

LAW OFFICES OF JASON A. BEZIS

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December 24, 2019

Sharon L. Anderson
County Counsel
County of Contra Costa
651 Pine Street 9th Floor
Martinez, CA 94553
VIA U.S. MAIL and FACSIMILE: (925) 646-1078

Re: Legally Defective Impartial Analysis for Contra Costa Transportation Authority Measure J

Dear County Counsel Anderson:

This office represents Contra Costa County electors and the Transportation Solutions Defense and Education Fund, known as TRANSDEF, a non-profit environmental organization created by transit activists to advocate for better solutions to transportation, land use and air quality problems in the San Francisco Bay Area. TRANSDEF prepared the argument and rebuttal against the Contra Costa Transportation Authority (CCTA) sales tax increase in 2016 (Measure X) and the argument and rebuttal against the CCTA sales tax increase on the March 2020 ballot (Measure J).

This letter is to serve as pre-litigation settlement demand. We believe that an error or omission has occurred, or is about to occur, in the printing of a ballot, county voter information guide or other official matter, or that neglect of duty by the Acting County Clerk-Recorder and Registrar of Voters, County Counsel, and/or CCTA has occurred, or is about to occur. See Elections Code §§ 9160, 13314, 13319, etc. See also *McDonough v. Superior Court* (2012) 204 Cal.App.4th 1169.

In our letter to the Acting County Clerk-Recorder and Registrar of Voters on December 16, 2019, we asked the County Elections Division:

- (1) to require CCTA, the sponsoring agency, to amend and correct the rate of the tax to be levied in the ballot question,
- (2) to require CCTA, the sponsoring agency, to amend and correct untrue, not impartial, argumentative and prejudicial language in the ballot question, and
- (3) to change the ballot designation from “Measure J.”

We copied you and the CCTA Executive Director on that letter. Yet eight days later, we have heard from none of the parties to whom we addressed our December 16th letter. We repeat those demands herein by reference to that December 16th letter.

In today's letter, we demand that you fulfill your legal duty under Elections Code § 9160(b) to conduct a truly impartial analysis of the 2020 CCTA sales tax increase ballot measure. In a separate letter (attached), we demand that the Acting Clerk-Recorder withhold printing of County Counsel's "Impartial Analysis" of the 2020 CCTA ballot measure in the Voter Guide until it is revised along the line discussed within this demand letter. In a third letter (attached), we convey our concerns to the Board of Supervisors that the improper politicization of this ballot measure constitutes yet another stain in Contra Costa County government's recent history of corruption and malfeasance.

Last Week's Revision of County Counsel's Impartial Analysis of CCTA's Ballot Measure Eliminated the Prominent & Necessary Disclosure that Measure J is a Tax Increase.

First, we demand that you restore to your "Impartial Analysis" the disclosure in the first sentence that CCTA "has proposed a measure asking voters to approve an additional one-half of one percent (0.5%) retail transactions and use tax." (emphasis added.) This exact phrase was in the first sentence of County Counsel's Impartial Analysis of CCTA's Measure X in 2016. See attached Exhibit A. This exact phrase also was in the first sentence of the version of County Counsel's Impartial Analysis of CCTA's 2020 Measure J that we obtained from the Contra Costa County Elections Division on December 16, 2019. See attached Exhibit B.

On or about December 18, 2019, your office revised the Impartial Analysis of CCTA's 2020 Measure J and removed the word "additional" not only from the first sentence, but also from the entire "Impartial Analysis." See attached Exhibit C. We strenuously object to the removal of the word "additional" from County Counsel's "Impartial Analysis" because that is essential information "showing the effect of the measure on the existing law and the operation of the measure" [Elections Code § 9160(b)(1)] – it would impose an additional one-half of one percent sales tax. We demand that you restore the wording used in the first sentence of County Counsel's official 2016 Measure X Impartial Analysis (Exhibit A) and the first sentence of the 2020 Measure J Impartial Analysis that the Elections Division distributed on December 16, 2019 (Exhibit B).

County Counsel's "Impartial Analysis" of CCTA Ballot Measure Improperly Excludes Debt Service Interest From Its Analysis "Of the Tax Proceeds."

Second, we demand that you correct references to percentages "of the tax proceeds" in the third paragraph of the CCTA 2020 ballot measure "Impartial Analysis" to include debt service interest. The four components "of the tax proceeds" cited by the Analysis add to 100.0%, giving the voter the impression that 100.0% of the sales tax revenues will be spent exclusively on those four components. Yet none of the four components in the Tax Expenditure Plan discloses bond "interest" expenditures or other "debt service" expenditures. To be consistent with the "Impartial Analysis's" fourth paragraph disclosure of CCTA's authorization to issue bonds,

estimated interest expenditures must be disclosed, to prevent the impression being given that there are no costs associated with bond issuance and debt service.

The CCTA board approved a “Debt Policy” in 2015 as Resolution 15-03-A to “reflect changes in federal law and regulations arising from the Dodd-Frank Wall Street Transparency and Accountability Act of 2010.” It says on Page 2 of 24, “Long-Term Capital Projects ... Inherent in its long-term debt policies, the Authority recognizes that future taxpayers will benefit from the capital investment and that it is appropriate that they pay a share of the asset cost.” Consistent with CCTA’s “Debt Policy,” we believe that County Counsel’s Impartial Analysis should inform voters of estimated interest expenditures associated with projects funded by this tax increase (i.e., future taxpayers’ share of asset costs).

CCTA’s latest “Comprehensive Annual Financial Report” is for the fiscal year ended June 30, 2018. Page 45 discloses that CCTA has \$693 million of long-term debt, which will require \$204 million of interest payments through 2034. See attached Exhibit D. Unless CCTA changes its bonding practices, bond interest expenditures for 2020 Measure J would be substantially larger than the transportation planning and administrative components “of the tax proceeds” and therefore must be disclosed in County Counsel’s analysis. You are misleading voters in your current “Impartial Analysis” because you give voters the mistaken impression that none (0.0%) “of the tax proceeds” will pay for debt service interest.

We ask that you request aid from the County Auditor to re-write the third paragraph of the “Impartial Analysis” to include accurate statements “of the tax proceeds” that include either an estimate of debt service interest, or a statement that the portion of the tax proceeds that will be expended for debt service interest is unknowable at this time, but will be the consequence of the amount of bonds issued and the prevailing market interest rates. If the latter course is chosen, the following should be included "If CCTA's historic pattern of bonding is followed with this measure, x% [to be determined by the Auditor] of the tax proceeds would be spent on interest."

County Counsel’s Impartial Analysis of CCTA Ballot Measure Must Not Include the Argumentative & Inaccurate “Reduce Congestion” & “Relieve Congestion” Claims.

Third, we demand that you cease and desist from using the argumentative and inaccurate phrases “reduce congestion” and “relieve congestion” in your “Impartial Analysis.” The point in contention is found twice in the third paragraph: "According to the measure, proceeds from the sales tax would be used to reduce congestion..." and “According to the TEP, 41.1% of the tax proceeds will be used to relieve congestion on highways, interchanges, and major roads.” The problem here is that CCTA is using the phrases “reduce congestion” and "relieve congestion" to refer to the elimination of specific bottlenecks, while the congestion that the public will actually experience is the result of the overall functioning of the transportation network (i.e., the relationship between traffic volumes and traffic capacity). An Impartial Analysis must be held to a higher standard than merely parroting the words of a measure's sponsor. You have a duty to investigate assertions that call into question a sponsor's claims.

The TEP states on page 12, "ACHIEVING INTENDED OUTCOMES ... CCTA will ensure funding in the TEP will achieve the outcomes identified in the 2017 Countywide Transportation

Plan (CTP).” The Impartial Analysis must indicate what those outcomes are. As TRANSDEF’s December 16th letter stated, CCTA’s own 2017 CTP Environmental Impact Report (EIR) does not support CCTA’s assertion that its projects and programs would “reduce congestion” or “relieve congestion.” See Exhibit E, true and correct copies of relevant pages of the DEIR, available at https://2017ctpupdate.net/wp-content/uploads/2017_CTP-DEIR_links_20170620.pdf. The overall number of vehicle miles travelled (the product of the number of cars on the road times the average trip length) increases from 23 million in 2017 to 28 million in 2040. (Table 2.1-4, page 2.1-21.) More cars on the road, in the absence of massive capacity increases, will inevitably result in more congestion.

This is confirmed by the finding on page 2.1-19 that by the year 2040, vehicle hours of delay (VHD) would increase 166 percent. "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 [environmental impact])" (DEIR page 2.1-21.) Table 2.1-3, DEIR page 2.1-19, shows that by the year 2040, vehicle hours of delay would increase 166 percent, average freeway speeds would decline by 2.7 percent, and average arterial speeds would decline by 2.3 percent. The “reduce congestion” and “relieve congestion” contentions in the current version of your “Impartial Analysis” is inconsistent with any of these findings. Delays are the leading cause of unpredictable travel times.

Therefore, we request that your analysis be re-written to strike "reduce congestion and" and thereby amend the sentence to read: "According to the measure, proceeds from the sales tax would be used to fix bottlenecks..." Similarly, you should strike “relieve congestion on” and replace that with “improve.” The phrase at issue would be revised to read, “According to the TEP, [insert actual percentage from County Auditor]% of the tax proceeds will be used to improve highways, interchanges, and major roads.” We further request that the following be included in the Impartial Analysis: "According to CCTA’s 2017 Countywide Transportation Plan's Environmental Impact Report, overall congestion in 2040 will increase by 166%, highway and arterial roadway speeds will be slower than present, and particulate air quality will be worsened."

County Counsel's Impartial Analysis Must Call Attention to the Transportation Expenditure Plan's Lack of a Defined Project List.

CCTA’s 2020 Measure J Transportation Expenditure Plan is extremely unusual in that it is not a defined list of projects to be funded by the tax. Instead, it contains at least thirteen examples of "may include" or "may consider" as well as examples of "could include" and "could also be funded." While the TEP is arguably compliant with the minimal requirements of Public Utilities Code § 180206, it does not provide voters with an assurance of how their taxes will be spent, or whether the selections to be made in the future by CCTA will be effective.

At a minimum, you have a duty to inform voters that the TEP is not a defined project list, but rather that CCTA will have great discretion in determining most of the projects and programs to be funded. The Impartial Analysis should inform voters as to whether a majority or supermajority vote of the board will be required to determine how and where to spend these

discretionary dollars. In particular, we request you to opine whether future CCTA board decisions about allocating funding in the "may" and "could" areas just described would be considered "amendments" of the plan requiring supermajority (66.66%) votes.

Public Records Act Request

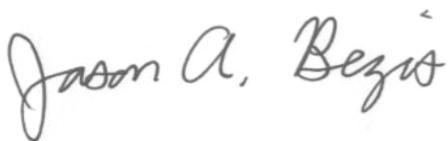
Pursuant to the Public Records Act (Government Code §§ 6250, et seq.) and other legal authority that requires disclosure, we hereby request any and all documents under the custody or control of your office, including but not limited to any and all notes and/or e-mails, concerning the removal of the word "additional" from your analysis of CCTA's 2020 ballot measure. We especially seek evidence identifying the person that requested the removal of the word "additional," the person that approved removal of the word "additional," and any internal and/or external discussion as to whether removing the word "additional" would be consistent with County Counsel's duty to prepare an Impartial Analysis.

Conclusion

Official neglect of duty right now by County Counsel, Clerk-Recorder-Registrar of Voters and CCTA could mislead voters in the March 2020 CCTA tax increase election. Today, Christmas Eve, is one of the busiest days of the year for retail sales. Contra Costa County citizens and taxpayers should not be compelled to pay higher sales taxes (nearing or exceeding a 10.0% rate) for the next 35 Christmases as a consequence of official negligence and/or misconduct this month concerning the 2020 CCTA tax increase election.

In making these requests, Contra Costa County electors and TRANSDEF seek to ensure that voters are offered a fair and objective description of the additional tax/tax increase placed before them, consistent with the text, intent and purpose of the Elections Code. We are available immediately to discuss a non-litigation settlement of our concerns.

Respectfully submitted,



JASON A. BEZIS
Attorney for Contra Costa County Electors and TRANSDEF

Attachments: Exhibits A-E
December 24, 2019 letter to Board of Supervisors
December 24, 2019 letter to Acting County Clerk-Recorder/Registrar of Voters

cc: Contra Costa Transportation Authority, Executive Director Randell Iwasaki
Daniel Borenstein, *East Bay Times*

Exhibit A

MEASURE X

CONTRA COSTA TRANSPORTATION AUTHORITY DISTRICT

To implement a Transportation Expenditure Plan to continue:

- Repairing potholes/fixing roads;
- Improving BART capacity/reliability
- Improving Highways 680, 80, 24, and 4;
- Enhancing bus/transit including for seniors and people with disabilities;
- Increasing bicycle/pedestrian safety;
- Improving air quality;
- Reducing traffic;

shall voters adopt the ordinance augmenting the sales tax by ½% raising ninety-seven million dollars for transportation improvements annually for 30 years with independent oversight, audits, and all money benefitting local residents?

COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE X

The governing body of the Contra Costa Transportation Authority ("CCTA") has proposed a measure asking voters to approve an additional one-half of one percent (0.5%) retail transactions and use tax – a sales tax – to fund certain transportation improvements in Contra Costa County.

The sales tax would be collected in the incorporated and unincorporated areas of Contra Costa County, from April 1, 2017, until March 31, 2047. The proceeds from this sales tax would supplement CCTA's existing one-half of one percent (0.5%) sales tax, which will continue to be collected until March 31, 2034.

According to the measure, proceeds from the sales tax would be used to "implement a Transportation Expenditure Plan to continue repairing potholes/fixing roads; improving BART capacity/reliability; improving Highways 680, 80, 24, and 4; enhancing bus/transit including for seniors and people with disabilities; increasing bicycle/pedestrian safety; improving air quality; [and] reducing traffic." Sales tax proceeds may only be used for the projects and purposes specified in CCTA's Transportation Expenditure Plan ("TEP"), which is included in the Voter Information Handbook, and any future amendments to the TEP. According to the TEP, 26.79% of the tax proceeds will fund BART, bus, ferry, and train networks; 23.79% of the tax proceeds will fund fixing local streets and roads; 21.98% of the tax proceeds will fund building sustainable communities and protecting the environment; 20.71% of the tax proceeds will fund reducing congestion and smoothing traffic; 6.23% of the tax proceeds will fund transportation for children, seniors,

and people with disabilities; and 0.5% of the tax proceeds will fund administrative costs.

Approval of this measure also would authorize CCTA to issue limited tax bonds to finance projects described in the TEP. The maximum bonded indebtedness may not exceed the estimated proceeds of the sales tax.

According to the TEP, CCTA's Public Oversight Committee will provide oversight of all expenditures of the sales tax proceeds and will report to the public. This committee will review annual audits, the allocation of the tax proceeds, the performance of projects and programs in the TEP, and compliance by local jurisdictions. Expenditures of sales tax proceeds also would be subject to annual independent audits.

Two-thirds of those voting on the ballot measure must approve the measure for it to pass.

A "yes" vote is a vote in favor of authorizing this 0.5% sales tax.

A "no" vote is a vote against authorizing this 0.5% sales tax.

Exhibit B

**COUNTY COUNSEL’S ANALYSIS OF
CONTRA COSTA TRANSPORTATION AUTHORITY ORDINANCE
PROPOSING A SALES TAX**

The governing body of the Contra Costa Transportation Authority (“CCTA”) has proposed a measure asking voters to approve an additional one-half of one percent (0.5%) retail transactions and use tax – a sales tax – to fund certain transportation improvements in Contra Costa County.

The sales tax would be collected in the incorporated and unincorporated areas of Contra Costa County from July 1, 2020, until June 30, 2055. The proceeds from this sales tax would supplement CCTA’s existing one-half of one percent (0.5%) sales tax, which will continue to be collected until March 31, 2034.

According to the measure, proceeds from the sales tax would be used to reduce congestion and fix bottlenecks on highways and major roads; make commutes faster and more predictable; improve the frequency, reliability, accessibility, cleanliness, and safety of buses, ferries, and BART; improve air quality; and repave roads. Sales tax proceeds may only be used for the projects and purposes specified in CCTA’s Transportation Expenditure Plan (“TEP”), which is included in the Voter Information Handbook, and any future amendments to the TEP. According to the TEP, 41.1% of the tax proceeds will be used to relieve congestion on highways, interchanges, and major roads; 54.9% of the tax proceeds will be used to improve transit and transportation countywide; 3.0% of the tax proceeds will fund transportation planning, facilities and services; and 1.0% of the tax proceeds will fund administrative costs.

Approval of this measure also would authorize CCTA to issue limited tax bonds to finance projects described in the TEP. The maximum bonded indebtedness may not exceed the estimated proceeds of the sales tax.

According to the TEP, CCTA’s Public Oversight Committee will provide oversight of all expenditures of the sales tax proceeds and will report to the public. This committee will review annual audits, the allocation of the tax proceeds, the performance of projects and programs in the TEP, and compliance by local jurisdictions. Expenditures of sales tax proceeds also would be subject to annual independent audits.

Two-thirds of those voting on the ballot measure must approve the measure for it to pass.

A “yes” vote is a vote in favor of authorizing this 0.5% sales tax.

A “no” vote is a vote against authorizing this 0.5% sales tax.

Exhibit C

**COUNTY COUNSEL'S ANALYSIS OF
CONTRA COSTA TRANSPORTATION AUTHORITY ORDINANCE
PROPOSING A SALES TAX**

The governing body of the Contra Costa Transportation Authority ("CCTA") has proposed a measure asking voters to approve a retail transactions and use tax – a sales tax – to fund certain transportation improvements in Contra Costa County. State law authorizes CCTA to adopt an ordinance proposing a one-half of one percent (0.5%) sales tax.

The sales tax would be collected in the incorporated and unincorporated areas of Contra Costa County from July 1, 2020, until June 30, 2055. The proceeds from this sales tax would supplement CCTA's existing one-half of one percent (0.5%) sales tax, which will continue to be collected until March 31, 2034.

According to the measure, proceeds from the sales tax would be used to reduce congestion and fix bottlenecks on highways and major roads; make commutes faster and more predictable; improve the frequency, reliability, accessibility, cleanliness, and safety of buses, ferries, and BART; improve air quality; and repave roads. Sales tax proceeds may only be used for the projects and purposes specified in CCTA's Transportation Expenditure Plan ("TEP"), which is included in the Voter Information Handbook, and any future amendments to the TEP. According to the TEP, 41.1% of the tax proceeds will be used to relieve congestion on highways, interchanges, and major roads; 54.9% of the tax proceeds will be used to improve transit and transportation countywide; 3.0% of the tax proceeds will fund transportation planning, facilities and services; and 1.0% of the tax proceeds will fund administrative costs.

Approval of this measure also would authorize CCTA to issue limited tax bonds to finance projects described in the TEP. The maximum bonded indebtedness may not exceed the estimated proceeds of the sales tax.

According to the TEP, CCTA's Public Oversight Committee will provide oversight of all expenditures of the sales tax proceeds and will report to the public. This committee will review annual audits, the allocation of the tax proceeds, the performance of projects and programs in the TEP, and compliance by local jurisdictions. Expenditures of sales tax proceeds also would be subject to annual independent audits.

Two-thirds of those voting on the ballot measure must approve the measure for it to pass.

A "yes" vote is a vote in favor of authorizing this 0.5% sales tax.

A "no" vote is a vote against authorizing this 0.5% sales tax.

Exhibit D



CONTRA COSTA
transportation
authority

Comprehensive Annual Financial Report

Fiscal Year Ended
June 30, 2018

Contra Costa
Transportation Authority
2999 Oak Road, Suite 100
Walnut Creek, CA 94597

CONTRA COSTA TRANSPORTATION AUTHORITY
Notes to Basic Financial Statements
June 30, 2018

NOTE 6 - LONG-TERM DEBT (Continued)

The 2012, 2015, and 2017, are limited obligations of the Authority payable solely from and secured solely by a pledge of Sales Tax Revenues collected from Measure J. The Measure J Sales Tax will expire on March 31, 2034. The 2012, 2015, and 2017 Bonds are not secured by a debt service reserve fund or any liquidity facility. The total projected Measure J Sales Tax revenue, as reported in the 2016 Measure J Strategic Plan, is expected to approximate \$2.7 billion, which is sufficient to repay the estimated debt service, including net interest rate swap settlements, of \$693.4 million on the 2012, 2015, and 2017.

B. Annual Future Payments

The following table presents the Authority's aggregate annual amount of principal and interest payments required to amortize the outstanding debt (in thousands):

Year ending	Principal	Interest	Total
June 30:			
2019	16,350	21,618	37,968
2020	18,620	20,876	39,496
2021	21,060	19,974	41,034
2022	23,555	19,023	42,578
2023-2027	144,460	76,548	221,008
2028-2032	180,765	41,297	222,062
2033-2037	84,205	5,028	89,233
	\$ 489,015	\$ 204,364	\$ 693,379

C. Swap Commitment

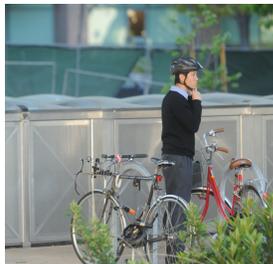
In fiscal year 2005, in order to protect itself against rising interest costs on the expected issuance of bonds, the Authority entered into forward commitment interest rate swap agreements with Bank of America, N.A. and Merrill Lynch Capital Services, Inc. (Counterparties). An interest rate swap is a contractual agreement whereby the parties agree to exchange cash flows over a certain period of time. Beginning on September 23, 2009, the Authority was to pay a fixed rate of 3.6574% to the Counterparties, and the Counterparties would pay a floating rate to the Authority. The floating rate is expected to approximately equal the floating rate which the Authority will pay to the holders of its floating rate bonds, issued in 2012. Including anticipated ongoing fees associated with the floating rate bonds, the synthetic fixed rate which the Authority will pay is considered a very favorable rate in comparison with long-term interest rates.

On September 18, 2009, the Authority partially terminated \$100 million of an existing \$150 million floating-to-fixed swap with Merrill Lynch Capital Services, Inc. (Merrill Lynch) and simultaneously novated the remaining \$50 million notional amount to Bank of America, N.A. ("BofA"), who acquired Merrill Lynch. The partial termination resulted in an amended \$200 million floating-to-fixed swap with BofA, which relates to the Series 2012A Bonds.

Subsequent to the June 30, 2018 reporting period, on August 23, 2018, the Authority partially terminated \$100 million of the \$200 million floating-to-fixed swap with BofA. The partial termination resulted in an amended \$100 million floating-to-fixed swap with BofA, which relates to the 2018A Bonds. A summary of the terms of the interest rate swap agreement is presented below:

Exhibit E

2017 Countywide Comprehensive Transportation Plan



Draft Environmental Impact Report

State Clearinghouse #2017022054



June 16, 2017

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.

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

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 _x	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 _{2.5}	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 PM₁₀ from on-road mobile sources (including entrained dust) as well as a net increase in emissions of PM_{2.5} 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, PM₁₀ and PM_{2.5} 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,