

**SUMMARY MINUTES
TRANSPAC
October 11, 2007**

ATTENDANCE:

Elected Officials: Julie Pierce, Clayton, TRANSPAC Chair, CCTA Representative; David Durant, TRANSPAC Vice-Chair, Pleasant Hill; Bill Shinn, Concord; Charlie Abrams, Walnut Creek, CCTA Representative. Absent: Susan Bonilla, Contra Costa County (excused) Mark Ross, Martinez (excused);

Planning Commissioners: Bob Armstrong, Clayton; Bill Brumley, Concord; Donnie Snyder, Contra Costa County; David Mascaro, Pleasant Hill; Jon Malkovich, Walnut Creek; Vacant Seat: Martinez.

Staff: Susan Miller, CCTA; Ray Kuzbari, Concord; John Greitzer, Contra Costa County, Martin Engelmann, CCTA; Richard Pearson, Martinez; Eric Hu, Pleasant Hill; John Hall, Walnut Creek; Lynn Osborn, 511 Contra Costa Program Manager; Barbara Neustadter, Connie Peterson, TRANSPAC staff.

Public: None

1. Convene meeting: Pledge of Allegiance/ Self-Introductions - Completed

Chair Pierce convened the meeting at 9:08 AM with a quorum. She introduced Jack Hall, a new Projects division member with the CCTA.

2. Public Comment - None

CONSENT AGENDA: Shinn/Abrams - unanimous

3. Approved the September 13, 2007 meeting minutes

END CONSENT AGENDA

ACTION: Approve Consent Agenda and/or as determined;

4. Presentation on SR East Liveridge to 160 Projects by Susan Miller, CCTA Engineering Manager.

Susan Miller presented a status update on the Highway 4 widening project. The presentation covered design modifications to include a wider median to incorporate transit. The widening of the median requires changes to the project design that will result in schedule delays of up to one year. Also included were discussions of the new pump station, replacement of message signs, additional right of way acquisition, and funding/timing of the eBART extension.

ACTION: Presentation received

5. Regulations on the Establishment of Speed Limits by Local Jurisdictions

Discussion with Chair Julie Pierce on State regulations for establishing speed limits by local jurisdictions. This issue is under discussion by the League of California Cities Transportation, Communication & Public Works Policy Committee (TCPW) and its Sub-Committee on Speed Limits and the Caltrans Traffic Control Devices Committee (CTCDC).

DISCUSSION: Neustadter gave an overview of the September 27, 2007 TRANSPAC TAC meeting where Dan Lawrence, Police Chief of the City of Clayton discussed State regulations on the establishment of speed limits by local jurisdictions. The TAC recommended sending a letter of support to the City of Clayton and the League of California Cities Transportation, Communication & Public Works Policy Committee Sub-Committee on Speed Limits and the Caltrans Traffic Control Devices

Committee supporting the use of Alternative 4 which allows for the introduction of local conditions into the process. The TAC suggested that Alternative 4 be used as an interim step and recommended a longer term review of the methodology as well as a definition of speed trap. The TAC believes the entire issue should be reviewed in depth.

Pierce stated that this issue arose at a League of California Cities Transportation meeting in June. New rules in 2004 changed the Highway Manual to limit how the 85th percentile can be adjusted to set speed limits. These new rules affected setting the speed limit at Mitchell Canyon Road and Clayton Road. Because of the heavy gravel truck traffic and commute traffic, the speed limit should be set at 35 mph. There was concern about raising the limit to 40, but the police are enforcing it vigilantly at 5 miles an hour over instead of 10. A traffic analysis has not been done yet to see what the new speed might be, but it appears that there has not been an increase in the number of accidents. However, the accidents have been more serious especially involving the trucks. Many of the participants were interested in going back to the old Highway Manual with clearer definitions of special circumstances and unforeseen safety issues, the presence of schools along the route, and pedestrian facilities.

The Committee was clear in trying to stay in general compliance with the federal highway manual, but is willing to look at the new rules. Others said go to the 85th percentile and only allow rounding up, with no special circumstances for decreasing the limit. Committee politics should be kept out of this. They don't want us setting the rules and the legislature should not be writing new laws about how to set the speed limits. Speed limits should be based on science. The intent of the Workshop yesterday was to allow objectivity but to more clearly define what obstacles are. The old manual allows the limit to go up or down from the 85th percentile and five miles below that for special circumstances. Other issues included minimums for yellow light times. Pierce noted that for most cities, speed traps are not an issue and are not very lucrative, particularly if contested. The committee is hoping to get support to go back to old Highway Manual. A decision will be made this afternoon at a hearing in Sacramento.

Abrams stated that he believes the current rule works. It was intended to prevent the cities from establishing speed traps which many years ago was a big business in rural areas. He believes that this will become a political process with the special considerations. The current rule gives some cover and works well as a compromise between the two extremes.

Pierce said that one of the suggestions yesterday included introducing an additional prima fascia speed for arterials, in addition to residential prima fascia limit of 25. She asked for opinions on the idea of adding another prima fascia category for arterials.

Abrams answered that he liked the idea choosing 35 or 40 as a speed limit. A problem is that arterials are defined differently among cities with no common standard.

Pierce indicated that was part of the reason for asking for a clearer definition of the special circumstances. She is asking for endorsement of this committee to continue to work on it should it be continued beyond today.

Abrams said that he would support that if the changes made are with the way we measure and deal with the 85th percentile.

Ray Kuzbari added that setting the yellow interval according to the 85th percentile speed could be problematic in some instances because setting beyond five seconds results in diminishing returns as more people push the yellow. It becomes a safety issue.

Pierce clarified that the comments yesterday did not suggest that, but that traffic engineers should retain the discretion whether or not to apply the minimum or raise it to the 85th percentile.

ACTION: Send a letter of support to the City of Clayton and the League of California Cities Transportation, Communication & Public Works Policy Committee Sub-Committee on Speed Limits and the Caltrans Traffic Control Devices Committee supporting use of Alternative 4 of the Caltrans Traffic Control Devices Sub-Committee Proposal on Speed Limits as an interim step for the determination of speed limits and recommending a longer term full review of the criteria/methodology used to determine speed limits as well as a review of the definition of a speed trap relative to the use of radar devices and required speed surveys. Shinn/Pierce – Unanimous

Staff note: an acceptable solution to this issue was reached on the afternoon of October 24 and TRANSPAC members were notified by e-mail (attached).

6. CCTA's New Policy on Transportation Planning-Land Use Solutions program (T-PLUS) Fund Allocation and the Diablo Valley Transit Center Project.

The CCTA has adopted a new allocation policy for \$450,000 in Second Cycle T-Plus Funds. The CCTA staff report is attached. For the Second Cycle, CCTA will fund one or at most, two "larger" projects. This proposal was developed in response to a review and determination of lack of funds expenditure on First Cycle T-PLUS allocations.

DISCUSSION: Neustadter stated that the Authority is looking to change the policy partly because in the first cycle funds were not expended fast enough. For the second cycle, TAC thought it was prudent to identify the DVC Transit Center as a prime project for funding. County Connection needs \$253,000 including a 15% contingency. The money for construction has been secured but funding is needed to complete the project development phase.

ACTION: Approve TRANSPAC TAC recommendation that TRANSPAC request the CCTA to allocate \$253,000 in Second Cycle T-PLUS money to the Diablo Valley Transit Center project. Durant/Shinn – unanimous

7. City of Martinez Strategic Plan Amendment Request for the Martinez Intermodal Project

The City has just received a bill from PG&E for relocation of an overhead 60kV electric transmission pole line required by the construction of the Martinez Intermodal Station. The relocation was completed in 2001 (more than six years ago). While the City intends to question this bill, it also is seeking assurance that funding will be available when the City and PG&E come to a resolution.

DISCUSSION: Neustadter noted that there was a revised letter from the City of Martinez to replace the letter that was in the packet. The City has received a PG&E bill for moving an overhead line for construction of the Martinez Intermodal six years ago. The City is trying to decline payment to PG&E and is asking for all documentation for these charges. At the same time the City is trying to line up funding in case the bill must be paid. The City is requesting a Strategic Plan amendment from the Authority.

Malkovich asked if putting this letter in the public record could affect our negotiating ability while it is still under review.

Pearson stated that PG&E required a signed contract and the only question is with PG&E documenting the cost by gathering receipts. It is inevitable that the City will have to pay the bill, but PG&E must document expenditures.

ACTION: Approve the City of Martinez request for a Strategic Plan Amendment as described and/or as determined. Shinn/Durant – unanimous

8. Central County Fee Analysis Information

Based on a previous TAC recommendation, TRANSPAC approved development of CCTA-funded compilation of current regional and local fee data for Central County jurisdictions, The information for all RTPC areas has been collected by CCTA's consultant Dyett & Bhatia and compiled into a "Summary Status Report September 2007 Update, Measure C Regional Transportation Mitigation Program" document.

The TAC discussed this report at its September 27, 2007 meeting. The TAC would like to have a chart in the report that provides a complete picture of each jurisdiction's regional and local fees so that reviewers may compare and contrast the different fee mechanisms that are used to fund improvements to the transportation network including Routes of Regional Significance (RORS). During the discussion, CCTA staff indicated that it is basically impossible to collect information regarding the expenditure of the collected fees.

DISCUSSION: Neustadter said that the TAC developed an outline fee analysis that the Authority subsequently followed to compile information on local and regional fees not only in Central County but other RTPCs areas (shown in the packet). The issue is how this information is presented in the report. The TAC would like to see a full picture of regional and local fees in Central County (and the rest of the County) in order to show all contributions to transportation as well as other types of projects. It is imperative to have a chart that shows all the information in one place. Another issue concerned the Appendix to the report in which local fees are listed alphabetically. It has been requested that this be reformatted into RTPC areas, making easier for readers to see overview for each area. CCTA staff agreed to this request.

Martin Engelmann provided a new document, Table 1. The earlier report that totaled revenues to date was in text format. The update shows the total regional fee revenues from all RTPCs at \$242,757,000 with the lion's share coming from East County since the inception of the regional fee program from 1995 to 1998.

Durant said he had the same objection to this as the last time: this amounts to a comparison of apples to oranges. Central County has been built out for a long time and this report distorts reality.

Neustadter said that the issue of not making the correct comparison was discussed at length at the TAC.

Durant posed the question, how many of the cities in Central County and West County had virtual greenfields in 1995 and have built from greenfields in that time frame, saying the answer to that is "none."

Abrams noted that the report doesn't capture all the money cities collect from local developers for transportation and regional transportation purposes. It should be reported.

Pierce pointed out that the goal was to mitigate, not just to put money in the pot.

Neustadter asked to confirm that the committee's direction is for TAC to go back and continue to work with Martin Engelmann to determine how to show the information in a reasonable and accurate fashion.

Pierce said it also needs to show that we are requiring developers do the mitigation and spend the money out of their pockets, and we should capture those tasks so that we get credit for what the developer has spent. Unlike some areas, we all require mitigation, not just a fee. We need to get our hands around the cost expended in Central County whether through a fee or mitigation.

Neustadter said that CCTA staff reported that this is difficult information to compile but the TAC will review it.

Engelmann said that at TRANSPAC's request, the Authority's consultant, Dyett & Bhatia, called all the building departments to get the local fee structures that are in the Appendix. The purpose of the report is to document the Measure C regional mitigation fee program, not local fees. A regional fee is where it is charged in one RTPC and expended in another, or interjurisdictional fee exchanges. All the things in the body of this report cover regional fees. Many jurisdictions have local fee programs in place and it would be very difficult to track down how much has been spent at that level.

Pierce said that may be the point, but the Appendix includes local fees yet does not show developer mitigation. It needs to show what has been expended to mitigate local impact. Some areas have high local fees, yet Central County's contributions look insignificant because we haven't charged a fee, we made the developers construct mitigation projects. This chart provides good information but it also presents an unfair comparison and maybe should not be included.

Durant said that the Central County jurisdictions have done more with mitigation that is not reflected anywhere in the report. He questioned the analysis that says that you only calculate the money collected in one area and spent in another. The money Pleasant Hill spends on Contra Costa Boulevard is regional and helps move people from Concord, Martinez, and the traffic that comes off the freeway from the east. The traffic counts for Contra Costa Boulevard can't all be Pleasant Hill residents, the same as for Ygnacio Valley Boulevard in Walnut Creek. This again calls into question what the purpose of the document really is, and why the methodology seems to be skewed toward demonstrating an overcommitment in one region of the County versus an undercommitment in another region.

Neustadter answered there are many in the county that would like Central County to adopt a straight line fee per unit.

Durant said that might have the appearance of fairness and practicality but in reality it is insanity when 97% of a city is already built out. They could charge \$100,000 per residential unit for the 3% that's available, and it won't amount to a hill of beans. This runs at cross-purposes to built-out cities, especially to built-out cities, trying to do affordable housing.

Pierce said that the cost of land is offsetting it.

Engelmann responded that staff originally thought that a uniform regional fee program throughout Contra Costa would work. Following the objections of West County in particular and commercial developer interests, the proposed \$5,000 per unit was abandoned and the regional committees were asked to develop their own fee programs. Central County's fees are on a case-by-case basis which has drawn criticism from East County staff saying that Central County's fee doesn't work because the impact is not measureable for the projects that generate over 100 peak hour trips. In a regional fee program, each pays a fee to mitigate the cumulative cost of development. That's how East County is doing it and it has some significant revenues to show for it. With Central County's structure on a case-by-case basis, it appears that everything goes through as though there is no impact. In the context of the Action Plan, the

question will be revisited. It is up to elected officials to decide whether to keep or change this structure. Additionally, elected officials have the power to exempt affordable housing, senior housing, and TOD development from fees.

Abrams pointed out that there is a major distinction between the impact of new residential development where there's no infrastructure and infill projects where impact is accounted for in the environmental process. The regional fee is not equitable and does not make sense. It would require the adjustment of other fees to make up for it. Table 1 is misleading and serves to inflame East County that feels it is bearing an unreasonable part of the burden.

Snyder noted that was no information included about County fees.

Engelmann said that the County should be included for the Appendix, but it is included in Table 1.

Lynn Osborn cited an example of mitigation by project where the County had required the Cal Shakespeare Festival to mitigate access from Highway 24 which was achieved by having continuous shuttles from the Orinda BART station to the festival. This type of environmental mitigation will not show up in a local fee.

Neustadter said a side issue is that we have no project list. We go one-by-one based on the impact from a given development which allows us an opportunity to hold back on projects like getting Highway 4 funded in East County. We should get credit for what we didn't seek. Another example is the City of Martinez where it did the Intermodal station itself without assistance. We should get credit for that. In our comments for the Measure J Strategic Plan policies, in a specific request for advance STIP programming starting in 2010, there are no Central County projects, it's for Highway 4.

Engelmann reiterated the difficulties in getting the numbers. What the committee is suggesting is to include in lieu contributions where developers don't pay a fee but build something instead. This information is hard to get as is in lieu fees are across the board.

Pierce stated that to not mention these contributions at all or give credit for the way Central County has approached fees, is wrong.

Durant there is no reference to the ways in which Central County localities have attempted to address these issues. There are no comments about the regional infrastructure that was put into place that allowed East County to develop in the first place was done by the Central County cities beginning in the 1960s, 70s and 80s. Snapshot information is useful, but this is like statistics—you can use them any way you want for any purpose you want. Again the question is what is purpose of the document? If you want to show per unit that is built on a city by city basis, you could ask the cities for help in documenting the projects that have been done in past 10 or 20 years that have generated 100+ trips and look at what have the mitigation fees been. A number doesn't have to be used, just reference if it would make it more rational. The way it's structured it creates a questionable impression if the purpose is to evaluate what the different areas have contributed to the regional transportation system.

Armstrong said that it sounds like what we're asking for is an asterisk.

Durant answered no, everything needs to be front and center. Brentwood and Antioch would still be farms if there were no 680 and 242 investments or if the arterials that go through Concord and Pleasant Hill and Walnut Creek weren't invested in by the region over the 30-40 year period. This needs to be taken into account. Of course this document is supposed to tie in to Measure C but the question is how will this document be used? It should draw a realistic and honest picture.

Pierce said the asterisk would have to include, such as in our case, that the developer built two new roads through Clayton that didn't exist before and that carry heavy commute traffic from East County.

Engelmann said the comments he was getting were somewhat unclear. For this update we were asked to find out exactly what has transpired in Central County (documented on p. 9 & 10 of the report). The four projects tracked down subject to the fee program were Vista del Mar, Crystal Ranch, Bailey Estates and Montecito where 100+ peak hour trips, but not including Oakhurst which was the model. The total revenues generated based on research was \$417,000. All other projects were not subject to any regional fee.

Durant replied that using revenue and regional fees is too narrow a scope given what else went into the development of the projects and whatever mitigation occurred. In lieu mitigation deserves some recognition.

Armstrong commented that a statement that is buried within the text will have less impact than some kind of number or asterisk on the chart. It can't be all verbiage.

Pierce suggested that these issues should go back to the TAC for them to come up with solutions.

ACTION: That TRANSPAC consider the report and advise CCTA of its preferences regarding the display of this information, request changes to the format of the fee data and/or as determined. This issue will go back to the TAC for further discussion.

9. TRANSPAC and CCTA Representatives are requested to report on the most recent CCTA Administration and Projects Committee (Member Pierce), Planning Committee (Member Abrams), and CCTA meetings (Members Pierce and Abrams).

ACTION: Reports received; no action taken.

Abrams reported that the Planning Committee saw a draft of Measure J implementation standards and referred the document to the regional committees. There was also routine approval of consultant contracts.

Neustadter added that two projects—Martinez streetscape and Richmond transit village—were on MTC's list for TLC and on CCTA's list. These projects are now both funded in full or in part by MTC's money, freeing up funds for projects further down the Authority's list. Martinez will still get some of the CCTA county share money. The Iron Horse Trail overcrossing at Treat Boulevard is now fully funded, as is Refugio Bridge in Hercules and Montalvin Manor pedestrian improvements.

Pierce reported that at the Administration and Projects Committee dealt with updates on legislative items. The Caldecott Tunnel project is on budget, and Caltrans is waiting to hear if there will be any legal challenge of the environmental documents. There was discussion about contributions to prefund CalPERS with a presentation given by the actuarials. More information provided in laymen's terms is needed. APC discussed the 2008 STIP and passed it along.

10. Reports from Staff and Committees – Accepted

- a) The TRANSPAC/TRANSPLAN TDM Program (511 Contra Costa) has moved to The Terraces Office Building, 2300 Contra Costa Boulevard, Suite 360, Pleasant Hill, CA 94523. A new contact list was distributed.

b) 511 Contra Costa Monthly report by Lynn Osborn, 511 Contra Costa Program Manager

Lynn Osborn reported that 06-07 follow-up surveys are wrapping up. New Air District rules do not allow expenditure of 07-08 funding until the agreement is signed. We are still operating under 06-07 Measure C funding while we are already into the first quarter of the new fiscal year.

Neustadter noted she would be out for 10 days and Osborn would be in charge.

- c) Ten Year Strategy for State Transportation Improvement Program (STIP) (attachment). CCTA staff has requested and received authorization to begin discussions with MTC and other CMAs on a ten year STIP strategy. This issue arises from a need for CMAs to aggregate funding for large projects. A preliminary project list has been prepared and is in the packet. CCTA staff is concerned that Contra Costa receives its STIP share in the future since Contra Costa's funding needs are acute. Staff will keep TRANSPAC advised as the Ten Year Strategy is developed.

Neustadter reported that MTC wants to look at 10 year STIP strategy and notified the CMAs. The Authority prepared a preliminary project list for this purpose. It is still under discussion.

Abrams commented that he and Pierce are watching to make sure that Central County projects don't fall off the list. Pierce added that with STIP's lower projections it does not look good.

- d) The TRANSPAC TAC is working on Action Plan elements including revisions to the tenets, actions, the Regional Transportation Mitigation Program and is considering how to develop effective Multimodal Transportation Service Objectives.

Neustadter said that the TAC is still working on revising the tenets and moving towards work on Multimodal Service Objectives. At the next meeting it will look at the Regional Mitigation Program. Ray Kuzbari has volunteered to review the program and will advise if the language needs any modifications. Neustadter noted that the Rio Vista Bridge will be closed on 11/11-12 and 11/21 through 25. This information is also posted on the 511 Contra Costa website.

11. Correspondence/Copies/Newsclips/Information - Accepted

9/20/07 Items approved by the Authority on September 19, 2007 for Circulation to the Regional Transportation Planning Committees (RTPCs) and items of interest; 9/17/07 TRANSPAC status letter from TRANSPAC Chair Julie Pierce to CCTA Chair Charlie Abrams; September 30, 2007 CCTA Project Status Report

12. For the Good of the Order – None

13. **Adjournment.** Meeting adjourned at 11:09 AM. The next TRANSPAC meeting is scheduled for November 8, 2007 at 9 AM.