

## SPECIAL MEETING NOTICE AND AGENDA

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**DATE & TIME:** December 8, 2023 • 7:30 AM – 9:30 AM

**LOCATION:** City of El Cerrito, Council Chambers  
10890 San Pablo Avenue (at Manila Ave)  
El Cerrito, California (Accessible by AC Transit #72, #72M & #72R)

**REMOTE ACCESS:**

<https://us02web.zoom.us/j/7321058840?pwd=c1dMVjJyd1BoYk0yYWVlZWVlWHZ4Zz09>  
Meeting ID: 732 105 8840

Phone: =

+Dial the following number, enter the participant PIN followed by # to confirm:

+1 669 900 6833

Meeting ID: 732 105 8840

Password: 066620

**Public Comment During the Meeting**

Public comment during the meeting is limited to in-person participants. Members of the public will not have the ability to comment via Zoom unless WCCTAC is required to provide that opportunity due to a WCCTAC Director participating pursuant to AB 2449. In such a circumstance, the Chair will make an announcement at the beginning of the meeting. Those interested in commenting (if required per AB 2449) should raise their virtual hands to notify the host during the relevant agenda item.

**Written Comment** (accepted until the start of the meeting, unless otherwise noted on the meeting agenda). Public comments received by 5:00 p.m. on the evening before the Board meeting date will be provided to the WCCTAC Board. Comments may be submitted by email to [vjenkins@wctac.org](mailto:vjenkins@wctac.org).

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- 1. Call to Order and Board Member Roll Call.** (Paul Fadelli – Chair)
  - 2. Public Comment.** The public is welcome to address the Board on any item that is not listed on the agenda.

3. **Congressional Update from United States Representative John Garamendi.** Congressman Garamendi represents California's 8<sup>th</sup> Congressional District, which includes West Contra Costa, and serves on the House Committee on Transportation and Infrastructure. Rep. Garamendi will provide a brief update on Congressional activity impacting transportation or other relevant topics.
4. **Proclamation Recognizing Joanna Pallock** (*Attachment*)

### **CONSENT CALENDAR**

5. **Minutes of the October 27, 2023 Board Meetings.** (*Attachment; Recommended Action: Approve*).
6. **Monthly Update on WCCTAC Activities.** (*Attachment; Information only*).
7. **Financial Reports.** The reports show the Agency's revenues and expenses for October 2023. (*Attachment; Information only*).
8. **Payment of Invoices over \$10,000.** An invoice for \$33,251.97 was paid to consultant, Fehr and Peers, for work relating to the Richmond Parkway Transportation Plan (*No Attachment; Information only*).
9. **Proposed 2024 Board and TAC Meeting Calendar.** Board meetings are proposed for the usual fourth Friday of the month, from 8-10 am, and TAC meetings are proposed for the second Thursday of the month, from 9-11 am. The regular exceptions to this general rule, in August, November, and December, are shown in the attachment. (*Attachment; Recommended Action: Approve*).
10. **Creation of Transportation Program Associate Position and Amendment to Salary Schedule.** As part of a minor restructuring, staff is proposing to create a new position, the Transportation Program Associate, and leave an existing position, TDM Program Manager, vacant. The total number of staff, overall expenses on salaries and benefits, and agency-wide job duties are all proposed to remain the same. (*Attachment; Recommended Action: Approve Resolution 23-10 creating the new position and amending the salary schedule*).

### **REGULAR AGENDA ITEMS**

11. **WCCTAC Meeting Format and Public Comment.** Beginning with the October 2023 Board meeting, staff, following consultation with the Board Chair and counsel, temporarily suspended public comment via Zoom in response to persistent and widespread hate speech occurring at many public meetings throughout the Bay Area. The Board is now being asked to consider its approach to public comments for future meetings. (*John Nemeth, WCCTAC staff; Attachment; Recommended Action: Provide direction on WCCTAC's approach to public comments*).

- 12. Appeal of STMP Fee for 1711-1755 Eastshore Boulevard.** Baco Properties, the developer of a storage facility project in El Cerrito, is seeking a waiver of its STMP fees. WCCTAC staff and WCCTAC's counsel have reviewed the request and concluded that the City of El Cerrito applied the fee appropriately and that there is no basis for waiving the fee. WCCTAC staff will introduce the item and staff from Baco Properties and/or Downey Brand LLP will deliver a presentation to the Board. *(John Nemeth, Executive Director, and Baco Properties and/or Downey Brand staff; Attachments; Recommended Action: Deny the STMP fee waiver request).*
- 13. Richmond Ferry.** WETA staff will provide an update on the performance of the ferry and provide an overview of the ferry's long-range financial picture. The Board could request that WETA develop alternative service options to slow the burn rate of Measure J operating funds. *(Kevin Connolly, WETA staff, and John Nemeth, WCCTAC staff; Attachment; Recommended Action: 1) Receive performance update, and 2) Considered requesting alternate service scenarios from WETA that would extend the availability of Measure J funding).*
- 14. AC Transit Bus Shelter Maintenance in West County.** AC Transit's model for funding bus shelter capital needs and maintenance costs has changed. To prevent these costs from falling onto local jurisdictions in West County, both WCCTAC staff and the WCCTAC-TAC recommended that WCCTAC cover one year of these expenses using Measure J 28b funds. *(Carissa Lee, AC Transit staff, and John Nemeth, WCCTAC staff; Attachments; Approve Resolution 23-11 authorizing the use of \$88,647 in Measure J 28b funds to cover the costs of maintenance for AC Transit bus shelters in West County for one year).*

### **STANDING ITEMS**

- 15. Board and Staff Comments.**
- a. Board Member Comments, Conference/Meeting Reports (AB 1234 Requirement), and Announcements
  - b. Report from CCTA Representatives (*Directors Fadelli & Kelley*)
  - c. Executive Director's Report
- 16. General Information Items.**
- a. Letter to CCTA Executive Director with Summary of Board Actions for October 27, 2023
  - b. Acronym List
- 17. Adjourn.** Next regular meeting is: January 26, 2024 @ 8:00 a.m.

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- In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in the WCCTAC Board meeting, or if you need a copy of the

agenda and/or agenda packet materials in an alternative format, please contact Valerie Jenkins at 510.210.5930 prior to the meeting.

- If you have special transportation requirements and would like to attend the meeting, please call the phone number above at least 48 hours in advance to make arrangements.
- Handouts provided at the meeting are available upon request and may also be viewed at WCCTAC's offices.
- Please refrain from wearing scented products to the meeting, as there may be attendees susceptible to environmental illnesses. Please also put cellular phones on silent mode during the meeting.
- A meeting sign-in sheet will be circulated at the meeting. Sign-in is optional.

# **WCCTAC BOARD PROCLAMATION**

## **Recognizing Project Manager, Joanna Pallock**

**WHEREAS**, Joanna Pallock is a graduate of El Cerrito High School; and

**WHEREAS**, Joanna Pallock is currently a resident of Pinole; and

**WHEREAS**, Joanna Pallock has served West Contra Costa County for 16 years by serving as a Project Manager at WCCTAC; and

**WHEREAS**, Joanna Pallock oversees activities related to youth transportation, including administration of the Measure J-funded low-income Student Bus Pass Program; and

**WHEREAS**, Joanna Pallock has supported alternative modes of transportation, including serving on the Countywide Bicycle and Pedestrian Advisory Committee (CBPAC); and

**WHEREAS**, Joanna Pallock oversees programming, coordination, and other activities related to senior and disabled transportation in West County; and

**WHEREAS**, Joanna Pallock has been involved in planning efforts, including management of WCCTAC's Senior/Disabled Needs Assessment Study (2018) and participation in the development of CCTA's Accessible Transportation Strategic Plan; and.

**WHEREAS**, Joanna Pallock has been instrumental in the development of new programs including WCCTAC's Travel Training Program, and the San Pablo Medical Transit Pilot, in coordination with CCTA and the City of San Pablo; and

**WHEREAS**, Joanna Pallock is retiring on December 31, 2023

**NOW THEREFORE**, the Board of Directors of the West Contra Costa Transportation Advisory Committee (WCCTAC), does hereby proclaim its gratitude and recognition for Joanna Pallock for her years of dedicated service.

**Dated: December 8, 2023**

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**Paul Fadelli, Board Chair**

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**Rita Xavier, Vice-Chair**

**West Contra Costa Transportation Advisory Committee  
Board of Directors Meeting  
Meeting Minutes October 27, 2023**

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**MEMBERS PRESENT:** Paul Fadelli, Chair (El Cerrito), Rita Xavier, Vice-Chair (San Pablo), Dion Bailey (Hercules), Cameron Sasai (Pinole), Soheila Bana (Richmond), Eduardo Martinez (Richmond-late arrival), Chris Peeples, (AC Transit), Rebecca Saltzman (BART), Tom Hansen (WestCAT), John Gioia (Contra Costa County)-departed@9:04

**STAFF PRESENT:** John Nemeth, Joanna Pallock, Coire Reilly, Valerie Jenkins,  
Kris Kokotaylo (legal counsel)

**ACTIONS LISTED BY:** WCCTAC Staff

**Meeting Called to Order:** 8:00 a.m.

**Public Comment:** None

**CONSENT CALENDAR**

Motion by **Director Saltzman**; seconded by **Director Xavier**

Yes- P. Fadelli, R. Xavier, C. Sasai, C. Peeples, D. Bailey, J. Gioia, R. Saltzman, T. Hansen, S. Bana  
No- None

Abstention- None

Motion passed unanimously.

**Item #3. *Approved:*** Minutes of the September 29, 2023, Board Meeting.

**Item #4. *Received:*** Monthly Update on WCCTAC Activities.

**Item #5. *Received:*** Financial Reports for September 2023.

**Item #6. *Approved:*** Payment of \$28,580.19 to Fehr and Peers relating to the Richmond Parkway Transportation Plan and \$20,520 for WestCAT bus passes as part of the TDM Pass2Class program.

**Item #7. *Appointed:*** Josef Munoz as the second alternate to the CCTA's Technical Coordinating Committee (TCC).

**Item #8. *Adopted:*** Resolution 23-08 authorizing WCCTAC to enter into a funding agreement with the City of El Cerrito providing \$180,000 in STMP funds for the Ohlone Greenway-Uptown District Project).

**Item #9. *Approved:*** Allocation of Fiscal Year 2024 Measure J 20b Funds of \$744,500 for Additional Transportation Services for Seniors and People with Disabilities.

**REGULAR AGENDA ITEMS**

ITEM/DISCUSSION	ACTION
<p><b>Item #10</b>  <b>Comprehensive Travel Training Program Review</b></p>	<p><b><i>Information Only</i></b>            Joanna Pallock, WCCTAC staff, provided an overview of the Travel Training Program for the last five years, including WCCTAC’s approach and lessons learned. She noted that there were a variety of options for the program’s future, including a possibility that CCTA could implement a countywide version of the program or that WCCTAC could continue it. Staff noted that it would return with some options for the Board.</p>
<p><b>Item #11</b>  <b>City of San Pablo Medical Trips One-Seat Pilot</b></p>	<p>Joanna Pallock, WCCTAC staff, provided background on a proposed pilot project to provide medical trips by paratransit to Martinez for residents in the 94806 zip code. The service is a partnership with CCTA, who would fund 50% of the costs with countywide Measure X dollars, and the City of San Pablo who would operate the service. Staff recommended the contribution of Measure J 28b dollars.</p> <p>Motion by <b>Director Martinez</b>, seconded by <b>Director Bana</b>, to approve Resolution 23-09, authorizing the use of \$85,412 in Measure J 28b funds, to match an equal contribution from CCTA, for an eighteen-month pilot program.            Yes- P. Fadelli, R. Xavier, C. Sasai, C. Peebles, D. Bailey, John Gioia, R. Saltzman, T. Hansen, S. Bana, E. Martinez            No- None            Abstention- None            Motion passed unanimously</p>

<p><b>Item #12</b> <b>Joint Power Agreement (JPA).</b></p>	<p>The WCCTAC Board authorized staff to transmit the proposed changes to the Joint Powers Agreement (JPA) to member agencies for approval. The Board also determined that it would not pursue a change to WCCTAC’s legal name but would adopt a “doing business as” name instead. The Board had previously decided upon the “West Contra Costa Transportation Commission” as the preferred new name, but the name “West County Transportation Commission” was also proposed by a Board member. Staff recommended bringing the issue to an upcoming meeting to allow the Board to finalize the choice of a new name.</p> <p>Motion by <b>Director Saltzman</b>; seconded by <b>Director Bailey</b>; authorizing WCCTAC staff to transmit the revised Joint Power Agreement (JPA) to Member Agencies and bring back the discussion of a new “Doing Business As” name.  Yes- P. Fadelli, R. Xavier, C. Sasi, C. Peeples, D. Bailey, E. Martinez, R. Saltzman, T. Hansen, S. Bana  No-None  Abstention- None  Motion passed unanimously.</p>
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**Meeting Adjourned: 9:33 a.m.**

**TO:** WCCTAC Board

**DATE:** December 8, 2023

**FR:** John Nemeth, Executive Director

**RE:** **Monthly Update on WCCTAC Activities**

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### **511 Contra Costa Senior Outreach at the El Cerrito Senior Fair**



WCCTAC's TDM Program, 511 Contra Costa, reached out to the senior population with a table at the El Cerrito Senior Fair. The event filled the El Cerrito Community Center with various non-profits, businesses, and service providers that are focused on seniors. In attendance, and making the rounds at the fair, was El Cerrito City Council Member and WCCTAC Chair Paul Fadelli.

If you have a community event you would like 511 Contra Costa and/or WCCTAC to attend, please reach out to TDM Program Manager Coire Reilly – [creilly@511contracosta.org](mailto:creilly@511contracosta.org)

### **Working Toward Improvements for Richmond Parkway**

The Richmond Parkway Transportation Planning effort has entered an internally focused phase as staff and consultants review the wide variety of public comments received during the first Community Outreach round. From those comments and the Existing Conditions Analyses, the team is preparing draft strategies for corridor improvements. Soon after this first draft is developed, the team will refine the list with the Richmond Parkway Transportation Plan TAC and ultimately present the draft list to the WCCTAC Board, as well as the community during the second outreach phase in early 2024.

### **San Pablo Avenue Corridor Update**

WCCTAC, CCTA, El Cerrito, Richmond, and AC Transit staff met recently with Caltrans staff about a future paving and maintenance project along San Pablo Avenue from the Alameda County/El Cerrito border to approximately Cutting Avenue. Caltrans was interested in learning more about the recently completed WCCTAC and CCTA sponsored San Pablo Avenue Multimodal Corridor Study - Phase 2, and El Cerrito's Complete Streets Plan. All parties are examining how safety and multi-model elements could be incorporated into the Caltrans project.

Additionally, the WCCTAC Board recently awarded STMP funding for a Phase 3 effort on the corridor that would focus on building consensus around a potential bus-only lane segment and undertaking considerable public outreach. After a discussion with CCTA staff on November 30, which included WCCTAC's representatives to CCTA, it is possible that CCTA could lead this planning effort, potentially using RM3 funds. Staff will keep the Board posted on corridor planning efforts and collaboration.

### **Staff Transitions**

After 16 years of service as WCCTAC's Project Manager, Joanna Pallock is retiring on December 31, 2023. Staff recently completed the hiring process to find Joanna's replacement, and selected Coire Reilly, who currently serves as the TDM Program Manager. The impending vacancy in the TDM Program Manager position will necessitate another recruitment. Staff, however, is seeking to modify the position that WCCTAC will hiring for by creating a new, and slightly differing, position. Additional details are provided in the Board packet.

### **Join Us for a Post-Meeting Reception**

In recognition of our colleague Joanna Pallock's final Board meeting, staff will be hosting a casual reception in the El Cerrito City Hall lobby, following the conclusion of the Board Meeting. Peer staff from other agencies have been invited and light refreshments will be served. Please join us if you can!

# General Ledger Monthly Budget Report



**CITY OF SAN PABLO**  
City of New Directions

User: AnnC  
Printed: 11/16/2023 4:57:20 PM  
Period 04 - 04  
Fiscal Year 2024

Account Number	Description	Adopted	Budget Adjustments	Adjusted	YTD Actual	Variance	Encumbered	Available	% Avail
7700	WCCTAC Operations								
770-7700-41000	Salary	0.00	569,435.00	569,435.00	51,070.06	518,364.94	0.00	518,364.94	91.03
770-7700-41200	PERS Retirement	0.00	0.00	0.00	60,121.91	-60,121.91	0.00	-60,121.91	0.00
770-7700-41310	Medical Insurance	0.00	0.00	0.00	21,272.89	-21,272.89	0.00	-21,272.89	0.00
770-7700-41311	Retiree Healthcare	0.00	0.00	0.00	185.91	-185.91	0.00	-185.91	0.00
770-7700-41400	Dental	0.00	0.00	0.00	1,006.61	-1,006.61	0.00	-1,006.61	0.00
770-7700-41500	Flexible Spending Account	0.00	0.00	0.00	270.00	-270.00	0.00	-270.00	0.00
770-7700-41800	LTD Insurance	0.00	0.00	0.00	1,185.80	-1,185.80	0.00	-1,185.80	0.00
770-7700-41900	Medicare	0.00	0.00	0.00	1,876.67	-1,876.67	0.00	-1,876.67	0.00
770-7700-41901	Other Insurances	0.00	0.00	0.00	9,566.45	-9,566.45	0.00	-9,566.45	0.00
770-7700-41904	Life Insurance	0.00	0.00	0.00	466.63	-466.63	0.00	-466.63	0.00
770-7700-41911	Liability Insurance	0.00	4,639.00	4,639.00	0.00	4,639.00	0.00	4,639.00	100.00
770-7700-41912	Unemployment Insurance	0.00	0.00	0.00	112.00	-112.00	0.00	-112.00	0.00
	Salary and Benefits	0.00	574,074.00	574,074.00	147,134.93	426,939.07	0.00	426,939.07	74.37
770-7700-43500	Office Supplies	0.00	4,600.00	4,600.00	2,064.62	2,535.38	0.00	2,535.38	55.12
770-7700-43501	Postage	0.00	1,600.00	1,600.00	115.76	1,484.24	0.00	1,484.24	92.77
770-7700-43520	CopiesPrintingShippingXerox	0.00	3,300.00	3,300.00	614.01	2,685.99	0.00	2,685.99	81.39
770-7700-43600	Professional Services	0.00	69,510.00	69,510.00	17,474.46	52,035.54	0.00	52,035.54	74.86
770-7700-43900	RentBuilding	0.00	22,500.00	22,500.00	7,171.00	15,329.00	0.00	15,329.00	68.13
770-7700-44000	Special Department Expenses	0.00	10,000.00	10,000.00	1,907.24	8,092.76	0.00	8,092.76	80.93
770-7700-44320	TravelTraining Staff	0.00	2,500.00	2,500.00	1.25	2,498.75	0.00	2,498.75	99.95
	Service and Supplies	0.00	114,010.00	114,010.00	29,348.34	84,661.66	0.00	84,661.66	74.26
	Expense	0.00	688,084.00	688,084.00	176,483.27	511,600.73	0.00	511,600.73	74.35
7700	WCCTAC Operations	0.00	688,084.00	688,084.00	176,483.27	511,600.73	0.00	511,600.73	74.35
7720	WCCTAC TDM								
772-7720-41000	Salary	0.00	0.00	0.00	63,713.43	-63,713.43	0.00	-63,713.43	0.00
772-7720-41200	PERS Retirement	0.00	0.00	0.00	44,414.17	-44,414.17	0.00	-44,414.17	0.00
772-7720-41310	Medical Insurance	0.00	0.00	0.00	10,784.93	-10,784.93	0.00	-10,784.93	0.00
772-7720-41400	Dental Insurance	0.00	0.00	0.00	516.25	-516.25	0.00	-516.25	0.00
772-7720-41800	LTD Insurance	0.00	0.00	0.00	417.73	-417.73	0.00	-417.73	0.00
772-7720-41900	Medicare	0.00	0.00	0.00	915.59	-915.59	0.00	-915.59	0.00
772-7720-41901	Other Insurances	0.00	0.00	0.00	7,141.72	-7,141.72	0.00	-7,141.72	0.00
772-7720-41904	Life Insurance	0.00	0.00	0.00	127.55	-127.55	0.00	-127.55	0.00
	Salary and Benefits	0.00	0.00	0.00	128,031.37	-128,031.37	0.00	-128,031.37	0.00
772-7720-43500	Office Supplies	0.00	0.00	0.00	1,546.43	-1,546.43	0.00	-1,546.43	0.00

Account Number	Description	Adopted	Budget Adjustments	Adjusted	YTD Actual	Variance	Encumbered	Available	% Avail
772-7720-43501	TDM Postage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
772-7720-43520	CopiesPrintingShippingXerox	0.00	0.00	0.00	579.03	-579.03	0.00	-579.03	0.00
772-7720-43600	Professional Services	0.00	0.00	0.00	12,375.45	-12,375.45	0.00	-12,375.45	0.00
772-7720-43900	RentBuilding	0.00	0.00	0.00	7,171.00	-7,171.00	0.00	-7,171.00	0.00
772-7720-44000	Special Department Expenses	0.00	0.00	0.00	94,346.51	-94,346.51	0.00	-94,346.51	0.00
772-7720-44320	TravelTraining Staff	0.00	0.00	0.00	0.50	-0.50	0.00	-0.50	0.00
	Service and Supplies	0.00	0.00	0.00	116,018.92	-116,018.92	0.00	-116,018.92	0.00
	Expense	0.00	0.00	0.00	244,050.29	-244,050.29	0.00	-244,050.29	0.00
7720	WCCTAC TDM	0.00	0.00	0.00	244,050.29	-244,050.29	0.00	-244,050.29	0.00
7730	STMP								
773-7730-41000	Salary	0.00	80,000.00	80,000.00	80,000.00	0.00	0.00	0.00	0.00
	Salary and Benefits	0.00	80,000.00	80,000.00	80,000.00	0.00	0.00	0.00	0.00
773-7730-44000	Special Department Expense	0.00	6,391,144.00	6,391,144.00	11,247.23	6,379,896.77	0.00	6,379,896.77	99.82
	Service and Supplies	0.00	6,391,144.00	6,391,144.00	11,247.23	6,379,896.77	0.00	6,379,896.77	99.82
	Expense	0.00	6,471,144.00	6,471,144.00	91,247.23	6,379,896.77	0.00	6,379,896.77	98.59
7730	STMP	0.00	6,471,144.00	6,471,144.00	91,247.23	6,379,896.77	0.00	6,379,896.77	98.59
7740	WCCTAC Special Projects								
774-7740-43600	Professional Services	0.00	0.00	0.00	140,251.48	-140,251.48	0.00	-140,251.48	0.00
774-7740-44000	Special Department Expense	0.00	519,994.00	519,994.00	18.00	519,976.00	0.00	519,976.00	100.00
	Service and Supplies	0.00	519,994.00	519,994.00	140,269.48	379,724.52	0.00	379,724.52	73.02
	Expense	0.00	519,994.00	519,994.00	140,269.48	379,724.52	0.00	379,724.52	73.02
7740	WCCTAC Special Projects	0.00	519,994.00	519,994.00	140,269.48	379,724.52	0.00	379,724.52	73.02
Expense Total		0.00	0.00	7,679,222.00	652,050.27	7,027,171.73	0.00	7,027,171.73	91.5089

# General Ledger Monthly Budget Report

User: AnnC  
 Printed: 11/16/2023 4:45:02 PM  
 Period 04 - 04  
 Fiscal Year 2024



Account Number	Description	Adopted	Budget Adjustments	Adjusted	YTD Actual	Variance	Encumbered	Available	% Avail
0000	Non Departmental								
773-0000-34310	County STMP Fees	0.00	750,000.00	-750,000.00	-24,291.59	-725,708.41	0.00	-725,708.41	96.76
773-0000-34315	El Cerrito STMP Fees	0.00	250,000.00	-250,000.00	0.00	-250,000.00	0.00	-250,000.00	100.00
773-0000-34320	Hercules STMP Fees	0.00	40,000.00	-40,000.00	0.00	-40,000.00	0.00	-40,000.00	100.00
773-0000-34325	Pinole STMP Fees	0.00	40,000.00	-40,000.00	-121,449.08	81,449.08	0.00	81,449.08	-203.62
773-0000-34330	Richmond STMP Fees	0.00	750,000.00	-750,000.00	-1,050,217.62	300,217.62	0.00	300,217.62	-40.03
773-0000-34335	San Pablo STMP Fees	0.00	300,000.00	-300,000.00	0.00	-300,000.00	0.00	-300,000.00	100.00
	Licenses and Permits	0.00	2,130,000.00	-2,130,000.00	-1,195,958.29	-934,041.71	0.00	-934,041.71	43.85
773-0000-36102	Interest	0.00	15,000.00	-15,000.00	0.00	-15,000.00	0.00	-15,000.00	100.00
	Use of Property and Money	0.00	15,000.00	-15,000.00	0.00	-15,000.00	0.00	-15,000.00	100.00
770-0000-34111	Member Contributions	0.00	584,874.00	-584,874.00	-203,416.00	-381,458.00	0.00	-381,458.00	65.22
770-0000-39906	Other Revenue	0.00	121,687.00	-121,687.00	-7,406.07	-114,280.93	0.00	-114,280.93	93.91
772-0000-39906	Other Revenue	0.00	0.00	0.00	-142,098.13	142,098.13	0.00	142,098.13	0.00
774-0000-39906	Other Revenue	0.00	519,994.00	-519,994.00	-18.00	-519,976.00	0.00	-519,976.00	100.00
	Miscellaneous Revenue	0.00	1,226,555.00	-1,226,555.00	-352,938.20	-873,616.80	0.00	-873,616.80	71.23
	Revenue	0.00	3,371,555.00	-3,371,555.00	-1,548,896.49	-1,822,658.51	0.00	-1,822,658.51	54.06
0000	Non Departmental	0.00	3,371,555.00	-3,371,555.00	-1,548,896.49	-1,822,658.51	0.00	-1,822,658.51	54.06
Expense Total		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0

# WCCTAC Meeting Schedule for 2024



WCCTAC Board Meeting - 8 A.M.



WCCTAC TAC Meeting - 9 A.M.

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
<b>January</b>		1	2	3	4	5	6
	7	8	9	10	11	12	13
	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
	28	29	30	31	1	2	3
<b>February</b>	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	1	2
<b>March</b>	3	4	5	6	7	8	9
	10	11	12	13	14	15	16
	17	18	19	20	21	22	23
	24	25	26	27	28	29	30
	31	1	2	3	4	5	6
<b>April</b>	7	8	9	10	11	12	13
	14	15	16	17	18	19	20
	21	22	23	24	25	26	27
	28	29	30	1	2	3	4
<b>May</b>	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
	26	27	28	29	30	31	1
<b>June</b>	2	3	4	5	6	7	8
	9	10	11	12	13	14	15
	16	17	18	19	20	21	22
	23	24	25	26	27	28	29
	30						

	Sun	Mon	Tue	Wed	Thu	Fri	Sat
<b>July</b>		1	2	3	4	5	6
	7	8	9	10	11	12	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30	31	1	2	3	4
<b>August</b>	5	6	7	8	9	10	11
	12	13	14	15	16	17	18
	19	20	21	22	23	24	25
	26	27	28	29	30	1	2
<b>September</b>	3	4	5	6	7	8	9
	10	11	12	13	14	15	16
	17	18	19	20	21	22	23
	24	25	26	27	28	29	30
<b>October</b>	1	2	3	4	5	6	7
	8	9	10	11	12	13	14
	15	16	17	18	19	20	21
	22	23	24	25	26	27	28
	29	30	1	2	3	4	5
<b>November</b>	6	7	8	9	10	11	12
	13	14	15	16	17	18	19
	20	21	22	23	24	25	26
	27	28	29	30	1	2	3
<b>December</b>	4	5	6	7	8	9	10
	11	12	13	14	15	16	17
	18	19	20	21	22	23	24
	25	26	27	28	29	30	31

**TO:** WCCTAC Board

**MEETING DATE:** December 8, 2023

**FR:** John Nemeth, Executive Director

**RE: Creation of Transportation Program Associate Position and Amendment to Salary Schedule**

---

### **REQUESTED ACTION**

Approve Resolution 23-10 authorizing the creation of the Transportation Program Associate position and amendment to the Salary Schedule.

### **BACKGROUND AND DISCUSSION**

WCCTAC's current Project Manager, Joanna Pallock, is scheduled to retire at the end of 2023. In response, WCCTAC recently conducted and completed an open and competitive recruitment process for the Project Manager position in anticipation of the pending vacancy. With concurrence from an interview panel, the Executive Director offered the position to WCCTAC's current TDM Program Manager, Coire Reilly, who accepted and will begin in early 2024.

This appointment will result in a vacancy for the TDM Program Manager position. However, before proceeding with the recruitment for that position as currently configured, staff evaluated WCCTAC's operational needs and now proposes a minor restructuring and the creation of a new position.

WCCTAC's current Project Manager, Joanna Pallock, is employed on a 2/3<sup>rd</sup> time basis with a corresponding salary. This was a long-term arrangement that suited the incumbent's needs. In evaluating future needs, and to attract qualified candidates, WCCTAC recruited the pending vacancy of the Project Manager as a full-time position.

Transitioning the Project Manager to full-time will require an increase in costs related to salary and benefits for that position. However, the Project Manager will have greater capacity to perform work and assume additional responsibilities as a full-time employee. In addition to assuming all the existing responsibilities, the new Project Manager will dedicate a portion of their time to managing TDM Program functions.

While the Project Manager can assume some of the TDM Program duties, there is still an additional staffing need, although not at the level of a TDM Program Manager. Thus, staff recommends the creation of a new position, the Transportation Program Associate, who will report to the Project Manager and perform duties related to implementation of the TDM Program.

Although the Transportation Program Associate will be a full-time position, staff is proposing to establish a salary range that is lower than the TDM Program Manager's salary and allows WCCTAC to fill this position without requiring an expanded budget for salaries and benefits.

Staff recommends that the Board approve the new Transportation Program Associate position, as well as an amendment to the Salary Schedule to reflect the salary range for the position. The TDM Program Manager position will still be part of the Salary Schedule in case there's a future need for the position but will not be filled at this time.

**ATTACHMENT**

A: Resolution 23-10

**WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE  
RESOLUTION NO. 23-10**

**CREATION OF TRANSPORTATION PROGRAM ASSOCIATE POSITION AND  
AMENDMENT TO WEST CONTRA COSTA TRANSPORTATION ADVISORY  
COMMITTEE'S SALARY SCHEDULE TO ADD TRANSPORTATION PROGRAM  
ASSOCIATE POSITION IN CONFORMANCE WITH CALIFORNIA CODE OF  
REGULATIONS, TITLE 2, SECTION 570.5**

**WHEREAS**, the West Contra Costa Transportation Advisory Committee ("WCCTAC") is a joint exercise of powers authority formed pursuant to Government Code Section 6500, et. seq. by and between the City of El Cerrito, the City of Hercules, the City of Pinole, the City of Richmond, the City of San Pablo, Contra Costa County, Alameda-Contra Costa Transit District ("AC Transit"), San Francisco Bay Area Rapid Transit ("BART"), and West Contra Costa Transit Authority ("WestCAT"); and

**WHEREAS**, the Board of Directors of the WCCTAC is authorized to establish staff positions at WCCTAC; and

**WHEREAS**, WCCTAC desires to establish the Transportation Program Associate position which will allow for WCCTAC to continue its regular duties without increasing the total number of staff persons or increasing overall salary and benefits expenses; and

**WHEREAS**, the establishment of this position is an integral part of a minor administrative restructuring that will improve operations; and

**WHEREAS**, the job description for this position is included as Attachment A (the "Job Description"); and

**WHEREAS**, the establishment of this position requires a revision to WCCTAC's salary schedule.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the West Contra Costa Transportation Advisory Committee:

1. Hereby approves the creation of the position Transportation Program Associate as provided in the Job Description.
2. Hereby approves an amendment to WCCTAC's Salary Schedule to include the Transportation Program Associate position, effective December 8, 2023, included as Attachment B, which is incorporated herein by reference.

The foregoing Resolution was adopted by the WCCTAC Board at a regular meeting on December 8, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By: \_\_\_\_\_  
Paul Fadelli, Chair

Attest:

\_\_\_\_\_  
John Nemeth, Executive Director

Approved as to Form:

\_\_\_\_\_  
Kristopher J. Kokotaylo, General Counsel

## Job Description

# Transportation Program Associate

Annual salary: \$77,427 - \$103,848

El Cerrito

Hercules

Pinole

Richmond

San Pablo

Contra Costa  
County

AC Transit

BART

WestCAT

### POSITION

The Transportation Program Associate administers a Transportation Demand Management (TDM) program in West Contra Costa County, in coordination with a countywide program known as 511 Contra Costa. This position will work with transportation agencies, local jurisdictions, employers, business associations, community groups, school districts and the public. The position reports to the WCCTAC Project Manager.

The purpose of the TDM program is to encourage a shift toward greener, less polluting, vehicle trips by encouraging transit, carpooling, bicycling, electric vehicle usage and other strategies. There will be considerable opportunity in this position to enhance the current program alongside partner agencies.

### TYPICAL DUTIES

- Implement the TDM program for residents, employers, employees, and commuters in West Contra Costa County. This includes: assisting with budgeting, administering funds, developing and implementing incentive programs, marketing, social media outreach, planning and attending events, program evaluation, and reporting.
- Assist in the preparation of marketing, messaging, and outreach materials and work alongside other TDM providers in Contra Costa and the region to make the program as successful as possible.
- Engage with local organizations (such as schools, employers, and community groups) to assist with worksite and school transportation mitigation programs.
- Have a willingness and ability to work on non-TDM programs in areas such as senior and disabled transportation, student transportation, and bicycle and pedestrian improvements should the position grow and evolve.

### KNOWLEDGE

The ideal candidate will be familiar with transportation services such as transit, carpooling, rideshare, bicycling, and electric vehicle charging infrastructure, and should be familiar with concepts like telecommuting and employer alternative workweeks. The candidate should be web and social media savvy and have experience working with Microsoft Office software, such as Word, Excel, Outlook, and PowerPoint. A familiarity with West Contra Costa County is preferred (but not required), and the candidate should understand local agency roles and have the ability to work with the Contra Costa Transportation Authority (CCTA), transit agencies, cities, and the county.

## **SKILLS & ABILITIES**

The candidate should have the ability to engage with the public and to think creatively about encouraging the use of less polluting forms of transportation. They should possess excellent communication skills, as shown by the ability to communicate both orally and in writing. Spanish fluency is a plus. They should have a history of working collaboratively as well as independently, including administration and the preparation, tracking, and analyzing of an annual work plan. Experience working with more than one grant sources across multiple years is a plus.

The position is primarily in a small office setting, with opportunities for working from home, but also involves significant time spent in the field at events and at meetings, occasionally in the evening and on weekends. The position requires moving and setting up event equipment and materials and the ability to lift up to 50 pounds.

## **EXPERIENCE AND EDUCATION**

- Completion of a bachelor's degree with some background in public administration, city planning, transportation, communications, marketing, advertising, or other relevant field. Five years of relevant experience may substitute for a degree.
- Two years of progressively responsible and relevant experience.
- Possession of, or ability to obtain, a valid Class C California's Driver.

## **EMPLOYEE BENEFITS**

- Choice of health insurance plans under PERS healthcare program, paid to the level of a Kaiser plan
- Vision care supplement of \$425 per year
- Dental insurance, fully paid
- Employee Assistance Program
- 12 paid holidays, two floating holidays
- Vacation time earned at 10 days per year to start, increasing to a max. of 30 depending on tenure
- Refined Benefit Retirement – CalPERS. For classic PERS members, 2.5% @ 55 formula; for new PERS members, 2.0% @ 62 formula
- 457 Deferred Compensation plan
- Significant ability to work from remotely
- 67.5 hours of Administrative Leave

WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE

Monthly Salary Schedule

(effective December 8, 2023)

JOB CLASS	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
Executive Director	\$13,525	\$14,200	\$14,910	\$15,657	\$16,438	\$17,261	\$18,125
Transportation Planning Manager	\$9,189	\$9,648	\$10,130	\$10,637	\$11,170	\$11,729	\$12,314
Project Manager	\$9,189	\$9,648	\$10,130	\$10,637	\$11,170		
TDM Program Manager (to be vacant)	\$7,848	\$8,241	\$8,654	\$9,087	\$9,541	\$10,018	\$10,519
Administrative Assistant	\$5,514	\$5,814	\$6,110	\$6,407	\$6,704		
Transportation Program Associate	\$6,456	\$6,779	\$7,118	\$7,474	\$7,848	\$8,241	\$8,654
Travel Training Coordinator	\$35-\$50 per hour						

**TO:** WCCTAC Board

**DATE:** December 8, 2023

**FR:** John Nemeth, Executive Director

**RE: WCCTAC Meeting Format and Public Comment**

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**REQUESTED ACTION**

Staff is seeking Board direction on whether to allow public comments by Zoom at future meetings.

**BACKGROUND AND DISCUSSION**

In mid-October 2023, WCCTAC Counsel alerted staff to a series of incidents at public agency meetings in the Bay Area where individuals engaged in hate speech during public comment. Following this activity, numerous public agencies responded by temporarily limiting public comments to those attending meetings in person. WCCTAC’s Executive Director and Board Chair chose to do the same for the October WCCTAC Board meeting.

At the October meeting, the WCCTAC Board requested that staff bring the subject back for full Board consideration. The Board could choose to continue limiting public comments to those physically present at the meeting. Conversely, the Board could choose to resume allowing comments by Zoom at future meetings.

The CCTA Board allows online comments but now begins its meeting with the following statement:

“The next item on the Agenda is Public Comment. The Contra Costa Transportation Authority does not condone hate speech in any form. We continually strive to make life better for all members of our community and create an atmosphere where everyone feels a sense of safety and belonging. We ask that anyone who wishes to speak does so with civility, respect, and kindness for others.”

The WCCTAC Chair could make a similar statement at the start of future meetings should the Board desire to resume allowing comments by Zoom.

**TO:** WCCTAC Board

**MEETING DATE:** December 8, 2023

**FR:** John Nemeth, Executive Director

**RE:** Appeal of STMP Fee for 1711-1755 Eastshore Boulevard

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### **REQUESTED ACTION**

WCCTAC staff recommends denying the STMP fee waiver request for the proposed project at 1711-1755 Eastshore Boulevard in El Cerrito.

### **BACKGROUND AND DISCUSSION**

#### Details Related to the STMP Appeal

Baco Properties, the developer of a proposed self-storage facility at 1711-1755 Eastshore Boulevard in El Cerrito, is appealing their Subregional Transportation Mitigation Program (STMP) fees. The City of El Cerrito applied the “storage facility” land use designation from the STMP Administrative Guidelines and collected a fee of \$94,241.70. Subsequently, the applicant informally requested that the WCCTAC Executive Director waive the STMP fees and provide a refund. WCCTAC staff reviewed the request and concluded that the fees were applied appropriately by El Cerrito staff. When that request was denied, the applicant filed a formal appeal in accordance with STMP Administrative Guidelines.

When a new use is proposed on a site that contains an existing building, the STMP Administrative Guidelines provide that if the building has been vacant for fewer than three (3) years, the applicant will pay the STMP Fee based only on any intensification of use of the site. If the building has been vacant for more than three (3) years, the project is treated as new construction and the STMP fee is applied to the entire project.

The applicant is arguing that because a hardware store previously occupied the site, and because the new use is expected to generate fewer trips than the hardware store, the impact fee should be waived. The hardware store, however, closed ten (10) years ago in 2013 and the building has been vacant since that time. The full appeal letter from the applicant is included as Attachment A.

#### Staff Assessment

It is WCCTAC’s staff’s assessment that the City of El Cerrito was correct in applying the fee and that there is no basis for waiving the fee.

The purpose of the STMP is to mitigate the regional impacts of new trips generated by development. The impact of new development cannot be determined without first defining the current baseline condition and whether trips qualify as “new”. When a condition previously existed on a site, but has gone away, a determination needs to be made as to whether that prior condition should be considered part of the current baseline for the purpose of assessing impacts. To accomplish this, time thresholds are often used in impact fee programs to establish a current baseline. Similar processes are used for many government activities, such as conducting environmental reviews under CEQA, for which it is necessary to establish a baseline against which to compare a proposed future condition.

WCCTAC uses a three-year threshold. If a site with a previous use was active within the last three years, that previous use would be considered part of the current baseline. The STMP’s three-year threshold is similar to, or longer than, the thresholds used by many other public agencies for establishing a baseline for the purposes of development impact fees. In this case, the site being vacant for 10 years far exceeds the three-year time period established by the Administrative Guidelines for considering a prior use part of the current baseline.

**ATTACHMENTS:**

- A. STMP Appeal Letter to WCCTAC for 1711-1755 Eastshore Boulevard
- B. STMP Appeal PowerPoint Presentation

July 18, 2023

West Contra Costa Transportation Advisory  
Committee  
6333 Potrero Avenue  
El Cerrito, CA 94530

Re: BD22-0634 - 1711-1755 Eastshore Boulevard Self-Storage STMP Fee Appeal

To the Board of the West Contra Costa Transportation Advisory Committee:

I write in response to the June 5, 2023 email determination (“Email”) from West Contra Costa Transportation Advisory Committee (“WCCTAC”) Executive Director, John Nemeth, regarding the imposition of Subregional Transportation Mitigation Program Fees (“STMP Fees”) on the self-storage facility that Baco Properties is developing at 1711-1755 Eastshore Blvd. (“Site”) in the City of El Cerrito (“Self-Storage Project” or “Project”). Despite Director Nemeth’s acknowledgement that the Self-Storage Project will generate fewer trips and substantially reduce traffic (a reduction of an estimated 1,363 trips per day) as compared to the hardware store that previously occupied the Site, Director Nemeth determined that imposition of approximately \$94,241.70 in STMP Fees were applicable to the Project.

In doing so, Director Nemeth cited Section B.2 of WCCTAC’s STMP Fee Administrative Guidelines (“Guidelines”) which states that “[i]f a vacancy ha[s] occurred greater than three years prior to the date of the building permit application, then the STMP Fee shall be applied as if the project was New Construction.” Although Director Nemeth recognized that STMP Fees would be waived if the Site had been vacant for less than three years, Director Nemeth determined that the STMP Fees applied because the Project site has purportedly been vacant since 2013. This rationale fails to satisfy appropriate legal standards.

The United States Supreme Court has determined that a government agency may not condition the approval of a land-use permit on the owner’s relinquishment of a portion of their property unless “there is a nexus and rough proportionality between the government’s demand and the effects of the proposed land use.” (*Koontz v. St. Johns River Water Mgmt. Dist.* (2013) 570 U.S. 595, 599.) This “nexus and rough proportionality” requirement, also known as the *Nollan/Dolan* requirements, must be satisfied even when the government’s demand is for money. (*Id.* at p. 619.) As Baco Properties’ previous appeal letter to WCCTAC describes in detail (see attached May 18, 2023 WCCTAC STMP Fee Appeal Letter (“Appeal Letter”)), California courts will only allow for the imposition of fees under the Mitigation Fee Act (Gov. Code, § 66000 et seq.) when the “*fees are reasonably related to the burden caused by the development.*” (*Boatworks v. City of Alameda* (2019) 35 Cal.App.5th 290, 294, italics added.)

In addition to the reasons stated in the attached Appeal Letter as to why imposition of the STMP Fee in this case would be inappropriate, WCCTAC has failed to show any rational connection or evidentiary support to justify its arbitrary three-year cutoff for re-use of vacant buildings. (See *Sheetz v. County of El Dorado* (2022) 84 Cal.App.5th 394, 415 [courts will overturn fees imposed under the Mitigation Fee Act if the agency’s decision was arbitrary, capricious or entirely lacking in evidentiary support].) Although Director Nemeth makes reference to the “Nexus Study” that was performed for WCCTAC’s 2019 STMP fee in the Email, ostensibly to support his position that there is a nexus or reasonable relationship between the STMP Fees being imposed and the Project’s burden on traffic, nothing in the referenced Nexus Study or in the Guidelines – other than the section that cursorily imposes the three-year cutoff – explains WCCTAC’s reasoning behind imposing such an arbitrary cutoff for re-use of vacant buildings by projects that impose less traffic burdens than the previous use. Because Director Nemeth acknowledged that the STMP Fee would have been waived had the space been occupied in the last three years, and there is no evidentiary support in either the Guidelines or the Nexus Study discussing the reasons for imposing such a cutoff term, WCCTAC has failed to show a reasonable relationship between the STMP Fees and the traffic burdens that will be caused by the Project.

Based on the above, the imposition of STMP Fees on the Project is invalid under the Mitigation Fee Act, and Baco Properties respectfully requests WCCTAC to waive the STMP Fee for the Project.

Sincerely,

DOWNEY BRAND LLP



Andrew M. Skanchy

AMS

Attachment: May 18, 2023 WCCTAC STMP Fee Appeal Letter

1872347v1

Attachment:  
May 18, 2023 WCCTAC STMP  
Fee Appeal Letter

May 18, 2023

West Contra Costa Transportation Advisory Committee  
c/o Ms. Leah Greenblat  
Transportation Planning Manager  
6333 Potrero Avenue  
El Cerrito, CA 94530

RE: PL21-0103 West County Subregional Transportation Mitigation Program Fee Appeal

Dear Ms. Greenblat:

This letter serves as a formal protest of the imposed West County Subregional Transportation Mitigation Program fee (the “STMP Fee”) for the Eastshore Boulevard Self-Storage Project (the “Project”) located at 1711-1755 Eastshore Boulevard (the “Property”) in the City of El Cerrito (the “City”). Specifically, the Project applicant, Baco Properties, has been informed that the Project must pay the STMP Fee. As explained herein, the STMP Fee is not appropriate for the Project because the Project will substantially reduce traffic as compared to the previous use for the Property—i.e., there will be no traffic impact as a result of the Project.

### **Background**

Baco Properties has proposed construction of the Project at 1711-1755 Eastshore Boulevard. The Property’s previous use was a retail hardware store, Orchard Supply Hardware (OSH). The Project entails converting the hardware store into a self-storage facility.

Baco Properties has been informed by the City that the Project will be required to pay the STMP Fee to mitigate/off-set the Project traffic impacts. However, an analysis of the previous hardware store’s traffic as compared to the Project’s likely traffic demonstrates that there will be a substantial *decrease* in traffic as confirmed in *W-Trans Parking and Traffic Study* for the Project and thus no need for additional transportation or public improvements infrastructure.

### **Legal Basis for Impact Fees**

Under the California Government Code, when imposing a fee as a condition of approval of a development project, a local agency must:

- (1) Identify the purpose of the fee.

- (2) Identify the use to which the fee is to be put. If the use is financing public facilities, the facilities shall be identified. That identification may, but need not, be made by reference to a capital improvement plan as specified in Section 65403 or 66002, may be made in applicable general or specific plan requirements or may be made in other public documents that identify the public facilities for which the fee is charged.
- (3) Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
- (4) Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed. (Government Code, § 66001(a).)

A recent court decision concisely explained that: "The Mitigation Fee Act (Gov. Code, § 66000 et seq.) authorizes local agencies to impose fees on a development project in order to defray the cost of public facilities needed to serve the growth caused by the project, *as long as the fees are reasonably related to the burden caused by the development.*" (*Boatworks v. City of Alameda* (2019) 35 Cal.App.5th 290, 294, emphasis added; see also *Dolan v. City of Tigard* (1995) 512 U.S. 374, 391 [impact fees must have a rough proportionality both in nature and extent to the impact of the proposed development].)

Further, the relevant Government Code statute quoted above explicitly states that: "A fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the *increased demand* for public facilities *reasonably related to the development project* in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan." (Government Code, § 66001(g).)

In the situation at hand, the Project is being required to pay the STMP Fee based on the presumption that the Project will increase traffic requiring additional transportation and capital improvements infrastructure. The presumption is incorrect as the existing infrastructure will not be burdened by the reduced traffic brought by the Project, especially as the existing infrastructure has previously accommodated greater volumes of traffic in the Property's past use.

The Institute of Transportation Engineers (ITE) in Trip Generation Manual, 10th Edition, 2017 projects the number of daily trips every type of land use will produce. According to the ITE, a Home Improvement Superstore, OSH, produces around 1,565 daily trips. In contrast, the proposed Project (a Mini-Warehouse and a small shopping space), according to the ITE, produces 202 daily trips. That is, the Project will reduce the Property's daily trips by 1,363.

Further, there is also a significant reduction in peak hour trips. According to ITE, the previous use produced 80 AM Peak Hour Trips and 119 PM Peak Hour Trips whereas the Project would

produce merely 11 AM Peak Hour Trips and 23 PM Peak Hour Trips—a reduction of 69 trips during AM peak hours 96 trips during PM peak hours.

Along with a reduction in traffic the Project is likely to accommodate its own demand. According to W-Trans' Parking and Traffic study, the ITE estimates that the parking demand for such a project are eleven spaces, but the Project will have twelve spaces, *a surplus of two spaces than estimated demand.*

As is evident, the Project will not increase traffic or otherwise burden the City's infrastructure. In fact, the Project will *decrease* roadway usage and actually *benefit* the City's infrastructure as compared to OSH, the Property's previous use, or any other retail, commercial or industrial use for the Property. As such, the STMP Fee demanded of the Project fails to meet the legal requirements to impose the impact fee. That is, the STMP Fee is not reasonably related to the burden caused by the Project and is therefore invalid.

### **Conclusion**

The above explanation is intended to satisfy Baco Properties' requirement to protest the imposition of the named traffic impact fees under Government Code 66020. Namely, Baco Properties has informed the City's governing body of the factual elements of the dispute and the legal theory forming the basis of the protest (Gov. Code, § 66020(a)(2)(B).) Additionally, Baco Properties will tender the required payment when due (Gov. Code, § 66020(a)(2)(A).) Please refer to the *W-Trans Parking and Traffic Study* as basis for support.

Baco Properties appreciates the City's support for the Project and looks forward to learning your decision regarding the appeal contained in this letter.

Please feel free to contact me with any questions regarding the foregoing.

Sincerely,

Michael Eisler

# BD22-0634 1711-1755 Eastshore Boulevard Self-Storage STMP Fee Appeal

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Appeal to the Board of the West Contra Costa  
Transportation Advisory Committee (WCCTAC)

December 8, 2023

# 1711-1755 Eastshore Boulevard Project Location



# 1711-1755 Eastshore Boulevard Project Summary

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- Existing building is one-story, 50,905 sf, former Orchard Supply Hardware building
- Project would convert building into two-story, 103,298 sf self-storage facility consisting of 664 storage units and a 1,227 square foot retail/rental office with two employees.

# Project Traffic Impacts

<b>Table 1 – Trip Generation Summary</b>											
<b>Land Use</b>	<b>Units</b>	<b>Daily</b>		<b>AM Peak Hour</b>				<b>PM Peak Hour</b>			
		<b>Rate</b>	<b>Trips</b>	<b>Rate</b>	<b>Trips</b>	<b>In</b>	<b>Out</b>	<b>Rate</b>	<b>Trips</b>	<b>In</b>	<b>Out</b>
<b>Existing</b>											
Home Improvement Superstore	50.905 ksf	30.74	-1,565	1.57	-80	-46	-34	2.33	-119	-58	-61
<b>Proposed</b>											
Mini-Warehouse	103.298 ksf	1.51	156	0.10	10	6	4	0.17	18	8	10
Shopping	1.227 ksf	37.75	46	0.94	1	1	0	3.81	5	2	3
<b>Total</b>			<b>-1,363</b>		<b>-69</b>	<b>-39</b>	<b>-30</b>		<b>-96</b>	<b>-48</b>	<b>-48</b>

Note: ksf = 1,000 square feet

# Project Traffic Impacts (cont'd)

## Conclusions and Recommendations

- Compared to the previous land use, the proposed project is expected to generate 1,363 fewer weekday daily trips, 69 fewer trips during the weekday a.m. peak hour and 96 fewer trips during the p.m. peak hour.
- The proposed project would be presumed to have a less-than-significant transportation impact on vehicle miles traveled.
- Nearby pedestrian, bicycle, and transit facilities are adequate to serve the project.
- Sight distances at the project driveway are adequate.
- The proposed parking supply of 13 spaces would accommodate the anticipated peak parking demand of 11 spaces.

# WCCTAC's Subregional Transportation Mitigation Program (STMP)

## Fee

DB

### B. DEVELOPMENT PROJECTS

Agencies shall apply the STMP Fee to building permits associated with all Development Projects as defined in this section, unless exempt under Section D.9 of the Coop Agreement.

#### 1. New Construction

Includes construction of new building space for either residential or non-residential use(s), including the addition of building space to existing developed property.

#### 2. Intensification of Use

Includes the intensification of use of all or part of an existing building, whether vacant or not. An intensification of use occurs when a Development Project would pay a higher fee under the proposed use compared to the existing permitted use based on the current STMP Fee schedule. Accessory dwelling units added within the existing habitable living area footprint are not considered an intensification of use and no STMP Fee would be applied.

In the case of the *re-use of a vacant building, the building's current use shall be the use when the building was occupied if the vacancy had occurred within three years prior to the date of the building permit application. If the vacancy had occurred greater than three years prior to the date of the building permit application, then the STMP Fee shall be applied as if the project was New Construction.* The building permit applicant bears the burden of demonstrating that the building was in use within this time period through submittal of documents acceptable to the Agency such as executed lease agreements or lease payment records.

# The Mitigation Fee Act requires a reasonable relationship between impacts and fees

- “The Mitigation Fee Act (“MFA”) authorizes local agencies to impose fees on a development project in order to defray the cost of public facilities needed to serve the growth caused by the project, as long as the fees are reasonably related to the burden caused by the development.” (*Boatworks, LLC. v. City of Alameda* (2019) 35 Cal.App.5th 290, 294;
- Impact fees must have a rough proportionality both in nature and extent to the impact of the proposed development. (*Dolan v. City of Tigard* (1995) 512 U.S. 374, 391.)
- Courts will overturn an agency’s decision to impose fees if that decision was “arbitrary, capricious or entirely lacking in evidentiary support.” (*Sheetz v. County of El Dorado* (2022) 84 Cal.App.5th 394, 415.)
  - Fees were upheld, but now being reviewed by U.S. Supreme Court

# The \$94,241.70 STMP fee on the Project violates the “reasonable relationship” standard

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DB

- STMP fees arise from the participating local municipalities’ desire for new development to pay “fair share” toward transit improvements that are “proportional to the traffic impact the new development will generate.”
- The Nexus Study focuses on the impacts of new development by estimating the growth between existing and future conditions.
- WCCTAC has acknowledged that the Project will result in fewer trips than the previous use of the site
- Thus, there is no new “growth” or new “impact” being generated by the Project beyond what already existed and was accommodated by existing transit facilities.

# The \$94,241.70 STMP fee on the Project violates the “reasonable relationship” standard

DB

- Per Gov. Code section 66001(g), a “fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan.”
- Because the Project will result in fewer trips than the previous use, there is no “increased demand.”
- Thus, the fee calculations do not reflect a reasonable relationship to the Project’s reduced traffic burdens.
- *Home Builders Assn. of Tulare/Kings Counties, Inc. v. City of Lemoore* (2010) 185 Cal.App.4th 554, 572 [impact fees found invalid because existing facilities were already adequate to continue to provide the same level of service, and new development would not burden the current facilities].)

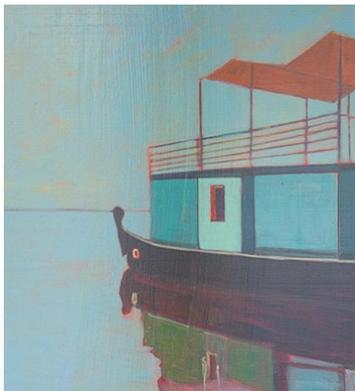
# The \$94,241.70 STMP fee on the Project violates the “reasonable relationship” standard

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DB

- The Project is being assessed as “New Construction” per WCCTAC’s Administrative Guidelines because the Site has been vacant longer than three years.
- But the Administrative Guidelines and Nexus Study fail to provide any evidentiary support for this arbitrary three-year cut-off for vacant properties.
- Thus, the three-year cut-off is arbitrary and capricious, lacks any rational connection, and violates the “reasonable relationship” standard.
- Three-year cut-off ignores practical realities of developing a project.
- Previous use would have paid for necessary transportation infrastructure.
- That other agencies use similar cut-off is not the correct focus.
- Only relevant question is whether there is a reasonable relationship between the impact and the fees. Here, there is not.

12B-10



## San Francisco

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# Thank You

## Andrew Skanchy



(916) 520-5412



[ASkanchy@downeybrand.com](mailto:ASkanchy@downeybrand.com)

**TO:** WCCTAC Board

**MEETING DATE:** December 8, 2023

**FR:** John Nemeth, Executive Director

**RE:** **Richmond Ferry Performance Update and Financial Outlook**

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### **REQUESTED ACTION**

Receive an update on the performance of the Richmond Ferry. Consider asking WETA to develop service scenarios that would extend the availability of Measure J funds for operations farther into the future.

### **BACKGROUND AND DISCUSSION**

The Richmond Ferry, operated by the San Francisco Bay Area Water Emergency Transportation Authority (WETA) since 2019, relies on Measure J Program 22b funds which are dedicated to ferry service in West Contra Costa County. Per WETA's Measure J funding agreement with CCTA, service-related decisions are to be determined in partnership with CCTA and WCCTAC.

Given the critical role Measure J plays in funding the ferry service and given WCCTAC's role in providing input on service levels, fares, and marketing, WETA provides periodic updates to the WCCTAC Board. The last update was in October 2022. At the December 2023 meeting, WETA staff will provide the WCCTAC Board with information about the ferry's performance.

WCCTAC, CCTA, and WETA staff have also been discussing the financial status of the Richmond Ferry service. Funds in the Measure J Program 22b category have been collected since Fiscal Year 2009, before ferry service began. This allowed for the build up of a substantial program reserve. However, because annual operating costs exceed the annual sales tax revenue generated in the program, the reserve has gradually been reduced.

In Fiscal Year 2022, WETA began using Federal COVID relief funds to help offset the operating costs of the Richmond Ferry, which reduced the impact on Measure J. In FY 2024 WETA will contribute the last portion of remaining COVID relief funds and will begin offsetting the loss of this funding source with Regional Measure 3 (RM3) funds. The table below provides a snapshot of the likely FY2024 revenues for the Richmond service (The total operating revenues are equal to the total annual operating cost).

## FY 2024 Revenue Source Snapshot

<i>Sources</i>	<i>Amount</i>
Farebox Revenue	\$1,040,378
Regional Measure 3 (RM3)	\$1,534,152
COVID Relief	\$3,344,956
State Transit Assistance	\$535,847
Measure J	\$3,761,720
<i>Total Operating Revenues</i>	<i>\$10,217,053</i>

Assuming funding from these sources continues as expected, WETA and CCTA staff estimate that the Richmond Ferry service will be able to operate into the year 2032. This analysis is based on assumptions, such as the rate of growth in expenses, the likely farebox recovery, and Measure J and RM3 funding levels. If some of these assumptions turn out to be overly optimistic, Measure J funding for service could run out sooner than 2032.

The Measure J sales tax measure expires in 2034. In the future, voters will likely be asked to re-authorize Measure J and a new expenditure plan is likely to include funding for ferry service in West County. However, depending upon the timing of a voter approved reauthorization, there could be a period during which Measure J funding for the Richmond Ferry is unavailable. In short, the year 2032 represents a kind of fiscal cliff for ferry service.

To extend the “runway” of Measure J funding, the WCCTAC Board could consider reducing the required annual operating subsidy. WCCTAC, CCTA, and WETA staff do not believe that changes to fares will make a significant difference in the ferry’s overall finances. A tangible reduction to the operating subsidy would require changes to operating expenses, which would mean a reduction in service levels.

With 25 runs per day per on weekdays, and 10 runs per day on weekends, the Richmond Ferry service is much more frequent than when service first began in early 2019. The 2015 funding agreement only required that WETA provide at least 12 runs per day. The additional service has helped to buoy ridership but also increase s the draw-down rate of Measure J funds.

WETA has offered to examine the service changes that would be required to reduce expenses enough to extend the Measure J financial “runway” to 2034. If the WCCTAC Board concurs, WETA would evaluate alternative service scenarios and present them to the WCCTAC Board for consideration in early 2024. The WCCTAC Board could then decide if it wanted to recommend a new service option to CCTA and WETA.

**TO:** WCCTAC Board

**MEETING DATE:** December 8, 2023

**FR:** John Nemeth, Executive Director

**RE:** **AC Transit Bus Shelter Maintenance in West County**

---

### **REQUESTED ACTION**

Approve Resolution 23-11 authorizing the use of \$88,647 in Measure J 28b funds to cover the costs of maintenance for AC Transit bus shelters for 1 year.

### **BACKGROUND AND DISCUSSION**

In AC Transit's service area, there are currently 6 shelters in El Cerrito, 9 in Richmond, and 10 in San Pablo. Since 1999, AC Transit has had an agreement with Clear Channel Outdoor Advertising that involved the advertising company maintaining bus shelters in exchange for use of the bus shelters for advertising. That agreement expired in March 2023 and was not renewed. AC Transit entered into a maintenance contract with a new contractor and is pursuing two more contracts, one for advertising revenue and one for capital services.

As a result, AC Transit is currently moving to a new funding model for bus shelter maintenance. That new model involves the generation of some advertising revenue but also requires an additional subsidy. In Alameda County, local jurisdictions are covering the cost of shelter maintenance. In Contra Costa County, local jurisdictions and AC Transit are seeking assistance from WCCTAC to cover the cost of bus shelter maintenance for at least a year.

WCCTAC staff recommends that WCCTAC make \$88,647 available, in flexible Measure J 28b funds, to cover one year of this expense. At its November 11, 2023, meeting, the WCCTAC TAC unanimously concurred, and is making the same recommendation to the WCCTAC Board. As of December 31, 2023, WCCTAC will have approximately \$621,500 available in unallocated Measure J 28b funds.

Staff also recommends that Measure J 28b not become a permanent source for ongoing bus shelter maintenance in West County and that all parties involved work cooperatively to find a more sustainable, longer-term solution.

Staff from AC Transit will provide additional information to the WCCTAC Board at the December 8, 2023, meeting.

### **ATTACHMENTS**

A: Resolution 23-11

B: AC Transit PowerPoint

**WEST CONTRA COSTA TRANSPORTATION ADVISORY COMMITTEE  
RESOLUTION NO. 23-11**

**TO PROVIDE AN ALLOCATION OF MEASURE J 28B FUNDS FOR AC TRANSIT  
BUS SHELTER MAINTENANCE IN WEST CONTRA COSTA COUNTY**

**WHEREAS**, AC Transit has had an agreement with Clear Channel Outdoor Advertising for the maintenance of bus shelters in exchange for advertising rights since 1999, and

**WHEREAS**, that maintenance agreement expired in March 2023 and was not renewed; and

**WHEREAS**, AC Transit is transitioning to a new funding model for bus shelter maintenance bus will require an additional subsidy; and

**WHEREAS**, in West Contra Costa County, local jurisdictions and AC Transit are seeking assistance from WCCTAC to cover the cost of bus shelter maintenance for at least one year; and

**WHEREAS**, WCCTAC staff recommends making \$88,647 in Measure J 28B funds available to cover one year of bus shelter maintenance costs; and

**WHEREAS**, the WCCTAC Technical Advisory Committee (TAC) unanimously concurred with this recommendation at its meeting on November 11, 2023;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Directors of the West Contra Costa Transportation Advisory Committee:

1. Does hereby authorize the use of \$88,649 in Measure J 28b funds to cover the maintenance costs for AC Transit bus shelters for one year.

2. The Executive Director is authorized to make all approvals and take all actions necessary or appropriate to carry out and implement the intent of this Resolution.

The foregoing Resolution was adopted by the WCCTAC Board at a regular meeting on December 8, 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

By: \_\_\_\_\_  
Paul Fadelli, Chair

Attest:

\_\_\_\_\_  
John Nemeth, Executive Director

Approved as to Form:

\_\_\_\_\_  
Kristopher J. Kokotaylo, General Counsel



# AC TRANSIT SHELTER UPDATE

WEST CONTRA COSTA TRANSPORTATION ADVISORY  
COMMITTEE BOARD (WCCTAC) | DEC 8, 2023



## Today's Presentation:

- Background
- New Contracts
- Contract Costs
- Next Steps

- AC Transit has had a **Transit Shelter Agreement** with Clear Channel Outdoor Advertising (CCO) since 1999
  - All maintenance and capital work in exchange for advertising revenue
  - Agreement expired in March 2023.
- CCO advertising revenue paid for maintenance and capital costs.
- Revenue in transit shelters has gone **down** while costs to maintaining infrastructure has gone **up**.
- AC Transit is shifting to a **new model** that provides more District control over maintenance and capital services, providing a better experience for our riders.

On Feb 22, 2023, AC Transit's Board of Directors approved the award of the following contract:

Transit Shelter Maintenance Contract – Graffiti Protective Coatings, Inc.

- \$851,020 dollars a year for existing 276 shelters, 5 year contract

<b>Transit Shelter Maintenance Contract</b>		
<b>Item</b>	<b>Old Contract</b>	<b>New Contract</b>
Cost	\$0 per year (Nonmonetary Contract – no longer viable)	\$851,020/year
Cleaning (i.e. graffiti, trash pick up, etc.)	1x a week	1 – 2x a week
Pressure Washing	1x a month	1x a month
Maintenance Log	2x a month, excel file	Online accessible 24/7
Unscheduled Requests	24 hour response	24 hour response
Other Trash Pick Up	None	Yes -- Coordination with jurisdictions prior to removal

- Transit Shelter Advertising: Vendor who will installation, removal, sale, and maintenance of advertising. Potential for digital advertising. Early 2024.
- Transit Shelter Capital Contract: Contractor who will design, procure, install, remove, and perform any related construction and/or repairs for Bus Stop Shelters and their related furniture. Early 2024.

The table shows the total number of kiosks, non-advertising, and advertising transit shelters in Richmond, San Pablo, and El Cerrito. These numbers were used to calculate the total maintenance costs and advertising revenue.

<b>West Contra-Costa County Jurisdictions</b>	<b>Kiosks</b>	<b>Non Ad Shelters</b>	<b>Ad Shelters</b>	<b>Total Shelters</b>
Richmond	2	3	4	9
San Pablo		1	9	10
El Cerrito	1	5		6

The three cities and AC Transit asks that the WCCTAC Board fund the first year on behalf of Richmond, San Pablo, and El Cerrito.

- Contract is 5 year contract: two years with three one-year options to extend.
- AC Transit recommends one invoice in for payment from each City in April 2024 and/or 2025. Adjustments based on transit shelters added or subtracted.

<b>West Contra-Costa County Jurisdictions</b>	<b>Annual Maintenance Cost per Jurisdiction (Scheduled + Unscheduled)</b>
Richmond	\$27,750.65
San Pablo	\$30,834.06
El Cerrito	\$18,500.43
<b>Total/Year</b>	<b>\$77,085.14</b>
<b>Total/Year + 15% Contingency</b>	<b>\$88,647.91</b>

## **AC Transit's Transit Shelter Maintenance began in April 2023.**

- AC Transit has taken on ownership of transit shelter assets and will continue to administer the contracts on behalf of the jurisdictions.
- AC Transit is also working with Richmond, San Pablo, and El Cerrito to streamline permit approvals and waiving fees for transit shelter installations.

# Questions and Feedback

El Cerrito

Hercules

October 30, 2023

Pinole

Mr. Tim Haile, Executive Director  
Contra Costa Transportation Authority  
2999 Oak Road, Suite 100  
Walnut Creek, CA 94597

RE: October 2023 WCCTAC Board Meeting Summary

Richmond

Dear Tim:

The WCCTAC Board, at its meeting on October 27, 2023, took the following actions that may be of interest to CCTA:

San Pablo

- *Appointed* Josef Munoz, Richmond Staff, as the Second Alternate to the CCTA's Technical Coordinating Committee (TCC).

- *Adopted* Resolution 23-08 establishing a STMP funding agreement between WCCTAC and the City of El Cerrito for the Ohlone Greenway-Uptown District Project.

Contra Costa  
County

- *Approved* the allocation of Fiscal Year 2024 Measure J 20b Funds for Additional Transportation Services for Seniors and People with Disabilities.

AC Transit

- *Adopted* Resolution 23-09 authorizing the use of \$85,412 in Measure J 28b funds, to match an equal contribution from CCTA, for the City of San Pablo Medical Trips One-Seat-Ride pilot program.

- *Authorized* WCCTAC staff to transmit a final draft of the redline Joint Powers Agreement to member agencies for approval.

BART

Sincerely,



John Nemeth  
Executive Director

WestCAT

cc: Tarien Grover, CCTA

**ACRONYM LIST.** Below are acronyms frequently utilized in WCCTAC communications.

**ABAG:** Association of Bay Area Governments  
**ACTC:** Alameda County Transportation Commission  
**ADA:** Americans with Disabilities Act  
**APC:** Administration and Projects Committee (CCTA)  
**ATSP:** Accessible Transportation Strategic Plan  
**ATP:** Active Transportation Program  
**AV:** Autonomous Vehicle  
**BAAQMD:** Bay Area Air Quality Management District  
**BATA:** Bay Area Toll Authority  
**BCDC:** Bay Conservation and Development Commission  
**Caltrans:** California Department of Transportation  
**CBTP:** Community Based Transportation Plan  
**CCTA:** Contra Costa Transportation Authority  
**CEQA:** California Environmental Quality Act  
**CIL:** Center for Independent Living  
**CMAAs:** Congestion Management Agencies  
**CMAQ:** Congestion Management and Air Quality  
**CMIA:** Corridor Mobility Improvement Account (Prop 1B bond fund)  
**CMP:** Congestion Management Program  
**CSMP:** Corridor System Management Plan  
**CTC:** California Transportation Commission  
**CTP:** Contra Costa Countywide Comprehensive Transportation Plan  
**CTPL:** Comprehensive Transportation Project List  
**DAA:** Design Alternatives Assessment  
**DEIR:** Draft Environmental Impact Report  
**EBRPD:** East Bay Regional Park District  
**EIR:** Environmental Impact Report  
**EIS:** Environmental Impact Statement  
**EPCs:** Equity Priority Communities  
**EVP:** Emergency Vehicle Preemption (traffic signals)  
**FHWA:** Federal Highway Administration  
**FTA:** Federal Transit Administration  
**FY:** Fiscal Year  
**HOV:** High Occupancy Vehicle Lane  
**ICM:** Integrated Corridor Mobility  
**ITC or RITC:** Hercules Intermodal Transit Center  
**ITS:** Intelligent Transportations System  
**LOS:** Level of Service (traffic)  
**MOU:** Memorandum of Understanding  
**MPO:** Metropolitan Planning Organization

**MTC:** Metropolitan Transportation Commission  
**NEPA:** National Environmental Policy Act  
**O&M:** Operations and Maintenance  
**OBAG:** One Bay Area Grant  
**PAC:** Policy Advisory Committee  
**PASS:** Program for Arterial System Synchronization  
**PBTF:** Pedestrian, Bicycle and Trail Facilities  
**PC:** Planning Committee (CCTA)  
**PCC:** Paratransit Coordinating Committee (CCTA)  
**PDA:** Priority Development Areas  
**PSR:** Project Study Report (Caltrans)  
**RHNA:** Regional Housing Needs Allocation (ABAG)  
**RPTC:** Richmond Parkway Transit Center  
**RTIP:** Regional Transportation Improvement Program  
**RTO:** Regional Transportation Objective  
**RTP:** Regional Transportation Plan  
**RTPC:** Regional Transportation Planning Committee  
**SCS:** Sustainable Communities Strategy  
**SHPO:** State Historic and Preservation Officer  
**SOV:** Single Occupant Vehicle  
**STA:** State Transit Assistance  
**STIP:** State Transportation Improvement Program  
**STMP:** Subregional Transportation Mitigation Plan  
**SWAT:** Regional Transportation Planning Committee for Southwest County  
**TAC:** Technical Advisory Committee  
**TCC:** Technical Coordinating Committee (CCTA)  
**TDA:** Transit Development Act funds  
**TDM:** Transportation Demand Management  
**TFCA:** Transportation Fund for Clean Air  
**TEP:** Transportation Expenditure Plan  
**TLC:** Transportation for Livable Communities  
**TOD:** Transit Oriented Development  
**TRANSPAC:** Regional Transportation Planning Committee for Central County  
**TRANSPLAN:** Regional Transportation Planning Committee for East County  
**TSP:** Transit Signal Priority (traffic signals and buses)  
**VMT:** Vehicle Miles Traveled  
**WCCTAC:** West County Costa Transportation Advisory Committee  
**WETA:** Water Emergency Transportation Authority