

**AGENDA ITEM 7**





CONTRA COSTA  
transportation  
authority

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COMMISSIONERS: *Maria Viramontes, Chair*     *Robert Taylor, Vice Chair*     *Janet Abelson*     *Newell Arnerich*     *Ed Balico*  
*Susan Bonilla*     *David Durant*     *Federal Glover*     *Michael Kee*     *Mike Metcalf*     *Julie Pierce*

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TO:            Barbara Neustadter, TRANSPAC            Christina Atienza, WCCTAC  
                  Andy Dillard, SWAT                         Jaimee Bourgois, TVTC  
                  John Cunningham, TRANSPLAN           Leah Greenblat, LPMC/SWAT (TAC)

FROM:         Robert K. McCleary, Executive Director     *Robert K. McCleary*

DATE:         November 20, 2009

SUBJECT:     Items approved by the Authority on November 18, 2009, for circulation to the Regional Transportation Planning Committees (RTPCs), and items of interest

At its November 18, 2009 meeting, the Authority discussed the following items, which may be of interest to the Regional Transportation Planning Committees:

1. **Legislation – Approval of 2009 Legislative Program.** Staff provided a proposed Legislative Program for 2010. (*Attachment*)
2. **Proposed Mission, Vision and Values Statement.** Over the past several months, staff with the assistance of Carmen Clark, has crafted an overall Mission, Vision and Values statement for the Authority’s review. Based on APC direction, staff revised the initial proposal and presented it to APC on November 12<sup>th</sup>. *The Authority approved the revised Mission, Vision and Values Statement.*
3. **2009 Measure J Strategic Plan.** A draft 2009 Measure J *Strategic Plan* has been developed to reflect revised revenue projections and input from the Regional Transportation Planning Committees on priorities. *Staff presented the main components of the Strategic Plan for review and comment. The Strategic Plan is targeted for adoption by the Authority in December 2009.*
4. **Review and Discussion of Proposed Measure J General Plan Amendment (GPA) Review Process.** For the past year, staff has worked with TCC and the Growth Management Program (GMP) Task Force to develop an updated GPA review process that fulfills the requirements of Measure J while responding to newly raised concerns and recent legislative changes. The TCC considered four options, and recommended Option D proposed by Authority staff, with some changes. The PC agreed with TCC’s recommendation to approve and circulate that proposal (attached), which would require the following four steps for GPA review: 1) Use of a uniform traffic model and methodology to evaluate the impacts of proposed GPAs on Regional Routes; 2) Notification, and full disclosure of impacts; 3) Cooperative discussions, with the intent of achieving mutually agreed-upon resolution; and 4) Documentation in the form of an MOU that establishes Principles of Agreement for monitoring and mitigation. (*GPA Review materials transmitted under separate cover.*)
5. **Letter Dated November 12, 2009 from Save Mount Diablo RE: Urban Growth Boundaries and Measure J Compliance.** *The Authority referred Save Mount Diablo’s letter to the Planning Committee and Authority Counsel for review. (Attachment)*

**Contra Costa Transportation Authority**  
**Proposed 2010 Legislative and Advocacy Program**  
*Draft for Presentation to Authority on November 18, 2009*

1. Federal Reauthorization.
  - Continue to pursue funding with priority given to maintaining the existing transportation system and to projects and programs that have been defined as integral to our county and the region.
  - Strive to ensure that the benefits of any new flexibility contained in the reauthorizing legislation is realized on the CMA level.
  - Consider prioritizing a few selected projects as candidates for federal earmarks.
  
2. New sources of funding:
  - With the passage of SB 83 (Hancock) countywide transportation planning agencies (the Authority serves in this capacity in Contra Costa) are now authorized to put a measure on the countywide ballot to raise the registration fee up to \$10 (~\$840,000 generated per \$1) on motor vehicles registered within the county to pay for the implementation of transportation projects and programs, as defined in the bill. The measure would pass if it garnered majority vote approval. *The APC, while not convinced that putting a measure on the ballot in the near future is something the Authority should pursue, agreed that it would be worthwhile to begin discussion, internally and with other Bay Area CMAs, and perhaps participate in preliminary polling efforts with other CMAs to gauge the level of public acceptance of a new fee.*
  - Support potential regional fee increases conditioned upon return to source provisions and sufficient flexibility to ensure funding for county priorities.
  - Work to ensure that the allocation structure for any future Bay Area bridge toll increase generally reflects the source of the revenues (e.g., ~15% revenues returned to Contra Costa).
  - Support (generally) legislation providing for a reduction of the voter threshold to 50% +1 or 55% for transportation.
  
3. Corridor Management and HOT Lanes:

MTC's HOT lane bill, AB 744, is now a two-year bill. As a result of amendments incorporated into the bill last year, the Authority took a position of support. However, unresolved issues between the sponsor and the Professional Engineers in California Government and the environmental community caused it to stall. The bill may continue to move through the legislature in 2010, and MTC may pursue other options for authorizing the HOT lane network. *APC members indicated some basic concerns with the HOT lane concept in general, e.g., that it is perceived by some as being regressive, and that the benefits to the public have not been convincingly demonstrated. APC is recommending that the Authority monitor this bill and other activities related to the development of HOT lanes to ensure that the Authority's interests are not overridden. The Authority has indicated the following provisions should be incorporated into any HOT lane development plan:*

  - Priority use of net revenues is transit funding;
  - Consistency of design and operations within the region;
  - The efficiency of each corridor proposed for inclusion in the network is studied, including the potential effect of HOT lanes on diversion of traffic to parallel arterials;

- Funds generated through tolls on non-HOV vehicles are directed towards improvements in the corridor where the tolls are collected;
  - No denigration in the service for transit and high-occupancy vehicles can result;
  - The network is structured using a corridor-based model, focused on corridor management, and involve local representation and decision-making;
  - No integration with new toll bridge measure, unless parameters are fully agreed-upon.
4. SB 375 Implementation:
- Continue to support legislation that would reduce or eliminate litigation exposure, particularly for bond and self-help measure projects.
  - Seek CEQA relief from AB 32 analysis for local sales tax transportation projects in approved RTPs.
  - Take the lead within Contra Costa County regarding the implementation of SB 375, including:
    - Work with the cities and the county to develop a draft Sustainable Communities Strategy for Contra Costa, based on the Shaping Our Future effort;
    - Cooperate with the regional agencies' (ABAG/MTC/Joint Powers Board/BAAQMD) effort to coordinate implementation;
    - Monitor and respond to all implementation documents, including CTC RTP guidelines amendments, and the Regional Targets Advisory Committee reports.
5. Support changes in eminent domain law to facilitate right-of-way acquisition for public infrastructure projects. (Eminent Domain/Acquisition of Right of Way)
6. Support measures to protect transportation and transit funds from diversion or borrowing by the legislature. *APC noted BART helped mitigate the traffic congestion problems associated with the recent Bay Bridge closure and the role transit is expected to play in the achievement of SB 375 and AB 32 emissions-reduction goals going forward. They noted that expanding role is in direct contrast with recent cuts in transit funding; and protecting transit funds should be considered and represented in that context.*
7. Monitor developments with respect to efforts on the part of the League of California Cities, CSAC, and the Alliance for Jobs to launch an Initiative aimed at protecting transportation and local funds from state raids, and consider support for initiatives that emerge. Two draft initiatives are currently under consideration.
8. Monitor developments regarding revisions to California taxation and revenues, particularly with respect to efforts that might negatively impinge on transportation and our ability to implement the Measure J sales tax program. *This component of the legislative program stems from a report developed by a commission appointed by the Governor and legislature concerning a potential overhaul of California's tax structure. The report recommended, among other things, that California consider eliminating some existing state sales taxes and replacing them with a version of a value-added tax (VAT). While this proposal achieved no traction, the issues of California's down economy and budgetary problems suggest the discussion of major reform will be ongoing.*



**save MOUNT DIABLO**

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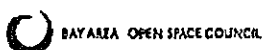
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November 12, 2009

Maria Viramontes  
Chair, Contra Costa Transportation Authority  
3478 Buskirk Ave # 100  
Pleasant Hill, CA 94523-7311

Re: Urban Growth Boundaries and Measure J compliance

Dear Chair Viramontes,

I'm writing in regard to Measure J compliance.

Save Mount Diablo and I were deeply involved in the passage of Measure J. We successfully facilitated support by many environmental groups and neutrality by others. Without our support it would have been much more difficult to reach the two-thirds vote needed for passage. Our highest priorities in the Measure were the growth management elements. Creation and defense of urban limit lines is a key environmental issue which is very important to us.

We would appreciate the Authority staff and legal counsel's opinion on the following:

**1) Is a discretionary act by a jurisdiction to approve or serve a development outside of the urban limit line, that requires urban services such as water and sewer, a violation of the urban limit line and of Measure J?**

The "New Farm" development<sup>1</sup> is proposed for the Tassajara Valley east of Danville and San Ramon, and outside both the county and city urban limit lines. It would include 186 units on 771 acres. The property is made up of several parcels, and is zoned A-80, or agricultural, 80 acre minimum—under the current county General Plan it can support 7 or 8 units. The county rezoned the area to 80-acre minimum many years ago because of water shortages—a strong indication that large development is not possible without urban services. The applicant has proposed a County General Plan amendment and a rezoning to an entirely new zoning category that they have proposed, tailor made for their project. The project would require both urban water and sewer service.

In July 2007 the County Board of Supervisors authorized a General Plan Amendment study<sup>2</sup> to look at these issues. The applicant only recently paid fees for the GPA study; but they haven't filed materials necessary to begin the study or to begin the CEQA process, for which further payment would be required but has not been submitted.

In the July 24, 2007 Contra Costa County staff report<sup>3</sup> for the General Plan Amendment study, County staff indicated: "Contrary to the term "rural residential" as used in the General Plan, the proposed clustering of residential development would be quite urban in nature...", that the

<sup>1</sup> Contra Costa County File: GP#07-0009 (FT Land LLC, Tassajara area)

<sup>2</sup> Contra Costa County File: GP#07-0009 (FT Land LLC, Tassajara area)

<sup>3</sup> Contra Costa County File: GP#07-0009 (FT Land LLC, Tassajara area)

application "is deemed an "urban" land use under the General Plan. Additionally, the proposal invokes a residential density bonus and includes 24 units of multi-family residential, each of which are more typically found in an urbanized setting. It is also apparent that the proposal would require urban services (e.g. water and sewer services) to the Tassajara area in order to support the residential development component. It is noted that the General Plan contains several policy statements and implementation measures specifically aimed at discouraging the extension of urban services across the Urban Limit Line, especially services such as water and sewer which could be deemed growth inducing. Taken together, the residential density issue and the need for urban services (water and sewer services), there is in staff's mind a substantial question as to whether certain aspects of the residential component under the proposal could be found consistent and not in conflict with the General Plan as a whole.<sup>4</sup>"

**2) Is this project, requiring urban services, a violation of the urban limit line and of Measure J?**

Our expectations, consistent with our support of Measure J, is that this project can only be accomplished by breaking the urban limit line, or by voter approved amendment to the County, Danville and/or San Ramon urban limit lines. However, LAFCO is considering sphere changes for Danville and San Ramon including the project area. We are very concerned about this attempt to break the urban limit line.

We would like a clear determination by the Authority that this project would be a violation of the Urban Limit Line and Measure J, and that this violation will not be accepted or would result in a violation of Measure J which, if pursued, would result in loss of return to source funding by the involved jurisdictions.

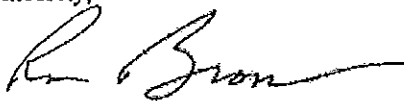
Under LAFCO regulations, a proposal to expand a Sphere of Influence is an indication of an intent to serve. A sphere expansion indicates "The present and probable need for public facilities and services in the area."<sup>5</sup> "The sphere of influence is an important benchmark because it defines the primary area within which urban development is to be encouraged."<sup>6</sup>

**3) Is a Sphere of Influence expansion outside of an urban limit line, a violation of the urban limit line and of Measure J?**

If the applicants wish to pursue an urban development on their property, they should seek voter approval of a change in the ULL at the appropriate time. After the ULL has been changed, they should seek a change in their Sphere of Influence, annexation and entitlements.

Thank you for your consideration.

Sincerely,



Ron Brown  
Executive Director

Cc: Robert McCleary, Executive Director

<sup>4</sup> "CA Govt. Code section 65300.5 mandates that a General Plan be integrated and internally consistent among all elements and within each element."

<sup>5</sup> CA Govt. Code section 56425

<sup>6</sup> CA Govt. Code sections 56377(b) and 56841





Subject	Revised Draft Mission, Vision Values Statement
<b>Summary of Issues</b>	At the APC meeting on November 5 <sup>th</sup> staff introduced a draft Mission Statement for consideration by the Authority. The APC provided comments and asked for the item to be placed on the agenda for the Special APC Meeting on November 12 <sup>th</sup> . Attached is a revised version reflecting the comments and discussion points raised by the APC.
<b>Recommendations</b>	Discuss and provide comments on the Revised Draft Mission, Vision, Values Statement, then recommend a final draft to the Authority for consideration.
<b>Financial Implications</b>	None
<b>Options</b>	None that apply.
<b>Attachments</b>	A. Contra Costa Transportation Authority, <i>Statement of Mission, Vision and Values</i>
<b>Changes from Committee</b>	<i>The APC approved the attached Statement, which had been extensively rewritten to reflect direction provided by APC on November 5<sup>th</sup>.</i>

### Background

Over the past several months the Executive Director and executive management team have been working on developing a Statement of Mission, Vision and Values for consideration by the Authority. The purpose of the Statement is to provide a framework for the Authority's decision-making process and policy considerations. Additionally, the Statement can serve as an important communication resource for elected officials, Authority staff, agency partners, constituencies and other stakeholders.

On November 5<sup>th</sup> the APC discussed the first draft Statement of Mission, Vision and Values prepared by staff with the assistance of Carmen Clark Consulting. The APC provided comments and staff has prepared a second version for discussion. Staff is seeking direction from the APC on a final draft version to be presented to the Authority Board. The timing of adopting the Statement is intended to coincide with the recruitment of the next Executive Director.



### ***Mission Statement***

The Authority's **mission** is to deliver a comprehensive transportation system that enhances mobility and accessibility, while promoting a healthy environment and strong economy by:

- Leading a collaborative decision-making process with local, regional and state agencies;
- Establishing partnerships to effectively deliver transportation projects and programs;
- Facilitating a countywide dialog on growth and congestion that discloses and seeks to mitigate the impacts of development while respecting the responsibilities of local jurisdictions;
- Taking into account the diverse character of Contra Costa communities.

### ***Vision Statement***

The Authority's **vision** is to ensure the viability and effectiveness of our transportation system in light of changing conditions, and to broaden our advocacy role in support of policies that reflect the values and interests of Contra Costa communities.

### ***Core Values***

The following core values form the basis of the Authority's approach to work and service to the community:

- Highly qualified and effective staff who deliver excellent customer service through their professionalism, integrity, and high ethical standards;
- Professional and institutional relationships based on trust, teamwork and mutual respect;
- A workplace culture that defines the Authority as an 'employer of choice'.



CONTRA COSTA  
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**SUMMARY MINUTES  
 October 21, 2009**

**Commissioners Present:** Newell Arnerich, Ed Balico, Susan Bonilla, David Durant, Michael Kee, Mike Metcalf, Julie Pierce, Robert Taylor, Maria Viramontes

**Commissioners Absent:** Federal Glover, Mike Metcalf

**Alternates Present:** Gayle Uilkema for Federal Glover, Don Tatzin for Mike Metcalf

**Ex-Officios Present:** Joel Keller, Nancy Parent

**Staff Present:** Bob McCleary, Paul Maxwell, Martin Engelmann, Amin AbuAmara, Arielle Bourgart, Randall Carlton, Peter Engel, Jack Hall, Matt Kelly, Stan Taylor (Authority Counsel), Danice Rosenbohm (Executive Secretary)

**A. CONVENE MEETING:** *Chair Viramontes* convened the meeting at 6:00 p.m.

*Chair Viramontes* stated that there had been a request to add discussion of the Authority's Office Space to the agenda as an urgency item, and that it would require a vote of the Authority.

**ACTION:** *Commissioner Pierce* moved to add the Office Space Update to the agenda as an urgency item, seconded by *Commissioner Arnerich*. The motion passed unanimously, 8-0. (*Commissioners Abelson, Durant, and Alternate Uilkema had not yet arrived.*) (See 4.1 New Item: Office Space Update.)

**B. PLEDGE OF ALLEGIANCE:**

**C. PUBLIC COMMENT:** There were no public comments on items not on the agenda.

**1. APPROVAL OF MINUTES:** Authority Meeting Minutes of September 16, 2009.

**ACTION:** *Commissioner Pierce* moved to approve the Authority Minutes of September 16, 2009, seconded by *Commissioner Bonilla*. The motion passed unanimously, 8-0. (*Commissioners Abelson, Durant, and Alternate Uilkema had not yet arrived.*)

**2. CONSENT CALENDAR:** Consent Items recommended by the following committees:

**ACTION:** *Commissioner Arnerich* moved to approve the Consent Calendar, seconded by *Alternate Tatzin*. The motion passed unanimously, 8-0. (*Commissioners Abelson, Durant, and Alternate Uilkema had not yet arrived.*)

*Commissioner Arnerich* requested an update on the Bond Financing, Item 2.A.4. Randall Carlton, Chief Financial Officer, stated that the bonds were successfully issued on September 23<sup>rd</sup> at a cost of 3.71 percent, which factored in the cost of terminating \$100 million of the swap. Mr. Carlton said that the final terms secured for the next year were better than what was anticipated in 2005.

*Alternate Tatzin* asked for additional detail on how the 3.71 percent was calculated. Mr. Carlton agreed

to prepare and distribute a memo to the Authority providing more detail.

Bob McCleary stated that the California Transportation Commission had approved an allocation to the Richmond Transit Village BART Parking Structure (Agenda Item 2.A.11). He explained that the Authority's contribution was contingent upon the allocation, and that the project could now move forward.

**2.A Administration & Projects Committee:**

**2.A.1 Monthly Project Status Report.**

**2.A.2 Monthly Expenditure Report for August 2009.** This report also includes the summary of payroll and benefits costs by organizational unit.

**2.A.3 Monthly Investment Report for August 2009.** The Authority's Investment Policy requires this report.

**2.A.4 Status Report of the 2009 Bond Financing Plan.** On September 23<sup>rd</sup> the Authority achieved its financing objectives by issuing \$200 million of Bond Anticipation Notes to fund capital projects. The Notes were rated SP1 by Standard & Poor's and MIG1 by Moody's Investor Services, the highest rating attainable for short-term securities. In conjunction with the financing plan, the Authority terminated \$100 million of an interest rate swap at a cost of \$11.4 million. Overall, the 2009 Financing Plan achieved an effective borrowing cost of 3.7087%.

**2.A.5 Quarterly Project Funding Plans – Major State Highway Projects.** The quarterly report on the status of ongoing consultant project-related contracts as well as on key project funding issues is attached.

**2.A.6 State Highway Route 4 Widening Project – Railroad Avenue to Loveridge Road – Award of Landscaping Construction Contract 241 (Project 1405).** Staff opened bids on September 15, 2009 and recommends awarding the freeway mainline landscaping contract to Watkin & Bortolussi, Inc. Resolution 09-53-P.

**2.A.7 State Route 4 Widening Project – Somersville Road to SR 160 Utility Relocation Agreements with PG&E (Project 1407/3001)** Staff seeks authorization to enter into two utility agreements with PG&E: Agreement No. 276 and Agreement No. 277 in the amount of \$112,500 and \$130,000, respectively, to relocate their gas distribution facilities along Contra Loma Boulevard and D Street.

**2.A.8 I-680/Norris Canyon Carpool/Bus Ramps Project – Amendment No. 2 to Contract No. 213 with CH2M Hill. (Project 8003).** Staff seeks authorization to amend Agreement No. 213 in the amount of \$50,000 to add additional scope for traffic analyses and related services.

**2.A.9 Lamorinda School Bus Program – Final Allocation of FY 2008-09 Measure C Funds.** Staff seeks authorization to amend Cooperative Agreement 16.00.07 (Amendment #4) and approve Resolution No. 09-50-P allowing the Authority to make final payment to Lamorinda School Bus program under Measure C. The Lamorinda School Bus program is continuing to receive funding as a program in Measure J. Resolution No. 09-50-P.

**2.A.10 Caldecott Tunnel Improvement Project – Authorization to Seek RM2 Allocation for Route 24 Corridor Study. (Project 1698).** Staff seeks approval to apply to the Metropolitan Transportation Commission (MTC) for an allocation in the amount of \$192,000 for the SR24 Corridor-wide Transportation Study. Resolution No. 09-48-P.

**2.A.11 City of Richmond – Richmond Transit Village BART Parking Structure (Project 2302) - Appropriation Request for Construction.** The City of Richmond is requesting an appropriation of

Measure C funds in the amount of \$6,165,000 for Construction and Construction Engineering.  
**Resolution No. 09-54-P.**

**2.A.12 Authorizing the Executive Secretary to Certify Authority Approval of Agenda Items.** The purpose of the attached Resolution is to authorize the Authority's Executive Secretary to provide certifications of documents or actions approved by the Authority. Currently, the Executive Director is the only Authority official authorized to provide such certifications. **Resolution 09-52-A.**

**2.A.13 Legislation.** Action may be taken on any item listed or on any legislation pertaining to the Authority's legislative program.

**2.B Planning Committee:**

**2.B.1 Annual Report from the Authority's Planning Consultant.** The Authority has requested annual reports on accomplishments from key consultants who provide major ongoing services to Authority staff. The 2009 report from Dyett & Bhatia (D & B) – the Authority's planning consultant – was provided in the Planning Committee packet. The D & B consultant team works as an extension to the Authority's planning section staff in support of the Growth and Congestion Management Programs. The Authority approved a multi-year on-going services contract amendment with D & B in November 2006.

**2.B.2 Approval of the City of Hercules Calendar Years (CY) 2006 & 2007 Growth Management Program (GMP) Compliance Checklist.** The City of Hercules has submitted its Calendar Years 2006 & 2007 Growth Management Program Compliance Checklist for allocation of Measure C Local Street Maintenance and Improvement (LSM) Funds. An allocation of \$301,658 in FY 07-08 LSM funds will be paid out, following Authority approval of the GMP Compliance Checklist. An accelerated "off-year" stimulus payment of \$271,481 in FY 08-09 LSM funds will be paid out in October 2009.

**2.B.3 Approval to Negotiate an Agreement with Dowling Associates, Inc., to Prepare the Decennial Model Update.** The Authority released RFP 09-02 for the Decennial Model Update on July 30, 2009. Response to the RFP proposals were received from the following three firms: 1) Caliper Corp.; 2) Hatch, Mott, McDonald; and 3) Dowling Associates, Inc. Through a competitive consultant selection process, Dowling Associates was selected as the most qualified firm to prepare the Decennial Model Update. The work, which will take about 18 months to complete, involves a comprehensive update of the Authority travel demand forecasting computer model. The cost of the effort is estimated to be in the range of \$750,000. Staff seeks Authority approval to enter into contract negotiations with the selected consultant.

**2.B.4 Approval of FY 2008-09 and FY 2009-10 Measure J Allocation for the West County Additional Bus Service Enhancements Program (Sub-Regional Program 19b).** The 2007 Measure J Strategic Plan establishes the West County Additional Bus Service Enhancements Program (Program 19a) at 1.964% of sales tax revenues. As a sub-regional program, the funds are programmed by WCCTAC. At its September 11, 2009 meeting WCCTAC took action on programming the funds to AC Transit and WestCAT. **Resolution No. 09-07-G.**

**2.B.5 Approval of FY 2008-09 and FY 2009-10 Measure J Allocation for the West County Additional Transportation Services for Seniors and People With Disabilities Program (Sub-Regional Program 20b).** The Measure J Expenditure Plan establishes the West County Additional Transportation Services for Seniors and People with Disabilities Program (Program 20b) at .65% of sales tax revenues. As a sub-regional program the funds are programmed by WCCTAC. At its September 11, 2009 meeting WCCTAC took action on programming the funds to paratransit service providers in West County. **Resolution No. 09-49-G.**

- 2.B.6 Approval of Resolution 08-10-G (Revision 2) modifying Lifeline Transportation Program (LTP) project funding to reflect MTC funding adjustments resulting from changes in available STA and JARC funds.** The resolution revision is necessary to address revisions in the Tier 2 funding from MTC for the Lifeline Transportation Program. As approved in the original resolution, the changes will be administered proportionately to each sub-region. The revision also recognizes an additional JARC funding cycle and its application to existing projects which were selected competitively in the original LTP selection process. **Resolution No. 08-10-G (Rev.2).**
- 2.B.7 Approval to Release the Draft 2009 CMP.** As the designated Congestion Management Agency for Contra Costa, the Authority is responsible for preparing a Congestion Management Program and updating it every other year. The Authority adopted its first CMP in 1991 and the 2009 CMP would be the Authority's ninth. The CMP contains, among other things, traffic level of service standards that apply to all freeways and designated arterials, performance measures developed through the Action Plans for Routes of Regional Significance, and a seven-year capital improvement program. In addition to updating the CMP document, the Authority is also required to maintain and update a computerized travel demand forecasting model and land use database that is consistent with the regional agency's model and database. Staff proposes to release a draft of the 2009 CMP in September for public review. The final 2009 CMP is due to MTC in January, although staff intends to submit it earlier.

#### End of Consent Calendar

### **3.0 MAJOR DISCUSSION ITEMS:**

*Commissioner Abelson arrived at 6:14 p.m.*

- 3.1 Selection and Contract with Executive Search Firm: Delegation of Decision to Administration and Projects or Executive Committee.** The Authority initiated the process for recruiting a new Executive Director at its September 16, 2009 meeting, and the creation of an ad hoc committee to advise the current Director on process and other matters associated with the recruitment process. Based on conversations with the ad hoc committee, the Executive Director has prepared a Request for Qualifications (RFQ) for soliciting the assistance of an Executive Search firm and a timetable for the recruitment process. To expedite the selection process, the Executive Director is recommending the Authority delegate necessary approvals to the APC or Executive Committee (EC), within specified parameters. (*Attachment – Action*)

**ACTION:** *Commissioner Arnerich* moved to approve the Executive Search Services RFQ incorporating suggestions by *Commissioners Abelson* and *Kee*, and delegating approval to the APC, seconded by *Commissioner Balico*. The motion passed unanimously, 9-0. (*Commissioner Durant* and *Alternate Ulkema* had not yet arrived.)

#### **STAFF REPORT:**

Bob McCleary stated that a Request for Qualifications had been issued for an Executive Search firm, and that the Authority was being asked to delegate approval of a contract with the selected firm to either the Executive Committee or the Administration and Projects Committee. Mr. McCleary said that the contract should not exceed \$50,000, and would likely fall within the \$30,000-\$40,000 range. He noted that the RFQ had been reviewed extensively by the Ad Hoc Committee and edited accordingly.

Mr. McCleary briefly outlined steps that could be taken by the Authority to broaden notification of the Authority's executive search effort and potentially expedite the recruitment process.

*Chair Viramontes* outlined the recruitment process schedule.

*Alternate Tatzin* said that *Commissioner Metcalf* was interested in participating on the oversight body.

*Commissioner Abelson* said that the RFQ needed to include management of staff as one of the duties, if it had been overlooked.

*Commissioner Kee* noted that the Search Firm contract should include a provision for finding a replacement Executive at no additional cost, as a contingency should the selected candidate terminate employment within a reasonable specified period (six months to one year).

#### **4.0 REGULAR AGENDA ITEMS:**

##### **4.A Administration & Projects Committee: None**

##### **4.B Planning Committee:**

- 4.B.8 Adoption of Final 2009 Countywide Bicycle and Pedestrian Plan (CBPP).** Working with the Countywide Bicycle and Pedestrian Advisory Committee, the consultant team of Fehr & Peers and Eisen|Letunić has prepared a proposed final 2009 Countywide Bicycle and Pedestrian Plan (CBPP). The proposed CBPP updates the information in the 2003 CBPP, clarifies responsibilities for implementing the plan, and tries to make it easier for local jurisdictions to use the document in their own planning. The proposed 2009 CBPP reflects and responds to the comments from the RTPCs and public on the draft document. **Resolution No. 09-51-G**

**ACTION:** *Commissioner Tatzin* moved to approve the proposed 2009 CBPP with the changes relative to consultant and staff resources proposed by *Commissioner Pierce*, and subject to technical revisions by staff, seconded by *Commissioner Arnerich*. The motion passed unanimously, 9-0. (*Commissioner Durant and Alternate Uilkema had not yet arrived.*)

#### **STAFF REPORT:**

Brad Beck, Senior Transportation Planner, stated that staff was seeking Authority approval of the 2009 Countywide Bicycle and Pedestrian Plan (CBPP). He said that the Authority had adopted its first plan in 2003 as one of the implementation tasks stemming from the 2000 Comprehensive Transportation Plan. The CBPP works to encourage greater use of walking and bicycling in the county, and to help jurisdictions develop their own bicycle and pedestrian plans.

Mr. Beck said that the purpose of the proposed 2009 Update was to update and clarify the maps, resources, and other information included in the 2003 plan, address new Federal, State, and local policies and plans, including Measure J and new climate change legislation, and focus on the actions needed to carry out the plans.

Mr. Beck stated that a draft was released in June, after which public workshops and meetings were conducted, and a number of agencies and groups were notified. As a result of these efforts, the Authority received many comments. Mr. Beck said that the most substantial feedback related to (1) the role of the Countywide Bikeway Network, (2) criteria for selecting projects, and (3) proposed actions for implementing the plan.

Mr. Beck explained that the CBPP designated two sets of bikeways: the Countywide Bikeway Network (CBN) and locally designated bikeways. The CBN was intended to be a framework of major bikeways connecting communities and major destinations, integrated into a countywide system. Mr. Beck said that locally designated bikeways provided a denser network of facilities, and overlap with the CBN.

Mr. Beck stated that the CBPP proposed to use ten criteria to set priorities for funding bicycle and pedestrian projects for Measure J and other funding; furthermore, the Planning Committee had suggested that priority be given to utilitarian trips, and suggested an emphasis on connectivity to work, school, or transit.

Mr. Beck stated that one of the objectives of the update was to clarify implementation tasks, and that seventeen implementation tasks were proposed. He said that the plan also proposes to develop an overall approach and scope of work for carrying out the implementation tasks.

Mr. Beck said that next steps would include submitting the plan to MTC and Caltrans for approval, distributing the files and data to local jurisdictions for incorporation into their General Plan and policy documents, and working with the Countywide Bicycle Plan Advisory Committee (CBPAC) and TCC to develop an approach and scope of work for implementing the CBPP.

Mr. Beck said that staff was seeking authorization to make technical corrections to the plan (particularly the maps), and adoption of the 2009 CBPP which included a Mitigated Negative Declaration.

*Commissioner Arnerich* stated that the Planning Committee had not discussed the TCC's recommendation for the addition of a staff member. Mr. Beck responded that there were still questions about implementation and the need for additional staff.

*Commissioner Pierce* suggested that the wording be modified to keep the Authority's implementation options open.

*Commissioner Abelson* asked for clarification regarding the number of fatalities per capita. Mr. Beck explained that the plan included five objectives, and that reducing the rate of pedestrian and bicycle fatalities and injuries per capita was one of them. However, having more people walk and bike would represent a greater number of injuries or fatalities. He suggested that the objective could be modified to make the statement appear less contradictory; however, that would mean changing the objective to the rate of accidents per mile of travel.

*Chair Viramontes* suggested that the Authority should send a letter to the CBPAC members thanking them for their participation.

- 4.B.9 Discussion of the Authority's Role in Facilitating Development of the SCS.** Implementation of SB 375 requires that MTC and ABAG prepare a region-wide Sustainable Communities Strategy (SCS – a land use plan) for incorporation into the 2013 Regional Transportation Plan (RTP). The purpose of the SCS is to create a “fully integrated” land use – transportation strategy that, when implemented, will meet region-wide Greenhouse Gas (GHG) emissions-reduction targets. While the region's policy response to SB 375 continues to evolve, the legislation clearly gives MTC the authority to direct transportation funds only to areas that are consistent with the adopted SCS. Therefore, the SCS will determine future regional transportation investment decisions. Consequently, it is essential that key stakeholders – local jurisdictions, transit agencies, and the CMAs – fully participate in the preparation of an SCS that is realistic and attainable. To meet that goal, the Planning Committee suggested the Authority should work with our local jurisdictions and facilitate their input into the development of the SCS.

*Alternate Uilkema arrived at 6:41 p.m.*

*Commissioner Durant arrived at 6:42 p.m.*



**ACTION:** *Commissioner Arnerich* moved to approve the Planning Committee's recommendation to develop draft guiding principles for Contra Costa's SCS and draft a scope, schedule, and budget, for the collaborative effort with Contra Costa's jurisdictions, MTC and ABAG, seconded by *Commissioner Durant*. The motion passed unanimously, 11-0.

**STAFF REPORT:**

Martin Engelmann, Deputy Executive Director for Planning, stated that the next Regional Transportation Plan would incorporate a Sustainable Communities Strategy (SCS), and that SB 375 legislation gave MTC authority to direct transportation funding to areas consistent with the SCS. Local jurisdictions, transit agencies, and CMAs must fully participate in developing the SCS to ensure that it would be realistic and attainable.

He continued by noting that SB 375 legislation specified consultation with the CMAs as part of a broader outreach effort. The overall structure of the effort, the role and responsibility of the CMAs, availability of staff resources, and how ABAG would collaborate with all of the jurisdictions was of concern. Mr. Engelmann said that staff began investigating what it would take for Contra Costa to develop its own SCS, and that the concept was discussed at length by the Planning Committee. Per Planning Committee direction, the staff report was edited to reflect a facilitating role for the Authority, with the regional agencies, CMAs and local jurisdictions working as partners in a comprehensive, collaborative effort. Authority staff would develop a scope, schedule, and budget for the facilitation of this effort.

Mr. Engelmann said that the Planning Committee also discussed the need for developing guiding principles for the effort, and that staff would be working to develop them for Authority consideration.

*Chair Viramontes* asked how CARB's GHG emissions standards would fit into the SCS process. Mr. Engelmann responded that MTC would establish emission targets for each county, with the focus being on reductions achievable through land use changes. He noted that CARB would separately account for reductions achieved through new fuels and more efficient vehicles.

Bob McCleary added that SB 375 was directed towards the next Regional Transportation Plan (RTP), which would be adopted by MTC in 2013. He stated that MTC and ABAG would be developing a strategy for meeting targets, and that staff's concern was if the RTP did not show attainment, litigation against the RTP, based on its inclusion of specified projects, could follow.

*Commissioner Bonilla* noted that Attachment B outlining Authority actions supporting the Goals of SB 375 should include the Contra Costa Centre project.

*Commissioner Abelson* added that El Cerrito planning areas included both El Cerrito Plaza and the Del Norte BART station.

Jenny Bard, from the American Lung Association and a participant on Bay Area Air Quality Management District's (BAAQMD) Advisory Council, thanked the Authority for its role in shaping the Sustainable Communities Strategy, and smart growth planning which was evident in the Shaping our Future document. She referenced the meeting handout RE: Public Health Benefits of Smart Growth,

Ms. Bard said that Contra Costa County had an opportunity to be a leader in reducing emissions from transportation, thus generating large public health benefits. Ms. Bard stated that Contra Costa Medical Association adopted a resolution to support the strongest possible regional GHG reduction target to drive smart growth, transportation and land use policies that will stem harmful GHG emissions, and that the resolution was also supported by the Contra Costa Alameda County Medical Association.

Ms. Bard urged Contra Costa Transportation Authority to help by modeling the way and by supporting a strong regional GHG reduction target that would help drive needed policies; and to prioritize projects that encourage walking, bicycling, and transit to improve health, reduce air pollution, and create healthier communities.

*Commissioner Pierce* stated that the issue had been discussed at ABAG and also at a recent regional planning committee meeting, and that it might be possible to establish targets on a county by county basis, allowing Contra Costa to build on its Shaping our Future process. *Commissioner Balico* agreed that building on this process would be wise.

*Commissioner Arnerich* said that MTC would be the lead agency and not ABAG, and that the Authority should focus on maintaining a positive relationship with MTC. He suggested that developing a scope for developing the SCS on a county level would be the best place to start.

*Alternate Uilkema* said that MTC and ABAG were jointly responsible for adopting the SCS, and that BAAQMD was developing model CEQA guidelines to assist cities that were not capable of developing their own standards.

*Chair Viramontes* said that the process was multi-layered, with MTC and ABAG at administrative and policy levels, with the jurisdictions directing land use. She said that the Authority's role would be to try to influence the process.

*Commissioner Pierce* said that a discussion with CMA staff and regional representatives may be helpful.

Martin Engelmann said that he had spoken with Paul Fassinger of ABAG to discuss a collaborative effort.

*Commissioner Bonilla* added that she had heard from Steve Goetz, Contra Costa County Deputy Director, Transportation Planning, also suggesting a collaborative, jurisdiction-wide effort.

- 4.B.10 STIP TE Call for Projects.** The Authority has approximately \$3.9 million in Federal Transportation Enhancement funds to allocate as part of the 2010 STIP. While these funds could be used for several enhancement purposes, Authority staff is proposing to limit it to capital projects that support pedestrians and bicyclists, which is one of the key eligible project types. Staff has prepared a "call for projects" for these funds and recommends its release. Funds must be submitted to MTC by December 16, 2009 and obligated by June 2012.

**ACTION:** *Alternate Uilkema* moved to approve the release of the call for projects for 2010 STIP TE program funding and that the TCC subcommittee review and rank the applications, seconded by *Commissioner Abelson*. The motion passed unanimously, 11-0.

**STAFF REPORT:**

Brad Beck, Senior Transportation Planner, stated that Authority recommendations for spending the \$3.9 million of Federal Transportation Enhancement funds were due to MTC by December 16<sup>th</sup>. He said that a TCC sub-committee had been formed to review the grant applications, which were due on November 2<sup>nd</sup>.

- 4.1 NEW ITEM: Office Space Update** (*NOTE: This item was added to the agenda as an urgency item, by a unanimous vote of the Authority.*)

## **STAFF REPORT:**

Bob McCleary said that Authority staff had been contacted by Hookston Square Management regarding adjacent office space becoming available for Authority expansion. An Office Space Subcommittee (consisting of the Chairs of both the APC and PC, along with Authority staff) was formed, objectives for office space were identified, and the adjacent office space was deemed less than ideal.

The subcommittee was presented the option of third floor office space in another building at Hookston Square, with ground level conference room meeting space. The subcommittee felt that the ground level conference space offered was inadequate, and then began investigating options for locating the conference room and Authority offices in the space available on the third floor.

Mr. McCleary stated that the subcommittee thought that the Authority might like to view the space being considered, and provide feedback on the possibility of locating the conference area on an upper floor. He stated while the offers for leased space at Hookston Square were financially attractive due to current market conditions, the Authority had time to explore alternatives before the current lease expired.

Several Commissioners voiced logistical concerns about locating a public conference area on an upper floor. Concerns were voiced regarding emergency evacuation of people with disabilities from the third floor. Some commented on the benefits of the Authority remaining at its current location. After a brief discussion, the members decided not to view the third floor space and expressed a preference for a first floor location.

*Commissioner Arnerich* offered to meet with staff to further explore the possibilities of expansion into the space adjacent to Authority Suite 100 offices, to maintain ground floor public meeting space and meet other office space objectives.

## **5.0 CORRESPONDENCE AND COMMUNICATIONS:**

- 5.1 Letter Dated September 2, 2009 from Solano Transportation Authority RE: Support for the Congressman George Miller Bridge Pedestrian Connection Project.**
- 5.2 Letter Dated September 4, 2009 from Supervisor Mary Nejedly Piepho RE: Support for TIGER Funding for State Route 4 Bypass Project.**
- 5.3 Letter Dated September 24, 2009 from BART RE: TRANSPLAN Recommendation to CCTA on Measure J Strategic Plan and eBART Funding.**
- 5.4 Memorandum Dated October 14-15, 2009 from Bimla Rhinehart, CTC, RE: 2009-10 State Transportation Improvement Program (STIP) Allocation Plan.**

## **6.0 ASSOCIATED COMMITTEE REPORTS:**

- 6.1 Central County (TRANSPAC): *Report of September 9, 2009*  
*Report of October 2, 2009***
- 6.2 East County (TRANSPLAN): *Report of September 10, 2009***
- 6.3 Southwest County (SWAT): *Report of September 14, 2009***
- 6.4 West County (WCCTAC): *(Next meeting October 30 2009)***
- 6.5 Conference of Mayors (COM):**
- 6.6 Contra Costa County (COUNTY)**
- 6.7 CCTA Citizen Advisory Committee (CAC)**

**7.0 COMMISSIONER AND STAFF COMMENTS:**

- 7.1 Chair's Comments and Reports**
- 7.2 Commissioners' Comments and Reports**
- 7.3 Executive Director Report and Staff Comments**

Bob McCleary noted that both the Richmond Project on which the CTC voted recently and the State Route 4 (east) Somersville Road Interchange Project were on the CTC allocation list for the coming year, but because the CTC had far less funding to program in the STIP, there would be limited spending capacity and no guarantee that the projects would actually be funded. Mr. McCleary said that the APC would be updated as more information becomes available.

**8.0 CALENDAR: November/December/January**

**9.0 ADJOURNMENT to Wednesday, November 18<sup>th</sup> at 6:00 p.m.**

*Chair Viramontes* adjourned the meeting at 8:03 p.m. to the Authority meeting scheduled for November 18<sup>th</sup> at 6:00 p.m.