



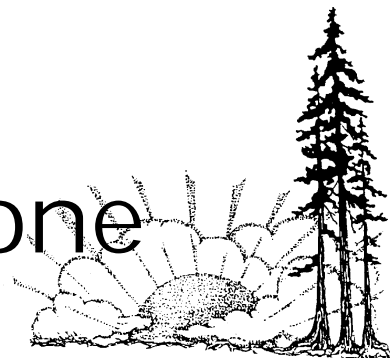
Bay Area Monitor

A Bimonthly Review of Regional Issues in the Bay Area

Vol. 29, No. 4 February/March 2004

Saving "the Last Wild Places" in the East Bay

Before They're All Gone



Open space in the Bay Area tends to disappear over the years, often because it isn't really "open space", but land waiting to be something else. Saving views, wildlife habitats and recreational opportunities comes down to money—money to buy the undeveloped land, or at least to buy an easement that keeps it open. Then comes the need for more money for stewardship, caring for the land and making it available to the public as appropriate. Park districts, whether state, regional or local, can do only so much, and other organizations have become critical partners in the effort to preserve open space throughout the region.

During the past few decades, pioneer nonprofit organizations such as the Midpeninsula Open Space District and the Marin Agricultural Land Trust have been joined by many others. John Woodbury, Executive Director of the Bay Area Open Space Council, coordinates a group whose participants include park and recreation districts, open space trusts, land preservation trusts, county open space districts, and other agencies and organizations with an interest in open space. Many of these overlap, often deliberately. For example, in Santa Clara County, which has an active park and recreation district, the Santa Clara County Open Space Authority focuses primarily on land acquisition. The Midpeninsula Open Space District, which operates in southern San Mateo and northern Santa Clara Counties, created the Peninsula Open Space Trust as a nonprofit trust; the two cooperate to acquire and preserve land.

Often the overlap reflects the complex problems involved in open space preservation. The Santa

Clara County Open Space Authority was instrumental in creating an agricultural land trust to speak directly to the concerns of farmers in the county. In Sonoma County, where the Board of Supervisors also serves as the board of the open space authority, much of the open space preservation has been accomplished through buying easements. While this preserves views and often wildlife habitat as well, much of the land is not very accessible to the public. A separate nonprofit has been established to create public access through tours and a "land pass" permit system.

Single agency or cooperative arrangements aside, sometimes even acquiring land outright does not guarantee public access. In the East Bay, the nonprofit organization Save Mt. Diablo, which works to acquire additional land for Mt. Diablo State Park, may soon find itself transferring its acquisitions to a state agency which has severely cut back on the staff available to maintain the existing park.

Of the 27,000 acres acquired by the East Bay Regional Park District (EBRPD) in Alameda and Contra Costa Counties using money from a 1988 bond measure, 15,000 acres, over half, remain in "land bank" status. Recent parcel tax measures for upgrades and maintenance have failed, restricting the funding for opening the newer acquisitions to the public. The EBRPD board has discussed the potential for placing a more limited parcel tax measure on the ballot in the portion of the district which has been most supportive of the maintenance measures.

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Getting Closer: ABAG/MTC Task Force

While the word "merger" was mentioned in each of their six intense meetings, participants in the ABAG/MTC Ad Hoc Task Force, set up to consider a tighter bond between the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), had agreed in their initial meeting that a merger of the two agencies was not their primary goal. Instead they attempted to find a structure for better regional governance, with a merger as a potential strategy. Some might have been disappointed, but few were surprised to find that by the Task Force's final meeting in December, the merger concept remained in view but not in play.

What Task Force members took back to January meetings of the MTC and ABAG's Executive Board was a recommendation to perpetuate the Task Force, or some equivalent body, as a "joint policy committee" (JPC). Some MTC representatives suggested using the Regional Agency Coordinating Committee (RACC) to fill the role of joint policy committee. RACC consists of representatives of MTC, ABAG and the Bay Area Air Quality Management District, and includes representatives of other agencies and interests for discussions on implementing the regional smart growth strategies (see *April/May 2003 issue*). However, many Task Force participants were not familiar with RACC, and RACC members in the group were split on the merits of the proposal, leading to the recommendation to form the JPC as a separate body.

Initially, this group is to be charged with overseeing the integration of the planning staffs of the two agencies. To facilitate this, an independent staff

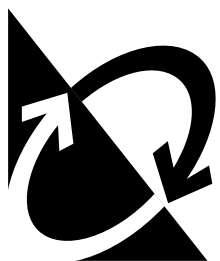
person, responsible to the joint committee, will be hired by the Executive Directors of both agencies.

Once the boards of the two agencies have approved this approach, the new group will need to begin by developing a work program and budget. For a start, the group inherits some issues left unresolved by the Task Force, including action items to stimulate involvement and participation by local governments in implementing regional smart growth strategies. The committee could consider developing a "toolkit" of best management practices, incentives, model codes, and financial strategies and incentives. It might also work on a regional investment strategy and on incentives to reinforce the Smart Growth Strategy developed by ABAG, MTC and other regional agencies.

One proposal to be considered is the use of the JPC as a policy review body for plans related to housing, jobs, the economy, the environment, transportation or social equity issues in the region, whether they are produced by ABAG, MTC, or other agencies or jurisdictions. For example, Dave Cortese, Councilmember from San Jose, described San Jose's economic plan, recently presented to the Santa Clara Valley Transportation Authority Board and potentially a model for a countywide economic plan. Under the current structure, the plan would not be brought to the regional agencies at all, but could come to the JPC for review and comments under this proposal.

The draft legislative agenda, which was discussed briefly by the Task Force and was passed along to the joint committee, could include secur-

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For more information:
Task Force materials for all meetings are online at <http://www.abag.ca.gov/taskforce/meetings.html>

Articles on ABAG/MTC integration appeared in previous issues of the Monitor: August/September 2003, December 2002/January 2003, August/September 2002

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Reality Check: Transportation Funding Shortfalls

I think I've just realized that we can't even afford the system we already have," said one stunned Metropolitan Transportation Commission (MTC) commissioner at a key committee meeting in December 2003. His comments came after two hours of testimony which made it obvious that the region's transportation system is far from perfect and needs even more money to improve. Those comments were to be expected as various groups testified for favorite programs, but many commissioners were dismayed by the extent of the funding shortfalls, which reflect current recession-related factors as well as identification of new needs.

Approximately three years ago, during preparation of the 2001 Regional Transportation Plan, MTC commissioners agreed to fund 100 percent of the projected capital replacement shortfall for transit. That kind of commitment is impossible now. In the proposed Transportation 2030 Plan (see sidebar), while the amount proposed to go to transit capital shortfalls over the next 25 years has risen from \$1.18 billion to \$1.34 billion, the funds will cover only 25 percent of the shortfall, not 100 percent. For local streets and roads, funding in the new plan has been increased from \$143 million to \$990.5 million and is estimated to cover only 15 percent of the shortfall.

Clearly, the change in the percentages of shortfalls covered in the new plan is not because fewer dollars are being allocated, but because of new assumptions about future revenues and a change in the size of the projected needs. During the 18 months following adoption of the 2001 RTP, a committee of transit operators, congestion management agencies and public works directors developed a consistent and comprehensive evaluation of the real costs and needs for transit, streets and roads in the region.

Their report, which was presented to transportation officials in September 2003, showed that the 2001 shortfall estimate was far too small. Also, since 2001, other circumstances have increased the potential future shortfall—for example, a ballot measure to fund BART's seismic retrofit failed, and budget problems have redirected state transportation funds.

Little extra money is available in this round of regional transportation planning, and what there is must be used for more than just the shortfalls. Acknowledging growing regional support for lifeline transit and regional bicycle/pedestrian programs, funds for both have been added to the new plan, although advocates say these programs remain substantially underfunded. Extra funding is being given also to programs that use regional funds as incentives to do better local planning—the Transportation for Livable Communities/Housing Incentive Program and the new T-PLUS program (see October/November 2003 issue)—which represent MTC's ongoing commitment to a regional Smart Growth Strategy.

While there are projected shortfalls in almost every area of the Transportation 2030 Plan, the regional investment strategy adopted by the commission in December leaves the largest deficit in the area of rehabilitation—for transit, and streets and roads. Dorothy Dugger, BART's Assistant General Manager, told the MTC committee she is concerned that rehabilitation shortfalls will affect transit's ability to meet the Transportation 2030 goals, particularly safety and on-time performance.

The only additional funding available would be from the projected "Big Tent" sources—local tax measures, new gas taxes at regional, state or federal levels, vehicle fees and parcel taxes for transit rehabilitation. The current estimate of what all the Big Tent options might raise is \$25.8 billion, of which \$13.5 billion (52%) could be available for rehabilitation. The unmet need for rehabilitation in the regional investment strategy is estimated at \$17.9-\$18.9 billion, of which \$6-7 billion is the shortfall for state highways in the region, leaving \$11.9 billion as the purely regional shortfall to be covered by the Big Tent.

Over the 25-year period covered by the Transportation 2030 Plan, the shortfall could be significantly reduced or eliminated if even a few of the new sources were to come into play. Since several are likely to be successful, the Big Tent may give a more realistic picture of the next 25 years for Bay Area transportation than the legally-required fiscally constrained plan. Certainly it is a more optimistic one.

Leslie Stewart



Transportation 2030 is the 25-year investment blueprint and policy statement for Bay Area Transportation now being prepared by the Metropolitan Transportation Commission.

MTC is taking a different, more visionary, approach to this plan. Rather than including only those projects that have identified funding (the fiscally-constrained plan required for federal planning), the Transportation 2030 Plan will employ a "Big Tent" strategy that includes additional projects together with an advocacy program to raise needed revenues to pay for them. The Commission will adopt the Transportation 2030 Plan in January 2005.

For more information, see www.mtc.ca.gov/t2030.

Ratcheting Down Risk: Air District's Toxics New Source Review

The Bay Area Air Quality Management District (BAAQMD) is proposing changes to its Air Toxics New Source Review Program (NSR). The changes will make the BAAQMD program consistent with the latest state health risk assessment guidelines, adopted in 2003 by the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) after a multi-year re-assessment of the science on which the evaluation of public health risks is based. This and other proposed changes to the NSR process will lower the levels of toxic air contaminants which trigger action to protect public health and the environment. Impacts of the proposed rule changes will be felt primarily at gas stations and facilities with diesel generators, where emissions are already close to the current permissible levels. However, the district feels that the more stringent requirements being proposed can be easily met with existing control technologies.

The district's Air Toxics NSR Program was established in 1987. The program requires that facilities undergo a permit review before undertaking major construction projects; the goal is to prevent increases in public health risk from projects that create new or modified sources of toxic emissions. The Air Toxics NSR Program also requires companies to update their emissions controls when modifying or replacing more polluting emissions sources. The implementation of this program along with other state and local programs has halved the average cancer risk from toxic air contaminants in the Bay Area in the sixteen years of the program's existence.

Under the Air Toxics NSR Program, assessment of risks from new and modified sources of toxic air contaminants has been accomplished using an approach known as a Health Risk Assessment (HRA). The methodology for HRAs is developed at the state level for air pollution control programs across California; it has been updated several times over the years. The current BAAQMD rule changes are being proposed to adopt the latest updates based on new developments in the underlying risk assessment science. Toxicity values and exposure assessment procedures within HRAs will be up-

dated to conform to the statewide guidelines adopted by OEHHA in October 2003. In addition, the Air Toxics NSR health risk assessments, which currently evaluate health risks only from long-term or chronic exposure to toxic air contaminants, will now include an assessment of short-term or acute exposures.

The changes in exposure assessments include changes in assumptions about how much of a contaminant an average worker or member of the public is likely to breathe if they are located near a facility that emits air contaminants. (Cal OSHA is responsible for regulating the exposure of workers actually on the site of the emissions source.) In other words, current technology is better at estimating actual exposures, and as a result, adjustments can now be made in the levels of contaminants that need to be controlled.

Now that the risk levels will be ratched down, emissions sources that are close to current control levels will have to find ways to limit their emissions even further. These facilities include gas stations and any facility that has a stationary diesel engine, such as those used to power a back-up generator. Gas stations should be able to meet the new requirements by using existing preventative maintenance checklists to minimize emissions from fueling equipment. In a few cases, some facilities may have to limit the amount of gasoline pumped on any given day. The statewide phase-in of Enhanced Vapor Recovery systems, a program already in progress, will also help to reduce emissions from the pumping of gasoline.

Stationary diesel engines are another emissions source that may need to be adjusted to meet the new emissions levels. Diesel engines accounted for over sixty percent of the HRAs performed under Air Toxics NSR in 2002. Newly manufactured engines generally meet the new emissions levels without any problems. In most cases, existing engines can meet new requirements with add-on controls such as particulate filters, which provide eighty-five to ninety percent reductions in emissions, or diesel

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The Dark Side of Trees: Air Pollution

Attributes other than growth requirements can influence the choice of a tree. Aesthetic bonuses of trees include fall colors, flowers and fragrance, fruit that is edible or attractive to birds. Adverse features that might be considered are poisonous seeds, pollen that activates allergies, and the emission of volatile organic compounds (VOCs) that are precursors of ground-level ozone.

As they grow, trees interact with their environment in several ways. Trees can alter the microclimate in their vicinity by reducing air temperature through transpiration and the shade from their canopies, and by slowing wind speed. The cooling effect can reduce emissions of air pollutants and slow the formation of ozone. In urban areas, trees, properly placed, can reduce energy use by shading buildings in summer and blocking winds in winter. Lower energy use reduces air pollution from energy production. On the other hand, emissions from vehicles and equipment used in the maintenance of urban trees can indirectly result in a net increase in pollution due to trees.

The removal of carbon dioxide from the air through photosynthesis is generally known. Trees also remove pollutants from the air. The leaves absorb gaseous pollutants—ozone, sulfur dioxide, nitrogen dioxide, and carbon monoxide. Particulate matter may also be absorbed, but is most often deposited on the leaf surface where it may be blown off by winds, washed off by rain, or dropped to the ground when the leaves fall.

Trees emit varying amounts of the biogenic VOCs (BVOCs)—isoprene, monoterpene, and other VOCs. Whether the trees in an urban area have a low or high rate of emission of VOCs can determine whether the trees cause a net decrease or increase in air polluting emissions. High emitters include eucalyptus, liquidambar, sycamore, poplar, oak, black locust, and willow trees. Low emitters include ash, pine, maple, palo verde, elm, and fruit trees. However, data is not available for many trees.

Although the emission of VOCs by vegetation has been known for decades, the extent of its importance to urban air quality has only recently been realized. The first BVOC emissions inventory by the California Air Resources Board (ARB) was done in

the South Coast air basin in the 1980's. Dominant plant species were identified, and the BVOC rates determined for about one-third of these. Leaf-mass constants were also developed so that a range of BVOC emissions could be estimated for the survey area. Since then, survey techniques have been increasingly refined, and restudies of this area have been conducted. Other surveys continue to be conducted in Southern California.

A similar BVOC emissions inventory was completed for the San Joaquin Valley Air Quality Study and, most recently, for the Central California Ozone Study.

The databases and other information developed from these surveys are used to improve the accuracy of the Urban Airshed Model used in preparing the emissions inventories that are included in plans to attain federal and state air quality standards.

The importance of accurate emissions inventories in the development of air pollution control strategies prompted the passage of SB 2174 (Polanco), which requires the ARB to approve and validate emissions inventories for stationary, mobile, areawide, and biogenic sources.

Adelia Sabiston

For more information:

- <http://selectree.cagr.calpoly.edu>

This resource allows a search based on one or more desirable or undesirable attributes for trees. Biogenic emissions is one attribute that can be used.

- http://www.lgc.org/bookstore/energy/downloads/socal_tree_guidelines.pdf
- http://www.lgc.org/bookstore/energy/downloads/sjv_treeguidelines.html

These free publications from the Local Government Commission were developed for communities to use in selecting trees, especially those planted in public areas. Sidebar list is from San Joaquin Valley guide.

- <http://www.pcl.org/bonds/urbantrees.html>

Text of two papers, from 1994 and 1999, by David J. Nowak, a leading researcher in the field of biogenic emissions.



High emitters.

*ironbark and coolibah eucalyptus; liquidambar; London plane tree (sycamore); forest green, holly, cork, southern live, escarpment live, and redrock oaks; goldenrain tree; flame tree; desert willow (*Chilopsis linearis*).*

Greatest effect in lowering ozone.

*hackberry; white and green ash; Canary Island and Italian stone pines; shoe-string acacia; maple; palo verde; camphor tree; Australian willow (*Geijara parviflora*); Chinese pistache; thornless mesquite; flowering pear; frontier, prospector, Chinese, and lacebark elms; and zelkova.*

A Local View of Regional Transportation

"We need choices—now we often have only one, driving."

James Corless, Surface Transportation Policy Project



"Reach consensus on where to expand, then give the money to the locals to do projects within those parameters."

Pam Belchamber, Vallejo Transit

What does "regional" transportation look like to Bay Area residents who are not close to the Bay? For one panelist in a Transportation 2030* forum in Vallejo in November, "regional" meant trucks and other heavy long-distance traffic on freeways that also need to serve local residents. For an audience member, it meant buses or ferries that need to run farther or later to get riders to distant jobs and classes. For some county transportation planners in the group, it meant trying to keep up with other Bay Area counties that have voter-approved transportation sales taxes which can be used to leverage new projects and to provide badly needed maintenance.

The forum was cosponsored by the League of Women Voters of the Bay Area and the Metropolitan Transportation Commission (MTC) as part of the public outreach for Phase I of the Transportation 2030 process (see sidebar page 3). However, it sounded themes that will probably be heard again as Phase II brings countywide planning agencies into the regional planning process.

Transportation 2030 plans will challenge local officials.

"The planning process is difficult to understand, even for professional staff," said panelist Mike Zdon, Executive Director of the Napa County Transportation Planning Authority. Panelist Bernice Kaylin, League of Women Voters Sonoma County transportation chair, said that many elected officials are new to the process and bewildered by the "alphabet soup" of acronyms and transportation jargon. When regional programs are unfamiliar, local officials may be wary of participating in them or see them as mandates from the regional agencies rather than opportunities.

Every one of the nine counties in the Bay Area is different, even while they share regional needs.

Panelist Darryl Halls, Executive Director of the Solano Transportation Authority, noted that maintaining roads is a large expense in the North Bay compared to transit, while in the "inner Bay Area" these priorities are reversed. Many local problems cannot be solved by regional programs, although

some local projects may also address regional needs. Kaylin pointed out that changes at the truck scales near Cordelia could relieve a regional bottleneck which is getting worse as expansion at a regional facility, the Port of Oakland, puts more trucks on Bay Area freeways. Panelist Pam Belchamber, Transportation Manager for Vallejo Transit, suggested the solution is to "reach consensus on where to expand, then give the money to the locals to do projects within those parameters."

Land use and transportation planning need to be better integrated.

Panelist James Corless from the Surface Transportation Policy Project commented on existing MTC programs which reward local jurisdictions for building more infill, mixed use and transit oriented development. Halls observed that the region does not have an economic or housing plan similar to the Transportation 2030 plan, and suggested that this kind of planning should be done as a basis for the MTC incentive programs. Halls and Corless agreed that "local control is here to stay in California," but Halls noted that incentives are working, with many cities already doing exciting projects and coordinating planning. Audience participants in breakout groups strongly supported the financial incentives for better planning.

No single mode of transportation is the "right one".

"We need choices—now we often have only one, driving," said Corless. Belchamber noted that, "All modes work if people use them all—some use ferries, some use buses, some use both. We need to build on what is already working." Audience members placed linkages between transit systems at the top of their priority lists, particularly noting TransLink®, a universal ticket good on all Bay Area transit systems.

Maintaining the system is as important as expanding it, but it is not as glamorous.

"Maintaining the system keeps people using it," said Belchamber. Even when sales tax measures focus on capital projects, they expand the pot and allow other funds to be shifted to needed maintenance.

Local, *from previous page***B**oth current and new sources of money are essential to getting projects done.

MTC has allocated less money to county congestion management agencies for local project selection in the Transportation 2030 process than in the predecessor 2001 Regional Transportation Plan. According to Zdon, the money for counties is a "drop in the bucket", especially when some money has to be used to match state and local funds to complete planned projects. Napa will be considering putting a county sales tax measure on the ballot for the first time in November 2004, and other North Bay counties may also try again to pass sales tax measures.

As Belchamber observed, "Hard times push us to set priorities". For some, a priority may be to pass a county sales tax measure; for others, a priority may be to build bicycle and pedestrian paths to increase transportation choices. County agencies have already had considerable input into regional priorities and the level of funds allocated to counties for further local decisionmaking in Phase II.

With regionwide goals for Transportation 2030 and a commitment by county agencies to support a certain level of regional programs, MTC is confident that local plans will continue to be guided by regional priorities and will contribute diversity to the Transportation 2030 plan without disrupting it.

Leslie Stewart

Sales Tax Measures: North Bay

Three North Bay counties—Marin, Napa and Solano—may be added to the list of those with transportation sales tax measures on the November 2004 ballot (*see October/November 2003 issue*). Congestion management agencies in all three counties moved forward in December 2003 with reports on polling and discussions of tentative "wish lists" for funds which could be raised by an extra half cent of sales tax.

Agency members in all three counties expressed concerns about meeting the high hurdle of a two-thirds vote—this would be a first for Napa County, but a Solano County measure failed in 2002, while Marin County had unsuccessful measures in 1980, 1990 and 1998. They also mentioned the possibility of "voter fatigue", particularly if other tax measures appear on the same ballot.

However, members also stressed the likelihood of scant state funding for these projects, especially in the short run, making local funds the best chance for local transportation improvements. With the high turnout potential of a presidential election, agency consultants predict the measures are likely to pass. If all three agencies continue in this direction, a majority of the Bay Area counties may have transportation sales tax measures on the November 2004 ballot.

Marin

- \$15 million/yr (\$4.5 billion over 30 years)
- Key projects: Support for bus service (including Golden Gate Transit); widening Highway 101 and adding a carpool lane; no rail projects

Napa

- \$430 million over 30 years
- Key projects: Would probably include improvements to Jamieson Canyon Road and passenger rail service from St Helena through Napa to Vallejo

Solano

- \$1.4 billion over 30 years
- Key projects: Improvements to the I80-680 interchange; transit for the elderly and disabled; passenger rail from St Helena to Vallejo

Transportation 2030, Phase II: The Regional Level

At the regional level, MTC will take on several tasks while waiting for the county plans to be submitted. A critical task will be coordinating the discussions among a wide range of transportation interests on the potential strategies to raise new transportation revenues.

Commission staff will also continue to apply performance measures to projects proposed for the Transportation 2030 Plan (*see Aug/Sept 2003 issue*). The results of the initial evaluations will be given to the county congestion management agencies to use in developing the county plans.

Projects which will need Big Tent funding will be evaluated in a second group during Phase II.

The Bay Area transit expansion plan adopted in 2001 as MTC Resolution 3434 will be reviewed and amendments will be proposed to reflect up-to-date information on the project scope, cost, funding strategy and operating plan for each of its 19 rail and bus projects. This will include evaluating several ferry expansion projects from the San Francisco Bay Area Water Transit Authority's plan, as well as incorporating funding changes created by local sales tax measures, Regional Measure 2 to increase the bridge toll by \$1 (if it is passed in March) and state budget strategies.

For more information: www.mtc.ca.gov/t2030; 510-464-7700

Would Bigger Be Better? Expanding Los Vaqueros Reservoir

Plans to rebuild and expand Los Vaqueros Reservoir in eastern Contra Costa County face a critical vote by Contra Costa Water District (CCWD) ratepayers on March 2, 2004. An enlarged reservoir would serve as a regional surface water storage facility intended to improve drought supplies and drinking water quality in the Bay Area and enhance the Delta environment. If Measure N is approved, the water district and CALFED can move ahead with environmental studies and partnership negotiations. If voters reject Measure N, CCWD would not support an expansion and the project would effectively be stopped.

For the average CCWD customer, the regional and statewide perspective on water pumping, storage and distribution may not seem very important. However, this very local decision could have impacts for several other water districts, the long-term state water storage picture, and for the Delta environment.

In 1988, CCWD ratepayers approved a bond to construct the Los Vaqueros Reservoir to improve water quality and provide emergency storage for CCWD customers. At the time of construction, other Bay Area water agencies decided not to participate in building and using the reservoir. Currently, Los Vaqueros is capable of storing 100,000 acre-feet of water. It is used primarily for storing water drawn from the Delta intake during heavy flow periods when water quality is high and then released into the CCWD system during dry months when water quality at the intake suffers from seawater intrusion.

When the consortium of agencies known as CALFED issued its Record of Decision in 2000, additional surface storage was identified as a major need for the state, and Los Vaqueros was named as one of several potential storage sites. Under the preliminary planning scenarios developed by CALFED and CCWD, Los Vaqueros could be rebuilt to store 300,000–500,000 acre feet of water.

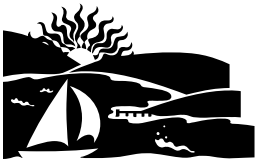
The larger reservoir would continue to provide storage for CCWD's needs, and could also store water for CALFED's Environmental Water Account and for other Bay Area water districts, which would be partners in the expansion. Potential partners in

the project include Santa Clara Valley Water District (SCVWD), Alameda County Water District, and Zone 7 Water Agency in eastern Alameda County, as well as state and federal resource agencies managing water for the environment. So far no agencies have formally agreed to participate in an expansion project, although many are participating in the studies. If the expansion project goes forward, the partners would reimburse CCWD for any existing facilities that would be removed or replaced, and for their share of new facilities.

Potential partners will be looking at their costs to participate and the benefits they would receive. For example, SCVWD now draws water from the State Water Project at Clifton Court Forebay in the Delta, but these pumps must reduce operations at certain times of the year to protect fish nearby. More flexible pumping times could provide higher water quality for SCVWD and major environmental benefits to the Delta and the Bay. By linking Los Vaqueros to the aqueduct supplying the district, SCVWD could take water at non-critical times for fish and when water quality is better, store it and then use it when the pumps are not operating.

Both CCWD and CALFED want assurance that voters will back the project before finishing extensive, and expensive, environmental studies to fill out details of the planning studies which have been completed. However, they have come under fire from environmental groups which are reluctant to write a "blank check" without seeing those detailed studies. Critics also say that there are no points later in the process for voters or others to say, "Stop" to CCWD, although the agencies point to permits and approvals that will be needed from state and federal agencies and elected water agency boards, and say that critics will have multiple opportunities to influence the process before any final decision is made on construction of the project.

The 1988 CCWD ballot measure contained a commitment by CCWD directors that Los Vaqueros could not be used to send additional water to Southern California or operated as part of any peripheral canal. Before starting the joint planning process for reservoir expansion, CCWD directors reaffirmed this commitment and also adopted a list



In Brief:

What: Vote by Contra Costa Water District (CCWD) ratepayers

When: March 2, 2004

Why: Advisory vote on moving ahead with potential project to enlarge Los Vaqueros Reservoir from 100,000 acre-feet to 300,000-500,000 acre-feet of storage

Who: Lead agency is CALFED; reservoir belongs to CCWD; other Bay Area, state and federal agencies might become partners in project

of conditions for any expansion plans, including expanded recreational facilities, improved habitat protection for Delta fish and terrestrial species near the reservoir, continued control and operation of the watershed and reservoir by CCWD, and no additional cost to ratepayers. The CCWD conditions were included in the CALFED Record of Decision as requirements for CALFED participation in the reservoir expansion. If voters approve Measure N, the criteria are the guarantee to CCWD ratepayers that any future agreements to expand the reservoir will protect the Delta and the investment CCWD has already made.

Opponents dismiss these conditions as flimsy protection. Former State Senator John Nejedly, a leader of the "No on N" campaign, argues that, with pipelines in place from a Delta intake and pumping stations and pipelines available to take water from Los Vaqueros to partner districts, exports to Southern California could be made later by other districts even if CCWD honors its commitment not to export CCWD water. Dennis Oliver of California Alliance for Jobs, which is supporting Measure N, responds, "The conditions in the advisory vote [Measure N] are legally binding. The opponents are being disingenuous." In fact, US Fish & Wildlife requirements and water rights permits would also stand in the way of sending additional water south.

Another criticism comes from Steve Fiala of the East Bay Area Trails Council, a group of trails advocates, who have criticized the water district for failing to provide the levels of recreation promised in the bond measure for the current reservoir. Fiala complains that existing trails are mostly gravel service roads which are limited to hikers, and says the expansion will not provide more mixed-use trails for bicycles and horses.

Some organizations are concerned that expansion will make new water supplies available and encourage inappropriate growth, particularly in East Contra Costa and Alameda Counties, which still have open areas vulnerable to sprawl development. However, under the expansion proposal, water districts using the new storage facility would use it only for current entitlements, meaning that

no new water would be available above the amount already planned and secured. Oliver says, "Building a facility to supply sprawl development is not what's being discussed. This facility is envisioned to address a different problem, which is that, given California's climate and water delivery systems, we need water at a time it's not there." CCWD officials say that growth is being accommodated through conservation and water recycling; although population in CCWD's service area has grown by 38% since 1988, water use has dropped from nearly 140,000 acre-feet in 1998 to 115,000 acre-feet in 2003. Despite the opposition from environmental groups, Oliver is optimistic that voters will see that "we're smarter now—we can use a storage facility to benefit the environment."

Voters in the CCWD service area may focus on only one issue, such as recreational facilities or concerns about removing and replacing some of the existing reservoir, and may not see the broader context for their decision. Whatever the outcome, however, it will affect the complicated California water picture well beyond central and eastern Contra Costa County.

Leslie Stewart

For more information:
CALFED studies: <http://www.lvstudies.com>
No on N: <http://www.stopthedamwaste.com>
Yes on N: <http://www.cleanreliablewater.com>



Updated Report on LAFCOs

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (AB 2838) significantly changed the operations of Local Agency Formation Commissions (LAFCOs) in the state. The legislation established uniform structures and guidelines and a new funding base, and set out new requirements. One major new responsibility is the preparation of Municipal Service Reviews to be done before or in conjunction with the Sphere of Influence updates which LAFCOs must do every five years.

Members of the League of Women Voters of the Bay Area (LWVBA) spent several months in 2003 interviewing staff members of LAFCOs in the nine Bay Area counties to gather information on how the agencies were responding to AB 2838. Their findings were released in September 2003 in a report titled *LAFCO Revisited*, an action guide for League members. The report is the second update to a 1996 LWVBA publication, *LAFCOs/CMAs: Hidden Government*.

The Monitor will publish an article on the latest findings about LAFCO operations in an upcoming issue. Meanwhile, a limited number of copies of the 15-page action guide, *LAFCO Revisited*, are available from the LWVBA office at 1611 Telegraph Avenue, Suite 300, Oakland, CA 94612, 510-839-1608, or by writing to lwwba@lwwba-ca.org.

Parks, from page 1

**In Brief:**

What: Vote on benefit assessment district for open space funding in Contra Costa County

When: Mail balloting is currently scheduled for Spring 2004

Who: All Contra Costa property owners

Why: To raise approximately \$8 million per year for parks, open space and habitat preservation in Contra Costa County

For more information: Contra Costa County Advisory Committee on Open Space Funding, <http://www.co.contra-costa.ca.us/depart/cd/water/openspace.htm>; John Kopchik, Contra Costa County, 925-335-1227

Coalition for Open Space, Ivy Morrison, 925-381-4187, imorrison@contracostaopenspace.org

Meanwhile, a group of nonprofit organizations, the Coalition for Open Space, has been working for three years with Contra Costa County staff and elected officials to address the funding shortfalls for parks and other open space needs, such as protection of prime farmland and restoration of urban creeks. It is the first time that a shared vision for open space priorities has been developed in Contra Costa County. In Spring 2004, the coalition plans to ask Contra Costa property owners to approve a countywide benefit assessment district for open space. This funding approach, which has also been used by the Santa Clara County Open Space Authority, ties the assessment to the benefit the property owner receives from proximity to parks and open space. For most residential property owners in the county, the cost is estimated at less than \$2 per month. Votes are weighted according to the assessment to be paid, and a majority of the weighted vote will be needed to establish the district.

Approximately 75% of the funds, estimated at \$130 million, would be allocated to what Bob Doyle, EBRPD Assistant General Manager, calls a "balanced mix of projects". "Flagship" projects include additions to Mt. Diablo State Park, completion of the regional Bay Trail, connections between parks in the Las Trampas area, and creek and watershed restorations throughout the county. Money would also be allocated to smaller projects around the county and to each jurisdiction for local needs. Doyle notes that some of the money could be used as local matches for funds available from state park bonds or other sources, increasing the impact.

The remaining 25% of the funds, approximately \$45 million, would be allocated to stewardship, which would include maintenance, safety and operations. Ron Brown, Executive Director of Save Mt. Diablo, says, "Polling indicated that property owners strongly support the acquisition program. Interestingly, property owner support for the measure significantly increased if the measure also included stewardship funding for our existing parks, as well as for the new acquisitions". EBRPD's Doyle adds, "Residents we polled wanted to take care of 'their

regional parks', meaning whatever parks were local to them, no matter who ran them."

The benefit assessment district would provide a small but much-needed, stable and predictable source of funds. For EBRPD, funds would supplement the funding remaining from the 1988 bond measure and support public access to all its parks. In addition, polls in the area being considered for the new EBRPD parcel tax measure show that even property owners who would be in the Contra Costa benefit assessment district would probably vote for a modest parcel tax as well. Some of the open space groups which have been working on the Contra Costa proposal have also begun discussions on what could become a similar benefit assessment district in Alameda County.

A countywide evaluation of open space needs like the one done by Contra Costa's Coalition for Open Space benefits the participants in many ways. In addition to the potential for funds, the process has helped to set priorities for open space acquisition and preservation, which have been agreed upon by many of the participating organizations, making it more likely that these needs will be filled. While it is still important to have the regional park district and the individual nonprofit organizations with their separate roles, all of them can now contribute more effectively to the goal of what EBRPD's Doyle calls, "saving the last wild places".

Update: Wetlands Banking

The City of Rohnert Park plans to invest in land to be used as a wetlands mitigation bank for local development projects (see *October/November 2002 issue*). The parcel, which is part of a permanent greenbelt area northeast of the city, will be converted to wetlands. Developers would pay for credits which would allow them to build in other areas where wetlands would be impacted. The city will consult with biologists and other experts to determine how many acres of the 18-acre parcel could become viable wetlands. City staff anticipate that the city will not only cover the costs of the land but also make a profit, while preserving open space and habitat in the area.

Air Toxics, from page 4

reduction catalysts, which cost much less but provide only a thirty percent emissions reduction.

While most of the changes in the proposed rules will have a broad-based impact, one change directly affects a specific industry sector, drycleaning. The proposed rule will remove a historical exemption for drycleaners from existing health risk limits for the use of perchloroethylene as a cleaning solvent. The exemption was put in place when perchloroethylene, a carcinogen, was the only economically viable option for the industry. In the last fifteen years, many less toxic cleaning options have been developed (see *June-July 2003 issue*). Seventy-five percent of new machines currently being purchased are non-perchloroethylene machines; the rule change is therefore expected to have a minimal economic impact on the drycleaning sector.

In other proposed changes, the current threshold for requiring the application of Best Available Control Technology for Toxics (TBACT) for carcinogens will be lowered to be consistent with guidelines from the California Air Resources Board issued for

all thirty-five air quality management districts in California. In addition, there will be a lower risk trigger for non-carcinogenic compounds. BAAQMD has done an extensive analysis of the source categories of these compounds, and concluded that this would not add a great regulatory burden on industry, since most of these sources are organic compounds that are either carcinogens with non-carcinogenic impacts in addition to their primary impact, or already trigger risk mitigation measures under the criteria pollutant rule.

The district held five public workshops from May 30 to June 12, 2003 to present the proposed rules to the public and receive comments. BAAQMD is currently preparing documentation required under the California Environmental Quality Act (CEQA) and the proposed rule changes are likely to be adopted in the first half of 2004. Implementation of the proposed rule changes is dependent on a final piece of the OEHHA project, the release of software known as the Hot Spots Analysis and Reporting Program (HARP).

Ann Blake



Updates: BART Parking, High-Speed Rail

BART Parking

Paid reserved parking at BART has experienced changes since beginning in December 2002 at 29 stations (see *December 2002/January 2003 issue*). In August 2003 BART decreased the monthly cost for reserved parking from \$63 to \$42 at 16 stations in the East Bay, finding that those stations had fewer than 10 percent of their allotted spaces actually reserved. However, at Lake Merritt, Rockridge and West Oakland stations, which have waiting lists, rates went to \$84 per month. In November, BART's board of directors suspended weekend parking fees at the Colma, South San Francisco, San Bruno and Millbrae stations, and removed the 24-hour parking limit on weekends. Monthly reserved parking fees at South San Francisco, San Bruno and Millbrae were reduced from \$63 to \$30, the unreserved parking fee was reduced from \$43 to \$20, and the daily charge was decreased to \$1.

High Speed Rail

The November 2004 vote on a bond measure to support high-speed rail (see *December/January 2004 issue*) could be rescheduled. The environmental impact report was scheduled for release on January 28, 2004. The report was originally due in August 2003 and the delay has already created timing difficulties for the ballot campaign. In addition, Governor Schwarzenegger's initial budget proposal suggested postponing the vote; if his proposed bond measures pass in March, the economic climate may not support more bonds for rail in November. Postponing the vote to 2006 would keep the project alive and allow additional time for discussion and determination of the preferred routes.

For more information:

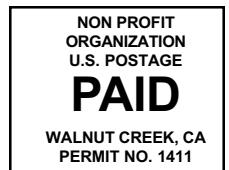
- <http://www.bart.gov/guide/parking/overview.asp>
- <http://www.cahighspeedrail.ca.gov>



League of Women Voters of the Bay Area Education Fund

Bay Area Monitor

1611 Telegraph Ave, Ste 300, Oakland, CA 94612
<http://www.bayareamonitor.org>



Decision Time on East Bay Dam - page 8

ABAG/MTC, from page 2

ing statutory authority for Bay Area comprehensive regional planning with the JPC as the lead, along with finding adequate funding for the committee and its work program. The JPC would need to ask the boards of both ABAG and MTC to support and push for this legislation, which could open the door to a renewed discussion of the roles of the two agencies.

For the moment, adequate funding depends on MTC, which already provides a sizeable percentage of ABAG's planning budget to perform various planning functions in support of MTC's operations. MTC commissioners on the Task Force agreed that MTC would support the first two years of the new staff position. Long-term stable funding is one of the incentives which had attracted ABAG members to the concept of an agency merger. If such stable funding is available from other sources such as legislative earmarking or participation in the JPC by other agencies, as suggested by one commissioner, the merger might seem less attractive.

While the Task Force may not have met the expectations of some participants, its impact could

be either substantial or negligible, depending on ABAG and MTC commitment to its recommendations. In the short term, a joint policy committee may succeed in integrating and strengthening the agencies' planning work. The committee could also work toward the security and stability of unified programs and strategies supported by long-term funding.

However, compared to some visions of what a unified agency might be and what a totally integrated regional plan could achieve, the committee proposal falls short. In fact, it could fall completely flat—if agency staff is overloaded by JPC responsibilities or reluctant to change for other reasons, if the new lead staff person is ineffectual, or if political considerations lead to divided or inattentive leadership from the agency board members.

Task Force members are aware of these concerns, and it will be up to them, and their successors, to ensure that the JPC is a step forward on the road to better regional governance, and not a step to the side. Otherwise, the issue of agency coordination may return to the legislative agenda in Sacramento. *Leslie Stewart*

Correction:

Due to a reporting error, the December 2003/January 2004 article "Looking to Learn: Models of Regional Governance" mistakenly reported that an ABAG executive director had embezzled funds in the early years of the organization. The embezzlement was actually done by another employee. The *Monitor* regrets the error.