



**ALAMEDA COUNTY TECHNICAL ADVISORY COMMITTEE
(ACTAC)
MEETING NOTICE**

Tuesday, December 6, 2011, 1:30 P.M.
1333 Broadway, Suite 300,
Oakland, California 94612
(see map on last page of agenda)

Chairperson: Art Dao
Staff Liaison: Matt Todd
Secretary: Claudia Leyva

AGENDA

*Copies of Individual Agenda Items are Available on the:
Alameda CTC Website -- www.AlamedaCTC.org*

1 INTRODUCTIONS

2 PUBLIC COMMENT

Members of the public may address the Committee during “Public Comment” on any item not on the agenda. Public comment on an agenda item will be heard when that item is before the Committee. Anyone wishing to comment should make his or her desire known to the Chair.

3 CONSENT CALENDAR

- 3A Minutes of November 1, 2011 – **Page 1** **A**
- 3B Review CTC Meeting Summary – **Page 5**
- 3C Review Funding Opportunities
2012 FHWA Solicitation for 12 Discretionary Programs – **Page 7**

4 ACTION ITEMS

- 4A Approval of Draft Master Programs Funding Agreements and Implementation Guidelines for Measure B and Vehicle Registration Fee Funds Disbursement – **Page 15** **A**

5 NON ACTIONS ITEMS

- 5A Review of Alameda County Jurisdiction Survey Responses to the One Bay Area Grant Draft Proposed Criteria– **Page 89** **D/I**
- 5B Review Transportation Fund for Clean Air County Program Manager Funds Model Year 2004 Drayage Truck Replacement Program– **Page 107** **D/I**
- 5C Review of Countywide Transportation Plan (CWTP) and Transportation Expenditure Plan and Update on Development of a Sustainable Community Strategy (SCS)/Regional Transportation Plan (RTP) –**Page 123** **I**
- 5D Review Lifeline Cycle 3 Information and Proposed Schedule* **I**

6 LEGISLATIVE PROGRAM UPDATE6A Legislative Program Update – Page 135 **I****7 STAFF AND COMMITTEE MEMBER REPORTS**7A Review of Local Streets and Roads Working Group (LSRWG) Update * **I****8 ADJOURNMENT AND NEXT MEETING: January 3, 2012****Key: A- Action Item; I – Information Item; *Material will be provided at meeting.****(#) All items on the agenda are subject to action and/or change by the Committee.**

PLEASE DO NOT WEAR SCENTED PRODUCTS SO INDIVIDUALS WITH ENVIRONMENTAL SENSITIVITIES MAY ATTEND

*Alameda County Transportation Commission
1333 Broadway, Suites 220 & 300, Oakland, CA 94612
(510) 208-7400
(510) 836-2185 Fax (Suite 220)
(510) 893-6489 Fax (Suite 300)
www.alamedactc.org*



Alameda County Technical Advisory Committee (ACTAC)

Member Agency Roster **Fiscal Year 2010/11**

Chair, ACTC

City of Alameda
City of Albany
City of Berkeley
City of Dublin
City of Emeryville
City of Fremont
City of Hayward
City of Livermore
City of Newark
City of Oakland
City of Piedmont
City of Pleasanton
City of San Leandro
City of Union City
County of Alameda
ACE
AC Transit
BAAQMD
BART
Caltrans
LAVTA
MTC
Union City Transit
WETA

Glossary of Acronyms

ABAG	Association of Bay Area Governments	MTC	Metropolitan Transportation Commission
ACCMA	Alameda County Congestion Management Agency	MTS	Metropolitan Transportation System
ACE	Altamont Commuter Express	NEPA	National Environmental Policy Act
ACTA	Alameda County Transportation Authority (1986 Measure B authority)	NOP	Notice of Preparation
ACTAC	Alameda County Technical Advisory Committee	PCI	Pavement Condition Index
ACTC	Alameda County Transportation Commission	PSR	Project Study Report
ACTIA	Alameda County Transportation Improvement Authority (2000 Measure B authority)	RM 2	Regional Measure 2 (Bridge toll)
ADA	Americans with Disabilities Act	RTIP	Regional Transportation Improvement Program
BAAQMD	Bay Area Air Quality Management District	RTP	Regional Transportation Plan (MTC's Transportation 2035)
BART	Bay Area Rapid Transit District	SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act
BRT	Bus Rapid Transit	SCS	Sustainable Community Strategy
Caltrans	California Department of Transportation	SR	State Route
CEQA	California Environmental Quality Act	SRS	Safe Routes to Schools
CIP	Capital Investment Program	STA	State Transit Assistance
CMAQ	Federal Congestion Mitigation and Air Quality	STIP	State Transportation Improvement Program
CMP	Congestion Management Program	STP	Federal Surface Transportation Program
CTC	California Transportation Commission	TCM	Transportation Control Measures
CWTP	Countywide Transportation Plan	TCRP	Transportation Congestion Relief Program
EIR	Environmental Impact Report	TDA	Transportation Development Act
FHWA	Federal Highway Administration	TDM	Travel-Demand Management
FTA	Federal Transit Administration	TEP	Transportation Expenditure Plan
GHG	Greenhouse Gas	TFCA	Transportation Fund for Clean Air
HOT	High occupancy toll	TIP	Federal Transportation Improvement Program
HOV	High occupancy vehicle	TLC	Transportation for Livable Communities
ITIP	State Interregional Transportation Improvement Program	TMP	Traffic Management Plan
LATIP	Local Area Transportation Improvement Program	TMS	Transportation Management System
LAVTA	Livermore-Amador Valley Transportation Authority	TOD	Transit-Oriented Development
LOS	Level of service	TOS	Transportation Operations Systems
		TVTC	Tri Valley Transportation Committee
		VHD	Vehicle Hours of Delay
		VMT	Vehicle miles traveled



Directions to the Offices of the Alameda County Transportation Commission:

**1333 Broadway, Suite 220
Oakland, CA 94612**

Public Transportation Access:

BART: City Center / 12th Street Station

AC Transit:

Lines 1,1R, 11, 12, 13, 14, 15, 18, 40, 51, 63, 72, 72M, 72R, 314, 800, 801, 802, 805, 840

Auto Access:

- Traveling South: Take 11th Street exit from I-980 to 11th Street
- Traveling North: Take 11th Street/Convention Center Exit from I-980 to 11th Street
- Parking: City Center Garage – Underground Parking, (Parking entrances located on 11th or 14th Street)



**Alameda County
Transportation Commission
1333 Broadway, Suite 220
Oakland, CA 94612**

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ALAMEDA COUNTY TECHNICAL ADVISORY COMMITTEE
MINUTES OF NOVEMBER 1, 2011

1 INTRODUCTIONS

2 PUBLIC COMMENT

3 CONSENT CALENDAR

- 3A Minutes of October 4, 2011
- 3B Review CTC Meeting Summary
- 3C Review FFY 2011-12 Surface Transportation Program (STP) / Congestion Mitigation Air Quality (CMAQ) and FHWA-Administered Formula Funds Obligation Plan
- 3D Review Caltrans' Letter Related to the Expenditure of the American Recovery and Reinvestment Act (ARRA) Funds
- 3E Review Funding Opportunities
No items this month

A motion was made by Frascinella (Hayward) to approve the consent calendar; Khan (Alameda) made a second. The motion passed unanimously.

4 ACTION ITEMS

- 4A Approval of the Final 2011 Congestion Management Program Report
Suthanthira requested ACTAC to recommend that the Commission adopt the final 2011 Congestion Management Program (CMP) report. A motion was made by Odumade (Fremont) to recommend that the Commission adopt the final 2011 CMP report; Frascinella made a second. The motion passed unanimously.
- 4B Approval of the Final Conformity Findings for the 2011 Congestion Management Plan (CMP)
Laurel Poeton requested ACTAC to recommend that the Commission (1) Find that all local Jurisdiction are in conformance with the Congestion Management Program (CMP) annual conformity requirements; (2) approve the Deficiency Plan status reports regarding SR 260 Posey Tube eastbound to I-880 northbound freeway connection, SR 185 northbound between 46th and 42nd Avenues and Mowry Avenue eastbound from Peralta Boulevard to SR 238/Mission Boulevard. A motion was made by Nichols (Berkeley) to recommend that the Commission approve the Final Conformity Findings for the 2011 CMP; Lee made a second. The motion passed unanimously.

- 4C Approval of State Transportation Improvement Program (STIP) At Risk Report
James O'Brien of Advanced Project Delivery requested ACTAC to recommend that the Commission approve the STIP At Risk Report, dated October 31, 2011. A motion was made by Nichols (Berkeley) to recommend that the Commission approve the STIP At Risk Report; Lee (BART) made a second. The motion passed unanimously.
- 4D Approval of Federal Surface Transportation/Congestion Mitigation and Air Quality (STP/CMAQ) Program At Risk Report
James O'Brien of Advanced Project Delivery requested ACTAC to recommend that the Commission approve the Federal STP/CMAQ Program At Risk Report, dated October 31, 2011. A motion was made by Frascinella (Hayward) to recommend that the Commission approve the Federal STP/CMAQ Program At Risk Report; Cooke (San Leandro) made a second. The motion passed unanimously.
- 4E Approval of CMA Exchange Program Quarterly Status Monitoring Report
James O'Brien of Advanced Project Delivery requested ACTAC to recommend that the Commission approve the CMA Exchange Program Quarterly Status Report, dated October 31, 2011. A motion was made by Odumade (Fremont) to recommend that the Commission approve the CMA Exchange Program Quarterly Status Report; Evans (Emeryville) made a second. The motion passed unanimously.
- 4F Approval of Transportation For Clean Air (TFCA) Program At Risk Report
Taylor requested ACTAC to recommend that the Commission approve the TFCA At Risk Report, date October 31, 2011. A motion was made by Nichols (Berkeley) to recommend that the commission approve the TFCA At Risk Report; Frascinella (Hayward) made a second. The motion passed unanimously.

5 NON ACTIONS ITEMS

- 5A Review of Draft Master Programs Funding Agreements and Implementation Guidelines for Measure B and Vehicle Registration Fee Funds Disbursement
Lengyel provided ACTAC with an overview of the draft Master Programs Funding Agreements (MPFA) and Implementation Guidelines for Measure B and VRF Funds and requested feedback from ACTAC members on the documents. ACTAC members had several comments including: requesting clarification from Alameda CTC on the intent of the statute language included in the MPFA for maintenance of effort and the definition of local funds; clarification on eligible uses of bicycle and pedestrian funds; request for credit for efforts a jurisdiction may be doing in support of the Complete Streets Policy; clarification on the requirement to adopt a Complete Streets policy; a request to incorporate transit into any Complete Streets policy or guidelines; a request to add an "or" for updated bicycle and pedestrian plans; comments on the requirement to report on the pavement condition index which varied amongst member – more supporting than opposing; and a request to include flush plans and emergency evacuation plans into the Technology Implementation Guidelines. Staff requested any additional feedback from ACTAC by November 18. This item was presented for information only.

- 5B Review of Amendment to the 2012 Level of Service (LOS) Monitoring Study
Suthanthira provided ACTAC with information regarding the Amendment to the 2012 Level of Service (LOS) Monitoring Study Contract. ACTAC members advised staff of minor corrections to Attachment B on page 137. This item was presented for information only.
- 5C Review of Countywide Transportation Plan (CWTP) and Transportation Expenditure Plan and Update on Development of a Sustainable Community Strategy (SCS)/Regional Transportation Plan (RTP)
Walukas provided ACTAC with a brief summary of information on regional and countywide transportation planning efforts related to the updates of the Countywide Transportation Plan and Sales Tax Transportation Expenditure Plan as well as the Regional Transportation Plan and the development of the Sustainable Community Strategy. ACTAC was updated on all upcoming meetings and was informed that tool kits are due on November 3, 2011. This item was presented for information only.
- 5D Review Federal Inactive Projects List: September 2011 Quarterly Review
Bhat requested ACTAC to review the September 2011 Quarterly Federal Inactive obligation list of projects. ACTAC is requested to review the report as well as the Caltrans site on a regular basis for the most current project status. This item was presented for information only.

6 LEGISLATIVE PROGRAM UPDATE

- 6A Review Legislative Program Update
Lengyel provided a brief update on several Legislation items. This item was presented for information only and included an update on the approvals of legislative positions taken by the Alameda CTC, an update on the state and federal budgets, appropriations, triggers, and the proposed Senator Boxer markup of the federal surface transportation bill.

7 STAFF AND COMMITTEE MEMBER REPORTS

- 7A Review of Alameda CTC Board Update
Todd provided a brief update on the Alameda CTC Board. This item was presented for information only.
- 7B Review of Local Streets and Roads Working Group (LSRWG) Update
Bhat provided a brief update on the Local Streets and Roads Working Group. This item was presented for information only.

8 ADJOURNMENT AND NEXT MEETING: DECEMBER 6, 2011

NEXT MEETING: January 3, 2012.
Location: Alameda CTC Offices, 1333 Broadway, Suite 300,
Oakland, CA 94612.

Attest by:

Claudia D. Leyva, Secretary

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**Metropolitan Transportation Commission
Programming and Allocations Committee**

November 9, 2011

Item Number 5

California Transportation Commission Update**Subject:** Update on the October 2011 California Transportation Commission Meetings**Background:** The California Transportation Commission is responsible for the programming and allocation of funds for the construction of highway, passenger rail, and transit improvements throughout California. The CTC consists of eleven voting members and two non-voting ex-officio members. The San Francisco Bay Area has three (3) CTC members in its geographic area: Bob Alvarado, Jim Ghielmetti, and Carl Guardino.October CTC Meeting (October 26-27, Sacramento, California)

The Commission met in Petaluma and discussed the following issues of significance to the Bay Area:

Bay Area Express Lanes Project Eligibility Approval

The CTC approved the eligibility determination for the Bay Area Express Lanes project under AB 1467. A few CTC Commissioners raised concerns about the financial projections of the proposed toll lanes, but overall agreed the express lanes would achieve the overall goals of connectivity, efficiency, and reliability. The CTC approved the eligibility determination with one dissenting vote by Commissioner Ghielmetti.

Proposition 1B Bond Sales Allows for Allocations

In mid-October, the State Treasurer's Office was able to sell bonds, of which \$450 million went to transportation. This infusion of bond funding will allow the CTC to allocate all projects that are scheduled for delivery this fiscal year, as well as projects that have been delayed due to lack of bond funds. The projects allocated at this month's meeting include two BART projects (\$22 million), the Marina Bay Grade Separation in Richmond (\$19 million), SR-82 Smart Corridor in San Mateo (\$11.2 million), AC Transit Bus Procurement (\$8.2 million), and I-80 Integrated Corridor Management in Alameda and Contra Costa (\$7.6 million).

Issues: None**Recommendation:** Information. No action required.**Attachments:** None

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Memorandum

Subject: **ACTION:** Solicitation for FY 2012
Candidate Projects for 12 Discretionary
Programs

Date: November 9, 2011

From: /s/Original signed by
Victor M. Mendez
Administrator

In Reply Refer To:

HOA-1

To: Directors of Field Services
Division Administrators
Division Engineers

The purpose of this memorandum is to announce the FY 2012 solicitation for candidate projects for 12 discretionary grant programs. The Surface Transportation Extension Act of 2011, Part II (Extension Act), title I of Public Law 112-30, extended Federal-aid highway program funding through March 31, 2012. FHWA plans to award funding available for these programs under the six-month extension. If additional FY 2012 funding for these programs is provided, FHWA intends to subsequently award these additional program funds based upon responses to this solicitation, if merited by the applications that are received.

Listed below are the approximate amounts of funding currently available (including any carryover funding from previous years) for the 12 discretionary grant programs. The actual amount available for award in each program is subject to change pending final calculations of Federal-aid highway program funding distributions or any additional funding provided by Congress.

Delta Region Transportation Development - \$4.7million
Ferry Boat - \$22.2 million
Highways for Life - \$9.5 million
Innovative Bridge Research and Deployment – up to \$4.2 million
Interstate Maintenance - \$47.3 million
National Historic Covered Bridge Preservation - \$4.7 million
National Scenic Byways Program - \$20.6 million
Public Lands Highways - \$45 million
Rail Highway Crossing Elimination in High Speed Rail Corridors - \$7.1 million
Transportation, Community and System Preservation - \$29 million
Truck Parking Facilities - \$2.9 million
Value Pricing Pilot Program - \$6.9 million

By this notice, the FHWA is soliciting applications for these 12 programs for FY 2012 funding. Detailed information about each program and eligibility requirements can be found at <http://www.fhwa.dot.gov/discretionary/>.

Our goal is to put the currently available funding to work as quickly as possible to provide needed transportation improvements and support economic growth. To that end, FHWA is announcing this solicitation to advance these programs and put Americans back to work.

Eligible applicants will have until **COB Friday, January 6, 2012**, to submit their application(s) to the appropriate FHWA Office.

Pre-Review Considerations

- Are there environmental concerns or conflicts associated with the project?
- Are there Right of Way (ROW) concerns or conflicts associated with the project?
- Are there other local/ political concerns or conflicts associated with the project?
- Are there other factors surrounding application request?
- Is this a resubmission? Is the application complete; does it answer all questions on the application?

Review Status:

- Continue with Review
- Revise (send back to applicant to address specific concerns)
- Reject (Based on the above considerations, the application request is premature)

Part A. Project Information

- 1. Title
- 2. Grantee Contact Information
- 3. State DOT Contact Information
- 4. FHWA Division Office Information
- 5. Congressional Information
- 6. Project Administration

Check Title, Contact and Congressional Information and Project Administration

- Keep the title and location in mind as you're reviewing for consistency throughout review

Things to look for:

- Is the title reflective of the funding request, and specific enough to refer it back to your State and project location?
- Are all the contacts listed familiar with this project? These are the people that may be called to answer questions.
- Is the Congressional information correct? Are both congresspersons and senators listed? Have you verified that they are correct?
- Has the project administration been selected and verified? For example, if this project will be administered by other than the State DOT, such as a Federal Lands Division or Federal Land Management Agency, have they agreed to administer the project? Has this section of the application been filled out, and have you verified it?

Review Status:

- Continue with Review
- Revise (send back to applicant to address specific concerns)
- Reject (Based on the above considerations, the application request is ineligible or premature)

Section B + C. Project Abstract + Narrative

- 7. Abstract
 - a. Project Description
- 8. Narrative
 - a. Project Summary
 - b. Benefits to Federal or Tribal Lands

Read Abstract and Narrative

- Is the abstract and narrative clear and concise on the project proposal?
- Does the abstract and narrative give you relevant information on the project proposal?
- Are the details in the abstract and narrative eligible activities?

Things to look for:

- Superfluous narrative that does not specifically describe the project for which funds are being requested; overemphasis on Federal lands or tribal descriptions or the planning process or project background, but not the project itself.
- Description of ineligible activities

- Does the abstract and narrative clearly and succinctly describe how Public Lands Highway Discretionary funds will be used to complete the proposed project and how it meets the project selection criteria?
- Does the abstract and narrative describe how this funding request improves access to, within, or provide access to Federal lands or facilities and address one of more of the eligibility categories?
- Does the narrative go into detail regarding project goals and expected results in context of the eligibility categories selected?
- Does the narrative include a project schedule from “cradle to grave?”
- Does the narrative include a line item (scaleable) budget that associates each line item with a completed task or deliverable that contributes to the completed funding request?
- Does the narrative discuss leveraged funding, both public and private, and any other PLHD or other Federal funding being used for this project?
- For applicants other than State DOT’s, does the narrative discuss coordination with State DOT and MPO as well as the ability to act on behalf of the applicant jurisdiction, and ability to meet Federal funding requirements? Is this consistent with the information supplied for Part A of the application in which the project administrator is identified?

Review Status:

- Continue with Review
- Revise (send back to applicant to address specific concerns)
- Reject (Based on the above considerations, the application request is ineligible or premature)

Section D. Project Eligibility + Capacity to Implement

- 9. Project to Benefit Federal or Tribal land**
- 10. Prior Projects**

Prior Projects

- Does the applicant have the capacity to implement the project?
- Does the applicant have previous outstanding grant awards that may reflect poorly on this request?

Things to look for:

- Has the applicant adequately identified prior projects to date, noting specific PLHD prior awards, and their current status?
- Does the applicant adequately distinguish prior efforts from the current proposal, such that this project request does not appear duplicative of past efforts?

Review Status:

- Continue with Review
- Revise (send back to applicant to address specific concerns)
- Reject (Based on the above considerations, the application request is ineligible or premature)

Other Considerations

- 11. Compare Narrative to Budget/Project Schedule**
- 12. Assess Reasonableness of Cost**
- 13. Are PLHD funds the best source of funding for this project request?**

Review Narrative against Project Timeline and Budget

- Does the funding request include all project elements from inception to completion?
- Is the budget and project timeline consistent with what is stated in the narrative and vice versa?
- Does it have reasonable costs and time estimates necessary to complete identified deliverables?
- Does it have a clear beginning or phase associated with the project?
- Does it have an end date to complete the project?

Things to look for:

- Missing components of the application, such as no budget or no project schedule
- Elements mentioned in the abstract that are not discussed in the narrative or vice versa
- Elements in the project timeline that are not reflected in the budget or vice versa
- Unrealistic costs or deadlines
- No real project administration identified such that project delivery cannot be guaranteed, or delivered in an expeditious manner

Review Status:

- Continue with Review
- Revise (send back to applicant to address specific concerns)
- Reject (Based on the above considerations, the application request is premature)

Review Leveraged Funding

- Has prior investment identified contributed to completion of prior stages of the project?
- Are the leveraged funds from a viable source and reasonable?

Review Status:

- Continue with Review
- Revise (send back to applicant to address specific concerns)
- Reject (Based on the above considerations, the application request is ineligible or premature)

Reasonableness of Costs

- Is the cost of each project element (deliverable) sufficient or excessive? Has the applicant provided cost estimates to substantiate identified costs?
- Are there elements of this project that are of benefit beyond Federal or Tribal lands? If so, are funds requested proportionate to all activities/services directly involving Federal or Tribal lands? Example: a Visitor Center proposed for a shared use space should request less than the 100% of the total project cost from PLHD funds.

Things to look for:

- Are all identified costs associated with this funding request?
- Are identified costs proportionate to the project's relevance to Federal or Tribal lands?

Review Status:

- Continue with Review
- Revise (send back to applicant to address specific concerns)
- Reject (Based on the above considerations, the application request is ineligible or premature)

Attachments and Signatures

14. Attachments
15. Signatures

Relevant attachments

- If attachments are included, are they related to the specific project request, such as cost estimates, sites plans, contextual maps, support letters, visualization of completed project? Are they all there?
- Do attachments support or conflict with information provided in the application?

Things to look for:

- Information unrelated to project request or general information on the project that does not support the funding request.
- Information in the attachments is inconsistent, or conflicts with what is provided in the application narrative.

Review Status:

- Continue with Review
- Revise (send back to applicant to address specific concerns)
- Reject (Based on the above considerations, the application request is ineligible or premature)

State Considerations

- Does this project request fit into my State's transportation plan and/or priorities?
- Are Public Lands Highway Discretionary funds the best source of funding for this project?
- Can this application be redirected to other fund sources if this is a lower State priority?
- Is the project outcome sustainable? If maintenance is required upon completion, does the applicant have the means to do that?

Review Status:

- Continue with Review
- Revise (send back to applicant to address specific concerns)
- Reject (Based on the above considerations, the application should not go forward)

Reviewer's Notes

From: Marcella Aranda [MAranda@mtc.ca.gov]

Sent: Monday, November 14, 2011 5:07 PM

Subject: Fwd: 2012 FHWA Discretionary Program - Applications Due December 9, 2011 FHWA

Attachments: Solicitation Memo for FY 2012Candidate Projects for 12 Discretionary Programs.mht;
PLHD Draft Grant Reviewer's Check List.pdf

Distributed to: Local Streets and Roads Working Group; Programming and Delivery Working Group

Hi there-

Please find the attached 2012 FHWA Solicitation for 12 Discretionary Programs. The FHWA deadline to apply is December 9; however, please be prepared to submit your applications early as there may be a preliminary deadline that hasn't been disclosed yet. The original email solicitation is below.

Thank you-

Marcella Aranda
Planning Technician, Programming & Allocations
Metropolitan Transportation Commission
P: 510.817.5814 | F: 510.817.5848 | E: marand@mtc.ca.gov

 Please consider the environment before printing this email.

>>> Louis Schuman <louis_schuman@dot.ca.gov> 11/10/2011 2:16 PM >>>

Dear Potential Applicants,

Please find the attached **2012 FHWA Solicitation** for the 12 Discretionary Programs listed below:

Delta Region Transportation Development - \$4.7million
Ferry Boat - \$22.2 million
Highways for Life - \$9.5 million
Innovative Bridge Research and Deployment - up to \$4.2 million
Interstate Maintenance - \$47.3 million
National Historic Covered Bridge Preservation - \$4.7 million
National Scenic Byways Program - \$20.6 million
Public Lands Highways - \$45 million
Rail Highway Crossing Elimination in High Speed Rail Corridors - \$7.1 million
Transportation, Community and System Preservation - \$29 million
Truck Parking Facilities - \$2.9 million
Value Pricing Pilot Program - \$6.9 million

Website: <http://www.fhwa.dot.gov/discretionary/memo2012.htm>

For the following programs, applicants must have their completed applications electronically to this office no later than COB December 9, 2011.

The applications and guidance can be found at <http://www.fhwa.dot.gov/discretionary/>. In addition, FHWA HQ provided a checklist for the Public Lands Highway program attached here. All information will be required for your application to be considered for award.

Incomplete applications will be sent back to the applicant for completion, time permitting. All revised applications should be resubmitted immediately or may compromise the applicants chance for award.

APPLICATIONS OR ADDITIONS/CHANGES RECEIVED AFTER THE DUE DATE WILL NOT BE ACCEPTED. ALL APPLICATIONS MUST BE EMAILED IN ONE FILE. PLEASE DO NOT MAIL HARD COPIES. LOCAL AGENCIES ARE ADVISED TO CALL Louis Schuman at (510) 286-5232 or Thelma Riel (510) 286-5240 at CALTRANS TO MAKE SURE THEIR APPLICATIONS WERE RECEIVED.

Please call if you have any questions.

Louis Schuman
State of California Department of Transportation
Office of Local Assistance
(510) 286-5232



Memorandum

DATE: November 23, 2011

TO: Alameda County Technical Advisory Committee (ACTAC)

FROM: Tess Lengyel, Deputy Director of Policy, Public Affairs and Legislation

SUBJECT: **Approval of Draft Master Programs Funding Agreements and Implementation Guidelines for Measure B and Vehicle Registration Fee Funds Disbursement**

Recommendation

It is requested that ACTAC review and make a recommendation to approve the draft Master Programs Funding Agreement and Implementation Guidelines which will serve as the contract documents to distribute funds from the current Measure B Pass-Through Programs and the new Vehicle Registration Fee (VRF) Programs. Comments were requested to be submitted in writing by November 18th. Written comments received will be responded to in writing and will be submitted to ACTAC prior to its December meeting for review. The written comments will detail what comments are recommended for inclusion in the final documents. Based upon ACTAC comments and recommendations, staff will modify the agreements and prepare final agreements for adoption at the Commission Board Retreat on December 16, 2011, to enable contract execution and flow of funds by April 1, 2012, the expiration date for most of the current Measure B pass-through funding agreements.

Background

The development of new Master Funding Agreements with all local jurisdictions and transit operators who are the current recipients of Measure B Programmatic Pass-Through funds and future recipients of VRF funds provides an opportunity to integrate funding requirements of the two revenue streams and streamline eligibility, monitoring and reporting. This effort aims to improve efficiencies for Alameda CTC oversight of the funds and the recipient agencies' reporting requirements under the agreements.

Alameda CTC staff has developed 10-year Master Programs Funding Agreements and Implementation Guidelines that address each fund source, which are included in Attachments A-G. The Implementation Guidelines are referenced in the Master Programs Funding Agreements and specify definitions, eligibility, and fund uses. The Implementation Guidelines may be updated by the Commission on a more frequent basis than the Master Programs Funding Agreements to respond to changing transportation needs over the next ten year period.

The Implementation Guidelines have been brought before appropriate Alameda CTC Committees that provide oversight on certain funds (for example, the Paratransit Funds

Implementation Guidelines have been brought through PAPCO, the Paratransit Technical Advisory Committee, and ACTAC; as well as the Bike/Pedestrian Guidelines to BPAC, and all of them will be brought to the Citizens Watchdog Committee) prior to recommendation for approval to the Commission. The following describes the Measure B funds and VRF funds that have been incorporated into the Master Programs Funding Agreements.

Measure B Funds: Measure B Funds were approved by voters in November 2000 and collection of the sales tax began on April 1, 2002. Agreements were executed for transit agencies, Alameda County, and local jurisdictions to receive Measure B “pass-through funds” for four types of programs: bicycle and pedestrian, local streets and roads, mass transit, and paratransit. Agencies include the Alameda-Contra Costa Transit District (AC Transit), Water Emergency Transportation Authority (WETA), Altamont Commuter Express (ACE), the Livermore Amador Valley Transit Authority (LAVTA), San Francisco Bay Area Rapid Transit District (BART), and Union City Transit; cities include Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City.

The Alameda County Transportation Improvement Authority (ACTIA) put agreements in place with these agencies/jurisdictions shortly after the measure began in 2000 as follows:

- Bicycle and Pedestrian Safety: Agreements with Alameda County and 14 cities began in 2002.
- Local Streets and Roads: Agreements with Alameda County and 14 cities began in 2002.
- Mass Transit: Agreements with five transit agencies began in 2002. WETA’s agreement was established in 2011 due to transfer of the Alameda Ferry Services to WETA.
- Paratransit: Agreements with three transit agencies and 10 cities began in 2002. In 2003, ACTIA revised these agreements, and in 2007, ACTIA again revised the agreements with the agencies and cities to reflect an updated allocation formula.
- Transit Center Development Funds are allocated on a grant basis or for studies and agreements are established for each approved use.

The majority of these agreements expire in mid-2012, which is the exact 10-year midpoint of the current Measure B 2000 Sales Tax.

Vehicle Registration Fee: The Measure F Alameda County Vehicle Registration Fee (VRF) Program was approved by the voters on November 2, 2010, with 63 percent of the vote. The fee will generate about \$11 million per year through a \$10 per year vehicle registration fee. As the congestion management agency for Alameda County, the Alameda CTC will distribute these funds to four main types of programs:

- Local streets and roads (60 percent)
- Transit (25 percent)
- Local transportation technology (10 percent)
- Bicycle and pedestrian projects (5 percent)

Under the VRF legislation, fund usage must demonstrate a relationship or benefit to the people paying the fee.

Master Programs Funding Agreements

The Master Programs Funding Agreements specify the types of funds that the agencies/jurisdictions can receive from the Commission, including Measure B and VRF pass-through and grant funds. For example, a single Master Funding Agreement captures all the following types of distributions:

- Bicycle and Pedestrian Safety: Measure B pass-through funds, grants and VRF funds
- Local Streets and Roads: Measure B pass-through funds and VRF pass-through funds
- Mass Transit: Measure B pass-through funds, grants and VRF grant funds, which could be applied to paratransit services as well.
- Paratransit: Measure B pass-through funds, grants and stabilization funds, including base program and minimal service level funds, and VRF transit funds
- Transportation Technology Funds: VRF funds
- Transit Center Development Funds: Measure B funds

Implementation Guidelines

The Implementation Guidelines were developed for each specific fund source to specify the requirements that local jurisdictions must follow in their use of Measure B and VRF funds. The guidelines are incorporated by reference in the Master Programs Funding Agreements and were developed in this manner to allow the Commission to update them more frequently than the Master Programs Funding Agreements to address policy, legislative or other issues as they arise over time. The intent of the implementation guidelines are to provide guidance on each of the specific funds type's eligible uses and expenditures, define terms in the Master Programs Funding Agreements and guide specific fund implementation. The implementation guidelines include the following:

- Purpose
- Definition of terms
- Fund Allocation methods and eligibility, including eligible and non-eligible costs
- Specific policies related to specific fund sources
- Advancement of funds opportunities, and
- Implementation Guidelines adoption

Comments from ACTAC at the November 1, 2011 Meeting

On November 1, 2011, staff presented the MPFA and Implementation Guidelines to ACTAC for review and commentary. Many members had comments on documents at the meeting which are summarized below, and comments were also requested to be submitted in writing by November 18th. Written comments received will be responded to in writing and will be submitted to ACTAC prior to its December meeting for review. The written comments will answer question, and detail what comments are recommended for inclusion in the final documents that will go to the Commission for adoption.

ACTAC members had several comments including: requesting clarification from Alameda CTC on the intent of the statute language included in the MPFA for maintenance of effort and the

definition of local funds; clarification on eligible uses of bicycle and pedestrian funds; request for credit for efforts a jurisdiction may be doing in support of the Complete Streets Policy; clarification on the requirement to adopt a Complete Streets policy; a request to incorporate transit into any Complete Streets policy or guidelines; a request to add an “or” for updated bicycle and pedestrian plans; comments on the requirement to report on the pavement condition index which varied amongst member – more supporting than opposing; and a request to include flush plans and emergency evacuation plans into the Technology Implementation Guidelines.

Master Programs Funding Agreement Update Schedule and Process

The attached schedule shows the timeline for production and execution of the Master Programs Funding Agreements and Implementation Guidelines. Before finalizing the agreements, staff is bringing the master agreement templates for review and input to staff, legal counsel, the Alameda County Technical Advisory Committee, the Paratransit Technical Advisory Committee, a Citizens Watchdog Committee Compliance subcommittee, the Paratransit Advisory and Planning Committee, the Bicycle and Pedestrian Committee, as well as to the Planning, Policy and Legislation Committee, and the Commission.

The development schedule is below:

TASKS	COMPLETION DATE
Review Draft Policy Considerations for the Master Agreements	September 2011
Review Draft Master Agreement Templates and Guidelines	November 2011
Commission Adoption of Master Funding Agreement Templates and Implementing Guidelines	December 2012
Execute Master Programs Funding Agreements	January – March 2012
Allocation of Funds Pursuant to Master Agreements	March-April 2012

Fiscal Impact

There is no fiscal impact at this time.

Attachments

- A: Master Programs Funding Agreement Template
- B: Bicycle and Pedestrian Implementation Guidelines
- C: Local Streets and Roads Implementation Guidelines
- D: Mass Transit Implementation Guidelines
- E: Special Transportation for Seniors and Disabled Implementation Guidelines
- F: Transportation Technology Implementation Guidelines
- G: Transit Center Development Implementation Guidelines

**Master Programs Funding Agreement between the
Alameda County Transportation Commission
and the [insert RECIPIENT]**

This Master Programs Funding Agreement (“AGREEMENT”) is made this ____ day of _____, 2012, by and between the Alameda County Transportation Commission (“Alameda CTC”) and the _____ (“RECIPIENT”).

RECITALS

A. On November 7, 2000, the voters of Alameda County, pursuant to the provisions of the Local Transportation Authority and Improvement Act, California Public Utilities Code Section 180000 et seq., approved the reauthorization of Measure B, thereby authorizing Alameda County Transportation Improvement Authority (“ACTIA”) to administer the proceeds from a continued one-half cent transaction and use tax (“Measure B”).

B. The duration of the tax will be 20 years from the initial year of collection, which began April 1, 2002, with said tax to terminate/expire on March 31, 2022. The tax proceeds will be used to pay for the programs and projects outlined in Alameda County’s 20-Year Transportation Expenditure Plan (the “Measure B Expenditure Plan”), as it may be amended.

C. The Measure B Expenditure Plan authorizes the issuance of bonds to expedite delivery of transportation projects and programs. Costs associated with bonding will be borne only by the capital projects included in the Measure B Expenditure Plan and by any programs included in the Measure B Expenditure Plan that utilize the bond proceeds.

D. On November 2, 2010, the voters of Alameda County approved Measure F, the Vehicle Registration Fee (“VRF”) Program, pursuant to Section 65089.20 of the Government Code, thereby authorizing the Alameda County Congestion Management Agency (“ACCMA”)

to administer the proceeds from a \$10 per year vehicle registration fee on each annual motor-vehicle registration or renewal of registration in Alameda County, starting in May 2011, six months following approval of Measure F. Vehicles subject to the VRF include all motorized vehicles, including passenger cars, light-duty trucks, medium-duty trucks, heavy-duty trucks, buses of all sizes, motorcycles, and motorized camper homes, unless vehicles are expressly exempted from the payment of the VRF.

E. Funds raised by the VRF will be used exclusively for local transportation purposes in Alameda County that have a relationship or benefit to the owners of motor vehicles paying the VRF, including projects and programs identified in the expenditure plan approved by the voters as part of Measure F (the “VRF Expenditure Plan”).

F. On June 24, 2010, ACTIA and ACCMA took the final actions to create Alameda CTC, which is in the process of taking over all responsibilities of ACTIA and ACCMA, including duties related to Measure B and the VRF.

NOW, THEREFORE, it is mutually agreed by and between the parties as follows:

ARTICLE 1:FUNDING ALLOCATIONS

A. This AGREEMENT authorizes the Alameda CTC to allocate funds derived from both Measure B and the VRF as described in their respective voter-approved expenditure plans and as summarized and described below for different fund types. All fund distributions pursuant to this AGREEMENT shall be effective as of April 1, 2011.

Fund Type	Allocation Method
Bicycle and Pedestrian Safety	Measure B: 75% Pass-through Funds
	Measure B: 25% Grant Program
	VRF Funds: 100% Grant Program
Local Streets and Roads	Measure B: 100% Pass-through Funds
	VRF Funds: 100% Pass-through funds
Local Transportation Technology	VRF Funds: 100% Grant Program
Mass Transit	Measure B: 100% Pass-through Funds
	Measure B Express Bus: 100% Grant Program
	VRF Funds: 100% Grant Program; recipients may also use these funds for paratransit services
Paratransit	Measure B: 100% Pass-through Funds
	Measure B Gap Grant: 100% Grant Program
Transit Center Development	Measure B: 100% Grant Program

1. **Bicycle and Pedestrian Safety:**

a. Measure B bicycle and pedestrian safety pass-through funds within each geographic subarea are distributed pursuant to a formula weighted 100 percent by the population of the jurisdiction within the subarea. The Measure B Expenditure Plan designates 75 percent of Measure B funds as local pass-through funds. Each city and Alameda County shall receive up to their proportional share of the 75 percent of the funds based on population over the life of the Measure. Allocations may change in the future based on changes in population figures. Recipients agree to the formula distributions herein and are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds.

b. Measure B and VRF bicycle and pedestrian safety grant funds are awarded on a discretionary basis through competitive grant programs. Any recipient of such a grant award shall enter into a separate agreement with Alameda CTC in conformance with the Bicycle and Pedestrian Safety Program Implementation Guidelines prior to receipt of such funds.

c. The Bicycle and Pedestrian Safety Program Implementation

Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

2. **Local Streets and Roads:**

a. Measure B local streets and roads pass-through funds within the geographic subarea are distributed pursuant to a formula weighted 50 percent by the population of the jurisdiction within the subarea and 50 percent by the number of road miles within the subarea. Allocations may change in the future based on changes in population and road mile figures. Recipients agree to the formula distributions herein and are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds.

b. VRF local streets and roads pass-through funds within the geographic planning area are based on a formula weighted 50 percent by the population of the jurisdiction within the planning area and 50 percent of the number of registered vehicles in the planning area. VRF local streets and roads funds will be distributed by population within a planning area. Allocations may change in the future based on changes in population and number of registered vehicle figures. Recipients are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds.

c. The Local Streets and Roads Program Implementation Guidelines provide, program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

3. **Local Transportation Technology:**

a. VRF local transportation technology grant funds are awarded on a discretionary basis through a competitive grant program. Any recipient of such a grant award shall enter into a separate agreement with Alameda CTC prior to receipt of such funds.

b. The VRF Local Transportation Technology Program Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

4. **Mass Transit:**

a. Measure B pass-through funds are allocated to the transit operators based on a set of percentages of net revenues generated by the Measure B sales tax. These percentages are attached hereto as Exhibit A and by this reference made a part of this AGREEMENT. Allocations may change in the future based on transit service changes. Recipients are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds.

b. Measure B and VRF mass transit grant funds are awarded on a discretionary basis through competitive grant programs. Any recipient of such a grant award shall enter into a separate agreement with Alameda CTC in conformance with the Mass Transit Program Implementation Guidelines prior to receipt of such funds.

c. The Mass Transit Program Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

5. **Paratransit:**

a. Measure B pass-through funds for non-mandated paratransit services are distributed to each subarea of the County pursuant to the figures set forth in the Measure B Expenditure Plan, and mandated paratransit services are distributed by percentages set forth in the Measure B Expenditure Plan, attached hereto as Exhibit B and by this reference made a part of this AGREEMENT. Based on the plans prepared by the cities and the transit operators, and based on the provisions of the Measure B Expenditure Plan, the Paratransit Advisory and Planning Committee (“PAPCO”) annually recommends allocation factors for distribution of funds for non-mandated paratransit services within Alameda County, subject to the review and approval of the Alameda CTC Board. Recipients are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds.

b. Measure B paratransit gap grant funds, including stabilization funds, and base program and minimum service level funds, are awarded on a discretionary basis through competitive grant programs. Any recipient of such a grant award shall enter into a separate agreement with Alameda CTC in conformance with the Paratransit Program Implementation Guidelines prior to receipt of such funds.

c. The Paratransit Program Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

6. Transit Center Development funds are allocated on a grant basis. Any recipient of such a grant award shall enter into a separate agreement with Alameda CTC in conformance with the Transit Center Development Implementation Guidelines prior to receipt of such funds. The Transit Center Development Implementation Guidelines provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details. Said guidelines are hereby incorporated into this AGREEMENT by reference.

ARTICLE 2: PAYMENTS AND EXPENDITURES

A. Alameda CTC's Duties and Obligations

1. Within five working days of actual receipt of the monthly Measure B sales tax revenues and VRF revenues from the State Board of Equalization, Alameda CTC shall remit to the RECIPIENT its designated amount of pass-through funds disbursed on a monthly basis by a set formula for distribution.

2. Alameda CTC shall annually update the Measure B sales tax revenue and VRF revenue projections and the resulting funds allocation formulas to reflect the most current population using the California Department of Finance's annual population estimates (Report E-1 published in May); maintained road mileage from the Department of Transportation; and the number of registered vehicles in each Alameda County subarea, using registered vehicle data provided by the California Department of Motor Vehicles, as it is made available. Alameda CTC shall use the updated Measure B and VRF program allocation formulas in the allocations beginning each July of the new fiscal year.

3. Alameda CTC shall provide an annual projection of Measure B and VRF revenues passed through to each RECIPIENT by each type of fund at the beginning of each calendar year for the subsequent fiscal year.

4. Alameda CTC shall monthly report the amount of Measure B and VRF revenues passed through to RECIPIENT by each fund type for the fiscal year and for the total program to date.

5. Alameda CTC shall provide for an independent annual audit of its revenues and expenditures and also of its calculation of the allocation formula for distributing Measure B and VRF revenues to various RECIPIENTS and render an annual report to the Alameda CTC Board within 180 days following the close of the fiscal year. Alameda CTC shall render an annual report on Measure B funds to the Citizens Watchdog Committee as soon thereafter as practical.

6. Alameda CTC shall provide timely notice to RECIPIENT prior to conducting an audit of any expenditures made by RECIPIENT to determine whether such expenditures are in compliance with this AGREEMENT, the Measure B Expenditure Plan, the VRF Expenditure Plan, Measure B, or the VRF ballot measure.

B. RECIPIENT's Duties and Obligations

1. RECIPIENT shall expend all Measure B and VRF funds distributed to the RECIPIENT in compliance with the applicable guidelines and Plan(s), including the Implementation Guidelines, as they may be adopted or amended by Alameda CTC from time to time.

2. RECIPIENT shall set up and maintain an appropriate system of accounts to keep separate accounting and reporting for each type of Measure B and VRF fund to be received. RECIPIENT must keep Measure B and VRF funds in separate accounts, and accrue any interest from each fund source into each separate fund account. The accounting system shall provide adequate internal controls and audit trails to facilitate an annual compliance audit for each fund type and the respective usage and application of said funds. Alameda CTC and its representatives, agents and nominees shall have the absolute right at any reasonable time to inspect and copy any accounting records related to such funds, except to the extent specifically prohibited by applicable law.

3. RECIPIENT hereby agrees to and accepts the formulas used in the allocation of Measure B and VRF revenues as reflected in the ballot measures, the Measure B Expenditure Plan, and the VRF Expenditure Plan, and agrees to accept and utilize the California Department of Finance Estimates of Population figures (Report E-1, updated each May) for California cities and counties and registered vehicle data provided by the California Department of Motor Vehicles for the annual update of the allocation formulas to begin in each new fiscal year.

ARTICLE 3: POLICIES ON USE OF FUNDS

A. Timely Use of Funds Policy

1. Except for those funds properly placed into a reserve fund pursuant to **Section B** below, all Measure B and VRF funds received by RECIPIENT shall be spent expeditiously, and no unexpended funds beyond those included in reserves pursuant to Section B

below are allowed, unless a written request is submitted to the Alameda CTC and approved by the Board.

2. Any funds which are not spent in a timely manner in compliance with the above Timely Use of Funds Policy, unless such funds are properly placed in a reserve permitted by this AGREEMENT, shall be subject to rescission as set forth in **Section C** below. Further, any funds placed into a reserve fund which are not spent in a timely manner in compliance with the policies applicable to such reserve fund, shall be subject to rescission as set forth in **Section C** below.

B. **Reserve Fund Policy:** RECIPIENT may reserve funds for specified periods of time, as defined in each reserve program, which Alameda CTC will monitor through the annual compliance audit and reporting process described in **Article 4**. RECIPIENT may establish the following separate types of reserve funds:

1. **Capital Fund Reserve:** RECIPIENT may establish a specific capital fund reserve to fund specific large capital project(s) that could otherwise not be funded with a single year's worth of Measure B or VRF pass-through funds. If a capital fund reserve is established by RECIPIENT, it must be done as part of the Annual Program Compliance Reporting process as defined in Article 4.A.3.

a. RECIPIENT may collect capital funds during not more than three fiscal years, and shall expend all reserve funds prior to the end of the third fiscal year immediately following the fiscal year during which the reserve was established (e.g., if a reserve is established at any time during fiscal year 2012-2013 (FY 12-13), RECIPIENT may collect

reserve funds during some or all of FY 12-13, FY 13-14 and FY 14-15, and must spend the reserve funds prior to the end of FY 15-16.

b. RECIPIENT shall report implementation schedules and funding plans for each proposed project to be funded from the reserve in RECIPIENT's annual program compliance report.

c. RECIPIENT may seek a single one-year extension for a given reserve fund if RECIPIENT demonstrates that unforeseen and extraordinary circumstances have occurred that would justify the extension. RECIPIENT shall submit a request for such an extension in writing to Alameda CTC's executive director. The Alameda CTC Board, in its sole discretion, will make a determination as to whether to approve or deny the extension request and will notify RECIPIENT of its action in writing.

2. **Operations Fund Reserve:** RECIPIENT may establish and maintain a specific reserve to address operational issues, including fluctuations in revenues, and to help maintain transportation operations. The total amount retained in such fund may not exceed 50 percent of anticipated annual combined revenues from Measure B and VRF funds. This fund may be a revolving fund and is not subject to an expenditure timeframe. If an operations fund reserve is established by RECIPIENT, it must be done as part of the Annual Program Compliance Reporting process as defined in Article 4.A.3.

3. **Undesignated Fund Reserve:** RECIPIENT may establish and maintain a specific reserve for transportation needs over a fiscal year, such as matching funds for grants, project development work, studies for transportation purposes, or contingency funds for a project or program. This fund may not contain more than 10 percent of annual pass-through revenues,

unless an exception is requested in writing and approved by the Alameda CTC Board. If an undesignated fund reserve is established by RECIPIENT, it must be done as part of the Annual Program Compliance Reporting process as defined in Article 4.A.3.

a. RECIPIENT shall report the range of potential uses for the reserve funds in its annual audit and compliance report.

b. RECIPIENT shall expend the full amount of such reserve in the fiscal year following its establishment, or else the funds in question shall be subject to rescission as set forth in Section C below.

C. **Rescission of Funds Policy:** If RECIPIENT does not meet the timeliness requirements set forth in **Sections A and B**, Alameda CTC may determine that RECIPIENT does not need the funds. In such case, unless the RECIPIENT requests and Alameda CTC approves an extension to the applicable deadline, RECIPIENT must return unspent funds and all interest earned thereon to Alameda CTC. All such funds returned to Alameda CTC shall be placed into an account for distribution to transportation projects throughout the county, without consideration of the planning area which generated the funds.

D. **Other Expenditure Restrictions:**

1. **Transportation Purposes Only:** RECIPIENT shall use all Measure B and VRF funds solely for transportation purposes as defined by the authorizing ballot measures. Any jurisdiction that violates this provision must fully reimburse all misspent funds, including all interest earned thereon.

2. **Non-Substitution of Funds:** RECIPIENT shall not use Measure B nor VRF funds to replace funds previously provided by general funds for transportation purposes. RECIPIENT shall use Measure B and VRF funds to supplement existing revenues used for transportation purposes.

3. **Fund Exchange:** Any fund exchanges made using Measure B or VRF funds must be made for transportation purposes. Alameda CTC will consider exchange proposals on a case-by-case basis.

4. **Staff Cost Limitations:** Direct costs associated with the delivery of programs and projects associated with Measure B and VRF programs, including direct staff costs and consultant costs, are eligible uses of Measure B and VRF funds. Alameda CTC does not allow indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

ARTICLE 4: REPORTING REQUIREMENTS

A. RECIPIENT shall comply with each of the reporting requirements set forth in this Article 4. If RECIPIENT fails to comply with one or more of these requirements, Alameda CTC may withhold payment of further Measure B and/or VRF funds to RECIPIENT until full compliance is achieved.

1. RECIPIENT shall follow all Implementation Guidelines established for each fund source, as the same may be changed from time to time by the Alameda CTC. Such Implementation Guidelines are intended to provide program eligibility and fund usage guidelines, definitions, additional requirements, and guideline adoption details.

2. RECIPIENT shall submit to Alameda CTC, on an annual basis and at the RECIPIENT's expense, an independent compliance audit of the funds received and used, including plans and reports of expenditures. RECIPIENT shall complete, certify, and provide the annual compliance audit to Alameda CTC within 180 days following the close of each fiscal year.

3. RECIPIENT shall, by December 31 of each year, submit to Alameda CTC, at the RECIPIENT's expense, a compliance report on programs and projects on which RECIPIENT expended Measure B and VRF funds. In such report, RECIPIENT shall state how the funds were used, the benefits derived from the funded programs and projects, and establishment of fund reserves and amounts remaining in reserves, and anticipated program and project expenditures. If RECIPIENT's expenditures in a fiscal year are less than the amount received during such year, RECIPIENT shall explain why revenues exceeded expenditures and RECIPIENT's plan for the unexpended funds.

4. To be eligible for receipt of Local Streets and Roads funds, RECIPIENT shall provide Alameda CTC with the certified number of maintained road miles within RECIPIENT's jurisdiction, which shall be consistent with the miles reported to state and federal agencies. Road miles shall be used in the updated Measure B sales tax revenue allocation formula for distributing Measure B funds and the new mileage shall be reflected in the distributions that start on July 1 of each new fiscal year. RECIPIENT shall provide Alameda CTC with the annual certified number of maintained road miles each fiscal year even if the number of miles for the fiscal year did not change.

5. RECIPIENT shall install or mount signage adjacent to VRF and Measure B funded construction projects and on vehicles funded with VRF and Measure B funds (e.g.,

RECIPIENT and Alameda CTC logos; “Your Transportation Tax Dollars Help Fund the Operation of This Vehicle!”) where practical, so Alameda County taxpayers are informed as to how RECIPIENT is using Measure B and/or VRF funds. RECIPIENT shall include a description of signage and number of signs posted in the annual compliance report submitted to Alameda CTC.

6. RECIPIENT shall provide current and accurate information on RECIPIENT’s website, to inform the public on how RECIPIENT is using Measure B and/or VRF funds, and shall also provide a link to Alameda CTC’s website.

7. RECIPIENT shall, at least annually, publish an article either in RECIPIENT newsletter or in Alameda CTC’s newsletter, highlighting a project or program in which RECIPIENT has used Measure B and/or VRF funds.

8. RECIPIENT shall actively participate in a Public Awareness Program, in partnership with Alameda CTC and/or its community advisory committees, as a means of ensuring that the public has access to and has the ability to know which projects and programs are funded through Measure B and/or the VRF.

9. RECIPIENT shall make its administrative officer or designated staff available on request from Alameda CTC or the Citizens Watchdog Committee to render a report or answer any and all inquiries in regard to RECIPIENT’s receipt, usage, and compliance audit findings of its funds before Alameda CTC’s governing board and/or the Citizens Watchdog Committee or community advisory committees, as applicable.

10. RECIPIENT agrees that Alameda CTC may review and/or evaluate the project(s) or program(s) funded pursuant to this AGREEMENT. This may include visits by

representatives, agents or nominees of Alameda CTC to observe RECIPIENT's project or program operations, to review project or program data and financial records, and to discuss the project with RECIPIENT's staff or governing board.

ARTICLE 5: OTHER PROVISIONS

A. Geographic Breakdown: In all cases:

1. North Area refers to the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont.

2. Central Area includes the Cities of Hayward and San Leandro, and the unincorporated area of Castro Valley, as well as other unincorporated lands governed by Alameda County in the Central Area.

3. South Area includes the Cities of Fremont, Newark, and Union City.

4. East Area includes the Cities of Livermore, Dublin, and Pleasanton, and all unincorporated lands governed by Alameda County in the East Area.

B. Indemnity by RECIPIENT. Neither Alameda CTC nor any officer, consultant, or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by RECIPIENT in connection with the Measure B or VRF funds distributed to RECIPIENT pursuant to this AGREEMENT. It is also understood and agreed, pursuant to Government Code Section 895.4, RECIPIENT shall fully defend, indemnify and hold harmless Alameda CTC, and all its officers and employees, from any liability imposed on Alameda CTC for injury (as defined in Government Code Section 810.8) occurring by reason

of anything done or omitted to be done by RECIPIENT in connection with the Measure B or VRF funds distributed to RECIPIENT pursuant to this AGREEMENT.

C. **Indemnity by Alameda CTC.** Neither RECIPIENT, nor any officer, consultant, or employee thereof shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by Alameda CTC under or in connection with any work, authority or jurisdiction delegated to Alameda CTC under this AGREEMENT. It is also understood and agreed, pursuant to Government Code Section 895.4, Alameda CTC shall fully defend, indemnify and hold harmless RECIPIENT, and all its officers and employees from any liability imposed on RECIPIENT for injury (as defined in Government Code Section 810.8) occurring by reason of anything done or omitted to be done by Alameda CTC under or in connection with any work, authority or jurisdiction delegated to Alameda CTC under this AGREEMENT.

D. **Jurisdiction and Venue:** The laws of the State of California will govern the validity of this AGREEMENT, its interpretation and performance, and any other claims related to it. All legal actions arising out of this AGREEMENT shall be brought in a court of competent jurisdiction in Alameda County, California and the parties hereto hereby waive inconvenience of forum as an objection or defense to such venue.

E. **Attorneys' Fees:** Should it become necessary to enforce the terms of this AGREEMENT, the prevailing party shall be entitled to recover reasonable expenses and attorneys' fees from the other party.

F. **Term:** The term of this AGREEMENT shall be from April 1, 2012 to June 30, 2022.

G. **Severability:** If any provision of this AGREEMENT is found by a court of competent jurisdiction or, if applicable, an arbitrator, to be unenforceable, such provision shall not affect the other provisions of the AGREEMENT, but such unenforceable provisions shall be deemed modified to the extent necessary to render it enforceable, preserving to the fullest extent permissible the intent of the parties set forth in this AGREEMENT.

H. **Modification:** This AGREEMENT, and its Exhibits, as well as the referenced Implementation Guidelines and grant program guidelines, constitutes the entire AGREEMENT, supersedes all prior written or oral understandings regarding Measure B and VRF pass-through and program funds (but not project funding agreements), including but not limited to ACTIA Agreement _____ (Measure B pass-through funding agreement) and ACTIA Agreement _____ (Measure B paratransit funding agreement), which former agreements are terminated as of the effective date hereof. This AGREEMENT may only be changed by a written amendment executed by both parties. Notwithstanding the foregoing, the Implementation Guidelines and grant program guidelines may be changed from time to time by the Alameda CTC.

EXHIBITS

The following Exhibits are hereby made part of this AGREEMENT:

Exhibit A: Mass Transit Fund Distribution by Agency

Exhibit B: Paratransit Services Fund Distribution

IN WITNESS WHEREOF, the parties have executed this AGREEMENT by their duly

authorized officers as of the date first written below.

RECIPIENT:

ALAMEDA CTC:

ALAMEDA COUNTY TRANSPORTATION
COMMISSION

By: _____
_____ [name] Date
_____ [title]

By: _____
Arthur L. Dao Date
Executive Director

Recommended for Approval:

By: _____
Stewart D. Ng
Deputy Director of Programming
and Projects

Approved as to Legal Form:

Reviewed as to Budget/Financial Controls:

By: _____
_____ [name] Date
_____ [title]

By: _____
Patricia Reavey
Director of Finance

Attest:

Approved as to Legal Form:

_____ [name] Date
_____ Clerk

By: _____
Wendel, Rosen, Black & Dean LLP
Legal Counsel to Alameda CTC

EXHIBIT A

**MEASURE B MASS TRANSIT FUND
DISTRIBUTION BY AGENCY**

Alameda CTC distributes Measure B mass transit pass-through funds based on the distribution percentages for net Measure B revenues specified in the Measure B Expenditure Plan, as shown below.

Agency		Percentage of Net Revenues
AC Transit	North County	9.48%
	Central County	4.74%
	South County	1.61%
AC Transit Welfare to Work	North County	1.24%
AC Transit Welfare to Work	Central County	0.22%
LAVTA	East County	0.69%
Union City Transit	South County	0.34%
ACE	East County	1.05%
ACE	South County	1.07%
WETA Ferry Service	Alameda County	0.78%
Express Bus Service Grant		0.70%

Countywide Local and Feeder Bus Service: Provides funding for countywide local and feeder bus service in every region of the county to link neighborhoods and commuters to BART, rail, and express bus connections throughout the county. Welfare to Work programs dedicate 1.46 percent of overall net sales tax receipts to enhancing transportation opportunities for persons making the transition from welfare to work.

Other Mass Transit Programs: Provides funding to Water Emergency Transportation Authority (WETA) Transbay Ferry Service to expand transbay ferry service from Alameda. Provides funding to Altamont Commuter Express for capital and operating costs for operations in South and East Alameda County.

Express Bus Service Grant Program: Provides funding for public transit operators to provide express bus services within Alameda County. Refer to the Express Bus Service Grant Program Guidelines for eligibility requirements.

Transit Operations: Provides funding to transit operators for maintenance of transit services, restoration of service cuts, expansion of transit services, and passenger safety and security. The transit operators will determine the priorities for these funds through public processes and will submit an annual audit to Alameda CTC.

AC Transit agrees to allocate 1.46 percent of overall net sales tax receipts to enhancing transportation opportunities for persons making the transition from welfare to work. These

"welfare to work" funds can be used by AC Transit for service restoration and expansion or implementation of improved bus service to facilitate travel to and from work. AC Transit will prioritize the restoration and development of new services to meet the employment-related transit needs of low-income residents in northern and central Alameda County.

Additionally, these funds may be used, at the determination of AC Transit, to provide subsidies of regular bus fares for individuals living in northern and central Alameda County who are transferring from welfare to work as well as those who are economically disadvantaged. In the event that sufficient funds are otherwise available to AC Transit to meet these needs then "welfare to work" funds can be used for other general passenger service purposes in northern and central Alameda County.

AC Transit will work together with and actively seek input from bus riders, business leaders, mayors and other elected officials in San Leandro, Hayward, and the unincorporated areas in Central Alameda County to ensure that the additional transit funds in Central County are used for bus improvements such as night, weekend, and more frequent service, connections to residential growth areas, and access to major employment centers, including enhancement of east-west corridors.

AC Transit will continue to provide transit service similar to the Department of Labor-funded shuttle to and from job sites in East and West Oakland, as needed. AC Transit, the County, the City of Oakland, the Port of Oakland and other entities will look for additional money from outside sources to fund the service. If needed, a portion of the proceeds from the reauthorization of Measure B may be used.

Refer to Mass Transit Program Implementation Guidelines for program and project eligibility fund usage, and requirements.

EXHIBIT B

PARATRANSIT SERVICES FUND DISTRIBUTION

Alameda CTC distributes Measure B paratransit funds to County subareas/planning areas and to AC Transit and BART based on the distribution percentages in the Measure B Expenditure Plan, as shown below. Distributions to jurisdictions for non-mandated services within each subarea are based on allocation formulas recommended by PAPCO and approved by the Alameda CTC Board.

Area/City	Area Percentage (A)
Non-Mandated – North County	1.24%
Alameda	
Albany	
Berkeley	
Emeryville	
Oakland	
Non-Mandated – Central County	0.88%
Hayward	
San Leandro	
Non-Mandated – East County	0.21%
LAVTA	
Pleasanton	
South County	1.06%
Fremont	
Newark	
Union City	
ADA Mandated – North County	4.53%
AC Transit	
BART	
ADA Mandated – Central County	1.10%
AC Transit	
BART	
Discretionary Program	1.43%

1. Column A shows the percentage of 2000 Measure B funds required to be distributed to each area in the County. Funding for special transportation for seniors and people with disabilities is provided for services mandated by the ADA to fixed-route public transit operators who are required to provide that service. Funds for the South County are allocated between mandated and non-mandated programs on an annual basis by the cities in that part of the County.

2. Coordination/Gaps in Service Fund (1.43%) allocations are recommended by PAPCO and approved by the Alameda CTC Board.
3. Americans with Disabilities Act (ADA) mandated services are allocated to AC Transit and BART according to the percentages included in the Expenditure Plan.

Refer to Paratransit Program Implementation Guidelines for program and project eligibility fund usage, and requirements.

Alameda County Transportation Commission
DRAFT Implementation Guidelines
For the Bicycle and Pedestrian Safety Program funded through
Measure B and Vehicle Registration Fees

Section 1. Purpose

- A. To delineate the eligible uses of Bicycle and Pedestrian Safety Funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B pass-through funds and Measure B and Vehicle Registration Fees (VRF) discretionary funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Bicycle and Pedestrian Safety funds eligible uses and expenditures.
 2. Define the terms in the Master Program Funding Agreements.
 3. Guide Bicycle and Pedestrian Program implementation.

Section 2. Authority

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Bicycle and Pedestrian Safety funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC.

Section 3. Background

- A. Implementation guidelines for the Bicycle and Pedestrian Safety Funds were developed to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements for the November 2000 voter-approved Measure B pass-through funds. The original program funding agreements for Measure B pass-through funds expired in spring 2012, and the new Master Program Funding Agreements were put in place to continue fund allocations for the remaining term of Measure B funds allocations through June 2022. In addition, the Master Program Funding Agreements include a new local, voter-approved revenue stream, the Vehicle Registration Fee (VRF), which will provide approximately \$11 million per year for transportation improvements throughout the County. The VRF includes 5 percent of net revenues for a Bicycle and Pedestrian Safety Fund. These Implementing Guidelines define the eligible uses and allocation process for the VRF Bicycle and Pedestrian Safety Fund and reflect new policies approved by the Alameda CTC.

Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter approved half-cent transportation sales taxes in Alameda County (the 1986 and 2000 approved Measure B sales tax programs)
- B. **Capital project:** A bicycle and pedestrian capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- C. **Complete Street:** A transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, truckers, and motorists, appropriate to the function and context of the facility. Complete street concepts apply to rural, suburban, and urban areas. (Caltrans definition)
- D. **Complete Streets Act of 2008:** The California Complete Streets Act (Assembly Bill 1358) was signed into law in September 2008. It requires that local jurisdictions modify their general plans as follows:
- “(A) Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.
- (B) For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.”
- E. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates.
- F. **Cost Allocation Plans (CAPs):** CAPs and Indirect cost rate proposals (IDCs) are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Bicycle and Pedestrian Safety programs funded through the Alameda CTC Master Program Funding Agreements.
- G. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages and benefits) which are directly and solely related to the implementation of the Alameda CTC-funded Bicycle and Pedestrian Safety Funds, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Bicycle and Pedestrian Safety Funds.
- H. **Environmental Documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National

Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.

- I. **Grants:** Funding for plans, programs or projects based upon a competitive call for projects, an evaluation process based on adopted evaluation criteria and allocated based upon a reimbursement basis.
- J. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officer's salaries, accounting department costs and personnel department costs, which are requisite for general operation of the organization, but are not directly allocable to a particular service or product.
- K. **Local Bicycle Master Plan/Local Pedestrian Master Plans:** Locally adopted plans that, at a minimum, examine existing conditions for walking and/or bicycling, and provide recommendations on improving the walking and/or bicycling environment, and prioritize these improvements. These plans may be stand-alone bicycle and pedestrian plans or may be a joint plan that addresses both walking and bicycling.
- L. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.
- M. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, then reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- N. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- O. **Pass-Through Funds:** Funds are allocated based upon a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter approved measure and provided to eligible jurisdictions on a regularly schedule basis (such as a regular monthly payment).
- P. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- Q. **Project Completion/Closeout:** Inspection/project acceptance, final invoicing, final reporting, and processes for closing out project.
- R. **Scoping and Project Feasibility:** Early capital project phases that identify project needs, costs and implementation feasibility.
- S. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately \$11 million per year through a \$10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs (with the funding distribution noted in parenthesis): local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

Section 5. Bicycle and Pedestrian Safety Fund Allocations

A. These implementation Guidelines provide guidance on two types of Bicycle and Pedestrian Safety allocation processes: pass-through funds and grants.

1. Measure B Bicycle and Pedestrian Pass-through Funds

- a. *General:* The Measure B Bicycle and Pedestrian Pass-through Funds are distributed to cities in the county and to Alameda County to be spent on planning and construction of bicycle and pedestrian projects, and the development and implementation of bicycle and pedestrian programs. These funds are intended to expand and enhance bicycle and pedestrian facilities in Alameda County, focusing on high priority projects like gap closures and intermodal connections.

The pass-through funds constitute seventy-five percent of the total Measure B bicycle/pedestrian funds. Each city and Alameda County will receive their proportional share of the pass-through funds based on population over the life of the Measure (which share shall be adjusted annually as described in the Master Program Funding Agreement). These funds are allocated on a monthly basis directly to each city and the County.

- b. *Eligible Uses:* The Measure B Bicycle/Pedestrian pass-through funds may be used for capital projects, programs, or plans that directly address bicycle and pedestrian access, convenience, safety, and usage. Eligible uses for these funds include, but are not necessarily limited to:

- 1) Capital Projects, including:
 - a) New pedestrian facilities (e.g. sidewalks, curb ramps, countdown signals, accessible signals)
 - b) Improvements to existing pedestrian facilities
 - c) New bikeways (such as bicycle routes, boulevards, lanes, multi-use pathways)
 - d) Improvements or upgrades to existing bikeways
 - e) Maintenance of bicycle and pedestrian facilities
 - f) Crossing improvements (at intersections, interchanges, railroads, freeways, etc.) for pedestrians and bicyclists
 - g) Bicycle parking facilities, including construction, maintenance and operations
 - h) ADA on-street improvements
 - i) Signage for pedestrians and/or bicyclists
 - j) Pedestrian and bicycle access improvements to, from and at transit facilities

- k) Traffic calming projects
 - l) All phases of capital projects, including feasibility studies, planning, and environmental
- 2) Development of Local Bicycle and/or Pedestrian Master Plans, and updates of Plans
 - 3) Design and implementation of education, enforcement, outreach, and promotion programs
 - 4) Direct staff and consultant costs to develop, plan, implement, operate, and maintain the bicycle and pedestrian projects and programs.
 - 5) Maintenance of the portion of the street most often used for bicycling (such as a bicycle lanes)
 - 6) Bicycle/pedestrian capital projects on non-city property, such as on school district property.
 - 7) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report
 - 8) Crossing guards
 - 9) Direct staff training costs directly related to implementation of projects, plans, or programs implemented with the Bicycle and Pedestrian Safety Funds
- c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B Bicycle/Pedestrian pass-through funds:
- 1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation
 - 2) Repaving of the entire roadway (see “Eligible Uses” above for exceptions)
 - 3) Capital projects, programs, or plans that do not directly address bicycle and pedestrian access, convenience, safety, and usage
 - 4) Projects or programs that exclusively serve city/county staff
 - 5) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan
- d. *List of Projects/Programs:* All projects and programs that use Measure B Bicycle and Pedestrian Safety pass-through funds must receive governing board approval prior to the jurisdiction expending the pass-through funding on the project/program. This approval allows the opportunity for the public to provide input on planning for bicycle and pedestrian safety. These

projects and programs may be included in any of the following, as long as they have been adopted by the jurisdiction's governing board:

- 1) List of projects on which to specifically spend Measure B funds
- 2) Local Bicycle and/or Pedestrian Master Plan with priority projects
- 3) Capital Improvement Program
- 4) A resolution, such as to submit a grant application

Furthermore, the jurisdiction must submit to Alameda CTC the list of projects/programs on which the jurisdiction will spend Measure B pass-through funding in advance of expending the funds. The jurisdiction must submit projects and programs to the Alameda CTC through the annual end-of-year compliance report for Measure B funds.

2. Bicycle and Pedestrian Grant Funds
 - a. The Alameda CTC will administer a bicycle and pedestrian discretionary grant program using a portion of each of the Measure B and the VRF Bicycle and Pedestrian Safety funds. The Alameda CTC will adopt *Grant Program Guidelines* before each grant cycle that will establish the guiding policies for that grant cycle, and will widely publicize each grant funding cycle.
 - b. Local jurisdictions, transit operators and Community Based Organizations (CBO) in Alameda County may be eligible to apply for these competitive funds, and each such jurisdiction, operator, or CBO must provide the Alameda CTC written evidence of the commitment of any required project sponsor funds to be eligible to receive these competitive funds.

Section 6. Complete Streets Policy Requirement

- A. To receive Measure B and VRF funds, local jurisdictions must do both of the following with respect to Complete Street policies:
 1. Have an adopted complete streets policy, or demonstrate that a policy is being developed and will be adopted by [*Date to be determined*]. This policy should include the "Elements of an Ideal Complete Streets Policy" developed by the National Complete Streets Coalition (<http://www.completestreets.org/webdocs/policy/cs-policyelements.pdf>). Resources will be developed by the Alameda CTC to assist local jurisdictions with developing and implementing complete streets policies.
 2. Comply with the California Complete Streets Act of 2008. The California Complete Streets Act (AB1358) requires that local general plans do the following:
 - a. Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and

convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

- b. For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

The Governor’s Office of Planning and Research has developed detailed guidance for meeting this law: *Update to the General Plan Guidelines: Complete Streets and the Circulation Element*

(http://www.opr.ca.gov/planning/docs/Update_GP_Guidelines_Complete_Streets.pdf).

Section 7. Local Bicycle/Pedestrian Master Plan Requirement

- A. To receive Measure B and VRF funds, local jurisdictions must do all of the following with respect to local bicycle and pedestrian master plans. The Alameda CTC will provide technical assistance and funding to local jurisdictions to meet these requirements through the competitive Bicycle and Pedestrian Safety Grant Program. Jurisdictions may also use pass-through funds for the development of local bicycle and pedestrian master plans.
 1. Have an adopted Local Pedestrian Master Plan AND Local Bicycle Master Plan, OR have an adopted combined Local Pedestrian and Bicycle Plan; or demonstrate that the plan is being developed and will be adopted by Date to be determined].
 2. Each plan must be updated, at a minimum, every five years. This policy is consistent with the state’s Bicycle Transportation Act (BTA) grant requirement for bicycle plans, and will ensure that plans are addressing current local needs, while also allowing jurisdictions to be eligible for BTA funding.
 3. Each plan must include core elements to ensure that the plan is effective, and that plans throughout the county are comparable, to the extent that is reasonable, to facilitate countywide planning. The Alameda CTC will develop and maintain guidelines outlining these core elements. For pedestrian plans, these elements are described in the *Toolkit for Improving Walkability in Alameda County*: <http://www.actia2022.com/ped-toolkit/ACTIA-ped-toolkit.pdf>. The Alameda CTC will develop guidelines for bicycle plans.

Section 8. Advancement of Pass-through Funds

- A. The Alameda CTC may consider advancing future year pass-through funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to the Alameda CTC Director of Finance and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

Section 9. Adoption of Implementation Guidelines

- A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Board.

DRAFT

Alameda County Transportation Commission
DRAFT Implementation Guidelines for
the Local Streets and Roads Program Funded through
Measure B and Vehicle Registration Fees
(Adopted [INSERT DATE])

Section 1. Purpose

- A. To delineate the eligible uses of Local Streets and Roads funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B and Vehicle Registration Fees (VRF) pass-through funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Local Streets and Roads funds eligible uses and expenditures.
 2. Define the terms in the Master Program Funding Agreements.
 3. Guide Local Streets and Roads Program implementation.

Section 2. Authority

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Local Streets and Roads funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Board.

Section 3. Background

- A. Alameda CTC developed Implementation Guidelines for the Local Streets and Roads funds to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements for the November 2000 voter-approved Measure B pass-through funds. The Expenditure Plan allocates 22.34 percent of Measure B funds for Local Streets and Roads programs and projects. The original program funding agreements for Measure B pass-through funds expired in spring 2012, and Alameda CTC put in place the new Master Program Funding Agreements to continue fund allocations for the remaining term of Measure B funds allocations through June 2022. In addition, the Master Program Funding Agreements include a new local, voter-approved revenue stream, the Vehicle Registration Fee (VRF), which will provide approximately \$11 million per year for transportation improvements throughout the County. The VRF includes 60 percent of net revenues for a Local Streets and Roads Program. These Implementation Guidelines define the eligible uses and allocation process for the Measure B and VRF Local Streets and Roads funds and reflect new policies approved by the Alameda CTC.

Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).
- B. **Bike parking:** Bike racks and lockers, bike shelters, attended bike parking facilities, and bike parking infrastructure.
- C. **Bikeways and multiuse paths:** Bike lanes, bike boulevards, sidepaths, bike routes, multiuse pathways, at-grade bike crossings, and maintenance of bikeway facilities.
- D. **Bridges and tunnels:** Crossings above or below grade for bicycles, pedestrians, and/or autos and transit.
- E. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- F. **Complete Street:** A transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, truckers, and motorists, appropriate to the function and context of the facility. Complete street concepts apply to rural, suburban, and urban areas. (Caltrans definition)
- G. **Complete Streets Act of 2008:** The California Complete Streets Act (Assembly Bill 1358) was signed into law in September 2008. It requires that local jurisdictions modify their general plans as follows:
- “(A) Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.
- (B) For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.”
- H. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- I. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Local Streets and Roads programs funded through the Alameda CTC Master Program Funding Agreements.

- J. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of the Alameda CTC-funded Local Streets and Roads projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Local Streets and Roads funds.
- K. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- L. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- M. **Equipment and new vehicles:** Purchase or lease of vehicles and equipment for service improvements, such as information dissemination, fare collection, etc.
- N. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- O. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- P. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.
- Q. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- R. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- S. **Pass-through funds:** Funds allocated based on a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter-approved measure and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).
- T. **Pedestrian crossing improvements:** At-grade pedestrian crossing improvements such as crosswalks, roadway/geometric changes, or reconfiguration specifically benefiting pedestrians.
- U. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.

- V. **Planning area:** Four geographical sub-areas of the county (Planning Areas 1, 2, 3, and 4). The sub-areas of the county are defined by the Alameda CTC as follows:
1. Planning Area 1 – North Area: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont
 2. Planning Area 2 – Central Area: Cities of Hayward and San Leandro, and the unincorporated areas of Castro Valley and San Lorenzo, as well as other unincorporated lands in that area
 3. Planning Area 3 – South Area: Cities of Fremont, Newark, and Union City
 4. Planning Area 4 – East Area: Cities of Dublin, Livermore, and Pleasanton, and all unincorporated lands in that area
- W. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- X. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- Y. **Sidewalks and ramps:** New sidewalks, sidewalk maintenance, curb ramps, and stairs/ramps for pedestrian and Americans with Disabilities Act access.
- Z. **Signage:** Warning, regulatory, wayfinding, or informational signage.
- AA. **Signals:** New traffic signals or crossing signals, signal upgrades, countdown signals, audible signals, or signal timing improvements.
- BB. **Street resurfacing and maintenance:** Repaving and resurfacing of on-street surfaces, including striping.
- CC. **Traffic calming:** Infrastructure primarily aimed at slowing down motor vehicle traffic.
- DD. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately \$11 million per year through a \$10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs and the distribution percentage is as follows: local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

Section 5. Local Streets and Roads Fund Allocations

- A. These Implementation Guidelines provide guidance on the Local Streets and Roads Fund allocation process for Measure B and VRF pass-through funds.
1. Measure B Local Streets and Roads Pass-through Funds
 - a. *General:* Alameda CTC distributes Measure B Local Streets and Roads Pass-through Funds to cities in the county and to Alameda County to be spent on transportation capital improvements for surface streets and arterial roads, and maintenance and upkeep of local streets and roads, including

repaving streets, filling potholes, and upgrading local transportation infrastructure. These funds are intended to maintain and improve local streets and roads in Alameda County, and may be used for any local transportation need based on local priorities, including streets and roads projects, local transit projects, bicycle and pedestrian projects, projects (sponsored by others) that require local agency support, and other transportation uses as approved through a public process by the jurisdiction.

The pass-through funds constitute 100 percent of the total Measure B Local Streets and Roads funds. Each city and Alameda County will receive their proportional share (which share shall be adjusted annually as described in the Master Program Funding Agreement) of the local transportation pass-through funds within their sub-area based on a formula weighted 50 percent by the population of the jurisdiction within the sub-area and 50 percent on the number of road miles within the sub-area. These funds are allocated on a monthly basis directly to each city and the County. These funds must be placed in a separate account from the VRF Funds.

- b. *Eligible Uses:* The Measure B Local Streets and Roads pass-through funds may be used for capital projects, programs, maintenance, or operations that directly improve local streets and roads and local transportation. Eligible uses for these funds include, but are not necessarily limited to:
- 1) Capital projects, including:
 - a) All phases of capital projects, including feasibility studies, planning, and environmental
 - b) Upgrades to or installation of new local streets and roads infrastructure including installation of streets, roads, and highways
 - c) Street resurfacing and maintenance including repaving and resurfacing of on-street surfaces including striping
 - d) Improvements or upgrades to bridges and tunnels
 - e) Installation of or upgrades to sidewalks and curb ramps
 - f) Americans with Disabilities Act (ADA) on-street improvements, including sidewalk upgrades and curb ramp installations
 - g) Purchase or lease of equipment or new vehicles for local streets and roads improvements
 - h) Crossing improvements including traffic signals, signage, and traffic lights (at intersections, interchanges, railroads, freeways, etc.) for drivers, pedestrians, and bicyclists

- i) Improvements to or installation of new pedestrian facilities (e.g., sidewalks, curb ramps, countdown signals, accessible signals, at-grade bike crossings)
 - j) Improvements or upgrades to or installation of new bikeways (such as bicycle routes, boulevards, lanes, multi-use pathways)
 - k) Maintenance of or installation of bicycle and pedestrian facilities, including construction, maintenance, and operations of bike parking facilities.
 - l) Pedestrian and bicycle access improvements to, from and at transit facilities
 - m) Traffic calming projects
 - 2) Transit system operations, operations of traffic signal system controls and interconnections, and corridor monitoring and management
 - 3) Mass transit project operations including bus, ferry, shuttle, rail, and Welfare to Work services
 - 4) Paratransit services
 - 5) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report
 - 6) Direct staff training costs directly related to implementation of projects or programs implemented with the Local Streets and Roads Funds
- c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B Local Streets and Roads pass-through funds:
- 1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation
 - 2) Capital projects, programs, maintenances, or operations that do not directly improve local streets and roads and local transportation
 - 3) Projects or programs that exclusively serve city/county staff
 - 4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan
- d. *List of Projects/Programs:* All projects and programs that use Measure B Local Streets and Roads pass-through funds must receive governing board approval prior to the jurisdiction expending the pass-through funding on the project/program. This approval allows the opportunity for the public to

provide input on planning for local streets and roads projects. These projects and programs must be included in any of the following, as long as they have been adopted by the jurisdiction's governing board:

- 1) List of projects on which to specifically spend Measure B funds
- 2) Local Streets and Roads Master Plan with priority projects
- 3) Capital Improvement Program
- 4) A resolution, such as to submit a grant application

Furthermore, the jurisdiction must submit to Alameda CTC the list of projects/programs on which the jurisdiction will spend Measure B pass-through funding in advance of expending the funds. The jurisdiction must submit projects and programs to the Alameda CTC through the annual end-of-year compliance report for Measure B funds.

2. VRF Local Streets and Roads Pass-through Funds

- a. *General:* Alameda CTC distributes VRF Local Streets and Roads Pass-through Funds to cities in the county and to Alameda County to be spent on transportation capital improvements for surface streets and arterial roads, and maintenance and upkeep of local streets and roads. These funds are intended to maintain and improve local streets and roads as well as a broad range of facilities in Alameda County (from local to arterial facilities).

The pass-through funds constitute 100 percent of the total VRF Local Streets and Roads funds and are distributed among the four planning areas of the county. VRF local streets and roads pass-through funds within the geographic planning area are based on a formula weighted 50 percent by the population of the jurisdiction within the planning area and 50 percent of the number of registered vehicles in the planning area. VRF local streets and roads funds will be distributed by population within a planning area. Allocations may change in the future based on changes in population and number of registered vehicle figures. Recipients are not required to enter into a separate agreement with Alameda CTC prior to receipt of such funds. Agencies will maintain all interest accrued from the VRF Local Road Program pass through funds within the program. These funds are allocated on a monthly basis directly to each city and the County. These funds must be placed in a separate account from the Measure B Funds.

- b. *Eligible Uses:* The VRF Local Streets and Roads pass-through funds may be used for improving, maintaining, and rehabilitating local roads and traffic signals. It will also incorporate the Complete Streets practice that makes local roads safe for all modes, including bicyclists and pedestrians, and accommodates transit. Eligible uses for these funds include, but are not necessarily limited to:

- 1) Street repaving and rehabilitation, including curbs, gutters and drains
 - 2) Traffic signal maintenance and upgrades, including bicyclist and pedestrian treatments
 - 3) Signage and striping on roadways, including traffic and bicycle lanes and crosswalks
 - 4) Sidewalk repair and installation
 - 5) Bus stop improvements, including bus pads, turnouts and striping
 - 6) Improvements to roadways at rail crossings, including grade separations and safety protection devices
 - 7) Improvements to roadways with truck or transit routing
- c. *Ineligible Uses:* The following is a list of ineligible uses of VRF Local Streets and Roads pass-through funds:
- 1) Non-transportation projects such as fees charged to capital construction projects for services or amenities that are not related to transportation
 - 2) Projects or programs that are not directly related to streets and roads improvements
 - 3) Projects or programs that exclusively serve city/county staff
 - 4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.

Section 6. Complete Streets Policy Requirement

- A. To receive Measure B and VRF funds, local jurisdictions must do both of the following with respect to Complete Streets policies:
1. Have an adopted Complete Streets policy, or demonstrate that a policy is being developed and will be adopted by *[Date to be determined]*. This policy should include the “Elements of an Ideal Complete Streets Policy” developed by the National Complete Streets Coalition (<http://www.completestreets.org/webdocs/policy/cs-policyelements.pdf>). Resources will be developed by the Alameda CTC to assist local jurisdictions with developing and implementing complete streets policies.
 2. Comply with the California Complete Streets Act of 2008. The California Complete Streets Act (AB1358) requires that local general plans do the following:
 - a. Commencing January 1, 2011, upon any substantial revision of the circulation element, the legislative body shall modify the circulation element to plan for a balanced, multimodal transportation network that

meets the needs of all users of the streets, roads, and highways for safe and convenient travel in a manner that is suitable to the rural, suburban, or urban context of the general plan.

- b. For the purposes of this paragraph, “users of streets, roads, and highways” means bicyclists, children, persons with disabilities, motorists, movers of commercial goods, pedestrians, users of public transportation, and seniors.

The Governor’s Office of Planning and Research has developed detailed guidance for meeting this law: *Update to the General Plan Guidelines: Complete Streets and the Circulation Element*

(http://www.opr.ca.gov/planning/docs/Update_GP_Guidelines_Complete_Streets.pdf).

Section 7. Pavement Condition Index Reporting

- A. To receive Measure B and VRF funds, local jurisdictions must do both of the following with respect to the reporting of an agency’s pavement condition (PCI) index:
 1. Annually report on the citywide pavement condition index (PCI), which rates the “health” of local streets from 1 to 100, in the Annual Program Compliance Report Form. Where applicable, this information will be consistent with material provided for MTC reporting requirements.
 2. If the PCI falls below a total average index of 60 (fair condition), specify in the Annual Program Compliance Report what funding amounts, policies, or other needs are required to enable increasing the recipient’s PCI to 60 or above.

Section 8. Advancement of Pass-through Funds

- A. The Alameda CTC may consider advancing future year pass-through funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to the Alameda CTC Director of Finance and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

Section 9. Adoption of Implementation Guidelines

- A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC’s Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Board.

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Alameda County Transportation Commission
DRAFT Implementation Guidelines for
the Mass Transit Program Funded through
Measure B and Vehicle Registration Fees

(Adopted [INSERT DATE])

Section 1. Purpose

- A. To delineate eligible uses of Mass Transit funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B pass-through funds and Measure B and Vehicle Registration Fees (VRF) discretionary funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Mass Transit funds eligible uses and expenditures.
 2. Define the terms in the Master Program Funding Agreements.
 3. Guide Mass Transit Program implementation.

Section 2. Authority

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Mass Transit funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Board.

Section 3. Background

- A. Alameda CTC developed Implementation Guidelines for the Mass Transit funds to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements for the November 2000 voter-approved Measure B pass-through funds. The Expenditure Plan allocates 21.92 percent overall of Measure B funds for Mass Transit programs and projects. The original program funding agreements for Measure B pass-through funds expired in spring 2012, and Alameda CTC put in place the new Master Program Funding Agreements to continue fund allocations for the remaining term of Measure B funds allocations through June 2022. In addition, the Master Program Funding Agreements include a new local, voter-approved revenue stream, the Vehicle Registration Fee (VRF), which will provide approximately \$11 million per year for transportation improvements throughout the County. The VRF includes 25 percent of net revenues for a Mass Transit Program. These Implementation Guidelines define the eligible uses and allocation process for the Measure B and VRF Mass Transit funds and reflect new policies approved by the Alameda CTC.

Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).
- B. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- C. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- D. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Mass Transit programs funded through the Alameda CTC Master Program Funding Agreements.
- E. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of Alameda CTC-funded Mass Transit projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Mass Transit funds.
- F. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- G. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- H. **Equipment and new vehicles:** Purchase or lease of vehicles. Equipment for service improvements, such as information dissemination, fare collection, etc.
- I. **Express bus service:** Either of these types of rapid bus service:
1. Service within zones with a defined pick-up area, nonstop express bus service, and a defined drop-off zone.
 2. Service that provides a simple route layout, has frequent service and fewer stops than regular fixed route service, and may include level boarding, bus priority at traffic signals, signature identification of the rapid buses such as color-coded buses and stops, and enhanced stations.

- J. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- K. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- L. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.
- M. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- N. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- O. **Pass-through funds:** Funds allocated based on a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter-approved measure and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).
- P. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- Q. **Planning area:** Four geographical sub-areas of the county (Planning Areas 1, 2, 3, and 4). The sub-areas of the county are defined by the Alameda CTC as follows:
1. Planning Area 1 – North Area: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont
 2. Planning Area 2 – Central Area: Cities of Hayward and San Leandro, and the unincorporated areas of Castro Valley and San Lorenzo, as well as other unincorporated lands in that area
 3. Planning Area 3 – South Area: Cities of Fremont, Newark, and Union City
 4. Planning Area 4 – East Area: Cities of Dublin, Livermore, and Pleasanton, and all unincorporated lands in that area
- R. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- S. **Safety improvements:** Safety or security improvements for operators, passengers, service users, facilities, and infrastructure or property.
- T. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.

- U. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately \$11 million per year through a \$10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs and the distribution percentage is as follows: local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).
- V. **Welfare to Work:** Transit services to enhance transportation opportunities for persons making the transition from welfare to work.

Section 5. Mass Transit Fund Allocations

- A. These Implementation Guidelines provide guidance on the Mass Transit Fund allocation process for Measure B pass-through funds and Measure B Express Bus Services Grant Program and VRF Transit for Congestion Relief Program funds.
1. Measure B Mass Transit Pass-through Funds
 - a. *General:* Alameda CTC distributes Measure B Mass Transit Pass-through Funds to transit operators in Alameda County to be spent on maintenance of transit services, restoration of service cuts, expansion of transit services, and passenger safety and security. Transit operators in Alameda County receive their proportional share of mass transit pass-through funds based on percentages of net revenues generated by the Measure B sales and use tax (which share shall be adjusted annually as described in the Master Program Funding Agreement). These funds are allocated on a monthly basis directly to each transit operator.
 - b. *Eligible Uses:* The Measure B Mass Transit pass-through funds may be used for capital projects, programs, maintenance, or operations that directly improve mass transit services. Eligible uses for these funds include, but are not necessarily limited to:
 - 1) Capital projects, including:
 - a) All phases of capital projects, including feasibility studies, planning, and environmental
 - b) Upgrades to or expansions to bus, ferry, rail, and shuttle infrastructure
 - c) Purchase or lease of equipment or new vehicles for transit services
 - 2) Mass transit system operations and services, including commuter rail; express, local, and feeder bus; and ferry
 - 3) Paratransit services
 - 4) Welfare to Work services

- 5) Direct staff and consultant costs to develop, plan, implement, operate and maintain transit projects and programs
 - 6) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report
 - 7) Direct staff training costs directly related to implementation of projects or programs implemented with the Mass Transit Funds
- c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B Mass Transit pass-through funds:
- 1) Non-transportation projects such as fees charged to capital construction projects for services or amenities not related to transportation
 - 2) Capital projects, programs, maintenances, or operations that does not directly improve mass transit services
 - 3) Projects or programs that exclusively serve city/county staff
 - 4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.
2. Measure B Express Bus Services Grant Program Funds
- a. The Measure B Expenditure Plan dedicates 0.7 percent of net revenues for the Countywide Express Bus Service fund for express bus service projects. The Alameda CTC will administer a Measure B Countywide Express Bus Services discretionary grant program. The Alameda CTC will adopt *Grant Program Guidelines* before each grant cycle that will establish the guiding policies for that grant cycle, and will widely publicize each grant funding cycle.
 - b. Two agencies are eligible to receive express bus services grant funds:
 - 1) Alameda-Contra Costa Transit District (AC Transit)
 - 2) Livermore Amador Valley Transit Authority (LAVTA)
 Fund recipients must enter into a separate agreement with Alameda CTC.
3. VRF Transit for Congestion Relief Program Funds
- a. The VRF Expenditure Plan dedicates 25 percent of net revenues for transit projects that provide congestion relief. Alameda CTC awards VRF Transit for Congestion Relief Grant Program funds on a discretionary basis. These funds are intended to make it easier for drivers to use public transportation, make the existing transit system more efficient and effective, and improve access to schools and jobs. The goal of this program is to decrease automobile usage and thereby reduce both localized and area-wide congestion and air pollution. Fund recipients must enter into a separate agreement with Alameda CTC.

- b. *Eligible Uses:* VRF Transit for Congestion Relief Grant Program Guidelines provide program eligibility and fund usage guidelines and requirements, definitions of terms, evaluation criteria, award details, and monitoring requirements.

Section 6. Advancement of Pass-through Funds

- A. The Alameda CTC may consider advancing future year pass-through funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to the Alameda CTC Director of Finance and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

Section 7. Adoption of Implementation Guidelines

- A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Board.

DRAFT

Alameda County Transportation Commission
DRAFT Implementation Guidelines for the
Paratransit Program Funded through Measure B
(Adopted [INSERT DATE])

Section 1. Purpose

- A. To delineate eligible uses of Paratransit funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B pass-through funds and Measure B discretionary funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Paratransit funds eligible uses and expenditures.
 2. Define the terms in the Master Program Funding Agreements.
 3. Guide Paratransit Program implementation.

Section 2. Authority

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Paratransit funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Board.

Section 3. Background

- A. Alameda CTC developed Implementation Guidelines for the Paratransit funds to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements for the November 2000 voter-approved Measure B pass-through funds. The Expenditure Plan allocates 10.45 percent of Measure B funds for special transportation for seniors and people with disabilities (paratransit) programs and projects. The original program funding agreements for Measure B pass-through funds expired in spring 2012, and Alameda CTC put in place the new Master Program Funding Agreements to continue fund allocations for the remaining term of Measure B funds allocations through June 2022. These Implementation Guidelines define the eligible uses and allocation process for the Measure B funds and reflect new policies approved by the Alameda CTC.

Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).
- B. **Americans with Disabilities Act (ADA):** According to the U.S. Equal Employment Opportunity Commission, originally passed in 1990 and revised in 2008, a law that prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA also requires reasonable accommodations for individuals with disabilities and has resulted in the removal of many barriers to transportation and in better access for seniors and people with disabilities.
- C. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion. For paratransit programs, may be an investment in vehicles or equipment directly related to providing paratransit services.
- D. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- E. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Paratransit programs funded through the Alameda CTC Master Program Funding Agreements.
- F. **Customer service and outreach:** Customer service functions as well as costs associated with marketing, education, outreach, and promotional campaigns and programs.
- G. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of the Alameda CTC-funded Paratransit projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Paratransit funds.
- H. **East Bay Paratransit (EBP) ticket purchase:** Amount paid to East Bay Paratransit for tickets plus associated costs, for example, distribution.
- I. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- J. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National

Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.

- K. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- L. **Group trips:** One-way passenger trips considered group trips. Includes vehicle operation and contracts. See individual demand-response trips.
- M. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- N. **Individual demand-response trips:** Taxi service, door-to-door trips, and van trips that passengers request on demand. Includes actual operation cost and contracts for vehicle operation, scheduling, dispatching, vehicle maintenance, supervision, and fare collection (including ticket or scrip printing and sales) for the purpose of carrying passengers.
- O. **Maintenance:** Repairs, renovation, or upgrade of existing facility, infrastructure, or vehicles.
- P. **Management:** Direct staffing costs and benefits to manage programs, projects, and services.
- Q. **Meal delivery:** Service that includes costs associated with vehicle operation, scheduling, dispatching, vehicle maintenance, and supervision for the purpose of delivering meals, whether provided in-house, through contracts, via taxicab, or by grantees. See Meals on Wheels.
- R. **Meals on Wheels:** Service that is part of a Senior Nutrition Program and provides delivery of meals to seniors and people with disabilities. See meal delivery.
- S. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.
- T. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- U. **Paratransit Advisory and Planning Committee:** Originally named by the Measure B Expenditure Plan as the Alameda County Paratransit Coordinating Council, the Alameda CTC committee that meets to address funding, planning, and coordination issues regarding paratransit services in Alameda County. Members must be an Alameda County resident and an eligible user of any transportation service available to seniors and people with disabilities in Alameda County. PAPCO is supported by a Technical Advisory Committee comprised of Measure B-funded paratransit providers in Alameda County.

- V. **Paratransit service:** Transportation services for seniors and people with disabilities, including ADA-mandated or non-mandated shuttle or fixed-route services, including door-to-door services, group trips, and individual demand-response trip services; taxi programs; Meals on Wheels or meal delivery; volunteer driver programs; and purchase of EBP tickets.
- W. **Pass-through funds:** Funds allocated based on a funding formula (such as population, registered vehicles, roadmiles, or a combination thereof) defined in a voter-approved measure and provided to eligible jurisdictions on a regularly scheduled basis (such as a regular monthly payment).
- X. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- Y. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- Z. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- AA. **Shuttle or fixed-route trips:** Shuttle service or fixed-route bus service, for example. Includes vehicle operation and contracts. See individual demand-response trips.

Section 5. Paratransit Fund Allocations

- A. These Implementation Guidelines provide guidance on the Paratransit Fund allocation process for Measure B pass-through funds and Measure B Paratransit Gap Grant Program funds.
 - 1. Measure B Paratransit Pass-through Funds
 - a. *General:* Alameda CTC distributes Measure B Paratransit Pass-through Funds to fixed-route public transit operators that are required to provide transportation services mandated by the ADA; and to cities in Alameda County and the County to provide non-mandated services, aimed at improving mobility for seniors and persons with disabilities.
 - 1) A portion of the funds as defined in the Master Programs Funding Agreement are local pass-through funds distributed to Alameda County cities to provide non-mandated transportation services for seniors and people with disabilities allocated to each city operating paratransit service through a census-based funding formula that is developed by PAPCO and approved by the Alameda CTC Board.
 - 2) A portion of the funds as defined in the Master Programs Funding Agreement are local pass-through funds distributed to Alameda County's primary mandated ADA service provider, East Bay Paratransit Consortium.
 - b. *Eligible Uses:* The Measure B Paratransit pass-through funds may be used for capital projects, programs, maintenance, or operations that directly

improve paratransit services. Eligible uses for these funds include services as defined in Attachment A, as well as, but not limited to:

- 1) Direct staff and consultant costs to develop, plan, implement, manage, operate and maintain paratransit projects and programs
 - 2) Direct staff and consultant costs to provide customer service and outreach for paratransit projects and programs
 - 3) Direct staff and consultant costs that support eligible activities, including the end-of-year compliance report
 - 4) Direct staff training costs directly related to implementation of projects or programs implemented with the Paratransit Funds
- c. *Ineligible Uses:* The following is a list of ineligible uses of Measure B Paratransit pass-through funds:
- 1) Non-transportation projects or services such as fees charged to capital construction projects for services or amenities not related to transportation
 - 2) Capital projects, programs, maintenance, or operations that do not directly improve paratransit services
 - 3) Projects or programs that exclusively serve city/county staff
 - 4) Indirect costs, unless the RECIPIENT submits an independently audited/approved Indirect Cost Allocation Plan.
2. Measure B Paratransit Gap Grant Program Funds
- a. The Measure B Expenditure Plan dedicates 1.43 percent of the funds for gaps in services to be recommended by PAPCO to reduce differences that might occur based on the geographic residence of any individual needing services. The Alameda CTC will administer a Measure B Paratransit Gap Grant discretionary grant program.
 - b. The Alameda CTC will adopt *Grant Program Guidelines* before each grant cycle that will establish the guiding policies for that grant cycle, and will widely publicize each grant funding cycle.
 - c. Gap funds provide Alameda County with the opportunity to be innovative and explore alternative service delivery mechanisms in the face of a senior and disability population expected to grow substantially over the next 20 years. The population of people likely to need paratransit service is expected to outpace the growth in sales tax revenues that fund paratransit programs in Alameda County, including city-based programs and ADA-mandated services. Gap funds provide an opportunity to minimize the differences in service experienced by consumers based on their geographic location.

Section 6. Advancement of Pass-through Funds

- A. The Alameda CTC may consider advancing future year pass-through funds, with the goal of seeing improvements made in the near term. If a jurisdiction is interested in this option, a written request to the Alameda CTC Director of Finance and a copy to the Deputy Director of Projects and Programs, indicating the amount of funds requested and the projects on which the funds will be spent, is required. Requests will be considered on an individual basis.

Section 7. Adoption of Implementation Guidelines

- A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Board.

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Attachment A: Paratransit Service Requirements

All programs funded partially or in full by Measure B revenue must abide by the following paratransit service requirements. In cases where these requirements affect current service parameters, there will be a grace period of one year to come into compliance with these requirements. Programs must be in full compliance with the requirements by the end of fiscal year 2012-2013. Any new service started after adoption of the Paratransit Program Implementation Guidelines must abide by the following service requirements.

Each of the services listed below are eligible to be funded through Measure B and the VRF revenues. The following chart summarizes these service types along the basic customer experience parameters.

Service Type	Consumer Experience Parameters			
	Timing	Accessibility	Origins/ Destinations	Eligible Population
ADA Paratransit	Pre-scheduled	Accessible	Origin-to-Destination	People with disabilities unable to ride fixed route transit
Door-to-Door Service	Pre-scheduled	Accessible	Origin-to-Destination	People with disabilities unable to ride fixed route transit and seniors
Taxi Subsidy	Same Day	Varies	Origin-to-Destination	Seniors and people with disabilities
Accessible Shuttles	Fixed Schedule	Accessible	Fixed Route	Seniors and people with disabilities
Group Trips	Pre-scheduled	Accessible	Fixed Route	Seniors and people with disabilities
Volunteer Drivers	Pre-scheduled	Generally Not Accessible	Origin-to-Destination	Vulnerable populations with special needs, e.g. requiring door-through-door service or escort

ADA Paratransit (Mandated Services)

Programs mandated by the Americans with Disabilities Act (ADA) are a service type that is eligible for funding from Measure B and/or VRF revenues. These programs are implemented and administered according to federal guidelines that may supersede these guidelines; however all ADA-mandated programs funded through Measure B or the VRF are subject to the terms of the Master Funding Agreement.

Interim Service for Consumers Awaiting ADA Certification

At the request of a health care provider, or ADA provider, city programs must provide interim service through the programs listed below to consumers awaiting ADA certification. Service must be provided within three business days of receipt of application.

City-based Door-to-Door Service Guidelines	
Service Description	<p>City-based door-to-door services are pre-scheduled, accessible, door-to-door service. Some programs allow same day reservations on a space-available basis. They provide a similar level of service to mandated ADA services. These services are designed to fill gaps that are not met by ADA-mandated providers and/or relieve ADA-mandated providers of some trips.</p> <p>This service type does not include taxi subsidies which are discussed below.</p>
Eligible Population	<p>People 18 and above with disabilities who are unable to use fixed route services or Seniors 80 years or older without proof of a disability.</p> <p>Cities may provide services to consumers who are younger than age 80, but not younger than 70 years old.</p> <p><i>Program sponsors may use ADA eligibility, as established by ADA-mandated providers (incl. East Bay Paratransit, LAVTA, Union City Transit), as proof of disability.</i></p>
Time & Days of Service	<p>At a minimum, service must be available five days per week between the hours of 8 am and 5 pm (excluding holidays).</p> <p>At a minimum, programs should accept reservations between the hours of 8 am and 5 pm Monday – Friday.</p>
Service Area	<p>The service area must allow eligible consumers to meet life needs, including but not limited to travel to major medical facilities, full service grocery stores and other basic necessities, if ADA service or other base programs are unable to provide these trips.</p>
Fare (Cost to Customer)	<p>Fares should be not exceed East Bay Paratransit fares, but can be lower, and can be equated to distance.</p>
Other	<p>Door-to-Door programs must demonstrate that they are providing trips at an equal or lower cost than the ADA-mandated provider on a cost per trip and cost per hour basis.</p> <p>Programs cannot impose limitations based on trip purpose, but can impose per person trip limits to control program resources.</p>

Taxi Subsidy Service Guidelines	
Service Description	<p>Taxi subsidy programs provide same day, curb-to-curb service intended for situations when consumers cannot make their trip on a pre-scheduled basis. This service allows eligible consumers to use taxis at a reduced fare. This is meant to be a “premier” safety net service, not a routine service to be used on a daily basis.</p> <p>The availability of accessible taxi cabs varies by geographical area, but programs should expand availability of accessible taxi cabs where possible.</p>
Eligible Population	<p>People 18 and above with disabilities who are unable to use fixed route services or Seniors 80 years or older without proof of a disability. Cities may provide services to consumers who are younger than age 80, but not younger than 70 years old.</p> <p><i>Program sponsors may use ADA eligibility, as established by ADA-mandated providers (incl. East Bay Paratransit, LAVTA, Union City Transit), as proof of disability.</i></p>
Time & Days of Service	24 hours per day/7 days per week
Service Area	At a minimum, service area should include the planning area.
Fare (Cost to Customer)	<p>At a minimum, programs must subsidize 50% of the taxi fare. Programs can impose a cap on total subsidy per person. This can be accomplished through a maximum subsidy per trip, a limit on the number of vouchers per person, and/or a total subsidy per person per year.</p>
Other	<p>Specially designed accessible same-day transportation services (e.g. Wheelchair Van) are an allowable expense where accessible taxi vehicles are not readily available through private taxi companies.</p> <p>Medical return transportation services (e.g. MRTIP) are an allowable expense to meet the need for accessible same-day transportation service for people with disabilities returning from medical services.</p>

City Accessible Shuttle Service Guidelines

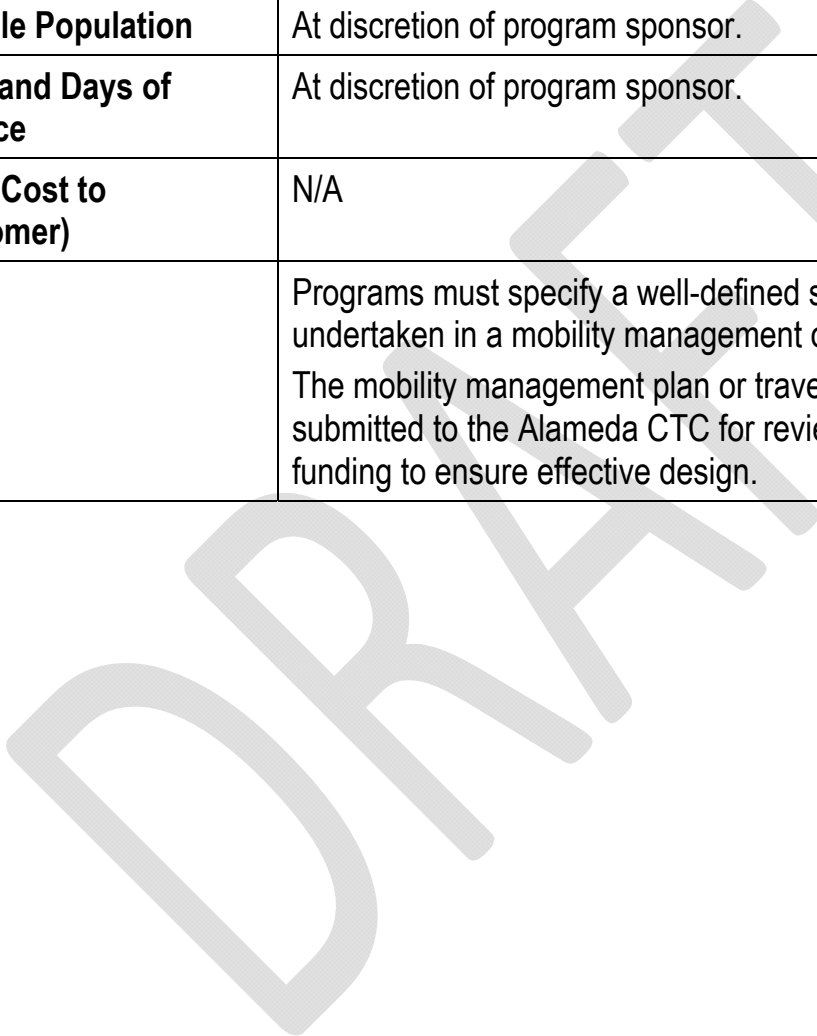
<p>Service Description</p>	<p>Shuttles are accessible vehicles that operate on a fixed route and schedule. They serve common trip origins and destinations visited by eligible consumers. Common trip origins and destinations are: senior centers, medical facilities, grocery stores, BART stations, other transit stations, community centers, commercial districts, and post offices. Shuttles should be designed to <i>supplement</i> the services of existing fixed route transit services. Routes should not necessarily be designed for fast travel, but to get as close as possible to destinations of interest, often going into parking lots or up to the front entrance of a senior living facility. Shuttles allow for more flexibility than pre-scheduled paratransit service, and are more likely to serve active seniors who do not drive and are not ADA paratransit registrants.</p>
<p>Eligible Population</p>	<p>Shuttles should be designed to appeal to older people, but can be made open to the general public.</p>
<p>Time and Days of Service</p>	<p>At discretion of program sponsor with local consumer input.</p>
<p>Service Area</p>	<p>At discretion of program sponsor.</p>
<p>Fare (Cost to Customer)</p>	<p>Fares should be not exceed East Bay Paratransit fares, but can be lower, and can be equated to distance.</p>
<p>Cost of Service</p>	<p>By end of FY12/13, the cost per one-way person trip must be \$20 or lower.</p>
<p>Other</p>	<p>Shuttles are required to coordinate with the local fixed route transit provider.</p> <p>Shuttle routes and schedules should be designed with input from the senior and disabled communities and any shuttle plan must be submitted to the Alameda CTC for review prior to requesting funding to ensure effective design.</p> <p>Deviations and flag stops are permitted at discretion of program sponsor.</p>

Group Trips Service Guidelines	
Service Description	Group trips are round-trip accessible van rides for pre-planned outings or to attend specific events or go to specific destinations for fixed amounts of time, e.g. shopping trips or religious services. Trips usually originate from a senior center or housing facility. These trips are specifically designed to serve the needs of seniors and people with disabilities.
Eligible Population	At discretion of program sponsor.
Service Area	Programs can impose mileage limitations to control program costs.
Time and Days of Service	Group trips must begin and end on the same day.
Fare (Cost to Customer)	At discretion of program sponsor.

Volunteer Driver Service Guidelines	
Service Description	Volunteer driver services are pre-scheduled, door-through-door services that are generally not accessible. These programs rely on volunteers to drive eligible consumers for critical trip needs, such as medical trips. This service type meets a key mobility gap by serving door-through-door trips for more vulnerable populations. This is a complementary gap-filling service. Volunteer driver programs may also have an escort component where volunteers accompany consumers, who are unable to travel in a private vehicle, on ADA trips.
Eligible Population	At discretion of program sponsor.
Time and Days of Service	At discretion of program sponsor.
Fare (Cost to Customer)	At discretion of program sponsor.
Other	Program sponsors can use Measure B funds to pay for volunteer mileage reimbursement purposes or an equivalent financial incentive for volunteers and/or administrative purposes.

Mobility Management and/or Travel Training Service Guidelines

<p>Service Description</p>	<p>Mobility management and/or travel training play an important role in ensuring that people use the “right” service for each trip, e.g. using EBP from Fremont to Berkeley for an event, using a taxi voucher for a same-day semi-emergency doctor visit, and requesting help from a volunteer driver or group trips service for grocery shopping. Mobility management covers a wide range of activities, such as travel training, trip planning, and brokerage.</p>
<p>Eligible Population</p>	<p>At discretion of program sponsor.</p>
<p>Time and Days of Service</p>	<p>At discretion of program sponsor.</p>
<p>Fare (Cost to Customer)</p>	<p>N/A</p>
<p>Other</p>	<p>Programs must specify a well-defined set of activities that will be undertaken in a mobility management or travel training program. The mobility management plan or travel training program must be submitted to the Alameda CTC for review prior to requesting funding to ensure effective design.</p>



Scholarship/Subsidized Fare Program Guidelines	
Service Description	Scholarship or Subsidized Fare Programs can subsidize any service for customers who are low-income and can demonstrate financial need.
Eligible Population	Subsidies can be offered to low-income consumers with demonstrated financial need; these consumers must also meet the eligibility requirements of the service for which the subsidy is being offered. Low income should be considered 30% AMI (area median income) or lower.
Time and Days of Service	N/A
Fare (Cost to Customer)	N/A
Other	Program sponsors must describe how financial means testing will be undertaken. If program sponsors include subsidized East Bay Paratransit (EBP) tickets in this program, no more than 3% of their pass-through funds may be used for these tickets.

Meal Delivery Service Guidelines	
Service Description	Meal Delivery Programs deliver meals to the homes of individuals who are transportation disadvantaged. Although this provides access to life sustaining needs for seniors and people with disabilities, it is not a direct transportation service.
Eligible Population	For currently operating programs, at discretion of program sponsor.
Time and Days of Service	For currently operating programs, at discretion of program sponsor.
Fare (Cost to Customer)	For currently operating programs, at discretion of program sponsor.
Other	Currently operating programs can continue to use Measure B funds for these service costs, but new meal delivery services cannot be established.

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**Alameda County Transportation Commission
DRAFT Implementation Guidelines for the
Local Transportation Technology Program
Funded through Vehicle Registration Fees**

(Adopted [INSERT DATE])

Section 1. Purpose

- A. To delineate eligible uses of Local Transportation Technology funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Vehicle Registration Fees (VRF) discretionary funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Local Transportation Technology funds eligible uses and expenditures.
 2. Define the terms in the Master Program Funding Agreements.
 3. Guide Local Transportation Technology Program implementation.

Section 2. Authority

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Local Transportation Technology funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Board.

Section 3. Background

- A. Alameda CTC developed Implementation Guidelines for the Local Transportation Technology funds to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements with local jurisdictions and Alameda County that include a new local, voter-approved revenue stream, the Vehicle Registration Fee (VRF), which will provide approximately \$11 million per year for transportation improvements throughout the County. The VRF includes 10 percent of net revenues for a Local Transportation Technology Program. These Implementation Guidelines define the eligible uses and allocation process for the VRF Local Transportation Technology funds and reflect new policies approved by the Alameda CTC.

Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency, which performed long-range planning and funding for countywide transportation projects

and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).

- B. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- C. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- D. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Local Transportation Technology programs funded through the Alameda CTC Master Program Funding Agreements.
- E. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of Alameda CTC-funded Local Transportation Technology projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Local Transportation Technology funds.
- F. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- G. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- H. **Equipment and new vehicles:** Purchase or lease of vehicles, and equipment for service improvements, such as information dissemination, fare collection, etc.
- J. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- K. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- L. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.
- M. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.

- N. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- P. **Planning:** Identification of project and program current conditions and needs and development of strategies and plans to address the identified needs.
- Q. **Planning area:** Four geographical sub-areas of the county (Planning Areas 1, 2, 3, and 4). The sub-areas of the county are defined by the Alameda CTC as follows:
1. Planning Area 1 – North Area: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont
 2. Planning Area 2 – Central Area: Cities of Hayward and San Leandro, and the unincorporated areas of Castro Valley and San Lorenzo, as well as other unincorporated lands in that area
 3. Planning Area 3 – South Area: Cities of Fremont, Newark, and Union City
 4. Planning Area 4 – East Area: Cities of Dublin, Livermore, and Pleasanton, and all unincorporated lands in that area
- R. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- T. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- U. **Smart Corridors Program:** A multi-modal advanced transportation management system, which provides real-time traffic conditions along major transportation corridors to allow participating agencies to better manage congestion and incidents along regional routes; improve transportation mobility, efficiency, and safety; and provide timely, multi-modal transportation information to agency transportation managers and to the public.
- V. **Vehicle Registration Fee (VRF):** Measure F, Alameda County's VRF Program, approved by the voters in November 2010 with 63 percent of the vote. It will generate approximately \$11 million per year through a \$10 per year vehicle registration fee. Administered by the Alameda CTC, the VRF funds four main types of programs and the distribution percentage is as follows: local streets and roads (60 percent); transit (25 percent); local transportation technology (10 percent); and bicycle and pedestrian projects (5 percent).

Section 5. Local Transportation Technology Fund Allocations

- A. These Implementation Guidelines provide guidance on the VRF Local Transportation Technology Fund allocation process.
1. *General:* The VRF Expenditure Plan dedicates 10 percent of net revenues for the VRF Local Transportation Technology fund for technology projects. Alameda CTC awards VRF Local Transportation Technology funds on a discretionary basis. These funds are intended to continue and improve the performance of road, transit, pedestrian and bicyclist technology applications, and to accommodate emerging vehicle technologies such as electric and plug-in-hybrid vehicles.

2. *Eligible Uses:* The Alameda CTC will administer these funds and adopt VRF Local Transportation Technology Program Guidelines that will provide program eligibility and fund usage guidelines and requirements, definitions of terms, geographic equity, evaluation criteria, award details, and monitoring requirements. Eligible projects include:

- a. Development, installation, operations, monitoring, and maintenance of local street and arterial transportation management technology such as the Smart Corridors Program, traffic signal interconnection, transit and emergency vehicle priority, advanced traffic management systems, and advanced traveler information systems
- b. Infrastructure for alternative vehicle fuels such as electric and plug-in-hybrid vehicle stations
- c. New or emerging transportation technologies that provide congestion or pollution mitigation
- d. Advanced signal technology for walking and bicycling

Section 6. Adoption of Implementation Guidelines

A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, before changes are adopted by the Alameda CTC Board.

Alameda County Transportation Commission
DRAFT Implementation Guidelines for the
Transit Center Development Program
Funded through Measure B
(Adopted [INSERT DATE])

Section 1. Purpose

- A. To delineate eligible uses of Transit Center Development funds authorized under Alameda County Transportation Commission Master Program Funding Agreements, these implementation guidelines have been developed to specify the requirements that local jurisdictions must follow in their use of Measure B discretionary funds. These guidelines are incorporated by reference in the Master Program Funding Agreements. All other terms and conditions for programs are contained in the agreements themselves. The intent of the implementation guidelines is to:
1. Provide guidance on Transit Center Development funds eligible uses and expenditures.
 2. Define the terms in the Master Program Funding Agreements.
 3. Guide Transit Center Development Program implementation.

Section 2. Authority

- A. These Implementation Guidelines have been adopted by the Alameda County Transportation Commission and set forth eligible uses and expenditures for the Transit Center Development funds. The Alameda CTC may update these guidelines on an as-needed basis and will do so with involvement of its technical and community advisory committees (as applicable). Exceptions to these guidelines must be requested in writing and be approved by the Alameda CTC Board.

Section 3. Background

- A. Alameda CTC developed Implementation Guidelines for the Transit Center Development funds to clarify eligible fund uses and expenditures in association with new, 10-year Master Program Funding Agreements for the November 2000 voter-approved Measure B pass-through funds. The Expenditure Plan allocates 0.19 percent of Measure B funds for Transit Center Development programs and projects. The original program funding agreements for Measure B pass-through funds expired in spring 2012, and Alameda CTC put in place new Master Program Funding Agreements to continue fund allocations for the remaining term of Measure B funds allocations through June 2022. These Implementation Guidelines define the eligible uses and allocation process for the Measure B Transit Center Development funds and reflect new policies approved by the Alameda CTC.

Section 4. Definition of Terms

- A. **Alameda CTC:** The Alameda County Transportation Commission is a Joint Powers Authority created by the merger of the Alameda County Congestion Management Agency,

which performed long-range planning and funding for countywide transportation projects and programs, and the Alameda County Transportation Improvement Authority, which administered the voter-approved, half-cent transportation sales taxes in Alameda County (the Measure B sales tax programs approved in 1986 and 2000).

- B. **Capital project:** A capital investment that typically requires the following phases: planning/feasibility, scoping, environmental clearance, design, right-of-way, construction, and completion.
- C. **Construction:** Construction of a new capital project, including development of preliminary engineering and construction documents, including plans, specifications, and estimates (PS&E).
- D. **Cost Allocation Plans (CAPs):** CAPs and indirect cost (IDC) rate proposals are plans that provide a systematic manner to identify, accumulate, and distribute allowable direct and indirect costs to Transit Center Development programs funded through the Alameda CTC Master Program Funding Agreements.
- E. **Direct cost:** A cost completely attributed to the provision of a service, operations, a program, a capital cost, or a product. These costs include documented hourly project staff labor charges (salaries, wages, and benefits) that are directly and solely related to the implementation of Alameda CTC-funded Transit Center Development projects, consultants, and materials. These funds may be used for travel or training if they are directly related to the implementation of the Transit Center Development funds.
- F. **Education and promotion:** Marketing, education, information, outreach, and promotional campaigns and programs.
- G. **Environmental documents:** Preparation of environmental documents, such as those related to the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA), or permits required by state or federal permitting agencies.
- H. **Equipment and new vehicles:** Purchase or lease of vehicles, and equipment for service improvements, such as information dissemination, fare collection, etc.
- I. **Grants:** Funding for plans, programs, or projects based on a competitive call for projects; evaluated based on adopted evaluation criteria; and allocated based on a reimbursement basis.
- J. **Indirect cost:** Also known as “overhead,” any cost of doing business other than direct costs. These costs include utilities, rent, administrative staff, officers’ salaries, accounting department costs, and personnel department costs, which are requisite for general operation of the organization but are not directly allocable to a particular service or product.
- K. **Maintenance:** Repairs, renovation, or upgrade of existing facility or infrastructure.
- L. **Measure B:** Alameda County’s half-cent transportation sales tax, originally approved in 1986, and reauthorized by voters in November 2000. Collection of the sales tax began on April 1, 2002. Administered by the Alameda CTC, Measure B funds four types of programs in 20 local jurisdictions: bicycle and pedestrian, local streets and roads, mass transit, and paratransit.

- M. **Operations:** Provision of services that operate transportation facilities and programs. Operations costs do not include the costs to operate community outreach or other programs not directly related to a specific transportation service, program, or product.
- N. **Project completion/closeout:** Inspection/project acceptance, final invoicing, final reporting, and the processes for closing out a project.
- O. **Scoping and project feasibility:** Early capital project phases that identify project needs, costs, and implementation feasibility.
- P. **Transit center development (TCD or transit oriented development [TOD]):** Also referred to as priority development areas (PDAs), transit villages, or transit oriented design, a mixed-use residential or commercial area designed to maximize access to public transportation. The California Department of Transportation defines TCD or TOD as, “Moderate to higher density development, located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities designed for pedestrians without excluding the auto. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use.”
- Q. **Transit Oriented Development-Technical Assistance Program (TOD-TAP):** Program created in 2005 by the Alameda County Congestion Management Agency to provide jurisdictions technical assistance to complete studies and plans in a variety of topics that help advance transit oriented development projects.
- R. **Transportation for Livable Communities (TLC):** A regional program that the Metropolitan Transportation Commission administers to support community-based transportation projects that bring new vibrancy to downtown areas, commercial cores, neighborhoods, and transit corridors, enhancing their amenities and ambiance and making them places where people want to live, work, and visit. TLC provides funding for projects that are developed through an inclusive community planning effort, provide for a range of transportation choices, and support connectivity between transportation investments and land uses.

Section 5. Transit Center Development Fund Allocations

- A. These Implementation Guidelines provide guidance on the Measure B Transit Center Development Fund allocation process.
1. *General:* Alameda CTC awards Measure B Transit Center Development funds to cities in the county and to Alameda County on a discretionary basis through a competitive grant program. These funds are intended to encourage residential and retail development near transit centers. Nonprofit organizations and transit operators are not directly eligible for these funds.
 2. *Eligible Uses:* The Alameda CTC will administer these funds and adopt Measure B Transit Center Development Grant Program Guidelines that provide program eligibility and fund usage guidelines and requirements, definitions of terms, evaluation criteria, award details, and monitoring requirements. Eligible projects include:

- a. The local match portion of the Metropolitan Transportation Commission (MTC) Transportation for Livable Communities Program for planning and capital projects.
- b. A match to the MTC Transportation and Land Use (T-PLUS) program for TOD-TAP.
- c. Funding for consultant services, studies and plans for the Alameda CTC administered TOD-TAP.

Section 6. Adoption of Implementation Guidelines

- A. Implementation Guidelines are adopted by the Alameda CTC on an as-needed basis. Changes to Implementation Guidelines will be brought through the Alameda CTC's Technical Advisory Committee for review and comment, as well as any other Alameda CTC committees as necessary, for comment before changes are adopted by the Alameda CTC Board.

DRAFT



Memorandum

DATE: November 29, 2011

TO: Alameda County Technical Advisory Committee (ACTAC)

FROM: Beth Walukas, Deputy Director of Planning

SUBJECT: **Review of Alameda County Jurisdiction Survey Responses to the One Bay Area Grant Draft Proposed Criteria**

Recommendation

This item is for information only. No action is requested.

Summary

This item summarizes jurisdiction responses to a survey conducted by Alameda CTC to assess how well Alameda County jurisdictions will meet the proposed One Bay Area Grant criteria. The summary of responses (Attachment A) reflect responses from 9 of the 15 jurisdictions received as of the time of the mailing. A revised summary, incorporating responses received after the mailing, will be presented at the meeting along with an update on how well Alameda County jurisdictions will meet the criteria. This information will be shared with MTC as part of the Alameda CTC comments on the draft One Bay Area Grant policies.

Fiscal Impact

None.

Attachments

Attachment A: Summary Memo, Survey and Table on Results of ACTAC Survey on One Bay Area Grant Proposed Criteria

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Suite 700 North
San Francisco, CA 94107
Tel: (415) 243-4600
Fax: (415) 243-9501

TO: Beth Walukas, Alameda County Transportation Commission

FROM: Judis Santos, Parsons Brinckerhoff

THROUGH: Rebecca Kohlstrand, Parsons Brinckerhoff

SUBJECT: Results of ACTAC Survey on OneBayArea Grant Criteria

DATE: November 28, 2011

Introduction

Purpose: The purpose of this task is to gather information that 1) determines how well Alameda County jurisdictions meet proposed criteria for the OneBayArea grant program and 2) identifies assistance needed by the jurisdictions to meet them. The Alameda County Transportation Commission (Alameda CTC) is preparing a response to MTC that will include a discussion of the jurisdictions' needs based on the results of this information-gathering effort.

Background: In July 2011, the Metropolitan Transportation Commission (MTC) released a draft of proposed policies to guide allocation of the Cycle 2 Federal Surface Transportation Program and Congestion Mitigation Air Quality (STP/CMAQ) funds, known as the "OneBayArea" Grant Program, for the next three fiscal years. The Program includes funding objectives, funding distributions, policy outcomes and implementation issues. Policy outcomes described in the program to help support the implementation of the Sustainable Communities Strategy include:

1. **Supportive Local Transportation and Land-Use Policies**
 - a. Parking/pricing policies (e.g. cash out, peak pricing, on-street/off-street pricing differentials, eliminate parking minimums, unbundled parking) and adopted city and/or countywide employer trip reduction ordinances.
 - b. Adopted Community Risk Reduction Plans (CRRP) per CEQA guidelines
 - c. Have affordable housing policies in place or policies that ensure that new development projects do not displace low income housing
 - d. Adopted bicycle/pedestrian plan and complete streets policy in general plans pursuant to Complete Streets Act of 2008.

2. **Approved Housing Element:**

- a. Adoption of a housing element that meets the current RHNA before the new RHNA is adopted, or
- b. The adoption of a housing element that meets the new RHNA after its approval early in 2012. Jurisdictions have 18 months after the adoption of the Sustainable Communities Strategy to meet the new RHNA; therefore, compliance is expected and required by September 2014. Any jurisdiction failing to meet either one of these deadlines will not be allowed to receive grant funding. Lastly, any jurisdiction without adopted housing elements addressing the new RHNA by September 2014 will be ineligible to receive any funding after Cycle 2 until they have adopted a housing element.

Scope: The objective of this task is to collect baseline information that determines whether jurisdictions have certain policies in place to be compliant with the OneBayArea Grant Program criteria as proposed. Specifically, this task focuses on jurisdictions' readiness to have adopted supportive local transportation and land-use policies and/or to secure an approved housing element. The consultant scope of work includes the following:

- Working with the Alameda CTC, develop a list of questions that assess a jurisdiction's readiness in meeting proposed criteria for the OneBayArea program;
- Determine appropriate methodology based on scope, budget, and schedule deadline (i.e. survey, phone interview, focus group discussion);
- Once methodology determined, contact and work through the Alameda County Technical Advisory Committee (ACTAC) members to obtain the information; and,
- Compile and summarize survey results.

Methodology: Information was gathered through a twenty (20) question survey addressing seven (7) topics (Attachment 1). The survey was initially developed in an "on-line"/web-format for user-friendliness. The format was changed to a PDF document/survey because of the likelihood that various departments/individuals may be involved in completing the survey. A total of fifteen (15) ACTAC members were contacted via phone and provided with the survey via email. Nine (9) jurisdictions responded with completed surveys and comments –City of Alameda, Albany, Berkeley, Hayward, Newark, Piedmont, Pleasanton, San Leandro, and Union City. In addition to the survey, ACTAC members were provided with an introductory email, reference documents and a link to Alameda CTC Board materials. The survey collected information on whether the following policies are in place: Parking and pricing policies, community risk reduction plans, affordable housing policies, complete streets/adopted bicycle plans, and approved housing element. In addition, questions about ineligibility concerns and requested training/support were included to identify additional issues.

General Findings

To be compliant with OneBayArea grant program's proposed criteria, at least two of the four policies need to be met under supportive local transportation and land-use policies. In addition, an approved housing element is a proposed condition for any jurisdiction receiving Cycle 2 OneBayArea grants. From the 9 out of 15 jurisdictions that reported survey results, to date four (4) jurisdictions (City of Alameda, Newark, Union City) meet the supportive local transportation and land-use policies and approved housing element requirements. The survey results are shown in Attachment 2 (note: survey will be updated for the December 6 meeting with any additional responses).

There are efforts in moving towards becoming compliant with an approved housing element and transportation/land-use policies in place. For example, seven (7) out of the nine (9) jurisdictions reported expected compliance with the approved housing element by September 2014. Under supportive local transportation and land-use policies, the following policy areas are more likely to have compliance by the jurisdictions: affordable housing policies and updated General Plan to comply with the state Complete Streets Act. Of the 9 jurisdictions responding, seven (7) jurisdictions have affordable housing policies (Alameda, Albany, Hayward, Newark, Piedmont, San Leandro, Union City). Although one (1) jurisdiction's (Piedmont) General Plan has been updated for compliance, six (6) jurisdictions (Alameda, Albany, Berkeley, Newark, San Leandro, Union City) plan on revising their General Plans to incorporate the Complete Streets Policy.

Conclusions

- Survey results report that to date, four (4) out of the nine (9) reported jurisdictions show compliance with the proposed OneBayArea Grant criteria. The four jurisdictions include the cities of Alameda, Newark, San Leandro and Union City.
- One of the challenges for compliance under the supportive local transportation and land-use policies is the development of "Community Risk Reduction Plans." All of the nine jurisdictions reported not having adopted nor are they in the process of developing a CRRP per CEQA guidelines. Four (4) jurisdictions out of nine (9) reported on CRRPs being a useful alternative, while seven (7) out of nine (9) jurisdictions reported on potentially developing a CRRP if additional funding and/or technical assistance was provided.
- Eight (8) out of the nine (9) jurisdictions reported that training and additional resources will be needed to create, adopt and/or implement programs to be compliant with OneBayArea grant criteria. Training (i.e. workshops) is helpful mostly in the area of parking/pricing policies. Other additional training/workshop areas of interest include: trip reduction ordinances,

CRRPs, affordable housing policies, Complete Streets, and meeting the deadline of September 2014 to have an approved housing element.

- Lastly, the survey identifies which jurisdictions have certain policies in place. There may be a need to conduct a more in-depth and overall assessment on the causes and reasons why certain policies are in development and why some are not such as community risk reduction programs and parking/pricing policies. This type of assessment is more appropriate utilizing focus groups or informational interviewing techniques.

ACTAC Survey

Questions? Please contact Judis Santos, Parsons Brinckerhoff, at: 415-243-4688 or santosjg@pbworld.com

Does your jurisdiction have any of the following plans/policies adopted and in place?

A. PARKING AND PRICING POLICIES

1. Cash out program? *(State law requires certain employers who provide subsidized parking for their employees to offer a cash allowance in lieu of a parking space. This law is called the parking cash-out program.)*

YES NO

If yes, when was it adopted? Date:

If no, do you plan to adopt one? YES NO

If yes, what is the timeline for adoption? 6 months 1 Year 2 or More Years

If no, please describe why

2. Peak pricing? *(Surcharging users of a transport network in periods of peak demand to reduce traffic congestion)*

YES NO

If yes, when was it adopted? Date:

If no, do you plan to adopt one? YES NO

If yes, what is the timeline for adoption? 6 months 1 Year 2 or More Years

If no, please describe why

3. On-street/Off-Street Parking Differentials?

YES NO

If yes, when was it adopted? Date:

If no, do you plan to adopt one? YES NO

If yes, what is the timeline for adoption? 6 months 1 Year 2 or More Years

If no, please describe why

4. Eliminate parking minimums? *(Parking minimums are set for every land use to satisfy peak parking demand. In other words, cities and towns mandate that planners provide parking spaces for most residents of new buildings or to accommodate patrons on the busiest days of the year.)*

YES NO

If yes, when was it adopted? Date:

If no, do you plan to adopt one? YES NO

If yes, what is the timeline for adoption? 6 months 1 Year 2 or More Years

If no, please describe why

5. Unbundled parking *(Unbundled parking means that parking is rented or sold separately. Unpriced parking is often "bundled" with building costs, which means that a certain number of spaces are automatically included with building purchases or leases.)*

YES NO

If yes, when was it adopted? Date:

If no, do you plan to adopt one? YES NO

If yes, what is the timeline for adoption? 6 months 1 Year 2 or More Years

If no, please describe why

ACTAC Survey

6. Adopted city and/or countywide employer trip reduction ordinances? (designed to encourage the use of transportation alternatives)

YES NO

If yes, when was it adopted? Date:

If no, do you plan to adopt one? YES NO

If yes, what is the timeline for adoption? 6 months 1 Year 2 or More Years

If no, please describe why

B. COMMUNITY RISK REDUCTION PLANS (CRRP).

1. In May 2011, the Bay Area Air Quality Management District issued updated CEQA Guidelines that provide an option of developing a CRRP as an alternative to performing individual air quality analysis to determine if a project exceeds the thresholds of significance of toxic air contaminants and fine particulate matter.

Are you familiar with the new Guidelines? YES NO

2. Has your jurisdiction adopted or considered developing a Community Risk Reduction Plan (CRRP) per CEQA Guidelines?

YES NO

If yes, when was it adopted? Date:

If no, do you plan to adopt one? YES NO

If yes, what is the timeline for adoption? 6 months 1 Year 2 or More Years

If no, please describe why

3. A CRRP could provide a coordinated approach for assessing relevant air quality risks and identifying mitigation measures, but could require significant resources for its development. The benefits a CRRP could offer would be its usefulness in not having to develop site-specific risk analysis on a project by project basis.

Do you agree that CRRPs could serve as a useful alternative for your jurisdiction? Why or why not?

4. Would you consider developing a CRRP for your projects if additional funding and/or technical assistance were provided? YES NO

5. Would you participate in the development of a multi-jurisdictional CRRP? YES NO

ACTAC Survey

C. AFFORDABLE HOUSING

1. Does your jurisdiction have affordable housing policies in place or policies that ensure that new development projects do not displace low income housing?

YES NO

If yes, when was it adopted? Date:

If no, do you plan to adopt one? YES NO

If yes, what is the timeline for adoption? 6 months 1 Year 2 or More Years

If no, please describe why

D. COMPLETE STREET/ADOPTED BICYCLE PEDESTRIAN PLANS

1. Does your jurisdiction have an adopted Complete Streets policy? YES NO

If yes, when was it adopted? Date:

What is the timeline for adoption? 6 month 1 Year 2 or More Years

Can you please describe them briefly here?

2. Have you updated your General Plan to comply with the state Complete Streets Act (2008, AB 1358) which took effect January 1, 2011?

YES NO

If yes, when was this done?

If no, does your General Plan already meet the requirements of AB1358? YES NO

If not, when is your next planned "substantial revision of the circulation element" of your General Plan? Date

Do you plan to revise it to incorporate the Complete Streets Act? YES NO

Alameda CTC recently surveyed the jurisdictions for the status of their bike and ped plans. As of August 2011, can you please list your bike and pedestrian plan update years and status?

E. APPROVED HOUSING ELEMENT

In the proposed criteria, there are two ways to demonstrate compliance for the "approved housing element" criteria: Adoption of a housing element that meets the current Regional Housing Need Allocation before the new RHNA is adopted OR Adoption of a housing element that meets the new RHNA after its approval in Spring 2012 (jurisdictions have 18 months to do this and must be in compliance by September 2014).

1. Is your jurisdiction able to demonstrate compliance through one of the two options above?

YES NO

If yes, which option applies to you: meets current RHNA or new RHNA (see question 1A)

If no, are you scheduled to adopt one in the next 6 months? YES NO

1A. If future RHNA: You plan to adopt a housing element that meets the new RHNA after its approval in Spring 2012? YES NO

If yes, what is your schedule to incorporate the new RHNA and adopt a new housing element? Dates:

3. If jurisdiction is not able to demonstrate compliance with one of the two options: why not? Attachment A
 what issues are preventing you from adopting a housing element?

4. Jurisdictions are expected to comply with an approved housing element by September 2014.
 your jurisdiction be compliant by then? YES NO

F. INELIGIBILITY FOR FUNDING

Any jurisdiction without adopted housing elements addressing the new Regional Housing Need Allocation by September 2014, will be ineligible to receive any funding in Cycle 2 or after until they have adopted a housing element.

In addition, under the proposed ABAG criteria, local agencies are required to meet at least two of the four transportation and land use policies (parking/pricing, CRRP, affordable housing, bicycle/ped plans and complete streets) to be eligible for grant funds in Cycle 2 and after.

1. Alameda CTC is trying to determine how best to assist Alameda County jurisdictions in meeting these criteria as they are currently proposed, what do you think are your jurisdiction's greatest obstacles to overcome in order to fulfill the OneBayArea Grant requirements?

G. TRAINING AND SUPPORT

Alameda CTC would like to know a little more about what training, support or resources you would need to create, adopt or implement any of these programs (please check all that apply):

	Training (i.e. workshops)	Resources other support (i.e. staff)
Parking/Pricing policies	<input type="checkbox"/>	<input type="checkbox"/>
Trip Reduction Ordinances	<input type="checkbox"/>	<input type="checkbox"/>
CRRPs	<input type="checkbox"/>	<input type="checkbox"/>
Affordable housing policies	<input type="checkbox"/>	<input type="checkbox"/>
Complete Streets policies/Develop or Update Bike Pedestrian Plans	<input type="checkbox"/>	<input type="checkbox"/>
Meeting the deadline of September 2014 to have an approved housing element	<input type="checkbox"/>	<input type="checkbox"/>

2. Lastly, Alameda CTC would like to share with you that they will be contacting the jurisdictions to gather information in the future about these types of things. In the very near term, they will be gathering more information on the status of Priority Development Area/Transit Oriented Development implementation.

What are the best methods to gather information from your jurisdiction? (eg., surveys, call specific contact, email)

3. Any other comments you would like to share?

Thank you for your participation.

Summary of OneBayAreaGrant Criteria Survey Responses
(Date: 11/29/2011)

	YES	NO	No Response	Comment
Overall Summary of Requirements Met				
1. Supportive Local Transportation and Land-Use Policies				
a) Parking/pricing policies (e.g. cash out, peak pricing, on-street/off street pricing differentials, eliminate parking minimums, unbundled parking) and adopted city and/or countywide employer trip reduction ordinances	Berkeley Newark Union City City of Alameda Albany San Leandro	Hayward Piedmont Pleasanton		Of the 9 jurisdictions, 0 of 9 had all of the six (6) parking/pricing policies listed. Berkeley had 3 of 6 policies (on-street/off-street differentials, unbundled parking, and employer trip reduction ordinances). Newark and Union City followed having 2 of 6 policies (Newark: eliminate parking minimums, employer trip reduction ordinances; Union City: cash out, trip reduction ordinances). Albany and City of Alameda had on-street/off-street differentials. San Leandro had unbundled parking.
b) Adopted Community Risk Reduction Plans (CRRP) per CEQA guidelines	some interest in multi-jurisdictional CRRP	City of Alameda Albany Berkeley Hayward Newark Piedmont Pleasanton San Leandro Union City		Of the 9 jurisdictions, 6 (Alameda, Albany, Hayward, Newark, San Leandro, Union City) were familiar with new CEQA guidelines; None are developing a CRRP. Four (Alameda, Albany, Piedmont, Union City) agree that CRRPs are a useful alternative; Seven jurisdictions (Alameda, Hayward, Newark, Piedmont, Pleasanton, San Leandro, Union City) would consider developing a CRRP for projects if funding/assistance was provided; Seven jurisdictions (Alameda, Hayward, Newark, Piedmont, Pleasanton, San Leandro, Union City) would participate in a multi-jurisdictional CRRP.
c) Have affordable housing policies in place or policies that ensure that new development projects do not displace low income housing	City of Alameda Albany Newark Piedmont San Leandro Union City		Berkeley Hayward Pleasanton	Of the 9 jurisdictions, 6 have affordable housing policies in place.
d) Adopted bicycle/pedestrian plan and Complete Streets policy in General Plans pursuant to Complete Streets Act of 2008	Piedmont	City of Alameda Albany Berkeley Hayward Newark San Leandro Union City	Pleasanton	Of the 9 jurisdictions, 1 (Piedmont) has an adopted bicycle/pedestrian plan and Complete Streets policy in General Plans pursuant to 2008 Complete Streets Act. Six (Alameda, Albany, Berkeley, Newark, San Leandro, Union City) are planning to incorporate Complete Streets Act in the next substantial revision of their General Plan.
2. Approved Housing Element				
a) Adoption of a housing element that meets the current RHNA before the new RHNA is adopted	Hayward Newark San Leandro Union City	Albany Piedmont	Berkeley Pleasanton	Of the 9 jurisdictions, 7 (Alameda, Albany, Hayward, Newark, Piedmont, San Leandro, Union City) reported being compliant by September 2014.
b) The adoption of a housing element that meets the new RHNA after is approval early in 2012	City of Alameda			

		YES	NO	No Response	Comment
Detailed Summary of Requirements Met					
A. Parking and Pricing Policies					
1. Cash out program?	Union City (October 2010)	City of Alameda Albany Berkeley Hayward Newark Piedmont Pleasanton San Leandro			City of Alameda: Does not plan to adopt one, due cost of implementation and limited transportation options Albany: The City has not considered a cash out program Newark: There are no parking subsidies in the City. Piedmont: Small size and lack of parking facilities. There is little demand. Pleasanton: Does not plan to adopt one, no subsidized parking in Pleasanton San Leandro: Budgetary Constraints
2. Peak Pricing?		City of Alameda Albany Berkeley Hayward Newark Piedmont Pleasanton San Leandro Union City			City of Alameda: Does not plan to adopt one, due to cost of implementation and limited transportation options Albany: The City is small and does not have staff capacity to implement congestion pricing Newark: No mechanism for peak pricing in Newark. Piedmont: Small size and largely residential parking, there is little demand for commercial parking Pleasanton: Does not plan to adopt one San Leandro: Need to assess further Union City: Extent of congestion in City does not warrant
3. On-street/Off-Street Parking Differentials?	City of Alameda (11/6/2007) Albany (2009) Berkeley	Hayward Newark Piedmont Pleasanton San Leandro Union City			Newark: No need identified Piedmont: Small size and lack of parking facilities. Little demand. Pleasanton: Do not plan to adopt one, no paid on or off street parking in Pleasanton San Leandro: Need to assess further
4. Eliminate parking minimums?	Newark	City of Alameda Albany Berkeley Hayward Piedmont Pleasanton San Leandro Union City			City of Alameda: Do not plan to adopt one due to limited transit Albany: Amendment would require public vote Berkeley: To retain leverage with developers, but enabling TDM based waivers Hayward: Do not plan to adopt one, Draft Design Guidelines incorporate maximum parking concepts Newark: Adopted some in August 2011 as part of a specific plan, but not on a Citywide basis. Piedmont: Small size and lack of parking facilities. There is little demand. Pleasanton: Do not plan to adopt one, Pleasanton provides reduced parking minimums for TOD San Leandro: Would need to be assessed further depending on location Union City: Do not plan to adopt one, potential off-site parking impacts
5. Unbundled parking?	Berkeley San Leandro (2007)	City of Alameda Albany Hayward Newark Piedmont Pleasanton Union City			City of Alameda: Do not plan to adopt one due to lack of development support, limited transit Albany: The City has not considered that policy Berkeley: On a case by case basis. Plan to adopt within 6 months in one area, with the adoption of the Zoning reforms for our Downtown Area. Expected in early 2012 Newark: No need identified. Piedmont: Small size and lack of parking facilities. There is little demand. Pleasanton: Do not plan to adopt one, no charged parking in Pleasanton Union City: Plans to adopt one within 1 year

	YES	NO	No Response	Comment
6. Adopted city and/or countywide employer trip reduction ordinances?	Berkeley (2009) Newark (1992) Union City (Sept 2010)	City of Alameda Albany Hayward Piedmont Pleasanton San Leandro		City of Alameda: Plans to adopt one in 1 year Albany: Plan to adopt one, our recently adopted Climate Action Plan directs the City to adopt those ordinances Hayward: Do not plan to adopt one, Climate Action Plan includes Employer Trip Reduction strategies Piedmont: Small size and lack of parking facilities. There is little demand. Pleasanton: Do not plan to adopt one, voluntary program in Pleasanton. Ordinance reference SB 437 (1995) San Leandro: Need to assess further
B. Community Risk Reduction Plans (CRRP)				
1. Familiar with new CEQA guidelines?	City of Alameda Albany Hayward Newark San Leandro Union City	Piedmont Pleasanton	Berkeley	
2. Has your jurisdiction adopted or considered development a Community Risk Reduction Plan per CEQA guidelines?		City of Alameda Albany Hayward Newark Piedmont Pleasanton San Leandro Union City	Berkeley	City of Alameda: too costly to prepare Albany: The City does not have funds to develop this plan. Interested in coordinating with other small cities Newark: Prefer to do a project by project analysis. Piedmont: Lack of commercial or industrial zones reduces the likelihood of hazardous air quality issues Pleasanton: No knowledge of CRRP. San Leandro: Will be considered when we begin our General Plan Update in 2013 Union City: Lack of funds to prepare
3. Do you agree that CRRPs could serve as a useful alternative for your jurisdiction?	City of Alameda Albany Piedmont Union City	Newark San Leandro	Berkeley Hayward Pleasanton	Albany: This will save time in the long run Hayward: CRRP incorporated into Community Health & Wellness General Plan Element Newark: No, cost is high and project analysis provides better legal protection. Piedmont: lack of commercial or industrial zones reduces the likelihood of hazardous air quality issues San Leandro: Will be considered when we begin our General Plan Update in 2013 Union City: Agree that CRRPs could serve as a useful alternative.
4. Would you consider development of a CRRP for your projects if additional funding and/or technical assistance were provided?	City of Alameda Albany Hayward Newark Piedmont Pleasanton Union City	San Leandro	Berkeley	

	YES	NO	No Response	Comment
5. Would you participate in the development of a multi-jurisdictional CRRP?	City of Alameda Hayward Newark Piedmont Pleasanton San Leandro Union City		Albany Berkeley	
C. Affordable Housing				
1. Does your jurisdiction have affordable housing policies in place or policies that ensure that new development projects do not displace low income housing?	City of Alameda (1991 & 2003) Albany (2009) Hayward (2011) Newark (2001) Piedmont (2005) San Leandro (2005) Union City (Nov 2010)	Berkeley	Pleasanton	Berkeley: Berkeley's excellent 2-year history of 20% inclusionary zoning was struck down in 2009 by a California Supreme Court decision. Hayward: The following Ordinance sections comprise our Affordable Housing Policies to date: Density Bonus Chapter 17.65; Housing Element; Mobile Home Rent Stabilization Section Chapter 3.32.
D. Complete Street/Adopted Bicycle pedestrian Plans				
1. Does your jurisdiction have an adopted Complete Streets policy?	City of Alameda (2009 & 2010)	Albany Berkeley Hayward Newark Piedmont San Leandro Union City	Pleasanton	City of Alameda: Bike Plan and Pedestrian Plan Albany: Currently developing first Pedestrian Master Plan and updating Bicycle Master Plan. Includes features of Complete Streets Berkeley: Timeline for adoption is 1 year Newark: Timeline for adoption is 2 or more years Union City: Timeline for adoption is 6 months Hayward: Timeline for adoption is 6 months; The Complete Streets policy will be adopted in Bicycle Pedestrian Master Plan February 2012
2. Have you updated your General Plan to comply with the state Complete Streets Act (2008, AB 1358) which took effect January 1, 2011?	Piedmont (April 2009)	City of Alameda Albany Berkeley Hayward Newark San Leandro Union City	Pleasanton	
2A. If no, does your General Plan already meet the requirements?		City of Alameda Albany Berkeley Newark Union City	Hayward Piedmont Pleasanton San Leandro	
2B. If not, when is your next planned "substantial revision of the circulation element" of your General Plan?				City of Alameda: waiting for guidelines to be developed by MTC/Alameda CTC Albany (end of 2012) Berkeley (most likely 2021. It was adopted in 2001) Hayward: Castro Valley General Plan (January 2012) Newark (2012-2013) San Leandro (2013) Union City (March 2012)

	YES	NO	No Response	Comment
2C. Do you plan to revise it to incorporate Complete Streets Act?	City of Alameda Albany Berkeley Newark San Leandro Union City		Hayward Piedmont Pleasanton	
2D. As of August 2011, please list your bike and pedestrian plan updates, years and status?				City of Alameda: Bike Plan 11/2010 and Ped Plan 01/2009 Albany: Bicycle and Pedestrian Master Plan will be finalized in the spring of 2012. Berkeley: Bike Plan, adopted 2001, updated 2005. Ped Plan, adopted 2010. Newark: In draft form, formal adoption planned in 2012. San Leandro: Last updated in 2011 Union City: Adopted Oct 2006, an update is in process.
E. Approved Housing Element				
1. Is your jurisdiction able to demonstrate compliance through one of the two options above?	City of Alameda (new RHNA) Hayward (current RHNA) Newark (current RHNA) San Leandro (current RHNA) Union City (current RHNA)	Albany Piedmont	Berkeley Pleasanton	City of Alameda: Plans to adopt a housing element that meets the new RHNA on 12/31/2012
1A. If no, are you scheduled to adopt one in the next 6 months?	Albany	Piedmont		Newark: Plans to adopt a housing element that meets the new RHNA after its approval in Spring 2012 and incorporate the new RHNA/adopt a new housing element in 2014
3. If your jurisdiction is not able to demonstrate compliance with one of the two options: why not and what issues are preventing you from adopting a housing element?			City of Alameda Berkeley Hayward Newark Pleasanton San Leandro Union City	Albany: The Housing Element is currently being prepared Piedmont: We have adopted a new housing element as of 2005, more information about the RHNA criteria and whether or not it met is needed.
4. Jurisdictions are expected to comply with an approved housing element by September 2014. Will your jurisdiction be compliant by then?	City of Alameda Albany Hayward Newark Piedmont San Leandro Union City		Berkeley Pleasanton	
F. Ineligibility for Funding				
1. Alameda CTC is trying to determine how best to assist Alameda County jurisdictions in meeting these criteria as they are currently proposed, what do you think are your jurisdiction's greatest obstacles to overcome in order to fulfill the OneBayArea Grant requirements?			Berkeley Hayward Pleasanton San Leandro	City of Alameda: City would like to know what is needed to incorporate the Complete Street Policy Albany: The Challenge for urban cities is that we are already built out and there is not much space available for development or redevelopment. Newark: Cost of environmental process Piedmont: Implementing parking regulations Union City: Lack of funding and impact on staff resources to satisfy mandates

	YES	NO	No Response	Comment
G. Training/Support				
2. What are the best methods to gather information from your jurisdiction? (eg. surveys, call, email)			City of Alameda Pleasanton	Albany: Any methods listed works Berkeley: Conduct in person or phone interviews with Planning staff (land use) and Public Works (Transportation) Hayward: All of the above Newark: Email Piedmont: Email San Leandro: Surveys, call specific contacts Union City: Survey email.
3. Any other comments?			Albany Hayward Newark Piedmont Pleasanton San Leandro	<i>City of Alameda</i> : City would like to obtain help in reviewing the current Transportation Element. City believes that is has policies that meet the Complete Street Requirements. <i>Berkeley</i> : There are only 14 cities in Alameda County. Surveys like this are not the best way to gather information from such a small pool. You're not looking for bits of statistically significant information; you're looking for full answers. Also the questions don't have sufficient definitions to be useful. There are many scopes possible for Trip Reduction Ordinance, for instance. An off-street/on-street parking differential can mean almost anything (except that they're exactly the same.) <i>Union City</i> : we appreciate all the hard work by the Alameda CTC staff and consultants.

G. Training/Support				
	<i>Training (i.e. workshops)</i>	<i>Resources other support</i>		
Parking/Pricing policies	City of Alameda Albany Hayward Piedmont San Leandro Union City	City of Alameda Albany Berkeley Hayward Newark Piedmont Union City		
Trip Reduction Ordinances	City of Alameda Hayward San Leandro Union City	City of Alameda Albany Berkeley Hayward Newark Union City		
CRRPs	City of Alameda Albany Hayward Union City	City of Alameda Berkeley Hayward Newark San Leandro Union City		
Affordable housing policies	City of Alameda Hayward Union City	City of Alameda Hayward Newark San Leandro Union City		
Complete Streets policies/Develop or Update Bike Pedestrian Plans	City of Alameda Hayward Piedmont Union City	City of Alameda Albany Hayward Newark Piedmont San Leandro Union City		
Meeting the deadline of September 2014 to have an approved housing element	Hayward Piedmont Union City	City of Alameda Albany Hayward Newark Piedmont San Leandro Union City		

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Memorandum

DATE: November 29, 2011

TO: Alameda County Technical Advisory Committee

FROM: Matt Todd, Manager of Programming

SUBJECT: Review Transportation Fund for Clean Air County Program Manager Funds
Model Year 2004 Drayage Truck Replacement Program

Recommendation

It is recommended the committee provide comment and input. This is an information item.

Summary

The California Air Resources Board (ARB) Statewide Drayage Truck Regulation and the resulting upcoming December 31, 2011 milestone that requires model year (MY) 2004 Port Drayage Trucks to meet certain emission standards was raised at the September 22, 2011 Alameda CTC Board meeting with the request for additional information to be presented at a future meeting. Additional information was provided at the October 27, 2011 Alameda CTC Board meeting. Staff has been requested to create a proposal for how the Alameda CTC can participate in the BAAQMD-proposed MY 2004 Drayage Truck Replacement Program that will assist Alameda County truck owners in meeting the December 31, 2011 regulation requirement.

Background

In December 2007, the ARB approved a new regulation to reduce emissions from drayage trucks. Drayage trucks are defined as those that access ports and intermodal rail yards. The first phase of the regulation went into effect on December 31, 2009, beginning a series of milestones that culminate in requirements to 2005 and 2006 model year engines by December 31, 2012. The next milestone requires MY 2004 engines to meet certain emission standards by December 31, 2011. Phase 2 of the regulation requires all drayage trucks to meet 2007 engine emission standards by December 31, 2013.

Table 1: ARB Drayage truck regulation compliance schedule

Phase	Date	Engine Model Years (MY)	Regulation requirement
Phase 1	12/31/09	1993 and older	Prohibited from operation as a drayage truck
		1994 – 2003	Install a Level 3 retrofit device
	12/31/11	2004	Install a Level 3 retrofit device
	12/31/12	2005 and 2006	Install a Level 3 retrofit device
Phase 2	12/31/13	1994 – 2006	Meet 2007 * engine emissions standards

* Trucks with 2007-2009 model year engines are compliant through 2022. Trucks with 2010 and newer engines are fully compliant

The Bay Area Air Quality Management District (BAAQMD) has offered financial assistance in the past to assist owners of trucks in meeting the regulation requirements for drayage trucks. Approximately \$26 million was used to assist over 1,500 trucks operating at the Port of Oakland to meet the ARB regulations. Those funds have been exhausted.

Table 2: Drayage truck population as of July 2011

Engine Model Year (MY)	Compliant until	# of Drayage trucks in Northern CA*	# of trucks that received grant funds	Grant funds expended **
MY 1994-2003 (w/ retrofits)	12/31/13	1,700	1,319	\$15,586,534
MY 2004	12/31/11	700	0	\$0
MY 2005 & 2006	12/31/12	2,150	0	\$0
MY 2007 – 2009	2022	1,350	203	\$10,150,000
MY 2010 +	Fully compliant	400		
Total		6,300	1,522	\$25,736,534

* Number of trucks registered in the ARB Drayage Truck Registry (DTR) with zip codes North of Fresno.

** Funding sources for the BAAQMD's Year 1 port truck funding program: TFCA (\$5 million), Port (\$5 million), ARB Prop 1B (\$13,835,133), and DERA (~\$2 million)

Approximately 700 MY 2004 trucks are identified in the ARB Drayage Truck Registry (DTR) with zip codes North of Fresno. Based on further analysis of the ARB DTR by BAAQMD staff:

- Of the 700 vehicles, 247 trucks (35%) are registered to a Bay Area addresses
- Of the 247 trucks with Bay Area addresses, 143 trucks are registered to addresses in Alameda County to 74 companies
- Of the 143 trucks located in Alameda County
 - About 50 are in fleets of 4 trucks or more
 - About 90 trucks are in fleets of three or fewer (most likely owned by single owner/operators)

For a drayage truck with a MY 2004 engine to continue to access the Port of Oakland after December 31, 2011, the truck must:

- Have a level 3 retrofit device installed (provides reduction of particulate matter (PM))
 - Will provide compliance with Port Drayage Truck Regulations through December 31, 2013 (2 years)

OR

- Upgrade to a MY 2007 or newer engine (provides reduction of PM and NOx)
 - Will provide compliance with Port Drayage Truck Regulations through at least 2022

Funding Assistance Opportunities

Currently, the ARB will offer a 15% loan guarantee (15% of the cost of a truck) to a financial institution which is a member of the CalCap program. The CalCap program is a form of loan portfolio insurance provided by the State through the California Pollution Control Financing Authority which may provide a certain percentage of coverage on loan defaults and would benefit truck owners who may not ordinarily qualify for loans. Loan guarantees are not restricted to truck owners with poor credit and are available to all owners of MY 2004 vehicles.

Information on the ARBs program is available at:

<http://www.arb.ca.gov/msprog/truckstop/truckstop.htm> or (866)-634-3735.

County TFCA Program Manager Funds

At the September Alameda CTC Board meeting, staff was requested to review the possibility of using TFCA funds to assist drayage truck owners in meeting the ARB regulation requirements. TFCA is generated by a \$4.00 vehicle registration fee and collected by the BAAQMD. As the TFCA Program Manager for Alameda County, the Alameda CTC is responsible for programming 40 percent of the four dollar vehicle registration fee that is collected in Alameda County for this program. Per the Alameda CTC TFCA Guidelines, 70 percent of the available funds are allocated to the cities/county based on population, with a minimum of \$10,000 to each jurisdiction. The remaining 30 percent of the funds are allocated to transit-related projects on a discretionary basis. All available TFCA funds are required to be completely programmed annually. Projects proposed for TFCA funding are required to meet the eligibility and cost-effectiveness requirements of the TFCA Program. This program generates approximately \$1.8 million annually and is administered in accordance with the BAAQMD approved TFCA Program Manager Guidelines.

BAAQMD Proposal for MY 2004 Drayage Truck Replacement Program

Over the last few months BAAQMD has developed a proposal for a regional MY 2004 Drayage Truck Replacement Program that will assist truck owners in meeting the December 31, 2011 regulation requirement. Alameda CTC staff has been requested to create a proposal for participation in the BAAQMD's proposed regional MY 2004 Drayage Truck Replacement Program to specifically assist Alameda County truck owners.

Grant funding would provide approximately \$10,000 for each eligible Bay Area truck owner towards the cost of a truck with a compliant MY 2007 engine. The program would allow the engine MY 2004 truck owner to trade their current vehicle in for its worth. The program will require a contractor administrator that guarantees that the trade-in and replacement is done in

such a manner that the engine MY 2004 trucks surrendered do not return to service in California for 10 years.

The BAAQMD is proposing the allocation of \$1.04 million in TFCA Regional Fund monies to provide grants for truck replacement projects. The \$1.04 million would provide funding for 104 drayage trucks, or 42% of the 247 total MY 2004 drayage trucks registered in the Bay Area. The BAAQMD is also requesting funding from partner agencies such as CMAs and the Port of Oakland to provide additional funds for the program.

The program is anticipated to have the following characteristics:

- Replacement truck costs cannot exceed \$60,000.
- A trade-in value of between \$8,000 and \$15,000 on the engine MY 2004 truck being traded in (dependent on condition).
- Must be a "CalCap" qualified lender
- Must assist truckers in availing themselves of the program and to meet all Air District administrative requirements.

In support of this plan, the BAAQMD will be considering the following actions at their December 7, 2011 Board meeting:

- Revising the FY 2012 TFCA Regional Fund Policies to allow the replacement of MY 2004 drayage trucks as an eligible project type.
- Authorize the expenditure of \$1.04 million in TFCA Regional Fund monies for a MY 2004 Drayage Truck Replacement Program.
- Authorize CMAs to contribute TFCA County Program Manager funds to the MY 2004 Drayage Truck Replacement Program (authorizes case by case project type exception).
- Authorize the BAAQMD staff to continue to work with partner agencies for additional fund sources for the MY 2004 Drayage Truck Replacement Program.

With these actions, the BAAQMD has indicated that the program will meet the requirements of the TFCA program.

Proposal Options

The BAAQMD has requested the Alameda CTC contribute up to \$1.43 million of TFCA County Program Manager funds (143 Alameda County trucks x \$10,000/truck).

Staff considers that TFCA Program Manager funds would be the most appropriate funding source to contribute to this program. The next TFCA Program Manager funds would be available for FY 2012/13. TFCA Program Manager funds are historically programmed annually, with the next call for scheduled to be released in January 2012. The BAAQMD staff have indicated that the Alameda CTC could program the 2012/13 funds in January 2012 and the funds would be eligible to fund the proposed MY 2004 Drayage Truck Replacement Program. The 2012/13 TFCA Program Manager funds are projected to be about \$1.8 million. \$1.43 million is about 80% of the annual projected revenue.

Per the Alameda CTC TFCA Guidelines (70 percent to the cities-county based on population / 30 percent transit-related projects), options can be considered how to provide funding within the Alameda County program formula. Options to provide funding to the MY 2004 Drayage Truck Replacement Program include:

- Oakland/County First– Use 100 percent of the Oakland and County available balance, with the remainder of the required funds split by population percentage across the remaining cities. If all funds were not required, then funds would be redistributed in this order: 1) return funds to all cities (except Oakland and County), 2) return funds to Oakland and County. Based on credits from prior year programming, Oakland and the County would be contributing about \$.661 million (about 46% of request). This option would allow the remaining funds to be focused on certain ongoing operational projects (attachment A, option 1).
- Off the Top - \$1.43 million off the top, and distribute the remainder of the funds by the 70 / 30 percent distribution formula (attachment A, option 2).

It should be noted that all available TFCA funds are required to be completely programmed annually, so any remaining funds not programmed to a drayage truck program will still need to be programmed to an eligible project.

Additional questions that need to be addressed by the BAAQMD include:

- How would grant costs be split between Regional TFCA/Alameda TFCA/Other partners funds?
- Will Alameda TFCA Program Manager funds:
 - Be spread across all grants awards?
 - Fully fund only Alameda registered trucks?
- What if not all 143 Alameda trucks request subsidy and/or funds remain unused?
 - Will Alameda CTC be “credited” back funding?
 - Funds not required based on the initial applications received should be returned.
- Alameda CTC TFCA administrative formula must be honored.

Schedule

The BAAQMD is proposing to initiate the MY 2004 Drayage Truck Replacement Program in December 2011. The BAAQMD has already initiated an RFP process to select a contractor to administer the program, and would issue a call for projects to MY 2004 port drayage trucks in December 2011. Additional funds would allow more trucks to participate in the program.

Alameda CTC staff will defer the release of the call for projects for the 2012/13 TFCA Program Manager funds from the end of December 2011 to the end of January 2012 to allow for the discussion to occur regarding the MY 2004 Drayage Truck Replacement Program.

Staff requests comment and input at the December 6, 2011 ACTAC meeting and will propose a recommendation for Alameda CTC Board consideration in January.

Staff will continue to work with BAAQMD and monitor the funding scenarios for the overall MY 2004 Drayage Truck Replacement Program.

Attachments

- Attachment A: TFCA Program Manager Proposed Funding Scenarios - Options 1 and 2
- Attachment B: BAAQMD November 28, 2011 Mobile Source Committee Agenda Item Regarding Port Drayage Truck Replacement Program for MY 2004 Trucks
- Attachment C: Overview of Statewide Drayage Truck Regulation

TFCA FY 2012/13 Draft Fund Estimate - Drayage Truck Funding: Option 1

Agency	Population (Estimate)	% Population	Total % of Funding	TFCA Funds Available This FY	FY 11/12 Rollover Debits/ Credits	TFCA Balance & Rollover	Current Program Balance	Option 1 ¹ \$ to Drayage Trucks	Option 1 Available to Program
Alameda	74,081	4.87%	4.86%	\$ 59,154	\$ (488,271)	\$ (429,117)	\$ -	\$ 57,789	
Alameda County	141,898	9.33%	9.30%	\$ 113,306	\$ 18,290	\$ 131,596	\$ 131,596	\$ 131,596	
Albany	18,622	1.22%	1.22%	\$ 14,870	\$ (44,755)	\$ (29,885)	\$ -	\$ 14,527	
Berkeley	114,046	7.50%	7.48%	\$ 91,066	\$ 129,078	\$ 220,144	\$ 220,144	\$ 88,964	
Dublin	46,743	3.07%	3.06%	\$ 37,324	\$ 121,059	\$ 158,383	\$ 158,383	\$ 36,463	
Emeryville	10,125	0.67%	0.82%	\$ 10,000	\$ 19,075	\$ 29,075	\$ 29,075	\$ 7,898	
Fremont	215,711	14.18%	14.14%	\$ 172,246	\$ 59,960	\$ 232,206	\$ 232,206	\$ 168,271	
Hayward	145,839	9.59%	9.56%	\$ 116,453	\$ (646,919)	\$ (530,466)	\$ -	\$ 113,765	
Livermore	81,687	5.37%	5.36%	\$ 65,227	\$ 250,397	\$ 315,624	\$ 315,624	\$ 63,722	
Newark	42,764	2.81%	2.80%	\$ 34,147	\$ 198,279	\$ 232,426	\$ 232,426	\$ 33,359	
Oakland	392,932	25.83%	25.76%	\$ 313,758	\$ 215,238	\$ 528,996	\$ 528,996	\$ 528,996	
Piedmont	10,726	0.71%	0.82%	\$ 10,000	\$ 36,409	\$ 46,409	\$ 46,409	\$ 8,367	
Pleasanton	70,643	4.64%	4.63%	\$ 56,409	\$ (19,980)	\$ 36,429	\$ 36,429	\$ 55,107	
San Leandro	85,490	5.62%	5.60%	\$ 68,264	\$ 36,113	\$ 104,377	\$ 104,377	\$ 66,689	
Union City	69,850	4.59%	4.58%	\$ 55,775	\$ 105,414	\$ 161,189	\$ 161,189	\$ 54,488	
TOTAL:	1,521,157	100.00%	100.00%	\$ 1,218,000	\$ (10,613)	\$ 1,207,387		\$ 1,430,000	\$ -

FY 12/13 TFCA Funds (estimated) \$ 1,800,000

10/11 Interest Earned \$ 30,000

Programming Capacity \$ 1,830,000

Less 5% for Program Administration \$ 90,000

Total Estimated Programming Capacity \$ 1,740,000

Amount of City/County Balance to Drayage Trucks \$ 1,430,000

Remaining Programming Capacity to Transit Discretionary \$ 310,000

Notes:

- Option 1 funds the \$1.43 million drayage truck request by first utilizing Oakland and Alameda County current balances totaling \$660,592. The \$769,408 remainder is split by population among the remaining cities.
- Population estimates as of 1/01/11 from Dept. of Finance (www.dof.ca.gov).

TFCA FY 2012/13 Draft Fund Estimate - Drayage Truck Funding: Option 2

Agency	Population (Estimate)	% Population	Total % of Funding	TFCA Funds Available This FY	FY 11/12 Rollover Debits/ Credits	Option 2 ¹ Total \$ to Drayage Trucks	Option 2 Available to Program	TFCA Balance (FY 11/12 Rollover + FY 12/13 Funds)
Alameda	74,081	4.87%	4.86%	\$ 59,154	\$ (488,271)		\$ 10,539	\$ (477,732)
Alameda County	141,898	9.33%	9.30%	\$ 113,306	\$ 18,290		\$ 20,187	\$ 38,477
Albany	18,622	1.22%	1.22%	\$ 14,870	\$ (44,755)		\$ 2,649	\$ (42,106)
Berkeley	114,046	7.50%	7.48%	\$ 91,066	\$ 129,078		\$ 16,224	\$ 145,302
Dublin	46,743	3.07%	3.06%	\$ 37,324	\$ 121,059		\$ 6,650	\$ 127,709
Emeryville	10,125	0.67%	0.82%	\$ 10,000	\$ 19,075		\$ 1,782	\$ 20,857
Fremont	215,711	14.18%	14.14%	\$ 172,246	\$ 59,960		\$ 30,688	\$ 90,648
Hayward	145,839	9.59%	9.56%	\$ 116,453	\$ (646,919)		\$ 20,747	\$ (626,172)
Livermore	81,687	5.37%	5.36%	\$ 65,227	\$ 250,397		\$ 11,621	\$ 262,018
Newark	42,764	2.81%	2.80%	\$ 34,147	\$ 198,279		\$ 6,084	\$ 204,363
Oakland	392,932	25.83%	25.76%	\$ 313,758	\$ 215,238		\$ 55,899	\$ 271,137
Piedmont	10,726	0.71%	0.82%	\$ 10,000	\$ 36,409		\$ 1,782	\$ 38,191
Pleasanton	70,643	4.64%	4.63%	\$ 56,409	\$ (19,980)		\$ 10,050	\$ (9,930)
San Leandro	85,490	5.62%	5.60%	\$ 68,264	\$ 36,113		\$ 12,162	\$ 48,275
Union City	69,850	4.59%	4.58%	\$ 55,775	\$ 105,414		\$ 9,937	\$ 115,351
TOTAL:	1,521,157	100.00%	100.00%	\$ 1,218,000	\$ (10,613)	\$ 1,430,000	\$ 217,000	

FY 12/13 TFCA Funds (estimated)	\$ 1,800,000
10/11 Interest Earned	\$ 30,000
<hr/> Programming Capacity	\$ 1,830,000
 <i>Less 5% for Program Administration</i>	<i>\$ 90,000</i>
<hr/> Total Estimated Programming Capacity	\$ 1,740,000
 FY 12/13 TFCA Funds to Drayage Trucks	\$ 1,430,000
<hr/> Remaining Programming Capacity	\$ 310,000
 70% City/County Share	\$ 217,000
30% Transit Discretionary Share	\$ 93,000

Notes:

- Option 2 starts with \$1.43 million taken off the top of the total amount available to program leaving a \$310K remainder to be divided by the standard TFCA 70% / 30% split.
- Population estimates as of 1/01/11 from Dept. of Finance (www.dof.ca.gov).

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
Memorandum

To: Chairperson Haggerty and Members
of the Mobile Source Committee

From: Jack P. Broadbent
Executive Officer/APCO

Date: November 21, 2011

Re: Port Drayage Truck Replacement Program for Engine Model Year (MY)
2004 Trucks

RECOMMENDATION:

Recommend Board of Directors:

1. Approve the addition of Policy #32 to the FYE 2012 Transportation Fund for Clean Air (TFCA) Regional Fund Policies to allow the replacement of MY 2004 drayage trucks as an eligible project type.
2. Authorize the expenditure of \$1.04 million in TFCA Regional Fund monies to execute a program to replace MY 2004 port drayage trucks registered in the Bay Area.
3. Authorize the Executive Officer/APCO to enter into all contracts and make all expenditures necessary to allocate the TFCA Regional Fund monies to eligible projects.
4. Allow the CMAs to contribute their TFCA County Program Manager funds to the Air District's program to replace MY 2004 drayage trucks as allowed under Policy #3 of the current TFCA Program Manager Fund Policies.
5. Authorize the Executive Officer/APCO to accept and allocate funding from additional sources for the MY 2004 Drayage Truck Replacement Program.

BACKGROUND

In December of 2007, the California Air Resources Board (ARB) approved a regulation to reduce emissions from drayage trucks operating at California's ports and intermodal rail yards. The first phase of the regulation went into effect on December 31, 2009, and Phase 2 of the regulation goes into effect on December 31, 2013. A summary of the regulation's compliance requirements is shown in Table 1:

Table 1: ARB Drayage truck regulation compliance schedule

Phase	Date	Engine Model Years (MY)	Regulation requirement
Phase 1	12/31/09	1993 and older	Prohibited from operation as a drayage truck
		1994 – 2003	Install a Level 3 retrofit device
	12/31/11	2004	Install a Level 3 retrofit device
	12/31/12	2005 and 2006	Install a Level 3 retrofit device
Phase 2	12/31/13	1994 – 2006	Meet 2007 * engine emissions standards

* Trucks with 2007-2009 model year engines are compliant through 2022. Trucks with 2010 and newer engines are fully compliant

In 2008, the Air District accepted applications for drayage truck retrofit and replacement projects as part of its port truck upgrade program. Through this program the Air District received and awarded a total of \$25.8 million [\$13.8 million in California Goods Movement Bond (I-Bond) funding, \$2 million in US Environmental Protection Agency (EPA) diesel emissions reduction act (DERA) funds, \$5 million from the Port of Oakland (Port), and \$5 million in Air District TFCA funding]. These monies were used to assist with the upgrade of 1,522 trucks (1,319 truck retrofits and 203 truck replacements) operating at the Port.

As the next set of compliance deadlines approach for this regulation the Air District must consider how to best assist the trucker population at Bay Area ports with early compliance.

DISCUSSION

Table 2 below contains data from ARB's Drayage Truck Registry database, and describes the population of vehicles calling on Northern California ports by engine model year. Table 2 also identifies which groups of trucks received grant funds from the original Air District Drayage Truck Program.

Table 2: Drayage truck population as of July 2011

Engine MY	Compliant until	# of Drayage trucks in Northern CA*	# of trucks that received grant funds	Grant funds expended **
MY 1994-2003 (w/ retrofits)	12/31/13	1,700	1,319	\$15,586,534
MY 2004	12/31/11	700	0	\$0
MY 2005 & 2006	12/31/12	2,150	0	\$0
MY 2007 – 2009	2022	1,350	203	\$10,150,000
MY 2010 +	Fully compliant	400		
Total		6,300	1,522	\$25,736,534

* Number of trucks registered in the ARB Drayage Truck Registry (DTR) with zip codes North of Fresno.

** Funding sources for the Air District's Year 1 port truck funding program: TFCA (\$5 million), Port (\$5 million), ARB Prop 1B (\$13,835,133), and DERA (~\$2 million)

Air District Efforts

Staff analysis determined that of the 700 Northern California drayage trucks required to meet the 12/31/11 deadline listed in Table 2, only 247 are registered within the boundaries of the Air District (Table 3).

Table 3: Analysis of MY 2004 Northern California Drayage Trucks

Location	Trucks	Companies	% of total trucks
Alameda	143	74	20.55%
Contra Costa	26	20	3.74%
Santa Clara	25	14	3.59%
San Francisco	15	9	2.16%
San Mateo	12	9	1.72%
Sonoma	12	5	1.72%
Solano	7	4	1.01%
Napa	6	2	0.86%
Marin	1	1	0.14%
Inside Bay Area	247	138	35.49%
Outside Bay Area	449	207	64.51%
TOTAL	696	345	

Staff is proposing to amend the current FYE 2012 TFCA Regional Fund policies to add Policy #32 to allow drayage truck replacement projects as an eligible project type. Attachment 1 to this staff report contains the proposed amended policies. Staff sent out the proposed language for public comment on November 14, 2011. A summary of the comments received can be found in Attachment 2 to the staff report.

In order to support Bay Area drayage truck drivers that are looking to upgrade their engine MY 2004 trucks, staff is proposing the allocation and expenditure of \$1.04 million in TFCA Regional Fund monies to provide grants for truck replacement projects. Staff is requesting the Committee recommend the Board authorize the Executive Officer/APCO to enter into all contracts and make all expenditures necessary to allocate this funding to eligible projects.

The grant funding would provide approximately \$10,000 for each eligible Bay Area truck owner towards the cost of a truck with a compliant MY 2007 engine. The program would allow the engine MY 2004 truck owner to trade their current vehicle in for its worth. In order to ensure that this trade-in and replacement is done in such a manner that the engine MY 2004 trucks surrendered do not return to service in California for 10 years, the Air District is currently seeking a contractor (s) to administer the trade-in

program. The request for proposals (RFP) for the contractor(s) for this program requires the following:

- Truck costs cannot exceed \$60,000. The contractor(s) with the lowest prices on replacement vehicles will receive additional points in RFP scoring.
- The contractor(s) must provide the trade-in value of between \$8,000 and \$15,000 on the engine MY 2004 truck being traded in (dependent on condition).
- The contractor(s) must be a "CalCap" qualified lender in order to ensure that truckers with local and poor credit scores can receive loan guarantees under an ARB program being run concurrently.
- The contractor(s) must assist truckers in availing themselves of the program and meet all Air District administrative requirements.
-

The RFP was posted on November 15, 2011 and closes on November 28, 2011. With Committee approval, staff will present the results of the RFP to the Air District Board of Directors (Board) on December 7, 2011. Should the Board choose to select a contractor(s) at that time, Air District staff plans to open a call for projects for the proposed program on December 8, 2011 to run through the end of the calendar year. It is envisioned that applications will be processed in January 2012 with contracts being issued in February of 2012, and trucks delivered in March 2012.

Additional Funding

The requested allocation of \$1.04 million in TFCA Regional funds only covers the replacement of 104 drayage trucks and is not a comprehensive solution for the 247, Bay Area engine MY 2004 trucks needing to be replaced. However, Alameda County's congestion management agency (CMA) has expressed interest in participating in the program but this will require action by its Commission on December 2, 2011.

In order to ensure that every source of funding is being looked at for this program, staff is working with the CMAs of other Bay Area counties to determine if they can provide additional funding for this program. The Air District is also requesting funding support for this program from the Port of Oakland (Port). It is envisioned that additional funding from these sources has the potential to cover an additional 143 trucks for a comprehensive solution for engine MY 2004 trucks registered in the Bay Area. Such funding would need to be allocated based on the counties from which the monies came and will require further work on behalf of staff to devise an equitable distribution plan. In order to allow the CMAs to contribute funding to the Air District in support of the drayage truck replacement program, staff is proposing the approval of drayage truck replacement projects, under TFCA County Program Manager Policy #3 (*Eligible Projects, and Case-by-Case Approval*) of the current TFCA County Program Manager policies.

Due to the tight timeline for this program staff requests the Committee recommend the Board of Directors authorize the Executive Officer/APCO to accept and allocate other funds for this program as they are awarded from non-District funding sources (e.g. CMA, Port, etc.). Upon commitment of additional funding to this program, staff will present a comprehensive funding distribution plan to the Committee as part of a future update on the program.

BUDGET CONSIDERATION / FINANCIAL IMPACT:

None. The TFCA Regional Fund program provides funding to the Air District for administration.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

Prepared by: Damian Breen
Reviewed by: Jean Roggenkamp

- Attachment 1: Proposed amendments to BAAQMD TFCA Regional Fund Policies
- Attachment 2: Summary of public comments received on the proposed modifications to the TFCA Regional Fund Policies

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OVERVIEW OF

The Statewide Drayage Truck Regulation

Rule to achieve significant emission reductions and protect public health.

In December 2007, the California Air Resources Board (ARB) approved a new regulation to reduce emissions from drayage trucks at California's ports and intermodal rail yards. Staff subsequently proposed, and the board approved, changes to the regulation at the ARB's December 17th, 2010 hearing. These changes will become law upon Office of Administrative Law approval.

Why is this regulation needed?

Drayage trucks tend to be older vehicles with little or no emission controls. These vehicles tend to congregate near ports and rail yards and emit large amounts of smog forming oxides on nitrogen (NO_x), and toxic soot (Particulate Matter (PM)). Nearby communities are more heavily impacted by these emissions which contribute to many adverse health effects, including asthma, cancer, and premature deaths. Reducing emissions from these trucks is necessary to meet federally imposed clean air standards and to reduce adverse health effects – especially to nearby communities.

What types of vehicles are subject to this regulation?

The regulation applies to all on-road class-7* and class 8 (GVWR > 26,000 lbs) diesel-fueled vehicles that visit California's ports and intermodal rail yards regardless of the state or country of origin or visit frequency. The regulation does not apply to certain types of vehicles including emergency vehicles, military tactical support vehicles and dedicated use vehicles.

*During the December 2010 Board hearing, the Board approved the expansion of the regulation's applicability to include class-7 trucks (GVWR 26,001 to 33,000 lbs) and drayage trucks operating off of port or intermodal rail yard properties. These changes will become effective pending Office of Administrative Law approval.

Can I re-certify my truck to lower the GVWR (Gross Vehicle Weight Rating)?

No. According to Vehicle Code Section 350:

- "Gross Vehicle Weight Rating" (GVWR) means the weight specified by the manufacturer as a loaded weight of the single vehicle.

The GVWR on the certification label can only be assigned by the manufacturer and it is the only valid GVWR for complying with the Drayage Truck Regulation's requirements.

Who must comply with the regulation?

The regulation establishes requirements for drayage truck drivers, drayage truck owners, motor carriers that dispatch drayage trucks, port and marine terminals, intermodal rail yards, and port and rail authorities.

What does the regulation require?

In general, the regulation requires emission reductions from drayage trucks as well as recordkeeping and reporting to help monitor compliance and enforcement efforts. The basic responsibilities for each stakeholder are as follows: truck drivers must provide motor carrier contact information, load destination, and origin to enforcement officers, if requested; truck

owners are required to register their trucks in the State administered Drayage Truck Registry (DTR), ensure their trucks meet emission standards by the appropriate deadline dates (see table below), and ensure that emission control technologies are functioning properly; motor carriers must ensure that dispatched trucks are compliant with the regulation, provide a copy of the regulation to truck owners, and keep dispatch records for five years; and terminals are required to collect information from each noncompliant truck entering their facility and report it to their respective port or rail authority, who then reports this information to the ARB.

When do truck owner requirements take effect?

The regulation requires truck owners to register their trucks in the State run DTR prior to port or railyard entry. Truck owners are also required to meet emission standards shown in the following table.

Class 8 compliance schedule

Truck Engine Model Year	Emission Requirements
1993 and Older	Prohibited by December 31, 2009
1994 thru 2003	After December 31, 2009, reduce PM emissions by 85% and After December 31, 2013, meet 2007 engine emission standard
2004	After December 31, 2011, reduce PM emissions by 85% and After December 31, 2013, meet 2007 engine emission standard
2005 and 2006	After December 31, 2012, reduce PM emissions by 85% and After December 31, 2013, meet 2007 engine emission standard
2007-2009	Compliant through 2022
2010 and Newer	Fully compliant

Class 7 compliance schedule

Truck Engine Model Year	Emission Requirements
1993 and older	Prohibited
1994 thru 2006 while operating in the South Coast Air Basin	After December 31, 2011, reduce PM emissions by 85% and After December 31, 2013, meet 2007 engine emission standard
1994 thru 2006	After December 31, 2013, meet 2007 engine emission standard
2007 thru 2009	Compliant through 2022
2010 and Newer	Fully compliant

What are the benefits of the regulation?

The regulation is projected to provide significant emission reductions that will have a positive air quality impact in California – especially in and around affected ports and intermodal rail yards. PM emissions are projected to be reduced by about 2.6 tons per day starting in 2010 and NO_x emissions are projected to be reduced by 34 tons per day starting in 2014. Staff estimates that approximately 580 premature deaths would be avoided by 2014 in addition to 17,000 fewer cases of asthma-related symptoms.

Is incentive money available?

Incentive funds may be available in many areas of the state. Please see the following ARB website for additional information: www.arb.ca.gov/ba/fininfo.htm.

For more information

Contact the ARB Drayage Truck Hotline at 888-247-4821.
Please visit our website at : www.arb.ca.gov/drayagetruck

To obtain this document in an alternative format or language please contact the ARB's Helpline at (800) 242-4450 or at helpline@arb.ca.gov. TTY/TDD/ Speech to Speech users may dial 711 for the California Relay Service.



Memorandum

DATE: November 22, 2011

TO: Alameda County Technical Advisory Committee (ACTAC)

FROM: Beth Walukas, Deputy Director of Planning
Tess Lengyel, Deputy Director of Policy, Public Affairs and Legislation

SUBJECT: **Review of Countywide Transportation Plan (CWTP) and Transportation Expenditure Plan and Update on Development of a Sustainable Community Strategy (SCS)/Regional Transportation Plan (RTP)**

Recommendation

This item is for information only. No action is requested.

Summary

This item provides information on regional and countywide transportation planning efforts related to the updates of the Countywide Transportation Plan and Sales Tax Transportation Expenditure Plan (CWTP-TEP) as well as the Regional Transportation Plan (RTP) and the development of the Sustainable Community Strategy (SCS).

Discussion

Ten separate committees receive monthly updates on the progress of the CWTP-TEP and RTP/SCS, including ACTAC, the Planning, Policy and Legislation Committee (PPLC), the Alameda CTC Board, the CWTP-TEP Steering Committee, the Citizen's Watchdog Committee, the Paratransit Advisory and Planning Committee, the Citizen's Advisory Committee, and the Bicycle and Pedestrian Advisory Committee, and the Technical and Community Advisory Working Groups. The purpose of this report is to keep various Committee and Working Groups updated on regional and countywide planning activities, alert Committee members about issues and opportunities requiring input in the near term, and provide an opportunity for Committee feedback in a timely manner. CWTP-TEP Committee agendas and related documents are available on the Alameda CTC website. RTP/SCS related documents are available at www.onebayarea.org.

December 2011 Update:

This report focuses on the month of December 2011. A summary of countywide and regional planning activities for the next three months is found in Attachment A and a three year schedule for the countywide and the regional processes is found in Attachments B and C, respectively. Highlights at the regional level include release of draft Project Performance and Targets Assessment results. At the county level, highlights include a the development of a draft list of TEP programs and projects, a summary of outreach and polling efforts on the TEP conducted in October 2011 and the release of the performance evaluation results for the second draft CWTP.

1) SCS/RTP

MTC released draft results of the project performance and targets assessment and is anticipated to release the draft scenario analysis results in mid-December. ABAG continued work on the One Bay Area Alternative Land Use Scenarios and a comment letter is being prepared by Alameda CTC staff and will be distributed to the Commission when it is available.

2) CWTP-TEP

In October, presentations on the administrative draft CWTP and TEP parameters were made to the advisory committees and working groups. The administrative draft CWTP is found on the Alameda CTC website at http://www.alamedactc.org/app_pages/view/3070. In addition, extensive public outreach and a second poll on the CWTP and TEP occurred in October and early November to gather input on what projects and programs should be included in the TEP. Results were presented to the Community and Technical Advisory Working Groups and the Steering Committee in November. Based on this outreach and on the administrative draft CWTP, a draft TEP was developed and will be presented to the Steering Committee on December 1, 2011, the CAWG/TAWG on December 8, 2011 and the full Commission on December 16, 2011.

3) Upcoming Meetings Related to Countywide and Regional Planning Efforts:

Committee	Regular Meeting Date and Time	Next Meeting
CWTP-TEP Steering Committee	Typically the 4 th Thursday of the month, noon Location: Alameda CTC offices	December 1, 2011 January 27, 2012
CWTP-TEP Technical Advisory Working Group	2 nd Thursday of the month, 1:30 p.m. Location: Alameda CTC	December 8, 2011 January 12, 2012
CWTP-TEP Community Advisory Working Group	Typically the 1 st Thursday of the month, 2:30 p.m. Location: Alameda CTC	December 8, 2011 January 12, 2012* Note: The December and January CAWG meetings will be held jointly with the TAWG and will begin at 1:30.
SCS/RTP Regional Advisory Working Group	1 st Tuesday of the month, 9:30 a.m. Location: MetroCenter, Oakland	December 16, 2011 (rescheduled from December 6) January 3, 2012
SCS/RTP Equity Working Group	2 nd Wednesday of the month, 11:15 a.m. Location: MetroCenter, Oakland	December 14, 2011 January 11, 2012
SCS Housing Methodology Committee	Typically the 4 th Thursday of the month, 10 a.m. Location: BCDC, 50 California St., 26 th Floor, San Francisco	February 23, 2012
Alameda CTC Board Retreat	Time and Location 8:30 a.m. Newark	December 16, 2011

Fiscal Impact

None.

Attachments

Attachment A: Summary of Next Quarter Countywide and Regional Planning Activities
Attachment B: CWTP-TEP-RTP-SCS Development Implementation Schedule
Attachment C: OneBayArea SCS Planning Process (revised October 2011)

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**Summary of Next Quarter Countywide and Regional Planning Activities
(December 2011 through February 2012)**

Countywide Planning Efforts (CWTP-TEP)

The three year CWTP-TEP schedule showing countywide and regional planning milestone schedules is found in Attachment B. Major milestone dates are presented at the end of this memo. During the December 2011 through February 2012 time period, the CWTP-TEP Committees will be focusing on:

- Coordinating with ABAG and local jurisdictions to provide comments on the Alternative Land Use Scenarios for the Sustainable Communities Strategy (SCS);
- Coordinating with the local jurisdictions to develop a draft Alameda County Locally Preferred SCS to test with the financially constrained transportation network in Spring 2012;
- Responding to comments on the Administrative Draft and releasing the Draft CWTP;
- Refining the financially constrained list of projects and programs for the Draft CWTP;
- Refining the countywide 28-year revenue projections consistent and concurrent with MTC's 28-year revenue projections;
- Developing first draft and the Draft Transportation Expenditure Plan (TEP) list of projects and programs;
- Presenting the Draft CWTP and Draft TEP to the Steering Committee and Commission for approval; and
- Beginning to seek jurisdiction approvals of the Draft TEP.

Regional Planning Efforts (RTP-SCS)

Staff continues to coordinate the CWTP-TEP with planning efforts at the regional level including the Regional Transportation Plan (MTC), the Sustainable Communities Strategy (ABAG), Climate Change Bay Plan and amendments (San Francisco Bay Conservation and Development Commission (BCDC)) and CEQA Guidelines (Bay Area Air Quality Management District (BAAQMD)).

In the three month period for which this report covers, MTC and ABAG are or will be:

- Conducting a scenario analysis of five land use options and two transportation network;
- Releasing the results of the scenario analysis;
- Providing comment on project performance and target assessment released in November 2011;
- Refining draft 28-year revenue projections;
- Finalizing maintenance needs and Regional Programs estimates; and
- Conducting public outreach.

Staff will be coordinating with the regional agencies and providing feedback on these issues, through:

- Participating on the MTC/ABAG Regional Advisory Working Group (RAWG),
- Participating on regional Sub-committees (Equity sub-committee);
- Developing a written response to the Alternative Land Use Scenarios;
- Developing local transportation network priorities through the CWTP-TEP process; and
- Assisting in public outreach.

Key Dates and Opportunities for Input¹

The key dates shown below are indications of where input and comment are desired. The major activities and dates are highlighted below by activity:

Sustainable Communities Strategy:

Presentation of SCS information to local jurisdictions: Completed
Initial Vision Scenario Released: March 11, 2011: Completed
Draft Alternative Land Use Scenarios Released: Completed (released August 26, 2011)
Preferred SCS Scenario Released/Approved: March/May 2012

RHNA

RHNA Process Begins: January 2011
Draft RHNA Methodology Adopted: July 2012
Draft RHNA Plan released: July 2012
Final RHNA Plan released/Adopted: April/May 2013

RTP

Develop Financial Forecasts and Committed Funding Policy: Completed
Call for RTP Transportation Projects: Completed
Conduct Performance Assessment: Completed
Transportation Policy Investment Dialogue: November 2011 – April 2012
Prepare SCS/RTP Plan: April 2012 – October 2012
Draft RTP/SCS for Released: November 2012
Prepare EIR: December 2012 – March 2013
Adopt SCS/RTP: April 2013

CWTP-TEP

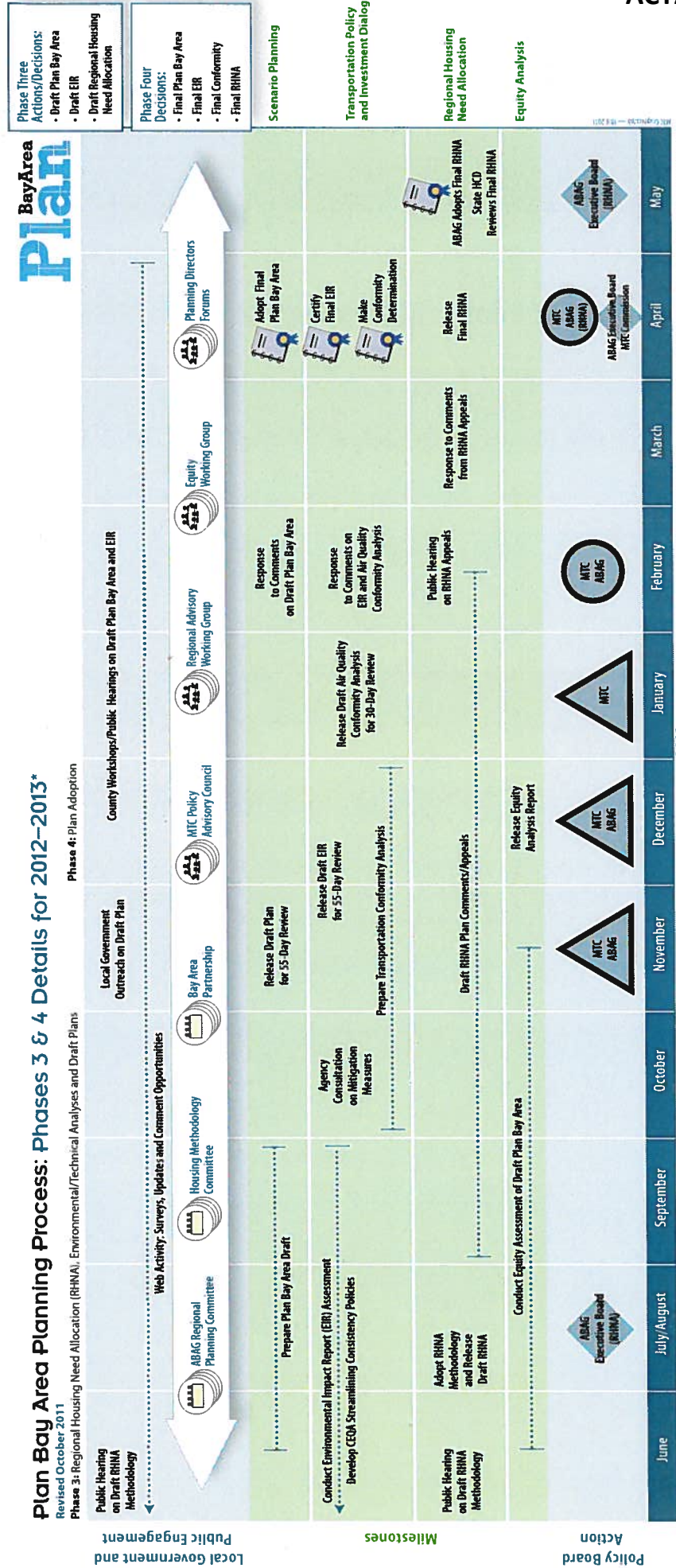
Develop Alameda County Locally Preferred SCS Scenario: May 2011 – May 2012
Call for Projects: Completed
Administrative Draft CWTP: Completed
Preliminary TEP Program and Project list: Completed
Draft CWTP and TEP Released: December 2011/January 2012
Plans Outreach: January 2011 – June 2012
Adopt Final CWTP and TEP: May 2012
TEP Submitted for Ballot: July 2012

Task	2010						Meeting FY2010-2011	2010				
	January	February	March	April	May	June	July	August	Sept	Oct	Nov	Dec
Alameda CTC Committee/Public Process												
Steering Committee			Establish Steering Committee	Working meeting to establish roles/responsibilities, community working group	RFP feedback, tech working group	Update on Transportation/ Finance Issues	Approval of Community working group and steering committee next steps	No Meetings		Feedback from Tech, comm working groups	No Meetings	Expand vision and goals for County ?
Technical Advisory Working Group								No Meetings		Roles, resp, schedule, vision discussion/ feedback	No Meetings	Education: Trans statistics, issues, financials overview
Community Advisory Working Group								No Meetings		Roles, resp, schedule, vision discussion/ feedback	No Meetings	Education: Transportation statistics, issues, financials overview
Public Participation								No Meetings			Stakeholder outreach	
Agency Public Education and Outreach	Information about upcoming CWTP Update and reauthorization											
Alameda CTC Technical Work												
Technical Studies/RFP/Work timelines: All this work will be done in relation to SCS work at the regional level						Board authorization for release of RFPs	Pre-Bid meetings	Proposals reviewed	ALF/ALC approves shortlist and interview; Board approves top ranked, auth. to negotiate or NTP	Technical Work		
Polling												
Sustainable Communities Strategy/Regional Transportation Plan												
Regional Sustainable Community Strategy Development Process - Final RTP in April 2013			Local Land Use Update P2009 begins & PDA Assessment begins						Green House Gas Target approved by CARB.	Start Vision Scenario Discussions		
										Adopt methodology for Jobs/Housing Forecast (Statutory Target)	Projections 2011 Base Case	Adopt Voluntary Performance Targets

Task	2011						FY2011-2012	2011				
	January	February	March	April	May	June	July	August	Sept	Oct	Nov	Dec
Alameda CTC Committee/Public Process												
Steering Committee	Adopt vision and goals; begin discussion on performance measures, key needs	Performance measures, costs guidelines, call for projects and prioritization process, approve polling questions, initial vision scenario discussion	Review workshop outcomes, transportation issue papers, programs, finalize performance measures, land use discussion, call for projects update	Outreach and call for projects update (draft list approval), project and program packaging, county land use	Outreach update, project and program screening outcomes, call for projects final list to MTC, TEP strategic parameters, land use, financials, committed projects	No Meetings.	Project evaluation outcomes; outline of CWTP; TEP Strategies for project and program selection	No Meetings	1st Draft CWTP, TEP potential project and program packages, outreach and polling discussion		Meeting moved to December due to holiday conflict	Review 2nd draft CWTP; 1st draft TEP
Technical Advisory Working Group	Comment on vision and goals; begin discussion on performance measures, key needs	Continue discussion on performance measures, costs guidelines, call for projects, briefing book, outreach	Review workshop outcomes, transportation issue papers, programs, finalize performance measures, land use discussion, call for projects update	Outreach and call for projects update, project and program packaging, county land use	Outreach update, project and program screening outcomes, call for projects update, TEP strategic parameters, land use, financials, committed projects	No Meetings.	Project evaluation outcomes; outline of CWTP; TEP Strategies for project and program selection	No Meetings	1st Draft CWTP, TEP potential project and program packages, outreach and polling discussion		Review 2nd draft CWTP, 1st draft TEP, poll results update	No Meetings
Community Advisory Working Group	Comment on vision and goals; begin discussion on performance measures, key needs	Continue discussion on performance measures, costs guidelines, call for projects, briefing book, outreach	Review workshop outcomes, transportation issue papers, programs, finalize performance measures, land use discussion, call for projects update	Outreach and call for projects update, project and program packaging, county land use	Outreach update, project and program screening outcomes, call for projects update, TEP strategic parameters, land use, financials, committed projects	No Meetings.	Project evaluation outcomes; outline of CWTP; TEP Strategies for project and program selection	No Meetings	1st Draft CWTP, TEP potential project and program packages, outreach and polling discussion		Review 2nd draft CWTP, 1st draft TEP, poll results update	No Meetings
Public Participation	Public Workshops in two areas of County; vision and needs; Central County Transportation Forum	Public Workshops in all areas of County: vision and needs		East County Transportation Forum			South County Transportation Forum	No Meetings			2nd round of public workshops in County: feedback on CWTP,TEP; North County Transportation Forum	No Meetings
Agency Public Education and Outreach	Ongoing Education and Outreach through November 2012						Ongoing Education and Outreach through November 2012					
Alameda CTC Technical Work												
Technical Studies/RFP/Work timelines: All this work will be done in relation to SCS work at the regional level	Feedback on Technical Work, Modified Vision, Preliminary projects lists					Work with feedback on CWTP and financial scenarios	Technical work refinement and development of Expenditure plan, 2nd draft CWTP					
Polling	Conduct baseline poll									Polling on possible Expenditure Plan projects & programs	Polling on possible Expenditure Plan projects & programs	
Sustainable Communities Strategy/Regional Transportation Plan												
Regional Sustainable Community Strategy Development Process - Final RTP in April 2013			Release Initial Vision Scenario	Detailed SCS Scenario Development			Release Detailed SCS Scenarios	Technical Analysis of SCS Scenarios; Adoption of Regional Housing Needs Allocation Methodology	SCS Scenario Results/and funding discussions		Release Preferred SCS Scenario	
	Discuss Call for Projects		Call for Transportation Projects and Project Performance Assessment		Project Evaluation		Draft Regional Housing Needs Allocation Methodology					
	Develop Draft 25-year Transportation Financial Forecasts and Committed Transportation Funding Policy											

Task	2012						FY2011-2012				
	January	February	March	April	May	June	July	August	Sept	Oct	November
Alameda CTC Committee/Public Process											
Steering Committee	Full Draft TEP, Outcomes of outreach meetings	Finalize Plans	Meetings to be determined as needed	Adopt Draft Plans	Adopt Final Plans	Expenditure Plan on Ballot					VOTE: November 6, 2012
Technical Advisory Working Group	Full Draft TEP, Outcomes of outreach meetings	Finalize Plans	Meetings to be determined as needed								VOTE: November 6, 2012
Community Advisory Working Group	Full Draft TEP, Outcomes of outreach meetings	Finalize Plans	Meetings to be determined as needed								VOTE: November 6, 2012
Public Participation			Expenditure Plan City Council/BOS Adoption								VOTE: November 6, 2012
Agency Public Education and Outreach	Ongoing Education and Outreach Through November 2012 on this process and final plans						Ongoing Education and Outreach through November 2012 on this process and final plans				
Alameda CTC Technical Work											
Technical Studies/RFP/Work timelines: All this work will be done in relation to SCS work at the regional level	Finalize Plans										
Polling					Potential Go/No Go Poll for Expenditure Plan						
Sustainable Communities Strategy/Regional Transportation Plan											
Regional Sustainable Community Strategy Development Process - Final RTP in April 2013	Approval of Preferred SCS, Release of Regional Housing Needs Allocation Plan		Begin RTP Technical Analysis & Document Preparation	Prepare SCS/RTP Plan							Release Draft SCS/RTP for review

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ABAG - ABAG Administrative Committee
MTC - MTC Planning Committee

JOINT document release by
ABAG and MTC

Document Release

Decision

Policy Board Actions

Meeting for Discussion/
Public Comment

JOINT meeting of the ABAG Administrative Committee and the
MTC Planning Committee for Discussion/Public Comment

For more information on key actions and decisions and how to get involved, visit OneBayArea.org

Plan Bay Area Planning Process: Phases 3 & 4 Details for 2012-2013*

Revised October 2011

Phase 3: Regional Housing Need Allocation (RHMA), Environmental/Technical Analyses and Draft Plans

Phase 4: Plan Adoption

Local Government and Public Engagement

Milestones

Policy Board Action

2012

June

July/August

September

October

November

December

January

February

March

April

May

2013

*Subject to change



Memorandum

DATE: November 18, 2011
TO: Alameda County Technical Advisory Committee
FROM: Tess Lengyel, Deputy Director of Policy, Public Affairs and Legislation
SUBJECT: **Legislative Update**

Recommendations:

This is an information item and staff requests feedback on legislative priorities for 2011.

Summary:

State Update

Budget: The state sales tax receipts have come in lower than anticipated. According to the enacted FY 2011/12 budget, if revenues do not manifest as prescribed in the budget by December 15, 2011, the state will be required to enact triggers to ensure the budget remains balanced and retains a reserve. Attachment A includes more information on State revenues, the Redevelopment Lawsuit, a Senate Map Referendum, and the SB 71 sales tax exemption program.

Federal Update

Jobs and Deficit Reduction: In early September, President Obama released his proposal for a \$447 billion jobs bill which would provide significant funding for infrastructure, including \$50 billion for transportation infrastructure. The bill as a whole was defeated in the Senate and is now being taken up in smaller parts. The first round of a “smaller piece” of the President’s overall bill focusing on funding for states to avert layoffs of teachers and first responders did not pass the Senate during the third week of October. The second version taken up by the Senate when they returned to Congress during the first week of November did not pass.

Joint Select Committee on Deficit Reduction: the Committee had until November 23rd to come up with over \$1.5 trillion in deficit reduction savings over a ten year period, and then Congress would have had to act on those savings by December to avoid automatic trigger cuts of \$1.2 trillion, whereby 50% would come from Defense and 50% from domestic programs. The Joint Committee was not able to come to agreement on cuts and did not meet the deadline. President Obama has indicated that he is not supportive of automatic cuts and is seeking additional action to be performed by for deficit reductions.

Surface Transportation: At the end of September, President Obama signed the surface transportation bill extension to March 31, 2012, continuing the current 2011 levels through early spring. Senator Boxer did a markup of her two-year transportation bill on November 9th and passed it out of her Committee. Senate banking is expected to address how to fund the bill in their expected bill markup in December. One of the main challenges is closing the funding gap of \$12 billion from the proposed bill amount of \$109 billion and the actual anticipated revenues from the Highway Trust Fund. It was anticipated that some funding gap closures could have resulted from the work of the “Super Committee” had they been able to come to some agreements. Additional work will now need to be done to address the HTF’s declining revenues and how to pay for surface transportation improvements that are beyond actual HTF revenues.

Looking toward the coming year, staff is beginning the process of coordinating with other partner agencies on development of the 2012 Legislative Program with the aim of coordinating transportation related legislative activities into the Alameda CTC legislative program.

Regarding the development of the legislative program, some of the highest priorities in 2012 will be to participate in the federal transportation bill reauthorization (if it moves forward), address streamlining project and program delivery, and focus on how to address funding needs for transportation.

Background:

Each year, the Commission adopts a Legislative Program to provide direction for its legislative and policy activities for the year.

The purpose of the Legislative Program is to establish funding, regulatory and administrative principles to guide legislative advocacy in the coming year. The program is intended to be flexible to allow for the opportunity to pursue legislative and administrative opportunities that may arise during the year, and to respond to the political issues and processes in Sacramento and Washington, DC.

In the previous year, the legislative program focused on the federal bill reauthorization and on specific project and program implementation including the following sections:

- Federal Transportation Bill Reauthorization
- Transportation Funding
- Project Delivery
- Multi-modal Transportation
- Transportation and Social Equity
- Climate Change

Staff seeks feedback on these categories and whether any additional focus areas should be added.

Our state and federal lobbyists will be scheduling meetings early next year with Legislators in Sacramento and Washington, D.C. to discuss the Commission’s legislative needs in 2012.

Fiscal Impact:

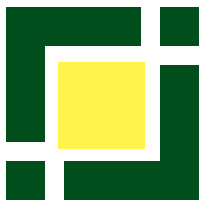
No direct fiscal impact.

Attachments:

Attachment A: State Legislative update

Attachment B: Federal update

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October 24, 2011

TO: Art Dao, Executive Director
Alameda County Transportation Commission

FR: Suter, Wallauch, Corbett & Associates

RE: Quick Capitol Update

October Finance Numbers: The Department of Finance's October Bulletin was released last week, confirming the Controller's numbers that we discussed earlier. Essentially, the State's General Fund revenues for the year so far are short of the budget forecast by 3.4 percent or \$654 million. The numbers for the month of September were not actually bad, with Personal Income Taxes coming in at \$373 million ahead of the estimate. However, Sales and Use Taxes were just slightly off the prediction and Corporation Taxes were \$196 million behind expectations. The magic number for purposes of whether or not the budget trigger will be "pulled" in December is \$1 billion. Whether or not the shortfall will reach that size will be known by mid-December when the Director of Finance and the Legislative Analyst look at their respective revenue estimates.

Controller's Numbers: The State Controller released his monthly Revenue Report showing that September revenues were \$301.6 million lower than the 2011 Budget estimates, but personal income tax was coming in at greater than expected levels, up \$285 million above September estimates. On the whole, the Controller's analysis shows that fiscal year to date revenues are \$705.5 million below budget projections.

While the shortfall for September does not bode well for avoiding the December trigger cuts, keep in mind that the determination to pull the triggers is made by the Director of Finance and is based on the higher of either the LAO's November revenue estimates, or the Department of Finances December estimates, and Finance counts money a little differently than the Controller.

The Controller's numbers do point to some positive signs. Growth in personal income taxes has, according to the Bureau of Economic Analysis, exceeded its prerecession peaks. Also, sales and use tax receipts exceeded projection the past two months but fell short of projections in September. With auto sales increasing, growth in sales tax revenue is also expected to increase. The Controller's September report can be viewed at <http://sco.ca.gov/Files-EO/10-11summary.pdf>.

Bond Sale: After a lukewarm reception by individual investors on the first day of the bond sale, the state was forced last week to increase the yield -- ten year bonds rose from 3.51% to 3.70%, and the yield on five year bonds was raised from 2.10% to 2.38%. With this adjustment the state was able to hit its goal of selling \$1.8 billion in bonds that will be used for a wide range of

infrastructure projects. The Governor hailed that these funds combined with unspent bond proceeds will create thousands of jobs and bolster economic recovery efforts.

When the Governor took office there were \$13.4 billion in unspent bond proceeds, which contributed to the Administration's decision to forego the traditional spring bond sale. He has directed state agencies and departments to focus on committing the unspent funds. The \$1.8 billion sold last week is expected to be spent by the end of the fiscal year, and the existing unspent proceeds are expected to drop to \$3 billion by June 2012.

According to the Governor's press release, state bond funds as well as funds leveraged from the federal government are being spent on the following projects:

- Caltrans: adding lanes, widening roadways and installing traffic management systems
- Local Streets and Roads: general maintenance and larger road projects
- K-12 School Construction: 250 modernization projects, 130 new construction projects, and 70 miscellaneous projects
- Community Colleges: 5 new construction/modernization projects
- California Institute for Regenerative Medicine
 - The first Food and Drug Administration-approved clinical trial for a human embryonic stem cell therapy for spinal cord injuries
 - 14 Disease Research Teams that are proceeding towards clinical trials of therapies to treat diseases
 - Training and internship awards to fund the training of almost 900 new scientists and technical staff at the University of California, California State University, California Community Colleges and other institutions in California
- Natural Resources Agency: more than 3,000 park and trail construction projects, over 1,000 restoration projects, over 600 flood projects and 600 water projects

Redevelopment Lawsuit: The State Supreme Court will hear oral arguments on November 10th, challenging the ability of the State to take \$1.7 billion from redevelopment agencies. The lawsuit essentially states that the payments specified in ABX1 27 of \$1.7 billion in 2011-12 and \$400 million annually thereafter violate Proposition 22.

Senate Map Referendum: The collection of signatures on a referendum campaign to overturn new Senate districts is well on its way to collecting the 504,760 valid signatures required by the Secretary of State by November 14th. Thus far, 400,000 signatures have been collected and the campaign aims to collect a total of 700,000. The California Republican party contributed \$400,000 to the cause last week as the party is concerned that the new districts will give Democrats a 2/3 majority in the Senate, which will allow them to raise taxes and fees.

SB 71 Hearing: Last week the Senate Committee on Energy & Utilities and the Senate Committee of Government & Finance held a joint oversight hearing on the SB 71 sales tax exemption program. This program provides an exemption from paying state and local sales taxes on equipment purchased to manufacture advanced transportation and alternative energy products. This hearing was held in response to the Solyndra bankruptcy, and the purpose of the

hearing was to discuss what if any changes should be made to the statutes governing this program. Solyndra received approval for \$35 million in sales tax exemptions and used about \$25 million of the exemption before closing.

Overall, the message from the State Treasurer Bill Lockyer and others testifying was that the SB 71 is the most transparent tax expenditure program, and it appears to be working. There was general consensus that it is difficult to make predictions such as the Solyndra bankruptcy and questioned whether it is appropriate for the state to make the call of whether a business will succeed or fail. There was also general agreement that no significant changes are warranted. The only real change proposed would place in statute provisions to require entities that use the exemption to repay the amount if they later move out of California, also known as “clawback” provisions. This is already addressed in the regulations, but not specified in the statute. The LAO urged the Legislature to expand program flexibility apply to any manufacturer meeting the goals of SB 71, and to eliminate the threshold tests of demonstrating net fiscal and environmental benefits.

Fast-Track CEQA Review Approved: The Governor signed SB 292 (Padilla) and AB 900 (Buchanan & Steinberg). These were the end of session gut and amend bills that don’t exempt projects from CEQA, but do provide a path for a slightly faster judicial review of any challenges. SB 292 applies specifically to the proposed Farmer’s Filed stadium project in the City of Los Angeles, while AB 900 creates an alternative path for any project meeting specified requirements to take. These bills were pursued under the banner of economic development and putting Californian’s back to work.

Although there was not enough time to correct several errors in AB 900, SenPresProTem Steinberg has committed to creating a working group to address shortcomings in the bill. One of those shortcomings is that it did not include transit projects, which will be discussed along with several other issues by the working group.

Big Ballots in November: Ballots in November General Elections will be much longer than those in the June Primaries under SB 202 (Hancock), which the Governor signed Friday. Under the bill, initiatives and referendums will be restricted to the November ballot. However, the ink was not even dry before a request was submitted to the Attorney General to prepare a referendum on SB 202. Another referendum request is expected to be submitted by Assemblyman Donnelly to overturn legislation that allows any student to apply for financial aid regardless of their immigration status. While there have been numerous referendum requests filed, we expect most to fizzle out based on lack of support and money. To qualify for the ballot a referendum must collect 500,000 signatures within 90 days of the bill being signed.

SB 202 will not affect two initiative measures that have already qualified for the June, 2012 ballot, one related to tobacco taxes and the other to term limits. It would affect one that labor unions are hoping to defeat (assuming it qualifies). That pending measure would limit a union’s ability to raise campaign funds from its members. So far the November ballot includes ACA 4 that would increase the “rainy day” fund and SBX7 2, which would enact an \$11 billion water bond. The following is the status of the number of initiatives and referendum pending to date:

<u>Initiatives and Referenda Cleared for Circulation</u>	(25)
<u>Initiatives and Referenda Pending Signature Verification</u>	(1)
<u>Initiatives and Referenda Failed to Qualify</u>	(8)
<u>Initiatives and Referenda Pending at the Attorney General's Office</u>	(20)
Total Potential Items for November	(46)

While this number is large, it is a little misleading. Initiative proponents many times file multiple versions with slight variations to either correct a prior mistake, or to have options to pursue based on polling of the title and summary.

Bell Rings in More Sunshine: The scandals in the City of Bell last year resulted in a plethora of bills attempting to tighten up financial and other local government practices. Although several fell by the wayside in the legislative process one of the measures signed by the Governor last week (AB 187 – Lara) would authorize the State Auditor to establish a high-risk local government agency audit program. The Auditor would audit and issue reports on any local agency that the Auditor believes may be at high risk for the potential of waste, fraud, abuse or mismanagement, or that has major challenges associated with its economy, efficiency or effectiveness. The audits must first be approved by the Joint Legislative Audit Committee, which is an open public process.

Washington Friday Report

Volume XIII, Issue 45

November 18, 2011

INSIDE THIS WEEK

- 1 "Minibus" with DOT, HUD and COPS Enacted
- 2 Reauthorization, Super Committee, 3% and Vets
- 2 TIGER, Budget, Homeless, Guns, Transit Safety

A week of some accomplishment – the three part “minibus and the 3%- Vets Jobs bills enacted, but at the same time the clock is ticking on the Super Committee – less than 100 hours in real time as of this writing – with fear of failure rising. We have all this and a few other highlights for your review below.

The “Minibus” - First FY12 Spending Enacted

House and Senate appropriators have passed the first “minibus”, now at the President’s desk awaiting his signature, combining three bills: (1) Agriculture, (2) Commerce-Justice-Science, and (3) Transportation-HUD. This minibus agreement also keeps the government funded through December 16 while they work on the rest of the unfinished spending bills. The current “Continuing Resolution” would have expired today. The minibus is a mix of good and disappointing news, representing significant compromises on both sides, given that all the choices faced by the House-Senate negotiators were challenging. Here are the highlights:

HUD Programs

CDBG. The Community Development Block Grant formula program received an **11.6% cut** from its FY11 level. Combined with the cut it received in FY11, that is more than a 26% CDBG cut since FY10. There is some solace in that the cut is lower than that originally contained in the Senate bill. And significantly, the administrative costs for CDBG - which the House had cut to 10% - are retained at the 20% level.

HOME. The HUD HOME program received \$1,000,000, a **38% reduction** from the FY11 level, a partial response to be sure to the ongoing *Washington Post* series on problems with the program.

Section 8 and Public Housing. The agreement includes \$17.2 billion for Section 8 tenant based vouchers, enough to **renew all current vouchers**. The agreement also includes \$1.35 million for administrative costs for PHAS’s and \$75 million for Veteran Affairs Supportive Housing (VASH), \$1.85 billion for Public Housing Capital and \$3.96 billion for Public Housing Operating.

Choice Neighborhoods. The HUD Choice Neighborhoods program, the successor to HOPE VI, received \$120 million.

Sustainable Communities. HUD’s Sustainable Communities program, the flagship of the DOT-HUD-EPA partnership received **no funding**, though conferees did suggest that other HUD funds could be used to support the program.

Transportation Programs

TIGER. The TIGER program, cut out fully in the House bill, is **retained at \$500 million**, so there will be a TIGER IV round.

Transit. The Formula Bus program received \$8,360,565,000, the same as in FY11 and the capital program for New Starts received \$1,955,000,000 including \$35,481,000 Small Starts. The conferees also limited new Full Funding Grant agreements to a 60% federal share. FTA’s greenhouse gas and TIGGER programs received no funding.

Highways. The agreement provides \$39.9 billion for highways, the same amount authorized in the current extension of surface transportation programs.

High Speed Rail. The High Speed Rail program received no funding, the third year in a row in which it has been shut out.

Justice Programs

COPS. The COPS program, which was wiped out completely in the House bill, is **retained** at \$198,500,000. Of that amount, \$166,000,000 will be available for **hiring programs**, so there will be a new round for COPS hiring.

Byrne-JAG. The Byrne-Justice Assistance Grants received \$470,000,000.

Commerce

EDA. The agreement provides \$257 million in funding for EDA, down about 10% from FY11.

Click on [Conference Report](#), [Explanatory Statement](#) [House Summary](#) for more information. *We’ll continue to update you through memos and this weekly Report.*

Efforts to pass additional minibuses have fallen by the wayside, due to the failure of Senators to reach consensus. We

now expect the remaining nine appropriations bills to be placed into a large "Omnibus" spending bill which would likely be passed by the Congress before their December recess.

House Majority Transportation Proposals

House Speaker **John Boehner**, along with Transportation & Infrastructure Committee Chairman **John Mica** and others, held a press conference yesterday to outline a proposal for transportation authorization paid in part with expanded fees from energy exploration. The Speaker announcing the broad contour of the upcoming H.R. 7, the *American Energy & Infrastructure Jobs Act*. Chairman Mica noted: "It is my hope to mark up in the coming weeks a solid blueprint for the future of America's transportation that will do the following: significantly streamline the process for projects by cutting red tape and unnecessary federal paperwork; consolidate duplicative federal transportation programs; provide flexibility, authority and responsibility to states and local governments to move transportation projects forward; and increase the ability to leverage financial resources and encourage more private sector participation in building infrastructure". Click on [GOP Energy & Infrastructure](#) for more.

Super Committee Update

With the deadline of **November 23rd** for the "Super Committee" to come up with at least \$1.2 trillion in cuts only less than a week away, the outlook is decidedly grim. Yet, members on both sides continue to try to bridge their differences. If they fail to reach an agreement by midnight of the deadline, a process will begin known as "sequestration," where \$1.2 trillion in across-the-board cuts would affect all agencies of the federal government, except for certain exempt programs. Negotiations are expected through the weekend. For a summary of the process, click on [Speaker's Breakdown of the Revised Budget Control Act of 2011](#).

3% Withholding Repeal and Veterans Jobs Passed

On Wednesday, the House voted unanimously to pass H.R.674, the combined *3% Withholding Repeal and Job Creation Act/VOW to Hire Heroes Act of 2011*, and it will be signed shortly by the President. *This bill represents the first part of the President's American Jobs Act to pass.* Under the legislation, federal, state, and some local governments **will not** be required to withhold 3% of payments to private contractors, avoiding a logistical nightmare. Additionally, under the veteran's jobs provisions, the law will provide tax credits of up to \$9,600 to firms that hire veterans with service-connected disabilities who had been unemployed for at least six months out of the past year and credits of \$5,600 to companies hiring veterans who are not disabled or had been unemployed for a shorter period. Existing credits will be extended through 2012. For more, click on [3% Withholding and Veteran Jobs](#).

Huge Demand for TIGER

Transportation Secretary **Ray LaHood** has announced that the demand for TIGER III grants was overwhelming. DOT received 828 applications totaling \$14.1 billion, far exceeding the \$527 million set aside for the program. "It's important to make these vital investments in transportation so we can put Americans back to work rebuilding our nation's crumbling transportation

ACTAC Meeting - 12/06/11

systems," said Secretary LaHood. Under President Obama's order, the third round of TIGER grants will be awarded by the end of 2011. Some 50-60 grants are anticipated. For more, click on [Huge TIGER Demand](#).

Agenda Item 6A
Attachment B

Balanced Budget Amendment Fails

Today, the House failed to pass H.J.Res.2 by a vote of 261-165, which proposed a Balanced Budget Amendment to the constitution, the first such House vote since 1995. The vote was required by the debt ceiling compromise legislation in August and required a 2/3 vote. Click on [Balanced Budget](#) to view the proposed text.

New Homelessness Regs

HUD provided an initial allocation for FY11 Emergency Shelter/Solutions (ESG) earlier this year to allow grantees to renew funding of existing ESG programs. A second FY11 ESG allocation has now been released in conjunction with the interim regulations which will allow grantees to provide prevention and rapid re-housing assistance with ESG funds. The second allocation of FY2011 funds is subject to the new ESG regulations. After the public comment period and revision to the interim regulations, HUD will issue the final ESG regulations. The new definition of homelessness also goes into effect 30 days after its publication in the Federal Register. This means the second phase of ESG funding, as well as the CoC grants awarded under the 2011 Continuum of care competition will be required to use the new definition. Click on [Interim Regulations](#) and [Grant Allocations #1 and #2](#) for more.

National Right-to-Carry Bill

On Wednesday, H.R. 822, the *National Right-to-Carry Reciprocity Act of 2011*, passed the House by a vote of 272 to 154. It would require states to recognize the validity of concealed carry permits from other states, including states that do not allow gun owners to lawfully conceal their weapons, much the way states recognize each other's driver's licenses. Said the bill's chief co-sponsor, Rep. **Cliff Stearns** (FL), "The right to defend yourself and your loved ones from criminals is fundamental, and it should not be extinguished when you cross a state border". Many who opposed to the bill claimed a violation of states' rights. "It's a situation where weaker state laws become the national law," said Rep. **Bobby Scott** (VA). For more, click on [Right-to-Carry](#).

Mass Transit Safety Bill

On Tuesday, H.R. 3140, the *Mass Transit Intelligence Prioritization Act* was passed by a subcommittee of the House Homeland Security Committee. Sponsored by Rep. **Jackie Speier** (CA), the bill would direct DHS prioritize the assignment of staffing to certain "high-risk" jurisdictions with mass transit systems in order to coordinate with local authorities in "identifying, investigating, and otherwise interdicting persons, weapons, and contraband that pose a threat to homeland security." For more, click on [Transit Safety](#).

Please contact Len Simon, Brandon Key, Rukia Dahir and Stephanie Carter with any questions.