

# TRANSPLAN Committee Meeting

Thursday, June 13, 2013 – 6:30 PM

Tri Delta Transit Board Room, 801 Wilbur Avenue, Antioch

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## 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 5/9/13 TRANSPLAN Meeting ♦ **PAGE 2**
- 4. ACCEPT** Correspondence ♦ **PAGE 15**
- 5. ACCEPT** Status Report on Major Projects ♦ **PAGE 31**
- 6. ACCEPT** Calendar of Events ♦ **PAGE 38**
- 7. ACCEPT** Environmental Register ♦ **PAGE 40**

### End of Consent Items

### Open the Public Meeting

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

- 8. UPDATE** on Contra Costa Transportation Authority Measure J Strategic Plan update (Information Only). ♦ **Page 42**
- 9. RECEIVE** report on status of East County Fee Program Negotiations from staff and **take action as appropriate:** Staff from all East County Cities, the County, and ECCRFFA have continued to meet and refine Option 1. The attached staff report contains details on the meetings and a recommendation. ♦ **PAGE 48**
- 10. CONSIDER** request from the City of Pittsburg for TRANSPLAN to Reconsider its Position concerning the City of Pittsburg's Compliance with Regional Mitigation Transportation Plan Requirements. (Take Action As Appropriate)
- 11. ADOPT** resolution of the TRANSPLAN Committee's position on the status of the City of Pittsburg's 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. ♦ **Page 62**
- 12. ADJOURN** to next meeting on Thursday, July 11, 2013 at 6:30 p.m. or other day/time as deemed appropriate by the Committee.

Kevin Romick, Chair  
Oakley  
City Council

Salvatore Evola, Vice-Chair  
Pittsburg  
City Council

Wade Harper  
Antioch  
City Council

Robert Taylor  
Brentwood  
City Council

Mary N. Piepho  
Contra Costa County  
Board of Supervisors

Gil Azevedo  
Antioch  
Planning Commission

Joseph Weber  
Brentwood  
Planning Commission

Duane Steele  
Contra Costa  
Planning Commission

*Vacant*  
Representing the  
Contra Costa County  
Board of Supervisors

Doug Hardcastle  
Oakley  
Planning Commission

Larry Wirick  
Pittsburg  
Planning Commission

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**ITEM 3**  
**5/9/13 TRANSPLAN MEETING MINUTES**

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

MINUTES

May 9, 2013

The meeting of the TRANSPLAN Committee was called to order in the Tri Delta Transit Board Room, 801 Wilbur Avenue, Antioch, California by Chair Kevin Romick at 6:50 P.M.

**ROLL CALL**

PRESENT: Gil Azevedo (Antioch), Salvatore (Sal) Evola (Pittsburg), Doug Hardcastle (Oakley), Wade Harper (Antioch), Mary N. Piepho (Contra Costa County Board of Supervisors), Robert (Bob) Taylor (Brentwood), Joe Weber (Brentwood), Larry Wirick (Pittsburg), and Chair Kevin Romick (Oakley)

ABSENT: Duane Steele (Contra Costa County Planning Commission)

STAFF: Jamar Stamps, TRANSPLAN Staff  
David Schmidt, Legal Counsel  
John Cunningham, Contra Costa County Transportation Planner  
Dale Dennis, ECCRFFA Program Manager

**PUBLIC COMMENT FOR ITEMS NOT LISTED ON THE AGENDA**

There were no comments from the public.

**CONSENT ITEMS**

3. Adopt Minutes from April 11, 2013 TRANSPLAN meeting.

Sal Evola clarified with staff that the minutes had been amended to reflect the motion taken by the TRANSPLAN Committee at its last meeting with respect to the status of the East County Fee Program negotiations with the City of Pittsburg and staff. The TRANSPLAN Committee received amended copies of the minutes to reflect the following motion:

*On motion by Bob Taylor, seconded by Wade Harper, TRANSPLAN Committee members unanimously approved Option 1 and 2, in concept, with the clarifications as shown, and with the understanding that each involved agency would be required to adopt the concept.*

On motion by Bob Taylor, seconded by Mary Piepho, TRANSPLAN Committee members unanimously adopted the minutes from the April 11, 2013 TRANSPLAN meeting, as amended.

On motion by Wade Harper, seconded by Bob Taylor, TRANSPLAN Committee members unanimously adopted the remainder of the Consent Items, as follows:

4. Accepted Correspondence
5. Accepted Status Report on Major Projects
6. Accepted Calendar of Events
7. Accepted Environmental Register

**APPROVE PRIORITIZED LIST OF CYCLE 2 SAFE ROUTES TO SCHOOL (SR2S) PROJECTS, AS RECOMMENDED BY THE TRANSPLAN TECHNICAL ADVISORY COMMITTEE (TAC)**

Jamar Stamps, TRANSPLAN Staff, advised that approximately \$3.3 million in federal funding is available through the Metropolitan Transportation Commission (MTC) for SR2S programs. Funds are allocated to the Regional Transportation Planning Committees (RTPCs) based upon K-12 student enrollment. The East County region's allocation is approximately \$974,700. The TRANSPLAN TAC had assembled a list of high priority SR2S projects and recommend they be approved by the TRANSPLAN Committee. The Contra Costa Transportation Authority (CCTA) will submit the county's complete list of proposed projects to the Metropolitan Transportation Commission (MTC) by July 31, 2013.

Three projects had been proposed. For the City of Antioch, a project had been proposed at Cavallo Road, Drake Street, and "G" Street to remove and replace concrete sidewalks and curb and gutter, install new Americans with Disabilities Act Handicap (ADA HC) ramps, install cross walks, and striping to provide pedestrian access and ADA HC ramps to Marsh Elementary and Antioch High School. For the City of Pittsburg, a rectangular rapidly flashing beacons project had been proposed to install beacons at seven school pedestrian crossings, construct curb extensions at three of the crossings and install median fencing to prevent students from jay walking at one location. For the County at Bay Point, a project had been proposed at Port Chicago Highway/Willow Pass Road to install a bike lane, sidewalk, curb and gutter, curb ramps, and a pedestrian actuated flasher at a pedestrian crossing.

All projects were consistent with the OneBayArea Grant (OBAG) Program, and of the funding available the three projects would absorb the entire amount. The TRANSPLAN TAC recommendation was for the TRANSPLAN Committee to adopt the list of projects and forward to the CCTA prior to the June 4, 2013 deadline.

On motion by Wade Harper, seconded by Bob Taylor, TRANSPLAN Committee members unanimously approved the list of projects for Cycle 2 SR2S funding, as recommended by the TRANSPLAN TAC.

**RECEIVE REPORT ON STATUS OF EAST COUNTY FEE PROGRAM NEGOTIATIONS FROM STAFF**

John Cunningham advised that at the last meeting, the TRANSPLAN Committee had received a report from staff on the status of the proposal being negotiated with the City of Pittsburg and a recommendation as to how the issue could be resolved. Staff had been directed to further refine Options 1 and 2, and once comfortable with those options each member would consult with his or her individual Council or Board. He reported that the City of Antioch had approved Option 1, the City of Pittsburg had approved both Options 1 and 2, and staff had continued to refine the options.

Dale Dennis reported on good progress getting closer to having all East County jurisdictions together in the near future. He advised that Option 1 had been refined although the only substantive change was to paragraph C, which read:

*Pittsburg would use the fees collected to date (approximately \$5.5M) as follows: approximately \$5.3M for JDE [James Donlon Extension] (for environmental clearance, R/W acquisition and design, and the Railroad Avenue eBART station); and \$196,000 for legal fees incurred by Pittsburg in TRANSPLAN/ECCRFFA lawsuit.*

Mr. Dennis reported that staff supported the \$196,000 as being a legitimate cost to be paid with those fees. He referred to the table *City of Pittsburg's Contributions Towards Regional Transportation Fee Projects* in the packet, noted the City of Pittsburg had been working with contributions and grant programs for projects in the order of magnitude of \$7.5 million, and recommended that issue be put to rest and the fees be covered with the regional fees collected to date, which was the major change in the options. He also referred to paragraph A1 of Option 1 and corrected the date in that paragraph to change 9/7/11 to 9/7/10.

John Cunningham referred to the staff recommendation: 1) to receive a report from staff on the status of the fee program negotiations; 2) to approve in concept Option 1 (contingent on member jurisdiction approval); and recommended additional language as 2a) to direct members to bring Option 1 to the respective agencies for conceptual approval; and 2b) contingent on the City of Pittsburg fee program to incorporate a uniform fee schedule; with the remainder of the recommendation for 3) to direct staff to return in June with a final proposal for adoption.

Sal Evola noted that the City of Antioch had approved Option 1, although Wade Harper commented that he did not know whether that was to be reported out as yet. He advised that the City of Antioch strongly preferred Option 1 but would allow Option 2 to go back to the City of Pittsburg to work it out.

Mr. Evola reported that Pittsburg understood the preference of the CCTA and staff for Option 1, although the Pittsburg City Council had continued to have discussions as long as both were allowed to move forward, and was pleased that the TRANSPLAN Committee at its April 11, 2013 meeting had allowed both options to move forward. The Pittsburg City Council had met on April 15 in closed session and had unanimously agreed to move forward with both Options 1 and 2, directing the item to be placed on the next open session on May 6, when a resolution had been approved to move forward with Options 1 and 2, and encouraged other cities to do the same. He was encouraged that the City of Antioch would use that as a template. As far as the recommendations from staff, he disagreed based on prior action of the Board and recommended that Options 1 and 2 be approved in concept and be allowed to go forward to each city to be discussed. He stated the City of Pittsburg had been the first city to act, had tried to be a good regional partner, and objected to the statement in the staff report that in the event Option 2 is ultimately approved, the TRANSPLAN Board would need to discuss appropriate Action Plan policy changes to ensure that TRANSPLAN retains the sole authority to define the Regional Transportation Mitigation Program (RTMP) in East County.

Chair Romick expressed confusion as to the Pittsburg resolution approving both Options 1 and 2, and Mr. Evola explained that Pittsburg was moving forward with what had been approved at the last TRANSPLAN Committee meeting, and while there were currently simple provisions related to Options 1 and 2, future legalese could cloud the options.

Chair Romick stated it was the TRANSPLAN Committee's understanding that the City of Pittsburg would determine whether Option 1 or 2 would be selected by that City in that the TRANSPLAN Board had come up with the options to allow the Pittsburg City Council to discuss the options. He suggested no progress had been made since the last meeting a month ago.

Mr. Evola noted the need to obtain approval from his Council as each representative would have to do. As of now, the Pittsburg City Council had allowed further exploration and discussion of both Option 1 and Option 2, to be able to refine them to a final point. All he had been authorized to do was to carry forward direction to open session, pass a resolution, advocate back to the TRANSPLAN Committee and all the other agencies, get the same blessing that both Option 1 and Option 2 was a way to recognize compliance with the Regional Growth Management Plan, and recognize a contribution to regional transportation improvements that would qualify the City of Pittsburg for its funding.

Chair Romick reiterated that what had been presented was what would be settled; there was no more discussion in that the TRANSPLAN Committee had decided as a group that it was the wording that would be used to pass it on and act upon.

John Cunningham reported that two issues had been raised with respect to Option 2; the additional language, which had been discussed at the staff meeting several weeks ago when all members had been present, represented administrative cleanup in the event the City of Pittsburg left the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) on a permanent basis that there would be a standing conflict with the policy document that would have to be rectified.

With regard to the discussion of bringing Option 1 to the respective jurisdictions, Mr. Cunningham stated that staff knew that at some point one option would have to be embraced leaving another option behind, and the question was at what point that would be. Staff's discussion had resulted in the staff report at this time given the successful discussions and how they had been moving ahead, to embrace Option 1 and move ahead with that option.

Mr. Evola reported that the Pittsburg City Council was still supportive of both options moving forward to final form. There had been no recommendation from the City of Pittsburg one way or the other, with the matter going to all other city councils and after that time coming back to the TRANSPLAN Committee. He stated the Pittsburg City Council had adopted a resolution in open session that had been discussed in closed session for the refinements of Option 1 and 2.

Chair Romick noted the discussion in open format and a consensus for Option 1, and based on all the information available, the City of Oakley had recommended Option 1 pending the determination from the City of Pittsburg.

Bob Taylor stated the Pittsburg City Council had been given two options to consider and it would have to make a decision, was surprised the Council had supported both Option 1 and Option 2, and stated that Pittsburg could not have both.

Mr. Evola urged each jurisdiction to take formal action on Option 1 or 2, and if only Option 1 was approved, Pittsburg would then have to consider its next course of action. He wanted to see minutes, he wanted to see adopted resolutions such as the City of Pittsburg had done, and suggested that everyone go back to their respective councils and proceed from there. He reported that Pittsburg had unanimously voted for both options to proceed but that the City's vote would be no if Option 1 was approved.

Wade Harper sought a decisive vote on the issue and had no problem bringing both Option 1 and Option 2 back to the Antioch City Council, and did not see that there would be a problem making a decision.

Chair Romick suggested he could take both options back to the Oakley City Council during the month of May, and before the next TRANSPLAN Committee meeting in June he would have a formalized decision in the minutes, a resolution declaring the City of Oakley's position on either Option 1 or Option 2.

Bob Taylor added that the City of Brentwood could do the same and it would be the Brentwood City Council's decision with a resolution stating its position.

Mary Piepho had no problem agendaizing the matter in a closed and open session with the Board of Supervisors although she asked for clarification of the remaining recommendations including the uniform fee schedule.

Joe Sbranti, City Manager, City of Pittsburg, clarified that Pittsburg did not intend to be vague. The document approved by the TRANSPLAN Committee at its last meeting had been brought to the Pittsburg City Council with the understanding that the two options were at a conceptual level, not ready for approval; so to move it forward both viable concepts had been taken to the next level. He suggested Option 2 could remain at a conceptual level although Option 1 was the option to take further and refine to the point of an agreement. He noted that they had taken a simple agreement into negotiations a year ago but what had resulted was a complicated agreement.

Bob Taylor sought the definition of conceptual and suggested it would be difficult to ask the Brentwood City Council to vote on a conceptual agreement.

Mr. Sbranti deferred to staff but suggested 'conceptual' could be changed to 'preliminary,' preliminary deal points.

Mr. Cunningham clarified that conceptual approval would be the form and content of the agreement without taking the step to adopt it.

Legal Counsel David Schmidt explained that staff had been working with the supposition that the CCTA wanted to see Option 1 as simple as possible without getting into a convoluted agreement, and staff had been attempting to come up with most of the points, if not all of the points, in the verbiage identified at this time. He did not expect a very long agreement that would be different from the deal points.

On the continued discussion of the form of the agreement and what the City of Pittsburg would accept, a resolution or other document, Mr. Evola noted that last year there was something that was very close to an agreement although coming out of that ECCRFFA was still meeting in closed session and he was not aware of what those discussions could be about since the lawsuit had been dismissed.



Mr. Evola explained that City of Pittsburg representatives had met with CCTA representatives to demonstrate how they would continue to participate regionally with respect to transportation, which had been done in December 12, and the January 2013 meeting of the TRANSPLAN Committee had been canceled. As such, he could not understand how the other two items on the meeting agenda; Item 10 *Consider request from the City of Pittsburg for TRANSPLAN to reconsider its position concerning the City of Pittsburg's compliance with Regional Mitigation Transportation Plan requirements*, and Item 11 *Adopt resolution of the TRANSPLAN Committee's position on the status of the City of Pittsburg's 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* had been placed on the February meeting agenda, and he was baffled with the closed sessions that continued to occur and how direction had been given when there was never a TRANSPLAN Committee meeting to consider those items.

Mr. Evola stated the CCTA, as the mediator, had brought Pittsburg and all other parties back to the table and progress had been made. Through the CCTA, three options had been considered and the third option had been removed by mutual agreement of all parties, although two options remained for consideration. It was his opinion that the TRANSPLAN Committee was acknowledging that both options could still recognize the City of Pittsburg's compliance; one was preferred, one was not, but there would still be a chance to look at the RTMP which was the same project list. Pittsburg was still collecting money but could only spend it on the project list. He asked how Item 11 had been formally agendaized without a TRANSPLAN Committee meeting and stated at some point the City wanted a formal response as to how that had been agendaized, and why there had been so many closed sessions for so long when the ECCRFFA Board of Directors had withdrawn its litigation as of November 2012. He added that the City of Pittsburg was still a willing participant, still willing to move forward with Options 1 and 2, waited to see what the other cities would do, and continued to collect fee money that would go to the eligible projects. He sought clarification of those issues.

Gil Azevedo asked if the City of Pittsburg was asking the TRANSPLAN Committee to take the options back to the jurisdictions and asking if both options should be continued, and at some point the TRANSPLAN Committee would make a decision to pick one or the other.

Mr. Evola stated he could not get three of his colleagues to bless the option. He was supportive of what the TRANSPLAN Committee had been doing but reiterated that the conceptual document did not have a signature line that the City of Pittsburg could sign off on. He suggested in the meantime that Option 1 could be tweaked so that it could be a ratified document and he reiterated that the City of Pittsburg had demonstrated a willingness to proceed.

Bob Taylor wanted to make sure that the options were legally appropriate to avoid any future problems.

Mr. Cunningham stated that the conceptual approval of Options 1 and 2 would be submitted to the jurisdictions, the form and content of the agreement would be final, and the attorneys would have a discussion as to whether or not the documents would meet legal muster, after which it would come back to the TRANSPLAN Committee for a resolution.

Mr. Schmidt explained it was not all that unusual to have conceptual approval of this or any other deal, which suggested a preliminary, not binding in a legal sense approval, followed by a legal document, probably an amendment to the Joint Powers Authority (JPA). He envisioned deal points that would be pretty close to the final agreement. On the issue of continuing closed sessions, he had continued to schedule them in that just before dismissing the lawsuit against the City of Pittsburgh, Pittsburgh had sued TRANSPLAN and ECCRFFA claiming that TRANSPLAN and ECCRFFA were responsible for the CCTA not paying return to source funds to the City of Pittsburgh. The lawsuit had been dismissed and the cross action could not be filed, although the attorney might file as a separate action which was a continuing cloud. Because the City of Pittsburgh faulted TRANSPLAN and ECCRFFA for not getting return to source funds and presumably would feel that way until the issue had been resolved was why the closed sessions continued.

Mr. Schmidt added with respect to the TRANSPLAN Committee's position on the status of the City of Pittsburgh's compliance with its obligations under the East County Action Plan, that had come from direction from a closed session to staff to place it on the agenda, which had been done prior to the filing of the lawsuit from TRANSPLAN and ECCRFFA because the City of Pittsburgh was not in compliance with the East County Action Plan and its obligations under that plan.

Mr. Cunningham explained that he had heard a consensus of the TRANSPLAN Committee which should allow them to move ahead; he heard support for modifying staff recommendation 2 that both Options 1 and 2 be brought back to the respective jurisdictions for conceptual approval, and with regard to the uniform fee schedule the recommendation was that approval of Option 1 be contingent upon the City of Pittsburgh's incorporation of a uniform fee schedule.

When asked, Mr. Evola had no problem with each jurisdiction providing a final vote on whether Option 1 or 2 was approved as long as both options moved forward.

Gil Azevedo noted that the wording moved forward was that both options were still under consideration but not that both would receive approval. He suggested that most governing bodies had a preferred option and he suggested that could tie the TRANSPLAN Committee's hands in the process.

For the record, Mr. Evola stated the City of Pittsburg had been on the defensive and had done nothing offensive in the form of any authorizing of filing litigation or the threat of litigation. He suggested the statement was to keep those items alive which was why the cross action had been filed. He noted that the TRANSPLAN Committee had a very different makeup from what it had been in the recent past and the intent was to reach an agreement that the Pittsburg City Council had blessed in concept. With the dismissal of the lawsuit, the cross suit had been filed and Pittsburg had only been on the defensive. He characterized the closed session meetings as a continued slap in the face when Pittsburg was not doing the same.

Don Tatzin, representing the CCTA committee formed to assist in the process, noted that his interest was solely to seek agreement that worked for Contra Costa County, particularly East County, and allowed them to move ahead. He referred to the City of Antioch's action which strongly supported Option 1 and suggested if every jurisdiction did something similar that was what Pittsburg was asking for. Whether in a resolution or meeting minutes, he expressed his hope each jurisdiction would follow that action because he suggested Option 1 was the better way to go although it was too early to eliminate Option 2. He suggested it was important for Pittsburg to keep both on the table at this point in time and if the TRANSPLAN Committee expressed a preference for Option 1, then Option 1 could be put in the form of a final agreement. If it turned out to be Option 1, the final agreement would go back to each jurisdiction and it would be better not to have eliminated Option 2 now.

Mary Piepho verified with Mr. Tatzin that if any one jurisdiction did not agree, the option could not be pursued and if each jurisdiction accepted both Option 1 and Option 2 with a preference for Option 1, then everyone would have approved Option 2, which was not the preference.

Mr. Tatzin concurred and suggested that Option 2 might need to be adjusted as a result. He commented that the issue related to return to source funds and if Option 1 was not approved there was a reasonable assumption that the CCTA would look at what happened with respect to return source, and if a fair deal was rejected by a jurisdiction for an unfair reason, the CCTA could take appropriate actions.

Bob Taylor clarified therefore that if each jurisdiction approved both Option 1 and Option 2, and Option 1 was not accepted by all jurisdictions, then Option 2 would be approved by default. He did not want to approve Option 2 by default.

Mr. Dennis reiterated that the CCTA had wanted to move forward with Option 1; he suggested the action that each jurisdiction might take would be to move forward with Option 1 but that Option 2 could be considered in the event Option 1 did not reach fruition. If that didn't work out, Option 2 could be resurrected and potentially approved.

Mr. Evola read the text of the City of Pittsburg's resolution approving both Option 1 and Option 2, and encouraged each jurisdiction to do the same.

Gil Azevedo suggested that Option 2 was as good as it's going to get, and was supported by Pittsburg, although Option 1 needed to be tweaked.

Mr. Evola explained that Option 2 represented what the City of Pittsburg had been doing and continued to do, and the City Council had offered its support of Option 1 and 2, in concept. He added that Pittsburg was collecting fees but there were no improvements in place, the City was still obligated with its proportionate responsibility with each and every project on the ECCRFFA list, all Pittsburg had done by pulling out was deciding on the prioritization of projects instead of ECCRFFA deciding on the prioritization of the projects.

Mr. Evola stated he had not offered comments on Option 1; he was fine with Option 1. Option 2 would allow the City of Pittsburg to go on its way; it had not been granted nor had it asked for the return to source however there were further mechanisms, discussions, and clarifications if the other jurisdictions allowed Pittsburg to be on its own. He stated Pittsburg still wanted to participate and wanted to work together but if for some reason that didn't happen, it wanted to memorialize or recognize that the fees were being collected but the only place those fees could be applied was for the established projects. He recognized the preferences but was unsure his Council would approve those preferences. He again spoke to the change of the membership of the TRANSPLAN Committee and was determined to bring the issue to an end that was mutually agreeable and demonstrated a commitment to regional transportation. He added that the Pittsburg City Council, in closed session, recognized that the priority list was firm, that there was no reprioritization, which had been rejected, and the Council had already done what he was encouraging each city to do. If every city would do what Pittsburg had already done he suggested everyone would be on track.

Chair Romick made a motion that each TRANSPLAN Committee member take back Option 1 and 2 as possible options to each council for a vote, and the final verbiage regarding the uniform fee schedule could be added to the agreement after that time. Joe Weber seconded the motion.

Mr. Azevedo clarified that the item would return to the TRANSPLAN Committee so that it could make the decision for either Option 1 or Option 2.

Mr. Taylor asked if another motion was needed on the uniform fee schedule, to which Chair Romick stated it would be included in the final agreement.

Mr. Cunningham clarified the direction to staff at this point, to bring both Option 1 and Option 2 to the respective jurisdictions as possible options, and to return in June with a final proposal for adoption when language to address a uniform fee schedule would be included.

Chair Romick amended his motion accordingly. Joe Weber seconded the amended motion.

On the amended motion by Chair Romick, seconded by Joe Weber, TRANSPLAN Committee members unanimously directed that each TRANSPLAN Committee member bring both Option 1 and Option 2 to the respective jurisdictions as possible options, and to return in June with a final proposal for adoption when language to address a uniform fee schedule would be included.

Mr. Taylor emphasized transparency and wanted to make sure that the questions raised by Mr. Evola would be addressed.

Mr. Evola recommended that Items 10 and 11 be continued, suggesting it was a 'slap in the face' for a resolution of denial to adopt a resolution denying the City's compliance prior to a decision being made to reconsider the City's position concerning compliance with the RTMP requirements. He made a motion to continue Item 10. There was no second to the motion.

Mr. Cunningham stated with respect to Item 11 that the question of placement on the agenda had been raised several times in the past and had been answered several times in the past. He sought formal communication to establish how the matter had been set on the agenda to put that item to rest.

Mr. Schmidt stated that his response given orally was adequate from a legal standpoint but if that response was wanted in writing that could be done but was not legally necessary. He added that the comments from Mr. Evola at this meeting were the first comments related to the closed sessions.

Chair Romick requested a response from Mr. Schmidt in writing.

**CONSIDER REQUEST FROM CITY OF PITTSBURG FOR TRANSPLAN TO RECONSIDER ITS POSITION CONCERNING THE CITY OF PITTSBURG'S COMPLIANCE WITH REGIONAL MITIGATION TRANSPORTATION PLAN REQUIREMENTS**

On motion by Sal Evola, seconded by Larry Wirick, TRANSPLAN Committee members unanimously tabled the item to future action.

**ADOPT RESOLUTION OF THE TRANSPLAN COMMITTEE'S POSITION ON THE STATUS OF THE CITY OF PITTSBURG'S 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**

On motion by Wade Harper, seconded by Gil Azevedo, TRANSPLAN Committee members unanimously tabled the item to future action.

**ADJOURNMENT**

Chair Romick adjourned the TRANSPLAN Committee meeting at 8:10 P.M. to June 13, 2013 at 6:30 P.M. or other day/time deemed appropriate by the Committee.

Respectfully submitted,

Anita L. Tucci-Smith  
Minutes Clerk

**ITEM 4  
CORRESPONDENCE**

# TRANSPLAN COMMITTEE

## EAST COUNTY TRANSPORTATION PLANNING

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County  
30 Muir Road, Martinez, CA 94553

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**TO:** TRANSPLAN Committee

**FROM:** John Cunningham, TRANSPLAN Staff



**DATE:** June 5, 2013

**SUBJECT: TRANSPLAN Agenda Item: Resolution Re: the City of Pittsburg's Compliance Status**

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At the May 9, 2013 TRANSPLAN Meeting the City of Pittsburg representative inquired as to how and why the following item was placed on the TRANSPLAN Agenda:

*ADOPT resolution of the TRANSPLAN Committee's position on the status of the City of Pittsburg's 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.*

This item was placed on the agenda for the following reasons:

1. Staff was directed in a TRANSPLAN closed session to place the item on the TRANSPLAN agenda.
2. The original communication to the Contra Costa Transportation Authority was in the form of a letter from me to CCTA staff, Executive Director Randy Iwasaki (see attached). In the aftermath of dismissal of the TRANSPLAN/ECCRFFA v. Pittsburg lawsuit, the TRANSPLAN Board believed it was appropriate to consider confirming and formalizing TRANSPLAN's position.

Attachments:

1. January 31, 2011 Letter from TRANSPLAN Staff to CCTA Executive Director Re: TRANSPLAN Actions at the 1/27/11 meeting.

c: TRANSPLAN TAC



# TRANSPLAN COMMITTEE

## EAST COUNTY TRANSPORTATION PLANNING

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

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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

G:\Transportation\Committees\Transplan\PLAN\_Year(2010-1)\letters-summary\_letter\_CCTA\_Jan2011\_3.doc

# WCCTAC

West Contra Costa Transportation Advisory Committee

El Cerrito

June 3, 2013

Hercules

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

Pinole

RE: WCCTAC Board Meeting Summary

Dear Randy:

Richmond

The WCCTAC Board at its May 31<sup>st</sup> meeting took the following actions that may be of interest to CCTA:

San Pablo

- 1) Approved FY 2014 Paratransit 20b claims for AC Transit and WestCAT per the Expenditure Plan's 80/20 split.
- 2) Approved FY 2014 Paratransit 19b claims projected revenues according to the formula adopted by WCCTAC for the following operators: East Bay Paratransit Consortium, WestCAT, Cities of Richmond, El Cerrito and San Pablo.
- 3) Approved Cycle 2 2013 SRTS application from the County Health Services Department for \$709,800.
- 4) Approved Repayment of the PERS side fund debt in the amount of \$60,590.02 from WCCTAC reserves.
- 5) Approved the distribution of the WCCTAC Workplan, Dues and Budget to member agencies for review.
- 6) Received updates from WCCTAC's CCTA representatives.

Contra Costa  
County

Sincerely,



Jerry Bradshaw  
Interim Executive Director

AC Transit

BART

cc: Danice Rosenbohm, CCTA; Barbara Neustadter, TRANSPAC; Jamar Stamps, TRANSPLAN; Andy Dillard, SWAT

WestCAT

**EAST CONTRA COSTA**  
**REGIONAL FEE AND FINANCING AUTHORITY**  
Antioch – Brentwood – Oakley – and Contra Costa County

**A JOINT EXERCISE OF POWERS AGENCY**

255 Glacier Drive, Martinez, CA 94553

May 31, 2013

Sal Evola  
Vice Mayor  
City of Pittsburg  
65 Civic Avenue  
Pittsburg, CA 94565

Re: ECCRFFA Closed Sessions

At the May 9, 2013 TRANSPLAN Board meeting, you expressed a concern about ECCRFFA continuing to hold closed sessions to discuss the legal dispute over Pittsburg's receipt of funds under Measure J. Following my oral response during the meeting, the TRANSPLAN Board directed our office to follow up by sending a written response.

As explained at the May 9, 2013 meeting, just before the dismissal of TRANPLAN/ECCRFFA's lawsuit against Pittsburg, Pittsburg attempted to file and serve a cross-complaint against TRANSPLAN/ECCRFFA. The cross-complaint, which alleged conspiracy and fraud, sought damages and other relief from TRANSPLAN/ECCRFFA for CCTA's withholding of Pittsburg's return-to-source funds under Measure J.

Dismissal of the TRANSPLAN/ECCRFFA lawsuit on December 4, 2012 ended up preventing Pittsburg from pursuing the cross-action in the dismissed lawsuit. However, upon learning that the cross-action could not be pursued in the dismissed lawsuit, Pittsburg's attorney stated that Pittsburg would consider filing a separate lawsuit against TRANSPLAN/ECCRFFA.

Since dismissal of the TRANSPLAN/ECCRFFA lawsuit, Pittsburg has not taken any action to remove the threat of a lawsuit against TRANSPLAN/ECCRFFA. Moreover, CCTA's withholding of Pittsburg's return-to-source funds, which was the stated basis of Pittsburg's cross-action, continues as before and now involves at least \$1.2 million in withheld funds.

**Board of Directors:**

**Mary N Piepho, Chair**  
**Wade Harper, Vice Chair**  
**Robert Taylor**  
**Kevin Romick**

Letter to Sal Evola  
May 31, 2013  
Page 2

Under these circumstances, based upon the legal threat from Pittsburg, ECCRFFA is and has been fully justified in holding closed sessions under Government Code Section 54956(d)(2). So long as any credible legal threat remains from Pittsburg, ECCRFFA has the right to hold and will consider holding additional closed sessions.

Very truly yours,



By: David F. Schmidt  
TRANSPLAN/ECCRFFA Legal Counsel

cc: TRANSPLAN Board members  
Dale Dennis, ECCRFFA Program Manager  
John Cunningham, TRANSPLAN staff

# TRANSPLAN COMMITTEE

## EAST COUNTY TRANSPORTATION PLANNING

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County  
30 Muir Road, Martinez, CA 94553

---

May 29, 2013

Leigha Schmidt, Associate Planner  
City of Pittsburg – Planning Department  
65 Civic Avenue, Pittsburg, CA 94565

### **RE: Notice of Availability - Environmental Impact Report (EIR) for the James Donlon Boulevard Extension Project**

Ms. Schmidt:

TRANSPLAN staff has reviewed the above captioned document. The following comments are being submitted based on the available information:

1. The East County Action Plan for Routes of Regional Significance (Action Plan) lists James Donlon Boulevard (including the extension) as a Route of Regional Significance as it provides an east-west through route between Antioch, Pittsburg and Central County. In addition it is a stated goal in the Action Plan that TRANSPLAN will to continue to support the City of Pittsburg in implementing this regional transportation facility.
2. On page 2-12 of the EIR, the "beneficial impacts" for the project are identified. The following impacts were determined to be "beneficial": 1) *The proposed project would reduce the delay index to unacceptable levels on roadway segments within the study area;* and 2) *The proposed project would conflict with adopted alternative transportation policies, plans, or programs.* It's possible the context of these statements are misunderstood, or that it was intended to indicate that delay index would be reduced to "acceptable" levels and the project "would not conflict" with policies, plan, programs, etc. Either way, the statements are a bit confusing and probably warrant further explanation.
3. The City of Pittsburg should continue to work with the TRANSPLAN member agencies (including Tri Delta Transit) to ensure that, to the extent feasible, the safe and efficient movement of alternative modes of transportation (i.e. bicycles and pedestrians) remain a priority. This would be consistent with regional actions specified in the Action Plan. TRANSPLAN would support the City in exploring the possibility of implementing express bus service along the proposed James Donlon extension.

If you have any questions regarding the above comments, please do not hesitate to contact me at (925) 674-7832, or email me at [jamar.stamps@dcd.cccounty.us](mailto:jamar.stamps@dcd.cccounty.us). Thank you for the opportunity to comment. TRANSPLAN looks forward to being involved in the review of subsequent plans and documents.

Sincerely,



Jamar Stamps, TRANSPLAN staff

cc: TRANSPLAN TAC



CONTRA COSTA  
transportation  
authority

COMMISSIONERS

Janet Abelson,  
Chair

Kevin Romick,  
Vice Chair

Newell Americh

Tom Butt

David Durant

Federal Glover

Dave Hudson

Mike Metcalf

Karen Mitchoff

Julie Pierce


Robert Taylor

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## MEMORANDUM

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To: Barbara Neustadter, TRANSPAC  
Andy Dillard, SWAT, TVTC  
Jamar Stamps, TRANSPLAN  
Jerry Bradshaw, WCCTAC  
Shawna Brekke-Read, LPMC

From:   
Randell H. Iwasaki, Executive Director

Date: May 21, 2013

Re: Items approved by the Authority on May 15, 2013, for circulation to the  
Regional Transportation Planning Committees (RTPCs), and related items of  
interest

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At its May 15, 2013 meeting, the Authority discussed the following items, which may be of interest to the Regional Transportation Planning Committees:

Randell H. Iwasaki,  
Executive Director

- 1. Approval of 2013 Congestion Management Program (CMP) Update Approach, Scope and Schedule.** As the Congestion Management Agency (CMA) for Contra Costa, the Authority must prepare a Congestion Management Program (CMP) and update it every other year. The 2013 CMP will update the required seven-year capital improvement program (CIP), monitor the status of CMP network performance standards, and demonstrate consistency of the Countywide Model with the MTC regional model. *The Authority approved the proposed approach, scope and schedule for the 2013 Congestion Management Program update.*
- 2. Comments on Draft *Plan Bay Area* – MTC's 2013 Regional Transportation Plan (RTP).** The Draft *Plan Bay Area* document was released by MTC on Friday, March 22, 2013, and may be downloaded from MTC's website. Authority staff has prepared comments on the Draft Plan and EIR. *The Authority reviewed the draft Plan Bay Area comment letter, discussed a number of edits, and*

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*authorized staff to submit the revised letter to MTC on May 16<sup>th</sup>. (Attachment – Information)*



COMMISSIONERS

May 16, 2013

Janet Abelson, Chair

Steve Heminger

Ezra Rapport

Kevin Romick,  
Vice Chair

Executive Director

Executive Director

**Metropolitan Transportation Commission**

**Association of Bay Area Governments**

Newell Americh

101 Eighth Street

101 Eighth Street

Tom Butt

Oakland, CA 94607

Oakland, CA 94607

David Durant

Subject: CCTA Comments on MTC's Draft 2013 Regional Transportation Plan (RTP) and  
Draft Environmental Impact Report (DEIR)

Federal Glover

Dave Hudson

Dear Mr. Heminger and Mr. Rapport:

Mike Metcalf

The Contra Costa Transportation Authority (CCTA) appreciates the enormous effort that MTC and ABAG have undertaken during the past two years to develop the Draft 2013 RTP (*Plan Bay Area*), which responds to SB 375 through the development of the Bay Region's first Sustainable Communities Strategy (SCS). As one of nine Bay Area Congestion Management Agencies (CMAs), CCTA has enjoyed working with the Bay Area Partnership to help shape the Plan. We especially wish to thank you and your staff for keeping us fully apprised of the development of each chapter of the Plan as it progressed.

Karen Mitchoff

Julie Pierce

Robert Taylor

Randell H. Iwasaki,  
Executive Director

We now wish to take this opportunity to offer comments on the Draft RTP and EIR, specifically with regard to the SCS forecast, affordable housing, transportation investments, and evolving transport:

*General*

We support the proposed project as analyzed in the DEIR (Alternative 2). This alternative embodies an SCS that pairs a land use development pattern with a transportation investment strategy that, according to MTC's traffic and air-quality modeling results, exceeds the 15 percent target for reducing greenhouse gas emissions from cars and light trucks. We understand, however, that the final SCS may vary from Alternative 2, and that the precise information on the allocation of households and jobs in the final SCS will not be available until after it is adopted by MTC in July 2013. We therefore are awaiting information on the final SCS, and expect to provide further comments to you after July.

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### *Housing and Jobs Forecast for the SCS*

- We appreciate the focus on meeting the SB 375-mandated goal of reducing Greenhouse Gas (GHG) emissions, and then seeking to achieve the other goals contained in the Plan;
- We note that although the proposed SCS exceeds the 15-percent GHG emissions reduction goal, the housing and jobs forecast used to meet that goal constitutes a significant departure from past trends, and in some cases conflicts significantly with local general plans. We therefore wish to express caution in translating the goal-specific SCS into the ABAG “Projections” series forecast. The CMAs are required to use this forecast in predicting future travel conditions, and we are concerned, given that MTC and ABAG have no jurisdiction over local land use decisions, that the forecast may not be accurate.
- Following MTC’s adoption of the RTP, CCTA staff looks forward to conducting a careful examination of the land use assumptions for the final SCS to see how it compares with actual development patterns and projected trends. We will share our findings with you, and hope that the forecasts for the next RTP and SCS can be adjusted accordingly.
- We urge that you not use the SCS as the forecast upon which to base our computer travel model and traffic impact studies, because the SCS does not correspond with local General Plans, nor is it required to. By way of example, the distribution of housing and jobs in East Contra Costa is far below the general-plan capacities for the cities and towns in that subarea of the county. Moreover, a recent uptick in construction permits in far East County may, within the next decade, outstrip the 25-year SCS forecast.
- We hope that MTC and ABAG will carefully track and evaluate actual trends in population, housing, and job growth, and compare the results with the adopted SCS forecast. Which of the Priority Development Areas (PDAs) are attracting the level of housing and jobs envisioned in the Plan? This information will be useful in developing future updates to our *PDA Investment and Growth Strategy*.

### *Affordable Housing*

The Authority supports the development of affordable housing. In fact, since 1988, both of the Authority’s Growth Management Programs (included as part of the Measures C and J Expenditure Plans) have required that local jurisdictions prepare plans and implement strategies to achieve affordable housing targets established through the Regional Housing Needs Allocation (RHNA). We do, however, have some questions and concerns regarding *Plan Bay Area’s* approach to the housing issue.

- While *Plan Bay Area* clearly lays out the shortfall in resources needed to adequately maintain the region's roadway and transit infrastructure, it fails to identify the nature and magnitude of the subsidy that would be required for the region to provide affordable housing at the levels envisioned in the first eight years of the plan through the RHNA process.
- Constructing an affordable housing unit in the Bay Area has always been a challenge. It requires a significant subsidy. With the elimination of Redevelopment Agencies, the challenge of building low- or very-low-income dwelling units has become more daunting still. In Contra Costa alone, the RHNA requires zoning for 8,327 affordable homes between 2014 and 2022. Where would the subsidy required to build those homes come from?
- Similarly, for the region, the draft RHNA requires that cities zone for approximately 76,000 below-market, affordable homes. Again, what subsidy is required to construct them? *Plan Bay Area* should include an estimate of the housing subsidy that would be required to meet the RHNA, and it should identify potential funding sources that the cities might explore to obtain that funding.

#### *Investments*

- CCTA staff have reviewed MTC's projects database, and we support the Preferred Transportation Investment Strategy as reflected in that database.
- We recently received notification from MTC staff that the James Donlon Extension project (MTC Project No. 230233), which was to be partially funded through discretionary (state or federal) funding sources, did not score favorably and therefore would not be included in the Plan unless a compelling case for including it could be presented by the City of Pittsburg and accepted by the MTC Board. As follow-up to our discussions with MTC staff, our present understanding, based upon our discussions with the project sponsor, is that the James Donlon Extension project will be 100 percent locally funded, thereby exempting it from the performance assessment and eliminating the need for a compelling case argument.

#### *Evolving Transport*

- Page 125 of the Plan notes that new ridesharing technologies are being deployed in the Bay Region. The sidebar mentions Uber, Lyft, and Sidecar, but it fails to mention Avego® – the software program used in the three-county Real-time Ridesharing project funded through MTC's Climate Initiatives Program. Please include mention of the Avego® software.
- The autonomous vehicle – driverless cars and transit vehicles – also gets mentioned on page 125. We encourage MTC and ABAG to further explore this and other game-

changing technologies. We encourage MTC to take a leadership role in creating a vision for the future that incorporates vehicle automation.

The following comments pertain to the Draft EIR:

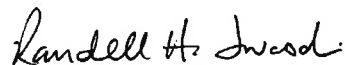
- When the Draft RTP (the Project) is compared to the Alternatives, the difference in impacts and achievement of RTP goals is insignificant (1 to 2 percent) in almost every instance. Given this small difference, we do not agree with the DEIR's conclusion that Alternative 5 is the Environmentally Superior Alternative – there is in fact no material difference. The Project represents the one alternative that is the most vetted and understood by Bay Area residents, the most consistent with local plans, and the most comprehensive in addressing the needs of all modes and users while still environmentally sound and beneficial.
- Alternative 3, the Transit Priority Focus, emphasizes development around transit stations in the urban core. This alternative would result in significant transportation investments in so-called Transit Priority Project (TPP) eligible areas, which are fewer in number, and have higher land use densities than the PDAs upon which the Preferred Plan is built. While Alternative 3 might benefit certain downtown areas, it would, in our view, leave behind other areas where the possibility of providing high frequency transit service is infeasible. The proposed shift in transportation investments, from the Freeway Performance Initiative to BART, and from the One Bay Area Grant (OBAG) program to AC Transit, coupled with a proposed increase in peak hour bridge tolls to \$8, could result in a condition where cities and towns that do not have TPPs become donors, while other localities that have TPPs become recipients. Is this the intended consequence of Alternative 3? We appreciate the good intention of reducing congestion and increasing transit ridership – but we are concerned about the lack of options that Alternative 3 offers to donor communities, whose minimal transit service, congested roadways, and other transportation needs would be left unaddressed.
- When compared to the Project, we note that Alternatives 4 and 5 have specific flaws that make it difficult to view them as viable choices from which to choose. Those flaws include:
  - Growth projections that do not appear to be achievable. The projections for Alternative 4 are based upon an assumption that SB 375 requires housing of all Bay Area workers in the 9 counties, and not just that adequate housing be provided for new workers. This Alternative harkens back to the “Initial Vision Scenario” that was developed by MTC and ABAG in 2011, to which CCTA and the other CMAAs in the region voiced strong opposition. No other Metropolitan Planning Organization holds the view that all workers in a region must be housed

within that same region, and CCTA does not subscribe to that interpretation of SB 375. In addition, since Regional Housing Needs Assessment (RHNA) allocations have already been drafted and presented to ABAG for adoption, the Alternative's growth assumptions for the early years of the RTP are already undercut, putting even more unrealistic growth pressures on the "out" years of the Project. If ABAG chooses to adopt the growth assumptions in Alternative 4, it would be without the benefit of detailed local review that was conducted for the purposes of the RHNA.

- Assumptions that are inconsistent with SB 375 regarding the loss of local control related to rezoning are embodied in Alternative 5. It assumes that unspecified PDAs in rural and ex-urban areas will be disqualified from upzoning, even though SB 375 expressly denies the region the power to impose a decision of that nature. It also assumes that OneBayArea Grant (OBAG) funding cannot be spent in these PDAs, even though most CMAs have already made OBAG funding obligations that likely include these areas. Finally, the Alternative assumes a VMT tax whose passage cannot reasonably be anticipated in the timeframe proposed. None of these considerations has received the vetting, either at the local or regional level, that the Project alternative received. These factors make Alternative 5 unimplementable, and it should receive no further consideration.

Thank you for this opportunity to comment on the Draft Plan Bay Area and DEIR. CCTA looks forward to working with MTC and ABAG as the new RTP is adopted and implemented.

Sincerely,



Randell H. Iwasaki  
Executive Director

File: 13.03.08.06

cc: Ken Kirkey, MTC  
Miriam Chion, ABAG  
Bay Area CMA Directors

# **TRANSPAC Transportation Partnership and Cooperation**

Clayton, Concord, Martinez, Pleasant Hill, Walnut Creek and Contra Costa County  
2300 Contra Costa Boulevard, Suite 110  
Pleasant Hill, CA 94523  
(925) 969-0841

May 14, 2013

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

Re: Status Letter for TRANSPAC Meeting – May 9, 2013

Dear Mr. Iwasaki:

At its meeting on May 9, 2013, TRANSPAC took the following actions that may be of interest to the Transportation Authority:

1. Received presentation on the proposed Regional Express Lanes Network by Ross Chittenden, CCTA Deputy Executive Director, Projects.
2. Unanimously endorsed two proposed SR2S projects; from the City of Pleasant Hill to install a sidewalk along Boyd Road with direct access to Sequoia Elementary School and Sequoia Middle School, and along Elinora Drive with access to Strandwood Elementary School; and from the City of Concord to improve the safety of a school route from the Sierra Road neighborhoods in Concord to Cambridge Elementary School on Lacey Lane, by installing a traffic signal actuated crosswalk on Oak Grove Road at Sierra Road where school children cross the street on foot or on bicycle.
3. Received report on SB 375/SCS from Brad Beck, CCTA Senior Transportation Planner.
4. Received report from Corinne Dutra-Roberts, 511 Contra Costa, on Bike to Work Day, 415 bicyclists had already used the Canal Trail/Iron Horse Trail Crossing by 10:00 A.M.

TRANSPAC hopes that this information is useful to you.

Sincerely,

Mr. Randall H. Iwasaki  
May 14, 2013  
Page 2

A handwritten signature in cursive script that reads "Barbara Neustadter". The signature is written in black ink and is positioned above the typed name.

Barbara Neustadter  
TRANSPAC Manager

cc: TRANSPAC Representatives; TRANSPAC TAC and staff  
Amy Worth, Chair – SWAT  
Kevin Romick – TRANSPLAN  
Martin Engelmann, Hisham Noeimi, Danice Rosenbohm, Brad Beck (CCTA)  
Jerry Bradshaw – WCCTAC  
Janet Abelson – WCCTAC Chair  
Jamar I. Stamps – TRANSPLAN  
Andy Dillard – SWAT  
June Catalano, Diana Vavrek, Diane Bentley – City of Pleasant Hill

**ITEM 5**  
**STATUS REPORT ON MAJOR PROJECTS**

# **TRANSPLAN: Major East County Transportation Projects**

- **State Route 4 Widening** • **State Route 4 Bypass**
- **State Route 239** • **eBART**

## **Monthly Status Report: June 2013**

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Information updated from previous report is in *underlined italics*.

### **STATE ROUTE 4 WIDENING**

#### **A. SR4 Widening: Railroad Avenue to Loveridge Road No Changes From Last Month**

**Lead Agency:** CCTA

**Project Description:** The project widened the existing highway from two to four lanes in each direction (including HOV lanes) from approximately one mile west of Railroad Avenue to approximately  $\frac{3}{4}$  mile west of Loveridge Road and provided a median for future transit.

**Current Project Phase:** Highway Landscaping – Plant Establishment Period

**Project Status:** Landscaping of the freeway mainline started in December 2009 and was completed in June 2010. A three-year plant establishment and maintenance period is currently in progress as required by the Cooperative Agreement with Caltrans.

**Issues/Areas of Concern:** None.

#### **B. SR4 Widening: Loveridge Road to Somersville Road**

**Lead Agency:** CCTA

**Project Description:** The project will widen State Route 4 (e) from two to four lanes in each direction (including HOV Lanes) between Loveridge Road and Somersville Road. The project provides a median for future mass transit. The environmental document also addresses future widening to SR 160.

**Current Project Phase:** SR4 mainline construction.

**Project Status:** Construction of the SR4 mainline and Loveridge Road widening began in June 2010. The anticipated completion date is early 2014.

Construction of the eastern half of the new Loveridge Road Bridge over SR4 is continuing. The new bridge abutments and columns have been constructed. The installation of the temporary support system to construct the eastern half of the new bridge box girders and deck is now complete. All lanes of traffic along Loveridge Road are currently using the western half of the new Loveridge Road bridge. Construction of the new freeway median and eBART bridges over Century Boulevard is also continuing.



While new bridge construction activities are in progress, construction of the new freeway inside lanes and median area will continue, including construction of the eBART concrete barriers along the median area of SR4.

The project construction is approximately 64% complete.

**Issues/Areas of Concern:** None.

### **C. SR4 Widening: Somersville Road to SR 160**

**Lead Agency:** CCTA

**Project Description:** This project will widen State Route 4 (e) from two to four lanes in each direction (including HOV Lanes) from Somersville Road to Hillcrest Avenue and then six lanes to SR 160, including a wide median for transit. The project also includes the reconstruction of the Somersville Road Interchange, Contra Loma/L Street Interchange, G Street Overcrossing, Lone Tree Way/A Street Interchange, Cavallo Undercrossing and the Hillcrest Avenue Interchange.

**Current Project Phase:** Construction.

**Project Status:** The project is divided into four segments: 1) Somersville Interchange; 2) Contra Loma Interchange and G Street Overcrossing; 3A) A Street Interchange and Cavallo Undercrossing and 3B) Hillcrest Avenue to Route 160.

**Segment 1:** Construction of the Segment 1 widening started on March 16, 2011. The anticipated completion date is August 2013.

Construction is continuing along both the north and south sides of the freeway on all remaining details of sound wall work and finishing work on retaining walls that have the Delta Region Native Landscape Architectural Treatment. Other work in January has included continued construction on the new mainline eastbound and eBART bridges. Work along Somersville Road included joint trench utilities improvements, various drainage and sewer systems, barrier rails and miscellaneous electrical systems.

Segment 1 construction is approximately 78% complete.

**Segment 2:** Construction of the Segment 2 widening began in March 2012 and is anticipated to be complete in summer 2015.

The G Street on and off ramps have been permanently closed since March 2012. With the closure of these ramps, construction at the G Street area has been the main focus of recent project work. The old G Street bridge is now completely demolished, and traffic has been switched over to the recently completed western half of the new G Street bridge. Construction of the eastern half of the new G Street bridge over SR4 is well underway. Retaining wall and sound wall work, north and south of the freeway, east and west of G Street, has continued. Freeway widening and eastbound and westbound onramp construction near Contra Loma continued in February. Construction improvements around Fitzuren/G Street area and along Contra Loma Boulevard and L Street also continued during February.

Segment 2 construction is approximately 26% complete.

**Segment 3A:** Construction of Segment 3A started on August 28, 2012 and is anticipated to be completed in spring 2015.

During the month of February, project work has continued with installation of major drainage and utility systems, construction of retaining walls and soundwalls, the Drake Street re-alignment and the Cavallo Road undercrossing. Eastbound and westbound mainline widening has begun.

Segment 3A construction is approximately 15% complete.

**Segment 3B:** The contract was approved on January 28, 2013. The notice to proceed (NTP) is expected to be given to the contractor by the middle of March. The contractor is currently cutting trees that are in direct conflict with the work. In addition, the contractor is working on submittals that must be approved prior of NTP issuance.

**Issues/Areas of Concern:** Caltrans and the Segment 1 contractor are currently engaged in discussions about potential claims by the contractor. Caltrans and the contractor have resolved some of the claims made to date without major or significant impacts to the project cost or schedule. However, there are still several items not yet resolved.

Ongoing coordination between all segments and the eBART project present a significant, however manageable risk.

#### **D. SR4 Bypass: SR4/SR160 Connector Ramps** No Changes From Last Month

**Project Fund Source:** Bridge Toll Funds

**Lead Agency:** CCTA

**Project Description:** Complete the two missing movements between SR4 Bypass and State Route 160, specifically the westbound SR4 Bypass to northbound SR160 ramp and the southbound SR160 to eastbound SR4 Bypass ramp.

**Current Phase:** Final Design.

**Project Status:** Project design has begun and is scheduled to be completed in July 2013. The 65% design and the revised structural type selection were submitted to Caltrans for review in early January 2013. The plans were also sent to Union Pacific Railroad to initiate the railroad review.

**Issues/Areas of Concern:** None.

#### **E. East County Rail Extension (eBART)** No Changes From Last Month

**CCTA Fund Source:** Measure C and J

**Lead Agency:** BART/CCTA

eBART Construction Contact: Mark Dana: [mdana@bart.gov](mailto:mdana@bart.gov)

**Project Description:** Implement rail transit improvements in the State Route 4 corridor from the Pittsburg Bay Point station in the west to a station in Antioch in the vicinity of Hillcrest in the east.

**Current Project Phase:** Final Design and Construction. BART is the lead agency for this phase. Construction of the Transfer Platform and eBART Facilities in the median to Railroad Avenue is continuing. Construction of the parking lot and maintenance facilities for the Antioch Station (Contract 120) has started.

**Project Status:** Work continues on the transfer platform in the median. The access tunnel, the ancillary building and duct banks are complete. Drainage work is about 80% complete. Median grading, train control and track work to realign the tall tracks continues. Civil improvements are anticipated to be largely complete by the spring, although procurement of the train control equipment is the long lead item for this contract.

BART opened bids for the next construction contract (Contract 120) for the maintenance shop shell, the Hillcrest Parking Lot and Slatten Ranch Road on May 8, 2012. Fieldwork started on September 24, 2012. A joint groundbreaking ceremony with the SR4 Widening project Segment 3A, was held on Friday, October 5, 2012.

Demolition and clearing and grubbing have been completed on Contract 120. Grading and utility work are on-going.

Coordination between BART and CCTA consultants is now shifting to the construction management teams with a large focus on the Hillcrest segment (3B) because the construction of CT 120 is directly north and adjacent to the Segment 3B construction area. A master integrated schedule has been developed for the eBART and SR4 Construction Contracts.

**Issues/Areas of Concern:** Coordination of SR4 highway construction contracts and eBART contracts continues. BART, MTC and CCTA are developing strategies to fund the design of the Pittsburg Railroad eBART station for possible inclusion in the Contract 130.

## STATE ROUTE 4 BYPASS PROJECT

F. **SR4 Bypass:** Widen to 4 Lanes – Laurel Rd to Sand Creek Rd & Sand Creek Rd I/C – Phase 1 **No**  
**Changes From Last Month**

**CCTA Fund Source:** Measure J

**Lead Agency:** CCTA

**Project Description:** Widen the State Route 4 Bypass from 2 to 4 lanes (2 in each direction) from Laurel Road to Sand Creek Road, and construct the Sand Creek Interchange. The interchange will have diamond ramps in all quadrants with the exception of the southwest quadrant.

**Current Phase:** Construction.

**Project Status:** Construction of the Lone Tree Way Undercrossing, the Sand Creek Bridge, the Sand Creek Road Undercrossing, and the San Jose Avenue Undercrossing continued, electrical system installation, and drainage system installation also continues.

**Issues/Areas of Concern:** None.

#### **G. SR4 Bypass: Balfour Road Interchange – Phase 1 (5005)**

**CCTA Fund Source:** East Contra Costa Regional Fee and Finance Authority (ECCRFFA)

**Lead Agency:** CCTA

**Project Description:** The Phase 1 project will include a new SR4 bridge crossing over Balfour Road, providing one southbound and one northbound lane for SR4; northbound and southbound SR4 loop on-ramps, servicing both westbound and eastbound Balfour Road traffic; and northbound and southbound SR4 diagonal off-ramps.

**Current Phase:** Design.

**Project Status:** Project Development Team (PDT) meetings with Caltrans are occurring on a monthly basis. The Authority approved a \$75,000 engineering review agreement with Kinder Morgan L.P. (KM) at the January 2013 meeting for an evaluation of the interchange design plans as they relate to the possible relocation of an existing petroleum booster pump station in the area. The Contra Costa Water District (CCWD) is in the process of designing an alignment to relocate a large water line from within the project limits. CCWD is also developing a Longitudinal Utility Exception Request to seek permission from Caltrans to leave the 90” water line in place. The designer is currently working on the mapping and geometric approval drawings.

Design is anticipated to be complete in late 2014.

**Issues/Areas of Concern:** Because of the slowdown in building in East County, ECCRFFA construction funding for the project is delayed and an alternative construction funding source has not yet been identified.

#### **H. SR4 Bypass: Mokelumne Trail Bike/Pedestrian Overcrossing (portion of Project 5002) No Changes From Last Month**

**CCTA Fund Source:** Measure J

**Lead Agency:** CCTA

**Project Description:** Construct a pedestrian and bicycle overcrossing near the Mokelumne Trail at SR4. The overcrossing will include a multi-span bridge with columns in the SR4 median. Bridge approaches will be constructed on earthen embankments. The path width is assumed to be 12 feet wide.

**Current Phase:** Design.

**Project Status:** The SR4 Bypass Authority requested that the Authority initiate design work. A local agency project kickoff meeting was held on October 18, 2012, that included the Authority, the City of

Brentwood and the East Bay Regional Park District. Agency partners on the project include Caltrans, East Bay Regional Park District, City of Brentwood, and BART.

CCTA staff and the design engineer have met with the adjoining landowner and the City of Brentwood to look at bridge design layouts. Design will begin after the desired layout is selected.

**Issues/Areas of Concern:** Construction funding for the project has not yet been identified.

## **STATE ROUTE 239 (BRENTWOOD-TRACY EXPRESSWAY) PHASE 1 - PLANNING**

Staff Contact: Martin Engelmann, (925) 256-4729, [mre@ccta.net](mailto:mre@ccta.net)

### **May 2013 Update – No Changes From Last Month**

**Study Status:** Current project activities include model development, compilation of mapping data/conceptual alignments, development of staff and policy advisory groups, and Project Visioning/Strategy-Scenario Development.

**Administration:** Responsibility for the State Route 239 Study the associated federal funding was transferred from Contra Costa County to the Contra Costa Transportation Authority in January 2012.

### **eBART Next Segment Study**

*eBART Next Segment Study Contact: Ellen Smith: [esmith1@bart.gov](mailto:esmith1@bart.gov)*

Staff will provide an update at the next ePPAC meeting as needed.

The Next Segment study is currently being developed and a status report will be provided to ePPAC/TRANSPLAN in a later meeting.

**ITEM 6**  
**CALENDAR OF EVENTS**

**Calendar of Upcoming Events\***

<b>Spring 2013</b>	<b>Location</b>	<b>Event</b>
Date TBD	Danville	Groundbreaking - I-680 Auxiliary Lanes - Sycamore Valley to Crow Canyon
April 24, 2013 (Tentative)	MTC - Oakland	MTC to Adopt the 2013 RTP
<b>Summer 2013</b>	<b>Location</b>	<b>Event</b>
<b>Fall 2013</b>	<b>Location</b>	<b>Event</b>
Date TBD	Orinda	Open to Traffic - Caldecott Fourth Bore Project

\*"Upcoming Events" are gleaned from public agency calendars/board packets, East Bay Economic

**ITEM 7**  
**ENVIRONMENTAL REGISTER**



*ENVIRONMENTAL REGISTER*

<b>LEAD AGENCY</b>	<b>GEOGRAPHIC LOCATION</b> (City, Region, etc.)	<b>NOTICE /DOCUMENT</b>	<b>PROJECT NAME</b>	<b>DESCRIPTION</b>	<b>COMMENT DEADLINE</b>	<b>RESPONSE REQUIRED</b>
City of Oakley	Heartwood Drive and Clearwood Drive	Notice of Public Hearing	Heartwood Estates 8916 Design Review Contact: Ken Streelo, Senior Planner <a href="mailto:strelo@ci.oakley.ca.us">strelo@ci.oakley.ca.us</a>	Request for design review approval (architecture, landscaping, elevations) for a 13-lot subdivision.	6/11/13, 6:30pm (hearing date)	No comments
City of Oakley	Southeast corner of Sellers Avenue and East Cypress Road.	Notice of Public Hearing	Baldocchi Property Development Agreement	Request for City Council to approve a Development Agreement (DA 01-13). Agreement includes preliminary phasing and conceptual site plan.	6/11/13, 6:30pm (hearing date)	No comments
City of Concord	Citywide	Notice of Intent to Adopt a Negative Declaration	Complete Streets General Plan Amendment. Contact: Carol Johnson, Planning Manager 925-671-3369 <a href="mailto:carol.johnson@cityofconcord.org">carol.johnson@cityofconcord.org</a>	Update to the Concord 2030 General Plan's Transportation and Circulation Element to include a revision of goals, principles, and policies to more explicitly address the concept of "Complete Streets" as required by State legislation.	June 17, 2013	No comments
City of Pittsburg	From western end of Sky Ranch II Subdivision to Kirker Pass Road	Notice of Availability of Draft Environmental Impact Report	James Donlon Boulevard Extension Contact: Leigha Schmidt, Associate Planner 925-252-4920 <a href="mailto:lschmidt@ci.pittsburg.ca.us">lschmidt@ci.pittsburg.ca.us</a>	Construct and operate a 1.71-mile extension of James Donlon Boulevard.	5/29/13	Yes
City of San Ramon	Off Deerwood Raod, northwest quadrant of the I-680/Crow Canyon Road interchange	Request for Comments	Faria Preserve Subdivision Contact: Cindy Yee 925-973-2562	740-unit residential subdivision.	4/26/13	No comments
Department of the Navy, DOD	Naval Weapons Station (NWS) Seal Beach, Concord, CA	Notice of Intent to Prepare an Environmental Impact Statement	Concord Reuse Project Contact: Ronald Bochenek 619-532-0906 <a href="mailto:Ronald.bochenek.ctr@navy.mil">Ronald.bochenek.ctr@navy.mil</a>	Disposal of surplus property at NWS Concord from federal ownership and its subsequent reuse in a manner consistent with the Concord Reuse Project Area Plan.	4/9/13	Monitor

**ITEM 8**  
**MEASURE J STRATEGIC PLAN UPDATE**

# **TRANSPLAN COMMITTEE**

## **EAST COUNTY TRANSPORTATION PLANNING**

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County  
30 Muir Road, Martinez, CA 94553

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**TO:** TRANSPLAN Committee  
**FROM:** TRANSPLAN TAC  
**DATE:** June 13, 2013  
**SUBJECT:** **Measure J Strategic Plan Update.**

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### **Background**

The Contra Costa Transportation Authority (CCTA) has initiated the 2013 update to the Measure J Strategic Plan. At the May 21, 2013 TRANSPLAN TAC meeting, CCTA staff gave a presentation on the process. CCTA identified an additional capacity to fund projects throughout the County. East County has an additional capacity to program up to \$99 million (through Fiscal Year 2034).

CCTA has requested the Regional Transportation Planning Committees (RTPCs) recommend projects for funding subject to the following requirements:

- Project must fit within the project category descriptions in the Measure J Expenditure Plan (see attached table).
- No project category can exceed the remaining capacity.
- Project readiness and ability to leverage other fund sources are highly emphasized.

RTPCs can also opt to retain a part of their additional funds as a reserve for future programming beyond FY2019 if projects cannot be identified at this time.

### **TRANSPLAN TAC Special Meeting**

The TAC held a special meeting on Tuesday, June 4, 2013 to discuss the Measure J Strategic Plan update. The purpose of the June 4 special TAC meeting was to discuss the East County funding priorities, taking into consideration the requirements provided by CCTA and the required program funding caps.

CCTA staff led the discussion with staff from all member agencies present, as well as staff from BART, Tri Delta Transit, 511 Contra Costa, and the East Contra Costa Regional Fee and Financing Authority (ECCRFFA).

The TAC generally discussed potential new projects to be included into the Strategic Plan, compatibility of those projects with the Measure J Expenditure Plan fund categories and their programming capacity, and what East County's priorities are.

During the discussion the TAC was also aware of considerations such as:

- 1) Established policy by the TRANSPLAN Committee (2009), following the most recent Measure J Strategic Plan update. In the event that revenue projections improve, TRANSPLAN is obligated to restore the funding capacity of the Measure J programs (East County Corridors, BART Parking/Access, Major Streets, TLC, and Subregional Needs) which had funding shifted out of them in order to backfill East County's major capital project priorities (SR4 East Widening and eBART). The September action is attached.

- 2) Direction from the TRANSPLAN Committee at the April 2013 TRANSPLAN Committee meeting to determine East County's funding needs and priorities.

The TAC will continue discussions on the Strategic Plan update at the June 18, 2013 TRANSPLAN TAC meeting. The TAC will develop different options for programming the additional Measure J funds. Those options (with a TAC recommended preferred option) will be forwarded to the TRANSPLAN Committee for discussion and approval at the July 11, 2013 TRANSPLAN Committee meeting.

att: Measure J Expenditure Plan Fund Categories for East County  
9/16/09 TRANSPLAN letter to CCTA

c: TRANSPLAN TAC

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<b>Measure J Expenditure Plan Fund Category</b>
<b>BART – East Contra Costa Rail Extension</b>
<i>Extend rail or other high-speed transit service from the Pittsburg/Bay Point BART station eastward to the cities of Antioch, Oakley, Brentwood and the community of Byron.</i>
<b>State Route 4 East Widening</b>
<i>Complete the widening of State Route 4 in East Contra Costa to provide a total of four lanes (including bus/carpool and auxiliary lanes) in each direction to State Route 160.</i>
<b>East County Corridors (Vasco Rd, SR4 Bypass, Byron Hwy, and Non-Freeway SR 4)</b>
<i>Construct capacity and safety enhancements to Vasco Road, the State Route 4 Bypass, Byron Highway and the existing Route 4 through Brentwood and Oakley.</i>
<b>BART Parking, Access, and Other Improvements.</b>
<i>Construct improvements to the BART system such as additional parking, station access, capacity, safety and operational improvements.</i>
<b>Transportation for Livable Communities Project Grants (CC-TLC)</b>
<i>Five percent of sales tax revenues are to be used to implement specific transportation projects that encourage the use of alternatives to the single occupant vehicle such as: pedestrian, bicycle and streetscape facilities, traffic calming and transit access improvements. Allocations are subject to compliance with the GMP, as outlined in the CC-TLC Summary included as Part IV of this Expenditure Plan.</i>
<b>Major Streets: Traffic Flow, Safety and Capacity Improvements</b>
<i>Improvements to major thoroughfares such as traffic signals, widening, traffic calming and pedestrian safety improvements, shoulders, installation of bike facilities, sidewalks, bus turnouts, curbs and gutters. The funds are allocated as follows: Central County (\$48 million), Southwest County (\$14.4 million) and East County (\$18 million).</i>
<b>Subregional Transportation Needs</b>
<i>Each subregion will identify projects and/or programs to address its current and future needs. The funds are allocated as follows: Central County (\$16.2 million), West County (\$6.0 million), Southwest County (\$4.7 million) and East County (\$3.7 million).</i>

**East County Measure J Fund Categories (Measure J Expenditure Plan)**

BART - East Contra Costa Extension  
State Route 4 East Widening  
East County Corridors  
BART Parking, Access and Other Improvements  
Transportation for Livable Communities  
Major Streets, Traffic Flow and Safety Improvements  
Sub-regional Transportation Needs

**Add'l Capacity in Fund Category (x1,000)**

\$44,217  
\$20,289  
\$9,848  
\$11,880  
\$31,133  
\$19,440  
\$3,909

# TRANSPLAN COMMITTEE

## EAST COUNTY TRANSPORTATION PLANNING

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

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September 16, 2009

Mr. Robert McCleary, Executive Director  
Contra Costa Transportation Authority  
3478 Buskirk Avenue, Suite 100  
Pleasant Hill, CA 94523

Dear Mr. McCleary:

This correspondence reports on the actions and discussions at the TRANSPLAN Committee during their meeting on September 10, 2009.

**Tri Delta Request for Sub-Regional Transportation Program Needs Funding Allocation for the Pacheco Transit Center/Regional Express Bus Hub and Park and Ride Project:** The Committee received a report on the subject project and concurred with the recommendation from the Technical Advisory Committee to approve the funding allocation with the conditions<sup>1</sup> described in the staff report.

**Strategic Plan Update:** The Committee received a report on the status of the subject process in addition to the eBART project and voted unanimously to approve Option 3 proposed by CCTA. TRANSPLAN concurred with Authority recommendations to:

1. Shift \$50M from East County Corridor category in Measure J to backfill ECCRFFA commitment to SR4 East widening.
2. Shift all Measure J funds from east county share of the following capital projects categories to eBART:
  - BART Parking, Access and Other Improvements
  - Major Streets: Traffic Flow, Safety, & Capacity Improvements
3. Shift remaining uncommitted<sup>2</sup> Measure J funds from east county share of the following programs to eBART:
  - Transportation for Livable Communities
  - Sub-regional Transportation Needs

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<sup>1</sup> The TAC recommends that the TRANSPLAN approve the request so long as the following conditions are incorporated into the funding agreement:

A) No cost escalation will be included in the funding agreement. The \$5,000 will remain static for the life of Measure J.

B) TRANSPLAN funding would be provided only so long as the other partners fulfill their financial commitment (TRANSPAC \$15,000/annual, WCCTAC \$10,000/annual) for the life of Measure J.

<sup>2</sup> Committed funds include:

- \$200,000 to Pittsburg/Bay Point BART Station Pedestrian/Bicycle Access Plan from the TLC program
- \$5,000 per year from the Sub-regional Transportation Needs category to Tri Delta

Mr. McCleary,  
September 16, 2009  
Page Two

TRANSPLAN reiterated that should revenue projections improve in the future or if higher than anticipated savings are experienced, funding shall be restored to the programs from which they are being shifted from as a result of aforementioned approval of Option 3.

The next regularly scheduled TRANSPLAN Committee meeting will be on Thursday, October 8, 2009 at 6:30 p.m.

Sincerely,



John W. Cunningham  
TRANSPLAN staff

c: TRANSPLAN Committee  
TRANSPLAN Technical Advisory Committee  
A. Dillard, SWAT  
B. Neustadter, TRANSPAC  
C. Atienza, WCCTAC  
L Bobadilla, TVTC  
D. Rosenbohm CCTA  
E. Smith, BART  
H. Noeimi, CCTA

**ITEM 9**  
**REPORT ON STATUS OF EAST COUNTY FEE PROGRAM**




# TRANSPLAN COMMITTEE

## EAST COUNTY TRANSPORTATION PLANNING

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County  
30 Muir Road, Martinez, CA 94553

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**TO:** TRANSPLAN Committee  
**FROM:** John Cunningham, TRANSPLAN Staff   
**DATE:** June 5, 2013  
**SUBJECT:** East County Fee Program

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### Background

At the May 9, 2013 TRANSPLAN meeting the TRANSPLAN Board received an update from staff on the status of the proposal being negotiated with the City of Pittsburg and the Committee discussed how to proceed. The results of that discussion were as follows:

- A. Forward the two negotiated options (Options 1 and 2) to each jurisdiction's respective Council/Board for consideration of conceptual approval, with a request that each Council/Board communicate its position in writing to TRANSPLAN,
- B. Draft an amendment to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Joint Exercise of Powers Agreement (JEPA) formalizing Option 1.
- C. Include in Option 1 and in the JEPA amendment a requirement that the Pittsburg fee rebate program use a uniform fee schedule.
- D. Prepare a written response re-iterating the oral response made at the Board meeting to Pittsburg's questioning of ECCRFFA's continued holding of closed sessions to discuss the fee program dispute and to answer the question regarding how the "ADOPT resolution of the TRANSPLAN Committee's position on the status of the City of Pittsburg..." item was originally placed on the TRANSPLAN agenda.

### Discussion

**Status of Negotiated Options:** Per discussions at TRANSPLAN, member agencies have brought the negotiated options to their respective Councils and Boards for consideration. The following is an update on the status of those discussions:

Jurisdiction	Date	Action
City of Pittsburg	May 6, 2013	Option 1 and 2 Conceptually Approved
City of Oakley	May 28, 2013	Conceptually Approves TRANSPLAN Committee Proposal
Contra Costa County	June 4, 2013	Option 1 approved in concept
City of Brentwood	June 11, 2013	TBD - Handout/verbal report @ June Meeting
City of Antioch	June 11, 2013	TBD - Handout/verbal report @ June Meeting

**Status of Amended ECCRFFA JEPA:** ECCRFFA's legal counsel is current revising the JEPA and anticipates distribution for review in the near future.

**Outstanding Issues:** At this point, it appears all outstanding issues have been resolved, at least at the conceptual level. As we proceed with the JEPA amendment, additional items could surface that need to be addressed.

c: TRANSPLAN TAC

**Recommendation**

1) **RECEIVE** report from staff on the status of the fee program deliberations at member jurisdictions,

2) **DIRECT** staff to return in July with an amended Joint Exercise of Powers Agreement for adoption by ECCRFFA and its member agencies.

att:      1) Negotiated Options  
            2) City of Pittsburg Resolution Re: Fee Issue  
            3) City of Oakley Resolution Re: Fee Issue  
            4) Contra Costa County Board of Supervisors Certified Board Order Re: Fee Issue

c:    TRANSPLAN TAC

Revised 5/14~~39~~/13

## Summary of TRANSPLAN/ECCRFFA Proposal:

TRANSPLAN and ECCRFFA staff appreciate CCTA's assistance in attempting to resolve the dispute between Pittsburg and TRANSPLAN/ECCRFFA. Understanding the need to preserve harmony for the good of the entire county, TRANSPLAN and ECCRFFA staff are as interested as CCTA in achieving a resolution to this issue as soon as possible. To help the process continue to move forward toward common ground, we offer the following two options for discussion.

Option 1 is a simple approach that addresses project prioritization and fee equality and that largely preserves the existing successful arrangement for East County. Option 2 offers a resolution and provides for an evolution of the transportation financing structure in East County. Options 1 and 2 are detailed below:

### Option 1

- A. Pittsburg rejoins ECCRFFA as soon as possible and collects the same fees as other member agencies:
  1. Pittsburg will implement a rebate program (with applicable uniformly to all Pittsburg developers fee schedule) for no more than 2 years to match the current ECCRFFA rebate fee schedule (i.e.g., ~~\$9,4869,500~~ per SFR and \$5,823 per MFR). At the end of the Pittsburg rebate program, Pittsburg will match the revised ECCRFFA fee schedule described in Paragraph A.2 below, or if there is a shortfall between the Pittsburg and ECCRFFA fees collected between 9/7/10~~4~~ and the end of the Pittsburg rebate program, Pittsburg will eliminate the shortfall by collecting increased fees for the next 150 SFR and/or MFR permits issued by Pittsburg and then match the revised ECCRFFA fee schedule;
  2. By 12/13/2013 (or end of current ECCRFFA fee rebate program), ECCRFFA will revise the current fee or rebate schedule to result in a revised fee schedule that may not exceed the pre-rebate Pittsburg MOU fee schedule (approx. \$16,500 per SFR, plus escalation);
  3. After 12/13/2013 (or end of current ECCRFFA fee rebate program), any subsequent ECCRFFA fee rebate program may not involve a rebate greater than 50% of the full fee unless it is approved unanimously by the full ECCRFFA Board.
  4. The JEPA would be amended to require all member agencies to remain "fully participating members" in ECCRFFA through 2030.

- B. Priority project list is the following and cannot be changed unless both of the following conditions are met: 1) there are extenuating circumstances regarding regional priorities or difficulties in implementing one of the priority projects listed below, and 2) there is a **unanimous** vote by the **full** ECCRFFA Board:
1. Initial Projects and ECCRFFA Existing Commitments:
    - a) SR4 East widening;
    - b) eBART extension to Hillcrest Avenue (\$6.0M) - (excludes Railroad Avenue station) - \$1.2M to be provided to BART by 12/31/2013;
    - c) SR4 Bypass projects (including SR4/SR160 Connector Ramps, Sand Creek Road Interchange, Balfour Road Interchange, and 4-Laning between Lone Tree Way and Balfour Road);
    - d) Outstanding ECCRFFA commitments (\$13 million);
  2. eBART Extension beyond Hillcrest Avenue – environmental review for the eBART extension (\$3.0M);
  3. James Donlan Extension (JDE);
- C. Pittsburg would use the fees collected to-date (approx. \$5.5M) as follows: approx. \$5.3M for JDE (for environmental clearance, R/W acquisition and design) and the Railroad Avenue eBART station); and \$196,000 for legal fees incurred by Pittsburg in TRANSPLAN/ECCRFFA lawsuit.

## **Option 2**

Pittsburg will remain a member of TRANSPLAN and will act independently but in partnership with ECCRFFA to fund and/or construct high priority regional Projects that are included on the approved list of regional projects for East County:

- A. Pittsburg retains its own fee program.
- B. ECCRFFA continues with the remaining four members.
- C. CCTA and Pittsburg formulate a plan of action regarding Pittsburg's "return to source" funds and compliance with Measure J without having a further determination made by TRANSPLAN.

BEFORE THE CITY COUNCIL OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving in Concept a Transplan )  
Proposal to Resolve Issues Relating to Other )  
Transplan Members )

RESOLUTION NO. 13-11967

The Pittsburg City Council DOES RESOLVE as follows:

WHEREAS, on April 11, 2013, the Transplan Committee approved in concept a proposal to resolve issues relating to Pittsburg and other Transplan members concerning the Regional Transportation Mitigation Program (RTMP) in East County ("Proposal"); and,

NOW, THEREFORE, the City Council finds and determines as follows:

Section 1.

The attached Proposal with both Option 1 and Option 2 is hereby conceptually approved. The City Manager and the City's Transplan representative are hereby authorized to take steps consistent with this Resolution.

Section 2.

The City Council encourages its fellow members of Transplan to take similar steps to conceptually approve Transplan's April 11, 2013, Proposal.

PASSED AND ADOPTED by the City Council of the City of Pittsburg at a regular meeting on the 6<sup>th</sup> day of May, 2013, by the following vote:

AYES: Casey, Evola, Longmire, Johnson, Parent

NOES: None

ABSTAINED: None

ABSENT: None

  
\_\_\_\_\_  
Nancy L. Parent, Mayor

ATTEST:

  
\_\_\_\_\_  
Alice E. Evenson, City Clerk



**OFFICE OF THE CITY MANAGER/EXECUTIVE DIRECTOR  
65 Civic Avenue  
Pittsburg, CA 94565**

**DATE:** 4/25/2013  
**TO:** Mayor and Council Members  
**FROM:** Joe Sbranti, City Manager  
**SUBJECT:** Adoption of a City Council Resolution Approving in Concept a Transplan Proposal to Resolve Issues Relating to Pittsburg and Other Transplan Members  
**MEETING DATE:** 5/6/2013

**EXECUTIVE SUMMARY**

On April 11, 2013, Transplan approved in concept a proposal to resolve issues related to Pittsburg and other Transplan members and the Regional Transportation Mitigation Program (RTMP) in East County ("Proposal"). The Proposal has been approved in concept by Transplan and is being disseminated to its members for approval.

**FISCAL IMPACT**

There are no fiscal impacts resulting from adoption of this resolution. The rates of developer fees set forth in existing memoranda of understanding will not be adversely affected by the Proposal.

**RECOMMENDATION**

City Council approves the attached resolution giving conceptual approval to the attached Transplan Proposal to resolve the issues relating to Pittsburg and other Transplan members concerning the East County Regional Transportation Mitigation Program.

**BACKGROUND**

In August 1994, the City of Pittsburg and other East County jurisdictions executed a Joint Exercise of Powers Agreement to form the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) and to assist with implementation of East County's Regional Transportation Mitigation Program (RTMP).

In April 2009, the City formally requests ECCRFFA give the James Donlon Extension Project (a.k.a. the Buchanan Road Bypass Project) priority in funding. Negotiations begin

related to this project's schedule and several proposals are discussed. City also expresses interest in withdrawing from ECCRFFA if this project is not given priority status.

In June 2010, negotiations between ECCRFFA and Pittsburg break down. ECCRFFA rejects Pittsburg's latest counter-proposal and Pittsburg begins preparing its own RTMP.

On September 7, 2010, Pittsburg formally withdrew from ECCRFFA.

On September 20, 2010, Pittsburg City Council adopted Urgency Ordinance No. 10-1328, Adding Chapter 15.103 to the Pittsburg Municipal Code Establishing a Revised Regional Transportation Development Impact Mitigation Fee Program.

### **SUBCOMMITTEE FINDINGS**

Not applicable.

### **STAFF ANALYSIS**

Pittsburg withdrew from the East Contra Costa Regional Fee and Finance Authority on September 7, 2010 and formed its own Regional Transportation Mitigation Program (RTMP), called the Pittsburg Regional Transportation Development Impact Mitigation (PRTDIM) Program. Since that time, CCTA and Transplan have claimed that the PRTDIM does not qualify as a valid RTMP, which is required under Measure J's Growth Management Program (GMP) and needed to receive its share of Return-to-Source Funds. Staff has worked with Transplan member agencies to draft the attached Proposal. It contains two options. One has Pittsburg rejoining ECCRFFA as a full member with certain conditions, while the second option keeps Pittsburg's PRTDIM as a separate RTMP in East County. The Proposal is intended to resolve issues relating to that action and other matters.

ATTACHMENTS: Transplan Proposal (Revised 4/10/13)  
Resolution

Report Prepared By: Paul Reinders, Senior Civil Engineer

**Revised 4/0710/13**

**Summary of TRANSPLAN/ECCRFFA Proposal:**

TRANSPLAN and ECCRFFA staff appreciate CCTA's assistance in attempting to resolve the dispute between Pittsburg and TRANSPLAN/ECCRFFA. Understanding the need to preserve harmony for the good of the entire county, TRANSPLAN and ECCRFFA staff are as interested as CCTA in achieving a resolution to this issue as soon as possible. To help the process continue to move forward toward common ground, we offer the following two options for discussion.

Option 1 is a simple approach that addresses project prioritization and fee equality and that largely preserves the existing successful arrangement for East County. Option 2 offers a resolution and provides for an evolution of the transportation financing structure in East County. Options 1 and 2 are detailed below:

**Option 1**

- A. Pittsburg rejoins ECCRFFA as soon as possible and collects the same fees as other member agencies:
  1. Pittsburg would implement a rebate program that will match the current ECCRFFA rebate fee schedule (e.g., \$9,486 per SFR). The rebate program would be implemented such that the fees collected by Pittsburg in the end would be equal to what Pittsburg would have collected if they had implemented a rebate program that matched the ECCRFFA rebate program on December 13, 2011 (see attached ECCRFFA Resolution for Rebate Program). The rebate program for Pittsburg ECCRFFA fees would be in effect no longer than 2 years;
  2. Within two years or after the end of rebate program for Pittsburg (discussed in Paragraph A.1 above), whichever comes first, Pittsburg will match or exceed (based on discussions with ECCRFFA) the revised ECCRFFA fee schedule, which may not exceed Pittsburg MOU fee schedule (approx. \$16,500 per SFR, plus escalation);
  3. After 12/13/2013 (or end of current ECCRFFA fee rebate program), any subsequent ECCRFFA fee rebate program may not involve a rebate greater than 50% of the full fee unless it is approved unanimously by the full ECCRFFA Board.
  4. The JEPA would be amended to require all member agencies to remain "fully participating members" in ECCRFFA through 2030.



- B. Priority project list is the following and cannot be changed unless both of the following conditions are met: 1) there are extenuating circumstances regarding regional priorities or difficulties in implementing one of the priority projects listed below, and 2) there is a **unanimous** vote by the **full** ECCRFFA Board:
1. SR4 East widening;
  2. eBART extension to Hillcrest Avenue (\$6.0M) - (excludes Railroad Avenue station) - \$1.2M to be provided to BART by 12/31/2013;
  3. SR4 Bypass projects (including SR4/SR160 Connector Ramps, Sand Creek Road Interchange, Balfour Road Interchange, and 4-Laning between Lone Tree Way and Balfour Road);
  4. Outstanding ECCRFFA commitments (\$13 million);
  5. eBART Extension beyond Hillcrest Avenue – environmental review for the eBART extension (\$3.0M);
  6. James Donlan Extension (JDE);
- C. Pittsburg would use the fees collected to-date (approx. \$5.5M) as follows: for JDE (for environmental clearance, R/W acquisition and design) and the Railroad Avenue eBART station).

## **Option 2**

Pittsburg will remain a member of TRANSPLAN and will act independently but in partnership with ECCRFFA to fund and/or construct high priority regional Projects that are included on the approved list of regional projects for East County:

- A. Pittsburg retains its own fee program.
- B. ECCRFFA continues with the remaining four members.
- C. CCTA and Pittsburg formulate a plan of action regarding Pittsburg's "return to source" funds and compliance with Measure J without having a determination made by TRANSPLAN.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING IN CONCEPT A TRANSPLAN PROPOSAL TO RESOLVE ISSUES RELATING TO THE REGIONAL TRAFFIC IMPACT FEE PROGRAM DISPUTE BETWEEN THE CITY OF PITTSBURG AND OTHER TRANSPLAN / EAST CONTRA COSTA REGIONAL FEE AND FINANCING AUTHORITY (ECCRFFA) MEMBERS.**

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**WHEREAS**, on April 11, 2013, the TRANSPLAN Committee approved in concept a proposal to resolve issues relating to Pittsburg and other TRANSPLAN/ECCRFFA members (of which Oakley is one) concerning the Regional Transportation Mitigation Program (RTMP); and

**WHEREAS**, the TRANSPLAN Committee proposal outlines two options to resolve these issues (a copy of this proposal with the details of two options is attached hereto); and

**WHEREAS**, on May 6, 2013, the City Council of the City of Pittsburg adopted a resolution that encouraged other TRANSPLAN/ECCRFFA members, such as Oakley, to conceptually approve the proposal.

**BE IT RESOLVED** by the City Council of the City of Oakley that it conceptually approves the TRANSPLAN Committee proposal attached hereto and directs Staff to communicate this approval to the TRANSPLAN Board.

The foregoing resolution was adopted at a regular meeting of the City Council of the City of Oakley held on the 28<sup>th</sup> day of May, 2013, by Councilmember \_\_\_\_\_, who moved its adoption, which motion being duly seconded by Councilmember \_\_\_\_\_, was upon voice vote carried and the resolution adopted by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

**APPROVED:**

\_\_\_\_\_  
Kevin Romick, Mayor

**ATTEST:**

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date



Contra  
Costa  
County

To: Board of Supervisors  
From: Catherine Kutsuris, Conservation and Development Director  
Date: June 4, 2013

Subject: Consideration of Options for Resolving Dispute over the East County Regional Transportation Mitigation Fee Program

**RECOMMENDATION(S):**

CONSIDER conceptual approval of an option, or options, for resolving the dispute over the Regional Transportation Mitigation Program in the East County region, and AUTHORIZE the Chair of the Board of Supervisors to send written confirmation of the Board's action to the TRANSPLAN Committee.

**FISCAL IMPACT:**

No impact to the General Fund. The cost of the County's participation in the TRANSPLAN Committee is funded by the Measure J transportation sales tax and the County Road Fund. The TRANSPLAN Committee is a joint powers authority formed by the cities of Antioch, Brentwood, Oakley, Pittsburg and the County to implement the multi-jurisdictional cooperative planning process in the East County region as required by the Measure J ordinance.

**BACKGROUND:**

The Measure J Transportation Improvement and Growth Management Program, approved by the voters of Contra Costa in 2004, requires that all transportation planning regions[1] in the county develop a Regional Transportation Mitigation Program (RTMP) that establishes fees, exactions,

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **06/04/2013**  APPROVED AS RECOMMENDED  OTHER

Clerks Notes: See Addendum

**VOTE OF SUPERVISORS**

AYES 5 NOES \_\_\_\_\_

ABSENT \_\_\_\_\_ ABSTAIN \_\_\_\_\_

RECUSE \_\_\_\_\_

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 4, 2013

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Steven Goetz  
925-674-7830

By: June McHuen, Deputy

## BACKGROUND: (CONT'D)

assessments, or other mitigation measures to fund regional transportation improvements to mitigate the impact of planned development. The Measure J ordinance gives TRANSPLAN sole authority to establish the RTMP in the East County region. TRANSPLAN has determined that the regional fee program of the Eastern Contra Costa Regional Fee and Financing Authority (ECCRFFA) is the RTMP for East County and that all East County jurisdictions must participate in the ECCRFFA regional fee program.

The City of Pittsburg (City) withdrew from ECCRFFA effective September 7, 2010 and, unilaterally purported to establish its own regional fee program. Over the past three years this withdrawal has resulted in a number of events which are summarized below.

- On October 8, 2010, the Contra Costa Transportation Authority (CCTA) notified the City that, because of the withdrawal from ECCRFFA, CCTA had placed the City in a “watch” position for payment of 2010-2011 Local Street Maintenance (LSM) funds (also known as Measure J return-to-source funds). In order to comply with the RTMP requirement of Measure J, the City would have to obtain the TRANSPLAN Committee's concurrence on a “joint” or “hybrid RTMP” and a written agreement to integrate the City's fee program with the ECCRFFA RTMP. The City has not received LSM funds since the October 8, 2010 determination by CCTA.
- On April 1, 2011, TRANSPLAN and ECCRFFA filed a Petition/Complaint for Writ of Mandate against the City.
- During 2011 and 2012, TRANSPLAN/ECCRFFA and the City engaged in settlement negotiations which were unsuccessful in resolving the matter.
- On December 4, 2012, TRANSPLAN and ECCRFFA dismissed the lawsuit without prejudice.
- In 2013, with CCTA as a mediator, the City and TRANSPLAN/ECCRFFA entered a new negotiation phase. The relatively complex settlement discussed during the lawsuit was replaced by two simplified options. These options have been conceptually referred by the TRANSPLAN Board to all East County jurisdictions for consideration. These options are described in the attached TRANSPLAN-ECCRFFA Fee Program Proposal (see attachments).

At its May 9, 2013 meeting, the TRANSPLAN Board gave the following direction to its staff:

*Forward the two negotiated options (Options 1 and 2) to each jurisdiction's respective Council/Board for feedback and/or consideration of conceptual approval, with a request that each Council/Board communicate its position in writing to TRANSPLAN.*

### **Option 1 results in the following:**

- The City of Pittsburg rejoins ECCRFFA: In order for Pittsburg to rejoin ECCRFFA as a full, equitable member, the total fees collected by Pittsburg since its withdrawal from ECCRFFA in 2010 must be equalized to what would have been collected if Pittsburg had collected fees per the ECCRFFA fee schedule during the same time period. There is currently a disparity due to different fee amounts collected by both Pittsburg and the ECCRFFA members since 2010. The fee equalization provisions in the attachment (see sections A.1 and A.2) are necessary to address this fee disparity.
- Assurances on project priority: Each member jurisdiction is seeking confidence in retaining the priority of projects for funding. Option 1 establishes the project priority and defines the conditions under which the priorities can be changed.
- Allowable uses for the fees collected by the City of Pittsburg since the 2010 withdrawal from ECCRFFA: Pittsburg is requesting that allowable uses for the fees include project development costs related to the James Donlon Expressway and the Railroad Avenue eBART station, as well as \$196,000 in legal fees incurred during the fee dispute lawsuit.

### **Option 2 results in the following:**

- The City retains its own regional fee program.
- ECCRFFA continues without the City of Pittsburg (Antioch, Brentwood, Oakley and the County remain).
- Current policy gives TRANSPLAN the exclusive authority to approve the East County RTMP required under

Measure J. Under Option 2, the question of whether or not the City of Pittsburg is entitled to receive LSM funds under Measure J is left to CCTA without TRANSPLAN making a further determination [2] about Pittsburg's compliance with the Measure J RTMP requirements.

As of the writing of this report, only the City of Pittsburg has taken action, by conceptually approving an earlier version of both options. A copy of the City of Pittsburg staff report and the City Council's minutes are also attached to this Board Order.

A delegation from CCTA that has been participating in the recent negotiations has made it clear that Option 1 is preferred by the Authority. This preference is based on the need to maintain cooperation among the jurisdictions in East County. This cooperation protects the public's confidence in CCTA's ability to address regional traffic impacts from new development.

**County staff recommends the Board of Supervisors support Option 1.** Option 1 would result in uniform regional transportation fees throughout East County, would ensure that new development in East County continues to contribute its fair share to regional transportation projects that mitigate the impacts from such development, and would provide the local cooperation necessary to attract the state and federal transportation funds required to complete these projects.

Notes:

[1]

- West (WCCTAC-West Contra Costa Transportation Advisory Committee)
- Central (TRANSPAC-Transportation Partnership and Cooperation)
- Southwest (SWAT-Southwest Area Transportation Committee)
- East (TRANSPLAN)

[2] In 2011, TRANSPLAN communicated to the Contra Costa Transportation Authority its position is that the only valid regional fee program is ECCRFFA's and that the City was not in compliance with Measure J obligations.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board does not make a recommendation or provide a response to TRANSPLAN, this could potentially prevent TRANSPLAN and ECCRFFA from finalizing a settlement with the City of Pittsburg on the East County Regional Transportation Mitigation Program or could result in TRANSPLAN and ECCRFFA not considering the Board's views.

CHILDREN'S IMPACT STATEMENT:

None.


**ITEM 11**  
**RESOLUTION OF THE TRANSPLAN COMMITTEE**

# TRANSPLAN COMMITTEE

## EAST COUNTY TRANSPORTATION PLANNING

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County  
30 Muir Road, Martinez, CA 94553

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**TO:** TRANSPLAN Committee  
**FROM:** Jamar Stamps, TRANSPLAN Staff   
**DATE:** February 14, 2013  
**SUBJECT:** Update on City of Pittsburg's Compliance with East County Action Plan and Consideration of Appropriate Follow-up Action(s)

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### Recommendation

**ADOPT** resolution of the TRANSPLAN Committee's position on the status of the City of Pittsburg's (Pittsburg) 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.

### Background

At a special meeting held on January 27, 2011, 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 (East Contra Costa Regional Fee and Financing Authority) as the only approved regional development mitigation program for the East County region; and
2. Determined that 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).

On April 1, 2011 TRANSPLAN and ECCRFFA filed a petition against Pittsburg with the Superior Court of California, Contra Costa County. Following the filing of the lawsuit, TRANSPLAN, ECCRFFA, and Pittsburg engaged in negotiations in an attempt to settle the dispute.

On November 8, 2012 TRANSPLAN and ECCRFFA reviewed the status of the settlement negotiations and determined that continuing with the litigation was not in the best interest of East County communities and the public.

On November 29, 2012 the Pittsburg City Council and staff were notified (see attached) that TRANSPLAN and ECCRFFA would proceed to dismiss the lawsuit and reaffirm to the Contra Costa Transportation Authority (CCTA) that Pittsburg is out of compliance with the Regional Transportation Mitigation Program (RTMP) requirements of the Growth Management Program (GMP).

On December 4, 2012, a dismissal without prejudice was filed in the Superior Court of California, Contra Costa County.

c: TRANSPLAN TAC

## **Next Steps**

Following the dismissal of the lawsuit, it is recommended that the TRANSPLAN Committee adopt a resolution reaffirming the Committee's previous determination that the City is out of compliance with the RTMP requirements of the GMP and requesting that CCTA act on the matter of the City's non-compliance with the GMP.

att: November 29, 2012 letter to Mayor of City of Pittsburgh

c: TRANSPLAN TAC



**RESOLUTION NO. 2013/01**

**A RESOLUTION OF THE TRANSPLAN COMMITTEE  
CONFIRMING THAT THE CITY OF PITTSBURG REMAINS  
OUT OF COMPLIANCE WITH ITS REGIONAL  
TRANSPORTATION MITIGATION OBLIGATIONS UNDER  
MEASURE J**

WHEREAS, under Measure J, a half-cent sales tax measure approved by Contra Costa County voters on November 2, 2004, each local jurisdiction is required to comply with a regional Growth Management Program as a condition of receiving sales tax revenues from the Contra Costa Transportation Authority (CCTA) for use on local street maintenance and improvement;

WHEREAS, the TRANSPLAN Committee (TRANSPLAN) is the regional transportation planning body with sole authority under Measure J to determine the regional Growth Management Program to mitigate the transportation impacts of development in eastern Contra Costa County;

WHEREAS, TRANSPLAN has previously adopted the East County Action Plan designating the Regional Transportation Development Impact Mitigation (“RTDIM”) Fee Program of the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) as the sole, approved development mitigation (i.e., regional fee) program for eastern Contra Costa County;

WHEREAS, effective September 7, 2010, the City of Pittsburg (Pittsburg) purported to withdraw from ECCRFFA and ceased participation in the ECCRFFA RTDIM Fee Program;

WHEREAS, on January 27, 2011, TRANSPLAN determined that Pittsburg was out of compliance with its regional transportation mitigation obligations under Measure J and so notified CCTA;

WHEREAS, following the determination and notification from TRANSPLAN, CCTA placed Pittsburg on a watch list and withheld from Pittsburg Local Street Maintenance and Improvement funds for Fiscal Years 2011-12 and 2012-13;

WHEREAS, on April 1, 2011, TRANSPLAN and ECCRFFA filed litigation against the Pittsburg in the Contra Costa County Superior Court to enforce Pittsburg’s obligations under Measure J and to compel Pittsburg to re-join ECCRFFA and to resume participation in the ECCRFFA RTDIM Fee Program;

WHEREAS, on December 4, 2012, after a determination by TRANSPLAN and ECCRFFA that continued litigation was no longer of benefit to East County regional projects, the litigation against Pittsburg was dismissed without prejudice by TRANSPLAN and ECCRFFA; and

**RESOLUTION NO. 2013/01**

WHEREAS, notwithstanding the dismissal of the litigation, TRANSPLAN wishes to confirm and re-iterate that Pittsburg remains out of compliance with its regional transportation mitigation obligations under Measure J.

NOW, THEREFORE, TRANSPLAN DETERMINES, RESOLVES, and ORDERS as follows:

1. Since its purported withdrawal from ECCRFFA on September 7, 2010, Pittsburg has failed to re-join ECCRFFA and has failed to participate in the ECCRFFA RTDIM Fee Program, which is the sole, approved development mitigation program for eastern Contra Costa County.
2. Despite a previous order from TRANSPLAN to re-join ECCRFFA and to participate in the ECCRFFA RTDIM Fee Program, Pittsburg has failed to do so.
3. Notwithstanding dismissal of the above litigation, Pittsburg remains out of compliance with its regional transportation mitigation obligations under Measure J.
4. As provided in Measure J, because of such non-compliance, Pittsburg is not entitled to receive Local Street Maintenance and Improvement Funds for Fiscal Year 2011-12 and subsequent fiscal years until such time as Pittsburg comes into full compliance.
5. Pittsburg is again ordered to re-join ECCRFFA without qualification or precondition, to participate fully in the ECCRFFA RTDIM Fee Program, and to transmit to ECCRFFA all regional transportation fees collected by Pittsburg since Pittsburg's purported withdrawal from ECCRFFA on September 7, 2010.
6. CCTA is requested to continue to withhold sales tax revenues from Pittsburg due to such non-compliance and to re-allocate the withheld funds for use on ECCRFFA regional transportation projects.

The foregoing Resolution was adopted by TRANSPLAN on February 14, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Kevin Romick, Chair

**RESOLUTION NO. 2013/01**

## Exhibit B

### **TRANSPLAN COMMITTEE**

EAST COUNTY TRANSPORTATION PLANNING  
Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County  
30 Muir Road, Martinez, CA 94553-0095

### **East Contra Costa Regional Fee and Financing Authority**

Antioch – Brentwood – Oakley – and Contra Costa County

**A JOINT EXERCISE OF POWERS AGENCY**

255 Glacier Drive, Martinez, CA 94553

November 29, 2012

Ben Johnson, Mayor  
City of Pittsburg  
65 Civic Avenue  
Pittsburg, CA 94565

Re: TRANSPLAN and ECCRFFA v. City of Pittsburg

Mayor Johnson,

On November 8, TRANSPLAN and ECCRFFA reviewed the current status of the tentative settlement with Pittsburg and decided that continuing to pursue an elusive and illusory settlement is not in the best interest of East County communities and the public we serve. Accordingly, we have been authorized to notify the Pittsburg City Council and staff that TRANSPLAN and ECCRFFA will proceed to dismiss the present lawsuit and will reaffirm to the Contra Costa Transportation Authority (CCTA) that the City of Pittsburg is out of compliance with the Regional Transportation Mitigation Program (RTMP) requirements of the Growth Management Program (GMP).

When the tentative settlement was negotiated, TRANSPLAN and ECCRFFA were relying on figures provided by Pittsburg's City Manager about Pittsburg's project development during the next 18 years. The figures we were given were 7,500-8,000 units, which translated into roughly \$120 million in fees expected to be collected and forwarded by Pittsburg. Unfortunately, the figures were inaccurate, which only came to light recently when questions were raised about the data. Actual figures for the next 18 years are 2,500-3,000 units and \$36-\$51 million in potential fees from Pittsburg.

As the correct information has come to light, it has become increasingly apparent that the fees collected by Pittsburg would go solely or mostly to the James Donlon Extension project and would provide little or no benefit to other projects important to the overall East County region. Given that reality, it has also become apparent that the special treatment and concessions that Pittsburg would receive under the tentative settlement are unjustified.


In terms of the benefit to East County regional projects, it no longer makes sense to continue using public funds for litigation to force Pittsburg to participate in ECCRFFA. Therefore, TRANSPLAN and ECCRFFA have decided to dismiss the present lawsuit. TRANSPLAN maintains that compliance with the GMP requires Pittsburg to re-join ECCRFFA and participate

in the ECCRFFA fee program without insisting on special treatment or concessions. Accordingly, TRANSPLAN and ECCRFFA will reaffirm to the CCTA that since withdrawing from ECCRFFA (effective 9/7/2010), Pittsburg has not had a valid RTMP and has not been fulfilling its GMP obligation to participate in a cooperative, multi-jurisdictional process for managing growth in the East County region.

Very truly yours,



Brian Kalinowski  
Past Chair, TRANSPLAN Committee



Robert Taylor  
Chair, ECCRFFA

cc: Don Tatzin, CCTA Chair  
Member Jurisdictions: TRANSPLAN  
Member Jurisdictions: ECCRFFA  
David F. Schmidt, Deputy County Counsel  
Ruthann Ziegler, City Attorney – City of Pittsburg  
Members, TRANSPLAN TAC