



## Planning, Policy and Legislation Committee Meeting Agenda Monday, September 9, 2019, 10:30 a.m.

Committee Chair: John Bauters, City of Emeryville      Executive Director: Arthur L. Dao  
Vice Chair: Rebecca Kaplan, City of Oakland      Staff Liaison: [Tess Lengyel](#)  
Members: Jesse Arreguin, Keith Carson,      Clerk of the Commission: [Vanessa Lee](#)  
                 Scott Haggerty, Barbara Halliday,  
                 John Marchand, Lily Mei, Elsa Ortiz  
Ex-Officio: Richard Valle, Pauline Cutter

### 1. Call to Order/Pledge of Allegiance

### 2. Roll Call

### 3. Public Comment

### 4. Consent Calendar

Page/Action

- |   |   |   |
|---|---|---|
| 4.1. <a href="#">Approve July 8, 2019 PPLC Meeting Minutes</a>  | 1 | A |
| 4.2. <a href="#">Congestion Management Program (CMP): Summary of the Alameda CTC's Review and Comments on Environmental Documents and General Plan Amendments</a> | 5 | I |

### 5. Regular Matters

- |  |    |     |
|--|----|-----|
| 5.1. <a href="#">I-580 Design Alternatives Assessment Update</a>   | 11 | I   |
| 5.2. <a href="#">Approve the Vision and Goals for the 2020 Countywide Transportation Plan</a>                                | 17 | A   |
| 5.3. <a href="#">Approve the 2019 Congestion Management Program and 2019 Conformity Findings</a>                             | 25 | A   |
| 5.4. <a href="#">Approve legislative positions and receive an update on federal, state, and local legislative activities</a> | 39 | A/I |

### 6. Committee Member Reports

### 7. Staff Reports

### 8. Adjournment

Next Meeting: Monday, October 14, 2019

#### Notes:

- All items on the agenda are subject to action and/or change by the Commission.
- To comment on an item not on the agenda (3-minute limit), submit a speaker card to the clerk.
- Call 510.208.7450 (Voice) or 1.800.855.7100 (TTY) five days in advance to request a sign-language interpreter.
- If information is needed in another language, contact 510.208.7400. Hard copies available only by request.

- Call 510.208.7400 48 hours in advance to request accommodation or assistance at this meeting.
- Meeting agendas and staff reports are available on the [website calendar](#).
- Alameda CTC is located near 12th St. Oakland City Center BART station and AC Transit bus lines. [Directions and parking information](#) are available online.



## Alameda CTC Schedule of Upcoming Meetings for September 2019 through December 2019

**Commission Chair**  
Supervisor Richard Valle, District 2

**Commission Vice Chair**  
Mayor Pauline Cutter,  
City of San Leandro

**AC Transit**  
Board Vice President Elsa Ortiz

**Alameda County**  
Supervisor Scott Haggerty, District 1  
Supervisor Wilma Chan, District 3  
Supervisor Nate Miley, District 4  
Supervisor Keith Carson, District 5

**BART**  
Vice President Rebecca Saltzman

**City of Alameda**  
Mayor Marilyn Ezzy Ashcraft

**City of Albany**  
Mayor Rochelle Nason

**City of Berkeley**  
Mayor Jesse Arreguin

**City of Dublin**  
Mayor David Haubert

**City of Emeryville**  
Councilmember John Bauters

**City of Fremont**  
Mayor Lily Mei

**City of Hayward**  
Mayor Barbara Halliday

**City of Livermore**  
Mayor John Marchand

**City of Newark**  
Councilmember Luis Freitas

**City of Oakland**  
Councilmember At-Large  
Rebecca Kaplan  
Councilmember Sheng Thao

**City of Piedmont**  
Mayor Robert McBain

**City of Pleasanton**  
Mayor Jerry Thorne

**City of Union City**  
Mayor Carol Dutra-Vernaci

**Executive Director**  
Arthur L. Dao

### Commission and Committee Meetings

Time	Description	Date
2:00 p.m.	Alameda CTC Commission Meeting	September 26, 2019 October 24, 2019 December 5, 2019
9:00 a.m.	Finance and Administration Committee (FAC)	October 14, 2019 November 18, 2019
9:30 a.m.	I-680 Sunol Smart Carpool Lane Joint Powers Authority (I-680 JPA)	
10:00 a.m.	I-580 Express Lane Policy Committee (I-580 PC)	
10:30 a.m.	Planning, Policy and Legislation Committee (PPLC)	
12:00 p.m.	Programs and Projects Committee (PPC)	

### Advisory Committee Meetings

1:30 p.m.	Paratransit Advisory and Planning Committee (PAPCO)	September 23, 2019 November 25, 2019
1:30 p.m.	Alameda County Technical Advisory Committee (ACTAC)	October 10, 2019 November 7, 2019
5:30 p.m.	Independent Watchdog Committee (IWC)	November 18, 2019
5:30 p.m.	Bicycle and Pedestrian Advisory Committee (BPAC)	November 21, 2019

All meetings are held at Alameda CTC offices located at 1111 Broadway, Suite 800, Oakland, CA 94607. Meeting materials, directions and parking information are all available on the [Alameda CTC website](http://www.AlamedaCTC.org).

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**1. Call to Order/Pledge of Allegiance**

**2. Roll Call**

A roll call was conducted. All members were present with the exception of Commissioner Arreguin and Commissioner Carson.

**3. Public Comment**

There were no public comments.

**4. Consent Calendar**

**4.1. Approval of the June 10, 2019 PPLC Meeting Minutes**

**4.2. Congestion Management Program (CMP): Summary of the Alameda CTC's Review and Comments on Environmental Documents and General Plan Amendments**

*Commissioner Ortiz moved to approve the Consent calendar. Commissioner Kaplan seconded the motion. The motion passed with the following votes:*

Yes: Bauters, Cutter, Halliday, Haggerty, Kaplan, Marchand, Mei, Ortiz, Valle

No: None

Abstain: None

Absent: Arreguin, Carson

**5. Regular Matters**

**5.1. Summary of 2019 Commission Retreat and 2020 Countywide Transportation Plan Approach**

Tess Lengyel introduced the item and Carolyn Clevenger and Kristen Villanueva presented a summary of the 2019 Commission Retreat and the 2020 Countywide Transportation Plan (CTP). In regards to the Commission retreat, Ms. Clevenger stated that partnerships, safety, commute options, quality bicycle and pedestrian facilities, affordability and housing jobs imbalance were key themes that came out of the retreat and are carried over in the 2020 CTP. She provided the Commission with an update on the CTP specifically the purpose, last major efforts in 2012 and 2016 and the coordination with the Metropolitan Transportation Commission (MTC) Regional Plan. Ms. Clevenger concluded by discussing the 2020 CTP outreach. Ms. Villanueva reviewed the 2020 CTP approach that will have a 2050 horizon, consistent with the 2050 Plan Bay Area. She reviewed the initiatives that will be addressed in a 10-year horizon, such as vision and goals, needs assessment and strategy papers, project submittals, gaps analysis and project screening, and ongoing engagement with stakeholders.

Commissioner Haggerty asked if outreach will continue to occur throughout the County. Ms. Clevenger noted that outreach will continue throughout the county and focus groups in planning areas.

Commissioner Kaplan asked for the Commission to be engaged in the process early in the development stage of the process.

Commissioner Kaplan reminded staff that a request was made at the Commission retreat to get data from Transportation Network Companies (TNCs) trips in Alameda County, as well as information on driver training, and applications that increase cities cut-through traffic.

Commission Ortiz requested more information on communities of concerns addressing equity. Ms. Clevenger stated that the communities of concerns is a framework established at MTC defining geographic areas

Ms. Clevenger noted that MTC defines communities of concerns and ties several funding sources to these areas of the County, so the goal and requirement of the planning is to make sure the plan prioritizes and analyzes communities of concerns.

*This item is for information only.*

## **5.2. Approve legislative positions and receive an update on federal, state, and local legislative activities**

Tess Lengyel recommended that the Commission approve legislative and policy positions and receive an update on federal, state, and local legislative activities. She recommended that the Commission take the following actions:

AB 664 (Allen) - Support Position

Commissioner Halliday wanted more information on the class action suits that were mentioned in regards to AB 664. Ms. Lengyel provided brief comments on the purview of the lawsuits.

Commissioner Cutter asked if you needed to use a credit card to get a Fastrak transponder. Ms. Rutman noted that you can cash load a transponder and do not need a credit card.

Commissioner Bauters stated that he could not support the bill because it is retroactive and will nullify past litigation and does not provide minimum standards for data storage and access to consultants.

Commissioner Valle wanted to know if the approval of the bill needs to occur immediately or if there was an opportunity to further discuss the committee Chair's concerns. Ms. Lengyel noted that there is time to further discuss the bill before the Commission meeting and the bill will be heard in Senate committees the same week and several of the items of concern may be amended.

*Commissioner Halliday moved to approve this item. Commissioner Haggerty seconded the motion. A roll call vote was conducted and the motion passed with the following votes:*

Yes: Cutter, Halliday, Haggerty, Kaplan, Marchand, Mei, Ortiz

No: Bauters, Valle

Abstain: None

Absent: Arreguin, Carson

Commissioner Bauters provided an update on AB 1487 and requested that it be discussed at the July meeting regarding any changes to the bill.

#### **6. Committee Member Reports**

There were no committee member reports.

#### **7. Staff Reports**

Carolyn Clevenger noted that MTC has a call for updates to Priority Development Areas and that Alameda CTC is working with partner agencies to address MTC's defined PDA requirements.

#### **8. Adjournment/ Next Meeting**

The next meeting is:

Date/Time: September 9, 2019 at 10:30 a.m.

Location: Alameda CTC Offices, 1111 Broadway, Suite 800, Oakland, CA 94607

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# Memorandum

4.2

1111 Broadway, Suite 800, Oakland, CA 94607 • PH: (510) 208-7400 • www.AlamedaCTC.org

**DATE:** September 3, 2019

**TO:** Planning, Policy and Legislation Committee

**FROM:** Saravana Suthanthira, Principal Transportation Planner  
Chris G. Marks, Associate Transportation Planner

**SUBJECT:** Congestion Management Program (CMP): Summary of the Alameda CTC's Review and Comments on Environmental Documents and General Plan Amendments

## Recommendation

This item updates the Commission with a summary of Alameda CTC's review and comments on Environmental Documents and General Plan Amendments. This item is for information only.

## Summary

This item fulfills one of the requirements under the Land Use Analysis Program (LUAP) element of the Congestion Management Program. As part of the LUAP, Alameda CTC reviews Notices of Preparations (NOPs), General Plan Amendments (GPAs), and Environmental Impact Reports (EIRs) prepared by local jurisdictions and comments on the potential impact of proposed land development on the regional transportation system.

Since the last update on July 8, 2019, the Alameda CTC reviewed one NOP and one Draft Supplemental EIR. Responses were submitted and are included as Attachments A and B.

**Fiscal Impact:** There is no fiscal impact associated with this item.

## Attachments:

- A. Response to the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the Adeline Corridor Specific Plan in the City of Berkeley
- B. Response to the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the Union City 2040 General Plan Update

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July 19, 2019

Alisa Shen  
Principal Planner  
City of Berkeley  
Department of Planning & Development  
1947 Center Street, 2<sup>nd</sup> Floor  
Berkeley, CA 90704

**SUBJECT:** Response to the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the Adeline Corridor Specific Plan in the City of Berkeley

Dear Ms. Shen,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Adeline Corridor Specific Plan in the City of Berkeley. The plan covers 86 acres in south Berkeley around Adeline St. and Shattuck Ave. from Dwight Way to the Oakland border south of 62<sup>nd</sup> St. The project area includes the Ashby BART station. The proposed Plan provides a comprehensive vision for the Plan Area along with goals, policies, strategies and development regulations that will guide future growth. The DEIR estimates that buildout of the proposed Plan would include 1,450 new housing units and 65,000 feet of new commercial space. The proposed project would create roughly 463 new pm-peak hour trips, more than half of which would be generated near the Ashby BART station.

The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

- On Page 4.12-22 subsection (b) the DEIR attributes the following significance criteria to Alameda CTC's Congestion Management Program (CMP):
  - A facility operating at LOS E or better deteriorates to LOS F
  - A facility operating at LOS F continues to operate at LOS F with an increase in the [volume-to-capacity ratio] by 0.03 or more.

Alameda CTC's CMP does not mention specific significance criteria. Chapter 6 of the most recently adopted CMP explicitly states (page 89) "Alameda CTC has not adopted thresholds of significance for CMP land use analysis purposes". Alameda CTC encourages project sponsor to define an appropriate threshold and use that threshold to determine if CMP roadways are impacted. Please update the DEIR appropriately.

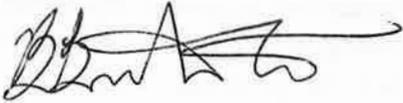
- Alameda CTC acknowledges the proposed improvements documented in the DEIR under Impact T-8 and Impact T-10 including reduced-width travel lanes, traffic calming improvements such as chicanes, bulb-outs to reduce pedestrian crossing distances, and new bicycle facilities on Adeline

St. Alameda CTC encourages the City of Berkeley to pursue those bicycle and pedestrian safety improvements. Adeline St, Ashby Ave (SR-13), and Shattuck Ave. are on both the bicycle and pedestrian high-injury networks identified in the most recent Countywide Active Transportation Plan.

- The DEIR should identify specific locations where bus transit service will be impacted by additional congestion generated by the project (ex. Adeline St / Alcatraz Ave and Adeline St / MLK Jr. Way), and propose potential mitigation measures to offset those specific impacts. Alameda CTC acknowledges the Transit Signal Priority improvements proposed at traffic signals along the corridor under Impact T-10. However, the DEIR does not identify potential locations for these transit improvements associated with impacts, and does not define conditions on which they would be implemented. Please include this analysis in the DEIR.
- The DEIR presents an analysis of Vehicle Miles Traveled (VMT) under section 4.12.6 for informational purposes. Alameda CTC appreciates this analysis and notes that the proposed project would result in lower VMT under 2040 plus project conditions, than under 2040 conditions without the project.

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7426 or Chris G. Marks, Associate Transportation Planner at (510) 208-7453, if you have any questions.

Sincerely,



Saravana Suthanthira  
Principal Transportation Planner



August 9, 2019

Carmela Campbell  
Planning Manager  
City of Union City  
Planning Division, Economic and Community Development  
34009 Alvarado-Niles Road  
Union City, CA 94587

**SUBJECT:** Response to the Notice of Availability of a Draft Environmental Impact Report (DEIR) for the Union City 2040 General Plan Update

Dear Ms. Campbell,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Union City 2040 General Plan Update. The plan covers 19.4 square miles encompassing the entire City of Union City including the Union City BART station. The proposed Plan provides a comprehensive vision for the Plan Area along with goals, policies, strategies and development regulations that will guide future growth. The DEIR estimates that full buildout of the proposed Plan would include 4,330 new housing units and 8,069,113 square feet of new commercial space. The proposed Plan would create more than 100 new PM-peak trips and is subject to review under Alameda CTC's Congestion Management Program (CMP), Land Use Analysis Program.

The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

- Alameda CTC acknowledges the proposed improvements documented in the DEIR under Impact T-1 would be consistent with the adopted 2012 Pedestrian and Bicycle Master Plan adopted by the City of Union City in 2012 and Plan Bay Area 2040, however the DEIR does not address consistency with other applicable plans, including Alameda CTC's Countywide Active Transportation Plan. Additionally, consistency with the Union City Pedestrian and Bicycle Master Plan would likely improve bicycle connectivity within the plan area but the DEIR does not consider potential safety impacts to people walking and biking in the plan area as a result of increases in traffic throughput.
- Under Impact T-5 the DEIR identifies potential impact to auto LOS on a number of roadways due to increases in traffic, however the DEIR does not consider potential impacts to transit service provided on these roadways as well. The DEIR should consider potential impacts to transit service so potential mitigations to improve transit service can be identified.

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7426 or Chris G. Marks, Associate Transportation Planner at (510) 208-7453, if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Carolyn Clevenger". The signature is written in a cursive style with a large initial 'C'.

Carolyn Clevenger  
Director of Planning



**DATE:** September 3, 2019

**TO:** Planning, Policy and Legislation Committee

**FROM:** Tess Lengyel, Deputy Executive Director Planning and Policy  
Saravana Suthanthira, Principal Transportation Planner

**SUBJECT:** I-580 Design Alternatives Assessment Update

### Recommendation

Receive an update on the I-580 Design Alternatives Assessment between I-238 and the Bay Bridge Toll Plaza, which is jointly developed by the Metropolitan Transportation Commission (MTC) and Alameda CTC.

### Summary

The I-580 corridor a key travel corridor in Alameda County connecting central and northern portions of the county to San Francisco, the Tri-Valley, and beyond. To address the persistent congestion on this corridor, particularly in the northern section in the commute direction, MTC and Alameda CTC partnered in early 2018 to conduct a Design Alternatives Assessment (DAA), a focused technical study identifying potential multimodal improvements. The study corridor limits were between I-238 and Bay Bridge Toll Plaza. In working with all stakeholder agencies, including Caltrans, the project team has identified a package of multimodal improvements to move forward over various timelines for project development and delivery as described below:

- HOV extension from the current terminus east of the Bay Bridge Toll Plaza to east of I-980/SR 24 interchange (immediate near term)
- Conversion of General Purpose Lanes to Express Lanes (mid-term – in conjunction with implementation of outcomes from other DAAs)
- Arterial transit improvements including Express Bus Pilots and Park and Ride lots (immediate near term)

As next steps, MTC and Alameda CTC will discuss their respective roles, identify the available process and funding options, and move forward with appropriate agency approval to advance implementation of these improvements.

## Background

I-580 is one of Alameda County's key transportation routes, carrying over 200,000 vehicles per day in its most heavily used segments and serving as a primary feeder to the Transbay/Bay Bridge corridor. Given the worsening congestion associated with Bay Bridge traffic and constrained right-of-way, MTC has identified the segment of I-580 from SR-238 in Castro Valley to I-80 in Oakland within Alameda County (shown in Figure 1) as a candidate for managed lanes as part of its Managed Lanes Implementation Plan effort. To evaluate this corridor further for identifying potential improvements, MTC and Alameda CTC jointly conducted a Design Alternative Assessment (DAA) for this segment. In recent years, MTC has initiated similar arrangements with several other County Transportation Agencies, including Contra Costa Transportation Authority (CCTA) for I-680 and jointly with the Congestion Management Agencies of Solano, Sonoma, Napa, and Marin counties (STA, SCTA, NVTA, and TAM) for State Route 37. The DAA evaluated traffic and throughput needs for this segment of I-580 and identified a list of feasible, near- and mid-term project concepts that can be advanced to project development. Alameda CTC intends to conduct similar DAAs to identify an appropriate set of improvement projects for the rest of the I-580 corridor, excluding the Express Lanes section, in the near future for a holistic approach to improve the entire corridor.

**Figure 1 - DAA Study Limits: I-580 between Bay Bridge Toll Plaza and SR-238**



The purpose of the DAA is as follows:

- Improve local and regional multimodal mobility for people
- Focus on increasing person throughput, improving travel time reliability, and offering travel time savings and to support bus and high occupancy vehicle use
- Identify a set of near-term (<5 years) operational projects that can quickly advance into project development and delivery
- Identify mid-term capital projects that may be further explored independently

The project team worked with a Technical Advisory Committee (TAC) with members of all relevant jurisdictions and transit agencies and Caltrans. Participants included representatives from:

- City of Emeryville
- City of Oakland
- City of San Leandro
- Alameda County
- AC Transit
- Caltrans

In addition to the TAC meetings, the project team met several times with key stakeholders such as the City of Oakland, AC Transit, and San Leandro during the DAA development to share discuss the progress and issues more relevant to them.

### **Key Findings**

Based on the existing conditions analysis, including origin and destination data analysis, the following key findings were identified:

- Persistent congestion is experienced in the peak direction in the northern portion of the study corridor as follows:
  - In the westbound direction, the section between the Toll Plaza and I-980/SR 24 experiences congestion from 5 to 11 am in the morning, while the section between the Toll Plaza and Golf Links Road near the Oakland Zoo experiences congestion from 7 am to 10 am.
  - Eastbound in the afternoon between the Toll Plaza and east of SR 13 experiences congestion from 3 pm to until 7 pm.
- A majority of the westbound trips (56%) in the morning are going to destinations in downtown Oakland. Of the total trips on the corridor, about 20% of them originate in San Leandro and Castro Valley and over 15% are coming from the Tri Valley, primarily from Dublin/Pleasanton.

### **Alternatives Considered and Identified for Moving Forward**

In support of the multimodal and increased person throughput goals, several mainline improvement options and a package of support strategies were studied. Based on the traffic analysis, design and operation and maintenance challenges, the project team narrowed down two mainline alternatives for consideration to move forward.

Mainline Alternatives Considered For Project Development Advancement:

- Westbound HOV lane extension – extending the westbound High Occupancy Vehicle (HOV) lane from its current terminus west of the Toll Plaza to east of I-980/SR24 interchange (1.2 miles). (Attachment A)
- Conversion of GP lanes into Express Lanes from east of I-980/SR 24 interchange to west of I-238 (12 miles) (Attachment A)

#### Mainline Alternatives Considered but Not Recommended for Advancement:

- Conversion of general purpose (GP) lanes into HOV Lanes from east of I-980/SR 24 interchange to west of I-238 (12 miles)
- Contraflow HOV or Express Lanes between east of I-980/SR 24 interchange and west of Golf Links Road by adding/converting a lane from the reverse commute direction for 6 to 6.5 miles
- Bus on shoulder - between east of I-980/SR 24 interchange and Edwards Avenue in the eastbound direction (6.0 miles) and between west of 150<sup>th</sup> Avenue to east of I-980/SR 24 interchange in the westbound direction (11.3 miles)

#### Supporting Strategies:

- Arterial improvements for transit
- Express Bus Service – Transbay and Oakland-bound
- Park and Ride lots

The City of Oakland is currently advancing an arterial improvement for transit parallel to I-580, the MacArthur Blvd Smart Corridor Project, which is a \$13.4 million, 13-mile corridor project between Lakeshore Blvd and approximately 98<sup>th</sup> Ave. This project was funded by Alameda CTC (\$11 million) in the 2020 Comprehensive Investment Program for implementation by the City of Oakland in coordination with AC Transit. The project proposes to implement communication infrastructure with fiber interconnect all along the corridor, as well as traffic signal and operational improvements and queue jumps that support transit performance and pedestrian safety. This project is scheduled to move into the design phase later this year and start construction in the spring of 2021.

#### Next Steps

The project team will complete the DAA report in the fall. MTC, Alameda CTC and partner TAC agencies will discuss and identify ways to advance implementation of the I-580 mainline alternatives considered for project development advancement and the supporting strategies listed above.

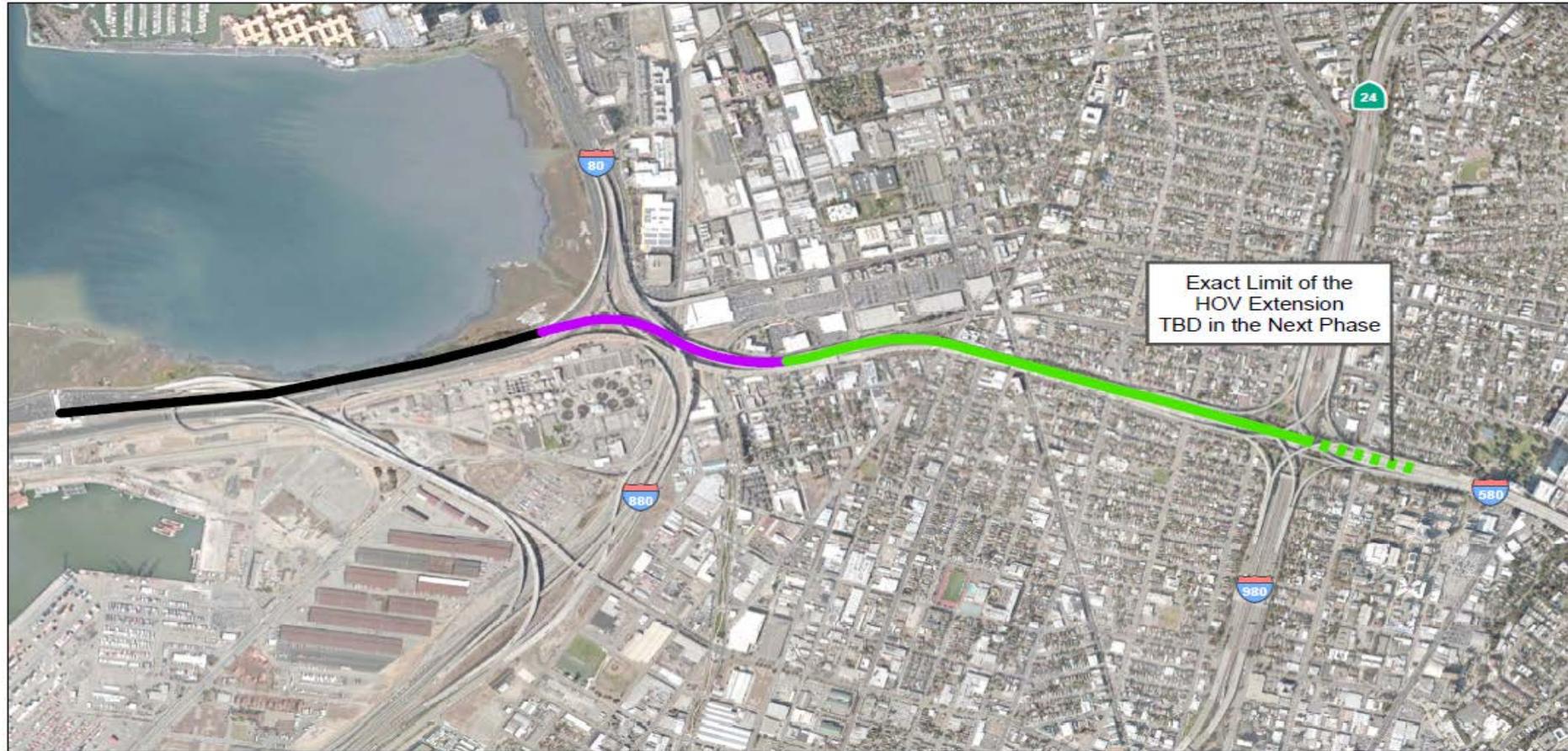
**Fiscal Impact:** There is no fiscal impact associated with the requested action.

#### Attachment:

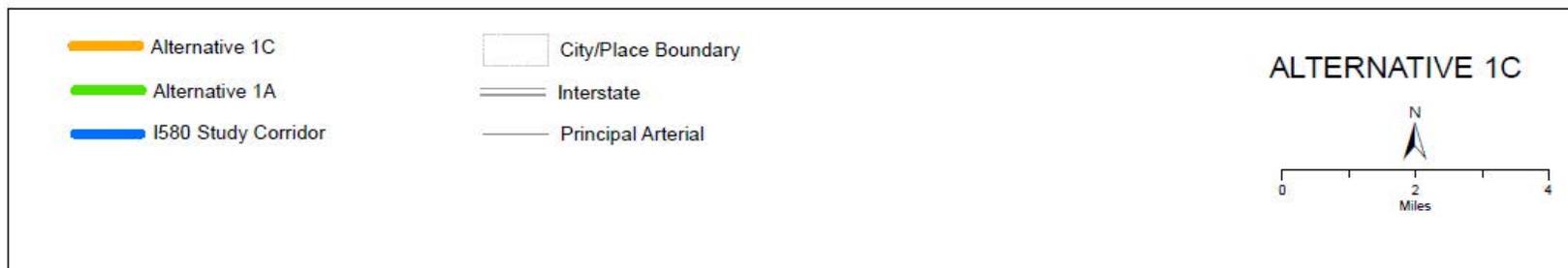
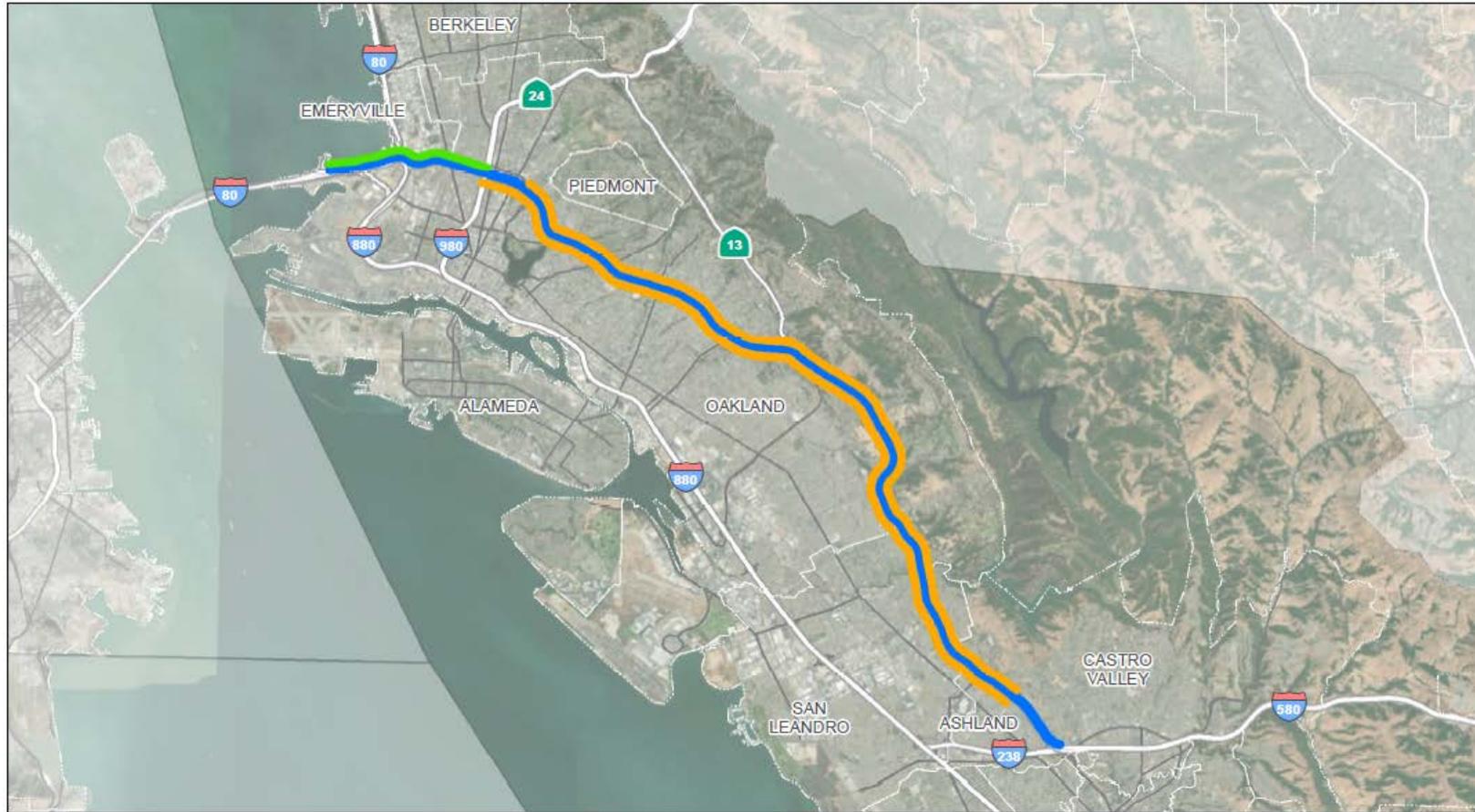
- A. Westbound HOV lane extension and Conversion of GP lanes into Express Lanes from east of I-980/SR 24 interchange to west of I-238

# Westbound HOV Lane Extension (Alternative 1A)

5.1A



# GP Lane Conversion to Express Lane – Alternative 1C





# Memorandum

5.2

1111 Broadway, Suite 800, Oakland, CA 94607 • PH: (510) 208-7400 • www.AlamedaCTC.org

**DATE:** September 3, 2019

**TO:** Planning, Policy and Legislation Committee

**FROM:** Carolyn Clevenger, Director of Planning  
Kristen Villanueva, Senior Transportation Planner  
Kate Lefkowitz, Associate Transportation Planner

**SUBJECT:** Approve the Vision and Goals for the 2020 Countywide Transportation Plan

### Recommendation

It is recommended that the Commission approve the vision and goals for the 2020 Countywide Transportation Plan (2020 CTP).

### Summary

As part of development of the 2020 CTP, staff briefed the Planning, Policy and Legislation Committee (PPLC) and Commission in January and July on the approach for the 2020 CTP and presented draft vision and goal statements in July. This memo summarizes comments from these meetings and presents revised vision and goals for the 2020 CTP based on the feedback received in July as shown in Tables 1 and 2 of this memo. A detailed comment and response table summarizing input received at the July meetings is included in Attachment A. Staff will present the revised vision and goal statements to the Alameda County Technical Advisory Committee (ACTAC) on September 5, 2019 and will provide an update on the comments received from ACTAC to the Committee.

### Background

Every four years, Alameda CTC prepares and updates the CTP, which is a long-range planning and policy document that guides future transportation decisions for all modes and users in Alameda County. The existing CTP was adopted in 2016, and is due for an update by 2020. The CTP also informs and feeds into the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), the region's long-range transportation plan called "Plan Bay Area." The 2020 CTP will inform the current RTP/SCS update for Plan Bay Area 2050 (PBA 2050).

Starting with the 2012 CTP, the CTPs have become increasingly multimodal and integrated with land use planning. While the 2020 CTP has a 2050 horizon year to be consistent with the PBA 2050 and will continue to be long-term in nature, it will also emphasize a 10-year near-

term horizon to articulate a set of projects, programs, and policies to focus on over a 10-year period. In this way, the CTP will be a tool to inform near-term activities and advocacy while also considering the county's long-term transportation needs.

At the January and July PPLC and Commission meetings, staff presented the proposed approach for the 2020 CTP. The 2020 CTP will have a 2050 horizon, be consistent with the regional transportation plan, Plan Bay Area 2050, and articulate a set of priority initiatives to address in a 10-year horizon. This will be done through the following components: 1) Vision and Goals, 2) Needs Assessment and Strategy Papers, 3) Project Submittals, 4) Gaps Analysis and Project Screening, and 5) Ongoing Engagement with Stakeholders, including close engagement with partner agencies and the Commission throughout Plan development as well as targeted public engagement.

At the July meetings, Commissioners directed staff to incorporate specific issue areas relevant to their jurisdictions in the development of the 2020 CTP as well as suggestions for specific edits for the vision and goal statements. Attachment A includes a comment and response table from the previous meetings. Discussion of revisions to the vision and goal statements is included in the next section.

**Revised Vision and Goal Statements**

Since the 2012 CTP, each CTP has a vision statement and set of goals that guide plan development and inform recommendations. The vision and goals for the previous two CTPs were developed through extensive agency and community engagement. As discussed at the July meetings, staff proposes to largely re-affirm the vision statement from the 2012 and 2016 CTPs but to re-package the goals from the 2016 CTP into a streamlined list of four goals. A shorter list of goals has several benefits, including removing redundancies, integrating co-benefits of goals and supporting more effective project prioritization.

Overall, there was a generally positive reception to the proposed vision and goal statements as presented at the July meetings. Staff received a few suggestions to modify word choice and have reflected these edits in track changes in the revised vision and goal statements as shown in Tables 1 and 2. Detailed comments and responses for these changes are reflected in Comments 19-22 in Attachment A.

Table 1. Revised Vision Statement for the 2020 CTP

<p><b>Draft Vision Statement (July 2019)</b></p>	<p>Alameda County will be served by a premier transportation system that supports a vibrant and livable Alameda County through a connected and integrated multimodal transportation system promoting sustainability, access, transit operations, public health and economic opportunities.</p>
<p><b>Revised Vision Statement (September 2019)</b></p>	<p>Alameda County <u>residents, businesses and visitors</u> will be served by a premier transportation system that supports a vibrant and livable Alameda County through a connected and integrated multimodal transportation system promoting sustainability, access, transit operations, public health and economic opportunities.</p>

Table 2. Revised Goal Statements for the 2020 CTP

Goal	Draft Goal Statement (July 2019)	Revised Goal Statement (September 2019)
<b>1. Accessible, Affordable and Equitable</b>	Improve and expand connected multimodal choices that are available for people of all abilities, affordable to all income levels and equitable.	No change.
<b>2. Safe, Healthy and Sustainable</b>	Create safe facilities to walk, bike and access public transportation to promote healthy outcomes and support strategies that reduce adverse impacts of pollutants and greenhouse gas emissions generated by the transportation system.	Create safe facilities to walk, bike and access public transportation to promote healthy outcomes and support strategies that reduce adverse impacts of pollutants and greenhouse gas emissions <del>generated by the transportation system by reducing reliance on single-occupant vehicles.</del>
<b>3. High Quality and Modern Infrastructure</b>	Upgrade infrastructure such that the system is of a high quality, reflects best practices in design, prepares communities for current and future technological evolution, and is well-maintained and resilient.	Upgrade infrastructure such that the system is of a high quality, <del>is well-maintained, resilient and reflects best practices in design, prepares communities for current and future technological evolution</del> maximizes social benefits of technology, maximizes the benefits of new technologies for the public. <del>and is well-maintained and resilient.</del>
<b>4. Economic Vitality</b>	Support the growth of Alameda County's economy and the vibrancy of local communities through a transportation system that is integrated, reliable, efficient, cost-effective and high-capacity.	No change proposed.

**Commission Engagement for Developing the 2020 CTP**

In response to Commission questions regarding Commissioner input on the CTP, the following table presents in greater detail a draft timeline of the major activities for the 2020 CTP that will specifically be discussed with Commissioners for input throughout the process. Note that transportation projects and strategies will be discussed with the Commissioners throughout the year at key development milestones in Summer 2019, Winter 2020, and Spring 2020, before a draft plan is released in July 2020.

Table 3. Draft 2020 CTP Development Timeline for Commission Involvement

Timeline	Draft Commission Topics related to 2020 CTP
Winter 2019	<ul style="list-style-type: none"> <li>• CTP informational update on CTP development process and timeline <i>(completed January 2019)</i></li> </ul>
Spring 2019	<ul style="list-style-type: none"> <li>• Commission Retreat to discuss and inform topic areas for 2020 CTP <i>(completed May 2019)</i></li> </ul>
Summer 2019	<ul style="list-style-type: none"> <li>• Briefing and approval of regionally-significant projects for submission to MTC for PBA 2050 and for consideration in the 2020 CTP <i>(completed June 2019)</i></li> <li>• Briefing on proposed approach to the 2020 CTP <i>(completed July 2019)</i></li> </ul>
Fall 2019	<ul style="list-style-type: none"> <li>• Approval of vision and goal statement for the 2020 CTP</li> <li>• Presentations on policy areas for the 2020 CTP</li> </ul>
Winter 2020	<ul style="list-style-type: none"> <li>• Presentations on findings from Needs Assessment and Strategy Papers with discussion on projects and strategies to consider adding to the 2020 CTP</li> </ul>
Spring 2020	<ul style="list-style-type: none"> <li>• Discussions on projects and programs for 10-year horizon and long-term priorities with Commissioners in each Planning Area</li> </ul>
Summer 2020	<ul style="list-style-type: none"> <li>• Presentation on the draft 2020 CTP</li> </ul>
Fall 2020	<ul style="list-style-type: none"> <li>• Review and adoption of the final 2020 CTP</li> </ul>

**Fiscal Impact:** There is no fiscal impact associated with this item.

**Attachment:**

- A. Commission comments on CTP

2020 Countywide Transportation Plan (CTP) Approach and Draft Vision and Goals  
Alameda CTC Comment/Response from July 2019 Meetings of PPLC and Commission

Comment/Response from July 8, 2019 PPLC Meeting		
#	Comment	Response
1	Regarding outreach, will you be continuing to conduct outreach throughout the county?	Outreach will be conducted throughout the county, including specific outreach in each planning area. In addition, there will be intercept surveys and focus group meetings in Communities of Concern, which are spread across the county as part of the Community Based Transportation Plan effort.
2	Request that opportunities for content suggestions be brought to the Commission early in the process especially for project ideas.	The CTP will be presented regularly to the Commission at key milestones throughout this and next year. In 2020, we will be meeting with Commissioners in different areas of the county to discuss project priorities particular to each area of the county.
3	Some project concepts to consider in the CTP include finishing express lanes all the way to the Bay Bridge and improving freight flow.	These issues will be discussed during the Needs Assessment and Gap Analysis for the CTP and will be discussed with the Commission.
4	Issue areas to address in the CTP: data on TNC (i.e. Lyft, Uber) trips; cut-through traffic and apps that are directing the traffic at a county-level; better defining future mobility.	These issues will be discussed within the Needs Assessment and Strategy Papers for the CTP especially in the Transit Strategy Paper and in the Technology Strategy Paper.
5	AC Transit has a high proportion of riders that are low-income and people of color. How does this relate to the Communities of Concern? Are you studying the needs on the ground and the needs of the provider?	Community of Concern is an MTC distinction that identifies geographies of disadvantaged communities. The needs of these communities will be discussed in the Community Based Transportation Plans, which will be incorporated into the CTP
7	Affordability of transit is a big issue for all transit providers	Comment noted.
8	In 2012 and 2016 CTPs, there were discussions of connected, access, affordable, and equitable. Remember these goals when considering the Tri Valley. It is a major commute corridor that needs a transit connection.	These issues will be discussed during the Needs Assessment for the CTP including discussion of major transit investments in the County and connecting to the mega-region.
9	Timing is good for the outreach, especially with the Census and outreach in hard-to-reach communities. Great opportunity to leverage that partnership with community members.	Comment noted.

<b>Comment/Response from July 8, 2019 PPLC Meeting</b>		
<b>#</b>	<b>Comment</b>	<b>Response</b>
10	The shorter list of goals for the CTP is fine as long as they include all of the elements from goals of the 2016 CTP.	It is the intent of the shorter list of goals for the 2020 CTP to cover the objectives of the longer list of goals from the previous two CTPs.
11	Land use plays a big role in how efficient the transportation system is. There are a large number of commuters traveling in one way in the morning and one way in the evening. If we balance the commutes, we'd have much more efficiency. Seems like that issue would be covered under economic vitality.	These issues will be discussed in the Needs Assessment and Strategy Papers for the CTP. There will be a strategy paper on economic development that focuses on strategies to increase non-single occupant options for commuters as well as a policy discussion on transportation and land use.
12	The future of funding is going to change especially because of the increase in electric vehicles and reliance on gas tax. Skeptical about future regional funding if it will be associated with a sales tax.	The CTP will include a discussion of potential future funding sources and revenues.
13	Looks like almost all of the City of Hayward is a Community of Concern. We would want to identify the projects in these communities to leverage funding.	Comment noted.
14	TNC/Uber is surveying elected officials and the survey says they want to work with local governments to address concerns.	Comment noted.

<b>Comments/Response from July 25, 2019 Commission Meeting</b>		
<b>#</b>	<b>Comment</b>	<b>Response</b>
15	Recommend bringing the project list and other plan elements early to the Commission to weigh in on what might be missing from the list before plan adoption.	See response to Comment #2.
16	The CTP development schedule does not note which items will come to the Commission; we want to have opportunities to review and add to the project list.	The September PPLC memo includes a more detailed schedule with Commission briefings identified. Staff will bring the Needs Assessment, Gap Analysis, and draft project lists to the Commission multiple times as part of CTP development.

**Comments/Response from July 25, 2019 Commission Meeting**

#	Comment	Response
17	In the past, MTC tends to focus on big ticket items in the RTP but smaller and more distributed investments can make a big difference so these should be highlighted in the CTP as well.	The CTP will include and highlight projects of a variety of sizes, including large and small projects and programs. The CTP includes a greater level of detail on projects and programs, which are for the most part included in the RTP but at a high level.
18	Related to the CTP goals, East County is not connected and has been paying for a transit system. This underscores the importance of Valley Link so that we have a connected transportation system.	See response to Comment #8.
19	The vision statement should be more specific. The word "people" and the outcomes of what the agency are trying to do are not mentioned in the vision statement. The words "premier transportation system" are unclear.	See agenda item for revised language for the vision statement. Staff is proposing to add "residents, businesses and visitors" to the vision statement but to leave "premier transportation system." The intent of the vision statement is to be broad and capture a variety of outcomes.
20	To the end of Goal statement #2, suggest adding "including reducing reliance on single occupant vehicles." This intent should be explicitly worded in one of the goal statements and it fits within #2.	See agenda item for revised language for Goal #2.
21	The word "multimodal" should be more specific for Goal #1. Multimodal could be a roadway with a sub-standard bike lane when the intent is to encourage bike use and not driving by themselves.	Staff recommends leaving the goal statement unchanged since multimodal in this context could mean a variety of combinations of modes such as driving to access a transit station. The issue of bike lane design will be captured in Goal #2 that will prioritize high quality bike facilities.
22	The phrase in Goal #3 regarding "preparing communities for technological evolution" isn't quite right. We want cities to be able to shape the upcoming technological evolution.	See agenda item for revised language for Goal #3.

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# Memorandum

5.3

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**DATE:** September 3, 2019

**TO:** Planning, Policy and Legislation Committee

**FROM:** Saravana Suthanthira, Principal Transportation Planner  
Chris G. Marks, Associate Transportation Planner

**SUBJECT:** Approve the 2019 Congestion Management Program (CMP) and 2019 CMP Conformity Findings

## Recommendation

It is recommended that the Commission approve the 2019 Congestion Management Program (CMP) and adopt the 2019 CMP Conformity Findings. Upon approval, the 2019 CMP report will be sent to the Metropolitan Transportation Commission (MTC), as required.

## Summary

State legislation requires Alameda CTC, as the congestion management agency (CMA) for Alameda County, to update its Congestion Management Program (CMP) every two years. There are five required elements in the CMP: (1) level of service monitoring, (2) a multimodal performance element, (3) a travel demand management element, (4) a land use analysis program, and (5) a capital improvement program. The last update to the CMP was completed in December 2017. The 2019 update is a focused update to the Alameda County Congestion Management Program (CMP). In conformance with legislative requirements, the CMP describes strategies and procedures to: (1) monitor the performance of the county's multimodal transportation system, (2) address roadway congestion and improve the performance of a multimodal system, and (3) integrate transportation and land use planning. There will likely be upcoming changes to the CMP legislation, streamlining it to align with the current practices of supporting greenhouse gas reduction and multimodal performance improvements. Alameda CTC is actively monitoring any changes to CMP legislation. Once any changes are finalized, Alameda CTC will develop an updated approach to ensure continued compliance.

As a part of the CMP requirements, each year Alameda CTC evaluates each jurisdiction's conformance with four elements to enable continued release of gas tax subventions: Level of Service (LOS) Monitoring, Land Use Analysis Program, Travel Demand Management implementation, and Payment of membership fees. All jurisdictions with the exception of three jurisdictions that have the deficiency plan implementation

requirements are found to be in conformance. These three jurisdictions are expected to be in conformance by the Commission meeting on September 26th.

## **Background**

State CMP legislation requires biennial updates to the CMP. Alameda CTC develops and updates a CMP for Alameda County during odd-number years. The CMP is used to monitor the performance of the county's transportation system, develop strategies to address congestion and improve the performance of a multimodal system, and strengthen the integration of transportation and land use planning.

Over the years, Alameda County's CMP has evolved from a program focused on meeting the legislative requirements to a robust effort that uses the legislative mandate as an opportunity to develop an integrated and multimodal transportation system for all users of the Alameda County transportation network integrating land use and transportation and reducing greenhouse gas emissions from transportation. However, existing CMP legislation specifically requires CMAs to use a delay-based metric such as LOS for roadway performance monitoring and for the traffic impact analysis in the Land Use Analysis Program. This is in direct conflict with a more recent amendment to the CEQA legislation pursuant to the implementation of Senate Bill 743(SB 743) which requires the significance metric for traffic impact assessment to be Vehicle Miles Traveled. Alameda CTC anticipates amendments to the existing CMP legislation which could substantially change the CMP and its requirements in the near future to align with the current industry standards and trend. Because of this, the 2019 CMP update is a focused update reporting on progress on the implementation of various CMP elements that occurred in the last two years, consistent with the approach used for the 2017 CMP update. As guidance on future CMPs emerges from state and regional authorities, Alameda CTC anticipates a more comprehensive update to the CMP in the near future.

## **2019 Congestion Management Program Update**

The following are the legislatively required elements of the CMP:

- Roadway Performance Monitoring: Monitor congestion levels against the LOS standards established for the county's designated CMP roadway system. If roadway LOS standards are not maintained in the CMP roadway system, a deficiency plan is required that defines how improvements will be implemented to bring the LOS to an acceptable standard. As noted above, this is in conflict with newer legislation requiring the use of VMT. Future legislation is expected from the state to correct this inconsistency between two state laws.
- Multimodal Performance Measurement: Evaluate the county's multimodal transportation system against adopted performance measures.
- Travel Demand Management: Promote alternative transportation strategies with a travel demand management element.

- Land Use Impact Analysis: Analyze the effects of local land use decisions on the regional transportation system. Develop and maintain a travel demand model to assess the land use impact.
- Capital Improvement Program: Prepare a capital improvement program that maintains or improves the performance of the countywide multimodal transportation system.

## **2019 CMP Conformity Findings**

Each fiscal year, local jurisdictions must comply with four elements of the CMP to be found in compliance. Non-conformance with the CMP requirements means that respective local jurisdictions are at a risk of losing Proposition 111 gas tax subventions. The four required elements are:

1. LOS Monitoring Element: Prepare Deficiency Plans and Deficiency Plan Progress Reports, as applicable;
2. Travel Demand Management Element: Complete the TDM Site Design Checklist;
3. Land Use Analysis Element: Jurisdictions must submit to Alameda CTC all Notices of Preparations, Environmental Impact Reports, and General Plan Amendments and review the allocation of Association of Bay Area Governments' land use projections to Alameda CTC's traffic analysis zones; and
4. Pay annual fees.

In July 2019, Alameda CTC contacted all Alameda County jurisdictions for the necessary documentation to determine 2019 CMP conformity. All jurisdictions have complied with the TDM, Land Use Analysis Program, and fee requirements. There are currently two active deficiency plans in the county: State Route 185 and State Route 260 in Oakland. Staff is working with the three jurisdictions that are subject to LOS Monitoring Deficiency Plan requirements. Those jurisdictions are expected to comply with the requirements before the September Commission meeting. Attachment B summarizes the status of conformance documentation by jurisdiction.

**Fiscal Impact:** There is no fiscal impact associated with this item.

### **Attachments:**

- A. 2019 Congestion management Program Executive Summary
- B. FY2018-19 CMP Conformance

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# Executive Summary

# ES



The 2019 Alameda County Congestion Management Program (CMP) describes strategies and procedures to: (1) measure the performance of the county's multimodal transportation system, (2) address roadway congestion and improve the performance of a multimodal system, and (3) connect transportation and land use planning.

The 2019 update to the CMP meets a state legislative mandate, established in 1991, which requires Congestion Management Agencies (CMAs) to update their CMP every two years. However, current CMP legislation is in conflict with other regulations like Senate Bill 743 (SB 743), the California Environmental Quality Act (CEQA), and Complete Streets legislation, as well as current industry best practices. To resolve this conflict, existing CMP legislation must be amended to align with other more recent regulations.

The metric used to measure performance is at the heart of this conflict. CMP legislation requires use of a delay-based metric, Level of Service (LOS), for measuring roadway performance. However, recently amended CEQA guidelines by State based on SB 743 require vehicle miles-traveled (VMT) as the primary metric for traffic impacts. This move away from LOS to VMT supports Greenhouse Gas (GHG) reduction goals, multimodal performance measurement, and is in line with the Complete Streets practice.

Until this conflict is resolved through amended legislation, Alameda CTC will not produce a major update to the CMP. Instead, Alameda CTC made focused changes during this 2019 update to report on the work performed by Alameda CTC and progress made to implement the major CMP elements since the last update in 2017.

California's current CMP legislation defers considerable authority to the CMAs to develop and update each CMP but requires CMAs incorporate five key elements: (1) level of service monitoring of a designated roadway network (see chapters 2 and 3); (2) a multimodal performance element (chapter 4); (3) a travel demand management element (chapter 5); (4) a land use analysis program (chapter 6); and (5) a capital improvement program (chapter 8).

For all CMP updates, Alameda CTC coordinates with the Metropolitan Transportation Commission (MTC), transit agencies, local governments, the California Department of Transportation (Caltrans), and the Bay Area Air Quality Management District (BAAQMD). Following the adoption of the 2019 CMP by the Alameda CTC Commission, Alameda CTC will submit the CMP to MTC. As the regional transportation planning agency in the San Francisco Bay Area, MTC is required to evaluate the CMP's consistency with MTC's Regional Transportation Plan (RTP) and with the CMPs of the other counties in the Bay Area. If the Alameda County CMP is found to be consistent with the RTP, MTC will incorporate the projects

listed in the CMP's Capital Improvement Program into MTC's Regional Transportation Improvement Program.

Alameda CTC's CMP is designed to meet and exceed the legal requirements and address many of the county's multimodal transportation challenges in doing so.

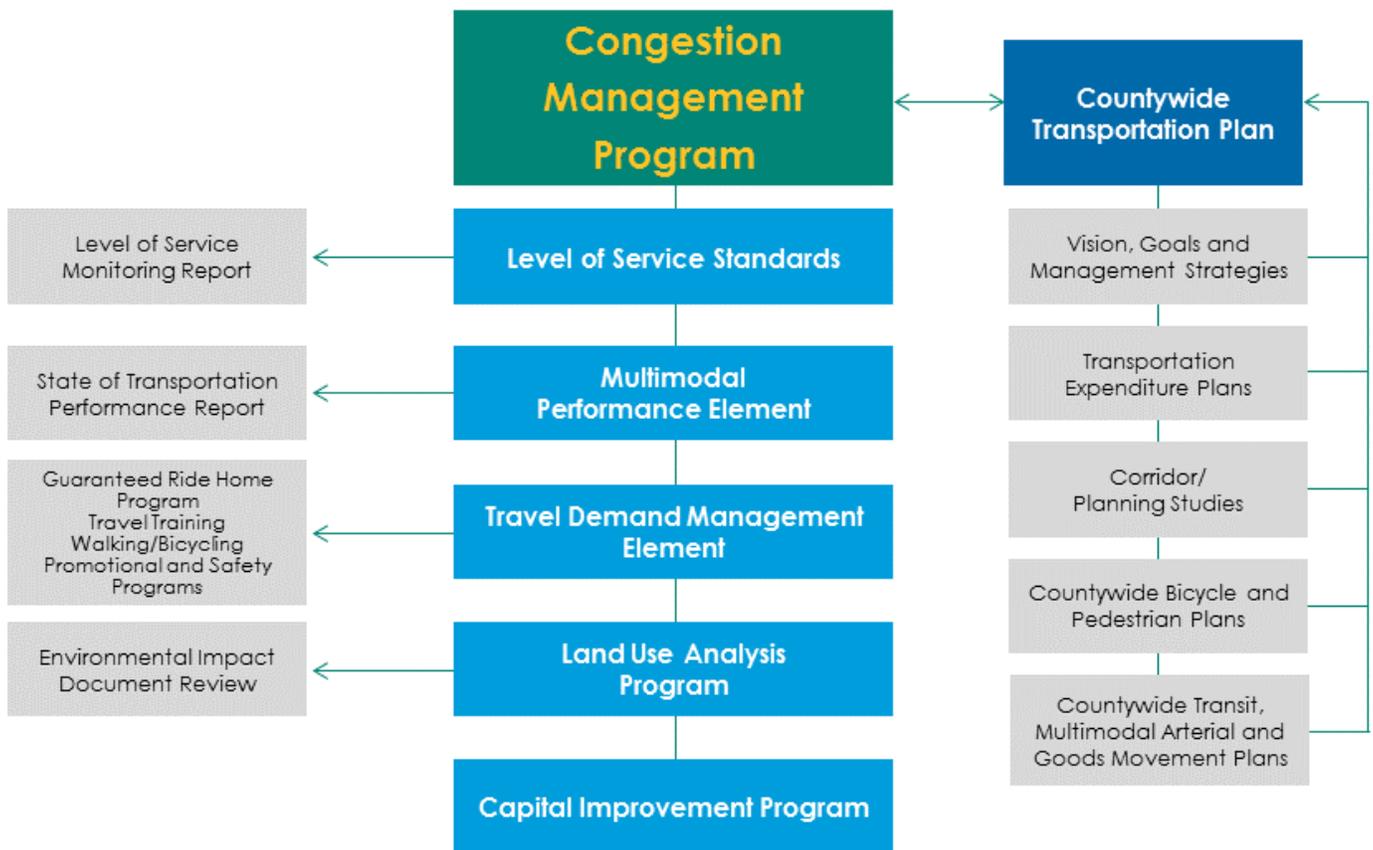
**Senate Bill 743**

The Governor's Office of Planning and Research (OPR) was tasked with implementing SB 743 and identified the new metric to be vehicle miles traveled (VMT) and has also developed guidance for implementing the new metric, working with stakeholders across the state. Alameda CTC actively participated in this process by

leading the Bay Area Working Group in 2015 and 2016 to coordinate with the OPR. Based on the outcome of OPR's efforts, the CEQA Guidelines regarding transportation impact assessment was amended to use VMT as the new metric in December 2018. It becomes mandatory on July 1, 2020.

Alameda CTC, as the CMA and Sales Tax Agency for Alameda County, is currently engaged in developing consistent countywide guidelines to implement the VMT metric for land use and transportation projects for CEQA purposes for use by all member agencies as well as for Alameda CTC.

Figure ES1—CMP and Five Major Elements



## The Transportation System

Alameda CTC must define and identify components of the transportation system that are being monitored and improved. For the purposes of the CMP, two different systems are used: the designated CMP roadway network, last updated in 2017 (Chapter 2, "Designated CMP Roadway Network") and the broader and older Metropolitan Transportation System (MTS). The CMP roadway network is generally a subset of the MTS.<sup>14</sup> Alameda CTC monitors performance in the CMP roadway network in relation to established level of service standards. Alameda CTC also uses the MTS in the Land Use Analysis Program (Chapter 6).

### Designated CMP Roadway Network

The designated CMP roadway network was initially developed in 1991 and includes freeways, state highways, and principal arterials that meet criteria defined in the CMP. These roadways are significant for regional trips and connect major activity centers to the regional transportation system.

In 2011, recognizing the need to expand the CMP network to reflect the changes in land use patterns over the years, the Alameda CTC Commission adopted a two-tier approach for the CMP network in Alameda County. The first tier (Tier 1) is the original CMP network including freeways, highways, and principal arterials. The second tier (Tier 2) includes additional arterial roadways of countywide significance. Alameda CTC monitors the Tier 1 network for informational purposes only and is not used in the conformity findings process.

In 2017, Alameda CTC expanded the Tier 2 CMP network and adding another 220 miles of arterial roadways based on the outcome of the three

countywide modal plans, the Countywide Multimodal Arterial Plan, Countywide Transit Plan, and Countywide Goods Movement Plan. Additionally, Alameda CTC identified 146 miles of roadways on major transit corridors to be included in a new transit performance monitoring network.

### MTS System

A regionally designated system, MTS typically includes the entire CMP network, as well as major arterials, transit services, rail, maritime ports, airports, and transfer hubs critical to the region's movement of people and freight.<sup>15</sup> MTS roadways were originally developed in 1991 and updated in 2005 and include roadways recognized as "regionally significant" and all interstate highways, state routes, and portions of the street and road system operated and maintained by local jurisdictions.

## LOS Monitoring

As previously mentioned, current CMP legislation requires level of service standards be established to monitor performance on the CMP roadway network. Legislation requires a delay-based metric, but does leave the specific measurement methodology to each CMA so long as that methodology is compliant with the most recent version of the Transportation Research Board's Highway Capacity Manual (HCM) or another uniform methodology adopted by the CMA. Under the HCM methodology, LOS is represented with letter designations, ranging from A to F. LOS-A represents free-flow conditions, and LOS-F represents congested conditions. The CMP legislation requires a standard of LOS-E for all CMP roads that are subject to CMP conformance<sup>16</sup>.

<sup>14</sup> With the expansion to the CMP network in the 2017 Update, the CMP network now extends beyond the MTS in many parts of the county.

<sup>15</sup> In Alameda County, with the addition and subsequent expansion of Tier 2 routes, in the 2017 CMP Update, the CMP network is in many locations outside of MTS roadways.

<sup>16</sup> Tier 1 roadways at the PM-peak period only

Alameda CTC uses LOS standards as defined in the 1985 Highway Capacity Manual (HCM 1985), the nationally accepted guidelines published by the Transportation Research Board. Alameda CTC re-evaluated the applicability of these standards in 2005 and again in 2013. The 2013 showed that using a more recent version of the HCM would hinder the ability to compare past performance trends, important for determining conformity with CMP legislation. The HCM 2000 and 2010 both require a density-based, rather than speed-based LOS methodology for freeways and changed speed classifications for arterials, which would hinder the ability to compare past performance trends important for determining conformity with the CMP.

Based on this review, Alameda CTC continues to use the speed-based LOS methodology in the HCM 1985 to monitor freeways and existing roadway classifications for arterials for the Tier 1 roadway network, which is subject to the conformity process. Since the Tier 2 network is monitored for informational purposes only and is not comparable to any previous performance data, LOS has been reported using the methodologies in both the HCM1985 and HCM2000 since the 2014 LOS Monitoring Study.

Alameda CTC conducts an LOS monitoring study every two years. The last study was conducted in the spring of 2018, and the next will be in 2020. The 2018 LOS Monitoring study was the first to include the expanded Tier 2 network and a transit monitoring network, making it the first multimodal monitoring study.

## Multimodal Performance Element

The CMP must contain performance measures that evaluate how freeways, highways, and roads function. The CMP describes the frequency, routing, and coordination of transit services within Alameda County and establishes performance measures that support mobility, air quality, land use, and economic objectives. The performance element, consistent with legislation,

includes performance measures for all modes. However, only the auto LOS standards trigger a deficiency plan under the CMP.

Combined with LOS standards, the multimodal performance element provides a basis for evaluating whether the transportation system is achieving the broad mobility and congestion management goals in the CMP. These include developing the Capital Improvement Program, analyzing land use impacts, and preparing deficiency plans to address problems.

These performance measures help comprehensively evaluate the performance of the countywide multimodal transportation system and measure progress towards agency goals. Alameda CTC prepares an annual transportation system Performance Report.

Local agencies are encouraged to provide data to MTC or to maintain their own database of maintenance needs on the MTS. However, there is no compliance requirement for local agencies or transit operators related to the multimodal performance element.

The most recent performance report, the 2018 Performance Report for fiscal year 2017-18, is available on the Alameda CTC website and will be updated in November 2019.

## Travel Demand Management Element

Travel demand management (TDM) measures seek to reduce pressure on existing roadway infrastructure and parking capacity by using incentives and disincentives to influence travel choice. Ideally, TDM measures reduce both peak-period vehicle trips and total vehicle miles traveled which reduces reducing congestion, carbon emissions, improves public health, and widens viable transportation choices.

The most effective TDM programs include some form of financial incentive, either through pricing parking, subsidizing transit fares, ridesharing, etc. TDM strategies can provide a cost-effective way to meet regional

sustainability and mobility goals. By making the most efficient possible use of available system capacity, they complement the region's investments in high-occupancy vehicle lanes, express lanes, transit systems, first- and last-mile solutions, multimodal infrastructure improvements and other alternatives to single-occupant driving.

The Commission adopted a Countywide Comprehensive TDM Strategy in May 2013 that provides an inventory of the broad range of TDM programs and activities present in Alameda County and recommends a strategy for better integrating, supporting, and building on these existing efforts, including implementation of the regional commute benefit program and the Guaranteed Ride Home Program. These programs are designed to make the most efficient use of existing facilities. The TDM element also incorporates strategies to integrate air quality planning requirements with transportation planning and programming. Funding generally comes from the Transportation Fund for Clean Air (from motor vehicle registration fees) and from the federal Surface Transportation Program and Congestion Mitigation and Air Quality Program. Alameda County's TDM element represents a fiscally realistic program that effectively complements the overall CMP.

A balanced TDM element requires actions that local jurisdictions, Alameda CTC, BAAQMD, Caltrans, MTC, and local transit agencies undertake. As required by state law, the Alameda County TDM program promotes alternatives to single-occupant vehicle travel (e.g., carpools, vanpools, transit, bicycles, park-and-ride lots); promotes improvements in the jobs-housing balance and transit-oriented developments; promotes other strategies, including flexible work hours, telecommuting, and parking management programs; and considers parking "cash out" programs (paying employees who do not use parking).

Chapter 5, "Travel Demand Management Element" includes a variety of tools available to local governments for facilitating TDM. To be found in

conformance with this element of the CMP, local jurisdictions must adopt and implement the Required Program by September 1 of each year.

## Land Use Analysis Program

The CMP incorporates a program to analyze the impact of land use decisions, made by local jurisdictions, on the regional transportation systems. The intent of this legislatively required component of the CMP is to:

- Coordinate local land use and regional transportation-facility decisions;
- Assess the impacts of development in other communities; and
- Promote information sharing between local governments when a decision made by one jurisdiction impacts another.

While the Alameda CTC's Land Use Analysis Program was initially developed as a program to meet the CMP legislative mandate, the growing focus at all levels of governments on improved coordination between land use and transportation planning has resulted in the program's evolution. In this context, the Alameda CTC's Land Use Analysis Program (Chapter 6) currently includes:

- Legislatively required review of land use actions of local jurisdictions by Alameda CTC to ensure that impacts on the regional transportation system are disclosed and mitigation measures are identified;
- Land use projections from the Regional Planning Agency for use in countywide model database by local jurisdictions;
- Planning initiatives and programs that foster transportation and land use connections; and
- Strategic monitoring of transportation-land use coordination performance measures.

Although land use remains the purview of local governments, Alameda CTC reviews impacts to the regional transportation network and can act to withhold

the gas tax subventions if local agencies do not conform to the requirements of the CMP.

The CMP requires local jurisdictions to regularly:

- Forward to Alameda CTC all Notices of Preparation, Notices of Availability of Draft and Final Environmental Impact Reports, and Environmental Impact Statements, and Final dispositions of General Plan amendments.
- Analyze large development projects according to the guidelines in Chapter 6. Land Use Analysis Program of the CMP, including the use of the Alameda Countywide Travel Demand Model or an approved subarea model and disclosure of impacts to the MTS.
- Work with Alameda CTC to mitigate development impacts on the regional transportation system.

As part of the annual conformity process, Alameda CTC requires local jurisdictions to:

- Demonstrate to Alameda CTC that the Land Use Analysis Program is being carried out.
- Provide the Alameda CTC with 1) a list of land use development projects approved during the previous fiscal year; and 2) a copy of the most recent Housing Element Annual Progress Report submitted to the state Department of Housing and Community Development. Starting in 2014, Alameda CTC has used this information to develop a database of land use approvals for enhanced monitoring of transportation-land use coordination and planning.

During travel demand model updates:

- Provide an update (prepared by the jurisdiction's planning department) of the anticipated land use changes likely to occur using the most recent MTC/Association of Bay Area Government forecast for a near-term and long-term horizon year. This land use information should be provided in a format compatible with the Countywide Travel Demand Model.

Many action items identified in past CMP updates for a further enhanced Land Use Analysis Program will continue to be valid unless modified by any potential legislative efforts. Therefore, Alameda CTC continues to carry them forward, so that based on the resource availability and coordination with other efforts of Alameda CTC, they can be implemented. Alameda CTC will modify the Land Use Analysis Program when legislative actions are finalized.

## Database and Travel Demand Model

Alameda CTC has developed a uniform land use database for use in the countywide travel model. The database and travel demand model bring to the congestion management decision-making process a uniform technical basis for analysis. This includes consideration of the benefits of transit service and TDM programs, as well as projects that improve congestion on the CMP network. The model is also intended to assist local agencies in assessing the impacts of new development on the transportation system.

The most recent update to the Countywide Travel Demand Model was completed in May 2018. It incorporates land use assumptions based on the Sustainable Communities Strategy and RTP, Plan Bay Area 2040. Projections of socioeconomic variables were incorporated for the traffic analysis zones defined for Alameda County. By aggregating the projections made for each zone, Alameda CTC produced projections of socioeconomic characteristics for unincorporated areas of the county, the 14 cities, and for the four planning areas.

See Chapter 7, "Database and Travel Demand Model" for details.

## Capital Improvement Program

The Capital Improvement Program reflects Alameda CTC's efforts to maintain or improve the performance of the multimodal transportation system for the movement of people and goods and to mitigate regional transportation impacts identified through the Land Use Analysis Program.

Per federal requirements, Alameda CTC considers various multimodal methods to improve the existing system, such as traffic operations systems, arterial signal timing, parking management, transit transfer coordination, and transit marketing programs.

Projects selected for the Capital Improvement Program are consistent with the assumptions, goals, policies, actions, and projects identified in PBA 2040.

Starting in 2013, Alameda CTC adopted a Strategic Planning and Programming Policy that consolidates existing planning and programming processes to improve the efficiency and effectiveness of future policy decisions on transportation investments. This policy resulted in the Comprehensive Investment Plan (CIP).

Alameda CTC's CIP serves three purposes:

- **Translates long-range plans into short-range implementation** by focusing on project/program delivery over a five-year programming window with a two-year allocation plan.
- **Serves as Alameda CTC's strategic plan** for voter-approved transportation funding (such as 1986 Measure B, 2000 Measure B, 2010 Vehicle Registration Fee, and 2014 Measure BB) as required by the respective legislation for each funding program.
- **Establishes a comprehensive and consolidated programming and allocation plan** for fund sources under Alameda CTC's authority for capital improvements, operations, and maintenance projects and programs.

Each year, Alameda CTC's CIP financial assumptions are updated to include the latest revenue projections. New projects and programs are considered through updates of the CIP, generally occurring every two years.

Every two years, as needed, Alameda CTC comprehensively updates the CIP to review existing CIP projects and to open a nomination window for new projects. The biennial update occurs on odd number fiscal years and represents a shift of the programming window to add the next two fiscal years. Biennial CIP updates also include review of existing projects and programs to determine whether to recommend continuing or postponing funding and delaying, removing, or reincorporating projects/programs. Alameda CTC may recommend additional funding to continue existing approved projects.

Projects submitted during the nomination window that meet the Commission-adopted screening criteria will be evaluated and prioritized for funding consideration. The full update will involve notifying project sponsors of the enrollment period for adding new projects and programs to the CIP, and the subsequent review and approval of project and program submittals to be included in the updated CIP.

The CMP's Capital Improvement Program also includes the list of projects for the State Transportation Improvement Program (STIP) for Alameda County, as required by the CMP legislation. The 2020 STIP projects will be presented to the Alameda CTC Commission for approval in October 2019 for a total funding request of \$34.7 million. This list, once approved, will be forwarded to MTC as part of the 2019 CMP submittal for inclusion in to the region's Regional Transportation Improvement Program (RTIP). Upon approval, MTC will forward the region's RTIP projects list to the California Transportation Commission for adoption into the 2020 STIP.

## Program Conformance and Monitoring

Alameda CTC is responsible for ensuring local government conformance with the CMP and annually monitors the implementation of four elements: LOS standards on CMP network, travel demand management including implementation of the Required Program, the Land Use Analysis Program, and the Capital Improvement Program. Alameda CTC ensures local agencies are in conformance with CMP requirements for these elements.

To assist local jurisdictions, Alameda CTC provides LOS standards resources (Chapter 3, "Level of Service Standards"); travel demand management resources and countywide programs to facilitate implementation of the Required Program (Chapter 5, "Travel Demand Management Element"); and a database and Countywide Travel Demand Model (Chapter 7, "Database and Travel Demand Model"). Alameda CTC has also developed a Land Use Analysis Program (Chapter 6) for implementation by local agencies, which remain responsible for approving, disallowing, or altering projects and land use decisions. The program must be able to determine land development impacts on the regional transportation system/MTS and formulate appropriate mitigation measures commensurate with the magnitude of the expected impacts.

In addition, Alameda CTC is required to prepare and biennially update a Capital Improvement Program (see Chapter 8, "Capital Improvement Program") aimed at maintaining or improving transportation service levels. Each city, the county, transit operators, and Caltrans provide input for these biennial updates.

As part of Alameda CTC's annual monitoring, if it finds a local jurisdiction in non-conformance with the CMP, it

will notify the local jurisdiction, which then has 90 days to remedy the area(s) of non-conformance. If the local jurisdiction fails to provide a remedy within the stipulated time, it may lose local, state, and/or federal funding (see Chapter 9, "Program Conformance and Monitoring" for more information).

## Deficiency Plans

CMP legislation requires preparation of deficiency plans when a CMP roadway segment does not meet the adopted level of service standard, which is LOS E for Alameda County CMP roadways, or is not otherwise exempt. Local jurisdictions must develop a deficiency plan to achieve the adopted LOS standards at the deficient segment or intersection, or to improve the LOS and contribute to significant air-quality improvements.

Local governments are responsible for preparing and adopting deficiency plans by working with Alameda CTC, appropriate local jurisdictions, and regional agencies including local transit providers regarding the deficient roadway segment as detailed in Chapter 10, "Deficiency Plans."

## Conclusions and Future Considerations

The CMP has several interrelated elements intended to foster better coordination among decisions about land development, transportation, and air quality. Several conclusions can be reached about the CMP relative to the requirements of law and its purpose and intent (Chapter 11, "Conclusions and Future Considerations"). Legislative efforts are anticipated that will reform and update the CMP guidelines and requirements. Once legislation is amended, Alameda CTC will update its approach to future CMPs to align with the updated requirements.

**Attachment B**  
**2019 CMP CONFORMITY FINDINGS**

Land Use Analysis, Site Design, Payment of Fees and Deficiency Plans

	Land Use Analysis Program		TDM Element	Fees	LOS Element	
Jurisdiction	GPA & NOP Submittals	Land Use Forecast Review*	TDM Checklist	Payments up to 4th Quarter FY 18/19	Deficiency Plan Progress Reports or Concurrence	Meets All Requirements
Alameda County	Yes	Yes	Yes	Yes	n/a	Yes
City of Alameda	Yes	Yes	Yes	Yes	Yes	Yes
City of Albany	Yes	Yes	Yes	Yes	n/a	Yes
City of Berkeley	Yes	Yes	Yes	Yes	Yes	Yes
City of Dublin	Yes	Yes	Yes	Yes	n/a	Yes
City of Emeryville	Yes	Yes	Yes	Yes	n/a	Yes
City of Fremont	Yes	Yes	Yes	Yes	n/a	Yes
City of Hayward	Yes	Yes	Yes	Yes	n/a	Yes
City of Livermore	Yes	Yes	Yes	Yes	n/a	Yes
City of Newark	Yes	Yes	Yes	Yes	n/a	Yes
City of Oakland	Yes	Yes	Yes	Yes	Yes	Yes
City of Piedmont	Yes	Yes	Yes	Yes	n/a	Yes
City of Pleasanton	Yes	Yes	Yes	Yes	n/a	Yes
City of San Leandro	Yes	Yes	Yes	Yes	n/a	Yes
City of Union City	Yes	Yes	Yes	Yes	n/a	Yes

N/A indicates that the city is not responsible for any deficiency plan in the past fiscal year.

\* This requirement has been met through jurisdictions review of land use allocation in the most recent travel demand model update.

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# Memorandum

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**DATE:** September 3, 2019

**TO:** Planning, Policy and Legislation Committee

**FROM:** Tess Lengyel, Deputy Executive Director of Planning and Policy

**SUBJECT:** Legislative Positions and Receive an Update on Federal, State, and Local Legislative Activities

## Recommendation

It is recommended that the Commission approve policy positions and receive an update on federal, state, and local legislative activities.

## Summary

The September 2019 legislative update provides information on federal and state legislative activities.

## Background

The Commission approved the 2019 Legislative Program in December 2018. The purpose of the legislative program is to establish funding, regulatory, and administrative principles to guide Alameda CTC's legislative advocacy. The final 2019 Legislative Program is divided into six sections: Transportation Funding; Project Delivery and Operations; Multimodal Transportation, Land Use, and Safety; Climate Change and Technology; Goods Movement; and Partnerships. The program is designed to be broad and flexible to allow Alameda CTC the opportunity to pursue legislative and administrative opportunities that may arise during the year, and to respond to political processes in the region as well as in Sacramento and Washington, DC.

Each month, staff brings updates to the Commission on legislative issues related to the adopted legislative program, including recommended positions on bills as well as legislative updates.

## **Federal Update**

On July 30, 2019, the Senate Environment and Public Works (EPW) Committee passed the America's Transportation Infrastructure Act of 2019 (ATIA), a five-year, \$287 billion highway transportation reauthorization proposal as summarized in Attachment A. Alameda CTC staff will provide a verbal update on any further federal actions on advancing a federal surface transportation bill.

## **State Update**

Alameda CTC staff will provide an update on state activities at the Commission meeting reflecting the final actions on bills Alameda CTC has supported or opposed during the first year of this two-year session. Attachment B includes a summary of bills with Alameda CTC bill positions.

Platinum Advisors, Alameda CTC's state lobbying firm, provided the following summary of state activities.

**End Of Session:** The Legislature returned on August 12<sup>th</sup> from summer recess for the remaining five weeks of session. They have until September 13<sup>th</sup> to move legislation to the Governor. Bills that do not reach the governor's desk will still have the opportunity to be addressed next year. About 870 total bills were considered by the fiscal committees by the end of August, and most of these bills were on the respective Suspense Files. After fiscal bills are dispensed with, the remaining two weeks of the legislative year will be focused on floor session.

Legislators, staff, and lobbyists are primarily focusing on amendments, fiscal committees, and working with the Administration to ensure that once bills reach them, they will be as non-controversial as possible.

**Regional Housing Authority:** Prior to the summer recess AB 1487 was substantially amended to include the structure for the San Francisco Bay Area Regional Housing Finance Act, but substantive provisions were removed. This change was made in order to move the bill forward while negotiations within the region continued. AB 1487 were being finalized during the last weeks of August.

Assemblyman Chiu's staff indicated that the amendments Alameda CTC requested in late July were consistent with the amendments being drafted. These changes include intent language that the bill will address the jobs-housing imbalance, and adding a requirement that ABAG's Executive Board must concur with any changes made by MTC on actions initially adopted by ABAG. According the rules, the last day to amend AB 1487 is September 6<sup>th</sup>; however, that could be pushed back to

September 10<sup>th</sup> at the latest in order to comply with the 72 hour in print rule. Below are the amendments approved at the July Alameda CTC Commission meeting.

Alameda CTC's proposed bill amendments support the MTC/ABAG Support if Amended position that incorporates their Ad Hoc Committee recommendations as shown in Attachment C and the two items listed below:

1. Add language to the findings portion of the bill acknowledging the severe imbalance between jobs and housing and the intent for the funding in the bill to help address this problem.
2. Require that ABAG be the lead agency by adding language to the bill requiring that, where action of both ABAG and MTC is required, the ABAG Executive Board (EB) acts before MTC acts. Should there be any difference in the subsequent action taken by MTC, the ABAG EB would have to approve that change. No second action by the ABAG EB would be required if the position taken by MTC is the same as that taken by ABAG.

**Local Partnership:** SB 277 (Beall) would require 85% of SB 1 Local Partnership Program (LPP) funds to be allocated by formula, and 15% for a small county competitive program. Under current CTC guidelines half the LPP funds are allocated by formula and half are reserved for a competitive program. Current law provides the CTC administrative control over LPP funds.

Given that this measure would limit the CTC's administrative control over the LPP, it is not without controversy. Recently the Carpenters Union has expressed concerns with the bill, and the Department of Finance (DOF) has adopted an oppose position. The DOF analysis states, "This bill circumvents the Commission's guideline development process, a public process through which the Commission solicits stakeholder input on proposed program guidelines and adopts the guidelines that most effectively implement the program." SB 277 is currently on the Assembly Appropriations Suspense File. Amendments are being negotiated and the bill's fate will be known at the August 30<sup>th</sup> Suspense File hearing.

Starting with Cycle 3 of the LPP, SB 277 directs the CTC to adopt guidelines and implement the apportionment formula specified in the bill as follows:

- 15% of LPP funds is set aside in the Small Counties and Uniform Developer Fees Competitive Subaccount. This competitive program is for eligible entities located in a county with a population of less than 750,000, or entities that administer a voter approved uniform developer fee.
- 85% of LPP funds would be allocated to the Local Partnership Formula Subaccount. The funds would be split into a southern and northern California pots. The north-south split would be based on the proportional share of the statewide total of voter approved sales tax, parcel/property tax and toll

revenue. The north-south categories are based on the STIP definition where all counties from Kern and San Louis Obispo Counties south are in the southern group, and all remaining counties are in the northern group.

- The southern allocation formula distributes the funds to eligible entities with 75% of the funds allocated based on its proportional share of the southern population, and 25% distributed based on the entity's proportional share of voter approved transportation sales tax revenue.
- The northern allocation formula distributes the funds to eligible entities through two pots. Of the total amount of revenue in the northern share, eligible entities that administer voter approved bridge tolls and parcel/property taxes shall receive it proportional share of the northern fund. For eligible entities that administer a voter approved sales tax, these entities' proportional share is based on 75% of the entities proportional of the northern population and 25% based on the entity's proportional share of sales tax revenue.

SB 277 defines an "eligible entity" as an entity that administers a local voter approved transportation tax, and the CTC shall apportion the funds to eligible entities. SB 277 also outlines how an entity will receive its formula share by dictating to the CTC that each entity shall submit its list of projects and the CTC shall approve that list, unless a project is found not consistent with the eligibility requirements. This process is similar to how cities and counties get their SB 1 local streets and roads funds.

**Clean Trucks:** The California Air Resources Board started the process of developing regulations to transition medium and heavy-duty trucks to zero emission technologies. However, the scope of this undertaking is broader than anticipated. As expected, the new regulation would place zero emission vehicle production requirements on truck manufacturers, but it would also impose reporting requirements on private and government agencies, including state, local and federal entities. The reporting element seeks to gather information on the size and usage of public and private fleets, and the operating characteristics of the truck facilities. This information would be used to guide CARB on the development of future regulations. These future regulations will likely target the transition of fleets operating in urban areas to zero emission fleets.

Draft language on the reporting requirements was released at a workshop on August 21<sup>st</sup>. CARB is seeking comments on the proposed reporting requirements as well as the manufacturer requirements. The deadline to submit commits is September 21<sup>st</sup>. The formal regulatory process is will commence in October with the release of the staff report and the first hearing before the CARB Board is expected in December. Adoption of the regulation is anticipated to occur in mod-2020. The reporting requirement language can be found at:

[https://ww2.arb.ca.gov/sites/default/files/2019-08/190821draftregle\\_0.pdf](https://ww2.arb.ca.gov/sites/default/files/2019-08/190821draftregle_0.pdf)

**Fiscal Impact:** There is no fiscal impact associated with the requested action.

**Attachments:**

- A. Federal Surface Transportation Bill Summary
- B. Status of Bills with Alameda CTC Positions
- C. MTC/ABAG Amendments on AB1487

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**Simon and Company, Inc.**

Intergovernmental Affairs

Special Report

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### **Special Report: Senate EPW Committee Releases America's Transportation Infrastructure Act of 2019**

July 29, 2019

#### **Senate EPW Committee Releases America's Transportation Infrastructure Act of 2019**

Senate Committee on Environment and Public Works (EPW) Chairman **John Barrasso** and Ranking Member **Tom Carper** introduced the *America's Transportation Infrastructure Act of 2019*.

The law would become effective October 1, 2020, following the expiration of the *Fixing America's Surface Transportation (FAST) Act of 2015*. The five-year bill would authorize \$287 billion for spending from the Highway Trust Fund (HTF) from Fiscal Years (FY) 2021 through 2025, including \$259 billion

for formula programs to be distributed to states. It largely maintains the current formula allocation to states, while it provides some increased flexibility for eligible activities. This benchmark represents a 27 percent increase from funding levels authorized by the *FAST Act*.

Notably, the bill creates several new discretionary grant programs with funding to support: bridge repair and replacement; improved safety outcomes; projects that enhance resiliency; the deployment of alternative fuels infrastructure; congestion mitigation efforts; and pilots to support new and emerging technologies. The reauthorization includes a climate title to help reduce emissions from the transportation sector for the first time. We have included information on those provisions and other legislative highlights below for your review.

### **Safety Outcomes**

The bill creates a new \$6.6 billion discretionary grant program to improve the condition and safety of the nation's bridges by rehabilitating or replacing those that are structurally deficient. States, local, and tribal entities could apply. At least 50 percent of this funding will be reserved for bridge projects with a total project cost of at least \$100 million.

The legislation also provides \$500 million in supplemental formula funding annually to support projects that improve safety outcomes and lower fatalities, which would be part of the existing Highway Safety Improvement Program.

The bill creates a new \$250 million competitive grant program for projects that reduce vehicular collisions with wildlife.

Lastly, the legislation would authorize the Secretary of Transportation to establish a grant program to provide \$5 million annually to local government entities for bollard installation projects. These installation projects are intended to prevent pedestrian injuries and mitigate the risk of acts of terrorism in heavily trafficked pedestrian areas.

### **INFRA Grants & Freight**

This legislation would increase funding for Nationally Significant Freight and Highway Projects, also known as the "INFRA" Discretionary Grant Program, to \$5.5 billion over the five-year authorization. It includes reforms such as transparency requirements for project selection and grant administration. At least 15 percent of those funds would be directed to

small projects. It creates a pilot for projects offering higher levels of nonfederal state and local match.

Additionally, the legislation would increase the maximum number of highway miles that can be designated by a State. The new maximum would increase from 75 to 150 miles for critical urban freight corridors and 150 to 300 miles for critical rural freight corridors. States with lower population-density will have a maximum of 600 miles.

### **STBG & TAP**

The bill maintains the 55 percent share of Surface Transportation Block Grant (STBG) funding for sub-allocation to metropolitan areas. It creates newly eligible activities and projects including the construction of wildlife crossing structures, rural barge landings, dock, and waterfront infrastructure projects, and certain privately or majority-private owned ferry boats and terminals. It also increases the set-aside of Transportation Alternatives Program (TAP). Small communities will benefit from greater access to TAP funding.

### **Alternative Fuel Infrastructure**

The bill establishes a new discretionary grant program that will provide \$1 billion over 5 years to states and localities to deploy alternative fuel infrastructure. Eligible activities would include building hydrogen, natural gas, and electric vehicle fueling infrastructure along designated highway corridors.

It also requires the White House Council on Environmental Quality to lead an interagency working group to develop a strategy to support the transition of federal vehicle fleets to hybrid-electric vehicles, plug-in electric drive vehicles, and alternative-fueled vehicles.

### **Resiliency Projects**

The bill creates a new grant program to enhance resiliency of roads and bridges, providing \$4.9 billion over 5 years. The formula and discretionary (competitive) funding would enhance protection from natural disasters like wildfires, hurricanes, flooding, and mudslides. It will include both formula and discretionary grant funding. Formula funding would be distributed to states based on current formula share. The discretionary portion would provide \$1 billion over five years or \$200 million annually for resiliency projects. These projects may include those designed to improve resilience in coastal states and improve access to emergency evacuation routes.

It will require the Secretary to work with the Chief of the US Forest Service at the US Department of Agriculture to develop an interagency strategy for the maintenance of roads, trails, and bridges in the National Forest System.

It would create a pilot to provide up to \$5 million annually for local governments to develop multimodal disaster preparedness and response plans.

### **Carbon Emissions & Congestion Relief**

The bill provides \$3 billion in new funding for states over five years for projects that reduce highway-related carbon emissions, to be distributed based on current formula shares. An additional \$500 million in supplemental funding will be available over 5 years for lowering per capita emissions.

The legislation creates a five-year \$370 million discretionary grant program to reduce idling and emissions at port facilities.

It provides supplemental formula and competitive grants for States for improvements that will reduce on-road mobile sources of carbon. This bill provides \$600 million and \$100 million of HTF spending annually for formula and competitive grants respectively.

The legislation will provide \$200 million in discretionary grants for units of State and local government to advance innovative, multimodal solutions to reduce congestion in most congested metropolitan areas. The bill authorizes another new \$200 million program to help states reduce traffic congestion, over five years.

It reauthorizes the *Diesel Emissions Reduction Act* (DERA) program and it authorizes the *Utilizing Significant Emissions with Innovative Technologies* (USE IT) Act to support carbon capture, utilization, and sequestration research.

### **TIFIA Credit Assistance**

It updates the *Transportation Infrastructure Finance and Innovation Act of 1998* (TIFIA) to increase utilization and transparency in the vetting process for projects. It also expands eligibility to include airport projects and transit-oriented development (TOD) projects.

### **Project Delivery**

The legislation would codify the Trump Administration's "One Federal Policy," which has been well received. It would establish a two-year goal

for completion of environmental reviews of highway projects. There would be a 90-day timeline for related project authorizations. One environmental document and record of decision would be signed by all participating agencies, and the Department of Transportation would oversee the process through the management of an accountability and tracking system. The Secretary will be required to utilize all available flexibilities available under current law that serve the public interest.

The bill would require the Secretary to develop a template for Federal-State stewardship and oversight agreements developed in accordance with section 106 of title 23, United States Code. The framework would undergo a robust engagement process with public comment opportunity.

It would require the Secretary to issue a 15 day notice prior to issuance of a waiver for the Buy American requirement for Federal-aid projects.

### **Planning and Performance**

The legislation will provide additional consideration for metropolitan transportation planning requirements to enhance coordination between Metropolitan Planning Organizations (MPOs). The bill will encourage MPOs to make use of social media and web-based tools to encourage public participation in the planning process.

The legislation will eliminate the fiscal constraint requirement for Long Range Transportation Plans for any years beyond the 4-year State Transportation Improvement Plan (STIP) timeframe. As you know, Long Range Transportation Plans are required to be fiscally constrained or limited to transportation projects that could be completed with the level of funding that is reasonably expected to be available. This provision eliminates that requirement for the years of the 20-year horizon beyond the first 4 years.

### **Workforce Development**

States would be encouraged to develop a voluntary human capital plan for short- and long-term personnel and workforce needs with updates every 5 years. It would provide greater flexibility to States to address surface transportation workforce development, training, and education needs to address current workforce gaps. It will also change an existing grant program for educational institutions and State DOTs to provide hands-on career opportunities to meet current and future workforce needs.

## **Research and Development**

The bill creates a pilot program to be administered by the Department to provide data on transportation access to destinations including, but not limited to centers of employment, education, training, government, and health care and child care services. It also requires the Department to conduct a study on travel demand data from States and MPOs to compare forecasts with observed travel.

It requires the Secretary to work with the Transportation Research Board (TRB) to recommend roadway infrastructure upgrades and uniform policies necessary to facilitate the safe deployment of autonomous vehicles and automated driving systems. TRB would also oversee the study of safety benefits from vehicle-to-infrastructure connectivity technologies.

It authorizes a \$12.5 million data integration pilot program focused on the integration of real-time information, including weather conditions, roadway conditions, and information from emergency responders.

It authorizes a \$25 million emerging technology research pilot program to conduct research on advanced and additive manufacturing technologies, as well as research into activities to reduce the impact of automated driving systems and advanced driver automation systems technologies on pavement and infrastructure performance, as well as improve transportation infrastructure design.

It increases funding for the Technology and Innovation Deployment Program to support new and innovative construction technologies for smarter, accelerated project delivery.

## **Next Steps**

For more information, please see the Chairman's [press release](#), the [bill text](#), a [section-by-section summary](#), and a [fact sheet](#) on the legislation.

The House Transportation and Infrastructure (T&I) Committee will likely release its draft proposal in response to this development following the August recess. We will continue to monitor next steps in this process.

## Attachment B: Alameda CTC Bill Positions Bill Status

Bills	Subject	Position
<b>Two-Year Bills: Bills that did not pass through first house</b>		
<p><b><a href="#">AB 11</a></b>  <b>(Chiu D)</b>            Community Redevelopment Law of 2019.</p>	<p>Current law dissolved redevelopment agencies as of February 1, 2012, and designates successor agencies to act as successor entities to the dissolved redevelopment agencies. This bill, the Community Redevelopment Law of 2019, would authorize a city or county, or two or more cities acting jointly, to propose the formation of an affordable housing and infrastructure agency by adoption of a resolution of intention that meets specified requirements.</p>	<p>Alameda CTC - Support</p>
<p><b><a href="#">AB 148</a></b>  <b>(Quirk-Silva D)</b>            Regional transportation plans: sustainable communities strategies.</p>	<p>Current law requires certain transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Current law requires the regional transportation plan to include, if the transportation planning agency is also a metropolitan planning organization, a sustainable communities strategy. This bill would require each sustainable communities strategy to identify areas within the region sufficient to house an 8-year projection of the emergency shelter needs for the region, as specified.</p>	<p>Alameda CTC - Support</p>
<p><b><a href="#">AB 659</a></b>  <b>(Mullin D)</b>            Transportation: emerging transportation technologies: California Smart City Challenge Grant Program.</p>	<p>Would establish the California Smart City Challenge Grant Program to enable municipalities to compete for grant funding for emerging transportation technologies to serve their transportation system needs, and would specify certain program goals. The bill would require the commission to form the California Smart City Challenge Workgroup on or before July 1, 2020, to guide the commission on program matters, as specified. The bill would require the commission, in consultation with the workgroup, to develop guidelines on or before March 1, 2021, for the program, which would not be subject to the Administrative Procedure Act, and would authorize the commission to revise them as necessary.</p>	<p>Alameda CTC - Support</p>
<p><b><a href="#">AB 847</a></b>  <b>(Grayson D)</b></p>	<p>Would require the Department of Housing and Community Development, upon appropriation by the</p>	<p>Alameda CTC - Support</p>

<p>Housing: transportation-related impact fees grant program.</p>	<p>Legislature, to establish a competitive grant program to award grants to cities and counties to offset up to 100% of any transportation-related impact fees exacted upon a qualifying housing development project, as defined, by the local jurisdiction. ( Amended: 3/27/2019)</p>	
<p><a href="#"><u>AB 1350</u></a> <b>(Gonzalez D)</b> Youth Transit Pass Pilot Program.</p>	<p>Would create the Youth Transit Pass Pilot Program upon the appropriation of moneys from the Greenhouse Gas Reduction Fund by the Legislature, and would require the Department of Transportation to administer the program. The bill would require the department to award available moneys to eligible participants, as defined, to provide free transit passes to persons under the age of 25 through new or existing transit pass programs, as specified. ( Amended: 3/26/2019)</p>	<p>Alameda CTC - Support</p>
<p><a href="#"><u>AB 1648</u></a> <b>(Levine D)</b> Housing: school employees: affordable rental housing.</p>	<p>Would define affordable rental housing for the purposes of the Teacher Housing Act of 2016 to mean a rental housing development with a majority of its rents restricted to levels that are affordable to persons and families whose income does not exceed 200 percent of area median income, as specified, and located on real property owned by the school district.</p>	<p>Alameda CTC -</p>
<p><a href="#"><u>AB 1717</u></a> <b>(Friedman D)</b> Transit-Oriented Affordable Housing Funding Program Act.</p>	<p>Would establish the Transit-Oriented Affordable Housing Funding Program, to be administered by the California Housing Finance Agency (CalHFA). The bill would authorize the city council of a city, or the board of supervisors of a city and county, to participate in the program by enactment of an ordinance establishing a transit-oriented affordable housing district, as provided.</p>	<p>Alameda CTC - Support</p>
<p><a href="#"><u>SB 50</u></a> <b>(Wiener D)</b> Planning and zoning: housing development: incentives.</p>	<p>Would authorize a development proponent of a neighborhood multifamily project located on an eligible parcel to submit an application for a streamlined, ministerial approval process that is not subject to a conditional use permit. The bill would define a "neighborhood multifamily project" to mean a project to construct a multifamily structure on vacant land, or to convert an existing structure that does not require substantial exterior alteration into a multifamily structure, consisting of up to 4 residential dwelling units and that meets local height, setback, and lot coverage zoning requirements as they existed on July 1, 2019.</p>	<p>Alameda CTC – Watch position, and provided comments on legislative language via a letter</p>

**Bills Continuing through this year's legislative process**

<p><b><u>AB 252</u></b> <b>(Daly D)</b> Department of Transportation: environmental review process: federal program.</p>	<p>Current federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states may assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Current law, until January 1, 2020, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the program. This bill would extend the operation of these provisions indefinitely.</p>	<p>Alameda CTC - Support</p>
<p><b><u>AB 1226</u></b> <b>(Holden D)</b> State highways: property leases: assessment.</p>	<p>Would require the Department of Transportation to assess the feasibility of constructing facilities above highways built below grade in urban areas that would be made available and leased to a city, county, or other political subdivision or another state agency for affordable housing, transitional housing, emergency shelter, feeding program, or wraparound services purposes, or any combination of these purposes, and would require the department, on or before January 1, 2021, to submit that assessment to the Governor and the fiscal and policy committees of the Legislature that oversee transportation programs.</p>	<p>Alameda CTC - Support</p>
<p><b><u>AB 1486</u></b> <b>(Ting D)</b> Surplus land.</p>	<p>Current law prescribes requirements for the disposal of surplus land by a local agency. Current law defines "local agency" for these purposes as every city, county, city and county, and district, including school districts of any kind or class, empowered to acquire and hold real property. This bill would expand the definition of "local agency" to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state.</p>	<p>Alameda CTC - Support</p>
<p><b><u>AB 1487</u></b> <b>(Chiu D)</b> San Francisco Bay area: housing</p>	<p>Current law provides for the establishment of various special districts that may support and finance housing development, including affordable housing special beneficiary districts that are authorized to promote affordable housing development with certain property tax revenues that a city or county would otherwise be</p>	<p>Alameda CTC – Support and seek amendments</p>

development: financing.	entitled to receive. This bill, the San Francisco Bay Area Regional Housing Finance Act, would establish the Housing Alliance for the Bay Area (hereafter the entity) and would state that the entity's purpose is to increase affordable housing in the San Francisco Bay area, as defined, by providing for enhanced funding and technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production.	
<a href="#"><u>ACA 1</u></a> <b>(Aguiar-Curry D)</b> Local government financing: affordable housing and public infrastructure: voter approval.	The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55% of the voters of the city, county, or city and county, as applicable, and the proposition includes specified accountability requirements.	Alameda CTC - Support
<a href="#"><u>SB 5</u></a> <b>(Beall D)</b> Affordable Housing and Community Development Investment Program.	Would establish in state government the Affordable Housing and Community Development Investment Program, which would be administered by the Affordable Housing and Community Development Investment Committee. The bill would authorize a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority, transit village development district, or a combination of those entities, to apply to the Affordable Housing and Community Development Investment Committee to participate in the program and would authorize the committee to approve or deny plans for projects meeting specific criteria.	Alameda CTC - Support if Amended
<a href="#"><u>SB 127</u></a> <b>(Wiener D)</b> Transportation funding: active transportation:	Would establish an Active Transportation Asset Branch within the Transportation Asset Management Office of the department and require the Transportation Asset Management Plan program manager to develop and meaningfully integrate performance measures into the	Alameda CTC - Support and Seek Amendments

complete streets.	asset management plan as specified, and to establish interim goals, objectives, and actions to meet the department's transportation mode shift goals, as specified. The bill would require the California Transportation Commission to give high priority to increasing safety for pedestrians and bicyclists and to the implementation of bicycle and pedestrian facilities.	
<p><b><u>SB 128</u></b> <b>(Beall D)</b> Enhanced infrastructure financing districts: bonds: issuance.</p>	Current law authorizes the legislative body of a city or a county to establish an enhanced infrastructure financing district, with a governing body referred to as a public financing authority, to finance public capital facilities or other specified projects of communitywide significance. Current law requires a public financing authority to adopt an infrastructure financing plan and hold a public hearing on the plan, as specified. Current law authorizes the public financing authority to issue bonds for these purposes upon approval by 55% of the voters voting on a proposal to issue the bonds. Current law requires the proposal submitted to the voters by the public financing authority and the resolution for the issuance of bonds following approval by the voters to include specified information regarding the bond issuance. This bill would instead authorize the public financing authority to issue bonds for these purposes without submitting a proposal to the voters.	Alameda CTC - Support
<p><b><u>SB 137</u></b> <b>(Dodd D)</b> Federal transportation funds: state exchange programs.</p>	Current federal law apportions transportation funds to the states under various programs, including the Surface Transportation Program and the Highway Safety Improvement Program, subject to certain conditions on the use of those funds. Current law establishes the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system, and funds that program from fuel taxes and an annual transportation improvement fee imposed on vehicles. This bill would authorize the Department of Transportation to allow the above-described federal transportation funds that are allocated as local assistance to be exchanged for Road Maintenance and Rehabilitation Program funds appropriated to the department.	Alameda CTC - Support and Seek Amendments

<p><b><u>SB 211</u></b> <b><u>(Beall D)</u></b> State Highways: Leases</p>	<p>Existing law vests the Department of Transportation with full possession and control of the state highway system, including associated property. Existing law authorizes the department to lease on a right of first refusal basis specified airspace under freeways, and real property acquired for highway purposes, that is not excess property, to specified local entities for purposes of emergency shelters or feeding programs, or other specified purposes, for a lease amount of \$1 per month and a payment of an administrative fee not to exceed \$500 per year, as specified. This bill would authorize the department to lease on a right of first refusal basis any airspace under a freeway, or real property acquired for highway purposes for purposes of an emergency shelter or feeding program.</p>	<p>Alameda CTC - Support</p>
<p><b><u>SB 328</u></b> <b><u>(Portantino D)</u></b> Pupil attendance: school start time.</p>	<p>Would require the school day for middle schools and high schools, including those operated as charter schools, to begin no earlier than 8:00 a.m. and 8:30 a.m., respectively, by July 1, 2022, or the date on which a school district's or charter school's respective collective bargaining agreement that is operative on January 1, 2020, expires, whichever is later, except for rural school districts. To the extent the bill imposes new duties on school districts and charter schools, the bill would impose a state-mandated local program.</p>	<p>Alameda CTC - Oppose</p>

**Summary of ABAG Executive Board's Proposed Amendments to AB 1487 (Chiu)**

At the ABAG Executive Board meeting on July 18, the board adopted a "Support if Amended" position on AB 1487 by a vote of 22-3. Their amendments incorporated the Ad Hoc committee's recommendation, with three revisions:

1. Provide a direct allocation to the 3 biggest cities. *(NOTE: ALAMEDA CTC DID NOT INCLUDE THIS ITEM IN ITS BILL RECOMMENDATION; ONLY THE TWO BELOW)*
2. Add language to the findings portion of the bill acknowledging the severe imbalance between jobs and housing and the intent for the funding in the bill to help address this problem.
3. Require that ABAG be the lead agency by adding language to the bill requiring that, where action of both ABAG and MTC is required, the ABAG EB acts before MTC acts. Should there be any difference in the subsequent action taken by MTC, the ABAG EB would have to approve that change. No second action by the ABAG EB would be required if the position taken by MTC is the same as that taken by ABAG.

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# Metropolitan Transportation Commission

July 24, 2019

Agenda Item 8c

## AB 1487 (Chiu): Bay Area Regional Housing Funding

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**Subject:** AB 1487 (Chiu): Bay Area Regional Housing Funding

**Background:** At the July 12, 2019 joint ABAG Legislation Committee and MTC Legislation Committee meeting, staff reported on the status of AB 1487 (Chiu).

The Chair of the Legislation Committee directed the Executive Director to forward this item to the Commission with the direction for staff to include a support if amended position on this bill.

Specifically, the amendments need to be consistent with the positions as outlined in the summary sheet dated July 12, 2019 and Attachment A describing the recommendations of the ABAG-MTC AB 1487 Ad Hoc Committee to the joint ABAG Legislation Committee and MTC Legislation Committee (see attachments).

Also included is the bill as currently held, and to be amended, in the Senate Appropriations Committee, as well as an email Committee Member Pat Eklund, Councilmember, City of Novato, distributed at the joint committee meeting.

**Issues:** For consideration by the Commission.

**Recommendation:** The Commission is requested to support if amended AB 1487 (Chiu).

**Attachments:**

- A. Summary Sheet, Joint MTC Legislation Committee and ABAG Legislation Committee, July 12, 2019 (and attachments)
- B. Bill Text
- C. Eklund Email

**Reviewed:**



Therese W. McMillan

**Metropolitan Transportation Commission and Association of Bay Area Governments  
Joint MTC Legislation Committee and ABAG Legislation Committee**

July 12, 2019

Agenda Item 5a

**AB 1487 (Chiu): Bay Area Regional Housing Funding**

**Subject:** This bill would authorize a regional housing funding measure for affordable housing production, preservation, and protection of tenants from displacement to be placed on the ballot in the Bay Area with funds administered by MTC and ABAG.

**Background:** Unlike transportation, which has long had access to substantial regional funding through bridge tolls and federal and state funds distributed at the regional level, affordable housing is reliant upon private, local, state and federal funding, including state and federal tax breaks. Given the Bay Area faces an estimated \$2.5 billion annual affordable housing funding shortfall, a new flexible fund source to help close the funding gap for housing projects especially in those jurisdictions that have less resources available at the local level would benefit the entire Bay Area.

**Discussion:** As originally proposed, AB 1487 (Chiu) would have established the Housing Alliance for the Bay Area (HABA) to oversee new funding for affordable housing in the nine-county region.

In May, ABAG and MTC took a “seek amendment” position on AB 1487 as follows:

<b>Issue</b>	<b>Concern Addressed</b>	<b>Notes</b>
<b>Revenue</b> - Exclude sales tax from revenue options	✓	Author has agreed and will be reflected in amendments
<b>Start-up Funding</b> - Ensure no new responsibilities are assigned to MTC or ABAG without a guaranteed source of ongoing funding and bill includes a provision allowing for dissolution of HABA if not enough revenue is generated to be meaningful	✓	In addition, the FY 2019-20 Budget will provide at least \$25 million to ABAG for flexible housing planning work  Proposed amendments will give ABAG and MTC authority to determine whether to place on ballot and set tax rates, thereby determining what level of revenue is ‘meaningful’
<b>Split Board</b> - Ensure the bill doesn’t require MTC staff report to a newly structured board	✓	Author has agreed not to form HABA and instead to split up duties between MTC and ABAG
<b>Revenue Distribution</b> - Develop a distribution formula that distributes <i>more than 25</i> percent of any employer-based revenue to a regional pool	✓	Author has agreed to bill language which provide that “at least 50 percent” of head tax shall be distributed to counties, with up to 50 percent for regional pool

### Ad Hoc Committee Discussions

Another component of the MTC and ABAG boards' actions on AB 1487 called for the formation of a joint ad hoc committee to work with the author on governance and other issues. The membership on the Ad Hoc Committee on AB 1487 (appointed by the MTC Chair and ABAG President) include for MTC: Vice Chair Alfredo Pedroza, Jim Spering, Amy Worth, Libby Schaaf and Damon Connolly; and for ABAG: President David Rabbit, Vice President Jesse Arreguin, Cindy Chavez, Julie Pierce and Warren Slocum.

The committee met three times, including with Assemblymember Chiu on a number of important matters related to governance of this process within the constraints of our existing regional governmental structures, primarily that no new board would be created. Discussions also addressed revenue distribution frameworks. A summary is included as Attachment A.

Amendments to AB 1487 released on July 5<sup>th</sup> are largely consistent with the discussion of the ad hoc committee though not entirely complete, as a number of items need to be included in a later draft of the bill. Staff was still combing through the most recent draft bill language at the time this memo was finalized, but is aware of further changes needed for the timely use of fund provisions, at a minimum.

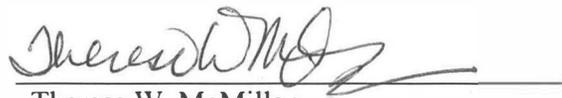
The July Joint MTC and ABAG Legislation Committee meeting will be an opportunity to continue the discussion and to consider forwarding AB 1487 to the Commission and the ABAG Executive Committee for their deliberation.

AB 1487 is up against a final hearing deadline for 2019 as the session is set for summer break on July 12<sup>th</sup>. As of this writing it remains uncertain if the bill will be scheduled for a hearing in the Senate Governance & Finance Committee on July 10<sup>th</sup>, or if it will receive a waiver to allow it to be heard in August.

**Recommendation:** Information Item

**Bill Positions:** See attached

**Attachments:** **Attachment A:** ABAG-MTC AB 1487 Ad Hoc Committee Recommendations  
**Attachment B:** Bill Positions

  
Therese W. McMillan

**ABAG-MTC AB 1487 Ad Hoc Committee Recommendations**

**June 28, 2019**

**Governance**

Rather than establishing a new regional entity with a new board, AB 1487 should be amended to rely upon the existing governance structures, strengths and areas of expertise of MTC and ABAG, as outlined in the table below.

A shared arrangement for our two agencies has precedent in state law (Government Code 65080 (b)(2)(C)) which assigned different roles to each agency relative to the development of the sustainable communities strategy (Plan Bay Area). Likewise, MTC agreed to give ABAG a formal role in the selection process for the new MTC Executive Director (who currently serves as the ABAG Executive Director).

**Summary of Proposed Decision-Making Responsibilities in AB 1487**

	<b>ABAG Executive Board</b>	<b>MTC</b>
Developing ballot expenditure plan (including setting tax rates and revenue sources, setting minimum shares for 3Ps, criteria, potentially minimum shares at county level)	√	√
Project selection/ programming of funds for specific purposes	√	√
Commercial Linkage Fee Study & Expenditure Plan	√	√
Placement of measure on ballot		√
Financial administration (including collecting revenue, authorizing payments and issuing bonds)		√

**Option to Adjust in Future**

We recommend the bill add a provision requiring MTC and the ABAG Executive Board to revisit the division of roles five years after the bill takes effect. To the extent it can work from a legal standpoint, the bill would ideally grant the agencies the authority to take formal action to modify the roles to one another if agreed to by both bodies. The bill should also provide a statement of legislative intent to transfer this responsibility to a successor agency to MTC and ABAG if one is established in future legislation.

## Expenditures & Revenue

We spent a lot of time on how the funds are distributed in terms of usage and in terms of county versus region. Below is our proposal:

### 1. Splitting up the 3Ps:

The regionwide and county **required** minimums (“at least” floors) for the different components of the 3Ps should be the same, as follows:

	Regionwide Minimum	County Minimum
Production	50%	50%
Preservation	15%	15%
Protection	5%	5%
Incentive Funds for local governments	5%	NA

- There should be no caps on the 3P shares.
- Retain flexibility in bill now to modify the regionwide 3P shares (subject to board action and 30 day notice), but require a 55% vote requirement of both bodies to make changes.

### 2. Region vs. County Split of Funds

The bill should specify that the head tax should be distributed with at least 50% of the funds remaining in the county of origin based on revenue, leaving up to 50 percent available to be spent regionwide, while the other taxes in the bill should be distributed so that at least 75% of revenue goes to the county of origin based on revenue, leaving up to 25% for a regional fund.

The bill should allow the ABAG Executive Board and MTC to revisit this periodically and modify it but subject to a very high bar.

### 3. Distribution of local funds to and within a county

We agreed that the county share funds should go to the county – to be administered at the county level, leaving details about how the funds are distributed up to each county in coordination with their cities (subject to the minimum shares and potential details added in the ballot measure language) with one exception – big cities.

For the first five years, the four biggest cities in the region should get a direct allocation of their county’s share based on their share of the county’s RHNA. This can be extended at the option of the ABAG EB and MTC. Counties may want to also use RHNA in some manner for distributing within their county, but the bill should not mandate a formula distribution for smaller cities as this could result in funds not being put to use as efficiently as on a first-come, first-served basis for qualifying projects within each county.

#### **4. Timely Use of Fund Provisions**

We agreed that the bill shouldn't mandate a specific deadline by which counties have to commit or expend their share of the funds. However, to encourage that funds are put to use as swiftly as possible, the bill should include annual reporting requirements about use of the funds by counties and the regional agencies. The bill should also provide for evaluation of each county's use of funds and delivery of projects at least once every five years, and permit the ABAG EB and MTC with the authority to jointly assess and establish deadlines applicable to the county funds, considering, among other factors, best practices deployed over that period by the counties and cities.

We suggested that timely use of fund requirements could be applied to specific projects, but we have not discussed the exact number of years or the appropriate benchmarks. Funds for projects that miss a timely use of funding deadline should return to the original fund (county or regional) from where they originated.

#### **5. Commercial Linkage Fee**

We would like the bill to broaden where the fee revenue can be spent (not just in the local jurisdiction where it was imposed), consistent with whatever the legal nexus study determines. Also, we support the offset provision in bill now, which reduces the rate of the regional linkage fee in any jurisdiction that already has a local commercial linkage fee.

#### **6. Revenue Sources**

As adopted by the MTC and the ABAG Executive Board's position on AB 1487, we would like the sales tax removed as one of the funding options in the bill. We understand removing the sales tax from AB 1487 does not mean that the sales tax is off the table as a funding option that might be considered in a broader Bay Area transportation and housing "mega measure" that would require separate legislative authorization and may be pursued legislatively and on the ballot in 2020 or beyond.

#### **Other**

##### **1. Land Acquisition & Assembly**

We recommend removing this aspect of the bill since neither MTC nor ABAG have experience or skill set in this regard. The regional funds can instead help support local agencies which do have such expertise in this work.

**AB 1487 (Chiu) Bill Positions**

**SUPPORT**

- PICO California
- Silicon Valley Community Foundation
- Non-Profit Housing Association of Northern California
- Bay Area Council
- Burbank Housing Development Corporation
- Greenbelt Alliance
- TMG Partners
- Community Housing Development Corporation
- SPUR
- Habitat for Humanity East Bay/Silicon Valley
- Silicon Valley at Home
- California Community Builders
- Hamilton Families
- California YIMBY
- TechEquity Collaborative
- Chan Zuckerberg Initiative
- Enterprise Community Partners, Inc.
- Urban Displacement Project, UC-Berkeley
- Ensuring Opportunity Campaign to End Poverty in Contra Costa County
- Bay Area Housing Advocacy Coalition

Source: Senate Housing Committee, 6/13/2019 - **SENATE Housing (Based on text dated 5/16/2019)**

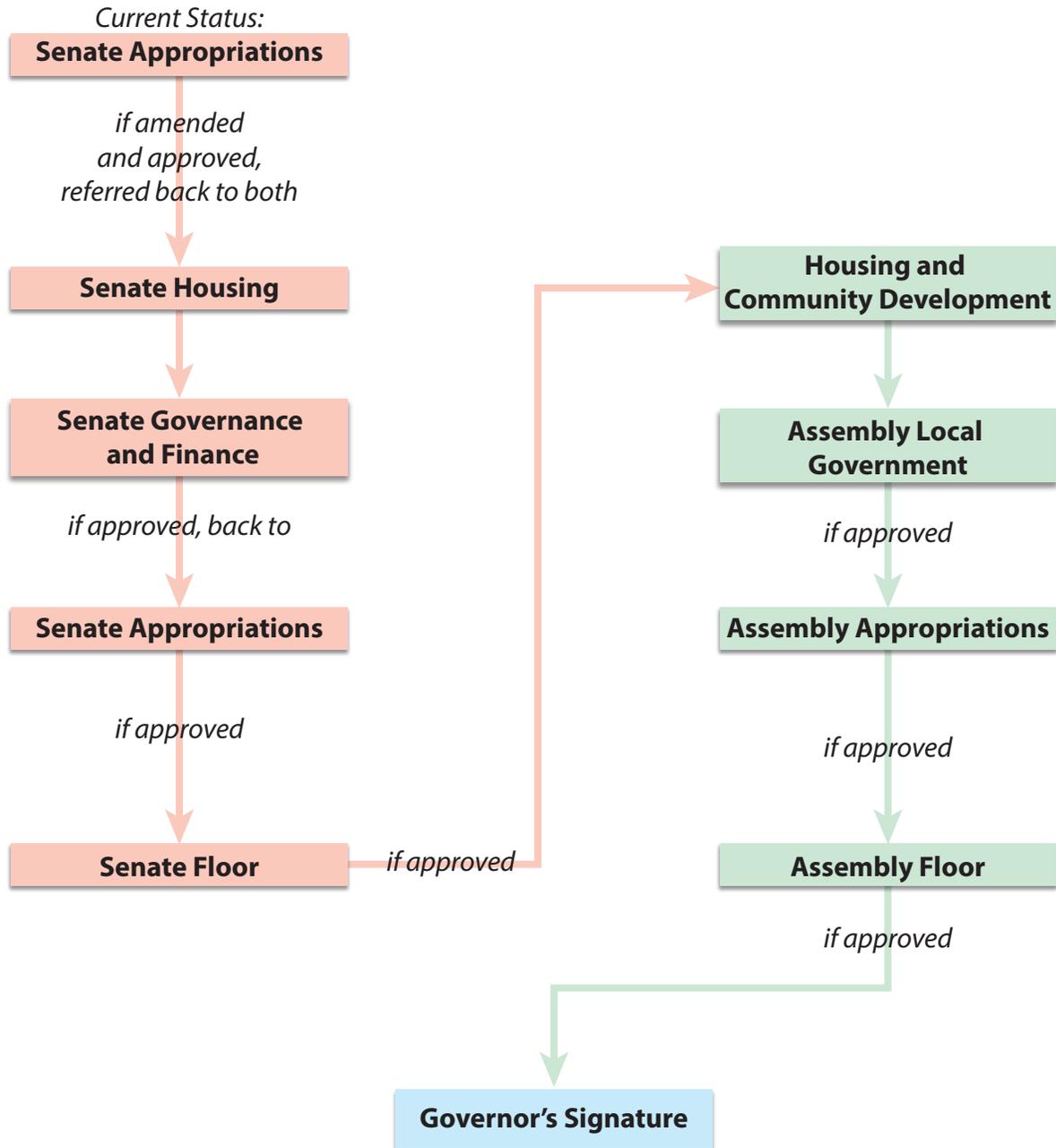
**OPPOSE**

- California Taxpayers Association
- Howard Jarvis Taxpayers Association
- Coalition for San Francisco Neighborhoods
- Alameda County Transportation Commission

# AB 1487 (Chiu)

## CA SENATE

## CA ASSEMBLY





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**AB-1487 San Francisco Bay area: housing development: financing.** (2019-2020)

<b>Text</b>	Votes	History	Bill Analysis	Today's Law As Amended ⓘ	Compare Versions	Status	Comments To Author
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Date Published: 07/11/2019 09:00 PM

- AMENDED IN SENATE JULY 11, 2019
- AMENDED IN SENATE JULY 03, 2019
- AMENDED IN ASSEMBLY MAY 16, 2019
- AMENDED IN ASSEMBLY APRIL 29, 2019
- AMENDED IN ASSEMBLY APRIL 04, 2019
- AMENDED IN ASSEMBLY MARCH 26, 2019

CALIFORNIA LEGISLATURE— 2019-2020 REGULAR SESSION

**ASSEMBLY BILL**

**NO. 1487**

**Introduced by Assembly Member Chiu**  
**(Coauthors: Assembly Members Mullin and Wicks)**  
**(Coauthor: Senator Wiener)**

**February 22, 2019**

An act to add Title 6.8 (commencing with Section 64500) to the Government Code, relating to housing.

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1487, as amended, Chiu. San Francisco Bay area: housing development: financing.

Existing law provides for the establishment of various special districts that may support and finance housing development, including affordable housing special beneficiary districts that are authorized to promote affordable housing development with certain property tax revenues that a city or county would otherwise be entitled to receive.

This bill, the San Francisco Bay Area Regional Housing Finance Act, would establish the Bay Area Housing

Finance Authority (hereafter the authority) and would state that the authority's purpose is to raise, administer, and allocate funding for affordable housing in the San Francisco Bay area, as defined, and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production. The bill would provide that the governing board of the Metropolitan Transportation Commission serve as the governing board of the authority. ~~The bill would authorize the authority to exercise various specified powers, including the power to raise revenue and allocate funds throughout the San Francisco Bay area, subject to applicable voter approval requirements and other specified procedures, as provided. The bill would also require the board to provide for annual audits of the authority and financial reports, as provided. The bill would include findings that the changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities within the San Francisco Bay area, including charter cities.~~

~~The bill would authorize the authority to, among other things, raise and allocate new revenue, incur and issue indebtedness, and allocate funds to the various cities, counties, and other public agencies and affordable housing projects within its jurisdiction to finance affordable housing development projects, subject to specified procedures, preserve and enhance existing affordable housing, and fund tenant protection programs, as specified, in accordance with applicable constitutional requirements. In this regard, the bill would authorize the entity to impose various special taxes, including a parcel tax, and certain business taxes, within its jurisdiction and to issue bonds, subject to specified procedures. The bill would also authorize the executive board of the Association of Bay Area Governments to impose a commercial linkage fee, as defined, and require a city or county in the San Francisco Bay area that has jurisdiction over the approval of a commercial development project, as defined, to collect that fee as a condition of that approval and remit the amount of fee to the authority, as provided. The bill would require the authority to ratify the commercial linkage fee adopted by the executive board of the Association of Bay Area Governments. The bill would require that revenue generated by the authority pursuant to these provisions be used for specified housing purposes and require the authority to distribute those funds as provided.~~

This bill would make legislative findings and declarations as to the necessity of a special statute for the San Francisco Bay area.

By adding to the duties of local officials with respect to (1) providing staff for the authority and (2) elections procedures for revenue measures on behalf of the authority, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Title 6.8 (commencing with Section 64500) is added to the Government Code, to read:

### **TITLE 6.8. San Francisco Bay Area Regional Housing Finance**

#### **PART 1. Formation of the Bay Area Housing Finance Authority and General Powers**

##### **CHAPTER 1. General Provisions**

**64500.** This title shall be known, and may be cited, as the San Francisco Bay Area Regional Housing Finance Act.

**64501.** The Legislature finds and declares the following:

(a) The San Francisco Bay area is facing the most significant housing crisis in the region's history, as countless residents are contemplating moving, spend hours driving every day, are one paycheck away from an eviction, or experience homelessness.

(b) The San Francisco Bay area faces this crisis because, as a region, it has failed to produce enough housing at all income levels, preserve affordable housing, protect existing residents from displacement, and address the housing issue regionally.

(c) The housing crisis in the San Francisco Bay area is regional in nature and too great to be addressed individually by the region's 101 cities and 9 counties.

(d) However, the current process is anything but regional; instead each city and county is each responsible for their own decisions around housing.

(e) The San Francisco Bay area faces an annual funding shortfall of two billion five hundred million dollars (\$2,500,000,000) in its efforts to address the affordable housing crisis.

(f) Regional funding is necessary to help address the housing crisis in the San Francisco Bay area by delivering resources and technical assistance at a regional scale, including:

(1) Providing critically needed funding to affordable housing projects across the San Francisco Bay area.

(2) Providing staff support to local jurisdictions that require capacity or technical assistance to expedite the preservation and production of housing.

(3) Funding tenant services, such as emergency rental assistance and access to counsel, thereby relieving local jurisdictions of this cost and responsibility.

(4) Monitoring and reporting on progress at a regional scale.

**64502.** For purposes of this title:

(a) "Authority" means the Bay Area Housing Finance Authority established pursuant to Section 64510.

(b) "Board" means the governing board of the Bay Area Housing Finance Authority.

(c) "Executive board" means the executive board of the Association of Bay Area Governments.

(d) "San Francisco Bay area" means the entire area within the territorial boundaries of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County of San Francisco.

~~(e) "Lower income households" has the same meaning as that term is defined in Section 50079.5 of the Health and Safety Code.~~

~~(f) "Low or moderate income households" has the same meaning as "persons and families of low or moderate income," as defined in Section 50093 of the Health and Safety Code.~~

**64503.** The Legislature finds and declares that providing a regional financing mechanism for affordable housing development and preservation in the San Francisco Bay area, as described in this section and Section 64501, is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this title applies to all cities within the San Francisco Bay area, including charter cities.

## **CHAPTER 2. The Bay Area Housing Finance Authority and Governing Board**

**64510.** (a) (1) The Bay Area Housing Finance Authority is hereby established with jurisdiction extending throughout the San Francisco Bay area.

(2) The authority is a public instrumentality and shall be governed by the same board that governs the Metropolitan Transportation Commission. The authority shall be a separate legal entity from the Metropolitan Transportation Commission.

(b) The formation and jurisdictional boundaries of the authority are not subject to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5).

(c) The authority's purpose is to raise, administer, and allocate funding and provide technical assistance at a regional level for tenant protection, affordable housing preservation, and new affordable housing production.

(d) The authority shall be staffed by the existing staff of the Metropolitan Transportation Commission or any successor agency, with the understanding that additional staff with expertise in affordable housing finance will be needed to administer the funding authorized in this chapter.

(e) It is the intent of the Legislature that the powers granted to the authority and the executive board under this title shall be transferred to a future regional agency if an agency is established to replace the Metropolitan Transportation Commission and the Association of Bay Area Governments and integrate regional transportation and housing funding and policy decisions within the San Francisco Bay area under one governing board, subsequent to a robust public engagement process at the regional level.

**64511.** (a) (1) The executive board shall review and approve projects authorized by this chapter prior to review, approval, and allocation by the authority.

(2) The executive board shall form an advisory committee comprised of nine representatives with knowledge and experience in the areas of affordable housing finance and development, tenant protection, and housing preservation to assist in the development of funding guidelines and the overall implementation of the program.

(b) The board shall select from its members a chair, who shall preside over meetings of the board, and a vice chair from its members, who shall preside in the absence of the chair.

(c) (1) A member of the board appointed pursuant to this section may receive a per diem for each board meeting that the member attends. The board shall set the amount of that per diem for a member's attendance, but that amount shall not exceed one hundred dollars (\$100) per meeting. A member shall not receive a payment for more than two meetings in a calendar month.

(2) A member may waive a payment of per diem authorized by this subdivision.

(d) (1) Members of the board are subject to Article 2.4 (commencing with Section 53234) of Chapter 2 of Part 1 of Division 2 of Title 5.

(2) The authority shall be subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5), the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and the Political Reform Act of 1974 (Title 9 (commencing with Section 81000)).

~~(e)(1) Five years after the voters approve an initial ballot measure pursuant to Section 64521, the authority and the executive board shall review the implementation of the measure. The review shall include the following:~~

~~(A) An analysis of the expenditures to date.~~

~~(B) The number of affordable housing units produced and preserved at different household income levels.~~

~~(C) The tenant protection services provided, and the roles of the executive board and the authority.~~

~~(2) The executive board and the authority may, upon mutual concurrence, as a part of the review described in this subdivision elect to transfer or delegate a responsibility authorized in this title to the executive board or the authority, as applicable, except for the provisions of Chapter 3.~~

**64512.** A member of the board shall exercise independent judgment on behalf of the interests of the residents, the property owners, and the public as a whole in furthering the intent and purposes of this title.

**64513.** (a) The time and place of the first meeting of the board shall be at a time and place within the San Francisco Bay area fixed by the chair of the board.

(b) After the first meeting described in subdivision (a), the board shall hold meetings at times and places determined by the board.

**64514.** (a) The board may make and enforce rules and regulations necessary for governing the authority, the preservation of order, and the transaction of business.

(b) In exercising the powers and duties conferred on the authority by this title, the board may act by resolution.

### ~~3. Powers of the Bay Area Housing Finance Authority~~

~~64520. In implementing this title, the authority may do all of the following:~~

~~(a) Subject to the approval of the executive board, place a measure on the ballot to raise revenue and allocate funds throughout the San Francisco Bay area, as provided in Part 2 (commencing with Section 64600):~~

~~(b) Apply for and receive grants from federal and state agencies:~~

~~(c) Solicit and accept gifts, fees, grants, and allocations from public and private entities:~~

~~(d) Deposit or invest moneys of the authority in banks or financial institutions in the state, as provided in Chapter 4 (commencing with Section 53600) of Part 1 of Division 2 of Title 5:~~

~~(e) Sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction:~~

~~(f) Engage counsel and other professional services:~~

~~(g) Enter into and perform all necessary contracts:~~

~~(h) Enter into joint powers agreements pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1):~~

~~(i) Hire staff, define their qualifications and duties, and provide a schedule of compensation for the performance of their duties:~~

~~(j) Use staff provided by the Metropolitan Transportation Commission:~~

~~(k) Collect data on housing production and monitor progress on meeting regional and state housing goals:~~

~~(l) Provide support and technical assistance to local governments in relation to producing and preserving affordable housing:~~

~~(m) Provide public information about the authority's housing programs and policies:~~

~~(n) Any other express or implied power necessary to carry out the intent and purposes of this title:~~

~~64521. (a) Subject to the approval of the executive board before voter approval, if the authority proposes a measure pursuant to Part 2 (commencing with Section 64600) that will generate revenues and that requires voter approval pursuant to the California Constitution, the board of supervisors of the county or counties in which the authority has determined to place the measure on the ballot shall call a special election on the measure. The special election shall be consolidated with the next regularly scheduled statewide election and the measure shall be submitted to the voters in the appropriate counties, consistent with the requirements of Articles XIII A, XIII C, and XIII, or Article XVI of the California Constitution, as applicable:~~

~~(b) (1) For the purpose of placement of a measure on the ballot, the authority is a district, as defined in Section 317 of the Elections Code. Except as otherwise provided in this section, a measure proposed by the authority that requires voter approval shall be submitted to the voters of the counties, as determined by the authority, in accordance with the provisions of the Elections Code applicable to districts, including the provisions of Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code.~~

~~(2) Because the authority has no revenues as of the effective date of this section, the appropriations limit for the authority shall be originally established based on receipts from the initial measure that would generate revenues for the authority pursuant to subdivision (a), and that establishment of an appropriations limit shall not be deemed a change in an appropriations limit for purposes of Section 4 of Article XIII B of the California~~

~~Constitution:~~

~~(c)The authority shall file with the board of supervisors of each county in which the measure shall appear on the ballot a resolution of the board requesting consolidation, and setting forth the exact form of the ballot question, in accordance with Section 10403 of the Elections Code.~~

~~(d)The legal counsel for the authority shall prepare an impartial analysis of the measure. The impartial analysis prepared by the legal counsel for the authority shall be subject to review and revision by the county counsel of the county that contains the largest population, as determined by the most recent federal decennial census, among those counties in which the measure will be submitted to the voters.~~

~~(e)Each county included in the measure shall use the exact ballot question, impartial analysis, and ballot language provided by the authority. If two or more counties included in the measure are required to prepare a translation of ballot materials into the same language other than English, the county that contains the largest population, as determined by the most recent federal decennial census, among those counties that are required to prepare a translation of ballot materials into the same language other than English shall prepare the translation, or authorize the authority to prepare the translation, and that translation shall be used by the other county or counties, as applicable.~~

~~(f)Notwithstanding Section 13116 of the Elections Code, the elections officials of the counties where the measure proposed by the authority is placed on the ballot shall mutually agree to use the same letter designation for the measure.~~

~~(g)The county clerk of each county shall report the results of the special election to the authority. If two-thirds of all voters voting on the question at the special election vote affirmatively, or a different approval threshold required by the California Constitution at the time the election is held, the measure shall take effect in the counties in which the measure appeared on the ballot within the timeframe specified in the measure.~~

~~(h)(1)Notwithstanding Section 10520 of the Elections Code, for any election at which the authority proposes a measure pursuant to subdivision (a) of Section 64520 that would generate revenues, the authority shall reimburse each county in which that measure appears on the ballot only for the incremental costs incurred by the county elections official related to submitting the measure to the voters with proceeds from the measure, or if the measure fails, with any eligible funds transferred to the authority from the Association of Bay Area Governments or the Metropolitan Transportation Commission or other public or private entity.~~

~~(2)For purposes of this subdivision, "incremental costs" include all of the following:~~

~~(A)The cost to prepare, review, and revise the impartial analysis of the measure that is required by subdivision (d):~~

~~(B)The cost to prepare a translation of ballot materials into a language other than English by any county, as described in subdivision (e):~~

~~(C)The additional costs that exceed the costs incurred for other election races or ballot measures, if any, appearing on the same ballot in each county in which the measure appears on the ballot, including both of the following:~~

~~(i)The printing and mailing of ballot materials:~~

~~(ii)The canvass of the vote regarding the measure pursuant to Division 15 (commencing with Section 15000) of the Elections Code:~~

~~64522.The authority shall not do either of the following:~~

~~(a)Regulate or enforce local land use decisions:~~

~~(b)Acquire property by eminent domain:~~

~~4.Financial Provisions~~

~~64530.The board shall provide for regular audits of the authority's accounts and records and shall maintain accounting records and shall report accounting transactions in accordance with generally accepted accounting~~

~~principles adopted by the Governmental Accounting Standards Board of the Financial Accounting Foundation for both public reporting purposes and for reporting of activities to the Controller.~~

~~64531. The board shall provide for annual financial reports. The board shall make copies of the annual financial reports available to the public.~~

## ~~2. Financing Activities of the Bay Area Housing Finance Authority~~

### ~~1. General Provisions~~

~~64600. The authority may do all of the following:~~

~~(a)(1) Raise and allocate new revenue through the following funding mechanisms:~~

~~(A) Special taxes, subject to voter approval, as provided in Article 1 (commencing with Section 64610) of Chapter 2, as follows:~~

~~(i) A parcel tax, as provided in Section 64610.~~

~~(ii) A gross receipts business license tax, as provided in Section 64611.~~

~~(iii) A special business tax, as provided in Section 64612.~~

~~(B) A commercial linkage fee, as provided in Article 2 (commencing with Section 64620) of Chapter 2.~~

~~(C) Bonds, as provided in Article 3 (commencing with Section 64630) of Chapter 2.~~

~~(2) Any funding mechanism or combination of funding mechanisms authorized pursuant to paragraph (1) that requires voter approval pursuant to the California Constitution or this part may be placed on the ballot in all or a subset of the nine counties in the San Francisco Bay area, but in no case shall it be placed on the ballot in fewer than four counties. A measure placed on the ballot in a subset of those nine counties shall apply only in those counties in which the measure was submitted to the voters.~~

~~(3) It is the intent of the Legislature that the funding measures authorized by this subdivision distribute the responsibility of addressing the affordable housing needs of the region across commercial developers, businesses above a certain size, taxpayers, and property owners within the region.~~

~~(b) Incur and issue indebtedness and assess fees on any debt issuance and loan products for reinvestment of fees and loan repayments in affordable housing production and preservation.~~

~~(c) Allocate funds to the various cities, counties, and other public agencies and affordable housing developers for housing projects approved by the executive board within its jurisdiction, as provided in Chapter 3 (commencing with Section 64650), to finance affordable housing development, preserve and enhance existing affordable housing, and fund tenant protection programs, pursuant to this title, in accordance with applicable constitutional requirements.~~

## ~~2. Revenue~~

### ~~1. Special Taxes~~

~~64610. (a) Subject to Section 4 of Article XIII A of the California Constitution, and approval by the executive board before the measure is placed on the ballot, the authority may impose, by resolution, a parcel tax within the San Francisco Bay area pursuant to the procedures established in Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5, Section 64521, and any other applicable procedures provided by law.~~

~~(b) "Parcel tax" means a special tax imposed upon a parcel of real property at a rate that is determined without regard to that property's value and that applies uniformly to all taxpayers or all real property within the jurisdiction of the local government. "Parcel tax" does not include a tax imposed on a particular class of property or taxpayers.~~

~~(c) The authority shall provide notice of any parcel tax imposed pursuant to this section in the manner specified in Section 54930.~~

~~64611.(a)(1)The authority may impose, subject to approval by the executive board before placement on the ballot, by resolution, a special tax, measured by gross receipts, for the privilege of engaging in any kind of lawful business transacted in the San Francisco Bay area pursuant to the procedures established in Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5, Section 64521, and any other applicable procedures provided by law.~~

~~(2)The resolution imposing a special tax pursuant to this subdivision may provide for the following:~~

~~(A)Variable rates based on the business sector of each person subject to the tax.~~

~~(B)Exemptions for small businesses.~~

~~(C)Collection of the tax by suit or otherwise.~~

~~(b)If the authority levies a special tax pursuant to subdivision (a) upon a business operating both within and outside the authority's taxing jurisdiction, the authority shall levy the tax so that the measure of tax fairly reflects that proportion of the taxed activity actually carried on within the taxing jurisdiction.~~

~~(c)A special tax levied pursuant to subdivision (a) shall not apply to any nonprofit organization that is exempted from taxes by Chapter 4 (commencing with Section 23701) of Part 11 of Division 2 of the Revenue and Taxation Code or Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, or the successor of either, or to any minister, clergyman, Christian Science practitioner, rabbi, or leader of any religious organization that has been granted an exemption from federal income tax by the United States Commissioner of Internal Revenue as an organization described in Section 501(c)(3) of the Internal Revenue Code or a successor to that section.~~

~~64612.(a)(1)Subject to concurrence of the executive board before the measure is placed on the ballot, the authority may impose, by resolution, a special tax measured by the number of employees employed by the taxpayer for the privilege of engaging in any kind of lawful business activity transacted in the San Francisco Bay area pursuant to the procedures established in Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5, Section 64521, and any other applicable procedures provided by law.~~

~~(2)The resolution imposing a special tax pursuant to this subdivision may provide for collection of the tax by suit or otherwise.~~

~~(b)If the authority levies a special tax pursuant to subdivision (a) upon a business operating both within and outside the authority's taxing jurisdiction, the authority shall levy the tax so that the measure of tax fairly reflects that proportion of the taxed activity actually carried on within the taxing jurisdiction.~~

~~(c)A special tax levied pursuant to subdivision (a) shall not apply to any nonprofit organization that is exempted from taxes by Chapter 4 (commencing with Section 23701) of Part 11 of Division 2 of the Revenue and Taxation Code or Subchapter F (commencing with Section 501) of Chapter 1 of Subtitle A of the Internal Revenue Code of 1986, or the successor of either, or to any minister, clergyman, Christian Science practitioner, rabbi, or leader of any religious organization that has been granted an exemption from federal income tax by the United States Commissioner of Internal Revenue as an organization described in Section 501(c)(3) of the Internal Revenue Code or a successor to that section.~~

~~64613.An action to determine the validity of any special taxes levied pursuant to this article may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.~~

## ~~2.Commercial Linkage Fee~~

~~64620.As used in this article:~~

~~(a)"Commercial development project" means any project involving the issuance of a permit by an underlying land use jurisdiction for construction or reconstruction that is undertaken within the San Francisco Bay area for the development of land for commercial use, but does not include any project involving solely a permit to operate.~~

~~(b)"Commercial linkage fee" means a monetary exaction, other than a tax or special assessment, established for a broad class of projects by legislation of general applicability that is charged to an applicant in connection~~

~~with the approval of a commercial development project by an underlying land use jurisdiction for the purpose of addressing the need for additional housing development necessitated by that commercial development project, as determined pursuant to the nexus study undertaken pursuant to subdivision (b) of Section 64621.~~

~~(c) "Underlying land use jurisdiction" means any of the following entities, as applicable, that has jurisdiction over the approval of a commercial development project:~~

~~(1) The following counties:~~

~~(A) The County of Alameda;~~

~~(B) The County of Contra Costa;~~

~~(C) The County of Marin;~~

~~(D) The County of Napa;~~

~~(E) The County of San Mateo;~~

~~(F) The County of Santa Clara;~~

~~(G) The County of Solano;~~

~~(H) The County of Sonoma;~~

~~(2) A city that is located within the territorial boundaries of any of the counties specified in paragraph (1);~~

~~(3) The City and County of San Francisco.~~

~~64621.(a)(1) The executive board may establish, increase, or impose a commercial linkage fee within the San Francisco Bay area by enactment of a resolution, in accordance with the requirements of this article, that is in addition to any fee, as defined in Section 66000, that is levied by an underlying land use jurisdiction. The board shall ratify, by resolution, any commercial linkage fee or modification to a commercial linkage fee adopted by the executive board.~~

~~(2)(A) A commercial linkage fee may be established, increased, or imposed pursuant to this article by resolution of the executive board that provides for either of the following:~~

~~(i) A variable rate fee assessed on a commercial development project within the San Francisco Bay area that establishes a higher fee in jurisdictions with a greater imbalance between job creation and new housing development and a lower fee or no fee in jurisdictions with lesser imbalance between job creation and new housing development.~~

~~(ii) A flat fee assessed on all commercial development projects within the San Francisco Bay area.~~

~~(B) A resolution establishing or revising the fee shall provide that the amount of the fee required to be paid shall be reduced by the amount that the applicant is required to pay, if any, for a commercial linkage fee imposed by the relevant underlying land use jurisdiction.~~

~~(b) Before establishing, increasing, or imposing a commercial linkage fee, the executive board shall prepare a regional jobs and housing nexus study in order to support the necessity and amount of the fee.~~

~~(c) In any action to establish, increase, or impose a commercial linkage fee, the executive board shall do all of the following:~~

~~(1) Identify the purpose of the commercial linkage fee.~~

~~(2) Determine how there is a reasonable relationship between the fee's use and the type of commercial development project on which the fee is imposed, based on the regional nexus study prepared pursuant to subdivision (b).~~

~~(3) Determine how there is a reasonable relationship between the need for housing and the type of commercial development project on which the fee is imposed, based on the regional nexus study prepared pursuant to~~

~~subdivision (b):~~

~~(4) Determine how there is a reasonable relationship between the amount of the fee and the cost of the housing necessitated by the commercial development project that is attributable to the development on which the fee is imposed, based on the regional nexus study prepared pursuant to subdivision (b):~~

~~64622.(a) A commercial linkage fee established, increased, or imposed pursuant to this article shall not exceed the reasonable cost of providing the housing necessitated by the commercial development project for which the commercial linkage fee is imposed, as determined in the regional nexus study pursuant to subdivision (b) of Section 64621:~~

~~(b) It is the intent of the Legislature in adding this section to codify existing constitutional and decisional law with respect to the imposition of development fees and monetary exactions on developments by local agencies. This section is declaratory of existing law and shall not be construed or interpreted as creating new law or as modifying or changing existing law:~~

~~64623.(a) Before adopting a resolution establishing or imposing a new commercial linkage fee or approving an increase in an existing commercial linkage fee pursuant to this article, the executive board shall hold a public hearing, at which oral or written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published in accordance with Section 6062a:~~

~~(b) Any costs incurred by the executive board in conducting the hearing required pursuant to subdivision (a) may be recovered as part of the commercial linkage fee that is the subject of the hearing:~~

~~64624.(a) Except as otherwise provided in subdivision (c), if the executive board adopts a resolution or other legislative enactment establishing or imposing a new commercial linkage fee or approving an increase in an existing commercial linkage fee, the board shall adopt a resolution concurring with the establishment, imposition, or increase of the fee and each underlying land use jurisdiction shall, as a condition of approving a commercial development project for which it receives an application for a conditional use permit or other discretionary or ministerial approval, require an applicant to pay the amount of commercial linkage fee established, imposed, or increased by the executive board and the authority pursuant to this article. The underlying land use jurisdiction shall provide notice to the applicant that does all of the following:~~

~~(1) Notifies the applicant that the executive board and the authority have established, increased, or imposed a commercial linkage fee pursuant to this article:~~

~~(2) States the amount of commercial linkage fee established, increased, or imposed by the executive board and the authority:~~

~~(3) States that the applicant may protest the commercial linkage fee, as provided in Section 64625, and notifies the applicant that the 90-day period for that protest and the 180-day period for filing an action specified in subdivision (c) of Section 64625 has begun:~~

~~(b) Each underlying land use jurisdiction shall collect and, after deduction of any actual and necessary administrative costs incurred by the underlying land use jurisdiction, remit the amount of commercial linkage fee established, increased, or imposed pursuant to this article to the authority. An underlying land use jurisdiction shall remit the amounts required by this subdivision on or before the last day of the month next succeeding each calendar quarterly period:~~

~~(c) If any amount of commercial linkage fee established, increased, or imposed pursuant to this article is found to be invalid pursuant to Section 64625, each underlying land use jurisdiction shall immediately cease collection of the commercial linkage fee:~~

~~64625.(a) Any party may protest the imposition of a commercial linkage fee imposed on a commercial development project by the executive board and the authority pursuant to this article as follows:~~

~~(1) The party shall pay the total amount of commercial linkage fee required by the resolution enacted pursuant to Section 64621, or providing satisfactory evidence of arrangements to pay the commercial linkage fee when due, in accordance with Section 64624:~~

~~(2)Serving a written notice on the board and the legislative body of the relevant underlying land use jurisdiction that contains all of the following information:~~

~~(A)A statement that the required payment is tendered or will be tendered when due under protest.~~

~~(B)A statement informing the board and legislative body of the underlying land use jurisdiction of the factual elements of the dispute and the legal theory forming the basis for the protest.~~

~~(b)Compliance by any party with subdivision (a) shall not be the basis for an underlying land use jurisdiction to withhold approval of any map, plan, permit, zone change, license, or other form of permission, or concurrence, whether discretionary, ministerial, or otherwise, incident to, or necessary for, the commercial development project. This section does not limit the ability of an underlying land use jurisdiction to ensure compliance with all applicable provisions of law in determining whether or not to approve or disapprove a commercial development project.~~

~~(c)(1)A protest filed pursuant to subdivision (a) shall be filed at the time of approval or conditional approval of the commercial development project or within 90 days after the date of the imposition of the commercial linkage fee to be imposed on a commercial development project.~~

~~(2)Any party who files a protest pursuant to subdivision (a) may file an action to attack, review, set aside, void, or annul the imposition of the commercial linkage fee imposed on a commercial development project within 60 days after the delivery of the notice required by subdivision (a) of Section 64624. Thereafter, notwithstanding any other law, all persons shall be barred from any action or proceeding or any defense of invalidity or unreasonableness of the imposition. Any proceeding brought pursuant to this subdivision shall take precedence over all matters of the calendar of the court except criminal, probate, eminent domain, forcible entry, and unlawful detainer proceedings.~~

~~(d)(1)If the court grants a judgment to a plaintiff invalidating, as enacted, all or a portion a resolution establishing, increasing, or imposing a commercial linkage fee, the court shall direct the authority to refund the unlawful portion of the payment, plus interest at an annual rate equal to the average rate accrued by the Pooled Money Investment Account during the time elapsed since the payment occurred, or to return the unlawful portion of the exaction imposed.~~

~~(2)If an action is filed within 120 days of the date at which a resolution to establish or modify a commercial linkage fee to be imposed on a commercial development project takes effect, the portion of the payment or exaction invalidated shall also be returned to any other person who, under protest pursuant to this section and under that invalid portion of that same resolution as enacted, tendered the payment or provided for or satisfied the exaction during the period from 90 days prior to the date of the filing of the action which invalidates the payment or exaction to the date of the entry of the judgment referenced in paragraph (1).~~

~~(e)The imposition of a commercial linkage fee occurs, for the purposes of this section, when it is imposed or levied on a specific commercial development project.~~

~~64626.(a)In any judicial action or proceeding to validate, attack, review, set aside, void, or annul any resolution providing for the establishment, increase, or imposition of a commercial linkage fee pursuant to this article in which there is an issue whether the fee is a special tax within the meaning of Section 50076, the executive board and the authority shall have the burden of producing evidence to establish that the commercial linkage fee does not exceed the reasonable cost of providing the housing necessitated by the commercial development project for which the commercial linkage fee is imposed, as determined in the regional nexus study pursuant to subdivision (b) of Section 64621.~~

~~(b)A party may only initiate any action or proceeding pursuant to subdivision (a) if both of the following requirements are met:~~

~~(1)The commercial linkage fee was directly imposed on the party as a condition of project approval, as provided in Section 64624.~~

~~(2)At least 30 days before initiating the action or proceeding, the party requests that the executive board provide a copy of the documents, including, but not limited to, the regional nexus study prepared pursuant to~~

~~subdivision (b) of Section 64621, that establish that the commercial linkage fee does not exceed the reasonable cost of providing the housing necessitated by the commercial development project for which the commercial linkage fee is imposed. In accordance with subdivision (b) of Section 6253, the executive board may charge a fee for copying the documents requested pursuant to this paragraph.~~

~~(c)For purposes of this section, costs shall be determined in accordance with fundamental fairness and consistency of method as to the allocation of costs, expenses, revenues, and other items included in the calculation:~~

~~64627.(a)Any person may request an audit in order to determine whether any fee or charge levied by the executive board and the authority exceeds the amount necessary to cover the reasonable cost of providing the housing necessitated by the commercial development project for which the commercial linkage fee is imposed, as determined in the regional nexus study pursuant to subdivision (b) of Section 64621. If a person makes that request, the executive board and the authority may retain an independent auditor to conduct an audit to determine whether the commercial linkage fee is reasonable, but is not required to conduct the audit if an audit has been performed for the same fee within the previous 12 months:~~

~~(b)If an audit pursuant to this section determines that the amount of any commercial linkage fee or charge does not meet the requirements of this article, the executive board and the authority shall adjust the fee accordingly:~~

~~(c)The authority shall retain an independent auditor to conduct an audit only if the person who requests the audit deposits with the authority the amount of the executive board's and the authority's reasonable estimate of the cost of the independent audit. At the conclusion of the audit, the authority shall reimburse unused sums, if any, or the requesting person shall pay the authority the excess of the actual cost of the audit over the sum which was deposited:~~

~~(d)Any audit conducted by an independent auditor pursuant to this section shall conform to generally accepted auditing standards:~~

~~(e)This section shall not be construed as granting any additional authority to any local agency to levy any fee or charge which is not otherwise authorized by another provision of law, nor shall its provisions be construed as granting authority to any local agency to levy a new fee or charge when other provisions of law specifically prohibit the levy of a fee or charge:~~

~~64628.Any action by the executive board and the authority or interested person under this article shall be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure:~~

### ~~3.Bonds~~

~~64630.The board may, by majority vote, initiate proceedings to issue bonds pursuant to this chapter by adopting a resolution stating its intent to issue the bonds:~~

~~64631.The resolution adopted pursuant to Section 64630 shall contain all of the following information:~~

~~(a)A description of the facilities or developments to be financed with the proceeds of the proposed bond issue:~~

~~(b)The estimated cost of the facilities or developments, the estimated cost of preparing and issuing the bonds, and the principal amount of the proposed bond issuance:~~

~~(c)The maximum interest rate and discount on the proposed bond issuance:~~

~~(d)The date of the election on the proposed bond issuance and the manner of holding the election:~~

~~(e)A determination of the amount of tax revenue available or estimated to be available, for the payment of the principal of, and interest on, the bonds:~~

~~(f)A finding that the amount necessary to pay the principal of, and interest on, the proposed bond issuance will be less than, or equal to, the amount determined pursuant to subdivision (e):~~

~~64632.(a)Except as otherwise provided in subdivision (b), the clerk of the board shall publish the resolution~~

~~adopted pursuant to Section 64630 once a day for at least seven successive days in a newspaper published in each county in the San Francisco Bay area at least six days a week, or at least once a week for two successive weeks in a newspaper published in a county less than six days a week:~~

~~(b)If there are no newspapers meeting the criteria specified in subdivision (a), the resolution shall be posted in three public places within each county in the San Francisco Bay area for two succeeding weeks.~~

~~64633.(a)The authority shall submit the proposal to issue bonds to the voters who reside within the San Francisco Bay area in accordance with Section 64521 and this section.~~

~~(b)Ballots for the special election authorized by subdivision (a) may be distributed to qualified electors by mail with return postage prepaid or by personal service by the election official. The official conducting the election may certify the proper mailing of ballots by an affidavit, which shall be exclusive proof of mailing in the absence of fraud. The voted ballots shall be returned to the election officer conducting the election not later than the hour specified in the resolution calling the election. However, if all the qualified voters have voted, the election shall be closed.~~

~~64634.(a)Bonds may be issued if two-thirds of the voters voting on the proposition vote in favor of issuing the bonds:~~

~~(b)If the voters approve the issuance of the bonds as provided by subdivision (a), the board shall proceed with the issuance of the bonds by adopting a resolution that shall provide for all of the following:~~

~~(1)The issuance of the bonds in one or more series:~~

~~(2)The principal amount of the bonds that shall be consistent with the amount specified in subdivision (b) of Section 64631:~~

~~(3)The date the bonds will bear:~~

~~(4)The date of maturity of the bonds:~~

~~(5)The denomination of the bonds:~~

~~(6)The form of the bonds:~~

~~(7)The manner of execution of the bonds:~~

~~(8)The medium of payment in which the bonds are payable:~~

~~(9)The place or manner of payment and any requirements for registration of the bonds:~~

~~(10)The terms of call or redemption, with or without premium:~~

~~(c)If any proposition submitted to the voters pursuant to this part is defeated by the voters, the authority shall not submit, or cause to be submitted, a similar proposition to the voters for at least one year after the first election.~~

~~(d)Every two years after the issuance of bonds pursuant to this section, the authority shall contract for an independent financial and performance audit. The audit shall be conducted according to guidelines established by the Controller. A copy of the completed audit shall be provided to the Controller, the Director of Finance, and to the Joint Legislative Budget Committee:~~

~~64635.The board may, by majority vote, provide for refunding of bonds issued pursuant to Section 64634. However, refunding bonds shall not be issued if the total net interest cost to maturity on the refunding bonds plus the principal amount of the refunding bonds exceeds the total net interest cost to maturity on the bonds to be refunded:~~

~~64636.(a)The authority or any person executing the bonds issued pursuant to Section 64634 shall not be personally liable on the bonds by reason of their issuance. The bonds and other obligations of the authority issued pursuant to Section 64634 are not a debt of any city or county, the Association of Bay Area Governments, the Metropolitan Transportation Commission or any of its affiliated entities, or of the state or of~~

~~any of its political subdivisions, other than the authority, and neither a city or county nor the state or any of its political subdivisions, other than the authority, shall be liable on the bonds, and the bonds or obligations shall be payable exclusively from funds or properties of the authority. Bonds issued pursuant to Section 64634 shall contain a statement to this effect on their face:~~

~~(b)If any member of the boards whose signature appears on bonds issued pursuant to Section 64634 ceases to be a member of the board before delivery of the bonds, that member's signature shall be as effective as if the member had remained in office:~~

~~64637.(a)The bonds issued pursuant to Section 64634 may be sold at discount not to exceed 5 percent of par at public sale. At least five days before the sale, notice shall be published, pursuant to Section 6061, in a newspaper of general circulation and in a financial newspaper published in the City and County of San Francisco and in the City of Los Angeles. The bonds may be sold at not less than par to the federal government at private sale without any public advertisement.~~

~~(b)Bonds issued pursuant to Section 64634 are fully negotiable:~~

~~64638.An action to determine the validity of bonds issued pursuant to Section 64634 may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure:~~

### ~~3.Expenditures~~

~~64650.(a)Revenue generated pursuant to this part shall be used for the construction of new affordable housing, affordable housing preservation, tenant protection programs, and general funds made available to local jurisdictions as an incentive to achieve or reward for achieving affordable housing benchmarks to be established by the authority and executive board as follows:~~

~~(1)Subject to funding eligibility and adjustment pursuant to paragraph (2), the authority shall distribute the revenues derived from any special tax imposed pursuant to Article 1 (commencing with Section 64610) of Chapter 2 and the proceeds of bonds issued pursuant to Article 2 (commencing with Section 64620) of Chapter 2 for the region in a manner that achieves the following minimum shares over a five-year period commencing after revenue is approved by voters as follows:~~

~~(A)A minimum of 50 percent for production of housing units affordable to lower income households. Funding for production programs may be used for either of the following:~~

~~(i)To finance the development and construction of affordable housing for at least 55 years.~~

~~(ii)To acquire land for the purpose of building affordable housing.~~

~~(B)A minimum of 5 percent for tenant protection programs. The authority, with concurrence of the executive board, shall prioritize nonbond proceeds revenue sources for tenant protection programs to meet the minimum requirement of this subparagraph. Funding for tenant protection programs may be used for any of the following:~~

~~(i)Legal aid, including representation in eviction proceedings, preeviction legal services, and legal education and awareness for communities.~~

~~(ii)Providing emergency rental assistance for lower income households. Rental assistance provided pursuant to this clause shall not exceed 48 months for each assisted household, and rent payments shall not exceed two times the current fair market rent for the local area, as determined by the United States Department of Housing and Urban Development pursuant to Part 888 of Title 24 of the Code of Federal Regulations.~~

~~(iii)Providing relocation assistance for lower income households.~~

~~(iv)Collection and tracking of information related to displacement risk and evictions in the region.~~

~~(C)A minimum of 15 percent for preservation of housing affordable to low or moderate income households. Funding for preservation programs may be used to acquire, rehabilitate, and preserve existing affordable housing units, in order to prevent the loss of affordable housing.~~

~~(D)A minimum of 5 percent and a maximum of 10 percent for general funds awarded to a local government~~

~~that achieves affordable housing benchmarks established by the authority and executive board. Subject to any limitations on the funding source, including limitations on the use of bond proceeds, eligible expenditures pursuant to this subparagraph include, but are not limited to the following:~~

~~(i) Staffing costs to help accelerate the production of housing in a jurisdiction.~~

~~(ii) Infrastructure needs associated with increased housing production, including, but not limited to, transportation, schools, and parks.~~

~~(iii) Homeless shelters, infrastructure to support those shelters, and supportive services and related programs that serve the homeless.~~

~~(2) Subject to consultation with the advisory committee and a 55 percent approval of the executive board, the authority may, by a 55 percent vote, change the distribution requirements in subparagraph (A), (B), (C), or (D) of paragraph (1) if the executive board and the authority adopt a finding pursuant to this paragraph that the region's needs differ from those requirements. The finding shall be placed on a meeting agenda of the executive board and the authority for discussion at least 30 days before either the executive board or the authority adopt the finding.~~

~~(3) The authority shall distribute the revenues derived from a commercial linkage fee established, increased, or imposed pursuant to Article 2 (commencing with Section 64620) of Chapter 2 to each city or county in a manner that is consistent with the nexus fee adopted by the executive board. A city or county that receives revenues pursuant to this paragraph shall use that revenue solely for the production of housing units necessitated by a commercial development project on which the fee was imposed, as determined by the executive board pursuant to Section 64621.~~

~~(b) Except as otherwise provided in paragraph (3) of subdivision (a), the authority may allocate funds directly to a city, a county, a public entity, or a private project sponsor.~~

~~(c)(1) Subject to paragraph (3) of subdivision (a), the authority shall distribute funds received through the funding measures authorized in Sections 64610 and 64611 as follows:~~

~~(A) At least 75 percent of the revenue received shall be allocated to the county of origin for expenditure in that county. Each county board of supervisors shall determine the appropriate entity within their county to administer the funds. Counties may use up to 3 percent of these funds for administrative purposes to assist with the delivery of the expenditure plan in their county.~~

~~(B) Up to 25 percent of the revenue received shall be collected by the authority for expenditures consistent with the purposes set forth in subdivision (a) and shall be eligible to be spent in any county in which the measure is in effect. These funds can also be leveraged and grown for reinvestment in affordable housing.~~

~~(2) Subject to paragraph (3) of subdivision (a), the authority shall distribute funds received through the funding measure authorized in Section 64512 as follows:~~

~~(A) At least 50 percent of the revenue received shall be allocated to the county of origin. Each county board of supervisors shall determine the appropriate entity within their county to administer the funds allocated to their county. Counties may use up to 3 percent of these funds for administrative purposes to assist with the delivery of the expenditure plan in their county.~~

~~(B) Up to 50 percent of the revenue received shall be collected by the authority for expenditures consistent with the purposes set forth in subdivision (a) and shall be eligible to be spent in any county in which the measure is in effect.~~

~~(3) For funds distributed pursuant to subparagraph (A) of paragraph (1) and subparagraph (A) of paragraph (2), counties shall provide a direct allocation to a city in their county if it is one of the three largest cities in the nine-county region, as determined on the basis of the most recent population estimate by the Department of Finance. The allocation shall be based on the city's share of the county's regional housing need allocation for very low, low, and moderate income households.~~

~~(4) The executive board and the authority shall, in consultation with the advisory committee, adopt a regional~~

~~expenditure plan for the use of any available funds pursuant to subparagraph (B) of paragraph (1) and subparagraph (B) of paragraph (2) by July 1 of each year. The expenditure plan shall set forth the share and estimated funding amount to be spent on each of the categories as established in subdivision (a), indicate the household income levels to be served within each category of expenditures, and estimate the number of affordable housing units to be built or preserved.~~

~~(5)Each county shall submit an expenditure plan to the authority as follows:~~

~~(A)The expenditure plan shall be submitted by July 1 of each year.~~

~~(B)To be deemed complete, the expenditure plan shall specify the proposed allocation of funds for the next 12 months, as follows:~~

~~(i)The proposed share of revenues to be allocated to the construction of new affordable housing, affordable housing preservation, and tenant protection programs. The plan shall include a minimum allocation of 50 percent towards construction of new affordable housing, 15 percent towards affordable housing preservation, and 5 percent towards tenant protection programs, unless the county adopts a finding and the executive board and the authority concur that those minimum targets are inconsistent with subdivision (a) or are otherwise not feasible or are otherwise not the best use of funds to achieve the county's regional housing need allocation.~~

~~(ii)The plan shall include a description of any specific project or program proposed to receive funding, including the location, amount of funding, and anticipated outcomes.~~

~~(iii)Commencing with the second year, each county shall include in its expenditure plan a report on its allocations and expenditures to date of projects funded and the extent to which the minimum targets in subdivision (a) were achieved.~~

~~(6)If the authority determines, by a vote of its board, that a county has not submitted a complete expenditure plan pursuant to the requirements of subparagraph (B) of paragraph (2), the authority may, by a vote of its board, withhold allocation of revenues to a county until the county submits a complete expenditure plan.~~

~~(7)The authority shall post each completed expenditure plan on its internet website.~~

~~(8)A county may request the authority to administer its share of the funds pursuant to paragraphs (1) and (2). If the authority agrees to administer the funds, it shall develop and adopt an annual expenditure plan that shall be jointly approved by the authority and the executive board, and projects allocated according to that plan shall be subject to the same timelines described in paragraph (9).~~

~~(9)After funds administered by a county pursuant to subparagraph (A) of paragraph (1) and subparagraph (A) of paragraph (2) are committed to a specific project, they shall remain available for expenditure for three years. However, the authority may authorize expenditure beyond three years pursuant to guidelines that shall be reviewed and adopted by the executive board and the authority. The authority and the executive board may adopt further guidelines designed to expedite the use of these funds.~~

~~(10)Funds allocated to a city pursuant to paragraph (3) shall be committed to a specific project within five years of receipt. Once committed to a specific project, funds shall be remain available for expenditure for an additional three years. However, the authority may authorize expenditure beyond those additional three years. The authority may require that any funds allocated to a city pursuant to paragraph (3) that are not committed to a specific project within three years shall be transferred to the authority for use in any county in which the measure appeared on the ballot.~~

~~(d)The authority shall be entitled to up to 3 percent of funds for program administration.~~

~~64651.The authority shall monitor expenditures in coordination with local jurisdictions:~~

~~64652.To ensure oversight and accountability, the authority shall provide an annual report on allocations and expenditures under its control, which shall include a tracking of projects funded and the extent to which the minimum targets in subdivision (a) of Section 64650 were achieved.~~

**SEC. 2.** The Legislature finds and declares that a special statute is necessary and that a general statute

cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the uniquely severe shortage of available funding and resources for the development and preservation of affordable housing and the particularly acute nature of the housing crisis within the nine counties of the San Francisco Bay area region.

**SEC. 3.** If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

## AGENDA ITEM 8c - Attachment C

**Pat Eklund**

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**From:** Pat Eklund <peklund@novato.org>  
**Sent:** Monday, July 8, 2019 6:10 PM  
**To:** assemblymember.chiu@assembly.ca.gov; David.Chiu@asm.ca.gov  
**Cc:** Erin.Baum@asm.ca.gov; senator.moorlach@senate.ca.gov; senator.Beall@senate.ca.gov; Senator.Hertzberg@senate.ca.gov; External\_eklund; Senator Mike McGuire; Scott.weiner@senate.ca.gov; Jim.Nielsen@senate.ca.gov; Melissa.Hurtado@senate.ca.gov; assemblymember.levine@assembly.ca.gov  
**Subject:** Questions on AB 1487

Assembly member Chiu. After reviewing the latest changes to AB 1487, there are a few questions and clarifications needed prior to the hearing scheduled for Wednesday, July 10, 2019.

- 1) What are the powers of the Authority, as defined, and what are the powers of the Executive Board? What happens when there is a disagreement? How are those differences reconciled?
- 2) Why does this bill empower the Metropolitan Transportation Commission to 'serve as the governing board of the authority'? Shouldn't the Executive Board who currently has the legal authority for housing, be the entity to serve as the governing board of the authority?
- 3) Section 64511(a)(1) states: "The executive board shall review and approve projects authorized by this chapter prior to review, approval, and allocation by the authority." Why doesn't the Executive Board make the decisions since they are the Council of Governments with legal authority over housing issues?
- 4) Does this bill empower the new authority to legally buy and sell property including land. If so, which sections provide that authority?
- 5) If local governments are collecting a commercial linkage fee that is imposed by the Executive Board and/or the authority, where is the provision for local governments to be reimbursed for the costs associated with collecting and dispersing the commercial linkage fee to the authority?
- 6) This bill empowers the authority to place a revenue measure on the ballot to institute a parcel tax. Please clarify whether this parcel tax would be on commercial and/or residential properties?

thanks for providing additional clarification on these issues.

Pat Eklund, Council Member  
City of Novato  
415-883-9116