

July 18, 2002

Honorable Rodney S. Melville  
Presiding Judge, Santa Barbara Superior Court  
312-C East Cook Street  
Santa Maria, CA 93456-5369

Grand Jury Foreperson  
1100 Anacapa Street  
Santa Barbara, CA 93101

Subject: Response to Findings and Recommendations of Santa Barbara County Grand Jury Contained in "Voter Intent—June 2002"

This letter outlines SBCAG's response to the findings and recommendations contained the FY 01-02 Santa Barbara County Grand Jury report entitled "Voter Intent." SBCAG is identified as an affected agency for Finding Nos. 3 and 6 and Recommendation Nos. 3 and 5 of the report and is required to provide responses pursuant to Penal Code Section 933.

**Finding 3:** A review of Measure D (½ cent sales tax for roads) shows that the majority of the items enumerated in the ballot measure are being implemented with the exception of the Highway 101 widening. Only \$6.4 million of the proposed \$15 million has been allocated. In October 1996 the Santa Barbara County Association of Governments (SBCAG) Board, an a procedure which was legal, voted to transfer \$6 million from the funding for the Highway 101 widening to Local Programs.

**Response:** SBCAG agrees with Finding 3 except that it incorrectly states the amount transferred from the Highway 101 widening project to local programs as well as the amount allocated. Acting in its capacity as the Local Transportation Authority for Santa Barbara County, the SBCAG board adopted an Expenditure Plan in 1989 specifying how the sales tax revenues generated by the approval of Measure D would be expended. Measure D was approved by Santa Barbara County voters in November 1989. This measure authorized the imposition of a local sales tax of ½% for a period of 20 years and required that these revenues be used for transportation projects and programs specified in the Expenditure Plan.

The Measure D Expenditure Plan approved by SBCAG specifies generally that 70% of the revenues are to be allocated annually to the County of Santa Barbara and each of the cities on a formula basis for use on eligible transportation projects selected by each local agency and included in a program of projects. The remaining 30% of Measure D revenues must be allocated by SBCAG for paratransit services (0.5%) and to implement 15 regional highway improvement projects (29.5%) identified in the Expenditure Plan. The Expenditure Plan may be amended only upon approval by a 2/3 vote of the SBCAG board of directors.

Of the 15 regional highway projects identified in the plan, all but one are fully or partially implemented. The only project that has yet to be implemented is a project described in the plan as "Route 101 from San Ysidro Road to the Ventura County Line—Widen and improve

interchanges.” The Expenditure Plan allocated \$15.0 million for this project (in 1989 dollars). In October 1996, the SBCAG board approved an amendment to the Measure D Expenditure Plan. This amendment reduced the amount of Measure D funds allocated for the Route 101 Widening Project by \$7.5 million and reallocated these funds to the cities and the county on a formula basis for use on projects selected by the local agencies. The entire \$7.5 million was disbursed by SBCAG to the local agencies during FY 00-01 and FY 01-02 as specified in the approved Expenditure Plan amendment.

Thus, SBCAG is in substantial agreement with the Grand Jury’s Finding 3. Specifically, SBCAG agrees that 1) the majority of the projects specified in the Measure D Expenditure Plan have been implemented and 2) the Expenditure Plan was legally amended by the SBCAG board to transfer funding for the Highway 101 widening project to local programs. The amount of funding transferred from the Highway 101 project, however, was \$7.5 million, not \$6 million as stated in Finding 3. The entire \$7.5 million has been disbursed to the local agencies, not \$6.4 million as stated in Finding 3.

**Recommendation 3:** Santa Barbara County Association of Governments should concentrate on solving the many local problems and enable the California Department of Transportation to begin the widening process of Highway 101. The current traffic congestion is causing undue hardship, air pollution, noise pollution and injury to many citizens. Response: The recommendation is being implemented. Several improvements to Highway 101 are funded and under development and will be implemented in the next 1 to 4 years. In addition, SBCAG is working with Caltrans, local jurisdictions and members of the public to achieve consensus on projects and programs that will reduce traffic congestion and should be given priority for future funding.

SBCAG is well aware of the traffic congestion on Route 101 and its attendant impacts. One of many options for relieving the congestion includes widening the four lane segment of the freeway between Milpas Street and the Ventura County line from four to six lanes. There is, however, no consensus in the community, nor among elected officials, to proceed with the widening project at this time. In fact, many individuals oppose the widening project and support other options to relieve congestion including expanded use of alternative transportation modes, Intelligent Transportation Systems (ITS) and implementation of smart growth policies. The following provides a brief chronology of the key events and decisions regarding the 101 widening project and describes what is currently being done to address congestion problems on 101.

For many years, SBCAG’s Regional Transportation Plan called for widening of Route 101 to six lanes between Milpas Street and the Ventura County line. By 1992, SBCAG and Caltrans had programmed more than \$70 million in state and federal funding for the first two stages of the widening from Milpas Street to Padaro Lane. The SBCAG board also allocated \$15.0 million in local sales tax revenues for widening 101 and improving interchanges south of San Ysidro Road, when it approved the Measure D Expenditure Plan in 1989.

Caltrans began preliminary engineering and environmental work on the 101 widening project in 1990. A draft Environmental Impact Study was prepared and released for public comment in 1993 and Caltrans held a public hearing on the EIS that same year. The hearing was well attended and many people expressed serious concerns regarding the negative impacts of the widening project on the community. Strong opposition to expanding this segment of Highway 101 developed (as evidenced by thousands of people signing petitions opposing the project)

and the SBCAG board was urged by many people to reject the project and to evaluate other alternatives to the widening.

The SBCAG board agreed to evaluate alternatives for relieving congestion that would avoid the need to widen the freeway and in 1993 contracted with a consulting firm to complete the Alternatives Analysis of the Highway 101 Corridor. The study, completed in 1995, identified an extensive list of multi-modal projects and programs that could be implemented in lieu of expanding 101. Following the completion of the study, the board appointed a task force to develop recommendations for operational improvements on 101 and other multi-modal capital projects that could be implemented using state funds programmed for the widening project.

In late 1996, the SBCAG board considered the results of the 101 Alternatives Study, as well as recommendations by the task force, Caltrans, SBCAG staff and members of the public. The board decided to request that the state funding programmed for the widening project be redirected to implement a list of operational improvement projects in the 101 corridor. The California Transportation Commission approved this request in October 1996. As a result of concerns expressed about the impacts of expanding 101 and community opposition, the board also amended its Regional Transportation Plan to defer the widening project and concentrate on an initial list of multi-modal improvements such as express transit, transportation demand management, improved highway surveillance, among other improvements. The widening project continues to be listed in the RTP, but as a project to be implemented in the time frame of 2015 – 2020.

In October, 1996 the SBCAG board also approved an amendment to the Measure D Expenditure Plan. The amendment transferred \$7.5 million of the \$15.0 million allocated for the 101 widening project to local programs. The reallocated funds were disbursed to the county and each city during FY 2000-01 and FY 2001-02 for use on projects selected by each agency and included in an adopted program of projects. The Expenditure Plan amendment was legally approved by a 2/3 vote of the SBCAG board.

The operational improvement projects the SBCAG board approved in 1996 are intended to relieve traffic congestion and improve operations and safety on 101 and to facilitate the use of alternative transportation modes in the corridor. Work on development of these projects is continuing by Caltrans and local agencies and it is expected that construction on most of the projects will begin within the next 1 to 4 years. The 101 operational improvement projects are listed in Attachment 1. Information included in this table is based on the projects as they are currently listed in the 2002 State Transportation Improvement Program adopted by the California Transportation Commission in April 2002.

As recommended by the Grand Jury, SBCAG is continuing to address the congestion problem on 101. The SBCAG board recently adopted the South Coast Highway 101 Deficiency Plan which was prepared in response to state requirements in cooperation with the local jurisdictions. The plan documents increases in traffic volumes and worsening traffic congestion on 101 throughout the South Coast of Santa Barbara County. The plan identifies many short improvements that can be undertaken to mitigate this congestion. Many of these short term projects have already been funded and are under development (eg., 101 Operational Improvements). Unfunded projects included in the plan must be given priority consideration for future transportation funding.

SBCAG is also working with Caltrans, the County, the Cities of Carpinteria, Goleta and Santa Barbara and SBMTD on the 101 Implementation Plan. This plan will identify a range of long-

term measures that can be taken to relieve congestion on 101. The plan will evaluate improvements on the freeway including the possible widening of 101, as well as improvements on other corridor roads, projects that facilitate use of alternative modes including bikes, transit and passenger rail, and changes in local land use policies. A major component of the plan will be public outreach efforts to provide information, solicit input and build consensus regarding steps that will be taken to relieve congestion on Route 101.

The proposal envisions a comprehensive consensus-building effort administered by SBCAG with the assistance of a technical advisory committee and supported by a consultant team. A community-based advisory body consisting of a broad range of stakeholders would lead the effort and frequent status reports would be provided to the South Coast Subregional Planning Committee, expanded to include North County and Ventura County representatives. The Implementation Plan is expected to take one to three years to complete. Ideally, the plan would be completed prior to the next federal and state transportation funding cycle, which would give SBCAG the opportunity to compete for these statewide funds.

Several other SBCAG activities are being pursued that will ultimately be coordinated with and support the 101 Implementation Plan effort. These include the Passenger Rail Feasibility Study, the travel model upgrade project currently underway, and the Inter-Regional Partnership for Jobs/Housing Balance. In addition, staff is seeking approval from the SBCAG Board to pursue an Environmental Justice grant from Caltrans to help financially support the overall effort.

Once completed, the Implementation Plan would serve to augment the South Coast Highway 101 Deficiency Plan's action list of short-term improvements. Assuming consensus is achieved, funding and construction of the project(s) would be aggressively pursued to capitalize on the community consensus achieved. As mentioned, focus of the implementation plan is to address long-range needs in the Highway 101 corridor, while the focus of the Deficiency Plan is on short-term measures that address system-wide improvements.

Over the next six months, a Caltrans facilitator will be working with local and regional agency representatives to specify (1) the make up and role of stakeholder and technical groups, (2) the overall design of the consensus-building process, (3) the role of the consultant team, and (4) the public involvement process. Agreement among the agency partners on the process for developing the Implementation Plan is a requisite step before consulting services can be solicited to assist the technical, public involvement, and meeting facilitation functions of the study effort. The SBCAG board approved this approach at its June 21st meeting.

**Finding 6:** The SBCAG could only identify one project receiving gasoline tax funds per the G92 ballot measure, over the 10 years since approval. The Metropolitan Transit District applied for and received a grant for the procurement or modification of four busses from diesel fuel to electric busses.

**Response:** SBCAG disagrees with Finding 6.

State Proposition 5, approved by California voters in 1974 amended the State Constitution to allow motor vehicle fuel taxes to be expended for public mass transit projects in counties that approved local ballot measures authorizing such expenditures. Santa Barbara County voters approved Measure G92 in the June 2, 1992 election authorizing the expenditure of motor vehicle fuel taxes for public mass transit projects in Santa Barbara County. Funds were allocated through the annual state Transit Capital Improvement program (TCI).

Each Proposition 5 county was entitled to receive an annual “county minimum” fair share of the TCI program funding contingent on the submittal by the county of a “Regional Guideway Financial Plan” identifying eligible public mass transit projects proposed for TCI funding. Projects eligible for TCI funding included:

Railroad rights-of-way acquisition,  
 Bus Rehabilitation,  
 Public mass transit guideways and rolling stock,  
 Grade separations, and  
 Intermodal transfer stations serving various transportation modes.

The TCI program expired in 1998 with the approval of Senate Bill 45 (Chapter 622, Statutes of 1997) which enacted significant changes in the structure of transportation funding programs in California.

With the passage of Measure G92, Santa Barbara County became eligible to receive annual funding through the TCI program from FY 1993-94 until the expiration of the program in FY 1997-98. The attached table identifies four projects in Santa Barbara County that were programmed during this 5-year period to receive TCI program funds. The table also identifies the county’s annual county minimum (fair share) of TCI program funding which varied substantially based on the total amount of TCI funding available statewide. The amount of TCI funding programmed for projects in Santa Barbara County met or exceeded the county minimum amount for each of the 5 years. A total of almost \$2.6 million in TCI funding was programmed for the four projects.

**Transit Capital Improvement Program Funds  
 Programmed in Santa Barbara County  
 (FY 1993/94 to FY 1997/98)**

	FY 93/94	FY 94/95	FY 95/96	FY 96/97	FY 97/98	Total
Surf AMTRAK Station	458,000	305,000	325,000			1,088,000
Guadalupe AMTRAK Station	706,000					706,000
Santa Barbara AMTRAK Station				160,507	398,000	558,507
SBMTD Electric Bus Conversion					245,000	245,000
<b>Total TCI Funds Programmed</b>	<b>1,164,000</b>	<b>305,000</b>	<b>325,000</b>	<b>160,507</b>	<b>643,000</b>	<b>2,597,507</b>
<b>TCI County Minimum Amount</b>	<b>821,710</b>	<b>304,760</b>	<b>193,000</b>	<b>160,507</b>	<b>642,000</b>	<b>2,121,977</b>

Note: Santa Barbara became an Article XIX County in 1992 when county voters approved Measure G92. The TCI program expired in 1998 due to the enactment of SB 45.

The three AMTRAK station projects programmed with TCI funding were completed under the administration of the Caltrans Rail Programs Division in cooperation with the County of Santa

Barbara and the City of Santa Barbara. The SBMTD bus conversion project was not completed since it was deemed infeasible. The TCI funds programmed for this project have lapsed and are no longer available.

In summary, SBCAG believes that Santa Barbara County received its fair share of state motor vehicle fuel taxes for public mass transit guideway projects consistent with the intent of Measure G92. These funds were fully programmed for four transportation projects in Santa Barbara County during the 5-year period that Measure G92 was operative. In fact, 90% of the programmed funds resulted in completed transportation projects that continue to benefit the citizens of Santa Barbara County.

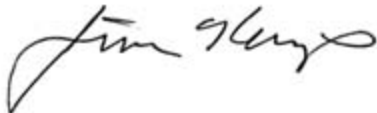
**Recommendation 5:** The SBCAG should assist their members to aggressively pursue projects using state gasoline tax under ballot measure G92. Developing a monitoring system to track special gasoline tax funded projects should follow this.

Response: The recommendation will not be implemented because it is not warranted.

As noted above, SBCAG believes that Santa Barbara County received its fair share of TCI program funding consistent with the intent of Measure G92. The TCI program has expired due to changes in state statutes enacted in 1998 and these funds are no longer available. Since there are no projects programmed to receive TCI funding, there would be no purpose in developing a tracking system to monitor the implementation of projects.

If you have any questions regarding this response to the Grand Jury report, please contact either Jim Kemp or Michael Powers of SBCAG staff.

Sincerely,



Jim Kemp  
Interim Co-Director



Michael Powers  
Interim Co-Director

cc: SBCAG boardmembers  
Kevin Ready

Attachment

Document1