



**Contra
Costa
County**

To: Board of Supervisors

From: John Kopchik, Director, Conservation & Development Department

Date: May 10, 2016

Subject: RECEIVE Update on Status of Contra Costa Transportation Authority's Development of Transportation Expenditure Plan & take ACTION as appropriate.

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 previous communication from the Board of Supervisors (BOS) to the Authority regarding the Transportation Expenditure Plan (TEP), BOS has not yet endorsed the proposed transportation sales tax. That broader issue will be addressed at a future meeting of the Board.

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 three detailed reports to the BOS:

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **05/10/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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: May 10, 2016

Contact: John Cunningham
(925)674-7833

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

April 26, 2016 Board of Supervisors Meeting

http://64.166.146.245/docs/2016/BOS/20160426_753/763_04-26-16_1543_AGENDApacket.pdf#page=40

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

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

Recent Events

The TEP continues to be updated based on input provided by the Regional Transportation Planning Committees, the Authority Board, and other stakeholders.

April 26th: The BOS reviewed Draft TEP Version dated April 8, 2016 including the recommended revisions found in the April 20, 2016 Gray, Bowen, Scott (GBS) memo and directed staff to prepare a letter to the Authority regarding the TEP (Attachment #1: BOS Letter to the Authority re TEP).

May 4th: The Authority reviewed Draft TEP Version April 29, 2016 (Attachment #2 Draft TEP Version April 29, 2016), and considered recommendations from GBS in two memos dated April 29, 2016 (Attachment #3 GBS Memo: Review of the Draft TEP *and* Attachment #4 GBS Memo: Supplemental Recommendations). The Authority also considered handouts received at the meeting (Attachment #5, May 4, 2016 Authority Special TEP Meeting), which include the following:

- *Gray-Bowen-Scott Handout for Agenda Item 1.1 dated May 2, 2016*
- *SWAT Meeting Summary Report for May 2, 2016 Comments and Draft TEP dated April 29, 2016*
- *TRANSPLAN Letter documenting actions/discussions of TRANSPLAN Committee Special Meeting dated May 4, 2016*

Also considered by the Authority at their May 4th meeting was input from WCCTAC on the Draft TEP (Attachment 6 WCCTAC to Authority re TEP 4-22).

Below are comments from staff regarding key changes in the current TEP and recommendations found the GBS memos and the GBS May 2nd handout.

The timing of the TEP development and BOS review has resulted in this latest TEP version being released **prior** to the Authority receiving the most recent BOS input. As a result, the Authority was not able to incorporate or respond to BOS comment in this version of the TEP. There is limited new, unanticipated TEP language to comment on.

Substantial discussion took place at the May 4, 2016 Authority Special TEP Meeting. However, staff did not have time to provide a comprehensive review of the meeting for this report. Critical items are mentioned below and staff can provided additional feedback on the May 4th Authority meeting during the staff report.

TEP Development Schedule

May 4th - Authority TEP Meeting

May 11th - Authority TEP Meeting

May 18th - Authority deadline to approve final TEP and distribute to the Cities and County for approval.

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BART Capacity, Access and Parking Improvements: Consistent with and building on prior revisions, additional language was added to tighten the requirements placed on BART for use of the funds and to clarify the intent of the program.

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East County Corridor (Vasco Rd and/or Byron Highway Corridors): Program revisions are addressed in the GBS recommendations discussed below.

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Transportation for Seniors & People With Disabilities: Language was added to ensure the participation of users of the service in the development of the Accessible Transportation Services Program.

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Community Development Transportation Program: The BOS provided numerous revisions to this program to strengthen the focus on middle-wage job creation. At the time of the release of this TEP, the Authority had not yet had the opportunity to consider the BOS comments. As discussed at the April 26, 2016 BOS meeting, the GBS recommended changes were implemented in the TEP. The program will be merged with the existing Measure J Transportation for Livable Communities Program, and details of this will be developed after the passage of the Measure.

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Innovative Transportation Technology / Connected Communities Program: Language was added to establish the development of a transportation technology plan to be developed within 18 months of the passage of the measure.

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Maintenance of Effort (MOE): The MOE requirements are proposed to be changed in the new TEP. Under Measure J, the MOE amount was a static figure. The proposal is to adjust the MOE over time using the Construction Cost Index. It is unclear how the existing Measure J MOE requirements would interact, if at all, with the new requirements. Staff is currently examining the impact of this proposal.

Also included is new language allowing jurisdictions to request that the Authority adjust their MOE requirement if the jurisdictions Pavement Condition Index is above 70.

Issues Raised in GBS Memos and Handout

East County Corridor Project: This program has been the subject of a number of revisions to address concerns raised by stakeholders. The revisions eliminate specific mention of proposed State Route 239/Tri Link and include other limitations and requirements. The latest revision is seen in page 1 of Attachment #3 GBS Memo: Review of the Draft TEP.

Urban Limit Line (ULL): As we discussed at the last BOS meeting, the cap on less-than 30-acre changes that a local agency may make without a vote of the people has been removed. Provisions have been added or recommended to: **a)** require a finding of clearly defined public benefit to make a change without a vote of the people; **b)** require the local agency to either have an Agricultural Protection Ordinance *or* mitigate impacts to agricultural land; and **c)** implement additional language edits.

Growth Management Program / Checklist: To receive return to source funds, local agencies are proposed to be required to have or to adopt policies regarding agricultural impacts (if the agency has agricultural lands), hillside development, ridgeline protection, wildlife corridor protection and prohibition of development in non-urban priority conservation areas. The previous recommendation had been to require local agencies to provide disclosure on whether they had ordinances related to these subject areas. The new proposal requires policies be in place or adopted but does not stipulate what those policies must say.

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.

CHILDREN'S IMPACT STATEMENT:

None.

CLERK'S ADDENDUM

The Board ACCEPTED the report and conveyed the following positions and concerns:

Urban Limit Line: Proposed addition of a condition that a finding that “the minor adjustment is for a clearly defined public benefit”. There is currently no known specific definition of “clearly defined public benefit”, and this would be an additional finding that must be made in every case (to gain approval) in addition to making a finding from one of seven choices currently. The Board does not support this.

Growth Management Program/Checklist: Proposal to have or adopt policies in place regarding agricultural impacts, hillside development, ridgeline protection, wildlife corridor protection and prohibition of development in non-urban priority conservation areas. The Supervisors expressed some concern about how this may interact with other measures and mandates already in place. Because as staff noted a Priority Conservation Area is a large, amorphous area with boundaries more conceptual than actually defined, “prohibition of development” is too broad a term and likely too restrictive over too large an area, and areas within incorporated cities, the Board is unable to support this proposal.

East County Corridor Project: Newly proposed language that there be “no new realignments” would directly impact the proposed State Route 239/Tri Link project to facilitate movement of goods and services and future access to the expanded BART transit system. No proposal to prevent the project is acceptable to the Board.

Supervisors Mitchoff and Glover will convey the Board of Supervisors positions and concerns at the May 11 meeting of the Transportation Authority. This matter will return to the Board of Supervisors on July 12, 2016.

ATTACHMENTS

Attachment #1 BOS Letter to the Authority re TEP

Attachment #2 Draft TEP Version April 29, 2016

Attachment #3 GBS Memo: Review of the Draft TEP

Attachment #4 GBS Memo: Supplemental Recommendations

Attachment #5, May 4, 2016 Authority Special TEP Meeting HANDOUTS

Attachment 6 WCCTAC to Authority re TEP 4-22