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. 173

DATE:	Thursday, December 8, 2005
TIME:	7:00 P.M. Board Meeting (Or After Regional Rail Workshop)
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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i. REGIONAL RAIL WORKSHOP - Open House 6:00 - 7:00 P.M.

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

3.1 Regional Rail Study - Metropolitan Transportation Commission (MTC) Staff - Doug Kimsey

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 Approval of Minutes of Regular C/CAG Meeting No. 172 of November 10, 2005. ACTION p. 1

4.2 Approval of Resolution 05-61 authorizing the C/CAG Chair to execute an amendment to the agreement with Advocation Inc. to provide lobbying services during the 2006 Legislative Session for an amount of $72,000. ACTION p. 9

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

4.3 Review and Approval of Resolution 05-62 Authorizing C/CAG Executive Director to file an Application with the Metropolitan Transportation Commission (MTC) to program Regional Improvement Program (RIP) Funds into the Regional Transportation Improvement Program (RTIP), for a Countywide Intelligent Transportation System (ITS) Improvement Project in the Amount of $1,977,000. ACTION p. 15

4.4 Review and approval of the 2006 C/CAG Board Calendar. ACTION p. 25

4.5 Review and approval of Resolution 05-65 authorizing the Executive Director to submit a grant application to the Federal Aviation Administration (FAA) to receive Federal funding 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*. ACTION p. 27

4.6 C/CAG Legislative Program for 2005 (First Year of a Two Year Session) and information requested on the Legislative Score Sheet for Legislators. INFORMATION p. 51

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 Resolution 05-63 authorizing the C/CAG Chair to execute an agreement to provide Program Manager Services for the NPDES Stormwater Pollution Prevention Program (STOPPP) for two years at a not to exceed cost of $120,000 in response to a Request for Proposals. Contractor name to be announced at the meeting. ACTION p. 63

5.2 Review and approval of Resolution 05-64 authorizing the C/CAG Chair to execute an agreement to provide on-call modeling support through December 31, 2008 for up to a multi-year cumulative maximum amount of $300,000 based on time and materials in response to a Request for Proposals. Contractor name to be announced at the meeting. ACTION p. 77

5.3 Review and approval of Bicycle and Pedestrian Advisory Committee (BPAC) Membership Policy. ACTION p. 91

5.4 Receive the Draft 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 direct Staff to distribute said Draft Policy to Cities/County for comments. ACTION p. 95

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 Brian Moura, Chairman SAMCAT Board of Directors, to Honorable Anna Eshoo, US House of Representatives, dated 11/7/05. Re: BITS II (Barton/Dingle) - Preemption of Local Franchising, Limiting Franchise Fees, PEG Access & Facilities for Cities, Counties, Schools, and Homeland Security - Oppose. p. 109

8.2 Letter from Honorable Michael P. Guingona, Vice Mayor Daly City, to Honorable Tom Lantos, US House of Representatives, dated 11/8/05. Re: BITS II (Barton/Dingle) - Preemption of Local Franchising, Limiting Franchise Fees, PEG Access & Facilities for Cities, Counties, Schools, and Homeland Security - Oppose. p. 113

8.3 Letter from Tom Madalena, C/CAG Staff, to Steve Carlson, Planner City of South San Francisco, dated 11/14/05. Re: TDM Plan - 180 Oyster Point Boulevard. p. 115

8.4 Letter from Tom Madalena, C/CAG Staff, to Maureen Brooks, Planner City of Burlingame, dated 11/16/05. Re: Peninsula Medical Center Replacement Project. p. 117

9.0 MEMBER COMMUNICATIONS

10.0 ADJOURN

Next scheduled meeting: January 19, 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

December 7, 2005	2020 Peninsula Gateway Corridor Study TAC - 2:00 P.M. - Menlo Park City Hall. CANCELLED
December 8, 2005	Legislative Committee - SamTrans 4th Floor Dining Room - 5:00 P.M. CANCELLED
December 8, 2005	Regional Rail Workshop - SamTrans Auditorium - 6:00 P.M.
December 8, 2005	C/CAG Board - SamTrans Auditorium - 7:00 P.M.
December 14, 2005	2020 Peninsula Gateway Corridor Study PAC - 4:00 P.M. - Menlo Park City Hall. CANCELLED
December 15, 2005	CMP Technical Advisory Committee - SamTrans Auditorium - 1:15 P.M.
December 15, 2005	Housing Needs Workshop - SamTrans Auditorium - 12:00 - 2:00 P.M.
December 20, 2005	NPDES Technical Advisory Committee - Daly City - 10:00 A.M.
January 9, 2005	Administrative Advisory Committee - 555 County Center Fifth Floor Redwood City 8:00 A.M.
January 9, 2005	CMAQ Committee - SamTrans Auditorium - 3:00 P.M.

C/CAG

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Meeting No. 172
November 10, 2005

1.0 CALL TO ORDER/ROLL CALL

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

Bill Conwell - Atherton
David Bauer - Belmont
Lee Panza - Brisbane/San Mateo County Transportation Authority
Rosalie O'Mahony - Burlingame
Joseph Silva - Colma
Judith Christensen - Daly City
Linda Koelling - Foster City
Tom Kasten - Hillsborough
Nicholas Jellins - Menlo Park
Marc Hershman - Millbrae
James Vreeland - Pacifica
Diane Howard - Redwood City
Irene O'Connell - San Bruno
Sue Lempert - San Mateo
Rose Jacobs-Gibson - County of San Mateo
Karyl Matsumoto - South San Francisco
Deborah Gordon - Woodside

Absent:

East Palo Alto
Half Moon Bay
Portola Valley
San Carlos

Others:

Richard Napier, Executive Director - C/CAG
Nancy Blair, Administrative Assistant - C/CAG
Miruni Soosaipillai, C/CAG - Legal Counsel
Walter Martone, C/CAG - Staff
Geoff Kline, C/CAG - Staff
Sandy Wong, C/CAG - Staff
Brian Lee, San Mateo County - Public Works
Jerry Grace, Oakland
Bill Dickenson, City of Belmont
Christine Maley-Gruber, Executive Director, Peninsula Congestion Relief Alliance
Tom Madalena, C/CAG - Staff

ITEM 4.1

Pat Dixon, SMCTA - CAC
Jim Bigelow, CMAQ Committee, Redwood City/San Mateo County Chamber of Commerce
Onnalee Trapp, CMAQ Committee, League of Women Voters of San Mateo County
Duane Bay, County of San Mateo, Department of Housing
Jim Bigelow, Redwood City/San Mateo County Chamber, CMAQ
Ray Razavi, South San Francisco - City Engineer
Jane Chambers, Daly City
Corinne Goodrich, SamTrans
Mike Garvey, SamTrans

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

Jerry Grace, Oakland, thanked the C/CAG Board for their hard work.

4.0 CONSENT AGENDA

Board Member Panza MOVED approval of Consent Items 4.1, 4.2, 4.4, 4.5, 4.10, and 4.11. Board Member O'Mahony SECONDED. **MOTION CARRIED** 17-0.

4.1 Approval of Minutes of Regular C/CAG Meeting No. 170 of August 11, 2005.

4.2 Approval of Minutes of Regular C/CAG Meeting No. 171 of September 8, 2005.

4.4 Review and approval of Resolution 05-46 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 in the amount of $85,000.

4.5 Review and approval of the Abandoned Vehicle Abatement (AVA) Program Report for the Third Quarter FY 04-05 ending March 31, 2005 and Fourth Quarter FY 04-05 ending June 30, 2005.

4.10 Review and approval of Resolution 05-56 authorizing the C/CAG Chair to execute an amendment to the agreement with the Peninsula Traffic Congestion Relief Alliance to add $70,000 of regional rideshare (MTC) funding.

4.11 Review and approval of the appointments of Elizabeth Cullinan, Planning Director City of San Carlos and Tatum Mothershead, Senior Planner of Daly City, to the Congestion Management Program Technical Advisory Committee (TAC).

Items 4.3, 4.6, 4.7, 4.8, and 4.9 were removed from the Consent Calendar.

4.3 Review and approval of Resolution 05-45 authorizing an amendment to the agreement with Clark Aganon for additional services in support of the establishment of a Hydrogen fuel demonstration project in San Mateo County, including the establishment of a bio-diesel energy generation plant.

Staff clarified that the consultant will continue to assist C/CAG in implementing a clean fuel shuttle program and will work with the City of Pacifica on the development of a bio-diesel electrical generation facility.

Board Member Panza MOVED to approve Item 4.3. Board Member Jellins SECONDED. **MOTIONED CARRIED** 17-0.

4.6 Review and approval of a process and criteria for the allocation of Federal Regional Bicycle and Pedestrian Program (RBPP) funding.

C/CAG staff gave a report, answered questions, and requested the Board approve that it be mandatory that public works representatives, from the jurisdictions, attend a workshop to learn about the process for the call for projects in order to be eligible.

Board Member Jellins MOVED to approve staff recommendation for Item 4.6. Board Member O'Mahony SECONDED. **MOTIONED CARRIED** 17-0.

4.7 Review and approval of the reappointment of public members to the Bicycle and Pedestrian Advisory Committee (BPAC).

Since the allocation of Federal Regional Bicycle and Pedestrian Program (RBPP) funding is imminent, staff recommended the current BPAC public members be reappointed and the draft policy on BPAC membership be submitted to the Board at the December meeting.

Board Member Jellins MOVED to approve Item 4.7. Board Member Jacobs-Gibson SECONDED. **MOTIONED CARRIED** 17-0.

4.8 Summary of the State Legislative Session for 2005 and Voting Score Card for San Mateo County Legislative Delegation Members.

Board Member Jellins MOVED to direct staff to return to the Board with a revised form of report that would include detail on abstentions and absent votes on issues of concern. It was also requested that C/CAG staff consult with Advocation for input on the form. Board Member Kasten's request to include taking the report C/CAG staff did a year ago, and show what the impact would have been, in the rankings, if this new approach had been taken was also incorporated into the original motion. Board Member O'Connell SECONDED the motion. **MOTIONED CARRIED** 17-0.

4.9 Review and approval of Resolutions 05-48 thru 05-55 for departing members in recognition of their service to the C/CAG Board.

David Bauer - Belmont
Lee Panza - Brisbane
Deborah Wilder - Foster City
Toni Taylor - Half Moon Bay
Mike King - San Carlos
Don Eaton - San Carlos
Sue Lempert - San Mateo
Marland Townsend - Foster City

The Board thanked the departing members and recognized their individual contributions to the C/CAG Board and the County of San Mateo. The departing Members felt that their time on C/CAG was well spent which resulted in significant countywide accomplishments.

Board Member O'Mahony MOVED to approve Item 4.9. Board Member Kasten SECONDED. **MOTIONED CARRIED** 17-0.

5.0 REGULAR AGENDA

5.1 Public Hearing for the adoption of the 2005 Update to the Congestion Management Program (special voting procedures apply).

- Open Public Hearing

- Close Public Hearing

-Review and approval of Resolution 05-57 adopting the Final Congestion Management Program (CMP) for 2005 for San Mateo County

C/CAG is required to prepare and adopt a Congestion Management Program (CMP) on a biannual basis. The CMP identifies near term projects to implement the longer-range vision, addresses the transportation investment priorities in a countywide context, establishes a link between local land use decision making and the transportation planning process; and is a building block for the Federally required Congestion Management System.

Chair Vreeland opened the hearing to the public. Jerry Grace, resident of Oakland, expressed his desire that the Board approve the CMP.

Board Member Hershman MOVED to close the Public Hearing. Board Member Panza SECONDED. **MOTIONED CARRIED** 17-0.

Board Member Panza MOVED to approve Resolution 05-57 in accordance with the staff recommendations. Board Member O'Connell SECONDED.

A Super Majority Vote was taken by roll call. **MOTION CARRIED** 17-0. Results: 17 Agencies approving. This represents 81% of the Agencies representing 90% of the population.

5.2 Review and approval of the 2006 State Transportation Improvement Program (STIP) for San Mateo County.

Every two years C/CAG establishes the San Mateo County discretionary program for the State Transportation Improvement Program which covers a five-year period, with additional funding provided for the outer two years. C/CAG provides a recommendation to MTC that in turn incorporates the report into their regional recommendation that is submitted to the California Transportation Commission (CTC). The CTC should approve the 2006 STIP in April 2006.

Staff provided a report and answered questions.

Board Member Jacobs-Gibson MOVED to approve Item 5.2 in accordance with staff recommendations. Board Member O'Mahony SECONDED. **MOTIONED CARRIED** 17-0.

A Super Majority Vote was taken by roll call. **MOTION CARRIED** 17-0. Results: 17 Agencies approving. This represents 81% of the Agencies representing 90% of the population.

5.3 Review and approval of Resolution 05-58 authorizing the C/CAG Executive Director to negotiate a Memorandum of Understanding (MOU) with the California Department of Transportation (CalTrans) for the implementation of a ramp metering program, and authorization for the C/CAG Chairman to execute said MOU. (Special voting procedures apply.)

MTC and CALTRANS have identified Ramp Metering as a cost effective approach to improve the operation of the road network, resulting in improvement in overall mobility. C/CAG's Congestion Management and Air Quality Committee (CMAQ) and Technical Advisory Committee Technical Advisory Committee (TAC) recommends the Board adopt the following:

1. Review and approve criteria for implementation of the Ramp Metering program in San Mateo County; and
2. Authorize the C/CAG Executive Director, working together with C/CAG's Ramp Metering Technical Advisory Committee (TAC), to negotiate an MOU with CALTRANS that sets forth the details of a ramp metering program for 101 and 280 (north of Route 380); and
3. Authorize the C/CAG Chair to execute said MOU subject to approval as to legal form by C/CAG Counsel; and
4. Authorize C/CAG's Ramp Metering TAC to define the specific operational parameters of the ramp metering program, subject to the approval of C/CAG's Executive Director.

Board Member Jellins MOVED to adopt staff recommendations, which includes adequate advanced planning, and to adopt the direction, contained in the staff report, which includes the additional direction with respect to the signage, as well as, adequate planning for public information. Board Member O'Mahony SECONDED. **MOTIONED CARRIED** 17-0.

A Super Majority Vote was taken by roll call. **MOTION CARRIED** 17-0. Results: 17 Agencies approving. This represents 81% of the Agencies representing 90% of the population.

5.4 Review and approval of an incentive program for local jurisdictions to participate in the development and implementation of the transportation and land use plan for the El Camino Real Corridor. (special voting procedures apply).

- Review and approval of the strategy for the development of the plan.

- Review and approval of Resolution 05-59 authorizing the execution of an agreement with Design, Community and Environment to modify the PLACES 3 Land Use Model and provide operational support for the use of the model, for a total amount of $75,000.

- Review and approval of Resolution 05-60 authorizing the execution of a Memorandum of Understanding (MOU) with the Association of Bay Area Governments (ABAG) to provide technical assistance at no cost to C/CAG.

The El Camino Real (ECR) Corridor has the potential to become the backbone in San Mateo County for transit, affordable housing, Intelligent Transportation Systems, and incident management for State Route 101. An incentive program is proposed to facilitate Cities and County active participation to evaluate and define improvements to ECR.

Board Member Christensen MOVED to approve Item 5.4 in accordance with the staff recommendations. Board Member Lempert SECONDED. **MOTIONED CARRIED** 17-0.

A Super Majority Vote was taken by roll call. **MOTION CARRIED** 17-0. Results: 17 Agencies approving. This represents 81% of the Agencies representing 90% of the population.

6.0 COMMITTEE REPORTS

6.1 Committee Reports (oral reports).

Board Member Lempert stressed the importance of the Regional Rail Plan Community Workshops, and has requested that MTC have a Regional Rail Plan Community Workshop in San Mateo at a future date.

Board Member Lempert attended the MTC co-sponsored International Intelligent Transportation System (ITS) convention in San Francisco and expressed excitement regarding the latest technology.

Board Member Jacobs-Gibson expressed her thanks and farewell to Board Members Lempert, Bauer and Panza.

6.2 Chairperson's Report.

None.

7.0 EXECUTIVE DIRECTOR'S REPORT

The July and August Finance Management Report will be provided in the next Executive Director's Report.

In accordance with C/CAG policy, the Executive Director was asked to sit on two selection panels:

1. MTC for Director of Roadway Operations
2. Participate on the vendor selection panel by the San Mateo Transportation Authority (TA) to select the consultant for the Measure A strategic plan.

Congratulated the Board Members that were reelected.

8.0 COMMUNICATIONS - Information Only

8.1 Letter from Joseph R. Rodriguez, Supervisor, Planning and Programming Section, U.S. Department of Transportation, dated 10/17/05. Re: Request for FAA Determination of Eligibility of the City/County Association of Governments of San Mateo County (C/CAG) Grant Funding under Section 160 of *Vision 100-Century of Aviation Reauthorization Act.*

8.2 Letter from Richard Napier, Executive Director, to Duane Bay, Director of Housing, County of San Mateo, dated 9/21/05. Re: City/County Association of Governments (C/CAG)'s approval of Countywide Housing Needs Study.

8.3 Letter from Alix Bockelman, Director Programming and Allocations, MTC to Jeremiah Hallisey, Vice Chair, and James Ghielmetti, California Transportation Commission, dated 9/21/05. Re: Key issues affecting projects in the Bay Area.

8.4 Letter from David Carbone, C/CAG ALUC Staff, to Andrew Richards, Manager, FAA Airports District Office, dated 9/23/05. 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).

8.5 Letter from Honorable Don Perata, Chairman, Senate Rules Committee, dated 9/29/05. RE: Appreciation of support of Will Kempton as Director of the California Department of Transportation.

8.6 Letter from David Carbone, C/CAG ALUC Staff, to Jill Dever Ekas, Sr. Planner, City of Redwood City, dated 10/4/05. Re: C/CAG Airport Land Use Committee (ALUC) Staff Comments on a Notice of Preparation (NOP) to Prepare a Draft Environmental Impact Report (DEIR) for a Proposed Replacement of the Existing Costco Retail Warehouse Building with a Larger Costco Retail Warehouse Building at 2300 Middlefield Road.

8.7 Letter from David Carbone, C/CAG ALUC Staff, to Ms. Allison Knapp, Terrabay Project Planner, City of So San Francisco, dated 10/14/05. Re: Comments on Terrabay Phase III - Draft Supplemental EIR (DSEIR) (EIR04-0002).

8.8 Letter from David Carbone, C/CAG ALUC Staff, to Dan Gargas, Aviation Safety Officer, CALTRANS Division of Aeronautics, dated 10/26/05. Re: San Mateo County Airport Land Use Commission (C/CAG) comments on a Proposed Acquisition of an Existing Public School Site at 1800 Rollins Road, Burlingame, California [San Mateo County Office of Education Regional Occupational Program (ROP) Training Facility] within Two Miles of the Threshold of Runway 1 Right at San Francisco International Airport.

8.9 Regional Rail Community Workshops – November and December 2005.

9.0 MEMBER COMMUNICATIONS

10.0 ADJOURN

Meeting adjourned at 9:20 p.m. in honor of the departing Board Members.

David Bauer - Belmont
Lee Panza - Brisbane
Deborah Wilder - Foster City
Toni Taylor - Half Moon Bay
Mike King - San Carlos
Don Eaton - San Carlos
Sue Lempert - San Mateo
Marland Townsend - Foster City

C/CAG AGENDA REPORT

Date: December 8, 2005

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: Approval of Resolution 05-61 authorizing the C/CAG Chair to execute an Amendment to the Agreement with Advocation, Inc. to provide Lobbying Services during the 2006 Legislative Session for an amount of $72,000

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

RECOMMENDATION

That the C/CAG Board approve Resolution 05-61 authorizing the C/CAG Chair to execute an amendment to the agreement with Advocation, Inc. to provide lobbying services during the 2006 Legislative Session for an amount of $72,000.

FISCAL IMPACT

The cost of the outside lobbyist for 2006 will not exceed $72,000 (including monthly retainer and expenses). This amount is the same as the amount paid to Advocation during 2005. The $72,000 is programmed in the FY 2005-06 C/CAG budget.

SOURCE OF FUNDS

The source of the funds for the lobbyist will be from Congestion Management and National Pollutant Discharge Elimination System (NPDES) revenues.

BACKGROUND/DISCUSSION

Since November 2002 C/CAG has had a Legislative Committee. A State Legislative Lobbyist was retained for the 2003, 2004, and 2005 Legislative sessions. C/CAG contracted with Advocation, Inc. for these services. One of the most significant accomplishments that was the direct result of our contract with Advocation, was the passage of AB 1546 during the 2004 legislative session. This bill will be worth $11M over the next four years to the cities and the County.

It is recommended that the C/CAG Board continue C/CAG's efforts to impact State Legislation by renewing the agreement with Advocation, Inc. for the 2006 Legislative Session at an added cost of $72,000. The amount represents no change from the current annual amount. This recommendation was based on an evaluation of C/CAG's Legislative Program

ITEM 4.2

and the performance of Advocation as the C/CAG Lobbyist during the 2005 Legislative Session. As reported to C/CAG at its November 10, 2005 meeting, the majority of the bills that C/CAG had taken positions on during 2005, and will be strongly advocating either for or against, will be taken up in 2006, during the second half of the 2005-06 State Legislative Session. It is anticipated that during 2006 Advocation will be utilized for more expanded efforts, particularly to push for the passage of ACA 13. This Constitutional Amendment would enable local jurisdictions to apportion the cost of the Stormwater Pollution Prevention Program to individual parcel holders without having to secure an affirmative vote of two-thirds of the electorate. This bill was identified at C/CAG's number one legislative priority.

C/CAG PROCUREMENT POLICY

The C/CAG Procurement Policy allows for an initial contract for consulting services to continue for up to three years, with an extension of an additional three years if desired. This amendment is consistent with these time frames.

ATTACHMENTS

- Resolution 05-61.
- Amendment to the Agreement with Advocation.

RESOLUTION 05-61

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

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE C/CAG CHAIR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH ADVOCATION, INC. TO PROVIDE LOBBYING SERVICES DURING THE 2006 LEGISLATIVE SESSION FOR AN AMOUNT OF $72,000

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

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

WHEREAS, C/CAG is a joint powers agency representing all twenty-one local jurisdictions in San Mateo County; and

WHEREAS, the C/CAG Board has determined that it is vital and necessary that its interests be actively promoted with the California Legislature and Administration; and

WHEREAS, C/CAG has determined that outside lobbying services would be the most appropriate method to ensure that C/CAG is adequately represented in the legislative and administrative processes in the Capitol of the State of California; and

WHEREAS, ADVOCATION initially competed through a request for proposals and qualifications, and C/CAG selected ADVOCATION to provide these services in 2003, 2004, and 2005; and

WHEREAS, ADVOCATION has verified that it is qualified and properly licensed to provide these services; and

WHEREAS, the C/CAG Board has determined that it desires to continue these services for calendar year 2006, ending on December 31, 2006.

NOW, THEREFORE, BE IT RESOLVED that the Chair of the Board of Directors of C/CAG is hereby authorized and directed to execute said amendment to the agreement with Advocation, Inc. for an amount not to exceed $72,000 for and on behalf of C/CAG, subject to approval as to form by C/CAG Legal Counsel. The new grand total for this agreement will be $264,000. All provisions of the original agreement with Advocation adopted on December 12, 2002 will remain the same.

PASSED, APPROVED, AND ADOPTED THIS 8TH DAY OF DECEMBER 2005.

_____

James M. Vreeland Jr., Chair

AMENDMENT TO THE AGREEMENT FOR SERVICES BETWEEN THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AND ADVOCATION, INC.

WHEREAS, the City/County Association of Governments for San Mateo County (hereinafter referred to as C/CAG) has entered into an agreement for services with Advocation, Inc. (hereinafter referred to as Consultant) on December 12, 2002; and

WHEREAS, that agreement was amended on December 11, 2003 and November 11, 2004 to extend the period of time and to provide additional funding to continue the provision of lobbying services through December 31, 2005; and

WHEREAS, the C/CAG Board has decided that it desires to have Consultant continue to provide these services for an additional year; and

WHEREAS, Consultant has reviewed and accepted this amendment.

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

1. The added funding provided to Consultant by C/CAG under this amendment will be seventy-two thousand dollars ($72,000), thereby making the new total contract amount two hundred sixty-four thousand dollars ($264,000); and

2. All other provisions of the original agreement between C/CAG and Consultant dated December 12,2002 and subsequent amendments on December 11, 2003 and November 11, 2004 shall remain in full force and effect; and

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

For C/CAG Chair:

_____
James Vreeland, Chair

Date:_____

For Consultant:

_____
Signature

By:_____

Date:_____

Approved as to form:

_____
Miruni Soosaipillai, C/CAG Legal Counsel

C/CAG AGENDA REPORT

Date: December 8, 2005

To: City/County Association of Governments Board of Directors

From: Richard Napier, C/CAG Executive Director

Subject: REVIEW AND APPROVAL OF RESOLUTION 05-62 AUTHORIZING C/CAG EXECUTIVE DIRECTOR TO FILE AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) TO PROGRAM REGIONAL IMPROVEMENT PROGRAM (RIP) FUNDS INTO THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP), FOR A COUNTYWIDE INTELLIGENT TRANSPORTATION SYSTEM (ITS) IMPROVEMENT PROJECT IN THE AMOUNT OF $1,977,000.

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

RECOMMENDATION

That the C/CAG Board adopt Resolution 05-62 authorizing C/CAG Executive Director to file an application with the Metropolitan Transportation Commission (MTC) to program Regional Improvement Program (RIP) funds into the Regional Transportation Improvement Program (RTIP), for a countywide ITS improvement project in the amount of $1,977,000.

FISCAL IMPACT

$1,977 million STIP funds in fiscal year 2010/11.

SOURCE OF FUNDS

The source of these funds is from the State Transportation Improvement Program (STIP).

BACKGROUND/DISCUSSION

At the November 10, 2005 C/CAG Board meeting, the Board approved the 2006 State Transportation Improvement Program (STIP) for San Mateo County. One of the new projects to be programmed in the 2006 STIP for fiscal year 2010/11 is the Countywide ITS Improvement project. An application will be filed at the Metropolitan Transportation Commission (MTC) in accordance with the Regional Transportation Improvement Program Policies and Procedures.

ATTACHMENTS

- Resolution 05-62.

ITEM 4.3

RESOLUTION NO. 05-62

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING C/CAG EXECUTIVE DIRECTOR TO FILE AN APPLICATION WITH THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) TO PROGRAM REGIONAL IMPROVEMENT PROGRAM (RIP) FUNDS INTO THE REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM (RTIP), FOR A COUNTYWIDE INTELLIGENT TRANSPORTATION SYSTEM (ITS) IMPROVEMENT PROJECT IN THE AMOUNT OF $1,977,000.

Whereas, SB 45 (Chapter 622, Statutes 1997) substantially revised the process for estimating the amount of state and federal funds available for transportation projects in the state and for appropriating and allocating the available funds to these projects; and

Whereas, as part of that new process, the Metropolitan Transportation Commission (MTC) is responsible for programming projects eligible for Regional Improvement Program funds, pursuant to Government Code Section 14527(b), for inclusion in the Regional Transportation Improvement Program, and submission to the California Transportation Commission, for inclusion in the State Transportation Improvement Program; and

Whereas, MTC has requested eligible transportation project sponsors to submit applications nominating projects to be programmed for Regional Improvement Program funds in the Regional Transportation Improvement Program; and

Whereas, applications to MTC must be submitted consistent with procedures, conditions, and forms it provides transportation project sponsors; and

Whereas, C/CAG is a sponsor of transportation projects eligible for Regional Improvement Program funds; and

Whereas, the RTIP project nomination sheet of the project application, attached hereto and incorporated herein as though set forth at length, lists the project, purpose, schedule and budget for which C/CAG is requesting that MTC program Regional Improvement Program funds for inclusion in the Regional Transportation Improvement Program; and

Whereas, Part 2 of the project application, attached hereto and incorporated herein as though set forth at length, includes the certification by C/CAG of assurances required by SB 45 in order to qualify the project listed in the RTIP project nomination sheet of the project application for programming by MTC; now, therefore, be it

Resolved, that C/CAG approves the assurances set forth in Part 2 of the project application, attached to this resolution; and be it further

Resolved, that C/CAG has reviewed the project and has adequate staffing resources to deliver and complete the project within the schedule set forth in the RTIP project nomination sheet of the project application, attached to this resolution; and be it further

Resolved, that C/CAG is an eligible sponsor of projects in the State Transportation Improvement Program; and be it further

Resolved, that C/CAG is authorized to submit an application for State Transportation Improvement Program funds for the Countywide ITS Improvement project and be it further

Resolved, that there is no legal impediment to C/CAG making applications for Regional Improvement Program funds; and be it further

Resolved, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of C/CAG to deliver such project; and be it further

Resolved, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the C/CAG application referenced herein.

NOW, THEREFORE, the Board of Directors of C/CAG hereby authorizes authorizing its Executive Director to file an application with the Metropolitan Transportation Commission (MTC) to program Regional Improvement Program (RIP) funds into the Regional Transportation Improvement Program (RTIP), for the projects, purposes and amounts included in the project application attached to this resolution.

APPROVED AND ADOPTED THIS 8 TH DAY OF DECEMBER 2005.

_____

James M. Vreeland Jr., Chairman

2006 STATE TRANSPORTATION IMPROVEMENT PROGRAM

Project Nomination Sheet (Page A-1) Reformatted - 07/29/2005

Project Information **Fact Sheet Date:**

County	Caltrans District	PPNO *	EA *	Region/MPO/ TIP ID*	Element	Route / Corridor *	PM / KP Back *	PM / KP Ahead *
San Mateo	4						PM: KP:	PM: KP:

Legislative Districts:	Senate: 8, 11	Congressional: 12, 14
	Assembly: 12, 19, 21	
Project Sponsor:	C/CAG of San Mateo County	
Implementing Agency: (by component)	PA&ED: AB 3090? ☐	PS&E: AB 3090? ☐
	R/W: AB 3090? ☐	CON: AB 3090? ☐
Project Title:	Countywide ITS improvements	

* NOTE: PPNO & EA assigned by Caltrans. Region/MPO/TIP ID assigned by RTPA/MPO. Route/Corridor & PM/KP Back/Ahead used for State Highway System and Intercity Rail projects.

Location - Project Limits - Description and Scope of Work - (brief) (State/Region and Area Specific Maps to be included below)

ITS improvements at various locations in San Mateo County.

Transportation Problem to be Addressed by Project and Description of Project Benefits - (brief)

Expected Source(s) of Additional Funding Necessary to Complete Project - as Identified Under 'Additional Need' - (brief)

Requesting State-Only Funds?

Project Milestones	**Date**		**Doc. Type**	**Date**
Project Study Report (PSR) Complete:		Scheduled Circulation of Draft Environmental Document:		

Project Manager (Person responsible for delivering the project within cost, scope and schedule)

Name: Sandy Wong Agency: Phone: (650) 599-1409

Project Location Maps – Location Map of Project in State/Region, and Area Specific Map

NOTE: The CTC STIP Guidelines should have been read and understood prior to preparation of the STIP Fact Sheet, with particular attention to Sections 37 - 62.
A copy of the CTC STIP Guidelines and a template of the Project Nomination Sheets are available at: http://www.dot.ca.gov/hq/transprog/STIP2006/stip2006.htm

2006 STATE TRANSPORTATION IMPROVEMENT PROGRAM
Project Nomination Sheet (Page B-1)

(dollars in thousands and escalated)

Date:

County	CT District	PPNO *	EA *	Region/MPO/TIP ID *	Implementing Agency
San Mateo	4				
Project Title:	Countywide ITS improvements				

* NOTE: PPNO and EA assigned by Caltrans. Region/MPO/TIP ID assigned by RTPA/MPO

Proposed Total Project Cost								
Component	Prior	06/07	07/08	08/09	09/10	10/11+	Project Total	Comments:
E&P (PA&ED)						100	100	
PS&E						200	200	
R/W SUP (CT) *								
CON SUP (CT) *								
R/W								
CON						1,677	1,677	
TOTAL						1,977	1,977	

Existing RTIP Funding #1							Program Code: **	
Component	Prior	06/07	07/08	08/09	09/10	10/11	Total	Agency:
E&P (PA&ED)								
PS&E								
R/W SUP (CT) *								
CON SUP (CT) *								
R/W								
CON								
TOTAL								
Proposed RTIP Funding #1							**Program Code: ****	
Component	Prior	06/07	07/08	08/09	09/10	10/11	Total	Agency:
E&P (PA&ED)						100	100	
PS&E						200	200	
R/W SUP (CT) *								
CON SUP (CT) *								
R/W								
CON						1,677	1,677	
TOTAL						1,977	1,977	

* NOTE: R/W SUP and CON SUP to be used only for projects implemented by Caltrans - See Section 47 & 50 of CTC adopted STIP Guidelines. ** Program Code provided by Caltrans

Existing ITIP Funding #1							Program Code: **	
Component	Prior	06/07	07/08	08/09	09/10	10/11	Total	Agency:
E&P (PA&ED)								
PS&E								
R/W SUP (CT) *								
CON SUP (CT) *								
R/W								
CON								
TOTAL								
Proposed ITIP Funding #1							**Program Code: ****	
Component	Prior	06/07	07/08	08/09	09/10	10/11	Total	Agency:
E&P (PA&ED)								
PS&E								
R/W SUP (CT) *								
CON SUP (CT) *								
R/W								
CON								
TOTAL								

* NOTE: R/W SUP and CON SUP to be used only for projects implemented by Caltrans - See Section 47 & 50 of CTC adopted STIP Guidelines. ** Program Code provided by Caltrans

Existing 'Grandfathered STIP' Funds							Program Code: **	
Component	Prior	06/07	07/08	08/09	09/10	10/11	Total	Agency:
E&P (PA&ED)								
PS&E								
R/W SUP (CT) *								
CON SUP (CT) *								
R/W								
CON								
TOTAL								
Proposed 'Grandfathered STIP' Funds							**Program Code: ****	
Component	Prior	06/07	07/08	08/09	09/10	10/11	Total	Agency:
E&P (PA&ED)								
PS&E								
R/W SUP (CT) *								
CON SUP (CT) *								
R/W								
CON								
TOTAL								

The CTC STIP Guidelines and a template of the STIP fund sheet are available at: http://www.dot.ca.gov/hq/transprog/STIP2006/stip2006.htm

Reformatted Version 07/29/2005

RTIP Project Application
Part 2: Certification of Assurances

The implementing agency certifies that the project for which Regional Improvement Program funding is requested meets the following project screening Criteria. **Please initial each.**

1. The project is eligible for consideration in the RTIP. Pursuant to Streets and Highways Code Section 164 (e), eligible projects include improving state highways, local roads, public transit, intercity rail, pedestrian, and bicycle facilities, and grade separation, transportation system management, transportation demand management, soundwall projects, intermodal facilities, and safety. RM 11/29/05
2. For the funds requested, no costs have/will be incurred prior to adoption into the STIP by the CTC. RM 11/29/05
3. A Project Study Report (PSR) or PSR equivalent has been prepared for the project. RM 11/29/05
4. The project budget included in Part 2 of the project application reflects current costs updated as of the date of application and escalated to the appropriate year. RM 11/29/05
5. The project is included in a local congestion management program (CMP). (Note: For those counties that have opted out of preparing a CMP in accordance with Government Code Section 65088.3, the project must be consistent with the capital improvement program adopted pursuant to MTC's funding agreement with the countywide transportation planning agency.) RM 11/29/05
6. The year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project. RM 11/29/05
7. The project is fully funded. RM 11/29/05
8. For projects with STIP federal funds, the implementing agency agrees to contact Caltrans and schedule and complete a field review within six months of the project being adopted or amended into the TIP. RM 11/29/05
9. For STIP construction funds, the implementing agency agrees to send a copy of the Caltrans LPP 01-06 "Award Information for STIP Projects – Attachment A" to MTC and the CMA, upon award. RM 11/29/05
10. The implementing agency agrees to be available for an audit of STIP funds, if requested. RM 11/29/05

The implementing agency also agrees to abide by all statutes, rules and regulations applying to the State Transportation Improvement Program (STIP), and to follow all requirements associated with the funds programmed to the project in the STIP. RM 11/29/05

These include, but are not limited to:

1. Environmental requirements: NEPA standards and procedures for all projects with Federal funds; CEQA standards and procedures for all projects programmed with State funds.

2. California Transportation Commission (CTC) requirements for transit projects, formerly associated with the Transit Capital Improvement (TCI) program. These include rules governing right-of-way acquisition, hazardous materials testing, and timely use of funds.
3. Federal Transit Administration (FTA) requirements for transit projects as outlined in FTA regulations and circulars.
4. Federal Highway Administration (FHWA) and Caltrans requirements for highway and other roadway projects as outlined in the Caltrans Local Programs Manual.
5. Federal air quality conformity requirements, and local project review requirements, as outlined in the adopted Bay Area Conformity Revision of the State Implementation Plan (SIP).

C/CAG AGENDA REPORT

Date: December 8, 2005

TO: C/CAG Board of Directors

From: Richard Napier, Executive Director - C/CAG

Subject: Review and approval of the 2006 C/CAG Board Calendar

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

Recommendation:

Review and approve the 2006 schedule for the monthly Board meetings.

Fiscal Impact:

None.

Background/Discussion:

The following schedule for the 2006 Board meetings is proposed:

January 19
February 9
March 9
April 13
May 11
June 8
July - No meeting
August 10
September 14
October 12
November 9
December 14

This calendar will enable the commitments to be met while recognizing that it is difficult to get a quorum in July. A calendar will be established for all the C/CAG committees.

Alternatives:

1. Approve the calendar as presented.
2. Modify the calendar as desired by the Board.

ITEM 4.4

2006 Calendar
City / County Association of Governments of San Mateo County (C/CAG)

Time: 7:00 p. m. to 9:00 p.m.

Location: 2nd Floor Auditorium
San Mateo County Transit District
1250 San Carlos Avenue
San Carlos

January 19	
February 9	
March 9	
April 13	
May 11	
June 8	
July	No meeting
August 10	
September 14	
October 12	
November 9	
December 14	

CCAG AGENDA REPORT

DATE: December 8, 2005

TO: City/County Association of Governments Board of Directors

FROM: Richard Napier, Executive Director

SUBJECT: REVIEW AND APPROVAL OF RESOLUTION 05-65 AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT A GRANT APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION (FAA) TO RECEIVE FEDERAL FUNDING 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*

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 Resolution 05-65 authorizing the C/CAG Executive Director to submit a grant application to the Federal Aviation Administration (FAA) to receive federal funding 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. 1).

FISCAL IMPACT

The federal grant will provide 95% of the total cost project cost. The remaining 5% funding match could be provided by the C/CAG budget, or obtained from some other available funding source that has yet to be identified. The total project cost has not yet been determined. However, based on the anticipated scope of work, staff expects the project cost could be as much as $300,000. This level of funding will have a significant positive effect on the C/CAG budget.

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 local units of government for compatible land use planning around large and medium hub airports across the nation. In June 2005, the FAA released grant program information and a list of 33 eligible airports. San Francisco International Airport is a large hub airport and is included on the eligible airport list. Therefore, local governments in the environs of SFO are eligible to participate in this grant program. This grant opportunity is currently available through the end of federal fiscal year 2007 (September 30, 2007). This is the first time federal funding has been set-aside for this purpose.

ITEM 4.5

DISCUSSION

In September of this year (September 23, 2005), C/CAG, via the Executive Director, submitted a letter to the manager of the local 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. 2). 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." (see Attachment No. 3).

The FAA has recognized the C/CAG Board, in its role as the as the airport land use commission for San Mateo County, as the appropriate local agency to receive the 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 SFO environs. Based on this eligibility determination, we expect to receive a grant offer from the FAA by the end of this federal fiscal year (program year), which ends September 30, 2006.

The anticipated grant funds will allow the C/CAG Board to hire a consultant, or team of consultants, to assist the Board and the C/CAG Airport Land Use Committee (ALUC) in the preparation of a completely new and updated comprehensive airport/land use plan (CLUP) for the environs of San Francisco International Airport (SFO). That plan will replace the current version of the plan, which, due to a lack of sufficient resources, has not been updated for some time.

Per FAA requirements, the new plan must include land use compatibility measures that focus on aircraft over flight areas, as defined in the Airport's current federal FAR Part 150 Noise Exposure Map (MAP) and be guided by the relevant compatibility provisions contained in the *Caltrans Airport Land Use Planning Handbook.* 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 plans for all three airports in the county.

C/CAG staff is currently working with local FAA staff to develop a scope of work that will define the level of effort and estimated funding amount necessary to complete the project, as part of the grant application package. As part of that effort, the interrelationships between SFO and San Carlos Airport are being considered. The airports are in close proximity to each other (about 10 nautical miles apart) and the FAA has designated San Carlos Airport as a general aviation reliever airport for SFO. Depending upon various factors, such as airport influence area (AIA) boundaries, air traffic routes, airspace interrelationships, and safety considerations, the scope of work may also include airport/land use compatibility planning within all or a portion of the environs of San Carlos Airport. The C/CAG Board will review and approve a final scope of work, as part of its approval of a consulting contract for the project.

C/CAG Board acceptance of a federal grant offer next year (2006) will require the Board to agree to the attached grant assurances and special conditions (see Attachment No. 3) when the grant offer is made. These are standard grant assurances that are required as part of any federal funding provided under the AIP grant program. Submittal of this grant application, however, does not require the CCAG Board to agree to these assurances at this time.

C/CAG legal counsel has reviewed the grant assurances and special conditions and has found no legal issues related to those requirements. CCAG legal counsel will also address the grant assurances in detail at the time the Board receives a formal grant offer.

The grant program will also require a written agreement between the C/CAG Board and an authorized representative of the San Francisco Airport Commission that indicates the land use compatibility study will be prepared cooperatively. That agreement is not needed as part of the grant submittal and, therefore, will be prepared at a later date.

Approval of the attached resolution will allow a grant application to be submitted to the FAA by the requested deadline (January 31, 2006). This step in the process will not require any further action by the C/CAG Board at this time.

ATTACHMENTS

Attachment No. 1: C/CAG Board Resolution No. 05-65, authorizing the C/CAG Executive Director to submit a grant application to the Federal Aviation Administration (FAA) to fund 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*

Attachment No. 2: Letter to Andrew Richards, Manager, FAA Airports District Office, (ADO) from Richard Napier, C/CAG Executive Director, dated September 23, 2005, re: request for FAA determination of the eligibility of C/CAG to receive grant funding for airport/land use compatibility planning, via Section 160 of *Vision 100 – Century of Aviation Reauthorization Act*

Attachment No. 3: Letter to Richard Napier, C/CAG Executive Director, from Andrew M. Richards, Manager, FAA Airports District Office, dated November 3,2005, re: sponsor eligibility for a Section 160 Grant under the *Vision 100 – Century of Aviation Reauthorization Act*, with attachments (special conditions and grant assurances).

ccagagendarptvision100grantsubmittal.doc

RESOLUTION NO. 05-65

* *

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE EXECUTIVE DIRECTOR TO SUBMIT A GRANT APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION (FAA) TO RECEIVE FEDERAL FUNDING TO PREPARE 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 this *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.*

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 C/CAG Executive Director is hereby authorized to submit a grant application to the Federal Aviation Administration (FAA) to receive grant funding 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.*

PASSED, APPROVED AND ADOPTED THIS 8TH DAY OF DECEMBER 2005.

_____

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

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).

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 Airports District Office

831 Mitten Road, Suite 210
Burlingame, CA 94010-1300

RECEIVED
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SAN MATEO COUNTY
PLANNING DIVISION

November 3, 2005

Mr. Richard Napier
Executive Director
City/County Association of Governments
of San Mateo County
555 County Center, 5th Floor
Redwood City, CA 94063

Dear Mr. Napier:

Re: Sponsor Eligibility for a Section 160 Grant, under the *Vision 100-Century of Aviation Reauthorization Act*

We have completed a review of the City/County Association of Governments of San Mateo County (C/CAG) request for a determination of eligibility for a land use compatibility grant. We have determined 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 planning 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.

Federal Aviation Administration (FAA) program requirements require C/CAG to incorporate the enclosed grant assurances and special conditions as part of the application for grant funds. The program requires a written agreement between C/CAG and an authorized representative of the Airport Commission that states that the plan will be prepared cooperatively.

The federal share of the eligible costs for the planning study is 95 percent. The study is limited to the area outside the San Francisco International Airport (SFO) that C/CAG has the authority to plan and adopt land use compatibility plans and control measures (including zoning). The study elements should include measures that focus on the over flight areas of SFO defined by the current approved Part 150 Noise Exposure Map (NEM) and State of California Department of Transportation, Division of Aeronautics (Caltrans) Land Use Planning Handbook guidance. FAA land use compatibility guidance is available at the following web site:

http://www.faa.gov/arp/environmental/5054a/landuse.cfm

You may contact Mr. Joe Rodriguez at (650) 876-2778, ext. 610 if you need more information concerning the grant process.

Sincerely,

for Joseph Rodriguez

Andrew M. Richards
Manager, Airports district Office

CC: Dave Carbone, Senior Planner San Mateo County
John Martin, Director San Francisco International Airport
Austin Wiswell, Chief Caltrans Div. of Aeronautics
Terry Barrie, Senior Planner, Caltrans Div.of Aeronautics

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 consistent 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.

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).

C/CAG AGENDA REPORT

Date: December 8, 2005

TO: C/CAG Board of Directors

From: Richard Napier, Executive Director - C/CAG

Subject: C/CAG Legislative Program for 2005 (First Year of a Two Year Session) and information requested on the Legislative Score Sheet for Legislators

(For further information or response to question's, contact Walter Martone at 650 599-1465)

The following information is provided to update the Board on these issues.

C/CAG Legislative Program for 2005 (First Year of a Two Year Session)

The C/CAG Legislative Program adopted for 2005 is still effective since it was the first year of a two-year session and most bills were carried over to the second year. C/CAG staff will use this as a starting point in evaluating possible bills to initiate or in determining initial positions on bills. The Legislative Committee will review this in the future and update it as necessary. See the attached 2005 Legislative Program.

Information requested on the Legislative Score Sheet for Legislators

The Board requested that staff look at the impact of eliminating the half points. Attached is the 2004 Scorecard with the half points eliminated. There was not a significant impact. See the attached modified 2004 and 2005 Voting Record and Score Sheet.

ITEM 4.6

C/CAG AGENDA REPORT

Date: February 10, 2005

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: REVIEW AND APPROVAL OF THE C/CAG BOARD STATE LEGISLATIVE PRIORITIES FOR THE 2005 STATE LEGISLATION SESSION

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

RECOMMENDATION

That the C/CAG Board approve the list of State legislative priorities for 2005 as attached to this report and subject to further input from the Legislative Committee.

FISCAL IMPACT

Many of the priorities listed in the attached chart have the potential to greatly increase the fiscal resources available to C/CAG member agencies.

SOURCE OF FUNDS

New legislation.

BACKGROUND/DISCUSSION

Each year the C/CAG Board adopts a set of legislative priorities to provide direction to its Legislative Committee, staff, and its Lobbyist. The C/CAG Board in the past has established the following things that the priorities are intended to accomplish:

- Identify a clearly defined program with objectives at the beginning of the Legislative Session.
- Identify specific priorities to be accomplished for the Session by the Program and the Lobbyist.
- Limit the activities of C/CAG to areas where we can have the greatest impact.

The attached list was reviewed and amended by the C/CAG Legislative Committee on November 11th,and December 9th, and at the C/CAG Retreat on January 13th. Those changes are noted with ~~strikeouts~~ and **bold underlining**.

ATTACHMENTS

- Proposed C/CAG Legislative Priorities for 2005.

C/CAG LEGISLATIVE PRIORITIES FOR 2005

Objective	Strategy	Relevant Bills	Priority
1. Secure stable funding to pay for increased NPDES mandates.	• Support efforts to exempt NPDES from the super majority voting requirements. • Include NPDES as a priority for funding in new sources of revenues (i.e. water bonds). • Advocate for C/CAG and San Mateo County jurisdictions to be identified as a pilot project to receive earmarked funding. • Support efforts to reduce NPDES requirements as a way to stimulate business development while still working to improve the quality of the Ocean, Bay, streams, creeks, and other waterways. • Support efforts to reform the NPDES program while still working to improve the quality of the Ocean, Bay, streams, creeks, and other waterways. • Support efforts to place the burden/ accountability of reporting, managing and meeting the NPDES requirements on the responsible source not the City or County. • Oppose efforts to require quantitative limits and Total Maximum Daily Load (TMDL) measures since there are insufficient scientific methods to evaluate the benefits. For this reason C/CAG instead supports the implementation of Best Management Practices (BMP's) to the maximum extent practicable.	• Support and aggressively work for the passage of ACA 13.	ONE
2. Protect against the diversion of local revenues including the protection of redevelopment funds and programs.	• Support League and CSAC Initiative to protect local revenues including interpretation and implementation of Proposition 1A. • The 20% redevelopment housing set aside is the primary source of housing		TWO

	funds for cities and counties and must be protected and preserved.		
3. Encourage the State to protect transportation funding and develop an equitable cost-sharing arrangement to pay for the construction of the Bay Bridge.	• Urge the State to restrict or eliminate transfer of State transportation funds to the State General Fund. • Urge the State to continue to pursue a solution to the Federal Ethanol tax problem. • Urge the State to pay back the previous loans within the next four years. • Urge the passing of legislation to close the Proposition 42 loophole that allows the State to borrow the funds at will. • Direct the C/CAG legislative advocate to monitor and advocate these positions. • Oppose efforts to divert any of the Regional Measure 2 funds to pay for the Bay Bridge cost overruns. • Work with Senate President Pro Tempore Don Perata and the Governor's Administration to support a plan that does not overburden the Bay Area.		THREE
4. Guard the right of local jurisdictions to establish and enforce local land use policy (support the efforts of the League, but do not take an active role).	• Oppose efforts to limit the ability of local jurisdictions to determine appropriate land uses within its boundaries. • Support efforts that provide added flexibility to local jurisdictions so that they can implement smart growth programs.		FOUR
5. Protect against increased local costs resulting from State action without 100% State reimbursement for the added costs.	• Ensure that there is real local representation on State Boards and Commissions that are establishing policies and requirements for local programs. • Advocate for the appointment of Administration Officials who are sensitive to the fiscal predicament faced by local jurisdictions. • Oppose State action to dictate wage and benefits for local employees. • Oppose State action to restrict the ability of local jurisdictions to contract for services. • Advocate for State actions that are		FIVE

	required to take into consideration the fiscal impact to local jurisdictions.		
6. Support lowering the 2/3rd super majority vote for local special purpose taxes.	• Support bills that reduce the vote requirement for special taxes such as public safety, infrastructure, and transportation. • Oppose bills that lower the threshold, but dictate beyond the special tax category, how locally generated funds can be spent. • Support bills that reduce the vote requirement for special taxes but increase the vote requirement for general taxes.		SIX
7. Support incentives for increasing low and moderate income housing stock, and oppose State housing mandates.	• Support efforts to allow jurisdictions to contribute to affordable housing projects in other jurisdictions and receive State credit for the contribution. • Oppose State dictated criteria for the approval of housing. • Support incentives for housing that represent new funding. • Oppose redirecting existing revenues and adding new requirements. • Support efforts to give jurisdictions increased flexibility to meet housing needs.		WATCH FOR LEGISLATION THAT MAY BE INTRODUCED ADDRESSING THESE ISSUES
8. Advocate for solutions to the State budget crisis.	• Support measures to realign the property tax with property related services. • Support measures to ensure that local governments receive appropriate revenues to service local businesses. • Support measures to collect sales tax on Internet transactions. • Support expansion of the sales tax to personal and professional services. • Support new public sector retirement plans that cut costs and encourage longevity. • Support efforts to restructure PERS to be more accountable to employers. • Support efforts to moderate increases in PERS/STRS employer contributions. • Support development of new revenue sources for safety retirement systems.		WATCH FOR LEGISLATION THAT MAY BE INTRODUCED ADDRESSING THESE ISSUES

9. Support alternative energy initiatives and monitor studies related to the elimination of the Hetch-Hetchy Reservoir.	• Support efforts to develop incentives for alternative energy and green building programs including reclaimed water. • Coordinate with BAWSCA and support efforts to provide a reliable supply of quality water at a fair price.		FOLLOW BILLS THAT DEAL WITH THIS TOPIC
10. Support congestion pricing as a tool to manage traffic congestion.	• Support a congestion pricing demonstration on the Dumbarton Bridge (such as a high-occupancy-toll lane) to address traffic congestion in the 2020 Peninsula Gateway Corridor study area.		HOLD FOR FUTURE CONSIDERA-TION

C/CAG AGENDA REPORT

Date: December 8, 2005

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: INFORMATION REQUESTED ON LEGISLATIVE SCORE SHEET FOR LEGISLATORS.

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

RECOMMENDATION

No action is requested.

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

At the C/CAG meeting on November 10, 2005, staff provided information on the voting records of the California State Assemblypersons and Senators that represent the jurisdictions in San Mateo County. As approved by the C/CAG Board in November 2003, the method of calculating the voting record gives ½ credit for abstaining from or being absent on votes where C/CAG has taken an "oppose" position, and subtracts ½ credit where C/CAG has taken a "support" position.

Staff was requested to redo the vote tallies and percents to show how they would differ if the ½ credit or penalty for abstaining or being absent from votes was not applied. The attached charts have been redone to eliminate the abstention/absence credit/penalty. If there was a change, the original numbers/percents (including the abstention/absence credit/penalty) are shown in [brackets].

ATTACHMENTS

- Voting record for San Mateo Legislative Delegation - 2004 and 2005 Calendar Years.

VOTING RECORD FOR SAN MATEO COUNTY LEGISLATIVE DELEGATION

2004 Calendar Year

BILLS RELATED TO PROPOSITION 1A	Sher	Speier	Mullin	Simitian	Yee
Total votes supporting C/CAG's positions (does not include reconsideration or suspense file votes).	2	3	3	2	3
Total votes opposing C/CAG's positions (does not include reconsideration or suspense file votes).	1	0	0	1	0
Percent voting with C/CAG (does not include reconsideration or suspense file votes).	67%	100%	100%	67%	100%

BILLS RELATED TO PROPOSITION 1A	Sher	Speier	Mullin	Simitian	Yee
SB 1113 – Budget Bill	***Yes**	***Yes**	***Yes**	No	***Yes**
SCA 4 – Local Government Constitutional Amendment (Proposition 1A)	No	***Yes**	***Yes**	***Yes**	***Yes**
SB 1096 – Local Government Statutory Amendment	***Yes**	***Yes**	***Yes**	***Yes**	***Yes**

Bold * = vote consistent with C/CAG's stated position.

2004 Calendar Year

VOTES RELATED TO AB 1546 (BILL SPONSORED BY C/CAG)	Sher	Speier	Mullin	Simitian	Yee
Total votes supporting C/CAG's positions (does not include reconsideration or suspense file votes).	1	0	1	1	1
Total votes opposing C/CAG's positions (does not include reconsideration or suspense file votes).	0	1	0	0	0
Percent voting with C/CAG (does not include reconsideration or suspense file votes).	100%	0%	100%	100%	100%

2004 Calendar Year

TOTAL VOTES ON BILLS THAT C/CAG TOOK A POSITION ON	Sher	Speier	Mullin	Simitian	Yee
Total votes supporting C/CAG's positions (does not include reconsideration or suspense file votes).	6	8	6	8	10
Total votes opposing C/CAG's positions (does not include reconsideration or suspense file votes).	3	3	8	3	4
Percent voting with C/CAG (does not include reconsideration or suspense file votes).	55%	73%	40% [37%]	57% [68%]	71%

2004 Calendar Year

BILLS VOTED ON IN 2004	Sher	Speier	Mullin	Simitian	Yee
AB 1426 – Housing requirements for Sacramento Area (C/CAG Opposed)	Yes	Yes	Yes	*Abstained	Yes
SB 744 – State preemption of local land use authority (C/CAG Opposed)	***No**	***No**			
AB 1268 – Expansion of General Plan land use elements (C/CAG Opposed)	Yes	Yes	Yes	Yes	Yes
AB 2702 – 2nd Unit requirements for approval (C/CAG Opposed)	Abstained	***No (3x's)**	Yes (4x's)	Abstained (2x's)	***No (3x's)**
SB 1815 – Mandated refund of permit fees if deadline is exceeded (C/CAG Opposed)	Yes	Yes	Yes (2x's)	Yes	Yes (2x's)
AB 2107 – Use tax for vehicles, vessels and aircraft (C/CAG Supported)				***Yes**	
AB 2466 – Equitable payment of jet fuel sales tax (C/CAG Supported)	Abstained	***Yes**	***Yes**	***Yes**	***Yes**
SB 1089 – Include NPDES in State water pollution control revolving fund (C/CAG Supported)	***Yes (3x's)**	***Yes (2x's)**	***Yes**	***Yes**	***Yes (2x's)**
SB 792 – Transfer of Caltrans property to State Parks as a condition of Devil's Slide project (C/CAG Supported)	***Yes (2x's)**	***Yes**	***Yes (2x's)** & Abstained (1x's)	***Yes (2x's)**	***Yes (2x's)**
AB 392 – Environmental Justice Grants (C/CAG Supported)			***Yes (2x's)**	***Yes (3x's)**	***Yes (2x's)**
AB 2741 – Amend the composition of MTC (C/CAG Opposed)				Yes	
Total Possible Votes Cast	11	11	15	14	14

Bold * = vote consistent with C/CAG's stated position.

2004 Calendar Year

	Sher	Speier	Mullin	Simitian	Yee
BILLS RELATED TO PROPOSITION 1A	67%	100%	100%	67%	100%
VOTES RELATED TO AB 1546 (BILL SPONSORED BY C/CAG)	100%	0%	100%	100%	100%
BILLS VOTED ON IN 2004	55%	73%	40%	57%	71%
SUMMARY SCORE	**74%**	**58%**	**80% [79%]**	**75% [78%]**	**90%**

Notes:

- The method of calculating the voting record gives 0 credit for abstaining from or being absent on votes where C/CAG has taken an "oppose" position, and subtracts 0 credit where C/CAG has taken a "support" position.
- Not included in the votes is the fact that Assemblyman Simitian agreed to author C/CAG's bill (AB 1546); Assemblymembers Mullen and Yee became co-authors of the bill; and Senator Sher carried the bill on the Floor of the Senate.
- Not included in the votes is the fact that Assemblyman Simitian presented and defended C/CAG's bill before seven Committees of the Legislature.

2005 VOTING RECORD FOR SAN MATEO COUNTY LEGISLATIVE DELEGATION

TOTAL VOTES ON BILLS THAT C/CAG TOOK A POSITION ON	Simitian	Speier	Mullin	Ruskin	Yee
Total votes supporting C/CAG's positions (does not include reconsideration or suspense file votes).	8	6	5	4	5
Total votes opposing C/CAG's positions (does not include reconsideration or suspense file votes).	4	1	0	0	0
Percent voting with C/CAG (does not include reconsideration or suspense file votes).	67% [63%]	86%	100%	100%	100%

BILLS VOTED ON IN 2005	Simitian	Speier	Mullin	Ruskin	Yee
AB 1358 – ALUC review of proposed schoolsites (C/CAG Supported)	**Yes (1x)** No (1x)	**Yes (2x's)**	**Yes (2x's)**	**Yes (1x)**	**Yes (2x's)**
SB 1059 – State sitting of electric transmission corridors (C/CAG Opposed)	Yes (2x's)	Yes (1x)			
SB 521 – Transit Village Plans (C/CAG Supported)	**Yes (1x)**	**Yes (1x)**			
ACA 13 – NPDES exemption from Proposition 213 (C/CAG Supported - #1 priority)	NO	VOTES	TAKEN	THIS	SESSION
AB 1329 – Design-build contracting for cities (C/CAG Supported)	Absent (1x)	**Yes (1x)**	**Yes (2x's)**	**Yes (2x's)**	**Yes (2x's)**
SB 172 – Bay Bridge financing (C/CAG Supported)	**Yes (2x's)**	**Yes (1x)**			
SB 371 – Design-build contracting for transportation authorities (C/CAG Supported)	**Yes (1x)**				
SB 1024 – Public Works bond measure (C/CAG Supported)	**Yes (1x)**				
ACA 4 – Sales tax on motor vehicle fuel used only for transportation (C/CAG Supported)	NO	VOTES	TAKEN	THIS	SESSION
ACA 9 – Sales tax on motor vehicle fuel used only for transportation (C/CAG Supported)	NO	VOTES	TAKEN	THIS	SESSION
ACA 11 – Repayment of borrowed sales tax funds to transportation projects (C/CAG Supported)	NO	VOTES	TAKEN	THIS	SESSION
SB 987 – Use of Transportation Authority funds in another county (C/CAG Supported)	**Yes (2x's)**	**Yes (1x)**	**Yes (1x)**	**Yes (1x)**	**Yes (1x)**
Total Possible Votes Cast	12	7	5	4	5

Bold = vote consistent with C/CAG's stated position.

<u>Notes:</u> The method of calculating the voting record gives 0 credit for abstaining from or being absent on votes where C/CAG has taken an "oppose" position, and subtracts 0 credit where C/CAG has taken a "support" position.

C/CAG AGENDA REPORT

DATE: December 8, 2005

TO: C/CAG Board of Directors

FROM: Richard Napier, Executive Director

SUBJECT: Review and approval of Resolution 05-63 authorizing the C/CAG Chair to execute an agreement to provide Program Manager Services for the NPDES Stormwater Pollution Prevention Program (STOPPP) for two years at a not to exceed cost of $120,000 in response to a Request for Proposals.
Contractor name to be announced at the meeting.

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

RECOMMENDATION:

Review and approval of Resolution 05-63 authorizing the C/CAG Chair to execute an agreement to provide Program Manager Services for the NPDES Stormwater Pollution Prevention Program (STOPPP) for two years at a not to exceed cost of $120,000 in response to a Request for Proposals in accordance with the staff recommendation. Contractor name to be announced at the meeting.

FISCAL IMPACT:

$120,000. Included in the adopted FY 05-06 C/CAG Budget.

SOURCE OF FUNDS:

Parcel fee collected through the San Mateo County Flood Control District or City General Fund. All cities and County pay specifically into the NPDES Stormwater Pollution Prevention Program (STOPPP).

BACKGROUND/DISCUSSION:

Since 1996, Robert Davidson has been the Program Manager for the NPDES Stormwater Pollution Prevention Program (STOPPP). Mr. Davidson has decided to not renew the contract. Therefore, the Board approved a Request for Proposal (RFP), to replace Mr. Davidson, at the 9/14/05 C/CAG Board meeting. C/CAG staff sent the RFP to all the Cities and County, EOA (current technical consultant), individuals previously indicating interest, and miscellaneous others.

RESPONSE TO REQUEST FOR PROPOSAL:

C/CAG had an excellent response to the Request for Proposals. The following responded to the RFP.

ITEM 5.1

Dan Pincetich - Past City Manager Half Moon Bay
Livine - Fricke - Consultant
Engeo - Consultant
AEI CASC - Consultant
Raymond Honan - Previously active in San Mateo STOPPP
City of Brisbane - Staff Member with experience with Central Coast Regional Water Quality Control Board
EOA - Current Technical Consultant

SELECTION PROCESS:

A Selection Committee was used to screen the proposals and interview the candidates. The Committee consisted of the following.

Robert Davidson - Program Manager STOPP
Neal Cullen - San Mateo County Public Works Director
Vern Bessey - City of San Mateo Public Works - Participant in San Mateo STOPPP
Richard Napier - C/CAG Executive Director

Due to the timing of the interviews the recommendation will be provided at the Board Meeting or in a separate letter.

ATTACHMENTS:

Resolution 05-63
Agreement to provide Program Manager Services for the NPDES Stormwater Pollution Prevention Program (STOPPP)

ALTERNATIVES:

1 - Review and approval of Resolution 05-63 authorizing the C/CAG Chair to execute an agreement to provide Program Manager Services for the NPDES Stormwater Pollution Prevention Program (STOPPP) for two years at a not to exceed cost of $120,000 in response to a Request for Proposals in accordance with the staff recommendation.

2- Review and approval of Resolution 05-63 authorizing the C/CAG Chair to execute an agreement to provide Program Manager Services for the NPDES Stormwater Pollution Prevention Program (STOPPP) for two years at a not to exceed cost of $120,000 in response to a Request for Proposals in accordance with the staff recommendation with modifications.

3 - No action.

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

RESOLUTION 05-63

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

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF San MATEO COUNTY (C/CAG) Authorizing The C/CAG Chair To Execute An Agreement To Provide Program Manager Services For The NPDES Stormwater Pollution Prevention Program (STOPPP) For Two Years At A Not To Exceed Cost Of $120,000 In Response To A Request For Proposals

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

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

Whereas, C/CAG coordinates the Countywide Stormwater Pollution Prevention Program; and,

Whereas, C/CAG approved a Request for Proposal for an NPDES STOPPP Program Manager at the 9/14/05 Board meeting; and

Whereas, C/CAG received seven qualified proposals; and

Whereas, A qualified Selection Committee reviewed the proposals and interviewed the candidates,

Now, therefore, the Board of Directors of C/CAG authorize the C/CAG Chair to execute an agreement to provide Program Manager Services for the NPDES Stormwater Pollution Prevention Program (STOPPP) for two years at a not to exceed cost of $120,000 in response to a Request for Proposals.

PASSED, APPROVED, AND ADOPTED THIS 8TH DAY OF December, 2005.

James M. Vreeland, Jr., Chair

AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS AND
{TO BE DETERMINED}

THIS IS AN AGREEMENT between the CITY/COUNTY ASSOCIATION OF GOVERNMENTS ("C/CAG"), a joint powers agency established by the County of San Mateo and Cities within the County, and *{To be Determined}* ("NPDES/Stormwater Program Coordinator").

RECITALS

1. C/CAG desires to engage *{To Be Determined}*, as an independent contractor, to serve as the NPDES/Stormwater Program Coordinator ("Program Coordinator").

2. Program Coordinator desires to perform services for C/CAG, as an independent contractor, on the terms and conditions contained in this Agreement.

THEREFORE, C/CAG AND PROGRAM COORDINATOR AGREE AS FOLLOWS:

1. C/CAG agrees to retain the services of Program Coordinator, and Program Coordinator agrees to provide services to C/CAG, on the terms and conditions contained in this Agreement.

2. The term of this Agreement shall be from January 1, 2006, to December 31, 2007. Notwithstanding the prescribed term of the Agreement, this Agreement may be terminated at an earlier date as follows:

a. The C/CAG Governing Board may terminate this Agreement, without cause, by giving ninety (90) days written notice of termination. Program Coordinator may, by giving ninety (90) days written notice to the C/CAG Governing Board, request termination, which request must be mutually agreed upon by the parties.

b. This Agreement shall terminate in the event sufficient funds are not included in the C/CAG budget to make the payments specified in this Agreement._——Nothing in this Agreement shall be construed to require the C/CAG Governing Board to include funding sufficient to make payments specified in this Agreement in the 2006/2007 –C/CAG Budget, or any succeeding C/CAG Budget.

c. ~~Notwithstanding the above, u~~Upon mutual agreement of C/CAG and Program Coordinator, this agreement may be extended for additional one or two year terms.

3. Program Coordinator shall be compensated as follows:

a. The Program Coordinator will perform the stated duties and responsibilities and shall be compensated at the rate of $60.00/hour; however, the total shall not ~~for not to~~ exceed $5,200.00 per month. Program Coordinator shall be compensated on an actual time worked basis, and shall submit time sheets on a regular schedule, as required by the Executive Director.

b. Program Coordinator shall be reimbursed for the actual cost of fulfilling the duties and responsibilities, stated in Section 4 below~~, . for not to~~ in an amount not to exceed $600.00 per month, as follows:

Mileage Reimbursement @IRS rate

Meeting Costs Reimbursement @Actual cost

Clerical Reimbursement @Actual cost (to include printing, mailing, and postage costs)

c. The total compensation and reimbursement for the Program Coordinator shall not exceed $5,800.00 ~~per~~ in any one month or $60,000 per year.

4. Program Coordinator shall have the following duties and responsibilities:

a. Chair monthly meetings of the NPDES Technical Advisory Committee, arrange for and distribute mailings of agenda, and write NPDES TAC communiqués;

b. Implement General Program Tasks as set forth under the Countywide Stormwater Management Plan;

c. Attend and make public presentations to the C/CAG Board of Directors;

d. Write and submit memos to the C/CAG Executive Director;

e. Represent C/CAG and the NPDES Program at the monthly meetings of the City/County Engineers Association where NPDES has been agendized as a regular committee report;

f. Attend and participate in the monthly Subcommittee meetings of the NPDES TAC which consists of Public Information/Participation, New Development and Construction Site Control, Commercial/Industrial Illicit Discharge, Public Works Supervisors Group (Municipal Government Maintenance Activities), and Watershed Monitoring;

g. Manage and audit consultant services contracts, provide direction as required and act as the liaison between consultant and C/CAG;

h. Participate in the monthly meetings of the Bay Area Stormwater Management Agencies Association (BASMAA), which is comprised of seven municipal NPDES pollution prevention issues;

i. Work with staff of the Regional Water Quality Control Board responsible for regulatory oversight associated with the NPDES permit;

j. Plan, develop and implement annual General Program budget and coordinate with County Public Works on filing notices of hearings, Board of Supervisors action and filing of reports with County Assessor prior to August 10th statutory deadline;

k. Work to develop fee mechanism formula and work with computer consultant to have tapes delivered to County Assessor, notify County Tax office on information referral number and answer public inquiries about stormwater fee;

l. Attend and participate in the California Stormwater Quality Task Force which brings together municipal permit holders, state and federal regulators, business, industry and environmental interests to review stormwater issues in an open public forum.

m. Perform other similar tasks as may be assigned by the C/CAG Board of Directors or the Executive Director, provided that these tasks can reasonably be performed within the budget set forth in paragraph 3, above.

5. The C/CAG Board of Directors shall perform an annual evaluation of Program Coordinator's job performance on or before the anniversary date of Program Coordinator's date of Agreement.

6. Insurance. On or before beginning any of the service or work called for by any term of this Agreement, Program Coordinator, at his own cost and expense, shall carry, maintain for the duration of the agreement, and provide proof thereof that is acceptable to C/CAG Legal Counsel, the insurance specified in subsections (1) and (2) below with insurers and under forms of insurance satisfactory in all respects to C/CAG. Program Coordinator shall not allow any subcontractor, professional or otherwise, to commence work on any subcontract until all insurance required of the Program Coordinator has also been obtained for the subcontractor.

(1) Workers' Compensation. Program Coordinator does not currently intend to retain

any employees. In the event that Program Coordinator does employ any persons in the future, the following will be required: Statutory Worker's Compensation Insurance and Employer's Liability Insurance with limits of not less than one million dollars ($1,000,000) for any and all persons employed directly or indirectly by Program Coordinator. In the alternative, Program Coordinator may rely on a self-insurance program to meet these requirements so long as the program of self-insurance complies fully with the provisions of the California Labor Code. In such case, excess Worker's Compensation Insurance with limits of not less than five million dollar ($5,000,000) shall be maintained. The insurer, if insurance is provided, shall waive all rights of subrogation against C/CAG for loss arising from worker injuries sustained under this agreement.

(2) Automobile Liability. Program Coordinator, at Program Coordinator's own cost and expense, shall maintain Automobile Insurance for the period covered by this agreement in an amount not less than one million dollars ($1,000,000) combined single limit coverage for each occurrence. Such coverage shall include protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities involving the use of owned and non-owned automobiles.

7. In performing services under this agreement, Program Coordinator shall have the status of independent contractor and shall not be deemed to be an officer, employee or agent of C/CAG.

8. This Agreement represents the entire agreement ~~as~~ between the parties with respect to the subject matter addressed herein, and any previous agreements between the parties, whether written or oral, with respect to the subject matter of this Agreement are of no further force and effect.

9. Program Coordinator 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.

10. Program Coordinator agrees to indemnify and defend C/CAG, its employees and agents from any and all claims, damages and liability in any way occasioned by or arising out of the negligence of Program Coordinator in the performance of this agreement.

11. This agreement shall be governed by the laws of the State of California, and the venue for any lawsuit concerning this agreement shall be in the County of San Mateo.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year written below.

"C/CAG"

_____ Date:_____
CHAIRPERSON
CITY/COUNTY ASSOCIATION OF GOVERNMENTS

"PROGRAM COORDINATOR"

_____ Date:_____
{To Be Determined}

APPROVED AS TO FORM:

THOMAS F. CASEY, III, COUNTY COUNSEL

BY_____ Date:_____
MIRUNI SOOSAIPILLAI, DEPUTY

C/CAG LEGAL COUNSEL

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OUTLINE OF ACTIVITIES

NPDES GENERAL PROGRAM COORDINATOR

Non-employment status consultant to provide management and oversight services to the NPDES General Program as follows:

- Chair monthly meetings of the NPDES Technical Advisory Committee, arrange for and distribute mailings of agendas and minutes and responsible for writing NPDES TAC communications.

- Responsible for implementation of General Program Tasks as set forth under the Countywide Stormwater Management Plan.

- Attend and make public presentations to the C/CAG Board of Directors, as required. Responsible for writing and submitting memos to C/CAG Administrative Committee (Executive Director).

- Represent C/CAG and the NPDES Program at the monthly meeting of the City/County Engineers Association where NPDES has been agendized as a regular committee report.

- Attend and participate in the bi-monthly subcommittee meetings of the NPDES TAC, which consist of: 1) Public Information/Participation; 2) New Development and Construction Site Control; 3) Commercial/Industrial/Illicit Discharge; 4) Municipal Maintenance Activities; 5) Parks and Recreation Integrated Pest Management; and 6) Watershed Monitoring.

- Responsible for managing and auditing technical consultant services contracts, provides direction as required and acts as the liaison between consultant and C/CAG.

- Participate in monthly meetings of the Bay Area Stormwater Management Agencies Association (BASMAA), which is comprised of seven municipal NPDES permit holders working on projects of regional benefit to address stormwater pollution prevention issues. This may include representing BASMAA on other regional boards and committees.

- Work with staff of the Regional Water Quality Control Board responsible for regulatory oversight associated with the NPDES permit.

- Responsible for planning, developing and implementing annual General Program budget, calculating fee rates, coordinating with County Public Works on filing notices of public hearing, communicating Board of Supervisors action and filing of report with County Assessor prior to the statutory deadline to collect certain fees on the property tax bill. Work to develop fee mechanism formula and work with data processor consultant to have tapes delivered to County Assessor. Notify County Tax office on information referral number and answer public inquiries about stormwater fees.

- Assist local agencies staff in answering questions regarding implementation of the NPDES program.

PERSONAL CHARACTERISTICS: Ability to develop and coordinate a team approach to problem solving, active listener, strong communicator, ability to work with people, maintain a generalist's approach to keep the program moving in compliance with the permit.

ABILITY TO: Analyze, interpret, advocate, strong oral and written communication skills, creative thinking and problem solving, facilitate differing viewpoints into a common and cohesive shared vision aimed at meeting cost effective regulatory compliance. Must be able to provide liability and workers compensation insurance, as required.

ADDITIONAL REQUIREMENTS: Commitment to an average of 25% to 30% of a full-time management level staff person to serve as the General Program Coordinator and provide 10% to 15% of a full-time clerical support position for a minimum of two years, beginning January, 2006.

C/CAG AGENDA REPORT

Date: December 8, 2005

To: City/County Association of Governments Board of Directors

From: Richard Napier, Executive Director

Subject: Review and approval of Resolution 05-64 authorizing the C/CAG Chair to execute an agreement to provide on-call modeling support through December 31, 2008 for up to a multi-year cumulative maximum amount of $300,000 based on time and materials in response to a Request for Proposals. Contractor name to be announced at the meeting.
(For further information or questions contact Walter Martone at 599-1465)

RECOMMENDATION

That the C/CAG Board review and approve resolution 05-64 authorizing the C/CAG Chair to execute an agreement for on-call modeling services in the amount of $300,000 through December 31, 2008.

FISCAL IMPACT

The 2004-05 C/CAG budget includes $100,000 for consulting services related to the operation of the Travel Demand Forecasting Model. This amount represents the approximate annual funding level that C/CAG has budgeted for these services over the past five years. Occasionally C/CAG has supplemented this funding when a specific modeling project has been identified that cannot be accommodated within the budget.

SOURCE OF FUNDS

The funding included in the C/CAG budget for modeling services is paid for by a combination of Federal Surface Transportation Program planning funds and C/CAG member agency assessments.

BACKGROUND/DISCUSSION

The State and Federal laws that establishes Congestion Management Agencies prescribes certain responsibilities that such Agencies must perform. One of these duties is the development and maintenance of a countywide transportation computer model that can be used to determine the quantitative impacts of development on roadway and transit network identified in the Congestion Management Program for that county. The C/CAG Travel Demand Forecasting Model was developed and has always been maintained through contracts with outside consultants. This has enabled C/CAG to meet the State and Federal requirements without having to retain on staff capable of supporting this highly technical and specialized

ITEM 5.2

computer application. Currently C/CAG is contracting with Hexagon Transportation Consultants for this purpose and also a number of projects related to the update of the Countywide Transportation Plan.

The recently adopted C/CAG Procurement Policy requires that consultants be selected through an open competitive process at least every six years. Therefore C/CAG staff has issued a Request for Qualifications so that interested and qualified organizations can submit applications to become the official C/CAG Modeler for the next three years.

In order to accomplish this procurement process in a timely manner, provide sufficient time for potential applicants to respond to the solicitation, and to complete the review and selection process, C/CAG staff will be reviewing the applications and developing an agreement with the recommended applicant shortly before the C/CAG meeting on December 8, 2005. Therefore the name of the recommended consulting firm will be provided to the C/CAG Board at the meeting on December 8th. In the mean time a sample resolution and contract format has been developed for the C/CAG Board, C/CAG Counsel, and the applicants to review in advance.

The tasks that typically are included in this on-call agreement include responding to questions about the Model that generally come from the Metropolitan Transportation Commission, the California Department of Transportation, the cities, and other consultants; testing the transportation impacts (including impacts on transit usage) of a change in land use and/or employment at specific locations in the County (this information is generally for planning purposes, not for a CEQA review); helping C/CAG staff define how the model can be used to assist us with other planning projects; and testing the impact of certain transportation improvements on traffic congestion and transit use.

Generally C/CAG staff, with the approval of the C/CAG Board, will define a project or plan that it wants to undertake. C/CAG staff then works with the modeling contractor to determine how the model can best be used to assist in the process. The contractor then develops a scope of work and cost estimate for the work, and if acceptable, an authorization is given to proceed and charge the work to the on-call contract.

ATTACHMENTS

- Resolution 05-64
- Request for Qualifications
- Sample contract format

RESOLUTION 05-64

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

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 FOR ON-CALL MODELING SERVICES IN THE AMOUNT OF $300,000

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

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, C/CAG has determined that outside consulting services are needed for the maintenance and operation of the model; and

WHEREAS, C/CAG has selected _____ to provide these services.

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 agreement with _____ in the amount of $300,000. 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. The agreement shall be in a form approved by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED THIS 8TH DAY OF DECEMBER 2005.

_____

James M. Vreeland Jr., Chair

Request for Qualifications for the Operation and Maintenance of the C/CAG Travel Demand Forecasting Model

City/County Association of Governments of San Mateo County
(C/CAG)
555 County Center, 5th Floor
Redwood City, CA 94063

For further information contact:
Walter Martone
Phone: 650 599-1465
Fax: 650 361-8227
E-Mail: wmartone@co.sanmateo.ca.us

Request For Qualifications For the Operation and Maintenance of the C/CAG Travel Demand Forecasting Model

The City/County Association of Governments (C/CAG) of San Mateo County, a Joint Powers Agency composed of the County of San Mateo and all twenty cities within the County, invites your firm to submit its qualifications and costs for operating and maintaining the C/CAG Travel Forecasting Model over the next three years.

Letters of qualifications must be received **NO LATER THAN 5:00 P.M., Friday, December 2, 2005**. One copy of your materials should be mailed, delivered, faxed, or e-mailed to:

City/County Association of Governments (C/CAG)
555 County Center, 5th Floor
Redwood City, CA 94063

Attention: Walter Martone
Phone: 650 599-1465
Fax: 650 361-8227
E-mail: wmartone@co.sanmateo.ca.us

Directions to C/CAG: From Route 101 going south take the Whipple Avenue exit and continue straight after the first traffic signal on to Veterans Blvd. From Route 101 going north take the Whipple Avenue exit, go left across the freeway and go left again at the traffic signal on to Veterans Blvd. The next traffic signal you will reach on Veterans is at Brewster. Go straight and take the next right on to Middlefield Road. Make an immediate right and a left into the County's parking structure. Public parking is on the first floor. The building where C/CAG is located is at the opposite end of the parking structure, on the corner of Middlefield Road and County Center. The entrance is on County Center. C/CAG is co-located with the San Mateo County Department of Public Works on the 5th floor.

If you are submitting a fax or e-mail version of the information, you must contact Walter Martone (650 599-1465), Sandy Wong (650 599-1409), or Nancy Blair (650 599-1406) prior to sending the fax or e-mail. If you do not directly speak with one of these individuals, we cannot guarantee that the information has been received. Please do not simply leave a message; you must speak directly with one of these individuals.

Questions: All questions related to this Request for Qualifications must be submitted in writing to e-mail address wmartone@co.sanmateo.ca.us by no later than 5:00 p.m., November 30, 2005 in order to be assured of receiving a response by December 1, 2005. Questions that are not sent to this e-mail address by December 1, 2005 will not receive a response. All questions and responses will likely be sent out to all companies/individuals who have been sent a copy of this Request for

Qualifications.

SUBMITTAL REQUIREMENTS

Each submittal must include the following information. This information should be confined to **no more than three pages** excluding resumes of staff members and references.

1. Briefly identify any past experience you have had with the C/CAG Model or models of similar construction.

2. Provide a list of references, including contact information, for agencies/individuals where you used the C/CAG Model or a model of similar construction.

3. Identify the qualifications of your staff to operate the C/CAG Model or a model of similar construction. Brief resumes of key staff may also be included. Please identify the primary individual who will be our point of contact and who will be the backup individual.

   The applicant must also demonstrate that it has the capability to operate the model, including having/acquiring 1) a key for the EMME/2 software, 2) hardware necessary for operating the model, and 3) staff skilled in model operation and use of EMME/2 software.

All of the data files for the model have been stored on CD-ROM and were developed specifically to operate through the EMME/2 software. These disks will be provided to the agency selected under this solicitation. A copy of the latest Model Validation Report is attached to this Request for Qualifications for your reference.

4. Provide a rate schedule of costs for the first year of this project including personnel rates, overhead rates, and any other cost items. The agreement for this project will be for time and materials up to a maximum amount of $300,000 for three years. Depending on the amount of work/projects that occur during the three-year period, the full $300,000 may not be utilized, or it may have to be supplemented. There will also be an option to renew the agreement for an additional three years.

It is expected that the recommendation for the selection of a consultant will be presented to the C/CAG Board for approval on December 8, 2005.

In performing this work, consultant will be required to coordinate with and cooperate with C/CAG staff, staff of MTC, the San Mateo County Transit District (SamTrans), the Peninsula Corridor Joint Powers Board (CalTrain), the San Mateo County Transportation Authority, and other consultants who are responsible for performing tasks that may require modeling support.

AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS AND _____

This Agreement entered this 8th Day of December, 2005, by and between the CITY/COUNTY ASSOCIATION OF GOVERNMENTS, 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 _____, hereinafter called "Contractor."

W I T N E S S E T H

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 is prepared to award funding for the operation and maintenance of the C/CAG Travel Demand Forecasting Model; and

WHEREAS, C/CAG has determined that Contractor has the requisite qualifications to perform this work.

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

1. Services to be provided by Contractor. In consideration of the payments hereinafter set forth, Consultant agrees to provide C/CAG with assistance and services related to the operation and maintenance of the C/CAG Travel Demand on an on-call basis for work requested in writing by authorized C/CAG staff.

2. Payments. In consideration of Contractor providing the assistance and services authorized by C/CAG staff, C/CAG shall reimburse Consultant based on the cost rates set forth in Exhibit A up to a maximum amount of three hundred thousand dollars ($300,000).

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. Contractor 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 December 8, 2005 and shall terminate on December 31, 2008; provided, however, the C/CAG Chairperson may

terminate this Agreement at any time for any reason by providing 30 days' notice to Contractor. Termination to be effective on the date specified in the notice. In the event of termination under this paragraph, Contractor shall be paid for all services provided to the date of termination.

6. Hold Harmless/ Indemnity: Contractor shall indemnify and save harmless C/CAG from all claims, suits or actions resulting from the performance by Contractor of its duties under this Agreement. C/CAG shall indemnify and save harmless Contractor 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: Contractor or its subcontractors performing the services on behalf of Contractor 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. Contractor 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 Contractor's coverage to include the contractual liability assumed by the Contractor 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: Contractor shall have in effect, during the entire life of this Agreement, Workers' Compensation and Employer Liability Insurance providing full statutory coverage.

Liability Insurance: Contractor 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 Contractor 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 Contractor and its subcontractors performing the services on behalf of the Contractor 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 Contractor, 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 this Agreement are providing services under this Agreement, the Contractor 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 for an additional three (3) years upon approval by the C/CAG Board and Contractor.

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 Contractor which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions.

The Contractor 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.

Contractor

By _____ _____
Date

Contractor 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

C/CAG AGENDA REPORT

Date: December 8, 2005

To: C/CAG Board of Directors

From: Richard Napier, Executive Director

Subject: BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE (BPAC) MEMBERSHIP POLICY

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

RECOMMENDATION

That the C/CAG Board approve the policy on Bicycle and Pedestrian Advisory Committee (BPAC) membership to be used for appointment and reappointment of BPAC members.

Policy:

- For reappointment of existing members, past attendance records should be a consideration. The attendance policy should be in accordance with the adopted Board Policy which is that members are required to attend a minimum of 75% of all meetings (including regular meetings that did not achieve a quorum) in the past consecutive 12 months.
- No more than half of the number of public member seats may be filled by persons employed by a public agency in San Mateo County.
- No more than two (2) members, either elected or public, should reside in the same jurisdiction. This new requirement will only apply to new applicants to BPAC and not to existing members.
- Candidates will complete the BPAC Membership Application Form.
- Recruitment announcements should be sent to local Bicycle and Pedestrian groups.

FISCAL IMPACT

There is no fiscal impact to C/CAG.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

At the April 14, 2005 C/CAG Board meeting, the Board discussed the issue of public (non-elected) members of the Bicycle and Pedestrian Advisory Committee (BPAC). This discussion

ITEM 5.3

cited the need for a policy to guide the appointment of BPAC public members, for which C/CAG is ultimately responsible. The Board directed staff to recommend a policy to be used for appointment of BPAC public members. The policy should address the candidates' place of residence versus place of employment, geographical diversity, and increased interest on the part of local jurisdictions as some of the criteria which may be considered in a future applicant evaluation process.

Current BPAC public membership policy states that the maximum number of terms is defined as three two-year terms, excluding the time to fulfill an out-going member's term. C/CAG Bylaws (under Article VI – Committees) also states that "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 exceeds these limits, the seat may be declared vacant by the C/CAG Chair".

At the July 28, 2005 BPAC meeting, Members Lempert, Matsumoto, and Barnes volunteered to serve on a subcommittee to develop criteria and qualifications for BPAC public membership. This subcommittee met on August 31, 2005 to develop recommendations on membership criteria. Those recommendations are documented in the Minutes of the August 31, 2005 meeting (attached).

Staff recommendation was based on that from the subcommittee as well as based on the objective of being consistent with policies for all other C/CAG committees.

This item will be discussed at the December 1, 2005 BPAC meeting. Any additional outcome will be presented to the C/CAG Board orally at the December 8, 2005 meeting.

ATTACHMENT

- Minutes of August 31, 2005 Subcommittee meeting.

Membership Criteria Subcommittee Meeting Minutes:

Date:	August 31, 2005 @5:30 P.M.
Location:	San Mateo City Hall, Room A
Subcommittee Members:	Karyl Matsumoto, Sue Lempert, Michael Barnes
Staff support:	Walter Martone, Sandy Wong

The BPAC Subcommittee met and discussed proposed criteria for public membership appointment and reappointment for the BPAC. Below is summary of decisions made at this subcommittee meeting.

- For reappointment of existing members, past attendance records should be a consideration. The attendance policy should be that members are required to attend a minimum of 75% of all meetings (including regular meetings that did not achieve a quorum) in the past consecutive 12 months.
- Prior to making an appointment or re-appointment of a public member, the C/CAG Chair will appoint an Evaluation Subcommittee from the C/CAG Board. The Evaluation Subcommittee shall interview all candidates based on the same criteria, and make appointment recommendations to the C/CAG Board.
- No public member should be a current public employee of a jurisdiction in San Mateo County. This new requirement will only apply to new applicants to BPAC and not existing members.
- No more than two (2) members, either elected or public, should reside in the same jurisdiction.

The Subcommittee has also made the following suggestions:

- Current member, either elected and public, who has not attended at least 60% of the regular meetings over the past 12 consecutive months should not be permitted to vote on the allocation of funds. For this purpose, attendance in a meeting that did not achieve a quorum is included.
- Candidates will complete the BPAC Membership Application Form.
- Recruitment announcements be sent to local Bicycle and Pedestrian groups.

C/CAG AGENDA REPORT

Date: December 8, 2005

To: C/CAG Board of Directors

From: Congestion Management and Air Quality (CMAQ) Committee

Subject: RECEIVE THE DRAFT 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 DIRECT STAFF TO DISTRIBUTE SAID DRAFT POLICY TO CITIES/COUNTY FOR COMMENTS.

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

RECOMMENDATION

That the C/CAG Board receive the draft policy on traffic impact analysis to determine impacts on the CMP roadway network resulting from roadway changes, General Plan Updates, and land use development projects and direct staff to distribute said draft policy to cities/county for comments.

It is recommended this policy be adopted at a future C/CAG Board meeting and be made effective thereafter. It is further recommended that the implementation aspect of this policy be evaluated in 2007, and that the policy be incorporated in the 2007 Congestion Management Program (CMP) with any modifications made according evaluation results.

FISCAL IMPACT

Included in the adopted FY 2005/06 C/CAG budget.

SOURCE OF FUNDS

Policy compliance will be performed by existing C/CAG staff.

BACKGROUND/DISCUSSION

The intent of the policy is to provide uniform procedures to analyze traffic impacts on the CMP network from projects and cumulative traffic impacts on the CMP network from General Plans and Specific Area Plans, and to set thresholds for mitigations. It provides clear direction to local jurisdictions on how to analyze CMP impacts resulting from roadway changes or land use decisions, determine feasible and appropriate mitigations. The purpose of this policy is to preserve acceptable performance on the CMP roadway network, and to establish community standards for consistent system-wide transportation review.

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A subcommittee with the following volunteers was created to develop this policy: Fernando Bravo (East Palo Alto), Corinne Goodrich (SamTrans), Lance Hall (Caltrans), Joe Hurley (SMCTA), Tom Madalene (County Planning & C/CAG), Patricia Maurice (Caltrans), Parviz Mokhtari (San Carlos), Meg Monroe (Burlingame), Richard Napier (C/CAG), Larry Patterson (San Mateo), Mo Sharma (Daly City), Sandy Wong (C/CAG). In addition, Neil Cullen (County) has provided input to the process. The subcommittee conducted five meetings and developed the attached revised draft policy. The Technical Advisory Committee (TAC) has discussed this item at its August 18, 2004, April 21 and October 20, 2005 meetings. The Congestion Management and Air Quality (CMAQ) Committee has discussed this item at its October 31, 2005 meeting.

ATTACHMENT

Draft Policy on Traffic Impact Analysis (TIA) to determine impacts on the Congestion Management Program (CMP) Roadway Network resulting from roadway modifications, General Plan Updates, and land use development projects.

Draft

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

TO: City Managers, Planning Directors, Public Works Directors, City Planners and Engineers

FROM: Richard Napier, C/CAG Executive Director

RE: POLICY ON TRAFFIC IMPACT ANALYSIS (TIA) TO DETERMINE IMPACTS ON THE CONGESTION MANAGEMENT PROGRAM (CMP) ROADWAY NETWORK RESULTING FROM ROADWAY MODIFICATIONS, GENERAL PLAN UPDATES, AND LAND USE DEVELOPMENT PROJECTS

Background

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 the performance of these roads must be preserved.

This document states policy and establishes procedures to determine capacity impacts on the CMP roadway network (impacts on the quality of traffic services) from the following three types of projects:

1. Modification to the roadway that will either reduce the capacity of or cause additional traffic on the CMP roadway network.
2. General Plan Updates and Specific Plans.
3. Land use development project.

Traffic impact analysis should be conducted as part of the CEQA process, but no later than project approval by Council or Board.

This policy provides an avenue to assess the cumulative traffic impacts on the CMP network, of General Plan decisions made by local jurisdictions. It provides clear direction to local jurisdictions on how to analyze CMP impacts resulting from roadway changes or land use decisions, determine feasible and appropriate mitigations.

The intent of this proposed 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. Land use development proposals and proposed roadway modifications must be consistent with adopted General Plan. Local jurisdictions must evaluate traffic impacts of proposed revisions to their General Plan, including Specific Plans, on the CMP network.

Policy

1. Roadway Modification Projects

Project sponsor, in consultation with C/CAG staff, shall determine if a roadway modification project will have potential traffic impacts on the CMP roadway network. If yes, must conduct travel demand forecasting and traffic impact analysis to determine traffic impacts on the CMP roadway system. If the project is to modify the CMP roadway, then travel demand forecasting and traffic impact analysis must be conducted. 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.

For scope and parameters of traffic impact analysis, see Appendix A. For definition of traffic impacts on the CMP system, see Appendix B.

Mitigation:

Proposed roadway changes to the CMP network that are determined to have a CMP impact 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 Updates and Specific Plans

Project sponsor, in consultation with C/CAG staff, shall determine if a General Plan Update or Specific Plan will have potential traffic impacts on the CMP roadway network. Jurisdictions must conduct travel demand forecasting and traffic impact analysis to determine cumulative traffic impacts on the CMP roadway system. See "Travel Demand Forecasting" requirements below. For scope and parameters of traffic impact analysis, see Appendix A. For definition of traffic impacts on the CMP system, see Appendix B.

Mitigation:
General Plan updates or Specific Plans that are determined to have a CMP impact 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 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.

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 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 some plan for monitoring trip generation and procedures 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.

Travel Demand Forecasting Requirements

For CMP roadway modification projects, or General Plan updates, or Specific Area Plans, the C/CAG Countywide Travel Forecasting Model must be used to forecast traffic demand to be used in traffic impact analysis. 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. 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.

For land use development projects, the use of C/CAG Countywide Travel Forecasting Model or a C/CAG derivative model is encouraged. However, the use of methodologies that are widely accepted by the traffic engineering profession are also allowable.

C/CAG Review for Conformance

For roadway modification projects, C/CAG staff shall review for consistency with these TIA guidelines and determine conformity with the CMP.

For General Plan updates, Specific Plans, and land use development projects, C/CAG staff shall review TIA reports for consistency with these TIA guidelines. 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 CMP 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.

Applicability and Future Updates

This policy will be reviewed and updated in two years.

This policy will be integrated into the next Congestion Management Program for San Mateo County which includes policies regarding the evaluation of private development projects. Revision to the relevant chapter(s) of the San Mateo County Congestion Management Program will be necessary for clarification and consistency purposes.

Reference:

1. Congestion Management Program (CMP) for San Mateo County:
http://www.ccag.ca.gov/CMP2005.html

2. "Guide For The Preparation of Traffic Impact Studies", Caltrans, December 2002,
http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf

Scope and Parameters of Traffic Impact Analysis (TIA)

Project sponsors must initiate consultation between the lead agency, C/CAG, Caltrans (if applicable), and those preparing the 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, C/CAG and Caltrans (if applicable), before commencing work on the analysis.

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 condition (includes already approved developments and roadway network changes)
- Existing condition plus Project
- Future (15[1] 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.

D. Facilities To Be Included In the Analysis

1 20-year Model forecasts are assumed to be updated every 5 years so forecast horizon may be as short as 15 years.

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

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 [1] 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 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.

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1 Freeway segments are as defined in the Congestion Management Program Monitoring Program and are directional.

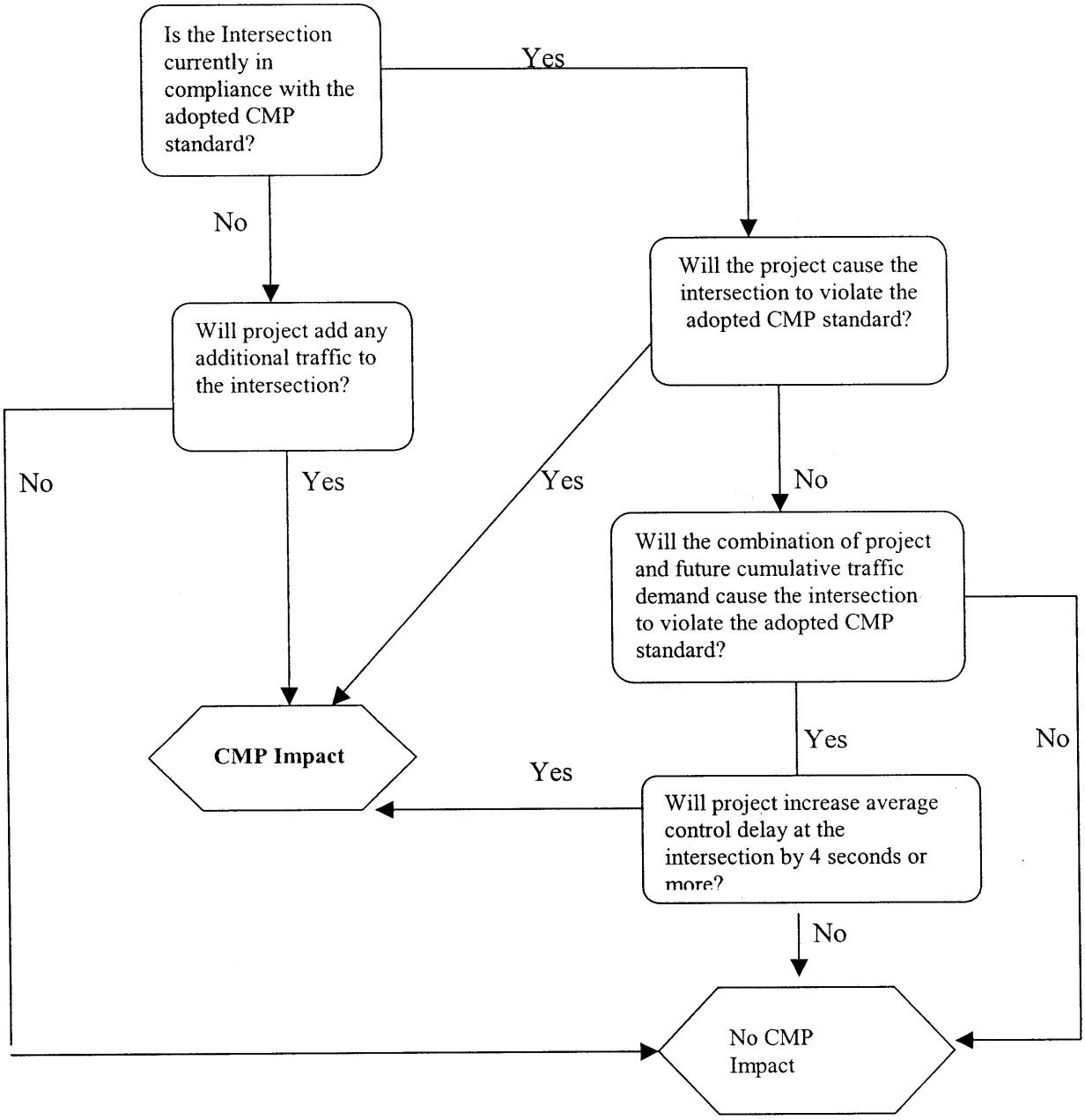
5 CMP Arterial Segments :

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.

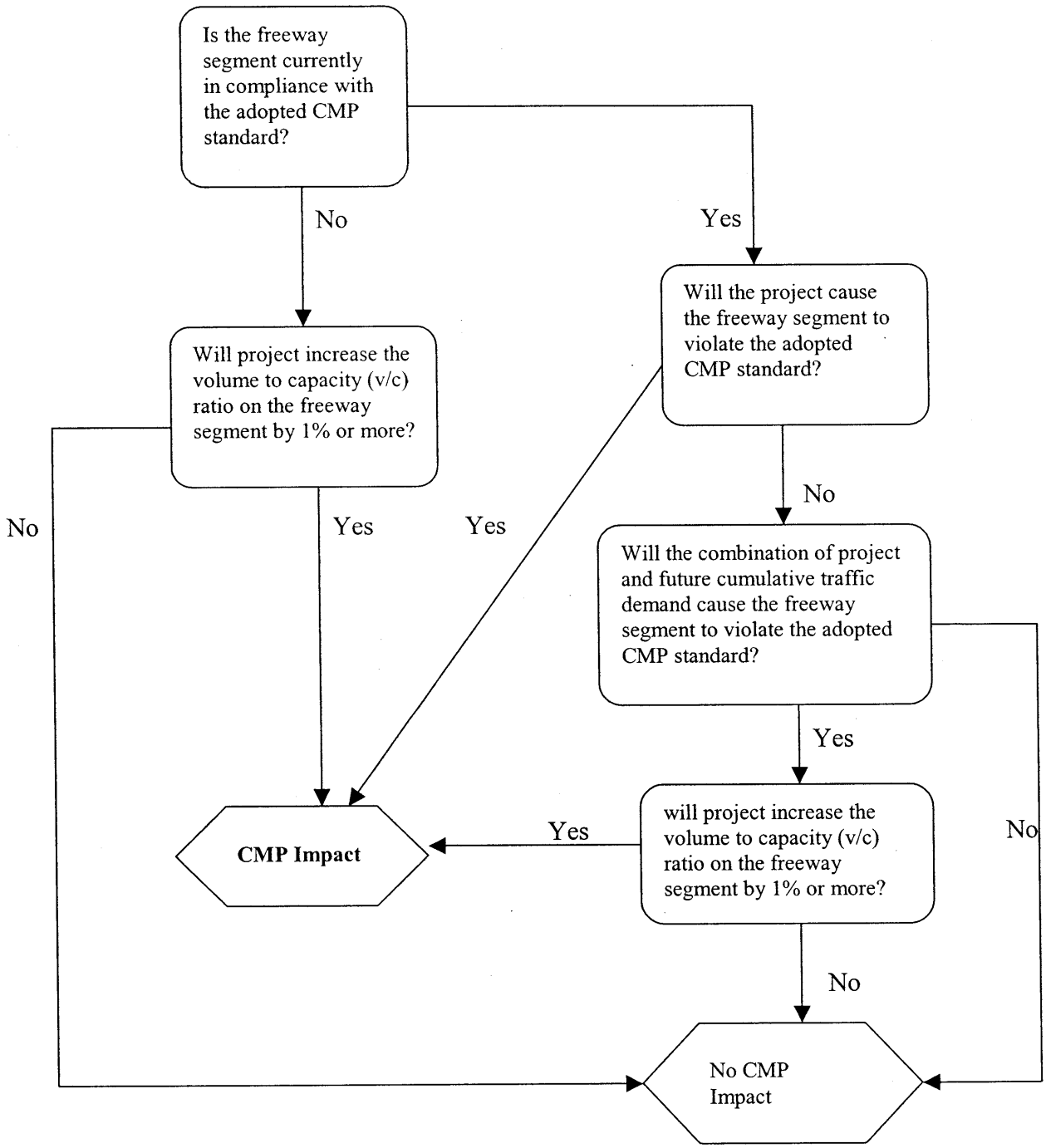
A project is considered to have a CMP impact if it causes mid-block queuing, parking maneuver resulting in delays or other impacts that result in any segment intersection to operate at a level of service that violates the adopted LOS standard set for the nearest CMP intersection.

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.

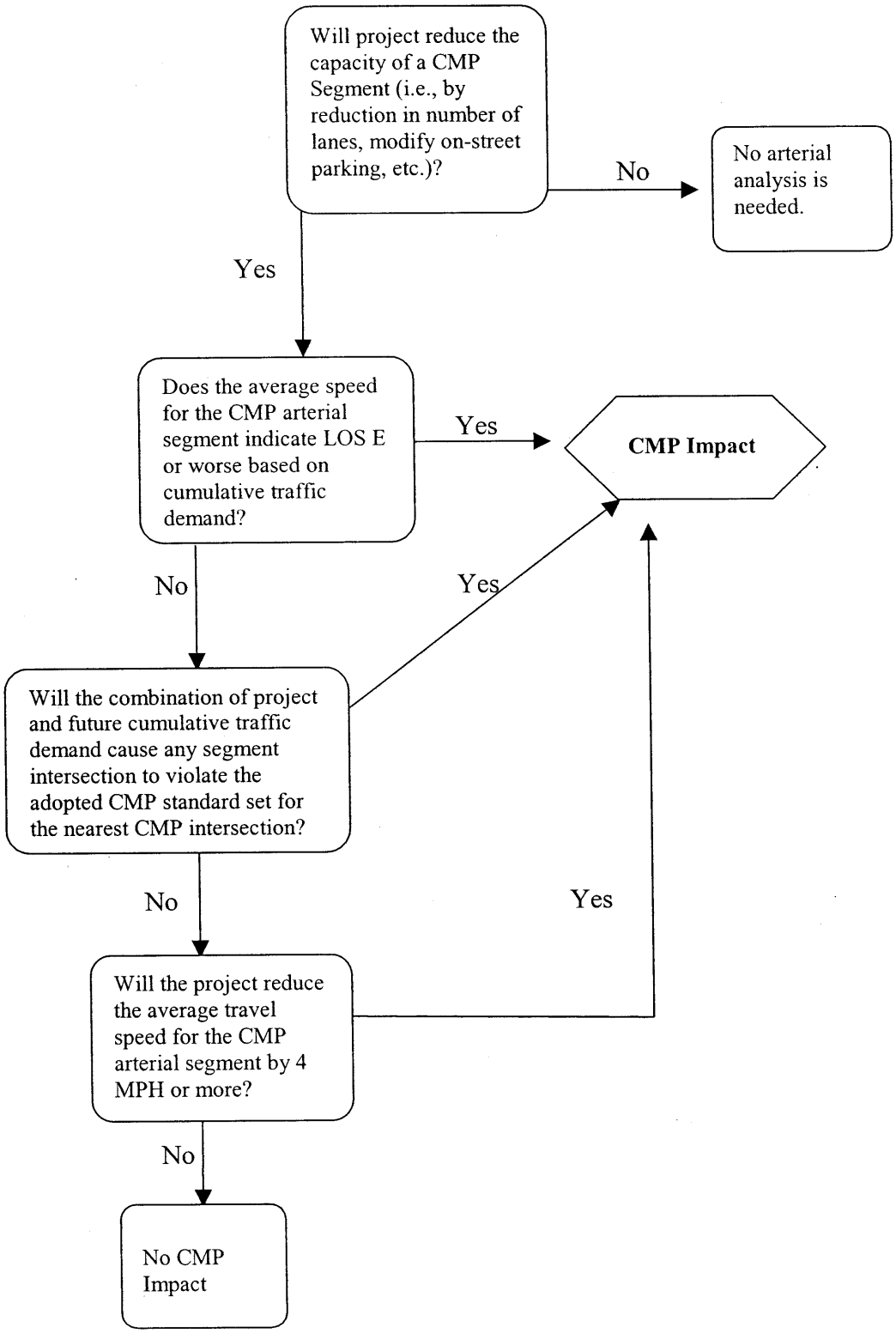
To determine CMP impact on a CMP Intersection



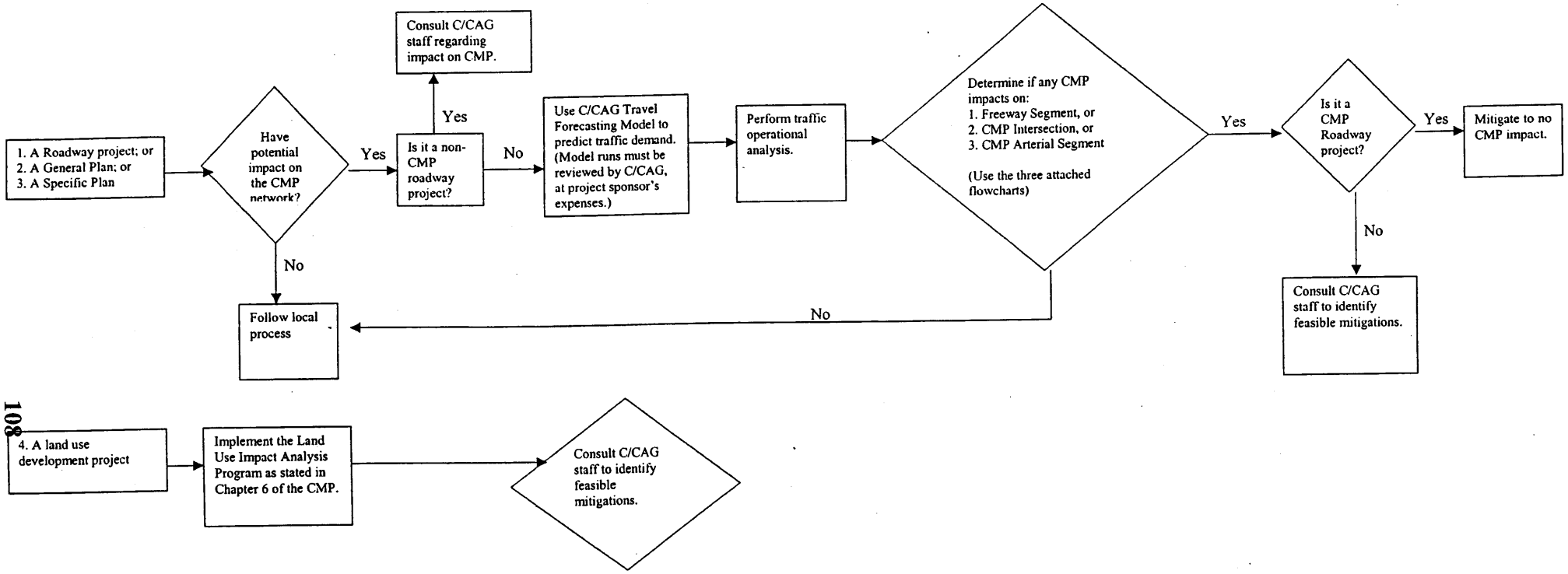
To determine CMP impact on a Freeway Segment



To determine CMP impact on Arterial Segment



Flow chart for traffic impacts on the congestion management program (CMP) roadway network



SAMCAT BOARD OF DIRECTORS

San Mateo County Telecommunications Authority
c/o CITY OF SAN CARLOS
600 ELM STREET
SAN CARLOS, CA 94070
Phone: 650-802-4229 FAX:650-595-6729

Members:

City of Brisbane	City of Foster City	City of Pacifica	City of San Carlos	City of South San Francisco
City of Belmont	City of Half Moon Bay	Town of Portola Valley	City of San Mateo	Town of Woodside
City of Colma	Town of Hillsborough	City of Redwood City	County of San Mateo	
City of Daly City	City of Millbrae	City of San Bruno		

November 7, 2005

Congresswoman Anna Eshoo
House of Representatives
State Capitol, Room 2032
Sacramento, CA 95814

Re: BITS II (Barton/Dingle) – Preemption of Local Franchising, Limiting Franchise Fees, PEG Access & Facilities for Cities, Counties, Schools & Homeland Security – Oppose

Dear ~~Congresswoman~~ Anna Eshoo:

The San Mateo County Telecommunications Authority (SAMCAT) is a Joint Powers Authority that represents 17 agencies in San Mateo County (the cities of Belmont, Brisbane, Daly City, Foster City, Hillsborough, Millbrae, Portola Valley, Redwood City, San Carlos, San Mateo, South San Francisco, Woodside and San Mateo County) with a combined population base of over 556,000.

We have reviewed the proposed so-called "BITS II" legislation sponsored by Congress Members Barton and Dingle that will be heard by the House Committee on Energy and Commerce this Wednesday. While we rarely are impacted by Federal Legislation, the BITS II legislation as drafted presents serious problems for the cities of San Mateo County and the County itself and must be amended in committee.

Here are some of our key concerns:

- **BITS II Violates the Commitment by the Committee and the Telephone Industry That Local Government Will Be Kept Whole**
  At the start of the discussions around the national and state legislation revising the Telecom Act of 1996 and the existing Cable TV and Video Franchising process, both the Committee and the Telephone Industry has represented that Local Governments will be kept whole. BITS II violates that commitment.

- **SAMCAT Continues to Encourage Competition But It Must Be Done On A Level Basis**
  As you know, a number of the cities as well as San Mateo County granted the first competitive Cable TV, Video and Broadband Services franchises in California to RCN. We would like to do the same with the local telephone company (SBC) and other future broadband and video providers. But this must be done on a fair and equivalent basis to what the incumbent cable operators (such as Comcast) and the existing cable competitors in the County (such as RCN) have done to date.

ITEM 8.1

- **BITS II Unfairly Creates Winners and Losers**
  Consumers are no longer guaranteed choice of broadband providers (competitors can now buyout their competition). There is no more net neutrality. Cable is asked to support social obligations such as PEG and I-Nets, while telephone companies are not.

- **Reduction In Franchise Fees**
  BITS II limits rights-of-ways fees to the recovery of management costs, while franchise fees are limited to 5% of subscriber revenue, not the 5% of gross revenues which is standard today.

- **Franchising Is Not A Barrier to Entry**
  As cities in San Mateo County and the County itself demonstrated during the entry of RCN into the Cable TV, Video and Broadband services market in your district, local franchising is not a barrier to entry to this market.

- **No Local Role In Franchising**
  By declaring that Broadband Video Services are "subject to exclusive Federal jurisdiction", are renewed automatically forever unless revoked by the FCC, it is difficult to understand how local agencies will be able to insure adherence to the rules and standards (such as PEG Channel capacity) set out in this proposal.

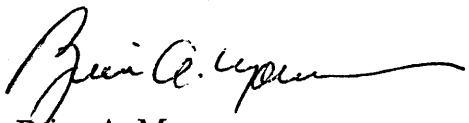
- **Prevents PEG and I-Net Enhancements In Future**
  By making all franchise terms forever and stating that Institutional Networks (I-Nets) can no longer be required by cities and counties under BITS II, cities in San Mateo County (and elsewhere) that do not have a sufficient level of PEG channels, PEG equipment funding and I-Nets to their city, county, school and emergency facility buildings today will never get them. That is the truly sad and scary legacy that is promised under the BITS II proposal.

- **No Build Out Requirements & Weak Redlining Language**
  BITS II also contains no requirement that over a period of years that a video provider will bring competitive service to residents of a specific city or county. This is particularly ironic given that Verizon has proposed build out of all residential areas within 5 years in their State of New Jersey legislative proposal and they have entered into Cable, Video and Broadband franchise agreements with agencies like Fairfax County, Virginia which include multi-year full build out terms. It's puzzling that fewer residents in your district than in areas on the East Coast with franchise agreements with a telephone company will get a chance to see competitive Cable TV, Video and Broadband choices. This will occur if BITS II is adopted as drafted.

- **Meeting Public, Local Agency, School and Homeland Security Needs**
  Over the years, cities and counties have provided Cable TV in the school classroom, emergency alert service, Public, Educational and Government (PEG) Access Channels (such as the Emmy winning Peninsula TV in San Mateo County) and high speed fiber optic based, Institutional Networks (I-Nets) through the franchising process with Comcast and RCN. At a time when the public wants better quality in our schools and more from the cities and counties in terms of local information and homeland security systems and interconnects, it would be tragic if many or all of these things went away due to short sighted legislation like BITS II as it is currently drafted.

We know you have always had the best of the public and your constituents throughout San Mateo County in the past and we hope that you will demonstrate that same wisdom and courage on Wednesday when BITS II is heard in the House Committee on Energy and Commerce.

Very Truly Yours,



Brian A. Moura
Chairman
SAMCAT Board of Directors

cc: San Mateo County Telecommunications Authority (SAMCAT) Board of Directors
Rich Napier, Executive Director, City/County Association of Governments (C/CAG)
Anthony Thomas, League of California Cities
Rebecca Elliot, Regional Representative, League of California Cities
Elizabeth Beatty, Executive Director, NATOA
Eve O' Toole, Federal Legislative Representative, League of California Cities

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ANTHONY ZIDICH
CITY TREASURER

PHONE (650) 991-8008

Note: Same letter sent to Congresswoman Anna Eshoo

OFFICE OF THE CITY COUNCIL

CITY OF DALY CITY

333-90TH STREET

DALY CITY, CA 94015-1895

November 8, 2005

FAX: (202) 226-4183
(650) 375-8270

Honorable Tom Lantos
United States Congress
2413 Rayburn HOB
Washington, D.C. 20515

Re: BITS II (Barton/Dingle) - Preemption of Local Franchising, Limiting Franchise Fees, PEG Access & Facilities for Cities, Counties, Schools & Homeland Security - Oppose

Dear Congressman Lantos,

On behalf of the City Council of Daly City, I am writing to urge you to oppose the preemption of our local franchising, and to ask your help in protecting our ability to control use of our local rights of way and access for all of our residents, to vital telecommunications services.

Daly City joins with the opposition to this legislation expressed by the San Mateo County Telecommunications Authority (SAMCAT), a Joint Powers Authority that represents 17 agencies in San Mateo County (the cities of Belmont, Brisbane, Daly City, Foster City, Hillsborough, Millbrae, Portola Valley, Redwood City, San Carlos, San Mateo, South San Francisco, Woodside and San Mateo County) with a combined population base of over 556,000.

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Here are some of our key concerns:

BITS II Violates the Commitment by the Committee and the Telephone Industry That Local Government Will Be Kept Whole
At the start of the discussions around the national and state legislation revising the Telecom Act of 1996 and the existing Cable TV and Video Franchising process, both the Committee and the Telephone Industry has represented that Local Governments will be kept whole. BITS II violates that commitment.

SAMCAT Continues to Encourage Competition But It Must Be Done On A Level Basis
As you know, a number of the cities as well as San Mateo County granted the first competitive Cable TV, Video and Broadband Services franchises in California to RCN. We would like to do the same with the local telephone company (SBC) and other future

ITEM 8.2

optic based, Institutional Networks (I-Nets) through the franchising process with Comcast and RCN. At a time when the public wants better quality in our schools and more from the cities and counties in terms of local information and homeland security systems and interconnects, it would be tragic if many or all of these things went away due to short sighted legislation like BITS II as it is currently drafted.

We know you have always had the best of the public and your constituents throughout San Mateo County in the past and we hope that you will demonstrate that same wisdom and courage on Wednesday when BITS II is heard in the House Committee on Energy and Commerce.

Very Truly Yours,

Michael P. Guingona
Vice Mayor

cc: Daly City Council
Patricia E. Martel, City Manager, City of Daly City
San Mateo County Telecommunications Authority (SAMCAT) Board of Directors
Rich Napier, Executive Director, City/County Association of Governments (C/CAG)
Anthony Thomas, League of California Cities
Rebecca Elliot, Regional Representative, League of California Cities
Elizabeth Beatty, Executive Director, NATOA
Eve O' Toole, Federal Legislative Representative, League of California Cities

C/CAG

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November 14, 2005

Steve Carlson, Senior Planner
City of South San Francisco
Planning Division
P.O. Box 711
South San Francisco, CA 94083

Dear Mr. Carlson:

SUBJECT: TDM Plan – 180 Oyster Point Boulevard

I have reviewed the Transportation Demand Management Plan for the 180 Oyster Point Boulevard Project. It appears to cover all of the requirements for compliance with the Congestion Management Program.

Thank you for working with C/CAG to develop this comprehensive set of Transportation Demand Management Measures. We would appreciate it if you could keep us informed of the enforcement of the plan so that we can keep track of how the program is being implemented.

Regards,

Tom Madalena

Tom Madalena
Planner II
City/County Association of Governments of San Mateo County
650-363-1867 direct
tmadalena@co.sanmateo.ca.us

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C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS
OF SAN MATEO COUNTY

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November 16, 2005

Maureen Brooks
City of Burlingame
Planning Department
501 Primrose Road
Burlingame, CA 94010-3997

Dear Ms. Brooks:

SUBJECT: Peninsula Medical Center Replacement Project

I have reviewed the Transportation Demand Management Plan for the Peninsula Medical Center Replacement Project. It appears to cover all of the requirements for compliance with the Congestion Management Program.

Thank you for working with C/CAG to develop this comprehensive set of Transportation Demand Management Measures. We would appreciate it if you could keep us informed of the enforcement of the plan so that we can keep track of how the program is being implemented.

Please give me a call at 650/363-1867 if you have any questions.

Sincerely,

Tom Madalena
Planner II
City/County Association of Governments
650-363-1867
tmadalena@co.sanmateo.ca.us

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cc: Oren Reinbolt, Sutter Health

ITEM 8.4