

Measure Y, The "Control Traffic Congestion Initiative" is on the Board of Supervisors Agenda

The El Dorado County Board of Supervisors (BOS) will soon be holding public hearings to consider what should be done about Measure Y which was a traffic initiative placed on the ballot by the voters back in 1998 as an amendment to the 1996 General Plan. It stipulated that, "Prior to expiration, it shall be placed on the ballot again to let the voters decide on a further 10 year extension". Since that time the new 2004 General Plan was adopted and the substance of Measure Y was incorporated into the Transportation & Circulation Element (TC-Xa) of the current plan which states that these "policies shall remain in effect until December 31, 2008 unless extended by the voters". Additional policies in the current General Plan (TC-Xc) were created to "take effect upon expiration of the policies in TC-Xa."

As we near the end of the original 10 year life span of Measure Y, many questions have arisen. Is Measure Y valid any longer? Should it be placed on the ballot, or not? Who should place it on the ballot? Should it be in its original form or some other form? Since its concepts are imbedded in the current General Plan, do we need an initiative at all? Are the current plans and policies adequate to meet the desires of the public? The issue seems to come down to whether the people trust our elected officials to make good policy decisions, or not. The proponents of the initiative think not.

For several months, two members of the BOS, members of the No Gridlock Committee that initiated Measure Y, representatives from the Department of Transportation, County Counsel, a few developers, and a few members at large have been debating the issues to see if they can find common ground. They have agreed on many points that can be resolved through amendments to the General Plan but proponents of the Measure still insist on placing something on the November ballot, and insist that it contain the word "gridlock" and provide that the BOS can not approve certain things without voter approval for the next 10 years. This would prohibit the current and future Boards from being able to make policy changes. This begs the question: Why do we elect government officials if we do not trust them to govern?

The issues to be aired in public hearing will be what changes can and will be made through General Plan Amendments and what, if anything, will be placed on the ballot, and by whom. The suggested General Plan amendments and ballot language are contained in the following article. No other County of the 58 Counties in California ties the hands of the BOS in this way. Making Land Use Policy decisions is one of the primary responsibilities of the BOS. El Dorado County is unique in prohibiting our elected representatives from making decisions on development related traffic issues and service levels.

DEBATED QUESTIONS:

Does Measure Y remain in effect today?

NO. Measure Y amended a document which no longer exists. It amended General Plan policy 3.2 of the 1996 General Plan. Judges and legal counsels have concluded that Measure Y altered the '96 General Plan. As it no longer exists, neither does the force of the initiative's terms to amend it. The public voted to approve the 2004 General Plan and this superceded the 1996 Plan. Policies of the original Initiative are incorporated into the 2004 General Plan "Traffic Circulation" elements and are now the controlling language.

Does the "readopt" option of Measure Y require that the county place it back on the ballot?

NO. TC-X policies of the 2004 General Plan controls and reads, "the voters should be given the opportunity to readopt these polices for an additional 10 years." The initiative was placed on the ballot by the public 10 years ago and it may place it on the ballot by the pubic. The BOS may not inhibit or impede the public from "the opportunity to readopt these polices for an additional 10 years" but has no positive injunction to place it on the ballot. If the BOS were to place the "public initiative" on the ballot, many questions would be raised. Foremost among these is the propriety of burdening all county taxpayers with the ballot cost during a time when both businesses and individuals are dealing with a depressed economy.

Measure Y should appear on the BOS agenda in the 3rd or 4th week of June.

The Proposed Changes:

Policy TC-Xa The following policies shall remain in effect until December 31, 2018:

1. Traffic from single family residential subdivision development projects of five or more parcels of land shall not result in, or worsen, Level of Service F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the county.
2. The County shall not add any additional segments of U.S. Highway 50, or any other roads, to the County's list of roads that are allowed to operate at Level of Service F without first getting the voters' approval or by a 4/5ths vote of the Board of Supervisors.
3. Developer-paid traffic impact fees combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the county.

Policy TC-Xb To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

- A. Every year prepare a Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified.
- B. At least every five years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable level of service and other standards in this plan;
- C. Annually monitor traffic volumes on the county's major roadway system depicted in the Circulation Diagram;

Policy TC-Xc intentionally blank

Policy TC-Xd Level of Service (LOS) for County-maintained roads and state highways within the unincorporated areas of the county shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. Level of Service will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be based on the professional judgment of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Policy TC-Xe For the purposes of this Transportation and Circulation Element, "worsen" is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A 2 percent increase in traffic during the a.m. peak hour, p.m. peak hour, or daily, or
- B. The addition of 100 or more daily trips, or
- C. The addition of 10 or more trips during the a.m. peak hour or the p.m. peak hour.

Policy TC-Xf At the time of approval of a Tentative Map for a single family residential subdivision of five or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County's 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A] or [B] or [C]) traffic on the County road system, the County shall do one of the following: (1) condition the project to construct all road improvements necessary to maintain or attain Level of Service standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County's 20-year CIP.

Policy TC-Xg Each development project shall dedicate right-of-way and construct or fund improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. For road improvements that provide significant benefit to other development, the County may allow a project to fund its fair share of improvement costs through traffic impact fees or receive reimbursement from impact fees for construction of improvements beyond the project's fair share. The amount and timing of reimbursements shall be determined by the County.

Policy TC-Xh All subdivisions shall be conditioned to pay the traffic impact fees in effect at the time a building permit is issued for any parcel created by the subdivision.

Policy TC-Xi The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule to meet the requirements of the policies of this General Plan.

IMPLEMENTATION PROGRAM

MEASURE TC-A

Prepare and adopt a priority list of road and highway improvements for the Capital Improvement Program (CIP) based on a horizon of ten years. The Board of Supervisors shall update the CIP every year, or more frequently as recommended by the responsible departments. The CIP shall prioritize capital maintenance and rehabilitation, reconstruction, capacity, and operational and safety improvements. Non-capital maintenance activities need not be included in the CIP. The CIP shall be coordinated with the five-year major review of the General Plan and shall be included in the annual General Plan review. [Policies TC-1k, TC-1m, and TC-1n]

Responsibility:	Department of Transportation, Planning Department, and Board of Supervisors
Time Frame:	Within six months of General Plan amendment adoption; every one year thereafter.

MEASURE TC-B

Revise and adopt traffic impact fee program(s) for unincorporated areas of the county and adopt additional funding mechanisms necessary to ensure that improvements contained in the fee programs are fully funded and capable of being implemented concurrently with new development as defined by Policy TC-Xf. The traffic fees should be designed to achieve the adopted level of service standards and preserve the integrity of the circulation system. The fee program(s) shall be updated annually for changes in project costs, and at least every five years with revised growth forecasts, revised improvement projects analysis and list, and revised construction cost estimates to ensure the programs continue to meet the requirements contained in the policies of this General Plan. [Policies TC-Xa, TC-Xb, and TC-Xg]

Responsibility:	Department of Transportation and Planning Department
Time Frame:	First full fiscal year following General Plan adoption.

Whether Measure Y has been effective as a tool to control traffic congestion is a matter of personal opinion. The question facing us today is not about these changes list above, but rather “who shall be charged with controlling traffic”. In the final analysis, it boils down to this question, do you trust the elected officials to do the job they are elected to do, or do you think that a restrictive ballot measure is required to keep them in control?

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