

# TRI-VALLEY TRANSPORTATION COUNCIL

Alameda County Operations Building  
4825 Gleason Drive, Dublin CA 94568

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**Candace Andersen**  
TVTC Chair  
Supervisor District 2  
Contra Costa County  
(925) 944-6492

**WEDNESDAY, September 17, 2014**

**4:00 p.m.**

**Danville Library, Mount Diablo Room**  
**400 Front St, Danville, CA 94526**

## AGENDA

**Doug Horner**  
TVTC Vice-Chair  
Councilmember  
Livermore  
(925) 980-2655

1. Call to Order, Roll Call, and Self Introductions
2. Public Comment
3. Approval of Meeting Minutes June 19, 2014\*
4. Oral Communication
5. Old Business
  - a. Draft 2014 Contra Costa Countywide Transportation Plan (CTP) Update\* (Full CTP: [http://www.ccta.net/funding/our\\_future](http://www.ccta.net/funding/our_future))
6. New Business
  - a. TVTC Legal Services Agreement (Action Item)\*
  - b. 2014/2015 TVTC Board Meeting Schedule\*
  - c. SB743: Draft Guidelines for Transportation Impact Analysis in CEQA (Discussion Item)
7. Other Business/Announcements
8. Adjournment

**Jerry Pentin**  
Vice-Mayor  
Pleasanton  
(925) 931-5001

**Scott Perkins**  
Councilmember  
San Ramon  
(925) 973-2530

**Tim Sbranti**  
Mayor  
Dublin  
(925) 833-6650

**Newell Arnerich**  
Councilmember  
Danville  
(925) 314-3329

**Scott Haggerty**  
Supervisor District 1  
Alameda County  
(510) 272-6691

\*Attachment(s) \*\* Handouts

The Tri-Valley Transportation Council meetings are wheelchair accessible. If you have any questions related to the Tri-Valley Transportation Council meeting agenda, please contact Jamar Stamps, TVTC Administrative staff at (925) 674-7832 or email at [jamar.stamps@dcd.cccounty.us](mailto:jamar.stamps@dcd.cccounty.us).

Upcoming Meeting:

TVTC: November 17, 2014, 4:00 p.m., Danville Library, Mount Diablo Room, 400 Front St, Danville, CA 94526

# Item 3

# MINUTES

## TRI-VALLEY TRANSPORTATION COUNCIL

Alameda County Operations Building  
4825 Gleason Drive, Dublin, CA 94568  
June 19, 2014 at 4:00 p.m.

### 1) CALL TO ORDER, ROLL CALL, AND SELF-INTRODUCTIONS

The Tri-Valley Transportation Council (TVTC) was called to order at 4:01 p.m. at the by the Chair, Supervisor Scott Haggerty, Alameda County.

#### Members in Attendance:

	<u>Present</u>	<u>Absent</u>
Scott Haggerty, Chair, Supervisor District 1, Alameda County	X	
Candace Andersen, Vice Chair, Supervisor District 2, Contra Costa County		X
Doug Horner, Councilmember, Livermore	X	
Jerry Pentin, Vice Mayor, Pleasanton	X	
Scott Perkins, Councilmember, San Ramon		X
Tim Sbranti, Mayor, Dublin	X	
Newell Arnerich, Councilmember, Danville	X	
Harry Sachs, City of San Ramon (Alternate)	X	

#### TVTC Staff:

Bob Vinn, City of Livermore	X
Andy Dillard, Town of Danville	X
Mike Tassano, City of Pleasanton	X
Lisa Bobadilla, City of San Ramon	X
Paul Keener, Alameda County	X
Dawn Argula, Alameda County	X
Andy Russell, City of Dublin	X
Gayle Israel, Contra Costa County	X
Jamar Stamps, Contra Costa County	X

#### Others in Attendance:

Brian Washington, Alameda County	X
Nanci Erven-Collins, Alameda County	X
Saravana Suthanthira, Alameda CTC	X
Roxanne Lindsay, ACE Train	X
Doug Slakey, Parsons Transportation Group	X
Lisa Vonderbreuggen, Building Industry Association, Bay Area	X

2) **PUBLIC COMMENT**

Supervisor Haggerty asked for public comments. There were no public comments.

3) **APPROVAL OF MEETING MINUTES FOR MAY 24, 2014**

Councilmember Newell Arnerich moved to approve the minutes of May 24, 2014.

Vice Mayor Jerry Pentin seconded the motion, and the minutes were approved.

Minutes Approved (Ayes 6; Noes 0; Excused 1)

4) **ORAL COMMUNICATION**

Supervisor Haggerty asked for oral communications. There were no oral communications.

5) **PUBLIC HEARING**

a. **Tri-Valley Transportation Development Fee Adjustment**

Paul Keener, Alameda County, noted the Public Meeting was noticed as required. He summarized the TVTC Technical Advisory Group's staff report on the Tri-Valley Transportation Development Fee (TVTDF). There were no questions.

Vice Mayor Jerry Pentin moved to open the Public Hearing on the Tri Valley Transportation Development Fee Adjustment. Harry Sachs seconded the motion, and the Public Hearing was opened at 4:11 p.m.

Lisa Vonderbrueggen, Executive Director for Governmental Affairs, Eastern Division, Building Industry Association, provided a letter of support for the recommendation to implement the proposed development fee increases in two phases beginning July 1, 2015, and commencing on July 1, 2016.

There were no other public comments.

Councilmember Newell Arnerich moved to close the Public Hearing on the Tri Valley Transportation Development Fee Adjustment.

Councilmember Harry Sachs seconded the motion, and the Public Meeting was closed at 4:16 p.m.

**6) OLD BUSINESS**

**a. Tri-Valley Transportation Development Fee Adjustment (Paul Keener – Action Item)**

Following the brief Public Hearing on the Tri-Valley Transportation Development Fee Adjustment, the TVTC TAC and the TVTC Financial Subcommittee recommended that the Tri-Valley Transportation Council approve the TVTDF rate “Option 7” (25% rate increase for one year, effective July 1, 2015, and a 35% rate increase for year two, effective July 1, 2016). This TVTDF adjustment is anticipated to generate \$54,574,138 for the TVTC regional transportation projects over the next ten years.

Councilmember Newell Arnerich moved to adopt the Tri-Valley Transportation Development Fee Adjustment.

Councilmember Harry Sachs seconded the motion.

Approved (Ayes 6; Noes 0; Excused 1)

**b. TVTC Annual Budget (Paul Keener – Action Item)**

Paul Keener provided a summary of the proposed TVTC Annual Budget. He noted a typographical error on page 22. The actual costs associated with Basecamp services are \$600, not \$6,000. This error does not affect the bottom line.

Mayor Tim Sbranti questioned the reason for contracting legal services. Councilmember Arnerich advised that this would allow consistency when jurisdictional transfers occurred with the TVTC administration. Further, this will allow one legal counsel to begin building institutional knowledge of the TVTC actions.

A simplified RFP process will begin soon to enter into a contract for legal services. Until that contract is executed, Alameda County will continue to provide legal services to the TVTC to ensure consistency and continuity until new legal counsel is brought up to speed.

Supervisor Haggerty asked about the idea of a stipend, such as \$50 per meeting, for TVTC members. Councilmember Arnerich suggested that it could be discussed at the TVTC Financial Subcommittee.

Councilmember Newell Arnerich moved to adopt the TVTC annual budget as presented

Councilmember Doug Horner seconded the motion, and the TVTC Annual Budget for 2014-15 was adopted.

Approved (Ayes 6; Noes 0; Excused 1)

7) **NEW BUSINESS**

In accordance with the JPA and TVTC Bylaws, the rotation schedule for FY 2014-15 through FY 2015-16 was presented to the TVTC for consideration as follows:

TVTC Chair: Contra Costa County

Vice Chair: City of Livermore

TVTC Administrator Contra Costa County

General Council Alameda County (temporary until contract for legal services is executed)

Councilmember Newell Arnerich moved to adopt the jurisdictional appointments for FY 2014-15 through FY 2015-16

Vice Mayor Jerry Pentin seconded the motion.

Approved (Ayes 6; Noes 0; Excused 1)

8) **OTHER BUSINESS/ANNOUNCEMENTS**

Supervisor Haggerty asked for other business or announcements. There was no other business nor announcements.

9) **ADJOURNMENT**

The meeting was adjourned by Supervisor Scott Haggerty at 4:20 p.m.

Item 5.a.

**Candace Andersen**  
**TVTC Chair**  
**Supervisor District 2**  
Contra Costa County  
(925) 944-6492

**To:** Tri-Valley Transportation Council (TVTC)  
**From:** TVTC Technical Advisory Committee (TAC)  
**Date:** September 17, 2014

**Doug Horner**  
**TVTC Vice-Chair**  
**Councilmember**  
Livermore  
(925) 980-2655

**Subject: Contra Costa Countywide Transportation Plan (CTP) Update**

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## BACKGROUND

**Jerry Pentin**  
**Vice-Mayor**  
Pleasanton  
(925) 931-5001

In 2012, the Contra Costa Transportation Authority (CCTA) began the process of updating the Contra Costa Countywide Transportation Plan (CTP). The CTP Update consists of developing a vision and goals to serve as the 25-year blueprint for the county's transportation future. Regional transportation planning committees (e.g. TVTC) essentially participate in this process by updating the sub-regional action plans for routes of regional significance and the countywide transportation project list.

**Scott Perkins**  
**Councilmember**  
San Ramon  
(925) 973-2530

The TVTC Action Plan (first adopted in 1995) outlines goals, objectives, recommended improvements, and an implementation program for addressing transportation issues within the Tri-Valley. The plan also informs the TVTC Development Fee. TVTC began updating the Action Plan in January 2013. In April 2014, the TVTC Board approved the draft Tri-Valley Action Plan for public review and inclusion in the Draft CTP.

**Tim Sbranti**  
**Mayor**  
Dublin  
(925) 833-6650

CCTA is currently engaged in a series of public workshops to introduce the Draft CTP and receive feedback on what projects are important to the community and where future investments should be made. The southwest area/Tri-Valley workshop took place Wednesday, September 10, 2014 at 7:00 p.m. at the Veteran's Memorial Building, 3780 Mt. Diablo Blvd, Lafayette.

**Newell Arnerich**  
**Councilmember**  
Danville  
(925) 314-3329

**Scott Haggerty**  
**Supervisor District 1**  
Alameda County  
(510) 272-6691

## RECOMMENDATION

RECEIVE the Contra Costa CTP Update presentation and DIRECT staff to forward any additional comments to CCTA.





COMMISSIONERS

August 7, 2014

Kevin Romick, Chair

Julie Pierce,  
Vice Chair

Janet Abelson

Newell Americh

Tom Butt

David Durant

Federal Glover

Dave Hudson

Mike Metcalf

Karen Mitchoff

Robert Taylor

Randell H. Iwasaki,  
Executive Director

**DRAFT 2014 COUNTYWIDE TRANSPORTATION PLAN AVAILABLE FOR PUBLIC REVIEW**

Dear Transportation Partners,

As our agency embarks on its 25th year, we are eager to build on the success and legacy of Measures C and J, the half-cent transportation sales tax approved by Contra Costa voters in 1988 and renewed in 2004. These measures have helped fund important improvements in Contra Costa including the Caldecott Tunnel's fourth bore, improvements on I-680 and State Route 4, the I-80 Integrated Corridor Management project, expanded transit service, new bikeways and trails, and maintenance of local streets and roads. As we plan for the future, we hope you will continue to share your opinions and stay involved in shaping Contra Costa's transportation future.

Every five years, the Contra Costa Transportation Authority (CCTA) evaluates and updates its *Countywide Comprehensive Transportation Plan*, or CTP, our 25-year blueprint for the county's transportation future. As part of the CTP process, CCTA wants to know what transportation issues you think are important so we can prioritize where to spend valuable time and resources. With feedback from stakeholders throughout the county, updating the CTP helps ensure that we accurately plan, fund, and implement your transportation vision for Contra Costa.

The Draft 2014 CTP Update is now available for public review and comment on CCTA's website at: [http://www.ccta.net/funding/our\\_future](http://www.ccta.net/funding/our_future). The CTP lays out a vision for our transportation future, the goals and strategies for achieving that vision, and the future transportation investments needed to promote a growing economy, advance technological changes, protect the environment, and improve our quality of life.

Your input is crucial for informing whether the path we're on is the right one, or whether we need to chart a new course in addressing the issues and challenges facing our current transportation network. There are several ways to become involved in the 2014 CTP update process:

- Our staff would be happy to make a presentation to your agency or organization. Please contact Martin Engelmann at [mre@ccta.net](mailto:mre@ccta.net) if you are interested in scheduling a presentation.

2999 Oak Road  
Suite 100  
Walnut Creek  
CA 94597  
PHONE: 925.256.4700  
FAX: 925.256.4701  
[www.ccta.net](http://www.ccta.net)

- Attend a public workshop to hear more about the CTP process and give your feedback. (Dates and times to be announced on [www.ccta.net](http://www.ccta.net) soon!)
- Weigh in using CCTA's online public engagement tool at [www.KeepContraCostaMoving.net](http://www.KeepContraCostaMoving.net) to tell us your priorities, share your ideas, and see what other ideas have been submitted.
- Call 925.256.4720 to request that a paper copy of CCTA's public engagement survey be mailed to you. We are also able to provide multiple copies of the survey to you for distribution at community meetings.
- Submit your written comments on the Draft CTP to [2014ctp@ccta.net](mailto:2014ctp@ccta.net) by September 30, 2014. Please include your name, affiliation, and contact information in the text of your e-mail.

I look forward to working with you to create this new vision for Contra Costa's transportation future.

Sincerely,

  
Randell H. Iwasaki  
Executive Director

# 2014 Countywide Comprehensive Transportation Plan

## Volume I Executive Summary

August 1, 2014

**PUBLIC  
REVIEW  
DRAFT**



CONTRA COSTA  
transportation  
authority  
1989 – 2014

Keeping Contra Costa Moving

TURN ON  
HEADLIGHTS



CONTRA COSTA  
**transportation  
authority**  
1989 – 2014

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## Keeping Contra Costa Moving

### Commissioners

Kevin Romick, Chair, East County  
City of Oakley

Julie Pierce, Vice Chair, East County,  
City of Clayton

Janet Abelson, Mayor, West County,  
City of El Cerrito

Newell Arnerich, Southwest  
County, Town of Danville

Tom Butt, West County,  
City of Richmond

David Durant, Central County,  
City of Pleasant Hill

Federal Glover,  
County Board of Supervisors

Dave Hudson, Southwest County,  
City of San Ramon

Mike Metcalf, Southwest County,  
Town of Moraga

Karen Mitchoff,  
County Board of Supervisors

Robert Taylor, Mayor, West County,  
City of Brentwood

### Ex-Officio Members

Amy Worth, MTC

Myrna De Vera, Public Transit Bus  
Operators

Gail Murray, BART

### Executive Director

Randell H. Iwasaki, P.E

The preparation of this report has been financed through a grant from the U.S. Department of Transportation and the Federal Highway Administration. The content of this report does not necessarily reflect the official views or policy of the U.S. Department of Transportation.

# Executive Summary

## OVERVIEW

*The Contra Costa Countywide Transportation Plan, or CTP, is the blueprint for Contra Costa's transportation system over the next 25 years. This long-range vision for transportation identifies the projects, programs, and policies that the Authority Board hopes to pursue. The CTP identifies goals for bringing together all modes of travel, networks and operators, to meet the diverse needs of Contra Costa.*

*By improving the transportation system, we can help to address the challenges that a growing population, more jobs, and more traffic will bring. The CTP lays out a vision for our transportation future, the goals and strategies for achieving that vision, and the future transportation investments needed to promote a growing economy, advance technological changes, protect the environment, and improve our quality of life.*

## **CHALLENGES AHEAD**

Census data shows that the population of Contra Costa grew from 804,000 in 1990 to just over one million residents in 2010, an increase of 30 percent over twenty years. New forecasts for the region indicate that, while yearly population growth is slowing slightly, Contra Costa will still add another 289,000 residents by 2040, a 27 percent increase.

Unlike population, job growth is expected to speed up. Between 1990 and 2010, the number of jobs in Contra Costa grew by only 17 percent. We're expecting the growth in jobs to more than double to 35 percent, resulting in nearly half a million jobs by 2040.

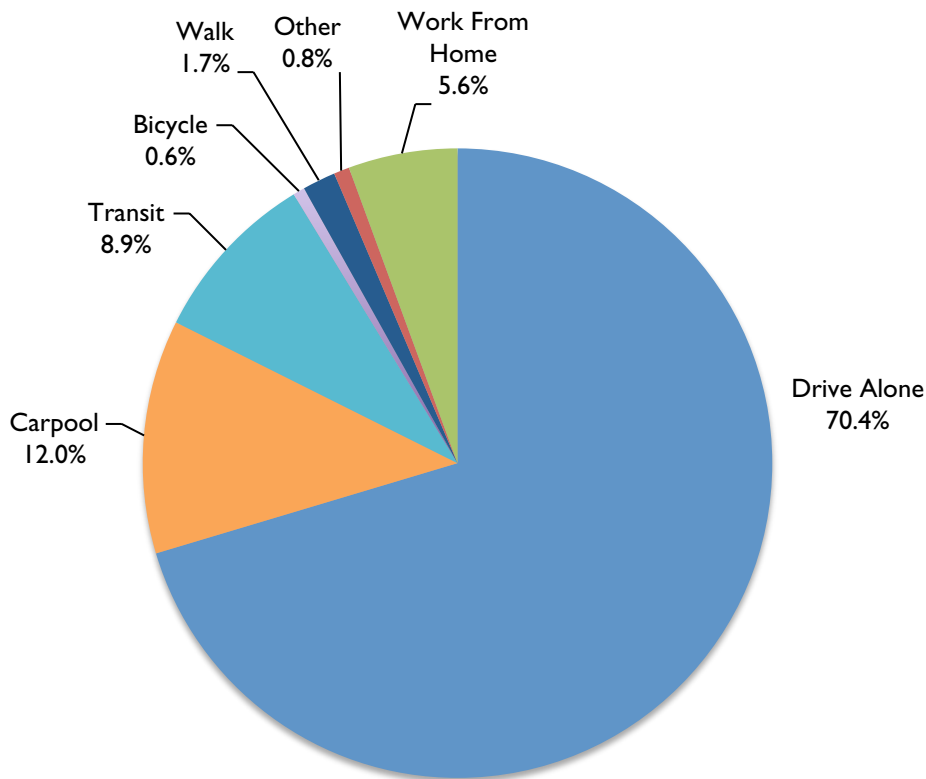
While both jobs and population will increase throughout Contra Costa, some areas of the county will grow faster than others. Population growth in West County, Central County and East County is expected to be the highest, at 29 percent each, followed by the Southwest subarea at 16 percent by 2040. Job growth in East County and Central County is expected to outpace other areas with increases of 40 percent and 37 percent, respectively, with the slowest rate of job growth found in Lamorinda, with an expected increase of 25 percent by 2040.

### **How We Get to Work**

Commuters have a variety of options for getting to work: driving alone, carpooling, taking transit, walking, or biking. Alternatively, in recent years many companies have begun to allow employees to telecommute from home.

Since 1980, the percentage of commuters who drive alone has remained steady at about 70 percent. Similarly, transit ridership has also held steady, at approximately 9 percent. Figure E-1 below shows the percentages of use by different modes for work trips in Contra Costa.

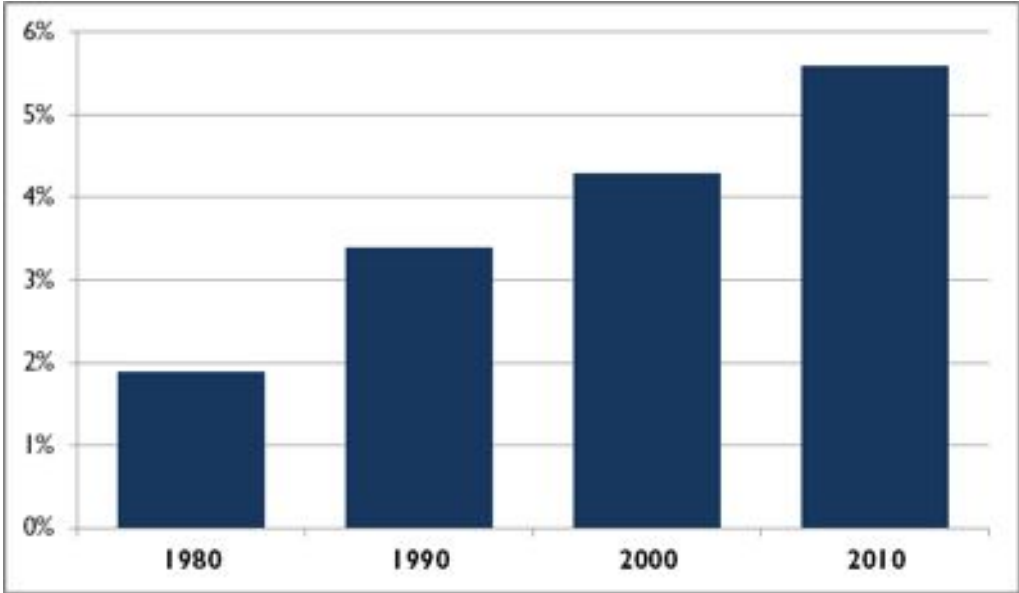
**Figure E-1: Travel Modes, Share of Commute Trips, 2010**



Source: CCTA, 2013.

What has changed most dramatically over the 30 years between 1980 and 2010 is the number of people who now indicate they work from home: the percentage of people who work from home has more than doubled, from 1.9 percent in 1980 to 5.6 percent in 2010, as shown in Figure E-2. Will that percentage continue to increase through 2040? And if so, could telecommuting reach levels of 10 to 20 percent? Higher participation rates for telecommuting will help alleviate future traffic congestion.

**Figure E-2: Work From Home, Share of Commute Trips, 1980-2010**



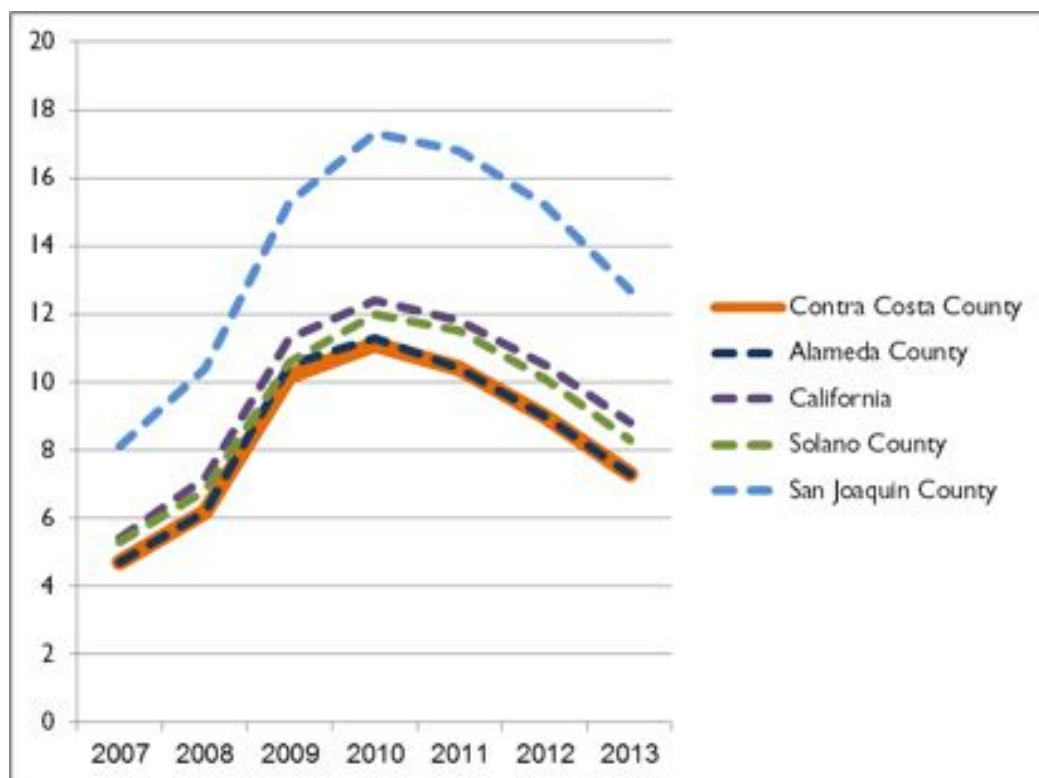
Source: CCTA, 2013.

**The Economic Recovery**

The so-called “Great Recession,” which began in 2007, resulted in higher unemployment rates, which in turn meant that fewer people were driving to work. Consequently, between 2007 and 2010, traffic growth in the Bay Region remained flat, and in Contra Costa even decreased somewhat. Measurements taken in 2010 indicated that traffic levels in many areas of Contra Costa had dropped to below the levels previously seen in 2000. At present, the economy is recovering from the recent recession. As shown in Figure E-3, since 2010, unemployment levels have been steadily dropping towards pre-recession levels.



**Figure E-3: Unemployment Rate, 2007-2013**

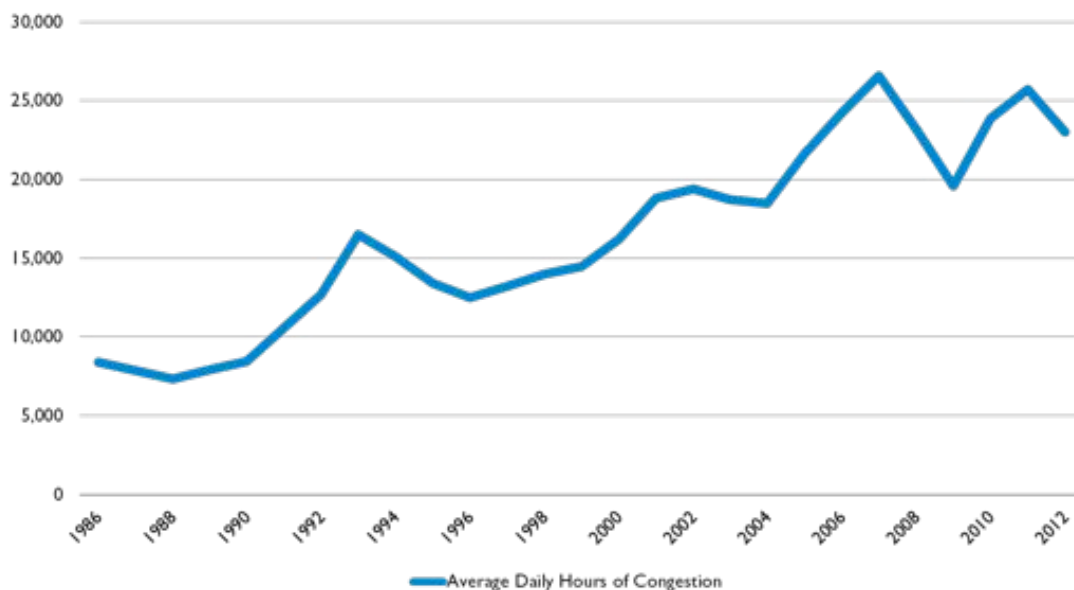


Source: CCTA, 2013.

### **What Does This Mean for traffic?**

The end of the Great Recession comes as welcome news for the economy and residents of the Bay Area. This may mean, however, more people on the road and on BART and buses, making for heavier traffic and more crowded commutes. Although more residents may work from home, traffic congestion will remain a growing problem. People will continue to travel from home to work, school, and other destinations. As a result, we can expect past trends (shown in Figure E-4) to continue, with further increases in roadway traffic, and more hours spent on congested roadways.

**Figure E-4: Average Daily Hours of Congestion, 1986-2012**



Source: 1986-2008 Hi-Comp Report; 2009-2012 Mobility Performance Report.

According to our forecasts, by 2040, traffic between East County and Central County will increase by 70 percent. Other corridors will experience significant traffic growth as well.

The good news is that we also expect more people to take transit such as BART or a bus, or switch to walking or bicycling. The total number of miles driven has been dropping over the last decade, a trend that pre-dates the Great Recession. And there is more good news. California has always been a front-runner in low-emissions vehicle technology. As progress continues and more hybrid and electric cars join the fleet, harmful emissions from tomorrow's vehicles will be reduced to a small fraction of what they are today.

We also need to look no farther than our own backyard to see what further innovations lie ahead. In Mountain View, the autonomous Google® car is being perfected, and here in Contra Costa we have volunteered to have our streets and

roads serve as a test-bed for a federally-funded pilot program intended to accelerate the deployment of connected-autonomous vehicles (CAVs).

## **CCTA'S VISION, GOALS, AND STRATEGIES**

The following vision encapsulates the role the transportation system will play in supporting the people, economy, and environment of Contra Costa:

*Strive to preserve and enhance the quality of life of local communities by promoting a healthy environment and strong economy to benefit all people and areas of Contra Costa, through (1) a balanced, safe, and efficient transportation network, (2) cooperative planning, and (3) growth management. The transportation network should integrate all modes of transportation to meet the diverse needs of Contra Costa.*

To achieve this vision, the Authority has also identified five goals and corresponding strategies for the 2014 CTP.

### **Goals**

1. Support the efficient, safe, and reliable movement of people and goods using all available travel modes;
2. Manage growth to sustain Contra Costa's economy, preserve its environment and support its communities;
3. Expand safe, convenient and affordable alternatives to the single-occupant vehicle;
4. Maintain the transportation system; and
5. Continue to invest wisely to maximize the benefits of available funding.

### **Issues & Opportunities**

The purpose of the 2014 CTP is to identify and implement specific actions and strategies that support our shared goal of safe, strong, and efficient transportation networks that improve the quality of life of Contra Costa residents. As we work together to develop solutions for our county, we also need to be mindful of new challenges and opportunities that may affect the CTP's goals.

### ***Funding***

Funding is critical to meeting the stated goals of the CTP and helping Contra Costa remain one of the most desirable places to live and work in the Bay Area. In addition to examining how we can most responsibly and efficiently use existing funding sources — such as traditional State and federal funds, Cap and Trade funds, OneBayArea Grants, and voter-approved Measure J funds — we also need to consider new sources of revenue. Open road tolling, congestion pricing at gateways or in central business districts, and pricing based on parking demand are a few potential sources.

### ***Changing Travel Choices***

As noted earlier, the number of vehicle miles traveled (VMT) per capita has been decreasing over the last decade. This drop is driven primarily by the changing habits of the “millennials,” the generation born after 1982. Millennials are driving, and even getting a license to drive, less frequently. Partly, they are responding to the high cost of owning and operating a vehicle, especially with the significant student debt many millennials carry. And partly it results from changes in where millennials — and many retiring Baby Boomers — are choosing to live, namely in close-in, walkable neighborhoods. This change does not, however, seem related to unemployment. Both states with higher and lower unemployment rates have seen drops in VMT.

If this recent trend continues, it would mean that forecasts of increased congestion may be excessively dire. But even so, we expect that, in many locations, we will see more delays on our roads, especially where people must go farther to get to work.

### ***Improving Mobility for the Next Generation***

The Authority has long been concerned with how we can continue to maintain and improve our roads, freeways, transit, and pedestrian and bicycle facilities in ways that sustain our economy, our environment and our quality of life.

Making new improvements, while maintaining what we have, is a prominent issue for the 2014 CTP as the Authority addresses new State legislation such as SB 375. This legislation, and the Sustainable Communities Strategies required by it, supports the development of job centers and neighborhoods that are easier to get to by transit and safe and convenient to walk or bicycle in, changes that will reduce the need for long commutes to work, shopping and other destinations.

We also need to ensure that our roads and transit systems are resilient: can we continue to get around after an earthquake? Will increased frequency of storm surges harm our rail lines and roadways?

### *Using Technology*

Over the last two centuries, technology has revolutionized how we move people and goods. From carriages to trains to bicycles and then cars and trucks, we have used technology to get where we want to go more quickly. That process is continuing. We are finding new technologies to help make travel safer, more efficient and more cost-effective while minimizing the impacts of travel on the environment.



*As technology advances, it is shifting the ways that people access and use the transportation system; for example, real-time ridesharing is facilitated in Contra Costa by companies such as Carma, pictured above.  
Source: Noah Berger, CCTA.*

Improvements to automobiles, from shatterproof glass and anti-lock brakes to seat belts and air bags, have made them safer and safer over the years. Several new technologies are on the horizon that have the potential to significantly improve auto safety. Collision warning and automatic braking, for example, which are already being incorporated into new cars, warn drivers if they approach oth-

er cars too closely and automatically slow the vehicle if the driver doesn't respond.

Another potential new improvement that could have a significant impact, not just on safety but also the efficiency of our roadways, is vehicle automation and communication. If we can get cars to talk to each other and eliminate the driver, we can improve fuel efficiency and reduce congestion and collisions. Connected automated vehicles can also have environmental benefits by making travel more efficient. Many issues remain to be overcome, from setting up the protocols for communicating among cars to ensuring that their use doesn't worsen the environment for bicyclists, pedestrians, and transit users.

Technology has been used to reduce the negative effects of our modern transportation network. Catalytic converters, more efficient engines, and other improvements have helped reduce emissions of air pollutants and the increased use of electric or hybrid-electric vehicles promise to reduce greenhouse gas emissions in our urban areas even further. (This may be offset by the need to increase electricity generation and the increased use of electric vehicles will increase the need for charging infrastructure.)

Other technologies focusing on the roadway will also play a role. Intelligent transportation systems, or ITS, can benefit our transportation network by improving safety and efficiency, benefiting the environment by limiting the waste of fuel and reducing greenhouse gas emissions. ITS encompasses many techniques, including electronic toll collection (such as FasTrak in the Bay Area), ramp metering, traffic signal coordination, and traveler information systems, for freeways, arterials and transit systems. The I-80 Integrated Corridor Mobility (ICM) project, which incorporates these and other improvements, is expected to lead to significant increases in capacity on the freeway.

The 2014 CTP considers how this evolving transportation technology should be incorporated into our transportation system.



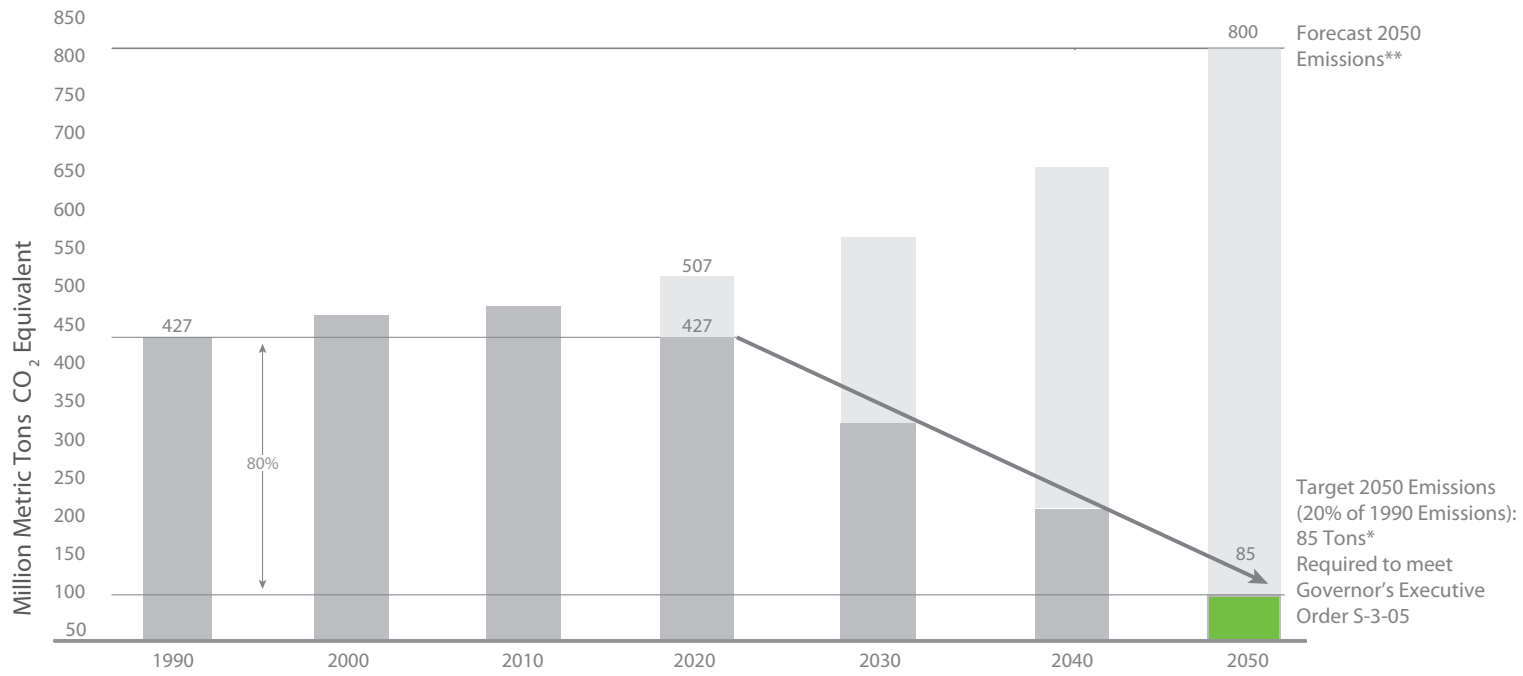
*Technology advancements sometimes require changes to our infrastructure; for example, as electric vehicles are increasingly used across Contra Costa, more electric vehicle charging stations are needed to support them.*

*Source: Noah Berger, CCTA.*

### ***Managing the Effects of Greenhouse Gases***

Climate change will have to be considered in our growth management plan due to the California Governor's order mandating an 80 percent reduction of greenhouse gases below 1990 levels by 2050, as shown in Figure E-5. Any efforts to increase the resiliency of our transportation system in light of future sea level rise will also need to take into account future vulnerabilities, such as bay-lands and access points near San Francisco Bay and the implications for infrastructure and land use.

**Figure E-5: Reaching Statewide AB 32 GHG Reduction Targets**



\*Million Metric Tons CO<sub>2</sub> Equivalent

\*\*Estimate based on California Council on Science and Technology Report, 2011

Source: Plan Bay Area



## **SENATE BILL 375**

Senate Bill (SB) 375, approved in 2008 as part of California’s efforts to reduce greenhouse gas (GHG) emissions from motor vehicle trips, made three significant changes to State law:

1. It required the Metropolitan Transportation Commission (MTC) and other regional planning agencies to adopt a Sustainable Communities Strategy, or SCS, as part of its Regional Transportation Plan.
2. It linked the regional housing needs allocation, or RHNA, process to the regional transportation process while maintaining local authority over land use decisions.
3. It exempted transit priority projects and other residential or mixed-use projects from some of CEQA’s requirements.

### **The Sustainable Communities Strategy (SCS)**

The SCS must identify an integrated land use and transportation system that together will meet the greenhouse gas emission reduction targets approved by the California Air Resources Board (CARB). This pattern of land uses and transportation facilities must also include enough development to accommodate the expected future population over both the next eight and the next 20 years as well as serve the transportation needs of the region. If the SCS falls short of these greenhouse gas targets, regional agencies must develop an “alternative planning strategy” (APS) that meets the targets. The APS can include bolder ideas that may require additional funds or changes in law. MTC and the Association of Bay Area Governments (ABAG) adopted their first SCS in 2013 as part of Plan Bay Area, the 2013 Bay Area Regional Transportation Plan (RTP). The SCS was able to meet the greenhouse gas reduction targets without requiring the preparation of an APS.

Neither the SCS nor the APS will supersede a city’s or county’s general plan or other planning policies or authorities. Nor must a local agency’s planning policies be consistent with either strategy.

### **Housing Needs**

SB 375 requires that the allocations of regional housing needs that ABAG prepares must be consistent with the development pattern adopted in the SCS and

the schedule of the RTP process. Local governments will now need to update their housing elements within three years of the adoption of the SCS to be consistent with ABAG housing needs allocations.

### **California Environmental Quality Act (CEQA) Exemptions**

SB 375 streamlines CEQA review for two types of projects: residential or mixed-use projects, and “transit priority projects.” If a residential or mixed-use project conforms to the SCS, its CEQA review does not have to cover growth-inducing impacts or cover either project-specific or cumulative impacts dealing with climate change. Transit priority projects that meet certain criteria can qualify for either a full CEQA exemption or a streamlined environmental assessment.

## **COOPERATIVE PLANNING**

The 2014 CTP relies on collaboration with and between our partners, both at the countywide and regional levels. As a critical component of the countywide transportation planning process, each of the county’s five Regional Transportation Planning Committees (RTPCs) creates an Action Plan, which identifies a complete list of actions to be completed as a result of the Action Plan. The 2014 Action Plans are unique in the sense that they focus on additional consideration of multimodal transit options including pedestrian and bicycling facility improvements and changes.

The 2014 updates of the Action Plans also demonstrate an increased concern for intra-regional routes and the impact of traffic diverting from inter-regional routes, increased support for freeway management strategies, and recognition of BART and freeway management as important inter-regional strategies. The Growth Management Program (GMP), which is Contra Costa’s program to enforce collaborative transportation and land use planning, began a new stage when Measure J passed in 2009. With the implementation of Measure J, the GMP remains in effect through 2034.

### **Role of Action Plans in Identifying and Evaluating New Projects**

As part of the Action Plan planning process, each RTPC identified projects and programs in the form of actions to be included in the Action Plan for the Routes of Regional Significance. The 2014 Action Plans used the 2009 Action Plans as a base, with new actions and Regional Routes of Significance identified through discussion, collaboration, and review by each committee. Each Action Plan states

its vision, goals, and policies; designates Routes of Regional Significance; sets objectives for these routes; and presents specific actions to achieve these objectives. The actions are listed on both a route-by-route and a regional scale, and aim to support the transportation objectives as specified by each RTPC. Figure E-7 shows the Action Plan approval process.

### The Growth Management Program (GMP)

The GMP will continue to provide cooperative planning on a countywide basis, as mandated by Measure J. So far, the GMP has vastly improved interjurisdictional communications regarding transportation and land use issues. By working with the cities and towns to manage growth, the Authority has facilitated creation of a regional mitigation program that has generated more than \$250 million in new revenues for regional transportation projects. The GMP will continue to be implemented in accordance with the requirements of Measure J through 2034. As shown in Figure E-6, the Measure J GMP has seven components that local jurisdictions must implement to maintain compliance with the GMP, and receive funding for local streets and roads in return.

Figure E-6: The Measure J Growth Management Program



### **Implementing Plan Bay Area**

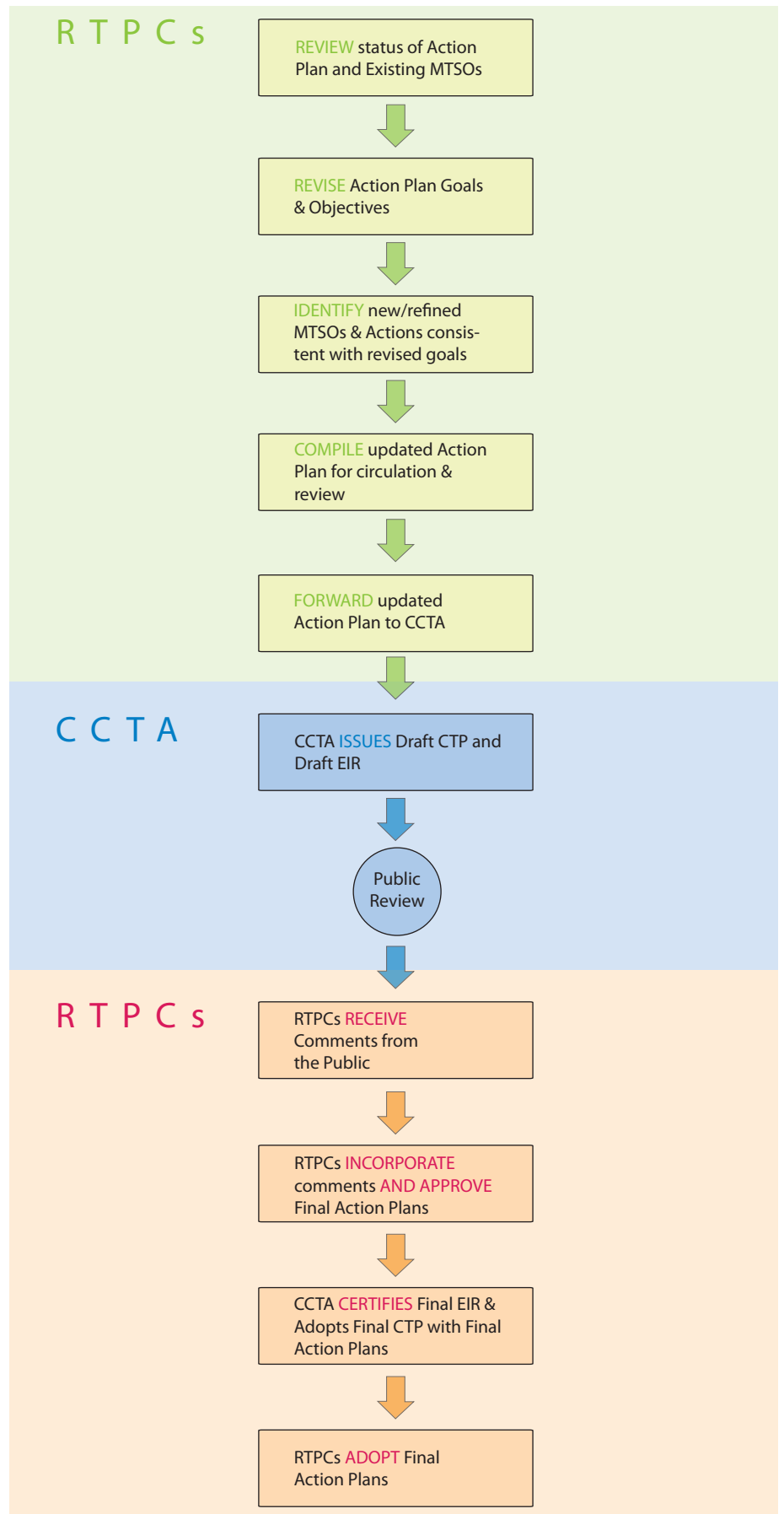
As discussed earlier, Plan Bay Area is the Bay Area's long-term transportation, land use, and housing strategy through the year 2040. Adopted in 2013, it includes the Bay Area's Regional Transportation Plan and Sustainable Communities Strategy. Plan Bay Area was created by MTC and ABAG in response to SB 375. Plan Bay Area envisioned that implementation details would be taken up in partnership with transportation planning agencies and local jurisdictions. As such, the 2014 CTP addresses how elements included in Plan Bay Area fit into our vision for Contra Costa.

Elements of Plan Bay Area that are reflected in this CTP include:

- Priority Development Areas (PDAs);
- Use of California Cap and Trade funds;
- Other initiatives, including those for freeway performance, carpooling and vanpooling, smart driving strategies, streamlining the environmental review process, goods movement, and industrial lands inventories;
- The draft framework for MTC's Economic Prosperity Plan (publication forthcoming), which removes barriers for the disadvantaged and discusses the unresolved regional issues of mobility and equity;
- Complete Streets, which serve all modes, and reasonable accommodations for all modes; and
- Incorporation of Plan Bay Area's land use forecasts (*Projections 2013*) for the Authority's travel demand forecasting model.

Figure E-7: Action Plan Development and Approval Process

Action Plan Process Update



## **IMPLEMENTING THE PLAN**

The 2014 CTP will play an important role in shaping our transportation policy and investment decisions. But how will the Plan be carried out? The Authority will need to work with many agencies to fund and prioritize the programs and projects that will work towards achieving its goals. The CTP outlines the strategies, the partnerships and the guidelines essential for a smooth transition from concept to reality, building on lessons learned since the first CTP was prepared in 1995.

Detailed implementation tasks fall under the following seven broad categories:

- Implement Measure J funding programs
- Plan for Contra Costa's transportation future
- Support growth management
- Develop transportation improvements
- Improve systems management
- Build and maintain partnerships
- Fund transportation improvements

The 2014 CTP represents the Authority's long-term plan for achieving a healthy environment and a strong economy that benefits all people and areas of Contra Costa through investment in our transportation system, cooperative planning and growth management. Working with its partner agencies, the Authority will apply these strategies outlined in the 2014 CTP to achieve the vision for Contra Costa's future.

## **FUNDING OVERVIEW**

Over the life of Measure J, the Authority anticipates total revenues of \$2.7 billion (escalated dollars) from the one-half percent sales tax. Of these, about 58 percent, or \$1.56 billion, is dedicated to programs such as local streets and roads, bus operations, and Transportation for Livable Communities. The remaining 42 percent, or \$1.14 billion, goes to specific transportation projects.

Measure C (1988-2004) had a different project/program split. Of the \$1.1 billion generated by Measure C, specific transportation projects received 60 percent of total revenues, while programs received 40 percent.

Measures C and J have made a substantial dent in funding needed for projects and programs, not only from the revenues they generated, but also the funding they attracted from other sources. As shown in the table below, total past and future project expenditures, including State and federal funds leveraged by Measures C and J, total \$6.5 billion.

**TABLE E-1: MEASURES C AND J PAST AND FUTURE PROJECT EXPENDITURES**

<b>MEASURE C AND MEASURE J (X \$1,000)</b>	<b>PAST</b>	<b>FUTURE</b>	<b>TOTAL</b>
Roadway (highways, arterials and maintenance)	\$754,989	\$1,030,733	\$1,785,722
Transit (bus, ferry, express bus, paratransit, commute alternatives)	\$433,548	\$737,643	\$1,171,192
Pedestrian & Bicycle (TLC, trails, safe transport for children, subregional needs)	\$11,152	\$322,812	\$333,964
Other	\$143,915	\$372,998	\$516,913
<b>Subtotal</b>	<b>\$1,343,605</b>	<b>\$2,464,187</b>	<b>\$3,807,792</b>
Leveraged funds on Measure C & J projects	\$1,721,000	\$970,000	\$2,691,000
<b>TOTAL FUNDS</b>	<b>\$2,064,605</b>	<b>\$3,434,187</b>	<b>\$6,498,792</b>

Volume 3 of the CTP contains a detailed listing of projects covering all modes of transport. Some of the major projects recently completed, under construction or planned for the future, are shown in Figure E-8. As shown in the table below, the total cost of proposed future projects is estimated at \$11.6 billion, of which only \$4.8 billion is funded through local, regional, State, and federal sources.

In addition to the projects, there are a number of transportation programs that are needed to preserve, protect, and operate our investments and to serve our travelers. The CTP estimates that approximately \$14.6 billion would be required to carry these programs through to 2040. This estimate may change depending upon the way that regional program needs are allocated to each county. Furthermore, the shortfall amount for programs is more difficult to estimate, given that in many cases, the program cost is already dictated by the availability of

funding for each program. The following table summarizes the cost by program type.

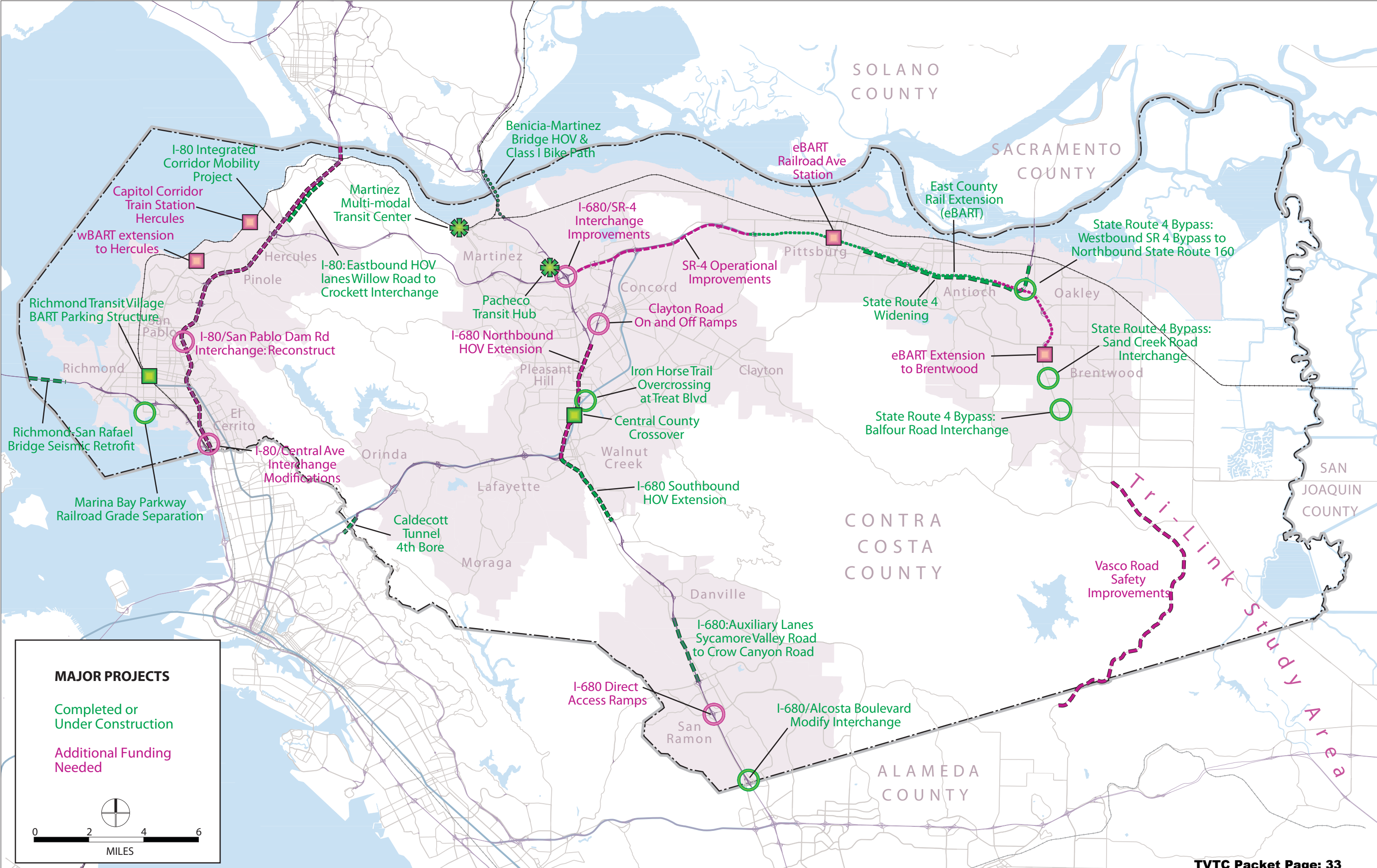
<b>TABLE E-2: TOTAL COSTS OF PROPOSED FUTURE PROJECTS</b>		
<b>PROJECT TYPE</b>	<b>TOTAL COST (X \$1,000)</b>	<b>SHARE OF TOTAL</b>
Arterial/Roadway	\$1,954,075	16.8%
Bicycle/Pedestrian/SR2S/TLC	\$579,159	5.0%
Transit	\$5,072,089	43.7%
Freeway/Expressway/Interchanges	\$3,875,997	33.4%
Intermodal/Park-and-Ride	\$131,854	1.1%
<b>TOTAL COST</b>	<b>\$11,613,174</b>	<b>100.0%</b>

A major challenge facing the Authority is to prioritize this \$26 billion in projects and programs and determine which should receive highest priority over the next 30 years. In addition, the Authority must seek new sources of funding to bridge an approximate \$6.8 billion funding gap for projects, and a potentially similar gap for programs. Through renewal of the sales tax measure, and by keeping a close eye on other funding opportunities that may present themselves, the Authority will continue working diligently to achieve Contra Costa's transportation vision for 2040.

<b>TABLE E-3: TOTAL COSTS OF PROPOSED PROGRAMS</b>		
<b>PROGRAM TYPE</b>	<b>TOTAL COST (X \$1,000)</b>	<b>SHARE OF TOTAL</b>
Arterial/Roadway	\$5,978,000	41.1%
Bicycle/Pedestrian	\$232,000	1.6%
Bus	\$1,419,000	9.7%
Freeway/Expressway/Interchanges	\$935,000	6.4%
Green Programs	\$500,000	3.4%
Innovation	\$100,000	0.7%
Paratransit	\$114,000	0.8%
Rail/Rapid Transit	\$5,229,000	35.9%
Safe Routes to Schools	\$23,000	0.2%
TDM	\$27,000	0.2%
<b>TOTAL COST</b>	<b>\$14,557,000</b>	<b>100.0%</b>



Figure E-8: Major Projects Funded Through Measure C and Measure J



Item 6.a.

**Candace Andersen**  
**TVTC Chair**  
**Supervisor District 2**  
Contra Costa County  
(925) 944-6492

**To:** Tri-Valley Transportation Council (TVTC)  
**From:** TVTC Technical Advisory Committee (TAC)  
**Date:** September 17, 2014  
**Subject:** TVTC Legal Services

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**Doug Horner**  
**TVTC Vice-Chair**  
**Councilmember**  
Livermore  
(925) 980-2655

## BACKGROUND

**Jerry Pentin**  
**Vice-Mayor** Pleasanton  
(925) 931-5001

On July 18, 2014, TVTC published a Request for Proposals (RFP) for contract legal services. TVTC received two proposals by the RFP response deadline, August 11, 2014. The two prospective legal firms to submit proposals included:

**Scott Perkins**  
**Councilmember**  
San Ramon  
(925) 973-2530

- Meyers Nave
- Hanson Bridgett

**Tim Sbranti**  
**Mayor**  
Dublin  
(925) 833-6650

A sub-committee of the TAC was created for the purpose of reviewing RFPs, interviewing, scoring, and ranking the prospective legal firms. The sub-committee included: Lisa Bobadilla, City of San Ramon; Mike Tassano, City of Pleasanton; Andrew Massey, Alameda County Counsel; and Jamar Stamps, Contra Costa County/TVTC staff.

**Newell Arnerich**  
**Councilmember**  
Danville  
(925) 314-3329

## DISCUSSION

**Scott Haggerty**  
**Supervisor District 1**  
Alameda County  
(510) 272-6691

The sub-committee reviewed the RFPs during the period from August 11, 2014 to August 22, 2013. On August 14, 2014 the prospective firms were forwarded invitations to interview, which took place on Tuesday, August 26, 2014 at the City of San Ramon offices.

Both firms participated in the interview process. Following the conclusion of the interviews, the sub-committee further deliberated and unanimously agreed to recommend the TVTC Board award Meyers Nave the legal services contract. At the September 3, 2014 TVTC TAC meeting, the TAC supported the sub-committee's recommendation. Staff notified both firms as of September 5, 2014.

Meyers Nave serves many entities, including regional transportation agencies, metropolitan planning organizations (MPOs), and joint power agencies. They have offices throughout California serving several regions. They advise on virtually every area of law that touches public agencies and represent clients throughout a project, from transactional advice to litigation and appeals in state and federal courts.

Meyers Nave proposes that Steve Mattas serve as TVTC's General Counsel. Mr. Mattas currently serves as General Counsel for the Ventura County Transportation Commission and South San Francisco Conference Authority, as well as City Attorney for the cities of Walnut Creek, South San Francisco and the Town of Los Altos Hills, and special counsel to several public agencies, including AC Transit and MTC. The *Daily Journal* selected Mr. Mattas as one of the "Top 25 Municipal Lawyers in California." He is also the Co-Managing Editor of Continuing Education of the Bar's key reference book, *California Land Use Practice*. Mr. Mattas previously served as the City Attorney Department representative to the League of California Cities' Housing, Community and Economic Development Committee and the Environmental Quality Committee.

## RECOMMENDATION

AWARD the legal service contract to Meyers Nave, to serve as TVTC General Counsel under a contract not to exceed \$7,500/year, for a three year period (with an option for two (2) one-year extensions), and authorize the TVTC Chair to sign the final contract.

Attachments

Legal Services Contract

## LEGAL SERVICES RETAINER AGREEMENT

The Tri-Valley Transportation Council, a joint powers authority formed under the Joint Exercise of Powers Act (Gov. Code §§ 6500 *et seq.*) ("TVTC") and Meyers Nave Riback Silver & Wilson, a professional law corporation, ("Attorneys"), hereby agree as follows:

1. **SCOPE:** Attorneys will furnish general counsel legal services to TVTC in accord with Exhibit A, attached hereto and by this reference made a part hereof.

2. **TERM:** The term of this Agreement shall begin on September 17, 2014 and continues until September 16, 2017 as provided for in paragraphs 6 or 10 below. The parties may agree to two (2) one-year (1) extensions.

3. **COMPENSATION RATE:** The hourly rate of compensation shall be as described in **Exhibit B**, attached hereto and by this reference made a part hereof. The parties have agreed on a "Not to Exceed" Amount of Twenty-Two Thousand Five Hundred dollars (\$22,500), which is limited to annual not to exceed amounts of Seven Thousand Five Hundred dollars (\$7,500) for general counsel services as described in the Attorney's Proposal dated August 8, 2014 and attached hereto as **Exhibit C**. Amounts approved for any year beyond the first year of this Agreement are subject to the limits of Paragraph H, subpart 3 of the Tri-Valley Transportation Council Bylaws.

4. **PAYMENT:** Except for the compensation rate, stated above, all terms and conditions set forth in the **Exhibit A** shall dictate the terms and conditions under which services will be performed by Attorneys to County. All billing statements should be directed to the TVTC Administrator for review and approval. The billing statements should be provided on approximately a monthly basis (or as otherwise agreed to in writing by the Attorneys and the TVTC Administrator) detailing each person performing service and a brief description of the work performed. In addition to applicable approved hourly rates, Attorneys will be reimbursed for those out-of-pocket expenses, including travel expenses, copying expenses, word processing expenses, telephone expenses, postage expenses, and court reporter's costs as outlined in **Exhibit A**.

5. **DIRECTION:** Attorneys' work under this Agreement shall be under supervision of the TVTC Administrator.

6. **TERMINATION:** This Retainer Agreement for legal services may be terminated by the TVTC at any time, upon written notice by the TVTC.

7. **EXPERT CONSULTANTS:** The TVTC Administrator will review all requests for extraordinary expenses before the same are incurred by Attorneys. Attorneys will engage no expert consultants without having first received the consent of the TVTC Administrator both as to the identity and task of the consultants and the hourly amount to be paid for the consultant's work.

8. **PROFESSIONAL SKILL:** Attorneys are skilled in the professional calling necessary to perform the work agreed to be done under this Agreement, and TVTC relies upon the skill of Attorneys to do and perform the work in a professional and skillful manner, and Attorneys agree to perform the work in accordance with this standard.

**9. INSURANCE:**

a. During the term of this Agreement, Attorneys shall maintain comprehensive general liability coverage with aggregate limits in an amount not less than \$5 Million, and automobile coverage with combined single limits in an amount not less than \$1 Million. Upon TVTC's request, Attorneys shall provide TVTC a certificate evidencing this insurance. The TVTC shall be named as an additional insured on each liability and automobile policy providing such coverage. Attorneys' coverage shall be primary to any insurance maintained by TVTC. Unless the policy is simultaneously replaced with a new policy providing the same coverage, Attorneys shall immediately forward to TVTC any notice of the cancellation or non-renewal of any such coverages, or any other policy changes that materially affect coverage.

b. During the term of this Agreement, Attorneys also shall maintain professional liability insurance coverage with primary limits in an amount not less than \$1 Million per person and \$5 Million per incident. Such insurance shall insure Attorneys' work to be performed under this Agreement. Upon TVTC's request, Attorneys shall provide TVTC a certificate evidencing this insurance. Attorneys' professional liability coverage shall be primary to any insurance maintained by TVTC. Unless the policy is simultaneously replaced with a new policy providing the same or greater coverage and limits, Attorneys shall provide 30 days advanced written notice to the TVTC of the cancellation or non-renewal of Attorneys' professional liability coverage, or any other policy changes that materially affect such coverage.

c. During the term of this Agreement, Attorneys shall also maintain workers' compensation insurance as required by law. At TVTC's request, Attorneys shall provide TVTC a certificate evidencing this insurance. Attorneys' workers' compensation insurance shall be primary to any insurance maintained by TVTC. Unless the policy is simultaneously replaced with a new policy providing the same coverage, Attorneys shall provide 30 days advanced written notice to the TVTC of the cancellation or non-renewal of said Attorneys' workers' compensation insurance, or any other policy changes that materially affect such coverage.

**10. MAXIMUM COMPENSATION:** Notwithstanding anything in this Agreement to the contrary, the maximum amount of money which the TVTC shall be obligated to pay Attorneys under this Agreement shall not exceed the budgeted amount of Twenty-Two Thousand Five Hundred dollars (\$22,500), which is limited to annual not to exceed amounts of Seven Thousand Five Hundred dollars (\$7,500), as such budget may be modified from time to time. The parties agree to negotiate an amendment to this Agreement to provide for additional compensation and other terms, modifications or additions to this Agreement which are mutually acceptable to the parties. In the event the parties cannot agree on additional compensation or other terms, modifications or additions to this Agreement, this Agreement shall terminate.

**11. EMPLOYER/EMPLOYEE RELATIONSHIP:** No relationship of employer and employee is created by this Agreement, it being understood that Attorneys shall act hereunder as independent contractors; that Attorneys shall not have any claim under this Agreement or otherwise against TVTC for seniority, vacation time, vacation pay, sick leave, personal time off, overtime, health insurance, medical care, hospital care, retirement benefits, Social Security, disability, Workers', Compensation, or unemployment insurance benefits, civil service protection, or employee benefits of any kind; that Attorneys shall be solely liable for and obligated to pay directly all applicable

taxes, including, but not limited to, federal and state income taxes, and in connection therewith Attorneys shall indemnify and hold TVTC harmless from any and all liability which TVTC may incur because of Attorneys' failure to pay such taxes; that Attorneys do, by this Agreement, agree to perform their said work and functions at all times in strict accordance with currently approved methods and practices in their field and that the sole interest of TVTC is to ensure that said service shall be performed and rendered in a competent, efficient, timely and satisfactory manner and in accordance with the standards required by the agency concerned.

**12. ASSIGNMENT OF CONTRACT:** Nothing contained in this Agreement shall be construed to permit assignment or transfer by Attorneys of any rights under this Agreement and such assignment or transfer is expressly prohibited and void, unless expressly approved in writing in advance by TVTC.

**13. DRUG-FREE WORKPLACE:** Attorneys and Attorneys' employees shall maintain a drug-free workplace. Neither Attorneys nor Attorneys' employees shall unlawfully manufacture, distribute, dispense, possess or use controlled substances, as defined in 21 U. S. Code Section 812, including marijuana, heroin, cocaine, and amphetamines, at any of TVTC's facilities or work sites. If any principal or employee of Attorneys is convicted or pleads *nolo contendere* to a criminal drug statute violation occurring at TVTC's facilities or work sites, Attorneys shall notify the TVTC Administrator within five days thereafter. Violation of this provision shall constitute a material breach of this Agreement.

**14. CONFLICT OF INTEREST:** No officer, member, or employee of TVTC and no member of their governing bodies shall have any pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof. Neither of Attorneys shall serve on the TVTC Governing Council, committee, or hold any such position which either by rule, practice or action nominates, recommends, supervises Attorneys' operations, or authorizes funding to Attorneys.

**15. RECORDS AND AUDITS:** Attorneys will retain all records concerning this Agreement, or microfilm records of them, except original documents concerning telephone, copy, postage, telecopy and messenger charges, for a period of at least five years from the date of service.

Until the expiration of five years after the furnishing of any services pursuant to this Agreement, Attorneys shall make available, upon written request, to TVTC, any of its member cities or counties, or to the Federal/State government or any of their duly authorized representatives, this Agreement, and such books, documents, and records of Attorneys that are necessary to certify that the nature and extent of the reasonable cost of services to TVTC. If Attorneys enter into any Agreement with any related organization to provide services pursuant to this Agreement with a value or cost of \$10,000 or more over a twelve-month period, such Agreement shall contain a clause to the effect that until the expiration of five years after the furnishing of services pursuant to such subcontract, the related organization shall make available, upon written request, to the Federal/State government or any of their duly authorized representatives, the subcontract, and books, documents and records of such organization that are necessary to verify the nature and extent of such costs. This paragraph shall be of no force and effect when and if it is not required by law.

**16. INDEMNITY:** Attorneys shall indemnify and hold and save TVTC harmless from any and all claims, expenses and damages arising from Attorneys' performance under this Agreement, including, but not limited to, third-party claims for

injury to persons or property damage, to the extent Attorneys negligently or intentionally failed to perform such services in accordance with the standard of care applicable to Attorneys.

**17. BREACH:** In the event that Attorneys fail to perform any of the services described in this Agreement or otherwise breach this Agreement, TVTC shall have the right to pursue all remedies provided by law or equity. Disputes relating to the performance of this Agreement shall not be subject to non-judicial arbitration.

**18. MODIFICATION:** No alteration or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties hereto.

After having had the opportunity to review this Agreement and Exhibit A, and after having the language in form of this Agreement approved as containing the agreement between the parties, as shown below, and by signing this Agreement, the undersigned agrees to the terms of the Agreement.

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement as of the day and year first written below.

TRI-VALLEY TRANSPORTATION COUNCIL

DATED: \_\_\_\_\_

By \_\_\_\_\_

Candace Andersen  
Chair  
Tri-Valley Transportation Council

ATTORNEYS  
Meyers Nave Riback Silver & Wilson



DATED: \_\_\_\_\_

By \_\_\_\_\_

(Authorized Partner of Law Firm



## Exhibit A

### I. ACRONYM AND TERM GLOSSARY

Unless otherwise noted, the terms below may be upper or lower case. Acronyms will always be uppercase.

Council	Shall refer to the Tri-Valley Transportation Governing Council
TVTC Administrator	TVTC Administrator, duly appointed by the Council in accordance with the Bylaws
TVTC	When capitalized, shall refer to the Tri-Valley Transportation Council
TAC	TVTC Technical Advisory Committee
RLF	Retained Law Firm or "Attorneys" as set forth in Legal Services Retainer Agreement.

### II. STATEMENT OF WORK

#### A. INTENT

It is the intent of these terms and conditions to describe legal representation required by the TVTC.

#### B. SPECIFIC REQUIREMENTS

1. RLF shall designate a full partner who shall be available during regular business hours to meet with the TVTC, TVTC Administrator or TAC on general legal issues.
2. RLF shall agree that all work product including contract documents, legal research, opinion letters, etc., are the property of the client, the TVTC, and may be copied and provided by the TVTC to attorneys either employed or retained by the TVTC. This provision is not a waiver of the attorney/client privilege.
4. RLF, as requested, shall provide the TVTC Administrator copies of all information and correspondence relating to each matter. They shall include communications between RLF and any department, service company, and/or other parties' attorneys.
5. RLF shall not charge the TVTC for any client development costs.
6. Should either the RLF or the TVTC choose to terminate any retainer, RLF shall, at TVTC's discretion, continue to provide legal services as to any matter referred to them prior to the notice of termination and shall be compensated upon the same terms and conditions as herein set forth. RLF shall promptly return any files and work product related to matters withdrawn or transferred.

7. RLF shall disclose any malpractice claims incurred by any member of RLF in connection with services performed under this Agreement.

B. BILLING PRACTICES

1. RLF shall invoice TVTC only following the provision of legal services.
2. Payment will be generally made within thirty (30) days following receipt of invoice and upon satisfactory performance of services. The TVTC Administrator will identify any questions regarding fees or costs no later than ten (10) days after receiving RLF's invoice containing those fees and costs, and will use its best efforts to pay any undisputed amounts within 30 days following receipt of invoice.
3. Invoices shall include, but not be limited to:
  - a. Invoice date.
  - b. Project name and number.
  - c. Name of TVTC.
  - d. An individual entry for each legal task performed, and time billed for each individual task. "Block billing" for all tasks performed in one day, without designation of time for each task, will not be accepted by TVTC.
  - e. Date of each legal task and total time for each task performed.
  - f. Name, or acronym, for each attorney/paralegal performing the task and hourly rate of the person performing each legal task.
  - g. Time billed for each legal task must be charged in increments of a tenth of an hour increments.
  - h. Fees billed for each legal task must be listed under each attorney performing said tasks by the day, broken out as set forth in (g) above.
  - i. Individually itemized disbursements for costs must be illustrated on bill.
  - j. A summary of services, including the total time and fees per attorney/paralegal, per invoice.
  - k. A separate bill for each case must be provided. Bill should indicate, in addition to the foregoing, total fees and costs billed to date and credits paid by TVTC to date and a comparison to original estimate at outset of case.
  - l. On all fee bills or billing statements, actual time in units of one-tenth (1/10<sup>th</sup>) of an hour shall be charged instead of using minimum transaction times.
4. Expenses and Costs

RLF shall not bill for the following expense items at more than the specified guidelines:

- a. Photocopying: No more than actual cost, without mark-up, per page or the actual charge of a copy service. Large

copying jobs shall be sent to a capable but economical outside copy service.

- b. Telephone: Actual charges only for long distance calls.
  - c. Fax Machines: No more than actual cost, without mark-up, only for outgoing facsimile transmission.
  - d. Postage: Actual cost of postage for mailing.
  - e. Computerized legal research: Is considered overhead costs of RLF and will not be paid by TVTC.
  - f. Messenger and Delivery: For an outside messenger, the TVTC will pay actual costs without mark-up. For RLF's internal messenger service (between RLF's offices in other cities), charge no more than for an outside service.
  - g. Travel: RLF shall describe in detail on the interim bill any travel expenses incurred by counsel. RLF need not attach supporting receipts. TVTC retains the right to audit travel expenses. RLF should retain receipts and other documentation for at least one (1) year following the conclusion of the case.
5. Billing – Miscellaneous
- a. RLF shall bill only at approved rates.
  - b. RLF shall not charge for overhead items such as costs of seminars, books, association dues, etc.
  - c. RLF shall send its final bill no more than thirty (30) days after completion of the assigned tasks, unless TVTC provide written authority to the contrary.

C. SPECIFIC BILLING REQUIREMENTS

- 1. Where correspondence or phone conversations are charged, the specific identify of the other party shall be included with the time entry. Likewise, if a conference is held, the bill shall identify all participants or attendees.
- 2. Charges for activities such as a file creation, or training of RLF's personnel are considered overhead items and shall not be billed to the file.
- 3. When standardized forms are used, actual time needed by an attorney or paralegal to prepare the pleadings or form for typing shall be billed, not the time originally used to draft the standardized documents or the time needed to type the form or pleading.
- 4. RLF shall not bill for bill preparation tasks, bill explanations, bill disputes and bill corrections.

5. RLF shall not bill for more than an occasional brief (an hour or less) conference between senior and junior attorneys. The TVTC will pay only for the senior attorney's time for such conferences. The conferences shall be demonstrably necessary, i.e., further the prompt performance of RLF's services. This restriction shall not apply to conferences or consultations among team members included in RLF's original proposal to the TVTC.
6. RLF shall not bill for word processing time. RLF shall bill only for the attorney's time not the secretarial or word processing time. RLF shall not bill for multiple redraft of memos, contracts, bid documents, etc. One redraft is occasionally allowed but this allowance is not justification for the redraft of every document prepared.
7. Legal research, when needed, must be carefully directed by partners or senior associates. RLF shall obtain prior approval for legal research exceeding four (4) hours. Routine legal issues shall not be the subject of legal research. A copy of RLF's research product must be maintained in the attorney's file and forwarded to TVTC, upon request, for future reference. Status reports shall indicate how the research on a substantive issue impacts the project.

D. POSITIONS (ATTORNEY/PARALEGAL) WITH THE RLF DESIGNATED FOR BILLING PURPOSES

If a person is designated as a paralegal, the TVTC retains the right to audit the work performed and determine whether such work was performed by a paralegal and doing paralegal activities, e.g., a paralegal should not customarily do clerical work which is overhead expense. The same rule will apply to partners versus associates. If a person's position is incorrectly designated (in the opinion of the TVTC's auditors), bills will be reduced accordingly.

E. AUDITING

1. The TVTC has the right to audit RLF's books and records related to any TVTC matter. The audit applies to all matters referred from or handled for or on behalf of the TVTC.
2. The TVTC reserves the right to seek reimbursement for services or costs for invoices inappropriately billed and paid.

## **Exhibit B**

### **PROPOSED COMPENSATION**

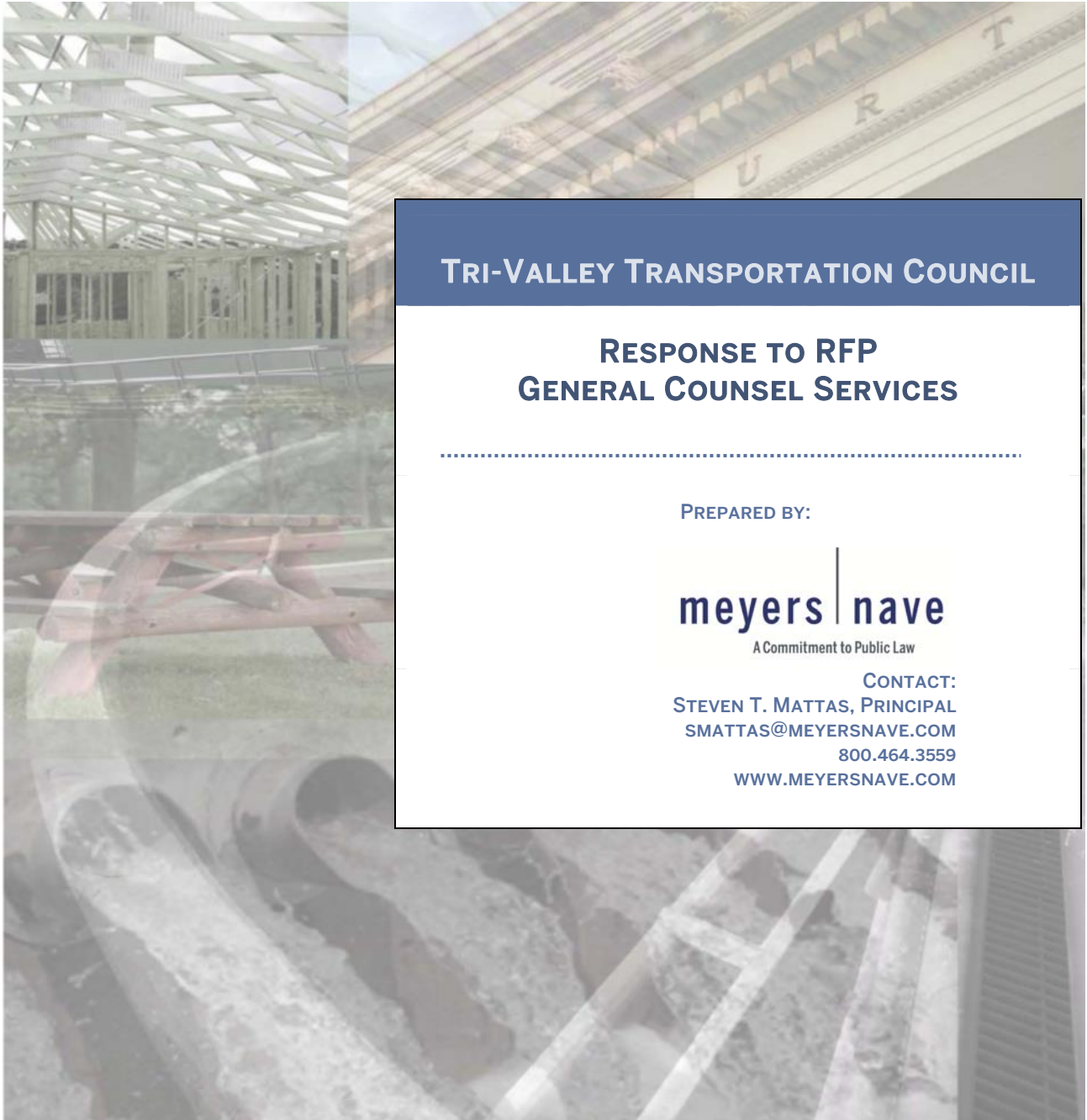
Meyers Nave proposes the following hourly rate structure. The hourly rate for each attorney will be based on his/her experience and complexity of the matter.

<b>GENERAL COUNSEL</b>	
PRINCIPAL STEVE MATTAS	\$310 PER HOUR
ASSOCIATE	\$275 PER HOUR
PARALEGAL	\$115 PER HOUR
<b>SPECIAL COUNSEL</b>	
PRINCIPAL/OF COUNSEL	\$275- \$395 PER HOUR
ASSOCIATE	\$215- \$295 PER HOUR
PARALEGAL	\$135 PER HOUR

Meyers Nave will not charge for office support services, including word processing and facsimile charges. We propose to charge the costs of mileage, photocopying, postage, and any third-party expenses, such as expert witness fees, deposition and court reporter fees, and electronic legal research.

MILEAGE	AT IRS RATES PER YEAR
PHOTOCOPY	\$0.25 PER PAGE
POSTAGE	USPS RATE (CURRENTLY \$0.49 PER OUNCE)
THIRD-PARTY EXPENSES	ACTUAL COSTS

# Exhibit C



## TRI-VALLEY TRANSPORTATION COUNCIL

### RESPONSE TO RFP GENERAL COUNSEL SERVICES

PREPARED BY:



CONTACT:  
STEVEN T. MATTAS, PRINCIPAL  
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633 W. 5TH ST., SUITE 1700  
LOS ANGELES, CALIFORNIA 90071

555 CAPITOL MALL, SUITE 1200  
SACRAMENTO, CALIFORNIA 95814

575 MARKET ST., SUITE 2080  
SAN FRANCISCO, CALIFORNIA 94105

8050 NO. PALM AVENUE, SUITE 300  
FRESNO, CALIFORNIA 93711

555 FIFTH STREET, SUITE 320, SANTA  
ROSA, CALIFORNIA 95401



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San Francisco, California 94105  
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fax (415) 421-3767  
www.meyersnave.com

Steven T. Mattas  
Attorney at Law  
smattas@meyersnave.com

August 8, 2014

**VIA ELECTRONIC MAIL**

Selection Committee  
Tri-Valley Transportation Council  
c/o Jamar Stamps, TVTC Staff Administrator  
jamar.stamps@dcd.cccounty.us

**RE: RESPONSE TO RFP FOR GENERAL COUNSEL SERVICES**

Dear Members of the Selection Committee:

Thank you for inviting Meyers Nave to submit a proposal to serve as General Counsel for the Tri-Valley Transportation Council (TVTC). We would be pleased to represent TVTC in this role.

Many of the entities Meyers Nave serves—including regional transportation agencies, metropolitan planning organizations (MPOs), and joint power agencies—are charged with building critical transportation infrastructure in the public sector. With 70+ lawyers operating out of offices throughout California, we have the resources required to navigate government frameworks to deliver sound strategies for project development, regulatory compliance, litigation, and operational concerns involving everything from public finance to real estate and government relations. We advise on virtually every area of law that touches public agencies and represent clients throughout a project, from transactional advice to litigation and appeals in state and federal courts.

**TRANSPORTATION LAW**

The interdisciplinary team at Meyers Nave has built extraordinary relationships with public and private entities responsible for the development, upgrading and maintenance of ports and airports, roadways, freeways and interchanges. In addition, we regularly advise local agencies on transit-oriented development projects and compliance of their projects with regional transportation plans.

Importantly, Meyers Nave understands the regulatory landscape impacting transportation and infrastructure plans, in which agencies and their legal advisors must address a slew of funding, permitting and environmental review requirements. Our attorneys are well-acquainted with the primary transportation funding sources associated with the Federal Transit Administration (FTA) and the California Transit Authority. We have been highly successful in helping our clients meet the

requisite guidelines and follow best practices to win funding from these agencies. We have also represented public entities in matters that must comply with the Caltrans Manual, in dealings with the California Transportation Commission, and in establishing and enforcing regional transportation development fee programs that address a wide range of infrastructure needs.

Furthermore, our attorneys have issued legal opinions for clients in support of their grant applications for federal and state funding for both transportation and environmental cleanup projects. We have advised public agencies in connection with grant application and administration, including programs such as the federal Transportation Investment Generating Economic Recovery (TIGER) discretionary grant program, the state Infill Infrastructure Grant (IIG) program, the federal Transit-Oriented Development (TOD) program, and federal programs including the HOME Investment Partnerships program, the Neighborhood Stabilization Program (NSP), and others.

An advantage of our firm is the multidisciplinary approach we practice in serving our clients. Time and again we have resolved a combination of legal issues that often intertwine in transportation agency projects, some of which are described in the next section.

### **PROPOSED GENERAL COUNSEL**

Meyers Nave proposes that I, Steve Mattas, serve as your General Counsel. I will be supported by associates and paralegals as well as other attorneys in the firm for more specialized matters. I have enclosed my biography along with the biography of my colleague, Sky Woodruff, due to his public finance experience.

I am General Counsel for the Ventura County Transportation Commission and South San Francisco Conference Authority, as well as City Attorney for the cities of Walnut Creek, South San Francisco and the Town of Los Altos Hills, and special counsel to several public agencies, including AC Transit and MTC. The *Daily Journal* selected me as one of the “Top 25 Municipal Lawyers in California.” I am also the Co-Managing Editor of Continuing Education of the Bar’s key reference book, *California Land Use Practice*. I previously served as the City Attorney Department representative to the League of California Cities’ Housing, Community and Economic Development Committee and the Environmental Quality Committee.

Due to my general counsel experience, I have a comprehensive understanding of public agency law. I advise on everything from board governance and ethics laws—including the Ralph M. Brown Act, the California Public Records Act, conflicts of interest, and sunshine ordinances—to state and federal procurement laws as well as Joint Exercise of Powers Act (JPA) formation agreements and bylaws. I

### **TRANSPORTATION CLIENTS**

VENTURA COUNTY TRANSPORTATION  
COMMISSION (*GENERAL COUNSEL*)

WEST CONTRA COSTA  
TRANSPORTATION ADVISORY  
COMMITTEE (*GENERAL COUNSEL*)

METROPOLITAN TRANSPORTATION  
COMMISSION (MTC)

ALAMEDA-CONTRA COSTA TRANSIT  
DISTRICT (AC TRANSIT)

BAY AREA RAPID TRANSIT (BART)

TRANSPORTATION AGENCY FOR  
MONTEREY COUNTY (TAMC)

LOS ANGELES COUNTY METROPOLITAN  
TRANSPORTATION AGENCY (MTA)

SANTA CLARA VALLEY  
TRANSPORTATION AUTHORITY (VTA)

SACRAMENTO REGIONAL TRANSIT  
DISTRICT

SOUTHERN CALIFORNIA REGIONAL RAIL  
AUTHORITY (METROLINK)

LOS ANGELES WORLD AIRPORTS

PORT OF LOS ANGELES



have the background to answer most questions immediately, the instincts to know when to dig deeper, depending on what the circumstances warrant, and the understanding of real world implications.

Examples of projects I have handled are described below.

*Regional Fee Programs, Various Clients.* I help public agency clients determine the types of taxes they can impose and comply with the substantive and procedural requirements of applicable law, including: Propositions 13, 26, 218, and 26; state statutes authorizing and regulating local revenue-raising options including AB 1600; and ever-evolving court decisions. I have prepared ordinances or resolutions proposing taxes for a variety of purposes. Some of my work included helping South San Francisco develop and administer the East of 101 and Oyster Point Flyover development impact fees and traffic impact fees, and assisting with numerous projects funded by countywide sales tax measure funds. At Meyers Nave, we have successfully defended clients against both constitutional and procedural challenges to the imposition of local taxes, fees and assessments.

*General Counsel, Ventura County Transportation Commission.* I serve as General Counsel to the regional transportation agency and its board, composed of 17 member representatives from the County Board of Supervisors, city councils, and two public members. Some of the recent projects I have advised on include: the procurement of buses and transportation vehicles, federal highway grant funding agreements, applications for TIGER grants, and funding agreements for freeway improvements related to increasing transportation efficiency (carpool lanes and HOT lanes). I also regularly counsel Commission staff regarding grant, contract and allocation agreements pertaining to Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) funds.

*The Crows Landing Base Reuse Project, Stanislaus County.* I helped prepare a development agreement and long-term ground leases for the re-use and redevelopment of the Crows Landing Naval Air Facility—an inland railroad port to connect Stanislaus County to the Port of Oakland. The project involved redevelopment of the 1,528-acre former base for use as a rail port and intermodal storage yard, a general aviation airport, and an array of distribution, warehouse, manufacturing and business park uses on the former base and approximately 1,268 acres of adjacent property.

*Transit Area Specific Plan, City of Milpitas.* I advised the City of Milpitas on an Environmental Impact Report (EIR) for transit-oriented development planned around a BART station. Major issues included traffic, air quality, and adequacy of public utilities and services.

*Cooperative Agreement, BART Extension, South San Francisco.* In relation to the Bay Area Rapid Transit extension into San Mateo County, I negotiated a cooperative agreement between the City of South San Francisco and BART for the South San Francisco transit station and the use of a BART/SamTrans right-of-way for a linear park above the underground system. The linear park, known as Centennial Way, won the 2010 Helen Putnam Award from the League of California Cities.

## REFERENCES

Ventura County Transportation Commission, Darren Kettle, Executive Director  
950 County Square Drive, Suite 207, Ventura, CA 93003  
Telephone: 805.642.1591; Email: dkettle@goventura.org

Town of Los Altos Hills, Carl Cahill, City Manager  
26379 Fremont Road, Los Altos Hills, CA 94022  
Telephone: 650.947.2514; Email: ccahill@losaltoshills.ca.gov

County of Stanislaus, John "Jack" Doering, County Counsel  
1010 10th Street, Suite #6400, Modesto, CA 95354  
Telephone: 209.525.6376; Email: john.doering@stancounty.com

City of Coronado (formerly Asst. City Manager in Milpitas), Blair King, City Manager  
1825 Strand Way, Coronado, CA 92218  
Telephone: 619.522.7337; Email: bking@coronado.ca.us

## PROPOSED COMPENSATION

Meyers Nave proposes the following hourly rate structure. The hourly rate for each attorney will be based on his/her experience and complexity of the matter.

GENERAL COUNSEL	
PRINCIPAL STEVE MATTAS	\$310 PER HOUR
ASSOCIATE	\$275 PER HOUR
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MILEAGE	AT IRS RATES PER YEAR
PHOTOCOPY	\$0.25 PER PAGE
POSTAGE	USPS RATE (CURRENTLY \$0.49 PER OUNCE)
THIRD-PARTY EXPENSES	ACTUAL COSTS

We propose to adjust our rates on an annual basis/beginning of each fiscal year, beginning July 1, 2015, by the relevant local U.S. Department of Labor's Consumer Price Index (CPI) increase over the prior 12-month period. This increase would be rounded to the nearest \$5, and not be less than 2 percent and not more than 5 percent.

Having served public agencies for as long as we have, our broad and comprehensive perspective will benefit TVTC. We can address challenging situations efficiently as well as rely on past experience to provide simple, straightforward guidance on routine matters. I look forward to speaking with you further regarding our qualifications. In the meantime, please feel free to contact me should you need any additional information.

Very truly yours,



Steven T. Mattas  
Principal

Enclosures:

- Firm Overview
- Attorney Biographies

**OUR COMPREHENSIVE LEGAL KNOWLEDGE AND DEEP ROOTS IN CALIFORNIA'S COMMUNITIES BENEFIT OUR CLIENTS.**

**PRACTICE AREAS**

- Municipal & Special District Law
- Climate Change & Green Initiatives
- Crisis Management: Public Policy, Ethics & Investigations
- Construction & Facilities
- Economic Development, Real Estate & Affordable Housing
- Eminent Domain & Inverse Condemnation
- Environmental Law
- First Amendment
- Labor & Employment
- Land Use
- Public Contracts
- Public Finance
- Public Power & Telecommunications
- California Public Utilities Commission
- Transportation & Infrastructure
- Trial & Litigation
- Writs & Appeals

Meyers Nave was established in 1986 in San Leandro by four attorneys. Over the last 28 years, our firm has grown to be one of the premier law firms in California, employing 70+ attorneys in six offices —Oakland, Los Angeles, San Francisco, Sacramento, Santa Rosa and Fresno — providing legal advice, transactional assistance, and litigation services in the various areas impacting public entities.

Meyers Nave’s reputation stems from our readiness to help clients find creative solutions to financial, regulatory and legal issues. Our extensive knowledge of municipal law—coupled with hands-on experience in negotiating and litigating—allows us to cut to the core of issues and resolve them quickly.

Our clients include California cities, towns, and counties as well as water districts, fire districts, risk management authorities, open space districts, harbor districts, sanitation districts and other special districts. We work closely with public officials—council members, board members, city and general managers, and managers and directors of planning, human resources, public works, finance, and risk departments—to help manage and optimize programs and initiatives.

Many of our attorneys are recognized authorities in their areas of specialization. As a team, we deliver the best of both worlds: the insight and perspective of “insiders” and the objectivity of a “third party” resource.

As a firm, we encourage pro-bono work, sponsor firm-wide volunteer opportunities, and actively participate in other activities that strengthen our workplace and our communities. Our innovation and creative accomplishments spring from the staff’s commitment to maintain positive and socially responsible workplaces.

**CULTURE & DIVERSITY**

Diversity at Meyers Nave reflects the face of our clients. We recruit, train, and promote attorneys and staff to represent clients who share our value of inclusion, be it gender, race, cultural or sexual orientation. Moreover, we believe that the best kind of teamwork comes from bringing together people of various backgrounds and experiences to represent our clients.

The individuality of our attorneys—the collection of backgrounds and perspectives our lawyers bring to work every day—makes us more understanding, effective and powerful advocates for our clients. The firm’s Strategic Plan outlines specific measures to ensure this continued and growing commitment.



Meyers Nave's culture of inclusion also inspires our service ethic. We welcome opportunities to partner with our clients not just as legal counsel, but on other efforts that advance diversity and inclusion within our organizations and our communities.

For example, a group of attorneys and staff participated as the Meyers Nave team in the 2014 AIDS LifeCycle—a week-long coastal bicycle ride from San Francisco to Los Angeles. We are also active with the Filipino Bar Association of Northern California, the Lesbian & Gay Lawyers Association of Los Angeles, the Bay Area Lawyers for Individual Freedom LGBTQ Partners & Associates, the California Association of Black Lawyers, and the Women Lawyers of Alameda County, among other organizations.

#### GREEN INITIATIVES

Meyers Nave offices employ building features such as automatic lights to save energy. In our employee kitchens, we offer recycling and composting, as well as compostable “plastic” products for times when disposable plates and cups are needed. Whenever possible, we print work product on 100 percent recycled paper.

As a result of our efforts, Meyers Nave was named a “Green Power Partner” by the American Bar Association Section and the U.S. Environmental Protection Agency.

#### CONTINUING EDUCATION

Our firm incentivizes and pays for continuing legal education on an annual basis for all attorneys. We are a certified provider of the California State Bar's continuing legal education (CLE) to other lawyers and public officials. Further, we operate many informal programs to allow our attorneys to learn from each other, including ongoing in-house training (e.g., attorneys experienced in specialized areas present seminars to attorneys firm-wide).

To keep a pulse on the latest legal developments, our attorneys constantly monitor judicial decisions, scan the news, and subscribe to a service that reports new state and federal cases on a daily basis. Within our firm, the various practice groups continuously inform their members, as well as other attorneys in the firm, about new legal developments—and we routinely send e-alerts to clients and interested parties about new developments.

Our attorneys are active members of and speakers for numerous public law organizations, including the League of California Cities and the California Special Districts Association.

#### CLIENT SERVICES

Our objective is to give our clients the tools to better evaluate legal issues and access legal services more efficiently. To this end, we provide clients with free seminars, e-mail alerts and a blog that allows our attorneys to share information about legal events and personal insights.

Some of our firm's recent presentations covered these topics: human resources, green building, transit-oriented development, public contracts and procurement regulations, and the Brown Act. We also offer our clients training opportunities such as how to handle public records requests and give employee evaluations.

#### PRO BONO SERVICES

Pro bono work is a frequent way we choose to make meaningful, significant contributions to the communities in which we work and live.

Meyers Nave's attorneys are actively involved in the Volunteer Legal Services Corporation, a tax-exempt charitable organization and arm of the Alameda County Bar Association, supporting low income Alameda County residents with essential legal advice. Our attorneys also provide pro bono legal services to The Living Room, the McYollum Youth Court, La Cocina, and the Davis Street Family Youth Center, among others.

In addition, we give a portion of our profits each year to select non-profit organizations in the regions where our offices are located. Our Pro Bono Committee oversees our pro bono work as well as our charitable giving.



**Steven T. Mattas**  
Principal

575 Market Street, Suite 2080  
San Francisco, California 94105

T: 415.421.3711  
F: 415.421.3767  
smattas@meyersnave.com

**Practice Groups**

Climate Change and Green Initiatives

Environmental Law

Land Use

Economic Development, Real Estate and  
Housing

Municipal and Special District Law

Transportation and Infrastructure

**California Bar Number**

154247

**Education**

University of California at Davis, JD, 1991

University of California at Los Angeles, MA  
Architecture and Urban Planning, 1988

University of California at Irvine, BA Social  
Ecology with an emphasis in Urban Planning,  
1986

**Practicing Since:** 1991

Steven Mattas is the City Attorney for the City of South San Francisco, City of Walnut Creek and Town of Los Altos Hills. He also serves as General Counsel for the Ventura County Transportation Commission and South San Francisco Conference Authority and as special counsel to several public agencies and private developers. Steven focuses his practice on land use, environmental law, public agency elections and municipal law. The *Daily Journal* selected Steven as one of the “Top 25 Municipal Lawyers in California” for 2011. And in 2013, Steven received the Martindale-Hubbell AV Preeminent Rating, the highest possible rating from members of the Bar.

Recognized statewide for his land use work, Steven is the Co-Managing Editor of Continuing Education of the Bar’s important reference book, *California Land Use Practice*. In addition to serving as co-editor, he authored and contributed to several chapters of the book, including those covering general and specific plans, sustainability and climate change regulations, housing, and specially regulated land uses. He co-authored the chapter on compliance with federal, state and regional agency requirements, which includes discussion of wetlands regulation, endangered species regulation, wastewater and stormwater discharges, annexation issues, and much more. In 2013, Steven was recognized as a “Top Rated Lawyer in Land Use and Zoning” by the Martindale-Hubbell register of preeminent lawyers.

In addition to his active legal practice and his work on *California Land Use Practice*, Steven frequently authors articles and gives presentations on land use law, redevelopment law, public agency compliance with the Americans with Disabilities Act, density bonus regulations, the regulation and amortization of adult businesses, and other topics in his realm of experience. He has spoken before the California State Bar, the League of California Cities and many other organizations. He previously served as the City Attorney Department representative to the League of California Cities’ Housing, Community and Economic Development Committee and the Environmental Quality Committee. Steven has also served as an expert witness on land use and Fair Housing Act issues for the City of San Diego.



**Sky Woodruff**  
**Principal**

555 12th Street, Suite 1500  
Oakland, CA 94607

T: 510.808.2000  
F: 510.444.1108  
swoodruff@meyersnave.com

**Practice Groups**

Municipal and Special District Law

Public Finance

**California Bar Number**

197204

**Education**

University of California at Berkeley Boalt  
Hall School of Law, JD, 1998

Georgetown University Walsh School of  
Foreign Service, BS Humanities and  
International Affairs, summa cum laude  
and with honors in History, 1994

**Practicing Since:** 1998

Sky Woodruff advises public agency clients on general municipal law issues, specializing in the areas of revenue and taxation, elections law, land use and environmental law, and telecommunications. Since joining the firm in 2000, he has worked with a number of cities and agencies, assisting both with special projects and with the diverse array of issues confronting local governments on a daily basis. Sky serves as City Attorney for the cities of El Cerrito and Larkspur.

With an eye toward preserving and enhancing local government revenue, Sky has helped several cities update and adopt development impact and other fees and has assisted with the implementation of a variety of assessments. He has also advised public agencies in all areas of elections law and has broad experience with local initiatives and referenda. He is able to assist clients in all aspects of the election process, or with specific needs. He is commonly asked to assist his clients with:

- Developing election strategy;
- Analyzing and providing opinions regarding the lawfulness of various measures, including those affecting such topics as land use, taxes and the structure of local government;
- Preparing materials for measures sponsored by local governments; and
- Successfully challenging unlawful ballot measures and defending measures proposed by local governments from such challenges.

Sky has advised his clients on parcel, utility users', transient occupancy and other taxes within the limitations imposed by Propositions 13, 62 and 218. As part of his land use practice, Sky has advised public agencies in various aspects of projects ranging from simple variances to large-scale residential and commercial developments. Sky serves on the League of California Cities Ad Hoc Prop. 26 Committee.

Item 6.b.



**Candace Andersen**  
**TVTC Chair**  
**Supervisor District 2**  
Contra Costa County  
(925) 944-6492

**To:** Tri-Valley Transportation Council (TVTC)  
**From:** TVTC Technical Advisory Committee (TAC)  
**Date:** September 17, 2014  
**Subject:** 2014/2015 TVTC Meeting Schedule

---

**Doug Horner**  
**TVTC Vice-Chair**  
**Councilmember**  
Livermore  
(925) 980-2655

**2014/2015 TVTC Board Meeting Dates**  
**Danville Library, Mount Diablo Room**  
**400 Front St, Danville, CA 94526**

**Jerry Pentin**  
**Vice-Mayor**  
Pleasanton  
(925) 931-5001

Wednesday, September 17, 2014  
Monday, November 17, 2014  
Monday, January 26, 2015<sup>1</sup>  
Monday, April 20, 2015  
Monday, July 20, 2015  
Monday, October 19, 2015

**Scott Perkins**  
**Councilmember**  
San Ramon  
(925) 973-2530

**Tim Sbranti**  
**Mayor**  
Dublin  
(925) 833-6650

**RECOMMENDATION**

ADOPT the 2014/2015 TVTC Board Meeting Calendar.

**Newell Arnerich**  
**Councilmember**  
Danville  
(925) 314-3329

**Scott Haggerty**  
**Supervisor District 1**  
Alameda County  
(510) 272-6691

---

<sup>1</sup> Meeting date changed due to Martin Luther King Day.

Item 6.c.

**Candace Andersen**  
**TVTC Chair**  
**Supervisor District 2**  
Contra Costa County  
(925) 944-6492

**To:** Tri-Valley Transportation Council (TVTC)  
**From:** TVTC Technical Advisory Committee (TAC)  
**Date:** September 17, 2014

**Doug Horner**  
**TVTC Vice-Chair**  
**Councilmember**  
Livermore  
(925) 980-2655

**Subject: SB743: Draft Guidelines for Transportation Impact Analysis in CEQA**

---

**Jerry Pentin**  
**Vice-Mayor**  
Pleasanton  
(925) 931-5001

## BACKGROUND

On September 27, 2013, Governor Jerry Brown signed Senate Bill (SB) 743 which will result in changes to the California Environmental Quality Act (CEQA) with regard to the evaluation of transportation and development projects.

**Scott Perkins**  
**Councilmember**  
San Ramon  
(925) 973-2530

These changes will include elimination of auto delay, level of service (LOS), and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant environmental impacts.

**Tim Sbranti**  
**Mayor**  
Dublin  
(925) 833-6650

On August 6, 2014, OPR released the Preliminary Discussion Draft of Updates to the CEQA Guidelines Implementing SB 743. The Draft Guidelines propose to shift from LOS and delay-based methodologies to Vehicle Miles Travelled (VMT). This shift is intended to enable further development of mixed-use areas, while reducing Greenhouse Gas (GHG) emissions from transportation sources.

**Newell Arnerich**  
**Councilmember**  
Danville  
(925) 314-3329

## DISCUSSION

The TVTC TAC discussed the Draft Guidelines at the September 3, 2014 TAC meeting. Potential impacts to TVTC include, but are not limited to: increased costs for mitigating transportation projects (including all projects identified in the TVTC Transportation Expenditure Plan), and reduced development activity due to onerous traffic analysis requirements, thus reducing developer fee revenue. The TAC will continue to discuss the Draft Guidelines and potential impacts to TVTC, and incorporate any comments from the TVTC Board based on today's discussion.

**Scott Haggerty**  
**Supervisor District 1**  
Alameda County  
(510) 272-6691

## ANALYSIS

Many jurisdictions use "level of service" standards to measure transportation impacts of land development projects and long range plans. Commonly known as LOS, level of service measures vehicle delay at intersections and on roadways and is represented as a letter grade A through F. LOS A represents free flowing

traffic, while LOS F represents congested conditions. All Tri-Valley cities use this measure to mitigate land development impacts including the Traffic Impact Fees. The OPR is recommending getting rid of LOS criteria for all CEQA analyses related to land development and replace it with Vehicle Miles Travelled (VMT). VMT is calculated by multiplying the expected vehicle trips from a development by the length of average trip.

### **Key issues to Discuss:**

1. OPR is recommending using a regional VMT average (for us 9 counties under MTC) threshold in determining the significance of land development impacts. This is a significant concern for communities like Tri-Valley area, due to the fact that our VMTs for new development would be hard to compete with VMT for more urban areas like Oakland and San Francisco, where the VMT is inherently lower due to the compact land use and significantly higher transit options, and put us at a disadvantage in attracting needed land development in this area. A potentially simple way to address this is to allow local jurisdictions to set their own thresholds, just like it is done under the current CEQA standards. This would allow us to compete with other jurisdictions in the region.
2. OPR should consider a “trial” period to test the tools available to local agency staff for analyzing the new metrics (VMT per capita, VMT per trip, VMT by area, etc.) before the new guidelines become mandatory. Establishing a trial period on the use of the new guidelines will allow local agency and OPR staff to determine what does and doesn’t work, and establish “best practices” for the new metrics. In addition, OPR should consider developing a training manual and offering internet-based and/or in-person training for CEQA practitioners.
3. The elimination of LOS and vehicle delay as a finding of significance under CEQA when analyzing the impacts of a development may have unintended consequences on the performance of transit vehicles accessing the area. Since we no longer would evaluate the delay and congestion, we would not know the delay caused to the transit vehicles. A potential solution could be to analyze the delay using LOS just for the transit vehicles along a corridor to ensure the delays are not getting so significant that they would harm the transit service.

### **RECOMMENDATION**

RECEIVE update on SB743: Draft Guidelines for Transportation Impact Analysis in CEQA and DIRECT staff to transmit comments to OPR on behalf of TVTC by the October 10, 2014 comment deadline.



CONTRA COSTA  
transportation  
authority

**DRAFT**

**COMMISSIONERS**

September 17, 2014

Kevin Romick, Chair

Mr. Ken Alex

Julie Pierce,  
Vice Chair

Director

Janet Abelson

Governor's Office of Planning & Research

Newell Americh

P.O. Box 3044

Sacramento, CA 95812-3044

Tom Butt

Dear Mr. Alex:

David Durant

Federal Glover

The Contra Costa Transportation Authority (the Authority) wishes to take this opportunity to comment on the proposed updates to the CEQA Guidelines that OPR released on August 6 ("Updating Transportation Impact Analysis in the CEQA Guidelines"), in response to the adoption of SB 743 (Steinberg). This legislation eliminated the use of level-of-service (LOS) standards within Transit Priority Areas (TPAs) as a threshold of significance in any CEQA analysis. The Authority continues to support this change to the CEQA Guidelines.

Dave Hudson

Mike Metcalf

Karen Mitchoff

Robert Taylor

Randell H. Iwasaki,  
Executive Director

In our letter dated March 19, 2014, the Authority supported the movement away from LOS as a finding of significance under CEQA in TPAs and other transit-rich sites and corridors. However, we wish to re-iterate our concern for the entire elimination of LOS and delay-based methodologies, as proposed by OPR in its draft Guidelines.

The preliminary discussion draft of the CEQA Guidelines has been reviewed by the Authority's Technical Coordinating Committee. Listed below are the concerns voiced by our local agency partners.

- Phased Implementation of Updated Guidelines: OPR should consider a "trial" period to test the tools available to local agency staff for analyzing the new metrics (VMT per capita, VMT per trip, VMT by area, etc.) before the new guidelines become mandatory. Establishing a trial period on the use of the new guidelines will allow local agency and OPR staff to determine what does and doesn't work, and establish "best practices" for the new metrics. In addition, OPR should consider developing a training manual and offering internet-based and/or in-person training for CEQA practitioners.
- Use of Regional Averages: The draft guidelines specify the use of regional averages in comparisons against a project's VMT for determining

2999 Oak Road  
Suite 100  
Walnut Creek  
CA 94597  
PHONE: 925.256.4700  
FAX: 925.256.4701  
www.ccta.net

whether there is a significant impact. Regional, in this case, is defined as the local Metropolitan Planning Organization (or Regional Transportation Planning Area) – or MTC, and the Bay Area region for Contra Costa. TCC is concerned that the region may be too large an area for use in assessing project impacts, and that using the Countywide average VMT would be most appropriate, especially in a large, diverse area such as the Bay Area.

- Impacts on Transit Vehicles: The elimination of LOS and vehicle delay as a finding of significance under CEQA when analyzing the impacts of a development in a transit-oriented location may have unintended consequences on the performance of transit vehicles accessing the area. To lessen these potentially negative impacts on transit vehicles, the development of a “mitigation bank” earmarked specifically for bus transit may be a possible solution. When it is determined that travel times on a bus route would be increased due to a pending project, developers would be able to pay into the “bank”, which would fund mitigations aimed specifically at bus transit improvements.
- Use of Appropriate Tools: The draft guidelines identify various tools for determining the amount of VMT resulting from a project, including travel demand models and various “sketch” models and spreadsheets that can be used to calculate VMT. There is little guidance that discusses the benefits of one over the other. For example, are tour-based models preferred over trip-based models, and what considerations should be taken when using one or the other. Several sketch models are identified, but there is no recommended off-model tool. Have all of these public and privately-developed sketch models been fully vetted for use in CEQA analysis? Or does the use of professional judgment, which is emphasized throughout the document, assume the CEQA practitioner use the tool they are most familiar with?
- Induced Travel: The use of induced vehicle travel resulting from transportation improvements as a finding under CEQA is an idea that has been heavily debated. The new Guidelines emphasize the analysis of induced travel and suggest that project proponents should thoroughly evaluate the impacts of a project with regard to induced travel. The guidelines should therefore include more detail on describing the various impacts of transportation improvements, and the types of projects that

have a positive or negative impact on VMT. It would be helpful if the Guidelines provided methodologies and tools for estimating these impacts.

- Energy Impacts: We have heard from our local agency partners that the guidelines' discussion of Energy Consumption and the requirement to document a project's effect on the consumption of fossil and alternative fuels and its overall cost-effectiveness, is onerous, and difficult for smaller jurisdictions to address.

Once again, we appreciate the opportunity to comment on the draft guidelines, and recognize the substantial effort that OPR staff is undertaking in incorporating these important changes to CEQA. We would also like to thank OPR staff for their outreach to the Bay Area CMAs and willingness to work collaboratively with the stakeholders.

Thank you for your consideration.

Sincerely,

**DRAFT**

Kevin Romick, Chair

cc: Christopher Calfee, OPR  
Chris Ganson, OPR  
San Francisco Bay Area CMAs  
Contra Costa Planning Directors  
Contra Costa Public Works Directors

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