



**Contra
Costa
County**

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: April 26, 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, and CONSIDER actions necessary to communicate Board of Supervisors' input on the TEP to the Authority.

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 Transportation Expenditure Plan (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 BOS.

Reports on this issue have been brought to previous BOS meetings. The intent of this report is to provide an *update* on the subject effort. For background information please reference the last two detailed reports to the BOS:

March 8, 2016 Board of Supervisors Meeting

http://64.166.146.245/docs/2016/BOS/20160308_711/721_03-08-16_1627_AGENDApacket.pdf#page=18

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **04/26/2016** ☐ 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: April 26, 2016

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

Contact: John Cunningham
(925)674-7833

By: , Deputy

cc:

BACKGROUND: (CONT'D)

September 15, 2016 Board of Supervisors Meeting

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

The latest formal County input on the TEP is found in the November 2015 letter from the BOS to the Authority found at this link:

<http://www.cccounty.us/DocumentCenter/View/40751>

Recent Events

Since the last update to the BOS in March the TEP development process is moving ahead rapidly. The Authority has been convening their Special TEP Board meetings on an almost weekly basis. The County has been represented by Supervisors Glover, Mitchoff, and Andersen (as alternate). The TEP is being updated based on input from the Expenditure Plan Advisory Committee, the Regional Transportation Planning Committees, and the Authority Board.

March 8th: The BOS reviewed TEP Initial Draft version 1.1.

March 29th: TEP Initial Draft Version 2.1 is reviewed at the Authority Special TEP Meeting.

April 6th: TEP Initial Draft Version 2.2 is reviewed and discussed at the April 6th Authority Special TEP Meeting. Notable at this meeting was the substantial verbal and written testimony from various interest groups including the following:

- Letter and presentation from the East Bay Leadership Council, Bay Area Council, and the Building Industry Association: Attachment 2: *Bus-Econ-Dev-TEPcomments*
- Letter and handout from Save Mount Diablo, Greenbelt Alliance, and Bike East Bay: Attachment 3: *Bike-Env-TEPcomments+handout*
- Letter from Public Advocates and TRANSDEF: Attachment 4: *TRANSDEF - Public Advocates.pdf*
- East county residents testifying in support of TriLink/239 and the Vasco-Byron Connector Road
- Advocates for increased bicycle transportation spending including representation from Bike Concord, Bike Walnut Creek and Bike East Bay.

April 8: DRAFT Transportation Expenditure Plan "Version 4-8-16" (Attachment 1) is released by the Authority.

April 20: TEP Version 4-8-16 was reviewed by the Authority Board.

The consultant to the process distributed a memo that proposed revisions to the 4-8-16 TEP, Attachment 5: *4-20-16 CCTA Handout Gray, Bowen, Scott Memo*

Also distributed was information from the City of Brentwood, Attachment 6: *Brentwood's Vision for Open Space, Farming, and Agriculture*.

Next Steps - Schedule: A detailed schedule for BOS, City, and Authority review of the TEP will be presented by staff at the April 26 BOS meeting.

Update

Below are comments from staff regarding changes of note seen in the current TEP version (Attachment 1) from earlier TEP versions. General comments are immediately below with page by page comments following.

General Comments

Term of the Measure: Recent dialog at the Regional Transportation Planning Committees include discussion of extending the proposed tax measure from the currently proposed 25 years to 30 in order to generate additional revenue. That proposal was also included in the 4-20-16 memo from the Authority's consultant on the TEP, Gray, Bowen, Scott.

Project Listings: Early versions of the TEP included extensive transportation project lists provided by Authority member agencies, transit districts, etc. More recent versions of the TEP have removed the project listings. Removing the project list is to increase flexibility, which some believe is important because of 1) rapid changes in mobility related technology combined with the fact that 2) we are working with a 25-30 year time span.

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Advance Mitigation Program: The Advance Mitigation Program was removed as a standalone category. The program continues in that capital programs are listed as "*Advance Mitigation Program eligible*". This program is discussed in more detail below.

Page 6 of 34: *Local Streets Maintenance & Improvements (LSM)*: Not shown in the redline/strikeout is the deletion of the phrase, "*...and to comply with the GMP requirements.*" seen in previous TEP versions. The intent of this revision was to restrict the use of the funds to maintenance.

County staff prefers to retain the flexibility in the current Measure J but can work with the proposed restriction. Currently, LSM funds are eligible for use on any project or activity authorized under Measure J. These projects and activities include maintenance in addition to matching grants for capital projects and to implement complete streets.

Staff continues to be concerned with the amount of funding being provided for local streets in the TEP relative to deferred maintenance levels. The recent drop in gas tax revenue and storm related damage to roads and road related, non-pavement infrastructure have substantially magnified concerns. In addition, County staff will work with the authority to ensure the definition of maintenance includes the well-documented funding need for road-related, non-pavement infrastructure including but not limited to signage, lighting, water conveyance infrastructure, pavement delineation, traffic signals, environmental mitigation, guardrails, vegetation, storm damage, traffic control devices, ADA obligations, and road maintenance equipment.

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Complete Streets: Not seen in redline strikeout but new since the March 8th BOS review, is the following language:

"20% of the program funding will be allocated to four Complete Streets demonstration projects within five years of the Measure's passage, one in each subregion, recommended by the relevant RTPC and approved by Authority, to demonstrate the successful implementation of Complete Streets projects. Demonstration projects will be required to strongly pursue the use of separated bike lane facilities in demonstration project program. The purpose of these demonstration projects is to create examples of successful complete street projects in multiple situations throughout the county."

How these four demonstration projects will be selected is currently unknown.

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BART Capacity, Access, and Parking: As seen in the attached draft, there have been substantial revisions to this category to clarify the intent of the program, ensure participation from other funding partners, and to define the use of the funds in the event the planned BART car purchase is not successful. A date certain is set (December 31, 2026) for the regional funding approach to be established.

County staff recommendation: The BOS may wish to consider, in addition to the deadline of a single date, interim milestone requirements or targets to demonstrate progress towards the regional funding solution.

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East County Corridor (*Vasco Rd and/or Byron Highway Corridors*): Significant changes were made to this category since the last BOS review, revised/added text is shown below. These changes were made to:

- Prioritize the Vasco Road/Byron Highway connector portion of the Tri-Link program of projects.
- Provide additional mitigation detail.
- Language was also added to make ineligible the use of funds for new roadways on new alignments.

Prioritization of Byron Highway/Vasco Road Connector

"For the Byron Highway (TriLink) corridor, the Authority shall prioritize funding for the design and construction of a new 2-lane limited access Byron Highway / Vasco Road connector south of Camino Diablo Road improving access to the Byron Airport,"

Environmental Mitigation

"Prior to the use of any local sales tax funds to implement capacity improvements to either or both of these corridors, the Authority must find that the project includes measures to prevent growth outside of the Urban Limit Lines (ULL). Such measures might include, but are not necessarily limited to, limits on roadway access in areas outside the ULL, purchase of abutters' rights of access, preservation of critical habitat and/or the permanent protection / acquisition of agricultural and open space."

Limitation on Use of Funds

"With the exception of the new connection between Vasco Road, the Byron Airport and the Byron Highway, funding from this category is not intended to be used for the construction of new roadways on new alignments"

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Bus Transit and Other Non-Rail Transit: The term "bus transit" was added to make explicit that conventional busses were eligible for funds. Additional detail was added to clarify the use of the funds (fare offsets, alternative non-rail transportation, etc) and how the program would be administered, (input from Regional Transportation Planning Committees, etc).

Of note to the BOS is the removal of the language, *"Recipients of funding under this category are required to participate in the development of the Accessible Transportation Services Strategic Plan included in Category 13 - Transportation for Seniors and People with Disabilities."* from this programs description. In order to ensure implementation of accessible transit recommendations, the BOS requested this requirement be included relative to **all** transit funding. The requirement still exists under the *Transportation for Seniors & People with Disabilities* category.

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Transportation for Seniors & People With Disabilities: Detail was added to respond to questions from the 3-29 Authority meeting regarding the conduct of the Accessible Transit Strategic (ATS) Plan.

Also included is a requirement that the study be adopted within 12 months of the passage of the sales tax Measure. In order to meet this deadline the study will likely need to be substantially expedited. Supervisor Karen Mitchoff at a recent Authority Board meeting suggested that the study move ahead prior to the Measure going to the voters. Staff has been investigating this option.

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Safe Transportation for Children: Detail was added to include Authority establishment of guidelines and priorities.

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Community Development Transportation Program: This is the renamed, *"Community Development Incentive Program"* largely unchanged since the early versions of the TEP with some exceptions detailed below. This program was, in part, developed in response to BOS comments regarding a program to address *"...the need for economic development and balancing jobs and housing to make more efficient use of our transportation infrastructure."*

Details on how the program will be administered will be developed at a later date. The 4/20/16 memo from Gray,

Bowen, Scott proposes to: **1)** reduce the funding from 6% to 3%, **2)** allow funds to be used as match for state *Affordable Housing Sustainable Communities* grants and **3)** to merge the program with the **existing** Transportation for Livable Communities Program in Measure J (5% of Measure J revenues). These two programs have similar goals and would allow the Authority to focus a more significant amount of resources on the combined, restructured program.

Staff recommended revisions:

Funds from this category will be used implement this new Community Development Transportation 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 (targeting high job multiplier) 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 or supports creating jobs in areas with a deficit of proximate, well paying employment opportunities. Working with the RTPCs, the Authority will prepare guidelines and establish overall criteria for the program including the recognition of localized jobs/housing imbalances and the consequential impacts, including: imbalanced and excessive commute times; quality of life, higher vehicle miles traveled/greenhouse gas and; under-utilized transportation infrastructure.

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Innovative Transportation Technology / Connected Communities Program

County staff comment: Potentially, this program could be subsumed in to other relevant programs similar to how the Advanced Mitigation Program was handled. In theory, all of the various programs and projects could have technology components. Expenditures fitting this category could be eligible under each relevant category.

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Regional Transportation Priorities: This is a catch-all program that was included to provide some ongoing flexibility in the funding program. Eligible expenditures include any project or program eligible under the entire measure.

The Growth Management Program

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Address Housing Options: Housing staff has commented that these requirements would be duplicative and already being met by submitting the "Annual Element Progress Report: Housing Element Implementation" (California Code of Regulations, Title 25, Section 6202).

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Urban Limit Line: Since the last BOS review, this program has undergone substantial discussion and revisions at the Authority. Of particular note see the following changes/additions below:

4. Local jurisdictions may, without voter approval, enact a Minor Adjustments to their applicable ULL subject to a vote of at least 4/5 of the jurisdiction's legislative body and the following requirements:

- a. Minor adjustment may include one or several parts that in total shall not exceed 30 acres;***
- b. Adoption of at least one of the findings listed in the County's Measure L (§82- 1.018 of County Ordinances 2006-06 § 3, 91-1 § 2, 90-66 § 4);***
- c. The Minor Adjustment is not contiguous to one or more non-voter approved Minor Adjustments that in total exceed 30 acres;***
- d. The Minor Adjustment does not create a pocket of land outside the existing urban limit line, specifically to avoid the possibility of a jurisdiction wanting to fill in those subsequently through separate adjustments;***
- e. If the local jurisdiction is a City or a Town, then that City or Town shall not have approved another Minor Adjustment without voter approval in the previous 5 years. If the local jurisdiction is the County, then the County shall not approve more than 3 Minor Adjustments in any 5 year period and no more than 1 per subregion of the County.***

...

These conditions shall replace the conditions regarding the ULL outlined in Measure J.

These changes were made to ensure consistency in ULL requirements throughout the County and be responsive to concerns of the environmental community. At the April 20th Authority meeting, the consultant recommended removal of the cap on the number of non-voter approved amendments to the ULL.

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Advance Mitigation Program: This program was the subject of substantial dialog at the March 29th Authority Special TEP meeting. In response to questions about the program, Authority staff included a report in the April 7th Authority Board packet (Attachment 7), "*Development of a Potential Transportation Expenditure Plan (TEP) – Consideration to Adopt a Policy to Include an Advance Mitigation Program in the Draft TEP*" and included the revised text seen in the attachment.

Because this program is related to the ongoing, regional effort being conducted by the Metropolitan Transportation Commission, the specific policy will be developed after the passage of the measure. Due to the somewhat unknown nature of the MTC program, and by extension the Authority's program, a contingency policy is provided, "*If this approach (advance mitigation) cannot be fully implemented, then the identified funds shall be used for environmental mitigation purposes on a project by project basis.*"

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Performance Audits: This existing requirement has been substantially expanded in the draft TEP. The impact on programs is unknown at this time as the performance criteria are to be established by the Authority at a later date.

"Performance Audits: *The following funding categories shall be subject to performance audits by the Authority: Local Streets Maintenance and Improvements (No. 1), Major Streets/Complete Streets/Traffic Signal Synchronization Program (No. 2), Advance Mitigation Program (No. 11), Bus Transit and Other Non-Rail Transit Enhancements (No. 12), Transportation for Seniors and People with Disabilities (No. 13), Safe Transportation for Children (No. 14), Intercity Rail and Ferry Service (No. 15), Pedestrian and Bicycle, and Trail Facilities (No. 16), Community Development Transportation Program (No. 17), and Innovative Transportation Technology / Connected Communities Program (No. 18).*

Each year, the Authority shall select and perform a focused performance audit on two or three of the funding categories listed above, so that at the end of the fourth year all funding categories listed above are audited. . This process shall commence two years after passage of the new sales tax measure. Additional Performance Audits shall continue on a similar cycle for the duration of the Plan. The performance audits shall provide an accurate quantitative and qualitative evaluation of the funding categories to determine the effectiveness in meeting the performance criteria established by the Authority. In the event that any performance audit determines that a funding category is not meeting the performance requirements established by the Authority, the audit shall include recommendations for corrective action including but not limited to revisions to Authority policies or program guidelines that govern the expenditure of funds."

CONSEQUENCE OF NEGATIVE ACTION:

If direction is not provided to the County's Authority Board representatives or staff, the County may forego an opportunity to provide input on the development of the Contra Costa Transportation Authority's Transportation Expenditure Plan.

CLERK'S ADDENDUM

Speakers: Smitty Schmidt, resident of Alamo; Eli D., resident of Martinez. RECEIVED 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 and DIRECTED staff to prepare a letter to the Authority to incorporate to today's commentary, to return to the Board on May 10, 2016.

ATTACHMENTS

Attachment 1 - DRAFT Transportation Expenditure Plan Version 4-8-2016

Attachment 2 - Bus-Econ-Dev-TEPcomments

Attachment 3 Bike-Env-TEPcomments+handout.

Attachment 4: TRANSDEF - Public Advocates.pdf

Attachment 5 - 4-20-16 CCTA Handout GBS Memo

Attachment 6 - Brentwood's Vision for Open Space, Farming, and Agriculture

Attachment 7 - Advance Mitigation Program Report from CCTA 4-6 Final_Agenda_Packet