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February 16, 2015

By email: [riwasaki@ccta.net](mailto:riwasaki@ccta.net)

Randell H. Iwasaki, P.E., Executive Director  
Contra Costa Transportation Authority  
2999 Oak Road, Suite 100  
Walnut Creek, CA 94597

**Re: Request for Changes to Draft Contra Costa Countywide  
Transportation Plan**

Dear Mr. Iwasaki:

I write on behalf of the Sierra Club and Urban Habitat to request that CCTA bring the list of projects and programs in its draft Countywide Transportation Plan into compliance with applicable legal requirements before Plan adoption (currently scheduled in March). The cost of the draft project list far exceeds estimated revenues, yet the list is not prioritized in any way. Comments consistent with the statutory requirements were timely submitted months ago by the Sierra Club and others that raised this important issue. While staff has proposed amendments to the draft Plan's "strategies" section (including a commendable proposal to require local jurisdictions to track and report on housing production), CCTA has not proposed to develop a fiscally-constrained list of short- and long-term project and program priorities, as required by law.

We request that, prior to adopting the Plan, CCTA amend it to prioritize 10- and 20-year projects and programs, to assign revenues to those projects on a fiscally-constrained basis, and to prioritize among "Track 2" or "vision" (unfunded) spending proposals, as required by state law and MTC's Guidelines for County Transportation Plans. We also request a meeting to discuss your proposed process and timing for bringing the project and program list into compliance with these legal requirements, including how a prioritized set of unfunded projects and programs will aid in the development of a new sales tax expenditure plan.

**A. CTP Legal Requirements**

California law requires county transportation plans (CTPs) in the Bay Area to prioritize projects and programs for the short- and long-term. *See* Gov. Code sec 66531 (e) ("The county transportation plan shall include recommended transportation improvements for the succeeding 10- and 20-

year periods.”)

Interpreting this provision, MTC’s Guidelines under Section 66531 have long required that 10- and 20-year project priorities be identified in a *fiscally-constrained* project list – that is, that estimated revenues and revenue sources be matched to the estimated cost of programs and projects. Since 2000, MTC’s Guidelines have provided as follows:

- Countywide Plans should consider the most recent MTC estimates for future State and Federal revenues. These estimates have historically been updated in conjunction with RTP updates.
- The Plan should provide estimates of current local revenues, such as those from existing local sales tax expenditure programs and local fee programs.
- The Countywide Plan *should indicate the cost of projects* in today's dollars. If future dollars are used, inflation factors from the RTP should be utilized.
- *The Plan should indicate how federal/state/local revenues are assigned for each project.*
- *If the Plan includes a Track 2 [i.e., a fiscally-unconstrained] component, it should identify the sources and amounts of new revenue assumed.*

(MTC Res. 2120, rev. 3/22/2000, Attachment A, pp. 5-6, emphasis added.)

The Draft Plan asserts that it “follows MTC’s guidelines for the preparation of Countywide Transportation Plans” (Draft Plan, p. 1-7, citing the 2000 Guidelines),<sup>1</sup> but it plainly does not. As the Draft itself acknowledges, it “is a financially *unconstrained* document.” (Draft Plan, p. 1-106, emphasis added.) In fact, with the addition of new projects and programs in staff’s February 4 proposed amendments, the revenue shortfall “is now estimated to be \$10.9 billion.” (Staff report, Feb, 4, 2015, p. 3.) The project list, in vol. 3 of the draft Plan, includes no assignment of revenues, no 10- and 20-year prioritization of projects and programs, and no prioritization among projects and programs that are not fully funded.<sup>2</sup> (See Draft SEIR, p. 1.1-9 [Draft Plan identifies funding “for only about 47 percent of the estimated CTP cost,” but these identified funds “have not been assigned to specific projects.”])

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<sup>1</sup> These requirements for fiscal constraint and identification of revenue sources that will fund each project remain unchanged in the 2014 CTP Guidelines. The 2014 CTP Guidelines note that “CTPs provide a basis for transportation investments considered in the RTP/SCS,” and that they should therefore include “Descriptions of all proposed, near-, mid-, and long-term, improvements and programs,” with “[b]oth a financially constrained list and a vision project list”; should “[i]nclude cost estimates in year-of-expenditure dollars,” and “[i]ndicate how local, regional, state, and federal revenues are assigned for each project, whenever feasible.” The Guidelines also state that CTPs should include “Transportation investments that, when integrated with Plan Bay Area’s forecasted land use, including PDAs and PCAs, support the region’s adopted Sustainable Communities Strategy (SCS)...” (MTC Res. 2120, rev. 9/28/2014, pp. 6-7.)

<sup>2</sup> The project listing in Vol. 3 includes only the following information: Project ID; Project Name; Project Type; Description; Total Project Cost; Project Status; Primary Sponsor; and which of the county’s five Regional Transportation Planning Committees (RTPCs) included it in its project list.

The Draft identifies as “[a] major challenge facing the Authority” the need “to prioritize this \$26 billion in projects and programs and determine which should receive highest priority over the next 30 years.” (Draft, p. ES-20.) CCTA is obliged to identify 10- and 20-year project and program priorities *in the Plan itself* based on an assignment of anticipated revenues and on how well each project and program would promote the goals and performance measures of the CTP and Plan Bay Area.

Instead of meeting this crucial planning obligation, however, the Draft indicates that CCTA intends to wait and see what new revenue comes in over the next 25 years: “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.” (Draft, p. ES-20.) Even then, the Draft does not indicate how that new revenue would be prioritized, in either the short or the long term. While “[e]stablishing this ‘universe’ of project needs” may help CCTA and the public “to understand the funding gap that currently exists” (p. 1-106), it provides no guidance whatsoever on how new revenues will be directed, nor on which projects should become a part of the next Plan Bay Area.

Should the CTP be adopted without correcting these legal flaws, the consequences will therefore be grave. Adopted in its present form, the CTP would not only be incapable of guiding the preparation of the sales tax expenditure plan that CCTA is now launching, but would also be unable to “provide a basis for transportation investments considered in the [2017] RTP/SCS.”

#### B. Comments Previously Submitted

This issue was brought to CCTA’s attention multiple times during the public comment period last Fall, yet we have seen no indication that CCTA intends to address it.

In its September 26, 2014, letter on the draft Plan (attached), the Sierra Club commented as follows on the Plan’s project list:

Regarding capital projects, the CTP (page ES–19) states there are \$11.6 billion in proposed projects, yet just \$4.8 billion in secure funding is estimated. There is a similar shortfall in proposed operating programs.

Noting that the draft was “financially unconstrained” (citing draft Plan, p. 1-106), the Sierra Club asked how CCTA’s Board and the public will learn “just what the CTP will build and operate, given that the list of proposed capital projects and operating programs cost much more than the funds considered to be available through 2040.” (p. 4.)

The Sierra Club followed up on this concern in its November 1, 2014, letter on the draft SEIR (also attached), stating:

An EIR for the Project should also describe how funds will be prioritized and allocated through it. However, the Project is financially unconstrained, with proposed projects and programs costing billions of dollars more than the funding that is reasonably expected (“funding exists for only about 47 percent of the estimated CTP cost, (and) these funds have not been assigned to specific projects.”) There is no prioritization of projects

and programs, including to support of the PDA Investment & Growth Strategy, or relative to available funding.

A proper EIR should be financially constrained and prioritized so members of the public and decision makers will be able to understand what the Project will do, and what it will not. It is not clear at all which projects and programs are expected, or desired, to be funded by the Project and which ones will not be. (p. 3.)

That November 1 letter went on to note that the Guidelines for Countywide Transportation Plans adopted by the Metropolitan Transportation Commission in September explicitly call for CTPs to include “descriptions of all proposed near-, mid-, and long-term, improvements and programs.” “a financially constrained [project] list.” (p. 3.)

In addition to the Sierra Club, other groups that raised this issue were Greenbelt Alliance,<sup>3</sup> Save Mount Diablo and Bike East Bay.<sup>4</sup> Despite the clarity and consistency of these comments, CCTA has not responded to date with a proposal to address them.

### C. Request

We request that CCTA agree to bring its proposed CTP into compliance with the statute and MTC Guidance before adoption. We further request that you meet with us to discuss the process by which projects and programs will be prioritized in a fiscally-constrained project list and a

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<sup>3</sup> In its letter of November 3, 2014, commenting on the draft Plan and SEIR, Greenbelt Alliance stated that “Transportation funding resources have dwindled, requiring a heightened focus on careful project prioritization” (p. 1), and went on to comment that

the CTP does not give a clear indication of how staff will evaluate and prioritize among the long list of proposed projects. Greenbelt Alliance recommends that CCTA adopt a system of performance-based project assessment to determine appropriate projects and prioritize investments that best meet the goals and vision of the CTP, as well as meet the requirements of local, county, regional, and state environmental policy. Using a performance-based model will help to identify and eliminate sprawl-inducing road projects, such as the James Donlon Boulevard Extension. (p. 2.)

Greenbelt’s first recommendation was that “The CTP should use a clear and transparent performance-based project assessment to help determine the best transportation investments.” (*Id.*)

<sup>4</sup> Save Mount Diablo commented on October 31, 2014, that “[a]pproximately 1,000 projects and programs are listed in Volume 3 of the CTP. A flaw in the CTP is not comparing and contrasting them to set priorities, meet greenhouse gas reduction goals, and support the gains of smart growth rather than eroding them.” (p. 1.)

Bike East Bay wrote on September 29, 2014: “In general, however, our concerns are mainly about the lack of serious focus and priority in the Project List and Action Plans to improve transit service around all of Contra Costa County. The draft plan starts out saying all the right things about no longer being able to build more freeways and reducing vehicle miles traveled, but after looking at the draft Action Plans, it is clear they are all about moving cars by making freeway improvements. As a result, needed transit improvements are neglected in the Routes of Regional Significance, almost by definition.” (p. 1.)

Mr. Martin Engelmann, CCTA  
February 16, 2015

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“Track 2” of “vision” project list in a manner that will promote the goals and performance measures of Plan Bay Area and of the CTP itself.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Marcantonio', followed by a period.

Richard A. Marcantonio  
Managing Attorney

Cc: Brad Beck, Senior Transportation Planner, [bbeck@ccta.net](mailto:bbeck@ccta.net)

Encl: Sierra Club letters of Sept. 26 and Nov. 1, 2014