

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



**Agenda**

**TRANSPORTATION, WATER &  
INFRASTRUCTURE COMMITTEE**

**June 9, 2016**

**1:00 P.M.**

**651 Pine Street, Room 101, Martinez**

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, if applicable.** (John Cunningham, Department of Conservation and Development)
4. **REVIEW record of meeting for May 12, 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. **ACCEPT report on the policy and financial implications of implementing the new Municipal Regional Permit 2.0, CONSIDER staff's recommendation to prepare a Financial Report for a future Committee meeting outlining the financial issues in more detail, and PROVIDE direction and feedback to staff.**(Steve Kowalewski, Department of Public Works)
6. **AUTHORIZE staff to submit grant applications to the State and the Metropolitan Transportation Commission (MTC) for the Active Transportation Program.** (Mary Halle, Department of Public Works)
7. **CONSIDER report and recommendations from the Departments of Conservation and Development and Public Works in response to the Pipeline Safety Report.** (Carrie Ricci, Department of Public Works and John Cunningham, Department of Conservation and Development)
8. **CONSIDER Report on proposed Endangered Species Act fee and DIRECT staff as appropriate.** (John Cunningham, Department of Conservation and Development)

9. **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)

10. **Adjourn to next meeting date; PLEASE NOTE DIFFERENT TIME SCHEDULED FOR NEXT TWIC MEETING: Thursday, July 14, 2016, at 2:00 P.M.**

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

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*Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the TWIC less than 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.*

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

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For Additional Information Contact:

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

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:** 06/09/2016  
**Subject:** Administrative Items, if applicable.  
**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

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#### **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):**

CONSIDER Administrative items and Take ACTION as appropriate.

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

N/A

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#### **Attachments**

*No file(s) attached.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

4.

**Meeting Date:** 06/09/2016  
**Subject:** REVIEW record of meeting for May 12, 2016, Transportation, Water and Infrastructure Meeting.  
**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

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#### **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 May 12, 2016, Committee Meeting with any necessary corrections.

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

N/A

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#### **Attachments**

05-12-16 TWIC Mtg Minutes  
05-12-16 TWIC Mtg Sign-In Sheet  
Handout - AB 1697 Fact Sheet  
Handout - AB 1697

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# DRAFT



## TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

May 12, 2016

2:00 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: Mark Watts, Legislative Consultant  
Julie Bueren, CC County Public Works Dept.  
Tim Ewell, CC County Administrator's Office  
Stephen Siptroth, CC County Counsel's Office  
John Cunningham, CC County 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 April 14, 2016 Committee Meeting with any necessary corrections.**

*The Committee unanimously approved the April 14, 2016 Meeting Record.*

#### 5. **1. ACCEPT a report on the status of implementing a regional taxicab permitting process in Contra Costa County;**

**2. AUTHORIZE staff to continue working with the regional taxicab work group to evaluate the feasibility of establishing a joint taxicab permitting process, including, but not limited to, delegating the County's permitting authority to a new or existing legal entity;**

**3. FORWARD attached policy resolution declaring formal interest in a regional taxicab permitting effort to the full Board of Supervisors for consideration.**

*The Committee unanimously accepted the report, approved the staff recommendations, and further directed staff to keep the Office of the Sheriff apprised of progress and to bring the issue to the BOS on consent.*

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

*The Committee unanimously accepted the report.*

7. **RECEIVE communication and DIRECT staff as appropriate.**

*The Committee received the report.*

8. **Adjourn to the next meeting date, currently scheduled for Thursday, June 9, 2016 at 1:00 P.M.**

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John Cunningham, Committee Staff

**Transportation, Water and Infrastructure Committee Meeting**

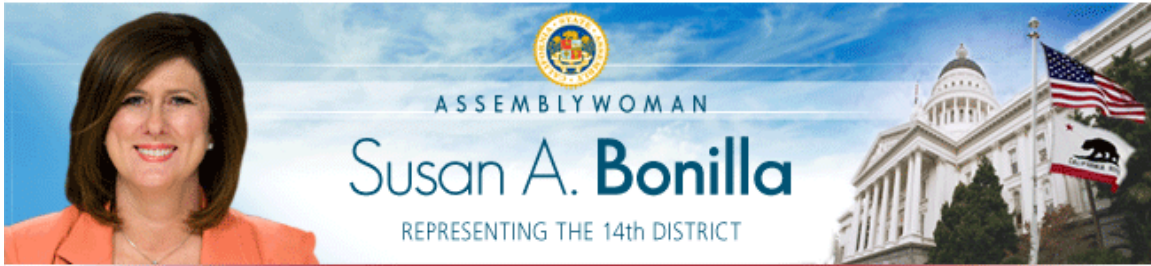
**May 12, 2016**

**SIGN-IN SHEET**

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

<b>Name</b>	<b>Representing</b>	<b>Phone</b>
Julie Bueren	Contra Costa PWD	
Mark Watts	Legislative Consultant	
Tim Fowell	CAO	
John Cunningham	TWIC/DCD	





## **AB 1697: Creating Job Training Opportunities in the Clean Energy Sector**

### **Summary:**

AB 1697 helps California workers successfully transition and secure jobs in the clean energy sector. This bill draws upon currently available grant dollars to enhance workforce development in future clean energy development and infrastructure project proposals.

### **Background:**

On January 5<sup>th</sup>, 2015, Governor Brown issued a statewide goal of reducing petroleum use 50% by 2030 in order to reduce greenhouse gas (GHG) emissions. This goal will be achieved by reducing petroleum consumption while simultaneously increasing production and use of renewable and alternative fuels. This means California will require a trained and knowledgeable workforce in the emerging clean energy sector.

To address the long-term goals of reducing GHG emissions in California, the legislature established the Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP). The ARFVTP is administered by the California Energy Commission and funded through the collection of vehicle and vessel registration, vehicle identification plates, and smog-abatement fees. In total, the program provides up to \$100 million in grants each year to help California establish and expand alternative and renewable fuel production and infrastructure.

As policies that reduce GHG emissions and petroleum use go into effect, the job market landscape will inevitably change, resulting in a greater emphasis on green jobs. In order to remain competitive, California will have to transition its workforce to match the growing demand.

The ARFVTP is primed to ensure California workers receive the necessary support and training to transition successfully into the new economy. With \$100 million granted annually to increase alternative and renewable energy projects statewide, projects should also include workforce development components to meet the future demands of the shifting job marketplace.

AB 1697 incentivizes applicants for ARFVTP funding to include a workforce development element in order to be more competitive in the grant process. This bill will ensure that the California workforce transitions smoothly to implement future policy priorities aimed at reducing GHG emissions.

### **This bill:**

Specifically, this bill:

- Specifies that grant proposals for The Alternative and Renewable Fuel and Vehicle Technology Program also include the following on the list of criteria the California Energy Commission considers when deciding which grant applications will be funded:
  - The ability to provide a path for trained workers to transition to jobs in the clean technology and renewable fuels sectors.
  - The ability to promote employment of trained workers in the clean technology and renewable fuels sectors.

### **Support**

California Workforce Association

Contact: Estevan Santana, Office of Assemblywoman Susan A. Bonilla, (916) 319-2014, Estevan.Santana@asm.ca.gov

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY APRIL 12, 2016

AMENDED IN ASSEMBLY MARCH 16, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1697**

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**Introduced by Assembly Member Bonilla**  
*(Coauthors: Assembly Members Brown and Chu)*

January 21, 2016

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An act to amend Section 44272 of the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1697, as amended, Bonilla. Alternative and Renewable Fuel and Vehicle Technology Program.

Existing law establishes the Alternative and Renewable Fuel and Vehicle Technology Program, administered by the State Energy Resources Conservation and Development Commission. Existing law requires the program to provide funding measures to certain entities to develop and deploy innovative technologies that transform California's fuel and vehicle types to help attain the state's climate change policies. Existing law requires the commission to provide preferences to projects that maximize the goals of the program based on certain criteria, including the project's ability to provide economic benefits for California by promoting California-based technology firms, jobs, and businesses. *Existing law specifies that projects eligible for funding include workforce training programs related to various sectors or occupations related to the purposes of the program.*

This bill would add a project’s ability to provide a path for trained workers to transition to jobs in the clean technology and renewable fuels sectors and a project’s ability to promote employment of trained workers in those sectors as additional criteria on which preference under the program shall be provided. *The bill would revise the eligibility criteria for workforce training programs, as specified.*

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The California Global Warming Solutions Act of 2006
- 4 (Division 25.5 (commencing with Section 38500) of the Health
- 5 and Safety Code) requires California to reduce the emissions of
- 6 greenhouse gases to 1990 levels by 2020.
- 7 (b) In January 2015, Governor Brown issued an executive order
- 8 declaring a statewide goal of reducing petroleum use by 50 percent
- 9 by 2030 in order to reduce the emissions of greenhouse gases.
- 10 (c) To address the long-term goals of reducing the emissions of
- 11 greenhouse gases in California, the Legislature enacted the
- 12 California Alternative and Renewable Fuel, Vehicle Technology,
- 13 Clean Air and Carbon Reduction Act of 2007 (Chapter 8.9
- 14 (commencing with Section 44270) of Part 5 of Division 26 of the
- 15 Health and Safety Code) that established the Alternative and
- 16 Renewable Fuel and Vehicle Technology Program to provide up
- 17 to \$100 million in grants each year to help California establish and
- 18 expand alternative and renewable fuel production and
- 19 infrastructure.
- 20 (d) As policies that reduce the emissions of greenhouse gases
- 21 and petroleum use go into effect, the job market will inevitably
- 22 change, resulting in a greater emphasis on green jobs.
- 23 (e) To ensure that the skills and technical training in existing
- 24 industries are integrated into the new green economy, it is
- 25 incumbent on the state to foster earn-and-learn pathways and
- 26 additional training opportunities to transition workers from the
- 27 carbon-based economy to jobs focused on alternative and
- 28 renewable fuels to match growing demand.

1 SEC. 2. Section 44272 of the Health and Safety Code is  
2 amended to read:

3 44272. (a) The Alternative and Renewable Fuel and Vehicle  
4 Technology Program is hereby created. The program shall be  
5 administered by the commission. The commission shall implement  
6 the program by regulation pursuant to the requirements of Chapter  
7 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
8 Title 2 of the Government Code. The program shall provide, upon  
9 appropriation by the Legislature, competitive grants, revolving  
10 loans, loan guarantees, loans, or other appropriate funding measures  
11 to public agencies, vehicle and technology entities, businesses and  
12 projects, public-private partnerships, workforce training  
13 partnerships and collaboratives, fleet owners, consumers,  
14 recreational boaters, and academic institutions to develop and  
15 deploy innovative technologies that transform California's fuel  
16 and vehicle types to help attain the state's climate change policies.  
17 The emphasis of this program shall be to develop and deploy  
18 technology and alternative and renewable fuels in the marketplace,  
19 without adopting any one preferred fuel or technology.

20 (b) A project that receives more than seventy-five thousand  
21 dollars (\$75,000) in funds from the commission shall be approved  
22 at a noticed public meeting of the commission and shall be  
23 consistent with the priorities established by the investment plan  
24 adopted pursuant to Section 44272.5. Under this article, the  
25 commission may delegate to the commission's executive director,  
26 or his or her designee, the authority to approve either of the  
27 following:

28 (1) A contract, grant, loan, or other agreement or award that  
29 receives seventy-five thousand dollars (\$75,000) or less in funds  
30 from the commission.

31 (2) Amendments to a contract, grant, loan, or other agreement  
32 or award as long as the amendments do not increase the amount  
33 of the award, change the scope of the project, or modify the purpose  
34 of the agreement.

35 (c) The commission shall provide preferences to those projects  
36 that maximize the goals of the Alternative and Renewable Fuel  
37 and Vehicle Technology Program, based on the following criteria,  
38 as applicable:

39 (1) The project's ability to provide a measurable transition from  
40 the nearly exclusive use of petroleum fuels to a diverse portfolio

1 of viable alternative fuels that meet petroleum reduction and  
2 alternative fuel use goals.

3 (2) The project’s consistency with existing and future state  
4 climate change policy and low-carbon fuel standards.

5 (3) The project’s ability to reduce criteria air pollutants and air  
6 toxics and reduce or avoid multimedia environmental impacts.

7 (4) The project’s ability to decrease, on a life-cycle basis, the  
8 discharge of water pollutants or any other substances known to  
9 damage human health or the environment, in comparison to the  
10 production and use of California Phase 2 Reformulated Gasoline  
11 or diesel fuel produced and sold pursuant to California diesel fuel  
12 regulations set forth in Article 2 (commencing with Section 2280)  
13 of Chapter 5 of Division 3 of Title 13 of the California Code of  
14 Regulations.

15 (5) The project does not adversely impact the sustainability of  
16 the state’s natural resources, especially state and federal lands.

17 (6) The project provides nonstate matching funds. Costs incurred  
18 from the date a proposed award is noticed may be counted as  
19 nonstate matching funds. The commission may adopt further  
20 requirements for the purposes of this paragraph. The commission  
21 is not liable for costs incurred pursuant to this paragraph if the  
22 commission does not give final approval for the project or the  
23 proposed recipient does not meet requirements adopted by the  
24 commission pursuant to this paragraph.

25 (7) The project provides economic benefits for California by  
26 promoting California-based technology firms, jobs, and businesses.

27 (8) The project uses existing or proposed fueling infrastructure  
28 to maximize the outcome of the project.

29 (9) The project’s ability to reduce on a life-cycle assessment  
30 greenhouse gas emissions by at least 10 percent, and higher  
31 percentages in the future, from current reformulated gasoline and  
32 diesel fuel standards established by the state board.

33 (10) The project’s use of alternative fuel blends of at least 20  
34 percent, and higher blend ratios in the future, with a preference  
35 for projects with higher blends.

36 (11) The project drives new technology advancement for  
37 vehicles, vessels, engines, and other equipment, and promotes the  
38 deployment of that technology in the marketplace.

1 (12) The project’s ability to provide a path for trained workers  
2 to transition to jobs in the clean technology and renewable fuels  
3 sectors.

4 (13) The project’s ability to promote employment of trained  
5 workers in the clean technology and renewable fuels sectors.

6 (d) The commission shall rank applications for projects proposed  
7 for funding awards based on solicitation criteria developed in  
8 accordance with subdivision (c), and shall give additional  
9 preference to funding those projects with higher benefit-cost scores.

10 (e) Only the following shall be eligible for funding:

11 (1) Alternative and renewable fuel projects to develop and  
12 improve alternative and renewable low-carbon fuels, including  
13 electricity, ethanol, dimethyl ether, renewable diesel, natural gas,  
14 hydrogen, and biomethane, among others, and their feedstocks  
15 that have high potential for long-term or short-term  
16 commercialization, including projects that lead to sustainable  
17 feedstocks.

18 (2) Demonstration and deployment projects that optimize  
19 alternative and renewable fuels for existing and developing engine  
20 technologies.

21 (3) Projects to produce alternative and renewable low-carbon  
22 fuels in California.

23 (4) Projects to decrease the overall impact of an alternative and  
24 renewable fuel’s life-cycle carbon footprint and increase  
25 sustainability.

26 (5) Alternative and renewable fuel infrastructure, fueling  
27 stations, and equipment. The preference in paragraph (10) of  
28 subdivision (c) shall not apply to renewable diesel or biodiesel  
29 infrastructure, fueling stations, and equipment used solely for  
30 renewable diesel or biodiesel fuel.

31 (6) Projects to develop and improve light-, medium-, and  
32 heavy-duty vehicle technologies that provide for better fuel  
33 efficiency and lower greenhouse gas emissions, alternative fuel  
34 usage and storage, or emission reductions, including propulsion  
35 systems, advanced internal combustion engines with a 40 percent  
36 or better efficiency level over the current market standard,  
37 lightweight materials, intelligent transportation systems, energy  
38 storage, control systems and system integration, physical  
39 measurement and metering systems and software, development of  
40 design standards and testing and certification protocols, battery

1 recycling and reuse, engine and fuel optimization electronic and  
2 electrified components, hybrid technology, plug-in hybrid  
3 technology, battery electric vehicle technology, fuel cell  
4 technology, and conversions of hybrid technology to plug-in  
5 technology through the installation of safety certified supplemental  
6 battery modules.

7 (7) Programs and projects that accelerate the commercialization  
8 of vehicles and alternative and renewable fuels including buy-down  
9 programs through near-market and market-path deployments,  
10 advanced technology warranty or replacement insurance,  
11 development of market niches, supply-chain development, and  
12 research related to the pedestrian safety impacts of vehicle  
13 technologies and alternative and renewable fuels.

14 (8) Programs and projects to retrofit medium- and heavy-duty  
15 onroad and nonroad vehicle fleets with technologies that create  
16 higher fuel efficiencies, including alternative and renewable fuel  
17 vehicles and technologies, idle management technology, and  
18 aerodynamic retrofits that decrease fuel consumption.

19 (9) Infrastructure projects that promote alternative and renewable  
20 fuel infrastructure development connected with existing fleets,  
21 public transit, and existing transportation corridors, including  
22 physical measurement or metering equipment and truck stop  
23 electrification.

24 (10) Workforce training programs related to ~~alternative and~~  
25 ~~renewable fuel feedstock production and extraction, renewable~~  
26 ~~fuel production, distribution, transport, and storage,~~  
27 ~~high-performance and low-emission vehicle technology and high~~  
28 ~~tower electronics, automotive computer systems, mass transit fleet~~  
29 ~~conversion, servicing, and maintenance, and other sectors or~~  
30 ~~occupations related to the purposes of this chapter.~~ *the development*  
31 *and deployment of innovative technologies that transform*  
32 *California’s fuel and vehicle types and assist the state in*  
33 *implementing its climate change policies, including training*  
34 *programs that are linked to career pathways for experienced*  
35 *workers in jobs that will be phased out as the state transitions to*  
36 *a low-carbon economy and for low-skilled workers to enter or*  
37 *continue in a career pathway that leads to middle skill,*  
38 *industry-recognized certifications or apprenticeship opportunities.*

39 (11) Block grants or incentive programs administered by public  
40 entities or not-for-profit technology entities for multiple projects,

1 education and program promotion within California, and  
2 development of alternative and renewable fuel and vehicle  
3 technology centers. The commission may adopt guidelines for  
4 implementing the block grant or incentive program, which shall  
5 be approved at a noticed public meeting of the commission.

6 (12) Life-cycle and multimedia analyses, sustainability and  
7 environmental impact evaluations, and market, financial, and  
8 technology assessments performed by a state agency to determine  
9 the impacts of increasing the use of low-carbon transportation fuels  
10 and technologies, and to assist in the preparation of the investment  
11 plan and program implementation.

12 (13) A program to provide funding for homeowners who  
13 purchase a plug-in electric vehicle to offset costs associated with  
14 modifying electrical sources to include a residential plug-in electric  
15 vehicle charging station. In establishing this program, the  
16 commission shall consider funding criteria to maximize the public  
17 benefit of the program.

18 (f) The commission may make a single source or sole source  
19 award pursuant to this section for applied research. The same  
20 requirements set forth in Section 25620.5 of the Public Resources  
21 Code shall apply to awards made on a single source basis or a sole  
22 source basis. This subdivision does not authorize the commission  
23 to make a single source or sole source award for a project or  
24 activity other than for applied research.

25 (g) The commission may do all of the following:

26 (1) Contract with the Treasurer to expend funds through  
27 programs implemented by the Treasurer, if the expenditure is  
28 consistent with all of the requirements of this article and Article  
29 1 (commencing with Section 44270).

30 (2) Contract with small business financial development  
31 corporations established by the Governor's Office of Business and  
32 Economic Development to expend funds through the Small  
33 Business Loan Guarantee Program if the expenditure is consistent  
34 with all of the requirements of this article and Article 1  
35 (commencing with Section 44270).

36 (3) Advance funds, pursuant to an agreement with the  
37 commission, to any of the following:

38 (A) A public entity.



- 1 (B) A recipient to enable it to make advance payments to a
- 2 public entity that is a subrecipient of the funds and under a binding
- 3 and enforceable subagreement with the recipient.
- 4 (C) An administrator of a block grant program.

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

5.

**Meeting Date:** 06/09/2016

**Subject:** REPORT on Stormwater Funding.

**Submitted For:** TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE,

**Department:** Conservation & Development

**Referral No.:** 5

**Referral Name:** Review issues associated with the health of the San Francisco Bay and Delta, including water quality.

**Presenter:** Steve Kowalewski, Deputy Director  
Department of Public Works

**Contact:** Mike Carlson  
(925)313-2321

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#### **Referral History:**

The Regional Water Quality Control Boards issue the County a stormwater permit on a five-year recurring cycle. The first permit was issued in 1993 and the current permit was issued last November. The objective of the permit is to reduce pollutants in stormwater to improve stormwater quality, and increase stormwater infiltration into soils to improve watershed health.

Just before the first permit was issued, the County modified the Flood Control District Act to allow the District to collect an annual assessment on parcels throughout the County, for the cities and the County to fund permit compliance costs. The permit compliance costs for each subsequent permit has increased dramatically over the prior permit. The Transportation, Water, and Infrastructure Committee and the full Board have been following the policy and financial issues associated with implementing these stormwater permits for many years.

Board members have testified before the Regional Water Board several times describing the impacts their stormwater permit have on the County budget.

#### **Referral Update:**

The new stormwater permit, referred to as the Municipal Regional Permit 2.0, follows the prior Municipal Regional Permit 1.0 issued at the end of 2009.

In 2010, the beginning of the MRP 1.0 five year permit, there was a surplus of funds in the County's Stormwater Program. In 2015, the last year of the MRP 1.0 permit, compliance costs exceeded the annual revenue of assessment funds and the surplus was gone.

Staff is preparing a report on the estimated costs of MRP 2.0, however, the obvious indication is there will not be enough assessment funds to meet future permit compliance costs. Attached is a report that outlines the policy and financial implications of implementing the new Municipal Regional Permit 2.0.

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

ACCEPT report on the policy and financial implications of implementing the new Municipal Regional Permit 2.0, CONSIDER staff's recommendation to prepare a Financial Report for a future Committee meeting outlining the financial issues in more detail, and PROVIDE direction and feedback to staff.

**Fiscal Impact (if any):**

There is no fiscal impact to accepting this report, however, there are fiscal implications to meeting the requirements of the Municipal Regional Permit 2.0 and the fiscal impact of those implications will be presented at a future Committee meeting.

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**Attachments**

Attachment - 2015 Municipal Regional Permit Report

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**2015 Municipal Regional Permit  
Report to the Transportation, Water, and Infrastructure Committee  
June 9, 2016**

**Introduction**

This report to the Transportation Water and Infrastructure Committee explores the policy and financial implications of implementing the recently adopted Municipal Regional Permit (MRP).

**Background.** The San Francisco Bay and Central Valley Regional Water Quality Control Boards issue the County a stormwater permit on a five-year permit cycle to improve water quality. The permit applies jointly to the County, all 19 cities, and the Flood Control and Water Conservation District, and is administered overall by the Contra Costa Clean Water Program. In addition to the countywide responsibilities of the Clean Water Program, each city has a local program that is responsible for meeting permit compliance within their city. Similarly, the County is responsible for permit compliance in the 17 unincorporated communities spread throughout the County, making the County's implementation much more complicated. The first stormwater permit was issued in 1993 and required the County to prepare its own Stormwater Management Plan, allowing the County to establish its own annual goals and activities, within a specified framework, to meet water quality objectives. In 2003 the permit was amended to include stormwater treatment requirements for new development. These development requirements came to be known as Low Impact Development (LID) and were primarily landscaped-based design elements such as grassy swales and infiltration planter boxes. At about this same time the Regional Board changed their permit requirements from a permissive approach, where the County was allowed to write its own Stormwater Management Plan, to a more prescriptive approach, where specific activities with measurable results were required.

Anticipating the need to fund requirements of a new stormwater permit, the County legislatively modified its Flood Control District Act in 1993 to allow the Flood Control District to assess a Stormwater Utility Assessment on each parcel in the County. The assessments were originally established as a range that was estimated for each city and the County. The County's assessment ranged from \$16-\$30 per parcel per year in unincorporated areas. When it was first implemented in 1993 each city and county assessment started at the lowest assessment in their assessment range. Each spring the cities and County send a resolution to the Flood Control District indicating their assessment for the next fiscal year. As each subsequent stormwater permit was issued and costs escalated, the assessments started increasing. About 10 years ago all city and County assessments had reached the top of their range. The Flood Control District collects all of the stormwater utility assessments and distributes the revenue to each of the cities and the County, based on the parcels assessed in each jurisdiction.

**First Municipal Regional Permit.** In 2009 the Regional Board issued the first regionally uniform stormwater permit to all urbanized (Phase 1) counties in the Bay Area, calling it the Municipal Regional Permit. This permit was more ambitious than prior stormwater permits, as it was fully prescriptive, included pollutant load reduction plans (TMDLs) for Mercury and PCBs, and tested the feasibility of treating stormwater at sewer treatment plants prior to discharge into the Bay. In addition, the permit defined trash as a pollutant and included a provision to totally remove trash from the County's waterways within 10 years. The specified targets were 40% trash removal by 2014, 70% removal by 2017, and 100% by 2022. Naturally, the cost of compliance for this permit was much higher than the previous permits.

**New Municipal Regional Permit.** In November, 2015, the Regional Board adopted a new Municipal Regional Permit, referred to as MRP 2.0, that built upon the requirements of the first Municipal Regional Permit (MRP 1.0). The trash removal requirements were modified and strengthened to reflect application issues identified while implementing MRP 1.0. For example, more intermediate target requirements were added (60% and 80% removal targets) to facilitate implementation monitoring. The trash permit provision has become the single most expensive requirement to comply with, as the costs increase radically with each target. At this point, nobody really knows what type of infrastructure, outreach programs, land-use requirements, and perhaps other strategies, will be needed to meet 100% trash removal. PCB and Mercury removal requirements have been ratcheted up also, requiring a specific amount removed from watersheds each year to meet the goal of 90% removal in 20 years for PCBs and 50% removal in 20 years for Mercury.

Lastly, there is a requirement to implement Green Infrastructure, initially in public spaces, to treat stormwater and allow it to infiltrate into the ground. In concept, the objective of Green Infrastructure is to reconstruct the built environment, or engineer new construction, so that every drop of stormwater that traverses a paved or impervious surface is intercepted and treated before discharging into a waterway. MRP 2.0 requires the County to develop a Green Infrastructure Plan, essentially a high level planning document that inventories opportunity areas on public property, such as parking lots and road rights-of-way, establishes criteria and a methodology for prioritizing the opportunity areas, and produces a prioritized list of Green Infrastructure projects. The County is also required to implement several Green Infrastructure projects during the permit term. Since MRP 2.0 builds upon the requirements of MRP 1.0, the compliance costs are the same as MRP 1.0, plus all the added "enhancements" noted above.

## **Policy Implications**

The following are some of the policy implications with implementing the new MRP 2.0 stormwater permit:

- **Building Stormwater Infrastructure Systems.** The first stormwater permits relied heavily on public education to effectuate behavior change and reduce pollution. There were also many required studies to gather data that would inform later decisions on the best way to improve water quality. These and similar requirements were indicative of a nascent program. However, the program has since matured and the Regional Board believes the only way to remove pollutants from stormwater is through physical treatment, which requires investment in treatment infrastructure. With this permit the County will embark upon the construction of a stormwater treatment system that will ultimately be comparable to, though operationally different from, the water and sewer systems that currently serve our County.
- **Increased Maintenance.** Commensurate with the construction of new stormwater infrastructure is the responsibility to operate and maintain that infrastructure. The costs for operating and maintaining this new infrastructure will be above and beyond the current budget for maintaining our public works infrastructure. These infrastructure programs include roads, drainage, buildings, flood control, parks, and airports. The budget for each of these infrastructure programs is currently constrained and any reduction to accommodate maintenance of stormwater facilities will negatively impact service levels.
- **Integration of Green Infrastructure.** To achieve the requirements of MRP 2.0, the County will need to fully integrate the concept of Green Infrastructure in to all of its capital programs, such as buildings, parking lots, roads, parks, flood control, and airports.
- **Involvement of Multiple County Departments.** Traditionally, County departments have viewed the stormwater permit as primarily a Public Works Department program, although some other departments have been involved, particularly Health Services and the Department of Conservation and Development. Even so, these other departments viewed Public Works as the responsible agency. In fact the permit is a County permit, not a Public Works permit, and the responsibility of all applicable departments to implement. The reality of this is more obvious with MRP 2.0.
- **Rebuilding of the Built Environment.** The Green Infrastructure requirements of MRP 2.0 and future permits will likely exceed the capacity of our capital improvement programs to comply. As a result, the County will need to reconstruct existing impervious surfaces to accommodate stormwater treatment, or construct stormwater treatment facilities in underutilized public spaces. For example, County parking lots could be reconfigured and reconstructed to include Green Infrastructure.

## Financial Implications

The following are some of the financial implications of implementing the new MRP 2.0 stormwater permit, based on the way programs are currently funded:

- **Reduced Road Funding.** With the requirement to integrate Green Infrastructure into our capital project programs, the County's road rights-of-way will become priority areas. One reason for including Green Infrastructure into road projects and reconstructing roads to include stormwater treatment is that roads produce some of the most polluted runoff. The County's Road Funds are used to pay for road and transportation improvements and maintenance. The new MRP 2.0 requirements will divert Road Funds from current programs to build and maintain Green Infrastructure facilities, reducing investment in our current transportation infrastructure.
- **Reduced Community Drainage Funding.** Community Drainage systems are the pipes and ditches in the County's 17 unincorporated communities that protect property from flooding. For many years now, since the Board transferred maintenance responsibility from the General Fund to the newly created Stormwater Utility Assessment (SUA) in 1993, the Community Drainage program has been funded with SUA funds. Compliance costs are going up and it is likely funding for this program will have to be reduced. This is a serious issue as community drainage infrastructure is getting old and facilities are beginning to fail, such as the sinkhole created by a pipe failure on Hazel Avenue in Kensington, which suggests an increase in funding is needed rather than a decrease.
- **Reduced Flood Protection Services.** The Flood Control District provides flood protection services to many cities and communities in the County. Some of the watersheds have inadequate funding due to low tax rates that were locked in when Proposition 13 was passed in 1978. In these cases the Flood Control District looks to the city being served to help fund flood protection services. For unincorporated communities the Flood Control District turns to the County. Since 1993, the County has been using SUA funds to help pay for flood protection services in the Wildcat, San Pablo, Rheem, Rodeo, and Kellogg Creek watersheds. With compliance costs going up it's likely there will be a reduction in funding for these services. Similar to community drainage, Flood Control District facilities are reaching the end of their service life and a dramatic increase in investment will be required when they begin to fail.
- **Increased County Costs.** MRP 1.0 required activities by other County Departments, such as restaurant inspections performed by Health Services, that were often paid for by Public Works with SUA funds. Right or wrong,

this has fostered the perception by other departments that this is a Public Works permit, not a County permit. MRP 2.0 expands these requirements and some have a more direct impact on other County departments, such as the incorporation of Green Infrastructure into the design of new County facilities.

## **Consequences of Non-Compliance**

The Regional Board must issue the County a stormwater permit as required by and with authority from the Environmental Protection Agency and the federal Clean Water Act. The Regional Board also has authority through State statute that is, in many cases, more stringent than the Clean Water Act. When a permittee is in non-compliance, the Regional Board can issue a Notice of Violation and levy fines of \$37,500 per violation per day through federal authority, and \$10,000 per violation per day through State authority. The largest exposure from non-compliance, however, is from third party lawsuits. If the Regional Board finds the County in non-compliance it is highly likely the County would lose any lawsuit and face a very expensive settlement agreement or court decision.

## **Next Steps**

The following are suggested next steps recommended by staff to fully understand the implications of MRP 2.0 and develop a plan to finance implementation costs:

- **Future Reports.** This report focuses on the policy and financial implications of the recently adopted MRP 2.0 stormwater permit. Staff intends to come back to the Transportation, Water, and Infrastructure Committee with two additional reports; the next report will review the financial issues in more detail and the last report will explore potential options to address the challenges of implementing MRP 2.0.
- **Strategic Plan.** Staff has been working for two months now on developing a Strategic Plan to implement MRP 2.0 in the most cost-effective manner that achieves the overall objective of improving stormwater quality. Elements of the Strategic Plan will manifest itself in the upcoming Financial Report and subsequent Options Report. As we work our way through the implementation issues, with direction from the Committee and the Board, staff will be able to complete the Strategic Plan.
- **Financial Report.** Staff has assembled financial data on activities required by MRP 1.0 and is estimating the costs to implement MRP 2.0. This has been facilitated by a robust work order and program accounting system. When this effort has been completed, staff will be able to bring the Financial Report to the Committee and outline the full fiscal ramifications of implementing MRP



2.0. In 2009, at the beginning of the MRP 1.0 five year permit, there was a surplus of funds in the County's Stormwater Program. In 2015, for the last year of the MRP 1.0 permit, compliance costs exceeded the annual revenue of SUA funds and the surplus was gone. Even without knowing the estimated costs of MRP 2.0, the obvious indication is that there will not be enough SUA funds to meet future permit compliance costs.

- **Options Report.** Once all the financial analysis is done, staff can start putting together options for the Committee and the Board to consider in order to meet MRP 2.0 permit compliance.
- **Feedback.** Staff would appreciate any feedback, thoughts, and comments the Committee can offer on this approach to developing an implementation plan for MRP 2.0, and when to bring this to the full Board.

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

6.

**Meeting Date:** 06/09/2016

**Subject:** AUTHORIZE staff to submit grant applications to the State and Metropolitan Transportation Commission (MTC) for the Active Transportation Program.

**Submitted For:** Julia R. Bueren, Public Works Director/Chief Engineer

**Department:** Public Works

**Referral No.:** 2

**Referral Name:** Review applications for transportation, water and infrastructure grants to be prepared by the Public Works

**Presenter:** Mary Halle, Department of Public Works

**Contact:** Mary Halle  
(925)313-2327

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#### **Referral History:**

In 2014 and 2015, the committee authorized submittal of applications to Caltrans and MTC for Cycle 1 and 2, respectively, of the Active Transportation Program (ATP). Similar to past years, the Public Work Department provides the following staff report with recommendations for candidate projects and requests authorization to submit these applications to compete for both Statewide and Regional funding awards.

#### **Referral Update:**

The call for projects for ATP was released on April 15, 2016 for Cycle 3 funding. The ATP program consists of State and Federal funds that represent a consolidation of programs including Safe Route 2 School, Bicycle Transportation Account, Transportation Alternatives Program, and several other programs packaged into one call for projects. Cycle 1 of this program was highly competitive with 771 applications submitted statewide and less than 20% awarded funding.

The County was awarded \$800,000 in Cycle 1 funds for the Port Chicago Highway/Willow Pass Road Bike and Pedestrian Improvement Project. Cycle 2 was equally competitive with over 600 applications and approximately 20% awarded funding with the County receiving \$4,700,000 in Cycle 2 funds for the Rio Vista Elementary Pedestrian Connection Project and the Bailey Road/State Route 4 Interchange Pedestrian and Bicycle Improvement Project.

The competitive rating criterion for the ATP program emphasizes the following goals:

- Increased proportion of trips accomplished through walking and biking,
- Increased safety and mobility for non-motorized users,
- Advance active transportation efforts to achieve green-house gas reduction goals,
- Enhance public health,

- Ensure that disadvantage communities fully share in the benefits of the program, and
- Provide a broad spectrum of benefits to many types of users.

Competitive projects must also demonstrate the ability to deliver the project within the required time constraints and must provide the California Conservation Corps with an opportunity to partner on the project during the construction phase. Grant applications are due to the State and MTC on June 15, 2016 and, if awarded, funds will be available July 1, 2019.

**RECOMMENDED CANDIDATE PROJECTS:**

The following candidate projects were evaluated for competitiveness, project readiness, and available matching funds.

The scoring rubric established by the CTC is listed below:

- Demonstrate the project will successfully shift mode choice, 35 points
- Reduce rate of injury, 25 points
- Project developed through a community based process, 10 points
- Ability to improve public health for targeted users, 10 points
- Benefits a disadvantaged community, 10 points
- The project is cost effective, 5 points
- Local funds are leveraged, 5 points

***Fred Jackson First Mile/Last Mile Connection Project***

Fred Jackson Way First Mile/Last Mile Pedestrian Connection Project will remove barriers to pedestrians and provide access to affordable housing, transit, schools, employment, shopping, regional trails, senior center, and community facilities. The existing sidewalks in this area of North Richmond represent barriers to mobility impaired users as the sidewalk width is only three feet with poles located in the middle of the sidewalk.

The proposed First Mile/Last Mile Pedestrian Connection Project will eliminate this barrier and utilize excess vehicle lane width and parking width to narrow the road and expand the sidewalks to eight feet wide. The widening of sidewalks on Fred Jackson Way will extend approximately 1,400 feet from Grove Street to the Wildcat Creek Trail. The project will also include construction of a new pedestrian path an additional 1,400 feet north of Wildcat Creek to connect to the proposed Urban Tilth Farm which is scheduled to begin construction in 2017.

Urban Tilth is an Organic Farm to Table non-profit organization which trains and employs local youth in organic farming techniques. Extension of the bicycle and pedestrian Improvements to Brookside Drive will help residents commute to work at the farm or travel a short distance to purchase fresh produce.

North Richmond is identified as a Disadvantaged Community and a Priority Development Area. The proposed project will provide residents with improved access to safely walk their first mile and last mile of their commute. Active mode choices will reduce impacts to the environment such as reduced green-house gas emissions and at the same time improve public health by fighting obesity with an active lifestyle.

### ***Appian Way Complete Streets Project***

Staff has worked with the El Sobrante community and City of Pinole staff on planning studies for Appian Way. Staff is currently developing the complete streets concept for Appian Way that was first identified in a study conducted by the Contra Costa Transportation Authority (CCTA) in collaboration with the County and the City of Pinole. This study was approved by the Board in December of 2013 which included adoption of the Complete Streets Alternative as the preferred alternative.

This planning study was an initial step towards implementation of the El Sobrante General Plan Amendment. Preliminary layouts have been prepared to identify the scope and location of proposed bicycle and pedestrian improvements on Appian Way. The plans were presented at two public workshops and to the El Sobrante Municipal Advisory Council. During the most recent workshop, community members identified a priority for improvements at the intersection of Appian Way at Valley View Road as well as the segment of Appian Way from Valley View Road to San Pablo Dam Road.

The planning efforts have included the full extent of Appian Way from San Pablo Dam Road to the City of Pinole; however, this grant application is focused on improvements on Appian Way, from San Pablo Dam Road to Valley View Road. This proposed project would formalize pedestrian and bicycle infrastructure which includes closing the many gaps in sidewalk along this stretch of Appian Way and also proposes countermeasures for past pedestrian collisions. The project includes installation of bulb outs at major crossing locations to minimize the crossing distance for pedestrians which will also calm traffic.

The project will include installation of a roundabout at the intersection of Appian Way and Valley View Road. Consistent with complete streets policies, this project would assure that the transportation corridor is accessible for all modes and all users with an emphasis on a pedestrian friendly environment and ADA access. This project is located within a Priority Development Area. Staff will continue to work with the El Sobrante Municipal Advisory Council in moving these planning efforts forward.

### ***Pacheco Boulevard Pedestrian Bridge/culvert extension east of Las Juntas Elementary***

This segment of Pacheco Boulevard is the last remaining gap in pedestrian facilities along the unincorporated portion of Pacheco Boulevard, west of Arthur Road. School administrators and the parent community at Las Juntas Elementary School requested this improvement because the secondary access through the adjacent residential neighborhood has been closed.

Currently, the sidewalk and road shoulder on Pacheco Boulevard terminates on each side of Vine Hill Creek, leaving a sidewalk gap of approximately 60 feet. Students must walk on the narrow road shoulder adjacent to high volume vehicle and truck traffic. The project will require several permits from various state and federal regulatory agencies in order to allow work in the streambed to extend the culvert. This area qualifies as a Disadvantaged Community which will result in a more competitive application.

### ***San Miguel Drive Complete Streets Project***

Over the past several years, County staff has been working with residents in the South Walnut Creek area in response to their request for a safe place to walk.

The San Miguel Drive Complete Streets Project is a partner application with the City of Walnut

Creek to construct pedestrian and bicycle improvements on San Miguel Drive to connect residents in the unincorporated area to Walnut Creek's Broadway Plaza, Las Lomas High School, transit stops, Iron Horse Trail, and healthcare offices.

This project is not located in a Disadvantaged Community but scores well in all other respects related to the potential mode shift from vehicles to active modes. The project also is competitive with respect to a high level of community participation. The City of Walnut Creek presented the project to their Transportation Commission on May 19, 2016 and received authorization to move forward with the joint grant application.

The project limits extend on San Miguel Drive from Andrea Court, within the City of Walnut Creek, to Adeline Drive which is within the unincorporated area. Approximately 850 feet of the project is within the City of Walnut Creek and 1150 feet of the project is within unincorporated Contra Costa County. Local match funds for the unincorporated portion of the project will be provided through the Central County Area of Benefit Fund.

### **PROJECTS CONSIDERED:**

In March of this year, Public Works Staff reached out to the Chief of Staff for each of the five supervisorial districts, requesting project ideas for the ATP grant program. All of the resulting suggestions were evaluated against the scoring criteria for competitiveness. The recommended candidate projects listed above were determined to be the most competitive as well as able to meet the project delivery schedule and ability to provide the local match funds.

The following projects will be further developed and considered for future cycles of ATP and are intended to be submitted for OBAG (One Bay Area Grant), TLC (Transportation for Livable Communities) or PBTF (Pedestrian Bicycle and Trail Facilities) funds which will be solicited through CCTA in the next three months.

#### ***Iron Horse Trail Express Bike Route Planning Study***

A planning study is proposed to outline opportunities and constraints related to adding an express bikeway within the Iron Horse Corridor but separate from the pedestrians and recreational bicyclists. This concept has the potential to make commuting via bicycle much more attractive. The first step is to study the feasibility of this infrastructure element and also assess alternatives and costs.

This planning project was considered as an ATP candidate for this current cycle until a recent ATP workshop provided staff with the feedback that planning studies are not eligible for ATP funding unless the project area is within a disadvantaged community. Staff will consider this planning study for future grant opportunities through TLC or PBTF.

#### ***Olympic Boulevard Corridor Connection between IHT and Lafayette-Moraga Trail***

The County has been working with the cities of Walnut Creek and Lafayette over the last two years to develop a trail connection concept plan to join two regional trails: Iron Horse Trail and the Lafayette/Moraga Trail. With the assistance of a consultant, several workshops have been conducted and a formal review process completed.

This project could be considered for future ATP or upcoming TLC or PBTF funding programs; however, it would require consensus amongst the partner agencies on which segment of the project is the highest priority.

### ***Pedestrian Improvements at I-680/Treat Overcrossing***

County staff and CCTA have been working together over the past two years to conduct community workshops and identify potential infrastructure improvements to serve bicyclists and pedestrians using the Treat Boulevard/I-680 corridor between the Iron Horse Trail, through the Interstate-680 (I-680) over-crossing ("over-crossing") near the Contra Costa Centre/Pleasant Hill BART station area, and extending west to Geary Road/North Main Street in the City of Walnut Creek. The I-680/Treat Boulevard over-crossing is one of the main arteries into the Contra Costa Centre/Pleasant Hill BART station area from areas of Walnut Creek west of the freeway.

Although the improvements identified through this planning process would be ideal for shifting travel modes to bicycle and pedestrian, it was determined that the project status is not ready for the timeline required for an ATP award as Staff will continue working with the community to refine the project scope.

### ***Marsh Creek Road Bicycle Trail Project, Planning Study***

The proposed project includes a planning study to determine alignment options, cost estimates and overall project feasibility to provide a bicycle alternative parallel to Marsh Creek Road between the cities of Brentwood and Clayton. This planning project was considered as an ATP candidate for this current cycle until a recent ATP workshop provided staff with the feedback that planning studies are not eligible for ATP funding unless the project area is within a disadvantaged community. Staff will consider this planning study for future grant opportunities through TLC or PBTF.

### **NEXT STEPS:**

If authorized to proceed, staff will submit the recommended projects to the State and MTC for potential funding.

Staff will continue to develop the remaining projects with the intent of becoming more competitive in future cycles.

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

ACCEPT staff report and AUTHORIZE the Public Works Director, on behalf of the County, to submit to Caltrans and MTC grant applications for the Active Transportation Program (ATP), Cycle 3.

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

The ATP program no longer requires a local match for funding; however, one of the scoring categories is based upon leverage of local funds. In order to be competitive, the County should pledge local funds in the range of 10-15%, using Area of Benefit Funds when applicable. During preparation of the grant application, staff will determine the appropriate local match that can be financially supported by the road fund account to create a competitive application package.

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### **Attachments**

*No file(s) attached.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

7.

**Meeting Date:** 06/09/2016

**Subject:** CONSIDER Department responses to the Pipeline Safety Report and DIRECT staff on next steps.

**Submitted For:** TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE,

**Department:** Conservation & Development

**Referral No.:** 15

**Referral Name:** Monitor the Iron Horse Corridor Program

**Presenter:** Carrie Ricci, Department of Public Works, and  
John Cunningham, Department of Conservation  
and Development

**Contact:** Carrie Ricci  
(925)313-2235

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#### **Referral History:**

At the April meeting of the Transportation, Water and Infrastructure Committee (TWIC), Michael Kent, Executive Assistant to the Hazardous Materials Commission presented the Pipeline Safety Report that was developed by the Pipeline Safety Trust.

The Hazardous Materials Commission supported seven of the nine recommendations moving forward. TWIC directed staff from the Departments of Conservation and Development and Public Works to review the recommendations and report on how they could be implemented within the County.

#### **Referral Update:**

On May 23, 2016 staff from the Departments of Conservation and Development and Public Works met with staff from the Office of Emergency Services, Health Services, Contra Costa County Fire Protection District and San Ramon Valley Fire District to discuss the following recommendations, what is currently being performed and any additional steps that can be taken to improve in these areas.

**Recommendation:** Review all development applications for opportunities to improve existing ingress/egress where currently limited, and where possible, include conditions on approvals to improve connectivity and avoid exacerbation of access problems.

*Response: The Contra Costa County Fire Protection District and San Ramon Valley Fire District review development applications to determine based on the size of the development whether a second access is required. Access requirements are determined by the Contra Costa County Fire Code.*

Recommendation: Plan emergency evacuation ingress/egress for areas in Alamo west of Danville Boulevard and the Iron Horse Corridor where a single pipeline crossing road is the only access for numerous homes and facilities with the goal of creating public accessibility across these “dead-end” neighborhoods that necessitate crossing the pipeline to access any services.

*Response: The San Ramon Valley Fire Protection District is in the preliminary phase of developing evacuation maps for neighborhoods on the west side of the trail in the Danville area. They have requested feedback from the Danville Police Department and will look at the Alamo area next. The information will be incorporated into a mailer and is anticipated to be sent to residents in fiscal year 2016-17. In some emergency situations, Shelter in Place may be the most appropriate option.*

Recommendation: Ensure the County has complete and accurate records of corridor and right of way locations. Continue to coordinate with Kinder Morgan and other utilities on resolution of encroachments into pipeline rights of way.

*Response: The County has current maps that show property lines and utility easements. Staff continues to work with the utilities and property owners to address encroachments.*

Recommendation: Ensure the single staff point-of-contact for citizens with concerns about multiple utility issues and right of way questions has technical training on safety concerns, adequate resources to conduct regular and broad community outreach (especially along the Iron Horse Trail Corridor), and resources to work in close coordination with other related departments and advisory groups.

*Response: The Public Works Department has a single staff contact for the corridor who is the Iron Horse Corridor Manager. The Corridor Manager works with the utilities, County Survey staff and property owners to address right of way questions. The Corridor Manager interacts with other departments to address corridor concerns and attends advisory committee meetings, as needed to share information with the community. The Department has contacts with all of the utilities and the State Fire Marshal so they can provide expertise, as needed.*

Recommendation: Request appropriate staff conducts an analysis of all congregate facilities located in close proximity to transmission pipelines. Work with other emergency response agencies to develop a list of resources for emergency and evacuation planning expertise for congregate facilities near pipelines that include potential hazards from a pipeline incident, and mitigation strategies for those hazards based on site-specific considerations.

*Response: The Fire District and Health Services discussed working with Community Awareness and Emergency Response (CAER) to develop a fact sheet to send to the congregate facilities that describes what to consider regarding pipelines when they're developing their emergency plans. The term congregate will need to be further defined to determine what facilities would receive this information. San Ramon Valley Fire Protection District has an evacuation video developed for this type of scenario that has been promoted to surrounding jurisdictions.*

Recommendation: Adopt clear policies and deterrents regarding preventing encroachments including review of setback variances by municipal advisory councils or committees and department staff, so that properties and vegetation along utility corridors do not encroach on pipelines.



*Response: The County has clear policies that prevent encroachments. Property owners and contractors are required to apply for a permit to access and/or perform work in the Iron Horse Corridor. The Public Works Department is looking into different methods to communicate this information to property owners adjacent to the Iron Horse Corridor, such as informational letters that remind residents of the corridor property lines, utilities in the corridor and the requirement to call Underground Service Alert when digging. Other possibilities include Board of Supervisors email communication and markers in the corridor designating the property line in various locations. The County and cities along the corridor have setback requirements in place. Utilities companies, specifically Kinder Morgan routinely clears vegetation over their easement. When property owners apply for a setback variance the application may go to the appropriate municipal advisory committee for review and a recommendation.*

Recommendation: Consider adding goals and policies regarding pipelines to the General Plan, and amending Contra Costa County Zoning code 82.2.010 so that all gas and hazardous liquid transmission pipelines would be subject to land use regulations. Consider additional ordinances pertaining to zoning and land use that are proposed for construction, replacement, modification, or abandonment.

*Response: The Land Use, Transportation and Circulation, Open Space, and Safety elements of the County General Plan contain references to pipelines that transport hazardous materials. The Land Use and Safety elements also contain policies, though they are few and their nature is more suggestive than directive. Because the County does not always have jurisdiction over pipeline projects, amending the General Plan to add goals and policies pertaining directly to pipeline development may have limited value. However, adding policies addressing the relationship of other land uses to pipelines could be useful. Examples of such policies could include, but not be limited to:*

- *Discouraging placement of uses and facilities which primarily house or serve vulnerable or sensitive populations (elderly, ill, children, etc.) within X feet of a hazardous materials pipeline right-of-way.*
- *Requiring deed notifications for all newly subdivided lots within X feet of a hazardous materials pipeline right-of-way.*
- *Encouraging new buildings to be located away from hazardous materials pipeline rights-of-way when such design flexibility exists on the project site.*

*Ordinance Code Section 82-2.010 currently states that pipelines are exempt from the County's zoning regulations. However, on May 24, 2016, the Board of Supervisors adopted an amendment to Section 82-2.010 clarifying that pipelines are subject to Ordinance Code Chapter 84-63, Land Use Permits for Development Projects Involving Hazardous Waste or Hazardous Materials. The amendment becomes effective 30 days after adoption.*

*Staff believes the Ordinance Code provides for proper review of pipelines and sees no compelling need for additional regulation of pipeline construction, replacement, modification, or abandonment. Statutory exemptions exist for replacement/modification of pipelines and often these activities take place under order from a federal or state agency. Pursuant to Chapter 84-63, pipeline projects located more than 300 feet from residential or commercial properties are not "development projects" and therefore do not require a land use permit. If a pipeline is located within 300 feet of such properties and has a hazard score<sup>[1]</sup> of 80 or higher, then a land use permit is required and an environmental review will be performed.*

*The Transportation Risk component of hazard scoring rates pipelines as the preferred method for transporting hazardous materials, relative to truck, rail, and marine vessels. Discouraging pipeline development through unnecessary regulation could have the unintended consequence of incentivizing the use of less safe transportation methods, especially since increasing the frequency of truck, rail or vessel deliveries typical would not require a County review.*

[1] The hazard score is calculated pursuant to Ordinance Code Section 84-63.1004 and represents a project-specific risk assessment based on the following factors (possible points for each factor are indicated in parentheses): Transportation Risk (0-10); Community Risk – Distance from Receptor (1-30); Community Risk – Type of Receptor (4-7); Facility Risk – Size of Project (Total Amount Change in Tons; 0-30); Facility Risk – Size of Project (Percentage Change; 0-6); and Hazard Category of Material or Waste (1-3).

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

CONSIDER Department responses to the Pipeline Safety Report and DIRECT staff on next steps.

**Fiscal Impact (if any):**

N/A

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**Attachments**

*No file(s) attached.*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

8.

**Meeting Date:** 06/09/2016  
**Subject:** Proposed California Endangered Species Act Fee.  
**Submitted For:** John Kopchik, Director, Conservation & Development Department  
**Department:** Conservation & Development  
**Referral No.:** 1  
**Referral Name:** Review legislative matters on transportation, water, and infrastructure.  
**Presenter:** John Cunningham/Leigh Chavez      **Contact:** John Cunningham  
(925)674-7833

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#### **Referral History:**

This item has not been taken up at the TWIC Committee in the past. The proposed fees are being brought to TWIC due to the potential impact on infrastructure projects highlighted by the California State Association of Counties (CSAC).

#### **Referral Update:**

The following information was developed by CSAC. County staff will provide additional information verbally at the June TWIC meeting.

Attached is the proposed fee and an opposition letter from CSAC and the Rural County Representatives of California.

#### ***Administration's Proposed California Endangered Species Act Fee***

*By KAREN KEENE CARA MARTINSON - California State Association of Counties*

*May 5, 2016*

*The Governor's Budget proposes several changes to address shortfalls in the Environmental License Plate Fund (ELPF). One of the Administration's proposals to address this shortfall is establishing a new fee to cover costs associated with processing California Endangered Species Act (CESA) incidental take permits. These permits are required for projects that might result in the "take" of an endangered or threatened species, and are processed by the Department of Fish and Wildlife (DFW).*

*According to DFW, the fee would offset "some" of their costs for processing these permits. The Budget Trailer Bill vehicle for this proposal is attached: 802CESAfees.pdf*

*The fee proposed is on sliding scale related to cost of the project and is proposed at \$7,500 for projects of less than \$100k and \$30,000 for projects over \$500k. Additional fees of \$10,000 can be required if needed and permit modifications can be up to \$15,000. The fees could be imposed on a wide range of county projects including flood control, road and bridge work and water management activities.*

*The fee proposal was approved by the Assembly Budget Subcommittee No. 3 on Resources and Transportation on Wednesday, April 27. The Senate Budget Subcommittee No. 2 on Resources, Environmental Protection, Energy & Transportation approved the trailer bill language on Thursday, May 5, with the following fee exceptions: (1) the project purpose is voluntary habitat restoration and the project is not required as mitigation; and, (2) the project is not part of a regulatory permit for non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order. These recommended amendments to the trailer bill language are intended to conform to action by the Assembly Budget Subcommittee No. 3.*

*CSAC has expressed opposition to the proposed CESA fee. We believe that the fees are excessive and could result in counties having to defer important public projects due to cost issues. Of particular concern is the impact on local projects that provide flood protection for people and property. While both Budget Subcommittees have approved the proposal there is still time to obtain amendments and/or influence its passage. We will continue to keep counties apprised of its status.*

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

CONSIDER Report on proposed Endangered Species Act fee and DIRECT staff as appropriate.

**Fiscal Impact (if any):**

No direct fiscal impact.

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**Attachments**

New ESA Fee Proposal

CSAC/RCRC Letter Re: New Fees

CSAC KKeene Email.pdf

County Requested Amendments CESA Fee

Plan B County Amendments

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: California Endangered Species Act; permit application fees; penalties.

(1) The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and requires the department to recommend, and the commission to adopt, criteria for determining if a species is endangered or threatened. The act prohibits the taking of an endangered, threatened, or candidate species, except as specified. Under the act, the department may authorize the take of listed species if the take is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated.

This bill would require the department to collect a permit application fee for processing applications for specified permits issued by the department to take a species listed as candidate, threatened, or endangered. The bill would require the department to assess the permit application fee according to a graduated fee schedule based on the cost of the project and whether the project uses a department approved conservation



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or mitigation bank to fulfill mitigation obligations. The bill would create the Endangered Species Permitting Account and would require the permit application fees collected by the department to be deposited in the account and used upon appropriation to pay the department's cost of processing permit applications, permit development, and compliance monitoring. The bill would make funds deposited in the account available to the department, upon appropriation by the Legislature, for those purposes and for administering and implementing the California Endangered Species Act.

(2) Under existing law, a violation of the California Endangered Species Act is a misdemeanor subject to the punishment of a fine of not more than \$5,000 or imprisonment in the county jail for not more than one year, or both the fine and imprisonment.

This bill would increase the punishment of a violation of the prohibition against taking an endangered, threatened, or candidate species to a fine of not less than \$25,000 or more than \$50,000, imprisonment in the county jail for not more than one year, or by both that fine and imprisonment. The bill would require one half of any fine or forfeiture imposed for a violation of the take prohibition or any other law of the California Endangered Species Act to be deposited in the county treasury of the county in which the violation occurred and would require the other half to be deposited in the Endangered Species Permitting Account.

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



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An act to amend Sections 12157 and 12159.5 of, and to add Sections 2081.2 and 12008.1 to, the Fish and Game Code, and to amend Section 258 of the Welfare and Institutions Code, relating to fish and wildlife.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2081.2 is added to the Fish and Game Code, to read:

2081.2. (a) (1) For the purposes of this section, the following terms have the following meanings:

(A) "Permit" means any authorization issued by the department pursuant to this article to take a species listed by this chapter as candidate, threatened, or endangered.

(B) "Permittee" includes any individual, firm, association, organization, partnership, business, trust, corporation, limited liability company, district, city, county, city and county, town, federal agency, and the state who applies for or who has received a permit pursuant to this article.

(C) "Project" has the same meaning as defined in Section 21065 of the Public Resources Code.

(D) "Project cost" means the total direct and indirect project expenses that include, but are not limited to, labor, equipment, permanent materials and supplies, subcontracts, permits and licenses, overhead, and miscellaneous costs.

(b) The department shall collect a permit application fee for processing a permit application submitted pursuant to this article at the time the permit application is submitted to the department. Notwithstanding Section 2098, upon appropriation to the department from the Endangered Species Permitting Account, the department shall use the permit application fee to pay for all or a portion of the department's cost of processing permit applications, permit development, and compliance monitoring pursuant to this article.



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(c) The department shall assess the permit application fee as follows, subject to subdivision (f):

(1) For a project, regardless of estimated project cost, that is subject only to Section 2080.1, Section 2080.3, or Section 2080.4, the department shall assess either of the following amounts:

(A) Seven thousand five hundred dollars (\$7,500).

(B) Six thousand dollars (\$6,000) if the project uses a department approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this article.

(2) For a project where the estimated project cost is less than one hundred thousand dollars (\$100,000), the department shall assess either of the following amounts:

(A) Seven thousand five hundred dollars (\$7,500).

(B) Six thousand dollars (\$6,000) if the project uses a department approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this article.

(3) For a project where the estimated project cost is one hundred thousand dollars (\$100,000) or more but less than five hundred thousand dollars (\$500,000), the department shall assess either of the following amounts:

(A) Fifteen thousand dollars (\$15,000).

(B) Twelve thousand dollars (\$12,000) if the project uses a department approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this article.

(4) For a project where the estimated project cost is five hundred thousand dollars (\$500,000) or more, the department shall assess either of the following amounts:

(A) Thirty thousand dollars (\$30,000).



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(B) Twenty-four thousand dollars (\$24,000) if the project uses a department approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this article.

(5) The department shall collect a fee of seven thousand five hundred dollars (\$7,500) for processing permit amendments that the department has determined are minor as defined in regulation or fifteen thousand dollars (\$15,000) for processing permit amendments that the department has determined are major as defined in regulation.

(d) (1) If the permit or amendment application fee paid pursuant to subdivision (c) is determined by the department to be insufficient to complete permitting work due to the complexity of a project or the potential effects of a project, the department shall collect an additional fee of up to ten thousand dollars (\$10,000) from the permittee to pay for its estimated costs. Upon its determination, the department shall notify the permittee of the reasons why an additional fee is necessary and the estimated amount of the additional fee.

(2) The additional fee collected pursuant to paragraph (1) shall not exceed an amount that, when added to the fee paid pursuant to subdivision (c), equals thirty-five thousand dollars (\$35,000). The department shall collect the additional fee before a final decision on the application by the department.

(e) (1) For an application submitted to the department pursuant to this article on or after the effective date of this section, the department shall collect the permit application fee at the time the permit application is submitted. The department shall not deem the application complete until it has collected the permit application fee. A



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permit application submitted or deemed complete prior to the effective date of this section shall not be subject to fees established pursuant to this section.

(2) If a permit or amendment application is withdrawn within 30 days after paying the permit or amendment application fee, the department shall refund any unused portion of the fee to the permittee.

(3) If a permit or amendment application is withdrawn after 30 days of paying the permit or amendment application fee, the department shall not refund any portion of the fee to the permittee.

(f) (1) The department shall adjust the fees in this section pursuant to Section 713.

(2) The Legislature finds that all revenues generated under this section and used for the purposes for which they were imposed are not subject to Article XIII B of the California Constitution.

(3) The department, at least every five years, shall analyze application fees pursuant to Section 713 to ensure the appropriate fee amounts are charged.

(g) Fees paid to the department pursuant to this section shall be deposited in the Endangered Species Permitting Account, which is hereby established in the Fish and Game Preservation Fund. Notwithstanding Section 2098, funds in the account shall be available to the department, upon appropriation by the Legislature, for the purposes of administering and implementing this chapter, except that fee moneys collected pursuant to this section shall only be used for the purposes of this article.

SEC. 2. Section 12008.1 is added to the Fish and Game Code, to read:



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12008.1. (a) Notwithstanding Section 12002 or Section 12008, the punishment for any violation of Section 2080 or 2085 is a fine of not less than twenty-five thousand dollars (\$25,000) or more than fifty thousand dollars (\$50,000) for each violation, imprisonment in the county jail for not more than one year, or by both that fine and imprisonment.

(b) Notwithstanding any other law, the moneys collected from any fine or forfeiture imposed or collected for violating Chapter 1.5 (commencing with Section 2050) of Division 3 shall be deposited as follows:

(1) One-half in the Endangered Species Permitting Account established pursuant to Section 2081.2.

(2) One-half in the county treasury of the county in which the violation occurred. The board of supervisors shall first use revenues pursuant to this subdivision to reimburse the costs incurred by the district attorney or city attorney in investigating and prosecuting the violation. Any excess revenues may be expended in accordance with Section 13103.

SEC. 3. Section 12157 of the Fish and Game Code is amended to read:

12157. (a) Except as provided in subdivision (b), the judge before whom any person is tried for a violation of any provision of this code, or regulation adopted pursuant thereto, may, upon the conviction of the person tried, order the forfeiture of any device or apparatus that is designed to be, or is capable of being, used to take birds, mammals, fish, reptiles, or amphibia and that was used in committing the offense charged.



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(b) The judge shall, if the offense is punishable under Section 12008 or 12008.1 of this code or under subdivision (c) of Section 597 of the Penal Code, order the forfeiture of any device or apparatus that is used in committing the offense, including, but not limited to, any vehicle that is used or intended for use in delivering, importing, or exporting any unlawfully taken, imported, or purchased species.

(c) (1) The judge may, for conviction of a violation of any of the following offenses, order forfeiture of any device or apparatus that is used in committing the offense, including, but not limited to, any vehicle used or intended for use in committing the offense:

(A) Section 2000 relating to deer, elk, antelope, feral pigs, European wild boars, black bears, and brown or cinnamon bears.

(B) Any offense that involves the sale, purchase, or possession of abalone for commercial purposes.

(C) Any offense that involves the sale, purchase, or possession of sturgeon or lobster, pursuant to Section 7370 or 8254.

(D) Any offense that involves a violation of Section 12012.

(E) A violation of subdivision (b) of Section 12013.

(2) In considering an order of forfeiture under this subdivision, the court shall take into consideration the nature, circumstances, extent, and gravity of the prohibited act committed, the degree of culpability of the violator, the property proposed for forfeiture, and other criminal or civil penalties imposed on the violator under other provisions of law for that offense. The court shall impose lesser forfeiture penalties under this subdivision for those acts that have little significant effect upon natural



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resources or the property of another and greater forfeiture penalties for those acts that may cause serious injury to natural resources or the property of another, as determined by the court. In determining whether or not to order forfeiture of a vehicle, the court shall, in addition to any other relevant factor, consider whether the defendant is the owner of the vehicle and whether the owner of the vehicle had knowledge of the violation.

(3) It is the intent of the Legislature that forfeiture not be ordered pursuant to this subdivision for minor or inadvertent violations, as determined by the court.

(d) A judge shall not order the forfeiture of a vehicle under this section if there is a community property interest in the vehicle that is owned by a person other than the defendant and the vehicle is the only vehicle available to the defendant's immediate family that may be operated on the highway with a class A, class B, or class C driver's license.

(e) Any device or apparatus ordered forfeited shall be sold, used, or destroyed by the department.

(f) (1) The proceeds from all sales under this section, after payment of any valid liens on the forfeited property, shall be paid into the Fish and Game Preservation Fund.

(2) A lien in which the lienholder is a conspirator is not a valid lien for purposes of this subdivision.

(g) The provisions in this section authorizing or requiring a judge to order the forfeiture of a device or apparatus also apply to the judge, referee, or juvenile hearing officer in a juvenile court action brought under Section 258 of the Welfare and Institutions Code.



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(h) For purposes of this section, a plea of nolo contendere or no contest, or forfeiture of bail, constitutes a conviction.

(i) Neither the disposition of the criminal action other than by conviction nor the discretionary refusal of the judge to order forfeiture upon conviction impairs the right of the department to commence proceedings to order the forfeiture of fish nets or traps pursuant to Section 8630.

SEC. 4. Section 12159.5 of the Fish and Game Code is amended to read:

12159.5. The judge before whom any person is tried for a violation of a provision of this code that prohibits the taking of any endangered species, threatened species, or fully protected bird, mammal, reptile, amphibian, or fish, as specified by ~~Section 12008~~, Sections 12008 and 12008.1, may, in the court's discretion and upon the conviction of that person, order the forfeiture of any proceeds resulting from the taking of the endangered species, threatened species, or fully protected bird, mammal, reptile, amphibian, or fish.

SEC. 5. Section 258 of the Welfare and Institutions Code is amended to read:

258. (a) Upon a hearing conducted in accordance with Section 257, and upon either an admission by the minor of the commission of a violation charged, or a finding that the minor did in fact commit the violation, the judge, referee, or juvenile hearing officer may do any of the following:

(1) Reprimand the minor and take no further action.

(2) Direct that the probation officer undertake a program of supervision of the minor for a period not to exceed six months, in addition to or in place of the following orders.



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(3) Order that the minor pay a fine up to the amount that an adult would pay for the same violation, unless the violation is otherwise specified within this section, in which case the fine shall not exceed two hundred fifty dollars (\$250). This fine may be levied in addition to or in place of the following orders and the court may waive any or all of this fine, if the minor is unable to pay. In determining the minor's ability to pay, the court shall not consider the ability of the minor's family to pay.

(4) Subject to the minor's right to a restitution hearing, order that the minor pay restitution to the victim, in lieu of all or a portion of the fine specified in paragraph (3). The total dollar amount of the fine, restitution, and any program fees ordered pursuant to paragraph (9) shall not exceed the maximum amount which may be ordered pursuant to paragraph (3). This paragraph shall not be construed to limit the right to recover damages, less any amount actually paid in restitution, in a civil action.

(5) Order that the driving privileges of the minor be suspended or restricted as provided in the Vehicle Code or, notwithstanding Section 13203 of the Vehicle Code or any other provision of law, when the Vehicle Code does not provide for the suspension or restriction of driving privileges, that, in addition to any other order, the driving privileges of the minor be suspended or restricted for a period of not to exceed 30 days.

(6) In the case of a traffic related offense, order the minor to attend a licensed traffic school, or other court approved program of traffic school instruction pursuant to Chapter 1.5 (commencing with Section 11200) of Division 5 of the Vehicle Code, to be completed by the juvenile within 60 days of the court order.



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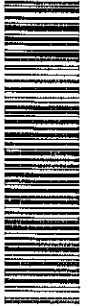
(7) Order that the minor produce satisfactory evidence that the vehicle or its equipment has been made to conform with the requirements of the Vehicle Code pursuant to Section 40150 of the Vehicle Code if the violation involved an equipment violation.

(8) Order that the minor perform community service work in a public entity or any private nonprofit entity, for not more than 50 hours over a period of 60 days, during times other than his or her hours of school attendance or employment. Work performed pursuant to this paragraph shall not exceed 30 hours during any 30-day period. The timeframes established by this paragraph shall not be modified except in unusual cases where the interests of justice would best be served. When the order to work is made by a referee or a juvenile hearing officer, it shall be approved by a judge of the juvenile court.

For purposes of this paragraph, a judge, referee, or juvenile hearing officer shall not, without the consent of the minor, order the minor to perform work with a private nonprofit entity that is affiliated with any religion.

(9) In the case of a misdemeanor, order that the minor participate in and complete a counseling or educational program, or, if the offense involved a violation of a controlled substance law, a drug treatment program, if those programs are available. Fees for participation shall be subject to the right to a hearing as the minor's ability to pay and shall not, together with any fine or restitution order, exceed the maximum amount that may be ordered pursuant to paragraph (3).

(10) Require that the minor attend a school program without unexcused absence.



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(11) If the offense is a misdemeanor committed between 10 p.m. and 6 a.m., require that the minor be at his or her legal residence at hours to be specified by the juvenile hearing officer between the hours of 10 p.m. and 6 a.m., except for a medical or other emergency, unless the minor is accompanied by his or her parent, guardian, or other person in charge of the minor. The maximum length of an order made pursuant to this paragraph shall be six months from the effective date of the order.

(12) Make any or all of the following orders with respect to a violation of the Fish and Game Code which is not charged as a felony:

(A) That the fishing or hunting license involved be suspended or restricted.

(B) That the minor work in a park or conservation area for a total of not to exceed 20 hours over a period not to exceed 30 days, during times other than his or her hours of school attendance or employment.

(C) That the minor forfeit, pursuant to Section 12157 of the Fish and Game Code, any device or apparatus designed to be, and capable of being, used to take birds, mammals, fish, reptiles, or amphibia and that was used in committing the violation charged. The judge, referee, or juvenile hearing officer shall, if the minor committed an offense that is punishable under Section 12008 or 12008.1 of the Fish and Game Code, order the device or apparatus forfeited pursuant to Section 12157 of the Fish and Game Code.

(13) If the violation charged is of an ordinance of a city, county, or local agency relating to loitering, curfew, or fare evasion on a public transportation system, as defined by Section 99211 of the Public Utilities Code, or is a violation of Section 640 or 640a of the Penal Code, make the order that the minor shall perform community service for



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a total time not to exceed 20 hours over a period not to exceed 30 days, during times other than his or her hours of school attendance or employment.

(b) If the minor is before the court on the basis of truancy, as described in subdivision (b) of Section 601, all of the following procedures and limitations shall apply:

(1) The judge, referee, or juvenile hearing officer shall not proceed with a hearing unless both of the following have been provided to the court:

(A) Evidence that the minor's school has undertaken the actions specified in subdivisions (a), (b), and (c) of Section 48264.5 of the Education Code. If the school district does not have an attendance review board, as described in Section 48321 of the Education Code, the minor's school is not required to provide evidence to the court of any actions the school has undertaken that demonstrate the intervention of a school attendance review board.

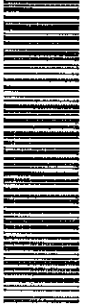
(B) The available record of previous attempts to address the minor's truancy.

(2) The court is encouraged to set the hearing outside of school hours, so as to avoid causing the minor to miss additional school time.

(3) Pursuant to paragraph (1) of subdivision (a) of Section 257, the minor and his or her parents shall be advised of the minor's right to refuse consent to a hearing conducted upon a written notice to appear.

(4) The minor's parents shall be permitted to participate in the hearing.

(5) The judge, referee, or juvenile hearing officer may continue the hearing to allow the minor the opportunity to demonstrate improved attendance before imposing



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any of the orders specified in paragraph (6). Upon demonstration of improved attendance, the court may dismiss the case.

(6) Upon a finding that the minor violated subdivision (b) of Section 601, the judge, referee, or juvenile hearing officer shall direct his or her orders at improving the minor's school attendance. The judge, referee, or juvenile hearing officer may do any of the following:

(A) Order the minor to perform community service work, as described in Section 48264.5 of the Education Code, which may be performed at the minor's school.

(B) Order the payment of a fine by the minor of not more than fifty dollars (\$50), for which a parent or legal guardian of the minor may be jointly liable. The fine described in this subparagraph shall not be subject to Section 1464 of the Penal Code or additional penalty pursuant to any other law. The minor, at his or her discretion, may perform community service, as described in subparagraph (A), in lieu of any fine imposed under this subparagraph.

(C) Order a combination of community service work described in subparagraph (A) and payment of a portion of the fine described in subparagraph (B).

(D) Restrict driving privileges in the manner set forth in paragraph (5) of subdivision (a). The minor may request removal of the driving restrictions if he or she provides proof of school attendance, high school graduation, GED completion, or enrollment in adult education, a community college, or a trade program. Any driving restriction shall be removed at the time the minor attains 18 years of age.

(c) (1) The judge, referee, or juvenile hearing officer shall retain jurisdiction of the case until all orders made under this section have been fully complied with.



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(2) If a minor is before the judge, referee, or juvenile hearing officer on the basis of truancy, jurisdiction shall be terminated upon the minor attaining 18 years of age.

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June 1, 2016

Chairman Mark Leno  
Joint Budget Conference Committee  
State Capitol, Room 5019  
Sacramento, CA 95814

Vice-Chair Philip Ting  
Joint Budget Conference Committee  
State Capitol, Room 6026  
Sacramento, CA 95814

Senator Ricardo Lara  
State Capitol, Room 5050  
Sacramento, CA 95814

Assembly Member Lorena Gonzalez  
State Capitol, Room 6012  
Sacramento, CA 95814

Senator Loni Hancock  
State Capitol, Room 2082  
Sacramento, CA 95814

Assembly Member Richard Bloom  
State Capitol, Room 2003  
Sacramento, CA 95814

Senator Jim Nielsen  
State Capitol, Room 2068  
Sacramento, CA 95814

Assembly Member Jay Obernolte  
State Capitol, Room 4116  
Sacramento, CA 95814

Senator Patricia Bates  
State Capitol, Room 4036  
Sacramento, CA 95814

Assembly Member Kristin Olsen  
State Capitol, Room 4144  
Sacramento, CA 95814

**RE: California Endangered Species Act Permit Application Fees #802 - OPPOSE**

Dear Chairman Leno:

On behalf of the Rural County Representatives of California (RCRC) and the California State Association of Counties (CSAC), we write to express our opposition to the proposed application fees for permits required to comply with the California Endangered Species Act (CESA).

As you may know, counties are required to comply with CESA by obtaining incidental take permits for a number of county projects including land use, general planning, flood control, and water management activities. The proposed fees are brand new, not proposed for a phase-in, and would range in cost from \$7,500 to \$30,000.

The proposed fee also gives the Department of Fish and Wildlife (CDFW) the authority to charge an additional fee of up to \$10,000 if the original fees are deemed to be insufficient. This is an enormous amount of leeway to give an agency, especially since allowing CDFW the authority to ask for more money to complete their work does not exactly provide an incentive for an efficient permit review process. Most state fee structures do not include such a provision,

1215 K Street, Suite 1650, Sacramento, CA 95814 | [www.rcrcnet.org](http://www.rcrcnet.org) | 916.447.4806 | Fax: 916.448.3154

June 1, 2016

Page 2

and since the proposal also grants authority to CDFW to review and adjust the fee structure, we feel the additional charge is unnecessary and excessive.

While we understand the importance of local and state agencies having the ability to raise revenue to cover the costs of the services they provide, the fees proposed are excessive and could result in counties having to defer important public projects due to cost issues. Of particular concern is the impact on local projects that provide flood protection for people and property. Unfortunately, local flood control agencies have very limited funding options to pay for flood protection infrastructure repair, replacement and maintenance. Consequently, any new fees could significantly impact their ability to move forward with such work.

We are also concerned about the potential impact of these fees on rural counties, many of which have among the highest unemployment rates and lowest countywide median household incomes in the State. They too aren't in a position to raise their own fees in order to cover such a costly new state fee structure.

For the above reasons, RCRC and CSAC oppose the proposed CESA permit applications fees. We would welcome the opportunity to continue our dialogue with the Department of Fish and Game regarding an alternative approach. Should you have any questions about our position, please do not hesitate to contact Staci Heaton of RCRC at (916) 447-4806 or Karen Keene of CSAC at (916) 650-8181.

Sincerely,



STACI HEATON  
Regulatory Affairs Advocate  
RCRC



KAREN KEENE  
Senior Legislative Representative  
CSAC

cc: The Honorable Edmund G. Brown Jr., Governor  
Members of the California State Assembly  
Members of the California State Senate  
Martha Guzman-Aceves, Deputy Legislative Secretary, Office of Governor Brown  
Catherine Freeman, Consultant, Senate Budget and Fiscal Review Committee  
Rocel Bettencourt, Senate Republican Consultant  
Gabrielle Meindl, Consultant, Assembly Budget Committee  
Daniel Ballon, Assembly Republican Consultant

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**From:** Karen Keene  
**Sent:** Thursday, June 02, 2016 2:41 PM  
**Subject:** CESA Proposed Fees -- Budget Trailer Bill -- Request for Action

TO: County Public Works Director  
CEAC Flood Control and Water Resources Committee  
County Legislative Coordinators

FROM: Karen Keene, CSAC Senior Legislative Representative

As noted on the attached letter, CSAC and RCRC continue to oppose the Administration's proposed CESA Fees. If you share our concern, please contact your legislative delegation and/or the Budget Conference Committee to express opposition. Feel free to customize the attached letter to your own liking. The Budget Bill must be passed by midnight on June 15 so contact (via letter or phone call) should be made sooner as opposed to later. While the Budget Trailer Bills don't have to be passed on June 15 many typically are taken up along with the Budget Bill.

Lastly, we have asked for a few amendments to make the fees less onerous but to date DFW has only agreed to revising the language regarding the permit withdraw refund period from 30 to 60 days.

Please feel free to contact me if you have any questions.

*Karen A. Keene*

Senior Legislative Representative/

Director of Federal Affairs

California State Assoc of Counties®

1100 K Street, Ste. 101

Sacramento, CA 95814

Office (916) 650-8181

Mobile (916) 803-4752

[kkeene@counties.org](mailto:kkeene@counties.org)

[www.csac.counties.org](http://www.csac.counties.org)



**County Requested Amendments:  
(5/31/16)**

Amendment 1:

Amend the proposed Section 2081.2(a)(1)(D) to read: "Project cost" means the total direct ~~and indirect~~ project expenses that include, ~~but are not limited to,~~ labor, equipment, permanent materials and supplies, and subcontracts, permits and licenses, overhead, and miscellaneous costs associated with the construction or implementation of the project.

*Comment: Avoids penalizing efforts in the planning and design stage to prepare designs that produce better functioning facilities.*

Amendment 2:

Amend the proposed 2081.2.(b) to read: The department shall collect a permit application fee for processing a permit application submitted pursuant to this article at the time the permit application is submitted to the department. Notwithstanding Section 2098, upon appropriation to the department from the Endangered Species Permitting Account, the department shall use the permit application fee to pay for all or a portion of the department's cost of processing permit applications, permit development, and compliance monitoring pursuant to this article. This subdivision shall not apply to activities undertaken to operate, maintain, repair or restore existing publicly owned infrastructure.

*Comment: Environmental harm, including that to endangered species, will result if public infrastructure isn't operated and kept functional; therefore, O&M activities of existing public infrastructure should not be subject to the proposed fee.*

Amendments 3:

Amend the proposed 2081.2 (e)(2) to read: If a permit or amendment application is withdrawn within ~~30~~ 60 days after paying the permit or amendment application fee, the department shall refund any unused portion of the fee to the permittee.

Amend the proposed 2081.2 (e)(3) to read: If a permit or amendment application is withdrawn after ~~30~~ 60 days of paying the permit or amendment application fee, the department shall not refund any portion of the fee to the permittee.

*Comment: This amendment would address the timing issue -- Consultation with DFW at beginning of a project routinely takes 3 to 4 months. Having a 30-day refund policy for remaining fee probably won't work as it could take the agency more than 30-days to provide initial feedback on the project.*

Plan B – If DFW says “no” to #1 & #2 requested amendments.

-or-

Add a new Section 2081.2(c)(2) to read: “For a project, regardless of the estimated project cost, that is any one of the activities listed in subsection (A), the department shall assess either of the amounts specified in subsection (B).

(A) Activities applicable to this subsection are:

(i) Activities undertaken to operate, maintain, repair or restore existing publicly owned infrastructure.

(ii) Activities that are already regulated under Section 1602.

(B) The amounts applicable to this section are:

(i) Seven thousand five hundred dollars (\$7,500).

(ii) Six thousand dollars (\$6,000) if the project uses a department approved conservation or mitigation bank or area to fulfill obligations pursuant to this article.”

Note: *Renumber the subsequent subsections under 2080.2(c) accordingly.*

*Comment: Environmental harm, including that to endangered species, will result if public infrastructure isn't operated and kept functional; therefore, O&M activities of existing public infrastructure should not be subject to the higher fee. In addition, substantial increases in Lake/Streambed Alteration Agreement (LSAA) fees are currently being proposed by means of a revision in Title 14 of the California Code of Regulations. A lot of leg work to address CESA issues will already be done during the LSAA process, so the CESA fees for projects already getting LSAA's should be lower than for projects where CESA is the only reason CDFW has a regulatory role in the project.”*



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

9.

**Meeting Date:** 06/09/2016  
**Subject:** CONSIDER report on Local, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate.  
**Submitted For:** TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE,  
**Department:** Conservation & Development  
**Referral No.:** 1  
**Referral Name:** REVIEW legislative matters on transportation, water, and infrastructure.  
**Presenter:** John Cunningham, DCD                      **Contact:** John Cunningham  
(925)674-7883

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#### **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. Specific recommendations, if provided, 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 putting a half-cent transportation sales tax on the ballot 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**

A comprehensive report has not been developed for the June TWIC meeting, the TEP has been completed.

At their May 18th Special TEP meeting the Authority took several actions to move the TEP process forward including approving the final TEP language and authorizing the release of the TEP for review and approval by the County, Cities, and Towns. The schedule for review is below:

May 31: Orinda  
June 1: Martinez  
June 6: Pleasant Hill  
June 7: Concord, Danville  
June 8: Moraga  
June 13: Lafayette  
June 14: Antioch, Hercules, Oakley  
June 20: Pittsburg  
June 21: El Cerrito, Walnut Creek  
June 22: San Pablo  
June 28: Brentwood, San Ramon  
July 5: Clayton, Pinole, Richmond  
TBD: Contra Costa County

### **Process**

County Counsel developed a comprehensive opinion providing specific details on how the TEP will be brought to the ballot and how it would be administered. That opinion was distributed to CCTA staff. Coordination between County Counsel, Conservation and Development, and the Clerk-Recorders office continue. A final schedule will be developed soon.

**Accessible Transit Service Strategic Plan/Transportation Expenditure Plan** The BOS has been communicating to CCTA the importance of addressing accessible transit in the TEP since 2014. The CCTA Board and staff have been supportive and responsive to the County's comments. Specifically, language was included in the TEP that required **1)** an "*Accessible Transit Service (ATS) Strategic Plan*" be conducted and, **2)** transit providers must participate in the planning effort in order to be eligible for any transit funding in the TEP. In later TEP versions that requirement removed for eligibility for conventional, fixed route funding but the requirement remains for the *Transportation for Seniors and Disabled* funding category.

During one TEP discussion at CCTA, Supervisor Karen Mitchoff commented that there was no need to wait for the TEP to conduct the ATS Plan which was met with support. In response to that comment, CCTA and County staff have initiated a dialog on the ATS Plan with a coalition of transit operators and accessible transit advocates. Funding is being sought and a small working group of staff has been meeting to move the study ahead.

Staff will provide further verbal updates on this at the TWIC meeting.

**RECOMMENDATION: DISCUSS any local issues of note and take ACTION as appropriate.**

**2) STATE  
Legislative Report**

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

Mr. Watts will be present at the May meeting to discuss state legislation, the status of the state budget/transportation revenues, Iron Horse corridor status and other items of interest to the Committee.

**RECOMMENDATION: DISCUSS any state issues of note and take ACTION as appropriate.**

**3) FEDERAL**

**No written report in May.**

**RECOMMENDATION:** DISCUSS any federal issues of note and take 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 any specific recommendations in the report above.

**Fiscal Impact (if any):**

There is no fiscal impact.

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**Attachments**

**Mark Watts June 2016 Leg Report to TWIC**

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# Smith, Watts & Hartmann, LLC.

Consulting and Governmental Relations

## MEMORANDUM

TO: John Cunningham  
FROM: Mark Watts  
DATE: May 16, 2016  
SUBJECT: **June TWIC Report**

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### Key Bills - Update

Presented below are brief summaries of bills of interest to the County, including AB 1592 (Bonilla), AB 1665 (Bonilla). A brief summary of the May 13 Governor's May Revision to the state budget is included, as well.

#### *AB 1592 (Bonilla)*

This measure authorizes the Contra Costa Transportation Authority to conduct a pilot program for the testing of autonomous vehicles.

The bill was approved by the full Assembly on April 6 (75-0) and has been assigned to the Senate Transportation & Housing committee. Discussions with the Committee staff indicate that they are leaning towards setting the bill for hearing on the 14th.

Additionally, there are two other bills that address autonomous vehicles that will need to be reconciled with AB 1592 as the session recess nears this summer:

*AB 2866 (Gatto)*: Requires the Department of Motor Vehicles (DMV) to adopt regulations for the testing and operation of autonomous vehicles without a driver in the vehicle and without a brake pedal, accelerator pedal, or steering wheel. The bill is pending hearing in the Assembly Appropriations committee.

*AB 2682 (Chiu)*: This bill requires DMV, upon the development of a model state policy on autonomous vehicles by the National Highway Traffic Safety Administration (NHTSA), to hold public hearings on the model policy and, to the extent authorized by other law, consider conforming DMV regulations with the model policy. Discussions with the author's office indicate they may be amending the bill soon. It is pending hearing in the Senate Transportation & Housing Committee.

## *AB 1665 (Bonilla)*

This bill authorizes the taxing authority for a countywide transportation program to be transferred from the County of Contra Costa to the Contra Costa Transportation Authority.

After discussions with Assembly Republican Caucus staff and bill opponents, Howard Jarvis Taxpayers Association, amendments were agreed upon, and the bill was amended on May 9. These included the necessary urgency clause; close coordination between the author's office and others in the following week focused on contacting all Assembly member offices to determine the level of support for the amended bill. Finding strong support, the bill was taken up on the Assembly floor on May 16<sup>th</sup>, and was approved by a final vote tally of 77-0, eclipsing the 54 votes required for the urgency clause.

The bill is pending assignment in the Senate Rules committee.

## **State Budget Update**

On May 13th, the Governor presented his regular, annual adjustments to the State Budget Proposal, known as the *May Revision*. The following are some highlights:

### *Overview*

The Governor proposed a \$122.2 billion spending plan for California, down slightly from the January State budget proposal after projecting tax revenues falling about \$1.9 billion below expectations for the year and a deficit when voter-approved sales and income taxes begin to expire.

In addition, Proposition 2's "Rainy Day" fund-required contributions have been reduced by a combined \$1.6 billion. The Governor emphasized that until the voters decide in November whether temporary taxes should be extended, the May Revision reflects the principle that no significant new ongoing spending commitments should be made.

Barring any significant changes, the Budget over the next two years remains in balance. However, in the years that follow, the state's commitments will exceed expected revenues with annual shortfalls forecasted to exceed \$4 billion by 2019 - or worse with an economic slowdown or recession.

### *Transportation Infrastructure*

**Governor's Transportation Plan:** The May Revision continues to reflect the Governor's transportation financing package that would provide \$36 billion over the next decade to improve the maintenance of highways and roads, expand public transit and improve critical trade routes. The Budget Subcommittees are scheduled to consider this issue in the coming week.

**Federal Freight Funding:** The May Revision also reflects the availability of federal funds resulting from the Federal FAST Act that would provide additional funding for trade corridor improvements over the next five years:

The FAST Act allocates \$582 million over the next five years to California through the new National Highway Freight Program funding formula. Additionally, California is eligible to receive a portion of \$900 million annually for Fostering Advancements in Shipping and Transportation of the Long-term Achievement of National Efficiencies (FASTLANE) competitive grants.

FASTLANE grants can be applied to up to 60 percent of Nationally Significant Freight and Highway Projects program costs, with the remaining funds from state, local, or other federal funding sources. The May Revision includes provisional language that makes other state and federal funding available as a match for the remaining 40 percent. Caltrans' budget proposes expending the formula funding pursuant to the Trade Corridor Improvement Fund Guidelines. The California Transportation Commission would then allocate half of the funding to corridor-based projects proposed by local agencies and half to projects of statewide significance proposed by Caltrans.

These items are set to be considered by the Budget Subcommittees in the coming week.

*Other new items proposed in the May Revision, include:*

§*District 7 Express Lane Maintenance* – to assist LA Metro in maintaining the 10 and 110 express Lanes;

§*Federal Bridge Load Rating* – Additional resources to complete this mandated assessment;

§*Project Delivery Workload* – Proposes a reduction of 94 py's in line with underlying workload need, but offset by an increase of 877 py's for work related to the new funding package.

§*Reappropriation of Bond Funds* – A technical correction to ensure availability of funds for PTC work in Southern California.

#### *Cap and Trade Budget*

The Budget provides a \$3.1 billion Cap and Trade expenditure plan to address reduction of greenhouse gas emissions through programs that support clean transportation, promote transformational sustainable communities, reduce short-lived climate pollutants, and protect natural ecosystems.

As a reminder, the Budget continuously appropriates 35% of all cap-and-trade funds for investments in transit, affordable housing, and sustainable communities. Another twenty-five percent of the revenues are continuously appropriated to continue the construction of high-speed rail.

The remaining 40% in cap and trade funds are to be appropriated annually by the Legislature for investments in programs that include low-carbon transportation, energy efficiency and renewable energy, and natural resources and waste diversion. An expenditure plan for the 40% was not included in the Final 2015-16 Budget Act, with the exception of \$227 million appropriated to continue funding for specified existing programs. The remaining 2015-16 revenues, along with 2016-17 revenues, totaling \$3.1 billion are available for appropriation this year.