

Brian Kalinowski
Chair
Antioch
City Council

Jim Frazier
Vice-Chair
Oakley
City Council

Ben Johnson
Pittsburg
City Council

Federal D. Glover
Contra Costa County
Board of Supervisors

Robert Taylor
Brentwood
City Council

Gil Azevedo
Antioch
Planning Commission

Joseph Weber
Brentwood
Planning Commission

Carmen Gaddis
Representing the
Contra Costa County
Board of Supervisors

Duane Steele
Contra Costa
Planning Commission

Kevin Romick
Oakley
Planning Commission

Bruce Ohlson
Pittsburg
Planning Commission

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TRANSPLAN Committee Meeting

Thursday, February 17, 2011 – 6:30 PM

Tri Delta Transit Board Room, 801 Wilbur Avenue, Antioch

We will provide reasonable accommodations for persons with disabilities to participate in TRANSPLAN meetings if they contact staff at least 48 hours before the meeting. Please contact John Cunningham at (925) 335-1243 or john.cunningham@dcd.cccounty.us

AGENDA

Items may be taken out of order based on the business of the day and preferences of the Committee.

1. Open the meeting.

2. Accept public comment on items not listed on agenda.

Consent Items (see attachments where noted [◆])

3. Adopt Minutes from January 13, 2011 TRANSPLAN meeting. ◆ PAGE 2

4. Adopt Minutes from January 27, 2011 TRANSPLAN Special meeting. ◆ PAGE 11

Closed Session

5. Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One case.

Action/Discussion Items (see attachments where noted [◆])

6. Receive update on the City of Pittsburg's compliance with the East County Action Plan and consider appropriate follow-up action(s), including directing Pittsburg to rejoin ECCRFFA: See attached memo from Staff. ◆ PAGE 20

End of Action/Discussion Items – Adjournment

7: Adjourn to next meeting on Thursday, March 10, 2011 at 6:30 p.m. or other day/time as deemed appropriate by the Committee.

TRANSPLAN COMMITTEE
Antioch - Brentwood - Pittsburg - Oakley and Contra Costa County

MINUTES
January 13, 2011

The TRANSPLAN Committee meeting was called to order in the Tri Delta Transit Board Room, 801 Wilbur Avenue, Antioch, California by Chair Robert Taylor at 6:30 P.M.

ROLL CALL

PRESENT: Gil Azevedo (Antioch), Jim Frazier (Oakley), Ben Johnson (Pittsburg), Brian Kalinowski (Antioch), Bruce Ohlson (Pittsburg), Kevin Romick (Oakley), Joe Weber (Brentwood), and Chair Robert Taylor (Brentwood)

ABSENT: Carmen Gaddis (Alternate, Contra Costa County Board of Supervisors), Federal Glover (Contra Costa County), and Duane Steele (Contra Costa County Planning Commission)

STAFF: John Cunningham, TRANSPLAN Staff

PUBLIC COMMENT

Randell Iwasaki, Executive Director of the Contra Costa Transportation Authority (CCTA), identified his intent to attend each subregional meeting at least once a quarter to receive comments. He took this opportunity to introduce Ross Chittenden, Deputy Executive Director of Projects for the CCTA, and noted that Mr. Chittenden was a former Caltrans District Director who was familiar with the plight of the local agencies, transportation financing, and other issues.

Mr. Chittenden also pledged to attend subregional meetings as often as possible to keep the TRANSPLAN Committee informed of what was going on, particularly related to State Route 4 (SR4).

Chair Taylor commented that both Mr. Iwasaki and Mr. Chittenden had been very responsive to East County representatives. He thanked them for keeping the TRANSPLAN Committee informed of the status of ongoing transportation issues and commended their knowledge of the issues.

Jim Frazier added that Mr. Chittenden had helped the City of Oakley with encroachment permits to allow projects to move forward. He thanked him for his help in that regard.

Mr. Iwasaki commented that the SR4 Project was currently the third largest project in the Bay Area.

CONSENT ITEMS

On motion by Gil Azevedo, seconded by Joe Weber, TRANSPLAN Committee members unanimously adopted the Consent Calendar, as follows:

3. Adopted Minutes from December 9, 2010 TRANSPLAN meeting
4. Accepted Correspondence
5. Accepted Status Report on Major Projects

ELECT CHAIR AND VICE CHAIR FOR 2011

Mr. Cunningham advised that historically the Chair and Vice Chair positions rotated annually. He referred to the staff report where the history of that rotation had been memorialized. With that history, the representative from the City of Antioch would serve as the next Chair and the representative from the City of Oakley would serve as the next Vice Chair.

Chair

On motion by Jim Frazier, seconded by Joe Weber, TRANSPLAN Committee members unanimously selected **Brian Kalinowski** to serve as the Chair of the TRANSPLAN Committee for 2011.

Vice Chair

On motion by Joe Weber, seconded by Ben Johnson, TRANSPLAN Committee members unanimously selected **Jim Frazier** to serve as the Vice Chair of the TRANSPLAN Committee for 2011.

Former Chair Taylor continued to chair the meeting at this time.

APPOINT TRANSPLAN REPRESENTATIVES AND ALTERNATES TO THE CONTRA COSTA TRANSPORTATION AUTHORITY (CCTA) BOARD

Mr. Cunningham also provided the historical background of the TRANSPLAN Committee appointments to the CCTA Board, in this case for the odd-year seat, and clarified the CCTA bylaws requiring the selection of an elected official for those appointments. He also clarified that while Kevin Romick was representing the City of Oakley Planning Commission; he was also an elected official as an Oakley City Councilmember and could therefore serve in the capacity of a primary or alternate appointee. He noted that Mr. Romick currently served as the second even-year alternate.

On motion by Brian Kalinowski, seconded by Gil Azevedo, TRANSPLAN Committee members unanimously appointed **Jim Frazier** to the odd-year CCTA Representative seat for the February 1, 2011 to January 30, 2013 term.

While Ben Johnson moved to appoint Kevin Romick as the alternate for both even- and odd-year seats, a motion that was seconded by Jim Frazier, he later rescinded his motion and recommended that Mr. Romick be removed as the second alternate to the even-year seat and be appointed as the alternate for the odd-year seat.

On motion by Ben Johnson, seconded by Joe Weber, TRANSPLAN Committee members unanimously removed Kevin Romick as the second alternate to the even-year CCTA Representative seat for the term ending January 30, 2012.

On motion by Ben Johnson, seconded by Jim Frazier, TRANSPLAN Committee members unanimously appointed **Kevin Romick** as the alternate to the odd-year CCTA Representative appointment for the February 1, 2011 to January 30, 2013 term.

STATE ROUTE 239 REPORT

John Greitzer, Transportation Planning, Contra Costa County, presented a pending study of SR 239. He advised that as the study proceeded he would seek guidance and direction from the TRANSPLAN Committee. He explained that SR 239 was a future highway to connect Highway 4 in the Brentwood area with I- 205 / 580 in the Tracy area and had been listed for decades in the future highway system although funds had not been available to move it along. He reported that the County had received \$14 million in federal earmarks to study and construct SR 239 although that funding would likely only provide for the study, some environmental clearance, and potentially right-of-way acquisition or building and design.

Mr. Greitzer listed the potential goals for what SR 239 could accomplish in the regional highway network: serving as a truck route between the Central Valley and East Contra Costa County given the current disruption in the Byron community; improving traffic circulation generally in southeastern Contra Costa County and western San Joaquin Country; alleviating some congestion from I-580; supporting long-term economic development in eastern Contra Costa County including the Byron Airport and local jurisdictions; and providing an emergency route for evacuations or supplies. He noted that the CCTA, Caltrans, and local jurisdictions had done good work improving Highway 4 which would provide good connections from points west while SR 239 could provide good connections to points south. He added that with input there might be other benefits not yet identified, which would be part of the process.

Mr. Greitzer presented a map to show the route for SR 239, identified the general study area, and noted that one of the early tasks would be to talk to Contra Costa and San Joaquin counties to determine whether the study area should be broadened or shifted

Phase 1 of the process would be the planning phase working with all jurisdictions, additional stakeholder identification and public outreach programs, to involve a technical analysis of potential routes and the number of lanes preferred with entrance and exit ramps, to identify a preferred route and preferred design features for the highway, cost estimates for build and maintenance and operation, and funding strategies. Currently few funds were available and a funding plan would have to be developed.

For Phase 2, Mr. Greitzer stated that project approval / environmental documents would be required. He noted that the process would be pursued consistent with the Caltrans process through the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Phase 3 would be project development to get the highway built.

Mr. Greitzer stated that the TRANSPLAN Committee and others could help identify additional stakeholders, provide input on potential routes to be studied, provide feedback on route analysis, provide input on the preferred route, and help advocate for additional funding as needed, especially for construction. The planning phase would be a two-year process from 2011 to 2013, the project approval and environmental documentation phase would run from 2013 to 2015, while project development including construction would have to be determined based on the outcome of the first two phases.

A preliminary list of stakeholders was presented with more to be identified. Mr. Greitzer noted that the preliminary list would include the regional planning agencies, the Joint Exercise of Powers (JEPAs), the applicable counties, business groups, Chambers of Commerce, the California Highway Patrol (CHP), community groups, as well as businesses, property owners, applicable jurisdictions, and Congestion Management Agencies (CMAs) in Contra Costa County and their counterparts in other counties, among others. Caltrans would also be involved in the process.

Next steps would involve the finalization of the contract with the consultant firm Parsons Transportation Group, to schedule dates for the first round of meetings, background data collection working with local jurisdictions, transportation agencies and the like, to then begin work on the background reports and potential roles/goals for SR 239. Whatever was planned for SR 239 would have to work with the general plans and development plans of the applicable jurisdictions.

Mr. Greitzer asked for input from members of the TRANSPLAN Committee as to any additional stakeholders that might need to be included. He acknowledged that given the large geographic area involved it would not be realistic to have all stakeholders congregate at one point. As such, the electronic media would be used and more than one venue for meetings would be required.

Joe Weber was thrilled to see movement on the project. He requested that the Contra Costa Water District (CCWD) be included as a stakeholder and suggested that environmental groups be included.

Given that \$14 million was not a lot of funding; Chair Taylor urged that the funds be used wisely. He asked for an accounting and monitoring of that \$14 million. He agreed with the benefits of the proposed project and sought updates.

Mr. Greitzer stated that the \$14 million was gas tax money. He would provide progress reports to the TRANSPLAN Committee to advise of the use of those funds. When asked, he identified a potential east/west connection to Vasco Road.

SB375 AND SUSTAINABLE COMMUNITIES STRATEGY IMPLEMENTATION REPORT

Martin Engelmann, the CCTA's Deputy Executive Director for Planning, advised of the need to develop a transportation plan for the Bay Area that would meet greenhouse gas reduction targets for 2020 and 2035. He explained that the Sustainable Communities Strategy Implementation Report involved the entire Bay Area working with regional agencies. He referred to the Global Warming Solutions Act of 2006 (AB 32) which was the first of its kind to regulate greenhouse gas (GHG) emissions, recently affirmed by California voters through Proposition 23, setting GHG emission limits for 2020 to be at 1990 levels with still greater reductions by 2032, to primarily address CO₂.

In response to AB 32, Mr. Engelmann reported that the Bay Area Air Quality Management District (BAAQMD) proposed a scoping plan to set forth ways to reduce greenhouse gas reductions. He focused on the transportation side of the scoping plans noting that such plans also addressed housing and other segments of society.

Mr. Engelmann identified a three-pronged approach to reduce greenhouse gases which included the use of cleaner vehicles, cleaner fuels, and more sustainable communities, stating that SB375 required a Sustainable Community Strategy (SCS). SB 375 directed the California Air Resources Board (CARB) to develop passenger vehicle GHG reduction targets for 2020 and 2035; to add a new element to the Regional Transportation Plan (RTP); to develop a SCS, an integrated traffic plan to address GHG for small vehicles and light trucks; to require separate alternative planning strategies if GHG targets are not met; and to provide CEQA streamlining incentives for projects consistent with smart growth type projects. He noted that the law had been rewritten for Housing Elements to coordinate the regional housing needs allocation (RHNA) prepared by the Association of Bay Area Governments (ABAG) with the regional transportation planning process.

Mr. Engelmann explained that the CARB had adopted targets in September 2010 for a percent reduction per capita of emissions from the 2005 base year to a target year. He noted that 2005 was prior to the Great Recession and the process was therefore not starting from a low point.

In response to Ben Johnson, Mr. Engelmann explained that the emissions from industry were covered under the umbrella of AB 32. The emissions for transportation and automobiles and light trucks were covered under SB 375. The reductions therefore did not cover industry. The idea was that the SCS would come up with a transportation plan to achieve those reductions.

Mr. Engelmann explained how the goals were to be addressed through TDM (carpooling, telecommuting), which could result in a 3 percent reduction in greenhouse gas emissions; road (congestion) pricing which could result in an 8 percent reduction; and a focused growth plan which could result in 12 percent reduction for a combined 18 percent reduction beyond the 15 percent that had been proposed. He added that the current recession had a significant impact in reducing traffic. The CCTA had counted a 5 percent reduction in volumes this year from last. ABAG had included that information in the regional model. In 2010, the Bay Area had 2.6 million homes. In terms of jobs, jobs were down 178,700 for the Bay Area. He noted that Metropolitan Transportation Commission (MTC) staff had indicated that jobs were currently at the 1996 level in the Bay Area. The forecast for jobs had been cut by 700,000 which had a significant impact on traffic and the travel forecast. Household growth in Contra Costa County between 2000 and 2035 was also expected to decline. Job growth was also down.

As to how to deal with the issue at the local level, Mr. Engelmann stated that ABAG had worked with local and regional agencies to identify Priority Development Areas (PDAs). An effort was underway to develop the SCS with a collaborative website for each SCS County / Corridor Working Group to share information, collect feedback, and provide technical oversight at the regional level.

As to the timeline involved, Mr. Engelmann identified a three-year scenario where local input had been solicited on the vision scenario in November/December, SCS performance targets would be released in December/January, and an overview would be presented to the Regional Transportation Planning Committees (RTPCs) in February/March when the vision scenario would be assessed against the performance targets.

Jim Frazier referred to transportation and community involvement and asked if there had been any discussion of the three airports in the Bay Area, to which Mr. Engelmann advised that MTC had produced an airport plan. He commented that airplanes were the last place to see CO₂ reductions.

Bruce Olson referred to the SCS and noted that he had not seen an increased use of bicycles for short areas as part of the plan. If increasing the area by five miles, he suggested that would allow for the non use of automobiles. He wanted to see the term 'bike' mentioned in the TDM, congestion pricing, and the land use strategies to reduce the use of cars and therefore reduce CO₂ emissions.

Mr. Engelmann explained that bicycles were a big part of the proposal and bicycle use had been encouraged.

Joe Weber referred to the document and the reference to "achieving GHG emissions targets." He asked staff what was feasible at this point in time.

Mr. Engelmann advised that MTC had good direction on what was feasible. What was feasible had to be financially feasible. As such, the SCS had to be consistent with the RTP and there was also a requirement for aggressive parking pricing or open road tolling, regional gas tax, and other similar strategies, although there was not a lot of support from the Legislature and people living in the Bay Area. A significant portion of growth had been proposed for the PDAs.

Mr. Weber stated that improved highway efficiencies to reduce time in an idle position on a highway would result in cleaner emissions, and improving capacities on highways would help make the required improvements. He commented that the study on Page 5 of the handout was alarming given the issue of employment, which he suggested would help with the transportation issues.

MATT VANDER SLUIS, Senior Field Representative of the Greenbelt Alliance, was excited with the process to be able to provide more transportation and housing options for all residents and create the sort of transportation projects to put people back to work. He suggested that one of the ways to make it work would allow conversations at the local level, the county level, how to see the community grow, and transportation investment. He noted that there was an interesting corollary approach for subregional RHNA calculations and there had been a trend to start allowing groups of localities to do the allocations themselves. He spoke to what other counties were doing and suggested that opportunity might be possible here for that bottoms-up approach to create a more robust dialogue about the difficulties of accommodating growth, making transportation investments, and others. He suggested that should be identified by mid-March to be able to advise ABAG of that desire.

STATE ROUTE 4 INTEGRATED CORRIDOR ANALYSIS REPORT

Mr. Engelmann stated that the Study Area for the SR4 Integrated Corridor Analysis Report would encompass the SR4 freeway from I-80 in the City of Hercules to SR 160 in the City of Antioch and include, among others, the freeway mainline, interchanges, high occupancy vehicle (HOV) lanes and connectors, ramps, parallel and supporting arterials and intersections. He advised that two committees were being formed; a Technical Advisory Committee (TAC) comprised of local staff from each jurisdiction along the corridor plus staff from CCTA, the transit operators, Caltrans, and MTC; and a Policy Advisory Committee (PAC) comprised of two elected officials from each of the three participating RTPCs.

Mr. Engelmann requested the appointment of two elected officials to serve on the PAC, which was expected to meet twice in 2011, on March 22 and July 19, to help guide the study.

On motion by Brian Kalinowski, seconded by Kevin Romick, TRANSPLAN Committee members unanimously designated **Ben Johnson** and **Jim Frazier** to serve on the SR4 Integrated Corridor Analysis Policy Advisory Committee (C-PAC).

UPDATE ON THE TECHNICAL ADVISORY COMMITTEE'S (TAC's) EFFORT TO REVIEW THE CONSISTENCY OF THE FEE PROGRAMS OF THE CITY OF PITTSBURG AND THE EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY (ECCRFFA)

Mr. Cunningham stated that staff had been directed to have all city staff involved in the review of the consistency of the fee programs of the City of Pittsburg and ECCRFFA. He reported that the TAC had not had an opportunity to meet prior to this time. The TAC meeting was scheduled for January 18 and the item was on the agenda for that meeting. He clarified, when asked, that he was staff for the TAC.

Brian Kalinowski urged a protocol to ensure equal and even communication across the board. He asked staff to coordinate communications.

Mr. Cunningham stated that there would be some management of the content and discussion.

ACCEPT STAFF OR COMMITTEE MEMBERS' REPORTS

Mr. Cunningham reported that due to a number of meeting cancellations, the TRANSPLAN Committee was currently 15 percent under budget. He noted the activities that continued in the background even when the Committee had not met.

Brian Kalinowski commented that there had been no eBART Partnership Policy Advisory Committee (ePPAC) meetings for some time. He referred to the concern where BART would not put out a bid document related to restrooms and the like. He stated that no restroom facilities would be a problem, particularly since the eBART site would be a bus hub and since a police substation had been proposed, although with no bathroom access that would not occur. He emphasized the need to address that issue given that it would also affect the Pittsburg Station and the Laurel Road hub. He suggested it was important to determine whether or not the issue was doable. He added that he would be going to the city councils of the other affected jurisdictions over the next month to ask for support. He asked for an ePPAC update.

Ben Johnson agreed and wanted the CCTA to work with BART as well scheduling an update through a meeting of ePPAC.

Mr. Cunningham stated that he would communicate with the BART Chair and ePPAC staff and do whatever he could to see whether or not a meeting could be scheduled.

Mr. Chittenden reported that the CCTA was working with eBART on a financial mode and making sure that their project accommodated the need. He suggested that CCTA could help facilitate the issue.

Mr. Engelmann clarified, in response to the Chair, the question of whether or not the TRANSPLAN Committee had authority under Measure J to have all projects comply with some mitigations. He explained that authority was under the lead agency. The TRANSPLAN Committee was not a direct project sponsor and therefore had no authority in that regard.

ADJOURNMENT

Chair Taylor adjourned the TRANSPLAN Committee meeting at 7:52 P.M. to February 10, 2011 at 6:30 P.M. or other day/time as deemed appropriate by the Committee.

Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

TRANSPLAN COMMITTEE
Antioch - Brentwood - Pittsburg - Oakley and Contra Costa County

MINUTES
January 27, 2011

The TRANSPLAN Committee meeting was called to order in the Tri Delta Transit Board Room, 801 Wilbur Avenue, Antioch, California by Chair Brian Kalinowski at 6:30 P.M.

ROLL CALL

PRESENT: Gil Azevedo (Antioch), Jim Frazier (Oakley), Federal Glover (Contra Costa County), Ben Johnson (Pittsburg), Bruce Ohlson (Pittsburg), Kevin Romick (Oakley), Duane Steele (Contra Costa County Planning Commission), Robert Taylor (Brentwood), Joe Weber (Brentwood), and Chair Brian Kalinowski (Antioch)

ABSENT: Carmen Gaddis (Alternate, Contra Costa County Board of Supervisors)

STAFF: John Cunningham, TRANSPLAN Staff
Dale Dennis, East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Program Manager

PUBLIC COMMENT

There were no comments from the public.

RECEIVE REPORT ON CITY OF PITTSBURG ADOPTION OF FEE PROGRAM AND TAKE ACTION AS APPROPRIATE ON THE FOLLOWING AND RELATED ISSUES:

- a. Whether Pittsburg's PRTDIM Fee Program constitutes a valid regional development mitigation program for the East County region.
- b. Whether Pittsburg is in compliance with its obligations under the East County Action Plan to participate in a cooperative, multijurisdictional process for managing growth in the East County region
- c. Transmittal of TRANSPLAN decision to the Contra Costa Transportation Authority

Chair Kalinowski thanked the participants for attending the special meeting.

John Cunningham referred to the letter from the City of Pittsburg which had been dated and distributed this date.

Mr. Cunningham stated that the TRANSPLAN Committee Board of Directors had been provided materials related to the City of Pittsburg's withdrawal from the East Contra Costa Regional Fee and Financing Authority (ECCRFFA), and the City's subsequent adoption of a "*Pittsburg Regional Transportation Development Impact Mitigation Program*" (PRTDIM). He highlighted the policies related to the first two questions as to whether Pittsburg's PRTDIM Fee Program constitutes a valid regional development mitigation program for the East County region, and whether Pittsburg is in compliance with its obligations under the East County Action Plan to participate in a cooperative, multijurisdictional process for managing growth in the East County region.

Mr. Cunningham introduced Dale Dennis, ECCRFFA Program Manager, who would also provide comments. He added that he had spoken to Pittsburg Assistant City Manager Joe Sbranti this date and noted his willingness to work with the TRANSPLAN Committee. He added that Martin Engelmann, Deputy Director for Planning of the Contra Costa Transportation Authority (CCTA), would also be available to speak to the Committee.

With respect to the question of *Whether Pittsburg's PRTDIM Fee Program constitutes a valid regional development mitigation program for the East County region*, Mr. Cunningham referred the Committee to the August 10, 2010 memo from CCTA staff to the TRANSPLAN Committee with respect to compliance with the Measure J Growth Management Program (GMP), and quoted the requirement that *Each Regional Transportation Planning Committee (RTPC) shall develop the regional development mitigation program for its region, taking account of planned and forecast growth and the Multimodal Transportation Service Objectives and actions to achieve them established in the Action Plans for Routes of Regional Significance*.

Mr. Cunningham also referred the Committee to the last page of the memo where the issue had been further defined by CCTA staff requiring each RTPC to develop the regional development mitigation program for its region, with the question as to whether or not the City of Pittsburg could adopt a separate regional fee, which was one of the questions before the TRANSPLAN Committee.

Mr. Cunningham also referenced an excerpt from the East County Action Plan related to monitoring and updating the East County Regional Transportation Mitigation Fee and participating in the fee program through ECCRFFA, which passages were meant to address the question of *Whether Pittsburg's PRTDIM Fee Program constitutes a valid regional development mitigation program for the East County region*.

Speaking to the second question; *Whether Pittsburg is in compliance with its obligations under the East County Action Plan to participate in a cooperative, multijurisdictional process for managing growth in the East County region*, Mr. Cunningham referred to the Growth Management section of the 2004 Measure J Transportation Sales Tax Expenditure Plan.

Quoting from that section, in part, Mr. Cunningham stated that *Each jurisdiction shall participate in an ongoing process with other jurisdictions and agencies, the Regional Transportation Planning Committees and the Authority to create a balanced, safe and efficient transportation system and to manage the impacts of growth; and where, in part, Each Regional Transportation Planning Committee shall develop the regional development mitigation program for its region.*

Dale Dennis, ECCRFFA Program Manager, stated with respect to ECCRFFA that one of the things that the TRANSPLAN Committee and East County should consider in its deliberations is the success of East County working collaboratively over the years. With the fee program and the ability to collectively work together, he explained that the amount of improvements that had been completed along Highway 4 and in the future with a BART extension was close to \$2 billion in improvements, most generated through ECCRFFA and the fee program. He added that working collaboratively and speaking in one voice had significantly benefitted East County. He noted that one of the issues to be considered was how to move forward with regional transportation planning and how it would be prioritized. He asked the TRANSPLAN Committee to keep in mind that allowing individual cities to have regional transportation programs could result in five RTPCs in East County alone, which could become fractious. He urged consideration of the successes and a determination of the best way to move forward to continue to be able to provide the priority transportation projects in East County.

Joe Sbranti, Assistant City Manager for the City of Pittsburg, thanked the TRANSPLAN Committee for bringing the item forward. He explained that the City was eager to move forward and resolve the issues. Referring to the letter from the City dated January 27, 2011, he highlighted the comments and noted that the most important item had been identified on the first page; the adoption of the City of Pittsburg's regional fee in September 2010, adopted and approved in conjunction with the completion of a City of Pittsburg regional fee identical to that of ECCRFFA, which had the exact same list of 26 projects that the TRANSPLAN Committee had set as a goal for completion.

Mr. Sbranti explained that the cost of that list must be spent on those projects, which was the City of Pittsburg's intention. He noted the discussion in December 2010 as to how the City would move forward, meet with the TRANSPLAN Technical Advisory Commission (TAC), and integrate the two programs. He reiterated that the City was ready to move forward with the TRANSPLAN Committee to provide the necessary accountability as to how the dollars would be spent. He added that the letter to the City of Pittsburg from the CCTA specifically stated that to comply with the Regional Transportation Mitigation Program (RTMP), the City would have to receive concurrence with a regional fee. The City was ready to do that and wanted to work cooperatively to implement the two programs to construct the 26 projects on the list. He added that the fees had been based on the exact same study and the study had been implemented to work on the City of Pittsburg's fee.

Mr. Sbranti commented that the City wanted to spend the balance of the regional fees on the laying of asphalt and concrete and the building of regional projects that both fees were designed to fund. It was the City's desire to integrate the two fees and to work together. He took this opportunity to thank both Mr. Cunningham and Mr. Dennis for working well with the City in the past.

Because of what had been described, Joe Weber asked the representatives of the City of Pittsburg why it would want to withdraw from ECCRFFA.

In response, Mr. Sbranti reported that the issue related to a divergence in how projects were prioritized. While the City of Pittsburg had committed to and had contributed to the eBART and Highway 4 projects, the City also wanted to use all its resources available to proceed with the James Donlon Extension (formerly named the Buchanan Road Bypass Project). He emphasized the need to be able to advise Pittsburg residents that their fees would be spent on Pittsburg projects. He clarified that the James Donlon Extension Project was the driving reason behind the City's decision to withdraw.

Chair Kalinowski stated that the issue was whether the TRANSPLAN Committee was the planning group for Eastern Contra Costa County when it came to transportation projects, and if so the Board of Directors would have to make the policy decisions related to those transportation projects with funding through ECCRFFA, or as deemed appropriate.

Opening the discussion of the first question; *Whether Pittsburg's PRTDIM Fee Program constitutes a valid regional development mitigation program for the East County region*, Chair Kalinowski referenced the challenges with issues related to timeline and as part of closed session discussions. He noted that the fee program and the Action Plan had taken some of the issues out of the closed session format. He clarified that each item would be considered separately.

Federal Glover noted his understanding that the earlier direction from the TRANSPLAN Committee was for a dialogue to take place and for attorneys to be involved with the TRANSPLAN TAC, and an attempt to discuss some of the issues and bring that discussion back to the Committee in terms of policy. Not having been present at the last meeting, he asked why that had not occurred. While he understood that the final decision on any policy would have to be made by the TRANSPLAN Committee, he also understood that there was to have been a reasonable plan to consider prior to the Committee's consideration.

Chair Kalinowski advised that there had been a unanimous decision from closed session to convene a special meeting with the two questions to be considered. His position was that the TRANSPLAN Committee was the East County planning arm for transportation projects and ECCRFFA was the identified Action Plan venue for funding those projects.

Chair Kalinowski stated that the Action Plan was consistent with the principles of Measure J and the TRANSPLAN Committee was being consistent with the Action Plan. He added that the TRANSPLAN Committee was not prepared to allow the TRANSPLAN TAC or others to create up to five separate mitigation fee programs under Measure J.

Joe Weber suggested that the question under consideration created a transportation crises coming out of the grips of an economic crises. His feeling was the potential for five distinctly different mitigation fees to be developed by cities and the county, which made no sense to him. Having been involved with the TRANSPLAN Committee for sixteen years, he stated that the Committee had worked well together. He emphasized that working as one planning body and having one voice strengthened the Committee's ability to compete for funds. He objected to a separation and suggested it would be a mistake.

Bob Taylor recognized that the issue had been under consideration for some time. He too emphasized the need for one voice and suggested that segmenting the authority would weaken East County's ability to compete for transportation funding. While he appreciated what the City of Pittsburg was trying to do he noted that each jurisdiction could naturally have its own agenda. He supported a cooperative arrangement and suggested that to separate and become different entities would be harmful to all.

Jim Frazier agreed that each city had its own projects on the list that each city would like to support. He verified with staff the few designated projects for the City of Oakley and commented that with constrained funding those projects, and others, were not possible to pursue in the near future. He understood the limited funding availability and supported East County working as one to be able to deliver transportation projects that would benefit all East County jurisdictions.

Gil Azevedo recognized that the major reason for the City of Pittsburg's withdrawal from ECCRFFA was a prioritization of projects, which he understood, although he suggested that East County would be stronger working as a team working towards the greater good for all of East County. He urged being a team and working together to achieve the greater good.

Kevin Romick emphasized that the key to successful transportation funding was through a regional approach, with all attempting to improve transportation for East County. He suggested it made more sense to have a unified approach working together to alleviate traffic pressures and avoid a situation where there could be five separate groups. He supported the TRANSPLAN Committee as the ultimate decision maker and ultimate planner for East County.

When asked, Mr. Dennis acknowledged that each municipality had the same concerns as to priorities but believed in the public good and the regional approach; one group competing for limited dollars.

Federal Glover commented that he had vested the regional perspective to sell programs and projects to the regional funding authorities; CCTA and the Metropolitan Transportation Commission (MTC). He noted that some years back the only way to be successful was to speak with one voice, which was why the projects had received the success they had today. He acknowledged the difficulties in agreeing on concepts to be able to proceed to secure funding, which was the concept that needed to proceed. He added that there had been a time in early negotiations when the City of Pittsburg had continued to talk about the Buchanan Road Bypass, now the James Donlon Extension, and as part of a compromise ECCRFFA had worked to address the City's concerns to be able to continue in a cooperative approach. The TRANSPLAN Committee had allowed that project to move up on the priority list, which he noted had not been acceptable to the City of Pittsburg and after much discussion it had withdrawn from ECCRFFA at that time.

Mr. Glover questioned whether or not the City of Pittsburg could legally withdraw from ECCRFFA, and if it could, what the City's obligation would be in terms of contributing to projects as well as the impact to East County without the City as a contributing member.

With respect to legality, Martin Engelmann expressed his understanding of the ECCRFFA Joint Exercise of Powers Agency (JEPA) that there was a provision for withdrawal. As such, a jurisdiction could legally withdraw. He clarified that his purview was not the legality of the situation but the Measure J Growth Management Program. The Measure J GMP required each jurisdiction to have a local and a regional mitigation program intended to mitigate projects on regional routes of significance. He noted that there was a definition of regional routes as connecting two subareas, which carried a significant amount of through traffic or serving a special attraction area. As to the requirement for a local fee, he explained that a jurisdiction would collect fees within its own community and spend those funds on projects within its jurisdiction. He added that the TRANSPLAN Committee and all participants had worked together to form a consensus on a regional transportation mitigation fee, which until recently was the ECCRFFA program.

When asked by Federal Glover, Mr. Engelmann affirmed that the jurisdictions had to be as one to carry out the Regional Transportation Plan (RTP), with ECCRFFA being the funding source.

Ben Johnson stated that while he had not been a member of the TRANSPLAN Committee as long as other members of the Board in that the City of Pittsburg had other representatives in the past, one of his concerns was the process and what he saw as a situation, particularly with respect to the State Route 4 Bypass Authority, where the City of Pittsburg had no participation or benefit. He noted that the SR4 Bypass was being built without finishing the Highway 4 Project. He suggested that was being done backwards and the City of Pittsburg was not helped because of it.

Mr. Johnson emphasized that the Buchanan Road Bypass had been a designated project for 30 years and it was now on the list although the City of Pittsburg did not have the votes to accelerate that project. While wanting to work together as a team, he suggested that the City had not been included in the funding for some of the projects. He had no problem working together and emphasized that the completion of the James Donlon Extension would benefit all jurisdictions. Noting that SR4 Bypass Segments 1, 2 and 3 were a priority, he stated that Pittsburg had received few funds and needed to finish its bypass. He asked the number of programs other than Highway 4 which had been funded in Pittsburg over the last five years.

In response, Mr. Dennis stated that the ECCRFFA dollars to date had been spent on Laurel Road, Vasco Road, and the SR4 Bypass. He added that the arterials in the cities had received no funds.

Mr. Johnson suggested that there had not been regional cooperation in that the SR4 Bypass had been built although the City of Pittsburg wanted the TRANSPLAN Committee to consider what was the Buchanan Road Bypass, now the James Donlon Extension, which would benefit everyone. He emphasized that the City had to deal with serious congestion problems that would be alleviated by the James Donlon Extension.

Chair Kalinowski commented that ECCRFFA had attempted to provide funds for the James Donlon Extension to accommodate the City of Pittsburg to a point. He stated that every jurisdiction in the region ran a segment of congestion all the way out.

Joe Sbranti agreed with the importance of unity and stated that the City of Pittsburg wanted to remain in the process and was still part of the TRANSPLAN team. In response to some of the comments, he explained that 90 percent of the morning commute on Pittsburg's arterials was generated from cities east of Pittsburg. As such, 90 percent of the traffic was not from Pittsburg. The James Donlon Extension would benefit Pittsburg by moving traffic off of an arterial road and putting it where it belonged on a regionally significant roadway, which was why the project had been designated one of the top projects in 1994 and remained one of the top projects.

As to the issue of splitting into five different parts, Mr. Sbranti stated that Central County's TRANSPAC Committee had individual regional fees and did not have a version of ECCRFFA. He understood that some of the arterials in the City of Oakley would not get funded for some time. He commented that the SR4 Bypass would connect Oakley residents from Laurel Road in Oakley, that the Bypass was beneficial and appreciated, and that over \$200 million had been spent on the Bypass, although west of Hillcrest Avenue, ECCRFFA had spent less than \$4 million. He stated that the City of Pittsburg wanted to move forward and suggested that Pittsburg and the TRANSPLAN Committee could work side by side to benefit all of East County. He referenced a Pittsburg project, currently in process, that would benefit not just Pittsburg but other East County jurisdictions, at no cost to those jurisdictions.

With respect to the validity of the City of Pittsburg's regional fee, Mr. Sbranti stated that the ECCRFFA model had been used and the fee was identical to the ECCRFFA fee. He reiterated the City's desire to work parallel and cooperatively with the TRANSPLAN Committee.

Federal Glover referred to months of negotiation and explained that the TRANSPLAN Committee and ECCRFFA wanted to make sure that the City of Pittsburg could achieve its goals and had brought the James Donlon Extension up on the priority list to ensure funding for that program. He stated that had not been enough and the City had still withdrawn from ECCRFFA.

When asked about the City's discussion with respect to withdrawal from ECCRFFA, Mr. Sbranti advised that all alternatives had been laid out. He suggested that the City's approach and focus on a PRTDIM fee was a reasonable approach to resolve the concerns and had been thoroughly considered by the Pittsburg City Council.

Mr. Dennis reported, when asked, that unless there was some type of formal arrangement through ECCRFFA or the TRANSPLAN Committee, the City of Pittsburg would have discretion over how its funds would be used and when those funds would be released.

Mr. Sbranti stated that the City of Pittsburg stood ready to get into more detail and dialogue as to how that would work.

Chair Kalinowski noted his understanding that after withdrawing from ECCRFFA, the City of Pittsburg had entered into some development agreements with developers with a 50-year lifespan.

Mr. Sbranti advised that some long-term development agreements had been executed.

On the question of *Whether Pittsburg's PRTDIM Fee Program constitutes a valid regional development mitigation program for the East County region*, Chair Kalinowski asked the TRANSPLAN Committee if it was willing to make a policy change from being the funding group. He clarified that the Board was sitting as the TRANSPLAN Committee in concert with the Action Plan that stipulated that ECCRFFA was the only funding stream. He stated that the question would be whether or not the TRANSPLAN Committee wanted to do something different.

On MOTION by Jim Frazier, seconded by Joe Weber, the TRANSPLAN Committee recognized the preexisting agreement between the TRANSPLAN Committee and the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) as the recognized regional mitigation fee program. Ben Johnson opposed the motion.

After the vote on the motion, Bruce Ohlson noted that he had not voted given his understanding that as a Planning Commissioner he did not have a vote. That understanding was clarified in that the Planning Commission members of the Board did have a vote except for appointments where elected officials only could vote. Given that he had not voted, he requested another opportunity to do so.

On the MOTION by Jim Frazier, seconded by Joe Weber, the TRANSPLAN Committee recognized the preexisting agreement between the TRANSPLAN Committee and the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) as the recognized regional mitigation fee program. Ben Johnson and Bruce Ohlson opposed the motion.

Mr. Dennis was asked to clarify the second question of *Whether Pittsburg is in compliance with its obligations under the East County Action Plan to participate in a cooperative, multijurisdictional process for managing growth in the East County region.* He clarified that the question was inasmuch as ECCRFFA was the regional fee program in East County, acknowledged by the TRANSPLAN Committee, whether or not the City of Pittsburg was in compliance and participating in ECCRFFA as the regional fee program.

On MOTION by Bob Taylor, seconded by Gil Azevedo, the TRANSPLAN Committee determined that Pittsburg was not in compliance with its obligations under the East County Action Plan to participate in a cooperative, multijurisdictional process for managing growth in the East County region. Ben Johnson and Bruce Ohlson opposed the motion.

As to the third action related to the transmittal of the TRANSPLAN Committee's decision to the CCTA, TRANSPLAN Committee staff was directed to identify the actions that had just taken place and transmit those actions and comments to the CCTA.

ADJOURNMENT

Chair Kalinowski adjourned the TRANSPLAN Committee meeting at 7:40 P.M. to February 10, 2011 at 6:30 P.M. or other day/time as deemed appropriate by the Committee.


Respectfully submitted,

Anita L. Tucci-Smith
Minutes Clerk

TRANSPLAN COMMITTEE

EAST COUNTY TRANSPORTATION PLANNING

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County
651 Pine Street – North Wing 4TH Floor, Martinez, CA 94553-0095

TO: TRANSPLAN Committee
FROM: John Cunningham, TRANSPLAN Staff 
DATE: February 11, 2011
SUBJECT: Update on City of Pittsburg's Compliance with East County Action Plan and Consideration of Appropriate Follow-up Action(s)

Issue

Receive update on the City of Pittsburg's compliance with East County Action Plan and consider appropriate follow-up action(s), including directing Pittsburg to rejoin ECCRFFA.

Background

At the January 27, 2011 Special Meeting, the TRANSPLAN Committee, referencing policies in the *Growth Management Program*, the *East County Action Plan for Routes of Regional Significance* (Action Plan), and interpretation of these policies from the Contra Costa Transportation Authority (CCTA), took the following actions:

1. Recognized the preexisting agreement between the TRANSPLAN Committee and ECCRFFA as the only approved regional development mitigation program for the East County region; and
2. Determined that the City of Pittsburg is not in compliance with its obligations under the East County Action Plan to participate in a cooperative, multi-jurisdictional process for managing growth in the East County region; and
3. Directed TRANSPLAN Committee staff to identify the actions that had taken place and transmit those actions and comments to the Contra Costa Transportation Authority (CCTA).

Discussion

At the January 27, 2011 Special Meeting, the TRANSPLAN Committee took the actions listed above. The actions are described in more detail in the meeting minutes; a copy of which is included in the February 17, 2011 TRANSPLAN meeting packet.

Following the meeting, as directed by the Committee, TRANSPLAN staff transmitted the Committee's actions to the CCTA. A copy of the January 31, 2011 transmittal letter to the CCTA is attached to this staff report.

Pittsburg staff and representatives attended the January 27th meeting and are aware of the actions taken by the TRANSPLAN Committee. Subsequent to the January 27th meeting, staff has not received any communication from Pittsburg regarding a response to the Committee's actions. In particular, Pittsburg has given no indication that it plans to comply with its obligations under the East County Action Plan and Measure J by rejoining ECCRFFA, the only approved regional development mitigation program for the East County region.

At this point, one option available to the Committee is to consider follow-up action(s) to secure compliance by Pittsburg. Such potential action(s) could include directing Pittsburg to come into compliance by rejoining ECCRFFA.

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TRANSPLAN COMMITTEE

EAST COUNTY TRANSPORTATION PLANNING

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County
651 Pine Street -- North Wing 4TH Floor, Martinez, CA 94553-0095

January 31, 2011

Mr. Randell H. Iwasaki, Executive Director
Contra Costa Transportation Authority
2999 Oak Road, Suite 100
Walnut Creek, CA 94597

Dear Mr. Iwasaki:

This correspondence reports on the actions and discussions at the TRANSPLAN Committee during their meeting on January 27, 2011.

3. Receive Report on City of Pittsburg Adoption of Fee Program and Take Action as Appropriate on the Following and Related Issues:

a) Whether Pittsburg's PRTDIM Fee Program constitutes a valid regional development mitigation program for the East County region.

b) Whether Pittsburg is in compliance with its obligations under the East County Action Plan to participate in a cooperative, multi-jurisdictional process for managing growth in the East County region. The Committee discussed the subject issue and in response to agenda item 3.a) the Committee recognized the East Contra Costa Regional Fee and Financing Authority is the regional development mitigation program, and in response to agenda item 3. b) the Committee determined that the City of Pittsburg was not in compliance with its obligations under the East County Action Plan to participate in a cooperative, multi-jurisdictional process for managing growth in the East County region.

The next regularly scheduled TRANSPLAN Committee meeting will be on Thursday, March 10, 2011 (The February Committee Meeting was cancelled) at 6:30 p.m.

Sincerely,



John W. Cunningham
TRANSPLAN Staff

c:
TRANSPLAN Committee
A. Dillard, SWAT & TVTC
B. Neustadter, TRANSPAC
C. Atienza, WCCTAC
E. Smith, BART

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