



**TRANSPORTATION, WATER &
INFRASTRUCTURE COMMITTEE**

March 10, 2016

1:00 P.M.

651 Pine Street, Room 101, Martinez

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

Agenda Items:	Items may be taken out of order based on the business of the day and preference of the Committee
--------------------------	--

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. **Administrative Items.** (John Cunningham, Department of Conservation and Development)
4. **REVIEW record of meeting for February 11, 2016, Transportation, Water and infrastructure Committee Meeting.** This record was prepared pursuant to the Better Government Ordinance 95-6, Article 25-205 (d) of the Contra Costa County Ordinance Code. Any handouts or printed copies of testimony distributed at the meeting will be attached to this meeting record. (John Cunningham, Department of Conservation and Development)
5. **RECEIVE report on the consideration to become a Groundwater Sustainability Agency, with other local agencies, to undertake sustainable groundwater management in the portion of the Tracy Subbasin within Contra Costa County.** (Ryan Hernandez, Water Agency - Department of Conservation and Development)
6. **REVIEW, REVISE as appropriate, and ADOPT the 2016 Calendar.** (John Cunningham, Department of Conservation and Development)
7. **CONSIDER report on Local, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate.** (John Cunningham, Department of Conservation and Development)
8. The next meeting is currently scheduled for Thursday, April 14, 2016 at 1pm.
9. Adjourn

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

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the TWIC less than 96 hours prior to that meeting are available for public inspection at the County Department of Conservation and Development, 30 Muir Road, Martinez during normal business hours.

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

For Additional Information Contact:

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

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

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



Contra Costa County Board of Supervisors

Subcommittee Report

TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

3.

Meeting Date: 03/10/2016

Subject: Administrative Items. (John Cunningham, Department of Conservation and Development).

Department: Conservation & Development

Referral No.: N/A

Referral Name: N/A

Presenter: John Cunningham, DCD

Contact: John Cunningham
(925)674-7833

Referral History:

This is an Administrative Item of the Committee.

Referral Update:

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

Recommendation(s)/Next Step(s):

Take ACTION as appropriate.

Fiscal Impact (if any):

N/A

Attachments

No file(s) attached.



Contra Costa County Board of Supervisors

Subcommittee Report

TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

4.

Meeting Date: 03/10/2016

Subject: REVIEW record of meeting for February 11, 2016, Transportation, Water and Infrastructure Committee Meeting.

Department: Conservation & Development

Referral No.: N/A

Referral Name: N/A

Presenter: John Cunningham, DCD

Contact: John Cunningham
(925)674-7833

Referral History:

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

Referral Update:

Any handouts or printed copies of testimony distributed at the meeting will be attached to this meeting record.

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

<http://www.cccounty.us/4327/Transportation-Water-Infrastructure>

Recommendation(s)/Next Step(s):

Staff recommends approval of the attached Record of Action for the February 11, 2016 Committee Meeting with any necessary corrections.

Fiscal Impact (if any):

N/A

Attachments

[2-11-16 TWIC Sign-In Sheet](#)

[2-11-16 DRAFT TWIC Meeting Minutes](#)

[02-23-16 Feb 2016 CCC to MTC Regional Goods Movement Study](#)

DRAFT



TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

February 11, 2016

1:00 P.M.

651 Pine Street, Room 101, Martinez

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

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

Present: Mary N. Piepho, Chair
Candace Andersen, Vice Chair

Attendees: Cece Sellgren (CCC Public Works)
Michael Kent (CCHS)
Rich Seithel (CCC DCD)
John Cunningham (CCC DCD)

1. Introductions

Please see attached sign-in sheet, hand-outs and "Attendees" section, above.

2. **Public comment on any item under the jurisdiction of the Committee and not on this agenda** (speakers may be limited to three minutes).

3. **Administrative Items, if applicable.** (John Cunningham, Department of Conservation and Development)

4. **Staff recommends approval of the attached Record of Action for the February 11, 2016 Committee Meeting with any necessary corrections.**

The Committee unanimously approved the February 11, 2016 Meeting Record.

5. **The Public Works Department has initiated the development of a strategic plan for stormwater management. This plan will assess the level of effort needed to successfully comply with the new NPDES permit. It will estimate staff, consultant, and contractor resources required. Evaluation of funding options and opportunities, in order to fully comply with the permit, is an integral component of the plan. The Public Works Department recommends initiating compliance with the new permit, while exploring additional funding sources to ensure the County fully complies with the NPDES permit.** (Cece Sellgren, Department of Public Works)

The Committee unanimously approved the recommendation; initiating compliance with the new permit, explore additional funding sources to ensure the County fully complies with the NPDES permit, and proceed with the strategic implementation plan. The Committee also requested information regarding the relative costs between the County's PCB clean up costs and PG&Es reactive approach to PCB removal from pole mounted equipment.

6. **CONSIDER report on Local, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate including CONSIDERATION of specific recommendations in the report above.** (John Cunningham, Department of Conservation and Development)

The Committee received the Report, and recommended the following legislative positions be brought to the Board of Supervisors:

- **Support: SB 313 (Monning) Local Government: Zoning Ordinances: School Districts**
- **AB 1665 (Bonilla): Transactions and use taxes: County of Alameda, County of Contra Costa, and Contra Costa Transportation Authority**
- **AB 1592 (Bonilla): Autonomous Vehicles: Pilot Project**

7. **RECEIVE update on the Metropolitan Transportation Commission's Regional Goods Movement Plan and take ACTION as appropriate.** (John Cunningham, Department of Conservation and Development)

The Committee received the report, and approved the draft letter (attached) with revisions.

8. The next meeting is currently scheduled for March 10th, 2016.

9. Adjourn

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

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the TWIC less than 96 hours prior to that meeting are available for public inspection at the County Department of Conservation and Development, 30 Muir Road, Martinez during normal business hours.

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

John Cunningham, Committee Staff

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

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

The Board of Supervisors

County Administration Building
651 Pine Street, Room 106
Martinez, California 94553-1293

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

Contra Costa County



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

February 23, 2016

Honorable Dave Cortese, Chair
Metropolitan Transportation Commission
101 Eighth Street
Oakland, California 94607

Re: San Francisco Bay Area Goods Movement Plan

Dear Chair Cortese:

As Chair of the Board of Supervisor's Transportation, Water, and Infrastructure Committee, I am writing to provide input on the Metropolitan Transportation Commission's "*San Francisco Bay Area Goods Movement Plan*", in the hopes that it will expand the Commission's approach to addressing Bay Area goods movement in the future. Our concern begins with the misleading title suggesting that the study is regional. Issues beyond the Port of Oakland are largely ignored.

Land Use: At a recent Freight/Goods Movement Collaborative Workshop it was stated that without addressing land use in a more substantial manner the Bay Area plan is incomplete. The County agrees with this comment. We understand that this may not be an issue for Alameda County, whose land use in the port area is stable relative to other "niche" or outlying ports and shoreside industrial/commercial areas. However, land use *is* an issue for Contra Costa County. Without assistance to help preserve and develop industrial lands around the outlying ports and shoreside facilities, the region will experience the following:

- Lost industrial lands (to other, incompatible uses) which make the ports and shoreside facilities viable.
- Increased dependence on the Port of Oakland.
- This dependency will drastically limit expansive opportunities for the region as a whole.
- This dependency also reduces reliability which results in a much more fragile freight movement infrastructure which again, does not improve goods movement for the region but rather serves to compromise it.
- These land use changes are effectively permanent, and as such warrants attention in the regional plan and action with the appropriate level of urgency.
- Negative impacts on Bay Area freeways greater than we already suffer.

Priority Industrial Areas: MTC should diversify the regional goods movement dialog and plan to more substantially include outlying ports, shoreside industrial/commercial areas, and address related land use

issues. More specifically, MTC should accelerate the development and funding of Priority Industrial Areas (PIA) in order to diversify the region's goods movement infrastructure portfolio. Our own Northern Waterfront Economic Development Initiative, and the region as a whole, would benefit greatly from such a program.

TriLink (State Route 239): The *Feasibility Study Final Report* for the TriLink project highlighted substantial benefits to goods movement in the region. A plan with a more regional focus is also likely to highlight the benefits of goods movement supportive infrastructure in Contra Costa, such as TriLink and Northern Waterfront related projects. Despite these benefits, the TriLink program of projects was absent from any *Opportunity Package* project list.

Environmental and Community Impacts: Consistent with the Plan's goal to "*Reduce environmental and community impacts from goods movement operations to create healthy communities and a clean environment, and improve quality of life for those communities most impacted by goods movement*", implementation of the Plan by MTC should assess the health impacts that are likely to occur and identify mitigation strategies addressing those impacts.

Job Creation: I welcome the attention paid to middle wage job creation. However, the attention seems to be focused on creating jobs in areas that have existing, extreme congestion issues. Contra Costa County has vacant and underutilized land which, with the benefit of a PIA program, could provide those jobs and forgo congestion increases by making use of the off peak direction transportation facilities which have excess capacity.

Thank you for your consideration of these comments. I believe these changes would support a truly regional goods movement plan and system. If you have any questions, please don't hesitate to contact John Cunningham, Principal Planner at 925-674-7833 or john.cunningham@dcd.cccounty.us.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Mary N. Piepho', written in a cursive style.

Mary N. Piepho, Chair
Transportation, Water, and Infrastructure Committee
Contra Costa County Board of Supervisors, District III

Copy:

Candace Andersen, Chair – Contra Costa County Board of Supervisors
Federal Glover, MTC – Representing Contra Costa County
Amy Worth, MTC – Representing Cities of Contra Costa County
Julie Pierce, Chair – Contra Costa Transportation Authority
Matt Maloney, Principal – Metropolitan Transportation Commission



Contra Costa County Board of Supervisors

Subcommittee Report

TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

5.

Meeting Date: 03/10/2016

Subject: Report on Formation of a Groundwater Sustainability Agency to Undertake Sustainable Groundwater Management, and Consideration of County Membership

Submitted For: John Kopchik, Director, Conservation & Development Department

Department: Conservation & Development

Referral No.: 5

Referral Name: Review issues associated with the health of the San Francisco Bay and Delta...water quality, supply and reliability...as it relates to groundwater.

Presenter: Ryan Hernandez, Water Agency -
DCD

Contact: Ryan Hernandez
(925)674-7824

Referral History:

An oral report updating the Committee on the County's participation in discussions about groundwater management with east County agencies and districts occurred in the early part of 2015.

Referral Update:

The Sustainable Groundwater Management Act of 2014 (SGMA) is a suite of bills (*e.g.* Senate Bills 1168 and 1319, and Assembly Bill 1739) passed by the California Legislature and signed into law by Governor Jerry Brown on September 16, 2014. The SGMA establishes a Statewide comprehensive groundwater management program with the overarching goal of achieving sustainable groundwater basins over the next 20 years.

The SGMA requires all high-priority and medium-priority groundwater basins, as designated by the California Department of Water Resources (DWR), be managed by a Groundwater Sustainability Agency (GSA). A local public agency, or combination of local public agencies overlying a designated basin, may become a GSA if the agency(ies) has(ve) water supply, water management or land use responsibilities within a groundwater basin. A combination of local public agencies may form a GSA by way of a Joint Powers Agreement (JPA), a Memorandum of Understanding (MOU) or other legal agreement.

The SGMA sets deadlines for the formation of GSA's and the adoption of Groundwater Sustainability Plan (GSP's), which if not met, will allow for State intervention. By June 30, 2017, all high-priority or medium-priority subbasins are required to have a single GSA or multiple GSA's that cover the entire subbasin. All high-priority or medium-priority subbasins must adopt a single GSP or a coordinated set of GSP's by January 31, 2022. The SGMA requires coordination

among GSA's both within and across delineated subbasin boundaries.

Within Contra Costa County there are three medium-priority subbasins. The Eastbay Plain Subbasin (west county), Livermore Valley Subbasin (southern central county) and the Tracy Subbasin (east county). At this time, the focus of this report is specifically on the Tracy Subbasin.

As depicted in the attached *Draft GSA Maps*, the County lies within the northwest portion of the Tracy Subbasin. The draft maps show cities, communities and water-related agencies in the portion of the Tracy Subbasin within Contra Costa County. Alameda and San Joaquin Counties overlie the eastern/southern portion of the Tracy Subbasin. Each County's overlying areas also include numerous local public agencies eligible to become a GSA within their jurisdictional boundaries.

The SGMA provides that if no local public agency becomes the GSA for a portion of the underlying basin, the County is then assumed to be the GSA by default. SGMA allows Counties to opt out, which then places the uncovered area into probationary status thus triggering intervention by the State Water Resources Control Board (State Water Board) to manage groundwater in the area not covered by a GSA. Additionally, the State Water Board may intervene and assume groundwater management responsibilities if:

- a GSA does not adopt a GSP by the statutory deadline,
- the State deems the adopted GSP to be inadequate, or
- a GSA is not implementing the adopted GSP as promised.

When the decision to establish a GSA is made by the local agency(ies) it must provide notice to DWR, the clearinghouse for GSA designation. The GSA designation process is prescribed in Chapter 4 of SGMA. The DWR may designate a GSA, provided a qualified petitioning agency has decided to become the GSA in accordance with statutory requirements and has also filed the necessary submittals to DWR. If no competing petitioner decides to become a GSA in the same area within 90 days after notice is posted, the DWR will presume the petitioning agency(ies) will be the GSA within the requested area.

Within the County, there are numerous overlapping jurisdictional boundaries among the local public agencies eligible to be a GSA. The SGMA provides that if a competing petitioner files for GSA designation within the 90-day noticing period, the DWR will deem both competing GSA requests to be incomplete requiring the submittals to be withdrawn and/or modified to eliminate any overlap. Once the DWR approves the designation of a GSA, the agency(ies) will be presumed to be the exclusive GSA within the area described in the approved submittals. A GSA may, at any time, withdraw its election to be a GSA, which would trigger the County to be the default GSA unless the County opts out of such designation.

The County is collaborating with several local agencies that are in the portion of the Tracy Subbasin within Contra Costa County. The agencies are Byron-Bethany Irrigation District, Cities of Antioch and Brentwood, Contra Costa Water District, Diablo Water District, East Contra Costa Irrigation District and the Town of Discovery Bay. The Committee should discuss becoming a member of a GSA with the aforementioned districts/agencies.

Upon formation of the GSA, SGMA requires that entity adopt a GSP that results in sustainable

groundwater management which avoids the following undesirable results:

1. Chronic lowering of groundwater levels indicating a significant and unreasonable depletion of supply if continued over the planning and implementation horizon.*
2. Significant and unreasonable reduction of groundwater storage.
3. Significant and unreasonable seawater intrusion.
4. Significant and unreasonable degraded water quality, including the migration of contaminant plumes that impair water supplies.
5. Significant and unreasonable land subsidence that substantially interferes with surface land uses.
6. Depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.

**Overdraft during a period of drought is not deemed sufficient to establish a chronic lowering of groundwater levels if extractions and groundwater recharge are managed as necessary to ensure that reductions in groundwater levels or storage during a period of drought are offset by increases in groundwater levels or storage during other periods.*

Why the County should consider becoming a member of the East Contra Costa County GSA:

1. To cover all areas not currently covered by a local agency/district GSA;
2. To affirm the County's role set forth in the SGMA as the default GSA before State intervention;
3. To recognize existing County authorities which may be required to implement the SGMA, including powers unique to Counties that cannot be delegated (such as land use, police powers, and environmental protection); and
4. To continue to collaborate with local agencies, who have elected to or may elect to become GSA's to continue discussions regarding basin-wide coordination of GSA's and GSP's as required by the SGMA.

Recommendation(s)/Next Step(s):

RECEIVE report on the formation of a Groundwater Sustainability Agency to undertake sustainable groundwater management in the portion of the Tracy Subbasin within Contra Costa County, DISCUSS County membership, and take appropriate action.

Fiscal Impact (if any):

Thus far, costs to Contra Costa County Water Agency consists of staff time to prepare materials for completion of this report, associated maps and participation in the meetings with east County local agencies and districts.

Attachments

SUSTAINABLE GROUNDWATER MANAGEMENT ACT

March 10, 2016

Contra Costa County
Transportation, Water and Infrastructure Committee

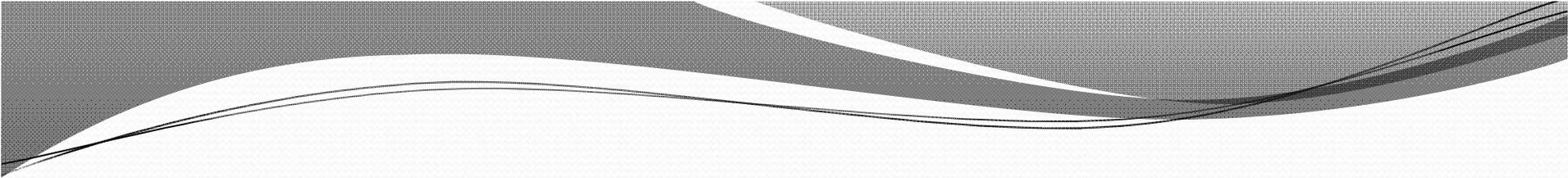
By Contra Costa County Water Agency





Purpose of Today's Meeting

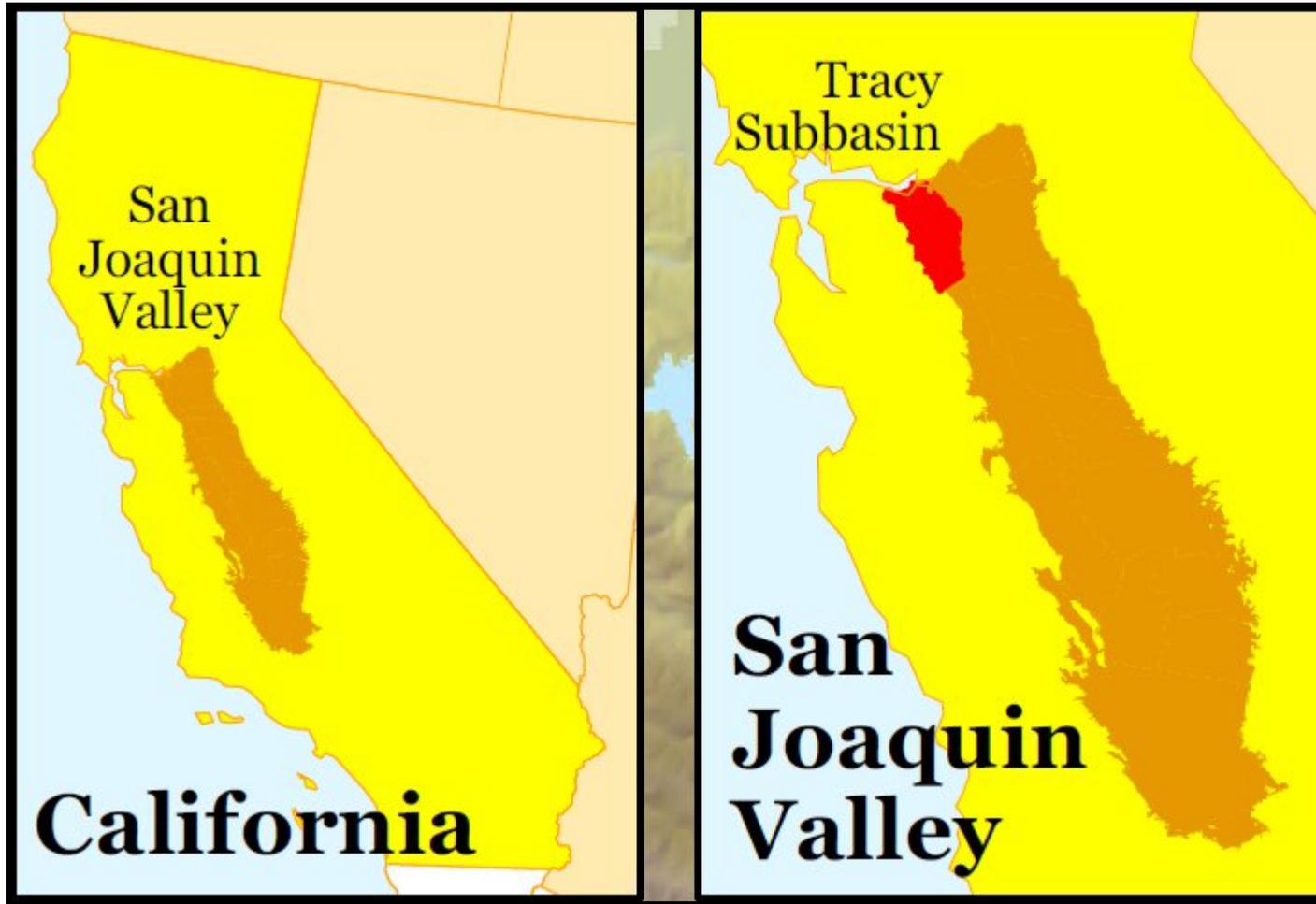
- To receive a report regarding the County's consideration to become a member of a Groundwater Sustainability Agency (GSA) in the portion of the Tracy Subbasin within Contra Costa County.
- Tracy Subbasin is designated as a medium-priority groundwater basin.



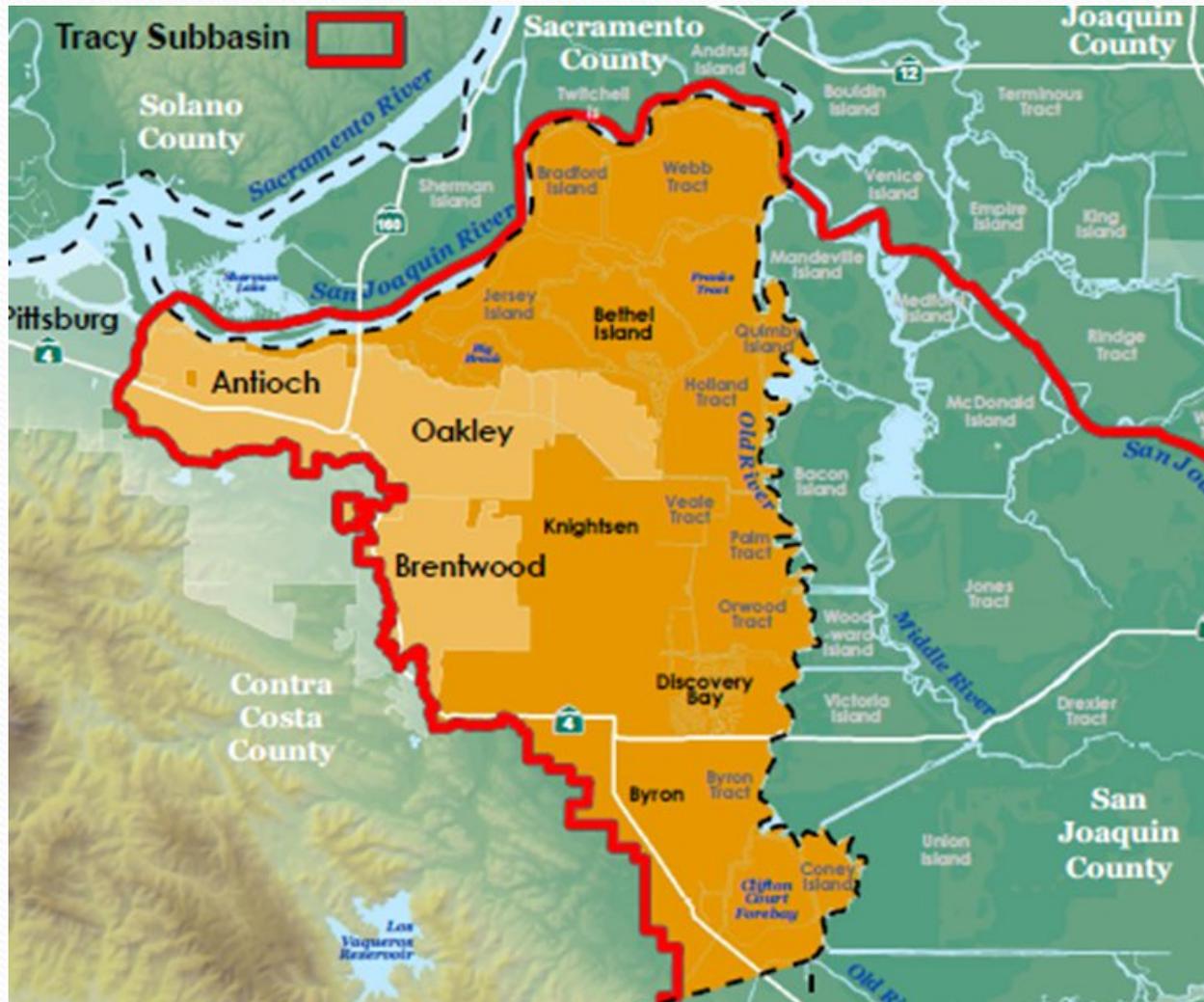
Sustainable Groundwater Management Act (SGMA)

- SGMA is a new law that establishes a Statewide comprehensive groundwater management program with the overarching goal of achieving sustainable groundwater basins over the next 20 years.

San Joaquin Valley and Tracy Subbasin



Tracy Subbasin and Contra Costa County





SGMA Requirements

- All groundwater basins to be managed by a Groundwater Sustainability Agency (GSA).
- GSA's must be local Public Agencies.
- A single GSA or multiple GSA's must cover the entire Basin.
- No GSA overlaps may exist.
- High- and medium-priority basins must adopt a Groundwater Sustainability Plan (GSP) by January 31, 2022.
- Groundwater sustainability goal reached by 2040.



Procedures for GSA

- Procedures are prescribed in the Sustainable Groundwater Management Act of 2014 (SGMA).
- Clarified by Senate Bill 13 and took effect on January 1, 2016.
- Notice of Public Hearing posted in accordance with Government Code Section 6066.
- Following the Public Hearing, the Board of Supervisors may declare its consideration to become a GSA.
- Within 30-days, required submittals must be sent to the California Department of Water Resources (DWR).



Reasons for Recommendation

- To have GSA coverage over all areas in the County.
- To affirm the County's role in SGMA as the default GSA before State intervention.
- To recognize existing County powers that cannot be delegated, such as land use, police powers, and environmental protection.
- To continue to collaborate with local agencies, who have elected to or may elect to become GSA's, and to continue discussions regarding basin-wide coordination of GSA's and GSP's as required by SGMA.



Recommended Committee Action

- Receive Report, and
- Recommend the Board of Supervisors declare it's intent to become a member of a Groundwater Sustainability Agency for the portion of the Tracy Subbasin within Contra Costa County.



Questions?

Ryan Hernandez

Contra Costa County Water Agency

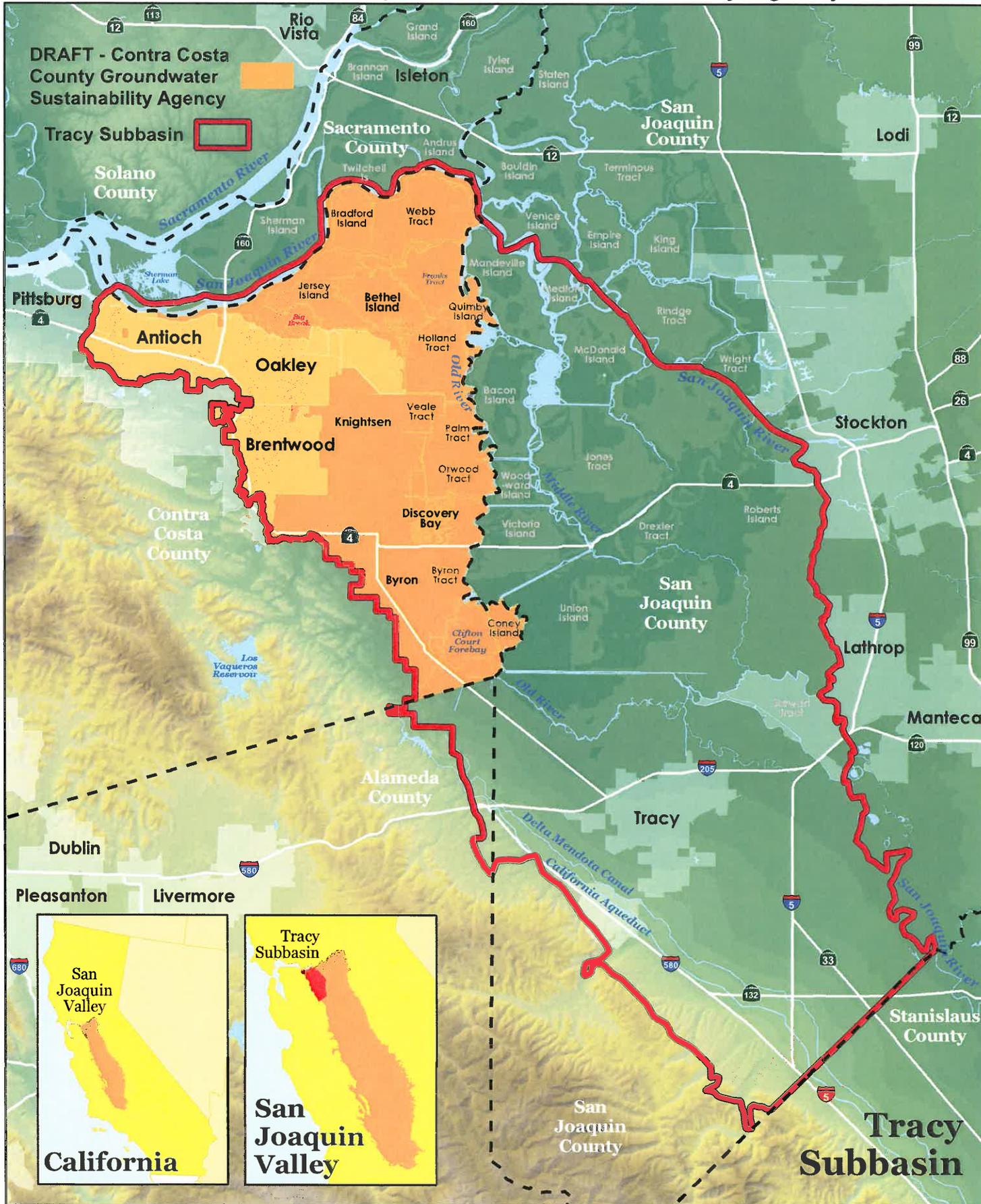
30 Muir Road

Martinez, CA 94553

ryan.hernandez@dcd.cccounty.us

925-674-7824

DRAFT - Contra Costa County Groundwater Sustainability Agency Formation



Map created 01/21/2015
 by Contra Costa County Department of
 Conservation and Development, GIS Group
 30 Muir Road, Martinez, CA 94553
 37:59:41.791N 122:07:03.756W

This map or dataset was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability.





Contra Costa County Board of Supervisors

Subcommittee Report

TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

6.

Meeting Date: 03/10/2016
Subject: REVIEW, REVISE as appropriate, and ADOPT the 2016 Calendar and the Committee Mailing List.
Submitted For: TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE,
Department: Conservation & Development
Referral No.: N/A
Referral Name: N/A
Presenter: John Cunningham, DCD **Contact:** John Cunningham
(925)674-7833

Referral History:

REVIEW, REVISE as appropriate, and ADOPT the 2016 Calendar. (John Cunningham, Department of Conservation and Development)

Referral Update:

The Committee should review and adopt the 2016 Draft TWIC Calendar.

Recommendation(s)/Next Step(s):

REVIEW, REVISE as appropriate, and ADOPT the 2016 Calendar.

Fiscal Impact (if any):

N/A

Attachments

2016 DRAFT TWIC Calendar



TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

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

2016 Meeting Schedule

DATE	ROOM	TIME
Thursday, March 10	Room 101	1:00 to 3:00 p.m.
Thursday, April 14	Room 101	1:00 to 3:00 p.m.
Thursday, May 12	Room 101	2:00 to 3:30 p.m.
Thursday, June 9	Room 101	1:00 to 3:00 p.m.
Thursday, July 14	Room 101	2:00 to 3:30 p.m.
Thursday, August 11	Room 101	1:00 to 3:00 p.m.
Thursday, September 8	Room 101	2:00 to 3:30 p.m.
Thursday, October 13	Room 101	2:00 to 3:30 p.m.
Thursday, November 10	Room 101	1:00 to 3:00 p.m.
Thursday, December 8	Room 101	2:00 to 3:30 p.m.

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

For Additional Information, Contact:

John Cunningham, Committee Staff
Direct Line: (925) 674-7833
Main Transportation Line: (925) 674-7209
john.cunningham@dcd.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

7.

Meeting Date: 03/10/2016

Subject: CONSIDER report on Local, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate.

Department: Conservation & Development

Referral No.: 1

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

Presenter: John Cunningham, DCD

Contact: John Cunningham
(925)674-7833

Referral History:

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

Referral Update:

In developing transportation related legislative issues and proposals to bring forward for consideration by TWIC, staff receives input from the Board of Supervisors (BOS), references the County's adopted Legislative Platforms, coordinates with our legislative advocates, partner agencies and organizations, and consults with the Committee itself.

Recommendations are summarized in the Recommendation(s)/Next Step(s) section at the end of this report and specific recommendations are underlined in the report below. This report includes three sections, 1) LOCAL, 2) STATE, and 3) FEDERAL.

1) LOCAL

Transportation Expenditure Plan (TEP)

Background: The Contra Costa Transportation Authority (Authority) is in the process of developing a Transportation Expenditure Plan (TEP) to potentially be put to a vote in November 2016. A TEP is a statutorily required component of a transportation sales tax. This is a standing TWIC item for the foreseeable future.

TEP Update

There is no written report on the TEP this month. At the time of the TWIC meeting, the BOS will have had a report and discussion on the matter at their March 8th meeting. Any new information will be brought to TWIC verbally.

2) STATE

Legislative Report

The legislative report from the County's legislative advocate, Mark Watts, is attached (*March_2016 TWIC Report*).

Mr. Watts will be present at the March meeting to discuss the state budget, Special Session/Conference Committee, the status of state transportation revenues and other items of interest to the Committee.

Information related to state transportation funding was provided by the California State Association of Counties just prior to packet distribution. The information is attached (CSAC Information Regarding Transportation Funding) and will be discussed at the March TWIC meeting.

County Sponsored Legislation

Senate Bill 632 (Cannella) Prima facie speed limits: schools: In 2015 Anthony Cannella sponsored this bill which is related to school zones. The original language was developed by the County. The bill was an outgrowth of the County's school siting and safety efforts. SB 632 allows local jurisdictions to expand school zones based on an engineering and traffic survey and modifies statutes related to "when children are present" signage. SB 632 is a two year bill and has returned in 2016.

Due to numerous technical issues raised in the legislation, it was referred to the California Traffic Control Devices Committee. The Committee took the issue up in December 2015 and formed a School Zone Subcommittee to address the issue. The subcommittee has had two conference calls and one meeting in which County staff participated. The Committee requested data and evidence supporting the need for the legislation. County staff's latest response to these requests are attached, as is the text of SB 632.

RECOMMENDATION: Staff recommends that TWIC consider recommending a position of "support" to the Board of Supervisors on SB 632.

3) FEDERAL

No written report in March.

RECOMMENDATION: DISCUSS any federal issues of note and ACTION as appropriate.

Recommendation(s)/Next Step(s):

CONSIDER report on Local, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate including CONSIDERATION of specific recommendations in the report above.

Fiscal Impact (if any):

There is no fiscal impact.

Attachments

CSAC Information Regarding Transportation Funding

March 2016 TWIC Report

MemoToCTCDCsubCmmteeReSB632 - II

SB 632 Bill Text

Transportation Funding County Support

SB 16/SB X1 1

1. Alpine County
2. Humboldt County
3. Marin County
4. Mendocino County
5. Mono County
6. Monterey County
7. Riverside County
8. San Benito County
9. Santa Clara County
10. Santa Cruz County
11. Sierra County
12. Trinity County

Resolutions

1. Alameda County
2. Alpine County
3. Lake County
4. Lassen County
5. Los Angeles County
6. Marin County
7. Mariposa County
8. Mendocino County
9. Merced County
10. Modoc County (but also includes support for truck weight fees and cap and trade consistent with some republican proposals)
11. Mono County
12. Monterey County
13. Placer County
14. Plumas County
15. Santa Cruz County
16. Siskiyou County
17. Solano County
18. Sonoma County
19. Trinity County
20. Yuba County

Smith, Watts & Hartmann, LLC.

Consulting and Governmental Relations

MEMORANDUM

TO: John Cunningham

FROM: Mark Watts

DATE: March 1, 2011

SUBJECT: **TWIC Report:
Transportation Loan Repayment, Tax Swap Rate Reduction, Key Bills
Status**

Transportation Loans

On February 29th, the Legislature approved a package of bills principally focused on the continuation of more than a billion dollars in federal Medicare assistance achieved by restructuring a tax on health care provider organizations. In addition to the so called, Managed Care Organization (MCO) tax, another bill provided increased funding sought by Republicans for restoration of developmentally disabled programs, and a third bill included repayment of *\$173 million in outstanding General Fund loans* to transportation programs.

The transportation loan repayment bill, AB 133, would direct the state Finance Director to transfer funds from the State's Rainy Day Reserve to be allocated to the Transportation Congestion Relief (TCRP) Fund program (\$148 million); Trade Corridor Improvements (\$11 million); Transit and intercity Rail Capital (\$9 million); and, Caltrans' SHOPP (\$5 million).

The \$173 million was identified as the 1st year of loan repayments proposed by the Governor in his budget act that totaled \$879 million, to be repaid over four years. This bill accelerates the \$173 million in loan repayment, to be effective immediately.

Possible Local Benefit.

At present, it is uncertain how the TCRP repayments will be handled, administratively. With allocations for a number of TCRP projects restricted since 2008 due to lack of funding, the priority for the repayment process will likely focus on TCRP projects that had previously met CTC programming and allocation requirements. A review of the TCRP projects in a list maintained by the Caltrans' Division of Transportation Programming indicates the possibility that TCRP Project 12.2 (Hercules Station, Phase 3: Right of Way) may be eligible for reimbursement of \$700 thousand.

Price Based Gas Tax Adjustment (Tax Swap).

The California State Board of Equalization (BOE) elected to set the excise tax rate at 27.8 cents per gallon on gasoline for Fiscal Year (FY) 2016-17. The Board voted 3-2 to lower the

excise tax rate on gasoline by 2.2 cents per gallon for FY 2016-17. The new rate will be 27.8 cents per gallon, effective July 1, 2016 through June 30, 2017. The Board has been tasked with setting the excise tax rate on gasoline since 2010, when two pieces of legislation (AB x8 6 and SB 70, collectively known as the fuel tax swap) took effect.

Anticipating this rate reduction in fuel taxes, the California Transportation Commission took action at its January commission meeting to reflect the reduced revenues in the 2016 STIP Fund Estimate. This resulted in a reduction of an estimated \$750 million from the 2016 five-year STIP. Regional agencies have been requested to adjust their RTIP proposals to meet the reduced revenues over this period.

In addition, since the process-based fuel tax also provides critical state funding for local roads programs, the proposed reduction by the Board of Equalization has a complementary reduction in these resources to cities and counties. CSAC and the League, and allies, had been actively pushing for a change in the tax setting process for the price-based fuel tax rate, backed up by press conferences across the state.

Presented below are brief summaries of bills of interest to the authority, including AB 1592 (Bonilla) and AB 1665 (Bonilla). In addition, provided also are update discussions of major pending transportation funding bills, AB 1591 (Frazier), SBX1 1 (Beall) and the Governor's Transportation Budget Plan.

Key Bills

AB 1665 (Bonilla)

This bill would authorize taxing authority for a countywide transportation program to be available to the Contra Costa Transportation Authority and extend the period of authorization from 2020 to 2024.

AB 1592 (Bonilla)

This measure authorizes the Contra Costa Transportation Authority to conduct a pilot project for the testing of autonomous vehicles. The measure has been referred to both the Local Government and Revenue and Taxation Committees and is waiting to be scheduled for its initial hearing most likely in March.

Following its introduction, the bill has most recently been referred to the Assembly Transportation committee; it is anticipated that it will be scheduled for hearing in March. The bill is attracting interest from parties ranging from auto manufacturers to other cities within the state that may seek to be included.

Transportation Funding

AB 1591 (Frazier)

Frazier's major transportation funding proposal will generate more than \$7 billion annually to be used for trade corridor improvements and road maintenance and rehabilitation. It is anticipated that after the formal transition in the Assembly of the position of Speaker on

March 7, that transportation finance discussions will recommence and that the author will seek to ready his bill for consideration.

Governor Brown's Transportation Budget Proposal.

Governor Brown's proposal is estimated to generate approximately \$3.6 billion, annually, and includes a number of protections and reforms suggested by the Republican Caucuses last year. As a Budget Trailer Bill, it is expected that the Budget Subcommittees will consider this proposal later in the Spring.

SBX1 1 (Beall)

Senator Beal was collaborated with, and sought additional policy input from his colleagues in recent months and consequently is preparing a series of amendments to his bill that would increase the annual amount generated to nearly \$6 billion. It is expected that he will amend this measure in the coming days and prepare for consideration in the Special Session Finance Committee in the Senate.



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION &
DEVELOPMENT**

30 Muir Road

Martinez, CA 94553-1229

Telephone: (925) 674-7878 **Fax:** (925) 674-7250

TO: California Traffic Control Devices Committee (CTCDC)
CTCDC Subcommittee on School Zones
c/o Chris Engelmann, PE, TE, CTCDC – Executive Secretary

COPY: Tyler Munzing, 12th Senate District
Kiana Valentine, California State Association of Counties
Mark Watts, Consultant to Contra Costa County

FROM:  John Cunningham, Contra Costa County – Principal Transportation Planner

DATE: February 18, 2016

SUBJECT: *Senate Bill 632 (Cannella) Prima facie speed limits: schools*
Background and Response to Comments/Questions from the 2/9/16 CTCDC
School Zone Subcommittee Conference Call, and Responses to the 2/27/15
Senate Analysis on SB 632

Summary

This memo is a follow-up to the February 9th conference call with the School Zone Subcommittee of the CTCDC regarding the subject legislation. There were some questions and observations during the call that am responding to in this memo. In addition, I am providing a response to the 2/27/15 analysis on the bill by Erin Riches.

Please refer to my February 4th memo (attached) for the general background on the goals of the bill. That memo also responds to questions from the January 29th conference call.

To expand on the previously provided background and clarify some possible misunderstandings of the bill that I observed during the conference call, please consider:

- SB 632 is not intended to be an incremental fix to minor issue in the code. The intent is to be transformational. The bill will assist in the effort to reverse the decline of children walking and cycling to school. As established in the February 4th memo, SB 632 targets the largest unaddressed barrier in this effort, which is children being prevented from using active modes for the trip to/from school because of driver behavior or speeding.
- While the bill is meant to target the specific school trip-related speeding problem, it also addresses a much broader speeding problem as established by several advocacy organizations referenced in the February 4th memo. These organizations include American Automobile Association (AAA) for Traffic Safety. Furthermore, the solution represented by the bill is consistent with the recommendations to solving the problem put forward by the AAA Foundation, which is to address the problem in small, targeted areas with public support.

2/9/16 Subcommittee Conference Call Follow Up/Responses:

Comment: Debate regarding the size of the school zone.

Response: The existing school zone distances and statutes recognize that students need some additional safety and protection. There is physiological and epidemiological evidence to support this need as established in the February 4th memo. As a CTCDC member pointed out, there was no engineering or analysis when the original prescriptive distances in the statutes were established. That said, we now have the opportunity to objectively develop those distances.

In developing an objective recommendation I would encourage the Committee to consider:

- The 500', 1000' distances in the code are arbitrary. There is no argument for the extra protection afforded by the school zone to end after these distances.
- In addition to the aforementioned physiological and epidemiological evidence, I believe it is also self-evident that the protection is needed from origin to destination (OD).
- The 1320' proposal being discussed by the Committee has some data supporting it. However, relative to the need for protection during the entire OD trip, dropping the protection after 1320' is still arbitrary.
- The OD routes are best established by the local jurisdiction. The flexibility found in SB 632 reflects this.

Comment: Concerns with extending the school zone to such a distance that it is no longer associated with a school.

Response: I agree with the concern and encourage the Committee to recommend to the legislature that the school zone be decoupled from schools and establish a “neighborhood zone” or “slow zone”. This would be consistent with policies in other jurisdictions¹ and would allow the zones to be extended to other areas with similar needs such as around parks, senior centers, etc.

Comment: The real solution to speeding is enforcement (automated safety/speed enforcement or cameras), we shouldn't focus on signage until adequate enforcement is present. (paraphrased)

Response: Currently, the school zones are inadequate as previously discussed. In order for enforcement to be effective, the school zone statutes need to be reformed.

¹ New York City, United Kingdom, Austria (kilometers per hour)



There is no single solution that is going to gain the desired effect, which is to increase safety and the walk/bike rate of children traveling to/from school. Any single solution or tool can be taken in isolation and characterized as “not solving the problem” and discounted. With that approach, each and every tool could be disregarded. A diversity of tools needs to be made available.

It is not defensible to withhold an improved tool, expanded school zones in this case, in the hope that some other tool is developed. The Committee has the authority and responsibility to improve the statutes. I believe it should make full use of that opportunity even if the improvement may be small or ultimately overshadowed by some future solution.

Comment: Concerns with affording local public works departments too much flexibility in determining the size of the zone.

Response: Originally the Committee was in agreement that affording local jurisdictions flexibility to determine the size of the zone was a positive characteristic of the bill. However, during the February 9th conference call, some Committee members expressed concern with affording local jurisdictions “too much flexibility”. I believe some justification or explanation for this concern should be provided.

If there is concern that the statutory changes would be used inappropriately, to blanket an entire city for example, an easily implemented and reasonable restriction would be to limit the use of the zone to a schools attendance boundary.

Comment: What should the recommendation be regarding When Children Are Present (WCP) signage?

Response: I believe a critical question the Committee must answer in developing a recommendation is, when is it acceptable or safe to assume children are **not** present?

The ambiguities and weaknesses of the WCP signage are numerous and have been discussed at length so I won’t repeat them here. I believe the answer to the question to be, only during very limited times is it safe to make that assumption. That answer suggests that the WCP signage should be replaced by hourly restrictions.

These restrictions would best be established by local jurisdictions which is consistent with the current language in the bill regarding the definition of the size of the zone.

Response to the 2/27/15 Analysis

Comment: *The author states that existing law, which authorizes speed limit reductions within 500 to 1,000 feet of a school, does not reflect actual pedestrian or bicycle access or use patterns and is inconsistent with the state’s Health in All Policies initiative.*

Response: The observation is correct². In addition, the changes in the bill are supportive of numerous other statewide policies and efforts including the Active Transportation Program, Safe Routes to School, and greenhouse gas reduction efforts.

Comment: *24/7 school zones? ...overlapping school zones....*

Response: The proposal to replace WCP signage with hourly restrictions responds to the comment regarding 24/7 school zones.

The author is correct, overlapping zones may occur. I believe this to be a defensible scenario so long as it is based on an engineering and traffic survey and the aforementioned proposal of limiting the zone to school attendance boundaries is put in place.

Comment: *Changing behavior or punishing it?*

Response: The flaws with the 85th percentile method of setting speed are too numerous to address in this memo. However, one particular weakness of the method is particularly acute in school zone. That weakness is that drivers self-select speed based primarily on their (the driver's) comfort level. This comfort level does not reflect the comfort or safety of more vulnerable road users sharing the road space with automobiles.

Comment: The author quoting testimony during a joint Senate/Assembly hearing entitled, "Setting Speed Limits in California": *Speed limits that are set arbitrarily low would make violators out of the majority of drivers and may cause drivers to disregard the limit altogether.*

Responses: As previously established, the speed zone is not "arbitrary". Rather, there is a demonstrable, physiologically sound need to reduce the speeds in the school zones.

Disregarding the speed limit is a violation. The existence of a violation, or increase in violations, does not justify removing a statute or preventing the implementation of an expanded statute. It speaks to a need for additional enforcement resources. That issue is not being discussed by the Committee. Consistent with the language in the bill, local jurisdictions are best equipped to determine if more enforcement is needed or if an expanded school zone is warranted.

Internal Copies:

John Kopchik, Director – Department of Conservation and Development
Maureen Toms, Deputy Director – Department of Conservation and Development
Steve Kowalewski, Deputy Director – Public Works Department

Attachments

2/4/16 Memo From John Cunningham to the CTCDC Subcommittee Re: SB632

File: Transportation > Legislation > 2016 > slow zone
c:\egnyte\shared\transportation\activeedits\sb632\communication\memototctcdsubcmteeresb632 - ii.docx

2 Health in All Policies Task Force: *Report to the Strategic Growth Council: Health in All Policies Recommendations: Promote Healthy Communities: Active Transportation: 1.A3. Incorporate safety considerations of all roadway users into programs, policies, and community designs.*



CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION & DEVELOPMENT
30 Muir Road
Martinez, CA 94553-1229
Telephone: (925) 674-7878 **Fax:** (925) 674-7250

TO: California Traffic Control Devices Committee (CTCDC)
Subcommittee on School Zones
c/o Chris Engelmann, PE, TE, CTCDC – Executive Secretary

COPY: Tyler Munzing, 12th Senate District
Kiana Valentine, California State Association of Counties
Mark Watts, Consultant to Contra Costa County

FROM:  John Cunningham, Contra Costa County – Principal Transportation Planner

DATE: February 4, 2016

SUBJECT: *Senate Bill 632 (Cannella) Prima facie speed limits: schools*
Background and Response to Comments/Questions from the 1/29/16 CTCDC
School Zone Subcommittee Conference Call

Summary

The memo is a follow up to the January 29th conference call with the School Zone Subcommittee of the CTCDC regarding the subject legislation. During the call, there were questions regarding the need for SB 632 and requests for data or other evidence supporting the bill. This memo responds to these questions and requests.

I provide some background on the goals of the bill below, which will answer some of these questions and should assist the Sub-Committee in understanding the context of the bill. Direct responses to specific questions are provided after the goals.

The bill has three goals as follows:

Goal 1) Safety: The bill is intended to increase safety in school zones where it is probable that automobiles will share the road with other, active modes. The increase in safety associated with lowered vehicle speeds, and the need for this increase in safety, is supported by studies and epidemiological data¹.

¹**Increase in Safety:** The connection between vehicle speed and likelihood of injury or death is well established:

U.S. Department of Transportation, National Highway Traffic Safety Administration 2014 Literature Review on Vehicle Travel Speeds and Pedestrian Injuries: "Results indicated that higher vehicle speeds are strongly associated with both a greater likelihood of pedestrian crash occurrence and more serious resulting pedestrian injury. It was estimated that only 5 percent of pedestrians would die when struck by a vehicle traveling at 20 miles per hour or less. This compares with fatality rates of 40, 80, and nearly 100 percent for striking speeds of 30, 40, and 50 mph or more respectively."

Ten Strategies for Keeping Children Safe on the Road" 2015 World Health Organization

Goal 2) Reverse the Decline of Children to Walking/Biking to School²: In addition to safety, the bill is intended to increase the number of K-12 student-age children using active transportation modes for the home/school/home trip.

Driver behavior (or speeding) is one of the two most commonly cited issues for children being discouraged from traveling to/from school using active modes³. The other reason is proximity related issues, more simply put: the distance between home and school is too great.

The subject legislation addresses driver behavior/speeding issues. The proximity issue is already being actively addressed by other efforts at the state, regional, and local level. These efforts are driven largely by state greenhouse gas related legislation⁴ and state school siting reform efforts⁵.

Goal 3) Address known issues in the vehicle code and the Manual on Uniform Traffic Control Devices relative to “When Children Are Present” (WCP) signage: While no action was taken, the discussion at the CTCDC’s February 19, 2014 meeting suggests the WCP policies are problematic. I won’t quote the minutes back to the Committee, but the following are suggested/known issues with the signage, some of which are consistent with the CTCDCs discussion:

“...children have a delay from the moment they make their decision to the moment they begin to act on their decision, which can be dangerous for them during normal riding conditions and emergency situations.” “Bicycle Safety Education for Children from a Developmental and Learning Perspective” “Younger children are limited by their physical, cognitive and social development, making them more vulnerable in road traffic than adults. Because of their small stature, it can be difficult for children to see surrounding traffic and for drivers and others to see them. In addition if they are involved in a road traffic crash, their softer heads make them more susceptible to serious head injury than adults. Younger children may have difficulties interpreting various sights and sounds, which may impact on their judgement regarding the proximity, speed and direction of moving vehicles.”

2 “How Children Get to School: School Travel Patterns From 1969 to 2009” National Center for Safe Routes to School: In 1969, 48 percent of K-8th grade students usually walked or bicycled to school. By 2009, only 13 percent of K-8th grade students usually walked or bicycled to school.

3 The two most common reasons for children not being allowed to use active modes are “proximity” and “traffic safety”:
U.S. Centers for Disease Control and Prevention. “Barriers to Children Walking to or from School” United States 2004, Morbidity and Mortality Weekly Report September 30, 2005 Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm5438a2.htm

- AND -
Chaufan, C, Yeh J, Fox, P. *The Safe Routes to School Program in California: An Update.* American Journal of Public Health
<http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2012.300703>

- AND -
CCTA SR2S Master Plan 2011: Existing Conditions: Data Summary: “By far, improving traffic congestion and speeding around schools was the number one improvement that administrators believe would do the most to encourage walking and biking to school. This was also consistent among all four regional planning areas, where it ranked first or second. Being accompanied by a parent was the only other condition that ranked in the top five in all four regions.”

4 The “Priority Development Area” concept came out of AB32/SB375 and includes compact development as a core component.

5 2012 - California’s K-12 Educational Infrastructure Investments: Leveraging the State’s Role for Quality School Facilities in Sustainable Communities, Report to the CA Dept. of Education by UC Berkeley Center for Cities & Schools, and 2011 - Schools of the Future Report, Tom Torlakson/State Superintendent of Public Instruction

- WCP signage unduly grants discretion to motorists as to when to adhere to a posted/reduced speed limit and complicates law enforcements ability to enforce a lower speed limit.
- Schools are used for sports, community gatherings and other activities not tied to school hours or year making WCP more difficult to interpret and anticipate.
- Safety should not depend on the effectiveness of a motorist in identifying children, who may or may not be visible, and who may not have physiological characteristics enabling them to act in a rational or predictable manner (as evidenced in footnote¹ and⁶).
- It may be beneficial for the Committee to consider the following question; when, in a residential area or school area, is it safe to assume children are NOT present?

To clarify, the original intent of the bill was to replace the WCP signage with appropriate hourly restrictions, not wholesale elimination.

Note on Goals: Goal 1 and Goal 2 are related. Decisions by school administrators and parents to discourage children from walking/biking to school are an intuitive reaction to the danger established by the epidemiological data.

1/29/16 Subcommittee Conference Call Follow Up/Responses:

Comment: The one quarter mile (1,320') expansion of the prescriptive size of the zone is "arbitrary". Some evidence or engineering should be provided to establish a nexus.

Response:

- I agree that the legislative proposal should be based on evidence and data. This memo provides a sample of data that establish the need. However, the *existing* figures in the statute (500'/1000') must also be subjected to the same evidenced-based test. This is consistent with the comment heard during the subcommittee meeting, paraphrased, "...*engineering wasn't used when the original statute and distances were established...*".
- As mentioned during the conference call, the "quarter mile" distance is commonly used in planning as the reasonable distance that people will walk to a destination. There is a body of evidence that supports the figure.⁷ It is reasonable to assume that the distance students would travel by bike is much greater than when walking. Given this, the 1320' distance in the subject bill could be viewed as a minimum figure.
- There was a comment that the quarter mile change in the statute could be too far reaching. I assume the comment is related to the cost or burden of expansive implementation. In writing for the County (as one of the original contributors in the drafting of the legislation), we share this

⁶ Zeedyk, M. S., Wallace, L., & Spry, L., "Stop, look, listen, and think? What young children really do when crossing the road," *Accident Analysis and Prevention*, 34:43-50 (2002).

⁷ 2010 *Beyond the Quarter Mile: Examining Travel Distances by Walking and Cycling*, Montréal, Canada McGill University School of Urban Planning
~and~

2011 "The Half-Mile Circle: Does It Best Represent Transit Station Catchments?" Erick Guerra, Robert Cervero, Daniel Tischler, Institute of Transportation Studies, University of California, Berkeley.

concern. A phased approach, rather than the potential need for expansive replacement or additional signage, may be more favorably received.

Some language that either 1) strikes the quarter-mile change, or 2) provides for a range of distances (as suggested during the conference call), or 3) has the new distance only apply to new school sites may be acceptable to the County so long as the ability to allow local jurisdictions the flexibility⁸ to expand the zone based on an Engineering and Traffic Survey remain in the bill.

Ownership of the language now resides with the sponsoring legislator(s); we are in a position of having to make that request to the sponsors. I realize this direction may be out of scope for the subcommittee, but wanted to suggest the alternate approach.

Comment: What is the need for the change represented by the statute, and what is the backup?

Response: In addition to the school specific examples found in the text and footnotes above, a more general need to control speeds is established in the documents summarized below:

Governor's Highway Safety Association (GHSA)

National Forum on Speeding (2005) - Excerpts:

- *On suburban and urban roads, only 32-52 percent of traffic obeys the speed limit and the 85th percentile speed exceeds the speed limit by almost 10 mph.*
- *Speeding is common, and on some roads almost universal. About 80 percent of all drivers in NHTSA's 2002 national survey reported they exceeded the posted speed limit on each type of road -interstate, non-interstate, multi-lane, two-lane, and city streets- within the past month, and about one-third reported this behavior on the day of the interview.*
- *Participants agreed that raising the priority of speeding is perhaps the most important step that can be taken.*

Survey of the States: Speeding and Aggressive Driving (2012) - Excerpts:

- *GHSA recognizes the major role speed and aggressive driving play as contributors to traffic death and injury.*
- *The public's attitude about speeding is enormously conflicted. A recent study has shown a large disconnect between the significant majority of the public who condemn speeding and the majority of drivers who admit to the behavior, making it a serious challenge to create a safety-conscious environment in which speed limits are respected and obeyed. Aggressive driving, which often involves speeding, is a great concern of motorists across the country.*
- *The action agenda included seven steps designed to...Set and achieve speed reduction goals, focusing on the reduction of extreme speeders and/or all travel speeds in high risk areas like **school** or work zones.*

⁸ There was agreement during the conference call that affording local jurisdictions flexibility was desirable.

American Automobile Association: Foundation for Traffic Safety:

“Improving Traffic Safety Culture in the United States - The Journey Forward” (2007) - Excerpts:

- *All roads have speed limits, but they are routinely ignored. Most drivers habitually speed.*
- *Speed limits traditionally are set at the 85th percentile travel speed: this means that speeding drivers may help raise speed limits even higher... The speeding culture can be changed by efforts at national, state, and local levels... implement speeding control programs in selected target areas with strong public support, again built on solid data.”*
- *Build programs on sound scientific principles rather than on intuition or political expediency.*
- *Start locally: municipalities and states can lead by implementing strategies to address their specific traffic safety problems.*

Comment: “kids don’t walk like they used to...it’s not happening anymore...fear of the public...”.

Response: The comment summarizes the very purpose of the bill. As detailed further above in this memo, **driver behavior/unsafe speeds is the largest unaddressed gap in the effort to get children using active modes for the home/school/home trip.**

“Fear of the public” or “stranger danger” are cited in surveys examining mode choice by students/parents/school administrators. However, this issue consistently ranks lower than proximity and unsafe speeds.

Internal Copies:

John Kopchik, Director – Department of Conservation and Development
Maureen Toms, Deputy Director – Department of Conservation and Development
Steve Kowalewski, Deputy Director – Public Works Department

File: Transportation > Legislation > 2016 > slow zone
c:\egnyte\shared\transportation\activeedits\ab1659-sb632\memotocdcsubcmteeresb632.docx

Introduced by Senator Cannella
(Coauthors: Assembly Members Baker and Bonilla)

February 27, 2015

An act to amend Section 22358.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 632, as introduced, Cannella. Vehicles: prima facie speed limits: schools.

(1) Existing law establishes a 25 miles per hour prima facie limit when approaching or passing a school building or the grounds thereof, contiguous to a highway and posted up to 500 feet away from the school grounds, with a standard "SCHOOL" warning sign, while children are going to or leaving the school either during school hours or during the noon recess period. The prima facie limit also applies when approaching or passing school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with a standard "SCHOOL" warning sign. A violation of that prima facie limit is an infraction.

Existing law additionally allows a city or county to establish in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, a 15 miles per hour prima facie limit when approaching, at a distance of less than 500 feet from, or passing, a school building or the grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 15 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit would also apply when approaching, at that same distance, or passing school grounds that are not separated from the highway by a fence,

gate, or other physical barrier while the grounds are in use by children and the highway is posted with one of those signs.

Existing law additionally allows a city or county to establish in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, a 25 miles per hour prima facie speed limit when approaching at a distance of 500 to 1,000 feet from a school building or grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 25 miles per hour, while children are going to or leaving the school, either during school hours or during the noon recess period. The prima facie limit would also apply when approaching, at that same distance, or passing school grounds that are not separated from the highway by a fence, gate, or other physical barrier while the grounds are in use by children and the highway is posted with one of those signs.

This bill would allow a city or county to establish in a residence district, on a highway with a posted speed limit of 30 miles per hour or slower, a 15 miles per hour prima facie speed limit when approaching, at a distance of less than 1,320 feet from, or passing, a school building or grounds thereof, contiguous to a highway and posted with a school warning sign that indicates a speed limit of 15 miles per hour 24 hours a day. This bill would provide that a 25 miles per hour prima facie limit in a residence district, on a highway, with a posted speed limit of 30 miles per hour or slower, applies, as to those local authorities, when approaching, at a distance of 500 to 1,320 feet from a school building or grounds thereof. This bill would also authorize a local authority, on the basis of an engineering and traffic survey, to extend the maximum distance to establish a prima facie speed limit and school warning signs, as specified. This bill would also allow the 15 miles per hour or 25 miles per hour prima facie speed limit to apply 24 hours a day.

By authorizing a change in the prima facie limits, the bill would expand the scope of an existing crime, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 22358.4 of the Vehicle Code is amended
2 to read:

3 22358.4. (a) (1) ~~Whenever~~*If* a local authority determines
4 upon the basis of an engineering and traffic survey that the prima
5 facie speed limit of 25 miles per hour established by paragraph (2)
6 of subdivision (a) of Section 22352 is more than is reasonable or
7 safe, the local authority may, by ordinance or resolution, determine
8 and declare a prima facie speed limit of 20 or 15 miles per hour,
9 whichever is justified as the appropriate speed limit by that survey.

10 (2) An ordinance or resolution adopted under paragraph (1)
11 shall not be effective until appropriate signs giving notice of the
12 speed limit are erected upon the highway and, in the case of a state
13 highway, until the ordinance is approved by the Department of
14 Transportation and the appropriate signs are erected upon the
15 highway.

16 (b) (1) Notwithstanding subdivision (a) or any other provision
17 of law, a local authority may, by ordinance or resolution, determine
18 and declare prima facie speed limits as follows:

19 (A) A 15 miles per hour prima facie limit in a residence district,
20 on a highway with a posted speed limit of 30 miles per hour or
21 slower, when approaching, at a distance of less than ~~500~~ *1,320*
22 feet from, or passing, a school building or the grounds of a school
23 building, contiguous to a highway and posted with a school
24 warning sign that indicates a speed limit of 15 miles per ~~hour,~~
25 ~~while children are going to or leaving the school, either during~~
26 ~~school hours or during the noon recess period.~~ *hour.* The prima
27 facie limit shall also apply when approaching, at a distance of less
28 than 500 feet from, or passing, school grounds that are not
29 separated from the highway by a fence, gate, or other physical
30 barrier ~~while the grounds are in use by children~~ and the highway
31 is posted with a school warning sign that indicates a speed limit
32 of 15 miles per hour.

33 (B) A 25 miles per hour prima facie limit in a residence district,
34 on a highway with a posted speed limit of 30 miles per hour or
35 slower, when approaching, at a distance of 500 to ~~1,000~~ *1,320* feet
36 from, a school building or the grounds thereof, contiguous to a
37 highway and posted with a school warning sign that indicates a
38 speed limit of 25 miles per ~~hour, while children are going to or~~

1 ~~leaving the school, either during school hours or during the noon~~
2 ~~recess period.~~ *hour.* The prima facie limit shall also apply when
3 approaching, at a distance of 500 to ~~1,000~~ *1,320* feet from, school
4 grounds that are not separated from the highway by a fence, gate,
5 or other physical barrier ~~while the grounds are in use by children~~
6 and the highway is posted with a school warning sign that indicates
7 a speed limit of 25 miles per hour.

8 (2) The prima facie limits established under paragraph (1) apply
9 only to highways that meet all of the following conditions:

10 (A) A maximum of two traffic lanes.

11 (B) A maximum posted 30 miles per hour prima facie speed
12 limit immediately prior to and after the school zone.

13 (3) The prima facie limits established under paragraph (1) apply
14 to all lanes of an affected highway, in both directions of travel.

15 (4) When determining the need to lower the prima facie speed
16 limit, the local authority shall take the provisions of Section 627
17 into consideration.

18 (5) (A) An ordinance or resolution adopted under paragraph
19 (1) shall not be effective until appropriate signs giving notice of
20 the speed limit are erected upon the highway and, in the case of a
21 state highway, until the ordinance is approved by the Department
22 of Transportation and the appropriate signs are erected upon the
23 highway.

24 (B) For purposes of subparagraph (A) of paragraph (1), school
25 warning signs indicating a speed limit of 15 miles per hour may
26 be placed at a distance up to ~~500~~ *1,320* feet away from school
27 grounds.

28 (C) For purposes of subparagraph (B) of paragraph (1), school
29 warning signs indicating a speed limit of 25 miles per hour may
30 be placed at any distance between 500 and ~~1,000~~ *1,320* feet away
31 from the school grounds.

32 (D) A local authority shall reimburse the Department of
33 Transportation for all costs incurred by the department under this
34 subdivision.

35 (E) *Notwithstanding the maximum distance established in this*
36 *section, a local authority may, upon the basis of an engineering*
37 *and travel survey documenting school attendance boundaries or*
38 *travel patterns to and from a school, or both, extend the maximum*
39 *distance to establish a prima facie speed limit and school warnings*

1 *signs, as defined in this section, to a distance or specific locations,*
2 *or both, consistent with the findings of the travel survey.*

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.