

# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

### BOARD MEETING NOTICE

Meeting No. 280

- DATE:** Thursday, August 13, 2015
- 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>

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- 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 Jim Bigelow for his years of dedicated service to C/CAG p. 1
  - 4.2 Certificate of Appreciation to Richard Newman for his years of dedicated service to C/CAG p. 3
  - 4.3 Receive a presentation on the San Mateo County Safe Routes to School Program p. 5

## 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. 279 dated June 11, 2015 ACTION p. 7
- 5.2 Review and approval of Resolution 15-39, authorizing the C/CAG Chair to execute two-year agreements with Gray Bowen Scott and with CSG Consultants, Inc. for on-call consultant services for Federal and State funded project coordination and grant administration, and further authorizing the C/CAG Executive Director to negotiate and issue task orders under said contracts in a cumulative amount not to exceed \$200,000 for fiscal years 2015-16 and 2016-17. ACTION p. 13
- 5.3 Review and approval of Resolution 15-35 authorizing the C/CAG Chair to execute an agreement between the C/CAG and the Peninsula Traffic Congestion Relief Alliance in the amount of \$510,000 from the Congestion Relief Plan to provide the Countywide Voluntary Trip Reduction Program for FY 2015/2016 ACTION p. 19
- 5.4 Review and approval of Resolution 15-36 authorizing the C/CAG Chair to execute Amendment No. 1 to the agreement between C/CAG and Life Cycle Associates for the San Mateo County Alternative Fuel Readiness Plan development for a time extension to March 31, 2016. ACTION p. 23
- 5.5 SFO Comprehensive Airport Land Use Compatibility Plan Consistency Review – City of Foster City Lincoln Centre Life Sciences Research Campus Project ACTION p. 29
- 5.6 Review and approval of Resolution 15-37 authorizing the C/CAG Chair to execute a two-year funding agreement with Joint Venture Silicon Valley to support the Index of Silicon Valley and for Joint Venture Silicon Valley to provide support to San Mateo County and Cities in meeting their sustainability goals and mobility improvement, for an amount not to exceed \$75,000 for fiscal years 2015/16 and 2016/17. ACTION p. 35
- 5.7 Review and approval of Resolution 15-38 authorizing the C/CAG Executive Director to approve up to \$60,000 in additional cost to compensate the County of San Mateo on an equipment and time basis for Smart Corridors construction management services to a new construction management total of \$1,360,000. ACTION p. 39

## 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. 47
- 6.2 Review and approval of an appointment to the Congestion Management & Environmental Quality Committee to fill the seat representing agencies with transportation interests. ACTION p. 65

- 6.3 Introduction, presentation and public hearing on the Draft Final Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport. ACTION p. 75
- 6.4 Introduction, presentation and public hearing on the proposed Negative Declaration and Initial Study for the Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport. ACTION p. 79
- 6.5 Review and approval of Resolution 15-21, authorizing the C/CAG Chair to execute three-year agreements with 1) Northgate Environmental Management, 2) Farallon Consulting, 3) San Mateo County Division of Environmental Health, 4) S. Groner Associates, 5) Eisenberg, Olivieri, & Associates, 6) Urban Rain Design, 7) Community Design + Architecture, 8) Larry Walker & Associates, 9) ADH Environmental, and 10) Geosyntec for on-call consultant services to the Countywide Water Pollution Prevention Program, and further authorizing the C/CAG Executive Director to negotiate and issue task orders under said contracts in a cumulative amount not to exceed \$2,300,000 for fiscal year 2015-16. ACTION p. 87
- 6.6 Review and approval of the letter to the Honorable Judge Etezadi RE: C/CAG's responses to the 2014-2015 San Mateo County Civil Grand Jury Report titled "Flooding Ahead: Planning for Sea Level Rise". ACTION p. 115
- 7.0 COMMITTEE REPORTS
- 7.1 Committee Reports (oral reports).
- 7.2 Chairperson's Report
- 7.2.1 Letter dated July 2, 2015 from Julie Pierce, ABAG President and Ezra Rapport, ABAG Executive Director to ABAG Executive Board. p. 123
- 7.2.2 Letter dated July 16, 2015 from MTC Chair to MTC Commission. p. 129
- 7.3 Boardmembers Report
- 8.0 EXECUTIVE DIRECTOR'S REPORT
- 9.0 COMMUNICATIONS - Information Only
- 9.1 Letter from Sandy Wong, C/CAG Executive Director, dated 5/28/15. RE: Redwood City 2020 Sustainable Transportation Encouragement Program (STEP) p. 131
- 9.2 Letter from Sandy Wong, C/CAG Executive Director, dated 6/9/15. RE: Docket No. 15-BSTD-01 Adoption of 15-Day Language for the 2016 Building Energy Efficiency Standards p. 133
- 9.3 Letter from Matt Fabry, Coordinator, San Mateo Countywide Water Pollution Prevention Program, dated 7/10/15. RE: SMCWPPP Comments on the Tentative Order for the Reissued NPDES Stormwater Municipal Regional Permit p. 135

9.4 Letter from Congestion Management Agencies (CMSs) Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma dated 7/10/15. RE: Comments from the Bay Area CMAs on the Draft California Transportation Plan 2040 p. 163

## 10.0 ADJOURN

Next schedule meeting September 10, 2015.

**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

August 20, 2015	CMP Technical Advisory Committee - SamTrans, 2 <sup>nd</sup> Floor Auditorium - 1:15 p.m.
August 20, 2015	Stormwater Committee - SamTrans, 2 <sup>nd</sup> Floor Auditorium - 2:30 p.m.
August 24, 2015	Administrators' Advisory Committee - 555 County Center, 5th Fl, Redwood City - Noon
August 31, 2015	CMEQ Committee - San Mateo City Hall - Conference Room C - 3:00 p.m.
September 10, 2015	Legislative Committee - SamTrans 2 <sup>nd</sup> Floor Auditorium – 5:30 p.m.
September 10, 2015	C/CAG Board - SamTrans 2 <sup>nd</sup> Floor Auditorium – 6:30 p.m.

# C/CAG

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**A PRESENTATION OF THE BOARD OF DIRECTORS OF THE  
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF  
SAN MATEO COUNTY (C/CAG) EXPRESSING APPRECIATION TO  
JIM BIGELOW  
FOR HIS DEDICATED SERVICE TO C/CAG**

\*\*\*\*\*

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

**Whereas**, Jim Bigelow has served on the C/CAG Congestion Management & Environmental Quality (CMEQ) Committee from 1995 through 2015, and

**Whereas**, Jim Bigelow has served on the C/CAG 2020 Peninsula Gateway Study Technical Advisory Committee, and

**Whereas**, Jim Bigelow has been representing the business community in making transportation improvements in San Mateo County for over 30 years, and

**Whereas**, Jim Bigelow has provided thoughtful recommendations to the C/CAG Board of Directors and to its standing committees on transportation related issues, and

**Whereas**, Jim Bigelow has been a leader in San Mateo County in transportation policy, program, funding, and project development, and

**Whereas**, Jim Bigelow has been passionate and extremely professional in his collaboration with all entities to improve the quality of life in San Mateo County, and

**Whereas**, Jim Bigelow dedicated his services to the people of San Mateo County.

**Now, therefore**, the Board of Directors of C/CAG hereby resolves that C/CAG expresses its appreciation to Jim Bigelow for his years of dedicated public service and wishes him happiness and success in his future endeavors.

**PASSED, APPROVED, AND ADOPTED THIS 13<sup>TH</sup> DAY OF AUGUST, 2015.**

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*Mary Ann Nihart, Chair*

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# C/CAG

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### A PRESENTATION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY (C/CAG) EXPRESSING APPRECIATION TO RICHARD NEWMAN FOR HIS DEDICATED SERVICE TO C/CAG

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

**Whereas**, Richard Newman has served on the C/CAG Airport Land Use Committee (ALUC) from 2001 through 2015, and

**Whereas**, Richard Newman has tirelessly served as the Chair of the ALUC for 13 years, and

**Whereas**, Richard Newman has served on the SFO Airport/Community Roundtable representing C/CAG's ALUC, and

**Whereas**, Richard Newman provided thoughtful recommendations to the C/CAG Board of Directors, and

**Whereas**, Richard Newman was instrumental in participating in the development of Airport Land Use Compatibility Plans for the environs of airports in San Mateo County, and

**Whereas**, Richard Newman was extremely professional and has been a great asset to C/CAG, and

**Whereas**, Richard Newman dedicated his services to the people of San Mateo County.

**Now, therefore**, the Board of Directors of C/CAG hereby resolves that C/CAG expresses its appreciation to Richard Newman for his years of dedicated public service and wishes him happiness and success in his future endeavors.

**PASSED, APPROVED, AND ADOPTED THIS 13<sup>TH</sup> DAY OF AUGUST, 2015.**

\_\_\_\_\_  
*Mary Ann Nihart, Chair*

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**C/CAG AGENDA REPORT**

Date: August 13, 2015

To: City/County Association of Governments Board of Directors

From: John Hoang

Subject: Receive a presentation on the San Mateo County Safe Routes to School Program

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

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**RECOMMENDATION**

That the C/CAG Board receives a presentation on the San Mateo County Safe Routes to School Program.

**FISCAL IMPACT**

None

**SOURCE OF FUNDS**

Not Applicable

**BACKGROUND**

The overall goal of the San Mateo County Safe Routes to School Program (Program) is to enable and encourage children to walk or bicycle to schools by implementing projects and activities to improve health and safety, and also reduce traffic congestion due to school-related travels. The Program, initiated in June 2011, is funded by a combination of federal funds received from the Metropolitan Transportation Commission's (MTC's) Regional Safe Routes to School Program and local Measure M (\$10 Vehicle Registration Fee). In addition to providing student safety education, outreach, encouragement, and evaluation activities, the Program includes performing walk and bike audits to document factors that impacts safe walking and bicycling as well as traffic congestion attributed to school-related travels.

In June 2013, C/CAG entered into a 3-Year funding agreement (FY 2013/14 through FY 2015/16) with the San Mateo County Office of Education (COE) in the amount of \$2,992,000 to serve as the agency managing the day-to-day operations and project implementation activities for the Program. This presentation from the COE provides the Committee an update of the program including performance and accomplishment for Fiscal Year 2014/15.

**ATTACHMENTS**

None

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# C/CAG

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### BOARD MEETING MINUTES

Meeting No. 279

June 11, 2015

#### 1.0 CALL TO ORDER/ROLL CALL

Deborah Gordon called the meeting to order at 6:31 p.m. Roll call was taken.

Cary Wiest – Atherton  
 David Braunstein - Belmont  
 Terry O’Connell – Brisbane  
 Terry Nagel – Burlingame  
 Joseph Silva – Colma  
 David Canepa - Daly City [left early]  
 Lisa Gauthier – East Palo Alto  
 Art Kiesel – Foster City  
 Marina Fraser – Half Moon Bay  
 Larry May – Hillsborough  
 Kristen Kiesel – Menlo Park [left early]  
 Maryann Moise Derwin - Portola Valley  
 John Seybert - Redwood City  
 Irene O’Connell – San Bruno  
 Joe Goethals - San Mateo  
 Karyl Matsumoto - South San Francisco  
 Deborah Gordon - Woodside

Absent:

Millbrae  
 Pacifica  
 San Carlos  
 San Mateo County

Others:

Sandy Wong, Executive Director C/CAG  
 Nirit Eriksson, C/CAG Legal Counsel  
 Tom Madalena, C/CAG Staff  
 Jean Higaki, C/CAG Staff  
 Matt Fabry, C/CAG Staff  
 John Hoang, C/CAG Staff

Mima Guilles, C/CAG Staff  
Ellen Barton, County of San Mateo  
Kim Springer, SMCEW  
Susan Wright, SMCEW  
Bill Chiang, PG&E, Local Government Relations Representative  
Scott Hart, PG&E, Local Government Relations Representative  
Sean Nozzari, CalTrans, District Deputy Director  
David Man, CalTrans, Project Engineer  
Jim Bigelow, RWC/San Mateo County Chamber, CMEQ member  
John Ford, Commute.org  
John Brook, Public

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

4.1 Bill Chiang & Scott Hart, PG&E, provided update on PG&E activities.

4.2 Sean Nozzari, Caltrans Deputy Director of Operations, and David Man, Engineer, made a presentation on the San Mateo County Smart Corridors project.

C/CAG Board member suggested Smart Corridors project training be provided to local jurisdictions' traffic managers on how to use the system equipment to manage day-to-day traffic as well as for inter-jurisdiction traffic coordination.

5.0 CONSENT AGENDA

Board Member O'Connell (San Bruno) MOVED approval of 5.1, 5.2, 5.3., 5.3.1, 5.3.2, 5.3.3, 5.4, 5.4.1, 5.4.2, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11, 5.12, 5.13. Board Member May SECONDED. **MOTION CARRIED 17-0**

5.1 Approval of the minutes of regular business meeting No. 278 dated May 14, 2015. APPROVED

5.2 Review and approval of Resolution 15-25 authorizing the C/CAG Chair to execute Amendment No. 3 to the agreement between C/CAG and Iteris Inc. for Smart Corridor System Integration Support for a time extension to December 31, 2015. APPROVED

5.3 Review and approval for the Fiscal Years 2015/16 Transportation Fund for Clean Air (TFCA) agreements. APPROVED

5.3.1 Review and approval of Resolution 15-26 authorizing the C/CAG Chair to execute the

Program Manager Funding Agreement with the Bay Area Air Quality Management District (BAAQMD) for the Fiscal Year 2015/16 Transportation Fund for Clean Air (TFCA) (40%) Program for San Mateo County for an amount up to \$1,128,241.32.

INFORMATION

5.3.2 Review and approval of Resolution 15-27 authorizing the C/CAG Chair to execute a Funding Agreement between C/CAG and the San Mateo County Transit District (SamTrans) in the amount of \$601,000 under the Fiscal Year 2015/16 Transportation Fund for Clean Air (TFCA) Program to provide shuttle services.

INFORMATION

5.3.3 Review and approval of Resolution 15-28 authorizing the C/CAG Chair to execute a Funding Agreement between C/CAG and Commute.org in the amount of \$472,300 under the Fiscal Year 2015/16 Transportation Fund for Clean Air (TFCA) Program to provide the Countywide Voluntary Trip Reduction Program.

5.4 Receive copies of agreements executed by the C/CAG Chair or Executive Director consistent with C/CAG Procurement Policy:

APPROVED

5.4.1 Receive a copy of the agreement with Kimley-Horn for design and procurement of an informational sign for the Laurel Elementary School project for an amount not to exceed \$6,400, as executed by the Executive Director consistent with the C/CAG Procurement Policy.

INFORMATION

5.4.2 Receive a copy of the agreement with NBI for Zero Net Energy Workshop in an amount not to exceed \$10,000 as executed by the Executive Director consistent with the C/CAG Procurement Policy.

INFORMATION

5.5 SFO Comprehensive Airport Land Use Compatibility Plan Consistency Review - City of Daly City Planned Development Standards for the Serramonte Shopping Center

APPROVED

5.6 Review and approval of Resolution 15-29 authorizing the C/CAG Chair to execute an agreement between C/CAG and the County of San Mateo, Office of Sustainability for an amount not to exceed \$40,000 for staff services for the Resource Management and Climate Protection Committee and the Local Task Force for FY 2015-16.

APPROVED

5.7 Review and approval of Resolutions 15-30 and 15-31 authorizing the submission of grant applications, acceptance of allocated fund, and the execution of grant agreements with the San Mateo County Transportation Authority, for the project approval and environmental phase of the US 101 Auxiliary Lane Project (Oyster Point-San Francisco County Line) and the US 101 High-Occupancy Vehicle/ Toll Lane (HOV/HOT) Project from Whipple to south of the I-380 Interchange.

APPROVED

5.8 Review and approval of Resolution 15-32 authorizing the Executive Director or his/her duly authorized representative to sign funding applications for Federal, State, and/ or Regional grant opportunities.

APPROVED

5.9 Review and approve Resolution 15-20 authorizing the C/CAG Chair to execute Amendment No. 2 to the agreement with SCI Consulting Group, Inc., extending the term through June 30,

2016 at no additional cost to enable continued technical support for a potential countywide stormwater funding initiative.

APPROVED

- 5.10 Review and approval of Resolution 15-22, authorizing the C/CAG Chair to execute Amendment No. 10 to the agreement with Eisenberg, Olivieri, and Associates, extending the contract through September 30, 2015 at no additional cost for technical support to the countywide stormwater program.

APPROVED

- 5.11 Review and approval of Resolution 15-23 authorizing the C/CAG Chair to execute Amendment No. 3 to the agreement with San Mateo County's Division of Environmental Health, extending the contract through October 31, 2015 at a cost not to exceed \$100,650 to implement critical public education and outreach activities in accordance with the Municipal Regional Permit.

APPROVED

- 5.12 Review and authorize the C/CAG Chair to execute Amendment No 1 to the Memorandum of Understanding (MOU) with the San Mateo County Transportation Authority (SMCTA), to develop additional technical studies for the High-Occupancy Vehicle lane (HOV) Hybrid Study on US 101 from Whipple to south of the I-380 interchange.

APPROVED

- 5.13 Review and approval of Resolution 15-24 authorization of the C/CAG Chair to execute a cooperative agreement with the County of San Mateo Department of Housing for Joint Workplan for housing-related activities for FY 2015-16 in an amount not to exceed \$87,500.

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)

APPROVED

Jean Higaki provided an update of the June 4, 2015 Legislative Committee meeting. A quorum was not met at the meeting so no recommendations could be made. AB 1347 (Chu) was discussed regarding the claims process for public agency contracts. AB 516 (Mullin), regarding a temporary license plate program, was also discussed and a letter of support is recommended by staff.

Board Member O'Connell (Brisbane) MOVED to send a letter in support of AB 516 Member O'Connell (San Bruno) SECONDED. **MOTION CARRIED UNANIMOUSLY 15-0**

- 6.2 Receive a presentation on the draft revised Municipal Regional Stormwater Permit and provide staff direction regarding written and/or oral testimony.

NO ACTION

Matt Fabry presented a staff analysis on anticipated challenges faced by jurisdictions in meeting the new requirements in the proposed Municipal Regional Stormwater Permit.

Thomas Mumley, Assistant Executive Officer of the State Regional Water Quality Control Board, presented a summary of proposed changes in the tentative order of the revised Municipal Regional Stormwater permit. Although Mr. Mumley stated his agency's goal is to ensure

progress is made towards pollutants load reduction, C/CAG board members are concern regarding lack of funding available to meet the aggressive specified goals in the permit.

- 6.3 Receive a presentation on the C/CAG Call for Projects and outreach process in response to the Metropolitan Transportation Commission's development of Plan Bay Area 2040.

INFORMATION

Jean Higaki provided a brief update on the C/CAG call for projects and outreach process which is a part of the MTC/ABAG Plan Bay Area 2040 Update.

- 6.4 Designation of the California Public Employees Retirement System as the trustee for retiree medical benefit:

- 6.4.1 Review and approval of Resolution 15-33 authorizing an agreement and election to prefund other post-employment benefits (OPEB) through the California Employers' Retiree Benefit Trust Program (CERBT) of CalPERS.

APPROVED

Board Member Nagel MOVED approval of Item 6.4.1. Board Member Braunstein SECONDED. **MOTION CARRIED UNANIMOUSLY 15-0**

- 6.4.2 Review and approval of Resolution 15-34 delegating the authority to the C/CAG Executive Director or the C/CAG Chair to request disbursements from CalPERS CERBT trust program, and to execute any and all documents necessary to effectuate the initial and ongoing administration of the CERBT program agreement.

APPROVED

Board Member O'Connell (San Bruno) MOVED approval of Item 6.4.2. Board Member Braunstein SECONDED. **MOTION CARRIED UNANIMOUSLY 15-0**

- 6.4.3 Review and approval of a funding policy in the amount of \$30,000 to cover the annual required contribution as initial investment into the CalPERS CERBT Trust Program and select Asset Allocation Strategy 2 as the asset allocation strategy.

APPROVED

Board Member Fraser MOVED approval of Item 6.4.3. Board Member Matsumoto SECONDED. **MOTION CARRIED UNANIMOUSLY 15-0**

- 6.5 Review and approval of Resolution 15-19 adopting the C/CAG 2015/16 Program Budget and Member Fees (Special Voting procedures apply).

APPROVED

Board Member Kiesel MOVED approval of Item 6.5. Board Member Nagel SECONDED. **MOTION CARRIED UNANIMOUSLY 15-0**

## 7.0 COMMITTEE REPORTS

- 7.1 Committee Reports (oral reports).

- 7.2 Chairperson's Report

Deborah Gordon reported on the Water Ad Hoc committee has met once, and directed staff to

review and fact-check on the San Mateo County Civil Grand Jury Report RE: sea level rise.

### 7.3 Board Member Reports

Member Nagel expressed interested in having a future C/CAG Board discussion on alternative congestion relief solutions.

### 8.0 EXECUTIVE DIRECTOR'S REPORT

### 9.0 COMMUNICATIONS - Information Only

Copies of communications are included for C/CAG Board Members and Alternates only. To request a copy of the communications, contact Mima Guilles at 650 599-1406 or [mguilles@smcgov.org](mailto:mguilles@smcgov.org) or download a copy from C/CAG's website – [www.ccag.ca.gov](http://www.ccag.ca.gov).

9.1 Letter from Mary Ann Nihart, C/CAG Chair, to the Honorable Kevin Mullin, California State Assemblymember dated 5/18/15. RE: SUPPORT for Assembly Bill 464 (Mullin)

9.2 Letter from Mary Ann Nihart, C/CAG Chair, to the Honorable Jim Beall, Chair, Senate Transportation and Housing Committee, dated 5/18/15. RE: SUPPORT for SB 321 (Beall)

9.3 Letter from Mary Ann Nihart, C/CAG Chair, to the Honorable Jim Beall, Chair, Senate Transportation and Housing Committee, dated 5/18/15. RE: SUPPORT for SB 16 (Beall)

9.4 Letter from Mary Ann Nihart, C/CAG Chair, to the Honorable Jim Frazier, Chair, Assembly Transportation Committee, dated 5/18/15. RE: SUPPORT for Assembly Bill 194 (Frazier)

9.5 Letter from Mary Ann Nihart, C/CAG Chair, to the Honorable Jim Frazier, Chair, Assembly Transportation Committee, date 5/18/15. RE: SUPPORT for Assembly Constitutional Amendment 4 (Frazier)

9.6 Letter from Sandy Wong, C/CAG Executive Director, dated 5/28/15. RE: Redwood City 2020 Sustainable Transportation Encouragement Program (STEP)

9.7 Letter from Sandy Wong, C/CAG Executive Director, to Teresa McWilliam, Division of Local Assistance, MS-1, dated 5/27/15. RE: Support for the City of East Palo Alto's University Avenue Complete Streets Pilot Project Active Transportation Program (ATP) grant application.

### 10.0 ADJOURN

Meeting adjourned 8:45 p.m.



**C/CAG AGENDA REPORT**

Date: August 13, 2015

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 15-39, authorizing the C/CAG Chair to execute two-year agreements with Gray Bowen Scott and with CSG Consultants, Inc. for on-call consultant services for Federal and State funded project coordination and grant administration, and further authorizing the C/CAG Executive Director to negotiate and issue task orders under said contracts in a cumulative amount not to exceed \$200,000 for fiscal years 2015-16 and 2016-17.

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

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**RECOMMENDATION**

That the C/CAG Board:

1. Approve Resolution 15-39 authorizing the C/CAG Chair to execute agreements with Gray Bowen Scott and with CSG Consultants, Inc. for on-call consultant services for Federal and State funded project coordination and grant administration to be shared in the aggregate amount not to exceed \$200,000 for a two (2) year term among the two firms.
2. Authorize the C/CAG Executive Director to execute future task orders with Gray Bowen Scott or with CSG Consultants, Inc. in full conformity with the terms and conditions of the on-call service agreement.

**FISCAL IMPACT**

Execution of this agreement will authorize the expenditure of up to \$200,000 over a two-year term among two firms. Actual expenditures will be determined based on specific tasks orders to be approved by the Executive Director. Authorization to proceed will be issued to consultants only after approval to execute a specific task order has been given.

**SOURCE OF FUNDS**

Funding will come from the Metropolitan Transportation Commission (MTC) planning and programming funds, State Transportation Improvement Program Planning Programming and Monitoring (STIP PPM) funds, and C/CAG member contributions.

## BACKGROUND

C/CAG, acting as the county congestion management agency (CMA) is responsible for the project selection, programming, and monitoring of certain County's share of federal and state transportation funding.

CMAs are delegated program administration of programming policies adopted by MTC for both Federal and State funding. CMAs are involved with ensuring that outreach requirements are met, that project sponsors meet minimum eligibility requirement, and that proposed projects are consistent with federal, state, and regional program requirements.

C/CAG is responsible for planning and programming the overall delivery of this county's federal transportation funds as well as monitoring of Caltrans administered programs (highway bridge program and local safety program). C/CAG staff must take corrective action when projects are at risk of not delivering within the regional and state deadlines. C/CAG also monitors the invoicing activity of project sponsors to ensure that transportation funds are not rescinded due to inactivity.

C/CAG is also responsible for programming and facilitating the delivery of projects associated with the State Transportation Improvement Program (STIP). This involves working with Caltrans and stakeholders on developing and delivering major state highway improvement projects.

The purpose of retaining on-call consultants is to pre-qualify firms to assist staff with the performance of CMA delegated responsibilities. The pre-qualification process expedites the selection and contracting process and introduces an additional degree of competitive pressure to ensure responsiveness and timely performance. If one firm is not available to perform needed work according to schedule and budgetary requirements, another firm on the on-call list that can do so is selected to perform the work. Many Bay Area transportation agencies have established on-call list of consulting firms, including Samtrans, BART, the San Francisco Municipal Transportation Agency, and AC Transit.

On June 14, 2012 the C/CAG Board approved a two year on-call contract for project coordination services with Advance Project Delivery Inc. and CSG Consultants, Inc., expiring on June 15, 2014. On August 14, 2014 the Board approved a time only extension to June 30, 2015. A new procurement process was initiated on July 1, 2015 upon expiration of the existing contracts.

### Competitive Procurement Process:

C/CAG posted a request for qualifications (RFQ) on July 1, 2015 for the purpose of re-establishing pre-qualified on-call firms. Gray Bowen Scott and CSG Consultants, Inc. submitted statement of qualifications (SOQs). SOQs were evaluated by a panel composed of one C/CAG staff and three member agency (City) staff. The panel recommended retaining both firms on contract.

C/CAG staff is requesting that on-call contracts be executed with Gray Bowen Scott and CSG Consultants, Inc. Both firms were selected through the competitive procurement process, consistent with the C/CAG Procurement Policy.

The general work scope identified under the contract will be detailed on a task order basis, to be approved by the Executive Director on an as needed basis. Specific work scope and payments shall be negotiated and approved before execution of a task order and before expenditures take place.

Per the adopted C/CAG packet guidelines, draft of the agreements are available on the C/CAG website and will be approved as to form by C/CAG legal counsel prior to execution.

#### **ATTACHMENTS**

1. Resolution 15-39
2. Draft agreements are available online at <http://ccag.ca.gov/committees/board-of-directors/>

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## RESOLUTION 15-39

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY AUTHORIZING THE C/CAG CHAIR TO EXECUTE TWO-YEAR AGREEMENTS WITH GRAY BOWEN SCOTT AND WITH CSG CONSULTANTS, INC. FOR ON-CALL CONSULTANT SERVICES FOR FEDERAL AND STATE FUNDED PROJECT COORDINATION AND GRANT ADMINISTRATION, AND FURTHER AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO NEGOTIATE AND ISSUE TASK ORDERS UNDER SAID CONTRACTS IN A CUMULATIVE AMOUNT NOT TO EXCEED \$200,000 FOR FISCAL YEARS 2015-16 AND 2016-17**

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

**WHEREAS**, C/CAG is a joint powers agency designated by the Metropolitan Transportation Commission (MTC) as the Congestion Management Agency (CMA) for San Mateo County, and

**WHEREAS**, C/CAG, acting as the CMA is responsible for project selection, programming, and overall program delivery of federal aid and state transportation funds received by the County, and

**WHEREAS**, C/CAG has determined that on call consultant services are needed to assist staff with the performance of CMA delegated responsibilities, and

**WHEREAS**, C/CAG has determined that Gray Bowen Scott and CSG Consultants, Inc. both have the requisite qualifications to perform this work, and

**WHEREAS**, C/CAG staff will negotiate and execute individual task orders for specific services on an as-needed basis.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Directors of the City/County Association of Governments of San Mateo County that the Board:

1. Authorize the C/CAG Chair to execute agreements with Gray Bowen Scott and with CSG Consultants, Inc. for on-call consultant services for Federal and State funded project coordination and grant administration to be shared in the aggregate amount not to exceed \$200,000 for a two (2) year term among the two firms.
2. Authorize the C/CAG Executive Director to execute future task orders with Gray Bowen Scott or with CSG Consultants, Inc. in full conformity with the terms and conditions of the on-call service agreement.

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

**PASSED, APPROVED, AND ADOPTED, THIS 13TH DAY OF AUGUST 2015.**

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**Mary Ann Nihart, Chair**

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## C/CAG AGENDA REPORT

Date: August 13, 2015

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 15-35 authorizing the C/CAG Chair to execute an agreement between the C/CAG and the Peninsula Traffic Congestion Relief Alliance in the amount of \$510,000 from the Congestion Relief Plan to provide the Countywide Voluntary Trip Reduction Program for FY 2015/2016

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

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### RECOMMENDATION

That the Board review and approve Resolution 15-35 authorizing the C/CAG Chair to execute an agreement between the C/CAG and the Peninsula Traffic Congestion Relief Alliance in the amount of \$510,000 from the Congestion Relief Plan to provide the Countywide Voluntary Trip Reduction Program for FY 2015/2016.

### FISCAL IMPACT

There is up to \$510,000 in the budget for the Countywide Voluntary Trip Reduction Program under the Congestion Relief Plan for FY 15/16. The C/CAG budget for FY 15/16 was approved at the June 11, 2015 Board meeting.

### SOURCE OF FUNDS

The funds under the Congestion Relief Plan are derived from C/CAG Member Agency assessments.

### BACKGROUND

The Peninsula Traffic Congestion Relief Alliance (Alliance) operates the Countywide Voluntary Trip Reduction Program to assist private and public sectors with Transportation Demand Management (TDM) by connecting their employees and customers with transportation systems that provide an alternative to driving single occupant vehicles. This program is being jointly funded with revenues under the Countywide Congestion Relief Plan, Transportation Fund for Clean Air Program and the San Mateo County share of the Regional Ridesharing and Bicycling Program funds made available through the Metropolitan Transportation Commission (MTC).

On June 14, 2012 the C/CAG Board approved a four-year amendment to the Regional Ridesharing and Bicycling Program agreement with the Alliance for \$70,000 per fiscal year. At the February 12, 2015 C/CAG Board meeting the Board approved the Transportation Fund for Clean Air Program funding for the Alliance in the amount of \$472,300 for FY 2015/2016 for the Countywide Voluntary Trip Reduction Program.

At the June 11, 2015 C/CAG Board of Directors meeting the C/CAG Board approved the FY 15/16 C/CAG budget including \$510,000 to be allocated for Countywide Transportation Demand Management (TDM) work performed by the Peninsula Traffic Congestion Relief Alliance.

The funding agreement is available for review at <http://ccag.ca.gov/committees/board-of-directors/>.

#### **ATTACHMENTS**

1. Resolution 15-35
2. Agreement between C/CAG and Peninsula Traffic Congestion Relief Alliance for the Countywide Voluntary Trip Reduction Program (available for review and download at <http://ccag.ca.gov/committees/board-of-directors/>)



## **RESOLUTION 15-35**

**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 AN AGREEMENT BETWEEN C/CAG) AND THE PENINSULA TRAFFIC CONGESTION RELIEF ALLIANCE IN THE AMOUNT OF \$510,000 FROM THE CONGESTION RELIEF PLAN TO PROVIDE THE COUNTYWIDE VOLUNTARY TRIP REDUCTION PROGRAM FOR FY 2015/2016.**

**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 June 11, 2015 Board meeting approved the fiscal year 2015/2016 budget including the Countywide Transportation Demand Management (TDM) program under the Congestion Relief Plan, and

**WHEREAS**, the Countywide Voluntary Trip Reduction Program is sponsored by the Peninsula Traffic Congestion Relief Alliance, and

**WHEREAS**, it is necessary for C/CAG to enter into a funding agreement with the Peninsula Traffic Congestion Relief Alliance for Congestion Relief Plan funding, setting forth the responsibilities of each party.

**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 enter into a funding agreement with the Peninsula Traffic Congestion Relief Alliance in the amount of \$510,000 from the Congestion Relief Plan.

**PASSED, APPROVED, AND ADOPTED, THIS 13TH DAY OF AUGUST 2015.**

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**Mary Ann Nihart, Chair**

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## C/CAG AGENDA REPORT

Date: August 13, 2015

To: City/County Association of Governments Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 15-36 authorizing the C/CAG Chair to execute Amendment No. 1 to the agreement between C/CAG and Life Cycle Associates for the San Mateo County Alternative Fuel Readiness Plan development for a time extension to March 31, 2016.

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

### RECOMMENDATION

That the C/CAG Board review and approve Resolution 15-36 authorizing the C/CAG Chair to execute Amendment No. 1 to the agreement between C/CAG and Life Cycle Associates for the San Mateo County Alternative Fuel Readiness Plan development for a time extension to March 31, 2016.

### FISCAL IMPACT

None. This amendment is for time extension only.

### SOURCE OF FUNDS

N/a

### BACKGROUND

In June 2014, the Board adopted Resolution 14-23 approving an agreement with Life Cycle Associates (LCA) in the amount of \$275,810 to provide services for the development of the San Mateo County Alternative Fuel Readiness Plan. The purpose of the Plan, which is funded by a grant from the California Energy Commission (CEC) along with in-kind matching funds from C/CAG, is to prepare San Mateo County jurisdiction for the commercialization of alternative transportation fuels in the marketplace and serve as a resource for public agencies with permitting, deploying alternative fuel infrastructure, training personnel, and promoting the increased use of alternative fuels within the County.

C/CAG's agreement with LCA specified an end date of September 30, 2015, which was established based on an initial estimated schedule of completion. C/CAG and the CEC staff subsequently revised the schedule by extending the completion date; therefore, it is recommended that the agreement with LCA be extended to March 31, 2016, to align with the new project end date.

**ATTACHMENTS**

1. Resolution 15-36
2. Amendment No. 1 to the Contract between C/CAG Life Cycle Associates

**RESOLUTION 15-36**

**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 AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN C/CAG  
AND LIFE CYCLE ASSOCIATES FOR THE SAN MATEO COUNTY  
ALTERNATIVE FUEL READINESS PLAN DEVELOPMENT FOR A TIME  
EXTENSION TO MARCH 31, 2016**

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

**WHEREAS**, On June 12, 2014, C/CAG entered into an Agreement with Life Cycle Associates for development of the San Mateo County Alternative Fuel Readiness Plan in the amount of \$275,810.00 with an end date of September 30, 2015; and

**WHEREAS**, it is determined that additional time is needed to complete the scheduled work; and

**WHEREAS**, Amendment No. 1 will extend the contract term to March 31, 2016.

**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 Amendment No. 1 to the Agreement between C/CAG and Life Cycle Associates for a time extension to March 31, 2016.

**PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF AUGUST, 2015.**

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*Mary Ann Nihart, Chair*

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**AMENDMENT NO. 1 TO THE AGREEMENT  
BETWEEN  
CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY  
AND  
LIFE CYCLE ASSOCIATES, LLC**

WHEREAS, the City/County Association of Governments for San Mateo County (hereinafter referred to as "C/CAG") and Life cycle Associates, LLC, (hereinafter referred to as "Consultant") are parties to an Agreement originally dated June 12, 2014, for development of the San Mateo County Alternative Fuel Readiness Plan (the "Agreement"); and

WHEREAS, C/CAG and Consultant have determined that additional time is needed to complete the work and the original Agreement termination date of September 30,2015, should be changed to March 31, 2016; and

WHEREAS, C/CAG and Consultant desire to amend the Agreement as set forth herein.

IT IS HEREBY AGREED by C/CAG and Consultant as follows:

1. The Agreement shall terminate on March 31, 2016.
2. Except as expressly amended herein, all other provisions of the Agreement shall remain in full force and effect.
3. This amendment shall take effect upon the date of execution by both parties.

City/County Association of Governments  
(C/CAG)

Life Cycle Associates (Contractor)

\_\_\_\_\_  
Mary Ann Nihart, Chair

\_\_\_\_\_  
By

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Legal Counsel for C/CAG

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## C/CAG AGENDA REPORT

Date: August 13, 2015

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: SFO Comprehensive Airport Land Use Compatibility Plan Consistency Review – City of Foster City Lincoln Centre Life Sciences Research Campus Project

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

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### RECOMMENDATION

That the C/CAG Board of Directors, acting as the Airport Land Use Commission, determine that the City of Foster City Lincoln Centre Life Sciences Research Campus Project is consistent with the applicable airport/land use policies and criteria contained in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP).

### FISCAL IMPACT

None

### SOURCE OF FUNDS

Funding for the consistency determinations is derived from the C/CAG general fund.

### BACKGROUND

The Airport Land Use Committee (ALUC) meeting in July was canceled. This recommendation is being brought forward to the Board without a recommendation from the ALUC due to the time sensitive nature of consistency determinations.

The City of Foster City has been working on an application for the Lincoln Centre Life Sciences Research Campus Project. BMR –Lincoln Center LP, is proposing redeveloping a 20 acre portion of the 25.9 acre Lincoln Centre Life Sciences Research Campus Project site located at approximately 200 through 850 Lincoln Centre Drive in Foster City. The project will create a new biomedical and life sciences research facility in a campus-like development. The project will include four new buildings ranging from two to seven stories and will total up to 595,000 square feet of gross floor space. The maximum height of the structures is at 124 feet above ground level.

### DISCUSSION

#### I. ALUCP Consistency Evaluation

There are three airport/land use compatibility issues addressed in SFO ALUCP that relate to the proposed Lincoln Centre Life Sciences Research Campus 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 Community Noise Equivalent Level (CNEL) 65 dB aircraft noise contour defines the state and federal threshold for aircraft noise-sensitive land use impacts. This is the threshold used by the SFO ALUCP. The City of Foster City is located outside of the CNEL 65 dB noise exposure contours for SFO.

Therefore, the City of Foster City Lincoln Centre Life Sciences Research Campus Project is consistent with the SFO 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 SFO ALUCP includes safety zones and related land use compatibility policies and criteria. The City of Foster City is located outside the safety zone configurations established for the SFO ALUCP.

Therefore, the City of Foster City Lincoln Centre Life Sciences Research Campus Project is consistent with the SFO ALUCP safety policies.

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

The SFO ALUCP 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 Francisco International 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 the proposed construction or alterations of structures on the subject airspace.

The Lincoln Centre Life Sciences Research Campus Project is located inside of the Outer Boundary of TERPS Approach and One Engine Inoperative (OEI) Departure Surfaces contour. The SFO Planning Staff, using SFO’s iALP Airspace Tool, provided an analysis of the obstruction height for the Lincoln Centre Life Sciences Research Campus location. This analysis shows that the lowest critical aeronautical surface for the Lincoln Centre Life Sciences Research Campus location that cannot be exceeded by a structure is approximately 204 feet above current ground level. The maximum building height in the General Development Plan for the Lincoln Centre Life Sciences Research Campus is at 124 feet above ground level, including the 12 foot roof screen. Structures must be below 210 feet above mean sea level (MSL) in order for the project to be found consistent with the airspace compatibility policies of the SFO ALUCP. The current ground level is at 5.62 feet above mean sea level. Based upon this analysis the project will be well below the critical airspace surfaces established for the SFO ALUCP.

Therefore, the City of Foster City Lincoln Centre Life Sciences Research Campus Project is consistent with the SFO ALUCP airspace protection policies.

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 BMR –Lincoln Center LP 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:

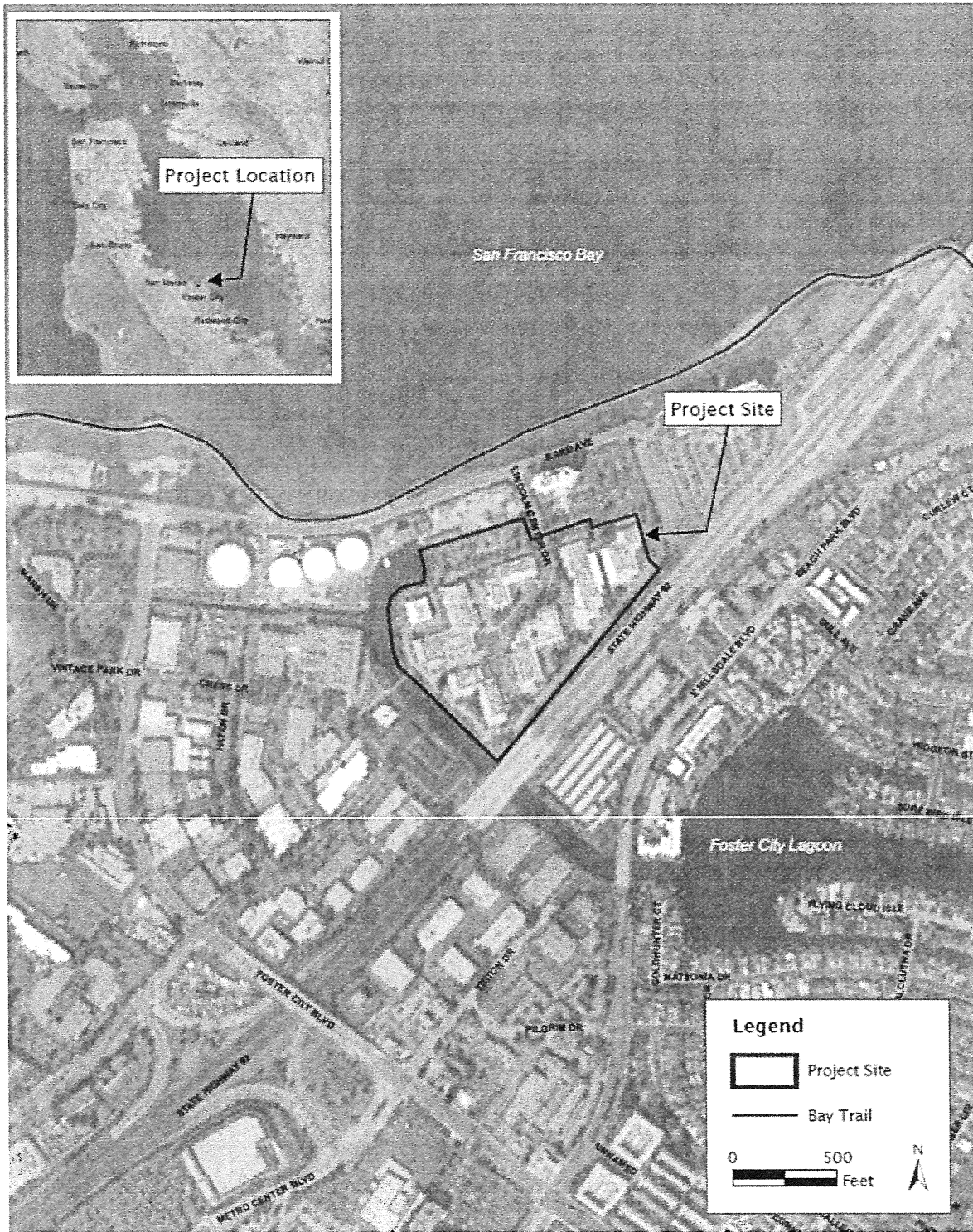
<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

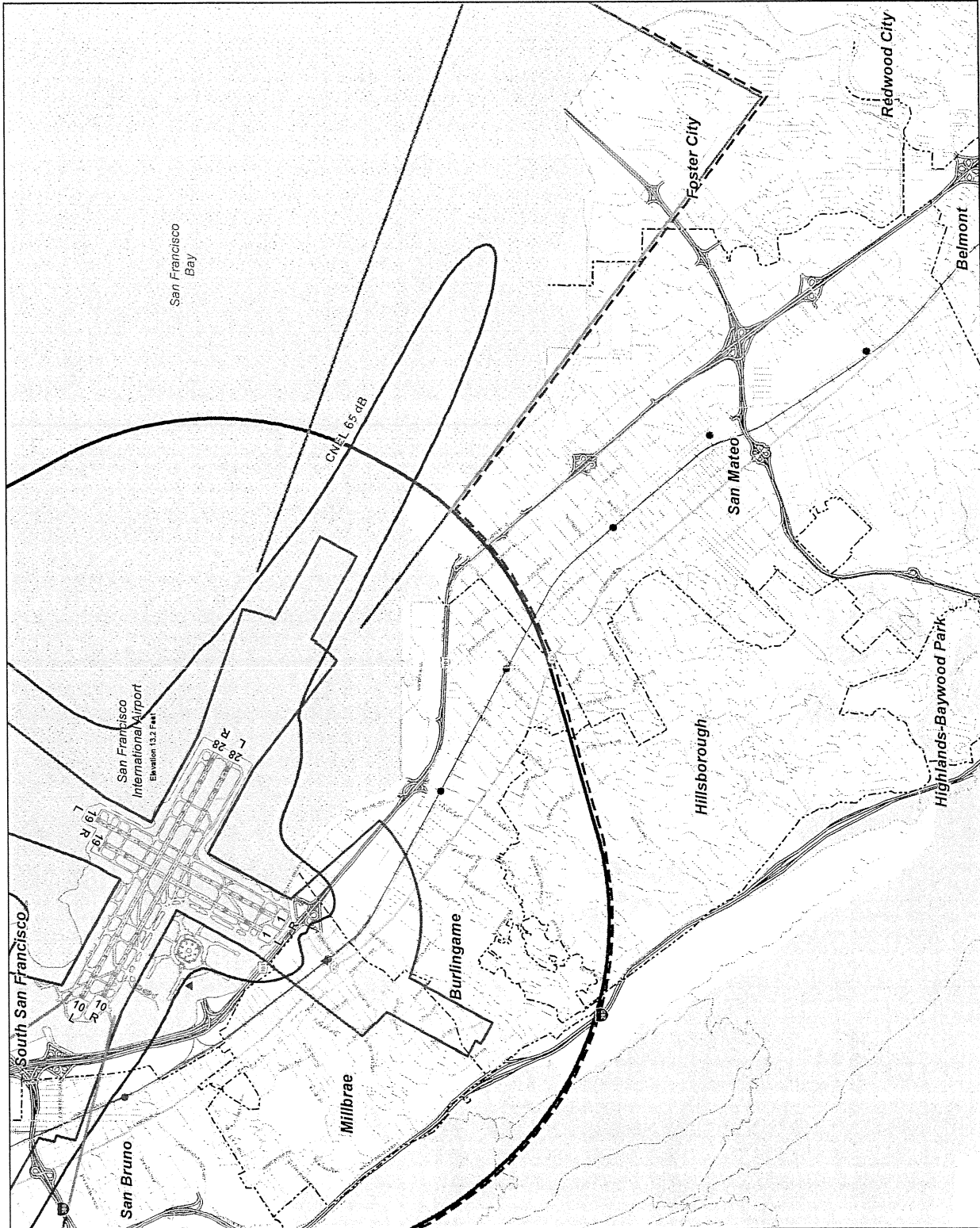
#### **ATTACHMENTS**

- Attachment 1 – Location map for Lincoln Centre Life Sciences Research Campus Project
- Attachment 2 – Exhibit IV-4 – Displaying Outer Boundary of TERPS Approach and OEI Departure Surfaces

Attachment 1

Figure 1: Project Site for Lincoln Centre Life Sciences Research Campus





- LEGEND**
- Boundary for Airport Influence Area B
  - Outer Boundary of Safety Zones
  - CNEL Contour, 2020 Forecast
  - 14 CFR Part 77 Critical Surface
  - Outer Boundary of TERPS Surfaces
  - Outer Boundary of TERPS Approach and OEI Departure Surfaces
  - 100:1 FAA Notification Zone
  - Outer Boundary of Safety Zones
  - San Francisco International Airport
  - San Francisco Bay
  - San Bruno
  - South San Francisco
  - Millbrae
  - Burlingame
  - Hillsborough
  - San Mateo
  - Foster City
  - Redwood City
  - Belmont
  - Highlands-Baywood Park

**Sources:**

100:1 FAA Notification Zone: Ricondo & Associates, Inc. and Jacobs Consultancy, based on 14 CFR Part 77, Subpart D, Section 77.9.

Outer Boundary of TERPS Approach and OEI Departure Surfaces: San Francisco International Airport, Jacobs Consultancy, and Planning Technology Inc., 2009

Safety Compatibility Zones: Jacobs Consultancy Team, 2009; Ricondo & Associates, Inc., 2011

Noise Contour: URS Corporation and BridgeNet International, Draft Environmental Assessment, San Francisco International Airport Proposed Runway Safety Area Program, June 2011

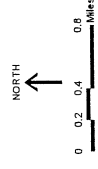


EXHIBIT IV-4  
**AIRPORT INFLUENCE AREA B –  
 SOUTHEAST SIDE**  
 Comprehensive Airport Land Use Plan  
 for the Environs of San Francisco International Airport  
**CICAG**  
 City/County Association of Governments  
 of San Mateo County, California

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# C/CAG AGENDA REPORT

**Date:** August 13, 2015

**To:** C/CAG Board of Directors

**From:** Sandy Wong, Executive Director

**Subject:** Review and approval of Resolution 15-37 authorizing the C/CAG Chair to execute a two-year funding agreement with Joint Venture Silicon Valley to support the Index of Silicon Valley and for Joint Venture Silicon Valley to provide support to San Mateo County and Cities in meeting their sustainability goals and mobility improvement, for an amount not to exceed \$75,000 for fiscal years 2015/16 and 2016/17

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

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## **RECOMMENDATION**

That the C/CAG Board review and approve Resolution 15-37 authorizing the C/CAG Chair to execute a two-year funding agreement with Joint Venture Silicon Valley to support the Index of Silicon Valley and for Joint Venture Silicon Valley to provide support to San Mateo County and Cities in meeting their sustainability goals and mobility improvement, for an amount not to exceed \$75,000 for fiscal years 2015/16 and 2016/17.

## **FISCAL IMPACT**

\$75,000 for two years.

## **SOURCE OF FUNDS**

San Mateo County Energy Watch fund and Congestion Relief fund. FY 2016/17 budget is subject to C/CAG Board approval.

## **BACKGROUND/DISCUSSION**

Joint Venture Silicon Valley promotes and facilitates greater cooperation and understanding within the region's public and private sectors through initiatives, forums and task forces. Through this agreement Joint Venture Silicon Valley (JVSV) agrees to assist the C/CAG and its members with meeting their sustainability goals; and C/CAG agrees to support Joint Venture's Index of Silicon Valley. JVSV will A) support quarterly Public Sector Climate Task Force meetings, B) support climate protection and adaptation related workshops that connect public agencies and private entities together to collaborate on solutions, and C) collaborate in technology solutions for mobility improvement in San Mateo County. This agreement will also support the development of the Index of Silicon Valley and acknowledgement of C/CAG sponsorship in publication.

## **ATTACHMENTS**

- Resolution 15-37
- Draft Agreement with Joint Venture Silicon Valley (available on-line: <http://ccag.ca.gov/committees/board-of-directors/> )

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## RESOLUTION 15-37

**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 A TWO-YEAR FUNDING AGREEMENT WITH JOINT VENTURE SILICON VALLEY TO SUPPORT THE INDEX OF SILICON VALLEY AND FOR JOINT VENTURE SILICON VALLEY TO PROVIDE SUPPORT TO SAN MATEO CITIES AND COUNTY IN MEETING SUSTAINABILITY GOALS AND MOBILITY IMPROVEMENT FOR AN AMOUNT NOT TO EXCEED \$75,000 FOR FISCAL YEARS 2015/16 and 2016/17**

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

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

**WHEREAS**, C/CAG desires to work jointly with organizations that support initiatives aimed at reducing energy use and greenhouse gas emissions; and

**WHEREAS**, Joint Venture Silicon Valley oversees a public sector climate protection task force that includes cities from San Mateo County; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the City/County Association of Governments of San Mateo County that the Chair is authorized to execute an agreement with Joint Venture Silicon Valley for an amount not to exceed \$75,000 for fiscal years 2015/16 and 2016/17, and further authorize the C/CAG Executive Director to negotiate the final agreement prior to execution by the Chair, subject to approval by C/CAG Legal Counsel as to form.

**PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF AUGUST 2015.**

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*Mary Ann Nihart, Chair*

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## C/CAG AGENDA REPORT

Date: August 13, 2015

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 15-38 authorizing the C/CAG Executive Director to approve up to \$60,000 in additional cost to compensate the County of San Mateo on an equipment and time basis for Smart Corridors construction management services to a new construction management total of \$1,360,000.

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

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### RECOMMENDATION

That the C/CAG Board review and approve Resolution 15-38 authorizing the C/CAG Executive Director to approve up to \$60,000 in additional cost to compensate the County of San Mateo on an equipment and time basis for Smart Corridors construction management services to a new construction management total of \$1,360,000.

### FISCAL IMPACT

Approval of Resolution 15-38 will add \$60,000 to construction management and will bring the total cost to \$1,360,000.

### SOURCE OF FUNDS

Funding is included in the approved FY 2015-2016 Budget.

### BACKGROUND

The C/CAG Board, at the regular meeting of June 10, 2010, approved an agreement between C/CAG and the County of San Mateo for construction administration of the Smart Corridor from Whipple Avenue in Redwood City to San Bruno Avenue for a \$650,000.

In June 2011, the Board authorized staff to precede with an extension of the project limits to the Santa Clara County Line. On March 8, 2012, the C/CAG Board approved resolution 12-15 amending the existing agreement with the County to add an additional \$350,000 in construction administration cost associated with the extension of the project limits, bringing the total construction administration cost to \$950,000.

On March 13, 2014, the Board approved an additional \$350,000 in construction administration funds for unforeseen conditions and delays. The County is requesting an additional \$60,000, for additional work to close out the project. An explanation for the increase has been provided by the County and is attached in a letter.

The contract agreement with the County specifies that C/CAG shall compensate the County on a time and material basis for construction administration and that any unforeseen additional cost would need the written approval of the Executive Director.

#### ATTACHMENTS

1. Resolution 15-38
2. Letter from the County of San Mateo

## RESOLUTION 15-38

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
CITY/COUNTY ASSOCIATION OF GOVERNMENTS  
OF SAN MATEO COUNTY (C/CAG) AUTHORIZING THE EXECUTIVE DIRECTOR TO  
APPROVE UP TO \$60,000 IN ADDITIONAL COST TO COMPENSATE THE COUNTY OF  
SAN MATEO ON AN EQUIPMENT AND TIME BASIS FOR SMART  
CORRIDOR CONSTRUCTION MANAGEMENT SERVICES TO A NEW  
CONSTRUCTION MANAGEMENT TOTAL OF \$1,360,000**

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

**WHEREAS**, on June 10, 2010, the C/CAG Board approved an Agreement between C/CAG and the County of San Mateo (County) for construction and contract administration of Smart Corridor from Whipple Avenue to San Bruno Avenue for construction management amount of \$650,000, and

**WHEREAS**, the contract agreement with the County specifies that C/CAG shall fully compensate the County on a time and material basis for construction administration and that additional unforeseen costs shall not be compensated without the prior written approval of the C/CAG Executive Director, and

**WHEREAS**, on June 9, 2011, the C/CAG Board authorized staff to expand the project limit to the Santa Clara County Line, and

**WHEREAS**, on March 13, 2014, the Board approved an additional \$350,000 in construction administration funds to compensate the County for unforeseen conditions and delays, to a new construction management total of \$1,300,000, and

**WHEREAS**, due to additional unforeseen conditions and delays, the County has requested, via a letter dated August 3, 2015, an additional increase in construction management cost, estimated at \$60,000 to a new construction management total of \$1,360,000.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Directors of the City/County Association of Governments of San Mateo County that the C/CAG Executive Director is authorized to approve up to \$60,000 in additional cost to compensate the County of San Mateo on an equipment and time basis for Smart Corridors construction management services to a new construction management total of \$1,360,000.

**PASSED, APPROVED, AND ADOPTED, THIS 13 DAY OF AUGUST 2015.**

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**Mary Ann Nihart, Chair**

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August 3, 2015

Ms. Sandy Wong, P.E., Executive Director  
City/County Association of Governments of San Mateo County  
555 County Center, 4th Floor  
Redwood City, CA 94063

**Re: San Mateo County Smart Corridors Project, North and South Segments –  
Additional Funds for Construction Management**

Dear Ms. Wong,

On March 13, 2014, the City/County Association of Governments of San Mateo County (C/CAG) Board of Directors adopted Resolution No. 14-08 authorizing the Executive Director to approve an additional \$350,000 for Construction Administration services for the Smart Corridors North and South Segments Project in San Mateo County.

All contract bid item work is substantially complete, with a few punch list items still remaining to be addressed within the next few weeks. The primary reason the project still remains open is due to several unforeseen extra work items that were added after March 2014. Due to the longer than anticipated duration of the Project and unforeseen issues and extra work performed that developed during construction, the cost for County construction management and inspection staff time charges will exceed the amount stipulated in said Resolution No. 14-08.

In addition to the extended Project construction duration, there were significant construction related extra work items, which were added to the referenced project at the request of C/CAG's Project Manager and Caltrans' representative, that have required additional County staff time and effort, beyond what the original construction documents and plans called for, namely:

- 1) Extra work, within the BART Millbrae train station, to install additional conduits, additional Fiber Optic wires, including installing and terminating Fiber Optic wires inside BART's Train Control Room. This extra work was originally part of Caltrans contract and was shifted to the County's Smart Corridors Project, at the request of Caltrans and per the authorization of C/CAG's Project Manager. The BART Station extra work was delayed for several months until BART's permit was secured by County staff. This extra work was finally completed in December 2014, after many field meetings, office and field work.
- 2) While up to 11 PG&E power supply permits were supposed to be obtained and in place in advance of commencing construction work at various locations within the Project's limits, only one PG&E power supply permit work was secured, in the City of Millbrae, while all the remaining PG&E permits have not been obtained and related work still has to be completed. Considerable amounts of County staff time was spent, both in field meetings and in the office, to address and help the various cities' staff in moving the PG&E permit application work forward. It remains the



Ms. Sandy Wong, C/CAG, Executive Director

**Re: San Mateo County Smart Corridors Project, North and South Segments – Additional Funds for Construction Management**

August 3, 2015

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responsibility of the various cities', such as the City of San Bruno, City of Burlingame, City of San Mateo, Town of Atherton, and Caltrans, to secure PG&E permits before the power supply field work can be completed.

- 3) Our Contractor, WBE Inc., completed the Project's contract bid items of work in December 2014 per the contract documents, in addition to work related to several plan revisions, issued by the Project's designers, requests submitted by Caltrans and authorized by C/CAG's Project Manager.

County staff remains involved in addressing other outstanding issues brought up by the Project stakeholders, which include Caltrans and various cities.

Some of the issues that are outstanding include:

- a) Trailblazer Signs (TBS) that were hit by passing traffic; County staff had to field verify TBS signs, and report back to C/CAG and Caltrans.
  - b) Checking on cabinets that remained open, and needed to be locked; as original construction documents did not call for installing locks on more than 33 MVDS cabinets, throughout the Project. Caltrans had requested that County staff check on all these cabinets and install a lock at each one which was not part of the original Project scope. C/CAG's Project Manager authorized this extra work, and County staff completed assignment.
  - c) The Project's construction documents did not call for a specific Caltrans Fiber Optics wire labeling procedure inside the traffic signal controller cabinets and inside sidewalks pull boxes. Caltrans had requested that County staff ensure that the Fiber Optic wires inside the controller cabinets be labeled. C/CAG's Project Manager authorized this extra work, and County staff completed worked with WBE Inc. to complete this assignment.
- 4) County staff performed additional work related to the wireless installations in the City of Burlingame, at the City's corporation yard and at the Anza Boulevard and Airport Boulevard intersection. The construction contract documents did not accurately specify the type and locations of the wireless antennas to be installed at the City's corporation yard antenna tower, and at said street intersection. Some of the wireless installation components submitted and approved by the Project's Designer were found not to transmit the correct radio broadband signal between the Anza Boulevard and Airport Boulevard intersection and the City's corporation yard antenna tower. In addition the designed location of the wireless antenna on the street light at said street intersection was problematic, as the radio wave transmission from the antenna and the wireless modem, would be blocked by the corner of the Double Tree Hotel Building, on Anza Boulevard. Design revisions to the construction contract documents resulted in additional County staff time spent to make sure the re-designed wireless installation functions as originally intended.
  - 5) Extra Fiber Optic wire installation work, at San Bruno Avenue, under the Caltrain overpass, was requested to be added to the County's Smart Corridors Project and authorized by C/CAG's Project Manager. Caltrain's contractor for the San Bruno



Ms. Sandy Wong, C/CAG, Executive Director

**Re: San Mateo County Smart Corridors Project, North and South Segments – Additional Funds for Construction Management**

August 3, 2015

Page 3

Avenue Caltrain overpass project did not install the fiber optic equipment under the San Bruno Avenue crossing under the Caltrain overpass. This resulted in WBE installing the fiber optic equipment and resulted in extra County staff time. This extra work was completed in December 2014.

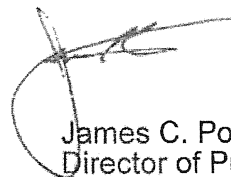
- 6) Our Contractor also had to complete the Fiber Optics installation and testing work on Willow Road at the VA Hospital entrance, in the City of Menlo Park. The traffic signal and street intersection work previously performed at this location had to be reinstalled and re-configured at this location due to damage by others to the previously installed Fiber Optic components. Subsequently, the City of Menlo Park approached the County to help with the re-installation of the damaged/relocated Fiber Optics components. After C/CAG's Project Manager authorized this extra work, County staff spent extra time and effort both in the field and in the office to make sure the new Fiber Optic components are re-installed at this location correctly and acceptable to C/CAG and Caltrans.

In order to close out the Project, process the Contractor's Final Progress Payment, an estimated \$53,630 in additional funds will be needed to fund the County's staff charges.

The aforementioned estimated additional funds needed do not include any time that may be needed to address post construction dispute resolution.

Please let me know if you have any questions or if you need additional information.

Very truly yours,



James C. Porter  
Director of Public Works

JCP:GT:ZA:sdd

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cc: Ann M. Stillman, Deputy Director, Engineering and Resource Protection  
Gil Tourel, Principal Civil Engineer, Engineering and Construction  
Zack Azzari, Senior Civil Engineer, Engineering and Construction

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**C/CAG AGENDA REPORT**

Date: August 13, 2015

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)

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**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.

The Legislative session was in recess from July 17, 2015 and will reconvene on August 17, 2015. On June 16, 2015 the Governor called for a special session to develop transportation funding plans. Bills considered for support by the C/CAG Legislative Committee are:

SBX1 1(Beall) Transportation Funding – This is very similar to SB 16 (Beall) which the C/CAG Board is in support of.

ABX1 7 (Nezarian) and SBX1 8 (Hill) Cap and Trade Increase for Rail and Transit – These bills would increase the amount of funding for two Cap and Trade programs dedicated to Transit.

Coalition Letter to Increase Funding for Transportation - "Fix Our Roads" comprised of local government, transportation advocacy groups, business and labor organizations to advocate for a legislative solution to provide sustainable funding for California's streets and roads. The League of California Cities has asked C/CAG to sign on as a member of the coalitions and send a letter in support the seven funding principles.

## ATTACHMENTS

1. August 2015 State Legislative Update from Shaw/ Yoder/ Antwih Inc.
2. Letters in support of SBX1 1(Beall), ABX1 7 (Nezarian) and SBX1 8 (Hill), and Special Session Coalition Letter
3. Full Legislative information is available for specific bills at <http://leginfo.legislature.ca.gov/>



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

**DATE:** July 28, 2015  
**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 – August 2015

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***Legislative Update***

July 17 marked the last day for policy committees to meet in the Legislature. Any bills that did not make it out of their respective policy committees will be held for the year. Additionally, the Legislature broke for Summer Recess on July 17 and will return for the final month of the Legislative Session on August 17. The Legislature will recess the first year of the two-year Legislative Session on September 11. We have flagged several bills for the C/CAG Board and discuss some of the more relevant bills under ***Bills of Interest***, below.

***C/CAG Meets with Secretary Kelly***

On July 23, C/CAG Executive Director Sandy Wong and Joe Hurley with the San Mateo County Transportation Authority met with California State Transportation Agency Secretary Brian Kelly, Undersecretary Brian Annis, and Caltrans District 4 Director Bijan Sartipi to discuss congestion relief on US 101 and the potential for HOV/HOT lanes in portions of the corridor in San Mateo County. The meeting provided C/CAG staff with an opportunity to bring Secretary Kelly up to speed on the recent C/CAG study and current planning efforts in the corridor.

***Transportation Special Session***

On June 16, Governor Brown called on the Legislature to convene a special legislative session to address the state's transportation infrastructure needs, and proposed that the Legislature "enact pay-as-you-go, permanent and sustainable funding to: adequately and responsibly maintain and repair the state's transportation and critical infrastructure; improve the state's key trade corridors; and complement local infrastructure efforts." The Governor further proposed that the Legislature enact legislation necessary to: "establish clear performance objectives measured by the percentage of pavement, bridges, and culverts in good conditions; and incorporate project development efficiencies to expedite project delivery or reduce project costs." The Legislature responded by convening Extraordinary Session 1 on June 19. Any significant legislative action related to transportation infrastructure funding is expected to take place in the special session.

The first informational hearings of the special legislative session, which are intended to inform the work of the special session, were held in the Senate Transportation and Infrastructure

Development Committee and Assembly Transportation and Infrastructure Development Committee on July 2 and July 6, respectfully. (These new committees were constituted in each House to mirror their regular session transportation committee counterparts; with a few different members in each new committee, as well.) The Senate hearing, entitled “California’s Transportation Funding Challenge,” focused exclusively on the needs of the state’s highways and local streets & roads, and featured testimony by the Administration, policy experts and transportation stakeholders. The Assembly hearing on “the Basics of Transportation Funding” similarly focused on the needs of state highways and local streets & roads, but featured significant discussion between Committee members and panelists about the funding needs of public transit.

Please see below under *Special Session Bills* for some of the more relevant bills introduced in the special session.

### ***Special Session Bills***

#### **ABX1 1 (Alejo)**

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 2015, to address issues of deferred maintenance on state highways and local streets and roads. 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; and repay outstanding transportation loans. As a result, transportation funding would increase by approximately \$3-\$3.5 billion per year. **We recommend the Board SUPPORT this bill as it is similar to SB 16 (Beall).**

#### **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. **We recommend the Board SUPPORT this bill.**

### ***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 194 (Frazier) Managed Lanes**

This bill would authorize a regional transportation agency to apply to the California Transportation Commission to operate a high-occupancy toll (HOT) lane. This bill further requires that a regional transportation agency “consult” with any local transportation authority (e.g. C/CAG) prior to applying for a HOT lane if any portion of the lane exists in the local

transportation authority's jurisdiction. This bill also specifically does not authorize the conversion of a mixed-flow lane into a HOT lane. **The Board is in SUPPORT of this bill.**

**AB 227 (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.**

**AB 378 (Mullin) US 101 Congestion Relief (2-year Bill)**

This bill is a placeholder for legislation that will eventually target congestion relief on US 101. The author began meeting with stakeholder groups, including C/CAG, to discuss solutions to the US 101. This will be an ongoing effort and the bill may not move until next year.

**AB 464 (Mullin) Local Sales Tax Limit Increase**

This bill would increase, from 2 percent to 3 percent, the statewide cap on sales tax at the local level. Currently, the statewide sales tax may not exceed 9.5 percent when combined with any local sales tax. This would increase the overall limit to 10.5 percent. **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 1098 (Bloom) Congestion Management Plans (2-year Bill)**

This bill would delete the level of service standards as an element of a congestion management planning and revise and recast the requirements for other elements of a congestion management program by requiring performance measures to include vehicle miles traveled, air emissions, and bicycle, transit, and pedestrian mode share.

**AB 1362 (Gordon) Constitutional Stormwater Definition (2-year Bill)**

The Constitution requires a majority vote of impacted property owners vote or a two-thirds vote of all voters living within a designated area in order to impose a property-related fee. Exempt from these provisions are fees for sewer, water, and refuse collection services. Fees for these services follow a protest procedure wherein if a majority of property owners write in protest of the new fee, it shall not be imposed. To interpret the Constitution, statute defines certain terms. This bill would add a definition of "stormwater" in anticipation of a Constitutional Amendment to add it to the fees subject to protest process as opposed to seeking voter approval.

**SB 16 (Beall) Transportation Funding**

This bill would increase several taxes and fees for the next five years, beginning in 2015, to address issues of deferred maintenance on state highways and local streets and roads. Specifically, this bill would increase both the gasoline and diesel excise taxes by 10 and 12 cents, respectively; increase the vehicle registration fee; increase the vehicle license fee; redirect truck weight fees; and repay outstanding transportation loans. As a result,

transportation funding would increase by approximately \$3-\$3.5 billion per year. **The Board is in SUPPORT of this bill.**

**SB 32 (Pavley) Extension of the California Global Warming Solutions Act of 2006 (AB 32)**

Under AB 32, ARB adopted a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990, to be achieved by 2020, and was authorized to adopt regulations to achieve the GHG reduction-target, including a market-based compliance mechanism (e.g. Cap and Trade). This bill would require ARB to approve a GHG limit equivalent to 80% below the 1990 level to be achieved by 2050 and would authorize the continued use of the regulatory process to ensure the target is met.

**SB 321 (Beall) Stabilization of Gasoline Excise Tax**

The gas tax swap replaced the state sales tax on gasoline with an excise tax that was set at a level to capture the revenue that would have been produced by the sales tax. The excise tax is required to be adjusted annually by the BOE to ensure the excise tax and what would be produced by the sales tax remains revenue neutral. This bill would, for purposes of adjusting the state excise tax on gasoline, require the BOE to use a five-year average of the sales tax when calculating the adjustment to the excise tax. **The Board is in SUPPORT of this bill.**



# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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August 13, 2015

The Honorable Jim Beall  
Chair, Senate Transportation and Infrastructure Development Committee  
State Capitol, Room 2209  
Sacramento, CA 95814

RE: **SUPPORT** for SBX1 1 (Beall)

Dear Senator Beall:

The City/County Association of Governments of San Mateo County (C/CAG), the Congestion Management Agency (CMA) for San Mateo County, is pleased to write to you today in **SUPPORT** of SBX1 1. This bill would phase in a multi-faceted transportation funding package, resulting in an approximately \$4.5 billion annual increase in transportation funding.

San Mateo County faces significant funding shortfalls to maintain our local streets & roads and improve the state highway system in our county. To fully address our local street and road funding shortfall, San Mateo County would need almost \$1.6 billion over the next 10 years. This bill, through a combination of fuel tax, vehicle registration fee, and vehicle license fee increases, would provide billions of dollars over that same timeframe to cities and counties. Of the new revenue generated, 47.5 percent would be distributed to cities and counties, resulting in an estimated \$35-\$40 million annually in new funding flowing to San Mateo County for transportation projects. Similarly, this bill would provide approximately \$2 billion annually for projects on the state highway system, which faces similar funding shortfalls in our county.

We **SUPPORT** SBX1 1 and appreciate your efforts to provide both state and local agencies the additional resources necessary to address our transportation infrastructure needs. Please feel free to contact Sandy Wong, the C/CAG Executive Director, at [slwong@smcgov.org](mailto:slwong@smcgov.org) with any questions or concerns.

Sincerely,

Mary Ann Nihart, 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

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# C/CAG

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August 13, 2015

Assembly Member Jim Frazier  
Chair, Assembly Transportation and Infrastructure Development Committee  
1020 N Street, Room 112  
Sacramento, CA 95814

RE: **SUPPORT** for ABX1 7 (Nazarian)

Dear Senator Beall:

The City/County Association of Governments of San Mateo County (C/CAG), the Congestion Management Agency (CMA) for San Mateo County, is pleased to write to you today in **SUPPORT** of ABX1 7. This bill would provide additional dedicated Cap and Trade funding for mass transportation projects in our region.

As you are aware, mass transportation in the Bay Area is critical to our region's mobility and plays an important role in congestion relief and air quality improvement. This bill would provide an additional 15 percent of Cap and Trade revenues to the existing programs that fund mass transportation – the Transit and Intercity Rail Capital Program and the Low-Carbon Transportation Program – dedicating a total of 30 percent of all Cap and Trade revenues. Mass transportation, specifically improved Caltrain, SamTrans, and BART service, is necessary to improve congestion on US 101 in San Mateo County, as well as meet our regional air quality goals and provide transportation options for our growing businesses.

For these reasons we ask that you **SUPPORT** ABX1 7 and the need to provide resources for our entire transportation infrastructure needs. Please feel free to contact Sandy Wong, the C/CAG Executive Director, at [slwong@smcgov.org](mailto:slwong@smcgov.org) with any questions or concerns.

Sincerely,

Mary Ann Nihart, Chair  
City/County Association of Governments of San Mateo County

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

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# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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August 13, 2015

The Honorable Jim Beall  
Chair, Senate Transportation and Infrastructure Development Committee  
State Capitol, Room 2209  
Sacramento, CA 95814

RE: **SUPPORT** for SBX1 8 (Hill)

Dear Senator Beall:

The City/County Association of Governments of San Mateo County (C/CAG), the Congestion Management Agency (CMA) for San Mateo County, is pleased to write to you today in **SUPPORT** of SBX1 8. This bill would provide additional dedicated Cap and Trade funding for mass transportation projects in our region.

As you are aware, mass transportation in the Bay Area is critical to our region's mobility and plays an important role in congestion relief and air quality improvement. This bill would provide an additional 15 percent of Cap and Trade revenues to the existing programs that fund mass transportation – the Transit and Intercity Rail Capital Program and the Low-Carbon Transportation Program – dedicating a total of 30 percent of all Cap and Trade revenues. Mass transportation, specifically improved Caltrain, SamTrans, and BART service, is necessary to improve congestion on US 101 in San Mateo County, as well as meet our regional air quality goals and provide transportation options for our growing businesses.

For these reasons we ask that you **SUPPORT** SBX1 8 and the need to provide resources for our entire transportation infrastructure needs. Please feel free to contact Sandy Wong, the C/CAG Executive Director, at [slwong@smcgov.org](mailto:slwong@smcgov.org) with any questions or concerns.

Sincerely,

Mary Ann Nihart, Chair  
City/County Association of Governments of San Mateo County

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

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# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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August 13, 2015

Governor Jerry Brown  
Senate President pro Tempore Kevin de León  
Assembly Speaker Toni G. Atkins  
Senate Minority Leader Bob Huff  
Assembly Minority Leader Kristin Olsen

### **Re: Coalition Framework to Increase Funding for Transportation in Special Session**

Dear Governor Brown and California Legislative Leaders:

Our organization representing local governments and transportation interest in San Mateo County believes it is imperative that a legislative solution be reached during the special session that results in a robust and meaningful dent in California's transportation funding shortfall. It is a critical issue that cannot wait to be addressed. Our roads continue to deteriorate as inadequate funding to deal with deficiencies creates safety hazards, costs motorists money and leaves Californians stuck in gridlock.

A broad coalition comprised of local governments, transportation advocacy groups, business and labor organizations has come together in support of the following priorities and funding sources, which we believe should be the basis for legislation addressing this critical issue for California. We urge you to support these priorities as you debate policies and funding sources for California's streets and roads.

#### **1. Make a significant investment in transportation infrastructure.**

If we are to make a meaningful dent that demonstrates tangible benefits to taxpayers and drivers, any package should seek to raise at least \$6 billion annually and should remain in place for at least 10 years or until an alternative method of funding our transportation system is agreed upon.

#### **2. Focus on maintaining and rehabilitating the current system.**

Repairing California's streets and highways involves much more than fixing potholes. It requires major road pavement overlays, fixing unsafe bridges, providing safe access for bicyclists and pedestrians, replacing storm water culverts, as well as operational improvements that necessitate, among other things, the construction of auxiliary lanes to relieve traffic congestion choke points and fixing design deficiencies that have created unsafe merging and other traffic hazards.

Efforts to supply funding for transit in addition to funding for roads should also focus on fixing the system first.

**3. Invest a portion of diesel tax and/or cap & trade revenue to high-priority goods movement projects.**

While the focus of a transportation funding package should be on maintaining and rehabilitating the existing system, California has a critical need to upgrade the goods movement infrastructure that is essential to our economic well-being. Establishing a framework to make appropriate investments in major goods movement arteries can lay the groundwork for greater investments in the future that will also improve air quality and reduce greenhouse gas emissions.

**4. Raise revenues across a broad range of options.**

Research by the California Alliance for Jobs and Transportation California shows that voters strongly support increased funding for transportation improvements. They are much more open to a package that spreads potential tax or fee increases across a broad range of options rather than just one source. Additionally, any package should move California toward an all-users pay structure in which everyone who benefits from the system contributes to maintaining it - from traditional gasoline-fueled vehicles, to hybrids, alternative fuel and or electric vehicles, to commercial vehicles. Our coalition supports:

- Reasonable increases in:
  - Gasoline and diesel excise taxes.
  - Vehicle registration and vehicle license fees.
- Dedicating a portion of the cap and trade revenue paid by motorists at the pump to transportation projects that reduce greenhouse emissions.
- Ensuring existing transportation revenues are invested in transportation-related purposes (i.e. truck weight fees and fuel taxes for off-road vehicles that are currently being diverted into the general fund).
- User charge for electric and other non-fossil fuel powered vehicles that currently do not contribute to road upkeep.

**5. Equal split between state and local projects.**

We support sharing revenue for roadway maintenance equally (50/50) between the state and cities and counties. Funding to local governments should be provided directly (no intermediaries) to accelerate projects and ensure maximum accountability.

**6. Strong accountability requirements to protect the taxpayers' investment.**

Voters and taxpayers must be assured that all transportation revenues are spent responsibly. Authorizing legislation should:

- Constitutionally protect transportation revenues for transportation infrastructure only. Time and again (Prop 42, 2002; Prop 1A, 2006; Prop 22, 2010), voters have overwhelmingly supported dedicating and constitutionally protecting transportation dollars for those purposes. We strongly support protections that prohibit using transportation dollars for other purposes.
- Repay existing transportation loans and end ongoing diversions of transportation revenues, including approximately \$850 million in loans to the general fund and the annual loss of approximately \$140 million in off-highway vehicle fuel taxes.



- Establish performance and accountability criteria to ensure efficient and effective use of all funding. All tax dollars should be spent properly, and recipients of new revenues should be held accountable to the taxpayers, whether at the state or local level. Counties and cities should adopt project lists at public hearings and report annually to the State Controller's Office regarding all transportation revenues and expenditures. Local governments should also commit to ensuring any new revenues supplement revenues currently invested in transportation projects. Both Caltrans and local governments can demonstrate and publicize the benefits associated with new transportation investments.
- Caltrans reform and oversight. To increase Caltrans effectiveness, provide stronger oversight by the state transportation commission of the programs funded by new revenues and establish an Inspector General office to provide accountability. Reduce Caltrans administrative budgets through efficiency reviews with all savings to be spent on road improvements.
- Expedite project delivery. More should be done to streamline project delivery, including but not limited to:
  - Establishing timelines for actions required by state agencies and eliminating other permit delays.
  - Increased implementation of alternative delivery systems that encourage more investment from the private sector.
  - Reforms to speed project completion.

**7. Provide Consistent Annual Funding Levels.**

Under current statute, the annual gas tax adjustment by the Board of Equalization is creating extreme fluctuations in funding levels -- a \$900 million drop in this budget year alone. A transportation funding package should contain legislation that will create more consistent revenue projections and allow Caltrans and transportation agencies the certainty they need for longer term planning. While this change would not provide any new revenue to transportation, it would provide greater certainty for planning and project delivery purposes.

We believe these priorities represent a solution to begin to address our transportation funding shortfalls, resulting in real projects at both the state and local level. We look forward to working with you over the coming weeks as a transportation package is finalized.

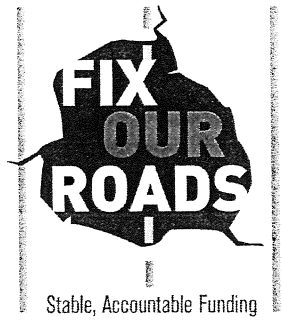
Sincerely,

Mary Ann Nihart, Chair  
 City/County Association of Governments of San Mateo County

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

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# I Support the Fix Our Roads Coalition Principles for New Transportation Funding in the Legislative Special Session



Yes, I/my organization support(s) efforts to secure new sources of stable, accountable funding to fix California’s highways and road infrastructure. I/we sign-on to join the “Fix our Roads” coalition and in support of the following principles that should guide the legislative special session on transportation.

1. **Make a significant investment in transportation infrastructure.**
2. **Focus on maintaining and rehabilitating the current system.**
3. **Invest a portion of diesel tax and/or cap & trade revenue to high-priority goods movement projects.**
4. **Raise revenues across a broad range of options.**
5. **Equal split between state and local projects.**
6. **Strong accountability requirements to protect the taxpayers’ investment.**
7. **Provide consistent annual funding levels.**

Please select a category:  Organization     Company     Elected official

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

Company or Organization Name

Mary Ann Nihart	C/CAG Chair
Name	Title/Occupation

Attn: Sandy Wong	555 County Center, 5 <sup>th</sup> Floor
Street address	

Redwood City	CA	94063	San Mateo
City	State	Zip	County

(650)599-1409 – Sandy Wong	N/A
Phone number	Fax number

slwong@smcgov.org (Executive Director)
E-mail Address

Signature (Required)	Date
----------------------	------

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**C/CAG AGENDA REPORT**

Date: August 13, 2015

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of an appointment to the Congestion Management & Environmental Quality Committee to fill the seat representing agencies with transportation interests.

(For further information or response to questions, contact Jeff Lacap at 650-599-1455)

---

**RECOMMENDATION**

That the Board review and approve an appointment to the Congestion Management & Environmental Quality Committee to fill the seat representing agencies with transportation interests.

**FISCAL IMPACT**

None.

**SOURCE OF FUNDS**

N/A

**BACKGROUND**

A long-standing CMEQ committee member, Onnolee Trapp, has expressed her interest in retirement. Ms. Trapp filled the seat on CMEQ committee representing agencies with transportation interests.

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

A recruitment letter for the vacant seat was sent to interested parties in San Mateo County on July 10, 2015 with a due date of August 3, 2015. Two individuals submitted letters of interest by the recruitment deadline:

- Jacqueline Jacobberger (League of Women Voters of North San Mateo County)
- Adina Levin (Caltrain Citizens' Advisory Committee, Friends of Caltrain)

**ATTACHMENTS**

1. CMEQ Committee Roster
2. Letter of Interest from Ms. Jacobberger
3. Endorsement Letter for Ms. Jacobberger from Ms. Trapp
4. Letter of Interest from Ms. Levin

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## CMEQ Roster – August 2015

Chair - Richard Garbarino  
 Vice Chair - Mike O’Neill  
 Staff Support: Jeff Lacap ([jlacap@smcgov.org](mailto:jlacap@smcgov.org))  
 (650) 599-1455

Name	Representing
Alicia Aguirre	Metropolitan Transportation Commission (MTC)
Barbara Pierce	City of Redwood City
Charles Stone	City of Belmont
Elizabeth Lewis	City of Atherton
Irene O’Connell	City of San Bruno
Jim Bigelow	Business Community
John Keener	City of Pacifica
Lennie Roberts	Environmental Community
Mike O’Neill	City of Pacifica
Onnolee Trapp	Agencies with Transportation Interests
Rich Garbarino	City of South San Francisco
Rick Bonilla	City of San Mateo
Steve Dworetzky	Public Member
Wayne Lee	City of Millbrae
Vacant	San Mateo County Transit District (SamTrans)
Vacant	Peninsula Corridor Joint Powers Board (Caltrain)

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July 28, 2015

Sandy Wong, C/CAG Executive Director  
City/County Association of Governments  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94063

Re: Vacancy on the Congestion Management and Environmental Quality Committee (CMEQ)

Dear Ms. Wong:

This letter is to express my interest in appointment to the CMEQ committee seat representing Agencies with Transportation Interests.

I have been a resident of South San Francisco since 1965 and joined the League of Women Voters of North San Mateo County when it was formed in 1966. During that time, I participated in the League's studies of transportation and environmental issues at the county, regional, state and national levels of government. These studies have led to action on the issues where appropriate.

My local League experience includes service in various roles on the boards of the LWV North San Mateo County and the LWV North & Central San Mateo County, following the merger of the two Leagues in 2006. This includes:

President, LWV North San Mateo County, 1973-1975; 1994-1999.

President, LWV North & Central San Mateo County, 2009-2013.

Participation in League studies in San Mateo County included Transportation (1972, 1985); Land Use Policies and Procedures (1973) and I served as a member of the League committee that evaluated the Environmental Impact Report for the extension of BART to San Francisco Airport. It was especially gratifying that League positions allowed us to support and work actively for passage of the original Measure A in 1988 and its extension in 2004.

Participation in relevant LWV California (LWVC) studies included Air Quality, Land Use, Transportation, and State and Local Finances. In 1999, I served on the LWVC committee that developed our Growth Management Action Policy to guide League action at the state, regional and local levels.

During my tenure as president of the LWV California, 2003-2007, we guided the updates of our Energy and Education positions. Lobbying for various governmental reforms provided valuable experience in working with state officials and members of other organizations. I was pleased to be a member of the Commonwealth Club's Voices of Reform project which brought together a

coalition of groups to evaluate various governmental reform proposals. Reform in government financing was a particular concern during that time.

I graduated from Notre Dame de Namur University (College of Notre Dame, Belmont) with a major in chemistry. My employment included: Chemist, Clorox Company; Biology Storekeeper at Skyline College; and Instructional Support Technician in Microbiology at San Francisco State University. Working in these positions, especially in the educational institutions, required the ability to organize, compromise, and to listen to the needs of both faculty and students. I was also responsible for preparing the budgets for my operations.

Other community service included active participation in the Parent-Teacher-Association and high school parent associations.

I believe that my League and other involvement in our local community has provided the background to understand the relevant issues as well as the ability to listen to diverse views and to work with members of the community and officials at all levels of government.

Thank you for consideration of my application.

Sincerely,

Jacqueline Jacobberger  
2231 Delvin Way  
South San Francisco, CA 94080  
650-871-6357  
jhjacobberger@att.net

July 29, 2015

Sandy Wong, C/CAG Executive Director  
City/County Association of Governments  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94063

Re: Vacancy on the Congestion Management and Environmental Quality (CMEQ) Committee

I have served on the C/CAG Congestion Management and Environmental Quality (CMEQ) Committee for many years, representing Agencies with Transportation Interests. I am very familiar with the many and diverse issues that CMEQ has dealt with over the years, and very much aware of the importance of the discussions held by that committee, resulting in recommendations sent to the C/CAG Board.

I endorse the appointment of Jacqueline Jacobberger to the position that I am vacating. I have known Jackie for more than 30 years and know that she has the experience and knowledge that would be an asset to the CMEQ Committee. She has been a leader in her community and has held positions of responsibility in the League of Women Voters at the local, regional, and state level. She has served as President of the League of Women Voters of California, a position that has required extensive outreach to public officials and thorough understanding of the potential impacts of legislation as it would apply to governments at all levels. She understands allocation of funding as it would affect local agencies.

Jackie is very much aware of the nexus of transportation, land use, and housing and the associated issues of congestion management, air quality, and energy. I am confident that she will bring energy and insights to the CMEQ Committee and will make valuable contributions to its discussions.

Onnolee Trapp  
Retiring member of the CMEQ Committee

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August 3, 2015

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

Dear Ms. Wong,

I am writing to apply for the open CMEQ position, in the Transportation category. I am interested in serving on this body because it makes policy recommendations to the C/CAG board on important topics relating to sustainable transportation, including transportation services, mode shift programs, and transportation/land use coordination.

I currently serve as a member of the Caltrain Citizens' Advisory Committee, which receives regular information updates and provides advice to the Peninsula Corridor Joint Powers Board on topics relating to Caltrain modernization, operations, finances, service offerings, and more. One of the roles played by CAC members is to provide outreach and connection to communities of Caltrain riders.

I also serve as director of Friend of Caltrain, a 501c3 nonprofit organization with over 5,000 participants on the Peninsula corridor from San Francisco through San Jose, with over 1,000 in San Mateo County. The mission of the organization is to support a modernized well-integrated multi-modal transit system with stable funding, with transit-supportive land uses and other transit-supportive policies. To this end, we engage transit riders to participate constructively in decisions relating to transit funding, modernization, and policies such as transit-oriented development and transportation demand management.

Examples of information provided by Friends of Caltrain include these blog posts covering Caltrain's operating finances under electrification, and this article about the emerging role of microtransit services for first and last mile Caltrain connections, and transportation demand management in the City of An Mateo

<http://www.greencaltrain.com/2015/06/caltrain-previews-electric-service-business-plan/>

<http://www.greencaltrain.com/2015/07/lyft-plays-a-growing-role-in-caltrain-connections-firstlast-mile-connections-are-barriers-for-many/>

<http://peninsulatransportation.org/a-gradually-emerging-birds-eye-view-of-san-mateo-rail-corridor-transportation/>

I am a resident of San Mateo County living in Menlo Park, where I serve on the Transportation Commission, and on the General Plan Advisory Committee representing the Transportation Commission.

Thank you for considering this application.

Sincerely,

Adina Levin  
Menlo Park, CA  
650-646-4344

## **C/CAG AGENDA REPORT**

**DATE:** August 13, 2015  
**TO:** C/CAG Board of Directors  
**FROM:** Sandy Wong, Executive Director  
**SUBJECT:** Introduction, presentation and public hearing on the Draft Final Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport

(For further information or questions contact Tom Madalena at 599-1460)

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### **RECOMMENDATION**

That the C/CAG Board receive a presentation and hold a public hearing on the Draft Final Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport.

### **FISCAL IMPACT**

Funding for the preparation of the ALUCP for the Environs of San Carlos Airport has been included in the adopted C/CAG Budget.

### **BACKGROUND**

The purpose of an airport land use compatibility plan (ALUCP) is to protect the public from the adverse effects of airport noise, ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and ensure that no structures or activities encroach upon or adversely affect the navigable airspace in the vicinity of the airport. Through appropriate policy implementation, the overall goal is to protect the public investment in the airport as a safe and viable element of the national air transportation system. Airport compatible land uses are generally defined as follows:

“Airport-compatible land uses are those uses that can coexist with a nearby airport without either constraining the safe and efficient operation of the airport or exposing people living or working nearby to unacceptable levels of noise or hazards. Compatibility concerns include any impact that adversely affects the livability of surrounding communities, as well as any community characteristic that can adversely affect the viability of an airport.”(source: American Planning Association Planning Advisory Service Report No. 562, *Planners and Planes: Airports and Land-Use Compatibility* November 2010.

### **DISCUSSION**

The electronic copy of the Draft Final ALUCP for the Environs of San Carlos Airport is available for download at <http://ccag.ca.gov/committees/airport-land-use-committee/> or <http://www.alucp-sancarlosairport.com/>.

A presentation on the Draft Final Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport will be presented by the project consultant, ESA Airports.

The ALUCP promotes airport compatible land use planning within a defined airport influence area (AIA) via policy implementation to address aircraft noise impacts, runway end safety criteria (i.e. density and intensity of land uses), and height of structures/airspace protection. The size, character, and design of the airport influences the scope and applicability of the airport land use compatibility criteria.

The Draft Final ALUCP for the Environs of San Carlos Airport was prepared with reference to and is consistent with the guidance provided by the Caltrans Division of Aeronautics in the 2011 version of the *California Airport Land Use Planning Handbook* per PUC Sections 21674.5 and 21674.7 and other relevant state and federal statutes and regulations. The document consists of four chapters and several appendices. Chapter One includes an overview and outlines the ALUCP purpose and scope. The remaining three chapters provide the following information: all applicable land use policies and plans in the San Carlos airport environs, baseline information about San Carlos Airport, including an overview of the airport and its operations, and policies and criteria to address aircraft noise, runway end safety zones, and height of structures/airspace protection. Several appendices are included in the draft document to supplement the analysis presented in the ALUCP and provide implementation materials for use by C/CAG staff and local planning agencies to achieve the land use compatibility goals of the ALUCP.

State law requires an airport land use commission to base an ALUCP on an airport master plan or the most current FAA-approved Airport Layout Plan (ALP) for the subject airport. The Draft Final ALUCP is based on the most recent (2010) ALP for San Carlos Airport that was prepared for the County of San Mateo Department of Public Works Airport Division.

The ALUC has received two prior presentations on the ALUCP for the Environs for San Carlos Airport. One presentation was on the white paper (July 31, 2014) and the second presentation was on the Preliminary Draft (November 20, 2014). A public workshop was held on December 9, 2014 at the San Carlos Library. The announcement for the workshop was posted on the C/CAG website and was emailed out to interested parties, Project Advisory Team (PAT) Members, Public Works Directors, Planning Directors and Elected Officials on the C/CAG Board. A reminder for the public workshop was also sent to key staff, ALUC, Planning Directors, City Managers and Elected Officials at the City of Redwood City, City of Belmont, City of San Carlos, Town of Atherton and County of San Mateo. The Public Workshop had 27 members of the public attend and staff did not receive any written comments at the meeting. Staff received two comments through the project website and one comment via email before the public workshop. The Preliminary Draft ALUCP has been reviewed by the ALUC, PAT and C/CAG staff.

ESA Airports has now prepared the Draft Final ALUCP and has incorporated revisions where appropriate based on the comments received. A Project Advisory Team meeting was held on Tuesday June 2, 2015 and PAT members have the opportunity to provide additional comments on the Draft Final ALUCP until June 30, 2015. The Draft Final ALUCP is now posted to the project website and will also be made available for public comments along with the associated environmental review documents (Initial Study, Negative Declaration). The final ALUCP will include an appendix that will contain the comments as well as the responses to those comments.

A legal notice was placed in the San Mateo County Times and announced the availability of the document for public review and comment and provides for a 30 day review period from August 17th-September 15, 2015. The documents will be posted to the C/CAG website, the project website and will be available in hard copy at the C/CAG office and at the public libraries in Redwood City, San Carlos, Belmont and Foster City.



The August 13<sup>th</sup> Board of Directors meeting is being advertised as a Public Hearing to allow for public comment. The Airport Land Use Committee received a presentation on the Draft Final ALUCP at the June 25<sup>th</sup> ALUC meeting and a public hearing was held at that meeting as well to provide multiple opportunities for the public to hear about and provide comments on the Draft Final ALUCP for the Environs of San Carlos Airport.

After the final comments are received by the September 15<sup>th</sup> deadline, revisions will be made where appropriate. At its September 24, 2015 meeting the ALUC is scheduled to recommend that the C/CAG Board of Directors review and approve the Final ALUCP, Initial Study and Negative Declaration for the Airport Land Use Compatibility Plan for the Environs of San Carlos Airport.

Final adoption of the ALUCP by the C/CAG Board of Directors is scheduled to occur at the October 8<sup>th</sup> Board meeting.

### **ATTACHMENTS**

- Draft Final ALUCP for the Environs of San Carlos Airport is available for download (<http://ccag.ca.gov/committees/airport-land-use-committee/> or <http://www.alucp-sancarlosairport.com/>)

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## **C/CAG AGENDA REPORT**

**DATE:** August 13, 2015

**TO:** C/CAG Board of Directors

**FROM:** Sandy Wong, Executive Director

**SUBJECT:** Introduction, presentation and public hearing on the proposed Negative Declaration and Initial Study for the Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport

(For further information or questions contact Tom Madalena at 599-1460)

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### **RECOMMENDATION**

That the C/CAG Board receive a presentation and hold a public hearing on the proposed Negative Declaration and Initial Study for the Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport.

### **FISCAL IMPACT**

Funding for the preparation of the proposed Negative Declaration and Initial Study for the ALUCP for the Environs of San Carlos Airport has been included in the adopted C/CAG Budget.

### **BACKGROUND**

The purpose of an airport land use compatibility plan (ALUCP) is to protect the public from the adverse effects of airport noise, ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and ensure that no structures or activities encroach upon or adversely affect the navigable airspace in the vicinity of the airport. Through appropriate policy implementation, the overall goal is to protect the public investment in the airport as a safe and viable element of the national air transportation system. Airport compatible land uses are generally defined as follows:

“Airport-compatible land uses are those uses that can coexist with a nearby airport without either constraining the safe and efficient operation of the airport or exposing people living or working nearby to unacceptable levels of noise or hazards. Compatibility concerns include any impact that adversely affects the livability of surrounding communities, as well as any community characteristic that can adversely affect the viability of an airport.”(source: American Planning Association Planning Advisory Service Report No. 562, *Planners and Planes: Airports and Land-Use Compatibility* November 2010.

### **DISCUSSION**

The C/CAG Board is the Lead Agency for the preparation of the environmental documents related to the Airport Land Use Compatibility Plan (ALUCP) for the Environs of San Carlos Airport. The environmental review process includes the preparation of an Initial Study (IS) to determine the appropriate level of environmental review (i.e. a negative declaration (ND) or a draft environmental impacts report (DEIR)) related to a proposed action (plan or project).

An Initial Study (IS) is a preliminary analysis prepared to determine if the project will have a significant effect(s) on the environment. It also contains information that supports a conclusion that the project will not have a significant effect(s) on the environment or that the potential impacts can be mitigated to a “less than significant” or “no impact” level. If there is no substantial evidence that the project may have a significant effect(s) on the environment, the Lead Agency shall prepare a proposed Negative Declaration (ND).

An Initial Study (IS) was prepared for this ALUCP. The IS document contains an Environmental Checklist for assessing potential environmental impacts of the proposed project (plan). A brief explanation is provided for all responses contained in the Checklist, including supportive documentation for those responses identified as “No Impact or “Less than Significant Impact.” As a result of a 2007 California Supreme Court decision (*Muzzy Ranch Co.*) the IS document also includes a displacement analysis to analyze the potential for future development within the Airport Influence Area (AIA) boundary to move elsewhere based on implementation of the ALUCP land use compatibility policies. The Development Displacement Analysis Technical Report determined that implementation of the ALUCP update is not expected to result in displacement of future residential development. For non-residential development there is the potential to displace 447,891 square feet of commercial land uses inside of Safety Zone 2 as a result of the implementation of the updated ALUCP for the Environs of San Carlos Airport. However, there is adequate land available within the AIA outside of Safety Zone 2 to accommodate any uses displaced from within Safety Zone 2. The ultimate authority for implementation of the ALUCP rests with local governments as the local land use permitting authorities. Potential displacement effects could change depending on specific implementation actions taken by local governmental agencies. Based on analysis undertaken to fill out the Initial Study Checklist, the proposed ALUCP update is not expected to result in any potentially significant environmental impacts and no mitigation is necessary.

A Negative Declaration (ND) is a document prepared by the Lead Agency pursuant to the analysis in the Initial Study that states the proposed action will not have a significant effect(s) on the environment. A proposed Negative Declaration was prepared for the ALUCP for the Environs of San Carlos Airport as a result of the analysis in the Initial Study.

The proposed Negative Declaration and Initial Study for the ALUCP for the Environs of San Carlos Airport (state-mandated countywide plan) are being made available for public comment. Hard copies of the document will be available at the C/CAG office, the libraries of the cities of San Carlos, Redwood City, Belmont and Foster City. The proposed Negative Declaration and Initial Study document will also be made available through the C/CAG website ([www.ccag.ca.gov/](http://www.ccag.ca.gov/)) as well as the project website (<http://www.alucp-sancarlosairport.com/>). Staff published a legal notice on the availability of the document in the San Mateo County Times. The legal notice announced the availability of the documents for public review and comment and provides for a 30 day review period from August 17-September 15, 2015.

Two public hearings will be held to provide the public multiple opportunities to comment on the Initial Study and Proposed Negative Declaration. The first was held at the June 25<sup>th</sup> ALUC meeting and the second will be held at the August 13, 2015 C/CAG Board of Directors meeting.

The final adoption of the ALUCP and associated Initial Study/Negative Declaration is scheduled for October 8, 2015.

## ATTACHMENTS

- Draft Initial Study for San Carlos Airport ALUCP available for download (<http://ccag.ca.gov/committees/airport-land-use-committee/> or <http://www.alucp-sancarlosairport.com/>)
- Proposed Negative Declaration Airport Land Use Compatibility Plan for the Environs of San Carlos Airport
- Notice of Intent to adopt a Negative Declaration

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# PROPOSED NEGATIVE DECLARATION

## AIRPORT LAND USE COMPATIBILITY PLAN FOR THE ENVIRONS OF SAN CARLOS AIRPORT

**Project Name:** Airport Land Use Compatibility Plan for the Environs of San Carlos Airport (ALUCP or proposed project).

**Lead Agency/Project Proponent:** The City /County Association of Governments of San Mateo County (C/CAG), acting in its capacity as the Airport Land Use Commission for San Mateo County.

**Brief Project Description:** The basic function of the ALUCP is to promote compatibility between San Carlos Airport (Airport) and the land uses that surround the Airport. As such, the ALUCP includes specified limitations and conditions on the future development of new residential, commercial and other noise and risk-sensitive land uses surrounding the Airport. The ALUCP provides land use compatibility policies and criteria for the area surrounding the Airport, and includes components describing the Airport, existing and planned land use patterns in the Airport environs, compatibility zone maps, compatibility policies and criteria, and procedural policies.

**Project Location:** The ALUCP establishes policies applicable to the development of future land use in the area surrounding the Airport, which is located in San Mateo County. The ALUCP establishes a two-part Airport Influence Area (AIA). AIA Area A covers the southeastern portion of San Mateo County, between Menlo Park and Hillsborough. AIA Area B, the project referral area, includes portions of the Cities of Belmont, Foster City, Redwood City, San Carlos, and San Mateo, and parts of unincorporated San Mateo County. Within Area B, agencies would be required to submit proposed general plan amendments, specific plans, and zoning ordinances and amendments to C/CAG, in its role as the Airport Land Use Commission, for determinations of consistency with the ALUCP.

AIA Areas A, which depicts the Airport's location within a regional context, is shown on **Exhibit 3-1**, on page 3-3 of the Initial Study. AIA Area B, the project referral area, is also depicted on Exhibit 3-1.

**Initial Study:** An Initial Study of the ALUCP was prepared in accordance with the California Environmental Quality Act (CEQA)<sup>1</sup> and its implementing guidelines<sup>2</sup> to ascertain whether implementation of the ALUCP might have a significant effect on the environment. A copy of the Initial Study is attached to this proposed Negative Declaration and is incorporated by reference.

<sup>1</sup> California Public Resources Code §21000 et seq.

<sup>2</sup> 14 Cal. Code Regs. §15000, et seq.

**Finding:** C/CAG finds, on the basis of the whole record before it (including the Initial Study, and any comments received and responses thereto), that there is no substantial evidence that the ALUCP for the Airport may have a significant effect on the environment and that this Negative Declaration reflects the ALUC's independent judgment and analysis.

**Date:** October 8, 2015

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Sandy Wong  
Executive Director  
City/County Association of Governments of San Mateo County



**CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY**

**NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION FOR AND PUBLIC COMMENT NOTICE ON A  
PROPOSED UPDATE OF THE AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)  
FOR THE ENVIRONS OF SAN CARLOS AIRPORT**

**Lead Agency:** The City/County Association of Governments of San Mateo County (C/CAG), acting in its capacity as the Airport Land Use Commission for the County of San Mateo, intends to adopt a Negative Declaration, prepared pursuant to the California Environmental Quality Act (CEQA), for the proposed Airport Land Use Compatibility Plan for the Environs of San Carlos Airport (the ALUCP or proposed project).

**Project Description and Location:** The proposed ALUCP is a state mandated plan to promote compatibility between San Carlos Airport (Airport) and future land uses and development in the Airport environs. The ALUCP includes land use compatibility policies and criteria to address aircraft noise impacts, runway end safety zones, and height of structures/airspace protection. The content of the ALUCP is guided by relevant provisions in the California Airport Land Use Planning Handbook and other state and federal regulations and criteria.

The geographic scope of the ALUCP update includes a proposed Airport Influence Area (AIA). The Airport Influence Area defines a boundary for airport land use compatibility policy implementation. The boundary includes portions of unincorporated San Mateo County, and the cities of San Carlos, Belmont, Foster City, Redwood City, and San Mateo. Within the Airport Influence Area, local land use agencies would be required to submit proposed general plan amendments, specific plans, and zoning ordinances and amendments to C/CAG, in its role as the Airport Land Use Commission, for determinations of consistency with the ALUCP. The AIA boundary will be established by the C/CAG Board after hearing and consultation with the involved agencies, consistent with the requirements of Section 21675(c) of the California Public Utilities Code.

**Public Review and Comment Period:** The Initial Study and Negative Declaration is available for public review and comment for a 30-day period, beginning on Monday, August 17, 2015, and ending on Tuesday, September 15, 2015. Written comments must be received by mail or email no later than 5:00 p.m. on Tuesday, September 15, 2015. Please direct all comments to:

Tom Madalena  
City/County Association of Governments of San Mateo County  
555 County Center, 5<sup>th</sup> Floor  
Redwood City, CA 94063  
Email: [tmadalena@smcgov.org](mailto:tmadalena@smcgov.org)

**Document Availability:** Copies of the Initial Study, Negative Declaration, and the Draft Final Airport Land Use Compatibility Plan will be available during normal business hours (8:30 a.m. to 5:00 p.m., Monday -Friday) at C/CAG's offices located on the 4<sup>th</sup> Floor of the County office building at 555 County Center, Redwood City, CA 94063). These documents will also be available online at: [www.ccag.ca.gov](http://www.ccag.ca.gov) or <http://www.alucp-sancarlosairport.com/>. Hard copies are also available for review at the following locations:

Redwood City Library  
1044 Middlefield Road  
Redwood City, CA 94063

San Carlos Library  
610 Elm Street  
San Carlos, CA 94070

Belmont Library  
1110 Alameda de las Pulgas  
Belmont, CA 94002

Foster City Library  
1000 E. Hillsdale Blvd.  
Foster City, CA 94404

**Public Hearings:**

The C/CAG Airport Land Use Committee (ALUC) will hold a public hearing on the proposed Initial Study, Negative Declaration, and Draft Final ALUCP on June 25, 2015, 4:00 p.m., at the following location:

Burlingame City Hall  
501 Primrose Road, Council Chambers  
Burlingame, CA 94010

The C/CAG Board will hold a public hearing on the proposed Initial Study, Negative Declaration, and Draft Final ALUCP on August 13, 2015, 6:30 p.m., at the following location:

San Mateo County Transit District Office  
1250 San Carlos Avenue, Second Floor Auditorium  
San Carlos, CA 94070

The final adoption will be at the C/CAG Board meeting on October 8, 2015 at 6:30 p.m. at the same location.

No action or proceeding may be brought under CEQA to challenge C/CAG's adoption of the proposed Negative Declaration, or its approval of the proposed project, unless the alleged grounds for noncompliance were presented to C/CAG either orally or in writing by any person during the public comment period or prior to filing of the notice of determination.

## C/CAG AGENDA REPORT

Date: August 13, 2015

To: C/CAG Board of Directors

From: Sandy Wong, Executive Director

Subject: Review and approval of Resolution 15-21, authorizing the C/CAG Chair to execute three-year agreements with 1) Northgate Environmental Management, 2) Farallon Consulting, 3) San Mateo County Division of Environmental Health, 4) S. Groner Associates, 5) Eisenberg, Olivieri, & Associates, 6) Urban Rain Design, 7) Community Design + Architecture, 8) Larry Walker & Associates, 9) ADH Environmental, and 10) Geosyntec for on-call consultant services to the Countywide Water Pollution Prevention Program, and further authorizing the C/CAG Executive Director to negotiate and issue task orders under said contracts in a cumulative amount not to exceed \$2,300,000 for fiscal year 2015-16.

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

### RECOMMENDATION

Review and approval of Resolution 15-21, authorizing the C/CAG Chair to execute three-year agreements with 1) Northgate Environmental Management, 2) Farallon Consulting, 3) San Mateo County Division of Environmental Health, 4) S. Groner Associates, 5) Eisenberg, Olivieri, & Associates, 6) Urban Rain Design, 7) Community Design + Architecture, 8) Larry Walker & Associates, 9) ADH Environmental, and 10) Geosyntec for on-call consultant services to the Countywide Water Pollution Prevention Program, and further authorizing the C/CAG Executive Director to negotiate and issue task orders under said contracts in a cumulative amount not to exceed \$2,300,000 for fiscal year 2015-16.

### FISCAL IMPACT

Up to \$2,300,000 in 2015-16. The collective total for all task orders issued in Fiscal Year 2015-16 under approved on-call funding agreements shall not exceed that amount. Not-to-exceed limits for Fiscal Years 2016-17 and 2017-18 will be proposed for C/CAG Board approval annually as part of the C/CAG budget approval process.

### SOURCE OF FUNDS

NPDES (stormwater) fund and Measure M (vehicle registration fee, regional stormwater fund)

### BACKGROUND

C/CAG has utilized consultants for technical support to the Countywide Water Pollution Prevention Program (Countywide Program) since its inception in the early '90s. Currently, C/CAG contracts

with Eisenberg, Olivieri, and Associates (EOA) and San Mateo County Division of Environmental Health for technical support to C/CAG and its member agencies in complying with the stormwater pollution prevention requirements of the Municipal Regional Permit (MRP). Both contracts are scheduled to expire in the coming months. The MRP is in the process of being reissued for its second five-year term, with permit adoption anticipated in October.

C/CAG staff initiated a competitive Request for Qualifications (RFQ) process in April in an effort to establish new consultant contracts for technical support under the revised MRP. In an attempt to ensure an open and competitive process, C/CAG staff divided the anticipated technical support tasks into seven categories, as follows:

1. General Technical Support
2. Green Infrastructure
3. Public Information and Outreach
4. Water Quality Monitoring
5. Trash Control
6. Mercury/Polychlorinated Biphenyls (PCBs) Control
7. Program Structure and Effectiveness Assessment

Seventeen firms and teams of consultants submitted Statements of Qualification (SOQs) and relevant billing rates by the May 8 due date, identifying the specific categories of expertise under which they were claiming to be qualified. Staff reviewed the SOQs for responsiveness and convened a review panel including staff from three member agencies. The overall goal of the process was to identify approximately three of the most-qualified consultants or teams of consultants in each category of expertise, providing multiple options from which C/CAG can solicit proposals for future task orders to support the Countywide Program and member agencies during the next MRP term.

Table 1 details the firms recommended for on-call contracts, including the areas of expertise for which the on-call contract would cover. Attachment 2 details all 17 of the SOQ submittals, including the lead firm and proposed subcontractors, the areas of expertise for which they claimed to be qualified, and staff’s recommendations on which firms to engage in on-call contracts in the various categories of expertise. Ultimately, the review panel selected the top three firms/teams in each area of expertise, with the exception of Green Infrastructure, in which the panel recommended five.

**Table 1 – Recommended Firms for On-Call Contracts and Associated Areas of Expertise**

Firm	General Technical Support	Green Infrastructure	Public Information and Outreach	Water Quality Monitoring	Trash Control	Mercury and PCBs	Program Structure and Effectiveness Assessment
Northgate Environmental Management					X		
Farallon Consulting	X	X					X
San Mateo County Health			X				
S. Groner Associates (SGA)			X				
Eisenberg, Olivieri, & Associates (EOA)	X	X	X	X	X	X	X
Urban Rain Design		X					
Community Design + Architecture		X					
Larry Walker & Associates	X				X	X	X
ADH Environmental				X			
Geosyntec		X		X		X	

Although the MRP is issued in five-year terms, the on-call contracts are proposed for three-year terms consistent with C/CAG's procurement policy. Future extensions are subject to C/CAG Board approval. Billing rates in the contracts are established as submitted in the Statements of Qualifications and subject to future increase as approved by the C/CAG board. The collective not-to-exceed amount for 2015-16 for all on-call contracts is established based on the available funding in the NPDES and Measure M accounts for consultant services to the Countywide Program. Future fiscal year not-to-exceed amounts will be proposed for C/CAG Board approval as part of the annual budget approval process. On-call contracts are subject to negotiation and approval as to form by C/CAG's legal counsel prior to execution by the C/CAG Chair. Resolution 15-21 is included as Attachment 1, a summary of submitted SOQs and the review panel's recommendation as Attachment 2, and the proposed on-call contract as Attachment 3.

#### ATTACHMENTS

1. Resolution 15-21
2. Summary of Submitted Statements of Qualifications and Review Panel Recommendations
3. Draft On-call Contract

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Attachment 1

Resolution 15-21

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## RESOLUTION 15-21

**AUTHORIZING THE C/CAG CHAIR TO EXECUTE THREE-YEAR AGREEMENTS WITH 1) NORTHGATE ENVIRONMENTAL MANAGEMENT, 2) FARALLON CONSULTING, 3) SAN MATEO COUNTY DIVISION OF ENVIRONMENTAL HEALTH, 4) S. GRONER ASSOCIATES, 5) EISENBERG, OLIVIERI, & ASSOCIATES, 6) URBAN RAIN DESIGN, 7) COMMUNITY DESIGN + ARCHITECTURE, 8) LARRY WALKER & ASSOCIATES, 9) ADH ENVIRONMENTAL, AND 10) GEOSYNTEC FOR ON-CALL CONSULTANT SERVICES TO THE COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM, AND FURTHER AUTHORIZING THE C/CAG EXECUTIVE DIRECTOR TO NEGOTIATE AND ISSUE TASK ORDERS UNDER SAID CONTRACTS IN A CUMULATIVE AMOUNT NOT TO EXCEED \$2,300,000 FOR FISCAL YEAR 2015-16**

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

**WHEREAS**, C/CAG administers a Countywide Water Pollution Prevention Program; and

**WHEREAS**, C/CAG requires outside consulting services to provide technical assistance to its member agencies to meet mandated requirements of the San Francisco Bay Regional Water Quality Control Board's Municipal Regional Permit (MRP); and

**WHEREAS**, C/CAG performed a competitive Request for Qualifications (RFQ) process to identify Consultants most qualified to provide services to C/CAG and its member agencies in support of meeting MRP requirements; and

**WHEREAS**, a review panel recommended firms through the RFQ process for engaging in on-call contracts under which future task orders would be issued pursuant to a proposal process;

**WHEREAS**, C/CAG staff recommends on-call contracts be established for three-year terms, with future extensions subject to C/CAG Board review and approval; and,

**WHEREAS**, the not-to-exceed amount collectively for all on-call contracts for Fiscal Year 2015-16 is \$2,300,000; and

**WHEREAS**, C/CAG staff will recommend cumulative not-to-exceed amounts for future fiscal years for C/CAG Board approval during the annual budget approval process;

**NOW, THEREFORE BE IT RESOLVED** that the C/CAG Chair is authorized to execute three-year agreements with 1) Northgate Environmental Management, 2) Farallon Consulting, 3) San Mateo County Division of Environmental Health, 4) S. Groner Associates, 5) Eisenberg, Olivieri, & Associates, 6) Urban Rain Design, 7) Community Design + Architecture, 8) Larry Walker & Associates, 9) ADH Environmental, and 10) Geosyntec for on-call consultant services to the Countywide Water Pollution Prevention Program, and the C/CAG Executive Director is authorized to negotiate and issue task orders under said contracts in a cumulative amount not to exceed

\$2,300,000 for Fiscal Year 2015-16, with future fiscal year not-to-exceed amounts to be approved annually by the C/CAG Board as part of the budget approval process. Be it further resolved that the C/CAG Executive Director is authorized to negotiate the final terms of said agreements prior to execution by the C/CAG Chair, subject to approval as to form by C/CAG Legal Counsel.

**PASSED, APPROVED, AND ADOPTED, THIS 13TH DAY OF AUGUST, 2015.**

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*Mary Ann Nihart, Chair*

## Attachment 2

### Summary of Submitted Statements of Qualifications and Review Panel Recommendations

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## Attachment 3

### Proposed On-Call Contract

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**ON-CALL AGREEMENT BETWEEN  
CITY/COUNTY ASSOCIATION OF GOVERNMENTS  
AND THE CONSULTANT**

This Agreement entered this \_\_\_ Day of \_\_\_ 20\_\_\_, by and between the CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY, a joint powers agency formed for the purpose of preparation, adoption and monitoring of a variety of county-wide state-mandated plans, hereinafter called "C/CAG" and \_\_\_\_\_, hereinafter called "CONSULTANT."

**W I T N E S S E T H**

WHEREAS, C/CAG manages the Countywide Water Pollution Prevention Program to provide support to its member agencies in meeting municipal stormwater pollution prevention requirements issued by the San Francisco Bay Regional Water Quality Control Board; and,

WHEREAS, C/CAG has determined on-call consulting services are needed to provide technical support to C/CAG and its member agencies in meeting stormwater pollution prevention requirements; and,

WHEREAS, C/CAG issued a Request for Qualifications to identify qualified consultants; and,

WHEREAS, C/CAG has determined CONSULTANT is qualified to provide such technical support services in the categories of [GENERAL TECHNICAL SUPPORT, GREEN INFRASTRUCTURE, PUBLIC INFORMATION AND OUTREACH, WATER QUALITY MONITORING, TRASH CONTROL, MERCURY/PCBS, PROGRAM STRUCTURE AND EFFECTIVENESS ASSESSMENT]; and,

WHEREAS, C/CAG may approve task orders at future dates for specific scopes of work and for funding amounts; and,

WHEREAS, CONSULTANT has reviewed the CONSULTANT's contract rate and cost structure for providing such work under future task orders; and,

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

1. **Services to be provided by CONSULTANT.** As needs are identified, C/CAG staff will present the Consultant with a proposed scope of work for a specific task and request a cost proposal. The Consultant will provide C/CAG with a cost proposal for the specific task applying the billing rates as shown in Exhibit A attached hereto. The specific work scope and payment may be negotiated between the parties and a final task order defining cost and schedule (a "Task Order") will be prepared for execution. The C/CAG Executive Director must approve and execute the Task Order before it becomes effective and Consultant shall perform the Task Order work for the cost specified therein. Consultant shall provide services consistent with its stated qualifications submitted to C/CAG in response to C/CAG's April 17, 2015 Request for Qualifications, herein incorporated by reference, and with specific Scopes of Services to be contained in Task Orders issued under this Agreement. Example tasks anticipated to be performed under all stormwater

on-call contracts are included in Exhibit B. Specific tasks that may be performed under this contract are limited to CONSULTANT's areas of qualified expertise.

2. **Pavments.** C/CAG shall reimburse Consultant on a time and materials basis based on the executed Task Order. The total payments to all of C/CAG's on-call stormwater consultants combined shall not exceed \$2,300,000 for Fiscal Year 2015-16. Future fiscal year not-to-exceed amounts for on-call stormwater consultants will be approved by the C/CAG Board annually as part of its overall budget approval process. Consultant shall submit to C/CAG for its approval monthly invoices for payment to be made within sixty (60) days of the date of the invoice. In consideration of the payments hereinafter set forth, the CONSULTANT shall provide services in accordance with the terms, conditions and specifications set forth herein and in Exhibit A attached hereto and by this reference made a part hereof.
3. **Relationship of the Parties.** It is understood that this is an Agreement by and between Independent Contractor(s) and is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture or association, or any other relationship whatsoever other than that of Independent Contractor.
4. **Non-Assignability.** CONSULTANT shall not assign this Agreement or any portion thereof to a third party without the prior written consent of C/CAG, and any attempted assignment without such prior written consent in violation of this Section automatically shall terminate this Agreement.
5. **Contract Term.** This Agreement shall be in effect as of \_\_\_\_\_ and shall terminate on \_\_\_\_\_; provided, however, the C/CAG Chairperson may terminate this Agreement at any time for any reason by providing 30 days' notice to CONSULTANT. Termination to be effective on the date specified in the notice. In the event of termination under this paragraph, CONSULTANT shall be paid for all services provided to the date of termination.
6. **Hold Harmless/ Indemnity:** CONSULTANT shall indemnify and save harmless C/CAG from all claims, suits or actions resulting from the performance by CONSULTANT of its duties under this Agreement. C/CAG shall indemnify and save harmless CONSULTANT from all claims, suits or actions resulting from the performance by C/CAG of its duties under this Agreement. The duty of the parties to indemnify and save harmless as set forth herein, shall include the duty to defend as set forth in Section 2778 of the California Civil Code.
7. **Insurance:** CONSULTANT or its subcontractors performing the services on behalf of CONSULTANT 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. CONSULTANT 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 CONSULTANT's coverage to include the contractual liability assumed by CONSULTANT pursuant to this Agreement. These Certificates shall specify or be endorsed to provide that thirty (30) days' notice must be given, in writing, to C/CAG of any pending change in the limits of liability or of non-renewal, cancellation, or modification of the policy.

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

Liability Insurance: CONSULTANT shall take out and maintain during the life of this Agreement such Bodily Injury Liability and Property Damage Liability Insurance as shall protect CONSULTANT, 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 CONSULTANT 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.** CONSULTANT and its subcontractors performing the services on behalf of the CONSULTANT shall not discriminate or permit discrimination against any person or group of persons on the basis or race, color, religion, national origin or ancestry, age, sex, sexual orientation, marital status, pregnancy, childbirth or related conditions, medical condition, mental or physical disability or veteran's status, or in any manner prohibited by federal, state or local laws.

9. **Accessibility of Services to Disabled Persons.** CONSULTANT, not C/CAG, shall be responsible for compliance with all applicable requirements regarding services to disabled persons, including any requirements of Section 504 of the Rehabilitation Act of 1973.
10. **Substitutions:** If particular people are identified in Exhibit A as working on this Agreement, CONSULTANT will not assign others to work in their place without written permission from C/CAG. Any substitution shall be with a person of commensurate experience and knowledge.
11. **Sole Property of C/CAG:** Any system or documents developed, produced or provided under this Agreement shall become the sole property of C/CAG.
12. **Agreement Renewal.** This Agreement may be renewed only as specified in Exhibit A.
13. **Access to Records.** C/CAG, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of CONSULTANT which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcriptions. CONSULTANT shall maintain all required records for three years after C/CAG makes final payments and all other pending matters are closed.
14. **Merger Clause.** This Agreement, including Exhibit A attached hereto and incorporated herein by reference, constitutes the sole agreement of the parties hereto with regard to the matters covered in this Agreement, and correctly states the rights, duties and obligations of each party as of the document's date. Any prior agreement, promises, negotiations or representations between the parties not expressly stated in this document are not binding. All subsequent modifications shall be in writing and signed by the C/CAG Chairperson. In the event of a conflict between the terms, conditions or specifications set forth herein and those in Exhibit A attached hereto, the terms, conditions or specifications set forth herein shall prevail.
15. **Governing Law.** This Agreement shall be governed by the laws of the State of California and any suit or action initiated by either party shall be brought in the County of San Mateo, California.
16. **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, 5<sup>th</sup> Floor  
 Redwood City, CA 94063  
 Attention: Project Manager's Name

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

Consultant  
 Attention: \_\_\_\_\_

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

CONSULTANT

By \_\_\_\_\_

\_\_\_\_\_ Date

By \_\_\_\_\_

CONSULTANT Legal Counsel

City/County Association of Governments (C/CAG)

By \_\_\_\_\_

Mary Ann Nihart  
C/CAG Chair

\_\_\_\_\_ Date

By \_\_\_\_\_

Nirit Erikson, C/CAG Legal Counsel

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Exhibit A

Consultant Billing Rates

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## Exhibit B

Example Tasks  
(applicable for specific areas  
of qualified expertise)

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**Exhibit B: Example Tasks by Areas of Qualified Expertise**

Areas of Expertise	General Task Description
<p>General Technical Support</p>	<p>Provide general technical support to Countywide Program staff, committees, and technical subcommittees. Provide general technical support to member agencies. Provide technical support to C/CAG and member agencies for “core” permit requirements, such as municipal operations, new and redevelopment, industrial and commercial site controls, illicit discharge detection and elimination, construction site control, pesticide toxicity control, copper control, conditionally exempted discharges, and annual reporting. Example tasks:</p> <ul style="list-style-type: none"> <li>• Staff and/or support C/CAG staff at committees and subcommittees</li> <li>• Prepare meeting agendas and minutes</li> <li>• Develop technical support tools such as tracking spreadsheets, inspection forms, technical guidance manuals, outreach materials, etc.</li> <li>• Prepare annual report materials</li> <li>• Plan and facilitate educational and technical workshops</li> <li>• Provide staffing/technical support for regional stormwater management efforts</li> <li>• Develop and present technical information to committees, subcommittees, and elected officials</li> </ul>
<p>Green Infrastructure</p>	<p>Provide technical support to C/CAG and member agencies in developing and implementing green infrastructure master plans, integrating green infrastructure goals into other municipal plans, policies, and priorities, evaluating long-term effects of green infrastructure implementation on water quality, quantity, and pollutant of concern load reductions, as well as other co-benefits, documenting stormwater management achieved to-date in public and private realms and projecting/modeling future implementation scenarios, developing standard design details and conceptual plans/renderings, etc. Example tasks:</p> <ul style="list-style-type: none"> <li>• Develop maps of potential locations for green infrastructure implementation over various future timelines</li> <li>• Develop and implement prioritization criteria for potential locations</li> <li>• Develop targets for municipal impervious land area to be managed by green infrastructure into the future</li> <li>• Track projects over time that incorporate green infrastructure for stormwater management</li> <li>• Develop design guidelines, standard details, and specifications for green infrastructure implementation in both public and private realms</li> <li>• Develop sizing criteria for green infrastructure in public rights-of-way</li> <li>• Identify local planning documents needing update to incorporate green infrastructure planning materials and assist member agencies in those updates</li> <li>• Develop an alternative compliance and/or in-lieu fee program for green infrastructure implementation, including fee and nexus studies, cost estimates, and program materials</li> <li>• Develop green infrastructure planning materials, templates, conceptual renderings, presentations, etc.</li> <li>• Develop green infrastructure designs for member agency projects</li> <li>• Develop and present green infrastructure information to committees, subcommittees, elected officials, etc.</li> <li>• Provide staff support for relevant committees and subcommittees</li> </ul>

<b>Exhibit B: Example Tasks by Areas of Qualified Expertise</b>	
<b>Areas of Expertise</b>	<b>General Task Description</b>
Public Information & Outreach	<p>Develop and implement a strategic public outreach and engagement plan designed to generate public support for Countywide Program and member agency stormwater management programs. Example tasks:</p> <ul style="list-style-type: none"> <li>• Develop strategic outreach and engagement plan</li> <li>• Implement outreach and engagement program, including online website development and maintenance, social media, outreach events, coordination with news media, etc.</li> <li>• Coordinate Coastal Cleanup Day in San Mateo County, including identifying sites, working with site captains, supporting member agencies</li> <li>• Develop and implement outreach and engagement campaigns on specific pollutants or watershed issues, such as trash, pesticides, green infrastructure, mercury/PCBs, pet waste, etc.</li> <li>• Support C/CAG staff in making presentations at community meetings</li> <li>• Provide support to member agencies in implementing local outreach programs</li> <li>• Provide staffing/technical support for regional outreach efforts.</li> <li>• Provide staff support for relevant committees and subcommittees</li> </ul>
Water Quality Monitoring	<p>Provide technical support for and implement a countywide monitoring program to evaluate water quality status in local watersheds and assess long-term trends related to various pollutants of concern. Example tasks:</p> <ul style="list-style-type: none"> <li>• Develop and implement water quality monitoring programs</li> <li>• Collect and analyze water quality, sediment, toxicological, benthic, and general stream data, including ensuring appropriate Quality Assurance/Quality Control programs</li> <li>• Deploy and maintain water quality monitoring and pollutant loading stations</li> <li>• Prepare reports providing analysis of monitoring data, including recommendations of additional necessary studies or watershed management actions to address identified concerns</li> <li>• Provide staff support for relevant committees and subcommittees</li> </ul>
Trash Control	<p>Provide technical support to member agencies to enable implementing, assessing effectiveness of, and revising long-term trash load reduction plans. Example tasks:</p> <ul style="list-style-type: none"> <li>• Assist member agencies in developing, updating, and implementing trash load reduction plans</li> <li>• Assist member agencies in planning for and implementing trash load reduction assessment programs</li> <li>• Assist member agencies in identifying appropriate locations for trash control measures</li> <li>• Provide staff support for relevant committees and subcommittees</li> </ul>
Mercury/PCB Control	<p>Provide technical support for and implement mercury and PCB control programs, in conjunction with member agencies, designed to achieve specific target load reductions in San Mateo County. Example tasks:</p> <ul style="list-style-type: none"> <li>• Develop and implement load reduction accounting systems</li> <li>• Assist member agencies in identifying and referring for cleanup source properties discharging pollutants</li> <li>• Develop programs for addressing PCBs in building materials, including potential legislative fixes, demolition/renovation permitting</li> </ul>

Exhibit B: Example Tasks by Areas of Qualified Expertise	
Areas of Expertise	General Task Description
	<p>programs, inspection and verification programs, etc.</p> <ul style="list-style-type: none"> <li>• Coordinate with member agencies in developing green infrastructure plans to incorporate prioritization, load reduction quantification, and tracking of projects with regard to addressing mercury and PCBs</li> <li>• Provide staff support for relevant committees and subcommittees</li> </ul>
Program Structure and Effectiveness Assessment	<p>Provide technical support to C/CAG staff in developing, implementing, assessing, and adaptively revising a Countywide Program Strategic Plan designed to cost-effectively meet water quality goals. Example tasks:</p> <ul style="list-style-type: none"> <li>• Develop Countywide Program Strategic Plan based on the California Stormwater Quality Association's Stormwater Program Effectiveness Assessment Manual</li> <li>• Develop effectiveness assessment program, including characterizing problems, targeting outcomes, and documenting knowledge and data gaps.</li> <li>• Develop source and impact strategies, target audience strategies, program implementation strategies, assessment tools and strategies, and interpret and make recommendations on results</li> </ul>

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# C/CAG AGENDA REPORT

**Date:** August 13, 2015

**To:** C/CAG Board of Directors

**From:** Sandy Wong, Executive Director

**Subject:** Review and approval of the letter to the Honorable Judge Etezadi RE: C/CAG's responses to the 2014-2015 San Mateo County Civil Grand Jury Report titled "Flooding Ahead: Planning For Sea Level Rise"

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

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## RECOMMENDATION

That the C/CAG Board review and approve the letter to the Honorable Judge Etezadi RE: C/CAG's responses to the 2014-2015 San Mateo County Civil Grand Jury Report titled "Flooding Ahead: Planning For Sea Level Rise".

## FISCAL IMPACT

None.

## SOURCE OF FUNDS

NA.

## BACKGROUND/DISCUSSION

The 2014-2015 San Mateo County Civil Grand Jury filed a report on June 4, 2015 which contains findings and recommendations pertaining to C/CAG. C/CAG must submit comments within 90 days. C/CAG's response must be approved by the C/CAG Board at a public meeting.

The attached C/CAG's responses have been reviewed and recommended by a C/CAG Water Ad Hoc committee. Committee members include: Mary Ann Nihart (Chair), Alicia Aguirre (Vice Chair), David Canepa (Daly City), Deborah Gordon (Woodside), Elizabeth Lewis (Atherton), Irene O'Connell (San Bruno), Joe Goethals (San Mateo), and Maryann Moise Derwin (Portola Valley).

## ATTACHMENTS

- Letter to Judge Etezadi RE: C/CAG's Responses to the 2014-2015 San Mateo County Civil Grand Jury Report titled "Flooding Ahead: Planning For Sea Level Rise".
- The Grand Jury Report -available on-line only at: <http://ccag.ca.gov/committees/board-of-directors/>

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# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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

August 14, 2015

Hon. Susan I. Etezadi  
Judge of the Superior Court  
c/o Charlene Kresevich  
Hall of Justice  
400 County Center; 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1655

Subject: **C/CAG's RESPONSE TO THE 2014-15 SAN MATEO COUNTY CIVIL GRAND JURY REPORT TITLED "FLOODING AHEAD: PLANNING FOR SEA LEVEL RISE"**

Honorable Judge Etezadi,

This letter was approved by the Board of Directors of the City/County Association of Governments of San Mateo County (C/CAG) at its public meeting on August 13, 2015.

Below are C/CAG's responses to the 2014-15 San Mateo County Civil Grand Jury Report titled "Flooding Ahead: Planning for Sea Level Rise".

### **GRAND JURY FINDINGS:**

*F1. SMC is at severe risk for flooding due to the gradual rise in sea level, projected at up to 65 inches (167 centimeters) by the year 2100. Catastrophic SLR of nearly 15 feet is a possibility this century.*

**Response: Partially agree.** It is a wide range between 65 inches and 15 feet. Commonly cited reports indicate an upper level limit of anticipated sea level rise of 176 cm (69 inches). There is not sufficient data to accurately predict the exact level of SLR by the year 2100. The statement of catastrophic SLR of nearly 15 feet this century seems inappropriate as a factual finding for this report.

*F2. SLR is a threat countywide, including the upland areas. All residents depend on public infrastructure, especially wastewater treatment plants. Also, a significant portion of the countywide property tax base is within the area threatened by SLR.*

**Response: Partially agree.** While SLR is a threat countywide, the report's analysis of this issue seems incomplete. It calls out wastewater treatment plants but fails to mention other major infrastructure such as the airports, transportation facilities, hospitals, and other critical infrastructures. Also, the focus on tax base, the report neglects the relevant

importance of SLR impacts on the coastside of San Mateo County.

- F3. Although many local officials are now familiar with and concerned about the threat of SLR, there is inadequate public awareness of SLR's potential impacts on this county.*

**Response: Partially Agree.** While many local officials are familiar with and concerned about the threat of SLR, it appears subjective to say there is inadequate public awareness of SLR's potential impacts on this county.

- F4. Levees, including their financing, are currently the responsibility of each individual city or special agency with jurisdiction along streams, bay, and coast (the County is responsible for unincorporated areas).*

**Response: Agree.**

- F5. Flood risk is based on topography, not political boundaries. The safety of properties in one jurisdiction often depends on levee projects undertaken by another jurisdiction.*

**Response: Partially Agree.** Flood risk in general is based on many issues in addition to topography. While flood risk is related to topography and other mitigation measures in place, impacts of flooding are not limited to the same areas, as in the example of a flood wastewater treatment plant having wide-ranging impacts beyond the area inundated with floodwaters.

- F6. Currently, no countywide agency exists to provide planning, facilitate coordination among jurisdictions, or to assist with securing funding for existing flood control projects. The same is true for future SLR-related projects.*

**Response: Agree.**

- F7. To the Grand Jury's knowledge, no local jurisdiction has adopted SLR projections or maps for specific local land use planning purposes. No consistent SLR projection has been adopted countywide by the County and cities.*

**Response: Agree.**

- F8. There is a recognized need for a countywide approach to SLR planning and coordination among jurisdictions.*

**Response: Agree.** In addition, SLR planning and coordination should go beyond the county and include efforts with adjacent counties and at the regional level.

- F9. Several city managers and others interviewed did not support having a new countywide organization assume direct control of levee projects at this time.*

**Response:** We can only acknowledge this finding because it states the information obtained by interviews. However, we believe the opinions of policy makers and elected officials should be sought in addition to those of city managers'.

*F10. The County and cities can address SLR in their General Plans and Climate Action Plans, can map the threat, and can adopt relevant policies.*

**Response: Partially Agree.** Agencies can address SLR in their own plans, but are also impacted by what adjacent municipalities do or do not include in their planning efforts.

*F11. Many actions to address SLR are within the authority of regional, State, and federal agencies.*

**Response: Agree.**

*F12. By acting now, SMC may be able to reduce future costs by integrating SLR-related projects with other programmed levee projects, and by using land use planning measures to mitigate future exposure to SLR.*

**Response: Partially Agree.** Although by acting now, SMC may be able to reduce future costs by integrating SLR-related projects with other programmed levee projects, it may result in cost increases to current programmed levee projects and hence delay such projects if the additional funding is not available yet.

## **GRAND JURY RECOMMENDATIONS**

*R1. The County, each city in the county and relevant local special agencies<sup>43</sup> should conduct a public education effort to increase awareness of SLR and its potential effects on this county.*

**Response:** This recommendation refers to relevant local special agencies as the San Mateo County Flood Control District and the San Francisquito Creek Joint Powers Authority in footnote 43. We believe relevant local special agencies should also include sanitary districts and wastewater treatment plants such as the Sewer Authority Mid-Coastside and the Silicon Valley Clean Water.

*R2. The County, each city in the county and relevant local special agencies<sup>44</sup> should identify a single organization, such as a new joint powers authority or an expanded SMC Flood Control District, to undertake countywide SLR planning. It should be structured to ensure that:*

- *The organization is countywide in scope*
- *The organization is able to focus on SLR*
- *Both the County and cities (and possibly relevant local agencies) are able to participate in the organization's decision-making<sup>45</sup>*
- *The organization is sustainably funded*

**Response:** This recommendation appears to have omitted consideration of a viable option when recommending the single organization: an existing countywide joint powers authority, C/CAG. The report indicates “local officials” felt C/CAG is strongly focused on congestion management and does not have expertise in SLR/flood control. Congestion management is only one of the many functions of CCAG which range from airport land use to developing mechanisms for cities to measure reduction in Greenhouse Gas Emission. The report negates the fact that C/CAG already manages a countywide stormwater program, has committees focused on environmental quality, resource conservation, and climate protection, and also addresses solid waste and housing issues. As such, we believe the Grand Jury Report inappropriately dismisses the option of C/CAG serving as the single organization, or serving as the model for a new organization – it is countywide in scope, can focus on a variety of issues, including SLR if so requested by its member agencies, has the County and every city represented on the Board of Directors, and has established sustainable funding for the programs it implements. Given that no agency is currently focused on SLR, any agency will be challenged to develop staffing and sustainable funding. The agency taking on SLR should be governed by elected representatives from all impacted jurisdictions, with liaisons to adjacent counties or regional partners. CCAG represents a unique organization that embodies the long tradition in San Mateo County of working collaboratively to utilize resources most efficiently. Whether CCAG becomes the single agency or represents the model for another JPA, it would be extremely unfortunate to ignore this tradition and resource.

**R3.** *The organization’s responsibilities should include:*

- *Adopt consistent SLR projections for use in levee planning countywide*
- *Conduct and/or evaluate vulnerability assessments<sup>46</sup>*
- *Provide a forum for inter-jurisdictional coordination and exchange of information related to SLR*
- *Undertake grant applications for SLR-related planning and projects*
- *Facilitate raising funds on a countywide basis for SLR-related projects, to be passed through to agencies with direct responsibility for project construction*
- *Monitor actual SLR over time and any changes in SLR projections, based upon the latest federal, State, or regional government reports and scientific studies*
- *Through the CEQA environmental review process, comment on major new developments proposed in the SLR floodplain*
- *Advocate on behalf of the member jurisdictions with federal, State, and regional agencies regarding SLR issues*
- *Assist the County and cities in public awareness efforts, as described in R1*

**Response:** This recommendation appears to be bayside-focused. Also, it appears to imply levee building is the primary measure for SLR response. It appears to be missing mitigation and adaptation measures for the coastside of San Mateo County.

**R4.** *The County, cities and two relevant local special agencies<sup>47</sup> should consider expanding the role of the organization beyond SLR to include planning and coordination of efforts to address existing flooding problems along the Bay, coast, and creeks that are subject to tidal action. It may be cost-effective to integrate SLR protection with other levee-improvement programs.*

*The County and cities may also consider expanding the role of the new organization to include potentially compatible functions such as the National Pollution Discharge Elimination System (NPDES), currently managed by C/CAG, and the new (2014) State requirements for local sustainable groundwater planning.*

**Response: A)** With regard to the first paragraph of this recommendation, it appears to focus on levee building. Existing flooding problems are not limited to creeks subject to tidal action. There are ongoing local flooding problems throughout the county that are due to channelized and restricted creek channels, imperviousness of contributing watersheds, upstream sediment sources, undersized culverts under key locations, such as Highway 101, etc.

**Response: B)** With regard to the second paragraph of this recommendation, without appropriate analysis, C/CAG cannot agree with the recommendation to consider expanding the role of the new organization to include potential compatible functions such as the National Pollutant Discharge Elimination System (NPDES), currently managed by C/CAG, and the new (2014) State requirements for local sustainable groundwater planning.

In order to consider such change in a thoughtful manner, there needs to be more detailed analysis and study done first, as well as outreach to elected officials from impacted jurisdictions to properly define the roles, responsibilities, and governance structure of a proposed new organization. In addition, since this new organization will have direct impact on every jurisdiction in San Mateo County, the governing body of this organization should have elected representation from each impacted jurisdiction.

This San Mateo County Civil Grand Jury Report on “Flooding Ahead: Planning For Sea Level Rise” focused on SLR throughout the report. It has no analysis of the NPDES program nor does it provide data to illustrate the appropriateness of combining the functions of SLR and NPDES. Similarly, there is no discussion of groundwater management and the connection to SLR or flooding issues.

Comprehensive evaluation, and outreach to all impacted jurisdictions, would be required to determine the appropriateness of integrating other issues, such as existing flooding, stormwater management, and groundwater management.

**R5.** *The organization—its administration, staffing, and program expenses—should be funded on a sustainable basis by:*

- *Member contributions*
- *Contributions solicited from parties threatened by SLR, including corporations and agencies that operate public facilities such as wastewater treatment plants*
- *Grants solicited from available potential sources such as the California Climate Resilience Account*
- *Reducing administrative costs by contracting for services with the County or another*

agency

**Response:** The funding model described in this recommendation appears to be generally similar to the C/CAG model.

**R6.** *The County and each city should amend its General Plan, as needed, to address the risk for SLR. The Safety Element<sup>48</sup> should include a map of any areas vulnerable to SLR, as determined by measurements in the countywide Vulnerability Assessment [R3]. Further, it should identify policies that apply to areas threatened by SLR.*

**Response: No comment.**

**R7.** *The County, cities, and relevant local special agencies, through their representatives on regional agencies, membership in state associations, lobbyists, and elected State and federal legislators, should pursue SLR-related issues with government bodies outside SMC.*

**Response: Agree.**

If you have any questions, please contact the C/CAG Executive Director, Sandy Wong, at (650) 599-1409.

Sincerely,

Mary Ann Nihart, Chair  
City/County Association of Governments of San Mateo County

## ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



MEMO

**Date:** July 2, 2015**To:** ABAG Executive Board**From:** Julie Pierce, ABAG President, Clayton Councilmember  
Ezra Rapport, ABAG Executive Director**Subject:** ABAG Budget Discussion at 6/24/15 MTC Commission Meeting**Executive Summary**

The purpose of this memo is to provide the context for a thoughtful discussion of a proposal by MTC to transfer ABAG's Planning and Research Department to MTC. We begin this discussion by describing ABAG's history and statutory land use responsibilities and the current process of collaboration across the two agencies. We believe most of the problems that occurred during the first Plan Bay Area have been identified and successfully addressed by ABAG and MTC staff. This memo then also addresses the financial implications such a transfer would have on ABAG, and the Executive Board's authority with respect to the land use, housing, economic and resilience work that we do on behalf of the Bay Area cities, towns and counties.

On Wednesday, June 24, MTC Commissioners discussed ABAG's FY 15-16 Funding Agreement and adopted only a six-month budget for ABAG, ending December 31, 2015, instead of the annual budget referenced in our multi-year inter-agency agreement. While other issues were raised at the meeting<sup>1</sup>, ABAG's primary concern is that the six month budget is being discussed in the context of transferring the ABAG Planning and Research department to MTC.

If MTC effectively transfers the ABAG Planning and Research department to MTC, regional land use planning decisions related to Plan Bay Area will, accordingly, be removed from the ABAG Executive Board. The statutory framework between the two agencies is well established. Under State law, ABAG is responsible for regional land use and housing planning, and MTC is responsible for comprehensive regional transportation planning. To effectuate such a transfer, (1) the ABAG Executive Board would have to voluntarily cede land use responsibility to MTC or (2) state statutes governing regional land use planning and transportation planning would have to be amended by the Legislature.

Land use planning and transportation planning are complementary functions. ABAG's planning process incorporates collaboration with local governments, who have land use authority in California. MTC works with transit agencies and congestion management agencies to develop a transportation network. The two sets of responsibilities are complex in the Bay Area, but, in our opinion, the staff collaboration within the two agencies is working well.

<sup>1</sup> MTC conditioned its six-month funding proposal on correcting several alleged audit issues that have now been referred to ABAG's Finance and Personnel Committee

ABAG is committed to engaging with MTC's staff and Commissioners in a forthright and thorough discussion as to how land use and transportation planning should take place in the Bay Area and how we can improve collaboration, efficiency and outcomes moving forward.

This discussion, however, should not be inhibited by a budget deadline, as thoughtful conversation on this subject will likely take longer than six months. With that in mind, staff and I recommend that the following actions be taken to strengthen the ABAG-MTC collaboration in producing Plan Bay Area while addressing this new issue of whether to transfer ABAG's land use planning authority and staff to MTC:

- Appropriate the full year's budget for ABAG while working through any issues related to financial accounting, better collaboration, and structure.
- Create a small committee of ABAG and MTC elected officials to discuss any issues that may arise in terms of work program, collaboration, structure, budget, or financial accounting.

To provide context for the proposal to transfer ABAG's Planning and Research Department to MTC, the sections below describe ABAG's statutory responsibilities and the current process of collaboration across the two agencies.

### **1. What are ABAG statutory responsibilities and specific responsibilities under SB 375?**

All Councils of Government (COGs) are responsible for land use planning and coordination with local governments in California. With the exception of the San Francisco Bay Area, all COGs also house the Metropolitan Planning Organization responsible for transportation investments. The State legislative framework clearly delineates the respective roles of ABAG and MTC. MTC is the regional transportation agency, and ABAG is the regional land use and housing agency. ABAG's land use planning work is governed by ABAG's Executive Board. The independence of ABAG as a Council of Governments with statutory responsibility for land use planning and housing allocation provides many advantages in our engagement with local jurisdictions and dealing with the diversity of our region.

Despite these clear roles and responsibilities, there are no statutory provisions requiring how MTC shall fund ABAG, although in ABAG's view, the commitment has been long-term and left to fair dealing between the parties. Currently, regional land use planning of the type undertaken by ABAG is considered a Transportation Demand Management tool, (TDM) and is an eligible use of certain categories of State and Federal funding controlled by MTC under SB 45. In 2012, ABAG and MTC agreed on a 'funding formula' with a specific budget that fairly reflects the work being performed by ABAG to develop Plan Bay Area (SB 375) and carry out its implementation.

ABAG's responsibilities under SB 375, passed by the Legislature in 2008, are detailed and specific. The legislation mandates that the Bay Area, as well as other regions throughout the State, produce an integrated land use and transportation plan such as Plan Bay Area. SB 375, recognized ABAG's role with respect to land use, and specifically enumerated ABAG's and MTC's tasks for carrying out SB 375. Plan Bay Area must be approved by both agencies and it is a required component of the Regional Transportation Plan. The funding formula unanimously adopted by MTC in September 2012, and unanimously affirmed each fiscal year since, provides ABAG with a multiple year budget to do its work. (see attachment A). The funding formula was based on an analysis of ABAG planning staff, functions, and duties:



To effectuate the transfer of ABAG's Planning and Research Department to MTC discussed at the Commission in June 2015, (1) the ABAG Executive Board would have to voluntarily cede land use responsibility to MTC or (2) state statutes governing regional land use planning and transportation planning would have to be amended by the Legislature. Attachment B provides specific details on ABAG's statutory responsibilities.

## **2. How are ABAG and MTC collaborating in the 2017 update of Plan Bay Area?**

Following the approval of Plan Bay Area 2013, ABAG and MTC staff debriefed to discuss how the collaboration between the two agencies could be improved. Plan Bay Area 2013 had its share of interagency problems, and the two staffs, in recognition of these issues, worked together to design a far better process. Several lessons learned were gathered through small interagency staff meetings as well as meetings with our boards, local staff, ABAG delegates and stakeholders.

The new collaborative design led to a joint Plan Bay Area 2040 work program and schedule created by ABAG and MTC planning staff. The work program is operationalized through regular staff meetings and collaboration areas. This approach takes into account the complexity of two distinct processes-- allocation of transportation investments and coordination of local land use plans-- both of which required very different levels of engagement with local partners. (See Attached C: ABAG and MTC Work Program, Schedule and Structure of Collaboration for Plan Bay Area 2040)

ABAG and MTC staff have joint teams to work on specific tasks such as Priority Development Area implementation, performance targets and research and modeling. Those specific tasks are guided by the planning directors in both agencies, who meet weekly. Key decisions and board agendas are brought to monthly executive director meetings to ensure proper coordination. If and when both agencies disagree, both executive directors propose the framing of the issue for resolution at the joint meetings of the ABAG Administrative and MTC Planning Committees. In addition, both planning directors are responsible for the Regional Advisory Working Group.

Collaboration across regional agencies is essential and ABAG staff is committed to explore any additional productive ways to engage our MTC colleagues and address their concerns.

## **3. How are the issues raised by the MTC Commission related to ABAG's budget?**

During the meeting on Wednesday, June 24, the MTC Commission adopted a six month budget for ABAG, ending December 31, 2015, instead of the annual budget stipulated in the current funding formula and the interagency agreement. MTC's Executive Director, provided assurances that there was sufficient funding within the MTC budget to cover 12 months. The action was opposed by Commissioners Pierce and Haggerty, who argued that MTC should approve a full year's budget for ABAG, with a discussion and re-opener at the end of six months if necessary. The six-month budget is a policy change for MTC who last year re-approved the funding formula. (See attachment A).

The six-month budget proposal was introduced as an effort to address what some MTC staff and Commissioners have referred to as a "dysfunctional" planning process and efforts to increase collaboration and efficiencies between ABAG and MTC planning departments in the update of Plan Bay Area by transferring the ABAG Planning and Research Departments to MTC. ABAG does not accept the premises that the two planning departments are in conflict or dysfunctional, or that the proposed transfer increases efficiency.

Based on preliminary conversations among staff and board members from both agencies, the MTC Planning department is said to be demoralized as a result of the complex structure across the two agencies and what is referred to as an inefficient collaboration with ABAG.. (see attachment D, a full transcript of the MTC meeting).

This proposal is not new. Most recently, merger proposals between ABAG and MTC were debated both regionally and in the Legislature in 2002 through 2004. The conclusion, following a period of controversial debate, was to retain the structure as is, and create a joint advisory committee consisting of Board members from both ABAG and MTC to support an orderly dialogue among elected officials from both agencies. This advisory committee morphed into the Joint Policy Committee, which includes the BAAQMD (Air District) and BCDC, more recently renamed as the Bay Area Regional Collaborative.

#### **4. What would be the implications of transferring ABAG's Planning and Research Department to MTC?**

The transfer of the Planning and Research Department to MTC would severely undermine the integrity of ABAG as a regional agency and require MTC to take on some or all of those responsibilities:

##### *Land use decisions*

The process of collaboration with local jurisdictions on land use issues relies on close coordination with the ABAG Executive Board. ABAG Planning staff works very closely with local planning staff and planning directors. In addition, the discussion and decisions at the ABAG Regional Planning Committee and Executive Board are essential to develop consensus among the diverse cities, towns and counties across the region. The engagement of the ABAG Delegates has also been instrumental in implementing Plan Bay Area in particular. The Regional Housing Need Allocation is a complex process that cannot be detached from other land use planning activities such as the SCS, as proposed by MTC staff, and requires ABAG Executive Board approval.

Eliminating the Executive Board from governance with respect to land use planning and the Regional Housing Needs Assessment (RHNA) process will seriously jeopardize the progress made to date regarding ABAG's respect for local control of land use authority while advocating for regional objectives. We do not believe the MTC is positioned to address this issue, nor would it be credible or advisable to diminish the Executive Board's role by placing it merely in an advisory role.

##### *Financial Implications*

The financial implications of transferring the Planning Department to MTC is a complicated topic related to ABAG's business model. If the proposed transfer occurs, more work will be needed to sort out the various impacts to ABAG and the region, some of which may be severe. The following is a partial list:

- ABAG membership dues are generated, in part, because of ABAG's Executive Board governance of regional land use issues, a very important subject for cities and counties.
- ABAG charges indirect overhead to all salaries to generate the administrative capacity to service its enterprise units.
- ABAG employees are supported by an administrative organization that supports the successful application of tens of millions of grant dollars for the region every year; including environmental grants in the areas of clean water, drought relief, energy efficiency and regional resilience, among others. These grant proposals are supported by the entire ABAG organization.

Overall, millions of dollars are placed at risk from the proposal to transfer regional land use planning to MTC. Whatever gains may be achieved in efficiency, or unilateral management, must be measured against the total cost associated with the transfer of only one part of ABAG.

*Implications for Employees*

The ABAG Planning and Research Department staff has a strong commitment to supporting good and healthy communities and work for ABAG because they believe in the work that we do on behalf of cities, counties and the region. A change to MTC and its governing board would create substantial staff instability.

ABAG works with union labor while MTC does not. The transfer of ABAG employees would involve substantial labor complications for both agencies.

*Timing*

The six month budget uncertainty is being floated at a time when ABAG must generate alternative land use scenarios for Plan Bay Area, prepare to move to a new building in a new city, and manage multiple audits. The proposal adds new tasks and stress during a difficult time. The timing of these proposed actions could compromise the schedule of Plan Bay Area.

**5. How can we strengthen the ABAG-MTC collaboration in the production of Plan Bay Area?**

Staff recommends the following actions to remedy the uncertainty caused by MTC’s public discussion associated with granting ABAG only a six month budget:

- Appropriation of full year’s budget for ABAG while working through any issues related to financial accounting, better collaboration, or MTC staff morale.
- Create a small committee of ABAG and MTC elected officials to discuss any issues that may arise between them in terms of work program collaboration, budget, or financial accounting.

The entire copy of this letter, including its attachments A, B, C, and D,  
is available on-line at:

<http://ccag.ca.gov/committees/board-of-directors/>



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## *Memorandum*

TO: Commission

DATE: July 16, 2015

FR: Chair

RE: MTC/ABAG Relationship

As I informed the Commission in June, ABAG President Julie Pierce and I have hosted a series of ad hoc discussions about the MTC/ABAG relationship among a small group of commissioners who also serve on the ABAG Executive Board. Additionally, a commission deliberation ensued at our June 24<sup>th</sup> meeting, during which the Commission approved a six-month extension of the ABAG funding agreement through December 31, 2015 intended to coincide with consensus or some other form of resolution of our studies around joint planning issues.

During the last ad hoc meeting in June the group agreed to direct Ezra Rapport and Steve Heminger to provide a joint analysis of 1) How to improve planning integration without any structural consolidation of functions; and 2) How consolidation of planning functions under a single director or entity might be organized and how reporting to the MTC and ABAG would work under this kind of systemic change. We fully expected that this might result in continued disagreement as to how to proceed, nevertheless we were all in agreement that the comparison needs to be done. This analysis was intended to be conjunctive, not either/or.

Meanwhile, last week, we all received a copy of a July 2<sup>nd</sup> memo from President Pierce to the ABAG Executive Board. The memo seems to advocate delay and continued dialogue uninformed by formal analysis. The memo also appears to signal that ABAG's leadership is only interested in the status quo as an outcome of our discussions about structuring a more coherent and efficient planning process for Plan Bay Area 2040. Ironically, the next step for our ad hoc group was supposed to have been a comparison of the planning integration analysis once received from the two directors. Now that ABAG essentially has laid out the case for non-structural solutions, I have requested that MTC's executive director outline how a consolidated planning department might better serve both the MTC commission and ABAG executive board. He should continue to invite input from ABAG and emphasize our desire to collaborate. In this way we will have both organizational possibilities and arguments before us to evaluate, not one without the other.

### Problem Statement

California's sustainable community law is being implemented by a *single* agency throughout all metro regions of the state, except in one place: the San Francisco Bay Area. Some have argued that the integrity of the ABAG planning process should hinge on ABAG paying for its own planning staff. However, for many years, MTC has funded its own planning department as well as ABAG's planning and research department. In essence, even though the planning departments are split under two agencies, the payroll is funded predominately by MTC. Perhaps that duplicative arrangement made sense at some point in time, but SB 375 has changed all that. As we all know it has required joint planning at a very literal and system-wide level. And this is a permanent, long term change. The advent of SB 375 (Steinberg) has highlighted the inefficiencies and inherent potential for conflicts of our bifurcated planning function. Many have noted that Plan Bay Area was in fact more costly, less timely, and more litigious than necessary because it was the product of the

organizational remnants of our past, two planning departments instead of one. Again, no other MPO in California attempts to function in this way.

Potential Solution

Accordingly, I have asked Steve Heminger to answer the original question posed by the ad hoc committee and to do so quickly. Time is of the essence and a timely focus by the Commission on this issue this Fall, immediately after the August recess, should assuage concerns posed by President Pierce and ABAG about meeting our next round of budget appropriation decisions well before December 2015. Again, the primary remaining question is:

How would consolidation of planning functions under a single director or entity be organized and how would reporting to the MTC and ABAG policymakers work under this kind of systemic change?

In particular, I've asked Mr. Heminger to include in a proposal for a consolidated planning function the following options for the Commission to consider along with any other options or alternatives he might suggest for consideration:

1. A single planning department of MTC and ABAG consolidated within the MTC organization.
2. An organizational chart that would have the MTC planning director oversee the consolidated planning department while continuing to report to MTC's executive director.
3. A funding relationship between ABAG and MTC that would have MTC retain the bulk of the \$4 million in federal and state planning funds that it currently transfers annually to ABAG to be used to pay for the cost of the larger scaled single planning staff and functions.
4. A retention policy that would require MTC to offer employment opportunities to ABAG planning staff at commensurate salaries and benefits.
5. A reporting and approval structure to elected policy makers that would continue to require the work product of the consolidated planning department to be approved by the joint MTC Planning/ABAG Administrative committees and, as per past practice or legal requirement, by the MTC commission and ABAG executive board.
6. The existing statutory authority of the MTC commission and ABAG executive board would be respected and maintained.

In a nutshell, a proposal whereby one professional planning department would serve two or more commissions/councils/boards, much like what occurs in most cities and counties in California. I think this concept deserves the Commission's serious and thorough consideration. I intend to agendize that discussion for our September 23<sup>rd</sup> meeting. In the meantime, please feel free to contact me with any questions or concerns.



Dave Cortese

cc: ABAG Executive Board  
Steve Heminger  
Ezra Rapport

**C/CAG**  
CITY/COUNTY ASSOCIATION OF GOVERNMENTS  
OF SAN MATEO COUNTY

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May 28, 2015

California Transportation Commission  
1120 N Street, MS-52  
Sacramento, CA 95814

Re: Redwood City 2020 Sustainable Transportation Encouragement Program (STEP)

Dear Members of the California Transportation Commission:

I would like to express my support for the County of San Mateo Office of Sustainability grant proposal: *Redwood City 2020 Sustainable Transportation Encouragement Program (STEP)*. STEP aims to increase the safety of children and all residents walking and bicycling in the Redwood City/North Fair Oaks community while increasing the number of people who walk and cycle for daily trips.

This is a particularly appropriate time for the Redwood City School District and San Mateo County to address the need for more residents, students, and shoppers to feel comfortable, safe, and supported in their choice to use active transportation. Traffic demands will increase dramatically in this project area as more than 1,700 new housing units and more than 1 million square feet of new offices are completed.

The expanded education, enforcement, and encouragement programs in STEP are urgently needed to reduce traffic and increase safety for children walking to school and for all residents and visitors traveling through the Redwood City/North Fair Oaks project area.

We look forward to increasing traffic safety for all roadway users by collaborating with the Office of Sustainability and Redwood City 2020 on the STEP project.

Regards,

  
Sandy Wong, C/CAG Executive Director

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# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

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California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512  
Dockets Office, MS-4

Re: Docket No. 15-BSTD-01 Adoption of 15-Day Language for the 2016 Building Energy Efficiency Standards  
June 9, 2015

Dear California Energy Commission,

Comments Supporting Adoption of Title 24 2016 15-Day Language:

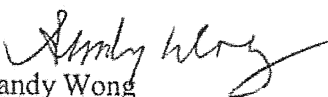
The San Mateo County Energy Watch (SMCEW) is a local government partnership between City/County Association of Governments of San Mateo County and Pacific Gas and Electric Company. We partner with Ecology Action to administer our turnkey lighting retrofit program for local governments, special districts, small businesses, non-profits, schools, farms, and lower income residents.

For the past year, SMCEW has had to significantly reduce our efforts to market to certain sub-segments within the small business sector because of the negative impact of the Title 24 code changes last July. For example, PG&E data indicates that offices and real estate have the highest opportunity for savings in San Mateo County, yet since lighting retrofit projects in office buildings tend to trigger code, the projects aren't cost effective. Instead, we have limited our outreach to non-code-triggering sub-sectors such as warehouses, small retail, gas stations, convenience stores and restaurants. With the new Code requirements, we have found it to be much more difficult to find business owners willing to move forward with retrofits because the projects don't make financial sense for them.

Ecology Action's research on the impact of Title 24 Code includes projects and proposed projects from San Mateo County. The collection of projects shows concretely the severe consequences imposed by the 2013 code, especially as it impacts the small business sector. We feel that the 15-Day Language represents an acceptable compromise, and would like to see it implemented as soon as possible after it is adopted rather than waiting until January 1, 2017.

Thank you for your consideration.

Best regards,

  
Sandy Wong  
Executive Director

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July 10, 2015

Mr. Bruce Wolfe  
Executive Officer  
San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612

**Subject: SMCWPPP Comments on the Tentative Order for the Reissued NPDES Stormwater Municipal Regional Permit**

Dear Mr. Wolfe:

The San Mateo Countywide Clean Water Program (SMCWPPP) appreciates this opportunity to comment on the Tentative Order for the reissued NPDES stormwater municipal regional permit ("MRP 2.0") that was recently released by the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) staff. Our comments reflect the importance of developing permit requirements that are flexible, practical, and cost-effective while meeting the challenges of continuing to protect water quality in our local creeks and San Francisco Bay.

Please note that SMCWPPP's highest priority areas of concern are Provisions C.3 (New Development and Redevelopment, especially the Green Infrastructure provision), C.10 (Trash Load Reduction), and C.11/12 (Mercury and PCBs Controls). Of particular concern is that Provision C.12 (PCBs Controls) continues to fall well short of providing Permittees with a clear and feasible pathway to attaining compliance.

At the July 8, 2015 Regional Water Board hearing, Board members acknowledged that given the very high costs and difficulties to address PCBs, trash controls should be given priority during the permit term. This is also consistent with the message from the State Water Resources Control Board via the recently adopted trash amendments. Based on this direction from Regional Water Board members, requirements currently included in the PCB provision should be streamlined and the schedule for implementation of controls extended to provide additional time to allow Permittees to focus on trash controls during this permit term. Regional Water Board members also noted that the general approach in the permit is to require implementation of BMPs and pollutant controls, and that the requirements in the permit should be predictable and provide a clear/concise articulation of the path to compliance. These factors are particularly relevant to crafting the PCBs-related requirements.

We therefore request that the Tentative Order be revised so that the load reduction performance criteria are not the point of compliance and compliance be based upon implementing PCBs control programs designed to achieve a load reduction target (such as a Numeric Action Level or similar mechanism for triggering requirements for additional action and reporting), so that Permittees are not vulnerable to potentially very costly third-party law suits. To help provide Permittees with a clear and feasible path to compliance, an interim accounting method should be included in its entirety in the permit and applicable for at least the term of the permit. Additionally, implementation schedules should be expanded to allow Permittees to focus on higher priority water quality controls per the Regional Water Board's comments at the July 2015 hearing.

For each issue in the Tentative Order that we have identified, a corresponding recommended revision to the Tentative Order is presented below, organized by each provision for which we are providing comments.

### **C.3 - NEW DEVELOPMENT AND REDEVELOPMENT**

#### **C.3.b.i - Regulated Projects**

We appreciate that the Regulated Project thresholds, land use types, and exemptions for C.3 coverage did not change from the current permit. However, new language in Provision C.3.b requires that any Regulated Project that was approved before any C.3 requirements were in effect (i.e., does not have a stormwater control plan) and has not begun construction before MRP 2.0 takes effect must comply with provisions C.3.c and C.3.d (LID treatment and sizing requirements).

- **Issue:** Permittees do not have the legal authority to impose new requirements on projects with approved entitlements or development agreements, and therefore will face non-compliance with this requirement. If a Permittee did try to impose new requirements on such projects, it could face legal battles with the property owner or developers.

**Requested Revision:** Delete this requirement.

#### **C.3.c.i.(2)- LID Site Design**

Permittees are required to collectively develop and adopt design specifications for pervious pavement systems, subject to Executive Officer approval. Countywide program guidance manuals already include pervious pavement specifications.

- **Issue:** This requirement duplicates work that already exists<sup>1</sup> and has been and continues to be implemented by Permittees. There has been no indication that existing specifications are insufficient or ineffective. In addition, the requirement places an undue new level of work on the Permittees, and a potential new level of uncertainty because the specifications are subject to approval by the Executive Officer, without any factual basis in the fact sheet to support the increased effort.

**Requested Revision:** Delete the requirement.

#### **C.3.c.i.(2)(c) - LID Stormwater Treatment**

We appreciate the removal of the requirement to demonstrate the infeasibility of rainwater harvesting and use, infiltration, and evapotranspiration before allowing use of biotreatment, based on the experience, analyses, and recommendations of the Permittees, as described in the Fact Sheet.

#### **C.3.e.ii - Special Projects**

The Special Projects criteria for LID treatment reduction credits include criteria for density expressed as Floor Area Ratio (FAR)<sup>2</sup> or Dwelling Units (DU) per acre. Both criteria are computed based on the size of the

<sup>1</sup> The SMCWPPP C.3 Technical Guidance (2014) already contains detailed design guidelines and specifications for pervious pavement and grid pavement systems in Chapter 6, Sections 6.6 and 6.7 (see <http://flowstobay.org/newdevelopment>)

<sup>2</sup> Floor area ratio is defined as the ratio of the total floor area on all floors of all buildings at a project site (except structures, floors, or floor areas dedicated to parking) to the total project area.

project site. The current permit allows jurisdictions to define FAR and calculate DU/acre consistent with their standard practices. MRP 2.0 prescribes specific definitions for each and requires that they be computed based on the total area of the site (e.g., DU/ac based on gross density<sup>3</sup>). The Permittees requested changes to the definitions as part of early input on the Administrative Draft and the changes were not incorporated.

- **Issue:** Permittees typically use a definition of gross density that excludes public rights-of-way. Using gross density as defined in the Tentative Order will result in a lower density value that may prevent some valuable high density projects from qualifying for LID treatment reduction credits. Similarly, Permittees would like to exclude public rights-of-way and public plaza areas from the computation of FAR.

**Requested Revision:** Change the definitions of FAR and gross density to exclude public plazas, public rights-of-way, and civic areas.

#### **C.3.g.iv - Hydromodification Management (HM) Standard – Methodology for Direct Simulation of Erosion Potential**

The Tentative Order contains similar HM standards and requirements for Permittees to those in the current permit. In addition, the Tentative Order allows the Permittees to collectively propose a method for sizing of HM facilities based on direct simulation of erosion potential, which may allow more efficient facility sizing.

- **Issue:** The method must be submitted to the Regional Water Board for review and adopted as a permit amendment before it can be applied. This administrative hurdle is unnecessary, as the method is consistent with the current HM standard (and it is the only requirement in the Tentative Order requiring an amendment), and will cause delay and uncertainty as to when the methodology can be used. Also, the provision contains several typos.

**Requested Revision:** Allow Executive Officer approval of the sizing methodology. Correct the following typos:

- C.3.g.i – Move items (1) through (3) to after the first paragraph in which they are referenced.
- C.3.g.ii.(3) – change “charges” to “charts” in the first sentence.
- C.3.g.vii.(5) – delete the last bullet that refers to the Impracticability Provision, which is not included in the Tentative Order.

#### **C.3.h - Operation and Maintenance of Stormwater Treatment Systems**

- **Issue:** C.3.h.ii.(7) contains requirements for O&M Enforcement Response Plans. Section (c) requires that corrective actions for identified O&M problems with pervious pavement, treatment, and HM systems be implemented within 30 days of identification, and if more than 30 days are required, a rationale must be recorded in the Permittee’s inspection tracking database. The process of contacting and educating the property owner, allowing the property owner to arrange for

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<sup>3</sup>Gross density is defined as the total number of residential units divided by the acreage of the entire site area, including land occupied by public rights-of-way, recreational, civic, commercial, and other non-residential uses.

maintenance work to be completed, and following up with a re-inspection typically takes more than 30 days. In the Phase I Manager's early input on the Administrative Draft, a correction period of 90 days was requested, consistent with current practice by some Permittees and some existing maintenance agreements.

**Requested Revision:** Allow 90 days for completion of permanent corrective actions.

- **Issue:** Changes were made to allow Permittee to track inspections by the number of sites instead of numbers of treatment/HM facilities, which was an improvement, but inspection of at least 20% of the total number of Regulated Projects is required each year. Permittees have requested more flexibility around that number while still meeting the requirement of inspection of each site at least once every five years.

**Requested Revision:** Change language to require inspection of "approximately 20%" of sites per year. Also, correct the following typos:

- C.3.h.ii.(7) – begin first sentence with "Permittees shall prepare and maintain..."
- C.3.h.v.(4) – Change "XX" Annual Report to "2017" Annual Report.

### **C.3.j - Green Infrastructure Planning and Implementation**

This provision will be one of the most challenging portions of C.3 to implement and has a significant level of uncertainty in terms of what will constitute compliance. It also appears that the level of effort and resources required to implement Provision C.3 will be significantly greater than implementing MRP 1.0 due to the new Green Infrastructure (GI) requirements.

Provision C.3.j.i requires each Permittee to develop a GI Plan. The GI Plan must include: mechanism to prioritize and map potential GI project areas; maps and lists generated by this mechanism, for implementation within 2, 7, and 12 years of the Permit effective date; targets for amounts of retrofitted impervious surface within 2, 7, 12, 27, and 52 years; tracking and mapping of installed GI systems; streetscape design and construction details and standards; a list of updates and modifications to existing related Permittee planning documents; and reporting on all of the above elements. Permittees must also prepare and submit annually a list of planned and potential GI projects, based on a review of capital improvement projects, and a summary of how each project will include GI to the Maximum Extent Practicable (MEP) or why it was impracticable to implement GI.

- **Issue:** The language in Provision C.3.j needs to be more consistent with the expectations in Provisions C.11 and C.12 for achieving PCB and mercury load reductions with GI. Discussions with Regional Water Board staff on C.11 and C.12 have suggested that load reductions required by GI over the MRP 2.0 permit term can be accomplished by private development and redevelopment, whereas C.3.j only refers to public retrofits.

**Requested Revision:** Make more explicit in C.3.j (as well as in C.11/12) that private development and redevelopment as well as public projects will count toward meeting PCB and mercury load reductions, and that constructed public GI projects within the permit term are not required for compliance with GI pollutant load reductions.

- **Issue:** Developing a comprehensive GI Plan will take time and significant resources, and the timeframes in the Tentative Order for completion of the Plan are unrealistic. For example, the framework for the GI Plan has to be developed and approved by local governing bodies or city/county managers within one year of the Permit effective date. This is a very short timeframe given the effort required to coordinate and educate internal departments, educate upper level staff and elected officials, prepare the framework, conduct resource planning, and accommodate lead times for bringing the framework to governing bodies. Additionally, the GI Plan must be completed and submitted with the 2019 Annual Report (three and one-half years from the expected Permit effective date). Completing a GI Plan will be a complex and time-intensive process that will require a great deal of municipal interdepartmental coordination and resources. Prioritization and mapping of potential and planned projects may not be able to be completed within two years of the Permit effective date.

**Requested Revision:** Provide additional time to complete and obtain governing body approval of the GI framework; e.g. extend the deadline to the required reporting date of September 15, 2017. Provide the entire permit term to complete the GI Plan. Eliminate the two-year deadline to complete prioritization, mapping, and begin implementation of planned/potential projects (before the GI Plan is completed), and include these efforts in the GI Plan development period.

- **Issue:** Prioritization and mapping of potential and planned projects will be a major, resource-intensive effort, especially for those smaller jurisdictions that do not have GIS data layers already available. Additional flexibility in approaches to mapping and prioritization is needed. In addition, the time intervals for planning should be aligned with fiscal years, and made consistent with the time intervals for load reductions in C.11/12.

**Requested Revision:** The mechanisms used to develop the GI Plan and priorities should include other less complex tools in addition to the GreenPlan-IT tool. The time intervals should be changed to FY 19-20, FY 24-25, and FY 29-30 (to align with C.11/12 load reduction reporting intervals of 2020 and 2030).

- **Issue:** Provision C.3.j.i(1)(c) requires Green Infrastructure Plans to include “targets for the amount of impervious surface within the Permittee’s jurisdiction to be retrofitted” within 2, 7, 12, 27, and 52 years of the Permit effective date. It is unclear how these “targets” are to be established by each Permittee. In addition, the timeframes for establishing “targets” (we would prefer the term “projections”) for the amount of impervious surface retrofitted do not line up with the C.11/12 load reduction timeframes, making it difficult to calculate projected load reductions.

**Requested Revision:** Allow the development of “projections” instead of “targets”, and allow Permittees to include projected private development as well as public projects. Allow projections to be developed for the years 2020, 2030, 2040, and 2065, consistent with C.11/12 and with other municipal planning documents.

- **Issue:** Provision C.3.j.ii requires early implementation of GI, focused on identifying and implementing public projects that have potential for GI measures (including LID treatment) within the permit term. It is unclear how compliance with this section will be determined. The process for review of planned capital projects needs to be more defined and objective, in order to avoid disagreements with Regional Water Board staff as to what are “missed opportunities”. There also

needs to be the recognition that while it may be technically feasible to add LID features to a capital project, the funding for the additional features and the ongoing maintenance of the LID features may not be available. Implementation (i.e., design and construction) during the Permit term of GI projects that are not already planned and funded will be very challenging for most Permittees.

**Requested Revision:** Efforts during the MRP 2.0 term should focus on development of long-term GI Plans and opportunistic implementation of GI projects where feasible and where funding is available. Add language proposed by the Permittees as early input to the Administrative Draft Permit (as shown in the footnote below<sup>4</sup>) that would allow for consistent review of capital projects for GI opportunities, based on specified criteria. Allow the development of these criteria to take place within the first seven months of the Permit effective date, and set the implementation date to begin review of capital projects as July 1, 2016 (beginning of the fiscal year), with the submittal of the first list of projects with the 2017 Annual Report.

#### C.4 - INDUSTRIAL AND COMMERCIAL SITE CONTROLS

##### C.4.c - Enforcement Response Plans (ERPs)

- **Issue:** Provision C.4.c.ii.(3)- Timely Correction of Potential and Actual Non-stormwater Discharges states that "Permittees shall require" correction for all potential and actual discharges before the next rain event but no longer than 10 business days. The current permit requires that all violations are corrected in a timely manner with the "goal" for correcting violations before the next rain event but no longer than 10 business days, and if greater than 10 business days is required, the inspector must record rationale in database or tabular system. Adding the language "Permittees shall require" does not allow for flexibility needed by inspector issuing an enforcement action. If adopted as written, this provision would require sites with minor issues during the dry season (i.e., verbal warnings) to have a follow-up inspection within 10 business days to confirm corrective actions have been implemented. This has the potential to greatly increase the work load for inspectors with no water quality benefit.

**Requested Revision:** We request that the requirement as worded in the current permit be maintained in the Tentative Order. In addition, in provision C.4.c.ii (Implementation Level) there is a requirement for a description of the Permittee's procedures for confirmation of implementation of corrective actions. Given the burdensome requirement for all potential discharges to be corrected within 10 business days during dry weather, we request the Fact Sheet include text to clarify the flexibility that confirmation of corrective actions is not limited to a follow-up inspection but may occur during the initial inspection, or be a photo submittal or documentation from the facility.

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<sup>4</sup> Proposed language: "Permittees shall review and analyze appropriate projects within the Permittee's capital improvement program, and for each project, assess the opportunities and associated costs of incorporating LID into the project. The analysis shall consider factors such as grading and drainage, pollutant loading associated with adjacent land uses, uses of available space with the project area, condition of existing infrastructure, opportunities to achieve multiple benefits such as providing aesthetic and recreational resources, and potential availability of incremental funding to support LID elements along with other relevant factors... Permittees will collectively evaluate and develop guidance on the criteria for determining practicability of incorporating green infrastructure measures into planned projects."



## C.5 - ILLICIT DISCHARGE DETECTION AND ELIMINATION

### C.5.a – Legal Authority

- **Issue:** New text was added to Provision C.5.a Legal Authority that requires Permittees to have adequate legal authority to address illicit discharges including sewage. The new text provides an exception for those sewage-related discharges that “already reported to the Regional Water Board through the California Integrated Water Quality System Project.” We appreciate the attempt to exempt those illicit discharges reported to the Regional Water Board consistent with requirements outside of the MRP; however, this exemption is misplaced and should be associated with the tracking and reporting of these discharges via the MRP, not having the legal authority to address these discharges.

**Requested Revision:** We request that the text “already reported to the Water Board through the California Integrated Water Quality System Project” be moved from provision C.5.a (Legal Authority) to the more appropriate provision C.5.d (Tracking and Case Follow-up). Permittees should maintain the legal authority to address all sewage illicit discharges, but would like to exclude the requirement for tracking sanitary sewer overflows via their water quality spill and dumping complaint tracking and follow-up electronic database/tabular system required by the MRP if the data are already being reported through CIWQS. To address this issue, we recommend the following underlined text be added to the following provision:

**C.5.d.i Task Description** – All incidents or discharges reported to the spill and dumping central contact point that might pose a threat to water quality shall be logged to track follow-up and response through problem resolution. The data collected shall be sufficient to demonstrate escalating responses for repeated problems and inter/intra-agency coordination, where appropriate. If data are tracked and reported to the Water Board under another permit (e.g., SSOs reported according to State Board Order No. 2006-0003-DWQ) it is not necessary to track and report the incident according to this provision.

### C.5.b – Enforcement Response Plans (ERPs)

- **Issue:** Provision C.5.b.ii.(3) - Timely Correction of Potential and Actual Non-stormwater Discharges - states that "Permittees shall require" correction for all potential and actual discharges before the next rain event but no longer than 10 business days. The current permit requires that all violations are corrected in a timely manner with the "goal" for correcting violations before the next rain event but no longer than 10 business days, and if greater than 10 business days is required, the inspector must record rationale in database or tabular system. Adding the language “Permittees shall require” does not allow for flexibility needed by inspector issuing an enforcement action. If adopted as written, this provision would require sites with minor issues during the dry season (i.e., verbal warnings) to have a follow-up inspection within 10 business days to confirm corrective actions have been implemented. This has the potential to greatly increase the work load for inspectors with no water quality benefit.

**Requested Revision:** We request that the requirement as worded in the current permit be maintained in the Tentative Order. In addition, in provision C.5.b.ii - Implementation Level there is a requirement for a description of the Permittee’s procedures for confirmation of implementation of

corrective actions. Given the burdensome requirement for all potential discharges to be corrected within 10 business days during dry weather, we request the Fact Sheet include text to clarify the flexibility that confirmation of corrective actions is not limited to a follow-up inspection but may occur during the initial inspection, or be a photo submittal or documentation from the facility.

### **C.5.e – Control of Mobile Sources**

- **Issue:** The Control of Mobile Sources provision has new, onerous reporting requirements that are duplicative of reporting required in other provisions, including reporting on local, county-wide and regional outreach efforts (reported in Provision C.7) throughout the permit term, number of inspections conducted (reported in Provision C.4 or C.5), and number and type of enforcement actions taken (reported in Provision C.4 or C.5). Specifically, provision C.5.e.iii.(1)(f) specifically requests a list of mobile cleaners operating within the Permittee's jurisdiction.

**Requested Revision:** We request that the mobile business lists referred to in C.5.e.ii.(1)(c) and C.5.e.iii.(2)(f) refer specifically to "mobile cleaners" for consistency. We also request that the reporting requirements C.5.e.iii.(1)(f) and C.5.e.iii.(2)(f) refer to "inventories" to be consistent with the implementation level requirements. Additionally, delete the reporting requirements in Provision C.5.e.iii related to inspections, enforcement and outreach that are reported in other Annual Report sections. We also recommend the following revisions shown in underline/strikeout to provide consistency with the development and reporting of a business inventory:

- C.5.e.ii.(1)(c) Regularly updating mobile cleaner business inventories
- C.5.e.iii.(1)(f) ~~a list of mobile cleaners operating within the Permittee's jurisdiction;~~ Permittee's inventory of mobile cleaner businesses
- C.5.e.iii.(2)(f) ~~a list of mobile businesses operating within the Permittee's jurisdiction;~~ Permittee's inventory of mobile cleaner businesses

## **C.6 - CONSTRUCTION SITE CONTROL**

### **C.6.b– Enforcement Response Plans (ERPs)**

- **Issue:** Provision C.6.b.ii.(3)- Timely Correction of Potential and Actual Non-stormwater Discharges states that "Permittees shall require" correction for all potential and actual discharges before the next rain event but no longer than 10 business days. The current permit requires that all violations are corrected in a timely manner with the "goal" for correcting violations before the next rain event but no longer than 10 business days, and if greater than 10 business days is required, the inspector must record rationale in database or tabular system. Adding the language "Permittees shall require" does not allow for flexibility needed by inspector issuing an enforcement action. If adopted as written, this provision would require sites with minor issues during the dry season (i.e., verbal warnings) to have a follow-up inspection within 10 business days to confirm corrective actions have been implemented. This has the potential to greatly increase the work load for inspectors with no water quality benefit.

**Requested Revision:** We request that the requirement as worded in the current permit be maintained in the Tentative Order. In addition, in provision C.6.b.ii (Implementation Level) there is a

requirement for a description of the Permittee's procedures for confirmation of implementation of corrective actions. Given the burdensome requirement for all potential discharges to be corrected within 10 business days during dry weather, we request the Fact Sheet include text to clarify the flexibility that confirmation of corrective actions is not limited to a follow-up inspection but may occur during the initial inspection, or be a photo submittal or documentation from the facility.

#### **C.6.d – Plan Approval Process**

- **Issue:** Provision C.6.d (Plan Approval Process) requires verification that the developer/operator has "obtained coverage" under the Construction General Permit for sites disturbing one acre or more of land. Determination of whether a developer/operator has "obtained coverage" under the General Permit is the responsibility of the Regional Water Board, not Permittees. The current permit language requires verification the developer has "filed a Notice of Intent."

**Requested Revision:** We request that the requirement in the current permit for Permittees to verify that the developer/operator has "filed a Notice of Intent" be maintained in Tentative Order.

#### **C.6.e.iii.(2)(g) - Reporting**

- **Issue:** The text refers to the "number of violations" fully corrected as the number of enforcement actions, which is inconsistent with similar reporting requirements in provision C.4.

**Requested Revision:** For consistency, we request that the text in C.6.e.iii.(2)(g) be revised to refer to the number of "enforcement actions fully corrected" instead of the number of "violations fully corrected."

#### **C.6.e.ii(2)(b) – Inspection of Hillside Projects**

- **Issue:** Provision C.6.e.ii.(2)(b) requires that monthly wet season inspections be conducted at hillside projects (defined by Permittee maps or > 15% slope) that disturb 5,000 sq ft or more of soil. This threshold is arbitrary and has no linkage to whether the project is a significant threat to water quality, which is the current criterion for inspection sites that disturb less than 1 acre of soil. In addition, this requirement to change inspection frequency criteria has no implementation date, so it is assumed to take effect on the effective date of the permit (i.e., December 1, 2015) in the middle of the wet season, which will be problematic for Permittees to implement.

**Requested Revision:** Phase I stormwater program managers provided early input to the Administrative Draft that included recommended language that would limit inspections of hillside projects "meeting a minimum size threshold for disturbed land as defined by the Permittee." We request that Regional Water Board staff incorporate this recommended language into the reissued permit. Also, we request that the implementation date for monthly inspections in this new category begins July 1, 2016. The number of sites and inspections for this new category for the entire wet season and the criteria used to determine the new category could be reported in the 2017 Annual Report. Additionally, we request that the following revisions are made to the provision:

- C.6.e.ii.(2) {add at the end} Effective Date – Immediate, except July 1, 2016 for category (2)(b) hillside projects.

- C.6.e.iii.(1) In the 2017 Annual Report, each Permittee shall certify the criteria it uses to determine hillside developments. If the Permittee is using maps of hillside developments areas or other written criteria, include a copy in the Annual Report.
- C.6.e.iii.(2)(a) Total number of active hillside sites disturbing less than one acre of soil requiring inspection, beginning in the 2017 Annual Report;

## C.7 – PUBLIC INFORMATION AND OUTREACH

### General Comments regarding Provision C.7.

- **Issue:** Provision C.7 should provide Permittees with flexibility to craft local or countywide public outreach programs that are tailored to local needs (e.g., outreach directed towards any funding initiative activity planned locally during the MRP 2.0 permit term).

**Recommended Revision:** Include language stating that Permittees may comply with the requirements of Provision C.7 through development of a comparable education and outreach plan that addresses the overall objectives of the Provision.

- **Issue:** C.7 is the primary provision for public outreach in the permit, but public outreach tasks are disbursed throughout the Tentative Order, including within Provisions C.3, C.5, C.9, and C.15. For example, Provision C.5.c. (Spill and Dumping Complaint Response Program) includes requirements related to maintaining a point of contact and Provision C.9.e is concerned with public outreach in relation to pesticides controls.

**Recommended Revision:** Relocate all public outreach-related tasks to Provision C.7, thereby creating one comprehensive public outreach provision. The provisions that currently include outreach tasks should instead refer to Provision C.7. This approach would be beneficial to Permittees and countywide programs for both identifying outreach tasks and compliance reporting.

### C.7.c. Media - Use of Free Media

- **Issue:** Providing additional flexibility would improve the effectiveness of the use of free media.

**Recommended Revision:** Provide an alternative to the proposed six pitches by allowing four pitches coupled with ongoing social media postings. We also recommend noting under reporting (C.7.c.iii) that the success of social media may be documented with available metrics, such as number of likes and shares.

### C.7.e: Public Outreach and Citizen Involvement Events

- **Issue:** Provision C.7.e combines outreach and citizen involvement events and would increase the amount of events that most municipalities would have to conduct at a time when local budgets and staff availability for outreach activities are already currently stretched.

**Recommended Revision:** Rename this provision “Public Outreach and Engagement Activities.” Eliminate Table 7.1 and the associated requirements that each city conduct a certain number of events based on population. Instead specify a framework that emphasizes engagement activities to be implemented at the discretion of each municipality based on a menu that includes tabling events,

social media campaigns, presentations, workshops, cleanups, community based social marketing, collaboration with watershed stewardship groups, new printed promotional materials, and advertising. Require each municipality to select and implement a minimum of three activities from the menu, and establish accountability through the reporting section, where each municipality would justify why it chose the selected activities and document the effectiveness of its choices. Include language that would allow municipalities to team up on activities at their discretion. This would give municipalities more freedom to tailor outreach activities to their community needs and budgets. However, if the current prescribed approach remains, we recommend at a minimum cutting the number of events by at least one across the board.

#### **C.7.f. Watershed Stewardship Collaborative Efforts**

- **Issue:** Additional flexibility regarding public outreach and engagement activities would allow municipalities to better tailor these activities to local needs.

**Recommended Revision:** Eliminate C.7.f as a separate provision and include watershed stewardship collaborative efforts as an option under Provision C.7.e, as described above.

### **C.8 - WATER QUALITY MONITORING**

#### **C.8.d.i (Biological Assessment) and C.8.d.i (Chlorine)**

- **Issue:** There are two subsections designated C.8.d.i.

**Requested Revision:** Renumber C.8.d subsections.

#### **C.8.d.i.(1) - Biological Assessment – Field and Laboratory Method**

- **Issue:** Permittees are required to conduct biological assessments using the full characterization of physical habitat (full PHab). Use of full PHAB was not required under MRP 1.0, instead, a limited PHab methodology was required. This is because the information collected under the full PHab method is not useful in random probabilistic-style monitoring designs such as the one implemented by SMCWPPP and coordinated through the Regional Monitoring Coalition (RMC). Full PHab is more useful in targeted monitoring programs where specific sites are selected. Implementation of the full PHab methodology adds approximately 20 minutes onto the field time for each bioassessment station, eliminating most opportunities to sample two sites per day, resulting in increased costs to the sampling program.

**Requested Revision:** Restore the modified PHab assessment that is required under the current permit.

#### **C.8.d.ii - Temperature and C.8.d.iii - Continuous Monitoring of Dissolved Oxygen, Temperature, and pH**

Permittees are required to continuously monitor streams for temperature from April through September (C.8.d.ii) and for 1 to 2 weeks in the spring and summer (C.8.d.iii). Permittees are required to consider conducting an SSID project when results exceed the given temperature trigger.

- **Issue:** The Maximum Weekly Average Temperature (MWAT) trigger listed in this provision was developed for salmonid streams in the Pacific Northwest where the climate is cooler than the Bay

Area. Salmonid species in the Bay Area have adapted to warm temperatures and as appropriate, regulatory/resource agencies (e.g., NMFS) have set temperature targets for certain cold water streams based on the life history needs of specific species. Trigger thresholds included in the Tentative Order are based on false assumptions, inconsistent with existing targets established by the regulatory agencies, and will likely create confusion when applied to water data collected via the MRP.

**Requested Revision:** Allow Permittees to determine watershed-specific temperature trigger thresholds consistent with targets established via other regulatory processes (e.g., agreements with NMFS), if applicable, and set reasonable “default” temperature thresholds for those streams where targets have not been established.

#### **C.8.d.iv - Toxicity in Water Column**

Permittees are required to collect grab samples of water and conduct toxicity testing using five test organisms and specified methods, and evaluate toxicity using the Test of Significant Toxicity (TST) statistical approach.

- **Issue:** The required water column aquatic toxicity analytical procedure for *Hyaella azteca* (freshwater amphipod) and *Chironomus dilutus* (midge) (i.e., EPA 821-R-02-013) does not include those organisms (except in an appendix) and does not specify the test protocol design, such as the number of replicates, number of organisms, etc.

**Requested Revision:** Replace EOA-821-R-02-012 with EPA-600-R-99-064 for *Hyaella azteca* (freshwater amphipod) and *Chironomus dilutus* (midge) which does provide specific protocols. A reference toxicant test method is prescribed for these organisms in water in the EPA-600-R-99-064 manual.

- **Issue:** The TST statistical approach has not been adopted by the State Water Resources Control Board (SWRCB) and therefore should not be included in the MRP.

**Requested Revision:** Require that the TST approach be implemented following SWRCB adoption of the proposed Policy for Toxicity Assessment and Control. Until that time, the MRP 1.0 approach should be used.

#### **C.8.d.v - Toxicity and Pollutants in Sediment**

Permittees are required to collect grab samples of bedded sediment and conduct toxicity testing using two test organisms and specified methods, and evaluate toxicity using the Test of Significant Toxicity (TST) statistical approach. Sediment grab samples must also be analyzed for several pollutants. For pollutants without water quality objectives (WQOs), Permittees are required to consider conducting an SSID project when results exceed the Probable Effects Concentrations (PECs) or the Threshold Effects Concentrations (TECs) from MacDonald 2000.

- **Issue:** The TST statistical approach has not been adopted by the SWRCB yet.

**Requested Revision:** Require that the TST approach be implemented following SWRCB adoption of the proposed Policy for Toxicity Assessment and Control. Until that time, the MRP 1.0 approach should be used.

- **Issue:** The pollutant list includes high cost, low benefit analytes such as PCBs, mercury, and organochlorine (OC) pesticides, some of which (PCBs and mercury) are being monitored extensively under Provision C.8.f. Data collected under this provision is for the purposes of assessing the quality of local creeks and channels, not the Bay, which is the water body listed on the 303(d) list of water quality impaired segments for these legacy pollutants. Therefore, there is no justification for analyzing bedded creek/channel sediment for these pollutants.

**Requested Revision:** Remove PCBs, mercury and OC pesticides from the analyte list in Table 8.2.

- **Issue:** The TECs for bedded sediments are very conservative values that do not consider site specific background conditions, and are therefore not depictive of water quality concerns in receiving waters in the Bay Area. Including TEC values as triggers for SSID consideration will result in nearly every sample being considered for an SSID project. For example, the predominant TEC values triggered during MRP 1.0 were Chromium and Nickel. Both are found in watersheds throughout San Mateo County due to the presence of naturally occurring serpentinite bedrock.

**Requested Revision:** Remove TECs from the list of conditions triggering consideration for conducting a SSID project.

#### **C.8.e.iii.(1).(f) - SSID Projects – Step 1: Toxicity Study Work Plan**

Permittees are required to conduct SSID projects in a defined stepwise process. Step 1 requires development of a work plan for each SSID project and defines what elements the work plan should include. For toxicity studies where there is no chemical pollutant associated with the toxicity result this Provision requires that a Toxicity Identification Evaluation (TIE) is conducted.

- **Issue:** Requiring Permittees to conduct TIEs overly constrains the study design and is a departure from MRP 1.0 which also allowed for first conducting the more flexible Toxicity Reduction Evaluation (TRE). A TRE is a site-specific study that relies on “weight of evidence” reasoning to identify the cause of toxicity and may include a TIE if warranted. A TIE identifies the toxic components of the sample through chemical manipulation.

**Requested Revision:** Restore the option from MRP 1.0 which allows Permittees to first conduct a TRE for toxicity SSID studies and then conduct a TIE if the TRE does not result in identification of the cause of toxicity.

#### **C.8.e.iii.(3).(b) - SSID Projects – Step 3: Follow up actions**

Permittees are required to conduct SSID projects in a defined stepwise process. Step 3 defines the possible follow up actions. If a Permittee determines that their MS4 is not a source contributing to the exceedance, this Provision requires concurrence in writing by the Executive Officer before the SSID project can be determined to be completed.

- **Issue:** Executive Officer concurrence of SSID project completion may be lengthy and/or result in unnecessary additional investigation with unknown cost and schedule implications.

**Requested Revision:** Remove the requirement for Executive Officer approval.

**C.8.f.ii - Table 8.4 POC Monitoring Parameters, Effort and Type**

Permittees are required to conduct POC monitoring consistent with the monitoring intensity and frequency specified in Table 8.4. Table 8.4 lists the total number of samples required over the permit term and on an annual basis for each pollutant of concern.

- **Issue:** Footnote “a” for Table 8.4 states that the Total Samples Collected column applies to the permit term; however, this conflicts with the paragraph preceding Table 8.4 which states that the total shall be collected by the end of the fourth Water Year. It is unclear by what date the total number of samples should be collected.

**Requested Revision:** Revise text paragraph preceding Table 8.4 to be consistent with footnote “a.”

- **Issue:** Column B in the Toxicity row of Table 8.4 states that the Total Samples to be collected is 10; however, Column C states that a minimum of 20 samples is required. It appears that the Column C total is a typo and it is unclear whether 10 or 20 toxicity samples should be collected.

**Requested Revision:** Fix the typo in Column C of the toxicity row on Table 8.4 from 20 to 10.

- **Issue:** Toxicity sampling of the sediment is required during the wet season but not necessarily during storms. Typically sediment samples are collected during the dry season both to characterize sediment transport that has occurred throughout the year and to coordinate sampling with other dry season parameters. There is no scientific justification for sediment sample collection during the wet season.

**Requested Revision:** Delete the required timing of the sediment sample, change it to the dry season, or provide a technical justification for wet season sediment sampling.

- **Issue:** The required total samples collected and yearly minimum is the same for each Countywide Program. In recognition of a smaller population, smaller permitted area, and less resources, other Provisions allow a lower level of effort for SMCWPPP, such as C.8.d (Creek Status) which requires a lower number (by half) of minimum samples. Requiring the same number of samples for each Program places a disproportionate burden on SMCWPPP compared to larger Programs.

**Requested Revision:** Add a tiered component to C.8.f POC Monitoring by requiring a smaller (by half) minimum number of total samples and yearly minimums for SMCWPPP.

- **Issue:** The required total samples collected yearly minimum for copper, pesticides, and nutrients (20/2) is double the required minimums required numbers for toxicity (10/1). The cost of sending out field crews to collect that additional copper, pesticide, and nutrient samples is high and the benefit of the data is low. There are already programs in place to address copper and pesticide management actions. Furthermore, many nutrient samples will already be collected concurrent with Biological Assessments required by Provision C.8.d (Creek Status). Additional required samples eliminates opportunities to realize cost savings by with coordinating copper, pesticide, and nutrient sampling with toxicity sampling.

**Requested Revision:** Reduce the sampling effort (Total Samples Collected/yearly minimum) for copper, pesticides, and nutrients to 10/1 to be consistent with the required toxicity sampling effort.



- **Issue:** Table 8.4 requires a yearly minimum number of samples for all pollutants. This requirement constrains study design options by eliminating the possibility of conducting intensive one-year studies. This is especially true for pollutants with an already large knowledge base such as copper, pesticides, toxicity, and nutrients. Furthermore, it is unclear whether the yearly minimum still applies if the total samples collected is achieved before the end of the permit term.

**Requested Revision:** Eliminate annual requirements for copper, pesticides, toxicity, and nutrients to allow for the option of meeting the minimum Total Samples Collected during intensive watershed studies conducted over one or two years.

- **Issue:** Table 8.4 does not address potential changes to POC Monitoring in the event that a statewide coordinated pesticides and pesticides-related toxicity monitoring program begins collecting data during the permit term.

**Requested Revision:** Add a footnote to the Pesticides row of Table 8.4 stating that “In the case that a statewide coordinated pesticides and pesticides-related toxicity monitoring program begins collecting data on an ongoing basis during the permit term, Permittees may request the Executive Officer reduce or eliminate this monitoring requirement.”

#### **C.8.f.iii - Table 8.5 POC Monitoring Analytical Methods**

Permittees are required to analyze the POC samples according to methods listed in Table 8.5. If no methods are listed, Permittees shall use USEPA or SWAMP-approved methods. Table 8.5 specifies analytical methods for PCBs and toxicity.

- **Issue:** The method specified for PCBs in Table 8.5 is USEPA 1668 (RMP 40). Method 1668 is a very high resolution PCB congener method which costs on the order of \$800 - \$1000 per sample. A total of 80 PCB samples are required by year 4 or 5 of the permit (unclear) which equals a cost burden of about \$64,000 to \$80,000 for each countywide program. Other PCB congener analytical methods (e.g., Method 8082M) are available at a much lower cost that meet the goals of the monitoring. These lower cost methods have been successfully used during the MRP 1.0 permit term to Identify Source Areas on a larger scale than what could be achieved with the higher cost Method 1668.

**Requested Revision:** Remove reference to an analytical method for PCBs.

#### **C.8.g.iv - Reporting – Pollutants of Concern Monitoring Reports**

By October 15 of each year Permittees are required to submit a report describing the allocation of sampling effort for POC monitoring for the forthcoming year and what was accomplished for POC monitoring during the preceding water year. The report must also include any data not reportable to California Environmental Data Exchange Network (CEDEN). CEDEN data include data collected in receiving waters; whereas non-CEDEN data are collected outside of receiving waters (e.g., within storm drains, in upland areas).

- **Issue:** A water year ends on September 30; therefore, there are only 15-days available to compile, tabulate, and analyze the data prior to the report deadline of October 15. It would be impossible to provide useful evaluations during such a short time period. Furthermore, the October 15 deadline differs from the March 15 deadline required under MRP 1.0 for POC Monitoring and required under MRP 2.0 for the Urban Creeks Monitoring Report.

**Requested Revision:** Revise the timeline for POC monitoring reporting so that it is the same timeline for reporting the POC data and the rest of the C.8 data consistent with C.8.g.iii.

- **Issue:** The requirement to report non-CEDEN data by October 15 is out of sync with the reporting of CEDEN data required under Provision C.8.g.ii (Electronic Reporting). This complicates data management.

**Requested Revision:** Remove the requirement to report non-CEDEN POC data from Provision C.8.g.iv and revise Provision C.8.g.ii (Electronic Reporting) to include submittal of non-CEDEN data collected pursuant to Provision C.8.f (Pollutants of Concern) to the Water Board by March 15 concurrent with submittal of CEDEN data.

## C.9 - PESTICIDES TOXICITY CONTROL

### C.9.c - Require Contractors to Implement IPM

- **Issue:** Provision C.9.c.i requires Permittees to hire IPM-certified contractors AND include contract specifications requiring contractors to implement IPM. This requirement as written is duplicative because contract specifications are equivalent to hiring IPM-certified contractors. The current permit requires Permittees to hire IPM-certified contractors OR include contract specifications requiring contractors to implement IPM. This flexibility is important to adequately addressing this provision because there are a very limited number of contractors that are "IPM-certified", but many contractors that conduct IPM.

**Requested Revision:** Regional Water Board staff has indicated that this is a typo and that they intended to change the "and" to "or" in the revised TO. We concur and request that the provision be revised to retain the current requirements by changing "and" to "or".

### C.9.d - Interface with County Agricultural Commissioners

- **Issue:** Provision C.9.d.i.(c) requires Permittees to report to the Agricultural Commissioner violations of pesticide regulations (e.g., illegal handling and applications of pesticides) associated with stormwater management, particularly the California Department of Pesticide Regulation surface water protection regulations for outdoor, nonagricultural use of pyrethroid pesticides by any person performing pest control for hire ([http://www.cdpr.ca.gov/docs/legbills/rulepkgs/11-004/text\\_final.pdf](http://www.cdpr.ca.gov/docs/legbills/rulepkgs/11-004/text_final.pdf)). Permittees do not inspect pesticide applications by pest control operators and believe this is outside of their jurisdiction and authority.

**Requested Revision:** Replace the language in C.9.d.i(c) with the language in Provision C.9.f.i.(3) of the current permit: "report violations of pesticide regulations (e.g., illegal handling) associated with stormwater management."

### C.9.e – Public Outreach

- **Issue:** Provision C.9.e.ii.(2) focuses on outreach to residents who use structural pest control operators and contractors on links between pesticide usage and water quality and IPM, but does not include residents who use landscape professionals. Permittees requested the addition of "landscape

professionals” to this provision via early input to the Administrative Draft, but the changes were not made.

**Requested Revision:** Revise the language to include the following underlined language: “The Permittees shall conduct outreach to residents who use or contract for structural pest control or landscape professionals by (a) explaining the links between pesticide usage and water quality; (b) providing information about IPM in structural pest management certification programs or landscape professional trainings; and (c) disseminating tips for hiring structural pest control operators or landscape professionals, such as the tips prepared by the University of California Extension IPM Program (UC-IPM).

## C.10 - TRASH LOAD REDUCTION

### C.10.a.i – Trash Reduction Requirement Schedule

- **Issue:** Reductions become increasingly more challenging the closer Permittees move towards the trash reduction goal of “no adverse impacts”. Provision C.10.a.i (Schedule) requires a 70% load reduction by 2017. This schedule is too rigorous and should be extended to allow for more time to develop/implement sustainable control measures. Most of the areas remaining to address are moderate trash generating areas and will likely require more innovative controls that will have to be piloted.

**Requested Revision:** We request that the 70% load reduction time schedule, set for 2017 in the Tentative Order, be extended at least to 2018.

### C.10.a.ii.b – Trash Generation Area Management (Private Drainage Areas)

- **Issue:** Provision C.10.a.ii.b (Trash Generation Area Management) requires Permittees to map and assess ALL private drainages 5,000 ft<sup>2</sup> and greater, determine the level of trash present in these areas, and ensure that no further actions are needed. The intent of mapping these drainages is unclear. Mapping would require a significant undertaking that would result in minimal water quality benefit. Ensuring that private drainages are at a “low” trash generation level does not require mapping. Areas can be identified by modifying existing municipal inspection programs already in place.

**Requested Revision:** We request that the mapping requirement be removed from this provision. As an alternative, Permittees should be required to: 1) identify high priority areas that generate moderate, high or very high levels of trash and are plumbed directly to their stormwater drainage systems, and 2) cause these areas to be managed to a level equivalent to the performance of a full capture system or to a low trash generation level.

- **Issue:** Throughout the Bay Area thousands of Green Infrastructure (C.3 compliant) facilities have been constructed on properties over the last 10+ years. These facilities were designed consistent with the new and redevelopment requirements and perform at a level similar to typical trash full capture systems. These systems have been designed to prevent flooding and effectively remove pollutants from stormwater. Provision C.10.a.iii (Mandatory Minimum Full Trash Capture Systems) currently requires Permittees to install a screen (5mm) to the overflow pipes of all Green Infrastructure facilities before these devices can be considered full capture systems. Screening the

overflow pipes would be out of the scope of the municipality's authority, as nearly all treatment facilities are privately owned and maintained. Additionally, adding screens to existing facilities would have unknown effects to the performance of these systems and would likely increase maintenance and potentially cause flooding. The Regional Water Board needs to reconcile this issue and take into account statewide efforts (via CASQA) to integrate trash capture with LID treatment. The requirements for the sizing and design of green infrastructure facilities are well established. Requiring modifications to these designs for trash just doesn't make sense. The Regional Water Board established provisions requiring these facilities based on their ability to remove pollutants attached to small particles less 0.1mm in size, but is now requiring modifications for trash items that are at least 20 times greater in size? Trash items ARE effectively removed by these facilities without modification.

**Requested Revision:** We request that the Water Board remove the requirement for "screening" all Green Infrastructure treatment facilities to be consistent with provision C.3. The Permit should also deem that these facilities are equivalent to full capture systems.

#### **C.10.b.i.a – Maintenance (of Full Trash Capture Systems)**

- **Issue:** Provision C.10.b.i.a (Maintenance of Full Capture Systems) currently requires maintenance of small capture devices based on the level of trash generated in the surrounding area. Maintenance frequencies based on trash generation are inconsistent with the experience and knowledge of Permittees. Maintenance frequencies are site specific and are mostly affected by the amount of vegetative material (typically comprising over 85% of the debris captured by a device) that reaches the device and the size of the inlet vault, not the amount of trash generated in the surrounding area.

**Requested Revision:** As an alternative to arbitrary maintenance frequencies, we request that the TO be revised to require Permittees to develop and implement Permittee-specific maintenance programs to achieve/maintain full capture criteria. Permittees would then report on the implementation of their maintenance programs, adaptation of these programs and any issues that need to be addressed. Tailoring maintenance programs to maintenance needs of specific devices is the only way to ensure adequate maintenance of these devices in the future.

#### **C.10.b.iv - Source Controls**

The most important actions that can be taken by Permittees are those that eliminate the generation of litter-prone items in perpetuity. Bay Area Permittees have been national leaders on taking actions to eliminate the sale or distribution of litter-prone items. Nearly every Permittee in the Bay Area has adopted an ordinance focused at eliminating certain types of trash in our creeks and the Bay, such as single-use plastic bags and expanded polystyrene foodware. These actions took significant political support, public resources and were done in partnership with environmental NGOs.

- **Issue:** Permittees to-date have focused on instituting a number of different types of source control actions. Data collected by Permittees indicated that each individual action reduces between 5 and 10% of the trash found in stormwater on average. These reductions are likely not observed by visual assessment protocols because the protocols are only precise enough to detect reductions greater

than 25%. Therefore, without a specific reduction value for source controls, reductions associated with these actions may never be valued.

The maximum of 5% reduction for all source control actions is arbitrary and inconsistent with our current knowledge of the percentage of trash in stormwater comprised of specific litter-prone items associated with source control actions. The programs put into place to address these litter prone items are effective and directly impact stormwater quality.

**Requested Revision:** We request that the TO be revised to increase the maximum reduction value for all source control actions combined to 25%. Supporting evidence would be required to claim reductions associated with source controls.

#### **C.10.b.iv - Receiving Water Observations**

- **Issue:** The Tentative Order requires the Permittees to conduct receiving water observations downstream from trash generation areas converted to “low” trash generation and that “the observations be sufficient to determine whether a Permittee’s trash control actions have effectively prevented trash from discharging to receiving waters...” By requiring Permittees to focus on areas downstream of control actions, it appears that receiving water observations could be used to judge compliance with reductions associated with municipal stormwater. This is contradictory and confusing, because the process to judge compliance with stormwater reductions is outlined in the Tentative Order as full capture, visual assessments, source control values, and offsets associated with cleanups.

SCVURPPP Permittees recognize and have interest in developing an ambient monitoring program that would continue to evaluate trash conditions or levels in local creeks and rivers using a cost-effective and practical protocol. This protocol, however, has not yet been developed.

**Requested Revision:** We request that the Tentative Order language be revised to state that the purpose of receiving water observations is “...to evaluate the level of trash present in receiving waters over time, and to the extent possible determine whether there are ongoing sources contributing trash at problematic levels. These would include sources outside of the Permittee’s jurisdiction (e.g., state and federal facilities) that are causing or contributing to adverse trash impacts in the receiving water(s).” Receiving water data may also assist Permittees in adaptively managing their trash control programs over time for higher levels of efficiency. To this point, we are willing to be a partner with the Water Board and NGOs in developing and pilot-testing a protocol during the permit term to achieve this purpose.

#### **C.10.e.i – Optional Trash Load Reduction Offset Opportunities - Creek and Shoreline Cleanups**

Creek and shoreline cleanups are important actions that promote community involvement, create awareness of trash issues, and improve water quality. These actions have water quality value, are supported by the community and environmental NGOs, and should be accounted for accordingly in the load reduction accounting method.

- **Issue:** While SMCWPPP permittees appreciate the inclusion of load reduction benefits associated with creek and shoreline cleanups, the 5% maximum offset for these important actions is too small

and inconsistent with the environmental benefit. Additionally, the arbitrary 10:1 ratio of trash removed to offset value is too large and undervalues the benefits of these actions.

The requirement for a minimum cleanup frequency of twice per year at each specific site creates inflexibility and is too constraining. Some Permittees may choose to cleanup many sites once per year rather than a small number of sites twice per year. What's important is that trash is being removed from creeks and shorelines, not how many times at a specific site.

**Requested Revision:** We request that the TO be revised to:

- Increase the maximum offset for creek and shoreline cleanups to 10%;
- Reduce the ratio of trash removed to reduction value to 3:1, similar to other types of mitigation programs; and,
- Remove the requirement that a site be cleaned up at least twice per year before claiming an offset.

#### **C.10.e.i – Optional Trash Load Reduction Offset Opportunities – Direct Discharge Trash Controls**

This offset is intended to address trash impacts associated with non-stormwater pathways to creeks and rivers such as illegal dumping directly into water bodies. These pathways directly impact water bodies and at some sites serve as the dominant source of trash. Programs that address trash from direct discharges should be accounted for accordingly in the load reduction accounting method.

- **Issue:** While SMCWPPP permittees appreciate the inclusion of load reduction benefits associated with direct dumping, the 10% maximum offset for these important programs is too low and inconsistent with the environmental benefit of these programs. Additionally, the arbitrary 10:1 ratio of trash removed to offset value is too large and under values the benefits of these actions. Lastly, Permittees may identify direct discharges as an important source of trash to receiving waters after 2016 and therefore the 2016 Annual Report should not be the only timeframe when Permittees can submit a plan to address these sources.

**Requested Revision:** We request that the TO be revised to:

- Increase the maximum offset for programs addressing direct discharges to 25%; and,
- Reduce the ratio of trash removed to reduction value to 3:1, similar to other types of mitigation programs.
- Allow for submittals of plans to control direct discharges identified after 2016.

#### **C.10.f - Reporting**

- **Issue:** Compliance with NPDES permits is determined by the Water Board. Provision C10.f.v.b requires a Permittee to “submit a report of non-compliance” if it cannot demonstrate the attainment of 70% reduction, which therefore assumes that compliance determinations are made by the Permittee.

**Requested Revision:** We request that the Water Board revise this provision to require that a Permittee that cannot demonstrate a 70% reduction, “submit a report and updated Long-term Trash

Load Reduction Plan that describes actions to comply with the mandatory deadlines in a timely manner...”

### **C.11 - MERCURY CONTROLS**

Provisions C.11.a – c in the Tentative Order generally parallel C.12.a – c. Therefore, the below comments on those provisions for C.12 (PCBs Controls) also generally apply to C.11 (Mercury Controls).

### **C.12 - PCBs CONTROLS**

PCBs are a highly persistent (i.e., slow to degrade) legacy pollutant that have been in San Francisco Bay for decades and likely will remain in the Bay for decades to come. Over the past 15 years, Bay Area municipalities in collaboration with the Regional Monitoring Program (RMP) have conducted extensive field studies and gained considerable knowledge about the distribution of PCBs in the Bay Area environment. Due to widespread uses and lack of regulation over many decades (i.e., 1930s – 1970s), this pollutant was widely dispersed in soils and sediments throughout the urban landscape draining to the Bay. Similarly, PCBs are widely dispersed within the Bay’s sediments.

Bay Area municipalities have also made a great deal of progress over the past 15 years towards understanding the types of control measures that are most cost-effective in reducing PCBs discharges in stormwater. Although this evaluation of controls is ongoing, no controls identified to-date are particularly cost-effective, apart from the 1979 ban by USEPA on PCBs manufacture, import, export, and distribution in commerce in the United States. The ban represented effective “true source control” but came much too late to prevent the widespread distribution of PCBs into the urban landscape and the Bay. With further true source control generally not an option, the current challenges in addressing PCBs are not surprising.

Extensive source property identification programs led by Bay Area municipalities have identified a small number of PCBs “hot spots” in watersheds across the Bay Area. These hot spots are mostly associated with properties that are currently under cleanup orders from the Regional Water Board, EPA, or DTSC, or are currently permitted by these agencies or could be in the future. These sites are generally outside of the control of local agencies.

It may also be possible to reduce PCBs discharges in stormwater over the next few decades by requiring (as the permit does now through provision C.3) stormwater treatment on private properties as they are redeveloped. Retrofitting in public rights-of-way with landscape-based treatment structures (e.g., “Green Streets”) is another approach that provides multiple benefits, but is highly resource and time intensive. Planning for a long-term (i.e., decadal) program to retrofit urban areas with Green Infrastructure has been incorporated into the Tentative Order, but implementation will mostly occur during future permit terms and require several decades.

Additionally, there may be opportunities, although this is highly uncertain, to prevent future contamination as buildings containing PCBs that were constructed during the 1950s - 1970s are demolished. However, the rate at which buildings are demolished and redevelopment occurs, and therefore the timeframe for reduction of PCBs associated with these sources and areas, is generally out of the control of local agencies.

This lack of control over redevelopment and demolition, and the unknowns about the extent and magnitude of additional “hot spots” creates a high level of uncertainty in the level of implementation that cities and counties can commit to during the next five year permit term. In turn, the uncertainty in implementation creates compliance uncertainty when compliance targets in the permit include assumptions regarding the rate of redevelopment and demolition.

Provision C.12 of the Tentative Order uses a framework that is a hybrid of two approaches, requiring: 1) BMP implementation and 2) pollutant load reduction. The required BMPs are Green Infrastructure and managing PCBs-containing materials and wastes during building demolition activities. However, it appears that the primary intent is to require Permittees to demonstrate a total cumulative Bay Area-wide PCBs load reduction of 3 kg/year over the permit term. SMCWPPP’s overarching concern is that Provision C.12 continues to fall well short of providing Permittees with a clear and feasible pathway to attaining compliance with this load reduction requirement.

It is also important to note that the level of effort and associated resources required to implement Provision C.12 as set forth in the Tentative Order is highly uncertain. Much of the cost of implementing PCBs control programs during the current permit term was offset by a grant from USEPA that will end in 2016. The availability of grant or other funding for implementing Provision C.12 of the reissued permit is unknown. As a starting point, making all of the below recommended revisions would result in much greater certainty regarding the level of effort and associated resources that would be required to comply with Provisions C.12, and create a much clearer pathway towards complying with the MRP.

#### **C.12.a – Implement Control Measures to Achieve Load Reductions**

The Tentative Order appears to require Permittees to reduce PCBs loads to the Bay by 3 kg/year by the end of the permit term. The approach includes developing an accounting system for Executive Officer approval early in the permit term that would form the basis for the load reductions credited to the various PCBs controls.

- **Issue:** There is a lack of a clear and feasible pathway for Permittees to attain compliance with the load reduction requirements. Most factors that would be key to meeting the criteria are uncertain and many are not within Permittee control (e.g., extent of source properties that will be found, building demolition rates, and redevelopment rates), making achievement of compliance uncertain.

**Requested Revision:** Load reduction performance criteria should not be the point of compliance. Compliance should be based upon implementing PCBs control programs designed to achieve a load reduction target (such as a Numeric Action Level or similar mechanism for triggering requirements for additional action and reporting), based on an interim accounting method (see next section). The target would be informed by what the BMP programs could achieve, based on the accounting system, which would be agreed upon by Permittees and the Regional Water Board upfront and incorporated into the permit.

- **Issue:** The schedule for the following reporting requirements in Provision C.12.a is unrealistic.
  - Provision C.12.a.iii.(1) - February 1, 2016 report-providing "a list of watersheds (or portions



therein) where PCBs control measures are currently being implemented and those in which control measures will be implemented (C.12.a.ii.(1)) during the term of this permit as well as the monitoring data and other information used to select the watersheds."

- Provision C.12.a.iii.(2) - 2016 Annual Report providing "the specific control measures (C.12.a.ii.(2)) that are currently being implemented and those that will be implemented in watersheds identified under C.12.a.iii.(1) and an implementation schedule (C.12.a.ii.(3)) for these control measures. This report shall include: .... [scope, start dates, progress milestones, schedules, roles and responsibilities of Permittees, etc...]....".

**Requested Revision:** Extend the deadlines for the above reports to the 2017 Annual Report.

#### **C.12.b. Assess Load Reductions from Stormwater**

SMCWPPP, other countywide stormwater programs, and Regional Water Board staff recently worked together to develop an interim accounting method. It was intended to provide a basis for stipulated load reduction benefits for implementation of the primary PCBs control programs that Permittees anticipate implementing during the MRP 2.0 permit term (this interim accounting method would be revised before the next permit term). SMCWPPP appreciates that Regional Water Board staff included much of the information developed for the interim accounting method in the fact sheet.

- **Issue:** Values for certain key accounting parameters for managing PCBs-containing materials and wastes during building demolition activities were left out.

**Requested Revision:** Include in the interim accounting method values for all parameters to allow for scrutiny during the public permit review process, given the uncertainty in these values. It is especially important to include values for all parameters associated with managing PCBs-containing materials and wastes during building demolition activities, including the fraction of PCBs mass in a building that enters the MS4 during demolition in the absence of enhanced controls, which is particularly uncertain. Stormwater programs can also provide similar values for mercury to include in the fact sheet as well.

- **Issue:** Requirement to formally submit load reduction assessment methodology early in the permit term for Executive Officer approval creates uncertainty in the load reduction benefit for each PCBs control program.

**Requested Revision:** Omit the requirement to submit load reduction accounting method early in the permit term. Instead, the interim accounting method should be finalized, incorporated into the permit, and then used to calculate PCBs load reductions during Permittee annual reporting.

- **Issue:** Water Board staff has acknowledged that load reduction performance criteria are not numeric effluent limits. This should be made clear in the permit. In addition, further clarity is needed regarding the legal definition of the performance criteria and implications with regard to enforcement and potential third party lawsuits.

**Requested Revision:** PCBs load reduction performance criteria should be in the form of Numeric Action Levels or a similar mechanism for triggering requirements for additional action and reporting. In addition, the permit should include contingency language that would allow for achieving

compliance if a good-faith demonstration of efforts and actions by Permittees consistent with permit requirements falls short of achieving the load reduction performance criteria.

- **Issue:** Provision C.12.b.iii requires that Permittees submit Permittee-specific proportions of load reduction responsibilities and supporting data to the Water Board by April 1, 2016 – four months after the effective date of the permit. Although Permittees and the RMP have spent considerable time and resources towards identifying PCB hot spots and watersheds producing greater levels of PCBs to the Bay, data have not been collected at a level to which proportions of load reduction responsibilities could confidently be assigned to Permittees. Furthermore, assigning Permittee-specific responsibilities with high levels of uncertainty upon which compliance could be based is not good public policy and could inadvertently unduly place responsibilities upon certain Permittees requiring the spending of public resources towards fictitious goals not based in reality.

**Requested Revision:** Delete requirement to develop and submit Permittee-specific proportions of load reduction responsibilities.

#### **C.12.c. Plan and Implement Green Infrastructure to Reduce PCBs Loads**

Provision C.12.c of the Tentative Order requires Permittees to implement Green Infrastructure projects during the term of the permit to achieve PCBs load reductions of 120 g/year over the final three years of the permit term. Additionally, Permittees are required to prepare a reasonable assurance analysis to demonstrate quantitatively that PCB load reductions of at least 3 kg/yr throughout the Permit area will be achieved by 2040 through implementation of Green Infrastructure plans required by Provision C.3.j.

- **Issue:** It is unnecessary to include performance criteria for PCBs load reductions through implementation of GI over the reissued permit term. PCBs load reductions will not be the driver for GI implementation during the reissued permit term. Regional Water Board staff has noted that based on extrapolation of data from the current permit term, the proposed metrics should be met via redevelopment in old industrial areas. Thus the proposed criteria would not influence GI implementation during the reissued permit term and meeting them would instead be dependent upon an activity that is not under Permittee's control. While we expect to learn valuable lessons via opportunistic early implementation of GI retrofit projects through Provision C.3.j.ii, the pollutant load reductions associated with these retrofits implemented over MRP 2.0 is anticipated to be relatively small.

**Requested Revision:** Provision C.12.c should be deleted.

- **Issue:** It does not make sense to prejudge that PCBs load reductions of at least 3 kg/yr throughout the Permit area should be achieved by 2040 through implementation of Green Infrastructure plans. The actual load reductions that Permittees expect to achieve via Green Infrastructure will be determined during the planning and reasonable assurance analysis required by Provision C.12.d., as part of planning for achieving the overall PCBs TMDL allocations.

**Requested Revision:** Provision C.12.c should be deleted.

**C.12.e. Evaluate PCBs Presence in Caulks/Sealants Used in Storm Drain or Roadway Infrastructure in Public Rights-of-Way**

- **Issue:** SMCWPPP agrees that this potential source of PCBs should be evaluated. However, given the numerous tight schedules during the early part of the permit term, we request an extra year to collaborate with other Bay Area stormwater programs to complete this work.

**Recommended Solution:** Change the reporting due date from the 2017 to the 2018 Annual Report.

**C.12.f. Manage PCB-containing Materials and Wastes during Building Demolition**

Provision C.12.f requires development of a program to manage PCBs in building materials and wastes during demolition. Based on Bay Area sampling and similar sampling in other areas, there appears to be a large standing stock of PCBs in certain buildings in the Bay Area, sometimes at concentrations that would likely exceed California hazardous waste levels. There is also a potential health risk to workers (e.g., at a demolition site) or building occupants exposed to PCBs in building materials. These problems are common to urban areas throughout the country. However, we are not aware that any data exist regarding the amount of PCBs-containing materials that are released to the ground during demolition and then mobilized into the MS4 by urban runoff, making it challenging to project with any certainty the actual water quality benefit of the proposed control program. Cost-effectiveness relative to other PCBs controls is also highly uncertain at this time.

- **Issue:** We don't know whether or not PCBs in building materials is a significant water quality issue. However, addressing the various potential problems associated with PCBs in building materials (i.e., water quality, human exposure at the site, and disposal) appears to be a worthwhile and "no regrets" cause. However, these issues should be addressed holistically on a statewide or federal basis rather than focusing on water quality controls in the Bay Area only. Meeting the Tentative Order's three year timeframe to develop a program to manage PCBs in building materials and wastes during demolition would likely require administration at the local level. This inappropriate and rushed approach would result in highly inefficient use of scarce public funds and likely be ineffective at comprehensively addressing the problems. It would also likely result in inconsistent programs across the Bay Area. Asking local agencies in the Bay Area to address the various issues with PCBs in building materials, which are to some extent common to urban areas throughout the country, makes no sense.

**Recommended Solution:** Allow at a minimum the entire permit term for Permittees to work with the State, USEPA, the building industry, and other stakeholders to attempt to develop a comprehensive statewide or federal program analogous to current programs for asbestos and lead paint. Given the multiple environmental and public health issues in play, USEPA should play a large role in development of this program.

### C.13 - Copper Controls

#### Provision C.13.b - Manage Discharges from Pools, Spas, and Fountains that Contain Copper-Based Chemicals

- **Issue:** This provision contains new reporting requirements that require duplicative reporting of enforcement activities reported under Provision C.4 and C.5. Permittees are now required to report annually on any enforcement activities associated with this provision.
- **Requested Revision:** Reference other provisions where Permittees may more efficiently report permitting and enforcement activities.

### C.14 - CITY OF PACIFICA AND SAN MATEO COUNTY FECAL INDICATOR BACTERIA CONTROLS

Provision C.14 contains requirements specific to the Pacifica State Beach / San Pedro Creek Bacteria TMDL. Pacifica State Beach and the San Pedro Creek watershed are within the jurisdiction of unincorporated San Mateo County and the City of Pacifica. SMCWPPP understands that San Mateo County and Pacifica plan to submit comments separately on this provision.

### C.15 - CONDITIONALLY EXEMPTED DISCHARGES

#### C.15.b – Conditionally Exempted Non-Stormwater Discharges

- **Issue:** There is no evidence that SMCWPPP’s existing conditionally exempt non-emergency planned and unplanned potable water discharge program is not effective. It does not appear that continuing to protect water quality would require relevant Permittees to be regulated in an alternative manner, (i.e., through SWRCB Order WQ 2014-0194-DWQ [“State Potables Permit”]), which represents a second, separate, and, as to their discharges, completely unnecessary NPDES permit. The State Potables Permit was, in fact, specifically amended prior to adoption to provide that drinking water system discharges which are or can be addressed through a municipal stormwater permit issued by a Regional Water Board will be regulated in that manner. This avoids a situation where a municipality has to obtain separate coverage under two permits and pay two separate permit fees or be on two separate reporting cycles.

In responding to public comments, the SWRCB directed all Regional Water Boards to continue to specify potable discharge requirements in municipal stormwater permits and, on a going-forward basis, it left it up to them as to how best to craft such requirements: “[The State Water Board] takes no position on provisions or requirements within specific permits for MS4 owners and operators who are also water purveyors and whose MS4 permits also authorize drinking water discharges. Regional Water Boards adopting such permits *are charged with* determining appropriate requirements to protect water quality and address the needs of both the MS4 and drinking water discharges on a system-specific basis.”

**Requested Revision:** The Water Board should either restore Provisions C.15.b.iii (1) and (2) from the current MRP or craft new subprovisions that would specify that “Potable water discharges that meet the Discharge Specifications set forth in Section IV.A or the Multiple Uses or Beneficial Reuse terms set forth in Section VI of the Statewide General NPDES Permit for Drinking Water Systems

Discharges, Order WQ-2014-0194-DWQ shall be deemed to be conditionally exempt provided that

Mr. Bruce H. Wolfe  
July 10, 2015  
Page 27

the Permittees maintain records of these discharges, BMPs implemented, and any monitoring data collected.”

## GENERAL COMMENT

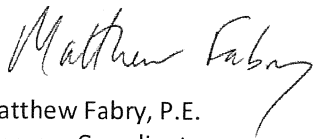
### Permit Effective Date and Annual Reporting

- **Issue:** The proposed effective date in the Tentative Order is December 1, 2015. This creates a situation in which the 2016 Annual Report (for FY 2015/16) will cover the end of the current permit and the beginning of the new permit. Regional Water Board staff has indicated that it will work with the Permittees on an Annual Report format that addresses this transition. However, changes to data collection and tracking methods in certain provisions will be difficult to implement in the middle of the fiscal year. These changes include, but are not limited to, the following:
  - C.3.h.ii.(6) – changes in O&M Inspection Plan requirements to track number of sites inspected instead of number of BMPs, addition of requirements to inspect pervious pavement systems, and associated changes to tracking databases;
  - C.4.d.iii.(3) (Industrial/Commercial Business Inspections) and C.6.e.iii.(2)(g) (Construction Site Inspections) – requirements to shift from tracking number of violations to number of enforcement actions, and associated changes to tracking databases.

**Requested Revision:** Change the effective date for these and other new provisions related to data collection and tracking to July 1, 2016, so that Permittees have time to adjust data collection, tracking and reporting methods, and so that the data collected within a given fiscal year will be consistent.

We look forward to continuing to work with you and your staff to resolve the issues described in this letter. Please contact me at 650/599-1419 or [mfabry@smcgov.org](mailto:mfabry@smcgov.org) if you have any questions or would like to further discuss any of our comments.

Sincerely,



Matthew Fabry, P.E.  
Program Coordinator

Cc: Stormwater Committee  
NPDES Technical Advisory Committee

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## Bay Area CMA Directors

July 10, 2015

Gabriel Corley,  
CTP 2040 Project Manager Division of Planning, MS---32  
California Department of Transportation  
P.O. Box 942874  
Sacramento, CA  
94274---0001

RE: Comments from the Bay Area CMAs on the Draft California Transportation Plan 2040

Dear Mr. Corley:

The Congestion Management Agencies (CMAs) for the nine Bay Area counties (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma) are pleased to offer the following comments on the California Transportation Plan 2040 (CTP 2040). While there are many elements of the draft plan that help move towards the important goal of reducing greenhouse gas (GHG) emissions as well as improving mobility and transportation in California, there are other elements with which we are concerned. It is in the spirit of helping to achieve all of these goals that we offer the following comments.

### A. GENERAL POLICY COMMENTS

#### 1. CTP 2040 is different from the Sustainable Communities Strategies (SCS), but May Still Influence Them

The Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) have developed a SCS in partnership with the Bay Area CMAs, as required by SB 375. This SCS balances the various state priorities of GHG reduction, production of adequate housing, supporting goods movement as a cornerstone of a vital economy, addressing sea level rise and advancing social equity. Other regions have also adopted SCS documents.

The description of the relationship between SCSs and CTP 2040 on Page 9 is insufficient. This discussion should make the following points so that the public will understand why some things may be included in the CTP 2040 that are difficult to include in an SCS.

- The SCS is a fiscally constrained document, meaning that it cannot include more projects and programs than what could reasonably be expected from realistic revenue forecasts.
- In non---attainment areas, RTPs (including all of its forecasts relating to revenue, population, job growth, and development), must be reviewed by the U.S. Environmental Protection Agency for reasonableness, which assures consistency with air quality conformity requirements.

- In Metropolitan Planning Organization locations such as the Bay Area, the plans are further reviewed to determine whether they will achieve a GHG reduction target established by CARB.
- All SCSs are subject to the California Environmental Quality Act.
- SCSs have a defined impact on funding programs: expenditures in transportation improvement programs (TIPs) and the annual overall work program (OWP) must be consistent with the SCS.

None of these constraints apply to the CTP 2040. Instead, CTP 2040 is an aspirational document. As such, it may include goals and assumptions that cannot be included in an SCS. As pointed out in the letter by the Riverside County Transportation Commission, the CTP 2040 plan includes ambitious assumptions that include road pricing, transit service, and bus rapid transit that may – or may not – be consistent with the requirement for reasonable foreseeable revenues that apply to a SCS. Further analysis in the CTP 2040 shows that the transportation sector will not achieve GHG reduction goals without applying the plan’s most aggressive recommendations, including an assumption that nearly all cars and trucks will become zero emission vehicles.

Many of the assumptions in the CTP 2040 would not be permissible in a regional SCS for two reasons:

- First, the regional agency would have to show realistic funding sources that could be used to implement the strategies. As the Funding Chapter of CTP 2040 documents, it is unrealistic to believe that all of the strategies could be achieved in a fiscally constrained plan.
- Second, many of the assumptions (road pricing, transit, and electric vehicle) would be rejected in a conformity analysis. We would expect the US EPA would require the region to revise the forecasted result to something more certain to assure that appropriate policies were in place to protect air quality.

The CTP 2040 serves a parallel but very different purpose to a SCS. It is a visionary document that need not be grounded in reasonably-projected reality, but it challenges us to change what can be considered reasonably expected. Such documents are important to developing policy, but given the relationship between the two documents and the potential for public confusion in their comparison, the CTP 2040 should take the time to describe this relationship more clearly. The Bay Area CMAs gladly join with the California Association of Councils of Government (CalCOG) MTC, ABAG and other regional agency staff to assist in drafting this language to assure that the roles of the two documents are clear. It is important that CTP 2040 clearly state that the language in the CTP 2040 will not impose additional mandates on a SCS.

## **2. Partnership with and at the Local and Regional Governments**

Local and regional partnerships are key to actually implementing projects and programs. These relationships take time and work to develop and maintain. The CTP 2040 should clearly embrace the existing partnerships between local and regional government. The California Air Resources Board does this by specifically recognized local and regional governments in the Scoping Plan as “essential partners” in the achievement of the AB 32 goals. CTP 2040’s recognition of these relationships is inconsistent.

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For example, CTP 2040 raises several issues that are not within the Department's direct authority. While it is appropriate for the plan to note these relationships, it should frame policies in a way that recognizes the agency's authority (state, regional, or local) that has primary responsibility. An example of this is the recommendation in the first column on page 111 to "*promote efficient infill housing development and redevelopment opportunities to reduce urban sprawl.*" The recommendation does not acknowledge that land use authority rests with local governments and that the Department must partner with them in order to achieve the goal. It also does not recognize other responsibilities that local governments have, such as providing basic services such as police and fire protection, that also influence land use decisions. This lack of recognition of local needs and responsibilities harms the ability to establish and maintain partnerships.

The CTP 2040 does also contains helpful language. The policy immediately to the right of the above example, in the second column on page 111, recommends that the Department "*work with local and regional agencies to apply considerations of health, equity, and sustainability to transportation decision--making.*" This is a better statement of what is needed and will focus the Department's efforts to build a working partnership with the appropriate lead agency.

Phrasing that respects the authority, and recognizes the needs, of other agencies should be applied consistently throughout the document. Accordingly, all the goals and policies should be reviewed to determine whether the overlapping partnerships that the Department has with fellow agencies and local and regional governments are identified. Having the direction at the outset to cooperate with appropriate partners should greatly improve the success for all involved.

### **3. Road Capacity May Be An Appropriate Investment in Some Circumstances**

We share the reaction of CALCOG in being taken aback at the breadth of the recommendation on page 122 to "*avoid funding projects that add road capacity and increased maintenance costs.*" It is appropriate to consider the impacts of increased capacity and maintenance costs of a project, but "avoid" goes much too far on a statewide basis. While the Bay Area SCS generally attempts to avoid capacity-increasing projects, it and local agency plans, recognize there are some locations where new capacity is appropriate.

Many good projects that are consistent with the plan's goals will be capacity increasing: the Bay Area Express Lane Network anticipates increasing capacity to fund the additional lane, although it recognizes that there may be some areas where conversion of a mixed-flow lane is more appropriate. Goods movement projects may increase road capacity by addressing critical freight needs, and can also help alleviate congestion that leads to emission of other dangerous pollutants such as PM 2.5 in communities of concern. Interchange reconfigurations, may also be categorized as capacity increasing yet address safety and operational issues. Autonomous vehicle investment may increase the capacity and maintenance costs of the current network by allowing more cars to drive on the same roadway more efficiently. Is the intention for CTP 2040 to limit capacity increasing projects in all these instances?

Individual road enhancing projects may induce some travel, but they can be accommodated within the overall goal of reducing GHG system-wide. As California continues to grow, there will be instances when other goals, such as safety and mobility, suggest that some capacity increasing projects should proceed. A better approach, which conflicts with the language above, can be found on page 59: which acknowledges that "*investments are needed for capacity enhancements, and to manage the system and demand efficiently, provide viable transportation choices, and increase connectivity among all modes.*" The language on Page 122 should be amended to reflect the intent on Page 59.

#### 4. **Measuring Performance Metrics Will Need Financial Support.**

The performance framework used for CTP 2040 recognizes the benefits associated with building upon the well-vetted set of performance measures drafted by SANDAG (MTC's equivalent in the San Diego area) for the Strategic Growth Council. In particular, the inclusion of measures related to non-auto mode share, accessibility to destinations are valuable, especially in the high-density, transit-served portions of the Bay Area. The land use impact metrics also provide value. The Bay Area SCS also establishes performance standards and appropriate measurements to guide implementation and updating of the Bay Area SCS. On the other hand, some rural agencies lack the resources to apply a robust performance system.

Given the different capacities and fiscal resources of individual agencies and regions, the CTP 2040 should commit to funding at every level of performance measurement. The infrastructure of a performance metric system—including the collection and maintenance of data and the processing systems to make the data accessible and understandable—is costly. Page 110 of CTP 2040 includes a policy to “improve data” without a mention of funding. However, the reference in relation to modeling on page 125 calls for “secure stable funding.” The CTP 2040 should include policies for properly resourced performance evaluation consistently throughout in the document.

#### 5. **Several Trends are Not Sufficiently Considered in the CTP 2040**

CTP 2040 should including more emerging technologies and programs that support the plan's goals for expanding multi-modal transportation. Some of the items to consider incorporating include:

- *Express (AKA High Occupancy Toll, or HOT) Lanes.* Express lanes, whether new lanes or reconfigured existing mixed-flow or High Occupancy Vehicle lanes, provide an effective strategy for reducing greenhouse gas emissions and improving mobility, yet they do not appear to have been included in modeling the alternatives. Express lanes should be considered a viable strategy.
- *Expansion of Shared Mobility Services.* The plan addresses car sharing but this should be expanded to support all forms of shared mobility (car sharing, bike sharing, real-time ridesharing, Transportation Network Companies, scooter share, shared neighborhood electric vehicles, and on-demand shuttle and jitney services). Given the recent market expansion of these strategies in the Bay Area and statewide, including car-pooling features that allows trips to be combined, and the very real possibility that such services will become part of the fabric of the transportation system (if they are not already), their exclusion is a glaring omission. The CTP 2040 could include a short-range recommendation such as: “Create supportive policies and secure funding for the promotion of shared mobility.” Additionally, the plan touches on autonomous vehicles but should consider the opportunities for shared autonomous vehicles.
- *Active Traffic and Demand Management (ATDM).* The CTP 2040 deals with TSM and TDM separately. Instead, it should consider bringing these concepts together under the heading of ATDM. ATDM builds on Integrated Corridor Management to dynamically monitor, control, and influence travel demand, traffic demand, and traffic flow of key highway corridors. ATDM facilitates the use of transportation alternatives through real time traveler information at the corridor level, dynamic ridesharing, dynamic pricing, etc.

- Unified Transportation Payment Account. A unified or universal transportation account combines all forms of public transportation payments including transit fares, municipal parking and toll collection into a single user-friendly system. The Bay Area has been expanding the use of the Clipper Card and finding significant success with that program. By offering rewards based on frequent use, toll discounts and other incentives, the system can lead to a shift from driving alone to using public transit or ridesharing.
  
  - Mobility Hubs. The plan references Transit Oriented Development but could expand on this to incorporate support for the Mobility Hub concept, as exemplified in the Bay Area SCS by Priority Development Areas (PDAs). Mobility hubs provide an integrated suite of transportation services, amenities, and urban design enhancements that bridge the distance between transit and an individual's origin or destination. Mobility hubs are places of connectivity, where different modes of travel come together seamlessly, and where there is a concentration of employment, housing, shopping, and/or recreation. Mobility hubs feature a range of coordinated transportation services including: bike share, car share, neighborhood electric vehicles, bike parking, dynamic parking management strategies, real-time traveler information, real-time ridesharing, demand-based shuttle or jitney services, bicycle and pedestrian improvements, way finding, urban design enhancements, and supporting systems like mobile applications, electric vehicle charging, smart intersections, and a universal payment system to make it easy to access a wide range of travel choices.  
As a corollary, CTP 2040 should clearly recognize the SB 375 requirement to consider financial support for areas providing preservation of farmlands and open space. In the Bay Area, this is done through the designation and funding of Priority Conservation Areas.
  
  - Parking Management: The plan mentions parking but could expand on this to encourage parking policies and management strategies that support transit oriented development and alternative transportation choices. MTC has invested substantial resources in examining parking solutions and providing them to its partners at the regional and local level.
  
  - Connected Vehicles/Autonomous Vehicles (CV/AV). The focus by the State on CV/AV should be placed on two key areas. The first is supporting the U.S. Department of Transportation Connected Vehicle Model Deployment Programs to prepare for connected vehicle deployment applications. Over the next several years we anticipate significant activity and new developments by the State and by the US DOT on CV/AV. The second focus should be partnering with the private sector, to learn in advance the new CV/AV capabilities that are being launched by the auto industry. Many of the new CV/AV features will operate independently of the infrastructure, and the Department should consider these features before investing. Thus, we suggest a strategy recommendation under Chapter 8 also be added to demonstrate/continued support for coordinated CV/AV efforts and perhaps leave the long-term recommendation "as is" which focuses on actual deployment "exploration" activities.
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## **B. FUNDING & FUNDING NEEDS FOR RTP IMPLEMENTATION**

The Bay Area CMAs support the comments made by CALCOG in their comment letter on CTP 2040, namely:

*Pg. 9:* Suggest expanding to reflect local funding sources that help accomplish regional planning activities (in addition to only state and federal).

*Pg. 26:* Figure 1 should also add revenues to the graph to show the historical reduction in available revenues.

*Pg. 27:* First paragraph – discussion should go into a bit more detail about how over time the state has passed several bond measures to fund transportation, but that these measures are one---time only; that there is a need for sustainable and predictable funding stream that keeps up with inflation, changes to driving behavior, and vehicle efficiencies. It also might help to quantify the deficit as a whole and/or for certain categories. For instance Caltrans' 2015 Mile Marker report shows that there is a \$19 billion 10-year unfunded need for bridge work.

*Pg. 48:* Should update the proposed decreased level in state excise tax for FY 2016. May also note how the volatility of ups and downs is causing potential for disruption in the transportation planning and implementation process.

*Pg. 49:* Second paragraph on bonding...not sure if this is supposed to be an example or one highlight. The state also uses TIFIA to fund transportation projects – maybe say state uses other funding mechanisms such as GARVEE or TIFIA.

*Pg. 50:* Cap & Trade paragraph and table 15 – although true, should be updated as the call for projects for some of these programs are done for a 2-year timeframe.

*Pg. 52:* The threshold to pass local sales tax measures is two thirds, not 65 percent.

*Pg. 52:* Under Highways, there should be a more up to date expenditure period than 2001---2011.

*Pg. 54.* Under “Funding Challenges: Decreasing Revenue” (page 54), there is some discussion on declining revenue due to better fuel efficiency and economic downturns. Additional points to add include: (1) price-based excise tax (former sales tax on gasoline) fluctuates with price, and with no floor, can (and has) cause significant swings in revenue; and (2) a stable revenue source is necessary to keep awarded projects under construction and planned projects on track for delivery.

*Pg. 55.* The “Strategies to Reduce the Funding Gap” section focuses mainly on existing use and sales taxes. There should be a discussion on other potential sources of revenue, such as goods movement fees, container fees, and tolling and VMT fee collection.

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*Pg. 108:* Investing in public awareness for safety is good strategy, but often there are no funds for those activities – funding has been specific to capital projects and not for outreach or operations. We did not read in the above funding chapter anything about including those as eligible activities.

Pg. 113: The short-term recommendation seems more general when compared against the long term that is more specific. Creating a tax increment district would lead to disparity among jurisdictions, the state may want to advocate for consistent infrastructure conditions not varying differences like we have today in “self help” and non “self help” counties.

Pg. 113: The recommendations under the Permanent Funding section could be enhanced. The report itself identifies a lack of indexation of fuel taxes as a cause of the lack of funds in today’s environment, and yet, an indexation of fuel taxes is not included in the proposal. Likewise, the Road Usage Charge is discussed in the report, but no mention of it in the recommendation. Perhaps it is being included obliquely under the first bullet “Support efforts of a pricing strategy”. If the state feels inhibited to be more specific about funding options, it should include all strategies, including indexation and mileage---based fees as options to be explored with policy makers leading to eventual adoption of one or more of them, not as recommendations to be implemented. Should VLF’s and Speaker Atkins’ idea be included in the report? Putting TIF as a strategy for long--term financing as a fund source is not adequate or reliable for future needs. The recommendations for this section should be strengthened to meaningfully address what the focus groups identified as one of the important challenges: the lack of funds.

Pg. 122, Invest Strategically. “(SHOPP) funding levels are not sufficient to meet all maintenance and rehabilitation needs.” The Bay Area CMAs agree with this statement, and believe it would be good to mention some alternative revenue source ideas in this section

### **C. TECHNICAL & IMPLEMENTATION RECOMMENDATIONS**

The Bay Area CMAs support the comments made by CALCOG regarding technical implementation in their comment letter on CTP 2040, namely:

Chapter 1: Purpose and Context: CTP 2040 Goals. The six goals do not align fully with the five new Caltrans and CalSTA goals (developed in response to the SSTI findings, 2014). Should they be aligned? For example, CTP 2040’s sixth goal is “Practice environmental *stewardship*” whereas the second Caltrans/CalSTA goal is “Stewardship and efficiency” (Responsibly manage California’s transportation assets). The use of similar terms for different goals in these two documents can be confusing.

Pg. 5, Table 5: Consider including some data for miles of transit service operated (perhaps separated by heavy rail, light rail, bus). Is there any bike information available at a statewide level, perhaps miles of Class I facilities?

Pg. 11: Although the statement that “eventually, the (HSR) system will extend to Sacramento and San Diego” is consistent with the CHSRA’s business plan, CTP 2040 should address the Phase 2 HSR corridors. Phase 2 is only briefly mentioned in the CHSRA business and only focuses on the implementation of Phase 1 which will be complete in 2028. It is reasonable to assume Phase 2 could be built by 2040. We recommend that CTP 2040 include Phase 2 of the HSR system in Alternative 1 or at least in a minimum in Alternative 2.

Pg. 101: Under “Greenhouse Gas Emissions section,” the sentence reads, “AB32 requires that the 2020 total GHG inventory be the same as the 1990 GHG inventory, then 80 percent below the 1990 GHG inventory by 2050.” This needs to be clarified. AB 32 does not require the 80 percent below 1990 level by 2050. It is the Executive Order – EO S---3---05 that included the 80 percent below 1990 goal. Governor Brown’s recent EO should also be incorporated.

Pg. 103 Alternative 1 in Figure 12 (Statewide GHG Emission Changes Relative to 2020) appears to show that greenhouse gas emissions will increase by approximately 11 percent between 2040 and 2050. Please provide information so that readers can understand to what we can attribute this increase.

Pg. 30: Table 10: Freight Forecast and Trends – “Total shipments by weight (into, out of, and within CA) are projected to grow approx. 180% statewide between 2012 and 2040.” The SANDAG Freight Gateway Study Update utilizes the Freight Analysis Framework (FAF) Version 3.5 Tool. Considering the time period for the state of California, the total growth would be 55% according to FAF. This is most likely due to the fact that in FAF domestic inbound, outbound and internal is projected to grow near 1% per year; these moves by tonnage are highly substantial when compared to exports/imports. Lastly, “tonnage” is more appropriate rather than “weight.”

Pg. 60: Traffic Management System: The title and reference throughout the text in this section seems to infer continued focus on "traffic," which seems to be in conflict with overall theme of this goal where focus should be multi---modal mobility.

Pg. 60: A key point that could be referenced here, to assure consistency with regional plans or assure that this plan maintains its support for moving forward with G1 - is that improving multimodal mobility and accessibility is based on the foundation of multi---modal system performance and optimization for all modes. These can include multi-modal network efficiencies that cut across multi-jurisdictional operational improvements that do not require significant funding for major capital intensive infrastructure needs. TSM strategies are among the most cost effective strategies for achieving immediate mobility benefits but that will require the State to work in partnership with local and regional agencies.

Pg. 67. The Goal 2 discussion of *Preservation of the Multimodal Transportation System* mainly discusses road infrastructure. While the recommended strategies include a process for transit asset maintenance (Strategy P2---S4), public transit investments should be included in additional strategies, such as “include transit as a recipient of a “sustainable funding for maintenance and preservation”. (The example of the SHOPP program in P1---S3 reinforces the roadway focus of the goal).

Pg. 61: “The concept of Integrated Corridor Management (ICM) is also in development to improve traffic flow from highways to surface streets. Together, these technologies should pave the way for widespread deployment of fully automated vehicles.” Would like to suggest that clarification or distinction should be made to express that ICM can be considered as a near to midterm recommendation strategy under Chapter 8 recommendations.

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Pg. 120: See generally, comments made under for ICM and Connected Vehicles under Chapter 6 page 61. Additionally, and this may seem more of an observation for internal discussion, overall it is not clear on how the recommendations laid out under this Chapter translate to actual funding commitments as they seem to denote general and guiding activities or efforts and not project/program level efforts. That said, even the specific recommendations need improvement:

Pg. 120--121, Systemize Traffic Management: The CTP 2040 only includes mid-- and long-- range TMS investments. TMS should also be a short term investment. Adaptive traffic signals listed under the “mid to long--range” timeframe are already being installed and should also be a short term strategy. Likewise for connected vehicle and vehicle platooning, in which exploration is already under way.

Pg. 124: The “Reduce VMT” recommendations are worded in a way that unnecessarily limits their scope to certain strategies. Generally they should be broadened to allow more flexibility. Here are three suggestions:

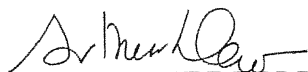
- First, expand the recommendation so that it reads: *“create policies to incentivize employers to develop commuter benefit programs that encourage transportation alternatives. Encourage parking management strategies at the workplace, such as parking cash--out or priority parking for HOVs that discourage drive--alone commuting to work. Provide greater telecommuting options, and alternative work schedules designed to reduce the number of daily commute trips”* and add *“create policies that incentivize developers to provide TDM programs and services that mitigate the traffic impacts of developments.”*
- Second, consider expanding recommendation to *“secure additional funding to implement significant transit improvement strategies, including, but not limited to, increasing speeds, decreasing fares, increasing BRT, and improving transfer times”* to include improved access/connections to transit as well as improving the technologies (real--time traveler information, universal transportation account) that increase the convenience and competitiveness of public transit thereby creating more a positive attitude towards public transit for choice riders.
- Third, consider expanding recommendation to *“implement substantial public outreach to publicize the GHG benefit of eco--driving, car sharing and telecommuting”* to include transit and ridesharing.

#### **D. CONCLUSION**

The Bay Area CMAs appreciate this opportunity to provide our input on the Draft CTP 2040, and we will continue to work with our local and regional partners, and with the Department, to build and maintain partnerships that advance the goals we all share.

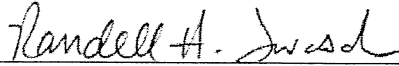
Thank you for the opportunity to comment on the proposed Draft CA Transportation Plan 2040.

Sincerely,



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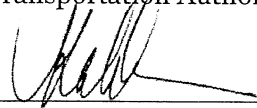
Art Dao, Executive Director  
Alameda County Transportation Commission



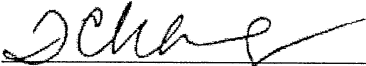
Randell Iwasaki, Executive Director  
Contra Costa Transportation Authority



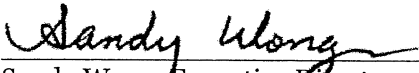
Dianné Steinhauser, Executive Director  
Transportation Authority of Marin



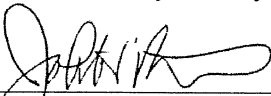
Kate Miller, Executive Director  
Napa County Transportation Planning Agency



Tilly Chang, Executive Director  
San Francisco County Transportation Authority



Sandy Wong, Executive Director  
San Mateo City-County Association of Governments



John Ristow, Chief CMA Officer  
Santa Clara Valley Transportation Authority



Daryl Halls, Executive Director  
Solano Transportation Authority (STA)



Suzanne Smith, Executive Director  
Sonoma County Transportation Authority