



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: March 8, 2016

Subject: Update on the Status of the Contra Costa Transportation Authority's Development of a Transportation Expenditure Plan

RECOMMENDATION(S):

RECEIVE update on the status of the Contra Costa Transportation Authority's (Authority) development of a Transportation Expenditure Plan (TEP) for a possible sales tax measure in 2016, including aspects related to the Urban Limit Line (ULL), and DIRECT staff as appropriate.

FISCAL IMPACT:

None. The recommendation addresses an outside agency's actions.

BACKGROUND:

As established in both the October 21, 2014 and November 3, 2015 letters to the Authority regarding the TEP, the Board of Supervisors (BOS) has not yet endorsed the proposed transportation sales tax. That broader issue will be addressed at a future meeting of the Board.

Please note, aspects of TEP formulation related to the ULL are discussed at the end of this report and a list of preliminary alternatives for responding to public requests to discourage all changes to the ULL without voter approval is provided in Attachment 12.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **03/08/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Mary N. Piepho, District III Supervisor

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 8, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: John Cunningham
(925) 674-7833

By: June McHuen, Deputy

cc:

HISTORY

Reports on this issue have been brought to previous BOS meetings. Those reports included a substantial amount of background information. The most recent comprehensive report is available at the link below:

BACKGROUND: (CONT'D)

September 15, 2015

http://64.166.146.245/docs/2015/BOS/20150915_640/650_09-15-15_826_AGENDApacket.pdf#page=128

For additional background, the previous two letters from the BOS to the Authority are attached (Attachment 1: *BOS to CCTA re TEP Nov 2015* and Attachment 2: *BOS to CCTA re TEP Oct 2014*).

RECENT EVENTS

February 2016

The Authority released an "Initial DRAFT Transportation Expenditure Plan (For Discussion Only)". Please see Attachment 3: *Draft TEP 1-1*. Several more versions are anticipated prior to CCTA adoption of a final TEP which is scheduled for May (See Attachment 4: *CCTA TEP Schedule*). The schedule anticipates a next draft TEP to come before the Cities and the County in April.

January 2016

A coalition of environmental, labor, transportation, housing, social justice, faith, civic and other public interest advocates submitted a document to the Authority entitled "*A Community Vision for a New Transportation Sales Tax*". The document (Attachment 5: *Community Vision for a New Transportation Sales Tax 1-6-16.pdf*) enumerates what the coalition believes are the major planning issues facing Contra Costa County. In summary:

- *Ever-increasing traffic, the direct result of land use decisions and induced demand.*
- *A pressing demand for new homes and jobs within our cities and towns where residents and employees of all incomes have access to safe and convenient transit, walking, and biking networks, reducing single-occupant driving and greenhouse gas emissions.*
- *The need to dramatically increase funding for transit and enhance the existing transit system for peak performance.*
- *Growing threats to our natural and agricultural lands, requiring stronger protections and investments.*
- *An economic imperative to create quality jobs closer to home.*

The document goes on to suggest solutions to the problem urging that the funding measure be "*transformational*".

STAFF REVIEW OF DRAFT TRANSPORTATION EXPENDITURE PLAN (TEP)

The following information reviews TEP funding categories relative to prior BOS input to the Authority. Not all TEP categories were addressed by the BOS, so the information below is limited to those areas previously addressed by the BOS. The entire TEP is attached to this report, Attachment 3: *Draft TEP 1-1.pdf*.

1. Local Streets Maintenance & Improvements

Draft TEP Language

Funding Level: 23.1%

Narrative

"1: Local Streets Maintenance & Improvements

Funds from this category will fund maintenance and improvement projects on local streets and roads and may be used for any eligible transportation purposes as defined under the Act and to comply with the GMP requirements.

The Authority will distribute 23.1 percent of the annual sales tax revenues to all local jurisdictions with a base allocation of \$100,000 for each jurisdiction, the balance will be distributed based 50 percent on relative population and 50 percent on road miles for each jurisdiction, subject to compliance with the Authority's reporting, audit and GMP requirements, consistent with the current Measure J program. Population figures used shall be the most current available from the State Department of Finance. Road mileage shall be from the most current State Controller's Annual Report of Financial Transactions for Streets and Roads.

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

Prior Contra Costa County BOS Comment

Funding Level: 25%-30%

Narrative (partial excerpt)

"Considering the above, the Board supports the funding levels for local streets and roads (maintenance and improvements) in a new TEP that the Regional Transportation Planning Committees (RTPCs) have taken. Specifically, SWAT at 25%-30%, TRANSPAC at 30%, TRANSPLAN at 30% and WCCTAC at 28%.

This support includes complete streets concepts as detailed below. The Board recognizes the importance of improving and maintaining our local streets and roads for all modes of transportation."

Staff Comments

While the distribution formula proposed is consistent with existing policies and the reporting mechanism is consistent with prior BOS input, the difference in proposed funding relative to the need is substantial. Even the higher funding level recommended by the RTPCs would not have addressed the full need.

Several issues magnify the importance of increased maintenance funding, the lack of stability of state funding, and directly related non-pavement roadway maintenance needs. These have been discussed previously at the BOS:

Maintenance Funding: From the 9/15/15 report:

"While pavement condition data and costs are most frequently reported, the directly related, non-pavement needs exceed the pavement needs. These non-pavement needs are included in this discussion because they are inextricably linked to road maintenance costs and activities. Some of these costs include signage, traffic signal systems, shoulder maintenance, lighting, drainage/stormwater infrastructure (culverts, gutter, hydrauger, etc.), clean water infrastructure requirements, guardrail/crash cushion, sweeping, landscaping, street trees, curb/sidewalk, retaining walls, etc. This is an incomplete list."

These issues have been recently highlighted with the County having to repair several sinkholes in the recent past, one on Hazel Avenue in East Richmond and the other on Marsh Creek Road. The storm drain system is very often, "out of sight, out of mind" but is, nonetheless, an integral asset of the roadway system.

State Transportation Funding: From the 9/15/15 report:

...the reliability of state revenues is somewhat speculative. This is distinct from local funds which are insulated from being used for other purposes. Local funds are relatively stable for the life of local transportation measures, subject only to the performance of the overall economy. Given the glaring maintenance shortfall that remains even after an assumed increase in local maintenance funds, staff does not consider the potential for increased state maintenance funding and funding reliability as substantially off-setting the need for increases in local maintenance funding.

This issue has been highlighted recently with the reduction of gas tax revenues having a disastrous effect on maintenance revenues. Please see Attachment 6: *Collapse of Gas Tax 2016* which quantifies and depicts the reductions.

The Board may wish to consider whether, given the competing needs for funding in multiple categories, the proposed allocation is appropriate.

12. Transportation for Seniors & People With Disabilities

Draft TEP Language

Funding Level: 2.1%

Narrative

"Transportation for Seniors & People With Disabilities or what is often referred to as "Paratransit" services or Accessible Transportation Services (ATS) can be broadly divided into two categories: (1) services required to be provided by transit operators under the Americans with Disabilities Act (ADA) to people functionally unable to ride fixed route service; and (2) services not required by law but necessary for frail seniors and people with disabilities whose needs are beyond the requirements of the ADA (for example, extra hours of service or greater geographic coverage or requirement for service beyond curb-to-curb), or for non-ADA eligible seniors.

Projections indicate that people that would be eligible for these services is the fast growing segment of our population and will likely (blank) over the next (blank) years.

Funding in this category will be used to fund accessible transportation services. These services shall support both non-ADA and ADA services for eligible participants. To ensure services are delivered in a coordinated system that maximizes both service delivery and efficiency an Accessible Transportation Service (ATS) Strategic Plan will be developed and periodically updated during the term of the measure. No funding under this category will be allocated until the ATS Strategic Plan has been developed and adopted.

An overarching component in the development and delivery of the ATS Strategic Plan is using mobility management to ensure coordination and efficiencies in accessible service delivery. The plan will evaluate the appropriate model for our local structure including how accessible services are delivered by all agencies and where appropriate coordination can improve transportation services, eliminate gaps in service and find efficiencies in the service delivered. The ATS Strategic Plan would also determine the investments and oversight of the program funding and identify timing, projects, service delivery options, administrative structure, and fund leverage opportunities."

Prior Contra Costa County BOS Comment

From the 11/3/15 BOS Letter re: the TEP

Funding Level: n/a

Narrative

"1) The TEP should, in addition to providing additional operations funding, fund a countywide mobility management program as recommended in the CCMMP (Contra Costa Mobility Management Plan) . The CCMMP includes preliminary cost figures for implementation which may need to be refined as we move ahead. As implementation progresses, the Board strongly recommends consideration of a transition to the mobility management/brokerage model used in Santa Clara County.

2) Currently, Measure J has eligibility requirements placed on local jurisdictions in order to receive Local Streets & Maintenance funding. As mentioned in the Local Streets and Roads section above, additional requirements are being considered for supplementary maintenance funding. Similar to those requirements, the Board is proposing that eligibility for transit funding under a new TEP be contingent upon participation in the implementation of the mobility management program and other identified improvements to accessible services.

3) Implementing the service model proposed in #1 above is a substantial investment. We believe that the County and Authority Board members would benefit from a tour of the Santa Clara County accessible services operation, OUTREACH. The OUTREACH operation is non-profit based and is a national model for cost-effective procurement, contracting and operations . During a time where our own transit operations show a trend of increasing costs, the OUTREACH model has shown reduced costs . The Board is requesting attendance from Authority members on this tour tentatively scheduled for mid-November/December.

4) One barrier to progress on this issue is the understandable resistance to any changes in service to a sensitive population. As we move ahead with this effort, an explicit commitment should be made by all agencies involved to insulate current accessible transit customers from service degradations or interruptions."

Staff Comments

The narrative and proposed policies in the Draft TEP are largely consistent with County input and look positive.

The "Non-Rail Transit Enhancements" program includes the following qualification: *"Recipients of funding under this category are required to participate in the development of the Accessible Transportation Services Strategic Plan included in Category 12. Transportation for Seniors and People with Disabilities."* This is directly responsive to BOS input to ensure implementation.

The Draft TEP includes a recommendation for a Accessible Transportation Service (ATS) Strategic Plan which is a positive development. Considering our numerous public and private accessible transit providers, migrating to a different system will require a substantial amount of planning, the ATS Strategic Plan will fulfill that. At a recent Authority Board meeting, there was a suggestion that *the study should be done in the short term, there is no reason to wait for the TEP process to be completed.* The BOS may wish to discuss this option and communicate it's preference.

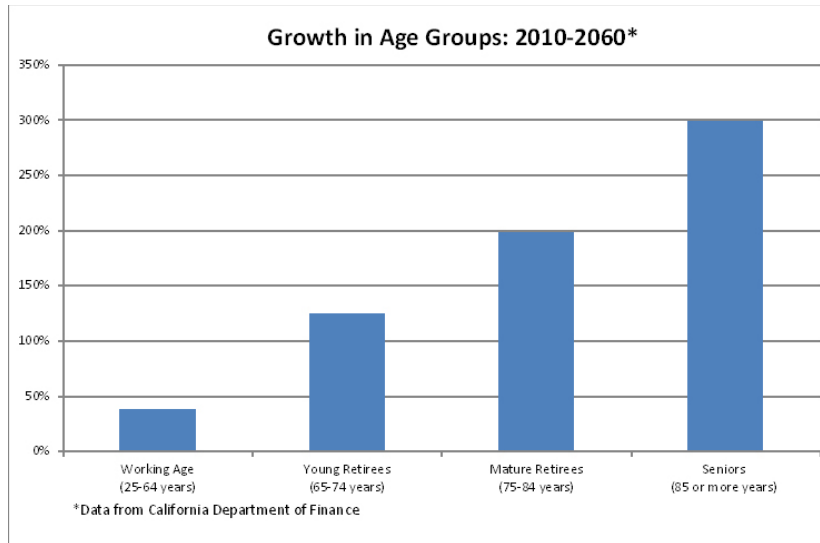
See Attachment 7: *Mobility Matters* which was distributed at a recent Authority Special TEP meeting during the

Accessible Transit discussion.

The BOS did not weigh in on an appropriate funding level for this program. Now that a figure has been proposed in the Draft TEP the BOS may wish to consider providing input on the amount of funding. The following information is provided to inform that consideration:

1) Demographics

From 2010 to 2060 the working age (25-64) population will grow 38%. During this same time period the population that will increase demand for accessible transit service will grow as follows, 65-74=125%, 75-84=198%, and 85+=299%. See chart below.



2) Other Cost Magnifiers

There are other factors that will magnify the impact of the demographics illustrated above:

- The consolidation trend in medical facilities and services will result in more trips and longer trips.
- Expansions of fixed route service funded in the TEP will result in a compulsory expansion of ADA paratransit.
- An increase in the veterans population.

3) Implications of a New Service Model

The study and service proposals in the TEP are likely to improve service efficiency, reduce costs, and attract other funds. However, given the substantial demographics problem mentioned above, the "silver tsunami", these improvements and efficiencies are not likely to completely offset the growth in demand. In addition, the study of and incubation of a new mobility management program will take some investment.

4) RTPC Input

See chart below comparing RTPC input compared to funding levels in the Draft TEP. The "Transportation for Seniors and People with Disabilities" program had the largest negative discrepancy between the RTPC "ask" and proposed funding level: RTPC Request: \$105M, Draft TEP: \$50M.

16. Community Development Incentive (CDI) Program

Draft TEP Language

Funding Level: 6%

Narrative

"Funds from this category will be used implement this new Community Development Incentive program, administered by the Authority's Regional Transportation Planning Committees (RTPC's). Funds will be allocated on a competitive basis to transportation projects or programs that promote economic development, job creation and/or housing within established (or planned) transit supportive community centers. Project sponsors must demonstrate that at least 20% of the project is funded from other than local transportation sales tax revenue and the Authority will prioritize funding to projects that demonstrate over 50% funding from other sources. Additional priority will be given to projects where the

sponsor can demonstrate that the project supports and facilitates development of housing for all income levels. Working with the RTPCs, the Authority will prepare guidelines and establish overall criteria for the program."

Prior Contra Costa County BOS Comment

From the 11/3/15 BOS Letter re: the TEP

Funding Level: n/a

Narrative

"Improved Land Use Coordination...Initial Ideas on the Funding Allocation Approach: The TEP could allocate a portion of the future funds to a congestion reduction program related to stimulating certain types of new development. Funds for such a program could be used to stimulate certain infill and other development that demonstrates positive impacts on the transportation system, such as reduced demand on the most congested freeways and roads, better utilization of transit, greater off-peak utilization, reduced average commute times, and reduction of out-of-county commute trips. This could take the form of development in Priority Development Areas (PDAs) near transit or other types of development that achieve the demand reduction goal. For Contra Costa County, jobs/housing balance is a key concern. A focus on developing employment centers that would offer well-paying jobs proximate to housing (i.e. priority industrial areas or priority employment areas) could have merit. Stimulating development that establishes well-paying jobs in East County, for example, could reduce strain on Highway 4, offer a far easier commute for East County residents and make better use of prior transportation investments by stimulating the counter commute.

Subject to feasibility studies, demonstration of congestion reduction, and Authority approval, local jurisdictions could request funding for projects that would stimulate development that would reduce congestion. Such investments could include transportation infrastructure (e.g. improvements to transit and roadways in areas targeted for job growth). However, to realize the congestion reduction benefit of the desired development, a broader range of investments could be considered, such as advanced telecommunication/broadband infrastructure, water, sewer, power, impact fee offsets, land assembly, or other investments. The analysis should consider not only the direct growth in jobs (and housing) likely to result from the investment, but also the net growth in jobs (certain jobs such as advanced manufacturing can have relatively high job multipliers).

Initial Ideas on the Policy Incentives Approach: The TEP might include additional policy incentives to promote infill and other development that reduces congestion. For example, the TEP could include incentives for local agencies to adopt and implement certain land-use policies such as PDAs, priority industrial areas or priority employment areas, greater density along transit or employment targets. Alternatively, incentives could be linked to certain TEP funding categories. For instance, economic development/jobs-housing balance/congestion reduction goals could be criteria for allocating funding to any competitively awarded pots of funds."

Staff Comments

There has been some concern at the Authority Board regarding expenditures indirectly related to transportation. The proposal in the Draft TEP takes an approach that funds a program as suggested by the BOS and others, but also addresses the concerns regarding expenditures.

The draft program is potentially consistent with the BOS input. Because the policy details are deferred to a future date, "...the Authority will prepare guidelines and establish overall criteria..." it is not entirely clear how the program will be structured or administered, though it is envisioned as a competitive grant program managed primarily at the RTPC level.

The BOS input had language requiring a nexus between the funded project and congestion reduction. The TEP proposal includes the following, "...projects or programs that promote economic development, job creation and/or housing within established or (or planned) transit supportive community centers". While this policy will result in congestion reduction as a derivative, the Authority may wish to be more explicit on this point in order to better address the concerns expressed regarding expenditures indirectly relating to transportation. Likewise, staff recommends that the language be adjusted to avoid preventing funding for needed job growth in areas that will substantially reduce congestion, vehicle miles traveled and greenhouse gas emissions but immediately proximate to transit. The Board may also wish to provide input on the funding amount for the program and discuss other aspects such as how the program should be administered.

15. Pedestrian, Bicycle and Trail Facilities

Draft TEP Language

Two-thirds of the funds from this program will be used implement projects in the Countywide Bicycle and Pedestrian

Plan, consistent with the current Measure J program. These funds will be allocated competitively to projects that improve safety for pedestrians and bicyclists, serve the greatest number of users and significant destinations, and remove missing segments and existing barriers to walking and bicycling. The review process shall also consider project feasibility and readiness and the differing needs of the sub-regions when identifying projects for funding. Funding available through this program shall be primarily used for the construction, maintenance, and safety or other improvements of bicycle, pedestrian and trail projects. No design, project approval, right-of-way purchase and environmental clearance may only shall be funded as part of a construction project. Planning to identify a preferred alignment for major new bicycle, pedestrian or trail connections may also be funded through this program.

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

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

Prior Contra Costa County BOS Comment

Contra Costa County currently has the lowest rate of trips-by-bike rate in the Bay Area according to the MTC . Please consider a strategic approach to developing and prioritizing bicycle project and program activities to reverse this rate to improve the County's ranking.

One component of that strategic approach could be to further expand and improve the County's network of separated, Class I trails. These facilities often have a substantial number of users, traveling at varying speeds, on a single path. For example, a "bicycle expressway" could be a separate project in the Iron Horse corridor that would accommodate faster cyclists. This would increase usage, safety, and comfort for both cyclists and pedestrians and merits consideration during development of the TEP.

Staff Comment

The program largely continues the existing policies. The "bicycle expressway" concept proposed by the BOS could be funded under this program.

Major Projects

Draft TEP Language

At this time, the Draft TEP does not include project specific information. Another draft will be distributed for review by the Cities and County in May. However, at this time, all projects proposed by the County would be eligible for funding under the appropriate program categories.

OTHER COMMENTS

• BART Funding Request

The magnitude of proposed BART TEP funding has been discussed at recent Authority meetings. Attached is communication from BART (Attachment 8: *BART Information*) documenting the funding need, reiterating that BART expenditures poll well, and generally communicating BART benefits to Contra Costa County.

• Public Managers Association (PMA) Input on the TEP

The PMA has met with Authority staff and provided input on the process. Attachment 9: *Public Managers Association - TEP* show the proposal discussed.

• RTPC Funding Requests Relative to Draft Transportation Expenditure Plan

Please see the two charts:

- Attachment 10: *NEW MEASURE TRANSPORTATION EXPENDITURE PLAN (DRAFT FOR DISCUSSION ONLY)*:

Prepared by CCTA staff for discussion at the RTPCs. The chart shows the Draft TEP funding categories, what each RTPC requested, and what is proposed in the Draft TEP.

- Below: *New Measure Transportation Expenditure Plan: RTPC REQUEST COMPARED TO DRAFT TEP*: Prepared by County staff, this chart is based on the above chart which isolates and compares the RTPC \$ request to the Draft TEP amount

and is sorted by % difference between the two. The table only compares two funding scenarios (RTPC recommendations and the first draft TEP).

The broader dialog on the measure actually includes multiple inputs--advocacy groups, individual agencies, etc. The RTPC scenario is included as the benchmark because the Board had input on this scenario through participation on the RTPCs.

New Measure Transportation Expenditure Plan: RTPC REQUEST COMPARED TO DRAFT TEP

(Sorted by % Change from RTPC Proposal to DRAFT TEP)

Prgm #	Funding Category	RTPC Request	Draft TEP	\$ Amount +/-	% Change
16	Community Development Investment Grant Program	\$ 41	\$ 140	\$ 99	240%
3	BART Capacity, Access and Parking Improvements	\$ 113	\$ 300	\$ 188	167%
17	Innovative Transportation Technology / Connected Communities Grant Program	\$ 60	\$ 65	\$ 5	9%
6	Improve traffic flow & implement high capacity transit in the I-680 corridor & SR 24 4	\$ 139	\$ 140	\$ 1	1%
8	Interstate 680 and State Route 4 Interchange Improvements	\$ 60	\$ 60	\$ -	0%
9	East County Corridor	\$ 120	\$ 117	\$ (3)	-3%
5	Transit & Interchange Improvements along the I-80 Corridor in West County	\$ 114	\$ 110	\$ (4)	-4%
10	Non-Rail Transit Enhancements	\$ 219	\$ 200	\$ (19)	-9%
7	Improve traffic flow along the SR 242 & SR 4 Corridors in Central and Eastern County	\$ 78	\$ 70	\$ (8)	-10%
4	East Contra Costa Transit Extension	\$ 80	\$ 70	\$ (10)	-13%
1	Local Streets Maintenance	\$ 680	\$ 540	\$ (140)	-21%
2	Major Streets and Complete Streets	\$ 280	\$ 200	\$ (80)	-28%
13	Safe Transportation For Children	\$ 77	\$ 50	\$ (27)	-35%
15	Pedestrian, Bicycle and Trail Facilities	\$ 97	\$ 60	\$ (37)	-38%
12	Transportation for Seniors and People with Disabilities	\$ 105	\$ 50	\$ (55)	-53%
0	Commute Alternatives	\$ 24	\$ -	\$ (24)	-100%

Notes

\$ shown are in millions.

- The Measure J Transportation for Liveable Communities Program could be considered to be represented in the CDIG Program.
- The "Regional Choice" category shown in the original CCTA table is a placeholder and will not remain in the final draft. RTPC's will allocate those funds to programs of their choice.
- CCTA budget items are **not** included in the table above as the RTPCs did not weigh in on these amounts.
- Please see the explanatory footnotes in the "NEW MEASURE TRANSPORTATION EXPENDITURE PLAN (DRAFT FOR DISCUSSION ONLY)" table. It provides clarification on what funding category certain requests were assigned to.

GROWTH MANAGEMENT PROGRAM (GMP)

The Draft TEP does not yet have any changes proposed for the GMP, thorough proposals are expected soon. However, there has been substantial discussion regarding the Urban Limit Line and related matters, including proposals from the coalition that authored the document entitled "Community Vision for a New Transportation Sales Tax", Greenbelt Alliance and the Public Managers Association. See Attachment 5: *Community Vision for a New Transportation Sales Tax*, Attachment 9: *Public Managers Association - TEP* and Attachment 11: *2-2-16 Letter GA to CCTA re GMP*.

Measure J conditions receipt of certain return to source sales tax proceeds on local jurisdictions having a voter-approved ULL. Measure J also provides that adjustments to such ULLs be approved by the voters but allows changes less than 30-acres in size to be made without voter approval (30-acre exception).

In the January 6, 2016, document entitled, "A Community Vision for a New Transportation Sales Tax", a Coalition proposes the following relative to the ULL:

"Enhance our Urban Limit Lines (ULLs): To prevent sprawl development, we must eliminate the loophole in Contra Costa County's Urban Limit Lines that allows 30-acre expansions without a public vote. And we must refine our existing ULL policies by defining key terms such as "urban" and "rural," clarifying which services must comply with our urban limit lines (water, sewer, etc.), and preventing subdivisions outside the lines."

A more detailed rationale for making these changes is provided in Recommendation 1 in the February 2, 2016 letter from Greenbelt Alliance (Attachment 11).

The proposal to remove the 30-acre exception in the new measure has been discussed by the CCTA Board on several occasions, including most recently at their February 17 meeting. Several CCTA Board Members have expressed strong concerns with the idea of removing the 30-acre exception, citing a lack of evidence that the exception was being used, let alone abused. Some Members also described the need to maintain some flexibility because modest changes to the ULL may be necessary to address detailed placement of the line when it splits a parcel or to provide a safety valve in case of a jobs or housing crisis. Some members also expressed concern with making substantial changes to ULL policy while the County is in the middle of performing the 2016 review of the ULL required by Measure L. Concern has also been expressed that a consequence of requiring voter approval of even modest changes to the ULL may be that the ability to develop compromise approaches for 30-acre-or-less expansions through the land use planning process may be replaced with ballot measures where the only options are yes or no.

The CCTA Board also discussed various compromise alternatives to removing the 30-acre exception. CCTA staff was requested to work with County staff to describe a range of preliminary alternatives for consideration by the CCTA Board at a subsequent meeting. Supervisors Andersen and Mitchoff also expressed their intention to ask County staff to bring a discussion of the matter to the Board of Supervisors in early March.

County staff has worked with CCTA to develop some preliminary alternatives for responding to the request to remove the 30-acre exception. Please find those preliminary alternatives discussed in Attachment 12. Those alternatives include making no change to the ULL provisions, removing the 30-acre exception and options in between.

Several alternatives relate to ensuring greater consistency in the ULL amendment requirements of the various jurisdictions. CCTA staff prepared a summary table comparing the different requirements (Attachment 13). As illustrated in the table, current requirements for other jurisdictions are different from those of the County. For the County to expand the ULL by less than 30 acres without voter approval, Measure L requires a super majority vote of the BOS and requires the adoption of one of seven findings (see Attachment 14). In addition, the County has formalized interpretation of the Measure J requirements related to defining the phrase "non-consecutive adjustments" as it relates to the ULL (see attachment 15, Principles of Agreement for Establishing the Urban Limit Line from the Measure J TEP and Attachment 16, 2007 correspondence between Dennis Barry and Robert McCleary). At least two cities have codified this clarification on nonconsecutive adjustments through an Exhibit attached to their ULL Resolutions (see Attachment 17, the Oakley ULL Resolution, particularly Exhibit 1 to that Resolution).

For a summary history of the County's ULL, please see Attachment 18, a February 22, 2005 memo from Dennis Barry to the Board of Supervisors. In 2006, subsequent to the preparation of that memo, Measure L was approved by the voters.

Staff recommends that the Board review the preliminary alternatives provided in Attachment 13 and discuss the Board position relative to how the ULL is treated in the proposed 2016 sales tax measure.

CONSEQUENCE OF NEGATIVE ACTION:

If direction is not provided, the County may forego an opportunity to provide input on the development of the Transportation Expenditure Plan.

CHILDREN'S IMPACT STATEMENT:

None.

CLERK'S ADDENDUM

ACCEPTED the report; and provided direction relative to the Urban Limit Line discussion.

ATTACHMENTS

Attachment 1: BOS to CCTA re TEP Nov 2015

Attachment 2: BOS to CCTA re TEP Oct 2014

Attachment 3: Draft TEP 1-1

Attachment 4: CCTA TEP Schedule

Attachment 5: Community Vision for a New Transportation Sales Tax 1-6-16

Attachment 6: Collapse of Gas Tax 2016

Attachment 7: MobilityMatters.pdf

Attachment 8: BART Information

Attachment 9: Public Managers Association - TEP.pdf

Attachment 10: CCTA TEP-Funding Breakdown by Subregion.pdf

Attachment 11: 2-2-16 Letter GA to CCTA re GMP

Attachment 12: ULL and 2016 Tax Measure- Preliminary Alternatives

Attachment 13: Comparison of Requirements for ULL Changes

Attachment 14: Excerpts from County Code Related to the Urban Limit Line

Attachment 15: Principles of Agreement regarding ULL from Measure J TEP

Attachment 16: Exchange of Letters--Interpretation of TEP regarding non-consecutive changes to ULL

Attachment 17: Oakley Ordinance

Attachment 18: ULL History from February 22, 2005 memo