



DEFICIENCY PLAN REQUIREMENTS

SANTA CLARA VALLEY TRANSPORTATION AUTHORITY
CONGESTION MANAGEMENT PROGRAM

ADOPTED | SEPTEMBER 2010

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EXECUTIVE SUMMARY

Deficiency plans, as it relates to traffic congestion management, are plans that identify offsetting measures to improve transportation conditions on the Congestion Management Program (CMP) facility in lieu of making physical traffic capacity improvements such as widening an intersection or roadway.

Background

The CMP legislation requires Member Agencies to prepare deficiency plans for CMP System facilities located within their jurisdictions that exceed the CMP traffic Level-of-Service (LOS) standard. The traffic LOS standard for Santa Clara County is LOS E. The legislation requires that deficiency plans improve systemwide traffic level of service and contribute to a significant improvement in air quality. If a CMP System facility exceeds the LOS standard and does not have a Congestion Management Agency (CMA) approved deficiency plan, then the local jurisdiction in which the facility is located is at risk of losing new gas tax revenues provided from Proposition 111.

Deficiency Plans were not included in the original CMP legislation, AB 471 (Katz). AB 471 required that all CMP System facilities maintain the adopted LOS standard, or the local jurisdiction would lose its new gas tax revenues. Deficiency plans were added as an amendment (AB 1791) to allow local jurisdictions to proceed with development projects even if strict adherence to CMP traffic LOS standards could not be achieved for each CMP facility.

Deficiency Plans are a logical addition to the CMP traffic LOS standards, because in some situations, meeting LOS standards may be impossible or undesirable. For these situations, deficiency plans allow local jurisdictions to adopt innovative and comprehensive transportation strategies for improving systemwide LOS rather than adhering to strict traffic LOS standards that may contradict with other community goals. Deficiency plans allow Member Agencies to trade off a traffic LOS violation on one particular CMP System facility for transportation system improvements to other facilities or services.

The purpose of this document is to provide Member Agencies with specific details on deficiency plan preparations, content requirements, approval process, monitoring, and responsibilities.

Regional Conformance

The VTA Deficiency Plan Requirements presented in this document is an update to the existing "Requirements for Deficiency Plans" document adopted on November 18, 1992. VTA's updated Deficiency Plan Requirements document is consistent with the regional guidelines established by the Bay Area Air Quality Management District (BAAQMD) in its "Deficiency List: Programs, Actions and Improvements for Inclusion in Congestion Management Program Deficiency Plans," adopted on November 4, 1992.

Changes from the Existing Document

The existing VTA Requirements for Deficiency Plans guidelines document has been updated in response to the recent interest from Member Agencies to develop deficiency plans. To date, two cities have developed deficiency plans: City of Sunnyvale (an areawide deficiency plan) and City of San Jose (a specific area deficiency plan for the North San Jose area). Other cities that are in the process of developing deficiency plans or considering deficiency plans are Milpitas and Santa Clara.

The VTA Deficiency Plan Requirements has been simplified and updated to focus on providing instructions on developing deficiency plans, to reflect current practices, policies, and procedures that were not yet established when the existing document was developed, and to be consistent with the recently updated VTA Transportation Impact Analysis (TIA) Guidelines. The following is a summary of the key changes made to the existing document:

- Removal of reference to the assumed development of a subregional/countywide deficiency plan.
- Addition of a Mini Deficiency Plan option. This option allows the submittal of a deficiency plan with a Transportation Impact Analysis (TIA) Report for a development project.
- Combining of the existing Immediate Action List with the Deferred Action List into a single list that references the Bay Area Air Quality Management District's (BAQMD's) Deficiency List policy document.
- Revision to the frequency of updates of deficiency plans from three years to when there are significant changes in the deficiency plan assumptions.
- Addition of a conflict resolution process as required by CMP statute.
- Addition of a section on local intersection management policies for informational purposes.

VTA's Approach to Deficiency Planning

VTA has been proactive in the development of guidelines and standards for land-use development in Santa Clara County. VTA encourages Member Agencies to develop deficiency plans for their respective jurisdictions to reduce potential delays in approving development projects that impact CMP facilities. If deficiency plans were prepared in advance of deficiencies, then development projects could conform to the deficiency plan and be easily approved. Conversely, if there are no deficiency plans in place, proposed developments could be stopped until a deficiency plan was prepared and approved by the VTA Board.

Below is a brief summary of VTA's approach to preparing deficiency plans:

- A consultation with VTA prior to development of deficiency plans.
- An assessment of the appropriate type of deficiency plan to be developed (3 types):
 1. Mini Deficiency Plan: A mini deficiency plan is prepared to address a single CMP intersection or roadway facility, typically in conjunction with a Transportation Impact Analysis (TIA) Report for a single development project.
 2. Specific Area Deficiency Plan: A specific deficiency plan is prepared to address a CMP System roadway segment or intersection within a specific area such as a downtown area or special district.
 3. Areawide Deficiency Plan: An areawide deficiency plan is prepared to address all the CMP System roadways or intersections included in an identified area such as an entire city or an area that covers multiple jurisdictions and/or cities.

These deficiency plans are described in more detail in Chapter 2 - Deficiency Plan Preparations.

- A requirement that each deficiency plan include implementation of all feasible and applicable actions listed on the Deficiency Action List. Member Agencies must identify how all of these specific actions will be implemented as part of the deficiency plan.
- A requirement that each deficiency plan demonstrate, to the extent practical, how the identified physical improvements and offsetting measures will improve CMP system wide level of service and improve the air quality.

Organization

The Requirements for Deficiency Plans document is divided into seven chapters with four appendices. The chapters are as follows:

Chapter 1 describes the Purpose and Policy Guidance of the document. This chapter has information regarding the legislative requirements of deficiency plans. Again, the purpose of this document is to assist Member Agencies in preparing and implementing deficiency plans. It also provides definitions and terminology used in the document.

Chapter 2 describes Deficiency Plan preparation. The chapter focuses on the requirements for the implementation of a deficiency plan, types of deficiency plans, and the responsibility of the lead agency to prepare a deficiency plan.

Chapter 3 describes Deficiency Plan Content Requirements. Chapter 3 goes in to detail on the elements of a deficiency plan, including the State of California's legislative requirements of what is included when it is being prepared.

Chapter 4 describes Deficiency Plan Action Lists and Implementation Standards. Each deficiency plan created must include a set of actions to address the deficiency. Chapter 4 provides guidance from the Bay Area Air Quality Management District (BAAQMD) on specific measures to be included as part of an action, as well as resources available through the VTA.

Chapter 5 describes the Deficiency Plan Evaluation and Approval Process. This is for VTA to use when reviewing a Member Agency's deficiency plan. CMP legislation requires that a Member Agency must adopt Deficiency Plans at a noticed public hearing and then be approved by a CMA. It also shows a process to follow when dealing with interjurisdictional land use issues.

Chapter 6 describes Deficiency Plan Monitoring. This chapter discusses VTA's two-part monitoring and evaluation process. Member Agencies are required under these guidelines to monitor the implementation of the actions in a deficiency plan. As part of the CMP Monitoring Process, VTA will then evaluate the effectiveness of a deficiency plan.

Chapter 7 describes Other Considerations. This chapter explains a four phase process for the resolution of any conflicts, as required by CMP legislation. Also included, is a new section on Local Intersection Management Strategies. This section has been added for informational purposes and briefly describes the concept of exempting local intersections from traffic LOS standard policies for Member Agencies that are considering deficiency plans.

Appendix A presents a Glossary that includes many definitions that are included throughout the document. Appendix B contains the Congestion Management Program and Deficiency Plan Statute. Appendix C contains the Deficiency Plan Action List. Finally Appendix D contains an example of a local intersection management strategy implemented by the City of San Jose.

CHAPTER 1 PURPOSE AND POLICY GUIDANCE

This document describes the requirements for developing deficiency plans in Santa Clara County. The purpose of this document is to assist Member Agencies in preparing and successfully implementing deficiency plans for their respective jurisdictions.

1.1 Legislative Requirements

In accordance with California Government Code Section 65088, VTA, as the designated Congestion Management Agency (CMA) for Santa Clara County, has established a process for developing deficiency plans as part of its Congestion Management Program (CMP) that is updated biennially.

The California Congestion Management Program legislation requires Member Agencies to prepare deficiency plans for CMP System facilities located within their jurisdictions that exceed, or are expected to exceed in the future, the CMP traffic level-of-service (LOS) standard [California Government Code Section 65089.4]. The CMP traffic LOS standard for Santa Clara County is LOS E. The CMP statute also requires that deficiency plans improve system wide traffic level of service and contribute to significant improvement in air quality. If a CMP System facility exceeds the LOS standard and does not have an approved deficiency plan, then the local jurisdiction with the deficient CMP facility is at risk of losing gas tax revenue generated from Proposition 111¹.

In addition, CMP legislation also requires Member Agencies to follow processes established by the CMAs for evaluating, approving, and monitoring deficiency plans.

1.2 Document Conventions

- A. Unless explicitly stated, all references to documents in the VTA Deficiency Plans Requirements document shall mean the most recent published document version.
- B. In this document, the word “*should*” is used to indicate recommended actions. The words “*shall*” or “*must*” are used to indicate required actions or requirements.
- C. The term “*CMP System*” or “*CMP facility*” refers to any transportation facility included in the CMP Roadway System as defined in VTA’s Congestion Management Program. These facilities include freeways, expressways, state highways, arterials and arterial segments, and selected intersections.
- D. “*Project impact*” means when the analysis shows that the project will cause the LOS to deteriorate by a given threshold amount. The threshold amounts for each of the three CMP facility types are described as follows:

¹ Proposition 111 – A California transportation bill, also known as the Traffic Congestion Relief and Spending Limitation Act of 1990, is a gas tax that was enacted statewide to relieve traffic congestion by establishing a funding program to improve the state highway, local streets and roads, and public mass transit facilities.

1. Intersections at LOS F: A project is said to impact an intersection determined to have been at LOS F under background conditions if:

- *addition of the project traffic increases the average control delay for critical movements by four (4) seconds or more, and*
- *project traffic increases the critical v/c value by 0.01 or more.*

The exception to this threshold is when the addition of project traffic reduces the amount of average control delay for critical movements, i.e., the change in average control delay for critical movements are negative. In this case, the threshold is when the project increases the critical v/c value by 0.01 or more.

2. Freeway Segments at LOS F: A project is said to impact a freeway segment determined to have been at LOS F under existing or background conditions, if *the number of new trips added by the project is more than one percent of the freeway capacity*. This calculation shall be for each direction of travel.

3. Rural Highway at LOS F: A project is said to impact a rural highway determined to have been at LOS F under existing or background conditions, if *the number of new trips added by the project is more than one percent of the rural highway capacity*. This calculation shall consider both directions of travel.

- E. *“Lead Agency” or “Member Agency”* is defined as the local jurisdiction with the identified deficient CMP facility and is responsible for the development and implementation of a deficiency plan.
- F. *“Finding of non-conformance”* refers to analysis that identifies a CMP facility falling below the established LOS standard.
- G. Reference to the *“Bay Area Air Quality Management District (BAAQMD)”* is also referred to as the *“Air District”* in this document.

Additional definitions and terminology referenced in this document are listed in Appendix A.

CHAPTER 2 DEFICIENCY PLAN PREPARATION

This chapter describes when deficiency plans should be prepared, the three types of deficiency plans, and the process for preparing deficiency plans in Santa Clara County.

2.1 Conditions Requiring the Development of a Deficiency Plan

Deficiency plans must be prepared and revised by Member Agencies under the following conditions:

- A. When a CMP System roadway or intersection that was operating at LOS E or better in the previous baseline year is currently monitored as operating at LOS F;
- B. When the development project's transportation impact analysis indicates that any CMP facility will operate at LOS F following the occupancy of the development project;
- C. When a violation of the CMP traffic LOS standard is imminent. This will minimize delay in the land-use approval process and help to ensure that deficiency plans are implemented equitably;
- D. When transportation conditions of existing deficiency plans are projected to dramatically change; or
- E. When transportation conditions of existing deficiency plans are projected to dramatically change where new analysis of existing and future scenarios would be required and Action List items revised.

2.2 Types of Deficiency Plans

There are three types of deficiency plans that can be developed depending on the Member Agencies' needs: 1) Mini Deficiency Plan; 2) Specific Area Deficiency Plan; 3) Areawide Deficiency Plan.

Below are descriptions of each of these plans:

1. **Mini Deficiency Plan** – The mini deficiency plan is appropriate for addressing a single CMP facility that has fallen or forecasted to fall below the CMP standard of LOS E. This approach allows project developers and Lead Agencies to submit a deficiency plan as part of a Transportation Impact Analysis (TIA) report. The development of a mini deficiency plan allows developers and Lead Agencies to identify impacted areas, mitigation measures and propose deficiency implementation action items in a single document that can be approved by the VTA Board on an annual basis.
2. **Specific Area Deficiency Plan** – A Specific Area Deficiency Plan is appropriate for addressing transportation impacts to CMP roadways or intersections that will not be mitigated back to conformance within the CMP LOS standards within a defined area. This type of deficiency plan is ideal for covering a localized specific area or special district.

An example of a Specific Area Deficiency Plan is the City of San Jose's *North San Jose Deficiency Plan* that was approved in January 2006.

- 3. Areawide Deficiency Plan** – Similar to the Specific Area Deficiency Plan, the Areawide Deficiency Plan addresses transportation impacts to all the CMP facilities within a jurisdiction or multiple jurisdictions.

An example of an Areawide Deficiency Plan is the City of Sunnyvale's citywide Deficiency Plan that was approved in November 2004.

In general, VTA recommends that Member Agencies prepare Specific Area and Areawide Deficiency Plans whenever possible. This will reduce the number of deficiency plans prepared and lead to implementation of comprehensive solutions that addresses land use development and transportation impacts.

The CMP legislation requires that each deficiency plan include implementation of all feasible and applicable actions from the Deficiency Plan Action List (Table 4-1). Member Agencies must identify how all of the identified specific actions will be implemented as part of the deficiency plan.

2.3 Deficiency Plan Preparation Responsibilities

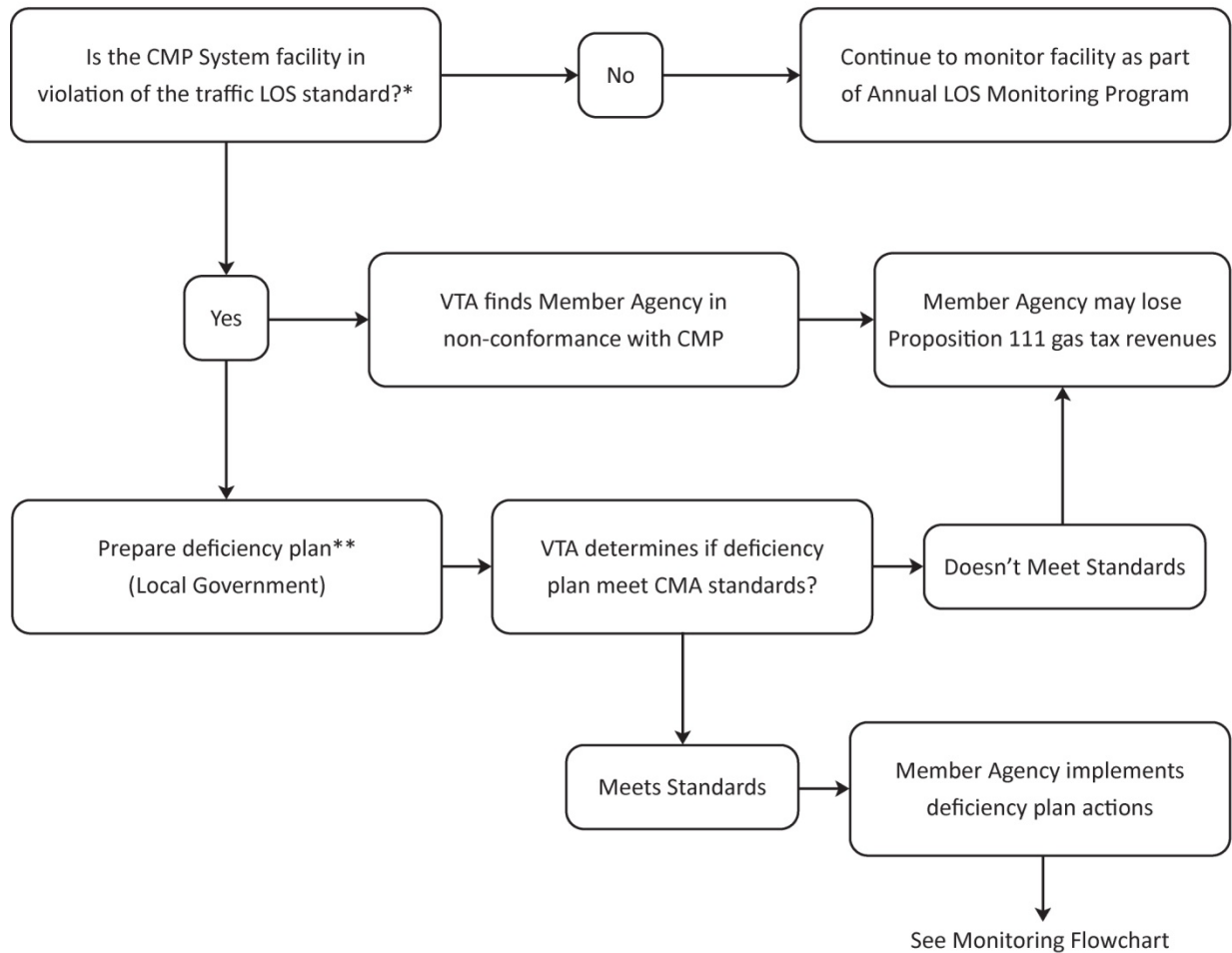
This section describes general responsibilities by the Lead Agency for the preparation of deficiency plans.

- A. Deficiency plans should be prepared by the Member Agency in which the deficient CMP System facility or set of facilities is located.
- B. Member Agencies should consult with the Santa Clara Valley Transportation Authority and other appropriate agencies when developing a deficiency plan.
- C. If a CMP System facility is located in more than one jurisdiction within Santa Clara County, a single deficiency plan should be prepared for that facility. In this case, all jurisdictions affected by the facility should participate in development of the deficiency plan.²
- D. If a CMP System facility is impacted by traffic from several jurisdictions, the Member Agencies involved should work together to prepare the deficiency plan.
- E. Deficiency plan actions and requirements are interjurisdictional. For example, a development project located in City A that impacts a CMP facility in City B would be subject to City B's deficiency plan (assuming that City B already has an adopted deficiency plan or will be developing one as a result of the development project in City

² Deficiency plan preparation for County expressways and expressway intersections within the CMP System are the responsibility of the cities through which the expressways travel. The city preparing a deficiency plan for an expressway or expressway intersection will involve the County in the development of the deficiency plan.

- A) for that facility. In this example, the development project must implement actions in City B's deficiency plan.
- F. VTA will not perform environmental review of locally prepared deficiency plans. The Member Agencies are responsible for preparing the appropriate level of environmental review (e.g. following the California Quality Environmental Act requirements) of the deficiency plan prior to deficiency plan approval. Any environmental documentation that is necessary for the deficiency plan must be included with the deficiency plan prior to consideration of approval by VTA.
- G. Member Agencies may hire consultants to prepare deficiency plans; however, the Member Agency remains responsible for the contents, implementation, and public notification of the deficiency plan.
- H. The Member Agency responsible for preparing the deficiency plan may require a development project or projects to help pay for preparation of the deficiency plan.
- I. Member Agencies are responsible for using the appropriate technical guidelines from VTA's Technical Standards and Procedures for Santa Clara County and other applicable guidelines when developing deficiency plans.

Figure 1: Deficiency Plan Development Process



* VTA recommends that Member Agencies prepare deficiency plans in advance of measuring a traffic LOS violation on the CMP System. Preparing deficiency plans in advance will ensure that land-use development projects are not delayed waiting for preparation and approval of deficiency plans

** Deficiency plans are developed using data from the VTA Transportation Database, VTA Land-Use Database, VTA Deficiency Plan Guidelines, Deficiency Plan Action Item List and input from other jurisdictions/agencies affected by deficient facility.

CHAPTER 3 DEFICIENCY PLAN CONTENT REQUIREMENTS

CMP statute (California Government Code Section 65089.4) defines the contents that must be included in a deficiency plan. This chapter describes the deficiency plan contents. An outline of a deficiency plan is shown in Table 3-1, Page 15.

3.1 Deficiency Plan Requirements

Below is a description of the elements required in deficiency plans for Santa Clara County:

A. Introduction:

The deficiency plan shall include an introduction that describes the specific facility or area boundaries included in the deficiency plan, existing transportation conditions in the area, and provide general background information about the deficiency plan.

In addition, the introduction must include the objective(s) of the deficiency plan; a description of the deficient facilities, a description of projected transportation conditions based upon future development conditions and traffic growth, and a list of government agencies responsible for the facilities and of the agencies that took part in the preparation of the deficiency plan.

B. Deficiency Analysis/Cause:

An analysis of the causes of the deficiency. This analysis shall include the following: (A) Identification of the cause of the deficiency. (B) Identification of the impacts of those local jurisdictions within the jurisdiction of the agency that contribute to the deficiency... [California Government Code Section 65089.4 (c) (1)(A)(B)].

If a deficiency plan is prepared in anticipation of a deficiency, then the most likely cause(s) of the deficiency should be noted, including the impacts. For example, identify the amount of development potential for the area and the restrictions that prohibit growth such as limited right-of-way available for widening the CMP roadway.

All deficiency plans must be prepared based upon transportation forecasts for a minimum of 10 years of future development that is projected to impact the deficient facility (ies). These forecasts may be in the form of traffic growth projections and/or specific project traffic estimates. The forecasts must be based upon the VTA-approved ABAG projections, unless more accurate local projections are available.

C. Improvement List:

A list of the improvements necessary for the deficient segment or intersection to maintain the minimum level of service otherwise required and the estimated costs of the improvements. [California Government Code Section 65089.4 (c)(2)].

Improvements presented in this list are all the mitigation measures (physical improvements) that were explored but were difficult or impossible to implement, for example, adding a lane to a major freeway that has no available right of way.

This section must also include explanations why the improvements necessary to maintain the CMP traffic LOS standard cannot be implemented.

Cost estimates included in deficiency plans may be based on planning-level rather than engineering-level cost analyses.

D. Deficiency Plan Action List:

The Deficiency Plan Action List is a list of improvements, programs, and actions that include cost estimates to implement as part of the deficiency plan.

A list of improvements, programs, or actions, and estimates of costs that will (A) measurably improve multimodal performance,...and (B) contribute to significant improvements in air quality such as improved public transit service and facilities, high occupancy vehicle facilities, parking cash-out programs, and transportation control measures. [California Government Code Section 65089.4 (c)(3)].

The CMP legislation further states:

The air quality management district or the air pollution control district shall establish and periodically revise a list of approved improvements, programs, and actions that meet the scope of this paragraph. If an improvement, program, or action is on the approved list and has not yet been fully implemented, it shall be deemed to contribute to significant improvements in air quality. If an improvement, program, or action is not on the approved list, it shall not be implemented unless approved by the local air quality management district or air pollution control district. [California Government Code Section 65089.4 (c)(3)(B)].

The Air District developed a Deficiency Plan Action List in November 1992 that contains actions, improvements, and programs (herein referred to as “actions”) for use in local deficiency plans. Member Agencies shall use the Air District’s most current Deficiency List to develop their deficiency plans. These actions are summarized in Table 3-1.

The Action List section of a deficiency plan must also include the following:

1. All feasible and applicable deficiency plan actions from the most current version of the Air District’s Deficiency List developed in collaboration with VTA.
2. Actions on the implementation action list are inapplicable to the project, Member Agencies must illustrate to VTA that the action was explored and must receive approval from VTA staff that the finding of inapplicability is technically correct. The Member Agencies may then work with VTA staff to identify alternative actions that are appropriate for the specific project. The Member Agency must document that

they evaluated the actions on the improvement action list and provide justification for why these projects were insufficient.

3. An exact description of how all actions included in the deficiency plan will be implemented. This description must include: the cost to implement and sustain the action; the expected benefits of the action in terms of improving CMP System transportation conditions.
4. A qualitative description and explanation of how the actions implemented will contribute to improving the CMP system traffic LOS over the condition that would exist without implementing the actions.

E. Action Plan:

The Action Plan is an implementation program for all actions on the Action List.

An action plan...consisting of improvements identified in improvements identified in paragraph (2. List of improvements necessary...), or improvements, programs, or actions identified in paragraph (3. A list of improvements, programs, or actions, and estimates of costs...), that are found by the agency to be in the interest of the public's health, safety and welfare. The action plan shall include a specific implementation schedule... [California Government Code Section 65089.3 (b) (1) (D)]

The Action Plan must summarize how each action in the deficiency plan will be implemented, who is responsible for implementing it, how funds will be collected and expended to implement the actions, and a schedule for its implementation.

F. Deficiency Plan Monitoring Program:

The deficiency plan must state how the Member Agency will monitor implementation of the deficiency plan actions. The implementation monitoring plan must also correspond to the Member Agency's implementation schedule as outlined in the Action Plan for all actions, programs and improvements included in the deficiency plan.

G. Environmental Documentation:

The Lead Agency is responsible for performing the appropriate level of environmental review, including following the California Environmental Quality Act (CEQA) guidelines, on the deficiency plan before adopting it. The deficiency plan should include a description of any environmental analysis performed by the Member Agency on the deficiency plan.

H. Multi-jurisdictional Participation and Coordination:

The Lead Agency should include a description of the process used to involve other agencies, including their roles, in the analysis of and development of the deficiency plan.

3.2 Action Plan and Nexus Requirements

This section identifies the government code that jurisdictions can use to collect fees to fund deficiency plan action plans. As part of the deficiency plan requirements, the Action Plan must identify funding sources for each of the proposed action plan items such as a local capital improvement program, transportation impact fees, or developer fees.

CMP legislation specifically allows deficiency plans to be funded with developer fees. Chapter 5 of the California Government Code Section 66000, "Fees for Development Projects," provides a detailed description of the nexus requirements that jurisdictions must follow for implementing and collecting fees on development projects or funding action plans of deficiency plans. Below is a summary of the nexus requirements:

- A. Identify the purpose of the fee;
- B. Identify the use to which the fee will be put (e.g. identify the facilities to be constructed or the programs to be funded; the identification may be by reference to a capital improvement plan);
- C. Determine how there is a reasonable relationship between the fee's use and the type of development project on which it is imposed;
- D. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which it is imposed; and
- E. Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development on which the fee is imposed.

A copy of this legislation that includes additional information on the requirements is provided in Appendix B.

**Table 3-1
Sample Deficiency Plan Outline**

- A. **Introduction** – This section describes the facility (facilities or area) for which the deficiency plan is being prepared. It should include the following:
1. Deficiency plan objectives;
 2. Description of the facility or area’s configuration and location;
 3. Map of facility or area location and a description of the deficiency plan boundaries;
 4. Description of existing transportation conditions;
 5. Description of projected future transportation conditions based upon development projections and traffic growth; and
 6. Listing of government agencies responsible for the facilities and the agencies that took part in preparation of the deficiency plan.
- B. **Deficiency Analysis/Cause** – This section describes the type and cause of the deficiency. If the deficiency plan is being prepared in anticipation of a deficiency, then the likely cause should be identified.
- C. **Improvement List** – This section describes the mitigation measures (physical improvements), estimated cost that would be necessary to maintain the CMP traffic LOS standard on the subject facility (-ies) and difficult or impossible to implement.
- D. **Deficiency Plan Action List** - This section describes the improvements, actions and programs proposed for improving CMP System LOS and contributing to air quality improvement. The following information must be provided for each action included in the deficiency plan:
1. A description of the action;
 2. Cost to implement and sustain the action;
 3. A description of the action’s effectiveness at improving the CMP System LOS and regional air quality; and
 4. A schedule for implementing the action items.
- E. **Action Plan** – This section describes how the deficiency plan actions will be implemented. It must list who is responsible for implementing each action, how the action will be paid for, and when each action will be implemented.
- F. **Deficiency Plan Monitoring Program** – This section describes how the Member Agency plans to evaluate the implementation of deficiency plan actions:
- G. **Environmental Documentation** – This section describes the environmental analysis performed by the Member Agency on the deficiency plan.
- H. **Multijurisdictional Participation and Coordination** – This section describes the process used to involve other agencies in the analysis and development of the deficiency plan.

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CHAPTER 4 DEFICIENCY PLAN ACTION LIST AND IMPLEMENTATION STANDARDS

CMP legislation [California Government Code Section 65089.4 (c) (3)] requires congestion management agencies to follow the deficiency planning guidelines and use the action items from the Deficiency Action List developed by the local air quality management district.³ The statute also states that “If an improvement, program or action is not on the approved list, it shall not be implemented unless approved by the local air quality management district or air pollution district.”⁴ This chapter presents a summary of the Deficiency Plan Action List and describes VTA’s implementation standards.

4.1 Deficiency Plan Action List

Member Agencies, in collaboration with VTA and other participating agencies, shall include programs, actions and improvements selected from the Air District’s most recent Deficiency List and transportation control measures listed in the Air District’s most recent Clean Air Plan. Table 4-1 on the next page shows a summary of Air District’s Deficiency Plan Action List. A detailed description of the individual action items and improvement programs are in Appendix B.

4.2 Implementation Strategies

Deficiency plans must include an action plan and implementation schedule. Deficiency plan actions can be implemented in various ways. Below are several examples of implementation strategies:

Capital Improvement/Investment Program

Certain deficiency plan actions could be implemented as part of VTA’s Capital Investment Program (e.g. VTP 2035) or Member Agencies’ capital improvement programs. Examples include transit improvements, HOV facilities, new transit facilities, transit corridor development projects, and roadway improvements.

Transportation Demand Management Program

Transportation Demand Management Programs are essentially programs that promote alternative transportation modes, including, but not limited to carpools, van pools, transit, bicycles, and park-and-ride lots; and other strategies such as promotion of flexible work hours, telecommuting, and congestion pricing. These types of programs may be included in action plans of deficiency plans.

³ The air quality management district for Santa Clara County is the Bay Area Air Quality Management District (BAAQMD). The BAAQMD includes the following counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, the western area of Solano, and the southern area of Sonoma Counties.

⁴ California Government Code 65089.4 (c)(1)(3)(B). Additional procedures for approving action items not in BAAQMD’s Deficiency List are described in Section II of the Deficiency List document.

Phasing

VTA recognizes that the funding of action plans, specifically for Specific Area and Areawide Deficiency Plans are dependent on future and sometimes uncertain economic conditions relating to land use development growth. Member Agencies may include a phased approach that identifies the timing and thresholds when specific deficiency plan action items would be implemented.

Table 4-1
Deficiency Plan Action List

A. BICYCLE AND PEDESTRIAN MEASURES

- A1. Improved Roadway Bicycle Facilities and Bike Paths
- A2. Transit and Bicycle Integration
- A3. Bicycle Lockers and Racks at Park and Ride Lots
- A4. Bicycle Facilities and Showers at Developments
- A5. Improved Pedestrian Facilities
- A6. Pedestrian Signals
- A7. Lighting for Pedestrian Safety

B. TRANSIT

- B1. Improvement of Bus, Rail, and Ferry Transit Service
- B2. Expansion of Rail Transit Service
- B3. Expansion of Ferry Services
- B4. Preferential Treatment for Buses and In-Street Light Rail Vehicle (LRVs)
- B5. Transit Information and Promotion
- B6. Transit Pricing Strategies to Encourage Ridership and Reduce Transit Vehicle Crowding
- B7. Transit Fare Subsidy Programs
- B8. Transit Centers
- B9. Improved and Expanded Timed Transfer Programs
- B10. Improved and Expanded Fare Coordination
- B11. Signal Preemption by Transit Vehicles
- B12. Bus Stop Bulbs
- B13. School Bus Transit Service

C. CARPOOLING, BUSPOOLING, VANPOOLING, TAXIPOOLING, JITNEYS, CASUAL CARPOOLING AND OTHER SHARED RIDES (Ridesharing)

- C1. Preferential Treatment for Shared Ride Vehicles
- C2. Increased Use of Commuter/Employer Services

D. HIGH OCCUPANCY VEHICLE (HOV) FACILITIES

- D1. Preferential Treatment for HOVs
- D2. Bus and Carpool/Buspool/Vanpool/Taxipool Priority Lanes on Local Arterials
- D3. Accelerated Implementation of the 2005 HOV Master Plan
- D4. HOV to HOV Facilities
- D5. Direct HOV Lane Entrance/Exit Ramps to Arterials and Space Generators

E. OTHER TCMs, RELATED MEASURES

- E1. Stricter Travel Demand Management/Trip Reduction Ordinance
- E2. Expanded Public Education Programs
- E3. Child Care Facilities at or close to Employment Sites, Transit Centers and Park and Ride Lots
- E4. Retail Services at or close to Employment Sites, Transit Centers and Park and Ride Lots
- E5. Telecommuting Centers and Work-at-Home Programs
- E6. Parking Management

F. TRAFFIC FLOW IMPROVEMENTS

- F1. Preferential Treatment of HOVs (See measures B4 and C1)
- F2. Ramp Metering
- F3. Auxiliary Lanes
- F4. Signalization Improvements
- F5. Computerized Traffic and Transit Control/Management on Arterials
- F6. Turn Lanes at Intersections
- F7. Turn Restrictions at intersections
- F8. Reversible Lanes
- F9. One-Way Streets
- F10. Targeted Traffic Enforcement Programs
- F11. Restrictions on Curb Side Deliveries and On-Street Parking

4.3 Infeasible Actions

In certain instances, actions on the Air District's Action List may be infeasible for a local jurisdiction. For example, it may be infeasible to install bicycle lockers at light rail stations that are located in the middle of the street because of space restrictions. Prior to determining an action as infeasible, the Member Agency should consult with VTA staff to ascertain that the finding of infeasibility is technically correct.

4.4 Deficiency Plan Implementation Guidelines and Standards

Member Agencies shall follow the appropriate current guidelines standards such as VTA's Technical Standards and Procedures technical documents or adopted local policies for implementing specific items from the deficiency plan action plan. Below are examples of established guidelines and standards typically used in Santa Clara County:⁵

- VTA Community Design and Transportation Best Practices Manual
- VTA Bicycle Technical Guidelines
- VTA Pedestrian Technical Guidelines
- Caltrans Highway Design Manual
- Highway Capacity Manual
- Manual on Uniform Traffic Control Devices

The implementation standards for each action item shall be described and presented in the following format⁶:

1. Measure category (e.g. A. Bicycle and Pedestrian Action);
2. Specific control measures (e.g. A1. Improved Roadway Bicycle Facilities and Bike Paths);
3. Description – a description of the action;
4. Intent – a description of what the action is intended to achieve;
5. Standards – the Member Agency's requirements to implement the action;
6. Timing/Phasing – a description of what must be included in the deficiency plan and when the action must be implemented; and

⁵ The technical documents presented in this list are not inclusive as there may be other established standards that may be appropriate for use in Santa Clara County depending on the specific situation.

⁶ Examples of the first two descriptions can be found in Table 4-1. Deficiency Plan Action List and in Section 1 of the BAAQMD's 1992 Deficiency List located in Appendix A of this document.

7. Approval Criteria – a basic description of what VTA will be looking for from Member Agencies in approving Deficiency Plans. The specific description will be developed upon consultation with VTA.

The timing of when sufficient resources can be allocated to fund specific Deficiency Plan Action Items may be difficult to predict. VTA will be flexible in applying timing requirements. If Member Agencies can justify not meeting specific timing requirements in the standard, VTA may grant an extension to the Member Agency applicant.

Table 4-2 on the next page provides an example of Action Item Implementation Standard Description.

Table 4-2: Action Item Implementation Description Example

A. BICYCLE AND PEDESTRIAN ACTIONS

A-2: Bicycle Storage Facilities at Transit Centers

Description: This action consists of adding bicycle storage facilities at designated transit centers including park and ride lots, rail transit stations, and regional and Subregional transfer points.

VTA will work with Member Agencies in designating transit centers appropriate for adding bicycle storage facilities within the Deficiency Plan area. In some cases, bicycle storage facilities might more appropriately be added at existing transit stations outside the deficiency plan area to better achieve the deficiency plan goals. For example: if the deficiency plan area contained all employment centers with few transit centers in existing residential areas, where workers live, as part of the deficiency plan.

Bicycle storage facilities shall include bicycle lockers, secured rooms, bicycle racks and equipment storage lockers for bicyclists.

Intent: To facilitate the use of bicycles for commuting and other trips.

Standards:⁷

1. A minimum of 10 bicycle lockers shall be provided at all designated transit centers within the deficiency plan area, and at identified transit centers outside the deficiency plan area.
2. Secure and protected bicycle racks shall be provided at transit centers where necessary and feasible. Bicycle racks must allow use of U-type bike locks.
3. Storage lockers for bicyclists shall be provided at transit centers wherever possible.

Timing/Phasing: The deficiency plan must include a list of all transit centers that will be improved as part of the deficiency plan and an implementation plan as well as funding sources and schedules for installing the bicycle storage facilities.

Approval Criteria: VTA will require that these actions be implemented at all appropriate transit centers as quickly as possible. The plan should include installing equipment at all transit centers in the deficiency plan within 24 months.

⁷ VTA has developed the Bicycle Technical Guidelines document and the Countywide Bicycle Plan, the Bicycle element of the Valley Transportation Plan (VTP 2020). Member Agencies should consult these reference materials when planning, siting, and estimating the number and type of bicycle storage deemed appropriate for specific development projects.

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CHAPTER 5 DEFICIENCY PLAN EVALUATION AND APPROVAL PROCESS

The evaluation and approval of deficiency plans is dictated by CMP legislation⁸. This chapter describes the deficiency plan evaluation, criteria, and approval process.

5.1 Deficiency Plan Evaluation

Member Agencies must prepare deficiency plans and adopt them at a noticed public hearing. The Deficiency Plan is then submitted to VTA. According to CMP legislation:

*A city or county shall forward its adopted deficiency plan to the agency within 12 months of the identification of a deficiency. The agency shall hold a noticed public hearing within 60 days of receiving the deficiency plan. Following the hearing, the agency shall either accept or reject the deficiency plan in its entirety, but the agency may not modify the deficiency plan. If the agency rejects the plan, it shall notify the city or county of the reasons for that rejection.*⁹

The Requirements for Deficiency Plans define the criteria that will be used to approve or reject deficiency plans. VTA staff will analyze deficiency plans submitted by Member Agencies using the adopted criteria, and present a report to the VTA Board that documents their findings and contains a recommendation to approve or reject the Deficiency Plan.

The following criteria will be used when evaluating deficiency plans:

1. Are all actions on the most current version of the Immediate Implementation Action List that are applicable and feasible included in the Deficiency Plan? Are the reasons why any actions found to be inapplicable or infeasible adequate?
2. Are sufficient actions included in the deficiency plan to compensate for the deficient facility's unacceptable LOS? Are these actions on the Deficiency Plan Action List or have they been approved by the Air District? Is the technical analysis of physical improvements included in the Deficiency Plan adequate?
3. Does the Deficiency Plan include a workable program to guarantee implementation of all actions and improvements included in the Deficiency Plan?
4. Are the costs for implementation of the Deficiency Plan actions reliably estimated? Does the Deficiency Plan include an adequate method for financing the actions and improvements?
5. Are the Deficiency Plan actions and improvements consistent with all appropriate regional and local plans? (i.e. the Regional Clean Air Plan, the Regional Transportation Plan, the Regional Transportation Improvement Program, the BAAQMD's Deficiency Plan Action List and any subsequent requirements, and applicable General Plans).

⁸ California Government Code Section 65089.4.

⁹ California Government Code Section 65089.4(d)

6. Did the local jurisdiction consult with all appropriate neighboring jurisdictions and agencies when preparing the Deficiency Plan?
7. Does the Deficiency Plan include a monitoring program that will assess whether Deficiency Plan actions and improvements have been implemented?
8. Did the Member Agency prepare an adequate environmental analysis of the Deficiency Plan?

In accordance with CMP legislation, VTA will consider the adequacy of deficiency plans at a noticed public hearing. If a deficiency plan is rejected, VTA will provide a written report that documents its reasons for rejecting the deficiency plan.

5.2 Deficiency Plans and the Land-Use Approval Process

VTA's Deficiency Plan Requirements require that a development project participate in implementation of deficiency plans in the following three situations:

1. The development project is located within a deficiency plan area;
2. The development project will impact a deficient CMP System roadway or intersection; and/or,
3. The development project or land-use decision will cause a deficiency on a CMP System roadway or intersection.¹⁰ (Cause is defined as making a CMP System roadway or intersection(s) go from an acceptable LOS to an unacceptable LOS.)

For projects that must participate in the deficiency plan, there are two potential scenarios:

1. A VTA-approved deficiency plan exists for the area, or
2. A deficiency plan does not exist.

If a VTA approved deficiency plan exists for the area, the development project incorporates and implements the appropriate deficiency plan actions as part of its conditions of approval. The project may then be approved by the Member Agency.

If a VTA approved deficiency plan does not exist for the area, there are three options:

1. The project's developer can wait until the deficiency plan is adopted by the city and approved by the CMP, prior to the jurisdiction considering approval of the project;

¹⁰ The question of whether a project will impact a deficient facility or will cause a deficiency will be determined through the project's transportation impact analysis and/or the annual CMP Monitoring Report. All transportation impact analyses must be prepared using the CMP's Transportation Impact Analysis Methodology.

2. A deficiency plan can be prepared by the Member Agency concurrent with the development project's transportation impact analysis, and the project would be considered for approval after VTA adoption of the deficiency plan; or
3. The project's developer may agree in advance to participate in implementation of the deficiency plan once it is adopted and approved. In this case, the Member Agency must ensure that the project's developer participates in implementing all appropriate actions in the latest version of the Requirements for Deficiency Plans, and agrees to participate in any specific actions that are developed as part of a deficiency plan for the area.

When this process is followed, secure financial commitment from the developer for the implementation of the deficiency plan should be required by the Member Agency. Furthermore, adequate safeguards such as conditioning the permit of occupancy must be included into the approval process to make certain the developer participates in the implementation of the deficiency plan.

5.3 Interjurisdiction Land-Use Issues

The CMP requirements for maintaining the CMP traffic LOS standard and participation in deficiency plans are multi-jurisdictional. In other words, if a development project in City A is shown to impact a CMP System roadway in City B, which has a deficiency plan, then City A is responsible for ensuring that the development project either mitigates its impact on the deficient facility or participates fully in City B's deficiency plan.

In some situations, a land-use development project in one city will be projected to impact or cause a deficiency on a CMP System roadway or intersection in an adjacent jurisdiction, which may not have a deficiency plan. In this case, the process described below shall be used:

1. City A must prepare a deficiency plan for the area in which the project is located. This deficiency plan will include all the actions on the CMP's Deficiency Action List. (Preferably, City A will have prepared this deficiency plan in advance.)

The development project's transportation impact analysis will identify improvements to the deficient CMP System roadways and intersections as well as specific deficiency plan actions that can be implemented as part of a deficiency plan for the adjacent city.

2. City A will then obtain a secure financial commitment for the project's proportional share of the cost of City B's improvements and actions from the project's developer. City A can then approve the project.
3. City B has the option of preparing a deficiency plan for the facility affected by the project. The deficiency plan includes improvements identified in the project's transportation impact analysis.

This process is also shown in Figure 2 on the next page.

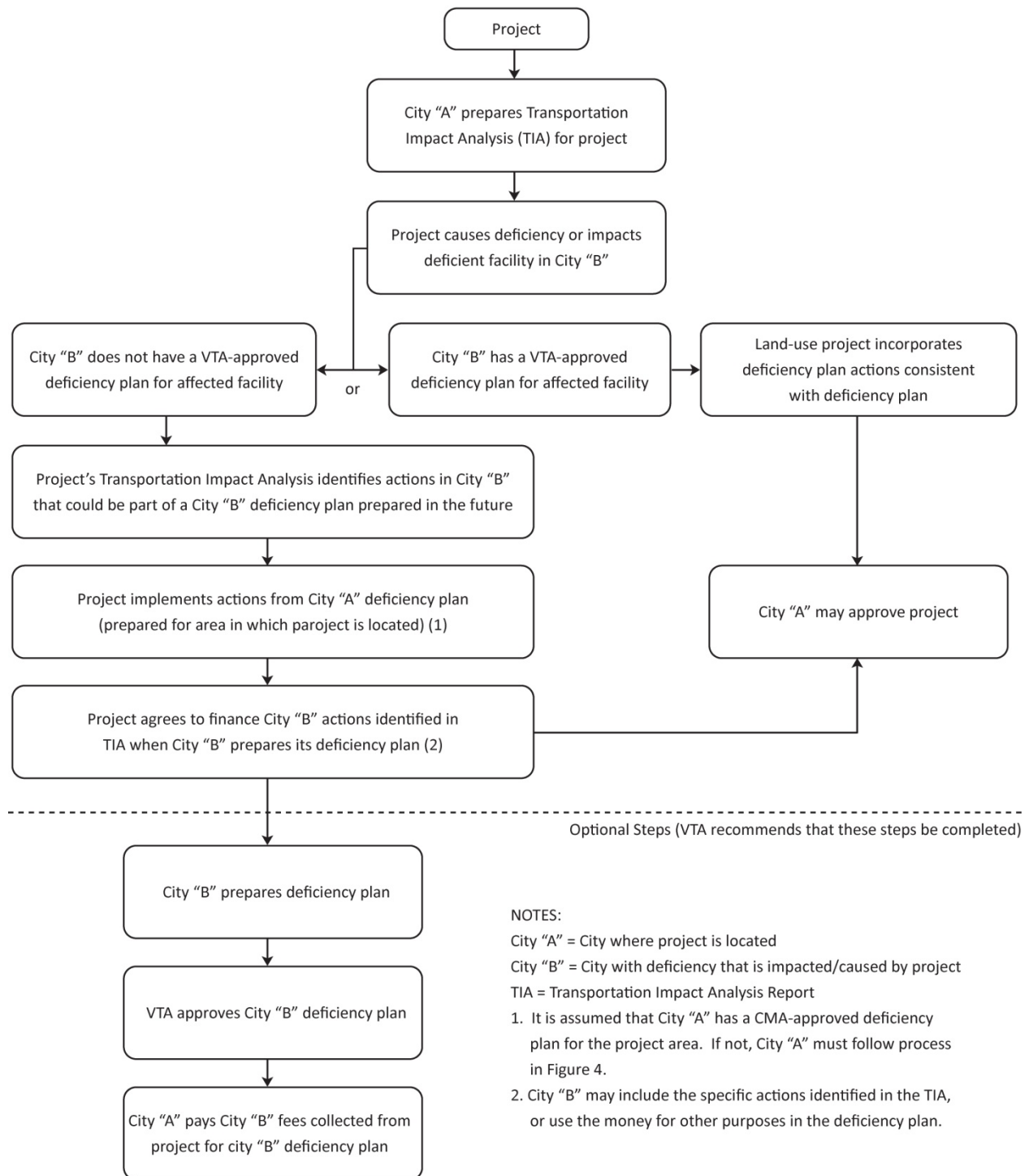
Furthermore, CMP legislation states that if it is determined that more than one local jurisdiction is responsible for causing a deficient segment or intersection, all responsible local jurisdictions shall participate in the development of a deficiency plan to be adopted by all participating local jurisdictions.¹¹

When the adjacent jurisdiction has a deficiency plan approved by VTA, it can receive funds held from the development project by City A for use in implementing the deficiency plan. However, VTA prefers that a single deficiency plan be developed when there is a situation such as this, preferably by City A with considerable input from City B.

In the event that conflicts arise between jurisdictions when developing deficiency plans, there is a conflict resolution process that Member Agencies may choose to follow. This conflict resolution process is described in Chapter 7 of this document.

¹¹ California Government Code Section 6089.4 (e)(1)

Figure 2: Interjurisdictional Deficiency Plan and Land-Use Approval Process



NOTES:

City "A" = City where project is located

City "B" = City with deficiency that is impacted/caused by project

TIA = Transportation Impact Analysis Report

1. It is assumed that City "A" has a CMA-approved deficiency plan for the project area. If not, City "A" must follow process in Figure 4.
2. City "B" may include the specific actions identified in the TIA, or use the money for other purposes in the deficiency plan.

5.4 Future Development Projections

All deficiency plans must include traffic projections for future development that is expected to impact deficient facilities. These projections must include development from neighboring jurisdictions as well as the jurisdiction preparing the deficiency plan. The projections must be based upon an approximately ten-year forecast of development and be consistent with the CMP-approved ABAG projections from the CMP's Countywide Transportation Model, unless more accurate local projections are available. The word *approximately* is used because in some cases the appropriate CMP-approved development projections will be for slightly more or fewer than ten years.

Deficiency plans prepared using this process will serve as a fundamental foundation for performing cumulative transportation analyses of development projects, which is required under the CMP's Transportation Impact Analysis Methodology. Including future traffic projections in a deficiency plan based upon overall growth assumptions rather than a detailed description of future projects will allow Member Agencies to prepare deficiency plans that will be more effective over the long term. Additionally, it will help prevent situations where the last project approved is forced to shoulder the burden for all the actions and improvements required as part of the deficiency plan.

CHAPTER 6 DEFICIENCY PLAN MONITORING

The CMP legislation requires that all elements of the CMP, including deficiency plans, be monitored at a minimum, on a biennial basis. For local jurisdictions, the most important part of the planning process is monitoring, because monitoring helps them determine how successful their plans are at meeting their objectives, and provides information on how to improve the effectiveness of deficiency plans.

VTA has developed a two-part monitoring and evaluation process for deficiency plans. As with other elements of the CMP, both Member Agencies and VTA have a role in monitoring. First, Member Agencies will monitor their implementation of the actions contained in their deficiency plan(s). Second, as part of the overall CMP monitoring program, VTA will evaluate the cumulative effectiveness of deficiency plans in improving systemwide LOS and air quality.

Figure 3 on the next page illustrates the deficiency plan monitoring process. This chapter describes both parts of the monitoring and evaluation process and presents examples for use by Member Agencies in monitoring deficiency plans.

6.1 Deficiency Plan Implementation Monitoring Program

All deficiency plans must include a Deficiency Plan Implementation Monitoring Program. This program outlines how the Member Agency will evaluate the scheduled implementation of actions as contained in the Action Plan section of the deficiency plan.

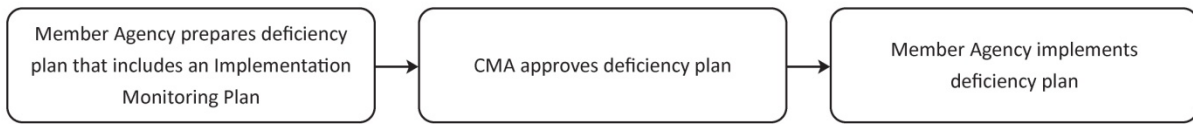
The following example illustrates what must be included in a Deficiency Plan Implementation Monitoring Program for each deficiency plan action.

Example: Implementation Monitoring Program

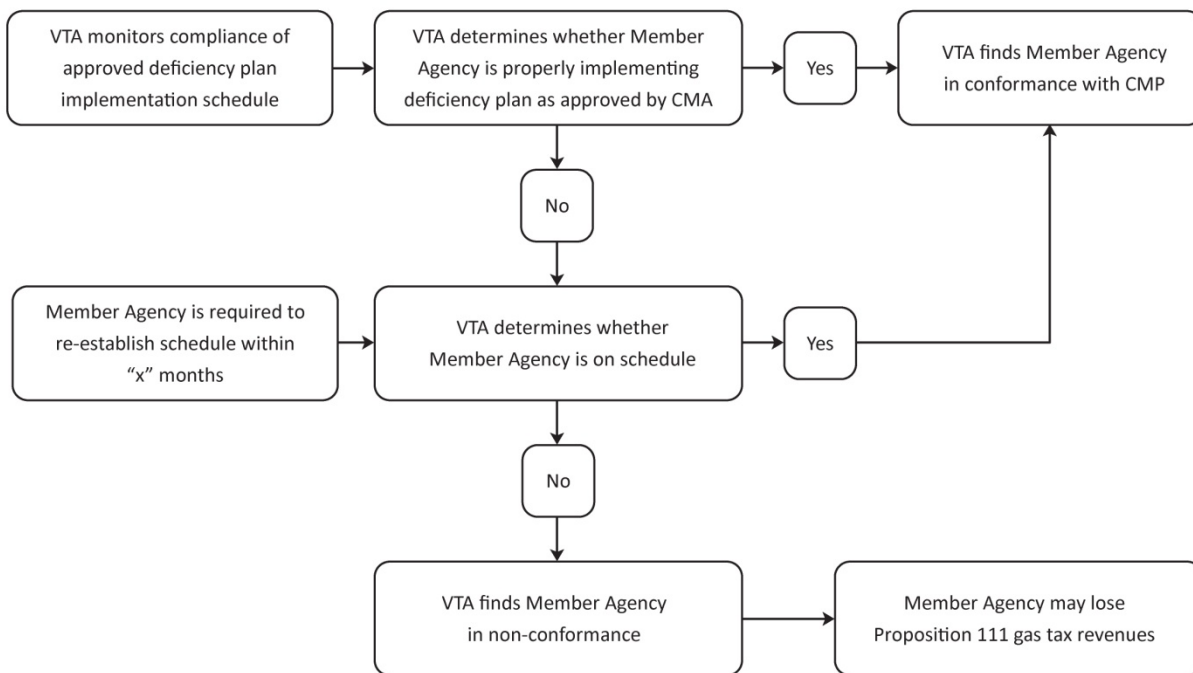
Action A-3: Adding bicycle lockers and racks at major transit centers—there are a total of five (5) identified transit centers in Silicon City. The city will add lockers and racks at two transfer centers each year. At each center, ten (10) lockers and twenty (20) bicycle racks will be installed. The actual number of lockers and racks at each center should be justified based upon the CMP's Implementation Standards for each action). This action will be implemented as part of the city's Capital Improvement Program.

A similar description for each action item must be included in the Deficiency Plan Implementation Monitoring Program.

Figure 3: Deficiency Plan Monitoring Process



Deficiency Plan Monitoring — Annual Process



6.2 Deficiency Plan Implementation Status Report

Member Agencies must submit a Deficiency Plan Implementation Status Report as part of the monitoring and conformance process for the CMP. These reports will describe the progress on the implementation of all the improvements and actions included in a deficiency plan. These reports will be based upon the Implementation Monitoring Program as contained in the deficiency plan.

The following example illustrates a status report for one action from a deficiency plan. A similar status report must be provided to the CMP for all actions included in the deficiency plan(s).

Example: Implementation Status Report

Action F-3: Improved Traffic Signal Coordination—The traffic signal coordination program described in the deficiency plan for “B” Street is 90% complete. The deficiency plan’s Action Plan projected that the traffic signal coordination program would be complete this year. Unfortunately, the manufacturer could not provide the necessary equipment in time to meet that schedule. However, the equipment has been received and the program should be completed within two months.

If a Member Agency has more than one deficiency plan, it may provide VTA with one Deficiency Plan Implementation Status Report that includes all of the necessary information for all deficiency plans.

In addition to the status report provided for each action, the Member Agency must include a financial report for deficiency plan implementation. The report should indicate the source of funds collected for implementing the deficiency plan actions (i.e. ISTEA funds, city capital improvement fund, or developer fees) as well as how these funds were spent.

6.3 Approval of Deficiency Plan Progress

As part of its annual monitoring process, VTA will review Member Agencies’ Deficiency Plan Implementation Status Reports for purposes of determining conformance with the CMP.

If a Member Agency is not meeting the implementation schedule it set forth in a deficiency plan, VTA may require the Member Agency to expedite the implementation schedule, or otherwise find the Member Agency in nonconformance with the CMP.

6.4 Evaluation of Effectiveness

The purpose of deficiency plans is to improve CMP System level of service and contribute to an improvement in regional air quality. Since both of these goals are countywide in nature, VTA will evaluate the effectiveness of deficiency plans as part of its monitoring program.

VTA will use a couple of types of quantitative data to analyze overall CMP effectiveness. This data will include LOS data submitted to the VTA by Member Agencies as part of the LOS monitoring program and modeling data, such as vehicle miles traveled and auto trip reductions gathered from the VTA’s Countywide Transportation Model. VTA recognizes that it will be

difficult to measure the actual effectiveness of individual actions or even of individual deficiency plans, particularly since most of the actions are designed to achieve maximum effectiveness over a long period of time.

CHAPTER 7 OTHER CONSIDERATIONS

This chapter includes two new sections to VTA's Deficiency Plan Requirements: Conflict Resolution, as required by California State CMP Statute, and Local Intersection Management Strategies. The policy discussion on agencies exempting specific local intersections from their LOS policy is still under development. In the interim, an example of an adopted local intersection management policy is being provided in this section for information.

7.1 Conflict Resolution Process

CMP Statute requires Congestion Management Agencies to “*establish a conflict resolution process for addressing conflicts or disputes between local jurisdictions in meeting the multijurisdictional deficiency plan responsibilities of this section.*” [California Government Code Section 65089.4(e)(3)]

The intent of the conflict resolution process is to help local jurisdictions resolve conflicts that arise through a useful, flexible process, one that is not overly rigid so that it can respond to the particulars of the jurisdictions involved. This process can be used in two types of conflicts. The first type of conflict arises when one jurisdiction questions another's compliance with either the Congestion Management Program. In these conflicts, VTA has an obligation to determine a jurisdiction's compliance. The second type of conflict arises where disputes between jurisdictions hinder the implementation of VTA's programs, although they do not affect a jurisdiction's compliance with the CMP. In the first type of conflict, participation is mandatory. In the second, it is voluntary.

Three principles underlie the conflict resolution process. First, consensus at the local level on the resolution of conflicts is encouraged through VTA's Technical Advisory Committee (TAC). Second, when the TAC is unable to reach consensus, VTA will look for evidence of “good faith” among the parties involved when determining compliance. Finally, VTA's determination of compliance will affect the allocation of CMP funds but will not affect local agencies' land use authority or require programs that conflict with a community's fundamental socioeconomic or environmental character.

The conflict resolution process has four phases. In the first phase, project initiation, the initiating party asks the VTA Board to approve the initiation of the process and outlines the issues needing resolution. In the second phase, VTA staff or consultant will meet with the parties involved to assess the issues in the dispute and its appropriateness for the conflict resolution process. The third phase involves the settlement sessions among the parties involved and the development of a settlement agreement. The final phase involves the implementation and monitoring of the agreement and VTA's assessment of good faith by the parties involved.

It should be noted that each situation that occurs may be different. Conflict resolution is a process that can be adjusted to meet the needs of Member Agencies. The process outlined above is a basic method to address conflict issues between two Member Agencies and there may be another process that can be agreed upon based on the situation.

7.2 Local Intersection Management Strategies

This section is for informational purposes for agencies developing a deficiency plan. The development of local intersection management strategies or "protected intersection" concept is one that agencies have used in conjunction with their land use development processes.

VTA encourages land use intensification—particularly in urban cores, transit corridors and station areas—as an effective way to encourage walking and transit and to accommodate future growth while minimizing the increase in vehicle demand. It is also the desire of many local jurisdictions as land use intensification also allows cities to create affordable, accessible and vibrant urban spaces.

Strictly maintaining traffic levels of service standards can sometimes conflict with land-use policies that promote the sustainable communities, especially in areas like urban cores and transit corridors, where higher densities are preferable. To address this issue, cities in Santa Clara County have begun modifying city-imposed level of service requirements on intersections in designated infill areas. These policies are used as a planning tool to help cities concentrate growth in established cores such as downtowns and specific designated high density areas.

City of San Jose already has an adopted transportation impact policy that includes protected intersections in designated areas such as downtown. A copy of the City of San Jose’s “protected intersection” policy is provided in Appendix D.

The above examples do not involve any CMP intersections, which require special considerations. When CMP intersections are involved, a deficiency plan for these intersections will be required. The deficiency planning process allows Member Agencies to exempt CMP intersections from the LOS E requirement. This process requires the city/developer to demonstrate that vehicle-based mitigations are financially or physically unfeasible then to identify feasible, non-vehicle-based mitigations which must be approved and adopted by the lead agency and the CMA.

As more Cities consider similar policies that may result in additional local protected intersections, the performance of nearby CMP facilities may be affected. It should be emphasized that should these CMP intersections fall below the LOS standard, the jurisdiction with the deficient CMP facility will be required to develop a deficiency plan.

VTA strongly recommends Member Agencies to consult with VTA staff before considering pursuing Exempt/Protected Intersection policies.

APPENDIX A:

GLOSSARY

The following definitions apply to the VTA Deficiency Plan Requirements document:

Approved project: Any land-use projects expected to generate trips on the designated CMP System. “Approved projects” may include such land-use approvals as planned development zonings, planned development permits, site and architectural permits, conditional permits, and other approvals that represent a comparable degree of land-use entitlement.

Bay Area Air Quality Management District (BAAQMD): The regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area Counties, also referred to as the “Air District.”

Baseline LOS: A description of the physical environmental conditions in the vicinity of the project that exists at the time of the Notice of Project as described in the California Environmental Quality Act Guidelines (Section 15125). This is essentially the base line LOS in the No Project Conditions scenario.

Bicycle Technical Guidelines: The VTA document that provides a uniform set of optimum standards for the planning, design, and construction of bicycle projects in Santa Clara County.

Capital Improvement Program (CIP): A multiyear program of projects to maintain or improve the traffic level of service and/or transit performance.

CEQA: California Environmental Quality Act.

CMA: Santa Clara County’s Congestion Management Agency.

CMP: Santa Clara County’s Congestion Management Program.

CMP facility: A transportation facility included in the CMP Roadway System as defined in VTA’s Congestion Management Program. These facilities include freeways, expressways, state highways, arterials, and arterial segments, and selected intersections.

Community Design and Transportation (CDT) Program: VTA’s Board-adopted program for integrating transportation and land use.

Deficiency plans: Plans that identify offsetting measures to improve transportation conditions on the CMP facility in lieu of making physical traffic capacity improvements such as widening an intersection or roadway. These plans are reviewed and approved by the VTA Board.

Exempt Intersection: For the purpose of this document, “exempt intersections” are intersections that have been exempt from CMP level of service standards since the CMP baseline standard was established in 1991.

Funded transportation projects: Projects with identified funding for construction. This includes all projects in the State Transportation Improvement Program (STIP).

Project Impact: For purposes of deficiency plans shall be defined as using greater than 1% facility capacity (roadway or intersection), as defined in VTA's Transportation Impact Analysis Guidelines, Chapter 9 – Project Impacts.

ITE: Institute of Transportation Engineers.

Internal trips: Trips that are expected to have both their origin and destination within specific development projects. For example, if a project consists of office space and residential space, internal trips shall consist of trips by residents of the development project to offices within the development project. The purpose of estimating internal trips is to prevent double counting of trips in trip generation; in the example above, if one trip was assumed to come from the housing and one trip was assumed to come to the office, when in fact it was the same trip, the estimated trip generation from the project would be too high.

Lead Agency: The local jurisdiction that has the responsibility for certifying a land-use development project's CEQA environmental analysis, and preparing deficiency plans.

LOS: Level of Service. A measure used by transportation engineers to grade the performance of transportation facilities. LOS is graded on a scale of "A" (the best performance) to "F" (the worst performance).

Major bus stop: A bus stop that is served by at least 6 public transit buses per hour per direction during peak periods.

Member Agency: A local jurisdiction that is a signatory for the CMA's Joint Powers Agreement.

Passer-by trips: Trips that are estimated to be generated by a development project that will come from traffic already on the transportation system and will merely "stop on its way." Passer-by trips are important for shopping and commercial developments, where it is likely that people on their way home from work will stop without generating a new trip.

Peak Hour: The hour during which the traffic volumes in the area surrounding the project are the highest.

Peak Periods: The hours during which the traffic volumes are at the highest which is typically between 6 a.m. and 9 a.m. for the AM and between 3:00 p.m. and 7:00 p.m. for the PM on non-holiday weekdays.

Pedestrian Technical Guidelines: An adopted technical document that described the key principles for planning for pedestrian-supportive environments in Santa Clara County.

Project: A land-use decision including site-specific land-use approvals, as well as more general planning decisions such as General Plan Amendments.

Proposition 111: A California transportation bill that is a gas tax enacted statewide to relieve traffic congestion by establishing a funding program to improve the state highway, local streets and roads, and public mass transit facilities.

Protected Intersections: Non-CMP intersections that local agencies have exempted in identified high density/infill areas from conforming to locally adopted LOS standards.

Regional Clean Air Plan: The Air District's guidelines that update the Bay Area 2005 Ozone Strategy in accordance with the requirements of the California Clean Air Act to implement all measures to reduce ozone and provide a strategy to reduce ozone, particulate matter, air toxics, and greenhouse gases in a single plan.

Requirements: Procedures and processes set forth the CMP legislation in reference to the preparation and development of deficiency plans.

Responsible jurisdiction: The local jurisdiction responsible for preparing the deficiency plan (the city or county in which the deficient facility is located).

Transportation Demand Management (TDM): This is a term used to describe policies and programs (non engineering solutions) to reduce the number of cars on the road. Examples of transportation demand management include flextime, ridesharing, and telecommuting.

Transportation facility: Any part of the designated CMP System including roadways, intersections, freeways, bicycle facilities, pedestrian facilities, and transit facilities.

Transportation Impact Analysis Report (TIA): A report that documents the analysis and assessment of transportation impacts of land development projects.

Santa Clara Valley Transportation Authority (VTA): The designated congestion management agency for Santa Clara County.

1985 HCM: The Transportation Research Board's Special Report Number 209 titled: 1985 Highway Capacity Manual.

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APPENDIX B:

CALIFORNIA GOVERNMENT CODE RELEVANT TO THE CONGESTION MANAGEMENT PROGRAM AND DEFICIENCY PLANS

Congestion Management

65088. The Legislature finds and declares all of the following:

- (a) Although California's economy is critically dependent upon transportation, its current transportation system relies primarily upon a street and highway system designed to accommodate far fewer vehicles than are currently using the system.
- (b) California's transportation system is characterized by fragmented planning, both among jurisdictions involved and among the means of available transport.
- (c) The lack of an integrated system and the increase in the number of vehicles are causing traffic congestion that each day results in 400,000 hours lost in traffic, 200 tons of pollutants released into the air we breathe, and three million one hundred thousand dollars (\$3,100,000) added costs to the motoring public.
- (d) To keep California moving, all methods and means of transport between major destinations must be coordinated to connect our vital economic and population centers.
- (e) In order to develop the California economy to its full potential, it is intended that federal, state, and local agencies join with transit districts, business, private and environmental interests to develop and implement comprehensive strategies needed to develop appropriate responses to transportation needs.
- (f) In addition to solving California's traffic congestion crisis, rebuilding California's cities and suburbs, particularly with affordable housing and more walkable neighborhoods, is an important part of accommodating future increases in the state's population because homeownership is only now available to most Californians who are on the fringes of metropolitan areas and far from employment centers.
- (g) The Legislature intends to do everything within its power to remove regulatory barriers around the development of infill housing, transit-oriented development, and mixed use commercial development in order to reduce regional traffic congestion and provide more housing choices for all Californians.
- (h) The removal of regulatory barriers to promote infill housing, transit-oriented development, or mixed use commercial development does not preclude a city or county from holding a public hearing nor finding that an individual infill project would be adversely impacted by the surrounding environment or transportation patterns.

65088.1. As used in this chapter the following terms have the following meanings:

- (a) Unless the context requires otherwise, “regional agency” means the agency responsible for preparation of the regional transportation improvement program.
- (b) Unless the context requires otherwise, “agency” means the agency responsible for the preparation and adoption of the congestion management program.
- (c) “Commission” means the California Transportation Commission.
- (d) “Department” means the Department of Transportation.
- (e) “Local jurisdiction” means a city, a county, or a city and county.
- (f) “Parking cash-out program” means an employer-funded program under which an employer offers to provide a cash allowance to an employee equivalent to the parking subsidy that the employer would otherwise pay to provide the employee with a parking space. “Parking subsidy” means the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space not owned by the employer and the price, if any, charged to an employee for use of that space.

A parking cash-out program may include a requirement that employee participants certify that they will comply with guidelines established by the employer designed to avoid neighborhood-parking problems, with a provision that employees not complying with the guidelines will no longer be eligible for the parking cash-out program.

- (g) “Infill opportunity zone” means a specific area designated by a city or county, pursuant to subdivision (c) of Section 65088.4, zoned for new compact residential or mixed use development within one-third mile of a site with an existing or future rail transit station, a ferry terminal served by either a bus or rail transit service, an intersection of at least two major bus routes, or within 300 feet of a bus rapid transit corridor, in counties with a population over 400,000. The mixed use development zoning shall consist of three or more land uses that facilitate significant human interaction in close proximity, with residential use as the primary land use supported by other land uses such as office, hotel, health care, hospital, entertainment, restaurant, retail, and service uses. The transit service shall have maximum scheduled headways of 15 minutes for at least 5 hours per day. A qualifying future rail station shall have broken ground on construction of the station and programmed operational funds to provide maximum scheduled headways of 15 minutes for at least 5 hours per day.¹²
- (h) “Interregional travel” means any trips that originate outside the boundary of the agency. A “trip” means a one-direction vehicle movement. The origin of any trip is the starting point of that trip. A roundtrip consists of two individual trips.

¹² SB 1636 - Infill Opportunity Zone introduced in October 2002 as Californian Government Code 65088.4 expired on December 31, 2009. See California Government Code 65088.4 (2)(a)(b).

- (i) “Level of Service Standard” is a threshold that defines a deficiency on the congestion management program highway and roadway system, which requires the preparation of a deficiency plan. It is the intent of the Legislature that the agency shall use all elements of the program to implement strategies and actions that avoid the creation of deficiencies and to improve multimodal mobility.
- (j) “Multimodal” means the utilization of all available modes of travel that enhance the movement of people and goods, including, but not limited to, highway, transit, non-motorized and demand management strategies including, but not limited to, telecommuting. The availability and practicality of specific multimodal systems, projects, and strategies varies by county and region in accordance with the size and complexity of different urbanized areas.
- (k) “Performance measure” is an analytical planning tool that is used to quantitatively evaluate transportation improvements and to assist in determining effective implementation actions, considering all modes and strategies. Use of a performance measure as part of the program does not trigger the requirement for the preparation of deficiency plans.
- (l) “Urbanized area” has the same meaning as is defined in the 1990 federal census for urbanized areas of more than 50,000 population.
- (m) “Bus rapid transit corridor” means a bus service that includes at least four of the following attributes:
 - (1) Coordination with land use planning.
 - (2) Exclusive right-of-way.
 - (3) Improved passenger boarding facilities.
 - (4) Limited stops.
 - (5) Passenger boarding at the same height as the bus.
 - (6) Prepaid fares.
 - (7) Real-time passenger information.
 - (8) Traffic priority at intersections.
 - (9) Signal priority.
 - (10) Unique vehicles.

65088.3. This chapter does not apply in a county in which a majority of local governments collectively comprised of the city councils and the county board of supervisors, which in total also represent a majority of the population in the county, each adopt resolutions electing to be exempt from the congestion management program.

65088.4.

- (a) It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments within walking distance of mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs.
- (b) Notwithstanding any other provision of law, level of service standards described in Section 65089 shall not apply to the streets and highways within an infill opportunity zone.¹³ The city or county shall do either of the following:
 - (1) Include these streets and highways under an alternative area-wide level of service standard or multimodal composite or personal level of service standard that takes into account both of the following:
 - (A) The broader benefits of regional traffic congestion reduction by setting new residential development within walking distance of, and no more than one-third mile from, mass transit stations, shops, and services, in a manner that reduces the need for long vehicle commutes and improves the jobs-housing balance.
 - (B) Increased use of alternative transportation modes, such as mass transit, bicycling, and walking.
 - (2) Approve a list of flexible level of service mitigation options that includes roadway expansion and investments in alternate modes of transportation that may include, but are not limited to, transit infrastructure, pedestrian infrastructure, and ridesharing, vanpool, or shuttle programs.
- (c) The city or county may designate an infill opportunity zone by adopting a resolution after determining that the infill opportunity zone is consistent with the general plan and any applicable specific plan. A city or county may not designate an infill opportunity zone after December 31, 2009.
- (d) The city or county in which the infill opportunity zone is located shall ensure that a development project shall be completed within the infill opportunity zone not more than four years after the date on which the city or county adopted its resolution pursuant to subdivision (c). If no development project is completed within an infill opportunity zone by the time limit imposed by this subdivision, the infill opportunity zone shall automatically terminate.

65088.5. Congestion management programs, if prepared by county transportation commissions and transportation authorities created pursuant to Division 12 (commencing with Section 130000) of the Public Utilities Code, shall be used by the regional transportation-planning agency to meet federal requirements for a congestion management system, and shall be incorporated into the congestion management system.

¹³ SB 1636 - Infill Opportunity Zone introduced in October 2002 as Californian Government Code 65088.4 expired on December 31, 2009. See California Government Code 65088.4 (2)(a)(b).

Congestion Management Program

65089.

- (a) A congestion management program shall be developed, adopted, and **updated biennially**, consistent with the schedule for adopting and updating the regional transportation improvement program, for every county that includes an urbanized area, and shall include every city and the county. The program shall be adopted at a noticed public hearing of the agency. The program shall be developed in consultation with, and with the cooperation of, the transportation planning agency, regional transportation providers, local governments, the department, and the air pollution control district or the air quality management district, either by the county transportation commission, or by another public agency, as designated by resolutions adopted by the county board of supervisors and the city councils of a majority of the cities representing a majority of the population in the incorporated area of the county.
- (b) The program shall contain all of the following elements:
- (1) (A) Traffic level of service standards established for a system of highways and roadways designated by the agency. The highway and roadway system shall include at a minimum all state highways and principal arterials. No highway or roadway designated, as a part of the system shall be removed from the system. All new state highways and principal arterials shall be designated as part of the system, except when it is within an infill opportunity zone.¹⁴ Level of service (LOS) shall be measured by Circular 212, by the most recent version of the Highway Capacity Manual, or by a uniform methodology adopted by the agency that is consistent with the Highway Capacity Manual. The determination as to whether an alternative method is consistent with the Highway Capacity Manual shall be made by the regional agency, except that the department instead shall make this determination if either (i) the regional agency is also the agency, as those terms are defined in Section 65088.1, or (ii) the department is responsible for preparing the regional transportation improvement plan for the county.
 - (B) In no case shall the LOS standards established be below the level of service E or the current level, whichever is farthest from level of service A except when the area is in an infill opportunity zone. When the level of service on a segment or at an intersection fails to attain the established level of service standard outside an infill opportunity zone, a deficiency plan shall be adopted pursuant to Section 65089.4.¹⁵
 - (2) A performance element that includes performance measures to evaluate current and future multimodal system performance for the movement of people and goods. At a minimum, these performance measures shall incorporate highway and roadway system performance, and measures established for the frequency and routing of public transit, and for the coordination of

¹⁴ SB 1636 - Infill Opportunity Zone introduced in October 2002 as Californian Government Code 65088.4 expired on December 31, 2009. See California Government Code 65088.4 (2)(a)(b).

¹⁵ SB 1636 - Infill Opportunity Zone introduced in October 2002 as Californian Government Code 65088.4 expired on December 31, 2009. See California Government Code 65088.4 (2)(a)(b).

transit service provided by separate operators. These performance measures shall support mobility, air quality, land use, and economic objectives, and shall be used in the development of the capital improvement program required pursuant to paragraph (5), deficiency plans required pursuant to Section 65089.4, and the land use analysis program required pursuant to paragraph (4).

- (3) A travel demand element that promotes alternative transportation methods, including, but not limited to, carpools, vanpools, transit, bicycles, and park-and-ride lots; improvements in the balance between jobs and housing; and other strategies, including, but not limited to, flexible work hours, telecommuting, and parking management programs. The agency shall consider parking cash-out programs during the development and update of the travel demand element.
 - (4) A program to analyze the impacts of land use decisions made by local jurisdictions on regional transportation systems, including an estimate of the costs associated with mitigating those impacts. This program shall measure, to the extent possible, the impact to the transportation system using the performance measures described in paragraph (2). In no case shall the program include an estimate of the costs of mitigating the impacts of interregional travel. The program shall provide credit for local public and private contributions to improvements to regional transportation systems. However, in the case of toll road facilities, credit shall only be allowed for local public and private contributions, which are nonreimbursed from toll revenues or other state or federal sources. The agency shall calculate the amount of the credit to be provided. The program defined under this section may require implementation through the requirements and analysis of the California Environmental Quality Act, in order to avoid duplication.
 - (5) A seven-year capital improvement program, developed using the performance measures described in paragraph (2) to determine effective projects that maintain or improve the performance of the multimodal system for the movement of people and goods, to mitigate regional transportation impacts identified pursuant to paragraph (4). The program shall conform to transportation-related vehicle emission air quality mitigation measures, and include any project that will increase the capacity of the multimodal system. It is the intent of the Legislature that, when roadway projects are identified in the program, consideration be given for maintaining bicycle access and safety at a level comparable to that which existed prior to the improvement or alternation. The capital improvement program may also include safety, maintenance, and rehabilitation projects that do not enhance the capacity of the system but are necessary to preserve the investment in existing facilities.
- (c) The agency, in consultation with the regional agency, cities, and the county, shall develop a uniform data base on traffic impacts for use in a countywide transportation computer model and shall approve transportation computer models of specific areas within the county that will be used by local jurisdictions to determine the quantitative impacts of development on the circulation system that are based on the countywide model and standardized modeling assumptions and conventions. The computer models shall be consistent with the modeling methodology adopted by the regional planning agency. The data bases used in the models shall be consistent with the databases used by the regional planning agency. Where the regional agency has jurisdiction over two or more counties, the databases used by the agency shall be consistent with the databases used by the regional agency.

- (d) (1) The city or county in which a commercial development will implement a parking cash-out program that is included in a congestion management program pursuant to subdivision (b), or in a deficiency plan pursuant to Section 65089.4, shall grant to that development an appropriate reduction in the parking requirements otherwise in effect for new commercial development.
- (2) At the request of an existing commercial development that has implemented a parking cash-out program, the city or county shall grant an appropriate reduction in the parking requirements otherwise applicable based on the demonstrated reduced need for parking, and the space no longer needed for parking purposes may be used for other appropriate purposes.
- (e) Pursuant to the federal Intermodal Surface Transportation Efficiency Act of 1991 and regulations adopted pursuant to the act, the department shall submit a request to the Federal Highway Administration Division Administrator to accept the congestion management program in lieu of development of a new congestion management system otherwise required by the act.

65089.1.

- (a) For purposes of this section, “plan” means a trip reduction plan or a related or similar proposal submitted by an employer to a local public agency for adoption or approval that is designed to facilitate employee ridesharing, the use of public transit, and other means of travel that do not employ a single-occupant vehicle.
- (b) An agency may require an employer to provide rideshare data bases; an emergency ride program; a preferential parking program; a transportation information program; a parking cash-out program, as defined in subdivision (f) of Section 65088.1; a public transit subsidy in an amount to be determined by the employer; bicycle parking areas; and other noncash value programs which encourage or facilitate the use of alternatives to driving alone. An employer may offer, but no agency shall require an employer to offer, cash, prizes, or items with cash value to employees to encourage participation in a trip reduction program as a condition of approving a plan.
- (c) Employers shall provide employees reasonable notice of the content of a proposed plan and shall provide the employees an opportunity to comment prior to submittal of the plan to the agency for adoption.
- (d) Each agency shall modify existing programs to conform to this section not later than June 30, 1995. Any plan adopted by an agency prior to January 1, 1994, shall remain in effect until adoption by the agency of a modified plan pursuant to this section.
- (e) Employers may include disincentives in their plans that do not create a widespread and substantial disproportionate impact on ethnic or racial minorities, women, or low-income or disabled employees.
- (f) This section shall not be interpreted to relieve any employer of the responsibility to prepare a plan that conforms with trip reduction goals specified in Division 26 (commencing with Section 39000) of the Health and Safety Code, or the Clean Air Act (42 U.S.C. Sec. 7401 et seq.).

(g) This section only applies to agencies and employers within the South Coast Air Quality Management District.

65089.2.

(a) Congestion management programs shall be submitted to the regional agency. The regional agency shall evaluate the consistency between the program and the regional transportation plans required pursuant to Section 65080. In the case of a multi-county regional transportation planning agency, that agency shall evaluate the consistency and compatibility of the programs within the region.

(b) The regional agency, upon finding that the program is consistent, shall incorporate the program into the regional transportation improvement program as provided for in Section 65082. If the regional agency finds the program is inconsistent, it may exclude any project in the congestion management program from inclusion in the regional transportation improvement program.

(c) (1) The regional agency shall not program any surface transportation program funds and congestion mitigation and air quality funds pursuant to Section 182.6 and 182.7 of the Streets and Highways Code in a county unless a congestion management program has been adopted by December 31, 1992, as required pursuant to Section 65089. No surface transportation program funds or congestion mitigation and air quality funds shall be programmed for a project in a local jurisdiction that has been found to be in nonconformance with a congestion management program pursuant to Section 65089.5 unless the agency finds that the project is of regional significance.

(2) Notwithstanding any other provision of law, upon the designation of an urbanized area, pursuant to the 1990 federal census or a subsequent federal census, within a county which previously did not include an urbanized area, a congestion management program as required pursuant to Section 65089 shall be adopted within a period of 18 months after designation by the Governor.

(d) (1) It is the intent of the Legislature that the regional agency, when its boundaries include areas in more than one county, should resolve inconsistencies and mediate disputes, which arise between agencies, related to congestion management programs adopted for those areas.

(2) It is the further intent of the Legislature that disputes which may arise between regional agencies, or agencies which are not within the boundaries of a multi-county regional transportation planning agency, should be mediated and resolved by the Secretary of Business, Housing and Transportation Agency, or an employee of that agency designated by the secretary, in consultation with the air pollution control district or air quality management district within whose boundaries the regional agency or agencies are located.

(e) At the request of the agency, a local jurisdiction that owns, or is responsible for operation of, a trip-generating facility in another county shall participate in the congestion management program of the county where the facility is located. If a dispute arises involving a local jurisdiction, the agency may request the regional agency to mediate the dispute through procedures pursuant to subdivision (d) of Section 65089.2. Failure to resolve the dispute does not invalidate the congestion management program.

65089.3. The agency shall monitor the implementation of all elements of the congestion management program. The department is responsible for data collection and analysis on state highways, unless the agency designates that responsibility to another entity. The agency may also assign data collection and analysis responsibilities to other owners and operators of facilities or services if the responsibilities are specified in its adopted program. The agency shall consult with the department and other affected owners and operators in developing data collection and analysis procedures and schedules prior to program adoption. At least biennially, the agency shall determine if the county and cities are conforming to the congestion management program, including, but not limited to, all of the following:

- (a) Consistency with levels of service standards, except as provided in Section 65089.4.
- (b) Adoption and implementation of a program to analyze the impacts of land use decisions, including the estimate of the costs associated with mitigating these impacts.
- (c) Adoption and implementation of a deficiency plan pursuant to Section 65089.4 when highway and roadway level of service standards are not maintained on portions of the designated system.

Deficiency Plans

65089.4.

- (a) A local jurisdiction shall prepare a deficiency plan when highway or roadway level of service standards are not maintained on segments or intersections of the designated system. The deficiency plan shall be adopted by the city or county at a noticed public hearing.
- (b) The agency shall calculate the impacts subject to exclusion pursuant to subdivision (f) of this section, after consultation with the regional agency, the department, and the local Air Pollution Control District. If the calculated traffic level of service following exclusion of these impacts is consistent with the level of service standard, the agency shall make a finding at a publicly noticed meeting that no deficiency plan is required and so notify the affected local jurisdiction.
- (c) The agency shall be responsible for preparing and adopting procedures for local deficiency plan development and implementation responsibilities, consistent with the requirements of this section. The deficiency plan shall include all of the following:
 - (1) An analysis of the cause of the deficiency. This analysis shall include the following:
 - (A) Identification of the cause of the deficiency.
 - (B) Identification of the impacts of those local jurisdictions within the jurisdiction of the agency that contribute to the deficiency. These impacts shall be identified only if the calculated traffic level of service following exclusion of impacts pursuant to subdivision (f) indicates that the level of service standard has not been maintained, and shall be limited to impacts not subject to exclusion.

- (2) A list of improvements necessary for the deficient segment or intersection to maintain the minimum level of service otherwise required and the estimated costs of the improvements.
 - (3) A list of improvements, programs, or actions, and estimates of costs, that will (A) measurably improve multimodal performance, using measures defined in paragraphs (1) and (2) of subdivision (b) of Section 65089, and (B) contribute to significant improvements in air quality, such as improved public transit service and facilities, improved non-motorized transportation facilities, high occupancy vehicle facilities, parking cash-out programs, and transportation control measures. The Air Pollution Control District shall establish and periodically revise a list of approved improvements, programs, and actions that meet the scope of this paragraph. If an improvement, program, or action on the approved list has not been fully implemented, it shall be deemed to contribute to significant improvements in air quality. If an improvement, program, or action is not on the approved list, it shall not be implemented unless approved by the local air quality management district or air pollution control district.
 - (4) An action plan, consistent with the provisions of Chapter 5 (commencing with Section 66000), that shall be implemented, consisting of improvements identified in paragraph (2), or improvements, programs, or actions identified in paragraph (3), that are found by the agency to be in the interest of the public health, safety, and welfare. The action plan shall include a specific implementation schedule. The action plan shall include implementation strategies for those jurisdictions that have contributed to the cause of the deficiency in accordance with the agency's deficiency plan procedures. The action plan need not mitigate the impacts of any exclusions identified in subdivision (f). Action plan strategies shall identify the most effective implementation strategies for improving current and future system performance.
- (d) A local jurisdiction shall forward its adopted deficiency plan to the agency within **12 months** of the identification of a deficiency. The agency shall hold a noticed public hearing within **60 days** of receiving the deficiency plan. Following that hearing, the agency shall either accept or reject the deficiency plan in its entirety but the agency may not modify the deficiency plan. If the agency rejects the plan, it shall notify the local jurisdiction of the reasons for that rejection, and the local jurisdiction shall submit a revised plan within **90 days** addressing the agency's concerns. Failure of a local jurisdiction to comply with the schedule and requirements of this section shall be considered to be nonconformance for the purposes of Section 65089.5.
- (e) The agency shall incorporate into its deficiency plan procedures, a methodology for determining if deficiency impacts are caused by more than one local jurisdiction within the boundaries of the agency.
- (1) If, according to the agency's methodology, it is determined that more than one local jurisdiction is responsible for causing a deficient segment or intersection, all responsible local jurisdictions shall participate in the development of a deficiency plan to be adopted by all participating local jurisdictions.
 - (2) **The local jurisdiction in which the deficiency occurs shall have lead responsibility for developing the deficiency plan and for coordinating with other impacting local jurisdictions.** If a local jurisdiction responsible for participating in a multi-jurisdictional deficiency plan does not adopt the deficiency plan in accordance with the schedule and requirements of paragraph (a) of

this section, that jurisdiction shall be considered in nonconformance with the program for purposes of Section 65089.5.

- (3) The agency shall establish a conflict resolution process for addressing conflicts or disputes between local jurisdictions in meeting the multi-jurisdictional deficiency plan responsibilities of this section.
- (f) The analysis of the cause of the deficiency prepared pursuant to paragraph (1) of subdivision (c) shall exclude the following:
 - (1) Interregional travel.
 - (2) Construction, rehabilitation, or maintenance of facilities that impact the system.
 - (3) Freeway ramp metering.
 - (4) Traffic signal coordination by the state or multi-jurisdictional agencies.
 - (5) Traffic generated by the provision of low-income and very low income housing.
 - (6) (A) Traffic generated by high-density residential development located within one-fourth mile of a fixed rail passenger station, and
 - (B) Traffic generated by any mixed use development located within one-fourth mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density residential housing, as determined by the agency.
- (g) For the purposes of this section, the following terms have the following meanings:
 - (1) "High density" means residential density development which contains a minimum of 24 dwelling units per acre and a minimum density per acre which is equal to or greater than 120 percent of the maximum residential density allowed under the local general plan and zoning ordinance. A project providing a minimum of 75 dwelling units per acre shall automatically be considered high density.
 - (2) "Mixed use development" means development which integrates compatible commercial or retail uses, or both, with residential uses, and which, due to the proximity of job locations, shopping opportunities, and residences, will discourage new trip generation.

65089.5.

- (a) If, pursuant to the monitoring provided for in Section 65089.3 the agency determines, following a noticed public hearing, that a city or county is not conforming with the requirements of the congestion management program, the agency shall notify the city or county in writing of the specific areas of nonconformance. If, within **90 days** of the receipt of the written notice of nonconformance, the city or county has not come into conformance with the congestion

management program, the governing body of the agency shall make a finding of nonconformance and shall submit the finding to the commission and to the Controller.

- (b) (1) Upon receiving notice from the agency of nonconformance, the Controller shall withhold apportionments of funds required to be apportioned to that nonconforming city or county by Section 2105 of the Streets and Highways Code.
 - (2) If, within the 12-month period following the receipt of a notice of nonconformance, the Controller is notified by the agency that the city or county is in conformance, the Controller shall allocate the apportionments withheld pursuant to this section to the city or county.
 - (3) If the Controller is not notified by the agency that the city or county is in conformance pursuant to paragraph (2), the Controller shall allocate the apportionments withheld pursuant to this section to the agency.
- (c) The agency shall use funds apportioned under this section for projects of regional significance which are included in the capital improvement program required by paragraph (5) of subdivision (b) of Section 65089, or in a deficiency plan which has been adopted by the agency. The agency shall not use these funds for administration or planning purposes.

65089.6. Failure to complete or implement a congestion management program shall not give rise to a cause of action against a city or county for failing to conform with its general plan, unless the city or county incorporates the congestion management program into the circulation element of its general plan.

65089.7. A proposed development specified in a development agreement entered into prior to July 10, 1989, shall not be subject to any action taken to comply with this chapter, except actions required to be taken with respect to the trip reduction and travel demand element of a congestion management program pursuant to paragraph (3) of subdivision (b) of Section 65089.

65089.9. The study steering committee established pursuant to Section 6 of Chapter 444 of the Statutes of 1992 may designate at least two congestion management agencies to participate in a demonstration study comparing multimodal performance standards to highway level of service standards. The department shall make available, from existing resources, fifty thousand dollars (\$50,000) from the Transportation Planning and Development Account in the State Transportation Fund to fund each of the demonstration projects. The designated agencies shall submit a report to the Legislature not later than June 30, 1997, regarding the findings of each demonstration project.

65089.10. Any congestion management agency that is located in the Bay Area Air Quality Management District and receives funds pursuant to Section 44241 of the Health and Safety Code for the purpose of implementing paragraph (3) of subdivision (b) of Section 65089 shall ensure that those funds are expended as part of an overall program for improving air quality and for the purposes of this chapter.

Fees for Development Projects

66000.

- (a) "Development project" means any project undertaken for the purpose of development.
"Development project" includes a project involving the issuance of a permit for construction or reconstruction, but not a permit to operate.
- (b) "Fee" means a monetary exaction other than a tax or special assessment, whether established for a broad class of projects by legislation of general applicability or imposed on a specific project on an ad hoc basis, that is charged by a local agency to the applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project, but does not include fees specified in Section 66477, fees for processing applications for governmental regulatory actions or approvals, fees collected under development agreements adopted pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4, or fees collected pursuant to agreements with redevelopment agencies which provide for the redevelopment of property in furtherance or for the benefit of a redevelopment project for which a redevelopment plan has been adopted pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code.
- (c) "Local agency" means a county, city, whether general law or chartered, city and county, school district, special district, authority, agency, any other municipal public corporation or district, or other political subdivision of the state.
- (d) "Public facilities" includes public improvements, public services and community amenities.

66000.5. This chapter, Chapter 6 (commencing with Section 66010), Chapter 7 (commencing with Section 66012), Chapter 8 (commencing with Section 66016), and Chapter 9 (commencing with Section 66020) shall be known and may be cited as the Mitigation Fee Act.

66001.

- (a) In any action establishing, increasing, or imposing a fee as a condition of approval of a development project by a local agency on or after January 1, 1989, the local agency shall do all of the following:
 - (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.
- (b) In any action imposing a fee as a condition of approval of a development project by a local agency on or after January 1, 1989, the local agency shall determine how there is a reasonable relationship

between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.

- (c) Upon receipt of a fee subject to this section, the local agency shall deposit, invest, account for, and expend the fees pursuant to Section 66006.
- (d) For the fifth fiscal year following the first deposit into the account or fund, and every five years thereafter, the local agency shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:
 - (1) Identify the purpose to which the fee is to be put.
 - (2) Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
 - (3) Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements identified in paragraph (2) of subdivision (a).
 - (4) Designate the approximate dates on which the funding referred to in paragraph (3) is expected to be deposited into the appropriate account or fund. When findings are required by this subdivision, they shall be made in connection with the public information required by subdivision (b) of Section 66006. The findings required by this subdivision need only be made for moneys in possession of the local agency, and need not be made with respect to letters of credit, bonds, or other instruments taken to secure payment of the fee at a future date. If the findings are not made as required by this subdivision, the local agency shall refund the moneys in the account or fund as provided in subdivision (e).
- (e) Except as provided in subdivision (f), when sufficient funds have been collected, as determined pursuant to subparagraph (F) of paragraph (1) of subdivision (b) of Section 66006, to complete financing on incomplete public improvements identified in paragraph (2) of subdivision (a), and the public improvements remain incomplete, the local agency shall identify, within 180 days of the determination that sufficient funds have been collected, an approximate date by which the construction of the public improvement will be commenced, or shall refund to the then current record owner or owners of the lots or units, as identified on the last equalized assessment roll, of the development project or projects on a prorated basis, the unexpended portion of the fee, and any interest accrued thereon. By means consistent with the intent of this section, a local agency may refund the unexpended revenues by direct payment, by providing a temporary suspension of fees, or by any other reasonable means. The determination by the governing body of the local agency of the means by which those revenues are to be refunded is a legislative act.
- (f) If the administrative costs of refunding unexpended revenues pursuant to subdivision (e) exceed the amount to be refunded, the local agency, after a public hearing, notice of which has been published pursuant to Section 6061 and posted in three prominent places within the area of the development project, may determine that the revenues shall be allocated for some other purpose for which fees are collected subject to this chapter and which serves the project on which the fee was originally imposed.

66002.

- (a) Any local agency which levies a fee subject to Section 66001 may adopt a capital improvement plan, which shall indicate the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the fees.
- (b) The capital improvement plan shall be adopted by, and shall be annually updated by, a resolution of the governing body of the local agency adopted at a noticed public hearing. Notice of the hearing shall be given pursuant to Section 65090. In addition, mailed notice shall be given to any city or county which may be significantly affected by the capital improvement plan. This notice shall be given no later than the date the local agency notices the public hearing pursuant to Section 65090. The information in the notice shall be not less than the information contained in the notice of public hearing and shall be given by first-class mail or personal delivery.
- (c) "Facility" or "improvement," as used in this section means any of the following:
 - (1) Public buildings, including schools and related facilities; provided that school facilities shall not be included if Senate Bill 97 of the 1987 -88 Regular Session is enacted and becomes effective on or before January 1, 1988.
 - (2) Facilities for the storage, treatment, and distribution of nonagricultural water.
 - (3) Facilities for the collection, treatment, reclamation, and disposal of sewage.
 - (4) Facilities for the collection and disposal of storm waters and for flood control purposes.
 - (5) Facilities for the generation of electricity and the distribution of gas and electricity.
 - (6) Transportation and transit facilities, including but not limited to streets and supporting improvements, roads, overpasses, bridges, harbors, ports, airports, and related facilities.
 - (7) Parks and recreation facilities.
 - (8) Any other capital project identified in the capital facilities plan adopted pursuant to Section 66002.

66003. Sections 66001 and 66002 do not apply to a fee imposed pursuant to a reimbursement agreement by and between a local agency and a property owner or developer for that portion of the cost of a public facility paid by the property owner or developer which exceeds the need for the public facility attributable to and reasonably related to the development. This chapter shall become operative on January 1, 1989.

66004. The establishment or increase of any fee pursuant to this chapter shall be subject to the requirements of Section 66018.

66005.

- (a) When a local agency imposes any fee or exaction as a condition of approval of a proposed development, as defined by Section 65927, or development project, those fees or exactions shall not exceed the estimated reasonable cost of providing the service or facility for which the fee or exaction is imposed.

- (b) This section does not apply to fees or monetary exactions expressly authorized to be imposed under Sections 66475.1 and 66477.
- (c) It is the intent of the Legislature in adding this section to codify existing constitutional and decisional law with respect to the imposition of development fees and monetary exactions on developments by local agencies. This section is declaratory of existing law and shall not be construed or interpreted as creating new law or as modifying or changing existing law.

66006.

- (a) If a local agency requires the payment of a fee specified in subdivision (c) in connection with the approval of a development project, the local agency receiving the fee shall deposit it with the other fees for the improvement in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the local agency, except for temporary investments, and expend those fees solely for the purpose for which the fee was collected. Any interest income earned by moneys in the capital facilities account or fund shall also be deposited in that account or fund and shall be expended only for the purpose for which the fee was originally collected.
- (b) (1) For each separate account or fund established pursuant to subdivision (a), the local agency shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:
 - (A) A brief description of the type of fee in the account or fund.
 - (B) The amount of the fee.
 - (C) The beginning and ending balance of the account or fund.
 - (D) The amount of the fees collected and the interest earned.
 - (E) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
 - (F) An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement, as identified in paragraph (2) of subdivision (a) of Section 66001, and the public improvement remains incomplete.
 - (G) A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
 - (H) The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.
- (2) The local agency shall review the information made available to the public pursuant to paragraph (1) at the next regularly scheduled public meeting not less than 15 days after this

information is made available to the public, as required by this subdivision. Notice of the time and place of the meeting, including the address where this information may be reviewed, shall be mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the local agency for mailed notice of the meeting. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

- (c) For purposes of this section, "fee" means any fee imposed to provide for an improvement to be constructed to serve a development project, or which is a fee for public improvements within the meaning of subdivision (b) of Section 66000, and that is imposed by the local agency as a condition of approving the development project.
- (d) Any person may request an audit of any local agency fee or charge that is subject to Section 66023, including fees or charges of school districts, in accordance with that section.
- (e) The Legislature finds and declares that untimely or improper allocation of development fees hinders economic growth and is, therefore, a matter of statewide interest and concern. It is, therefore, the intent of the Legislature that this section shall supersede all conflicting local laws and shall apply in charter cities.
- (f) At the time the local agency imposes a fee for public improvements on a specific development project, it shall identify the public improvement that the fee will be used to finance.

66006.5.

- (a) A city or county which imposes an assessment, fee, or charge, other than a tax, for transportation purposes may, by ordinance, prescribe conditions and procedures allowing real property which is needed by the city or county for local transportation purposes, or by the state for transportation projects which will not receive any federal funds, to be donated by the obligor in satisfaction or partial satisfaction of the assessment, fee, or charge.
- (b) To facilitate the implementation of subdivision (a), the Department of Transportation shall do all of the following:
 - (1) Give priority to the refinement, modification, and enhancement of procedures and policies dealing with right-of-way donations in order to encourage and facilitate those donations.
 - (2) Reduce or simplify paperwork requirements involving right-of-way procurement.
 - (3) Increase communication and education efforts as a means to solicit and encourage voluntary right-of-way donations.
 - (4) Enhance communication and coordination with local public entities through agreements of understanding that address state acceptance of right-of-way donations.

66007.

- (a) Except as otherwise provided in subdivision (b), any local agency that imposes any fees or charges on a residential development for the construction of public improvements or facilities shall not

require the payment of those fees or charges, notwithstanding any other provision of law, until the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first. However, utility service fees may be collected at the time an application for utility service is received. If the residential development contains more than one dwelling, the local agency may determine whether the fees or charges shall be paid on a pro rata basis for each dwelling when it receives its final inspection or certificate of occupancy, whichever occurs first; on a pro rata basis when a certain percentage of the dwellings have received their final inspection or certificate of occupancy, whichever occurs first; or on a lump-sum basis when the first dwelling in the development receives its final inspection or certificate of occupancy, whichever occurs first.

- (b) Notwithstanding subdivision (a), the local agency may require the payment of those fees or charges at an earlier time if (1) the local agency determines that the fees or charges will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the local agency has adopted a proposed construction schedule or plan prior to final inspection or issuance of the certificate of occupancy or (2) the fees or charges are to reimburse the local agency for expenditures previously made. "Appropriated," as used in this subdivision, means authorization by the governing body of the local agency for which the fee is collected to make expenditures and incur obligations for specific purposes.
- (c)
 - (1) If any fee or charge specified in subdivision (a) is not fully paid prior to issuance of a building permit for construction of any portion of the residential development encumbered thereby, the local agency issuing the building permit may require the property owner, or lessee if the lessee's interest appears of record, as a condition of issuance of the building permit, to execute a contract to pay the fee or charge, or applicable portion thereof, within the time specified in subdivision (a). If the fee or charge is prorated pursuant to subdivision (a), the obligation under the contract shall be similarly prorated.
 - (2) The obligation to pay the fee or charge shall inure to the benefit of, and be enforceable by, the local agency that imposed the fee or charge, regardless of whether it is a party to the contract. The contract shall contain a legal description of the property affected, shall be recorded in the office of the county recorder of the county and, from the date of recordation, shall constitute a lien for the payment of the fee or charge, which shall be enforceable against successors in interest to the property owner or lessee at the time of issuance of the building permit. The contract shall be recorded in the grantor-grantee index in the name of the public agency issuing the building permit as grantee and in the name of the property owner or lessee as grantor. The local agency shall record a release of the obligation, containing a legal description of the property, in the event the obligation is paid in full, or a partial release in the event the fee or charge is prorated pursuant to subdivision (a).
 - (3) The contract may require the property owner or lessee to provide appropriate notification of the opening of any escrow for the sale of the property for which the building permit was issued and to provide in the escrow instructions that the fee or charge be paid to the local agency imposing the same from the sale proceeds in escrow prior to disbursing proceeds to the seller.
- (d) This section applies only to fees collected by a local agency to fund the construction of public improvements or facilities. It does not apply to fees collected to cover the cost of code enforcement or inspection services, or to other fees collected to pay for the cost of enforcement of local ordinances or state law.

- (e) "Final inspection" or "certificate of occupancy," as used in this section, have the same meaning as described in Sections 305 and 307 of the Uniform Building Code, International Conference of Building Officials, 1985 edition.
- (f) Methods of complying with the requirement in subdivision (b) that a proposed construction schedule or plan be adopted, include, but are not limited to, (1) the adoption of the capital improvement plan described in Section 66002, or (2) the submittal of a five-year plan for construction and rehabilitation of school facilities pursuant to subdivision (c) of Section 17017.5 of the Education Code.

66008. A local agency shall expend a fee for public improvements, as accounted for pursuant to Section 66006, solely and exclusively for the purpose or purposes, as identified in subdivision (f) of Section 66006, for which the fee was collected. The fee shall not be levied, collected, or imposed for general revenue purposes.

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APPENDIX C: BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD) DEFICIENCY LIST

Notes:

- The Air District's Deficiency List document has not been updated since its adoption on November 4, 1992. Where appropriate, edits have been made to the Air District's Deficiency List to reflect current standards and practices applicable to Santa Clara County. These edits are highlighted as bold text.
- A copy of BAAQMD's current Deficiency Plan List policy can be requested from their web site at <www.baaqmd.gov> , through their Public Records Request web page at: <<http://www.baaqmd.gov/Divisions/Legal/Public-Records-Request.aspx>> (last accessed on July, 23, 2010).

SECTION I

LIST OF PROGRAMS, ACTIONS, AND IMPROVEMENTS FOR INCLUSION IN DEFICIENCY PLANS

Cities/Counties/CMAs' use is mandatory (required by California law)

The items that comprise the list of programs, actions and improvements that cities and counties can incorporate into Deficiency Plans are described below. Each description indicates whether the item is most suitable for local implementation, county wide or corridor level implementation.

Although the items have been grouped into six categories, many are complementary and their individual effectiveness will be increased if undertaken together. For instance, the success and advantages of High Occupancy Vehicle lanes will be enhanced if preferential treatment of buses, carpools and van pools is designed into parking areas, local arterials and freeway on- and off-ramps.

Each category is preceded with a listing of the Transportation Control Measures (TCM) from the '91 Clean Air Plan that will be directly implemented or in some fashion be supported by the items on the list. The development and implementation of Deficiency Plans is not viewed as the main avenue for the implementation of the TCMs in the '91 Clean Air Plan. Clearly though, implementation of system-wide improvements through Deficiency Plans can only benefit the success of the strategies set forth in the TCMs.

It should be noted that this list is based on the Clean Air Plan from 1991. There is a newer version of the Clean Air Plan adopted in spring 2010. Much of the same elements remain however, there are certain elements that are not specific to Santa Clara County.

A. BICYCLE AND PEDESTRIAN MEASURES

A 1. Improved Roadway Bicycle Facilities and Bike Paths.¹⁶ Roadways could be improved to provide increased safety and convenience for bicyclists. Improvements include:

- widening shoulders or curb side pavement
- lane re-striping and/or removal of on-street parking to create a wider outside (right) lane for bicycles thus reducing bicycle and automobile conflicts

¹⁶ All bicycle design features may require consultation with VTA's Bicycle Technical Guidelines

- installing, marking and/or modifying sensitivity of detection loops at intersections to trigger light changes and allow bicycles to clear the intersection
- completing and expanding Class I bike paths and Class II bicycle lanes that are in the circulation elements of general plans

Caltrans standards, ***VTA's Bicycle and Pedestrian Standards, and the Manual for Uniform Traffic Control Devices (MUTCD)*** shall be followed in designing and constructing bicycle improvements. This measure is suitable for both local and system-wide implementation.

A2. Transit and Bicycle Integration. This measure is intended to increase the number of bus and train routes capable of transporting bicycle riders, as well as improving interconnection between the two modes. Communities in San Mateo, Santa Clara and San Francisco Counties could work with the CALTRAIN Joint Powers Board to allow bicycles on CALTRAIN and to assure peak period bicycle accommodation on the new California cars (when acquired). Communities within the BART service area could work with BART to better accommodate bicycles during commute periods through downtown Oakland and San Francisco, as well as shortening or eliminating the periods during which bicycles are barred from the BART system. An alternative could be to provide special peak-period BART runs in the commute direction that accommodates bicycles. Communities, working with relevant transit districts, could work to increase the number of bus routes and rail services allowing access to bicyclists, as well as providing increased numbers of bicycle lockers (for regular users) and racks that allow use of the U-Bar style locks (for occasional users) at transit transfer centers and other interconnection points. This measure should be implemented on a system-wide basis since most transit service is on a multi-city basis. Local governments that operate their own transit service should implement this measure locally.

The VTA has standards based on the Bicycle Technical Guidelines that may also be consulted when working on the integration of Transit and Bicycles.

A3. Bicycle lockers and Racks at Park and Ride lots. Park and ride lots accessible to bicycles should contain bicycle lockers (for regular users) and racks that allow use of the U-Bar style locks (for occasional users). Jurisdictions will have to include in their Deficiency Plans the initial number of storage spaces and criteria for installing additional spaces. Communities can also consider establishing -Bike and Ride- lots: areas along major transit routes designated for bicycle storage only, separate from automobile parking lots. This measure can be implemented on a local basis.

A4. Bicycle Facilities and Showers at Developments. As part of any new office/industrial/commercial/school/special generator and multi-family (four or more units) residential development generating more than 50 person trips per day, cities and counties could require the inclusion of bicycle storage facilities and, for office/industrial/commercial/school/special generator developments employing more than 100

employees, showering and changing rooms. Bicycle storage facilities include bicycle lockers and racks (must allow use of the U-Bar style locks) which are located close to the main entrances or inside of buildings. Existing sites should add bicycle storage facilities and, for developments/buildings/sites employing more than 100 employees, showering and changing rooms where feasible. This measure can be implemented on a local basis.

A5. Improved Pedestrian Facilities. It is the general practice for new development to include sidewalks and other pedestrian facilities. However, efforts can be made to improve and expand upon current requirements and practices to make walking a more integral part of the transportation system. City and county zoning ordinances and design standards should be revised as appropriate to ensure safe, convenient and direct pathways for pedestrians between their residences, shopping and recreational areas, and work sites. Other efforts include requiring, where appropriate, the provision of walkways in commercial and residential areas linking building entrances to street sidewalks and crossings, and linking building entrances to adjacent building entrances and activity centers. Communities can also require continuous and clearly marked pathways across parking lots between sidewalks and building entrances. A preferable approach is to locate entrances and building fronts along street sidewalks, with parking spaces at the sides and rears of buildings. This measure is suitable for local implementation. See also Land Use Measures (E-8) ***and VTA's Pedestrian Technical Guidelines.***

A6. Pedestrian Signals. To encourage more walk trips, pedestrian signals should be added on major arterials to enhance safety. This measure should be implemented locally.

A7. Lighting for Pedestrian Safety. Communities can require and install adequate lighting for sidewalks, bus stops, bicycle parking areas and vehicle parking lots to create conditions that are safe for pedestrians. There may be special hardware requirements that must be met for implementation of this measure in proximity to facilities sensitive to light pollution (e.g., Lick Observatory). This measure is suitable for local implementation.

B. TRANSIT (Includes bus, rail and ferry services)

B1. Improvement of Bus, Rail and Ferry Transit Services.¹⁷ This measure is directed at improving public and private transit service. Cities, counties and employers will need to (1) work with the relevant transit districts and private operators to identify appropriate routes for reducing headways, extending service, improving transfers, and coordinating project design and services to new development; and (2) contribute financially toward both capital and operating costs of service improvements. Emphasis should be placed on providing service that will reduce peak period automobile trips (e.g., express and commuter bus/rail/ferry service). Service expansion

¹⁷ ***Ferry Transit Service may not apply in Santa Clara County***

should be coordinated with the relevant Short Range Transit Plan(s) and also support local and regional trip reduction efforts. This measure should be implemented on a system-wide basis.

B2. Expansion of Rail Transit Service.¹⁸ This measure is directed at extending or expanding rail transit beyond the projects included in MTC's New Rail Starts Program outlined in MTC Resolution 1876. Emphasis should be placed on expanding rail service to corridors not included in Resolution 1876 that will experience rapid growth in peak period automobile trips. Cities and counties will need to work with local, regional, state and federal transportation agencies to define projects and establish institutional arrangements to construct and operate the services, and fund operating costs. This measure can be implemented locally and on a system-wide basis, and should be considered in conjunction with Improvement of Bus, Rail and Ferry Transit Services (B1).

B3. Expansion of Ferry Services.¹⁹ Freeways, bridges and transit connections around and across San Francisco Bay are heavily congested. High speed ferry service offers an efficient and comfortable transportation alternative. New or enhanced service should focus on peak period travel when congestion is greatest. An example would be to provide high speed commuter ferry service between Vallejo and the San Francisco Ferry Terminal as a reliever of peak period congestion on 1-80 in Contra Costa and Alameda counties. This measure should be implemented on a corridor or system-wide basis.

B4. Preferential Treatment for Buses and In-Street Light Rail Vehicles (LRVs).²⁰ This measure includes strategies that give preference to buses and in-street light rail vehicles, including transit stops at building entrances, bus shelters, LRV platform boarding areas, direct HOV to HOV connecting lanes and ramps, exclusive bus/LRV lanes, bypass lanes at metered freeway ramps, including reserved lanes around any queues that may form on connecting streets or at congested off-ramps. These strategies should be a part of a coordinated regional and/or county HOV system, with individual communities assisting with changes that affect local streets or development review/approval. This measure can be implemented both locally and on a system-wide basis.

B5. Transit Information and Promotion. This measure is intended to work with the Transit and Bicycle Integration (A2), Stricter Travel Demand Management/Trip Reduction Ordinances (E1) and Public Education Programs (E2). Cities and counties can:

- advertise the availability of transit in their communities
- post transit schedules at bus stops
- enhance access to transit via non-motorized modes-(e.g., bicycling and walking)
- provide for special accommodation of clean fuel/electric vehicles at rail and ferry stations (e.g., preferential parking and free electric outlets)

¹⁸ ***Whenever Rail Transit Service is being considered, consultation with VTA must occur.***

¹⁹ ***Ferry Service may not apply in Santa Clara County.***

²⁰ ***Consider signal pre-emption where there is conflict with VTA light rail transit.***

Cities and counties must coordinate their recommendations with relevant organizations such as local transit district(s), MTC, RIDES for Bay Area Commuters, Inc.²¹, Berkeley TRiP, San Benito Rideshare, Santa Clara County's Commuter Network, Santa Cruz Share-a-Ride, Solano Commuter Information and the BAAQMD for enhancements to existing programs or implementation of new programs.²² Promotional activities should be directed at all trips, including those for shopping, recreation, commuting and school. This measure can be implemented both locally and on a system-wide basis.

B6. Transit Pricing Strategies to Encourage Ridership and, where applicable, Reduce Transit Vehicle Crowding. Pricing incentives and alternative fare structures can encourage ridership and, where necessary, reduce transit vehicle crowding. These incentives and strategies include subsidy from alternative revenue sources to reduce fares, zonal fares, peak hour fares, elimination of discounts for elder citizens who travel at peak times and free or reduced cost transit on "Spare the Air" day.²³ Transit pricing changes should ideally be done in conjunction with service improvements. Communities can work with neighboring cities and transit agencies to identify and subsidize appropriate incentive programs. This measure, especially appropriate for cities or counties that operate their own transit system, should be implemented on a system-wide basis.

B7. Transit Fare Subsidy Programs. These programs generally are implemented at employment sites in the form of direct employer subsidy of employee transit fares, usually with some monthly or yearly ceiling. Where cities/counties require employers to subsidize transit fares to meet trip reduction requirements, such programs must also equally subsidize persons who use non-motorized modes (e.g., bicycle or walk). Other subsidy programs could be directed towards school, recreational and shopping trips. This program can be implemented locally for a city or county's own employees, or a city or county can include a transit fare subsidy requirement for employers in its local trip reduction ordinance, or a city or county can condition new development to include such programs as a part of the city or county's development approval process.

B8. Transit Centers. To assist current and potential riders in obtaining route information, schedules, and passes, cities and counties would establish (or provide funds for transit agencies

²¹ ***RIDES Bay Area has been replaced with the greater 511.org which covers the greater 9-county Bay Area.***

²² San Benito County, Santa Cruz County and eastern Solano County are outside the BAAQMD's jurisdiction. Reference is made to services offered in these jurisdictions since they are considered within the commute shed of the greater Bay Area.

²³ Depending on how the strategies are constructed, they have potential to significantly impact operating revenue. Any proposal should fully evaluate the impact on operating revenue and identify replacement revenue to cover any potential loss to the transit operator(s). "Spare the Air" day occurs when BAAQMD forecasts that atmospheric conditions on the following day are likely to result in an exceedance of the health based State ozone standard. Major employers and the media are notified to advise employees and the general public activities contributing to ozone formation should be limited.

to establish) transit centers. The centers can be patterned after Berkeley TRiP. Another option is a mobile, clean fueled/electric “commute store” that would visit activity centers and employment sites to disseminate transit, ridesharing, and non-motorized travel information (e.g., maps of bike routes, bicycle commuter handbooks, and city walking guides). A second option is to install electronic kiosk centers, which are able to dispense tickets, route information, and in some cases, assist with ride matching operations. Another option is to franchise out the centers to mailbox services, photocopying centers, or other such establishments. Centers could also be established at community centers. Centers should be established at all major transit transfer points. This measure can be implemented both locally and on a system-wide basis. ***The VTA must be consulted during the development of transit centers.***

B9. Improved and Expanded Timed Transfer Programs. Shortening the time passengers wait when transferring between buses, from bus to train or vice-versa, and between transit systems is an important improvement to transit service. Working with the relevant transit districts, cities and counties would need to identify the best locations for timed transfers and which routes would be best suited for schedule adjustments. Current plans to institute timed transfers should be considered for accelerated implementation. This measure should be implemented on a system-wide basis.

B10. Improved and Expanded Fare Coordination.²⁴ Through the encouragement of MTC, BART and several Bay Area transit operators have developed a fare card that is used to debit fares on BART and also serve as a semi-monthly “flash pass” on major Bay Area bus systems. Each month more people purchase this card, demonstrating the public's desire for a simplified Bay Area transit fare structure. MTC is working diligently with transit operators to test and implement a “universal” fare card. Cities and counties can work in partnership with MTC, CMAs and relevant transit districts to develop and implement fare coordination agreements, and contribute financially to the necessary hardware, software, equipment maintenance and, where applicable, operator subsidies. ***The VTA has implemented its Eco Pass program which employers can purchase sticker passes for their employees to ride VTA bus and transit.***

B11. Signal Preemption by Transit Vehicles.²⁵ Transit vehicles could be equipped with preemption devices that hold or trigger a green light in order to avoid delays at intersections. Since implementation of this measure could be highly disruptive to traffic flow in an optimally timed, signalized corridor, and thus increase emissions, affected local governments should work closely with transit agencies to implement signal preemption only where most appropriate. This measure should be implemented on a system-wide or corridor basis.

B12. Bus Stop Bulbs. A strategy to improve passenger pickup and off-loading is to extend sidewalks across the parking lane to the first through traffic lane. Such an extension is called a bus stop bulb. With bus stop bulbs, buses are not delayed merging back into traffic after stops,

²⁴ ***VTA encourages employers to provide subsidies through the Eco-Pass Program.***

²⁵ ***This is currently in place on the VTA Line 22 and Line 522 in certain locations along El Camino Real.***

and cars are prevented from blocking the stops, both of which improve bus travel time. Some transit agencies prefer bus turn outs (which remove the bus from the traffic stream for passenger loading to minimize delay to motorists and allow the bus to reenter the traffic stream only when an adequate gap in traffic becomes available), while others prefer neither bus turn outs nor bus bulbs. Cities or counties that want to implement Bus Stop Bulbs (B11) should work closely with their respective transit agency (ies). The District does not consider bus turn outs as an appropriate alternative to bus stop bulbs since turn outs favor single occupant vehicles and lengthen bus travel times. This measure can be implemented both locally and on a system-wide basis.

B13. School Bus Transit Service. This measure is directed at establishing school bus services in school districts where bus service has been reduced or eliminated. Reinstating or expanding school bus service would provide an alternative to many students who drive to school or are driven to school by others. Reinstating or expanding school bus service would also provide capacity on existing public bus services for commuters displaced by student riders. Cities and counties will need to work with school districts to establish arrangements for funding the service. This measure would be implemented locally or system-wide.

C. CARPOOLING, BUSPOOLING, VANPOOLING, TAXIPOOLING, JITNEYS, CASUAL CARPOOLING AND OTHER SHARED RIDES (Ridesharing)

C1. Preferential Treatment for Shared Ride Vehicles.²⁶ This measure includes strategies that give preference to carpools, buspools, vanpools, taxipools, jitneys and other shared rides, including reserved parking spaces next to building entrances, transit stops at building entrances, direct HOV to HOV connecting lanes and ramps, bypass lanes at metered freeway ramps, including reserved lanes around any queues that may form on connecting streets or at congested off-ramps. These strategies should be a part of a coordinated regional and/or county HOV system, with individual communities assisting with changes that affect local streets or development review/approval. This measure can be implemented both locally or on a system-wide basis.

C2. Increased use of Commuter/Employer Services. To increase the number of carpools and vanpools, commuters and employers should be encouraged to use the free computerized ridematching services provided by RIDES for Bay Area Commuters, Inc.²⁷, Berkeley TRiP, San Benito Rideshare, Santa Clara County's Commuter Network, Santa Cruz Share-a-Ride and Solano Commuter Information.²⁸ RIDES maintains a database that serves commuters in the nine Bay

²⁶ *This is in reference to VTA HOV Program and the current MTC Regional Freeway Performance Initiative (FPI).*

²⁷ *511.org has replaced RIDES Bay Area.*

²⁸ San Benito County, Santa Cruz County and eastern Solano County are outside the BAAQMD's jurisdiction. Reference is made to services offered in these jurisdictions since they are considered within the commute shed of the greater Bay Area.

Area counties and several outlying counties. RIDES' database is electronically linked to ridesharing programs in San Benito County, Santa Clara County, Santa Cruz County, Solano County and the City of Berkeley as well as to ridesharing programs of several Bay Area employers. As an integral part of cities' and counties' trip reduction efforts, employers of all sizes should encourage their employees to take advantage of these services. In addition, employer services offered by RIDES, Santa Clara County's Commuter Network, Solano Commuter Information and Berkeley TRiP could serve as an integral part of training, education and outreach efforts for employee transportation coordinators. This measure can be implemented -locally or on a system-wide basis.

D. HIGH OCCUPANCY VEHICLE (HOV) FACILITIES

D1. Preferential Treatment for HOVs. See measures B4 and C1

D2. Bus and Carpool/Buspool/Vanpool/Taxipool Priorities Lanes on Local Arterials. This measure is aimed at providing time savings for buses and car/bus/Van/taxipools on local arterials. Many peak period commute trips occur on congested local streets. Provision of the Priority lanes during the commute periods will act as an incentive for ridesharing. In some instances, this measure can be combined with Restrictions on Curb-Side Deliveries and On-Street Parking (F11) to provide lanes without taking away mixed flow capacity. (However, streets with existing or planned bicycle lanes should not have the parking lane converted, as this could cause conflicts between bicyclists and motor vehicles.) Cities and counties incorporating this measure in their Deficiency Plan should indicate how any proposed priority lanes will supplement or otherwise support any county-wide or regional HOV plans. This measure should be implemented on a system-wide basis.

D3. Accelerated Implementation of the 2005 HOV Master Plan.²⁹ The Metropolitan Transportation Commission (MTC), Caltrans, and the California Highway Patrol (CHP) have identified a regional system of High Occupancy Vehicle Lanes. Some of the projects have already been programmed for funding and completion by 1995. The remainder are assumed for completion by 2005. Communities can place a greater priority on these projects so that they can be constructed before the year 2005. For areas, such as Solano County, which are not included in the 2005 HOV Master Plan, emphasis can be placed on developing HOV lanes identified in another study, such as the *I-80 Strategic Plan*. Cities and counties should work with MTC, Caltrans and the CHP to evaluate H.OV lanes on freeway segments not included in the 2005 HOV Master Plan.

²⁹ ***The Regional Freeway Performance Initiative (FPI) has replaced the HOV Master Plan. It should also be noted that VTA is currently implementing its Express Lane Program, which may include construction of additional HOV lanes in some locations.***

The technical analysis accompanying the 2005 HOV Master Plan indicated that successful HOV lanes require support facilities, such as park and ride lots, express bus service and exclusive HOV bypass lanes and connecting ramps. It is recommended that Deficiency Plans incorporating this measure focus on providing support facilities for HOV lanes. Some, such as by-pass lanes and connecting ramps, would be constructed at the time the HOV lane is constructed. Others, such as park and ride lots and improved transit service should be implemented prior to the opening of the HOV facility. This measure can largely be implemented on a system-wide basis, although supporting actions can be done on a local basis. (See note on page 3 regarding this measure.)

D4. HOV to HOV Facilities. Local government work with Caltrans and CMAs to identify and program for construction ramps that provide a direct connection between HOV facilities. This could significantly reduce travel time for HOVs that otherwise would be required to negotiate a very slow merge across three or four lanes of single occupant vehicle (SOV) traffic twice in order to exit one freeway and enter another. This measure can be implemented on a system-wide basis.

D5. Direct HOV Lane Entrance/Exit Ramps to Arterials and Special Generators. Where high volumes of HOVs would benefit from direct access to freeway or expressway HOV lanes, direct HOV ramps should be provided for (1) arterials that provide access to major activity centers and (2) connecting roadways to special generators (e.g., airports, stadiums, universities, military facilities, etc.). This measure could be implemented region-wide or locally.

E. OTHER TCMS, RELATED MEASURES.

E1. Stricter Travel Demand Management/Trip Reduction Ordinance. As part of a Deficiency Plan, a city or county will modify their mandated Trip Reduction Ordinance to include requirements beyond those either currently identified or recommended in their county's CMP. After the adoption of the BAAQMD's Employer-Based Trip Reduction Rule, jurisdictions would revise their programs to go beyond the requirements embodied in the District's rule and other local trip reduction requirements, where applicable. This program can be implemented locally.

E2. Expanded Public Education Programs. A Public Education program should be an essential part of any Deficiency Plan. Jurisdictions can include educational materials regarding air quality and congestion relief and the use of the automobile with programs dealing with waste recycling, water conservation, etc. The conservation of air quality and the efficient use of the transportation system are messages compatible with other waste reduction and resource conservation programs. Public education programs might include the following topics:

- health effects of air pollution and traffic congestion
- the air pollution effects of older cars and cars that are out of tune

- list of available low emission vehicles (electric, natural gas, methanol, etc.) and their sellers
- the air pollution effects of cold starts and short trips
- the benefits of linking trips for shopping, errands, recreation, work, particularly during the afternoon on weekdays and during the weekend
- the role of alternative means of transportation in improved regional air quality, local congestion relief, and reduced energy use
- the benefits of compact development, particularly near transit stations
- the benefits of leaving the car at home at least one or two days a week
- the benefits of taking feeder buses, bicycling or walking to regional rail or bus transfer centers and other destinations
- advertising the location, cost and availability of discount transit tickets
- educational materials designed for use in school curricula

The BAAQMD has already begun a public education program for the region. Materials developed as part of the program will be available to cities and counties. RIDES for Bay Area Commuters, Inc., Berkeley TRiP, San Benito Rideshare, Santa Clara County's Commuter Network, Santa Cruz Dial-a-Ride, and Solano Commuter Information each provide a variety of public information and services available to cities, counties, CMAs, transit agencies, employers and other transportation agencies/organizations.¹⁴ Educational materials should also be developed for planning and zoning commissions and governing boards that make land use and transportation decisions impacting air quality. This program can be implemented locally.

E3. Child Care Facilities at or close to Employment Sites, Transit Centers and Park and Ride Lots.

Many commuters need to drop off and pickup their children at child care. The intent of this measure is for jurisdictions to facilitate the location of child care facilities at, or more likely, close to employment sites, major transit centers (e.g., BART, CAL TRAIN and Santa Clara Light Rail stations, and park and ride lots. The intent is to shorten or eliminate the automobile portion of the commute trip. Jurisdictions and employers may need to provide financial incentives to operators of such facilities. This program can be implemented locally. (See also Land Use Measures [E8].)

E4. Retail Services at or close to Employment Sites, Transit Centers and Park and Ride Lots.

Trips could be eliminated and perceived transit waiting time would be reduced if retail services (e.g., automated bank teller machines (ATMs), dry-cleaners, coffee shops, book stores, etc.) were offered in conjunction with employment sites, transit centers and park and ride lots. Jurisdictions could provide incentives for and work with transit operators to encourage development at or in immediate proximity to areas where people wait to take a bus or train. Activity at or near a transit center or park and ride lot would also enhance safety and thus increase patronage. (See also Land Use Measures [E8].)

E5. Telecommuting Centers and Work-at-Home Programs. Under this measure, jurisdictions and employers would facilitate through discussions with major employers:

- the creation of centers in their communities for telecommuting
- implementation of programs that allow employees to work at home

Businesses would rent space in the center for their employees to work, being connected by telephone wires to the main office and/or allow their employees where appropriate to work at home one or two (or more) days per week. This program can be implemented locally.

E6. Parking Management.³⁰ This is a broad measure, overlapping with measures dealing with employer-based trip reduction and traffic flow improvements. Jurisdictions can implement parking charges, restrict parking during peak hours along busy corridors, require preferential parking for carpools and van pools at major activity centers, require shared parking arrangements at developments, land bank parking space, establish automobile free zones, parking standards in zoning ordinances to discourage vehicle trips (e.g., establish maximum parking ratios rather than minimum ratios, revise minimum ratios to require fewer spaces, etc.). This program can be implemented locally.

E7. Parking “Cash-Out” Program/Travel Allowance. AB 2109 (Katz, Ch. 92-0554) requires employers of 50 persons or more who provide a parking subsidy to employees to offer a parking cash-out program. Under a parking cash-out program, the employer offers to provide a cash allowance to an employee equivalent to the parking subsidy³¹ that the employer would otherwise pay to provide the employee with a parking space.³² Employees who wish to continue to drive will receive a parking space in lieu of the cash allowance. Employees who forego the use of parking can use the travel allowance for any purpose, including subsidizing the use of alternative transportation modes. Employers may also offer transit passes or ridesharing subsidies as all or part of the travel allowance to help reduce the tax impact on employees.³³

³⁰ Parking management decisions are the responsibility of the Local Agency implementing the development. Local agencies should always consider parking strategies where appropriate.

³¹ “Parking Subsidy” is defined as the difference between the out-of-pocket amount paid by an employer on a regular basis in order to secure the availability of an employee parking space and the price, if any, charged to the employee for use of that space.

³² AB 2109 also requires cities and counties in which a commercial development will implement a parking cash-out program which is included in a CMP pursuant to subdivision (b) of Government Code Section 65089 or a deficiency plan pursuant to Government Code 65089.3 to grant that development an appropriate reduction in the parking requirements otherwise in effect for new commercial development.

³³ Under State and Federal law a cash travel allowance is considered gross income and is therefore taxable. Transit subsidies and some other ridesharing subsidies are not taxable up to varying amounts, depending upon State or Federal tax law.

As part of a deficiency plan, a city or county could pass an ordinance, amend its trip reduction-ordinance, or work with employers to implement parking cash-out programs that go beyond this new State requirement.³⁴ Examples include:

- include employers with fewer than 50 employees
- include employers that own their own parking spaces, using the market rate for parking in the area as the cost of parking and the amount of the cash travel allowance
- require or encourage building owners to separate the cost of parking from the cost of leasing office space, thereby facilitating/requiring parking cash-out programs in multi-tenant office complexes
- implement a parking cash-out program at city/county employment sites as a model for other employers

This program, which should be implemented locally, must be designed to minimize any adverse impact on parking in neighborhoods adjacent to the participating employment sites.

E8. Land Use Measures.³⁵ Land use exerts a strong influence on travel patterns and transportation mode choice. Site design strategies (e.g., clustering and minimizing walk distance to transit) also influence mode choice. Strategies which local governments can undertake include revising general plan policies and land use designations, zoning ordinances and design standards to provide for:

- phase development to occur near current transit service (i.e., infill)
- mixed land uses where residences, work places and services are located close enough together to minimize the need for private motorized transportation between them³⁶
- pedestrian oriented design, such as sidewalks, adequate crosswalks on major streets, building entries near sidewalks rather than behind parking lots, and convenient transit stops
- affordable housing near major employment sites
- incentives for infill development

³⁴ To meet the requirements of this Deficiency List, cities and counties must require that the employer program not be designed to disproportionately favor use of any alternative mode (e.g., giving a travel allowance to the employee in the form of a “Commute Check” that can be used for public transit only, and offering no equivalent monetary benefit for those who rideshare, bicycle or walk).

³⁵ In locations where a development is located near a VTA designated core, corridor, or station area; VTA suggests you use the Community Design and Transportation (CDT) Manual for guidance on Land Use Design standards.

³⁶ Cities and counties, prior to zoning for or approving housing or other sensitive receptors (e.g., schools, hospitals or convalescent facilities) near industry should consider the nature of activity that may occur and whether that activity does/could pose a risk of nuisance (e.g., odors) or potential public health problems. Similar care should be taken when considering locating industry or related land uses near residences and other sensitive receptors. BAAQMD Planning Division staff is available in such cases to advise cities and counties of appropriate action and mitigation strategies (e.g., buffer zones) where feasible.

- higher densities at transit stops and along major transit lines
- sites for alternative fuel vehicle fueling facilities

This measure can be implemented both locally and on a system-wide basis. (See also Improved Pedestrian Facilities [A51. Child Care Facilities at or close to Employment Sites, Transit Centers and Park and Ride Lots [D3] and Retail Services at or close to Employment Sites. Transit Centers and Park and Ride Lots [D4].)

F. TRAFFIC FLOW IMPROVEMENTS.

F1. Preferential Treatment of HOVs. See measure B4 and C1

F2. Ramp Metering.³⁷ Caltrans District 4 is currently working on a comprehensive ramp metering program for the region's freeways. Ramp metering must include bypass lanes for buses and carpools. Jurisdictions placing this measure in their Deficiency Plans must show how they will work with Caltrans and MTC to help fund and assist in expediting the implementation of ramp metering on freeway ramps within their community. Solano County would coordinate with any ramp metering plans developed by Caltrans, District 10. This measure would be implemented on a system-wide basis. (See note on page 3 regarding this measure.)

F3. Auxiliary Lanes of Up to One Mile in Length Where HOV Lanes are Provided. This measure would allow the addition of freeway auxiliary lanes between interchanges of not more than one mile in length (i.e., in locations with closely spaced interchanges) to promote ease of HOV lane access and egress and provide for safe merging of conflicting traffic. This measure is for freeways only (not expressways), since expressway auxiliary lanes would diminish the safety of bicyclists. This measure would be implemented on a system-wide basis. (See note on page 3 regarding this measure.)

F4. Signalization Improvements.³⁸ Jurisdictions would be expected to improve signal timing and sequencing to smooth traffic flow and increase average speeds during the peak periods. Jurisdictions could identify roadways to undergo signalization improvements, as well as a timetable for doing so. Jurisdictions that have planned improvements can use those programs. Signalization improvements should be coordinated with any programs to improve signalization and preemption advantages for transit vehicles. This measure would be implemented on a system-wide basis. (See note on page 3 regarding this measure.)

³⁷ *Currently MTC has initiated the Freeway Performance Initiative (FPI) to address HOV lanes and Ramp Metering improvements. Similarly, VTA has an Intelligent Transportation Systems (ITS) program which promotes operating systems improvements on freeway ramps and major roadways.*

³⁸ *This is another reference to the ITS improvements developed by the VTA.*

F5. Computerized Traffic and Transit Control/Management on Arterials. This measure includes installing traffic sensors, closed circuit television, low wattage “highway-advisory radio” broadcasts, and centrally controlled changeable message signs on local arterials to convey current traffic and transit information. This driver and transit rider information system will supply travelers with real-time traffic and transit information to assist them in planning routes and times of travel. This will be especially helpful in reducing congestion from surges of traffic such as special events, sporting events and parades. (See note on page 3 regarding this measure.)

F6. Turn Lanes at Intersections. This measure would be applicable on arterials where placement of a maximum of one left turn lane and/or a maximum of one right turn lane per approach would significantly reduce average stopped delay at an intersection. Double left- or double-right turn lanes would not be appropriate at intersections or freeway/arterial on/off ramps since these create an unfriendly environment for trips by non-motorized modes (pedestrian, bicycle and other travel).³⁹ This measure would be implemented locally.

F7. Turn Restrictions at Intersections. This measure consists of restricting turns at some intersections throughout the day or during peak periods only. This measure can be implemented locally.

F8. Reversible Lanes. This measure is applicable on arterials in areas of employment concentration, where congestion occurs in the inbound direction in the morning and the outbound direction during the afternoon. It consists of temporarily increasing the capacity of the congested direction, with the reversed lane dedicated as an exclusive lane for buses, carpools and vanpools. This program can be implemented locally.

F9. One Way Streets. In areas of high traffic volumes, jurisdictions can convert roadways to one-way streets. This measure has been employed in many of the larger central business districts within the Bay Area. Jurisdictions using this measure should identify streets to be converted to one-way and an implementation schedule. However, streets should not have the parking lane taken away where this would cause conflicts between bicyclists and motor vehicles by decreasing the lane area for bicyclists.⁴⁰ This program can be implemented locally.

F10. Targeted Traffic Enforcement Programs. Where double parking, parking in bus stops, “gridlock” or illegal use of HOV lanes pose a problem, jurisdictions can provide additional

³⁹ An exception to the double turn lane restriction for arterial/arterial intersections would be appropriate only in cases where all of the following criteria are met: (1) the curb to curb distance remains the same for all approaches after changes to intersection geometry; (2) the width of the median (if any), which serves as a pedestrian refuge, is not reduced to accommodate changes to intersection geometry; (3) the signal cycle length is reduced so pedestrians have more frequent opportunities to cross the intersection; (4) the minimum green time in each phase (for pedestrian crossing) is maintained or increased; and (5) the width of the right most through lane is maintained or increased from its width prior to changes to intersection geometry (for bicyclists’ safety).

⁴⁰ ***A combination bus and bike lane would be acceptable since the frequency of buses is limited.***

parking and traffic enforcement to help manage congestion. This program can be implemented locally.

F11. Restrictions on Curb Side Deliveries and On-Street Parking. This measure is intended as a peak hour measure. The intent is to handle peak flows without adding permanent capacity to the roadway. It is expected that this measure would be used in conjunction with measures to provide arterial HOV lanes or transit priority lanes facilities. In some instances, restrictions may only apply to one-side or for a portion of a roadway/arterial, depending on the peak-flow. This measure may also be useful in handling congestion around commercial areas during their peak period. Jurisdictions may require that all deliveries be made at the rear of buildings, if space and building lot design allows. This program can be implemented locally.

APPENDIX D:

**EXAMPLE OF A LOCAL INTERSECTION MANAGEMENT STRATEGY - CITY OF
SAN JOSE'S TRANSPORTATION IMPACT POLICY (PROTECTED INTERSECTIONS)**

City of San José, California

COUNCIL POLICY

TITLE TRANSPORTATION IMPACT POLICY	PAGE 1 of 11	POLICY NUMBER 5-3
EFFECTIVE DATE September 5, 1978	REVISED DATE June 21, 2005	
APPROVED BY COUNCIL ACTION September 5, 1978; Revised August 26, 1980; Revised by Resolution 72765.1 on June 21, 2005.		

BACKGROUND

The San José City Council adopted the following City Policy on June 21, 2005. This policy repeals and replaces previously adopted Council Policies 5-3, "transportation Level of Service" and 5-4, "Alternate Traffic Mitigation Measures".

PURPOSE

The purpose of this Policy is to guide analyses and determinations regarding the overall conformance of a proposed development with the City's various General Plan multi-modal transportation policies, which together seek to provide a safe, efficient, and environmentally sensitive transportation system for the movement of people and goods.

POLICY

I. TRANSPORTATION POLICIES AND PROGRAMS

A. General Plan and Adopted Council Policies

Specific multi-modal transportation policies that are included in the City's adopted General Plan, or have otherwise been formally adopted by the City Council include the following:

Pedestrians General Plan policies encourage pedestrian travel between high density residential and commercial areas throughout the City. Pedestrian access is particularly encouraged for access to facilities such as schools, parks and transit stations, and in neighborhood business districts. [*General Plan Transportation Policy 16*]

Bicycles General Plan policies encourage a safe, direct and well-maintained bicycle network that links residences with employment centers, schools, parks, and transit facilities. Bicycle lanes are considered appropriate on arterials and major collectors. Bicycle safety is to be considered in any improvements to the roadway system undertaken for traffic operations purposes. [*General Plan Transportation Policies 41, 42, and 46*]

Neighborhood Streets; General Plan policies discourage inter-neighborhood movement of people and goods on neighborhood streets. Streets are to be designed for vehicular, bicycle and pedestrian safety. Neighborhood streets should discourage both through vehicular traffic and unsafe speeds. [*General Plan Transportation Policies 1, 8 and 9*]

Private Developments When a Transportation Impact Analysis finds that a proposed development project would create an adverse traffic condition within an existing neighborhood, the City's Department of Transportation, other City staff, and the developers consultants will work to ensure that the development will include appropriate measures, including traffic calming measures where appropriate, to minimize the adverse impacts to the neighborhood.

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New development should create a pedestrian friendly environment that is safe, convenient, pleasant, and accessible to people with disabilities. Connections should be made between the new development and adjoining neighborhoods, transit access points, community facilities, and nearby commercial areas. [Council Policy 5-6: Traffic Calming adopted 4/25/00 and revised 6/26/01]

Transit Facilities General Plan policies state that all segments of the City's population are to be provided access to transit Public transit systems should be designed to be attractive, convenient, dependable and safe. [General Plan Transportation Policy 11]

Vehicular Traffic The General Plan provides that the minimum overall performance of signalized intersections within the City should achieve a minimum level of service. A development that would cause the performance of an intersection to fall below the minimum level of service needs to provide vehicular related improvements aimed at maintaining the minimum level of service. If necessary to reinforce neighborhood preservation objectives and meet other General Plan policies, the Council may adopt a policy to establish alternative mitigation measures. [General Plan Transportation Policy 5]

Regional Freeways General Plan policies encourage the City's continued participation in inter-jurisdictional efforts, such as the Santa Clara County Congestion Management Agency, to develop and implement appropriate techniques to improve the regional transportation system. [General Plan Transportation Policy 20]

B. Implementation Programs

In support of these policies, the City relies upon a number of implementation policies, ordinances, programs, and development processes to maintain and improve the multi-modal transportation system. Specific techniques for protecting neighborhoods from significant traffic effects, and for ensuring that the burden of serving new development does not fall disproportionately upon existing neighborhoods and businesses, presently include the following:

- (a) requiring that all new developments improve their own public street frontage;
- (b) requiring that all new developments maintain an overall standard of Level of Service D or better at signalized intersections unless the intersections are covered by an Area Development Policy or are otherwise designated by the City Council as exempt from this policy;
- (c) collecting taxes from new development for the purpose of maintaining existing streets and roadways. Existing taxes include the Building and Structure Construction Tax (SJMC § 4.46), Residential Construction Tax (SJMC § 4.64), and the Construction Tax (SJMC § 4.54)
- (d) implementing a Council "Traffic Calming Policy" (Council Policy 5-6) that provides City resources to prevent, offset, or minimize adverse effects of vehicular cut-through traffic on residential neighborhoods.

II. TRAFFIC LEVEL OF SERVICE

The following language addresses the specific methods for implementing item (b), the City's adopted General Plan Level of Service Policy for Traffic, including its applicability and scope and an explanation of relevant concepts. This policy serves as a growth management tool. It establishes a threshold for environmental impact, and requires new developments to mitigate significant impacts. This policy serves the City by helping to protect neighborhoods, manage congestion, and build transportation infrastructure.

A. Application Of Policy

1. Geographic Areas

This Policy applies to all geographic areas of the City with the following exceptions:

- a. The Downtown Core Area, as defined by the City's General Plan. The Downtown Core Area is exempt from the City's Transportation Level of Service Policy.

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- b. Any area subject to an Area Development Policy adopted pursuant to the City's General Plan. Each Area Development Policy includes its own guidelines for implementation of the Level of Service Policy. (The General Plan states that an "area development policy" may be adopted by the City Council to establish unique traffic level service standards for a specific geographic area.)
- c. Specific intersections within Special Strategy Areas that are not required to meet a minimum LOS D. As described in Section III of this Policy, Special Strategy Areas are identified in the City's adopted General Plan and include Transit Oriented Development Corridors, Transit Station Areas, Planned Communities, and Neighborhood Business Districts.

2. Types of Developments

This Policy applies to all developments within the applicable geographic areas, except the following types of infill projects shall be exempted from Section IT(B) of this Policy, because the Council finds that these projects, individually and cumulatively, will not cause a significant degradation of transportation level of service and subject projects will further other City goals and policies:

- a. All retail commercial buildings containing (5,000) square feet of gross area or less.
- b. All office buildings containing (10,000) square feet of gross area or less.
- c. All industrial buildings of (30,000) square feet or less.
- d. All single-family detached residential projects of (15) dwelling units or less.
- e. All single-family attached or multi-family residential projects of (25) units or less.

In no case shall any of these above types of infill projects be exempted if they are increments of a larger project or parcel.

B. Policy Implementation

1. Level Of Service

As used in this Policy, Level of Service is a measure of traffic congestion at those signalized intersections that are within the areas subject to this policy. The standards used by the City of San José to measure the Level of Service are described in the following table.

The City's goal is to achieve an overall Level of Service of 'D' at signalized intersections. City staff shall determine the appropriate methodology for determining the Level of Service, and shall apply that methodology in a consistent manner.

Level of Service	Description
A	No congestion. All vehicles clear in a single signal cycle.
B	Very light congestion. All vehicles clear in a single signal cycle.
C	Light congestion, occasional back-ups on some approaches or turn pockets.
D	Significant congestion on some approaches, but intersection is functional. Vehicles required to wait through more than one cycle during short peaks.
E	Severe congestion with some long back-ups. Blockage of intersection may occur. Vehicles are required to wait through more than one cycle.
F	Total breakdown. Stop and go conditions.

2. Transportation Impact Analysis

When the City determines through the application of its technical methodology that a proposed development may result in a substantial increase in traffic congestion, the applicant must prepare a Transportation Impact Analysis (TIA) to evaluate those project impacts. The TIA must comply with relevant professional standards and the methodology promulgated by City staff. In addition to

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describing the existing vehicular transportation facilities in the project area, the TIA must also identify the existence, status and condition of pedestrian, bicycle and transit systems and facilities that would serve, or will be impacted by, the proposed development

The developer must complete the proposed TIA prior to or in conjunction with the analysis of environmental impacts prepared to satisfy the requirements of the California Environmental Quality Act (CEQA).

a. Significant LOS Impacts

A significant LOS impact occurs when the TIA demonstrates that the proposed development would either: (1) cause the level of service at an intersection to fall below LOS D, or (2) contribute the equivalent of 1 % or more to existing traffic congestion at an intersection already operating at LOS E or F.

It has long been San José's Policy that adding 1% or more to an already congested intersection is a substantial increase in congestion and constitutes a significant impact, and that is still the intention of this Policy.

When a significant impact occurs, then the TIA must also identify improvements that would reduce traffic congestion so that the intersection operates at the level that would exist without the proposed project. These traffic improvements will be referred to as LOS Traffic Improvements.

b. Mitigation for LOS Impacts

The proposed development is required to include construction of all LOS Traffic Improvements identified in the TIA as necessary to mitigate the significant LOS impacts, unless the TIA demonstrates that these improvements would have an unacceptable impact on other transportation facilities (such as pedestrian, bicycle, and transit systems and facilities), as such impacts are described in the next section of this policy. Implementing mitigation measures that cause unacceptable impacts in order to reduce the impacts of traffic congestion from a new development, is not consistent with the City's General Plan policies. In order to achieve conformance with the City's General Plan Traffic Level of Service and other transportation policies, alternative mitigation measure(s) that do not have unacceptable impacts, and that would reduce traffic congestion so that the intersection operates at the level that would exist without the proposed project, must be identified and implemented.

3. Unacceptable Impacts of Mitigation

For purposes of this Council Policy, an LOS Traffic Improvement has an unacceptable impact if the TIA demonstrates that the improvement would result in a physical reduction in the capacity and/or a substantial deterioration in the quality (aesthetic or otherwise) of any other planned or existing transportation facilities (such as pedestrian, bicycle and transit systems and facilities).

The following are examples of the kinds of impacts that would be considered unacceptable.

- reducing the width of a sidewalk below minimum city standard
- eliminating a bicycle lane or reducing its width below city standard
- eliminating a bus stop or eliminating a parking lane that accommodates a bus stop
- eliminating a parking strip (between sidewalk and street) that contains mature trees
- encouraging substantial neighborhood cut-through traffic
- creating unsafe pedestrian and/or automobile operating conditions.

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III. SPECIAL STRATEGY AREAS

A. Background

To continue to expand local intersections in order to increase their vehicular capacity may, under certain circumstances, result in a deterioration of the local environmental conditions near those intersections, and an erosion of the City's ability to both encourage infill in designated Special Strategy Areas, and to support a variety of multi-modal transportation systems.

The City of San José has identified certain local intersections for which no further physical improvement is planned. These specific intersections, because of the presence of substantial transit improvements, adjacent private development, or a combination of both circumstances, cannot be modified to accommodate additional traffic and operate at LOS D or better, in conformance with all relevant General Plan policies. These intersections are all well within the Urban Service Area and the Greenline Urban Growth Boundary of the City. Future infill development that is otherwise consistent with other General Plan policies encouraging Smart Growth may, therefore, generate additional traffic through these intersections, resulting in a level of congestion that would not otherwise be consistent with the rest of this Policy.

B. Application

Any intersection that is added to the List of Protected Intersections must be within designated . Special Planning Areas as shown in Exhibit I attached to this Policy, and consistent with the General Plan. The process of adding to the List of Protected Intersections is described in greater detail in the Implementation Procedures in Appendix A of this Policy.

C. Protected Intersections

This Policy therefore acknowledges that exceptions to the City's policy of maintaining LOS D at local intersections will be made for certain Protected Intersections that have been built to their planned maximum capacity. A list of these intersections will be approved by the City Council, subsequent to completion of the appropriate CEQA review. The list may be modified by the Council in the future. Any decision to modify the list will only be made after appropriate public review and consideration of any adverse impacts that might result from such a decision.

If a proposed development project would cause a significant LOS impact [as defined in Section II(BX2) above] at one or more of these Protected intersections, the proposed development will include construction of specific improvements to other segments of the citywide transportation system, in order to improve system capacity and/or enhance non-auto travel modes.

The physical improvements that would be included in the proposed development will be capacity enhancing improvements to the citywide transportation systems. First priority for such improvements will be those improvements identified that would be proximate to the neighborhoods impacted by the development project traffic. The process for identifying and approving these improvements is described in Appendix A of this Policy.

By funding these improvements to the City's overall multi-modal transportation system, the development project will contribute substantially to achieving General Plan goals for improving and expanding the City's multi-modal transportation system. The development project would, therefore, be consistent with the City's General Plan multi-modal Transportation Policies, including the Traffic Level of Service Policy.

D. Applicability to Subsequent Projects

A determination of General Plan conformance for a particular development project would not be applicable to subsequent, different development projects that have LOS impacts on the same Protected Intersection. Any individual project that would result in LOS impacts must be evaluated in the context of its own impacts and its own efforts to conform to this Policy.

City of San José, California

**APPENDIX A
TO COUNCIL POLICY 5-3
POLICY IMPLEMENTATION PROCEDURES¹**

The applicant² for any proposed development project that might generate a substantial amount of traffic is required to submit a Traffic Impact Analysis (TIA) that identifies (a) project traffic impacts on nearby intersections, and (b) mitigation for any impact identified as significant. The TIA must be prepared by a qualified traffic engineer to the satisfaction of the Director of Public Works and needs to identify not only impacts from project traffic but also possible impacts from any proposed mitigation measures. This must include impacts on roadways and roadway capacity, and on any facilities or systems for alternative forms of transportation (such as transit stops, sidewalks, bicycle lanes, etc.), whether within the public right-of-way or not.

If the TIA concludes that the project would not result in significant traffic Level of Service (LOS) impacts to any intersections or freeway segments, or impacts to any alternative transportation modes, the project can be identified as conforming to the General Plan Traffic LOS Policy. If the project would result in a significant traffic LOS impact, and its proposed LOS mitigation would have unacceptable impacts on other transportation facilities, or if the project itself would result in an unacceptable impact on other transportation facilities, the project would need to be modified in order to avoid both the significant traffic LOS impact and the unacceptable impact(s) on other transportation facilities. The modification could be one or a combination of the following:

- (1) a reduction in the size of the project (less square footage or number of units proposed, etc.) to a degree that would avoid the need for traffic LOS mitigation, or
- (2) the identification of a different mitigation measure that would reduce the traffic LOS impact to an acceptable level and would not itself have unacceptable impacts, or
- (3) modification of the project design to avoid the significant traffic LOS impact and/or the unacceptable impact(s) on other transportation facilities.

Please see the following discussion for a description of what constitutes an unacceptable impact.

The directions for preparing a TIA, including the thresholds for triggering its preparation and the criteria used both to determine the significance of traffic impacts and to evaluate the effectiveness of mitigation measures, are described in the detailed methodology prepared and maintained by the City's Department of Transportation, consistent with prevailing professional standards in the field.

Unacceptable Mitigation Measures - Citywide

Unacceptable mitigation measures include any LOS Traffic Improvement that would result in substantial degradation of or a reduction in capacity for alternative transportation modes. If any of the LOS Traffic Improvements that are necessary to avoid significant traffic impacts could, themselves, have unacceptable impacts on other existing or planned transportation facilities, those improvements will not be allowed. An unacceptable impact on other existing or planned transportation facilities is defined as reducing any physical dimension of a transportation facility below the City's stated minimum design standard, or causing a substantial deterioration in the quality of any other planned or existing transportation facilities, including pedestrian, bicycle, and transit systems and facilities, as determined by the Director of Transportation. Examples of unacceptable impacts would include:

- reducing the width of a sidewalk below minimum City standard;
- eliminating a bicycle lane or reducing its width below minimum City standard;
- eliminating a bus stop, or eliminating a parking lane that accommodates a bus stop;
- eliminating a park strip (between sidewalk and street) that contains mature trees that shade and protect the sidewalk;³
- encouraging substantial neighborhood cut-through traffic;

COUNCIL POLICY MANUAL

- creating unsafe pedestrian and/or automobile operating conditions.

If an LOS Traffic Improvement proposed to mitigate a project impact would itself have unacceptable impacts, the applicant must identify another mitigation measure. If any LOS Traffic Improvement/mitigation measure proposed requires acquisition of right-of-way and/or affects an existing private development near the intersection or elsewhere, sufficient information about the all of the impacts of right-of-way acquisition and redesign of the intersection must also be provided so that the City decision makers and the public will know what the full effects of the mitigation measure would be.

If a proposed project fails to provide acceptable mitigation for significant traffic impacts (at other than Protected Intersections), in other words, if the proposed project does not avoid significant impacts to both roadways and other modes of transportation in a manner that is acceptable under the Policy - it cannot be found under this Policy to conform to General Plan transportation policies, or to have less than significant impacts on the physical environment.

List of Protected Intersections

The City Council has approved a List of Protected Intersections that have been built to their planned maximum capacity, as stated in this Policy. It is the City's intention that no further expansion of those intersections will occur. In creating this list, an environmental impact report ("EIR") was prepared and that EIR was certified by the City Council, all as required under the provisions of the California Environmental Quality Act of 1970, as amended ("CEQA"), that acknowledged that traffic congestion at those Protected Intersections will eventually exceed the City LOS standard of D.

Additions to List of Protected Intersections

The City Council may decide in the future, based on recommendations from City staff or others, that one or more additional intersections should be added to the List of Protected Intersections. To be eligible for the list, intersections must be at infill locations and within designated Special Planning Areas as shown in Exhibit I attached to the Council Policy, and consistent with the General Plan. Special planning areas may include designations such as the following:

- Transit-Oriented Development Corridors;
- Planned Residential/Community Areas;
- Neighborhood Business Districts;
- Downtown Gateways

Any addition to the List of Protected Intersections must be approved by the City Council. Any revision will undergo the appropriate CEQA review, including an analysis of future conditions that include traffic from planned and reasonably foreseeable development. The current list will be maintained and promulgated by the Director of Transportation. Intersections that are added to the list will be already built to their maximum capacity, where further expansion would cause significant adverse effects upon existing or approved transit or other multimodal facilities, nearby land uses, or local neighborhoods.

Intersections added to the List of Protected Intersections that are also designated on the Santa Clara County Congestion Management Plan must still meet CMP requirements.

Impacts to Protected Intersections

If a TIA is prepared and identifies a significant LOS impact to a Protected Intersection that is on the Council-approved List of Protected Intersections, the project would not be required in that particular instance to provide further vehicular capacity-enhancing improvements to that intersection in order for the City to find project conformance with the General Plan. Instead, as described below, General Plan conformance could still

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be found if the applicant chooses to provide improvements to other parts of the citywide transportation system in order to improve transportation-system-wide roadway capacity or to enhance non-auto travel modes in furtherance of the General Plan goals and policies described in this Council Policy. The improvements would be within the project site vicinity or within the area affected by the project's vehicular traffic impacts. With the provision of such other transportation infrastructure improvements, the project would not be required to provide any mitigation for vehicular traffic impacts to the listed intersection in order to conform to the General Plan. The threshold of significance for protected intersections is one-half that of non-protected intersections

Transportation System Improvements

Improvements made to the Citywide transportation system under the provisions of this Policy may be to either the roadway system or to other elements of the City's overall transportation infrastructure. The specific improvements proposed should generally be identified prior to project approval. Priority will be given to improvements identified in previously adopted plans such as area-wide specific or master plans, Redevelopment Plans, or plans prepared through the Strong Neighborhoods Initiative. Neighborhood outreach will occur prior to and concurrent with the project review and approval process.

In determining the extent, number, and location of the Transportation System Improvements, should an applicant choose this option of addressing unacceptable transportation system impacts created by a proposed project, the process described in this Appendix will be followed in order to assure consistency in the application of this Policy. The total value of improvements proposed to be constructed by a particular project having significant LOS impacts on a Protected Intersection will be determined initially by multiplying \$2,000 by the total number of peak hour project trips generated by the project, after all vehicular traffic credits have been assigned.⁴ The peak hour used as the basis for calculating this value will be the one (AM or PM) having the highest number of net trips after assignment of credits. The \$2,000 base amount will automatically increase 3.5 percent per year, to ensure that the amount remains at a consistent level over time.⁵ The total amount of this calculated value will create the budget for construction of the Transportation System Improvements for a project. The improvements must be implemented within the area proximate to the Special Planning Area affected, as shown on the Improvement Zone Map maintained by the City's Department of Transportation in order to maximize the benefit of the traffic improvements on the same area impacted by the project traffic.

There are caps on the maximum value of Transportation System Improvements that would be required for impacts from a single project on a single Protected Intersection, and for impacts from a single project on two or more Protected Intersections. The maximum values are as shown:

Project Size	1 Impact	2+ Impacts
Less than 400 Trips	\$2,000 per trip	\$3,000 per trip
Over 400 trips	TBD during CEQA process	TBD during CEQA process

The value, location and specific type of improvements, may be some of the information that could be available to the public during the community outreach process that takes place prior to project approval. However, specific improvements can be determined/finalized during subsequent planning permit stages.

For purposes of clarification, building improvements to the Citywide transportation system is not "mitigation" for significant traffic LOS impacts, as mitigation is defined by CEQA. Such improvements would not reduce or avoid the significance of the impacts to the listed intersections. Rather, the improvements accomplished in this way would be a means of providing substantial additional benefit to the community by improving the overall multi-modal transportation system in the area, which the decision makers would consider in deciding whether or not to approve the proposed project. The fact that such improvements would be built if an applicant chose to proceed with a project having an unacceptable impact at a Protected Intersection under the provisions of this Policy were identified in the EIR that addressed the impacts of designating Protected Intersections, [and the benefits of these anticipated improvements were addressed in the Statement of Overriding Considerations adopted by the City Council in approving the revised Level of Service Policy.] In approving this Policy, the City

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has determined that building such improvements will contribute substantially to achieving General Plan goals for improving and expanding the City's multi-modal transportation system. A development project that conforms to this Policy could, therefore, be found to be consistent with the City's General Plan multi-modal Transportation Policies, including the Traffic LOS Policy.

CEQA Process for Subsequent Projects

A traffic LOS impact to a Protected Intersection will still be considered a significant impact for the purposes of CEQA. A development project that conforms to this Policy which results in significant traffic impacts at one or more of the Protected Intersections will not normally be required to prepare a separate EIR just to address its impacts at one of the listed Protected Intersections. It is anticipated that the project-specific environmental review may be able to use the EIR certified for the purpose of placing the impacted intersection on the Council-adopted list of Protected Intersections as a base and "tier" off it, as allowed by CEQA and the City's Environmental Review Ordinance.⁶ The EIR certified for the Protected Intersection(s) will, however, be used only for the purpose of addressing the impacts of traffic at one or more Protected Intersections. The project-specific environmental document, whether an Initial Study or Subsequent/Supplemental EIR, will include analysis of all other impacts, including other traffic impacts, as required by CEQA. If the project also has a significant impact at another (non-protected) intersection, that impact and its mitigation(s) will be addressed as they have been in the past under existing policies. If the impact is fully mitigated in a fashion that is consistent with the General Plan and the adopted Council Transportation Impact Policy, it will not trigger preparation of an EIR.

If an applicant for a project found to have a significant impact on one of the listed Protected Intersections chooses not to construct other transportation system improvements, the other alternative method available for finding that project consistent with the General Plan would be to downsize the proposed project, so that it would not result in a significant impact at the listed intersection. If the applicant chooses not to implement transportation system improvements as allowed for under this Policy, or to downsize the project in order to eliminate the significant LOS impact at the Protected Intersection, then the project could not be found to be consistent with the City's General Plan and could not be approved. The project would also have a significant unavoidable CEQA impact.

¹ Except as otherwise noted in this Appendix, terms used herein shall have the meanings described within the Policy.

² For this Policy, the term "applicant" refers to someone that has requested an entitlement or discretionary approval from the City of San José.

³ A park strip with mature trees provides a substantial physical separation between pedestrians and vehicular traffic, adds a degree of protection to the sidewalk, and creates a more comfortable environment for pedestrians, especially children.

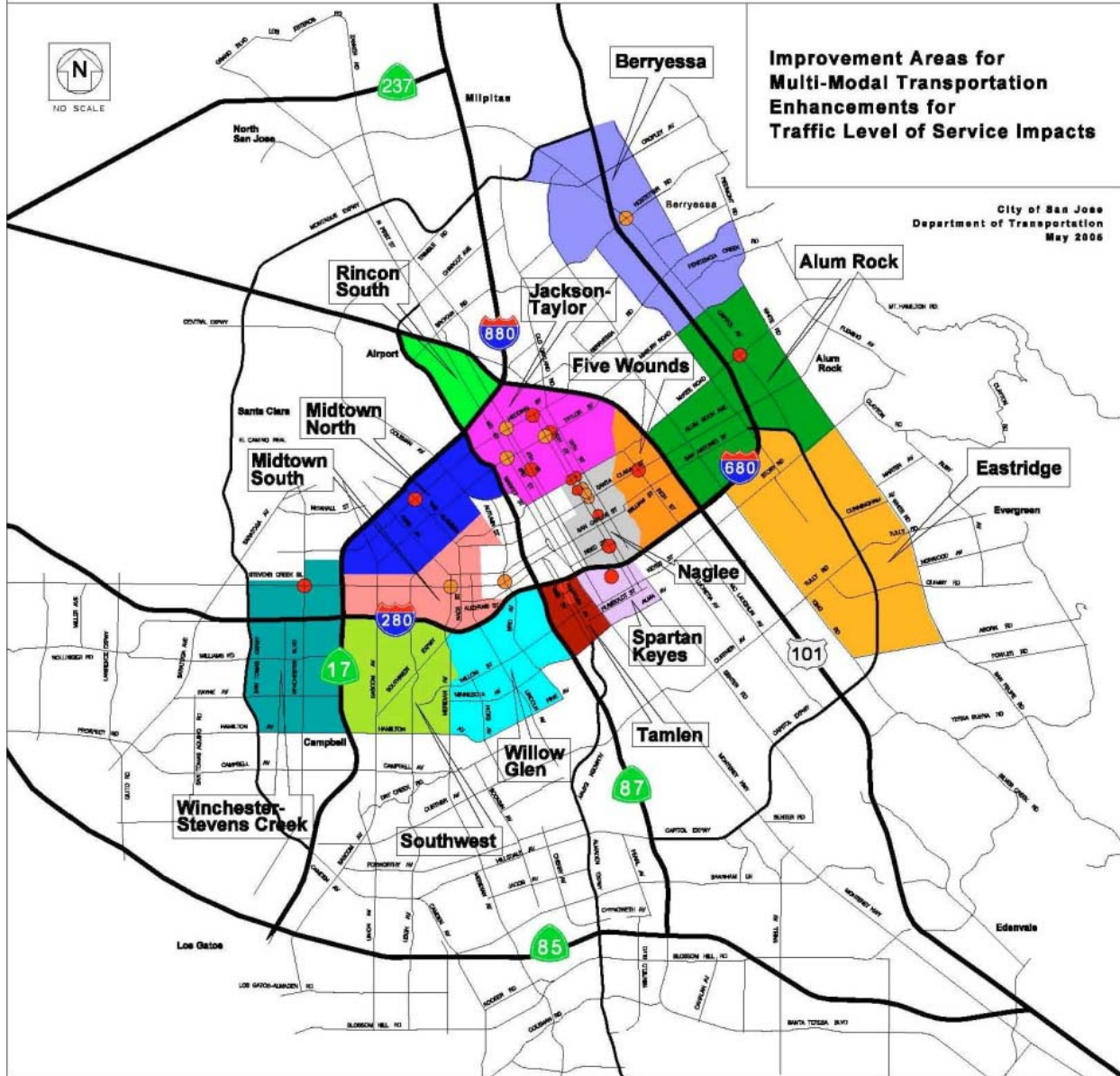
⁴ Credits, or reductions in the net number of trips generated by a proposed development project, can be based on factors such as existing development on the project site that will be removed if the proposed project is implemented and/or reductions in trip generation rates assumed consistent with policies of the Congestion Management Agency or assumptions based on studies conducted by the City or the Institute of Transportation Engineers (ITE).

⁵ The 3.5 percent cost escalation adjustment is based on a 20-year average construction cost factor. The adjustment will take effect annually on July 1st, beginning in 2006.

⁶ The Environmental Review Ordinance is contained at Title 21 of the San José Municipal Code.

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Community Improvement Zones



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ACKNOWLEDGEMENTS

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