

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: April 19, 2010
Reviewed by: BP

SUBJECT: Proposed new Alameda County Transportation Commission (ACTC) Joint Powers Agreement, and Update on the Development of the Countywide Transportation Plan, Funding Strategies and Opportunities

FROM: Aleida Andrino-Chavez, Transportation Planner

STAFF RECOMMENDATION

1. Receive presentation on the merger of the Alameda County Congestion Management Agency (ACCMA) and the Alameda County Transportation Improvement Authority (ACTIA), the development of the Countywide Transportation Plan, Funding Strategies and Opportunities update, and provide comment, if any, on short and long term projects/funding opportunities.
2. Adopt Resolution No. 2010-17 approving the Joint Powers Agreement creating the Alameda County Transportation Commission (ACTC) and approving an amendment to the Joint Powers Agreement for the Alameda County Congestion Management Agency (ACCMA) presented in Exhibit B, and authorize the Mayor or City Manager to execute the necessary agreements.

BACKGROUND

The Alameda County Congestion Management Agency (ACCMA) and the Alameda County Transportation Improvement Authority (ACTIA) have embarked on a number of new initiatives to plan and deliver transportation programs and increase transportation funding in Alameda County in a more cost effective fashion.

The first initiative proposes a merger of the two agencies into a new one entitled the Alameda County Transportation Commission (ACTC). While both organizations have functioned well as separate agencies, the respective Boards believe that the proposed new JPA will provide a more efficient and cost-effective platform over the long term to the residents of Alameda County upon which to plan and deliver transportation programs and capital projects.

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

sales tax measure to add infrastructure projects and increase funding for essential transit services, streets and roads maintenance, bicycle and pedestrian safety, and services for seniors and disabled. This will be done through a coordinated process during the update of the Countywide Transportation Plan.

DISCUSSION

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

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

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

In February 2010, the joint Boards approved a draft Joint Powers Agreement and directed staff to present it to the Board of Supervisors, the City Councils for all 14 cities in the County, and the Boards of AC Transit and BART. ACTIA and CMA staff are now seeking approval of the new Joint Powers Agreement and the necessary parallel changes to the CMA Joint Powers Agreement. The ACTIA Board will take steps to amend the 2000 Transportation Expenditure Plan, following a 45 day review period, to change the composition of the ACTIA Board so that it is the same as that of the proposed new commission (ACTC). Steps will also be taken to

terminate ACTA and transfer the Agency's assets and liabilities to ACTC. Neither of the latter two steps requires individual action by member agencies. The goal is to achieve all the necessary approvals by July, with the new commission launching in September of this year.

Proposed New JPA (Alameda County Transportation Commission) Board Composition: An Ad Hoc Committee of the joint Boards of Directors considered several different scenarios for composition of the new Board, including both membership and allocation of votes. A guiding principle was that all the cities and the County needed to be represented, along with some representation from the transit operators. Votes based on populations, which change over time, following the CMA model were considered. The joint Boards of Directors approved an approach that recognized the interests of the largest (by population) cities and included both AC Transit and BART. The proposed new twenty-two member JPA Board (and the separate Boards of ACTIA and CMA) would be composed of:

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

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

Technical Advisory Committee and the Citizens' Watchdog Committee: The proposed JPA designates the current Alameda County Transportation Advisory Committee (ACTAC) to continue to function as the technical advisory committee to the new ACTC. Additionally, the JPA appoints the current Citizens' Watchdog Committee as described in the Alameda County 2000 Transportation Expenditure Plan which will continue to have the powers as specified in that Plan regarding the expenditure of ACTIA funds. While not mentioned in the Joint Powers Agreement, the other outside committees of each Agency would continue for the present; however, there may be some consolidation of the existing standing committees of each agency.

Schedule: The Merger Implementation Plan proposed the following major milestones to implement the merger.

MAJOR MERGER ACTION PLAN MILESTONES

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

Countywide Transportation Plan:

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

The CMA and ACTIA are currently updating the *Countywide Transportation Plan* to review transportation needs in Alameda County and incorporate the requirements of AB 32 and SB 375, which require MTC, the CMA and local jurisdictions to find ways to provide more programs and projects that integrate transportation and land use and reduce green house gas emissions. This update will be used by ACTIA to develop a proposal for an extension of the existing half-cent sales tax measure and is anticipated to be completed June 2012 to be used to inform the 2013 Regional Transportation Plan. It will, in part, launch a two step approach to bring more local transportation funding to Alameda County. First is a proposal to place a \$10 Vehicle Registration Fee (VRF) on the November 2, 2010 ballot to be used for local transportation and transit improvements. The second and longer term objective is to extend the existing half-cent sales tax measure to add infrastructure projects and increase funding for essential transit services, streets and roads maintenance, bicycle and pedestrian safety, and services for seniors and disabled. Both proposals are described below and are provided as information.

Short Term Funding Opportunity – Vehicle Registration Fee for Transportation

The Albany City Council is requested to provide input on the CMA's effort to place a Vehicle Registration Fee of \$10 that could be used for local transportation improvements throughout Alameda County on the November 2, 2010 ballot. The opportunity for a Countywide transportation agency to place this fee before the voters was authorized in 2009 by the passage of Senate Bill 83, authored by Senator Loni Hancock (Oakland). The Vehicle Registration Fee could help counties provide additional local funding for their transportation needs. Alameda County has very significant unfunded transportation needs, and this fee would provide funding to meet some of those needs.

The Vehicle Registration Fee would be a key part of an overall strategy to develop a balanced, well thought-out program that improves transportation and transit for our residents and has the potential to generate up to \$11 million per year.

The Vehicle Registration Fee could fund programs that:

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

Expenditure Plan: During the spring of 2010, CMA will develop a Vehicle Registration Fee Expenditure Plan, based on broad public input that articulates how the funds generated will be used. The draft Expenditure Plan is expected to be available in May 2010 with a final in June 2010. The Vehicle Registration Fee Expenditure Plan could have the following benefits.

- All of the money raised by the Vehicle Registration Fee would be used exclusively for transportation improvements in Alameda County. None of it can be taken by the State.
- Help fund roadway repairs and maintenance that make our roads safer for vehicles, cyclists and pedestrians.
- Provide investments that will help create a smarter, more efficient transportation system.
- Establish a reliable source of funding to help fund critical local transportation programs.

The elements in the Expenditure Plan must have a relationship or benefit to the persons paying the Vehicle Registration Fee.

Outreach and Schedule: As part of the outreach process, ACCMA is making presentations to every City Council in Alameda County, the Board of Supervisors and transit agencies, and also will meet with other key agencies and stakeholder groups during the March, April and May. In addition, ACCMA is holding four workshops in March and April. All meetings, meeting materials and project documents are available on the Alameda County Vehicle Registration Fee website (www.alamedacountyvrf.org).

Public Workshops

San Leandro

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

Fremont

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

Dublin

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

Oakland

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

MAJOR VEHICLE REGISTRATION FEE MILESTONES

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

A Long-Term Planning and Funding Opportunity:

ACTIA and the ACCMA are working on the development of an update to the countywide transportation plan and an extension of the existing half-cent sales tax measure to offer a fresh set of infrastructure projects and to increase funding for essential transit services, streets and roads maintenance, bicycle and pedestrian safety, and services for seniors and disabled. Most of the projects included in the 2000 voter approved plan will have gone to construction by 2012. Extending the existing measure would allow for new capital projects to be developed that are identified in the countywide transportation plan update, while an increase would fund additional critical transit operations, street repairs and bicycle and pedestrian safety. A new ballot measure is currently planned for the November 2012 ballot, and would require a 2/3 voter approval. ACTIA and ACCMA will be seeking participation in the countywide plan and expenditure plan development process with all county jurisdictions, special interest and advocacy groups, business, health, education and enforcement.

The decision to move forward with an integrated planning and funding approach was made through a series of meetings in late 2009. At an October 2009 ACTIA Board meeting and a December 2009 joint ACTIA/ACCMA board retreat, the Boards directed staff to begin developmental processes for a new Expenditure Plan that could be placed on the ballot in November 2012. Specifically, direction for the development of the Plan included the establishment of a new countywide transportation vision and closely coordinated development of the update to the Countywide Transportation Plan from which an Expenditure Plan would be derived. Development of both plans is scheduled to be completed by June 2012 through a technically based effort that includes significant public involvement.

Why a sales tax reauthorization now?

In November 2000, Alameda County voters overwhelmingly approved reauthorization of the County's half-cent transportation sales tax for a 20-year period. The sales tax collection began on April 2, 2002, and will expire on March 31, 2022, unless reauthorized prior to that time.

Due to the significant economic downturn, ACTIA has seen one-third of the projected revenues disappear. This reduction primarily impacts programs; capital projects are anticipated to not be impacted due to accelerated delivery schedules and receipt of federal and state funds through one-time infusions. The current contract bidding climate has resulted in bids come in significantly under the engineer's estimates.

Original estimates for overall sales tax receipts were for \$3 billion and are now down to \$2 billion. This has occurred at a time when climate change legislation will require efforts to reduce vehicle miles traveled, thereby increasing the role and importance of transit funding. Unfortunately, transit has been dramatically affected by reductions in funding from the State, as well as declines from the sales and property taxes. This triple hit has resulted in increased fares and service reductions. In addition, the senior population of Alameda County is expected to rise dramatically, particularly due to the Baby Boomers turning sixty-five – the first of which will do so in 2011. Increases in transportation services will be needed to accommodate the large growth in this sector of the population. Finally, the ramifications of a sedentary American lifestyle have rendered the rise of obesity to be considered an epidemic. How transportation infrastructure and services are implemented can have a dramatic effect on the amount of physical activity people will engage in for their everyday transportation needs. As needs have risen, the funding to address them has declined.

ACTIA project implementation, on the other hand, has seen great successes in early delivery, due to the readiness of the projects when adopted into the ACTIA Expenditure Plan, the diligent efforts of both ACTIA and project sponsor staff at moving the projects forward, and because of significant funding from state bonds and the federal government that helped to close funding gaps in many of the projects. As a result of these efforts, most of the projects will be delivered within the first ten years of the measure, and the remaining funds from the second half of the measure designated for projects will be used to pay off the debt incurred for early project delivery.

Joint development of the countywide transportation plan update and the expenditure plan will offer the county a strategic method to simultaneously develop a planning and funding strategy to meet the County's transportation needs while addressing the regulatory changes established through AB32 and SB375. ACTIA and ACCMA will work with all jurisdictions on the development of these plans and will seek approval of an expenditure plan from all cities and the county prior to placement on the 2012 ballot.

SUSTAINABILITY IMPACT

N/A

FISCAL IMPACT

There is no cost associated with approving this request. If the sales tax is reauthorized and the Vehicle Registration Fee passes, there is potential for additional funding for transportation and transit projects.

Enclosures:

Exhibit A: Resolution Number No. 2010-17

Exhibit B: Draft Agreement ACTC

Exhibit C: Merger Presentation