

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. 288

- DATE:** Thursday, May 12, 2016
- TIME:** **6:30 P.M.**
- 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
Caltrain: San Carlos Station.
Trip Planner: <http://transit.511.org>

- 1.0 CALL TO ORDER/ ROLL CALL
- 2.0 **PLEDGE OF ALLEGIANCE**
- 3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA
Note: Public comment is limited to two minutes per speaker.
- 4.0 PRESENTATIONS/ ANNOUNCEMENTS
- 4.1 Certificate of Appreciation to Mary Ann Nihart for her dedicated services as the C/CAG Chair. p. 1
- 4.2 Receive an update on the US 101 managed lanes (Carpool or Express Lanes) project. p. 3

5.0 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.

- 5.1 Approval of the minutes of regular business meeting No. 287 dated March 10, 2016 ACTION p. 5
- 5.2 Receive an update on the Highway 101 Ramp Metering Pilot Project for off-peak metering.
INFORMATION p. 11
- 5.3 Review and approval of the project list for funding under the Joint C/CAG and San Mateo County Transportation Authority Shuttle Program for FY 2016/2017 and FY 2017/2018, and approval of Resolution 16-05 authorizing the C/CAG Chair to execute a funding agreement with the City of Menlo Park for an amount not to exceed \$921,528. ACTION p. 13
- 5.4 Airport Land Use Compatibility Plan for the Environs of San Carlos Airport Consistency Review – City of Redwood City, Oracle Design Tech High School Project ACTION p. 18
- 5.5 Review and approval of Resolution 16-06 authorizing the C/CAG Chair to execute Amendment No. 4 to the agreement between C/CAG and the City San Carlos to provide financial services to C/CAG for an amount not to exceed \$82,440 for FY 2016-17. ACTION p. 29
- 5.6 Review and approval of Resolution 16-07 authorizing the C/CAG Chair to execute Amendment No. 2 to the Interagency Agreement between C/CAG and MTC for Transportation Planning, Programming, And Transportation/Land Use Coordination for FY 2012/13 through 2016/17, allowing C/CAG to receive an additional \$720,000. ACTION p. 34
- 5.7 Review and approval of Resolution 16-01 (Amended) authorizing the adoption of the Fiscal Year 2016/17 Expenditure Plan for the Transportation Fund for Clean Air (TFCA) County Program Manager Fund for San Mateo County. ACTION p. 40
- 5.8 Receive copy of agreement(s) executed by the C/CAG Chair or Executive Director consistent with C/CAG Procurement Policy:
 - 5.8.1 Receive a copy of the executed agreement with Bridges Marketing Group for development of the Measure M 5-Year Report in an amount not to exceed \$7,640. INFORMATION p. 44
 - 5.8.2 Receive a copy of the executed agreement between C/CAG and Leslie Parks for facilitation services for the Water Committee in an amount not to exceed \$3,500. INFORMATION p. 53
- 5.9 Review and approval of Resolution 16-08 authorizing the C/CAG Chair to execute an agreement with Iteris to provide Smart Corridor ITS Network Monitoring and Maintenance Support in an amount not to exceed \$92,732 over two years, waiving the RFP process. ACTION p. 60

- 5.10 Review and approval of Resolution 16-09 authorizing the C/CAG Chair to execute an agreement with Life Cycle Associates to provide Alternative Fuel Readiness Plan outreach support in an amount not to exceed \$38,960. ACTION p. 73
- 5.11 Receive an update on the Petitions for Review filed with the State Water Board regarding the San Francisco Bay Regional Water Quality Control Board's reissuance of the Municipal Regional Permit. INFORMATION p. 84
- 5.12 Review and approve the appointment of Peykan Abbassi, City Engineer, to represent the City of Half Moon Bay on C/CAG's Congestion Management Technical Advisory Committee as well as the Stormwater Committee. ACTION p. 112
- 6.0 REGULAR AGENDA
- 6.1 Review and approval of C/CAG legislative policies, priorities, positions, and legislative update (A position may be taken on any legislation, including legislation not previously identified). ACTION p. 114
- 6.2 Review and approval of the Proposed One Bay Area Grant 2 (OBAG 2) Framework. ACTION p. 126
- 6.3 Review and approval of Resolution 16-11 authorizing the adoption of the Measure M 5-Year Implementation Plan (Fiscal Year 2017-2021) ACTION p. 132
- 6.4 Initial draft, assumptions, and input on the C/CAG 2016-17 Program Budget and Member Fees. ACTION p. 144
- 7.0 COMMITTEE REPORTS
- 7.1 Committee Reports (oral reports)
- 7.2 Chairperson's Report
- 7.3 Board members Report
- 8.0 EXECUTIVE DIRECTOR'S REPORT
- 9.0 COMMUNICATIONS - Information Only
- 9.1 Letter from Sandy Wong, Executive Director, City/County Association of Governments, to Anne Richman, MTC dated 3/9/16. RE: Request for Tiger VIII Grant Endorsements for the U.S. 101/Willow Road Interchange Improvement Project. p. 149
- 9.2 Letter from Alicia Aguirre, Chair, City/County Association of Governments, to Bob Alvarado, Chair, California Transportation Commission, dated 4/19/16. RE: Request for funding \$9.399 Million in STIP funds for US 101 HOV/Express Lanes Project. p. 153
- 10.0 ADJOURNMENT

Next scheduled meeting June 9, 2016

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.

PUBLIC RECORDS: Public records that relate to any item on the open session agenda for a regular board meeting are available for public inspection. Those records that are distributed less than 72 hours prior to the meeting are available for public inspection at the same time they are distributed to all members, or a majority of the members of the Board. The Board has designated the City/ County Association of Governments of San Mateo County (C/CAG), located at 555 County Center, 5th Floor, Redwood City, CA 94063, for the purpose of making those public records available for inspection. The documents are also available on the C/CAG Internet Website, at the link for agendas for upcoming meetings. The website is located at: <http://www.ccag.ca.gov>.

NOTE: Persons with disabilities who require auxiliary aids or services in attending and participating in this meeting should contact Mima Guilles 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: Sandy Wong 650 599-1409

Administrative Assistant: Mima Guilles 650 599-1406

MEETINGS

May 4, 2016	Water Committee – BAWSCA, San Mateo, Conference Room, 1 st Floor – 5:30 p.m.
May 12, 2016	C/CAG Board - SamTrans 2nd Floor Auditorium – 6:30 p.m.
May 12, 2016	Legislative Committee - SamTrans 2nd Floor Auditorium – 5:30 p.m.
May 19, 2016	CMP Technical Advisory Committee - SamTrans, 2nd Floor Auditorium - 1:15 p.m.
May 19, 2016	Stormwater Committee - SamTrans, 2nd Floor Auditorium - 2:30 p.m.
May 23, 2016	Administrators' Advisory Committee - 555 County Center, 5th Fl, Redwood City – 12:00p.m.
May 23, 2016	CMEQ Committee - San Mateo City Hall - Conference Room C - 3:00 p.m.
May 26, 2016	Airport Land Use Committee – 501 Primrose Road, Burlingame, CA – Council Chambers 4:00 p.m.
May 26, 2016	BPAC - San Mateo City Hall – Conference Room C – 7:00p.m.

C/CAG AGENDA REPORT

Date: Mary 12, 2016
To: City/County Association of Governments Board of Directors
From: Sandy Wong
Subject: Certificate of Appreciation to Mary Ann Nihart for her dedicated services as the C/CAG Chair.

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

RECOMMENDATION

That the C/CAG Board honor Mary Ann Nihart for her dedicated services as the C/CAG Chair.

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDS

Not applicable.

BACKGROUND/DISCUSSION

Mary Ann Nihart has served as the Chairperson of the C/CAG Board of Directors, during the years of 2013 through 2016.

ATTACHMENTS

Certificate of appreciation

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 • Hillsborough*

A PRESENTATION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) EXPRESSING APPRECIATION TO

MARY ANN NIHART

FOR HER LEADERSHIP AS THE CHAIR OF C/CAG BOARD OF DIRECTORS

2013 THROUGH 2016

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

Whereas, Mary Ann Nihart has served on the C/CAG Board of Directors, representing Pacifica, as Member, since 2011; and

Whereas, Mary Ann Nihart has dedicated her services to the people of San Mateo County as Chair to the C/CAG Board of Directors November 2013 to March 2016; and

Whereas, Mary Ann Nihart has served as Council Member for the City of Pacifica since 2008, and served as Mayor from 2010 – 2011 and 2013 – 2014; and

Whereas, Mary Ann Nihart has been an excellent collaborator and tirelessly dedicated her time to serve C/CAG in a Leadership role; and

Whereas, during this time, Mary Ann Nihart, dedicated her services to the people of San Mateo County through her active role as Chair of the C/CAG Board of Directors; and

Whereas, Mary Ann Nihart's professional skills has enabled her to be effective in serving all of San Mateo County by her active outreach and engaging to the public.

Now, therefore, the Board of Directors of C/CAG hereby resolves that C/CAG expresses its appreciation to Mary Ann Nihart for her Leadership as Chair, and wishes her continued success in the future.

PASSED, APPROVED, AND ADOPTED THIS 12th DAY OF May 2016.

Alicia C. Aguirre, Chair

C/CAG AGENDA REPORT

Date: May 12, 2016

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Receive an update on the US 101 Managed Lanes Project

(For further information or questions contact Jean Higaki at 650-599-1462)

RECOMMENDATION

That the C/CAG Board receives an update on US 101 managed lanes project.

FISCAL IMPACT

None.

SOURCE OF FUNDS

N/A

BACKGROUND

On May 24, 2012, the SMCTA issued a call for projects for their Measure A Highway Program, to solicit projects that reduce congestion in commute corridors. The program focuses on removing bottlenecks in the most congested highway commute corridors, reducing congestion, and improving throughput along critical congested commute corridors.

In May 2012, C/CAG submitted an application to sponsor and develop a Project Initiation Document (PID) to extend High-Occupancy Vehicle lanes (HOV) Hybrid Study on US 101 from Whipple to the I-380 interchange. On October 4, 2012 SMCTA programmed \$2,000,000 for this effort.

On May 4, 2015, the California State Department of Transportation (Caltrans) approved a Project Initiation Document (PID) for a project that proposes to extend existing High Occupancy Vehicle (HOV) lanes on the Highway 101 Corridor in San Mateo County 14.5 miles from Whipple Road to Interstate 380.

On May 8, 2015, the SMCTA issued another Measure A Highway Program call for project. C/CAG submitted an application to sponsor and develop the Project Approval/Environmental Document (PA/ED) phase of this project. On October 1, 2015, TA Board authorized the allocation of \$8.5 million of Measure A funding for the PA/ED phase.

Resulting from input of project stakeholders, both public agencies and private employers, the study limits expanded from what was developed in the PID. The project limits have been extended eight miles south to a total length of 22.5 miles, to better coordinate with the work that Santa Clara County is proposing on the Highway 101 Corridor.

In addition, the project has been altered from an HOV lane project to a Managed Lane project and alternatives have been added to also include express lanes. Express lanes allow the tolling of non-HOV vehicles through congestion-pricing in an effort to improve operations on the corridor.

Extended limits and expanded alternative options require the preparation of a Supplemental PID to capture and document these changes. The Supplemental PID is expected to be approved by Caltrans in May. The PA/ED phase is projected to begin in May/June 2016.

Various technical studies will be undertaken as part of the process to evaluate the alternatives. The PA/ED phase will be delivered by an integrated Caltrans and SMCTA consultant project delivery team. The project delivery team prepared an update of the PA/ED cost estimated at \$11.5 million to reflect the changes in scope and limit. A cooperative agreement between Caltrans and the SMCTA, targeted to be executed early May, will formally allow the PA/ED phase to commence. C/CAG's role will be further defined in a project charter as well as a Memorandum of Understanding with the SMCTA.

ATTACHMENTS

None.

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 MINUTES

Meeting No. 287
March 10, 2016

1.0 CALL TO ORDER/ROLL CALL

Chair Mary Ann Nihart called the meeting to order at 6:34 p.m. Roll call was taken.

- Elizabeth Lewis – Atherton
- Doug Kim – Blemont
- Terry O’Connell – Brisbane
- Ricardo Ortiz – Burlingame
- Joseph Silva – Colma
- Lisa Gauthier – East Palo Alto
- Marina Fraser – Half Moon Bay
- Catherine Carlton – Menlo Park
- Gina Papan – Millbrae (6:40 p.m.)
- Mary Ann Nihart – Pacifica
- Maryann Moise Derwin – Portola Valley
- Alicia Aguirre – Redwood City
- Irene O’Connell – San Bruno
- Cameron Johnson – San Carlos and SMCTA
- Maureen Freschet – San Mateo
- Karyl Matsumoto – South San Francisco and SamTrans
- Deborah Gordon – Woodside

Absent:

- Daly City
- Foster City
- Hillsborough
- San Maeto County

Others:

- Sandy Wong –C/CAG Executive Director
- Nirit Eriksson – C/CAG Legal Counsel
- Mima Guilles – C/CAG Staff
- Jean Higaki – C/CAG Staff
- Matt Fabry – C/CAG Staff
- John Hoang – C/CAG Staff

Tom Madelena – C/CAG Staff
Jeff Lacap – C/CAG Staff
Eliza Yu – C/CAG Staff
Kim Springer – San Mateo County
Ellen Barton – San Mateo County
Bill Chiang – PG&E
John Ford – Commute.org
Emily Beach – Burlingame
Reuben Holober – Millbrae
David Burruto – San Mateo County
Marc Green

3.0 PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Note: Public comment is limited to two minutes per speaker.

None

4.0 PRESENTATIONS/ ANNOUNCEMENTS

Presentation on Commute.org by John Ford, Executive Director of Commute.Org.

5.0 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.

Board Member O’Connell (Brisbane) MOVED approval of Items 5.1, 5.2, 5.2.1, 5.2.2, 5.3, 5.4, 5.5, 5.6, 5.7 and 5.8. Board Member Papan (Millbrae) SECONDED. **MOTION CARRIED 17-0.**

- 5.1 Approval of the minutes of regular business meeting No. 286 dated February 11, 2016 APPROVED
- 5.2 Receive copy of executed agreement(s) executed by the C/CAG Chair or Executive Director consistent with C/CAG Procurement Policy:
 - 5.2.1 Receive copy of executed Task Order EOA-02, issued to EOA, Inc. for an amount not to exceed \$247,027 for water quality monitoring services to the Countywide Water Pollution Program for Fiscal Year 2015-16. INFORMATION
 - 5.2.2 Receive a copy of the accepted engagement letter from Bickmore for OPEB Actuarial Valuation Services.. INFORMATION
- 5.3 Confirm the C/CAG Chair appointment of Ann Wengert to the C/CAG Finance Committee. APPROVED
- 5.4 Review and approval of appointments of Adrienne Carr and William Chiang to serve on the Resource Management and Climate Protection (RMCP) Committee. APPROVED

- 5.5 Review and approve the appointment of Kevin Mulder from the Metropolitan Transportation Commission to the Congestion Management Program Technical Advisory Committee (CMP TAC). APPROVED
- 5.6 Review and approval of the reallocation of \$37,500 in Transportation Development Act (TDA) Article 3 Funds for the City of Belmont Comprehensive Bicycle and Pedestrian Plan. APPROVED
- 5.7 Review and approval of the reallocation of \$312,000 in Transportation Development Act Article 3 Funds for the City of San Mateo Bay to Transit Trail Phase 1 Project. APPROVED
- 5.8 Review and approve Resolution 16-04, authorizing the Executive Director to execute Task Orders with EOA, Inc., Larry Walker & Associates, and S. Groner & Associates in amounts not to exceed \$464,480, \$326,209, and \$250,000, respectively, for technical support services to the Countywide Water Pollution Program for Fiscal Year 2015-16. APPROVED
- 6.0 REGULAR AGENDA
- 6.1 Review and approval of C/CAG legislative policies, priorities, positions, and legislative update (A position may be taken on any legislation, including legislation not previously identified). NO ACTION
- 6.2 Review and approval of the C/CAG investment portfolio and accept the Quarterly Investment Report as of December 31, 2015. APPROVED
- Board Member O'Connell (Brisbane) MOVED approval of Item 6.2. Board Member Ortiz SECONDED. **MOTION CARRIED 17-0**
- 6.3 Receive an update regarding the 2016 State Transportation Improvement Program (STIP) reduction, impacts to San Mateo County, and potential actions. NO ACTION
- 6.4 Receive a presentation and ceremonial check for calendar year 2015 San Mateo County Energy Watch program (SMCEW). INFORMATION
- 6.5 Appointments to C/CAG Committees:
- 6.5.1 Review and approval of an appointment to the Legislative Committee. APPROVED

The Board received the following letters from candidates regarding their respective interest in serving on the Legislative Committee:

Mary Ann Nihart – Pacifica
Catherine Mahanpour – Foster City

Results from balloted votes were announced:

Mary Ann Nihart – City of Pacifica **Catherine Mahanpour – City of Foster City**

Elizabeth Lewis – Atherton
Doug Kim – Belmont

Terry O'Connell – Brisbane
Richard Ortiz – Burlingame
Joseph Silva – Colma
Lisa Gauthier – East Palo Alto
Marina Fraser – Half Moon Bay
Catherine Carlton – Menlo Park
Gina Papan – Millbrae
Mary Nihart – Pacifica
Maryann Moise Derwin – Portola Valley
Alicia Aguirre – Redwood City
Irene O'Connell – San Bruno
Cameron Johnson – San Carlos
Maureen Freschet – San Mateo
Karyl Matsumoto – South San Francisco
Deborah Gordon – Woodside

Mary Ann Nihart had the highest votes 17-0 and has been elected to serve on the Legislative Committee.

6.5.2 Review and approval of an elected official appointment to the Congestion Management & Environmental Quality Committee (CMEQ). APPROVED

Staff made a correction on page 79 of the meeting packet. Councilmember Reuben Holoher of City of Millbrae (not San Carlos).

The Board received the following letters from candidates regarding their respective interest in serving on the Legislative Committee:

Charlie Bronitsky, Vice Mayor, Foster City
Emily Beach, Council Member, City of Burlingame
Reuben D. Holoher, Vice Mayor, City of Millbrae

In addition the Board received in-person presentations from the following two candidates:

Emily Beach, Council Member, City of Burlingame
Reuben D. Holoher, Vice Mayor, City of Millbrae

Results from balloted votes were announced:

Emily Beach – City of Belmont

Doug Kim – Belmont
Terry O'Connell – Brisbane
Ricardo Ortiz – Burlingame
Lisa Gauthier – East Palo Alto
Irene O'Connell – San Bruno
Cameron Johnson – San Carlos
Mary Nihart – Pacifica

Reuben D. Holoher – City of Millbrae

Elizabeth Lewis - Atherton
Joseph Silva - Colma
Marina Fraser – Half Moon Bay
Gina Papan - Millbrae
Maryann Moise Derwin – Portola Valley
Karyl Matsumoto – South San Francisco

Alicia Aguirre – Redwood City
Deborah Gordon – Woodside

Charlie Bronitsky – Foster City

Catherine Carlton – Menlo Park
Maureen Freshet – San Mateo

Emily Beach had the highest votes 9-6-2 and has been elected to serve on the Congestion Management & Environmental Quality Committee (CMEQ)

- 6.6 Review and approval of modification to the composition of the Resource Management and Climate Protection (RMCP) Committee by consolidating the business seats.
(**Special Voting procedures apply**) APPROVED

Board Member Gordon MOVED approval of Item 6.6. Board Member O’Connell (San Bruno) SECONDED. **MOTION CARRIED 17-0.**

- 6.7 Election for C/CAG Chairperson and Vice Chairperson. APPROVED

Board Member Lewis MOVED to elect Alicia Aguirre as C/CAG Chairperson. Board Member O’Connell (San Bruno) SECONDED. **MOTION CARRIED 17-0.**

Board Member Papan MOVED to elect Maryann Moise Derwin as C/CAG Vice Chairperson. Board Member Gordon SECONDED. **MOTION CARRIED 17-0.**

7.0 COMMITTEE REPORTS

7.1 Committee Reports (oral reports)

Chairperson’s Report

7.3 Board members Report

8.0 EXECUTIVE DIRECTOR’S REPORT

9.0 COMMUNICATIONS - Information Only

9.1 Letter from Mary Ann Nihart, Chair, City/County Association of Governments, to The Honorable Jim Beall, Chair, Senate Transportation and Housing Committee, dated and The Honorable Jim Frazier, Chair, Assembly Transportation Committee, dated 2/11/16. RE: 2016 STIP Fund Estimate

9.2 Letter from Mary Ann Nihart, Chair, City/County Association of Governments, to The Honorable Jim Frazier, Chair, Assembly Transportation Committee, dated 2/11/16. RE: SUPPORT for AB 1591 (Frazier)

9.3 Letter from Jeffrey Lacap, Transportation Programs Specialist, to Christopher Calfee, Senior Counsel, Governor’s Office of Planning and Research (OPR), date 2/29/16. RE: Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA

9.4 Letter from Mary Ann Nihart, Chair, City/County Association of Governments, to The Honorable Kevin Mullin, Assembly Members Jim Frazier, Richard Gordon & Phil Ting, Senator Jerry Hill, dated 3/1/2016. RE: SUPPORT for AB 2126 (Mullin)

10.0 CLOSED SESSION

10.1 CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Subdivision (a) of Section 54956.9)

Name of case: W. Bradley Electric, Inc., for the benefit of MP Nexlevel of California, Inc., and MP Nexlevel of California, Inc., in its own capacity and as assignee of W. Bradley Electric, Inc. v. County of San Mateo

11.0 RECONVENE IN OPEN SESSION

11.1 There was no reportable action taken.

12.0 ADJOURNMENT – 8:15 p.m.

C/CAG AGENDA REPORT

Date: May 12, 2016

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Receive an update on the Highway 101 Pilot Ramp Metering Project, which is administered by Caltrans and UC Berkeley's PATH.

(For further information, contact Eliza Yu at 650-599-1453 or eyu@smcgov.org)

RECOMMENDATION

That the Board will receive an update on the Highway 101 Pilot Ramp Metering Project, which is administered by Caltrans and UC Berkeley's PATH.

FISCAL IMPACT

None

SOURCE OF FUNDS

Caltrans will fully fund this project.

BACKGROUND

In November of 2013, northbound ramp meters were turned on along Highway 101 from SR 92 to the San Francisco County Line. In May of 2014, southbound ramp meters were turned on from SR 92 to the San Francisco County Line. Currently, the ramp meters are operated during peak hours:

- Northbound Monday through Friday from 6:00am-10:00am and 3:00pm-8:00pm.
- Southbound Monday through Friday from 6:00am-10:00am and 2:30pm-8:00pm.

On September 30, 2015, UC Berkeley's PATH (Partners for Advanced Transportation Technology) and Caltrans Headquarters contacted C/CAG staff with a desire to perform a temporary pilot project and study of the US 101 corridors.

Late in 2015, the Pilot project was presented to the C/CAG committees and C/CAG Board for approval to participate in the UC PATH Pilot Project. On October 16, 2015, the Ramp Metering Technical Committee (RMTTC) recommended participating in the project. On November 19, 2015, the Congestion Management Program Technical Advisory Committee (CMP TAC) recommended participating in the project. On November 30, 2015 the Congestion Management

and Environmental Quality Committee (CMEQ) recommended participating in the project. Lastly, on December 10, 2015, the C/CAG Board of Directors reviewed and approved participating in the project.

Since December 2015, C/CAG staff has been in contact with UC PATH and Caltrans District 4 on a regular basis. On February 3, 2016, C/CAG staff was informed that Phase 2 of the Ramp Metering Pilot Project was on hold due to a change in objectives, scope of work, and contract issues at Caltrans Headquarters (HQ).

On February 25, 2016, C/CAG staff was informed that Caltrans had changed this project into a statewide research only based project. UC PATH would only gather existing data for analysis and omit the San Mateo field implementation project component. Caltrans District 4 confirmed that the results from this study would be used to help achieve the new objective of developing statewide ramp metering policies and standards. Phase 2 will be conducted over the course of a year, from approximately July 2016 to July 2017.

Caltrans HQ is currently working with other Caltrans Districts and UC PATH to refine the project objectives and the scope of work at this time. C/CAG staff expects to receive updates from Caltrans and will keep the committees and board informed on an as-needed basis.

ATTACHMENTS

None

C/CAG AGENDA REPORT

Date: May 12, 2016

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of the project list for funding under the Joint C/CAG and San Mateo County Transportation Authority Shuttle Program for FY 2016/2017 and FY 2017/2018, and approval of Resolution 16-05 authorizing the C/CAG Chair to execute a funding agreement with the City of Menlo Park for an amount not to exceed \$921,528.

(For further information or response to questions, contact Tom Madalena at 650-599-1460)

RECOMMENDATION

That the C/CAG Board review and approve the project list for funding under the Joint C/CAG and San Mateo County Transportation Authority Shuttle Program for FY 2016/2017 and FY 2017/2018, and approval of Resolution 16-05 authorizing the C/CAG Chair to execute a funding agreement with the City of Menlo Park for an amount not to exceed \$921,528.

FISCAL IMPACT

For the FY 16/17 and FY 17/18 funding cycle there is up to \$10,000,000 available.

SOURCE OF FUNDS

C/CAG Funding to support the shuttle programs will be derived from the Congestion Relief Plan adopted by C/CAG and includes \$1,000,000 in funding (\$500,000 for FY 16/17 and \$500,000 for FY 17/18). The San Mateo County Transportation Authority (TA) Measure A Program will provide approximately \$9,000,000 for the two-year funding cycle. The C/CAG funding will be predicated on the C/CAG Board of Directors approving shuttle funding in the amount of \$500,000 for each fiscal year through the annual budget adoption process.

BACKGROUND

For the FY 16/17 & FY 17/18 cycle the San Mateo County Transportation Authority (TA) and C/CAG created a call for projects that combines two years of funding for shuttles in an amount up to \$10,000,000 from both agencies. Staff issued the call for projects on December 14, 2015 and applications were due on February 12, 2016. C/CAG and TA staff held an application workshop on December 15, 2016 to answer questions about the program and to guide project sponsors through the application process. Staff received applications from 11 sponsors which encompass 40 separate shuttles. The total amount requested was approximately \$9,300,000.

Staff convened a Shuttle Evaluation Panel on March 17, 2016 to evaluate and score the shuttle program applications. The panel consisted of staff from the San Mateo County Transit District (SamTrans), the TA, Alameda-Contra Costa Transit District (AC Transit), Santa Cruz Metropolitan Transit District (Santa Cruz Metro) and C/CAG. The panel developed a recommended list of projects for funding

which is presented in Attachment A. The Coastside Beach Shuttle is being deferred due to a request from the sponsor, the County of San Mateo, so that they can better coordinate the route and schedule with existing transit service and the community. The Millbrae Shuttle was not recommended for funding by the Shuttle Evaluation Panel due to significant overlap with SamTrans bus service and not meeting the minimum program requirements.

This item had been presented to the Congestion Management Program Technical Advisory Committee and the Congestion Management and Environmental Quality Committee in April and both committees have recommended approval of this funding recommendation.

ATTACHMENTS

- Attachment A – Recommendations for FY 2016/2017 & FY 2017/2018 Funding for San Mateo County Shuttle Program
- Resolution 16-05
- Shuttle Program Agreement between City/County Association of Governments and the City of Menlo Park (available for review and download at <http://ccag.ca.gov/committees/board-of-directors/>)



Attachment A
FY2017 and FY2018 San Mateo County Shuttle Program
Final Recommended Project List for Award

Rank	Score	Sponsor	Shuttle Name	Primary Service Area	New or Existing	Service Type	Total Cost	Requested Allocation	Proposed Fund Source	Total Matching Funds	Percent Matching Funds	Private Sector Match	Notes
1	77	JPB	Lincoln Centre	San Mateo/Foster City	Existing	Commuter	\$278,600	\$181,100	Measure A	\$97,500	35%	yes, 25%	
2	76	Commute.org	Seaport Centre Caltrain	Redwood City	Existing	Commuter	\$238,018	\$119,009	Measure A	\$119,009	50%	yes, 50%	
3	75	Commute.org	Bayshore Technology Park	Redwood Shores	Existing	Commuter	\$246,208	\$123,104	Measure A	\$123,104	50%	yes, 50%	
4	75	JPB	Pacific Shores	Redwood City	Existing	Commuter	\$357,900	\$232,600	Measure A	\$125,300	35%	yes, 25%	
5	74	JPB	Burlingame Bayside BART/Caltrain	Burlingame	Existing	Commuter	\$474,500	\$308,600	Measure A	\$165,900	35%	yes, 25%	
6	73	JPB	Mariners Island	San Mateo/Foster City	Existing	Commuter	\$278,600	\$181,100	Measure A	\$97,500	35%	yes, 25%	
7	72	Daily City	Bayshore	Daly City	Existing	Commuter/Community	\$523,000	\$104,600	Measure A	\$418,400	80%	no	
8	72	JPB	Twin Dolphin	Redwood Shores	Existing	Commuter	\$265,800	\$190,400	Measure A	\$75,400	28%	yes, 25%	
9	72	Menlo Park	Willow Road	Menlo Park	Existing	Commuter	\$253,429	\$190,071	C/CAG	\$63,358	25%	yes, 15%	
10	71	Commute.org	Brisbane/Crocker Park BART/Caltrain	Brisbane/Daly City	Existing	Commuter	\$786,665	\$555,000	Measure A	\$231,665	29%	yes, 25%	
11	71	JPB	Electronic Arts (EA)	Redwood Shores	Existing	Commuter	\$380,200	\$150,000	Measure A	\$230,200	61%	yes, 61%	
12	71	Menlo Park	Marsh Road	Menlo Park	Existing	Commuter	\$378,008	\$283,506	Measure A	\$94,502	25%	yes, 24%	
13	71	SamTrans	Sierra Point - Balboa Park BART	Brisbane	Existing	Commuter	\$505,600	\$163,000	Measure A	\$342,600	68%	yes, 62%	existing shuttle, new to San Mateo County Shuttle Program
14	71	South San Francisco	South City	South San Francisco	Existing	Community	\$487,343	\$360,507	Measure A	\$126,836	26%	yes, 1%	
15	70	Commute.org	Redwood City Midpoint Caltrain	Redwood City	Existing	Commuter	\$242,857	\$182,143	Measure A	\$60,714	25%	yes, 25%	
16	70	SamTrans	Bayhill - San Bruno BART	San Bruno	Existing	Commuter	\$238,600	\$179,000	Measure A	\$59,600	25%	yes, 18%	existing shuttle, new to San Mateo County Shuttle Program
17	70	SamTrans	Sexton Medical - BART Daly City	Daly City	Existing	Commuter	\$218,800	\$150,000	Measure A	\$68,800	31%	yes, 31%	existing shuttle, new to San Mateo County Shuttle Program
18	70	San Mateo Community College District	Skyline College Express	San Bruno	New	Commuter	\$449,436	\$202,703	Measure A	\$246,733	55%	no	new express shuttle from Daly City BART to Skyline Community College
19	69	Commute.org	North Foster City	Foster City	Existing	Commuter	\$467,032	\$315,274	Measure A	\$151,758	32%	yes, 25%	
20	69	JPB	Broadway/Millbrae	Burlingame	Existing	Commuter	\$284,900	\$213,800	Measure A	\$71,100	25%	no	
21	67	Commute.org	North Burlingame	Burlingame	Existing	Commuter	\$249,126	\$124,562	Measure A	\$124,563	50%	yes, 50%	
22	66	JPB	Clipper	Redwood Shores	Existing	Commuter	\$246,900	\$185,200	Measure A	\$61,700	25%	yes, 25%	
23	66	JPB	Sierra Point Millbrae	South San Francisco/Brisbane	Existing	Commuter	\$294,200	\$84,000	Measure A	\$210,200	71%	yes, 66%	
24	62	JPB	Bayshore/Brisbane Commute & MIDDAY Senior	Brisbane/Daly City	Existing	Commuter/Community	\$512,700	\$384,600	Measure A	\$128,100	25%	no	
25	62	JPB	Campus Drive Area	San Mateo	Existing	Commuter	\$246,900	\$185,200	Measure A	\$61,700	25%	yes, 25%	
26	62	JPB	Oracle	Redwood Shores	Existing	Commuter	\$570,200	\$260,000	Measure A	\$310,200	54%	yes, 53%	
27	61	San Carlos	San Carlos Commuter	San Carlos	New	Commuter	\$264,326	\$198,245	Measure A	\$66,082	25%	yes, TBD	new shuttle, participating employers to be determined
28	59	Commute.org	South San Francisco BART	South San Francisco	Existing	Commuter	\$915,656	\$641,742	Measure A	\$273,914	30%	yes, 25%	
29	59	Commute.org	South San Francisco Caltrain	South San Francisco	Existing	Commuter	\$532,612	\$399,459	Measure A	\$133,153	25%	yes, 25%	
30	58	JPB	Belmont/Hillsdale	Belmont	Existing	Commuter	\$246,900	\$185,200	Measure A	\$61,700	25%	no	



Attachment A
FY2017 and FY2018 San Mateo County Shuttle Program
Final Recommended Project List for Award

Rank	Score	Sponsor	Shuttle Name	Primary Service Area	New or Existing	Service Type	Total Cost	Requested Allocation	Proposed Fund Source	Total Matching Funds	Percent Matching Funds	Private Sector Match	Notes	
31	57	SamTrans/ San Mateo	Connect San Mateo	San Mateo	New	Community	\$437,500	\$218,750	Measure A	\$218,750	50%	yes, 18%	new shuttle serving downtown San Mateo area	
32	56	Commute.org	South San Francisco Centennial Towers	South San Francisco	Existing	Commuter	\$237,088	\$118,544	Measure A	\$118,544	50%	yes, 50%		
33	56	SamTrans/ San Carlos	San Carlos Community	San Carlos	New	Community	\$325,720	\$162,860	Measure A	\$162,860	50%	yes, 28%	new shuttle serving students in San Carlos hills	
34	55	San Mateo County	County Parks Explorer	East Palo Alto/East Menlo Park/North Fair Oaks	New	Community	\$301,320	\$201,056	Measure A	\$100,264	33%	yes, 16%	new weekend-only shuttle service to Edgewood and Wunderlich County Parks	
35	54	Commute.org	South San Francisco Ferry	South San Francisco	Existing	Commuter	\$437,764	\$284,546	Measure A	\$153,218	35%	yes, 10%		
36	54	Menlo Park	Mid-day	Menlo Park	Existing	Community	\$975,277	\$731,457	C/CAG	\$243,820	25%	no	existing shuttle adding new service to West Menlo Park door to door service	
37	52	Menlo Park	Shoppers	Menlo Park	Existing	Community	\$79,313	\$59,485	Measure A	\$19,828	25%	no		
38	51	JPB	Norfolk Area	San Mateo	Existing	Commuter	\$227,800	\$170,900	Measure A	\$56,900	25%	yes, 25%		
39	8	Millbrae	Millbrae Shuttle Service	Millbrae	New	Community	\$526,000	\$197,250		\$65,750	13%	no	not recommended for funding, major duplication with SamTrans bus service/ no concurrence letter, didn't obtain required technical assistance & didn't provide minimum 25% match	
							Subtotals:	\$14,982,798	\$9,178,573	\$0	\$5,541,225	37%		

TA Measure A Local Shuttle Program Allocation:
 \$8,059,795
C/CAG Local Transportation Services Shuttle Program Allocation:
 \$921,528
Total TA-C/CAG Shuttle Funding Allocation:
 \$8,981,323
Total Funding Available for FY 2017 & 2018 Shuttle Call for Projects:
 \$10,000,000

Funding Recommendation To Be Determined

Sponsor	Shuttle Name	Primary Service Area	New or Existing	Service Type	Total Cost	Requested Allocation	Proposed Fund Source	Total Matching Funds	Percent Matching Funds	Private Sector Match	Notes
San Mateo County	Coastside Beach	Half Moon Bay/ Unincorporated County	New	Community	\$140,000	\$105,000		\$35,000	25%	no	sponsor has requested deferral to further coordinate service plan with the community

RESOLUTION 16-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG CHAIR TO EXECUTE A FUNDING AGREEMENT WITH THE CITY OF MENLO PARK FOR AN AMOUNT NOT TO EXCEED \$921,528.

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

WHEREAS, the Board of Directors of the City/County Association of Governments at its February 14, 2002 meeting approved the Congestion Relief Plan and subsequently reauthorized the Congestion Relief Plan in 2007 and 2010, and

WHEREAS, one component of that Plan was support for the Local and Employer Based Shuttle Programs, and

WHEREAS, on December 10, 2015 the C/CAG Board of Directors approved the process for the C/CAG and San Mateo County Transportation Authority combined San Mateo County Shuttle Program for FY 16/17 & FY 17/18, and

WHEREAS, on December 14, 2015 C/CAG and the San Mateo County Transportation Authority issued a call for projects for the FY 16/17 & FY 17/18 San Mateo County Shuttle Program, and

WHEREAS, a project list of eligible projects as presented in Attachment A has been recommended for funding by the Congestion Management Program Technical Advisory Committee and the Congestion Management and Environmental Quality Committee, and

WHEREAS, as presented in Attachment A C/CAG will allocate funding for two shuttle routes sponsored by the City of Menlo Park, and

WHEREAS, C/CAG has determined that the cost of these shuttles shall not cumulatively exceed nine hundred twenty-one thousand, five hundred and twenty-eight dollars (\$921,528).

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the City/County Association of Governments of San Mateo County that on behalf of C/CAG the Chair is authorized to execute an agreement with the City of Menlo Park for an amount not to exceed \$921,528. The agreement shall be in a form approved by C/CAG Legal Counsel.

PASSED, APPROVED, AND ADOPTED, THIS 12TH DAY OF MAY 2016.

Alicia Aguirre, Chair

C/CAG AGENDA REPORT

DATE: May 12, 2016

TO: C/CAG Board of Directors

FROM: Sandy Wong, Executive Director

SUBJECT: Airport Land Use Compatibility Plan for the Environs of San Carlos Airport Consistency Review – City of Redwood City, Oracle Design Tech High School Project

(For questions please contact Tom Madalena at 650-599-1460 or tmadalena@smcgov.org)

RECOMMENDATION

That the C/CAG Board, acting as the Airport Land Use Commission, determine that the City of Redwood City, Oracle Design Tech High School Project is consistent with the applicable airport/land use policies and criteria contained in the Airport Land Use Compatibility Plan for the Environs of San Carlos Airport (SQL ALUCP).

BACKGROUND

The City of Redwood City has referred the Oracle Design Tech High School to C/CAG, acting as the Airport Land Use Commission, for a determination of consistency with relevant airport/land use compatibility criteria in the SQL ALUCP. The project is subject to ALUC/C/CAG review, pursuant to PUC Section 21676 (b).

The proposed project entails demolishing the parking lot and constructing a two-story, 75,000 square foot building for the relocation and expansion of the Design Tech High School. The new high school campus would include an employee parking lot, a student drop-off area, public access points to the Bay Trail, and outdoor amenities. At full capacity, the school would accommodate up to 550 students in grades 9-12 with 30 full time employees. The proposed school would not have designated space for athletics or other non-classroom activities, but would utilize facilities such as the gym, convention center, and kitchen located on the Oracle campus.

This recommendation was brought forward to the Airport Land Use Committee (ALUC) at the January 28, 2016 ALUC meeting. However, the ALUC asked staff to further investigate whether the project would be an appropriate location for a school given that it was within two miles of an airport runway. A member of the public spoke during public comment and mentioned that it was within two miles of the San Carlos Airport runway and therefore did not believe it was an appropriate location for a school. As a result of this comment the ALUC decided not to take action on the staff recommendation and asked staff to complete further research.

The two mile concern that was mentioned by the member of the public that spoke relates to the State Education Code. Education Code Section 17215 requires that, before acquiring title to or leasing property for a new school site situated within two miles of an airport runway, a school

district must notify the Department of Education. The Department of Education then notifies the California Department of Transportation (Caltrans), which is required to investigate the site and prepare a written report.

Staff was aware of guidance in the California Airport Land Use Planning Handbook (Handbook), which is used to provide guidance to Airport Land Use Commissions on the development of Airport Land Use Compatibility Plans. The Handbook describes the required review by the Caltrans Division of Aeronautics. This review had occurred by the Caltrans Division of Aeronautics prior to the January 28th ALUC meeting but staff was unable to obtain the findings from the Caltrans Division of Aeronautics before the January 28th ALUC meeting. The ALUCP for the Environs of San Carlos Airport does not contain policies in relation to schools that are outside of the safety zones and outside of the CNEL (Community Noise Equivalent Level) 60 dB noise contour. This site for the Oracle Design Tech High School is outside of both the safety zones and the CNEL 60 dB noise contour. Staff obtained the letter from the Caltrans Division of Aeronautics, included as an attachment to this report, in which it describes that based on their review Caltrans would not object to the school district's acquisition of the proposed site for the school.

As a result of the March ALUC meeting being canceled and the timeline for the Redwood City approval of this project, staff is bringing this recommendation forward to the Board without a recommendation from the C/CAG ALUC.

DISCUSSION

I. ALUCP Consistency Evaluation

There are three airport/land use compatibility issues addressed in SQL CLUP that relate to the proposed Marriot Springhill Suites Hotel Project. These include: (a) consistency with noise compatibility policies, (b) safety criteria, and (c) airspace compatibility criteria. The following sections address each issue.

(a) Noise Policy Consistency Analysis

The SQL ALUCP uses the CNEL (Community Noise Equivalent Level) 60 dB noise contours for determining land use compatibility. The Oracle Design Tech High School is located outside of the CNEL 60 dB noise contour.

Based upon this analysis, the Oracle Design Tech High School is consistent with the SQL ALUCP noise policies.

(b) Safety Criteria

The California Airport Land Use Planning Handbook requires airport land use compatibility plans to include safety zones for each runway end. The SQL ALUCP includes 6 safety zones and related land use compatibility policies and criteria. The Oracle Design Tech High School is located outside of the safety zones established for the SQL ALUCP.

Therefore, the proposed Oracle Design Tech High School is consistent with the SQL ALUCP safety policies.

(c) Height of Structures, Use of Airspace, and Airspace Compatibility

The SQL CLUP incorporates the provisions in Title 14 of the Code of Federal Regulations Part 77 (14 CFR Part 77), “Objects Affecting Navigable Airspace,” as amended, to establish height restrictions and federal notification requirements related to proposed development within the 14 CFR Part 77 airspace boundaries for San Carlos Airport. The regulations contain three key elements: (1) standards for determining obstructions in the navigable airspace and designation of imaginary surfaces for airspace protection, (2) requirements for project sponsors to provide notice to the Federal Aviation Administration (FAA) of certain proposed construction or alteration of structures that may affect the navigable airspace, and (3) the initiation of aeronautical studies, by the FAA, to determine the potential effect(s), if any, of proposed construction or alterations of structures on the subject airspace.

The City of Redwood City is located inside of the 14 CFR Part 77 horizontal and conical imaginary surface contours. The parcel for the Oracle Design Tech High School is located within the conical surface contours. The height for the imaginary surface established for the conical surface is at approximately 255 feet above mean sea level. The project parcel is located at approximately 5 feet above mean sea level. The building will be constructed at a maximum height of 38 feet. Therefore, the Oracle Design Tech High School Project is consistent with the airspace criteria as established in the adopted SQL ALUCP.

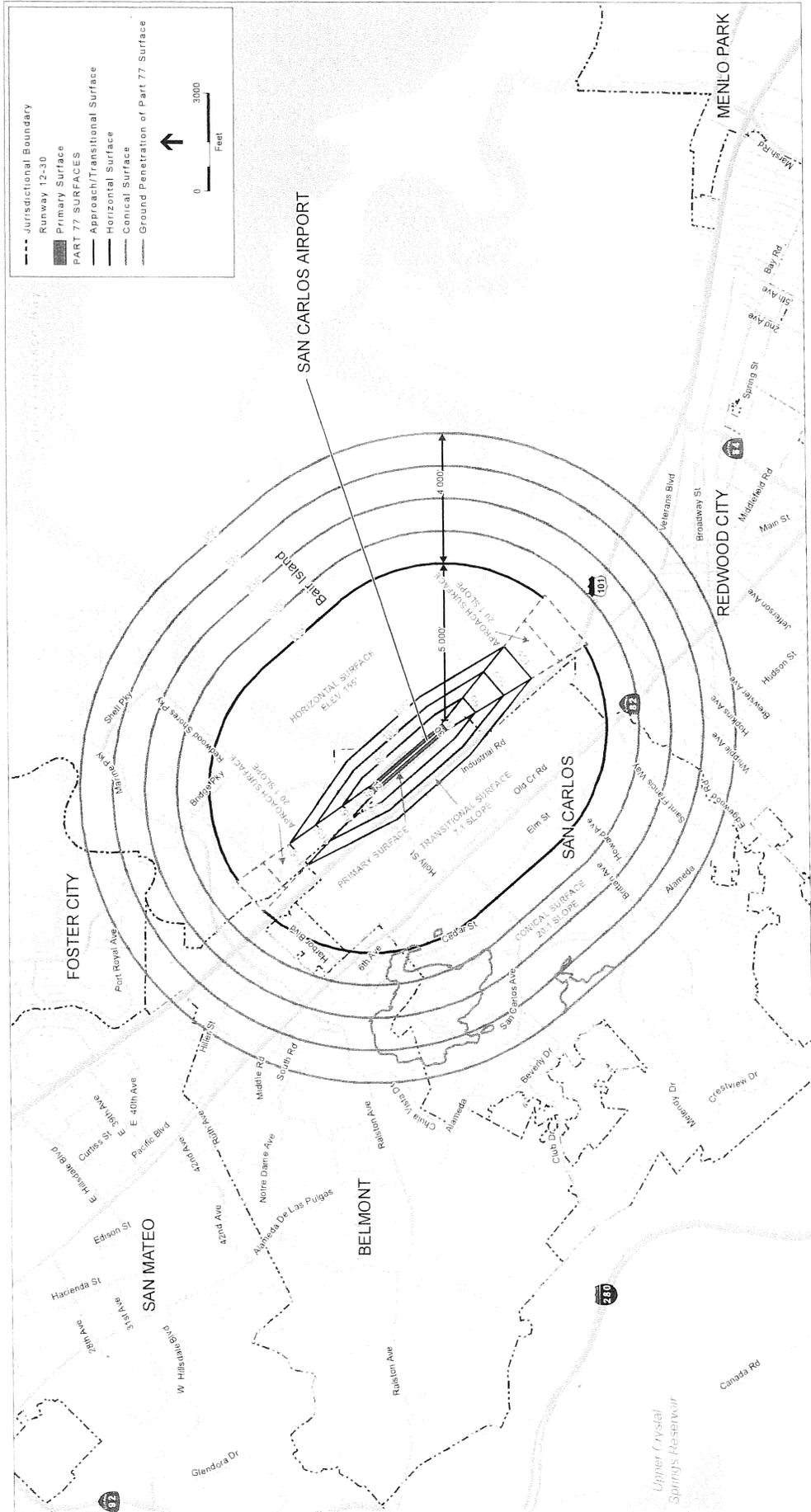
Under Federal law, it is the responsibility of the project sponsor to comply with all notification and other requirements described in 14 CFR Part 77. The city should notify project sponsors of proposed projects at the earliest opportunity to file form 7460-1 *Notice of Proposed Construction or Alteration*, if required, with the Federal Aviation Administration (FAA) to determine whether a project will constitute a hazard to air navigation. Subpart B of 14 CFR Part 77 provides guidance on determining when this form should be filed. The FAA has also developed an online tool for project sponsors to use when determining whether they are required to file the *Notice of Proposed Construction or Alteration*. Sponsors of proposed projects are urged to refer to this website to determine whether they are required to file Form 7460-1 with the FAA:

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

ATTACHMENTS

- Attachment 1 – San Carlos Airport Part 77 Airspace Protection Surfaces
- Attachment 2 – Oracle Educational Facility Location
- Attachment 3 – Oracle Education Facility Building Sections
- Attachment 4 – Letter from the State of California Division of Aeronautics

Attachment 1

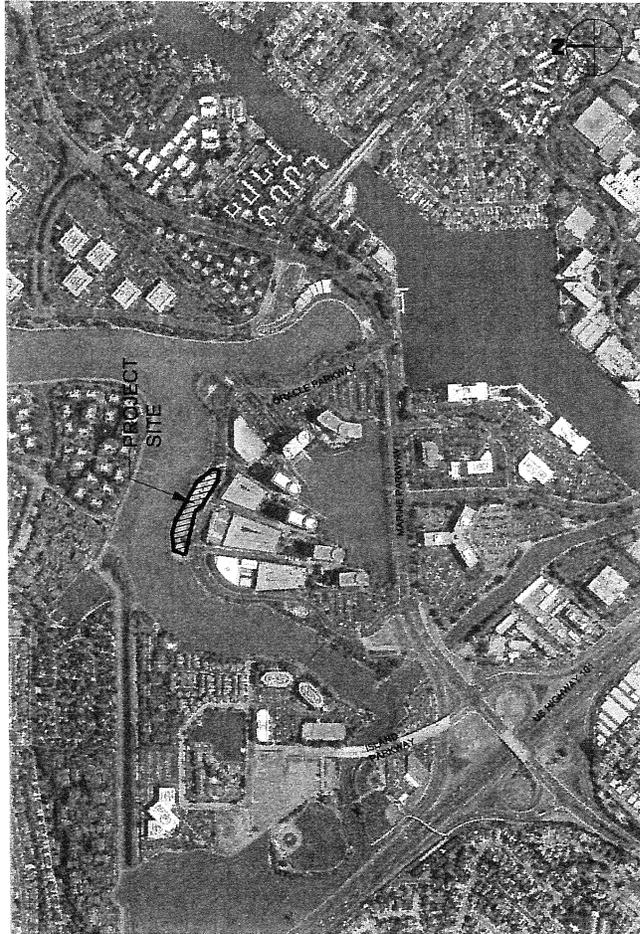


San Carlos Airport ALUCP - 130753
Exhibit 4-4
 San Carlos Airport Part 77 Airspace Protection Surfaces

SOURCE: ESRI, 2014. San Mateo County Planning and Building Department, 2014. ESA Airports, 2014.
 NOTE 1: All elevations on this exhibit are expressed in feet above mean sea level (MSL). The elevation of San Carlos Airport is 5 feet MSL.
 NOTE 2: Locations where the ground/terrain penetrates the FAR Part 77 airspace surfaces are approximate and were developed using ground elevation contours provided by the San Mateo County Planning and Building Department, 2014.

VICINITY MAPS

Attachment 2



CONTACT

CLIENT/OWNER
ORACLE CORPORATION
600 ORACLE PARKWAY, REDWOOD CITY, CA 94065
CONTACT: LIA NEWMAN
PHONE: (650) 506-2185

ARCHITECTS/LANDSCAPE ARCHITECT
DES ARCHITECTS + ENGINEERS
300 BRADFORD STREET, REDWOOD CITY, CALIFORNIA 94063
CONTACT: DAWN JEDKINS / KENNY HUNG
PHONE: (650) 364-6453

CIVIL ENGINEER
INTEGRAL GROUP
SUITE 200, 255 SHORELINE DRIVE, REDWOOD CITY, CA 94065
CONTACT: LIANE WARE
PHONE: (650) 482-6300

MEP ENGINEER
INTEGRAL GROUP
FOYWORTH AVENUE, SAN JOSE, CA 95118
CONTACT: DAVID MAXINO
PHONE: (408) 448-6300

APPLICABLE CODES

- 2013 CALIFORNIA BUILDING CODE
- 2013 CALIFORNIA ELECTRICAL CODE
- 2013 CALIFORNIA MECHANICAL CODE
- 2013 CALIFORNIA PLUMBING CODE
- 2013 CALIFORNIA ENERGY CODE
- 2013 CALIFORNIA FIRE CODE
- 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE
- ALL OTHER STATE AND LOCAL ORDINANCES AND REGULATIONS

PROJECT DATA

- A. ZONING DESIGNATION: COMMERCIAL PARK
- B. CONSTRUCTION TYPE: IIB
- C. OCCUPANCY GROUP: E
- D. TOTAL LAND AREA: 4.34 ACRES/180,007 SQ. FT.
- E. PROPOSED BUILDING USE: PUBLIC CHARTER SCHOOL
- F. GROSS BUILDING AREA: 64,000 SF
- G. PROPOSED FAR: 0.34
- H. BUILDING HEIGHT: 31.5' TO TOP OF PARAPET (2-STORY)
34.0' TO TOP OF STAIR TOWER
- I. BUILDING COVERAGE: 18% BASED ON FIRST FLOOR'S FOOTPRINT
- J. LANDSCAPE COVERAGE: 28%

K. PARKING

PROVIDED PARKING: 35
REQUIRED PARKING: 320
REQUIRED PARKING CALCULATION BREAKDOWN PER CITY OF REDWOOD CITY ZONING ORDINANCE CHAPTER 30.5

	NO. SF	REQUIREMENTS	NO.
1. HIGH GRADE	8	1 PER CLASSROOM	8
1.1. 17TH GRADE	235 STUDENT'S	1 PER STUDENT	235
ADMINISTRATIVE	15	1 PER OFFICE	15
AUDITORIUM - MULTIPURPOSE SPACE	2,200 SF	1 PER 100 SF	22
TOTAL, REQUIRED			320

- 1. TEACHER PARKING AREA - 35 STALLS. THESE INCLUDE
 - a. 2 CARPOOL PARKING STALLS
 - b. 2 ACCESSIBLE PARKING STALLS
 - c. 2 STALLS WITH EV CHARGING STATIONS
- 2. STUDENT DROP-OFF: 24 CARS
- 3. NO STUDENT PARKING POLICY WILL BE IMPLEMENTED. SEE SCHOOL PARKING POLICY DOCUMENT INCLUDED WITH SUBMITTAL
- 4. BIKE PARKING
 - a. REQUIRED BIKE PARKING: 13 (1 PER 5,000 SF)
 - b. PROVIDED BIKE PARKING: 28

SHEET INDEX

ARCHITECTURE

- A1 PROJECT DATA, VICINITY MAP, SHEET INDEX AND GENERAL NOTES
- A2 OVERALL SITE PLAN
- A2B OVERLAY OF PROPOSED AND EXISTING SITE PLANS
- A3 SITE ACCESS DIAGRAM - VEHICLE
- A4 SITE ACCESS DIAGRAM - PEDESTRIAN
- A5 FIRST FLOOR PLAN
- A6 SECOND FLOOR PLAN
- A7 ROOF PLAN
- A8 BUILDING ELEVATIONS
- A9 BUILDING ELEVATIONS
- A10 BUILDING SECTIONS
- A11 BUILDING PERSPECTIVE - MAIN ENTRY AT ORACLE PARKWAY
- A12 BUILDING PERSPECTIVE - VIEW CORRIDOR THROUGH ENTRY LOBBY
- A13 BUILDING PERSPECTIVE - BELMONT SCOUGH SIDE AND BAY TRAIL
- A14 BUILDING PERSPECTIVE - SCHOOL BUILDING AND ORACLE CAMPUS
- A15 COLORED SITE PLAN
- A16 DETAILED WALL SECTIONS 1
- A17 DETAILED WALL SECTIONS 2
- A18 DETAILED WALL SECTIONS 3

CIVIL

- C1 EXISTING CONDITIONS
- C2 CONCEPTUAL SITE LAYOUT AND GRADING PLAN
- C3 CONCEPTUAL UTILITY PLAN
- C4.1 PRELIMINARY STORMWATER MANAGEMENT PLAN
- C4.2 PRELIMINARY STORMWATER MANAGEMENT CALCULATIONS AND NOTES
- C5.1 CONCEPTUAL TENTATIVE MAP
- C5.2 CONCEPTUAL TENTATIVE MAP
- C6 CONCEPTUAL FIRE ACCESS PLAN

LANDSCAPE

- L1 EXISTING TREE AND PROTECTION PLAN
- L2 LANDSCAPE MATERIALS SCHEDULE
- L3 LANDSCAPE MATERIALS - WEST
- L4 LANDSCAPE MATERIALS - EAST
- L4.1 SITE FURNISHINGS
- L5 LANDSCAPE SECTIONS
- L6 PLANTING LEGEND
- L7 PLANTING PLAN
- L8 PLANTING PLAN
- L8.1 PLANTING MATERIALS
- L9 LANDSCAPE DETAILS

ELECTRICAL

- E1 SITE LIGHTING PHOTOMETRICS - OVERALL PLAN
- E2 SITE LIGHTING PHOTOMETRICS - WEST ENLARGED PLAN
- E3 SITE LIGHTING PHOTOMETRICS - EAST ENLARGED PLAN

ORACLE EDUCATIONAL FACILITY

ORACLE PARKWAY, REDWOOD CITY, CA.

PROJECT DATA, VICINITY MAPS AND SHEET INDEX

A1

06.08.2015 PLANNING SUBMITTAL
09.11.2015 PLANNING RESUBMITTAL
10.30.2015 PLANNING RESUBMITTAL
12.17.2015 PLANNING RESUBMITTAL

© 2015

DES

ORACLE

Project Number: 10026.001

Attachment 4



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

October 6, 2015

Design Tech High School
Attention: Ken Montgomery
1800 Rollins Rd
Burlingame, CA 94010

**SUBJECT: AERONAUTICS REVIEW: site located at 355 Oracle Parkway,
Redwood City, CA**

Dear Mr. Montgomery:

In accordance with Education Code Section 17215, the California Department of Transportation, Division of Aeronautics has investigated a site for a new 9-12 school. The proposed site is located at 355 Oracle Parkway, Redwood City, California.

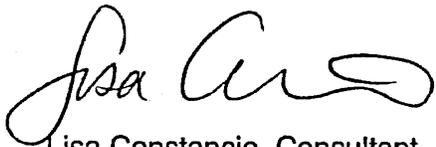
According to the Department of Transportation letter dated October 5, 2015 "Due to the proposed location of the school site, aircraft/helicopter over-flight noise at this site will be audible, and the potential exists for persons to be annoyed by individual aircraft noise events." If the site is selected, Caltrans has made several recommendations in the attached letter including "the Charter School should be required to grant San Mateo County an aviation easement that includes aircraft noise if this site is approved."

The letter goes on to state "the comments provided by the airport management should be seriously considered. However, based on our evaluation of existing conditions and planned development at the airport, Caltrans does not object to the school district's acquisition of the proposed site for a children's school." "This Caltrans recommendation is furnished pursuant to EC section 17215. The recommendation does not relieve the sponsor of compliance responsibilities relating to law, ordinance, or regulations of any federal, State or local government body, nor does it constitute Caltrans approval relative to the California Public Utilities Code (PUC), the California Code of Regulations and other State statutory or regulatory codes." Please see attached letter for more information.

If this site is not acquired by October 1, 2020 a re-evaluation of this site by the Department of Transportation will be required.

If you have further questions, please contact me at (916) 445-4889 or by email at lconstancio@cde.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Constancio". The signature is fluid and cursive, with the first name "Lisa" and the last name "Constancio" written in a single continuous stroke.

Lisa Constancio, Consultant
California Department of Education
School Facilities Planning Division
attachment

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

1120 N STREET

P. O. BOX 942874

SACRAMENTO, CA 94274-0001

PHONE (916) 654-4959

FAX (916) 653-9531

TTY 711

www.dot.ca.gov

*Serious drought!
Help Save Water!*

October 1, 2015

RECEIVED

OCT 05 2015

SCHOOL FACILITIES

Ms. Lisa Constancio, Field Consultant
School Facilities Planning Division
California Department of Education
1430 N Street, Suite 1201
Sacramento, CA 95814-5901

Dear Ms. Constancio:

In response to your request of August 19, 2015, and Section 17215 of the California Education Code (EC), the California Department of Transportation (Caltrans), Division of Aeronautics, has analyzed the proposed Design Technology High School site located at 355 Oracle Parkway in Redwood City. The proposed site is located approximately 7,100 feet north of the approach end of Runway 12 at the San Carlos Airport (SQL).

Our analysis consisted of a review of Caltrans Airport Land Use Planning Handbook (Handbook), California Code of Regulations (CCR) section 3570, San Mateo County Airport Land Use Compatibility Plans (ALUCP), airport traffic patterns, instrument approach/departure procedures, our files, and other publications relating to aircraft operations at the SQL. We also conducted a flight inspection of the proposed site on September 29, 2015. The San Mateo County Airport Land Use Commission and the airport's management were given an opportunity to comment, and their comments were considered during our study.

The SQL is a Metropolitan Reliever Airport with one runway designed to accommodate aircraft of 12,500 pounds or less maximum certificated takeoff weight and approximately 315 based aircraft. The SQL provides aviation access to the overall community and relieves congestion at San Francisco International Airport. Runway 12/30 is oriented on magnetic bearings of 120 degrees and 300 degrees, is approximately 2,600 feet long, and is classified as "a short general aviation runway," according to the Handbook. Using the CCR, the Handbook, and the ALUCP criteria, the proposed school site falls outside of all Handbook Safety Compatibility Zones and ALUCP Safety Zones.

Caltrans received written comments from airport management opposing any school building at the proposed school site stating in part: "The San Carlos Airport has 140,000 takeoffs and landings per year. 90 percent of those takeoffs are on Runway 30 which depart towards the proposed Charter High School location." The airport manager goes on to say that they recommend "Redwood City find a more suitable location for a charter school."

*"Provide a safe, sustainable, integrated, and efficient transportation system
to enhance California's economy and livability"*

Based upon our flight evaluation, the proposed site will experience direct over-flights from aircraft departing from Runway 30 following the "Belmont Slough" departure route and will be heavily influenced by flyby traffic on the base and crosswind legs of the traffic pattern. It would be reasonable to expect overflights and single event noise impacts from aircraft as low as 400-500 feet above ground level. Additionally the proposed school site may be subject to a limited amount of over-flights from helicopters departing from Runway 30 toward the East Bay at approximately 600 feet above ground level.

Due to the proposed location of the school site, aircraft/helicopter over-flight noise at this site will be audible, and the potential exists for persons to be annoyed by individual aircraft noise events. Therefore, if this site is selected, we recommend that the school include provisions for buildings to have air circulation or air conditioning, so that all windows and doors can remain closed. The school should also include acoustical treatment in the design and construction of any buildings for use by students, faculty, or administrators, in order to reduce individual irritation from aircraft noise or disruption to instruction. We also point out that outdoor activities might be subject to disruption due to potential individual aircraft noise events. In addition, the Charter School should be required to grant San Mateo County an aviation easement that includes aircraft noise if this site is approved.

In summary, aircraft noise will be audible to students using facilities at a school located at the proposed site and that noise could be disruptive to the learning process. Additionally, the comments provided by airport management should be seriously considered. However, based on our evaluation of existing conditions and planned development at the airport, Caltrans does not object to the school district's acquisition of the proposed site for a children's school. While there is generally a low risk of an accident occurring at this site, the potential consequences of any accident could be severe. Caltrans cannot guarantee the safety of this site or any other site. If this site is approved, it must be acquired by September 30, 2020, or another site evaluation by Caltrans will be required prior to acquisition of the school site.

This Caltrans recommendation is furnished pursuant to EC section 17215. The recommendation does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any federal, State, or local government body, nor does it constitute Caltrans' approval relative to the California Public Utilities Code (PUC), the CCR, and other State statutory or regulatory codes.

The PUC sections 21670 through 21679.5 establishes a mandated process to implement airport land use laws throughout the State. Pertinent portions of PUC section 21670 (a) state that it is "in the public interest to provide for the orderly development of each public use airport in this state and ... to prevent the creation of new noise and safety problems." These sections require the creation of airport land use commissions within the counties, set forth the commissions' powers and duties, and call for the adoption of land use measures around the vicinity of public-use airports. Section 21670(f) specifically states that school districts are included among the

Ms. Lisa Constancio
October 1, 2015
Page 3

local agencies that are subject to airport land use laws and other requirements of the PUC. School site acquisitions pursuant to the EC section 17215 must comply with the above PUC sections.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald E. Haug". The signature is written in a cursive style with a large, looping "H" and "G".

DONALD E. HAUG
Aviation Safety Officer

C/CAG AGENDA REPORT

Date: May 12, 2016

TO: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 16-06 authorizing the C/CAG Chair to execute Amendment No. 4 to the agreement between C/CAG and the City of San Carlos to provide financial services to C/CAG for an amount not to exceed \$82,440 for FY 2016-17

(For further information or response to questions, contact Sandy Wong at 650 599-1409)

RECOMMENDATION:

Review and approval of Resolution 16-06 authorizing the C/CAG Chair to execute Amendment No. 4 to the agreement between C/CAG and the City of San Carlos to provide financial services to C/CAG for an amount not to exceed \$82,440 for FY 2016-17.

FISCAL IMPACT:

A total of \$82,440 for FY 2016-17. It is included in the proposed C/CAG budget for FY 16-17.

REVENUE SOURCE:

Member assessments, parcel fee, motor vehicle fee, and State/ Federal Transportation Funds.

BACKGROUND/ DISCUSSION:

The City of San Carlos is the Financial Agent for C/CAG. C/CAG annually negotiates a fee for these services. On June 14, 2012, C/CAG Board approved Resolution 12-42 authorizing the Chair to execute the agreement between C/CAG and City of San Carlos to provide financial services to C/CAG in an amount of \$73,600 for fiscal year 2012-13. On June 13, 2013, C/CAG Board approved Resolution 13-16 authorizing the Chair to execute Amendment No. 1 to said agreement in an amount of \$75,366 for fiscal year 2013-14. Amendment No. 1 also included additional language regarding background check for Management personnel. On May 8, 2014, C/CAG Board approved Resolution 14-10 authorizing Amendment No. 2 in an amount of \$77,700 for fiscal year 2014-15. On May 14, 2015, C/CAG Board approved Resolution 15-18 authorizing Amendment No. 3 in an amount of \$80,430 for fiscal year 2015-16. That amendment included the additional effort to implement Government Accounting Standards Board (GASB) Statement No. 68, *Accounting and Financial Reporting for Pensions*.

A high level of service has been achieved by the City of San Carlos. All reports were provided on a timely basis. Additionally, the City of San Carlos staff has been very responsive to requests from C/CAG staff.

The City of San Carlos has proposed to increase the fee by approximately 2.5% over last year's fee. The cost for bank fees, storage, postage, as well as costs for audit services are not included in the original agreement or any amendment. Those costs are billed separately.

ATTACHMENT:

- Resolution 16-06
- Amendment No. 4.

RESOLUTION 16-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG CHAIR TO EXECUTE AMENDMENT NO. 4 TO THE AGREEMENT BETWEEN C/CAG AND THE CITY OF SAN CARLOS TO PROVIDE FINANCIAL SERVICES TO C/CAG FOR A TOTAL OF \$82,440 FOR FY 2016-17

WHEREAS, the City/County Association of Governments (C/CAG) of San Mateo County is a Joint Powers Authority created by the Cities and the County; and,

WHEREAS, C/CAG utilizes the services of its member agencies in order to minimize staff and cost; and,

WHEREAS, the City of San Carlos has been designated as the C/CAG Financial Agent; and,

WHEREAS, C/CAG Resolution 12-42 (June 14, 2012) authorized the Chair to execute an agreement between C/CAG and City of San Carlos to provide financial services to C/CAG in an amount of \$73,000 for fiscal year 2012-13; and,

WHEREAS, C/CAG Resolution 13-16 (June 13, 2013) authorized the Chair to execute amendment No. 1 to said agreement to provide financial services to C/CAG in an amount of \$75,366 for fiscal year 2013-14; and

WHEREAS, C/CAG Resolution 14-10 (May 8, 2014) authorized the Chair to execute amendment No. 2 to said agreement to provide financial services to C/CAG in an amount of \$77,700 for fiscal year 2014-15; and

WHEREAS, C/CAG Resolution 15-18 (May 14, 2015) authorized the Chair to execute amendment No. 3 to said agreement to provide financial services to C/CAG in an amount of \$80,430 for fiscal year 2015-16; and

WHEREAS, the City of San Carlos has proposed a fee \$82,440 for the financial services for fiscal year 2016-17; and,

WHEREAS, C/CAG and the City of San Carlos wish to set forth the terms and conditions, funding, and scope of work for the financial services as provided in Amendment No. 4.

THEREFORE BE IT RESOLVED NOW, by the Board of Directors of the City/County Association of Governments of San Mateo County authorizing the Chair to execute Amendment No. 3 to the Financial Service Agreement for fiscal year 2016-17 between the City of San Carlos and C/CAG in an amount not to exceed **\$82,440**.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF MAY 2016.

Alicia C. Aguirre, C/CAG Chair

AMENDMENT No. 4

AGREEMENT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF SAN CARLOS AND CITY COUNTY ASSOCIATION of GOVERNMENTS

This Fourth Amendment to the Agreement for Professional Services is made and entered into as of July 1, 2016, by and between the City of San Carlos, hereinafter referred to as "CITY" and the City County Association of Governments, hereinafter referred to as "C/CAG".

WITNESSETH:

WHEREAS, on June 14, 2012, the City and C/CAG entered into an agreement for the performance of the agreed financial services by the City's Administrative Services Department through the Finance Division (the "Original Agreement"); and

WHEREAS, on July 1, 2013, the City and C/CAG executed Amendment One to the Agreement which adjusted the compensation, added background check requirement for certain City employees providing financial services to C/CAG, amended scope of services to include City serving as C/CAG's Controller with duties limited to making or contracting for an annual audit, and amending Notice delivery to Sandy Wong; and

WHEREAS, on July 1, 2014, the City and C/CAG executed Amendment Two to the Agreement which adjusted the compensation; and

WHEREAS, on July 1, 2015, the City and C/CAG executed Amendment Three to the Agreement which adjusted the compensation; and

WHEREAS, pursuant to Section B.3 set forth in Exhibit A of the original agreement, the City will provide financial services to C/CAG for a fixed annual fee and this fixed fee will be adjusted on an annual basis; and

WHEREAS, both parties now wish to amend that section of the Professional Services Agreement.

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

1. C/CAG agrees to reimburse CITY for Financial Services. The fixed annual fee for FY 2017 (July 1, 2016 to June 30, 2017) will be adjusted from \$80,430 to \$82,440.
2. All other terms of the Original Agreement and Amendment One remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this amendment to the Original Agreement between C/CAG and the City of San Carlos to be executed effective as of the date first above written.

CITY OF SAN CARLOS

DATE: 4-7-16

Jeff Maltbie, City Manager

ATTEST:



Crystal Mui, City Clerk
City of San Carlos

Dated: 4.7.16

C/CAG

DATE: _____

Mary Ann Nihart, Chair

APPROVED AS TO FORM

DATE: 3/31/16



Gregory J Rubens, City Attorney

APPROVED AS TO FORM

DATE: _____

C/CAG Legal Counsel

C/CAG AGENDA REPORT

Date: May 12, 2016

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 16-07 authorizing the C/CAG Chair to execute Amendment No. 2 to the Interagency Agreement between C/CAG and MTC for Transportation Planning, Programming, and Transportation/Land Use Coordination for FY 2012/13 through FY 2016/17, allowing C/CAG to receive an additional \$720,000.

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

RECOMMENDATION

That C/CAG Board review and approve resolution 16-07 authorizing the C/CAG Chair to execute Amendment No. 2 to the Interagency Agreement between C/CAG and MTC for Transportation Planning, Programming, and Transportation/Land Use Coordination for FY 2012/13 through FY 2016/17, allowing C/CAG to receive an additional \$720,000.

FISCAL IMPACT

Execution of Amendment No. 2 to the interagency agreement between MTC and C/CAG will allow C/CAG to receive an additional \$720,000 for FY 2016-2017, to a new total of \$4,145,000 for congestion management planning and programming and transportation-land use coordination for four years, FY 2012/13 through FY 2016/17.

FUND SOURCE

Funding source for Transportation Planning, Programming, and Transportation/Land Use Coordination comes from Federal Surface Transportation Program (STP).

BACKGROUND/DISCUSSION

The Transportation Planning and Programming fund is allocated to C/CAG to provide MTC with assistance in implementing federal and state transportation planning, programming, and transportation/land use coordination, and to represent the local transportation interests within the county and coordinating with regional, state and federal interests.

On June 12, 2012, C/CAG Board adopted Resolution 12-29 authorized the execution of the Interagency Agreement between C/CAG and MTC for the four fiscal years from FY 2012/13 through FY 2015/16 in an amount of \$2,673,000 for transportation planning, programming, and transportation/land use coordination. An additional \$752,000 via Amendment No. 1 consists of \$672,000 for OBAG administration approved by C/CAG Board on February 14, 2013 and \$80,000 PDA Planning grant 5% administration.

Amendment No. 2 will add one additional fiscal year (2016/17) and provide \$720,000 to C/CAG for transportation planning, programming, and transportation/land use coordination.

ATTACHMENT

- Resolution 16-07
- Amendment No. 2

RESOLUTION 16-07

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG CHAIR TO EXECUTE AMENDMENT No. 2 TO THE INTERAGENCY AGREEMENT BETWEEN C/CAG AND MTC for TRANSPORTATION PLANNING, PROGRAMMING, AND TRANSPORTATION/LAND USE COORDINATION FOR FISCAL YEARS 2012/13 through 2016/17

WHEREAS, the City/County Association of Governments (C/CAG) of San Mateo County is the designated Congestion Management Agency (CMA) for San Mateo County; and,

WHEREAS, the Metropolitan Transportation Commission (MTC) has been designated as the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA) for the San Francisco Bay Region; and,

WHEREAS, the Surface Transportation Program (STP) funds may be allocated for planning and programming activities; and,

WHEREAS, MTC may allocate federal planning funds to C/CAG to assist local transportation planning projects which are necessary components of the urban transportation planning process; and

WHEREAS, C/CAG and MTC executed the Interagency Agreement for Transportation Planning, Programming, and Transportation/Land Use Coordination for fiscal years 2012/13, 2013/14, 2014/15, and 2015/16 dated July 1, 2012 and amended on March 20, 2014; and

WHEREAS, C/CAG and MTC wish to execute Amendment No. 2 to said Interagency Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County authorizing the Chair to execute Amendment No. 2 to the Interagency Agreement between C/CAG and MTC for transportation planning, programming, and transportation/land use coordination for FY 2012/13 through 2016/17.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF MAY 2016.

Alicia C. Aguirre, Chair

AMENDMENT NO. 2 TO THE INTERAGENCY AGREEMENT
Between METROPOLITAN TRANSPORTATION COMMISSION
And CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
For TRANSPORTATION PLANNING, PROGRAMMING, AND
TRANSPORTATION/LAND USE COORDINATION
FOR FY 2012/13 through 2016/17

THIS AMENDMENT, effective as of July 1, 2016, is Amendment No. 2 to the Agreement by and between the Metropolitan Transportation Commission ("MTC") and the City/County Association of Governments of San Mateo County ("AGENCY"), dated July 1, 2012 ("Agreement") and amended on March 20, 2014.

NOW, THEREFORE, the parties agree to modify the subject Agreement as follows:

1. Article 2.0, Interagency Agreement Administration is revised, in part, as follows:
 - a. Upon MTC relocation and notice from the MTC Project Manager, the MTC address will change to: 375 Beale Street, Suite 800, San Francisco, CA 94105.

2. Article 3.0, Funding, is revised, in part, as follows:
 - a. Subarticle A, is revised to add:

AGENCY and MTC agree that, pursuant to this Agreement, MTC shall allocate to AGENCY seven hundred twenty thousand dollars (\$720,000) for FY 2016-2017.
 - b. Subarticle D, is revised to increase the total compensation to four million one hundred forty-five thousand dollars (\$4,145,000).

3. Article 4.0, Scope of Work and Budget, second paragraph, is revised as follows (additions in *italics*):

Subject to annual federal appropriations *and adoption in MTC's annual budget*, MTC agrees to pay AGENCY up to six hundred thirty-eight thousand dollars (\$638,000) for FY 2012-2013, six hundred fifty-eight thousand dollars (\$658,000) for FY 2013-2014, six hundred seventy-eight thousand dollars (\$678,000) for FY 2014-2015, six hundred ninety-nine thousand dollars (\$699,000) for FY 2015-2016, *and seven hundred twenty thousand dollars (\$720,000) for FY 2016-2017* as set out in Attachment B, Budget, for the planning and programming activities described under the Scope of Work (Attachment A) to this Agreement. MTC agrees to pay AGENCY an additional amount of up to seven hundred fifty-two thousand

dollars (\$752,000) for the planning and programming activities described in Attachment A, and available in FY 2012-2013 *through FY 2016-2017*.

4. Article 5.0, Term, is replaced in whole as follows:

This Agreement is in effect from July 1, 2012 to June 30, 2017. This Agreement term may be extended by mutual agreement. All funds shall be expended by June 30, 2018, unless it is mutually agreed to extend the time period. AGENCY will have two (2) years to expend each fiscal year allocation or funds may be subject to reassignment by MTC.

5. Article 6.0, Method of Payment, Item A, is revised to add the following language after the last sentence:

Upon MTC relocation and notice from the MTC Project Manager, AGENCY should deliver or mail invoices to MTC, as follows:

Accounts Payable
Metropolitan Transportation Commission
375 Beale Street, Suite 800
San Francisco, CA 94105

6. Attachment B, Budget, is deleted in its entirety and replaced with the attached Attachment B, Budget.

7. Retention of Contract Provisions. Except as provided herein, all other terms and conditions of the Agreement remain unchanged.

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

METROPOLITAN TRANSPORTATION
COMMISSION

CITY/COUNTY ASSOCIATION OF
GOVERNMENTS OF SAN MATEO CO.

Steve Heminger, Executive Director

Alicia C. Aguire, Chair

ATTACHMENT B: BUDGET

Estimated Cost by Funding Source

Fund Source	Amount	Agency	Percent
Federal - STP	\$ 4,145,000	MTC	88.53%
Local	\$ 537,029	CMA	11.47%
Total:	\$ 4,682,029		100.00%

C/CAG AGENDA REPORT

Date: May 12, 2016

To: City/County Association of Governments Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 16-01 (Amended) authorizing the adoption of the Fiscal Year 2016/17 Expenditure Plan for the Transportation Fund for Clean Air (TFCA) County Program Manager Fund for San Mateo County.

(For further information or questions contact John Hoang at 363-4105)

RECOMMENDATION

That the that the Board of Directors review and approve Resolution 16-01 (Amended) authorizing the adoption of the Fiscal Year 2016/17 Expenditure Plan for the Transportation Fund for Clean Air (TFCA) County Program Manager Fund for San Mateo.

FISCAL IMPACT

\$1,277,039.76 (Admin. - \$53,039.76; Projects - \$1,224,000.00)

SOURCE OF FUNDS

The Bay Area Air Quality Management District (BAAQMD) is authorized under Health and Safety code Section 44223 and 44225 to levy a fee on motor vehicles. Funds generated by the fee are referred to as the Transportation Fund for Clean Air (TFCA) funds and are used to implement projects to reduce air pollution from motor vehicles. Health and Safety Code Section 44241(d) stipulates that forty percent (40%) of funds generated within a county where the fee is in effect shall be allocated by the BAAQMD to one or more public agencies designated to receive the funds, and for San Mateo County, C/CAG has been designated as the County Program Manager to receive the funds.

BACKGROUND

In February 2016, the Board approved Resolution 16-01 authorizing the adoption of the Fiscal Year 2016/17 Expenditure Plan for the Transportation Fund for Clean Air (TFCA) County Program Manager Fund for San Mateo County in the amount of \$1,279,674.76. The proposed program included funds set aside for program administration as well as proposed allocations for the SamTrans BART Shuttles, Commute.org Voluntary Trip Reduction Program, and planned allocations to fund either a new alternative fuel vehicle related or arterial management related projects.

Funds provided to SamTrans help fund the SamTrans Shuttle Program for the BART shuttles, which provide peak commute period shuttle service from BART stations to employment sites in

San Mateo County. Funds provided to Commute.org help fund the Countywide Voluntary Trip Reduction Program, which is a program that provides incentives to reduce single occupant vehicle trips as well as shuttle program management and includes carpool incentives, vanpool incentives, school pool incentives and a “Try Transit Program”. Commute.org also manages shuttles on behalf of member cities. It was intended that staff further develop the new Alternative Fuel Vehicles project guidelines and explore other project options during the following months and provide updated information to the Board at a future meeting.

Updated Program

In the initial proposed program budget for FY 2016/17, the allocation amount for the BART Shuttles was set at \$200,000 (a reduction from \$601,000 in FY 2015/16) in order to meet the cost effectiveness requirements. After further discussion with SamTrans and BAAQMD staff, it was determined that in order to meet the cost effectiveness, the TFCA funds for this project needed to be reduced even further to \$109,000.

Staff reached out to SamTrans again to explore other potential projects that would qualify for TFCA funds. SamTrans offered up two potential projects for consideration, described as follows:

- 1) San Carlos Community Shuttle - The new community shuttle service would provide circulator services for 3 square miles of residential neighborhoods that lack transit and provide fixed route connections to access downtown and shopping centers in San Carlos and Belmont as well as provide convenient services for three schools that currently lack any transit options. The total project cost is \$325,720 with \$162,860 in TFCA funds.
- 2) New bike racks on SamTrans buses – The project will install new bicycle racks on 318 SamTrans buses. The new racks will replace the current racks and will have additional capacity to carry more bicycles. The total project cost is \$422,600 with \$160,128 in TFCA funds.

The BAAQMD staff has reviewed the preliminary cost effective calculations, however, SamTrans will be responsible to assure that the cost effectiveness is met for these new projects.

With regards to the alternative fuel vehicles, further discussions with BAAQMD staff suggests that since there are programs currently available at the regional level through the BAAQMD that also provides funding for alternative fuel vehicles, it may be better use of county funds not to duplicate the regional programs instead we should consider funding other types of projects. For alternative fuel charging stations, regional programs are also available to the cities, however, it was suggested that the county program may consider focusing on charging stations strategically installed along corridors such as US 101, Hwy 1, and I-280. Staff recommends deferring the alternative fuel charging station project to FY 2017/18 to allow for more time to develop a comprehensive implementation guidelines to meet cost effective criteria.

It is therefore recommended that the remaining fund in the amount of \$267,012 be applied towards arterial management specifically to help fund expansion of the Smart Corridor into the City of South San Francisco. The project will include upgrading signal controllers, installation of new signal system software, closed circuit television cameras, and trailblazer signage along designated Smart Corridor routes.

The revised FY 2016/17 Program and projects recommendation are indicated below with the final dollar amount subject to change for some projects based on the final cost effectiveness estimates. Please note that the total fund amount was corrected based on revised calculations.

	Original Proposal	Revised Proposal
Administration	\$54,674.76	\$53,039.76
Commute.org	\$525,000	\$525,000
Alternative Fuel Vehicles	\$500,000	\$0
SamTrans - BART Shuttle	\$200,000	\$109,000
SamTrans – San Carlos Shuttle (New)	n/a	\$162,860
SamTrans – Bike racks on Buses (New)	n/a	\$160,128
Smart Corridor Expansion (New)	n/a	\$267,012
Total funds obligated	\$1,279,674.76	\$1,277,039.76
Total funds anticipated	\$1,279,674.76	\$1,277,039.76
Balance	\$0	\$0

ATTACHMENTS

1. Resolution 16-01 (Amended)

RESOLUTION 16-01 (Amended)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE ADOPTION OF THE FISCAL YEAR 2016/17 EXPENDITURE PLAN FOR THE TRANSPORTATION FUND FOR CLEAN AIR (TFCA) COUNTY PROGRAM MANAGER FUND FOR SAN MATEO COUNTY

WHEREAS, the City/County Association of Governments has been designated the Transportation Fund for Clean Air (TFCA) Program Manager for San Mateo County; and

WHEREAS, the Board of Directors of the City/County Association of Governments has approved certain projects and programs for funding through San Mateo County's 40 percent local share of Transportation Fund for Clean Air (TFCA) revenues; and

WHEREAS, the total TFCA funds available from the Bay Area Quality Management District in Fiscal Year 2016/17 for San Mateo County is \$1,277,039.76; and

WHEREAS, C/CAG will act as the Program Manager for \$1,224,000 of TFCA funded projects; and

WHEREAS, C/CAG will allocate \$525,000 of TFCA County Program Manager funds to the Peninsula Traffic Congestion Relief Alliance (Commute.org) for the Countywide Voluntary Trip Reduction Program; and

WHEREAS, C/CAG will allocate \$109,000 of TFCA County Program Manager funds to the San Mateo County Transit District (SamTrans) for the SamTrans Shuttle Program; and

WHEREAS, C/CAG will allocate \$162,860 of the TFCA County Program Manager funds to the SamTrans for the new San Carlos Community Shuttle Service; and

WHEREAS, C/CAG will allocated \$160,128 to SamTrans for installation of new bike racks on buses; and

WHEREAS, C/CAG will allocate \$500,000 of TFCA County Program Manager funds for the expansion of the Smart Corridor; and

WHEREAS, the projects included in this expenditure plan will be evaluated using the cost-effectiveness worksheet provided by the Bay Area Air Quality Management District to determine that they meet the required cost-effectiveness threshold. All proposed expenditures will be consistent with the *Clean Air Plan* and Section 44241(b) of the California Health and Safety Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the C/CAG Staff is authorized to submit the Fiscal Year 2016/17 Expenditure Plan for the TFCA County Program Manager Fund for San Mateo County to the Bay Area Air Quality Management District.

PASSED, APPROVED, AND ADOPTED THIS 12th DAY OF MAY 2016.

Alicia C. Aguirre, C/CAG Chair

C/CAG AGENDA REPORT

Date: May 12, 2016

To: City/County Association of Governments Board or Directors

From: Sandy Wong, Executive Director

Subject: Receive a copy of the executed agreement with Bridges Marketing Group for development of the Measure M 5-Year Performance Report in an amount not to exceed \$7,640

(For further information or response to questions, contact John Hoang at 650-363-4105)

RECOMMENDATION

That the C/CAG Board receives a copy of the executed agreement with Bridges Marketing Group for development of the Measure M 5-Year Performance Report in an amount not to exceed \$7,640.

FISCAL IMPACT

\$7,640

SOURCE OF FUNDS

Measure M

BACKGROUND

The C/CAG sponsored Measure M; approved by the voters of San Mateo County in 2010, impose an annual fee of ten dollars (\$10) on motor vehicles registered in San Mateo County for transportation-related traffic congestion and water pollution mitigation programs. The revenue is estimated at \$6.7 million annually over a 25 year period. Per the Expenditure Plan, 50% of the net proceeds are allocated to cities/County for local streets and roads and the remaining 50% funds countywide transportation programs such as: Transit Operations/Senior Transportation, Regional traffic congestion management, water pollution prevention, and safe routes to school.

A 5-Year Implementation Plan, approved by the C/CAG Board on March 10, 2011 (amended May 10, 2012), was developed for the initial five year period, Fiscal Years 2011-12 to 2015-16. Annual performance reports were generated at the end of each of the first four fiscal years to monitor revenue, expenditures, fund utilization, and individual program achievements. With the conclusion of the fifth a year of the initial Implementation Plan, it is intended that a comprehensive 5-Year Measure M Performance Report be developed professionally to summarize and highlight program accomplishments.

C/CAG entered into contract with Bridges Marketing Group on May 4, 2016, to design the 5-Year Performance Report plan brochure. The contract was consistent with the C/CAG Procurement Policy (2010), Section 6.c, which states that for contracts under \$25,000, the results of another public agency's selection process may be used to satisfy the requirements a consultant selection process. Bridges has performed work for the Peninsula Traffic Congestion Relief Alliance (Commute.org) in developing its annual reports.

ATTACHMENTS

1. Executed Agreement between C/CAG and Bridges Marketing Group

AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
BRIDGES MARKETING GROUP

This Agreement entered this 22 day of April, 2016, by and between the City/County Association of Governments of San Mateo County, a joint powers agency, hereinafter called "C/CAG" and Bridges Marketing Group, hereinafter called "Contractor."

WITNESSETH

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 creating graphic designs and developing a plan brochure for the 5-Year Measure M Performance Report (FY 2012 – FY 2016); 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, Contractor agrees to perform the services described in Exhibit A, attached hereto (the "Services"). All Services are to be performed and completed by September 30, 2016.
2. Payments. In consideration of Contractor providing the Services, C/CAG shall reimburse Contractor based on the project budget set forth in Exhibit B up to a maximum amount of seven thousand six hundred forty dollars (\$7,640.00) for Services provided during the Contract Term as set forth below. Payments shall be made to Contractor monthly based on an invoice submitted by Contractor that identifies expenditures and describes services performed in accordance with the agreement. C/CAG shall have the right to receive, upon request, documentation substantiating charges billed to C/CAG.
3. Relationship of the Parties. It is understood that Contractor is an Independent Contractor and this Agreement 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.

5. Contract Term. This Agreement shall be in effect as of _____ and shall terminate on September 30, 2016; provided, however, C/CAG may terminate this Agreement at any time for any reason by providing 30 days' notice to Contractor. Termination shall 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, its agents, officers, and employees from all claims, suits or actions to the extent caused by the negligence, errors, acts or omissions of the Contractor, its agents, subcontractors, officers or employees related to or resulting from performance, or non-performance, under this Agreement.

The duty 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 any 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. Such Insurance shall include at a minimum the following:

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 C/CAG, 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 any 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 of 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. Compliance with All Laws. Contractor shall at all times comply with all applicable laws and regulations, including without limitation those 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. Work products of Contractor which are delivered under this Agreement or which are developed, produced and paid for under this Agreement, shall be and become the property of C/CAG. Contractor shall not be liable for C/CAG's use, modification or re-use of products without Contractor's participation or for purpose other than those specifically intended pursuant to this Agreement.

12. 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.

13. Merger Clause. This Agreement, including Exhibits A and B 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. Any subsequent modifications must be in writing and signed by the parties. 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.
14. Governing Law. This Agreement shall be governed by the laws of the State of California, without regard to its choice of law rules, and any suit or action initiated by either party shall be brought in the County of San Mateo, California.

15. Notices. All notices hereby required under this agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid and addressed as follows:

City/County Association of Governments of San Mateo County
555 County Center, 5th Floor
Redwood City, CA 94063
Attention: John Hoang

Notices required to be given to contractor shall be addressed as follows:

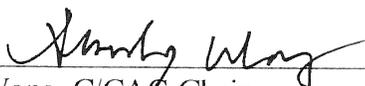
Bridges Marketing Group
2099 Mt. Diablo Boulevard, Suite 200
Walnut Creek, CA 94596
Attention: John Bevan

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

Bridges Marketing Group (Contractor)

By  Bevan Bridges Marketing Group 4/22/16
Date

City/County Association of Governments (C/CAG)

By  5-5-16.
Sandy Wong, C/CAG Chair Date

C/CAG Legal Counsel

By _____

EXHIBIT A

SCOPE OF WORK

Bridges Marketing Group (Contractor) will create graphic designs and develop a plan brochure for the C/CAG Measure M - \$10 Vehicle Registration Fee 5-Year Performance Report

- Contractor will create original professional graphic design system for the brochure, eight to 12 pages (including front and back covers), including complementary photographs and the necessary copy and data points.
- C/CAG to provide written report copy and data in MS Word and/or Excel files and Contractor will develop headlines and sub-headlines to complement the report information.
- Contractor will provide the following services to complete the work: Project Management, Concept Development, Graphic Design, Production Art, Typography, Headline Copy Writing, Correspondence and Digital Proofs.
- Contractor will source new royalty free stock illustrations and photographs and provide C/CAG cost estimates for acquiring additional photos, as applicable.
- Contractor will print 50 brochures on a quality paper stock using high-end professional digital printer.

Project Work Flow

Contractor will develop a creative blue print that includes the following information:

Project Objectives; Project Background; Primary Target Audience; Secondary Target Audience; Product Description; Key Communication Points; Tone and Character; Production Parameters; Mandatory Elements; and Traffic Information.

Once the creative blue print is approved, Contractor will initiate the creative development process of the 12 page print brochure. Contractor will present at least three distinct creative directions for the brochure cover page. In the event that none of the initial concepts are approved, we would develop one additional concept based on the client's direction. With your approval of a front cover design, Contractor will develop at least one complementary design for the inside brochure pages. Once C/CAG has supplied the final copy and data for the brochure content, Contractor will complete up to four rounds of refinements in order to produce final, print-ready artwork for the front cover, back cover and 10 inside pages.

EXHIBIT B

BUDGET

Description	Cost
• Creative fees to develop new brochure (including Project Management, Concept Development, Graphic Design, Production Art, Typography, Headline Copy Writing, Correspondence and Digital Proofs)	\$4,100 – \$5,200
• Sourcing of new royalty free stock illustrations and photographs (images)	\$500 - \$750
• Cost to print 50 brochures on a quality paper stock using high-end professional digital printer	\$400 - \$450
Subtotal (Maximum)	\$6,400
• Contingency (10%)	\$640
• California sales tax, shipping and any other agency purchased photographs (buy-outs)	\$600 (maximum)
Total (not to exceed amount)	\$7,640

If additional rounds of refinements are necessary, the work will be billed at the standard Bridges Marketing Group Hourly Billing Rates below:

- Creative Direction \$135
- Art Direction \$125
- Graphic Design \$105
- Production Art \$85
- Copy Writing \$105
- Project Management \$65
- Strategic Branding \$125
- Research and Analysis \$75
- Photo Direction \$125
- Photo Retouching \$115
- Billable Client Changes – Quoted as Required

C/CAG AGENDA REPORT

Date: May 12, 2016
To: C/CAG Board of Directors
From: Sandy Wong, Executive Director
Subject: Receive a copy of the executed agreement between C/CAG and Leslie Parks for facilitation services for the Water Committee in an amount not to exceed \$3,500.

(For further information, contact Sandy Wong at 650.599.1409)

RECOMMENDATION

That the Board receive a copy of the executed agreement between C/CAG and Leslie Parks for facilitation services for the Water Committee in an amount not to exceed \$3,500.

FISCAL IMPACT

\$3,500.

SOURCE OF FUNDS

C/CAG General Fund.

BACKGROUND

At the February 2016 meeting, the Water Committee decided to use a trained facilitator to assist the committee in discussions to establish process, develop workplan and options leading to consensus and recommendation to C/CAG Board.

Staff performed research on potential facilitators and determined Leslie Parks is well qualified to perform the tasks required, and has knowledge in the subject matter as well as being familiar with San Mateo county jurisdictions.

ATTACHMENTS

Executed agreement with Leslie Parks.

AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
LESLIE PARKS

This Agreement entered this 2nd day of march, 2016, by and between the City/County Association of Governments of San Mateo County, a joint powers agency, hereinafter called "C/CAG" and Leslie Parks, hereinafter called "Contractor."

WITNESSETH

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, Contractor is a facilitator certified by the Institute of Cultural Affairs.

WHEREAS, C/CAG and Contractor desire to enter into an agreement as specified below.

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, Contractor agrees to perform the services described in Exhibit A, attached hereto (the "Services"). All Services are to be performed and completed by August 31, 2016.
2. Payments. In consideration of Contractor providing the Services specified in Exhibit A, C/CAG shall pay Contractor \$2250. Upon written request by the C/CAG Executive Director, Contractor may provide additional services, to be compensated at the rate of \$195 per hour. Total payment for all services under this Agreement may not exceed \$3500. Payments shall be made to Contractor based on invoices submitted by Contractor that identifies expenditures and describes services performed in accordance with the agreement. C/CAG shall have the right to receive, upon request, documentation substantiating charges billed to C/CAG.
3. Relationship of the Parties. It is understood that Contractor is an Independent Contractor and this Agreement 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.
5. Contract Term. This Agreement shall be in effect as of 3-2-2016 and shall terminate on August 31, 2016; provided, however, C/CAG may terminate this Agreement at any time for any reason by providing 30 days' notice to Contractor. Termination shall 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, its agents, officers, and employees from all claims, suits or actions to the extent caused by the negligence, errors, acts or omissions of the Contractor, its agents, subcontractors, officers or employees, related to or resulting from performance, or non-performance, under this Agreement.

The duty 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 any 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. Such Insurance shall include at a minimum the following:

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 C/CAG, 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	_____

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 any 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. Compliance with All Laws. Contractor shall at all times comply with all applicable laws and regulations, including without limitation those 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. Work products of Contractor which are delivered under this Agreement or which are developed, produced and paid for under this Agreement, shall be and become the property of C/CAG. Contractor shall not be liable for C/CAG's use, modification or re-use of products without Contractor's participation or for purpose other than those specifically intended pursuant to this Agreement.
12. 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.
13. 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. Any subsequent modifications must be in writing and signed by the parties. 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.

- 14. Governing Law. This Agreement shall be governed by the laws of the State of California, without regard to its choice of law rules, and any suit or action initiated by either party shall be brought in the County of San Mateo, California.
- 15. Notices. All notices hereby required under this agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid and addressed as follows:

City/County Association of Governments of San Mateo County
555 County Center, 5th Floor
Redwood City, CA 94063
Attention: Sandy Wong

Notices required to be given to contractor shall be addressed as follows:

Leslie Parks
1450 Dry Creek Road
San Jose, CA 95125

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

Leslie Parks (Contractor)

By Leslie Parks

3-2-16

Date

City/County Association of Governments (C/CAG)

By Sandy Wong
Sandy Wong, C/CAG Chair

3-2-16

Date

C/CAG Legal Counsel

By [Signature]

Exhibit A
Facilitation Proposal

Submitted to Sandy Wong, Executive Director, C/CAG

Context:

The City/County Association of Governments has established a Water Committee which serves as a forum for countywide discussions on water-related issues and advises C/CAG Board on collaborative strategies needed to manage these issues. Recently, this committee was charged with assessing the options, including the creation of a new agency or modification of an existing agency in order to efficiently manage regional water related issues with a collaborative approach, and to compete for federal and state funding.

The Water Committee desires to conduct facilitated discussions to establish consensus on its workplan, and eventually lead to a final recommendation to the C/CAG Board. This facilitation proposal provides a framework for the Committee's discussion that will, hopefully, lead to consensus for a recommendation.

Format:

The facilitation approach uses discussion activities that allow committee members to express their opinions verbally or in writing in order to achieve consensus by the end of the meeting(s). It is important that participants feel they had the opportunity to express their opinion even though the result may not be what they preferred. The facilitated discussion focuses on building group consensus on the criteria for measuring the three alternatives. Discussion is framed by:

Guiding Principles

1. The previously agreed upon outcome—*what entity or organizational structure is best to manage county-wide water issues using a collaborative approach*—will be reinforced with the Committee.
2. The group needs to move on from issues where there was lack of agreement.
3. The Group commits to producing a recommendation or outcome that is in the best interests of the county.

Consensus on Priorities

1. Identify the strengths and weaknesses of the three options.
2. Determine what conditions are needed for any option to succeed.
3. Identify major barriers to success.

Final Recommendation

Attain consensus on which option will best serve the needs of the region based on the following priorities:

- a. Has the greatest strengths and fewest weaknesses.
- b. Meets the conditions for success.
- c. Can overcome the key barriers.

Facilitation Cost: \$2250

- Preparation for two meetings including three planning calls with staff.
- Facilitation of two meetings.
- Facilitator's travel time and mileage.
- C/CAG is requested to supply 2 **adhesive** backed flip charts and two stands. Consultant will provide other materials.

- Detailed agenda with specific activities to achieve the outcome will be provided prior to the meeting for review by C/CAG executive director.
Additional will be billed at hourly rate of \$195/hour

C/CAG AGENDA REPORT

Date: May 12, 2016

To: City/County Association of Governments Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 16-08 authorizing the C/CAG Chair to execute an agreement with Iteris to provide Smart Corridor ITS Network Monitoring and Maintenance Support in an amount not to exceed \$92,732 over two years, waiving the RFP process

(For further information or questions contact John Hoang at 363-4105)

RECOMMENDATION

That the Board review and approve Resolution 16-08 authorizing the C/CAG Chair to execute an agreement with Iteris to provide Smart Corridor ITS Network Monitoring and Maintenance Support in an amount not to exceed \$92,732 for two years, waiving the RFP (Request for Proposal) process.

FISCAL IMPACT

\$92,732 over 2 years (\$46,366 annually for FY16/17 & FY 17/18)

SOURCE OF FUNDS

Measure M – Smart Corridor/Intelligent Transportation System (ITS)

BACKGROUND

The C/CAG sponsored San Mateo County Smart Corridor project implements Intelligent Transportation System (ITS) equipment such as an interconnected traffic signal system, close circuit television (CCTV) cameras, trailblazer/arterial dynamic message signs, and vehicle detection system on predefined designated local streets and state routes to provide local cities and Caltrans day to day traffic management capabilities in addressing recurrent traffic congestion as well as provide Caltrans capabilities for managing the system during non-recurring traffic congestion cause by diverted traffic due to major incidents on the freeway. The project limits extends from I-380 in San Bruno to the Santa Clara County Line along El Camino Real and major local streets connecting to US-101.

Major construction work for the Smart Corridor project was completed in December 2015 and for the past several months, C/CAG has been coordinating with the cities and our signal contractor to deploy the new signal system hardware and software and uploading of the Smart Corridor incident response plans. In addition, C/CAG has also been working with Caltrans to finish System Integration, which is an ensuing phase to construction and final phase for connecting ITS

equipment to the system and enabling communication to the Smart Corridor network. All the remaining work to bring to Smart Corridor fully on-line is anticipated to be completed in May and project to be officially turned on in Summer 2016.

C/CAG is responsible for maintaining the ITS equipment and devices deployed as part of the Smart Corridor project that are located within the cities' right-of-way including CCTV cameras, trailblazer/arterial dynamic message signs, and vehicle detection system. Cities are responsible to maintain Smart Corridor upgraded traffic signal controllers, traffic signals, signals interconnect equipment, and operational software system and communication lines located within the cities' right-of-way. Caltrans is responsible for maintaining equipment deployed within the State right-of-way.

The Smart Corridor ITS Network includes the following equipment:

- Communication Network and Equipment
 - San Mateo Hub equipment and controller cabinet, fiber switches, video management system and servers, message sign system and server, network management system and server
- Infrastructure and Field Devices
 - Fiber and conduit, antennas, CCTV cameras, directional signs, vehicle detection system, Arterial Dynamic Message Signs (ADMS)
- KITS Traffic Signal System (under 5-year warranty)
 - Central System Software, Firmware, Hardware, Field controller elements

Once the project is completed, C/CAG will need to retain contractors to provide comprehensive maintenance, diagnostic and repair services for the ITS network and infrastructure located within the cities' right-of-way. Maintenance services include routine and corrective services/repairs necessary to maintain equipment operability, and replacing and restoring non-operable equipment and devices.

The agreement with Iteris to provide ITS Network Monitoring and Maintenance Support would assist C/CAG and the Smart Corridor maintenance contractor (to be determined through a separate procurement process) to proactively monitor the operational status of all communication links and field devices. Activities to be provided by Iteris include monitoring the entire network, isolating problems and issues, and closely coordinating with the maintenance contractor activities in servicing of infrastructure and field devices, as well as the KITS signal system contractor on and as needed basis.

Iteris Inc. is familiar with the Smart Corridor Project having been previously selected through competitive procurement processes for two phases of the project which include designing the local portion of the South Segment (Ralston Avenue to Willow Road) and providing System Integration Support to C/CAG and Caltrans. System integration support services included technical support for connecting Smart Corridor equipment along with communication infrastructure between each field device, the San Mateo Hub, and TMC located in Oakland.

Taking into consideration Iteris' experience and knowledge of the Smart Corridor as well as positive performance from past projects, staff has determined that Iteris has the unique qualifications and experience, therefore, would be best fitted to provide services pertaining to

network monitoring and maintenance support. Staff requests that C/CAG waive the requirement of a Request for Proposal (RFP) process and recommends that C/CAG enters into agreement with Iteris. This request is consistent with the C/CAG Procurement Policy (2010), Section 9a, which states, in part:

The C/CAG Board may waive the solicitation of RFPs when it determines that it is in the best interest of C/CAG to do so. Situations in which a RFP may be waived include, but are not limited to, emergency situations or those in which an independent contractor is the only available source of a particular service. Another appropriate situation for waiving the RFP process is where a particular firm, agency, and/or individual has unique qualifications and/or experience, or it is determined by the C/CAG Board that the added time required for another firm and/or individual to acquire this knowledge base would create an unacceptable delay in the delivery of the service or not result in significant cost savings.

ATTACHMENTS

1. Resolution 16-08
2. Agreement between C/CAG and Iteris Inc.

RESOLUTION 16-08

**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 AGREEMENT WITH ITERIS TO PROVIDE SMART CORRIDOR ITS
NETWORK MONITORING AND MAINTENANCE SUPPORT IN AN AMOUNT NOT
TO EXCEED \$92,732**

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

WHEREAS, the C/CAG sponsored San Mateo County Smart Corridor Project (Smart Corridor) is an Intelligent Transportation System (ITS) project that extends 20 miles along El Camino Real and major local streets connecting to US-101 and enables cities and the California Department of Transportation (Caltrans) to proactively manage daily traffic and non-recurring traffic congestion cause by diverted traffic due to major incidents on the freeway; and

WHEREAS, in addition to installation of fiber optic communication network, equipment deployed as part of the Smart Corridor project include interconnected traffic signal system, close circuit video cameras, trailblazer/arterial dynamic message signs, and vehicle detection systems; and

WHEREAS, major construction of the Smart Corridor was completed in December 2015 with final signal system software deployment and system integration anticipated to be completed in May and project officially turn on in Summer 2016; and

WHEREAS, per Memorandum of Understandings (MOUs) executed between C/CAG, Caltrans, and the cities, C/CAG is responsible for maintaining Smart Corridor specific ITS infrastructure and communication network deployed within the cities' right-of-way; and

WHEREAS, C/CAG has previously contracted with Iteris on multiple phases of the Smart Corridor Project including design of the South Segment (Ralston Avenue to Willow Road), providing System Integration support, and assisted with incident timing plan development; and

WHEREAS, C/CAG desires to enter into a 2-Year agreement with Iteris for Smart Corridor network monitoring and maintenance support an amount not to exceed \$92,732.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the C/CAG Chair is authorized to execute the Agreement between C/CAG and Iteris Inc. for Smart Corridor ITS network monitoring and maintenance support in an amount not to exceed \$92,732.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF MAY, 2016.

Alicia C. Aguirre, Chair

AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
ITERIS, INC.

This Agreement entered this ____ day of _____, 2016, by and between the City/County Association of Governments of San Mateo County, a joint powers agency, hereinafter called "C/CAG" and Iteris, Inc., 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, the San Mateo County Smart Corridor Project (Project) is an Intelligent Transportation System (ITS) project which extends 20 miles along El Camino Real and major local streets connecting to US-101 and provides countywide traffic management system infrastructure enabling local agencies and the California Department of Transportation (Caltrans) to proactively manage daily traffic and non-recurring local traffic impacts due to major incidents on the freeway; and

WHEREAS, C/CAG is responsible for maintaining Project specific ITS infrastructure and communication network deployed within the cities' right-of-way and intends to outsource maintenance services to support various Project components; and

WHEREAS, Contractor was previously selected through a competitive process and performed work for the Project which included design, construction support, and system integration support; and

WHEREAS, based on Contractors' past performance, C/CAG is prepared to enter into agreement with Contractor to provide network monitoring and maintenance support for the Project; 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, Contractor agrees to perform the services described in Exhibit A, attached hereto (the "Services"). All Services are to be performed and completed by June 30, 2018.
2. Payments. In consideration of Contractor providing the Services, C/CAG shall reimburse Contractor based on the project budget set forth in Exhibit B up to a maximum amount of ninety two thousand seven hundred thirty two dollars (\$92,732) for Services provided

during the Contract Term as set forth below. The hours stated in Exhibit B are intended to be an estimate of the amount of time Contractor expects to spend on each task. Payments shall be made to Contractor monthly based on an invoice submitted by Contractor that identifies expenditures and describes services performed in accordance with the agreement. C/CAG shall have the right to receive, upon request, documentation substantiating charges billed to C/CAG.

3. Relationship of the Parties. It is understood that Contractor is an Independent Contractor and this Agreement 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.
5. Contract Term. This Agreement shall be in effect as of _____ and shall terminate on June 30, 2018; provided, however, C/CAG may terminate this Agreement at any time for any reason by providing 30 days' notice to Contractor. Termination shall 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, its agents, officers, and employees from all claims, suits or actions to the extent caused by the negligence, errors, acts or omissions of the Contractor, its agents, subcontractors, officers or employees related to or resulting from performance, or non-performance, under this Agreement.

The duty 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 any 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. Such Insurance shall include at a minimum the following:

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 C/CAG, 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 any 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 of 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. Compliance with All Laws. Contractor shall at all times comply with all applicable laws and regulations, including without limitation those 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. Work products of Contractor which are delivered under this Agreement or which are developed, produced and paid for under this Agreement, shall be

and become the property of C/CAG. Contractor shall not be liable for C/CAG's use, modification or re-use of products without Contractor's participation or for purpose other than those specifically intended pursuant to this Agreement.

12. 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.

13. Merger Clause. This Agreement, including Exhibits A and B 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. Any subsequent modifications must be in writing and signed by the parties. 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.
14. Governing Law. This Agreement shall be governed by the laws of the State of California, without regard to its choice of law rules, and any suit or action initiated by either party shall be brought in the County of San Mateo, California.

15. Notices. All notices hereby required under this agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid and addressed as follows:

City/County Association of Governments of San Mateo County
555 County Center, 5th Floor
Redwood City, CA 94063
Attention: John Hoang

Notices required to be given to contractor shall be addressed as follows:

Iteris, Inc.
1700 Carnegie Avenue, Suite 100
Santa Ana, CA 92705
Attention: Scott Carlson

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

Iteris (Contractor)

By  _____ Date 4/29/16
SCOTT CARLSON

City/County Association of Governments (C/CAG)

By _____ Date _____
Alicia Aguirre, C/CAG Chair

C/CAG Legal Counsel

By _____

EXHIBIT A

SCOPE OF WORK

Smart Corridor ITS Network Monitoring and Maintenance Support

Project Understanding

C/CAG, in cooperation with Caltrans District 4 and the cities of San Carlos, Millbrae, East Palo Alto, San Bruno, San Mateo, Redwood City, Belmont, Burlingame, Atherton and Menlo Park, has implemented a countywide traffic management system, the San Mateo Smart Corridor Program. The Smart Corridor Program includes Alternate Routes Plans along several key arterial corridors in San Mateo that parallel US 101. The objective of the Smart Corridor Program is to implement ITS strategies along key arterial corridors to provide improved coordinated operation of the freeway and arterial traffic systems. The Smart Corridor Program identifies key arterial corridors to serve as emergency alternate routes for passively diverted traffic off of the freeway and onto surface streets in an effort to provide improved operations during special events and non-recurring congestion. Through the deployment of this project, it is important to balance the need to divert traffic off of the freeways and onto arterials with the desire to minimize the impact to the residents and businesses located along these emergency alternate routes. Construction and integration of the Smart Corridor is to be completed in the spring of 2016.

This scope of work provides for on-call ITS network monitoring and maintenance support to C/CAG for the San Mateo County Smart Corridor. These services are essential not only for the communication infrastructure but also for all the elements that are utilizing the communication system from end to end for the mission critical information. For C/CAG this includes the following elements located in local agency Right-of-Way: Ethernet switches and routers, fiber optic cable, fiber optic termination panels, fiber optic splice boxes, Trailblazer Signs and Controllers, CCTV cameras, video encoders, traffic signal controllers, workstations and servers.

Iteris will monitor the overall health of the Smart Corridor network and the field devices it serves. We will identify any network or equipment failures and diagnose the possible root cause in order to expedite corrective action taken by C/CAG's maintenance contractor for local agency owned infrastructure.

Scope of Work

Iteris' scope of work involves tasks to prepare for efficient and effective operation and maintenance services. The Tasks 1 and 2 will serve to provide planned and unplanned maintenance for the system and better management of the communication system over the long term life cycle. Task 2 is focused on the Operations and Maintenance (O&M) services preventing failures by having expert staff check the operation of the communication infrastructure and take proactive action to identify potential failures. Also, this O&M task will provide Iteris Engineers the ability to respond to alerted failures on the network.

Task 1. Project Administration and Management

Iteris strongly believes that excellent project management is essential to the successful completion of any project. Successful completion does not only mean finishing the project but also completing the project to the client's satisfaction within budget and on schedule. Mr. Richard Shinn has over

25 years of experience in operating and maintaining critical communication infrastructure for public agencies. Mr. Shinn will be available to C/CAG staff for meetings and to answer specific questions that may come up throughout the life of project. To keep C/CAG staff aware of the project activities, Mr. Shinn will also be responsible for submitting Monthly progress reports to the C/CAG staff that have responsibility over all or part of the communication system and the devices it serves.

Meetings

Mr. Shinn and key staff members will attend and participate in a “working” kick-off meeting. The kick-off meeting is intended to provide a technical forum to allow Iteris to start the technical aspects of the project immediately. One topic to be discussed is the plan for supporting the network until a field maintenance firm is under contract.

Key staff will also participate in additional meetings as necessary. The meetings are recommended to be held quarterly to review performance / response times for any past events and issues related to the O&M services of this project.

Project Management

Mr. Shinn will provide monthly progress reports to the C/CAG Project Manager and other project stakeholders. These reports will help to document and verify the performance of Iteris response time as well as the length of time that hardware is off-line.

Deliverables:

- Kick-off Meeting minutes
- Monthly Progress Reports

Task 2. Smart Corridor Network Monitoring

Primarily by utilizing Hirschmann’s HiVision Network Management Software, Iteris staff will remotely log into the network and check the operational status of all communications links, field devices and TMC elements. This will be performed on a weekly basis at a minimum and more frequently as needed to assist C/CAG’s maintenance contractor.

Any issues discovered during weekly monitoring will be reported to C/CAG and the maintenance contractor in accordance with C/CAG’s protocols. Iteris will perform diagnostic tests and network analysis to clear the issue remotely or ascertain the root cause of the problem. Iteris will report all issues that were rectified remotely to C/CAG in a weekly summary sent to C/CAG and the maintenance contractor. Issues that require action by the maintenance contractor will be reported to C/CAG in accordance with their policies and protocols. A report summarizing any actions recommended and/or required by maintenance contractor will be provided to C/CAG. At times where Iteris staff can manage the field maintenance equipment work without contractor intervention, Iteris staff will complete the work with site visits – with prior approval from C/CAG.

Recognizing that only C/CAG has the authority to mobilize the maintenance contractor, Iteris recommends notifying C/CAG and the contractor simultaneously to keep the contractor informed and to minimize their response time. As a courtesy, Iteris will also notify Caltrans District 4 of any issues related to equipment in their Right-of-Way.

Response time is also critical to on-going system operation. Throughout the work week Iteris will ensure we can respond within 4 hours of any reported failure. This is the worst-case condition with our current goal to respond within minutes.

This scope of work involves analysis of the following list of failures. Iteris will, through the analysis process, repair failures through configuration changes if possible. If hardware upgrades are necessary, Iteris will document the necessary upgrades and provide a list to C/CAG.

- Surveillance Cameras: Identify the failures and restore what can be through resetting and configuration of equipment. Maintain equipment firmware software versions on all equipment per manufacturer's requirements.
- Maintain AVIGILON Systems: Maintain AVIGILON Servers, database and related City workstations as needed. Provide assistance with AVIGILON VMS software configuration, training, troubleshooting and changes. Maintain equipment firmware software versions on all equipment per manufacturer's requirements.
- Trailblazer Signs/ADMS Units: Identify the failures and restore what can be through resetting and configuration of equipment using Skyline's Envoy software. Maintain equipment firmware software versions on all equipment per manufacturer's requirements.
- Controller communications failures: Identify controller equipment failures and restore what can be restored through resetting and configuration of equipment using Skyline's Envoy software. Maintain equipment firmware software versions on all equipment per manufacturer's requirements.
- San Mateo Corridor Network Equipment: Identify, troubleshoot and repair fiber optic cross-connections that have been changed or require modifications due to fiber failures. Assist maintenance contractor in troubleshooting point to point fiber connections.
- San Mateo Corridor Network Equipment: Maintain, troubleshoot and repair any equipment failures. Review configuration and implement any required configuration changes or upgrades. Maintain equipment firmware software versions on all equipment per manufacturer's requirements.
- Field Contractor Support: As trouble tickets are completed and closed by the maintenance contractor, Iteris staff will remotely log into the network to verify all communications links and field devices are fully operational. Where contractor requires support for network or equipment issues or troubleshooting, Iteris staff is available for support.

Deliverables:

- Monthly Network Monitoring Report

EXHIBIT B

BUDGET

The proposed cost for these services is provided below in Table 1. The tasks are to be performed on a Time & Materials basis over a two year period at a not to exceed budget of \$92,732. Billing rates for assigned staff will be adjusted as a result of annual salary increases every April without changing the total not to exceed contract amount.

Table 1. Cost Proposal

Task No.	Description	Rich Shinn, Project Manager	George Gener, Sr. System Engineer	Michael Plotnik, Transportation Engineer	Omid Modagheh, Assist. Transp Engineer	HOURS QUANT.	Iteris LABOR COST	Iteris ODC (Other Direct Cost)	Iteris Total
		\$230.87	\$203.93	\$128.79	\$91.04				
1	Project Administration & Management	40	12			52	\$11,682	\$500	\$12,182
2	Smart Corridor Network Monitoring	104	104	104	208	520	\$77,550	\$3,000	\$80,550
	Total	144	116	104	208	572	\$89,232	\$3,500	\$92,732

C/CAG AGENDA REPORT

Date: May 12, 2016

To: City/County Association of Governments Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 16-09 authorizing the C/CAG Chair to execute an agreement with Life Cycle Associates to provide Alternative Fuel Readiness Plan outreach support in an amount not to exceed \$38,960

(For further information or questions contact John Hoang at 363-4105)

RECOMMENDATION

That the C/CAG Board Review and approval of Resolution 16-09 authorizing the C/CAG Chair to execute an agreement with Life Cycle Associates to provide Alternative Fuel Readiness Plan outreach support in an amount not to exceed \$38,960.

FISCAL IMPACT

\$38,960

SOURCE OF FUNDS

Congestion Relief Plan

BACKGROUND

In February 2016, the C/CAG Board approved the Alternative Fuel Readiness Plan for San Mateo County (Plan). The purpose of the Plan, which was funded by a grant from the California Energy Commission combined with in-kind match from C/CAG, is to prepare San Mateo County jurisdictions for the commercialization of alternative transportation fuels (electric, hydrogen, biofuels, propane, and natural gas) in the marketplace and serve as a resource for public agencies with information on permitting, deploying alternative fuel infrastructure, training personnel, and promoting increased use of alternative fuel vehicles.

To promote the Plan and maximize its benefits and impacts to the 20 cities and the County of San Mateo, C/CAG staff proposes follow up activities including presenting the Plan to city councils and providing assistance to city staff with implementing strategies and initiatives recommended by the Plan. As local jurisdictions are faced with the implementation of alternative fuels options, the jurisdictions will benefit from developing a better understanding of alternative fuel requirements, local alternative fuel implications, as well the ability to respond to grant opportunities.

Staff proposes to contract with Life Cycle Associates (LCA), the consultant which assisted in development of the Plan, to provide these services to support the jurisdictions. The LCA team performed exceptionally in the development of the Plan and therefore, in addition to presenting the Plan to respective city councils, will be able to offer their expert knowledge with alternative fuels to the jurisdictions to help identify solutions and resources targeted to the specific jurisdiction's needs.

The agreement with LCA will include budgets for providing 1) presentations of the Plan to the 21 jurisdictions, 2) one-on-one consultation with city/County staff on alternative fuels readiness planning, 3) as needed support in identifying grant opportunities and development of effective applications for funds, and 4) support efforts to develop public/private partnerships with alternative fuel infrastructure. The agreement will be for two years to allow sufficient time for coordination with the jurisdictions.

ATTACHMENTS

1. Resolution 16-09
2. Agreement between C/CAG and Life Cycle Associates

RESOLUTION 16-09

**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 AGREEMENT WITH LIFE CYCLE ASSOCIATES TO PROVIDE
ALTERNATIVE FUEL READINESS PLAN OUTREACH SUPPPORT IN AN AMOUNT
NOT TO EXCEED \$38,960**

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

WHEREAS, the C/CAG Board approved the Alternative Fuel Readiness Plan for San Mateo County (Plan) on February 11, 2016; and

WHEREAS, the Plan serve as a resource for public agencies with information on permitting, deploying alternative fuel infrastructure, training personnel, and promoting increased use of alternative fuel vehicles; and

WHEREAS, C/CAG desires to put the Plan into action by providing assistance to the 20 cities and the County to present the Plan to councils, and provide consultation services and grant application support to agency staff; and

WHEREAS, C/CAG, through a competitive procurement process, entered into agreement with Life Cycle Associates (LCA) to assist with development of the Plan and based on positive performance, C/CAG intends to retain LCA for the Plan follow-up outreach support.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City/County Association of Governments of San Mateo County that the C/CAG Chair is authorized to enter into an agreement with the Life Cycle Associates for \$38,961 to provide Alternative Fuel Readiness Plan outreach support. This agreement shall be in a form approved by C/CAG legal counsel..

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF MAY, 2016.

Alicia Aguirre, Chair

AGREEMENT BETWEEN
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY
AND
LIFE CYCLE ASSOCIATES, LLC

This Agreement entered this ____ day of _____, 2016, by and between the City/County Association of Governments of San Mateo County, a joint powers agency, hereinafter called “C/CAG” and Life Cycle Associates, LLC, 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, the C/CAG Board approved the Alternative Fuel Readiness Plan for San Mateo County (Plan) in February 2016; and

WHEREAS, C/CAG desires to put the Plan into action by providing consultant assistance to the 20 cities and the County to present the Plan to councils, and provide consultation services and grant application support to agency staff; and

WHEREAS, C/CAG selected Contractor through a competitive process to assist with development of the Plan based on Contractor’s excellent performance and intends to retain Contractor for follow-up activities associated with the Plan; 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, Contractor agrees to perform the services described in Exhibit A, attached hereto (the “Services”). All Services are to be performed and completed by June 30, 2018.
2. Payments. In consideration of Contractor providing the Services, C/CAG shall reimburse Contractor based on the project budget set forth in Exhibit B up to a maximum amount of thirty eight thousand nine hundred sixty dollars (\$38,960) for Services provided during the Contract Term as set forth below. The hours stated in Exhibit B are intended to be an estimate of the amount of time Contractor expects to spend on each task. Payments shall be made to Contractor monthly based on an invoice submitted by Contractor that identifies expenditures and describes services performed in accordance with the agreement. C/CAG shall have the right to receive, upon request, documentation substantiating charges billed to C/CAG.

3. Relationship of the Parties. It is understood that Contractor is an Independent Contractor and this Agreement 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.
5. Contract Term. This Agreement shall be in effect as of _____ and shall terminate on June 30, 2018; provided, however, C/CAG may terminate this Agreement at any time for any reason by providing 30 days' notice to Contractor. Termination shall 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, its agents, officers, and employees from all claims, suits or actions to the extent caused by the negligence, errors, acts or omissions of the Contractor, its agents, subcontractors, officers or employees related to or resulting from performance, or non-performance, under this Agreement.

The duty 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 any 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. Such Insurance shall include at a minimum the following:

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 C/CAG, 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 any 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. Compliance with All Laws. Contractor shall at all times comply with all applicable laws and regulations, including without limitation those 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. Work products of Contractor which are delivered under this Agreement or which are developed, produced and paid for under this Agreement, shall be and become the property of C/CAG. Contractor shall not be liable for C/CAG's use, modification or re-use of products without Contractor's participation or for purpose other than those specifically intended pursuant to this Agreement.
12. 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.

13. Merger Clause. This Agreement, including Exhibits A and B 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. Any subsequent modifications must be in writing and signed by the parties. 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.
14. Governing Law. This Agreement shall be governed by the laws of the State of California, without regard to its choice of law rules, and any suit or action initiated by either party shall be brought in the County of San Mateo, California.

15. Notices. All notices hereby required under this agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid and addressed as follows:

City/County Association of Governments of San Mateo County
555 County Center, 5th Floor
Redwood City, CA 94063
Attention: John Hoang

Notices required to be given to contractor shall be addressed as follows:

Life Cycle Associates, LLC
884 Portola Road, Suite A11
Portola Valley, CA 94028
Attention: Stefan Unnasch

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

Life Cycle Associates (Contractor)

By _____

_____ Date

City/County Association of Governments (C/CAG)

By _____
Alicia C. Aguirre, C/CAG Chair

_____ Date

C/CAG Legal Counsel

By _____

EXHIBIT A

SCOPE OF WORK

The City and County Association of Governments of San Mateo County (C/CAG) Board of Directors adopted the Alternative Fuel Readiness Plan for San Mateo County (“the Plan”). In order to ensure that the Plan has maximum impact, Life Cycle Associates (LCA) is proposing a follow-up project to implement some of the strategies and initiatives that were recommended in the Plan. As local government agencies are faced with the implementation of alternative fuels, the agencies will benefit from developing a better understanding of alternative fuel requirements and local alternative fuel implications, as well as a coordinated ability to respond to grant opportunities.

LCA will support C/CAG in its efforts to put the Plan into action through four main areas of development: presentations to cities on the alternative fuel plan, one-on-one alternative fuel meetings for every city and the county, grant support, and exploration of public-private partnership opportunities. Discussions will include all six of the alternative fuels covered in the Plan: electricity, hydrogen, natural gas, renewable/biodiesel, ethanol, and propane.

In the first task, LCA will present the Plan to each of the 20 cities in San Mateo County and the County. This task will include up to 21 presentations to different agencies. LCA will customize the presentation material as needed for the target audience.

In the second task, LCA will provide each agency the opportunity to engage in a one-on-one consultation on alternative fuels readiness planning. LCA staff will offer expert knowledge on the topic to identify solutions and resources targeted to the specific agency and geographic region’s needs.

In the third task, LCA will provide support to the 20 cities and the County in their efforts to increase the use of alternative fuels in government vehicles. Many different grants and incentives are available to defray the cost of alternative fuel vehicles. LCA will help identify these opportunities and support agency staff in developing effective applications for funds on an as needed basis.

In the fourth task, LCA will support efforts in San Mateo County to develop public-private partnerships with companies that install or maintain feedstock processing equipment or refueling infrastructure. LCA can open discussions with local fuel retailers, fuel producers, infrastructure installers, and alternative fuel vehicle manufacturers.

The following Work Breakdown Structure identifies the anticipated steps for each task as follows:

Work Breakdown Structure

Task 1. Present to Government Entities

1. Presentations of AFRP to San Mateo government entities:
 - 1.1. Reach out to 21 agencies (20 cities and the County) to assess presentation times and needs.
 - 1.2. Customize presentation for local parameters.
 - 1.3. Schedule presentations with those agencies that express interest.

- 1.4. Develop presentation materials that cover the information in the Plan, including any combination of the following topics:
 - 1.4.1. Legislative background
 - 1.4.2. Incentives
 - 1.4.3. Alternative fuels overview
 - 1.4.4. Local factors
 - 1.4.5. Alternative fuel and vehicle demand projections
 - 1.4.6. Training resources
 - 1.4.7. Policy options
 - 1.4.8. Permitting and building codes

Task 1 Deliverable: Presentations to 21 agencies by LCA staff.

Task 2. Consult with Government Entities

2. Alternative fuel planning consultations to government entities:
 - 2.1. Outreach to 21 agencies to set up consultation times and assess items of interest
 - 2.2. Schedule meetings with agencies that express interest.
 - 2.3. One-on-one consultations with agency staff to address agency specific interests and concerns
 - 2.4. Follow-up as needed.

Task 2 Deliverable: One-on-one consultations with 21 agencies with LCA staff. Summary presentation identifying funding opportunities for local alternative fuel measures.

Task 3. Support Grant Applications

3. Grant identification and application support.
 - 3.1. Identify funding opportunities from BAAQMD, CARB, CEC, DOE, etc. for building refueling infrastructure, purchasing vehicles, or converting organic feedstocks into biomethane.
 - 3.2. Coordinate with other local agencies to develop aggregate purchase orders.
 - 3.3. Coordinate with other local governments to create regionally cohesive infrastructure plans for EV, hydrogen, and natural gas.

Task 3 Deliverable: Grant support to cities and county entities including check lists for submission and coordination meeting.

Task 4. Explore Partnership Opportunities

4. Explore public-private partnership opportunities.
 - 4.1. Explore options for converting potential feedstocks (e.g. landfill gas, waste water treatment gas, or municipal wastes) into alternative fuels for use in vehicles
 - 4.2. Identify options for partnering with private companies for infrastructure installation and maintenance on public lands.

Task 4 Deliverable: Report summarizing partnership opportunity including organization chart for proposed project, role of parties, and funding opportunities and revenue potential including grants as well as LCFS, AB32, and EPA RFS credits.

EXHIBIT B

BUDGET

The work will be on a time and material basis. Table 1 displays the proposed budget and schedule. The efforts under Tasks 1 and 2 will be proportional to the agencies engaged with the expectation that the first 11 presentations will require more effort than the last 10 as learnings take effect.

Table 1. Budget and Schedule

Task	Stefan Unnasch Hours	Ashley Henderson Hours	Budget
1. Presentations	5	80	\$8,900
2. Alternative Fuel Consultations	42	168	\$24,360
3. Grant Support	5	20	\$2,900
4. Explore public-private partnership opportunities	10	10	\$2,800
Total	62	278	\$38,960

Hourly rates for LCA staff are shown in Table 2.

Table 2. Staff Hourly Rates

Name	Title	Hourly Rate
Stefan Unnasch	Managing Director	\$180
Ashley Henderson	Environmental Scientist	\$100

C/CAG AGENDA REPORT

Date: May 12, 2016

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Receive an update on the Petitions for Review filed with the State Water Board regarding the San Francisco Bay Regional Water Quality Control Board's reissuance of the Municipal Regional Permit.

(For further information or questions, contact Matthew Fabry at 650-599-1419)

RECOMMENDATION

Receive an update on the Petitions for Review filed with the State Water Board regarding the San Francisco Bay Regional Water Quality Control Board's reissuance of the Municipal Regional Permit.

FISCAL IMPACT

None at this time.

SOURCE OF FUNDS

NA

BACKGROUND

Subsequent to the San Francisco Regional Water Quality Control Board (Regional Board) adopting a revised Municipal Regional Permit over the objections of the municipalities subject to the permit, the C/CAG Board directed staff in December to explore opportunities for petitioning the State Water Resource Control Board (State Board) to review the Regional Board's action. C/CAG's Countywide Water Pollution Prevention Program ultimately signed on as a co-petitioner with the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) on behalf of C/CAG's member agencies. The SCVURPPP petition addresses procedural and technical concerns with the permit reissuance process. The petition was filed on December 16, 2015 and is included as Attachment 1, without attachments.

In addition to the SCVURPPP petition, petitions were filed by the cities of Alameda, Albany, Berkeley, Dublin, Hayward, Newark, Oakland, San Jose, San Leandro, and Union City, the County of Alameda, and the San Francisco Baykeeper. All petitions are available for download at the State Board's website (http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2455_sf_ms4_order.shtml)

The State Board issued a letter on March 15, 2016 (Attachment 2), indicating all filed petitions were complete and would be consolidated for State Board review, the Regional Board and other interested persons could file responses to the petitions within 30 days, and that the Regional Board was requested to file the administrative record within that same time period. The State Board subsequently issued a letter on April 11, 2016 granting a 30-day time extension (until May 16) to the Regional Water Board to submit the administrative record and for all interested parties to submit comments on the petitions (included as Attachment 3).

C/CAG staff has been informed that comments on the San Francisco Baykeeper petition are planned by the Contra Costa County Clean Water Program, the Alameda Countywide Clean Water Program, and the California Stormwater Quality Association. Other interested parties, including San Francisco Baykeeper, are also likely to file comments.

The State Board has 270 days to respond to petitions after providing initial notice that petitions are complete and will be reviewed, unless it holds a public hearing, in which case it must act on the petitions within 330 days, or within 120 days of the close of the hearing, whichever is later. If the State Board does not take action within those time limits, the petitions are deemed denied. The time limits may be extended for 60 days upon written agreement of petitioners.

C/CAG staff will continue to keep the Board informed on the petition review process. Funding to support the joint C/CAG-SCVURPPP petition is included in the proposed 2016-17 stormwater program budget.

ATTACHMENTS

1. Water quality petition requesting the State Water Resources Control Board review of the San Francisco Bay Regional Water Quality Control Board's reissuance of the Municipal Regional Permit.
2. March 15, 2016 State Board letter deeming petitions complete
3. April 11, 2016 State Board letter granting a 30-day time extension

December 16, 2015

Writer's Direct Contact

+1 (415) 268.6294

RFalk@mofocom

By UPS Two-Day Delivery and by Email to waterqualitypetitions@waterboards.ca.gov

State Water Resources Control Board
Office of Chief Counsel
Attn. Adrianna M. Crowl
1001 "I" Street, 22nd Floor
Sacramento, CA 95814

Re: **Water Quality Petition requesting State Water Resources Control Board's Review of Region 2's Re-Issuance of Municipal Regional (Stormwater) Permit (NPDES No. CAS612008)**

To Whom It May Concern:

Please accept this Petition for Review of the California Regional Water Quality Control Board, San Francisco Bay Region's (Region 2's) November 19, 2015 action in adopting NPDES Permit No. CAS612008, better known as Region 2's reissuance of the San Francisco Bay Municipal Regional Permit for stormwater discharges (MRP 2.0).

MRP 2.0 includes as co-permittees 76 San Francisco Bay area municipalities that collectively serve over 5.5 million Californians. To better coordinate their efforts, 15 of those co-permittees located in the Santa Clara Valley previously entered into an agreement to form the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP).¹ Likewise, to provide coordination and assistance with respect to compliance with their NPDES stormwater permit, another 21 co-permittees previously formed the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), which is administered under the City/County Association of Governments of San Mateo County (C/CAG), a joint powers agency.²

¹ The 15 municipal co-permittee agencies comprising SCVURPPP are: the cities of Campbell, Cupertino, Los Altos, Los Altos Hills, Los Gatos, Milpitas, Monte Sereno, Mountain View, Palo Alto, San Jose, Santa Clara, Saratoga, and Sunnyvale; the County of Santa Clara; and the Santa Clara Valley Water District.

² The 21 municipal co-permittee agencies comprising SMCWPPP are: the towns of Atherton, Colma, Hillsborough, Portola Valley, and Woodside; the cities of Belmont, Brisbane, Burlingame, Daly City, East Palo Alto, Foster City, Half Moon Bay, Menlo Park, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, San Mateo, and South San Francisco; and the County of San Mateo.

State Water Resources Control Board
December 16, 2015
Page Two

This Petition is submitted by SCVURPPP and SMCWPPP on both of their behalves for the benefit of their respective members.³

All information the State Water Resources Control Board (State Board) requires for a water quality petition of this nature is presented below.

1. Name, address, telephone number and e-mail address (if available) of the petitioner:

Names of Petitioners: the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) and the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP).

Mailing Addresses:

For SCVURPPP:⁴ c/o Robert Falk, SCVURPPP Legal Counsel, Morrison & Foerster LLP, 425 Market Street, 32nd Floor, San Francisco, CA 94105

For SMCWPPP: c/o Matthew Fabry, PE, Manager, San Mateo Countywide Water Pollution Prevention Program, City/County Association of Governments of San Mateo County, 555 County Center, 5th Floor, Redwood City, CA 94063

Telephones:

For SCVURPPP: 415-268-6294

For SMCWPPP: 650-599-1419

Email Addresses:

For SCVURPPP: RFalk@mofo.com

For SMCWPPP: MFabry@smcgov.org

³ SCVURPPP and SMCWPPP are collectively referred to herein as the "Petitioners." Co-permittees that are members of SCVURPPP or SMCWPPP reserve their rights to file petitions concerning MRP 2.0 on their own behalves. The City of San Jose, California will be filing such a petition, incorporating aspects of this Petition to the extent it determines it efficient to do so.

⁴ Although SCVURPPP requests all communications concerning this Petition be directed to its legal counsel, whose contact information is shown above, its direct mailing address is: Santa Clara Valley Urban Runoff Pollution Prevention Program, 1021 S. Wolfe Rd., Suite 185, Sunnyvale, CA 94086. Its direct telephone number is 408-720-8811.

State Water Resources Control Board
December 16, 2015
Page Three

- 2. The action or inaction of the Regional Water Board being petitioned, including a copy of the action being challenged or any refusal to act, if available.** If a copy of the regional board action is not available, the petitioner must explain why it is not included.

Action Being Challenged: Adoption of MRP 2.0, NPDES Permit No. CAS612008, by Region 2 on November 19, 2015.

The version of MRP 2.0, including its Fact Sheet and other attachments, that was last publicly noticed for adoption by Region 2 and an associated Errata sheet that was released to the public several days in advance of the November 18-19, 2015 adoption hearing, are available for download at:

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrpwrittencomments/November/Revised_Tentative_Order_11-10-15_Attachments_A_G.pdf and

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrpwrittencomments/November/Errata_and_Clarifications.pdf).⁵

The following additional documents, which modified the above and were adopted as part of MRP 2.0, present issues raised for review herein include: **(1)** a “Staff Supplemental” first made available to the public at the hearing location just prior to the beginning of Region 2’s meeting on November 18, 2015 (provided as Attachment 1 hereto), and **(2)** a “Chair’s Supplemental” which the Chair of Region 2’s Board first revealed and made available to those present at the adoption hearing only after the agenda item in question commenced on November 18, 2015 (provided as Attachment 2 hereto).⁶

Because its effect was, for the first time on the record, to officially characterize the nature of the “numeric performance criteria” for mercury and PCBs load reductions set forth in MRP 2.0 and its Fact Sheet as “numeric effluent limitations (NELs) rather than numeric action levels (NALs), we also include the Region 2 staff’s Response to Comments document concerning these permit provisions (available for download at

⁵ Hard or electronic copy of these documents are not being provided at this time due to the lengthy number of pages/size of the data files involved, but they can be provided under separate cover and/or .pdf upon further request.

⁶ To avoid overwhelming a firewall due to the large number of pages/amount of data involved, all Attachments referenced herein are being provided only with the hard copy of this Petition being sent via UPS delivery. Electronic (.pdf) copies of any of them can also be provided under separate cover upon further request.

State Water Resources Control Board
December 16, 2015
Page Four

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrpresponsetocomments/C11-12_Response_to_Comments.pdf).⁷

Collectively, all of the above documents are further referred to herein as “Final MRP 2.0 Order.”⁸

3. The date the Regional Water Board acted, refused to act, or was requested to act:

Hearing conducted on November 18-19, 2015; vote taken on November 19th.

4. A statement of the reasons the action or inaction was inappropriate or improper:

- A. Adoption of Final MRP 2.0 Order emerged from a serially flawed and biased public participation and hearing process that did not comply with the requirements of law.
- B. Region 2’s inclusion of NELs as opposed to NALs for mercury and PCBs load reductions in Final MRP 2.0 Order was the result of the flawed public participation process and inaccurate statements by Region 2 staff and counsel concerning the State Board’s position on the issue. Beyond this, the NELs in question were otherwise not adequately justified on the record and their adoption therefore reflects an abuse of discretion.

5. How the petitioner is aggrieved:

Petitioners and their member agencies (and other MRP 2.0 co-permittees and interested persons) were deprived of the full public participation (e.g., notice, comment, and open meeting observation) rights to which they are entitled by applicable federal and state law. Requirements and, in other cases, official interpretations of requirements, are included in Final MRP 2.0 Order that would not be included if the public participation process resulting in its adoption was not so flawed. Petitioners and other co-permittees were also deprived of a vote on MRP 2.0’s most controversial provisions by a full, fairly

⁷ This document can also be provided in hard copy or .pdf under separate cover upon further request.

⁸ On December 10, 2015, Region 2 posted an announcement making the adopted version of MRP 2.0, as incorporating the errata and language reflecting the Staff Supplemental and Chair’s Supplemental, available at the following link: http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/R2-2015-0049.pdf. This lengthy document will also be provided in hard copy and/or .pdf upon further request. (Other archived documents associated with the development and adoption of MRP 2.0 are also available at http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrp_sw_reissuance.shtml. If necessary, hard or .pdf copies of any of these can be provided on request.)

State Water Resources Control Board
 December 16, 2015
 Page Five

constituted, and representative Regional Board. Had flawed public participation and inaccurate Region 2 staff and counsel representations made at the adoption hearing not occurred, the numeric performance criteria for mercury and PCBs load reductions would not have been characterized or be legally enforceable as NELs. Petitioners' member agencies would then have been able to ensure compliance with MRP 2.0 through implementing required initial and follow-up actions on a timely basis, and not be subject to third party lawsuits if mercury and PCBs loading reductions fall short of their non-transparently calculated and speculative marks.

6. The action the petitioner requests the State Water Board to take:

The State Board should conduct further public hearings on MRP 2.0 to provide the proper and fair process and absence of bias to which the Petitioners, other co-permittees, and all members of the public are entitled. As part of this process, and as it did in the construction and industrial general stormwater permits it has adopted, the State Board should convert the numeric performance criteria for mercury and PCBs set forth in Provisions C.11 and C.12 of MRP 2.0 from NELs into NALs with an accompanying set of appropriate exceedance response action requirements (ERAs) if these benchmarks are not met in the first instance.⁹

7. A statement of points and authorities for any legal issues raised in the petition, including citations to documents or the hearing transcript of the regional board hearing if it is available.

A. Adoption of Final MRP 2.0 Order emerged from a serially flawed and biased public participation and hearing process that did not comply with the requirements of law.

Federal and state law entitles regulated entities and other members of the public to certain fundamental public participation rights in regulatory permitting proceedings, including in the NPDES context: adequate notice, a meaningful opportunity to comment based on what has been properly noticed, and a full, fair, and transparent hearing. 33 U.S.C. §§ 1342(a)(1) and 1251(e); 40 C.F.R. § 124.10; Cal. Gov. Code §§ 11120 *et seq.*, 11400 *et seq.*, 11500 *et seq.* and 23 Cal. Code Regs. § 647 *et seq.* Those rights were materially abridged in these Region 2 proceedings, including as follows:

- i. Two members of the Region 2 Board that were not required to recuse themselves from the MRP 2.0 proceedings due to their prior or current employment by two of the

⁹ Indeed, there is even more reason for the State Board to utilize NALs here. Unlike in this Clean Water Act section 402(p)(3) MS4 permit, NPDES stormwater permits for construction and industrial activities *must* address the less flexible requirements of Clean Water Act section 301(b)(1)(C).

State Water Resources Control Board

December 16, 2015

Page Six

- 76 municipal co-permittees, nevertheless recused themselves due, at least in part, to erroneous direction one of the individuals received from the Board's legal counsel.¹⁰ Given their municipal experience, these two additional Board members could have brought important diverse perspectives and practical insights into the Region 2 Board's deliberations on MRP 2.0's requirements and influenced the final vote. Their exclusion from the process, when not required by law and as tainted by Board counsel's prior erroneous advice that recusal was legally required, flies in the very face of the rationale for their appointments by the Governor. It in and of itself gives rise to the specter of biased decisions being made thereafter by a less diverse and less representative Regional Board. Indeed, the outcome of several key contested issues relative to MRP 2.0 might have been materially different had these two duly appointed and unconflicted Region 2 Board members participated in the proceedings.
- ii. Due to one of the recusals, the Region 2 Board lost a quorum for the June 10, 2015 public hearing on all aspects of the draft permit other than its trash management requirements.¹¹ Instead, the proceeding continued immediately and was conducted by a subcommittee of the Board that was constituted at the spur of the moment. As such, there was no advance notice to the public that this less representative procedural device might be invoked, and there was no meaningful opportunity to object to it or the potential bias it might create with respect to the remainder of the permitting process.¹²
 - iii. Following the June 10, 2015 hearing, two members of this subcommittee apparently exchanged emails with each other concerning the testimony they heard and the report and recommendations they intended to provide to the Region 2 Board and staff with regard to it.¹³ The content of these emails and any related communications between these two subcommittee members and other members of the Region 2 Board have never been disclosed to the public. The third member of the subcommittee, who may have brought a different perspective on the same testimony to the table, did not participate in these communications or otherwise have input into the subcommittee's report and recommendations; nor was she present when the subcommittee's report and recommendations were more officially presented to the Region 2 Board at a

¹⁰ Reporter's Transcript of Proceedings June 10, 2015, Item 8 (RT-June, Attachment 3 hereto) at 6:3-8, 7:9-11; Reporter's Transcript of Proceedings July 8, 2015, Item 6 (RT-July, Attachment 4 hereto) at 6:2-7:14; Email exchange between Region 2 counsel Yuri Won and Robert Falk and Gary Grimm July 6-7, 2015 (See Attachment 5 hereto), discussing Cal. Gov. Code § 82030(b)(2) and <http://ag.ca.gov/publications/coi.pdf> at p.14.

¹¹ RT-June at 7:7-8:1.

¹² *Id.*

¹³ RT-July at 18:8-19:3.

State Water Resources Control Board
December 16, 2015
Page Seven

hearing on July 7, 2015.¹⁴ Despite Board counsel's post-hoc attempt to sanitize the record on what clearly were articulated as the subcommittee's recommendations to the remainder of the Region 2 Board and to Region 2 staff present at the July 7th hearing, the combined effect of this subcommittee effort, the recusals, and the absence of transparency and additional Board member participation at this critical stage of the public participation and hearing process deprived Petitioners and the public of their full rights and cast a dark shadow over the propriety and legitimacy of the permit adoption process's ultimate outcome.

- iv. At the November 18, 2015 permit hearing, members of the public were, *for the very first time*, given notice of and access to copies of the Staff Supplemental and the Chair's Supplemental, both of which modify or effectively modify the terms of the Final MRP 2.0 Order and its compliance requirements.¹⁵ Although the Region 2 staff and counsel took pains at the hearing to try and characterize these Supplementals as mere "clarifications" and "outgrowths," the transcript of the proceedings makes clear that the members of the Region 2 Board understood that the Supplementals represented more, and even the staff appeared to concede at one point that one aspect of the Chair's Supplemental contained new requirements.¹⁶ Moreover, even if these Supplementals really only contained clarifications, at the very minimum, the public should have received notice of them at least 10 days prior to the hearing in order to have a real and meaningful opportunity to review and prepare testimony on their implications.¹⁷
- v. Even more significantly, Region 2 staff did not provide requisite notice to the public that "numeric performance criteria" for mercury and PCBs loading reductions contained in MRP 2.0 were intended as NELs rather than as NALs until they released their Response to Comments document on October 19, 2015 in conjunction with the announcement of permit adoption hearing.¹⁸ Indeed, the ambiguous nature of the

¹⁴ *Id.*

¹⁵ See Attachments 1 and 2 and Reporter's Transcript of Proceedings, November 18, 2015, Item 7 (RT-Nov18, Attachment 6 hereto) at 17:18-21, 51:9-54:20.

¹⁶ Reporter's Transcript of Proceedings, November 19, 2015, Item 7 (RT-Nov19, Attachment 7 hereto) at 115:18-126:14.

¹⁷ See Cal. Gov. Code § 11125.

¹⁸ Response to Comments, available at http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrpresponsetocomments/C11-12_Response_to_Comments.pdf, p. 4-10. As it appeared nowhere in the May 2016 Tentative Order, Fact Sheet, or associated public comment/hearing announcement, Region 2 staff's attempted explanation about having provided prior notice in various meetings and other informal communications of their *intent* to

State Water Resources Control Board
 December 16, 2015
 Page Eight

term “numeric performance criteria” in the permit and its fact sheet resulted in extensive testimony at the June 10, 2015 hearing on the non-trash-related aspects of the draft permit and generated an associated formal request for clarification in terms of the NEL vs. NAL distinction in written comments which followed on July 9, 2015.¹⁹ Hence, as a practical matter, the Response to Comments document’s first time insistence that the numeric performance criteria were NELs and not something else effected a material change in the nature of the permit’s requirements and the associated potential third party liability consequences to the co-permittees in the event they are unable to fully comply with them. As such, it should have commanded a revision of the draft permit/Fact Sheet and a re-opening of the written public comment period.

- vi. The final deliberations of the Regional Board members at the adoption hearing on November 19, 2015 concerning their resolution of key contested issues (including concerning the imposition of NELs rather than NALs for mercury and PCBs) occurred in a lengthy, 1 hour and 45 minute closed session that was also insufficiently noticed and which was otherwise unauthorized even in the context of an adjudicative proceeding of this nature.²⁰ This precluded direct observation by, and

have performance criteria serve as “enforceable limits” or a “metrics approach” is irrelevant and did not exclude the possibility of them being NALs in this regard in any event. RT-Nov19 at 128:6-129:22.

¹⁹ See e.g.,

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/agencies/SCVU_RPPP_Legal.pdf)

²⁰ Region 2’s October 19, 2015 Public Notice of Adoption Hearing, available at

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/mrppublicnotice/MRP_Public_Notice.pdf provided no mention of a potential closed session whatsoever. The Agenda for the November 18-19, 2015 Region 2 Board Meeting, available at

http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2015/November/11_18_15_agenda.pdf , does not provide notice of a closed session in conjunction with its specified item on MRP 2.0 (Item 7). Instead, Agenda Item 11 just contains a boilerplate omnibus reference to a closed session for “Deliberation,” the authority referenced for which is Government Code section 11126(c)(3). There is also a further explanatory note contained in a boilerplate attachment to the Agenda that explains that the Board may adjourn to a closed session at any time during the regular session to, among other things, deliberate, based on the authority provided by “Government Code section 11126(a), (d) and (q).” Putting aside for a moment the question of whether any of these statutory references provide authorization for a closed session in these circumstances, what they clearly do not do is override Government Code section 11125(b)’s independent requirement to provide clear advanced notice to the public of “an item” to be discussed in closed session.

Moreover, in terms of providing authorization for a closed session on the MRP 2.0 adoption item, these references are either inapposite or non-existent. Even Government Code 11126(c)(3) extends only to deliberations on proceedings conducted pursuant to Government Code section 11500 or similar provisions of law. But Section 11500 *et seq.* concerns only proceedings conducted by administrative law judges and, to the extent Government Code section 11400 *et seq.* is considered similar, its general rule is that even an adjudicative hearing “shall be open to public observation” and may only be closed for certain limited purposes, none of

State Water Resources Control Board
 December 16, 2015
 Page Nine

full accountability to, members of the public, as both the spirit and the letter of the Bagley-Keene Act demand.²¹

- B. Region 2's inclusion of NELs as opposed to NALs for mercury and PCBs load reductions in Final MRP 2.0 Order was the result of the flawed public participation process and inaccurate statements by Region 2 staff and counsel concerning the State Board's position on the issue. Beyond this, the NELs in question were otherwise not adequately justified on the record and their adoption therefore reflects an abuse of discretion.
- i. The above-described flaws in the public participation process leading up to the adoption of Final MRP 2.0 Order assume even greater importance in light of confusing, inaccurate, and sometimes misleading statements Region 2 staff and counsel made to the members of the Region 2 Board following the conclusion of public testimony at the permit adoption hearing.²²

After having confirmed that the requirements in MRP 2.0 were best management practices (BMP) and other required actions-based measures, consistent with their TMDL implementation plans, and that good faith compliance with them would create

which presented themselves here. See Cal. Gov. Code §§ 11425.10(a)(3) and 11425.20(a)(1)-(3). Government Code section 11126(e), which was *not* referenced on the Agenda, also does not apply here since there is no significant exposure to litigation against Region 2 and, in any event, Region 2's counsel did not timely prepare and submit the requisite memorandum detailing the specific reasons and legal authority for closing the session on this basis. See Cal. Gov. Code 11126(e)(1), (e)(2), and (e)(2)(B) and (C)(ii).

Finally, even if the above were not the case, the transcript of the open hearing reveals that the closed session's purpose was not deliberating evidence but rather, ultimately without apparent success, for the Board members to try and craft new permit language to resolve the NEL v. NAL issue in a manner addressing the co-permittees concerns. RT-Nov19 at 158:18-159:13. (Indeed, as has been observed relative to general permits issued in California, the line between adjudicative and quasi-legislative action and associated procedural rules governing the board members blurs in a proceeding to develop a single set of requirements governing a large number of co-permittees, like the 76 present here such that erring on the side of transparency concerning the Region 2 Board members' decision-making is in order relative to this closed session issue.)

²¹ See Cal. Gov. Code § 11120 ("It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed The people insist on remaining informed so that they may retain control over the instruments they have created.")

²² Indeed, as described in more specific detail below, Regional Board counsel contributed to the flawed process and its biased outcome in a manner contrary to law by concurrently serving as an advocate for the staff's favored position on NELs and as a supposedly neutral advisor to the Board members at the permit adoption hearing. *Nightlife Partners, Ltd. v. City of Beverly Hills* (2003) 108 Cal.App.4th 81; *Quintero v. City of Santa Ana* (2003) 114 Cal.App.4th 810. Cf. *Morongo Band of Mission Indians v. State Water Resources Control Bd.* (2009) 45 Cal. 4th 731. (While it is not precedent, see also Los Angeles Superior Court's decision in *County of Los Angeles, et al. v. State Water Resources Control Bd.*, No. BC122724 (2010).)

State Water Resources Control Board
December 16, 2015
Page Ten

a safe harbor for the co-permittees, staff and counsel then left the Board members in a state of confusion by respectively saying that the mercury and PCBs requirements in the permit were not-fully action-based and ultimately acknowledging that failing to meet the numeric criteria would render the co-permittees subject to enforcement and third party lawsuits even if they implemented all required actions.²³

Then, contrary to the State Board's own conclusions and use of them, just before the improper closed session at the adoption hearing, Region 2 staff and counsel also told the Region 2 Board members that NALs would not be effective regulatory mechanisms and suggested that the State Board would see anything other than NELs as insufficiently rigorous.²⁴

Rather than engaging in this distorted advocacy, the Region 2 staff (and counsel to the Region 2 Board in particular), should have presented the Board members with a more objective delineation of the State Board's position on the issue of NALs v. NELs; informed them that the State Board has not precluded the use of NALs as an "ambitious, rigorous, and transparent" alternative to NELs to date; and left the decision on whether to use NELs or NALs in the Region 2 Board members' hands in a far less tainted manner. Indeed, the staff's characterization of NALs as toothless "kick the can" regulatory tools that are meaningless and cannot be enforced conflicts with: (1) the State Board's own use of them,²⁵ (2) the State Board's Expert Panel's express recommendations concerning the use of NALs in *municipal* stormwater permits,²⁶ and (3) the guidance the State Board recently provided on this issue in WQO-2015-0075.

²³ Cf. RT-Nov19 at 12:18-17:12 and 155:9-18 with 145:12-147:5, 151:5-11, and 157:11-158:16.

²⁴ RT-Nov19 at 165:16-166:21, 168:19-169:12, and 172:19-173:11.

²⁵ Storm Water General Permit Order No. 2009-0009-DWQ and Storm Water General Permit Order No. 2014-0057-DWQ.

²⁶ State Water Board Storm Water Panel of Experts, *The Feasibility of Numeric Effluent Limits Applicable to Discharges of Storm Water Associated with Discharges from Municipal, Industrial and Construction Activities* (June 19, 2006) at p. 8 ("It is not feasible at this time to set enforceable numeric effluent criteria for municipal BMPs and in particular urban discharges. . . . For catchments not treated by a structural or treatment BMP, setting a numeric effluent limit basically is not possible.") After the conclusion of the public testimony portion of the adoption hearing, Region 2 staff asserted that SCVURPPP's characterization of the Expert Panel's conclusions were amounted to gross misrepresentation. RT-Nov19 at 131:12-20. Although there is no evidence to support it in the record and it is sheer speculation at best, they then went on to assert that the Expert Panel's report was outdated and that these experts "were not *thinking* in the context of Effluent Limits . . . which are an enforceable numeric . . . performance measure that will be enforced." RT-Nov19 at 133:1-9 (emphasis supplied.)

State Water Resources Control Board
 December 16, 2015
 Page Eleven

Indeed, in the latter, although the State Board acknowledged that the Los Angeles Regional Board's use of NELs to implement 33 TMDLs in its area was not error given the number and nature of TMDLs involved, it then went on to specifically state: "We emphasize, however, that we are not taking the position that [NELs] are appropriate in all MS4 permits or even with respect to certain TMDLs within an MS4 permit We also decline to urge the regional water boards to use [NELs] in all MS4 permits."²⁷

And with regard to the Region 2 staff's repeated assurances to its Board that the co-permittees concerns with NELs could be sidelined and dealt with later through the exercise of their enforcement discretion, they and counsel should have informed their Board members that the State Board had expressed a different policy preference earlier this year when it stated in WQO-2015-0075: "from a policy perspective, we find that MS4 Permittees that are developing and implementing [alternative compliance measures] should be allowed to come into compliance with . . . interim and final TMDLs through provisions built directly into their permit rather than through enforcement orders" – i.e., enforcement orders that could arise from non-compliance with NELs per se.²⁸

- ii. Beyond these significant process issues, the substantive justification offered by Region 2 staff for treating the numeric performance criteria for PCBs and mercury load reductions as NELs also falls short. First, while they are undoubtedly designed to further implement Region 2's mercury and PCBs TMDLs and represent an increment towards getting to the waste load allocations assigned to stormwater therein, there is nothing concrete in the record revealing how the numeric values of the NELs were actually calculated.²⁹ Instead, Region 2's staff state why they think the load reduction numbers they have identified as NELs for PCBs are feasible to achieve based on the Bay Area's recent performance in terms of new and redevelopment and building demolition and construction.³⁰ But the Region 2 staff's economic forecast (which often proves wrong even when done by actual economists) has no basis in the record and requires no deference given their lack of expertise in the discipline in question. Moreover, a plethora of testimony at the adoption hearing demonstrated that even if the staff's prediction concerning the pace of development

²⁷ WQO-2015-0075 at p. 58-59.

²⁸ *Id.* at 31.

²⁹ Region 2 counsel's last minute effort to try and create a record for their being an adequate substantive basis for the NELs through eliciting a wholly conclusory statement by a staff member is meaningless and improper advocacy, particularly without the "adequate information" to which she summarily refers actually having been delineated in the record and subject to prior public review and comment. *See* RT-Nov19 at 174:21-175:5.

³⁰ RT-Nov18 at 26:6-9.

State Water Resources Control Board
 December 16, 2015
 Page Twelve

and construction ends up being on target, there is still likely to be a significant shortfall in all, or at least many, co-permittees meeting the NELs.³¹

At one point, staff testified at the adoption hearing that the PCB numbers were “based on an updated assessment of controls to reduce PCBs to the maximum extent practicable” and then indicate that their calculation “started with a numerical formula.”³² But, importantly, this formula and these calculations are nowhere to be found in the record, and later in their testimony, the same staff member even indicates that they abandoned the formula-based calculation effort.³³ Their testimony then goes on to explain that they turned to “a number of sources of information” to come up with the 3 kilogram PCBs load reduction requirement, but once again, these sources were not delineated in the permit’s Fact Sheet or elsewhere in the record.³⁴

Indeed, the Region 2 staff member’s further testimony on the issue indicates that the PCBs load reduction numbers in controversy are no more than speculative “guesstimate estimates” that represent the idea of “[h]ere is the number, we think it’s attainable.”³⁵ Ultimately, the staff even expressly conceded that “we know that there’s uncertainty with the basis of our numbers,” while trying to reassure the Region 2 Board members that they could deal with the uncertainty through their future exercise of enforcement discretion.³⁶ (Region 2’s counsel then further conceded to one of the Board members that the numbers were uncertain and that the co-permittees would be in non-compliance if they did not meet them despite their good faith efforts to implement all required actions.³⁷)

- iii. Finally, in the course of the adoption hearing, Region 2 staff revealed that, when all was said and done, their position on NELs was really based on their preference to avoid having to specify additional required actions and then expending the additional effort necessary to oversee and enforce on them if bad actors emerge among the co-

³¹ See e.g., RT-Nov18 at 138:8-142:18 and 158:7-159:22. See also RT-Nov18 at 67:19-68:11; 95:12-16; 104:13-105:8; 112:19-113:11; 117:1-11; 128:24-130:3; 136:1-11; 201:19-205:8; 231:-232:22; 241:1-23; 244:17-245: 15; 248:25-249:4; and 259:9-24.

³² RT-Nov19 at 133:12-22.

³³ *Id.* at 135:22-24.

³⁴ *Id.* at 136:14-16.

³⁵ *Id.* at 137:18-19 and 145:5-6. Relative to some communities that are not likely sources of PCBs, the Region 2 staff’s testimony even went further to characterize the requirements as they might default down to them as “unrealistic.” RT-Nov19 at 152:2-6. See also *id.* at 167:4-18.

³⁶ *Id.* at 148:3-20.

³⁷ *Id.* at 150:18-151:11.

State Water Resources Control Board
 December 16, 2015
 Page Thirteen

permittees and refused to meet their implementation obligations.³⁸ Instead, they ultimately admitted that their insistence on NELs reflects their preference to employ a psychology of “coercion.”³⁹ Not only is this an inappropriate basis for calculating the numbers used for the NELs, while they voted to include them based on the mistaken understanding that the State Board would disapprove the permit if it contained NALs instead, the need for undertaking a coercive, rather than cooperative state-local partnership approach vis-à-vis the co-permittees, was not a view that was shared by the members of the Region 2 Board.⁴⁰

8. A statement that copies of the petition have been sent to the Regional Water Board and to the discharger, if different from the petitioner.

Copies of this Petition have been provided to Region 2, the member agencies of SCVURPPP and SMCWPPP, and, through their respective municipal stormwater programs, all other co-permittees to MRP 2.0.

9. A statement that the issues raised in the petition were presented to the regional board before the regional board acted, or an explanation of why the petitioner could not raise those objections before the regional board.

Both SCVURPPP and SMCWPPP actively participated in the public comment and hearing process on MRP 2.0.⁴¹ As demonstrated through the above citations to the record and in Attachments 3-7, all issues raised in this Petition were previously presented to Region 2 prior to its final action in adopting MRP 2.0 on November 19, 2015.⁴²

In closing, Petitioners wish to note that the vast majority of MRP 2.0 was not the subject of significant dispute and is a tribute to an otherwise high level of cooperation between it and its fellow municipal stormwater programs in the San Francisco Bay Area and the Region 2 staff. SCVURPPP and SMCWPPP raise the issues in this Petition to ensure an improved, more

³⁸ See RT-Nov19 at 135:12-17 and 144:24-145:6.

³⁹ RT-Nov 19 at 170:3-172:14.

⁴⁰ RT-Nov19 at 158:18-160:1, 165:6-15, 166:22-168:5, 179:24-182:2, 185:18-187:6, 190:25-192:13, and 194:14-195:6.

⁴¹ See e.g.,

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/agencies/SMCWPPP.pdf,

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/agencies/SCVURPPP.pdf, and

http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stormwater/Municipal/agencies/SCVURPPP_Legal.pdf.

⁴² As to the process issues, see also RT-Nov18 at 252:13-254:14.

State Water Resources Control Board
December 16, 2015
Page Fourteen

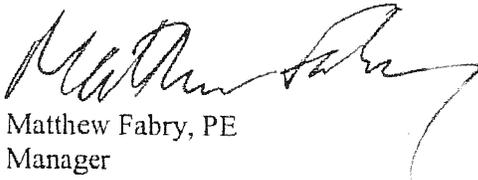
transparent, and publicly legitimate permit will be put in place that avoids the prospect of resource consuming litigation and allows for a high level of cooperation and creative approaches to continue to make meaningful and substantial progress on the highest priority water quality issues in the Bay Area.

Thank you for your consideration.

Respectfully submitted,



Robert L. Falk
Program Legal Counsel
Santa Clara Valley Urban Runoff
Pollution Prevention Program



Matthew Fabry, PE
Manager
San Mateo Countywide Water
Pollution Prevention Program

Attachments

cc: Bruce Wolfe, Executive Officer, Region 2
SCVURPPP Co-Permittees
SMCWPPP Co-Permittees
Alameda, Contra Costa, Vallejo and Fairfield Municipal Stormwater Program Managers

PROOF OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482. I am not a party to the within cause, and I am over the age of eighteen years.

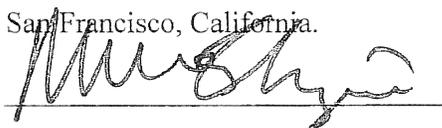
I further declare that on December 16, 2015, I served a copy of the following on the addressees listed below via UPS Two Day delivery by placing a true copies thereof enclosed in sealed envelopes with charges thereon fully prepaid for collection and provision to UPS at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices. I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence and packages for delivery by UPS, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described below will be provided to UPS on the same date that it (they) is (are) placed at Morrison & Foerster LLP for collection and delivery to UPS:

**Water Quality Petition Requesting State Water Resources Control Board's
Review of Region 2's Re-Issuance of Municipal Regional (Stormwater)
Permit, NPDES No. CAS612008 (including Attachments 1-7)**

State Water Resources Control Board
Office of Chief Counsel
Attn. Adrianna M. Crowl
1001 "I" Street, 22nd Floor
Sacramento, CA 95814

Bruce Wolfe, P.E.
Executive Officer
Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612

Executed this 16th day of December 2015, in San Francisco, California.



Margaret McIlhargie

MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105
Telephone: 415-268-7079
mmcilhargie@mfo.com



State Water Resources Control Board

March 15, 2016

VIA EMAIL ONLY

TO ALL PETITIONERS AND THEIR COUNSEL OF RECORD AND TO ALL INTERESTED PERSONS:

PETITIONS OF CITY OF ALAMEDA; CITY OF UNION CITY; SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM AND SAN MATEO COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM; CITY OF ALBANY; CITY OF NEWARK; CITY OF HAYWARD; CITY OF SAN JOSE; CITY OF DUBLIN; CITY OF BERKELEY; CITY OF SAN LEANDRO; COUNTY OF ALAMEDA; SAN FRANCISCO BAYKEEPER; AND CITY OF OAKLAND; (WASTE DISCHARGE REQUIREMENTS ORDER NO. R2-2015-0049 [NPDES PERMIT CAS612008], MUNICIPAL REGIONAL STORMWATER NPDES PERMIT FOR MUNICIPALITIES WITHIN THE COUNTIES OF ALAMEDA, CONTRA COSTA, SANTA CLARA, AND SAN MATEO, THE CITIES OF FAIRFIELD, SUISUN CITY AND VALLEJO, AND VALLEJO SANITATION AND FLOOD CONTROL DISTRICT) SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD: COMPLETE PETITION (30-DAY RESPONSE)

SWRCB/OCC FILE A-2455(a thru m)

The above-referenced petitions are complete and the State Water Resources Control Board (State Water Board) will begin its review. Some of the petitions are currently being held in abeyance; those petitions are being removed from abeyance and being activated. The petitions will be consolidated for review since they are legally and factually related.¹

The San Francisco Bay Water Quality Control Board (San Francisco Bay Water Board) and other interested persons may file a written response to the petitions. Copies of the petitions are available at

http://www.waterboards.ca.gov/public_notices/petitions/water_quality/petitions.shtml.

Responses are due within 30 days of the date of this letter, addressed to my attention. In addition, all responses must be sent to the persons listed on the attached A-2455 Distribution List. Electronic submissions and copies are strongly encouraged.

The San Francisco Bay Water Board is requested to file the administrative record (copied on both sides) within this 30-day period. The San Francisco Bay Water Board is encouraged to file the administrative record electronically (e.g., on compact disc) if feasible.

¹ See Cal. Code Regs., tit. 23, sec. 2054.

ELIJA MARRAS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

10011 Street, Sacramento, CA 95811 | Mailing Address: P.O. Box 160, Sacramento, CA 95812-0160 | www.waterboards.ca.gov



March 15, 2016

**IN ALL FUTURE CORRESPONDENCE, PLEASE REFER TO
SWRCB/OCC FILE A- 2455(A THRU M)
AND SUBMIT COPIES TO
PETITIONERS & THE SAN FRANCISCO BAY WATER BOARD**

If you would like to receive future correspondence from the State Water Board, you must subscribe to the electronic mailing list named a2455_athrum@swrcb18.waterboards.ca.gov at http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml. Future correspondence regarding this matter will not be sent in hard copy, unless you file a request to receive future correspondence in hard copy by writing to Adrianna M. Crowl at the Office of Chief Counsel at the address in the letterhead above. You should act as soon as possible to ensure you receive all items of future correspondence.

The Petitioner may not file a response to the petition. Additional submissions regarding this petition will only be allowed upon written request and approval of such requests is at the discretion of this Board.

If you have any questions regarding this letter, please contact me at (916) 341-5173 or Ryan.Mallory-Jones@waterboards.ca.gov.

Sincerely,



FOR RM-J
Ryan Mallory-Jones
Attorney

cc: A-2455 Distribution List (attached)

A-2455(a thru m) Distribution List

A-2455(a)

City of Alameda **[via email only]**
Elizabeth Warmerdam,
Interim City Manager
Attn: Janet Kern, City Attorney
2263 Santa Clara Avenue
Alameda, CA 94501
jkern@alamedacityattorney.org

[via email only]

Wen Chen, PhD, PE, CFM, QSD/P
Senior Engineer
City of Albany Public Works
548 Cleveland Avenue
Albany, CA 94710
wchen@albanyca.org

A-2455(b)

Antonio Acosta **[via email only]**
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587
TAcosta@unioncity.org

A-2455(e)

Soren Fajeau, P.E. **[via email only]**
Assistant City Engineer
37101 Newark Blvd
Newark, CA 94560
Soren.fajeau@newark.org

A-2455(c)

Robert L. Falk **[via email only]**
Legal Counsel
Santa Clara Valley Urban Runoff
Pollution Prevention Program
Morrison & Foerster LLP
425 Market Street, 32nd Floor
San Francisco, CA 94105
RFalk@mfo.com

A-2455(f)

Elisa Wilfong **[via email only]**
Water Pollution Control Administrator
City of Hayward
777 B Street
Hayward, CA 94541
Elisa.Wilfong@hayward-ca.gov

Matthew Fabry, PE **[via email only]**
Manager
San Mateo Countywide Water
Pollution Prevention Program
City/County Assoc. of Governments
of San Mateo County
555 County Center, 5th Floor
Redwood City, CA 94063
MFabry@smcgov.org

Erik Pearson **[via email only]**
Environmental Services Manager
City of Hayward
777 B Street
Hayward, CA 94541
Erik.pearson@hayward-ca.gov

A-2455(d)

City of Albany **[via email only]**
Public Works
Attn: Ray Chan
548 Cleveland Avenue
Albany, CA 94710
rchan@albanyca.org

Michael S. Lawson **[via email only]**
City Attorney
City of Hayward
777 B Street
Hayward, CA 94541
Michael.Lawson@hayward-ca.gov

(Continued)

March 15, 2016

A-2455(g)
City of San Jose **[via email only]**
Leah Goldberg, Sr. Deputy City Attorney
City Attorney's Office
200 E Santa Clara Street
San Jose, CA 95113
Cao.main@sanjoseca.gov

A-2455(h)
City of Dublin **[via email only]**
Andrew Russell
Assistant Public Works Director/City
Engineer
100 Civic Plaza
Dublin, CA 94568
Andrew.Russell@dublin.ca.gov

Sarah Quiter, Esq. **[via email only]**
Meyers Nave
555 12th Street, Suite 1500
Oakland, CA 94607
Squiter@meyersnave.com

A-2455(i)
Dee Williams-Ridley **[via email only]**
Interim City Manager
City of Berkeley
Administrative Division
2180 Milvia Street
Berkeley, CA 94704
DWilliams-Ridley@ci.berkeley.ca.us

A-2455(j)
City of San Leandro **[via email only]**
c/o Debbie Pollart, Director of Public
Works
14200 Chapman Road
San Leandro, CA 94578
dpollart@sanleandro.org

Sarah Quiter, Esq. **[via email only]**
Meyers Nave
555 12th Street, Suite 1500
Oakland, CA 94607
Squiter@meyersnave.com

A-2455(k)
County of Alameda **[via email only]**
c/o Kathy Lee, Esq.
Deputy County Counsel
Office of the County Counsel
1221 Oak Street, Suite 450
Oakland, CA 94612-4296
Kathy.lee@acgov.org

County of Alameda **[via email only]**
Public Works Building
Attn: Sharon Gosselin
399 Elmhurst Street
Hayward, CA 94544
Sharon@acpwa.org

A-2455(l)
San Francisco Baykeeper **[via email only]**
Attn: George Torgun, Managing Attorney
1736 Franklin Street, Suite 800
Oakland, CA 94512
George@baykeeper.org

A-2455(m)
Celso D. Ortiz **[via email only]**
Senior Deputy City Attorney
City of Oakland
One Frank Ogawa Plaza
Oakland, CA 94612
cortiz@oaklandcityattorney.org

Keith Lichten **[via email only]**
Supervising Water Resource Control
Engineer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
Keith.Lichten@waterboards.ca.gov

(Continued)

March 15, 2016

Dale Bowyer **[via email only]**
Senior WRC Engineer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
dale.bowyer@waterboards.ca.gov

Bruce Wolfe **[via email only]**
Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
bruce.wolfe@waterboards.ca.gov

Ms. Dyan Whyte **[via email only]**
Assistant Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
dyan.whyte@waterboards.ca.gov

Thomas Mumley **[via email only]**
Assistant Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
thomas.mumley@waterboards.ca.gov

Lori T. Okun, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
lori.okun@waterboards.ca.gov

Tamarin Austin, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
tamarin.austin@waterboards.ca.gov

Marnie Ajello, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
Marnie.Ajello@waterboards.ca.gov

Mr. David W. Smith, Chief **[via email only]**
Permits Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov

Mr. Ken Greenberg, Chief **[via email only]**
Clean Water Act Compliance (NPDES)
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
greenberg.ken@epa.gov

Gary Grimm, Esq. **[via email only]**
Law Office of Gary J. Grimm
2390 Vine Street
Berkeley, CA 94708
ggrimm@garygrimmlaw.com

Kathy Cote
Environmental Services Manager
39550 Liberty Street
Fremont, CA 94838
KCOte@fremont.gov

Philip Wyels, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
Philip.Wyels@waterboards.ca.gov



State Water Resources Control Board

April 11, 2016

VIA EMAIL ONLY

TO ALL PETITIONERS AND THEIR COUNSEL OF RECORD AND TO ALL INTERESTED PERSONS:

PETITIONS OF CITY OF ALAMEDA; CITY OF UNION CITY; SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM AND SAN MATEO COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM; CITY OF ALBANY; CITY OF NEWARK; CITY OF HAYWARD; CITY OF SAN JOSE; CITY OF DUBLIN; CITY OF BERKELEY; CITY OF SAN LEANDRO; COUNTY OF ALAMEDA; SAN FRANCISCO BAYKEEPER; AND CITY OF OAKLAND; (WASTE DISCHARGE REQUIREMENTS ORDER NO. R2-2015-0049 [NPDES PERMIT CAS612008], MUNICIPAL REGIONAL STORMWATER NPDES PERMIT FOR MUNICIPALITIES WITHIN THE COUNTIES OF ALAMEDA, CONTRA COSTA, SANTA CLARA, AND SAN MATEO, THE CITIES OF FAIRFIELD, SUISUN CITY AND VALLEJO, AND VALLEJO SANITATION AND FLOOD CONTROL DISTRICT) SAN FRANCISCO BAY REGIONAL WATER QUALITY CONTROL BOARD: EXTENSION OF TIME TO SUBMIT ADMINISTRATIVE RECORD AND RESPONSES TO THE PETITION SWRCB/OCC FILE A-2455(a thru m)

The State Water Resources Control Board (State Water Board) has received a letter dated April 8, 2016, from the San Francisco Bay Regional Water Quality Control Board (San Francisco Water Board) requesting an extension of, at minimum, thirty (30) days of the deadline to file the administrative record and the responses to the petition in the above matter.

The State Water Board informed interested persons by letter dated March 15, 2016, that the petition in the above matter was complete and that the administrative record and responses to the petition were due within thirty (30) days. The letter and notice are available at: http://www.swrcb.ca.gov/public_notices/petitions/water_quality/a2455_sf_ms4_order.shtml.

For the reasons stated in the San Francisco Water Board's request, the State Water Board will now grant an extension to all parties and interested persons to file responses to the petition. For the same reasons, the State Water Board will also now grant an extension to the San Francisco Water Board to submit the administrative record to the petition in the above matter.

The new deadline is set as follows:

Submission of the administrative record (for the San Francisco Water Board) and of responses to the petition (for all parties and interested persons, including the San Francisco Water Board): **Monday, May 16, at 5:00 pm.**

FRANK MARTELLO, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1001 J Street, Sacramento, CA 95811 | Mailing Address: P.O. Box 100, Sacramento, CA 95812-0100 | www.waterboards.ca.gov



April 11, 2016

The State Water Board notes that the new deadline does not extend the 270-day time period in which the State Water Board must review and act on the petition under California Code of Regulations, title 23, section 2050.5, subdivision (b).

If you have any questions regarding this letter, please contact me at (916) 341-5173 or at ryan.mallory-jones@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ryan Mallory-Jones', with a long horizontal line extending to the right.

Ryan Mallory-Jones
Attorney

cc: See next page

A-2455(a thru m) Distribution List

A-2455(a)

City of Alameda **[via email only]**
Elizabeth Warmerdam,
Interim City Manager
Attn: Janet Kern, City Attorney
2263 Santa Clara Avenue
Alameda, CA 94501
jkern@alamedacityattorney.org

[via email only]

Wen Chen, PhD, PE, CFM, QSD/P
Senior Engineer
City of Albany Public Works
548 Cleveland Avenue
Albany, CA 94710
wchen@albanyca.org

A-2455(b)

Antonio Acosta **[via email only]**
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587
TAcosta@unioncity.org

A-2455(e)

Soren Fajeau, P.E. **[via email only]**
Assistant City Engineer
37101 Newark Blvd
Newark, CA 94560
Soren.fajeau@newark.org

A-2455(c)

Robert L. Falk **[via email only]**
Legal Counsel
Santa Clara Valley Urban Runoff
Pollution Prevention Program
Morrison & Foerster LLP
425 Market Street, 32nd Floor
San Francisco, CA 94105
RFalk@mfo.com

A-2455(f)

Elisa Wilfong **[via email only]**
Water Pollution Control Administrator
City of Hayward
777 B Street
Hayward, CA 94541
Elisa.Wilfong@hayward-ca.gov

Matthew Fabry, PE **[via email only]**
Manager
San Mateo Countywide Water
Pollution Prevention Program
City/County Assoc. of Governments
of San Mateo County
555 County Center, 5th Floor
Redwood City, CA 94063
MFabry@smcgov.org

Erik Pearson **[via email only]**
Environmental Services Manager
City of Hayward
777 B Street
Hayward, CA 94541
Erik.pearson@hayward-ca.gov

A-2455(d)

City of Albany **[via email only]**
Public Works
Attn: Ray Chan
548 Cleveland Avenue
Albany, CA 94710
rchan@albanyca.org

Michael S. Lawson **[via email only]**
City Attorney
City of Hayward
777 B Street
Hayward, CA 94541
Michael.Lawson@hayward-ca.gov

(Continued)

A-2455(g)
City of San Jose **[via email only]**
Leah Goldberg, Sr. Deputy City Attorney
City Attorney's Office
200 E Santa Clara Street
San Jose, CA 95113
Cao.main@sanJoseca.gov

A-2455(h)
City of Dublin **[via email only]**
Andrew Russell
Assistant Public Works Director/City
Engineer
100 Civic Plaza
Dublin, CA 94568
Andrew.Russell@dublin.ca.gov

Sarah Quiter, Esq. **[via email only]**
Meyers Nave
555 12th Street, Suite 1500
Oakland, CA 94607
Squiter@meyersnave.com

A-2455(i)
Dee Williams-Ridley **[via email only]**
Interim City Manager
City of Berkeley
Administrative Division
2180 Milvia Street
Berkeley, CA 94704
DWilliams-Ridley@ci.berkeley.ca.us

A-2455(j)
City of San Leandro **[via email only]**
c/o Debbie Pollart, Director of Public
Works
14200 Chapman Road
San Leandro, CA 94578
dpollart@sanleandro.org

Sarah Quiter, Esq. **[via email only]**
Meyers Nave
555 12th Street, Suite 1500
Oakland, CA 94607
Squiter@meyersnave.com

A-2455(k)
County of Alameda **[via email only]**
c/o Kathy Lee, Esq.
Deputy County Counsel
Office of the County Counsel
1221 Oak Street, Suite 450
Oakland, CA 94612-4296
Kathy.lee@acgov.org

County of Alameda **[via email only]**
Public Works Building
Attn: Sharon Gosselin
399 Elmhurst Street
Hayward, CA 94544
Sharon@acpwa.org

A-2455(l)
San Francisco Baykeeper **[via email only]**
Attn: George Torgun, Managing Attorney
1736 Franklin Street, Suite 800
Oakland, CA 94512
George@baykeeper.org

A-2455(m)
Celso D. Ortiz **[via email only]**
Senior Deputy City Attorney
City of Oakland
One Frank Ogawa Plaza
Oakland, CA 94612
cortiz@oaklandcityattorney.org

Keith Lichten **[via email only]**
Supervising Water Resource Control
Engineer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
Keith.Lichten@waterboards.ca.gov

(Continued)

Dale Bowyer **[via email only]**
Senior WRC Engineer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
dale.bowyer@waterboards.ca.gov

Bruce Wolfe **[via email only]**
Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
bruce.wolfe@waterboards.ca.gov

Ms. Dyan Whyte **[via email only]**
Assistant Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
dyan.whyte@waterboards.ca.gov

Thomas Mumley **[via email only]**
Assistant Executive Officer
San Francisco Bay Regional Water
Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
thomas.mumley@waterboards.ca.gov

Lori T. Okun, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
lori.okun@waterboards.ca.gov

Tamarin Austin, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
tamarin.austin@waterboards.ca.gov

Marnie Ajello, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
Marnie.Ajello@waterboards.ca.gov

Mr. David W. Smith, Chief **[via email only]**
Permits Office
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
smith.davidw@epa.gov

Mr. Ken Greenberg, Chief **[via email only]**
Clean Water Act Compliance (NPDES)
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105
greenberg.ken@epa.gov

Gary Grimm, Esq. **[via email only]**
Law Office of Gary J. Grimm
2390 Vine Street
Berkeley, CA 94708
ggrimm@garygrimmlaw.com

Kathy Cote
Environmental Services Manager
39550 Liberty Street
Fremont, CA 94838
KCCote@fremont.gov

Ryan Mallory-Jones, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
Ryan.Mallory-Jones@waterboards.ca.gov

Philip Wyels, Esq. **[via email only]**
Office of Chief Counsel
State Water Resources Control Board
1001 I Street, 22nd Floor [95814]
P.O. Box 100
Sacramento, CA 95812-0100
Philip.Wyels@waterboards.ca.gov

bc: Ryan Mallory-Jones, OCC (w/ip list)
Emel Wadhvani, OCC
Phil Wyels, OCC **[via email only]**
Adrianna M. Crowl, OCC **[via email only]**
Joie Johansen, OCC **[via email only]**
Petition file (w/ip list)

PGW/RMJ/prd

April 11, 2016

S:\EXECUTIVE\OCC Appeals\Active Petitions\A-2455(a thru m) [Municipal Regional Stormwater Permit for San Francisco Bay]\A-2455(a thru m) Letter Granting Extension A-2455 [4-11-16].docx

C/CAG AGENDA REPORT

Date: May 12, 2016

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approve the appointment of Peykan Abbassi, City Engineer, to represent the City of Half Moon Bay on C/CAG's Congestion Management Technical Advisory Committee as well as the Stormwater Committee

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

RECOMMENDATION

Review and approve the appointment of Peykan Abbassi, City Engineer, to represent the City of Half Moon Bay on C/CAG's Congestion Management Technical Advisory Committee as well as the Stormwater Committee.

FISCAL IMPACT

None.

SOURCE OF FUNDS

N/A

BACKGROUND

Due to staff turnover, the City of Half Moon Bay is recommending a new appointment to C/CAG's Congestion Management Technical Advisory Committee as well as the Stormwater Committee. The recommended appointee is Peykan Abbassi, City Engineer, as detailed in the attached letter from the City Manager for Half Moon Bay.

ATTACHMENTS

1. April 22, 2016 Letter to C/CAG from City Manager Magda Gonzalez (Half Moon Bay)



CITY OF HALF MOON BAY

City Hall • 501 Main Street • Half Moon Bay • 94019

April 22, 2016

Sandy Wong
C/CAG of San Mateo County
555 County Center, 4th Floor
Redwood City, CA 94063-1665

**RE: C/CAG TAC (Technical Advisory Committee) and Storm
Water Committee Member**

Dear Ms. Wong:

The City of Half Moon Bay is requesting to replace C/CAG TAC and Stormwater Committee member Mo Sharma with Peykan Abbassi. Mr. Abbassi has been appointed as the City Engineer effective March 16, 2016. I have listed Peykan Abbassi's contact information below:

Phone: (650) 726-8265
Email: PAbbassi@HMBCity.com

If you have any questions, please contact me at (650) 726-8918

Sincerely,

Magda Gonzalez
City Manager

Cc: John Doughty, Community Development Director
Peykan Abbassi, City Engineer

C/CAG AGENDA REPORT

Date: May 12, 2016

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of C/CAG legislative policies, priorities, positions, and legislative update (A position may be taken on any legislation, including legislation not previously identified)

(For further information or questions contact Jean Higaki at 599-1462)

RECOMMENDATION

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

FISCAL IMPACT

Unknown.

SOURCE OF FUNDS

N/A

BACKGROUND

The C/CAG Legislative Committee receives monthly written reports and oral briefings from the C/CAG's State legislative advocates. Important or interesting issues that arise out of that meeting are reported to the Board.

Attached are two letters of opposition:

The first is a letter opposing a construction contract indemnity bill - SB 885 (Wolk). This bill would require local governments to front attorney's fees for consultant design professionals on public works contracts if an action arises on a project for which the engineering firm is found partially at fault. The League of California Cities and California State Association of Counties (CSAC) are opposed to this bill as it would result public dollars being used to defend private entities. It is recommended to oppose this bill per C/CAG adopted legislative policy "Policy #1 Protect against the diversion of local revenues - 1.1 Support League and CSAC Initiatives to protect local revenues."

The second is a letter opposing Stormwater Pollution Prevention Plan delegation prohibition - SB 1170 (Wieckowski). This bill would prohibit public agencies from delegating storm water pollution prevention plans (SWPPPs) to a contractor on public works contracts. It would also prohibit public agencies from requiring contractors to assume responsibility for the completeness and accuracy of a plan developed by that entity. Local agencies often require contractors to design and submit SWPPPs because a contractor's approach for construction dictates the sequence of excavation, backfill, and temporary stockpiling of material on a typical project. The League of California Cities and California

State Association of Counties (CSAC) are both opposed to this bill. It is recommended to oppose this bill per C/CAG adopted legislative policy “Policy #3 -Support actions that help to meet municipal stormwater permit requirements and secure stable funding to pay for current and future regulatory mandates. – 3.4 Support efforts to place the burden/ accountability of reporting, managing, and meeting municipal stormwater requirements on the responsible source rather than the cities or county, such as properties that are known pollutant hot spots and third party utility purveyors.

ATTACHMENTS

1. May 2016 Legislative update from Shaw/ Yoder/ Antwih, Inc.
2. Letter of opposition for Construction Contract Indemnity Bill - SB 885 (Wolk)
3. Letter of opposition for Stormwater Pollution Prevention Plan Delegation Prohibition- SB 1170 (Wieckowski)
4. Full Legislative information is available for specific bills at <http://leginfo.legislature.ca.gov/>



SHAW/YODER/ANTWIH, *inc.*
LEGISLATIVE ADVOCACY • ASSOCIATION MANAGEMENT

DATE: May 2, 2016
TO: Board Members, City/County Association of Governments, San Mateo County
FROM: Andrew Antwih and Matt Robinson, Shaw / Yoder / Antwih, Inc.
RE: STATE LEGISLATIVE UPDATE – May 2016

Legislative Update

The last day for each house to report to the Floor non-fiscal bills introduced in their house is May 6, with June 3 marking the last day for each house to move bills to the other house. The Legislature will break for Summer Recess on July 1 for about a month. In this report we highlight the most relevant bills – bills on which the Board has adopted a position or on which we are recommending a position – introduced in the second half of the 2015-16 Regular Session; those are discussed under ***Bills of Interest***, below.

Senate Bill X1 1 (Beall) Transportation Funding Bill Amended to Address Transit and Truck Weight Fees

The Board SUPPORTS Senator Beall's special session bill to increase transportation funding for highways and for local streets & roads. The bill previously in print mainly focused on increasing several taxes and fees, related to motor vehicle operation, to address issues of deferred maintenance on state highways, local streets and roads, and the goods movement system. Senator Beall recently amended his bill to add two new sources of public transit funding, and, he added several new policy provisions, including items related to: bond debt service and truck weight fees; the creation of an advance transportation project mitigation program; and, extension of a CEQA exemption for road rehabilitation projects. He also makes minor adjustments to some of the fees previously contained in the bill.

Specifically, this bill would now provide approximately \$6.5 billion for improving California's highways, streets & roads, public transit and commuter/intercity rail systems, and goods movement projects. The amended version of the bill builds on the principles established by Senator Beall's SB 16 of last year, and the previous version of SBX1 1, and incorporates key elements of transit-supporting bills introduced in last year's Extraordinary Session on Transportation Infrastructure.

More specifically, SBX1 1 would create these new funding sources:

- Eliminate the Board of Equalization's annual adjustment of the gas excise tax, increase the gas excise tax by 12 cents and index it to the Consumer Price Index (**generating \$1.7 billion annually**)
- Increase the diesel excise tax by 22 cents and index it to the Consumer Price Index (**generating \$600 million annually**)
- Increase the incremental diesel sales tax to 5.25% (**generating \$300 million annually**)
- Introduce an annual road access fee of \$35 per vehicle and index it to the Consumer Price Index (**generating \$1 billion annually**)
- Introduce an annual zero-emission vehicle fee of \$100 per vehicle (**generating \$10 million annually**)

- Increase the vehicle registration fee by \$35 and index it to the Consumer Price Index (**generating \$1 billion annually**)
- Redirect certain truck weight fees that are currently allocated to transportation debt service to transportation purposes (**with a goal of repurposing about \$500 million annually**)
- Allocate additional cap and trade auction proceeds as follows:
 - +10% to the Transit and Intercity Rail Capital Program (**netting \$200 million annually**)
 - +5% to the Low Carbon Transit Operations Programs (**netting \$100 million annually**)
- Institute Caltrans Reforms and Efficiencies (**netting \$100 million annually**)
- Require repayment of outstanding transportation loans (**freeing \$1 billion in one-time revenue**)

The bill would set aside 5% of annual revenues to counties that adopt local sales tax measures, and otherwise directs revenue on a 50-50 split between state and local agencies for transportation maintenance and rehabilitation needs.

The bill would benefit public transit capital projects by doubling the allocation to the TIRCP; benefit transit operations and capital programs by the trebling of the incremental diesel sales tax going to the State Transit Assistance program; redirecting \$550 million (sourced from Cap and Trade auction proceeds currently directed to the California High-Speed Rail Authority) to intercity and commuter rail projects; and, the bill would benefit public transit operations by doubling the allocation to the LCTOP.

Additionally, the bill carves out \$300 million annually to projects that support goods movement.

Finally, the bill would put into place constitutional protections that would prohibit the Legislature from borrowing or redirecting new revenues for purposes other than those specifically outlined in Article XIX of the State Constitution; and, put into place efficiency measures such as expanded public-private partnership authorization, CEQA streamlining, and advanced mitigation designed to expedite project delivery and reduce overall project costs.

Attached to our report is a side-by-side we prepared, comparing the Governor's January transportation proposal, AB 1591 (Frazier), and the latest version of SBX1 1 (Beall).

C/CAG Legislative Committee Visit

On June 8, members of the C/CAG Legislative Committee and staff plan to travel to Sacramento to meet with members of the San Mateo County legislative delegation (Senator Hill and Assembly Members Gordon, Mullin, and Ting), policy committee chairs and staff, and state agency & department heads. The purpose of the visit is to provide an update on programs and projects of importance to San Mateo County and discuss the various transportation funding proposals & the impacts of recent STIP adjustments.

Special Session Bills

ABX1 1 (Alejo) Vehicle Weight Fees

This bill would undo the statutory scheme that allows vehicles weight fees from being transferred to the general fund from the State Highway Account to pay debt-service on transportation bonds and requires the repayment of any outstanding loans from transportation funds by December 31, 2018. **The Board is in SUPPORT of this bill.**

SBX1 1 (Beall) Transportation Funding

This bill, like the author's SB 16, would increase several taxes and fees, beginning in 2016, to address issues of deferred maintenance on state highways and local streets and roads, as well as provide new funding for public transit. Specifically, this bill would increase both the gasoline and diesel excise taxes by 12 and 22 cents, respectively; increase the vehicle registration fee by \$35; create a new \$100 vehicle registration fee applicable to zero-emission motor vehicles; create a new \$35 road access charge on

each vehicle; increase Cap and Trade funding for transit; increase the sales tax on diesel by 3.5% for the State Transit Assistance Program, limit the borrowing of weight-fee revenues, and repay outstanding transportation loans. As a result, transportation funding would increase by approximately \$6-\$6.5 billion per year. **The Board SUPPORTED the previous version of this bill. We recommend the Board continue to SUPPORT this bill.**

ABX1 7 (Nezarian) and SBX1 8 (Hill) Cap and Trade Increase for Rail and Transit

This bill would increase the amount of funding continuously appropriated to two Cap and Trade programs dedicated to transit - 20% of the annual proceeds to the Transit and Intercity Rail Capital Program and 10% of the annual proceeds to the Low Carbon Transit Operations Program. **The Board is in SUPPORT of these bills.**

Regular Session Bills of Interest

ACA 4 (Frazier) Lower-Voter Threshold for Transportation Taxes

This bill would lower voter approval requirements from two-thirds to 55 percent for the imposition of special taxes used to provide funding for transportation purposes. **The Board is in SUPPORT of this bill.**

AB 516 (Mullin) Temporary License Plates

This bill would, beginning January 1, 2017, require the Department of Motor Vehicles (DMV) to develop a temporary license plate to be displayed on vehicles sold in California and creates new fees and penalties associated with the processing and display of the temporary tag. **The Board is in SUPPORT of this bill.**

AB 779 (Garcia) Congestion Management Programs

This bill would delete the level of service standards as an element of a congestion management program in infill opportunity zones and revise and recast the requirements for other elements of a congestion management program.

AB 1591 (Frazier) Transportation Funding

This bill would increase several taxes and fees beginning in 2016, to address issues of deferred maintenance on state highways and local streets and roads, freight corridor improvements, and transit and intercity rail needs. Specifically, this bill would increase both the gasoline and diesel excise taxes by 22.5 and 30 cents, respectively; increase the vehicle registration fee; dedicated additional shares of Cap and Trade revenues; redirect truck weight fees; and repay outstanding transportation loans. As a result, transportation funding would increase by approximately \$7 billion per year. **The Board is in SUPPORT of this bill.**

AB 2126 (Mullin) Alternative Project Delivery

This bill would increase the number of projects for which Caltrans has the authority to use the construction manager/general contractor (CM/GC) method of procurement from six to 12. **The Board is in SUPPORT of this bill.**

SB 885 (Wolk) Construction Contract Indemnity

This bill would specify that for construction contracts entered into on or after January 1, 2017, that a design professional only has the duty to defend against claims or lawsuits pertaining to negligence, recklessness, or willful misconduct of the design professional. Under the bill, a design professional would not have a duty to defend claims or lawsuits against any other person or entity arising from a construction project, except that person's or entity's reasonable defense costs arising out of the design professional's degree of fault. **We recommend the Board OPPOSE this bill.**

SB 1128 (Glazer) Bay Area Commute Benefit Policy

Current law authorizes, until January 1, 2017, the Metropolitan Transportation Commission and the Bay Area Quality Management District to jointly adopt and enforce an ordinance requiring employers to take a more active role in providing commute benefits to their employees, with the goal of attracting new riders to public transit; and, delivering air quality benefits, traffic congestion relief and additional fare revenue to help sustain and grow quality public transit service. Under this ordinance, impacted employers were required to offer their employees one of a series of commute benefits. This bill would indefinitely extend the statutory authorization for the Bay Area commute benefit ordinance. **The Board is in SUPPORT of this bill.**

SB 1170 (Wieckowski) Stormwater Pollution Prevention Plans

This bill prohibits a public entity, charter city, or charter county from delegating to a contractor the development of a plan used to prevent or reduce water pollution or runoff on a public works contract and prohibits from requiring a contractor on a public works contract that includes compliance with a plan to assume responsibility for the completeness and accuracy of a plan developed by that entity. **We recommend the Board OPPOSE this bill.**

Transportation Funding Proposals - Comparison Table		
	Governor's Proposal	SBX1 1 (Beall)
Funding		
Ongoing Sources	<p>*Stabilized 18 cents/gal. tax on gasoline (generating approx. \$500 million)</p> <p>*11 cents/gal. tax increase on diesel fuel (generating approx. \$500 million)</p> <p>*\$65 "road improvement charge" (generating approx. \$2 billion)</p> <p>*CalTrans efficiencies (generating approx. \$100 million)</p>	<p>*12 cents/gal. tax increase on gasoline (generating approx. \$1.7 billion)</p> <p>*22 cents/gal. tax increase on diesel fuel (generating approx. \$600 million)</p> <p>*Tripling of incremental diesel sales tax to 5.25% (generating approx. \$300 million)</p> <p>*\$35 vehicle registration fee (generating approx. \$1 billion)</p> <p>*\$35 annual road access fee (generating approx. \$1 billion)</p> <p>*\$100 zero emission vehicle fee (generating approx. \$10 million)</p> <p>*15% of Cap and Trade revenues (generating approx. \$300 million)</p> <p>*Partial restoration of truck weight fees (repurposing approx. \$500 million)</p> <p>*CalTrans efficiencies (generating approx. \$100 million)</p>
One-Time Sources	<p>*\$879 million in loan repayments * \$500 million in Cap and Trade revenues</p>	<p>*\$879 million in loan repayment (50% before 6/30/16, 50% after 6/30/17)</p>
Estimated Annual Funding Increase	Approx. \$3.6 billion/year	Approx. \$5.5 billion/year
Expenditures		
Transit and Intercity Rail	\$665 million in Cap and Trade Revenues - TIRCP ((\$400 million expected to be ongoing)	<p>*Additional 10% in Cap and Trade Revenues - TIRCP (approx. \$200 million)</p> <p>*Additional 5% in Cap and Trade Revenues - LCTOP (approx. \$100 million)</p> <p>*\$550 million in Cap and Trade Revenues from HSR</p> <p>*\$300 million in Additional State Transit Assistance Program Revenues</p>
Complete Streets	\$100 million to Low Carbon Road Program (expected to be ongoing)	<p>*Requires Caltrans to update the Highway Design Manual to incorporate the "Complete Streets" design concept by January 1, 2017</p>
Goods Movement	*\$200 million/year to newly-created Trade Corridor Enhancement Account (to be used in manner consistent with TCIF) *One-time \$334 million to Trade Corridor Enhancement Account	\$300 million/year to Trade Corridor Improvement Fund
Self-Help Incentives	\$250 million/year	5% to counties that approve transaction and use tax on or after July 1, 2016

Distribution of Remainder	*60% to SHOPP/year *40% to Local Streets & Roads/year *One-time \$148 million to Traffic Congestion Relief Program *One-time \$132 million to SHOPP	*50% to SHOPP/year (CTC required to allocate all capital and support costs for each project in the SHOPP on or after February 1, 2017) *50% to Local Streets & Roads/year	*50% for maintenance of state highway system *50% for maintenance of local streets & roads
Inflation Adjustment	Excise tax adjusted annually beginning 2017	Excise tax adjusted for inflation every three years	Excise tax adjusted annually beginning
Other			
Local Streets and Road Fund Flexibility	"Other transportation priorities" allowed if PCI exceeds 85	"Other transportation priorities" allowed if PCI exceeds 85	"Other transportation priorities" allowed if PCI exceeds 85
Active Transportation Eligibility	Active transportation and pedestrian and bicycle safety projects in conjunction with any other allowable project	Active transportation and pedestrian and bicycle safety projects in conjunction with any other allowable project	\$100 million from the State Highway Account for Active Transportation Program
CalTrans Accountability	*CTC to annually evaluate Caltrans for effectiveness in reducing deferred maintenance, improving road maintenance and other goals *Caltrans to identify at least \$100 million in cost savings/year *Increase annual use of contract staff to 20% of capital outlay support staff by FY 20-21	N/A	*Caltrans to present plan to California Transportation Commission to increase department's efficiency by 30% *Caltrans to present to CTC to generate additional income from properties owned by the department
Local Streets and Road Fund Accountability	CTC to annually evaluate cities and counties for effectiveness in reducing deferred maintenance, improving road maintenance and other goals	CTC develops performance criteria	CTC develops performance criteria, CTC to annually evaluate cities and counties for effectiveness in reducing maintenance and improving roadway conditions

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

May 12, 2016

The Honorable Lois Wolk
California State Senate
State Capitol, Room 3086
Sacramento, CA 95814

RE: **OPPOSE** SB 885 (Wolk)

Dear Senator Wiecekowski:

On behalf of the City/County Association of Governments of San Mateo County (C/CAG), I must regrettably inform you of C/CAG's **OPPOSITION to SB 885 (Wolk)**, which would require design professionals used on public works projects to only defend against claims and lawsuits stemming from the "negligence, recklessness, or willful misconduct of the design professional." The bill would also obligate the design professional to reimburse reasonable defense costs incurred by public agencies and will be limited only to the design professional's degree of fault as determined by a court, arbitration, or negotiated settlement.

This bill unnecessarily places a financial burden on local government entities engaged in the construction of public works projects by requiring these agencies to front all, or a portion of, the costs incurred from defending against litigation on public works projects for which a design professional has been found to be wholly, or partially, responsible. While the bill provides for reimbursement of any legal costs accrued as a result of the design professional's level of involvement, the reimbursement occurs only after a determination is made by a court, arbitrator, or through a settlement. This leaves local agencies to shoulder the cost while a level of fault is determined. If the level of fault, and thus the fair share of defense costs, is not satisfactory to the local agency, it must take additional steps to recover its costs, which will surely prove to be another arduous process.

While we believe that a design professional should not have to defend against claims unrelated to the design professional's involvement in a public works project, we do not agree that these same professionals should be excused from any responsibility in defending claims in which they bare some or all of the responsibility until after a court has ruled that such is true. Local agency budgets are already stretched extremely thin and paying for litigation on behalf of design professionals is not something that is easily borne.

For the reasons stated above, we must respectfully **OPPOSE** SB 885. Please feel free to contact Sandy Wong, the C/CAG Executive Director, at slwong@smcgov.org with any questions or concerns.

Sincerely,

Alicia Aguirre, Chair
City/County Association of Governments of San Mateo County

Cc: Assembly Member Richard Gordon
Assembly Member Kevin Mullin
Assembly Member Phil Ting
Senator Jerry Hill

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

May 12, 2016

The Honorable Bob Wieckowski
California State Senate
State Capitol, Room 3086
Sacramento, CA 95814

RE: **OPPOSE** SB 1170 (Wieckowski)

Dear Senator Wieckowski:

On behalf of the City/County Association of Governments of San Mateo County (C/CAG), which manages the San Mateo Countywide Water Pollution Prevention Program (Program), I must regrettably inform you of C/CAG's **OPPOSITION to SB 1170 (Wieckowski)** related to stormwater pollution prevention. Unfortunately, as currently written, SB 1170 raises significant concerns related to our ability to meet the goals established by San Mateo County's Program and meet our National Pollution Discharge Elimination System (NPDES) permit requirements.

In San Mateo County, the Program is a partnership between C/CAG, each incorporated city and town in the county, and the County of San Mateo, which share a common NPDES permit. The County and the 20 cities and towns in San Mateo County are all permittees under one regional urban stormwater NPDES permit, which also regulates municipalities in Contra Costa, Alameda, and Santa Clara Counties, as well as the cities of Fairfield, Suisun City, and Vallejo.

On projects that encompass at least one acre of land, Stormwater Pollution Prevention Plans (SWPPPs) must be developed to ascertain potential sources of stormwater pollution on construction sites and identify the control measures needed to be taken during the construction process. SWPPPs must be written, amended, and certified by qualified personnel who are knowledgeable in the principles and practice of erosion and sediment controls and possess the skills needed to assess conditions at the construction site that could impact stormwater quality. C/CAG and our local agencies rely on the expertise of qualified SWPPP developers, known as QSDs, to conduct this work, as agencies do not have the resources nor the regular workload required to employ such personnel throughout the year.

SWPPPs are currently created in accordance with the general contractor's construction plans. As construction progresses, SWPPPs must often be modified to accommodate the constantly changing conditions of a construction site. The general contractor is in the best position to create the construction plan and contract for the corresponding SWPPP. A general contractor-developed SWPPP can incorporate an optimal construction sequence selected by the contractor, thereby maximizing efficiency and reducing costs.

SB 1170 would turn this standing process on its head by prohibiting public agencies from contracting with the general contractor to develop a SWPPP and statutorily restricting the

agencies' remaining options to an engineer or architect. A separate entity developing a SWPPP would have to assume a sequence of work that might occur under one construction scenario but not another. Public agencies do not have the direct control over the day-to-day construction, let alone the expertise, to perform this function.

Ultimately, the success or failure of a SWPPP lies with the general contractor carrying out the plan. If the legislature statutorily shifts the development and liability of the SWPPP to the public agency, or to a design professional or architect, it will create confusion and conflict within the public works process. SB 1170 will only further disconnect the entity responsible for the development of the SWPPP from the entity that performs the work related to the SWPPP.

Fro the reasons stated above, we must **OPPOSE** SB 1170. Please feel free to contact Sandy Wong, the C/CAG Executive Director, at slwong@smcgov.org with any questions or concerns.

Sincerely,

Alicia Aguirre, Chair
City/County Association of Governments of San Mateo County

Cc: Assembly Member Richard Gordon
Assembly Member Kevin Mullin
Assembly Member Phil Ting
Senator Jerry Hill

C/CAG AGENDA REPORT

Date: May 12, 2016

To: C/CAG Board of Directors

From: Sandy Wong, C/CAG Executive Director

Subject: Review and approval of the Proposed One Bay Area Grant 2 (OBAG 2) Framework
(For further information, contact Jean Higaki at 650-599-1462 or jhigaki@smcgov.org)

RECOMMENDATION

That the C/CAG Board review and approve of the of the Proposed One Bay Area Grant 2 (OBAG 2) Framework.

FISCAL IMPACT

None

SOURCE OF FUNDS

Federal funds allocated by MTC via OBAG 2 include Congestion Mitigation and Air Quality (CMAQ) funds and Surface Transportation Program (STP) funds.

BACKGROUND

On November 18, 2015, MTC and ABAG adopted Resolution 4202 outlining and approving the OBAG 2 Grant Program. OBAG 2 is composed of two fund sources, Surface Transportation Program (STP) and Congestion Mitigation and Air Quality (CMAQ) and covers (five years) FY 2017/18 through FY 2021/22. General highlights of the adopted OBAG 2 program and jurisdictional eligibility requirements are attached.

MTC OBAG 2 policy allows CMAs the flexibility to invest in various transportation categories, such as Local Streets and Roads Preservation, Bicycle and Pedestrian Improvements, Transportation for Livable Communities, Planning, and outreach activities. Below is the proposed funding and framework for the following programs:

Local Street and Roads (LSR) Maintenance and Rehabilitation

It is proposed to direct \$11,068,000 towards the Local Streets and Roads Preservation Program for the preservation of local streets and roads on the federal-aid system.

In 2006 Local Streets and Roads was subject to a competitive call for projects. In 2010 funding was allocated on a formula basis utilizing a combination of estimated funds from the American Recovery and Reinvestment Act (ARRA) stimulus and estimates from the future funding cycle. This process also facilitated a State-Local Partnership Program (SLPP) fund exchange which enabled smaller projects to proceed under a state only process.

Under OBAG 2 the proposal is to direct \$11,068,000 towards the Local Streets and Roads program. MTC has a minimum grant size of \$250,000 however there is provision that “*CMA may program grant amounts no less than \$100,000 for any project, provided that the overall average of all grant amounts within their County CMA Program meets the county minimum grant amount threshold.*” In using a distribution formula, based 50% on population and 50% on lane miles, the Town of Colma would not meet MTC’s minimum grant requirement of \$100,000.

Utilizing the \$100,000 provision, the proposal is to allocate funding under a formula basis with the exception to augment the Town of Colma by \$68,000 to meet the minimum \$100,000. See the attached proposed funding scenario. Because the federal aid fund source has costly and time consuming administrative processes, C/CAG staff urges those jurisdictions with grants under \$250,000 to consider directing their share towards non-infrastructure projects. Other suggestions would be to perform joint projects with neighboring jurisdictions or using funds in combination with other federal aid project grants.

Local Streets and Roads Preservation Program project sponsors will need to fulfill a more requirements such as having a current Pavement Management Program certification and participation in the Highway Performance Monitoring System (HPMS).

Bicycle and Pedestrian Improvement Program

It is proposed to direct \$5,421,000 for competition in the Bicycle and Pedestrian Improvement Program to fund a wide range of bicycle and pedestrian improvements.

Improvements are intended to address air pollution reduction and support bicycle/ pedestrian commuter needs. Projects should not serve exclusively recreational trips. Improvements could include Class I, II and III bicycle facilities; cycle tracks; bicycle education, outreach, sharing and parking; sidewalks, ramps, pathways and pedestrian bridges; user safety and supporting facilities; and traffic signal actuation. Bicycle and pedestrian projects may be located on or off the federal-aid highway system.

C/CAG staff will develop applications, screening requirements, and scoring criteria for this program next month. The C/CAG BPAC will score projects for the Bicycle/Pedestrian Improvements Program and make a final recommendation to the C/CAG Board.

Transportation for Livable Communities

It is proposed to direct \$5,421,000 for competition in the Transportation for Livable Communities Program to fund a wide range improvements and facilities that support and promote alternative transportation modes rather than the single-occupant automobile.

Project improvements are intended to support community based transportation projects that reduces air pollution in downtown areas, commercial cores, high-density neighborhoods, and transit corridors. A wide range of improvements include but are not limited to transit station improvements (plazas, station access, pocket parks, and bicycle parking), Bicycle and pedestrian “complete street” improvements, and multi-modal streetscape improvements. Projects must be able to support alternative transportation modes (no landscape only projects).

C/CAG staff will develop applications, screening requirements, and scoring criteria for this program next month. It is proposed that the Transportation for Livable Communities (TLC) scoring panel,

composed of staff from the San Mateo County Transportation Authority, San Mateo County Transit District, and C/CAG will perform the initial scoring of projects in the TLC Program. The TLC scoring panel's recommendations will be forwarded to the TAC and CMEQ for final recommendation to the C/CAG Board.

Safe Routes to School (SRTS)

It is proposed to direct \$2,394,000 towards the Safe Routes to School Program. In previous cycles Safe Routes to School was a separate program from OBAG 1 and funding was directed entirely to the County Office of Education (COE) for administration. C/CAG also directed approximately \$1.2 million in Measure M funding to augment COE's implementation of the SRTS program focused on non-infrastructure projects and consisting of education and outreach to schools throughout the County.

For OBAG 2 it is proposed that SRTS program funds be directed to COE to continue their program but also to facilitate and develop infrastructure project proposals in coordination with city staff. However, the next 5 year Measure M portion of the SRTS funds will focus on infrastructure projects to be integrated with C/CAG vehicle license fee (VLF) storm water funds.

The redirecting Measure M funding towards infrastructure projects would remove funding barriers associated with integrating programs and eliminate the need to follow the Federal Aid process. A call for infrastructure projects will be developed and introduced after adoption of the Measure M expenditure plan.

Planning and Outreach

Consistent with OBAG 1 it is proposed to direct \$4,650,000 towards the Congestion Management Agency (CMA) Planning and Outreach.

CMA planning and outreach program provides staff support at the county level for programming, monitoring and outreach activities delegated by MTC to the CMAs. These include but are not limited to development of the RTP/ SCS, development of PDA Growth strategies, Congestion Management Plan (CMP) updates, Countywide Transportation Planning, developing calls for projects, assistance with the programming and delivery of federal aid projects. It is proposed to keep consistent funding levels for Planning and Outreach from the last cycle as well as account for a 2.5 % augmentation per year which is consistent with previous STP/ CMAQ cycles of funding. This would result in \$4.65 mil for five fiscal years 2017/2018 through 2021/2022.

Federal-Aid Secondary (FAS) Program

It is proposed to direct \$892,000 to the County in the Federal-Aid Secondary (FAS) program, per state statute.

Under OBAG 1, the Safe Routes to School and the Federal-Aid Secondary (rural roads) programs were provided to San Mateo County outside of the OBAG umbrella. MTC has shifted these programs under the OBAG 2 process.

California statute provides minimum levels to counties for the maintenance of rural county roads under the FAS program. Guaranteed minimum FAS funding amounts are determined by California's Federal-Aid Secondary Highway Act (California Code 2200-2214), therefore it is proposed to program

\$892,000 to the County for a rural county road maintenance project. FAS funding is not subject to the minimum PDA investment requirement.

Public Outreach

C/CAG will be expected to inform stakeholders and the public about the opportunities for public comment on project ideas and to “assist” community –based organizations, communities of concern, and any other underserved community interested in having project submitted for funding.

To comply with outreach requirements, C/CAG plans on utilizing committee and board meetings to allow for public input. C/CAG will host public workshops regarding funding opportunities and to solicit project ideas, to adhere to MTC outreach policy. Staff also intends to perform additional outreach in the form of informational mailings to community based organizations.

As C/CAG is not a potential project sponsor, staff may need to direct/ refer any public entities, with project ideas, to partner with a local jurisdiction (Cities/ County).

Flexibility to reprogram funds

Although project sponsors are always encouraged to propose larger projects (over match) and develop “alternative bid items” occasionally un-obligated funds are left on the table by jurisdictions due to non-eligible work items or cost savings. This ultimately results in funds being lost from the County. It is proposed that C/CAG staff be given the authority to move unobligated and cost saving funds between projects in order to avoid the loss of transportation funding from the County.

The proposed OBAG 2 framework proposal was presented to the Congestion Management Program Technical Advisory Committee (CMP TAC) on April 21, 2016 and the Congestion Management and Environmental Quality Committee (CMEQ) on April 25, 2016 respectively. The CMP TAC and CMEQ both recommended approval of the proposed framework.

ATTACHMENTS

1. OBAG 2 Eligibility and Requirements
2. Proposed funding scenario for Local Streets and Roads Preservation Program

OBAG 2 Eligibility and Requirements

Highlights of the MTC OBAG 2 adopted proposal:

- OBAG 2 allows CMAs the flexibility to invest in various transportation categories, such as Local Streets and Roads Preservation, Bicycle and Pedestrian Improvements, Transportation for Livable Communities, Planning, and outreach activities.
- During OBAG 1 the Safe Routes to School and the Federal-Aid Secondary (rural roads) programs were provided to San Mateo County outside of the OBAG umbrella. MTC has shifted these programs under the OBAG 2 process.
- For San Mateo County, 70% of all funds must be spent in Priority Development Areas (PDAs), however Safe Routes to School is not subject to the PDA spending requirement.
- Projects can count towards a PDA if it connects or provides proximate access to a PDA. The definition of “proximate access to a PDA” will be proposed as a separate item.
- Pedestrian and bike project eligibility will be expanded to not be limited to the regional bike network.
- Minimum OBAG 2 grant size for this county is \$250,000. All project funds must be rounded to the thousands for programming.
- Each jurisdiction must identify and maintain a single point of contact for the implementation of all FHWA projects from inception to project close-out.
- Per MTC Resolution No. 3036 Request for obligation deadlines are November 1 of the prior program year in order to obligate funds by January 31 of the program year (e.g. if program year is 2018 delivery deadline is November 1, 2017.)

Eligibility Requirements

In order to be eligible for any funding related to the OBAG 2 funding, a jurisdiction must comply with the following requirements:

Complete Street Requirements - Jurisdictions that have not updated their circulation element after 2010 to meet the State’s Complete Streets Act requirements will need to adopt a complete streets resolution per the MTC model used for OBAG 1, if they have not already done so.

Housing Element Requirement - Agencies must have housing elements adopted by the California Department of Housing and Community Development (HDC) by May 31, 2015. Agencies must continue to submit the annual housing Element Report to HCD to remain eligible for funding.

Anti-Displacement Requirement - MTC has directed their staff to develop anti-displacement policy recommendation and return to the commission in spring 2016 with a recommendation.

As of February 2016, all jurisdictions in San Mateo County are in compliance with the Complete Streets and Housing Element requirements.

**San Mateo C/CAG
OBAG 2 Local Streets and Roads Formula Distribution Proposal**

(Distribution based 50% on population and 50% on road miles)

CITY / COUNTY	ROAD MILES	% OF MILES	POPULATION DOF	% OF POPULATION	% OF TOTAL ALLOCATION	Hypothetical Formula (round to 1,000)	Proposed Distribution (Rounded to 1,000)
Atherton	50.99	3.07%	6,935	0.92%	2.00%	\$220,000	\$220,000
Belmont	64.17	3.86%	26,748	3.55%	3.71%	\$408,000	\$408,000
Brisbane	26.20	1.58%	4,541	0.60%	1.09%	\$120,000	\$120,000
Burlingame	84.60	5.09%	29,890	3.97%	4.53%	\$499,000	\$499,000
Colma	6.52	0.39%	1,480	0.20%	0.29%	\$32,000	\$100,000
Daly City	112.11	6.75%	105,810	14.05%	10.40%	\$1,144,000	\$1,144,000
East Palo Alto	45.49	2.74%	29,137	3.87%	3.30%	\$363,000	\$363,000
Foster City	44.78	2.70%	32,390	4.30%	3.50%	\$385,000	\$385,000
Half Moon Bay	26.73	1.61%	12,051	1.60%	1.60%	\$177,000	\$177,000
Hillsborough	82.48	4.97%	11,420	1.52%	3.24%	\$357,000	\$357,000
Menlo Park	97.34	5.86%	33,273	4.42%	5.14%	\$565,000	\$565,000
Millbrae	51.52	3.10%	22,898	3.04%	3.07%	\$338,000	\$338,000
Pacifica	91.90	5.53%	38,551	5.12%	5.33%	\$586,000	\$586,000
Portola Valley	43.07	2.59%	4,527	0.60%	1.60%	\$176,000	\$176,000
Redwood City	153.22	9.23%	81,838	10.87%	10.05%	\$1,105,000	\$1,105,000
San Bruno	79.38	4.78%	44,409	5.90%	5.34%	\$587,000	\$587,000
San Carlos	86.78	5.23%	29,449	3.91%	4.57%	\$503,000	\$503,000
San Mateo	196.22	11.82%	101,429	13.47%	12.64%	\$1,391,000	\$1,391,000
South San Francisco	124.83	7.52%	66,193	8.79%	8.15%	\$897,000	\$897,000
Woodside	51.56	3.11%	5,539	0.74%	1.92%	\$211,000	\$211,000
SM County (Urban)	140.58	8.47%	64,615	8.58%	8.52%	\$936,000	\$936,000
Total	1,660.47	100.00%	753,123	100.00%	100.00%	\$11,000,000	\$11,068,000

Sources:

- Road Miles Information:
<http://www.dot.ca.gov/hq/tsip/hpms/datailbrary.php>

- Population Information:
<http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/view.php>

**Highly encourage small jurisdictions to merge projects
Encourage merging into any competitive call application (B/P or TLC)**

C/CAG AGENDA REPORT

Date: May 12, 2016

To: City/County Association of Governments Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 16-11 authorizing the adoption of the Measure M 5-Year Implementation Plan (Fiscal Year 2017-2021)

(For further information or response to questions, contact John Hoang at 650-363-4105)

RECOMMENDATION

That the C/CAG Board review and approve Resolution 16-11 authorizing the adoption of the Measure M 5-Year Implementation Plan (Fiscal Year 2017-2021).

FISCAL IMPACT

Approximately \$6.7 million annually (\$33.5 million over 5 years)

SOURCE OF FUNDS

Measure M - \$10 Vehicle Registration Fee (VRF)

BACKGROUND

The C/CAG sponsored Measure M; approved by the voters of San Mateo County in 2010, impose an annual fee of ten dollars (\$10) on motor vehicles registered in San Mateo County for transportation-related traffic congestion and water pollution mitigation programs. It was estimated that Measure M would generate approximately \$6.7 million annually and \$167 million total over the 25-year period between May 2011 and May 2036. Per the Expenditure Plan, 50% of the net proceeds will be allocated to cities/County for local streets and roads and 50% will be used for Countywide Transportation Programs such as transit operations/senior mobility, intelligent transportation system (ITS)/Smart Corridors, safe routes to school (SRTS), and stormwater pollution prevention.

In March 2011, the C/CAG Board approved the initial 5-Year Implementation Plan for FY 2011-2016. The Plan, which was amended in May 2012, provided an estimate of funds that would be allocated to jurisdictions for local streets and roads as well as established allocation percentages for administration and the countywide transportation programs. The allocations for the Countywide Transportation Programs were originally derived based on anticipated needs and estimated implementation cost to fund each respective programs and projects, annually and over the 5-Year implementation period. It was intended that the Countywide Transportation Programs be re-evaluated at the end of five (5) to determine whether the initial funding level (allocations) was adequate or whether adjustments are needed based on the actual expenditures incurred over the 5-Year period.

At the March 2016 meetings, the Congestion Management Program Technical Advisory Committee (CMP TAC) and Congestion Management and Environmental Quality (CMEQ) Committee received

the proposed FY 2017-2021 framework, which included modified allocations to the Countywide Transportation Programs consisting of a reduction of 2% (\$130,000) from the Transit Operations/Senior Transportation category and converse increase of 2% to the ITS/Smart Corridor category with the SRTS and stormwater pollution prevention allocations remaining the same at 6% and 12% respectively. The purpose of the proposed change was to address the need to increase funds for the expansion of the Smart Corridor project as well as implementation of other ITS related projects. Furthermore, funding from the Transit Operations/Senior Transportation category primarily goes towards funding RediWheels, which is a \$15M annual program that also receives significant funding from other multiple sources.

The CMP TAC commented on the Smart Corridor and ITS and requested for clarification on Smart Corridor maintenance responsibilities and timeframe for expansion. Several members of the CMEQ Committee was concerned with reducing funding for the Transit Operations/Senior Transportation and requested staff to look at other options. After further discussions with SamTrans staff, additional information on the Transit Operations/Senior Transportation would be provided to C/CAG.

Staff returned to both Committees in April with a revised recommendation to maintain the Countywide Transportation Programs allocations the same and making no changes at this time. The proposed Measure M 5-Year Implementation Plan for FY 2017-2021 will be similar to the FY 2012-2016 Plan.

Analysis and proposals for the FY 2017-2021 Implementation Plan is as follows:

- Administration: Currently, for budgeting purposes, 5% is taken off the top before allocations are made to the Local Streets and Roads and the Countywide Programs. For the new Plan going forward, administration allocation, maximum of 5%, will be made at the beginning of each C/CAG budget fiscal year to minimize the accumulation of unspent funds so that funds can be redistributed to the programs more effectively.
- Local Streets and Roads (50% of net revenue): Funds for local streets and roads are allocated biennially to jurisdictions to reimburse expenditures related to traffic congestion management or stormwater pollution prevention related activities. The allocation formula is based on 50% population and 50% road miles for each jurisdiction, modified for a minimum guaranteed amount of \$75,000 per jurisdiction.
- Transit Operations/Senior Mobility: Recommend no change in allocation at this time since any changes to the RediWheels program will require much more analysis. Funds will continue to be provided to the SamTrans for paratransit (disabled and senior) service including Senior Mobility programs. This fund supplements other funds SamTrans receives. The RediWheels program is a fixed-route paratransit service for persons with disabilities who cannot independently use regular SamTrans bus service. The Senior Mobility Program provides services to promote community shuttles, and provide rides through a network of coordinated transportation providers.
- ITS/Smart Corridor: Recommend no change in allocation. Funds in this category have been primarily used for design and construction of the Smart Corridor project. This fund was used to leverage other funds for the Smart Corridor, such as TLSP and STIP. The current project, which is almost complete, is located from I-380 to the Santa Clara County line and includes local arterials connecting US 101 and SR 82 (El Camino Real). With the first phase of the Smart Corridor is near completion, some of the funds will be budgeted for Smart Corridor maintenance activities. Funds will be used to implement the next phase of the project with the expansion to other cities and corridors, as needed, to deploy ITS elements including signage and close circuit cameras, and

upgrading signal systems in cities as needed. Funds will also be made available for other arterial management related projects to be defined.

- **SRTS:** Recommend no change in allocation. Currently, the funds are used as matching funds to the Safe Routes to School federal funds that C/CAG receives from the region. The majority of the allocation has been spent on non-infrastructure projects such as outreach, education, encouragement, and evaluation. For the new Plan, it is proposed that the funds be used more to focus on infrastructure improvements related to enhancing safety and accessibility for school children walking or biking to and from schools. Typical projects may include crosswalks, sidewalk, signals, signage, and other to be identified by the cities in coordinate with school sites. It is proposed that this fund be closely coordinated with the unspent AB1546 Countywide NPDES funds and be used for integrated safe routes to school and stormwater pollution prevention types of projects.
- **NPDES/MRP:** Recommend no change in allocation. Funds in this category National Pollutant Discharge Elimination System (NPDES)/ Municipal Regional Permit (MRP) are designated for pollution mitigation programs and projects, as allowed under Measure M’s authorizing legislation, Government Code Section 65089.20. The funds are used for countywide compliance activities through C/CAG’s Countywide Water Pollution Prevention Program, primarily for technical consultant costs for regulatory compliance support programs.

The assumption for the FY 2017-2021 Implementation Plan estimates that revenue will remain at \$6.7 million annually, although actual revenue will vary yearly. The proposed allocation scenario is shown below:

Category / Programs	FY 2011-2016 Allocation	Proposed FY 2017-2021		
		Allocation	Annual Revenue (Million)	5-Year Revenue (Million)
• Program Administration	Up to 5%	Up to 5%	\$0.34	\$1.70
• Local Streets and Roads	50% of net revenue	50% of net revenue	\$3.18	\$15.90
• Transit Operations and/or Senior Transportation*	22%	22%	\$1.40	\$7.0
• Intelligent Transportation System (ITS) and Smart Corridors*	10%	10%	\$0.64	\$3.18
• Safe Routes to Schools (SRTS)*	6%	6%	\$0.38	\$1.90
• National Pollutant Discharge Elimination System (NPDES)/ Municipal Regional Permit (MRP)*	12%	12%	\$0.76	\$3.82
		Total	\$6.70	\$33.50

* Countywide Transportation Programs (50% of net revenue)

ATTACHMENTS

1. Resolution 16-11
2. Draft Measure M Implementation Plan (FY 2017–2021)

RESOLUTION 16-11

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE ADOPTION OF THE MEASURE M 5-YEAR IMPLEMENTATION PLAN (FISCAL YEAR 2017-2021)

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

WHEREAS, the C/CAG Measure M funds are derived from the imposition of ten dollars (\$10) Vehicle Registration Fee (VRF) annually on each motor vehicle registered in San Mateo County pursuant of California Government Code 65089.20; and

WHEREAS, Measure M was approved by the voters of San Mateo County on November 2, 2010, enabling C/CAG to generate an estimated \$6.7 million annually (May 2011 – April 2036) to help fund to fund transportation-related congestion mitigation and water pollution mitigation programs and projects for the 20 cities and the County; and

WHEREAS, the Measure M Expenditure Plan allocates up to five percent of the proceeds to be used for program administration with fifty percent (50%) of the net revenue allocated to the 20 cities and the County for local streets and roads and 50% allocated to countywide transportation-related congestion and water pollution mitigation programs in San Mateo County; and

WHEREAS, the initial 5-Year Implementation Plan (FY 2011-2016), approved in March 2011 and amended in May 2012, allocated up to 5% for Program Administration with the remaining net revenue allocated as follows: Local Streets and Roads (50%), Transit Operations and/or Senior Transportation (22%), Intelligent Transportation System and Smart Corridors (10%), Safe Routes to Schools (6%), and National Pollutant Discharge Elimination System/Municipal Regional Permit (12%), and

WHEREAS, C/CAG has voted to adopt the Measure M Implementation Plan for FY 2017–2021 as follows: up to 5% for Program Administration with the remaining net revenue allocations to Local Streets and Roads (50%), Transit Operations and/or Senior Transportation (22%), Intelligent Transportation System and Smart Corridors (10%), Safe Routes to Schools (6%), and National Pollutant Discharge Elimination System/Municipal Regional Permit (12%).

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of C/CAG hereby adopts the Measure M Implementation Plan (Fiscal Year 2017–2021).

PASSED, APPROVED, AND ADOPTED, THIS 12TH DAY OF MAY 2016.

Alicia C. Aguirre, Chair

Measure M Implementation Plan (draft)

FY 2017-2021

May 2016



PURPOSE OF THE IMPLEMENTATION PLAN

The Measure M Implementation Plan describes the various programs identified in the Expenditure Plan in more detail and established percentages of funds allocated to each of the Countywide Transportation Programs. The Implementation Plan also identifies specific projects and programs under each category that would be eligible to receive funds along with identifying the targeted performance measures for each activity. The Implementation Plan, which requires adoption by the C/CAG Board, is developed at the onset of the 25-Year Measure M Program and is updated every 5 years. This Implementation Plan covers the period from FY 2017 to FY 2021.

COLLECTION OF THE FEE

The \$10 Vehicle Registration Fee (VRF) will be collected for a period of 25 years, beginning on May 2, 2011 and ending on May 1, 2036. Beginning approximately July 2011 and every month thereafter for the duration of the fee, the Department of Motor Vehicles (DMV) will issue C/CAG a monthly check for revenues collected from the prior month. The estimated revenue is \$6.7 million annually and \$33.5 million over the initial 5-year implementation period. This amount takes into consideration the DMV's administrative fee charge of approximately \$0.005 (one-half of a cent) for each check issued to C/CAG.

IMPLEMENTATION STRATEGY (FY 2017 – 2021)

As indicated in the approved Measure M Expenditure Plan up to 5% of the proceeds is allocated for administration with 50% of the net revenue allocated to the Local Streets and Roads category and 50% of the net revenue allocated to the Countywide Transportation Programs which includes the following programs: Transit Operations and/or Senior Transportation, Intelligent Transportation System (ITS) and Smart Corridors, Safe Routes to Schools (SRTS), and National Pollutant Discharge Elimination System (NPDES) and Municipal Regional Permit.

The FY 2017–2021 Implementation Strategy is as follows:

PROGRAM ADMINISTRATION (Up to 5%)
<ul style="list-style-type: none">▪ Allocation of funds to be taken off the top.▪ A portion of the funds will be used for routine program administration activities.▪ Any unused administration funds would be redistributed to the Local Streets and Roads and/or Countywide Program categories as appropriate.

LOCAL STREETS AND ROADS (50% of Net Revenue)

- Allocations to local jurisdictions (20 cities and the County) for congestion mitigation and stormwater pollution mitigation programs.
- Allocation to be on a cost reimbursement basis utilizing a distribution formula consisting of 50% population and 50% road miles for each jurisdiction modified for a minimum guaranteed amount of \$75,000 for each jurisdiction. (Exhibit A)
- Allocations will be made two times a year, at a minimum every 6 months.
- Jurisdictions have the flexibility on use of the funds between the categories and projects; therefore, there are no requirements to split the funds evenly between the categories.
- Measure M should not be used to supplant existing city general funds.

Category	Programs/Projects Description	Performance Measure
Traffic Congestion Management	<ul style="list-style-type: none"> ▪ Local Shuttles/transportation ▪ Road resurfacing/reconstruction ▪ Deployment of local Intelligent Transportation System (ITS) ▪ Roadway operations (e.g., restriping, signal timing / coordination, signage) ▪ Replacement and/or upgrading of traffic signal hardware and/or software 	<ul style="list-style-type: none"> ▪ Number of passengers transported ▪ Miles/fraction of miles of roads improved ▪ Number of ITS components installed/ implemented ▪ Miles/fraction of miles of roads improved ▪ Number of units replaced and/or upgraded
Stormwater Pollution Prevention	<ul style="list-style-type: none"> ▪ Street Sweeping ▪ Roadway storm inlet cleaning ▪ Street side runoff treatment ▪ Auto repair shop inspections ▪ Managing runoff from street/parking lot ▪ Small capital projects such as vehicle related runoff management/controls ▪ Capital purchases for motor vehicle related runoff management/controls 	<ul style="list-style-type: none"> ▪ Miles of streets swept ▪ Number of storm inlets cleaned ▪ Square feet of surfaces managed ▪ Number of auto repair shops inspected ▪ Square feet of surfaces managed annually ▪ Number of projects implemented ▪ Number of pieces of equipment purchased and installed

LOCAL STREETS AND ROADS (Continue)

Category	Programs/Projects Description	Performance Measure
Stormwater Pollution Prevention (Cont'd)	<ul style="list-style-type: none"> ▪ Additional used oil drop off locations ▪ Motor vehicle fluid recycling programs ▪ Installation of new pervious surface median strips in roadways ▪ Municipal Regional Permit Compliance Activities 	<ul style="list-style-type: none"> ▪ Number of locations implemented/ operated; oil quantity collected ▪ Number of programs implemented/ operated; fluid quantity collected ▪ Square footage of new pervious surface median strips installed ▪ Identification of permit provision(s) and compliance activities performed

COUNTYWIDE TRANSPORTATION PROGRAMS (50% of Net Revenue)

- Allocations for the four (4) Countywide Programs are as follows:
 - Transit Operations and/or Senior Transportation - 22%
 - Intelligent Transportation System (ITS) and Smart Corridors - 10%
 - Safe Routes to Schools (SRTS) Infrastructure - 6%
 - National Pollutant Discharge Elimination System (NPDES) and Municipal Regional Permit (MRP) for administration and projects - 12%
- Allocation to be on a cost reimbursement basis.
- Up to a maximum of 4% may be transferred between the ITS/Smart Corridors, SR2S, and NPDES/MRP within the 5-year period taking into consideration actual expenditures, unused allocations, program shortfalls, and program needs.
- The ITS and NPDES projects to be selected by a competitive “call for project” process.
- The Transit Operations and/or Senior Transportation programs to be sponsored by SamTrans or Caltrain. Proposed projects to be submitted to C/CAG annually for approval.
- The SRTS Infrastructure Program to be administered by the C/CAG. Funds will also be provided to County Office of Education (COE) as match for non-infrastructure projects.
- The ITS/Smart Corridors and NPDES/MRP Programs to be administered by C/CAG

Category	Programs/Projects Description	Performance Measure
Transit Operations and/or Senior Transportation	<ul style="list-style-type: none"> ▪ SamTrans Paratransit operations and maintenance (Caltrain projects are also eligible) ▪ Senior Mobility Management projects that complement paratransit (e.g., Mobility Ambassadors, Van Sharing) ▪ Senior Mobility Education (e.g. Senior Mobility Guide, Website Management) 	<ul style="list-style-type: none"> ▪ Operating costs and fare revenue; Usage; Operating Efficiency; Reliability and Safety; Customer satisfaction; Cost effectiveness ▪ Hours of service per month; number of trips per month; and number of individuals who ride in a given month ▪ Frequency of in-person presentations; number of individuals participated; increased activity on web page

COUNTYWIDE TRANSPORTATION PROGRAMS (Continue)		
Category	Programs/Projects Description	Performance Measure
ITS and Smart Corridors	<ul style="list-style-type: none"> ▪ Deployment of projects having regional and countywide significance ▪ Maintenance and operations of the Smart Corridors specific equipment located within the San Mateo County jurisdictions' right-of-way 	<ul style="list-style-type: none"> ▪ Number of ITS components installed and implemented ▪ Number of instances and duration that the equipment (directional signs, CCTV, communications, power supply line and equipment) is inoperable; Operability and activation of equipment
SRTS	<ul style="list-style-type: none"> ▪ San Mateo County SRTS Program includes infrastructure and non-infrastructure (education, outreach, encouragement, and evaluation activities) 	<ul style="list-style-type: none"> ▪ Number of schools participating in the Program; Number of projects (infrastructure and non-infrastructure) implemented

COUNTYWIDE TRANSPORTATION PROGRAMS (Continue)

Category	Programs/Projects Description	Performance Measure
NPDES and MRP	<ul style="list-style-type: none"> ▪ Street and Road Repair and Maintenance ▪ Green Street projects ▪ Control mobile sources ▪ Public outreach events ▪ Trash load reduction and hot spot cleanup ▪ Vehicle brake pad pollution impacts ▪ Municipal Regional Permit Compliance Activities 	<ul style="list-style-type: none"> ▪ Number of guidance documents developed; area/length of roadways managed ▪ Number of projects completed, area of impervious surface managed with low impact development measures ▪ Number of guidance documents developed, outreach events or materials distributed, or mobile source properly managed ▪ Number of materials/events developed, distributed, and/or attended; Number of people contacted ▪ Number of guidance documents developed; quantity of area addressed by trash management measures; amount of trash loading reduced/prevented through implementation of management measures ▪ Number of guidance documents developed and/or quantity of pollutants addressed by management measures ▪ Identification of permit provision(s) and compliance activities performed

EXHIBIT A

The table below provides an estimated distribution for the Local Streets and Roads allocation based a formula consisting of 50% population and 50% road miles for each jurisdiction modified for a minimum guaranteed amount of \$75,000 for each jurisdiction.

Jurisdiction	% of Total Allocation	Estimated Net Annual Revenue	Estimated Net 5-Year Revenue
Atherton	2.35%	\$75,000	\$375,000
Belmont	3.30%	\$104,950	\$524,750
Brisbane	2.35%	\$75,000	\$375,000
Burlingame	3.92%	\$124,650	\$623,250
Colma	2.35%	\$75,000	\$375,000
Daly City	9.71%	\$309,000	\$1,545,000
East Palo Alto	2.99%	\$95,300	\$476,500
Foster City	3.13%	\$99,750	\$498,750
Half Moon Bay	2.35%	\$75,000	\$375,000
Hillsborough	2.80%	\$89,000	\$445,000
Menlo Park	4.49%	\$143,000	\$715,000
Millbrae	2.71%	\$86,400	\$432,000
Pacifica	4.82%	\$153,500	\$767,500
Portola Valley	2.35%	\$75,000	\$375,000
Redwood City	8.96%	\$285,350	\$1,426,750
San Bruno	4.69%	\$149,100	\$745,500
San Carlos	3.98%	\$126,750	\$633,750
San Mateo	11.00%	\$350,000	\$1,750,000
South San Francisco	7.13%	\$226,800	\$1,134,000
Woodside	2.35%	\$75,000	\$375,000
San Mateo County	12.22%	\$388,950	\$1,944,750
Total	100.00%	\$3,182,500	\$15,912,500

Notes:

1. Population totals are updated based on the State of California Department of Finance estimates (2015)
2. Figures may be slightly off due to rounding off errors.
3. Assumes constant annual revenue over the 5-year Implementation Plan period.

C/CAG AGENDA REPORT

Date: May 12, 2016

TO: C/CAG Board of Directors

From: Sandy Wong, Executive Director - C/CAG

Subject: Initial draft, assumptions, and input on the C/CAG Fiscal Year 2016-17 Program Budget and Member Fees

(For further information or response to questions, contact Sandy Wong at 650 599-1409)

RECOMMENDATION:

That the C/CAG Board of Directors review the initial draft, assumptions, and input on the C/CAG Fiscal Year 2016-17 Program Budget and Member Fees.

FISCAL IMPACT:

In accordance with the proposed C/CAG 2016-17 Program Budget.

REVENUE SOURCES:

Funding sources for C/CAG include member assessments, cost reimbursement from partners, grants, regional - State - Federal transportation and other funds, property tax/fee, Department of Motor Vehicle fees, State - Federal earmarks, and interest.

BACKGROUND:

Each year, the C/CAG Board reviews the draft annual budget and member fees in the month of May and approves the final in June.

For fiscal year 2016-17, it is proposed that the total member fee for general fund be increased by 5% (from countywide total of \$262,525 to \$275,651), and that the member fee from gas tax be the same as last year (at countywide total of \$10,452).

[Note: The Congestion Relief Program Assessment is shown for information purpose. Its adoption was approved in 2015 for four fiscal years.]

At the February 11, 2016 C/CAG meeting, the C/CAG Board approved Resolution 16-02 approving the population data to be used by C/CAG. The propose FY 2016-17 member fees are based on the population data adopted by resolution 16-02.

For budgeting purposes, the draft fee for each individual member agency was sent to City/County Managers in February 2016. Approval of the final C/CAG Fiscal Year 2016-17 budget and fees will be submitted to C/CAG Board on June 9, 2016.

ATTACHMENTS

- Entire Budget Book is provided under separate cover, available on-line at:
<http://ccag.ca.gov/committees/board-of-directors/>
- FY 2015-16 C/CAG Projected Statement of Revenues, Expenditures, and Changes in Fund Balance.
- FY 2016-17 C/CAG Projected Statement of Revenues, Expenditures, and Changes in Fund Balance.
- Proposed C/CAG Member Fee for Fiscal Year 2016-17.

**C/CAG PROJECTED STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
FY 2015-16**

	Administrative Program (General Fund)	Transportation Programs	SMCRP Program	Smart Corridor	LGP Energy Watch	TFCA	NPDES	AVA	DMV Fee Program	Measure M (DMV Fee)	Total
BEGINNING BALANCE	96,960	2,076,274	3,637,170	1,152,530	128,130	238,289	1,660,431	2,710	2,994,018	6,794,295	18,780,807
PROJECTED REVENUES											
Interest Earnings	3,300	5,000	13,500	0	0	4,075	10,500	0	10,000	30,000	76,375
Member Contribution	262,525	410,452	1,850,000	0	0	0	122,155	0	0	0	2,645,132
Cost Reimbursements-SFIA	0	0	0	0	0	0	0	0	0	0	0
MTC/ Federal Funding	0	725,594	0	0	0	0	0	0	0	635,000	1,360,594
Grants	40,000	0	53,064	0	523,600	0	0	0	0	0	616,664
DMV Fee	0	0	0	0	0	1,062,859	0	786	1,287	6,700,000	7,764,932
NPDES Fee	0	0	0	0	0	0	1,370,866	0	0	0	1,370,866
TA Cost Share	0	0	0	0	0	0	0	0	0	0	0
Miscellaneous/ SFIA	0	0	0	0	0	0	0	0	0	0	0
Street Repair Funding	0	0	0	0	0	0	0	0	0	0	0
PPM-STIP	0	348,140	0	44,538	0	0	0	0	0	0	392,678
Assessment	0	0	0	0	0	0	0	0	0	0	0
TLSP	0	0	0	685,206	0	0	0	0	0	0	685,206
	0	0	0	0	0	0	0	0	0	0	0
Total Revenues	305,825	1,489,186	1,916,564	729,744	523,600	1,066,934	1,503,521	786	11,287	7,365,000	14,912,447
TOTAL SOURCES OF FUNDS	402,785	3,565,460	5,553,734	1,882,274	651,730	1,305,223	3,163,952	3,496	3,005,305	14,159,295	33,693,254
PROJECTED EXPENDITURES											
Administration Services	58,106	99,740	38,552	46,167	10,194	3,913	25,931	847	1,980	34,632	320,062
Professional Services	177,980	426,367	68,412	137,275	368,117	27,754	106,008	0	0	136,132	1,448,045
Consulting Services	42,838	379,588	694,460	1,171,811	267,750	0	1,339,482	0	36,970	2,043,312	5,976,211
Supplies	2,854	500	0	0	0	0	0	0	0	0	3,354
Prof. Dues & Memberships	0	0	0	0	0	0	42,298	0	0	0	42,298
Conferences & Meetings	11,110	2,000	0	66	10,500	0	5,000	0	0	0	28,676
Printing/ Postage	16,547	0	0	0	0	0	2,500	0	0	0	19,047
Publications	1,748	1,812	0	0	0	0	0	0	0	4,900	8,460
Distributions	0	70,000	360,979	0	0	1,073,300	21,000	0	50,976	4,630,139	6,206,394
OPEB Trust	30,000	0	0	0	0	0	0	0	0	0	30,000
Miscellaneous	2,731	0	0	0	0	0	1,000	0	0	0	3,731
Bank Fee	3,263	0	0	0	0	0	0	0	0	0	3,263
Audit Services	22,500	0	0	0	0	0	0	2,500	2,500	2,500	30,000
Project Management	0	0	0	0	0	0	0	0	0	0	0
Total Expenditures	369,677	980,007	1,162,403	1,355,319	656,561	1,104,967	1,543,219	3,347	92,426	6,851,615	14,119,541
TRANSFERS											
Transfers In	0	0	0	200,000	200,000	0	0	0	0	0	400,000
Transfers Out	0	0	200,000	0	0	0	0	0	0	600,000	800,000
Administrative Allocation	(197,342)	77,035	15,662	0	55,394	4,575	19,319	0	290	25,004	(63)
Total Transfers	(197,342)	77,035	215,662	(200,000)	(144,606)	4,575	19,319	0	290	625,004	399,937
NET CHANGE	133,490	432,144	538,499	(425,575)	11,645	(42,608)	(59,017)	(2,561)	(81,429)	(111,619)	392,969
TRANSFER TO RESERVES	0	0	50,000	0	0	0	0	0	0	50,000	100,000
TOTAL USE OF FUNDS	172,335	1,057,042	1,428,065	1,155,319	511,955	1,109,542	1,562,538	3,347	92,716	7,526,619	14,619,478
ENDING FUND BALANCE	230,450	2,508,418	4,125,669	726,955	139,775	195,681	1,601,414	149	2,912,589	6,632,676	19,073,776
RESERVE FUND											
Beginning Reserve Balance	43,346	131,863	50,000	0	0	0	200,903	0	50,000	50,000	526,112
Reserve Transfers In	0	50,000	50,000	0	0	0	0	0	0	50,000	150,000
Reserve Transfers Out	0	0	0	0	0	0	0	0	0	0	0
Ending Reserve Balance	43,346	181,863	100,000	0	0	0	200,903	0	50,000	100,000	676,112

Note 1- Beginning/ Ending Reserve Fund Balance is not included in Beginning/ Ending Fund Balance
 2- See individual fund summaries and fiscal year comments for details on Miscellaneous expenses
 3- SMCRP - San Mateo Congestion Relief Program; TFCA - Transportation Fund For Clean Air; NPDES - National Pollutant Discharge Elimination System; Abatement
 AVA - Abandoned Vehicle Abatement; DMV - Department of Motor Vehicles.

05/05/16

**C/CAG PROGRAM BUDGET: REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
FY 2016-17**

	Administrative Program (General Fund)	Transportation Programs	SMCRP Program	Smart Corridor	LGP Energy Watch	TFCA	NPDES	AVA	DMV Fee Program	Measure M (DMV Fee)	Total
BEGINNING BALANCE	230,450	2,508,418	4,125,669	726,955	139,775	195,681	1,601,414	149	2,912,589	6,632,676	19,073,776
PROJECTED REVENUES											
Interest Earnings	3,300	5,000	13,500	0	0	4,000	10,500	0	6,000	28,000	70,300
Member Contribution	275,651	410,452	1,850,000	0	0	0	121,662	0	0	0	2,657,765
Cost Reimbursements-SFIA	0	0	0	0	0	0	0	0	0	0	0
MTC/ Federal Funding	0	720,000	0	0	0	0	0	0	0	0	0
Grants	0	0	0	0	0	0	0	0	0	252,000	972,000
DMV Fee	0	0	0	0	605,000	0	0	0	0	0	605,000
NPDES Fee	0	0	0	0	0	1,110,717	0	0	0	6,700,000	7,810,717
TA Cost Share	0	0	0	0	0	0	1,363,877	0	0	0	1,363,877
Miscellaneous/ SFIA	0	0	0	0	0	0	0	0	0	0	0
Street Repair Funding	0	0	0	0	0	0	0	0	0	0	0
PPM-STIP	0	300,000	0	0	0	0	0	0	0	0	0
Assessment	0	0	0	0	0	0	0	0	0	0	300,000
TLSP	0	0	0	0	0	0	0	0	0	0	0
Total Revenues	278,951	1,435,452	1,863,500	0	605,000	1,114,717	1,496,039	0	6,000	6,980,000	13,779,659
TOTAL SOURCES OF FUNDS	509,401	3,943,870	5,989,169	726,955	744,775	1,310,398	3,097,453	149	2,918,589	13,612,676	32,853,435
PROJECTED EXPENDITURES											
Administration Services	76,000	125,000	40,000	30,000	10,000	4,000	35,000	0	0	35,000	355,000
Professional Services	220,000	940,000	60,000	270,000	530,000	45,000	258,918	0	0	223,000	2,546,918
Consulting Services	70,000	340,000	1,409,460	743,000	182,500	0	2,016,665	0	0	1,672,162	6,433,787
Supplies	4,000	2,000	0	0	0	0	0	0	0	0	6,000
Prof. Dues & Memberships	1,750	1,000	0	0	0	0	0	0	0	0	50,849
Conferences & Meetings	12,500	5,000	1,000	0	0	0	48,099	0	0	0	27,500
Printing/ Postage	17,000	6,000	0	0	0	4,000	5,000	0	0	0	25,500
Publications	6,000	3,000	0	0	0	0	2,500	0	0	0	9,000
Distributions	0	70,000	1,010,000	0	0	1,224,000	31,000	0	1,918,302	4,402,500	8,655,802
OPEB Trust	30,000	0	0	0	0	0	0	0	0	0	30,000
Miscellaneous	7,000	1,000	1,000	0	0	0	1,000	0	0	0	10,000
Bank Fee	3,500	0	0	0	0	0	0	0	0	0	3,500
Audit Services	22,500	0	0	0	0	0	0	0	2,500	0	25,000
Project Management	0	0	0	0	0	0	0	0	0	0	0
Total Expenditures	470,250	1,493,000	2,521,460	1,043,000	726,500	1,273,000	2,398,182	0	1,920,802	6,332,662	18,178,856
TRANSFERS											
Transfers In	0	0	0	400,000	200,000	0	0	0	0	0	600,000
Transfers Out	0	0	200,000	0	0	0	0	0	0	400,000	600,000
Administrative Allocation	-223,153	103,064	9,677	0	52,258	5,031	28,444	0	0	24,968	289
Total Transfers	-223,153	103,064	209,677	-400,000	-147,742	5,031	28,444	0	0	424,968	289
NET CHANGE	31,854	-160,612	-867,637	-643,000	26,242	-163,314	-930,587	0	-1,914,802	222,370	-4,399,486
TRANSFER TO RESERVES	-3,346	218,137	20,000	0	0	0	-80,903	0	-50,000	0	103,888
TOTAL USE OF FUNDS	243,751	1,814,201	2,751,137	643,000	578,758	1,278,031	2,345,723	0	1,870,802	6,757,630	18,283,033
ENDING FUND BALANCE	265,650	2,129,669	3,238,032	83,955	166,017	32,367	751,730	149	1,047,787	6,855,046	14,570,402
RESERVE FUND											
Beginning Reserve Balance	43,346	181,863	100,000	0	0	0	200,903	0	50,000	100,000	676,112
Reserve Transfers In	0	218,137	20,000	0	0	0	0	0	0	20,000	258,137
Reserve Transfers Out	3,346	0	0	0	0	0	80,903	0	50,000	0	134,249
Ending Reserve Balance	40,000	400,000	120,000	0	0	0	120,000	0	0	120,000	800,000

Note: 1- Beginning Ending Reserve Fund Balance is not included in Beginning Ending Fund Balance
 2- See individual fund summaries and fiscal year comments for details on Miscellaneous expenses
 3- SMCRP - San Mateo Congestion Relief Program, TFCA - Transportation Fund For Clean Air, NPDES - National Pollutant Discharge Elimination System Abatement
 AVA - Abandoned Vehicle Abatement, DMV - Department of Motor Vehicles

Proposed C/CAG Member Fee
for Fiscal Year 2016-17

C/CAG Member Fee FY 2016-2017				
Agency	% Population (as of 1/1/15)	General Fund Fee	Gas Tax Fee	Total Fee
Atherton	0.92%	\$275,651	\$410,452	\$686,104
Belmont	3.55%	\$9,790	\$3,780	\$6,318
Brisbane	0.60%	\$1,662	\$2,475	\$24,368
Burlingame	3.97%	\$10,940	\$16,290	\$4,137
Colma	0.20%	\$542	\$807	\$27,230
Daly City	14.05%	\$38,728	\$57,666	\$1,348
East Palo Alto	3.87%	\$10,664	\$15,880	\$96,394
Foster City	4.30%	\$11,855	\$17,653	\$26,544
Half Moon Bay	1.60%	\$4,411	\$6,568	\$29,508
Hillsborough	1.52%	\$4,180	\$6,224	\$10,979
Menlo Park	4.42%	\$12,178	\$18,134	\$10,404
Millbrae	3.04%	\$8,381	\$12,479	\$30,312
Pacifica	5.12%	\$14,110	\$21,010	\$20,860
Portola Valley	0.60%	\$1,657	\$2,467	\$35,120
Redwood City	10.87%	\$29,954	\$44,602	\$4,124
San Bruno	5.90%	\$16,254	\$24,203	\$74,555
San Carlos	3.91%	\$10,779	\$16,050	\$40,457
San Mateo	13.47%	\$37,124	\$55,279	\$26,828
South San Francisco	8.79%	\$24,227	\$36,075	\$92,403
Woodside	0.74%	\$2,027	\$3,019	\$60,303
San Mateo County	8.58%	\$23,650	\$35,215	\$5,046
TOTAL	100	\$275,651	\$410,452	\$58,865
				\$686,104

NOTES:
 1. C/CAG member fees are comprised of two portions: General Fund and Gas Tax.
 2. For FY 2016-17, C/CAG member fees for General Fund portion is proposed to increase by 5% (\$13,126 countywide, from \$262,525 to \$275,651). For the Gas Tax portion, there is no change from previous fiscal year.
 3. Individual jurisdiction's share is based on new population data from Department of Finance, 1/1/2015, and adopted by C/CAG Board.

CONGESTION RELIEF PROGRAM (CRP) ASSESSMENT FY 2016-17				
Agency	Population	% of Trip Generation	Congestion Relief	
Atherton	0.921%	0.89%	\$16,762	
Belmont	3.552%	3.08%	\$61,358	
Brisbane	0.603%	0.77%	\$12,703	
Burlingame	3.969%	5.49%	\$87,503	
Colma	0.197%	0.83%	\$9,539	
Daly City	14.049%	10.15%	\$223,837	
East Palo Alto	3.869%	2.16%	\$55,747	
Foster City	4.301%	3.99%	\$76,700	
Half Moon Bay	1.600%	1.77%	\$31,155	
Hillsborough	1.516%	1.08%	\$24,043	
Menlo Park	4.418%	5.43%	\$91,074	
Millbrae	3.040%	2.91%	\$55,036	
Pacifica	5.119%	4.07%	\$84,960	
Portola Valley	0.601%	0.58%	\$10,967	
Redwood City	10.866%	12.62%	\$217,246	
San Bruno	5.897%	5.80%	\$108,233	
San Carlos	3.910%	4.19%	\$74,923	
San Mateo	13.468%	15.47%	\$267,684	
South San Francisco	8.789%	8.72%	\$161,990	
Woodside	0.735%	0.77%	\$13,923	
San Mateo County	8.580%	9.22%	\$164,615	
TOTAL	100.000%	100.0%	\$1,850,000	

1- Total CRP (countywide total) is the same as prior years at \$1,850,000.
 However, individual agency fees have changed based on annual update of population data.
 2- 50% based on trips generated from jurisdiction, 50% based on population.

C/CAG

CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

Philothon • 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

March 9, 2016

Anne Richman
Metropolitan Transportation Commission
101 8th Street
Oakland, CA 94607

RE: Request for Tiger VIII Grant Endorsements for the U.S. 101 Willow Road Interchange Improvements Project.

Dear Ms. Richman:

The City/County Association of Governments of San Mateo County's (C/CAG), request the Metropolitan Transportation Commission to support our request for \$10.4 million from the TIGER VIII grant program for the U.S. 101 Willow Road Interchange Improvements project.

The U.S. 101 Willow Road Interchange is a key transportation node on the north-south 101 commute corridor that links San Francisco with Silicon Valley. This interchange is also the primary gateway from U.S. 101 to the Dumbarton Bridge, which provides a critical east-west transportation link across the southern portion of the San Francisco Bay. A map of the attached project is enclosed with this letter. This project is also included in Plan Bay Area under RIP ID 21606.

The reconstruction of this interchange is a vital component to the continued prosperity of one of the most economically productive areas of the country. The proposed project will replace an existing 1950s-era full cloverleaf interchange with a partial cloverleaf interchange. This design reduces congestion, increases throughput and improves safety by eliminating short weaving conflicts and implementing Complete Streets best practices, including wider sidewalks, bicycle lanes and separate cycle tracks on both sides of the reconstructed Willow Road overpass.

Employment growth in the area served by the project is growing rapidly and resulting in unprecedented traffic congestion. This project will serve as a model for removing barriers and improving multi-modal access to major high-tech employment centers.

It will also improve access to critical lifeline facilities and services for the residents of adjacent Belle Haven neighborhood of Menlo Park and the City of East Palo Alto, which have been identified as communities of concern with a high concentration of low income and minority residents.

The project is currently funded through the San Mateo County Measure A sales tax as well as the State Transportation Improvement Program (STIP). A TIGER grant will fully fund the project. A breakdown of the costs by source is provided below.

Source	Amount
STIP	\$11,552,000
Measure A	\$57,869,000
TIGER	\$10,400,000
Total Cost	\$79,821,000

The project recently completed final design and with the grant funding, the project can be expected to enter into construction by April 2017. A project schedule is provided below.

Milestone	Date
Environmental Clearance (NEPA CEQA)	November 2013
Final Design	February 2016
Right of Way Certification	March 2016
Start Construction	April 2017*
Complete Construction	April 2019

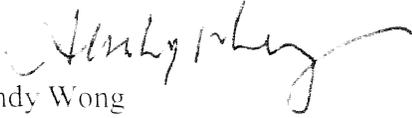
*Construction schedule can be advanced if funds become available sooner

March 9, 2016

Page 3

Please feel free to be in touch if we can provide more information regarding the need for this critical improvement. I can be reached at 650 599-1409, or slwong@smcgov.org.

Sincerely,

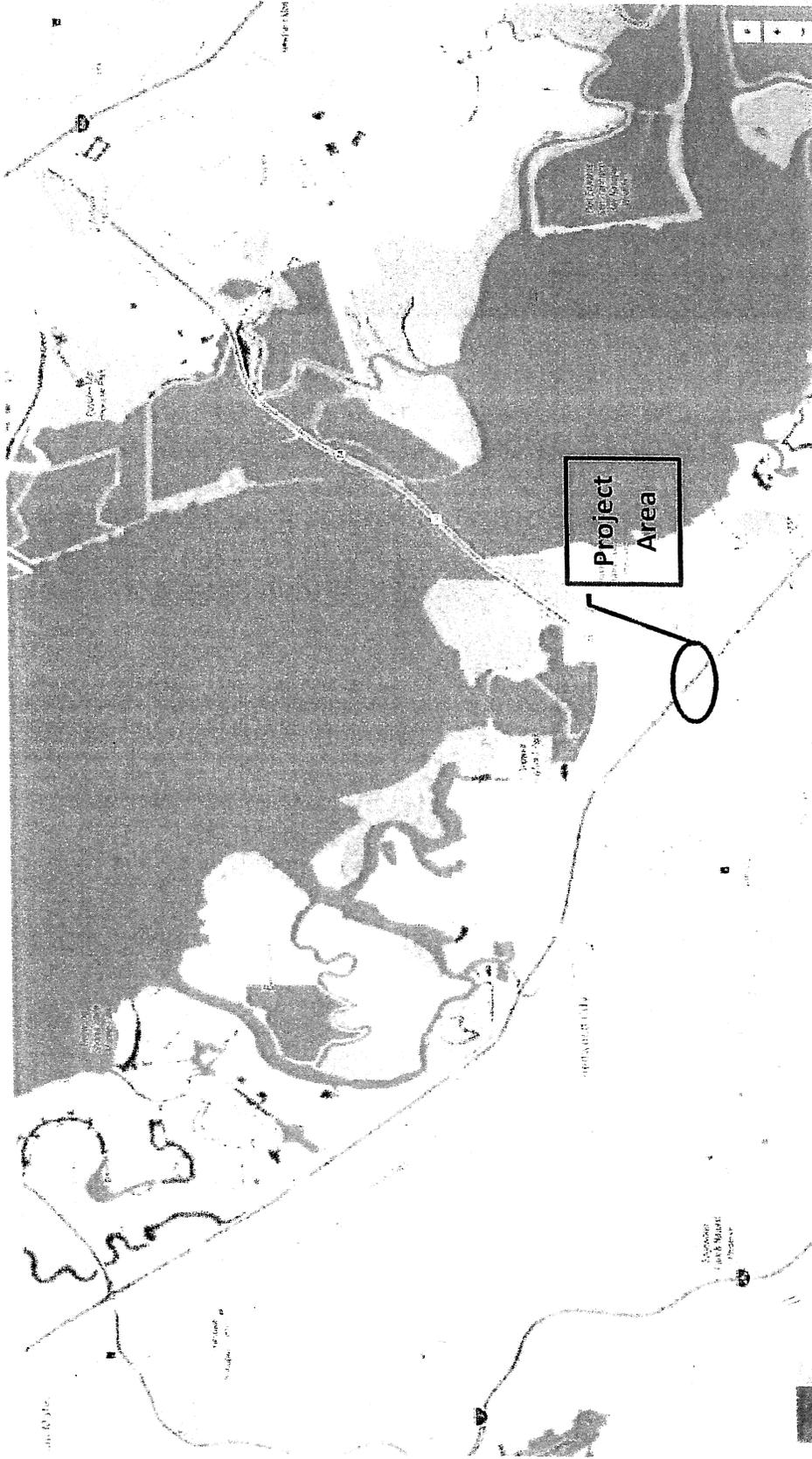


Sandy Wong

Executive Director, City County Association of Governments

cc. April Chan, San Mateo County Transportation Authority
Joel Slavit, San Mateo County Transportation Authority
Joe Hurley, San Mateo County Transportation Authority

US 101/WILLOW ROAD INTERCHANGE PROJECT
PROJECT AREA MAP



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

April 19, 2016

Chair Bob Alvarado
California Transportation Commission
1120 N Street, MS-52
Sacramento, CA 95814

RE: Request for funding \$9.399 million in STIP funds for US 101 HOV/Express Lanes Project

Dear Chair Alvarado:

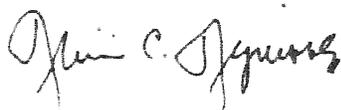
We strongly urge the CTC to program \$9.399 million in STIP funding for the next phase of the "US 101 HOV/Express Lanes" project. The City/ County Association of Governments of San Mateo County (C/CAG) is the Congestion Management Agency for San Mateo County. In response to the CTC direction of a \$754 statewide reduction in programming, C/CAG cooperated with the Metropolitan Transportation Commission (MTC) in proposing a \$71 million postponement package from the Bay Area region. The MTC's recommended \$71 million package included \$18 million from San Mateo County, which is much larger than San Mateo County's fair share of the statewide reduction. We cooperated, with the understanding that the "US 101 HOV/Express Lanes" project will be programmed in the 2016 STIP

The "US 101 HOV/Express Lanes" project is the highest priority project in San Mateo County in that it has the largest countywide and regional impacts. This segment of the US 101 corridor connects the Silicon Valley and San Francisco, with SFO and two bridges connecting to the East Bay in between. It is arguably the backbone corridor for the most economically productive area in the State. In recent years, this corridor has experienced a drastic increase in congestion. If it is not fixed in a timely manner, it will result in severe negative impacts to our local community as well as enormous negative regional and statewide economic impacts.

While this project may be considered a new project from STIP standpoint, C/CAG, the San Mateo County Transportation Authority, the Metropolitan Transportation Commission, and California Department of Transportation (Caltrans) have been collaborating on this project for several years to-date. Moreover, San Mateo county spent its own local funds to pay for the Project Initiation Document and the Environmental phases of this project. Thus far, a total of \$14 million has been spent and/or committed to the early phases of this project. This project also has garnered true public-private partnership.

We strongly urge you to program \$9.399 million in the 2016 STIP for this project.

Sincerely,



Alicia C. Aguirre, Chair of C/CAG

cc: Susan Bransen, Executive Director of CTC
Adrienne Tissier, MTC Commissioner
Steve Heminger, MTC
Bijan Sartipi, Caltrans
Jim Hartnett, San Mateo County Transportation Authority
Sandy Wong, Executive Director of C/CAG