

# TRI-VALLEY TRANSPORTATION COUNCIL

## TRI-VALLEY TRANSPORTATION COUNCIL RESOLUTION NO. 2024 – 01

### A RESOLUTION MAKING FINDINGS PURSUANT TO AB 1600 REGARDING THE CONTINUED NEED FOR UNEXPENDED FUND BALANCES FOR THE TRI-VALLEY TRANSPORTATION DEVELOPMENT IMPACT FEE

**WHEREAS**, in 2008, the Tri-Valley Transportation Council (TVTC) completed and adopted the “2008 Nexus Study” which identified 22 projects for eligibility to receive funding from the Tri-Valley Transportation Development Fee (TVTDF). The 2008 Nexus Study was subsequently analyzed and validated and updates to the associated Strategic Expenditure Plan (SEP) were adopted; and

**WHEREAS**, on August 16, 2021, the Tri-Valley Transportation Council (“TVTC”) adopted the Tri-Valley Transportation Council Nexus Study Fee Update (“Nexus Study”) pursuant to Resolution 2021-10; and

**WHEREAS**, many of the 22 projects from the 2008 Nexus Study had been completed at the time of adoption of the Nexus Study and the Nexus Study identified 16 new projects (List C, Table 14) to be included; and

**WHEREAS**, the Nexus Study evaluated the following projects (“Projects”) and the number of trips generated by each of the land use types and determined the Maximum Fee Rate for each of the land uses:

Projects from Table 13, Exhibit A of the Study:

- A-2a Route 84 Expressway 1-580 to I-680
- A-2b Isabel Route 84/I-580 Interchange
- A-9a Crow Canyon Road Improvements Phase 1
- A-9b Crow Canyon Road Improvements Phase 2
- A-10a Vasco Road Safety Improvements Phase 1
- A-10b Vasco Road Safety Improvements Phase 2
- A-11 Express Bus/Bus Rapid Transit
- B-1 I-580/I-680 Interchange (westbound to southbound)
- B-3 I-580/First Street interchange modification
- B-4 I-580/Vasco Road interchange modification
- B-5 I-580/Greenville Road interchange modification
- B-6 Jack London Boulevard extension
- B-7 El Charro Road Extension
- B-8 Camino Tassajara widening: East Blackhawk Drive to County line
- B-11b I-680 Transit Corridor Improvements

Projects from Table 14, Exhibit B of the Study:

- C-1 Tesla Road Safety Improvements
- C-2 Norris Canyon Road Safety Improvement
- C-3 Dublin Boulevard – North Canyons Parkway Extensions
- C-4 Vasco Road at Dalton Avenue Intersection Improvements
- C-5 El Charro Road Widening

- C-6 Sunol/680 Interchange Improvements
- C-7 I-680 Express Lanes – Hwy 84 to Alcosta
- C-8 Santa Rita/I-580 Interchange
- C-9 Stoneridge/I-680 Interchange
- C-10 Innovate 680
- C-11a Iron Horse Trail Bicycle-Pedestrian Overcrossing – Bollinger Canyon Road
- C-11b Iron Horse Trail Bicycle-Pedestrian Overcrossing – Crow Canyon Road
- C-11c Iron Horse Trail Crossing at Dublin Boulevard
- C-11d Iron Horse Trail – Livermore
- C-11e Iron Horse Trail to Shadow Cliffs
- C-11f Iron House Trail Connection Improvements at Santa Rita Road
- C-11g Iron Horse Trail Bicycle/Pedestrian Overcrossing – Sycamore Valley Road
- C-11h Iron Horse Trail Safety Improvements
- C-12 Hacienda/I-580 Interchange Improvements
- C-13 Fallon/EI Charro Interchange Improvements
- C-14 Valley Link Rail (Phase 1)
- C-15 Technology Enhancements
- C-16 I-680 Express Bus Service

**WHEREAS**, the Nexus Study determined that a reasonable relationship exists between the unexpended fees and the purpose for which those fees were collected; and

**WHEREAS**, in 2022, the TVTC adopted an updated SEP that prioritized and identified funding allocations for the remaining projects from 1999, 2008 and the 16 “new” projects; and

**WHEREAS**, the TVTC has reviewed the 2020 Nexus Fee Update Study and 2022 SEP and has determined, based on its independent judgment and analysis, that a reasonable relationship exists between the unexpended fees and the purpose for which those fees were collected; and

**WHEREAS**, the Mitigation Fee Act (California Government Code § 66001(d)(1)) requires jurisdictions to make certain statutory findings every five years in relation to any unexpended funds collected pursuant to a fee to ensure that a reasonable relationship exists between the unexpended funds and the purpose for which the fees were collected.

**NOW THEREFORE, BE IT RESOLVED THAT** in accordance with Government Code § 66001(d)(1)) and based on the information presented in the 2020 Nexus Fee Update Study and 2022 SEP, the TVTC makes the following findings:

1. Identify the purpose to which the fee is to be put.

Response: TVTC policy, as expressed through the TVTC Action Plan and Strategic Expenditure Plan, is that new development shall contribute for mitigation of its impacts on Routes of Regional Significance, and that the cost sharing of recommended improvements will be implemented through the Tri-Valley Transportation Development Fee regional impact fee program. The fee advances a legitimate public interest by enabling the TVTC to fund improvements to transportation infrastructure required to accommodate new developments region wide. This finding is documented by the analysis of the projected increase in

future travel generated by new development that is projected to occur in the Tri-Valley. Growth in new residents and employees is projected to increase cumulative average daily delay on the Tri-Valley regional roadways in the morning and evening peak hours, excluding effects from more cut-through traffic. The purpose of the TVTDF is to fund projects to mitigate the impact of new development. This finding is also documented in the analysis in the 2020 Nexus Fee Update Study.

2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.

Response: The TVTDF is used to implement projects to mitigate the impacts of additional congestion on Routes of Regional Significance to serve new development as designated in the Strategic Expenditure Plan. New dwelling units and building square footage are indicators of the demand for transportation improvements needed to accommodate growth. As additional dwelling units and building square footage are created, the occupants of these structures generate additional vehicle trips and place additional burdens on the transportation system. The need for the TVTDF is based on transportation model projections of growth that show an increase in vehicle hours of delay on Routes of Regional Significance, as a result of new development, even with planned improvements to that system. The model estimates impacts from new development based on trip generation rates that vary by land use category, providing a reasonable relationship between the type of development and the need for the improvements. New development projects are charged a TVTDF amount based on the size of the project and the land use type and the projected number of trips generated by that land use type. Revenue from the fee is used to fund projects to mitigate these impacts. As the TVTDF is calculated and imposed based on the number of trips a project generates and the TVTDF is used to fund transportation projects to mitigate the impact of those trips, there is a reasonable relationship between the TVTDF and the purpose for which it is expended. This finding is also documented in the analysis in the 2020 Nexus Fee Update Study.

3. Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements.

Response: The 2020 Nexus Fee Update Study and the 2022 Strategic Expenditure Plan Update identifies sources and amounts of funding anticipated to finance incomplete projects.

4. Designate the approximate dates on which the funding referred to in subsection (3) above is expected to be deposited into the appropriate account or fund.

Response: The 2020 Nexus Fee Update Study and the 2022 Strategic Expenditure Plan Update identifies anticipated funding timelines for TVTDF funds and funds from other sources. Funds will be allocated to the appropriate governmental agency and deposited into the appropriate account in accordance with the timelines outlined in the SEP as funding becomes available.

**PASSED, APPROVED, AND ADOPTED** at the meeting of January 29, 2024, by the following votes:

**AYES:** Josey, Morgan, Perkins, Testa, Haubert and Andersen

**NOES:**

**ABSENT:** Kiick

**ABSTAIN:**

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Jean Josey, Chair  
Tri-Valley Transportation Council

**ATTEST:**

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Sai Midididdi, TVTC Administrative Staff