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April 18, 2022

Tri-Valley Transportation Council Administrator
c/o City of San Ramon, 7000 Bollinger Canyon Road, San Ramon, CA 94583
VIA E-MAIL to: lbobadilla@sanramon.ca.gov; sperkins@sanramon.ca.gov
Re: April 18, 2022 TVTC Public Hearing on Strategic Expenditure Plan Adoption (Project ID: C-14)

Dear Chair Councilmember Perkins and members of the Tri-Valley Transportation Council:

This office represents the Alameda County Taxpayers' Association (ACTA). ACTA is opposed to the inclusion of the Valley Link project (C-14) in the Tri-Valley Transportation Council's (TVTC's) Strategic Expenditure Plan (SEP). ACTA and other parties are challenging the approval and funding of the Valley Link project in case no. RG21110126, now pending before Alameda County Superior Court.

There is not "a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed." (Gov. Code § 66001(a)(4).) The "Valley Link Rail Phase 1" project (C-14) would be the top-funded project in the SEP. As seen in the TVTC TVTDF SEP Draft Funding Plan (April 8, 2022), of the \$101.6 million of "Draft New TVTDF to be Distributed," Valley Link would consume \$25.8 million, more than one-quarter of the total and more than any other single project. Very few Danville, San Ramon, Dublin, or Pleasanton fee payers have a need for the proposed public facility.

Gov. Code § 66002(a) requires "capital improvement plans" (SEPs) to include "estimates of cost for all facilities ... to be financed with the fees." The TVTC 2020 Nexus Fee Update Study (August 2021 final) claims on page 21 that the "Total Cost" of the "C-14 Valley Link Rail (Phase 1)" project is "\$258.25" million. See also page 63. That total cost is not accurate. The actual cost will be over ten times what is stated. The Valley Link Final Feasibility Report (October 2019) stated that the project cost (42 miles) would range from \$1.88 billion to \$2.51 billion. (pp. 3-8, 12-2.) DEIR, §ES.6, p. ES-18, states, "The preliminary cost estimate for the Proposed Project would be approximately \$2.335 to \$2.919 billion." The proposed project will primarily benefit San Joaquin Valley businesses and residents which have not put up or committed a penny (SJCOG RTP). The Valley Link (mega)project does not meet the standard of §66001(b), which states, "In any action imposing a fee as a condition of approval of a development project by a local agency, the local agency shall determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed." There is not a reasonable relationship between the TVTC fee amount and the Valley Link project cost. The methodology for the TVTC "Priority Score Rank" is uncertain, vague and ambiguous. The TVTC "Priority Score Rank" of the Valley Link project needs to be re-calculated based upon the higher project total cost, which might have the effect of removing the Valley Link project from TVTC's list of top fifteen projects and from TVTC's SEP and Funding Plan.

In violation of Gov. Code § 66001(d), TVTC has failed to "[i]dentify all sources and amounts of funding anticipated to complete financing in incomplete improvements," especially the Valley Link project. The approved Valley Link project likely will fail to meet FTA's "cost-effectiveness" funding standards. In violation of Gov. Code § 66005.1, the proposed fee schedule has not been adjusted for transit-oriented development projects "at a rate that reflects a lower rate of automobile trip generation associated with such housing developments in comparison with housing developments without these characteristics, , unless the local agency adopts findings after a public hearing." TVTC has not met these requirements.

Sincerely,

/s/ Jason A. Bezis

JASON A. BEZIS, Attorney for Alameda County Taxpayers' Association, Inc.