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May 27, 2016

**BY EMAIL:**

Mayor Schroder and Councilmembers  
City of Martinez – City Hall  
525 Henrietta Street  
Martinez, CA 94553

Re: Proposed Sales Tax Expenditure Plan (Agenda Item A.6)

Dear Mayor Schroder and Councilmembers:

As you consider the proposed Resolution of Support for a sales tax and Transportation Expenditure Plan, in concurrence with the Sierra Club, we write to bring to your attention two key pieces of information. First, the Contra Costa Transportation Authority has taken the position that it is under no obligation to fund *any* of the investments listed in the Transportation Expenditure Plan (TEP) it asks you to approve. Second, the Authority abandoned its commitment to perform full environmental review of the TEP and assess the performance of meaningful alternatives, thereby depriving you and the public of essential information to make an informed decision.

Before casting your vote on CCTA’s proposed sales tax, we believe *the Authority has some hard questions to answer* about why it is unwilling to commit to sticking to the plan it developed without a proper analysis of impacts and alternatives.

CCTA highlights the benefits of specific projects, such as “BART to Brentwood,” and claims that the TEP is “transformative on every level.” But at the May 18 board meeting at which CCTA authorized the release of the proposed Transportation Expenditure Plan to local jurisdictions, multiple board members emphasized that the projects described in the TEP could be modified or eliminated at any time. One board member noted that the plan could change dramatically as soon as ten months down the road. Similarly, CCTA’s staff report and the proposed resolution for your consideration assert merely that the TEP will “guide” expenditures and noting that “the timing, approval, and construction” of projects in the TEP “may be modified or not implemented depending on a number of factors.”

Importantly, CCTA does not promise to come back to you or the voters before making the decision to depart from the TEP.

Hard question: *Why are the city councils and voters of Contra Costa County being asked to support a plan that CCTA can change as soon as the day after the election without any public accountability?*

In addition, CCTA has failed to conduct an environmental review of the proposed TEP pursuant to the California Environmental Quality Act (CEQA). The Authority has failed to follow through on the promise it made in July 2015 to prepare an Environmental Impact Report “specifically intended to inform the development of a 2015 Draft Transportation Expenditure Plan (Draft TEP).” (Notice of Preparation, p. 4) This EIR would have studied three alternative options for the TEP, providing full disclosure of the relative environmental impacts or benefits of each and also an assessment against regional performance and equity measures, as required by MTC’s Guidelines on Countywide Transportation Plans. (The attached document lays out these proposed alternatives.)

Unfortunately, CCTA abandoned its commitment to complete an EIR to inform the development of the TEP as well as its commitment to study a meaningful range of alternatives. While the Authority claims that it has considered impacts and alternatives, this analysis was cursory at best, and done without the transparency and accountability afforded by CEQA. Because of this, you are being asked to approve a plan without adequate information about its environmental impacts, and without a complete view of what alternatives to CCTA’s current proposal would look like and what benefits they might yield over the proposed plan.

Hard question: *How can CCTA claim that it has prepared a “transformative” plan when it has refused to analyze a full range of options or to subject the plan to a complete environmental review?*

Local elected officials and their constituents, the voters who are being asked to take on \$2.9 billion in new taxes, deserve greater clarity and transparency than CCTA has provided in this process. We ask you to join the many concerned voters and advocates throughout Contra Costa County and demand answers to questions like these from CCTA before voting to support the proposed sales Tax Expenditure Plan.

Very truly yours,



Richard Marcantonio  
Managing Attorney



Sam Tepperman-Gelfant  
Senior Staff Attorney

Cc: Jim Jakel, Interim City Manager

Encl.: Table of draft EIR alternatives released by CCTA on Sept. 14, 2015