



# CALL AND NOTICE

## CALL AND NOTICE OF A SPECIAL MEETING OF THE ADMINISTRATIVE COMMITTEE OF THE ASSOCIATION OF BAY AREA GOVERNMENTS

As Chair of the Administrative Committee of the Association of Bay Area Governments (ABAG), I am calling a special meeting of the ABAG Administrative Committee as follows:

Special Joint Meeting with the MTC Planning Committee

Friday, June 9, 2017, 9:40 a.m.

Location:

Bay Area Metro Center  
Board Room  
375 Beale Street  
San Francisco, California

Committee Members:

Julie Pierce, Councilmember, City of Clayton—*Chair*  
David Rabbitt, Supervisor, County of Sonoma—*Vice Chair*  
Cindy Chavez, Supervisor, County of Santa Clara  
David Cortese, Supervisor, County of Santa Clara—*Ex officio*  
Pat Eklund, Councilmember, City of Novato  
Pradeep Gupta, Mayor, City of South San Francisco  
Scott Haggerty, Supervisor, County of Alameda  
Karen Mltchoff, Supervisor, County of Contra Costa  
Raul Peralez, Councilmember, City of San Jose  
Greg Scharff, Mayor, City of Palo Alto

*The ABAG Administrative Committee may act on any item on this agenda.*

*Agenda and attachments available at [abag.ca.gov/meetings/administrative.html](http://abag.ca.gov/meetings/administrative.html)*

*This meeting is scheduled to be webcast live at [abag.ca.gov/meetings/administrative.html](http://abag.ca.gov/meetings/administrative.html)*

*For information, contact Fred Castro, Clerk of the Board, at (415) 820 7913.*

### 1. CALL TO ORDER / ROLL CALL / CONFIRM QUORUM

### 2. ABAG COMPENSATION ANNOUNCEMENT

ABAG Administrative Committee INFORMATION

**ABAG Administrative Committee**

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**3. ABAG ADMINISTRATIVE COMMITTEE CONSENT CALENDAR**

ABAG Administrative Committee ACTION

- A. Approval of ABAG Administrative Committee Summary Minutes of Meeting on May 12, 2017**
- B. Approval of SFEP Annual Application to EPA National Estuary Program Funds**
- C. Ratification of Contract for Services with Ninyo and Moore**
- D. Adoption of Resolution No. 04-17 Authorizing Acceptance of U.S. EPA Community Wide Coalition Assessment Grant**
- E. Adoption of Resolution No. 05-17 Approving the Application for Grant Funds for California Climate Investments Urban Greening Program**
- F. Adoption of Resolution No. 06-17 Investment Policy**

**4. MTC PLANNING COMMITTEE CONSENT CALENDAR**

- A. Approval of MTC Planning Committee Summary Minutes of Meeting on May 12, 2017**

MTC Planning Committee APPROVAL

**5. MTC PLANNING COMMITTEE APPROVAL**

MTC Planning Committee APPROVAL

- A. MTC Resolution No. 4290—Regional Advance Mitigation Planning (RAMP) Program**
- B. MTC Resolution No. 4295—Federal Performance Target-Setting Requirements**

**6. REPORT ON PLAN BAY AREA 2040**

- A. Draft Plan Bay Area 2040—Summary of Public Input**

ABAG Administrative Committee INFORMATION / MTC Planning Committee INFORMATION

**7. PUBLIC COMMENT / OTHER BUSINESS**

ABAG Administrative Committee INFORMATION / MTC Planning Committee INFORMATION

**8. MTC PLANNING COMMITTEE ADJOURNMENT**

**9. ABAG ADMINISTRATIVE COMMITTEE CLOSED SESSION**

PUBLIC EMPLOYMENT

Title: Post Consolidation Legal Counsel

**10. ABAG ADMINISTRATIVE COMMITTEE—REPORT ON COMPENSATION OF POST CONSOLIDATION LEGAL COUNSEL**

ABAG Administrative Committee ACTION

**11. ABAG ADMINISTRATIVE COMMITTEE ADJOURNMENT / NEXT MEETING**

The next joint meeting of the ABAG Administrative Committee and MTC Planning Committee will be announced.

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Members of the public shall be provided an opportunity to directly address the ABAG Administrative Committee concerning any item described in this notice before consideration of that item.

Agendas and materials will be posted and distributed for this meeting by ABAG staff in the normal course of business.

Submitted:

/s/ Julie Pierce  
Chair, Administrative Committee

Date Submitted: June 6, 2017

Date Posted: June 7, 2017

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# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



ABAG

## AGENDA

### ADMINISTRATIVE COMMITTEE

Special Joint Meeting with the MTC Planning Committee

Friday, June 9, 2017, 9:40 a.m.

Location:

Bay Area Metro Center  
Board Room  
375 Beale Street  
San Francisco, California

Committee Members:

Julie Pierce, Councilmember, City of Clayton—*Chair*  
David Rabbitt, Supervisor, County of Sonoma—*Vice Chair*  
Cindy Chavez, Supervisor, County of Santa Clara  
David Cortese, Supervisor, County of Santa Clara—*Ex officio*  
Pat Eklund, Councilmember, City of Novato  
Pradeep Gupta, Mayor, City of South San Francisco  
Scott Haggerty, Supervisor, County of Alameda  
Karen Mltchoff, Supervisor, County of Contra Costa  
Raul Peralez, Councilmember, City of San Jose  
Greg Scharff, Mayor, City of Palo Alto

*The ABAG Administrative Committee may act on any item on this agenda.*

*Agenda and attachments available at [abag.ca.gov/meetings/administrative.html](http://abag.ca.gov/meetings/administrative.html)*

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*For information, contact Fred Castro, Clerk of the Board, at (415) 820 7913.*

#### 1. CALL TO ORDER / ROLL CALL / CONFIRM QUORUM

#### 2. ABAG COMPENSATION ANNOUNCEMENT

ABAG Administrative Committee INFORMATION

ABAG Clerk of the Board will give the ABAG compensation announcement.

**ABAG Administrative Committee**

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**3. ABAG ADMINISTRATIVE COMMITTEE CONSENT CALENDAR**

ABAG Administrative Committee ACTION

**A. Approval of ABAG Administrative Committee Summary Minutes of Meeting on May 12, 2017**

*Attachment: ABAG Administrative Committee Summary Minutes of May 12, 2017*

**B. Approval of SFEP Annual Application to EPA National Estuary Program Funds**

The Administrative Committee is requested to approve the annual ABAG/SFEP application for funds under the National Estuary Program and to authorize the Executive Director or designee to enter into a new agreement with EPA on behalf of the San Francisco Estuary Partnership to provide technical, public involvement and administrative support in implementing the Estuary Blueprint developed under EPA's Comprehensive Conservation and Management Plan program. The agreement term will be October 1, 2017-September 30, 2018.

*Attachment: Memo Application EPA National Estuary Program Funds*

**C. Ratification of Contract for Services with Ninyo and Moore**

The Administrative Committee is requested to ratify the agreement with Ninyo and Moore and to authorize the Executive Director, or designee, to enter into the agreement with Ninyo and Moore to provide environmental consulting services to conduct Phase I and Phase II Environmental Site Assessments for the East Bay Coalition Brownfields.

*Attachments: Memo Ratification Contract for Services with Ninyo and Moore; Contract for Services Ninyo and Moore; Memo Competitive Bid*

**D. Adoption of Resolution No. 04-17 Authorizing Acceptance of U.S. EPA Community Wide Coalition Assessment Grant**

*Attachments: Memo Community Wide Coalition Assessment Grant; Resolution No. 04-17*

**E. Adoption of Resolution No. 05-17 Approving the Application for Grant Funds for California Climate Investments Urban Greening Program**

*Attachments: Memo Urban Greening Program; Resolution No. 05-17*

**F. Adoption of Resolution No. 06-17 Investment Policy**

*Attachments: Memo Investment Policy; Resolution No. 06-17; MTC Resolution No. 4173 Revised Statement of Investment Policy; MTC Resolution No. 4173 Abstract*

**4. MTC PLANNING COMMITTEE CONSENT CALENDAR**

**A. Approval of MTC Planning Committee Summary Minutes of Meeting on May 12, 2017**

MTC Planning Committee APPROVAL

*Attachment: Joint Meeting MTC Planning Committee Summary Minutes May 12, 2017*

**ABAG Administrative Committee**

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**5. MTC PLANNING COMMITTEE APPROVAL**

MTC Planning Committee APPROVAL

**A. MTC Resolution No. 4290—Regional Advance Mitigation Planning (RAMP) Program**

Kenneth Kao, MTC, will report on an update on the RAMP Program efforts and proposed adoption of RAMP as the preferred mitigation strategy for the Bay Area.

*Attachments: MTC Resolution No. 4290; Handout BIA Letter June 5, 2017*

**B. MTC Resolution No. 4295—Federal Performance Target-Setting Requirements**

David Vautin and Shruti Han, MTC, will report on an overview of the federal performance target-setting requirements in MAP-21 and the FAST Act and will request authority to set future federal short-range targets to comply with statutory deadlines.

*Attachment: MTC Resolution No. 4295*

**6. REPORT ON PLAN BAY AREA 2040**

**A. Draft Plan Bay Area 2040—Summary of Public Input**

ABAG Administrative Committee INFORMATION / MTC Planning Committee INFORMATION

Ursula Volger, MTC, and Duane Bay, ABAG, will report on summary of comments from open houses, public hearings, and outreach to community-based organizations.

*Attachment: Draft PBA 2040 Summary of Public Input*

**7. PUBLIC COMMENT / OTHER BUSINESS**

ABAG Administrative Committee INFORMATION / MTC Planning Committee INFORMATION

**8. MTC PLANNING COMMITTEE ADJOURNMENT**

**9. ABAG ADMINISTRATIVE COMMITTEE—CLOSED SESSION**

PUBLIC EMPLOYMENT

Title: Post Consolidation Legal Counsel

**10. ABAG ADMINISTRATIVE COMMITTEE—REPORT ON COMPENSATION OF POST CONSOLIDATION LEGAL COUNSEL**

ABAG Administrative Committee ACTION

**ABAG Administrative Committee**

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**11. ABAG ADMINISTRATIVE COMMITTEE ADJOURNMENT / NEXT MEETING**

The next joint meeting of the ABAG Administrative Committee and MTC Planning Committee will be announced.

Submitted:

/s/ Brad Paul, Acting Secretary-Treasurer

Date Submitted: June 6, 2017

Date Posted: June 7, 2017



# SUMMARY MINUTES (DRAFT)

ABAG Administrative Committee Special Meeting  
Friday, May 12, 2017  
Bay Area Metro Center  
Yerba Buena Conference Room  
375 Beale Street  
San Francisco, California

## 1. CALL TO ORDER / ROLL CALL / CONFIRM QUORUM

ABAG President and Committee Chair Julie Pierce, Councilmember, City of Clayton, called the meeting of the Administrative Committee of the Association of Bay Area Governments to order at about 11:02 a.m.

A quorum of the Committee was present at about 11:02 a.m.

The Committee met jointly with the Planning Committee of the Metropolitan Transportation Commission.

### Members Present

Julie Pierce, Councilmember, City of Clayton—Chair  
Cindy Chavez, Supervisor, County of Santa Clara [arrived at about 11:26 a.m.]  
David Cortese, Supervisor, County of Santa Clara—Ex officio [arrived at about 11:26 a.m.]  
Pat Eklund, Councilmember, City of Novato  
Pradeep Gupta, Mayor, City of South San Francisco  
Scott Haggerty, Supervisor, County of Alameda  
Raul Peralez, Councilmember, City of San Jose  
Greg Scharff, Mayor, City of Palo Alto [arrived at about 10:01 a.m.]

### Members Absent

Karen Mltchoff, Supervisor, County of Contra Costa  
David Rabbitt, Supervisor, County of Sonoma—Vice Chair

### Staff Present

Brad Paul, ABAG Acting Executive Director  
Kenneth Moy, ABAG Legal Counsel  
Miriam Chion, ABAG Planning and Research Director

## 2. ABAG COMPENSATION ANNOUNCEMENT

Fred Castro, Clerk of the Board, made the compensation announcement.

The ABAG Administrative Committee next took up Item 4.A.

## 3. APPROVAL OF ABAG ADMINISTRATIVE COMMITTEE SUMMARY MINUTES OF MEETING ON APRIL 24, 2017

Chair Pierce recognized a motion by Greg Scharff, Mayor, City of Palo Alto, which was seconded by Pradeep Gupta, Mayor, City of South San Francisco, to approve the Administrative Committee summary minutes of the meeting on April 14, 2017.

The ayes were: Pierce, Chavez, Eklund, Gupta, Haggerty, Peralez, Scharff.

The nays were: None.

The abstentions were: None.

The absences were: Cortese, Mitchoff, Rabbitt.

The motion passed.

#### **4. MTC CONSENT CALENDAR**

##### **A. Approval of MTC Planning Committee Summary Minutes of Meetings on April 14, 2017**

The MTC Planning Committee approved its summary minutes of meetings on April 14, 2017.

#### **5. REPORT ON PLAN BAY AREA 2040**

##### **A. Public Hearing on the Draft Plan Bay Area 2040**

The MTC Planning Committee and ABAG Administrative Committee conducted a public hearing to receive oral comments on the Draft Plan Bay Area 2040.

Ken Kirkey, MTC Planning Director, reported on the Draft Plan Bay Area 2040.

Two additional public hearings are scheduled for Tuesday, May 16, 2017 from 6 p.m. to 8 p.m. in San Jose and Thursday, May 18, 2017 from 6 p.m. to 8 p.m. in Vallejo (see [PlanBayArea.org](http://PlanBayArea.org) for complete details, including meeting locations).

The public hearing began at about 11:14 a.m.

The following individuals gave public comment: David Zisser, Public Advocates; Stevi Dawson, 6 WINS and East Bay Housing Organization; Matt Vander Sluis, Greenbelt Alliance; Pedro Galvao, Non-Profit Housing Association of Northern California; Jack Fleck, 350 Bay Area; Mark Roest, SeaWave Battery, Inc., Green Fleets Group, and Design Earth; Theresa Hardy, Sierra Club; and Peter Cohen, San Francisco Council of Community Housing Organizations.

The public hearing ended at about 11:36 a.m.

Members discussed the public hearing schedule; data source used for income; housing action plan and Committee for Sustainable and Affordable Accommodations; regional government collaboration with local government and private sector; housing trust fund; general plan and housing element.

##### **B. Public Hearing on the Draft Environmental Impact Report for Plan Bay Area 2040**

The MTC Planning Committee and ABAG Administrative Committee conducted a public hearing to receive oral comments on the Draft Environmental Impact Report for Plan Bay Area 2040

Ken Kirkey, MTC Planning Director, and Heidi Tschudin, Tschudin Consulting Group, reported on the Draft Environmental Impact Report for Plan Bay Area 2040.

Two additional public hearings are scheduled for Tuesday, May 16, 2017 from 6 p.m. to 8 p.m. in San Jose and Thursday, May 18, 2017 from 6 p.m. to 8 p.m. in Vallejo (see [PlanBayArea.org](http://PlanBayArea.org) for complete details, including meeting locations).

The public hearing began at about 12:12 p.m.

The following individuals gave public comment: Bill Martin; Matt Vander Sluis, Greenbelt Alliance; and David Zisser, Public Advocates.

The public hearing ended at about 12:19 p.m.

Members discussed distribution of Priority Development Areas and Transit Priority Areas by County; buildable acreage; high density; and water authority and use.

**6. PUBLIC COMMENT / OTHER BUSINESS**

The following individuals gave public comment on items not on the agenda; Edward Mason; Ken Bukowski.

**7. MTC PLANNING COMMITTEE ADJOURNMENT**

The MTC Planning Committee meeting adjourned at about 12:22 p.m.

The ABAG Administrative Committee entered into Closed Session at about 12:30 p.m.

**8. ABAG ADMINISTRATIVE COMMITTEE CLOSED SESSION**

PUBLIC EMPLOYEE RELEASE

**9. ABAG ADMINISTRATIVE COMMITTEE CLOSED SESSION**

CONFERENCE WITH LABOR NEGOTIATORS

Agency designated representatives: Brad Paul, Acting Executive Director; Kenneth Moy, Legal Counsel; Courtney Ruby, Finance and Administrative Services Director; Marti Paschal, Interim Assistant Director of Administrative Services

Employee organization: SEIU Local 1021

The ABAG Administrative Committee returned to Open Session at about 12:47 p.m.

Chair Pierce reported that direction was given to staff and that there was no other reportable action out of Closed Session.

**10. ABAG ADMINISTRATIVE COMMITTEE ADJOURNMENT / NEXT MEETING**

Chair Pierce adjourned the meeting at about 12:47 p.m.

The next joint meeting of the ABAG Administrative Committee and MTC Planning Committee will be announced.

Submitted:

/s/ Brad Paul, Acting Secretary-Treasurer

Date Submitted: June 6, 2017

Date Approved:

*For information, contact Fred Castro, Clerk of the Board, at (415) 820 7913 or  
FredC@abag.ca.gov.*

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: June 6, 2017

To: ABAG Administrative Committee

From: Athena Honore  
Contract Manager, San Francisco Estuary Partnership

Subject: **Approval of SFEP Annual Application to EPA National Estuary Program Funds**

## Executive Summary

The San Francisco Estuary Partnership (SFEP) is one of 28 programs mandated under Section 320: National Estuary Program (NEP) of the Clean Water Act. The U.S. Congress appropriates funds each year for the NEP to be distributed through EPA. Each program is required to apply annually for the NEP funds. The funds are allocated equally to the 28 programs, for the fiscal year beginning October 1, 2017 each program will receive an estimated \$ 600,000. SFEP Director Caitlin Sweeney met with EPA Headquarters staff in Washington, D.C. earlier this month and received assurances that this year's funding will be provided.

ABAG/SFEP must provide a 50% project match. This year's match will come from MTC's in-kind coverage of overhead costs for SFEP staff, budgeted at \$791,283 for the FY 17-18 year.

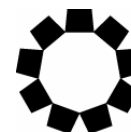
## Recommended Action

The Administrative Committee is requested to approve the annual ABAG/SFEP application for funds under the National Estuary Program and to authorize the Executive Director or designee to enter into a new agreement with EPA on behalf of the San Francisco Estuary Partnership to provide technical, public involvement and administrative support in implementing the Estuary Blueprint developed under EPA's Comprehensive Conservation and Management Plan program. The agreement term will be October 1, 2017-September 30, 2018.

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# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: June 6, 2017  
To: ABAG Administrative Committee  
From: Duane Bay  
Assistant Planning Director  
Subject: **Ratification of Contract for Services with Ninyo and Moore**

## Executive Summary

The US EPA awarded ABAG a \$550,000 Brownfields Community Wide Coalition Assessment grant BF-99T45501-0 as the lead coalition member of the East Bay Brownfields Assessment Coalition, a sub-group of the East Bay Corridor Initiative.

The purpose of the grant is to conduct Phase I and Phase II environmental assessments of high impact priority sites along the East 14<sup>th</sup> Street/ International and Mission Boulevards to confirm the presence or absence of contamination, advancing the reuse of and infill development on these sites. ABAG as the lead coalition member is responsible to EPA for management of the cooperative agreement and compliance with the statutes, regulations and terms and conditions of the award, and ensuring that all members of the coalition are in compliance with the terms and conditions.

Through a competitive process, the coalition members selected a consultant, Ninyo and Moore to conduct Phase I and Phase II Environmental Site Assessments for the grant funded project. We request ratification from the Executive Board for a new contract for services to fund the consultant, Ninyo and Moore for an amount not to exceed \$370,000 for a period of performance is May 1, 2016 through September 30, 2019.

## Recommended Action

The Administrative Committee is requested to ratify the agreement with Ninyo and Moore and to authorize the Executive Director, or designee, to enter into the agreement with Ninyo and Moore to provide environmental consulting services to conduct Phase I and Phase II Environmental Site Assessments for the East Bay Coalition Brownfields.

## Attachment

Contract for Services

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**ASSOCIATION OF BAY AREA GOVERNMENTS  
CONTRACT FOR SERVICES**

This contract is made and entered into effective May 1, 2017, by and between the Association of Bay Area Governments (ABAG), a public entity formed under the California Joint Exercise of Powers Act, Government Code Sections 6500, *et seq.* and Ninyo and Moore (Consultant), a corporation established in the State of California.

Funding Entity: US Environmental Protection Agency

Grant Agreement No.: 99T45501

Project Title: Brownfields Community Wide Coalition Assessment Program

Budget Expiration Date: September 30, 2019

**Agreement**

1. Retention of Consultant. ABAG agrees to engage Consultant and Consultant agrees to undertake, carry out, and complete in a satisfactory and proper manner certain work and services set forth in the attached Exhibit A, "Scope of Services," which is incorporated herein by this reference.
2. Time of Performance. Consultant shall begin performance of the services set forth in Exhibit A, as soon as possible after written notice to commence from ABAG. Such services shall be undertaken in such sequence as to assure their expeditious completion in the light of the purposes of this contract, but in any event all such services shall be completed by September 30, 2019.
3. Independent Consultant. Consultant renders services under this contract as an independent contractor. None of Consultant's agents or employees shall be agents or employees of ABAG, unless otherwise agreed to by ABAG.
4. Subcontractors. Consultant may not subcontract any of the services provided for under this contract without the express written approval of ABAG, which approval shall not be unreasonably withheld. Upon termination of any subcontract, ABAG shall be notified immediately.
5. Compensation Method and Payment Procedures.
  - (a) Maximum Amount. Consultant shall be compensated for all services to be rendered under this contract in a maximum sum not to exceed Three Hundred Seventy Thousand Dollars (\$370,000).

(b) Compensation Method. Consultant will be compensated for tasks and/deliverables in the amounts set for in Exhibit A for such tasks or deliverables. Consultant will not charge, and ABAG will not pay, any additional sums for such tasks or deliverables, except for allowed reimburseable costs.

(c) Reimburseable Costs. ABAG will not reimburse Consultant for expenses incurred by it in performing the services required under this contract.

(d) Invoicing Procedures. Consultant will be paid in arrears, based upon invoices submitted by Consultant to ABAG. Consultant will submit invoices for payment no more frequently than once monthly. ABAG will promptly review Consultant's invoices, approve or disapprove them for payment and submit approved invoices to Grantor. ABAG will pay Consultant within ten (10) working days after receipt from Grantor. Each invoice shall specify in detail progress made on each task and/or deliverable for which Consultant is requesting partial or full payment. For each task or deliverable for which Consultant is requesting partial payment, Consultant will affirmatively state that the task or deliverable will be completed for the amount, and within the time period, set forth in Exhibit A.

6. Termination.

(a) Termination for Cause. If, through any cause, Consultant fails to fulfill in timely and proper manner its obligations under this contract, or if Consultant shall violate any covenants, conditions, or stipulations of this contract, and should such failure or violation continue unremedied for a period of thirty (30) days after receipt of ABAG's written notice to Consultant specifying the details of such failure or violation, then ABAG may terminate this contract by giving not less than five (5) days prior written notice of such termination which specifies the effective date thereof. Upon termination under this paragraph, all unfinished or finished documents, data, studies, surveys, drawings, models, photographs, reports, and other materials prepared by Consultant this contract, shall, at the option of ABAG, become ABAG's property and Consultant shall be entitled to receive just and equitable compensation for satisfactory work completed to the date of termination. Notwithstanding the above, Consultant shall not be relieved of liability to ABAG for damages sustained by ABAG by virtue of any breach of the contract by Consultant, and ABAG may withhold any payment to Consultant for the purpose of set-off until such time as the exact amount of damage due ABAG from Consultant is determined.

(b) Termination for Convenience. ABAG may terminate this contract at any time by giving not less than thirty (30) days prior written notice of termination to Consultant which shall specify the effective date thereof. Upon termination under this paragraph, all finished or unfinished documents and other materials described in paragraph (a) shall at the option of ABAG become its property. If the contract is terminated by ABAG as provided in this paragraph, Consultant shall be paid for services actually performed at the rate set forth in Exhibit A; provided that, if this contract is terminated due to the fault of Consultant, only the paragraph relative to termination for cause shall apply.

7. Waiver. The waiver by a party of a breach by the other party of any provision of this contract shall not constitute a continuing waiver or a waiver of any subsequent breach either of the same or of a different provision of this contract.

8. Assignment. This contract shall not be assigned, transferred, hypothecated or pledged by Consultant or ABAG without prior written consent of the other party which consent shall not be unreasonably withheld; provided, however, that the foregoing provision will not apply to assignments by a party to an affiliate or subsidiary of the party making the assignment.
9. Amendment. This contract may only be amended by a writing signed by both parties.
10. Entire Agreement. This contract and the attachments hereto, comprise the entire agreement between the parties as to the services to be rendered under it. This contract supersedes any and all other contracts either oral or in writing between ABAG and Consultant with respect to the subject matter hereof and contains all of the covenants and contracts between the parties with respect to such matters. ABAG and Consultant acknowledge that no representations, inducements, promises or agreements, orally or otherwise, have been made to any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other contract, statement, or promise not contained in this contract shall be valid or binding.
11. Conflict of Interest. Consultant covenants that presently there is no interest, and none shall be acquired, direct or indirect, which conflicts in any material manner or degree with its performance of services as required under this contract. Consultant further covenants that in the performance of this contract, no person having any interest shall be employed by it.
12. Notices. Any notices, demands, or elections required or permitted to be given or made hereunder shall be in writing, and delivered, sent by facsimile, or sent by email as follows:

Association of Bay Area Governments  
375 Beale Street, Suite 700  
San Francisco, CA 94105-2066  
Attn: JoAnna Bullock  
Phone: 415 820-7968  
Fax: 415 660-3568  
Email: joannab@abag.ca.gov

Consultant  
Ninyo and Moore  
1956 Webster Street, Suite 400  
Attn: Kristopher Larson  
Phone: 510 343-3000, ext 15212  
Fax: 510 343-3001  
Email: klarson@ninyoandmoore.com

13. Binding on Heirs. This contract shall be binding upon the heirs, successors, assigns, or transferees of ABAG or Consultant, as the case may be. This provision shall not be construed as an authorization to assign, transfer, hypothecate or pledge this contract other than as provided above.

14. Prohibited Interest. Consultant's officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts.
15. Time of the Essence. Time is of the essence in this contract.
16. Uncontrollable Forces. If an event occurs that is beyond the control of a party to this contract, which prevents it from performing under this contract, neither party, as the case may be, will be considered to be in default; except the preceding condition will not apply to ABAG's obligation to make all payments when due as called for under this contract.

In addition, neither party will be liable to each other for damages or costs resulting from its failure to perform, when a failure of performance is due to an event which is beyond the control of the party affected by it (hereafter referred to as "uncontrollable forces"). The party affected by an uncontrollable force will promptly provide written notice to the other party describing the nature of the event; the length of time it is expected to continue; and the party's efforts (planned or under way) to overcome the affects of the event.

The term "uncontrollable force" as used in this Section means natural, operational and mechanical events that are not within the control of the party affected by the event, and which that party is unable to prevent or overcome. For example, these include, but are not limited to, occurrences such as acts of God, storms, floods, earthquakes, tornadoes; failure to receive needed information in a timely manner that will enable the performance of this contract; the necessity for making unscheduled, emergency repairs; labor disruptions; shortages, disruptions or shortages in the supply or transportation of materials and supplies; and acts of government authorities. Uncontrollable forces do not include economic events, like changes in market conditions or prices.

17. Records/Audit. Consultant shall keep complete and accurate books and records of all financial aspects of its relationship with ABAG in accordance with generally-accepted accounting principles. Consultant shall permit authorized representatives of ABAG and/or any of ABAG's governmental grantors to inspect, copy, and audit all data and records of Consultant relating to its performance of services under this contract. Consultant shall maintain all such data and records intact for a period of not less than three (3) years after the date that services are completed hereunder or this contract is otherwise terminated.
18. Headings. The descriptive headings used in this contract are for convenience only and shall not control or affect the meaning or construction of any of its provisions.
19. Governing Law. This contract will be construed and enforced in accordance with the laws of the State of California.
20. Resolution of Disputes. If a dispute arises between the parties regarding a provision contained in this contract, or a party's performance of its obligations as stated in the contract, or any other matter governed by the terms of the contract, the parties agree that such dispute will be resolved in the manner prescribed in this Section.

(a) Promptly upon the occurrence of the dispute, the aggrieved party will notify the other party in writing (the "Claimant's Statement"), setting forth in sufficient detail the basis for the dispute, the aggrieved party's position and its proposal for resolution of the dispute. Within ten (10) days following receipt of the Claimant's Statement, the other party will respond in writing (the "Responsive Statement") setting forth in sufficient detail the respondent's position and its proposal for resolution of the dispute.

(b) Within ten (10) business days after the aggrieved party's receipt of the Responsive Statement, the parties will meet and attempt in good faith to expeditiously negotiate a resolution to the dispute. In attendance for each party at that opening session and throughout the dispute resolution procedure described in this Section, will be a representative or representatives of each party who is authorized to act for the party and resolve the dispute without resort to higher authority. If the parties cannot reach a mutually acceptable solution within thirty (30) days after discussions begin, either party may refer the matter to arbitration in accordance with the rules of the American Arbitration Association.

(c) Negotiations undertaken pursuant to this Section will be deemed confidential as settlement discussions. Nothing said by a party, nor any position taken during the course of the negotiations, will be introduced as evidence by the opposing party in any subsequent litigation concerning the same or related transactions.

21. Hold Harmless, Indemnity and Waiver of Subrogation. To the fullest extent allowed by law, Consultant shall defend, indemnify, save harmless and waive subrogation against the Grantor, ABAG, the Cities of Oakland, San Leandro, Hayward and the County of Alameda and their respective members, officers and employees, and the owners of each property for which Consultant performs an environmental site assessment under this agreement (Indemnitees) against any and all liability, claims, losses, damages, or expenses, including reasonable attorneys' fees, arising from all acts or omissions to act of Consultant or its officers, agents, or employees in rendering services under this contract; excluding, however, such liability, claims, losses, damages or expenses resulting from an intentional act or sole negligence of an Indemnitee.

This section shall in no event be construed to require indemnification by Consultant to a greater extent than permitted under the public policy or laws of the State of California. These defense and indemnification obligations are undertaken in addition to, and shall not in any way be limited by, the insurance obligations set forth in this Attachment. These defense and indemnification obligations shall survive the termination or expiration of the contract for the full period of time permitted by law.

22. Insurance Requirements. Consultant shall maintain insurance as required by this contract to the fullest amount allowed by law and shall maintain insurance for a period of five (5) years following the completion of this project. Consultant shall provide a copy of section 21 of this contract and these insurance requirements to its insurance broker or insurer to confirm compliance. In the event Consultant fails to obtain or maintain completed operations coverage as required by this agreement, ABAG, at its sole discretion, may purchase the coverage required and the cost will be paid by Consultant. The limits of insurance required in hereunder may be satisfied by a combination of primary and umbrella or excess insurance. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that

such coverage shall also apply on a primary and non-contributory basis for the benefit of the Indemnites (if agreed to in a written contract or agreement) before the any Indemnitee's own Insurance or self-insurance shall be called upon to protect it as a named insured.

(a) Minimum Scope of Insurance. Coverage shall be at least as broad as:

Insurance Services Office Commercial General Liability coverage (occurrence Form CG 0001).

Insurance Services Office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).

Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

Errors and Omissions Liability insurance appropriate to the Consultant's profession. Architects' and engineers' coverage is to be endorsed to include contractual liability.

(b) Minimum Limits of Insurance. Consultant shall maintain limits no less than:

General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.

Employer's Liability: \$1,000,000 per accident for bodily injury or disease.

Errors and Omissions Liability: \$1,000,000 per claim/aggregate.

(c) Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by ABAG. The insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the Indemnites; or the Consultant shall satisfy any such deductibles or self-insured retentions. In addition, policies containing any self-insured retention (SIR) provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or any of the Indemnites.

(d) Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

(i) The Indemnites( as defined and identified in section 21) are to be covered as additional insureds as respects: liability arising out of work or operations performed by or on behalf of Consultant; completed operations; or automobiles owned, leased, hired or borrowed by Consultant.

(ii) For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the Indemnites.

(iii) Any insurance or self-insurance maintained by the Indemnites shall be excess of Consultant's insurance and shall not contribute with it.

(iv) Except for General Liability and Automobile Liability, each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty(30) days' prior written notice by certified mail, return receipt requested, has been given to ABAG. For General Liability and Automobile Liability, Consultant shall provide ABAG with thirty (30) day's prior notice of cancellation by either the insurer or Consultant.

(v) Coverage shall not extend to any defense or indemnity coverage for the active negligence of the Indemnitees in any case where an agreement to defend and indemnify the Indemnitees would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

(e) Other Insurance Provisions – Workers Compensation. The Workers Compensation insurance shall be endorsed to waive subrogation against the Indemnitees.

(f) Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to ABAG.

(g) Verification of Coverage. Consultant shall furnish the ABAG with original certificates and amendatory endorsements effecting coverage required by this clause. All certificates and endorsements are to be received and approved by ABAG before work commences. ABAG reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

23. Severability. Should any part of this contract be declared unconstitutional, invalid, or beyond the authority of either party to enter into or carry out, such decision shall not affect the validity of the remainder of this contract, which shall continue in full force and effect; provided that, the remainder of this contract can, absent the excised portion, be reasonably interpreted to give effect to the intentions of the parties.

24. Other Contract Provisions. The Grant requires ABAG to include certain terms, conditions or requirements in this contract, which are set forth in Exhibit B, and incorporated by this reference. Consultant is responsible for determining which, if any, of these terms, conditions or requirements applies to Consultant's provisions of services under this contract.

IN WITNESS WHEREOF, the parties have executed this contract on the dates set forth below.

Dated: \_\_\_\_\_

Ninyo and Moore:

\_\_\_\_\_  
Kristopher Larson, Principal Geologist

Dated: \_\_\_\_\_

Association of Bay Area Governments:

\_\_\_\_\_  
Brad Paul, Acting Executive Director

Approved as to Legal Form and Content:

\_\_\_\_\_  
Kenneth K. Moy, Legal Counsel



## **EXHIBIT A SCOPE OF SERVICES**

The USEPA grant awarded to ABAG will fund an estimated 20 Phase I and four Phase II environmental site assessments of suspected brownfield sites, implementing an integrated regional and local strategy for environmental, social and economic sustainability.

The consultant will prepare a Quality Assurance Project Plan (QAPP) and Sampling and Analysis Plans (SAPS), assist with reporting requirements, conduct Phase I and Phase II environmental site assessments (ESA) and develop Analyses of Brownfield Cleanup Alternatives (ABCA), as needed.

The East Bay Coalition Partners consisting of a representative from the Cities of Oakland, San Leandro, Hayward and the County of Alameda, will develop an inventory of potential sites and select sites from the list for Phase I or Phase II ESAs. The East Bay Coalition Partners will pursue securing Site Access Agreements and once agreements are executed, public and privately owned sites will be assessed. The consultant will submit a work order for each Phase I and Phase II ESA for approval prior to commencing work.

### **I. TASKS**

#### **Task 1 - Conduct Phase I Activities**

##### ***a. Task Description***

##### **Phase I Assessments:**

All Phase I environmental assessments will comply with EPA's All Appropriate Inquiries (AAI) Final Rule (American Society of Testing and Materials ((ASTM) ASTM E1527-13) and include a historical records search to determine ownership of a site, previous usage, and possible sources of contamination. Phase I assessments will also include a site visit, interviews, and in some cases, limited sampling and analysis.

Under this task, Phase I ESAs will be performed for an estimated twenty (20) sites. The Phase I ESAs will comply with the All Appropriate Inquiries (AAI) rule promulgated under 40 CFR 312, Standard Practice for Environmental Site Assessment. Site eligibility analysis will be conducted and approved by EPA. Participants will complete consent for entry and provide site access. The consultant(s) will perform the work and prepare draft and final reports. Final reports will support further action, including the need for Phase II ESAs.

Inventorying brownfield properties will help determine properties that impinge on redevelopment opportunities because of constraints caused by contamination. The consultant will assist ABAG and East Bay Coalition partners prepare and submit candidate site information including Property Profile Forms to EPA for site eligibility approval.

*Task Activities:*

- *Coordinate with ABAG and East Bay Coalition*
- *Submit Work Order for each site identified and approved by ABAG and East Bay Coalition*
- *Perform Phase I ESAs*
- *Completion of Property Profile Forms and [AAI Checklist for Assessment Grant Recipients](#) for each Phase I completed under this grant*
- *Prepare Phase I ESA reports*

**b. Deliverables:**

- *Phase I (AAI) reports*
- *Updated AAI reports*
- *[AAI Checklist for Assessment Grant Recipients](#)*
- *[Property Profile forms](#)*

**Task 2 - Conduct Phase II Activities**

**a. Task Description**

**Site Investigations (Phase II):**

All American Society of Testing and Materials (ASTM E 1903-11) Phase II environmental assessments will include an investigation that includes sampling performed at the sites to confirm the location and identity of environmental hazards. The investigation may include a report of recommendations for cleanup alternatives. ABAG will provide EPA with a copy of the contractor's Unanticipated Discovery Plan. Also, ABAG will set aside a portion of the Phase II budget to conduct one or more, Analysis of Brownfields Cleanup Alternatives (ABCA). If the Phase II analysis shows remediation is necessary, an ABCA, and associated community involvement, will be needed for cleanup.

**Phase II Assessments:**

Based on Phase I recommendations, the consultant(s) will conduct Phase II Site ESAs for an estimated four sites to evaluate potential contamination.

Preparation of the Quality Assurance Project Plan and Sampling and Analysis Plans in accordance with EPA templates and to be approved by EPA prior to the start of field sampling

*Task Activities:*

- *Perform Phase II sampling and analysis.*
- *Coordinate with sub-contractors*
- *Prepare QAPP and SAPs*
- *Prepare Phase II reports*
- *Review work products*

**b. Deliverables**

- *ASTM Phase II reports*
- *QAPP and SAPs*

- *Remediation cost estimates, if needed*
- *Unanticipated Discovery Plan*

### **Task 3 – Reporting Activities**

#### a. Task description

The consultant will be responsible for inputting site assessment data into the USEPA Assessment, Cleanup & Redevelopment Exchange System (ACRES) database. This database will be updated quarterly.

#### **b. Deliverables**

- *Completed ACRES Quarterly Reports*

## **II. SCHEDULE**

The project start date will be the date that the agreement between ABAG and the consultant is fully executed and conditions prior to starting the work (insurance, business license, etc.) are met. The projected completion date of this grant project is September 30, 2019. Consultant will

## **III. BUDGET**

For this grant funded project, the following estimates constitute the cost basis for the budget

- \$8,000 per Phase I ESA
- \$50,000 per Phase II ESA
- \$5,000 per Analyses of Brownfield Cleanup Alternatives

The consultant will submit a work order for approval for each site assessment prior to commencing work.

**EXHIBIT B**  
**GRANT REQUIRED CONTRACT PROVISIONS**

**Assessment Terms and Conditions**  
**U.S. Environmental Protection Agency**  
**Brownfields Community Wide Coalition Assessment Program**  
**Cooperative Agreement #: BF-99T455-0**

**Association of Bay Area Governments/East Bay Coalition Brownfields Assessment**

**I. GENERAL FEDERAL REQUIREMENTS**

**NOTE: For the purposes of these Terms and Conditions the term “assessment” includes, eligible activities under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 104(k)(2)(A)(i) such as activities involving the inventory, characterization, assessment, and planning relating to brownfield sites as described in the EPA approved work plan.**

**A. Federal Policy and Guidance**

1. a. Cooperative Agreement Recipients: By awarding this cooperative agreement, EPA has approved the proposal for the Cooperative Agreement Recipient (CAR) submitted in the Fiscal Year 2016 competition for Brownfields assessment cooperative agreements.
- b. In implementing this agreement, the CAR shall ensure that work done with cooperative agreement funds complies with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 104(k). The CAR shall also ensure that assessment activities supported with cooperative agreement funding comply with all applicable Federal and State laws and regulations.
- c. The recipient must comply with Federal cross-cutting requirements. These requirements include but are not limited to, Disadvantaged Business Enterprise (DBE) requirements found at 40 CFR Part 33; OSHA Worker Health & Safety Standard 29 CFR 1910.120; the Uniform Relocation Act; National Historic Preservation Act; Endangered Species Act; and Permits required by Section 404 of the Clean Water Act; Executive Order 11246, Equal Employment Opportunity, and implementing regulations at 41 CFR 60-4; Contract Work Hours and Safety Standards Act, as amended (40 USC § 327-333) the Anti Kickback Act (40 USC § 276c) and Section 504 of the Rehabilitation Act of 1973 as implemented by Executive Orders 11914 and 11250.
- d. The CAR must comply with Davis-Bacon Act prevailing wage requirements and associated U.S. Department of Labor (DOL) regulations for all construction, alteration and repair contracts and subcontracts awarded with funds provided under this agreement. Activities conducted under assessment grants generally do not involve construction, alteration and repair within the meaning of the Davis-Bacon Act. The recipient must contact EPA's Project Officer if there are unique circumstances (e.g. removal of an underground storage tank or another structure and restoration of the site) which indicate that the Davis-Bacon Act applies to an activity

the CAR intends to carry out with funds provided under this agreement. The Agency will provide guidance on Davis-Bacon Act compliance if necessary.

## **B. Eligible Brownfields Site Determinations**

1.
  - a. The CAR must provide information to EPA about site-specific work prior to incurring any costs under this cooperative agreement for sites that have not already been pre-approved in the CAR's work plan by the EPA. The information that must be provided includes whether or not the site meets the definition of a brownfield site as defined in § 101(39) of CERCLA, whether the CAR is the potentially responsible party under CERCLA 107 and/or has defenses to liability.
  - b. If the site is excluded from the general definition of a brownfield, but is eligible for a property-specific funding determination, then the CAR may request a property-specific funding determination. In their request, the CAR must provide information sufficient for EPA to make a property-specific funding determination on how financial assistance will protect human health and the environment, and either promote economic development or enable the creation of, preservation of, or addition to parks, greenways, undeveloped property, other recreational property, or other property used for nonprofit purposes. The CAR must not incur costs for assessing sites requiring a property-specific funding determination by EPA until the EPA Project Officer has advised the CAR that the Agency has determined that the property is eligible.
2.
  - a. For any petroleum contaminated brownfield site that is not included in the CAR's EPA approved work plan, the CAR shall provide sufficient documentation to the EPA prior to incurring costs under this cooperative agreement which includes (refer to the latest version of EPA's *Proposal Guidelines for Brownfields Assessment Grants* dated October 2015 for discussion of this element) documenting that:
    - (1) a State, or EPA, has determined that the petroleum site is of relatively low risk, as compared to other petroleum-only sites in the State,
    - (2) the State, or EPA, determines there is "no viable responsible party" for the site;
    - (3) the State, , or EPA, determines that the person assessing or investigating the site is a person who is not potentially liable for cleaning up the site; and
    - (4) the site is not subject to any order issued under section 9003(h) of the Solid Waste Disposal Act.

This documentation must be prepared by the CAR or the State following contact and discussion with the appropriate petroleum program official. EPA will provide a "Petroleum Site Eligibility Form" for this documentation. EPA will also provide a "Hazardous Substance Site Eligibility Form" for sites contaminated with hazardous substances.

- b. Documentation must include (1) the identity of the State program official contacted, (2) the State official's telephone number, (3) the date of the

contact, and (4) a summary of the discussion relating to the state's determination that the site is of relatively low risk, that there is no viable responsible party and that the person assessing or investigating the site is not potentially liable for cleaning up the site. Other documentation provided by a State to the recipient relevant to any of the determinations by the State must also be provided to the EPA Project Officer.

- c. If the State chooses not to make the determinations described in 2.a. above, the CAR must contact the EPA Project Officer and provide the information necessary for EPA to make the requisite determinations.
- d. EPA will make all determinations on the eligibility of petroleum-contaminated brownfields sites located in California and on tribal lands (i.e., reservation lands or lands otherwise in Indian country, as defined at 18 U.S.C. 1151). Before incurring costs for these sites, the CAR must contact the EPA Project Officer and provide the information necessary for EPA to make the determinations described in 2.a. above.

## **II. GENERAL COOPERATIVE AGREEMENT ADMINISTRATIVE REQUIREMENTS**

### **A. Term of the Agreement**

1. The term of this agreement is three years from the date of award, unless otherwise extended by EPA at the CAR's request.
2. If after 18 months from the date of award, EPA determines that the CAR has not made sufficient progress in implementing its cooperative agreement, the recipient must implement a corrective action plan approved by the EPA Project Officer, or EPA may terminate this agreement for material non-compliance with its terms. For purposes of assessment grants, the recipient demonstrates "sufficient progress" when 35% of funds have been drawn down and obligated to eligible activities; for assessment coalition grants "sufficient progress" is demonstrated when a solicitation for services has been released, sites are prioritized or an inventory has been initiated if necessary, community involvement activities have been initiated and a Memorandum of Agreement (for Assessment Coalitions) is in place.
3. Assessment funding for an eligible brownfield site may not exceed \$200,000 unless a waiver has been granted by EPA. Following the granting of a waiver, funding is not to exceed \$350,000 at the site.

### **B. Substantial Involvement**

1. The EPA may be substantially involved in overseeing and monitoring this cooperative agreement.
  - a. Substantial involvement by EPA generally includes administrative activities such as monitoring, reviewing project phases, and approving substantive

terms included in professional services contracts.

- b. Substantial EPA involvement also includes brownfields property-specific funding determinations described in I.B. under *Eligible Brownfields Site Determinations* above. If the CAR awards a subaward for site assessment, the CAR must obtain technical assistance from EPA on which sites qualify as a brownfield site and determine whether the statutory prohibition found in section 104(k)(4)(B)(i)(IV) of CERCLA applies. This prohibition precludes the subrecipient from using EPA funds to assess a site for which the subrecipient is potentially liable under § 107 of CERCLA. (See Section II.C.3 for more information on subawards.)
  - c. Substantial EPA involvement may include reviewing financial and environmental status reports; and monitoring all reporting, record-keeping, and other program requirements.
  - d. EPA may waive any of the provisions in term and condition II.B.1. with the exception of property-specific funding determinations. EPA will provide waivers in writing.
2. Effect of EPA's substantial involvement includes:
- a. EPA's review of any project phase, document, or cost incurred under this cooperative agreement, will not have any effect upon CERCLA § 128 *Eligible Response Site* determinations or rights, authorities, and actions under CERCLA or any Federal statute.
  - b. The CAR remains responsible for ensuring that all assessments are protective of human health and the environment and comply with all applicable Federal and State laws.
  - c. The CAR and its subrecipients remain responsible for incurring costs that are allowable under 2 CFR Part 200 Subpart E.

### **C. Cooperative Agreement Recipient Roles and Responsibilities**

1. The CAR must acquire the services of a qualified environmental professional(s) to coordinate, direct, and oversee the brownfields assessment activities at a particular site, if they do not have such a professional on staff.
2. The CAR is responsible for ensuring that contractors and subrecipients comply with the terms of their agreements with the CAR, and that agreements between the CAR and subrecipients and contractors comply with the terms and conditions of this agreement.
3. Subawards are defined at 2 CFR 200.92. The CAR may not subaward to for-profit organizations. The CAR must obtain commercial services and products necessary to carry out this agreement under competitive procurement procedures as described in 2 CFR Part 200.317 through 200.326. In addition, EPA policy encourages awarding



subawards competitively and the CAR must consider awarding subawards through competition.

4. The CAR is responsible for assuring that EPA's Brownfields Assessment Grant funding received under this grant, or in combination with any other previously awarded Brownfields Assessment grant does not exceed the \$200,000 assessment grant funding limitation for an individual brownfield site. Waiver of this funding limit for a brownfields site must be approved by EPA prior to the expenditure of funding exceeding \$200,000. In no case may EPA funding exceed \$350,000 on a site receiving a waiver.
5. CARs expending funding from a community-wide assessment grant on a particular site must include such funding amount in any total funding expended on the site.
6. **Competency of Organizations Generating Environmental Measurement Data:** In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, the CAR agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, the CAR agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. The CAR shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at [http://www.epa.gov/fem/lab\\_comp.htm](http://www.epa.gov/fem/lab_comp.htm) or a copy may also be requested by contacting the EPA project officer for this award.

#### **D. Quarterly Progress Reports**

1. In accordance with EPA regulations 2 CFR Parts 200 and 1500 (specifically, 200.328 *monitoring and reporting program performance*), the CAR agrees to submit quarterly progress reports to the EPA Project Officer within thirty days after each reporting period. These reports shall cover work status, work progress, difficulties encountered, preliminary data results and a statement of activity anticipated during the subsequent reporting period, including a description of equipment, techniques, and materials to be used or evaluated. A discussion of expenditures and financial status for each workplan task, along with a comparison of the percentage of the project completed to the project schedule and an explanation of significant discrepancies shall be included in the report. The report shall also include any changes of key personnel concerned with the project.

Quarterly progress reports must clearly differentiate which activities were completed with EPA funds provided under the BF Assessment grant, versus any other funding source used to help accomplish grant activities.

In addition, the report shall include brief information on each of the following areas: 1) a comparison of actual accomplishments to the anticipated outputs/outcomes specified in the cooperative agreement work plan; 2) reasons why anticipated outputs/outcomes were not met; and 3) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs. The CAR agrees that it will notify EPA of

problems, delays, or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the cooperative agreement work plan.

2. The CAR must submit progress reports on a quarterly basis to the EPA Project Officer. Quarterly progress reports must include:
  - a. Summary and status of approved activities performed during the reporting quarter, summary of the performance outputs/outcomes achieved during the reporting quarter, a description of problems encountered or difficulties during the reporting quarter that may affect the project schedule and a discussion of meeting the performance outputs/outcomes.
  - b. An update on project schedules and milestones; including an explanation of any discrepancies from the approved workplan.
  - c. A list of the properties where assessment activities were performed and/or completed during the reporting quarter.
  - d. A budget recap summary table with the following information: current approved project budget; costs incurred during the reporting quarter; costs incurred to date (cumulative expenditures); and total remaining funds. The CAR should include an explanation of any discrepancies in the budget from the approved workplan.
3. The CAR must maintain records that will enable it to report to EPA on the amount of funds expended on specific properties under this cooperative agreement.
4. In accordance with 2 CFR 200.328 (d) (1), the CAR agrees to inform EPA as soon as problems, delays, or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the approved workplan.

#### **E. Property Profile Submission**

1. The CAR must report on interim progress (i.e., assessment started) and any final accomplishments (i.e., assessment completed, cleanup required, contaminants, Institution Controls, Engineering Controls) by completing and submitting relevant portions of the Property Profile Form using the Brownfields Program on-line reporting system, known as Assessment, Cleanup and Redevelopment Exchange System (ACRES). The CAR must enter the data in ACRES as soon as the interim action or final accomplishment has occurred, or within 30 days after the end of each reporting quarter. EPA will provide the CAR with training prior to obtaining access to ACRES. The training is required to obtain access to ACRES. The CAR must utilize the ACRES system unless approval is obtained from the regional Project Officer to utilize and submit the Property Profile Form instead.

#### **F. Community Outreach**

The cooperative agreement recipient agrees to clearly reference EPA investments in the project during all phases of community outreach outlined in the EPA-approved work plan, which may include the development of any post-project summary or success materials that highlight achievements to which this project contributed. Specifically:

1. Public or Media Events  
The Recipient agrees to notify the EPA Project Officer listed in this award document of public or media events publicizing the accomplishment of significant events related to

construction projects as a result of this agreement, and provide the opportunity for attendance and participation by federal representatives with at least ten (10) working days notice.

2. Limited English Proficiency Communities

To increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to include in their outreach strategies communication in non-English languages. Translation costs for this purpose are allowable, provided the costs are reasonable.

3. Marketing Materials

If any document, fact sheet, and/or web material are developed as part of this cooperative agreement, then they shall include the following statement: "Though this project has been funded, wholly or in part, by EPA, the contents of this document do not necessarily reflect the views and policies of the EPA."

**G. Final Technical Cooperative Agreement Report with Environmental Results**

1. In accordance with EPA regulations 2 CFR Parts 200 and 1500 (specifically, 200.328 *monitoring and reporting program performance*), the CAR agrees to submit to the EPA Project Officer within 90 days after the expiration or termination of the approved project period a final technical report on the cooperative agreement and at least one reproducible copy suitable for printing. The final technical report shall document project activities over the entire project period and shall include brief information on each of the following areas: 1) a comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan; 2) reasons why anticipated outputs/outcomes were not met; and 3) other pertinent information, including, when appropriate, analysis and explanation of cost overruns or high unit costs. The CAR agrees that it will notify EPA of problems, delays, or adverse conditions which materially impair the ability to meet the outputs/outcomes specified in the cooperative agreement workplan.

### **III. FINANCIAL ADMINISTRATION REQUIREMENTS**

**A. Eligible Uses of the Funds for the Cooperative Agreement Recipient**

1. To the extent allowable under the work plan, cooperative agreement funds may be used for eligible programmatic expenses to inventory, characterize, assess, and conduct planning and outreach. Eligible programmatic expenses include activities described in Section IV of these Terms and Conditions. In addition, such eligible programmatic expenses may include:
  - a. Determining whether assessment activities at a particular site are authorized by CERCLA § 104(k);
  - b. Ensuring that an assessment complies with applicable requirements under Federal and State laws, as required by CERCLA § 104(k);

- c. Using a portion of the grant to purchase environmental insurance for the characterization or assessment of the site. Funds may not be used to purchase insurance intended to provide coverage for any of the Ineligible Uses under Section III.B.
- d. Any other eligible programmatic costs including direct costs incurred by the recipient in reporting to EPA; procuring and managing contracts; awarding and managing subawards to the extent allowable under III.B.2; and carrying out community involvement pertaining to the assessment activities.

## **B. Ineligible Uses of the Funds for the Cooperative Agreement Recipient**

1. Cooperative agreement funds shall not be used by the CAR for any of the following activities:
  - a. Cleanup activities;
  - b. Development activities that are not brownfields assessment activities (e.g., construction of a new facility);
  - c. Job training unrelated to performing a specific assessment at a site covered by the grant;
  - d. To pay for a penalty or fine;
  - e. To pay a federal cost share requirement (for example, a cost-share required by another Federal grant) unless there is specific statutory authority;
  - f. To pay for a response cost at a brownfields site for which the recipient of the grant or subaward is potentially liable under CERCLA § 107;
  - g. To pay a cost of compliance with any federal law, excluding the cost of compliance with laws applicable to the assessment; and
  - h. Unallowable costs (e.g., lobbying and fund raising) under 2 CFR Part 225 for state, local and tribal governments, as applicable.
2. Under CERCLA § 104(k) (4) (B), administrative costs are prohibited costs under this agreement. Prohibited administrative costs include all indirect costs under 2 CFR Part 225 for state, local and tribal governments, as applicable.
  - a. Ineligible administrative costs include costs incurred in the form of salaries, benefits, contractual costs, supplies, and data processing charges, incurred to comply with most provisions of the *Uniform Administrative Requirements, Cost Principles and Audit requirements for Federal Awards at 2 CFR 200 and 2 CFR 1500*. Direct costs for grant administration, with the exception of costs specifically identified as eligible programmatic costs, are ineligible even if the

grant recipient is required to carry out the activity under the grant agreement.

- b. Ineligible grant administration costs include direct costs for:
  - (1) Preparation of applications for brownfields grants;
  - (2) Record retention required under 2 CFR 1500.6;
  - (3) Record-keeping associated with equipment purchases required under 2 CFR 200.313;
  - (4) Preparing revisions and changes in the budgets, scopes of work, program plans and other activities required under 2 CFR 200.308;
  - (5) Maintaining and operating financial management systems required under 2 CFR 200.302;
  - (6) Preparing payment requests and handling payments under 2 CFR 200.305;
  - (7) Non-federal audits required under 2 CFR 200 Subpart F; and
  - (8) Close out under 2 CFR 200.343.
- 3. Cooperative agreement funds may not be used for any of the following properties:
  - a. Facilities listed, or proposed for listing, on the National Priorities List (NPL);
  - b. Facilities subject to unilateral administrative orders, court orders, and administrative orders on consent or judicial consent decree issued to or entered by parties under CERCLA;
  - c. Facilities that are subject to the jurisdiction, custody or control of the United States government except for land held in trust by the United States government for an Indian tribe; or
  - d. A site excluded from the definition of a brownfields site for which EPA has not made a property-specific funding determination.

### **C. Interest-Bearing Accounts and Program Income**

- 1. In accordance with 2 CFR 1500.7, the CAR is authorized to add program income to the funds awarded by the EPA and use the program income under the same terms and conditions of this agreement. Program income for the assessment CAR shall be defined as the gross income received by the recipient, directly generated by the cooperative agreement award or earned during the period of the award. Program income includes, but is not limited to, fees charged for conducting assessment, site characterizations, clean up planning or other activities when the costs for the activity is charged to this agreement.

2. The CAR must deposit advances of grant funds and program income (i.e. fees) in an interest bearing account.
  - a. For interest earned on advances, CARs are subject to the provisions of 2 CFR 200.305(b)(7)(ii) relating to remitting interest on advances to EPA on a quarterly basis.
  - b. Interest earned on program income is considered additional program income.
  - c. The CAR must disburse program income (including interest earned on program income) before requesting additional payments from EPA as required by 2 CFR 1500.8.

## **IV. ASSESSMENT ENVIRONMENTAL REQUIREMENTS**

### **A. Authorized Assessment Activities**

1. Prior to conducting or engaging in any on-site activity with the potential to impact historic properties (such as invasive sampling), the CAR shall consult with EPA regarding potential applicability of the National Historic Preservation Act and, if applicable, shall assist EPA in complying with any requirements of the Act and implementing regulations.

### **B. Quality Assurance (QA) Requirements**

1. When environmental data are collected as part of the brownfields assessment, the CAR shall comply with 2 CFR 1500.11 requirements to develop and implement quality assurance practices sufficient to produce data adequate to meet project objectives and to minimize data loss. State law may impose additional QA requirements.
2. In addition, the recipient must comply with the following QA requirements:
  - a. This grant includes the performance of environmental measurements, therefore, a QA Plan, a Sampling and Analysis Plan, or other comparable document covering QA activities, must be prepared before any sampling or cleanup activities at the site may begin. An example of a comparable document is a Sampling Plan approved by the state oversight authority. If the document submitted does not meet EPA's basic information requirements, an addendum or supplemental Sampling and Analysis Plan may be required before sampling work may begin. The recipient should consult with the Region 9 Quality Assurance Office at 415-972-3411 to determine if a QA document is required. The Quality Assurance Manager will determine what type of QA documentation would be most appropriate and what QA guidance should be followed if a document is required. The QA Plan must be approved by the EPA Project Officer, the Region 9 Quality Assurance Manager, and the recipient's Quality Assurance Officer before measurement activities are undertaken. Typically, measurement activities must be described by the type of media (soil, water, air), by the phase of the project (i.e.:

sampling backfill material, air monitoring during removal work, confirmation sampling), and by location.

- b. Emergency measurements may be taken without a QA Plan being prepared if the Region 9 Quality Assurance Manager agrees that the nature of the data collection activity required due to the emergency warrants an exemption and the recipient contacts the Quality Assurance Manager to obtain approval prior to beginning the sampling work. Contact the QA Office at 415-972-3411. In the event an unforeseen site condition arises during the cleanup work, changes or deviations to the type of contaminant sampled, methodology, or sample spacing, the recipient must contact the Quality Assurance Manager to determine if the Sampling and Analysis Plan must be amended before new work is initiated. If the change is such that a site hazard is created by a delay in the work, the recipient shall contact the Quality Assurance Manager to obtain approval prior to formally revising the document. Minor field deviations (i.e: slight location changes) should be noted in the final cleanup report, but do not require EPA approval.
- c. In general, a QAPP or Sampling and Analysis Plan will require approximately two to four weeks for the EPA Quality Assurance Manager to review and return comments. Documents generally require one revision and re-submittal. The re-submittal review time is typically two weeks.

### **C. Completion of Assessment Activities**

1. The CAR shall properly document the completion of all activities described in the EPA approved work plan. This must be done through a final report or letter from a qualified environmental professional, or other documentation provided by a State or Tribe that shows assessments are complete.

### **D. All Appropriate Inquiry**

1. As required by CERCLA § 104(k)(2)(B)(ii) and CERCLA § 101(35)(B), the CAR shall ensure that a Phase I site characterization and assessment carried out under this agreement will be performed in accordance with EPA's standard for all appropriate inquiries. The CAR shall utilize the practices in ASTM standard E1527-13 "Standard Practices for Environmental Site Assessment: Phase I Environmental Site Assessment Process," or EPA's All Appropriate Inquiries Final Rule "All Appropriate Inquiries Rule: Reporting Requirements and Suggestions on Report Content", (Publication Number: EPA 560-F-14-003). This does not preclude the use of grant funds for additional site characterization and assessment activities that may be necessary to characterize the environmental impacts at the site or to comply with applicable State standards.
2. All Appropriate Inquiries (AAI) final reports produced with funding from this agreement must comply with 40 C.F.R. Part 312 and must, at a minimum, include the information below. All AAI reports submitted to EPA Project Officers as deliverables under this agreement must be accompanied by a completed "All Appropriate Inquiries Final Rule: Reporting Requirements Checklist for Assessment Grant Recipients" (Publication Number: EPA 560-R-10-030) that EPA's Project Officer will provide to the recipient. The checklist also is available to grantees on the EPA website at [www.epa.gov/brownfields](http://www.epa.gov/brownfields).

- a. An ***opinion*** as to whether the inquiry has identified conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property.
  - b. An identification of ***“significant” data gaps*** (as defined in 40 C.F.R. 312.10), if any, in the information collected for the inquiry. Significant data gaps include missing or unattainable information that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property. The documentation of significant data gaps must include information regarding the significance of these data gaps.
  - c. ***Qualifications and signature*** of the environmental professional(s). The environmental professional must place the following statements in the document and sign the document:
    - *“[I, We] declare that, to the best of [my, our] professional knowledge and belief, [I, we] meet the definition of Environmental Professional as defined in §312.10 of this part.”*
    - *“[I, We] have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. [I, We] have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.”*

**Note: Please use either “I” or “We.”**
  - d. In compliance with §312.31(b), the environmental professional must include in the final report an ***opinion regarding additional appropriate investigation***, if the environmental professional has such an opinion.
3. EPA may review checklists and AAI final reports for compliance with the AAI regulation documentation requirements at 40 CFR part 312 (or comparable requirements for those using ASTM Standard 1527-13). Any deficiencies identified during an EPA review of these documents must be corrected by the recipient within 30 days of notification. Failure to correct any identified deficiencies may result in EPA disallowing the costs for the entire AAI report as authorized by 2 CFR 200.338 through 2 CFR 200.342. If a recipient willfully fails to correct the deficiencies the Agency may consider other available remedies under 2 CFR 200.342.

## **E. Completion of Assessment Activities**

1. The CAR shall properly document the completion of all activities described in the EPA approved work plan. This must be done through a final report or letter from a qualified environmental professional, or other documentation provided by a State or Tribe that shows assessments are complete.



## **V. CONFLICT OF INTEREST: APPEARANCE OF LACK OF IMPARTIALITY**

### **A. Conflict of Interest**

1. The CAR shall establish and enforce conflict of interest provisions that prevent the award of subawards that create real or apparent personal conflicts of interest, or the CAR's appearance of lack of impartiality. Such situations include, but are not limited to, situations in which an employee, official, consultant, contractor, or other individual associated with the CAR (affected party) approves or administers a grant or subawards to a subrecipient in which the affected party has a financial or other interest. Such a conflict of interest or appearance of lack of impartiality may arise when:
  - (i) The affected party,
  - (ii) Any member of his immediate family,
  - (iii) His or her partner, or
  - (iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the subrecipient.

Affected employees will neither solicit nor accept gratuities, favors, or anything of monetary value from subrecipients. Recipients may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by affected parties.

## **VI. PAYMENT AND CLOSEOUT**

### **A. Payment Schedule**

1. The CAR may request payment from EPA pursuant to 2 CFR 200.305.

### **B. Schedule for Closeout**

1. Closeout will be conducted in accordance with 2 CFR 200.343. EPA will close out the award when it determines that all applicable administrative actions and all required work of the grant have been completed.
2. The CAR, within 90 days after the expiration or termination of the grant, must submit all financial, performance, and other reports required as a condition of the grant.
  - a. The CAR must submit the following documentation:
    - (1) The Final Report as described in II.G. of the Assessment Terms and

Conditions.

(2) A Final Federal Financial Report (FFR - SF425). Submitted to:

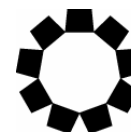
US EPA, Las Vegas Finance Center  
4220 S. Maryland Pkwy, Bld C, Rm 503  
Las Vegas, NV 89119  
Fax: (702) 798-2423  
<https://www.epa.gov/financial/grants>

(3) A Final DBE (MBE/WBE) Report (EPA Form 5700-52A). Submitted to the regional office.

- b. The CAR must ensure that all appropriate data has been entered into ACRES or all Property Profile Forms are submitted to the Region.
- c. The grantee must immediately refund to the Federal agency any balance of unobligated (unencumbered) cash advanced that is not authorized to be retained for use on other grants.

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: June 6, 2017

To: ABAG Administrative Committee

From: Duane Bay  
Assistant Planning Director

Subject: **2016 EPA Brownfields Assessment Grant—Competitive Bid Process**

The US EPA awarded ABAG a \$550,000 Brownfields Community Wide Coalition Assessment grant BF-99T45501-0 as the lead coalition member of the East Bay Brownfields Assessment Coalition, a sub-group of the East Bay Corridor Initiative that includes the Cities of Oakland, San Leandro, Hayward and the County of Alameda.

The purpose of the grant is to conduct Phase I and Phase II environmental site assessments (ESAs) of high impact priority sites along the East 14<sup>th</sup> Street/ International and Mission Boulevards to confirm the presence or absence of contamination, advancing the reuse of and infill development on these sites. ABAG as the lead coalition member is responsible to EPA for management of the cooperative agreement and compliance with the statutes, regulations and terms and conditions of the award, and ensuring that all members of the coalition are in compliance with the terms and conditions.

In collaboration with the coalition partners, ABAG developed a Request for Proposal seeking environmental engineering services. On January 23, 2017, ABAG made public a Request for Proposals (RFP) on the ABAG web site. On February 10, 2017, ABAG held a bidders conference at 375 Beale Street from 10:00 am to 11:30 am to answer questions concerning the RFP. Eighteen firms attended the conference.

On February 28, 2017, the RFP closed to the public. Thirteen proposals were received by ABAG and distributed to coalition partners. ABAG and coalition partners created a scoring sheet to screen the proposals and determine which consultants to interview. Four proposals received the highest scores and advanced in the competitive process.

ABAG and the coalition partners developed interview questions and interviews were conducted on April 17, 2017. Based on a number of factors including experience with EPA grants, conducting Phase I and Phase II ESAs, and previous work in the region, Ninyo and Moore were selected to conduct Phase I and Phase II Environmental Site Assessments for the grant funded project. An award letter was sent on April 20, 2017.

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# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: June 6, 2017

To: ABAG Administrative Committee

From: Duane Bay  
Assistant Planning Director

Subject: **Authorization to Accept US EPA Brownfields Community Wide Coalition Assessment Grant**

## Executive Summary

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or the Superfund law) was amended by the Small Business Liability Relief and Brownfields Revitalization Act (Brownfields Law) to include section 104(k), which provides federal financial assistance for brownfields revitalization, including grants for assessment, cleanup, and revolving loan funds.

The US EPA awarded ABAG a \$600,000 Brownfields Community Wide Coalition Assessment grant as the lead coalition member of the East Bay Brownfields Assessment Coalition, a sub-group of the East Bay Corridor Initiative.

The purpose of the grant is to conduct Phase I and Phase II environmental assessments of high impact priority sites within the City of Richmond, City of El Cerrito, and unincorporated Contra Costa County to confirm the presence or absence of contamination, advancing the reuse of and infill development on these sites. ABAG as the lead coalition member will be responsible to EPA for management of the cooperative agreement and compliance with the statutes, regulations and terms and conditions of the award, and ensuring that all members of the coalition are in compliance with the terms and conditions. The period of performance is October 1, 2017 through September 30, 2020. There are no required matching funds.

## Recommended Action

The Administrative Committee is requested to authorize acceptance of an EPA Brownfields Community Wide Coalition Assessment grant to conduct Phase I and Phase II environmental assessments within City of Richmond, City of El Cerrito, and unincorporated Contra Costa.

## Attachment

Resolution No. 04-17

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**ASSOCIATION OF BAY AREA GOVERNMENTS  
ADMINISTRATIVE COMMITTEE**

**RESOLUTION NO. 04-17**

**AUTHORIZING ACCEPTANCE OF U.S. EPA COMMUNITY WIDE COALITION  
ASSESSMENT GRANT**

**WHEREAS**, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or the Superfund law) was amended to provide federal financial assistance for brownfields revitalization, including grants for assessment, cleanup, and revolving loan funds; and

**WHEREAS**, the U.S. EPA awarded ABAG a \$600,000 Brownfields Community Wide Coalition Assessment grant as the lead coalition member of the East Bay Brownfields Assessment Coalition, a sub-group of the East Bay Corridor Initiative; and

**WHEREAS**, the funds awarded will be used to conduct Phase I and Phase II environmental assessments of high impact priority sites within City of Richmond, City of El Cerrito, and unincorporated Contra Costa County to confirm the presence or absence of contamination for the purpose of advancing the reuse of and infill development on these sites.

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 04-17**

**NOW, THEREFORE, BE IT RESOLVED**, that the Administrative Committee of the Association of Bay Area Governments hereby authorizes the Executive Director, or his designee, to execute all documents and take actions necessary to accept the U.S. EPA Community Wide Coalition Assessment grant funds.

The foregoing was adopted by the Administrative Committee this 9<sup>th</sup> day of June, 2017.

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Julie Pierce  
Chair

**Certification of Administrative Committee Approval**

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Administrative Committee of the Association at a duly called meeting held on the 9<sup>th</sup> day of June, 2017.

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Brad Paul  
Acting Secretary-Treasurer

**Approved as To Legal Form**

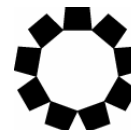
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Kenneth K. Moy  
Legal Counsel



# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: June 7, 2017

To: ABAG Administrative Committee

From: Duane Bay  
Assistant Planning Director

Subject: **Adoption of Resolution No. 05-17 Approving the Application for Grant Funds for the Urban Greening Grant Program**

## Executive Summary

The Association of Bay Area Governments (ABAG) and the San Francisco Estuary Partnership (SFEP) submitted a grant application May 1, 2017 to the California Natural Resources Agency Urban Greening Grant (UGG) Program, in partnership with the cities of Richmond and El Cerrito. The application for the *East Bay Corridors Green Street Connections Project* is a tangible product of local jurisdiction coordination through The East Bay Corridors Initiative CalEPA Bay Area Urban Greening Grant. ABAG has partnered with East Bay Corridor jurisdictions to provide technical assistance for green infrastructure planning and implementation.

The California Climate Investments' Greenhouse Gas Reduction Fund is the primary source of funding, and through fund mandates, the UGG Program is focused on projects that reduce greenhouse gases. The *Green Street Connections* project includes a mix of new class II bike lanes, tree-planting, and three stormwater-landscaped green infrastructure installations which will sequester carbon, capture excess stormwater, and create a contiguous green street corridor, improving bicycle and pedestrian safety to the El Cerrito del Norte BART Station and Ohlone Greenway. The project will add value to the existing inventory of planned multi-benefit stormwater strategies in the San Pablo Avenue corridor via of SFEP's [San Pablo Avenue Green Stormwater Spine](#).

As the lead grant applicant, ABAG must submit a resolution certifying the approval of the application prior to funding consideration. The \$1,223,885 requested for funding will primarily cover capital improvement expenditures with a cap of 25% for non-construction costs. The grant period is from January 2018 to May 2020.

**Adoption of Resolution No. 05-17**

June 7, 2017

Page 2

Recommended Action

The Administrative Committee is requested to adoption Resolution No. 05-17 approving the application for California Urban Greening Program grant funds for the *East Bay Corridors Green Street Connections Project*.

Attachment

Resolution No. 05-17

**ASSOCIATION OF BAY AREA GOVERNMENTS  
ADMINISTRATIVE COMMITTEE**

**RESOLUTION NO. 05-17**

**APPROVING THE APPLICATION FOR GRANT FUNDS FOR CALIFORNIA CLIMATE INVESTMENTS URBAN GREENING PROGRAM**

**WHEREAS**, the Legislature and Governor of the State of California have provided funds for the program shown above; and

**WHEREAS**, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

**WHEREAS**, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said application(s) to the State; and

**WHEREAS**, the applicant, if selected, will enter into an agreement with the State of California to carry out the Project.

**NOW, THEREFORE, BE IT RESOLVED**, that the Administrative Committee of the Association of Bay Area Governments hereby:

1. Approves the filing of an application for the *East Bay Corridors Green Street Connections Project*.
2. Certifies that applicant understands the assurances and certification in the application, and
3. Certifies that applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so, and
4. Certifies that it will comply with the provisions of Section 1771.5 of the State Labor Code, and
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable permits will have been obtained, and

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 05-17**

6. Certifies that applicant will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1, and
7. Appoints the Acting Executive Director, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

The foregoing was adopted by the Administrative Committee this 9<sup>th</sup> day of June, 2017.

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Julie Pierce  
Chair

**Certification of Administrative Committee Approval**

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Administrative Committee of the Association at a duly called meeting held on the 9<sup>th</sup> day of June, 2017.

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Brad Paul  
Acting Secretary-Treasurer

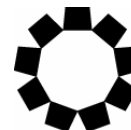
**Approved as To Legal Form**

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Kenneth K. Moy  
Legal Counsel

# ASSOCIATION OF BAY AREA GOVERNMENTS

Representing City and County Governments of the San Francisco Bay Area



**ABAG**

Date: June 7, 2017

To: ABAG Administrative Committee

From: Brad Paul  
Acting Executive Director

Subject: **Adoption of Resolution No. 06-17—Proposed Changes to ABAG’s Investment Policy**

## Executive Summary

As a result of the upcoming staff consolidation and the fact that after July 1<sup>st</sup>, the MTC finance department will be handling ABAG’s day to day finances, MTC has asked its governing board and the ABAG Administrative Committee to adopt new investment policy guidelines that acknowledge that MTC will now be handling ABAG’s bank accounts starting on July 1, 2017.

The attached memo from MTC staff to its board describes in more detail the proposed changes to both agencies investment policies and the reasons for them. ABAG staff recommends adoption of the proposed changes to the ABAG investment policy at the June Administrative Committee meeting in order to ensure a smooth transition.

## Recommended Action

The Administrative Committee is requested to adopt Resolution No. 06-17.

## Attachments

Resolution No. 06-17  
MTC Resolution No. 4173 Revised  
MTC Resolution No. 4713 Revised—Abstract

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**ASSOCIATION OF BAY AREA GOVERNMENTS  
ADMINISTRATIVE COMMITTEE**

**RESOLUTION NO. 06-17**

**INVESTMENT POLICY**

**WHEREAS**, the Association of Bay Area Governments (ABAG) is a joint powers entity created pursuant to Government Code §§ 6500 et seq. and serves as the Bay Area's Council of Governments; and

**WHEREAS**, ABAG has the responsibility to manage funds received in accordance with the provisions of Government Code §§ 53600 et seq. and a Statement of Investment Policy adopted pursuant to those statutory provisions; and

**WHEREAS**, pursuant to a Contract for Services (CS) between the Metropolitan Transportation Commission (MTC) and ABAG dated May 30, 2017, ABAG and MTC will be consolidating their respective staffs effective July 1, 2017; and

**WHEREAS**, pursuant to the CS, the consolidated staff will manage ABAG's finances in a manner that is compatible with ABAG's policies; and

**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 06-17**

**NOW, THEREFORE, BE IT RESOLVED**, that the Administrative Committee of the Association of Bay Area Governments hereby:

1. Authorizes MTC to open new and manage or close existing accounts with banks, financial institutions, and government pooled investment funds as needed in order to manage ABAG's cash and investments under MTC signatures utilizing ABAG's tax identification number.
2. Adopts the Statement of Investment Policy as set forth in Attachment A to this Resolution, attached hereto and incorporated herein as though set forth at length.
3. This Resolution shall take precedence over any prior Resolutions to the extent that they may conflict herewith or with Attachment A.

The foregoing was adopted by the Administrative Committee this 9<sup>th</sup> day of June, 2017.

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Julie Pierce  
Chair

**Certification of Administrative Committee Approval**

I, the undersigned, the appointed and qualified Secretary-Treasurer of the Association of Bay Area Governments (Association), do hereby certify that the foregoing resolution was adopted by the Administrative Committee of the Association at a duly called meeting held on the 9<sup>th</sup> day of June, 2017.

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Brad Paul  
Acting Secretary-Treasurer

**Approved as To Legal Form**

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Kenneth K. Moy  
Legal Counsel



**ASSOCIATION OF BAY AREA GOVERNMENTS  
RESOLUTION NO. 06-17**

**Attachment A**

**Statement of Investment Policy**

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METROPOLITAN  
TRANSPORTATION  
COMMISSION

Bay Area Metro Center  
375 Beale Street  
San Francisco, CA 94105  
TEL 415.778.6700  
WEB www.mtc.ca.gov

## *Memorandum*

TO: Administration Committee

DATE: June 7, 2017

FR: Executive Director

W. I. 15.2.1

RE: MTC Resolution No. 4173, Revised – Statement of Investment Policy

Attached is Resolution No. 4173, Revised, with the proposed revisions thereto. Currently, Resolution No. 4173, Revised, sets forth the formal comprehensive investment policy for Metropolitan Transportation Commission (MTC) funds and for funds delegated to MTC for administration by MTC, MTC Service Authority for Freeways and Expressways (SAFE), the Bay Area Toll Authority (BATA), the Bay Area Infrastructure Financing Authority (BAIFA), and the Bay Area Headquarters Authority (BAHA).

Two changes are being recommended to MTC's Statement of Investment Policy. The first change is to include the investment of funds for the Association of Bay Area Governments (ABAG), a separate joint powers authority, and its affiliated entities, for which MTC is accepting administrative responsibility for management of funds, effective July 1, 2017 pursuant to a contract for services between MTC and ABAG, dated May 30, 2017, along with the MTC, SAFE, BATA, BAIFA, and BAHA in accordance with the provisions of §53600 et seq. of the Government Code and the provisions of the attached investment policy. ABAG is also set to approve MTC's Statement of Investment Policy this month. The second change is to list the positions of authorized signers for financial accounts.

Staff recommends that the Committee refer Resolution No. 4173, Revised, to the Commission for approval.

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Steve Heminger

SH:bm  
Attachment

J:\COMMITTE\Administration\2017 by Month\06 Jun'2017\_Administration Committee\2f\_Reso-4173\_Statement-of-Investment\_Policy\_Memo.docx

DRAFT

Date: February 25, 2015  
W.I.: 15.2.1  
Referred by: Admin. Committee  
Revised: 02/24/16-C  
01/25/17-C  
06/28/17-C

## ABSTRACT

### Resolution No. 4173, Revised

This resolution authorizes the establishment of a new Statement of Investment Policy for the management of MTC funds. This resolution also accepts administrative responsibility for management of the funds of the MTC Service Authority for Freeways and Expressways (SAFE), the Bay Area Toll Authority (BATA), the Bay Area Infrastructure Financing Authority (BAIFA) and the Bay Area Headquarters Authority (BAHA), as delegated to MTC by MTC SAFE, BATA, BAIFA and BAHA; *and for the Association of Bay Area Governments (ABAG), a separate joint powers authority, and its affiliated entities, for which MTC is accepting administrative responsibility for management of funds, effective July 1, 2017 pursuant to a contract for services between MTC and ABAG, dated May 30, 2017.*

This resolution supersedes MTC Resolution No. 4115 and any other MTC resolutions to the extent that they may conflict with this policy.

Attachment A to this resolution was amended February 24, 2016 to renew the Statement of Investment Policy.

Attachment A to this resolution was amended January 25, 2017 to change the Statement of Investment Policy.

*This resolution was revised on June 28, 2017 to add ABAG to the Statement of Investment Policy, and Attachment A to this resolution was amended June 28, 2017 to change the Statement of Investment Policy.*

*Further discussion of these amendments is contained in the Executive Director's memoranda to the Administration Committee dated February 3, 2015, February 3, 2016, January 4, 2017, and June 7, 2017.*

Date: February 25, 2015  
W.I.: 15.2.1  
Referred by: Admin. Committee  
Revised: 06/28/17-C

RE: Establishment of a Statement of Investment Policy.

METROPOLITAN TRANSPORTATION COMMISSION

RESOLUTION NO. 4173

WHEREAS, the Metropolitan Transportation Commission (MTC) is the Regional Transportation Planning Authority for the San Francisco Bay Area pursuant to Government Code §§ 66500 *et seq.*; and

WHEREAS, the MTC has the responsibility to manage funds received in accordance with the provisions of Government Code §§ 53600 *et seq.* and a Statement of Investment Policy adopted pursuant to those statutory provisions; and

WHEREAS, the MTC Service Authority for Freeways and Expressways (MTC SAFE), created pursuant to Streets and Highways Code §§ 2250-2556; the Bay Area Toll Authority (BATA), created pursuant to Streets & Highways Code §§ 30950 *et seq.*; the Bay Area Headquarters Authority (BAHA), created pursuant to a Joint Exercise of Powers Agreement between MTC and BATA dated September 28, 2011, and the Bay Area Infrastructure Financing Authority (BAIFA) created pursuant to the joint exercise of powers between MTC and BATA dated August 1, 2006 have requested MTC to assume administrative responsibility for MTC SAFE, BATA, BAHA and BAIFA funds; and

*WHEREAS, MTC is accepting administrative responsibility for the Association of Bay Area Governments (ABAG), a separate joint powers authority, and its affiliated entities, for management of funds, effective July 1, 2017 pursuant to a contract for services between MTC and ABAG, dated May 30, 2017; and*

WHEREAS, MTC intends to manage all funds for which it is responsible pursuant to a single comprehensive investment policy; *and*

*WHEREAS, the ABAG Executive Board has authorized MTC to open new and manage or close existing accounts with banks, financial institutions, and government pooled investment funds as needed in order to manage ABAG's and all related entities cash and investments under MTC signatures utilizing ABAG's and all related entities' tax identification numbers; now therefore, be it*

RESOLVED, that MTC hereby adopts the Statement of Investment Policy as set forth in Attachment A to this Resolution, attached hereto and incorporated herein as though set forth at length; and, be it further

RESOLVED, Attachment A shall be applicable to all funds delegated to MTC; and, be it further

RESOLVED, that this Resolution No. 4173, as revised supersedes MTC Resolution No. 4115; and, be it further

RESOLVED, that MTC's Executive Director or Treasurer or both, as applicable, are directed to manage MTC funds and funds delegated to MTC's administrative responsibility in conformance with said policy; and, be it further

*RESOLVED, the MTC Commission authorizes MTC staff to open new and manage or close existing accounts with banks, financial institutions, and government pooled investment funds as needed in order to manage ABAG's and all related entities cash and investments under MTC signatures utilizing ABAG's and all related entities' tax identification numbers; and be it further*

RESOLVED, that this policy shall remain in effect unless modified by MTC; and, be it further

RESOLVED, that this Resolution shall take precedence over any prior MTC Resolutions to the extent that they may conflict herewith or with Attachment A.

METROPOLITAN TRANSPORTATION COMMISSION

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Jake Mackenzie, Chair

*The above resolution, revising and superseding the resolution approved on February 25, 2015 was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California, on June 28, 2017.*

Date: February 25, 2015  
W.I.: 15.2.1  
Referred by: Admin. Committee  
Revised: 02/24/16-C  
01/25/17-C  
06/28/17-C

Attachment A  
Resolution No. 4173  
Page 1 of 6

## Statement of Investment Policy

The Treasurer of the Metropolitan Transportation Commission (MTC) shall invest all funds over which MTC is administratively responsible, including those of MTC, MTC Service Authority for Freeways and Expressways (SAFE), the Bay Area Toll Authority (BATA), the Regional Administrative Facility Corporation (RAFC), the Bay Area Headquarters Authority (BAHA) the Bay Area Infrastructure Financing Authority (BAIFA), *and the Association of Bay Area Governments (ABAG) a separate joint powers authority, and its affiliated entities, for which MTC is accepting administrative responsibility for management of funds, effective July 1, 2017 pursuant to a contract for services dated May 30, 2017* in accordance with the provisions of §§ 53600 *et seq.* of the Government Code and the provisions of this investment policy.

### I. Prudent Investor Rule:

Funds shall be managed under the “prudent investor standard” which requires all agencies investing public funds to be trustees of those funds, and therefore, fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, a trustee shall act with care, skill, prudence and diligence under circumstances then prevailing, including, but not limited to, the general economic conditions and anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. All funds shall be invested within the following objectives, in order of priority:

1. Safety: Preservation and safeguard of capital.
2. Liquidity: Funds shall be invested in a manner consistent with operating needs of the agency.
3. Yield: Funds shall be invested to earn a secured and safe return without compromising the objectives of safety and liquidity.

### II. Permitted Investments:

Investments authorized under this policy shall be limited to:

- A. United States treasury notes, bonds or bills for which the full faith and credit of the United States are pledged for the payment of principal and interest.



- B. Bonds, notes, bills, warrants or obligations issued by an agency of the United States.
- C. Commercial Paper of “prime” quality of the highest ranking or of the highest letter and numerical rating provided by Moody’s Investor Services or Standard & Poor’s Corporation.

Eligible paper is further limited to issuing corporations organized and operating in the United States and having total assets in excess of five hundred million dollars (\$500,000,000) and having an “A” or higher rating for the issuers’ debt, other than commercial paper, if any, as provided by Moody’s Investor Services or Standard & Poor’s Corporation or the equivalent of other nationally recognized rating services that may be allowed by statute. Purchases shall not exceed 180 days maturity, 10% of the outstanding commercial paper of a single issuing corporation and 10% of the agency’s surplus money.

- D. Negotiable certificates of deposit issued by a nationally or State chartered bank, not to exceed 10% of surplus agency funds.
- E. Medium-Term notes of a maximum five years maturity issued by corporations meeting criteria in Section C, not to exceed 10% of agency’s surplus funds.
- F. Mutual funds registered with the Securities and Exchange Commission, having attained the highest letter and numerical ranking by at least two Nationally recognized statistical rating organizations. Such investments shall not exceed 20% of surplus funds, with no more than 10% invested in any single mutual fund.
- G. Local Agency Investment Fund (LAIF) as authorized by Government Code §§ 16429.1.
- H. The Alameda County Treasury local agency investment fund authorized under Government Code §§ 53684.
- I. Repurchase agreements collateralized by securities of the United States Government or an agency of the United States Government.
- J. Municipal Obligations issued by State or Local agencies:
  - a) Such bonds can include the obligations of the Bay Area Toll Authority and the Bay Area Infrastructure Financing Authority;
  - b) The maturity does not exceed 5 years from the date of purchase;
  - c) With regards to Municipal Obligations in the form of variable rate demand bonds, the obligations shall have mandatory investor tender rights supported by a third-party liquidity facility from a financial institution with short-term ratings of at least A-1 by S&P or P-1 by

Moody's. The maturity of these bonds shall be equivalent to the investor's tender option supported by the liquidity facility.

- K. All other investments authorized under §§ 53600 *et seq.* of the California Government Code as appropriate for public fund investments and not specifically prohibited by this policy.

III. Prohibited Investments:

In addition to any prohibited investments listed in California Code §§ 53601.6 and 53631.5, the following are specifically prohibited:

- A. Reverse repurchase agreements.
- B. Financial futures.
- C. Option contracts.
- D. Mortgage interest strips.
- E. Inverse floaters.
- F. Securities lending.
- G. Repurchase agreements purchased for "yield enhancement" purposes and not required for banking and liquidity purposes.
- H. Any investment that fails to meet credit or portfolio limits at the time of investment.

IV. Sales Prior to Maturity:

- A. The primary strategy of this investment policy is to "buy and hold" securities to maturity, however, a security may be sold prior to maturity if the sale is necessary to avoid further erosion of market value or meet operational or project liquidity needs. All sales prior to maturity shall be detailed in the investment report.
- B. A security whose market or credit quality falls outside the investment policy parameters after purchase may be held to maturity without violation of this policy provided the fact is disclosed in the investment report.

V. Investment Pools:

Investment pools operated by LAIF and Alameda County as permitted investments under Section II of this policy, whose portfolios contain specific securities not permitted under this policy, but none-the-less permitted under the law or approved investment policy of the respective pool, are permitted under this policy. The make-up of such portfolios shall be submitted as part of the investment report at least quarterly.

VI. Fund and Liquidity Levels:

- A. Funds for MTC, SAFE and BATA operating requirements shall be commingled for investment purposes. The liquidity level shall be

maintained in an appropriate manner but not less than:

<b><u>30</u></b>	<b><u>90</u></b>	<b><u>1</u></b>	<b><u>Maximum</u></b>
<b><u>Days</u></b>	<b><u>Days</u></b>	<b><u>Year</u></b>	<b><u>Weighted</u></b>
<b><u>10%</u></b>	<b><u>15%</u></b>	<b><u>30%</u></b>	<b><u>Maturity</u></b>
			<b>5 yrs</b>

The percentages within the 30 and 90 day counts are cumulative towards the one year minimum.

B. Reserve Funds:

Specifically designated reserve funds may have a maximum maturity of 40 years or less, provided each fund is clearly identified in the investment report.

C. All funds under management shall be combined for the purpose of evaluating credit and portfolio limits.

VII. Brokerage Firms:

Only firms meeting all of the following criteria shall be authorized to buy or sell securities:

- A. Firms licensed to conduct business as a broker-dealer under § 25004 of the Corporations Code, licensed and registered under the Securities Exchange Commission, a Federally or State chartered bank, or designated a “primary dealer” by the Federal Reserve Bank and with offices located in California.
- B. The firm must have a minimum rating of “A-” from a nationally recognized credit rating agency.
- C. Corporate assets or assets under management of at least fifty million dollars (\$50,000,000).
- D. Provided written certification that they received a copy of the approved policy.

VIII. Investment Management Services:

Only firms meeting all of the following criteria shall be authorized to manage investment funds.

- A. Firms licensed to conduct business as an investment advisor under § 25009 of the Corporations Code, licensed and registered under the Securities Exchange Commission.
- B. Firms licensed to conduct business as a Registered Investment Advisor under the Investment Advisors Act of 1940.

- C. Firms must have assets under management of at least five billion dollars (\$5,000,000,000) and the investment fund must be rated at least an “A”.
- D. Firms must provide certification of an annual audit or certification of internal cash controls (i.e. SAS 70 or equivalent) satisfactory to the Chief Financial Officer.
- E. Firms must have a minimum of 10 years experience of investment advisory experience in the public sector.
- F. Firms must carry errors and omission insurance of at least ten million dollars (\$10,000,000).
- G. Firms must provide written certification that they meet all of the above criteria.

IX. Safekeeping:

- A. All securities shall be maintained in a safekeeping account, independent from all broker accounts, with securities held in the name of the agency. Banks with independent “trust” or safekeeping departments shall qualify as independent safekeeping accounts.
- B. Safekeeping accounts shall be maintained with firms or banks with at least fifty million dollars (\$50,000,000) in trust and safekeeping accounts under management and a minimum rating in the “A” category from a nationally recognized rating service.
- C. The Treasurer or assignee designated by the MTC Executive Director is authorized to sign documents providing for the sale and purchase of securities, as well as all documents required to provide for safekeeping and trust.

X. Internal Controls:

The Treasurer shall be responsible for developing a system of internal controls that maintain appropriate records of all transactions as well as individual fund ownership of all investments and interest earnings and shall also be subject to the annual independent audit process.

XI. Investment Reports:

In accordance with § 53646 of the Government Code, at least quarterly, the Treasurer shall submit an investment report to the Executive Director who shall forward the report to agency Authority. The report shall detail all securities, par value, market value, maturity, liquidity and credit limit thresholds, as well as any sales prior to maturity, any securities no longer meeting policy standards, and any investment policy violations. Portfolio detail for LAIF, Alameda County or other authorized Government Investment Pools, shall be included on a quarterly basis.

XII. Financial Accounts:

Both the Executive Director and the Treasurer are required to sign documents to open financial accounts with banks, financial institutions and government pooled

investment funds as needed in order to manage MTC's investments as described within this investment policy; provided that all such accounts meet policy standards.

*XIII. Authorized Signers*

*The following positions are authorized to sign on MTC Accounts:*

*General Accounts:*

*Executive Director*

*Deputy Executive Director – Operations*

*Chief Financial Officer*

*Deputy Treasurer*

*Payroll:*

*Executive Director*

*Deputy Executive Directors – All*

*Chief Financial Officer*

*Deputy Treasurer*

*At least two signatures are required to transfer funds out of such accounts.*

*XIV. Renewal:*

*This investment policy shall be subject to review annually.*

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## Meeting Minutes - Draft

# Joint MTC Planning Committee with the ABAG Administrative Committee

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Friday, May 12, 2017

9:40 AM

Board Room - 1st Floor

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### 1. Roll Call / Confirm Quorum

**Present:** 8 - Chair Spring, Vice Chair Halsted, Commissioner Aguirre, Commissioner Connolly, Commissioner Haggerty, Commissioner Liccardo, Commissioner Pierce and Commissioner Cortese

Non-Voting Members Present: Commissioner Azumbrado and Commissioner Giacopini

Ex Officio Voting Members Present: Commission Chair Mackenzie and Commission Vice Chair Haggerty

Ad Hoc Non-Voting Members Present: Commissioner Josefowitz and Commissioner Worth

ABAG Administrative Committee Members Present: Chavez, Cortese, Eklund, Gupta, Haggerty, Peralez, Pierce, and Scharff.

### 2. ABAG Compensation Announcement - Clerk of the Board

### 3. ABAG Administrative Committee Approval of Summary Minutes

3a. [17-2482](#) ABAG - Minutes of the April 14, 2017 Meeting

**Action:** ABAG Administrative Committee Approval

**Attachments:** [3a\\_AC Minutes 20170414 Draft.pdf](#)

#### 4. Consent Calendar

Approval of the Consent Calendar

**Upon the motion by Vice Chair Halsted and second by Commissioner Aguirre, the Consent Calendar was approved by the following vote:**

**Aye:** 8 - Chair Spering, Vice Chair Halsted, Commissioner Aguirre, Commissioner Connolly, Commissioner Haggerty, Commissioner Liccardo, Commissioner Pierce and Commissioner Cortese

4a. [17-2483](#) MTC - Minutes of the April 14, 2017 Meetings

**Action:** MTC Planning Committee Approval

**Attachments:** [4ai\\_MTC\\_PLNG\\_Minutes\\_Apr\\_14\\_2017.pdf](#)  
[4aii\\_Joint\\_MTG\\_Minutes\\_Apr\\_14\\_2017.pdf](#)

#### 5. Information

5a. [17-2511](#) Public Hearing on the Draft Plan Bay Area 2040

The MTC Planning and ABAG Administrative committees will conduct a public hearing to receive oral comments on the Draft Plan Bay Area 2040. Two additional public hearings are scheduled for Tuesday, May 16, 2017 from 6 p.m. to 8 p.m. in San Jose and Thursday, May 18, 2017 from 6 p.m. to 8 p.m. in Vallejo (see PlanBayArea.org for complete details, including meeting locations).

**Action:** Information

**Presenter:** Ken Kirkey, MTC

**Attachments:** [5a\\_Public\\_Hearing-Draft\\_PBA2040.pdf](#)  
[5a\\_HANDOUT\\_Letter\\_on\\_PBA\\_Action\\_Plan\\_6WinsNPHGA7.pdf](#)  
[5a\\_Handout\\_Rec.during\\_MTG\\_Letter\\_on\\_PBA\\_Action\\_Plan\\_Jack\\_Fleck.pdf](#)

The following individuals spoke on this item:

Bill Martin;

David Zisser of Public Advocates;

Stevi Dawson of 6 WINS and East Bay Housing Organization;

Matt Vander Sluis of Greenbelt Alliance;

Pedro Galvao of Non-Profit Housing Association of Northern California;



Jack Fleck of 350 Bay Area;

Mark Roest of SeaWave Battery, Inc., Green Fleets Group, and Design Earth;

Theresa Hardy of the Sierra Club; and

Peter Cohen of the San Francisco Council of Community Housing Organizations.

**5b.**     [17-2512](#)     Public Hearing on the Draft Environmental Impact Report for Plan Bay Area 2040

The MTC Planning and ABAG Administrative committees will conduct a public hearing to receive oral comments on the Draft Environmental Impact Report. Two additional public hearings are scheduled for Tuesday, May 16, 2017 from 6 p.m. to 8 p.m. in San Jose and Thursday, May 18, 2017 from 6 p.m. to 8 p.m. in Vallejo (see PlanBayArea.org for complete details, including meeting locations).

**Action:** Information

**Presenter:** Heidi Tschudin, Tschudin Consulting Group

**Attachments:** [5b\\_Public\\_Hearing-Draft\\_EIR-PBA2040.pdf](#)

The following individuals spoke on this item:

Bill Martin;

Matt Vander Sluis of Greenbelt Alliance; and

David Zisser of Public Advocates.

**6. Public Comment / Other Business**

Edward Mason was called to speak.

Ken Bukowski was called to speak.

**7. Adjournment / Next Meeting**

**The next meeting of the Planning Committee will be June 9, 2017, 9:30 a.m. at the Bay Area Metro Center, 375 Beale Street, San Francisco, CA.**

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METROPOLITAN  
TRANSPORTATION  
COMMISSION

**Agenda Item 5a**  
Bay Area Metro Center  
375 Beale Street  
San Francisco, CA 94105  
TEL 415.778.6700  
WEB [www.mtc.ca.gov](http://www.mtc.ca.gov)

## *Memorandum*

TO: Planning Committee

DATE: June 2, 2017

FR: Executive Director

W.I. 1515

RE: MTC Resolution No. 4290 - Regional Advance Mitigation Planning (RAMP) Program

### **Background**

Most large transportation projects require environmental mitigation as prescribed in each project's environmental document. These mitigation measures may include purchasing land or retaining land rights for certain affected species or activities. In the Bay Area, mitigation activities occur on a per-project basis, with each project individually satisfying its own mitigation purchase requirements. This may lead to increased project costs and a higher level of effort, with less environmental benefit because this piecemeal approach is not coordinated with other projects that may have the same or similar mitigation requirements.

Regional Advance Mitigation Planning (RAMP) is a mechanism by which transportation agencies can plan comprehensively for projects, reduce project costs, and accelerate project delivery, while achieving significant conservation benefits. Two years ago, following approval of Plan Bay Area, MTC and the Bay Area Program of the State Coastal Conservancy (SCC) sponsored an effort to consider the feasibility of a RAMP program in the Bay Area. This memo discusses the progress on RAMP and recommended next steps.

### **Development and Engagement**

In 2015, MTC staff worked with staff from the Nature Conservancy (TNC) and SCC (the "RAMP Team") to form a Technical Advisory Committee (TAC). The TAC included state and federal regulatory agencies, three Congestion Management Agency's (Contra Costa Transportation Authority (CCTA), Solano Transportation Authority (STA), and Santa Clara Valley Transportation Authority (VTA)) and the two approved habitat conservancies in the region. The RAMP team used the TAC to set the vision and goals, develop the tools and receive feedback on the framework. The team also formed a Stakeholder Advisors group consisting of regional organizations representing conservation, business, transportation and mitigation experts to provide advice and guidance on the direction of the program and to serve as a sounding board on ideas.

### **Framework and Pilots**

Last Fall, the Governor signed AB 2087 into law, which enables advance mitigation through approval of a new tool called a Regional Conservation Investment Strategy (RCIS). Entities that invest in conservation actions consistent with an approved RCIS will be able to receive assurances through a Mitigation Credit Agreement with California Department of Fish and Wildlife for advance mitigation. In other words, agencies that participate in RAMP by investing in a "conservation bank" will receive mitigation credit for their project; the "bank" will then use the investment to purchase or improve environmentally valuable properties in a more coordinated and strategic fashion, for instance focusing on wildlife corridors or watersheds in their entirety, rather than piecemeal.

Thanks to funding from the Bechtel Foundation, the team is testing the RCIS concept with two pilots in Santa Clara County and the East Bay (Contra Costa and Alameda counties). Both areas expressed interest given the recently-approved sales tax measures in Alameda and Santa Clara Counties. Voters approved VTA's measure and VTA is working with partners on an advance mitigation plan specific to the county. As the Contra Costa Sales tax measure failed last November, funding for RAMP is not readily available there, but CCTA remains engaged on the East Bay pilot.

### **Funding**

The RAMP team examined a number of options for establishing RAMP in the Bay Area. A self-sustaining funding arrangement is the preferred funding mechanism, where the RAMP account is funded through initial start-up. The program would purchase mitigation land/credits based on expected impacts from projects in the regional transportation plan. Once those projects complete the environmental process and identify mitigation values, the project would purchase the advance mitigation. Proceeds would then be re-deposited into the account to purchase further mitigation land/credits.

While the RAMP team has not yet identified a fund source for the initial start up, potential sources include local sales taxes, future State Transportation Improvement Program (STIP) funds, new transportation revenues, and statewide Advance Mitigation Program funds authorized by Senate Bill 1 (SB 1). The SB 1 funds are currently limited to Caltrans projects, though further enabling legislation may allow participation from regional programs.

### **Recommendations**

MTC staff believes that a RAMP Program for the Bay Area will improve how projects are delivered, produce cost savings through mitigation efficiencies and improve environmental benefits. As part of the development of *Plan Bay Area 2040* (PBA2040), staff incorporated RAMP into the Environmental Impact Report and propose it as a resilience action in the Draft PBA2040. Furthering the region's commitment, staff recommends the following actions:

- Adopt RAMP as the preferred mitigation strategy for the Bay Area, through the adoption of Plan Bay Area 2040 and MTC Resolution No. 4290;
- Direct staff to develop RAMP pilots, and engage with Caltrans, State Coastal Conservancy, and other partners on implementation strategies;
- Direct staff to examine funding options for a self-sustaining fund and to fund reasonable costs associated with implementation, conditioned on further Commission authorization and approval of future agency budgets or other processes; and
- Report back to the Planning Committee in 2018 on the status of the RAMP pilots and implementation.

Adopting RAMP as the preferred strategy does not preclude the use of other mitigation strategies where required or appropriate, particularly as RAMP is being developed.



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Steve Heminger

### **Attachment:**

- MTC Resolution No. 4290

SH:kk

J:\COMMITTEE\Planning Committee\2017\06\_PLNG\_June 2017\5a\_RAMP\_Res-4290.docx

Date: June 28, 2017  
W.I.: 1515  
Referred by: Planning

ABSTRACT

Resolution No. 4290

This resolution establishes the Regional Advance Mitigation Planning (RAMP) Program as the region's preferred mitigation strategy.

Discussion of this resolution is contained in the Executive Director's Memorandum to the Planning Committee dated June 2, 2017.

The resolution includes the following attachment:

Attachment A – Regional Advance Mitigation Planning (RAMP) Program List

Date: June 28, 2017  
W.I.: 1515  
Referred by: Planning

RE: Regional Advance Mitigation Planning (RAMP) Program as MTC's Preferred Mitigation Strategy

METROPOLITAN TRANSPORTATION COMMISSION

Resolution No. 4290

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 et seq.; and

WHEREAS, MTC has adopted and periodically revises, pursuant to Government Code Sections 66508 and 65080, a Regional Transportation Plan (RTP); and

WHEREAS, MTC, with the State Coastal Conservancy, formed a Technical Advisory Committee comprised of regulatory agencies and other stakeholders to examine the viability and framework for a Regional Advance Mitigation Planning (RAMP) Program; and

WHEREAS, the State of California enacted Assembly Bill 2087 (Statutes of 2016) into law, enabling advance mitigation through approval of Regional Conservation Investment Strategies (RCISs) with the California Department of Fish and Wildlife; and

WHEREAS, the State of California enacted Senate Bill 1 (Statutes of 2017) into law, setting aside \$120 million over four years to establish an Advance Mitigation Program administered by the California Department of Transportation; and

WHEREAS, MTC finds that the RAMP Program enables an efficient use of funding and will promote better project delivery and mitigation of project impacts identified in each project's environmental document; now, therefore, be it

RESOLVED, that MTC adopts the Regional Advance Mitigation Planning (RAMP) Program as the preferred mitigation strategy for the Bay Area; and be it further

RESOLVED, that MTC supports the establishment of a self-sustaining fund to implement the RAMP Program, conditioned on further Commission authorization and approval; and be it further

RESOLVED, that MTC supports the advance mitigation efforts developed through Regional Conservation Investment Strategies (RCISs) with the California Department of Fish and Wildlife, as identified in Attachment A.

METROPOLITAN TRANSPORTATION COMMISSION

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Jake Mackenzie, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California on June 28, 2017.

**Attachment A**  
**MTC Resolution No. 4290**

MTC Res. No. 4290  
Attachment A  
Adopted: 06/28/17-C

**Regional Advance Mitigation Planning (RAMP)**  
**June 2017**

**Program List**

<b>Regional Advance Mitigation Planning (RAMP)</b>	
Santa Clara County RAMP Pilot Program	Santa Clara County
East Bay RAMP Pilot Program	Alameda & Contra Costa Counties

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June 5, 2017

Hon. Jim Spering, Chair  
MTC Planning Committee  
Via email to [kkirkey@mtc.ca.gov](mailto:kkirkey@mtc.ca.gov)

**Re: Agenda Item 5a: MTC Resolution No. 4290 (RAMP)—Request for Clarifying Amendments**

Dear Chair Spering and Committee Members:

BIA|Bay Area appreciates the opportunity to comment on proposed Resolution 4290. We applaud the public policy goals underlying the proposed Resolution as identified in the June 2 staff report: “improve how projects are delivered, produce cost saving through mitigation efficiencies and improve environmental benefits.”

Because a properly structured RAMP program can advance these goals, we support MTC adopting RAMP as a preferred mitigation strategy. However, we believe that the Resolution as drafted is overbroad and respectfully suggest the language be amended to clarify that:

- RAMP is “a” preferred mitigation strategy rather than “the” preferred strategy. In light of the pilot status of RAMP, and the fact that the Regional Conservation Investment Strategies (RCISs) were only authorized in statute by AB 2087 last year, it is premature for MTC to declare RAMP “the” preferred mitigation strategy. We also note that even with respect to the CCTA pilot RAMP, there were significant differences between business/development and environmentalist stakeholders as to what “RAMP” means and how it should be structured in a transportation sales tax measure.
- The Resolution deals with transportation projects in the RTP. As drafted, the Resolution is not on its face limited with respect to type of project, planning document, or jurisdiction. Instead it broadly declares that RAMP is “the preferred mitigation strategy for the Bay Area.” We do not understand MTC’s intent to be so broad.
- Other types of mitigation are not precluded. Language in the staff report makes this point but the Resolution should also include this language.

We request that the Resolution be amended to make these clarifications as follows:

MTC Planning Committee  
June 5, 2017  
Page Two

RESOLVED, that MTC adopts the Regional Advance Mitigation Planning (RAMP) Program as ~~the~~ a preferred mitigation strategy for transportation projects in the Regional Transportation Plan Bay Area; and be it further

RESOLVED, that adopting RAMP as a preferred mitigation strategy does not require a transportation project to participate in a RAMP or a Regional Conservation Investment Strategy, nor does it preclude the use of other mitigation strategies; and be it further

Thank you,

A handwritten signature in black ink, appearing to read "Paul Campos". The signature is fluid and cursive, with the first name "Paul" being larger and more prominent than the last name "Campos".

Paul Campos  
Sr. Vice President & General Counsel  
[pcampos@biabayarea.org](mailto:pcampos@biabayarea.org)



## *Memorandum*

TO: Planning Committee

DATE: June 2, 2017

FR: Executive Director

W.I. 1212 and 1517

RE: MTC Resolution No. 4295 - Federal Performance Target-Setting Requirements

### **Background**

The Moving Ahead for Progress in the 21<sup>st</sup> Century Act, also known as MAP-21, was signed into law in 2012 and established a suite of new performance requirements for state Department of Transportation (DOTs), metropolitan planning organization (MPOs), and transit agencies. Over the past five years, the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) have been working through the rulemaking process to identify a set of performance measures that meet the requirements of the law. With these rules now coming into effect, agencies such as MTC will need to set short-range performance targets on a recurring basis and incorporate these short-range targets into their planning process – most notably, the Transportation Improvement Program (TIP) and the Regional Transportation Plan (RTP).

Under the final performance rules, MTC will be responsible for setting targets for each performance measure on an ongoing rolling basis. Each measure has its own schedule and cycle for target updates, meaning that ongoing collaboration with state, regional, and local partners will be essential. These performance targets will be fundamentally different from those in Plan Bay Area 2040 – focused solely on short-term transportation objectives defined by federal law. The complete list of measures, deadlines, and cycles for target-setting is shown in **Attachment B**.

### **Near-Term Deadlines for Target-Setting**

Staff is currently focused on setting the first set of targets for over two dozen different federally-identified measures, a process that will repeat on an annual basis going forward. This year, transit asset management and roadway safety are the priorities given July 1, 2017 and February 27, 2018 deadlines for federal compliance. The remaining 20 targets – on topics ranging from transit safety to air quality – will need to be set for the first time in spring or fall 2018.

While there are no direct funding impacts from an MPO's failure to achieve a given performance target, MPO target-setting and performance-based planning processes will be evaluated as part of the agency's triennial review. Given that targets are focused on one to four-year timeframes as specified by regulations, FHWA and FTA have advised transportation agencies to be realistic when setting targets, recognizing that financial constraints and other challenges may make it difficult to achieve aspirational targets. In this vein, staff recommends setting achievable targets focused on discrete short-term goals, in contrast to the ambitious, wide-ranging and long-term goals identified in Plan Bay Area 2040.

Federal requirements also mandate that MPOs report their targets to their respective state DOT and that MPOs quantify progress made towards targets in the context of their TIPs and RTPs. Rather than creating a new suite of performance monitoring reports, staff will be expanding the Vital Signs performance monitoring website to incorporate new short-range targets, as well as additional performance indicators. This will provide a greater level of transparency and build off our existing performance monitoring framework.

### **Delegated Authority for Target-Setting**

Unlike MTC's past target-setting work for long-range plans – during which all targets are set concurrently once every four years – this new set of short-range performance targets will need to be updated multiple times each year to align with federally-mandated frequencies and deadlines. For this reason, staff is requesting that the Commission delegate its federal target-setting authority to staff as outlined in **MTC Resolution 4295 (Attachment A)**. This action will allow for the flexibility necessary to regularly set and update targets.

Staff proposes to update the Planning Committee on short-range targets twice a year around June and December, highlighting regulatory changes to performance requirements, targets set during that time period, and targets to be set in the coming six months. Assuming the Planning Committee delegates authority for target-setting, staff has provided a June 2017 target-setting summary in **Attachments C and D**.

Before adopting any short-range targets, staff will seek input from our partners at the state and local levels. For many of the highway-related targets, MTC will be able to set its targets six months after the state, and the regulations do allow MTC to consider adopting the state target rather than setting a target specific to the Bay Area. MTC has already been engaged in discussions with Caltrans on this topic. Staff will also work through the Bay Area Partnership working groups to get feedback on proposed targets from transit agencies, congestion management agencies, and local jurisdictions before adoption of a given target. We also intend to consult with our counterparts among the "Big 4" MPOs in San Diego, Sacramento and Los Angeles.

### **Recommendation**

MTC staff recommends the Planning Committee approve the staff recommendation of delegation for recurring federal performance target-setting authority, including the provision for staff to provide regular updates to the committee going forward and refer MTC Resolution No. 4295 to the Commission for approval.



Steve Heminger

### **Attachments:**

- **Attachment A:** MTC Resolution No. 4295
- **Attachment B:** List of Federally-Required Performance Measures
- **Attachment C:** June 2017 Target-Setting Summary
- **Attachment D:** Proposed 2017 Targets for Transit Asset Management

SH:dv/sh

Date: June 28, 2017  
W.I.: 1212  
Referred by: Planning

ABSTRACT

Resolution No. 4295

This resolution delegates authority to staff to set and update short-range performance targets for compliance with new federal requirements.

Further discussion of this action is contained in the MTC Executive Director's Memorandum dated June 2, 2017.

Date: June 28, 2017  
W.I.: 1212  
Referred by: Planning

RE: Federal Performance Target-Setting

METROPOLITAN TRANSPORTATION COMMISSION  
RESOLUTION NO. 4295

WHEREAS, the Metropolitan Transportation Commission (MTC) is the regional transportation planning agency for the San Francisco Bay Area pursuant to Government Code Section 66500 *et seq.*; and

WHEREAS the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Act and the Fixing America's Surface Transportation (FAST) Act require metropolitan planning organizations to frequently set short-range performance targets related to national planning goals; and

WHEREAS, final federal rules require metropolitan planning organizations to set these targets on different cycles that are not consistent with existing or future regional transportation plan (RTP) or transportation improvement program (TIP) schedules for the San Francisco Bay Area; and

WHEREAS, short-range federally-required targets will be incorporated into planning and programming processes in the coming years in compliance with the final Metropolitan Planning rule as adopted by the Federal Highway Administration and Federal Transit Administration on May 27, 2016; now, therefore, be it

RESOLVED, that the Metropolitan Transportation Commission delegates authority to staff to identify short-range performance targets and submit them to state and federal transportation agencies as needed; and, be it further

RESOLVED, that Metropolitan Transportation Commission will seek input on proposed short-range targets from partners and other stakeholders through Partnership working group meetings; and be it further

RESOLVED, that staff shall provide regular updates to the Planning Committee or other Committee as appropriate twice each year to inform the Commission of short-range, federally required targets that were recently approved.

METROPOLITAN TRANSPORTATION COMMISSION

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Jake Mackenzie, Chair

The above resolution was entered into by the Metropolitan Transportation Commission at a regular meeting of the Commission held in San Francisco, California, on June 28, 2017.

**List of Federally-Required Performance Measures**

<b>FEDERAL GOALS &amp; PROGRAMS</b>	<b>GENERAL MEASURES IN LAW</b>	<b>FINAL PERFORMANCE MEASURES</b>	<b>TARGET-SETTING FREQUENCY</b>	<b>1<sup>ST</sup> CYCLE TARGET-SETTING DUE DATES</b>
<b>Safety</b>  HSIP TSOP	Number of Fatalities on Roads	<b>1. Total number of road fatalities</b>	<b>Annual</b>	State: <b>August 31, 2017</b> MPO: <b>February 27, 2018</b>
	Rate of Fatalities on Roads	<b>2. Road fatalities per VMT</b>	<b>Annual</b>	State: <b>August 31, 2017</b> MPO: <b>February 27, 2018</b>
	Number of Serious Injuries on Roads	<b>3. Total number of serious injuries on roads</b>	<b>Annual</b>	State: <b>August 31, 2017</b> MPO: <b>February 27, 2018</b>
	Rate of Serious Injuries on Roads	<b>4. Serious injuries on roads per VMT</b>	<b>Annual</b>	State: <b>August 31, 2017</b> MPO: <b>February 27, 2018</b>
	Non-Motorized Safety on Roads	<b>5. Combined total number of non-motorized fatalities and serious injuries</b>	<b>Annual</b>	State: <b>August 31, 2017</b> MPO: <b>February 27, 2018</b>
	Safety of Public Transit Systems	<b>6. Total number of reportable transit fatalities</b> <b>7. Reportable transit fatalities per RVM by mode (example below)</b> <i>a. Motor bus</i> <i>b. Light rail</i> <i>c. Heavy rail</i> <i>d. etc.</i> <b>8. Total number of reportable transit injuries</b> <b>9. Reportable transit injuries per RVM by mode (example below)</b> <i>a. Motor bus</i> <i>b. Light rail</i> <i>c. Heavy rail</i> <i>d. etc.</i> <b>10. Total number of reportable transit safety events</b> <b>11. Reportable transit safety events per RVM by mode (example below)</b> <i>a. Motor bus</i> <i>b. Light rail</i> <i>c. Heavy rail</i> <i>d. etc.</i> <b>12. Mean distance between major mechanical failures by mode (example below)</b> <i>a. Motor bus</i> <i>b. Light rail</i> <i>c. Heavy rail</i> <i>d. etc.</i>	<b>Annual</b>	Operators: <b>TBD*</b> MPO: <b>TBD*</b>  <i>* = measures approved in January 2017 regulatory action but transit &amp; MPO safety target-setting requirements are slated for additional regulation later this year</i>



FEDERAL GOALS & PROGRAMS	GENERAL MEASURES IN LAW	FINAL PERFORMANCE MEASURES	TARGET-SETTING FREQUENCY	1 <sup>ST</sup> CYCLE TARGET-SETTING DUE DATES
<b>Infrastructure Condition</b>  NHPP NTAMS	Pavement Condition on the IHS	<b>13. Percentage of pavements on the IHS in good condition</b> <b>14. Percentage of pavements on the IHS in poor condition</b>	Every 2-4 years	State: <b>May 21, 2018</b> MPO: <b>November 21, 2018</b>
	Pavement Condition on the NHS	<b>15. Percentage of pavements on the non-IHS NHS in good condition</b> <b>16. Percentage of pavements on the non-IHS NHS in poor condition</b>	Every 2-4 years	State: <b>May 21, 2018</b> MPO: <b>November 21, 2018</b>
	Bridge Condition on the NHS	<b>17. Percentage of NHS bridges classified in good condition</b> <b>18. Percentage of NHS bridges classified in poor condition</b>	Every 2-4 years	State: <b>May 21, 2018</b> MPO: <b>November 21, 2018</b>
	State of Good Repair for Public Transit Assets	<b>19. Percentage of revenue vehicles that have met or exceeded their useful life benchmark (ULB) by asset class (example below)</b> <i>a. 40-foot bus</i> <i>b. 30-foot bus</i> <i>c. Light rail vehicle</i> <i>d. etc.</i> <b>20. Percentage of facilities within a condition rating below fair by asset class (example below)</b> <i>a. Maintenance yards</i> <i>b. Stations</i> <i>c. Electrical substations</i> <i>d. etc.</i> <b>21. Percentage of guideway directional route-miles with performance restrictions</b> <b>22. Percentage of non-revenue vehicles that have met or exceeded their ULB</b>	Every 2-4 years	Operators: <b>January 1, 2017</b> MPO: <b>July 1, 2017</b>
<b>System Reliability</b>  NHPP	Performance of the Interstate System	<b>23. Percentage of person-miles traveled on the IHS that are reliable</b>	Every 2-4 years	State: <b>May 21, 2018</b> MPO: <b>November 21, 2018</b>
	Performance of the NHS	<b>24. Percentage of person-miles traveled on the non-IHS NHS that are reliable</b>	Every 2-4 years	State: <b>May 21, 2018</b> MPO: <b>November 21, 2018</b>
		<b>25. Percent change in NHS tailpipe CO<sub>2</sub> emissions (compared to 2017 baseline)</b>	Every 2-4 years	State: <b>TBD**</b> MPO: <b>TBD**</b>  ** = performance measure on hold indefinitely due to change in federal climate policies under new Administration

FEDERAL GOALS & PROGRAMS	GENERAL MEASURES IN LAW	FINAL PERFORMANCE MEASURES	TARGET-SETTING FREQUENCY	1 <sup>ST</sup> CYCLE TARGET-SETTING DUE DATES
<b>Freight Movement and Economic Vitality</b>  NHFP	Freight Movement on the Interstate System	<b>26. Percentage of IHS mileage providing reliable truck travel times</b>	Every 2-4 years	State: <b>May 21, 2018</b> MPO: <b>November 21, 2018</b>
<b>Congestion Reduction</b>  CMAQ	Traffic Congestion	<b>27. Annual hours of peak-hour excessive delay per capita by urbanized area</b> a. San Francisco-Oakland UA b. San Jose UA c. Concord UA *** d. Santa Rosa UA *** e. Antioch UA ***  <i>*** = not required during 1<sup>st</sup> target-setting cycle</i>	Every 2 years	State: <b>May 21, 2018</b> MPO: <b>May 21, 2018</b>
<b>Congestion Reduction (continued)</b>  CMAQ	Traffic Congestion (continued)	<b>28. Percent of non-SOV travel by urbanized area</b> a. San Francisco-Oakland UA b. San Jose UA c. Concord UA *** d. Santa Rosa UA *** e. Antioch UA ***  <i>*** = not required during 1<sup>st</sup> target-setting cycle</i>	Every 2 years	State: <b>May 21, 2018</b> MPO: <b>May 21, 2018</b>
<b>Environmental Sustainability</b>  CMAQ	On-Road Mobile Source Emissions	<b>29. Total emissions reductions from CMAQ-funded projects by pollutant</b> a. PM <sub>2.5</sub> b. PM <sub>10</sub> c. CO d. VOC e. NO <sub>x</sub>	Every 2 years	State: <b>May 21, 2018</b> MPO: <b>May 21, 2018</b>
<b>Reduced Project Delivery Delays</b>	<i>none</i>	<i>none</i> (neither MAP-21 nor FAST included performance measures for this goal)	<i>n/a</i>	<i>n/a</i>

## June 2017 Target-Setting Summary: Transit Asset Management Targets

### Overview

The transit asset management (TAM) final rule published by FTA in July 2016 established a National TAM System in accordance with MAP-21. The rule contained new requirements for public transit providers, and designated recipients such as MTC. The major requirements of the rule include:

- 1) **State of Good Repair (SGR) Performance Targets** – Targets must be set for each applicable asset including Rolling Stock, Equipment, Infrastructure, and Facilities. The final rule establishes SGR standards and SGR performance measures as shown below:

Asset Category	Performance Measure
Rolling Stock: All revenue vehicles	Percentage of revenue vehicles within a particular asset class that have either met or exceeded their Useful Life Benchmark (ULB)
Facilities: All buildings or structures and parking facilities	Percentage of facilities within an asset class, rated below condition 3 (fair) on the TERM scale
Infrastructure: Only rail fixed guideway, tracks, signals and systems	Percentage of guideway directional route-miles with performance restrictions
Equipment: Only non-revenue (service) vehicles	Percentage of non-revenue vehicles that have either met or exceeded their ULB

In the case of rolling stock and facilities, the major asset categories are further broken down into distinct asset classes, with targets required for each asset class. For the 2017 target-setting effort, targets for rolling stock were set by asset class (trains, buses, trolleys, etc.) but a single target was set for all the facilities combined, as MTC does not have all the information required to classify facilities components into the classes defined by FTA.

Note that over time some targets improve relative to existing performance measures if there is funding available to replace or repair assets that are in poor condition. On the other hand, if there is no funding available to replace or repair assets, targets can worsen due to these assets aging another year and exceeding their useful lives.

- 2) **Development of TAM Plans** – Tier I operators (rail operators and any operators with 101 or more vehicles) must do their own TAM plan consisting of nine required elements. Tier II operators (operators with 100 vehicles or less) may do their own plan or participate in a group plan. There are only four required elements to the TAM plan for Tier II operators.
- 3) **Reporting** – Operators must report annually to FTA on SGR targets, asset conditions, and progress made towards meeting set targets.

The TAM Rule required transit providers to set SGR performance targets by January 1, 2017. The Planning Rule requires that each MPO establish targets no later than 180 days after the date on which the transit providers establish their performance targets. Therefore, staff has developed proposed targets to meet the year 2017 target-setting deadline of July 1<sup>st</sup> for transit asset management.

Target-Setting Approach and Rationale

To set the initial targets, MTC staff assessed the current condition of operators’ assets using data from the Regional Transit Capital Inventory (RTCI). The RTCI is a comprehensive regional database of the transit assets that are owned by transit agencies across the region. MTC developed the RTCI in order to collect consistent and comparable data on the region’s transit capital assets and associated replacement and rehabilitation costs from each operator.

To set the target for each asset category, MTC staff provided each operator with existing performance measures (by asset class) for their asset inventory included in the RTCI and requested that each operator conduct an analysis of expected funding from all sources for the coming fiscal year that will be used to repair or replace transit assets. Operators used this assessment to predict which vehicle assets would be replaced or repaired, and presented MTC with a target percentage of assets expected not to be in a state of good repair by the end of the fiscal year.

Staff worked with the operators to keep the targets realistic and base them on reasonable financial projections. For revenue vehicles, facilities, and non-revenue vehicles, MTC staff consolidated the targets for all operators to identify a regional target for each asset class. For infrastructure (i.e., rail guideway), MTC staff selected a slightly more ambitious target than the consolidated target of regional operators, which forecast a slight decline in conditions in 2017. By setting a target of preserving current conditions, this target may be more difficult to achieve given available funding.

Summary of Proposed Targets

As presented in detail in **Attachment D**, staff recommends setting the following targets for transit asset management for year 2017. As shown below, the regional targets seek to reduce the share of revenue vehicles, facilities, and non-revenue vehicles considered not to be in a state of good repair, while allowing for a slight increase in the infrastructure target.

**Percent of Assets Not in a State of Good Repair**

<b>Asset Category</b>	<b>Current Performance</b>	<b>2017 Target</b>
<b>Revenue Vehicles</b>	31%	28%
<b>Facilities</b>	32%	25%
<b>Infrastructure</b>	2.4%	2.4%
<b>Non-Revenue Vehicles</b>	55%	48%

Targets to be Set in the Next Six Months

Staff will continue working on 2018 *road safety* targets in coordination with Caltrans and other stakeholders. These targets must be adopted by MTC by February 27, 2018.

## Proposed 2017 Targets for Transit Asset Management

### General Information

<b>Goal</b>	Infrastructure Condition
<b>Performance Measure(s)</b>	<ul style="list-style-type: none"><li>• Percentage of revenue vehicles that have met or exceeded their useful life benchmark (ULB) by asset class</li><li>• Percentage of facilities within a condition rating below fair by asset class</li><li>• Percentage of guideway directional route-miles with performance restrictions</li><li>• Percentage of non-revenue vehicles that have met or exceeded their ULB</li></ul>
<b>Target(s) for Year</b>	2017
<b>Target(s) Deadline for MTC Approval</b>	July 1, 2017

Current Conditions and Proposed Targets

Measure	Subcategory	Current (2016)	Target (2017)	Total #	Measure ID
<b>Percentage of revenue vehicles that have met or exceeded their useful life benchmark (ULB)</b>	Articulated bus	24%	13%	400	US-19a
	Automated guideway vehicle	0%	0%	12	US-19b
	Bus	22%	18%	2,120	US-19c
	Bus rapid transit	0%	0%	29	US-19d
	Cable car	0%	0%	42	US-19e
	Commuter rail – locomotive	57%	58%	35	US-19f
	Commuter rail – passenger coach	40%	42%	129	US-19g
	Commuter rail – self-propelled passenger car	42%	44%	50	US-19h
	Ferryboat	28%	29%	18	US-19i
	Heavy rail	88%	85%	669	US-19j
	Light rail	0%	0%	250	US-19k
	Over-the-road bus	3%	12%	176	US-19l
	Trolley bus	0%	0%	333	US-19m
	Van	39%	37%	622	US-19n
	Vintage trolley	46%	25%	43	US-19o
<b>Percentage of facilities with a condition rating below fair</b>	n/a*	32%	25%	N/A	US-20
<b>Percentage of guideway directional route-miles with performance restrictions</b>	n/a	2.4%	2.4%	N/A	US-21
<b>Percentage of non-revenue vehicles that have met or exceeded their ULB</b>	n/a	55%	48%	1,941	US-22

\* = For the 2017 target-setting effort, a single target was set for all facilities combined. This is due to the fact that MTC does not currently have sufficient information from operators required to classify facilities and components of facilities into the specific classes defined by FTA.



TO: Joint MTC Planning Committee with the  
ABAG Administrative Committee

DATE: June 2, 2017

FR: Brad Paul, ABAG Acting Executive Director  
Steve Heminger, MTC Executive Director

RE: Draft Plan Bay Area 2040: Summary of Public Input

### **Background**

MTC and ABAG released Draft Plan Bay Area 2040 (Draft Plan) on March 31, 2017, followed by the Draft Environmental Impact Report (DEIR) on April 17, 2017. The formal public comment period for both documents closed on June 1, 2017.

The public comment period caps off more than three years of dialogue and consultation on this planning effort. Attachment 1 summarizes the various ways that ABAG and MTC reached out to Bay Area residents during the Plan Bay Area 2040 process. The remaining attachments summarize the comments received from all open houses and other public engagement activities on Plan Bay Area 2040 during our last round of outreach this spring. All of the comments are available for review online: <http://www.planbayarea.org/get-involved/your-comments/draft-plan-bay-area-2040-spring-2017>. Please note we are currently logging the mail, email and online comments on the Draft Plan; we received approximately 235 pieces of correspondence and online comments.

### **Outreach Overview**

Since April 2017, we have held 28 outreach events aimed at educating and engaging the public on the Draft Plan and DEIR:

- Nine open houses on the Draft Plan, one in each county. Each open house included five educational or interactive stations, divided by topic area. We solicited input at two of the stations: one dedicated to the Action Plan, and one “activity station” that provided prompts on housing, transportation and economic development, among other topics. Partner agencies also participated in each open house to provide information on local issues.
- Three public hearings on the Draft Plan and Draft EIR. A court reporter was present to transcribe comments from the public.
- Five focus groups with community-based organizations (CBOs). Each CBO invited constituents to discuss the Draft Plan, and requested participants take a survey on transportation and housing priorities.
- Nine briefings with elected officials. At recent congestion management agency board meetings, staff provided an overview of the Draft Plan and answered questions.
- One tribal summit. MTC and ABAG staff provided an overview of the Draft Plan to tribal representatives and answered questions.
- One media briefing, where staff provided an overview of the Draft Plan and answered questions.

### **What We Heard: Key Themes from Comments**

In all, we received some 700 public comments (excluding letters, emails and online comments). Following are the main themes from our spring 2017 public outreach, divided into five main topics:

### **Housing**

- Housing affordability is the overwhelming concern.
- Many would like to preserve current affordable housing stock and also support stronger tenant protections to reduce displacement.
- Others would like to see businesses/employers contribute to affordable housing funds, and not allow developers to be able to buy their way out of building required affordable housing.
- Many called for building new housing on public or city-owned lands, encouraging land trusts for affordable housing, initiating inclusionary zoning and increasing the facilitation of home sharing.
- Transit-Oriented housing near job centers was the most popular type of housing, as most favor more density (a minority oppose any new housing).

### **Transportation**

- Support alternative transportation modes, and make it easier to bicycle, walk and take transit.
- Many mentioned transportation innovations (e.g., autonomous vehicles, electric vehicles, car sharing, etc.) when planning for our future transportation system.
- Many want more transit, especially light rail, express bus service and local bus service, and also improved transit connections and transit access to open space.
- Some were interested in extending free transit to youth.

### **Economic Development**

- Overall, outreach participants would like to see wages increase in the Bay Area.
- They want more middle-wage jobs, and workforce development programs for existing residents.
- They support policies to require local hiring and encourage support of local small businesses.
- They also want investments in transportation infrastructure and programs to relieve congestion (including charging businesses a mitigation fee).

### **Resiliency/Climate Change**

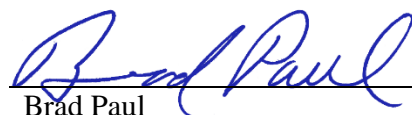
- Participants support alternative energy sources to address climate change and improve air quality, and want bold action to meet our greenhouse gas reduction targets.
- Some participants stated land use planning should be tied to water resources.
- Participants also want to see education and involvement of local communities on climate change and sea level rise, and more focus on emergency preparation.
- Finally, many want to protect Bay Area open space to serve as a buffer for sea-level rise.

### **Funding**

- Participants would like to use transportation funds to incentivize more housing.
- They support raising the gas tax to motivate transit use and using Express Lane revenues to bolster transit service.

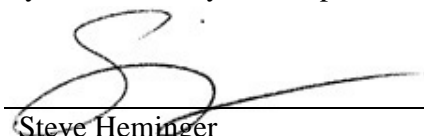
### **Summary**

Plan Bay Area 2040 outreach yielded a productive conversation about the state of the Bay Area's housing market and transportation system. We hope that the comments will inform the discussion and debate leading up to adoption of the Plan, currently slated for July 26 at 7 p.m.



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Brad Paul



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Steve Heminger

### **Attachments**

SH/BP:uv

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### Plan Bay Area 2040 Public Meetings: Three-Plus Years of Dialogue and Consultation

Event	Date(s)	Attendance/ Participants
<b>Spring 2015 Open Houses:</b> Nine open houses around the region	April 29, 2015 through May 28, 2015	600
<b>Scenario Concepts Special Workshops:</b> Regional Advisory Working Group and Regional Planning Committee	October 6 and October 7, 2015	130
<b>Spring 2016 Open Houses:</b> Nine open houses around the region	May 26, 2016 through June 14, 2016	455
<b>Housing Forum:</b> <i>Calling the Bay Area Home: Tackling the Affordable Housing and Displacement Challenge</i>	Saturday, February 20, 2016	300
<b>Telephone Survey:</b> Conducted in English, Spanish & Chinese by phoning registered voters in all nine counties	March/April 2016	2,048
<b>Build a Better Bay Area Online Quiz:</b> Online survey on three alternative scenarios; includes 204 responses from surveys conducted by community-based organizations	Data collected between May 26, 2016 and September 16, 2016	921
<b>Scoping Meetings</b> on Draft Environmental Impact Report (DEIR): Oakland, San Jose, Santa Rosa	Three scoping meetings: May 26, May 31 and June 2, 2016	60
<b>Spring 2017 Open Houses:</b> Nine open houses around the region	May 4, 2017 through May 22, 2017	410
<b>Public Hearings</b> on Draft Plan Bay Area 2040 and Draft Environmental Impact Report (DEIR): San Francisco, San Jose and Vallejo	Three public hearings: May 12, May 16 and May 18, 2017	55
<b>Community-hosted Focus Groups:</b> Five focus groups in Alameda, Contra Costa, Santa Clara and Solano Counties	Five focus groups: May 2, 2017 through May 18, 2017	70
	<b>TOTAL ATTENDANCE/ PARTICIPANTS</b>	<b>5,049</b>

# Spring 2017 Public Outreach Report



Joint MTC Planning Committee with the  
ABAG Administrative Committee  
June 9, 2017



METROPOLITAN  
TRANSPORTATION  
COMMISSION



Association of  
Bay Area Governments

# 3+ Years of Dialogue: 2015-2017

#	Type of Engagement	Participants
27	<b>Open Houses:</b> Three in each county, focused on goals and targets, scenarios, and the Draft Plan	1,465
5	<b>Special Workshops:</b> Housing Forum, Scenario Concept Workshops and Tribal Consultations	446
1	<b>Telephone Poll:</b> Conducted in English, Spanish and Chinese by phoning registered voters in all nine counties	2,048
1	<b>Online Quiz:</b> Online survey -- <i>Build a Better Bay Area</i> -- on three alternative scenarios	921
6	<b>Public Hearings:</b> On the Draft Plan and its environmental impact report	115
5	<b>Focus Groups:</b> Hosted by community organizations to discuss the Draft Plan	70
9	<b>Briefings:</b> With elected officials on the Draft Plan, one in each county	123

- 9 Open Houses,  
One in Each County
- 3 Public Hearings on the Draft  
Plan and Draft EIR
- 5 Focus Groups with Community  
Based Organizations
- 9 Briefings with Elected Officials
- 1 Media Briefing
- 1 Tribal Summit



# COMMENT OPPORTUNITIES

Additionally, we collected comments through June 1. We received approximately 235 pieces of correspondence and online comments on the Draft Plan.



Online: [2040.PlanBayArea.org](https://2040.PlanBayArea.org)



Email: [info@PlanBayArea.org](mailto:info@PlanBayArea.org)



Mail: MTC-ABAG  
Plan Bay Area 2040 Public Comment  
Bay Area Metro Center  
375 Beale Street, Suite 800  
San Francisco, CA 94105



# OUTREACH & ADVERTISING

- Direct mail
- Robust social media campaign
- Multiple press releases
- Newspaper ads (in multiple languages)
- Email blasts to general public by MTC and partner agencies
- Legal notice

The collage features several key elements:

- Facebook Post:** A post from 'Plan Bay Area 2040' dated May 1 at 2:05pm. The text reads: "Mark your calendars! The first two Plan Bay Area 2040 open houses will take place in Fremont and Redwood City on Thursday (5/4) from 6:30 to 8:30 p.m." Below the text is a photo of people at an open house and the text "Plan Bay Area 2040 Open Houses Kick Off This Week in Fremont and Redwood City | Plan Bay Area".
- Newspaper Article:** A snippet from the San Francisco Chronicle dated April 18, 2017, with the headline "Plan Bay Area 2040 recognizes today's immediate crisis: housing".
- Website Snippet:** A screenshot of marinij.com under the "URBAN PLANNING" section. The headline is "Marin gearing up for Plan Bay Area revisions".
- Photograph:** A photo of a modern, multi-story residential building under construction, showing scaffolding and structural elements.
- Direct Mail Flyer:** A colorful flyer titled "Share your ideas on the Draft Plan Bay Area 2040 at an Open House in your county". It lists various counties and their respective open house dates and times, such as Alameda County on May 10, 2017, and Contra Costa County on May 11, 2017.



# OPEN HOUSES: STATIONS





# ACTION PLAN STATION

We shared information about the Action Plan and asked attendees to tell us: “**What ideas are missing?**”



Housing



Economic Development



Resiliency



# ACTIVITY STATION

To keep the region's **economy** growing, we should...

We need a **transportation system** that...

We can create a more **resilient** Bay Area by...



Participants were invited to comment and share feedback on:

- ✓ Draft Plan Bay Area
- ✓ Draft Environmental Impact Report

1. **San Francisco**, May 12
2. **San Jose**, May 16
3. **Vallejo**, May 18







## By the Numbers:

- 70 total attendees; nearly 100 total survey respondents
- Interpretation in **Spanish** and **Mandarin**
- **Over three fourths** of survey respondents have lived in the Bay Area for more than 15 years
- **Near unanimous** support for developing a regional plan



# WHAT WE HEARD—HOUSING

We asked: “What ideas do you have to improve the Bay Area’s housing crisis?”



- The Bay Area needs affordable housing now. “If you don’t have a place to live, nothing else matters.”
- Preserve current affordable housing stock and also support stronger tenant protections to reduce displacement
- Require businesses/employers to contribute to affordable housing funds
- Don’t allow developers to buy their way out of required affordable housing
- Support new or innovative ideas to improve the housing situation:
  - build new housing on public or city-owned lands
  - encourage housing land trusts for affordable housing
  - initiate inclusionary zoning
  - facilitate home sharing
- Transit Oriented Development housing near job centers
- Most favor more density, a minority oppose any new housing

We asked: “What ideas do you have to improve economic development in the Bay Area?”





- Support higher wages, more middle-wage jobs
- Increase and improve workforce development programs, especially for existing residents
- Support policies to require local hiring
- Encourage support of local small businesses
- Invest in transportation infrastructure and programs to relieve congestion to mitigate increased traffic (including charging businesses a mitigation fee)



- Encourage alternative energy to address climate change and improve air quality
- Need bold action to meet greenhouse gas reduction targets
- Tie land use planning to water resources
- Educate communities on climate change and sea-level rise
- Provide better preparation for disasters
- Protect Bay Area open space

# WHAT WE HEARD—TRANSPORTATION

Plan  
Bay Area  
2040

“We need a transportation system that....”



- Overwhelming support for alternative transportation modes:
  - make it more difficult and costly to drive
  - make it easier to bicycle, walk and take transit.
- Want transportation innovations when planning for our future transportation system:
  - autonomous vehicles
  - electric vehicles
  - car sharing
- Participants want:
  - more transit, especially light rail, express bus service and local bus service
  - improved transit connections
  - transit access to open space.
  - free transit to youth.

# WHAT WE HEARD—FUNDING

- Tie transportation funding to housing construction
- Raise the gas tax to motivate transit use
- Use revenues from Express Lanes to bolster transit service





A small number of participants ...

- Question the plan's assumptions and goals
- Oppose infill development
- Prefer a hands-off approach to housing and the economy
- Prefer more emphasis on the needs of drivers

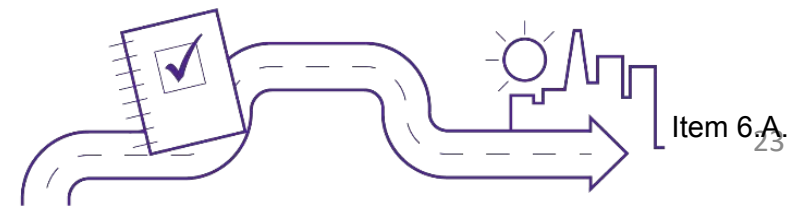




**Stay up to date at  
PlanBayArea.org**



**Thank You!**







# Spring 2017 Public Engagement Report

## Summary of What We Heard by County

**Joint Meeting of ABAG Administrative &  
MTC Planning Committees**

**June 9, 2017**



# Alameda County

Spring 2017  
Open House Summary

Plan  
BayArea  
2040

Focus on Alameda County






**Thursday,  
May 4, 2017**  
6:30 p.m. to 8:30 p.m.

**Fremont City Hall – Council Chambers**  
3300 Capitol Avenue  
Fremont

**Approximate  
Attendance**  
45

## Action Plan Station – What We Heard

The **Action Plan Station** focused on describing proposed and recent actions outlined in Draft Plan Bay Area 2040 to specifically address housing, economic development and resiliency. On three accompanying boards, participants were asked their ideas and encouraged to post their feedback. Below is a sampling of the comments that were submitted at the Alameda County open house. Visit [PlanBayArea.org](http://PlanBayArea.org) to view the complete list.

 <b>HOUSING</b>	 <b>ECONOMIC DEVELOPMENT</b>	 <b>RESILIENCY</b>
<p><b>What ideas do you have to improve the Bay Area housing crisis?</b></p>	<p><b>What ideas do you have to improve economic development for the Bay Area?</b></p>	<p><b>What ideas do you have to promote resiliency within the Bay Area?</b></p>
<ul style="list-style-type: none"> <li>• Make inclusionary housing data available for unincorporated areas.</li> <li>• School development in conjunction with growth.</li> <li>• Incentivize density/ inclusionary housing bonuses for developers.</li> <li>• Run express trains from Stockton to San Jose. There is plenty of room around Stockton station for TOD cheap housing.</li> <li>• Light rail from Pleasanton, San Ramon, Dublin to Santa Clara, Sunnyvale.</li> </ul>	<ul style="list-style-type: none"> <li>• BART should run 24 hours to service people that work in the evenings.</li> <li>• Connect ACE and BART transfer only station at Shinn Road in Fremont.</li> <li>• Extend ACE across Dumbarton then south to Santa Clara and from Santa Clara to Redwood City out to Livermore.</li> <li>• Increase pressure for CRA (Community Reinvestment Act) officers to maximize banking investment in region.</li> </ul>	<ul style="list-style-type: none"> <li>• Address water consumption and availability with possible drought years ahead.</li> <li>• Unify everyone toward one achievable goal instead of several expensive, hard-to-achieve achievable goals.</li> </ul>





## Activity Station – What We Heard

Alameda County – Page 2

The **Activity Station** offered participants seven prompts to share additional ideas for how to address housing, economic development and resiliency. Below is a sampling of feedback and comments received at the Alameda County open house.

### The best way to create more housing in the Bay Area is...



- Build more housing!
- Rezone for higher density (and more) housing around transportation; less parking in new developments.

### We can create a more resilient Bay Area by...



- Engaging and teaching the community.
- Strengthening community connections.
- Coordinating school development/infrastructure to expected population growth.

### To solve the Bay Area housing crisis, I recommend that we...



- Prioritize and increase peoples' rights as renters.
- Have inclusionary housing data available for unincorporated areas.
- Require all big developments to include affordable housing.

### We need a transportation system that...



- Is accessible to all!
- Is affordable and reliable.
- Is equitable!
- Has a light rail from Pleasanton to Palo Alto/Santa Clara area.
- Is a comprehensive system so that I can leave my car at home.
- Makes the trip on a bus shorter (in time) than the trip by car.
- Considers the drivers' ability to get around as well as other modes of transportation.
- Won't come to a screeching halt upon the appearance of a sinkhole.

# Contra Costa County

Spring 2017  
Open House Summary

Plan  
Bay Area  
2040

Focus on Contra Costa County






**Wednesday,  
May 10, 2017**  
6:30 p.m. to 8:30 p.m.

**Embassy Suites – Contra Costa Ballroom**  
1345 Treat Boulevard  
Walnut Creek

**Approximate  
Attendance**  
30

## Action Plan Station – What We Heard

The **Action Plan Station** focused on describing proposed and recent actions outlined in Draft Plan Bay Area 2040 to specifically address housing, economic development and resiliency. On three accompanying boards, participants were asked their ideas and encouraged to post their feedback. Below is a sampling of the comments that were submitted at the Alameda County open house. Visit [PlanBayArea.org](http://PlanBayArea.org) to view the complete list.

 <b>HOUSING</b>	 <b>ECONOMIC DEVELOPMENT</b>	 <b>RESILIENCY</b>
<p><b>What ideas do you have to improve the Bay Area housing crisis?</b></p>	<p><b>What ideas do you have to improve economic development for the Bay Area?</b></p>	<p><b>What ideas do you have to promote resiliency within the Bay Area?</b></p>
<ul style="list-style-type: none"> <li>• Strong incentives for sustainable, equitable development near transit.</li> <li>• Make sure to have diverse representation on CASA.</li> <li>• Ensure a housing gap funding analysis is incorporated into the Action Plan. This will help prioritize the most impactful strategies and tools and give benchmarks for success.</li> </ul>	<ul style="list-style-type: none"> <li>• Congestion pricing. Index gas tax to go along with increases in costs.</li> <li>• More "blue collar" jobs. We need grocery stores and places for entertainment.</li> <li>• Support/assistance for unique and individual businesses that make the Bay Area interesting.</li> <li>• Commercial rent control to preserve small businesses.</li> </ul>	<ul style="list-style-type: none"> <li>• Agricultural mitigation must remain as a central strategy to protect the region's greenbelt. Agricultural lands are at risk, particularly in Contra Costa and they need targeted conservation to ensure we have fresh, local foods.</li> <li>• Contra Costa's Measure X had agricultural protection policies, and it would be unfortunate to have a regional plan without a framework to guide protections of land.</li> </ul>





## Activity Station – What We Heard

Contra Costa County – Page 2

The **Activity Station** offered participants seven prompts to share additional ideas for how to address housing, economic development and resiliency. Below is a sampling of feedback and comments received at the Contra Costa County open house.

### We can create a more resilient Bay Area by...



- Listening to people of color and addressing institutional racism.

### To prevent displacement, I recommend that we....



- Provide stronger tenant protections and protect and preserve affordable housing.

### We need a transportation system that...



- Runs frequently and has comfortable, sheltered places to wait out of the rain and sun.
- Includes safe, clean and desirable infrastructure for active transportation.

### To solve the Bay Area's housing crisis, I recommend that we...



- Build up where possible, not out.
- Close the affordable housing funding gap and incentivize sustainable, equitable development near transit.



**Saturday,  
May 20, 2017**  
8:30 a.m. - 1 p.m.




**Mill Valley Community Center**  
180 Camino Alto  
Mill Valley

**Approximate  
Attendance**  
80



## Action Plan Station – What We Heard

The **Action Plan Station** focused on describing proposed and recent actions outlined in Draft Plan Bay Area 2040 to specifically address housing, economic development and resiliency. On three accompanying boards, participants were asked their ideas and encouraged to post their feedback. Below is a sampling of the comments that were submitted at the Alameda County open house. Visit [PlanBayArea.org](http://PlanBayArea.org) to view the complete list.

 <b>HOUSING</b>	 <b>ECONOMIC DEVELOPMENT</b>	 <b>RESILIENCY</b>
<p><b>What ideas do you have to improve the Bay Area housing crisis?</b></p>	<p><b>What ideas do you have to improve economic development for the Bay Area?</b></p>	<p><b>What ideas do you have to promote resiliency within the Bay Area?</b></p>
<ul style="list-style-type: none"> <li>• Use inclusionary housing rewards. Do not isolate affordable communities or high rises with no amenities (elderly and young people) and nearby care-afterschool programs.</li> <li>• Help municipalities and the county to do what it takes (zoning, regulations, incentives) to put housing at our six shopping centers (Strawberry, Village, Town Center, Northgate, Rowland, Bon Air).</li> </ul>	<ul style="list-style-type: none"> <li>• Provide guidance, manpower and funding. Assist counties in attracting "clusters" of employers - healthcare, biotech, software, renewable energy, etc.</li> <li>• Organize core community/neighborhood "tech centers" for advocated work at home businesses, independent and branch corporate part-time home plus "office complex" structures to relieve worker's commutes and foster independent creativity.</li> </ul>	<ul style="list-style-type: none"> <li>• Disallow any further building in projected flood zones.</li> <li>• Do not encourage or permit affordable housing on already identified flood plains.</li> <li>• Gather data on homes/buildings destined to be flooded. Municipalities and counties purchase these in priority order and lease back to tenants until it becomes untenable, then moves or tears down the buildings.</li> </ul>







## Activity Station – What We Heard

Marin County – Page 2

The **Activity Station** offered participants seven prompts to share additional ideas for how to address housing, economic development and resiliency. Below is a sampling of feedback and comments received at the Marin County open house.

### To prevent displacement, I recommend that we...



- Provide housing options at all income levels.
- Allow communities to do planning, not central planning that rewards political insiders.

### To keep the region's economy growing, I recommend that we...



- Stop trying to manage it - central planning does not work. Learn from Venezuela and other centrally planned economies.
- Leave it alone.

### The best way to create more housing in the Bay Area is...



- Build more transit-oriented development!
- Eliminate building code restrictions, i.e. "x" number of parking places for junior, second units. Allow the people to build housing of their own choice and free will.

### We need a transportation system that...



- Is reliable, frequent and cheap.
- Gives people a viable alternative to driving.
- Takes BART from Richmond to San Rafael.
- Prioritizes bus rapid transit on highways with bike lanes connecting neighborhoods.
- Acknowledges the needs of workers that serve local clients - not just commuters.
- Doesn't penalize mobility costs for small business and labor.
- Does not kill wildlife.

# Napa County

Spring 2017  
Open House Summary

Plan  
BayArea  
2040

Focus on Napa County






**Monday,**  
**May 15, 2017**  
6 p.m. to 8 p.m.

**Elks Lodge**  
2840 Soscol Avenue  
Napa

**Approximate**  
**Attendance**  
35

## Action Plan Station – What We Heard

The **Action Plan Station** focused on describing proposed and recent actions outlined in Draft Plan Bay Area 2040 to specifically address housing, economic development and resiliency. On three accompanying boards, participants were asked their ideas and encouraged to post their feedback. Below is a sampling of the comments that were submitted at the Alameda County open house. Visit [PlanBayArea.org](http://PlanBayArea.org) to view the complete list.

 <b>HOUSING</b>	 <b>ECONOMIC DEVELOPMENT</b>	 <b>RESILIENCY</b>
<p><b>What ideas do you have to improve the Bay Area housing crisis?</b></p>	<p><b>What ideas do you have to improve economic development for the Bay Area?</b></p>	<p><b>What ideas do you have to promote resiliency within the Bay Area?</b></p>
<ul style="list-style-type: none"> <li>• Pro-active city and county planners that let developers know what is wanted instead of the other way around.</li> <li>• Build up in the downtowns of compact cities.</li> <li>• Develop the Mare Island shipyard! Live-work housing!</li> <li>• Provide funding to encourage more proximity housing - people can buy homes if they live/work nearby.</li> <li>• Adaptive reuse of historic structures that preserve neighborhood character while adding density/infill housing.</li> </ul>	<ul style="list-style-type: none"> <li>• Emphasize productivity through public transportation with ferries or trains.</li> <li>• Focus major employers at transportation hubs.</li> <li>• Reuse train tracks in Napa for commuter traffic!</li> <li>• Encourage home-based businesses and business incubator programs that lead to a better jobs/housing balance.</li> </ul>	<ul style="list-style-type: none"> <li>• Raise awareness of the ecological services provided by open space.</li> <li>• Provide more regional funding for river restoration as part of PCA program.</li> <li>• Preserve and expand wildlife corridors for all proposed developments to maintain/increase habitat and biodiversity.</li> <li>• Add more electric vehicle recharging stations throughout the city/county.</li> </ul>



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## Activity Station – What We Heard

Napa County – Page 2

The **Activity Station** offered participants seven prompts to share additional ideas for how to address housing, economic development and resiliency. Below is a sampling of feedback and comments received at the Napa County open house.

### We can create a more resilient Bay Area by...



- Recognizing ecological services provided by open space - the Bay Area has lots of critical open space!

### To solve the Bay Area housing crisis, I recommend that we...



- Create more incentives at a local level for developers to create more affordable housing.
- Tax hotels, restaurants and resorts a low-income housing fee.

### The best way to create more housing in the Bay Area is...



- In Napa, convert downtown houses (from turn of last century) back into dwellings. Put offices in office buildings. Put families in houses. Restore historic properties.
- All departments come together to meet with developers in planning stage to solve problems together and more efficiently.

### We need a transportation system that...



- Facilitates non-motorized transportation - bikes and pedestrians!
- Is seamless.
- Connects Napa to the rest of the world.
- Includes trains - Napa to San Francisco.
- Has more frequent ferry service from Vallejo to San Francisco.
- Is easy to use, reliable and efficient. We had such a system in the 1930s - the light rail from Calistoga to Vallejo ferry. Let's bring it back instead of expanding lanes on highway and adding cars!

# San Francisco County

Spring 2017  
Open House Summary

Plan  
BayArea  
2040

Focus on San Francisco






**Wednesday,  
May 17, 2017**  
6:30 p.m. to 8:30 p.m.

**Bay Area Metro Center**  
375 Beale Street  
San Francisco

**Approximate  
Attendance**  
50

## Action Plan Station – What We Heard

The **Action Plan Station** focused on describing proposed and recent actions outlined in Draft Plan Bay Area 2040 to specifically address housing, economic development and resiliency. On three accompanying boards, participants were asked their ideas and encouraged to post their feedback. Below is a sampling of the comments that were submitted at the Alameda County open house. Visit [PlanBayArea.org](http://PlanBayArea.org) to view the complete list.

HOUSING 	ECONOMIC DEVELOPMENT 	RESILIENCY 
<p><b>What ideas do you have to improve the Bay Area housing crisis?</b></p>	<p><b>What ideas do you have to improve economic development for the Bay Area?</b></p>	<p><b>What ideas do you have to promote resiliency within the Bay Area?</b></p>
<ul style="list-style-type: none"> <li>• More "affordable housing" centers near rail transit hubs or all transit.</li> <li>• Create "areas of protection" from development as a proactive measure to curb or prevent gentrification.</li> <li>• Make the forum on affordable housing an annual or bi-annual event.</li> <li>• Just Cause eviction protection.</li> <li>• Invest more in affordable, low-income housing instead of luxury apartment complexes.</li> </ul>	<ul style="list-style-type: none"> <li>• Incentivize employment growth in locations that have high transit accessibility and existing/planned capacity like Oakland, Fremont, Walnut Creek.</li> <li>• Transportation access. There is no public transit access (buses) to new Warm Springs BART night and weekends.</li> <li>• Real job hiring programs for older/mature workers, as a lot of companies seem to hire only younger workers.</li> </ul>	<ul style="list-style-type: none"> <li>• Address water sustainability, quality and availability with future growth, e.g., climate change, drought, flooding, repair of existing antiquated infrastructure.</li> <li>• Connect to youth programs around the region that are talking about climate change and resiliency and elevate their ideas.</li> <li>• Work with water districts to create cohesiveness and cooperation.</li> </ul>





## Activity Station – What We Heard

San Francisco County – Page 2

The **Activity Station** offered participants seven prompts to share additional ideas for how to address housing, economic development and resiliency. Below is a sampling of feedback and comments received at the San Francisco County open house.

### To keep the region's economy growing, we should...



- Invest in infrastructure, because if you can't effectively move around, everything stops.

### To solve the Bay Area housing crisis, I recommend that we...



- Think of housing as a right, not a privilege.

### The best way to create more housing in the Bay Area is...



- Affordable homes near jobs and transit!
- To incentivize innovation and efficiency in the construction industry to find more affordable ways to build.

### We need a transportation system that...



- Is the solution, not the problem.
- Is safe with zero deaths and criminal activities.
- Can actually reduce vehicle miles travelled by providing a faster, more convenient alternative to driving.
- Provides European-style transit and train mobility and high speed rail soon.
- Funds the transit system more than the highway system.
- Build the original 600-mile, 9-county BART system (be it BART or other rail system).

# San Mateo County

Spring 2017  
Open House Summary

Plan  
BayArea  
2040

Focus on San Mateo County






**Thursday,  
May 4, 2017**  
6:30 p.m. to 8:30 p.m.

**Sequoia High School Multi-Purpose Room**  
1201 Brewster Avenue  
Redwood City

**Approximate  
Attendance**  
35

## Action Plan Station – What We Heard

The **Action Plan Station** focused on describing proposed and recent actions outlined in Draft Plan Bay Area 2040 to specifically address housing, economic development and resiliency. On three accompanying boards, participants were asked their ideas and encouraged to post their feedback. Below is a sampling of the comments that were submitted at the Alameda County open house. Visit [PlanBayArea.org](http://PlanBayArea.org) to view the complete list.

HOUSING 	ECONOMIC DEVELOPMENT 	RESILIENCY 
<p><b>What ideas do you have to improve the Bay Area housing crisis?</b></p>	<p><b>What ideas do you have to improve economic development for the Bay Area?</b></p>	<p><b>What ideas do you have to promote resiliency within the Bay Area?</b></p>
<ul style="list-style-type: none"> <li>• Need all housing types: micro units, high density.</li> <li>• Need to make entry level housing profitable for developers.</li> <li>• Help fund affordable housing near work for teachers, school staff.</li> <li>• Create tax incentives for people to sell and buy/rent houses closer to work.</li> <li>• Need more direct investment in housing.</li> <li>• Save Docktown! Yes!</li> </ul>	<ul style="list-style-type: none"> <li>• Need to promote transportation access from growing Urban Centers to open space (PCAs).</li> <li>• Better bus transportation to high schools (e.g., Woodside).</li> <li>• Ferry transportation around the Bay and link to public transportation.</li> <li>• Focus now on bold/big improvements like second BART tube.</li> <li>• Add housing near job centers.</li> </ul>	<ul style="list-style-type: none"> <li>• Take into account climate change when planning, especially building near the Bay.</li> <li>• Incorporate green infrastructure in road projects and funding.</li> <li>• Determine if water resources are sufficient for the proposed growth.</li> <li>• In strengthening open space protections – include recreational trails to public space – continue to promote SF Bay Trail.</li> </ul>





## Activity Station – What We Heard

San Mateo County – Page 2

The **Activity Station** offered participants seven prompts to share additional ideas for how to address housing, economic development and resiliency. Below is a sampling of feedback and comments received at the San Mateo County open house.

### To keep the region's economy growing, we should...



- Invest in public higher education (grow our own local job base).
- Think long-term – 2085? Think hard about real restrictions and caps in place.
- Create more middle-wage jobs; and develop a regional economic development strategy.

### We can create a more resilient Bay Area by....



- Helping teachers, school staff, healthcare professionals (nurses, doctors), police and fire, and others live near where they work.
- Not over-building work/office space before we... [provide] adequate housing!
- Focus on the Bay and sea-level rise.

### We need a transportation system that...



- Is regional in its approach and implementation.
- Provides seamless access around the Bay – coordinated fares and schedules.
- Allows me to not need a car.
- Provides affordable access to parks, trails and open space areas.

### The best way to create more housing in the Bay Area is...



- Add housing near job centers and create neighborhoods.
- Build higher density, transit oriented housing – higher density near public transportation, downtowns, jobs. Redwood City is a great example!
- In San Mateo County, need to build more to create more density. Start with affordable available sites, share info, partner. Big shortage of homes means build more. Need money.
- Allow more single family homes.
- Condition local funding on housing production, not just zoning.
- To speed up the approval process for smart infill development.
- Redistribute water allocation in a fair manner across Bay Area cities that really need/want it, e.g., East Palo Alto.



# Santa Clara County

Spring 2017  
Open House Summary

Plan  
BayArea  
2040

Focus on Santa Clara County






**Monday,**  
**May 22, 2017**  
6:30 p.m. to 8:30 p.m.

**Marriott Hotel – San Jose Ballroom**  
301 South Market  
San Jose

**Approximate  
Attendance**  
45

## Action Plan Station – What We Heard

The **Action Plan Station** focused on describing proposed and recent actions outlined in Draft Plan Bay Area 2040 to specifically address housing, economic development and resiliency. On three accompanying boards, participants were asked their ideas and encouraged to post their feedback. Below is a sampling of the comments that were submitted at the Alameda County open house. Visit [PlanBayArea.org](http://PlanBayArea.org) to view the complete list.

HOUSING 	ECONOMIC DEVELOPMENT 	RESILIENCY 
<p><b>What ideas do you have to improve the Bay Area housing crisis?</b></p>	<p><b>What ideas do you have to improve economic development for the Bay Area?</b></p>	<p><b>What ideas do you have to promote resiliency within the Bay Area?</b></p>
<ul style="list-style-type: none"> <li>• Tax vacant lands to generate revenue for affordable housing and transit, while encouraging investment.</li> <li>• Prefer affordable housing in regular developments so nobody has to live in or next door to a "housing project."</li> <li>• We need more dense development!</li> <li>• Do more public outreach. Come and talk at the local level. We need to educate citizens.</li> </ul>	<ul style="list-style-type: none"> <li>• Affordable housing co-ops.</li> <li>• Tax credit for people who work within five miles from home or bike to work or walk to work. Reward them for helping to relieve traffic congestion.</li> </ul>	<ul style="list-style-type: none"> <li>• Each development has more sustainability features!</li> <li>• Important to emphasize "ecological services" to mitigate problems of climate change, especially for disadvantaged communities.</li> <li>• Continue to connect with local government, water providers, water districts, and ABAG for data assistance.</li> <li>• Regarding expanding natural infrastructure, preserve Coyote Valley as open space agriculture.</li> </ul>





## Activity Station – What We Heard

The **Activity Station** offered participants seven prompts to share additional ideas for how to address housing, economic development and resiliency. Below is a sampling of feedback and comments received at the Santa Clara County open house.

### We can create a more resilient Bay Area by...



- Creating public transit that I'm comfortable putting my 12-year-old on by himself.
- Getting minority groups more involved with community issues.
- Informing residents of the changes occurring.

### To keep the region's economy growing, we should...



- Create a central infrastructure bank for transit improvements/infill and bike-pedestrian projects.
- Question the assumption that the economy must grow.
- Institute a universal income.

### To resolve the Bay Area housing crisis, I recommend that we...



- Enforce housing growth commitments at the regional or state level.
- Enforce existing development rules/laws to make developers include a certain percentage of affordable housing units and not allow them to "buy out" that requirement.

### We need a transportation system that...



- Treats car owners and non-car owners safely and equitably.
- Serves first and last mile needs - perhaps by cities partnering and taking more responsibility by bringing partnerships with businesses, especially high-tech, to make it happen.
- Uses successful, efficient systems used in other countries (Europe, as an example) as a model - with more frequency of travel and connected systems.
- Has 10-minute headways from Diridon to DeAnza College. All day long.
- Has connected (and safe!) bicycle routes.
- Is designed for people, not cars; safe passage by foot and bicycle; efficient travel by transit.

# Solano County

Spring 2017  
Open House Summary

Plan  
BayArea  
2040

Focus on Solano County






**Monday,**  
**May 15, 2017**  
6 p.m. to 8 p.m.

**Solano County Events Center**  
601 Texas Street  
Fairfield

**Approximate  
Attendance**  
45

## Action Plan Station – What We Heard

The **Action Plan Station** focused on describing proposed and recent actions outlined in Draft Plan Bay Area 2040 to specifically address housing, economic development and resiliency. On three accompanying boards, participants were asked their ideas and encouraged to post their feedback. Below is a sampling of the comments that were submitted at the Alameda County open house. Visit [PlanBayArea.org](http://PlanBayArea.org) to view the complete list.

HOUSING 	ECONOMIC DEVELOPMENT 	RESILIENCY 
<p><b>What ideas do you have to improve the Bay Area housing crisis?</b></p>	<p><b>What ideas do you have to improve economic development for the Bay Area?</b></p>	<p><b>What ideas do you have to promote resiliency within the Bay Area?</b></p>
<ul style="list-style-type: none"> <li>• Build up, not out.</li> <li>• Need more middle housing for healthier neighborhoods.</li> <li>• Mixed-use developments should adhere to strict guidelines: near transportation, creates walkable communities, considers height of buildings appropriate for neighborhood, downtown area.</li> <li>• Get developers for new housing to be accountable for building affordable housing; do not let them pay a fee to release them of accountability.</li> </ul>	<ul style="list-style-type: none"> <li>• Reward mixed-used, higher density locations to promote higher economic impact.</li> <li>• Tax benefits for employers who hire local residents. And/or the reciprocal - tax benefits for employees who work where they live.</li> <li>• Focus economic development on poorer areas (e.g., Vallejo, Antioch, Richmond, Oakland).</li> <li>• Support early childhood development so that future employers have a pool of potential employees.</li> </ul>	<ul style="list-style-type: none"> <li>• Solano County needs jobs and more sales tax revenues (no bedroom communities).</li> <li>• Mobilize individual communities through comprehensive community organizing to educate and prepare.</li> <li>• Going to need lots more levees if sea level rise happens. Prevention is usually cheaper than cleaning up afterward.</li> <li>• Unified transit system. Make it worth it to ride transit for cyclists.</li> </ul>



METROPOLITAN  
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## Activity Station – What We Heard

The **Activity Station** offered participants seven prompts to share additional ideas for how to address housing, economic development and resiliency. Below is a sampling of feedback and comments received at the Solano County open house.

### To solve the Bay Area’s housing crisis, I recommend that we...



- Close the affordable housing funding gap and incentivize sustainable, equitable development near transit.

### To keep the region’s economy growing, we should...



- Great, not just good, education will draw jobs.
- Keep the families who use childcare in mind. Those childcare providers are supporting the local economy.

### The best way to create more housing in the Bay Area is...



- Provide development that follows strict rules to integrate mixed-use housing into existing neighborhoods, preserving the personality of the area as much as possible.
- Increase density. More infill prioritized over new projects on the periphery.
- Acknowledge we may not be able to build our way out of a housing crisis.

### We need a transportation system that...



- Is easier to navigate between cities and counties.
- Is accessible for all.
- Puts maintenance at a higher priority level.
- Makes better use of rail infrastructure.
- Provides integrated linkage from Solano County to SF/Oakland, San Jose and ultimately Sacramento Metropolitan Area.
- Is in line with the needs of the area. For instance, if there is a plan in place to build high-density or mixed-use housing, there needs to be a sufficient transportation "hub" in place to take the traffic off I-80 and into mass transit.

# Sonoma County

Spring 2017  
Open House Summary

Plan  
BayArea  
2040

Focus on Sonoma County






**Monday,**  
**May 22, 2017**  
6 p.m. to 8 p.m.

**Finley Community Center**  
2060 West College Avenue  
Santa Rosa

**Approximate**  
**Attendance**  
45

## Action Plan Station – What We Heard

The **Action Plan Station** focused on describing proposed and recent actions outlined in Draft Plan Bay Area 2040 to specifically address housing, economic development and resiliency. On three accompanying boards, participants were asked their ideas and encouraged to post their feedback. Below is a sampling of the comments that were submitted at the Alameda County open house. Visit [PlanBayArea.org](http://PlanBayArea.org) to view the complete list.

HOUSING 	ECONOMIC DEVELOPMENT 	RESILIENCY 
<p><b>What ideas do you have to improve the Bay Area housing crisis?</b></p>	<p><b>What ideas do you have to improve economic development for the Bay Area?</b></p>	<p><b>What ideas do you have to promote resiliency within the Bay Area?</b></p>
<ul style="list-style-type: none"> <li>• Spend money on housing instead of wider roads.</li> <li>• Support farmworkers' housing in job centers, not agricultural lands.</li> <li>• Mix of market rate and affordable housing.</li> <li>• More mixed-income housing.</li> <li>• Need multi-family homes with sound-proof walls.</li> <li>• Just Cause eviction policies.</li> <li>• Single room occupancy friendly policies.</li> </ul>	<ul style="list-style-type: none"> <li>• More affordable housing near transit hubs!</li> <li>• Fareless transit for students.</li> <li>• Create middle-wage jobs and reduce costs for returning college and community college students.</li> <li>• Retail and services near SMART stations.</li> <li>• One-planet communities. Example: Sonoma Village - less car-dependent, smart planning/development, better transit, more walkable communities.</li> </ul>	<ul style="list-style-type: none"> <li>• Raise gas prices to European levels so that the population is motivated to use transit.</li> <li>• Market or advertise transit as a health opportunity due to the walking involved.</li> <li>• Frequent, convenient, affordable public transit.</li> <li>• Make all parking spaces cost money. Funnel the funds into transportation and land use.</li> <li>• Make our transit systems efficient. Sonoma County transit is far too inefficient.</li> </ul>





## Activity Station – What We Heard

Sonoma County – Page 2

The **Activity Station** offered participants seven prompts to share additional ideas for how to address housing, economic development and resiliency. Below is a sampling of feedback and comments received at the Sonoma County open house.

### The best way to create more housing in the Bay Area is...



- Provide home sharing.
- Create a PDA on the north side of Hoen Avenue (in Santa Rosa) between Farmers and Summerfield.
- Eliminate CEQA - actually abide by requirements and plan and build well.

### To prevent displacement, I recommend that we...



- Build a lot more housing - for all income levels.
- Introduce stronger rent control.
- Pursue vigorous infill development.

### To solve the Bay Area housing crisis, I recommend that we...



- Put housing at company campuses, shopping malls, transit centers, city/county/state land.
- Add housing where carports are.
- Implement housing, impact fees, and restore Redevelopment Agency fees.

### We need a transportation system that...



- Makes it easier and cheaper to use transit than drive a single-occupancy vehicle.
- Prepares us for a future free of fossil fuels.
- Connects the nine Bay Area counties.
- Is affordable or free, convenient, and runs frequently.
- Is fast, connected, and customer focused.
- Is fully-funded.
- Integrates with best practices in land use.
- Is so "cool" that all people want to ride!



# Plan Bay Area 2040

## A Summary of Five Community Focus Groups, Spring 2017

As part of the spring 2017 outreach for Plan Bay Area 2040, MTC and ABAG conducted five focus groups with community-based organizations in May 2017. The goal of each focus group was to get feedback on Draft Plan Bay Area 2040 from underrepresented groups around the Bay Area.

At each focus group, an MTC or ABAG staffer provided a brief presentation to familiarize attendees with Draft Plan Bay Area 2040 and introduce specific components of the Action Plan. A facilitated discussion gathered feedback from attendees on the Action Plan, including recommendations for improving the Draft Plan's performance on housing, economic development and resilience issues. At the end of each focus group, attendees filled out a paper survey.

### Focus Group Details

**South Hayward Parish** | Hayward  
May 2, 2017  
Homeless Population in Hayward

**Sound of Hope Radio** | Sunnyvale  
May 5, 2017  
South Bay Chinese American Residents

**Richmond Main Street** | Richmond  
May 8, 2017  
Workers and Residents of Richmond

**Sela Learning** | Vallejo  
May 11, 2017  
Workers and Residents of Vallejo

**Rose Foundation** | Oakland  
May 18, 2017  
Students of Oakland and San Francisco

### Survey Results

**97%** think it's important to develop a regional plan focusing on improving the local economy, reducing driving and greenhouse gases, and providing access to housing and transportation for everyone who needs it.

**82%** have lived in the Bay Area for more than 15 years.

**Survey respondents ranked the elements of the Action Plan as follows** (with 1 being most important):

1. Housing
2. Economic Development
3. Resilience

### Feedback from participants of the South Hayward Parish focus group includes...



- More services for the homeless, including a way to create potential roommate matches, and more meetings to connect planners with homeless issues.
- Fund or build transitional housing for people who need a stable place to live to encourage employment.
- Need to locate jobs within the community to be more transit accessible.
- Expand the region's natural infrastructure.

### Feedback from participants of the Sound of Hope Radio focus group includes...



- Expanding transit services is important to addressing housing problems. Cities and counties should collaborate to benefit the whole region.
- Housing needs to be near jobs.
- Regulations for companies that provide jobs to also provide housing.
- Preserve infrastructure and increase transportation access.

### Feedback from participants of the Richmond Main Street focus group includes...



- Policies should require local hires, but also require training to make sure local residents are qualified for the jobs.
- Need for affordable housing across all income levels. Reduce barriers for cities trying to build housing.
- Protect existing residents from displacement.
- Need for education to raise awareness about the importance of climate change.

### Feedback from participants of the Sela Learning focus group includes...



- Create a regional pool of funds for housing and transportation, so poorer cities can access funds to build affordable housing.
- Support small businesses in smaller cities; incentivize job creation in smaller cities.
- Tie transportation funding to workforce development.
- Form a regional working group on inner city revitalization including information sharing between local communities.

### Feedback from participants of the Rose Foundation focus group includes...



- Foster economic development through the development of green infrastructure.
- Make transportation more efficient and affordable, including free transit for students through college.
- Job training is key to obtaining incomes that allow people to stay in the Bay Area.
- Transit should be more reliable so people will be more likely to use public transportation and drive less often.





## South Hayward Parish

Plan Bay Area 2040 Spring 2017 Community Based Outreach



**Tuesday,  
May 2, 2017**

11:30 a.m. – 2:00 p.m.

**South Hayward  
Parish**

Hayward, CA

**Languages**

Spanish  
Interpretation

**Approximate  
Attendance**

14

### Focus Group Overview

As part of the spring 2017 outreach for Draft Plan Bay Area 2040, MTC and ABAG conducted five focus groups with community based organizations like South Hayward Parish. At the focus group, an MTC staffer provided a brief presentation to familiarize attendees with Draft Plan Bay Area 2040 and introduce specific components of the Action Plan. Discussion was geared toward gathering feedback from attendees on the Action Plan, including recommendations for improving the Draft Plan's performance on housing, economic development and resilience issues.

### About This Focus Group

South Hayward Parish is an interfaith organization that provides a range of services to the area's homeless population.

### Biggest Takeaways From Our Conversation

Focus group attendees were facing homelessness or were previously homeless, and expressed concern for affordable, stable housing and tenant protections.



Housing that is affordable to very low-income residents and the ability to stay in the affordable housing (e.g. protect residents against evictions) was identified as the most pressing issue.









Organize additional meetings that connect planners with homeless issues to develop services for the homeless and change the image of homeless people.



There could be a regional approach to relieving homelessness in programs that help connect the homeless populations from different cities for potential roommate matches and in establishing clean, stable transitional housing as people pursue employment.

# More About What We Heard

 <b>HOUSING</b>	 <b>ECONOMIC DEVELOPMENT</b>	 <b>RESILIENCY</b>
<ul style="list-style-type: none"><li>• Protect housing for disabled renters.</li><li>• Protect renters who are subleasing and develop policies around leasing and subleasing.</li><li>• Support transitional housing and shared housing.</li><li>• Building more won't necessarily lower costs.</li><li>• Eliminate the option available to developers to pay fees in place of building affordable housing.</li><li>• Stronger renters' rights against evictions.</li><li>• Protecting against displacement, producing housing, and preserving existing affordable housing were identified as top priorities.</li></ul>	<ul style="list-style-type: none"><li>• Need to locate jobs within the community and have them be transit accessible.</li><li>• Create more jobs at the lower and minimum-wage levels.</li><li>• Develop policies to address the growing senior population within society and the economy.</li></ul>	<ul style="list-style-type: none"><li>• Need a regional strategy because it affects everyone.</li><li>• Expand the region's natural infrastructure.</li><li>• Provide technical assistance that will allow communities to better respond jointly.</li></ul>
		



# Plan Bay Area 2040

## Sound of Hope Radio

*Plan Bay Area 2040 Spring 2017 Community Based Outreach*



**Friday,  
May 5, 2017**

11:30 a.m. - 1:30 p.m. Sunnyvale, CA

**Sound of Hope  
Radio**

**Languages**  
Mandarin  
Interpretation

**Approximate  
Attendance**  
20

### Focus Group Overview

As part of the spring 2017 outreach for Draft Plan Bay Area 2040, MTC and ABAG conducted five focus groups with community based organizations like Sound of Hope Radio. At the focus group, an MTC staffer provided a brief presentation to familiarize attendees with Draft Plan Bay Area 2040 and introduce specific components of the Action Plan. Discussion was geared toward gathering feedback from attendees on the Action Plan, including recommendations for improving the Draft Plan’s performance on housing, economic development and resilience issues.

### About This Focus Group

Sound of Hope Radio is a Chinese-American radio station that serves the San Francisco Bay Area. Focus group attendees represented the Chinese-American community of the South Bay.

### Biggest Takeaways From Our Conversation

Throughout our conversation, focus group attendees expressed concern with traffic, lack of viable public transit options within cities and significant jobs/housing mismatch in Silicon Valley. They suggested increasing public transportation access to job centers and reducing barriers to housing development in jobs-rich areas.



Traffic and lack of housing near jobs are the biggest concern for Sound of Hope Radio Focus Group attendees.



Attendees discussed how important expanding transit service is to address housing problems, and shared their hope that cities collaborate to benefit the whole region.









Attendees also emphasized that housing needs to be near jobs, and the need to develop local mass transportation systems within each city.





# More About What We Heard

 <b>HOUSING</b>	 <b>ECONOMIC DEVELOPMENT</b>	 <b>RESILIENCY</b>
<ul style="list-style-type: none"><li>• Add regulations for companies that provide jobs to also fund housing - Stanford Campus is a good example.</li><li>• Provide economic incentives to local jurisdictions to provide more housing – potentially use state and federal funding to change behavior.</li><li>• Need to be more efficient and agile in the city permitting process so we can quickly respond to changes in the economy.</li><li>• Tie transportation funding to housing development.</li><li>• Housing production was the top priority, followed by preserving existing affordable housing.</li></ul>	<ul style="list-style-type: none"><li>• It's difficult to forcibly grow middle wage jobs.</li><li>• Preserving infrastructure and increasing transportation access are the most important.</li><li>• Fund transit discounts to low-income individuals.</li><li>• Better define what is affordability — define a percentage of how much people have to spend on housing and transportation</li><li>• Increasing affordable transportation access to job centers was the top priority.</li></ul>	<ul style="list-style-type: none"><li>• Concern for earthquakes is higher than concern for sea level rise or flooding.</li><li>• That earthquakes can happen at any moment is understood; sea level rise seems more abstract and long-term.</li><li>• Education on the importance of resiliency to sea level rise and climate change is important.</li><li>• Protecting communities against natural hazards was the top priority followed by preparing the region for effects of climate change.</li></ul>
		



## Richmond Main Street Initiative

Plan Bay Area 2040 Spring 2017 Community Based Outreach

**Monday,  
May 8, 2017**

5:00 p.m. - 7:00 p.m.

**East Bay Center for  
Performing Arts**

Richmond, CA

**Languages**  
English

**Approximate  
Attendance**

5



### Focus Group Overview

As part of the spring 2017 outreach for Draft Plan Bay Area 2040, MTC and ABAG conducted five focus groups with community based organizations like Richmond Main Street Initiative. At the focus group, an MTC and an ABAG staffer provided a brief presentation to familiarize attendees with Draft Plan Bay Area 2040 and introduce specific components of the Action Plan. Discussion was geared toward gathering feedback from attendees on the Action Plan, including recommendations for improving the Draft Plan's performance on housing, economic development and resilience issues.

### About This Focus Group

Richmond Main Street Initiative sponsors community events and programs designed to develop a safe, vibrant, thriving downtown.

### Biggest Takeaways From Our Conversation

Throughout our conversation, focus group attendees expressed concern with economic development, affordable housing and displacement. They suggested increasing a variety of affordable housing solutions, protecting public housing and improving access to healthy food.



Affordable housing and displacement were the biggest issues for focus group attendees.



Attendees discussed increasing funding for affordable housing, developing workforce housing, and local hiring for people of all skill levels.









Attendees suggested prioritizing public investment to correct some of the overtly racist and inequitable policies of the past.



Improving transit access to job centers was also a priority for focus group attendees.

# More About What We Heard

 <b>HOUSING</b>	 <b>ECONOMIC DEVELOPMENT</b>	 <b>RESILIENCY</b>
<ul style="list-style-type: none"><li>• Strategies need to include both affordable housing and workforce housing.</li><li>• Access to healthy, local food is an important piece of an affordable neighborhood.</li><li>• If you can't implement a regional policy, work with sub-regions within the entire region or work within a corridor to establish sub-regional policies.</li><li>• One-size-fits-all policies aren't enough to maintain affordable neighborhoods and prevent displacement.</li><li>• Policies to encourage property owners to upgrade housing to bring down costs.</li><li>• Producing housing and protecting existing residents from displacement were the top priorities.</li></ul>	<ul style="list-style-type: none"><li>• Work with other regions to establish connections to job-rich areas.</li><li>• Connect with high speed rail for access to other regions.</li><li>• Express lanes are not economically equitable.</li><li>• Public outreach could help change perceptions.</li><li>• Increasing affordable transportation access to job centers was the top priority.</li></ul>	<ul style="list-style-type: none"><li>• There is opportunity for education on sea level rise and earthquakes.</li><li>• We can prepare for climate change and protect existing infrastructure.</li><li>• Smaller-scale issues, like drain flooding, should be included.</li><li>• We can raise awareness of the importance of climate change to set the stage for planning.</li><li>• Protecting communities from natural hazards was the higher priority.</li></ul>
		



# Plan Bay Area 2040

## Sela Learning

Plan Bay Area 2040 Spring 2017 Community Based Outreach

Thursday,  
May 11, 2017  
11 a.m. - 1 p.m.

Sela Learning  
Vallejo, CA

Languages  
Spanish  
Interpretation

Approximate  
Attendance  
16



### Focus Group Overview

As part of the spring 2017 outreach for Draft Plan Bay Area 2040, MTC and ABAG conducted five focus groups with community based organizations like Sela Learning. At the focus group, an MTC staffer provided a brief presentation to familiarize attendees with Draft Plan Bay Area 2040 and introduce specific components of the Action Plan. Discussion was geared toward gathering feedback from attendees on the Action Plan, including recommendations for improving the Draft Plan's performance on housing, economic development and resilience issues.

### About This Focus Group

Sela Learning is dedicated to help build, connect and empower communities. Its mission is to improve the economic outlook of children, youth and families.

### Biggest Takeaways From Our Conversation

Attendees were Vallejo residents, most of whom are active in downtown Vallejo. They discussed the job growth occurring in other parts of the region and the difficulty for many Vallejo residents in accessing these jobs. They would like to see more jobs created in Vallejo and a greater development of the city's downtown neighborhood as an economic center.



Vallejo as a bedroom community with jobs located outside the city was identified as the biggest issue for the community.









Expansion of the transportation network means that investment also extends further out to develop new areas, leaving less funding available to encourage growth in cities like Vallejo.



Attendees also expressed interest in partnerships with regional agencies able to assist cities like Vallejo looking to build to their downtown areas but having trouble attracting private investment.

## More About What We Heard

 <b>HOUSING</b>	 <b>ECONOMIC DEVELOPMENT</b>	 <b>RESILIENCY</b>
<ul style="list-style-type: none"> <li>• Create regional funding to support the building of affordable housing for cities like Vallejo that have traditionally provided the workforce for larger cities nearby.</li> <li>• Provide definitions within the plan for “affordable housing” and “middle-wage jobs.”</li> <li>• Preserve existing affordable housing and housing that protects residents against displacement are top priorities.</li> <li>• Identify a clear funding source or sources before further developing a plan.</li> <li>• Invest in development to make Vallejo a city where people want to live.</li> </ul>	<ul style="list-style-type: none"> <li>• It is important to support small business in small cities.</li> <li>• Consider the connection between transit and economic development and how transportation funding can support job creation.</li> <li>• Promote information sharing between other communities in the region that have succeeded in revitalizing their downtowns.</li> <li>• Include educational institutions in the discussion of economic development and work with them on ways to provide a better prepared workforce.</li> <li>• Increasing access to middle-wage jobs and increasing affordable transportation to jobs center was ranked as a top priority.</li> </ul>	<ul style="list-style-type: none"> <li>• Need to address potential changes in food and water supplies as a result of climate change.</li> <li>• Increase efforts to educate communities around the impacts of sea level rise.</li> <li>• Preparing the region for the effects of climate change and protecting communities against natural hazards were ranked as top priorities.</li> <li>• Provide funding for scientific-based responses that help describe and explain climate change.</li> <li>• Promote actions that will help slow the effects of climate change.</li> </ul>
		





# Plan Bay Area 2040

## Rose Foundation for Communities and the Environment

*Plan Bay Area 2040 Spring 2017 Community Based Outreach*

**Monday,  
May 18, 2017**

3:30 p.m. - 5:30 p.m.

**Rose  
Foundation**  
Oakland, CA

**Languages**  
English

**Approximate  
Attendance**  
15



### Focus Group Overview

As part of the spring 2017 outreach for Draft Plan Bay Area 2040, MTC and ABAG conducted five focus groups with community based organizations like the Rose Foundation. At the focus group, an MTC staffer provided a brief presentation to familiarize attendees with Draft Plan Bay Area 2040 and introduce specific components of the Action Plan. Discussion was geared toward gathering feedback from attendees on the Action Plan, including recommendations for improving the Draft Plan's performance on housing, economic development and resilience issues.

### About This Focus Group

The Rose Foundation supports grassroots initiatives regarding the environment, consumers and public health. Attendees were a diverse group of youth from the East Bay.

### Biggest Takeaways From Our Conversation

Throughout our conversation, focus group attendees expressed concern with the displacement of residents and local businesses, the need for economic development for the benefit of current residents, and preserving a diverse city they can stay in.



Attendees spoke of a vision for a diverse, affordable Oakland they can continue to live in.



Gentrification, small business displacement, and economic development for current residents were top concerns for participants.









Attendees expressed concern that the pace of displacement and gentrification is too great to overcome.



Providing free transit to students was also a priority for attendees.

## More About What We Heard

 <b>HOUSING</b>	 <b>ECONOMIC DEVELOPMENT</b>	 <b>RESILIENCY</b>
<ul style="list-style-type: none"> <li>• Subsidized housing could help resolve the housing crisis faster than building new affordable housing.</li> <li>• Displacement isn't new and the region should have acted much sooner to prevent displacement.</li> <li>• Realistic paths to home ownership should be included when considering affordable housing policies.</li> <li>• Eased paths to development should not come at the cost of lower safety standards.</li> </ul>	<ul style="list-style-type: none"> <li>• Job training is a key to obtaining incomes that allow people to stay.</li> <li>• Policies should encourage small businesses to stay.</li> <li>• Transportation infrastructure shouldn't come at the expense of the environment.</li> <li>• Foster economic development through the development of green infrastructure.</li> <li>• Make transportation more efficient and affordable, including free transit for college students.</li> <li>• Increases to the minimum wage, better access to education, and criminal justice reform all matter.</li> </ul>	<ul style="list-style-type: none"> <li>• Create high-paying, green jobs.</li> <li>• Don't develop where flooding is likely to happen or is inevitable.</li> <li>• Keep private institutions, like schools, to the same standards of public institutions.</li> <li>• Make transit more reliable so less people drive.</li> <li>• Build self-sustaining buildings that use little or no carbon energy.</li> </ul>
		



## SPRING 2017 PUBLIC OUTREACH Native American Tribal Government Outreach

*Monday, May 8, 2017  
10:00 a.m. – 12:00 p.m.*

### Location

National Indian Justice Center  
5250 Aero Drive  
Santa Rosa, CA 95403

### Participants

- Cloverdale Rancheria
- Graton Rancheria
- National Indian Justice Center

### Background

On Monday, May 8, ABAG and MTC hosted a meeting with representatives from the Bay Area's Native American tribes at the National Indian Justice Center in Santa Rosa. MTC staff sent invitation letters on April 17, 2017 to the region's Native American tribes, as well as tribes whose ancestral lands are located within the nine Bay Area counties. Representatives from two tribes attended the meeting as well as staff from our partner agencies, including Caltrans, the Transportation Authority of Marin and the Sonoma County Transportation Authority. Staff from the National Indian Justice Center also participated.

After opening remarks delivered by ABAG's Vice President David Rabbitt and MTC's Chair Jake Mackenzie, Matt Maloney, MTC's principal for major projects, presented on Draft Plan Bay Area 2040, its accompanying Environmental Impact Report, the Action Plan and the 2017 Transportation Improvement Program. After the presentation, participants discussed local and regional topics related to housing and transportation and provided feedback on draft Plan Bay Area 2040 documents. Below are some key takeaways from the discussion groups.

### Key Takeaways

- In the future, this forum would be a good opportunity for tribes to share their transportation plans and present them to staff so that the plans can feed into the regional planning process.
- There is a complicated maze the tribes have to go through to access federal funding — need more opportunities to access local funding.
- Need communications to be clear and specific about when the tribes' input is needed and when it is appropriate to provide feedback.
- The tribes need more collaboration with all levels of government to access data in order to access state and local funding.
- There are many people commuting from Mendocino County into Sonoma County due to the affordability crisis.
- Affordable housing is getting lost for middle-income folks.
- SMART must reach Cloverdale.
- The tribes need toolboxes and technical assistance to help address the issues of housing, economic development and resiliency, as well as technical assistance to help identify local transportation projects.
- Focus job-training efforts on training youth for trades.
- Tribes have access to federal training funds for emergency management, which may help address resiliency efforts.