C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside

BOARD MEETING NOTICE

Meeting No. 182

DATE:	Thursday, August 10, 2006
TIME:	7:00 P.M. Board Meeting
PLACE:	San Mateo County Transit District Office 1250 San Carlos Avenue, Second Floor Auditorium San Carlos, CA
PARKING:	Available adjacent to and behind building. Please note the underground parking garage is no longer open.
PUBLIC TRANSIT:	SamTrans Bus: Lines 261, 295, 297, 390, 391, 397, PX, KX. CalTrain: San Carlos Station

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1.0 CALL TO ORDER/ ROLL CALL

2.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Note: Public comment is limited to two minutes per speaker.

3.0 ANNOUNCEMENTS/ PRESENTATIONS

4.0 CONSENT AGENDA

Consent Agenda items are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items to be removed for separate action.

4.1 Review and approval of the Minutes of Regular Business Meeting No. 181 dated June 8, 2006. ACTION p. 1

4.2 Review and approval of potential candidate projects for the Corridor Mobility Improvement Account (CMIA) component of the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (subject to approval by the voters in November 2006). ACTION p. 9

4.3 Review and approval of Resolution 06-20 authorizing the execution of an agreement with the Peninsula Traffic Congestion Relief Alliance for the support of an employer-based shuttle program in the City of South San Francisco for a maximum amount of $110,000. ACTION p. 15

4.4 Review and approval of Resolution 06-21 authorizing the C/CAG Chair to execute an amendment to the agreement with Hexagon Transportation Consultants increasing the maximum amount by $162,451 to perform travel forecasting services for the Transportation Authority, that will be cost reimbursed, for the following projects: ACTION p. 25

- Willow-U.S. 101 Interchange Project
- Transportation Authority Strategic Plan Update

4.5 Review and approval of Resolution 06-22 authorizing the C/CAG Chair to execute an agreement with the County of San Mateo for construction contract administration to install ramp metering equipment at the US 101/Willow Road Separation and to reimburse the County of San Mateo the local share of project cost not to exceed $82,000. ACTION p. 41

4.6 Review and approval of an amendment to the C/CAG Bylaws changing the name of the Congestion Management & Air Quality Committee (CMAQ) to the Congestion Management & Environmental Quality (CMEQ) Committee. ACTION p. 49

4.7 Review and approval of the Quarterly Investment Report and the authorization of staff to open an investment account with the San Mateo County Investment Pool. ACTION p. 53

4.8 Review and approval of the Abandoned Vehicle Abatement (AVA) Program Reports for the Second Quarter FY 05-06 ending December 31, 2005 and the Third Quarter FY 05-06 ending March 31, 2006. ACTION p. 57

4.9 Review/ Approval of (1) Resolution 06-23, to accept a grant offer of $300,000 and related assurances and conditions from the Federal Aviation Administration (FAA) for the purpose of preparing a land use compatibility study for the Environs of San Francisco International Airport, per the relevant provisions of Section 160 of *Vision 100 - Century of Aviation Reauthorization Act* and (2) Resolution 06-24 to authorize C/CAG staff to initiate an RFQ/RFP process to select a qualified consultant(s) to assist C/CAG staff in the preparation of the above-referenced land use study. ACTION p. 73

4.10 Acceptance of the Amicus Brief for the NPDES Stormwater Pollution Prevention Program (STOPPP) transmitted in accordance with the C/CAG Board approved Legislative Delegation process. ACTION p. 109

4.11 Review and approval of Resolution 06-25 authorizing the C/CAG Executive Director to submit a proposal to the Bay Area Air Quality Management District for $46,200 to pay the incremental cost of two compressed natural gas (CNG) shuttle buses that can subsequently be converted to operate on a CNG and Hydrogen blended fuel. ACTION p. 125

4.12 Review and approval of Samceda workshop contract for two workshops at $7,500 per meeting for a total of $15,000. ACTION p. 129

NOTE: All items on the Consent Agenda are approved/accepted by a majority vote. A request must be made at the beginning of the meeting to move any item from the Consent Agenda to the Regular Agenda.

5.0 REGULAR AGENDA

5.1 Review and approval of C/CAG Legislative update and potential positions on various Propositions. (A position may be taken on any legislation, including legislation not previously identified.) ACTION p. 137

5.2 Review and approval of Resolution 06-28 to adopt the Policy on Traffic Impact Analysis (TIA) to determine traffic impacts on the Congestion Management Program (CMP) roadway network resulting from roadway changes, general plan updates, and land use development projects. ACTION p. 175

5.3 Review and approval of C/CAG role in facilitating and supporting a Sub-regional Housing Needs Allocation Process (RHNA) within San Mateo County. ACTION p. 203

5.4 Review and approval of Resolution 06-26 authorizing the programming of $1,544,000 in Federal STP/CMAQ funds as follows: $1,500,000 for the Highway 92 and Main Street project cost increase in the City of Half Moon Bay; $44,000 for an appropriate project as determined by the C/CAG Executive Director ACTION p. 207

5.5 Review and approval of Resolution 06-27 authorizing the C/CAG Executive Director to negotiate an agreement with Parking Company of America (PCA) to implement a demonstration shuttle service for the Coastside for an amount not to exceed $153,956.38 through December 31, 2006, and authorize the C/CAG Chair to execute said agreement subject to approval as to form by C/CAG Legal Counsel. ACTION p. 223

5.6 Review and Approval of policy for the performance evaluation and compensation of the Executive Director. ACTION p. 227

6.0 COMMITTEE REPORTS

6.1 Committee Reports (oral reports).

6.2 Chairperson's Report.

7.0 EXECUTIVE DIRECTOR'S REPORT

8.0 COMMUNICATIONS - Information Only

8.1 Letter from Tom Madalena, C/CAG Staff, to Deanna Chow, Sr. Planner, City of Menlo Park, dated 6/31/06. Re: 321 Middlefield Road Project. p. 229

8.2 Letter from David Carbone, C/CAG ALUC Staff, to Tom Passanisi, Principal Planner, City of Redwood City, dated 6/01/06. Re: C/CAG Airport Land Use Committee (ALUC) Comments on a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Redwood City Downtown Precise Plan. p. 231

8.3 Letter from Richard Napier, Executive Director - C/CAG, to Judy Williams, Executive Administrator, Sustainable San Mateo County, dated 6/05/06. Re: Sustainable San Mateo County 2006 Report Card. p. 233

8.4 Letter from Honorable James M. Vreeland Jr., C/CAG Chair, to Honorable Wesley Chesbro, California State Senate, dated 6/08/06. Re: SB 1225 - Support. p. 235

8.5 Letter from Honorable James M. Vreeland Jr., C/CAG Chair, to Honorable Christine Kehoe, California State Senate, dated 6/08/06. Re: Opposition for SB 1627. p. 237

8.6 Letter from Honorable James M. Vreeland Jr., C/CAG Chair, to US Senator Dianne Feinstein, US Senator Barbara Boxer, US Congresswoman Anna Eshoo, US Congressman Tom Lantos, and US Congressman James Sensenbrenner, dated 6/08/06. Re: Support for HR 5417 - Telecommunications Reform. p. 239

8.7 Letter from Honorable James M. Vreeland Jr., C/CAG Chair, to Honorable Jackie Speier, California State Senate, dated 6/08/06. Re: AB 2987 - Oppose. Letter also sent to Honorable Joseph Simitian. p. 245

8.8 Letter from Honorable James M. Vreeland Jr., C/CAG Chair, to Honorable Martha Escutia, Chair, Senate Energy, Utilities & Communications Committee, dated 6/08/06. Re: AB 2987 (Núñez/Levine), as amended 5/31/06: Cable and Video Service - Notice of Opposition. p. 249

8.9 Letter from Honorable Phillip E. Mathewson, Mayor, City of Belmont, to Honorable Martha Escutia, Chair, Senate Energy, Utilities &Communications Committee, dated 6/08/06. Re: AB 2987 (Núñez/Levine), as amended 5/31/06: Cable and Video Service - Notice of Opposition. p. 251

8.10 Letter from Honorable James M. Vreeland Jr., C/CAG Chair, to Honorable Dianne Feinstein, United States Senate, dated 6/08/06. Re: Opposition for S 2686 - Telecommunications Reform. Letter also sent to Honorable Barbara Boxer and Honorable Ted Stevens. p. 253

8.11 Letter from Honorable James M. Vreeland Jr., C/CAG Chair, to Honorable Tom Lantos, U.S. Congress, dated 6/08/06. Re: Concerns with HR 5252 - Telecommunications Reform. Letter also sent to Honorable Anna Eshoo. p. 259

8.12 Letter from Richard Napier, Executive Director - C/CAG, to James Corless, Metropolitan Transportation Commission, dated 6/15/06. Re: Support for the Daly City Mission Street Pedestrian/ Transit Improvements TLC Proposal. p. 263

8.13 Letter from Tom Madalena, C/CAG Staff, to Susy Kalkin, Principal Planner, City of South San Francisco, dated 6/19/06. Re: TDM Plan - 681 Gateway Boulevard Project. p. 265

8.14 Letter from Honorable Deborah Gordon, C/CAG Vice Chair, to Juliet E. Cox, Attorney at Goldfarb and Lipman, dated 6/20/06. Re: Legislative Committee Presentation on Eminent Domain. p. 267

8.15 Letter from Richard Napier, Executive Director - C/CAG, to James Corless, Metropolitan Transportation Commission, dated 6/21/06. Re: City of Redwood City Transportation for Livable Communities El Camino Real Funding Application. p. 269

8.16 Letter from Richard Napier, Executive Director - C/CAG, to James Corless, Metropolitan Transportation Commission, dated 6/22/06. Re: City of Menlo Park Transportation for Livable Communities El Camino Real Funding Application. p. 273

8.17 Letter from Richard Napier, Executive Director - C/CAG, to James Corless, Metropolitan Transportation Commission, dated 6/22/06. Re: City of Belmont Transportation for Livable Communities El Camino Real Funding Application. p. 275

8.18 Letter from Richard Napier, Executive Director - C/CAG, to the Members of the California State Legislature, dated 6/29/06. Re: Preliminary Report on the Implementation of the Vehicle Fee for Congestion and Stormwater Management Programs in San Mateo County in Accordance with California Government Code Section 65089.11.ET.SEQ. p. 279

8.19 Letter from Tom Madalena, C/CAG Staff, to Steve Carlson, Sr. Planner, City of South San Francisco, dated 7/17/06. Re: Home Depot Project Transportation Demand Management Plan. p. 311

8.20 Letter from Richard Napier, Executive Director - C/CAG, to Honorable Tom Harman, California State Senate, dated 7/18/06. Re: Congratulations on Election to the California Senate. p. 313

9.0 MEMBER COMMUNICATIONS

10.0 ADJOURN

Next scheduled meeting: September 14, 2006 Regular Board Meeting

PUBLIC NOTICING: All notices of C/CAG Board and Committee meetings will be posted at San Mateo County Transit District Office, 1250 San Carlos Ave., San Carlos, CA.

NOTE: Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Nancy Blair at 650 599-1406, five working days prior to the meeting date.

If you have any questions about the C/CAG Board Agenda, please contact C/CAG Staff:

Executive Director: Richard Napier 650 599-1420 Administrative Assistant: Nancy Blair 650 599-1406

FUTURE MEETINGS

August 2, 2006	2020 Peninsula Gateway Corridor Study TAC - 2:00 P.M. - Menlo Park City Hall.
August 9, 2006	2020 Peninsula Gateway Corridor Study PAC - 4:00 P.M. - Menlo Park City Hall.
August 10, 2006	Legislative Committee - SamTrans 2nd Floor Auditorium - 5:00 P.M.
August 10, 2006	C/CAG Board - SamTrans 2nd Floor Auditorium - 7:00 P.M.
August 15, 2006	NPDES Technical Advisory Committee - TBD - 10:00 a.m.
August 17, 2006	CMP Technical Advisory Committee - SamTrans 2nd Floor Auditorium - 1:15 P.M.
August 17, 2006	Utilities Working Group - 155 Bovet Rd., San Mateo - 3:00 P.M.
August 24, 2006	Airport Land Use Committee - 4:00 P.M. - Burlingame City Hall.
August 24, 2006	Bikeways and Pedestrian Advisory Committee - San Mateo City Hall - Conference Room C - 7:30 P.M. - CANCELLED
August 28, 2006	CMAQ Committee - San Mateo City Hall - Conference Room C - 3:00 P.M.
September 5, 2006	Administrators' Advisory Committee - 555 County Center, 5th Floor, Redwood City - 8:00 A.M.

C/CAG

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Meeting No. 181
June 8, 2006

1.0 CALL TO ORDER/ROLL CALL

Chair Vreeland called the meeting to order at 7:00 p.m. Roll call was taken.

James Janz - Atherton
Phil Mathewson - Belmont (7:07)
Sepi Richardson - Brisbane
Donna Rutherford - East Palo Alto
Pam Frisella - Foster City
Naomi Patridge - Half Moon Bay
Tom Kasten - Hillsborough
Nicholas Jellins - Menlo Park
Nadia Holobar - Millbrae (left 8:02)
Jim Vreeland - Pacifica
Diane Howard - Redwood City
Irene O'Connell - San Bruno
San Carlos - Bob Grassilli
Carole Groom - San Mateo
Rose Jacobs-Gibson - County of San Mateo
Karyl Matsumoto - South San Francisco
Deborah Gordon - Woodside

Absent:

Burlingame
Colma
Daly City
Portola Valley

Others:

Richard Napier, Executive Director - C/CAG
Nancy Blair, Administrative Assistant - C/CAG
Miruni Soosaipillai, C/CAG - Legal Counsel
Walter Martone, C/CAG
Sandy Wong, C/CAG
Tom Madalena, C/CAG
John Hoang, C/CAG
Brian Lee, San Mateo County - Public Works
Pat Dixon, SMCTA - CAC
Ray Razavi, South San Francisco - City Engineer
Julia Bott, San Mateo County Parks and Recreation Foundation

ITEM 4.1

555 COUNTY CENTER, 5TH FLOOR, REDWOOD CITY, CA 94063 PHONE: 650.599.1420 FAX: 650.361.8227

Wes Lujan, Advocation
Chuck Cole, Advocation
Christine Maley-Grubl, Executive Director, Peninsula Congestion Relief Alliance
Jim Bigelow, Redwood City/San Mateo County Chamber, CMAQ
Mo Sharma, City of Daly City, Public Works
Lee Taubeneck, CALTRANS, District 4
Sue Lempert, MTC

2.0 Public Comments

Jim Bigelow, representing the Redwood City/San Mateo County Chamber, talked about how the Chamber is supportive of the Infrastructure Bond which will be on the November 2006 Ballot. The Chamber and the Port of Redwood City have received inquires to submit projects that are land-related, as well as, water-related. The next time the Countywide Transportation Plan is updated, Mr. Bigelow would like to see a chapter entitled "Goods Movement" be added to it. He then praised the C/CAG staff for being extremely helpful to the business community.

3.0 ANNOUNCEMENTS/ PRESENTATIONS

Richard Napier, Executive Director, announced that at 10:30 a.m. the California Transportation Commission voted an allocation of $40 million for the 3rd to Millbrae Project. This was accomplished by a lot of hard work from the staff of C/CAG, TA, MTC, and CALTRANS. This is a $100,000,000 project that will highly benefit San Mateo County.

3.1 Peninsula Traffic Congestion Relief Alliance Presentation - Christine Maley-Grubl

Christine Maley-Grubl, Executive Director, thanked the C/CAG Board and staff for their continuing support of the Alliance. Established in May 2000, the primary mission of the Alliance is to reduce the number of single occupant vehicles traveling from, to, and through San Mateo County while reducing vehicle emissions to improve air quality. Ms. Maley-Grubl provided a presentation and overview of the Peninsula Traffic Congestion Relief Alliance.

3.2 Metropolitan Transportation Commission Regional Issues Presentation - Sue Lempert

MTC held a retreat in Half Moon Bay focusing on the high cost of transit operations. Sue Lempert, MTC's Representative of the Cities' of San Mateo County, provided a committee report on the retreat and answered questions.

4.0 CONSENT AGENDA

Board Member Richardson MOVED approval of Consent Items 4.1, 4.2, 4.3, 4.5, and 4.6. Board Member O'Connell SECONDED. **MOTION CARRIED** 17-0 on all Items except Item 4.1. Item 4.1 passed 16-0-1 with Board Member Vreeland Abstaining.

4.1 Review and approval of the Minutes of Board Meeting No. 179 (Retreat) dated April 13, 2006 and Regular Business Meeting No. 180 dated May 11, 2006. APPROVED

4.2 Review and approval of Resolution 06-12 authorizing the C/CAG Chair to execute amendments to the agreements with various cities to extend the provision of local based shuttle services for a total additional cost of not to exceed $361,377 from July 1, 2006 through June 30, 2007. These funds are derived from the Congestion Relief Program with matching funds from the Transportation Authority. APPROVED

4.3 Review and approval of Resolution 06-18 adopting a list of programs to be funded by the Metropolitan Transportation Commission (MTC) under the LifeLine Transportation Program for a total amount of $1,294,560. APPROVED

4.5 Review and approval of Resolution 06-19 authorizing implementation management of the Parks for the Future Measure if approved by the voters. APPROVED

4.6 Update on the Hydrogen Fueling Station Proposal concept in response to the California Air Resources Board Request for Proposals. INFORMATION

Item 4.4 was removed from the Consent Calendar.

4.4 Review and acceptance of the California Department of Transportation (CALTRANS) and City/ County Association of Governments of San Mateo County (C/CAG) El Camino Real Definition and Joint Principles for Inclusion in the El Camino Real Incentive Program. APPROVED

Lee Taubeneck, CALTRANS, District 4 summarized the need for through capacity on El Camino Real and answered questions.

Board Members urged that flexibility be provided. C/CAG staff suggested that the document be accepted as recommended with C/CAG staff to facilitate flexibility between the Cities and CALTRANS.

Board Member Jellins MOVED to approve Item 4.4 in accordance with the staff recommendation and directed C/CAG staff to facilitate flexibility between the cities and Caltrans. Board Member Matsumoto SECONDED. **MOTIONED CARRIED** 17-0.

5.0 REGULAR AGENDA

5.1 Review and approval of C/CAG Legislative positions and Legislative update.
(A position may be taken on any legislation, including legislation not previously identified.)

5.1.1 Review and approval of the monthly update report on pending legislation. APPROVED

Friday, June 2, 2006, was the deadline for bills to get out of their house of origin - 18 of the bills being followed by C/CAG did not make it and are now dead.

5.1.2 Review and approval of recommendations from the C/CAG Legislative Committee for positions on various bills. APPROVED

a) SB 1059 – Transmission Line Corridors - **Remove C/CAG's opposition, the League of Cities has been working with the author of the bill to make it permissive and not mandatory.**
b) Telecommunications Reform -
   i) SB 2686 to establish a national franchise system for broadband-video providers - **Oppose**
   ii) HR 5417 to protect an open Internet - **Support**
   iii) Senator McCain bill to cut franchise fees - **No position.**
   iv) AB 2987 as amended on May 25, 2006 continues to by-pass local franchising requirements - **Continue to Oppose**
   v) SB 1627 to require administrative approval of wireless facilities - **Oppose**

c) SB 1225 to increase the Vehicle Registration Fee for the Abandoned Vehicle Abatement (AVA) Program - **Support**

Eminent Domain - Goldfarb & Lipman Attorneys, Oakland, provided a thorough impartial presentation on Eminent Domain and various bills. No position is recommended at this point, but Legislative Committee members are more knowledgeable on this subject matter.

Board Member Howard MOVED to support these positions. Board Member Jacobs-Gibson SECONDED. **MOTIONED CARRIED** 17-0.

5.1.3 Receive verbal update from C/CAG's Sacramento Lobbyist, Advocation. ORAL REPORT

Chuck Cole and Wes Lujan, Advocation, provided a political overview of what is going on in Sacramento. They briefly discussed the budget, bonds, and the election. Wes Lujan provided additional insight into the priority legislation for C/CAG.

5.2 Review and approval of Resolution 06-17 adopting the C/CAG 2006-07 Program Budget and Fees Review. APPROVED

A detailed report was given at the May C/CAG Board meeting. This was a follow up with explanations regarding any changes since the May meeting.

5.3 Status report on Devil's Slide road closure. ORAL REPORT

CALTRANS is working to fix the slide as soon as possible. The estimated date of completion is September 2006.

5.4 Report and recommendations from C/CAG Staff on potential future role of C/CAG in the Regional Housing Needs Allocation (RHNA) - Sub-regional delegation process. APPROVED

After discussions with the Association of Bay Area Governments (ABAG) it was determined the following must be done in order to meet the 8/31/06 deadline:

1. Must provide resolutions from all participating Cities and County by 8/31/06 - it is not necessary to have the plan or process defined.

Staff will work with the Cities and County to develop interest in this delegation process, take it to the June City Managers meeting, and follow up with the Planning Directors and Planners. Staff will draft a sample staff report, resolutions, and will expedite the City/County adoption of the resolutions. This will be brought back to the August Board meeting for status and final determination whether to pursue the process or not..

5.5 Review and approval of an appointment to the 2020 Peninsula Corridor Gateway Program Policy Advisory Committee representing the C/CAG Board.

Councilmember Kelly Fergusson, Menlo Park, withdrew her application.

Board Member Janz MOVED approval of Board Member Jacobs-Gibson to continue in this position. Board Member Kasten SECONDED. **MOTION CARRIED** 17-0.

5.6 Authorization for the C/CAG Executive Director to negotiate an agreement with Parking Company of America (PCA) to implement emergency shuttle services for the Coastside for an amount not to exceed $160,000 through September 30, 2006, and authorization for the C/CAG Chair to execute said agreement subject to approval as to form by C/CAG Legal Counsel. APPROVED

As a result of the closure of Route 1 at Devil's Slide, there has been major disruption in the transportation for the residents of Coastside Communities and individuals traveling to the Coastside. An emergency shuttle program could help to alleviate some of the traffic congestion and help make the commuting experience more tolerable.

Board Member Janz MOVED to support Item 5.6. Board Member Jacobs-Gibson SECONDED. **MOTIONED CARRIED** 17-0.

5.7 Update on Development of Compensation Policy INFORMATION

Earlier this year, the Board asked the Compensation Committee to develop a recommended process and policy to establish the compensation for the Executive Director of C/CAG. The Board authorized the retention of Bryce Consulting to conduct the research, analysis, and survey work required for this task. Board Member Kasten provided an update and answered questions.

6.0 COMMITTEE REPORTS

6.1 Committee Reports (oral reports).

6.2 Chairperson's Report.

None.

7.0 EXECUTIVE DIRECTOR'S REPORT

Richard Napier commented on a handout, which was a Memorandum from Transportation California regarding: Distressing June 6 Election Results for Self-Help Counties. There were five statewide self help county measures on the ballot and all failed. This gives credit and recognition to San Mateo County for having their self-help measure be approved by 75%. This shows choosing the right election is a factor, but it also says a lot about the current environment.

8.0 COMMUNICATIONS - Information Only

8.1 Letter from Mary Arnold, City of San Carlos Police Department, to Richard Napier, Executive Director C/CAG, dated 3/10/06. Re: AVA report for quarter ended 12/31/05.

8.2 Letter from South San Francisco Mayor Joseph Fernekes to Honorable Gene Mullin, Assembly Member 19th District, dated 4/25/06. Re: Opposition to Assembly Bill 2922 dealing with redevelopment funds.

8.3 Letter from South San Francisco Mayor Joseph Fernekes to Honorable Simon Salinas, Assembly Member 28th District, dated 4/25/06. Re: Opposition to Assembly Bill 2922 dealing with redevelopment funds.

8.4 Letter from David Carbone, ALUC Staff, to City of San Carlos Planning Department, dated 4/28/06. Re: C/CAG Airport Land Use Committee (ALUC) Staff Comments on a Draft Environmental Impact Report (DEIR) for the Proposed Palo Alto Medical Foundation San Carlos Center at 301 Industrial Road.

8.5 Letter from David Carbone, ALUC Staff, to Steve Carlson, Sr. Planner, City of South San Francisco Planning Division, dated 5/01/06. Re: C/CAG Airport Land Use Committee (ALUC) Staff Comments on a Draft Focused Environmental Impact Report (DFEIR) for a Proposed Lowe's Home Improvement Warehouse Building, a Lowe's Garden Center, and Related Parking at 700 Dubuque Avenue.

8.6 Letter from James M. Vreeland Jr., C/CAG Chair, to Honorable Joseph Simitian, California State Senate, dated 5/01/06. Re: SB 1611 - Support.

8.7 Letter from James M. Vreeland Jr., C/CAG Chair, to Honorable Joseph Simitian, California State Senate, dated 5/01/06. Re: SB 369 - Support.

8.8 Letter from James M. Vreeland Jr., C/CAG Chair, to Honorable Loni Hancock, California State Assembly, dated 5/01/06. Re: AB 707 - Support.

8.9 Letter from James M. Vreeland Jr., C/CAG Chair, to Honorable Dave Cox, California Senate, dated 5/01/06. Re: Support for SB 1431.

8.10 Letter from James M. Vreeland Jr., C/CAG Chair, to Honorable Dianne Feinstein, United States Senate, dated 5/01/06. Re: Telecommunications Reform. Letter also sent to Honorable Zoe Lofgren, Honorable Barbara Boxer, Honorable Barbara Lee, Honorable Fortney Pete Stark, Honorable Michael M. Honda, and Honorable Anna G. Eshoo.

8.11 Letter from David Carbone, ALUC Staff, to Susy Kalkin, Principal Planner, City of South San Francisco Planning Division, dated 5/11/06. Re: C/CAG Airport Land Use Committee (ALUC) Staff Comments on a Recirculation of a Draft Environmental Impact Report (DEIR) for the 249 East Grand Avenue Office/ R&D Project.

8.12 Letter from Richard Napier to William Gin, FAA Airports District Office (ADO), dated 5/11/06. Re: C/CAG Action to Initiate Preparation of an Update of the Airport Land Use Plan for the Environs of San Francisco International Airport, Based on Its Receipt of a Federal Grant, Per Section 160 of *Vision 100*.

8.13 Letter from David Carbone, ALUC Staff, to Allison Knapp, Consulting Planner, City of East Palo Alto Planning Division, dated 5/12/06. Re: C/CAG Airport Land Use Committee (ALUC) Staff Comments on a Notice of Intent to Adopt a Mitigated Negative Declaration for the Proposed Tara Road Industrial Condominiums at 151 Tara Road.

8.14 Letter from David Carbone, ALUC Staff, to David Mandel, Sr. Planner, City of East Palo Alto Planning Division, dated 5/12/06. Re: C/CAG Airport Land Use Committee (ALUC) Staff Comments on a Notice of Intent to Adopt a Mitigated Negative Declaration for the Proposed Pulgas Mixed-Use Project Near the Intersections of Pulgas Ave. and Bay Road.

8.15 Letter from David Carbone, ALUC Staff, to Maureen Riordan, Sr. Planner, City of Redwood City, dated 5/17/06. Re: C/CAG Airport Land Use Committee (ALUC) Staff Comments on a Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Sequoia Hospital Campus Precise Plan Project.

8.16 Letter from Honorable Anna G. Eshoo, Congresswoman - 14th District of California, to Honorable Jim Vreeland, Chairman, C/CAG, dated 5/17/06. Re: Telecommunications reform legislation, H.R. 5252, the *Communications Opportunity, Promotion, and Enhancement (COPE) Act of 2006.*

8.17 Letter from Nicholas P. Jellins, C/CAG Vice Chair, to Honorable Gene Mullin, California State Assembly, dated 5/22/06. Re: AB 2503 - Support with Amendments.

8.18 Letter from Nicholas P. Jellins, C/CAG Vice Chair, to Honorable Lois Wolk, California Assembly, dated 5/22/06. Re: Support for AB 2538.

8.19 Letter from Nicholas P. Jellins, C/CAG Vice Chair, to Honorable George Runner, California Senate, dated 5/22/06. Re: Support for SB 1812.

8.20 Letter from David Carbone, ALUC Staff, to Shannon Allen, Contract Planner, City of East Palo Alto Planning Division, dated 5/30/06. Re: C/CAG Airport Land Use Committee (ALUC) Staff Comments on a Draft Environmental Impact Report (DEIR) for the Clarke and Weeks Townhomes Project.

8.21 Letter from Tom Madalena, C/CAG Staff, to Elizabeth Cullinan, City of San Carlos, dated 4/28/06. Re: Palo Alto Medical Foundation - San Carlos Center.

9.0 MEMBER COMMUNICATIONS

10.0 ADJOURN

Meeting adjourned at 8:55.

C/CAG AGENDA REPORT

Date: August 10, 2006

To: C/CAG Board of Directors

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF POTENTIAL CANDIDATE PROJECTS FOR THE CORRIDOR MOBILITY IMPROVEMENT ACCOUNT (CMIA) COMPONENT OF THE HIGHWAY SAFETY, TRAFFIC REDUCTION, AIR QUALITY, AND PORT SECURITY BOND ACT OF 2006 (SUBJECT TO APPROVAL BY THE VOTERS IN NOVEMBER 2006)

(For further information contact Richard Napier at 599-1420 or Sandy Wong at 599-1409)

RECOMMENDATION

That the C/CAG Board review and approve the potential candidate projects for the Corridor Mobility Improvement Account (CMIA) in the event that voters approve the Senate Bill (SB) 1266 - Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.

FISCAL IMPACT

Funding will be from the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 if approved by voters on November 7, 2006.

SOURCE OF FUNDS

SB 1266 is subject to voter approval at the November 7, 2006 statewide general election. It would authorize $19.925 billion of state general obligation bonds for specified purposes, including $4.5 billion for the Corridor Mobility Improvement Account (CMIA).

BACKGROUND/DISCUSSION

The Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 will be before California voters on November 7, 2006. If approved, it will include $19.925 billion for high-priority transportation corridor improvements, State Route 99 corridor enhancements, trade infrastructure and port security projects, schoolbus retrofit and replacement purposes, state transportation improvement program augmentation, transit and passenger rail improvements, state-local partnership transportation projects, transit security projects, local bridge seismic retrofit projects, highway-railroad grade separation and crossing improvement projects, state highway safety and rehabilitation projects, and local street and road improvement, congestion relief, and traffic safety.

ITEM 4.2

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Of the $19.925 billion, $4.5 billion will be in the Corridor Mobility Improvement Account (CMIA). Funding in the $4.5 billion CMIA will be at the California Transportation Commission's (CTC) discretion based on guidelines to be adopted, and subject to northern and southern California split. The CTC will adopt guidelines for the CMIA by December 1, 2006. Projects nominated for this category shall be submitted to the CTC for consideration by no later than January 15, 2007.

The Bay Area region, including Caltrans, the Metropolitan Transportation Commission (MTC), and the nine Bay Area counties have initiated dialogue at the regional level to collaborate on this issue in the event that voters approve.

Additional comments from the CMP Technical Advisory Committee (TAC):

- Focus on good projects that will compete well at the regional and State levels.
- How about auxiliary lanes on Interstate 280 north or Interstate 380?
- Between now and the time of November election, put this as a recurring item on all TAC meeting agendas.

ATTACHMENT

- San Mateo County Potential Candidate Projects for the Transportation Infrastructure Bond.
- Elements of SB 1266 (Perata/Nunez) Bond Package.
- Bay Area Share of SB 1266 Local Street and Road Funds.

San Mateo County Potential Candidate Projects for the Transportation Infrastructure Bond
July 20, 2006

		Description	Total cost	Benefits	Notes
1	SM 101	U.S. 101 Aux lanes from Marsh to Santa Clara County Line	$105,000,000	Relief congestion, improve travel time, improve air quality.	May be done as part of Project 2.
2	SM 101	U.S. 101 Additional lanes from Marsh to Rte 85 (incl San Antonio I/C)	$200,000,000	Relief congestion, improve travel time, improve air quality.	Joint project of San Mateo and Santa Clara Counties
3	SM 84	Bayfront Expwy/Willow Rd grade Separations, incl flyover and RR grade sep. Listed in RTP as Dumbarton Bridge Access to US 101.	$250,000,000	Relief congestion, improve travel time, improve connectivity, improve air quality, improve regional connectivity.	Supported by Santa Clara County
4	SM 101	U.S. 101/Willow Rd Interchange Improvement	$45,000,000	Improve safety, relief congestion, improve travel time, improve air quality, improve access to jobs.	
5	SM 92	Route 92 Widening and operation improvement from Hwy 101 to Hwy 280	$90,000,000	Improve safety, improve air quality, improve access to commerce, improve connectivity between rural and urban areas, improve regional connectivity.	
6	SM 92 & 101	Route 92/U.S. 101 interchange operational improvement	$10,000,000	Relief congestion, improve travel time, improve air quality.	
7	Various locations	Railroad grade separations at various locations	$90,000,000	Improve safety, improve travel time.	
8	SM 101	U.S. 101/Woodside Interchange Improvement	$56,000,000	Improve ingress/egress to seaport.	
9	SM 101	U.S. 101/Broadway Interchange Improvement	$45,000,000	Improve access to airport.	
10	SM 92	Rte 92 Truck Climbing Lane (Route 35 to I-280)	$90,000,000	Accommodate movements of freight, improve access to markets and commerce.	
11	SM 84	Signal coordination along Willow Rd		Improve travel time, improve air quality	
12	SM 109	Signal coordination along University Ave		Improve travel time, improve air quality	
13	SM 101	US 101 ramp metering from Route 92 to SF County Line			
14	SM 280	I-280 ramp metering from I-380 to SF County Line			
15	SM 280	Install TMS, CCTV, CMS on I-280 SCL Co. Line to SF Co. Line			
16	Various locations	ITS equipment on Incident management routes			
17	Various locations	Fiber optic network around the Bay			A Bay Area regional project

Elements of SB 1266 (Perata/Nunez) Bond Package	
Funding Category	**Amount (in millions)**
Public Transportation Modernization, Improvement and Service Enhancement[1]	$ 3,600
Intercity Rail	$ 400
Corridor Mobility[2]	$ 4,500
State Route 99	$ 1,000
State Transportation Improvement Program	$ 2,000
Local Streets and Roads	$ 2,000
State Highway Operation and Protection Program	$ 500
Local Streets and Road ITS	$ 250
State-Local Partnership Program	$ 1,000
Goods Movement	$ 2,000
Air Quality - Goods movement	$ 1,000
Air Quality - School Bus Diesel Retrofit	$ 200
Transit Security	$ 1,000
Port Security	$ 100
Local Match for Bridge Seismic Retrofit	$ 125
Highway Railroad Grade Separations	$ 250
Total	**$ 19,925**

Notes:

1. Distributed according to the State Transit Assistance formula
2. Selected by the California Transportation Commission and subject to the north/south split, pursuant to Section 188 of the Streets and Highways Code.

Bay Area Share of SB1266 Local Street and Road Funds

Note: All Numbers are estimates and subject to change

STATEWIDE AMOUNT	$ 2,000,000,000
BAY AREA SHARE	$ 375,435,420
DISTRIBUTIONS TO COUNTIES	$ 167,675,794
DISTRIBUTIONS TO CITIES	$ 207,759,626

DIRECT DISTRIBUTIONS TO COUNTIES	**ALLOCATION**
Alameda	$31,250,390
Contra Costa	$24,570,278
Marin	$7,381,728
Napa	$4,998,243
San Francisco	$14,656,034
San Mateo	$18,472,879
Santa Clara	$38,048,019
Solano	$11,375,937
Sonoma	$16,922,286
Region	**$167,675,794**

SAN MATEO	
ATHERTON	$ 400,000
BELMONT	$ 814,868
BRISBANE	$ 400,000
BURLINGAME	$ 899,824
COLMA	$ 400,000
DALY CITY	$ 3,330,257
EAST PALO ALTO	$ 1,019,315
FOSTER CITY	$ 949,959
HALF MOON BAY	$ 404,733
HILLSBOROUGH	$ 400,000
MENLO PARK	$ 976,964
MILLBRAE	$ 658,776
PACIFICA	$ 1,230,784
PORTOLA VALLEY	$ 400,000
REDWOOD CITY	$ 2,417,375
SAN BRUNO	$ 1,318,981
SAN CARLOS	$ 898,013
SAN MATEO	$ 2,996,500
SOUTH SAN FRANCISCO	$ 1,964,222
WOODSIDE	$ 400,000
COUNTY TOTAL	**$ 22,280,571**

Sources: City calculations provided by the League of California Cities based on population data from January 2006.
County calculations provided by the California State Association of Counties.

C/CAG AGENDA REPORT

Date: August 10, 2006

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF RESOLUTION 06-20 AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PENINSULA TRAFFIC CONGESTION RELIEF ALLIANCE FOR THE SUPPORT OF AN EMPLOYER-BASED SHUTTLE PROGRAM IN THE CITY OF SOUTH SAN FRANCISCO FOR A MAXIMUM AMOUNT OF $110,000.

(For further information contact Walter Martone at 599-1465)

RECOMMENDATION

That the C/CAG Board approve Resolution 06-20 authorizing the execution of an agreement with the Peninsula Traffic Congestion Relief Alliance for the support of an employer-based shuttle program in the City of South San Francisco for a maximum amount of $110,000.

FISCAL IMPACT

There is $500,000 in funding available during the fiscal year 2006-07 funding cycle for the employer based shuttle program. This recommendation, if adopted, will obligate a total of $110,000 at this time. No other obligations under this funding category have been made for 2006-07.

SOURCE OF FUNDS

The source of the funds will be the C/CAG Member assessments that were adopted under the Countywide Congestion Relief Plan. This shuttle program also receives matching funding from SamTrans in the amount of $194,415 and the Joint Powers Board in the amount of $142,649.

BACKGROUND/DISCUSSION

The intent of the Employer Based Shuttle component of the Congestion Relief Plan is to either expand existing shuttles or begin new shuttles that connect a rail transit station with major employment centers. SamTrans and/or the Peninsula Traffic Congestion Relief Alliance work with local employers to create these services and continue to assist in the implementation by providing management and oversight. These shuttles have been extremely successful in increasing the use of CalTrain and BART as methods of commuting by providing a free and convenient connection between the rail station and the employment locations. Currently there are twelve employer-based shuttles operating in the County that receive some financial support

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from C/CAG.

The Alliance operates and manages four routes in South San Francisco that connect the South San Francisco BART and Caltrain stations with the east of US 101 business parks in South San Francisco (Oyster Point and Utah-Grand areas). This service is offered during the morning and evening peak commute times. Over the last year this group of shuttles transported a combined 105,071 riders. The implementation of the pilot shuttle pass program on these routes has added seven additional employer participants since April 2006, further strengthening the financial stability of the shuttle services. Over the next year the Alliance will continue to actively work with the new employers whose workers are benefiting from this service, to increase the level of employer financial contribution, thereby reducing the contribution required by C/CAG.

ATTACHMENTS

- Resolution 06-20
- Agreement with the Peninsula Traffic Congestion Relief Alliance

RESOLUTION 06-20

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE CHAIR TO EXECUTE AN AGREEMENT WITH THE PENINSULA CONGESTION RELIEF ALLIANCE FOR AN EMPLOYER-BASED SHUTTLE PROGRAM IN THE CITY OF SOUTH SAN FRANCISCO FOR A MAXIMUM OF $110,000.

WHEREAS, the Board of Directors of the City/County Association of Governments at its February 14, 2002 meeting approved the Countywide Traffic Congestion Relief Plan; and,

WHEREAS, one component of that Plan was support for the Employer Based Shuttle Program; and,

WHEREAS, the Peninsula Congestion Relief Alliance administers a number of these shuttles including one in City of South San Francisco.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Chair is authorized to execute an agreement with the Peninsula Congestion Relief Alliance for a maximum amount of $110,000. This agreement is attached hereto and is in a form that has been approved by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF AUGUST 2006.

_____

James M. Vreeland, Jr., Chair

AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS AND THE PENINSULA CONGESTION RELIEF ALLIANCE

This Agreement entered this 10th Day of **August 2006**, by and between the CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, a joint powers agency formed for the purpose of preparation, adoption and monitoring of a variety of county-wide state-mandated plans, hereinafter called "C/CAG" and THE PENINSULA TRAFFIC CONGESTION RELIEF ALLIANCE, hereinafter called "the Alliance."

W I T N E S S E T H

WHEREAS, C/CAG is prepared to award funding for the implementation of shuttle programs under the "Employer Based Shuttle Program" component of the Congestion Relief Plan; and

WHEREAS, The purpose of Employer Based Shuttle Program are to increase the use of public transit by individuals whose place of employment is within San Mateo County, thereby reducing regional and local congestion; and.

WHEREAS, The C/CAG Board has reviewed the Alliance's request for funding and has determined that it is consistent with the Plan; and

NOW, THEREFORE, IT IS HEREBY AGREED by the parties as follows:

1. Services to be provided by the Alliance. In consideration of the payments hereinafter set forth, the Alliance shall provide services in accordance with the terms, conditions and specifications set forth herein and in Exhibit A attached hereto and by this reference made a part hereof.

2. Payments. In consideration of the services rendered in accordance with all terms, conditions and specifications set forth herein and in Exhibit A, C/CAG shall make payment to the Alliance for its actual costs minus those expenses reimbursed to the Alliance under the grants provided to it by the San Mateo County Transit District (SamTrans) and the Peninsula Corridor Joint Powers Board (JPB). Payment shall be based on monthly invoices submitted by the Alliance, for a maximum amount not to exceed one hundred and ten thousand dollars ($110,000).

3. Relationship of the Parties. It is understood that this is an Agreement by and between Independent Contractor(s) and is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of Independent Contractor.

4. Non-Assignability. The Alliance shall not assign this Agreement or any portion thereof to a third party without the prior written consent of C/CAG, and any attempted assignment without such prior written consent in violation of this Section automatically

shall terminate this Agreement.

5. Contract Term. This Agreement shall be in effect as of July 1, 2006 and shall terminate on June 30, 2007; provided, however, the C/CAG Chairperson may terminate this Agreement at any time for any reason by providing 30 days' notice to the Alliance. Termination to be effective on the date specified in the notice. In the event of termination under this paragraph, the Alliance shall be paid for all services provided to the date of termination.

6. Hold Harmless/ Indemnity: The Alliance shall indemnify and save harmless C/CAG from all claims, suits or actions resulting from the performance by the Alliance of its duties under this Agreement. C/CAG shall indemnify and save harmless the Alliance from all claims, suits or actions resulting from the performance by C/CAG of its duties under this Agreement.

   The duty of the parties to indemnify and save harmless as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code.

7. Insurance: The Alliance or its subcontractors performing the services on behalf of the Alliance shall not commence work under this Agreement until all Insurance required under this section has been obtained and such insurance has been approved by the C/CAG Staff. The Alliance shall furnish the C/CAG Staff with Certificates of Insurance evidencing the required coverage and there shall be a specific contractual liability endorsement extending the Alliance's coverage to include the contractual liability assumed by the Alliance pursuant to this Agreement. These Certificates shall specify or be endorsed to provide that thirty (30) days notice must be given, in writing, to C/CAG of any pending change in the limits of liability or of non-renewal, cancellation, or modification of the policy.

   Workers' Compensation and Employer Liability Insurance: the Alliance shall have in effect, during the entire life of this Agreement, Workers' Compensation and Employer Liability Insurance providing full statutory coverage.

   Liability Insurance: The Alliance shall take out and maintain during the life of this Agreement such Bodily Injury Liability and Property Damage Liability Insurance as shall protect the Alliance, its employees, officers and agents while performing work covered by this Agreement from any and all claims for damages for bodily injury, including accidental death, as well as any and all operations under this Agreement, whether such operations be by the Alliance or by any sub-contractor or by anyone directly or indirectly employed by either of them. Such insurance shall be combined single limit bodily injury and property damage for each occurrence and shall be not less than $1,000,000 unless another amount is specified below and shows approval by C/CAG Staff.

Required insurance shall include:

	Required Amount	Approval by C/CAG Staff if under $ 1,000,000
a. Comprehensive General Liability	$ 1,000,000	_____
b. Workers' Compensation	$ Statutory	_____

C/CAG and its officers, agents, employees and servants shall be named as additional insured on any such policies of insurance, which shall also contain a provision that the insurance afforded thereby to C/CAG, its officers, agents, employees and servants shall be primary insurance to the full limits of liability of the policy, and that if C/CAG, or its officers and employees have other insurance against a loss covered by such a policy, such other insurance shall be excess insurance only.

In the event of the breach of any provision of this section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, the C/CAG Chairperson, at his/her option, may, notwithstanding any other provision of this Agreement to the contrary, immediately declare a material breach of this Agreement and suspend all further work pursuant to this Agreement.

8. Non-discrimination. The Alliance and its subcontractors performing the services on behalf of the Alliance shall not discriminate or permit discrimination against any person or group of persons on the basis or race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.

9. Accessibility of Services to Disabled Persons. The Alliance, not C/CAG, shall be responsible for compliance with all applicable requirements regarding services to disabled persons, including any requirements of Section 504 of the Rehabilitation Act of 1973.

10. Substitutions: If particular people are identified in Exhibit A as working on this Agreement, the Alliance will not assign others to work in their place without written permission from C/CAG. Any substitution shall be with a person of commensurate experience and knowledge.

11. Sole Property of C/CAG: Any system or documents developed, produced or provided under this Agreement shall become the sole property of C/CAG.

12. Agreement Renewal. This Agreement may be renewed only as specified in Exhibit A.

13. Access to Records. C/CAG, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Alliance which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions.

The Alliance shall maintain all required records for three years after C/CAG makes final payments and all other pending matters are closed.

14. Merger Clause. This Agreement, including Exhibit A attached hereto and incorporated herein by reference, constitutes the sole agreement of the parties hereto with regard to the matters covered in this Agreement, and correctly states the rights, duties and obligations of each party as of the document's date. Any prior agreement, promises, negotiations or representations between the parties not expressly stated in this document are not binding. All subsequent modifications shall be in writing and signed by the C/CAG Chairperson. In the event of a conflict between the terms, conditions or specifications set forth herein and those in Exhibit A attached hereto, the terms, conditions or specifications set forth herein shall prevail.

15. Governing Law. This Agreement shall be governed by the laws of the State of California and any suit or action initiated by either party shall be brought in the County of San Mateo, California.

IN WITNESS WHEREOF, the parties hereto have affixed their hands on the day and year first above written.

Peninsula Traffic Congestion Relief Alliance

By _____ _____
Dianne Howard, Alliance Chairwoman Date

Alliance Legal Counsel

By _____

City/County Association of Governments (C/CAG)

By _____ _____
James M. Vreeland, Jr. Date
C/CAG Chairman

C/CAG Legal Counsel

By_____
Miruni Soosaipillai, C/CAG Counsel

EXHIBIT A

Under this agreement the Alliance agrees to operate an employer based shuttle that connects the South San Francisco BART and Caltrain stations with the east of US 101 business park in South San Francisco (Oyster Point and Utah-Grand). This service is offered during the morning and evening peak commute times. The Alliance will provide program and fiscal management for this program and will contract for the actual operation of the shuttle service with a qualified vendor that has been approved by the San Mateo County Transit District (SamTrans). Additional funding to support this program in the amount of $194,415 will be provided by SamTrans and $142,649 from the Peninsula Corridor Joint Powers Board (JPB) through existing agreements with the Alliance. Operation of these shuttle programs will be as set forth in the agreements between the Alliance and SamTrans and the JPB for these shuttle programs.

C/CAG AGENDA REPORT

Date: August 10, 2006

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF RESOLUTION 06-21 AUTHORIZING THE C/CAG CHAIR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH HEXAGON TRANSPORTATION CONSULTANTS INCREASING THE MAXIMUM AMOUNT BY $162,451 TO PERFORM TRAVEL FORECASTING SERVICES FOR THE TRANSPORTATION AUTHORITY, THAT WILL BE COST REIMBURSED, FOR THE FOLLOWING PROJECTS:

- Willow-U.S. 101 Interchange Project
- Transportation Authority Strategic Plan Update

(For further information or questions contact Walter Martone at 599-1465)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 06-21 authorizing the C/CAG Chair to execute an amendment to the agreement with Hexagon Transportation Consultants increasing the maximum amount by $162,451 to perform travel forecasting services for the Transportation Authority, that will be cost reimbursed, for the following projects:

- Willow-U.S. 101 Interchange Project
- Transportation Authority Strategic Plan Update

FISCAL IMPACT

The two projects included with this amendment are being conducted for the Transportation Authority and will be fully reimbursed by the Authority. Therefore there will be no impact to C/CAG's funds.

SOURCE OF FUNDS

The funds to support this additional modeling work will be 100% reimbursed to C/CAG by the San Mateo County Transportation Authority under its half-cent transportation sales tax proceeds.

BACKGROUND/DISCUSSION

As the Congestion Management Agency for San Mateo County, C/CAG is required to maintain a travel forecasting model that has been determined by the Metropolitan

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Transportation Commission (MTC) as being consistent with the regional travel forecasting model maintained by MTC. C/CAG strongly encourages and in many cases mandates that its model be used when doing forecasts for projects that will have transportation impacts in San Mateo County in order to ensure that forecasts are done consistently, include the same and most current base data, and will hold up to scrutiny by Caltrans and MTC. Frequently the entities that are in need of forecasting work prefer to have the consulting firm that C/CAG has selected to maintain and operate the model, perform the forecasting work for them. This is because the use of the model requires a high degree of technical expertise, and familiarity with the most recent update of C/CAG's model.

The San Mateo County Transportation Authority currently has two projects for which they have requested travel forecasting work. The first project is to forecast the impacts of a number of improvement alternatives for the Willow Road Interchange at U.S. 101. The forecasts are required as part of the environmental analysis of the project. The second project is to forecast the impacts on travel time and improvements to congestion that will result from the construction of various projects and combinations of projects that have been proposed in the recently adopted reauthorization of the Measure A Half Cent Sales Tax Transportation Program for San Mateo County. This information will be used by the Transportation Authority to update its Strategic Plan and prioritize projects for implementation.

ATTACHMENTS

- Resolution 06-21
- Amendment to the Agreement with Hexagon Transportation Consultants

RESOLUTION 06-21

* * * * * * * * * * * *

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE CHAIR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH HEXAGON TRANSPORTATION CONSULTANTS INCREASING THE MAXIMUM AMOUNT BY $162,451 TO PERFORM TRAVEL FORECASTING SERVICES FOR THE TRANSPORTATION AUTHORITY, THAT WILL BE COST REIMBURSED, FOR THE FOLLOWING PROJECTS:

- **Willow-U.S. 101 Interchange Project**
- **Transportation Authority Strategic Plan Update**

* * * * * * * * * * * * * * * * *

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, C/CAG is the designated Congestion Management Agency responsible for the development and implementation of the Congestion Management Program for San Mateo County; and

WHEREAS, the California Government Code requires Congestion Management Agencies to develop and maintain a computerized Travel Demand Forecasting Model; and

WHEREAS, on December 8, 2005 C/CAG entered into an agreement with Hexagon Transportation Consultants for the maintenance and operation of C/CAG's Travel Forecasting Model; and

WHEREAS, additional travel forecasting services utilizing the Model are required in support of the following two projects:

- **Willow-U.S. 101 Interchange Project**
- **Transportation Authority Strategic Plan Update**

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the Chair is authorized to enter into an amendment to the agreement with Hexagon Transportation Consultants, Inc. increasing the maximum amount of the agreement by $162,451 to provide these services. The San Mateo County Transportation Authority will fully reimburse C/CAG for this added work

and cost. The new maximum grand total amount of the agreement with Hexagon Transportation Consultants will therefore become four hundred and sixty-two thousand and four hundred fifty-one dollars ($462,451). In accordance with C/CAG established policy, the Chair may administratively authorize up to an additional 5% of the total contract amount in the event that there are unforeseen costs associated with the project. This amendment to the agreement shall be in a form approved by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF AUGUST 2006.

_____

James M. Vreeland Jr., Chair

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AMENDMENT TO AGREEMENT

WHEREAS, the Board of Directors of the City/County Association of Governments (hereinafter referred to as C/CAG), at its December 8, 2005 meeting, approved an agreement with Hexagon Transportation Consultants (hereinafter referred to as Consultant) for the provision of modeling services; and

WHEREAS, C/CAG has determined that additional travel forecasting services using this model are needed; and

WHEREAS, Consultant has reviewed and accepted this amendment to the agreement originally executed on December 8, 2005.

IT IS HEREBY AGREED by C/CAG and Consultant that:

1. This amendment shall be to provide travel forecasting and modeling services for two San Mateo County Transportation Authority projects as set forth in the two Scopes of Work included as Exhibits A and B, attached to this amendment; and

2. The added funding provided to Consultant by C/CAG under this amendment will be up to one hundred sixty-two thousand four hundred and fifty-one dollars ($162,451), thereby making the new total contract maximum amount four hundred and sixty-two thousand four hundred fifty-one dollars ($462,451). These additional funds will be provided to Consultant on a time and materials basis for this added work and will be paid based upon the receipt of invoices for the actual costs; and

3. All other provisions of the original agreement between C/CAG and Consultant dated December 8, 2005 shall remain in full force and effect; and

4. This amendment to the agreement shall take effect upon signature by both parties.

For C/CAG:

_____
James M. Vreeland Jr., Chair

Date: August 10, 2006

For Consultant:

_____
Signature

By: Jill S. Hough, Principal

Date: _____

Approved as to form:

_____
Miruni Soosaipillai, C/CAG Legal Counsel

Exhibit A
Travel Demand Model Refinement for US 101/Willow Interchange PA-ED
Scope of Work (5/15/2006)

This scope of work consists of re-validating the Willow Road/US 101 sub-area of the C/CAG San Mateo Countywide travel demand model system. The proposed study is in response to a project approval process and environmental document that is ultimately being prepared by Caltrans and the San Mateo County Transportation Authority (SMCTA). The proposed work program will be divided into approximately 6 tasks.

The breakdown of work tasks to be completed during the project follows.

Task 0: Finalize Scope of Work

The Consultant will attend an initial kick-off meeting with the Consultant Team for Willow Road/US 101 Interchange PA-ED.

Task 1: Refine Travel Demand Model Networks for Subarea

The Consultant will refine the travel demand model networks to reflect specific characteristics of the study area intersections and interchanges associated with the Willow Road/US 101 Interchange PA-ED. This activity involves coding additional interchange ramp details and intersection driveways that support the requirements of the subsequent and separate operations analysis phase of the project; refining the placements of centroid connectors in the study area; and other similar activities.

The other component to Task 1 will be to develop year alternative 2030 networks to reflect up to six separate proposed interchange configurations. Each of the alternate networks will be coded with the appropriate set of background transportation improvements that have been coded for the C/CAG countywide travel demand model system for year 2030. These consist of the highway and transit projects that are coded in the MTC Regional Transportation Plan network for all counties outside San Mateo County. For inside San Mateo County, the San Mateo County Transportation Authority provided input on a project-by-project basis regarding the set of highway and transit projects to include by year 2030. The Project Team will review the list of future projects that have been coded within the county and determine any changes that may be necessary.

Task 2: Refine Traffic Count Database for Subarea

The Consultant will prepare a traffic count database to be used in the highway assignment and validation. The database will comprise ground counts that will be obtained from several sources. Counts for the Route 101 freeways and ramps will be obtained from Caltrans. The counts for the local street system will be obtained through the Project Team. The counts will be refined to balance between adjacent intersections, links, and segments. The resulting product will be a 2005 highway count database for the subarea.

Task 3: Traffic Assignment and Highway Validation

The Consultant will refine the highway validation associated with the C/CAG Travel Demand Model Update "Z1033". The peaking factors and the resulting highway assignment will be adjusted in the Willow/US 101 study area, based on the 2005 traffic count database prepared in Task 2, resulting in a 2005 validation focused on the Willow/US 101 study area.

The existing validation appears to be somewhat high on Marsh, particularly eastbound/northbound; low on University Avenue; and reasonably closer on Willow Road, especially in the eastbound direction. In addition to adjusting the peaking factors for the study area, the networks will be refined with respect to the placement of centroid connectors and the definitions of link types (i.e., free-flow speed and capacity characteristics). The network refinements of link types will be done judiciously to avoid overstating or understating the coded speed compared to the actual speed of the roadway in question. Adjustment of centroid connectors and re-casting of link types should contribute to better loading patterns and improved distribution of traffic amongst routes.

Hexagon will work closely with Caltrans travel forecasting branch and C/CAG to achieve an acceptable traffic validation. The validation guidelines will consist primarily of Caltrans-suggested validation goals related to project level evaluation. These are shown below

Performance Goals for Peak Period Validation

The performance goals may consist of setting a minimum percentage of counted roadway links that conform to a set of error tolerances relative to how close the model-estimated volume matches the counts. The following table illustrates some potential performance goals:

Link-Level Validation Goals by Facility Type for Highway Assignments within Project Study Area

Roadway Facility	Minimum Percent Meeting Error Tolerance	Error Tolerance
Freeways	75%	<=10% error
Major Arterials (>10000 vehicles per day)	75%	<=15% error
Minor Arterials (<10000 vehicles per day)	75%	<=20% error
Collector Roadways	75%	<=25% error

As shown in the table, ideally 75 percent of freeway segment volumes estimated by the model will match within 10 percent of the segments' counted volume. For the other roadway facilities, the error margins will be slightly higher than 10 percent, as shown the table.

The above validation goals will act as guidelines for developing an acceptable validation in the Willow/US 101 study area. The peak period will be defined as a four-hour period. The C/CAG travel demand model has an AM and PM four-hour validation period. Outside the immediate Willow Road/US 101 study area, the C/CAG countywide model validation will be preserved.

Task 4: Model Application for Year 2030/Year 2035

The Consultant will develop estimates of year 2030 trip generation, trip distribution, and trips by mode. The results of each sub-model will be examined with respect to forecasting reasonable growth compared to 2005 and compared to the C/CAG model assumption of growth. The year 2030 AM and PM peak period trip tables will be "fratared" against 2035 projections of households and jobs. The Consultant will develop countywide estimates of households and jobs for 2035 for San Mateo and Alameda Counties.

With respect to households, previous ABAG projections for year 2030 have assumed numbers of households for Alameda and San Mateo that are higher than the current 2030 estimates. These higher household projections (from the ABAG Projections 2003 series) can be used as a surrogate for year 2035 households: The thinking being that the difference between the lower 2030 projections and the higher 2030 projections are a matter of timing (i.e. the higher numbers may not be achieved by 2030 but rather in a later year). The projections of 2035 jobs could utilize a similar approach, and will probably rely more on identifying specific large commercial developments in San Mateo County and Alameda County through discussions with the respective Congestion Management Association. The assumptions and results of these activities will be clearly documented and discussed with the project team prior to implementation, yielding a suitable estimate of aggregate numbers of jobs and households for year 2035 deemed appropriate by Caltrans, C/CAG and the SMCTA. Assignments of AM and PM peak period traffic will be produced by the 2035-assigned trip tables.

This task will result in a future no build or base, plus 6 interchange alternative model runs, for a total of seven sets of AM and PM peak four-hour model runs. The results will be presented in the form of link volume plots, indicating approach (and departing) volumes at intersections, as well as interchange ramp and freeway segment volumes for each of the alternatives. Also included will be intersection turning movements for year 2035 at twenty (20) study intersections.

Task 5: Prepare Documentation

The Consultant will prepare draft technical documentation presenting the travel demand model results of the various interchange alternatives. The documentation will be focused on (1) the performance of the subarea model relative to the validation goals and (2) the results of the 2035 Willow Road US 101 interchange forecasts. The draft technical memorandum will be reviewed by C/CAG and Caltrans staff and subsequently revised based upon their input. Four copies of final technical documentation will be prepared and delivered to the SMCTA, C/CAG and Caltrans.

Task 6: Attend Meetings

The Consultant will attend up to three (3) meetings with staff in conjunction with this project (in addition to the initial scoping meeting). Meetings are anticipated to occur either with Caltrans staff or the project team for the Willow Road US 101 PA/ED project. Other meetings at which the attendance of the Consultant is deemed necessary, are not included in this scope of work.

Additional Services

Any work not specifically referenced in the above Scope of Work–for example analyzing additional scenarios, producing additional model outputs, revising transportation network assumptions–shall be considered additional services.

Cost Estimate and Schedule

The cost estimate to create all of the products contained in Tasks 0 through 6 is $78,519, which includes $325 in other direct costs. A summary of the level of effort, and person hours and costs by task is presented in the following table.

The project calibration and validation phase is expected to span a 4 week period. The travel demand model development would be completed within 4 weeks of commencement, while the next seven (7) weeks will consist of preparing the 2030 future base model run, the fratared 2035 trip tables and the 2035 traffic assignments documentation materials, 2035 turning movements and link volumes.

Cost Proposal for Willow Road US 101 Interchange Model Re-validation 2035

Task	Labor Hours					Labor Cost	Direct Cost	Total Cost
	Jill Houg	Ling Jin	Matt Nelson	Jennif Hunter	Total Hours			
0 Finalize Scope of Work	10				10	$1,623		$1,623
1 Refine Travel Demand Model	16	80			96	$10,076		$10,076
2 Refine Traffic Count Database for	16	24			40	$4,840		$4,840
3 Traffic Assignment/Highway	104	24			128	$19,118		$19,118
4 Model Application Year 2030/2035	32	148	56	28	264	$25,652		$25,652
5 Prepare Documentation	32	24		40	96	$10,846	$125	$10,971
6 Attend Meetings	28	16			44	$6,039	$200	$6,239
Total (Tasks 0 through 6)	238	316	56	68	678	$78,194	$325	$78,519

Exhibit B

Scope of Work (6/02/06)

TRAVEL DEMAND MODELING/FORECASTING SUPPORT FOR THE SAN MATEO COUNTY TRANSPORTATION AUTHORITY STRATEGIC PLAN UPDATE

Task 1: Develop Future Year Transportation Networks

Hexagon will use the CCAG travel demand model networks for creating future year 2030 transportation networks for the San Mateo County Transportation Authority (SMCTA) Measure A Strategic Plan Update. The networks need to reflect the various highway projects listed in the Measure A Expenditure Plan that have been defined by SMCTA and the project team as suitable for evaluation with the County's travel demand forecasting system. The transportation networks and basic model data being used for this work consists of a C/CAG countywide travel demand model system that was validated against year 2005 ground counts. The future networks will reflect 27 individual projects defined by SMCTA and the Project Team, each alternative reflecting a single project for purposes of evaluating the benefits of each project. These projects are listed in the following table.

The future alternatives will all include the RTP Track 1 project list for the eight surrounding Bay Area counties. For the future year, both financially constrained and fiscally projected projects will be included in the background transportation networks, though the projects listed in the attached table will be excluded from the 2030 Base Case or No Build.

Task 2: Develop Year 2020/2030 Travel Demand Forecasts

Hexagon will use the C/CAG travel demand forecast model system to create travel forecast scenarios for the transportation alternatives described in Task 1. This model will be used as the basis for developing travel forecasts and measures of effectiveness for 27 future alternatives (see Task 1). For each scenario, volumes for the AM and PM peak 4-hour periods will be generated.

Task 3: Evaluate Travel Demand for Alternatives

Hexagon will prepare a series of model outputs for the 28 individual alternatives. Hexagon will analyze the AM and PM peak (4-hour) period results of these model runs and provide the following pieces of information:

- VMT/VHT Analysis,
- Vehicle hours of delay (by segment), and
- Planning level of service (i.e.,V/C Ratios).

Model Run #	Ser. #	Project Title	Model Priority
1	1	US-101: Construct Auxiliary Lanes Between Sierra Point Parkway and San Francisco County Line	1
2	2	US-101: Construct Auxiliary Lanes Between Sierra Point Parkway and San Bruno Avenue	1
3	4	US-101: Geneva Avenue: Extend	1
4	6	US-101: Reconstruct Produce Avenue Interchange	1
5	8	US-101: Reconstruct Peninsula Avenue Interchange	1
6	12	US-101: Construct Auxiliary Lanes Between Marsh Road and Santa Clara County Line	1
7	16	I-280: Construct Auxiliary Lanes Between I-380 and Hickey Blvd.	1
8	17	I-280/I-380 Interchange: Make Local Access Improvements	1
9	19	SR-1: Fassler Avenue to Westport Drive ("Callara")	1
10	21	SR-1: Make Safety and Operational Improvements in the Vicinity of Half Moon Bay (0.4 miles South of Miramontes Pt. to Capistrano Road)	1
11	24	SR-92: Construct Auxiliary Lanes and Interchange Improvements Between I-280 and the San Mateo Hayward Bridge	1
12	25	SR-84: Woodside Road: Widen Between US-101 and El Camino Real	1
13	26	SR-84: Extend Bayfront Expressway (Marsh to Woodside)	1
14	27	SR-35: Widen Between I-280 and Sneath Lane	1
15	29	Triton Drive (Foster City): Widen	1
16	3	US-101: Reconstruct Candlestick Point Interchange	2
17	5	US-101: Replace Sierra Point Parkway Interchange and Extend Lagoon Way	2
18	7	US-101: Reconstruct Broadway Interchange	2
19	10	US-101: Reconstruct Woodside Road Interchange	2
20	14	I-280: Widen John Daly Blvd Overcrossing (N Side)	2
21	15	I-280: Reconstruct I-280/SR-1 Interchange	2
22	23	SR-92: Add Truck Climbing Lane Between I-280 and SR-35	2
23	9	US-101: Make Operational Improvements From Hillsdale to SR-92	3
24	11	US-101: Make Improvements Between SR-84 and Santa Clara County Line, Including Access Improvements to Dumbarton Bridge	3
25	13	US-101: Reconstruct Willow Road Interchange	3
26	22	SR-92: Widen/Foothill to Pilarcitos Creek	3
27	28	Junipero Serra Blvd: Make Improvements in Daly City, Colma and South San Francisco	3

Task 4: Document Analysis and Prepare Traffic Demand Forecasting Model Memorandum

Hexagon will prepare draft technical documentation presenting the results of the travel demand forecasts. The evaluation data developed in Task 3 will be incorporated into the travel demand forecasting technical memorandum. Plots of volume-to-capacity ratios will be included.

Task 5: Attend Meetings

Hexagon will attend up to four meetings in conjunction with this study. The meetings may be with SMCTA staff, C/CAG staff or a combination of the two.

Any results, analyses, model outputs or services not described in the above tasks are considered extra services and would be subject to a supplemental add-on to the initial scope of work.

Schedule

The analysis and the draft memorandum of the forecast results will take approximately 10 weeks to complete, which will include draft review by SMCTA. It is anticipated that another two to three weeks will be needed (beyond the initial 10 weeks) to respond to any remaining questions and concerns by SMCTA or C/CAG.

Cost

The cost estimate to prepare this analysis and document the results is contained in a separate table.

Cost Estimate (6/02/06)

Travel Demand Forecasting Support for SMCTA Strategic Plan for Highway Projects

Task \Rate	Jill Hough 162	Ling Jin 94	Jennifer Hunter 85	Jordan Chan 66	Total Labor Hours	Total Labor Cost	Other Direct Cost	Total Cost
1. Develop Future Year Transportation Networks (28)	37	184		8	229	23,735		23,735
2. Develop 2020/2030 Forecasts for 28 Alternatives	24	76		24	124	12,584		12,584
3. Evaluate Travel Demand for Alternatives	88	91		40	219	25,427		25,427
4. Prepare Model Forecast Documentation	44	33	48		125	14,317	400	14,717
5. Attend Meetings (4)	32	16	8		56	7,370	100	7,470
Total	225	400	56	72	753	83,432	500	$83,932

Note: Total Labor Costs are based on a multiplier of 2.75

C/CAG AGENDA REPORT

Date: August 10, 2006

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF RESOLUTION 06-22 AUTHORIZING THE C/CAG CHAIR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF SAN MATEO FOR CONSTRUCTION CONTRACT ADMINISTRATION TO INSTALL RAMP METERING EQUIPMENT AT THE US 101/WILLOW ROAD SEPARATION AND TO REIMBURSE THE COUNTY OF SAN MATEO THE LOCAL SHARE OF PROJECT COST NOT TO EXCEED $82,000.

(For further information or questions contact Sandy Wong at 599-1409)

RECOMMENDATION

That the C/CAG Board review and approve resolution 06-22 authorizing the C/CAG Chair to execute an agreement with the County of San Mateo for construction contract administration to install ramp metering equipment at the US 101/Willow Road Separation and to reimburse the County of San Mateo the local share of project cost not to exceed $82,000.

FISCAL IMPACT

Through C/CAG and the Metropolitan Transportation Commission (MTC), $500,000 in Federal Congestion Mitigation and Air Quality (CMAQ) funds has been programmed to fund a project to install ramp meter equipment at the US 101/Willow Road Separation. Federal CMAQ funds have a requirement of minimum local match of 11.49%. The local match fund is included in the 2006/07 C/CAG budget under the Ramp Metering category of the Congestion Relief Program.

SOURCE OF FUNDS

The local match funds will come from the C/CAG Congestion Relief Program.

BACKGROUND/DISCUSSION

In November 2005, the C/CAG Board of Directors approved the San Mateo County Ramp Metering program for Route US 101 and Interstate 280 north of I-380. The first phase of implementation will turn on the ramp meters on US 101 between Route 92 and the Santa Clara County Line. Metering equipment within phase 1 has been installed as part of past freeway

ITEM 4.5

widening projects, with the exception of the US 101/Willow Road interchange. A capital project to install metering equipment at this location is necessary.

The San Mateo County Transportation Authority (SMCTA) has retained an engineering consultant to prepare the design package for this project. It is proposed that the County of San Mateo Public Works Department carries the project through the construction phase. That is because the neither C/CAG nor SMCTA is set up to administer construction contracts using Federal funds, while the County of San Mateo is.

Since the County of San Mateo is willing and able to administer this project at the request of C/CAG, the County of San Mateo will perform such work at no cost to the County. $500,000 is Federal CMAQ funds is available to this project. C/CAG will provide the required local match.

ATTACHMENTS

- Resolution 06-22
- Agreement with the County of San Mateo

RESOLUTION 06-22

* * * * * * * * * * * *

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE CHAIR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF SAN MATEO FOR CONSTRUCTION CONTRACT ADMINISTRATION TO INSTALL RAMP METERING EQUIPMENT AT THE US 101/WILLOW ROAD SEPARATION AND TO REIMBURSE THE COUNTY OF SAN MATEO THE LOCAL MATCH FOR FEDERAL FUNDS NOT TO EXCEED $82,000

* * * * * * * * * * * * * * * *

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, C/CAG has adopted the Ramp Metering Program for San Mateo County on US 101 and on Interstate I-280 from north of I-380; and

WHEREAS, Metering equipment needs to be installed at the US 101/Willow Road Interchange as part of the phase 1 Ramp Metering Program; and

WHEREAS, $500,000 in Federal Congestion Mitigation and Air Quality (CMAQ) funds has been programmed to a project to install metering equipment at the US 101/Willow Road Separation (Project), and Federal funds require a minimum of 11.47% local match; and

WHEREAS, County of San Mateo (County) is willing and able to administer the construction contracts for said Project using Federal funds and local match provided by C/CAG, and C/CAG has budgeted the funds needed for local match; and

WHEREAS, C//CAG agrees to reimburse the County 11.47% of the actual construction cost of the Project as the local match to the Federal CMAQ funds. C/CAG also agrees to reimburse the County 11.47% of the federal reimbursable construction engineering costs plus any additional federal non-reimbursable administrative costs not to exceed three percent (3%) of the total construction cost. The total reimbursement from C/CAG to County in local match and administrative costs should not exceed $82,000

NOW, THEREFORE, BE IT RESOLVED that the Chair is hereby authorized to sign an agreement with the County of San Mateo for the Project and to reimburse the County of San Mateo the local share of project cost not to exceed $82,000.

In accordance with C/CAG established policy, the Chair may administratively authorize up to an additional 5% of the total contract amount in the event that there are unforeseen costs associated with the project.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF AUGUST 2006.

_____

James M. Vreeland Jr., Chair

AGREEMENT BETWEEN
THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS
AND THE COUNTY OF SAN MATEO FOR CONSTRUCTION CONTRACT
ADMINISTRATION TO INSTALL RAMP METERING EQUIPMENT AT THE US
101/WILLOW ROAD SEPARATION

THIS AGREEMENT is entered into as of the _____ day of _____, 2006, by and between the City/County Association of Governments (C/CAG) and the County of San Mateo (County).

W I T N E S S E T H:

WHEREAS, ramp metering equipment needs to be installed at the US 101/Willow Road Interchange (Project) as part of the San Mateo County Ramp Metering Program; and

WHEREAS, a project to install said ramp-metering equipment qualifies for grant funding, and the San Mateo County Transit Authority (SMCTA) is in the process of having plans and specifications prepared for the work, and is working with Caltrans to secure an encroachment permit for the proposed construction; and

WHEREAS, $500,000 in Federal Congestion Mitigation and Air Quality (CMAQ) funds can be made available to finance said project; and

WHEREAS, C/CAG has requested the assistance of the Department of Public Works (DPW) as SMCTA has not done contract administration or construction inspection for road related projects, and as Caltrans has indicated that the project would be delayed if it were integrated into their construction schedule.

NOW, THEREFORE, IT IS HEREBY AGREED by the parties hereto, as follows:

1. SCOPE OF SERVICES

County agrees to administer the construction contract to install ramp-metering equipment at the US 101/Willow Road Separation (Project) and as described in said plans that are being prepared by SMCTA.

2. TIME OF PERFORMANCE

The services funded by this agreement shall commence on or after full execution of this agreement and shall be terminated by Project close out. Termination of this agreement prior to project close out shall be in written mutually agreement between the County Public Works Director and the C/CAG Executive Director.

3. FUNDING AND METHOD OF PAYMENT

a. County agrees to submit the necessary application for federal funding to the Metropolitan Transportation Commission in order to secure federal funding in the amount of $500,000 that can be made available for the Project.
b. County agrees to initially finance the work from its own funds once federal funds are

secured and further agrees that it will submit the necessary documentation in order to receive reimbursement of costs with federal funds as may be made available through MTC.

c. C/CAG agrees to reimburse the County for any costs that the County may incur and which are expected to be reimbursed with federal funds should said funds not be available to the County once costs by the County are incurred.

d. C//CAG also agrees to reimburse the County 11.47% of the actual construction cost of the Project as the local match to the Federal CMAQ funds. C/CAG also agrees to reimburse the County 11.47% of the federal reimbursable construction engineering costs plus any additional federal non-reimbursable administrative costs not to exceed three percent (3%) of the total construction cost. The total reimbursement from C/CAG to County in local match and administrative costs should not exceed $82,000.

e. County shall submit billings, accompanied by the activity reports and by invoices issued by contractor as proof that services were rendered and paid for by the County. Upon receipt of the invoice and its accompanying documentation, C/CAG shall pay the amount claimed under this agreement within thirty (30) days of receipt of the invoice, delivered or mailed to the County as follows:

County of San Mateo
Director of Public Works
555 County Center, 5th Floor
Redwood City, CA 94063-1665

f. Subject to duly executed amendments, should the lowest contractor's bid price exceeds the funding commitment under this agreement plus the $500,000 Federal CMAQ fund, a amendment to this agreement will be required for C/CAG to provide the additional funding required to complete the Project. C/CAG will notify the County in writing within 30 days to advise whether that the proposal is acceptable. Otherwise, County will immediately terminate this agreement and will be reimbursed for the incurred costs up to termination.

4. AMENDMENTS

Any changes in the services to be performed under this Agreement shall be incorporated in written amendments, which shall specify the changes in work performed and any adjustments in compensation and schedule. All amendments shall be executed by C/CAG and the County. No claim for additional compensation or extension of time shall be recognized unless contained in a duly executed amendment.

5. NOTICES

All notices or other communications to either party by the other shall be deemed given when made in writing and delivered or mailed to such party at their respective addresses as follows:

To C/CAG: Attention: Richard Napier
City/County Association of Governments
555 County Center, 5th Floor
Redwood City, CA 94063

To County: Attention: Neil R. Cullen, Director of Public Works
County of San Mateo Department of Public Works
555 County Center, 5th Floor
Redwood City, CA 94063

6. INDEPENDENT CONTRACTOR

County and its employees, agents and consultants shall be deemed independent contractors of C/CAG. Nothing herein shall be deemed to create any joint venture or partnership arrangement between the County and C/CAG.

7. MUTUAL HOLD HARMLESS

a. It is agreed that C/CAG shall defend, save harmless and indemnify County, its officers and employees from any and all claims which arise out of the terms and conditions of this Agreement and which result from the negligent acts or omissions of C/CAG, its officers and/or employees.

b. It is agreed that County shall defend, save harmless, and indemnify C/CAG, its officers and employees from any and all claims for injuries or damage to persons and/or property which arise out of the terms and conditions of this Agreement and which result from the negligent acts or omissions of County, its officers and/or employees.

c. In the event of concurrent negligence of County, its officers and/or employees, and C/CAG, its officers and/or employees, then the liability for any and all claims for injuries or damage to persons and/or property which arise out of terms and conditions of this Agreement shall be apportioned according to the California theory of comparative negligence.

IN WITNESS WHEREOF, the Agreement has been executed by the parties hereto as of the day and year first written above.

CITY/COUNTY ASSOCIATION OF GOVERNMENTS

COUNTY OF SAN MATEO
DEPARTMENT OF PUBLIC WORKS

James M. Vreeland Jr., C/CAG Chair

Jerry Hill, President of the San Mateo County Board of Supervisors

Approved as to form:

Miruni Soosaipillai, C/CAG Attorney

Deborah Penny Bennett, County Counsel

C/CAG AGENDA REPORT

Date: August 10, 2006

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF AN AMENDMENT TO THE C/CAG BYLAWS CHANGING THE NAME OF THE CONGESTION MANAGEMENT & AIR QUALITY COMMITTEE (CMAQ) TO THE CONGESTION MANAGEMENT & ENVIRONMENTAL QUALITY (CMEQ) COMMITTEE

(For further information or questions contact Walter Martone at 599-1465)

RECOMMENDATION

That the C/CAG Board review and approve an amendment to the C/CAG Bylaws changing the name of the Congestion Management & Air Quality Committee (CMAQ) to the Congestion Management & *Environmental* Quality (CMEQ) Committee.

FISCAL IMPACT

None.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

On April 14, 2005, the C/CAG Board approved a recommendation to expand the scope of the Congestion Management & Air Quality Committee (CMAQ) to include environmental, solid waste and hazardous waste programs.

At the CMAQ meeting on June 26, 2006, the Committee adopted the following mission statement:

> *The Congestion Management and Air Quality Committee (CMAQ) provides advice and recommendations to the C/CAG Board of Directors on all matters relating to traffic congestion management, travel demand management, coordination of land use and transportation planning, mobile source air quality programs, energy resources and conservation, and other environmental issues facing the local jurisdictions in San Mateo County.*

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This role of the CMAQ Committee also includes making recommendations to the C/CAG Board on the allocation of funding for specific projects and activities addressing these programmatic areas. Some of the individual programs and activities that the CMAQ Committee oversees and/or provides input on include:

1. *Congestion Management Program*
2. *Countywide Transportation Plan*
3. *Measure A Strategic Plan*
4. *Transportation Fund for Clean Air Program*
5. *C/CAG's Vehicle Registration Fee Program*
6. *C/CAG's Congestion Relief Program*
7. *Countywide Integrated Waste Management Plan*
8. *Green Building Program*
9. *Energy Program*
10. *Water Conservation Program*
11. *Greenhouse Gas Emission Program*
12. *Transportation Fund for Clean Air Program*
13. *Land Use Monitoring and Impact Analysis Program*
14. *Shuttle Programs*
15. *El Camino Real Incentive Program*
16. *Traffic Impact Analysis Program*
17. *Transportation Demand Management Program*
18. *Roadway and Transit Capital Improvement Program*

In recognition of these new responsibilities, the Members decided that the name of the Committee should be broadened to include all environmental programs instead of only air quality programs. The initial selection of the "air quality" component of the name was because when the Committee was created, the funding sources it was overseeing included congestion management funds and the Transportation Fund for Clean Air. Now that the scope of the Committee has expanded, a change in name appears to be in order.

ATTACHMENTS

Excerpt of C/CAG Bylaws as amended on June 10, 2004 dealing with "Committees." The change in name for the CMAQ Committee is noted with ~~strikeout~~ and *italics*.

EXCERPT OF C/CAG BYLAWS AMENDED ON JUNE 10, 2004

ARTICLE VI. COMMITTEES

Section 1. The Board of Directors may establish and appoint members to committees and advisory boards wherever necessary. The following standing committees have been established to assist in accomplishing C/CAG's goals:

Administrators' Advisory

Airport Land Use

Bicycle & Pedestrian Advisory

Congestion Management & ~~Air~~ *Environmental* Quality

Congestion Management Program Technical Advisory Committee

Finance

Hazardous Waste Management Plan Advisory

Solid Waste Advisory

NPDES

NPDES Technical Advisory Committee

Section 2. Persons who are not members of the Board of Directors, including other elected officials and public members, may be appointed to serve on any committee or advisory board established by the Board of Directors.

Section 3. During any consecutive twelve month period, members will be expected to attend at least 75% of the scheduled meetings and not have more than three consecutive absences. If the number of absences exceed these limits, the seat may be declared vacant by the C/CAG Chair. Attendance by designated alternates, where included in the composition of the committee, will not count toward meeting the attendance requirement of the member. Appointments to fill the vacant seats will be made at the next regularly scheduled C/CAG meeting from existing waiting lists if

available. If not, a recruitment process will be initiated and the appointment will be made as soon as practical.

(Note from discussion at C/CAG meeting where this attendance item was discussed: Appointments to fill vacancies on committees should also make every attempt to balance the representation to include the different regions of the County. Although this is not always possible, it should become a prime consideration of the Board when conducting recruitments and making appointments. The C/CAG Executive Director will notify the C/CAG Chair if and when there is the need to apply this new policy, and will also periodically report on the attendance of member jurisdictions at meetings of the full Board.)

C/CAG AGENDA REPORT

Date: August 10, 2006

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF THE QUARTERLY INVESTMENT REPORT AND THE AUTHORIZATION OF STAFF TO OPEN AN INVESTMENT ACCOUNT WITH THE SAN MATEO COUNTY INVESTMENT POOL

(For further information or questions contact Richard Napier at 599-1420)

RECOMMENDATION

That the C/CAG Board review and approve the quarterly investment report and authorize staff to open an investment account with the San Mateo County Investment Pool.

FISCAL IMPACT

Potential for higher yield from C/CAG investments and greater diversification.

SOURCE OF FUNDS

Investments in public investment pools.

BACKGROUND/DISCUSSION

Currently all of C/CAG's investments are with the Local Agency Investment Fund. As C/CAG's Fiscal Agent, the City of San Carlos manages C/CAG's finances and provides advice on investments. In order to potentially increase investment proceeds and provided for a more diversified investment strategy, the City is recommending that C/CAG also open an account with the San Mateo County Investment Pool. Both of these investment Funds have risk-averse investment strategies.

ATTACHMENTS

Report and recommendations from Richard Averett, Finance Director, City of San Carlos.

ITEM 4.7

CITY AND COUNTY ASSOCIATION OF GOVERNMENTS
Board of Directors Agenda Report

To: Richard Napier, Executive Director
From: Richard Averett – Finance Director
Date: May 22, 2006

SUBJECT: Quarterly Investment Report as of March 31, 2006

RECOMMENDATION:
It is recommended that the C/CAG Board review and accept the Quarterly Investment Report, and authorize staff to open an investment account with the San Mateo County Investment Pool.

ANALYSIS
C/CAG's only investment vehicle to date has been the Local Agency Investment Fund (LAIF). The balance in the Local Agency Investment Fund as of March 31, 2006 was $2,272,827 earning 4.03% interest. Total accrued interest for the quarter ending March 31, 2006 was $22,582, with a total fiscal year to date interest earnings of $63,318.

San Mateo County also operates an investment pool. Both pools have risk-averse investment strategies, but differ slightly in maturity and weighting of investment vehicles. These differences result in different pool yields, depending on larger market factors such as rising or falling fixed interest rates. This is the second quarter in some time that LAIF is paying a higher current quarterly yield than the County Pool. Currently LAIF is paying 42 basis points more than the County Pool but we believe the County has taken steps to adjust their returns. The San Mateo County March Investment Report states that "in March management decided to undergo a one time portfolio repositioning strategy in order to raise additional cash. This move resulted in a one time lower than normal monthly rate. However, this strategy will allow the portfolio to take advantage of increases short-term interest rates going forward." However, LAIF is more flexible in transfers out of the pool to meet cash flow requirements.

Having a choice of investment pools would provide an alternative for both yield and diversification. Preservation of principal and meeting cash flow needs of C/CAG remain the top priorities. Establishing an account with the San Mateo County Pool furthers those goals with the added benefit of enabling staff to maintain competitive yields among conservatively invested public investment pools. While not currently yielding more, the County Pool has traditionally yielded a higher return than LAIF, and having the County Pool as an optional investment choice would give staff added flexibility in adjusting to market conditions.

Attachments

CITY & COUNTY ASSOCIATION OF GOVERNMENTS

SUMMARY OF ALL INVESTMENTS
For Quarter Ending March 31, 2006

Category	Maturity Days	Maturity Months	Weighted Average Interest Rate	HISTORICAL Book Value	GASB 31 ADJ Market Value
Liquid Investments:					
Local Agency Investment Fund (LAIF)		1	4.03%	2,272,827	2,272,827
Agency Securities					
Total Investments			4.03%	2,272,827	2,272,827
GRAND TOTAL OF PORTFOLIO			4.03%	2,272,827	2,272,827

Total Accrued Interest this Quarter	22,582
Total Interest Earned Fiscal-Year-to-Date	63,318

C/CAG AGENDA REPORT

Date: August 10, 2006

TO: C/CAG Board of Directors

From: Richard Napier, Executive Director - C/CAG

Subject: Review and Approval of the Abandoned Vehicle Abatement (AVA) Program Reports for the Second Quarter FY 05-06 ending December 31, 2005 and Third Quarter FY 05-06 ending March 31, 2006

(For further information or response to question's, contact Richard Napier at 650 599-1420)

Recommendation:

Review and Approval of the Abandoned Vehicle Abatement (AVA) Program Reports for the Second Quarter FY 05-06 ending December 31, 2005 and Third Quarter FY 05-06 ending March 31, 2006 in accordance with the staff recommendation.

Fiscal Impact:

None.

Revenue Source:

Department of Motor Vehicle Fees that are provided to the County for Abandoned Vehicle Abatement.

Background/Discussion:

C/CAG acts as the San Mateo County AVA Service Authority. The objective of the program is the abatement of abandoned vehicles. Reimbursement is provided to the agencies through revenues provided from vehicle registration fees. The revenues are disbursed to participating agencies 50% based on population and 50% based on the proportionate share of the abatements in the County. If a participating agency does not perform any abatements then that agency's population share is returned to the State.

Second Quarter FY 05-06:

During the Second Quarter – 6,362 vehicles were abated for a year to date total of 13,713 vehicles. All revenues received less administration costs were disbursed to the participating agencies. In accordance with the C/CAG Board-approved program, major purchases of $0.00 were made which came from the established reserves. Total agency disbursements were Second Quarter - $152,652.13 and year to date $322,912.05. Administrative cost for the Second Quarter

ITEM 4.8

FY 05-06 was $3,817.48 for a rate of 2.44%.

Third Quarter FY 05-06:

During the Third Quarter - 6,446 vehicles were abated for a year to date total of 20,159 vehicles. All revenues received less administration costs were disbursed to the participating agencies. In accordance with the C/CAG Board-approved program, major purchases of $0.00 were made which came from the established reserves. Total agency disbursements were Third Quarter - $173,578.46 and year to date $496,490.51. Administrative cost for the Third Quarter FY 05-06 was $4,834.33 for a rate of 2.71%. A summary report for the year is provided for the Board.

Attachment

AVA Program Summary FY 2005-06
Abandoned Vehicle Abatement (AVA) Program Quarterly Status Report ending December 31, 2005 (FY 05-06) for San Mateo County
Abandoned Vehicle Abatement (AVA) Program Quarterly Status Report ending March 31, 2006 (FY 05-06) for San Mateo County

Alternatives:

1- Review and Approval of the Abandoned Vehicle Abatement (AVA) Program Reports for the Second Quarter FY 05-06 ending December 31, 2005 and Third Quarter FY 05-06 ending March 31, 2006 in accordance with the staff recommendation.

2- Review and Approval of the Abandoned Vehicle Abatement (AVA) Program Reports for the Second Quarter FY 05-06 ending December 31, 2005 and Third Quarter FY 05-06 ending March 31, 2006 in accordance with the staff recommendation with modifications.

3- No action.

07/27/06

AVA PROGRAM SUMMARY FY 2005-06

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Fiscal Year Total
Revenues					
Registration Fees	$173,824.32	$156,469.61	$178,412.79		$508,706.72
Interest					$0.00
Total	$173,824.32	$156,469.61	$178,412.79	$0.00	$508,706.72
Costs					
Administration					
C/CAG					$0.00
Personnel					$0.00
Service&Supplies	$3,564.40	$3,817.48	$4,834.33		$12,216.21
Total Administration	$3,564.40	$3,817.48	$4,834.33	$0.00	$12,216.21
Disbursement	$170,259.92	$152,652.13	$173,578.46		$496,490.51
Unexpended Revenues					$0.00
Funds Returned					$0.00
Miscellaneous					$0.00
Major Purchases					$0.00
Total Disbursed	$170,259.92	$152,652.13	$173,578.46	$0.00	$496,490.51
Disbursed Cum YTD	$170,259.92	$322,912.05	$496,490.51	$496,490.51	
Total Admin+Disbursed	$173,824.32	$156,469.61	$178,412.79	$0.00	$508,706.72
RESERVE					
Beginning	$183,751.30	$183,751.30	$183,751.30	$183,751.30	$183,751.30
Transfer In	$0.00	$0.00	$0.00	$0.00	$0.00
Total Reserve	$183,751.30	$183,751.30	$183,751.30	$183,751.30	$183,751.30
Administration Rate	2.05%	2.44%	2.71%	0.00%	2.40%
Vehicles Abated					
Voluntary Abatements	6170	5458	5419		17047
Tows(Abatements)	1181	904	1027		3112
Total Abatements	7351	6362	6446	0	20159
Cumulative YTD	7351	13713	20159	20159	

Abandoned Vehicle Abatement (AVA) Program Quarterly Status Report ending December 31, 2005 (FY 05-06) for San Mateo County

CITY OF SAN CARLOS

POLICE DEPARTMENT
600 ELM STREET
SAN CARLOS, CALIFORNIA 94070-3085

TELEPHONE (415) 802-4277
FAX (415) 595-3049

March 10, 2006

Mr. Richard Napier
Executive Director
C/CAG
555 County Center (5th Floor)
Redwood City, CA 94063

Dear Mr. Napier:

Please find enclosed a copy of the AVA report for quarter ended 12/31/05, together with the Payment Authorizations which require your signature.

I would appreciate you returning the signed authorizations to Rebecca Mendenhall in our Finance Department for processing.

Thank you.

Sincerely,

Mary Arnold

Mary Arnold

Enclosures

RECYCLED PAPER

State Controller's Office
Division Of Accounting And Reporting
Allocation Of $1.00 State Vehicle Registration Collections
For Abandoned Vehicle Abatement
2005-2006 Fiscal Year

County	Quarterly Payment 1st Qtr Paid 11-07-2005	2nd Qtr Paid 2-10-2006	Year To Date
Alameda	[illegible]	[illegible]	[illegible]
Amador	12,271.36	10,787.53	23,058.89
Butte	[illegible]	[illegible]	[illegible]
Calaveras	15,743.64	13,977.13	29,720.77
Contra Costa	[illegible]	[illegible]	[illegible]
Del Norte	5,958.24	5,115.93	11,074.17
El Dorado	[illegible]	[illegible]	[illegible]
Fresno	169,577.26	152,205.02	321,782.28
Glenn	[illegible]	[illegible]	[illegible]
Humboldt	33,717.33	29,153.17	62,870.50
Imperial	[illegible]	[illegible]	[illegible]
Kings	23,933.22	21,834.38	45,767.60
Lake	[illegible]	[illegible]	[illegible]
Madera	0.00	24,084.53	24,084.53
Marin	[illegible]	[illegible]	[illegible]
Mendocino	25,037.83	23,481.65	48,519.48
Monterey	[illegible]	[illegible]	[illegible]
Napa	33,406.95	29,273.20	62,680.15
Nevada	[illegible]	[illegible]	[illegible]
Orange	656,229.47	579,836.73	1,236,066.20
Riverside	[illegible]	[illegible]	[illegible]
Sacramento	292,783.89	258,317.37	551,101.26
San Benito	[illegible]	[illegible]	[illegible]
San Diego	658,313.85	589,499.84	1,247,813.69
San Francisco	[illegible]	[illegible]	[illegible]
San Joaquin	137,571.31	124,415.58	261,986.89
San Mateo	[illegible]	[illegible]	[illegible]
Santa Clara	376,568.73	332,389.24	708,957.97
Santa Cruz	[illegible]	[illegible]	[illegible]
Shasta	47,843.11	42,238.07	90,081.18
Solano	[illegible]	[illegible]	[illegible]
Sonoma	119,394.40	105,334.74	224,729.14
Stanislaus	[illegible]	[illegible]	[illegible]
Tehama	13,232.34	12,335.39	25,567.73
Trinity	[illegible]	[illegible]	[illegible]
Tulare	79,415.49	71,975.50	151,390.99
Tuolumne	[illegible]	[illegible]	[illegible]
Yuba	14,974.06	13,378.60	28,352.66
Total	$ 4,597,944.26	$ 4,112,746.17	$ 8,710,690.43

SAN MATEO COUNTY ABANDONED VEHICLE ABATEMENT PROGRAM
DETAIL FOR QUARTERLY REPORT ENDING 12/31/05

OFFICE OF THE CHIEF OF POLICE/FINANCE DEPARTMENT
(ADMINISTRATION COSTS)

Personnel Costs - Police

8 hours @ $106.00	$848.00
** 7 hours (@ $34.56/hr	$241.92

Personnel Costs - Finance

Finarice Dept.** Personnel	$2,327.56
Finance Dept. Suppplies	$400.00

TOTAL EXPENSES	**$3,817.48**

**All personnel costs include benefits

City		Amount	Vendor#	AVA	09-ORG	OBJECT
BELMONT		4710.46	122.2		C9365000	520325
BRISBANE		1263.13	1716			
BURLINGAME		6078.02	159.1			
DALY CITY		20840.84	301			
EAST PALO ALTO		5498.68	1712			
FOSTER CITY		9624.28	488			
HALF MOON BAY		1873.57	722			
MENLO PARK		4545.43	1600			
MILLBRAE		5276.00	1601			
PACIFICA		9249.89	382			
PORTOLA VALLEY		503.23	1717			
REDWOOD CITY		16892.85	202.3			
SAN BRUNO		11522.52	1718			
SAN CARLOS		6563.19	725.1			
SAN MATEO, CITY		24827.93	767			
SAN MATEO COUNTY		7879.90	680.25			
SOUTH SAN FRANCISCO		14868.90	884			
WOODSIDE		633.31	1719			
Admin Cost to San Carlos Qtr ending	12/31/2005	3817.48	725.1			
		156469.61				

Desc:	12/31/05 AVA funds
Inv. #	31006
Req. By	Mary Arnold

SAN MATEO COUNTY ABANDONED VEHICLE AUTHORITY

QUARTER ENDING 12/31/05

3/27/2006

CITIES	POPULATION TOTAL	% POPULATION	50% FUNDS BY POPULATION BASE (P)	TOWED Public	TOWED Private	TOWED Total	VOLUNTARY ABATED Public	VOLUNTARY ABATED Private	VOLUNTARY ABATED Total	TOTAL ABATED	% ABATED	50% FUNDS BY % ABATED (A)	TOTAL REIMBURS. THIS QTR (P+A)	AVA FUNDS TO DISBURSE THIS QTR $152,652.13
Belmont	25,400	3.64%	$ 2,778.91	14	0	14	147	0	147	161	2.53%	$ 1,931.55	$ 4,710.46	
Brisbane	3,650	0.52%	$ 399.33	7	0	7	65	0	65	72	1.13%	$ 863.80	$ 1,263.13	
Burlingame	28,250	4.05%	$ 3,090.72	31	0	31	218	0	218	249	3.91%	$ 2,987.30	$ 6,078.02	
Daly City	104,300	14.95%	$ 11,411.06	83	17	100	654	32	686	786	12.35%	$ 9,429.78	$ 20,840.84	
East Palo Alto	30,850	4.42%	$ 3,375.18	52	0	52	125	0	125	177	2.78%	$ 2,123.50	$ 5,498.68	
Foster City	29,850	4.28%	$ 3,265.77	40	0	40	520	0	520	530	8.33%	$ 6,358.51	$ 9,624.28	
Half Moon Bay	12,300	1.76%	$ 1,345.69	4	0	4	40	0	40	44	0.69%	$ 527.88	$ 1,873.57	
Menlo Park	30,800	4.41%	$ 3,369.71	68	0	68	28	2	30	98	1.54%	$ 1,175.72	$ 4,545.43	
Millbrae	20,700	2.97%	$ 2,264.71	14	1	12	239	0	239	251	3.95%	$ 3,011.29	$ 5,276.00	
Pacifica	38,600	5.53%	$ 4,223.08	65	3	68	336	15	351	419	6.59%	$ 5,026.82	$ 9,249.89	
Portola Valley	4,490	0.64%	$ 491.23	0	0	0	1	0	1	1	0.02%	$ 12.00	$ 503.23	
Redwood City	76,000	10.89%	$ 8,314.86	168	7	175	478	62	540	715	11.24%	$ 8,577.98	$ 16,892.85	
San Bruno	40,950	5.87%	$ 4,480.18	110	5	115	436	36	472	587	9.23%	$ 7,042.35	$ 11,522.52	
San Carlos	27,750	3.98%	$ 3,036.02	7	0	7	267	0	267	294	4.62%	$ 3,527.17	$ 6,563.19	
San Mateo	93,700	13.43%	$ 10,251.35	124	0	124	1091	0	1091	1215	19.10%	$ 14,576.57	$ 24,827.93	
San Mateo County	63,800	9.15%	$ 6,980.11	45	0	45	30	0	30	75	1.18%	$ 899.79	$ 7,879.90	
San Francisco	60,900	8.73%	$ 6,662.83	70	0	70	609	5	614	684	10.75%	$ 8,206.07	$ 14,868.90	
Woodside	5,350	0.77%	$ 585.32	2	0	2	2	0	2	4	0.06%	$ 47.99	$ 633.31	
TOTAL	697,640	100%	$ 76,326.07	871	33	904	5306	152	5458	6362	100.00%	$ 76,326.07	$ 152,652.13	

Abandoned Vehicle Abatement (AVA) Program Quarterly Status Report ending March 31, 2006
(FY 05-06) for San Mateo County

CITY OF SAN CARLOS

POLICE DEPARTMENT
600 ELM STREET
SAN CARLOS, CALIFORNIA 94070-3085

TELEPHONE (415) 802-4277
FAX (415) 595-3049

RECEIVED
JUL 10 2006
DEPARTMENT OF PUBLIC WORKS
COUNTY OF SAN MATEO

July 3, 2006

Mr. Richard Napier
Executive Director
C/CAG
555 County Center (5th Floor)
Redwood City, CA 94063

Dear Mr. Napier:

Please find enclosed a copy of the AVA report for 3rd quarter ended 03/31/06, together with the Payment Authorizations which require your signature.

I would appreciate you returning the signed authorizations to Marilyn Maytum in our Finance Department for processing.

Thank you.

Sincerely,

Mary Arnold

Enclosures

RECYCLED PAPER

State Controller's Office
Division Of Accounting And Reporting
Allocation Of $1.00 State Vehicle Registration Collections
For Abandoned Vehicle Abatement
2005-2006 Fiscal Year

County	Quarterly Payment 1st Qtr Paid 11-07-2005	2nd Qtr Paid 2-10-2006	3rd Qtr Paid 5-03-2006	Year To Date
Alameda	$ 313,934.26	$ 277,217.96	$ 306,908.81	$ 898,061.03
Amador	12,271.36	10,787.53	12,118.26	35,177.15
Butte	50,757.63	44,395.72	50,548.56	145,701.91
Calaveras	15,743.84	13,977.13	15,451.88	45,172.65
Contra Costa	226,571.37	200,565.33	220,787.34	647,924.04
Del Norte	5,958.24	5,115.93	6,082.79	17,156.96
El Dorado	49,728.09	43,914.22	47,396.63	141,038.94
Fresno	169,577.26	152,205.02	173,850.08	495,632.36
Glenn	7,089.48	6,844.85	7,724.96	21,659.29
Humboldt	33,717.33	29,153.17	32,695.55	95,566.05
Imperial	33,917.32	32,534.66	36,753.37	103,205.35
Kings	23,933.22	21,834.38	24,235.08	70,002.68
Lake	19,132.71	17,000.37	18,961.43	55,094.51
Madera	0.00	24,084.53	26,832.83	50,917.36
Marin	61,104.61	53,479.06	58,152.29	172,735.96
Mendocino	25,037.83	23,481.65	25,299.65	73,819.13
Monterey	87,163.21	75,091.55	84,441.25	246,696.01
Napa	33,406.95	29,273.20	32,049.06	94,729.21
Nevada	29,572.98	25,769.92	27,497.20	82,840.10
Orange	656,229.47	579,836.73	640,148.19	1,876,214.39
Riverside	407,043.43	367,340.21	422,615.97	1,196,999.61
Sacramento	292,783.69	258,317.37	290,821.73	841,922.99
San Benito	13,496.25	11,711.51	13,213.88	38,421.64
San Diego	658,313.85	589,499.84	661,341.90	1,909,155.59
San Francisco	125,326.77	109,381.74	118,428.74	353,139.25
San Joaquin	137,571.31	124,415.58	140,695.77	402,682.66
San Mateo	173,824.32	156,469.61	178,412.79	508,706.72
Santa Clara	376,568.73	332,389.24	366,430.43	1,075,388.40
Santa Cruz	60,621.45	53,501.74	57,780.99	171,904.18
Shasta	47,843.11	42,238.07	49,190.07	139,271.25
Solano	93,045.64	81,450.11	92,352.72	266,848.47
Sonoma	119,394.40	105,334.74	116,365.39	341,094.53
Stanislaus	109,260.59	97,546.12	111,333.12	318,139.83
Tehama	13,232.34	12,335.39	14,648.07	40,215.80
Trinity	4,351.50	3,750.24	4,216.87	12,318.61
Tulare	79,415.49	71,975.50	83,140.48	234,531.47
Tuolumne	16,028.17	15,147.65	16,932.27	48,108.09
Yuba	14,974.06	13,378.60	15,183.44	43,536.10
Total	$ 4,597,944.26	$ 4,112,746.17	$ 4,601,039.84	$ 13,311,730.27

City		Amount	Vendor#	AVA	09-ORG	OBJECT
BELMONT		5287.85	122.2		C9365000	520325
BRISBANE		1255.74	1716			
BURLINGAME		6479.06	159.1			
DALY CITY		19540.99	301			
EAST PALO ALTO		7831.15	1712			
FOSTER CITY		11103.18	488			
HALF MOON BAY		1866.00	722			
MENLO PARK		4920.22	1600			
MILLBRAE		4265.05	1601			
PACIFICA		11492.26	382			
PORTOLA VALLEY		587.98	1717			
REDWOOD CITY		19783.70	202.3			
SAN BRUNO		12951.85	1718			
SAN CARLOS		8047.33	725.1			
SAN MATEO, CITY		29125.44	767			
SAN MATEO COUNTY		12126.63	680.25			
SOUTH SAN FRANCISCO		16181.54	884			
WOODSIDE		732.47	1719			
Admin Cost to San Carlos Qtr ending	3/30/2005	4834.33	725.1			
		178412.77				

Desc:	3/31/06 AVA funds
Inv. #	51906
Req. By	Mary Arnold

SAN MATEO COUNTY ABANDONED VEHICLE AUTHORITY
QUARTER ENDING 03/31/06

CITIES	POPULATION TOTAL	% POPULATION	50% FUNDS BY POPULATION BASE (P)	TOWED			VOLUNTARY ABATED			TOTAL ABATED	% ABATED	50% FUNDS BY % ABATED (A)	TOTAL REIMBURS. THIS QTR (P+A)	AVA FUNDS TO DISBURSE THIS QTR $173,578.46
				Public	Private	Total	Public	Private	Total					
Belmont	25,648	3.64%	$ 3,160.53	16	0	16	142	0	142	158	2.45%	$ 2,127.32	$ 5,287.85	
Brisbane	3,744	0.53%	$ 461.36	2	0	2	54	3	57	59	0.92%	$ 794.38	$ 1,255.74	
Burlingame	28,322	4.02%	$ 3,490.04	23	0	23	199	0	199	222	3.44%	$ 2,989.02	$ 6,479.06	
Daly City	104,820	14.88%	$ 12,916.69	89	7	96	381	15	396	492	7.63%	$ 6,624.31	$ 19,540.99	
East Palo Alto	32,083	4.56%	$ 3,953.50	78	0	78	209	1	210	288	4.47%	$ 3,877.64	$ 7,831.15	
Foster City	29,900	4.25%	$ 3,684.50	8	0	8	543	0	543	551	8.55%	$ 7,418.69	$ 11,103.18	
Half Moon Bay	12,739	1.81%	$ 1,569.79	6	0	6	16	0	16	22	0.34%	$ 296.21	$ 1,866.00	
Menlo Park	30,750	4.37%	$ 3,789.24	46	0	46	35	3	38	84	1.30%	$ 1,130.98	$ 4,920.22	
Millbrae	20,735	2.94%	$ 2,555.12	23	0	23	104	0	104	127	1.97%	$ 1,709.93	$ 4,265.05	
Pacifica	38,739	5.50%	$ 4,773.70	83	1	84	403	12	415	499	7.74%	$ 6,718.56	$ 11,492.26	
Portola Valley	4,553	0.65%	$ 561.05	0	0	0	2	0	2	2	0.03%	$ 26.93	$ 587.98	
Redwood City	76,087	10.80%	$ 9,376.00	194	30	224	510	39	549	773	11.99%	$ 10,407.71	$ 19,783.70	
San Bruno	41,515	5.89%	$ 5,115.78	142	2	144	402	36	438	582	9.03%	$ 7,836.07	$ 12,951.85	
San Carlos	28,265	4.01%	$ 3,483.02	12	0	12	327	0	327	339	5.26%	$ 4,564.31	$ 8,047.33	
San Mateo	94,315	13.39%	$ 11,622.18	134	0	134	1166	0	1166	1300	20.17%	$ 17,503.26	$ 29,125.44	
San Mateo County	64,756	9.19%	$ 7,979.71	68	0	68	240	0	240	308	4.78%	$ 4,146.93	$ 12,126.63	
S. San Francisco	61,824	8.78%	$ 7,618.40	62	0	62	562	12	574	636	9.87%	$ 8,563.13	$ 16,181.54	
Woodside	5,507	0.78%	$ 678.61	1	0	1	3	0	3	4	0.06%	$ 53.86	$ 732.47	
TOTAL	704,302	100%	$ 86,789.23	987	40	1027	5298	121	5419	6446	100.00%	$ 86,789.23	$ 173,578.46	

5/18/2006

SAN MATEO COUNTY ABANDONED VEHICLE ABATEMENT PROGRAM
3/31/2005

OFFICE OF THE CHIEF OF POLICE/FINANCE DEPARTMENT
(ADMINISTRATION COSTS)

Costs - Police Department

Personnel:	
** 7 hours (@ $34.56/hr	$241.92
Program Audit	$2,000.00

Costs - Finance Department

Finance Dept.** Personnel	$2,192.41
Finance Dept. Suppplies	$400.00

** includes benefits

TOTAL EXPENSES	**$4,834.33**

**All personnel costs include benefits

C/CAG AGENDA REPORT

DATE: August 10, 2006

TO: City/County Association of Governments of San Mateo County (C/CAG) Board of Directors

FROM: Richard Napier, Executive Director

SUBJECT: REVIEW/APPROVAL OF (1) RESOLUTION 06-23, TO ACCEPT A GRANT OFFER OF $300,000 AND RELATED ASSURANCES AND CONDITIONS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR THE PURPOSE OF PREPARING A LAND USE COMPATIBILITY STUDY FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT, PER THE RELEVANT PROVISIONS OF SECTION 160 OF *VISION 100 – CENTURY OF AVIATION REAUTHORIZATION ACT* AND (2) RESOLUTION 06-24 TO AUTHORIZE C/CAG STAFF TO INITIATE AN RFQ/RFP PROCESS TO SELECT A QUALIFIED CONSULTANT(S) TO ASSIST C/CAG STAFF IN THE PREPARATION OF THE ABOVE-REFERENCED LAND USE STUDY

For further information, contact Richard Napier at 650/599-1420 or David F. Carbone, C/CAG Airport Land Use Committee (ALUC) Staff, at 650/363-4417.

RECOMMENDATION

That the C/CAG Board approve the following resolutions:

(1) Resolution 06-23, accepting a grant offer of $300,000 and related assurances and conditions from the Federal Aviation Administration (FAA), to prepare a land use compatibility study for the environs of San Francisco International Airport, per the relevant provisions of Section 160 of *Vision 100 – Century of Aviation Reauthorization Act* (see Attachment No. 5).

(2) Resolution 06-24, authorizing C/CAG staff to initiate a Request for Qualifications/Request for Proposals (RFQ/RFP) process to select a qualified consultant(s) to assist the staff in the preparation of the above-referenced land use compatibility study (see Attachment No. 6).

FISCAL IMPACT

The federal grant will provide 95% ($300,000) of the total cost project cost. The required 5% match ($15,790) will be provided via the C/CAG General Fund (C/CAG Board Resolution No. 06-03). The C/CAG Board will receive the federal funds through a standard reimbursement process.

ITEM 4.9

BACKGROUND

In late 2003, Congress passed *Vision 100 – Century of Aviation Reauthorization Act*. Section 160 of the *Act* authorizes the Secretary of Transportation to make grant funds available to states and units of local government for compatible land use planning around large and medium hub airports across the nation. This is the first time federal funding has been set-aside for this purpose.

In June 2005, the FAA released grant program information and a list of 33 eligible airports. San Francisco International Airport (SFO) is a large hub airport and is included on the eligibility list. In September of last year (September 23, 2005), the C/CAG Board, via the Executive Director, submitted a letter to the manager of the FAA Airports District Office (ADO) in Burlingame, to request the FAA to determine the eligibility of C/CAG to apply for and receive federal grant funds for airport/land use compatibility planning, per the relevant provisions on Section 160 of *Vision 100* (see Attachment No. 1). An FAA response letter, dated November 3, 2005, states the following:

> "We have determined that your organization meets the sponsorship requirements for an Airport Improvement Program (AIP) grant. We recommend that C/CAG submit an application for a land use compatibility study by January 31, 2006, to allow our office to complete the administrative process to award a grant prior to the end of our 2006 program year."

The above statement recognizes the C/CAG Board, in its role as the as the airport land use commission for the county, as the appropriate local agency to receive federal funds to carryout this program. This action was based, in part, on the make up of the C/CAG membership, which includes all of the cities in the county and that several of those cities have land use and zoning authority within the environs of SFO.

C/CAG staff submitted the grant application materials to the FAA at the end of January 2006. In response to that application, the FAA has made a grant offer (AIP Project No. 3-06-0221-35) to the C/CAG Board that indicates the FAA has allocated $300,000 under the Fiscal Year 2006 Airport Improvement Program (AIP) to fund the project (see Attachments No. 2 a. and 2 b.). It is important to note that C/CAG is the first unit of local government in the country to apply for and receive a grant under the *Vision 100* Section 160 program. Much of the funding will be spent on consultant assistance to prepare the land use study.

DISCUSSION

The product will consist of a comprehensive update of the existing CLUP (land use compatibility planning document) for the environs of San Francisco International Airport. The document will include policies and criteria to achieve airport/land use compatibility for future development within a defined Airport Influence Area (AIA) boundary, including the most recent FAA-required Airport Noise Exposure Map (NEM) and noise compatibility criteria for a broad range of land uses. The content of the plan will be guided by the relevant provisions in the *California Airport Land Use Planning Handbook* and by all relevant federal documents. Those requirements are consistent with the current policies and practice of the C/CAG Board and the ALUC, regarding the content and implementation of the existing airport/land use compatibility plans for all three airports in the county (Half Moon Bay Airport, San Carlos Airport, and San Francisco International Airport). A description of the proposed project and a preliminary estimated project budget, both dated January 2006, are shown in Attachments No. 3 a. and 3 b.

C/CAG Board acceptance of a federal grant offer will require the Board to agree to the attached grant assurances and special conditions (see Attachments No. 4 a. and 4 b.). These are standard grant assurances that are required as part of any federal funding provided under the AIP grant program. C/CAG legal counsel has reviewed the grant assurances and special conditions and has found no legal issues related to those requirements.

The C/CAG Airport Land Use Committee (ALUC) will oversee the preparation of the land use study that will ultimately be adopted by the C/CAG Board. The adopted study (CLUP update) will replace the current version of the comprehensive airport land use plan (CLUP) for the environs of San Francisco International Airport, which, due to a lack of sufficient resources, has not been updated for some time. Dave Carbone, C/CAG Airport Land Use Committee (ALUC) staff, will be the project manager. The project will take about 2-3 years to complete, including preparation of the appropriate environmental document.

Approval of the attached resolutions will inform the FAA that the C/CAG Board is ready, willing, and able to accept the grant allocation and related assurances and conditions. It will also give C/CAG staff authorization to begin the project by initiating a RFQ/RFP process to select a qualified consultant(s) to assist in the preparation of the study.

ATTACHMENTS

Attachment No. 1: Letter to Andrew Richards, Manager, FAA Airports District Office (ADO) Burlingame, from Richard Naiper, C/CAG Executive Director, dated September 23, 2006; re: request for FAA determination of the eligibility of C/CAG to apply for and receive federal grant funds to prepare an update of the Comprehensive Airport Land Use Plan (CLUP) for the environs of San Francisco International Airport (two pages)

Attachment No. 2 a. Letter to Richard Napier, C/CAG Executive Director, from Andrew Richards, Manager, FAA Airports District Office (ADO), dated May 31, 2006, re: notice of federal allocation of $300,000 for preparation of a land use compatibility plan for the environs of San Francisco International Airport (one page)

2. b. Letter to Richard Napier, C/CAG Executive Director, from Andrew Richards, Manager, FAA Airports District Office (ADO), dated July 24, 2006, re: AIP Project No. 3-06-0221-35 – three copies if a Grant Offer, San Francisco International Airport/Planning Area (one page)

Attachment No. 3 a. Description of the Proposed Project January 2006 (two pages)
b. Preliminary Estimated Project Budget January 2006 (one page)

Attachment No. 4 a. Special Condition for Vision 100 Section 160 Compatible Land Use Planning Project (one page)
b. Planning Agency Assurances (9/99) (15 pages)

Attachment No. 5: Resolution 06-23, to accept a Gant Offer and related Assurances and Conditions from the Federal Aviation Administration (FAA) for the purpose of preparing a land use compatibility study for the environs of San Francisco International Airport (SFO), per the relevant provisions of Section 160 of *Vision 100 – Century of Aviation Reauthorization Act* (one page)

Attachment No. 6: Resolution 06-24 to authorize C/CAG staff to initiate a Request for Qualifications/Request for Proposals (RFQ/RFP) process to select qualified consultant(s) to assist staff in the preparation of the land use compatibility study (one page)

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C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside

September 23, 2005

Andrew Richards, Manager
FAA Airports District Office
831 Mitten Road
Burlingame, CA 94010

Dear Mr. Richards:

RE: Request for FAA Determination of the Eligibility of the City/County Association of Governments of San Mateo County (C/CAG), Re: Grant Funding for Airport/Land Use Compatibility Planning Via Section 160 of *Vision 100 – Century of Aviation Reauthorization Act* (Vision 100)

San Francisco International Airport (SFO) is located within San Mateo County and is one of the 33 eligible airports identified in Section 160 of *Vision 100* for grant funding for airport/land use compatibility planning. The City/County Association of Governments of San Mateo County (C/CAG), in its role as the airport land use commission for the county, is interested in applying for federal grant funding, via Section 160 of *Vision 100*, to prepare up to date, comprehensive, airport/land use compatibility plans for all three airports located in the county (San Francisco International Airport, Half Moon Bay Airport, and San Carlos Airport). ***The purpose of this letter is to request the FAA to determine the eligibility of C/CAG to apply for and receive federal funds for the above-stated purpose.*** Ashraf Jan, Special Assistant to the Associate Administrator for Airports at FAA headquarters in Washington D.C., brought this grant opportunity to our attention and has contacted our staff (David F. Carbone) in the past few weeks to follow-up on the progress of our grant application. Mr. Carbone has also been in contact with Joseph Rodriguez, of your staff, regarding this matter.

C/CAG was created in December 1990, under a Joint Powers Agreement (JPA), to prepare, adopt, and implement state-mandated countywide plans and programs.[1]. The Association membership includes an elected representative (city council member) from each of the 20 cities in the county and a member of the county Board of Supervisors. Staff support is provided by member-agency staff with expertise in C/CAG activities. The Association is funded by membership fees, based on the population of individual member jurisdictions.

C/CAG serves as the state-mandated airport/land use commission for San Mateo County. State law requires airport land use commissions "to assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses." (PUC Section 21674(a)). C/CAG carries out its airport land use

[1] C/CAG activities include several countywide functions, as follows: Airport Land Use Commission, Congestion Management Agency, Integrated Solid Waste Management Task Force, Transportation Fund Manager for Clean Air, Service Authority for Abatement of Abandoned Vehicles, and Program Manager for the National Pollutant Discharge Elimination System (NPDES).

Attachment No. 1

555 County Center, 5th Floor, Redwood City, CA 94063 PHONE: 650.599.1420 FAX: 650.361.8227

commission function through two key activities: (1) prepares, adopts, updates, and implements a comprehensive airport land use plan (CLUP) for the environs of each airport in the county and (2) reviews proposed local agency land use policy actions (i.e. general plans and zoning regulations) and airport master plans for consistency with the relevant land use compatibility criteria for the appropriate airport.

The unique structure of C/CAG and its designated role as the Airport Land Use Commission for San Mateo County makes it the type of local government unit for which Section 160 of *Vision 100* was intended. The all encompassing membership of local land use and zoning authorities makes C/CAG uniquely qualified to plan, adopt, and implement land use compatibility plans and control measures for the environs of all three airports in the county. This is especially critical for the environs of San Francisco International Airport, which includes a majority (11) of the C/CAG member agencies and almost half (47%) of the total population of San Mateo County (approximately 342,500 people; source: California Department of Finance estimate January 1, 2005).

Aircraft operations at SFO affect all 20 cities in San Mateo County, from Daly City and Brisbane in the north to Woodside and Portola Valley in the south. This high level of activity also affects the airspace and aircraft operations at Half Moon Bay and San Carlos Airports. The complex airspace structure in the county, combined with the existing pattern of urban development, makes it imperative that C/CAG continue to view all three airports and their environs as an interconnected system that requires on-going, coordinated land use planning.

The location of San Francisco International Airport in San Mateo County has also given the C/CAG board members an appreciation for the complex interrelationships between the Airport and local, state, and federal levels of government. Moreover, C/CAG and San Mateo County have a long cooperative history with San Francisco International Airport on a number of critical issues. Both organizations will continue to work closely with Airport management to meet the requirements of the *Vision 100* grant program.

C/CAG is ready, willing, and able to carry out a comprehensive airport/land use compatibility planning program, per the parameters of Section 160 of *Vision 100*. The organization will also pursue appropriate options to provide the required local funding match (5%). The grant funds (95%) awarded to C/CAG will allow the Association to prepare and implement appropriate airport/land use plans, with the goal of reducing existing incompatible land uses and preventing the introduction of new incompatible uses in the vicinity of all three airports in the county, as intended by *Vision 100*. We look forward to the FAA's favorable determination of the eligibility of C/CAG to receive federal funding for this critical planning and quality of life effort.

Sincerely,

Richard Napier

Richard Napier, Executive Director

cc: C/CAG Board of Directors
Joseph Rodriguez, FAA Airports District Office, Burlingame, CA
Ashraf Jan, Special Assistant to the Associate Administrator for Airports, Washington, D.C.
John Martin, Director, San Francisco International Airport
Michael McCarron, Director, Bureau of Community Affairs, San Francisco International Airport
Austin Wiswell, Chief, Caltrans Division of Aeronautics
Terry Barrie, Senior Transportation Planner, Caltrans Division of Aeronautics
Neil Cullen, Director, Department of Public Works, County of San Mateo
Mark Larson, Airport Manager, County of San Mateo
Marcia Raines, Director, Environmental Services Agency, County of San Mateo
Lisa Grote, Community Development Director, County of San Mateo
David F. Carbone, Senior Planner, County of San Mateo/Airport Land Use Commission (C/CAG) staff
Tom Lantos, Congressman, 12th Congressional District of California
Anna Eshoo, Congresswoman, 14th Congressional District of California
Richard Newman, C/CAG Airport Land Use Committee Chair

555 County Center, 5th Floor, Redwood City, CA 94063 PHONE: 650.599.1420 FAX: 650.361.8227

U.S Department
of Transportation

Federal Aviation
Administration

Western-Pacific Region
Airports Division

San Francisco ADO
831 Mitten Road, Suite 210
Burlingame, CA 94010

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SAN MATEO COUNTY
PLANNING DIVISION

May 31, 2006

Mr. Richard Napier
Executive Director
City/County Association of Governments
of San Mateo County (C/CAG)
555 County Center, Fifth Floor
Redwood City, California 94063

Dear Mr. Napier:

San Francisco International Airport;
AIP No.3-06-0221-35
TENTATIVE ALLOCATION

In response to the request by the County of San Mateo, it is a pleasure to advise you that the Federal Aviation Administration has allocated $300,000.00 under the Fiscal Year 2006 Airport Improvement Program (AIP) for further development of San Francisco International Airport. This project, designated AIP #3-06-0221-35, is programmed only for the following specific development:

Prepare San Francisco International Airport and City/County Association Governments Land Use Compatibility Plan.

This allocation of federal funds is the first step leading to the issuance of a Grant Offer. The issuance of a Grant Offer is contingent upon the fact that all applicable federal requirements have been met.

Your project manager, Mr. Bill Gin at (650) 876-2778, extension #622, may contact your airport representative in a few days for the purpose of assuring a clear understanding of all requirements, to establish a realistic work schedule for the project, and to fix a firm date for the acceptance of the grant offer. Failure of the County of San Mateo to conform to the schedule and Grant Offer date, as established, may result in the withdrawal of this allocation.

Sincerely,

Andrew M. Richards
Manager, Airports District Office

cc: CADOA

Attachment No. 2.a.

U.S. Department
of Transportation
**Federal Aviation
Administration**

**San Francisco Airports District Office
831 Mitten Road, Room 210
Burlingame, California 94010-1303**

July 24, 2006

HAND DELIVER

Mr. Richard Napier
Executive Director,
City/County Association of
Governments of San Mateo County
555 County Center, Fifth Floor
Redwood City, California 94063

Dear Mr. Napier:

Airport: **San Francisco Intl., CA**; AIP Project No. 3-06-0221-35; Contract No. DTFA08-06-C-31712; Grant Offer

Enclosed are three (3) original sets of the approved Grant Offer for the above project.

Acceptance of the Grant Offer will obligate the Sponsor to accomplish the described development. The United States commits itself to participate in the allowable cost of the project not to exceed the amount shown on Page 2 of the Grant Offer. **The Offer must be accepted on or before August 21, 2006, as specified in Condition 6, Page 2 of the Grant Offer.**

Basic considerations are that members of the Sponsor's governing body know the full content of the Grant Offer and that the method of acceptance conforms to local law.

The official of the Sponsor authorized to accept the enclosed Grant Offer shall accept same by signing said offer and inserting the date in the space provided under Part II - Acceptance. The Sponsor's attorney shall certify that the acceptance complies with all applicable laws and constitutes a legal and binding obligation of the Sponsor by executing the "CERTIFICATE OF SPONSOR'S ATTORNEY". **The date of said certificate shall be the same as, or later than the date of execution.**

When the document is fully executed, certified, attested and appropriate seals are impressed, **please return two (2) sets of the three (3) ORIGINAL sets of the executed Grant Agreement to this office.**

Sincerely,

Andrew M. Richards
Manager, Airports District Office

Attachment No. 2.b.

Enclosures

Application for Federal Assistance
Standard Form 424 (Rev. 7-97)

Description of Proposed Project
January 2006

Tentative Project Title

Land Use Compatibility Study for the Environs of San Francisco International Airport

Project Sponsor

City/County Association of Governments of San Mateo County (C/CAG) - airport land use commission for San Mateo County, California

Sponsor Representatives

Richard Napier, C/CAG Executive Director; TEL.; 650/599 -1420; FAX: 650/361 - 8227
Email: rnapier@co.sanmateo.ca.us
David F. Carbone, Project Manager, TEL.: 650/363 - 4417; FAX: 650/363 - 4849
Email: dcarbone@co.sanmateo.ca.us

Project Funding (see attached Preliminary Estimated Project Budget)

Federal Assistance (grant)	$300,000 (95%)
Local match (C/CAG Board))	15,790 (5%)

Product

The product will consist of a comprehensive land use compatibility plan (planning document) for the environs of San Francisco International Airport. The preparation and draft content of the document will comply with all relevant federal and state requirements, including those specified in Section 160 of *Vision 100 – Century of Aviation Reauthorization Act*. The document content will include at least the following: (1) scope of the plan, (2) policies and criteria to achieve land use compatibility for future land use development within a defined airport influence area (AIA) boundary, (3) airport land use commission review procedures, (4) a description of the airport master plan (summary) or airport layout plan (ALP) (diagram) upon which the compatibility plan is based, and (5) supporting documentation.

Draft Compatibility Plan Content

The content of the draft document will primarily be guided by the relevant provisions in the *California Airport Land Use Planning Handbook January 2002*. All relevant federal documents that address airport/land use compatibility will also be used for content guidance. The draft document will contain text, graphics, maps, diagrams, etc., as needed, to describe and explain the following:

Scope of the Plan

- Authority
- Overview/authority of the airport land use commission
- Airport Identification
- Geographic coverage
- Affected jurisdictions (cities and county)
- Limitations of the Plan

Attachment No. 3.a.

Airport Information

Airport Layout Plan (ALP) diagram or Airport Master Plan (summary)
Existing and proposed airport operational levels; will include forecast data of airport operational activity for the next 20 years
Existing aircraft noise abatement and mitigation program

Identification of Land Use Compatibility Policies and Criteria

Noise Impacts (will include most recent FAA-accepted FAR Part 150 Noise Exposure Map (NEM); will delineate 60, 65, 70 and 75 dB CNEL aircraft noise contours)
Overflight (will address annoyance and disclosure via real estate transactions
Safety (density and intensity of land uses)
Airspace Protection (FAR Part 77, bird strike hazards, electronic and visual hazards
Other land use policies (new development, existing non-conforming land uses, infill development)

Compatibility Zone Maps*

Base map information (roads, water features, etc)
Noise contour map(s)
Safety Zones (boundaries and dimensions)
FAR Part 77 diagram (base map will include topography and identification of ground penetration of airspace protection surfaces)
Airport Influence Area (AIA) boundary map (will include a referral boundary and an overflight boundary for real estate disclosure purposes; based on radar flight tracks)

Procedural Policies

List of proposed local agency land use policy actions that must be reviewed by the Airport Land Use Commission
Proposed land use policy action information required for review
Timing of airport land use commission review
ALUC staff responsibilities
Airport Land Use Commission action choices

Additional Information*

Maps/graphics of existing generalized land uses, existing incompatible land uses (i.e. residential, schools, hospitals, nursing homes, libraries, etc.); potential and existing infill and redevelopment areas
Criteria for granting an avigation easement to the airport proprietor
Supporting information (ALUC statutes, other relevant laws, regulations, glossary of terms)
Other relevant information, as needed (see note below)

Note: This draft content list not all inclusive. Information may be added, revised, or deleted, as necessary.

* All graphics, maps, and diagrams will be produced in a GIS format, where feasible.

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Application for Federal Assistance
City/County Association of Governments of San Mateo County, California (C/CAG)

Proposed Project: Land Use Compatibility Study for the Environs of San Francisco International Airport

Preliminary Estimated Project Budget
January 2006

Funding Breakdown:

Federal Assistance: $300,000; Local Match: $15,000 Total Budget: $315,000

Project Element	Estimated Budget Amount
Establish Project Advisory Committee PAC*; Hold first PAC meeting (project overview, schedule, coordination with PAC members)	$8,000
Data collection, basic mapping, preliminary research, related tasks	50,000
Second PAC meeting (review/discussion of preliminary research)	8,000
Preparation of preliminary draft plan	140,000
Third PAC meeting (review preliminary draft plan)	8,000
C/CAG Airport Land Use Committee (ALUC) study session (review preliminary draft plan)	8,000
C/CAG study session (review preliminary draft plan)	8,000
Prepare final draft plan	35,000
ALUC study session (review final draft plan; make recommendation to C/CAG)	10,000
C/CAG meetings (at least two required)	20,000
Miscellaneous costs (i.e. printing, public meetings, web site, etc)	20,000
TOTAL	**$315,000**

* PAC – Project Advisory Committee; membership would include key planning staff from affected jurisdictions, Airport staff, and an FAA representative. Total PAC membership would be about 10 -12 persons.

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Attachment No. 3.b.

SPECIAL CONDITION FOR VISION 100 SECTION 160 COMPATIBLE LAND USE PLANNING AND PROJECTS

In carrying out the compatible land use planning and projects, the State and/or local government sponsor assures and certifies with respect to this grant that:

a. It will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria in Title 14, Code of Federal Regulations, Part 150, and those compatible land uses will be maintained.

b. It will provide, in the case of a planning grant, a land use plan that –

(1) Is reasonably consistent with the goal of reducing existing non-compatible land uses and preventing the introduction of additional non-compatible land uses;

(2) Addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other land use compatibility measures identified under Title 49, United States Code, section 47504(a)(2), that are within the authority of the sponsor to implement;

(3) Uses noise contours provided by the airport operator that are consistant with airport operation and planning, including any noise abatement measures adopted by the airport operator as a part of its own noise mitigation efforts;

(4) Does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area; and

(5) Has been approved jointly by the airport owner or operator and the sponsor.

c. It will make provision to implement, or has implemented, those elements of the plan ineligible for Federal financial assistance.

Attachment No. 4.a.

ASSURANCES
Planning Agency Sponsors

A. General

1. These assurances shall be complied with in the performance of grant agreements for integrated airport system planning grants to planning agencies.

2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. A sponsor is a planning agency designated by the Secretary of Transportation which is authorized by the State or States or political subdivisions concerned to engage in area wide planning.

3. Upon acceptance of the grant offer by the sponsor, these assurances are incorporated in and become part of the grant agreement.

B. Duration. The terms, conditions and assurances of the grant agreement shall remain in full force and effect during the life of the project.

C. Sponsor Certification. The sponsor assures and certifies, in respect to this grant, that:

1. **General Federal Requirements.** It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation.

a. Title 49 U.S.C., subtitle VII, as amended.
b. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
c. Hatch Act - 5 U.S.C. 1501, et seq.
d. Rehabilitation Act of 1973 - 29 U.S.C. 794.
e. Civil Rights Act of 1964 - Title VI - 42 U.S.C. 2000d through d-4.
f. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
g. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.
h. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

Executive Orders

Executive Order 12372- Intergovernmental Review of Federal Programs

Federal Regulations

a. 14 CFR Part 13 - Investigative and Enforcement Procedures.
b. 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
c. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.
d. 49 CFR Part 20 - New restrictions on lobbying.
e. 49 CFR Part 21 - Nondiscrimination in federally assisted program of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
f. 49 CFR Part 26 – Participation By Disadvantage Business Enterprise in Department of Transportation Programs.

g. 49 CFR Part 29 - Government-wide debarment and suspension (non-procurement) and government-wide requirements for drug-free workplace (grants).

h. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S.

Office of Management and Budget Circulars.

a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.

b. A-133 - Audits of States, Local Governments, and Non-Profit Organizations

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated in reference in the grant agreement.

2. **Responsibility and Authority of the Sponsor.** It has legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

3. **Sponsor Fund Availability.** It has sufficient funds available for that portion of the project costs which are not to be paid by the United States.

4. **Preserving Rights and Powers.** It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement without the written approval of the Secretary.

5. **Consistency with Local Plans.** The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies in the planning area.

6. **Accounting System, Audit, and Recordkeeping Requirement.**

a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with The Single Audit Act of 1984.

b. It shall make available to the Secretary and Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to the grant. The Secretary may require that an appropriate audit be conducted by the recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

7. **Planning Projects.** In carrying out planning projects:

a. It will execute the project in accordance with the approved program narrative contained in the project application or with modifications similarly approved.

b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.

c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant, provided by the United States.

d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.

e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.

f. It will grant the Secretary the right to disapprove the Sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.

g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.

h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not mean constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

8. **Reports and Inspections.** It will submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request.

9. **Civil Rights.** It will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefiting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program.

10. **Engineering and Design Services.** It will award each contract, or sub-contract for planning studies, feasibility studies, or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor.

11. **Foreign Market Restrictions.** It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

12. **Policies, Standards, and Specifications.** It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary.

13. **Disadvantaged Business Enterprises.** The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is

incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided under Part 26, and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801)

ASSURANCES
Non-Airport Sponsors Undertaking Noise Compatibility Program Projects

A. General.

1. These assurances shall be complied with in the performance of grant agreements for noise compatibility projects undertaken by sponsors who are not proprietors of the airport which is the subject of the noise compatibility program.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. Sponsors are units of local government in the areas around the airport which is the subject of the noise compatibility program.
3. Upon acceptance of the grant offer by the sponsor, these assurances are incorporated in and become part of the grant agreement.

B. Duration.

The terms, conditions, and assurances, of the grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired or throughout the useful life of the items installed under the project, but in any event not to exceed twenty (20) years from the date of the acceptance of a grant offer of Federal funds for the project. However, there shall be no time limit on the duration of the terms, conditions, and assurances with respect to real property acquired with Federal funds. Furthermore, the duration of the Civil Rights assurance shall be as specified in the assurance.

C. Sponsor Certification. The sponsor hereby assures and certifies, with respect to this grant that:

1. **General Federal Requirements.** It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines and requirements as they relate to the application, acceptance, and use of Federal funds for this project including but not limited to the following:

   Federal Legislation.

   a. Title 49, U.S.C., subtitle VII, as amended.
   b. Davis-Bacon Act - 40 U.S.C. 276(a). et seq.
   c. Federal Fair Labor Standards Act - 29 U.S.C. 201 et seq.
   d. Hatch Act - 5 U.S.C. 1501, et seq.
   e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 - 42 U.S.C. 4601, et seq.
   f. National Historic Preservation Act of 1966 - Section 106 – 16 U.S.C. 470(f).
   g. Archeological and Historic Preservation Act of 1974 – 469 through 469c.
   h. Native American Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.

i. Clean Air Act, P.L. 90-148, as amended.
j. Coastal Zone Management Act, P.L. 93-205, as amended.
k. Flood Disaster Protection Act of 1973 - Section 102(a) – 42 U.S.C. 4012a.
l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f)).
m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
n. Civil Rights Act of 1964 - Title VI - 42 U.S.C. 2000d through d-4.
o. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
p. American Indian Religious Freedom Act, P.L. 95-341,
q Architectural Barriers Act of 1968 - U.S.C. 4151, et seq.
r. Power plant and Industrial Fuel Use Act of 1978 - Section 403 – 42 U.S.C. 8373.
s. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.
t. Copeland Anti-kickback Act -18 U.S.C. 874.
u. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.

1.

v. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
t. Copeland Anti-kickback Act -18 U.S.C. 874.
u. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.
v. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
w. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.
x. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

Executive Orders

Executive Order 11246 - Equal Employment Opportunity
Executive Order 11990 - Protection of Wetlands
Executive Order 11998 – Flood Plain Management
Executive Order 12372 - Intergovernmental Review of Federal Programs.
Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction
Executive Order 12898 - Environmental Justice

Federal Regulations

a. 14 CFR Part 13 - Investigative and Enforcement Procedures.
b. 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
c. 14 CFR Part 150 - Airport noise compatibility planning.
d. 29 CFR Part 1 - Procedures for predetermination of wage rates.
e. 9 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.
f. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction.
g. 41 CFR Part 60 - Office of Federal contract compliance programs, equal employment opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).

h. 49CFR Part 18 – Uniform administrative requirements for grants and cooperative agreements to state and local governments.
i. 49 CFR Part 20 - New restrictions on lobbying.
j. 49 CFR Part 21 - Nondiscrimination in Federally-assisted programs of the Department of Transportation - effectuation of Title VI to the Civil Rights Act of 1964.
k. 49 CFR Part 24 - Uniform relocation assistance and real property acquisition regulation for Federal and Federally assisted programs.
l. 49 CFR Part 26 – Participation By Disadvantaged Business Enterprises in Department of Transportation Programs.
m. 49 CFR Part 27 - Non-Discrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance.
n. 49 CFR Part 29 – Government wide debarment and suspension (non-procurement) and government wide requirements for drug free workplace (grants).
o. 49 CFR Part 30 - Denial of public work contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
p. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

Office of Management and Budget Circulars

a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.
b. A-133 - Audits of States, Local Governments, and Non-Profit Organizations.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in the grant agreement.

2. Responsibility and Authority of the Sponsor. It has legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

3. Sponsor Fund Availability.

a. It has sufficient funds available for that portion of the project costs, which are not to be paid by the United States.
b. It has sufficient funds available to ensure operation and maintenance of items funded under the grant agreement, which it will own or control.

4. Good Title. For projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

a. It will not enter into any transaction, or take or permit any action that would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement without the written approval of the Secretary, and will act to acquire, extinguish, or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property, for which it holds good title and upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in the grant agreement, without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of the grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and making binding upon the transferee, all of the terms, conditions and assurances contained in this grant agreement.

c. For all noise compatibility projects, which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that governmental unit. Except as otherwise specified by the Secretary, that agreement shall obligate that governmental unit to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility project. That agreement and changes thereto must be approved in advance by the Secretary.

d. For noise compatibility projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary.

6. Consistency with Local Plans. The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest. It has given fair consideration to the interest of communities in or near which the project may be located.

8. Accounting System, Audit, and Record keeping Requirements.

a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records should be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.

b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to the grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the Comptroller General no later than six (6) months following the close of the fiscal year for which the audit was conducted.

9. Minimum Wage Rates. It shall include, in all contracts in excess of $2,000 for work on any projects funded under the grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

10. Veteran's Preference. It shall include, in all contracts for work on any project funded under the grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in administrative, executive, and supervisory positions), preference shall be given to veterans of the Vietnam era and disabled veterans as defined in Section 47117 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

11. Conformity to Plans and Specifications. It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval by the Secretary, shall be incorporated into this grant agreement. Any modifications to the approved plans, specifications, and schedules shall also be subject to approval by the Secretary and incorporation into the grant agreement.

12. Construction Inspection and Approval. It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms with the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an

approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

13. Operation and Maintenance. It will suitably operate and maintain noise program implementation items that it owns or controls upon which Federal funds have been expended.

14. Hazard Prevention. It will protect such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) by preventing the establishment or creation of future airport hazards on property owned or controlled by it or over which it has land use jurisdiction.

Nonairport Sponsor Assurances 3-2005

15. Compatible Land Use. It will take appropriate action, including the adoption of zoning laws, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, it will not cause or permit any change in land use, within its jurisdiction that will reduce the compatibility, with respect to the airport, of the noise compatibility measures upon which Federal funds have been expended.

16. Reports and Inspections. It will submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request. It will also make records and documents relating to the project, and continued compliance with the terms, conditions, and assurances of the grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request.

17. Civil Rights. It will comply with such rules as are promulgated, to ensure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap, be excluded from participating in any activity conducted with or benefiting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where Federal financial assistance is to provide, or is in the form of personal property or real property interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor or any transferee for the longer of the following periods:

(a) The period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
(b) The period during which the sponsor retains ownership or possession of the property.

18. Engineering and Design Services. It will award each contract or subcontract for program management, construction management, planning studies, feasibility studies,

architectural services, preliminary engineering, design, surveying, mapping, or related services with respect to the project in the same manner as a contract for architectural and engineering services as negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor.

19. Foreign Market Restrictions. It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

20. Disposal of Land.

a. For land purchased under a grant for airport noise compatibility purposes, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will, at the discretion of the Secretary, (1) be paid to the Secretary for deposit in the Trust Fund, or (2) be reinvested in an approved noise compatibility project as prescribed by the Secretary, including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program.

b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested in another eligible airport improvement project or projects approved by the Secretary at that airport or within the national airport system, or (2) be paid to the Secretary for deposit in the Trust Fund if no eligible project exists.

c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an

airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

21. Relocation and Real Property Acquisition. (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B. (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subparts D and E of 49 CFR Part 24. (3) It will make available within a reasonable period of time prior to displacement comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

22. Disadvantaged Business Enterprises. The recipient shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26, and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26, and may, in appropriate cases refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801).

49 CFR Part 20 - Appendix A

CERTIFICATION REGARDING LOBBYING

Certification For Contracts, Grants, Loans, And Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, ''Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Richard Napier

Signature/Authorized Certifying Official

Richard Napier
Executive Director

Typed Name and Title

City/County Association of
Governments of San Mateo County

Applicant/Organization

1/31/06

Date Signed

STANDARD DOT TITLE VI ASSURANCES

City/County Assoc. of
Govts. of San Mateo County
(Name of Sponsor) (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964
(42 U.S.C. 2000d et seq.) and all requirements imposed by 49 CFR Part 21, - Nondiscrimination in Federally Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the sponsor agrees concerning this grant that:

1. Each "program" and "facility" (as defined in Sections 21.23(e) and 21.23 (b)) will be conducted or operated in compliance with all requirements of the Regulations.

2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.

3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.

4. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.

5. It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the sponsor with other parties:

(a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this Project; and

(b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.

6. This assurance obligates the Sponsor for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the sponsor or any transferee for the longer of the following periods.

(a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits, or

(b) the period during which the sponsor retains ownership or possession of the property.

7. It will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other sponsors, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants or Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations, and this assurance.

8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

STANDARD DOT TITLE VI ASSURANCES

DATED 1/31/06

City/County Association of
Governments of San Mateo County

(Sponsor)

By _____
(Signature of Authorized Official)

RESOLUTION NO. 06-23

* * * * * * * * * * * * * * * * * * * *

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG), ACCEPTING A GRANT OFFER OF $300,000 AND RELATED ASSURANCES AND CONDITIONS FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR THE PURPOSE OF PREPARING A LAND USE COMPATIBILITY STUDY FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT (SFO), PER THE RELEVANT PROVISIONS OF SECTION 160 OF THE *VISION 100 – CENTURY OF AVIATION REAUTHORIZATION ACT*

* *

WHEREAS, in 2003, Congress passed *Vision 100- Century of Aviation Reauthorization Act,* that includes a provision (Section 160) that authorizes the Secretary of Transportation to make grant funds available to states and local units of government for compatible land use planning around large and medium hub airports across the nation, and

WHEREAS, San Francisco International Airport (SFO) is located within San Mateo County and is a large hub airport that is included in the FAA list of eligible airports under the *Act* and therefore, local governments in the environs of SFO are eligible to participate in this program, and

WHEREAS, C/CAG serves as the airport land use commission for the county and is responsible for preparing and implementing airport land use plans for all three airports in the county and several of the C/CAG member cities have land use and zoning authority within the environs of SFO, and

WHEREAS, the FAA has determined that C/CAG, in its role as the airport land use commission, is eligible to apply for and receive federal grant funds to prepare a land use compatibility study for the environs of SFO, per the relevant provisions of Section 160 of *Vision 100 – Century of Aviation Reauthorization Act.*

WHEREAS, the FAA has made a grant offer of $300,000 to the C/CAG Board for the purpose of preparing the above referenced land use compatibility study and requires the Board to formally accept the grant offer and the federal assurances and conditions attached thereto;

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that the Board hereby accepts a grant offer of $300,000 from the FAA and related federal assurances and conditions for the purpose of preparing a land use compatibility study for the environs of SFO, per the relevant provisions of Section 160 of *Vision 100 – Century of Aviation Reauthorization Act.*

PASSED, APPROVED AND ADOPTED THIS 10TH DAY OF AUGUST 2006.

James M. Vreeland, Jr., C/CAG Board Chairperson

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Attachment No. 5

RESOLUTION NO. 06-24

* * * * * * * * * * * * * * * * * * * *

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG), AUTHORIZING C/CAG STAFF TO INITIATE A REQUEST FOR QUALIFICATIONS (RFQ) AND REQUEST FOR PROPOSALS (RFP) PROCESS TO SELECT A QUALIFIED CONSULTANT(S) TO ASSIST C/CAG STAFF IN PREPARING A LAND USE COMPATIBILITY STUDY FOR THE ENVIRONS OF SAN FRANCISCO INTERNATIONAL AIRPORT (SFO), PER THE RELEVANT PROVISIONS OF SECTION 160 OF THE *VISION 100 – CENTURY OF AVIATION REAUTHORIZATION ACT*

* * * * * * * * * * * * * * * * * * * *

WHEREAS, in 2003, Congress passed *Vision 100- Century of Aviation Reauthorization Act,* that includes a provision (Section 160) that authorizes the Secretary of Transportation to make grant funds available to states and local units of government for compatible land use planning around large and medium hub airports across the nation, and

WHEREAS, San Francisco International Airport (SFO) is located within San Mateo County and is a large hub airport that is included in the FAA list of eligible airports under the *Act* and therefore, local governments in the environs of SFO are eligible to participate in this program, and

WHEREAS, C/CAG serves as the airport land use commission for the county and is responsible for preparing and implementing airport land use plans for all three airports in the county and the FAA has made a grant offer of $300,000 to the C/CAG Board for the purpose of preparing a land use compatibility study for the environs of San Francisco International Airport (SFO), and;

WHEREAS, the FAA requires that consultant assistance, to prepare the above-referenced study, be obtained through a Request for Qualifications (RFQ) and Request for Proposals (RFP) evaluation and selection process;

NOW, THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that the Board hereby authorizes C/CAG Staff to initiate a Request for Qualifications (RFQ) and Request for Proposals (RFP) evaluation and selection process to select a qualified consultant(s) to assist C/CAG staff in preparing a land use compatibility study for the environs of SFO, per the relevant provisions of Section 160 of *Vision 100 – Century of Aviation Reauthorization Act.*

PASSED, APPROVED AND ADOPTED THIS 10TH DAY OF AUGUST 2006.

_____

James M. Vreeland, Jr., C/CAG Board Chairperson

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Attachment No. 6

C/CAG AGENDA REPORT

Date: August 10, 2006

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: ACCEPTANCE OF THE AMICUS BRIEF FOR THE NPDES STORMWATER POLLUTION PREVENTION PROGRAM (STOPPP) TRANSMITTED IN ACCORDANCE WITH THE C/CAG BOARD APPROVED LEGISLATIVE DELEGATION PROCESS

(For further information or questions contact Richard Napier at 599-1420)

RECOMMENDATION

That the C/CAG Board accept the attached Amicus Brief for the NPDES Stormwater Pollution Prevention Program (STOPP) that was transmitted in accordance with the C/CAG Board approved legislative delegation process.

FISCAL IMPACT

The cost to C/CAG for the implementation of the NPDES Stormwater Pollution Prevention Program mandates generally exceeds $2.5 million per year.

SOURCE OF FUNDS

C/CAG and its member jurisdictions have been forced to pay for these mandates through local parcel tax increases and other local sources of funds.

BACKGROUND/DISCUSSION

The County of Los Angeles is currently suing the Commission on State Mandates and the Regional Water Quality Control Board, Los Angeles Region, contending that the State of California mandates related to the NPDES Stormwater Pollution Prevention Program represent an un-funded State mandate subject to reimbursement from the State. The C/CAG Board has consistently agreed with this position. Given the fact that there was no C/CAG Board meeting in July 2006, the C/CAG Chair together with the Legislative Committee Vice-Chair (because the Legislative Committee Chair was out of the area), agreed that it would be in the best interest of the Board to submit an Amicus Brief in support of the position of the County of Los Angeles. The deadline for submission of the Brief was before the regularly scheduled Board meeting in August 2006.

ITEM 4.10

Under C/CAG's established policy, the Board Chair together with the Legislative Committee Chair are authorized to communicate to appropriate bodies, C/CAG positions that are consistent with previously adopted Board policies when the item is time sensitive and there will not be a regular Board meeting before the deadline. This policy also states that the item will be presented to the Board at the next regular meeting for confirmation.

ATTACHMENTS

Amicus Brief submitted on behalf of C/CAG in support of the County of Los Angeles case in the Court of Appeal of the State of California Second Appellate District, versus the Commission on State Mandated and the Regional Water Quality Control Board, Los Angeles Region.

C/CAG MEMORANDUM

Date: June 9, 2006

TO: Richard Napier, Executive Director - C/CAG

From: James Vreeland - C/CAG Chair
Tom Kasten - Legislative Committee Vice-Chair

Subject: Countywide Stormwater Pollution Prevention Program (STOPPP) - Amicus Curiae Brief

(For further information or response to questions, contact Richard Napier at 650 599-1420)

Board Policy:

The C/CAG Board has an adopted policy that authorizes the C/CAG Chair and the Legislative Committee Chair the authorization to communicate adopted C/CAG Board policy positions when the time period falls between C/CAG Board meetings. It also requires that the communication be provided to the Board at the next C/CAG Board Meeting.

Policy Issue:

The policy issue of interest is un-funded State Mandates. The Board has an established policy to require the State to provide reimbursement for unfunded mandates and to pursue support and enhancement of this right.

The Issue: Stormwater Pollution Prevention Program - Amicus Curiae for Los Angeles County:

The Constitution of the State of California requires the State to pay for any mandates of new programs or higher level of services. The following is an excerpt of the language in the Constitution.

> The Constitution of the State of California 1879 (Refs & Annos)
> Article XIIIBGovernment Spending Limitation (Refs & Annos)
> **§ 6. New programs or services mandated by legislature or state agencies; subvention; appropriation of funds or suspension of operation**
> SEC. 6. (a) Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service,...

The Commission on State Mandates implements the intent of the Constitution. The Legislature has exempted the rulings of the State and Regional Water from the authority of the Commission on Mandates. This then raises the question as to what venue would hear cases involving the State and Regional Water Resources Boards.

There is a lawsuit in the Appeals Court between the County of Los Angeles and the State Water Resources Board and the Regional Water Quality Control Board. The issue is simply whether or not there is a venue for consideration of un-funded mandates relative to the regulations from the State and Regional Water Resources Board. The State of California's position is that since the legislative statutes specifically excludes this from the Commission on Mandates that this means that there is no venue for cause of action. This is in spite of the fact that the State Constitution provides for no exemptions in this category for the State to not have to pay for unfunded mandates. The County of Los Angeles position is that either the statute is unconstitutional, and therefore, the Commission should hear it, or that if the Commission has no authority then it should be heard in Superior Court. The Superior Court agreed with Los Angeles and it has been appealed.

It is requested that an Amicus Curiae be submitted supporting the Los Angeles position and emphasizing that this is a Statewide issue that impacts all the Counties. The LA position is that a venue must be provided to hear the issue of un-funded mandates from the State and Regional Water Quality Boards. The Amicus will be submitted on behalf of C/CAG and the Bay Area Stormwater Management Association which represent seven Bay Area Counties. Since this deals directly with the interpretation of legislation, it is appropriate to utilize this authority granted by the Board since there will not be a Board Meeting until August 10, 2006. The uncertainty of the schedule for the briefs to the Court and the lack of availability of the Amicus Brief language made it impractical to submit it to the Board in advance for the June meeting.

C/CAG Chair

06/20/06
Date

Legislative Committee Vice Chair

June 19, 2006
Date

No. B183981

IN THE COURT OF APPEAL
OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

COUNTY OF LOS ANGELES, et al.
Petitioners/Respondents and Cross-Appellants,
v.
COMMISSION ON STATE MANDATES,
Respondent/Appellant,
v.
REGIONAL WATER QUALITY CONTROL BOARD,
LOS ANGELES REGION,
Cross-Respondent

CITY OF ARTESIA, a municipal corporation, et al.
Petitioners/Respondents and Cross-Appellants,
v.
COMMISSION ON STATE MANDATES,
Respondent/Appellant,
v.
REGIONAL WATER QUALITY CONTROL BOARD,
LOS ANGELES REGION,
Cross-Respondent

Appeal from a Judgment of the Los Angeles Superior Court
The Honorable Victoria G. Chaney, Superior Court Judge
Superior Court Case Nos. BS089769 and BS089785

APPLICATION TO FILE AMICUS CURIAE BRIEF, AND AMICUS CURIAE BRIEF OF BAY AREA STORMWATER MANAGEMENT AGENCIES ASSOCIATION AND CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY IN SUPPORT OF RESPONDENTS (AND CROSS-APPELLANTS) LOS ANGELES COUNTY, ET AL.

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Bay Area Stormwater Management Agencies Association

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APPLICATION TO FILE AMICUS CURIAE BRIEF

I. INTRODUCTION

Pursuant to California Rules of Court, Rule 13(c), amici curiae Bay Area Stormwater Management Agencies Association (BASMAA), a consortium of municipal stormwater programs in the San Francisco Bay Area, and the City/County Association of Governments of San Mateo County (C/CAG), referred to collectively herein as "the Bay Area municipalities," respectfully request leave to file the accompanying brief of amici curiae in support of Respondents (and Cross-Appellants) Los Angeles County et al. Rule 13(c) does not specify a deadline for filing the brief, however the Bay Area municipalities submit that the brief is timely in that it is offered for filing by the deadline for the final reply brief in this matter to be filed by Respondents and Cross-Appellants Los Angeles County et al.

II. INTEREST OF THE AMICI CURIAE

The Bay Area Stormwater Management Agencies Association (BASMAA) is a consortium of eight municipal stormwater programs in the San Francisco Bay Area representing 90 local agencies, including 79 cities and 7 counties. BASMAA's members include the agencies comprising the Alameda Countywide Clean Water Program, the Contra Costa Clean Water Program, the Fairfield-Suisun Urban Runoff Management Program, the Marin County Stormwater Pollution Prevention Program, the San Mateo Countywide Stormwater Pollution Prevention Program, the Santa Clara Valley Urban Runoff Pollution Prevention Program, the Sonoma County Water Agency, and the Vallejo Sanitation and Flood Control District.

The City/County Association of Governments of San Mateo County (C/CAG) is a joint powers agency whose members include the County of San Mateo and the twenty cities within the county. C/CAG is the manager of the San Mateo Countywide Stormwater Pollution Prevention Program, which is a member of BASMAA.

The Bay Area municipalities are focused on regional challenges and opportunities to improving the quality of urban runoff that flows to local creeks, the San Francisco Bay and Delta, and the Ocean. The Bay Area municipalities are responsible for complying with the requirements of municipal storm water permits issued by the San Francisco Bay Regional Water Quality Control Board under a combination of federal and state legal authorities. They, like other municipalities across the State, face a variety of challenges to address with limited resources and taxpayer dollars (including police, fire, parks, recreation, and a variety of other environmental and community services in addition to stormwater management programs). Accordingly, the Bay Area municipalities have a substantial interest in the outcome of, and have been closely following, the unfunded mandates litigation in which Los Angeles area municipalities and stormwater management agencies have been involved.

III. ASSISTANCE IN DECIDING THE MATTER

The accompanying brief will assist the Court in deciding the matter by contributing to a statewide perspective on the challenges faced by municipal stormwater programs. Like Respondents, the Bay Area municipalities, as well as municipalities throughout California, are required to obtain storm water permits from their respective Regional Boards at a significant and ever-increasing cost. As such, the issues in this appeal are potentially of statewide significance.

IV. CONCLUSION

For the reasons stated above, the Bay Area municipalities respectfully request that the Court accept the accompanying brief for filing in this case.

Dated: June 9, 2006

THOMAS F. CASEY III, COUNTY COUNSEL

By: _____

Miruni Soosaipillai, Deputy
Attorneys for Amicus Curiae
CITY/COUNTY ASSOCIATION OF
GOVERNMENTS OF SAN MATEO

Robert L. Falk
MORRISON & FOERSTER LLP
Attorneys for Amicus Curiae
BAY AREA STORMWATER
MANAGEMENT AGENCIES
ASSOCIATION

AMICUS CURIAE BRIEF IN SUPPORT OF RESPONDENTS LOS ANGELES COUNTY ET AL.

I. INTRODUCTION

The Bay Area Stormwater Management Agencies Association (BASMAA), a consortium of municipal stormwater programs in the San Francisco Bay Area, and the City/County Association of Governments of San Mateo County (C/CAG), referred to collectively herein as "the Bay Area municipalities," file this amicus curiae brief in support of Respondents (and Cross-Appellants) Los Angeles County et al. The issues in this case are of concern to all municipalities in California that are required to obtain storm water permits from their respective Regional Water Quality Control Boards.

The Bay Area municipalities strongly support the position of Respondents Los Angeles County et al. that there must be a venue for filing claims for unfunded mandates issued by both the State Water Resources Control Board and the Regional Water Quality Control Boards. As such, the Bay Area municipalities urge the court to uphold the superior court decision that Government Code Section 17516's limitation on the Commission on State Mandates' jurisdiction is unconstitutional, or provide the County and Cities a hearing in the superior court on the merits of their claim if statutorily precluded from a hearing before the Commission.

II. ARGUMENT

In accordance with the voters' prior intent in adopting the Unfunded Mandate Initiative, it is essential that the Court require the State to provide for funding for the requirements and programs its agencies impose on local governments that extend beyond those sufficient to meet federal law,

including in the important areas of water quality protection and municipal stormwater permitting.

The Bay Area municipalities support and join in the arguments in the briefing by Respondents Los Angeles County et al. in support of this position. The plain language of Article XIII B, section 6, of the California Constitution requires that the state provide a subvention of funds to reimburse local government where the Legislature or a state agency has mandated a new program or higher level of service—an "unfunded mandate." The Commission on State Mandates is the mechanism that has been established to determine whether an unfunded mandate exists and coordinate the reimbursement process. Yet Government Code section 17516(c) exempts "any order, plan, requirement, rule, or regulation issued by the State Water Resources Control Board or by any regional water quality control board" from going through the Commission's process. If a hearing before the Commission on State Mandates is the exclusive process for claiming an unfunded mandate, then section 17516(c) must be unconstitutional, because it prevents local government from recovering the cost of unfunded mandates, which is mandated by Article XIII B, section 6, of the California Constitution.

In the Cross-Respondent's Brief, the Regional Water Quality Control Board, Los Angeles Region, takes the position that even if the municipalities are prohibited by statute from proceeding before the Commission on State Mandates (i.e., if section 17516 is found to be constitutional), they are also prohibited from proceeding against the Regional Board in superior court. Under the Regional Board's reasoning, if the Commission can not hear the matter, the municipalities are denied any hearing on the issue of whether the permit imposes an unfunded state mandate.

This logic only supports the municipalities' argument that to deny a hearing before the Commission is unconstitutional.

The Regional Board claims that if the municipalities cannot have a hearing before the Commission, then the permit is not a state mandate. This characterization is not correct. If by reason of Government Code section 17516, the permit does not fall within the statutory definition of an executive order, and the court finds that Government Code section 17516 is constitutional, the logical conclusion is that the Commission does not have jurisdiction to hear the claim, not that the permit is not an unfunded mandate. The question still remains as to whether the permit is imposing a new program or higher level of service within the meaning of article XIII B, section 6 of the state constitution, and the municipalities should have a right to a hearing on that claim.

III. CONCLUSION

For the reasons stated above, the Bay Area municipalities respectfully request that this Court affirm the decision of the superior court.

Dated: June 9, 2006

THOMAS F. CASEY III, COUNTY COUNSEL

By: _____

Miruni Soosaipillai, Deputy
Attorneys for Amicus Curiae
CITY/COUNTY ASSOCIATION OF
GOVERNMENTS OF SAN MATEO

Robert L. Falk
MORRISON & FOERSTER LLP
Attorneys for Amicus Curiae
BAY AREA STORMWATER
MANAGEMENT AGENCIES
ASSOCIATION

BRIEF FORMAT CERTIFICATION PURSUANT TO RULE 14(c)(1) OF THE CALIFORNIA RULES OF COURT

Pursuant to Rule 14(c)(1) of the California Rules of Court I certify that the APPLICATION TO FILE AMICUS CURIAE BRIEF, AND AMICUS CURIAE BRIEF OF BAY AREA STORMWATER MANAGEMENT AGENCIES ASSOCIATION AND CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY IN SUPPORT OF RESPONDENTS (AND CROSS-APPELLANTS) LOS ANGELES COUNTY, ET AL. is proportionately spaced, has a typeface of 13 points or more and contains _____ words.

Dated: June 9, 2006

THOMAS F. CASEY III, COUNTY COUNSEL

By: _____
Miruni Soosaipillai, Deputy
Attorneys for Amicus Curiae
CITY/COUNTY ASSOCIATION OF
GOVERNMENTS OF SAN MATEO

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C/CAG AGENDA REPORT

Date: August 10, 2006

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF RESOLUTION 06-25 AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO SUBMIT A PROPOSAL TO THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT FOR $46,200 TO PAY THE INCREMENTAL COST OF TWO COMPRESSED NATURAL GAS (CNG) SHUTTLE BUSES THAT CAN SUBSEQUENTLY BE CONVERTED TO OPERATE ON A CNG AND HYDROGEN BLENDED FUEL

(For further information contact Walter Martone at 599-1465)

RECOMMENDATION

That the C/CAG Board adopt Resolution 06-25 authorizing the C/CAG Executive Director to submit a proposal to the Bay Area Air Quality Management District (BAAQMD) for $46,200 to pay the incremental cost of two compressed natural gas (CNG) shuttle buses that can subsequently be converted to operate on a CNG and hydrogen blended fuel.

FISCAL IMPACT

The C/CAG budget for 2005-06 includes $350,000 for the maintenance and operation of up to four hydrogen and/or other clean fuel shuttle vehicles and related fueling infrastructure. The C/CAG matching funds for the hydrogen blend fueling station at the Pacific Gas & Electric facility in San Carlos has committed $200,000 of these funds. The grant application requested for approval in this report is to secure $46,200 from the Bay Area Air Quality Management District to convert two new gasoline powered shuttle buses to operate on compressed natural gas. Up to $125,000 in C/CAG matching funds has been identified in this grant application for the initial purchase of the vehicles. However it is anticipated that these costs will be borne by the shuttle operator as part of its capital replacement budget. Therefore there will be no cost to C/CAG to implement the program under this proposal.

SOURCE OF FUNDS

Funding to support the C/CAG participation in this project would come from the vehicle registration fee adopted by C/CAG under the San Mateo County Environmental/ Transportation Program (AB 1546). The funding being requested from the BAAQMD will be derived from the Regional Transportation Fund for Clean Air that is funded through a Regional Vehicle Registration Fee authorized under AB 434.

ITEM 4.11

BACKGROUND/DISCUSSION

On September 29, 2004, the Governor signed into law AB 1546 which authorized the C/CAG Board to adopt a fee of up to four dollars on every motor vehicle registered in San Mateo County. As a part of the negotiations with the Governor's Office for the approval of AB 1546, C/CAG adopted Resolution 04-13 making a commitment to use a portion of the revenues resulting from the fee, to explore the development of an Alternative Fuel Vehicle Shuttle Program for San Mateo County. This included exploring the use of technologies such as Hydrogen Fuel Cell, Hydrogen Combustion, Hybrids/ Plug-In Hybrids, Battery-Electric, Bio-diesel, Compressed Natural Gas, and other technologies for use in shuttle vehicles as an alternative to fossil fuel powered vehicles.

On May 11, 2006 the C/CAG Board adopted Resolution 06-15 authorizing the C/CAG Executive Director to submit proposals to the California Air Resources Board (CARB) and the Bay Area Air Quality Management District (BAAQMD) to request funding for the establishment of hydrogen fueling stations in San Mateo County and for the acquisition/conversion of shuttle buses to operate on hydrogen fuel. This authorization also included C/CAG's investment of up to $600,000 ($350,000 from Fiscal Year 05-06 and $250,000 from Fiscal Year 06-07) from its Vehicle Registration Fee Program (AB 1546) to provide matching funds for this effort.

A joint proposal from C/CAG and Pacific Gas & Electric (PG & E) was submitted to CARB for the development of a hydrogen and compressed natural gas (CNG) blend fueling station to be located at the PG & E facility in San Carlos. The proposal has been funded in the amount of $1.25 million. The C/CAG matching fund share will be $200,000.

C/CAG staff has now developed an application to the BAAQMD requesting funds for the incremental cost of converting two new 20-passenger shuttle vehicles from traditional gasoline to CNG. The Parking Company of America (PCA) has been selected by Samtrans and the Joint Powers Board to be their provider of shuttle services for fiscal year 2006-07. This includes the service area encompassing the City of Menlo Park. PCA routinely purchases a number of new shuttle vehicles each contract year (the useable life of a typical small shuttle bus is five years). The funding being requested in the application to the BAAQMD will be to pay the added cost to convert two of the new PCA buses to CNG. Once these CNG buses are in operation, the introduction of a blended fuel including CNG and hydrogen can be done through minor adjustments to the vehicle's engine. The incremental cost for the conversion will be $46,200.

ATTACHMENTS

- Resolution 06-25

RESOLUTION 06-25

* * * * * * * * * * * * *

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO SUBMIT A PROPOSAL TO THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT FOR $46,200 TO PAY THE INCREMENTAL COST OF TWO COMPRESSED NATURAL GAS (CNG) SHUTTLE BUSES THAT CAN SUBSEQUENTLY BE CONVERTED TO OPERATE ON A CNG AND HYDROGEN BLENDED FUEL

* * * * * * * * * * * * * * * * * *

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, the C/CAG Board is authorized by California Government Code Section 65089.11 et. seq. to adopt a $4 Fee on motor vehicles registered in San Mateo County; and

WHEREAS, the C/CAG Board has decided that a clean fuel shuttle demonstration program and related fueling infrastructure will be one of the programs to be implemented with the proceeds of this Fee; and

WHEREAS, the Bay Area Air Quality Management District (BAAQMD) has funding available through a request for proposal process to support clean fuel vehicle programs including the conversion of shuttle buses to operate on a blend of compressed natural gas and hydrogen fuel; and

WHEREAS, the C/CAG Board has determined that it desires to submit proposals to compete for this funding to augment the funding that C/CAG has available for this purpose.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Executive Director of C/CAG is hereby authorized to submit proposals to the BAAQMD to request funding for the conversion of shuttle buses to operate on a blend of compressed natural gas and hydrogen fuel, and
2. The C/CAG Chairman is hereby authorized to enter into a funding agreement with BAAQMD and to carry out the project, and
3. Up to $125,000 is hereby authorized for the initial purchase of two shuttle buses.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF AUGUST 2006.

_____

James M. Vreeland Jr., Chairman

C/CAG AGENDA REPORT

Date: August 10, 2006

To: City/County Association of Governments Board of Directors

From: Richard Napier, C/CAG Executive Director

Subject: Review and approval of Samceda workshop contract for two workshops at $7,500 per meeting for a total of $15,000

(For further information or questions, contact Richard Napier at 650-599-1420)

RECOMMENDATION:

Review and approval of Samceda workshop contract for two workshops at $7,500 per meeting for a total of $15,000 in accordance with the staff recommendation.

FISCAL IMPACT:

Included in C/CAG Budget for El Camino Real Incentive Program. $15,000.

SOURCE OF FUNDS:

San Mateo County Congestion Relief Program funding.

BACKGROUND/DISCUSSION:

As part of the El Camino Real Incentive Program the Board approved contracting with SAMCEDA to get the business input of potential development in the El Camino Real Corridor. At the C/CAG Board meeting in May the contract with Samceda was approved with a not to exceed $15,000. Staff was directed to negotiate the price with SAMCEDA. The El Camino Real Workshop was held on 5/17/06 and provided good input from the business community and identified areas to address in the Places3 model and process. Upon evaluation by C/CAG staff of the complete El Camino Real Corridor Process, a need for an additional business workshop was identified. There appears to interest on the part of the business community.

Therefore, C/CAG staff requested that a second workshop be held and organized by SAMCEDA and that the two workshops would be done for a total of $15,000. This would both address the additional need and the staff request to address the cost for one workshop. SAMCEDA is agreeable to this arrangement. The C/CAG staff recommendation is as follows.

1- Agree to the final cost of $15,000 for two workshops.
2- Authorize the Executive Director to execute the necessary changes to the agreement.

ITEM 4.12

ATTACHMENTS:

- Executed Agreement Between C/CAG and SAMCEDA for Professional Services

ALTERNATIVES:

1- Review and approval of Samceda workshop contract for two workshops at $7,500 per meeting for a total of $15,000 in accordance with the staff recommendation.

2- Review and approval of Samceda workshop contract for two workshops at $7,500 per meeting for a total of $15,000 in accordance with the staff recommendation with modifications.

3- No action.

AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS AND SAMCEDA FOR PROFESSIONAL SERVICES

THIS AGREEMENT is entered into on May 11, 2006, between the City/County Association of Governments ("C/CAG") and SAMCEDA.

WHEREAS, C/CAG is a joint powers agency formed for the purpose of preparation, adoption and monitoring of a variety of county-wide state-mandated plans; and,

WHEREAS, C/CAG has determined that SAMCEDA's assistance is required to effectively reach the business community so that they can provide input regarding land uses for C/CAG's El Camino Real Corridor Project; and

WHEREAS, SAMCEDA has the capacity and is willing to provide C/CAG with such assistance and services.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. Rendition of Services. SAMCEDA agrees to provide C/CAG with the assistance and services as described in Exhibit A.

2. Payment. In consideration of SAMCEDA providing the assistance and services described in Exhibit A, C/CAG shall reimburse SAMCEDA in an amount not to exceed fifteen thousand dollars ($15,000) under this Agreement.

3. Term of Agreement. This Agreement shall commence on May 11, 2006, and shall continue until December 31, 2006 unless terminated by either party upon thirty (30) days prior written notice.

4. Indemnifications and Liability. C/CAG shall indemnify, keep and save harmless SAMCEDA against any and all suits, claims or actions arising out of any intentional, reckless, or negligent conduct by C/CAG, its agents or employees in the course of C/CAG's performance of its responsibilities under this Agreement.

SAMCEDA shall indemnify, keep and save harmless C/CAG, its directors, officers, employees and agents against any and all suits, claims or actions arising out of any intentional,

reckless or negligent conduct by SAMCEDA in the course of SAMCEDA's performance of the responsibilities under this Agreement.

5. Workers' Compensation and Employer Liability Insurance: SAMCEDA shall have in effect, during the entire life of this Agreement, Workers' Compensation and Employer Liability Insurance providing full statutory coverage.

6. Assignment and Delegations. Neither C/CAG nor SAMCEDA shall assign any of its rights or transfer any of its obligations under this Agreement without the prior written consent of the other party. Any attempt, not in accordance with this paragraph, to assign or delegate rights or obligations under this Agreement shall be ineffective, null and void.

7. Termination. In the event of termination of this Agreement for reasons other than SAMCEDA's breach of the Agreement, SAMCEDA shall be compensated on a prorated basis for all services performed through the termination date.

8. Non Discrimination. Contractors shall not discriminate or permit discrimination against any person or group of persons on the basis or race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status; or in any manner prohibited by federal, state or local laws.

9. Applicable Law. This Agreement, its interpretations and enforcement shall be governed by the laws of the State of California.

10. Binding on Successors. This Agreement is binding on and inures to the benefit of the successors of the parties.

11. Notices. Any notice which may be required under this Agreement shall be in writing, shall be effective when sent, and shall be given by personal service or by certified mail, return receipt requested, to the address set forth below or to such other addresses that may be specified in writing to all parties to this Agreement.

EXHIBIT A

Re: SAMCEDA El Camino Real Workshop

I SAMCEDA Key Qualifications

- SAMCEDA is organized to involve member businesses, individuals, and civic leaders in a collaborative effort with local, regional and state officials. SAMCEDA is well positioned to assist C/CAG with the outreach required for this workshop.
- Incorporated in 1953, SAMCEDA, the voice of business on the Peninsula, has over fifty years of effective business leadership in the public policy arena.
- SAMCEDA works to influence public policy on key issues that include expanding housing to meet workforce needs and integrating the regional transportation system.

II Scope of Work

The following summarizes the scope of work that SAMCEDA will undertake to conduct a land use modeling workshop for the business community along the El Camino Real corridor.

SAMCEDA

Task 1.1 SAMCEDA is to define and invite the participants as well as to set up and provide refreshments and support for the workshop. This should include determining the right location and the right group of people in addition to taking the necessary action to get solid representation such that C/CAG is able to obtain valid direction from the workshop. The goal is to achieve this through a 2 ½ hour workshop using the enhanced PLACE3S model. The PLACE3S model will utilize a map that displays current conditions along El Camino Real in San Mateo County and will provide opportunities to model land use changes and compare the differences these changes would have against the current conditions on housing, jobs, proximity to transit, and pedestrian friendliness. The participants should go through the PLACE3S model to identify the opportunities that they see as viable along the El Camino Real corridor.

C/CAG

Task 2.1 The objective is to hold a workshop with the appropriate cross section of the business community and to have the business community provide input on opportunities and land uses for locations along the El Camino Real corridor. C/CAG is to run the workshop with Design, Community, & Environment. C/CAG will define the workshop goals and define the use of the model as a resource for cities/towns.

Task 2.2 DC&E to run the PLACE3S model city by city so as not to get into minute areas or details. The workshop will be for approximately 30 business representatives that are interested in providing input on the potential future development of the El Camino Real Corridor east of Highway 101 and 4 stations will be set up for 5 to 8 individuals at each station.

III Schedule

SAMCEDA anticipates holding the workshop on May 17th, 2006.

IV Costs

Costs for the scope of services described above shall be an amount not to exceed $15,000.

If to C/CAG: Richard Napier, C/CAG Executive Director
555 County Center, 5th Floor
Redwood City, CA 94063

If to Consultant: Deberah Bringelson, President & CEO
SAMCEDA
One Waters Park Drive, Suite 101
San Mateo, CA 94403

12. Severability. If one or more of the provisions or paragraphs of this Agreement shall be found to be illegal or otherwise void or unenforceable, the remainder of this Agreement shall not be affected and shall remain in full force and effect.

IN WITNESS HEREOF, the parties have caused this Agreement to be entered into as of the day and year set forth on page one of this Agreement.

SAMCEDA

Dated: 6-1-06

BY:
Signature _____
Deberah Bringelson, President & CEO

CITY/COUNTY ASSOCIATION OF GOVERNMENTS

Dated: _____

BY:
Signature _____ for
Name: James M. Vreeland Jr.
Title: Chairman

C/CAG LEGAL COUNSEL

Dated: 5/23/06

BY:
Signature _____
Name: Miruni Soosaipillai

C/CAG AGENDA REPORT

Date: August 10, 2006

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF C/CAG LEGISLATIVE UPDATE AND POTENTIAL POSITIONS ON VARIOUS PROPOSITIONS

A position may be taken on any legislation, including legislation not previously identified.

(For further information contact Walter Martone at 599-1465 or Richard Napier at 599-1420)

RECOMMENDATION

That the C/CAG Board:

1. Review and approve the attached Legislative Update report.
2. Consider taking positions on Propositions as recommended by its Legislative Committee. The Committee will be reviewing the following items at its meeting immediately preceding the C/CAG Board meeting.
   a) Proposition 1A – Transportation Funding Protection
   b) Proposition 1B – Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006
   c) Proposition 1C – Housing and Emergency Shelter Trust Fund Act of 2006
   d) Proposition 1E – Disaster Preparedness and Flood Prevention Bond Act of 2006
   e) Proposition 84 – Water Quality, Safety and Supply. Flood Control. Natural Resource Protection. Park Improvements. Bonds. Initiative Statute
   f) Proposition 90 – Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment

FISCAL IMPACT

Many of these Propositions, if approved by the voters in November, will result in significant increases in funds available to C/CAG for transportation and stormwater pollution prevention programs.

SOURCE OF FUNDS

State bonds secured by State General Fund revenues.

BACKGROUND/DISCUSSION

1. Attached is a list of the bills that appear to be most related to the legislative priorities established by the C/CAG Board. C/CAG staff is also be tracking approximately 135 other bills that have subject matter consistent with C/CAG's legislative priorities. August 31, 2006 is the last day for bills to be passed by the Legislature; therefore many of the bills on these lists will likely become dead after that date.

ITEM 5.1

2. The Legislative Committee will be reviewing the following Propositions at its meeting immediately preceding the C/CAG Board meeting.

   a) Proposition 1A – Transportation Funding Protection.
   This measure amends the State Constitution to further limit the conditions under which the Proposition 42 transfer of gasoline sales tax revenues for transportation uses can be suspended. Specifically, the measure requires Proposition 42 suspensions to be treated as loans to the General Fund that must be repaid in full, including interest, within three years of suspension. Furthermore, the measure only allows suspension to occur twice in ten consecutive fiscal years. No suspension could occur unless prior suspensions (excluding those made prior to 2007-08) have been repaid in full.

   b) Proposition 1B – Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.
   This measure authorizes the state to sell about $20 billion of general obligation bonds to fund transportation projects to relieve congestion, improve the movement of goods, improve air quality, and enhance the safety and security of the transportation system.

   c) Proposition 1C – Housing and Emergency Shelter Trust Fund Act of 2006.
   This measure authorizes the state to sell $2.85 billion of general obligation bonds to fund 13 new and existing housing and development programs.

   d) Proposition 1E – Disaster Preparedness and Flood Prevention Bond Act of 2006.
   This measure authorizes the state to sell about $4.1 billion in general obligation bonds for various flood management programs.

   e) Proposition 84 – Water Quality, Safety and Supply. Flood Control. Natural Resource Protection. Park Improvements. Bonds. Initiative Statute.
   This initiative allows the state to sell $5.4 billion in general obligation bonds for safe drinking water, water quality, and water supply; flood control; natural resource protection; and park improvements.

   f) Proposition 90 – Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment.
   This measure requires government to pay property owners if it passes certain new laws or rules that result in substantial economic losses to their property.

ATTACHMENTS

1. Legislative Update
2. Impartial analysis done by the Legislative Analyst's Office of:
   "An Overview of State Bond Debt"
   a) Proposition 1A – Transportation Funding Protection
   b) Proposition 1B – Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006
   c) Proposition 1C – Housing and Emergency Shelter Trust Fund Act of 2006
   d) Proposition 1E – Disaster Preparedness and Flood Prevention Bond Act of 2006
   e) Proposition 84 – Water Quality, Safety and Supply. Flood Control. Natural Resource Protection. Park Improvements. Bonds. Initiative Statute
   f) Proposition 90 – Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

Budget

ACA 1 **(Calderon) Two-Year Budget.** I - 12/06/2004

Status:

04/14/2005 - ASM APPR. Referred to Coms. on BUDGET and APPR.

Calendar:

Summary:

The California Constitution requires that a budget be submitted by the Governor, and that a Budget Bill be passed by the Legislature, for each fiscal year. This measure would express the intent of the Legislature to enact the necessary statutory changes, and to propose to the people the necessary constitutional changes, to enact a budget for a two-year fiscal period.

C/CAG *1* *Budget*

Eminent Domain

SB 1210 **(Torlakson) Eminent domain.** A - 06/15/2006

Status:

06/29/2006 - ASM APPR. Do pass as amended and be re-referred to the Committee on Appropriations.

Calendar:

Summary:

Existing law governing settlement offers in eminent domain proceedings authorizes the recovery of litigation expenses under certain circumstances. Existing law provides that if a court finds, on motion of the defendant, that the offer of the plaintiff was unreasonable and the offer of the defendant was reasonable in light of the evidence admitted and the compensation awarded in the proceeding, then the costs allowed shall include the defendant's litigation expenses. This bill would define litigation expenses to mean the party's reasonable attorney's fees and costs, including reasonable expert witness and appraiser fees. This bill contains other related provisions and other existing laws.

C/CAG *1* *Eminent Domain*

Environment

AB 32 **(Nunez) Air pollution: greenhouse gases: California Global Warming Solutions Act of 2006 .** A - 06/22/2006

Status:

06/26/2006 - SEN RLS. Do pass as amended, and re-refer to the Committee on Rules.

Calendar:

Summary:

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

Under existing law, the State Air Resources Board, the State Energy Resources Conservation and Development Commission (Energy Commission), and the California Climate Action Registry all have responsibilities with respect to the control of emissions of greenhouse gases, as defined, and the Secretary for Environmental Protection is required to coordinate emission reductions of greenhouse gases and climate change activity in state government. This bill would enact the California Global Warming Solutions Act of 2006, to require the state board to adopt regulations on or before January 1, 2008, establishing a program to require the reporting and verification of statewide green house gas emissions, as defined. The bill would require the state board to develop an emissions baseline and monitor and enforce compliance, as specified . The bill would provide that the state board is the state agency charged with monitoringand regulating the sources and reducing emissions of gases that cause global warming. The bill would require the state board to adopt , on or before January 1, 2008, a statewide greenhouse gas emissions limit to become effective in 2020, as specified. The bill would require the Governor to establish an interagency task force to coordinate investments of state moneys and state programs that reduce emissions of greenhouse gases, promote economic growth, make information publicly available to assist sources of greenhouse gases to meet the requirements of the bill, ensure that existing state programs support the emissions limits established by the state board, monitor conditions and coordinate planning and the state's response to changing climate conditions as they impact state water supplies, air quality, environmental and public health conditions , and the state's economy, and create and maintain an Internet Web site, as specified . This bill contains other related provisions and other existing laws.

C/CAG *1* *Environment*

AB 315 **(Hancock) School facilities: energy efficiency: design standards.** A - 07/11/2005

Status:

08/30/2005 - SEN THIRD READING Read second time. To third reading.

Calendar:

Summary:

Existing law, the Leroy F. Greene School Facilities Act of 1998 (the Greene Act of 1998), establishes a program in which the State Allocation Board is required to provide state per-pupil funding, including hardship funding, for new school facilities construction and school facilities modernization for applicant school districts. This bill would require the State Allocation Board, by July 1, 2007 , to adopt regulations to ensure that design standards for new school facilities constructed in whole or in part with state funds are in accordance with, among other requirements, the minimum design and construction criteria, as defined, in the specified Collaborative for High Performance Schools Best Practices Manual. The bill would also require the board to review other high performance building organizations' standards and any guidelines adopted pursuant to a specified executive order, and to adopt the standards that it deems appropriate. This bill contains other related provisions and other existing laws.

C/CAG *1* *Environment*

Housing

SB 832 **(Perata) CEQA: infill development.** A - 05/04/2005

Status:

03/02/2006 - ASM INACTIVE FILE Placed on inactive file on request of Assembly Member Cohn.

Calendar:

Summary:

The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect. Existing law exempts from CEQA a residential project located on an infill site within an urbanized area that meets specified criteria, including that the site of the project is not more than 4 acres in total area and the project does not contain more than 100 residential units. This bill would provide an alternative to those criteria if the site is located in a city with a population of more than 200,000 persons , the site is not more than 10 acres , and the project does not have less than 200 or more than 300 residential units , as adopted by a resolution of the city council.

C/CAG *1* *Housing*

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

SB 1330 **(Dunn) Housing developments: attorney's fees.** A - 05/26/2006

Status:

06/28/2006 - ASM H. & C.D. Set, first hearing. Failed passage in committee. Reconsideration granted.

Calendar:

Summary:

The Planning and Zoning Law requires local agencies to make specified written findings based upon substantial evidence in the record before disapproving or conditionally approving a housing development project that renders it infeasible for the use of very low, low-, or moderate-income households, including farmworker housing. This law authorizes an applicant for a housing development project and a person who would be eligible to apply for residence in the development to bring an action for a violation of this provision. This bill would revise the attorney's fees and costs provisions in all 3 of the above provisions by requiring the court to award reasonable attorney's fees and costs, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of these provisions, in addition to any attorney fees to which the plaintiff is entitled under a specified provision of the Code of Civil Procedure. The bill would delete the January 1, 2007, repeal date for the provisions referenced in paragraph (2) above . This bill contains other existing laws.

C/CAG *1* *Housing*

Land Use Authority

AB 1162 **(Mullin) Eminent domain.** A - 09/02/2005

Status:

09/06/2005 - SEN RLS. Re-referred to Com. on RLS.

Calendar:

Summary:

Existing law authorizes public entities to seize private property under the power of eminent domain. This bill would prohibit, until January 1, 2008, a community redevelopment agency, or community development commission or joint powers agency, as specified, from exercising the power of eminent domain to acquire owner-occupied residential real property if ownership of the property will be transferred to a private party or private entity. This bill contains other related provisions.

C/CAG *1* *Land Use Authority* *CSAC-support*

ACA 15 **(Mullin) Eminent domain: redevelopment.** A - 08/23/2005

Status:

08/24/2005 - ASM G.O. Re-referred to Com. on G.O.

Calendar:

Summary:

redevelopment. This measure would set forth a constitutional provision prohibiting a redevelopment agency from acquiring property through the exercise of the power of eminent domain unless it first makes a written finding that the property contains conditions of both physical and economic blight. This bill contains other existing laws.

C/CAG *1* *Land Use Authority*

SB 53 **(Kehoe) Redevelopment.** A - 08/15/2005

Status:

06/29/2006 - ASM APPR. From committee: Do pass as amended, but first amend, and re-refer to Com. on APPR. (Ayes 7. Noes 0.)

Calendar:

Summary:

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight, as defined, in those communities and requires those agencies to prepare, or cause to be prepared, and approve a redevelopment plan for each project area. Existing law requires that a redevelopment plan contain certain provisions and authorizes a plan to provide for the agency to acquire by gift, purchase, lease, or condemnation all or part of the real property in the project area. This bill would require redevelopment plans to contain a description of the agency's program to acquire real property by eminent domain, including prohibitions, if any, on the use of eminent domain, and a time limit for the commencement of eminent domain proceedings. This bill contains other related provisions and other existing laws.

C/CAG		*1*	*Land Use Authority*

SB 1059 **(Escutia) Electric transmission corridors.** A - 06/13/2006

Status:

06/28/2006 - ASM APPR. Do pass as amended and be re-referred to the Committee on Appropriations.

Calendar:

Summary:

Existing law requires the State Energy Resources Conservation and Development Commission to adopt a strategic plan for the state's electric transmission grid using existing resources. Existing law requires that the plan identify and recommend actions required to implement investments needed to ensure reliability, relieve congestion, and to meet future growth in load and generation, including, but not limited to, renewable resources, energy efficiency, and other demand reduction measures. This bill would authorize the commission to designate a transmission corridor zone on its own motion or by application of a person who plans to construct a high-voltage electric transmission line within the state. The bill would provide that the designation of a transmission corridor shall serve to identify a feasible corridor in which can be built a future transmission line that is consistent with the state's needs and objectives as set forth in the strategic plan adopted by the commission. The bill would prescribe procedures for the designation of a transmission corridor zone , including publication of the request for designation and request for comments, coordination with federal agencies and California Native American tribal governments, informational hearings, and requirements for a proposed decision. This bill contains other related provisions and other existing laws.

C/CAG	*Neutral*	*1*	*Land Use Authority*

Local Govt Finance

ACR 79 **(Aghazarian) Fee Payers Bill of Rights.** I - 07/13/2005

Status:

08/25/2005 - ASM APPR. SUSPENSE FILE In committee: Held under submission. In committee: Referred to APPR. suspense file.

Calendar:

Summary:

This measure would state that a bill that would impose, increase, or extend the duration of an existing fee, or authorize the imposition of a new fee should, among other things, be approved by a 2/3 vote of the entire membership of each of the 2 houses of the Legislature.

C/CAG		*1*	*Local Govt Finance*

Other Local Govt Interest

AB 707 **(Hancock) Voting by mail: June 6, 2006, primary election.** A - 02/14/2006

Status:

02/16/2006 - SEN E.,R. & C. A. Re-referred to Com. on E., R. & C.A.

Calendar:

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

Summary:

Existing law authorizes a local, special, or consolidated election to be conducted wholly by mail if the governing body of the local agency authorizes the use of all mailed ballots for the election, the election is held on an established mailed ballot election date, and the election meets certain other specified requirements. This bill would, until January 1, 2007, authorize any county in this state to conduct the June 6, 2006, direct primary election wholly by mailed ballots if specified conditions are met. This bill contains other related provisions and other existing laws.

C/CAG	*Support*	*1*	*Other Local Govt Interest*

Redevelopment

SB 1206 **(Kehoe) Redevelopment.** A - 06/19/2006

Status:

06/29/2006 - ASM APPR. From committee: Do pass as amended, but first amend, and re-refer to Com. on APPR. (Ayes 6. Noes 0.)

Calendar:

Summary:

The Community Redevelopment Law authorizes the establishment of redevelopment agencies in communities in order to address the effects of blight in those communities and defines a blighted area as one that is predominantly urbanized and characterized by specified conditions. This bill would revise the definition of "predominantly urbanized" and revise the conditions that characterize a blighted area. The bill would prohibit the inclusion of nonblighted parcels in a redevelopment project area for the purpose of obtaining property tax revenue from the area without substantial justification for their inclusion. This bill contains other related provisions and other existing laws.

C/CAG	*1*	*Redevelopment*

Sales Tax

AB 1282 **(Mullin) Income taxes: credits: child care.** A - 01/23/2006

Status:

06/29/2006 - SEN APPR. From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 7. Noes 0.).

Calendar:

Summary:

The existing Personal Income Tax and Corporation Tax Law provide tax credits for startup expenses for child care programs or constructing a child care facility, costs for child care information and referral services, and costs paid or incurred for contributions to a qualified care plan. Under existing law these credits are only available for certain taxable years beginning before January 1, 2007. This bill would extend the credits to taxable years beginning before January 1, 2012. This bill would also require the Franchise Tax Board to report to the Legislature on the effectiveness of these credits, as specified. This bill contains other related provisions.

C/CAG	*1*	*Sales Tax*

Smart Growth

AB 1020 **(Hancock) Transportation planning: improved travel models.** A - 06/19/2006

Status:

06/27/2006 - SEN APPR. Do pass as amended, and re-refer to the Committee on Appropriations.

Calendar:

Summary:

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

Existing law requires certain transportation planning activities by the Department of Transportation and by designated regional agencies. This bill would require the department, in partnership with certain federally designated metropolitan planning organizations , a certain designated council of governments, and certain state-designated regional transportation planning agencies, to provide a notice to the Legislature by January 31, 2007, on a schedule for a comprehensive review and evaluation of current travel models and model improvements already underway. The bill would require these entities using travel models to use models that incorporate specified factors, thereby imposing a state-mandated local program , and would require the department to meet with these entities at least annually to evaluate their progress in meeting these requirements . The bill would identify other objectives that may be included in the travel models. The bill would enact other related provisions. This bill contains other related provisions and other existing laws.

C/CAG		*1*	*Smart Growth*

SB 521 **(Torlakson) Recording fees: Contra Costa County.** A - 03/22/2006

Status:

06/29/2006 - ASM L. GOV. From committee: Do pass. (Ayes 5. Noes 2.)

Calendar:

Summary:

Existing law establishes the fees to be charged by the county recorder for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded. Existing law, including provisions of the California Constitution, subject local governmental agencies to various requirements in imposing, increasing, or extending general or special taxes, fees, and other local exactions. This bill would authorize the Contra Costa County Board of Supervisors to additionally charge $1 for each page after the first page that is recorded for every real estate instrument, paper, or notice required or permitted by law to be recorded in Contra Costa County. The bill would require the Contra Costa County Board of Supervisors to establish a fund for deposit of the moneys raised by the increase, which shall be used to assist in the development of affordable housing for very low income households, lower income households, and moderate income households. This bill contains other related provisions.

C/CAG	*Support with amendments*	*1*	*Smart Growth*

Solid Waste & Recycling

SB 369 **(Simitian) Solid waste: tire recycling: waste tire rubber materials.** A - 06/20/2006

Status:

06/27/2006 - ASM APPR. From committee: Do pass, but first be re-referred to Com. on APPR. (Ayes 10. Noes 0.) Re-referred to Com. on APPR.

Calendar:

08/09/06 9 a.m. - Room 4202 ASM APPROPRIATIONS

Summary:

Existing law authorizes the California Integrated Waste Management Board to implement a program to award grants to cities, counties, districts, and other local governmental agencies for the funding of public works projects that use rubberized asphalt concrete. The grants are funded by an appropriation in the annual Budget Act from the California Tire Recycling Management Fund. Existing law becomes inoperative on June 30, 2006, and is repealed on January 1, 2007. This bill would instead authorize the awarding of grants for public works projects that use waste tire rubber materials, including, but not limited to, rubberized asphalt concrete and tire-derived aggregate. The bill would change several eligibility qualifications for those public works grants, including deleting districts from the eligibility list; expanding the list of materials eligible to be used; decreasing the minimum and deleting the maximum amount of materials required to be used; and increasing the maximum amount of grant money that can be awarded. This bill would recommence the grant program on January 1, 2007 , and would make the program inoperative on June 30, 2010. The bill would extend the repeal date to January 1, 2011. This bill contains other related provisions and other existing laws.

C/CAG	*Support*	*1*	*Solid Waste & Recycling*

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

Stormwater (NPDES)

ACA 13 **(Harman) Local government: assessments and fees or charges.** A - 04/21/2005

Status:

05/04/2005 - ASM L. GOV. In committee: Set, first hearing. Hearing canceled at the request of author.

Calendar:

Summary:

(1) The California Constitution conditions the imposition or increase of an assessment by a city, county, or special district for flood control purposes upon compliance with requirements for written notice to property owners, a public hearing, and an opportunity for majority protest . The California Constitution exempts the imposition of a flood control assessment existing on November 6, 1996, from these requirements. This measure would instead exempt from these requirements an assessment for the purposes of financing the capital costs or maintenance and operation expenses of flood control, whether the assessm ent existed on November 6, 1996, or is imposed after that date. This bill contains other related provisions and other existing laws.

C/CAG	*Support with amendments*	*1*	*Stormwater (NPDES)*

Telecommunications

AB 1547 **(Levine) Telecommunications: communications companies: state policies.** A - 07/12/2005

Status:

08/25/2005 - SEN INACTIVE FILE To inactive file - Senate Rule 29.

Calendar:

Summary:

Existing law, the Public Utilities Act, sets forth the findings and declarations of the Legislature regarding described policies for telecommunications in California. This bill would state the intent of the Legislature to establish rules for the provision of communications services that encourage fair competition .

C/CAG		*1*	*Telecommunications*

AB 2987 **(Nunez) Cable and video service.** A - 06/22/2006

Status:

06/29/2006 - SEN E. U., & C. Do pass as amended, and re-refer to the Committee on Rules.

Calendar:

Summary:

(1) Existing law provides that any city, county, or city and county may authorize by franchise or license the construction and operation of a community antenna television system and prescribe rules and regulations to protect the subscribers. Existing law requires that cable and video service providers comply with specified customer service standards and performance standards. This bill would establish a procedure for the issuance of state franchises for the provision of video service, which would be defined to include cable service and open-video systems, that would be administered by the Secretary of State . The Secretary of State would be the sole franchising authority for state franchises to provide video services. The bill would require any person or corporation who seeks to provide video service in this state to file an application with the Secretary of State for a state franchise with specified information, signed under penalty of perjury . By creating a new crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

C/CAG	*Oppose*	*1*	*Telecommunications*

SB 850 **(Escutia) Broadband telecommunications service.** A - 03/09/2006

Status:

03/09/2006 - ASM U. & C. From committee with author's amendments. Read second time. Amended. Re-referred to committee.

Calendar:

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

Summary:

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Existing law imposes various duties on the commission with regard to the provision of universal telephone and telecommunications service. This bill would make Legislative findings and declarations relating to telecommunication services, and would state the intent of the Legislature to enact legislation relating to encouraging fair competition in the provision of video service, encouraging the widespread build-out of state-of-the-art video service, providing for a state-issued franchise as an alternative to obtaining a local franchise, and permitting existing cable operators to transition to a new state-issued franchise, as provided. The bill would also state the Legislature's intent that legislation enacted to achieve those purposes not alter local governmental control of the local right of way with regard to the construction of telephone lines, as provided.

C/CAG		*1*	*Telecommunications*

SB 909 **(Escutia) Broadband access.** A - 01/04/2006

Status:

01/09/2006 - ASM INACTIVE FILE Placed on inactive file on request of Assembly Member Frommer.

Calendar:

Summary:

Existing law provides for various programs for the development of telecommunications services in the state. This bill would, until January 1, 2010, establish the California Broadband Access Council in state government, with a specified membership, and require the council to develop a broadband access strategy to promote the ubiquitous use of high-speed Internet communications and computing technology by all Californians consistent with specified principles. This bill contains other related provisions.

C/CAG		*1*	*Telecommunications*

SB 1627 **(Kehoe) Wireless telecommunication facilities.** A - 05/09/2006

Status:

06/29/2006 - ASM APPR. Do pass as amended and be re-referred to the Committee on Appropriations.

Calendar:

Summary:

The Planning and Zoning Law authorizes the legislative body of any county or city to adopt ordinances that, among other things, regulate the use of buildings, structures, and land as between industry, business, residences, and open space. This bill would require a city, including a charter city, or county to administratively approve an application to collocate a wireless telecommunications facility, as defined, through the issuance of a building permit or a nondiscretionary permit, as specified. This bill contains other related provisions and other existing laws.

C/CAG	*Oppose*	*1*	*Telecommunications*

Transportation - Other

AB 2538 **(Wolk) Transportation funds: planning and programming regional agencies.** A - 05/26/2006

Status:

06/28/2006 - SEN APPR. From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 9. Noes 4.).

Calendar:

Summary:

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

Existing law generally provides for programming and allocation of funds for transportation capital improvement projects through the state transportation improvement program process administered by the California Transportation Commission. Existing law requires 25% of available funds to be programmed and expended on interregional improvement projects nominated by the Department of Transportation, and 75% of available funds to be programmed and expended on regional improvement projects nominated by regional transportation planning agencies or county transportation commissions, as applicable, through adoption of a regional transportation improvement program. Existing law authorizes a transportation planning agency or county transportation commission to request and receive up to 1% of regional improvement fund expenditures for the purposes of project planning, programming, and monitoring, but authorizes an amount up to 5% of those expenditures for a transportation planning agency or county transportation commission not receiving federal metropolitan planning funds. This bill would instead authorize each transportation planning agency or county transportation commission to request and receive up to 5% of those funds for the purposes of project planning, programming, and monitoring. The bill would change the references to "regional improvement funds" to instead refer to "county share." The bill would make other conforming changes.

C/CAG	*Support*	*1*	*Transportation - Other*

Transportation - Roads

SB 172 **(Torlakson) Bay area state-owned toll bridges: financing.** A - 05/27/2005

Status:

06/13/2005 - ASM TRANS. To Com. on TRANS.

Calendar:

Summary:

Existing law specifies the powers and duties of the Department of Transportation, the Metropolitan Transportation Commission, and the Bay Area Toll Authority with respect to the collection and expenditure of toll revenue from the state-owned toll bridges within the geographic jurisdiction of the commission. Under existing law, this toll revenue, other than revenue from the $1 seismic surcharge, is deposited into the Bay Area Toll Account and controlled by the authority. Existing law requires the department and the authority to enter into a cooperative agreement that makes the department responsible for operating the bridges and for constructing improvements to the bridges financed by toll revenues. Existing law estimates the cost to seismically retrofit the state-owned bay area toll bridges and identifies funding to be made available for this purpose from various sources, including imposition of a $1 seismic retrofit surcharge. Under existing law, this surcharge revenue is deposited into the Toll Bridge Seismic Retrofit Account for expenditure by the department until completion of the seismic projects and payment of the bonds issued to finance those projects. This bill would state the Legislature's findings that the amount identified for the seismic retrofit of the state-owned toll bridges is insufficient and would state its intent to identify additional funding sources for those projects. The bill would require the seismic retrofit surcharge to be paid to the authority and deposited into the Bay Area Toll Account, and would require the department to transfer to the authority, for deposit into that account, all revenue from the surcharge. The bill would continuously appropriate all seismic surcharge revenues in the account to the authority for purposes specified by law. The bill would authorize on or after January 1, 2009, the authority to increase the seismic retrofit surcharge by $1. This bill contains other related provisions and other existing laws.

C/CAG	*Support*	*1*	*Transportation - Roads*	*MTC Staff-support*

SB 371 **(Torlakson) Public contracts: design-build contracting: transportation entities.** A - 01/23/2006

Status:

01/31/2006 - ASM DESK In Assembly. Read first time. Held at Desk.

Calendar:

Summary:

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

Existing law sets forth requirements for the solicitation and evaluation of bids and the awarding of contracts by public entities for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Existing law also authorizes specified state agencies, cities, and counties to implement alternative procedures for the awarding of contracts on a design-build basis. Existing law, until January 1, 2007, authorizes transit operators to enter into a design-build contract, as defined, according to specified procedures. This bill would declare the intent of the Legislature to enact legislation that would develop an alternative and optional procedure for bidding on highway, bridge, tunnel, or public transit construction projects in the jurisdiction of any county, local transportation authority, as defined, or local or regional transportation entity, as provided, and would authorize the Department of Transportation to develop an alternative bidding procedure for highway, bridge, or tunnel projects on the state highway system .

C/CAG	*Support*	*1*	*Transportation - Roads*	*MTC-support*

SB 1024 **(Perata) Public works and improvements: bond measure.** A - 01/26/2006

Status:

01/31/2006 - ASM DESK In Assembly. Read first time. Hold at Desk.

Calendar:

Summary:

Existing law provides various funding sources for transportation purposes. This bill would enact the Safe Facilities, Improved Mobility, and Clean Air Bond Act of 2006 to authorize an unspecified amount of state general obligation bonds for specified purposes, including the state transportation improvement program, passenger rail improvements, levee improvements, flood control, restoration of Proposition 42 transportation funds, port infrastructure and security projects, trade corridors of significance, transit security projects, grade separation projects, local bridge seismic upgrade projects, state-local partnership transportation projects, emissions reduction projects, environmental enhancement projects, transit-oriented development, and housing, regional growth, and infill development purposes, subject to voter approval. This bill contains other related provisions.

C/CAG	*Support*	*1*	*Transportation - Roads*	*MTC Staff-support*

Transportation - Transit

AB 1699 **(Frommer) Commuter trains: operation.** A - 06/13/2006

Status:

06/27/2006 - SEN APPR. Do pass as amended, and re-refer to the Committee on Appropriations.

Calendar:

Summary:

Existing law provides for federal regulation of safety and equipment matters relative to rail passenger and freight service, and provides for federal and state funding of various rail passenger services throughout the state. Existing law sets forth responsibilities of the Public Utilities Commission relative to railroad safety. This bill would require a transportation agency operating commuter rail service, as defined, or contracting for the operation of commuter rail service, to prohibit passengers from riding in the forward 10 rows of seats of any level of a cab car on a commuter train operating in push configuration. The bill would also, commencing January 1, 2010, prohibit these transportation agencies from operating, or contracting with a commuter rail service that operates, a commuter train in push configuration. Because the bill imposes new requirements on local agencies, it would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

C/CAG		*1*	*Transportation - Transit*

Transportation-All

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

AB 2444 **(Klehs) Congestion management and motor vehicle environmental mitigation fees.** A - 05/03/2006

Status:

06/29/2006 - SEN E.Q. Joint Rule 61(b)(13) suspended.

Calendar:

08/07/06 Upon adjournment of session - Room 112 SEN ENVIRONMENTAL QUALITY

Summary:

Existing law provides for the imposition by air districts and other local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles. This bill would authorize the congestion management agencies in the 9 Bay Area counties, by a 2/3 vote of all of the members of the governing board, to impose an annual fee of up to $5 on motor vehicles registered within those counties for a program for the management of traffic congestion. The bill would require a program with performance measures and a budget to be adopted before the fee may be imposed. The bill would require the agency to have an independent audit performed on the program and to submit a report to the Legislature on the program by July 1, 2011. The bill would require the Department of Motor Vehicles, if requested, to collect the fee and distribute the net revenues, after deduction of specified costs, to the agency. The bill would require that the fees collected may only be used to pay for programs bearing a relationship or benefit to the owners of motor vehicles paying the fee, and would require the agency to make a specified finding of fact in that regard by a 2/3 vote. This bill contains other related provisions.

C/CAG	*Neutral*	*1*	*Transportation-All*

ACA 4 **(Plescia) Transportation Investment Fund.** A - 05/09/2005

Status:

01/10/2006 - ASM APPR. From committee: Be adopted, and re-refer to Com. on APPR. Re-referred. (Ayes 13. Noes 0.) (January 9).

Calendar:

Summary:

Article XIX B of the California Constitution requires, commencing with the 2003-04 fiscal year, that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund for allocation to various transportation purposes. Article XIX B authorizes this transfer to the Transportation Investment Fund to be suspended in whole or in part for a fiscal year during a fiscal emergency pursuant to a proclamation by the Governor and the enactment of a statute by a 2/3 vote in each house of the Legislature if the statute does not contain any unrelated provision. This measure would delete the provision authorizing the Governor and the Legislature to suspend the transfer of revenues from the General Fund to the Transportation Investment Fund for a fiscal year during a fiscal emergency.

C/CAG	*Support*	*1*	*Transportation-All*

ACA 9 **(Bogh) Motor vehicle fuel sales tax revenue.** 1 - 01/24/2005

Status:

01/10/2006 - ASM APPR. From committee: Be adopted, and re-refer to Com. on APPR. Re-referred. (Ayes 13. Noes 0.) (January 9).

Calendar:

Summary:

Existing provisions of the California Constitution require that sales taxes on motor vehicle fuel that are deposited into the General Fund be transferred to the Transportation Investment Fund and used for transportation purposes, but allow the transfer of these revenues to be suspended in whole or in part for a fiscal year under specified circumstances by a statute enacted by a 2/3 vote of the membership of each house of the Legislature. This measure would change the vote requirement to 4/5 of the membership of each house of the Legislature in order to enact a statute suspending in whole or in part the transfer of this particular revenue from the General Fund to the Transportation Investment Fund.

C/CAG	*Support*	*1*	*Transportation-All*

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

ACA 11 **(Oropeza) Transportation funds: loans.** I - 02/16/2005

Status:

01/10/2006 - ASM APPR. From committee: Be adopted, and re-refer to Com. on APPR. Re-referred. (Ayes 13. Noes 0.) (January 9).

Calendar:

Summary:

Article XIX of the California Constitution requires excise taxes on motor vehicle fuel and certain fees imposed on motor vehicles to be used only for specified transportation and vehicle-related purposes, but authorizes these excise tax revenues to be loaned to the General Fund under certain conditions, including a requirement that the funds be repaid within 3 years. Article XIX A of the California Constitution provides that funds in the Public Transportation Account, which are derived from certain sales taxes on motor vehicle fuels, may be loaned to the General Fund or any other state fund or account under certain conditions, including a requirement that the funds be repaid within 3 years. This measure would require interest to be paid on a loan of revenues subject to either Article XIX or XIX A if the loan is not repaid during the same fiscal year in which it was made. The measure would require a loan made pursuant to Article XIX or XIX A to be made pursuant to a statute establishing the terms for repayment and would prohibit the enactment of a statute making a new loan pursuant to Article XIX or XIX A prior to the full repayment of each previous loan under Article XIX or XIX A, respectively. The measure would also prohibit a loan from being authorized by a statute during more than 2 fiscal years within any period of 10 consecutive fiscal years. The measure would also authorize tax revenues subject to Article XIX or XIX A to be loaned to other state funds or accounts in addition to the General Fund. This bill contains other related provisions and other existing laws.

C/CAG *Support* *1* *Transportation-All*

SB 1161 **(Alarcon) State highways: design-sequencing contracts.** A - 06/21/2006

Status:

06/21/2006 - ASM APPR. Read second time. Amended. Re-referred to Com. on APPR.

Calendar:

08/09/06 9 a.m. - Room 4202 ASM APPROPRIATIONS

Summary:

Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct a pilot project to award design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation. This bill would instead generally authorize the department, until January 1, 2012, to award contracts for projects using the design-sequencing contract method, if certain requirements are met. The bill would require the department to continue the use of a peer review committee to assist the department in preparing an annual report to the Legislature describing and evaluating the outcome of the design-sequencing contracts until December 31, 2011 .

C/CAG *1* *Transportation-All*

SB 1611 **(Simitian) Congestion management fees.** A - 04/19/2006

Status:

06/29/2006 - ASM APPR. From committee: Do pass as amended, but first amend, and re-refer to Com. on APPR. (Ayes 5. Noes 2.)

Calendar:

Summary:

ACTION REPORT WITH SUMMARY BY SUBJECT

Legislative Update

Existing law provides for creation of congestion management agencies in various counties with specified powers and duties relative to management of transportation congestion. Existing law provides for the imposition by air districts and certain other local agencies of fees on the registration of motor vehicles in certain areas of the state that are in addition to the basic vehicle registration fee collected by the Department of Motor Vehicles. This bill would authorize a congestion management agency , or where there is no congestion management agency, the board of supervisors, to place a majority vote ballot measure before the voters of a county authorizing the imposition of an annual fee of up to $25 on each motor vehicle registered within the county for transportation projects and programs with a relationship or benefit to the persons paying the fee. The bill would require the ballot measure resolution to be adopted by a majority vote of the governing board of the congestion management agency or the board of supervisors, as appropriate, at a noticed public hearing and would also require the resolution to contain a specified finding of fact . The bill would require the Department of Motor Vehicles, if requested, to collect the fee and distribute the proceeds, after deduction of specified administrative costs, to the agency or the board of supervisors, as appropriate , and would enact other related provisions.

C/CAG	*Support*	*1*	*Transportation-All*

Vehicle Abatement

AB 2681 (Pavley) Vehicles: registration fees: fines. A - 05/26/2006

Status:

06/28/2006 - SEN APPR. From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 7. Noes 6.).

Calendar:

Summary:

Existing law authorizes a county to establish a service authority for the abatement of abandoned vehicles and impose a $1 vehicle registration fee and an additional $2 fee upon all commercial motor vehicles that are subject to the permanent trailer identification program. These fees are collected by the Department of Motor Vehicles. The net amount of money collected from these fees is required to be deposited in the Abandoned Vehicle Trust Fund, which is continuously appropriated to the Controller for allocation to participating service authorities, as specified. This bill would adjust the amount of these fees to an amount not to exceed $2, and not to exceed $4, respectively, rather than $1 and $2. Because this bill would allow for an increase in revenues in a continuously appropriated fund, this bill would thereby make an appropriation. This bill contains other related provisions and other existing laws.

C/CAG		*1*	*Vehicle Abatement*

SB 1225 (Chesbro) Service authority: registration and service fees. A - 03/23/2006

Status:

06/28/2006 - ASM APPR. SUSPENSE FILE Placed on APPR. suspense file.

Calendar:

Summary:

Existing law authorizes the establishment of a service authority for the abatement of abandoned vehicles and the imposition of a $1 vehicle registration fee in a county if the board of supervisors of that county, by a 2/3 vote, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the establishment of that authority and the imposition of the $1 fee. Existing law imposes an additional $2 service fee on a commercial motor vehicle. This bill would revise the amount of the vehicle registration fee for these purposes from $1 to $1 or $2 , and would revise the amount of the additional service fee imposed on a commercial motor vehicle from $2 to $2 or $4, as established by the service authority. The bill would require the same adoption procedure set forth above for an increase of the fee from $1 to $2.

C/CAG	*Support*	*1*	*Vehicle Abatement*

An Overview of State Bond Debt

This section provides an overview of the state's current situation involving bond debt. It also discusses the impact that the bond measures on this ballot would, if approved, have on the state's debt level and the costs of paying off such debt over time.

Background

What Is Bond Financing? Bond financing is a type of long-term borrowing that the state uses to raise money for various purposes. The state obtains this money by selling bonds to investors. In exchange, it agrees to repay this money, with interest, according to a specified schedule.

Why Are Bonds Used? The state has traditionally used bonds to finance major capital outlay projects such as roads, educational facilities, prisons, parks, water projects, and office buildings (that is, infrastructure-related projects). This is done mainly because these facilities provide services over many years, their large dollar costs can be difficult to pay for all at once, and different taxpayers benefit over time from the facilities. Recently, however, the state has also used bond financing to help close major shortfalls in its General Fund budget.

What Types of Bonds Does the State Sell? The state sells three major types of bonds. These are:

- ***General Fund-Supported Bonds.*** These are paid off from the state's General Fund, which is largely supported by tax revenues. These bonds take two forms. The majority are *general obligation* bonds. These must be approved by the voters and their repayment is guaranteed by the state's general taxing power. The second type is *lease-revenue* bonds. These are paid off from lease payments (primarily financed from the General Fund) by state agencies using the facilities the bonds finance. These bonds do not require voter approval and are not guaranteed. As a result, they have somewhat higher interest costs than general obligation bonds.
- ***Traditional Revenue Bonds.*** These also finance capital projects but are not supported by the General Fund. Rather, they are paid off from a designated revenue stream—usually generated by the projects they finance—such as bridge tolls. These bonds also are not guaranteed by the state's general taxing power and do not require voter approval.
- ***Budget-Related Bonds.*** In March 2004, the voters approved Proposition 57, authorizing $15 billion in bonds to help pay off the state's accumulated budget deficit and other obligations. Of this amount, $11.3 billion was raised through bond sales in May and June of 2004, and $3.7 billion is available for later sales. The impact on the General Fund of paying off these bonds is an annual cost of about $1.5 billion. (Current law also allows for additional debt-service payments from the Budget Stabilization Account—BSA—established by Proposition 58 in order to pay off the bonds earlier.) The bonds' repayments are also guaranteed by the state's general taxing power.

What Are the Direct Costs of Bond Financing? The state's cost for using bonds depends primarily on the amount sold, their interest rates, the time period over which they are repaid, and their maturity structure. For example, the most recently sold general obligation bonds will be paid off over a 30-year period with fairly level annual payments. Assuming that a bond issue carries a tax-exempt interest rate of 5 percent, the cost of paying it off with level payments over 30 years is close to $2 for each dollar borrowed—$1 for the amount borrowed and close to $1 for interest. This cost, however, is spread over the entire 30-year period, so the cost after adjusting for inflation is considerably less—about $1.30 for each $1 borrowed.

The State's Current Debt Situation

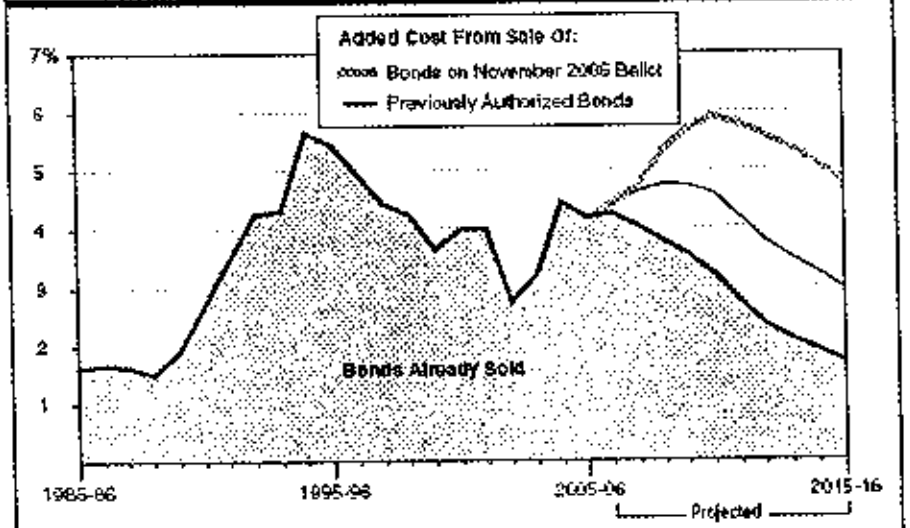
Amount of General Fund Debt. As of July 1, 2006, the state had about $45 billion of infrastructure-related General Fund bond debt outstanding on which it is making principal and interest payments. This consists of about $37 billion of general obligation bonds and $8 billion of lease-revenue bonds. In addition, the state has not yet sold about $30 billion of authorized general obligation and lease-revenue infrastructure bonds. Most of these bonds have been committed, but the projects involved have not yet been started or those in progress have not yet reached their major construction phase. The above totals do not include the budget-related bonds identified above.

General Fund Debt Payments. We estimate that General Fund debt payments for infrastructure-related general obligation and lease-revenue bonds were about $3.9 billion in 2005-06. As previously authorized but currently unsold bonds are marketed, outstanding bond debt costs will peak at approximately $5.5 billion in 2010-11. If, in addition, the annual costs of the budget-related bonds are included, total debt-service costs were $5.1 billion in 2005-06, and will rise to a peak of $8.4 billion in 2009-10. (These amounts assume additional repayments from the BSA.)

Debt-Service Ratio. One indicator of the state's debt situation is its debt-service ratio (DSR). This ratio indicates the portion of the state's annual revenues that must be set aside for debt-service payments on bonds and therefore are not available for other state programs. As shown in Figure 1, the DSR increased in the early 1990s and peaked at 5.7 percent before falling back to below 3 percent in 2002-03, partly due to some deficit-refinancing activities. The DSR then rose again beginning in 2003-04 and currently stands at 4.2 percent for infrastructure bonds. It is expected to increase to a peak of 4.8 percent in 2008-09 as currently authorized bonds are sold.

Figure 1

General Fund Debt-Service Ratio[a]



[a]Ratio of debt-service payments to revenues and transfers. Excludes budget-related bonds.

Effects of the Bond Propositions on This Ballot

There are five general obligation bond measures on this ballot, totaling $42.7 billion in new authorizations. These include:

- Proposition 1B, which would authorize the state to issue $19.9 billion of bonds to finance highway safety, traffic reduction, air quality, and port security.
- Proposition 1C, which would authorize the state to issue $2.85 billion of bonds for housing and development programs.
- Proposition 1D, which would authorize the state to issue $10.4 billion of bonds to finance kindergarten through university education facilities.
- Proposition 1E, which would authorize the state to issue $4.1 billion of bonds for flood control projects.
- Proposition 84, which would authorize the state to issue $5.4 billion of bonds to fund various resource-related projects.

The first four measures make up an infrastructure bond package approved by the Legislature and Governor. The fifth measure was placed on the ballot through the initiative process.

Impacts on Debt Payments. If the $42.7 billion of bonds on this ballot are all approved, they would require total debt-service payments over the life of the bonds of about twice that amount. The average annual debt service on the bonds would depend on the timing of their sales. If they were sold over a 10-year period, the budgetary cost would average roughly $2 billion annually.

Impact on the Debt-Service Ratio. Figure 1 shows what would happen to the state's DSR over time if all of the bonds were approved and sold. It would peak at 5.9 percent in 2010-11, and decline thereafter.

Proposition 1A
Transportation Funding Protection. Legislative Constitutional Amendment.

Background

California spends about $20 billion a year to maintain, operate, and improve its highways, streets and roads, passenger rail, and transit systems. About one-half of the funding comes from various local sources, including local sales and property taxes, as well as transit fares. The remainder comes from the state and federal levels, largely from gasoline and diesel fuel taxes, and truck weight fees.

Currently, the state levies two types of taxes on motor fuels:

- An excise tax of 18 cents per gallon on gasoline and diesel fuel. (This is generally referred to as the gas tax.)
- A statewide 6 percent tax on the sale of gasoline and diesel fuel ("sales tax").

Gas Tax. Revenues from the state excise tax on gasoline and diesel fuel used on public roads total about $3.4 billion per year. The State Constitution restricts the use of these revenues to specific transportation purposes. These include constructing, maintaining, and operating public streets and highways, acquiring right of way and constructing public transit systems, as well as mitigating the environmental effects of these facilities.

Sales Tax. The state's sales tax on gasoline and diesel fuel currently provides about $2 billion a year. Until 2002, most of the revenues from the state sales tax on gasoline were not used for transportation purposes. Instead, these revenues were used for various general purposes including education, health, social services, and corrections. Proposition 42, which was approved by voters in 2002, amended the State Constitution to dedicate most of the revenue from the sales tax on gasoline to transportation uses. Specifically, Proposition 42 requires those revenues that previously went to the General Fund be transferred to the Transportation Investment Fund to provide for improvements to highways, streets and roads, and transit systems. Proposition 42, however, allows the transfer to be suspended when the state faces fiscal difficulties. Proposition 42 is silent as to whether suspended transfer amounts are to be repaid to transportation.

Since 2002, the state has suspended the Proposition 42 transfer twice because of the state's fiscal condition. In 2003-04, the transfer was suspended partially, and in 2004-05, the full amount of the transfer was suspended. Existing law requires that these suspended amounts, with interest, be repaid to transportation by 2008-09 and 2007-08, respectively.

Proposal

This measure amends the State Constitution to further limit the conditions under which the Proposition 42 transfer of gasoline sales tax revenues for transportation uses can be suspended. Specifically, the measure requires Proposition 42 suspensions to be treated as loans to the General Fund that must be repaid in full, including interest, within three years of suspension. Furthermore, the measure only allows suspension to occur twice in ten consecutive fiscal years. No suspension could occur unless prior suspensions (excluding those made prior to 2007-08) have been repaid in full.

In addition, the measure lays out a new schedule to repay the Proposition 42 suspensions that occurred in 2003-04 and 2004-05. Specifically, the suspended amounts must be repaid and dedicated to transportation uses no later than June 30, 2016, at a specified minimum annual rate of repayment.

Fiscal Effects

This measure would have no direct revenue or cost effect. By limiting the frequency and the conditions under which Proposition 42 transfers may be suspended in a ten-year period, the measure would make it more difficult to use Proposition 42 gasoline sales tax revenues for nontransportation purposes when the state experiences fiscal difficulties. As a result, the measure would increase the stability of funding to state and local transportation in 2007 and thereafter. However, the state's authority to direct available funds to meet other nontransportation priorities in the event the state faces fiscal difficulties would be somewhat reduced.

Proposition 1B
Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006.

Background

California spends about $20 billion a year from a combination of state, federal, and local funds to maintain, operate, and improve its highways, streets and roads, passenger rail, and transit systems. These expenditures are primarily funded on a pay-as-you-go basis from taxes and user fees.

There are two primary state tax sources that fund state transportation programs. First, the state's 18 cent per gallon excise tax on gasoline and diesel fuel (generally referred to as the gas tax) generates about $3.4 billion annually. Second, revenues from the state sales tax on gasoline and diesel fuel currently provide about $2 billion a year. Additionally, the state imposes weight fees on commercial vehicles (trucks), which generate roughly $900 million a year. Generally, these revenues must be used for specific transportation purposes, including improvements to highways, streets and roads, passenger rail, and transit systems. These funds may also be used to mitigate the environmental impacts of various transportation projects. Under specified conditions, these revenues may be loaned or used for nontransportation uses.

Since 1990, voters have approved roughly $5 billion in state general obligation bonds to fund transportation. These bond proceeds have been dedicated primarily to passenger rail and transit improvements, as well as to retrofit highways and bridges for earthquake safety. As of June 2006, all but about $355 million of the authorized bonds have been spent on projects.

In addition to state funds, California's transportation system receives federal and local money. The state receives about $4.5 billion a year in federal gasoline and diesel fuel tax revenues for various transportation purposes. Collectively, local governments invest roughly $9.5 billion annually into California's highways, streets and roads, passenger rail, and transit systems. This funding comes mainly from a mix of local sales and property taxes, as well as transit fares. Local governments have also issued bonds backed mainly by local sales tax revenues to fund transportation projects.

Proposal

This measure authorizes the state to sell about $20 billion of general obligation bonds to fund transportation projects to relieve congestion, improve the movement of goods, improve air quality, and enhance the safety and security of the transportation system. (See "An Overview of State Bond Debt" for basic information on state general obligation bonds.)

Figure 1 summarizes the purposes for which the bond money would be used. The bond money would be available for expenditure by various state agencies and for grants to local agencies and transit operators upon appropriation by the Legislature:

- ***Congestion Reduction, Highway and Local Road Improvements***—$11.3 billion—for capital improvements to reduce congestion and increase capacity on state highways, local roads, and public transit for grants available to locally funded transportation projects, as well as for projects to rehabilitate state highways and local roads.
- ***Public Transportation***—$4 billion—to make capital improvements to local transit services and the state's intercity rail service. These improvements would include purchasing buses and rail cars, as well as making safety enhancements to existing transit facilities.
- ***Goods Movement and Air Quality***—$3.2 billion—for projects to improve the movement of goods—through the ports, on the state highway and rail systems, and between California and Mexico—and for projects to improve air quality by reducing emissions related to goods movement and replacing or retrofitting school buses.
- ***Safety and Security***—$1.5 billion—for projects to increase protection against a security threat or improve disaster response capabilities on transit systems; as well as for grants to improve the safety of rail crossings to seismically retrofit local bridges, ramps, and overpasses; and to improve security and disaster planning in publicly owned ports, harbors, and ferry terminals.

Figure 1

Proposition 1B
Uses of Bond Funds

	Amounts *(In Millions)*
Congestion Reduction, Highway and Local Road Improvements	**$11,250**
Reduce congestion on state highways and major access routes	$4,500
Increase highways, roads, and transit capacity	2,000
Improve local roads	2,000
Enhance State Route 99 capacity, safety, and operations	1,000
Provide grants for locally funded transportation projects	1,000
Rehabilitate and improve operation of state highways and local roads	750
Public Transportation	**$4,000**
Improve local rail and transit services, including purchasing vehicles and right of way	$3,600
Improve intercity rail, including purchasing railcars and locomotives	400
Goods Movement and Air Quality	**$3,200**
Improve movement of goods on state highways and rail system, and in ports	$2,000
Reduce emissions from goods movement activities	1,000
Retrofit and replace school buses	200
Safety and Security	**$1,475**
Improve security and facilitate disaster response of transit systems	$1,000
Provide grants to improve railroad crossing safety	250
Provide grants to seismically retrofit local bridges and overpasses	125
Provide grants to improve security and disaster planning in publicly owned ports, harbors, and ferry facilities	100
Total	**$19,925**

Fiscal Effects

Bond Costs. The costs of these bonds would depend on interest rates in effect at the time they are sold and the time period over which they are repaid. The state would likely make principal and interest payments from the state's General Fund over a period of about 30 years. If the bonds are sold at an average interest rate of 5 percent, the cost would be about $38.9 billion to pay off both the principal ($19.9 billion) and interest ($19.0 billion). The average repayment for principal and interest would be about $1.3 billion per year.

Operational Costs. The state and local governments that construct or improve transportation infrastructure with these bond funds (by, for example, building roads and bridges or purchasing buses or railcars) will incur unknown additional costs to operate and maintain them. A portion of these costs would be offset by revenues generated by the improvements, such as transit fares and tolls.

Proposition 1C
Housing and Emergency Shelter Trust Fund Act of 2006.

Background

About 200,000 houses and apartments are built in California each year. Most of these housing units are built entirely with private dollars. Some units, however, receive subsidies from federal, state, and local governments. For instance, the state provides low-interest loans or grants to developers (private, nonprofit, and governmental) to subsidize housing construction costs. Typically, the housing must be sold or rented to Californians with low incomes. Other state programs provide homebuyers with direct financial assistance to help with the costs of a downpayment.

While the state provides financial assistance through these programs, cities and counties are responsible for the zoning and approval of new housing. In addition, cities, counties, and other local governments are responsible for providing infrastructure-related services to new housing—such as water, sewer, roads, and parks.

In 2002, voters approved Proposition 46, which provided a total of $2.1 billion of general obligation bonds to fund state housing programs. We estimate that about $350 million of the Proposition 46 funds will be unspent as of November 1, 2006.

Proposal

This measure authorizes the state to sell $2.85 billion of general obligation bonds to fund 13 new and existing housing and development programs. (See "An Overview of State Bond Debt" for basic information on state general obligation bonds.) Figure 1 describes the programs and the amount of funding that each would receive under the measure. About one-half of the funds would go to existing state housing programs. The development programs, however, are new—with details to be established by the Legislature. The major allocations of the bond proceeds are as follows:

- ***Development Programs ($1.35 Billion).*** The measure would fund three new programs aimed at increasing development. Most of the funds would be targeted for development projects in existing urban areas and near public transportation. The programs would provide loans and grants for a wide variety of projects, such as parks, water, sewage, transportation, and housing.
- ***Homeownership Programs ($625 Million).*** A number of the programs funded by this measure would encourage homeownership for low- and moderate-income homebuyers. The funds would be used to provide downpayment assistance to homebuyers through low-interest loans or grants. Typically, eligibility for this assistance would be based on the household's income, the cost of the home being purchased, and whether it is the household's first home purchase.
- ***Multifamily Housing Programs ($590 Million).*** The measure also would fund programs aimed at the construction or renovation of rental housing projects, such as apartment buildings. These programs generally provide local governments, nonprofit organizations, and private developers with low-interest (3 percent) loans to fund part of the construction cost. In exchange, a project must reserve a portion of its units for low-income households for a period of 55 years. This measure gives funding priority to projects in already developed areas and near existing public services (such as public transportation).
- ***Other Housing Programs ($285 Million).*** These funds would be used to provide loans and grants to the developers of homeless shelters and housing for farmworkers. In addition, funds would be allocated to pilot projects aimed at reducing the costs of affordable housing.

Figure 1

Proposition 1C
Uses of Bond Funds

		Amount *(In Millions)*
Development Programs		
Development in urban areas[a]	Grants for various projects—including parks, water, sewer, transportation, and environmental cleanup—to facilitate urban "infill" development.	$850
Development near public transportation[a]	Grants and loans to local governments and developers to encourage more dense development near public transportation.	300
Parks[a]	Grant funding for parks throughout the state.	200
		$1,350
Homeownership Programs		
Low-income households	Variety of homeownership programs for low-income households.	$290
Downpayment assistance	Deferred low-interest loans up to 6 percent of home purchase price for first-time low- or moderate-income homebuyers.	200
Local governments	Grants to local governments which reduce barriers to affordable housing. Funds would be used for homebuyer assistance.	125
Self-help construction	Grants to organizations which assist low- or moderate-income households in building or renovating their own homes.	10
		$625
Multifamily Housing Programs		
Multifamily housing	Low-interest loans for housing developments for low-income renters.	$345
Supportive housing	Low-interest loans for housing projects which also provide health and social services to low-income renters.	195
Homeless youth	Low-interest loans for housing projects which provide housing for homeless young people.	50
		$590
Other Housing Programs		
Farmworker housing	Low-interest loans and grants for developing housing for farmworkers.	$135
Pilot programs[a]	Grants and loans for pilot projects to develop housing at reduced costs.	100
Homeless shelters	Grants for developing homeless shelters.	50
		$285
Total		**$2,850**

[a] New program.

The funds would be allocated over a number of years. The measure provides the Legislature broad authority to make future changes to these programs to ensure their effectiveness.

Fiscal Effect

Bond Costs. The cost to pay off these bonds would depend primarily on the following two factors.

- ***Payment Period.*** The state would likely make principal and interest payments on the bonds from the state's General Fund over a period of about 30 years.
- ***Interest Rate.*** Usually, the interest on bonds issued is exempt from both state and federal taxes because the bonds are for public purposes. This results in lower debt service payments for the state. Some programs proposed by this measure, however, would not be eligible for the federal tax exemption—resulting in a higher interest rate. This is because the housing programs provide funds for private purposes. (We estimate this would be the case for about 60 percent of the bonds.)

If the federally taxable bonds were sold at an average rate of 6.5 percent and the remaining bonds at an average rate of 5 percent, the cost to the state would be about $6.1 billion to pay off both the principal ($2.85 billion) and the interest ($3.3 billion). The average payment would be about $204 million each year.

Administrative Costs. The Department of Housing and Community Development and the California Housing Finance Agency would experience increased costs to administer the various housing and urban development programs. A portion of the programs' allocations—probably between $100 million and $150 million of the total bond funds—would be used to pay these administrative costs over time.

Proposition 1E
Disaster Preparedness and Flood Prevention Bond Act of 2006.

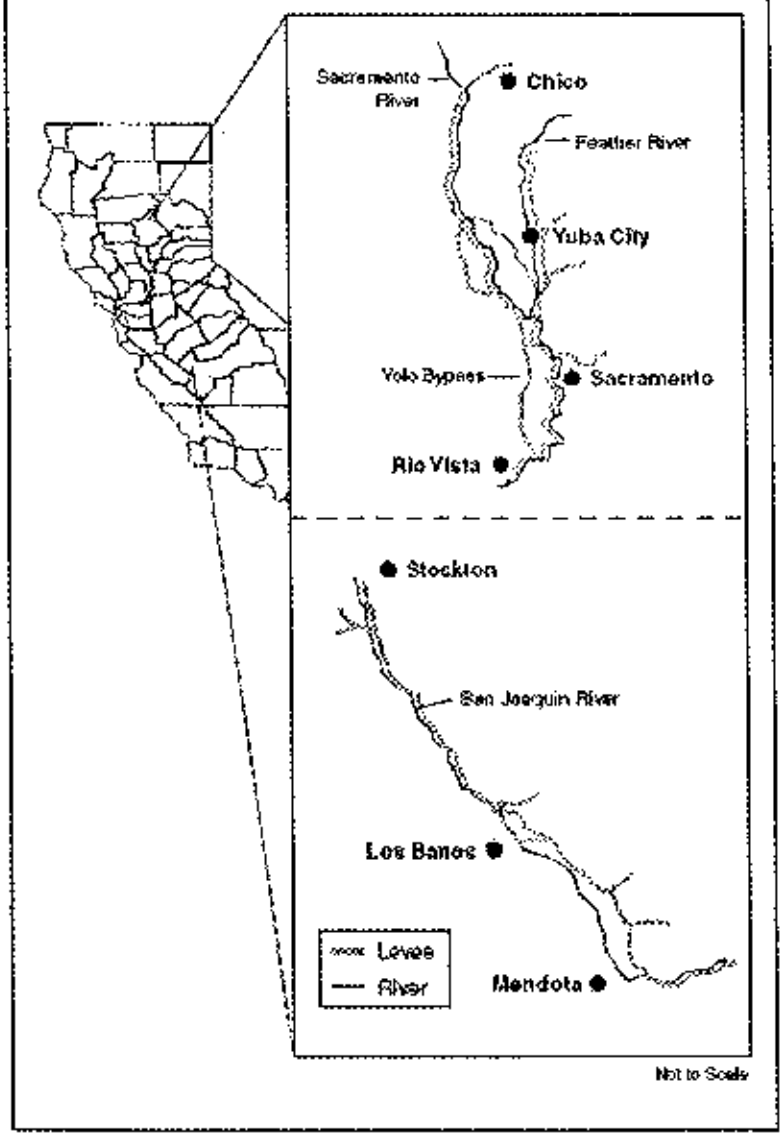
Background

State Role. Multiple agencies at each level of government (state, federal, and local) have some responsibilities for flood management. In addition, private entities own and operate some flood control facilities. The state carries out a number of programs designed to provide flood management. Some of these programs are operated directly by the state, while others provide grants to local agencies for similar purposes.

The state is primarily responsible for flood control in the Central Valley. As shown in Figure 1, the state Central Valley flood control system includes about 1,600 miles of levees, as well as other flood control infrastructure such as overflow weirs and channels. The state directly funds the construction and repair of flood management structures such as levees, typically with a federal and local cost share. For approximately 80 percent of the levees in the Central Valley flood control system, the state has turned over the operations and maintenance to local governments (primarily local flood control districts), although the state retains ultimate responsibility for these levees and the system as a whole.

Figure 1

Central Valley Flood Control System



Outside the Central Valley system, the state's role in flood management generally consists of providing financial assistance to local governments for flood control projects located throughout the state. For example, the state has provided funding for the Santa Ana River Mainstem flood control project that spans Orange, Riverside, and San Bernardino Counties. In the Sacramento-San Joaquin River Delta region (Delta), as another example, the state has no oversight role with respect to local levee construction or maintenance (a majority of Delta levees—about 700 miles—are located outside the state system). Because a significant portion of the state's population depends on water supplies that come through the Delta, there is a state interest in the continued operation of the Delta levee system. Given this, the state has provided financial assistance over many years to local flood control districts in the Delta region to rehabilitate and maintain levees.

Funding. In general, state flood management programs have been funded from the General Fund, with some use of bond funds. Since 1996, the voters have authorized a number of state general obligation bonds, of which about $400 million has been allocated specifically for flood management purposes. Most of these bond funds for flood management have already been spent.

State funding levels for flood management have varied substantially on a year-to-year basis, largely depending on the availability of General Fund and bond monies for this purpose. For example, since 2000-01, annual state funding for flood management has varied from a low of about $60 million (2002-03) to a high of about $270 million (2000-01). In addition to state flood management programs, local governments, including flood control districts and other public water agencies, operate their own flood management programs and projects. Funding for these local programs comes from various sources, including property assessments and, in some cases, financial assistance from the state.

A law passed earlier this year provides $500 million from the General Fund for emergency levee repairs and other flood management-related costs.

The Department of Water Resources (DWR) has made rough estimates of the cost to repair and upgrade the Central Valley flood control system and levees in the Delta of between $7 billion and $12 billion.

Proposal

This measure authorizes the state to sell about $4.1 billion in general obligation bonds for various flood management programs. (See "An Overview of State Bond Debt" for basic information on state general obligation bonds.) Figure 2 summarizes the purposes for which the bond money would be available to be spent by DWR and for grants to local agencies. In order to spend these bond funds, the measure requires the Legislature to appropriate them in the annual budget act or another law.

Figure 2

Proposition 1E
Uses of Bond Funds

	Amounts (In Millions)
State Central Valley flood control system repairs and improvements; Delta levee repairs and maintenance.	$3,000
Flood control subventions (local projects outside the Central Valley).	500
Stormwater flood management (grants for projects outside the Central Valley).	300
Flood protection corridors and bypasses; floodplain mapping.	290
Total	**$4,090**

Specifically, the bond includes about $4.1 billion for various flood management activities, allocated as follows:

- ***State Central Valley Flood Control System and Delta Levees—$3 Billion.*** To evaluate, repair, and restore existing levees in the state's Central Valley flood control system; to improve or add facilities in order to increase flood protection for urban areas in the state's Central Valley flood control system; and to reduce the risk of levee failure in the Delta region through grants to local agencies and direct spending by the state.

- ***Flood Control Subventions—$500 Million.*** To provide funds to local governments for the state's share of costs for locally sponsored, federally authorized flood control projects outside the Central Valley system.
- ***Stormwater Flood Management—$300 Million.*** For grants to local agencies outside of the Central Valley system for projects to manage stormwater.
- ***Statewide Flood Protection Corridors and Bypasses—$290 Million.*** To protect, create, and enhance flood protection corridors, including flood control bypasses and setback levees; as well as for floodplain mapping.

Fiscal Effects

Bond Costs. The costs of these bonds would depend on interest rates in effect at the time they are sold and the time period over which they are repaid. The state would likely make principal and interest payments from the state's General Fund over a period of about 30 years. If the bonds were sold at an average interest rate of 5 percent, the cost would be about $8 billion to pay off both the principal ($4.1 billion) and interest ($3.9 billion). The average payment would be about $266 million per year.

Property Tax-Related Impacts. The measure provides funds for land acquisition by the state for flood management, including the development of bypasses and setback levees. Under state law, property owned by government entities is exempt from property taxation. To the extent that this measure results in property being exempted from taxation due to acquisitions by governments, local governments would receive reduced property tax revenues. Because the measure does not specify what portion of the bond funds will be used for acquisitions, the impact on local property tax revenues statewide is unknown, but is potentially up to several million dollars annually.

Operational Costs. To the extent that bond funds are used by state and local governments to purchase property or develop a new flood control project, these governments would incur unknown additional costs to operate or maintain the properties or projects.

Proposition 84
Water Quality, Safety and Supply. Flood Control. Natural Resource Protection. Park Improvements. Bonds. Initiative Statute.

Background

State Spending on Resources Programs. The state operates a variety of programs to conserve natural resources, protect the environment, provide flood control, and offer recreational opportunities for the public. The state also operates a program to plan for future water supplies, flood control, and other water-related requirements of a growing population. In addition to direct state expenditures, the state also provides grants and loans to local governments and nonprofit organizations for similar purposes. These programs support a variety of specific purposes, including:

- ***Natural Resource Conservation.*** The state has provided funds to purchase, protect, and improve natural areas—including wilderness and open-space areas; wildlife habitat; coastal wetlands; forests; and rivers, lakes, streams, and their watersheds.
- ***Safe Drinking Water.*** The state has made loans and grants to public water systems for facility improvements to meet state and federal safe drinking water standards.
- ***Flood Control.*** The state has funded the construction and repair of flood control projects in the state Central Valley flood control system. The state has also provided financial assistance to local agencies for local flood control projects in the Sacramento-San Joaquin River Delta and in other areas outside the Central Valley.
- ***Other Water Quality and Water Supply Projects.*** The state has made available funds for various other projects throughout the state that improve water quality and/or the reliability of water supplies. For example, the state has provided loans and grants to local agencies for the construction and implementation of wastewater treatment, water conservation, and water pollution reduction projects.
- ***State and Local Parks.*** The state operates the state park system, and has provided funds to local governments for the acquisition, maintenance, and operation of local and regional parks.

Funding for Resources Programs. Funding for these various programs has traditionally come from General Fund revenues, federal funds, and general obligation bonds. Since 1996, voters have authorized approximately $11 billion in general obligation bonds for various resources purposes. Of this amount, approximately $1.4 billion is projected to remain available for new projects as of June 30, 2006, primarily for water-related purposes. Legislation enacted earlier this year provides $500 million from the General Fund for emergency levee repairs and other flood control-related expenditures.

Proposal

This initiative allows the state to sell $5.4 billion in general obligation bonds for safe drinking water, water quality, and water supply; flood control; natural resource protection; and park improvements. (See "An Overview of State Bond Debt" for basic information on state general obligation bonds.) Figure 1 summarizes the purposes for which the bond money would be available for expenditure by various state agencies and for loans and grants, primarily to local agencies and nonprofit organizations. In order to spend most of these bond funds, the measure requires the Legislature to appropriate them in the annual budget act or other legislation.

Figure 1
Proposition 84
Uses of Bond Funds

	Amounts (In Millions)
Water Quality	**$1,525**
✓ •Integrated regional water management.	1,000
✓ •Safe drinking water.	380
✓ •Delta and agriculture water quality.	145
Protection of Rivers, Lakes, and Streams	**$928**
✓ •Regional conservancies.	279
✓ •Other projects—public access, river parkways, urban stream restoration, California Conservation Corps.	189
✓ •Delta and coastal fisheries restoration.	180
✓ •Restoration of the San Joaquin River.	100
✓ •Restoration projects related to the Colorado River.	90
✓ •Stormwater pollution prevention.	90
Flood Control	**$800**
✓ •State flood control projects—evaluation, system improvements, flood corridor program.	315
✓ •Flood control projects in the Delta.	275
✓ •Local flood control subventions (outside the Central Valley flood control system).	180
✓ •Floodplain mapping and assistance for local land use planning.	30
Sustainable Communities and Climate Change Reduction	**$580**
✓ •Local and regional parks.	400
✓ •Urban water and energy conservation projects.	90
✓ •Incentives for conservation in local planning.	90
Protection of Beaches, Bays, and Coastal Waters	**$540**
✓ •Protection of various coastal areas and watersheds.	360
✓ •Clean Beaches Program.	90
✓ •California Ocean Protection Trust Fund—marine resources, sustainable fisheries, and marine wildlife conservation.	90
Parks and Natural Education Facilities	**$500**
✓ •State park system—acquisition, development, and restoration.	400
✓ •Nature education and research facilities.	100
Forest and Wildlife Conservation	**$450**
✓ •Wildlife habitat protection.	225
✓ •Forest conservation.	180
✓ •Protection of ranches, farms, and oak woodlands.	45
Statewide Water Planning	**$65**
✓ •Planning for future water needs, water conveyance systems, and flood control projects.	65
Total	**$5,388**

Fiscal Effects

Bond Costs. The cost of these bonds would depend on interest rates in effect at the time they are sold and the time period over which they are repaid. The state would likely make principal and interest payments from the state's General Fund over a period of about 30 years. If the bonds were sold at an average interest rate of 5 percent, the cost would be about $10.5 billion to pay off both the principal ($5.4 billion) and interest ($5.1 billion). The average payment would be about $350 million per year.

Property Tax-Related Impacts. The initiative provides funds for land acquisition by governments and nonprofit organizations for various purposes. Under state law, property owned

by government entities and by nonprofit organizations (under specified conditions) is exempt from property taxation. To the extent that this initiative results in property being exempted from taxation due to acquisitions by governments and nonprofit organizations, local governments would receive reduced property tax revenues. We estimate these reduced property tax revenues would be several million dollars annually.

Operational Costs. State and local governments may incur additional costs to operate or maintain the properties or projects, such as new park facilities, that are purchased or developed with these bond funds. The amount of these potential additional costs is unknown, but could be tens of millions of dollars per year.

Proposition 90
Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment.

Summary

This measure amends the California Constitution to:

- Require government to pay property owners for substantial economic losses resulting from some new laws and rules.
- Limit government authority to take ownership of private property.

This measure applies to all types of private property, including homes, buildings, land, cars, and "intangible" property (such as ownership of a business or patent). The measure's requirements apply to all state and local governmental agencies.

Paying Property Owners for Economic Losses

State and local governments pass laws and other rules to benefit the overall public health, safety, or welfare of the community, including its long-term economy. (In this analysis, we use the term "laws and rules" to cover a variety of government requirements, including statutes, ordinances, and regulations.)

In some cases, government requirements can reduce the value of private property. This can be the case, for example, with laws and rules that (1) limit development on a homeowner's property, (2) require industries to change their operations to reduce pollution, or (3) restrict apartment rents.

Proposal

This measure requires government to pay property owners if it passes certain new laws or rules that result in substantial economic losses to their property. Below, we discuss the types of laws and rules that would be exempt from the measure's requirements and those that might require government compensation.

What Laws and Rules *Would Not* Require Compensation?

All *existing* laws and rules would be exempt from the measure's compensation requirement. New laws and rules also would be exempt from this requirement if government enacted them: (1) to protect public health and safety, (2) under a declared state of emergency, or (3) as part of rate regulation by the California Public Utilities Commission.

What Laws and Rules *Could* Require Compensation?

While the terms of the measure are not clear, the measure provides three examples of the types of new laws and rules that could require compensation. These examples relate to land use and development and are summarized below.

- ***Downzoning Property.*** This term refers to decisions by government to reduce the amount of development permitted on a parcel. For example, a government action to allow construction of three homes on an acre where five homes previously had been permitted commonly is called "downzoning."
- ***Limitations on the Use of Private Air Space.*** This term generally refers to actions by government that limit the height of a building. For example, a government rule limiting how tall a building may be to preserve views or maintain historical character often is called a limitation of "air space."
- ***Eliminating Any Access to Private Property.*** This term could include actions such as closing the only public road leading to a parcel.

In addition to the examples cited above, the broad language of the measure suggests that its provisions could apply to a variety of future governmental requirements that impose economic losses on property owners. These laws and rules could include requirements relating, for example, to employment conditions, apartment prices, endangered species, historical preservation, and consumer financial protection.

Would Government Pay Property Owners for All Losses?

Under current law and court rulings, government usually is required to compensate property owners for losses resulting from laws or rules if government's action deprives the owners of virtually all beneficial use of the property.

This measure specifies that government must pay property owners if a new law or rule imposes "substantial economic losses" on the owners. While the measure does not define this term, dictionaries define "substantial" to be a level that is fairly large or considerable. Thus, the measure appears to require government to pay property owners for the costs of many more laws and rules than it does today, but would not require government to pay for smaller (or less than substantial) losses.

Effects on State and Local Governments

The measure's provisions regarding economic losses could have a major effect on future state and local government policymaking and costs. The amount and nature of these effects, however, is difficult to determine as it would depend on how the courts interpreted the measure's provisions and how the Legislature implemented it. Most notably:

- ***How Many Laws and Rules Would Be Exempt From the Requirement That Government Pay Property Owners for Losses?*** The measure does not require government to compensate property owners under certain circumstances (such as actions to protect public health and safety). If these exemptions were interpreted broadly (rather than narrowly), fewer new laws and rules could require compensation.
- ***How Big Is a Substantial Economic Loss?*** If relatively small losses (say, less than a 10 percent reduction in fair market value) to a property owner required compensation, government could be required to pay many property owners for costs resulting from new laws and rules. On the other hand, if courts ruled that a loss must exceed 50 percent of fair market value to be a substantial economic loss, government would be required to pay fewer property owners.

Under the measure, state and local governments probably would modify their policymaking practices to try to avoid the costs of compensating property owners for losses. In some cases, government might decide not to create laws and rules because of these costs. In other cases, government might take alternative approaches to achieving its goals. For example, government could:

- Give property owners incentives to voluntarily carry out public objectives.
- Reduce the scope of government requirements so that any property owners' losses were not substantial.
- Link the new law or rule directly to a public health and safety (or other exempt) purpose.

There probably would be many cases, however, where government would incur additional costs as a result of the measure. These would include situations where government anticipated costs to compensate property owners at the time it passed a law—as well as cases when government did not expect to incur these costs. The total amount of these payments by government to property owners cannot be determined, but could be significant on a statewide basis.

Limiting Government Authority to Take Property

Eminent domain (also called "condemnation") is the power of local, state, and federal governments to take private property for a public use so long as government compensates the property owner. (In some cases, government has given the power of eminent domain to private entities, including telephone and energy companies and nonprofit hospitals. In this analysis, these private entities are included within the meaning of "government.")

Over the years, government has taken private property to build roads, schools, parks, and other public facilities. In addition to these uses of eminent domain, government also has taken property for public purposes that do not include construction of public facilities. For example, government has taken property to: help develop higher value businesses in an area, correct environmental problems, enhance tax revenues, and address "public nuisances" (such as hazardous buildings, blight, and criminal activity).

Proposal

This measure makes significant changes to government authority to take property, including:

- Restricting the purposes for which government may take property.
- Increasing the amount that government must pay property owners.
- Requiring government to sell property back to its original owners under certain circumstances.

Below, we discuss the major changes proposed by the measure, beginning with the situations under which government could—and could not—take property.

Under What Circumstance Could Government Take Property?

Under the measure, government could take private property to build public roads, schools, parks, and other government-owned public facilities. Government also could take property and lease it to a private entity to provide a public service (such as the construction and operation of a toll road). If a public nuisance existed on a specific parcel of land, government could take that parcel to correct the public nuisance. Finally, government could take property as needed to respond to a declared state of emergency.

What Property Takings Would Be Prohibited?

Before taking property, the measure requires government to state a "public use" for the property. The measure narrows the definition of public use in a way that generally would prevent government from taking a property:

- ***To Transfer it to Private Use.*** The measure specifies that government must maintain ownership of the property and use it only for the public use it specified when it took the property.
- ***To Address a Public Nuisance, Unless the Public Nuisance Existed on That Particular Property.*** For example, government could not take *all* the parcels in a run-down area unless it showed that each and every parcel was blighted.
- ***As Part of a Plan to Change the Type of Businesses in an Area or Increase Tax Revenues.*** For example, government could not take property to promote development of a new retail or tourist destination area.

In any legal challenge regarding a property taking, government would be required to prove to a jury that the taking is for a public use as defined by this measure. In addition, courts could not hold property owners liable to pay government's attorney fees or other legal costs if the property owner loses a legal challenge.

How Much Would Government Have to Pay Property Owners?

Current law requires government to pay "just compensation" to the owner before taking property. Just compensation includes money to reimburse the owner for the property's "fair market value" (what the property and its improvements would sell for on an open market), plus any reduction in the value of remaining portions of the parcel that government did not take. State law also requires government to compensate property owners and renters for moving costs and some business costs and losses.

The measure appears to increase the amount of money government must pay when it takes property. Under the measure, for example, government would be required to pay more than a property's fair market value if a greater sum were necessary to place the property owner "in the same position monetarily" as if the property had never been taken. The measure also appears to make property owners eligible for reimbursement for a wider range of costs and expenses associated with the property taking than is currently the case.

When Would Government Sell Properties to Former Owners?

If government stopped using property for the purpose it stated at the time it took the property, the former owner of the property (or an heir) would have the right to buy back the property. The property would be assessed for property tax purposes as if the former owner had owned the property continuously.

Effects on State and Local Governments

Government buys many hundreds of millions of dollars of property from private owners annually. Relatively few properties are acquired using government's eminent domain power. Instead, government buys most of this property from *willing* sellers. (Property owners often are aware, however, that government could take the property by eminent domain if they did not negotiate a mutually agreeable sale.)

A substantial amount of the property that government acquires is used for roads, schools, or other purposes that meet the public use requirements of this measure—or is acquired to address specific public nuisances. In these cases, the measure would not reduce government's authority to take property. The measure, however, likely would increase somewhat the amount that government must pay property owners to take their property. In addition, the measure could result in willing sellers increasing their asking prices. (This is because sellers could demand the amount that they would have received if the property were taken by eminent domain.) The resulting increase in government's costs to acquire property cannot be determined, but could be significant.

The rest of the property government acquires is used for purposes that do not meet the requirements of this measure. In these cases, government could not use eminent domain and could acquire property only by negotiating with property owners on a voluntary basis. If property owners demanded selling prices that were more than the amount government previously would have paid, government's spending to acquire property would increase. Alternatively, if property owners did not wish to sell their property and no other suitable property was available for government to purchase, government's spending to acquire property would decrease.

Overall, the net impact of the limits on government's authority to take property is unknown. We estimate, however, that is it likely to result in significant net costs on a statewide basis.

C/CAG AGENDA REPORT

Date: August 10, 2006

To: C/CAG Board of Directors

From: Congestion Management and Air Quality (CMAQ) Committee

Subject: REVIEW AND APPROVAL OF RESOLUTION 06-28 TO ADOPT THE POLICY ON TRAFFIC IMPACT ANALYSIS (TIA) TO DETERMINE TRAFFIC IMPACTS ON THE CONGESTION MANAGEMENT PROGRAM (CMP) ROADWAY NETWORK RESULTING FROM ROADWAY CHANGES, GENERAL PLAN UPDATES, AND LAND USE DEVELOPMENT PROJECTS

(For further information or questions contact Richard Napier at 599-1420 or Sandy Wong at 599-1409)

RECOMMENDATION

That C/CAG review and approve Resolution 06-28 to adopt the policy on Traffic Impact Analysis (TIA) to determine traffic impacts on the Congestion Management Program (CMP) roadway network resulting from roadway changes, General Plan updates, and land use development projects.

FISCAL IMPACT

Included in the adopted C/CAG budget.

SOURCE OF FUNDS

Policy compliance will be monitored by existing C/CAG staff.

BACKGROUND/DISCUSSION

This item was introduced as an information item at the December 8, 2005 C/CAG Board meeting. The Board directed staff to distribute the Draft Policy on Traffic Impact Analysis (TIA) to cities/county for comments. Since then, the Draft Policy has been circulated to all City Managers and County Manager for review and comment. Responses were received from the cities of Menlo Park and Redwood City. The TIA Subcommittee met on February 28, 2006 to address the comments received and developed responses to City of Menlo Park and City of Redwood City. At the CMP Technical Advisory Committee (TAC) and the CMAQ approved the revised policy at their March 16, 2006 and March 27, 2006 respective meetings.

Subsequently, City of Menlo Park provided additional comments to further clarify the policy. C/CAG staff and the TIA subcommittee representative met with staff from the City of Menlo Park to make language changes to the policy and made it easier for readers. The TAC and CMAQ approved the final changes at their June 15, 2006 and June 26, 2006 respective meetings. The CMAQ further directed staff to encourage local jurisdictions to provide incentive to increase densities in select locations that will cumulatively enhance the viability of improved transit service.

ITEM 5.2

ATTACHMENT

- Resolution 06-28.
- Policy on Traffic Impact Analysis (TIA) to determine traffic impacts on the Congestion Management Program (CMP) roadway network resulting from roadway changes, General Plan updates, and land use development projects.
- Comments from City of Redwood City.
- Comments from City of Menlo Park.

RESOLUTION NO. 06-28

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) ADOPTING THE POLICY ON TRAFFIC IMPACT ANALYSIS (TIA) TO DETERMINE TRAFFIC IMPACTS ON THE CONGESTION MANAGEMENT PROGRAM (CMP) ROADWAY NETWORK RESULTING FROM ROADWAY CHANGES, GENERAL PLAN UPDATES, AND LAND USE DEVELOPMENT PROJECTS

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that

WHEREAS, C/CAG is the designated Congestion Management Agency responsible for the development and implementation of the Congestion Management Program for San Mateo County; and

WHEREAS, C/CAG has developed a policy on Traffic Impact Analysis (TIA) to determine impacts on the Congestion Management Program (CMP) roadway network resulting from roadway changes, General Plan Updates, and land use development projects; and

WHEREAS, Said Traffic Impact Analysis policy will establish procedures to determine cumulative traffic capacity impacts on the CMP roadway network for projects.

WHEREAS, C/CAG has circulated said policy for comment to all local jurisdictions in San Mateo County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of C/CAG hereby adopts the policy on Traffic Impact Analysis (TIA) to determine impacts on the Congestion Management Program (CMP) roadway network resulting from roadway changes, General Plan Updates, and land use development projects.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF August 2006.

_____

James M. Vreeland Jr., Chair

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside

Policy on Traffic Impact Analysis (TIA) To Determine Traffic Impacts on the Congestion Management Program (CMP) Roadway Network Resulting From Roadway Changes, General Plan Updates, and Land Use Development Projects

August 10, 2006

Section I
INTRODUCTION

As the Congestion Management Agency for San Mateo County, C/CAG is responsible for maintaining the performance and standards of the Congestion Management Program (CMP) roadway network. The CMP roadway network is of countywide significance, and their performance must be preserved.

Traffic Impact Analysis (TIA) is the term used in the study of the expected effects of projects and land use decisions on transportation facilities. The study's purpose is to determine whether the transportation system can accommodate the traffic generated by the projects or land use decisions. And to help decision makers to make improvements needed to the roadways, bike routes, sidewalks, and transit services affected by the project. This helps decision makers determine whether to approve the project and what conditions to impose on the project.

This document includes the following sections:

- Section I: Introduction
- Section II: Definition & Purpose
- Section III: Policy
  1. Roadway Modification Projects
  2. General Plan and Specific Plans
  3. Land Use Development Projects
- Section IV: Scope and Parameters of Traffic Impact Analysis
- Section V: Definition of CMP Impact

Section II
DEFINITION & PURPOSE

Definition

This document states policy and establishes procedures to determine cumulative capacity impacts on the CMP roadway network (impacts on the quality of traffic services) from the following three types of projects:

1. **Roadway modification projects:**
   a. Projects that change the traffic capacity of CMP roadway.
   b. Projects near the CMP roadway and impact the CMP roadway network.
2. **General Plan and Specific Plans.**
   a. New General Plan or General Plan updates which include land use changes that would cause an impact on the CMP roadway network.
   b. Specific Plans, Specific Area Plans, Precise Plans, which include land use changes that would cause an impact on the CMP roadway network.
3. **Land use development project.**

Purpose

The purpose of this policy is to ensure uniform procedures for performing Traffic Impact Analysis to evaluate impacts on the CMP roadway resulting from land use and project decisions in San Mateo County.

The intent of this policy is to preserve acceptable performance on the CMP roadway network, and to establish community standards for consistent system-wide transportation review. Preservation of CMP roadway and intersection performance will require an evaluation of the near and long term impacts of General Plan updates, land use development proposals, as well as proposed roadway modifications that will either reduce the capacity of the CMP network, or cause additional traffic on the CMP network.

It is not intended that the Traffic Impact Analysis guided by this document will provide all information required for California Environmental Quality Act (CEQA) purposes. Traffic impact analysis to determine traffic impacts on the CMP network may be conducted as part of the CEQA process.

This policy will be reviewed and integrated into the 2007 Congestion Management Program for San Mateo County. It will be reviewed subsequently in two years.

Section III
POLICY

This policy provides an avenue to assess the cumulative traffic impacts on the Congestion Management (CMP) roadway network, of General Plan decisions made by local jurisdictions. It provides direction to local jurisdictions on how to analyze CMP traffic impacts resulting from roadway changes or land use decisions, determine feasible and appropriate mitigations.

Land use development proposals and proposed roadway modifications must be consistent with the jurisdiction's adopted General Plan, unless the proposal is to be amended into the General Plan before final approval by the jurisdiction. Local jurisdictions must evaluate traffic impacts of proposed revisions to their jurisdiction-wide General Plans and Specific Area Plans on the CMP network.

1. Roadway Modification Projects

Project sponsor, in consultation with C/CAG staff, shall determine if a roadway modification project on or near a CMP roadway will have potential near-term and long-term traffic impacts on the CMP roadway network. Section 4, *Scope and Parameters of Traffic Impact Analysis*, and more specifically the definition of impacts in Section 5, *Definition of CMP Impacts* should be used in developing initial thresholds (e.g. change in intersection or lane volumes) to determine significant traffic impacts on a CMP roadway.

If initial assessment indicates that significant traffic impact on the CMP network may result from the proposed project, its sponsor must conduct traffic impact analysis consistent with this policy to determine traffic impacts on the CMP roadway system. Moreover, a travel demand forecasting model must be used to determine long-term traffic impacts if the project is to modify the CMP roadway. See "Travel Demand Forecasting" requirements below. For near term analysis, if the travel demand forecasting model does not provide the level of detail desired, then the use of manual assignment models, micro-simulation models or other tools to provide a more detailed and informative analysis of a roadway project is acceptable.

Mitigation:

Proposed roadway changes to the CMP roadway that are determined to have a CMP traffic impacts for current or future years cannot be considered in conformity with the Congestion Management Program unless mitigated to no CMP impact.

CMP traffic impacts could be mitigated through modifications of the proposed project. The level of service analysis or simulation can often be used to identify elements of the project that, if modified, will reduce the project impacts. Mitigation measures may also include roadway improvements, operational changes, or a provision for alternate routes. For example, adding a turn lane at

the intersection, modifying or eliminating on street parking may improve travel times. All mitigation measures shall first be discussed with and reviewed by C/CAG staff.

2. General Plan and Specific Plans

Project sponsor, in consultation with C/CAG staff, shall determine if a General Plan change or a Specific Plan will have potential traffic impacts on the Congestion Management Program (CMP) roadway network. Jurisdictions must conduct travel demand forecasting and traffic impact analysis to determine long term cumulative traffic impacts on the CMP roadway system. See "Travel Demand Forecasting" requirements below. For scope and parameters of traffic impact analysis, see Section 4. For definition of traffic impacts on the CMP system, see Section 5. If a jurisdiction makes small and incremental amendments to its General Plan to include land use changes, and that each individual land use change would not have CMP traffic impact, then flexibility is provided that the travel demand forecasting model needs to be run every two years to account for the cumulative list of projects and site specific General Plan changes.

Mitigation:
General Plan updates or Specific Plans that are determined to have CMP traffic impacts must consult C/CAG staff to identify feasible mitigations.

Cumulative development traffic impacts identified in the evaluation of a jurisdiction may be mitigated in a variety of ways. Clearly, revising the allowable land use intensities is the most direct way to mitigate traffic impacts to the CMP network. However, it is recognized that this may not be consistent with the jurisdiction's economic development plans. As alternatives, the jurisdiction may adopt a trip reduction policy that requires new development to make measurable reductions in their trip generation. These trip reduction requirements should be incorporated in the standard Conditions of Approval. The local jurisdiction should also implement a plan to monitor or sample actual trip generation to ensure that the trip reduction conditions are being met following project occupancy. Alternatively, jurisdictions may elect to provide capital improvements to reduce the traffic impact of cumulative development. To be viable, this type of mitigation must include a reliable funding mechanism such as a traffic mitigation fee program that includes, at a minimum, partial funding for the impacted CMP roadways. Where the impact is on the freeway system it will usually not be feasible to fully fund a needed improvement through a local fee. However, the fee program should provide a minimum of funding that would meet likely local share requirements, if approved by the jurisdiction.

All mitigation measures shall first be discussed with and reviewed by C/CAG staff before they are included in the report.

3. Land Use Development Projects

Project sponsor shall comply with the "Land Use Impact Analysis Program" guidelines in the latest Congestion Management Program (CMP) for San Mateo County. Project sponsors shall consult C/CAG staff regarding land use development projects that are determined to have traffic impacts on the CMP roadway network.

Mitigations:

Adopted General Plan trip reduction requirements should ultimately be implemented at the project level through Conditions of Approval. As with the General Plan mitigations, the trip reduction program should include a plan for monitoring trip generation and procedures to determine if established targets are met or exceeded. The option to reduce the intensity of a project to eliminate significant impacts to the CMP network should also be considered. If physical mitigation is desired, the jurisdiction should determine whether the project can and should be required to construct the mitigation project or whether funding the project's pro rata share is appropriate, and paid to the jurisdiction.

Travel Demand Forecasting Requirements

It is the intent of this policy that the cumulative traffic impacts to the CMP roadway system be evaluated consistently throughout the County. Toward this end, the C/CAG Countywide Travel Demand Forecasting Model must be used to forecast traffic demand for the analysis of the long-term cumulative traffic impacts of CMP roadway modification projects, General Plan updates, Specific Area Plans, or individual development projects.

Long Term Cumulative Analysis

The long-term cumulative analysis must be based on C/CAG or C/CAG derivative model forecasts. C/CAG will periodically update the model to provide travel demand forecasts under a 15 to 20 year planning horizon. This does not, necessarily require individual cumulative model runs for each land use development project. For example, a project that is consistent with the City's existing General Plan may not require a new model run. Previous General Plan consistent model results can be used. The alternative methods used for near term analysis or individual development projects as described in the next section may be used to modify the existing model results to illustrate conditions with and without the proposed project. If alternative methods are used to modify cumulative model forecasts, comparison must be made with long-range C/CAG model forecasts to ensure consistency. This type of minor adjustments to the C/CAG model results is permitted for individual land use development projects or minor changes to an existing General Plan. However new C/CAG model runs are required at least every two years[1], for Specific Plans and for major General Plan updates. Updating the C/CAG model runs is necessary to ensure that the cumulative impacts both within each jurisdiction as well as from neighboring jurisdictions are represented in the model results.

1 The biennial update of the C/CAG model runs can be postponed until they are needed for the analysis of a development, planning or CMP roadway project. Therefore, in communities with limited development activity, the two-year-old model runs need only be updated when there is a land use or roadway project to be analyzed.

A C/CAG derivative model that is consistent with the C/CAG model may also be used; however, it must be reviewed and approved by C/CAG staff in advance. Derivative models must be updated periodically to maintain a 15 to 20 year planning horizon. Approval of a C/CAG derivative model includes the demonstration to C/CAG staff that the model yields similar output as the C/CAG model given the same input assumptions. In addition, the land use assumptions and transportation network assumptions incorporated in a C/CAG derivative model must be consistent with the most recent C/CAG model in order to be eligible for consideration. The C/CAG Countywide Travel Demand Forecasting Model runs must be reviewed by C/CAG. C/CAG may hire its travel demand model consultant to conduct the review, and costs incurred will be borne by the project sponsor.

Near Term Analysis

The use of C/CAG Countywide Travel Forecasting Model or a C/CAG derivative model is not mandatory for near term analysis of projects. The use of methodologies that are widely accepted by the traffic engineering profession such as applying established growth factors to existing traffic volumes, manual assignment models (e.g. TRAFFIX) are also allowable for these analysis scenarios. However, alternative methods for near term impact or individual development project analysis do not replace the requirement for a long-term cumulative impact analysis consistent with this Traffic Impact Analysis Policy.

C/CAG Review for Conformance

For roadway modification projects, C/CAG staff shall review for consistency with this Traffic Impact Analysis (TIA) policy and determine conformity with the Congestion Management Program (CMP).

For General Plan updates, Specific Plans, and land use development projects, C/CAG staff shall review TIA reports for consistency with this TIA policy. This review shall not constitute approval or disapproval of the project that is the subject of the report. C/CAG does not have the authority to approve or reject projects. That decision rests with the lead agency. However, the CMP establishes community standards and guidelines for consistent system-wide transportation review and provides comments to the lead agency on the TIA report based on staff review. Compliance with the Congestion Management Program may be enforced through the withholding of apportionments under Section 2105 of the Streets & Highways Code as well as declaring a local agency ineligible for future transportation funds.

Section IV
SCOPE AND PARAMETERS FOR TRAFFIC IMPACT ANALYSIS (TIA)

Project sponsors must initiate consultation between the lead agency, C/CAG, Caltrans (if applicable), and those preparing the Traffic Impact Analysis (TIA) before commencing work on the study to establish the appropriate traffic impact analysis scope. At a minimum, the TIA should include the following:

A. Boundaries of the TIA

The boundaries of a TIA must not only include the immediate project area but also areas outside of the project area that may be impacted by the project. For example, the boundaries of an arterial segment, for analysis purposes, may be defined as at least one signalized intersection beyond the project limits on either end. If modification to a segment between intersections will affect the up-stream or down-stream intersection, then average travel time or average travel speed for a segment covering the up- and down-stream intersections must be analyzed.

Boundaries of a TIA must be agreed upon by the lead agency and C/CAG before commencing work on the analysis. Consultation with Caltrans is recommended, if applicable. However, if the project proposes to change a State owned facility, then the boundaries of analysis must be agreed upon by Caltrans as well.

B. Traffic Analysis Scenarios

Consultation between the lead agency, C/CAG, Caltrans (if applicable), and those preparing the TIA is recommended to determine the appropriate scenarios for the analysis. The following scenarios should be addressed as a minimum:

- Existing background condition (includes already approved developments and roadway network changes)
- Existing condition plus Project
- Future (15[2] to 20 year horizon) background without Project (no-build)
- Future (20 year horizon) background condition plus project

C. Analysis Period

Consultation between the lead agency, C/CAG, Caltrans (if applicable), and those preparing the TIA is recommended to determine the appropriate analysis periods. The TIA shall include, at a minimum, an analysis of transportation conditions in the AM and PM peak hours.

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2 20-year Model forecasts are assumed to be updated every 5 years so forecast horizon may be as short as 15 years.

D. Facilities To Be Included In the Analysis

1. A CMP intersection shall be included in a TIA if it is expected to be impacted by the proposed project.
2. A non-CMP intersection that is along a CMP segment shall be included in a TIA if it is expected to be impacted by the proposed project.
3. A freeway segment shall be included in a TIA if it is expected to be impacted by the proposed project.
4. A CMP arterial segment shall be included in a TIA if it is expected to be impacted by the proposed project.

E. Report Format

Traffic Impact Analysis reports must present findings for the various analysis scenarios and analysis periods as described above in the following units of measurement:

Intersections:	LOS and delay time
Freeway segments:	LOS and volume-to-capacity ratio
Arterial segments:	LOS and average travel speed

Section V
DEFINITION OF CMP IMPACT

A project is considered to have a CMP impact if it causes one or more of the following:

1. **CMP Intersection currently in compliance with the adopted LOS standard:**

   A. A project will be considered to have a CMP impact if the project will cause the CMP intersection to operate at a level of service that violates the standard adopted in the current Congestion Management Program (CMP).

   B. A project will be considered to have a CMP impact if the cumulative analysis indicates that the combination of the proposed project and future cumulative traffic demand will result in the CMP intersection to operate at a level of service that violates the standard adopted in the current Congestion Management Program (CMP) and the proposed project increases average control delay at the intersection by four (4) seconds or more.

2. **CMP Intersection currently not in compliance with the adopted LOS standard:**

   A project is considered to have a CMP impact if the project will add any additional traffic to the CMP intersection that is currently not in compliance with its adopted level of service standard as established in the CMP.

3. **Freeway segments [3] currently in compliance with the adopted LOS standard:**

   A. A project is considered to have a CMP impact if the project will cause the freeway segment to operate at a level of service that violates the standard adopted in the current Congestion Management Program (CMP).

   B. A project will be considered to have a CMP impact if the cumulative analysis indicates that the combination of the proposed project and future cumulative traffic demand will result in the freeway segment to operate at a level of service that violates the standard adopted in the current Congestion Management Program (CMP) and the proposed project increases traffic demand on the freeway segment by an amount equal to one (1) percent or more of the segment capacity, or causes the freeway segment volume-to-capacity (v/c) ratio to increase by one (1) percent.

4 **Freeway segments currently not in compliance with the adopted LOS standard:**

   A project is considered to have a CMP impact if the project will add traffic demand equal to one (1) percent or more of the segment capacity or causes the freeway segment

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3 Freeway segments are as defined in the Congestion Management Program Monitoring Program and are directional.

volume-to-capacity (v/c) ratio to increase by one (1) percent, if the freeway segment is currently not in compliance with the adopted LOS standard.

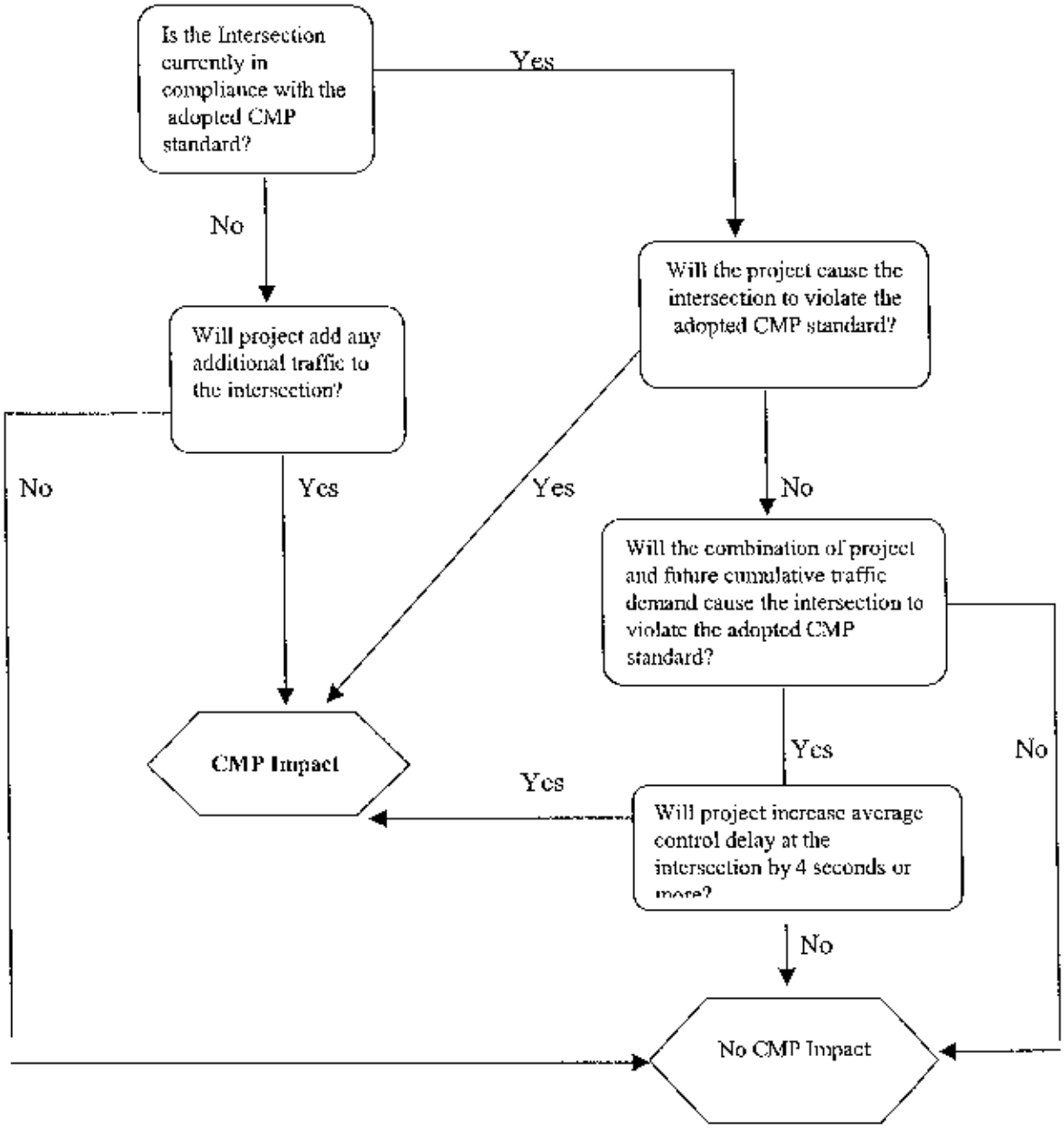
5 CMP Arterial Segments:

The analysis of arterial segments is only required when a jurisdiction proposes to reduce the capacity of a CMP designated arterial through reduction in the number of lanes, adding or modifying on-street parking, or other actions that will affect arterial segment performance.

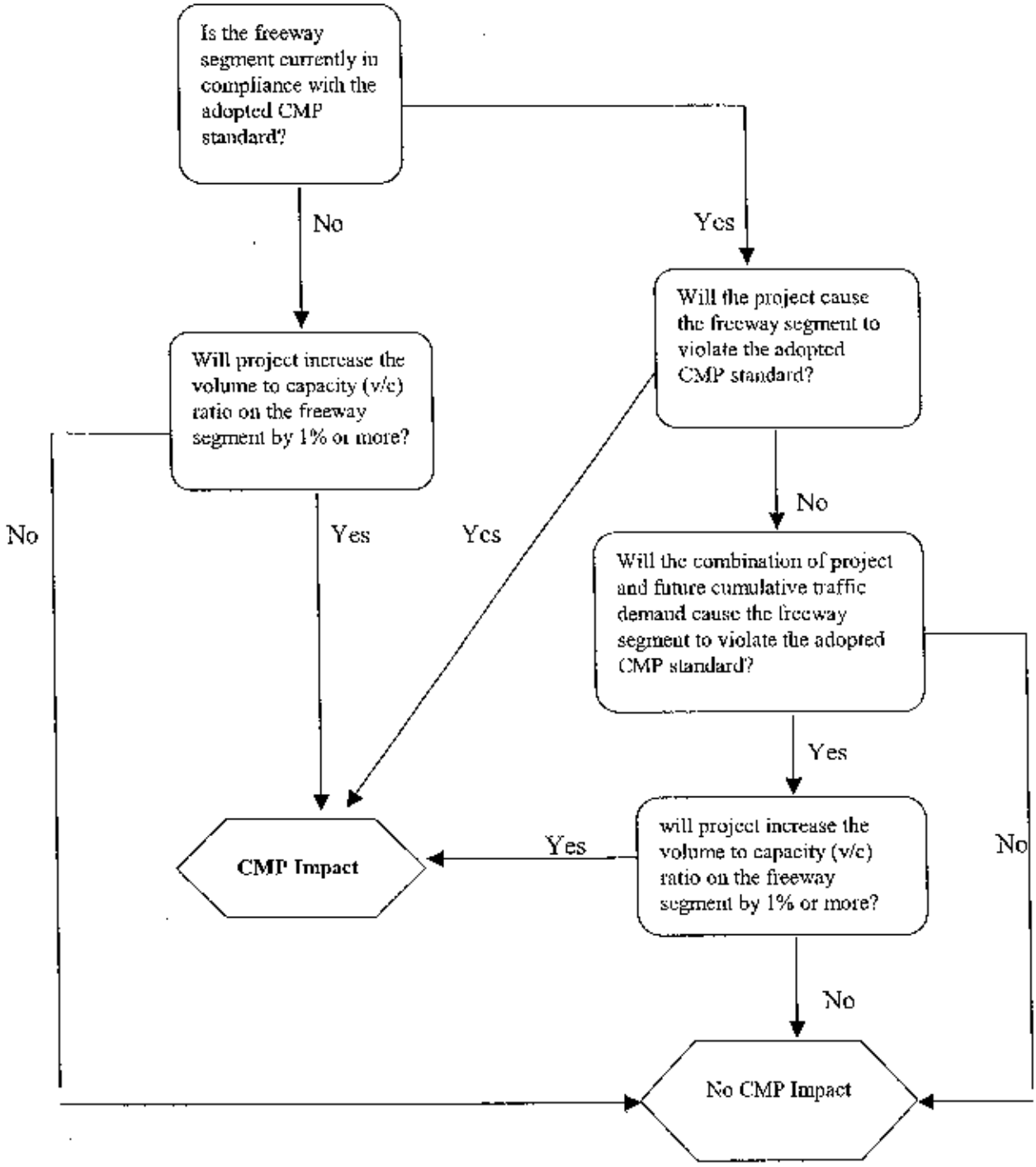
A project is considered to have a CMP impact if it causes mid-block queuing, parking maneuver resulting in delays or other impacts that result in any segment intersection to operate at a level of service that violates the adopted LOS standard set for the nearest CMP intersection.

Analysis of the segment using a calibrated micro-simulation model may be required by C/CAG staff to evaluate non-intersection impacts of the proposed project. CMP impact is determined if, based on the micro-simulation model, the average travel speed for the arterial segment is reduced by 4 miles per hour (mph) or more. Segments with average speeds that indicate LOS E or worse (based on Exhibit 15-2, HCM2000) cannot be modified by local jurisdictions if the proposed modifications would further reduce travel speeds on the segment.

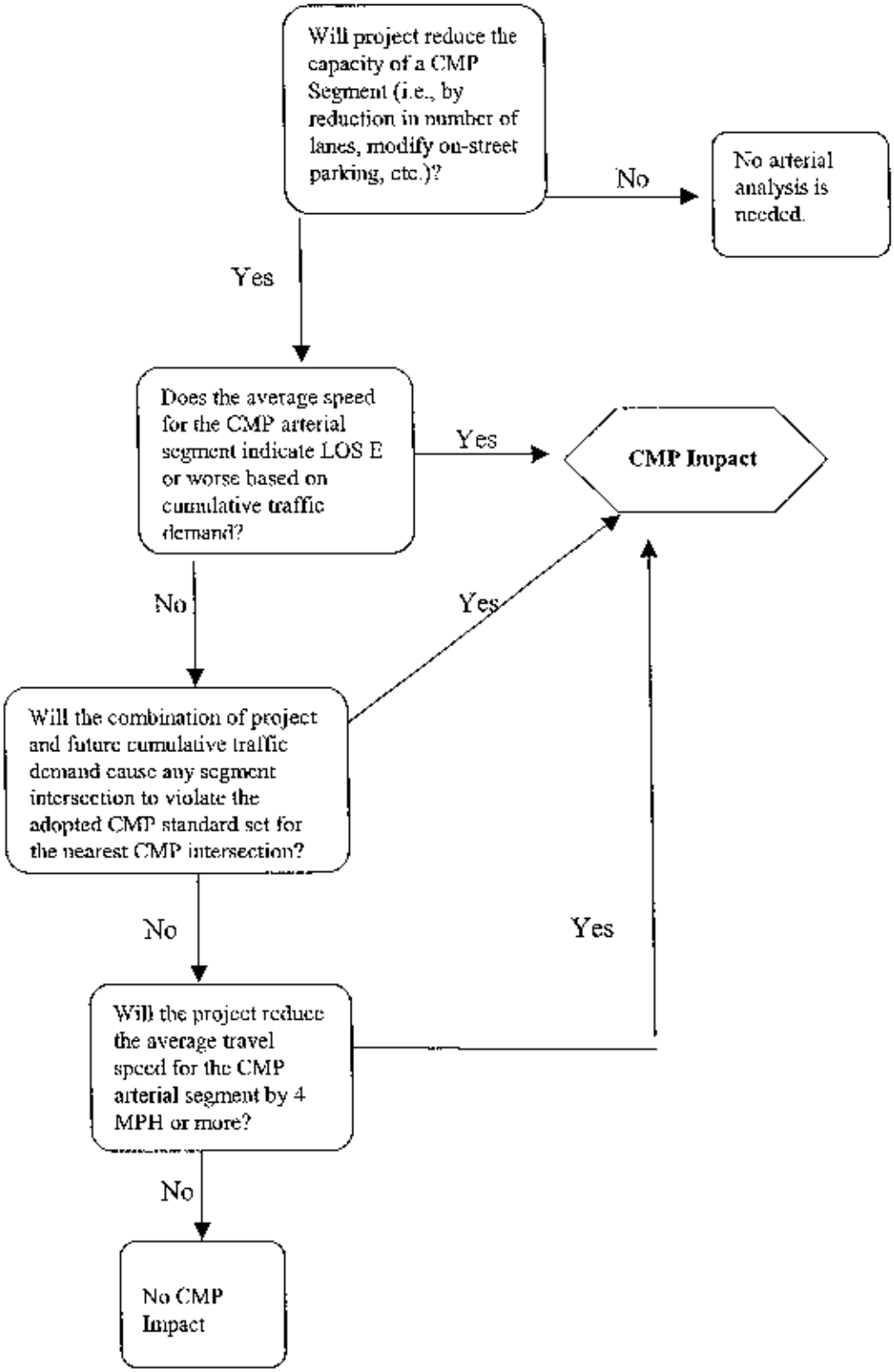
To determine CMP impact on a CMP Intersection



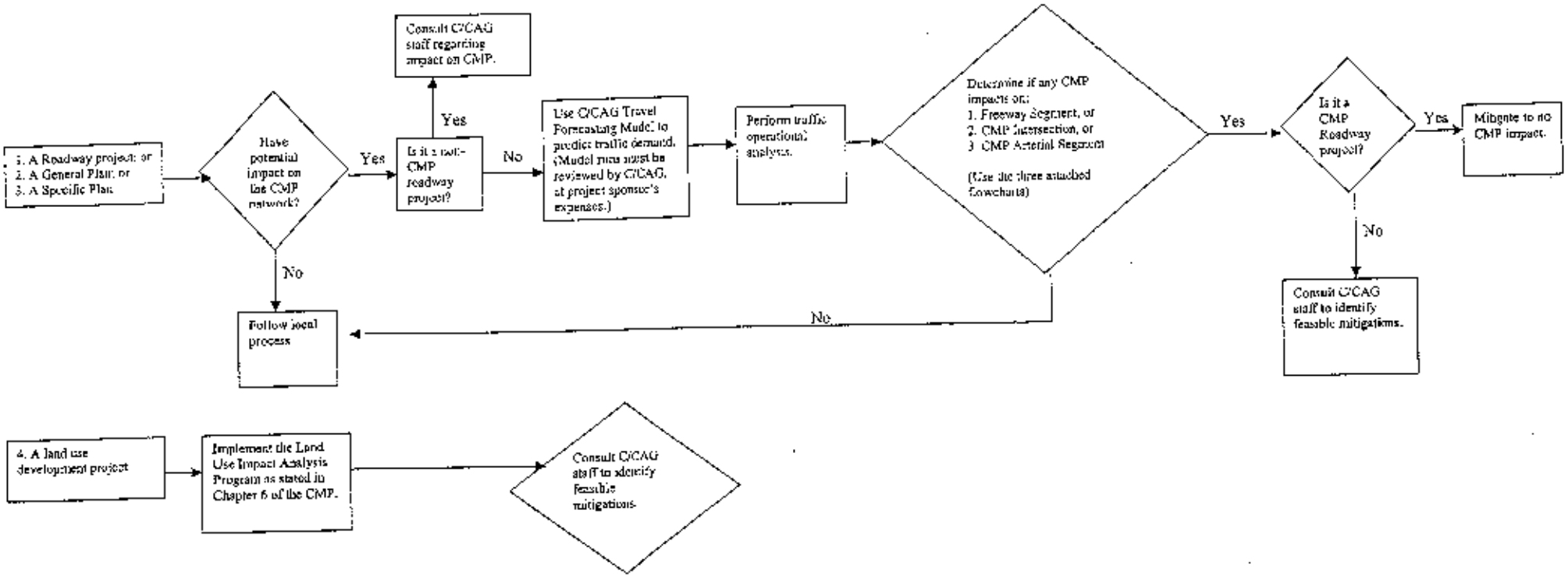
To determine CMP impact on a Freeway Segment



To determine CMP impact on Arterial Segment



Flow chart for traffic impacts on the congestion management program (CMP) roadway network



Comments from:

City of Redwood City

City of Menlo Park

Comments by Tom Passanisi, Principal Planner, Redwood City
Date: 1/12/06

Responses by TAC Traffic Impact Analysis (TIA) Subcommittee
Date: 2/28/06

Redwood City has reviewed C/CAG's Draft Policy on the required Traffic Impact Analysis to determine impacts on the CMP network (El Camino Real, Woodside Road, Highway 101, etc.). These steps include consulting with C/CAG early in the environmental review process, if necessary run the travel demand forecasting model, provide copies of the environmental document (Traffic studies) to C/CAG for their comment. We also understand that you wanted to make it clear in the draft policy that City-initiated modifications to the CMP network and General Plan Updates will also need to implement this policy.

Redwood City has no substantial comments on the general draft policy, itself. This policy essentially formalizes and outlines what the City of Redwood City has been doing all along for projects that impact the County Transportation CMP network. We also intend to incorporate this analysis in the EIRs for the General Plan Update, Downtown Precise Plan, and is the City plans to initiate any improvements to the CMP Network (e.g. El Camino). This policy is consistent with the City's transportation goals and policies, and we will continue to work with C/CAG to implement it.

However, the City is concerned about the cost of running the travel forecasting model for City-initiated projects such as the upcoming General Plan update or Downtown Precise Plan. C/CAG's draft policy states: "....and costs incurred will be borne by the project sponsor". According to Jim Huff of Hexagon Consultants a typical model run might cost approximately $7,000 per land use scenario. Redwood City feels that it should not have to bear the financial burden of running the model for City projects when this requirement is imposed by C/CAG. Shouldn't there be a way for the County to either pay for the costs of running the model or at least share in the cost since it benefits both the City and the County?

Response:

Thank you for that comment. C/CAG is responsible for update and maintenance of the travel demand forecast model, and the model is provided for city/county's use at no cost to the jurisdiction. The cost of running the model as part of a study should be paid for as part of that project's cost. It is anticipated the additional cost, for a General and Specific plan update, of using the model might be in a magnitude of several thousand dollars, as compared to the hundred(s) of thousand dollars for a General and Specific plan. In addition, this proposed policy will only trigger the use of travel model when update of General and Specific plan involves changes in the land use element or the circulation element that is significant enough to require an Environment Impact Report (EIR).

Comments by Chip Taylor, Transportation Manager for the City of Menlo Park
Date: 1/12/06

Responses by TAC Traffic Impact Analysis (TIA) Subcommittee
Date: 2/28/06

1. At this time General and Specific plan updates are not required to comply with the CMP. The deficiency plans section of the current CMP states that the local jurisdiction is not required to mitigate the impacts from projected deficiencies to CMP facilities, only actual deficiencies. The proposed policy would require analysis and mitigation prior to the actual deficiencies. The proposed policy defines the determination of the impacts to the CMP roadways as 15-20 years in the future. Many other outside factors (economic growth, increased transit, more carpooling, etc.) could determine whether the impact is actually produced in the field. But, mitigation measures are required based on this analysis. This is inconsistent with the current CMP and will require City resources to be used not only to produce the report, but also to complete any mitigation measures for projected impacts that may or may not occur. Has the economic impact of these new standards been studied to understand how it will impact City resources? Also, how will the new policy affect the economic development of the City?

Response:

Thank you for that comment. This proposed policy on traffic impact analysis will be incorporated into the CMP upon approval. The intent of this proposed policy is not to require full mitigation of a General and Specific plan at the plan approval stage, but rather to identify the mitigation that will be necessary to accommodate the improvements included in the General and Specific plan. It is intended to establish criteria to be used at the environmental review stage, to identify traffic mitigations that can be implemented over the lifetime of the General and Specific plan. Actual physical mitigations will be implemented when improvements take place. For example, if a city has a traffic mitigation fee program, this proposed policy will help to provide basis upon which the fees are collected, i.e., the percent of total traffic generated by one particular development.

As to the many other outside factors (economic growth, increased transit, etc.) could determine whether the impact is actually produced in the field, the C/CAG travel demand forecasting model is based on economic data provided by Association of Bay Area Government (ABAG) which includes the projected economic future.

The current CMP already has its Land Use Impact Analysis Program (Chapter 6). This new policy does not alter that program, but just adds reinforcement. It is not anticipated to affect the economic development of a city.

2. The Background section of the proposed policy states that any additional traffic from a roadway modification project will trigger an analysis and potential mitigation. The Land Development section of the CMP doesn't require an analysis until 100 peak hour trips is reached. And the Roadway Modification section of the proposed policy states that if the project is expected to have a potential traffic impact, then an analysis is required. If this policy is implemented a consistent standard needs to be adopted, such that each project whether it is land development, plan updates or roadway modifications would trigger a Traffic Impact Analysis (TIA) at the same level.

Response:

Thank you for that comment. We will modify the statement in the background section to read "Modification to a roadway that will have traffic impact on the CMP roadway network". Appendix B of this proposed policy spells out the threshold of impact that will trigger an analysis.

The current CMP Land Use Impact Analysis Program speaks to land use projects only. However, this proposed policy speaks to roadway modification projects as well. Although the thresholds used to measure traffic impact from these two types of project varies, there is not conflict between the two.

3. Who has the final authority to determine which roadways and intersections need to be included in the TIA?

Response:

Thank you for that comment. Appendix A of the proposed policy provides the answer as to who determines which roadways and intersections need to be included in the TIA. It states that "Boundaries of a TIA must be agreed up by the lead agency, C/CAG and Caltrans (if applicable), before commencing work on the analysis".

4. The addition of "if necessary" needs to be added to the mitigation portion of the Land Use Development Project section, since all projects will not require mitigation.

Response:

Thank you for that comment. We concur.

5. Additional costs are proposed as part of C/CAGs review of the travel demand model for projects. Would a local street project require a full study and travel demand forecast if they change the distribution of traffic to CMP roadways? What are the estimated costs and how will it impact City resources?

Response:

Thank you for that comment. The proposed policy will trigger full analysis and the use of travel demand forecast model only if there will be traffic impacts on the CMP network. For definition of traffic impact, refer to Appendix B. Even without this proposed policy, projects would need to be analyzed and impacts be disclosed as part of the CEQA process. We do not anticipate much additional impact to city resources. Although the proposed policy reserves the right for C/CAG to seek review cost reimbursement in the event that C/CAG has to hire its travel demand model consultant to review a study, this can be averted if the study is done by appropriate use of the C/CAG travel demand model.

6. The City's TIA policy requires an existing, near term with and without project and a 10-year long term analysis with and without the project. This policy would require the long term analysis and impact determination at 15-20 years. This would require additional information to be included in TIAs and increase the cost of the studies in the City. A consistent timeframe that coincides with the local community should be adopted. Also the future background without project and with project should be the same year.

Response:

Thank you for that comment. We recommend long term analysis to use 20 year horizon for two reasons: 1) to be consistent with the C/CAG travel demand model; 2) consistent with Caltrans policy, since most of the CMP network coincides with the State highway system. In addition, many General plans are not updated for many years, in many cases, more than 10 years.

7. The impacts to intersections does not allow for any minor increases. All impacts should have a certain amount of delay and/or traffic that can be added that is reasonable instead of a strict standard that does not allow for minor increases in traffic.

Response:

Please refer to Appendix B of the proposed policy. It defines what is consider an impact.

8. Will regional projects funded by the TA or C/CAG that increase capacity on roadways that feed to CMP roadways require additional analysis, modeling, and mitigation if they change the distribution of traffic to CMP roadways?

Response:

Thank you for that comment. Yes, all regional projects that increase capacity are required to conduct analysis, modeling, and appropriate mitigation.

C/CAG AGENDA REPORT

DATE: August 10, 2006

TO: C/CAG Board of Directors

FROM: Richard Napier, C/CAG Executive Director

SUBJECT: Review and approval of C/CAG role in facilitating and supporting a Sub-regional Housing Needs Allocation Process (RHNA) within San Mateo County

(For further information or questions, contact Richard Napier at 650/599-1420)

RECOMMENDATION

Review and approval of C/CAG role in facilitating and supporting a Sub-regional Housing Needs Allocation Process (RHNA) within San Mateo County in accordance with the staff recommendation. Direct C/CAG staff to work cooperative with the County Department of Housing to provide facilitation and support as necessary for locally administering a Sub-regional Housing Needs Allocation process within San Mateo County.

FISCAL IMPACT

The cost of facilitating and supporting a Sub-regional Housing Needs Allocation process is limited to the current C/CAG budget and is estimated at less than $50,000 per year.

SOURCE OF FUNDS

Metropolitan Transportation Commission (MTC) Transportation Plus Land Use grant and the San Mateo Congestion Relief Program.

BACKGROUND/DISCUSSION

As of July 31, 2006, 16 cities representing 62 per cent of the population have adopted resolutions that authorize them to become members of a countywide sub-region, an entity that would locally administer a Sub-regional Housing Needs Allocation process. The remaining five jurisdictions are scheduled to consider resolutions in August. These jurisdictions have informally indicated support for joining a sub-region. Thus, it appears that all 21 jurisdictions in the County have expressed support for forming a sub-region. All resolutions need to be submitted to ABAG by August 31, 2006. ABAG would then adopt a resolution approving formation of the sub-region. The attached table shows the status of all resolutions.

By December 31, 2006, the sub-region must adopt a proposed methodology, including rules and guidelines, for distributing allocations to participating members. A 60-day public comment

ITEM 5.3

period would follow including one public hearing. By the end of March 2007, the sub-region must adopt a final methodology. On May 1, 2007, the sub-region would receive a housing allocation from ABAG. By June 30, 2007, the sub-region would distribute draft housing allocations among its members. Local jurisdictions may request revisions to their draft housing allocations by appealing to the sub-region during a 60-day appeal period. The sub-region must hold a public hearing to hear the appeal. Between February and April of 2008, the sub-region must hold a public hearing to issue the final housing allocations. Then, the sub-region submits the final allocation to ABAG who will submit them to the State Department of Housing and Community Development for approval.

The first step will be to host a City Managers/Planning Directors luncheon in September to discuss how to proceed. It will need to be scheduled.

ATTACHMENTS

Sub-Regional Participation Resolution Status

ALTERNATIVES

1- Review and approval of C/CAG role in facilitating and supporting a Sub-regional Housing Needs Allocation Process (RHNA) within San Mateo County in accordance with the staff recommendation.

2- Review and approval of C/CAG role in facilitating and supporting a Sub-regional Housing Needs Allocation Process (RHNA) within San Mateo County in accordance with the staff recommendation with modifications.

3- No Action.

07/27/06 11:45

SUB-REGIONAL PARTICIPATION RESOLUTION STATUS

Agency	Population (as of 3/25/01)	Per Cent of Total	Contact	Telephone Number	Discussed	Scheduled	Approved	Resolution Received	Possible Support	Support Meeting	Approval Status Population	Approval Status %
Atherton	7194	1.02%	Jim Robinson	650 752-0504	LM-7/18/06	07/19/06	07/19/06		Y	No	7194	1.02%
Belmont	25123	3.55%	Maureen Cassingham	650 595-7410	07/06/06	08/08/06			Y	Rich		
			Carlos DeMello	650 595-7417	07/17/06							
Brisbane	3597	0.51%	Clay Holstine	415 508-2111	LM-7/17/06	08/21/06			Y			
Burlingame	28158	3.98%	Jim Nantell	650-558-7205	07/07/06	07/17/06	07/17/06	X	Y	No	28158	3.98%
			Meg Monroe	650 558-7255	LM-7/18/06							
Colma	1191	0.17%	Diane McGrath	650 997-8310(09)	LM-7/6	07/12/06	07/12/06		Y	Rich	1191	0.17%
			Andrea Ouse	650 985-2590	07/06/06							
Daly City	103621	14.65%	Pat Martell	650 991-8127	07/18/06	8/14/06			Y	No		
East Palo Alto	29506	4.17%	Alvin James	650 853-3100(36)	06/22/06	07/25/06	07/25/06		Y		29506	4.17%
			Wilbert Lee	650 853-3120	07/13/06							
Foster City	28803	4.07%	Jim Hardy	650 286-3222		07/17/06	07/17/06	X	Y		28803	4.07%
			Kristi Chapelle	650 286-3213	07/18/06							
Half Moon Bay	11842	1.67%	Deborah Auker	650 726-8270	07/18/06	07/18/06	07/18/06		Y	No	11842	1.67%
Hillsborough	10825	1.53%	Tony Constantouros	650 579-3800	LM-6/26	07/10/06	07/10/06	X	Y	Duane	10825	1.53%
Menlo Park	30785	4.35%	David Boesch	650 858-3380	LM-7/13/06	07/18/06	07/18/06		Y	No	30785	4.35%
Millbrae	20718	2.93%	Ralph Jaeck	650 259-2334	LM-7/13/06	07/11/06	07/11/06	X	Y		20718	2.93%
Pacifica	38390	5.43%	Joe Tanner	650 738-7301	06/23/06	07/10/06	07/10/06	X	Y		38390	5.43%
Portola Valley	4462	0.63%	Angela Howard	650 851-1700 X15	07/06/06	07/26/06	07/26/06		Y	Rich	4462	0.63%
			Leslie Lambert	650 851-1700 X14	07/11/06							
Redwood City	75402	10.66%	Ed Everett	650 780-7300	06/22/06	08/07/06			Y			
			Malcolm Smith	650 780-7305	LM-7/18/06							
			Peter Ingram									
San Bruno	40165	5.68%	Connie Jackson	650 616-7056	07/13/06	07/25/06	07/25/06		Y	No	40165	5.68%
			Mark Sullivan	650 616-7053	07/17/06							
San Carlos	27718	3.92%	Mark Weiss	650 802-4228	LM-6/26	07/24/06	07/24/06		Y	Rich	27718	3.92%
			Liz Cullinan	650 802-4264	07/13/06							
San Mateo	92482	13.08%	Arne Croce	650 522-7000	06/26/06	07/17/06	07/17/06	X	Y	No	92482	13.08%
South San Francisco	60552	8.56%	Barry Nagel	650-877-8500	07/13/06	07/26/06	07/26/06		Y	No	60552	8.56%
Woodside	5352	0.76%	Susan George	650 851-6790	07/10/06	07/25/06	07/25/06		Y	No	5352	0.76%
San Mateo County	61275	8.66%	John Maltbie	650 363-4121	LM-6/26	08/15/06			Y			
											438143	61.96%
TOTAL	707161	100.00%										

C/CAG AGENDA REPORT

Date: August 10, 2006

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF RESOLUTION 06-26 AUTHORIZING THE PROGRAMMING OF $1,544,000 IN FEDERAL STP/CMAQ FUNDS AS FOLLOWS: $1,500,000 FOR THE HIGHWAY 92 AND MAIN STREET PROJECT COST INCREASE IN THE CITY OF HALF MOON BAY; $44,000 FOR AN APPROPRIATE PROJECT AS DETERMINED BY THE C/CAG EXECUTIVE DIRECTOR

(For further information or questions contact Richard Napier at 599-1420 or Sandy Wong at 599-1409)

RECOMMENDATION

That the C/CAG Board approve Resolution 06-26 authorizing the programming of $1,544,000 in Federal Surface Transportation Program & Congestion Mitigation and Air Quality (STP/CMAQ) funds as follows: $1,500,000 for the Highway 92 and Main Street project cost increase in the City of Half Moon Bay; $44,000 for an appropriate project as determined by the C/CAG Executive Director, in accordance with staff recommendation.

FISCAL IMPACT

The $1,544,000 Federal STP/CMAQ fund is a one-time only set aside for use in projects at the discretion of C/CAG.

SOURCE OF FUNDS

Funding for this project will come from the Federal Surface Transportation Program & Congestion Mitigation and Air Quality (STP/CMAQ) funds set aside as backfill for the 2004 State Transportation Improvement Program (STIP).

BACKGROUND/DISCUSSION

The construction contract for the Highway 92 and Main Street improvement project in Half Moon Bay has a shortfall of $4,500,000. The engineer's estimate for the project was $9,449,000 while the lowest bid came in at $13,926,945. It was determined that rejecting all bids and re-advertise the project is not a prudent option.

ITEM 5.4

Staff from the City, C/CAG, and San Mateo County Transportation Authority (SMCTA) have met and recommended the $4,500,000 cost increase be shared equally by the City of Half Moon Bay, C/CAG, and SMCTA, at $1,500,000 each. That way, the City of Half Moon Bay can proceed to award the contract and keep the project on schedule. On, July 11, 2006, City Council of Half Moon Bay has adopted a resolution to amend its 2006/07 capital improvement budget to include $1,500,000 for this project. On August 3, 2006, the SMCTA Board is scheduled to approve $1,500,000 for this project.

C/CAG has already contributed $2,400,000 in Federal Surface Transportation Program (STP) funds as well as $485,000 in Transportation Development Act (TDA) Article 3 funds into this project.

ATTACHMENTS

1. Resolution 06-26.
2. Letter from City of Half Moon Bay dated July 14, 2006

RESOLUTION NO. 06-26

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE PROGRAMMING OF $1,544,000 IN FEDERAL STP/CMAQ FUNDS AS FOLLOWS: $1,500,000 FOR THE HIGHWAY 92 AND MAIN STREET PROJECT COST INCREASE IN THE CITY OF HALF MOON BAY; $44,000 FOR AN APPROPRIATE PROJECT AS DETERMINED BY THE C/CAG EXECUTIVE DIRECTOR.

RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG), that,

WHEREAS, C/CAG is the Congestion Management Agency (CMA) for San Mateo County; and,

WHEREAS, $1,544,000 in Federal Surface Transportation Program & Congestion Mitigation and Air Quality (STP/CMAQ) funds is available for programming at the discretion of C/CAG; and

WHEREAS, the project to improve Highway 92 and Main Street in the City of Half Moon Bay has a cost increase of $4,500,000; and,

WHEREAS, the City of Half Moon Bay, C/CAG, and the San Mateo County Transportation Authority (SMCTA) have decided to equally share the cost increase at $1,500,000 each for said project; and

WHEREAS, said project in the City of Half Moon Bay is an eligible to receive STP/CMAQ funding; and

WHEREAS, the remaining available $44,000 in STP/CMAQ funds can be programmed for an appropriate project as determined by the C/CAG Executive Director; and,

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of C/CAG is authorizing the programming of $1,544,000 in Federal STP/CMAQ funds as follows: $1,500,000 for the Highway 92 and Main Street project cost increase in the City of Half Moon Bay; $44,000 for an appropriate project as determined by the C/CAG Executive Director.

APPROVED AND ADOPTED THIS 10TH DAY OF AUGUST 2006.

_____

James M. Vreeland Jr., Chairman

CITY OF HALF MOON BAY

City Hall, 501 Main Street
Half Moon Bay, CA 94019

July 14, 2006

RECEIVED

JUL 18 2006

DEPARTMENT OF PUBLIC WORKS
COUNTY OF SAN MATEO

Richard Napier
Executive Director, CCAG
5th Floor
555 County Center
Redwood City, CA 94063

Joseph M. Hurley, P.E., Director
Transportation Authority Program
San Mateo County Transit District
1250 San Carlos Avenue
P.O. Box 3006
San Carlos, CA 94070

Subject: Highway 92 and Main Street Project – Request for Additional Funding Subsequent to May 25, 2006 Bid Opening

Dear Richard and Joe:

The City of Half Moon Bay hereby requests that the San Mateo County City/County Association of Governments and Transportation Authority continue our ongoing Project partnership by providing additional Highway 92 and Main Street Project monies in the amount of $1,500,000 each for a total of $3,000,000 towards a Project funding shortfall of $4,500,000. As indicated below the City is providing $1,500,000 of the Project funding shortfall. By providing the additional funds, the City will be able to award the project on August 15, 2006.

Enclosed for your information is a copy of the City of Half Moon Bay Resolution adopted by the City Council on July 11, 2006, authorizing the City Manager to amend the City's 2006-07 Capital Improvement Program budget, as a result of the Highway 92 and Main Street Project (Project) $4,500,000 shortfall to include $1,500,000 of additional City monies to be included as part of the Project funding.

It is the City's understanding that you will recommend to your respective Boards (TA on August 3, 2006, and C/CAG on August 10, 2006) an additional $1,500,000 each (totaling $3,000,000) to be funded towards the Project. Together the City, C/CAG and TA additional funding commitment will provide the additional monies for the City to award the construction of this project on August 15, 2006.

Our City Council recommended as part of the increased City funding to the Project that any potential Project cost reduction savings be realized by the City first since the City first

started funding this project 8 years ago (the initial project start-up is funded by the City) and the Rule 20A funding associated with this Project was very tentative (and does not appear in the current available Project funding) subsequent to the reorganization and bankruptcy related hearings regarding the Pacific, Gas & Electric several years ago.

Project Shortfall Identification Summary

On May 25, 2006, the City opened bids for the Highway 92 and Main Street Project. There were two bidders approximately $58,000 apart. O'Grady Paving bid the project at $13,926,945, and Top Grade Construction bid the project at $13,985,678.50. The engineer's estimate for the project was $9,449,000. Consequently, the project construction bids reflected a 40% increase to the engineer's estimate.

The enclosed Project Cost Summary reflects a $4.5M shortfall, which is mostly attributed to the increase in the construction costs. Enclosed to this letter is a letter from the City's design firm (Mark Thomas & Company (MTC)) indicating several factors that contribute to the higher unit costs than what was estimated to construct the Project.

In summary, the following factors contributed to the increased cost:

- Devil's Slide road closure
- Higher gasoline and oil prices
- High demand for materials
- Current market conditions-Demands exceeding supplies of available and qualified contractors.
- Lack of qualified specialty services employees and contractor
- Increased construction market opportunities in other areas

Furthermore, MTC analyzed specific bid items that were significant higher than the engineers estimate. These specific bid items included the following:

- Traffic Control Items
- Excavation Related Items
- Structural Concrete Related Items
- Landscape Items
- Pavement Items
- Concrete Work
- Electrical Work
- Underground Items
- Waterline Items

In addition, MTC reviewed potential possibilities to repackage the project into two or more possible projects and to reject all bids and rebid the project.

On June 2, 2006, City staff and construction management and design consultants met with you to discuss the abovementioned various cost increases and options available. It was determined from the discussion that there is no advantage to repackaging the project for rebidding or deferring the project bid open date. It was decided that the City, C/CAG and +TA would find additional funding to award the construction of this project.

C/CAG and the TA have been instrumental and supportive in the City's efforts to resolve project funding and scope of work issues in 2003, 2004 and 2005. The City hopes C/CAG and the TA will continue to support and provide further financial assistance to this project. If you have any questions, do not hesitate to contact me at (650) 726-8265, or pnagengast@ci.half-moon-bay.ca.us.

Sincerely,

Paul T. Nagengast
for Debra C. Auker
City Manager

Enclosures: Resolution of the City Council of the City of Half Moon Bay Amending the 2006-07 Capital Improvement Program Budget to Include $1,500,000 of Fund 11 and 13 Reserve Monies for the Highway 92 and Main Street Improvement Project

Project Cost Summary dated July 6, 2006

Letter from Mark Thomas & Company, Inc., dated May 31, 2006

CC: Paul T. Nagengast, Director of Public Works/City Engineer
City Council

RESOLUTION NO. C-____ - 06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY AMENDING THE 2006-07 CAPITAL IMPROVEMENT PROGRAM BUDGET TO INCLUDE $1,500,000 OF FUND 11 AND 13 RESERVE MONIES FOR THE HIGHWAY 92 AND MAIN STREET IMPROVEMENT PROJECT

RESOLVED, by the City Council of the City of Half Moon Bay, San Mateo County, California, that

WHEREAS, the project cost for the Highway 92 and Main Street project has increased to create a project shortfall of $4,500,000; and

WHEREAS, the staff of the San Mateo County Transportation Authority and City/County Association of Governments have indicated that they will recommend to their respective Boards to approve an additional $1,500,000 each for a total of $3,000,000 to be provided towards the project shortfall; and

WHEREAS, the City's reserves in Fund 11 (Streets and Roads) has available $550,000 and Fund 13 (Traffic Mitigation) has available $950,000 to be used for the City's contribution of $1,500,000 to fund the remaining project shortfall; and

WHEREAS, further discussions will be made with the funding partners of this project to determine the availability of project cost reduction opportunities to be used to replace the City reserves that were used for this project from Funds 11 and 13.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED, as follows:

That the City Council of the City of Half Moon Bay does hereby amend the 2006-07 Capital Improvement Program Budget to include $550,000 of Fund 11 reserves and $950,000 of Fund 13 reserves to be included as part of the Highway 92 and Main Street Project, Fund 44-90-703.

* * * * *

I hereby certify that the foregoing is full, true, and correct copy of a Resolution duly passed and adopted by the City Council of the City of Half Moon Bay, San Mateo County, California, at a meeting thereof held on the 11th day of July, 2006.

AYES, Councilmembers:_____

NOES, Councilmembers:_____

ABSTAIN, Councilmembers:_____

ABSENT, Councilmembers: _____

_____
Marina Fraser, MAYOR

ATTEST:

_____ Siobhan Smith, CITY CLERK

7/6/06
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ROUTE 92 HALF MOON BAY WIDENING PROJECT - PROJECT COST SUMMARY

	Approved Project Report Cost	Project as approved for funding 9/5/2003 (Mod. SPR + Alt2)	Project Status as of 95% PS&E as 10/31/2004	Project Status as of 100% PS&E as 05/2/2005	Project Status at Final PS&E 9/23/2005	Project Status Low Bid Result 5/25/2006
Construction Costs+Add Alt	5,900,000	$5,970,000	$5,950,000	$6,108,000	$6,290,000	$9,249,000
New - Water Main Added						$1,244,000
New-Block Wall						$68,000
New-Remove Gas Station						$100,000
Rights of Way Costs						
a. Real Estate Compensation	2,520,000	$2,520,000	2,520,000	3,100,000	2,910,000	2,912,000
b. Relocation & Severance				500,000	500,000	340,000
Joint Trench Costs	620,000	$1,406,000	1,410,000	1,442,000	1,540,000	2,400,000
Supplemental Work				740,000	864,000	866,000
Support Costs						
Engineering						
a. Contract Amount to Date		$1,740,000	1,740,000	1,740,000	1,740,000	1,740,000
b. Extra Work - Additional Design				200,000	200,000	230,000
Rights of Way Acquisition Services		$455,000	455,000			
a. Appraisal/Acquisition				730,000	730,000	730,000
b. Right-of-way Transfer				30,000	30,000	30,000
c. Title Insurance				30,000	30,000	30,000
Construction Administration						
a. Resident Engineering Services		$1,400,000	1,390,000	850,000	850,000	1,191,000
Biologist						32,000
Water Meters						90,000
State Furnished Materials (Signal Controllers and Battery Backups)						38,000
b. Construction Staking/Cutsheets				260,000	260,000	240,000
New - Water Main Staking						35,000
c. Design Oversight/As-built				200,000	200,000	200,000
d. Right-of-way Record Map/Survey				70,000	70,000	70,000
Total Support Costs	2,660,000 **	$3,585,000	3,585,000	4,110,000	4,110,000	4,656,000
TOTAL PROJECT COSTS	**11,700,000**	**$13,491,000**	**13,465,000**	**16,000,000**	**16,214,000**	**21,835,000**

7/6/06
PB

** 25% was used in the Project Report Phase for support cost to arrive at $2.7 million.

R/W Costs: Olympia Gas Station is assumed full take at $1,200,000

SHORTAGE AMOUNT	
Total Project Cost Based on Low Bid	21,835,000
Paid for by Water Company	
1) Water Main Construction	$1,244,000
2) Construction Staking	35,000
3) Construction Admin	105,000
4) City Administration	10,000
Subtotal Project Cost based on low bid	20,451,000
Previous Funding Commitment	16,000,000
Shortage Amount	4,451,000

Potential Cost Reductions	
1) No Full Take on Gas Station	400,000
2) Delete Gas Station Demo Tanks Stay	50,000
3) Change Ret Wall Design	125,000
4) Change from Tape to Paint (Temp)	70,000
5) Delete OGAC	220,000
6) City reimbursed for ser connections	165,000
7) Utility Underground Net Available	100,000
8) Construction Contingency for CCO	866,000
Total Potential Cost Savings	1,996,000

MARK THOMAS & COMPANY, INC.
Providing Engineering, Surveying and Planning Services

May 31, 2006 File No. 98020-A #553

Mr. Paul Nagengast
City of Half Moon Bay
City Hall
501 Main Street
Half Moon Bay, California 94019

RE: Route 92 Widening Project – Bid Review/Analysis

Dear Paul:

The purpose of this letter is to present our review and findings of the bids received from two contractors on May 25, 2006 for subject project.

Engineer's estimate was updated back in November 2005 with the estimate of $9,449,000. This update included adjustment to quantities based on the final approved set of plans, but we did not make any adjustment in unit prices since the original engineers' estimate was prepared back in May 2005.

There were two bids, $13,985,678.50 and $13,926,945.00 from Top Grade Construction and O'Grady Paving respectively. The difference between these two contractors is $58,734, which is less than 1% differential. The less than 1% differential between two contractors indicates that these total bids, based on the current market condition, are fair and reasonable. The low bid is $13,926,945.00 from O'Grady Paving which represents about a 40% increase from the Engineer's Estimate.

As part of the Caltrans' on-call engineering services for the last 3 months, MTCo have been authorized to perform review of Caltrans District 04 Engineers' Estimates prior to RTL. With these task orders, we have been provided with bid results for all Caltrans District 04 advertised projects between November 2005 and May 2006. We have a historical data base in District 04, indicating that unit prices have increased an average of 18% within this last 6 months. Further comparison of unit prices from a year ago indicates that the most bid items have increased drastically, upwards of 25 to 30% increase. Specifically, it is our opinion that the following factors are contributing to higher unit prices.

- Higher gasoline and oil prices
- High demand for materials
- Current market conditions - Demands exceeding supplies of available and qualified contractors
- Lack of qualified specialty services employees and contractor
- Increased construction market opportunities in other areas

1960 Zanker Road San Jose, CA 95112 (408) 453-5373 fax (408) 453-5390
www.markthomas.com

We have reviewed the unit prices between these two bids, in some cases, find the unit prices to vary significantly, upwards of 80% differences; and generally, the contract unit prices in both bids are higher than the engineer's unit price estimate. The general increase in unit prices of 15% to 20% can be argued as reasonable based on market conditions as noted above. However, the overall total bids of these two contractors are within 1% range. Therefore we performed the bid analysis by category instead of individual bid item as follows:

1. **Traffic Control Items:** The average bid unit prices for temporary traffic control items, e.g. portable changeable message sign, increased 115%, relating to appropriate dollar increase of about $200,000. This increase given the Devil's Slide closure and revised staging requirements such as requiring night work appears to be a reasonable increased and added cost to the project.
2. **Excavation Related Items:** The average unit price increase for roadway excavation items is 142%. Bid price for roadway excavation was $50 as compared to the Engineer's Estimate of $20 per cubic meter. We believe this higher cost is due to primarily the lack of nearby disposal location and increased cost in trucking and potential delays of trucking operations due to heavy traffic on Route 92. Also, bidders have indicated that there are spoils from trench excavations that also would need to be disposed of. For this, there are no separate bid items provided, other than the unit price of underground facilities.
3. **Structural Concrete Related Construction Items:** Bid prices for structural excavation, backfill and concrete for retaining wall were between 88 to 100% higher. Unit price for bar reinforcing steel also doubled from $3 to $6 per kilogram. Based on District 04 projects within the last 6 months, these unit prices have generally increased 40%. We believe these higher costs for this project is also a result of excavated materials becoming surplus materials and difficulty in constructing this wall as designed. We believe this wall can be redesigned with a soil nail type wall and shotcrete aesthetic elements for potential cost reduction range of $150,000.
4. **Landscape Related Items:** Bid unit prices for irrigation items came in at more than 120% increase. We believe this increase is simply due to lack of qualified available landscape contractor in the current market place.
5. **Pavement Related Items:** Bid price for aggregate base was $85 compared to the Engineer's Estimate of $38 per cubic meter, an increase of 124%. Unit prices for Type A asphalt concrete and open graded asphalt concrete also increase between 46% and 83%. A review of bid results from November 2005 indicates the bid prices for asphalt concrete Type A ranged from $71 to $93 per metric ton as compared to unit prices of November 2004 in the range of $40. For projects currently being advertised by District 04, MTCo is recommending asphalt concrete price of $110 to $115 range. The actual bid price for this item ranges from $120 to $130 per ton. These 3 items combined account for a total increase of $620,922. The major cost increase for these items is believed to be based on current market conditions and is directly tied to sharp increases in the cost of petroleum products and anticipated future fluctuations. The contractors' risk is magnified on this project because most of the paving

would not be performed for another two years and the contract does not allow for asphalt concrete price increases. We have discussed this issue in depth and believe that we may be able to reduce the bid price by 20%, but with the unknown potential increase in oil prices two years from now, there is a risk that we may in fact end up with a higher cost by changing the contract to allow for increases in unit prices for asphalt concrete.

6. **Concrete Work:** Unit prices bid for minor concrete for sidewalks, curb and driveway also increased more than 50%. For example, bid price for minor concrete has increased from $400 to $750 per cubic meter. This significant cost increase in concrete prices is typical of what have happened from November 2004 to now.

7. **Electrical Work:** Bid prices for electrical, signal and lighting work also increased 40%. These items contribute to about $300,000 increase. Currently, the prime contractors are having difficulty in getting quotes from electrical subcontractors, due to market conditions. Electrical subcontractors are currently busy and have a shortage of qualified staff.

8. **Underground Related Items**

   Drainage Related Items: The unit prices for drainage work items in the bid proposals increased 65% on average. For example, the unit price for 450 mm alternative pipe culvert increased from $240 to $430 per meter, an increase of almost 80%. Costs for inlets and manholes also see increased of over 85%.

   Water Related Items: The average bid price for water line work was 72% over the Engineer's Estimate. The increase for waterline items is $522,085.

   Joint Trench: Bid price for joint utility trench work was $2.4 Million compared to the Engineer's Estimate of $1.4 Million, an increase of almost $1M.

   All underground related items are significantly high. In addition to the customary increases seen over the past one year due to market conditions as explained above, bidders have expressed several concerns/difficulties in construction with this project. First, there is no temporary storage area for trench spoils. Because of this condition, there would be a need to have dump trucks on full time standby during trench excavation. Second, this project is a surplus excavated situation and there is no nearby disposal site for trench spoils. Third, traffic handling is much more difficult than a typical highway project involving utilities. Fourth, there are simply just too many utilities in a very confined limited work areas, making installation much more difficult.

BID OPTIONS

In light of the high bid results, we have also evaluated various bid options. Those bid options considered included re-engineering, repackaging, and rebidding.

Re-Engineering Option

This option evaluated whether any re-engineering can be accomplished to reduce project cost.

We have considered following options:

1) Delete undergrounding of electric and telephone facilities. This option is simply to consider overhead relocation in lieu of undergrounding. This option is feasible, but to relocate overhead facilities behind the sidewalk area, we would need to secure additional utility easements. Construction staging plans would need to be changed to accommodate this approach. One of the City of Half Moon's primary goals for Main Street and Route 92 is street beautification. Leaving overhead facilities in place does not accomplish this goal.
2) Delete or defer work on Main Street and improve only Route 92. This option of deleting improvements on Main Street is not a viable alternative from City's perspective. The option of deferring work on Main Street is simply carrying the problem to the future and does not solve the need to improve Main Street.
3) Delete double left turn pocket on Route 1 or free right turn lane on Route 92 to northbound Main Street. These potential deletions can be reconsidered, but during the design phase, it was determined that these two elements needed to be part of the project.

These options are not recommended because, during the design phase, all these elements were considered and the development of acceptable consensus by all affected parties took over two years.

Re-Packaging

We have also reviewed potential to repackaging the plans into two separate bid packages. The first bid package would include advancing the utility work. This would allow an underground contractor to be the prime and eliminate the general contractor's profit markup on subcontractor. In general terms, this approach may reduce the underground cost by 15 to 20%. However, the second package, which would be for roadway work, would not be bid for at least one year or more. The uncertainty of bidding climate year from now is a risk.

Because of Route 92 with Caltrans' involvement, repackaging would involve Caltrans' approval to phase construction in two separate construction packages. This approach definitely will increase the construction period as well as cause more disruptions to motorists. Caltrans would be very concerned with two construction packages without assurance that both construction packages are fully funded and guaranteed by City.

Because of these reasons, we do not believe it is appropriate to repackage the design into two separate construction packages.

Re-Bidding

Re-bidding the project again is an option, but based on reasons given above, we do not believe we will receive much lower costs by re-bidding this project within next several months. Potential prime contractor plan holders who failed to submit a bid on May 25th were surveyed and it is highly unlikely additional bids will be received if the project is rebid this season. Contractors repeatedly stated high volumes of current work coupled with a lack of experienced

personnel prevented the submission of bids. Also, it seems unlikely a marked increase in competition for subcontracted work can be achieved based on the volume of work in the marketplace.

Another consideration is to delay the re-bidding with the hope of a better bidding climate towards the end of this year. In general, this approach is very viable and should be considered for this project. However, according to UCLA Economist Ryan Ratcliff, the California economy is characterized by weak hiring, coupled with strong growth in personal income and taxable sales, with the exception of the construction industry. He predicted the construction industry will remain strong through this year and into next year. Given this type of opinion, it is anticipated that delaying re-bidding to later this year or next year may not produce desirable results.

CONCLUSION / RECOMMENDATIONS

Based on our analysis, it is recommended that we find additional sources of funding to award this project.

If you have any questions, please do not hesitate to call us.

Submitted by:

MARK THOMAS & COMPANY, INC.

Richard K. Tanaka
Project Manager

Reviewed by:

S&C ENGINEERS, INC.

Bill Carlson
Construction Manager

C/CAG AGENDA REPORT

Date: August 10, 2006

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF RESOLUTION 06-27 AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO NEGOTIATE AN AGREEMENT WITH PARKING COMPANY OF AMERICA (PCA) TO IMPLEMENT A DEMONSTRATION SHUTTLE SERVICE FOR THE COASTSIDE FOR AN AMOUNT NOT TO EXCEED $153, 956.38 THROUGH DECEMBER 31, 2006, AND AUTHORIZE THE C/CAG CHAIR TO EXECUTE SAID AGREEMENT SUBJECT TO APPROVAL AS TO FORM BY C/CAG LEGAL COUNSEL

(For further information or questions contact Walter Martone at 599-1465)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 06-27 authorizing the C/CAG Executive Director to negotiate an agreement with Parking Company of America (PCA) to implement a demonstration shuttle service for the Coastside for an amount not to exceed $156,956.38 through December 31, 2006, and authorize the C/CAG Chair to execute said agreement subject to approval as to form by C/CAG Legal Counsel.

FISCAL IMPACT

This authorization will be for a maximum amount not to exceed $156,956.38 through December 31, 2006.

SOURCE OF FUNDS

Funding to support this shuttle service is available in the budget for the Congestion Relief Program. These funds are derived from Member assessments to address congestion problems that are not covered through other State and Federal funding sources.

BACKGROUND/DISCUSSION

On June 8, 2006 the C/CAG Board authorized up to $160,000 for the implementation of an emergency shuttle service to address the severe traffic congestion resulting from the closure of Route 1 at Devil's Slide. The Peninsula Traffic Congestion Relief Alliance (the Alliance), working closely with Samtrans and the Parking Company of America (PCA) assumed responsibility for planning the routes, securing the needed resources (vehicles, signs, drivers,

ITEM 5.5

etc.), providing training for drivers, creating informational materials, conducting a publicity campaign, creating maps, developing schedules, and interfacing with the communities affected. The new shuttle service was scheduled (and advertised) to begin operation on Monday, July 24, 2006. On July 20, 2006 Caltrans announced that Devil's Slide would be reopened to commuter traffic effective August 4, 2006, approximately two months ahead of schedule. Steps were immediately taken to cancel the new shuttle service. Of the $160,000 authorized by the C/CAG Board for this service, a total of $156,956.38 is remaining.

Prior to the closure of Route 1 at Devil's Slide, and also during the planning for the emergency shuttle, the Alliance and the City of Pacifica identified an important unmet need for a demonstration shuttle program. A community survey was conducted and a large number of individuals were identified who live on the Coastside south of Devil's Slide and who commute regularly to jobs in Pacifica. The Pacifica School District has identified a large number of youth who also live south of the Slide and are enrolled in Pacifica schools.

Therefore it is up to the Board to decide if the balance of the funds remaining from the emergency shuttle can be used for a demonstration shuttle program serving the Coastside.

WAIVER OF RFP PROCESS

PCA has been chosen as the provider of this service for the following reasons:

- Samtrans recently selected PCA as its preferred shuttle provider through a Request for Proposals (RFP) process.
- The Peninsula Traffic Congestion Relief Alliance (the Alliance) recently selected PCA as its preferred shuttle provider through a Request for Proposals process.
- Samtrans and the Alliance are the two major sponsors of shuttle services in San Mateo County.
- PCA has already identified the resources needed to start up a demonstration project on short notice. Other providers in the area do not have the equipment and staff to begin a service without significant lead in time.
- PCA was selected to operate the emergency Coastside shuttle service that was recently canceled due to the reopening of Route 1 at Devil's Slide to commuter traffic.

Therefore based on this information C/CAG staff has determined that these findings substantiate the waiver of the RFP process for this demonstration service on the Coastside.

ATTACHMENTS

None.

RESOLUTION 06-27

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO NEGOTIATE AN AGREEMENT WITH PARKING COMPANY OF AMERICA (PCA) TO IMPLEMENT A DEMONSTRATION SHUTTLE SERVICE FOR THE COASTSIDE FOR AN AMOUNT NOT TO EXCEED $156,956.38 THROUGH DECEMBER 31, 2006, AND AUTHORIZE THE C/CAG CHAIR TO EXECUTE SAID AGREEMENT SUBJECT TO APPROVAL AS TO FORM BY C/CAG LEGAL COUNSEL.

WHEREAS, the Board of Directors of the City/County Association of Governments at its February 14, 2002 meeting approved the Countywide Traffic Congestion Relief Plan; and,

WHEREAS, one component of that Plan was support for the Local Service Program which includes the provision of funding for community based shuttle services; and,

WHEREAS, on June 8, 2006 the C/CAG Board authorized up to $160,000 for the implementation of an emergency shuttle service to address the severe traffic congestion resulting from the closure of Route 1 at Devil's Slide; and

WHEREAS, on July 20, 2006 Caltrans announced that Devil's Slide would be reopened to commuter traffic effective August 4, 2006, approximately two months ahead of schedule, and C/CAG staff took immediate steps to cancel the new shuttle service; and

WHEREAS, of the $160,000 authorized by the C/CAG Board for this service, a total of $156,956.38 is remaining; and

WHEREAS, the C/CAG Board has decided that these funds should now be used to implement a demonstration shuttle on the Coastside to evaluate the viability of the on-going establishment of this service; and

WHEREAS, the C/CAG Board has determined that it is in the best interest of C/CAG to waive the Request for Proposal process for this new service, based on the specific findings by staff, which substantiate the request for a waiver.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the C/CAG Executive Director is hereby authorized to negotiate an agreement with Parking Company of America (PCA) to implement a demonstration shuttle service for the Coastside for an amount not to exceed $156,956.38 through December 31, 2006, and the C/CAG Chair is hereby authorized to execute said agreement subject to approval as to form by C/CAG Legal Counsel. In accordance with C/CAG adopted policy, the C/CAG Chair may administratively authorize up to an additional 5% of the original total contract amount in the event that there are unforeseen costs associated with the project.

PASSED, APPROVED, AND ADOPTED THIS 10TH DAY OF AUGUST 2006.

_____

James M. Vreeland Jr., Chair

C/CAG AGENDA REPORT

DATE: August 10, 2006

TO: City/County Association of Governments of San Mateo County (C/CAG) Board of Directors

SUBJECT: Review and Approval of policy for the performance evaluation and compensation of the Executive Director.

This page was intentionally left blank. The information has been placed in the packet as a separate insert referenced as Item 5.6.

ITEM 5.6