

---

---

COURT OF APPEAL OF CALIFORNIA  
FIRST APPELLATE DISTRICT, DIVISION 3

---

---

**MICHAEL ARATA,**  
*Petitioner and Appellant,*

vs.

**DEBORAH COOPER, in her official capacity as COUNTY CLERK-  
RECORDER AND REGISTRAR OF VOTERS, and SHARON L.  
ANDERSON, in her official capacity as CONTRA COSTA COUNTY  
COUNSEL,**  
*Respondents.*

**CONTRA COSTA TRANSPORTATION AUTHORITY, a special  
district, and CONTRA COSTA COUNTY  
BOARD OF SUPERVISORS,**  
*Real Parties in Interest.*

---

**REAL PARTY IN INTEREST'S APPENDIX  
VOLUME I – Pages 001 - 00128**

---

On Appeal from the Superior Court of Contra Costa County  
Superior Court Case No. MSN192489  
Hon. Charles "Steve" Treat  
Additional Judge: Hon. Edward G. Weil

---

**NIELSEN MERKSAMER PARRINELLO GROSS & LEONI, LLP**

Sean P. Welch (SBN 227101)  
\*Hilary J. Gibson (SBN 287862)  
David J. Lazarus (SBN 303452)  
2350 Kerner Blvd., Suite 250  
San Rafael, California 94901  
Telephone: (415) 389-6800  
Fax: (415) 388-6874  
hgibson@nmgovlaw.com

*Attorneys for Real Party in Interest*

**CONTRA COSTA TRANSPORTATION AUTHORITY**

## CHRONOLOGICAL INDEX

<b>Date</b>	<b>Title of Document</b>	<b>Vol.</b>	<b>Pages</b>
1/3/20	RPI RJN Exhibit 5 (Voter Information Guide for Proposition 30)	I	RPIA004- RPIA009
1/3/20	RPI RJN Exhibit 6 (Voter Information Guide for Proposition 133)	I	RPIA0010- RPIA0013
1/3/20	RPI RJN Exhibit 7 (Voter Information Guide for Proposition 29)	I	RPIA0014- RPIA0019
1/3/20	RPI RJN Exhibit 2 (Presentation of Performance Analysis)	I	RPIA0020- RPIA0044
1/3/20	RPI RJN Exhibit 4 (Ordinance 19-02 and the exhibits attached to that ordinance)	I	RPIA0045- RPIA00113
1/3/20	RPI RJN Exhibit 1 (CTP Draft Environmental Impact Report)	I	RPIA00114- RPIA00128

## ALPHABETICAL INDEX

<b>Date</b>	<b>Title of Document</b>	<b>Vol.</b>	<b>Pages</b>
1/3/20	RPI RJN Exhibit 1 (CTP Draft Environmental Impact Report)	I	RPIA00114- RPIA00128
1/3/20	RPI RJN Exhibit 4 (Ordinance 19-02 and the exhibits attached to that ordinance)	I	RPIA0045- RPIA00113
1/3/20	RPI RJN Exhibit 2 (Presentation of Performance Analysis)	I	RPIA0020- RPIA0044
1/3/20	RPI RJN Exhibit 7 (Voter Information Guide for Proposition 29)	I	RPIA0014- RPIA0019
1/3/20	RPI RJN Exhibit 5 (Voter Information Guide for Proposition 30)	I	RPIA004- RPIA009
1/3/20	RPI RJN Exhibit 6 (Voter Information Guide for Proposition 133)	I	RPIA0010- RPIA0013

**TEMPORARY TAXES TO FUND EDUCATION. GUARANTEED LOCAL PUBLIC SAFETY FUNDING.  
INITIATIVE CONSTITUTIONAL AMENDMENT.**

- Increases personal income tax on annual earnings over \$250,000 for seven years.
- Increases sales and use tax by ¼ cent for four years.
- Allocates temporary tax revenues 89% to K–12 schools and 11% to community colleges.
- Bars use of funds for administrative costs, but provides local school governing boards discretion to decide, in open meetings and subject to annual audit, how funds are to be spent.
- Guarantees funding for public safety services realigned from state to local governments.

**Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:**

- Additional state tax revenues of about \$6 billion annually from 2012–13 through 2016–17. Smaller amounts of additional revenue would be available in 2011–12, 2017–18, and 2018–19.
- These additional revenues would be available to fund programs in the state budget. Spending reductions of about \$6 billion in 2012–13, mainly to education programs, would not take effect.

**ANALYSIS BY THE LEGISLATIVE ANALYST****OVERVIEW**

This measure temporarily increases the state sales tax rate for all taxpayers and the personal income tax (PIT) rates for upper-income taxpayers. These temporary tax increases provide additional revenues to pay for programs funded in the state budget. The state’s 2012–13 budget plan—approved by the Legislature and the Governor in June 2012—assumes

passage of this measure. The budget, however, also includes a backup plan that requires spending reductions (known as “trigger cuts”) in the event that voters reject this measure. This measure also places into the State Constitution certain requirements related to the recent transfer of some state program responsibilities to local governments. Figure 1 summarizes the main provisions of this proposition, which are discussed in more detail below.

**Figure 1****Overview of Proposition 30****State Taxes and Revenues**

- Increases sales tax rate by one-quarter cent for every dollar for four years.
- Increases personal income tax rates on upper-income taxpayers for seven years.
- Raises about \$6 billion in additional annual state revenues from 2012–13 through 2016–17, with smaller amounts in 2011–12, 2017–18, and 2018–19.

**State Spending**

- If approved by voters, additional revenues available to help balance state budget through 2018–19.
- If rejected by voters, 2012–13 budget reduced by \$6 billion. State revenues lower through 2018–19.

**Local Government Programs**

- Guarantees local governments receive tax revenues annually to fund program responsibilities transferred to them by the state in 2011.

## STATE TAXES AND REVENUES

### Background

The General Fund is the state’s main operating account. In the 2010–11 fiscal year (which ran from July 1, 2010 to June 30, 2011), the General Fund’s total revenues were \$93 billion. The General Fund’s three largest revenue sources are the PIT, the sales tax, and the corporate income tax.

**Sales Tax.** Sales tax rates in California differ by locality. Currently, the average sales tax rate is just over 8 percent. A portion of sales tax revenues goes to the state, while the rest is allocated to local governments. The state General Fund received \$27 billion of sales tax revenues during the 2010–11 fiscal year.

**Personal Income Tax.** The PIT is a tax on wage, business, investment, and other income of individuals and families. State PIT rates range from 1 percent to 9.3 percent on the portions of a taxpayer’s income in each of several income brackets. (These are referred to as marginal tax rates.) Higher marginal tax rates are charged as income increases. The tax revenue generated from this tax—totaling \$49.4 billion during the 2010–11 fiscal year—is deposited into the state’s General Fund. In addition, an extra 1 percent tax applies to annual income over \$1 million (with the associated revenue dedicated to mental health services).

### Proposal

**Increases Sales Tax Rate From 2013 Through 2016.** This measure temporarily increases the statewide sales tax rate by one-quarter cent for every dollar of goods purchased. This higher tax rate would be in effect for four years—from January 1, 2013 through the end of 2016.

**Increases Personal Income Tax Rates From 2012 Through 2018.** As shown in Figure 2, this measure increases the existing 9.3 percent PIT rates on higher incomes. The additional marginal tax rates would increase as taxable income increases. For joint filers, for example, an additional 1 percent marginal tax rate would be imposed on income between \$500,000 and \$600,000 per year, increasing the total rate to 10.3 percent. Similarly, an additional 2 percent marginal tax rate would be imposed on income between \$600,000 and \$1 million, and an additional 3 percent marginal tax rate would be imposed on income above \$1 million, increasing the total rates on these income brackets to 11.3 percent and 12.3 percent, respectively. These new tax rates would affect about 1 percent of California PIT filers. (These taxpayers currently pay about 40 percent of state personal income taxes.) The tax rates would be in effect for seven years—

**Figure 2**

**Current and Proposed Personal Income Tax Rates Under Proposition 30**

Single Filer’s Taxable Income <sup>a</sup>	Joint Filers’ Taxable Income <sup>a</sup>	Head-of-Household Filer’s Taxable Income <sup>a</sup>	Current Marginal Tax Rate <sup>b</sup>	Proposed Additional Marginal Tax Rate <sup>b</sup>
\$0–\$7,316	\$0–\$14,632	\$0–\$14,642	1.0%	—
7,316–17,346	14,632–34,692	14,642–34,692	2.0	—
17,346–27,377	34,692–54,754	34,692–44,721	4.0	—
27,377–38,004	54,754–76,008	44,721–55,348	6.0	—
38,004–48,029	76,008–96,058	55,348–65,376	8.0	—
48,029–250,000	96,058–500,000	65,376–340,000	9.3	—
250,000–300,000	500,000–600,000	340,000–408,000	9.3	1.0%
300,000–500,000	600,000–1,000,000	408,000–680,000	9.3	2.0
Over 500,000	Over 1,000,000	Over 680,000	9.3	3.0

<sup>a</sup> Income brackets shown were in effect for 2011 and will be adjusted for inflation in future years. Single filers also include married individuals and registered domestic partners (RDPs) who file taxes separately. Joint filers include married and RDP couples who file jointly, as well as qualified widows or widowers with a dependent child.

<sup>b</sup> Marginal tax rates apply to taxable income in each tax bracket listed. The proposed additional tax rates would take effect beginning in 2012 and end in 2018. Current tax rates listed exclude the mental health tax rate of 1 percent for taxable income in excess of \$1 million.

## ANALYSIS BY THE LEGISLATIVE ANALYST

CONTINUED

starting in the 2012 tax year and ending at the conclusion of the 2018 tax year. (Because the rate increase would apply as of January 1, 2012, affected taxpayers likely would have to make larger payments in the coming months to account for the full-year effect of the rate increase.) The additional 1 percent rate for mental health services would still apply to income in excess of \$1 million. Proposition 30's rate changes, therefore, would increase these taxpayers' marginal PIT rate from 10.3 percent to 13.3 percent. Proposition 38 on this ballot would also increase PIT rates. The nearby box describes what would happen if both measures are approved.

### What Happens if Voters Approve Both Proposition 30 and Proposition 38?

**State Constitution Specifies What Happens if Two Measures Conflict.** If provisions of two measures approved on the same statewide ballot conflict, the Constitution specifies that the provisions of the measure receiving more "yes" votes prevail. Proposition 30 and Proposition 38 on this statewide ballot both increase personal income tax (PIT) rates and, as such, could be viewed as conflicting.

**Measures State That Only One Set of Tax Increases Goes Into Effect.** Proposition 30 and Proposition 38 both contain sections intended to clarify which provisions are to become effective if both measures pass:

- **If Proposition 30 Receives More Yes Votes.** Proposition 30 contains a section indicating that its provisions would prevail in their entirety and none of the provisions of any other measure increasing PIT rates—in this case Proposition 38—would go into effect.
- **If Proposition 38 Receives More Yes Votes.** Proposition 38 contains a section indicating that its provisions would prevail and the tax rate provisions of any other measure affecting sales or PIT rates—in this case Proposition 30—would not go into effect. Under this scenario, the spending reductions known as the "trigger cuts" would take effect as a result of Proposition 30's tax increases not going into effect.

### Fiscal Effect

**Additional State Revenues Through 2018–19.** Over the five fiscal years in which both the sales tax and PIT increases would be in effect (2012–13 through 2016–17), the average annual state revenue gain resulting from this measure's tax increases is estimated at around \$6 billion. Smaller revenue increases are likely in 2011–12, 2017–18, and 2018–19 due to the phasing in and phasing out of the higher tax rates.

**Revenues Could Change Significantly From Year to Year.** The revenues raised by this measure could be subject to multibillion-dollar swings—either above or below the revenues projected above. This is because the vast majority of the additional revenue from this measure would come from the PIT rate increases on upper-income taxpayers. Most income reported by upper-income taxpayers is related in some way to their investments and businesses, rather than wages and salaries. While wages and salaries for upper-income taxpayers fluctuate to some extent, their investment income may change significantly from one year to the next depending upon the performance of the stock market, housing prices, and the economy. For example, the current mental health tax on income over \$1 million generated about \$730 million in 2009–10 but raised more than twice that amount in previous years. Due to these swings in the income of these taxpayers and the uncertainty of their responses to the rate increases, the revenues raised by this measure are difficult to estimate.

## STATE SPENDING

### Background

**State General Fund Supports Many Public Programs.** Revenues deposited into the General Fund support a variety of programs—including public schools, public universities, health programs, social services, and prisons. School spending is the largest part of the state budget. Earlier propositions passed by state voters require the state to provide a minimum annual amount—commonly called the Proposition 98 minimum guarantee—for schools (kindergarten through high school) and community colleges (together referred to as K–14 education). The minimum guarantee is funded through a combination of state General Fund and local property tax revenues. In many years, the calculation of the minimum guarantee is highly sensitive to changes in state General Fund revenues. In years when General Fund revenues grow by a large amount, the guarantee is likely to increase by a large amount. A large share of the state and local funding that is allocated to schools and community colleges is "unrestricted," meaning that they may use the funds for any educational purpose.

### Proposal

**New Tax Revenues Available to Fund Schools and Help Balance the Budget.** The revenue generated by the measure's temporary tax increases would be included in the calculations of the Proposition 98 minimum guarantee—raising the guarantee by billions of dollars each year. A portion of the new revenues therefore would be used to support higher school funding, with the remainder helping

**ANALYSIS BY THE LEGISLATIVE ANALYST**

**CONTINUED**

to balance the state budget. From an accounting perspective, the new revenues would be deposited into a newly created state account called the Education Protection Account (EPA). Of the funds in the account, 89 percent would be provided to schools and 11 percent to community colleges. Schools and community colleges could use these funds for any educational purpose. The funds would be distributed the same way as existing unrestricted per-student funding, except that no school district would receive less than \$200 in EPA funds per student and no community college district would receive less than \$100 in EPA funds per full-time student.

**Fiscal Effect if Measure Is Approved**

*2012–13 Budget Plan Relies on Voter Approval of This Measure.* The Legislature and the Governor adopted a budget plan in June to address a substantial projected budget deficit for the 2012–13 fiscal year as well as projected budget deficits in future years. The 2012–13 budget plan (1) assumes that voters approve this measure and (2) spends the resulting revenues on various state programs. A large share of the revenues generated by this measure is spent on schools and community colleges. This helps explain the large increase in funding for schools and community colleges in 2012–13—a \$6.6 billion increase (14 percent) over 2011–12. Almost all of this increase is used to pay K–14 expenses from the previous year and

reduce delays in some state K–14 payments. Given the large projected budget deficit, the budget plan also includes actions to constrain spending in some health and social services programs, decrease state employee compensation, use one-time funds, and borrow from other state accounts.

*Effect on Budgets Through 2018–19.* This measure’s additional tax revenues would be available to help balance the state budget through 2018–19. The additional revenues from this measure provide several billion dollars annually through 2018–19 that would be available for a wide range of purposes—including funding existing state programs, ending K–14 education payment delays, and paying other state debts. Future actions of the Legislature and the Governor would determine the use of these funds. At the same time, due to swings in the income of upper-income taxpayers, potential state revenue fluctuations under this measure could complicate state budgeting in some years. After the proposed tax increases expire, the loss of the associated tax revenues could create additional budget pressure in subsequent years.

**Fiscal Effect if Measure Is Rejected**

*Backup Budget Plan Reduces Spending if Voters Reject This Measure.* If this measure fails, the state would not receive the additional revenues generated by the proposition’s tax increases. In this situation, the 2012–13 budget plan requires that its spending be reduced by \$6 billion. These trigger cuts, as currently scheduled in state law, are shown in Figure 3. Almost all the reductions are to education programs—\$5.4 billion to K–14 education and \$500 million to public universities. Of the K–14 reductions, roughly \$3 billion is a cut in unrestricted funding. Schools and community colleges could respond to this cut in various ways, including drawing down reserves, shortening the instructional year for schools, and reducing enrollment for community colleges. The remaining \$2.4 billion reduction would increase the amount of late payments to schools and community colleges back to the 2011–12 level. This could affect the cash needs of schools and community colleges late in the fiscal year, potentially resulting in greater short-term borrowing.

*Effect on Budgets Through 2018–19.* If this measure is rejected by voters, state revenues would be billions of dollars lower each year through 2018–19 than if the measure were approved. Future actions of the Legislature and the Governor would determine how to balance the state budget at this lower level of revenues. Future state budgets could be balanced through cuts to schools or other programs, new revenues, and one-time actions.

Document received by the CA 1st District Court of Appeal.

**Figure 3**  
**2012–13 Spending Reductions if**  
**Voters Reject Proposition 30**

*(In Millions)*

Schools and community colleges	\$5,354
University of California	250
California State University	250
Department of Developmental Services	50
City police department grants	20
CalFire	10
DWR flood control programs	7
Local water safety patrol grants	5
Department of Fish and Game	4
Department of Parks and Recreation	2
DOJ law enforcement programs	1
<b>Total</b>	<b>\$5,951</b>

DWR = Department of Water Resources; DOJ = Department of Justice.

## LOCAL GOVERNMENT PROGRAMS

### Background

In 2011, the state transferred the responsibility for administering and funding several programs to local governments (primarily counties). The transferred program responsibilities include incarcerating certain adult offenders, supervising parolees, and providing substance abuse treatment services. To pay for these new obligations, the Legislature passed a law transferring about \$6 billion of state tax revenues to local governments annually. Most of these funds come from a shift of a portion of the sales tax from the state to local governments.

### Proposal

This measure places into the Constitution certain provisions related to the 2011 transfer of state program responsibilities.

***Guarantees Ongoing Revenues to Local Governments.*** This measure requires the state to continue providing the tax revenues redirected in 2011 (or equivalent funds) to local governments to pay for the transferred program responsibilities. The measure also permanently excludes the sales tax revenues redirected to local governments from the calculation of the minimum funding guarantee for schools and community colleges.

***Restricts State Authority to Expand Program***

***Requirements.*** Local governments would not be required to implement any future state laws that increase local costs to administer the program responsibilities transferred in 2011, unless the state provided additional money to pay for the increased costs.

***Requires State to Share Some Unanticipated Program Costs.*** The measure requires the state to pay part of any new local costs that result from certain court actions and changes in federal statutes or regulations related to the transferred program responsibilities.

***Eliminates Potential Mandate Funding Liability.***

Under the Constitution, the state must reimburse local governments when it imposes new responsibilities or “mandates” upon them. Under current law, the state could be required to provide local governments with additional funding (mandate reimbursements) to pay for some of the transferred program responsibilities. This measure specifies that the state would not be required to provide such mandate reimbursements.

***Ends State Reimbursement of Open Meeting Act Costs.***

The Ralph M. Brown Act requires that all meetings of local legislative bodies be open and public. In the past, the state has reimbursed local governments for costs resulting from certain provisions of the Brown Act (such as the requirement to prepare and post agendas for public meetings). This measure specifies that the state would not be responsible for paying local agencies for the costs of following the open meeting procedures in the Brown Act.

## Fiscal Effects

**State Government.** State costs could be higher for the transferred programs than they otherwise would have been because this measure (1) guarantees that the state will continue providing funds to local governments to pay for them, (2) requires the state to share part of the costs associated with future federal law changes and court cases, and (3) authorizes local governments to refuse to implement new state laws and regulations that increase their costs unless the state provides additional funds. These potential costs would be offset in part by the measure's provisions eliminating any potential state mandate liability from the 2011 program transfer and Brown Act procedures. The net fiscal effect of these provisions is not possible to determine and would depend on future actions by elected officials and the courts.

**Local Government.** The factors discussed above would have the opposite fiscal effect on local governments. That is, local government revenues could be higher than they otherwise would have been because the state would be required to (1) continue providing funds to local governments to pay for the program responsibilities transferred in 2011 and (2) pay all or part of the costs associated with future federal and state law changes and court cases. These increased local revenues would be offset in part by the measure's provisions eliminating local government authority to receive mandate reimbursements

for the 2011 program shift and Brown Act procedures. The net fiscal effect of these provisions is not possible to determine and would depend on future actions by elected officials and the courts.

## SUMMARY

If voters approve this measure, the state sales tax rate would increase for four years and PIT rates would increase for seven years, generating an estimated \$6 billion annually in additional state revenues, on average, between 2012–13 and 2016–17. (Smaller revenue increases are likely for the 2011–12, 2017–18, and 2018–19 fiscal years.) These revenues would be used to help fund the state's 2012–13 budget plan and would be available to help balance the budget over the next seven years. The measure also would guarantee that local governments continue to annually receive the share of state tax revenues transferred in 2011 to pay for the shift of some state program responsibilities to local governments.

If voters reject this measure, state sales tax and PIT rates would not increase. Because funds from these tax increases would not be available to help fund the state's 2012–13 budget plan, state spending in 2012–13 would be reduced by about \$6 billion, with almost all the reductions related to education. In future years, state revenues would be billions of dollars lower than if the measure were approved.

**Official Title and Summary:****DRUG ENFORCEMENT AND PREVENTION.  
TAXES. PRISON TERMS. INITIATIVE STATUTE**

- Establishes Safe Streets Fund in State Treasury.
- Appropriates funds in account for Anti-Drug Education (42%); Anti-Drug Law Enforcement\* (40%); Prisons and Jails (10%); Drug Treatment (8%).
- Increases state sales and use taxes ½ cent for four years starting July 1, 1991; increased funds transferred to Safe Streets Fund.
- Limits state administrative expenses to 1%.
- Prohibits early release of persons convicted twice of: murder; manslaughter; rape or sexual assault; mayhem; sale, possession for sale, drugs to minors on schoolgrounds or playgrounds; using minors to sell or transport drugs.

**Summary of Legislative Analyst's  
Estimate of Net State and Local Government Fiscal Impact:**

- The Safe Streets Fund will receive a total of \$7.5 billion in sales tax revenue for distribution during four-year period rate increase is in effect.
- Interest earnings received by the General Fund for the four-year period will be \$80 million, with education programs receiving up to \$33 million.
- Minor General Fund costs beginning in 1997-98 increasing to more than \$30 million annually, by 2012-13 as a result of increased prison population due to elimination of sentence credits for specified offenders; potential one-time costs of more than \$140 million for construction of new prison facilities.
- Increased law enforcement funding could result in additional criminal arrests and convictions, increasing state and local costs, which may be reduced by the increased funding of drug education and prevention programs.

## Analysis by the Legislative Analyst

### Background

**Anti-Drug Programs.** The state and local governments operate many programs designed to reduce the use of illegal drugs. These programs include law enforcement, education and prevention, treatment, and research. In 1989-90, the state spent more than \$1 billion in state and federal funds for these programs. The amount spent by local governments for these programs is unknown, but is probably close to \$2 billion.

**State Sales Tax.** Most of the anti-drug programs funded by the state are supported by the state's General Fund. The General Fund receives money from a number of sources, including personal income taxes, bank and corporation taxes, and sales taxes. The California state sales tax rate currently is 5 percent (5 cents for each \$1 of sales). When combined with local sales taxes, the *total* (state and local) sales tax rate currently varies among counties from 6.25 percent to 7.25 percent.

The state rate was increased from 4.75 percent to 5 percent in December 1989 to raise additional revenues to cover costs arising from the San Francisco Bay Area earthquake of October 1989. It will return to 4.75 percent on January 1, 1991, under current law.

**Prison Inmate "Credits."** Under current law, most state prison inmates earn "credits" to reduce the amount of time they spend in state prison. Generally, inmates earn credits by participating in work or education programs. These credits can reduce the length of time served in prison by up to one-half. Inmates who do not participate in work or education programs may earn credits that reduce their prison time by up to one-third.

### Proposal

This measure has three major provisions:

**Sales Tax Increase.** The measure increases the state sale tax rate by one-half percent (from 4.75 percent to 5.25 percent) beginning July 1, 1991. The rate would return to 4.75 percent on July 1, 1995.

**Use of Increased Sales Tax Revenues.** The additional sales tax revenues raised by this measure would be deposited in the Safe Streets Fund. Monies in the fund would be allocated in the following manner:

- **Anti-Drug Education.** The Superintendent of Public Instruction would distribute 42 percent of the funds to schools, community organizations, and child development programs for anti-drug education and counseling programs.
- **Law Enforcement.** The Attorney General would distribute 40 percent of the funds to local law enforcement agencies for street-level law enforcement and prosecution activities, and to the state Judicial Council to increase the ability of the courts to process drug-related cases.
- **Prisons and Jails.** The state Board of Corrections, Department of Corrections, and the Secretary for the Youth and Adult Correctional Agency would distribute 10 percent of the funds for (1)

construction and operating costs of county jails, (2) operating costs of state prisons and youth correctional facilities, and (3) support of drug treatment programs for inmates, wards, and parolees of the Departments of Corrections and Youth Authority.

- **Drug Treatment and Prevention.** The Secretary of Health and Welfare would distribute 8 percent of the funds for drug treatment and prevention programs, supportive services, and perinatal substance abuse.

**Prison Inmate Credits.** The measure prohibits persons convicted of certain violent or drug-related crimes from receiving credits to reduce their prison sentences. These provisions would increase the length of time some inmates spend in state prison.

### Fiscal Effect

**Sales Tax Increase.** The Safe Streets Fund will receive a total of \$7.5 billion in sales tax revenues during the four-year period the rate increase is in effect. On an annual basis, these revenue increases would range from \$1.5 billion to \$2.1 billion.

**Use of the Increased Sales Tax Revenues.** The measure distributes monies in the Safe Streets Fund as follows:

- \$3.1 billion for anti-drug education.
- \$3 billion for law enforcement.
- \$800 million for prisons and jails.
- \$600 million for drug treatment and prevention.

**Interest on Sales Tax Revenues.** The General Fund would receive the interest earnings on the increased sales tax revenues before they are deposited into the Safe Streets Fund. Over the four-year period, these interest earnings will be \$80 million. Under Proposition 98, K-14 education programs may receive up to 41 percent (\$33 million) of these interest earnings, depending upon the formula used to determine the state funding guarantee for these programs.

**Prison Inmate Credits.** This measure would eliminate sentence reduction credits for certain offenders, thereby resulting in an increase in the state prison population. This could result in:

- Relatively minor General Fund costs beginning in 1997-98, increasing to about \$30 million annually by the year 2012-13 to support the increased population.
- One-time costs of more than \$140 million for the construction of new prison facilities to house the increased prison population.

**Other Fiscal Effects.** The increased funding for street-level law enforcement could result in additional criminal arrests and convictions. This could result in increased state and local criminal justice costs. The increased funding for drug education and prevention could reduce state and local costs in the future.

For text of Proposition 133 see page 117

## Argument in Favor of Proposition 133

Drugs and drug-related crimes are the biggest problems facing this state. People are killed in drive-by shootings and gang wars in cities and suburbs all over California. Drug labs are springing up in rural counties. Our children are exposed to drugs in school, no matter how wealthy or poor the neighborhood. Each year, 55,000 drug addicted infants are born in California, many of them crack babies.

And every day, criminals who repeatedly murder, rape, sell drugs to children, or deal huge quantities of drugs are released from prison *before they've served their full sentences*, only to commit other crimes.

It's time to put an end to it.

Too many of our children are being destroyed by drugs and gangs. Proposition 133—the Safe Streets Initiative—will help them fight back.

- **IT WILL FORCE REPEAT VIOLENT OFFENDERS AND DRUG CRIMINALS TO SERVE THEIR FULL PRISON SENTENCES.** Right now, even criminals convicted of two or more murders or huge drug deals can have their sentences cut in half thanks to "good behavior" or work programs. Proposition 133 will keep them in jail.
- **IT WILL PROVIDE PROVEN ANTI-DRUG PROGRAMS LIKE "DARE" AND "SANE" TO EVERY CHILD IN EVERY CLASSROOM IN CALIFORNIA.** These classes work! But only a small percentage of our children receive them, because there isn't enough money.
- **IT WILL FUND SUPERVISED AFTER-SCHOOL PROGRAMS LIKE ATHLETICS AND ARTS TO GIVE KIDS ALTERNATIVES TO THE STREETS.** One reason kids get into drugs and gangs is because they have nothing to do after school. Proposition 133 funds after-school programs for hundreds of thousands of children.
- **IT WILL PUT MORE POLICE ON THE STREETS TO PROTECT LAW-ABIDING CITIZENS.** Proposition 133 provides the money to hire thousands of new officers.

- **IT WILL GIVE POLICE BETTER WEAPONS, SO THEY WON'T BE OUTGUNNED BY DRUG DEALERS.**
- **IT WILL PROVIDE TREATMENT PROGRAMS WHICH HELP PREVENT THE BIRTH OF CRACK BABIES, AND HELP YOUNG ADDICTS RECOVER.**

These programs are funded with a ½ cent sales tax. But unlike most taxes, Proposition 133 guarantees that every penny is used for specific education, law enforcement, and treatment programs. The money cannot be diverted:

- All the money goes into a separate "Safe Streets" Account that can only be used for anti-drug education, law enforcement, and treatment programs.
- Unless the voters decide to extend it, the program automatically expires in four years. **IF IT DOESN'T WORK, IT'S GONE. AUTOMATICALLY.**
- State administrative expenses are limited to 1%.
- Annual independent audits make sure the money goes where it's supposed to—to successful anti-drug programs.

Proposition 133 is supported by every major law enforcement group in California, and leading medical, business, and school groups.

They know the key to fighting drugs is to:

- 1) **TEACH OUR KIDS ABOUT THE DANGERS OF DRUGS, AND HELP THEM BUILD THEIR FUTURES.**
- 2) **MAKE SURE DANGEROUS CRIMINALS AND DRUG DEALERS ARE ARRESTED, PROSECUTED, AND SERVE STEEF SENTENCES.**

That's what Proposition 133 is about.

**DARYL GATES**  
*Police Chief, City of Los Angeles*

**BILL HONIG**  
*Superintendent of Public Instruction*

**LEO McCARTHY**  
*Lieutenant Governor*

## Rebuttal to Argument in Favor of Proposition 133

It is not by accident that the sponsor of proposition 133, Leo McCarthy, does not mention what this proposition is really about—**RAISING YOUR TAXES**—until nearly the end of his ballot argument.

**THIS PROPOSITION WILL INCREASE THE AVERAGE FAMILY'S TAXES BY OVER \$500**—those very innocent people who should not have to pay for criminal behavior.

An additional \$500 in taxes means many parents must work overtime and spend even less time with their children.

The elimination of drugs from our streets, schools and communities is of utmost importance, but more taxes is not the answer.

The programs outlined in this proposition can be paid for out of current tax revenues.

The real purpose of this proposition is to provide political cover for Leo McCarthy because of his poor crime enforcement

record. He would have you believe that Proposition 133 is necessary to force repeat offenders to serve their full sentences. **I SAY THEY SHOULD SERVE THEIR FULL SENTENCES THE FIRST TIME THEY RAPE OR MURDER.**

Don't be fooled by election year hype. McCarthy will promise you anything to reach into your pocket for your tax dollars.

He further claims it's a four year temporary \$7.6 billion tax increase. When is the last time you remember a temporary tax being repealed by the state legislature?

What we need are tougher laws to keep offenders in prison—without tax increases. We need to use our current tax dollars more effectively. **VOTE NO ON PROPOSITION 133.**

**MARIAN BERGESON**  
*State Senator, 37th District*

# Drug Enforcement and Prevention. Taxes. Prison Terms. Taxes. Prison Terms. Initiative Statute

133

## Argument Against Proposition 133

The so-called "Safe Streets" initiative is nothing more than another tax increase hidden inside of a special-interest ballot measure wrapped around a nice sounding name.

The "Safe" the proponents of this initiative want to crack open is taxpayers pocket books.

As devised by Lieutenant Governor Leo McCarthy, this measure would cost taxpayers over \$7.6 billion. At a cost to the average California family of over \$500.

This measure also makes claims that its passage will be tough on criminals by proposing to prohibit the early release of persons convicted *twice* of murder, rape and drug dealing. Why give these criminals a second chance and raise your taxes at the same time? We think it makes more sense to put these people away the *first* time they commit these violent crimes.

Increasing your statewide sales tax dollars to pay for specific special interest programs is bad tax policy. Not only do you have the burden of unneeded tax increases, but you remove all flexibility from government in their ability to properly manage state services.

The way the initiative is written, the sales tax increase is only for four years. However, many programs and budgets would be funded with that money and there is little chance the Legislature would be able to resist the pressure from local governments, government employees, and other affected interest groups not to continue the increased tax. If the

increase was not continued, there would be fiscal chaos for both local schools, law enforcement, and other programs which will have grown dependent on the money. In other words, the reality of passage of this measure means a permanent tax increase and McCarthy and its proponents are trying to fool the voters with the language to sunset the tax after just four years.

There is a distressing trend in California politics of carving out a piece of the taxpayer pie for different special needs. The cumulative effect of this is tax policy anarchy resulting in a variety of specially designed programs overfunded by taxpayers.

This measure purports to put more cops on the street in order to fight crime, but in reality the schools receive nearly half of the new tax money. The schools already have a minimum guaranteed share of the state budget under Proposition 98. If people want to provide more funding to support local law enforcement this is the wrong measure to do it.

We strongly urge you to reject this tax increase initiative. This measure while great for politicians and bureaucrats is terrible for businesses and taxpayers.

**BILL LEONARD**  
*State Senator, 25th District*

**RICHARD GANN**  
*President, Paul Gann's Citizens Committee*

## Rebuttal to Argument Against Proposition 133

Tired of hot air about drugs and gangs?

Think it's time to fight back?

Then vote for Proposition 133.

The opponents are right about one thing—*Proposition 133 strongly supports anti-drug education programs:*

- **MOST CHILDREN—MAYBE YOUR OWN—AREN'T TAUGHT ANTI-DRUG CLASSES IN SCHOOL BECAUSE THERE ISN'T ENOUGH MONEY.** Proposition 133 provides anti-drug education to every child in every classroom in California.
- **THOUSANDS OF CHILDREN—MAYBE YOUR OWN—ARE EXPOSED TO DRUGS AFTER SCHOOL, BECAUSE THEY HAVE NOTHING ELSE TO DO.** Proposition 133 funds supervised after-school programs like athletics and arts to help give kids alternatives to the streets.

Proposition 133 also funds programs that prevent "crack babies" and other drug-addicted infants, who are innocent victims of the drug tragedy.

Prevention is critical, but it isn't enough. Proposition 133 puts thousands more police officers on the street, and gives them the equipment they need to make our streets safe. **PROPOSITION 133 HAS BEEN ENDORSED BY EVERY**

**MAJOR LAW ENFORCEMENT ORGANIZATION IN THE STATE:**

- California Police Chiefs Association
- California Sheriffs Association
- California Peace Officers Association
- California Correctional Peace Officers Association
- Peace Officers Research Association of California

Proposition 133 also requires repeat criminals to serve their full sentences. Everybody supports tough sentences. But tough sentences don't help if the criminals get out early. Right now, criminals convicted repeatedly of violent crimes can still get out of jail early. Proposition 133 will put an end to that.

**KEEP KIDS OFF DRUGS.  
KEEP CRIMINALS IN JAIL.  
YES ON 133.**

**CHIEF DON BURNETT**  
*President, California Police Chiefs Association*

**DR. JOAN E. HODGMAN**  
*Director of Newborn Care, Los Angeles County  
(USC) Medical Center*

**LEO MCCARTHY**  
*Lieutenant Governor*

Document received by the CA 1st District Court of Appeal.

**IMPOSES ADDITIONAL TAX ON CIGARETTES FOR CANCER RESEARCH. INITIATIVE STATUTE.**

- Imposes additional five cent tax on each cigarette distributed (\$1.00 per pack), and an equivalent tax increase on other tobacco products, to fund cancer research and other specified purposes.
- Requires tax revenues be deposited into a special fund to finance research and research facilities focused on detecting, preventing, treating, and curing cancer, heart disease, emphysema, and other tobacco-related diseases, and to finance prevention programs.
- Creates nine-member committee charged with administering the fund.

**Summary of Legislative Analyst's Estimate of Net State and Local Government Fiscal Impact:**

- Net increase in cigarette excise tax revenues of about \$735 million annually by 2013–14 for research into cancer and tobacco-related disease, and for tobacco prevention and cessation programs. These revenues would decline slightly each year thereafter.
- Increase in excise tax revenues on other tobacco products of about \$50 million annually, going mainly to existing health and tobacco prevention and cessation programs.
- Net increase in state and local sales tax revenues of about \$10 million to \$20 million annually.
- Unknown net impact on other long-term state and local government health care costs.

## ANALYSIS BY THE LEGISLATIVE ANALYST

**BACKGROUND****Tobacco Taxes**

**Existing State Excise Taxes.** Current state law imposes excise taxes on the distribution of cigarettes and other tobacco products, such as cigars and chewing tobacco. Tobacco excise taxes are paid by distributors who supply cigarettes and other tobacco products to retail stores. These taxes are typically passed on to consumers as higher cigarette and other tobacco product prices.

The state's cigarette excise tax is currently 87 cents per pack. Figure 1 describes the different components of the per-pack tax. As the figure shows, two voter-approved measures—Proposition 99 in 1988 and Proposition 10 in 1998—are responsible for generating the vast majority of tobacco excise tax revenues. As Figure 1 indicates, total state revenues from existing excise taxes on cigarettes and other tobacco products were just over \$900 million in 2010–11.

Revenues from existing excise taxes on other tobacco products support Propositions 10 and 99 purposes. Under current law, any increase in cigarette taxes automatically triggers an equivalent

increase in excise taxes on other tobacco products, with the revenues going to support Proposition 99 purposes.

**Existing Federal Excise Tax.** The federal government also imposes an excise tax on cigarettes and other tobacco products. In 2009, this tax was increased by 62 cents per pack (to a total of \$1.01 per pack) to help fund the Children's Health Insurance Program, which provides subsidized health insurance coverage to children in low-income families.

**Existing State and Local Sales and Use Taxes.** Sales of cigarettes and other tobacco products are also subject to state and local sales and use taxes. These taxes are imposed on the retail price of a product, which includes excise taxes that have generally been passed along from distributors. The average retail price of a pack of cigarettes in California currently is over \$5. More than \$400 million in annual revenues from sales and use taxes on cigarettes and other tobacco products go to the state and local governments.

<b>Figure 1</b>		
<b>Existing State Tobacco Excise Taxes</b>		
<i>(Dollars in Millions)</i>		
<b>Description</b>	<b>Cents Per Pack of Cigarettes</b>	<b>Estimated 2010–11 Net Revenue<sup>a</sup></b>
<b>State General Fund:</b> Initially enacted by the Legislature in 1959 for general support of the state budget.	10¢	\$96
<b>Proposition 99:</b> Enacted by the voters in 1988 for the purposes of supporting tobacco education and prevention efforts, tobacco-related disease research programs, health care services for low-income persons, and environmental protection and recreational resources. Some Proposition 99 revenues are used to support programs that also receive support from the state General Fund.	25	298 <sup>b</sup>
<b>Breast Cancer Fund:</b> Enacted by the Legislature in 1993 for the purposes of supporting breast cancer screening programs for uninsured women and research related to breast cancer.	2	23
<b>Proposition 10:</b> Enacted by the voters in 1998 for the purposes of supporting early childhood development programs.	50	489 <sup>b</sup>
<b>Totals</b>	<b>87¢</b>	<b>\$905<sup>c</sup></b>

<sup>a</sup> Accounts for payments from Proposition 10 to other funds in order to maintain pre-Proposition 10 revenue levels.  
<sup>b</sup> Total includes excise tax revenue from other types of tobacco products, such as cigars and chewing tobacco.  
<sup>c</sup> Does not total due to rounding.

**Current Health Research and Tobacco Cessation Activities**

Across the country, substantial amounts of money are spent on research related to cancer and tobacco-related diseases, such as heart disease. For example, the federal National Institutes of Health provide several billion dollars annually for grants and research in these areas. Private entities and nonprofits also provide funds for such research. In California, the University of California (UC) is one of the primary recipients of these research dollars. In addition, UC uses some state funds for this purpose.

Tobacco prevention and cessation programs are currently conducted by public entities, health insurers, and various other organizations. For example, approximately \$50 million a year from Proposition 99 revenues is used to fund tobacco prevention and cessation programs in California.

*For text of Proposition 29, see page 24.*

**PROPOSAL**

This measure increases excise taxes on the distribution of cigarettes and other tobacco products. It uses the additional revenues raised for research on cancer and tobacco-related diseases (such as heart disease and emphysema), as well as for other specified purposes. The major provisions of the measure are described below.

**New State Tobacco Tax Revenues**

This measure increases—effective October 2012—the existing state excise tax on cigarettes by \$1 per pack. The total state excise tax, therefore, would be \$1.87 per pack. The measure also creates a one-time “floor tax” on the majority of cigarettes that are stored by businesses at the time the new excise tax is levied. Floor taxes are typically used to prevent businesses from avoiding taxes by stockpiling products before a tax goes into effect.

Existing state law requires the Board of Equalization (BOE) to annually set a tax on other tobacco products—such as cigars and chewing tobacco—at an amount equivalent to the tax on cigarettes. Accordingly, this measure would also result in a comparable increase in the excise tax on other tobacco products, with the revenues supporting Proposition 99 purposes.

**How New Cigarette Tax Revenues Would Be Spent**

Revenues from the cigarette excise tax increase would be deposited in a new special fund, called the California Cancer Research Life Sciences Innovation Trust Fund. These revenues would be dedicated to the support of research on cancer and tobacco-related diseases, as well as for other specified purposes. After compensating existing tobacco tax program funds for any losses due to the imposition of the new tax (as described in the next section), the remaining money would be distributed among five funds:

- **Hope 2010 Research Fund.** Sixty percent of the funds would be used to provide grants and loans to support research on prevention, diagnosis, treatment, and potential cures for cancer and tobacco-related diseases. The measure states that all qualified researchers would have an equal opportunity to compete for these research funds.
- **Hope 2010 Facilities Fund.** Fifteen percent would be used to provide grants and loans to build and lease facilities and provide capital equipment for research on cancer and tobacco-related diseases.
- **Hope 2010 Tobacco Prevention and Cessation Fund.** Twenty percent would be used for tobacco prevention and cessation programs administered by the California Department of Public Health (DPH) and the California Department of Education.
- **Hope 2010 Law Enforcement Fund.** Three percent would be allocated to state agencies to support law enforcement efforts to reduce cigarette smuggling, tobacco tax evasion, and illegal sales of tobacco to minors, and to

otherwise improve enforcement of existing law.

- **Hope 2010 Committee Account.** Two percent would be deposited into an account that would be used to pay the costs of administering the measure, most of which would likely be reimbursing BOE for tax collection costs.

**Backfill of Existing Tobacco Tax Programs.**

This measure requires the transfer of some revenues from the trust fund to “backfill,” or offset, all revenue losses that are likely to occur to existing state cigarette and tobacco taxes that directly result from the imposition of the additional tax. These revenue losses would occur mainly because an increase in the price of cigarettes and other tobacco products generally reduces consumption and results in more sales for which taxes are not collected, such as Internet purchases and purchases of out-of-state products. This, in turn, would reduce the amount of revenues collected through the existing state excise taxes described above. The amount of backfill payments needed to offset any loss of funding in these areas would be determined by BOE.

**Committee Established to Administer Trust Fund**

The trust fund would be overseen by a newly created Cancer Research Citizen’s Oversight Committee. The committee would be composed of the following nine members:

- Four members appointed by the Governor, three of whom are directors of one of the ten designated cancer centers in California.
- Two members appointed by the Director of DPH, at least one of whom has been treated for a tobacco-related illness.
- Three chancellors from UC campuses that are members of the California Institute for Quantitative Biosciences Research. (Currently, three UC campuses—Santa Cruz, Berkeley, and San Francisco—are institute members.)

Document received by the CA 1st District Court of Appeal.

**Authority Granted to the Committee.** The measure authorizes the committee to administer the trust fund. The funds would have to be expended solely for the purposes described in the act. The funds would be allocated by the committee. Thus, they would not be subject to appropriation by the Legislature. Furthermore, these funds could not be loaned to other state funds.

The measure gives the committee the authority to:

- Develop short- and long-term financial plans.
- Establish a process for soliciting, reviewing, and awarding grants and loans for researchers and facilities.
- Appoint a chief executive officer and other employees.
- Establish policies regarding intellectual property rights arising from research funded by this measure.

**Other Major Provisions**

**Transfers Permitted From Facilities Fund.** In the event the committee determines that there is a surplus in the Hope 2010 Facilities Fund, the measure would authorize the committee to transfer the surplus money to the Hope 2010 Research Fund, the Hope 2010 Tobacco Prevention and Cessation Fund, or the Hope 2010 Law Enforcement Fund.

**Accountability Measures.** The measure requires the committee to issue an annual report to the public that includes information on its administrative expenses, the number and amount of grants provided, and a summary of research accomplishments. The committee would also be required to have an independent financial audit each year. The measure includes conflict-of-interest provisions that govern the conduct of committee members, and includes specific criminal penalties for anyone convicted for the misuse of trust fund monies.

**FISCAL EFFECTS**

This measure would have a number of fiscal effects on state and local governments. The major impacts are discussed below.

**Impacts on State and Local Revenues**

**Revenues Would Be Affected by Consumer Response.** Our revenue estimates assume that the proposed excise tax increase would be passed along to consumers. In other words, we assume that the retail prices of cigarettes and other tobacco products would be raised to include the excise tax increase. This would result in various consumer responses. The price increase would result in consumers reducing the quantity of taxable tobacco products they consume. Consumers could also change the way they acquire tobacco products so that fewer transactions are taxed, such as through Internet purchases or purchases of out-of-state products. While we believe a reasonable projection of consumer response is incorporated into our revenue estimates, they are still subject to some uncertainty.

**New Cigarette Excise Tax Revenues.** We estimate that the increase in cigarette excise taxes required by this measure would raise about \$615 million in 2012–13 (partial-year effect) and about \$810 million in 2013–14 (the first full-year impact). Our estimate of the allocation of new cigarette excise tax revenues in 2013–14 is shown in Figure 2 (see next page). After backfilling losses in existing tobacco excise tax revenue (described in more detail later), the new cigarette excise tax would generate an estimated \$735 million in net revenue in 2013–14 for the purposes described in the measure. The cigarette excise tax increase would generate somewhat lower amounts of revenue each year thereafter, based on our projections of continued declining cigarette consumption.

**Effects on Existing Tobacco Excise Tax Revenues.** The decline in consumption of cigarettes and other tobacco products caused by this measure would reduce revenues from the

Document received by the CA 1st District Court of Appeal.

<b>Figure 2</b>		
<b>How Estimated Revenue From New Cigarette Tax Would Be Allocated</b>		
<i>(Dollars in Millions)</i>		
	<b>Allocation</b>	<b>2013–14 Funding (Full Year)</b>
<b>Estimated Revenue From New Cigarette Tax</b>		<b>\$810</b>
Less backfill to Proposition 99, Proposition 10, General Fund, and Breast Cancer Fund	—	-75 <sup>a</sup>
<b>Estimated Net Revenue</b>		<b>\$735</b>
<b>Allocation of Estimated Net Revenue</b>		
Research Fund	60%	\$441
Facilities Fund	15	110
Tobacco Prevention and Cessation Fund	20	147
Law Enforcement Fund	3	22
Committee Account	2	15

<sup>a</sup> LAO estimate. Backfill amounts would be determined by the Board of Equalization.

existing excise taxes that go to support Propositions 99 and 10 purposes, the General Fund, and the Breast Cancer Fund. The measure provides for the backfill of these losses from revenues raised by the new excise tax. We estimate that the amount of backfill funding needed to comply with this requirement would be about \$75 million annually, as shown in Figure 2.

As noted earlier, this measure would have an additional fiscal effect on excise taxes which go to support Proposition 99 purposes. Under current law, any cigarette tax increase triggers an automatic corresponding increase in the taxes on other tobacco products, with the additional revenues going to support Proposition 99 purposes. We estimate that the higher tax on other tobacco products would result in a full-year Proposition 99 revenue gain of about \$50 million, beginning in 2013–14.

**Effects on State and Local Sales and Use Tax Revenues.** Sales and use taxes are levied on a variety of products, including the retail price of tobacco products. The retail price usually includes the cost of all excise taxes. The higher retail price of tobacco products resulting from the new excise tax, therefore, would increase state and local revenue from the sales and use tax on tobacco products. This effect would be offset somewhat by several factors, including lower spending on other products subject to sales and use taxes. On net, we estimate an increase in revenue of about \$10 million to \$20 million annually.

**Effects on Excise Tax Collection.** As discussed earlier, the measure would deposit 3 percent of revenues from the new cigarette tax into a Law Enforcement Fund to support state law enforcement efforts. These funds would be used to support increased enforcement efforts to reduce

tax evasion, counterfeiting, smuggling, and the unlicensed sales of cigarettes and other tobacco products. The funds would also be used to support efforts to reduce sales of tobacco products to minors. These activities would have an unknown net impact on the amount of revenues collected through excise taxes.

**Impact on State and Local Government Health Care Costs**

The state and local governments in California incur costs for providing (1) health care for low-income and uninsured persons and (2) health insurance coverage for state and local government employees and retirees. Consequently, changes in state law such as those made by this measure that affect the health of the general population—and low-income and uninsured persons and public

employees in particular—would affect publicly funded health care costs.

For example, as discussed earlier, this measure would result in a decrease in the consumption of tobacco products. The use of tobacco products has been linked to various adverse health effects by federal health authorities and numerous scientific studies. Thus, this measure would reduce state and local government health care spending on tobacco-related diseases over the long term. This measure would have other fiscal effects that offset these cost savings. For example, the state and local governments would incur future costs for the provision of health care and social services that otherwise would not have occurred as a result of individuals who avoid tobacco-related diseases living longer. Thus, the net fiscal impact of this measure on state and local government costs is unknown.

Document received by the CA 1st District Court of Appeal.

# Performance Analysis of the Proposed 2020 TEP

## Preliminary Results

**Martin Engelmann and Matt Kelly**

Contra Costa Transportation Authority

September 18, 2019



CONTRA COSTA  
**transportation  
authority**

RPIA0020

# OBJECTIVE:

*Analyze the impacts of the proposed 2020 TEP on the transportation system for today and into the future*



CONTRA COSTA  
transportation  
authority



# STEPS IN THE PROCESS



## IDENTIFY SCENARIOS

Determine base year, future year, TEP and no-TEP scenarios



## SELECT TOOLS FROM THE TOOL BOX

Use the CCTA Countywide Model, pedestrian/bicycle model, and post-processing tools available through MTC/ABAG



## SELECT PERFORMANCE MEASURES

Determine with metrics will be used to evaluate the TEP



## IDENTIFY PROJECTS ASSOCIATED WITH EACH SCENARIO

Review draft TEP, identify projects and programs, determine which projects are “modelable”



## CODE THE PROJECTS INTO THE MODEL

Modify the TransCAD model to reflect the scenarios



## RUN THE TRANSCAD MODEL

For each scenario, run the model and report out the results



## REVIEW MODEL OUTPUTS

Check outputs for reasonableness, identify anomalies, check inputs and processes for errors



## REFINE MODEL OUTPUTS

Using the outputs of the model, perform additional analysis to distill the model results and compile the results into a manageable report



## PERFORM “POST PROCESSING” ANALYSIS

Further refine the model outputs using post-processing techniques to determine multi-modal impacts



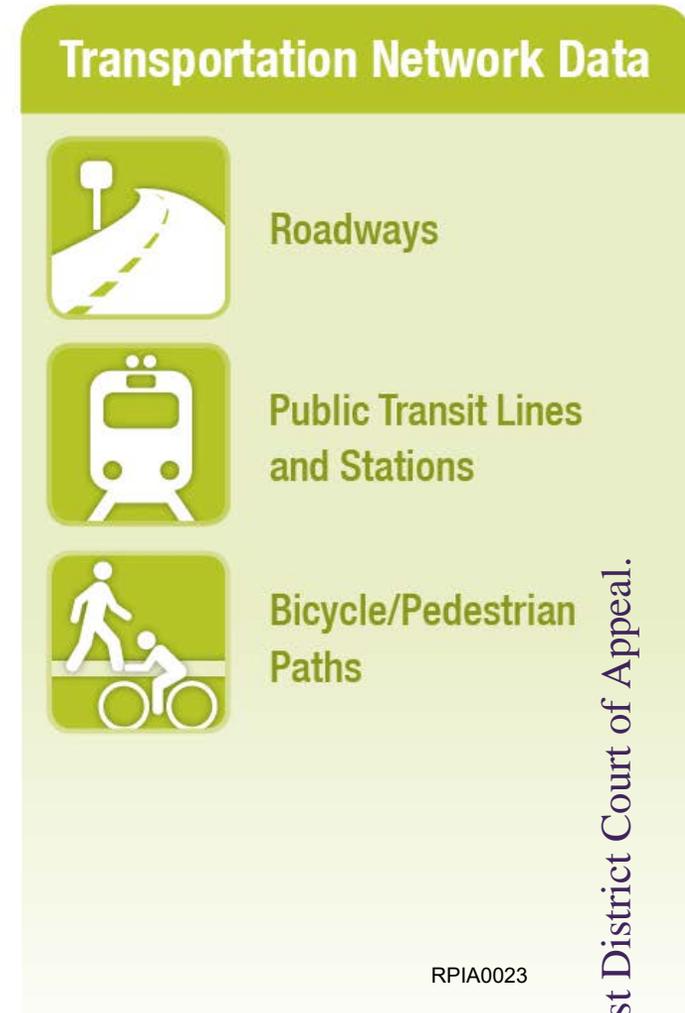
## TRANSLATE OUTPUTS INTO PERFORMANCE-BASED MEASUREMENTS & INTEGRATE INTO ECONOMIC STUDY

Translate the model results into a meaningful outcome-based, performance oriented assessment of the TEP

# WHAT IS THE COUNTYWIDE MODEL?

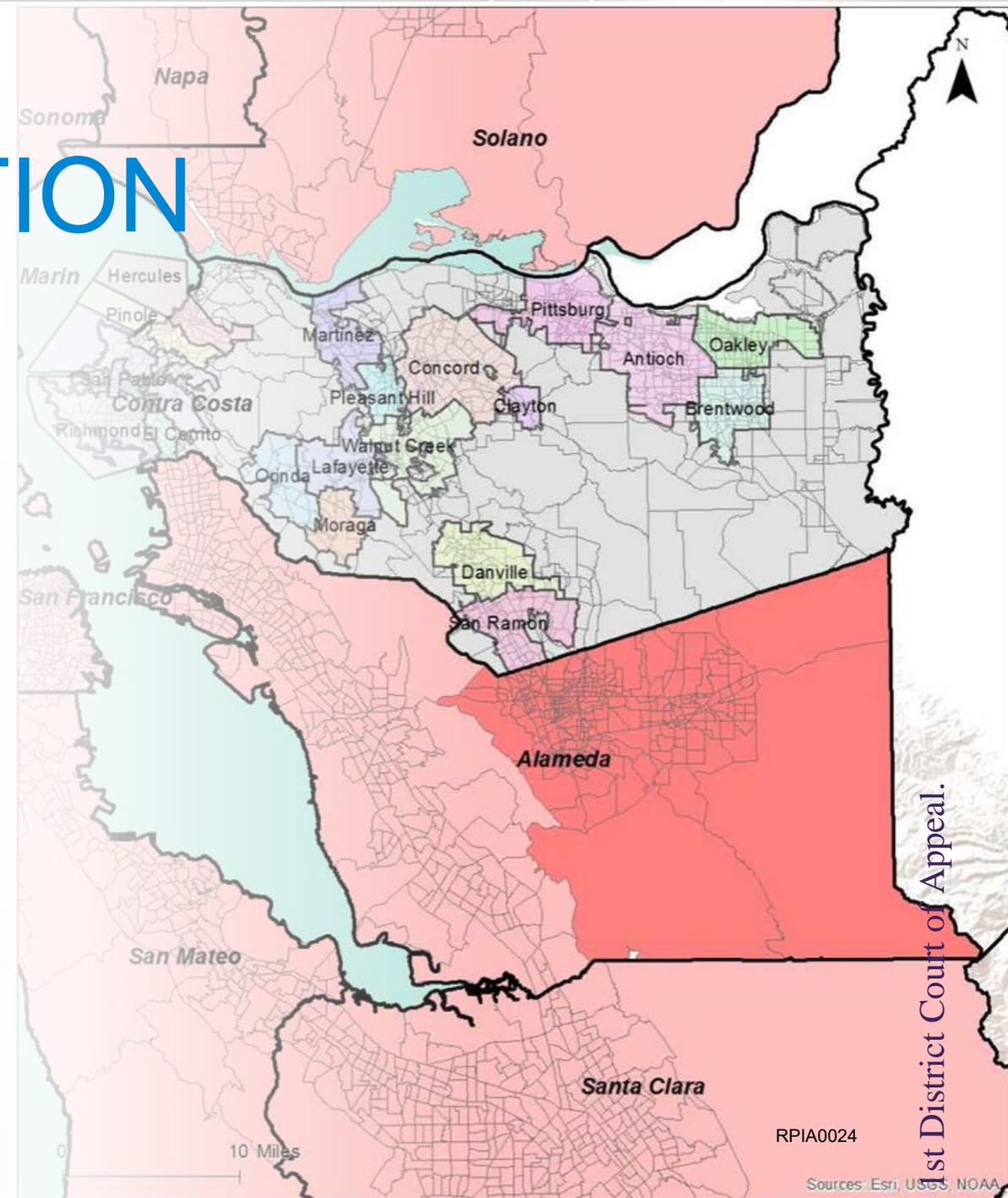
The Authority owns and operates a Travel Demand Forecasting Model that runs on the TransCAD® software:

- Required under Measure J as part of the Expenditure Plan and Growth Management Program
- As the designated Congestion Management Agency for Contra Costa, CCTA is required to maintain and regularly update a model and databases consistent with MTC/ABAG model and databases



# MODEL DESCRIPTION

- 3,120 Traffic Analysis Zones
- Uses the TransCAD® software
- Covers the nine-county SF Bay Area
- Multi-modal: includes all trip types
- Consistent with MTC/ABAG model/database
- Four-step process: trip based model
- Forecasts to year 2040
- Assumes 19.6% increase in CC population by 2040 (+225,900) and 31.3% increase by 2055 (+361,500)



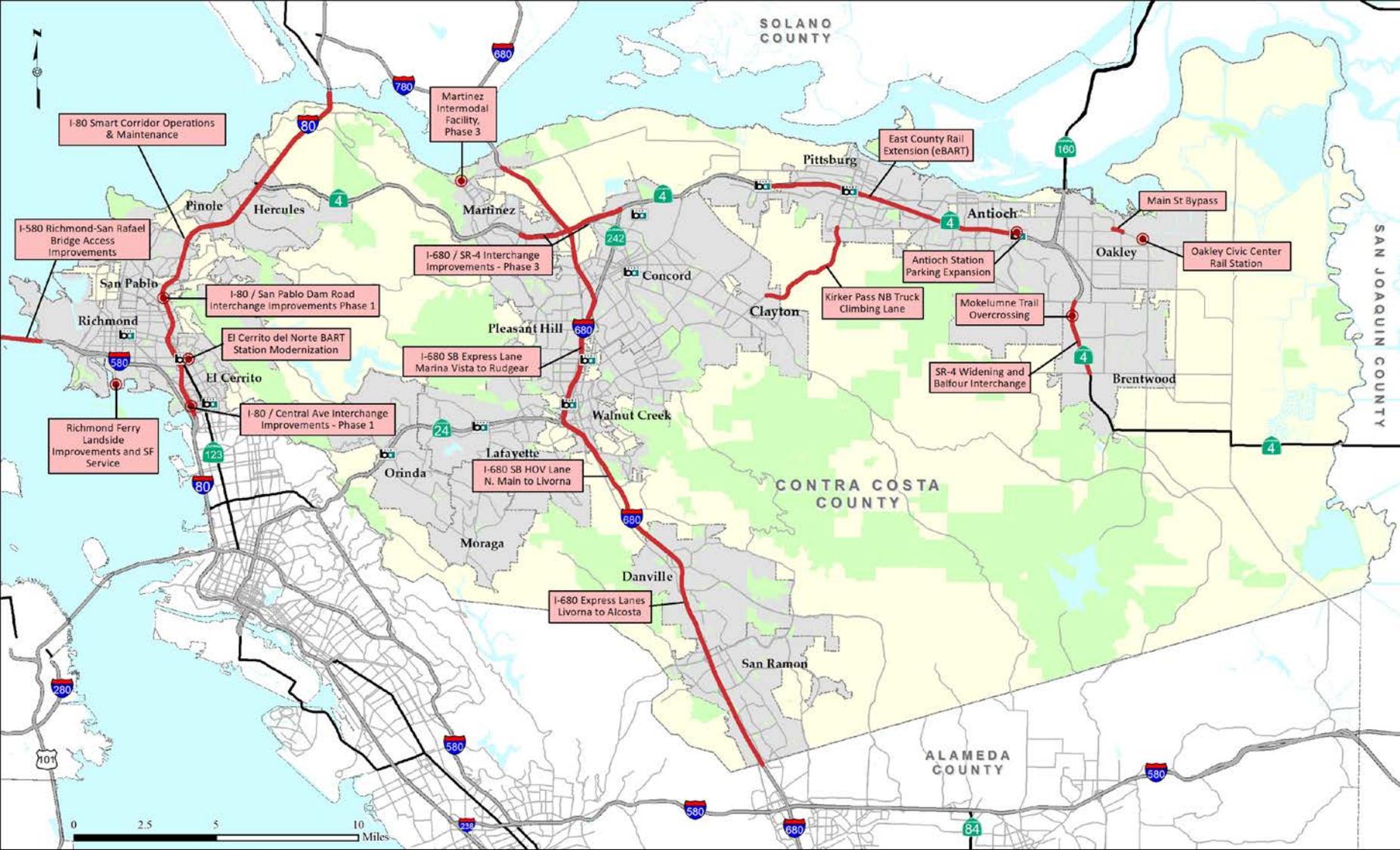
# Scenarios

---

# 2020 TEP Analysis Scenarios

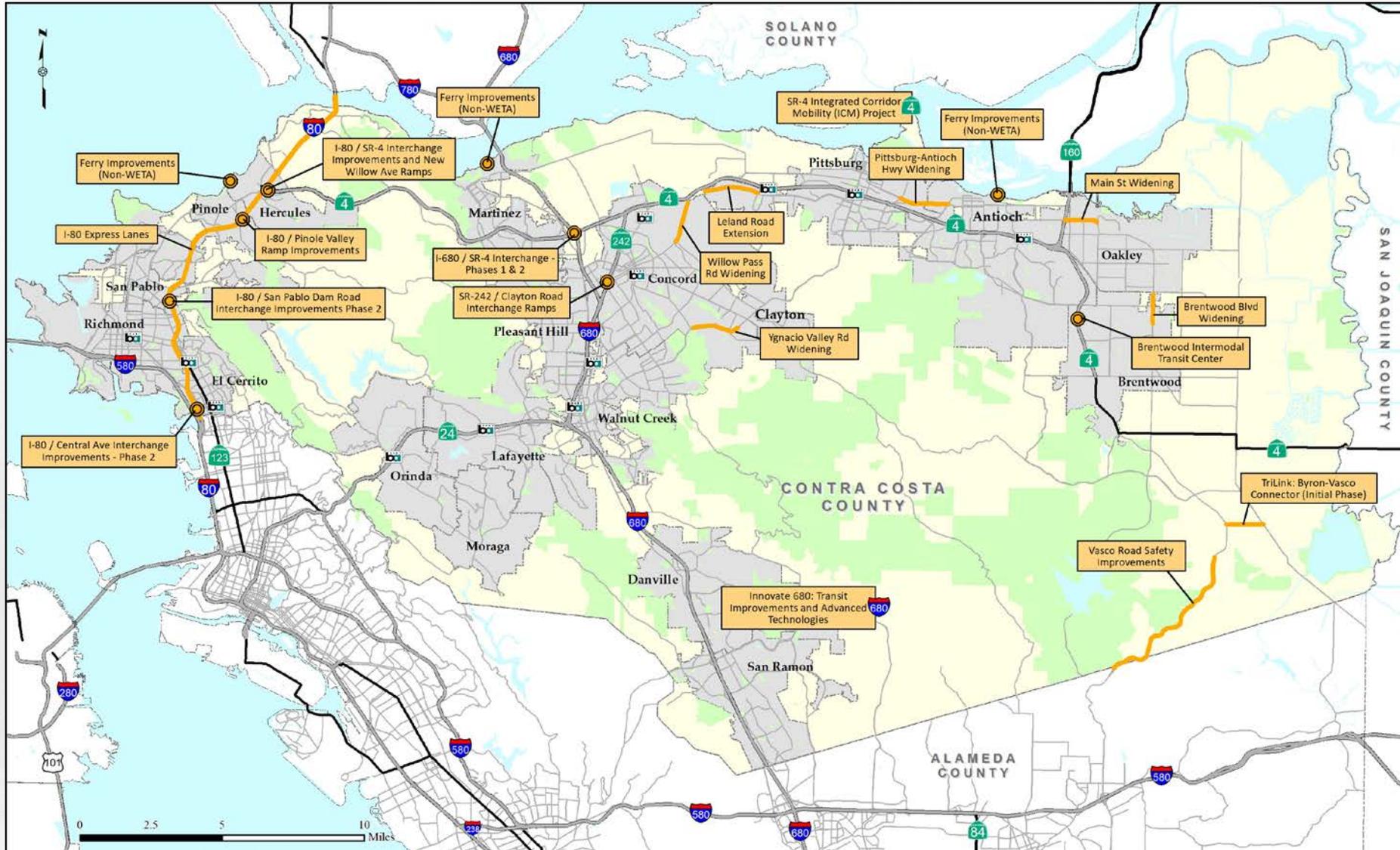
Year	Scenario Name	Description
2020	Existing Conditions	Includes projects completed or under construction by March 2020
2040	No TEP	Includes 2020 Existing Conditions plus projects that are in the 2017 RTP that did not experience cost increases beyond the RTP fund estimate
	With TEP	Includes Year 2040 “No TEP” plus all TEP projects

# EXISTING CONDITIONS 2020



RPIA0027

# YEAR 2040 NO TEP SCENARIO





# Modeling Results

---

# Model Post-Processing

- Required to analyze factors that aren't "modelable"
- Used factors and methodologies adopted by MTC in Plan Bay Area 2040, including
  - Commute TDM Programs
  - Car Sharing
  - Employer Shuttles
- Extended TEP benefits to 2055 (VMT and GhG emissions)
- Assumed 31.3% ( increase in population through 2055 to 361,500 (CA DoF)
- Assumed Pavley 1 Advance Clean Cars GhG reductions (2040)
- CBPP Bike Mode Share Forecast Model used for effects of increased bike infrastructure

# Year 2040 – Vehicle Performance

	<u>2040 No TEP</u>	<u>2040 With TEP</u>
○ Daily Vehicle Hours of Travel (VHT)	32%	18%
○ Daily Vehicle Hours of Delay (VHD)	85%	23%

# Year 2040 – Mode Shift (Daily)

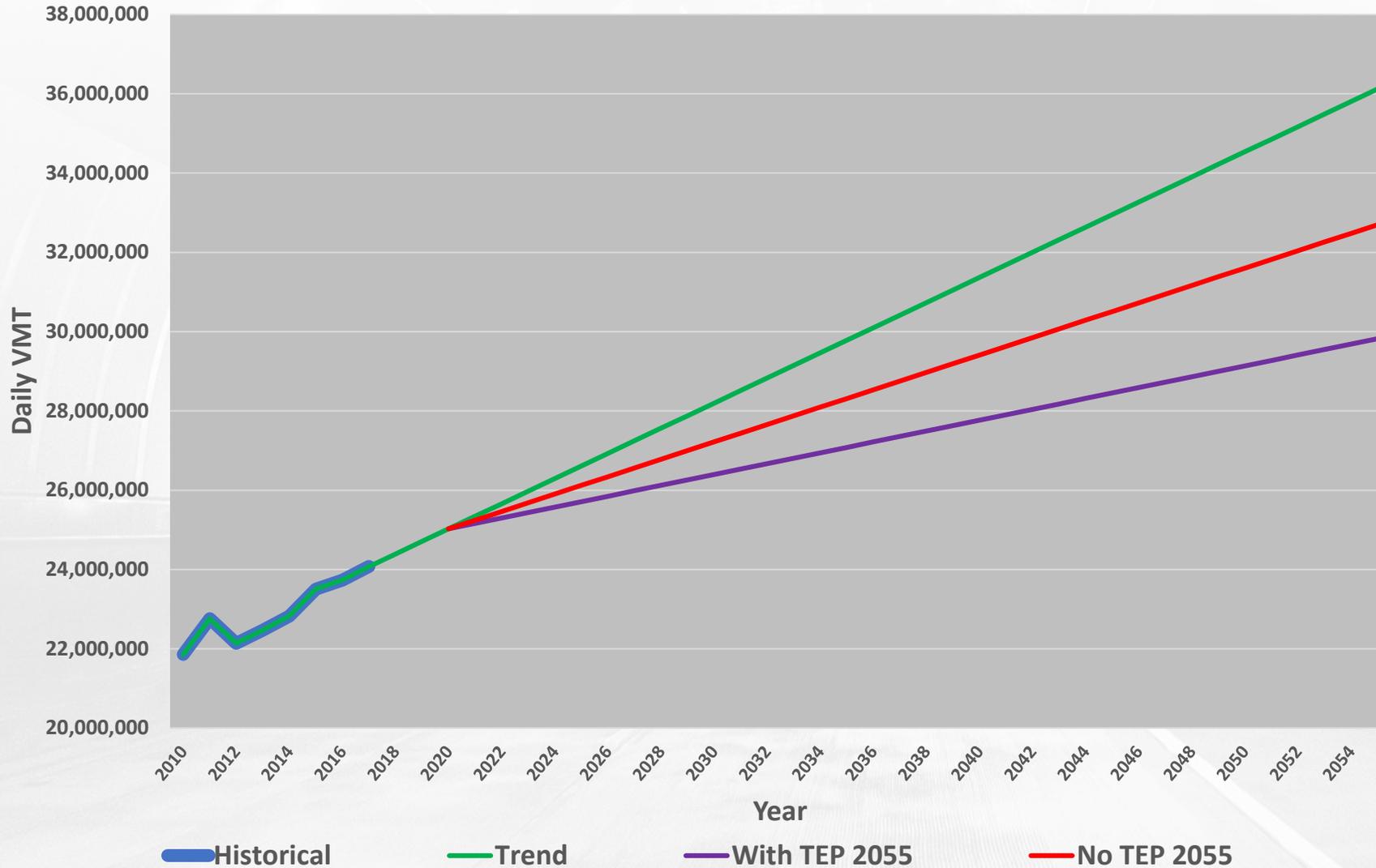
<u>Commute Mode</u>	<u>2040 No TEP</u>	<u>2040 With TEP</u>
○ Drive Alone	14%	12%
○ Shared Ride/Carpool	22%	20%
○ Transit Ridership	16%	31%
○ Bicycle Use	80%	245%

# Year 2055 – VMT & GhG

	<u>2055 No TEP</u>	<u>2055 With TEP</u>
○ Daily VMT Per Capita	-3%	-15%
○ Daily CO2 Emissions Per Capita	-47%	-55%

# VMT Projections

Annual Daily Vehicle Miles Travelled (VMT)



# Next Steps

---

# Next Steps

- Continue post-processing model output
- Quantifying TEP Program and Policy benefits (57% of TEP)
- Bay Area Council economic analysis (TREDIS Model)
- Provide user outcome-based benefits



Thank you



CONTRA COSTA  
transportation  
authority

RPIA0038

# Performance Analysis of the Proposed 2020 TEP

## Preliminary Results (con't.)

**Matt Kelly**

Contra Costa Transportation Authority

October 30, 2019



CONTRA COSTA  
transportation  
authority

RPIA0039

# Year 2040 with TEP

## Travel Time Savings on Typical Commutes

<u>Commute</u>	<u>By Car</u>	<u>By Transit</u>
Pleasant Hill to Pleasanton	-11% (5 min)	-43% (39 min)
Brentwood to Walnut Creek	-15% (10 min)	-39% (25 min)
Danville to Concord	-33% (8 min)	-42% (36 min)

# Year 2040 with TEP

## Access to Jobs for Communities of Concern vs Rest of County

Residence Location	Mode	% Change with TEP
Community of Concern	Auto	2.3%
	Transit	40.4%
Outside Community of Concern	Auto	5.0%
	Transit	81.0%
<b>Contra Costa County</b>	<b>Auto</b>	<b>4.0%</b>
	<b>Transit</b>	<b>63.0%</b>
Community of Concern: High	Auto	2.5%
	Transit	37.5%
Community of Concern: Higher	Auto	5.1%
	Transit	112.5%
Community of Concern: Highest	Auto	1.0%
	Transit	37.0%

# Year 2040 with TEP Transit Ridership by Provider

WestCAT +23%

County Connection +44%

TriDelta Transit +22%

BART +6%

AC Transit TBD

**New Ridership with TEP = +50,000 daily riders (+ACT)**

# Year 2040 with TEP Transit Ridership for New Services

Brentwood Transit Extension	+13,700 daily riders
New I-80 Corridor Express Bus Service Serving W. Berkeley/Emeryville	+1,050 daily riders
New I-680 Corridor Express Bus Service Martinez to Dublin/Pleasanton	+6,630 daily riders



Thank you



CONTRA COSTA  
transportation  
authority

RPIA0044



CONTRA COSTA  
**transportation  
 authority**

APPROVED BY THE  
 CONTRA COSTA  
 TRANSPORTATION AUTHORITY

**ORIGINAL**

DATE: October 31, 2019  
 CERTIFIED BY

*Tarienne Grover*

TARIENNE GROVER, CLERK OF THE BOARD

**ORDINANCE 19-02**

**AN ORDINANCE OF THE CONTRA COSTA TRANSPORTATION AUTHORITY  
 ADOPTING THE 2020 TRANSPORTATION EXPENDITURE PLAN**

**WHEREAS**, the Contra Costa Transportation Authority (Authority) is considering the countywide imposition of a one-half of one cent sales tax for transportation purposes for a period of 35 years, effective on July 1, 2020 through June 30, 2055; and

**WHEREAS**, Public Utilities Code (PUC) Section 180206 requires preparation and adoption of a Transportation Expenditure Plan (TEP) for the expenditure of the revenues expected to be derived from a transactions and use tax, together with other federal, state, and regional funds expected to be available for transportation improvements, for the period during which the transactions and use tax is to be imposed; and

**WHEREAS**, the Authority is required to receive approval of the TEP from the Contra Costa County Board of Supervisors and the City/Town Councils representing both a majority of the Cities/Towns in Contra Costa County and a majority of the population residing in the incorporated areas of Contra Costa County; and

**WHEREAS**, the Authority conducted extensive consultations with local governments and conducted outreach to a wide variety of interest groups and the public in order to develop a TEP proposing a potential mix of projects and programs to be funded by the proposed sales tax; and

**WHEREAS**, the Authority circulated the TEP and received approval of the TEP from the Contra Costa County Board of Supervisors and the City/Town Councils representing all Cities/Towns in Contra Costa County and a majority of the population residing in the incorporated areas of Contra Costa County.

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

- 1) **ADOPTION.** The Authority adopts the TEP, which is set forth in the text of Exhibit 1 to this ordinance, incorporated herein by reference and made a part of this ordinance as if fully set forth at this point. The Authority also adopts a TEP summary by subregion as Exhibit 2 to this ordinance, incorporated herein by reference and made a part of this ordinance as if fully set forth at this point, which is not part of the TEP and may be

Document received by the CA 1st District Court of Appeal.

revised by an amendment to this ordinance. The graphical representation of the text serves as illustrations and are not a substantive part of the TEP. The revenues received by the Authority from this ordinance, after deduction of required California Department of Tax and Fee Administration (CDTFA) costs for performing the functions specified in PUC Section 180204, and for the administration of the TEP commencing with PUC Section 180200, shall be used for transportation projects and programs countywide as set forth in the TEP and in a manner consistent with the Countywide Transportation Plan (CTP) developed by the Authority;

- 2) **TRANSPORTATION IMPROVEMENT PROGRAM PURPOSES.** In the allocation of all revenues made available from the transactions and use tax, the Authority shall make every effort to maximize state, federal and regional transportation. The Authority may amend the TEP, in accordance with Section 3, as needed, to maximize the transportation funding to Contra Costa County. The revenues shall be allocated in accordance with the TEP;
- 3) **AMENDMENTS.**
  - A. **Amendments to the ordinance.**
    1. This ordinance may be amended to further its purposes. The Authority shall establish a process for proposed ordinance amendment(s) which ensures that the Regional Transportation Planning Committees (RTPCs) participate in proposed ordinance amendment(s). Upon completion of that process, amendment(s) to this ordinance must be passed by a roll call vote entered in the minutes and must have two-thirds of the Authority Board concurring with the proposed amendment(s).
    2. In the event that a local jurisdiction does not agree with the Authority's amendments(s), the jurisdiction's policy decision-making body must, by a majority vote, determine to formally notify the Authority of its intent, in writing via registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date the Authority Board adopts the proposed amendment(s) to obtain resolutions supporting its appeal for an override of the amendment(s) from a majority of the Cities/Towns representing a majority of the population residing within the incorporated areas of Contra Costa County and from the Contra Costa County Board of Supervisors. If a jurisdiction does not obtain the necessary

resolutions supporting its appeal, the Authority's amendment(s) to the ordinance will stand.

**B. Amendments to the TEP.**

1. The Authority may review and propose amendments to the TEP and the Growth Management Program (GMP) to provide for the use of additional federal, state, and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. Affected RTPCs and the Public Oversight Committee (POC) will participate in the development of the proposed amendment(s). Upon completion of this process, amendment(s) to the TEP must be passed by a roll call vote entered in the minutes and must have a supermajority (66%) vote of the Authority Board to approve an amendment. Any amendment to the TEP that is administrative or less than \$50 million will require a 45-day period to comment on the proposed amendment. Any amendments to expenditure categories that total \$50 million or greater, whether submitted as one amendment or a series of related amendments, will require the following:
  - a. The need for such amendment shall be properly demonstrated in a regularly scheduled public meeting of the Authority Board;
  - b. The Authority shall make a presentation at the earliest possible POC and RTPC meetings outlining the details of the proposed amendment and allow for POC and RTPC input;
  - c. No fewer than two special public information and comment sessions shall be held and publicized by the Authority within 90 days following the initial Authority Board meeting;
  - d. The proposed amendment will be given a 90-day public comment period; and
  - e. The proposed amendment shall be voted on during a regularly scheduled Authority Board meeting.

The Authority shall notify the Contra Costa County Board of Supervisors, the City/Town Councils of each City/Town in Contra Costa County and the RTPCs and provide each entity with a copy of the proposed amendment(s). Pursuant to PUC Section 180207, proposed amendment(s) shall become

effective 45 days after notice is given, unless appealed under the process outlined in the following paragraph. The Authority shall hold a public hearing on the proposed amendment(s) within this 45-day period.

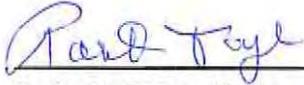
In the event that a local jurisdiction does not agree with the Authority's amendment(s), the jurisdiction's policy decision-making body must, by a majority vote, determine to appeal and shall, within 45 days after notice is given by the Authority, formally notify the Authority of its intent, in writing via registered mail, to obtain an override of the Authority's amendment(s). The appealing jurisdiction will have 45 days from the date of its determination to appeal the proposed amendment(s) to obtain resolutions supporting its appeal for an override of the amendment(s) from a majority of the Cities/Towns representing a majority of the population residing in the incorporated areas of Contra Costa County and from the Contra Costa County Board of Supervisors. If a jurisdiction does not obtain the necessary resolutions supporting its appeal, the Authority's amendment(s) to the TEP will stand;

- 4) PRIVATE SECTOR FUNDING. Revenues provided from the transactions and use tax shall not be used to replace private developer funding, which has been or will be committed for any project;
- 5) DESIGNATION OF FACILITIES. Each project or program in excess of \$250,000 funded in whole or in part by revenues from the ordinance shall be clearly designated in writing via signs and/or documents, during its construction or implementation as being funded by revenues from the ordinance;
- 6) COORDINATION. The Authority shall consult and coordinate its actions to secure funding for the completion and improvement of the priority regional projects with the California Transportation Commission (CTC), transit operators and other interested and affected parties for the purpose of integrating its transportation improvements with other planned improvements and operations impacting Contra Costa County. In addition, the Authority shall seek all ways to expedite the completion of TEP projects, the implementation of which is the responsibility of other agencies;
- 7) EMINENT DOMAIN. The Authority will not use its power of eminent domain as provided in PUC Section 180152;

- 8) COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970 (CEQA). The Authority Board finds that the approval of this ordinance is not a “project” and alternatively, is exempt from CEQA. The ordinance is intended to provide a plan for a funding mechanism for future projects and programs, related to the Authority’s provision of transportation services. The ordinance does not commit the Authority to any particular project, program, or capital improvement. Accordingly, the Authority hereby finds that, under CEQA Guidelines Section 15378(b)(4), adoption of the ordinance and TEP as a prerequisite to establishing a government funding mechanism is not a project subject to the requirements of CEQA because the TEP merely facilitates “[t]he creation of [a] government funding mechanism or other fiscal activity which do[es] not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.” (Cal. Code Regs., tit. 14, Section 15378, subd. (b)(4); see also *Sustainable Transportation Advocates of Santa Barbara v. Santa Barbara County Association of Governments* 179 Cal.App.4th 113, 123 [holding that the adoption of a transportation expenditure plan in accordance with PUC Section 180206 “does not qualify as a project within the meaning of CEQA because it is a mechanism for funding proposed projects that may be modified or not implemented depending upon a number of factors, including CEQA environmental review”].) Further, because the ordinance does not authorize the construction of any projects that may result in any direct or indirect physical change in the environment and is subject to further discretionary approvals, including the pre-conditions found in PUC Section 180206(b), approving the ordinance is not an approval that “commits the agency to a definite course of action.” (CEQA Guidelines Section 15352.) The timing, design, and approval of individual projects to be funded by the ordinance are dependent on funding availability, need, and CEQA review. Thus, the ordinance has no potential for causing a significant effect on the environment and is exempt from any further review under CEQA. (CEQA Guidelines Section 15061(b)(3).);
- 9) SEVERABILITY. If any section, part, clause or phrase of this ordinance is for any reason held invalid or unconstitutional, the remaining portions shall not be affected but shall remain in full force and effect; and
- 10) EFFECTIVE DATE: This ordinance shall be effective immediately upon adoption.

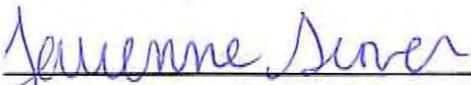
PASSED AND ADOPTED by the Contra Costa Transportation Authority Board of Directors in Walnut Creek, State of California, on October 30, 2019, by the following vote:

AYES: Chair Taylor, ~~Vice-Chair Pierce~~, and Commissioners Abelson, Arnerich, Gerringer, Glover, Haskew, Hudson, Mitchoff, Romick, and Swearingen  
NOES: None  
ABSENT: Commissioner Butt *and Vice Chair Pierce*  
ABSTAIN: None

  
\_\_\_\_\_  
Robert Taylor, Chair

**This Ordinance 19-02 was entered into at a special meeting of the Contra Costa Transportation Authority Board held on October 30, 2019, in Walnut Creek, California, and shall become effective as provided above.**

Attest:

  
\_\_\_\_\_  
Tarienne Grover, Clerk of the Board

**EXHIBIT 1**

**2020 TRANSPORTATION EXPENDITURE PLAN**

**[Attached behind this page]**

Document received by the CA 1st District Court of Appeal.



# A TRANSFORMATIVE PLAN FOR CONTRA COSTA'S FUTURE

2020 Transportation Expenditure Plan



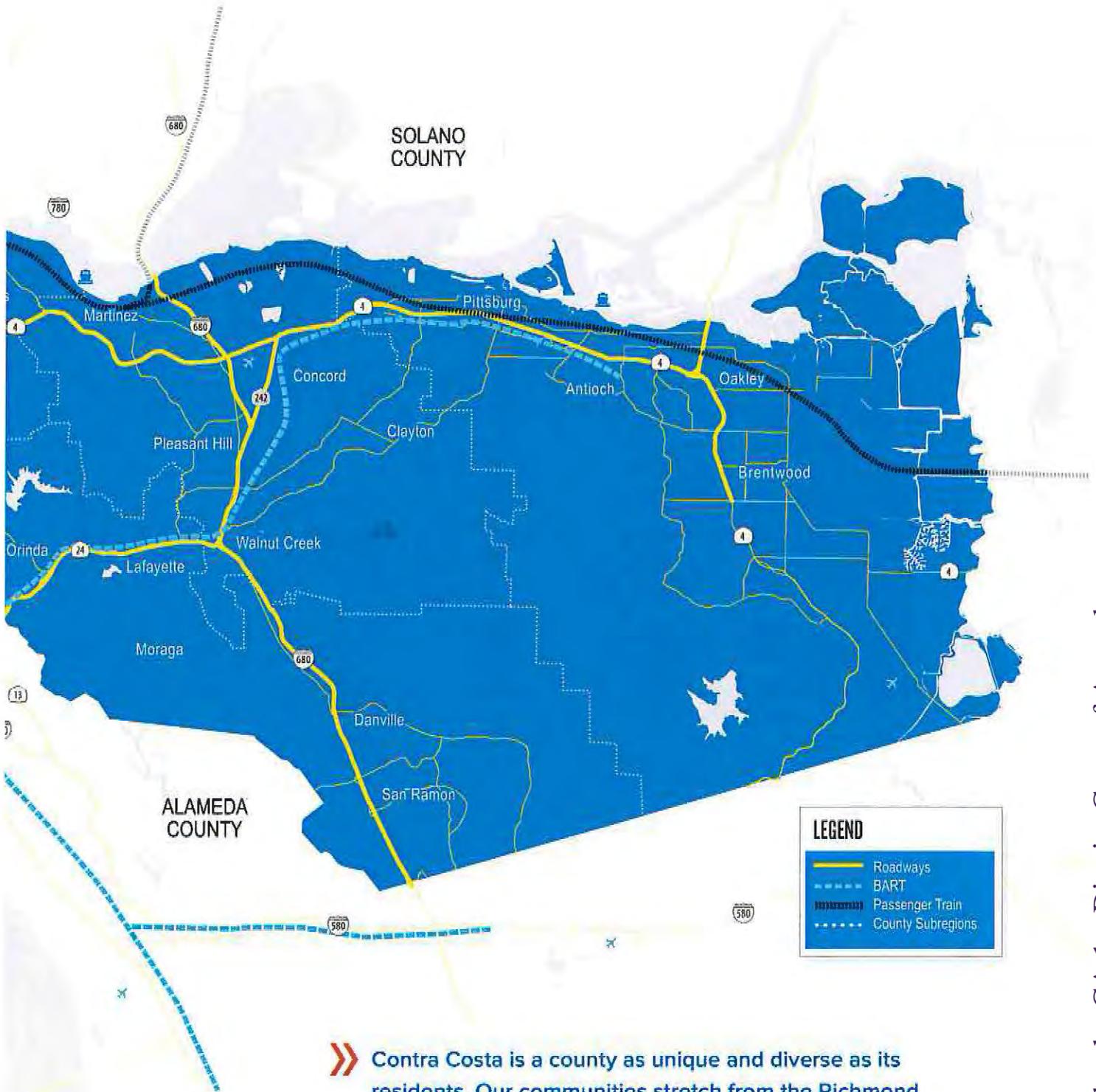
Document received by the CA 1st District Court of Appeal.

# » TABLE OF CONTENTS

<b>03</b>	<b>A New Transportation Future for Contra Costa County</b> Transportation Expenditure Plan Funding Summary
<b>07</b>	<b>Decades of Transportation Improvements and Managed Growth</b> Who We Are and What We Do Fulfilling Our Promise to Contra Costa County Voters Transportation for the Next Three-and-a-Half Decades Local Funding for Local Projects
<b>11</b>	<b>A Roadmap for the Future</b> What This Transportation Expenditure Plan Will Accomplish Commitment to Performance Achieving Intended Outcomes Taxpayer Safeguards Pertinent Policies
<b>15</b>	<b>Proposed Transit and Transportation Investments</b> Planning for the Future Relieving Congestion on Highways, Interchanges, and Major Roads Improve SR-242, Highway 4, Transit, and eBART Corridor Modernize I-680, Highway 24, Transit, and BART Corridor Enhance I-80, I-580, Transit, and BART Corridor Improving Transit and Transportation Countywide in All Our Communities
<b>29</b>	<b>Policy Statements</b> The Growth Management Program (GMP) Urban Limit Line (ULL) Compliance Requirements Transit Policy Complete Streets Policy Advance Mitigation Program Taxpayer Safeguards and Accountability Policy Road Traffic Safety Policy



Document received by the CA 1st District Court of Appeal.



- » Contra Costa is a county as unique and diverse as its residents. Our communities stretch from the Richmond coastline to Discovery Bay, from Port Chicago to the San Ramon Valley, and from Mount Diablo to Crockett Hills.
- » ALL FUNDING AMOUNTS presented in this Transportation Expenditure Plan are rounded.

## GUIDING PRINCIPLES USED TO DEVELOP THE TEP

CCTA is committed to funding an outcomes-based program that includes thoughtful projects that will relieve congestion countywide, reduce greenhouse gasses, enhance transit operations, and improve accessibility to jobs and housing. The 2020 Transportation Expenditure Plan is a carefully curated set of solutions designed to bring Contra Costa's transportation system into the future by moving more people efficiently, encouraging mode shift, and promoting shared mobility options for all. The following set of principles will guide and inspire the planning, funding, and delivering of the 2020 TEP.



### RELIEVE TRAFFIC CONGESTION

Funding will focus on making traveling through Contra Costa faster, more reliable, and more predictable by, for example, reducing travel times and moving more people with fewer cars.



### ACCOUNTABILITY AND TRANSPARENCY

CCTA will ensure funding flows to opportunities that maximize and directly benefit your commute. CCTA strives for excellence in protecting the public's investments. We will routinely engage with partner organizations, advisory committees, and the County's residents and businesses to ensure full transparency. Our plans and results shall be easily available to the public, and we shall remain accessible to the public for questions and comments.



### BALANCED AND EQUITABLE APPROACH

CCTA will balance the needs and benefits for all people and all areas of Contra Costa County to provide an equitable and sustainable transportation system that promotes transit options for all, social equity, and community stabilization.



### ECONOMIC OPPORTUNITY

CCTA supports creating an economic environment that promotes job growth close to residents' homes or high-frequency public transit, thereby stabilizing communities, improving access for low-income populations and Communities of Concern, shortening commute times, reducing vehicle-miles traveled (VMTs), and improving air quality. CCTA will promote local contracting and good jobs in Contra Costa through funding of local infrastructure projects.



### MAXIMIZE AVAILABLE FUNDING

CCTA will proactively seek regional, state, and federal funding, as well as private investments to supplement the County's local transportation sales tax revenue, thereby maximizing the total amount of funding for transportation projects in Contra Costa County.



### PUBLIC PARTICIPATION

CCTA will meaningfully engage with county residents and respond to public priorities through a comprehensive public outreach program.



### TRANSIT FIRST

CCTA commits to increasing transit use by funding solutions that reduce transit travel times, increase transit frequencies, and give transit vehicles priority in high-traffic periods. CCTA will enhance transit connectivity between modes to help promote car-free travel and the importance of providing adequate transit service to areas slated for significant employment and housing growth.



### PERFORMANCE ORIENTATION

CCTA is committed to a performance-oriented approach with rigorous evaluation of transportation solutions that meet the goals of the TEP and state greenhouse gas (GHG) mandates. CCTA will use transportation sales tax funds to achieve defined outcomes and benefits most sought by residents and businesses. Funding will flow to the best opportunities consistent with other guiding principles and policies.



### PROTECT THE ENVIRONMENT

CCTA commits to improving the air quality in our communities by funding projects and programs that relieve congestion, reduce vehicle-miles traveled (VMT) per capita, and reduce GHG.



### COMMITMENT TO GROWTH MANAGEMENT

CCTA administers countywide policies that support thoughtful growth management to sustain Contra Costa's economy, preserve its environment, and support its communities. The advanced mitigation programs for environmental impacts and vehicle-miles traveled (VMTs) are some of the tools used to support the county's growth management policies.



### COMMITMENT TO TECHNOLOGY AND INNOVATION

CCTA is committed to keeping Contra Costa County on the cutting edge of transportation technology by continuing to incorporate advanced technologies and emerging innovations pursuant to the goals of the TEP.

# A NEW TRANSPORTATION FUTURE FOR CONTRA COSTA COUNTY

## TRANSPORTATION EXPENDITURE PLAN FUNDING SUMMARY

The Contra Costa Transportation Authority (CCTA) envisions a future where all transportation systems work together for more streamlined, safe, efficient, and convenient travel. We've created a focused plan that ensures funds directly benefit your commute. CCTA is committed to outcomes-based delivery, where all projects meet performance targets for reduced traffic, shortened commute times, reduced greenhouse gas emissions (GHG), and other mandates and goals.

This 2020 Transportation Expenditure Plan (TEP) focuses on innovative strategies and new technologies that will relieve congestion, promote a strong economy, protect the environment, promote social equity, and enhance the quality of life for all of Contra Costa County's diverse communities. This plan outlines projects that will achieve a broad range of goals:

- **Relieve Traffic Congestion on Highways and Interchanges.** CCTA's goal is to smooth traffic flow and reduce congestion for people and goods through major corridors, to address bottlenecks and hot spots, and to make commutes smoother and more predictable.
- **Make Bus, Ferry, Passenger Train, and BART Rides Safer, Cleaner, and More Reliable.** Contra Costa County's residents and travelers value safe, clean, convenient, and affordable transit options. CCTA's goal is to support transit operators in providing more frequent and reliable transit services and to plan and build the infrastructure that improves connectivity countywide.
- **Provide Accessible and Safe Transportation for Children, Seniors, Veterans, and People with Disabilities.** CCTA will prioritize social equity and provide better mobility options for all, especially for those with the greatest transportation barriers, such as youth, seniors, people of lower incomes, and people with disabilities.
- **Improve Transportation in Our Communities.** CCTA supports livable communities by providing local cities and towns with funding to fix and modernize local streets, offer safer places to walk and cycle, and improve air quality. We're committed to funding infrastructure that provides access to affordable housing and jobs. CCTA also helps manage urban sprawl through its advanced mitigation programs and the county's growth management program.

The TEP is intentionally designed to be equitable across the entire county, based on population. CCTA commits to delivering proportionally greater benefits to Communities of Concern (as defined by the Metropolitan Transportation Commission) and low-income residents. CCTA understands that access to quality transportation, jobs, housing, education, health care, and public safety contribute to residents' well-being. **All locally generated transportation revenue—plus any additional grant funding CCTA receives—will be spent on local projects in Contra Costa County.**

Document received by the CA 1st District Court of Appeal.

## TRANSPORTATION EXPENDITURE PLAN FUNDING SUMMARY

FUNDING CATEGORIES	SUBTOTALS	
	\$ (millions)*	%
<b>RELIEVING CONGESTION ON HIGHWAYS, INTERCHANGES, AND MAJOR ROADS</b>	<b>\$1,484</b>	<b>41.1</b>
<b>Improve State Route 242 (SR-242), Highway 4, Transit, and eBART Corridor</b>	<b>705</b>	<b>19.5</b>
Relieve Congestion and Improve Access to Jobs Along Highway 4 and SR-242	200	5.5
Improve Local Access to Highway 4 and Byron Airport	150	4.2
East County Transit Extension to Brentwood and Connectivity to Transit, Rail, and Parking	100	2.8
Improve Traffic Flow on Major Roads in East County	107	3.0
Enhance Ferry Service and Commuter Rail in East and Central County	50	1.4
Improve Transit Reliability Along SR-242, Highway 4, and Vasco Road	50	1.4
Additional eBART Train Cars	28	0.8
Seamless Connected Transportation Options	20	0.6
<b>Modernize I-680, Highway 24, Transit, and BART Corridor</b>	<b>536</b>	<b>14.9</b>
Relieve Congestion, Ease Bottlenecks, and Improve Local Access Along the I-680 Corridor	200	5.5
Improve Traffic Flow on Major Roads in the Central County and Lamorinda	145	4.0
Improve Transit Reliability along the I-680 and Highway 24 Corridors	50	1.4
Provide Greater Access to BART Stations Along I-680 and Highway 24	49	1.4
Improve Traffic Flow on Highway 24 and Modernize the Old Bores of Caldecott Tunnel	35	1.0
Improve Traffic Flow on Major Roads in San Ramon Valley	32	0.9
Seamless Connected Transportation Options	25	0.7
<b>Enhance I-80, I-580 (Richmond-San Rafael Bridge), Transit, and BART Corridor</b>	<b>243</b>	<b>6.7</b>
Improve Transit Reliability Along the I-80 Corridor	90	2.5
Relieve Congestion and Improve Local Access Along the I-80 Corridor	57	1.6
Improve Traffic Flow on Major Roads in West County	38	1.1
Enhance Ferry Service and Commuter Rail in West County	34	0.9
Improve Traffic Flow and Local Access to Richmond-San Rafael Bridge Along I-580 and Richmond Parkway	19	0.5
Seamless Connected Transportation Options	5	0.1
<b>IMPROVING TRANSIT AND TRANSPORTATION COUNTYWIDE IN ALL OUR COMMUNITIES</b>	<b>\$1,980</b>	<b>54.9</b>
Modernize Local Roads and Improve Access to Job Centers and Housing	628	17.4
Provide Convenient and Reliable Transit Services in Central, East, and Southwest Contra Costa	392	10.9
Increase Bus Services and Reliability in West Contra Costa	250	6.9
Improve Walking and Biking on Streets and Trails	215	6.0
Accessible Transportation for Seniors, Veterans, and People with Disabilities	180	5.0
Cleaner, Safer BART	120	3.3
Safe Transportation for Youth and Students	104	2.9
Reduce and Reverse Commutes	54	1.5
Reduce Emissions and Improve Air Quality	37	1.0
<b>SUBTOTAL</b>	<b>\$3,464</b>	<b>95%</b>
Transportation Planning, Facilities & Services	\$108	3.0
Administration	\$36	1.0
<b>TOTAL</b>	<b>\$3,608</b>	<b>100%</b>

\*Funding amounts are rounded

Document received by the CA 1st District Court of Appeal.





## OUR NEW TRANSPORTATION FUTURE

Carefully crafted to offer a broad array of tangible benefits to all, this Plan will bring:

- » Smooth-flowing traffic along highways and roads
- » Quicker trips and less time sitting in traffic
- » Smoother pavement and fewer potholes
- » Transit, where and when it's needed
- » Easier ways to get from home or work to transit stops and back home again
- » Cleaner air due to reduced vehicle emissions
- » More bicycle lanes and walking paths to support an active lifestyle
- » Free or reduced transit fares for students

# DECADES OF TRANSPORTATION IMPROVEMENTS AND MANAGED GROWTH

## WHO WE ARE AND WHAT WE DO

The Contra Costa Transportation Authority (CCTA) is responsible for **maintaining and improving the county's transportation system by planning, funding, and delivering critical transportation projects that connect our communities**, foster a strong economy, increase sustainability, and safely and efficiently get people where they need to go. CCTA is also responsible for putting solutions in place to help manage traffic by providing and connecting a wide range of transportation options.

We are proud of our accomplishments and we recognize the immense transportation challenges still faced by county residents and businesses—particularly considering population growth, continued development, and threats to the environment. CCTA works to advance transportation solutions, ease congestion, and prepare Contra Costa County for safe, future mobility.

CCTA is leading the way and presenting innovative solutions while protecting the qualities that make Contra Costa a wonderful place to call home. We present this Transportation Expenditure Plan (TEP), which reflects where we are now and, more importantly, our commitment to pursuing transportation policies, planning, and investments that will get us to where we want to be in the future.

## FULFILLING OUR PROMISE TO CONTRA COSTA COUNTY VOTERS

Contra Costa County voters passed Measure C in 1988, sending a clear message that recognized the immense need to improve the way people travel around Contra Costa County. Voters authorized a 20-year (1989-2009) half-cent transportation sales tax to finance improvements to the county's overburdened transportation infrastructure. In 1989, CCTA was born.

Measure C expired in 2009 but much was accomplished, including widening Highway 4 from Hercules to Martinez, the BART extension to Pittsburg/Bay Point, Richmond Parkway construction, and new transit programs for seniors and people with disabilities.

In 2004, Contra Costa County voters approved Measure J. The measure provided for the continuation of the county's half-cent transportation sales tax for twenty-five more years (2009-2034) beyond the Measure C expiration date. Without Measures C and J funding, CCTA would not have qualified to receive additional federal, state, or regional funds. With a total of \$1.4 billion in Measure C and J project funds, a total of more than \$5.5 billion will be invested in vital transportation projects in Contra Costa County through 2034, leveraging Measure C and J funding at about a three-to-one ratio.

CCTA has delivered most of the major infrastructure improvement projects in Measure J—such as the fourth bore of the Caldecott Tunnels, Highway 4 East widening, eBART extension from the Pittsburg/Bay Point BART station to Antioch, and I-680 and I-80 corridor improvements—on an accelerated timeline to deliver its promises to voters. CCTA periodically issues bonds to provide advance funding to design and build major infrastructure projects. Then, the revenue generated from the transportation sales tax is used to pay back the bonds. By turning future Measure J revenue into capital dollars and accelerating design and construction, transportation projects are put into place sooner to alleviate transportation challenges. Designing and building the projects earlier costs less money because the added cost of future inflation is avoided.

As of 2018, about 80 percent of the Measure J project funds have been expended. Remaining revenues are now going toward repayment of bonds, fixing local streets, continuing programs, and supporting public transportation. Without a new TEP, the CCTA will be unable to fund any new major projects to address pressing mobility needs.

## TRANSPORTATION FOR THE NEXT THREE-AND-A-HALF DECADES

While the existing Measure J will remain intact through 2034, this new TEP has been developed for several reasons:

- All of the planned major capital improvement projects funded by Measure J are either complete or in construction, ahead of schedule.
- New transportation technology is offering unprecedented opportunities to streamline travel and traffic and to reduce emissions.
- The gap between transportation needs and available funding is large and requires a bold solution. The new TEP will allow local funding to keep needed services in place and alleviate congestion by attracting other funding sources.



- The demand on Contra Costa County's roads, highways, BART stations, and buses is increasing. The county's population is growing and more people are using roads and transit. Investments are needed to maintain and improve the current transportation system to ensure it can effectively accommodate growth and prepare the system for the future.
- People are increasingly valuing alternative ways to get around, such as transit, walking, and biking. Our roads need to safely accommodate all users.
- Contra Costa County's population is aging. Currently, about 14 percent of the population is age 65 or older.\* By 2035, this population is expected to double to about 30 percent. Additionally, poverty has risen faster in suburban areas, particularly in Solano, Contra Costa, and Marin counties. Low-income populations increasingly have less access to public transit and services.\*\* New and different transportation solutions are needed to keep our older residents mobile, living independently, and to maintain quality of life for all, including low-income residents.

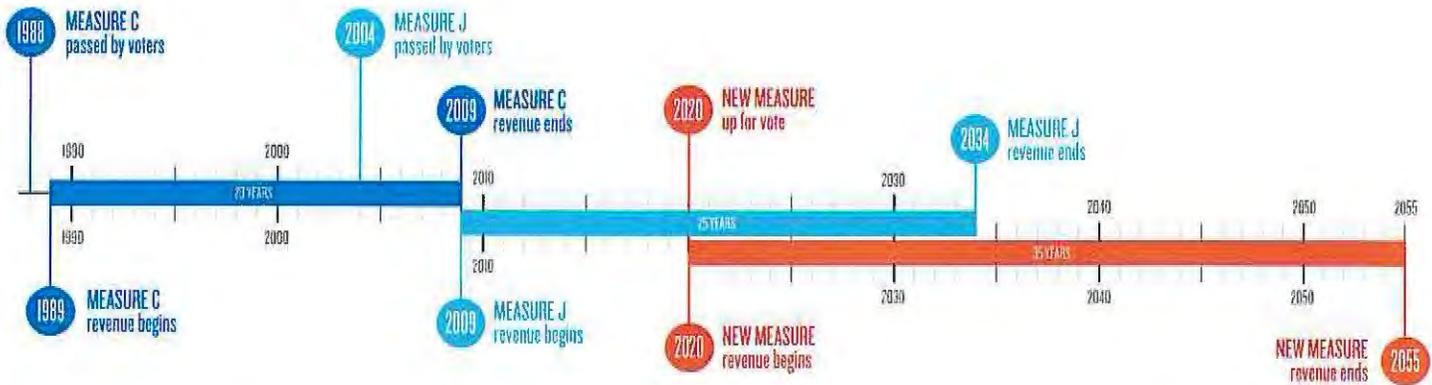
## LOCAL FUNDING FOR LOCAL PROJECTS

Measures C and J local transportation sales taxes have provided a substantial and steady share of the total funding available for transportation projects in Contra Costa County. State and federal sources have targeted some major projects, but local funding is needed to attract and supplement those sources. Our local transportation sales tax has been indispensable in helping to meet the county's growing needs in an era of unpredictable resources.

\* Population based on Association of Bay Area Governments (ABAG) Projections 2013

\*\* Coordinated Public Transit – Human Services Transportation Plan (Metropolitan Transportation Commission, 2018)

## Timeline of Local Funding Contra Costa County Transportation Improvements



The funding for this TEP will augment the existing Contra Costa County Measure J half-cent transportation sales tax by a half-cent until Measure J expires in 2034, then continue the half-cent transportation sales tax until 2055. A sales tax will generate approximately \$3.6 billion for essential transportation improvements that touch every city, town, and community in Contra Costa County.

These local funds have allowed CCTA to compete effectively for outside funds by providing a local matching fund source, as required by most grants. Measures C and J, for example, will attract \$4.1 billion of additional funds for Contra Costa County transportation projects through 2034, providing a total investment of \$5.5 billion in vital transportation improvements.

CCTA will continue to use local transportation sales tax revenue to attract outside funds for projects already identified in regional and state funding measures. In fiscal year 2017-2018 alone, more than \$77 million of California's Senate Bill 1 (SB-1), the Road Repair and Accountability Act of 2017, transportation funding was earmarked for projects sponsored by CCTA. The required local match for the grant was \$35 million. In other words, for every dollar Contra Costa County taxpayers paid for these projects, the state paid two more dollars.

Similarly, voters approved Regional Measure 3 (RM3), which was authorized and signed into law in 2018 to fund major roadway and public transit improvements via an increase in tolls on the Bay Area's seven state-owned toll bridges. Contra Costa County projects that may benefit from RM3 include:

- Interstate 80 Transit Improvements: expand bus service along the Interstate 80 corridor
- Interstate 680 Transit Improvements: enhance transit service along the Interstate 680 corridor, including bus operations, transit centers, and real-time travel information
- East Contra Costa County Transit Intermodal Station: construct a transit intermodal center to enhance access to eBART and the Mokelumne Bike Trail/Pedestrian Overcrossing at Highway 4
- Contra Costa Interstate 680/Highway 4 Interchange Improvements: reduce congestion and improve safety by widening Highway 4 and adding new direct connectors between I-680 and Highway 4
- Richmond-San Rafael Bridge Access (Contra Costa approach): make improvements to reduce delays on bridge approaches and at the toll plaza, including improvements to the Richmond Parkway
- Byron Highway-Vasco Road Connector: improve access, safety, airport connectivity, and economic development with a new connector between Byron Highway and Vasco Road

RM3 provides only partial funding for these projects. Additional funding is needed to make them a reality.



Document received by the CA 1st District Court of Appeal.

# A ROADMAP FOR THE FUTURE

## WHAT THIS TRANSPORTATION EXPENDITURE PLAN WILL ACCOMPLISH

Contra Costa Transportation Authority's (CCTA's) 2020 Transportation Expenditure Plan (TEP) serves as both a roadmap and an itinerary that will guide transportation investments for the coming 35 years. Throughout the 35-year duration of this Plan, Contra Costa County's population is expected to grow and change, infrastructure will continue to age and wear out, new forms of travel will emerge, and the environment will need continued protection. Such changes will place even more strain on the County's transportation systems. **Without new investments in transportation, Contra Costa will face a future with distressed and outdated infrastructure, increased traffic on already-congested roadways, and a decrease in critical transportation services to those with the greatest need.**

CCTA strives to preserve and enhance an excellent quality of life for Contra Costa County's residents, businesses, and communities with convenient, reliable, and accessible transportation. We do this through optimizing the existing transportation system, leveraging emerging technologies, offering meaningful programs and services, and providing seamless connections between various forms of transportation (for example, cars, transit, cycling, and walking).

The projects in this Plan will benefit all who live and travel within Contra Costa County. The projects will help improve the transportation network over the coming decades to meet growing needs, while supporting economic vitality and an environmentally sustainable future.

CCTA is an internationally recognized leader in implementing transportation-related technological solutions to help ease traffic congestion, offer alternative mobility options for travel, provide valuable information to travelers, make it easier and more efficient to maintain our transportation infrastructure, and many other applications that may be currently under development. This TEP reflects CCTA's commitment to fully integrate applicable transportation technologies with traditional infrastructure for the benefit of residents and travelers.

When implemented, the projects in this TEP will accomplish an array of major transportation improvements throughout the county. These projects serve to enhance people's transportation options and reduce congestion on every major transportation corridor in the county. The funding will also reach deep into the local communities to improve residents' quality of life and protect the County's natural environment.

## COMMITMENT TO PERFORMANCE

The 2020 Transportation Expenditure Plan (TEP) will be governed by strong performance criteria against which funding, projects, and programming will be evaluated and scored to ensure maximum contribution to the guiding principles and goals of the Plan. Guidelines will be developed through meaningful community engagement and engagement with cities and towns, Contra Costa County, Regional Transportation Planning Committees, and the Public Oversight Committee to establish the performance criteria for evaluation of programs identified in the Policy Statements. In addition, the Plan will meet the Governor's Executive Order B-16-2012 to reduce transportation-related GHG emissions to 80% below 1990 levels by 2050. To achieve this, CCTA commits to a goal of accelerating zero emission vehicle (ZEV) penetration and a 15% reduction in vehicle-miles traveled (VMTs) per capita.

## ACHIEVING INTENDED OUTCOMES

The 2020 TEP was created for Contra Costa County residents, businesses, and travelers by the communities and people it serves. Key stakeholder groups were convened and community outreach conducted to understand what guiding principles, priorities, outcomes, and results are most important to the residents and businesses of Contra Costa County.

CCTA is fully committed to an outcomes-based approach that includes measurable performance targets for all principles and criteria. The TEP presents a suite of transportation solutions that align with guiding principles and will offer a transportation system that supports a vibrant, modern, equitable, and livable Contra Costa County.

CCTA will ensure funding in the TEP will achieve the outcomes identified in the 2017 Countywide Transportation Plan (CTP). The TEP offers equitable transportation opportunities for all residents of Contra Costa. In evaluating detailed funding proposals, CCTA will ensure that expenditures benefit those living in Communities of Concern and for minority and low-income residents.

Every project with total costs of more than \$10 million will undergo a performance analysis and review prior to funding being allocated. Implemented projects and programs will also undergo a thorough analysis of their performance to initiate program modification where needed and/or changes in evaluation methods.

A Public Oversight Committee will provide input for developing specific performance criteria by which projects can be evaluated and measured. In this way, county taxpayers can be assured that the funding is spent responsibly to meet the county's transportation goals.

## TAXPAYER SAFEGUARDS

Over the past thirty years, CCTA has operated under a system of rigorous taxpayer safeguards to protect the county's investments and to ensure that transportation sales tax revenue is invested wisely, equitably, and transparently. CCTA consistently achieves the highest standards in its governmental accounting and financial reporting and ensures full accountability in its programs and projects.

With the 2020 TEP, CCTA is fully committed to continuing our strong accountability to Contra Costa taxpayers through many safeguards:

- CCTA will continue to publish an annual budget and strategic delivery plan that estimates expected transportation sales tax receipts, other anticipated revenue, and planned expenditures for the year.
- CCTA's Public Oversight Committee will continue to provide diligent oversight of all CCTA expenditures and report its oversight activities and findings to the public through annual audits that focus on the allocation of funding, project performance, tracking of TEP goals, local jurisdiction compliance, and growth management performance.
- CCTA will routinely inform, communicate with, and engage its partner organizations, advisory committees, and the County's residents and businesses to ensure that its programs and projects are fully transparent and best meet the needs of its residents.
- CCTA will strive to balance the needs of all people and areas of Contra Costa County to support an equitable and sustainable transportation system for all, while ensuring proportionally greater benefits to Communities of Concern and low-income residents.
- CCTA's regional transportation planning committees will continue to ensure cohesion with local and subregion planning and implementation efforts and adherence to adopted policies.

In July 2019, CCTA was the proud recipient of Contra Costa Taxpayers Association Silver Medal Award for Good Governance.

## PERTINENT POLICIES

CCTA implements and follows several key policies to ensure that Contra Costa's transportation systems are in alignment with the County's established future vision. Full text of these policies is included in the Policy Statements section at the end of this document. In summary, these key policies are as follows:



**Growth Management Program** establishes principles that preserve and enhance the county's quality of life and promotes a healthy and strong economy through a cooperative, multijurisdictional process for managing growth while maintaining local authority over land use decisions.



**Urban Limit Line Compliance Policy** requires each jurisdiction to adopt and comply with a voter-approved Urban Limit Line, which defines the physical limits of a jurisdiction's future urban development.

Both the Growth Management Program and Urban Line Limit Compliance policies, which have been in place since Measure J began in 2009, have been enhanced in this TEP.

---

CCTA, with input from many stakeholders, has developed the following **additional four policies** to ensure that projects align with the vision, guidelines, and requirements for fund expenditures.



**Transit Policy** sets out goals for improving, coordinating, and modernizing transit service—along with first- and last-mile connections to transit—thereby increasing the percentage of residents and commuters that may travel conveniently by public transit.



**Advanced Mitigation Program** provides innovative ways to advance needed infrastructure projects more efficiently and provides more effective conservation of natural resources, such as watersheds, wetlands, and agricultural lands. CCTA will also begin development of a countywide vehicle-miles traveled (VMT) mitigation program.



**Complete Streets Policy** encourages making local streets more efficient and safe for all users—including drivers, pedestrians, bicyclists, and transit riders—and giving travelers convenient options while minimizing the need to widen roadways.



**Road Traffic Safety** requires all funding recipients to systemically apply planning and design practices that quantifiably reduce the risk of traffic-related deaths and severe injuries.

These policies, along with the guiding principles, will govern the funding and implementation of the 2020 TEP.





Document received by the CA 1st District Court of Appeal

# PROPOSED TRANSIT AND TRANSPORTATION INVESTMENTS

## PLANNING FOR THE FUTURE

This Transportation Expenditure Plan (TEP) includes transportation-related projects and programs to be planned, designed, funded, constructed, and/or delivered in Contra Costa County over the next thirty-five years. This plan anticipates an investment of approximately \$3.6 billion of revenue generated from the half-cent transportation sales tax. Contra Costa County's local sales tax revenue will help Contra Costa Transportation Authority (CCTA) attract additional local, regional, state, and federal funding to augment the sales tax revenue.

The project descriptions that follow are purposefully brief and offer general overviews of the purpose and nature of the projects. Several projects (such as affordable transit for students, seniors, and people with disabilities) are continuations or enhancements to ongoing work performed under Measure J. Many other projects included in this Plan are still in the concept or planning stages. Stakeholders and the public will have plenty of future opportunities to help shape these projects so that they are most useful and beneficial to residents, commuters, and visitors.

In its role as the administrator of Contra Costa County's transportation sales tax revenue, CCTA has instituted requirements so that taxpayer's revenue is invested per established policies, as presented in the Policy Statements section of this TEP. The policy statements generally require that recipients of funding perform advance performance assessments and comply with applicable laws and other CCTA policies. The Taxpayer Safeguards and Accountability Policy in the Policy Statements section includes the full statement of funding requirements and restrictions, as applicable.

CCTA sets aside funding to implement the countywide Growth Management Program, prepare the countywide transportation plan, and support the programming and monitoring of federal and state funds, as well as CCTA's Congestion Management Agency functions. A very small percentage of the funding also covers basic administrative functions (such as salaries) and basic expenses (such as rent).

## ▶ \$1.48 BILLION

IN 2017, FOUR  
MAJOR FREEWAYS IN  
CONTRA COSTA COUNTY  
RANKED IN THE TOP 10  
WORST COMMUTES:  
I-680, I-80, HIGHWAY 24  
AND HIGHWAY 4.\*

## RELIEVING CONGESTION ON HIGHWAYS, INTERCHANGES, AND MAJOR ROADS

More than 79 percent of Contra Costa County's residents drive to work; several of Contra Costa County's highways have been identified as the "most congested in the San Francisco Bay Area."\*\*

Easing traffic congestion is one of Contra Costa County residents' highest priorities. Accordingly, CCTA will invest nearly half of the new transportation sales tax revenue toward new, modern tools and strategies to improve traffic flow and reduce traffic congestion on the county's major corridors and roads. These strategies include highway and road improvements thoughtfully integrated with transit improvements and alternative modes.

Improving transit and transit connections will lessen traffic congestion on the County's highways; as transit service is improved and more people take transit, fewer cars on the road translates to less traffic.

CCTA is committed to improving access to jobs throughout Contra Costa and supporting economic development through programs and projects in this Transportation Expenditure Plan, such as the Northern Waterfront Initiative. Programs and projects will support housing within planned or established job centers that are served by transit, or that aid economic development and job creation.

Projects will be subject to applicable policies as presented in the Policy Statements section at the end of this document.

\*SOURCE: Metropolitan Transportation Commission, Vital Signs - [https://mtc.ca.gov/sites/default/files/top\\_10\\_congestion\\_locations-2017.pdf](https://mtc.ca.gov/sites/default/files/top_10_congestion_locations-2017.pdf)

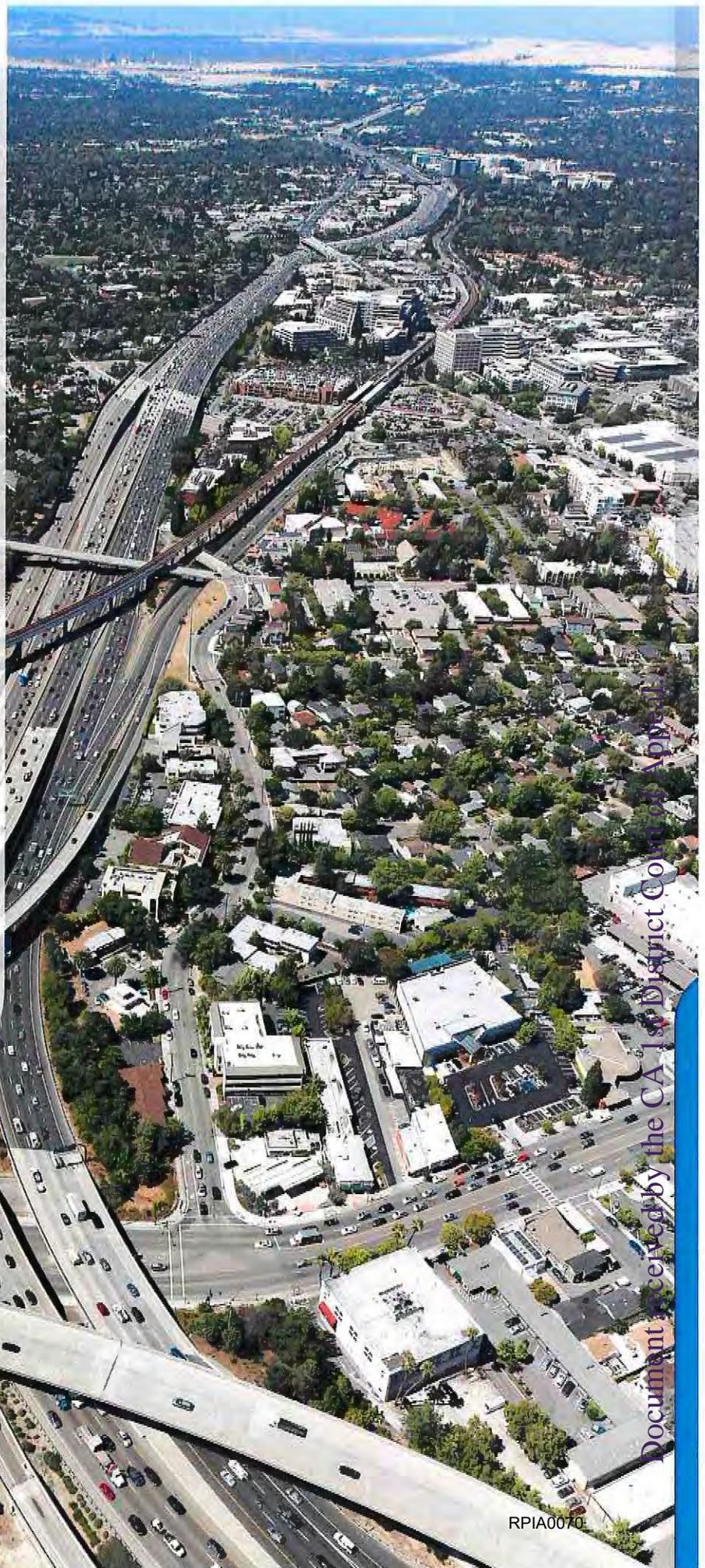
\*\*SOURCE: Metropolitan Transportation Commission, Vital Signs, 2016-2017 data

# WHAT'S A CORRIDOR?

A corridor is a swath or belt of land that contains one or more types of transportation infrastructure, such as a road or railway. Each of Contra Costa County's corridors contains a major interstate or highway as well as a major transit line, roads, streets, paths, bus lines, and transit stations.

Everyone is impacted by the performance of corridors. This impact is felt each and every day, whether you're doing your daily commute, heading to a medical appointment, or traveling to a youth soccer game. CCTA is focused on optimizing all transportation within a corridor so that traffic is smooth, transit is convenient, and all systems work together to support travel across communities and throughout the region. For purposes of this Transportation Expenditure Plan, CCTA is focused on three major transportation corridor improvement categories:

- » Improve State Route 242, Highway 4, Transit, and eBART Corridor
- » Modernize I-680, Highway 4, Transit, and BART Corridor
- » Enhance I-80, I-580 (Richmond-San Rafael Bridge), Transit, and BART Corridor



Document prepared by the CA 1st District Court of Appeals

# Improve SR-242, Highway 4, Transit, and eBART Corridor

4 242

## RELIEVE CONGESTION AND IMPROVE ACCESS TO JOBS ALONG HIGHWAY 4 AND SR-242

CCTA is continuing its work in **easing traffic congestion**, smoothing traffic flow, and reducing travel time along Highway 4 and SR-242 with a blend of projects that may be considered:

- Improving access to jobs and supporting economic development along the northern waterfront
- Improving access to local key destinations, including business districts and BART stations
- Reconfiguring interchanges along SR-242
- Managing traffic flow on Highway 4 by connecting and **synchronizing traffic on freeways**, local roads, and freeway ramps
- Completing operational improvements at the I-680/Highway 4 interchange
- Addressing bottlenecks and cooling hot spots caused by high-volume weaving areas and **adding auxiliary lanes** and improving ramps between SR-242 and Bailey Road
- Providing incentives to encourage the use of transit and alternative transportation options

**5<sup>th</sup> most**  
**CONGESTED**  
**HIGHWAY**  
**in the Bay Area**  
*Eastbound Martinez to Pittsburg\**



## IMPROVE LOCAL ACCESS TO HIGHWAY 4 AND BYRON AIRPORT

CCTA has developed a multipronged approach to **reducing traffic congestion and improving safety and travel time reliability** on the roads through and around Byron. These projects will also facilitate economic development and goods movement in East Contra Costa County. Key projects may consider:

- A new limited-access connector between Byron Highway and Vasco Road south of Camino Diablo to **improve access to Byron Airport**, making it a more useful transportation hub
- Improvements to Vasco Road and Byron Highway, and other safety improvements
- Interchange improvements along Highway 4 at Balfour Road, Marsh Creek Road, Walnut Boulevard, and Camino Diablo
- Enhancements to the Byron Airport
- Improve access to jobs and support economic development along the Northern Waterfront

These projects will include measures to prevent growth outside predefined urban limit lines, for example, prohibitions on roadway access from adjacent properties, permanent protection and/or acquisition of agricultural lands or critical habitat, and habitat conservation measures.



## ADDITIONAL eBART TRAIN CARS

Trains are full with standing room only during commute hours. Funding will be considered for allocation toward **purchasing additional eBART train cars** so that trains can carry more passengers on this popular route.

\*Source: Metropolitan Transportation Commission, "Vital Signs: Bay Area Freeway Locations with Most Weekday Traffic Congestion, 2017" - [https://mtc.ca.gov/sites/default/files/top\\_10\\_congestion\\_locations-2017.pdf](https://mtc.ca.gov/sites/default/files/top_10_congestion_locations-2017.pdf)



## SEAMLESS CONNECTED TRANSPORTATION OPTIONS

Contra Costa County's transportation system is a mix of freeways to bike paths, trains to shuttles, and many other modes in between. Providing **seamless connectivity among these many travel options** will ensure that our system can meet the future needs of our growing and aging population.

CCTA will develop guidelines and implement systems to promote connectivity between all users of the transportation network (vehicles, pedestrians, bicycles, buses, trucks, etc.) using automation technology and taking advantage of future transportation technology trends.

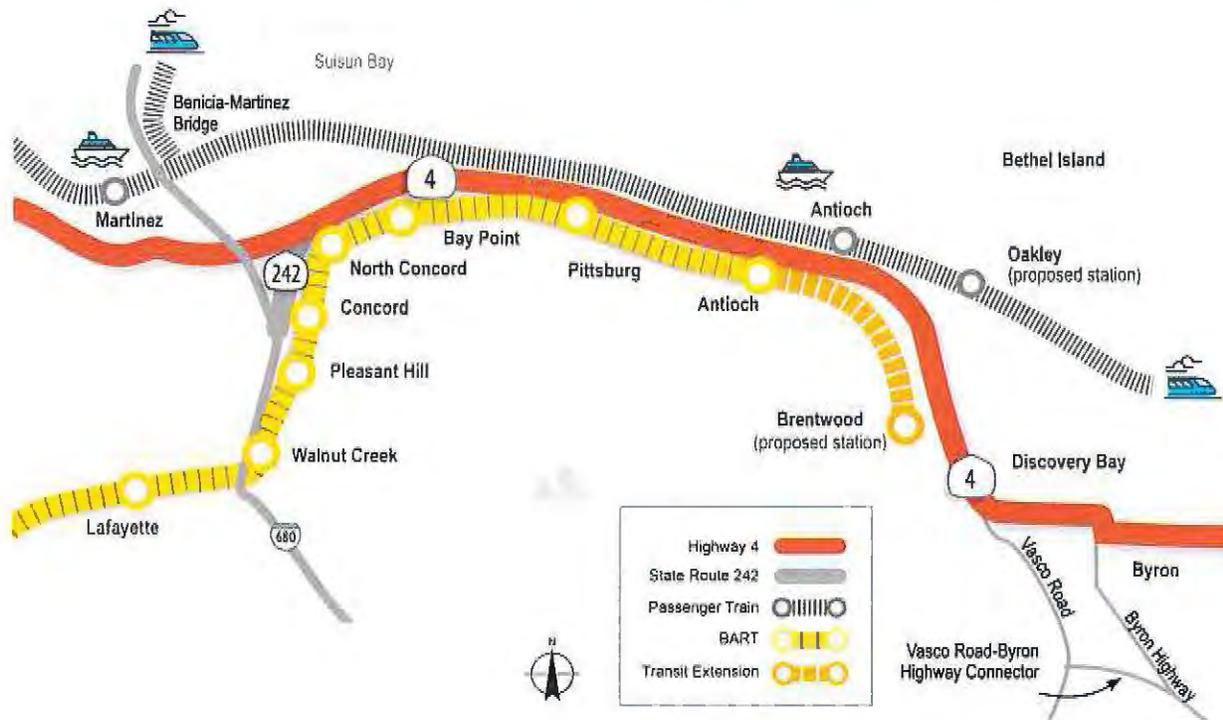


## ENHANCE FERRY SERVICE AND COMMUTER RAIL IN EAST AND CENTRAL COUNTY

To help travelers make convenient connections between the Capitol Corridor and San Joaquin train system and the BART system, CCTA proposes to **fund new stations and improvements to existing stations** and rail facilities. Some example projects may include a new train station for the San Joaquin line and a park-and-ride lot in Oakley, new connections between the new Oakley station and Antioch eBART, and a transit connection from the Martinez Amtrak station to the North Concord BART station.

CCTA is also considering expanding ferry service between Martinez and Antioch. As more people use ferries and the passenger train, traffic congestion on Contra Costa County's roads and highways will decrease, **traffic will flow more smoothly, and air emissions will decrease**, thereby improving the County's air quality.

# » TOTAL INVESTMENTS: \$705 million



## IMPROVE TRAFFIC FLOW ON MAJOR ROADS IN EAST COUNTY

CCTA is committed to relieving congestion on major roads and **implementing modern systems** that provide safe, efficient, and reliable movement of buses, vehicles, bicyclists, and pedestrians. Projects will range in size and type, and may consider the following:

- New and/or wider lanes or shoulders
- **New bicycle and pedestrian facilities**
- Installation of "smart" parking management programs
- **Traffic signal synchronization** and other innovative technologies
- Traffic calming measures and roundabouts
- Shoulders, sidewalks, curbs and gutters, and streetscapes
- Bus transit facility enhancements, such as bus turnouts and passenger amenities
- Closed gaps and extended major roads to relieve congestion and improve safety



## EAST COUNTY TRANSIT EXTENSION TO BRENTWOOD AND CONNECTIVITY TO TRANSIT, RAIL, AND PARKING

Expanding transit service throughout East Contra Costa County will enable more people to travel conveniently to the Antioch eBART station and other destinations served by transit. The TEP may consider funding a direct link between a new intermodal center in Brentwood and the Antioch eBART station.

Funding will also be considered to **improve transit service throughout Brentwood, Oakley, and nearby communities** via new shuttle service, bus service, and transit hubs, such as a new Tri Delta park-and-ride lot to service eBART and a new Amtrak San Joaquin station in Oakley. Funding will help integrate existing transit services using new technologies so that people have smooth and convenient connections with less wait time.



## IMPROVE TRANSIT RELIABILITY ALONG SR-242, HIGHWAY 4, AND VASCO ROAD

One of CCTA's strategies to smooth traffic along SR-242, Highway 4, and Vasco Road is to **improve and enhance transit service** to give travelers viable and convenient options to driving. When more people take transit, there will be fewer cars on the road and traffic congestion will be reduced. Possible projects that CCTA may consider:

- Increased express bus service
- Improved interchanges and local access for buses so they can utilize the highways more efficiently
- **Dedicated part-time transit lanes** to bypass congestion
- Improved transit connections between transit stations (including BART stations and ferry terminals), schools, housing, and employment centers, thereby addressing transit users' first-mile/last-mile challenges

# Modernize I-680, Highway 24, Transit, and BART Corridor

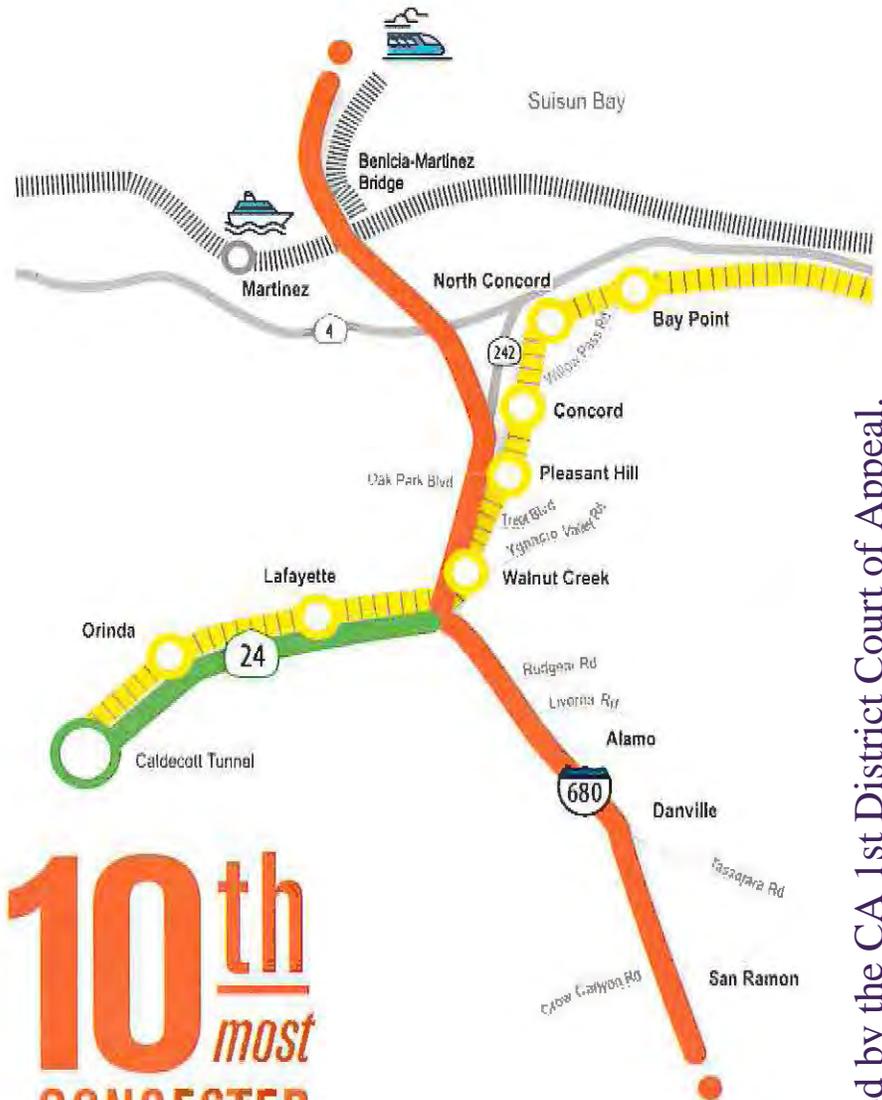


## RELIEVE CONGESTION, EASE BOTTLENECKS, AND IMPROVE LOCAL ACCESS ALONG THE I-680 CORRIDOR

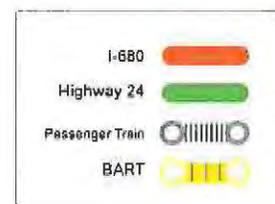
Improvements to the I-680 corridor will work together to address bottlenecks, **relieve traffic congestion**, smooth traffic flow, reduce travel times, **improve air quality**, and offer efficient transportation choices to all travelers. Key strategies to be considered include:

- Complete express lanes in both directions from Rudgear Road in Walnut Creek to the Benicia-Martinez Bridge, to provide twenty-five miles of continuous southbound express lanes and nearly continuous northbound express lanes
- Address congestion hot spots caused by high-volume weaving areas, such as between Livorna Road and Treat Blvd. Additional merge lanes and ramp improvements at these locations will provide safe merging for motorists and ease bottlenecks that currently create chronic delays
- Implement innovative technology solutions to manage traffic flow by connecting and synchronizing traffic on local arterials, freeway ramps, and freeways
- Transform park-and-ride facilities into shared mobility hubs that provide multimodal transportation options and amenities to encourage transit use
- Implement transportation demand management programs to reduce single-occupancy vehicle travel
- Provide incentives for using alternative transportation options

\*Source: Metropolitan Transportation Commission, "Vital Signs: Bay Area Freeway Locations with Most Weekday Traffic Congestion, 2017" - [https://mtc.ca.gov/sites/default/files/top\\_10\\_congestion\\_locations\\_2017.pdf](https://mtc.ca.gov/sites/default/files/top_10_congestion_locations_2017.pdf)



**10<sup>th</sup> most CONGESTED HIGHWAY in the Bay Area**  
*Northbound Danville to Walnut Creek\**



Document received by the CA 1st District Court of Appeal.

# » TOTAL INVESTMENTS: \$536 million



## IMPROVE TRAFFIC FLOW ON MAJOR ROADS IN CENTRAL COUNTY AND LAMORINDA

CCTA is committed to relieving congestion on major roads and implementing modern systems that provide **safe, efficient, and reliable movement of buses, vehicles, bicyclists, and pedestrians**. Projects will range in size and type and may consider the following:

- New and/or wider lanes or shoulders
- New bicycle and pedestrian facilities
- Installation of “smart” parking management programs
- Traffic signal synchronization and other innovative technologies
- Traffic calming measures and roundabouts
- Shoulders, sidewalks, curbs, gutters, and streetscapes
- Bus transit facility enhancements, such as bus turnouts and passenger amenities



## IMPROVE TRAFFIC FLOW ON HIGHWAY 24 AND MODERNIZE THE OLD BORES OF CALDECOTT TUNNEL

CCTA has plans to improve traffic flow and access along Highway 24 in Orinda, Lafayette, and Moraga through a suite of projects that could include improving interchanges, modifying major roads to reduce highway access delays, and other congestion-reducing improvements. CCTA will also **develop transit and shared trip incentives** for drivers in lieu of single-occupant vehicle travel.

The original two-bore Caldecott Tunnel opened in 1937. CCTA will implement improvements that may include increased lighting and visibility, improved traffic alerts for crashes or stalled vehicles, and other physical or technological solutions to improve safety and help improve traffic flow in the tunnels.



## IMPROVE TRANSIT RELIABILITY ALONG THE I-680 AND HIGHWAY 24 CORRIDORS

One of CCTA's strategies to smooth traffic along the I-680 and Highway 24 corridors is to improve and **enhance transit service** to give travelers viable and convenient alternatives to driving in their vehicles. When more people take transit, there will be fewer cars on the road and traffic will be reduced. Funding may consider the following:

- Implement and increase express bus service along the I-680 and Highway 24 corridors
- Improve interchanges and local access so buses can utilize the highways more efficiently
- Provide **dedicated part-time transit lanes** to bypass congestion
- **Improve transit connections** between transit stations, schools, housing, and employment centers, thereby addressing first-mile/last-mile challenges for transit users



## PROVIDE GREATER ACCESS TO BART STATIONS ALONG I-680 AND HIGHWAY 24

In addition to making shuttle service to and from BART more frequent, CCTA will consider allocating funding toward making **parking and access improvements** that serve BART stations, so that buses and people in vehicles—along with people arriving by walking or bicycling—can get to the station more easily and conveniently. Funding may be considered for constructing satellite parking lots with frequent direct shuttle service to BART.



## SEAMLESS CONNECTED TRANSPORTATION OPTIONS

Contra Costa County's transportation system is a mix, from freeways to bike paths, trains to shuttles, and many other modes in between.

**Providing seamless connectivity** among these many travel options will ensure that our system can meet the future needs of our growing and aging population.

CCTA will develop guidelines and implement systems to promote connectivity between all users of the transportation network (vehicles, pedestrians, bicycles, buses, trucks, etc.) using automation technology and **taking advantage of future transportation technology trends**.



## IMPROVE TRAFFIC FLOW ON MAJOR ROADS IN SAN RAMON VALLEY

CCTA is committed to relieving congestion on major roads and implementing modern systems that provide **safe, efficient, and reliable movement of buses, vehicles, bicyclists, and pedestrians**. Projects will range in size and type, and may consider the following:

- New and/or wider lanes or shoulders
- New bicycle and pedestrian facilities
- Installation of “smart” parking management programs
- Traffic signal synchronization and other innovative technologies
- Traffic calming measures and roundabouts
- Shoulders, sidewalks, curbs, gutters, and streetscapes
- Bus transit facility enhancements, such as bus turnouts and passenger amenities

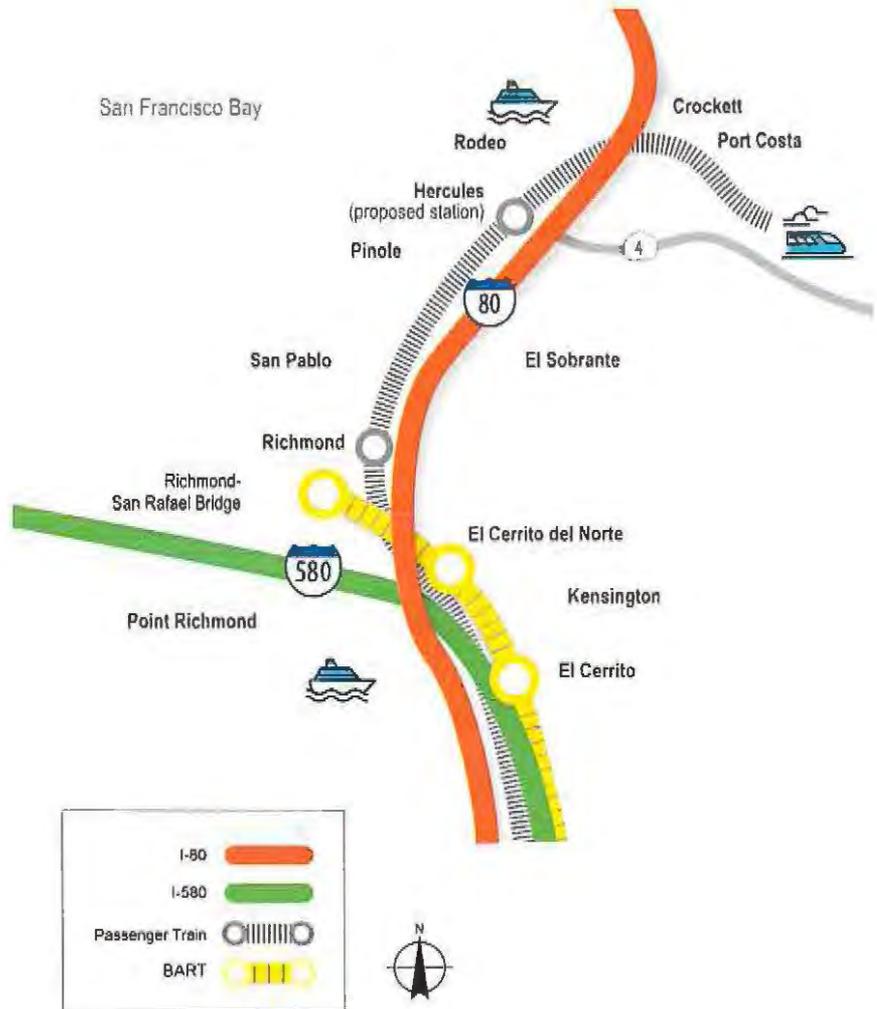
# Enhance I-80, I-580, Transit, and BART Corridor



## RELIEVE CONGESTION AND IMPROVE LOCAL ACCESS ALONG THE I-80 CORRIDOR

Improvements to the I-80 corridor will address bottlenecks, relieve traffic congestion, smooth traffic flow, reduce travel times, improve air quality, and offer efficient transportation choices to all travelers. Key improvements may include:

- Several innovative strategies and operational improvements will be implemented to **reduce travel time, improve air quality, reduce weaving at interchanges, and smooth traffic flow**
- Expand intelligent transportation systems and advanced technology strategies along I-80 to **maximize system efficiency** and prepare the corridor for future advances in transportation technology
- Increase travel time reliability in the carpool lanes through cost-effective **managed lane strategies** and enforcement
- Improve and expand express transit service through the corridor
- Transform park-and-ride facilities into **shared mobility hubs** that provide multimodal transportation options and amenities to encourage transit use
- Provide incentives to encourage the use of transit and alternative transportation options.



AN ADDITIONAL  
**\$250M**



**WILL BE SPENT TO INCREASE BUS SERVICES AND RELIABILITY IN WEST CONTRA COSTA COUNTY.**

Document received by the CA 1st District Court of Appeal.

# » TOTAL INVESTMENTS: \$243 million



## IMPROVE TRAFFIC FLOW ON MAJOR ROADS IN WEST COUNTY

CCTA is committed to relieving congestion on major roads and implementing modern systems that provide safe, efficient, and reliable movement of buses, vehicles, bicyclists, and pedestrians. Projects will range in size and type, and may consider the following:

- Railroad grade separations
- New and/or wider lanes or shoulders
- **New bicycle and pedestrian facilities**
- Installation of "smart" parking management programs
- **Traffic signal synchronization** and other innovative technologies
- Traffic calming measures and roundabouts
- Shoulders, sidewalks, curbs and gutters, and streetscapes
- **Bus transit facility enhancements**, such as bus turnouts and passenger amenities



## ENHANCE FERRY SERVICE AND COMMUTER RAIL IN WEST COUNTY

To help travelers make convenient connections with the Capitol Corridor and San Joaquin train systems, CCTA will consider funding a **new regional intermodal station** in Hercules, along with new or improved ferry services in Hercules with connections to the train. As more people use ferries and the train, traffic congestion on Contra Costa County's roads and highways will decrease, traffic will flow more smoothly, and air emissions will be reduced thereby improving the county's air quality.



## SEAMLESS CONNECTED TRANSPORTATION OPTIONS

Contra Costa County's transportation system is a mix, from freeways to bike paths, trains to shuttles, and many other modes in between. **Providing seamless connectivity** among these many travel options will ensure that our system can meet the future needs of our growing and aging population.

CCTA will develop guidelines and implement systems to promote connectivity between all users of the transportation network (vehicles, pedestrians, bicycles, buses, trucks, etc.) using automation technology and **taking advantage of future transportation technology trends.**



## IMPROVED TRAFFIC FLOW AND LOCAL ACCESS TO RICHMOND-SAN RAFAEL BRIDGE ALONG I-580 AND RICHMOND PARKWAY

CCTA plans to relieve traffic congestion and reduce traffic delays by **modernizing facilities**, expanding pedestrian and bicycling options, improving transit reliability, and encouraging the use of carpools and buses.

Specific improvements to be considered:

- **Extending the carpool lane along I-580** from the toll plaza at the Richmond-San Rafael Bridge to Central Avenue in El Cerrito
- Making improvements so that pedestrians and cyclists can better access the Richmond-San Rafael bridge, Richmond Parkway, Richmond Ferry Terminal, and Richmond BART Station
- Improving the interchange at Richmond Parkway and I-580
- **Providing incentives** for using alternative transportation options



## IMPROVE TRANSIT RELIABILITY ALONG THE I-80 CORRIDOR

One of CCTA's strategies to smooth traffic along the I-80 corridor is to improve and **enhance transit service** to give travelers viable and convenient options to driving. When more people take transit, there will be fewer cars on the road and traffic will be reduced. Funding is planned to:

- Increase express bus service along the corridor
- Improve interchanges and local access for buses so they can utilize the highways more efficiently
- Provide dedicated part-time transit lanes along I-80 to bypass congestion
- **Improve transit connections** between transit stations (including BART stations and ferry terminals), schools, housing, and employment centers, thereby addressing first-mile/last-mile challenges for transit users
- Provide incentives to travelers to use alternative transportation options

▶ **\$1.98 BILLION**

## IMPROVING TRANSIT AND TRANSPORTATION COUNTYWIDE IN ALL OUR COMMUNITIES



The quality of roads and availability of transportation options are two major factors in making our communities great places to live, as are the availability of jobs, safety, access to parks and trails, and good clean air and water. CCTA will implement many projects throughout the county to improve our local communities and **protect Contra Costa County's environment and quality of life.**

The previous section of this TEP presented investments focused on Contra Costa County's major corridors. This section describes funding that spreads into every community, through local projects and programs that improve the County's vast transportation network.

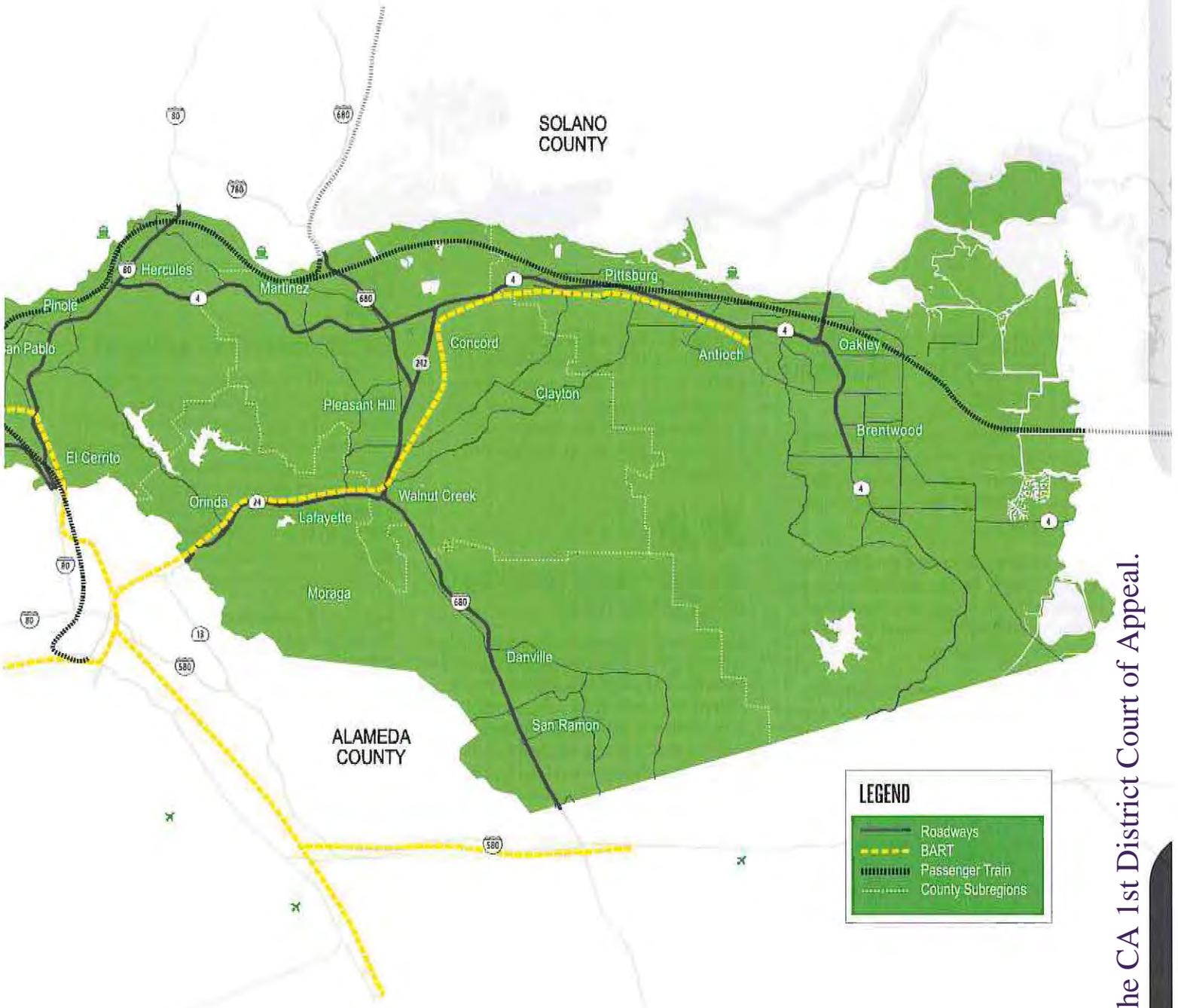
Funding will be allocated toward improving local roads and streets to make them safer for all travelers. Smaller projects—such as removing bottlenecks, improving traffic signal operations, installing traffic calming measures, and making streetscape improvements—can make big improvements in a community's quality of life.

Funding will be allocated toward substantial investments in a **robust transit system** that provides affordable, efficient, convenient, and accessible transit to travelers throughout the county. These projects will result in cleaner, safer, and more reliable trips on BART, buses, and ferries. The transit systems will extend into parts of the county that are currently lacking frequent transit service. When more people take transit, traffic congestion on the County's roads and highways will decrease, traffic will flow more smoothly, and **air emissions will decrease**, thereby improving the county's air quality.

CCTA is committed to supporting accessible and safe transportation for all Contra Costa County residents. CCTA will allocate funding toward a wide array of **programs for students, seniors, veterans, and people with disabilities**, aimed at offering safe transportation options and improving mobility.

Projects will be subject to applicable policies as presented in the Policy Statement section.

Document received by the CA 1st District Court of Appeal.



**LEGEND**

- Roadways
- BART
- Passenger Train
- County Subregions

**Location**  
 Eastern suburb of the San Francisco Bay Area

**Population**  
 1 Million+

**Diverse**  
 Demographically, economically and geographically

Document received by the CA 1st District Court of Appeal.

# Improving Transit and Transportation Countywide In All Our Communities



## MODERNIZE LOCAL ROADS AND IMPROVE ACCESS TO JOB CENTERS AND HOUSING

Smooth, pothole-free roads, safe intersections, pleasant sidewalks, safe bike lanes, and clean air are some of the important features that make Contra Costa County a great place to live and work.

CCTA will provide funding directly to the county's cities, towns, and unincorporated areas so that they may make improvements to their own local roads, streets, and access to job centers and housing.

To ensure transparency and accountability, local agencies report annually on the amount spent on roadway maintenance, bicycle and pedestrian facilities, transit facilities, and other roadway improvements. Local agencies must also meet the requirements set forth in the Growth Management Program, Urban Limit Line Compliance Requirements, Transit Policy, Complete Streets Policy, Road Traffic Safety Policy, and other applicable policies in the Policy Statements section.



## SAFE TRANSPORTATION FOR YOUTH AND STUDENTS

Drop-off and pick-up at schools often creates traffic jams on local streets and unsafe conditions for children. CCTA will allocate funds toward a wide array of transportation projects and programs for students and youth, aimed at relieving congestion, offering safe transportation options—such as walking and cycling—and improving mobility.

Funding will also be used for **reduced fare transit passes**, transit incentives, and school bus programs to encourage more youth and students to use transit to attend school and afterschool programs.

In cooperation with project sponsors in each subregion, CCTA will establish guidelines to define priorities and maximize effectiveness. The guidelines may require provisions, such as operational efficiencies, performance criteria, parent contributions, and reporting requirements.



## IMPROVE WALKING AND BIKING ON STREETS AND TRAILS

Numerous studies and research across many different communities have demonstrated the benefits of creating an environment where walking and bicycling are safe, comfortable, and convenient. For example, **increased walking and bicycling can improve air quality by reducing emissions and energy use** from motor vehicles, improving access by foot or bike can make transit more convenient, and regular walking and bicycling can improve people's health and reduce mortality rates and health care costs.

This TEP contains **unprecedented levels of funding to improve safety for bicyclists and pedestrians in every part of the county**—from local street improvements to trail enhancements and similar projects. Funding will be considered to implement projects in the Contra Costa Countywide Bicycle and Pedestrian Plan. CCTA will develop program guidelines for a competitive project-selection process that maximizes benefits for all users. All funding will be consistent with CCTA's Complete Streets, Road Traffic Safety, and other applicable policies.

Approximately one-fifth of the funds will be considered for allocation to the East Bay Regional Park District for the development, maintenance, and rehabilitation of paved regional trails.



## REDUCE AND REVERSE COMMUTES

If people live closer to their jobs and transit, they have less need to commute long distances, thereby reducing traffic congestion, vehicle-miles traveled (VMT), and greenhouse gas (GHG) emissions. Transportation programs and projects funded out of this category will support economic development and job creation in Contra Costa County. All expenditures in this category will be used to reduce or reverse commutes.

Funding will also incentivize employers to create local jobs in housing-rich areas and to promote transit, shared trips, telecommuting, and shifting work schedules, all with the intent of reducing commuter traffic at peak commute times and better utilizing available reverse commute capacity in the existing transportation infrastructure. Funding is intended to match regional, state, or federal grants and private-sector investment to achieve maximum benefits and may be spent on other regional transportation priorities at the request of the subregion. Examples of projects that may be funded include new or upgraded rail crossings to "unlock" development potential for employment centers, rail-based goods movement improvements, bike lanes and bike facilities in business parks and on routes from transit stations and/or housing to employment centers, and other new or upgraded transportation infrastructure intended to strategically attract jobs to housing-rich areas. Transit service to new employment centers could also be funded under this category.



RPIA0079

# » TOTAL INVESTMENTS: \$1.98 billion



## ACCESSIBLE TRANSPORTATION FOR SENIORS, VETERANS, AND PEOPLE WITH DISABILITIES

Contra Costa County's population is aging. As people get older or become disabled and can no longer drive, they will increasingly rely on other ways to get around. Funding in this category will be used for **affordable, accessible, cost-effective, and safe countywide transportation** for seniors, disabled veterans, and other people with disabilities who, due to age or disability, cannot drive or take other transit options.

In collaboration with stakeholders, transit and nonprofit service providers, CCTA will develop an Accessible Transportation Strategic Plan to implement a customer-focused, user-friendly, seamless coordinated system using these funds. The Plan will be developed based on the characteristics and abilities of all system users and identify options including traditional and beyond traditional paratransit services.



## INCREASE BUS SERVICES AND RELIABILITY IN WEST CONTRA COSTA

Many people in West Contra Costa County rely on buses and transit as their primary means of travel. CCTA will focus on expanding transit services to unserved or underserved areas, along with more frequent and reliable bus service to all. Funding will be provided to public transit operators in the western subregion of Contra Costa County (including AC Transit and WestCAT) to **provide cleaner, safer, and more reliable trips on buses**. This funding will enable transit operators to improve the frequency of service, especially on high-demand routes, increase ridership and incentivize transit use by offsetting fares.



## PROVIDE CONVENIENT AND RELIABLE TRANSIT SERVICES IN CENTRAL, EAST, AND SOUTHWEST CONTRA COSTA

Although BART and rail service offer backbone transit options to residents in central, southwest, and east County, many neighborhoods and communities are unserved or underserved by bus or other transit options, meaning that transit is not close enough to people who want to use it and not frequent enough to be convenient. Funding will be provided to public transit operators in the central, east, and southwest subregions to provide **cleaner, safer, and more reliable trips on buses or shuttles**. This funding will enable transit operators to improve the frequency of service, especially on high-demand routes, increase ridership, and incentivize transit use by offsetting fares.



## CLEANER, SAFER BART

BART began operating in the early 1970s and its stations and station equipment are showing their age. There are eleven BART stations located in Contra Costa County.

CCTA plans to fund a suite of modernization projects at select stations to **increase safety, security, and cleanliness**, and to improve customer experience. Several projects will focus on improving reliability of fare gates and reducing fare evasion. Many of these projects are eligible for Measure RR (BART's \$3.5 billion general obligation bond). CCTA will provide no more than a dollar-for-dollar match for BART projects. BART and CCTA will develop a countywide program to determine how funding is allocated, evaluated, and tracked for effectiveness. Specific funding and maintenance of effort requirements are required and identified in the Taxpayers Safeguards and Accountability Policy section.



## REDUCE EMISSIONS AND IMPROVE AIR QUALITY

CCTA is a nationwide leader in sustainable, technology-enabled transportation. We integrate innovative technological solutions into Contra Costa County's transportation network to improve traffic flow and safety, reduce greenhouse gas emissions, and offer improved travel options. Technology solutions can help solve the challenges of the lack of connectivity between transportation options, resulting in reduced emissions and improved air quality. Eligible expenditures in this category include:

- Implementing the strategies developed in the 2019 Contra Costa Electric Vehicle Readiness Blueprint and subsequent updates
- Reducing transportation-related greenhouse gases through the utilization of a cleaner vehicle fleet, including alternative fuels and/or locally produced energy
- Preparing for a growing fleet of zero-emission vehicles by facilitating the installation of electric charging stations or alternative fuels
- Increasing utilization of nonautomobile types of transportation by expanding walking and biking paths and transit options
- Using demand management strategies designed to reduce congestion, increase use of nonautomobile transportation, increase occupancy of autos, manage existing infrastructure, and reduce greenhouse gas emissions
- Managing parking supply to improve availability, utilization, and to reduce congestion and greenhouse gas production

Funding is intended to match regional, state, or federal grants and private-sector investment to achieve maximum benefits. CCTA will develop and adopt guidelines for a competitive project-selection process for the use of these funds.



Document received by the CA 1st District Court of Appeal.

# POLICY STATEMENTS

## The Growth Management Program (GMP)

Coupled with the Transportation Expenditure Plan (TEP) is Contra Costa's unique and well-tested program for managing growth. The overall goal of the GMP is to preserve and enhance the quality of life and promote a healthy, strong economy to benefit the people and areas of Contra Costa through a cooperative, multi-jurisdictional process for managing growth, while maintaining local authority over land-use decisions.<sup>1</sup>

The objectives of the GMP are to:

- Assure that new residential, business, and commercial growth pays for the facilities required to meet the demands resulting from that growth
- Require cooperative transportation and land-use planning among Contra Costa County, cities/towns, and transportation agencies
- Support land-use patterns within Contra Costa that make more efficient use of the transportation system, consistent with the General Plans of local jurisdictions
- Support Infill and redevelopment in existing urban and brownfield areas

The Measure J GMP, which includes Principles of Agreement for Establishing the Urban Limit Line (ULL), is augmented and superseded by this 2020 TEP.

*1. The Authority will, to the extent possible, attempt to harmonize the GMP and the state-mandated Congestion Management Program (CMPs). To the extent they conflict, CMP activities shall take precedence over the GMP activities.*

## COMPONENTS

To receive its share of funding from the following categories:

- 2020 TEP Modernize Local Roads & Improve Access to Job Centers and Housing
- Measure J Local Streets Maintenance & Improvements
- Measure J Transportation for Livable Communities (TLC)

each jurisdiction must:

1. **Adopt a Growth Management Element (GME)**  
Each jurisdiction must adopt, or maintain in place, a GME as part of its General Plan that outlines the jurisdiction's goals and policies for managing growth and requirements for achieving those goals. The GME must show how the jurisdiction will comply with sections 2–9 below. The Contra Costa Transportation Authority (Authority) will refine its model GME and administrative procedures in consultation with the Regional Transportation Planning Committees (RTPCs) to reflect the revised GMP.

Each jurisdiction is encouraged to incorporate other standards and procedures into its GME to support the objectives and required components of this GMP.

2. **Adopt a Development Mitigation Program**  
Each jurisdiction must adopt, or maintain in place, a Development Mitigation Program to ensure that new growth is paying its share of the costs associated with that growth. This program shall consist of both a local program to mitigate impacts on local streets and other facilities, and a regional program to fund regional and subregional transportation projects, consistent with the Countywide Transportation Plan (CTP).

The jurisdiction's local Development Mitigation Program shall ensure that revenue provided from this measure shall not be used to replace private developer funding that has or would have been committed to any project.

The regional Development Mitigation Program shall establish fees, exactions, assessments, or other mitigation measures to fund regional or subregional transportation improvements needed to mitigate the impacts of planned or forecast development. Regional mitigation programs may adjust such fees, exactions, assessments or other mitigation measures when developments are within walking distance of frequent transit service or are part of a mixed-use development of sufficient density and with necessary facilities to support greater levels of walking and bicycling.

Each RTPC shall develop the regional Development Mitigation Program for its region, taking account of planned and forecast growth and the Multimodal Transportation Service Objectives (MTOs) and actions to achieve them established in the Action Plans for Routes of Regional Significance. RTPCs may use existing regional mitigation programs, if consistent with this section, to comply with the GMP.

### 3. Address Housing Options

Each jurisdiction shall demonstrate reasonable progress in providing housing opportunities for all income levels as part of a report on the implementation of the actions outlined in its adopted Housing Element. The report will demonstrate progress by one of the following:

- a. Comparing the number of housing units approved, constructed, or occupied within the jurisdiction over the preceding five years with the average number of units needed each year to meet the housing objectives established in the jurisdiction's Housing Element
- b. Illustrating how the jurisdiction has adequately planned to meet the existing and projected housing needs through the adoption of land use plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development
- c. Illustrating how a jurisdiction's General Plan and zoning regulations facilitate the improvement and development of sufficient housing to meet those objectives

Jurisdictions will provide prepared reports regarding the production and preservation of affordable units as provided for in the Annual Housing Elements Progress Report and subsequent reports.

Each jurisdiction shall demonstrate meaningful progress in preserving existing affordable units for lower-income residents by adopting and implementing locally appropriate antidisplacement and affordable housing policies, for example, preservation of affordable housing, density bonus ordinance and/or inclusionary zoning, to support community stabilization.



Jurisdictions are subject to California's Surplus Land Act, which includes the disposition of surplus land, and each jurisdiction will affirm whether it complies with the surplus Land Act and whether it maintains an Inventory of all public land in its jurisdiction that adheres to applicable Surplus Land Act and Government Code 50569 requirements and makes the inventory available to the public.

Each jurisdiction will indicate whether it adheres to applicable local, state, or federal policies or laws regarding tenant protection and whether it has prepared the reports required by such policies or laws and made the reports available to the public.

In addition, each jurisdiction shall consider the impacts that its land use and development policies have on the local, regional, and countywide transportation system, including the level of transportation capacity that can reasonably be provided, and shall incorporate policies and standards into its development approval process that support transit, bicycle, and pedestrian access in new developments.

**4. Participate In an Ongoing Cooperative, Multijurisdictional Planning Process**

Each jurisdiction shall participate in an ongoing process with other jurisdictions and agencies, the RTPCs, and the Authority to create a balanced, safe, and efficient transportation system and to manage the impacts of growth. Jurisdictions shall work with the RTPCs to:

- a. Identify Routes of Regional Significance and MTSOs or other tools adopted by the Authority for measuring performance and quality of service along routes of significance—collectively referred to as MTSOs—for those routes and actions for achieving those objectives
- b. Apply the Authority's travel demand model and technical procedures to the analysis of General Plan Amendments and developments exceeding specified thresholds for their effect on the regional transportation system, including on Action Plan objectives
- c. Create the Development Mitigation Programs outlined in section 2 above
- d. Help develop other plans, programs, and studies to address other transportation and growth management issues

In consultation with the RTPCs, each jurisdiction will use the travel demand model to evaluate changes to local General Plans and the impacts of major development projects for their effects on the local and regional transportation system and the ability to achieve the MTSOs established in the Action Plans.

Jurisdictions shall also participate in the Authority's ongoing countywide comprehensive transportation planning process. As part of this process, the Authority shall support countywide and subregional planning efforts, including the Action Plans for Routes of Regional Significance, and shall maintain a travel demand model. Jurisdictions shall help maintain the Authority's travel demand modeling system by providing information on proposed improvements to the transportation system and planned and approved development within the jurisdiction.

**5. Continuously Comply with an Urban Limit Line (ULL)**

To be found in compliance with this element of the Authority's GMP, all jurisdictions must continually comply with an applicable voter approved ULL. Said ULL may either be the Contra Costa County voter approved ULL (County ULL) or a locally initiated, voter approved ULL (LV-ULL).

Additional information and detailed compliance requirements for the ULL are fully defined in the ULL Compliance Requirements, which are incorporated herein.

Either of the following actions by a local jurisdiction will constitute noncompliance with the GMP:

- a. The submittal of an annexation request to the Local Agency Formation Commission (LAFCO) for lands outside of a jurisdiction's applicable ULL.
- b. Failure to conform to the Authority's ULL Compliance Requirements.

**6. Develop a Five-Year Capital Improvement Program (CIP)**

Each jurisdiction shall prepare and maintain a CIP that outlines the capital projects needed to implement the goals and policies of the jurisdiction's General Plan for at least the following five-year period. The CIP shall include approved projects and an analysis of the costs of the proposed projects as well as a financial plan for providing the improvements. The jurisdiction shall forward the transportation component of its CIP to the Authority for incorporation into the Authority's database of transportation projects.

**7. Adopt a Transportation Systems Management (TSM) Ordinance or Resolution**

To promote carpools, vanpools, and park-and-ride lots, each jurisdiction shall adopt a local ordinance or resolution that conforms to the model TSM ordinance that the Authority has drafted and adopted. Upon approval of the Authority, cities/towns with a small employment base may adopt alternative mitigation measures in lieu of a TSM ordinance or resolution.

**8. Adopt Additional Growth Management Policies, as applicable**

Each jurisdiction shall adopt and thereafter continuously maintain the following policies (where applicable):

- a. Hillside Development Policy
- b. Ridgeline Protection Policy
- c. Wildlife Corridor Policy
- d. Creek Development Policy

Where a jurisdiction does not have a developable hillside, ridgeline, wildlife corridor, or creek, it need not adopt the corresponding policy. An ordinance that implements the East Contra Costa Habitat Conservation Plan (HCP)/Natural Community Preservation Plan Act (NCCP) shall satisfy the requirement to have an adopted Wildlife Corridor Policy and Creek Development Policy. In addition to the above, jurisdictions with Prime Farmland and Farmland of Statewide Importance (Prime/Statewide)—as defined by the California Department of Conservation and mapped by the Farmland Mapping and Monitoring Program—within their planning areas but outside of their city/town shall adopt and thereafter continuously maintain an Agricultural Protection Policy. The policy must ensure that potential impacts of converting Prime/Statewide outside the ULL to other uses are identified and disclosed when considering such a conversion. The applicable policies are required to be in place by no later than July 1, 2022.

**9. Adopt a Complete Streets Policy and Vision Zero Policy**

Each jurisdiction shall adopt a Complete Streets Policy, consistent with the California Complete Streets Act of 2008 (AB 1358) and with the Authority's Complete Streets Policy, which accommodates all users of travel modes in the public right-of-way. Each jurisdiction shall also adopt a Vision Zero Policy that substantially complies with the Authority's Model Vision Zero Policy and reflects best practices for street design elements and programs to mitigate human error and quantifiably

improve the traffic safety of all users in the planning, design, and construction of projects funded with Measure funds. Jurisdictions shall document their level of effort to implement these policies, including during requests for funding, peer review of project design, and as part of the newly added compliance requirement in the biennial GMP Checklist.

## ALLOCATION OF FUNDS

Portions of the monies received from the retail transaction and use tax will be returned to the local jurisdictions (the cities/towns and County) for use on local, subregional, and/or regional transportation improvements and maintenance projects. Receipt of all such funds requires compliance with the GMP and the allocation procedures described below. The funds are to be distributed on a formula based on population and road miles.

Each jurisdiction shall demonstrate its compliance with all of the components of the GMP in a completed compliance checklist. The jurisdiction shall submit, and the Authority shall review and make findings regarding the jurisdiction's compliance with the requirements of the GMP, consistent with the Authority's adopted policies and procedures.

If the Authority determines that the jurisdiction complies with the requirements of the GMP, it shall allocate to the jurisdiction its share of 2020 TEP funding from the Modernize Local Roads & Improve Access to Job Centers and Housing category and its share of Measure J Local Streets Maintenance & Improvements funding. Jurisdictions may use funds allocated under this provision to comply with these administrative requirements.

If the Authority determines that the jurisdiction does not comply with the requirements of the GMP, the Authority shall withhold funds and also make a finding that the jurisdiction shall not be eligible to receive Measure J TLC funds until the Authority determines that the jurisdiction has achieved compliance. The Authority's findings of noncompliance may set deadlines and conditions for achieving compliance.

Withholding of funds, reinstatement of compliance, reallocation of funds, and treatment of unallocated funds shall be as established in adopted Authority policies and procedures.

# Urban Limit Line (ULL) Compliance Requirements

**Definitions—the following definitions apply to the GMP ULL requirement:**

**1. Urban Limit Line (ULL)**

A ULL, urban growth boundary, or other equivalent physical boundary judged by the Authority to clearly identify the physical limits of the local jurisdiction's future urban development.

**2. Local Jurisdictions**

Includes Contra Costa County, the 19 cities and towns within Contra Costa, plus any newly incorporated cities or towns established after July 1, 2020.

**3. County ULL**

A ULL placed on the ballot by the Contra Costa County Board of Supervisors, approved by voters at a countywide election, and in effect through the applicable GMP compliance period. The current County ULL was established by Measure L and approved by voters in 2006.

The following local jurisdictions have adopted the County ULL as their applicable ULL:

City of Brentwood	Town of Moraga
City of Clayton	City of Oakley
City of Concord	City of Orinda
Town of Danville	City of Pinole
City of El Cerrito	City of Pleasant Hill
City of Hercules	City of Richmond
City of Lafayette	City of San Pablo
City of Martinez	City of Walnut Creek

**4. Local Voter ULL (LV-ULL)**

A ULL or equivalent measure placed on the local jurisdiction ballot, approved by the jurisdiction's voters, and recognized by action of the local jurisdiction's legislative body as its applicable, voter-approved ULL. The LV-ULL will be used as of its effective date to meet the Authority's GMP ULL requirement and must be in effect through the applicable GMP compliance period.

The following local jurisdictions have adopted a LV-ULL:

City of Antioch	City of Pittsburg
City of San Ramon	

**5. Minor Adjustment**

An adjustment to the ULL of 30 acres or less is intended to address unanticipated circumstances.

**6. Other Adjustments**

Other adjustments that address issues of unconstitutional takings and conformance to state and federal law.

## REVISIONS TO THE ULL

1. A local jurisdiction that has adopted the County ULL as its applicable ULL may revise its ULL with local voter approval at any time during the term of the Authority's GMP by adopting a LV-ULL in accordance with the requirements outlined for a LV-ULL contained in the definitions section.
2. A local jurisdiction may revise its LV-ULL with local voter approval at any time during the term of the Authority's GMP if the resultant ULL meets the requirements outlined for a LV-ULL contained in the definitions section.
3. If voters, through a countywide ballot measure, approve a revision to the County ULL, the legislative body of each local jurisdiction relying on the County ULL shall:
  - a. Accept and approve its existing ULL to continue as its applicable ULL, or
  - b. Accept and approve the revised County ULL as its applicable ULL, or
  - c. Adopt a LV-ULL in accordance with the requirements outlined for a LV-ULL contained in the definitions section

However, if any Countywide measure to approve a revision to the County ULL fails, then the legislative body of each local jurisdiction relying on the prior County ULL may accept and approve the existing County ULL.

4. Local jurisdictions may, without voter approval, enact Minor Adjustments to their applicable ULL subject to a vote of at least 4/5 of the jurisdiction's legislative body and meeting the following requirements:
  - a. Minor adjustment 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 200606 § 3, 91-1 § 2, 90-66 § 4), which include:
    - A natural or man-made disaster or public emergency has occurred that warrants the provision of housing and/or other community needs within land located outside the ULL

Document received by the CA 1st District Court of Appeal.



- An objective study has determined that the ULL is preventing the jurisdiction from providing its fair share of affordable housing or regional housing, as required by state law, and the governing elected legislative body finds that a change to the ULL is necessary and is the only feasible means to enable the County jurisdiction to meet these requirements of state law
  - A majority of the cities/towns that are party to a preservation agreement and the County have approved a change to the ULL affecting all or any portion of the land covered by the preservation agreement
  - A minor change to the ULL will more accurately reflect topographical characteristics or legal boundaries
  - A five-year cyclical review of the ULL has determined, based on the criteria and factors for establishing the ULL set forth in Contra Costa County Code (Section 82-1.010), that new information is available (from city/town, County growth management studies, or otherwise) or circumstances have changed, warranting a change to the ULL
  - An objective study has determined that a change to the ULL is necessary or desirable to further the economic viability of the East Contra Costa County Airport, and either (i) mitigate adverse aviation-related environmental or community impacts attributable to Buchanan Field, or (ii) further the County's aviation related needs
  - A change is required to conform to applicable California or Federal law
- c. Adoption of a finding that the proposed Minor Adjustment will have a public benefit. Said public benefit could include, but is not necessarily limited to, enhanced mobility of people or goods, environmental protections or enhancements, improved air quality or land use, enhanced public safety or security, housing or jobs, infrastructure preservation, or other significant positive community effects as defined by the local land use authority. If the proposed Minor Adjustment to the ULL is proposed to accommodate housing or commercial development, said proposal must include permanent environmental protections or enhancements, such as the permanent protection of agricultural lands, the dedication of open space or the establishment of permanent conservation easements.
- d. The Minor Adjustment is not contiguous to one or more nonvoter approved Minor Adjustments that in total exceeds 30 acres.
- e. The Minor Adjustment does not create a pocket of land outside the existing ULL, specifically to avoid the possibility of a jurisdiction wanting to fill in that land subsequently through separate adjustments.
- f. Any jurisdiction proposing to process a Minor Adjustment to its applicable ULL that impacts FMMP is required to have an adopted Agricultural Protection Ordinance or must demonstrate how the loss of these agricultural lands will be mitigated by permanently protecting farmland.
5. A local jurisdiction may revise its LV-ULL, and the County may revise the County ULL, to address issues of unconstitutional takings or conformance to State or Federal law.

## CONDITIONS OF COMPLIANCE

1. Submittal of an annexation request by a local jurisdiction to LAFCO outside of an approved ULL will constitute noncompliance with the GMP.
2. For each jurisdiction, an applicable ULL shall be in place through each GMP compliance reporting period for the local jurisdiction to be found in compliance with the GMP requirements.
3. Submittal of an annexation request for land outside an approved ULL by a third party to LAFCO will constitute noncompliance with the GMP, if the local jurisdiction: (1) submits a "will serve" letter to LAFCO. A "will serve" letter determines the applicant's ability and willingness to serve the subject area and any further development, (2) utilizes an existing applicable tax sharing agreement, and/or (3) enters into a new tax sharing agreement for the annexation request.

## Transit Policy

### VISION

This Transportation Expenditure Plan (TEP) envisions a transportation system that provides reliable, safe, comfortable and convenient access for all users of the transportation system, regardless of mode choice and travel characteristics. The TEP further envisions a public transit system that provides convenient, safe, affordable, and reliable service and which offers an attractive alternative to private automobile usage. The Transit Policy Vision includes the infrastructure needed to accommodate a more robust transportation system for Contra Costa County that promotes greater use of transit and other shared mobility alternatives by prioritizing the movement of people rather than single-occupancy vehicles across the network. The TEP aims to improve transit countywide and reduce commute travel times, deliver more frequent and reliable service, expand transit service areas, and provide better connections to and from transit by various modes of mobility options. Improving the coordination among transit operators and integrating the existing transit systems with new technological tools and platforms to enhance customer access and experience should increase the share of residents and employees who choose public transit. Doing so will reduce congestion, improve air quality, and accommodate a growing population.

To achieve this vision, the TEP allocates more than one-half of the expected sales tax revenue to Transit and Alternative Modes and approximately one-quarter for local road improvements. To provide the maximum benefits to Contra Costa residents, the Contra Costa Transportation Authority (Authority) adopts the following policies and principles for use of transit funds authorized in the TEP:

### POLICY

1. The Policy shall promote Transit First and guide the development of an Integrated Transit Plan (ITP). In the context of this Policy, Transit First considers the following to provide a seamless and integrated transportation system:
  - a. Decisions regarding the use of limited public street and sidewalk space shall prioritize the use of public rights-of-way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.
  - b. Transit-priority improvements, such as designated transit lanes and streets and improved signalization, shall be made to expedite the movement of public transit vehicles and to improve safety for people who bike and walk.
  - c. Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.
  - d. Bicycling shall be promoted by encouraging safe streets for riding, providing convenient access to transit, and increasing the availability of bicycle lanes and secure bicycle parking.
  - e. Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.
  - f. The ability to reduce traffic congestion depends on the adequacy of regional public transportation. The cities/towns and County shall promote the use of transit and the continued development of an integrated and reliable regional public transportation system.
  - g. The cities/towns and County shall encourage innovative solutions to meet public transportation needs wherever possible.
2. All transit operators that receive funding from the TEP shall participate in the development of an ITP to identify how to utilize funding to better coordinate and integrate transit services countywide. The ITP should guide how the TEP funding dedicated to Transit and Alternative Modes categories can be used to implement the Transit Policy Vision:
  - a. The ITP will be developed and managed under the leadership of the Authority and the County's transit operators. The Authority and the transit operators shall coordinate with transportation service providers in Contra Costa to inform the development of the ITP. Transit operators shall consult with the Regional Transportation Planning Committees (RTPCs) in developing the ITP.
  - b. The ITP will focus on delivering a streamlined and unified experience for the customer across all modes

and transit operators should identify transit service investments (i.e., new routes, service hours, frequency), capital projects/assets (i.e., transit centers, bus stops, stop amenities, vehicles), and transit priority measures (i.e., transit signal priority, bus lanes, queue jumps) to be funded from the TEP.

- c. The ITP shall demonstrate reduction in vehicle-miles traveled (VMT) per capita and greenhouse gas (GHG) emissions to meet the Authority's countywide goals. Transit service investments, capital projects/assets, and transit priority measures to be funded from the TEP shall reduce VMT and GHG emissions or participate in the VMT Mitigation Program.
  - d. Prioritization for TEP funding should consider projects that can leverage other state, federal, or local funding.
  - e. The ITP shall be updated at least every five years to address new technology opportunities, any changes in demand, and other conditions.
3. Transit operators in Contra Costa County shall incorporate the findings and recommendations of the ITP pertinent to each operator's service area into their respective Short-Range Transit Plans (SRTP). The SRTPs shall be reviewed for consistency with the ITP associated with this TEP.
  4. Allocations pursuant to this TEP will be made in support of the recommendations in the ITP. Any recommendations in the ITP shall include performance measures to achieve continued funding.
  5. The Authority expects transit operating funds from the TEP to be used to support the vision of this policy. In the event that TEP funds must be used to support other transit services as a result of reduction of operating funds from other sources or due to other financial concerns, the transit operator shall update its SRTP and submit to the Authority.
  6. The Authority expects that public agencies and transit operators leverage new and emerging technologies to improve service and to address first-mile/last-mile connections between transit stops and other traveler destinations. These technologies may include, but not be limited to, ride hailing partnerships, autonomous shuttles, shared mobility (bikes, scooters, cars), and mobility-on-demand platforms that best fit within each transit operator's service area. The ITP should address how these technology services function within and among service boundaries and provide a seamless experience countywide for customers.
  7. The Authority expects that recipients of TEP funding create, analyze, and seize opportunities for fare and schedule integration among transit operators and any technology services adopted. Focus should be placed on reducing inconveniences associated with transferring between services and on having a cost-effective, universally accepted digital payment method. The ITP should address how Contra Costa transit operators can maximize benefits of fare payment and schedule integration while acknowledging current efforts by various agencies to achieve the same goal.
  8. The Authority will not fund construction of any transit capital improvement until the project sponsor demonstrates how the project would increase ridership and/or decrease VMT. Funding for planning and design—including demonstration pilots—is not subject to this requirement.
  9. All recipients of funding through this TEP shall consider and accommodate, wherever possible, the principles of Transit First in the planning, design, construction, reconstruction, rehabilitation, and maintenance of the transportation system.
  10. All transit operators that receive funding from the TEP shall report how received funding benefits Communities of Concern and low-income residents in their jurisdictions and service areas. The ITP should ensure proportionally greater benefits to Communities of Concern and low-income residents.



## Complete Streets Policy

### VISION

This Plan envisions a transportation system and infrastructure in which each component provides safe, comfortable, and convenient access for users of all ages and abilities. These users include pedestrians, bicyclists, transit riders, automobile drivers, taxis, Transportation Network Companies (TNCs) and their passengers, and truckers as well as people of varying abilities, including children, seniors, people with disabilities, and able-bodied adults. The goal of every transportation project is to provide safer, more accessible facilities for all users. All projects shall be planned, designed, constructed, and operated to prioritize users' life safety and accommodate the Complete Streets concept.

By making streets more efficient and safer for all users, a Complete Streets approach will expand capacity and improve mobility for all users, giving commuters convenient options for travel and minimizing the need to widen roadways.

### POLICY

To achieve this vision, all recipients of funding through this Plan shall consider and accommodate, wherever possible and subject to the exceptions listed in this Policy, the needs of all users in the planning, design, construction, reconstruction, rehabilitation, and maintenance of the transportation system. This determination shall be consistent with the exceptions listed below. Achieving this vision will require balancing the needs of different users and may require reallocating existing rights-of-way (ROW) for different uses.

The Authority shall revise its project development guidelines to require the consideration and accommodation of all users in the design and construction of projects funded with measure funds and shall adopt peer review and design standards to implement that approach. The guidelines will allow flexibility in responding to the context of each project and the needs of users specific to the project's context and will build on accepted best practices for complete streets and context-sensitive design.

To ensure that this policy is carried out, the Authority shall prepare a checklist that project sponsors using measure

funds must submit. This checklist will document how the needs of all users were considered and how they were accommodated in the design and construction of the project. In the checklist, the sponsor will outline how they provided opportunity for public input. In a public forum, from all users early in the project development and design process. This includes regular public review of agency repaving programs. If the proposed project or program will not provide context-appropriate conditions for all users, the sponsor shall document the reasons why in the checklist, consistent with the following section on "exceptions" below. The completed checklist shall be made part of the approval of programming of funding for the project or the funding allocation resolution.

Recipients of 2020 TEP funding for the Modernize Local Roads and Improve Access to Job Centers and Housing category and Measure J TEP Funding from Local Maintenance and Improvements shall adopt procedures that ensure that all agency departments consider and accommodate the needs of all users for projects or programs affecting public ROW for which the agency is responsible. These procedures shall:

1. Be consistent with the California Complete Streets Act of 2008 (AB 1358)
2. Be consistent with and be designed to implement each agency's General Plan Policies once that plan has been updated to comply with the California Complete Streets Act of 2008 and the Authority's Complete Streets Policy
3. Involve and coordinate the work of all agency departments and staff whose projects will affect the public ROW
4. Meet or exceed the Complete Street design standards adopted by the Authority
5. Be consistent with the adopted Local Jurisdiction Complete Streets Policy and Authority's Complete Street Policy herein
6. Promote proactive data collection and traffic system monitoring using next generation technology, such as advance detection systems
7. Provide opportunity for public review by all potential users early in the project development and design phase so that options can be fully considered. This review could be done through an advisory committee, such as a Bicycle and Pedestrian Advisory Committee or as part of the review of the agency's CIP

As part of their biennial GMP checklist, agencies shall list projects funded by the Measure and detail how those projects accommodated users of all modes by applying Transit, Complete Streets, and Vision Zero Policies.

As part of the multijurisdictional planning required by the GMP, agencies shall work with the Authority and the RTPCs to harmonize the planning, design, and construction of transportation facilities for all modes within their jurisdiction with the plans of adjoining and connecting jurisdictions.

## EXCEPTIONS

Project sponsors may provide a lesser accommodation or forgo Complete Street accommodation components when the public works director or equivalent agency official finds that:

1. Pedestrians, bicyclists, or other users are prohibited by law from using the transportation facility
2. The cost of new accommodation would be excessively disproportionate to the need or probable use. If meeting adopted design standards is cost prohibitive, the proposed project improvements should be phased, or a more cost-effective solution should be provided
3. The sponsor demonstrates that such accommodation is not needed based on objective factors including:
  - a. Current and projected user demand for all modes based on current and future land use
  - b. Lack of identified conflicts, both existing and potential, between modes of travel

Project sponsors shall explicitly approve exception findings as part of the approval of any project using measure funds to improve streets classified as a major collector or above.<sup>1</sup> Prior to this project, sponsors must provide an opportunity for public input at an approval body (that regularly considers design issues) and/or the governing board of the project sponsor.

<sup>1</sup> Major Collectors and above, as defined by the California Department of Transportation (Caltrans) California Road System (CRS) map.

## Advance Mitigation Program

The Authority is committed to participate in the creation and funding of an Advance Mitigation Program (AMP) as an innovative way to advance needed infrastructure projects more efficiently and provide more effective conservation of our natural resources, watersheds and wetlands, and agricultural lands. As a global biodiversity hot spot, the Bay Area and Contra Costa County host an extraordinarily rich array of valuable natural communities and ecosystems that provides habitat for rare plants and wildlife and supports residents' health and quality of life by providing clean drinking water, clean air, opportunities for outdoor recreation, adaptation to climate change, and protection from disasters like flooding and landslides.

Assembly Bill No. 2087 (AB 2087) outlines a program for informing science-based, nonbinding, and voluntary conservation actions and habitat enhancement actions that would advance the conservation of focal species, natural communities, and other conservation elements at a regional scale. The AMP used AB 2087 and subsequent guidance to integrate conservation into infrastructure agencies' plans and project development well in advance and on a regional scale to reduce potential impacts of transportation projects, as well as to drive mitigation dollars to protect regional conservation priorities and protect important ecological functions, watersheds and wetlands, and agricultural lands that are at threat of loss. The AMP will provide environmental mitigation activities specifically required under the California Environmental Quality Act of 1970 (CEQA), National Environmental Policy Act of 1969 (NEPA), Clean Water Act Section 401 and Section 404, and other applicable regulations in the implementation of the major highway, transit, and regional arterial and local streets and roads projects identified in the Plan. Senate Bill 1 (SB 1) (2017) created the AMP at Caltrans to enhance opportunities for the department to work with stakeholders to identify important project mitigation early in the project development process and improve environmental outcomes by mitigating the effects of transportation projects. The Authority's AMP compliments advance mitigation funding from SB 1.

The Authority's participation in an AMP is subject to the following conditions:

1. Development and approval of a Regional Conservation Investment Strategy (RCIS) that identifies conservation priorities and mitigation opportunities for all of Contra Costa County. The RCIS established conservation goals and includes

countywide opportunities and strategies that are, among other requirements, consistent with and that support the East Contra Costa Habitat Conservation Plan (HCP)/Natural Community Preservation Plan Act (NCCP). The RCIS will identify mitigation opportunities for all areas of the County to ensure that mitigation occurs in the vicinity of the project impact to the greatest extent possible. The Authority will review and approve the RCIS, in consultation with the RTPCs, prior to the allocation of funds for the AMP.

2. Development of a Project Impacts Assessment (PIA) that identifies the portfolio of projects to be included in the Advance Mitigation Program and the estimated costs for mitigation of the environmental impacts of the projects. The Authority will review and approve the PIA prior to the allocation of funds for the AMP. The PIA and estimated costs do not in any way limit the amount of mitigation that may be necessary or undertaken for the environmental impacts of the projects.
3. Development of the legislative and regulatory framework necessary to implement an AMP in Contra Costa County.
4. The identification of the Implementing Agency to administer the AMP for Contra Costa County or portions of the Bay Area, including Contra Costa County.

The Authority will determine the amount of funds to be dedicated to this program following the satisfaction of the above conditions. Funds from the Plan will be allocated consistent with the Regional Conservation Assessment/Framework to fund environmental mitigation activities required in the implementation of the major highway, transit and regional arterial and local streets and roads projects identified in the Plan. If this approach cannot be fully implemented, these funds

shall be used for environmental mitigation purposes on a project-by-project basis. Mitigation required for future transportation improvements identified in the Plan are not limited by the availability of funding or mitigation credits available in the Program.

All projects funded from the TEP are eligible for inclusion in the AMP. Note that some projects are within the East Contra Costa County HCP/NCCP. The AMP provides an opportunity to meet species mitigation needs on projects that cannot be met by East Contra Costa County HCP/NCCP.

Pursuant to Senate Bill No. 743, which reformed the process for California Environmental Quality Act (CEQA) review of transportation impacts to align with greenhouse gas emissions reduction goals, the Governor's Office of Planning and Research (OPR) identified vehicle-miles traveled (VMT) as the key metric to measure transportation impacts under CEQA. As a result, projects will be expected to demonstrate a reduction in VMT to meet the Authority's goal to reduce VMT per capita and GHG emissions countywide. The Authority will begin development of an innovative countywide program to identify a broad portfolio of mitigation measures that will be funded through aggregation of funds and deployed to support top-priority VMT reducing projects and strategies throughout the County. The VMT Mitigation Program will consider the structure of the program, legal framework to comply with CEQA and Mitigation Fee Act, and program design, such as project selection and prioritization, measurement, evaluation, verification, reporting, equity, and monitoring. The amount of VMT mitigated will be for the planning horizon for each project.



## Taxpayer Safeguards and Accountability Policy

### GOVERNING STRUCTURE

#### Governing Body and Administration

The Authority is governed by a Board composed of 11 members, all elected officials, with the following representation:

- Two members from the Central County Regional Transportation Planning Commission (RTPC), also referred to as Transportation Partnership and Cooperation (TRANSPAC)
- Two members from the East County RTPC, also referred to as East County Transportation Planning Committee (TRANSPLAN)
- Two members from the Southwest County RTPC, also referred to as Southwest Area Transportation Committee (SWAT)
- Two members from the West County RTPC, also referred to as West County Contra Costa County Transportation Advisory Committee (WCCTAC)
- One member from the Conference of Mayors
- Two members from the Board of Supervisors

The Authority Board also includes three (3) ex officio, nonvoting members that are appointed by the MTC, BART, and the Public Transit Operators in Contra Costa County.

The four subregions within Contra Costa—Central, West, Southwest, and East County—are each represented by a Regional Transportation Planning Commission (RTPC). Central County (TRANSPAC subregion) includes Clayton, Concord, Martinez, Pleasant Hill, Walnut Creek, and the unincorporated portions of Central County. West County (WCCTAC subregion) includes El Cerrito, Hercules, Pinole, Richmond, San Pablo, and the unincorporated portions of West County. Southwest County (SWAT subregion) includes Danville, Lafayette, Moraga, Orinda, San Ramon and the unincorporated portions of Southwest County.

East County (TRANSPLAN subregion) includes Antioch, Brentwood, Oakley, Pittsburg, and the unincorporated portions of East County.

#### Public Oversight Committee

The Public Oversight Committee (POC) shall provide diligent, independent, and public oversight of all expenditures of Measure funds by Authority or recipient agencies (County, cities/towns, transit operators, etc.). The POC will report to the public and focus its oversight on the following:

- Review of allocation and expenditure of Measure funds to ensure that all funds are used consistent with the Measure
- Review of fiscal audits of Measure expenditures
- Review of performance audits of projects and programs relative to performance criteria established by the Authority, and if performance of any project or program does not meet its established performance criteria, identify reasons why and make recommendations for corrective actions that can be taken by the Authority Board for changes to project or program guidelines
- Review of application of the performance-based review policy and provide input and recommendations for the development of associated guidelines
- Review of the maintenance of effort compliance requirements of local jurisdictions for local streets, roads, and bridges funding
- Review of each jurisdiction's GMP Checklist and compliance with the GMP Policies

The POC shall prepare an annual report that includes an account of the POC's activities during the previous year, its review and recommendations relative to fiscal or performance audits, and any recommendations made to the Authority Board for implementing the TEP. The



report will be noticed in local media outlets throughout Contra Costa County, posted to the Authority website, and made continuously available for public inspection at Authority offices. The report shall be composed of easy-to-understand language that is not produced in an overly technical format. The POC shall make an annual presentation to the Authority Board summarizing the annual report subsequent to its release.

POC members shall be selected by the Authority to reflect community, business organizations, and other interests within the County. The goal of the membership makeup of the POC is to provide a balance of viewpoints, including, but not limited to, geography, age, gender, ethnicity, and income status to represent the different perspectives of the residents of Contra Costa County. One member will be nominated by each of the four subregions by the RTPCs representing the subregion nominating the member. The Board of Supervisors will nominate one member residing in and representing the County. Twelve members will be nominated by respective organizations representative of interest groups, such as civic and governance involvement, taxpayer advocate, businesses, construction and trades labor, general labor, building and development, disabled, biking and pedestrian, transit, low income, climate change, seniors, environmental, and/or open space organizations operating in Contra Costa County (specific organizations may vary during the life of the Measure). The Authority will consult with the public and active interest groups to solicit, identify nominees, and nominate POC members that represent those areas listed above. The Authority will accept nominations from any member of the public. The Authority will create a process to review possible POC members, including interviews. An interest area will be represented by no more than one POC member. About one-half of the initial member appointments will be for two years and the remaining appointments will be for three-year terms. Thereafter, members will be appointed to two-year terms. Any individual member can serve on the POC for no more than six consecutive years.

POC members will be Contra Costa County residents who are not elected officials at any level of government, or public employees from agencies that either oversee or benefit from the proceeds of the Measure. Membership is restricted to individuals with no economic interest in any of the Authority's projects or programs. If a member's status changes so that he/she no longer meets these requirements, or if a member resigns his/her position on the POC, the Authority Board will issue a new statement of interest from the same stakeholder category to fill the vacant position.

The POC shall meet up to once per month to carry out its responsibility and shall meet at least once every three months. Meetings shall be held at the same location as the Authority Board meetings are usually held, shall be open to the public, and must be held in compliance with California's open meeting law (the Brown Act). Meetings shall be recorded and the recordings shall be posted for the public.

Members are expected to attend all meetings. If a member, without good reason acceptable to the Chair of the POC, fails to attend either (a) two or more consecutive meetings or (b) more than three meetings a year, the Authority Board will request a replacement from the interest group listed above.

The Authority commits to support the oversight process through cooperation with the POC by providing access to project and program information, audits, and other information available to the Authority, and to logistical support so that the POC may effectively perform its oversight function. The POC will have full access to the Authority's independent auditors and may request Authority staff briefings for any information that is relevant to the Measure. The Authority will provide resources for meeting design and process, facilitation, and skill and knowledge building to foster and support the POC's ability to provide meaningful input and recommendations. The POC Chair shall inform the Authority Board Chair and Executive Director of any concern regarding Authority staff's commitment or performance regarding open communication, the timely sharing of information, and teamwork.

The POC shall not have the authority to set policy or to appropriate or withhold funds, nor shall it participate in or interfere with the selection process of any consultant or contractor hired to implement the TEP.

The POC shall not receive monetary compensation except for the reimbursement of travel or other incidental expenses in a manner consistent with other Authority advisory committees. Exceptions may be made by the Authority to reasonably assist members to participate in POC meetings.

To ensure that the oversight by the POC continues to be as effective as possible, the efficacy of the POC Charter (i.e., this document) will be evaluated on a periodic basis and a formal review will be conducted by the Authority Board, Executive Director, and the POC a minimum of every five years to determine if any amendments to this Charter should be made. The formal review will

include a benchmarking of the Committee's activities and Charter with other best-in-class oversight committees. Amendments to this Charter shall be proposed by the POC and adopted or rejected by the Authority Board.

The POC replaces the Authority's existing Citizens Advisory Committee (CAC).

### Advisory Committees

The Authority will continue the committees that were established as part of the Transportation Partnership Commission organization as well as other committees that have been utilized by the Authority to advise and assist in policy development and implementation. The committees include:

The RTPCs that were established to develop transportation plans on a geographic basis for subareas of the County, and

- The Technical Coordinating Committee (TCC) that will serve as the Authority's technical advisory committee
- Paratransit Coordinating Council (PCC)
- The Countywide Bicycle and Pedestrian Advisory Committee (CBPAC)
- Bus Transit Coordinating Committee (BTCC)

## IMPLEMENTING GUIDELINES

This TEP is guided by principles that ensure the revenue generated by the sales tax is spent only for the purposes outlined in this TEP in the most efficient and effective manner possible, consistent with serving the transportation needs of Contra Costa County. The following Implementing Guidelines shall govern the administration of sales tax revenues by the Authority. Additional detail for certain Implementing Guidelines is found elsewhere in this TEP.

### Duration of the TEP

The duration of the TEP shall be for 35 years from July 1, 2020, through June 30, 2055.

### Administration of the Plan

1. **Funds Only Projects and Programs in the TEP**  
Funds collected under this Measure may only be spent for purposes identified in the TEP, as

it may be amended by the Authority governing body. Identification of Projects or Programs in the Plan does not ensure their implementation. As authorized, the Authority may amend or delete Projects and Programs identified in the Plan to provide for the use of additional federal, state, and local funds, to account for unexpected revenue, to maintain consistency with the current Contra Costa Countywide Transportation Plan (CTP), to take into consideration unforeseen circumstances, and to account for impacts, alternatives, and potential mitigation determined during review under the California Environmental Quality Act (CEQA) at such time as each project and program is proposed for approval.

2. **All Decisions Made in Public Process**

The Authority is given the fiduciary duty of administering the transportation sales tax proceeds in accordance with all applicable laws and with the TEP. Activities of the Authority will be conducted in public according to state law, through publicly noticed meetings. The annual budgets of Authority, strategic delivery plans, and annual reports will all be prepared for public review. The interest of the public will be further protected by the POC, described previously in the TEP.

3. **Salary and Administration Cost Caps**

Revenues may be expended by the Authority for salaries, wages, benefits, overhead, and those services, including contractual services, necessary to administer the Measure. However, in no case shall the expenditures for the salaries and benefits of the staff necessary to perform administrative functions for the Authority exceed one percent (1%) of revenues from the Measure. The allocated costs of Authority staff who directly implement specific projects or programs are not included in the administrative costs.

4. **Expenditure Plan Amendments Require Majority Support**

The Authority may review and propose amendments to the TEP and the GMP to provide for the use of additional federal, state, and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. Affected RTPCs and the Public Oversight Committee (POC) will participate in the development of the proposed amendment(s). A supermajority (66%) vote of the Authority Board is required to approve an amendment. Any amendment to the TEP that is administrative or less than \$50 million to the Expenditure Plan will require a 45-day period

to comment on the proposed amendment. Any amendments to expenditure categories that total \$50 million or greater, whether submitted as one amendment or a series of related amendments, will require the following:

- a. The need for such amendment shall be properly demonstrated in a regularly scheduled public meeting of the Authority Board.
- b. The Authority shall make a presentation at the earliest possible POC and RTPC meetings outlining the details of the proposed amendment and allow for POC and RTPC input.
- c. No fewer than two special public information and comment sessions shall be held and publicized by the Authority within 90 days following the initial Authority Board meeting.
- d. The proposed amendment will be given a 90-day public comment period.
- e. The proposed amendment shall be voted on during a regularly scheduled Authority Board meeting.

#### 5. **Augment Transportation Funds**

Funds generated pursuant to the Measure are to be used to supplement and not replace existing local revenues used for transportation purposes. Any funds already allocated, committed, or otherwise included in the financial plan for any project in the TEP shall be made available for project development and implementation as required in the project's financial and implementation program.

#### 6. **Jurisdiction**

The Authority retains sole discretion regarding interpretation, construction, and meaning of words and phrases in the TEP.

#### **Taxpayer Safeguards, Audits and Accountability**

#### 7. **Public Oversight Committee (POC)**

The POC will provide diligent, independent, and public oversight of all expenditures of Measure funds by Authority or recipient agencies (County, cities/towns, transit operators, etc.). The POC will report to the public and focus its oversight on annual audits, the review and allocation of Measure funds, the performance of projects and programs in the TEP, and compliance by local jurisdictions with the maintenance of effort and GMP described previously in the TEP.

#### 8. **Fiscal Audits**

All funds expended by the Authority directly and all funds allocated by formula or discretionary grants to other entities are subject to fiscal audit. Recipients of Measure funds (including but not limited to County, cities/towns, and transit operators) will be audited at least once every five years, conducted by an independent CPA. Any agency found to be in noncompliance shall have its formula sales tax funds withheld until such time as the agency is found to be in compliance.

#### 9. **Performance Audits**

All funding categories shall be subject to performance audits by the Authority. Each year, the Authority shall select and perform a focused performance audit on two or three of the funding categories so that at the end of the fourth year, all funding categories 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 TEP. 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.

#### 10. **Maintenance of Effort (MOE)**

Funds generated by the new sales tax Measure are to be used to supplement and not replace existing local revenues used for streets and highways purposes. The basis of the MOE requirement will be the average of expenditures of annual discretionary funds on streets and highways, as reported to the Controller pursuant to Streets and Highways Code Section 2151 for the three most recent fiscal years before the passage of the Measure, where data is available. The average dollar amount will then be increased once every three years by the construction cost index of that third year. Penalty for noncompliance of meeting the minimum MOE is immediate loss of proportional amount of 2020 TEP funding from Modernize Local Roads and Improve Access to Job Centers and Housing and Measure J TEP funding from Local Streets Maintenance and Improvements funds until MOE compliance is achieved. The audit of the MOE contribution shall be at

least once every five years. Any agency found to be in noncompliance shall be subject to an annual audit for three years after they come back into compliance.

Any local jurisdiction wishing to adjust its MOE requirement shall submit a request for adjustment to the Authority and the necessary documentation to justify the adjustment. The Authority staff shall review the request and shall make a recommendation to the Authority Board. Taking into consideration the recommendation, the Authority Board may adjust the annual average of expenditures reported pursuant to Streets and Highways Code Section 2151. The Authority shall make an adjustment if one or more of the following conditions exists:

- a. The local jurisdiction has undertaken one or more major capital projects during those fiscal years that required accumulating unrestricted revenues (i.e., revenues that are not restricted for use on streets and highways, such as general funds) to support the project during one or more fiscal years.
  - b. A source of unrestricted revenue used to support the major capital project or projects is no longer available to the local jurisdiction and the local jurisdiction lacks authority to continue the unrestricted funding source.
  - c. One or more sources of unrestricted revenues that were available to the local jurisdiction is producing less than 95 percent of the amount produced in those fiscal years and the reduction is not caused by any discretionary action of the local jurisdiction.
  - d. The local jurisdiction Pavement Condition Index (PCI) is 70 or greater, as calculated by the jurisdiction Pavement Management System and reported to the MTC, and the jurisdiction has implemented its synchronized signals plan, and its Complete Streets, Vision Zero, and Transit First policies.
- 11. Annual Budget and Strategic Delivery Plan**  
Each year, the Authority will adopt an annual budget that estimates expected sales tax receipts, other anticipated revenue, and planned expenditures for the year. On a periodic basis, the Authority will also prepare a Strategic Delivery Plan that will identify the priority for projects; the date for project implementation based on project readiness and availability of project funding; the state, federal, and other local funding committed for project implementation; and other relevant criteria.

The annual budget and Strategic Delivery Plan will be adopted by the Authority Board at a public meeting.

**12. Requirements for Fund Recipients**

All recipients of funds allocated in this TEP will be required to sign a Master Cooperative Agreement that defines reporting and accountability elements as well as other applicable policy requirements. All funds will be appropriated through an open and transparent public process.

**13. Geographic and Social Equity**

The proposed projects and programs to be funded through the TEP constitute a proportional distribution of funding allocations to each subregion in Contra Costa County. The subregional share of projected revenue is based on each subregion's share of the projected overall population in Contra Costa County at the midpoint of the measure. RTPCs must approve any revisions to the proportional distribution of funding allocations in the TEP and Strategic Delivery Plan.

The Authority commits that the TEP will deliver proportionally greater benefits to Communities of Concern (as defined by the Metropolitan Transportation Commission) and low-income residents.

**Restrictions on Funds**

**14. Expenditure Shall Benefit Contra Costa County**

Under no circumstance may the proceeds of this transportation sales tax be applied for any purpose other than for transportation improvements benefiting residents of Contra Costa County. Under no circumstance may these funds be appropriated by the State of California or any other local government agency as defined in the implementing guidelines.

**15. Environmental Review**

All projects funded by sales tax proceeds are subject to laws and regulations of federal, state, and local government, including the requirements of the California Environmental Quality Act (CEQA). Prior to approval or commencement of any project or program included in the TEP, all necessary environmental review required by CEQA shall be completed.

**16. Performance-based Project Review**

Before the allocation of any Measure funds for the construction of a project with an estimated cost in excess of \$10 million (or elements of a corridor project with an overall estimated cost in excess of \$10 million), the Authority will 1) verify that the project is consistent with the approved CTP, as it may be

amended, 2) verify that the project is included in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and 3) require the project sponsor to complete a performance-based review of project alternatives prior to the selection of a preferred alternative. Said performance-based review will include, but not necessarily be limited to, an analysis of the project impacts on greenhouse gas (GHG) emissions, vehicle-miles traveled (VMT), goods movement effectiveness, travel mode share, delay (by mode), safety, maintenance of the transportation system, impact on displacement, affordable housing, social equity, any other environmental effects, and consistency with adopted Authority plans. The Authority may require the evaluation of other performance criteria depending on the specific need and purpose of the project. The Authority will perform review and independent verification of performance-based review submitted by project sponsors.

The Authority is committed to meet the Governor's Executive Order B-16-2012 to reduce transportation-related GHG emissions to 80% below 1990 levels by 2050 and will establish overall VMT per capita and GHG goals countywide. The Authority will expect project sponsors to identify and select a project alternative that reduces GHG emissions as well as VMT per capita to meet the Authority's adopted countywide VMT and GHG goals. Limited exceptions will be identified and a process created to select a project alternative that does not decrease VMT and GHG sufficiently but has other substantial benefits. The Authority will require the project sponsors that select a project alternative that does not decrease VMT and GHG sufficiently to make findings for an exception and require participation in a VMT mitigation program to be developed by the Authority.

Funding for projects that do not decrease VMT and GHG sufficiently will not be allocated until the Authority develops a VMT mitigation program. The VMT mitigation program will define the limited exceptions, substantial benefits, and process to determine adequate findings for those exceptions. The purpose of the VMT Mitigation Program will be to fund projects and programs that reduce VMT, GHG emissions, and traffic congestion in Contra Costa County. The Authority will also prioritize and reward high performing projects by leveraging additional regional and other funding sources. The Authority shall employ a public process to develop and adopt detailed guidelines for evaluating project performance and applying performance criteria in the review and selection of a

preferred project alternative no later than October 1, 2022. The performance criteria will include measurable performance targets and be developed per Section 43.

There will be additional performance-based reviews for actions in five categories of expenditure: Improve Walking and Biking on Streets and Trails, Countywide Major Road Improvement Program, Reduce Emissions and Improve Air Quality, Seamless Connected Transportation Options, and Reduce and Reverse Commutes. The additional review guidelines are outlined in Sections 31-35 of these Implementing Guidelines.

#### **17. Countywide Transportation Plan**

State law allows each county in the San Francisco Bay Area that is subject to the jurisdiction of the regional transportation planning agency to prepare a CTP for the county and cities/towns within the county. Both Measure C and Measure J also require the Authority to prepare and periodically update a CTP for Contra Costa County. State law also created an interdependent relationship between the CTP and regional planning agency. Each CTP must consider the region's most recently adopted Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) while the adopted CTPs must form the "primary basis" for the next RTP and SCS. The Authority shall follow applicable statutes and the most current guidelines for preparing the CTP, as established and periodically updated by the regional transportation planning agency. The Authority shall also use the CTP to convey the Authority's investment priorities, consistent with the long-range vision of the RTP and SCS.

#### **18. Complete Streets**

The Authority has adopted a policy requiring all recipients of funding through this TEP to consider and accommodate, wherever possible, the needs of all users in the planning, design, construction, reconstruction, rehabilitation, and maintenance of the transportation system.

#### **19. Road Traffic Safety**

The Authority has adopted a policy requiring all recipients of funding through this TEP shall, wherever possible, systemically incorporate street design elements that quantifiably reduce the risk of traffic-related deaths and severe injuries in the public right-of-way and accommodate the needs of all users in the planning, design, construction, reconstruction, rehabilitation, and maintenance of the transportation system.

## 20. Compliance with the GMP

If the Authority determines that a jurisdiction does not comply with the requirements of the GMP, the Authority shall withhold funds and also make a finding that the jurisdiction shall not be eligible to receive 2020 TEP funding from Modernize Local Roads and Improve Access to Job Centers and Housing, Measure J TEP funding from Local Streets Maintenance & Improvements, and Measure J TLC funding until the Authority determines the jurisdiction has achieved compliance, as detailed in the GMP section of the TEP.

## 21. Local Contracting and Good Jobs

The purpose of the current section of the "Implementing Guidelines" portion of the Authority's Transportation Expenditure Plan (TEP) is to promote efficient and quality construction operations on the included projects, ensure an adequate supply of skilled craftspeople, provide a safe work place, ensure high quality construction, ensure uninterrupted construction projects, secure optimum productivity on schedule performance and Authority and citizen satisfaction, and increase access to quality jobs for Contra Costa residents.

The provisions and requirements found herein shall apply to each contractor and any subcontractors on projects approved by the TEP and administered by Authority.

Authority supports training and apprenticeship opportunities in the construction industry. As such, Authority requires apprentice labor enrolled in or graduated from joint labor-management apprenticeship programs on construction projects estimated to cost \$1 million or greater. Authority will develop guidelines modeled after the California Department of Transportation's (Caltrans') Standard Specifications applicable to training an apprentice for the benefit of residents of Contra Costa County. Contractors will be required to comply with the guidelines on construction projects estimated to cost \$1 million or greater.

All those employed on projects approved by the TEP and administered by Authority shall be classified and paid in accordance with the prevailing rate of per diem wages as determined by the Director of the California Department of Industrial Relations and comply with all applicable Labor Code provisions.

It is also the intent of Authority to create a policy that encourages contractors to hire residents of Contra Costa County and the other eight Bay Area counties.<sup>2</sup> Therefore, all Authority contracts in excess of \$1 million shall be subject to provisions pursuant to which the contractor is required to make a good faith effort to hire qualified individuals who are residents of Contra Costa County

or any of the other eight Bay Area counties in sufficient numbers so that no less than 40% of the contractor's total construction workforce, measured in labor work hours, is composed of residents of Contra Costa County or any of the other eight Bay Area counties. The contractor shall require all subcontractors to also make a good faith effort to hire qualified individuals who are residents of Contra Costa County and the other eight Bay Area counties.

The above provision will be implemented to the extent allowed by law and in compliance with funding agreements so as to not jeopardize any funding for the completion of the project.

*<sup>2</sup> San Mateo, San Francisco, Alameda, Solano, Napa, Sonoma, Santa Clara, and Marin*

## 22. New Agencies

New cities/towns or new entities (such as new transit agencies) that come into existence in Contra Costa County during the life of the TEP may be considered as eligible recipients of funds through a TEP amendment.

## 23. Integrated Transit Plan (ITP)

The Authority has adopted a Transit Policy that envisions a public transit system that provides convenient, safe, affordable, and reliable service that offers an attractive alternative to private automobile usage. All recipients of funding through this TEP shall consider and accommodate, wherever possible, the principles of Transit First in the planning, design, construction, reconstruction, rehabilitation, and maintenance of the transportation system. To achieve this vision, the Authority and transit operators will develop an ITP to identify how Contra Costa County transit operators can utilize TEP funding to better coordinate and integrate their services. This ITP will focus on delivering a streamlined and unified experience for the customer across all modes and transit operators. Allocations pursuant to this TEP will be made in support of the findings and recommendations included in the ITP.

All transit operators who receive funding from the TEP shall participate in the development of an ITP. Transit operators shall consult with the RTPCs in developing the ITP in cities, towns, and the County, as applicable, regarding TEP funding for signal synchronization, complete streets, and other investments that could benefit transit. Transit operators shall incorporate the findings and recommendations of the ITP into their respective Short-Range Transit Plans.

The Authority expects that transit operating funds from the Transportation Expenditure Plan be used to support transit service and the ITP. In the event that TEP funds must be used to subsidize existing services as a result of reduction of operating funds from other sources, or due

to other financial concerns, the transit operator shall update its Short-Range Transit Plan and submit it to the Authority.

#### **24. Accessible Transportation for Seniors, Veterans, and People with Disabilities**

An Accessible Transportation Strategic (ATS) Plan will be developed and periodically updated during the term of the Measure. No funding under the Accessible Transportation for Seniors, Veterans, and People with Disabilities category will be allocated until the ATS Plan has been developed and adopted. No funds may be distributed to a service provider until it adopts the plan, except as noted below. The development and delivery of the ATS Plan will establish a user-focused system with a seamless coordinated system using mobility management to ensure coordination and efficiencies in accessible service delivery. The ATS Plan will address and direct funding to both traditional and beyond traditional paratransit services. The ATS Plan will deliver a streamlined, affordable, and unified experience for the customer and address how accessible services are delivered by all service providers where appropriate coordination can improve transportation services, eliminate gaps in service, and find efficiencies in the service delivered. The ATS Plan will identify where coordination can improve transportation services, eliminate gaps in service, and find efficiencies in the service delivered. The ATS Plan will also determine the investments and oversight of the program funding and identify timing, projects, service delivery options, administrative structure, and fund leverage opportunities.

The ATS Plan will be developed by the Authority in consultation with direct users of service; stakeholders representing seniors and people with disabilities who face mobility barriers and nonprofit and publicly operated paratransit service providers. Public transit operators in Contra Costa must participate in the ATS planning process to be eligible to receive funding in this category. The ATS Plan must be adopted no later than December 31, 2020. The development of the ATS Plan will not affect the allocation of funds to current operators as prescribed in the existing Measure J Expenditure Plan.

#### **25. Safe Transportation for Youth and Children**

Prior to an allocation of funds from the Safe Transportation for Youth and Children category, the Authority will employ a public process to develop and adopt program guidelines and performance assessment procedures to maximize effectiveness.

The guidelines and performance assessment may require provisions, such as operational efficiencies, performance criteria, parent contributions, and reporting requirements. The guidelines will be developed in coordination with the RTPCs to develop a program that meets the needs within each subregion. Funding will be allocated to subregions and program funding will be subject to the publicized performance assessment conducted by the Authority (see Item 16 in this policy section). The development of the program guidelines and performance assessment procedures will not affect the allocation of funds to current programs as described in the existing Measure J expenditure plan.

#### **26. Enhance Ferry Service and Rail Connectivity in Contra Costa County**

All projects funded in the Enhance Ferry Service and Commuter Rail in Contra Costa category will be evaluated by the Authority and demonstrate progress toward the Authority's goals of reducing VMT and GHG emissions. Selection of final projects to be based on a performance analysis of project alternatives consistent with Authority requirements. Proposed projects must be included in and conform with the ITP. Project sponsors requesting funding from this category will be required to prepare a feasibility and operations plan and submit it to the Authority to demonstrate that there is sufficient funding available to operate the proposed project and/or service.

#### **27. BART Maintenance of Effort (MOE)**

Prior to any appropriation, allocation, or reimbursement of funds to BART, the Authority Board shall make a finding that BART has continued to use a proportional share of its operating allocations for capital projects. BART's preliminary FY 2019 Budget forecasts approximately \$150 million of its operating allocations to capital projects. BART shall demonstrate that it continues to use an equivalent proportional share of its operating revenues for capital projects allowing for normal annual fluctuations in capital projects or maintenance expenditures. In years where BART fare revenues or other general fund revenues are reduced by a decrease in ridership or unforeseen economic circumstances, loss of regional, state, or federal funding, or where one-time costs are increased by a natural disaster, then the Authority may release funds only if the Authority Board makes findings that 1) BART has not reduced its capital project funding disproportionately to the total operating revenue and 2) BART made best efforts to fund capital projects that benefit Contra Costa County.

## 28. Cleaner, Safer BART

Prior to making an allocation of funds to BART for the Cleaner, Safer BART category, BART shall develop and submit a countywide plan to the Authority that proposes how these funds and other funds available to BART (including Measure RR, Regional Measure 3, and other funds) will be used as part of a systemwide effort to improve its stations to meet the goals described in the TEP. The funding from the Cleaner, Safer BART category will be used for improvements to stations in Contra Costa County and requires a minimum dollar-for-dollar match from other BART funds. The Plan should document how a systemwide program to improve BART stations benefits Contra Costa residents who travel outside the county. BART should consult with the Authority (in consultation with RTPCs) in the development of the countywide plan.

In the event BART completes the train control system and if BART has maintained the commitment to provide a minimum dollar-for-dollar match from other BART funds as describe above, the Authority (in consultation with RTPCs) and BART will jointly identify, and the Authority may allocate funds for the acquisition of additional new BART cars to increase frequency during periods of high demand. The allocation will be considered in conjunction with a periodic review of the TEP (see item 39 in this policy section) and available funding capacity in the TEP.

## 29. Improve Local Access to Highway 4 and Byron Airport

Prior to each allocation of funds from the Improve Local Access to Highway 4 and Byron Airport category, the Authority Board must make a finding 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, or performing conservation measures required to cover this project under the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). With the exception of the proposed new connection between Vasco Road and the Byron Highway, funding from this category shall not be used to construct new roadways on new alignments. The Authority will coordinate with Alameda and/or San Joaquin Counties relative to project improvements in those jurisdictions.

## 30. Modernize Local Roads and Improve Access to Jobs Centers and Housing

Each jurisdiction in Contra Costa County will receive their share of 15.2% of annual sales tax revenues, calculated using a base allocation of \$100,000 per year plus additional funds distributed based half on relative population and half on road miles within each jurisdiction. In addition, jurisdictions in Central, East, and Southwest Contra Costa will receive their share of an additional allocation of 2.2% of annual sales tax revenue calculated using the same formula. This is equivalent to 18% of the sales tax revenues for the Central, East, and Southwest parts of the county for improvements under this category. Population figures used shall be the most current available from the State Department of Finance. Road mileage shall be from the most current information included in the Highway Performance Monitoring System (HPMS). Jurisdictions shall comply with the Authority's Maintenance of Effort (MOE) policy as well as Implementation Guidelines of this TEP. In addition to the requirements set forth in the Growth Management Program Urban Limit Line Compliance policies and other applicable policies, local jurisdictions will report on the use of these funds, such as the amount spent on roadway maintenance, bicycle and pedestrian facilities, transit facilities, and other roadway improvements, and benefits to social equity and Communities of Concern (as defined by the Metropolitan Transportation Commission) in their jurisdictions. A minimum of 15% of all local street funding be spent on project elements directly benefiting bicyclists and pedestrians.

## 31. Countywide Major Roads Improvement Program

Prior to an allocation of funds from the Improve Traffic Flow on Major Roads category, the Authority will develop a new countywide Major Roads Improvement Program to address congestion relief on major roads within each subregion. The program guidelines will include information regarding how to evaluate the range of possible components. Implementation guidelines and standards will be developed in coordination with the RTPCs and will be approved by the Authority Board. Project funding is subject to a performance assessment conducted by the Authority using approved and publicized guidelines. Funding will be allocated to subregions. If projects proposed by an RTPC do not meet performance standards, the project will either be modified or withdrawn in favor of another project from the same region. Funds in this category may be used for arterial refurbishment/redesign for Transit First and Complete Streets. Projects funded from the Improve

Traffic Flow on Major Roads category must conform to the Transit, Complete Streets, Road Traffic Safety, and other related policies.

### **32. Improve Walking and Biking on Streets and Trails**

Prior to an allocation of funds from the Improve Walking and Biking on Streets and Trails category, the Authority will develop and adopt program guidelines and standards for a competitive project-selection process. All projects will be selected through a competitive project-selection process with the Authority approving the final program of projects, allowing for a comprehensive countywide approach while recognizing subregional equity based upon the proportional funding share shown in the TEP. Project funding is subject to a performance assessment conducted by the Authority using approved and publicized guidelines. Projects funded from this category must comply with the Transit, Road Traffic Safety, and Complete Streets Policies and include complete street elements whenever possible.

Up to \$15 million within each subregion for a total of \$60 million will be allocated to Complete Street demonstration projects. Each demonstration project will be recommended by the relevant Regional Transportation Planning Committees and approved by the Authority prior to allocation of funds to demonstrate the successful implementation of Complete Streets projects no later than July 1, 2024. Each demonstration project will be required to strongly pursue the use of separated bike lane facilities to be considered for funding. The purpose of these demonstration projects is to create examples of successful complete street projects in multiple situations throughout the County.

Approximately one fifth of the funding is to be allocated to the East Bay Regional Park District (EBRPD) for the development, rehabilitation, and maintenance of paved regional trails. EBRPD is to spend its allocation proportionally in each subregion, subject to the review and approval of the conceptual planning/design phase by the applicable subregional committee, prior to funding allocation by the Authority. The Authority, in conjunction with EBRPD, will develop a maintenance-of-effort requirement for funds under this component of the funding category.

### **33. Reduce Emissions and Improve Air Quality**

Prior to an allocation of funds from the Reduce Emissions and Improve Air Quality category, the Authority will develop and adopt program guidelines and standards for a competitive project-selection

process. All projects will be selected through a competitive project-selection process with the Authority approving the final program of projects, allowing for a comprehensive countywide approach while recognizing subregional equity based upon the proportional funding share shown in the TEP. Project funding is subject to a performance assessment conducted by the Authority using approved and publicized guidelines. Projects funded from this category must comply with the Transit, Complete Streets, Road Traffic Safety, and other related policies.

### **34. Seamless Connected Transportation Options**

Prior to an allocation of funds from the Seamless Connected Transportation Options category, the Authority will develop and adopt program guidelines and standards for a competitive project-selection process. All projects will be selected through a competitive project-selection process, with the Authority approving the final program of projects, and allowing for a comprehensive countywide approach while recognizing subregional equity based upon the proportional funding share shown in the TEP. Project funding is subject to a performance assessment conducted by the Authority using approved and publicized guidelines. Projects funded from this category must comply with the Transit, Complete Streets, Road Traffic Safety and other related policies.

### **35. Reduce and Reverse Commutes**

Prior to an allocation of funds from the Reduce and Reverse Commutes category, the Authority will develop and adopt program guidelines and standards for a competitive project-selection process. All projects will be selected through a competitive project-selection process with the Authority approving the final program of projects, allowing for a comprehensive countywide approach while recognizing subregional equity based upon the proportional funding share shown in the TEP. Project funding is subject to a performance assessment conducted by Authority using approved and publicized guidelines. Projects funded from this category must comply with the Transit, Complete Streets, Road Traffic Safety, and other related policies.

## Project Financing Guidelines and Managing Revenue

### 36. Fiduciary Duty

Funds may be accumulated for larger or longer-term projects. Interest income generated will be used for the purposes outlined in the TEP and will be subject to audits.

### 37. Project and Program Financing

The Authority has the jurisdiction to bond for the purposes of expediting the delivery of transportation projects and programs. The Authority will develop a policy to identify financing procedures for the entire plan of projects and programs.

### 38. Strategic Delivery Plan

On a periodic basis, the Authority will develop a Strategic Delivery Plan to distribute revenue from the Measure to TEP projects and programs. The Strategic Delivery Plan will allocate Measure funds as a firm commitment and will consider the amount of Measure funds and additional leveraged funds available to the project or program, expected cost and cash-flow needs, and project or program delivery schedule in allocating Measure funds. Recipients of Measure funds may seek an allocation for projects and programs included in the Strategic Delivery Plan.

### 39. Periodic Review of the 2020 Transportation Expenditure Plan (TEP)

The Authority may review the TEP to consider updating the financial forecast due to changing economic conditions and adjust funding, if necessary, due to revenue shortfalls. The project and program categories may need to be adjusted based on progress made in meeting the commitments and goals of the TEP. The review may determine that increased revenues be invested in projects and programs deemed by the Authority to address transportation needs that will best serve the residents of Contra Costa County. The review will provide the opportunity to adjust the TEP to adapt to the current state of transportation, leverage new funding opportunities, reflect changed conditions, adhere to state and federal requirements, track performance towards commitments and goals of the TEP, and to capture new opportunities that are becoming better defined. The Authority will review the TEP at a minimum of every ten years.

The Authority may review the performance of the TEP and progress towards meeting state transportation mandates for reduction in vehicle-miles traveled (VMT) per capita and greenhouse gas (GHG) emissions. Depending on progress, the Authority may adjust and

approve new goals in the TEP with explicit findings, justification, and approach to meeting goals for State transportation mandates to reduce VMT per capita and GHG emissions.

Any amendments to the TEP must comply with the policy for Expenditure Plan Amendments Require Majority Support and the following related policies.

### 40. Programming of Excess Funds

Actual revenues may, at times be higher or lower than expected in this TEP due to changes in receipts. Additional funds may become available due to the increased opportunities for leveraging or project costs being less than expected. Revenue may be higher or lower than expected as the economy fluctuates. Determination of when the additional funds become excess will be established by a policy defined by the Authority. Funds considered excess will be prioritized first to the TEP projects and programs that are not fully funded and second to other projects deemed by the Authority to best serve the residents of Contra Costa County. Any new project or program will be required to be amended into the TEP pursuant to the Expenditure Plan Amendments Require Majority Support section above.

### 41. Reprogramming Funds

Through the course of the Measure, if any TEP project becomes undeliverable, infeasible, or unfundable due to circumstances unforeseen at the time the TEP was created, funding for that project will be reallocated to another project or program. The subregion where the project or program was located may request that the Authority reassign funds to another project category in the same subregion. In the allocation of the released funds, the Authority, in consultation with the subregion's RTPC, will consider:

- a. A project or program of the same travel mode (i.e., transit, bicycle/pedestrian, or road) in the same subregion
- b. A project or program for other modes of travel in the same subregion
- c. Other TEP projects or programs
- d. Other projects deemed by the Authority to best serve the residents of Contra Costa County

The new project, program, or funding level may require amending the TEP pursuant to the Expenditure Plan Amendments section above.

Funds may require reallocation to meet state transportation policy for vehicle-miles traveled per capita and greenhouse gas emissions.

#### 42. Leveraging Funds

Project proponents, including the Authority, are expected to apply for all available funds from other sources to maximize the leveraging of TEP funds. To the extent matching funds from the TEP are needed to complete a project or a phase of project, the Authority will approve funding from the applicable funding category in the TEP where the project is eligible for funding. If the project is determined not to be eligible for funding under any of the categories in the TEP, the Authority, in consultation with the respective RTPC, may approve matching funds from the Reduce and Reverse Commutes category. The Authority may utilize funding from the Transportation Planning, Facilities, and Services category, as needed, to attract other fund sources.

#### 43. Development of Guidelines for Performance-Based Projects Review and Programs

The TEP requires development of procedures and guidelines to ensure the goals of the TEP are attained. To ensure high quality of the resulting guidelines and substantial public participation, the following procedures shall be used unless specifically replaced by the Authority.

a. **Scope.** The Authority will adopt the following implementation guidelines and procedures described in the TEP, herein referenced as Guidelines.

1. Performance-Based Project Review
2. Countywide Major Road Improvement Program
3. Safe Transportation for Youth and Children
4. Improve Walking and Biking on Streets and Trails
5. Reduce Emissions and Improve Air Quality
6. Seamless Connected Transportation Options
7. Reduce and Reverse Commutes
8. Integrated Transit Plan
9. Vehicle-Miles Traveled Mitigation Program

The Guidelines shall adhere to the following parameters:

1. Implement the overall guiding principles, goals, and policies of the TEP and the applicable funding category efficiently and effectively
  2. Utilize other regulations and reporting requirements for funding recipients as possible to avoid additional work
  3. Increase public confidence regarding the Authority and its actions
  4. Shall be written concisely in plain language
- b. **Schedule.** Before December 31, 2020, the Authority shall publish a public outreach and engagement process and a schedule for developing the Guidelines. Individuals and organizations shall be able to register their interest in development of the Guidelines and shall subsequently receive advance notification from the Authority of the steps described below and encouragement to participate.
- c. **Public Review.** Using a structured public-engagement process, the Authority will publish the draft Guidelines for public comment and questions from residents, agencies, and interested parties. Cities/towns and Regional Transportation Planning Committees (RTPCs) may provide input and feedback on draft Guidelines. The public comment period will be at least 45 days. Public Meetings will be held to receive any input and requested modifications from the public.
- d. **Public Oversight Committee (POC).** The POC shall be convened and tasked with reviewing comments received during the public review period. The POC will provide input and recommendations regarding the Guidelines for consideration by the Authority.
- e. **Approval.** The Authority shall discuss POC recommendations, public comments, requested modifications, or additional criteria at a public meeting. The Guidelines shall be approved by a supermajority (66%) vote of the Authority Board and published on the Authority's website. The Authority will send notices to all interested parties. The Guidelines shall be reviewed and approved by the Authority every five years if needed to achieve the goals of the Plan, with input and recommendations from the POC and other interested parties.

## Road Traffic Safety Policy

### VISION

In this Plan, the **Road Traffic Safety policy is intended to eliminate traffic-related deaths and severe injuries** within Contra Costa County by prioritizing a systemwide safety approach to transportation planning and design. Principally, the Road Traffic Safety policy treats personal mobility and accessibility as a fundamental activity of the general public to attend school, conduct business, and visit friends and family, free from the risk of physical harm due to traffic. This policy applies to all transportation system users, including pedestrians, bicyclists, transit riders, micromobility users, automobile drivers, taxis, ride-hailing services and their passengers, truckers, and people of varying abilities, including children, seniors, and people with disabilities. Implementation of the Road Traffic Safety policy is intended to reduce societal costs due to loss of life and injury, lessen congestion stemming from nonrecurring traffic collisions and incidents, and generally enhance the quality of life in Contra Costa.

### POLICY

Achieving this vision will require shifting the paradigm of traditional transportation planning and engineering by following the principle of "Vision Zero," which is an internationally recognized approach to proactively preserving life safety in transportation planning and engineering decision making. All recipients of funding through this Plan shall systemically incorporate street design elements that quantifiably reduce the risk of traffic-related deaths and severe injuries in the public right-of-way and accommodate the needs of all users in the planning, design, construction, reconstruction, rehabilitation, operations, and maintenance of the transportation system.

In consultation with local jurisdictions, the RTPCs, and the public, the Authority shall develop and adopt a Model Vision Zero Policy that reflects best practices for street design elements and programs to mitigate human error and quantifiably improve the traffic safety of all users in the planning, design, and construction of projects funded with Measure funds. Key design elements of the

Model Vision Zero Policy shall be incorporated into the Authority's project development guidelines as appropriate. To be eligible to receive Measure funds, local jurisdictions must adopt a Vision Zero Policy that substantially complies with the Authority's Model Vision Zero Policy. Jurisdictions that adopt a Vision Zero Policy prior to the Authority's adoption of the model Vision Zero Policy may be considered compliant with the Growth Management Program compliance requirements if the adopted policy substantially complies with the Authority's Model policy.

To ensure consistency with the Road Traffic Safety Policy vision, the Authority shall coordinate periodic traffic system and project monitoring with local jurisdictions and the RTPCs and utilize data collected over time to evaluate the effects of Vision Zero Implementation on public health and safety. Emphasis shall be placed on proactive deployment of next-generation technology, such as advanced detection systems at major intersections and corridors identified in regional and local plans as having high collision density. Funding for this level of effort shall be made available to local jurisdictions and RTPCs through the Countywide Major Road Improvement Program and funding from the Improve Traffic Flow on Major Roads.

Developed by the Contra Costa Transportation Authority Board  
in partnership with the communities it serves.

**Janet Abelson**

Council Member, City of El Cerrito

**Debora Allen (Ex Officio)**

Director, BART Board of Directors

**Newell Arnerich**

Council Member, Town of Danville

**Tom Butt**

Mayor, City of Richmond

**Teresa Gerringer**

Council Member, City of Lafayette

**Federal Glover**

Board of Supervisors, Contra Costa County D5

**Loella Haskew**

Mayor Pro Tem, City of Walnut Creek

**Dave Hudson**

Council Member, City of San Ramon

**Karen Mitchoff**

Board of Supervisors, Contra Costa County D4

**Julie Pierce (Vice Chair)**

Vice Mayor, City of Clayton

**Kevin Romick**

Council Member, City of Oakley

**Robert Taylor (Chair)**

Mayor, City of Brentwood

**Monica Wilson (Ex Officio)**

Council Member, City of Antioch

**Amy Worth (Ex Officio)**

Council Member, City of Orinda





CONTRA COSTA  
transportation  
authority

2999 Oak Road, #100  
Walnut Creek, CA 94597  
(925) 256.4700  
ccta.net

Document received by the CA 1st District Court of Appeal.

**EXHIBIT 2**

**2020 TRANSPORTATION EXPENDITURE PLAN SUMMARY BY SUBREGION**

**[Attached behind this page]**

Document received by the CA 1st District Court of Appeal.

**2020 Transportation Expenditure Plan Funding Summary**

Funding Category	Distribution of Funding by Subregion					
	\$ millions	%	Central (a)	Southwest (b)	West (c)	East (d)
<b>RELIEVING CONGESTION ON HIGHWAYS, INTERCHANGES, AND MAJOR ROADS</b>	<b>1484</b>	<b>41.1%</b>				
Improve State Route 242 (SR-242), Highway 4, Transit and eBART Corridor	705	19.5%				
Relieve Congestion and Improve Access to Jobs along Highway 4 and SR-242	200	5.5%	154			46
Improve Local Access to Highway 4 and Byron Airport	150	4.2%				150
East County Transit Extension to Brentwood and Connectivity to Transit, Rail, and Parking	100	2.8%				100
Improve Traffic Flow on Major Roads in East County	107	3.0%				107
Enhance Ferry Service and Commuter Rail in East and Central County	50	1.4%	30			20
Improve Transit Reliability along SR-242, State Route 4 and Vasco Road	50	1.4%	12			38
Additional eBART Train Cars	28	0.8%				28
Seamless Connected Transportation Options	20	0.6%	8			12
<b>Modernize Interstate 680 (I-680), Highway 24, Transit, and BART Corridor</b>	<b>536</b>	<b>14.9%</b>				
Relieve Congestion, Ease Bottlenecks, and Improve Local Access along the I-680 Corridor	200	5.5%	105	95		
Improve Traffic Flow on Major Roads in the Central County and Lamerinda	145	4.0%	129	16		
Improve Transit Reliability along the I-680 and Highway 24 Corridors	50	1.4%	25	25		
Provide Greater Access to BART Stations along I-680 and Highway 24	49	1.4%	30	19		
Improve Traffic Flow on Highway 24 and Modernize the Old Bores of Caldecott Tunnel	35	1.0%	3	33		
Improve Traffic Flow on Major Roads in San Ramon Valley	32	0.9%		32		
Seamless Connected Transportation Options	25	0.7%	17	8		
<b>Enhance Interstate 80 (I-80), Interstate 580 (I-580), Richmond - San Rafael Bridge, Transit and BART Corridor</b>	<b>243</b>	<b>6.7%</b>				
Improve Transit Reliability along the I-80 Corridor	90	2.5%			90	
Relieve Congestion and Improve Local Access along the I-80 Corridor	57	1.6%			57	
Improve Traffic Flow on Major Roads in West County	38	1.1%			38	
Enhance Ferry Service and Commuter Rail in West County	34	0.9%			34	
Improve Traffic Flow and Local Access to Richmond-San Rafael Bridge along I-580 and Richmond Parkway	19	0.5%			19	
Seamless Connected Transportation Options	5	0.1%			5	
<b>IMPROVING TRANSIT AND TRANSPORTATION COUNTYWIDE IN ALL OUR COMMUNITIES</b>	<b>1968</b>	<b>54.9%</b>				
Modernize Local Roads and Improve Access to Job Centers and Housing	628	17.4%	184	144	119	182
Provide Convenient and Reliable Transit Services in Central, East and Southwest Contra Costa	392	10.9%	162	120		110
Increase Bus Services and Reliability in West Contra Costa	250	6.9%			250	
Improve Walking and Biking on Streets and Trails	215	6.0%	53	54	51	57
Accessible Transportation for Seniors, Veterans, and People with Disabilities	180	5.0%	47	30	48	56
Cleaner, Safer BART	120	3.3%	30	19	43	28
Safe Transportation for Youth and Students	104	2.9%	16	38	33	17
Reduce and Reverse Commutes	54	1.5%	16	10	13	15
Reduce Emissions and Improve Air Quality	37	1.0%	11	7	9	10
<b>Subtotal</b>	<b>3464</b>					
Transportation Planning, Facilities & Services	108	3.0%	32	20	25	31
Administration	36	1.0%	11	7	8	10
<b>Total</b>	<b>3608</b>	<b>100.0%</b>	<b>1075</b>	<b>675</b>	<b>841</b>	<b>1018</b>
Population Based Share	3608		1075	675	841	1018
Population Share (2037 Estimate) of Total			29.8%	18.7%	23.3%	28.2%

*This Page Intentionally Blank*

Document received by the CA 1st District Court of Appeal.

**Contra Costa Transportation Authority *STAFF REPORT***

Meeting Date: October 30, 2019

<b>Subject</b>	<b>Approve Ordinance 19-02 Adopting the 2020 Transportation Expenditure Plan (TEP)</b>
<b>Summary of Issues</b>	<p>Beginning in early 2019, the Contra Costa Transportation Authority (Authority) has undertaken actions necessary to consider placing a measure on the March 2020 election ballot, which would establish a new one-half of one cent transactions and use tax (aka sales tax) for transportation purposes to meet the growing needs of Contra Costa County. Placing a new transportation sales tax on the ballot requires preparation and adoption of a TEP documenting the use of the revenues expected to be derived from the sales tax. The Authority approved the final language for the Draft TEP on August 28, 2019 and released the TEP for approval by City/Town Councils and the Contra Costa County Board of Supervisors. The TEP was approved by all City/Town Councils and the Contra Costa County Board of Supervisors.</p>
<b>Recommendations</b>	<p>Staff has worked with the Authority's legal counsel to develop the attached Ordinance 19-02 as consideration of adopting the TEP.</p> <p>Staff seeks Authority Board approval to adopt Ordinance 19-02, which will approve the 2020 TEP, pursuant to a finding that the adoption of the ordinance is not a project or, alternatively, is exempt from environmental review under the California Environmental Quality Act of 1970 (CEQA).</p>
<b>Financial Implications</b>	<p>The proposed TEP would, if approved by the voters, generate \$3.608 billion (current dollars) in sales tax revenues over 35 years to improve the transportation system in Contra Costa County.</p>
<b>Options</b>	<p>The Authority Board can elect to not adopt the TEP, which would effectively end efforts to seek a new transportation sales tax measure on the March 2020 ballot.</p>
<b>Attachments</b>	<p>A. Ordinance 19-02</p>

Document received by the CA 1st District Court of Appeal.

---

Changes from Committee	N/A
------------------------	-----

---

### Background

Since 1989, the Authority has administered sales tax revenues collected through voter-approved transportation sales tax measures, specifically Measures C and J. Measure C, passed in 1988, created a half-cent sales tax for 20 years, which expired in 2009. In 2004, Contra Costa County voters approved Measure J, with a 71.1 percent vote, to continue the half-cent transportation sales tax for an additional 25 years beyond the Measure C 2009 expiration date. Together, the two measures fund \$1.4 billion to capital projects and will attract \$4.1 billion of additional federal, state, and regional funds providing a total investment of \$5.5 billion in vital transportation investments in Contra Costa County. These previous measures also established the Growth Management Program (GMP), the principles for agreement of an Urban Limit Line (ULL), and other policies.

The Authority, as Contra Costa County's Congestion Management Agency (CMA), updates the Countywide Transportation Plan (CTP) on a periodic basis. The CTP identified goals for bringing together all modes of travel, networks and operators to meet the diverse transportation needs of Contra Costa County, and highlights priority programs and projects to meet these needs. The cost for the projects identified in the 2017 CTP totals \$11.6 billion with available funding from approved local, federal, state and regional sources projected to be \$3.6 billion, resulting in an \$8 billion shortfall for projects. State and federal transportation programs no longer contain reliable funding that addresses multimodal needs.

To continue to implement a robust program to improve the transportation network in Contra Costa County, and to enhance or add new services, additional new revenue is required. Placing a new transportation sales tax measure on the ballot requires preparation and adoption of a TEP to document the planned use of the revenues expected to be derived from the sales tax. In early 2019, the Authority began discussions on the development and approval of a new TEP and an associated countywide transportation sales tax measure as a potential method to begin to address the funding gap.

The Authority conducted outreach with the public and worked with the Cities/Towns, Regional Transportation Planning Committees (RTPCs), and other stakeholders to develop the proposed TEP. The Authority Board approved the Draft TEP on August 28, 2019 and released it for

approval by City/Town Councils and the Contra Costa County Board of Supervisors. The TEP was approved by all nineteen City/Town Councils and the Contra Costa County Board of Supervisors.

Staff has worked with the Authority's legal counsel to develop the attached Ordinance 19-02 for consideration of adopting the TEP. The ordinance also makes a finding with respect to compliance of the TEP with CEQA.

---

# Environmental Setting, Impact Analysis, and Mitigation Measures

## Introduction

Chapters numbered 2.1 through 2.12 of this Environmental Impact Report (EIR) contain the settings and analyses of environmental impacts of the proposed 2017 Update to the Contra Costa Countywide Comprehensive Transportation Plan (2017 CTP) and its Long-Range Transportation Investment Program (Investment Program or LRTIP). These chapters are organized by issue area; within each issue area, the environmental setting (both physical and regulatory) is described, significance criteria are presented, analysis methodology is described, and impact analysis is provided. For each potentially significant impact, mitigation measures are identified where feasible.

Due to the programmatic nature of this EIR, this analysis should be used in the most general sense; this analysis does not satisfy the need for site-specific surveys for individual projects.

Impacts of project alternatives are presented and compared in Chapter 3.1.

## Types of Impacts

In compliance with California Environmental Quality Act (CEQA) Guidelines, the following general types of environmental impacts are considered, where appropriate:

- Direct or primary impacts, which are caused by the proposed 2017 CTP and occur at the same time and place as those individual transportation projects identified in the 2017 CTP and its Investment Program.
- Indirect or secondary impacts, which are caused by the proposed 2017 CTP and its Investment Program, and are later in time or farther removed in distance, but are still reasonably foreseeable.
- Short-term impacts, which are those of a limited duration, such as the impacts that would occur during the construction phase of individual transportation projects.
- Long-term impacts, which are those of greater duration, including those that would endure for the life of the proposed 2017 CTP and beyond, such as operational impacts.

Table 2.1-3: Summary of Modeling Results

Measure of Performance	Baseline (2013)	Modeled 2017 Conditions	2017 CTP (2040)
Vehicle Miles Traveled Per Capita	21.0	21.2	21.2
Percent Change from Baseline	—	1%	1%
Vehicle Hours of Delay	71,648	84,584	190,685
Percent Change from Baseline	—	18%	166%
Average Freeway Speeds	55.6	55.3	54.1
Percent Change from Baseline	—	0.5%	-2.7%
Average Arterial Speeds	34.2	34.1	33.4
Percent Change from Baseline	—	0.3%	-2.3%
Non-SOV Mode Share	41%	41%	42.1%
Percent Change from Baseline	—	no change	2.7%
Transit Ridership	101,033	113,381	157,391
Percent Change from Baseline	—	12%	55.8%

Source: Compiled modeling results included as Appendix D.

Because transportation impacts can be both regional and local, specific detailed analyses are most appropriate at the project level. Localized impacts of the 2017 CTP and its Investment Program would vary depending on the proximity to local and regional transportation improvements. Subsequent, project-specific transportation analyses that further assess each individual project's design improvements may be necessary to determine the extent of site-specific impacts and project-specific design requirements.

### Vehicle Miles Traveled per Capita (Criterion I)

**Trans-1:** New or expanded transportation facilities pursuant to the 2017 CTP would not result in an appreciable increase in per capita VMT when compared with the baseline condition. An appreciable increase in per capita VMT is defined as greater than 5 percent. (*Less than Significant*)

#### 2017 CTP

Expected countywide population and employment growth will increase travel demand throughout Contra Costa and the rest of the Bay Area region.

The resulting increase in VMT will thus be a product of an increased population and job base, the relative distance of each vehicle trip (primarily a function of the distance between home and work), and individual choices regarding model of travel (i.e., the percent increase in drive-alone vehicles). The VMT per capita metric separates out the variable related to population increase. The distance between home and work, or other travel distances, is a function of land use. In this analysis, the land use assumptions for future conditions are "fixed," based on forecasts from ABAG's *Projections 2013* and the land use assumption of *Plan Bay Area*. This, the VMT/capita metric provides a telling measure of transportation mode choice.

According to a White Paper from the National Center for Sustainable Transportation,<sup>5</sup> the factors that affect travel behavior (or vehicle mode choice) are complex and include:

- economic activity,
- gas prices,
- urban form,
- change in socioeconomic trends and generational effects,
- expanding availability of travel options (including electronic alternatives to travel), and
- the way travelers perceive and evaluate each of these factors.

The 2017 CTP influences only a portion of one of these factors—the availability of travel options. As a result, the 2017 CTP does not have an individually significant effect on increase or decreases in per capita VMT, as indicated in the analysis of the Investment Program (below) and the comparative analysis of alternatives. Implementation of the 2017 CTP would not result in an appreciable (i.e., more than 5 percent) increase in per capita VMT as compared with the baseline, and this impact would be less than significant.

#### Analysis of the Investment Program

The 2017 CTP Investment Program is projected to result in an increase in total VMT from approximately 22 million vehicle miles in 2013 to approximately 28 million vehicle miles in 2040, or a 28% increase in total VMT. The 28% increase in VMT is almost identical to the 28% increase in population expected to occur within this same timeframe (see Table 2-10.1 in the Land Use chapter of this Draft EIR). The metric of VMT per capita is also quite similar as a result, from the baseline 2013 metric of 21.0 VMT per capita to the projected year 2040 metric of 21.2 VMT per capita (**Table 2.1-4**). The slight increase in VMT per capita of less than 1% is likely a function of the underlying focused-growth land use strategy inherent in ABAG's Projections 2013/*Plan Bay Area*, and the slightly greater investments in freeway and roadway project (30.3% of total investments) as compared with transit project investments. Because implementation of the Investment Program would not result in an appreciable increase in per capita VMT as compared with baseline conditions, potential impacts are considered less than significant.

---

<sup>5</sup> National Center for Sustainable Transportation and UC Davis Institute of Transportation Studies, "Factors Affecting Travel Demand in the United States," November 2015.

**Table 2.1-4: VMT Per Capita, 2017 CTP Investment Program, Comparison**

Scenario	Total VMT	Vehicle Miles Traveled Per Capita
Baseline (2013)	22,040,884	21.0
2017 Modeled Condition	23,229,962	21.2
No Project (2040)	28,009,826	21.1
Investment Program 2017 CTP (2040)	28,119,444	21.2

Source: Compiled modeling results included as Appendix D.

For informational purposes only, when compared with a No Project 2040 scenario (with no additional investment in transportation or transit project other than those that have already been approved and funded), the increase in total VMT is nearly identical to the 2017 CTP, and the VMT per capita is slightly lower (at 21.2 VMT per capita). This comparison indicates that the relative balance in investments between freeway and roadway projects, and transit projects as proposed under the Investment Program does not differentiate between these mode choices substantially enough to modify overall travel behavior. Other social and economic factors, such as those described above, are therefore more likely to influence VMT per capita than are transportation investment pursuant to the Investment Program.

### Mitigation Measures

No mitigation measures are required.

### Vehicle Hours of Delay (Criterion 2)

**Trans-2:** Travelers on major roadways throughout Contra Costa County would experience an appreciable increase in total VHD as compared with the baseline condition. An appreciable increase in VHD is defined as greater than 5 percent. (*Significant and Unavoidable*)

### 2017 CTP

Regional roadways throughout Contra Costa will experience an appreciable increase in VHD as compared with the baseline condition. This worsening roadway congestion reflects the additional travel generated from future population and employment growth, which cannot sufficiently be accommodated by the limited financial resources available for improving the efficiency and capacity of the regional transportation system. This increase is projected to occur irrespective of implementation of the 2017 CTP. However, because these roadways will see an appreciable increase in VHD as compared with the baseline condition, this impact is considered significant and unavoidable.

### Analysis of the Investment Program

Even with the substantial investments in transportation and transit projects proposed pursuant to the 2017 CTP Investment Program, travelers on regional roadways throughout Contra Costa will experience an appreciable increase in VHD when compared with the baseline condition, as indicated in **Table 2.1-5**. Total hours of delay on the County roadway network are projected to increase by

166%, from just over 71,000 VHD in 213 to more than 190,000 VHD in 2040. This increase is projected to occur irrespective of implementation of the 2017 CTP Investment Program’s roadway investments and increased transportation options.

Scenario	Vehicle Hours Of Delay	Comparison to Baseline		Comparison To No Project	
		Numerical Change	Percent Change	Numerical Change	Percent Change
Baseline (2013)	71,648	—	—	—	—
2017 Modeled Condition	84,594	12,946	+18.1%	—	—
No Project (2040)	252,584	180,936	+252%	—	—
Investment Program, 2017 CTP (2040)	190,685	+119,037	+166%	-61,900	-24.5%

Source: Compiled modeling results included as Appendix D.

For comparison purposes only, implementation of the Investment Program would result in a significant decrease in total VHD as compared with a No Project scenario. The estimated decrease of 25% in VHD reflects improvement that would result from roadway investments and increased transportation options that would not otherwise occur without the Project.

Because the expected VHD is projected to increase appreciably throughout Contra Costa County when compared with the baseline condition even with the implementation of the Investment Program, this impact is considered significant and unavoidable.

### Mitigation Measures

The Investment Program would make a significant improvement in VHD as compared with a No Project scenario. However, no standard mitigation strategy to address VHD at the plan or regional level is currently considered feasible due to the variability in congestion characteristics, driver behavior, and cost limitations.<sup>6</sup> Approaches to mitigating increased vehicle delay require addressing one or more of the following: a) substantially increase available transportation and transit capacity (supply); b) substantially decrease traffic demand; and/or c) improve traffic operations.

To increase available roadway and transit capacity, CCTA would have to develop and program projects that add new through lanes to existing arterials and freeways, and substantially increase regional transit systems. Further widening of major arterials and freeways is inconsistent with Goal 2 of the CTP, to manage growth to sustain Contra Costa’s economy, preserve its environment and support its communities. The substantial investments in transportation infrastructure and regional transit that would be necessary to accommodate the forecast of growth is financially infeasible, given the limited funding available in the CTP, and would likely generate secondary significant and unavoidable environmental impacts that could adversely affect the quality of life for the people of Contra Costa.

<sup>6</sup> Kimley-Horn 2010. Mitigation of Recurring Congestion on Freeways. Available online at: [http://www.kimley-horn.com/\\_public/documents/news/11/trb-2.pdf](http://www.kimley-horn.com/_public/documents/news/11/trb-2.pdf)

**Table 2.1-6: Average Freeway and Arterial Speeds, 2017 CTP Investment Program, Comparison**

Scenario	Average Speed	Comparison to Baseline		Comparison to No Project	
		Numerical Change	Percent Change	Numerical Change	Percent Change
Baseline (2013)					
Freeway	55.6	—	—	—	—
Arterial	34.2	—	—	—	—
2017 Modeled Condition					
Freeway	55.3	-0.3	-0.5%	—	—
Arterial	34.1	-0.1	-0.3%	—	—
No Project (2040)					
Freeway	51.6	—	—	—	—
Arterial	33.3	—	—	—	—
Investment Program, 2017 CTP (2040)					
Freeway	54.1	-1.5	-2.7%	+2.5	+4.8%
Arterial	33.4	-0.8	-2.3%	+0.1	+0.3%

Source: Compiled modeling results included as Appendix D.

For informational purposes only, when compared with the No Project scenario, implementation of the Investment Program would result in an increase in average speeds (an increase of 4.8% for freeways and 0.3% for arterials), reflecting increased capacity resulting from roadway investments, such as additional HOV lanes and improvements to interchanges.

Although average speeds on Contra Costa roadways are projected to decrease over time due to increased congestion, the decrease in average speeds that are projected to result with implementation of the Investment Program would not be appreciable and these impacts are considered less than significant.

### Mitigation Measures

No mitigation measures are required.

### Non-Single Occupant Vehicle Mode Share (Criterion 4)

**Trans-4:** New or expanded transportation facilities pursuant to the 2017 CTP would not result in an appreciable decrease in mode shares for transit, HOV, or other non- SOV modes as compared with the baseline condition. An appreciable decrease in mode shares is defined as greater than 5 percent. (*Less than Significant*)

### 2017 CTP

Mode share is an aggregate metric commonly used to discern the efficiency and connectivity of the transit, carpool, bike, and pedestrian networks.

New transportation projects pursuant to the 2017 CTP would result in an overall increase in mode shares for transit, HOV, or other non- SOV modes as compared with the baseline condition,

---

## Air Quality

This chapter evaluates the potential impacts related to air quality that would result from the proposed 2017 Countywide Comprehensive Transportation Plan (2017 CTP). This chapter describes the existing conditions found throughout Contra Costa County. It also evaluates, at a broad program-level, the potential effects that implementation of the 2017 CTP may have related to air quality. Additionally, where greater information is available, this chapter specifically identifies those individual transportation projects proposed to occur under the Long-Range Transportation Investment Program (Investment Program) for the 2017 CTP, and that may result in effects related to air quality.

### Existing Physical Setting

#### Climate and Meteorology

Temperatures in and around the San Ramon and Diablo valleys are warm in the summer and cool in the winter, largely because of their distance from the moderating effect of water bodies and because the California Coast Range blocks marine air flow into the valleys. The Carquinez Strait region remains temperate due to its proximity to water and oceanic air flows. In winter, average daily temperatures are mild, with tule fog common at night. Average summer temperatures are typically mild overnight and warm during the day, with cooler temperatures and stronger winds more common along the western coast. Wind speeds are generally low throughout the region and winds typically blow from northwest to southwest. However, strong afternoon gusts are common in the northern portion of the county around the Carquinez Strait. Annual rainfall averages between 18 and 23 inches across the county.

#### Air Quality Conditions and Pollutants

##### Criteria Pollutants

Ambient air quality standards have been established by State and federal environmental agencies for specific air pollutants most pervasive in urban environments. These pollutants are referred to as criteria air pollutants because the standards established for them were developed to meet specific health and welfare criteria set forth in the enabling legislation. The criteria air pollutants include ozone, as modeled using the two major ozone precursors: oxides of nitrogen (NO<sub>x</sub>) and reactive organic gases (ROGs), carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), and suspended particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Other criteria pollutants, such as lead and sulfur dioxide (SO<sub>2</sub>), are primarily industrial pollutants that are emitted only in negligible quantities by construction

**Table 2.3-4: Countywide Emission Estimates for Criteria Pollutants (tons per day), 2017 CTP Investment Program**

	Baseline (2013)	No Project (2040)	2017 CTP Investment Program
ROG	8.71	2.23	2.21
% Change from Baseline		-74.4%	-74.6%
% Change from No Project			-0.9%
NO <sub>x</sub>	16.49	2.66	2.59
% Change from Baseline		-83.8%	-84.3%
% Change from No Project			-2.6%
CO	69.80	16.01	15.77
% Change from Baseline		-77.1%	-77.4%
% Change from No Project			-1.5%
PM <sub>2.5</sub>	0.76	0.65	0.65
% Change from Baseline		-14.5%	-14.5%
% Change from No Project			0%

Source: Compiled modeling results included as Appendix E.

Because individual Investment Program projects pursuant to the 2017 CTP are expected to occur within an overall context that will achieve an overall reduction in operational criteria pollutant emissions, and because the Investment Program's investments in TCMs are shown to contribute toward these emission reductions, the Investment Program's impacts are considered less than significant.

### Mitigation Measures

No mitigation measures are required.

### Particulate Matter Emissions (Criterion 4)

**Air-4:** New or expanded transportation facilities pursuant to the 2017 CTP would result in a net increase in emissions of PM<sub>10</sub> from on-road mobile sources (including entrained dust) as well as a net increase in emissions of PM<sub>2.5</sub> entrained dust, as compared with the baseline condition. (*Significant and Unavoidable*)

### 2017 CTP

New transportation projects pursuant to the 2017 CTP are expected to result in a net increase in air quality impacts related to particulate matter emissions as compared with the baseline condition. When compared with the baseline (year 2013) condition, PM<sub>10</sub> and PM<sub>2.5</sub> emissions from all mobile sources would increase by year 2040. The higher levels of particulate matter emissions in 2040 conditions are a result of these emissions being strongly influenced by projected growth in total VMT (which directly affects entrained roadway dust), with some contributions from tire and brake wear, and exhaust.

Particulate matter emissions from mobile sources are not expected to increase at the same rate as VMT due to the stringent emission controls that CARB has adopted for new vehicle engines,

**Table 2.3-5: Countywide Particulate Matter Emissions (tons per day), 2017 CTP Investment Program**

	Baseline (2013)	No Project (2040)	2017 CTP Investment Program
Overall VMT	22,159,662	28,173,605	28,290,553
% Change from Baseline		27.1%	27.7%
% Change from No Project			0.4%
<b>PM<sub>10</sub></b>			
Vehicle Emissions	1.51	1.58	1.59
Entrained Dust	3.50	4.45	4.47
<b>Total</b>	<b>5.02</b>	<b>6.03</b>	<b>6.06</b>
% Change from Baseline		20.1%	20.7%
% Change from No Project			0.5%
<b>PM<sub>2.5</sub></b>			
Vehicle Emissions	0.76	0.65	0.65
Entrained Dust	0.53	0.67	0.67
<b>Total</b>	<b>1.28</b>	<b>1.32</b>	<b>1.32</b>
% Change from Baseline		3.1%	3.1%
% Change from No Project			0%

Source: Compiled modeling results included as Appendix E.

Because individual Investment Program projects pursuant to the 2017 CTP are expected to contribute toward an overall increase in Countywide particulate matter emissions from mobile sources, these impacts are considered significant.

### Mitigation Measures

Implementing agencies and/or project sponsors of those transportation projects pursuant to the 2017 CTP, including those Individual transportation projects proposed under the Investment Program, shall consider implementation of mitigations measures, including but not limited to those identified below.

**Mitigation Measure Air-4: BMPs for Exhaust: Diesel Engine Retrofits and Replacements.** CCTA and local implementing agencies and/or project sponsors shall consider opportunities to partner with MTC, ABAG, BAAQMD, and other partners to seek opportunities to leverage existing air quality and transportation funds and seek additional funds to continue to implement programs aimed at retrofits and replacements of trucks and locomotives.

### Resulting Level of Significance

To the extent that transportation projects pursuant to the 2017 CTP, including those individual projects listed under the Investment Program, incorporate Mitigation Measure Air-4, the retrofit and replacement of older model trucks and locomotives would reduce significant particulate matter emissions from mobile sources. However, the overall increase in VMT associated with new population and employment growth will contribute to an increase in countywide particulate matter emissions that cannot be fully avoided. This impact remains significant and unavoidable.

primarily attributed to California state laws to control TACs, as well as other state regulations and regional programs that also reduce TACs.

**Table 2.3-6: Countywide Toxic Air Contaminant Emissions (kg per day), 2017 CTP Investment Program**

	Baseline (2013)	No Project (2040)	2017 CTP Investment Program
<b>DPM</b>	198.53	6.87	6.91
% Change from Baseline		-96.5%	-96.5%
% Change from No Project			0.6%
<b>Benzene</b>	215.45	50.69	49.97
% Change from Baseline		-76.5%	-76.8%
% Change from No Project			-1.4%
<b>1,3 Butadiene</b>	9.54	1.98	1.93
% Change from Baseline		-79.2%	-79.5%
% Change from No Project			-2.5%

Source: Compiled modeling results included as Appendix E.

As indicated in the general discussion of the 2017 CTP (above), the majority of TAC emission reductions are attributable to reductions in TAC emission from individual vehicles (cars, truck, and buses). These TAC emission reductions are independent of investments in transportation infrastructure. The conclusions presented in Table 2.3-6 also show (for informational purposes only), the relative change in TAC mobile source emissions by year 2040, comparing the Investment Program's resulting transportation infrastructure and transportation systems to a future 2040 scenario that assumes no additional transportation investments beyond those projects already approved and funded (i.e., a future year 2040 No Project scenario). As indicated in Table 2.3-6, a future 2040 No Project scenario would also occur within the context of reduced mobile source TAC emissions per vehicle, and would achieve a similar overall reduction in total mobile source TAC emission. Relative to the 2040 No Project scenario, the Investment Program would achieve an even greater overall reduction in TAC emissions as a result of its investments in TCMs.

Because individual Investment Program projects pursuant to the 2017 CTP are expected to occur within a context that will achieve an overall reduction in mobile source TAC emissions, impacts are considered less than significant.

### Mitigation Measures

No mitigation measures are required.

### Relative Impacts to Communities of Concern (Criterion 6)

**Air-6:** New or expanded transportation facilities pursuant to the 2017 CTP would not result in a larger localized increase of mobile source TAC or PM<sub>2.5</sub> emissions, or a smaller localized decrease of mobile source TAC or PM<sub>2.5</sub> emissions in disproportionately impacted communities (Communities of Concern and CARE communities) as compared to the remainder of the county. (*Less than Significant*)

# 3.1

## Alternatives

### Introduction and Overview

California Environmental Quality Act (CEQA) Guidelines require an Environmental Impact Report (EIR) to analyze a reasonable range of alternatives for any project. The purpose of the alternatives section is to provide decision-makers and the public with a discussion of alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. Evaluation of alternatives should present the proposed action and all the alternatives in comparative form to define the issues and provide a clear basis for choice.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Where a lead agency has determined that even after adoption of all feasible mitigation measures, a project as proposed would still result in significant environmental effects that cannot be substantially lessened or avoided, the agency must first determine if there are alternatives that are both environmentally superior, and feasible. CEQA provides the following guidelines for discussing project alternatives:

- An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation (§15126.6(a)).
- An EIR is not required to consider alternatives which are infeasible (§15126.6(a)).
- The discussion of alternatives shall focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project (§15126.6(b)).
- The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects (§15126.6(c)).
- The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project (§15126.6(d)).

### Accomplishing Basic Project Objectives

CEQA requires an analysis of alternatives that would feasibly attain most of the basic objectives of the project. The 2017 Countywide Comprehensive Transportation Plan (2017 CTP) objectives

(2040). Worsening roadway congestion reflects the additional travel demand generated from future population and employment growth, which cannot sufficiently be accommodated by the existing transportation system and the limited improvements in the efficiency and capacity of the regional transportation system under the No Project Alternative (2040).

Table 3.1-3: Vehicle Hours Traveled and Vehicle Hours of Delay, No Project Alternative (2040)				
Scenario	Baseline Condition (2013)	No Project (2040)	Change (2013 to 2040)	
			Numerical Change	Percent Change
Vehicle Hours Traveled	569,023	897,592	328,569	57.7%
Vehicle Hours Traveled Per Capita	0.5	0.7	0.2	40.0%
Vehicle Hours of Delay	71,648	252,584	180,936	252.5%

Source: Compiled modeling results included as Appendix D.

### Average Speeds

The total amount of vehicular travel in the County is expected to increase substantially by 2040. Because of the increase in overall demand for vehicular travel, average speeds on freeways and arterials are expected to decline under the No Project Alternative (2040), as compared to the baseline condition (2013) as shown in **Table 3.1-4**.

The reduced travel speeds reflect the effects of increased roadway demand, worsening congestion and the limited capacity of the future transportation infrastructure under the No Project Alternative (2040).

Table 3.1-4: Average Freeway and Arterials Speeds, No Project Alternative (2040)				
Scenario	Baseline Condition (2013)	No Project (2040)	Change (2013 to 2040)	
			Numerical Change	Percent Change
Freeway Speeds	55.6	51.6	-4.0	-7.2%
Arterial Speeds	34.2	33.3	-0.9	-2.6%

Source: Compiled modeling results included as Appendix D.

### Non-Single Occupant Vehicle Mode Share

The percentage of trips taken in single-occupant vehicles is projected to decline under the No Project Alternative (2040) as compared with the baseline condition (2013), while more trips are projected to occur by carpool and transit, as shown in **Table 3.1-5**. This decline is a reflection of the transit expansion programs that have already been approved and are expected to become operational under this No Project Alternative (2040), as well as the effects of congestion serving to make driving alone a less attractive option.

## FINDINGS

### Final Environmental Impact Report for the 2017 Contra Costa Countywide Comprehensive Transportation Plan

**SECTION 1. SUMMARY OF FINDINGS.** At a session assembled on September 20, 2017, the Contra Costa Transportation Authority (“CCTA” or the “Authority”) determined that, based on all of the evidence presented, including but not limited to the Final Environmental Impact Report (“EIR”), written and oral testimony given at meetings and hearings, and the submission of testimony from the public, organizations, and regulatory agencies, the following environmental impacts associated with the 2017 Countywide Comprehensive Transportation Plan (“2017 CTP” or the “Project”) are either: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified Mitigation Measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified Mitigation Measures.

**SECTION 2. FINDINGS REGARDING LESS THAN SIGNIFICANT IMPACTS NOT REQUIRING MITIGATION.** Consistent with Public Resources Code section 21002.1 and section 15128 of the State CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. State CEQA Guidelines section 15091 does not require specific findings to address environmental effects that an EIR identifies as “no impact” or a “less than significant” impact. Nevertheless, the Authority hereby finds that the Project would have either no impact or a less than significant impact to the following resource areas:

#### A. Transportation & Circulation

##### 1. Vehicle Miles Traveled per Capita

Threshold: Would new or expanded transportation facilities pursuant to the 2017 CTP result in an appreciable increase in per capita vehicle miles traveled (VMT) when compared with the baseline condition? (An appreciable increase in per capita VMT is defined as greater than 5 percent.)

Finding: Less than significant impact. (Draft EIR, p. 2-1-15.)

Explanation:

*2017 CTP*

Expected countywide population and employment growth will increase travel demand throughout Contra Costa and the rest of the Bay Area region. The resulting increase in VMT will thus be a product of an increased population and job base, the relative distance of each vehicle trip (primarily a function of the distance between home and work), and individual choices regarding model of travel (i.e., the percent increase in drive-alone vehicles). The VMT per capita

compared with the baseline condition. Emissions of criteria pollutants include ROG, NO<sub>x</sub> (summertime and wintertime), CO, and PM<sub>2.5</sub> from mobile sources.

A major reason for these reductions is the increasingly stringent emission controls that CARB has adopted for new vehicle engines and fuels over the past few decades, including the Truck and Bus Regulation, which requires diesel trucks and buses to be upgraded to reduce emissions. As of January 1, 2012, heavier trucks must be retrofitted with particulate matter filters; older trucks must be replaced starting as of January 1, 2015, and nearly all trucks and buses will need to have 2010 model year engines or equivalent by January 1, 2023. Other contributors include emission-control devices, the Enhanced Smog Check Program, and fleet turnover wherein older polluting cars are retired and replaced with newer and substantially less polluting cars. Additionally, the underlying land use pattern as defined per *Plan Bay Area* for Contra Costa County includes a concentration of future growth at higher densities around existing and proposed transit investments, which would reduce driving and motor vehicle emissions.

Because implementation of the 2017 CTP is expected to occur within a context that would provide for an overall reduction in operational criteria pollutant emissions, impacts are considered less than significant.

#### *Transportation Projects Included in Investment Program*

Under the Investment Program for the 2017 CTP, proposed transportation projects and new or expanded transit projects are similarly expected to occur within a context that would result in overall reductions in operational criteria pollutant emissions. As shown in Table 2.3-4 of the Draft EIR, countywide criteria pollutant emissions (ROG, NO<sub>x</sub>, CO, and PM<sub>2.5</sub>) from mobile sources would decrease between the baseline condition (2013) and the 2040 horizon. When compared with the baseline condition, total criteria pollutant emissions that would occur under the Investment Program are expected to achieve ROG emissions reductions of 75 percent, NO<sub>x</sub> emission reductions of 84 percent, CO emission reductions of 77 percent, and PM<sub>2.5</sub> emission reductions of 14 percent.

As indicated in the discussion of the 2017 CTP, much of the reductions in criteria pollutants are attributable to reductions in the emissions from individual vehicles (cars, trucks, and buses) that are expected to be achieved through regulatory controls. These emission reductions are independent of any investments in transportation infrastructure. The analysis presented in Table 2.3-4 also shows (for informational purposes only) the relative change in criteria pollutant emissions by year 2040 when comparing the Investment Program's resulting transportation infrastructure and transportation systems, to a future 2040 scenario that assumes no additional transportation investments (i.e., a future 2040 No Project scenario). As demonstrated in Table 2.3-4 of the Draft EIR, a future 2040 No Project scenario would also occur within a context that is anticipated to achieve a similar overall reduction in criteria pollutant emissions. However, relative to the 2040 No Project scenario, the Investment Program would achieve an even greater overall reduction in criteria pollutant emissions as a result of its investment in the Transportation Control Measures (TCMs).

and analyzing the No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. However, “no project” does not necessarily mean that development will be prohibited. The No Project Alternative includes what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

For purposes of the EIR, the No Project Alternative (2040) consists of those projects and programs deemed committed, as defined by MTC’s Committed Funds and Projects Policy. These projects are not subject to further discretionary action at a program level by CCTA because the projects are fully funded and are too far along in the project development process to consider withdrawing support. In general, committed projects are projects that have received environmental clearance and have full funding plans or are funded exclusively with local funds. This definition is also consistent with the No Project Option as evaluated in the 2013 RTP/SCS in the *Plan Bay Area EIR*. A number of individual projects that were included in the 2013 RTP list of committed project have already been constructed, and are now included in the baseline condition. Transportation projects under the No Project Alternative (2040) have already been individually evaluated at a project-specific level, and no further environmental review at the countywide, programmatic scale is necessary.

Impacts: Compared to the Project, this alternative would result in a more substantial impact to vehicle miles traveled per capita; vehicle hours of delay; average speeds; transit ridership; indirect construction-related GHG emissions by 2040.

Compared to the Project, this alternative would result in a less substantial impact to: relative impacts on communities of concern. (Draft EIR, pp. 3.1-9 through 21.)

Objectives and Feasibility: The No Project Alternative (2040) represents the possibility that the Project is not approved, and as such, it would not meet any of the Project objectives. The No Project Alternative does include those transportation projects and programs that have been deemed committed, and that are expected to be implemented irrespective of any decisions regarding adoption of the 2017 CTP. (Draft EIR, p. 3.1-14.)

Findings: The Authority rejects this alternative on the following grounds, each of which provides sufficient justification for rejection of this alternative: 1) Alternative 1 fails to meet any of the Project’s objectives. Therefore, Alternative 1 is eliminated from further consideration.

## **2. Alternative 2—2013 Regional Transportation Plan Alternative**

Description: Alternative 2, the 2013 Regional Transportation Plan Alternative, consists of those additional transportation projects and programs that are already included within Metropolitan Transportation Commission’s 2013 Regional Transportation Plan and are an integral part of *Plan Bay Area* and its Sustainable Communities Strategy. These projects and programs were included in the 2013 *Plan Bay Area* and were previously analyzed on a programmatic basis in its associated Environmental Impact Report. A number of these 2013 Regional Transportation Plan transportation projects and programs have also undergone