding, or should a planned project become undeliverable, infeasible or unfundable due to circumstances unforeseen at the time the expenditure plan was created, funding for that project will be reallocated to another project or program. The subregion where the project or program is located may request that the Authority reassign funds to another project in the same subregion. In the allocation of the released funds, the Authority in consultation with the subregion RTPC will in priority order consider: 1) a project or program of the same travel mode (i.e. transit, bicycle/pedestrian, or road) in the same subregion, 2) a project or program for other modes of travel in the same subregion, 3) other expenditure plan projects or programs, and 4) other projects or programs of regional significance. The new project or program or funding level may be required to be amended into the expenditure plan.
27. **Leveraging Funds:** Leveraging or matching of outside funding sources is strongly encouraged. Any additional transportation sales tax revenues made available through their replacement by matching funds will be spent based on the principles outlined for fund allocations described above.

## Appendix

**Table of Expenditure Plan Funding Allocations**

Funding Category	\$ millions	%	Distribution of Funding By Subregion			
			Central (a)	Southwest (b)	West (c)	East (d)
BART Capacity, Access and Parking Improvements	300.00	10.44%	88.10	57.38	69.77	84.75
Bus Transit Enhancements in West Contra Costa	110.55	3.84%			110.55	
Bus Transit and Other Non-Rail Transit Enhancements in Central, East and Southwest Contra Costa	184.40	6.42%	61.45	61.45		61.50
East Contra Costa Transit Extension	70.00	2.44%				70.00
High Capacity Transit Improvements along the I-80 Corridor	55.00	1.91%			55.00	
Intercity Rail and Ferry Service Improvements	50.00	1.74%	8.00		35.00	7.00
Traffic Flow Improvements & High Capacity Transit Implementation Along I-680 & SR 24	250.00	8.70%	125.00	125.00		
East County Corridor (Vasco Rd and/or Byron Highway Corridors)	117.00	4.07%				117.00
Traffic Flow Improvements along SR 242 & SR 4	108.00	3.76%	44.00			64.00
I-80 Interchange Improvements at San Pablo Dam Road and Central Avenue	60.00	2.09%			60.00	
Interstate 680 and State Route 4 Interchange Improvements	60.00	2.09%	60.00			
Local Street Maintenance and Improvements	663.50	23.09%	191.96	147.53	145.63	178.38
Add'l Local Street Maintenance and Improvements	20.00	0.70%	20.00			
Transportation for Seniors and People with Disabilities	115.01	4.00%	30.80	19.30	28.15	36.76
Safe Transportation for Children	63.96	2.23%	8.72	20.03	26.12	9.09
Major Streets, Complete Streets and Traffic Synchronization Project Grants	290.00	10.09%	108.40	46.40	56.60	78.60
Pedestrian, Bicycle and Trail Facilities	115.00	4.00%	28.30	30.35	26.41	29.94
Community Development Transportation Program	100.00	3.48%	25.26	16.45	20.00	38.29
Innovative Transportation Technology / Connected Communities Grant Program	65.00	2.26%	22.10	11.00	16.70	15.20
Transportation Planning, Facilities & Services	43.05	1.50%	12.64	8.23	10.02	12.16
Regional Transportation Priorities	18.70	0.65%	5.00	3.70	5.00	5.00
Administration	14.35	0.50%	4.20	2.75	3.35	4.05
<b>TOTAL</b>	<b>2873.52</b>	<b>100.0%</b>	<b>843.93</b>	<b>549.57</b>	<b>668.30</b>	<b>811.72</b>
Population Based Share			<b>843.88</b>	<b>549.58</b>	<b>668.33</b>	<b>811.73</b>
Population Share (2030 Estimate) of Total			<b>29.37%</b>	<b>19.12%</b>	<b>23.26%</b>	<b>28.25%</b>

Numbers in this chart are rounded for viewing simplicity.



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

**Meeting Date:** July 20, 2016

<b>Subject</b>	<b>Approve Ordinance 16-02 Adopting the 2016 Transportation Expenditure Plan (TEP)</b>
<b>Summary of Issues</b>	<p>Over the past several months, the Contra Costa Transportation Authority (Authority) has undertaken actions necessary to consider placing a measure on the November 2016 general election ballot which would establish a new one half of one percent transactions and use tax (aka sales tax) for transportation purposes to meet the growing needs of Contra Costa County. Placing a new transportation sales tax on the ballot requires preparation and adoption of a TEP documenting the use of the revenues expected to be derived from the sales tax. The Authority approved the final language for the TEP on May 18, 2016 and released the TEP for approval by city/town councils and the County Board of Supervisors (BOS). The TEP was approved unanimously by all city/town councils and the BOS without a single "no" vote.</p> <p>Staff has worked with the Authority's legal council to develop the attached Ordinance 16-02 as consideration of adopting the TEP.</p>
<b>Recommendations</b>	Staff recommends the Authority adopt Ordinance 16-02 approving the TEP, pursuant to a finding that the approval of the Resolution is not a project or, alternatively, is exempt from environmental review under the California Environmental Quality Act.
<b>Financial Implications</b>	The proposed TEP would, if approved by the voters, generate \$2.9 billion in sales tax revenues over 30 years to improve the transportation system in Contra Costa. The TEP is estimated to leverage twice this amount of funding from state, federal and regional sources.
<b>Options</b>	The Authority can elect to not adopt the TEP which would effectively end efforts to seek a new transportation sales tax measure on the November 2016 ballot.
<b>Attachments</b>	<b>A.</b> Ordinance 16-02 which includes the proposed TEP as an attachment.

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Changes from Committee	N/A
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Since 1989, the Authority has administered sales tax revenues collected through voter-approved transportation sales tax measures, specifically Measures C and J. Measure C, passed in 1988, created a half-cent sales tax for 20 years, expiring in 2009. In 2004, Contra Costa County voters approved Measure J, with a 71.1 percent vote, to continue the half-cent transportation sales tax for an additional 25 years beyond the Measure C 2009 expiration date. Together, the two measures will generate more than \$3.8 billion in local sales tax funds. When combined with federal, state and regional funds, it will result in over \$6.5 billion invested in transportation (year of expenditure dollars). These previous measures also established the Growth Management Program, the Principles for Agreement of an Urban Limit Line, and other policies.

The Authority, as the County's Congestion Management Agency, updates the Countywide Transportation Plan (CTP) on a periodic basis. The CTP identified goals for bringing together all modes of travel, networks and operators to meet the diverse transportation needs of Contra Costa County, and highlights priority programs and projects to meet these needs. The cost for the projects identified in the most recent draft CTP totals \$12.4 billion with available funding from approved local, federal, state and regional sources projected to be \$3.4 billion, resulting in a \$9 billion shortfall for projects. State and federal transportation programs no longer contain reliable funding that addresses multi-modal needs.

To continue to implement a robust program to improve the transportation network in Contra Costa, and to enhance or add new services, additional new revenue is required. Placing a new transportation sales tax measure on the ballot requires preparation and adoption of a TEP to document the planned use of the revenues expected to be derived from the sales tax. In May 2015, the Authority began discussions on the development and approval of a new TEP and an associated countywide transportation sales tax measure as a potential method to begin to address the funding gap.

The Authority conducted an unprecedented outreach program with the public and worked extensively with the Regional Transportation Planning Committees (RTPCs), an Expenditure Plan Advisory Committee (EPAC) and other stakeholders to develop the proposed TEP. The Authority approved the final language for the TEP on May 18, 2016 and released it for approval

by city/town councils and the County Board of Supervisors (BOS). Between May 31, 2016 and July 12, 2016, the TEP was approved unanimously by all city/town councils and the BOS without a single "no" vote.

Staff has worked with the Authority's legal council to develop the attached Ordinance 16-02 as consideration of adopting the TEP. The attached TEP would be included in the Contra Costa County Voter Information Guide if adopted and placed on the ballot. The ordinance generally follows the specific terms and provisions of the ordinances used for Measure C and Measure J with minor modifications for sections including Caltrans and various federal agencies to update the terms to current roles and responsibilities. The ordinance also makes a finding with respect to compliance of the TEP with the California Environmental Quality Act (CEQA). The ordinance contains language specifically stating that the Authority is approving the text of the TEP attached to Ordinance 16-02 with the understanding that the TEP included in the Contra Costa County Voter Information Guide and Sample Ballot may be in a slightly different format to comply with requirements of the Registrar of Voters office, however, there will be no change in any of the TEP language approved by the Authority on May 18, 2016.