



CITY OF
HAYWARD
HEART OF THE BAY

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DATE: April 27, 2010
TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Proposed New Alameda County Transportation Commission (ACTC) Joint Powers Agreement

RECOMMENDATION

That Council:

1. Adopts the attached Resolution approving the Joint Powers Agreement (JPA) that creates the Alameda County Transportation Commission (ACTC), approves an amendment to the JPA for the Alameda County Congestion Management Agency (ACCMA), and authorizes the City Manager to execute the necessary agreements; and
2. Reviews and comments on the update on the development of the Countywide Transportation Plan, Funding Strategies, and Opportunities.

SUMMARY

The Alameda County Congestion Management Agency (ACCMA) and the Alameda County Transportation Improvement Authority (ACTIA) have embarked on a number of new initiatives to more cost-effectively plan and deliver transportation programs and increase transportation funding in Alameda County. The first initiative proposes a merger of the two agencies into a new agency entitled the Alameda County Transportation Commission (ACTC). While both organizations have functioned well as separate agencies, the respective Boards believe that the proposed new JPA will provide a more efficient and cost-effective platform over the long term upon which to plan and deliver transportation programs and capital projects to the residents of Alameda County.

The second major initiative results from an update to the Countywide Transportation Plan currently underway to both meet the requirements of AB 32 and SB 375 and review transportation needs in Alameda County. This update, in part, will launch a two-step approach to bring more local transportation funding to Alameda County. First is a proposal to place a \$10 Vehicle Registration Fee (VRF) on the November 2, 2010, ballot to be used for local transportation and transit

improvements. The second and longer-term objective is to extend the existing half-cent sales tax measure to add infrastructure projects and increase funding for essential transit services, streets and roads maintenance, bicycle and pedestrian safety, and services for seniors and disabled persons. This will be enacted through a coordinated process during the update of the Countywide Transportation Plan.

BACKGROUND

In January 2009, (ACTIA and CMA initiated a study to identify service sharing and/or consolidation opportunities between the two agencies. The study examined whether mission critical responsibilities could be delivered in a more streamlined and cost-effective manner if the two agencies operated on a more integrated basis. Another project objective was to determine if there was sufficient information to allow policy makers to make a decision about whether to move forward with an implementation analysis and develop a plan for a possible integration and potential consolidation. A final report delivered to both agencies in July 2009 concluded that there were in fact attractive opportunities for a range of service-sharing and integration efforts. The greatest opportunities for consolidation and efficiency improvement were in the areas of financial services, administrative services, and capital project delivery.

During a joint meeting in May 2009, the consultant made a presentation to the ACTIA and the CMA Boards of Directors, which described the opportunities for service sharing and a potential merger of operations, opportunities for cost efficiencies and estimated annual savings. The presentation pointed out that the ten-year return on investment was very good, with up-front costs relatively minor considering the long-term goals and benefits. The joint meeting also discussed the potential for blending the Boards of Directors into one Board. The initial analysis was compelling enough for the Boards to move forward with an implementation analysis and plan. The Merger Implementation Plan was completed in January 2010 and accepted by the joint Boards of Directors at their January meeting.

As a result of the two separate studies, both Boards of Directors, at a joint meeting in January 2010, expressed support for a proposed merger of the two agencies and directed staff to bring back, at a joint meeting in February, the necessary actions to form a new JPA, which would generally have the powers of a congestion management agency and of the ACTIA. The Boards further agreed on a new structure for a combined Board of Directors (see below) and expressed support for the title of Alameda County Transportation Commission (ACTC) as the name of the new proposed JPA.

In February 2010, the joint Boards approved a draft Joint Powers Agreement and directed staff to present it to the Board of Supervisors, the City Councils of all 14 cities in the County, and the Boards of AC Transit and BART. ACTIA and CMA staffs are now seeking approval of the new JPA and the necessary parallel changes to the CMA Joint Powers Agreement. The ACTIA Board will take steps to amend the 2000 Transportation Expenditure Plan, following a 45-day review period, to change the composition of the ACTIA Board so that it is the same as that of the proposed new commission (ACTC). Steps will also be taken to terminate ACTA and transfer the Agency's assets and liabilities to ACTC. Neither of the latter two steps requires individual action by member agencies. The goal is to achieve all the necessary approvals by July 2010, with the new commission

launching in September of this year. It should be noted, however, that ACTIA and CMA must continue in existence until such time as state legislation specifically naming those agencies can be amended.

DISCUSSION

Proposed New JPA (Alameda County Transportation Commission) Board Composition - An Ad Hoc Committee of the joint Boards of Directors considered several different scenarios for composition of the new Board, including both membership and allocation of votes. A guiding principle was that all the cities and the County needed to be represented, along with some representation from the transit operators. The CMA model, which utilizes votes based on populations, and thus changes over time, was considered. Ultimately the Committee recommended, and the joint Boards of Directors approved, a simple approach that recognized the interests of the largest cities (by population) and included both AC Transit and BART. The proposed new JPA Board (and the separate Boards of ACTIA and CMA that continue in the short-term) would be comprised of:

- Each member of the Alameda County Board of Supervisors who shall each have one vote, except that at each Board meeting the Supervisor actually present at the meeting with the longest service on the Board of Supervisors shall have two votes;
- Two members representing the City of Oakland, with one member (the longest serving Councilmember on ACTC or previously ACCMA or ACTIA) having three votes and the other member having one vote, for a total of four (4) Oakland votes;
- One member representing the City of Fremont and one representing the City of Hayward, each of whom shall have two votes. Council Member Olden Henson represents the City on the CMA Board. The City does not have a representative on the ACTIA-ACTA Boards.
- One member from each of the other 11 cities, who would each have one vote; and
- One representative of BART and one representative of AC Transit, each of whom shall have one vote.

Only members of the bodies who have paid allocated fees set by the ACTC Board shall be entitled to be members of the ACTC Board. If the relative populations of the cities or the unincorporated areas change significantly in the future, the JPA could be amended to fairly adjust this voting allocation. ACTIA and CMA would continue in existence and would be members of the new JPA until such time as state legislation specifically naming those agencies can be amended, but they would not have separate representation on the new Board.

Technical Advisory Committee and the Citizens' Watchdog Committee - The proposed JPA designates the current Alameda County Transportation Advisory Committee (ACTAC) as the technical advisory committee to the new ACTC. Additionally, the JPA appoints the current Citizens' Watchdog Committee, as described in the Alameda County 2000 Transportation Expenditure Plan, which will continue to have the powers as specified in that Plan regarding the expenditure of ACTIA funds. While not mentioned in the JPA, the other outside committees of each Agency such as CMA Policy Advisor Committees and ACTIA Citizen Advisory Committee to

name a few would continue for the present; however, there may be some consolidation of the existing standing committees of each agency.

Countywide Transportation Plan - One of the primary responsibilities of the CMA is to develop and periodically update the Countywide Transportation Plan, a 25-year planning and policy document that guides transportation decisions and articulates the vision for Alameda County's transportation system. The CMA Board adopted the revised Countywide Transportation Plan in June 2009. Through goals, objectives, and strategies, the Plan lays the groundwork for an investment program tailored to the diverse needs of the county's residents, visitors, and workers. Through the funding allocation program, the Plan seeks to ensure that transportation investments, aimed at reducing congestion on our transportation systems, are efficient and productive and that maintenance and management of the system remains a high priority.

The CMA and ACTIA are currently updating the Countywide Transportation Plan to review transportation needs in Alameda County and incorporate the requirements of AB 32 and SB 375, which will require the Metropolitan Transportation Commission (MTC), the CMA, and local jurisdictions to find ways to provide more programs and projects that integrate transportation and land use and reduce green house gas emissions. This update will be used by ACTIA to develop a proposal for an extension of the existing half-cent sales tax measure, is anticipated to be completed in June 2012, and will be used to inform the 2013 Regional Transportation Plan. As stated earlier, this Plan will, in part, launch the two-step approach to bring more local transportation funding to Alameda County, by placing the \$10 Vehicle Registration Fee (VRF) on the November 2, 2010, ballot and extending the half-cent sales tax measure to fund infrastructure projects, essential transit services, road maintenance, and services to seniors and disabled persons as described below in detail.

Short Term Funding Opportunity – Vehicle Registration Fee for Transportation - The City Council is requested to provide input on the CMA's effort to place a local VRF of \$10 that could be used for transportation improvements throughout Alameda County on the November 2, 2010, ballot. The opportunity for a County-wide transportation agency to place this fee before the voters was authorized in 2009 by the passage of Senate Bill 83, authored by Senator Loni Hancock (Oakland). The VRF could help counties provide additional local funding for their transportation needs. Alameda County has very significant unfunded transportation needs, and this fee would provide funding to meet some of those needs. The VRF would be a key component of an overall strategy to develop a balanced, thoroughly considered program that improves transportation and transit for our residents and has the potential to generate up to \$11 million per year.

The VRF could fund programs that:

- Repair and maintain our local streets and roads to make them safer for vehicles, cyclists, and pedestrians.
- Create easier to use and more efficient public transportation systems.
- Ease getting to work or school, whether driving or using public transportation, bicycling or walking.
- Result in the reduction of pollution from cars and trucks.

Expenditure Plan – The CMA has established a VRF Expenditure Plan Steering Committee which has been meeting every month this spring to develop a draft VRF Expenditure Plan, based on broad public input that articulates how the funds generated will be used. Councilmember Henson is a member of the Steering Committee. The draft Expenditure Plan is expected to be available for their May 10, 2010 meeting with a final version available in June 2010. The VRF Expenditure Plan could provide the following benefits.

- All of the money raised by the VRF would be used exclusively for transportation improvements in Alameda County and cannot be seized by the State.
- Help fund roadway repairs and maintenance that make our roads safer for vehicles, cyclists, and pedestrians.
- Provide investments that will help create a smarter, more efficient transportation system.
- Establish a reliable source of funding to help fund critical local transportation programs.

One of the legal requirements established by SB 83 is that the elements in the Expenditure Plan must have a relationship or benefit to the persons paying the Vehicle Registration Fee. The CMA has developed a Draft Evaluation and Decision Framework which lists five possible program categories (see Attachment II):

- Local Road Improvement and Repair
- Local Transportation Technology
- Transit Effectiveness and Efficiency
- Bicycle and Pedestrian Safety
- Freeway Traffic Management

During the April meeting of the Steering Committee the fifth category, Freeway Traffic Management, was dropped since it was more complex and needed to be done on a regional basis. The committee also identified ranges of funding for each of the remaining categories as shown below:

- Local Road Improvement and Repair - 50-75%
- Local Transportation Technology – 5-15%
- Transit Effectiveness and Efficiency – 20-30%
- Bicycle and Pedestrian Safety – 5-15%

No decision has been made on how the funding generated by a VRF would be distributed, but some of the possibilities discussed have been by population or by number of registered vehicles. Also, there may be a desire for some of the categories above to be run at a county level rather than locally. There does seem to be consensus that the funds should not go to specific projects but rather programs with flexibility on use by local agencies. Staff strongly supports this approach and would also like to see the amount going to Local Road Improvement and Repair to be maximized (i.e., at least 75%) in order to have another reliable funding source to address our long-term pavement needs. While specific numbers have not been developed, it appears that distribution either by population or vehicle registrations would not affect a fair share distribution for Hayward, although there would be differences for North and East County depending on the method. The Steering Committee will be discussing these issues along with feedback obtained from cities and from the community meetings at their May meeting in order to develop the Draft Expenditure Plan.

ECONOMIC IMPACT

Improved and well-maintained streets and roads are a positive factor in attracting new residents and businesses to Hayward.

FISCAL IMPACT

If the VRF is passed, it is assumed at least some additional annual funding will be available for local streets and roads in the City of Hayward. The actual amount will depend on the final expenditure plan, but overall based on population the City of Hayward's share would be about 10% or over \$1.1 million. These funds could help to backfill some of the lost revenue resulting from the decline in Gas Tax receipts. Since these funds are local funds and cannot be taken by the State, the VRF would provide a stable funding source for some of our local streets and roads needs.

Every year, the City of Hayward pays dues to help support the work of the CMA. The dues in FY 2011 will be about \$66,000. Dues are established by the law that created the CMAs and vary each year commensurate with Gas Tax receipts. Annually we pay our dues from our Gas Tax Fund. CMA staff has indicated no additional negative financial impact to the jurisdictions beyond the existing annual payment of dues and of course the VRF paid by our residents.

PUBLIC CONTACT

Outreach and Schedule: As part of the outreach process, ACCMA has made or will be making presentations to every City Council in Alameda County, the Board of Supervisors, and transit agencies; and also met with key agencies and stakeholder groups during the months of March and April. Besides Hayward and Berkeley, which are being held today, the final scheduled presentation is with City of Alameda on May 4th.

All meetings, meeting materials, and project documents are available on the Alameda County Vehicle Registration Fee website (www.alamedacountyvrf.org). Public workshops were held at the following locations:

Public Workshops:

San Leandro

Thursday, March 18, 6:30 pm
Bay Fair Center Mall
15555 East 14th Street

Dublin

Thursday, April 8, 6:30 pm
Dublin Library Community Room
200 Civic Plaza

Fremont

Wednesday, March 31, 6:30 pm
Fremont Library
2450 Stevenson Boulevard

Oakland

Thursday, April 15, 6:30 pm
City of Oakland Hearing Room 3
One Frank H Ogawa Plaza

SCHEDULE

Major Merger Action Plan Milestones:

<u>Event</u>	<u>Target Date</u>
Approval by Boards to proceed with a merged agency and new JPA	January 28, 2010
JPA structure developed and approved by respective Boards	February 25, 2010
JPA approval by member agencies and Boards of Directors	July 31, 2010
New JPA operations begin	September 1, 2010
Employees transition to new JPA	January-March, 2011
Single accounting system begun	July 1, 2011
Complete integration of operations	January 2012
Consolidation of office space	November 2014

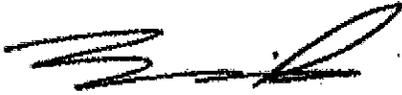
Major Vehicle Registration Fee Milestones:

<u>Event</u>	<u>Target Date</u>
Approval by the Board to proceed	December 3, 2009
Steering Committee Meetings	Monthly 2 nd Monday/1 p.m.
Develop Draft Expenditure Plan and Nexus Analysis	May 2010
Final Expenditure Plan approved by Steering Committee and CMA Board	June 2010
Submit Ballot Measure	August 2010

Prepared by: Morad Fakhrai, Deputy Director of Public Works/City Engineer

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, Acting City Manager

Attachments:

- Attachment I: Draft Resolution Approving the Joint Powers Agreement Creating the Alameda County Transportation Commission (ACTC) and Approving an Amendment to the Joint Powers Agreement for the Alameda County Congestion Management Agency
- Attachment I-a: Alameda County Transportation Commission Joint Powers Agreement
- Attachment I-b: Congestion Management Agency Amendment
- Attachment II: Draft Evaluation and Decision Framework

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 10-

Introduced by Council Member _____

RESOLUTION APPROVING THE CREATION OF THE
ALAMEDA COUNTY TRANSPORTATION
COMMISSION AND THE JOINT POWERS AGREEMENT
THEREFOR AND APPROVING AN AMENDMENT TO
THE JOINT POWERS AGREEMENT FOR THE
ALAMEDA COUNTY CONGESTION MANAGEMENT
AGENCY

WHEREAS, the Alameda County Congestion Management Agency (“CMA”) was created pursuant to California Government Code Section 65089; and

WHEREAS, a joint powers agreement, dated February 20, 1991, defining the roles, purposes, objectives, responsibilities, powers and duties of the CMA (“CMA Agreement”) was approved and executed by the Alameda County Board of Supervisors and a majority of the cities representing a majority of the population in the incorporated area of Alameda County; and

WHEREAS, the CMA Agreement was subsequently amended in 1991 and 1992 to modify the voting composition of the CMA Board and make certain other related changes, by actions taken by the Alameda County Board of Supervisors and a majority of the cities representing a majority of the population in the incorporated area of Alameda County; and

WHEREAS, the CMA Board and the Board of the Alameda County Transportation Improvement Authority (“ACTIA”) have each approved the form of a Joint Powers Agreement dated for reference purposes only as of March 25, 2010 (“ACTC Agreement”) which will create, pursuant to the California Joint Exercise of Powers Act, a joint powers agency known as the Alameda County Transportation Commission (“ACTC”), a copy of which is attached to this Resolution as Attachment I; and

WHEREAS, ACTC is intended to have and to exercise all of the authority, powers and rights of the CMA and ACTIA and certain additional powers as described in the ACTC Agreement; and

WHEREAS, CMA and ACTIA are required to continue in existence for the time being, notwithstanding the fact that such agencies shall delegate their powers to ACTC, in part to allow time for state statutes to be amended to reference ACTC rather than CMA and/or ACTIA; and

WHEREAS, the members of ACTC will be Alameda County, each of the fourteen cities within the County, CMA, ACTIA, the Bay Area Rapid Transit District ("BART") and the Alameda-Contra Costa Transit District ("AC Transit"), and ACTC shall be a public entity separate from such agencies and transit operators; and

WHEREAS, the ACTC Agreement provides for the following voting members on the ACTC board, subject to the requirement that only members of bodies who have paid or allocated the fees set by the ACTC Board shall be entitled to be members of the ACTC Board:

- i. Each member of the Alameda County Board of Supervisors who shall each have one vote, except the longest serving Board member in attendance at the meeting shall have two votes;
- ii. Two members representing the City of Oakland, with one member (the longest serving Councilmember on ACTC or previously ACCMA or ACTIA) having three votes and the other member having one vote;
- iii. One member representing the City of Fremont and one representing the City of Hayward, each of whom shall have two votes;
- iv. One member from each of the other 11 cities who would each have one vote; and
- v. One representative of BART and one representative of AC Transit, each of whom shall have one vote; and

WHEREAS, the CMA Board and the ACTIA Board have recommended that Section 10.a. ("Board Organization") of the CMA Agreement be amended to provide that representation on the CMA Board shall match the representation on the ACTC Board as described as (i)-(v) above, and have further recommended that the CMA Agreement be amended to provide that the CMA Board shall have the power to dissolve the CMA and designate ACTC as its successor when the CMA Board determines in its discretion that such dissolution is appropriate.

NOW, THEREFORE, BE IT RESOLVED, that the City of Hayward approves the ACTC Agreement attached hereto as Attachment I-a, authorizes its representative to execute the same, and agrees to become a member of ACTC.

BE IT FURTHER RESOLVED, that the City of Hayward approves the amendment to the CMA Agreement accomplishing the revisions described above, which amendment is attached hereto as Attachment I-b, authorizes its representative to execute the

same, and acknowledges that such amendment shall become effective upon the approval thereof by the Alameda County Board of Supervisors and a majority of the cities representing a majority of the population in the incorporated area of Alameda County.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2010

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

JOINT POWERS AGREEMENT

ALAMEDA COUNTY TRANSPORTATION COMMISSION

This Agreement is dated March 25, 2010 for reference purposes only.

1. **PURPOSE.** The purpose of this Joint Powers Agreement (“Agreement”) is to create a joint powers agency pursuant to the California Joint Exercise of Powers Act that will have all of the authority, powers and rights of the Alameda County Congestion Management Agency (“ACCMA”) and the Alameda County Transportation Improvement Authority (“ACTIA”) and certain additional powers as described in this Agreement.
2. **OBJECTIVES.** The objectives of this Agreement are to:
 - (a) Coordinate transportation planning and conduct transportation programming within Alameda County for all countywide, regional, state and federal funding programs;
 - (b) Position Alameda County jurisdictions, including the Transit Operators and other transportation system operators, to better compete for limited state and federal transportation dollars;
 - (c) Develop a consensus on future improvements to major roads, freeways and transit services in Alameda County;
 - (d) Carry out the projects and programs in Alameda County’s 20 Year Sales Tax Transportation Expenditure Plan, dated July 2000, as it may be amended from time to time and the responsibilities of a Local Transportation Authority pursuant to Public Utilities Code 180000 et seq., including but not limited to preparation of a new Expenditure Plan and submission of a new or extension of the existing sales tax to the voters;
 - (e) Complete the projects in the Alameda County Sales Tax Transportation Plan’s 1986 Expenditure Plan and carry out the responsibilities of a Local Transportation Authority pursuant to Public Utilities Code 130000;
 - (f) Continue and sustain a Congestion Management Agency for Alameda County and its member cities;
 - (g) Develop and update countywide transportation policies through the Countywide Transportation Plan and the Congestion Management Program;
 - (h) Implement the requirements of state legislation to maintain and administer a Congestion Management Program for the County;

- (i) Designate the ACTC as the Alameda County Program Manager for the Transportation Fund for Clean Air;
- (j) Use where applicable the programs and policies of the County's and Cities' General Plans, the plans of the Transit Operators in Alameda County, the Alameda Countywide Transportation Plan, and the Alameda County Transportation Improvement Authority's Strategic Plan as input to the Congestion Management Program;
- (k) Prepare, maintain and update the Alameda Countywide Transportation Plan;
- (l) Develop and promote Bicycle and Pedestrian Plans and programs throughout the County.
- (m) Coordinate multi-modal planning throughout the County and in cooperation with the Region;
- (n) Develop and promote Paratransit, Transit Oriented Development and Transportation Demand Management Plans and programs throughout the County;
- (o) Foster communication among Local Agencies and Transit Operators on transportation projects and issues, and on the system of roadways and transit designated in the Congestion Management Program;
- (p) Fulfill the objectives of the Global Warming Solutions Act of 2006 (AB 32) and SB 375 (Steinberg 2008) and related laws and programs regarding global warming and land use for Alameda County; and
- (q) Carry out other programs and projects consistent with the goals and needs of the Cities in Alameda County and the Transit Operators.

3. DEFINITIONS. Certain words as used in this Agreement shall be defined as follows:

- (a) "Local Agencies" shall mean the County of Alameda, the cities of Alameda County, the Alameda County Transportation Improvement Authority and the Alameda County Congestion Management Agency.
- (b) "Transit Operators" shall mean the Bay Area Rapid Transit District ("BART"), Alameda Contra Costa Transit District ("AC Transit"), Livermore Amador Valley Transit Authority, Union City Transit, Altamont Commuter Express and the Water Emergency Transportation Authority.
- (c) "Member Transit Operators" shall mean BART and AC Transit.

4. EFFECTIVE DATE. This Agreement shall become effective upon the approval by the Board of Supervisors and a majority of the cities representing a majority of the population of the cities within the county.

- 5. CREATION OF THE ALAMEDA COUNTY TRANSPORTATION COMMISSION.** There is hereby created the Alameda County Transportation Commission (“ACTC”), to exercise in the manner set forth in this Agreement the powers common to each of the Local Agencies and the Member Transit Operators. The ACTC shall be a public entity separate from the Local Agencies and the Member Transit Operators. No debt, liability or obligation of the ACTC shall constitute a debt, liability or obligation of any Local Agency or the Member Transit Operator, and each party’s obligation hereunder is expressly limited only to the appropriation and contribution of such funds as may be levied pursuant to this Agreement or as the parties hereto may agree.
- 6. SUCCESSOR AGENCY.** It is intended that ACTC shall become the successor agency to the Alameda County Congestion Management Agency and the Alameda County Transportation Improvement Authority as soon as reasonably and legally possible. ACTC is the successor agency to the Alameda County Transportation Authority.
- 7. FUNCTIONS AND RESPONSIBILITIES.** The ACTC shall have the following functions and responsibilities:
- (a) All of the functions and responsibilities of the Alameda County Congestion Management Agency.
 - (b) All of the functions and responsibilities of the Alameda County Transportation Improvement Authority.
 - (c) All of the functions and responsibilities of the Alameda County Transportation Authority.
 - (d) Prepare, adopt, revise, amend, administer and implement the Congestion Management Program for Alameda County pursuant to Section 65088 et seq. of the Government Code.
 - (e) Develop, adopt and update the Alameda Countywide Transportation Plan pursuant to Section 66531 of the Government Code.
 - (f) Coordinate transportation planning, conduct transportation programming within Alameda County for all transportation funding programs and coordinate with contiguous counties and other Bay Area counties.
 - (g) Coordinate the countywide input to:
 - (i) The California Clean Air Act and Transportation Control Measures of the Metropolitan Transportation Commission (“MTC”) and the Bay Area Air Quality Management District (“BAAQMD”);
 - (ii) The California Transportation Commission (“CTC”) and Caltrans for funding programs;

- (iii) MTC guidelines for County Transportation Plans pursuant to Government Code section 66531;
- (iv) MTC's Regional Transportation Plan; and
- (v) MTC's Regional Transportation Improvement Program and the CTC's State Transportation Improvement Program.
- (vi) Sustainable Communities Strategic Plans in the cities in the County, the County and the region.
- (h) Prepare, adopt, update and administer the federal surface transportation program, the federal congestion mitigation and air quality program, and other federal funding programs as appropriate or any successor federal funding programs.
- (i) Prepare, adopt, update and administer the Alameda County element of the State Transportation Improvement Program.
- (j) Act as the Alameda County Program Manager for the regional Transportation Fund for Clean Air (TFCA) program. This Agreement supersedes previous agreements relative to the TFCA program.
- (k) Prepare, adopt, update and administer all other new or existing regional and state transportation funding programs and programs regarding global warming and land use as appropriate and/or as delegated to ACTC.
- (l) Develop, construct, operate and maintain the Alameda County Express Lane system.
- (m) Design, acquire environmental clearance, and construct transportation and related projects.
- (n) Collect and administer any Vehicle Registration Fee approved by the voters to be collected by a countywide transportation planning agency in Alameda County.
- (o) Levy and collect fees and charges, including administrative and operating costs, as provided in this Agreement or by law, against all entities to which the law applies, both signatory and non-signatory to this Agreement.
- (p) Seek state and federal funding to pay for the cost of preparing, adopting, amending, administering and implementing the Congestion Management Plan, transportation projects and programs in Alameda County and other duties described in this Agreement.
- (q) As appropriate, prepare a new Transportation Expenditure Plan for a potential new or extended or expanded sales tax to be submitted to the voters for approval.

- (r) Other functions and responsibilities that are consistent with the purpose, objectives, functions and responsibilities described in this Agreement as well as any function and responsibilities that are imposed by state or federal law.
- (s) Other functions and responsibilities as may be added by amendments to this Agreement pursuant to Section 19.

8. ANNUAL BUDGET. The ACTC shall adopt by June 30 of each year a budget for the succeeding fiscal year setting forth all administrative, operational and capital expenses for the ACTC, together with the apportionment of such expenses by levy against each Local Agency and Member Transit Operator. The budget shall reflect allocations to dedicated funding sources and the restrictions on salaries and benefits and on administrative expenses that apply to existing Measure B funds and any sales tax funds to be received by ACTC in the future. The fiscal year shall be July 1 to June 30. An alternative fiscal year may be established by the ACTC. The ACTC shall notify and provide a copy of the proposed budget to each Local Agency and Member Transit Operator thirty (30) days prior to the adoption of the budget.

9. BOUNDARIES. The boundaries of the ACTC shall be the boundaries of the County of Alameda.

10. ORGANIZATION.

(a) **Board.** The ACTC shall be governed by the board which shall exercise all powers and authority on behalf of the ACTC. The governing Board of the ACTC is empowered to establish its own procedures. The Board may do any and all things necessary to carry out the purposes of this Agreement.

(b) **Board membership.** The ACTC Board shall be composed as follows:

- (i) Each member of the Alameda County Board of Supervisors who shall each have one vote, except that at each ACTC Board meeting, the Supervisor actually present at the meeting with the longest service on the Board of Supervisors shall have two votes;
- (ii) Two members representing the City of Oakland, with the member with the longest service on ACTC (or previously on ACCMA or ACTIA) having three votes and the other member having one vote;
- (iii) One member representing the City of Fremont and one member representing the City of Hayward, each of whom shall have two votes;
- (iv) Eleven members each representing one of the other 11 Cities in Alameda County, each of whom shall have one vote; and
- (v) One representative of BART and one representative of AC Transit, each of whom shall have one vote.

- (vi) Notwithstanding the foregoing, only members of bodies who have paid or allocated the fees set by the ACTC Board shall be entitled to be members of the ACTC Board.
- (c) **Members and Alternates.** All members and alternates shall be elected officials, and shall be appointed as follows:
 - (i) All members and alternates representing a City shall be either that City's mayor or a member of the City Council for such City. If a member representing a City has more than one vote, as set forth in subsection (b) above, his or her alternate shall carry the same number of votes as the absent member.
 - (ii) All members and alternates representing a Member Transit District shall represent a district or ward primarily or fully contained within Alameda County or be a director elected at-large.
 - (iii) All alternates and members other than the members of the Board of Supervisors will be chosen in the manner determined by their respective City Council or Board.
 - (iv) The alternate to each member of the Board of Supervisors shall be appointed by the respective Board member, and shall be a mayor or city council member of a City primarily or fully contained within the Supervisor's District, who is not otherwise a voting member of ACTC. Each such alternate shall have only one vote at an ACTC Board meeting, notwithstanding subsection (b)(i) above.
 - (v) Upon execution of this Agreement, and pursuant to subsection (c) above, the governing body of each agency other than the Board of Supervisors having representation on the ACTC Board shall appoint a member to the Board and an alternate member, and the City of Oakland shall appoint two members and one or two alternates, who shall serve on the Board in the absence of the regular member. The term of each member other than the Board of Supervisors, who shall serve so long as they are a member of the Board of Supervisors, shall be one year. Each member and alternate shall hold office from the first meeting of the ACTC Board after his or her appointment until a successor is selected, or until such member or alternate is no longer an elected official, whichever is first. Each member and alternate shall serve at the pleasure of the appointing body or person.
- (d) **Chairperson and Vice-Chairperson.** The ACTC Board will annually select a chairperson and vice-chairperson from among its members, by nomination and vote.
- (e) **Meetings of the ACTC Board.**
 - (i) **Regular Meetings.** The ACTC Board shall hold regular meeting each month, as determined by the ACTC Board; the Board may decide it is not necessary to

meet in any particular month. The date, hour and place at which each such regular meeting shall be fixed by the ACTC Board.

- (ii) **Special Meetings.** Special meetings of the ACTC Board may be called in accordance with applicable provisions of law.
- (iii) **Notice of Meetings.** All meetings of the ACTC Board shall be held subject to the provisions of the Ralph M. Brown Act, being sections 54950 et seq. of the Government Code, and other applicable laws of the State of California requiring notice of meetings of public bodies to be given.
- (iv) **Quorum.** A majority of the members of the ACTC Board, by numbers rather than voting power, shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time.
- (v) **Meeting Compensation.** The ACTC Board is authorized to fix a reasonable sum to be paid elected officials for attendance at ACTC Board and committee meetings and meetings of other agencies while on ACTC business. Such compensation shall cover mileage and other costs associated with meeting attendance.
- (f) **By-Laws.** The ACTC Board shall adopt from time to time such by-laws and/or administrative codes, rules or regulations for the conduct of its affairs as may be required. At a minimum the by-laws or administrative code shall include guidelines and procedures related to the finding of non-conformance with the Congestion Management Program.
- (g) **Technical Advisory Committee.** The Alameda County Transportation Advisory Committee ("ACTAC") will function as the technical advisory committee to the ACTC. The ACTAC shall be composed of: one staff representative of ACTC, who shall serve as chair of the ACTAC; one staff representative of each city and the County; one staff representative of each Transit Operator; and one staff representative each of MTC; Caltrans and BAAQMD. The ACTC Board may add additional representatives to ACTAC. Each representative shall have one vote. A majority of the members shall constitute a quorum for the conduct of business. Staff representatives for Local Agencies are expected to be selected from the public works and planning departments. ACTAC may form subcommittees as necessary.
- (h) **Citizens' Watchdog Committee.** The Citizens' Watchdog Committee as described in the Alameda County 2000 Transportation Expenditure Plan shall be appointed as and have the powers specified in that Plan regarding the expenditure of ACTIA funds.
- (i) **Other Committees.** The ACTC Board may establish standing and special committees, which may include members of the Board, representatives of other agencies, and/or members of the public as necessary to accomplish its responsibilities under this Agreement.

11. POWERS. The ACTC is hereby authorized in its own name to perform all acts necessary for the exercise of said powers including but not limited to the following:

- (a) To make and enter into contracts;
- (b) To apply for and accept grants, advances and contributions;
- (c) To employ or contract for the services of agents, employees, consultants and such other persons or firms as it deems necessary;
- (d) To make plans and conduct studies and to review, recommend or adopt revisions or amendments thereto to the extent allowed by law;
- (e) To acquire, construct, manage, maintain, operate and control any building, transportation services, public or private works or improvements necessary to perform its functions under this Agreement;
- (f) To acquire, hold or dispose of property necessary to perform its functions under this Agreement, including the power to acquire property by eminent domain to the extent allowed by state law;
- (g) To sue and be sued in its own name;
- (h) To incur debts, liabilities or obligations, subject to limitations herein set forth;
- (i) To levy and collect fees and charges, including administrative and operating costs, as provided in this Agreement or by law, against all entities to which the law applies, both signatory and non-signatory to this Agreement;
- (j) To adopt, as authorized by law, ordinances or resolutions necessary to carry out the purposes of this Agreement;
- (k) To seek regional, state and federal funding to assist in paying the cost of carrying out the duties described in this Agreement, including but not limited to preparing, adopting, amending, administering and implementing the Congestion Management Program, the programs and projects described in the Alameda County 2000 Transportation Expenditure Plan and activities described in this Agreement; and
- (l) To recommend, adopt and amend the Congestion Management Program to the extent allowed by law.
- (m) To exercise any and all other powers that may be exercised by members of ACTC.

12. VOTE REQUIRED. A majority of the voting power of those present and voting shall be required for all actions of the ACTC; except that a two-thirds vote of the total voting power shall be required to amend the Alameda County 2000 Transportation Expenditure Plan.

13. STAFFING. The ACTC may appoint and retain staff as necessary to fulfill its powers, duties and responsibilities under this Agreement, including but not limited to appointment of temporary or permanent staff and contracting with any Local Agency.

14. RESTRICTION UPON EXERCISE OF POWER OF ACTC. This Agreement is entered into under the provisions of Government Code section 6500 et seq. concerning joint powers agreements. The powers to be exercised hereunder shall be subject to the restrictions set forth herein. The manner of exercising powers granted ACTC by this Agreement shall be subject to the same restrictions as imposed upon the County of Alameda.

15. FUNDS, AUDIT AND ACCOUNTING SERVICES. Pursuant to the requirements of Section 6505.5 and 6505.6 of the Government Code, and prior to taking possession of any monetary assets from any predecessor agencies, ACTC shall appoint a finance manager, chief financial officer or similar employee of ACTC to be the depository and to have custody of all funds from whatever source, and to comply with the duties and responsibilities of the offices of treasurer and auditor as set forth in subdivisions (a) to (d), inclusive, of Section 6505.5.

There shall be strict accountability of all funds and the designated employee shall report to the ACTC Board all receipts and disbursements. In addition, the ACTC Board shall contract for an audit of the accounts and records at least annually as prescribed by section 6505 of the Government Code. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under section 26909 of the Government Code and the audit shall conform to generally accepted auditing standards.

16. DISPOSITION OF ACTC FUNDS UPON TERMINATION.

- (a) In the event of termination of the ACTC where there is a successor public entity which will carry on the activities of the ACTC and assume its obligations, ACTC funds, including any interest earned on deposits, remaining upon termination of the ACTC and after payments of all obligations shall be transferred to the successor public entity.
- (b) If there is no successor public entity which would carry on any of the activities of the ACTC or assume any of its obligations, ACTC funds, including any interest earned on deposits, remaining upon termination of the ACTC and after payment of all obligations, shall be returned in proportion to the contribution of each local jurisdiction during the term of this Agreement.

17. PROCEDURE FOR BECOMING A SIGNATORY TO THIS AGREEMENT.

Cities incorporated and transit agencies established after the effective date of this Agreement may become signatories to this Agreement by petition to the ACTC Board.

18. SPECIAL PROVISIONS. The signatories to this Agreement desire to continue levying a fee for the purpose of defraying the cost of preparing, maintaining, administering and implementing the Congestion Management Program, the Countywide Transportation Plan and other functions of the ACCMA. Therefore, by their signatures hereon, the

signatories delegate to the ACTC the power to levy such a fee upon the signatories for the purpose of defraying the costs of preparing, maintaining, administering and implementing the Congestion Management Program and other duties of the ACTC as specified in this Agreement. It is presumed that such fees will be paid from fuel tax subventions to local government, and/or any other funds available for the purpose. If a portion of all of the fees is to be paid from fuel tax subventions, the ACTC may request the State Controller to subvene those fees directly to the ACTC.

If fees are levied against Local Agencies, such fees shall be assigned based on the proportion the Local Agency's Proposition 111 fuel tax subventions bare to the total of Proposition 111 fuel tax subventions for all Local Agencies. If fees are levied against the Member Transit Operators, such fees shall be assigned to each Member Transit Operator according to an equitable formula.

Failure to provide its share of the adopted fee to the ACTC shall be deemed to constitute non-conformance with the requirements of the Congestion Management Program for the affected Local Agency. The ACTC shall notify the State Controller of the Local Agency's non-conformance.

- 19. AMENDMENTS.** This Agreement may be amended by the affirmative vote of the Board of Supervisors and a majority of the cities representing a majority of the population.
- 20. NOTICES.** All notices to agencies shall be deemed to have been given when mailed to the governing body of each member agency.

IN WITNESS WHEREOF, each agency has executed approval of this Agreement and filed said approval with the Clerk of the County of Alameda. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which counterparts together shall constitute one and same instrument.

**ALAMENDA COUNTY CONGESTION MANAGEMENT AGENCY
AMENDMENT**

1. Section 10.a of the Congestion Management Agency (CMA) Agreement is revised to read in full as follows:

a. Board

The CMA shall be governed by a board which shall exercise all powers and authority on behalf of the CMA.

The CMA board shall include each of the members then serving on the Board of the Alameda County Transportation Commission ("ACTC"), which, as set forth in the joint powers agreement creating the ACTC, includes the following members along with their respective voting power:

- (i) Each member of the Alameda County Board of Supervisors who shall each have one vote, except that at each Board meeting, the Supervisor actually present at the meeting with the longest service on the Board of Supervisors shall have two votes;
- (ii) Two members representing the City of Oakland, with the member with the longest service on ACTC (or previously on CMA or ACTIA) having three votes and the other member having one vote;
- (iii) One member representing the City of Fremont and one member representing the City of Hayward, each of whom shall have two votes;
- (iv) Eleven members each representing one of the other 11 Cities in Alameda County, each of whom shall have one vote; and
- (v) One representative of BART and one representative of AC Transit, each of whom shall have one vote.
- (vi) Notwithstanding the foregoing, only members of bodies who have paid or allocated the fees set by the ACTC Board shall be entitled to be members of the ACTC Board.

The CMA board is empowered to establish its own procedures. The board may do any and all things necessary to carry out the purposes of this Agreement.

2. Section 10.b of the CMA Agreement is revised to read in full as follows:
 - b. Alternates. The alternates for each member of the CMA Board shall be the alternates then appointed for each member of the ACTC Board, and shall vote as set forth in the ACTC joint powers agreement.
3. The following sentences are added at the end of Section 19 of the CMA Agreement:

The CMA board shall have the power to dissolve the CMA and designate ACTC as its successor when the CMA board determines, in its discretion, that such dissolution is appropriate. Upon any such termination, all remaining CMA funds after payments of all obligations, including any interest earned on deposits, shall be transferred to ACTC.



VEHICLE REGISTRATION FEE

EXPENDITURE PLAN

Proposed DRAFT Evaluation and Decision Framework

April 12, 2010

Program Category	Modes Benefiting	Evaluation Criteria		
		Relationship to Fee Payer	Degree of Public Support (including polling and public workshops)	Leverages Funds for Alameda Countywide Programs*
<p>Local Road Improvement and Repair</p> <p>This program would provide funding for rehabilitation, maintenance and operations for local roads and traffic signals. It would also incorporate "complete streets"—a concept that makes local roads safe for all users in mind, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Eligible projects may include:</p> <ul style="list-style-type: none"> • Street repaving and rehabilitation • Traffic signal maintenance and upgrades • Signing and striping for crosswalks and bicycle lanes • Sidewalk repair and installation • Curbs, gutters and drains • Bus stop improvements, including bus pads, turnouts and striping • Improvements to freight rail/local road crossings, including grade separations • Improvements to roadways with designated truck routes or transit service ☐ 	Autos and Trucks Bicycles Pedestrians Transit	<p>Strong: Drivers (fee payer) benefit from having roadways safely maintained and operating efficiently. Projects eligible under this program would help with needed maintenance, improve safety, and reduce occasional congestion and related air pollution that is created when incidents occur. All modes using roadways would benefit. It is difficult for vehicles (auto, truck, and buses) and bicycles to safely negotiate poorly maintained roadways (i.e. low pavement quality, faded striping and/or signal operation problems). Programs to monitor and maintain operations benefit the driver by identifying and mitigating recurring congestion problems.</p>		<ul style="list-style-type: none"> • Federal transportation funds • State gas tax subventions • State Proposition 1B • Measure B Half-Cent Sales Tax Program
<p>Local Transportation Technology</p> <p>This program would provide funding to improve the effectiveness and efficiency of the local transportation system using technology. It would accommodate emerging vehicle technologies, such as electric and plug-in-hybrid vehicles. Projects eligible may include:</p> <ul style="list-style-type: none"> • Development, installation, operations, monitoring and maintenance of smart corridors technology, such as traffic signal interconnection, transit and emergency vehicle priority, advanced traffic management systems and advanced traveler information systems • Projects on local roads to complement freeway management systems • Arterial operational improvements using advanced technology • Infrastructure for alternative vehicle fuels, such as electric/hybrid plug-in stations • New or emerging transportation technologies that improve the efficiency and effectiveness of the overall transportation system 	Autos and Trucks Bicycles Pedestrians Transit	<p>Strong: Drivers (fee payer) benefit from bicycle and pedestrian safety programs. This program is designed to increase bicycle and pedestrian use to reduce localized traffic congestion (such as in the vicinity of schools or in shopping areas) and related air quality impacts. The driver also benefits from safety improvements that reduce occasional congestion and related air pollution that is created when incidents occur. This program can also provide better access to transit, resulting in fewer drivers in congested corridors.</p>		<ul style="list-style-type: none"> • Federal transportation funds • State Environmental Enhancements and Mitigation • Regional Measure 2 • Measure B Half-Cent Sales Tax Program
<p>Transit Effectiveness and Efficiency</p> <p>This program would provide funding to make the existing transit system more efficient and effective, and improve peak hour access to schools and jobs. The goal of this program is to decrease automobile usage and thereby reduce congestion and air pollution. Eligible projects may include:</p> <ul style="list-style-type: none"> • Transit service expansion and preservation • Express bus service in congested corridors • Rapid bus or bus rapid transit planning and operations • Employer or school-sponsored transit pass (EcoPass) programs • Transit priority treatments on local roads • Park and ride lots • Clean transit vehicles • Low floor transit vehicles • Rail station access and capacity improvements 	Autos and Trucks Bicycles Pedestrians Transit	<p>Strong: Drivers (fee payer) benefit from effective and efficient transit service. Because transit currently carries a substantial number of peak hour work, school and shopping trips in congested corridors, transit can contribute to reducing traffic congestion and air pollution. Many regional transit riders drive to stations, so providing good access benefits those drivers. Transit service can be made more attractive with priority treatments, station access and faster-loading vehicles that help it operate more effectively and to attract more people away from driving. Cleaner vehicles can also reduce air pollution. Programs that encourage transit ridership can also be effective if offered by employers or schools as a way to reduce both corridor and site-related congestion.</p>		<ul style="list-style-type: none"> • Federal transportation funds • State Transportation Development Act/State Transit Assistance revenues • State Environmental Enhancements and Mitigation • Transportation Development Act, Article 3 • Measure B Half-Cent Sales Tax Program • AB 11 07 half-cent sales tax
<p>Bicycle and Pedestrian Safety</p> <p>This program would provide funding to improve the safety of bicyclists and pedestrians by reducing conflicts with motor vehicles and discourage driving in locally-congested areas such as transit hubs, schools, downtowns and other high activity locations. This also alleviates traffic congestion and related air quality impacts. It would also provide funding to improve bicycle and pedestrian safety on arterials and other locally-maintained roads, reducing occasional congestion and related air pollution that may occur with incidents. Eligible projects may include:</p> <ul style="list-style-type: none"> • Safe routes to schools • Greenways to schools, including programs to reduce congestion around schools for students, parents and teachers • Bicycle and pedestrian signals • Bicycle and pedestrian access to transit hubs • Bicycle and pedestrian safety on arterials and other locally maintained roads 	Autos and Trucks Bicycles Pedestrians Transit	<p>Strong: Drivers benefit from the introduction and utilization of new transportation technology. Programs that invest in roadway technology can improve overall traffic speeds on the corridor and reduce congestion at hot spots when they occur. One purpose of advanced systems technology programs is to intercept drivers before reaching congested hot spots and influence a driver's decision to choose a less congested route or use transit. Programs that support emerging "greener" transportation technologies (such as alternative fuel vehicles) can reduce air pollution.</p>		<ul style="list-style-type: none"> • Federal transportation funds • State Environmental Enhancements and Mitigation • State Proposition 1B
<p>Freeway Traffic Management</p> <p>This program would provide funding to optimize the operation of freeways by improving safety, efficiency and reliability of the facility. Eligible project may include:</p> <ul style="list-style-type: none"> • Freeway performance/integrated corridor management, development and operation • High-occupancy vehicle or high-occupancy toll lane development and operation 	Autos and Trucks Transit	<p>Strong: Drivers (fee payers) benefit from optimizing the speed, flow and capacity of freeway corridors. Operational techniques that manage existing freeway lanes more efficiently can improve overall traffic speeds on these corridors, reducing congestion that results when too much demand or traffic incidents occur. Management may also include providing techniques to improve speeds of transit vehicles on the freeways, providing an incentive for some drivers to use transit.</p>		<ul style="list-style-type: none"> • Federal transportation funds • State Environmental Enhancements and Mitigation • Regional Measure 2 • Measure B Half-Cent Sales Tax Program • HOT Lane Toll (if implemented)

Note: SB 83 requires that fees collected be used only to pay for programs and projects bearing a relationship or benefit to the owners of motor vehicles paying the fee and are consistent with a regional transportation plan. The bill also specifies leveraging funds, congestion mitigation or pollution mitigation, but defines these concepts broadly.

* Measure B, Congestion Management Plan, Countywide Transportation Plan, Alameda County Proposition 1B Projects and Programs