Board Members

Mickey Cafagna, Chair
Mayor, Poway
(Representing North County Inland)

Mary Teresa Sessom, First Vice Chair
Mayor, Lemon Grove
(Representing East County)

Lori Holt Pfeiler, Second Vice Chair
Mayor, Escondido
(Representing North County Inland)

Christy Guerin
Mayor, Encinitas
(Representing North County Coastal)

Jerry Sanders
Mayor, City of San Diego

Ron Morrison
Vice Mayor, National City
(Representing South County)

Bill Horn
Chairman, County of San Diego

Board Alternates

Pia Harris-Ebert
Vice Mayor, San Marcos
(Representing North County Inland)

Hal Ryan
Councilmember, Santee
(Representing East County)

Crystal Crawford
Mayor, Del Mar
(Representing North County Coastal)

Jim Madaffer
Councilmember, City of San Diego

Steve Padilla
Mayor, Chula Vista
(Representing South County)

Ron Roberts
Vice Chairman, County of San Diego

Gary L. Gallegos
Executive Director, SANDAG

EXECUTIVE COMMITTEE
AGENDA

Friday, October 13, 2006

→ → 8 to 9 a.m. ↔ ↔
SANDAG, 7th Floor Conference Room
401 B Street
San Diego

AGENDA HIGHLIGHTS

• FY 2007 BUDGET AMENDMENTS: CALIFORNIA TRANSPORTATION PLANNING GRANTS AND NEW ARJIS POSITION

• 2007 ANNUAL SANDAG BOARD RETREAT

• ANALYSIS OF PROPOSITIONS 84, 87, AND 90

PLEASE TURN OFF CELL PHONES DURING THE MEETING

MISSION STATEMENT

The 18 cities and county government are SANDAG serving as the forum for regional decision-making. SANDAG builds consensus, makes strategic plans, obtains and allocates resources, plans, engineers, and builds public transit, and provides information on a broad range of topics pertinent to the region’s quality of life.
Welcome to SANDAG. Members of the public may speak to the Executive Committee on any item at the time the Committee is considering the item. Please complete a Speaker’s Slip, which is located in the rear of the room, and then present the slip to Committee staff. Also, members of the public are invited to address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Speakers are limited to three minutes. The Executive Committee may take action on any item appearing on the agenda.

This agenda and related staff reports can be accessed at www.sandag.org under meetings on SANDAG’s Web site. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form also available on the Web site. E-mail comments should be received no later than noon, two working days prior to the Executive Committee meeting.

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## EXECUTIVE COMMITTEE
Friday, October 13, 2006

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### APPROVAL OF SEPTEMBER 8, 2006, MEETING MINUTES

APPROVE

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<th>PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS</th>
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Members of the public will have the opportunity to address the Executive Committee on any issue within the jurisdiction of the Committee. Speakers are limited to three minutes each and shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Committee members also may provide information and announcements under this agenda item.

### REPORTS (3 through 7)

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#### FY 2007 BUDGET AMENDMENTS: CALIFORNIA TRANSPORTATION PLANNING GRANTS AND NEW ARJIS POSITION (Tim Watson)

SANDAG recently received six new Caltrans transportation planning grants for a bicycle master plan, early action strategies in the Otay Mesa corridor, a study of crime patterns at transit stations, a short distance vanpool feasibility study, planning access to community medical transportation services, and a tribal transportation demand management outreach program. The Executive Committee is asked to adopt Resolution No. 2007-12 accepting the grant funds; authorize the use of approximately $75,000 in contingency reserve funds as the local matching funds for the grants; and add four new work elements and adjust three existing ones in the FY 2007 Overall Work Program and Budget. The Executive Committee also is asked to recommend that the Board of Directors authorize a new Automated Regional Justice Information System (ARJIS) Senior Business Manager position for the ARJIS Division.

| +4.    | RECOMMEND |

2007 ANNUAL SANDAG BOARD RETREAT (Anne Steinberger)

Each year, the Executive Committee serves as the working group to help develop the annual SANDAG Board of Directors retreat agenda and format. The next retreat is scheduled for January 31 through February 2, 2007. The Executive Committee is asked to discuss the proposed topics, speakers, and format for the retreat and recommend that the Board of Directors approve the 2007 retreat agenda.

| 5. | INFORMATION |

#### LEGISLATIVE STATUS REPORT (Ellen Roundtree/Kim Kawada)

Staff will provide a verbal status report on state and federal legislative activities for information.
+6. ANALYSIS OF PROPOSITIONS 84, 87, AND 90 (Victoria Stackwick) INFORMATION/POSSIBLE ACTION

There are 13 propositions on the statewide November 2006 ballot. In August 2006, the Board of Directors approved resolutions in support of the statewide infrastructure bond package (Propositions 1A, 1B, 1C, 1D, and 1E). This item provides an analysis of three additional measures -- Propositions 84, 87, and 90 -- which may have an effect on the SANDAG work program. This item is presented for informational purposes and possible action. Alternately, the Executive Committee may take action on any or all of Propositions 84, 87, and 90.

+7. REVIEW OF OCTOBER 27, 2006, DRAFT BOARD AGENDA APPROVE

8. UPCOMING MEETINGS INFORMATION

The next meeting of the Executive Committee is scheduled for November 3, 2006, at 8 a.m. Please make note of the date and time change.

9. ADJOURNMENT

+ next to an agenda item indicates an attachment
EXECUTIVE COMMITTEE DISCUSSION AND ACTIONS
SEPTEMBER 8, 2006

Chairman Mickey Cafagna (North County Inland) called the Executive Committee meeting to order at 9:05 a.m. to hear information items first, since a quorum was not yet present. The attendance sheet for the meeting is attached.

4. SERVICE BUREAU FY 2006 ANNUAL REPORT (INFORMATION)

Karen Lamphere, Principal Research Analyst, recapped the initial year of Service Bureau activities, the financial performance and status, and plans for FY 2007. The Service Bureau is a fee-based operation designed to facilitate informed decision making and an enhanced Regional Information System. In 2005, the Executive Committee established a 17 percent Regional Information System Maintenance and Enhancement Fee above costs for Service Bureau projects. We had a successful first year with more than $600,000 generated in revenues, which surpassed our revenue target by 29 percent. Total project revenues exceeded project costs by about 23 percent. After taking into account nonproject costs related to management and marketing, revenues exceeded all Service Bureau costs by 7 percent. Retained earnings at year end were $288,300.

First Vice Chair Mary Sessom (East County) arrived at 9:08 a.m.; a quorum was now present.

Ms. Lamphere reviewed the types of services, the number of projects, and committed revenues. Services provided concentrated in the areas of transportation modeling; custom maps and Geographic Information Systems (GIS) analysis; demographic, economic, and land use analysis; and surveys.

Ms. Lamphere reviewed the behind-the-scenes efforts to make this program work, including integrated staff resources, expedited administrative processes, and new tools to monitor individual projects and overall status. She said the new Service Bureau has its own identity with a new logo. We also have developed the first marketing piece—a glossy postcard to notify clients of the new Service Bureau. There is a new Service Bureau section on the SANDAG Web site. To build on the financial success of the first year, we have included funds in the FY 2007 budget for a marketing plan to attract more clients.

Gary Gallegos, Executive Director, commended Ms. Lamphere and Dr. Tayman for their efforts on the Service Bureau start up. He said that we are able to bring on employees when needed and have dedicated staff to work on this program. Staff has done a great job during this first year.
Ms. Lamphere introduced Cheryl Mason, a new employee who will helping to manage the Service Bureau.

**Action:** This item was presented for information only.

1. **APPROVAL OF MINUTES**

   Upon a motion by Mayor Christy Guerin (North County Coastal) and a second by First Vice Chair Sessom, the minutes of the July 14, 2006, Executive Committee meeting were unanimously approved.

2. **PUBLIC COMMENTS/COMMUNICATIONS/MEMBERS COMMENTS**

   There were no public comments, communications, or member comments at this time.

**REPORTS (3 through 6)**

Mr. Gallegos asked that Item No. 6 be taken out of order to accommodate the schedule of Councilmember Jim Madaffer (City of San Diego).

6. **SANDAG COMMENTS ON AIRPORT MASTER PLAN DRAFT ENVIRONMENTAL IMPACT REPORT (APPROVE)**

Miriam Kirshner, Senior Planner, reported that a Draft Environmental Impact Report (EIR) on the proposed Airport Master Plan was released for public comment in May by the San Diego County Regional Airport Authority (SDCRAA). The Airport Master Plan proposes a number of improvements to the existing San Diego International Airport to meet anticipated passenger growth through 2015. These proposed improvements include 10 new jet gates to the west side of Terminal 2 and 2,000 to 4,000 new parking spaces in front of Terminal 2.

The Draft EIR contains a number of conclusions including: the same air passenger volumes with or without Master Plan improvements; impacts are projected to 2015; there are few impacts to the regional transportation system; and therefore, few mitigation measures are included. Ms. Kirshner related SANDAG staff’s concerns about these EIR conclusions. Staff feels that the traffic impacts are understated, transportation improvements are needed to mitigate impacts, and the SDCRAA should make off-site transportation access improvements.

Chair Cafagna asked what happens after 2015. Ms. Kirshner replied that SDCRAA expects that the airport will either be relocated or additional improvements will be needed to meet higher passenger numbers.

Chair Cafagna expressed concern about the EIR not extending passed a horizon year of 2015. Ms. Kirshner agreed that was staff’s concern as well.

Ms. Kirshner reviewed staff’s recommendation to submit a comment letter to the SDCRAA requesting that the EIR traffic analysis be revised to assess the impacts and conditions through the year 2020 or 2030; to establish a transit mode share goal to maximize mobility and provide travel choices; to identify transportation mitigation measures and implement them incrementally with Airport Master Plan improvements; and that the SDCRAA should commit to fund its fair share of transportation system improvements. She noted that staff has been engaged in discussions with SDCRAA staff, and it has expressed an eagerness to develop a more aggressive transit mode share goal and work with SANDAG to address our comments.
Councilmember Madaffer asked about the comment period deadline. Ms. Kirshner responded that the comment period on the Draft EIR ends on September 18, 2006.

Councilmember Madaffer asked if this was enough time for SANDAG to respond and, if not, has a time extension been requested. Ms. Kirshner replied that staff has discussed this request for an extension with SDCRAA staff. An extension would enable us more time to provide detailed responses and to work with Authority staff to resolve our concerns. SDCRAA is still considering whether to extend the comment period for the EIR, but since the deadline for comments is on September 18, it is important that SANDAG submit a letter to meet the current deadline.

Ted Anasis, Authority Manager of Airport Planning, said that they have convened a joint transit and roadway committee that has worked over the past two years to ensure that we can implement transit improvements that can increase the mode share of airport passengers and look at appropriate funding mechanisms to support this. The Draft EIR was released for a four-month review period. We have been meeting with SANDAG staff and have heard the comments included in the draft letter. He stated that he would have to defer to the SDCRAA Board for a decision on an extension to the EIR public comment period.

Councilmember Madaffer expressed his frustration about the conclusions in this EIR. For the last 30 years, this region has put off making improvements to Lindbergh Field. The airport continues to be governed with the idea of obsolescence in mind. He was heartened to see Senator Christine Kehoe's comments in the *Voice of San Diego* about the Airport Authority. SDCRAA should have a special Board meeting to consider SANDAG’s request for a comment period time extension. He stated that he strongly encouraged SDCRAA to extend the comment period in order to allow the public and sister agencies sufficient time to provide comments on its EIR.

First Vice Chair Sessom indicated that a special meeting of the SDCRAA Board of Directors has been set for Monday, September 11, 2006, and it’s possible that this item could be posted today as part of that meeting agenda.

Councilmember Madaffer said that this item should already have been agendized for that special Authority Board meeting.

Chair Cafagna asked if one of our comments is to request an extension to the Draft EIR comment period. Ms. Kirshner responded affirmatively.

Chair Cafagna suggested that we approve the recommended action and ask for SDCRAA to agendize this item for its meeting on September 11, 2006.

Chair Cafagna noted that there was one request to speak on this item.

Clive Richard, a member of the public, said that most of the questions he would have raised have been discussed. He was interested in why the study period stopped at 2015 rather than at 2030 as most of the other regional plans concerning transportation extend to 2030.

Angela Shafer Payne, SDCRAA Vice President of Strategic Planning, responded that the Airport Master Plan will be phased. The initial Airport Master Plan was developed with a 2030 planning horizon, but with the uncertainty of the advisory ballot issue on a new airport at Miramar, SDCRAA decided to evaluate only the first phase of Airport Master Plan improvements to 2015.
Chair Cafagna said he understood the concept of phasing the implementation of improvements but didn’t understand why SDCRAA did not ensure that the planning covered the entire time period to 2030 and addressed the impacts of the full Master Plan improvements in the EIR.

Mr. Gallegos said that the improvements to the airport will place a strain on the regional transportation system, and the Airport Authority should contribute toward its fair share of the regional transportation system costs.

Action: Upon a motion by Mayor Guerin, and a second by Mayor Jerry Sanders (City of San Diego), the Executive Committee authorized SANDAG staff to submit a letter on the Airport Master Plan Draft EIR addressing the issues and concerns outlined in the agenda report, and request a minimum 30-day extension of the Draft EIR public comment period.

3. ENERGY WORKING GROUP COMMENTS ON SDG&E LONG-TERM PROCUREMENT PLAN (APPROVE)

Councilmember Henry Abarbanel, Co-Chair of the Energy Working Group (EWG), reported that the San Diego Gas & Electric (SDG&E) Company and major utilities are required by the California Public Utilities Commission (CPUC) to submit a Long-Term Procurement Plan. It is a rolling two-year look for the next 10 years on how SDG&E will provide energy for its service area. Over the last two years we have worked closely with SDG&E to understand the issues of procurement, energy distribution, and energy costing. We have reviewed this extensively with SDG&E staff, and there is a letter addressed to SDG&E included in the agenda packet describing five major points: (1) focus on California’s preferred loading order; (2) evaluate the cost and benefits of technologies; (3) support renewable energy technologies; (4) support distributed generation technologies; and (5) support in-region generation.

He suggested the following changes to the draft letter: (1) request that SDG&E include global warming in the evaluation of technology cost and benefits; (2) support the continuation of the Self Generation Incentive Program, which is scheduled to sunset on December 31, 2006; and (3) provide a copy of the letter to Senator Kehoe, who has been very attentive to energy issues and helpful to SANDAG and the EWG.

Councilmember Madaffer agreed with the idea of distributed generation. One thing he also supports including in the letter is the need to look at distribution by transmission lines. We currently have two plants that provide energy into our county: Encina and South Bay. Eventually those plants will be turned off completely. Without the plant in Escondido we would be in trouble. He said that the EWG did not mention in the letter the Sunrise Powerlink Transmission Line project. He wondered why that project wouldn’t be addressed in our letter.

Councilmember Abarbanel replied that the reason we didn’t include discussion of the Sunrise Powerlink in our letter is because SDG&E will be holding very specific, focused public hearings on the project. In light of that, we have agreed to provide to the SANDAG Board of Directors our advice on that project in November or December. The proposal for the Sunrise Powerlink was resubmitted to the CPUC on August 4, 2006. There is no question that a third transmission line would provide additional energy reliability. Renewable resources located primarily out of the region also are very important.
Councilmember Madaffer agreed that we have energy deficiencies in the region. Councilmember Abarbanel said he agreed that we have energy needs, and that the concern is how you address those issues. He assured Councilmember Madaffer that the EWG is not ignoring the Sunrise Powerlink project.

Mr. Gallegos stated that the EWG will work on this issue and bring back a report to the SANDAG Board later this year.

Councilmember Abarbanel said that he was impressed with the City of San Diego’s deal with Southern California Edison and thanked Mayor Sanders for taking the lead in distributed generation.

Vice Mayor Ron Morrison (South County) said that we are dealing with generalities in this report and not specific projects. He asked if there is a need for transmission lines. Councilmember Abarbanel replied affirmatively and added that we need to have a brief paragraph recognizing the need for additional transmission lines and provide information about potential new energy resources for the region.

Mayor Guerin commented that a lot of cities have been approached to endorse the Sunrise Powerlink project. SANDAG Board members have been waiting for the EWG report to address this issue. The Powerlink is becoming a heated discussion. She would appreciate hearing a more specific statement of timing on the Powerlink report from the EWG.

Mr. Gallegos said that the schedule of November was predicated on getting sufficient information from SDG&E.

Councilmember Abarbanel said he understood the urgency from others for this report on the Powerlink project.

Mayor Guerin said that she is thrilled the EWG is working on this and encouraged them to complete the report as soon as possible.

J.C. Thomas, SDG&E Governmental Affairs Manager, stated that first they need to file their Long-Term Procurement Plan (LTPP). Separate from that is the implementation of individual projects. We have been working with the EWG on the update of the LTPP. Prior versions of our plans called for new transmission lines into the region by 2010. Our current plan update recognizes transmission as an integral part of achieving our renewables goal, which is one of the most aggressive goals in the state. Our LTPP recognizes a variety of ways to address the region’s energy needs. Senate Bill (SB) 1 would encourage and help fund photovoltaics on residential units. We need more local power plants in the San Diego region. We feel the Sunrise Powerlink project will provide an additional source of energy. The environmental review for the Sunrise Powerlink could go for another year to a year and a half. We will work with the EWG so that it can provide a report to the SANDAG Board by the end of the calendar year.

Mr. Thomas stated that the CPUC has not yet set the schedule for the LTPP, but feels it will come up within the next 30 days. SDG&E is ready to file its plan but it may take a couple of months to get a decision from the CPUC.

Mr. Thomas noted that our region is growing at a rate of one megawatt every three days, and one megawatt serves approximately 750 homes. SDG&E is seeing more demand for energy as businesses and homes add more electronic equipment.
Vice Mayor Morrison moved to approve the transmittal of the letter to SDG&E with the amendments as discussed by the Committee.

**Action:** Upon a motion by Vice Mayor Morrison, and a second by First Vice Chair Sessom, the Executive Committee voted to approve the transmittal of the letter commenting on SDG&E’s Long-Term Procurement Plan with the changes discussed by the Committee, and requesting that the EWG complete its report on the Sunrise Powerline in time to present it to the SANDAG Board meeting in November.

5. **LEGISLATIVE STATUS REPORT (INFORMATION)**

Kim Kawada, Executive Program Manager, distributed an update on the status of state bills that passed the Legislature by the August 31 deadline. She said there is good news to report in terms of our SANDAG-sponsored bills. In August, the Governor signed our governance bill, SB 1296 (Kehoe) into law, adding a second County representative to the SANDAG Board and making other corrections to ensure that the San Diego Mayor can continue to serve on SANDAG under the City’s strong mayor form of government. Our border infrastructure funding bill, SB 1282 (Ducheny), also passed the Legislature. SB 1282 ensures that the discretionary Coordinated Border Infrastructure (CBI) program funds in Safe, Accountable, Flexible, Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) are made available only to infrastructure projects within 100 miles of our border with Mexico, and are not allocated through the state’s normal State Transportation Improvement Program (STIP) funding process and north/south split. This discretionary federal funding is important to our border projects such as State Routes (SR) 905 and 11.

Ms. Kawada stated that the Legislature also passed a number of key bills that we have been involved in. SB 463 (Ducheny) provides the authority to extend the franchise period for the SR 125 Toll Road (South Bay Expressway) up to another 10 years (to a 45-year maximum), and gives SANDAG the authority to continue to collect tolls on SR 125 after the end of the franchise period, via a two-thirds vote of the Board and with a stipulation that excess toll revenues are used for projects that improve SR 125 corridor operations. This bill has gone to the Governor for signature. A transit design-build bill, AB 372 (Nation), also is awaiting the Governor's signature. We were able to work with this bill's author to enable SANDAG to use the design-build process on transit projects it constructs.

Ms. Kawada reported that there is nothing major to report in terms of the federal Transportation Appropriations process. While both the House and Senate have passed their versions of the FY 2007 Transportation Appropriations bills, the final bill is not expected to be taken up by Congress until after the November 7 election. During the week of September 11, the Senate Environmental and Public Works Committee is expected to begin marking up a SAFETEA-LU technical corrections bill. The House passed a technical corrections bill (HR 5689) in late June. Through this bill we are able to include a language change for the $800,000 Maglev project (to complete the Phase II study evaluating the north-south Maglev corridors), and the SR 94 project to allow us to use the funds in the urban rather than rural section of the corridor (in Boulevard). We are striving for several other corrections in the Senate version of the bill including a revision of the LOSSAN (Los Angeles-San Diego-San Luis Obispo) corridor definition and changes to the City of Chula Vista’s proposed H Street project.

**Action:** This item was presented for information only.
7. REVIEW OF SEPTEMBER 22, 2006, DRAFT BOARD AGENDA (APPROVE)

Diane Eidam, Chief Deputy Executive Director, reviewed the draft agenda for the September 22, 2006, SANDAG Board meeting.

Action: Upon a motion by First Vice Chair Sessom, and a second by Mayor Sanders, the Executive Committee voted to approve the agenda for the September 22, 2006, SANDAG Board meeting as presented.

8. UPCOMING MEETINGS

The next meeting of the Executive Committee is scheduled for Friday, October 13, 2006, at 9:00 a.m.

9. ADJOURNMENT

Chair Cafagna adjourned the meeting at 10:03 a.m.

Attachment: Attendance Sheet
## CONFIRMED ATTENDANCE

**SANDAG EXECUTIVE COMMITTEE MEETING**  
**SEPTEMBER 8, 2006**

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FY 2007 BUDGET AMENDMENTS: CALIFORNIA TRANSPORTATION PLANNING GRANTS AND NEW ARJIS POSITION

Introduction

In June 2006, Caltrans announced transportation planning grant awards to SANDAG totaling more than $1 million to fund six projects. The proposed amendment to the FY 2007 Program Budget will allocate funds to the six projects. Additionally, the Chiefs'/Sheriff’s Management Committee is recommending that a new senior-level position be added to support the continued growth and added responsibilities of the Automated Regional Justice Information System (ARJIS). This position would be funded using ARJIS membership assessments and fees collected for use of the ARJIS system.

Discussion

As a result of the transportation planning grant awards, new work elements and budgets have been prepared and modifications of some existing elements are recommended as amendments to the FY 2007 Program Budget. Action by the Executive Committee would add the following new work elements to the Overall Work Program (OWP): Regional Bicycle Master Plan (OWP #30068); Identifying Crime Patterns at Transit Stations (OWP #21003); Access to Community Medical Transportation Services Planning (OWP #30069); Tribal Transportation Demand Management Outreach (OWP #80067); and would adjust the following current work elements: Otay Mesa-Mesa de Otay Binational Corridor Strategic Plan (OWP #80063); Transportation Demand Management (#60001); and SANDAG Service Bureau (OWP #75000).

The six grant awards range from $110,662 to $240,000, dollar amounts which the Executive Committee is authorized to accept. They are being consolidated into this report because they were awarded simultaneously, and to provide a more comprehensive overview of their impacts on the FY 2007 OWP and Program Budget. The grants come from various federal and state programs, including Community Based Transportation Planning, Environmental Justice, Partnership Planning, and Statewide Transit Planning Studies. Historically, SANDAG has competed successfully for these discretionary grants, and FY 2007 is no exception. The six new grant awards described here were among the 16 grant applications submitted. All six were included in the FY 2007 Program Budget in

Recommendations

The Executive Committee is asked to approve an amendment to the FY 2007 Program Budget to accept six Caltrans Transportation Planning Grant Funds totaling $1,010,762. Action by the Executive Committee would: (1) adopt FY 2007 state planning grants through the approval of Resolution No. 2007-12 (Attachment 7); (2) add four new work elements; (3) authorize the use of approximately $75,000 in contingency reserve funds; and (4) adjust three existing work elements.

The Executive Committee also is asked to recommend that the Board of Directors authorize the new position of ARJIS Senior Business Manager for the ARJIS Division.
Chapter 5 - Pending Discretionary Grants, and were awarded 100 percent of the requested amounts. These projects are all multi-year efforts which must be completed before the end of FY 2009. While this request commits SANDAG to the total amounts of each grant, the impact on this fiscal year is much less.

Also indicated in Chapter 5 of the FY 2007 Program Budget are the required local match amounts necessary to fully fund these projects. These grants require either an 11.47 percent or 20 percent local match in order to obtain the release of the remaining 80 percent to 88.53 percent in grant funds. The local funding typically comes from SANDAG’s Transportation Development Act Planning and Administrative funds, but is not authorized or allocated until the grants are awarded. We are proposing the use of approximately $75,000 out of the contingency reserve to fund the FY 2007 local match. The remainder of the local match (approximately $85,000) will be incorporated into the FY 2008 budget process.

Board Policy No. 030 (Attachment 9) allows for the use of the contingency reserve for events such as these, where “high priority situations arise during the course of the year that could not otherwise be funded in the near term.” The current balance of the contingency reserve is approximately $4.7 million, which is in excess of the minimum funding level required by Board Policy No. 030. The minimum funding level, as required by the policy, is 5 percent of the OWP Budget, which currently equates to approximately $2.3 million.

**New and Amended Work Elements**

The project titles, amounts awarded, and work element numbers are listed in the chart below. Additional information on the projects is provided below as well as in the attached work elements.

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<th>Project Title</th>
<th>Amount Awarded</th>
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<td>2. Implementing Early Action Strategies in Otay Mesa-Mesa de Otay Binational Corridor: East Otay Mesa-Otay II Port of Entry</td>
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Regional Bicycle Master Plan (Attachment 1)

The San Diego Regional Bicycle Master Plan will become a component of the SANDAG Regional Transportation Plan. The Regional Bicycle Plan will include input from SANDAG staff, the Regional Bicycle and Pedestrian Working Group, local jurisdictions, local agencies, advocacy groups, and citizens in the San Diego region. This Plan is regional in focus and concentrates on broader policies
and programs, while providing a framework for local decision-makers to determine specific local routes and facilities. The Plan will encourage the development of a unified bicycle system throughout the San Diego region that serves the needs of bicycle commuters and recreational bicyclists with connections to other regional nonmotorized systems.

Staff time will be shifted among existing OWP elements to oversee implementation of this grant. The net increase in staff hours required to complete this grant will be provided through an existing limited term Assistant Planner position.

Otay Mesa-Mesa de Otay Binational Corridor Strategic Plan (Attachment 2)

The objective of this grant is to begin implementation of strategies identified in the Otay Mesa-Mesa de Otay Binational Corridor Early Action Plan. The project would involve hiring a consultant to assist in the: (a) evaluation of innovative financing mechanisms to implement the proposed East Otay Mesa-Otay II Port of Entry (POE) and connecting transportation facilities along with the development of feasibility analyses for implementation of the binational project; and (b) implementation of other early action strategies, such as the feasibility of long-term extension/relocation of the South Bay Bus Rapid Transit to the proposed East Otay Mesa POE along future State Route 11, and the coordination of planned transit services in the Municipality of Tijuana.

The Otay Mesa-Mesa de Otay Binational Corridor Strategic Plan grant will largely fund consulting services. Staff hours will be adjusted within the existing Otay Mesa Corridor Strategy work element to oversee the consultant contract.

Identifying Crime Patterns at Transit Stations (Attachment 3)

In order to improve public safety and increase transit ridership, this study will provide valuable insight into the types of crime and crime patterns surrounding the regional transit system. Through the use of a Geographic Information System, we will develop methods for concise investigation of crime at Trolley and COASTER stations and their surrounding neighborhoods. This study will provide Metropolitan Transit System (MTS) and North County Transit District with valuable tools and techniques for monitoring, responding to, and planning for the prevention of crime at all types of transit stations further enhancing the safety of transit users. Another important outcome of the study will be a greater understanding of environmental design features and the degree to which they contribute to crime prevention. Through a greater understanding of crime types and crime patterns, these transit professionals can respond to the needs of the riders.

To implement the FY 2007 components of this new work element, staff time will be transferred out of Regional Criminal Justice Research and Clearinghouse (work element #20014) to be replaced as needed with Temporary, Interns, Part-time, or Seasonal (TIPS) employees. Additional technical expertise will be transferred out of the SANDAG Service Bureau, resulting in a decrease in budgeted Service Bureau sales of $43,709.

Short Distance Vanpool Feasibility Study (Attachment 4)

The Short Distance Vanpool Feasibility Study will evaluate the feasibility, efficiency, and effectiveness of using short distance vanpools in conjunction with bus rapid transit, commuter rail, and other express transit services which lack convenient connecting feeder service, at trip origins and for trip completion, from the destination transit center to the employment center. SANDAG
staff will work closely with MTS staff, existing vanpool providers, and businesses located at select regional employment sites to implement this grant. Upon the conclusion of the feasibility analysis, a small vanpool demonstration service may be conducted.

A limited amount of RideLink staff time will be devoted to the oversight of this study; the majority of the grant funds will be used to hire consulting expertise. MTS staff also will be used on a reimbursable basis. In addition, 280 hours of administrative staff will be dedicated to this project to provide procurement and advertising services, thereby reducing the administrative overhead account.

Access to Community Medical Transportation Services Planning Project (Attachment 5)

Funds from this grant will be passed through to All Congregations Together (ACT), the subrecipient for this grant. The purpose of this project is to identify the cause and effect of utilizing emergency transportation and associated vehicles and medical equipment for nonemergency situations. Work will include conducting surveys and focus groups to assess the full range of community members’ social norms, economic status, medical practices, and transportation needs/availability to determine the specific reasons for this behavior, the social and economic impact on the overall community, and what can and should be done to affect this trend. ACT will utilize the acquired data to develop recommendations and activities for use in communities throughout the State of California and beyond where similar situations exist. SANDAG will provide administrative oversight for this grant.

Staff time will be shifted among existing OWP elements to oversee implementation of this grant. The net increase in staff hours required to complete this grant will be provided through an existing limited term Assistant Planner position.

Tribal Transportation Demand Management Outreach Program (Attachment 6)

SANDAG will partner with the Reservation Transportation Authority (RTA) to strengthen the participation of tribal nations in the San Diego region in the SANDAG Transportation Demand Management (TDM) program known as RideLink. SANDAG, the RTA, and the Southern California Tribal Chairmen’s Association (SCTCA) will collaborate on an assessment of the needs of tribal employers, develop a strategy which meets their needs, and assist the RTA in the development of a proposal to set up a tribal Transportation Management Association (TMA) that would collaborate with the RideLink program. The tribal TMA, a private, nonprofit, member-controlled organization would provide the institutional framework for the recommended TDM programs and services that are developed as a result of the study. The project will focus on reducing single occupant vehicle use and traffic congestion in the backcountry, reducing air pollution, and providing equitable commuting opportunities for the tribal enterprise employees with limited resources.

Staff time will be shifted among existing OWP elements to oversee implementation of this grant. The net increase in staff hours required to complete this grant will be provided through an existing limited term Assistant Planner position.
Proposed New ARJIS Senior Business Manager Position

The Chiefs’/Sheriff’s Management Committee is requesting approval to add a new SANDAG regular staff position for ARJIS. The Chiefs’/Sheriff’s Committee is responsible for operational oversight of the ARJIS work program. The proposed ARJIS Business Manager position would be at a level of a Senior Research Analyst (annual salary range $61,860 to $98,988). An increasing number of grant awards totaling $1.5 million, expansion of ARJIS membership (10 new members over the past 2 years), additional work on Public Safety Committee (PSC) matters to include Interoperability and Communications, and continued support of four ARJIS working groups (Business, Technical, Crime Analysis and Users), requires more staffing resources for ARJIS. Attachment 8 shows the proposed revision to the SANDAG-authorized position table.

The ARJIS Business Manager responsibilities would include the oversight and management of the ARJIS budget and all related financial tasks, coordination of ARJIS grants to include grant writing, management, and reporting, and overall project management of the ARJIS work programs associated with ongoing support and maintenance. This position also will be responsible for creating Board reports and agendas, and making presentations to the PSC, SANDAG Board, and other ARJIS Committees and working groups. This regular position will be budgeted directly into future ARJIS work programs. There will be no budget impact in FY 2007 because contract personnel currently funded with ongoing ARJIS revenues are being moved into an unfilled technical support role in a project funded by a grant from the Department of Homeland Security. This migration to a full-time SANDAG position is part of the ARJIS Strategic Plan, having created and filled the ARJIS Technology Manager position last year.

RENÉE WASMUND
Director of Finance

Attachments: 1. Regional Bicycle Master Plan Budget Amendment
2. Otay Mesa-Mesa de Otay Binational Corridor Strategic Plan Budget Amendment
3. Identifying Crime Patterns at Transit Stations Budget Amendment
4. Short Distance Vanpool Feasibility Study Budget Amendment
5. Access to Community Medical Transportation Services Planning Budget Amendment
6. Tribal Transportation Demand Management Outreach Budget Amendment
7. Resolution No. 2007-12, FY 2007 State Planning Grants
8. FY 2007 Authorized Staff by Position Table
9. Board Policy No. 030: Contingency Reserve Policy

Key Staff Contacts: Tim Watson, (619) 699-1966, twa@sandag.org
Coleen Clementson, (619) 699-1944, ccl@sandag.org
Pam Scanlon, (619) 699-6971, psc@sandag.org
PROGRAM WORK ELEMENT: 30068
TITLE: SAN DIEGO REGIONAL BICYCLE MASTER PLAN

FY 2007 BUDGET: $97,247

STRATEGIC GOAL: IMPROVE MOBILITY

Mandated/Committed: Partial
Dedicated Funding: Partial

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OBJECTIVE

The San Diego Regional Bicycle Master Plan will be a component of the SANDAG Regional Transportation Plan, MOBILITY 2030. The Regional Bicycle Master Plan will represent the combined efforts of SANDAG staff, SANDAG’s Regional Bicycle and Pedestrian Working Group (BPWG), local jurisdictions, local agencies, advocacy groups, and citizens in the San Diego region. This Plan is regional in focus and concentrates on broader policies and programs, while providing a framework for local decision-makers to determine specific local routes and facilities. The Plan will encourage the development of a unified bicycle system throughout the San Diego region that serves the needs of bicycle commuters and recreational bicyclists with connections to other regional non-motorized systems.

The objectives of this work element are to: (1) produce a Regional Bicycle Master Plan that will serve as part of the nonmotorized transportation element of the Regional Transportation Plan; (2) develop a plan for a regional bikeway system and strengthen consistency for bikeways’ facilities between different jurisdictions; and (3) create a prioritized list of projects needed to complete the regional bikeway system.

PREVIOUS AND ONGOING WORK

Previous and ongoing work includes beginning development of a plan for a regional bikeway system. SANDAG has been administering a grant program to fund local and regional bicycle projects since the 1970s. Efforts have been made through the RTP to coordinate inter-jurisdictional bicycle routes to create a regional bicycle network.

Committee(s): Transportation Committee; Working Group: Bicycle and Pedestrian Working Group; Project Manager – Chris Kluth
# PRODUCTS, TASKS, AND SCHEDULES

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## FUTURE ACTIVITIES

Continue to advocate for implementation of the key elements of the master plan.
PROGRAM WORK ELEMENT: 30063
TITLE: OTAY MESA-MESA DE OTAY BINATIONAL CORRIDOR STRATEGIC PLAN

FY 2007 BUDGET: $354,195
STRATEGIC GOAL: ENCOURAGE QUALITY OF LIFE IMPROVEMENTS

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* Partnership Planning Grant (Caltrans)
** State Transportation Improvement Program-Interregional Improvement Program (STIP/IIP)

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OBJECTIVE

The objectives of this work element are to: (1) continue efforts toward the implementation of an effective binational planning partnership with Tijuana and Baja California; (2) complete the preparation of the Otay Mesa-Mesa de Otay Binational Corridor Strategic Plan; and (3) implement the early actions identified in the plan.

PREVIOUS AND ONGOING WORK

The Regional Comprehensive Plan (RCP), adopted in July 2004, identified key issues in Otay Mesa and its relationship to Tijuana’s Mesa de Otay. In addition, recommendations from SANDAG’s 2004 Binational Conference pointed to the need for focusing on specific binational planning and implementation strategies, in addition to ongoing collaboration efforts. The Committee on Binational Regional Opportunities (COBRO) and the Borders Committee identified Otay Mesa as an ideal focus area due to its current and significant planned growth on both sides of the border. In FY 2006 staff initiated the
The development of the Otay Mesa-Mesa de Otay Binational Corridor Strategic Plan. During FY 2006 two binational workshops were held, and the early action element of this plan was completed. The issue areas under evaluation are transportation, economic development, housing, and environment.

Committee(s): Borders Committee; Working Group: Committee on Binational Regional Opportunities; Project Manager – Elisa Arias

PRODUCTS, TASKS, AND SCHEDULES

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Caltrans Grant
FUTURE ACTIVITIES

Implementation of strategies identified in the Otay Mesa-Mesa de Otay Binational Corridor Strategic Plan will continue.

In 2008, the following tasks will be completed through the Caltrans Partnership Planning Grant:

- Continue the evaluation of innovative financing mechanisms to implement the East Otay Mesa-Otay II border stations and connecting transportation facilities.
- Conduct feasibility analyses for implementation of the border stations and connecting transportation facilities (i.e. financial, benefit-cost).
PROGRAM WORK ELEMENT: 21003
TITLE: IDENTIFYING CRIME PATTERNS AT TRANSIT STATIONS

FY 2007 BUDGET: $7,789
STRATEGIC GOAL: ENCOURAGE QUALITY OF LIFE IMPROVEMENTS

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* Statewide Transit Planning Grant (Caltrans)

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OBJECTIVE

The objectives of this work element are to: (1) obtain a better understanding of crimes and crime patterns at transit stations; (2) improve crime prevention techniques to increase participation in public transit; and (3) create a GIS-based crime analysis methodology that will be replicable by transit agencies throughout the state of California to evaluate and monitor their own transit systems. During FY 2007, emphasis will be on developing the methodology for this work.

PREVIOUS AND ONGOING WORK

A pilot project exploring crime patterns at trolley stations was presented at the ESRI User’s Conference in San Diego in July 2005. The presentation received an overwhelmingly enthusiastic response. A common desire of presentation attendees (primarily crime analysts, GIS users, and law enforcement) was for a concise, step-by-step methodology to apply GIS tools for crime event and crime pattern analysis. This work element responds to the needs of the local transit security personnel, transit planners, and law enforcement.

Committee(s): Technical Steering Committee; Project Manager – to be determined
PRODUCTS, TASKS, AND SCHEDULES

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FUTURE ACTIVITIES

SANDAG was awarded a Caltrans transportation planning grant for this project in June 2006. Work will begin on this project in June 2007 and will be completed in late 2008.

- Steering Committee meetings; September 2007, January and July 2008.
- Complete methodology for crime pattern exploration; August 2007
- Execute competitive bid process to select a GIS consultant to assist with model development (if needed); October 2007
- Collect data and build spatial database; October 2007.
- Perform retrospective analysis of crime; March 2008.
- Preparation of draft report; July 2008.
- Distribute and present final report and methodology; October 2008.
- Provide training to local agencies and law enforcement; November 2008.
PROGRAM WORK ELEMENT: 6000109
TITLE: SHORT DISTANCE VANPOOL FEASIBILITY STUDY

FY 2007 BUDGET: $174,000

STRATEGIC GOAL: IMPROVE MOBILITY

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OBJECTIVE

The objective of this work element is to evaluate the feasibility, efficiency, and effectiveness of using short distance vanpools in conjunction with bus rapid transit, commuter rail, and other express transit services which lack convenient connecting feeder service at the trip origins and for trip completion from the destination transit center to the employment center.

The study would test whether there is latent demand for and whether so-called ‘last mile’ gaps in the public transportation system can be accommodated through the provision of smaller and more cost-effective, short-distance commuter vans. It is envisioned that large regional employment sites could support multiple vanpools that would efficiently and quickly shuttle employees to and from nearby transit hubs, as well as to or from their homes on the origin-ends of these trips. Currently, both trip ends are chronically underserved, leaving a critical gap in the transit network.

Planning FY 2007 activities include the creation of a Project Development Team and the successful procurement of consultant services enabling the completion of next year’s activities.

PREVIOUS AND ONGOING WORK

SANDAG was awarded a Caltrans transportation planning grant for this project in June 2006. Work will begin on this project in January 2007 and will be completed by February 2009.

Committee(s): Transportation Committee; Project Manager – Allison Richards-Evensen
**PRODUCTS, TASKS, AND SCHEDULES**

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<td>Grant</td>
<td>02 - 85%. Develop and release RFPs to procure the services of two separate consultants; Request for Proposals. (June 2007)</td>
</tr>
</tbody>
</table>

**FUTURE ACTIVITIES**

Beginning in FY 2008, two consultants will be chosen to move the project forward. A research consultant will begin a marketing study contributing to the concurrent development of an operations plan by the selected planning consultant. Participant selection and implementation of the vanpools could begin at the end of FY 2008.
PROGRAM WORK ELEMENT: 30069
TITLE: ACCESS TO COMMUNITY MEDICAL TRANSPORTATION SERVICES PLANNING PROJECT
FY 2007 BUDGET: $152,100
STRATEGIC GOAL: ENCOURAGE QUALITY OF LIFE IMPROVEMENTS

<table>
<thead>
<tr>
<th>Funds Source</th>
<th>Prior</th>
<th>FY 2007</th>
<th>FY 2008-2009</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Other*</td>
<td>$0</td>
<td>$152,100</td>
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<tr>
<td>TDA Planning/Administration</td>
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<td>Local Other**</td>
<td>$0</td>
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<table>
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<td>$4,225</td>
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<td>$100,743</td>
<td>$51,357</td>
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* Environmental Justice Transportation Planning Grant (Caltrans)
** Local share of $8,450 and In-kind contribution of $8,450 provided by pass through agency - All Congregations Together
*** SANDAG staff will provide support for the administration and oversight of this grant only

OBJECTIVE

This project places emphasis on planning for transportation with community health and safety benefits. The focus is on the misuse and/or abuse of emergency resources in non-emergency situations. The impact of the use of these services in non-emergency situations places all community members at a disadvantage when those resources are needed for valid emergencies elsewhere. The purpose of this project is to conduct the necessary outreach activities including surveys, focus groups, and other data collection activities that are necessary to determine the specific reasons for the misuse/abuse. The overall objective is to quantify the social (health and safety), and economic cost for the approximately 17% over-utilization of the emergency response system for non-emergency situations. All Congregations Together (ACT) will utilize the acquired data to develop recommendations and activities for use elsewhere where similar situations exist throughout the State of California and beyond. SANDAG staff will be providing administrative oversight and project management of this grant.

PREVIOUS AND ONGOING WORK

SANDAG was awarded a Caltrans transportation planning grant for this project in June 2006. Funding for the Access to Community Medical Transportation Services Planning Project has been passed through SANDAG to the subrecipient ACT. SANDAG entered into an agreement with Caltrans to receive the funding and is funding the subrecipient’s work through an agreement between SANDAG and ACT. Work will begin on this project in January 2007 and will be completed by February 2009.
Committee(s): Regional Planning Committee; Project Manager – Shelby Tucker

PRODUCTS, TASKS, AND SCHEDULES

<table>
<thead>
<tr>
<th>LEVEL OF MANDATE</th>
<th>TASK / PRODUCT DESCRIPTION(S) / SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>MANDATED</td>
<td>X Grant 01 - 95%. Work with the subrecipient on completion of tasks as outlined in the Access to Community Medical Transportation Services Planning Project scope of work; survey instrument. (FY 2007)</td>
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<tr>
<td>COMMITTED</td>
<td>X Grant 02 - 5%. Provide administrative support and project management; meeting agendas, meeting minutes, and invoices. (FY 2007)</td>
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</table>

FUTURE ACTIVITIES

Grant administration.
PROGRAM WORK ELEMENT: 30067
TITLE: TRIBAL TRANSPORTATION DEMAND MANAGEMENT (TDM) OUTREACH PROGRAM

FY 2007 BUDGET: $73,661
STRATEGIC GOAL: IMPROVE MOBILITY

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<th>FY 2007</th>
<th>FY 2008-2009</th>
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* Environmental Justice – Context Specific Grant (Caltrans)

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<td>$73,661</td>
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** Reservation Transportation Authority (RTA)

OBJECTIVE

The objective of this work element is to partner with the Reservation Transportation Authority (RTA) to strengthen the participation of tribal nations in the San Diego region in the SANDAG Transportation Demand Management (TDM) program. SANDAG, the RTA, the Southern California Tribal Chairmen’s Association (SCTCA), and the transit agencies will collaborate on an assessment of the needs of tribal employers; develop a strategy which meets their needs; and set up a tribal Transportation Management Association (TMA) that would collaborate with the SANDAG TDM program. The tribal TMA, a private, non-profit, member-controlled organization would provide the institutional framework for the recommended TDM programs and services that are developed as a result of the study.

PREVIOUS AND ONGOING WORK

In FY 2005 Caltrans District 11 and SANDAG conducted a Reservation Transportation Needs Assessment as a first step in gaining a better understanding of the issues facing the 17 federally-recognized tribal nations located within the boundaries of San Diego County. This assessment forms part of a broader initiative to strengthen communication and coordination with tribal governments in the region. All 17 tribal nations in the San Diego region participated in that assessment, and the results were incorporated into the comprehensive update of the Regional Transportation Plan (RTP). This project is an outcome of the results of that assessment.
Tribal nations are fast becoming major employers in the region. Collectively, Barona, Pala, Rincon, Sycuan, and Viejas tribal enterprises provide almost 13,000 jobs. However, their circumstances are distinct from traditional employers. Large employers usually locate their facilities in urban areas with good access to the existing transportation system. However, tribal nations had to develop their enterprises within their sovereign territorial boundaries, which are located in the most remote, rural areas of the county. Current tribal enterprises generate traffic flows, which were not anticipated in the RTP. Completing necessary improvements to these roadways will be a long process. In an effort to reduce traffic congestion and the concomitant air pollution in the backcountry, as well as to engage tribal governments and their state enterprises actively in a program which will provide their employees with more commuting options, SANDAG and the RTA are partnering to develop a tribal TDM program.

Committee(s): Borders and Transportation Committees; Working Group: Interagency Technical Working Group on Tribal Transportation Issues; Project Manager – Jane Clough-Riquelme

PRODUCTS, TASKS, AND SCHEDULES

<table>
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<tr>
<th>LEVEL OF MANDATE</th>
<th>TASK / PRODUCT DESCRIPTION(S) / SCHEDULE</th>
</tr>
</thead>
<tbody>
<tr>
<td>MANDATED</td>
<td>01 - 25%. Partner with the RTA. Develop and sign memorandum of understanding delineating the scope of work, roles and responsibilities, and associated financial/institutional resources regarding development of a TDM program; Signed Memorandum of Understanding. (April 2007)</td>
</tr>
<tr>
<td></td>
<td>02 - 15%. Form Project Development Team including RTA, Caltrans, County, and tribal representatives from tribes interested in TDM programming; Project Team Charter. (May 2007)</td>
</tr>
<tr>
<td></td>
<td>03 - 60%. RTA staff trained in TDM programming and services by SANDAG staff; Report on training process. (June 2007)</td>
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</tbody>
</table>

FUTURE ACTIVITIES

SANDAG was awarded a Caltrans transportation planning grant for this project in June 2006. Work will begin on this project in January 2007 and will be completed by February 2009. Activities will include: (1) an initial TDM assessment conducted among participating tribal enterprises by RTA with technical assistance from SANDAG; (2) development of a collaborative marketing plan; (2) development of TDM outreach materials; (3) outreach and data collection with participating tribal enterprises; and (4) develop collaborative tribal TDM strategy/financing plan, including a proposal for the formation of a Tribal Transportation Management Association (TTMA).
WHEREAS, the FY 2007 Final Overall Work Program (OWP) was reviewed and approved by the SANDAG Board as the basis, through its budget, for carrying forward the OWP for FY 2007; and

WHEREAS, in addition to the grants and work elements contained in the adopted OWP, SANDAG has been awarded six new grants; and

WHEREAS, the required local share match for these grants is identified as being available from Transportation Development Act funds, member agency assessments, local assistance, other local funds and in-kind services; and

WHEREAS, the Executive Director must be authorized to execute all documents, including contracts, subcontracts, agreements, extensions, renewals, and/or amendments which may be necessary to execute the grant agreements and carry out and administer all obligations, responsibilities and duties under these grants; and

WHEREAS, the SANDAG Board has delegated the authority for OWP amendments, including acceptance of grants up to $500,000 each, to the Executive Committee;

NOW THEREFORE

BE IT RESOLVED by the Executive Committee that:

a. The following grants and related expenditure budgets be amended into the FY 2007 Program Budget and OWP, hereby incorporated by reference:

<table>
<thead>
<tr>
<th>Grant Title</th>
<th>OWP</th>
<th>Total Budget</th>
<th>Grant Total</th>
<th>Local Share</th>
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<tbody>
<tr>
<td>San Diego Regional Bicycle Master Plan</td>
<td>30068</td>
<td>$200,000</td>
<td>$160,000</td>
<td>$40,000</td>
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<tr>
<td>Implementing Early Action Strategies in Otay Mesa-Mesa de Otay Bivinal Corridor: East Otay Mesa-Otay II Port of Entry</td>
<td>30063</td>
<td>$300,000</td>
<td>$240,000</td>
<td>$60,000</td>
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<tr>
<td>Identifying Crime Patterns at Transit Stations</td>
<td>21003</td>
<td>$125,000</td>
<td>$110,662</td>
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<tr>
<td>Short Distance Vanpool Feasibility Study</td>
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<td>$174,000</td>
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<td>Access to Community Medical Transportation Services Planning Project</td>
<td>30069</td>
<td>$169,000</td>
<td>$152,100</td>
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<tr>
<td>Tribal Transportation Demand Management (TDM) Outreach Program</td>
<td>30067</td>
<td>$220,000</td>
<td>$198,000</td>
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<tr>
<td><strong>Total:</strong></td>
<td><strong>$1,188,000</strong></td>
<td><strong>$1,010,762</strong></td>
<td><strong>$177,238</strong></td>
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</table>
b. The SANDAG Executive Director, or his/her designee, is hereby authorized to execute grant agreements and all necessary documents and covenants required by granting agency laws, rules, and administrative regulations to accept the grant funds; and

c. The use of the required non-federal local share matching funds in the amounts shown in the table above is hereby authorized, subject to SANDAG Director of Finance certification of funds availability; and

d. The SANDAG Executive Director, or his/her designee is hereby authorized to enter into agreements for goods and services up to the amended budget amount as may be necessary to carry out the projects funded by the grants.

PASSED AND ADOPTED this 13th day of October, 2006.
SAN DIEGO ASSOCIATION OF GOVERNMENTS
FY 2007 AUTHORIZED STAFF BY POSITION
AMENDED AS OF OCTOBER 13, 2006

<table>
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<tr>
<th>POSITION CLASSIFICATIONS</th>
<th>FY 2007 NEW POSITIONS</th>
<th>APPROVED FY 2007 POSITIONS</th>
<th>MID-YEAR CHANGES +/-</th>
<th>AMENDED FY 2007 POSITIONS</th>
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<td><strong>REGULAR STAFF POSITIONS</strong></td>
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<tr>
<td>Agency Planner (Executive Program Manager)</td>
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<tr>
<td>Chief Economist</td>
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<td>Department Directors</td>
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<tr>
<td>Deputy General Counsel</td>
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## POSITION CLASSIFICATIONS

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<tr>
<td>Sr Contracts &amp; Procurement Analyst/Sr Engineer</td>
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<tr>
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<td>Senior Information Systems Analyst</td>
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<tr>
<td>Senior Research Analyst</td>
<td>11</td>
<td>11</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Public Information Officer</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supervisor of Graphic Design</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TransNet Program Manager</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### REGULAR STAFF POSITIONS

- 6 positions
- 177 positions
- 1 mid-year change
- 178 positions

### LIMITED TERM

- Research Analyst I
- Associate Research Analyst
- Research (Assistant) Technician
- Research Technician
- Office Services Specialist II
- Senior Planner
- Assistant Regional Planner I

### LIMITED TERM STAFF POSITIONS

- 0 positions
- 4 positions
- 1 mid-year change
- 5 positions

### TOTAL REGULAR & LIMITED TERM POSITIONS

- 6 positions
- 181 positions
- 2 mid-year changes
- 183 positions

### TEMPS, INTERNS, PART-TIME (TIPS)

- 7 positions
- 29 positions
- 29 positions

### CITY OF SAN DIEGO POSITIONS PAID BY SANDAG

- Division Director, ARJIS
- Senior Traffic Engineer
- Administrative Assistant, ARJIS

- 3 positions
- 0 positions
- 3 positions

*Limited Term positions added under the Delegation of Authority to the Executive Director*
CONTINGENCY RESERVE POLICY

1. Purpose

SANDAG has historically relied upon budget savings to provide adequate fiscal flexibility to accommodate unavoidable and unanticipated costs. As SANDAG has taken on more responsibilities and funding sources have become more constrained, additional tools for managing financial fluctuations are warranted. Establishing a contingency reserve fund provides a means for dealing with emergency or high priority situations that may arise during the course of the year that could not otherwise be funded in the near-term.

The purpose of this policy is to provide guidelines for a contingency reserve, such as the required balance, allowable uses, required approvals, and method of replenishment.

2. Scope

Contingency Reserve Fund Required Balance - The targeted minimum amount to be maintained in the reserve account shall be equal to 5 percent of total budgeted annual expenditures of the Overall Work Program (OWP). Total annual expenditures are defined as the amount of the OWP Expenditures contained in the Sources and Application of Funds chapter of the annual OWP. During the years from FY 2006 to FY 2010, this minimum target will be built up incrementally. A minimum of $500,000 will be budgeted each year until the target reserve amount is achieved. A 5 percent reserve for FY 2006 would total approximately $2.5 million. Once the target is reached, each year’s budget process should include the amount necessary to replenish or increase the contingency reserve to achieve this minimum balance, unless explicitly approved otherwise by the Executive Committee.

Other Deposits to Contingency Reserve Fund - Any year-end budgetary savings of discretionary funding (e.g., Transportation Development Act [TDA], TransNet) will be transferred into the reserve fund.

Applicable Fund Sources - Most federal and state planning and grant funds cannot be used to establish or replenish the contingency reserve fund. Local matching funds such as TDA and TransNet, which are more discretionary in nature, will be used as the source to build and replenish this fund.

Qualifying Uses of the Reserve Fund - The following occurrences shall qualify as potential eligible uses, subject to individual approval by the Executive Committee:

a. opportunities to advance urgent, high-priority needs where future, recurring funding is assured (if future funding is applicable);

b. unanticipated needs relating to a crucial existing commitment; and

c. unforeseen withdrawal or cutback of a revenue source.
Approval for the Use of Reserve Funds - Each proposed use of the contingency reserve fund will be subject to approval by the SANDAG Executive Committee. Each request for approval will include the specific amount needed, a justification of the need, and a discussion of any other alternatives that were examined.

Replenishment of the Reserve Fund - Replenishment up to the minimum target of 5 percent will be the first priority for the use of applicable funds in the following year's budget process.

Adopted June 2005
Executive Committee

October 13, 2006

AGENDA ITEM NO.: 4

Action Requested: RECOMMEND

2007 ANNUAL SANDAG BOARD RETREAT

Introduction

The SANDAG annual retreat is scheduled to start on Wednesday, January 31, 2007, in the early afternoon, run all day Thursday, and conclude by midday on Friday, February 2, 2007. The venue is La Casa del Zorro in the desert community of Borrego Springs.

The primary objective of the retreat is to afford participants the opportunity to strategize about regional public policies and programs. From these retreat discussions, participants can develop ideas for the future direction of SANDAG. Board members also may want to consider some of these issues during the ensuing months as they develop the Fiscal Year (FY) 2008 Overall Work Program and associated Program Budget.

In previous years, the Executive Committee has served as the working group to help the Board of Directors and SANDAG staff develop the retreat agenda and format. Staff is suggesting that the Executive Committee continue in this important role and that the Executive Committee recommend agenda topics, speakers, and the format for the retreat to the SANDAG Board for its approval at its November 17, 2006, Board meeting.

Discussion

To date, individual Board members and staff have suggested the following topics as potential retreat agenda items:

- Review and consider long-range plans for smart growth, land use-transportation connections, system improvements, and new technologies for the 2007 Regional Transportation Plan;

- Identify regional revenue opportunities:
  - Public-private partnerships
  - Congestion and value pricing
  - Bonds

- Consider quality of life funding options;

- Evaluate the agency’s work during calendar year 2007, including the legislative program; and

- Identify critical regional issues and build consensus on the priorities for FY 2008.
During past retreats, participants also have found it useful to include:

- A primer on the agency’s vision, mission, and functions, and the roles and responsibilities of a Board member (important for new members beginning to serve during the new year as well as a refresher for veteran Board members); and

- A primer on topics to be discussed during the retreat so new members as well as veteran Board members can start with the same foundation of information.

In addition, staff welcomes suggestions the Executive Committee might have regarding a particular topic or specific keynote speaker for the retreat. Potential speakers under consideration include:

- Harvard professor Herman “Dutch” Leonard, a researcher and author on leadership and management focusing on the relationship between governance, accountability, and performance;

- Ed Barlow, a futurist who has worked with other government entities, to address the implications of rapid and dramatic economic, technological, social, and political changes; and

- Charles Schalliol, Director of the Indiana Office of Management and Budget and Chief Financial Officer for the State of Indiana. He can provide a discussion on “Infrastructure Privatization: The Indiana Toll Road,” a specific case study, with the added benefit of a discussion of best practice requirements placed on private sector operators, concerns of elected officials, and the process for determining fund distribution derived from public-private partnerships.

Why Have a Retreat?

A retreat provides the opportunity for Board members and alternates to collaborate in a relaxed and informal atmosphere to allow time for more in-depth discussions on significant regional topics. A well-planned, well-executed retreat provides the time for reflection on and evaluation of the worthiness of existing programs as well as the development of new initiatives. For example, initiatives from past retreats have resulted in the development of the Regional Comprehensive Plan, the Regional Economic Prosperity Strategy, and the creation of the Public Safety Committee. In addition, a well-organized retreat enhances team building, program planning, commitment to goal accomplishment, and organizational development.

Where Is the Best Location?

The key to any retreat is to get participation. It is important to afford participants a different physical setting from the routine and pressures of their daily workplaces. The best location is a place that is relaxing and lends itself to clear, creative thought. La Casa del Zorro, located in the community of Borrego Springs, has worked very well as SANDAG’s retreat venue.

What’s the Proper Duration for the Retreat?

A one and one-half to two-day retreat offers the best opportunity to incorporate work time and team building, according to the California Association of Chambers of Commerce. A two-day session may allow time for a presentation by an outside speaker, reports on various committees and projects, brainstorming, development of a wish list, and time to fine tune the overall organization. Chamber executives note that retreat social events can be as valuable as the working sessions.
Conclusion

The annual retreat has been of immense value for SANDAG Board members and alternates to help set the direction of the agency. Based on the Executive Committee’s discussions, staff will draft an agenda report for the Board’s consideration at its November 17, 2006, meeting. Once the Board approves the retreat agenda, a letter of invitation along with an RSVP card will be mailed to each Board member and alternate by mid-December 2006. The final agenda, background materials, and retreat logistics will be mailed to participants by mid-January 2007.

ANNE STEINBERGER
Acting Communications Director

Key Staff Contact: Anne Steinberger, (619) 699-1937, ast@sandag.org
ANALYSIS OF PROPOSITIONS 84, 87, AND 90

Introduction

There are 13 propositions on the November 7, 2006, General Election ballot. In August 2006, the Board of Directors approved resolutions in support of Propositions 1A, 1B, 1C, 1D, and 1E, the statewide infrastructure bond package developed by the State Legislature and Governor. This item provides an analysis of three additional measures that may have effects on the SANDAG work program:

- Proposition 87: “Alternative Energy. Research, Production, Incentives. Tax on California Oil Producers. Initiative Constitutional Amendment and Statute” (Attachment 2); and,
- Proposition 90: “Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment” (Attachment 3).

A list of the propositions scheduled for the November 2006 ballot also is included as Attachment 4.

Discussion


This initiative would allow the state to sell $5.388 billion in general obligation bonds to fund projects related to safe drinking water, water quality and supply, flood control, waterway and natural resource protection, water pollution and contamination control, state and local park improvements, public access to natural resources, and water conservation efforts. Approximately 45 percent of the bond proceeds ($2.426 billion) would be allocated for safe drinking water, water quality improvements, integrated regional water management, flood control, and statewide water planning and design. The remainder of the bond proceeds (55 percent, or $2.962 billion) would be allocated for natural resources purposes, including parks, conservancies, and protection of rivers, lakes, streams, and beaches.
Under the initiative, approximately 30 percent ($1.639 billion) would be distributed via direct allocations with dedicated funds for specified projects; approximately 36 percent ($1.940 billion) would be distributed statewide primarily to local agencies and nonprofit organizations on a competitive basis; and approximately 34 percent ($1.809 billion) would be used for state projects and programs that have statewide benefits such as water planning, water quality and reliability programs, and park land acquisition.

Of the $1.639 billion in funding available for specified projects, the San Diego region would receive about 9 percent if Proposition 84 passes. The measure includes $154 million in direct allocations for the following regional projects/programs:

- Integrated Regional Water Management Planning $91 million
- San Diego County Water Authority Imperial Valley Canal Lining Project $36 million
- Department of Water Resources Beaches, Bay, and Coastal Projects $27 million

At this time, it is unclear if the region would receive its fair share of the remaining $3.749 billion available for nondirect allocations.

On July 27, 2006, San Diego County Water Authority (SDCWA) adopted a support position for Proposition 84 by a vote of 26 to 10. Additionally, the City of San Diego, the Metropolitan Water District of Southern California, Governor Arnold Schwarzenegger, the League of California Cities, and the San Diego Chamber of Commerce have given their endorsement to the proposition.

Critics of Proposition 84 claim the initiative focuses too heavily on the environment and resource land acquisition compared to water-related projects. The proposal does not contain any new funds for new reservoirs, aqueducts, or water storage. While SDCWA supported the measure, individual water districts including Helix, Fallbrook, National City, Olivenhain, Otay, Ramona, Rincon, and Valley Center Water Districts oppose Proposition 84. Taxpayer groups such as the California Taxpayer Protection Committee and Americans for Tax Reform also have opposed the measure, maintaining the state is already financially strained and that it should not assume any more debt.

The Legislative Analyst’s Office (LAO) estimates the state’s cost of Proposition 84 would be $10.5 billion over 30 years to pay off both the principal ($5.4 billion) and interest ($5.1 billion) costs on the bonds. There could be an annual reduction in local property tax revenues of several million dollars in addition to potentially tens of millions of dollars per year in costs to state and local governments to operate or maintain properties or projects acquired or developed in conjunction with Proposition 84. According to the LAO, a number of legislative measures will be needed to implement Proposition 84. Senate Bill 153 (Chesbro) had been amended to be an implementing vehicle for the measure; however it did not pass this legislative session.

Comparison with Proposition 1E

There are two water-related issues on the November 2006 ballot. In addition to Proposition 84, the Legislature and Governor have proposed Proposition 1E, a $4.1 billion bond measure intended for levee repair and flood control programs needed to shore up the state’s deteriorating levee system in the Sacramento-San Joaquin Delta. Of the funding provided in Proposition 1E, $3 billion would go toward improving the delta and levee system that feed into state and federal water projects. The remaining $1.09 billion in Proposition 1E includes $500 million for flood control projects,
$300 million for storm water flood management, and $290 million for alluvial flood plain management.

Water officials remain very concerned about possible failures in California’s levees and potential statewide impacts on water supply and quality. In light of this, Proposition 1E has generally received universal support from water agencies and leadership around California because of statewide dependence on water from the Delta area. The SANDAG Board approved support of Proposition 1E at its August 4, 2006, meeting.


This measure, beginning in January 2007, would impose a severance tax\(^1\) on oil production in California for the purpose of generating $4 billion to fund alternative energy programs. The severance tax, which does not apply to federal offshore production beyond three miles from the coast, expires once the $4 billion is raised and could range from less than ten years to several decades. The program would be administered by a new California Energy Alternatives Program Authority (“Authority”), an agency reorganized by the passage of the initiative. The initiative prohibits producers from passing along this tax to consumers; however, enforcement of this provision by the State Board of Equalization will be administratively difficult due to the many factors involved in determining oil prices.

The net funds generated from the severance tax after first covering debt-service costs and the cost of collection of the severance tax would be allocated to the following accounts:

- **Gasoline and Diesel Use Reduction Account (57.50 percent)** — for incentives (e.g., consumer loans, grants, and subsidies) for the purchase of alternative fuel vehicles, incentives for producers to supply alternative fuels, incentives for the production of alternative fuel infrastructure (e.g., fueling stations), and grants and loans for private research into alternative fuels and alternative fuel vehicles.

- **Research and Innovation Acceleration Account (26.75 percent)** — for grants to California universities to improve the economic viability and accelerate the commercialization of renewable energy technologies and energy efficiency technologies.

- **Commercialization Acceleration Account (9.75 percent)** — for incentives to fund the start-up costs and accelerate the production and distribution of petroleum reduction, renewable energy, energy efficiency, and alternative fuel technologies and products.

- **Public Education and Administration Account (3.50 percent)** — for public education campaigns, oil market monitoring, and general administration. Of the 3.5 percent, at least 28.5 percent must be spent for public education, leaving a maximum of 71.5 percent of the 3.5 percent (or roughly 2.5 percent of total revenues) for the Authority’s administrative costs.

\(^1\) The term “severance tax” is commonly used to describe a tax on the production of any mineral or product taken from the ground, including oil.
- **Vocational Training Account (2.50 percent)** — for job training at community colleges to train students to work with new alternative energy technologies.

According to the LAO, the measure could change both the amount and mix of fuels used in California; thus, the excise and sales tax revenues on gasoline and diesel fuels could fluctuate too. These reductions would be partially offset by increased taxes paid on alternative fuels, such as ethanol, to the extent the measure results in increased use. However, the measure could create fiscal uncertainty in the region’s state transportation formula funds (e.g., State Transportation Improvement Program funds) if consumers purchase less gasoline and diesel overall.

Transit operators could actually benefit from passage of Proposition 87, as the measure allows the agencies to compete for alternative fuel project funding that could pay the difference in purchase price between a clean alternative fuel and a regular gasoline or diesel fuel bus.

By increasing the cost of oil production, the severance tax could reduce production, reduce investment in new technologies, and/or modestly increase the cost of oil products to Californians, which would have a negative impact on the state’s economy. On the other hand, using revenues from the severance tax to invest in new alternative fuel technologies may spur economic development in California. This would occur to the extent that new technologies supported by the measure are developed and manufactured in the state.

At its September 28, 2006, meeting, the SANDAG Energy Working Group (EWG) reviewed Proposition 87 and decided not to take a position on it. However, the EWG strongly supports the expanded funding for alternative and renewable energy technologies for the state of California.

The California Taxpayers Association, the California Chamber of Commerce, the California State Association of Counties, and the San Diego Regional Chamber of Commerce are opposed to Proposition 87.

**Proposition 90, “Government Acquisition, Regulation of Private Property. Initiative Constitutional Amendment”**

Proposition 90 would amend the California Constitution to require that eminent domain powers only be used for public-use projects. The initiative also would remove an economic incentive that advocates claim would lead to abuse of eminent domain laws by requiring the government to either occupy any property that is condemned or lease it only to private parties that are performing public-use projects. The measure also redefines “just compensation” and would apply to all state and local governmental agencies.

**Government Acquisition**

Under the initiative, government could take private property to build public roads, schools, parks, and other government-owned public facilities. Government also could take property and lease it to a private entity to provide a public service. If a public nuisance existed on a specific parcel of land, a government could take that parcel to correct the public nuisance. Finally, government could take property as needed to respond to a declared state of emergency.

Before taking property, the initiative requires a government to state a “public use” for the property and would narrow the definition of public use in a way that generally would constrain a government from taking a property. Limits on taking a property include:
• **Transfer of Property to Private Use.** The initiative specifies that a government must maintain ownership of the property and use it only for the public use it specified when it took the property.

• **Addressing a Public Nuisance.** Government could not take all the parcels in a run-down area unless it showed that each and every parcel was blighted.

• **Economic Development Purposes.** Government could not use eminent domain for economic development purposes, including taking private property to: (1) give to another private person or entity for commercial enterprise; or (2) improve the community’s tax revenues, employment base, housing density, or general economic health. The initiative provides limited exceptions to this prohibition, including allowing agencies to use eminent domain to acquire abandoned property, property for use by a public utility, and/or to remove harmful uses of a specific parcel of land that constitutes an immediate threat to public health and safety.

**Substantial Economic Losses**

Proposition 90 requires a government to pay property owners if it passes certain new laws or rules that result in substantial economic losses to either their real or personal property. All existing laws and rules would be exempt from the measure’s compensation requirement, and new laws and rules would be exempt from this requirement if a government enacted them: (1) to protect public health and safety; (2) under a declared state of emergency; or (3) as part of rate regulation by the California Public Utilities Commission.

While the terms of the initiative are not clear, the initiative provides three examples of the types of new laws and rules that could require government entities to pay property owners “just compensation:”

1. **Downzoning Property.** This term refers to decisions by government to reduce the amount of development permitted on a parcel. For example, a government action to allow construction of three homes on an acre where five homes previously had been permitted commonly is called "downzoning."

2. **Limitations on the Use of Private Air Space.** This term generally refers to actions by governments that limit the height of a building. For example, a government rule limiting how tall a building may be to preserve views or maintain historical character often is called a limitation of "air space."

3. **Eliminating Any Access to Private Property.** This term could include actions such as closing the only public road leading to a parcel.

In a summary of estimates by the LAO and Director of Finance, the fiscal impact of Proposition 90 on state and local governments is unknown. However, there could be significant future costs for state and local governments to pay damages and/or modify regulatory or other policies to conform to the measure’s provisions.
Passage of Proposition 90 could impact the implementation of the SANDAG Regional Comprehensive Plan (RCP). A large number of the areas identified on the Smart Growth Concept Map approved by the Board in June 2006 are located in redevelopment areas where eminent domain may be necessary to implement redevelopment and smart growth. The measure also would likely increase the amount that government must pay property owners to acquire or take their property. Proposition 90, therefore, could prohibit and possibly make it more expensive to build out the regional habitat preserve or to complete transportation projects. For example, if a transportation project interferes with access to private property, the government entity building the project may be required to compensate every affected parcel’s property owner.

Opponents to this measure include the League of California Cities, the California State Association of Counties, the California Redevelopment Association, California Transit Association, the California Police Chiefs’ Association, and the California League of Women Voters. The San Diego Regional Chamber of Commerce also is opposed to Proposition 90.

ELLEN ROUNDTREE
Director of Governmental Relations

Attachments: 1. Proposition 84, Official Title and Summary
2. Proposition 87, Official Title and Summary
3. Proposition 90, Official Title and Summary
4. List of Propositions Scheduled for the November 2006 General Election Ballot

Key Staff Contact: Victoria Stackwick, (619) 699-6926, vst@sandag.org
WATER QUALITY, SAFETY AND SUPPLY. FLOOD CONTROL. NATURAL RESOURCE PROTECTION. PARK IMPROVEMENTS. BONDS. INITIATIVE STATUTE.

• Funds projects relating to safe drinking water, water quality and supply, flood control, waterway and natural resource protection, water pollution and contamination control, state and local park improvements, public access to natural resources, and water conservation efforts.
• Provides funding for emergency drinking water, and exempts such expenditures from public contract and procurement requirements to ensure immediate action for public safety.
• Authorizes $5,388,000,000 in general obligation bonds to fund projects and expenditures, to be repaid from the state’s General Fund.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:
• State cost of about $10.5 billion over 30 years to pay off both the principal ($5.4 billion) and interest ($5.1 billion) costs on the bonds. Payments of about $350 million per year.
• Reduction in local property tax revenues of several million dollars annually.
• Unknown costs, potentially tens of millions of dollars per year, to state and local governments to operate or maintain properties or projects acquired or developed with these bond funds.
State Spending on Resources Programs. The state operates a variety of programs to conserve natural resources, protect the environment, provide flood control, and offer recreational opportunities for the public. The state also operates a program to plan for future water supplies, flood control, and other water-related requirements of a growing population. In addition to direct state expenditures, the state also provides grants and loans to local governments and nonprofit organizations for similar purposes. These programs support a variety of specific purposes, including:

- **Natural Resource Conservation.** The state has provided funds to purchase, protect, and improve natural areas—including wilderness and open-space areas; wildlife habitat; coastal wetlands; forests; and rivers, lakes, streams, and their watersheds.

- **Safe Drinking Water.** The state has made loans and grants to public water systems for facility improvements to meet state and federal safe drinking water standards.

- **Flood Control.** The state has funded the construction and repair of flood control projects in the state Central Valley flood control system. The state has also provided financial assistance to local agencies for local flood control projects in the Sacramento-San Joaquin River Delta and in other areas outside the Central Valley.

- **Other Water Quality and Water Supply Projects.** The state has made available funds for various other projects throughout the state that improve water quality and/or the reliability of water supplies. For example, the state has provided loans and grants to local agencies for the construction and implementation of wastewater treatment, water conservation, and water pollution reduction projects.

- **State and Local Parks.** The state operates the state park system and has provided funds to local governments for the acquisition, maintenance, and operation of local and regional parks.

**Funding for Resources Programs.** Funding for these various programs has traditionally come from General Fund revenues, federal funds, and general obligation bonds. Since 1996, voters have authorized approximately $11 billion in general obligation bonds for various resources purposes. Of this amount, approximately $1.4 billion is projected to remain available for new projects as of June 30, 2006, primarily for water-related purposes. Legislation enacted earlier this year provides $500 million from the General Fund for emergency levee repairs and other flood control-related expenditures.

**PROPOSAL**

This initiative allows the state to sell $5.4 billion in general obligation bonds for safe drinking water, water quality, and water supply; flood control; natural resource protection; and park improvements. (See “An Overview of State Bond Debt” on page 96 for basic information on state general obligation bonds.) Figure 1 (see next page) summarizes the purposes for which the bond money would be available for expenditure by various state agencies and for loans and grants, primarily to local agencies and nonprofit organizations. In order to spend most of these bond funds, the measure requires the Legislature to appropriate them in the annual budget act or other legislation.

**FISCAL EFFECTS**

**Bond Costs.** The cost of these bonds would depend on interest rates in effect at the time they
### FIGURE 1

**Proposition 84: Uses of Bond Funds**

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<tr>
<th>Amount (In Millions)</th>
<th>Water Quality</th>
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<td></td>
<td>Integrated regional water management.</td>
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<td>Safe drinking water.</td>
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<td>Delta and agriculture water quality.</td>
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**Protection of Rivers, Lakes, and Streams**

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<td>Regional conservancies.</td>
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<tr>
<td>Other projects—public access, river parkways, urban stream restoration, California Conservation Corps.</td>
<td>$189</td>
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<tr>
<td>Delta and coastal fisheries restoration.</td>
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</tr>
<tr>
<td>Restoration of the San Joaquin River.</td>
<td>$100</td>
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<tr>
<td>Restoration projects related to the Colorado River.</td>
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<tr>
<td>Stormwater pollution prevention.</td>
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**Flood Control**

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<tr>
<td>State flood control projects—evaluation, system improvements, flood corridor program.</td>
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<td>Flood control projects in the Delta.</td>
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<tr>
<td>Local flood control subventions (outside the Central Valley flood control system).</td>
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<tr>
<td>Floodplain mapping and assistance for local land use planning.</td>
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**Sustainable Communities and Climate Change Reduction**

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<tbody>
<tr>
<td>Local and regional parks.</td>
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<tr>
<td>Urban water and energy conservation projects.</td>
<td>$90</td>
<td></td>
</tr>
<tr>
<td>Incentives for conservation in local planning.</td>
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**Protection of Beaches, Bays, and Coastal Waters**

<table>
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<th>Amount (In Millions)</th>
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<tbody>
<tr>
<td>Protection of various coastal areas and watersheds.</td>
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<tr>
<td>Clean Beaches Program.</td>
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<tr>
<td>California Ocean Protection Trust Fund—marine resources, sustainable fisheries, and marine wildlife conservation.</td>
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**Parks and Natural Education Facilities**

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<tr>
<td>State park system—acquisition, development, and restoration.</td>
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<tr>
<td>Nature education and research facilities.</td>
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**Forest and Wildlife Conservation**

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<th>Amount (In Millions)</th>
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<td>Wildlife habitat protection.</td>
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<td>Forest conservation.</td>
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<tr>
<td>Protection of ranches, farms, and oak woodlands.</td>
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**Statewide Water Planning**

<table>
<thead>
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<th>Amount (In Millions)</th>
<th>Statewide Water Planning</th>
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<tbody>
<tr>
<td>Planning for future water needs, water conveyance systems, and flood control projects.</td>
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**Total**

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<tr>
<th>Amount (In Millions)</th>
<th>Total</th>
<th>$5,388</th>
</tr>
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are sold and the time period over which they are repaid. The state would likely make principal and interest payments from the state’s General Fund over a period of about 30 years. If the bonds were sold at an average interest rate of 5 percent, the cost would be about $10.5 billion to pay off both the principal ($5.4 billion) and interest ($5.1 billion). The average payment would be about $350 million per year.

**Property Tax-Related Impacts.** The initiative provides funds for land acquisition by governments and nonprofit organizations for various purposes. Under state law, property owned by government entities and by nonprofit organizations (under specified conditions) is exempt from property taxation. To the extent that this initiative results in property being exempted from taxation due to acquisitions by governments and nonprofit organizations, local governments would receive reduced property tax revenues. We estimate these reduced property tax revenues would be several million dollars annually.

**Operational Costs.** State and local governments may incur additional costs to operate or maintain the properties or projects, such as new park facilities, that are purchased or developed with these bond funds. The amount of these potential additional costs is unknown, but could be tens of millions of dollars per year.
ALTERNATIVE ENERGY. RESEARCH, PRODUCTION, INCENTIVES. TAX ON CALIFORNIA OIL PRODUCERS. INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE.

• Establishes $4 billion program with goal to reduce petroleum consumption by 25%, with research and production incentives for alternative energy, alternative energy vehicles, energy efficient technologies, and for education and training.
• Funded by tax of 1.5% to 6% (depending on oil price per barrel) on producers of oil extracted in California. Prohibits producers from passing tax to consumers.
• Program administered by new California Energy Alternatives Program Authority.
• Prohibits changing tax while indebtedness remains.
• Revenue excluded from appropriation limits and minimum education funding (Proposition 98) calculations.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:

• New state revenues—depending on the interpretation of the measure—from about $225 million to $485 million annually from the imposition of a severance tax on oil production, to be used to fund $4 billion in new alternative energy programs over time.
• Potential reductions of state revenues from oil production on state lands of up to $15 million annually; reductions of state corporate taxes paid by oil producers of up to $10 million annually; local property tax reductions of a few million dollars annually; and potential reductions in fuel-related excise and sales taxes.

BACKGROUND

California Oil Production. In 2005, California’s estimated oil production (excluding federal offshore production) totaled 230 million barrels of oil—an average of 630,000 barrels per day. California’s 2005 oil production represents approximately 12 percent of U.S. production, making California the third largest oil-producing state, behind Texas and Alaska. Oil production in California peaked in 1985 and has declined, on average, by 2 percent to 3 percent per year since then. In 2005, California oil production supplied approximately 37 percent of the state’s oil demand, while Alaska production supplied approximately 21 percent, and foreign oil supplied about 42 percent.

Virtually all of the oil produced in California is delivered to California refineries. In 2005, the total supply of oil delivered to oil refineries in California was 674 million barrels, including oil produced in California as well as outside the state. Of the total oil refined in California, approximately 67 percent goes to gasoline and diesel (transportation fuels) production.

Oil-Related Taxation in California. Oil producers pay the state corporate income tax on profits earned in California. Oil producers also pay a regulatory fee to the Department of Conservation (which regulates the production of oil in the state) that is assessed on production, with the exception of production in federal offshore waters. This regulatory fee is used to fund a program that, among other activities, oversees the drilling, operation, and maintenance of oil wells in California. Currently, producers pay a fee of 6.2 cents per barrel of oil produced, which will generate total revenues of $14 million in 2006–07. Additionally, property owners in California pay local property taxes on the value of both oil extraction equipment (such as drills and pipelines) as well as the value of the recoverable oil in the ground.
PROPOSAL

Severance Tax on Oil Production in California. Beginning in January 2007, the measure would impose a severance tax on oil production in California to generate revenues to fund $4 billion in alternative energy programs over time. (The term “severance tax” is commonly used to describe a tax on the production of any mineral or product taken from the ground, including oil.) The measure defines “producers,” who are required to pay the tax, broadly to include any person who extracts oil from the ground or water, owns or manages an oil well, or owns a royalty interest in oil.

The severance tax would not apply to federal offshore production beyond three miles from the coast. The measure is unclear as to whether the severance tax would apply to oil production on state-owned lands (which includes offshore production within three miles of the coast) or production on federal lands in the state. Additionally, the severance tax would not apply to oil wells that produce less than ten barrels of oil per day, unless the price of oil at the well head was above $50 per barrel. At current prices and levels of production, the tax would apply to about 230 million barrels of oil produced in the state annually if state and federal lands are included, or about 200 million barrels of oil production annually if they are not included.

Tax Rate Structure. The measure states that the tax would be “applied to all portions of the gross value of each barrel of oil severed as follows:”

- 1.5 percent of the gross value of oil from $10 to $25 per barrel;
- 3.0 percent of the gross value of oil from $25.01 to $40 per barrel;
- 4.5 percent of the gross value of oil from $40.01 to $60 per barrel; and
- 6.0 percent of the gross value of oil from $60.01 per barrel and above.

The wording of the measure regarding the application of the tax rates could be interpreted in two different ways. On one hand, it could be interpreted to apply on a marginal rate basis similar to the income tax. For example, if the gross value is $70 per barrel, the first $10 is not taxed, the value from $10 to $25 is taxed at 1.5 percent, and so on—yielding a tax of $2.17 per barrel.

In general, for a given period of time, the single rate interpretation would generate twice as much tax revenue as would the marginal rate interpretation. The issue of the application of the tax would presumably be resolved by regulations adopted by the California State Board of Equalization (BOE) and interpretation by the courts.

Passing Along the Cost of the Tax to Consumers. The measure states that producers would not be allowed to pass on the cost of this severance tax to consumers through increased costs for oil, gasoline, or diesel fuel. The BOE is charged with enforcing this prohibition against passing on the cost of the tax. While it may be difficult to administratively enforce this provision (due to the many factors that determine oil prices), economic factors may also limit the extent to which the severance tax is passed along to consumers. For example, the global market for oil means that California oil refiners have many options for purchasing crude oil. As a result, oil refiners facing higher-priced oil from California producers could, at some point, find it cost-effective to purchase additional oil from non-California suppliers, whose oil would not be subject to this severance tax.

Term of the Tax. The measure directs that the new California Energy Alternatives Program Authority (Authority), discussed below, shall spend $4 billion for specified purposes within ten years of adopting strategic plans to implement the measure. The revenues are to be used for new spending (that is, they cannot be used to replace current spending). Under the measure, the Authority has the ability to raise program funds in advance of collecting severance tax revenues by selling bonds that would be paid back with future severance tax revenues.

The severance tax would expire once the Authority has spent $4 billion and any bonds issued by the Authority are paid off. The length of time that the tax would be in effect will depend on several factors, including the interpretation of the tax rate, the future price and production of oil, and...
decisions about using bonds. Because the measure directs the new authority to spend $4 billion within ten years, the tax will be in effect at least long enough to generate this amount of revenue and longer if bonds are issued.

Depending on these variables, the term of the tax would range from less than ten years to several decades. For example, the shorter period would result under the single tax rate and/or higher oil prices and production levels. Alternatively, a longer period would result under the marginal tax rate and/or lower oil prices and production.

**Tax Revenues to be Deposited in New Special Fund.**
The proceeds of the severance tax would be deposited in a new fund created by the measure, the California Energy Independence Fund. These revenues would not be eligible for loan or transfer to the state’s General Fund and would be continuously appropriated (and thus, not subject to the annual state budget appropriation process).

**Reorganized State Entity to Spend the Tax Revenues.**
The measure would reorganize an existing body in state government, the California Alternative Energy and Advanced Transportation Financing Authority, into a new California Energy Alternatives Program Authority (Authority). This reorganized authority would be governed by a board made up of nine members, including the Secretary for Environmental Protection, the Chair of the State Energy Resources Conservation and Development Commission, the Treasurer, and six members of the public who have specific program expertise, including: economics, public health, venture capital, energy efficiency, entrepreneurship, and consumer advocacy. The Authority is required to develop strategic plans and award funds to encourage the development and use of alternative energy technologies. The board would appoint a staff to administer various programs specified in the measure.

One of the stated goals of the measure, to be achieved through the various programs funded by it, is to reduce the use of petroleum in California by 25 percent from 2005 levels by 2017. The actual reduction would depend on the extent to which the measure was successful in developing and promoting—and consumers and producers used—new technologies and energy efficient practices.

**Allocation of Funds.** The funds generated from the severance tax, as well as any bonding against future severance tax revenues, would be allocated as follows, after first covering debt-service costs and expenses to collect the severance tax:

- **Gasoline and Diesel Use Reduction Account (57.50 Percent)**—for incentives (for example, consumer loans, grants, and subsidies) for the purchase of alternative fuel vehicles, incentives for producers to supply alternative fuels, incentives for the production of alternative fuel infrastructure (for example, fueling stations), and grants and loans for private research into alternative fuels and alternative fuel vehicles.

- **Research and Innovation Acceleration Account (26.75 Percent)**—for grants to California universities to improve the economic viability and accelerate the commercialization of renewable energy technologies and energy efficiency technologies.

- **Commercialization Acceleration Account (9.75 Percent)**—for incentives to fund the start-up costs and accelerate the production and distribution of petroleum reduction, renewable energy, energy efficiency, and alternative fuel technologies and products.

- **Public Education and Administration Account (3.50 Percent)**—for public education campaigns, oil market monitoring, and general administration. Of the 3.5 percent, at least 28.5 percent must be spent for public education, leaving a maximum of 71.5 percent of the 3.5 percent (or roughly 2.5 percent of total revenues) for the Authority’s administrative costs.

- **Vocational Training Account (2.50 Percent)**—for job training at community colleges to train students to work with new alternative energy technologies.

**FISCAL EFFECTS**

**New State Revenues to be Used for Dedicated Purposes.** Our estimates below are based on 2005 oil production levels and the average price of oil for the first six months of 2006. The severance tax would rise from about $225 million to $485 million annually. The level of revenue generated would depend both on (1) whether the tax was interpreted using the marginal rate interpretation or the single rate interpretation and (2) whether oil production on state and federal lands is taxed. However, actual revenues collected under the measure will depend
on both future oil prices and oil production in the state. As these variables are difficult to predict, there is uncertainty as to the level of revenue collections.

**State and Local Administrative Costs to Implement the Measure.** Because programs of the size and type to be overseen by the Authority have not been undertaken before in the area of transportation fuels, the administrative costs to the Authority to carry out the measure are unknown. Under the provisions of the measure, up to 2.5 percent of revenues in the new fund would be available to the Authority for its general administration costs. This would on average set aside from about $5 million to $12 million annually for administration. The amount of administrative funds available would depend both on (1) whether the tax was interpreted using the marginal rate interpretation or the single rate interpretation and (2) whether oil production on state and federal lands is taxed.

Costs to BOE to collect the severance tax and administrative costs associated with the issuance and repayment of bonds by the Treasurer’s Office are not counted as part of the Authority’s administration budget and are to be paid from the severance tax revenues. Additionally, in oil-producing counties, local administrative costs would increase by an unknown but probably minor amount, due to increased reassessment activity by local property tax assessors to account for the effects of the severance tax on oil-related property values.

**Reduction in Local Property Tax Revenues.** Local property taxes paid on oil reserves would decline under the measure relative to what they otherwise would have been, to the extent that the imposition of the severance tax reduces the value of oil reserves in the ground and its assessed property value for tax purposes. Although the exact size of this impact would depend on future oil prices, which determine both the severance tax rate and the value of oil reserves, it would likely not exceed a few million dollars statewide annually.

**Reduction in State Income Tax Revenues.** Oil producers would be able to deduct the severance tax from earned income, thus reducing their state income tax liability under the personal income tax or corporation tax. The extent to which the measure would reduce state income taxes paid by oil producers would depend on various factors, including whether or not an oil producer has taxable income in any given year, the amount of such income that is apportioned to California, and the tax rate applied to such income. We estimate that the reduction would likely not exceed $10 million statewide annually.

**Potential Reduction in State Revenues From Oil Production on State Lands.** The state receives a portion of the revenues from oil production on state lands, including oil produced within three miles of the coast. If the measure is interpreted to apply to production on these state lands, then the severance tax would reduce state General Fund revenues by $7 million to $15 million annually, depending on whether the measure is interpreted using the marginal rate or the single rate.

**Potential Reductions in Fuel Excise Tax and Sales Tax Revenues.** The measure could change both the amount and mix of fuels used in California, and thus excise and sales tax revenues associated with them. For example, to the extent that the programs funded by the measure are successful in reducing the use of oil for transportation fuels, it would reduce to an unknown extent the amount of gasoline and diesel excise taxes paid to the state and the sales and use taxes paid to the state and local governments. These reductions would be partially offset by increased taxes paid on alternative fuels, such as ethanol, to the extent that the measure results in their increased use.

**Potential Indirect Impacts on the Economy.** In addition to the direct impacts of the measure, there are potential indirect effects of the measure that could affect the level of economic activity in the state.

On one hand, by increasing the cost of oil production, the severance tax could reduce production, reduce investment in new technologies to expand production, and/or modestly increase the cost of oil products to Californians. This could have a negative impact on the state’s economy.

On the other hand, using revenues from the severance tax to invest in new technologies may spur economic development in California. This would occur to the extent that new technologies supported by the measure are developed and/or manufactured in the state. This could have a positive impact on the state’s economy.

Taken together, these economic factors could have mixed impacts on state and local tax revenues.
GOVERNMENT ACQUISITION, REGULATION OF PRIVATE PROPERTY.
INITIATIVE CONSTITUTIONAL AMENDMENT.

- Bars state and local governments from condemning or damaging private property to promote other private projects or uses.
- Limits government’s authority to adopt certain land use, housing, consumer, environmental and workplace laws and regulations, except when necessary to preserve public health or safety.
- Voids unpublished eminent domain court decisions.
- Defines “just compensation.”
- Government must occupy condemned property or lease property for public use.
- Condemned private property must be offered for resale to prior owner or owner’s heir at current fair market value if government abandons condemnation’s objective.
- Exempts certain governmental actions.

Summary of Legislative Analyst’s Estimate of Net State and Local Government Fiscal Impact:

- Increased annual state and local government costs to pay property owners for (1) losses to their property associated with certain new laws and rules, and (2) property acquisitions. The amount of such costs is unknown, but potentially significant on a statewide basis.

ANALYSIS BY THE LEGISLATIVE ANALYST

SUMMARY

This measure amends the California Constitution to:

- Require government to pay property owners for substantial economic losses resulting from some new laws and rules.
- Limit government authority to take ownership of private property.

This measure applies to all types of private property, including homes, buildings, land, cars, and “intangible” property (such as ownership of a business or patent). The measure’s requirements apply to all state and local governmental agencies.

PAYING PROPERTY OWNERS FOR ECONOMIC LOSSES

State and local governments pass laws and other rules to benefit the overall public health, safety, or welfare of the community, including its long-term economy. (In this analysis, we use the term “laws and rules” to cover a variety of government requirements, including statutes, ordinances, and regulations.)

In some cases, government requirements can reduce the value of private property. This can be the case, for example, with laws and rules that (1) limit development on a homeowner’s property, (2) require industries to change their operations to reduce pollution, or (3) restrict apartment rents.

PROPOSAL

This measure requires government to pay property owners if it passes certain new laws or rules that result in substantial economic losses to their property. Below, we discuss the types of laws and rules that would be exempt from the measure’s requirements and those that might require government compensation.

What Laws and Rules Would Not Require Compensation?

All existing laws and rules would be exempt from the measure’s compensation requirement. New laws
and rules also would be exempt from this requirement if government enacted them: (1) to protect public health and safety, (2) under a declared state of emergency, or (3) as part of rate regulation by the California Public Utilities Commission.

What Laws and Rules Could Require Compensation?

While the terms of the measure are not clear, the measure provides three examples of the types of new laws and rules that could require compensation. These examples relate to land use and development and are summarized below.

- **Downzoning Property.** This term refers to decisions by government to reduce the amount of development permitted on a parcel. For example, a government action to allow construction of three homes on an acre where five homes previously had been permitted commonly is called “downzoning.”

- **Limitations on the Use of Private Air Space.** This term generally refers to actions by government that limit the height of a building. For example, a government rule limiting how tall a building may be to preserve views or maintain historical character often is called a limitation of “air space.”

- **Eliminating Any Access to Private Property.** This term could include actions such as closing the only public road leading to a parcel.

In addition to the examples cited above, the broad language of the measure suggests that its provisions could apply to a variety of future governmental requirements that impose economic losses on property owners. These laws and rules could include requirements relating, for example, to employment conditions, apartment prices, endangered species, historical preservation, and consumer financial protection.

Would Government Pay Property Owners for All Losses?

Under current law and court rulings, government usually is required to compensate property owners for losses resulting from laws or rules if government’s action deprives the owners of virtually all beneficial use of the property.

This measure specifies that government must pay property owners if a new law or rule imposes “substantial economic losses” on the owners. While the measure does not define this term, dictionaries define “substantial” to be a level that is fairly large or considerable. Thus, the measure appears to require government to pay property owners for the costs of many more laws and rules than it does today, but would not require government to pay for smaller (or less than substantial) losses.

Effects on State and Local Governments

The measure’s provisions regarding economic losses could have a major effect on future state and local government policymaking and costs. The amount and nature of these effects, however, is difficult to determine as it would depend on how the courts interpreted the measure’s provisions and how the Legislature implemented it. Most notably:

- **How Many Laws and Rules Would Be Exempt From the Requirement That Government Pay Property Owners for Losses?** The measure does not require government to compensate property owners under certain circumstances (such as actions to protect public health and safety). If these exemptions were interpreted broadly (rather than narrowly), fewer new laws and rules could require compensation.

- **How Big Is a Substantial Economic Loss?** If relatively small losses (say, less than a 10 percent reduction in fair market value) to a property owner required compensation, government could be required to pay many property owners for costs resulting from new laws and rules. On the other hand, if courts ruled that a loss must exceed 50 percent of fair market value to be a substantial economic loss, government would be required to pay fewer property owners.

Under the measure, state and local governments probably would modify their policymaking practices to try to avoid the costs of compensating property owners for losses. In some cases, government might decide not to create laws and rules because of these costs. In other cases, government might take alternative approaches to achieving its goals. For example, government could:
• Give property owners incentives to voluntarily carry out public objectives.
• Reduce the scope of government requirements so that any property owners’ losses were not substantial.
• Link the new law or rule directly to a public health and safety (or other exempt) purpose.

There probably would be many cases, however, where government would incur additional costs as a result of the measure. These would include situations where government anticipated costs to compensate property owners at the time it passed a law—as well as cases when government did not expect to incur these costs. The total amount of these payments by government to property owners cannot be determined, but could be significant on a statewide basis.

LIMITING GOVERNMENT AUTHORITY TO TAKE PROPERTY

Eminent domain (also called “condemnation”) is the power of local, state, and federal governments to take private property for a public use so long as government compensates the property owner. (In some cases, government has given the power of eminent domain to private entities, including telephone and energy companies and nonprofit hospitals. In this analysis, these private entities are included within the meaning of “government.”)

Over the years, government has taken private property to build roads, schools, parks, and other public facilities. In addition to these uses of eminent domain, government also has taken property for public purposes that do not include construction of public facilities. For example, government has taken property to: help develop higher value businesses in an area, correct environmental problems, enhance tax revenues, and address “public nuisances” (such as hazardous buildings, blight, and criminal activity).

PROPOSAL

This measure makes significant changes to government authority to take property, including:
• Restricting the purposes for which government may take property.
• Increasing the amount that government must pay property owners.
• Requiring government to sell property back to its original owners under certain circumstances.

Below, we discuss the major changes proposed by the measure, beginning with the situations under which government could—and could not—take property.

Under What Circumstance Could Government Take Property?

Under the measure, government could take private property to build public roads, schools, parks, and other government-owned public facilities. Government also could take property and lease it to a private entity to provide a public service (such as the construction and operation of a toll road). If a public nuisance existed on a specific parcel of land, government could take that parcel to correct the public nuisance. Finally, government could take property as needed to respond to a declared state of emergency.

What Property Takings Would Be Prohibited?

Before taking property, the measure requires government to state a “public use” for the property. The measure narrows the definition of public use in a way that generally would prevent government from taking a property:
• To Transfer It to Private Use. The measure specifies that government must maintain ownership of the property and use it only for the public use it specified when it took the property.
• To Address a Public Nuisance, Unless the Public Nuisance Existed on That Particular Property. For example, government could not take all the parcels in a run-down area unless it showed that each and every parcel was blighted.
• As Part of a Plan to Change the Type of Businesses in an Area or Increase Tax Revenues. For example, government could not take property to promote development of a new retail or tourist destination area.
In any legal challenge regarding a property taking, government would be required to prove to a jury that the taking is for a public use as defined by this measure. In addition, courts could not hold property owners liable to pay government’s attorney fees or other legal costs if the property owner loses a legal challenge.

**How Much Would Government Have to Pay Property Owners?**

Current law requires government to pay “just compensation” to the owner before taking property. Just compensation includes money to reimburse the owner for the property’s “fair market value” (what the property and its improvements would sell for on an open market), plus any reduction in the value of remaining portions of the parcel that government did not take. State law also requires government to compensate property owners and renters for moving costs and some business costs and losses.

The measure appears to increase the amount of money government must pay when it takes property. Under the measure, for example, government would be required to pay more than a property’s fair market value if a greater sum were necessary to place the property owner “in the same position monetarily” as if the property had never been taken. The measure also appears to make property owners eligible for reimbursement for a wider range of costs and expenses associated with the property taking than is currently the case.

**When Would Government Sell Properties to Former Owners?**

If government stopped using property for the purpose it stated at the time it took the property, the former owner of the property (or an heir) would have the right to buy back the property. The property would be assessed for property tax purposes as if the former owner had owned the property continuously.

**Effects on State and Local Governments**

Government buys many hundreds of millions of dollars of property from private owners annually. Relatively few properties are acquired using government’s eminent domain power. Instead, government buys most of this property from willing sellers. (Property owners often are aware, however, that government could take the property by eminent domain if they did not negotiate a mutually agreeable sale.)

A substantial amount of the property that government acquires is used for roads, schools, or other purposes that meet the public use requirements of this measure—or is acquired to address specific public nuisances. In these cases, the measure would not reduce government’s authority to take property. The measure, however, likely would increase somewhat the amount that government must pay property owners to take their property. In addition, the measure could result in willing sellers increasing their asking prices. (This is because sellers could demand the amount that they would have received if the property were taken by eminent domain.) The resulting increase in government’s costs to acquire property cannot be determined, but could be significant.

The rest of the property government acquires is used for purposes that do not meet the requirements of this measure. In these cases, government could not use eminent domain and could acquire property only by negotiating with property owners on a voluntary basis. If property owners demanded selling prices that were more than the amount government previously would have paid, government’s spending to acquire property would increase. Alternatively, if property owners did not wish to sell their property and no other suitable property was available for government to purchase, government’s spending to acquire property would decrease.

Overall, the net impact of the limits on government’s authority to take property is unknown. We estimate, however, that it is likely to result in significant net costs on a statewide basis.
PROPOSITIONS SCHEDULED FOR THE
NOVEMBER 7, 2006, GENERAL ELECTION BALLOT

Legislative Measures

- **Proposition 1A**: Transportation Investment Fund
  SCA 7 (Resolution Chapter 49, 2006). Torlakson.

- **Proposition 1B**: Highway Safety, Traffic Reduction, Air Quality, Port Security Bond Act of 2006

- **Proposition 1C**: Housing and Emergency Shelter Trust Fund Act of 2006
  SB 1689 (Chapter 27, 2006). Perata.

- **Proposition 1D**: Education facilities: Kindergarten-University Public Education Facilities Bond Act of 2006
  AB 127 (Chapter 35, 2006). Núñez.

- **Proposition 1E**: Disaster Preparedness and Flood Prevention Bond Act of 2006
  AB 140 (Chapter 33, 2006). Núñez.

Initiatives

- **Proposition 83**: Sex Offenders. Sexually Violent Predators. Punishment, Residence Restrictions, and Monitoring.

  Increases penalties for violent and habitual sex offenders and child molesters. Prohibits registered sex offenders from residing within 2,000 feet of any school or park, and requires lifetime Global Positioning System monitoring of felony registered sex offenders. Expands the definition of a sexually violent predator, and changes the current two-year involuntary civil commitment for a sexually violent predator to an indeterminate commitment, subject to annual review by the Director of Mental Health and petition by the sexually violent predator for conditional release or unconditional discharge.

  Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown net costs to the state, within a few years, potentially in the low hundreds of millions of dollars annually due primarily to increased state prison, parole supervision, and mental health program costs. These costs would grow significantly in the long term. Potential one-time state capital outlay costs, within a few years, in the low hundreds of millions of dollars for construction of additional state mental hospital and prison beds. Unknown but potentially significant net operating costs or savings to counties for jail, probation supervision, district attorneys, and public defenders. The portion of costs related to changes in the Sexually Violent Predators program would be reimbursed by the state.

Authorizes $5.388 billion in general obligation bonds, payable from the state’s General Fund, to fund projects relating to safe drinking water, water quality and supply, flood control, waterway and natural resource protection, water pollution and contamination control, state and local park improvements, public access to natural resources, and conservation efforts. Provides funding for emergency drinking water, and exempts such expenditures from public contract and procurement requirements to ensure immediate action for public safety.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: State cost of about $10.5 billion over 30 years to pay off both the principal ($5.4 billion) and interest ($5.1 billion) costs on the bonds. Payments of about $350 million per year. Reduction in local property tax revenues of several million dollars annually, about one-half of which would be offset by state payments to schools to make up their revenue loss. Unknown costs, potentially tens of millions of dollars per year, to state and local governments to operate or maintain properties or projects acquired or developed with these bond funds.

• **Proposition 85**: Waiting Period and Parental Notification Before Termination of Minor's Pregnancy.

Amends California Constitution to prohibit abortion for unemancipated minor until 48 hours after physician notifies minor's parent or legal guardian, except in medical emergency or with parental waiver. Permits minor to obtain court order waiving notice based on clear and convincing evidence of minor's maturity or best interests. Mandates various reporting requirements, including reports from physicians regarding abortions performed on minors. Authorizes monetary damages against physicians for violation. Requires minor's consent to abortion, with certain exceptions. Permits judicial relief if minor's consent coerced.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Potential unknown net state costs of several million dollars annually for health and social services programs, court administration, and state health agency administration combined.

• **Proposition 86**: Tax on Cigarettes

Imposes additional 13 cent tax on each cigarette distributed ($2.60 per pack), and indirectly increases tax on other tobacco products. Provides funding to qualified hospitals for emergency services, nursing education and health insurance to eligible children. Revenue also allocated to specified purposes including tobacco use prevention programs, enforcement of tobacco-related laws, and research, prevention and treatment of various conditions including cancers (breast, cervical, prostate, and colorectal), heart disease, stroke, asthma, and obesity. Exempts recipient hospitals from antitrust laws in certain circumstances. Revenue excluded from appropriation limits and Proposition 98 calculations.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Increase in new state tobacco tax revenues of about $2.1 billion annually by 2007-2008, declining slightly annually thereafter. Those revenues would be used for various
health and tobacco-related programs and for children’s health coverage. Unknown net state costs potentially reaching the low hundreds of millions annually after a few years due to provisions for streamlining enrollment in the Medi-Cal and Healthy Families Programs (HFP). Unknown but potentially significant savings to counties on a statewide basis beginning in the near term for a shift of children from county health coverage to HFP, with unknown but potentially significant costs to the state in the long term for ongoing support of expanded HFP enrollment. Unknown but potentially significant savings in state and local government public health care costs over time due to expected reduction in consumption of tobacco products and due to other factors.

- **Proposition 87**: Alternative Energy. Research, Production, Incentives. Tax on California Oil

Establishes $4 billion program to reduce oil and gasoline usage by 25 percent, with research and production incentives for alternative energy, alternative energy vehicles, energy efficient technologies, and for education and training. Funded by a tax of 1.5 percent to 6 percent, depending on oil price per barrel, on producers of oil extracted in California. Prohibits producers from passing tax on to consumers. Program administered by California Energy Alternatives Program Authority. Prohibits changing tax while indebtedness remains. Revenues excluded from Proposition 98 calculations and appropriation limits.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: New state revenues annually - depending on the interpretation of the measure’s tax rate provisions - of either about $200 million or about $380 million from the imposition of a severance tax on oil production, to be used to fund a variety of new alternative energy programs. Reductions of unknown amounts in: local revenues from property taxes paid on oil reserves, potentially partially offset by state payments to schools to make up their revenue loss; state revenues from income taxes paid by oil producers; and, potentially, state and local revenues from gasoline and diesel excise and sales taxes.

- **Proposition 88**: Education Funding. Real Property Parcel Tax

Provides additional public school funding for kindergarten through grade 12 (K-12) by imposing a $50 tax on each real property parcel; exempts certain elderly and disabled homeowners. Funds must be used for class size reduction, textbooks, school safety, Academic Success facility grants, and a data system to evaluate educational program effectiveness. Provides for reimbursement to government entities to offset anticipated decrease in other tax revenue. Prohibits fund use for school administrative overhead. Requires school district audits and penalties for fund misuse. Excludes funds from Proposition 98 calculations.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Annual revenue of up to $500 million from a new, statewide parcel tax with the revenue dedicated to specific K-12 education programs (such as class size reduction, instructional materials, school safety, and facility grants).

Provides that candidates for state elective office meeting certain eligibility requirements, including collection of a specified number of $5.00 contributions from voters, may voluntarily receive public campaign funding from the Fair Political Practices Commission, in amounts varying by elective office and type of election. Increases income tax rate on corporations and financial institutions by 0.2 percent to fund program. Imposes new limits on campaign contributions to state-office candidates and campaign committees, and new restrictions on contributions and expenditures by lobbyists and corporations.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Increased revenues (primarily from increased taxes on corporations and financial institutions) totaling more than $200 million annually to pay for the public financing of political campaigns for state elected offices.

• **Proposition 90**: Government Acquisition, Regulation of Private Property

Bars state and local governments from condemning or damaging private property to promote other private projects, uses. Limits government’s authority to adopt certain land use, housing, consumer, environmental and workplace laws and regulations, except when necessary to preserve public health or safety. Voids unpublished eminent domain court decisions. Defines “just compensation.” Government must occupy condemned property or lease property for public use. Condemned private property must be offered for resale to prior owner or owner’s heir at current fair market value if government abandons condemnation’s objective. Exempts certain governmental actions.

Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Unknown, but potentially significant major future costs for state and local governments to pay damages and/or modify regulatory or other policies to conform to the measure’s provisions. Unknown, potentially major changes in governmental costs to acquire property for public purposes.
San Diego Association of Governments
EXECUTIVE COMMITTEE

October 13, 2006

AGENDA ITEM NO.: 7

Action Requested: APPROVE

REVIEW OF OCTOBER 27, 2006, DRAFT BOARD AGENDA

+1. APPROVAL OF MEETING MINUTES

   A. SEPTEMBER 8, 2006, POLICY MEETING MINUTES
   B. SEPTEMBER 8, 2006, SPECIAL MEETING MINUTES
   C. SEPTEMBER 22, 2006, MEETING MINUTES

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

   Members of the public shall have the opportunity to address the Board on any issue
   within the jurisdiction of SANDAG. Anyone desiring to speak shall reserve time by
   completing a “Request to Speak” form and giving it to the Clerk of the Board prior to
   speaking. Public speakers should notify the Clerk of the Board if they have a handout
   for distribution to Board members. Speakers are limited to three minutes. Board
   members also may provide information and announcements under this agenda item.

+3. ACTIONS FROM POLICY ADVISORY COMMITTEES

   This item summarizes the actions taken by the Transportation and Regional Planning
   Committees on October 6, the Executive Committee on October 13, and the
   Transportation and Public Safety Committees on October 20, 2006.

CONSENT ITEMS (4 through XX)

+4. 2006 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM QUARTERLY
     AMENDMENT* (Sookyung Kim)

   At its August 4, 2006, meeting, the Board of Directors adopted the 2006 Regional
   Transportation Improvement Program (RTIP), the five-year program of major
   transportation projects in the San Diego region covering the period from FY 2007 to
   FY 2011. The Federal Highway Administration and Federal Transit Administration
   approved the 2006 RTIP in October. SANDAG processes amendments to the RTIP on a
   quarterly basis based on requests from member agencies. At its October 20, 2006,
   meeting, the Transportation Committee recommended that the Board adopt
   Resolution No. 2007-11, approving Amendment No. 1 to the 2006 RTIP.
+5. ADDITIONS TO SMART GROWTH CONCEPT MAP (Carolina Gregor)  

On June 23, 2006, the Board of Directors accepted the draft Smart Growth Concept Map for planning purposes for use in the 2007 Regional Transportation Plan (RTP). Based on the most recent iteration of the Otay Mesa Community Plan update, the City of San Diego has requested the addition of two potential smart growth areas to the draft Smart Growth Concept Map: (1) a Potential Urban Center in the core of the Otay Mesa community; and (2) a Potential Special Use Center for a Southwestern College Satellite Campus. A letter from the City requesting these additions is attached. The Regional Planning Committee recommends that the Board of Directors approve the addition of these two areas to the Concept Map.

+6. ANNUAL MEETING CALENDAR (Deborah Gunn)  

The Board of Directors is asked to approve the meeting calendars for the Board and the Policy Advisory Committees for the upcoming year.

+7. APPLICATION FOR SECOND-YEAR FUNDING OF CALIFORNIA REGIONAL BLUEPRINT PLANNING GRANT PROGRAM (Coleen Clementson)  

The California Business, Transportation, and Housing Agency is awarding $4 million in California Regional Blueprint Grant Program funding during FY 2007 to current Metropolitan Planning Organization grantees to complete or enhance the implementation of regional comprehensive plans in the state. The grants are administered by Caltrans with assistance by the Department of Housing and Community Development. The Board of Directors is asked to approve Resolution No. 2007-09, authorizing the submittal of SANDAG’s grant renewal application for funding from the program to implement various strategic initiatives from the Regional Comprehensive Plan.

+8. STATE TRANSIT ASSISTANCE CLAIM AMENDMENT* (Sookyung Kim)  

At its June 23, 2006, meeting, the SANDAG Board of Directors approved the regional allocation for the FY 2007 State Transit Assistance (STA) program, which provides operating and capital support to transit operators. Following the June 2006 action, the State Controller issued a revised estimate for the FY 2007 STA program, and the North County Transit District (NCTD) has now requested an amendment to its STA claim to access these additional revenues. The Board of Directors is asked to adopt Resolution No. 2007-10, approving the STA claim amendment for NCTD.

+9. REGIONAL BEACH SAND PROJECT UPDATE (Shelby Tucker)  

Staff will present an overview of the Regional Beach Sand Project that was completed in 2001, and will report on what has occurred over the past five years, and the condition of the region’s coastline today.
10. REPORT SUMMARIZING DELEGATED ACTIONS TAKEN BY EXECUTIVE DIRECTOR (Renée Wasmund)

In accordance with SANDAG Board Policy Nos. 003 (Investment Policy) and 017 (Delegation of Authority), this report summarizes certain delegated actions taken by the Executive Director during August 2006.

11.

12.

CHAIR’S REPORT (13)

13. FIRST ANNUAL REPORT FROM THE TransNet INDEPENDENT TAXPAYER OVERSIGHT COMMITTEE* (ITOC Chair Maryam Babaki)

The Chair of the TransNet Independent Taxpayer Oversight Committee (ITOC) will present the first Annual Report from the ITOC outlining its primary areas of activity over the past year and its planned focus areas for the future.

REPORTS (14 through XX)

14. PROGRESS IN REGIONAL PUBLIC SAFETY-RELATED ACTIVITIES

   +A. IMPROVING INTEROPERABILITY AND COMMUNICATIONS IN THE SAN DIEGO REGION: IMPLEMENTING A FRAMEWORK AND ACTION PLAN (Mayor Steve Padilla, Public Safety Committee Chair; Chief Tom Zoll, Public Safety Committee Vice Chair)

On September 15, 2006, the Public Safety Committee (PSC) reviewed the efforts over the past nine months to create a regional strategy for voice and data communications and interoperability. The PSC also discussed a framework for improving coordination, proposed by the Regional Technology Partnership, which included the formation of a Clearinghouse and Advisory Council, with the PSC and the Unified Disaster Council (UDC) serving as the policy bodies. This framework was well received by the PSC and UDC at their September meetings. The PSC recommends that the Board of Directors approve the proposed framework and action plan and direct staff to work with the Regional Technology Partnership and UDC to identify funding options to implement the action plan.
The SANDAG FY 2006 Overall Work Program included a number of public safety-related work elements funded through local, state, and federal monies. This item highlights the major agency accomplishments for ARJIS (Automated Regional Justice Information System) and the Criminal Justice Research Division during FY 2006. Key successes include wireless access to public safety information from the field, an enhanced publicly accessible crime mapping system, enhancements to ARJIS and the Clearinghouse, and other criminal justice research activities. A summary of these accomplishments was presented to the PSC at its September 15, 2006, meeting.

The Chiefs'/Sheriff’s Management Committee had identified the need to add a new SANDAG regular staff position for ARJIS. The ARJIS Senior Business Manager would provide oversight and management of the ARJIS budget and all related financial tasks, coordinate ARJIS grants, and manage and report on ongoing ARJIS work programs. This position also will be responsible for creating Board reports and agendas, and making presentations to the SANDAG Board, Public Safety Committee, and other ARJIS groups. The Executive Committee recommends that the Board of Directors approve a new ARJIS Senior Business Manager position.

At its October 13, 2006, meeting, the Board of Directors reviewed and discussed the draft set of transportation project evaluation criteria for transit services, highway corridors, freeway connectors, high-occupancy-vehicle connectors, rail grade separations, and transit capital replacement and rehabilitation projects. The Board of Directors is asked to approve the draft criteria for use in the 2007 Regional Transportation Plan.

Staff has developed an integrated public participation plan to reach out to non-traditional and traditional audiences to raise their awareness of the transportation planning process and specific SANDAG programs and projects. Early public involvement and comment about the 2007 Regional Transportation Plan (RTP) is an important part of developing a transportation public policy blueprint that helps meet the travel needs of our residents. The Board of Directors is asked to approve the public participation plan for the 2007 RTP.
+17. PROPOSED CHANGES TO FasTrak® PROGRAM AND AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING WITH MTS FOR I-15 TRANSIT SERVICES (Linda Culp)

The Transportation Committee recommends that the Board of Directors: (1) approve Resolution No. 2007-08 concerning the updated FasTrak Value Pricing Policy for the Interstate 15 (I-15) corridor; and (2) authorize the Executive Director to execute a Memorandum of Understanding and Fund Transfer Agreement with the Metropolitan Transit System to provide I-15 FasTrak funding to support I-15 corridor transit services beginning in FY 2007.

+18. REGIONAL COMPREHENSIVE PLAN: PERFORMANCE MONITORING BASELINE REPORT (Coleen Clementson)

The Performance Monitoring Chapter of the Regional Comprehensive Plan (RCP) identifies a set of performance indicators to monitor the region’s progress toward achieving the goals and objectives of the RCP. The attached report establishes the baseline for performance monitoring for the RCP. The Board of Directors is asked to accept the report as a baseline for RCP performance monitoring.

19.

20.

21. UPCOMING MEETINGS INFORMATION

The next meeting of the Board of Directors is scheduled for Friday, November 17, 2006, at 9 a.m. Please note that the November Board meeting will be held on the third Friday of the month due to the Thanksgiving holiday schedule.

22. ADJOURNMENT

+ next to an agenda item indicates an attachment
* next to an agenda item indicates a San Diego County Regional Transportation Commission item
## FINAL STATUS OF CALIFORNIA STATE BILLS
### DIRECTLY AFFECTING SANDAG

<table>
<thead>
<tr>
<th>Bill Number (Author): Title</th>
<th>Status</th>
<th>Effect on SANDAG</th>
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</thead>
<tbody>
<tr>
<td><strong>Sponsored Bills</strong></td>
<td></td>
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<tr>
<td>SB 1282 (Ducheny)</td>
<td>Signed by Governor 09/25/06</td>
<td>Exempts federal Coordinate Border Infrastructure (CBI) program funds from the State Transportation Improvement Program (STIP) formula distribution, ensuring that the dollars are used for border area transportation improvements as intended by the federal program. California’s share is $106 million. CBI funding is important to completion of projects such as State Route 905 in the San Diego region.</td>
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<tr>
<td>Transportation federal funds: border infrastructure program</td>
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<tr>
<td>SB 1296 (Kehoe)</td>
<td>Signed by Governor 08/22/06</td>
<td>Adds a second representative from the County of San Diego to the SANDAG Board of Directors, and specifies that the representatives are selected from the incorporated and unincorporated areas of the County. Also makes other corrections to ensure that the San Diego Mayor can continue to serve on SANDAG under the City’s strong mayor form of government.</td>
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<tr>
<td>San Diego Consolidated Transportation Agency: governance</td>
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<tr>
<td><strong>Other Bills</strong></td>
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<tr>
<td>AB 372 (Nation)</td>
<td>Signed by Governor 09/14/06</td>
<td>Allows SANDAG, as the consolidated agency, to utilize design-build procurements on transit projects.</td>
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<td>Public contracts: transit design-build contracts</td>
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<tr>
<td>SB 463 (Kehoe)</td>
<td>Signed by Governor 09/25/06</td>
<td>Provides the authority to extend the franchise period for the State Route 125 Toll Road for up to another 10 years (to a 45-year maximum). Also gives SANDAG the authority to continue toll collection with a two-thirds vote of the Board of Directors, with a stipulation that excess toll revenues are used for projects that improve the operation of the State Route 125 corridor.</td>
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<tr>
<td>Tolls: State Highway Route 125</td>
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Analysis Of Propositions 84, 87, and 90

Proponents:

• $5.4 Billion in General Obligation Bonds
  – $2.4 billion Water Related Improvements
  – $3.0 billion Natural Resource Purposes
• Direct allocation to San Diego County $154 million
• San Diego region share of remaining funding unknown
• Potential cost to State $10.5 billion (Principal and Interest)
• Supported by San Diego County Water Authority, City of San Diego, League of Cities and other agencies
• Opposed by other individual smaller water districts and taxpayer groups
**Proposition 87:**

- Would generate $4 billion to fund alternative energy programs
  - Alternative fuel vehicles, infrastructure, and incentives
  - Research and innovation
  - Production and distribution of alternative energy programs
  - Public education and administration
  - Vocational training
- Fiscal impact to transportation funding is unknown
- Energy Working Group took no position
- Opposed by Taxpayers Association, Chambers of Commerce, and the California State Association of Counties.

**Proposition 90:**
*Government Acquisition, Regulation of Private Property*

- Eminent Domain for “public use” projects only
- Redefines “just compensation” in favor of property owner
- Mandates compensation for “regulatory taking”
- Could have an impact to the implementation of SANDAG Regional Comprehensive Plan
- Opposed by the San Diego Regional Chamber of Commerce, League of California Cities
**Recommendation**

- This item is presented for information purposes and possible action.

- Alternatively, the Executive Committee may take action on any or all of Propositions 84, 87 and 90.

**QUESTIONS?**
Analysis Of Propositions 84, 87, and 90