



## TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

March 12, 2018

9:00 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Karen Mitchoff, District IV, Chair  
Supervisor Candace Andersen, District II, Vice Chair

### Agenda Items:

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

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. **Administrative Items, if applicable.** (John Cunningham, Department of Conservation and Development)
4. **REVIEW record of meeting for December 11, 2017, 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. **CONSIDER recommendations on referrals to the Committee for 2018, REVISE as necessary, and DIRECT staff to bring to the full Board of Supervisors for approval.** (John Cunningham, Department of Conservation and Development)
6. **RECEIVE Communication from the Hazardous Materials Commission, DISCUSS options and DIRECT staff as appropriate.** (Michael Kent, Health Services Department - John Cunningham, Department of Conservation and Development)
7. **RECEIVE Report on Dockless Bikeshare in Contra Costa County, DISCUSS options, and DIRECT staff as appropriate.** (John Cunningham, Department of Conservation and Development)
8. **CONSIDER report on Local, State, and Federal Transportation Related Legislative Issues and take ACTION as appropriate including specific recommendations in the staff report.** (John Cunningham, Department of Conservation and Development)

9. **REVIEW, REVISE as appropriate, and ADOPT the 2018 Calendar.** (John Cunningham, Department of Conservation and Development)
10. The next meeting is currently scheduled for April 9, 2018, 9:00 a.m.
11. Adjourn

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

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*Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the TWIC less than 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:** 03/12/2018

**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:** 03/12/2018

**Subject:** REVIEW record of meeting for December 11, 2017, 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 December 11, 2017, Committee Meeting with any necessary corrections.

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

N/A

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### **Attachments**

12-11-17 TWIC Meeting Record

12-11-17 TWIC Sign-in sheet

12-11-17 TWIC Handout 1 LelandFraysethLosVaqueros

12-11-17 TWIC Handout 2 LelandFraysethLosVaqueros

12-11-17 TWIC Handout 3 LelandFraysethLosVaqueros

2017-9-26 Owl box at Livorna

2017-10-20 Owl Box at Livorna, inside Pest

Management Awareness revised 10-3-17 03-12-18 TWIC Agenda Packet - Pg 5 of 194



## TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

December 11, 2017

9:00 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Diane Burgis, Chair  
Supervisor Karen Mitchoff, Vice Chair

### Agenda Items:

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

Present: Diane Burgis, Chair  
Karen Mitchoff, Vice Chair

Attendees: Elaine Welch, Mobility Matters  
Sam Sotelo, Mobility Matters  
Lisa Hammon, Choice in Aging  
Lia Bristol, Office of Supervisor Karen Mitchoff  
Jill Ray, Office of Supervisor Candace Andersen  
Carl Romer, CC PWD  
Steve Kowalewski, CC PWD  
Brian Balbas, CC PWD  
Rochelle Johnson, CC PWD  
Tanya Drlik, HSD  
Mark Seedall, CC WD  
Ernie Avila, CC WD  
Mark Watts, Advocate  
Jody London, DCD  
Ryan Hernandez, DCD  
Maureen Toms - DCD  
John Cunningham - DCD

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).

*Leyland Frayseth, a Contra Costa Resident, provided a copy to TWIC of his comments to the California Water Commission regarding the Los Vaqueros Proposition 1 funding application. Those comments are attached. Subsequently, Contra Costa County Water Agency staff advised that no response from the County is necessary.*

3. CONSIDER Administrative items and Take ACTION as appropriate.

*No action taken.*

4. Staff recommends approval of the attached Record of Action for the October 9, 2017, Transportation, Water, and Infrastructure Committee meeting with any necessary corrections.

*The Committee unanimously APPROVED the meeting record.*

5. Staff recommends approval of the attached Record of Action for the November 7, 2017, Transportation, Water, and Infrastructure Committee Special Meeting with any necessary corrections.

*The Committee unanimously APPROVED the meeting record.*

6. RECEIVE the report on Mobility Matters Ride's 4 Veteran's Program, and DIRECT staff as appropriate.

*The Committee received the report and provided the following feedback to Mobility Matters representatives, 1) explore opportunities to expand the rider/volunteer base, 2) improve the cost per ride, 3) regularly provide the Supervisor's staff announcement text for newsletters, email blasts, etc, 4) document the need for service in the community. The Committee indicated to TWIC staff that at this time the report should not be forwarded to the Board of Supervisors but that a final/close out report should come before TWIC when it is ready.*

7. RECEIVE Report on Sustainable Groundwater Management in Contra Costa County and DIRECT staff as appropriate.

*The Committee RECEIVED the report and took no action.*

8. ACCEPT Integrated Pest Management report, and take ACTION as appropriate.

*The Committee RECEIVED the update and DIRECTED staff to 1) bring the report to the full Board of Supervisors in early 2018 on consent, 2) use the District office communication channels to distribute information regarding bed bugs, and 3) develop a comprehensive report for the Board of Supervisors regarding water saving measures including turf conversion, graywater, and other, related landscaping issues, the report will include analysis of current costs, conversion cost estimates, projected savings, proposed prioritization scheme, and running list of conversion projects.*

9. RECEIVE this status report on the light coordination effort between PG&E and the County Public Works Department and Cities for street light maintenance.

*The Committee RECEIVED the report and DIRECTED staff to: 1) bring the report to the Board of Supervisors on consent, and 2) ensure the database of locations is available to staff.*

10. CONSIDER report on Local, State, and Federal Transportation Related Issues: Legislation, Studies, Miscellaneous Updates, take ACTION as appropriate, including CONSIDERATION of any specific recommendations in the report above.

*The Committee RECEIVED the report and DIRECTED staff to work with staff in the County Administrator's office relative to a taxicab ordinance for the unincorporated area specifically to explore an expedited local solution while the regional effort is developed.*

Staff Comment: Responsible staff from the CAO's office indicated that he would discuss the Committee's direction with the County Administrator and report back on how they intend to proceed.

11. REVIEW Status Report and DIRECT staff to forward the report to the Board of Supervisors with revisions as appropriate.

*The Committee RECEIVED the year-end TWIC report and DIRECTED staff to bring the report to the Board of Supervisors.*

12. RECEIVE information and DIRECT staff as appropriate.

*The Committee RECEIVED the information with no action taken.*

13. Adjourn to the next Transportation, Water and Infrastructure meeting, to be announced at a later date for 2018.

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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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# Transportation, Water and Infrastructure Committee Meeting December 11, 2017

## SIGN-IN SHEET

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

Name	Representing	Phone	EMAIL
John Cunningham	CCDCD - TWIC	925-674-7833	
Daniel Valdez	Mobility Matters	925-284-6689	elamir@mobilitymatterscc.com
Sam Sotelo	Mobility Matters	925 284 2215	Sam@mobilitymatterscc.com
Lexa Hammond	Choice in Aging	925 682 6343	Lexa@choiceinaging.org
Steve Kowalewski	CCCPWD	925-313-2225	SKOWA@PW.CCcounty.us
Brian Barras	CCCPWD	925-313-2204	Brian.Barras@PW.CCcounty.us
Mark Seedell	CCWD	925 688-8119	mscedell@ccwefor.com
Tanya Drlik	HSD	925-335-3214	tdrlik@hisd.cccounty.us
Jody London	DCD	925-674-7871	
Mark Watt	ADVOCATE	916-446-5508	mwatts@swmconsult.com
Eric Avila	CCWD	925-688-8000	
Ryan Hernandez	DCD/CCWA	925-646-7824	ryan.hernandez@dcd.cccounty.us
Maureen Tomes	DCD	925-674-7878	Maureen.Tomes@dcd.cccounty.us
Rebekah Johnson	CCCPWD	925-313 2299	Rebekah.Johnson@pw.cccounty.us
Carl Rone	CCCPWD	925 313 -2213	Carl.rone@pw.cccounty.us
Lia Bristol	Supervisor Mitchell	(925) 521-7100	lia.bristol@pos.cccounty.us

Jill Bay

Pos 01812



**From:** [Leland Frayseth](#)  
**To:** [Quintero\\_Armando@CWC](#); [Baker\\_Carol@CWC](#); [Ball\\_Andrew@CWC](#); [Byrne\\_Joseph@CWC](#); [Curtin\\_Daniel@CWC](#); [joedelbosque@cw.ca.gov](#); [Keig\\_Catherine@CWC](#); [Herrera\\_Maria@CWC](#); [Orth\\_David@CWC](#)  
**Cc:** [California Water Commission](#); [Woodard\\_Niki@DWR](#); [Yun\\_Joseph@DWR](#); [Orrock\\_Chris@DWR](#)  
**Subject:** Los Vaqueros Proposition 1 funding application - 2017 mudslides  
**Date:** Thursday, October 05, 2017 5:35:33 PM  
**Attachments:** [Screenshot \(45\).png](#)

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Dear California Water Commission (CWC) Commissioners Quintero, Baker, Ball, Byrne, Curtin, Del Bosque, Keig, Herrera, Orth, staff and the public,

My name is Leland Frayseth, I am a 30+ year Contra Costa Water District (CCWD) customer, I am interested in water, water cost and water quality issues. Last night CCWD's board of directors voted to spend half a million dollars to repair mudslide damage to Los Vaqueros Road. In the Supplemental EIS/EIR Los Vaqueros 275,000 AF expansion they wrote based upon aerial surveys there were no new landslides since publication of the previous EIS/EIR, that is baloney. Please view the following 11 March 2017 Copernicus Programme European Space Agency satellite images from Google Earth. Mudslides can be identified by the black plastic held down by rocks. I hope you will find this sufficient basis to reject the Los Vaqueros Proposition 1 funding application.

Thank you, Leland Frayseth





**LosVaquerosRoad11Mar2017Mudslide1**  
Write a description for your map.

Legend















Contra Costa Water District

www.ccwater.com/AlertCenter.aspx?AID=Los-Vaqueros-South-Side-Marina-Remains-C-29

**LV ROAD CLOSED** Los Vaqueros South Side & Marina Remains Closed Read On...

ABOUT US CUSTOMER SERVICE WORKING WITH US YOUR WATER LOS VAQUEROS CONSERVATION

**CONTRA COSTA WATER DISTRICT**

Home Alert Center

**LV South Entrance & Marina Remain Closed**

February 21, 2017 7:16 AM

**Los Vaqueros South Side & Marina Remains Closed**

Los Vaqueros Road remains closed today, Feb. 22. Mudslides along Los Vaqueros Road closed the south side of the Los Vaqueros Watershed near Livermore on Feb. 21. This includes the Marina and most fishing access. The north side remains open.

**PAY YOUR CCWD BILL**

**CONSERVATION SAVE WATER!**

**CURRENT JOB**

Search

Word or Phrase

All Categories

Tools

RSS

Notify Me

Show Archived

Categories

2:26 PM 2/22/2017



**From:** [Leland Frayseth](#)  
**To:** [Quintero, Armando@CWC](#); [Baker, Carol@CWC](#); [Ball, Andrew@CWC](#); [Byrne, Joseph@CWC](#); [Curtin, Daniel@CWC](#); [Del Bosque, Joe@CWC](#); [Keig, Catherine@CWC](#); [Herrera, Maria@CWC](#); [Orth, David@CWC](#); [Orrock, Chris@DWR](#); [Yun, Joseph@DWR](#); [California Water Commission](#); [Yang, Mary@Waterboards](#); [viet.truong@cpuc.ca.gov](#)  
**Subject:** Los Vaqueros Proposition 1 funding application - Rock Slough 2,4-D and RoundUp Custom  
**Date:** Monday, November 06, 2017 12:26:27 PM  
**Attachments:** [DBW MOU 2017.pdf](#)

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Dear California Water Commission (CWC) Commissioners Quintero, Baker, Ball, Byrne, Curtin, Del Bosque, Keig, Herrera, Orth, staff, the public, Ms. Yang (SWRCB), Mr. Truong (CPUC)

My name is Leland Frayseth, I am a 30+ year Contra Costa Water District (CCWD) customer, I am interested in water, water cost and water quality issues. I oppose the Los Vaqueros 275,000 AF expansion.

At the October CWC meeting Marguerite Patil of CCWD recommended under public comment that applicants reference the section of the application they were talking to in their December slide presentations. In the following written comment I refer you to the following sections that reference Rock Slough in CCWD's Los Vaqueros Proposition 1 funding application: Executive summary section ES.5.1, page ES-8 and Tab 3, section 3-4.6.2.12.

Last month in my written comments that I submitted to the CWC, I included the following picture of dying hyacinths in Rock Slough.



At that time I also imitated a CalEPA complaint which has worked its way through the system. I appreciate that CalEPA and Waterboards use a Sales Force Software as a Service (SaS) application to track complaints I like seeing that type of thinking in state government. I tried to get CCWD to save \$1.1M by not building a new server room and instead moving into a data center co location facility as is the current industry trend but they ignored me. This is another reason why all water districts in California should be consolidated eliminate duplicate management, billing systems, testing systems, cyber security systems and data centers. I may talk to this matter before an upcoming joint State Water Resources Control Board(SWRCB) and California Public Utilities Commission(CPUC) meeting on consolidating water systems.

As I wrote last month the only thing I know of that kills hyacinths as shown in the above picture is RoundUp. Sure enough after my complaint was closed in the Sales Force application I received an automated email that my case was closed and gave me the email address and phone number of the San Francisco Regional Water Control Board engineer to contact. I spoke with her and got additional detail. Sure enough in April 2017 CCWD and California Parks Boating and Waterways (DBW) signed a 5 year memorandum of understanding (MOU) to apply herbicides around CCWD intakes to control invasive aquatic plants. Attached is a copy of that MOU, if CWC staff posts that MOU with this email on the

CWC website they may wish to redact the email and phone numbers within that document. I also learned DBW applied 2,4-D July 26 & 27 and RoundUp Custom Aug 22 and Oct 5 in Rock Slough targeting water hyacinths and Uruguay water primrose. RoundUp contains glyphosate listed effective July 7 under Prop 65 as known to the State of California to cause cancer. From the following link you can see 1 part per trillion glyphosate can cause breast cancer, <https://www.naturalblaze.com/2017/11/orange-juice-glyphosate-monsanto-weedkiller.html>. I like girls my Mom was a girl and my sisters are girls.

2014 was a particularly bad year in the delta for hyacinths the following pictures are from up around Rio Vista where I fish. Once sprayed with RoundUp the hyacinth dies and sinks. As it decays it takes dissolved oxygen (DO) from the water which fish need to breathe. I have hooked many submerged hyacinths while trolling for salmon around Rio Vista they take a long time to decompose. I certainly can understand why CCWD customers complained about water taste and odor Aug 6, 2 weeks after DBW sprayed 2,4-D on Rock Slough hyacinths they take a long time to decompose. CWC staff should scrutinize CCWD's claim they will save 33 fall run chinook salmon, 2 spring run chinook and 6 steel head in ES.5.1 when calculating their public benefit ratio. A salmon in Rock Slough would be very lost migrating upstream to its spawning ground and the lower dissolved oxygen levels from decaying vegetation will kill them I have seen it happen in 2014 in Steamboat Slough.



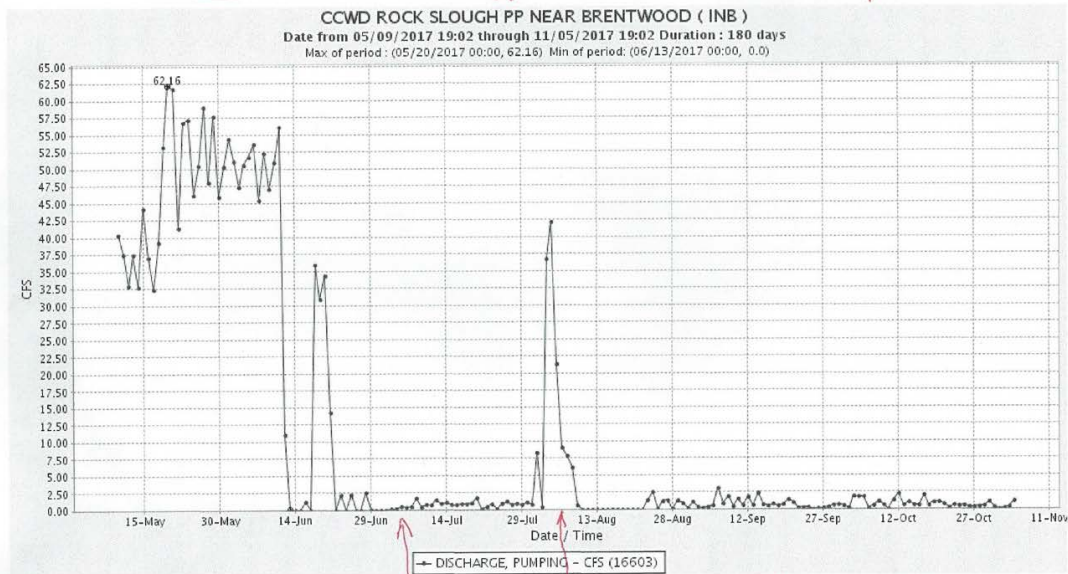




The following graph of CCWD's Rock Slough turnout is annotated with what I learned from my complaint case. In my opinion CCWD and Reclamation did a poor job designing and building the fish screen and CCWD and DBW using glyphosate (known to cause cancer) has made the turnout unusable, they have not used it in 5 months and when they did they got customer complaints.

Memorandum of Understanding 2017-2022 signed 4/6/2017 (A parts 4/25/2017 CCWD) 11/5/2017 LHF  
 Agreement to allow Boating & Waterways to use herbicides around CCWD intakes  
 DBW contact Edward Havel CCWD Andrea Flores

Invasive aquatic plants targeted water hyacinth and Uruguay water primrose  
 2,4-D applied July 26 and 27 RoundUp Custom applied Aug 22 and Oct 5



CCWD customer Taste & Odor complaints Aug 6  
 Glyphosate listed effective July 7 under Prop 65 known to the  
 State of California to cause cancer





Last year I recommended CCWD management take leadership and project management training and gain certification that went over like a skunk at a picnic. Please don't give them anymore money for Rock Slough or Los Vaqueros please put our Prop 1 money into Sites reservoir where the water is fresher upstream and does not have the invasive aquatic plant problems because the water is flowing and not stagnant.

Thank you CWC Commissioners and staff for reading this and my previous comments I am also sending this to the SWRCB and CPUC hosts for the upcoming workshop on water system consolidation because we really need to take a bigger system look at where we want to put our money so we end up at a more workable future state.

Respectfully, Leland Fraysth



## MEMORANDUM OF UNDERSTANDING

2017-2022

### I. PURPOSE OF AGREEMENT

This Memorandum of Agreement is required pursuant to Harbors and Navigation Code, Section 64, subsection (e). This agreement outlines the conditions in which the California Department of Parks and Recreation Division of Boating and Waterways (DBW) is allowed to control submerged aquatic vegetation (SAV) namely Brazilian elodea (*Egeria densa*), curly leaf pondweed (*Potamogeton crispus*), coontail (*Ceratophyllum demersum*), fanwort (*Cabomba Carolina*) and Eurasian watermilfoil (*Myriophyllum spicatum*); and floating aquatic vegetation (FAV) namely water hyacinth (*Eichhornia crassipes*), spongeplant (*Limnobiium laevigatum*), and water primrose (*Ludwigia spp.*), through chemical and mechanical means, in the waters surrounding the intakes of the Contra Costa Water District (CCWD).

For this agreement, the term application shall mean the use of herbicides mutually agreed upon by CCWD and DBW, for the purpose of controlling the growth of weed species mentioned above.

### II. APPLICATIONS

- A. No application shall occur in Rock Slough or within one mile of the confluence of Rock Slough and Old River, CCWD's Victoria Canal intake for the Middle River Pump Station, Old River intake, or Mallard Slough intake without consensual agreement between CCWD and DBW. These spatial limitations are to be known and applied as the area "near" CCWD's intakes. No application limitations apply to Sandmound Slough.
- B. Applications within one mile of CCWD's intakes may only occur with the prior consent of CCWD. In addition, CCWD may request application by DBW when conditions warrant (e.g., new weed growth or severe infestations which impacts navigation and/or water intakes).
  1. The DBW will make every reasonable effort to schedule applications near CCWD intakes during periods when CCWD's intakes are shut down for environmental or maintenance reasons, allowing for at least two complete tidal cycles between application and intake restart.
  2. To obtain concurrence from CCWD to make applications near CCWD intakes, at least two weeks advance notification is required.

3. When requested by CCWD, DBW will schedule a treatment, if possible, as soon as CCWD operations and tidal conditions permit, but no later than two weeks after notification. Because of the treatment regimen required for *Egeria densa*, this item will apply only for Water Hyacinth.
  4. The contact person for CCWD is the Water Quality Superintendent, currently Ms. Andrea Flores, (925) 688-8183.
  5. The contact person for DBW is the Environmental Program Manager (Managerial) currently Mr. Edward Hard (916) 327-1865.
- C. All applications will be made in accordance with all local, state and federal laws and regulations. Copies of a new biological opinion or an amendment issued by USFWS or the letter of concurrence issued by NMFS that impacts the waterways identified in Item 2(A) above shall be furnished to both parties.

### **III. HYDROLOGIC CONDITIONS**

As water conditions dictate, applications near CCWD intakes will be timed to coincide with tidal cycles to maximize dispersion and dilution of herbicides before reaching the intakes.

### **IV. COMMUNICATIONS**

- A. All DBW boats will be equipped with cell phones for direct communications with field supervisor and CCWD. Field Supervisors Edward Somera and Albert Gold can be reached at (916) 416-0480 and (916) 261-8710 respectively.
- B. In the event of a chemical spill, CCWD, Contra Costa Environmental Health, and Contra Costa Agricultural Commissioner's Office will be immediately notified. Any of the Field Supervisors mentioned above will initiate the notification.

### **V. MONITORING**

- A. DBW and CCWD have separate water quality monitoring plans on file at the Central Valley Regional Water Quality Control Board, as required under the National Pollutant Discharge Elimination System (NPDES) permit.
- B. DBW will be responsible for sampling and analysis of SAV and will share results of the monitoring with CCWD. Results will be sent to the CCWD principal contact within two days of receipt of the laboratory results by DBW. Fastest water sampling is required of all SAV treatments.
- C. DBW or CCWD can utilize aerial photogrammetry from fixed wing aircraft or a satellite to help facilitate early warnings or forecast aquatic weed infestations or locations of nursery sites provided the technology or system is in compliance with applicable laws and regulations.

### **VI. VOIDING OF AGREEMENT**

This agreement may be terminated by either signatory, DBW or CCWD, given thirty 30 days written notice.

## VII. EFFECTIVE DATE

This Memorandum of Understanding between DBW and CCWD shall be immediately effective upon execution by both DBW and CCWD and expires December 31, 2022, unless renewed by both signatories, or terminated at an earlier date pursuant to Section VI of this agreement.

## VI. CONTACT PERSONS

DBW and CCWD designate the following individuals as principal contacts for the work outlined in this MOU:

For DBW: Mr. Edward Hard  
Environmental Program Manager  
California State Parks Division of Boating and Waterways  
1 Capitol Mall, Suite 500  
Sacramento, California 95814  
Tel No. (916) 327-1865

For CCWD: Andrea Flores  
Water Quality Superintendent  
Contra Costa Water District  
1331 Concord Avenue  
Concord, California 94520  
Tel No. (925) 688-8183

Mailing Address:  
P. O. Box H20  
Concord, CA 94524

## AUTHORIZATIONS

4/6/17  
Date

Lynn Sadler  
Lynn Sadler  
Deputy Director  
California State Parks  
Division of Boating and Waterways

4/26/17  
Date

Jerry Brown acting for  
Jerry Brown  
General Manager  
Contra Costa Water District

**From:** [Leland Frayseth](#)  
**To:** [Quintero, Armando@CWC](#); [Baker, Carol@CWC](#); [Ball, Andrew@CWC](#); [Byrne, Joseph@CWC](#); [Curtin, Daniel@CWC](#); [Del Bosque, Joe@CWC](#); [Keig, Catherine@CWC](#); [Herrera, Maria@CWC](#); [Orth, David@CWC](#); [Orrock, Chris@DWR](#); [Yun, Joseph@DWR](#); [California Water Commission](#); [Ly, Hoa@DWR](#)  
**Subject:** Los Vaqueros Proposition 1 funding application - 11 Nov 2017 customer site visit, reservoir water 409-493 µS/cm  
**Date:** Monday, November 13, 2017 9:51:33 PM  
**Attachments:** [Screenshot \(29\).png](#)

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Dear California Water Commission (CWC) Commissioners Quintero, Baker, Ball, Byrne, Curtin, Del Bosque, Keig, Herrera, Orth, staff and the public,

My name is Leland Frayseth, I am a 30+ year Contra Costa Water District (CCWD) customer, I am interested in water, water cost and water quality issues. I oppose the Los Vaqueros 275,000 AF expansion.

I paid my \$4 CCWD customer gate fee and arrived at the John Muir visitors center at 10:56 am on Saturday 11 November 2017. I went inside to pee and the ranger said the lavatories are out of service, no water. I asked if the water came from the reservoir and she said yes, she said the drinking fountain outside was trickling a little and someone would be up tomorrow to work at fixing the water system failure. I went outside to use the vault outhouse which badly needed a pump out and a posted service sign off log as they do at Sacramento county parks honey buckets.







I took pictures of the dam dedication plaques collected a water sample at the outside drinking fountain and measured 493  $\mu\text{S}/\text{cm}$  with my EC meter, then measured 12  $\mu\text{S}/\text{cm}$  on the "control" sample of purified water I brought from home.













I hiked to the top of the dam stopping to take a picture of a drainage culvert clogged with dried vegetation crying for maintenance before the heavy rains flood the dam road. I took pictures at the top and proceeded to hike down to the fishing structure. Rattlesnakes are still a problem in the area and vegetation had overgrown the steps hiking down but I tried to be careful and watch for rattlers.

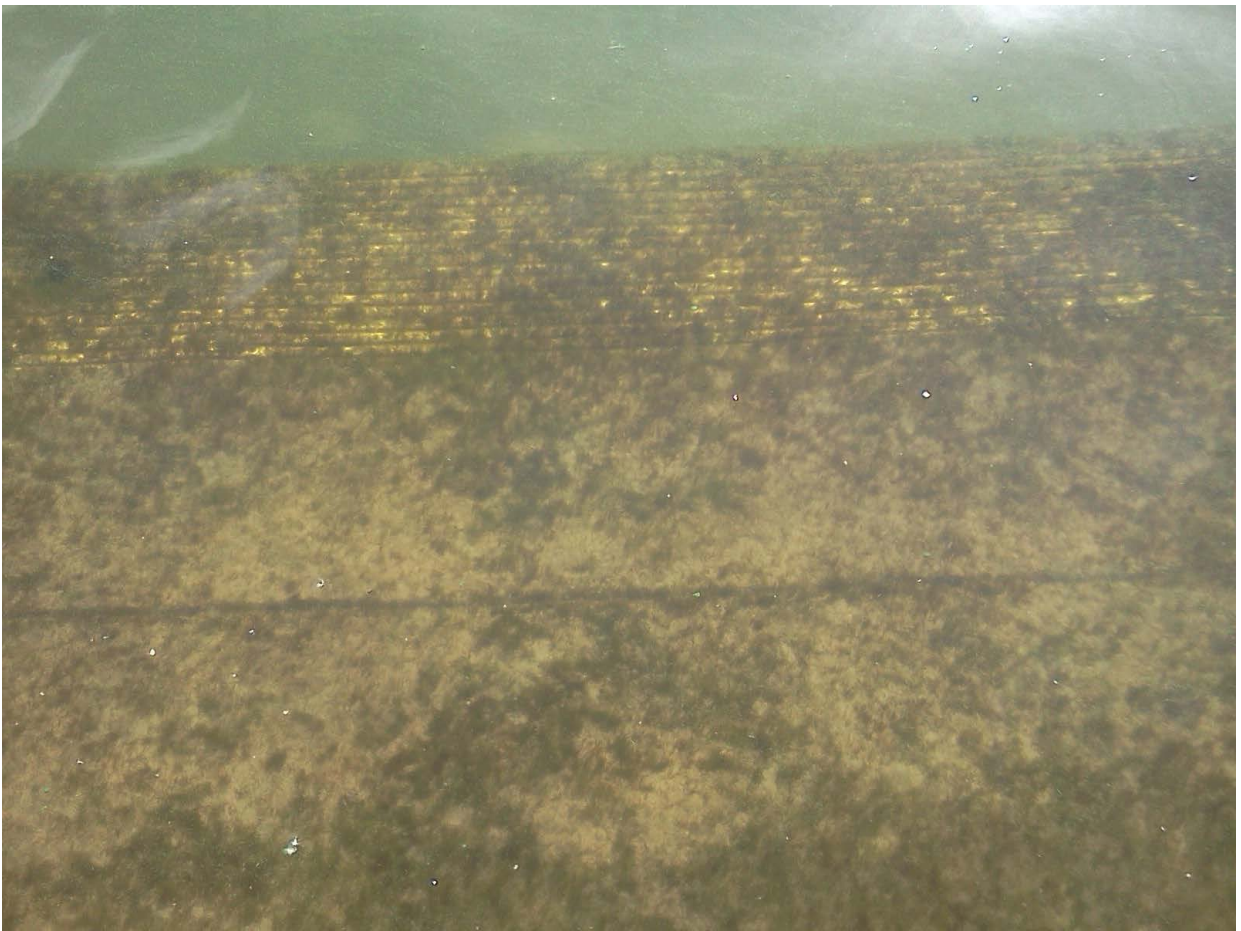




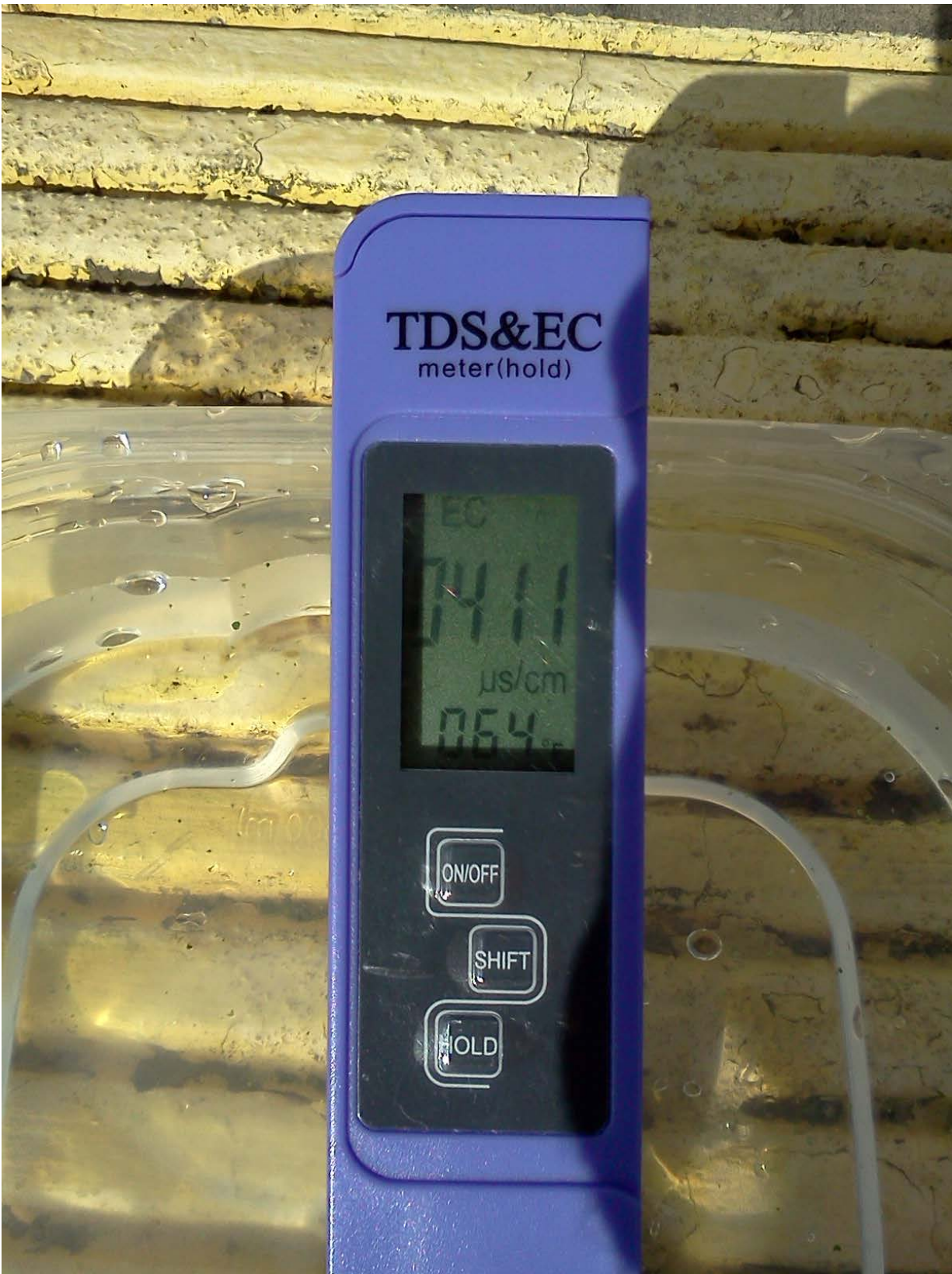
I collected a water sample being very careful to avoid any body contact with the water because that is a rule just like no dogs is a rule. It was awful being there without my dogs I am so happy we boat, fish, swim and play stick in the Delta where they are allowed. I measured 411, 409  $\mu\text{S}/\text{cm}$  on the water sample. I took pictures of the white residue on the rip rap that recorded the receding water line as water evaporated this summer. I assume the white residue was salt but I did not taste it. A mudslide still blocks the trail in the distance.























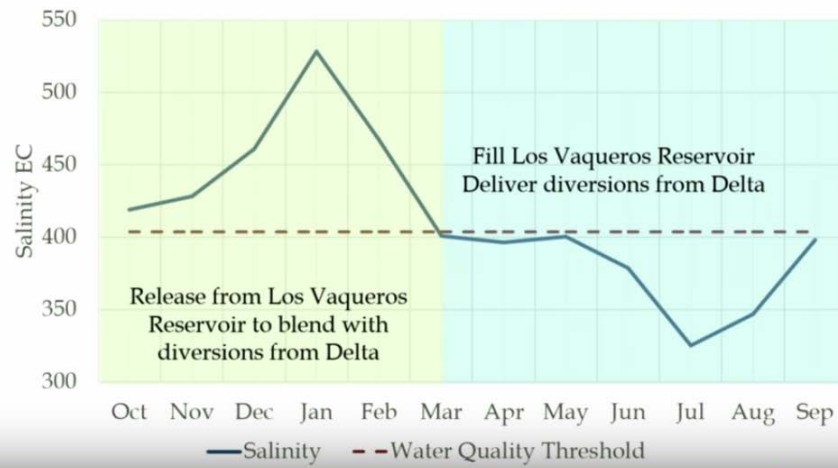
I hiked back to the parking lot, measured 12  $\mu\text{S}/\text{cm}$  on the "control" sample of purified water I brought from home. I happily drove home to my dogs which I like a lot better than most people.





This was my first trip ever to Los Vaqueros the only reason I will ever go again is to make a public comment there if the CWC Commissioners choose to visit it. Based on the EC readings I measured I do not see how CCWD could use Los Vaqueros water for blending to improve the quality of water they deliver to my home. The following slide is from a State Water Resources Control Board (SWRCB) hearing CCWD's employee Maureen presented at earlier this year.

## Based on Salinity



7:13:34 / 9:12:12



Respectfully,  
Leland Frayseth











# Pest Management Awareness for Home Visitors

Contra Costa County IPM Advisory  
Committee



# What we'll cover today:

- Common pest problems and some solutions
- Opportunities for you to help your clients
- Resources for helping your clients

# WHY CARE ABOUT PESTS IN THE HOME?





# Asthma Triggers

What we think of first:



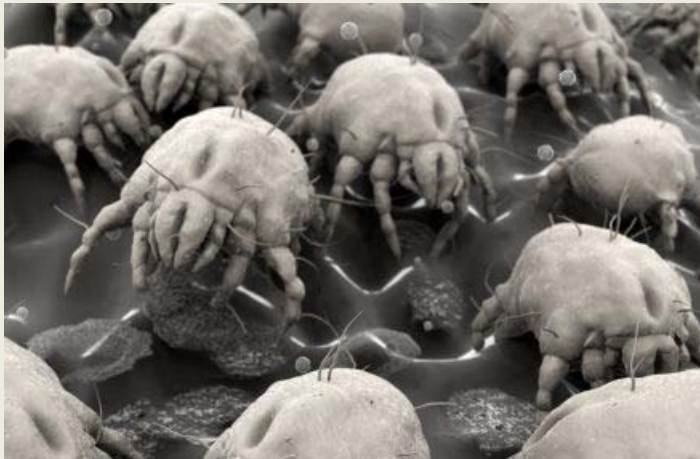
# Asthma triggers from pests:



Cockroach droppings & scales



Rodent droppings, urine & hair



Dust mite skins, feces & secretions

# Pests create other hazards in the home.

- **Acute food poisoning:** rodents carry *Salmonella* bacteria in their gut and contaminate human food with their droppings
- **Parasites:** fleas & mites can attack humans
- **Bites:** rats & bed bugs bite humans
- **Fires & electrical shorts:** rats & mice often gnaw on electrical wires



# Other problems with pests



Rodents consume and contaminate human food.



Rodents damage household belongings and structures



# Other problems with pests



Grain moths contaminate food.



Carpet beetles and clothes moths ruin clothing and other belongings.



# Bed bugs can cause:

- Loss of sleep
- Anxiety
- Psychological problems
- Excessive pesticide use—out of desperation



# What happens when there is a lack of pest control services?

- People rely solely on pesticides for control.
- Over-use of pesticides in the home can be hazardous!





# What can you do to help?

- Listen to your clients
- Look for signs of pests
- Work with the landlord
- Share information & resources



# Signs of rats & mice

## Rat and mouse droppings



# Signs of bed bugs



Stains on sheets,  
live bugs

Bites



Fecal spots



# Signs of cockroaches

Live insects



Droppings





# **PEST PREVENTION**

**Prevention is the long term solution  
for a pest problem.**

## **The Benefits:**

- Fewer pests!
- Fewer asthma attacks
- Less anxiety and stress
- Cleaner home = healthier environment
- Less need for treatment with pesticides
- Less pesticide use = healthier environment



# Prevention—Understand what all pests need

- Access to the dwelling
- Food
- Water
- Shelter



# Deny access to the structure



Fill holes in walls, add  
doorsweeps under doors,  
screens on windows





# Store food properly





# Keep things clean

- Wipe up spills



- Clean regularly
- Vacuum, if possible





# Wash sheets at least every 2 weeks

- Dust mites feed on skin flakes which are most numerous in beds and upholstered furniture.
- Inspect for signs of bed bugs every time sheets are changed.





# Remove food garbage

If cockroaches or ants are a problem, seal up food garbage overnight. Dispose of frequently.





# Remove food garbage

If rats and mice are a problem, remove food garbage daily before going to bed.



Keep bin or  
dumpster  
lid closed.



# Water

- Fix leaks
- When showering, open the window or turn on the fan





# Shelter

Clutter provides lots of hiding/nesting places and makes it hard to do pest inspections.





# A team approach is needed to solve pest problems.

Controlling rodents, bed bugs, and cockroaches  
requires the involvement and cooperation of

- Tenants
- Landlords
- Pest Management Professionals



# Cooperative Roles in Pest Management

## **Tenant responsibilities:**

- Keep the home clean and uncluttered
- Alert the landlord to
  - Pest problems
  - Plumbing and ventilation problems
- Allow access to pest management company personnel for inspections and treatments



# Cooperative Roles in Pest Management

## **Landlord responsibilities:**

- Must maintain clean and habitable premises, free of rubbish, filth, garbage and vermin (Calif. Civil Code § 1941.1 & SB 488)
- Should encourage tenants to report problems
- Should hire a pest management company to perform regular inspections, and treatments as needed

# Cooperative Roles in Pest Management

## Landlords, cont.

- Must follow new California bed bug law (AB551—Calif. Civil Code § 1942 & § 1954)
  - Provide tenants information about bed bug biology and habits
  - Inspect for bed bugs if notified by tenants of suspected infestations
  - Provide tenants of inspected units with the results of the bed bug inspections



# Cooperative Roles in Pest Management

## **Pest Management Professionals:**

- Should provide regular inspections and report findings and conducive conditions to landlord
- Should work cooperatively with tenants to solve problems
  - Explain the connection between food/food waste and pests
  - Explain the connection between cleanliness/order and lack of pests

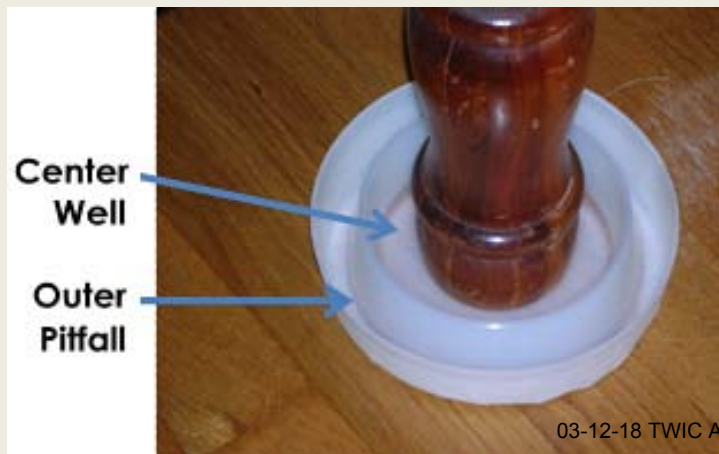
# Benefits of Using Pest Management Professionals

- Licensed by the state
- Regular continuing education required
- Trained on pesticide safety regulations
- Trained to identify and control a variety of pests
- Control of difficult pests, such as bed bugs, is usually not successful without using an experienced, professional company



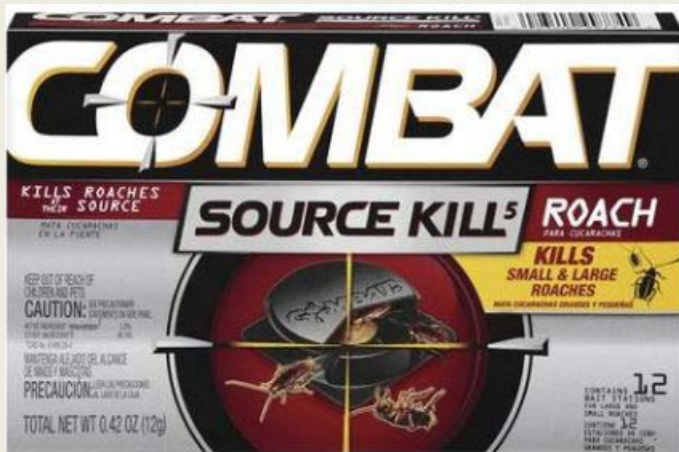
# Special Tips for Bed Bugs

- A clothes dryer kills all stages.
- Use Climbup Interceptors
- For more info, see [cchealth.org/bedbugs](http://cchealth.org/bedbugs)



# Special Tips for Cockroaches

- Store food properly
- Keep things clean and dry
- Use cockroach bait stations, not pesticide sprays



Place bait stations along an edge—not in the middle of the floor or counter. Keep out of reach of children and pets.



# Special Tips for Rodents

- Store food properly
- Keep things clean and dry
- Remove clutter
- Use snap traps, not poison bait



Place traps along edges with trigger facing the wall. Use plenty of traps. Tie bait to trigger with dental floss. Bait with peanut butter, hot dog pieces, bacon, nuts.

# Special Tips for Ants

- Store food properly
- Keep things clean and dry
- Remove food garbage from the home before going to bed when ants are a problem
- Use ant bait stations, not pesticide sprays





# Questions?



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

5.

**Meeting Date:** 03/12/2018

**Subject:** CONSIDER recommendations on referrals to the Committee for 2018, REVISE as necessary, and take ACTION as appropriate.

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

**Department:** Conservation & Development

**Referral No.:** N/A

**Referral Name:** This is an annual administrative item of the Committee.

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

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#### **Referral History:**

This is an annual Administrative Item of the Committee.

#### **Referral Update:**

See attached recommended referrals to the Committee for 2018.

#### **Discussion of recommended changes:**

*17: Review transportation plans and services for specific populations, including but not limited to County Low Income Transportation Action Plan, Coordinated Human Services Transportation Plan for the Bay Area, Priorities for Senior Mobility, Bay Point Community Based Transportation Plan, and the Contra Costa County Mobility Management Plan-Accessible Transportation Strategic Plan, and the work of Contra Costans for Every Generation.*

The *Contra Costa Mobility Management Plan* (2013) was replaced with the *Accessible Transportation Strategic Plan*. The *Mobility Management Plan* was finalized in 2013. For a variety of reasons the plan was never implemented and now appears to be "on a shelf".

The *ATS Plan* is proposed to be on the referral list due to its inclusion as a standing implementation action in the Contra Costa Transportation Authority's (CCTA) 2017 Countywide Transportation Plan. CCTA and the County have jointly developed several grant applications to fund the Plan. The most recent was submitted by CCTA in February 2018 for a Caltrans SB1 Sustainable Transportation Planning Grant.

*Contra Costans for Every Generation* was removed as it appears that the organization has not been active for some time.



**21: Monitor efforts at the State to revise school siting guidelines and statutes.**

The Committee has regularly discussed this issue in the past under referral #1: *Review legislative matters on transportation, water, and infrastructure*. The specific item is being added for several reasons, 1) the request from the Hazardous Materials Commission relative to school siting and safety (proximity to rail, industrial uses), and 2) to make the referral an explicit responsibility of TWIC given the formal school siting policy review process underway at the State.

**22: Monitor issues related to docked and dockless bike share programs.**

Staff is requesting that the Committee add this item to the Committees referrals in order to facilitate a County response to this rapidly emerging issue. Staff from numerous Departments have been contacted on issues relative to the dockless programs and have come to learn that other public agencies either have or are developing policies on these new programs.

**23: Monitor efforts related to water conservation including but not limited to turf conversion, graywater, and other related landscaping issues.**

This item is being proposed by staff in response to the discussion at the December 2017 regarding water conservation. The follow up items for staff included specific direction and indicated an ongoing roll in of the Committee monitoring progress on this topic.

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

CONSIDER recommendations on referrals to the Committee for 2018, REVISE as necessary, and DIRECT staff to bring the list to the full Board of Supervisors for approval.

**Fiscal Impact (if any):**

There is no fiscal impact.

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**Attachments**

2018 TWIC Referrals- DRAFT

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## 2017 Referrals to the Transportation, Water and Infrastructure Committee

(Draft for consideration at the March 13, 2018 TWIC meeting)

1. Review legislative matters on transportation, water, and infrastructure.
2. Review applications for transportation, water and infrastructure grants to be prepared by the Public Works and Conservation and Development Departments.
3. Monitor the Contra Costa Transportation Authority including efforts to implement Measure J.
4. Monitor EBMUD and Contra Costa Water District projects and activities.
5. Review projects, plans and legislative matters that may affect the health of the San Francisco Bay and Delta, including but not limited to conveyance, flood control, dredging, climate change, habitat conservation, governance, water storage, development of an ordinance regarding polystyrene foam food containers, water quality, supply and reliability, consistent with the Board of Supervisors adopted *Delta Water Platform*.
6. Review and monitor the establishment of Groundwater Sustainability Agencies and Groundwater Sustainability Plans for the three medium priority groundwater basins within Contra Costa County as required by the Sustainable Groundwater Management Act.
7. Review issues associated with County flood control facilities.
8. Monitor creek and watershed issues and seek funding for improvement projects related to these issues.
9. Monitor the implementation of the Integrated Pest Management policy.
10. Monitor the status of county park maintenance issues including, but not limited to, transfer of some County park maintenance responsibilities to other agencies and implementation of Measure WW grants and expenditure plan.
11. Monitor and report on the East Contra Costa County Habitat Conservation Plan.
12. Monitor the implementation of the County Complete Streets Policy.
13. Monitor and report on the Underground Utilities Program.
14. Monitor implementation of the Letter of Understanding with PG&E for the maintenance of PG&E streetlights in Contra Costa.
15. Freight transportation issues, including but not limited to potential increases in rail traffic such as that proposed by the Port of Oakland and other possible service increases, safety of freight trains, rail corridors, and trucks that transport hazardous materials, the planned truck route for North Richmond; freight issues related to the Northern Waterfront (and coordinate with the Northern Waterfront Ad Hoc Committee as needed), and the deepening of the San Francisco-to-Stockton Ship Channel.
15. Monitor the Iron Horse Corridor Management Program.
16. Monitor and report on the eBART Project.
17. Review transportation plans and services for specific populations, including but not limited to County Low Income Transportation Action Plan, Coordinated Human Services Transportation Plan for the Bay Area, Priorities for Senior Mobility, Bay Point Community Based Transportation Plan, and the Contra Costa County Mobility Management Plan, Accessible Transportation Strategic Plan ~~and the work of Contra Costans for Every Generation.~~
18. Monitor issues of interest in the provision and enhancement of general transportation services, including but not limited to public transportation, taxicab/transportation network companies, and navigation apps.
19. Monitor the statewide infrastructure bond programs.
20. Monitor implementation and ensure compliance with the single-use carryout bag ban consistent with Public Resources Code, Chapter 5.3 (resulting from Senate Bill 270 [Padilla – 2014]).
21. Monitor efforts at the State to revise school siting guidelines and statutes.
22. Monitor issues related to docked and dockless bike share programs.
- 20-23. Monitor efforts related to water conservation including but not limited to turf conversion, graywater, and other related landscaping issues.





# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

6.

**Meeting Date:** 03/12/2018

**Subject:** RECEIVE Hazardous Materials Commission Report: School Siting:  
Industrial Facilities & Rail Lines

**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)674-7833

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#### **Referral History:**

School siting, relative to industrial facilities and rail lines as raised by the Hazardous Materials Commission (HMC), has not been heard by the Committee in the recent past. However, the Committee has discussed school siting relative to traffic safety and local land development/conservation policies at length.

While the focus of this report are issues raised in the attached HMC letter, the Committee discussion may benefit from a dialog that considers a joint response encompassing both issues, industrial facilities-rail lines and traffic safety-land development. The overlap of issues is discussed further below.

#### **Administrative Notes**

**Referral Status:** As indicated the TWIC 2018 referrals item earlier in the TWIC agenda, this item has not explicitly been referred to the Committee although it touches on other items under the committee's purview (transportation, pipeline safety, etc). The Committee may wish to defer discussion and action until such a time as the Board of Supervisors has referred the item to the TWIC.

**Timing:** While the attached HMC letter indicates that timing is an issue relative to the State process to develop new guidelines and/or statutes, communication with Department of Education staff indicates that their process is ongoing and there is time for the County to engage.

**Representation from HMC:** Michael Kent, HMC Staff, is unavailable to attend the TWIC meeting. Two Hazardous Materials Commissioners will be in attendance to participate in the discussion, Leslie Steward and George Smith. Both Commissioners have conflicts later in the morning and have requested that the item be placed early in the agenda.

## **Referral Update:**

During 2017, the Hazardous Materials Commission (HMC) reviewed State school siting practices and policies relative to the safety impacts resulting from proximity to rail lines and industrial facilities. That review included participation by Fred Yeager, California Department of Education (CDE) staff (Supervising Field Representative) and John Cunningham, Contra Costa County (Principal Transportation Planner). Mr. Yeager is administering a process at CDE to review and potentially revise school siting policies. Mr. Cunningham has engaged with the state on school siting policies and the State's update process relative to traffic safety and coherent land development.

The issues discussed above are being considered together in this staff report in that they share at least one critical characteristic, addressing any one of them in a substantive manner would potentially make it more complex and costly to site and build new schools. Staff has seen substantial resistance to these types of proposals in the past and anticipates that resistance to continue.

The details of the findings and recommendations of the HMC are in the attached communication to Supervisor Karen Mitchoff (Chair of the Board of Supervisors at the time). In summary, the HMC considered several options to address their concerns:

- 1) Submit comments to the State for consideration during their review of school siting policies (**HMC Recommendation**),
- 2) Develop a local ordinance addressing the proximity of schools to rail lines and industrial facilities, and
- 3) Revisions to the General Plan addressing the issue.

Discussion of these options:

### **1) Comments to the State**

The universe of issues raised by staff (rail/industrial proximity, traffic safety, land use) are all addressed in the **existing** CDE guidance. As the HMC letter accurately points out, "...adherence to the guidelines is voluntary...". That said, in order for any new policies to be effective they will likely need to be requirements as opposed to guidelines. New legislation will likely be necessary to grant that the necessary authority. County transportation staff came to the same conclusion during the review of traffic safety and land use issues.

Commenting to the state is the HMC recommendation, the information below may be necessary for the Committee and the Board of Supervisors to understand the implications of that option. Staff has witnessed substantial resistance at the State to both administrative and legislative solutions. That said, while the HMC statement ("the most efficient way to address these (issues) was through changes to state law") is correct, achieving effective change through this option will require a substantial effort above and beyond transmitting a letter. That is to say much more than a single jurisdiction providing comment will be necessary and substantial outreach to our delegation would be required in addition to recruiting other statewide partners. There has been some support at the California State Association of Counties on this effort. CSAC has added the issue to their legislative platform, they are supportive and reactive to initiatives from the County however. We have met with several legislators on the topic and the response has not been what we had hoped.



## **2) Develop a Local Ordinance**

Relative to traffic safety and land use, TWIC agreed to have staff develop such an ordinance in 2016. However, subsequent to that direction CDE initiated their formal school siting policy review process. Given that the development of an ordinance is a substantial undertaking, staff opted to monitor the state process.

There is a common misperception that school districts are exempt from local ordinances. That is not the case, they are actually subject to local ordinances but they are provided the option of exempting themselves with a vote of the board (that exemption may not be arbitrary and capricious). Statewide (if not nationwide), that exemption ability seems to have had a chilling effect on local jurisdictions interest in engaging in land use planning relative to school districts.

At this time, it would be appropriate for the Committee to consider the development of a local ordinance and reaffirm the direction provided by TWIC previously to incorporate the universe of issues discussed in this report.

Rather than the direct impact of such an ordinance, the Committee may also wish to consider the secondary impacts of such an action as being more valuable than the explicit intent in the ordinance:

- A local ordinance may force school districts to take action and go on record as exempting themselves. During the traffic safety and land use dialog at earlier TWIC meetings, the willingness of a school district to exempt itself from the "Contra Costa Student Safety Ordinance" was considered as was the public perception of taking such an action.
- Having a local jurisdiction pass such an ordinance may pressure the state in to taking substantive action during their review process. Having a patchwork of inconsistent local policies is not attractive if the state wants to reliably and predictably deliver school facilities.

## **3: Changes to the General Plan**

Similar to the existing state school siting guidance, policies in the General Plan may have the same limitations. Staff has not considered this as an effective option.

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

**RECEIVE Communication from the Hazardous Materials Commission regarding school siting and safety (re: proximity to rail lines, industrial facilities), DISCUSS options and DIRECT staff as appropriate.**

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

None.

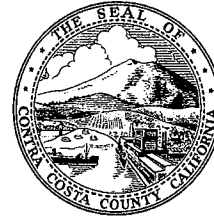
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## **Attachments**

01-15-18 CCC Haz Mat Commission

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# **CONTRA COSTA COUNTY HAZARDOUS MATERIALS COMMISSION**



January 15, 2018

Supervisor Karen Mitchoff, District 4  
2151 Salvio St., Suite R  
Concord, CA 94520

Re: School Siting Regulations Update

Dear Supervisor Mitchoff:

A unique opportunity to reduce the potential impacts of hazardous materials on the health and safety of Contra Costa County children has come to the attention of the Hazardous Materials Commission. The California Department of Education is currently reviewing the school siting and design standards contained in California Code of Regulations. Proposed changes to the regulations are scheduled to go to the State Board of Education for review and approval later this winter. The Hazardous Materials Commission has analyzed the current school siting regulations and associated guidelines, and voted unanimously to recommend that the Board of Supervisors advocate for the following changes to the California Code of Regulation (5 CCR § 14001) and guidelines pertaining to analyzing the risks from hazardous materials.

- 1) The California Department of Education should develop guidelines for assessing and mitigating the risks of siting new schools near industrial facilities and rail lines due to potential explosions and fires from the use, storage, manufacture and transportation of hazardous materials, similar to the guidelines they have established for assessing and mitigating the risks from the transportation of hazardous materials through pipelines.**

Accidental releases of hazardous materials from industrial facilities and rail lines can pose significant risks to schools. The April 17, 2013 explosion at the West Fertilizer Company (WFC) that resulted in 15 fatalities and more than 260 injuries damaged more than 150 buildings including four nearby school buildings housing children in grades kindergarten–12. Fortunately, the incident occurred during the evening when school was not in session, which reduced the number of injuries.

Due to the increased transportation of flammable crude oil by rail over the last 10 years, there has been an increase in the number of accidents resulting in large explosions and fires. The worst of these was the July, 2013 catastrophe at Lac-Megantic, Quebec, in which 47 people died when a runaway oil train crashed into the center of the city. While oil prices and new safety protocols have reduced the amount of this material being transported and the number of incidents in recent years, the risks from the transportation of this material and other toxic materials, such as chlorine gas, will remain. If oil prices change, California and Contra Costa County could see an increase

*Members: George Smith, Chair, Rick Alcaraz, Don Bristol, Matthew Buell, Lara DeLaney, Frank Gordon, Fred Glueck, Steven Linsley, Jim Payne, Mark Ross, Ralph Sattler, Leslie Stewart, Usha Vedagiri*

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in the amount of highly flammable crude oil being transported into and through the County by rail. This lingering concern was one of the reasons that in September, 2016, the Benicia City Council unanimously voted against a proposal that would have allowed Valero to deliver crude oil to its refinery via rail cars.

The California Department of Education first developed guidelines for assessing the risks from pipelines carrying hazardous materials in 2002 and updated them in 2007 after amendments to the regulations required risk assessments for school sites within 1500 feet of pipelines. These guidelines were created because school districts asked for a methodology to evaluate the risks from pipelines since the regulations didn't provide any.

These guidelines aren't perfect. The Commission reviewed a pipeline risk assessment prepared for a local school that was within 1500 hundred feet of a pipeline. The Commission found several places where assumptions in the methodology went unexplained, and proposed mitigations were unworkable. Also, adherence to these guidelines is voluntary, and the California Department of Education needs to hire outside consultants of their own if they want a technical review of the assessment. Even so, they at least provide a consistent methodology that school districts can require their consultants to follow while conducting a risk assessment, and that the public can measure the assessment against.

In contrast, the requirements in state law for assessing the risks from industrial facilities contain no specifics, only that the school districts planning to site schools near industrial facilities handling hazardous materials find that they do not constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school. School districts do not have the expertise to conduct this analysis, and so the methodology used to determine these risks is left entirely up to the consultants they hire.

For school districts proposing to site a school within 1500 hundred feet of a railroad track easement a safety study is required by a competent professional trained in assessing cargo manifests, frequency, speed, and schedule of railroad traffic, grade, curves, type and condition of track need for sound or safety barriers, need for pedestrian and vehicle safeguards at railroad crossings, presence of high pressure gas lines near the tracks that could rupture in the event of a derailment, and preparation of an evacuation plan. In addition to the analysis, possible and reasonable mitigation measures must be identified. These requirements do not require specific knowledge of hazardous materials, or how to assess the risks from the release of these materials. Again, the methodology used to determine the potential risks from the release of hazardous materials is left entirely up to the consultants they hire.

- 2) **The California Department of Education should amend the regulations pertaining to the rebuilding of schools on the site of existing schools to require that the current risks from accidental explosions and fire of hazardous materials used, stored, manufactured or transported at industrial facilities, in pipelines and by rail are assessed and mitigated.**

*Members: George Smith, Chair, Rick Alcaraz, Don Bristol, Matthew Buell, Lara DeLaney, Frank Gordon, Fred Glueck, Steven Linsley, Jim Payne, Mark Ross, Ralph Sattler, Leslie Stewart, Usha Vedagiri*


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Many schools that have been built in Contra Costa County in the last 50 years will eventually need to be replaced. The easiest solution as to where to rebuild these new schools, especially in the denser parts of the County where open space is at a premium, will be to rebuild them on the site of the old school, as has occurred at many West Contra Costa Unified School District sites over the last 10 years. The problem with this course of action, from the perspective of protecting students from the risk from hazardous materials, is that the school siting process that applies to new schools does not automatically apply to schools rebuilt on-site. In fact, all that is required is that the school district determines that the project will not create any *new significant* health and safety hazards *or exacerbate any existing* health and safety hazards to students (emphasis added).

This means that if significant risks from hazardous materials used at industrial facilities, or transported by rail lines and pipelines, already exist at these school sites, nothing has to be done to identify these risks, or more importantly, to mitigate these risks, when rebuilding a school on-site. Many schools were built before the current siting regulations required that the risks from hazardous materials be assessed and mitigated, and risks may have changed over the years at given school sites. But if a school district determines that a rebuilt school doesn't increase risks, *no matter how great the existing risk is*, there is no requirement to address the existing risk. The opportunity to mitigate the existing risks from hazardous materials is optimal during the construction phase, and this opportunity will be missed unless the regulations are amended to require this assessment be done for every school rebuilt on-site.

The Hazardous Materials Commission hopes the Board of Supervisors will recommend these two changes to the regulations and guidelines to the California Board of Education. The Commission considered other options to address these concerns, including the development of local ordinances or changes to the General Plan. But the Commission felt the most efficient way to address these was through changes to state law. However, if the Board of Education decides not to implement these changes, the Commission would recommend the Board of Supervisors consider addressing them through the development of local ordinances or changes to the General Plan. Since this is a timely matter, the Commission hopes this issue can be discussed at the February meeting of the Transportation, Water and Infrastructure meeting of the Board of Supervisors, and would ask that you refer the matter to this committee.

Sincerely,

  
George Smith

Chairperson, Hazardous Materials Commission

*Members: George Smith, Chair, Rick Alcaraz, Don Bristol, Matthew Buell, Lara DeLaney, Frank Gordon, Fred Glueck, Steven Linsley, Jim Payne, Mark Ross, Ralph Sattler, Leslie Stewart, Usha Vedagiri*

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# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

7.

**Meeting Date:** 03/12/2018  
**Subject:** RECEIVE Report on Dockless Bikeshare in Contra Costa County,  
DISCUSS options, and DIRECT staff as appropriate.  
**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 issues has not been heard at TWIC in the past.

#### **Referral Status:**

As indicated in the earlier agenda item, "DRAFT 2018 Transportation, Water, and Infrastructure Committee Referrals", this issue is not yet an explicit referral to TWIC although it touches on other items under the committees purview (transportation, Iron Horse corridor, etc). However, the Committee may wish to defer discussion and action until such a time as the Board of Supervisors has formally referred this specific item to TWIC.

The issue is being brought to TWIC in this expedited manner given the rapid growth of the dockless systems. Initial research has shown that numerous jurisdictions have agreements and policies in place to address issues related to these programs, County staff would like to make some progress on this issue as soon as possible.

#### **Referral Update:**

As indicated above, this is a new issue for the Committee and the County. Staff began receiving calls regarding bikes being "abandoned" with questions regarding what our response and/or policy is. Staff quickly learned that these abandoned bikes were dockless bikeshare equipment and only had the appearance of being abandoned.

We are currently in an information gathering phase. Staff has compiled information from municipalities and other agencies that have experience with these systems. We have also contacted LimeBike, requested information from them (included below and attached), and made them aware of the Committee meeting.

The following is the compilation of information gathered thus far:

**City of Alameda:** Agreement is attached.

**City of Walnut Creek:** The Chamber of Commerce agreement is attached. In addition, Walnut Creek staff shared some of the steps they have taken to address the situation:

***Steps taken***

- *Shared our agreement with LimeBike with interested residents (it was originally adopted as a License Agreement at a City Council meeting)*
- *Worked with the Shadeland Property Business Improvement District (PBID) managing the Business Park to get city representation to their launch event and to keep up with their shared informational materials*
- *Posted information about LimeBike on our social media channels and in city newsletters like the City Manager's Update*
- *Visited the Transportation Commission to provide an outline of the program to commissioners*
- *Shared talking points and information internally with planners, code enforcement officers, members of our working group on parking, and executive team*
- *Kept a log of all inbound resident comments about the program*
- *Done a staff ridearound to observe bike distribution so far and interviewed a few users*
- *Had a few conversations with LimeBike to follow up on specific support cases, and gotten an initial set of ridership data from them*

***Future Steps:***

- *Sharing a landing page on our website with a set of FAQs. Alameda and Aurora have done this well, and we also plan to learn from Alameda's feedback survey: <https://www.alamedaca.gov/bikeshare> and [https://www.auroragov.org/news/what\\_s\\_new/try\\_bike\\_share\\_in\\_aurora](https://www.auroragov.org/news/what_s_new/try_bike_share_in_aurora) (the FAQ pages on both of those are quite good examples)*
- *Create a central email for feedback*
- *Host meet-and-greet informational sessions for community members and our downtown businesses*
- *Share out some ridership data with the community*
- *Host an internal q&a with city staff, some of whom (like the police department) already have procedures for how to handle bikeshare questions and some of whom have not yet encountered them*

**City of Seattle:** In contrast to other municipalities, Seattle has adopted generic policies (Attached: Seattle Bike Share Permit Requirements - June 2017) that we assume apply to all vendors that subsequently enter in to a specific agreement with the City.

**BART:** As of February 2018 BART does not have any policies regarding dockless bike share on BART Property. They are however in the process of developing an agreement that will stipulate, among other things, insurance requirements, designated parking areas, and response mechanisms to address abandoned bikes.

**National Association of City Transportation Officials:** NACTO is a national leader in progressive transportation policies. The attached is a brief posting on their website highlighting some of the problems with dockless bike share ("rogue bike share") and providing some guidance which is summarized below:



- *A cohesive network of safe, routinely-maintained, street-legal bikes and other reliable, high quality equipment.*
- *Enforceable commitments to good, equitable system coverage, service quality, safe operating practices, and data sharing.*
- *Upfront and extensive coordination with local government for transportation planning purposes and to establish principles for the safe use of public space, especially in ways that limit encroachment on the already-scant space available to pedestrians and cyclists.*
- *Clear rules for bike rebalancing and the speedy removal and/or repair of dangerous, broken, and abandoned bikes and equipment.*
- *Ongoing collaboration with cities and other stakeholders to ensure connections to transit, as well as programming that increases access for people in all racial and socio-economic groups such as progressive pricing, hiring commitments, and safety and engagement efforts.*

**LimeBike:** Staff contacted Limebike requesting information and making them aware of the March TWIC meeting. The following information was provided response and is attached to this report:

Helping Communities Grow Smart Mobility Presentation

Hello, I'm LimeBike overview document

After this information gathering phase, staff intends on compiling best practices and returning to the Committee with a process and schedule.

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

RECEIVE report, DISCUSS options, and DIRECT staff as appropriate.

**Fiscal Impact (if any):**

None.

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**Attachments**

NACTO Bike Share Post/Guidance

LimeBike Overview: Hi I'm LimeBike

Master City LimeBike Presentation

City of Alameda LimeBike Agreement

Walnut Creek Chamber of Commerce LimeBike Agreement

Seattle Bike Share Permit Requirements - June 2017

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# National Association of City Transportation Officials

## Rogue Bike Share Providers Raise Concerns For Cities

Apr, 13 2017

**Coordination between cities and operators is key for successful systems**

For Immediate Release

April 13, 2017

Press contact:

Alexander Engel

[email protected]

646.324.2919

In recent weeks, “rogue” bike share companies have launched, uninvited, in U.S. cities with flimsy equipment and limited or no public notification, posing significant safety risks to the public, and fully divorced from larger transportation planning and municipal needs. Photos from cities in China, where rogue systems are already in place, show junk heaps of broken bikes. People who have used the bikes in the U.S. report that they are of poor quality and often unsafe.

Bike share systems have a strong role to play in a city’s transportation network. But, by starting up without invitation or coordination, these companies have shown that they are not serious about providing bikes as a real mobility option for people. Instead, their actions suggest that they are more interested in media attention and a quick buyout. Such fly-by-night operations put the public at risk.



With an exemplary safety record and more than 88 million trips taken in 55 cities in the US since 2010, bike share has shown that it can help reshape urban transportation and make cities better, safer places for their inhabitants. But this success has only come about as a result of good faith, hand-in-hand coordination between operators and cities. To that end, NACTO welcomes and supports bike share systems that provide:

- \* A cohesive network of safe, routinely-maintained, street-legal bikes and other reliable, high-quality equipment.
- \* Enforceable commitments to good, equitable system coverage, service quality, safe operating practices, and data sharing.
- \* Upfront and extensive coordination with local government for transportation planning purposes and to establish principles for the safe use of public space, especially in ways that limit encroachment on the already-scant space available to pedestrians and cyclists.
- \* Clear rules for bike rebalancing and the speedy removal and/or repair of dangerous, broken, and abandoned bikes and equipment.
- \* Ongoing collaboration with cities and other stakeholders to ensure connections to transit, as well as programming that increases access for people in all racial and socio-economic groups such as progressive pricing, hiring commitments, and safety and engagement efforts.

Bike share systems work when they are part of a city's overall transportation network and vision. Around the U.S. and the world, cities are looking to bike share and cycling to help them meet the mobility, sustainability, equity, and economic challenges of the future. Cities must ensure that any systems they allow to operate within their borders can be the partners they need to help meet their goals.

## **About NACTO**

NACTO is an association of 51 major North American cities formed to exchange transportation ideas, insights, and practices and cooperatively approach national transportation issues.

The organization's mission is to build cities as places for people, with safe, sustainable, accessible, and equitable transportation choices that support a strong economy and vibrant quality of life.

## About the NACTO Bike Share Initiative

Bike share has rapidly emerged as a new transportation option that can bolster public transit usage and increase cycling, with systems in 55 U.S. cities. To facilitate conversations between peer cities, NACTO holds roundtables, workshops, and webinars and conducts research on best practices and challenges for the growing bike share movement.

NACTO is a member of the Better Bike Share Partnership, a JPB Foundation funded collaboration between The City of Philadelphia, Bicycle Coalition of Greater Philadelphia, NACTO, and PeopleForBikes, to build equitable and replicable bike share systems.

## About NACTO



## Training and Workshops





## Designing Cities 2018: Los Angeles



# Urban

## Urban Street Design Guide



# Street



# "Hello, I'm LimeBike"

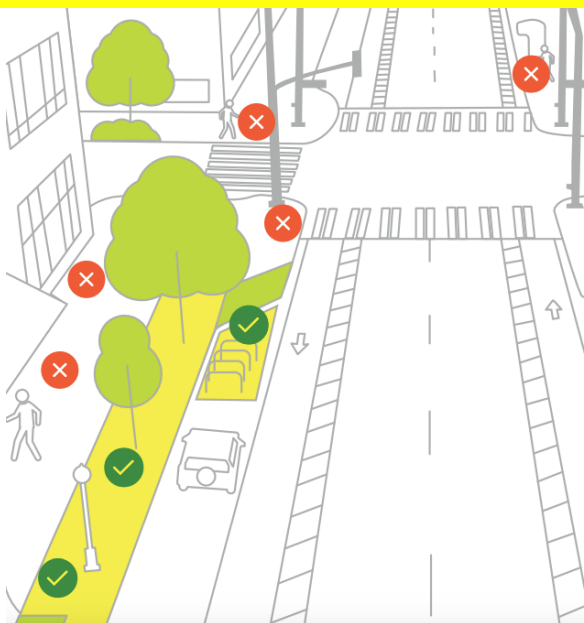
## HAVE YOU SEEN ME AROUND TOWN?

I'm your ride, anytime! (\$1 for 30mins)

**WANT TO USE ME? IT'S AS EASY AS 1, 2, 3:**



- 1) Download LimeBike from the  App Store or on  Google Play.
- 2) Scan my QR Code with the app to unlock me and start your ride.  
Your first ride is always free!
- 3) Arrive at your destination, then slide and secure my lock.  
When you hear my distinct LimeBike melody 🎵, your ride is complete!\*\*



## \*\* Properly Park Your LimeBike

PLEASE BE MINDFUL:

ALWAYS USE MY KICKSTAND TO PARK ME UPRIGHT, AVOIDING WALKWAYS, DRIVEWAYS, AND DOORWAYS.

AND THANK YOU!

## CONTACT ME ANYTIME:

email: [support@limebike.com](mailto:support@limebike.com) | call: 1-888-LIME-345 | text: 1 (888)-546-3345 | [limebike.com](https://limebike.com)





# Helping Communities Grow Smart Mobility

With a **Subsidy-Free**, multimodal transportation network

# How LimeBike is Changing the Way Cities Move

LimeBike is **Revolutionizing Urban Mobility** by leading the country in first and last mile transportation solutions.

- More efficient, affordable and healthier transportation
- Complements existing transit options, reducing congestion and freeing up parking
- Supports more vibrant local economies
- Reduces pollution caused by short, inefficient local trips





# Limitations of Traditional Station-Based Bike Sharing

**Expensive** capital investment and costly to maintain, translating to overly expensive rides for users

**Inconvenient** docking stations don't get riders to their final destinations, forcing them to look for docking stations and suppressing ridership

**Poor coverage** and high costs mean there aren't enough bikes to effectively serve the public or be available to all sectors of the community

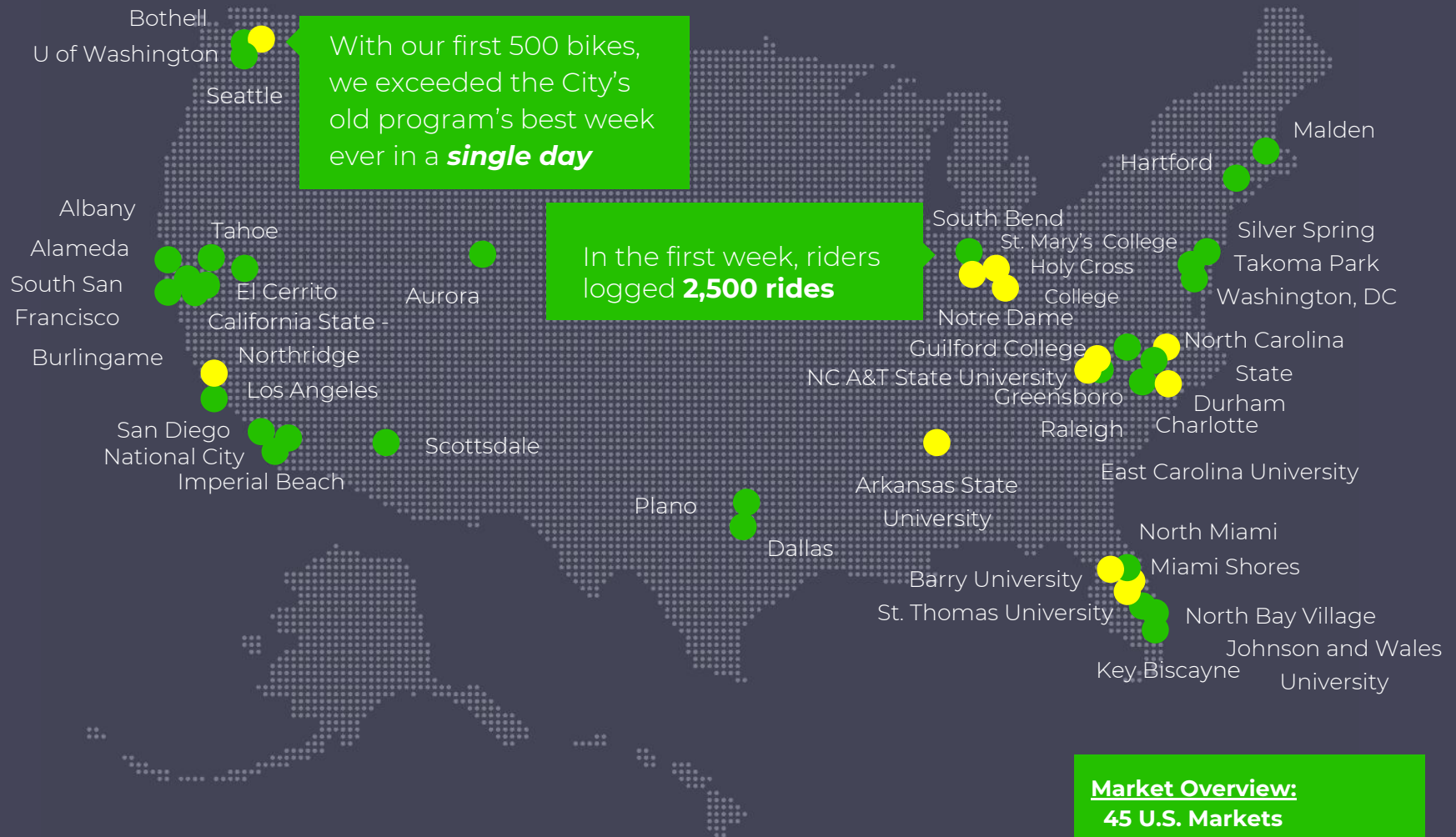




LimeBike is  
**revolutionizing  
urban mobility** with  
smart, multimodal  
transportation  
solutions that are  
free to cities.

With cutting edge IoT technology and no stations, we can  
**scale a flexible fleet to serve the entire community** using  
data to maximize potential program ridership. We cover all  
of the costs of equipment, operations and rider outreach.





**Market Overview:**

**45 U.S. Markets**

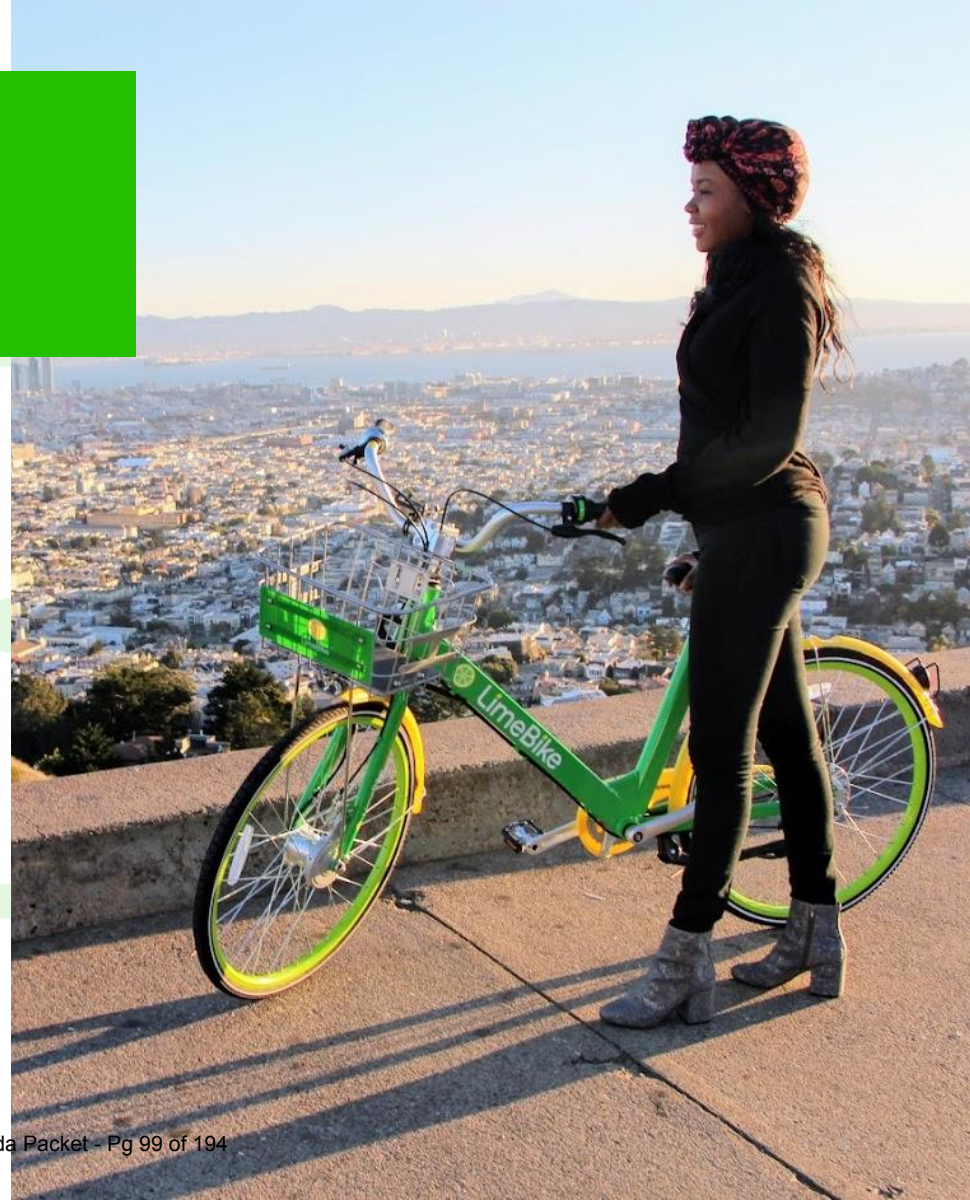
**- 31 Cities**

**- 14 Universities**

**2 European Cities**

# What sets LimeBike apart

- **No funding required** to operate and expand our service
- **American company** that's **well-funded** by top Bay Area investment firms means we're a stable, long-term provider
- **Complements** city mobility objectives
- **Equitable mobility option** for low- and moderate- income riders
- **Advanced dock-free technology** allows our fleet to be widely available to the community
- **Simple, more affordable pricing** makes smart urban mobility more universally accessible

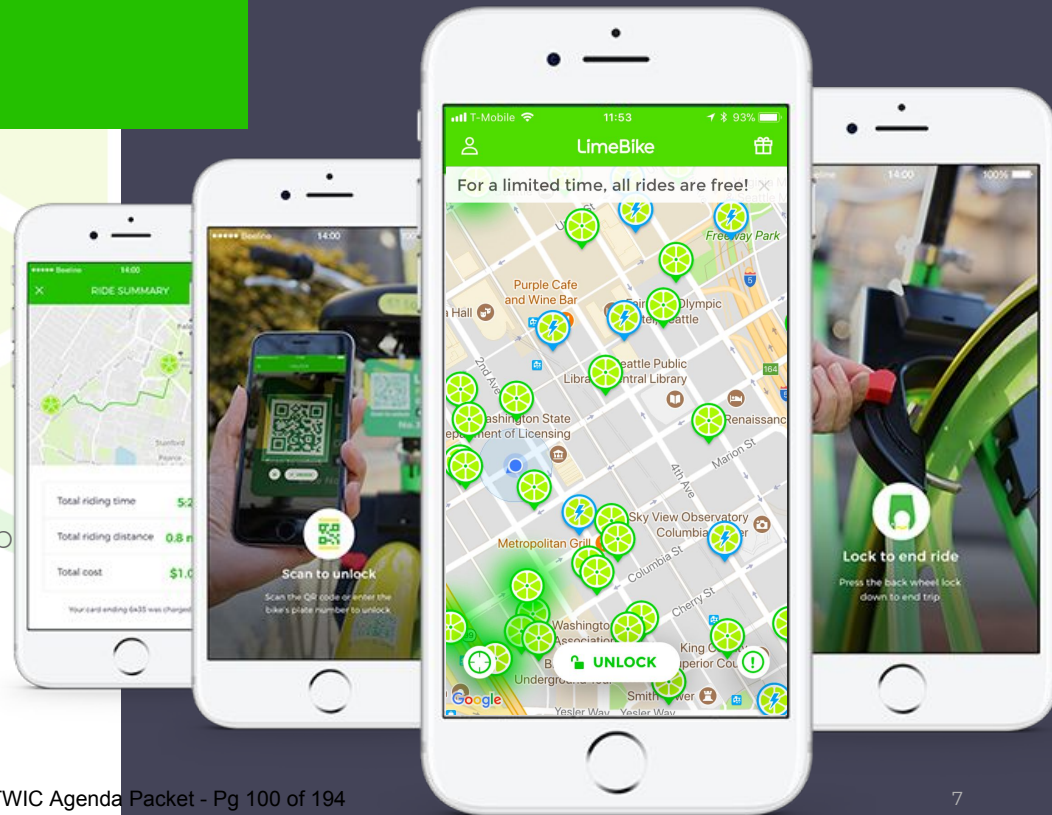




# It's Easy to Locate, Unlock, Ride and Pay

New technology allows us to create a  
**seamless smart mobility** experience

- 1 Find available rides on our live GPS map
- 2 Unlock with QR code or plate number
- 3 Lock the back wheel (for bikes) or in- app (for scooters) to end the ride
- 4 Easily & safely track & pay for each ride





# LimeBike

## Smart Pedal Bikes

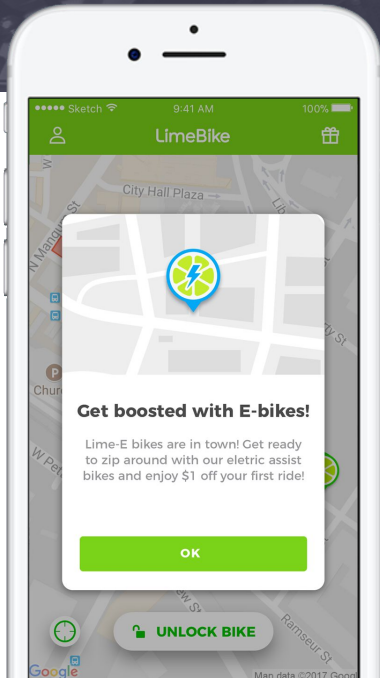
Our **pecially designed bikes** are CPSC and ISO certified and safe and comfortable to ride.

- 1 **Solar Panel** charges battery supply
- 2 **Smart IoT Technology** 3G/GPS-enabled, mobile app-synced smart lock
- 3 **Safety-Tested** Wider tires, drum brakes, bright color, lights and frame load tested with 880 lbs and CPSC/ISO certified
- 4 **Maintenance-Free** Airless tires and durable parts to withstand elements and frequent use
- 5 **Easy to Ride** Lighter frame for easier use



# Lime-E

## Electric Assist Bikes



### Why go electric?

Lime-E senses the torque being put on the pedals and adds just the right boost to help you get where you're going quickly and effortlessly.

No strain. No sweat. Just a simple, cost effective way to turn the last mile into the last several miles even over the hilliest urban terrain.

#### MAX RANGE:

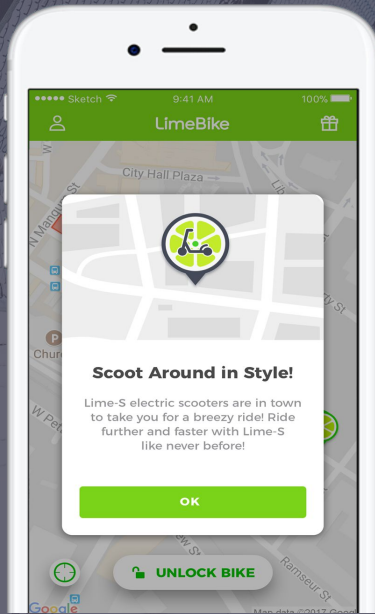
62 miles

#### MAX SPEED:

14.8 MPH

#### PRICE FOR USERS:

\$1 basic unlocking fee  
\$0.10/minute to ride



# Lime-S

## Electric Scooters

### Hop on and ride!

Smaller and more agile than a bike, Lime-S electric scooters are a convenient new mobility option that let you zip around the city pedal-free.

They require minimal parking space and are incredibly fun to ride!

**MAX RANGE:**  
37 miles

**MAX SPEED:**  
14.8 MPH

**PRICE FOR USERS:**  
\$1 unlocking fee  
\$0.10/minute to ride





# Affordable Pricing

Plans to make smart mobility a daily habit and **increase ridership**

## PAY AS YOU GO

### \$1 to Unlock

Pedal bikes first 30 minutes included + \$1/30 minutes after that. Electric products \$0.10/minute.

## MONTHLY MEMBERSHIP

### \$30 for \$100 ride credits

Riders pay an additional \$0.5 for all rides exceeding 30 minute limit. Does not include electric products.

## STUDENTS / CAMPUS

### 50% Off

Students and university affiliated groups - half price on all LimeBike pedal bikes with .edu email address.

# Managing Dock Free Operations

On-the-ground team led by a local **General Manager**



**Operations** Our operations team actively manages our smart mobility fleet, rebalancing bikes and scooters and responding to any support calls.

**Fleet management** Our team will rebalance under-utilized bikes and scooters to meet higher demand and ensure equitable service distribution.

**Customer Service** We maintain 24 hour customer service and respond to urgent issues within 2 hours during regular business hours.

**Maintenance** We cover all maintenance and routine checks of equipment.



# Our Approach to Smart Parking

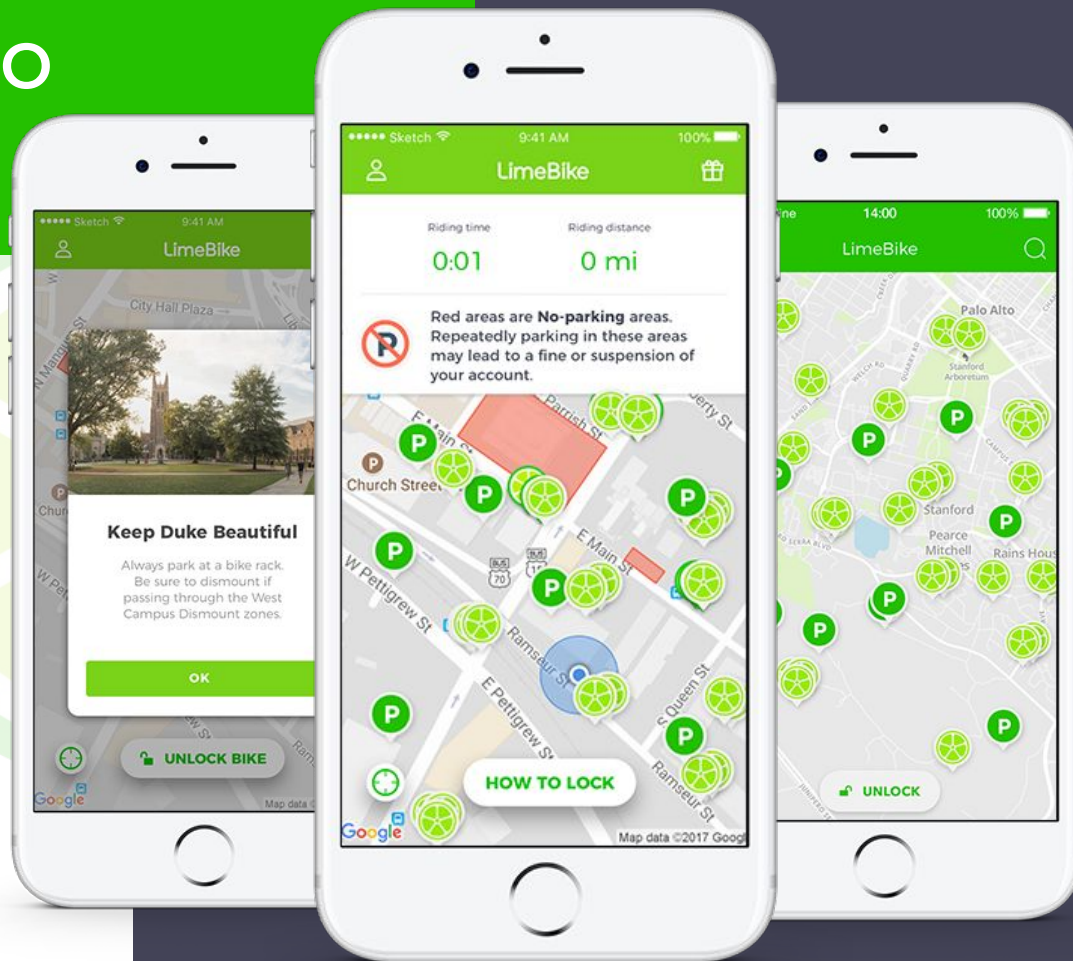
- Educate riders on legal parking regulations
- In-app instructions on how & where to park
- Geo-fence existing legal parking areas in our app
- Reward riders for parking properly
- Partner with cities to develop more bike-friendly parking
- Our operations team will respond to parking concerns



Available  
Bikes

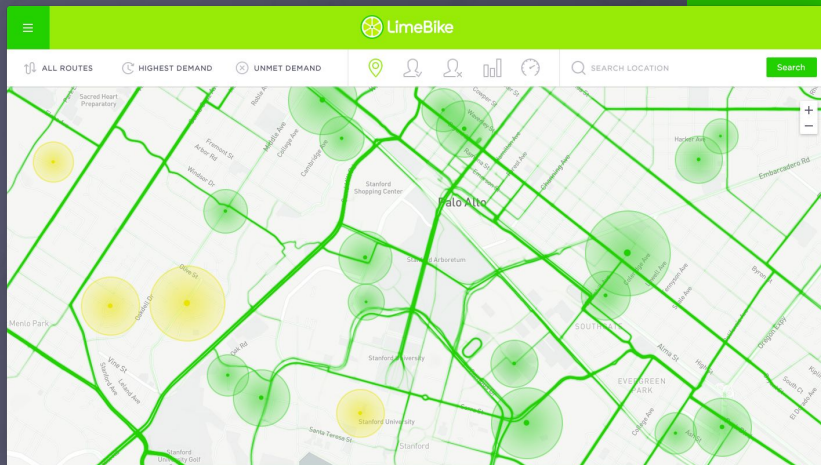


Recommended  
Parking Spots





We use **data**  
to make urban  
mobility **smarter**




- Free of docking stations, the optimal smart mobility program can be designed based on usage and actual rider demand data
- We estimate having 1 bike or scooter per 100 residents to serve the entire community
- We share our data with cities for smarter mobility planning
- We support existing public transit, with 40% of our rides starting and finishing near transit stops



# LimeBike Service to Seattle's Columbia City

- Columbia City is one of Seattle's most ethnically & economically diverse neighborhoods
- Within days of launch, 20-30% of LimeBikes were in areas Pronto never served - including Columbia City - at no taxpayer cost

 **Pronto bike  
program coverage**

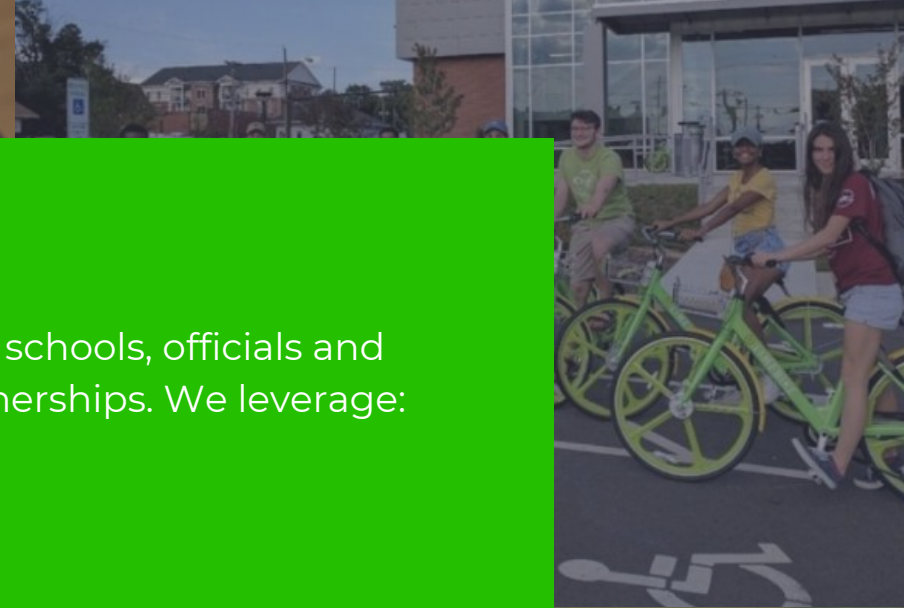
 **Current  
LimeBike coverage**

# We Invest in Your Community

LimeBike engages with local businesses, schools, officials and associations to nurture long-lasting partnerships. We leverage:

- local press
- street teams and events
- social media
- and online ads

to educate, promote and empower local champions and enable the change we all want to see.





# How Do We Help Cities Lead the Smart Mobility Revolution?

**Design a smart mobility program** using in-app data to ensure service to entire community

**Integrate bikes and scooters** with mobility priorities

**Share our data from usage** to enhance mobility planning

**Work with local partners** to ensure effective and enhanced local parking solutions

**Phased-in integration** and the ability to deploy future phases at no-cost

**Public education and promotion** to ensure wide adoption



# Experienced Team at LimeBike

## Experienced Local Team

- US-based company and HQd in Silicon Valley
- Experienced team in tech, local and federal government
- Members - North American Bike Share Association
- Business Council - U.S. Conference of Mayors

## Financial Stability

- Backed by Tier-1 Silicon Valley VC Firms including Andreessen Horowitz
- Hundreds of millions in financing gives us the unique ability to invest in technology and equipment to lay the groundwork for successful programs
- Self-sustaining and well-documented long-term financial model



# Thank You

Andrew Savage

andrew@limebike.com

802.793.9793



## **Service Agreement**

### **Bike Sharing Services**

This Bike Sharing Services Agreement ("Agreement") is made this 14th day of October 2017, by and between the **City of Alameda**, a municipal corporation existing under the law of the State of California and its Charter ("City") and Neutron Holdings, Inc. a Delaware corporation dba LimeBike ("LimeBike"). City and LimeBike are each individually referred to as a "Party," and collectively, the "Parties."

### **Recitals**

1. Goals of City are to provide safe and affordable multi-modal transportation options to all residents, reduce auto traffic congestion, and maximize carbon-free mobility.
2. Bike share services are a component to help the City achieve its transportation goals, as described in its General Plan, and the City desires to make bike share services available to residents, employees and visitors in the City.
3. LimeBike proposes to operate a bike share program within the City.
4. LimeBike will abide by all city ordinances and rules governing the use of public right of way to efficiently and effectively provide bike share services.
5. LimeBike possesses GPS, 3G, and self-locking technology in its bicycles such that its bicycles may be locked and opened by users with an app and tracked to provide for operations and maintenance ("Bicycle Fleet").

In consideration of the mutual covenants and representations set forth in this Agreement, City and LimeBike hereby agree to launch a pilot bike share program, with the possibility of an extension for a longer term, as follows:

### **Agreement**

1. Pilot Term. This Agreement shall commence on October 4, 2017, (the "Commencement Date") and shall expire (6) months after the Commencement Date, unless extended by mutual written agreement or earlier terminated pursuant to Section 18 ("Termination"). Five months after the Commencement Date, LimeBike and City will meet to discuss a possible longer-term agreement, that could be an amendment to this Agreement with commercially-reasonable, mutually-agreeable modifications to address any issues raised during the pilot term.
2. Use of City Right of Way. Pursuant to the terms of this Agreement, City hereby authorizes LimeBike to use the public Right of Way (on a non-exclusive basis) solely for the purposes of maintaining and offering its Bicycle Fleet for a bike sharing program within the City. For purposes of this Agreement, the term "Right of Way" refers to sidewalks, roads and other pathways owned and maintained by the City. Authority to utilize the Right of Way for this Bicycle Fleet is conditioned on compliance with all terms of this Agreement. This authorization is not a lease or an easement, and is not intended and shall not be construed to transfer any real property interest in City property.



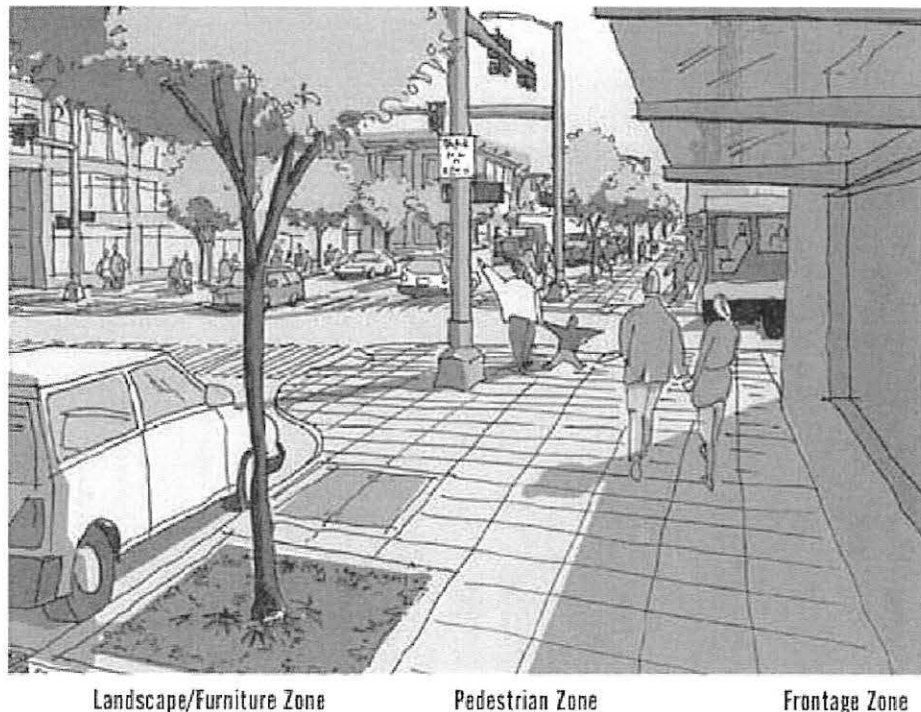
- a. This Agreement only applies to operations within the City of Alameda Right of Way and City Parks. Additional zones may be established; for example, locations within regional parks, publicly-accessible plazas, off-street parking lots/garages, or campuses. However, permission to do so shall require the prior written consent of the City or property owner; and shall be communicated to LimeBike's customers through signage approved by the respective property owner and/or through the mobile and web application.
3. Use of City Parks. Pursuant to the terms of this Agreement, City hereby authorizes LimeBike to use the City Parks (on a non-exclusive basis) solely for the purposes of maintaining and offering its Bicycle Fleet for a bike sharing program within the City. For purposes of this Agreement, the term "City Parks" refers to hard-surfaced areas owned and maintained by the City within designated City parks. Authority to utilize the City Parks for this Bicycle Fleet is conditioned on compliance with all terms of this Agreement. This authorization is not a lease or an easement, and is not intended and shall not be construed to transfer any real property interest in City property.
4. Use. LimeBike customers may use the public Right of Way and City Parks solely for parking of bicycles owned and maintained by LimeBike for use in the bike share program, and for riding Bicycle Fleet bicycles. LimeBike shall not place or attach any personal property, fixtures, or structures to City Right of Way or City Parks without the prior written consent of City or private property owners.

Use of the Right of Way and City Parks, and LimeBike's operations within the City, shall, at a minimum: a) not adversely affect City Right of Way, or the City's streets, or sidewalks, or City Parks; b) not adversely affect the property of any third parties; c) not inhibit pedestrian movement or ADA access within the sidewalks or along other property or rights-of-way owned or controlled by the City; and d) not create conditions which are a threat to public safety and security.

5. Bicycles. All bicycles that are part of the Bicycle Fleet shall:
  - a. Meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles. Additionally, permitted systems shall meet the safety standards outlined in ISO 43.150 – Cycles, subsection 4210.
  - b. Meet the bicycle requirements in the California Vehicle Code, including for lights and reflectors.
  - c. Have an emblem of LimeBike, current contact information (including for relocation requests) and a unique identifier prominently displayed on the bicycle.
  - d. Be high quality and sturdily built to withstand the rigors of outdoor storage and constant use.
  - e. Accommodate a wide range of users.
  - f. Be well-maintained and in good riding condition.

6. Bicycle Parking. LimeBike and the City will collaboratively identify designated bicycle parking zones to station bicycles and corral rebalanced bicycles. The pre-designated bicycle parking zones for staging and corralling bicycles for public use ("Home Zones") will be identified on an up-to-date online map, to be maintained by LimeBike and available for viewing by the City at all times.

- a. Bicycles shall be parked in the landscape/furniture zone of the sidewalk (i.e., not blocking the pedestrian travelway zone or frontage zone of buildings; these areas are indicated in the graphic immediately below), or at a public bicycle rack, or in a City Park, or at another City-owned location with prior written approval of the City.



- b. Bicycles in the Bicycle Fleet shall be restricted to the following parking zones on the sidewalk:
- i. Bicycles can only be parked on hard surfaces within the landscape/furniture zone (e.g. concrete, asphalt).
  - ii. Bicycles shall not be parked at the corners of sidewalks or within five feet of crosswalks or curb ramps.
  - iii. Bicycles shall not be parked on blocks where the landscape/furniture zone is less than 24 inches, or where there is no furniture zone.
  - iv. On blocks without sidewalks, bicycles may be parked if the travel lane(s) and 6-foot pedestrian clear zone are not impeded.



- v. The City reserves the right to determine certain block faces where bicycle parking is prohibited.
  - vi. Bicycles shall not be parked in the landscape/furniture zone adjacent to or in any way blocking:
    - 1. Transit stops, shelters or platforms;
    - 2. Commercial loading (yellow) zones;
    - 3. Passenger loading (white) zones;
    - 4. Disabled parking zone;
    - 5. Street furniture that requires pedestrian access (for example - benches, parking pay stations, etc.);
    - 6. Curb ramps;
    - 7. Entryways; and
    - 8. Driveways.
  - vii. Bicycles parked in residential areas that do not impede pedestrian travel will be allowed to remain in place for up to 24 hours after they are parked. However, if there is a call or complaint, LimeBike shall respond in the time periods outlined in Exhibit A.
- c. Bicycles parked in City Parks will be parked on hard surfaces (e.g. concrete, asphalt), in locations that allow sufficient width for accessible pedestrian travel.
  - d. Bicycles parked on private property will be allowed at the discretion of the private property owner.
  - e. Bicycles shall stand upright when parked.
  - f. With the advance approval of the City, LimeBike may indicate virtual bicycle racks, such as with paint or decals, and/or use signage where appropriate to guide riders to these preferred, though not required, parking zones in order to assist with orderly parking of bicycles throughout the City. The City, at its own discretion, may choose to support the bike sharing program with the installation of additional bicycle racks and/or designated bicycle parking zones.
  - g. LimeBike may add or remove Home Zones at their discretion, however, LimeBike will remove Home Zones upon City request.
  - h. LimeBike will actively manage the Bicycle Fleet to ensure orderly parking and the free and unobstructed use of the Right of Way and City Parks. Any

bicycle that is parked improperly shall be re-parked in a correct manner or shall be removed by LimeBike within the timeframe indicated in Exhibit A.

7. Communication with City. LimeBike shall:

- a. Provide the City with a contact name and phone number for staff that are capable of relocating or rebalancing bicycles, removing bicycles, and repairing bicycles.

8. Customer Communication. LimeBike shall:

- a. Educate users regarding laws applicable to riding and operating a bicycle in the City of Alameda and to wearing a helmet (if under 18).
- b. Notify customers that bicyclists shall yield to pedestrians on sidewalks.
- c. Instruct customers on how to park a bicycle legally and properly.
- d. Provide a mechanism for customers to easily and quickly notify the company that there is a safety or maintenance issue with the bicycle, such as in the mobile application.
- e. Maintain a 24-hour customer service phone number for customers to report safety concerns or complaints, or ask questions.
- f. Implement a marketing plan and promote the use of bicycle sharing citywide, particularly among low-income communities.
- g. Establish and maintain a multilingual website with languages determined by the City, call center, and mobile application customer interface that is available twenty-four hours a day, seven days a week.
- h. At the discretion of the City, distribute a customer survey developed by the City before the end of the pilot term.
- i. With direction and guidance from the City, lead outreach efforts to business associations, major developers and property managers, community groups and other key stakeholders, to solicit input on the location of bicycle Home Zones, program operations and program feedback.

9. Condition of City Right of Way

- a. City makes the public right of way and City Parks available to LimeBike in an "AS IS" and "WITH ALL FAULTS" condition. City makes no representations or warranties concerning the condition of the public way and City Parks or its suitability for use by LimeBike or its customers, and assumes no duty to warn either LimeBike or its customers concerning conditions that exist now or may arise in the future.
- b. City assumes no liability for loss or damage to LimeBike's bicycles or other property. LimeBike agrees that City is not responsible for providing security



at any location where LimeBike's bicycles are stored or located, and LimeBike hereby waives any claim against City in the event LimeBike's bicycles or other property are lost or damaged.

10. Maintenance and Care of portion of City Right of Way and City Parks; LimeBike expressly agrees to repair, replace or otherwise restore any part or item of real or personal property that is damaged, lost or destroyed as a result of the LimeBike's use of City Right of Way and City Parks. Should LimeBike fail to repair, replace or otherwise restore such real or personal property, LimeBike expressly agrees to pay City's costs in making such repairs, replacements or restorations.
11. Operations & Maintenance. LimeBike shall be responsible to maintain the Bicycle Fleet as set forth in Exhibit A. LimeBike shall be solely responsible for all maintenance and service costs in order to maintain the Bicycle Fleet and associated maintenance to minimum level of service and reporting outlined in Exhibit A.
  - a. The City will notify LimeBike, as noted in "Exhibit A," of any bicycle that is found adversely affecting the City Right of Way or City Parks. LimeBike shall be responsible to correct improperly parked bicycles within the timeframes listed in "Exhibit A".
  - b. Any inoperable bicycle, or any bicycle that is not safe to operate shall be removed from the right-of-way within 24 hours after notice from the City, and shall be repaired before the bicycle is return to revenue service
  - c. LimeBike shall give the City special rights access to immediately unlock and remove bicycles blocking access to the City Right of Way or City Parks.
  - d. LimeBike will explore cash payment methods and offer less expensive rides and plans for those with lower incomes, such as students and seniors.
12. Research. LimeBike agrees that the City may use a third-party researcher to evaluate the bike share program. Data will be shared with the third-party researcher only for purposes of evaluating or enforcing the requirements of this pilot program.
13. Indemnification. LimeBike shall defend, pay, indemnify and hold harmless City, its officers, officials, employees, agents, invitees, and volunteers (collectively "City Indemnitees") from all claims, suits, actions, damages, demands, costs or expenses of any kind or nature by or in favor of anyone whomsoever and from and against any and all costs and expenses, including without limitation court costs and reasonable attorneys' fees, resulting from or in connection with loss of life, bodily or personal injury or property damage arising directly or indirectly out of or from or on account of:
  - a. Any occurrence upon, at or from City Right of Way or City Parks or occasioned wholly or in part by the entry, use or presence upon City Right of Way or City Parks by LimeBike or by anyone making use of City Right of Way or City Parks at the invitation or sufferance of LimeBike, except such loss or damage which was caused by the sole negligence or willful misconduct of City.

- b. Use of LimeBike's bicycles by any individual, regardless of whether such use was with or without the permission of LimeBike, including claims by users of the bicycles or third parties.
- 14. Insurance. Prior to beginning and continuing throughout the term of this Agreement, LimeBike, at sole cost and expense, shall furnish the City with certificates of insurance evidencing that it has obtained and maintains insurance in the following amounts:
  - a. Workers' Compensation that satisfies the minimum statutory limits.
  - b. Commercial General Liability and Right of Way Damage Insurance in an amount not less TWO MILLION DOLLARS (\$2,000,000) combined single limit per occurrence, TWO MILLION DOLLARS (\$2,000,000) annual aggregate, for bodily injury, property damage, products, completed operations and contractual liability coverage.
  - c. Comprehensive automobile insurance in an amount not less than ONE MILLION DOLLARS (\$1,000,000) per occurrence for bodily injury and property damage including coverage for owned and non-owned vehicles.

All insurance policies shall be written on an occurrence basis and shall name the City Indemnitees as additional insureds with any City insurance shall be secondary and in excess to LimeBike's insurance. Such certificates, which do not limit LimeBike's indemnification, shall also contain substantially the following statement: "Should any of the above insurance covered by this certificate be canceled or coverage reduced before the expiration date thereof, the insurer affording coverage shall provide ten (10) days' advance written notice to the City of Alameda, "Attention: Risk Manager." If LimeBike's insurance policy includes a self-insured retention that must be paid by a named insured as a precondition of the insurer's liability, or which has the effect of providing that payments of the self-insured retention by others, including additional insureds or insurers do not serve to satisfy the self-insured retention, such provisions must be modified by special endorsement so as to not apply to the additional insured coverage required by this Agreement so as to not prevent any of the Parties to this Agreement from satisfying or paying the self-insured retention required to be paid as a precondition to the insurer's liability. Additionally, the certificates of insurance must note whether the policy does or does not include any self-insured retention. It is agreed that LimeBike shall maintain in force at all times during the performance of this Agreement all appropriate coverage of insurance required by this Agreement with an insurance company that is acceptable to City and licensed to do insurance business in the State of California. The City's Risk Manager may waive or modify any of the insurance requirements of this Section 14.

- 15. Compliance with Law. LimeBike at its own cost and expense, shall comply with all statutes, ordinances, regulations, and requirements of all governmental entities applicable to its use of City Right of Way and City Parks and the operation of its bike share program, including but not limited to laws governing operation of bicycles. If any license, permit, or other governmental authorization is required for LimeBike's lawful use or occupancy of City Right of Way or City Parks or any portion thereof, LimeBike shall procure and maintain such license, permit and/or governmental authorization throughout the term of this Agreement. City shall reasonably cooperate with LimeBike, at no additional cost to City, such that LimeBike can properly comply with this Section and be allowed to use City Right of Way and City Parks as specified in Section 4.



16. Required Reports. LimeBike shall provide reports to the City concerning utilization of its bicycles and bicycle route usage not less than monthly, and shall cooperate with the City in the collection and analysis of aggregated data concerning its operations. In addition to the items included in Exhibit A, these reports will include, but not be limited to:

- a. Aggregated breakdown of customers by City resident/or not.
- b. Number of reported collisions, and primary collision factor, if available.
- c. Total number of rides taken per day, total number of trips by hour of the day, plus monthly and cumulative totals.
- d. At least once during the pilot period, LimeBike will conduct a survey of its users in Alameda focused on gender and age and will provide aggregated data to the City. Gender will be reported by male, female, and other. Age will be reported into these age groups: 5-17, 18-24, 25-34, 35-44, 45-54, 55-64, 65 and over.

17. No Joint Venture. Nothing herein contained shall be in any way construed as expressing or implying that the Parties hereto have joined together in any joint venture or liability company or in any manner have agreed to or are contemplating the sharing of profits and losses among themselves in relation to any matter relating to this Agreement.

18. Termination. This Agreement may be terminated prior to the expiration date set forth in Section 1, above, upon the occurrence of any of the following conditions:

- a. Upon delivery of at least thirty (30) days' prior written notice from City to LimeBike terminating this Agreement for any reason, or for no reason, or if circumstances pose a serious threat to public health or safety, the Agreement may be terminated immediately.
- b. An attempt by LimeBike to transfer or assign this Agreement.

LimeBike shall not terminate this Agreement without first giving at least sixty (60) days' written notice of plans for termination.

Upon the effective date of termination of this Agreement by either Party, LimeBike shall, at its sole cost and expense, immediately remove all bicycles from the City and restore all City Right of Way and City Parks to the condition of the City Right of Way and City Parks at the Commencement Date of this Agreement.


19. Amendment. This Agreement may be amended by mutual agreement of the Parties. Such amendments shall only be effective if incorporated in written amendments to this Agreement and executed by duly authorized representatives of the Parties.

20. Applicable Law and Venue. The laws of California shall govern the interpretation and enforcement of this Agreement.

21. Counterparts. This Agreement may be executed simultaneously or in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement.

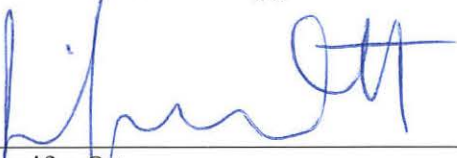
In WITNESS WHEREOF, the PARTIES have signed this Agreement on the dates indicated below.

**CITY OF ALAMEDA**


By:   
Jill Keimach  
City Manager

Date: 10/4/17


**Recommended for Approval:**

  
Jennifer Ott  
Transportation Planning Director

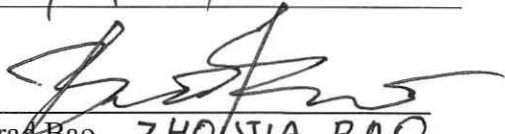
**Approved as to Form:**

  
Andrico Q. Penick  
Assistant City Attorney

**NEUTRON HOLDINGS, INC.**  
a Delaware Corporation dba LimeBike

By:   
Weiyao Sun  
CEO

Date: 10/2/2017

By:   
Brad Bao ZHOUJIA BAO  
Secretary / Chairman

Date: 02-OCT-2017



**Exhibit A:**  
**Description of LimeBike's Service Level Agreement**

The following performance standards shall, at all times during the term of this Agreement, be met. Additionally, LimeBike shall provide reports to the City at the time stated below in order to help the City measure the success of the bike sharing program in serving its residents and visitors and improving the livability and mobility of City residents and visitors.

Performance Standard	Description	Measurement Tool	Minimum Performance Standard	Reporting Frequency
App & customer service support portal	LimeBike reservation system fully operational	Uptime reporting	The app will be operational 99.5% of the time (uptime).	monthly
Bicycle distribution and usage	Maps identifying trends in peak bicycle distribution	Maps showing aggregate/heat map usage patterns.	Fleet will focus on serving people in the City of Alameda	monthly
Bicycles in service	# of bicycles in service	Daily uptime reports	Launch with at least 200 bicycles on Commencement Date, increase to at least 300 bicycles deployed within five weeks of Commencement Date, and then maintain at least 300 bicycles in service in the City. A minimum of 50 bicycles will be located at Alameda Point (west of Main Street), on average over a 24-hour period. These totals may be increased based on usage data and City approval. Should LimeBike secure private partnerships for parking/hosting bicycles, additional bicycles may be operational in the City in accordance with those private agreements. A minimum of 90% of deployed bicycles will be operable at any time.	monthly



Rebalancing	Regular re-distribution of bicycles	Number of requests. Time relative to report logs.	Bicycles will be relocated or rebalanced: Within two (2) hours of receiving notice, Monday-Friday from 8am-8pm, not including State and Federal holidays. At all other times, within ten (10) hours of receiving notice.	monthly
Report-responsive	Response time to improper bicycle parking / other problems communicated to Customer Service. City may call 1-888-LIME-345, text 1(888)-546-3345, email support@limebike.com, or use customer service portal in the app.	Number of complaints. Time relative to report logs.	Within two (2) hours during business hours between 8am to 8pm Monday through Saturday except for State and Federal holidays.  For any complaint outside of business hours, within two hours (2) of start of business hours.	monthly

## USE AGREEMENT

### Bike Sharing Services

This Use Agreement (this "Agreement") is made this 17th day of January 2018, by and between the **Walnut Creek Chamber of Commerce**, a California nonprofit public benefit corporation ("Company"), and Neutron Holdings, Inc., a Delaware corporation DBA LimeBike ("LimeBike").

#### Recitals

WHEREAS, LimeBike is the operator of a bicycle sharing and rental program; and

WHEREAS, LimeBike desires to use certain real property located within the Shadelands Business Park in the City of Walnut Creek, California (the "Property") for its bicycle sharing program (the "Bike Sharing Services") and Company desires to authorize such use on the terms and subject to the conditions set forth in this Agreement.

NOW THEREFORE, in consideration of the foregoing and the mutual promises, covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

#### Agreement

1. Pilot Program Term. The term of this Agreement is for one (1) year from the date hereof. The term of this Agreement may be extended only by mutual written consent of the parties hereto and may be terminated earlier in accordance with Section 9 of this Agreement.

2. Use of the Property. Company authorizes LimeBike to use the Property solely for the purpose of a bicycle sharing program. This authorization is not a lease, easement or other conveyance, and is not intended and shall not be construed to transfer any real property or other interest in the Property to LimeBike or any third party or to grant LimeBike any access to or right of use in any public rights of way or other property controlled by the City of Walnut Creek. Any authorization granted hereunder is also subject to the private property rights and approval of the respective businesses, property owners or other third parties which own or operate within the Property or otherwise have any rights therein (the "Businesses").

3. Pricing and Payment. Company shall make a refundable prepayment of \$36,000 to LimeBike in exchange for a bike share service credit of \$39,130 (8% discount) (the "Service Credit"). This Service Credit may be used by certain eligible employees designated by Company in exchange for use of the Bike Sharing Services at a rate of \$1.00 per half hour of use for regular pedal bicycles and, to the extent their use is approved by the Company, \$1.00 to unlock and an additional \$1.00 per ten minutes of use for electric-assist bicycles and scooters. Company will provide LimeBike with a list of email domain names for all Businesses that are eligible to use the Service Credit to pay for Bike Sharing Services for their employees. If necessary, LimeBike will issue a promotion code to employees of Businesses who do not have email addresses so that such employees may also utilize the Service Credit. LimeBike shall take all commercially reasonable steps to ensure that only authorized persons have access to



the Service Credit. Upon termination or expiration of this Agreement for any reason, LimeBike shall immediately refund Company any unused portion of the prepaid fees.

4. Permitted Use. LimeBike may use the Property solely for parking of bicycles owned and maintained by LimeBike for use in LimeBike's bike share program. LimeBike shall not place or attach any personal property, fixtures, or structures to the Property without the prior written consent of Company. In connection with its use of the Property, LimeBike shall not undertake or cause or permit to be undertaken, any activity which (i) is illegal under any applicable laws, decrees, rules or regulations in effect or (ii) would have the effect of causing Company to be in violation of any applicable laws, decrees, rules or regulations.

5. Condition of the Property

a. Company makes the Property available to LimeBike in an "as is" condition. Company makes no representations or warranties concerning the condition of the Property or its suitability for use by LimeBike or its customers, and assumes no duty to warn either LimeBike or its customers concerning conditions that exist now or may arise in the future.

b. In making the Property available for use by LimeBike, Company and the Businesses assume no liability for loss or damage to LimeBike's bikes or other property or for injury to any person in connection with LimeBike or its use of the Property. LimeBike agrees that neither Company nor the Businesses are responsible for providing security at any location where LimeBike's bikes are stored or located. LimeBike hereby waives any claim and releases Company and the Businesses from and against any such liability, loss or damage to property and expressly assumes all liability for any such injuries.

6. Indemnification. LimeBike shall defend, pay, indemnify and hold harmless Company and the Businesses and their respective officers, directors, officials, employees, agents, representatives, invitees, and volunteers from and against, and will reimburse the foregoing for, any and all claims, suits, actions, causes of action, assessments, liabilities, losses, obligations, damages, demands, costs or expenses of any kind or nature (including, without limitation, court costs and reasonable attorneys' fees and expenses) by or in favor of anyone whomsoever resulting or in any way arising, directly or indirectly, out of or from or on account of any of the following:

a. Any occurrence upon, at or from the Property or occasioned wholly or in part by the entry, use or presence upon the Property by LimeBike or by anyone making use of the Property at the invitation or sufferance of or otherwise in connection with LimeBike, except to the extent such loss or damage which was caused solely by the gross negligence or willful misconduct of Company;

b. Use of LimeBike's bicycles by any individual, regardless of whether such use was with or without the permission of LimeBike, including claims by users of the bicycles or third parties; and

c. LimeBike's breach of any representation, obligation covenant or agreement hereunder.

In matters in which Company or the Businesses are not a party, LimeBike shall pay or reimburse Company or the respective Business, as the case may be, for all reasonable staff time, attorneys' fees and expenses the Company or the Businesses are required to incur in relation to subpoenas, depositions, discovery demands and other inquiries in connection with suits, proceedings, legislative or regulatory hearings, investigations or other civil or criminal proceedings in which a claim is made against LimeBike or in which Limebike is a subject or target.

7. Insurance. LimeBike shall procure insurance against all claims or potential claims for which LimeBike may be required to indemnify the Company or the Businesses pursuant to Section 5 of this Agreement. LimeBike shall maintain such insurance for the duration of this agreement and thereafter as necessary to insure against any claims which may arise or be submitted after the termination hereof. LimeBike shall maintain General Liability limits no less than One Million and no/100 Dollars (\$1,000,000.00) per occurrence for bodily injury, personal injury and property damage, and in the sum of One Million and no/100 Dollars (\$1,000,000.00) for injury to or death of more than one person for each occurrence. Each insurance policy shall name the Company as an additional insured and it shall be endorsed to state that: (i) coverage shall not be suspended, voided, or cancelled by either party, or reduced in coverage or in limits except after thirty (30) calendar days prior written notice by certified mail, return receipt requested, has been given to Company; and (ii) for any covered claims, LimeBike's insurance coverage shall be primary insurance as respects the Company and any insurance or self-insurance maintained by the Company shall be in excess of the LimeBike's insurance and shall not contribute with it.

8. No Joint Venture. Nothing herein contained shall be in any way construed as expressing or implying that the parties hereto have joined together to create a joint venture, partnership, agency, or other employment relationship. All persons retained by Limebike in connection with this Agreement shall be employees or subcontractors of LimeBike and shall not be deemed employees or agents of Company or any of the respective Businesses.

9. Term. Unless earlier terminated in accordance with Section 9, this Agreement shall commence on January 22, 2018 (the "Commencement Date") and shall terminate on the date that is one (1) year from the Commencement Date. The parties hereto may extend the term of this agreement by mutual written consent.

10. Termination. This Agreement may be terminated prior to the termination date set forth in Section 8 above, upon the occurrence of any of the following conditions:

- a. Upon delivery of written notice from Company to LimeBike terminating this Agreement for any reason, or for no reason, by giving at least thirty (30) days' notice to the LimeBike of such termination.
- b. Immediately by Company upon any attempt by LimeBike to transfer or assign this Agreement or its rights of obligations hereunder in violation hereof.
- c. Upon delivery of no less than 180 days' written notice from LimeBike to Company terminating this Agreement, along with LimeBike's written notice of plans for termination.

11. Amendment. This Agreement may be amended only by mutual agreement of the parties. Such amendments shall only be effective if incorporated in written amendments to this Agreement and executed by duly authorized representatives of the parties.

12. Mediation. All claims, disputes, and controversies arising out of or in relation to the performance, interpretation, application, or enforcement of this agreement, including but not limited to breach thereof, shall be referred to mediation before, and as a condition precedent to, the initiation of any adjudicative action or proceeding, including arbitration. The parties agree that, if any dispute remains unsettled for thirty (30) days after receipt by a party of notice thereof, the parties shall submit the dispute at the earliest possible date to mediation conducted in accordance with the Commercial Mediation Rules of the American Arbitration Association (AAA), and shall bear equally the costs of the mediation; provided, however, that each party



shall bear its own costs in connection with such mediation. The parties agree to participate in good faith in the mediation and negotiations for a period of thirty (30) days or such longer period as they may mutually agree following the initial mediation session. If any party files any arbitration claims or administrative or legal actions for disputes to which this clause applies without first having attempted to resolve the dispute through mediation, then that filing party shall not be entitled to collect attorneys' fees or procedural costs, even if such party would otherwise have been entitled to them (subject to the discretion of the arbitrator or court involved).

13. Applicable Law and Venue. The laws of the State of California shall govern the interpretation and enforcement of this Agreement without regarding to principles of conflicts of law. The parties hereby submit to the exclusive jurisdiction of the state courts located in the State of California, County of Contra Costa, and the federal courts located in the Northern District of California.

14. Assignment. This Agreement and all of the provisions hereof shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns. LimeBikes shall not assign this Agreement or any of its rights, interests or obligations hereunder without the prior written consent of Company.

15. Counterparts. This Agreement may be executed simultaneously or in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Agreement. Any signature page delivered electronically or by facsimile (including without limitation transmission by .pdf or other fixed image form) will be binding to the same extent as an original signature page.

16. Captions and Headings. The captions and headings contained in this Agreement are for ease of reference only and shall not be used to interpret or modify any provisions of this Agreement.

17. Notices. All notices and other communications hereunder shall be in writing and shall be duly given when (i) delivered in person; (ii) sent by registered or certified mail (postage prepaid, return receipt requested); (iii) sent by prepaid overnight courier; or (iv) transmitted by e-mail to the parties at the following addresses (or at such other address for a party as shall be specified by like notice):

If to Company:

Walnut Creek Chamber of Commerce  
Attention: Jay Hoyer  
1280 Civic Drive, Suite 100  
Walnut Creek, CA 94596  
Email: [jhoyer@walnut-creek.com](mailto:jhoyer@walnut-creek.com)

With a copy to (which shall not constitute notice):

De La Housaye & Associates, ALC  
Attention: C. Angela De La Housaye  
1655 N. Main Street, Suite 260  
Walnut Creek, CA 94596  
Email: [angela@delahousayelaw.com](mailto:angela@delahousayelaw.com)

If to LimeBike:

LimeBike  
Attention: Strategic Development Team  
2121 S. El Camino Real, B-100  
San Mateo, CA 94403  
Email: [city@limebike.com](mailto:city@limebike.com)

18. Attorneys' Fees. In the event of any legal action between the parties hereto relating to or arising out of this Agreement or the enforcement thereof, the prevailing party in such action shall be entitled to recover from the losing party its reasonable attorneys' fees and costs incurred in that action.

19. Authority of Signatories. Each person signing this Agreement represents and warrants that he or she is duly authorized and has the legal capacity to execute and deliver this Agreement. Each party hereto represents and warrants to the other that the execution and delivery of this Agreement and the performance of such party's obligations hereunder have been duly authorized and that this Agreement is a valid and legal agreement binding upon such party and enforceable in accordance with its terms.

Executed the day and year first above written, by the parties as follows:

Walnut Creek Chamber of Commerce:

By:  \_\_\_\_\_

Name: Jay Hoyer

Title: President/CEO

Neutron Holdings, Inc. DBA LimeBike:

By: \_\_\_\_\_

Name: Andrew Savage

Title: Vice President, Strategic Development



With a copy to (which shall not constitute notice):

De La Housaye & Associates, ALC  
Attention: C. Angela De La Housaye  
1655 N. Main Street, Suite 260  
Walnut Creek, CA 94596  
Email: [angela@delahousayelaw.com](mailto:angela@delahousayelaw.com)

If to LimeBike:

LimeBike  
Attention: Strategic Development Team  
2121 S. El Camino Real, B-100  
San Mateo, CA 94403  
Email: [city@limebike.com](mailto:city@limebike.com)

18. Attorneys' Fees. In the event of any legal action between the parties hereto relating to or arising out of this Agreement or the enforcement thereof, the prevailing party in such action shall be entitled to recover from the losing party its reasonable attorneys' fees and costs incurred in that action.

19. Authority of Signatories. Each person signing this Agreement represents and warrants that he or she is duly authorized and has the legal capacity to execute and deliver this Agreement. Each party hereto represents and warrants to the other that the execution and delivery of this Agreement and the performance of such party's obligations hereunder have been duly authorized and that this Agreement is a valid and legal agreement binding upon such party and enforceable in accordance with its terms.

Executed the day and year first above written, by the parties as follows:


Walnut Creek Chamber of Commerce:

By: \_\_\_\_\_

Name: Jay Hoyer

Title: President/CEO

Neutron Holdings, Inc. DBA LimeBike:

By:  \_\_\_\_\_

Name: Andrew Savage

Title: Vice President, Strategic Development

# Bike Share Permit Requirements

June 30, 2017

## Safety

**Requirement S1:** All bicycles used in systems issued a permit under this pilot program shall meet the standards outlined in the Code of Federal Regulations (CFR) under [Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles](#). Additionally, permitted systems shall meet the safety standards outlined in [ISO 43.150 – Cycles, subsection 4210](#).

**Requirement S2:** Any electric bicycles used in systems issued a permit under this pilot program shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of *low-speed electric bicycles*; and shall be subject to the same requirements as ordinary bicycles (described in Requirement S1). This means that electric bicycles shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. Additionally, the City reserves the right to terminate any permit issued under this pilot program if the battery or motor on an electric bicycle is determined by SDOT to be unsafe for public use.

**Requirement S3:** All bicycles shall meet the Revised Code of Washington's (RCW) requirements for lights during hours of darkness, described in [RCW 46.61.780](#). This includes a front light that emits white light and a rear red reflector.

**Requirement S4:** All operators permitted under this pilot permit program shall provide a mechanism for customers to notify the company that there is a safety or maintenance issue with the bicycle.

**Requirement S5:** All permitted operators shall have commercial general liability insurance on form CG 00 01 or the equivalent and additional coverages that include the terms contained in the attached document *Bicycle Share Insurance Requirements*.

**Requirement S6:** All permitted systems shall have visible language that notifies the user that:

1. Helmets shall be worn while riding a bicycle in King County.
2. Bicyclists shall yield to pedestrians on sidewalks.

**Requirement S7:** As required by Seattle Municipal Code (SMC) 15.04.060, prior to the permit being issued, all permittees shall sign and record an indemnification agreement indemnifying and holding harmless the City. Please see attached *Bicycle Share Indemnity Agreement*.

**Requirement S8:** Permitted operators agree that the City of Seattle is not responsible for educating users regarding helmet requirements and other laws. Neither is the City responsible for educating users on how to ride or operate a bicycle. Permitted operators agree to educate users regarding laws applicable to riding and operating a bicycle in the City of Seattle and King County and to instruct users to wear helmets and otherwise comply with applicable laws.



## Parking

**Requirement P1:** For bicycle share stations that require the installation and maintenance of objects in the right-of-way (ROW), an annual permit is required for every location in addition to an annual permit for this pilot program. SDOT's Street Use division will provide guidance on locating bicycle share stations, as well as the additional permits.

**Requirement P2:** For free-floating bicycle share systems, bicycles shall be parked in the landscape/furniture zone of the sidewalk, as defined in [section 4.11 of the Right-of-Way Improvements Manual](#), or at an SDOT bicycle rack. Bicycle share operators shall inform customers on how to park a bicycle properly.

**Requirement P3:** Restrictions to eligible bicycle parking zones on sidewalks:

1. Bicycles shall not be parked at the corners of sidewalks as defined by [section 15.02.042 of the Seattle Municipal Code](#) (SMC).
2. Bicycles shall not be parked on blocks where the landscape/furniture zone is less than 3 feet wide, or where there is no landscape/furniture zone.
3. On blocks without sidewalks, bicycles may be parked if the travel lane(s) and 6-foot pedestrian clear zone are not impeded.
4. The City reserves the right to determine certain block faces where free-floating bicycle share parking is prohibited.
5. Bicycles shall not be parked in the landscape/furniture zone adjacent to or within:
  - a. Parklets or streateries;
  - b. Transit zones, including bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks;
  - c. Loading zones;
  - d. Disabled parking zone;
  - e. Street furniture that requires pedestrian access (for example - benches, parking pay stations, bus shelters, transit information signs, etc.);
  - f. Curb ramps;
  - g. Entryways; and
  - h. Driveways.

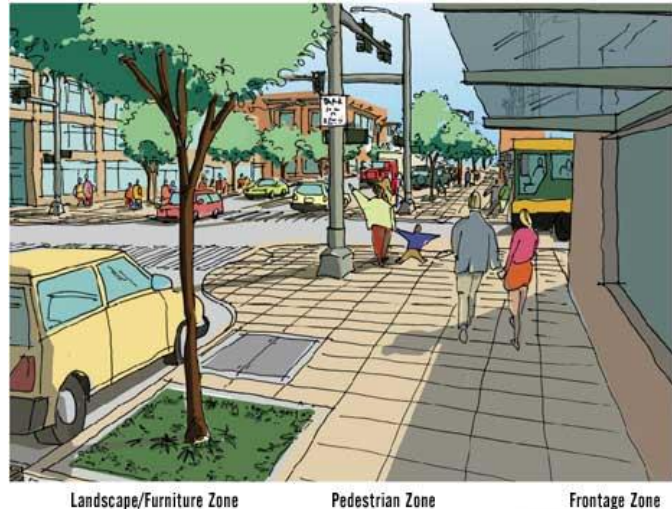
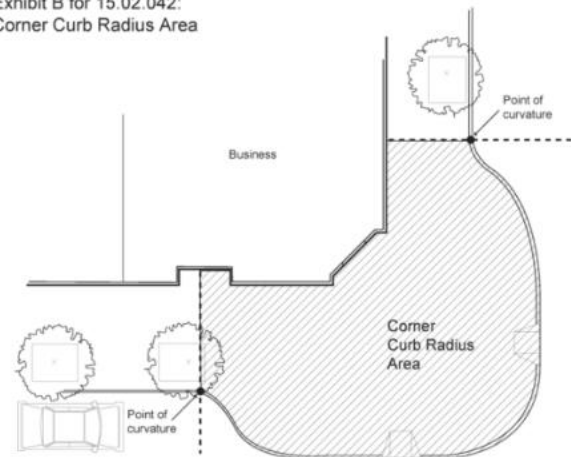


Exhibit B for 15.02.042:  
Corner Curb Radius Area



**Requirement P4:** This permit is only valid for operations within the City of Seattle Right-of-Way. Additional zones may be established; for example, locations within parks, publicly-accessible plazas, on-street parking spaces, off-street parking lots/garages, or campuses. However, permission to do so shall require coordination with the appropriate department, agency, or property owner; and shall be communicated to the customer through signage approved by the respective entity and/or through the mobile and web application..

**Requirement P5:** SDOT retains the right to create geo-fenced stations within certain areas where bicycles shall be parked.

**Requirement P6:** Any free-floating bicycle that is parked in one location for more than 7 consecutive days without moving may be removed by City of Seattle crews and taken to a City facility for storage at the expense of the bicycle share operator. SDOT shall invoice the violating operator as stated in Requirement O12 below.

**Requirement P7:** All permitted operators shall provide on every bicycle contact information for bicycle relocation requests.

**Requirement P8:** Bicycles shall be upright when parked.

**Requirement P9:** Any bicycle that is parked incorrectly shall be re-parked in a correct manner or shall be removed by the operator based on these times:

- 6am to 6pm on weekdays, not including holidays - within two hours of receiving notice,
- All other times – within 10 hours of receiving notice.

**Requirement P10:** Bicycles can only be parked on hard surfaces within the landscape/furniture zone (e.g. concrete, asphalt).

## Operations

**Requirement O1:** All permitted operators under the pilot permit program shall have a staffed operations center in the City of Seattle.

**Requirement O2:** All permitted operators under the pilot permit program shall have a 24-hour customer service phone number for customers to report safety concerns, complaints, or ask questions.

**Requirement O3:** All permitted operators under the pilot permit program shall provide SDOT with a direct contact for bicycle share company staff that are capable of rebalancing bicycles. All permitted operators under the pilot permit program shall relocate or rebalance bicycles based on these times:

- 6am to 6pm on weekdays, not including holidays - within two hours of receiving notice,
- All other times – within 10 hours of receiving notice.

**Requirement O4:** All permitted operators shall have a performance bond of \$80/bicycle, with a cap of \$10,000. The form of the bond shall be approved by SDOT. These funds shall be accessible to SDOT for future public property repair and maintenance costs that may be incurred, removing, and storing bicycles improperly parked, or if a company is not present to remove bicycles if its permit is terminated. If a permitted operator increases the size of their fleet, the performance bond shall be adjusted appropriately before deploying additional bicycles.



**Requirement O5:** Any inoperable bicycle, or any bicycle that is not safe to operate shall be removed from the right-of-way within 24 hours of notice by any means to the operator by any individual or entity, and shall be repaired before putting the bicycle into revenue service.

**Requirement O6:** All permitted operators shall have systems with service areas that do not exceed 340 bicycles per square mile.

**Requirement O7:** All permitted operators shall have a minimum bicycle fleet of 500 bicycles if using standard (non-electric) bicycles; operators shall meet this fleet size within four weeks of initial launch date.

**Requirement O8:** Permitted vendors using only electric bicycles do not have a minimum fleet size.

**Requirement O9:** SDOT may determine by Director's Rule additional or altered permit conditions based on data received as part of the data sharing requirements specified below.

**Requirement O10:** Every bicycle shall have a unique identifier that is visible to the user on the bicycle.

**Requirement O12:** If SDOT or any other City department or office incurs any costs addressing or abating any violations of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of the City costs, the permitted operator shall reimburse SDOT for such costs within thirty days.

**Requirement O13:** All applicants to the pilot permit program shall include the fleet size in their application. Permitted operators shall notify SDOT if they plan to change their fleet size two weeks before deployment; and include the additional program administrative fee for the expanded fleet (Requirement F3), and documentation of their updated performance bond (Requirement O4).

**Requirement O14:** SDOT reserves the right to terminate permits at any time and require that the entire fleet of bicycles be removed from Seattle streets. The decommissioning shall be completed within 30 days unless a different time period is determined by SDOT, consistent with SMC 15.04.070.

**Requirement O15:** Any permitted vendors operating systems with 2,000 or more bicycles must include Tier 1 Priority Hire neighborhoods in 20% or more of their service area. Priority Hire neighborhoods, by zip code, can be found here -

[http://www.seattle.gov/Documents/Departments/FAS/PurchasingAndContracting/Labor/Zip\\_Codes.pdf](http://www.seattle.gov/Documents/Departments/FAS/PurchasingAndContracting/Labor/Zip_Codes.pdf).

**Requirement O16:** Permitted operators' fleets are limited to 500 bicycles during the first month of the pilot, 1,000 bicycles during the second month of the pilot, and 2,000 bicycles during the third month of the pilot. After the third month, permitted operators can expand beyond 2,000 assuming they fulfill the other requirements in the permit. The start date used to define the first, second, and third month will be the 7<sup>th</sup> of July, 2017.

## Data Sharing

**Requirement DS1:** Permitted operators shall provide SDOT with real-time information on the entire Seattle fleet through a documented application program interface (API). The permitted operator is directly responsible for obtaining an API key from SDOT to which they will publish the data described

below. The data to be published to the SDOT API will include the following information in real time for every bicycle parked in the Seattle operational area:

1. Point location
2. Bicycle identification number
3. Type of bicycle
4. Fuel level (if electric)

**Requirement DS2:** The City of Seattle is permitted to display real-time data provided via the API described in DS1.

**Requirement DS3:** The City of Seattle is able to publish real-time bike availability data to the public.

**Requirement DS4:** All permitted operators shall provide the following anonymized data for each trip record to inform and support safe and effective management of the bicycle share system, and for transportation planning efforts. Data will be submitted to SDOT via an API to be distributed by SDOT.

Field name	Format	Description
Company Name	[company name]	n/a
Type of bicycle	“Standard” or “Electric”	n/a
Trip record number	xxx0001, xxx0002, xxx0003, ...	3-letter company acronym + consecutive trip #
Trip duration	MM:SS	n/a
Trip distance	Feet	n/a
Start date	MM, DD, YYYY	n/a
Start time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
End date	MM, DD, YYYY	n/a
End time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
Start location	Census block	n/a
End location	Census block	n/a
Bicycle ID number	xxxx1, xxxx2, ...	Unique identifier for every bicycle, determined by company

**Requirement DS5:** All permitted operators will provide the following bike availability data for oversight of parking compliance and bicycle distribution by minutes. Data will be submitted to the SDOT API.

Field name	Format	Description
GPS Coordinate	X,Y	n/a
Availability duration	Minutes	n/a
Availability start date	MM, DD, YYYY	n/a
Availability start time	HH:MM:SS (00:00:00 – 23:59:59)	n/a

**Requirement DS6:** If a permitted operator has a signed agreement with the [UW Transportation Data Collaborative](#) (TDC), they are exempt from requirements DS1, DS2, DS3, DS4, and DS5. Instead, the signed agreement must show that the company is inputting the data below into the UW TDC, via API keys obtained from the TDC to the participant. Records to be submitted are divided into three categories; rider profile, current bike location, and trip record.



1. Rider profile:
  - a. Gender
  - b. Age (bracket)
  - c. City resident / or not
2. For each trip taken:

Field name	Format	Description
Company Name	[company name]	n/a
Type of bicycle	"Standard" or "Electric"	n/a
Trip record number	xxx0001, xxx0002, xxx0003, ...	3-letter company acronym + consecutive trip #
Trip duration	MM:SS	n/a
Trip distance	Feet	n/a
Start date	MM, DD, YYYY	n/a
Start time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
End date	MM, DD, YYYY	n/a
End time	HH:MM:SS (00:00:00 – 23:59:59)	n/a
Start location	X,Y	n/a
End location	X,Y	n/a
Bicycle ID number	xxxx1, xxxx2, ...	Unique identifier for every bicycle, determined by company

3. For bicycle availability:

Field name	Format	Description
GPS Coordinate	X,Y	n/a
Availability duration	Minutes	n/a
Availability start date	MM, DD, YYYY	n/a
Availability start time	HH:MM:SS (00:00:00 – 23:59:59)	n/a

**Requirement DS7:** All permitted operators shall distribute a customer survey, to be provided by SDOT, to all users prior to the end of the pilot program.

**Requirement DS8:** All permitted operators under this pilot permit program shall keep a record of maintenance activities, including but not limited to bicycle identification number and maintenance performed. These records shall be sent to SDOT weekly.

**Requirement DS9:** All permitted operators will keep a record of reported collisions. These records will be sent to SDOT weekly.

**Requirement DS10:** All permitted operators will allow SDOT to temporarily install 10 mounted GPS trackers on a random sample of bicycles for research and trip analysis purposes. Trip data will be anonymous.

**Requirement DS11:** All permitted operators shall report the aggregated breakdown of customers by gender and age monthly. Gender will be reported by male, female, and other. Age will be reported into these age groups: under 5, 5-17, 18-24, 25-34, 35-44, 45-54, 55-64, 56 and over.

**Requirement DS12:** All permitted operators agree to SDOT using a third-party researcher for evaluation of the pilot bike share program. Data will be shared with the third-party researcher only for the purposes of evaluation and/or enforcement of the requirements in this permit.

*Note: if a public disclosure request is submitted that could result in SDOT sharing data required by this permit, SDOT will notify all vendors prior to sharing data.*

## Fees

**Requirement F1:** Applicants shall pay \$146 for an Annual Permit for the pilot bicycle share program. Note if any stations or other structures are proposed, each site shall require additional review deposits and permitting.

**Requirement F2:** Applicants shall pay SDOT's Street Use division \$209 for every hour of permit review and inspection needed. Estimated times for reviewing pilot bicycle share permits is eight hours; therefore, upon submitting an application, applicants shall pay \$1,672 to Street Use. Any time not used shall be reimbursed to the applicant and any additional time shall be billed, upon permit closure.

**Requirement F3:** Applicants shall pay a program administrative fee of \$15/bike to SDOT's Transit & Mobility Division for the administrative time during pilot permit program.

**Requirement F4:** Any fees arising from the need for City crews to relocate or remove bicycles from any location where a bicycle is prohibited under this permit (Requirement O12) shall equal the City crews' hourly rate plus fifteen percent.

## Application

Any company interested in applying for a permit shall submit an application to SDOT. The application must include these items:

1. Table listing all the policies above and the applicant's response;
2. Completed [Annual Permit](#) – use "Other" for Permit Type;
3. Insurance documentation (Requirement S5);
4. Images and description of bicycle and mobile application;
5. Size of fleet at launch, including any planned fleet expansions during the pilot period;
6. Service area at launch, including any planned expansions during the pilot period;
7. Plan for educating users on proper bicycle parking;
8. Plan for encouraging compliance with [King County Helmet Law](#);
9. Plan for providing an equitable bicycle share service; and,
10. \$1,672 deposit to SDOT Street Use (Requirement F2).

If the application meets all the requirements, operators will need to submit the items below prior to issuance of the permit.

1. Bond (Requirement O4);
2. 5 account logins for City oversight;
3. \$146 permit fee, check made payable to City of Seattle;
4. Program administrative fee (Requirement F3) to SDOT Transit & Mobility.

Applications can be sent to:

SDOT  
ATTN: Public Space Management PO Box  
34996, Seattle, WA 98124





# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

8.

**Meeting Date:** 03/12/2018

**Subject:** CONSIDER report on Local, State, and Federal Transportation Related Issues: Legislation, Studies, Miscellaneous Updates, 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 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, where provided, are underlined in the report below. This report includes four sections, 1: **LOCAL**, 2: **STATE**, and 3: **FEDERAL**.

#### **1. LOCAL**

No local report in March.

#### **2. STATE**

##### **2.1: Legislative Report**

The March State legislative report (Attached: March TWIC 2018 Report final) from the County's advocate, Mark Watts, is attached. Mr. Watts will be in attendance at the March meeting. The report covers the following issues:

- Board of Equalization Unable to Adopt Annual Adjustment
- Senate Bill 1 Repeal Efforts
- SB1 Allocations
- Transportation Leadership Changes

## 2.2 Specific Legislation

In addition to the information provided by Mr. Watts and the attached(March 2018 Leg Tracking List) legislation tracking list, staff is bringing the following bills/issues forward for consideration by the Committee:

### **Senate Bill 914 (Dodd): Construction Manager At-Risk (CMAR) Contracting For Counties**

This CSAC sponsored legislation would expand existing county Construction Manager At-Risk (CMAR) authority. Counties can currently use CMAR for the erection, construction, alteration, repair, or improvement of any building owned or leased by the county for projects over \$1 million through January 1, 2023. SB 914 would expand that authority to other types of infrastructure projects, such as flood control projects.

Attached (SB914(FactSheet-Bill-Support Letter Template))is a copy of SB 914, a fact sheet and sample support letter. Staff is RECOMMENDING Committee approval to bring the bill and a draft letter of support to the full Board of Supervisors.

### **California Proposition 69 (June 2018): Transportation Taxes and Fees Lockbox and Appropriations Limit Exemption Amendment**

Staff received a request (attached:Info Package: SB1-Prop69-Transportation Coalition) from CSAC to consider a position of support for Proposition 69 which was part of Senate Bill 1 (2017). The Board of Supervisors took a position of support on SB 1 on February 7, 2017.

Proposition 69 would require that revenue from the diesel sales tax and Transportation Improvement Fee (TIF) be dedicated for transportation-related purposes. As of 2018, the state constitution prohibited the legislature from using gasoline excise tax revenue or diesel excise tax revenue for general non-transportation purposes. The amendment would require the diesel sales tax revenue to be deposited into the Public Transportation Account, which was designed to distribute funds for mass transportation and rail systems. Proposition 69 would require the TIF revenue be spent on public streets and highways and public transportation systems. Although SB 1 requires revenue from the zero-emission vehicles fee to be placed in the Road Maintenance and Rehabilitation Account, Proposition 69 does not contain a provision creating a constitutional mandate for zero-emission vehicles fee revenue.

Proposition 69 would make revenue from SB 1's tax increases and fee schedules exempt from the state appropriations limit, also known as the Gann Limit. The Gann Limit prohibits the state government and local governments from spending revenue in excess of per-person government spending in fiscal year 1978-1979, with an adjustment allowed for changes in the cost-of-living and population. Amendments were made to the Gann Limit in 1988 and 1990, modifying the formula and requiring half of the excess revenue to be distributed to public education and the other half to taxpayer rebates. Rejecting the constitutional amendment would make SB 1's revenue subject to the Gann Limit. As of 2018, the Gann Limit had been exceeded just once in 1987. CSAC also requested County's consider joining the "Coalition to Protect Local Transportation Improvements" and pass resolutions: 1) in support of Proposition 69 and 2) in opposition to the SB 1 repeal effort. Those materials are attached to this report.

Consistent with County support of SB 1 in 2017, Staff is RECOMMENDING the Committee forward to the Board of Supervisors the following recommended positions: Proposition 69 - SUPPORT, and SB1 Repeal - OPPOSE.

### 3. FEDERAL

**3.1 Infrastructure Package Status - Information Only:** In 2017 the Committee received reports of internal conflicts and confusion in the administration relative to a federal infrastructure bill, the outlook for movement in 2018 has not improved. Senator John Cornyn (Texas - Sen Majority Whip), was quoted as follows, "*I think it's gonna be hard [passing an infrastructure bill], because we have so many other things to do and we don't have much time...*".

**3.2 Request from the Coalition Against Bigger Trucks (CABT) for County support.** Staff received a request from CABT, a nonprofit organization, to have the County send a letter to our federal delegation opposing proposals to authorize longer and heavier trucks on public roads. Material is attached (INFO-Coalition Against Bigger Trucks (CABT), the list of supporters includes the California State Association of Counties(CSAC).

Staff recommends the Committee DIRECT staff to bring a letter to the Board of Supervisors in support of CABT's opposition to longer/heavier trucks.

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

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

**Fiscal Impact (if any):**

There is no fiscal impact.

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#### **Attachments**

March 2018 Leg Tracking List

March TWIC 2018 Report final.pdf

SB914(FactSheet-Bill-Support Letter Template)

Info Package: SB1-Prop69-Transportation Coalition

INFO-Coalition Against Bigger Trucks (CABT)

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Status actions entered today are **listed in bold**.

**File name: TWIC-TransLeg**

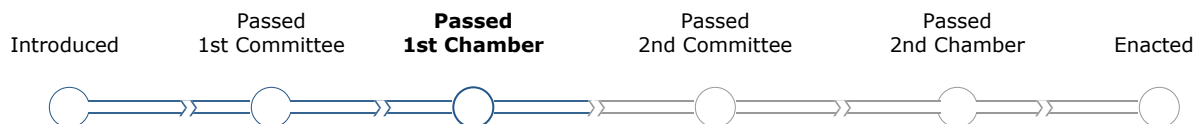
## California

### 1. CA AB 1436

#### SESSION ADJOURNMENT

August 31, 2018

179 Days Remaining



**Author:** Marc Levine (D-010)

**Title:** County Highways

**Fiscal Committee:** no

**Urgency Clause:** no

**Introduced:** 02/17/2017

**Last Amend:** 03/28/2017

**Disposition:** Pending

**Location:** Senate Second Reading File

**Summary:** Authorizes the board of supervisors of a county to adopt a resolution relating to specified activities relating to streets by a certain number of votes. Makes nonsubstantive changes to existing law.

**Status:** 06/28/2017 In SENATE Committee on GOVERNANCE AND FINANCE: Not heard.

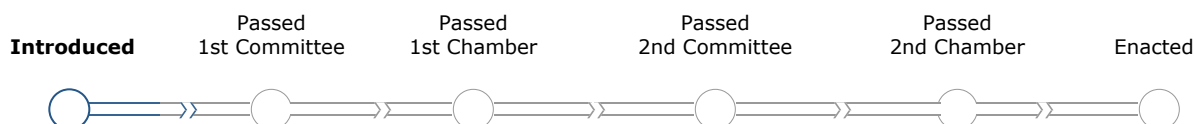
**CSAC:** Watch

### 2. CA AB 1745

#### SESSION ADJOURNMENT

August 31, 2018

179 Days Remaining



**Author:** Philip Y. Ting (D-019)

**Title:** Vehicles: Clean Cars 2040 Act

**Fiscal Committee:** yes

**Urgency Clause:** no

**Introduced:** 01/03/2018

**Disposition:** Pending

**Location:** Assembly Transportation Committee

**Summary:** Requires all new passenger vehicles to be zero emissions vehicles after a specified date. States that zero emissions vehicles cannot produce exhaust emissions of any criteria pollutant or greenhouse gas under any operational mode or condition. Exempts large commercial vehicles

(larger than a specified number of pounds) and does not apply to vehicles owned by people moving into California from other states.

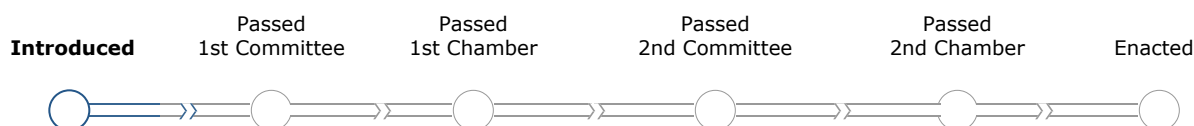
**Status:** 01/16/2018 To ASSEMBLY Committee on TRANSPORTATION.  
**CSAC:** Pending  
**LCC:** Watch

### 3. CA AB 1756

#### SESSION ADJOURNMENT

August 31, 2018

179 Days Remaining



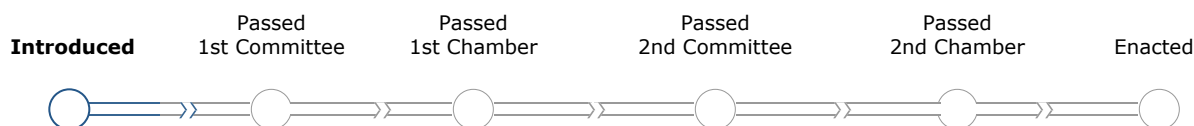
**Author:** William Brough (R-073)  
**Title:** Transportation Funding  
**Fiscal Committee:** yes  
**Urgency Clause:** yes  
**Introduced:** 01/04/2018  
**Disposition:** Pending  
**Location:** Assembly Transportation Committee  
**Summary:** Repeals the Road Repair and Accountability Act of 2017 which establishes, among other things, a comprehensive transportation funding program by increasing the motor vehicle fuel (gasoline) tax.  
**Status:** 01/16/2018 To ASSEMBLY Committee on TRANSPORTATION.  
**CSAC:** Pending  
**LCC:** Watch

### 4. CA AB 1759

#### SESSION ADJOURNMENT

August 31, 2018

179 Days Remaining



**Author:** Kevin McCarty (D-007)  
**Title:** General Plans: Housing Element: Production Report  
**Fiscal Committee:** yes  
**Urgency Clause:** no  
**Introduced:** 01/04/2018  
**Disposition:** Pending  
**Location:** Assembly Transportation Committee

**Summary:** Requires the Department of Housing and Community Development to review each production report submitted by a city or county in accordance with specified provisions to determine whether that city or county has met the applicable minimum production goal for that reporting period.

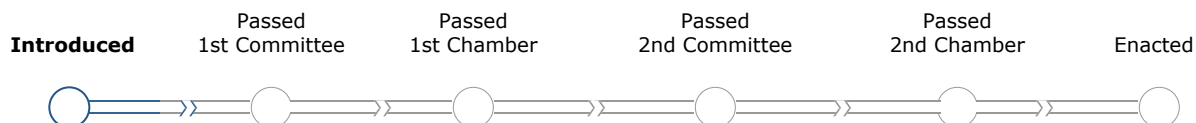
**Status:** 02/12/2018 To ASSEMBLY Committees on TRANSPORTATION and HOUSING AND COMMUNITY DEVELOPMENT.

**CSAC:** Pending

**LCC:** Watch

## 5. CA AB 2206

**SESSION ADJOURNMENT**  
August 31, 2018  
179 Days Remaining



**Author:** William Brough (R-073)

**Title:** Vehicles: Registration Fees

**Fiscal Committee:** no

**Urgency Clause:** no

**Introduced:** 02/12/2018

**Disposition:** Pending

**Location:** ASSEMBLY

**Summary:** Makes a technical, nonsubstantive change to existing law which requires a registration fee to be paid to the Department of Motor Vehicles for the registration of each vehicle or trailer coach of a type subject to registration under the Vehicle Code, except those vehicles that are expressly exempted from the payment of registration fees.

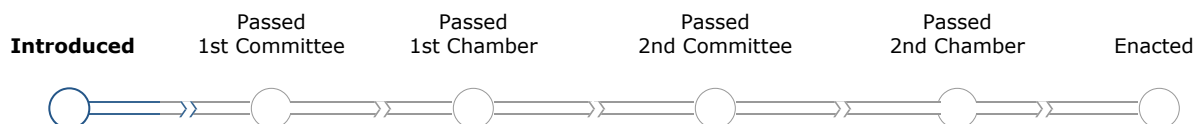
**Status:** 02/12/2018 INTRODUCED.

**CSAC:** Watch

**LCC:** Watch

## 6. CA AB 2272

**SESSION ADJOURNMENT**  
August 31, 2018  
179 Days Remaining



**Author:** Chad Mayes (R-042)

**Title:** High-Occupancy Vehicle Lanes

**Fiscal Committee:** no

**Urgency Clause:** no



**Disposition:** Pending

**Location:** ASSEMBLY

**Summary:** Relates to vehicle lanes makes nonsubstantial changes to provisions relating to exclusive or preferential lanes for buses.

**Status:** 02/13/2018 INTRODUCED.

**CSAC:** Watch

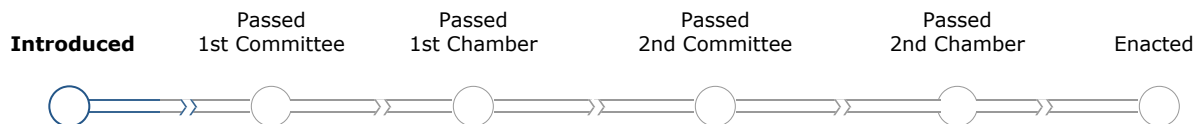
**LCC:** Watch

## 7. CA AB 2307

### SESSION ADJOURNMENT

August 31, 2018

179 Days Remaining



**Author:** Jim Frazier (D-011)

**Title:** High-Speed Rail

**Fiscal Committee:** no

**Urgency Clause:** no

**Introduced:** 02/13/2018

**Disposition:** Pending

**Location:** ASSEMBLY

**Summary:** Correct an inaccurate cross-reference and making a nonsubstantive change in provisions concerning high-speed rail.

**Status:** 02/13/2018 INTRODUCED.

**CSAC:** Watch

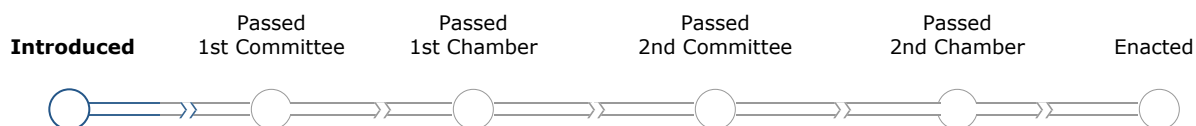
**LCC:** Watch

## 8. CA AB 2712

### SESSION ADJOURNMENT

August 31, 2018

179 Days Remaining



**Author:** Travis Allen (R-072)

**Title:** Bonds: Safe, Reliable High-Speed Passenger Train

**Fiscal Committee:** yes

**Urgency Clause:** yes

**Introduced:** 02/15/2018

**Disposition:** Pending

**Location:** ASSEMBLY

**Summary:** Provides the no future bonds shall be sold for high-speed rail purpose pursuant to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century, except as specifically provided with respect to an existing appropriation for high-speed rail purposes for early improvement projects in the Phase 1 blended system. Requires redirection of the unspent proceeds received from outstanding bonds issued and sold for other high-speed rail purposes prior to the effective date of these provisions.

**Status:** 02/15/2018 INTRODUCED.

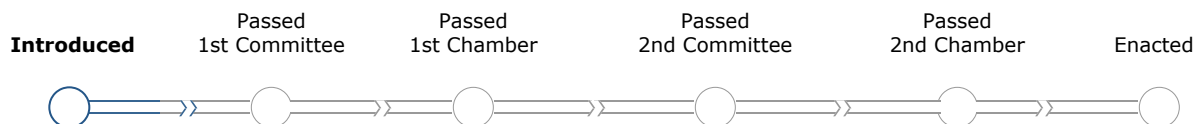
**LCC:** Watch

## 9. CA AB 2730

### SESSION ADJOURNMENT

August 31, 2018

179 Days Remaining



**Author:** Matthew Harper (R-074)

**Title:** Franchise Tax Board: Collection Of Delinquent Tolls

**Fiscal Committee:** yes

**Urgency Clause:** no

**Introduced:** 02/15/2018

**Disposition:** Pending

**Location:** ASSEMBLY

**Summary:** Removes existing law requiring the Franchise Tax Board to collect certain delinquencies related to vehicles, including, but not limited to, unpaid tolls, toll evasion penalties, and any related administrative or service fee, as though the delinquencies are taxes as specified.

**Status:** 02/15/2018 INTRODUCED.

**CSAC:** Watch

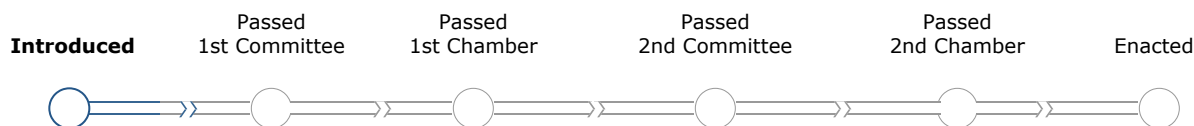
**LCC:** Watch

## 10. CA AB 2734

### SESSION ADJOURNMENT

August 31, 2018

179 Days Remaining



**Author:** Jim Frazier (D-011)

**Title:** California Transportation Commission

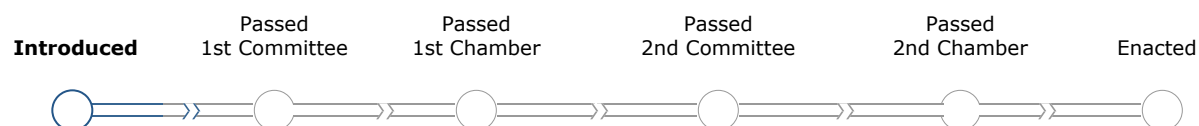
**Fiscal Committee:** yes

**Urgency** no

**Clause:****Introduced:** 02/15/2018**Disposition:** Pending**Location:** ASSEMBLY**Summary:** Excludes the California Transportation Commission from the Transportation Agency. Establishes it as an entity in state government, and requires it to act in an independent oversight role.**Status:** 02/15/2018 INTRODUCED.**CSAC:** Watch**LCC:** Watch11. **CA AB 2851****SESSION ADJOURNMENT**

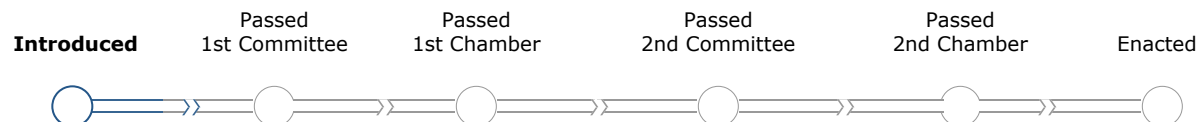
August 31, 2018

179 Days Remaining

**Author:** Timothy S. Grayson (D-014)**Title:** Federal Funds: Highway Safety Improvements**Fiscal Committee:** no**Urgency Clause:** no**Introduced:** 02/16/2018**Disposition:** Pending**Location:** ASSEMBLY**Summary:** Makes nonsubstantive changes to provisions of existing law providing for an apportionment of certain federal funds to the state for highway safety improvements.**Status:** 02/16/2018 INTRODUCED.**CSAC:** Watch**LCC:** Watch12. **CA AB 2919****SESSION ADJOURNMENT**

August 31, 2018

179 Days Remaining

**Author:** Jim Frazier (D-011)**Title:** Transportation: Permits**Fiscal Committee:** no**Urgency** no



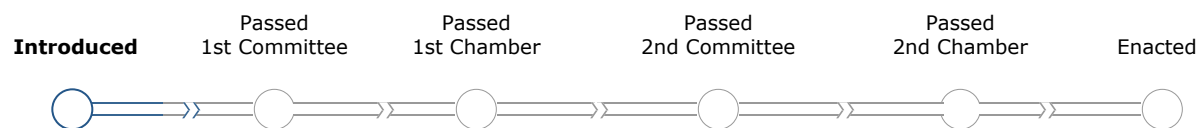
**Introduced:** 02/16/2018**Disposition:** Pending**Location:** ASSEMBLY

**Summary:** States the intent of Legislature to enact legislation that would require all permitting agencies that interact with the Department of Transportation, including, but not limited to, the Department of Fish and Wildlife, the State Water Resources Control Board, and the California Coastal Commission, to approve and complete permits within a 2-year timeframe.

**Status:** 02/16/2018 INTRODUCED.**CSAC:** Pending**LCC:** Watch**13. CA AB 3019****SESSION ADJOURNMENT**

August 31, 2018

179 Days Remaining

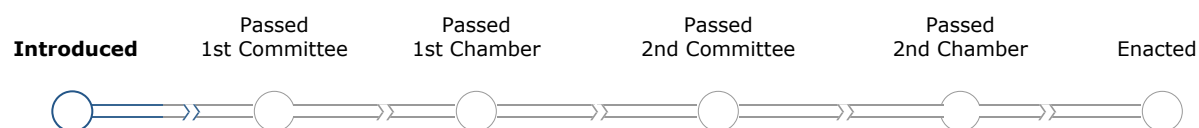
**Author:** Eloise Gomez Reyes (D-047)**Title:** Attorneys: Voluntary Donation: Substance Abuse Recovery**Fiscal Committee:** no**Urgency Clause:** no**Introduced:** 02/16/2018**Disposition:** Pending**Location:** ASSEMBLY

**Summary:** Relates to the licensure and regulation of attorneys. Requires the mandatory membership fees billing statement to include a voluntary checkoff box for members to make an optional donation to the Other Bar, which is an existing specified program designed for attorneys in substance abuse recovery, and would require the State Bar to transfer any funds collected to the Other Bar.

**Status:** 02/16/2018 INTRODUCED.**CSAC:** Watch**LCC:** Watch**14. CA AB 3246****SESSION ADJOURNMENT**

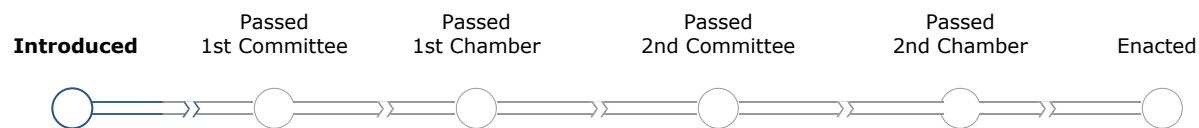
August 31, 2018

179 Days Remaining

**Author:** Assembly Transportation Committee**Title:** Transportation Omnibus Bill

**Fiscal Committee:****Urgency Clause:** no**Introduced:** 02/22/2018**Disposition:** Pending**Location:** ASSEMBLY

**Summary:** Requires the Controller to inform the Department of Motor Vehicles on or before February 1 that a county's authority to collect the fee imposed on motor vehicles is suspended. Deletes the provision which requires the Division of Aeronautics within the Department of Transportation to coordinate and disseminate specified information to pilots to increase awareness of wire hazards and to communicate techniques for identifying and avoiding wires.

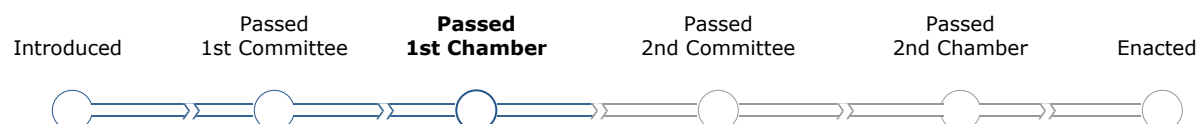
**Status:** 02/22/2018 INTRODUCED.**CSAC:** Watch15. **CA SB 578****Author:** Steven M. Glazer (D-007)**Title:** Highways: Safety Enhancement-Double Fine Zone**Fiscal Committee:** yes**Urgency Clause:** no**Introduced:** 02/17/2017**Last Amend:** 04/17/2017**Disposition:** Failed**Location:** SENATE

**Summary:** Designates the segment of county highway known as Vasco Road, between the State Highway Route 580 junction in Alameda County and the Marsh Creek Road intersection in Contra Costa County, as a Safety Enhancement-Double Fine Zone upon the approval of the boards of supervisors of Alameda County and Contra Costa County.

**Status:** 02/01/2018 In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.**CSAC:** Watch**LCC:** Watch16. **CA SB 760****SESSION ADJOURNMENT**

August 31, 2018

179 Days Remaining



**Author:** Scott Wiener (D-011)

**Title:** Bikeways: Design Guides

**Fiscal Committee:** yes

**Urgency Clause:** no

**Introduced:** 02/17/2017

**Last Amend:** 01/23/2018

**Disposition:** Pending

**Location:** ASSEMBLY

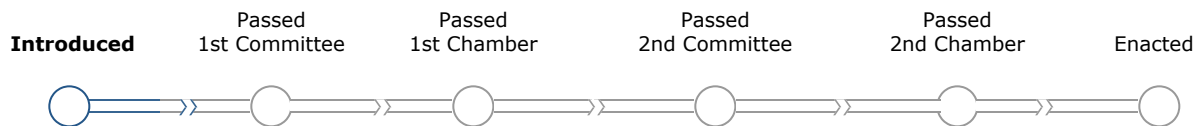
**Summary:** Authorizes a city, county, regional, other local agency, when using alternative minimum safety design criteria for the planning and construction of bikeways, to consider additional design guides, including the Urban Street Design Guide of the National Association of City Transportation Officials. Authorizes a state entity that is responsible for the planning and construction of roadways to consider additional design guides.

**Status:** 01/29/2018 In SENATE. Read third time. Passed SENATE. \*\*\*\*\*To ASSEMBLY. (30-7)

**CSAC:** Watch

**LCC:** Watch

## 17. CA SB 775



**Author:** Bob Wieckowski (D-010)

**Title:** Global Warming: Market-Based Compliance Mechanisms

**Fiscal Committee:** yes

**Urgency Clause:** no

**Introduced:** 02/17/2017

**Last Amend:** 05/01/2017

**Disposition:** Failed

**Location:** SENATE

**Summary:** Amends the California Global Warming Solution Act of 2006 which designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emission of greenhouse gases. Requires the Board to adopt a regulation establishing as a market-based compliance mechanism a market-based program of emission limits for covered entities. Relates to funds.

**Status:** 02/01/2018 In SENATE. Returned to Secretary of Senate pursuant to Joint Rule 56.

**CSAC:** Pending

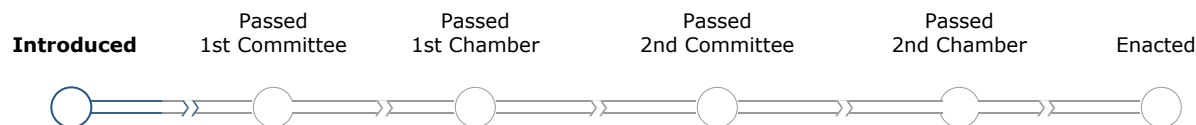
**LCC:** Watch



18. **CA SB 827****SESSION ADJOURNMENT**

August 31, 2018

179 Days Remaining

**Author:** Scott Wiener (D-011)**Title:** Planning and zoning: transit-rich housing bonus**Fiscal Committee:** yes**Urgency Clause:** no**Introduced:** 01/03/2018**Last Amend:** 03/01/2018**Disposition:** Pending**Location:** Senate Transportation and Housing Committee

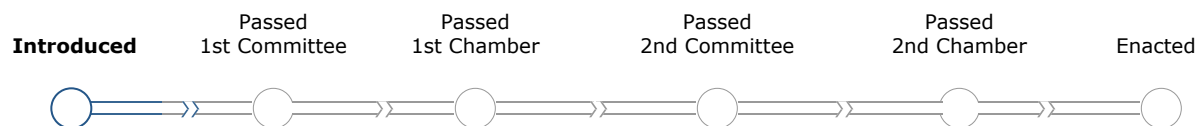
**Summary:** Requires a local government to grant a development proponent of a transit-rich housing project a transit-rich housing bonus if that development meets specified planning standards. Defines transit-rich housing. Requires an applicant who receives a transit-rich housing bonus to provide benefits to eligible displaced persons who are displaced persons for moving and related expenses as well as for relocation benefits.

**Status:** 03/01/2018 From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments.  
 03/01/2018 In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING.

**CSAC:** Pending**LCC:** Oppose19. **CA SB 1262****SESSION ADJOURNMENT**

August 31, 2018

179 Days Remaining

**Author:** Josh Newman (D-029)**Title:** Construction Manager/General Contractor Project**Fiscal Committee:** yes**Urgency Clause:** no**Introduced:** 02/15/2018**Disposition:** Pending**Location:** Senate Transportation and Housing Committee

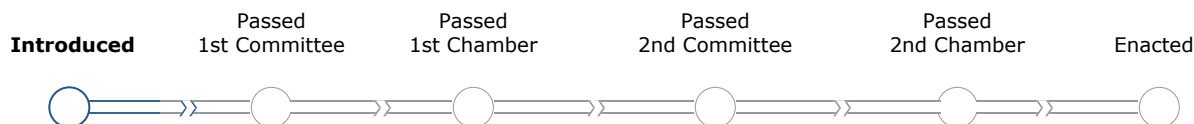
**Summary:** Removes the cap on the number of projects for which the Department of Transportation is authorized to use the Construction Manager/General Contractor (CM/GC) method, eliminates the minimum construction costs limitation, and makes conforming changes to existing provisions.

**Status:** 03/01/2018 To SENATE Committee on TRANSPORTATION AND HOUSING.  
**CSAC:** Watch  
**LCC:** Watch

## 20. CA SB 1328

### SESSION ADJOURNMENT

August 31, 2018  
 179 Days Remaining

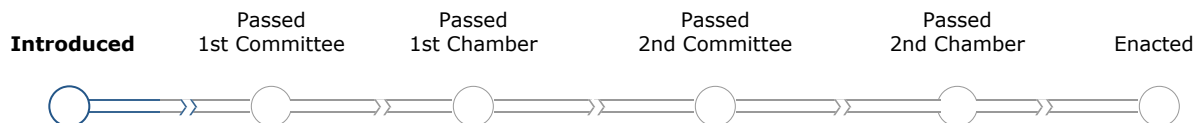


**Author:** Jim Beall (D-015)  
**Title:** Mileage-Based Road Usage Fee  
**Fiscal Committee:** yes  
**Urgency Clause:** no  
**Introduced:** 02/16/2018  
**Disposition:** Pending  
**Location:** Senate Transportation and Housing Committee  
**Summary:** Extends the operation of the California Transportation Commission to create a Road Usage Charge (RUC) technical Advisory Committee until a specified date. Requires the technical advisory committee to assess the potential for mileage-based revenue collection for California's roads and highways as an alternative to the gas tax system.  
**Status:** 03/01/2018 To SENATE Committee on TRANSPORTATION AND HOUSING.  
**CSAC:** Watch  
**LCC:** Watch

## 21. CA SB 1384

### SESSION ADJOURNMENT

August 31, 2018  
 179 Days Remaining



**Author:** Patricia C. Bates (R-036)  
**Title:** Repatriation Infrastructure Fund  
**Fiscal Committee:** yes  
**Urgency Clause:** no  
**Introduced:** 02/16/2018  
**Disposition:** Pending  
**Location:** SENATE  
**Summary:** Relates to federal corporate repatriation statute pursuant to which foreign earnings of United

States-based corporations that are currently invested abroad are moved to the United States. Requires the remaining repatriation revenues to be transferred to the Repatriation Infrastructure Fund in the State Treasury, which the bill would create.

**Status:** 02/16/2018 INTRODUCED.

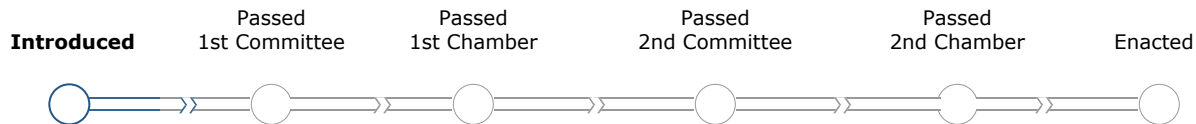
**CSAC:** Watch

## 22. CA SB 1427

### SESSION ADJOURNMENT

August 31, 2018

179 Days Remaining



**Author:** Jerry Hill (D-013)

**Title:** High-Occupancy Vehicle and High-Occupancy Toll Lanes

**Fiscal Committee:** no

**Urgency Clause:** no

**Introduced:** 02/16/2018

**Disposition:** Pending

**Location:** SENATE

**Summary:** Provides the intent of the Legislature to enact legislation to improve the performance of High-Occupancy Vehicles and High-Occupancy Toll lanes by providing additional resources for the enforcement of lane occupancy requirements.

**Status:** 02/16/2018 INTRODUCED.

**CSAC:** Watch

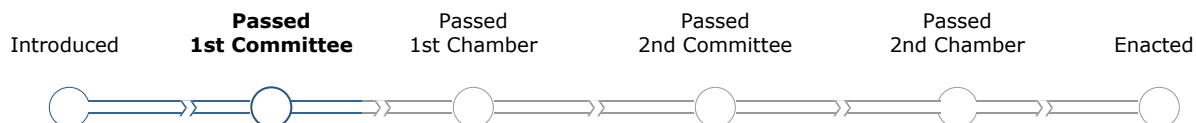
**LCC:** Watch

## 23. CA SCA 6

### SESSION ADJOURNMENT

August 31, 2018

179 Days Remaining



**Author:** Scott Wiener (D-011)

**Title:** Local Transportation Measure: Special Taxes: Voter

**Fiscal Committee:** no

**Urgency Clause:** no

**Introduced:** 02/13/2017

03-12-18 TWIC Agenda Packet - Pg 152 of 194

**Last Amend:** 05/01/2017

**Disposition:** Pending



**Location:** Senate Appropriations Committee

**Summary:** Requires that the imposition, extension, or increase by a local government of a special tax as may otherwise be authorized by law, whether a sales or transactions and use tax, parcel tax, or other tax for the purpose of providing funding for transportation purposes be submitted to the electorate by ordinance and approved by a certain percentage of the voters voting on the proposition.

**Status:** 05/25/2017 In SENATE Committee on APPROPRIATIONS: Held in committee.

**CSAC:** Support

**LCC:** Watch

**MTC:** Support

# Smith, Watts & Hartmann, LLC.

Consulting and Governmental Relations

## MEMORANDUM

TO: John Cunningham  
FROM: Mark Watts  
DATE: March 5, 2018  
SUBJECT: March 2018 TWIC Report

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### **Board of Equalization Excise Tax**

Since the enactment and reauthorization of the "Tax Swap" in 2010 and 2011, the Board of Equalization (BOE) has had the ongoing responsibility to establish the gas tax rate at a level to equal what the revenues would produce in comparison with what were estimated to be the revenues that would have been derived from the state sales tax on fuel.

In the intervening period, we have seen the BOE excise tax rate fluctuate annually, with the trend in state fuel sales prices; in fact, in 2015 the tax rate "loss" precipitated a massive reduction in the programs funded by the price-based excise tax in both the STIP and local roads programs.

Last week, on a 2-2 vote (1 absent), the BOE was unable to adopt the expected 4 cents per gallon rate increase, leaving the overall gas tax at 29 cents per gallon. This will result in 2018-19 in the loss of \$271 million in *Local Streets and Roads* funding, as well as \$271 million in state highway projects funding (*STIP*) and \$75 million in state road maintenance.

Interestingly, the BOE responsibility to set the price-based excise tax rate is eliminated in 2019 by provisions of SB 1 (Beall). The Governor's Office has indicated that the Administration will account for the revenue loss by this action through the state budget in May.

### **Proposition 69 and Status of SB 1 Repeal Initiative**

*Proposition 69* - The Secretary of State has released the proposition numbers for legislative measures set to appear on the June 5, 2018 Statewide Direct Primary election. Proposition 69 is now the election reference for ACA 5 (Frazier), which is the companion measure to SB1 that seeks voter approval to protect the new revenue generated by SB 1 for use on transportation purposes only.

At present, Proposition 69 is supported by the League of Cities, CSAC and the Coalition to Protect Local Transportation. The Coalition members come from business, labor, local government, transportation advocates and taxpayers.

*SB 1 Repeal Initiative* - The proponents of the initiative measure to amend the state Constitution and repeal SB 1 appear to have recently halted the use of the services of a signature gathering firm, relying on volunteer signature gathering for the time being, instead. The proponents continue to stand by their estimate that they have collected about 400,000 of the approximately 587,000 signatures necessary to qualify the measure for the November ballot.

The Coalition to Protect Local Transportation Improvements, organized to campaign for Assembly Constitutional Amendment (ACA) 5, will continue to mobilize against the repeal initiative measure should it receive the requisite number of acceptable signatures

## **Recent SB 1 Allocations**

*State Rail Assistance* - The Transportation Agency released awards to 7 recipient rail agencies for \$1.9 million from the SB 1, State Rail Assistance (SRA) program. Matched with other local fund sources, the total project value of the 16 projects is over \$136 million. Projects beneficial to Contra Costa County and the East Bay include \$13 million for Passenger Information system, preliminary design for rail and station improvements, signal replacement and upgrades on the Capitol Corridor.

The *San Joaquin* service did not seek their allocation at this time, out of preference for coordinating their funds with the *Transit and Intercity Rail grant program* process presently underway.

*Local Partnership Program* – At its January 31 meeting, the California Transportation Commission (CTC) adopted the first formulaic program of projects to eligible transportation agencies through the state. A total of \$173 million was made available to 57 projects put forward by 32 agencies, including those within the County.

## **Transportation Leadership Changes**

*California Transportation Commission* – At its January 31, 2018 meeting, the California Transportation Commission (Commission) approved the appointments of Fran Inman as its next Chair and James Earp as Vice Chair, effective March 1, 2018.

In addition, in February, the Governor re-appointed Commissioners Inman and Alvarado and announced that the Transportation Secretary, Brian Kelly would depart CalSTA to take over as CEO of the High-Speed Rail Authority; Deputy Secretary Brian Annis, assumed the permanent position as Transportation Secretary. to CTC

Finally, Caltrans Director Malcolm Daugherty departed for the private sector effective March 5 and in his place the Governor has appointed Laurie Berman as Director. Director Berman has spent the last several months as Caltrans' Chief Deputy; previously, she served as the Caltrans District Director for the San Diego Region. Joining her in the front office is Ryan Chamberlain as Chief Deputy director; he had been the Caltrans District Director for the Orange County Region.

## **Legislative Calendar**    *Senate Transportation & Housing Committee, Hearings of Interest:*

**February 20, 2018** - SUBJECT: Autonomous Vehicles: Opportunities and Challenges  
10 a.m., State Capitol, John L. Burton Hearing Room (4203)

**March 2, 2018** - SUBJECT: Impacts of Senate Bill 1 (Chapter 5, Statutes of 2017)  
10 a.m. to 1 p.m. - City of Anaheim, City Hall Chambers





## SB 914 – DODD

### CONSTRUCTION MANAGER AT-RISK CONTRACTING FOR COUNTIES

#### Summary

Senate Bill 914 would expand the tools counties have to plan and deliver infrastructure projects by extending construction manager at-risk (CMAR) authority to all types of infrastructure projects.

properly-phased, and cost-effective county infrastructure project.

California's counties currently have CMAR authority for the erection, construction, alteration, repair, or improvement of any building owned or leased by the county. Besides counties, the California Administrative Office of the Courts, University of California, California State University System, school districts, and some cities have used the CMAR method for building construction projects.

#### Background

The Local Agency Public Construction Act generally requires local officials to invite bids for construction projects and then award contracts to the lowest responsible bidder. This design-bid-build method is the traditional approach to public works construction.

SB 328 (Knight, 2013) authorized counties to use construction manager at-risk method for projects costing in excess of \$1 million, and allowed the county to award the contract to the lowest responsible bidder or by the best value method until January 1, 2018.

The method known as construction manager at-risk is another approach to public works construction and project delivery which combines elements of the design-bid-build and design-build methods. CMAR allows the owner of a project to retain a construction manager who provides pre-construction services during the design period and becomes the general contractor during the construction process.

AB 851 (Caballero, 2017) extended the sunset date for county authority for five years to January 1, 2023. AB 851 also added skilled and trained workforce requirements for projects built with county CMAR authority.

A CMAR contract is a competitively procured contract with an entity that guarantees the cost of a project and furnishes construction management services, including, but not limited to, preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services and construction administration.

#### This Bill

SB 914 expands county authority to use the CMAR method for all infrastructure projects. The bill maintains the existing project cost threshold of in excess of \$1 million and skilled and trained workforce requirements.

Before construction can begin on a project, the owner and construction manager must agree on either a fixed price or "guaranteed maximum price" for the project. The construction manager is responsible for delivering the project within the agreed upon price, thereby assuming the risk for cost-overruns. The result is better-designed,

#### Support

California State Association of Counties (CSAC) (Sponsor)

#### Opposition

None

**Introduced by Senator Dodd**  
(Coauthor: Assembly Member Grayson)

January 22, 2018

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An act to amend Section 20146 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 914, as introduced, Dodd. Local agency contracts.

Existing law authorizes a county, until January 1, 2023, with approval of the board of supervisors, to utilize construction manager at-risk construction contracts for the erection, construction, alteration, repair, or improvement of any building owned or leased by the county, subject to certain requirements, including that the method may only be used for projects that are in excess of \$1,000,000.

This bill would authorize the use of this method of contracting for the erection, construction, alteration, repair, or improvement of any infrastructure, excluding roads.

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

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

- 1     SECTION 1. Section 20146 of the Public Contract Code is
- 2     amended to read:
- 3     20146. (a) A county, with approval of the board of supervisors,
- 4     may utilize construction manager at-risk construction contracts
- 5     for the erection, construction, alteration, repair, or improvement
- 6     of any ~~building~~ *infrastructure, excluding roads*, owned or leased
- 7     by the county. A construction manager at-risk construction contract

1 may be used only for projects in the county in excess of one million  
2 dollars (\$1,000,000) and may be awarded using either the lowest  
3 responsible bidder or best value method to a construction manager  
4 at-risk entity that possesses or that obtains sufficient bonding to  
5 cover the contract amount for construction services and risk and  
6 liability insurance as may be required by the county. Any payment  
7 or performance bond written for the purposes of this section shall  
8 be written using a bond form developed by the county.

9 (b) For purposes of this section, the following definitions apply:

10 (1) "Best value" means a value determined by objective criteria  
11 related to the experience of the entity and project personnel, project  
12 plan, financial strength of the entity, safety record of the entity,  
13 and price.

14 (2) "Construction manager at-risk contract" means a  
15 competitively procured contract by a county with an individual,  
16 partnership, joint venture, corporation, or other recognized legal  
17 entity, that is appropriately licensed in this state, including a  
18 contractor's license issued by the Contractors' State License Board,  
19 and that guarantees the cost of a project and furnishes construction  
20 management services, including, but not limited to, preparation  
21 and coordination of bid packages, scheduling, cost control, value  
22 engineering, evaluation, preconstruction services, and construction  
23 administration.

24 (c) (1) A construction manager at-risk entity shall not be  
25 prequalified or shortlisted or awarded a contract unless the entity  
26 provides an enforceable commitment to the county that the entity  
27 and its subcontractors at every tier will use a skilled and trained  
28 workforce to perform all work on the project or contract that falls  
29 within an apprenticeable occupation in the building and  
30 construction trades, in accordance with Chapter 2.9 (commencing  
31 with Section 2600) of Part 1.

32 (2) This subdivision shall not apply if any of the following  
33 conditions are met:

34 (A) The county has entered into a project labor agreement that  
35 will bind all contractors and subcontractors performing work on  
36 the project or contract to use a skilled and trained workforce, and  
37 the entity agrees to be bound by that project labor agreement.

38 (B) The project or contract is being performed under the  
39 extension or renewal of a project labor agreement that was entered  
40 into by the county before January 1, 2018.



1 (C) The entity has entered into a project labor agreement that  
2 will bind the entity and all its subcontractors at every tier  
3 performing the project or contract to use a skilled and trained  
4 workforce.

5 (3) For purposes of this subdivision, "project labor agreement"  
6 has the same meaning as in paragraph (1) of subdivision (b) of  
7 Section 2500.

8 (d) Subcontractors that were not listed by a construction manager  
9 at-risk entity as partners, general partners, or association members  
10 in a partnership, limited partnership, or association in the entity's  
11 construction manager at-risk bid submission shall be awarded by  
12 the construction manager at-risk entity in accordance with the  
13 process set forth by the county. All subcontractors bidding on  
14 contracts pursuant to this section shall be afforded the protections  
15 contained in Chapter 4 (commencing with Section 4100) of Part  
16 1. The construction manager at-risk entity shall do both of the  
17 following:

18 (1) Provide public notice of the availability of work to be  
19 subcontracted in accordance with the publication requirements  
20 applicable to the competitive bidding process of the county.

21 (2) Provide a fixed date and time on which the subcontracted  
22 work will be awarded in accordance with the procedure established  
23 pursuant to this section.

24 (e) A county that elects to proceed under this section and uses  
25 a construction manager at-risk contract for a building project shall  
26 make a copy of the contract available for public inspection on its  
27 Internet Web site and notify the appropriate policy committees of  
28 the Legislature with instructions on finding and accessing the  
29 stored contract.

30 (f) (1) If the county elects to award a project pursuant to this  
31 section, retention proceeds withheld by the county from the  
32 construction manager at-risk entity shall not exceed 5 percent if a  
33 performance and payment bond issued by an admitted surety  
34 insurer is required in the solicitation of bids.

35 (2) In a contract between the construction manager at-risk entity  
36 and any subcontractor, and in a contract between a subcontractor  
37 and any subcontractor thereunder, the percentage of the retention  
38 proceeds withheld shall not exceed the percentage specified in the  
39 contract between the county and the construction manager at-risk  
40 entity. If the construction manager at-risk entity provides written

1 notice to any subcontractor that is not a member of the construction  
2 manager at-risk entity, before or at the time the bid is requested,  
3 that a bond may be required and the subcontractor subsequently  
4 is unable or refuses to furnish a bond to the construction manager  
5 at-risk entity, then the construction manager at-risk entity may  
6 withhold retention proceeds in excess of the percentage specified  
7 in the contract between the county and the construction manager  
8 at-risk entity from any payment made by the construction manager  
9 at-risk entity to the subcontractor.

10 (g) If the county elects to award a project pursuant to this  
11 section, the contract between the county and construction manager  
12 at-risk entity shall be subject to subdivision (b) of Section 2782  
13 of the Civil Code. Any contract between the construction manager  
14 at-risk entity and a contractor or subcontractor shall be subject to  
15 Section 2782.05 of the Civil Code.

16 (h) This section shall remain in effect only until January 1, 2023,  
17 and as of that date is repealed, unless a later enacted statute, that  
18 is enacted before January 1, 2023, deletes or extends that date.

January XX, 2018

The Honorable Bill Dodd  
California State Senate  
State Capitol, Room 5064  
Sacramento, CA 95814

**Re: Senate Bill 914 (Dodd): Construction Manager At-Risk Contracting for Counties**

Dear Senator Dodd,

On behalf of (ORGANIZATION), I am writing to express support for Senate Bill 914.

A CMAR contract is a competitively procured contract with an entity that guarantees the cost of a project and furnishes construction management services, including, but not limited to, preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services and construction administration.

Before construction can begin on a project, the owner and construction manager must agree on “guaranteed maximum price” for the project. The construction manager is responsible for delivering the project within the agreed upon price, thereby assuming the risk for cost-overruns. The result is better-designed, properly-phased, and cost-effective county infrastructure project.

Current law allows counties to use CMAR on projects in excess of \$1 million for the erection, construction, alteration, repair or improvement of buildings. Counties may award the projects to the lowest responsible bidder or by the best value method. Counties have CMAR authority until January 1, 2023 and must also meet specified skilled and trained workforce requirements.

SB 914 expands county authority to use the CMAR method for other types of infrastructure projects. (INSERT ANYTHING SPECIFIC TO YOUR COUNTY IF APPLICABLE – EXAMPLE PROJECTS YOU WOULD LIKE TO USE IT ON, OTHER BENEFITS FROM USING IT IN THE PAST ON BUILDINGS, ETC.)

For the reasons stated, (ORGANIZATION) is pleased to support SB 914 and thank you for authoring this important measure.

Sincerely,





## **SB 1: The Road Repair & Accountability Act of 2017**

### **Frequently Asked Questions & Answers**

The Road Repair and Accountability Act of 2017 (SB 1) is a long-term transportation solution that provides new revenues for road safety improvements such as filling potholes and repairing local streets, highways, and bridges. SB 1 provides transportation investments in **every** community. SB 1 includes strict accountability provisions to reduce waste and bureaucracy and dedicates all funds to transportation improvements.

---

#### *1. How much of SB 1 funding will be used to fix our roads?*

**SB 1 invests more than \$5 billion annually directly for maintenance, repair, and safety improvements on state highways, local streets and roads, bridges, tunnels and overpasses. SB 1 also provides investments in mass transit to help relieve congestion. In total, SB 1 will provide:**

- \$1.5 billion for the State Highway Operations and Protection Program
- \$1.5 billion for local streets and roads
- \$400 million for bridge maintenance and repairs
- \$300 million for goods movement and freight projects
- \$250 million for congested corridors and relief management
- \$200 million for the Local Partnership Program to match locally generated transportation funds
- \$100 million for the Active Transportation Program to improve safety and expand access on streets, roads and highways for bicyclists and pedestrians
- \$750 million for mass transit

#### *2. How much will SB 1 cost California families each year?*

The California Department of Finance calculated that the average cost to motorists is roughly \$10/month. Here's the math:

- **Registration:** Nearly 50% of all registered vehicles in California are valued at less than \$5,000. Forty percent are valued at less than \$25,000. Thus, the average annual amount for vehicle registration is approximately \$48.
- **Fuel:** California's 26 million licensed drivers consume 15.5 billion gallons per year. That is 577 gallons per driver, multiplied by 12 cents per gallon is \$69.24 each.

The annual average cost per driver is:

Vehicle Registration	\$47.85
Fuel	\$69.24
<b>Total</b>	<b>\$117.09 per year OR \$9.76 per month</b>

*3. Will any of the SB 1 funding go into the State's General Fund?*

**No funding from SB 1 goes into the General Fund. Revenues go directly into transportation accounts and are constitutionally protected.**

Article XIX of the California Constitution already protects the gasoline excise tax, vehicle registration fees, and a portion of the sales tax on diesel, and dedicates them to transportation purposes. This accounts for about 60% of the revenues generated by SB 1. Prop 69, a constitutional ballot measure which will go before the voters in June 2018, extends these same constitutional protections to the remaining 40% of new revenues generated by SB 1. It's also important to remember, all gas tax moneys that were loaned in prior decades to the General Fund will have been repaid under SB 1.

*4. Will there be any oversight and accountability to ensure proper expenditure of SB 1 funding?*

**SB 1 strengthens the oversight and audit process by establishing an independent Inspector General who is appointed by the Governor to oversee programs to ensure all SB 1 funds are spent as promised and to reduce bureaucracy, waste, and red tape. The Inspector General is also required to report annually to the state Legislature.**

Furthermore, SB 1 has significant accountability and transparency provisions designed to ensure the public has full access to information on how their tax dollars are being invested. **For instance, cities and counties must publicly adopt and submit to the state a planned list of projects and year-end reporting that accounts for every single dollar of SB 1 revenue they receive.**

*5. How does SB 1 help alleviate congestion? Will SB 1 help build new road capacity?*

SB 1 funds can be used to build new roads and increase capacity on our roads and highways. SB 1 also invests in technology and other infrastructure that is proven to reduce congestion on the existing transportation network.

- SB 1 funds will be used to restore the State Transportation Improvement Program (STIP). The CTC previously cut and delayed \$1.5 billion in projects from STIP, including

new capacity projects, which are now eligible to move forward.

- There is \$200 million annually in SB 1 for self-help counties that can be used on new roads and capacity increasing projects.
- SB 1 includes \$250 million annually for congested road and highway corridors and \$300 million for the trade corridor programs, which can both fund increased capacity.
- Lastly, while cities and counties will primarily (initially) be using local funds on “fix it first” projects to repair roads in bad shape, local governments can use these funds for new roads and capacity enhancements, especially once their road conditions are brought up into a state of good repair.

*6. Why did the Legislature increase taxes instead of using existing state revenues to fix our transportation system?*

California has a combined need of over \$130 billion over the next 10 years just to bring the state highway and local street and road systems into a good and safe condition.

SB 1 follows the user-pay model where everyone pays their fair share and all drivers pay a little more to fix the roads they drive on.

*7. What sort of impacts will SB 1 have on the state's economy?*

**SB 1 is a job creator.** The White House Council of Economic Advisors found that every \$1 billion invested in transportation infrastructure supports 13,000 jobs a year. With the \$5 billion annually planned from SB 1, this measure will put 650,000 people to work rebuilding California over the next decade.

*8. Are SB 1 revenues funding CSU and UC research? How much is going for research?*

SB 1 directs \$7 million (one-tenth of one percent of total SB 1 revenues) to CSU and UC transportation research institutions for research directly related to improving transportation technology, practices, materials, and impacts to the environment.

*9. Are SB 1 funds being used for non-transportation purposes like boating ways and off-road transportation?*

A percentage of the existing gas tax revenue related to fuel sales from boats, agricultural equipment, and other off-highway vehicles (quads, dirt bikes) has always gone toward supporting infrastructure related to these economic and recreational activities. The percent of gas tax revenues collected from these sources is two percent (2%).

*10. Will any of SB 1 revenues be used to pay back old transportation loans?*



**No. All outstanding transportation loans are being repaid by the General Fund.** In fact, the FY 2016-17 state budget already started to repay those loans. SB 1 requires all loans to be repaid by 2020.

*11. Will SB 1 fund High-Speed Rail?*

**No funds raised from SB 1 will be used to fund High-Speed Rail.** California's state- maintained transportation infrastructure will receive roughly half of SB 1 revenue: \$26 billion. The other half will go to local roads, transit agencies and an expansion of the state's growing network of pedestrian and cycle routes. There is no remaining balance that could be used for the high-speed rail project. A full overview of how the funds are allocated [can be found here.](#)



# Support Safer Roads and Protect Local Transportation Improvements

Californians depend on a safe and reliable transportation network to support our quality of life and a strong economy. In April 2017, California passed Senate Bill 1 (SB 1) which provides more than \$5 billion annually to make road safety improvements, fill potholes, repair local streets, freeways, tunnels, bridges and overpasses and invest in public transportation in every California community. Road safety and transportation improvement projects are already underway across the state, but this long-awaited progress could come to a halt unless voters take action in 2018.

The Coalition to Protect Local Transportation Improvements has formed to support Proposition 69 which protects transportation funds from being diverted and to oppose the November 2018 measure that would repeal new transportation funds. Here's how you can help:



## **SUPPORT PROP 69:**

**June 2018 ballot measure prohibits the Legislature from diverting new transportation funds and ensures they can only be used for transportation projects.**



Extends constitutional protections to the new revenues generated by SB 1 that aren't currently protected.



Guarantees transportation funds can only be used for transportation improvement purposes.



Will not raise taxes. Protects transportation taxes and fees we already pay.



## **OPPOSE REPEAL OF SB 1:**

**November 2018 ballot measure would repeal SB 1 and rob our communities of vital road safety and transportation improvement projects.**

Certain politicians are currently collecting signatures to try to repeal the Road Repair and Accountability Act of 2017 (SB 1) and stop critical investments in future transportation improvement projects. Our broad coalition opposes this measure now because its passage would:



**Jeopardize public safety.** This measure would halt roadway improvements at the state and local level that will save lives and increase safety for the traveling public. According to the National Highway Traffic Safety Administration, poor roadways were a contributing factor in more than half of the 3,623 roadway fatalities on California roads in 2016.



**OPPOSE the November 2018 ballot measure that would repeal SB 1 and rob our communities of vital road safety and transportation improvement projects.**

- ✗ Stop transportation improvement projects already underway in every community.** This measure would eliminate funds already flowing to every city and county to fix potholes, make safety improvements, ease traffic congestion, upgrade bridges, and improve public transportation. 4,000 local transportation improvement projects are already underway across the state thanks to SB 1.
- ✗ Make traffic congestion worse.** Our freeways and major thoroughfares are among the most congested in the nation, and Californians spend too much time stuck in traffic away from family and work. This measure would stop projects that will reduce traffic congestion.
- ✗ Cost drivers and taxpayers more money in the long-run.** The average driver spends \$739 per year on front end alignments, body damage, shocks, tires and other repairs because of bad roads and bridges. Additionally, it costs eight times more to fix a road than to maintain it. By delaying or stopping projects, this measure will cost motorists more money in the long run.
- ✗ Hurt job creation and our economy.** Reliable transportation infrastructure is critical to get Californians to work, move goods and services to the market, and support our economy. This measure would eliminate more than 680,000 good-paying jobs and nearly \$183 billion in economic growth that will be created fixing our roads over the next decade.

Paid for by the Coalition to Protect Local Transportation Improvements, sponsored by business, labor, local governments, transportation advocates and taxpayers

Committee Major Funding from

League of California Cities

California Alliance for Jobs

Funding details at [www.fppc.ca.gov](http://www.fppc.ca.gov)





## COALITION LIST

# We Support Safer Roads and Protecting Local Transportation Improvements

We Support Prop 69 and Oppose the SB 1 Repeal

## Local Government

- California State Association of Counties (CSAC)
- League of California Cities
- California Association of Councils of Governments (CALCOG)
- California Contract Cities Association
- City of Alameda
- City of Clayton
- City of Delano
- City of Duarte
- City of Fortuna
- City of Hawaiian Gardens
- City of King City
- City of Malibu
- City of San Rafael
- City of Santa Cruz

## Infrastructure/Transportation

- California Alliance for Jobs
- Alameda Corridor – East Construction Authority (ACE)
- American Council of Engineering Companies – California
- American Society of Civil Engineers – California
- Associated General Contractors – California
- Associated General Contractors – San Diego
- California Asphalt Pavement Association (CalAPA)
- California Construction & Industrial Materials Association (CalCIMA)
- California Nevada Cement Association

- City of Santa Monica
- City of Suisun City
- City of Union City
- City of Waterford
- Gateway Cities Council of Governments
- Humboldt County Association of Governments
- Los Angeles County Division, League of California Cities
- Marin County Council of Mayors and Councilmembers
- San Benito County Board of Supervisors
- Sonoma County Mayors' and Councilmembers' Association
- Urban Counties of California

## Labor

- AFSCME District Council 36
- State Building & Construction Trades Council of California
- California Nevada Conference of Operating Engineers
- California State Council of Laborers
- Laborers International Union of North America Local 1184
- Northern California Carpenters Regional Council

## Public Interest

- Congress of California Seniors
- Sonoma County Alliance
- TransForm

## Social Justice

- California State Conference NAACP

## Business

- California Transit Association
- Coastal Rail Santa Cruz
- Golden State Gateway Coalition
- Lake Area Planning Council
- Los Angeles County Metropolitan Transportation Authority
- Northern California Chapter, National Electrical Contractors Association (NECA)
- Placer County Transportation Planning Agency
- Santa Cruz County Regional Transportation Commission
- Sonoma County Transportation Authority
- Southern California Contractors Association
- Southern California Partnership for Jobs
- Southwest Concrete Pavement Association
- Transportation Authority of Monterey County
- Transportation California
- United Contractors

## Individual Businesses

- Brosamer & Wall, Inc.
- BYD America
- Ghilotti Bros., Inc.
- Granite Construction Inc.
- HNTB Corporation
- Knife River Construction
- MuniServices, an Avenu company
- Nossaman LLP
- Reliance Business Park
- Surfa Slick, LLC
- Teichert Construction
- Teichert Materials

- CalAsian Chamber of Commerce
- California Trucking Association
- Chamber of Commerce of the Santa Barbara Region
- East Bay Leadership Council
- Greater Merced Chamber of Commerce
- Los Angeles Area Chamber of Commerce
- Los Angeles County Business Federation (LA BizFed)
- Orange County Business Council
- Oxnard Chamber of Commerce
- San Gabriel Valley Economic Partnership
- San Rafael Chamber of Commerce
- Santa Cruz Area Chamber of Commerce
- Santa Cruz County Business Council
- Silicon Valley Leadership Group

## JOIN THE COALITION:

☒ Yes, I support Proposition 69

☒ Yes, I oppose the repeal of SB 1



### **Sample Resolution in Support of Prop 69**

**WHEREAS**, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

**WHEREAS**, the 2016 California Statewide Local Streets and Roads Needs Assessment, which provides critical analysis and information on the local transportation network's condition and funding needs, indicates that the condition of the local transportation network is deteriorating at an increasing rate; and

**WHEREAS**, cities and counties are facing a funding shortfall of \$73 billion over the next 10-years to repair and maintain in a good condition the local streets and roads system and the State Highway System has \$57 billion worth of deferred maintenance; and

**WHEREAS**, SB 1 – the Road Repair and Accountability Act of 2017 – will raise approximately \$5.4 billion annually in long-term, dedicated transportation funding to rehabilitate and maintain local streets, roads, and highways, make critical, life-saving safety improvements, repair and replace aging bridges and culverts, reduce congestion and increase mobility options including bicycle and pedestrian facilities with the revenues split equally between state and local projects; and

**WHEREAS**, these transportation revenues should be constitutionally protected to ensure funds are used only for transportation purposes; and

**WHEREAS**, Proposition 69 on the June 2018 ballot would add another layer of accountability by preventing the State Legislature from diverting or raiding any new transportation revenues for non-transportation improvement purposes.

**THEREFORE BE IT RESOLVED**, that the City/County of [NAME] hereby supports Proposition 69 on the June 2018 ballot to prevent new transportation funds from being diverted for non-transportation purposes; and

**THEREFORE BE IT FURTHER RESOLVED**, that the City/County of [NAME] supports and can be listed as a member of the Coalition to Protect Local Transportation Improvements, a diverse coalition of local government, business, labor, transportation and other organizations throughout the state, in support of Proposition 69.

### **Sample Resolution to Support Prop 69 and Oppose SB 1 Repeal**

**WHEREAS**, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

**WHEREAS**, the 2016 California Statewide Local Streets and Roads Needs Assessment, which provides critical analysis and information on the local transportation network's condition and funding needs, indicates that the condition of the local transportation network is deteriorating at an increasing rate; and

**WHEREAS**, cities and counties are facing a funding shortfall of \$73 billion over the next 10-years to repair and maintain in a good condition the local streets and roads system and the State Highway System has \$57 billion worth of deferred maintenance; and

**WHEREAS**, SB 1 – the Road Repair and Accountability Act of 2017 – will raise approximately \$5.4 billion annually in long-term, dedicated transportation funding to rehabilitate and maintain local streets, roads, and highways, make critical, life-saving safety improvements, repair and replace aging bridges and culverts, reduce congestion and increase mobility options including bicycle and pedestrian facilities with the revenues split equally between state and local projects; and

**WHEREAS**, SB 1 provides critically-needed funding in City/County [NAME] that will be used for:

- (add in list of local projects); and

**WHEREAS**, SB 1 contains strong accountability and transparency provisions to ensure the public knows how their tax dollars are being invested and the corresponding benefits to their community including annual project lists that identify planned investments and annual expenditure reports that detail multi-year and completed projects; and

**WHEREAS**, SB 1 requires the State to cut bureaucratic redundancies and red tape to ensure transportation funds are spent efficiently and effectively, and also establishes the independent office of Transportation Inspector General to perform audits, improve efficiency and increase transparency; and

**WHEREAS**, Proposition 69 on the June 2018 ballot would add additional protections for taxpayers by preventing the State Legislature from diverting or raiding any new transportation revenues for non-transportation improvement purposes; and

**WHEREAS**, there is also a proposed ballot measure aimed for the November 2018 ballot (Attorney General #17-0033) that would repeal the new transportation revenues provided by SB 1 and make it more difficult to increase funding for state and local transportation improvements in the future; and

**WHEREAS**, this proposed November proposition would raid \$## annually dedicated to City/County NAME, and halt critical investments in future transportation improvement projects in our community; and

**THEREFORE BE IT RESOLVED**, that the City/County of [NAME] hereby supports Proposition 69, the June 2018 constitutional amendment to prevent new transportation funds from being diverted for non-transportation purposes; and

**THEREFORE BE IT RESOLVED**, that the City/County of [NAME] hereby opposes the proposed November ballot proposition (Attorney General #17-0033) that would repeal the new transportation funds and make it more difficult to raise state and local transportation funds in the future; and

**THEREFORE BE IT FURTHER RESOLVED**, that the City/County of [NAME] supports and can be listed as a member of the Coalition to Protect Local Transportation Improvements, a diverse coalition of local government, business, labor, transportation and other organizations throughout the state, in support of Proposition 69 and in opposition to the repeal of SB 1.

ADOPTED this day \_\_\_\_ of \_\_\_\_, 2018.





# California Proposition 69, Transportation Taxes and Fees Lockbox and Appropriations Limit Exemption Amendment (June 2018)

**California Proposition 69, the Transportation Taxes and Fees Lockbox and Appropriations Limit Exemption Amendment**, is on the ballot in California as a legislatively referred constitutional amendment on June 5, 2018.<sup>[1]</sup>

A "yes" vote supports this amendment to:

- require that revenue from the diesel sales tax and Transportation Improvement Fee, as enacted by Senate Bill 1 (SB 1), be used for transportation-related purposes; and
- exempt revenue generated by SB 1's tax increases and fee schedules from the state appropriations limit.

A "no" vote opposes this amendment to:

- require that revenue from the diesel sales tax and Transportation Improvement Fee, as enacted by Senate Bill 1 (SB 1), be used for transportation-related purposes; and
- exempt revenue generated by SB 1's tax increases and fee schedules from the state appropriations limit.

## California Proposition 69: Transportation Taxes and Fees Lockbox and Appropriations Limit Exemption Amendment



**Election date**

June 5, 2018

**Topic**

State and local government budgets, spending and finance and Transportation

## Overview

### Amendment and Senate Bill 1

Proposition 69 was part of a legislative package that included Senate Bill 1 (SB 1).<sup>[1]</sup> Without SB 1, Proposition 69 would not affect anything. SB 1, which was also known as the Road Repair and Accountability Act of 2017, enacted an estimated \$5.2 billion-a-year increase in transportation-related taxes and fees, including a \$0.12 cents per gallon increase of the gasoline excise tax, a \$0.20 cents per gallon increase of the diesel

excise tax, a 4 percentage points increase of the diesel sales tax, an annual \$25 to \$100 Transportation Improvement Fee, and an annual \$100 zero-emission vehicles fee.<sup>[2][3]</sup>

## Status

*On the ballot*

Proposition 69 would require that revenue from the diesel sales tax and Transportation Improvement Fee (TIF) be dedicated for transportation-related purposes. As of 2018, the state constitution prohibited the legislature from using gasoline excise tax revenue or diesel excise tax revenue for general non-transportation purposes. The amendment would require the diesel sales tax revenue to be deposited into the Public Transportation Account, which was designed to distribute funds for mass transportation and rail systems. Proposition 69 would require the TIF revenue be spent on public streets and highways and public transportation systems. Although SB 1 requires revenue from the zero-emission vehicles fee to be placed in the Road Maintenance and Rehabilitation Account, Proposition 69 does not contain a provision creating a constitutional mandate for zero-emission vehicles fee revenue.<sup>[1][2]</sup>

Type	Origin
Constitutional amendment	State legislature

Proposition 69 would make revenue from SB 1's tax increases and fee schedules exempt from the state appropriations limit, also known as the Gann Limit.<sup>[1]</sup> In other words, the revenue would not count toward the limit. The Gann Limit prohibits the state government and local governments from spending revenue in excess of per-person government spending in fiscal year 1978-1979, with an adjustment allowed for changes in the cost-of-living and population. Amendments were made to the Gann Limit in 1988 and 1990, modifying the formula and requiring half of the excess revenue to be distributed to public education and the other half to taxpayer rebates. Rejecting the constitutional amendment would make SB 1's revenue subject to the Gann Limit. As of 2018, the Gann Limit had been exceeded just once in 1987.<sup>[4]</sup>

## Vote in the state legislature

The constitutional amendment was referred to the ballot box with support from just two legislative Republicans—Rep. Baker and Sen. Cannella. Just one Republican—Sen. Cannella—voted for SB 1. The constitutional amendment required a two-thirds vote in both chambers of the California State Legislature. Democrats, controlling two-thirds of the seats in both chambers, were united in voting to refer the amendment.<sup>[1]</sup>

## Text of the measure

*See also: Article XIII B and Article XIX A of the California Constitution*

The measure would add a Section 15 to Article XIII B and amend Section 1 of Article XIX A of the California Constitution. The measure would also add a new Article XIX D to the constitution. The following underlined text would be added:<sup>[1]</sup>

## Section 15 of Article XIII B

“Appropriations subject to limitation” of each entity of government shall not include appropriations of revenues from the Road Maintenance and Rehabilitation Account created by the Road Repair and Accountability Act of 2017, or any other revenues deposited into any other funds pursuant to the act. No adjustment in the appropriations limit of any entity of government shall be required pursuant to Section 3 as a result of revenues being deposited in or appropriated from the Road Maintenance and Rehabilitation Account created by the Road Repair and Accountability Act of 2017 or any other account pursuant to the act.

## Section 1 of Article XIX A

# Support

## Supporters

### Officials

The following officials sponsored the amendment in the legislature:<sup>[1]</sup>

- Sen. Josh Newman (D-29)
- Rep. Jim Frazier (D-11)
- Rep. Kevin Mullin (D-22)
- Rep. Evan Low (D-28)
- Rep. Miguel Santiago (D-53)
- Rep. Todd Gloria (D-78)

### Parties

- California Democratic Party<sup>[6]</sup>

### Organizations

- California Chamber of Commerce<sup>[7]</sup>

## Arguments

**Sen. Josh Newman** (D-29), one of the amendment's authors, said:<sup>[8]</sup>

“ Given the urgency of the transportation and infrastructure repair backlog before California, and the additional burden we are asking the state’s taxpayers to take on to address it now, it is essential that we provide Californians with a very clear assurance that these new revenues will be spent only on repairing our aging infrastructure, reducing congestion, and otherwise supporting transportation improvements that foster economic development across the state – in urban, suburban, and rural areas alike. ACA 5 provides voters with the important assurance that their hard-earned money will be spent in a responsible and fiscally prudent manner.<sup>[5]</sup> ”



# Opposition

In the California State Legislature, 34 Republicans voted against referring the amendment to the ballot.<sup>[1]</sup>

## Arguments

Ballotpedia has not found arguments opposing the measure. If you are aware of an article with or quoting arguments, please email it to [editor@ballotpedia.org](mailto:editor@ballotpedia.org).

# Campaign finance

See also: *Campaign finance requirements for California ballot measures*

As of March 3, 2018, there were no ballot measure committees registered in support of the measure or in opposition to the measure.<sup>[11]</sup>

## Reporting dates

In California, ballot measure committees file a total of four campaign finance reports in 2018. The filing dates for reports are as follows:<sup>[12]</sup>

<b><i>Campaign finance reporting dates for June 2018</i></b> [hide] <b><i>ballot</i></b>		
<b>Date</b>	<b>Report</b>	<b>Period</b>
1/31/2018	Annual Report for 2017	1/01/2017 - 12/31/2017
4/26/2018	Report #1	1/01/2018 - 4/21/2018
5/24/2018	Report #2	4/22/2018 - 5/19/2018
7/31/2018	Report #3	5/20/2018 - 6/30/2018
1/31/2019	Annual Report for 2018	1/01/2018 - 12/31/2018

### Total campaign contributions<sup>[9]</sup>

as of March 3, 2018<sup>[10]</sup>



**Support:**

**\$0.00**



**Opposition:**

**\$0.00**


# Background

## Senate Bill 1

### California State Legislature

Senate Bill 1 (SB 1), also known as the Road Repair and Accountability Act of 2017, was passed on April 6, 2017. The California State Senate voted 27 to 11 with two members not voting; 27 votes were required to pass the bill. Democrats controlled 27 seats in the state Senate. Sen. Steve Glazer (D-7) joined Republicans in opposing SB 1, but Sen. Anthony Cannella (R-12) joined Democrats in passing the bill, allowing the bill to pass with 27 votes. The California State Assembly voted 54 to 26 to pass the legislation; 54 votes were required. Democrats controlled 55 seats in the state Assembly.

One Democrat, Rep. Rudy Salas (D-32), joined Republicans in opposing the bill, leaving Democrats with 54 votes needed to pass SB 1.<sup>[2]</sup> Gov. Jerry Brown (D) signed the legislation into law on April 28, 2017.<sup>[13]</sup>

Vote in the California State Senate April 6, 2017				Vote in the California St April 6, 201	
<b>Requirement:</b> Two-thirds (66.67 percent) vote of all members in each chamber				<b>Requirement:</b> Two-thirds (66.67 percent) chamber	
Number of yes votes required: 27 				Number of yes votes req	
	Yes	No	Not voting		Yes
Total	27	11	2	Total	54
Total percent	67.50%	27.50%	5.00%	Total percent	67.50%
Democrat	26	1	0	Democrat	54
Republican	1	10	2	Republican	0

## Revenue

SB 1 increased the following transportation-related taxes and fees on November 1, 2017:<sup>[2][14]</sup>

- Increased the gas tax \$0.12 cents per gallon, from \$0.297 cents per gallon to \$0.417 cents per gallon.
- Increased the diesel fuel tax \$0.20 cents per gallon, from \$0.16 cents per gallon to \$0.36 cents per gallon.
- Increased the sales tax on diesel fuels by an additional 4 percentage points, from 9 percent to 13 percent.

SB 1 created a new annual Transportation Improvement Fee (TIF) based on the market value of a vehicle. The fee went into effect on January 1, 2018. The fee rate was scheduled as follows:<sup>[2]</sup>

- \$25 per year for vehicles with a market value of \$0-\$4,999;
- \$50 per year for vehicles with a market value of \$5,000-\$24,999;
- \$100 per year for vehicles with a market value of \$25,000-\$34,999;
- \$150 per year for vehicles with a market value of \$35,000-\$59,999; and
- \$200 per year for vehicles with a market value of \$60,000 or higher.

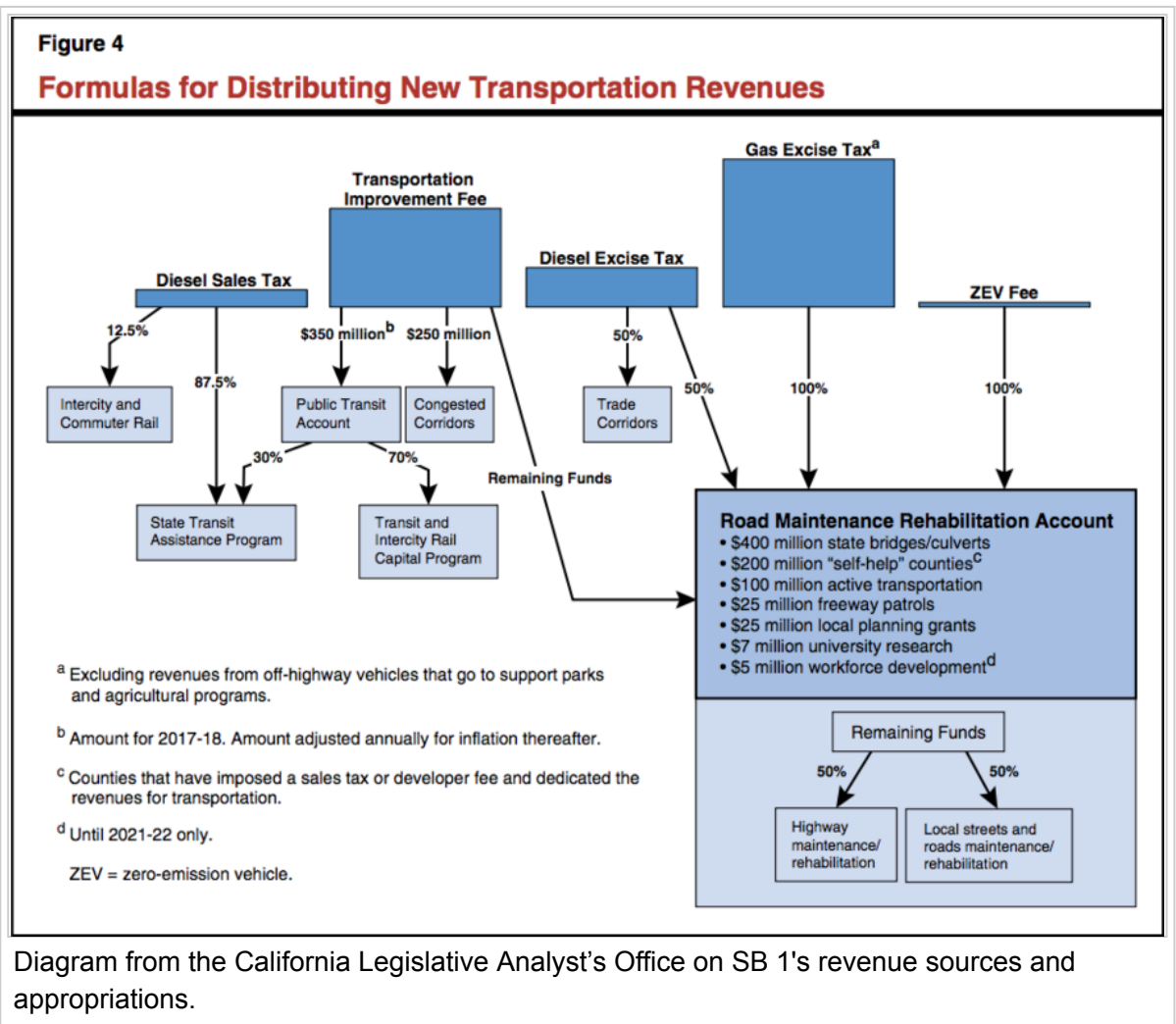
SB 1 enacted an annual \$100 per vehicle fee for owners of zero-emission vehicles (ZEV) model years 2020 or later starting in 2020.<sup>[2]</sup>

Other than the diesel sales tax, SB 1 was designed to adjust the tax and fee rates based on annual changes in the California Consumer Price Index (CPI).<sup>[2]</sup>

## Funds

According to the California Senate Appropriations Committee, SB 1 is expected to generate an estimated \$5.2 billion a year or \$52.4 billion between 2017 and 2027.<sup>[2][3]</sup>

## Road



## Maintenance and Rehabilitation Program

SB 1 created the Road Maintenance and Rehabilitation Program (RMRP), which is expected to receive an estimated \$3.24 billion a year. The RMRP was designed to receive revenue from the gasoline excise tax, excluding revenue from gasoline for off-road vehicles, half of the diesel excise tax (\$0.10), the zero-emission vehicles fee, and revenue over \$600 million from the Transportation Improvement Fee. The bill required RMRA funds to be distributed as follows:<sup>[2][3]</sup>

- \$400 million to maintain and repair state bridges and culverts;
- \$200 million to counties with voter-approved taxes and fees for transportation improvements;
- \$100 million to the Active Transportation Program, which is tasked with bicycling and pedestrian improvement projects;
- \$25 million to the freeway service patrol program to remove disabled vehicles from freeways;
- \$25 million for local and regional transportation planning grants; and
- \$7 million for transportation research;
- \$5 million for transportation-related workforce education, training, and development.



Following the distribution of the \$762 million in revenue listed above, the remaining \$2.48 million in estimated RMRP funds would be divided 50-50 between maintenance of the state highway system and maintenance of local streets.<sup>[2][3]</sup>

## Trade Corridor Enhancement Account

SB 1 was designed to deposit half of the diesel excise tax (\$0.10) into the Trade Corridor Enhancement Account (TCEA) to fund corridor-based freight projects. TCEA is expected to receive an estimated \$310 million per year.<sup>[2][3]</sup>

## Solutions for Congested Corridors Program

The Solutions for Congested Corridors Program (SCCP) was designed to receive \$250 million per year from the Transportation Improvement Fee. SB 1 requires SCCP to distribute funds to projects that address transportation, environmental, and community access improvements within highly congested-travel corridors throughout the state.<sup>[2][3]</sup>

## Transit and Intercity Rail Capital Program

SB 1 provides the Transit and Intercity Rail Capital Program (TIRCP) with 70 percent of \$350 million from the Transportation Improvement Fee. TIRCP is a competitive grant program that awards funding for transit and rail capital projects.<sup>[2][3]</sup>

## State Transit Assistance Program

SB 1 was designed to provide the State Transit Assistance Program (STAP) with 30 percent of \$350 million from the Transportation Improvement Fee and 87.5 percent of the revenue from the diesel sales tax for about \$430 million a year. STAP provides funding for transit operators.<sup>[2][3]</sup>

## Intercity and Commuter Rail

SB 1 created a new stream of revenue for intercity rail operations and projects from 12.5 percent of the diesel sales revenue tax for a total of about \$44 million per year.<sup>[2][3]</sup>

## Department of Parks and Recreation and Department of Food and Agriculture

The bill was designed to distribute revenue from the gas tax increase received from off-highway vehicles and boats to the state Department of Parks and Recreation and revenue from the gas tax increase received from agricultural vehicles to the state Department of Food and Agriculture.<sup>[2][3]</sup>

## Reactions

### Democratic leadership

- Gov. Jerry Brown (D), upon signing the bill, said, "Safe and smooth roads make California a better place to live and strengthen our economy. This legislation will put thousands of people to work."<sup>[15]</sup>
- Senate President Kevin de León (D-24) praised the legislation, saying, "Today, after decades of inaction, the legislature approved a fiscally responsible plan to address our decrepit transportation infrastructure. This bipartisan compromise includes strict accountability measures and closes our massive transportation funding shortfalls — without burdening future generations with debt."<sup>[16]</sup>
- Speaker of the Assembly Anthony Rendon (D-63) stated, "Supporting SB 1 required a combination of common sense, political courage, and concern for the Californians who drive on our roads and bridges."<sup>[17]</sup>

## Republican leadership

- Assembly Minority Leader Chad Mayes (R-42), critical of the bill, stated, "Gov. Brown and Capitol Democrats just gave us the largest gas tax increase in state history — a deal so bad they needed \$1 billion in pork to buy the votes to pass it. California deserves better."<sup>[17]</sup>
- Senate Minority Leader Patricia Bates (R-36) said, "It didn't have to be this way. Senate Republicans put forth our own transportation plan that would have provided \$7.8 billion for our crumbling roads without raising taxes. Instead, drivers will be paying more to fund not just road repairs that could have been paid for with existing dollars, but also other projects such as bike trails and potentially high-speed rail. Californians deserve better."<sup>[18]</sup>
- Senate Minority Caucus Chair Tom Berryhill (R-8) said, "A few weeks ago, Sacramento politicians went into a backroom to cook up a sharp increase in vehicle registration fees and the largest gas tax increase in state history, sticking it to working-class Californians and just about everyone living outside of the Bay Area or Los Angeles. Gas taxes disproportionately hurt lower-income drivers, who have less money to spend on more expensive gas."<sup>[19]</sup>

## Initiatives to repeal SB 1

Rep. Travis Allen (R-72), a candidate for governor in 2018, proposed an initiative to repeal most sections of Senate Bill 1 (2017). He paused the campaign while a court battle ensued over the initiative's ballot language, which Attorney General Becerra (D) had written. The court case wasn't resolved until December 2017 and the court ruling sided with the attorney general's office.<sup>[20]</sup> Citing the legal dispute, Rep. Allen said the initiative failed to collect enough signatures. He said he would support the other initiative to repeal SB 1.<sup>[21]</sup>

John Cox, a businessman running for governor, is also a part of an initiative campaign to overturn the gas tax and fees increase. The two campaigns are different. Rep. Allen's initiative is a state statute, requiring 365,880 signatures. The initiative campaign that Cox is involved in was started by Carl DeMaio's group Reform California and is a constitutional amendment, requiring 585,407 signatures. Whereas Rep. Allen's initiative was designed to repeal most sections of SB 1, Reform California's initiative would require majority voter approval for the state legislature to impose, increase, or extend a tax on gasoline, diesel fuel, or the operation of a vehicle or trailer coach on public highways after January 1, 2017. The initiative would both repeal SB 1 and require voter approval of future vehicle-related gas and fee increases.<sup>[22][23]</sup>

## Recall of Sen. Josh Newman

The vote on Senate Bill 1 led to a recall attempt against Sen. Josh Newman (D-29). He was elected to represent District 29 in 2016, when he defeated Republican Assemblywoman Ling Ling Chang by 2,498 votes. The recall attempt was launched on April 19, 2017.<sup>[24]</sup> Supporters of the recall effort needed to collect 63,593 signatures by October 16, 2017, to move the recall forward.<sup>[25]</sup> On August 18, 2017, recall proponents had gathered enough signatures to trigger an election against Newman.<sup>[26]</sup> On January 8, 2018, the governor announced a recall election for June 5, 2018.<sup>[27]</sup>

## Gann Limit

The measure would exempt from the state appropriations limit, also known as the Gann Limit, the appropriation of revenue from Senate Bill 1's tax increases and fee schedules.<sup>[1]</sup>

The Gann Limit prohibited the state government and local governments from spending revenue in excess of per-person government spending in fiscal year 1978-1979, with an adjustment allowed for changes in the cost-of-living and population. Voters approved the Gann Limit in 1979. The Gann Limit allowed governments to exceed the appropriations limit for paying off debts from voter-approved bonds; otherwise, governments were required to revise tax rates and fee schedules within the following two fiscal years to return the revenue to taxpayers.<sup>[28]</sup> In 1988, voters amended the Gann Limit via Proposition 98, requiring that some of the excess revenue (equal to 4 percent of the minimum school funding level) be appropriated to public education.<sup>[29]</sup> Proposition 111 of 1990 increased the amount of excess revenue dedicated to education—from an amount equal to 4 percent of the minimum school funding level to half the total excess revenue—and exempted appropriations for natural disasters and appropriations financed through increases in transportation-related taxes from the Gann Limit. Proposition 111 also changed the formula for calculating the state appropriations limit, including the measurements for cost-of-living and population growth and the timetable for determining excess revenue. As of 2018, the Gann Limit had been exceeded just once in 1987, when taxpayers received \$1.1 billion in rebates.<sup>[4]</sup>

Between 1988 and 2018, voters approved three ballot initiatives related to tobacco tax increases that exempted appropriation of the revenue from the taxes from the Gann Limit.

## Other transportation lockbox measures

*See also: State and local government budgets, spending and finance on the ballot and Transportation on the ballot*

Voters in California approved a ballot initiative, Proposition 22, in 2010 that prohibited the California State Legislature from allocating revenue from fuel taxes in specific funds to the state's general fund.<sup>[30]</sup>

In 2014, voters in Maryland and Wisconsin decided on transportation fund lockbox measures. Maryland's Question 1 established a transportation fund defined by the state constitution, required that the fund's revenue only be used for transportation-related projects, and required that the revenue not be transferred (with certain exceptions). Wisconsin's Question 1 required that transportation-related revenue could only be used for projects under the purview of the Wisconsin Department of Transportation. Both measures were approved.

Illinois and New Jersey voted on transportation lockbox measures in 2016. The amendment to the Illinois Constitution was designed to prohibit the state legislature from using transportation funds for non-transportation related projects. Citizens to Protect Transportation Funding, the support campaign, spent \$3.8 million to help the amendment pass. New Jersey Question 2 pitted Gov. Chris Christie, an amendment supporter, against his lieutenant governor, Kim Guadagno, who opposed the amendment. Voters approved the measure 54.5 to 45.5 percent. Question 2 required that all revenue derived from taxes on motor fuels be deposited into the Transportation Trust Fund.

The following table illustrates the outcome of each transportation lockbox amendment:

State	Initiative	Year	Percent "Yes"	Percent "No"
California	Proposition 22	2010	60.62%	39.38%
Maryland	Question 1	2014	81.65%	18.35%
Wisconsin	Question 1	2014	79.94%	20.06%
Illinois	Amendment	2016	78.91%	21.09%



State	Initiative	Year	Percent "Yes"	Percent "No"
New Jersey	Question 2	2014	54.51%	45.49%
<b>Average</b>			<b>71.13%</b>	<b>28.87%</b>

## Referred amendments on the ballot

From 1996 through 2016, the California State Legislature referred 28 constitutional amendments to the ballot. Voters approved 24 and rejected four of the referred amendments. Most of the amendments (23 of 28) were referred to the ballot during even-numbered election years. The average number of amendments appearing on the ballot during an even-numbered election year was two. In 2016, one referred amendment was on the ballot. The approval rate at the ballot box was 85.71 percent during the 20-year period from 1996 through 2016. The rejection rate was 14.29 percent.

### Legislatively referred constitutional amendments, 1996-2016


Years	Total number	Approved	Percent approved	Defeated	Percent defeated	Annual average	Annual median	Annual minimum	Annual maximum
Even years	23	23	100.00%	0	0.00%	2.09	2.00	0	6
Odd years	5	1	20.00%	4	80.00%	0.45	0.00	0	4
All years	28	24	85.71%	4	14.29%	1.27	0.50	0	6

## Path to the ballot

*See also: Amending the California Constitution*

In California, a constitutional amendment must be passed by a two-thirds vote in each house of the California State Legislature during one legislative session. The 2017 legislative session ran from December 5, 2016, through September 15, 2017.

Rep. Jim Frazier (D-11) and Sen. Josh Newman (D-29) authored the constitutional amendment, which was introduced as Assembly Constitutional Amendment 5 (ACA 5). Both the state Assembly and the state Senate passed the amendment on April 6, 2017. In the state Assembly, 56 members voted "yes" and 24 voted "no." In the state Senate, 28 senators voted "yes," 10 voted "no," and two did not vote. In the state Assembly, Rep. Catharine Baker (R-16) joined the chamber's 55 Democrats in approving the amendment. In the state Senate, Sen. Anthony Cannella (R-12) joined the chamber's 27 Democrats in approving the amendment. All other Republicans voted against the measure. The measure was enrolled with the secretary of state on April 17, 2017.<sup>[1]</sup>

Vote in the California State Assembly April 6, 2017				Vote in the California S April 6, 201	
<b>Requirement:</b> Two-thirds (66.67 percent) vote of all members in each chamber				<b>Requirement:</b> Two-thirds (66.67 percent) chamber	
Number of yes votes required: 54 				Number of yes votes req	
	Yes	No	Not voting		Yes
Total	56	24	0	Total	28
Total percent	70.00%	30.00%	0.00%	Total percent	70.00%
Democrat	55	0	0	Democrat	27
Republican	1	24	0	Republican	1

## How to vote

See also: *Voting in California*

### Poll times

All polls in California are open from 7:00 a.m. to 8:00 p.m. Pacific Time.<sup>[31]</sup>

### Registration requirements

To vote in California, an individual must be U.S. citizen and California resident. A voter must be at least 18 years of age on Election Day. Conditional voter registration is available beginning 14 days before an election through Election Day.<sup>[32]</sup>

On October 10, 2015, California Governor Jerry Brown (D) signed into law Assembly Bill No. 1461, also known as the New Motor Voter Act. The legislation authorized automatic voter registration in California for any individuals who visit the Department of Motor Vehicles to acquire or renew a driver's license. The law was scheduled to take effect in 2016.<sup>[33][34]</sup>

### Online registration

See also: *Online voter registration*

California has implemented an online voter registration system. Residents can register to vote by visiting this website.

### Voter ID requirements

According to the Office of the California Secretary of State, "in most cases, California voters are not required to show identification at their polling place." A voter may be asked to provide identification at the polls if it is his or her first time voting (this requirement applies if the individual registered by mail without providing a driver's license number, state identification number, or the last four digits of

a Social Security number). Acceptable forms of identification include driver's licenses, utility bills, or any document sent by a government agency. For a complete list of acceptable forms of identification, see this list.<sup>[35]</sup>

## State profile



*This excerpt is reprinted here with the permission of the 2016 edition of the Almanac of American Politics and is up to date as of the publication date of that edition. All text is reproduced verbatim, though links have been added by Ballotpedia staff. To read the full chapter on California, click here.*

Both sides of America's political divide have taken the opportunity to emphasize how different California is from the rest of the country. After the 2016 presidential election, supporters of Donald Trump complained that were it not for Hillary Clinton's margin of victory in California, Trump would have won the popular vote. For their part, California's Democratic politicians have taken a leading role in opposing Trump's vision for America; some Californians are even flirting with seceding from the union, though "Calexit" faces

constitutional obstacles that make it highly improbable. Despite such antagonism, California and the United States need each other, even if it no longer seems like it.

Americans have long thought of California as the Golden State -- a distant and dreamy land initially, then as a shaper of culture and as a promised land for millions of Americans and immigrants for many decades. America's most populous state remains in many ways a great success story. But in ...(read more)

### Presidential voting pattern

*See also: Presidential voting trends in California*

California voted for the Democratic candidate in all five presidential elections between 2000 and 2016.

*More California coverage on Ballotpedia*

- Elections in California
- United States congressional delegations from California

Demographic data for California		
	California	U.S.
Total population:	<b>38,993,940</b>	316,515,021
Land area (sq mi):	<b>155,779</b>	3,531,905
<b>Gender</b>		
Female:	<b>50.3%</b>	50.8%
<b>Race and ethnicity**</b>		
White:	<b>61.8%</b>	73.6%
Black/African American:	<b>5.9%</b>	12.6%
Asian:	<b>13.7%</b>	5.1%
Native American:	<b>0.7%</b>	0.8%
Pacific Islander:	<b>0.4%</b>	0.2%
Two or more:	<b>4.5%</b>	3%
Hispanic/Latino:	<b>38.4%</b>	17.1%
<b>Education</b>		
High school graduation rate:	<b>81.8%</b>	86.7%
College graduation rate:	<b>31.4%</b>	29.8%
<b>Income</b>		



- Public policy in California
- Influencers in California
- California fact checks
- More...

Median household income:	<b>\$61,818</b>	<b>\$53,889</b>
Persons below poverty level:	<b>18.2%</b>	<b>11.3%</b>
Source: <i>U.S. Census Bureau</i> , "American Community Survey" (5-year estimates 2010-2015)		

*\*\*Note: Percentages for race and ethnicity may add up to more than 100 percent because respondents may report more than one race and the Hispanic/Latino ethnicity may be selected in conjunction with any race. Read more about race and ethnicity in the Census [here](#).*

## Related measures

Transportation measures on the ballot in 2018	
State	Measures
Connecticut	Connecticut Transportation Revenue Lockbox Amendment

## See also

### 2018 measures



- 2018 ballot measures
- Transportation on the ballot
- 2018 legislative sessions

### California



- California ballot measures
- California ballot measure laws
- California state budget and finances

### News and analysis



- Ballot measure lawsuits
- Ballot measure readability
- Ballot measure polls

## External links

- Assembly Constitutional Amendment 5

## Recent news

The link below is to the most recent stories in a Google news search for the terms **California 2018 Transportation Lockbox Amendment**. These results are automatically generated from Google. Ballotpedia does not curate or endorse these articles.

# California Proposition 69, Transportation Taxes and Fees Lockbox and Appropriations Limit Exemption Amendment (June 2018) - Google News

## Footnotes

1. *California Legislature*, "Assembly Constitutional Amendment 5," accessed April 7, 2017
2. *California Legislature*, "Senate Bill 1," accessed April 7, 2017
3. *California Legislative Analyst's Office*, "Overview of the 2017 Transportation Funding Package," accessed January 9, 2017
4. *New York Times*, "California Taxpayers to Get \$1 Billion in Rebates," July 8, 1987
5. *Note: This text is quoted verbatim from the original source. Any inconsistencies are attributed to the original source.*

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Only the first few references on this page are shown above. [Click to show more.](#)

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March \_\_\_\_, 2017

The Honorable Gerald McNerney  
United States House of Representatives  
2265 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman McNerney:

We are reaching out to share our concerns about proposals that would bring longer and heavier trucks to our roads and bridges. Similar proposals were defeated when they came up for a vote in 2015, and we believe that is because members understood the magnitude of damage that will be done to our local infrastructure if we allow 91,000 pounds trucks on our roads on a nationwide basis.

While we recognize the important role that tractor-trailer trucks have in keeping our economy moving, we believe that any potential benefits of bigger and heavier trucks will be offset by the additional damage to local infrastructure, as well as the safety risk that heavier and longer trucks will bring to our roadways.

The U.S. Department of Transportation in their 2016 Comprehensive Truck Size and Weight Study found that heavier trucks of 91,000 to 97,000 pounds would cause an additional \$1.1 - \$2.2 billion in damages to our bridges. The study also determined that longer double-trailer trucks would add an additional \$1.2 - \$1.8 billion in pavement damage. The addition of a sixth axle would only mitigate additional damage, and would have no affect at all unless the weight distribution is evenly placed over each axle, which rarely happens. As you well know, California reflects an aging network of roads and bridges. These proposals are coming at a time when many counties across our state have seen a declining stream of funding for road projects and general maintenance.

Thank you for standing up for highway safety and the integrity of our roads and bridges and please oppose any future legislation that seeks to increase the weight and lengths of tractor-trailer trucks.

Thank you for your service.

Sincerely,



# Longer Double-Trailer Trucks Endanger Motorists and Damage Infrastructure

Prepared by CABT, January 2017

A few large trucking companies are pushing Congress to force states to allow longer double-trailer trucks, or “Double 33s.” These longer double-trailer trucks would replace not only today’s shorter, 28-foot double-trailer trucks, but also many 53-foot single-trailer trucks that commonly operate on the road today. Longer double-trailer trucks would add new dangers for motorists and damage our infrastructure.

Double 33s are 91 feet in length—that is 10 feet longer than the current doubles they are intended to replace and 17 feet longer than current single-trailer trucks. Congress in 2015 rejected these longer double-trailer trucks<sup>1</sup>, and USDOT in its 2016 Comprehensive Truck Size and Weight Limits Study, recommended that Congress not approve these or any other longer or heavier trucks<sup>2</sup>.

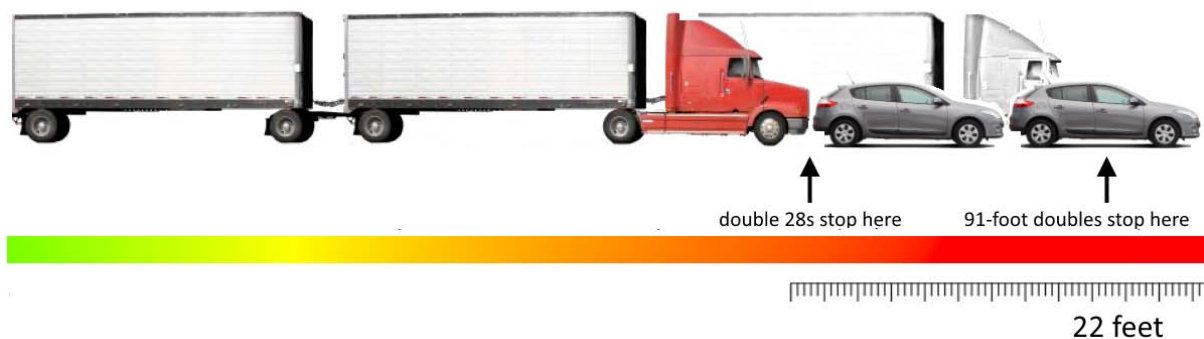
## Double 33s Would Replace Single-Trailer Trucks

Double-trailer trucks represent a relatively small percentage of trucks operating on our roads today. The majority of combination trucks in operation are 53-foot single-trailer trucks. If Congress requires states to allow the longer doubles, today’s truck traffic would change dramatically. Since Double 33s have 24 percent more capacity than 53-foot trailers, market forces would push companies currently operating single-trailer trucks to replace their fleets with Double 33s. According to a 2015 analysis, this would incur a massive shift from single-trailer trucks to Double 33s, resulting in approximately **42 to 101 billion additional miles of double-trailer truck travel on our nation’s highways**<sup>3</sup>.

## Longer Double-Trailer Trucks Would Add New Dangers to the Highways

An influx of double-trailer trucks on the highway would have severe safety implications for motorists. Studies have consistently shown that multi-trailer trucks—doubles and triple-trailer trucks—are more dangerous than single-trailer trucks. A 2013 Marshall University-led study<sup>4</sup> found that double-trailer trucks have an **11 percent higher fatality rate** than single-trailer trucks. This finding is consistent with findings made by USDOT in a 2000 study<sup>5</sup>. Below are several reasons these trucks are more dangerous:

**1. Longer stopping distances.** Double 33s take 252 feet to stop—that is 17 feet longer stopping distance than today’s single-trailer trucks and 22 feet longer than today’s twin-trailer trucks<sup>6</sup>.



<sup>1</sup> On Nov. 10, 2015, the Senate rejected increasing the length of double-trailer trucks as part of the surface transportation reauthorization bill on a 56-31 floor vote; and on Nov. 18, 2015, the U.S. Senate rejected increasing the length of double-trailer trucks on the omnibus spending bill on a voice vote.

<sup>2</sup> USDOT; 2016. *Comprehensive Truck Size and Weight Limits Study, Final Report to Congress*.

<sup>3</sup> Mingo, Roger D., and Mark L. Burton, Mark L.; 2015. *Mandated Twin 33 Trailers Produce Costly Shifts in Freight Movement*.

<sup>4</sup> Marshall University, 2013. *An Analysis of Truck Size and Weight: Phase I – Safety*.

<sup>5</sup> USDOT; 2000. *Comprehensive Truck Size and Weight Study*.

<sup>6</sup> USDOT; 2015. *Comprehensive Truck Size and Weight Limits Study, Highway Safety and Truck Crash Comparative Analysis Technical Report*.

**2. Increased rollover propensity and rearward amplification.** Double 33s experience increased rollover vulnerability, poorer stability and compromised avoidance maneuver compared to single-trailer trucks<sup>7</sup>.

**3. More wear and tear.** Double-trailer configurations have 58 percent higher out-of-service violation rates than single-trailer trucks<sup>8</sup>. This is especially important because a 2016 study by the Insurance Institute for Highway Safety (IIHS) found that trucks with any out-of-service violation are 362 percent more likely to be involved in a crash<sup>9</sup>.

### **Double 33s Would Cause Significant Infrastructure Damage**

According to its 2016 USDOT study, Double 33s would increase pavement damage by 1.8 percent to 2.7 percent<sup>10</sup>, which translates to **\$1.2 to \$1.8 billion in estimated pavement damage every year**<sup>11</sup>.

Also, USDOT found that nearly 2,500 Interstate and other National Highway System bridges would need to be strengthened or reinforced to handle the longer double-trailer trucks, costing taxpayers up to **\$1.1 billion**<sup>12</sup>. The study accounts for only 20 percent of bridges—the other 80 percent of bridges on state and local roads would be more vulnerable to the longer trucks.

### **Many Trucking Companies Oppose Double 33s**

The Truckload Carriers Association (TCA), representing over 700 trucking companies, strongly opposes longer double-trailer trucks. In fact, TCA wrote to Members of Congress in 2015 to express their concerns over increasing the length of double-trailer trucks, stating that these trucks would increase costs of delivering freight, decrease fuel efficiency, incur additional expenses to train or retrain drivers, increase the potential for driver injuries while coupling and decoupling trailers, and exacerbate truck parking problems<sup>13</sup>.

### **The Double 33s Mandate Would Override State Laws**

This legislation would preempt state laws and require every state to allow longer double-trailer trucks on their roads, even if they determined that their roadways were not capable of safely accommodating the longer trucks or that they would damage their pavement and bridges.

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<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Insurance Institute for Highway Safety; 2016. *Crash Risk Factors for Interstate Large Trucks in North Carolina*.

<sup>10</sup> USDOT; 2015. *Comprehensive Truck Size and Weight Limits Study, Volume 1: Technical Reports Summary*.

<sup>11</sup> R.D. Mingo and Associates; 2015. Analysis of 2012 FHWA Highway Statistics and selected Cost Allocation studies.

<sup>12</sup> Ibid.

<sup>13</sup> Truckload Carriers Association; October, 20, 2015. Letter to House Transportation and Infrastructure Committee Chairman Bill Shuster and Ranking Member Peter DeFazio.

## Heavier Trucks Endanger Motorists and Damage Infrastructure

Prepared by CABT, January 2017

Congress voted in 2015 to reject a proposal to increase truck weight limits from 80,000 pounds to 91,000 pounds<sup>1</sup>. Those companies who would profit from bigger trucks can be expected to renew their efforts in this Congress. Yet, a two-year Comprehensive Truck Size and Weight Limits Study completed by USDOT in 2016 recommended that Congress not approve any heavier or longer trucks<sup>2</sup>. As explained below, there is compelling evidence that heavier trucks would add new dangers to our roads and damage our infrastructure.

### Heavier Trucks Have Dramatically Higher Crash Rates

The 2016 USDOT study found that heavier trucks with six axles—both 91,000-pound and 97,000-pound configurations—had higher crash rates in the three states where there was sufficient data<sup>3</sup>:

Idaho	-	<b>99 percent higher</b> crash rates for six-axle trucks up to 97,000 pounds
Michigan	-	<b>400 percent higher</b> crash rates for six-axle trucks up to 97,000 pounds
Washington	-	<b>47 percent higher</b> crash rates for six-axle trucks up to 91,000 pounds

USDOT noted that the consistency of the higher crash rates added validity to these findings, but more data would be needed to draw national conclusions. However, these findings are consistent with earlier studies that have found higher crash rates are associated with increases in gross vehicle weight<sup>4,5</sup>.

### The Problems with Heavier Trucks

**More severe crashes.** The severity of a crash is determined by the velocity and mass of a vehicle. If its weight increases, so does the potential severity of a crash<sup>6</sup>. Any increase in crash severity increases the likelihood of injuries becoming more serious, or resulting in fatalities.

**More likely to roll over.** Heavier trucks tend to have a higher center of gravity because the additional weight is oftentimes stacked vertically. Raising the center of gravity increases the risk of rollovers<sup>7</sup>.

**Increased wear and tear.** Increasing the weight of trucks causes additional wear and tear on key safety components. The 2016 USDOT study found that trucks weighing over 80,000 pounds had higher overall out-of-service (OOS) rates and **18 percent higher brake violation rates** compared to those at or below

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<sup>1</sup> On Nov. 3, 2015, an amendment offered by Rep. Reid Ribble (R-Wis.) to the Transportation Reauthorization Act was defeated on a bipartisan vote, 236 to 187.

<sup>2</sup> USDOT; 2016. *Comprehensive Truck Size and Weight Limits Study, Final Report to Congress*.

<sup>3</sup> Ibid.

<sup>4</sup> USDOT; 2013. *Highway Safety and Truck Crash Comparative Analysis, Final Draft Desk Scan*; "Crash rates tend to increase with increases in GVW." 1995 University of Michigan Transportation Research Institute (UMTRI) study summary; and "The study also noted an increase in fatal crash rates at higher GVWs." 1988 UMTRI study summary.

<sup>5</sup> Marshall University, 2013. *An Analysis of Truck Size and Weight: Phase I – Safety*.

<sup>6</sup> Ibid.

<sup>7</sup> USDOT; 2000. *Comprehensive Truck Size and Weight Study*.



80,000 pounds<sup>8</sup>. This is especially important because a 2016 study by the Insurance Institute for Highway Safety found that trucks with any out-of-service violation are **362 percent more likely to be involved in a crash**<sup>9</sup>.

### **Heavier Trucks Would Cause Significant Infrastructure Damage**

USDOT found in its 2016 study that thousands of Interstate and other National Highway System bridges could not accommodate heavier trucks<sup>10</sup>. These bridges would need to be reinforced or replaced, costing billions of dollars. USDOT estimates the following:

- The 91,000-pound, six-axle configuration would negatively affect more than 4,800 bridges, costing \$1.1 billion
- The 97,000-pound, six-axle configuration would negatively affect more than 6,200 bridges, costing \$2.2 billion

NOTE: USDOT only studied 20 percent of the nation's bridges for this analysis. The remaining 80 percent are likely to be the most vulnerable to heavier trucks. In fact, only 1,360 of the bridges considered by USDOT are currently "structurally deficient" (i.e., likeliest to need repair and/or replacement with heavier truck weights), while 70,427 of total bridges are classified as "structurally deficient."

### **Experts Agree that Bigger Trucks Are More Dangerous**

Congress rejected bigger-truck proposals in 2015 in large part because of opposition from national and local law enforcement, including the National Troopers Coalition and the National Sheriffs' Association:

*"The bottom line is bigger and heavier trucks make our roads and highways unsafe due to, among other things, greater stopping distances and higher risk of rollover." (Sept. 23, 2015 National Troopers Coalition letter to Congress)*

*"We are united nationwide in our opposition to both heavier and longer trucks. Please stand with the National Sheriffs' Association and its members and reject heavier and longer truck provisions." (Oct. 20, 2015 National Sheriffs' Association letter to Congress)*

The Truckload Carriers Association (TCA), representing over 700 trucking companies, opposes heavier trucks<sup>11</sup>.

### **Patchwork Exceptions Undermine Enforcement and Compliance**

Some bigger truck proponents have sought to remove the federal weight limits for individual states. USDOT has criticized this kind of piecemeal approach for our Interstate Highway system, finding that it makes enforcement and compliance more difficult, contributes little to productivity, and may have unintended consequences for safety and highway infrastructure<sup>12</sup>.

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<sup>8</sup> USDOT; 2016. *Comprehensive Truck Size and Weight Limits Study, Final Report to Congress*.

<sup>9</sup> Insurance Institute for Highway Safety; 2016. *Crash Risk Factors for Interstate Large Trucks in North Carolina*.

<sup>10</sup> USDOT; 2016. *Comprehensive Truck Size and Weight Limits Study, Final Report to Congress*.

<sup>11</sup> Truckload Carriers Association; September, 16, 2015. Letter to Rep. Reid Ribble (R-Wis.).

<sup>12</sup> USDOT; 2004. *Western Uniformity Scenario Analysis: A Regional Truck Size and Weight Scenario Requested by the Western Governors' Association*.



# Contra Costa County Board of Supervisors

## Subcommittee Report

### TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

9.

**Meeting Date:** 03/12/2018

**Subject:** REVIEW, REVISE as appropriate, and ADOPT the 2018 Calendar.

**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 annual administrative item of the Committee.

#### **Referral Update:**

The Committee should review the 2018 Draft TWIC Calendar and advise on any necessary revisions. Committee staff is coordinating with District office staff and Legislation Committee staff regarding any potential conflicts with holidays and other events.

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

REVIEW, REVISE as appropriate, and ADOPT the 2018 Calendar.

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

N/A

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#### **Attachments**

2018 TWIC Schedule

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# TRANSPORTATION, WATER & INFRASTRUCTURE COMMITTEE

Supervisor Karen Mitchoff, District IV, Chair  
Supervisor Candace Andersen, District II, Vice Chair

## 2018 Meeting Schedule

DATE	ROOM	TIME
March 12	651 Pine Street, Room 101, Martinez	9:00 to 10:00 a.m.
April 9	651 Pine Street, Room 101, Martinez	9:00 to 10:00 a.m.
May 14	651 Pine Street, Room 101, Martinez	9:00 to 10:00 a.m.
June 11	651 Pine Street, Room 101, Martinez	9:00 to 10:00 a.m.
July 9	651 Pine Street, Room 101, Martinez	9:00 to 10:00 a.m.
August 13	651 Pine Street, Room 101, Martinez	9:00 to 10:00 a.m.
September 10	651 Pine Street, Room 101, Martinez	9:00 to 10:00 a.m.
October 8	651 Pine Street, Room 101, Martinez	9:00 to 10:00 a.m.
November TBD**	651 Pine Street, Room 101, Martinez	9:00 to 10:00 a.m.
December 10	651 Pine Street, Room 101, Martinez	9:00 to 10:00 a.m.

\*\* Date observes Veteran's Day

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

**For Additional Information Contact:**

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