



City Council

Special/Regular Meeting Agenda

<i>Mark Turner</i>	-	<i>Mayor</i>
<i>Marilyn Librers</i>	-	<i>Mayor Pro Tem</i>
<i>Soraida Iwanaga</i>	-	<i>Council Member</i>
<i>Yvonne Martínez Beltrán</i>	-	<i>Council Member</i>
<i>Miriam Vega</i>	-	<i>Council Member</i>

Wednesday, September 17, 2025

5:00 p.m. Closed Session

6:00 p.m. Regular Session

**Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037**

Morgan Hill City Council meetings are held in person with the option for the public to attend in-person or participate by teleconference/video conference. Information on how the public may observe and participate in the meeting is below.

MEETING PARTICIPATION

Morgan Hill City Council meetings are held in person. The community may attend in person or via Zoom (video/teleconference). The meetings are also live-streamed on the City's website and Facebook page.

As a courtesy, and technology permitting, members of the public may attend online. However, the City cannot guarantee that the public's access to online technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Ralph M. Brown Act, the meeting will continue despite technical difficulties for participants using the online option.

Those wishing to participate in the meetings remotely must register in advance at <https://bit.ly/CityCouncilZoomRegistration>. Additionally, Zoom participants must be running the latest version or will be required to update to the latest version before being able to join the meeting remotely.

Remote participation is also available by calling (669) 900-9128 and entering webinar id: 873 3200 8380#. Dial *9 to raise your hand, and be called upon to speak for up to 3

minutes. Dial *6 to unmute.

PUBLIC COMMENT

Public comment may be offered verbally at the meeting or in writing before the meeting. Public comment is limited to three minutes, but the Mayor may adjust time limits for individual or total comments while ensuring all viewpoints are heard, encouraging speakers to avoid repetition, and allowing a designated spokesperson for organized support or opposition to present longer if needed.

Those attending remotely may only offer public comment for items on the agenda in one of four categories:

- Consent Calendar
- Other Business
- Public Hearings
- Closed Session

Public comment will be heard from those attending in person first, with the submission of a speaker card. Once that is complete, we will move to those on Zoom who have their hand raised. Following public comment from Zoom, we will close the public comment period for that item.

Remote public comment for items not on the agenda will not be accepted.

Written public comment may be submitted to the City Clerk:

- In person at the City Council Meeting;
- Via email to ccpubliccomment@morganhill.ca.gov; or
- Hand delivered or mailed to the City Clerk at 17575 Peak Avenue, Morgan Hill, CA 95037

Please email your comments to the City Clerk no later than 3:00 p.m. on Tuesday (the day before the City Council meeting) so that your comments can be submitted to the members of the City Council with sufficient time to review them. You may continue to provide written comments up to noon on Wednesday (the day of the meeting), although Council Members may not have sufficient time to review them before the meeting. Public comments submitted to the City Clerk after noon (12:00 p.m.) the day of the meeting will be provided to the City Council as time allows.

Written comments WILL NOT be read aloud during the City Council Meeting. Please note that written comments are posted on the City's website. It is recommended that you do not include any personal information that you do not want to be posted on the web. Please be advised that communications directed to the City Council are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under the applicable law. Communications

will NOT be edited for redactions and will be printed/posted as submitted.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259 or by email at cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two full business days before the start of the meeting.

SPECIAL/REGULAR MEETING

A special meeting of the City Council is called at 5:00 p.m. for the purpose of conducting a closed session.

SPECIAL MEETING

5:00 p.m. Closed Session

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Authority: Pursuant to Government Code Section 54957.6

City Negotiators: Christina Turner, City Manager; Donald Larkin, City Attorney; Michael Horta, Human Resources Director; Dat Nguyen, Finance Director, Chris Ghione, Assistant City Manager, Public Services

Employee Organization: Morgan Hill Police Officers Association; AFSCME Local 101 Morgan Hill; Community Service Officers Association; Employees Covered under Management Resolution #23-051

PUBLIC EMPLOYMENT (§ 54957)

Title: City Attorney

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

REGULAR MEETING

6:00 p.m.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATION

Latino Heritage Month

PUBLIC COMMENT

This opportunity for public comment is for items that are not on the agenda. If you would like to make comments on an item that is on the agenda, please wait until we get to that item to offer your comments. Members of the public are entitled to address the City Council concerning any item within the Morgan Hill City Council’s subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda. Public comment is intended for comments. Questions posed during public comment are not generally answered. If you have questions, please send them to the City Clerk at ccpubliccomment@morganhill.ca.gov to receive a response. (See additional noticing at the end of this agenda)

Public Comment Supplements

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

1. ACCEPT GRANT FUNDING IN THE AMOUNT OF \$115,000 FROM THE CALIFORNIA STATE OFFICE OF TRAFFIC SAFETY

Recommendation:

1. Authorize the City Manager to execute the Grant Agreement with the California State Office of Traffic Safety, accepting grant funds from the Traffic Records Improvement Project in the amount of \$25,000;
2. Authorize the City Manager to execute an Agreement with the California State Office of Traffic Safety, accepting grant funds from the Selective Traffic Enforcement Grant Program in the amount of \$90,000; and

3. Adopt resolution amending the FY 25-26 Budget to recognize grant revenue and appropriate \$115,000 in grant fund expenditures.

2. **ADOPT ORDINANCE NO. 2367, NEW SERIES, APPROVING A ZONING AMENDMENT FOR A PLANNED DEVELOPMENT WITH MASTER PLAN (ZA2024-0001) FOR A 5.75-ACRE SITE LOCATED AT 16695 DEWITT AVENUE (APN: 773-09-011)**

Recommendation:

Waive the reading, adopt Ordinance No. 2367, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

3. **ADOPT RESOLUTION APPROVING THE CITY OF MORGAN HILL'S 2025 SANITARY SEWER MANAGEMENT PLAN (SSMP)**

Recommendation:

Adopt resolution approving the Sanitary Sewer Management Plan (SSMP).

4. **APPROVING THE SEPTEMBER 3, 2025 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve the September 3, 2025 City Council Meeting Minutes.

5. **APPROVE A REIMBURSEMENT AGREEMENT WITH EDEN HOUSING, INC. FOR OUT-OF-TRACT UNDERGROUNDING OF OVERHEAD UTILITIES SOUTH OF THE MAGNOLIAS PROJECT (17965 MONTEREY ROAD)**

Recommendation:

1. Approve a Reimbursement Agreement with Eden Housing, Inc. for The Magnolias Project; and
2. Authorize the City Manager to execute the Reimbursement Agreement.

6. **APPROVE SETTLEMENT AGREEMENT WITH HIGH STREET NO. CAL. DEVELOPMENT, INC. (TRAMMEL CROW RESIDENTIAL) REGARDING BUILDER'S REMEDY PROJECT AT COCHRANE ROAD AND DE PAUL DRIVE (APNs 728-31-017, -019)**

Recommendation:

Authorize the City Manager to execute a settlement agreement with High Street No. Cal. Development, Inc. to allow the developer to apply for a modified Builder's Remedy project.

WORKSHOP

7. **FISCAL SUSTAINABILITY UPDATE**

Recommendation:

1. Review and reaffirm budget principles; and
2. Provide direction to continue considering options for additional revenue, such as a local tax measure, alongside continued efforts to strengthen our Economic Development strategies; and
3. Receive direction from Council regarding specific programs to review or further evaluate.

FUTURE COUNCIL INITIATED AGENDA ITEMS

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

NOTICE

Any documents produced by the City and distributed to the majority of the City Council less than 72 hours prior to an open meeting, will be made available for public inspection at the City Clerk's Counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the City Council concerning any item described in the notice of this meeting during consideration of that item. If you wish to address the Council on any item on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk before the City Council discussion on the item. You are not required to give your name on the speaker card to speak to the Council, but it is very helpful. When you are called, proceed to the podium, and the Mayor will recognize you. If you wish to address the City Council on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the City Council.

Persons interested in proposing an item for the City Council agenda should contact a member of the City Council who may request an item on the agenda for a future City Council meeting. Council discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the City Council, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of City Council Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

SUSTAINABLE MORGAN HILL



Vision

To sustain a safe, inclusive, socially responsible, environmentally conscious, and economically sound community.

Choose Morgan Hill

The City of Morgan Hill is the best community for people to live, work, visit, and operate their businesses.

Strategic Priorities 2024-2025

- Fiscal Sustainability
- Affordable Housing and Homelessness
- Community Engagement
- Economic Development and Tourism
- Transportation
- Healthy Community

City Council Ongoing Priorities

- Enhancing Public Safety and Quality of Life
- Protecting the Environment and Preserving Open Space and Agricultural Land
- Maintaining and Enhancing Infrastructure
- Supporting our Youth, Seniors, and Entire Community
- Fostering a Positive Organizational Culture
- Preserving and Cultivating Public Trust
- Preserving our Community History
- Enhancing Diversity and Inclusiveness
- Advocating for Local, Regional, and State Legislative Initiatives



CITY COUNCIL STAFF REPORT

MEETING DATE: September 17, 2025

PREPARED BY:

APPROVED BY: City Manager

PUBLIC COMMENT SUPPLEMENTS

RECOMMENDATION(S)

1. Each action begins with a verb (Adopt, Approve, Direct, Accept, etc)
2. Only ONE action per number
3. Number each action ONLY when more than ONE action is recommended

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety

Protecting the Environment and Preserving Open Space and Agricultural Land

Maintaining and Enhancing Infrastructure

Supporting our Youth, Seniors, and Entire Community

Fostering a Positive Organizational Culture

Preserving and Cultivating Public Trust

Preserving our Community History

Enhancing Diversity and Inclusiveness

Advocating for Local, Regional, and State Legislative Initiatives

2024-2025 Strategic Priorities

Fiscal Sustainability

Affordable Housing and Homelessness

Community Engagement

Economic Development and Tourism

Healthy Community

Guiding Documents

Bikeways, Trails, and Recreation Master Plan

Climate Action Plan

Communications, Outreach, and Engagement Plan

Economic Blueprint

Fire Services Standards of Coverage

GIS Strategic Plan

Morgan Hill 2035 General Plan

Public Safety Master Plan

Storm Drain Master Plan

Vision Zero
Water System Master Plan
Wastewater System Master Plan

REPORT NARRATIVE:

POLICY CONSIDERATIONS:

If there are City Council Policy considerations enter them here. If none – delete this section.

At a minimum, the following items must be included. Please feel free to add helpful and/or relevant information not already covered below:

1. Explain the purpose of the Project, Policy, Program, Initiative, etc.
2. Describe what is being proposed (who, what, when, where, why, how & how much)
3. If the Council is required to make certain findings, set forth those findings and the factual support that will allow Council to make each of those findings
4. **For contracts, the following must also be included:**

1. Explain Bid/Proposal/Quote process
2. Itemized list of Bids/Proposals/Quotes received
3. Rationale for selection of vendor/contractor/consultant
4. Countersigned Agreement must be attached
5. Indicate the next steps if the item is approved.

COMMUNITY ENGAGEMENT:

Choose an option and remove the others-
Inform/ Consult/ Involve/ Collaborate/ Empower/ Not Applicable

For a “new project” staff report:

- Describe your plan for community engagement

For a “project check-in” staff report:

- Provide the community engagement actions to date
- Next steps

For a “project completion” staff report:

- Provide the community engagement actions to date

Community Engagement – indicate what steps have been or will be taken to inform, consult, involve, collaborate, and/or empower the public, including a summary of meeting dates, survey results, open houses, etc. according to the Council’s adopted Public Participation/Engagement Plan. If no community engagement has or will be done, explain why. NOTE: If no community engagement has or will take place, this must be known by the City Manager long before the staff report is routed for approval.

ALTERNATIVE ACTIONS:

Include a brief summary of each feasible alternative available for consideration and the consequences of not taking action. (It is important to include a complete list)

- What feasible alternative actions can be taken
- What are the fiscal/resource impacts of the possible alternative actions
- What are the impacts of the possible alternative actions

If there is no alternative action – type Not Applicable

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Describe all previous actions that have been taken on this item prior to this report by a City Commission and City Council, including fiscal year budget adoption actions.

FISCAL AND RESOURCE IMPACT:

Fiscal:

1. How much will be spent?
2. Is this item budgeted in the current fiscal year? If so, please note the following: This item is included in the current adopted budget (FY17-18) and is part of the (Name Department) workplan and specify the source of funding including fund, department, account # and project # (if applicable).
3. If the project is not budgeted for in this fiscal year, or if you have not budgeted enough:
 - Include a budget scorecard AND resolution
 - Indicate that the budget scorecard and resolution are attached
 - Specify the source of funding, specifically fund, department, account # and project # (if applicable)
4. If there's a request for additional revenue (e.g. Grant acceptance), include the amount and account number.

Resource:

If significant time is required of teammates, explain the extent of the impact and if the impacts will affect other projects or day to day tasks

CEQA (California Environmental Quality Act):

(Choose one and delete what does not apply) Project / Not a Project / Categorical Exemption / Statutory Exemption

Provide Categorical or Statutory Exemption justification; if a project, describe the CEQA requirements; if it is not a project, provide justification. Below are examples of types of work that qualify as "Not a Project"

As a general rule, any activity directly undertaken by the City is a project for CEQA purposes. Under the CEQA guidelines, the only activities that qualify to be listed as "Not a Project" on a staff report are:

1. Proposals for legislation to be enacted by the State Legislature.
2. Continuing administrative or maintenance activities, such as purchases for

supplies, personnel-related actions, general policy and procedure making (except where the policies and procedures may result in a change to the physical environment).

3. The submittal of proposals to a vote of the people of the state or of a particular community that does not involve a public agency sponsored initiative.

4. The creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

5. Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

Contact the City Attorney's office of Planning Director if you need help identifying the appropriate CEQA exemption.

PUBLIC COMMENT; NEXT MTS: ALL Council members

Fw: NEWS RELEASE: CA HSR Accelerates Timeline for 2026 Rail Installation

From: Joseph P Thompson (translaw@pacbell.net)

To: ca05tm.outreach@mail.house.gov; tomlorimcc@comcast.net; ca01dlima@mail.house.gov; reachvince@mail.house.gov; repkevinkiley@mail8.housecommunications.gov; repdavidvaladao@mail.house.gov; repobernolte@mail8.housecommunications.gov; senator.strickland@senate.ca.gov; assemblymember.tangipa@outreach.assembly.ca.gov; david@davidtangipaforassembly.com; ian.coolbear@asm.ca.gov; belle.castro@asm.ca.gov; emily.tymn@asm.ca.gov; joyce.rivero@sen.ca.gov; rosalinda.alexander@asm.ca.gov; assemblymember.macedo@assembly.ca.gov; carl@reformcalifornia.org; info@garrybredefeld.com

Date: Friday, August 29, 2025 at 09:56 AM PDT

GILROY AS SAVIOR OF CAHSRA'S "BUSINESS PLAN:"? - MORE LIPSTICK ON THE PIG

Dear Congressmen McClintock, LaMalfa, Kiley, Fong, Valadao, & Obernolte, and

cc: Senator Strickland, Assemblymembers Tangipa, Macedo & DeMaio, and Supervisor Bredefeld

News reports that CAHSRA's newest "business plan" proposes getting 18 million annual riders from Gilroy is, as predicted, more lipstick on a bankrupt-from-conception socialist boondoggle.

The population of Gilroy is 60,390, with 47,200 adults. Morgan Hill's population is 45,952. So, in round numbers we're looking at about 100,000 people of all ages. If they all rode Bullet Train, that would be .0055% of CAHSRA's pie-in-the-sky projected ridership. So, it's safe to conclude that CHSRA's new "business plan" is **pure, unadulterated horse-pucky** as we liked to say when I had my Law Office there for more than 30 years.

Gilroy's taxpayers, including crucified motorists, labor under "**Worst-in-the-Nation**" award winning VTA, awarded them for extraordinary fraud, waste and abuse by the M.I.T. study of all the Nation's transit agencies. In more than 45 years of representing small and very small business owners in Gilroy and South S.C. County, I saw business failures and bankruptcies at higher rates than the National average.

In 2008 when Gilroy & Morgan Hill Chambers invited me to debate former Supervisor Rod Diridon in the pre-election debate on Prop. 1A at the Gilroy Chamber's Conference Room, I said the same thing that I said to the "Godfather of the Bullet Train" in 1996, the Honorable Judge and Senator Quentin Kopp. Private sector solutions are the only sound, sustainable transport solutions for local, State and Federal Government.

I repeated my position in testimony before the Assembly Transportation Committee in the Capitol in 2010 in support of proposed legislation to defund the Bullet Train.

Nothing has changed over the years since to make me change my position. In fact, construction and operating costs have increased dramatically, and will increase more before its completed. In a guest opinion published by the Gilroy *Dispatch* in 2008, I predicted that gas taxes would have to increase to \$10/gal. to fund the CAHSRA's monstrosity. Their fiscal bottomless pit is now so deep that I now double my previous estimate to \$20/gal. But then, what will we do if we tax people out of their cars?

Instead of creating another socialist public sector transit boondoggle, I think that we ought to learn from our history, and switch to private-sector rail, which is the only sustainable way to run a railroad. CAHSRA has, predictably, answered AB-377 with a new "business plan" that's no different than their previous plan to crucify the taxpayers. Asking a blood-sucking leech to have a new diet is an exercise in futility.

Caveat viator.

Joseph P. Thompson, Esq.
Past-President, 1999-2001, 2006 Gilroy-Morgan Hill Bar Assn.
Past-Chair, Legislation Committee, Transportation Lawyers Assn.
Post-doc student, transport law & policy, Norman Y. Mineta International Institute for Surface Transportation Policy Studies, SJSJ; Transportation Research Board, Georgetown U.; and Library of Congress
E-Mail: TransLaw@PacBell.Net

----- Forwarded Message -----

From: California High-Speed Rail <info@hsr-email.com>

To: "translaw@pacbell.net" <translaw@pacbell.net>

Sent: Thursday, August 28, 2025 at 12:27:20 PM PDT

Subject: NEWS RELEASE: CA HSR Accelerates Timeline for 2026 Rail Installation

To view this email as a web page, go [here](#).



CALIFORNIA High-Speed Rail Authority



NEWS RELEASE

FOR IMMEDIATE RELEASE
August 28, 2025

Micah Flores
916-715-5396 (c)
Micah.Flores@hsr.ca.gov

California High-Speed Rail Accelerates Timeline for 2026 Rail Installation

Industry to be invited to bid on rail, other materials needed to lay electrified high-speed track and systems

WHAT YOU NEED TO KNOW: The California High-Speed Rail Authority Board of Directors approved proceeding with procurements to purchase high-speed rail materials, a major milestone to accelerate track and systems construction, slated to begin in the next year.

SACRAMENTO, Calif. – The California High-Speed Rail Authority’s (Authority) Board of Directors today approved the issuance of invitations for bids for the provision of high-

9-4-25

Sirs,
Please accept
this for Public Comment.
Thank you.
Joe Thompson

E-mail: TransLaw@PacBell.Net



Joseph P. Thompson
Attorney at Law

952 School St. #376
Napa, CA 94559

TEL: 408/848-5506

of HOLLISTER FREELANCE
LETTER IN GILROY DISPATCH & MORGAN HILL TIMES 9-3-2025; FALSE PROMISES BY BULLET TRAIN'S NEW "BUSINESS PLAN"

From: Joseph P Thompson (translaw@pacbell.net)

To: ca05tm.outreach@mail.house.gov; tomlorimcc@comcast.net; ca01dlima@mail.house.gov; repkevinkiley@mail8.housecommunications.gov; reachvince@mail.house.gov; repdavidvaladao@mail.house.gov; repobernolte@mail8.housecommunications.gov; senator.strickland@senate.ca.gov; joyce.rivero@sen.ca.gov; assemblymember.tangipa@outreach.assembly.ca.gov; david@davidtangipaforassembly.com; ian.coolbear@asm.ca.gov; belle.castro@asm.ca.gov; emily.tymn@asm.ca.gov; assemblymember.macedo@assembly.ca.gov; rosalinga.alexander@asm.ca.gov; carl@reformcalifornia.org; info@garrybredefeld.com; dotexecsec@dot.gov

Date: Thursday, September 4, 2025 at 11:50 AM PDT

Dear Mr. McClintock, Mr. LaMalfa, Mr. Kiley, Mr. Fong, Mr. Valadao, Mr. Obernolte, Senator Strickland, Assemblymembers Tangipa, Macedo & DeMaio, Supervisor Bredefeld & USDOT Secretary Sean Duffy,

I am attaching my letter published by Editor of Gilroy *Dispatch* & Morgan Hill *Times* yesterday. He gave it the title, "Bullet train report is more lipstick on the pig." I also asked him to publish it in the Hollister *Freelance*, too.

Both UPRR and BNSF have recently announced new intermodal services on Coast-to-Coast and trans-Mississippi COFC and TOFC shipments. Increasing driver shortages make the intermodal option more desirable for California's ag shippers. So, once again the private sector is showing us how we ought to be increasing transportation options, and solving some of our transportation problems.

I believe that with UP proposing to merge with NS, the government have an opportunity to impose shipper-friendly, taxpayer-friendly conditions on their proposed merger. Then if BNSF proposes another merger, the government ought to take the same approach.

Joseph P. Thompson, Esq.

Fresno, CA 93711 in Mr. McClintock's District

E-Mail: TransLaw@PacBell.Net



GILROY DISPATCH & M.H. TIMES 9-3-2025.pdf

147 kB

GILROY DISPATCH

Letter: Bullet train report is more lipstick on the pig

BY JOSEPH P. THOM - September 3, 2025



Letter to the editor

News reports that the California High Speed Rail Association's newest "business plan" proposes getting 18 million annual riders from Gilroy is, as predicted, more lipstick on a bankrupt-from-conception socialist boondoggle.

The population of Gilroy is 60,390, with 47,200 adults. Morgan Hill's population is 45,952. So, in round numbers we're looking at about 100,000 people of all ages. How many would take the Bullet Train every workday to Merced to Bakersfield? Would they pay full fare, or like VTA, COG, etc., pay only about 1% of the cost of their rides?

Taxpayers, motorists, pay the balance of their costly rides. It would make Lenin blush. If they all rode Bullet Train, that would be .0055% of CAHSRA's pie-in-the-sky projected ridership.

So, it's safe to conclude that CHSRA's new "business plan" is pure, unadulterated horse-pucky as we liked to say when I had my law office there.

Gilroy's taxpayers, including crucified motorists, labor under "worst-in-the-nation" award winning VTA, awarded them for extraordinary fraud, waste and abuse by the M.I.T. study of all the nation's transit agencies. In more than 45 years of representing small and very small business owners in Gilroy and South Santa Clara County, I saw business failures and bankruptcies at higher rates than the national average. Why's that? Confiscatory taxes/fees/fines/assessments and mandates?

In 2008, when the Gilroy and Morgan Hill chambers invited me to debate former Supervisor Rod Diridon in the pre-election debate on Prop. 1A, I said the same thing that I said to the "Godfather of the Bullet Train" in 1996, the Honorable Judge and Sen. Quentin Kopp. Private sector solutions are the only sound, sustainable transport solutions for local, state and federal governments.

I repeated my position in testimony before the Assembly Transportation Committee in the Capitol in 2010 in support of proposed legislation to defund the Bullet Train.

Nothing has changed over the years since to make me change my position. In fact, construction and operating costs have increased dramatically, and will increase more before it's completed. In a guest opinion published by the Gilroy Dispatch in 2008, I predicted that gas taxes would have to increase to \$10 per gallon to fund the CAHSRA's monstrosity. Their fiscal bottomless pit is now so deep that I now double my previous estimate to \$20 per gallon. But then, what will we do if we tax people out of their cars?

Instead of creating another socialist public sector transit boondoggle, I think that we ought to learn from our history, and switch to private sector rail, which is the only sustainable way to run a railroad.

CAHSRA has, predictably, answered AB 377 with a new "business plan" that's no different than their previous plan to crucify the taxpayers. Asking a blood sucking leech to have a new diet is an exercise in futility. We cannot afford the blood-sucking leeches that our leaders have already plastered on our backs. No wonder people are fleeing California in record numbers.

Joseph P. Thompson, Esq.

Past-President, 1999-2001, 2006, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOM



Letter: Bullet train report is more lipstick on the pig

BY JOSEPH P. THOM · September 3, 2025



Letter to the editor

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S Peter C. donated \$25
Si San Francisco, United States

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Nothing has changed over the years since to make me change my position. In fact, construction and operating costs have increased dramatically, and will increase more before it's completed. In a guest opinion published by the Gilroy Dispatch in 2008, I predicted that gas taxes would have to increase to \$10 per gallon to fund the CAHSRA's monstrosity. Their fiscal bottomless pit is now so deep that I now double my previous estimate to \$20 per gallon. But then, what will we do if we tax people out of their cars?

Instead of creating another socialist public sector transit boondoggle, I think that we ought to learn from our history, and switch to private sector rail, which is the only sustainable way to run a railroad.

CAHSRA has, predictably, answered AB 377 with a new "business plan" that's no different than their previous plan to crucify the taxpayers. Asking a blood sucking leech to have a new diet is an exercise in futility. We cannot afford the blood-sucking leeches that our leaders have already plastered on our backs. No wonder people are fleeing California in record numbers.

Joseph P. Thompson, Esq.

Past-President, 1999-2001, 2006, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOM

Letter: Bullet train report is more lipstick on the pig

BY JOSEPH P. THOM - September 3, 2025



Letter to the editor

News reports that the California High Speed Rail Association's newest "business plan" proposes getting 18 million annual riders from Gilroy is, as predicted, more lipstick on a bankrupt-from-conception socialist boondoggle.

The population of Gilroy is 60,390, with 47,200 adults. Morgan Hill's population is 45,952. So, in round numbers we're looking at about 100,000 people of all ages. How many would take the Bullet Train every workday to Merced to Bakersfield? Would they pay full fare, or like VTA, COG, etc., pay only about 1% of the cost of their rides?

Taxpayers, motorists, pay the balance of their costly rides. It would make Lenin blush. If they all rode Bullet Train, that would be .0055% of CAHSRA's pie-in-the-sky projected ridership.

So, it's safe to conclude that CHSRA's new "business plan" is pure, unadulterated horse-pucky as we liked to say when I had my law office there.

Gilroy's taxpayers, including crucified motorists, labor under "worst-in-the-nation" award winning VTA, awarded them for extraordinary fraud, waste and abuse by the M.I.T. study of all the nation's transit agencies. In more than 45 years of representing small and very small business owners in Gilroy and South Santa Clara County, I saw business failures and bankruptcies at higher rates than the national average. Why's that? Confiscatory taxes/fees/fines/assessments and mandates?

In 2008, when the Gilroy and Morgan Hill chambers invited me to debate former Supervisor Rod Diridon in the pre-election debate on Prop. 1A, I said the same thing that I said to the "Godfather of the Bullet Train" in 1996, the Honorable Judge and Sen. Quentin Kopp. Private sector solutions are the only sound, sustainable transport solutions for local, state and federal governments.

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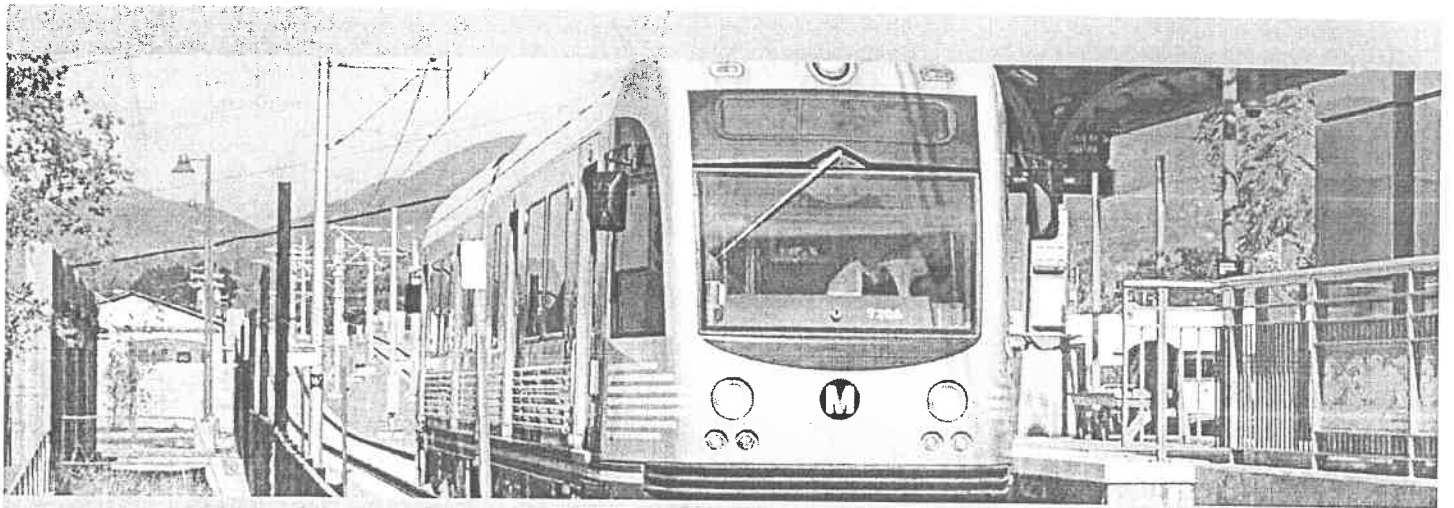
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JOSEPH P. THOM



Falling Transit Ridership

THE UNIVERSITY OF CALIFORNIA
SOUTHERN CALIFORNIA

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FALLING TRANSIT RIDERSHIP: CALIFORNIA AND SOUTHERN CALIFORNIA

In the last 15 years Americans have supported public transportation more and demanded it less. California, the nation's most populous state, is in many ways emblematic of this pattern. Motivated by concerns about congestion and climate change, California's state and local governments have invested heavily in transit, often with the explicit approval of voters. This investment is particularly evident in Southern California. Since 1990, the six-county Southern California Association of Governments (SCAG) region has added over 100 miles of light and heavy rail in Los Angeles County, and over 530 miles of commuter rail region-wide. In November 2016, voters in LA County approved a \$120 billion sales tax measure for transportation, with a plurality of the funding dedicated to expanding and improving transit (Measure M: Metro's Plan to Transform Transportation in LA 2016). This measure marked the third such countywide tax increase since 1990, and the fourth one overall. Other SCAG counties have also routinely passed sales tax measures for transportation and transit improvements.

Over the same period, however, California's transit use (depending on how one measures it) has varied from modest increases to relative stagnancy to—in more recent years—steep decline. Southern California is again illustrative. Despite its heavy investments in transit, in absolute terms the region's transit ridership reached its postwar peak in 1985. Through the 1990s and mid-2000s ridership rose and fell modestly, never reaching 1985 levels, and in 2012 it began declining. In per capita terms, ridership has fallen more steadily since the 1980s. Ridership per capita was flat in the early 2000s, but started trending down again in 2007. In California overall, per capita ridership was flat until 2009, when it began a decline from which it has not recovered (The National Transit Database (NTD), 2015).

Why is transit ridership falling? The question is not merely academic. The combination of rising supply and falling demand has profound fiscal implications for transit operators, since it substantially increases the public cost of moving each passenger. Increased transit supply has meant increased public investment, particularly in new rail services. Measured as a ten-year rolling average of capital and operating costs, transit investment in both the US and California rose almost 50 percent between 2000 and 2015. These rising expenditures, when combined with falling patronage, yield falling productivity. Between 2005 and 2016, transit productivity — measured as passenger boardings per vehicle revenue hour (VRH) — has fallen 5 percent in California and 14 percent in the SCAG region. Falling productivity is not sustainable; it usually ends with more subsidies or less service.

Beyond fiscal concerns, falling ridership calls into question a number of California's ambitious environmental goals. California's aggressive agenda for combatting climate change is predicated in part on many people using transit more and driving less. The carbon reduction targets set out in Senate Bill 375, California's landmark climate reduction bill of 2008, involve large mode shifts to transit and away from driving, while the California Department of Transportation's current Strategic Management Plan includes an explicit goal of doubling the state's transit mode share by 2020 (California Department of Transportation, 2015). But transit ridership, despite heavy transit investment, is trending very much in the opposite direction.

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*So stop rewarding fraud, waste + abuse
by transit agencies.*

socioeconomic information. But the CHTS is a one-year snapshot, only available for 2012. As a result, we have a data mismatch: excellent data for a single year, but a research question – why is transit ridership declining? – that demands data on changes over time.

A last data obstacle is that the determinants of transit use are varied, ranging from gas prices to auto ownership to the quality of transit service, and no single data set contains all of them. Some factors thought to influence transit use, like the availability of free parking, are not systematically tracked at all.

To work around these limitations, we draw on an array of spatial, person-level, and administrative data. At different points we use the U.S. Census summary files, the Integrated Public Use Microdata (IPUMS) of the Census,² state and national travel diary data, gas price and economic data from the Energy Information Agency and the Bureau of Labor Statistics, and data and rider surveys conducted by some of Southern California's larger transit operators. One operator—the Los Angeles County Metropolitan Transportation Authority (Metro, or LA Metro)—by itself accounts for most of the region's transit use and has ample public data available. As a result, at different points in the report when data for the entire region is lacking, we draw on data specific to LA Metro.

Largely because of these data constraints, the case we build is circumstantial; we offer no definitive proof of cause-and-effect. But the evidence is nevertheless compelling. The primary factor we identify is automobile ownership. In the last 15 years, household vehicle access in the SCAG region has grown dramatically. Vehicle ownership has grown particularly sharply among subgroups most likely to use transit, such as the low-income and the foreign born from Latin America. The steep rise in vehicle access among these groups that occurred as transit ridership began to fall is not direct proof, but it is a smoldering if not a smoking gun. Public transportation is unlikely to fare well when Southern California is flooded with additional vehicles. Much of the region's built environment is designed to accommodate the presence of private vehicles and to punish their absence. Extensive street and freeway networks link free parking spaces at the origin and destination of most trips. These circumstances give people strong incentives to acquire cars, and — once they have cars — to drive more and ride transit less.

The surge in vehicle ownership does not explain all of the transit decline. And it may well have been reinforced by falling gas prices and the rise of TNCs— though again we note that increasing vehicle ownership and declining transit use began before TNCs existed and when gas prices were still high. But increased vehicle ownership by itself probably explains much of Southern California's lost transit ridership.

Our findings accord with previous research about transit patronage. Giuliano (2005) has shown that compared to Americans at large, the poor use transit more but like it less. The typical low-income rider wants to graduate to automobiles, while the typical driver might view transit positively but have little interest in using it (Manville & Cummins, 2015). These facts, coupled with the falling ridership of recent years, raise questions about transit's future.

Transit ridership is not, by itself, a legitimate goal of public policy. Transit use is instead a means to achieve other public ends. Traditionally, transit's goals have been twofold: Providing mobility to disadvantaged people who lack it, and mitigating the social and environmental costs of private automobiles by providing alternatives to them. The first goal has long accounted for more of transit's ridership, while the second

² The IPUMS data are from Ruggles et al (2017).

has accounted for more of its rhetoric. Throughout the United States, and particularly in Southern California, public transportation advocates have emphasized transit's potential to manage traffic and reduce pollution. In practice, however, transit has functioned overwhelmingly as a social service for low-income people with little private mobility (Taylor & Morris, 2015).

Because transit has primarily carried low-income people, rising vehicle ownership among those people suggests a future where public transportation's core ridership could dramatically shrink. While this outcome poses a grave problem for transit operators, it is not obvious that transit operators should try to win these low-income riders back, at least not to the very high levels at which they rode transit previously. With very few exceptions, acquiring an automobile in Southern California makes life easier along multiple dimensions, dramatically increasing access to jobs, educational institutions and other opportunities (Kawabata & Shen, 2006). As a result, pulling low-income former riders out of their cars and back onto trains and buses could make transit agencies healthier but the region poorer. If transit agencies want to protect their fiscal health while also increasing social welfare, they may need to convince the vast majority of people who never use transit to begin riding occasionally instead of driving. This task is unquestionably more difficult than serving a large pool of people who have few alternatives to transit. Convincing some drivers to start using transit would likely require weakening or removing some of the state's and region's entrenched subsidies for motor vehicle use. But transit is unlikely to grow substantially, to accomplish its environmental goals, if driving remains artificially inexpensive.

THE SPATIAL AND DEMOGRAPHIC DISTRIBUTION OF AMERICAN PUBLIC TRANSPORTATION

Public transportation use in the United States is distributed unevenly across people and places. Transit accounts for about two percent of all passenger miles travelled (PMT), and about two percent of personal trips overall (NHTS 2009). These small overall numbers, however, conceal transit's outsized importance to some people in some places. The average U.S. resident made about 32 transit trips in 2016 (Neff & Dickens, 2017; U.S. Census Bureau, 2016), but the modal resident made zero trips, and a small number of people rely on transit extensively. Chu (2012) shows that 20 percent of Americans live in neighborhoods without transit, while 60 percent live in neighborhoods with transit but have not used it in the previous month. Another 11 percent uses transit less than ten times per month, while eight percent take ten or more trips monthly.

The small share of people who use transit frequently is concentrated in a handful of metropolitan areas. In 2016, 65 percent of all transit boardings occurred on the nation's ten largest transit operators; the 15 systems in the New York region by themselves account for over 40 percent of the country's transit trips (FTA, 2016). Even within these transit-heavy areas, however, most people do not use transit regularly, because most transit use occurs in the central cities, and specifically among lower-income and foreign-

incomes to finance vehicle purchases. U.S. auto loan originations among subprime consumers increased 140 percent from 2010 to 2015 (New York Fed Consumer Credit Panel / Equifax). We do not have local-level data on vehicle debt, but inflation-adjusted per capita vehicle debt in California rose 91 percent between 2000 and 2015 (Federal Reserve Bank of New York).¹⁹

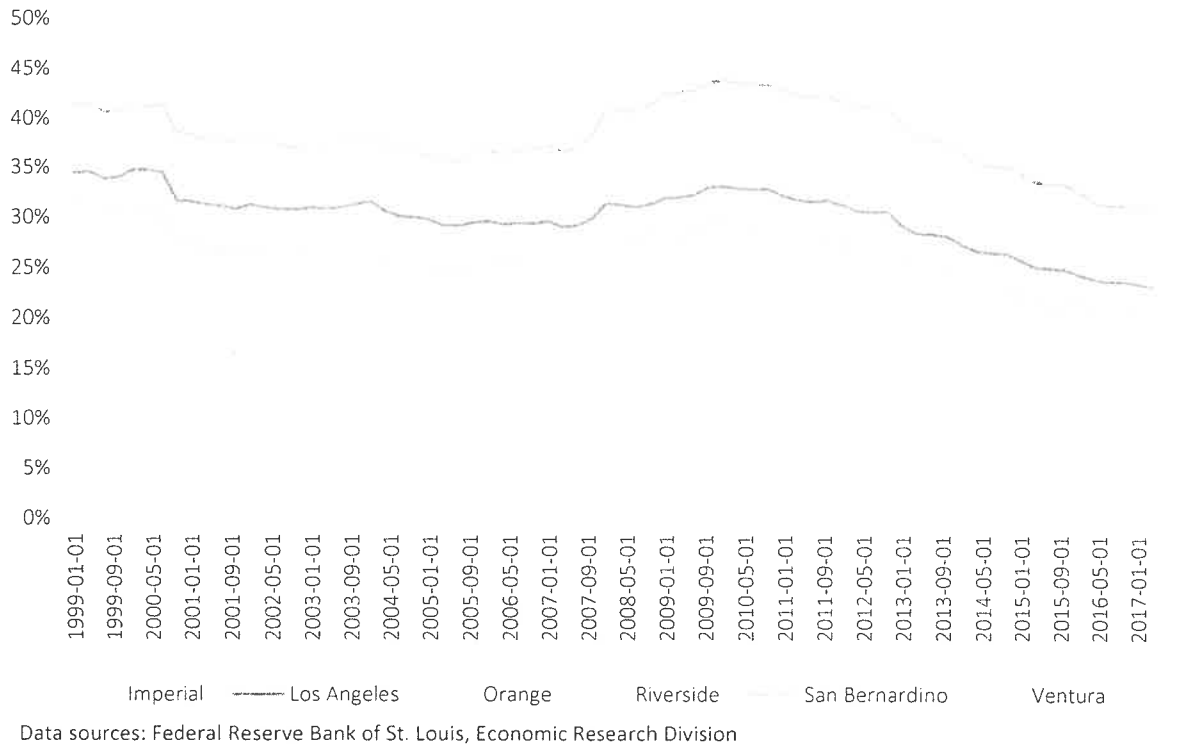


Figure 35. Percent of sample with credit scores below 660, by county in SCAG region.

CONCLUSION

Per capita transit ridership, long sluggish in Southern California, began to fall in 2007. In 2012 that per capita decline accelerated, and manifested as a more noticeable and more alarming absolute decline. The precise reasons for this decline are almost certainly manifold, and hard to disentangle. Gas prices fell sharply after rising steeply. The explosive growth of Uber and Lyft provided new mobility options to some people who had been mobility-constrained. In Orange County, fares rose substantially. On LA Metro, by at least some accounts, feelings of danger increased. Some of the people most likely to use transit moved to areas where transit was less prevalent. Especially in recent years, all these factors most likely contributed to transit's downturn.

¹⁹ Data come from the New York Federal Reserve Bank's Consumer Credit Panel.

But in weighing the evidence, the overwhelming factor appears to be a dramatic increase in the stock of private automobiles. Between 2000 and 2015 Southern Californians acquired vehicles at nearly four times the rate they had between 1990 and 2000. This growth of the private vehicle stock lines up—in timing, in magnitude, and in theory—with the region’s falling transit use. Vehicle access grew across all income levels and groups, but disproportionately among those groups, like the low-income and foreign-born, who are most likely to ride transit. Transit ridership in the SCAG region has long depended on a sizable minority of people who did not, largely for economic reasons, have access to cars. After 2000, many of these people acquired cars, and it should not surprise us that they started riding transit less.

To be sure, the case we build in reaching this conclusion is circumstantial. For reasons we have already enumerated, the data available to examine transit riders are scarce and fragmented, which leaves alternative explanations possible if not plausible. Certainly future research should emphasize more data collection. Given the data available today, however, in our judgement rising vehicle ownership is the best explanation for falling transit ridership.

If this explanation is sound, it poses a daunting problem for transit operators. When lower-income people graduate from transit to driving, transit agencies bear a cost, but the other side of that cost is a large benefit for both the people who start driving *and* for society overall. In the aggregate, Southern Californians drive too much, once the various costs of pollution, congestion and crashes are accounted for. But some Southern Californians – the poorest of them – drive *too little*, and both their lives and the region as a whole would be improved if they drove a bit more. The low-income person who acquires a vehicle often makes fewer trips than an affluent person (driving is expensive) and the trips they make are often essential, and have social benefits that exceed their social costs. A car trip by a low-income household is more likely than one by an affluent household to involve finding and keeping work, getting to school, or accessing better health and daycare options. These trips might modestly increase congestion and pollution, but they have large paybacks in employment, earnings, and overall well-being that exceed those costs. Affluent households, in contrast, make many more trips, and more trips whose social value is lower (they might increase congestion and pollution not just by driving to work, but also by driving to lunch, or to visit friends).

Given the powerful difference a car can make in the lives of low-income people, efforts by transit agencies to recapture low-income riders can have a perverse impact: they would target some of the highest-value vehicle trips in the region. Ideally, of course, transit agencies would pull people away from lower-value vehicle trips. It makes little sense to deprive a low-income person of their trip to work at a location poorly served by transit, when affluent people routinely drive for errands and visits that they could easily complete by foot or transit. A quick trip to a store a half mile away (or a trip to a store a mile away when a comparable store is a quarter mile away) is more likely to have social costs that exceed its benefits. And these trips are abundant.

Given this situation, and given the ambitious greenhouse gas reduction goals that California has assigned to transit, planners and operators may need to expand transit’s target market. Transit should by no means abdicate its social service mission, but as we stated in the introduction, per capita transit use falls when current riders stop riding, and when new residents don’t start. Transit today relies on a high rate of use by a narrow base of people. But if that narrow base of people is acquiring vehicles, transit’s healthy future lies in reversing those circumstances, and striving for at least a low rate of use by a broad base of people. The SCAG region lost 72 million transit rides annually from 2012 to 2016. This number seems daunting,

but the region has 18.8 million people. According to the CHTS, about 77 percent of those people (roughly 14.5 million), ride transit rarely or never. Herein lies vast untapped potential. If one out of every four of those people replaced a single driving trip with a transit trip once every two weeks, annual ridership would grow by 96 million—more than compensating for the losses of recent years.

The obstacle to this outcome, however, is large and beyond the direct control of transit operators: driving is too cheap. The large subsidies given to transit in recent years pale next to the longstanding subsidies for automobiles that are hidden in unpriced road use, unpriced or underpriced street parking, high minimum parking requirements, and taxpayer- and developer-financed road-widenings. If public policy does not adequately confront underpriced driving, then transit ridership will likely continue to falter, and transit will not meet its ambitious environmental goals.

APRIL 20, 2020 | NUMBER 889

Transit: The Urban Parasite

BY RANDAL O'TOOLE

EXECUTIVE SUMMARY

The costs of supporting the nation's urban transit industry are rising, yet ridership is declining. Data released by the Federal Transit Administration in December 2019 indicate that 2018 transit ridership fell in 40 of the nation's top 50 urban areas, and, over the past five years ridership has fallen in 44 of those 50 urban areas. Data released by the Census Bureau in September 2019 indicate that the nation had 6.3 million more jobs in 2018 than 2015, yet the number of people who took transit to work declined by 146,000.

These declines have taken place in spite of huge increases in spending on public transit. In 2018 alone, subsidies to transit grew by 7.4 percent, increasing from \$50.5 billion to \$54.3 billion. Yet much greater increases will be needed to keep transit moving in many urban areas. A recent Department of Transportation report indicated that the transit industry has a \$100 billion maintenance backlog, mostly for its rail lines, and expenditures will have to increase by at least another \$6 billion

a year to fix this backlog within 20 years.

At the same time, the justifications for spending this much money subsidizing a declining industry are disappearing. Most low-income workers have given up on transit as a method of commuting and have purchased cars. Instead of helping low-income people, transit's major growth market is people who earn more than \$75,000 a year. In all but a handful of urban areas, transit uses more energy and emits more greenhouse gases per passenger mile than the average automobile. Far from relieving congestion, transit agencies are seeking to increase congestion in order to promote their businesses.

For all these reasons, it is time to end subsidies to transit and consider privatizing it instead. Private operators can provide transit at a lower cost than government agencies and will offer service that is responsive to transit riders, not political whims. To encourage this, Congress should end the transit capital improvement program (New Starts) and begin to phase out other federal subsidies to transit.

Randal O'Toole is a senior fellow with the Cato Institute and author of *Romance of the Rails: Why the Passenger Trains We Love Are Not the Transportation We Need*.

“Transit saps the vitality of the urban areas it is parasitizing by demanding huge subsidies from taxpayers.”

INTRODUCTION

Data recently released by the Federal Transit Administration (FTA) reveal that taxpayer subsidies to transit grew by more than \$3.7 billion, or 7.4 percent, between 2017 and 2018. Despite this increase, ridership fell by 215 million transit trips, or 2.1 percent. The massive increase in spending didn't even result in an increase in transit service, as measured in vehicle-revenue miles, which declined by 0.9 percent.

Preliminary data from the FTA also indicate that 2019 will be the fifth straight year of declining transit ridership, with ridership falling 7.8 percent since 2014 and, in many urban areas, falling by 20 to 30 percent. After adjusting for inflation, annual taxpayer subsidies to transit grew by 15 percent between 2014 and 2018, yet that increase did not prevent the decline in transit ridership. Fares are covering an ever-diminishing share of the costs of transit: just 23 percent in 2018. Economists would suggest this indicates that transit users don't place a high value on this service.

This raises questions about whether it is worthwhile for federal, state, and local governments to continue to subsidize transit. Transit advocates argue that it relieves congestion, saves energy, reduces greenhouse gas emissions, and provides mobility for low-income people and others who don't drive a car. In essence, they claim that cities and transit have a symbiotic relationship, and that urban taxpayers who don't ride transit nevertheless should pay to subsidize transit systems so that those systems can provide them with important benefits, such as lower traffic congestion.

A more realistic look at the data suggests that, outside of New York and perhaps a half-dozen other urban areas, these benefits are tiny to nonexistent, especially when compared with the costs. Transit is no longer more energy efficient than driving: the energy efficiency of automobiles is increasing, while the energy efficiency of transit is declining. Transit no longer serves large numbers of low-income people, as most of them have purchased automobiles. Transit systems with declining ridership do little or nothing to relieve urban congestion;

nearly empty buses often increase congestion.

In short, the relationship between transit and most urban areas is not a symbiotic one but a parasitic one. Like any parasite, transit saps the vitality of the entities it is parasitizing, in this case by demanding huge subsidies from taxpayers. Like many parasites, some transit agencies even seek to reshape the regions they parasitize to make them more congenial for the health of transit even though such changes impose higher costs of living on the residents of those cities.

Transit advocates have reached the point where they act as though the purpose of cities and their residents is to benefit transit. In fact, transit should benefit residents by enhancing their mobility and well-being. If transit is not doing that, and people no longer value it, then it should not be subsidized.

RIDERSHIP IS FALLING

The transit industry is in crisis, as ridership has fallen for the fifth straight year. Counting the year ending December 31, 2019, the FTA reports that 2019 ridership was 7.9 percent below 2014 ridership. While the 2019 numbers are still preliminary, the FTA's final 2018 report indicates that transit carried 215 million fewer trips in 2018 than in 2017, a 2.1 percent drop. Ridership in 2018 declined from 2017 in 40 out of the nation's 50 largest urban areas.¹

Bus ridership began falling first, with ridership decreasing every year since 2012. By 2019, bus ridership reached its lowest level of any year since 1939. But rail ridership has been falling since 2016, and in 2018 it fell by a larger percentage than bus ridership.²

Ridership declines in many urban areas were much greater than the average rate of decline. Since 2013, Los Angeles has lost 23 percent of its riders, Miami 29 percent, St. Louis 24 percent, and Cleveland 33 percent. Ridership in Chicago, Philadelphia, and Washington—three of the nation's biggest transit regions—all fell by 12 percent or more.³

Transit is bucking the trend in only a handful of the nation's major urban areas. Number

one is Seattle, where ridership has grown by 8 percent in the past five years. As will be described below, the primary reason for this is a massive increase in jobs located in downtown Seattle.

More modest growth has been seen in Houston, Richmond, and Columbus, Ohio. Transit agencies in these cities revamped their bus systems, increasing bus frequencies on popular routes, reducing or eliminating service on unpopular routes, and relocating routes to replace historic hub-and-spoke systems, which made sense when most jobs were downtown, with grid systems, which make more sense now that most jobs are in the suburbs.⁴ While these examples are worth emulating, such overhauls will provide a one-time boost in ridership but will not solve the industry's long-term problems. Houston was the first major city to do such a redesign, and ridership grew for several years but now appears to have leveled out.

TRANSIT'S GROWING IRRELEVANCE

Table 1 shows that New York is the only urban area in the United States where transit plays a dominant role in people's daily lives. Transit carries more than half of all employees to work in New York City and almost a third in the New York urban area (which includes northeastern New Jersey, most of Long Island, Westchester, and Danbury, Connecticut). The average resident of the region rides transit well over 200 times a year.

It is important to distinguish New York from other urban areas because New York is so different from any other American region: what happens in New York, at least from a transportation view, has almost no applicability anywhere else. With almost 28,000 people per square mile, New York has, by far, the highest population density of any major city in the country, and with more than 71,000 people per square mile, Manhattan is the highest-density part of a city.⁵ Lower Manhattan has two million jobs, which is 4 times that of any other job concentration in the United States and more

than 10 times the number of downtown jobs in all but six other cities.⁶

The economic and population boom in New York since 1990 led to a 68 percent increase in the region's transit ridership between 1991 and 2014. This increase helped conceal problems with the transit industry in other parts of the country, which only became obvious after 2014, when even the New York ridership began to decline.

Reflecting the long-term decline in the importance of transit in most other parts of the country, New York's share of the nation's transit riders grew from 33.5 percent in 1991 to 44.5 percent in 2019. Outside of New York, 2019 ridership was 12 percent lower than in 2014.⁷

San Francisco–Oakland is a distant second to New York, as transit carries about 18 percent of Bay Area employees to work and the average resident rides transit 126 times a year. Transit also plays an important, although hardly dominant, role in Chicago, Philadelphia, Washington, Boston, and Seattle: it carries 10–15 percent of commuters, represents 2–4 percent of overall motorized travel, and averages 60–90 annual trips per resident. Honolulu almost makes this grouping, as its transit carries the average resident on 78 trips a year; however, it only carries 8 percent of commuters to work and many transit trips there are taken by tourists.

In a few more urban areas, including Los Angeles, Minneapolis–St. Paul, Baltimore, Portland, and a few college towns, transit plays a measurable, although hardly important, role, carrying 5–7 percent of employees to work and the average resident on 30–50 trips per year. Everywhere else, transit is almost completely irrelevant.

COSTS ARE RISING

Ridership isn't falling because of declining resources. In fact, taxpayer subsidies to transit rose by more than \$3.7 billion, or 7.4 percent, between 2017 and 2018.⁸ Total subsidies were \$54.3 billion in 2018, or more

“Reflecting the long-term decline of transit in other parts of the country, New York's share of the nation's transit riders grew from 33.5 percent in 1991 to 44.5 percent in 2019.”

Table 1

Transit ridership data by urban area

Urban area	2018 trips per capita	2018 transit share of commuting	2017 transit share of all travel	Ridership growth, 2014–2019
New York	224	32.5%	11.5%	-2.8%
Los Angeles	44	5.0%	1.8%	-21.3%
Chicago	67	13.1%	3.4%	-11.1%
Miami	21	3.1%	1.1%	-28.1%
Philadelphia	61	10.7%	2.4%	-11.1%
Dallas–Ft. Worth	12	1.6%	0.5%	-3.2%
Houston	16	2.3%	0.7%	5.4%
Washington	81	15.2%	3.2%	-11.7%
Atlanta	25	3.4%	0.9%	-8.6%
Boston	85	14.3%	2.7%	-11.4%
Detroit	10	1.4%	0.4%	-5.9%
Phoenix	17	1.9%	0.7%	-6.5%
San Francisco–Oakland ⁽¹⁾	126	18.2%	5.3%	-3.5%
Seattle	65	11.6%	3.4%	8.8%
San Diego	31	2.7%	1.3%	-11.1%
Minneapolis–St. Paul	33	5.5%	1.1%	-4.8%
Tampa–St. Petersburg	9	1.4%	0.3%	-15.6%
Denver–Boulder–Longmont ⁽²⁾	36	4.0%	1.6%	2.0%
Baltimore	44	7.3%	2.3%	-16.8%
St. Louis	19	2.5%	0.6%	-24.9%
San Juan	13	2.6%	0.9%	-45.6%
Riverside–San Bernardino ⁽³⁾	8	1.4%	0.4%	-21.4%
Las Vegas	31	3.3%	0.9%	-1.2%
Portland	53	7.0%	2.3%	-3.7%
Cleveland	20	3.1%	0.7%	-30.9%
San Antonio	20	2.1%	0.6%	-18.0%
Pittsburgh	38	7.2%	1.4%	-1.5%
Sacramento	13	2.2%	0.6%	-23.2%
San Jose	21	4.1%	0.9%	-19.4%
Cincinnati	11	2.1%	0.4%	-15.2%
Kansas City	10	1.1%	0.2%	-7.9%
Orlando	12	1.5%	0.5%	-15.7%
Indianapolis	6	1.1%	0.1%	-10.7%
Virginia Beach	10	1.6%	0.4%	-24.2%

Milwaukee	23	3.0%	0.7%	-28.8%
Columbus	13	2.0%	0.3%	1.3%
Austin	18	2.2%	0.6%	-9.2%
Charlotte	15	2.2%	0.4%	-17.2%
Providence	15	2.4%	0.5%	-18.2%
Jacksonville	10	1.1%	0.3%	-8.2%
Memphis	6	0.8%	0.2%	-28.0%
Salt Lake–Ogden–Provo	19	2.5%	0.8%	-3.3%
Louisville	12	2.1%	0.5%	-26.2%
Nashville	10	1.3%	0.3%	-0.8%
Richmond	8	2.0%	0.4%	3.3%
Buffalo	27	3.5%	0.7%	-3.8%
Hartford	21	3.2%	0.9%	-2.4%
Bridgeport	11	10.0%	0.3%	-19.4%
New Orleans	23	3.3%	0.6%	-14.9%
Raleigh	9	1.1%	0.2%	31.7%
Oklahoma City	3	0.6%	0.1%	15.7%
Tucson	19	2.4%	0.8%	-24.3%
El Paso	16	1.2%	0.7%	-0.4%
Honolulu	78	8.0%	3.7%	-7.1%
Birmingham	4	0.7%	0.1%	-4.7%
Albuquerque	14	1.6%	0.8%	-29.4%
McAllen ⁽¹⁾	2	0.2%	0.1%	15.1%
Omaha	4	0.8%	0.1%	-19.5%
Dayton	13	2.5%	0.5%	-10.0%
Rochester NY	21	2.8%	0.5%	-13.9%
Allentown	7	1.9%	0.3%	-13.0%
Tulsa	4	0.7%	0.1%	-17.0%

Sources: Transit trips per capita are based on total transit trips from the "2018 National Transit Database," Federal Transit Administration, https://www.transit.dot.gov/sites/fta.dot.gov/files/Funding%20Sources_2.xlsx, divided by the American Community Survey's 2018 estimates of urban area populations, "Means of Transportation to Work, 2018," American Community Survey, Table B08301 (for urbanized areas). <https://data.census.gov/cedsci/table?q=b08301&g=0100000US.400000&tid=ACSDT1Y2018.B08301&hidePreview=true>. Transit's share of commuting is from "Means of Transportation to Work, 2018," American Community Survey, Table B08301, <https://data.census.gov/cedsci/table?q=b08301&tid=ACSDT1Y2018.B08301>.

Transit's share of all travel by urban area is calculated by comparing vehicle miles of travel in "Highway Statistics 2017," Federal Highway Administration, Table HM-72. <https://www.fhwa.dot.gov/policyinformation/statistics/2017/hm72.cfm>, with passenger miles of travel in "2017 Annual Database Service," Federal Transportation Administration, <https://www.transit.dot.gov/ntd/data-product/2017-annual-database-service>. Vehicle miles of travel were converted to passenger miles by multiplying by 1.67, the average occupancy of automobiles according to the 2017 National Household Travel Survey (Washington: Federal Highway Administration, 2019), Table 16.

Notes: Urban areas are ordered by population rank, from largest to smallest.

1. Includes Concord and Livermore.
2. Transit's share of commuting includes Denver-Aurora only, not Boulder or Longmont.
3. Includes Murrieta-Temecula.
4. Transit's share of commuting is based on 2017 data; ridership growth is shown for 2014–2018.

“The maintenance backlog for guideways (such as rails) is \$23 billion, yet the transit industry reduced its spending on guideway repairs by \$131 million in 2018.”

than \$5.50 for each trip and \$1.01 per passenger mile. By comparison, subsidies to driving are about a penny per passenger mile.⁹ Of the increase, \$1.9 billion went to increased operating costs, mostly for higher labor costs. Nearly \$700 million went for benefits, while salaries and wages increased by \$235 million.

The other \$1.8 billion in increased costs went to capital costs. The FTA counts capital costs in two categories: *existing systems* and *extended systems*. Capital spending on extended systems represents genuine capital improvements, while spending on existing systems represents replacement of worn-out infrastructure and vehicles. In 2018, spending on replacement grew by \$1.1 billion, while spending on capital improvements grew by \$0.5 billion.

The increase in spending on capital replacement was needed because in recent decades transit agencies have been building new infrastructure without replacing the existing infrastructure as it wears out. The FTA calls this the *state-of-good-repair backlog*. A Department of Transportation report released in November 2019 estimates that this backlog was \$106 billion (in 2019 dollars).¹⁰ The FTA says that, as of 2015, the transit industry hadn't been spending enough on capital replacement to keep the backlog from growing further, much less enough to shrink it.

It isn't even clear that the transit industry is serious about eliminating the state-of-good-repair backlog. According to the FTA, the backlog for guideways (such as rails) is \$23 billion.¹¹ Yet in 2018, transit agencies *reduced* spending on guideway repairs by \$131 million, while they increased spending on new guideways by \$217 million.¹² They did increase spending on station replacements, probably because stations are more visible to the public than guideways, and repairing or replacing them creates an appearance that the agencies are fixing problems. Yet worn-out tracks create a serious safety hazard, while worn-out stations merely look unattractive.

Even if it were properly allocated, the 2018 increase in spending on capital replacement was so small that, at that rate, it would take

more than 75 years to eliminate the backlog. It will be necessary to increase spending on capital replacement by at least \$6 billion more a year in order to eliminate the backlog in 20 years.¹³ One way to do this would be to shift all the money now being spent on capital improvements to capital replacement—a measure that transit agencies are unwilling to consider. Unless that happens, the cost of sustaining transit systems will continue to rise even if ridership continues to fall.

FARES RISING, SERVICE DECLINING

Despite the increase in costs, service, as measured in vehicle-revenue miles, declined by 0.9 percent.¹⁴ Despite the decline in ridership, fare revenues grew by 0.3 percent in 2018, which, however, only covered 1 percent of the increase in costs.

The revenue increase was possible because the average fare per trip grew by 2.5 percent.¹⁵ This suggests that at least some transit agencies have entered a death spiral, meaning that they respond to declining ridership by increasing fares and cutting service, which further reduces ridership and forces more fare increases and service cuts.

Transit agencies rely on fares to cover a third of their operating costs, yet a new movement has sprung up for free transit. As part of this movement, on November 29, 2019, transit riders were encouraged by various activists to hop turnstiles or otherwise ride transit without paying. Supposedly, this would strike a blow against capitalism even though transit is one of the most socialized industries in the United States (and almost everywhere else in the world).¹⁶

In support of this movement, California State Sen. Scott Wiener argues that taxpayers should pay for a higher percentage of transit's costs because “transit is a public good and should have taxpayer support.”¹⁷ In fact, transit is not a public good, at least in the economic sense of the term. A public good is one that is nonrivalrous (i.e., one person's consumption of the good doesn't reduce another's

consumption of it) and nonexcludable (i.e., no one can be physically denied use of the good). Government often provides public goods because, given those two characteristics, private providers would be hard-pressed to have enough paying customers.

However, transit does not suffer from either of those characteristics. If I sit in a transit seat, you can't sit there, too; thus it is rivalrous. Putting gates on the entrances to transit stations and doors on the entrances to buses and other transit vehicles makes transit excludable. Hence, private providers can provide transit services (and in some cases do so)—if there is sufficient demand.

Wiener could mean something else when he uses the term “public good,” but it is not clear what. Perhaps he simply means that it is currently provided by public agencies. But just because something happens to be supported by tax subsidies today doesn't mean it deserves those subsidies or that they should continue forever, especially when transit use is declining.

Other people (including people responding to Wiener's statement) claim that everyone benefits from transit, so therefore everyone should contribute to it through subsidies. I will argue that the supposed benefits of transit—reducing congestion, saving energy, reducing greenhouse gas emissions, helping low-income people, and promoting economic development—are either tiny or nonexistent. Besides, it could easily be argued that everything benefits everyone in some way or another, but that doesn't mean everything should be subsidized by the government.

More recently, Curbed—a staunchly pro-transit website produced by VoxMedia—argued that “free transit isn't enough” and that “transportation needs to be a right” because people need “access to opportunity.”¹⁸ If that's true, then the most effective government policy would be to give everyone in the country a free car. The most recent studies from the University of Minnesota Accessibility Observatory show that, in America's major urban areas, a 20-minute auto drive allows people to access twice as many jobs, and a 30-minute

auto drive allows them to access four times as many jobs, as a 60-minute transit ride.¹⁹

Even from the viewpoint of transit riders, there are several problems with free transit. First, if transit agencies are 100 percent dependent on tax dollars, they will be far more responsive to politicians than transit riders. This means they will run transit when and where it is highly visible, but not where transit riders may need it the most. This can be seen in Los Angeles, where the county's transit agency, Metro, has been building highly visible light-rail lines even as they lose five bus riders for every rail rider they gain. According to a survey from the Transit Center, even low-income riders would prefer improvements in transit frequencies over reductions in fares.²⁰

Second, making ridership free won't necessarily significantly increase transit ridership. Tallinn, Estonia, a city of 430,000 people, reduced its transit fares to zero in 2013, yet ridership increased by only 1.2 percent in the first year, and most of that increase resulted from people choosing to take transit rather than walk, not as a replacement for driving.²¹ After five years, ridership grew by just 5 percent, which might have happened anyway.

Third, funding transit out of fares rather than taxes imposes a discipline on transit agencies to keep costs low and transit affordable. When capital costs are funded exclusively out of taxes, transit agencies go wild, spending billions of dollars on rail transit systems that are not any better (and in many respects worse) than buses. When operating costs are funded largely out of taxes, transit agencies allow costs such as labor to balloon.

Fourth, making transit free turns transit vehicles into rolling homeless shelters. Austin, Texas, experimented with a free transit system in 1989 and 1990. While ridership increased, much of the increase was because the elimination of fares attracted homeless people and other “problem riders.” Physical assaults on-board buses tripled after fares were eliminated, and consequently costs increased because of the need to hire additional transit security officers. For their own safety and that of the

“Transit is not a public good, at least in the economic sense of the term, and doesn't deserve the kind of subsidies that public goods might receive.”

“Funding transit out of fares rather than subsidies imposes a discipline on transit agencies to keep costs low and transit affordable.”

riders, 75 percent of bus drivers signed a petition to restore bus fares and the experiment ended after little more than a year.²² Other American cities that experimented with free transit had similar issues.²³

A 2011 survey of transit fares found that nearly three dozen cities in the United States offer free transit. All of them were in small urban areas and most were either resort communities or university-dominated cities.²⁴ Despite the free fares, however, transit does not play a dominant role in the transportation systems of any of those cities or towns.

In December 2019, the Kansas City, Missouri, council voted to make all transit in the area free. Councilmembers reasoned that fares were already so low that they brought in little more than 10 percent of the bus system’s operating costs and the city promised to make up the \$9 million shortfall.²⁵ This was a remarkable decision, given the 30 percent decline in bus ridership the system has experienced since 2012. Final implementation of this plan is still under consideration by the Kansas City Area Transportation Authority.

TRANSIT SPEEDS DECLINING

Los Angeles Metro blames the loss of transit riders on slowing transit speeds resulting from traffic congestion.²⁶ This leads transit advocates to argue that transit buses deserve their own lanes in order to boost speeds and increase ridership.²⁷ This is ironic, considering that the increase in traffic congestion in Los Angeles and many other regions is largely due to policies that devote most regional transportation dollars to building rail transit lines rather than improving roadway capacities.

In fact, transit supporters are openly applauding projects that will increase traffic congestion in the hope that it will encourage some auto users to ride transit instead. “It’s too easy to drive in this city,” says Los Angeles Metro head Philip Washington. To get people back on the bus, he wants to “actually make driving harder” by converting lanes on streets that are now open to all traffic into exclusive bus

lanes.²⁸ Considering that the Los Angeles urban area is already one of the most congested cities in the world, and that almost 90 percent of its commuters get to work by automobile, it isn’t clear that adding additional congestion will change anyone’s driving habits.

Federal Transit Administration data offer some support for the claim that ridership is affected by transit speeds. Average transit speeds can be roughly calculated by dividing vehicle-revenue miles by vehicle-revenue hours. By this measure, transit vehicles nationwide averaged 15.08 miles per hour in 2018, down from 15.16 miles per hour in 2017 and 15.20 miles per hour in 2016. Los Angeles bus speeds averaged 10.4 miles per hour in 2018, down from 10.5 in 2017 and 10.6 in 2016.²⁹

Using ridership and speed data going back to 1994, the correlation between Los Angeles Metro bus speeds and ridership is a respectable 0.65. Using data going back to 1991 and counting all transit in the country, the correlation is even higher, at 0.78. Of course, correlation doesn’t prove causation, and there may be other factors at work affecting both speeds and ridership. Moreover, reduced speeds don’t explain recent declines in rail ridership, as trains are generally not subject to highway congestion.

In any case, rather than make congestion worse for nonbus riders (the great majority of people in every American city not named New York) in order to make it better for buses, it would make more sense to fund programs that would relieve congestion for *everyone*. This is especially true because simply having dedicated bus lanes doesn’t make buses move much faster, as most of their time is spent picking up and dropping off passengers. The 2018 database reveals, for example, that supposedly “rapid buses,” many of which use dedicated lanes, go an average of 10.1 miles per hour, compared with 12.0 miles per hour for regular buses.³⁰

TRANSIT COMMUTING DECLINED IN 2018

Transit’s decline is also revealed in the Census Bureau’s American Community Survey,

which is based on surveys of about 3.5 million households per year. The 2018 survey revealed that the nation had 1.8 million more workers in 2018 than in 2017, yet the number who took transit to work fell by 23,000. Nearly all of the decline was in bus transit, which lost 58,000 commuters, while rail transit commuting grew by 22,500.³¹ Since 2015, the United States has gained 6.3 million workers, yet transit lost 146,000 commuters.³²

This doesn't mean that cities are better off building more rail transit, as many regions with rail transit saw overall declines in transit commuting. Some of the biggest declines in transit commuting took place in Baltimore (-11,000 transit commuters), Denver (-7,300), and San Diego (-7,500). Transit commuting also declined in Atlanta, Boston, Houston, Minneapolis-St. Paul, Nashville, Orlando, Phoenix, Portland, Salt Lake City, San Francisco-Oakland, and St. Louis.³³ All of these are urban areas that have opened up new rail transit lines in recent years.

This downward trend is a reversal of previous years, when the American Community Survey reported that the number of people commuting by transit grew, even if it didn't grow as fast as other methods of commuting. Yet, even before 2018, overall ridership was declining because of a reduction in nonwork trips. Now, both transit commuting and ridership are moving in the same direction: downward.

The fall in transit commuting meant that the *share* of workers commuting by transit also fell, and in 2018 was just 4.9 percent. Transit is an important method of commuting in only a few urban areas. While almost a third of workers in the New York urban area commute by transit, it carries more than 10 percent of workers in just six other major urban areas: Boston, Chicago, Philadelphia, San Francisco-Oakland, Seattle, and Washington. (Concord, California, is also on the list, but that is really a part of the San Francisco-Oakland urban area.)³⁴

In most of the rest of the country, transit borders on insignificance. Transit carries less than 5 percent of workers in Denver, Los Angeles, and San Jose; less than 4 percent in

Atlanta, Cleveland, and Salt Lake City; less than 3 percent in Austin, Charlotte, Houston, San Diego, and St. Louis; and less than 2 percent in Dallas-Ft. Worth, Detroit, Orlando, and Tampa-St. Petersburg. The number of people who work at home was greater than the number of people who take transit to work for the first time in 2017, and the difference grew in 2018, with 5.3 percent of workers working at home.

TRANSIT INCREASINGLY USED BY HIGH-INCOME PEOPLE

One justification for transit subsidies is that they help low-income people, but low-income people are dramatically reducing their use of transit. One study of Los Angeles ridership blamed the decline in bus ridership mainly on the increase in auto ownership among low-income workers.³⁵

The American Community Survey confirms that transit use among low-income workers is declining, while transit's major growth market is among high-income workers. The 2017 survey was the first to find that the median income of transit riders was higher than the national median of all workers.³⁶ This was true in urban areas all over the country, including Boston, Chicago, San Francisco-Oakland, Seattle, and Washington.

In 2018, the median income of transit commuters rose to be higher than people who commute by any other method, including driving, walking, and cycling. Only people who worked at home had higher median incomes.³⁷ Again, this was true in many major urban areas.

The survey further revealed that people in every income class below \$25,000 a year are decreasing their use of transit for getting to work and were 6 percent less likely to commute by transit in 2018 than they were in 2010. Meanwhile, people earning more than \$65,000 a year were 7 percent more likely to commute by transit in 2018 than in 2010. The fastest growth in transit commuting is among people who earn more than \$75,000 a year. People earning above \$75,000 are especially disproportionately likely to ride transit in

“The head of the Los Angeles Metro thinks it's too easy to drive in the city and wants to make driving harder by converting existing street lanes into exclusive bus lanes.”

“From 2010 to 2018, people earning less than \$25,000 a year were 6 percent less likely to commute by transit, while people earning more than \$65,000 were 7 percent more likely to commute by transit.”

Boston, Chicago, New York, and San Jose.³⁸

Transit subsidies are also supposed to help provide mobility for people who don't have cars. But the American Community Survey reveals that most workers who don't have cars don't take transit to work. The 2018 survey found that only 40 percent of workers who live in households without access to cars take transit to work. In fact, in many urban areas, including Charlotte, Dallas–Ft. Worth, Denver, Houston, Indianapolis, Kansas City, Miami, Sacramento, Salt Lake City, San Antonio, and Tampa–St. Petersburg, more people who live in households without cars nevertheless drive alone to work (possibly in employer-supplied vehicles) than take transit to work.

Studies show that low-income people are rational to prefer driving over transit. One study found that unskilled people were 80 percent more likely to have a job and earned \$1,100 more a month if they had a car. In fact, the study found that owning a car was more helpful to getting and keeping a job than getting a high-school-equivalent diploma.³⁹

As previously noted, this is because people can reach far more jobs and other economic opportunities within a 20-minute drive than they would within a 60-minute transit trip. This is why some nonprofit groups now specialize in making low-interest loans to low-income people to buy cars. The borrowers may have poor credit ratings, but once they own a car they often quickly find a job and pay off their loans.⁴⁰

TRANSIT DOESN'T PROTECT THE ENVIRONMENT

Another reason often used to justify subsidies to transit is that it saves energy and reduces greenhouse gas emissions. Data in the 2018 National Transit Database reveal that this is no longer true (and hasn't been for several years).

The database indicates how many gallons of diesel fuel, gasoline, and other fuels are used by transit agencies, along with the number of kilowatt-hours used by electrically powered transit. The conversion of gallons and kilowatt-hours

to common units of energy is straightforward based on factors provided by the U.S. Department of Energy.⁴¹ In calculating electrical energy, I tripled the amount of energy used by transit. This is to account for the average generation and transmission losses measured by the Department of Energy, meaning that it takes three British thermal units (BTUs) of fossil fuels or other power sources to deliver one BTU to electric customers.⁴²

Based on these calculations, American transit systems used an average of slightly more than 3,400 BTUs to move one passenger one mile in 2018. This number has increased every year since 2014, mainly because the average number of people onboard transit vehicles (calculated by dividing passenger miles by vehicle-revenue miles) has declined by nearly 20 percent since 2014. This happened because the transit ridership declined but transit agencies didn't proportionately reduce their transit service.

By comparison, the most recent data available indicate that the average car uses only about 2,900 BTUs per passenger mile, while the average light truck (SUVs, pickups, full-sized vans) uses 3,400.⁴³ Moreover, both of these numbers are declining. Transit began using more BTUs per passenger mile than the average car in 2008, and it is poised to use more than the average light truck by 2019. Personal driving in the United States is almost equally shared by cars and light trucks, so transit's per passenger-mile energy consumption is greater than the average of all automobiles, which is about 3,200 BTUs per passenger mile.

As shown in Table 2, the results are even worse for transit on an urban-area basis. Among the nation's 100 largest urban areas, transit is more energy efficient than cars only in New York, San Francisco–Oakland, and Honolulu, and more energy efficient than light trucks in those regions, plus Atlanta and Portland. Counting all 488 urban areas, transit is more energy efficient than the average car in just 4 of them, and more energy efficient than the average truck in just 12 of them. In many urban areas, including Dallas–Ft. Worth, Indianapolis, Kansas City, San Antonio, and Sacramento,

transit uses twice as much energy per passenger mile than the average car.

Calculations of greenhouse gas emissions per gallon of fuel are also straightforward, as based on standard conversion measures. Emissions per kilowatt-hour depend on the sources of electrical power. Power producers in different states use different combinations of fossil fuels and other fuels to generate electricity, resulting in different outputs of greenhouse gases per megawatt. To account for this, I applied U.S. Energy Information Agency estimates of the pounds of carbon dioxide per megawatt-hour for the electricity generated in each state to transit agencies based on the locations of their headquarters.⁴⁴

Based on these calculations, transit nationwide does slightly better than the average car in greenhouse gas emissions. In 2018, transit emitted an average of about 198 grams of carbon dioxide per passenger mile, compared with 209 for the average car and 253 for the average light truck. However, transit numbers are heavily weighted by the New York urban area, where 44 percent of transit ridership takes place. According to the Department of Energy, electricity generated in New York State emits less than half the national average of carbon dioxide per kilowatt-hour, so New York transit's greenhouse gas emissions are unusually low.

On an urban-area basis, transit's greenhouse gas emissions are almost as bad as its energy consumption. Transit emits more greenhouse gases per passenger mile than the average automobile in 93 of the 100 largest urban areas and more than the average light truck in 90 of those urban areas. Transit is more greenhouse gas friendly than cars in just 8 of the nation's 488 urban areas, and more than light trucks in just 14.

These numbers count only the operating costs of energy and greenhouse gas emissions and are not a complete life-cycle analysis. Operationally, for example, rail transit is often more energy efficient and produces less greenhouse gasses than buses or automobiles. But a full life-cycle analysis would produce very different results. One such analysis found that

the full life-cycle energy and greenhouse gas emissions from autos was 63 percent greater than the operational costs, but for rail transit it was 155 percent greater.⁴⁵

Construction of both rail and roads uses large amounts of energy and generates large amounts of greenhouse gases. But over their lifespans, urban highways carry far more passenger miles than typical rail transit lines, so the energy cost per passenger mile of rail transit ends up being higher.

For example, the environmental impact statement for the Interstate light-rail line in Portland estimated that the energy cost of construction would be 170 times the projected annual energy savings from operation.⁴⁶ Since ridership on that line is well short of expectations, the actual payback period will be even longer.⁴⁷ Even if the payback period were much shorter, since rail lines need reconstruction every 30 or so years, which requires nearly as much energy as the original construction, the annual savings will never repay the cost of construction and reconstruction.

TRANSIT SPENDING MAY SLOW URBAN GROWTH

Transit advocates often claim that transit stimulates urban development. But comparing transit capital spending with urban-area growth rates reveals that such stimulants are, at best, a zero-sum game. At most, all transit does is influence the *location* of new development, not the *amount*. Moreover, recent data indicate that urban areas that spend the most on transit improvements grow slower than ones that spend less.

Transit supporters often claim that the opening of new rail lines is frequently followed by billions of dollars of urban redevelopment. What they neglect to mention is that the redevelopment is often supported by subsidies of its own, such as tax-increment financing, sales of properties for less than market value, and direct grants to developers.

For example, the city of Portland has oriented all of its urban-renewal districts around

“The average car is more energy efficient than transit in 484 out of 488 urban areas.”

“The average car emits fewer greenhouse gases per passenger mile than transit in 478 out of 488 urban areas.”

Table 2
Transit, energy, and greenhouse gas emissions

Urban area	BTUs per passenger mile	CO ₂ , grams per passenger mile
New York	2,341	94
Los Angeles	4,218	287
Chicago	3,395	197
Miami	4,854	324
Philadelphia	4,435	210
Dallas–Ft. Worth	6,482	441
Houston	4,066	290
Washington	4,459	277
Atlanta	3,172	204
Boston	3,477	202
Detroit	4,601	326
Phoenix	5,296	389
San Francisco–Oakland	2,616	115
Seattle	4,101	280
San Diego	3,648	240
Minneapolis–St. Paul	4,479	300
Tampa–St. Petersburg	5,601	417
Denver–Boulder–Longmont	4,027	279
Baltimore	4,425	269
St. Louis	5,062	378
San Juan	4,483	314
Riverside–San Bernardino	7,231	581
Las Vegas	4,274	341
Portland	3,270	159
Cleveland	5,821	417
San Antonio	6,013	466
Pittsburgh	5,242	341
Sacramento	6,642	392
San Jose	4,531	264
Cincinnati	5,399	394
Kansas City	6,895	523
Orlando	5,000	370
Indianapolis	6,844	500
Virginia Beach	6,032	419
Milwaukee	5,329	389
Columbus	7,309	565
Austin	5,103	373

Charlotte	4,687	305
Providence	4,746	347
Jacksonville	6,514	488
Memphis	6,811	495
Salt Lake–Ogden–Provo	4,011	293
Louisville	5,101	372
Nashville	5,472	396
Richmond	4,397	344
Buffalo	4,875	309
Hartford	4,958	363
Bridgeport	5,671	413
New Orleans	6,598	458
Raleigh	6,156	443
Oklahoma City	5,971	449
Tucson	5,293	383
El Paso	4,714	390
Honolulu	2,746	200
Birmingham	6,944	566
Albuquerque	5,793	428
McAllen	4,631	335
Omaha	10,093	743
Dayton	4,957	356
Rochester NY	4,471	326
Allentown	6,068	452
Tulsa	6,466	515
Average All Transit	3,437	198
Average Car	2,890	205
Average Light Truck	3,389	241

Sources: BTUs [British thermal units] per passenger mile are calculated from the number of gallons and kilowatt-hours of fuel, as reported in "2018 National Transit Database," Federal Transit Administration, https://www.transit.dot.gov/sites/fta.dot.gov/files/Funding%20Sources_2.xlsm.

Note: Urban areas are ordered by population rank, from largest to smallest.

its rail transit lines and, to subsidize development along those rail lines, it has issued nearly \$1.8 billion in bonds to be repaid out of tax-increment revenues.⁴⁸ That's far from the only subsidy offered to developers: Portland's regional planning agency, Metro, recently sold land appraised at \$6.4 million for just \$1,000 to a developer because the land was next to a light-rail station.⁴⁹

Valley Metro, Phoenix's transit agency,

claims that its light-rail line has stimulated \$11 billion worth of new development. But a careful review of the list of developments supposedly stimulated by the rail line revealed that at least a third received government subsidies and most of the rest were government buildings. The light rail connects downtown Phoenix with the University of Arizona, and Valley Metro claimed that every new university building and every new downtown

“At best, transit lines may influence the location of new developments, but don't increase urban growth and so generate no new taxes that might help pay for the transit lines.”

“Growing auto ownership seems to be the main factor behind recent declines in transit ridership.”

government office building were the result of light rail. The supposedly transit-oriented developments included 70,000 parking spaces, an automobile dealership, and several gas stations.⁵⁰

Cities often follow rail construction with rezoning that favors redevelopment. In fact, one of the factors for rating federal transit capital improvement grants is the support that cities will provide for so-called transit-oriented developments.⁵¹ The FTA and other agencies have written entire books on how cities can subsidize and incentivize transit-supportive development.⁵²

Transit advocates argue that the taxes generated by new development will help pay for the rail lines. At best, however, rail lines influence the location of development within a region but not the region's overall growth rate, so no new taxes are generated.

To assess the effects of transit capital improvements on urban growth, I compared per capita capital expenditures in the 1990s (starting in 1992, the earliest year for which data are available) with population growth from 2000 to 2009, and per capita capital expenditures of that decade with population growth in the 2010s (through 2018). I made this comparison for the nation's 50 largest urban areas. Since some transit agencies serve multiple urban areas, I combined census data for the Boulder, Denver, and Longmont urban areas of Colorado and the Ogden, Provo, and Salt Lake City urban areas of Utah. Per capita capital expenditures in these urban areas ranged from under \$200 per year in Indianapolis, Kansas City, and Tampa–St. Petersburg to well over \$2,000 a year in New York, San Francisco–Oakland, and Seattle.

The correlations between capital improvements in one decade with population growth in the next were weak to nonexistent. A correlation of 1 or –1 is perfect; a correlation of less than 0.15 is no better than random.⁵³ The strongest correlation was between capital spending in the 1990s with population growth from 2000 to 2009, at –0.31, meaning that more spending correlated with *slower* growth.

The correlation between capital spending from 2000 to 2009 with population growth in the 2010s was 0.13. The correlation between spending in the 1990s with population growth in the 2010s was zero. Thus, spending more on transit doesn't boost growth and may even reduce it.

WHY IS RIDERSHIP DECLINING?

Many reasons have been offered to explain the steady decline in transit ridership over the past several years. These include transit's dilapidated infrastructure, cuts in transit service, slower transit speeds, growing car ownership, and the growth of ride-hailing services. All of these probably contribute in some ways, but one reason that has rarely been mentioned is probably more important than most of the others: the decline in the importance of downtown job centers.

Dilapidated infrastructure

As previously noted, the FTA estimates that the transit industry has about a \$100 billion state-of-good-repair backlog, and most of this is in the half-dozen cities with rail transit systems that are more than 40 years old: Boston, Chicago, New York, Philadelphia, San Francisco–Oakland, and Washington. These systems suffer frequent accidents and delays, and this unreliability has discouraged transit ridership. While this helps explain ridership declines in those regions, it doesn't explain why ridership is declining in cities with newer rail systems or bus-only systems.

Transit service

Some writers have argued that transit ridership is dependent on the level of service: more service means more ridership, so declines in ridership must be due to declining service.⁵⁴ This may have been true at one time, but the relationship between service and ridership appears to have broken down. Between 2014 and 2019, Washington increased service (measured in vehicle-revenue miles) by 10 percent but lost 12 percent of its riders; Atlanta increased

service by 13 percent but lost 12 percent of its riders; Phoenix increased service by 22 percent but lost 9 percent of its riders. In fact, between 2014 and 2019, 30 out of the top 50 urban areas increased service but lost transit riders.⁵⁵ Not only is decreasing service not a primary reason for ridership declines, but spending money to increase service may simply be throwing good money after bad.

Slow speeds

The efforts by some transit agencies to blame declining transit use on slower speeds has already been mentioned. While this may be a problem in some areas, nationally it doesn't explain the decline in ridership. Between 2017 and 2018, the average speeds of conventional bus service and light rail both increased, yet both lost riders.

Growing auto ownership

As previously noted, a study in Southern California concluded that increasing auto ownership among low-income workers was a primary factor—if not the main reason—for declining ridership. Nationwide, the percentage of workers who live in households with no cars declined from 4.5 percent in 2014 to 4.3 percent in 2018. While that may seem small, when less than 5 percent of urban travel is by transit and 90 percent is by auto, a slight increase in auto ownership can translate into a relatively large decline in transit ridership. The significant decline in transit commuting among low-income people reported by the American Community Survey suggests that much of the increase in auto ownership is among such people. While this should be seen as a positive benefit of increasing wealth, transit agencies see it as an incursion into what they consider their captive customers.

Ride hailing

Ride hailing, using such services as Uber and Lyft, began to grow in 2014, about the same time that transit ridership began to decline. Most ride hailing isn't work-related, but ride hailing can explain why transit

commuting is declining while commuting by taxi (which is where ride hailing would appear in the American Community Survey) grew much more in 2018 than transit commuting declined. However, this doesn't explain why a few urban areas—most notably Seattle, but also Columbus, Oklahoma City, and a few others—seem to be exempt from the decline in transit ridership taking place almost everywhere else. The other event that happened after 2014 was a large drop in gasoline prices—prices in some areas fell by nearly 50 percent—which suggests that increased auto ownership and auto driving may be more responsible for transit decline than ride hailing.⁵⁶

Downtown jobs

Many people think that transit ridership depends on population densities, but the most important factor is the number of downtown jobs. This is because most transit systems primarily have hub-and-spoke routes centered on downtown, so most urban residents can get to a downtown job in one transit ride, while getting to a job somewhere else usually requires two or more transit rides.

Demographer Wendell Cox used 2010 census data to calculate the number of jobs in each of the downtowns in 52 major urban areas, using consistent criteria to define downtowns based on job densities in each census tract.⁵⁷ Using his numbers, the correlation between 2010 per capita transit ridership and downtown jobs in those 52 urban areas is 0.87, a strong positive correlation. For comparison, the correlation between per capita transit ridership and population densities in those same urban areas is 0.54, which is fairly high but nowhere near as high as that of downtown jobs.⁵⁸

Cox hasn't done a more recent analysis, but he did a similar calculation using 2000 census data, which can give us some sense of trends over time. His data indicate that the number of downtown jobs fell between 2000 and 2010 in 29 of the 47 urban areas that were on both lists. During that time, New York gained nearly a quarter of a million downtown jobs, while the other 46 downtowns

“The correlation between downtown jobs and transit ridership is much stronger than that between population density and ridership.”

“Uber and Lyft users in south Manhattan pay more per trip in taxes to support the subway system than subway riders themselves.”

collectively lost 100,000 jobs.⁵⁹

Even in downtown urban areas where the number of jobs grew, they didn't grow as fast as in the rest of those areas. In every urban area that is on both of Cox's lists, the downtowns' share of jobs declined between 2000 and 2010.⁶⁰ This is a continuation of trends since 1920, after which the trend toward land-intensive moving assembly lines led downtown factories to move to suburban areas where land was less expensive. Not coincidentally, per capita transit usage peaked in 1920 at 287 trips per urban resident (compared with 37 trips today). Downtowns' declining importance as regional job centers helps explain why transit is declining in so many areas.

As of 2010, only six urban areas—Boston, Chicago, New York, Philadelphia, San Francisco, and Washington—had more than 240,000 downtown jobs, and those six were also the only urban areas where transit carried more than 10 percent of commuters to work. Seattle stands out as the urban area whose transit ridership is growing the fastest when most others are declining, and that is because Seattle's downtown job numbers have been rapidly growing and recently reached the 240,000 threshold.

According to the Downtown Seattle Association, the number of jobs in downtown Seattle grew from 219,325 in 2010 to 313,589 in 2018, a 43 percent increase. Along the way, the number of downtown jobs first exceeded 240,000 in 2013, and not coincidentally 2013 was the first year in which the American Community Survey reported that more than 10 percent of Seattle-area workers commuted by transit.⁶¹ Downtown Seattle now has 48 percent of all the jobs in the city of Seattle, a higher percentage than any other major city in America—even Lower Manhattan has less than 45 percent of the jobs in New York City.⁶²

While all of these factors may have contributed to declining transit ridership in at least some urban areas, it seems likely that reductions in the number of downtown jobs and the increase of ride hailing services are the two most important causes of declining transit

ridership. Both of these issues are largely beyond the control of transit agencies.

POLICY RESPONSES

Some cities are taxing ride-hailing trips, based on the questionable claim that ride hailing is increasing traffic congestion. Uber and Lyft users in south Manhattan pay more per trip in taxes to support the subway system than subway riders themselves: starting in 2018, the tax on ride hailing is \$2.75 per ride, compared with average 2018 subway fares of \$1.33 per trip.⁶³ (Average fares are generally lower than published fares due to monthly passes and discounts for seniors, students, and others.) Starting in 2020, ride hailers in Chicago will pay a \$1.25 tax and for those in downtown Chicago the tax will be \$3; the average fare collected by the Chicago Transit Authority buses and trains was \$1.27 in 2018.⁶⁴

In fact, ride hailing is not a significant contributor to congestion. The claim that it does contribute to congestion is based on a 2018 report by transit advocate Bruce Schaller, who found that ride-hailing operators drive 2.8 miles for every mile they actually carry a passenger.⁶⁵ This led some reporters to conclude that Uber and Lyft increase traffic 180 percent in major cities.⁶⁶ In fact, the traffic increases from ride hailing are negligible. Even pro-transit *CityLab* admits that congestion is not Uber and Lyft's fault.⁶⁷

Schaller also estimated that ride hailing in nine major urban areas (Boston, Chicago, Los Angeles, Miami, New York, Philadelphia, San Francisco–Oakland, Seattle, and Washington) grew by 5.7 billion vehicle miles in 2017.⁶⁸ But according to the Federal Highway Administration, people drove 1.4 trillion vehicle miles in those urban areas in 2016, and the number declined slightly in 2017, so 5.7 billion isn't much of a contributor to congestion.⁶⁹ This is especially true as surveys indicate that most ride hailing takes place during non-rush-hour periods.⁷⁰

The claim that ride hailing increases congestion is merely an excuse to tax it and to

punish a competitor to transit. If transit were private, cities would be much less defensive of it.

Cities and transit agencies also have few tools to increase downtown jobs. Besides the seven previously noted urban areas, no other city is close to having 240,000 downtown jobs. The closest, Atlanta, had less than 175,000 jobs in 2010.

Seattle benefitted from Amazon's and Microsoft's decisions to locate tens of thousands of new jobs in downtown Seattle rather than the suburbs, where the companies were founded and headquartered. This decision may have been influenced by Seattle's urban-growth boundary, which has made land in the suburbs much more expensive than it would be without the boundary, thus making the downtown relatively more attractive.

While Seattle's growth-management policies may have contributed to the increase in transit ridership, they have come with severe costs. When measured by hours lost in traffic congestion, Seattle—the nation's 15th-largest urban area—is now the third-most congested urban area in the United States.⁷¹ Seattle also went from being one of the most affordable housing markets in the country in 1985, when King County first drew an urban-growth boundary, to one of the least-affordable housing markets today.⁷²

Cities and transit agencies are also actively seeking to increase urban densities, especially along transit corridors, by subsidizing high-density development along those corridors and, in many cases, deliberately creating artificial shortages of low-density housing. But surveys show that most people living in such developments drive almost as much as people living elsewhere in the same urban areas, so this strategy has been a failure. Beyond that, this strategy violates people's freedom to choose the kind of housing they prefer.

As previously noted, another transit agency tactic is to persuade cities to convert general purpose traffic lanes to dedicated bus lanes. This simultaneously speeds buses and penalizes auto drivers. Advocates claim that every

bus deserves its own lane.⁷³ This, however, is based on the assumption that buses are somehow more environmentally sound than autos, when in fact buses use far more energy and emit far more greenhouse gases per passenger mile than autos. The reality is that, even with congestion, automobiles are faster and more convenient than transit, so policies that increase congestion just waste people's time without significantly changing travel habits.

A REALISTIC LOOK AT TRANSIT'S FUTURE

The recent declines in transit ridership are a continuation of trends that began before 1920: the most important of these are the increasing levels of auto ownership and the migration of jobs and people to the suburbs. Even ride hailing is just a 21st-century version of the jitneys that threatened streetcar companies in the mid-1910s.⁷⁴ Seattle's experience notwithstanding, all of these trends appear to be irreversible in the long run.

The main reasons that have been given for subsidizing transit—providing transit to lower-income people, reducing environmental costs, and relieving congestion—are obsolete:

- Large numbers of low-income people no longer rely on transit, and, in fact, increasing auto ownership has helped lift many people out of poverty because automobiles provide them with access to far more jobs and other economic opportunities than transit does.
- In all but a handful of urban areas, transit consumes more resources and does more harm to the environment than driving.
- Outside of New York and perhaps a half-dozen other urban areas, transit does little to relieve traffic congestion and may even increase it because dedicated transit lanes and railcars that frequently delay vehicles at grade crossings do more to increase congestion than to reduce it.
- Even if transit could achieve any of its

“Since 1965, total subsidies to transit have exceeded \$1.4 trillion, of which at least a third has come from the federal government.”

“Transit agencies should stop building new rail lines and, outside of New York, should replace rails with buses as the rails wear out.”

high-minded goals, throwing money at transit has failed to get people out of their cars. The number of transit trips taken by the average urban resident has declined from 62 in 1964, the year Congress started extending federal subsidies to transit, to 36 trips in 2019.⁷⁵

Federal subsidies to transit are especially questionable because most transit agencies do not engage in interstate commerce. When Congress passed a law in 1958 making it easier for railroads to cancel intercity passenger trains that cross state lines, several railroads proposed to also cancel commuter trains. This led Congress to pass the Urban Mass Transit Act of 1964, which offered federal funds to help states keep such trains operating. At the time, the justification for this was that some of the commuter trains serving Boston, Chicago, New York, and Philadelphia crossed state lines. But Congress extended its funding offer to any state or local government that operated transit services. In 1964, most transit was private and the industry as a whole was profitable, but within a decade it was almost entirely taken over by state or local governments and had become highly *unprofitable*. Today, the vast majority of federal dollars allocated for transit go to transit agencies that do not cross state lines.

Since 1965, federal, state, and local governments have spent close to \$900 billion (in 2018 dollars) subsidizing transit operations, more than \$100 billion of which has come from the federal government. Early records of capital spending are incomplete, but since 1988 the federal government has provided more than \$350 billion (in 2018 dollars) in capital subsidies to transit, out of \$450 billion spent by the transit industry. Total subsidies have therefore been well over \$1.4 trillion, of which at least a third has come from the federal government.⁷⁶

Transit will clearly remain important in the New York metropolitan area. The question is: How will the region pay for it? The Metropolitan Transportation Authority's (MTA) long-term debt is more than \$43 billion.⁷⁷ Its maintenance

backlog is \$60 billion.⁷⁸ Its unfunded health care liability is more than \$20 billion.⁷⁹ Despite not having funds to close these gaps, the agency is planning to spend \$13 billion extending the Second Avenue Subway another six miles at a cost of \$2.2 billion per mile. As then MTA vice president Dave Henley admitted in 2009, “There will never be ‘enough money’” to put the system in a state of good repair.⁸⁰

Beyond New York City, New Jersey Transit needs \$29 billion for the Gateway project that would rebuild century-old tunnels under the Hudson River and bridges near those tunnels. New Jersey's congressional delegation would like the federal government to pay half of this cost and to loan the states the other half, with no revenue source in sight to repay the loan—a plan that is opposed by the Trump administration.⁸¹ Even if the federal government ultimately provides some funding, it doesn't seem likely that enough money will be ever found to completely restore the region's transit systems.

New York City's densities cannot be supported without transit, particularly the subway system. Buses running on the city's surface streets simply cannot move as many people as 10-car subway trains that run up to 30 times per hour. Unless New York finds a way to fund its transit, it may have to accept lower population and job densities and a wholesale movement of residences and offices to the suburbs.

Outside of New York, buses can replace most rail lines in the country and actually move more people per hour in the same amount of real estate. This is because, for safety reasons, rail lines can typically move no more than 20 railcars or trains per hour in mixed traffic (such as streetcars or light rail) and no more than 30 per hour in dedicated rights of way (such as subways), while a single bus lane can easily move hundreds of buses per hour. For example, Istanbul has an exclusive busway that moves more than 250 buses per hour, despite each bus stopping at 33 stations en route. While each bus has a lower capacity than a train, the increased number of vehicles per hour means the Istanbul Metrobus has an

estimated capacity of 30,000 people an hour—more than almost any rail line in the United States outside of New York City.⁸²

Transit agencies should do several things in response to ridership declines. First, they should stop planning and building new rail transit lines. Buses can move more people per hour than most trains, at a far lower cost, and no city outside of New York has the job concentrations that would require a subway system.⁸³

Second, as existing rail lines wear out, transit agencies should replace them with buses. This would save billions of dollars in capital replacement costs.

To save money operating those buses, transit agencies could contract out all bus operations to private companies. Several companies, including First Transit and Veolia, compete for such business, giving them incentives to keep their costs low. By Colorado state law, Denver's Regional Transit District (RTD) must contract out half of all of its bus services. The contractors are unionized and pay taxes that RTD is exempted from. The contracted half of the service costs taxpayers just 52 percent as much, per vehicle revenue mile, as the half that is operated by RTD.⁸⁴ Contracting out transit services in the seven urban areas where transit carries more than 10 percent of commuters could save taxpayers close to \$4 billion a year.

An even better solution would be to privatize transit. This would result in the concentration of transit services in dense cities and near job centers, where people use it the most, but the reduction or elimination of services in low-density suburbs, where relatively few people rely on transit.

A number of private companies, including Bridj and Chariot, have attempted to enter U.S. transit markets but were unable to compete against heavily subsidized public

transit systems.⁸⁵ In San Francisco, San Jose, and Seattle, major employers such as Apple, Google, and Microsoft provide private transit for their employees, which indicates that public transit systems in those regions aren't working very well.⁸⁶ Privatization would lead to transit going where people need it, not where politicians want it.

Congress should start by abolishing the transit capital improvement grant (New Starts) program, which encourages transit agencies to waste money building expensive, and generally obsolete, infrastructure that they won't be able to afford to maintain. The one strategy that transit agencies have successfully used to increase ridership is to redesign their bus systems, something that can't be easily done with fixed-rail systems. This limitation alone is a strong argument against new rail construction.

Next, Congress should phase out other federal subsidies to transit and end federal subsidies to highways. The Highway Trust Fund was originally created to collect funds from highway users and spend those funds on highways. As such, it was at least a weakly effective mimic of markets. Since 1982, however, Congress has increasingly diverted a share of the funds to transit and supplemented both highway and transit funds with general funds. In the long run, there is probably no need for the federal government to be involved with highways or transit. In the short run, Congress can at least ensure that funds collected by the federal government from highway users—and no other funds—go to highways.

A century ago, transit was a vital part of American urban economies. At least outside of New York City, that is no longer true. It's time to stop wasting \$54 billion a year pretending that it is.

“Congress should abolish the New Starts program that encourages transit agencies to build expensive and obsolete infrastructure.”

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76. Calculated from "2019 Public Transit Fact Book," Appendix A, Tables 80 and 87; "2017 National Transit Database Funding Sources," Federal Transit Administration, https://www.transit.dot.gov/sites/fta.dot.gov/files/Funding%20Sources_1.xlsm; and "2018 National Transit Database," Federal Transit Administration, https://www.transit.dot.gov/sites/fta.dot.gov/files/Funding%20Sources_2.xlsm. GDP deflators from the Bureau of Economic Analysis were used to adjust to 2018 dollars: see "Current-dollar and 'Real' GDP," Bureau of Economic Analysis, <https://www.bea.gov/national/xls/gdplev.xlsx>.
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79. *Independent Auditors' Review Report*, p. 112.
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CITATION

O'Toole, Randal. "Transit: The Urban Parasite." Policy Analysis No. 889, Cato Institute, Washington, DC, April 20, 2020. <https://doi.org/10.36009/PA.889>.

LETTER TO EDITOR: MARKING A QUARTER-CENTURY OF LOCAL GOVERNANCE ABUSE WITH PUBLIC SECTOR TRANSIT

From: Joseph P Thompson (translaw@pacbell.net)

To: mmoore@weeklys.com; editor@garlic.com; editor@gilroydispatch.com; allcouncilmembers@ci.gilroy.ca.us; chamber@gilroy.org; cristina@gilroy.org; manny@gilroy.org; mark.turner@morganhill.ca.gov; cityclerk@hollister.ca.gov; supervisorkosmicki@cosb.us; info@sanbenitocog.org

Date: Tuesday, September 9, 2025 at 09:42 AM PDT

PUBLIC COMMENT: NEXT MEETING, REGULAR OR SPECIAL, STUDY SESSION OR PUBLIC WORKSHOP, OR PRIVATE RETREAT, AND ESPECIALLY JOINT VTA-COG "MOBILITY PARTNERSHIP"--

Dear Editor,

As we mark 25 years of governance abuse with public sector transit, please publish my letter to your predecessor:

MARKING A QUARTER-CENTURY OF LOCAL GOVERNANCE ABUSE

Dear Editor, Please publish this letter from 25 years ago. How have local government done in that time while growing public sector socialist solutions?

NEARLY 25 YEARS AGO I WROTE:

Nov. 17, 2000
Fax: (408) 842-2206
Editor
The Dispatch
6400 Monterey Road
Gilroy, CA 95020

25 YEARS AGO

Re: Historic Days in Gilroy

Dear Editor,

Farewell, and hail!

The history of the Town of Gilroy will say that as the 21st Century began we watched them pave-over the land, where a century earlier private enterprise business had blossomed, for a public-sector socialized transit parking lot.

While we inherited a tax-paying cannery from our forbearers, we will bequeath to our grandchildren a taxpayer subsidized transportation business.

For almost a century that land poured-out benefits back into our community. Now we will reverse the direction of the flow, and pour our tax dollars back for who knows how long.

As the cement dries, the asphalt hardens, we lock future generations into our choice.

As memory of our Garden Valley Foods-type businesses fade, as we watch Black Hole Government grow, consuming more of our businesses as it spreads, let's give the spot a new name--one that will show future generations that we indeed saw what was happening to our community. Let's re-christen that land for the philosophical fathers who inspired its new use.

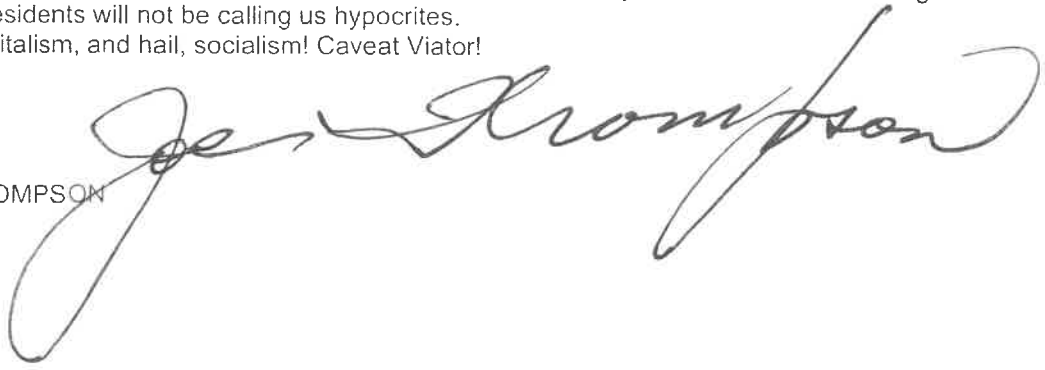
Be honest.

Reflecting its theoretical heritage, it must be named the Marx-Trotsky-Lenin-Stalin-Diridon-Gage Transit Station. Then at least future residents will not be calling us hypocrites.

Farewell, capitalism, and hail, socialism! Caveat Viator!

Very truly yours,

JOSEPH P. THOMPSON



Failure Notice

MICHAEL

? WHY DOES GILROY City Council have My Meeting? Joe

From: mailer-daemon@yahoo.com

To: translaw@pacbell.net

Date: Tuesday, September 9, 2025 at 09:42 AM PDT

Sorry, we were unable to deliver your message to the following address.

<alicouncilmembers@ci.gilroy.ca.us>:

550: Envelope blocked - User Entry - <https://community.mimecast.com/docs/DOC-1369#550>

[TevzdIOM0mRJJdqC7esmpw.us59]

----- Forwarded message -----

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Very truly yours.

JOSEPH P. THOMPSON

JOSEPH P. THOMPSON

Attorney at Law

8339 Church Street, Gilroy, CA 95020

Post Office Box 154, Gilroy, CA 95021-0154

Telephone (408) 848-5506; Fax (408) 848-4246

E-Mail: TransLaw@PacPell.Net

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Fax: (408) 842-2206

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Very truly yours,

JOSEPH P. THOMPSON

Fw: U.S.D.O.T. & Federal Railroad Administration Investigation of California High Speed Rail

From: Joseph P Thompson (translaw@pacbell.net)

To: assemblymember.tangipa@outreach.assembly.ca.gov; assemblymember.macedo@assembly.ca.gov; david@davidtangipaforassembly.com; emily.tymn@asm.ca.gov; rosalinda.alexander@asm.ca.gov; carl@reformcalifornia.org; senator.strickland@senate.ca.gov; joyce.rivero@sen.ca.gov; info@garrybredefeld.com; mike.karbassi@fresno.gov

Cc: ca05tm.outreach@mail.house.gov; tomlorimcc@comcast.net; ca01dlima@mail.house.gov; repkevinkiley@mail8.housecommunications.gov; reachvince@mail.house.gov; repdavidvaladao@mail.house.gov; repobernolte@mail8.housecommunications.gov

Date: Saturday, August 2, 2025 at 09:08 AM PDT

AB-377 AS SETTING LEGAL CONSTRAINTS ON SOCIALIST SPENDING ON CAHSRA?

Dear Mr. Tangipa,

Regarding your statement yesterday during the IHeart Radio interview with Trevor Carey, to say that AB-377 places immovable legal constraints on CAHSRA's endless moneypit fails to recognize how socialists fix socialist transit.

Attached is an example of how the Legislature fixed transit agency violation of the statutory farebox recovery mandated by the Legislature for all transit agencies in California. When they violated the farebox recovery rate, which protects taxpayers, Senator Canella's bill SB-903 basically forgave the transit agency's violation of the statute by amending the law to permit them to continue to violate the farebox recovery rate. That's how the socialists keep their bankrupt boondoggles running.

Congress does the same thing with Amtrak. Is it a "private company" that must live within its income? No because every year its deficits are paid by the taxpayers, just like the Postal Service.

The way to get real constraints around CAHSRA is to privatize it. Otherwise our children and grandchildren will be paying ever-increasing taxpayer subsidies as we do today with public sector transit and Amtrak, and Caltrain, and Metroliner, and ACE Train, and SMART Train, and Lite Rail, and BART, etc.

AB-377 is not a realistic solution because it permits the socialists to continue with their SuperMassive Black Hole endlessly feeding taxpayer money down that bottomless pit.

Joseph P. Thompson
Fresno, CA 93711 in Your District

(408) 607--7351 cell phone

cc: Congressmen McClintock, LaMalfa, Kiley, Fong, Valadao, & Obernolte

cc: Senator Strickland, Assemblymembers Macedo & DeMaio

cc: Supervisor Bredefeld & Councilman Karbassi

----- Forwarded Message -----

From: Joseph P Thompson <translaw@pacbell.net>

To: assemblymember.tangipa@outreach.assembly.ca.gov <assemblymember.tangipa@outreach.assembly.ca.gov>; David Tangipa <david@davidtangipaforassembly.com>; emily.tymn@asm.ca.gov <emily.tymn@asm.ca.gov>;

Rosalinda Alexander <rosalinda.alexander@asm.ca.gov>; joyce.rivero@sen.ca.gov <joyce.rivero@sen.ca.gov>; Carl DeMaio <carl@reformcalifornia.org>; Garrybredefeld Info <info@garrybredefeld.com>; Mike Karbassi <mike.karbassi@fresno.gov>

Sent: Saturday, August 2, 2025 at 12:45:52 AM PDT

Subject: Fw: U.S.D.O.T. & Federal Railroad Administration Investigation of California High Speed Rail

INTERVIEW TODAY WITH TREVOR CAREY ON IHEART RADIO RE: AB-377

Dear Mr. Tangipa,

After listening to the painful interview you suffered on IHEART Radio with

USDOT FRA'S LETTER 7-16-2025 TO CAHSRA TERMINATING FEDERAL TAXPAYERS' SUBSIDIES

From: Joseph P Thompson (translaw@pacbell.net)

To: mmoore@weeklys.com; editor@garlic.com; editor@gilroydispatch.com; marie.blankley@ci.gilroy.ca.us; mark.turner@morganhill.ca.gov; allcouncilmembers@ci.gilroy.ca.us; cityclerk@hollister.ca.gov; sbcsuper@supervisor.co.san-benito.ca.us; supervisororkosmicki@cosb.us; supervisorzanger@cosb.us; supervisororgonzales@cosb.us; supervisors@cosb.us; info@sanbenitocog.org

Date: Friday, July 18, 2025 at 12:35 PM PDT

Ah, Mon Ami! - GUEST EDITORIAL: DISPATCH, TIMES & FREELANCE; OR LETTER TO EDITOR?

Upon reading the FRA's 7/16/25 letter to CAHSRA terminating federal taxpayers' subsidies for CAHSRA's Supermassive Black Hole, some might be tempted to say "ITYS." Reason Foundation, for one. There are others who stuck to truth-in-transportation, rejecting the socialist public sector transit model of financing the CAHSRA's Ultramassive Boondoggle.

Taxpayers, motorists, are maxed out, taxed to the tipping point. From here we ought to learn from our history.

Compare: UPRR vs. Amtrak. Warts and all, capitalism is better than socialism.

The completed work could be part of the foundation for HSR based on replacing more gas taxes with high value, TOFC & COFC freight revenue.

Starting with a Ch. 9 petition in Bankruptcy Court for insolvent CAHSRA. Cancel burdensome contracts in a liquidation plan. Make a deal with the Class Ones for exchanging the partially completed infrastructure for increased intermodal traffic, e.g., produce from the Perishable Growing Regions, where new intermodal facilities should be built, like the UPRR's Lathrop Intermodal Facility, for North American Continental traffic. Details of the quid pro quo are negotiable.

That way, you don't need to increase gas taxes to fund insolvent, bankrupt, boondoggle CAHSRA's Bullet Train fiasco. We need to reject socialist public sector transit, and instead, rely on free enterprise, marketplace capitalism for sound, sustainable transport solutions.

Joe Thompson

(408) 848-5506

Past-President, 1999-2001, 2006, Gilroy-Morgan Hill Bar Assn.

Past-Chair, Legislation Committee, Transportation Lawyers Assn.

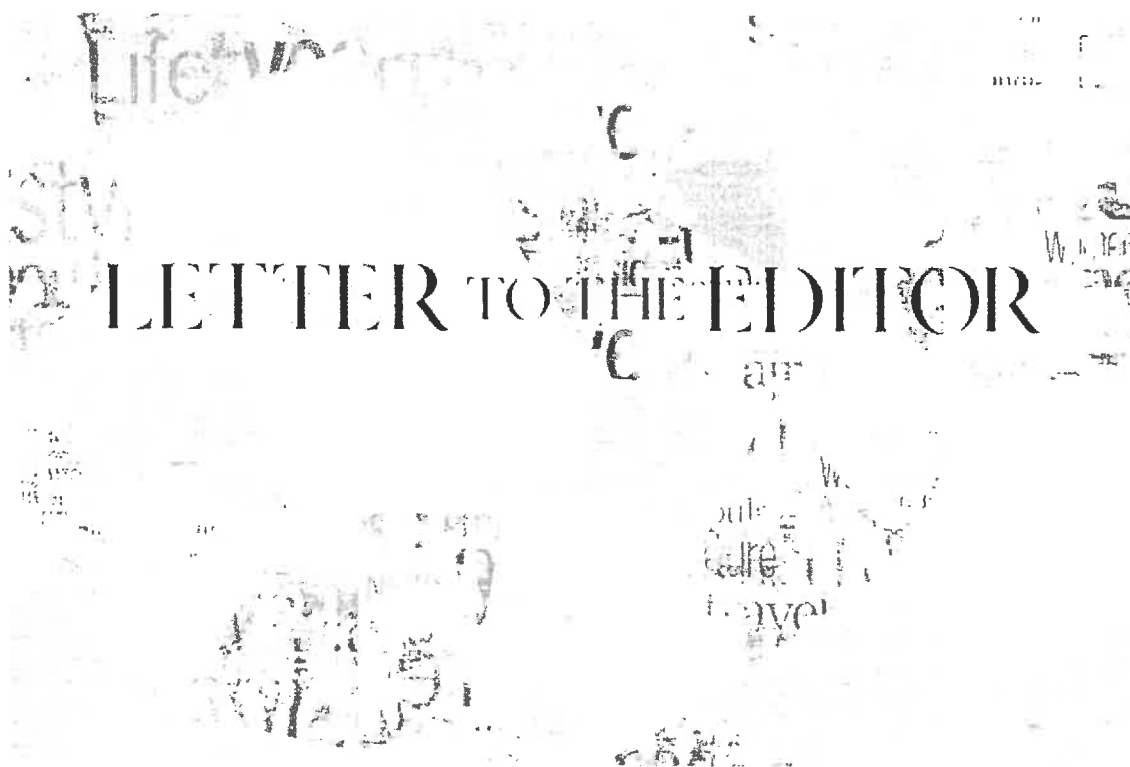
FRA CAHSRA TERMINATION LTR 7-16-2025.pdf

12:35 PM

GILROY DISPATCH

Letter: Bullet train report is more lipstick on the pig

BY JOSEPH P. THOM - September 3, 2025



Letter to the editor

News reports that the California High Speed Rail Association's newest "business plan" proposes getting 18 million annual riders from Gilroy is, as predicted, more lipstick on a bankrupt-from-conception socialist boondoggle.

The population of Gilroy is 60,390, with 47,200 adults. Morgan Hill's population is 45,952. So, in round numbers, how many would take the Bullet Train every day? Like VTA, COG, etc., pay only about 1% of the

Michael H. donated \$30
Gilroy, United States



Taxpayers, motorists, pay the balance of their costly rides. It would make Lenin blush. If they all rode Bullet Train, that would be .0055% of CAHSRA's pie-in-the-sky projected ridership.

So, it's safe to conclude that CHSRA's new "business plan" is pure, unadulterated horse-pucky as we liked to say when I had my law office there.

Gilroy's taxpayers, including crucified motorists, labor under "worst-in-the-nation" award winning VTA, awarded them for extraordinary fraud, waste and abuse by the M.I.T. study of all the nation's transit agencies. In more than 45 years of representing small and very small business owners in Gilroy and South Santa Clara County, I saw business failures and bankruptcies at higher rates than the national average. Why's that? Confiscatory taxes/fees/fines/assessments and mandates?

In 2008, when the Gilroy and Morgan Hill chambers invited me to debate former Supervisor Rod Diridon in the pre-election debate on Prop. 1A, I said the same thing that I said to the "Godfather of the Bullet Train" in 1996, the Honorable Judge and Sen. Quentin Kopp. Private sector solutions are the only sound, sustainable transport solutions for local, state and federal governments.

I repeated my position in testimony before the Assembly Transportation Committee in the Capitol in 2010 in support of proposed legislation to defund the Bullet Train.

Nothing has changed over the years since to make me change my position. In fact, construction and operating costs have increased dramatically, and will increase more before it's completed. In a guest opinion published by the Gilroy Dispatch in 2008, I predicted that gas taxes would have to increase to \$10 per gallon to fund the CAHSRA's monstrosity. Their fiscal bottomless pit is now so deep that I now double my previous estimate to \$20 per gallon. But then, what will we do if we tax people out of their cars?

Instead of creating another socialist public sector transit boondoggle, I think that we ought to learn from our history, and switch to private sector rail, which is the only sustainable way to run a railroad.

CAHSRA has, predictably, answered AB 377 with a new "business plan" that's no different than their previous plan to crucify the taxpayers. Asking a blood sucking leech to have a new diet is an exercise in futility. We cannot afford the blood-sucking leeches that our leaders have already plastered on our backs. No wonder people are fleeing California in record numbers.

Joseph P. Thompson, Esq.

Past-President, 1999-2001, 2006, Gilroy-Morgan Hill Bar Assn.

JOSEPH P. THOM



CITY COUNCIL STAFF REPORT

MEETING DATE: September 17, 2025

PREPARED BY:

Patricia Pretell

APPROVED BY: City Manager

ACCEPT GRANT FUNDING IN THE AMOUNT OF \$115,000 FROM THE CALIFORNIA STATE OFFICE OF TRAFFIC SAFETY

RECOMMENDATION(S)

1. Authorize the City Manager to execute the Grant Agreement with the California State Office of Traffic Safety, accepting grant funds from the Traffic Records Improvement Project in the amount of \$25,000;
2. Authorize the City Manager to execute an Agreement with the California State Office of Traffic Safety, accepting grant funds from the Selective Traffic Enforcement Grant Program in the amount of \$90,000; and
3. Adopt resolution amending the FY 25-26 Budget to recognize grant revenue and appropriate \$115,000 in grant fund expenditures.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety

Preserving and Cultivating Public Trust

Advocating for Local, Regional, and State Legislative Initiatives

2024-2025 Strategic Priorities

Fiscal Sustainability

Guiding Documents

Public Safety Master Plan

Vision Zero

REPORT NARRATIVE:

Traffic Records Improvement Project (TRIP) Grant

The Police Department has been awarded \$25,000 from the California State Office of Traffic Safety (OTS) for the Traffic Records Improvement Project (TRIP). The purpose of the TRIP grant is to enhance the quality of the State's crash and citation data through initiatives such as purchasing equipment or software for electronic crash and citation reporting, improving compatibility with State and national data systems, and enhancing the ability to analyze trends in crashes, crash outcomes, and contributing factors.

The grant funds will be used to purchase Urban SDK Software and supporting equipment to record and collect traffic data, which will inform the department of traffic safety concerns and high-risk locations for enforcement operations. In addition, five (5) mobile printers will be purchased for use with electronic citation devices, allowing officers to print citations in the field.

Selective Traffic Enforcement Program (STEP) Grant

The Police Department has been awarded \$90,000 from OTS for the Selective Traffic Enforcement Program (STEP). The purpose of the STEP grant is to reduce injuries and fatalities in traffic collisions involving alcohol and other primary collision factors by utilizing enforcement and educational strategies to remove impaired drivers from the streets and increase public awareness of the dangers of impaired and distracted driving.

Grant funds will support staffing overtime for two (2) DUI checkpoints, fourteen (14) saturation patrols targeting impaired drivers, one (1) "Know Your Limits" campaign, seven (7) traffic enforcement operations in areas with high collision rates, and ten (10) distracted driving operations. Funding will also cover travel expenses for officers to attend approved educational programs, workshops, and conferences, enhancing their skills and promoting professional development. Additionally, the grant will fund essential DUI checkpoint supplies, including traffic cones, signage, safety lighting, reflective vests, and two (2) Lidar devices for precise speed measurement.

These grants align with the City's Vision Zero Traffic Safety Initiative by strengthening enforcement efforts, improving roadway safety, and increasing public awareness of traffic safety issues.

The grant term begins on October 1, 2025, and ends on September 30, 2026. Grant revenues and expenditures will span biennial fiscal years.

COMMUNITY ENGAGEMENT:

Inform - This staff report serves to inform the community of the Police Department's grant award from the California State Office of Traffic Safety STEP and TRIP Program.

ALTERNATIVE ACTIONS:

Not Applicable

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

Since 2007, the Morgan Hill Police Department (MHPD) has participated in multiple Selective Traffic Enforcement Program (STEP) grant cycles funded through the Office of Traffic Safety (OTS). The following summarizes the grant cycles and award amounts:

- 10/1/2007 to 9/30/2008 - \$9,536
- 10/1/2009 to 9/30/2010 - \$13,131
- 10/1/2010 to 9/30/2011 - \$18,895
- 10/1/2012 to 9/30/2013 - \$24,750

- 10/1/2013 to 9/30/2014 - \$36,800
- 10/1/2018 to 9/30/2019 - \$43,000
- 10/01/2023 to 09/30/2024 - \$60,000

Including the most recent TRIP and STEP awards, last term, the total grant funding:

- 10/01/2024 to 09/30/2025 - \$115,700.

FISCAL AND RESOURCE IMPACT:

The total amount of these grant awards is \$115,000. Notification of the grants was received after the conclusion of the budget process and was not included in the adopted budget. Staff recommend a budget amendment appropriating \$115,000 to recognize the grant revenue and increase the Field Patrol Division expenditure.

CEQA (California Environmental Quality Act):

Not a Project - The grant entails organizational or administrative activities of governments and will not result in direct or indirect physical changes in the environment.

<p>E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY</p> <p>NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758</p>	<p>9. SAM INFORMATION</p> <p>SAM #: CG4EJ16FEMD8 REGISTERED ADDRESS: 17575 Peak Avenue CITY: Morgan Hill ZIP+4: 95037-4128</p>
--	---

10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
				AGREEMENT TOTAL		\$90,000.00
				AMOUNT ENCUMBERED BY THIS DOCUMENT		\$90,000.00
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		\$ 0.00
				TOTAL AMOUNT ENCUMBERED TO DATE		\$90,000.00
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED			

1. PROBLEM STATEMENT

Describe the city, county, or jurisdiction this grant will impact.

The Morgan Hill Police Department (MHPD) serves a community of approximately 45,000 residents within a jurisdiction of about 12 square miles. Our community is situated between the larger jurisdictions of San Jose to the north and Gilroy to the south. It is primarily a suburban area, characterized by a mix of residential, commercial, retail developments, and actively cultivated agricultural land. While we have a concentration of high-tech and manufacturing companies, most of our residents commute daily to employment centers located both north and south of Morgan Hill. The city experiences a significant influx of vehicles during the morning and evening rush hours as commuters pass through to avoid traffic on U.S. Highway 101.

The rise in residential development in Morgan Hill and nearby areas has led to increased traffic congestion during peak morning and afternoon commute hours. U.S. Highway 101 runs through Morgan Hill and experiences heavy traffic, particularly in the northbound direction between 5:00 AM and 9:00 AM and in the southbound direction between 2:00 and 6:00 pm. Many commuters from outside Morgan Hill utilize two of our northbound/southbound arterial streets—Monterey Road and Butterfield Boulevard—to bypass U.S. 101. The recent Hale Road extension has provided an additional northbound/southbound arterial roadway and has further encouraged drivers to avoid the freeway in favor of city streets. Additionally, navigation apps often direct commuters to these arterial and surface streets to circumvent freeway congestion, contributing to increased traffic and crashes on our roads.

Describe the problem(s) to be addressed, supported by current and relevant crash data. (most recent calendar year data/stats).

In analyzing crash data, Morgan Hill reported a total of 208 vehicle crashes. The leading causes of these crashes included unsafe speed, traffic signal/sign violations, improper turning, and driving under the influence. Out of the 208 crashes, 91 involved injuries, resulting in a total of 125 victims. Notably, 37 crashes, or 18%, were linked to driving under the influence, while speeding violations accounted for 36 crashes, representing 17% of our total. Improper turning contributed to 18% of crashes, and failure to obey traffic signals or signs resulted in 23 crashes, or 11%. In 2024, Morgan Hill PD recorded three fatal crashes, resulting in four victims; two of these fatalities were associated with impaired drivers under the influence of alcohol and/or drugs, while the third was due to excessive speed in poor weather conditions. In total, 134 crashes, or 64%, were attributed to these primary crash factors.

To reduce the number of vehicle crash victims, the MHPD has prioritized directed enforcement and education. In 2024, the police department issued 2,143 citations, 1,640 of which were for moving/hazardous violations. Our traffic index—calculated as moving violations plus DUI arrests and injury crashes—has increased from 8.4 in 2022 to 16.3 in 2023, and it reached 21 in 2024. In addition to traffic enforcement, MHPD is dedicated to identifying and removing impaired drivers from our roadways. In 2024, MHPD arrested a notable number of drivers for driving under the influence.

Define the target population the grant intends to serve and how they are affected by the problem(s).

Our commitment to creating safer roadways aims to further improve our traffic index. By focusing on impaired drivers, speeding motorists, and those failing to adhere to traffic signals and signs, MHPD is determined to enhance road safety for the community. In partnership with the Office of Traffic Safety (OTS), the MHPD can provide more robust enforcement targeting primary crash factors and impaired drivers. We are confident that this targeted enforcement will encourage safer driving behavior and lead to a reduction in injury crashes. This grant seeks to benefit not only our community members but also the visitors who are drawn to the amenities our city has to offer.

2. PERFORMANCE MEASURES

A. Goals:

1. Reduce the number of persons killed in traffic crashes.
2. Reduce the number of persons injured in traffic crashes.
3. Reduce the number of pedestrians killed in traffic crashes.
4. Reduce the number of pedestrians injured in traffic crashes.
5. Reduce the number of bicyclists killed in traffic crashes.
6. Reduce the number of bicyclists injured in traffic crashes.
7. Reduce the number of persons killed in alcohol-involved crashes.
8. Reduce the number of persons injured in alcohol-involved crashes.
9. Reduce the number of persons killed in drug-involved crashes.
10. Reduce the number of persons injured in drug-involved crashes.
11. Reduce the number of persons killed in alcohol/drug combo-involved crashes.
12. Reduce the number of persons injured in alcohol/drug combo-involved crashes.
13. Reduce the number of motorcyclists killed in traffic crashes.
14. Reduce the number of motorcyclists injured in traffic crashes.
15. Reduce hit & run fatal crashes.
16. Reduce hit & run injury crashes.
17. Reduce nighttime (2100 - 0259 hours) fatal crashes.
18. Reduce nighttime (2100 - 0259 hours) injury crashes.

B. Objectives:

	Target Number
1. Issue a news release announcing the kick-off of the grant by December 31st. The kick-off news releases and media advisories, alerts, and materials must be emailed to the OTS Public Information Officer at pio@ots.ca.gov , and copied to your OTS Coordinator, for approval 7 days prior to the issuance date of the release.	1
2. Participate and report data (as required) in the following campaigns; Quarter 1: National Pedestrian Safety Month, National Walk to School Day, National Teen Driver Safety Week, NHTSA Winter Mobilization; Quarter 3: National Distracted Driving Awareness Month, National Motorcycle Safety Month, National Bicycle Safety Month, National Click it or Ticket Mobilization; Quarter 4: National Speed Prevention Campaigns, NHTSA Summer Mobilization, National Child Passenger Safety Week, and California's Pedestrian Safety Month.	12
3. Develop (by December 31) and/or maintain a "DUI BOLO" program to notify patrol and traffic officers to be on the lookout for identified repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. Updated DUI BOLOs should be distributed to patrol and traffic officers monthly.	12
4. Send law enforcement personnel to the NHTSA Standardized Field Sobriety Testing (SFST) (minimum 16 hours) POST-certified training.	2
5. Send law enforcement personnel to the NHTSA Advanced Roadside Impaired Driving Enforcement (ARIDE) 16 hour POST-certified training.	2
6. Send law enforcement personnel to the Drug Recognition Expert (DRE) training (classroom and field training must be completed).	1
7. Conduct DUI/DL Checkpoints. A minimum of 1 checkpoint should be conducted during the NHTSA Winter Mobilization and 1 during the Summer Mobilization. To enhance the overall deterrent effect and promote high visibility, it is recommended the grantee issue an advance press release and conduct social media activity for each checkpoint. For combination DUI/DL checkpoints, departments should issue press releases that mention DL's will be checked at the DUI/DL checkpoint. Signs for DUI/DL checkpoints should read "DUI/Driver's License Checkpoint Ahead." OTS does not fund or support independent DL checkpoints. Only on an exception basis and with OTS pre-approval will OTS fund checkpoints that begin prior to 1800 hours. When possible, DUI/DL Checkpoint screeners should be DRE- or ARIDE-trained.	2
8. Conduct DUI Saturation Patrol operation(s).	14
9. Conduct Traffic Enforcement operation(s), including but not limited to, primary crash factor violations.	7

10. Conduct highly publicized Distracted Driving enforcement operation(s) targeting drivers using hand held cell phones and texting.	10
11. Conduct Traffic Safety educational presentation(s) with an effort to reach community members. Note: Presentation(s) may include topics such as distracted driving, DUI, speed, bicycle and pedestrian safety, seat belts and child passenger safety.	2
12. Conduct Know Your Limit campaigns with an effort to reach members of the community.	1
13. Send law enforcement personnel to DUI Checkpoint Planning and Management training.	1

3. METHOD OF PROCEDURE

A. Phase 1 – Program Preparation (1st Quarter of Grant Year)

- The department will develop operational plans to implement the “best practice” strategies outlined in the objectives section.
- Conduct all training needed to implement the program, in the first quarter.
- Purchase all grant related supplies and materials to implement the program, in the first quarter.
- Items with a unit cost of \$5,000 more (including tax and shipping) must comply with Buy America.
- In order to develop/maintain the “DUI BOLOs,” research will be conducted to identify the “worst of the worst” repeat DUI offenders with a suspended or revoked license as a result of DUI convictions. The DUI BOLO may include the driver’s name, last known address, DOB, description, current license status, and the number of times suspended or revoked for DUI. DUI BOLOs should be updated and distributed to traffic and patrol officers at least monthly.
- Implementation of the STEP grant activities will be accomplished by deploying personnel at high crash locations.

Media Requirements

Issue a news release approved by the OTS PIO announcing the kick-off of the grant by December 31 and after the grant is signed and executed, but no sooner than October 1, the start of the grant year. The kick-off release must be approved by the OTS PIO. If you are unable to meet the December 31 deadline to issue a kick-off press release, communicate reasons to your OTS grant coordinator and OTS PIO.

B. Phase 2 – Program Operations (Throughout Grant Year)

Media Requirements

The following requirements are for all grant-related activities:

- Send all media advisories, alerts, videos, graphics, artwork, posters, radio/PSA/video scripts, storyboards, digital and/or print educational materials for grant-related activities to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS grant coordinator. Optimum lead time would be 7 days before the scheduled release but at least 3 business days prior to the scheduled release date for review and approval is appreciated.
- Send all PowerPoint presentations, online presentations and trainings for grant-related activities to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS grant coordinator. Certified training courses are EXEMPT from the approval process.
- The OTS PIO is responsible for the approval of the design and content of materials. The agency understands OTS PIO approval is not authorizing approval of budget expenditure or cost. Any cost approvals must come from the OTS grant coordinator.
- Pre-approval is not required when using any OTS-supplied template for media advisories, news releases, social media graphics, videos or posts, or any other OTS-supplied educational material. However, copy the OTS PIO at pio@ots.ca.gov and your OTS grant coordinator when any material is distributed to the media and public, such as a news release, educational material, or link to social media post.
- If an OTS-supplied template, educational material, social media graphic, post or video is substantially changed, the changes shall be sent to the OTS PIO at pio@ots.ca.gov for approval and copy your OTS grant coordinator.
- News releases, social media posts and alerts on platforms such as NextDoor and Nixle reporting immediate and time-sensitive grant activities (e.g. enforcement operations, day of event highlights or announcements, event invites) are EXEMPT from the OTS PIO approval process. The OTS PIO and your OTS grant coordinator should still be notified when the grant-related

activity is happening (e.g. car seat checks, bicycle rodeos, community presentations, DUI checkpoints, etc.).

- Enforcement activities such as warrant and probation sweeps, court stings, etc. that are embargoed or could impact operations by publicizing in advance are EXEMPT from the PIO approval process. However, announcements and results of activities should still be copied to the OTS PIO at pio@ots.ca.gov and your OTS grant coordinator with the embargoed date and time or with “INTERNAL ONLY: DO NOT RELEASE” message in subject line of email.
- Any earned or paid media campaigns for TV, radio, digital or social media that are part of a specific grant objective, using OTS grant funds, or designed and developed using contractual services by a subgrantee, requires prior approval.
- Social media posts highlighting state or national traffic safety campaigns (Distracted Driving Month, Motorcycle Safety Awareness Month, etc.), enforcement operations (DUI checkpoints, etc.), or any other grant-related activity such as Bicycle rodeos, presentations, or events, are highly encouraged but do not require prior approval.
- Submit a draft or rough-cut of all digital, printed, recorded or video material (brochures, posters, scripts, artwork, trailer graphics, digital graphics, social posts connected to an earned or paid media campaign grant objective) to the OTS PIO at pio@ots.ca.gov and copy your OTS grant coordinator for approval prior to the production or duplication.
- Use the following standard language in all press, media, and printed materials, space permitting: Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.
- Space permitting, include the OTS logo on all grant-funded print materials, graphics and paid or earned social media campaign grant objective; consult the OTS PIO and copy your OTS grant coordinator for specifics, format-appropriate logos, or if space does not permit the use of the OTS logo.
- Email the OTS PIO at pio@ots.ca.gov and copy your OTS grant coordinator at least 21 days in advance, or when first confirmed, a short description of any significant grant-related traffic safety event or program, particularly events that are highly publicized beforehand with anticipated media coverage so OTS has sufficient notice to arrange for attendance and/or participation in the event. If unable to attend, email the OTS PIO and coordinator brief highlights and/or results, including any media coverage (broadcast, digital, print) of event within 7 days following significant grant-related event or program. Media and program highlights are to be reflected in QPRs.
- Any news releases, work plans, scripts, storyboards, artwork, graphics, videos or any educational or informational materials that received OTS PIO approval in a prior grant year needs to be resubmitted for approval in the current grant year.
- For additional guidance, refer to the [OTS Grants Materials Approval Process Guidelines](#) and [OTS Grants Media Approval Process FAQs](#) on the OTS website.
- Contact the OTS PIO or your OTS grant coordinator for consultation when changes from any of the above requirements might be warranted.

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

1. Prepare and submit grant claim invoices (due January 30, April 30, July 30, and October 30)
2. Prepare and submit Quarterly Performance Reports (QPR) (due January 30, April 30, July 30, and October 30)
 - Collect and report quarterly, appropriate data that supports the progress of goals and objectives.
 - Provide a brief list of activity conducted, procurement of grant-funded items, and significant media activities. Include status of grant-funded personnel, status of contracts, challenges, or special accomplishments.
 - Provide a brief summary of quarterly accomplishments and explanations for objectives not completed or plans for upcoming activities.
 - Collect, analyze and report statistical data relating to the grant goals and objectives.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
164AL-26	20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated	\$55,000.00
402PT-26	20.600	State and Community Highway Safety	\$20,000.00
405e DDL-26	20.616	Distracted Driving Laws	\$15,000.00

COST CATEGORY	FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
A. PERSONNEL COSTS				
<u>Straight Time</u>				\$0.00
<u>Overtime</u>				
DUI/DL Checkpoints	164AL-26	\$13,500.00	2	\$27,000.00
DUI Saturation Patrols	164AL-26	\$1,750.00	14	\$24,500.00
Know Your Limit	164AL-26	\$1,325.00	1	\$1,325.00
Traffic Enforcement	402PT-26	\$1,750.00	7	\$12,250.00
Distracted Driving Enforcement	405e DDL-26	\$1,500.00	10	\$15,000.00
Category Sub-Total				\$80,075.00
B. TRAVEL EXPENSES				
In State Travel	402PT-26	\$2,750.00	1	\$2,750.00
				\$0.00
Category Sub-Total				\$2,750.00
C. CONTRACTUAL SERVICES				
				\$0.00
Category Sub-Total				\$0.00
D. EQUIPMENT				
				\$0.00
Category Sub-Total				\$0.00
E. OTHER DIRECT COSTS				
DUI Checkpoint Supplies	164AL-26	\$2,175.00	1	\$2,175.00
Lidar Device	402PT-26	\$2,500.00	2	\$5,000.00
Category Sub-Total				\$7,175.00
F. INDIRECT COSTS				
				\$0.00
Category Sub-Total				\$0.00
GRANT TOTAL				\$90,000.00

BUDGET NARRATIVE
<p>PERSONNEL COSTS DUI/DL Checkpoints - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.</p>
<p>DUI Saturation Patrols - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.</p>
<p>Know Your Limit - Overtime for grant funded traffic safety presentations or campaigns conducted by appropriate department personnel.</p>
<p>Traffic Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.</p>
<p>Distracted Driving Enforcement - Overtime for grant funded law enforcement operations conducted by appropriate department personnel.</p>
<p>TRAVEL EXPENSES In State Travel - Costs are included for appropriate staff to attend conferences and training events supporting the grant goals and objectives and/or traffic safety. Local mileage for grant activities and meetings is included. Anticipated travel may include the OTS Traffic Safety Law Enforcement Forum. All conferences, seminars or training not specifically identified in the Budget Narrative must be approved by OTS. All travel claimed must be at the agency approved rate. Per Diem may not be claimed for meals provided at conferences when registration fees are paid with OTS grant funds</p>
<p>CONTRACTUAL SERVICES -</p>
<p>EQUIPMENT -</p>
<p>OTHER DIRECT COSTS DUI Checkpoint Supplies - On-scene supplies needed to conduct sobriety checkpoints. Costs may include 28" traffic cones, MUTCD compliant traffic signs, MUTCD compliant high visibility vests (maximum of 10), traffic counters (maximum of 2), generator, gas for generators, lighting, reflective banners, electronic flares, PAS Device Supplies, PAS Calibration Supplies, heater, propane for heaters, fan, anti-fatigue mats, and canopies. Additional items may be purchased if approved by OTS. The cost of food and beverages will not be reimbursed.</p>
<p>Lidar Device - Light detection and ranging device used to measure the speed of motor vehicles. This device will be used for speed enforcement. Costs may include lidar devices, batteries, tax, and shipping.</p>
<p>INDIRECT COSTS -</p>
<p>STATEMENTS/DISCLAIMERS There will be no program income generated from this grant.</p> <p>Nothing in this "agreement" shall be interpreted as a requirement, formal or informal, that a particular law enforcement officer issue a specified or predetermined number of citations in pursuance of the goals and objectives here under.</p> <p>The OTS grant funded activities must be separate from the CHP Cannabis Tax Fund Grant Program activities and maintained under separate accounting/tracking/other codes (example: the same DUI checkpoint may not be funded by both the CHP and the OTS).</p>

**Appendix A to Part 1300—Certifications and Assurances for Highway Safety Grants
(23 U.S.C. Chapter 4 or Section 1906, Public Law 109-59, as amended by Section 25024, Public Law 117-58)**

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies, and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended;
- Sec. 1906, [Public Law 109-59](#), as amended by Sec. 25024, [Public Law 117-58](#);
- [23 CFR part 1300](#)—Uniform Procedures for State Highway Safety Grant Programs;
- [2 CFR part 200](#)—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- [2 CFR part 1201](#)—Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency [and its subrecipients] will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- *Title VI of the Civil Rights Act of 1964* ([42 U.S.C. 2000d](#) et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- [49 CFR part 21](#) (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- [28 CFR 50.3](#) (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, ([42 U.S.C. 4601](#)), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- *Federal-Aid Highway Act of 1973*, (*23 U.S.C. 324 et seq.*), and *Title IX of the Education Amendments of 1972*, as amended ([20 U.S.C. 1681-1683](#) and [1685-1686](#)) (prohibit discrimination on the basis of sex);
- *Section 504 of the Rehabilitation Act of 1973*, ([29 U.S.C. 794](#) et seq.), as amended, (prohibits discrimination on the basis of disability) and [49 CFR part 27](#);
- *The Age Discrimination Act of 1975*, as amended, ([42 U.S.C. 6101](#) et seq.), (prohibits discrimination on the basis of age);
- *The Civil Rights Restoration Act of 1987*, (Pub. L. 100-209), (broadens scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- *Titles II and III of the Americans with Disabilities Act* ([42 U.S.C. 12131-12189](#)) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and [49 CFR parts 37](#) and [38](#)

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in § 21.23(b) and (e) of [49 CFR part 21](#) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
“The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT order 1050.2A) [\[1\]](#) in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the

form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The Subgrantee will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace, and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace;
 2. The grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 1. Abide by the terms of the statement;
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted—
 1. Taking appropriate personnel action against such an employee, up to and including termination;
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or

rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)
(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act ([5 U.S.C. 1501-1508](#)), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING
(applies to subrecipients as well as States)

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING
(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION
(applies to subrecipients as well as States)

INSTRUCTIONS FOR PRIMARY TIER PARTICIPANT CERTIFICATION (STATES)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180 and 1200](#).
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180 and 1200](#). You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180 and 1200](#).
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS—PRIMARY TIER COVERED TRANSACTIONS

1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and

its principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

INSTRUCTIONS FOR LOWER TIER PARTICIPANT CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180 and 1200](#).
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180 and 1200](#). You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180 and 1200](#).
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of

records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION—LOWER TIER COVERED TRANSACTIONS

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement ([23 U.S.C. 313](#)) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

CERTIFICATION ON CONFLICT OF INTEREST

(applies to subrecipients as well as States)

GENERAL REQUIREMENTS

No employee, officer, or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
 - a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
 - b. The code or standards shall establish penalties, sanctions, or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

DISCLOSURE REQUIREMENTS

No State or its subrecipient, including its officers, employees, or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present, or currently planned organizational, financial, contractual, or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor, and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE **(applies to subrecipients as well as States)**

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with [Executive Order 13043](#), Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with [Executive Order 13513](#), Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

1. GRANT TITLE Predictive Data to Enhance Enforcement Efforts	
2. NAME OF AGENCY Morgan Hill Police Department	3. Grant Period From: 10/01/2025 To: 09/30/2026
4. AGENCY UNIT TO ADMINISTER GRANT Morgan Hill Police Department	
5. GRANT DESCRIPTION Local agencies need timely, accurate, complete, uniform, integrated, and accessible traffic records to identify and prioritize traffic safety issues, to choose appropriate safety countermeasures and evaluate their effectiveness. This project will utilize analytical data to develop an ongoing traffic enforcement plan that will assist the traffic team in identifying areas for PCF enforcement. Enhancing the ability to analyze trends in crashes, crash outcomes, and contributing factors will assist the department in reducing crashes, fatalities, and injuries. The department will enhance their partnership with city engineers to develop and improve traffic and road management conditions in order to increase public safety. The analytical traffic data program will improve timeliness of citation and crash data, the completeness of the data to inform efforts, and the accessibility of the citation and crash data for the local jurisdictions.	
6. Federal Funds Allocated Under This Agreement Shall Not Exceed: \$25,000.00 Allocation is contingent upon availability of federal funds.	
7. TERMS AND CONDITIONS: The parties agree to comply with the terms and conditions of the following which are by this reference made a part of the Agreement: <ul style="list-style-type: none">• Schedule A – Problem Statement, Goals and Objectives and Method of Procedure• Schedule B – Detailed Budget Estimate and Sub-Budget Estimate (if applicable)• Schedule B-1 – Budget Narrative and Sub-Budget Narrative (if applicable)• Exhibit A – Certifications and Assurances• Exhibit B* – OTS Grant Program Manual• Exhibit C – Grant Electronic Management System (GEMS) Access *Items shown with an asterisk (*), are hereby incorporated by reference and made a part of this agreement as if attached hereto. These documents can be viewed at the OTS home web page under Grants: www.ots.ca.gov . We, the officials named below, hereby swear under penalty of perjury under the laws of the State of California that we are duly authorized to legally bind the Grant recipient to the above described Grant terms and conditions. IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.	
8. Approval Signatures	
A. GRANT DIRECTOR NAME: John Kuhlen TITLE: Sergeant EMAIL: john.kuhlen@morganhill.ca.gov PHONE: (669) 253-8650 ADDRESS: 16200 Vineyard Boulevard Morgan Hill, CA 95037 _____ (Signature) (Date)	B. AUTHORIZING OFFICIAL NAME: Christina Turner TITLE: City Manager EMAIL: christina.turner@morganhill.ca.gov PHONE: (408) 776-7382 ADDRESS: 17575 Peak Avenue Morgan Hill, CA 95037 _____ (Signature) (Date)
C. FISCAL OFFICIAL NAME: Dat Nguyen TITLE: Finance Director EMAIL: dat.nguyen@morganhill.ca.gov PHONE: (408) 776-7379 ADDRESS: 17575 Peak Avenue Morgan Hill, CA 95037 _____ (Signature) (Date)	D. AUTHORIZING OFFICIAL OF OFFICE OF TRAFFIC SAFETY NAME: Stephanie Dougherty TITLE: Director EMAIL: stephanie.dougherty@ots.ca.gov PHONE: (916) 509-3030 ADDRESS: 2208 Kausen Drive Suite 300 Sacramento, CA 95758 _____ (Signature) (Date)

<p>E. ACCOUNTING OFFICER OF OFFICE OF TRAFFIC SAFETY</p> <p>NAME: Carolyn Vu ADDRESS: 2208 Kausen Drive, Suite 300 Elk Grove, CA 95758</p>	<p>9. SAM INFORMATION</p> <p>SAM #: CG4EJ16FEMD8 REGISTERED ADDRESS: 17575 Peak Avenue CITY: Morgan Hill ZIP+4: 95037-4128</p>
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10. PROJECTED EXPENDITURES						
FUND	CFDA	ITEM/APPROPRIATION	F.Y.	CHAPTER	STATUTE	PROJECTED EXPENDITURES
				AGREEMENT TOTAL		\$25,000.00
				AMOUNT ENCUMBERED BY THIS DOCUMENT		\$25,000.00
<i>I CERTIFY upon my own personal knowledge that the budgeted funds for the current budget year are available for the period and purpose of the expenditure stated above.</i>				PRIOR AMOUNT ENCUMBERED FOR THIS AGREEMENT		\$ 0.00
				TOTAL AMOUNT ENCUMBERED TO DATE		\$25,000.00
OTS ACCOUNTING OFFICER'S SIGNATURE			DATE SIGNED			

1. PROBLEM STATEMENT

Describe the city, county, or jurisdiction this grant will impact.

Morgan Hill Police Department (MHPD) serves a community of approximately 45,000 residents with a jurisdiction of approximately 12 square miles. Our community is between the two larger jurisdictions of San Jose to the north and Gilroy to the south. We are primarily a suburban community that is unique in that we have residential, commercial and retail development as well as agricultural land that is actively cultivated. We have a concentration of high tech and manufacturing companies, but a majority of our residents travel daily to employment centers to the north and south of Morgan Hill. Morgan Hill sees a massive influx in vehicles during the morning and evening commute due to vehicles passing through our city to avoid the U.S. 101 traffic.

The increase in residential development in our jurisdiction, as well as other nearby jurisdictions, has significantly impacted traffic during the peak morning and afternoon commute hours. US Highway 101 runs through Morgan Hill and is significantly impacted by this increased volume of vehicular traffic in the northbound direction between 0500-0900 hours and the southbound direction between 1400-1800 hours. To avoid this, many commuters from outside Morgan Hill use three of our NB/SB arterial streets: Monterey Road, Butterfield Boulevard and the Hale Extension to bypass US 101.

Describe the problem(s) to be addressed, supported by current and relevant crash data. (most recent calendar year data/stats).

While reviewing the crash data, the Morgan Hill Police Department (MHPD) reported a total of 208 crashes. The leading causes of these crashes were identified as unsafe speeds, violations of traffic signals and signs, improper turns, and driving under the influence of alcohol. Out of the 208 crashes, 91 involved injuries, resulting in a total of 125 victims. Notably, 37 crashes (or 18%) were attributed to driving under the influence, while 36 crashes were due to speeding violations, representing 17% of the total. Improper turning accounted for another 18%, and failure to obey traffic signals or signs led to 23 crashes, or 11% of all incidents.

In 2024, MHPD experienced three fatal crashes, resulting in a total of four victims. Two of these fatal crashes were linked to impaired drivers under the influence of alcohol and/or drugs, while the third was caused by excessive speed during inclement weather. In total, 134 crashes, or 64%, were related to these primary crash factors.

MHPD currently utilizes Crossroads Software for crash report writing and electronic ticketing systems. This electronic citation system has streamlined the ticket writing process significantly. However, the department is in urgent need of additional Zebra thermal mobile printers to support our traffic officers. In 2024, MHPD issued a total of 2,143 citations, with 1,640 of those being for hazardous or moving violations. Morgan Hill's traffic safety index has improved from 8.4 in 2022 to 16.3 in 2023, and further to 21 in 2024. Acquiring these printers will be a valuable asset for the Traffic Officers of MHPD.

By addressing issues such as impaired driving, speeding, and failure to adhere to traffic signals and signs, MHPD aims to enhance road safety for our community. This grant will assist MHPD in enforcing these critical traffic factors and targeting impaired drivers. We are confident that focused enforcement of these violations will lead to corrected behaviors among drivers, ultimately enabling our community members and visitors to enjoy safer roadways.

Define the target population the grant intends to serve and how they are affected by the problem(s).

Our department is dedicated to serving our community and delivering the quality of service they expect. The MHPD is looking to partner with Urban SDK, a geospatial data analytics platform that helps state and local governments manage infrastructure operations, planning and development, and enforcement. This partnership will ensure that the MHPD provides an unbiased and equitable approach to traffic enforcement and engineering.

The MHPD is committed to addressing the issues that lead to injury crashes within our jurisdiction. Further, MHPD will utilize crash data and analytics to identify the primary factors contributing to crashes and the high-frequency locations where injury incidents are occurring. With this data, MHPD will assign Traffic Officers to conduct targeted enforcement focused on the primary crash violations in order to improve driving behavior.

2. PERFORMANCE MEASURES

A. Goals:

1. Reduce the number of persons killed in traffic crashes.
2. Reduce the number of persons injured in traffic crashes.
3. To improve the timeliness, accuracy, completeness, uniformity, accessibility, and integration of the California Traffic Records System.

B. Objectives:

	Target Number
1. Mobile printers to be used with electronic citation devices for traffic officers to print the citation in the field. Costs include the purchase of the printer, accessories, and associated shipping and taxes.	5
2. Purchase and implement Urban SDK. Urban SDK is a geospatial data analytics platform designed to help state and local governments manage infrastructure operations, planning, development and enforcement. It provides tools for analyzing large datasets to identify traffic or safety issues and respond to citizen complaints.	1

3. METHOD OF PROCEDURE

A. Phase 1 – Program Preparation (1st Quarter of Grant Year)

- Determine specific system traffic records (i.e., crash or citation) data system requirements.
- Determine specific equipment requirements.
- Request vendor price quotation per host agency requirements.
- Procure an electronic crash reporting system with the following functionalities:
 - System licensing with installation and training vendor.
 - GIS based mapping.
 - Segment crash diagraming tool.
 - Ability to create or import crash reports.
 - Ability to import and export agency RMS files.
 - Ability to perform complete analysis of crash reports.
 - Secure database accessibility by appropriate agency personnel.
 - Ability to electronically transfer complete crash report to the California Highway Patrol's Statewide Integrated Traffic Records System.
- Procure an electronic citation system with the following functionalities:
 - System licensing with installation and training.
 - Ability to electronically transfer and maintain the agency's citation data.
 - Ability to analyze of agency's citation reports.
 - Secure database accessibility by appropriate agency personnel.
 - Ability to export complete citation reports to the local county court.

B. Phase 2 – Program Operations (Throughout Grant Year)

- Select vendor for system development, implementation, and installation.
- Monitor and oversee progress of system/software development.

C. Phase 3 – Data Collection & Reporting (Throughout Grant Year)

- Prepare and submit grant claims invoice (due January 30, April 30, July 30, and October 30).

- Successful project completion and confirmation of successful electronic transmission of crash reports by the California Highway Patrol is required before submission of invoice claims seeking reimbursement from OTS.
- Prepare and submit quarterly performance reports (due January 30, April 30, July 30, and October 30).
 - Collect and report quarterly appropriate data that supports the progress of goals and objectives.
 - Provide a summary of quarterly accomplishments and explanations for objectives not completed.
 - Collect, analyze, and report statistical data relating to the grant goals and objectives.

4. METHOD OF EVALUATION

Using the data compiled during the grant, the Grant Director will complete the “Final Evaluation” section in the fourth/final Quarterly Performance Report (QPR). The Final Evaluation should provide a brief summary of the grant’s accomplishments, challenges and significant activities. This narrative should also include whether goals and objectives were met, exceeded, or an explanation of why objectives were not completed.

5. ADMINISTRATIVE SUPPORT

This program has full administrative support, and every effort will be made to continue the grant activities after grant conclusion.

FUND NUMBER	CATALOG NUMBER (CFDA)	FUND DESCRIPTION	TOTAL AMOUNT
405c TR-26	20.616	State Traffic Safety Information System Improvements	\$25,000.00

COST CATEGORY	FUND NUMBER	UNIT COST OR RATE	UNITS	TOTAL COST TO GRANT
A. PERSONNEL COSTS				
<u>Straight Time</u>				\$0.00
<u>Overtime</u>				\$0.00
Category Sub-Total				\$0.00
B. TRAVEL EXPENSES				
				\$0.00
				\$0.00
Category Sub-Total				\$0.00
C. CONTRACTUAL SERVICES				
				\$0.00
Category Sub-Total				\$0.00
D. EQUIPMENT				
Urban SDK Software	405c TR-26	\$19,500.00	1	\$19,500.00
Category Sub-Total				\$19,500.00
E. OTHER DIRECT COSTS				
Mobile Printer	405c TR-26	\$1,100.00	5	\$5,500.00
Category Sub-Total				\$5,500.00
F. INDIRECT COSTS				
				\$0.00
Category Sub-Total				\$0.00
GRANT TOTAL				\$25,000.00

BUDGET NARRATIVE
<p>PERSONNEL COSTS -</p>
<p>TRAVEL EXPENSES -</p>
<p>CONTRACTUAL SERVICES -</p>
<p>EQUIPMENT Urban SDK Software - Traffic data collector will be used to gather data to inform the department of traffic safety concerns and locations for enforcement operations. Costs may include solar, batter, accessories, tax, and shipping.</p>
<p>OTHER DIRECT COSTS Mobile Printer - Mobile printers to be used with electronic citation devices for traffic officers to print the citation in the field. Costs include the purchase of the printer, accessories, and associated shipping and taxes.</p>
<p>INDIRECT COSTS -</p>
<p>STATEMENTS/DISCLAIMERS There will be no program income generated from this grant. The OTS grant funded activities must be separate from the CHP Cannabis Tax Fund Grant Program activities and maintained under separate accounting/tracking/other codes (example: the same DUI checkpoint may not be funded by both the CHP and the OTS).</p>

**Appendix A to Part 1300—Certifications and Assurances for Highway Safety Grants
(23 U.S.C. Chapter 4 or Section 1906, Public Law 109-59, as amended by Section 25024, Public Law 117-58)**

The officials named on the grant agreement, certify by way of signature on the grant agreement signature page, that the Grantee Agency complies with all applicable Federal statutes, regulations, and directives and State rules, guidelines, policies, and laws in effect with respect to the periods for which it receives grant funding. Applicable provisions include, but are not limited to, the following:

GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4—Highway Safety Act of 1966, as amended;
- Sec. 1906, [Public Law 109-59](#), as amended by Sec. 25024, [Public Law 117-58](#);
- [23 CFR part 1300](#)—Uniform Procedures for State Highway Safety Grant Programs;
- [2 CFR part 200](#)—Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards;
- [2 CFR part 1201](#)—Department of Transportation, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

NONDISCRIMINATION

(applies to subrecipients as well as States)

The State highway safety agency [and its subrecipients] will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- *Title VI of the Civil Rights Act of 1964* ([42 U.S.C. 2000d](#) et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- [49 CFR part 21](#) (entitled *Non-discrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964*);
- [28 CFR 50.3](#) (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);
- *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970*, ([42 U.S.C. 4601](#)), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- *Federal-Aid Highway Act of 1973*, (*23 U.S.C. 324 et seq.*), and *Title IX of the Education Amendments of 1972*, as amended ([20 U.S.C. 1681-1683](#) and [1685-1686](#)) (prohibit discrimination on the basis of sex);
- *Section 504 of the Rehabilitation Act of 1973*, ([29 U.S.C. 794](#) et seq.), as amended, (prohibits discrimination on the basis of disability) and [49 CFR part 27](#);
- *The Age Discrimination Act of 1975*, as amended, ([42 U.S.C. 6101](#) et seq.), (prohibits discrimination on the basis of age);
- *The Civil Rights Restoration Act of 1987*, (Pub. L. 100-209), (broadens scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- *Titles II and III of the Americans with Disabilities Act* ([42 U.S.C. 12131-12189](#)) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and [49 CFR parts 37](#) and [38](#)

The preceding statutory and regulatory cites hereinafter are referred to as the “Acts” and “Regulations,” respectively.

GENERAL ASSURANCES

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity, for which the Recipient receives Federal financial assistance from DOT, including NHTSA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI of the Civil Rights Act of 1964 and other non-discrimination requirements (the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

SPECIFIC ASSURANCES

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Highway Safety Grant Program:

1. The Recipient agrees that each “activity,” “facility,” or “program,” as defined in § 21.23(b) and (e) of [49 CFR part 21](#) will be (with regard to an “activity”) facilitated, or will be (with regard to a “facility”) operated, or will be (with regard to a “program”) conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all Highway Safety Grant Programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:
“The [name of Recipient], in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”
3. The Recipient will insert the clauses of appendix A and E of this Assurance (also referred to as DOT order 1050.2A) [\[1\]](#) in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of appendix B of DOT Order 1050.2A, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of, real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. That the Recipient will include the clauses set forth in appendix C and appendix D of this DOT Order 1050.2A, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the

form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Recipient retains ownership or possession of the property.
9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the State highway safety agency also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing NHTSA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by NHTSA. You must keep records, reports, and submit the material for review upon request to NHTSA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The State highway safety agency gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Highway Safety Grant Program. This ASSURANCE is binding on the State highway safety agency, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Highway Safety Grant Program. The person(s) signing below is/are authorized to sign this ASSURANCE on behalf of the Recipient.

THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)

The Subgrantee will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace, and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace;
 2. The grantee's policy of maintaining a drug-free workplace;
 3. Any available drug counseling, rehabilitation, and employee assistance programs;
 4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
 5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—
 1. Abide by the terms of the statement;
 2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;
- e. Taking one of the following actions, within 30 days of receiving notice under subparagraph (c)(2), with respect to any employee who is so convicted—
 1. Taking appropriate personnel action against such an employee, up to and including termination;
 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or

rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

POLITICAL ACTIVITY (HATCH ACT)
(applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act ([5 U.S.C. 1501-1508](#)), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

CERTIFICATION REGARDING FEDERAL LOBBYING
(applies to subrecipients as well as States)

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING
(applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION
(applies to subrecipients as well as States)

INSTRUCTIONS FOR PRIMARY TIER PARTICIPANT CERTIFICATION (STATES)

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180 and 1200](#).
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180 and 1200](#). You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180 and 1200](#).
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate the transaction for cause or default.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS—PRIMARY TIER COVERED TRANSACTIONS

1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and

its principals:

- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

INSTRUCTIONS FOR LOWER TIER PARTICIPANT CERTIFICATION

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of [2 CFR parts 180](#) and [1200](#).
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms **covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded**, as used in this clause, are defined in [2 CFR parts 180](#) and [1200](#). You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with [2 CFR parts 180](#) and [1200](#).
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under [48 CFR part 9, subpart 9.4](#), debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of

records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under [48 CFR part 9, subpart 9.4](#), suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION—LOWER TIER COVERED TRANSACTIONS

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

BUY AMERICA

(applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement ([23 U.S.C. 313](#)) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

CERTIFICATION ON CONFLICT OF INTEREST

(applies to subrecipients as well as States)

GENERAL REQUIREMENTS

No employee, officer, or agent of a State or its subrecipient who is authorized in an official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting, or approving any subaward, including contracts or subcontracts, in connection with this grant shall have, directly or indirectly, any financial or personal interest in any such subaward. Such a financial or personal interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or personal interest in or a tangible personal benefit from an entity considered for a subaward. Based on this policy:

1. The recipient shall maintain a written code or standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents.
 - a. The code or standards shall provide that the recipient's officers, employees, or agents may neither solicit nor accept gratuities, favors, or anything of monetary value from present or potential subawardees, including contractors or parties to subcontracts.
 - b. The code or standards shall establish penalties, sanctions, or other disciplinary actions for violations, as permitted by State or local law or regulations.
2. The recipient shall maintain responsibility to enforce the requirements of the written code or standards of conduct.

DISCLOSURE REQUIREMENTS

No State or its subrecipient, including its officers, employees, or agents, shall perform or continue to perform under a grant or cooperative agreement, whose objectivity may be impaired because of any related past, present, or currently planned interest, financial or otherwise, in organizations regulated by NHTSA or in organizations whose interests may be substantially affected by NHTSA activities. Based on this policy:

1. The recipient shall disclose any conflict of interest identified as soon as reasonably possible, making an immediate and full disclosure in writing to NHTSA. The disclosure shall include a description of the action which the recipient has taken or proposes to take to avoid or mitigate such conflict.
2. NHTSA will review the disclosure and may require additional relevant information from the recipient. If a conflict of interest is found to exist, NHTSA may (a) terminate the award, or (b) determine that it is otherwise in the best interest of NHTSA to continue the award and include appropriate provisions to mitigate or avoid such conflict.
3. Conflicts of interest that require disclosure include all past, present, or currently planned organizational, financial, contractual, or other interest(s) with an organization regulated by NHTSA or with an organization whose interests may be substantially affected by NHTSA activities, and which are related to this award. The interest(s) that require disclosure include those of any recipient, affiliate, proposed consultant, proposed subcontractor, and key personnel of any of the above. Past interest shall be limited to within one year of the date of award. Key personnel shall include any person owning more than a 20 percent interest in a recipient, and the officers, employees or agents of a recipient who are responsible for making a decision or taking an action under an award where the decision or action can have an economic or other impact on the interests of a regulated or affected organization.

PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE **(applies to subrecipients as well as States)**

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

POLICY ON SEAT BELT USE

In accordance with [Executive Order 13043](#), Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at www.trafficsafety.org. The NHTSA website (www.nhtsa.gov) also provides information on statistics, campaigns, and program evaluations and references.

POLICY ON BANNING TEXT MESSAGING WHILE DRIVING

In accordance with [Executive Order 13513](#), Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

RESOLUTION NO. 25-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO THE CITY'S FISCAL YEAR 2025-2026 BUDGET IN THE GENERAL FUND (NO. 010) OF \$115,000 FROM STATE OF CALIFORNIA - OFFICE OF TRAFFIC SAFETY (OTS) AND AUTHORIZE THE CITY MANAGER OR HER DESIGNEE TO EXECUTE THE GRANT AGREEMENTS

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California (“City”), is authorized to enter into contracts and agreements for the benefit of the City; and

WHEREAS, the reasons supporting the purchase described in, and that is the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled “ACCEPT GRANT FUNDING IN THE AMOUNT OF \$115,000 FROM THE CALIFORNIA STATE OFFICE OF TRAFFIC SAFETY”, submitted for City Council consideration at its meeting of September 17, 2025, submitted to the City Council by the City Manager (the “Staff Report”), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, recommended amendments are needed and proposed to the City’s previously adopted Annual Budgets for Fiscal Years 2024-2025 and 2025-2026 as set forth on Exhibit A to this Resolution, to appropriate the requisite funds to implement the actions authorized by this Resolution; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which meeting the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of the California Environmental Quality Act of 1970; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine, and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order, and/or direct as follows:

- a. That the City Manager is hereby delegated authority to and is authorized to take all other ministerial actions that may be necessary or appropriate to implement the provisions of this Resolution.
- b. That the City’s previously adopted Fiscal Years 2024-2025 and 2025-2026 Budgets, as the same has been amended to date, are hereby further amended in accordance with and as reflected on Exhibit A attached hereto and incorporated herein by this reference; and
- c. That the City Clerk is hereby authorized and directed to forward a copy of this Resolution to the City’s Finance Director, who is hereby authorized and directed to take all actions necessary to implement the terms of this Resolution pertaining to the Fiscal Years 2024-2025 and 2025-2026 Budgets of the City or Morgan Hill.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 17th day of September 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:

DATE: _____

Mark Turner, MAYOR

➤ **CERTIFICATION** ☞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 25-_____, adopted by the City Council at the meeting held on September 17, 2025.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Michelle Bigelow, CITY CLERK

AGENDA BUDGET SCORECARD

FISCAL YEAR 2025-2026

ADJUSTMENT # 006

FUND:	010	General Fund
DEPARTMENT:	20	Public Safety
	20	Police
	3210	Police - Field Operations
OBJECT:	Various	Various

AGENDA DATE:	09/17/25
AGENDA ITEM TITLE:	Accept OTS STEP & TRIP Grants

	07/01/25 UNAUDITED BEGINNING FUND BALANCE	ESTIMATED REVENUES	AMENDED APPROPRI- ATIONS	06/30/26 PROJECTED ENDING FUND BALANCE
ORIGINAL BUDGET	24,393,846	57,630,517	63,753,936	18,270,427
CUMULATIVE REVISIONS PRIOR TO RECOMMENDED ACTION	-	-	240,638	(240,638)
RECOMMENDED ACTION		115,000	115,000	-
RESULT OF RECOMMENDED ACTION	24,393,846	57,745,517	64,109,574	18,029,789



CITY COUNCIL STAFF REPORT

MEETING DATE: September 17, 2025

PREPARED BY:

Michelle Bigelow, City Clerk

APPROVED BY: City Manager

ADOPT ORDINANCE NO. 2367, NEW SERIES, APPROVING A ZONING AMENDMENT FOR A PLANNED DEVELOPMENT WITH MASTER PLAN (ZA2024-0001) FOR A 5.75-ACRE SITE LOCATED AT 16695 DEWITT AVENUE (APN: 773-09-011)

RECOMMENDATION(S)

Waive the reading, adopt Ordinance No. 2367, New Series, and declare that said title, which appears on the agenda, shall be determined to have been read by title and further reading waived.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Supporting our Youth, Seniors, and Entire Community

2024-2025 Strategic Priorities

Healthy Community

Guiding Documents

Bikeways, Trails, and Recreation Master Plan

Morgan Hill 2035 General Plan

REPORT NARRATIVE:

On September 3, 2025, the City Council introduced Ordinance No. 2367, New Series, by the following roll call votes: AYES: Turner, Vega, Librers, Iwanaga; NOES: None; ABSTAIN: None; ABSENT: Martinez Beltran;

This Ordinance is for a Planed Development with Master Plan for the West Hills Community Church which creates the zoning uses allowed and standards for future development.

COMMUNITY ENGAGEMENT:

A project webpage was created on the Morgan Hill website after receipt of the preliminary application. The preliminary application and the Planned Development with associated environmental review was publicly noticed (mailed to property owners within 300 feet of the project site and a newspaper legal notice) for a minimum 10-day period,

and public notice site signage was posted at the property location pursuant to the Planning Division requirement. Staff received several public comments that can be accessed by clicking on [Public Comments](#).

ALTERNATIVE ACTIONS:

Not Applicable.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

- Planning Commission approved a conditional use permit in 1989 for the church facility and subsequent approvals for the temporary modular classrooms and restroom buildings.
- Planning Commission reviewed and provided feedback on the Preliminary Application for a Planned Development with Master Plan at their regularly scheduled meeting on May 25, 2021.
- Planning Commission continued the Negative Declaration and Planned Development with Master Plan from July 8, 2025 to August 12, 2025 to allow the applicant more time to prepare for the hearing.
- Planning Commission reviewed the Negative Declaration and Planned Development with Master Plan and approved both unanimously at their regular scheduled meeting on August 12, 2025.
- City Council reviewed the Negative Declaration and Planned Development with Master Plan and approved both at their regular scheduled meeting on September 3, 2025.

FISCAL AND RESOURCE IMPACT:

None. City development review functions are cost-recovery, with fees collected from applicants to cover the cost of services. These fees have been collected.

CEQA (California Environmental Quality Act):

Project

The City of Morgan Hill, as Lead Agency, prepared an Initial Study and a Negative Declaration for the DeWitt-West Hills Community Church project in compliance with the California Environmental Quality Act, which concluded that the project would not have a substantial impact on the environment.

ORDINANCE NO. _____, New Series

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT FOR A PLANNED DEVELOPMENT WITH MASTER PLAN (ZA2024-0001) FOR A 5.75-ACRE SITE LOCATED AT 16695 DEWITT AVENUE (APN: 773-09-011)

THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES ORDAIN AS FOLLOWS:

SECTION 1. The proposed amendment is consistent with the General Plan, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

The project complies with, but is not limited to, General Plan Goal CNF-6 in that the expansion of the West Hills Community Church facility will support the current and future needs of the community. It complies with the intent of the Open Space land-use designation by keeping the expansion of the facility within the current developed footprint, reducing the existing impervious surface coverage and adding more landscaping, and advances the goals of the General Plan Policy HC-3.4 and Bikeways, Trails, Parks and Recreation Master Plan in achieving a new trail connecting for the community.

SECTION 2. The proposed development is superior to the development that could occur under the standards applicable in the existing zoning district.

The proposal is superior in that it allows for investment in the site as the current zoning would not allow the remodel and expansion of the existing church facility. New development and remodels ensure the health and safety of the structures by ensuring that structures meet current building codes. The project will also update the facade of the existing workshop hall and remove temporary modular buildings and structures with new structures that have enhanced architectural features.

SECTION 3. The proposed project will provide a substantial public benefit(s) as defined in the Municipal Code. The public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies to the property.

The project incorporates a public access easement over their property to allow for the future construction of a public trail that will advance the goals of the General Plan Policy HC-3.4 and Bikeways, Trails, Parks and Recreation Master Plan in achieving a new trail connection for the community. This easement is required to be recorded within one month of the adoption of this Ordinance.

SECTION 4. The Site for the proposed development is adequate in size and shape to accommodate the proposed land uses.

The site is elevated on the west hills of Morgan Hill and tucked away from immediate neighbors. The Master Plan demonstrates adequate size and shape to accommodate the remodel and expansion of the facility to work on the proposed site. An administrative Design permit will be required for the new buildings. Future additions or modifications deemed to be in substantial conformance by the Development Services Director shall not require an amendment to this Planned Development or Master Plan.

SECTION 5. Adequate transportation facilities, infrastructure, and public services exist or will be provided to serve the proposed development.

The site access will remain with improved on-site circulation. As analyzed within the Initial Study for the project, there is adequate infrastructure and public services to serve the use expansion.

SECTION 6. The proposed development will not have a substantial adverse effect on the surrounding property and will be compatible with the existing and planned land use characteristics of the surrounding area.

An initial study and negative declaration prepared for the project analyzed the master plan development and concluded that the project would not have a substantial adverse effect on site or to surrounding properties. The site has been operating as a place of worship and assembly for over 70-years and plans to continue that use. The new structures as proposed are compatible to the surroundings.

SECTION 7. Findings required for the current approval of a zoning Map amendment can be made such as consistency with the General Plan and that the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

The project is consistent with but not limited to General Plan Goal CNF-6 and HC-3.4. An initial study was prepared for the project and concluded the project will not be detrimental to the public health and safety. The current site use is for a place of worship and assembly. The project is remodeling and expanding the existing worship center and replacing the temporary modular classroom buildings with one larger permanent structure. As the use remains the same and the total expansion is 6,466 sf and should not conflict with the public interest or convenience.

SECTION 8. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development

will comply with the zoning code and General Plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.

The site is suitable in design, location, shape, and size to accommodate the uses allowed in the planned development and master plan as the use will remain and the expansion is for 6,466 square feet on the 5.75-acre site.

SECTION 9. The request was considered by the Planning Commission at its regular meeting of August 12, 2025 where the Planning Commission recommended approval of the Zoning Amendment for a Planned Development with associated Master Plan, ZA2024-0001: DeWitt – West Hills Community Church, and the Planned Development Standards with Master Plan described in Attachment A are by this reference incorporated herein. The City Council accepts the recommendation of the Planning Commission.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE 3rd DAY OF SEPTEMBER 2025, AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON 17th THE DAY OF SEPTEMBER, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH THE LAW BY THE FOLLOWING VOTE:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

APPROVED:

ATTEST:

MICHELLE BIGELOW, City Clerk

MARK TURNER, MAYOR

CERTIFICATE OF THE CITY CLERK

I, MICHELLE BIGELOW, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA, do hereby certify that the foregoing is a true and correct copy of the Ordinance No. _____, New Series, adopted by the City Council of the City of Morgan Hill, California at their regular meeting held on the ____ day of _____, 2025.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE:

MICHELLE BIGELOW, City Clerk

WEST HILLS COMMUNITY CHURCH

16695 DeWitt Ave
Morgan Hill, CA. 95037

PD APPLICATION - 03.13.24

GENERAL INFORMATION

SITE AREA: 250,470 SF
BUILDING AREA: 19,397 SF
ZONING: OPEN SPACE (OS)
APN: 773-09-011

PROJECT DESCRIPTION

DEMOLITION OF EXISTING TEMPORARY STRUCTURES, REPLACED WITH NEW TWO-STORY COMMUNITY LIFE CENTER. THIS NEW BUILDING WILL HOUSE A FELLOWSHIP HALL, MULTIPLE CLASSROOMS, A SMALL (NON-COMMERCIAL) KITCHEN, AND (1) ELEVATOR.

INTERIOR AND EXTERIOR REMODEL OF EXISTING WORSHIP CENTER. FINISHES TO MATCH EXISTING.

ASSOCIATED SITE IMPROVEMENTS, INCLUDING, PARKING, LANDSCAPE/HARDSCAPE, LIGHTING, STORMWATER CONTROL, WET UTILITIES, JOINT TRENCH, TRASH ENCLOSURE, AND FIRE PUMP.

AS PART OF THIS PLANNED DEVELOPMENT, A NEW PUBLIC TRAIL EASEMENT AGREEMENT HAS BEEN ENTERED INTO BETWEEN WHCC, CITY AND OSA.



ARCHITECTURE

307 Orchard City Dr., Ste 350
Campbell, CA 95008
408.265.5255

JEFFREY EATON ARCHITECT, INC.
A CALIFORNIA CORPORATION

PROPOSED 3D VIEW



PROJECT TEAM

PROPERTY OWNER: WEST HILL COMMUNITY CHURCH 16695 DEWITT AVE MORGAN HILL, CA. 95037 DAVID FREDERICK E: dffredrick@westhills.org	LANDSCAPE ARCHITECT: HMH 1570 OAKLAND ROAD SAN JOSE, CA 95131 JUSTIN HAUSER P: (408) 487-2200 E: jhauser@hmhca.com https://hmhca.com/
CM / OWNER REPRESENTATIVE: TWELVE22 VENTURES YVONNE SHEETS P: (650) 575-9421 E: yvonne@twelve22ventures.com	GEOTECHNICAL ENGINEER: HARO, KASUNICH & ASSOCIATES, INC. 116 EAST LAKE AVE. WATSONVILLE, CA 95076 P: (831) 722-4175 https://www.harakasunich.com/
ARCHITECT: E2 ARCHITECTURE 1501 THE ALAMEDA, STE. 105 SAN JOSE, CA 95126 JEFFREY EATON, AIA P: (408) 265-5255 E: jeffrey@e2astudio.com	JOINT TRENCH CONSULTANT: GIACALONE DESIGN SERVICES, INC. 8080 SANTA TERESA BLVD STE 240 GILROY, CA 95020 MARK YOUNG P: (925) 467-1740 X 323 E: MarkY@DryUtilityDesign.com https://giacalone-design.com/
CIVIL ENGINEER: BKF ENGINEERS 1730 N FIRST ST SUITE 600 SAN JOSE, CA. 95112 REUEL CHAN, PE P: 408-467-9163 E: rchan@bkf.com	

SHEET INDEX

SHEET NUMBER	SHEET NAME

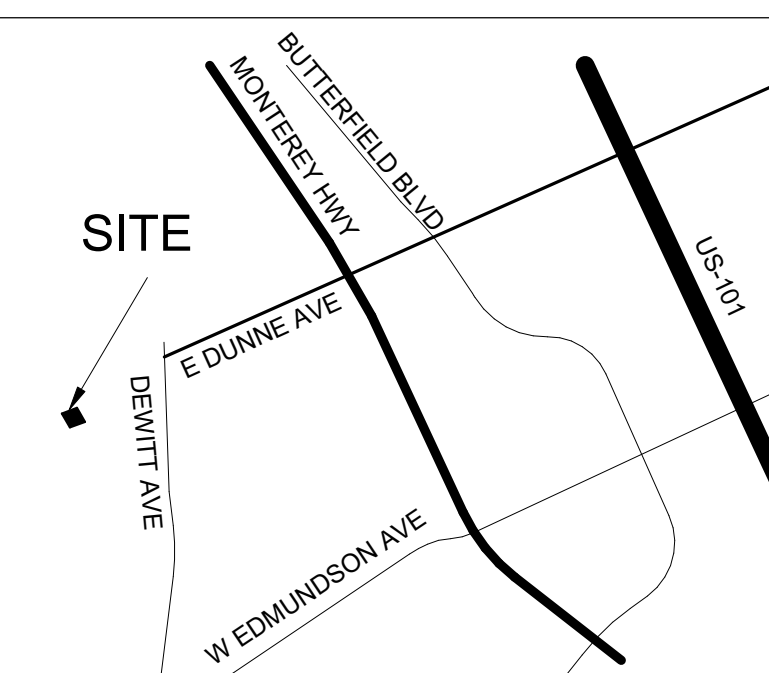
Rev. #	Description	Date

Rev. #	Description	Date

EXISTING AERIAL VIEW OF SITE



VICINITY MAP



WEST HILLS COMMUNITY CHURCH
 16695 DeWitt Ave
 Morgan Hill, CA. 95037
 Client: WHCC

Rev. #	Description	Date

Project Number: 23041
Date: MAR. 13, 2024
Drawn by: EK/NS
Checked by: JD

Sheet Title:
GENERAL INFORMATION

PA0



VIEW L
NS L



VIEW I
NS I



VIEW F
NS F



VIEW C
NS C



VIEW K
NS K



VIEW H
NS H



VIEW E
NS E



VIEW B
NS B



VIEW J
NS J



VIEW G
NS G



VIEW D
NS D



VIEW A
NS A



KEY PLAN
NS 1



ARCHITECTURE

307 Orchard City Dr., Ste 350
Campbell, CA 95008
408.265.5255

JEFFREY EATON ARCHITECT, INC.
A CALIFORNIA CORPORATION

WEST HILLS COMMUNITY
CHURCH

16695 DeWitt Ave
Morgan Hill, CA, 95037
Client: WHCC

Rev. #	Description	Date
ISSUED FOR SUBMITTAL		03/13/24

Project Number: 23041
Date: MAR. 13, 2024
Drawn by: NS
Checked by: JE

Sheet Title:
EXISTING SITE
PHOTOGRAPHS

PA2

LEGEND

- PROPERTY LINE
- ℙ XX.XX' LENGTH OF PROPERTY LINE



ARCHITECTURE

307 Orchard City Dr., Ste 350
Campbell, CA 95008
408.265.5255

JEFFREY EATON ARCHITECT, INC
A CALIFORNIA CORPORATION

AREA OF WORK



WEST HILLS COMMUNITY CHURCH

16695 DeWitt Ave
Morgan Hill, CA, 95037
Client: WHCC

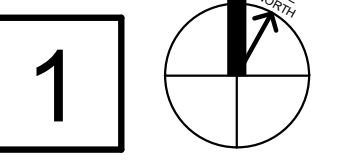
Rev. #	Description	Date
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Project Number: 23041
Date: MAR. 13, 2024
Drawn by: Author
Checked by: Checker

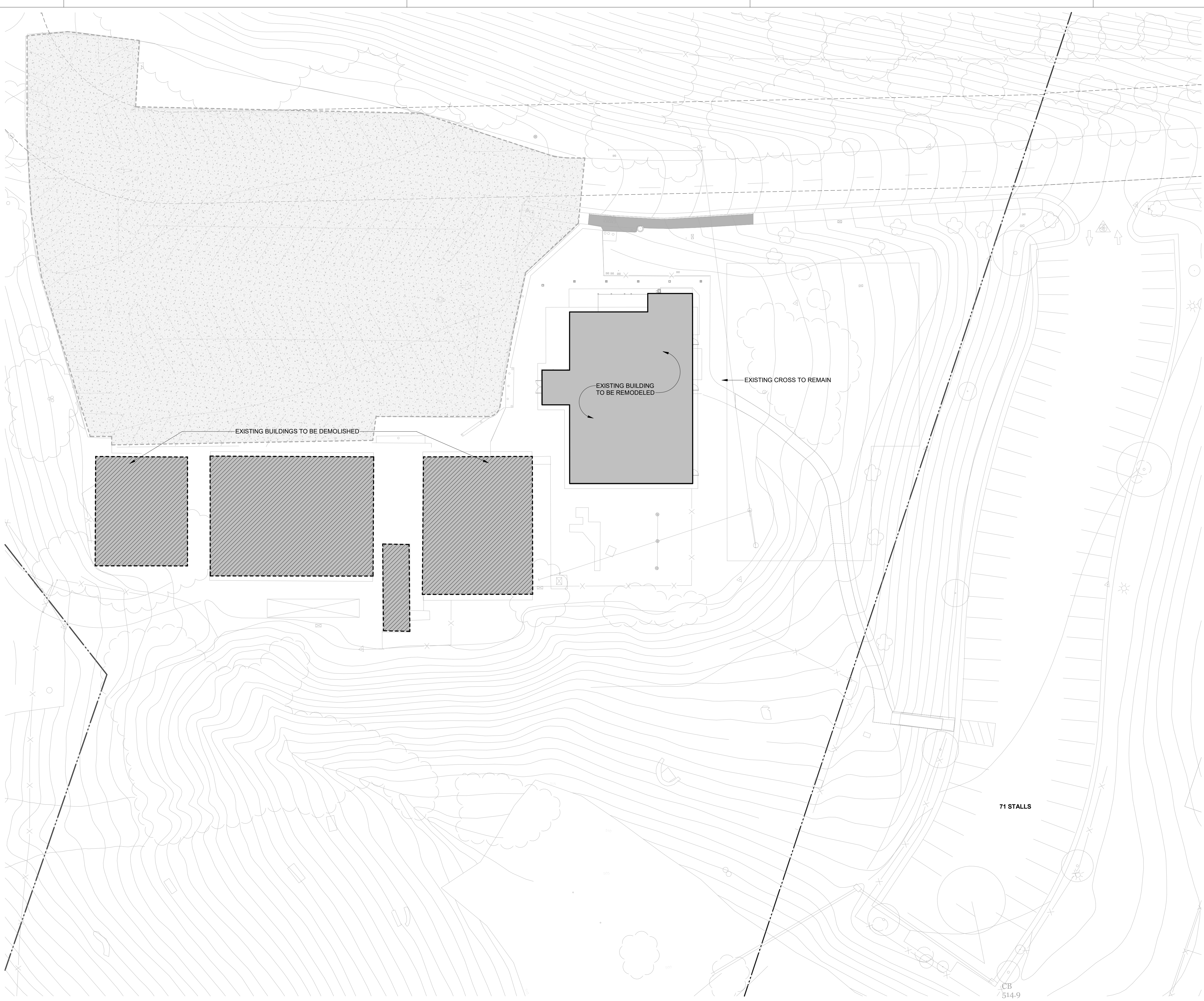
Sheet Title:
OVERALL EXISTING SITE PLAN

OVERALL EXISTING SITE PLAN

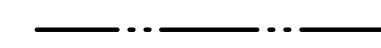

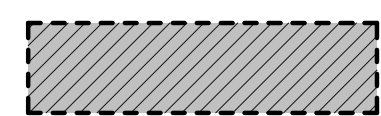

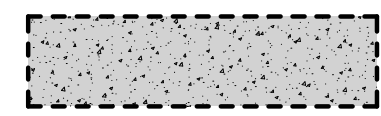
1" = 50'-0"



PA3



LEGEND

-  PROPERTY LINE
-  (E) OSA'S EASEMENT
-  (E) STRUCTURE TO BE REMOVED OR DEMOLISHED
-  (E) STRUCTURE TO BE REMODELED
-  (E) ASPHALT TO BE REMOVED

SITE TABULATION

EXISTING SITE AREA:	250,470 SF
EXISTING BUILDING AREA TO BE DEMOLISHED:	8,491 SF

PARKING TABULATION

EXISTING PARKING TOTAL:	171 STALLS
EAST LOT:	71 STALLS
WEST LOT:	100 STALLS
EXISTING PARKING TO BE DEMOLISHED (WEST LOT):	100 STALLS



307 Orchard City Dr., Ste 350
Campbell, CA 95008
408.265.5255

JEFFREY EATON ARCHITECT, INC
A CALIFORNIA CORPORATION

WEST HILLS COMMUNITY

CHURCH
16695 DeWitt Ave
Morgan Hill, CA, 95037
Client: WHCC

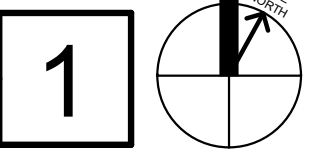
Rev. #	Description	Date
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Project Number: 23041
Date: MAR. 13, 2024
Drawn by: Author
Checked by: Checker

Sheet Title:
**EXISTING/DEMO
SITE PLAN**

PA4

EXISTING/ DEMO SITE PLAN





LEGEND

- PROPOSED CONCRETE WALKS
- PROPOSED ASPHALT
- PROPOSED LANDSCAPED AREA
- EXISTING BUILDING BOUNDARY
- EXISTING OSA EASEMENT
- PROPOSED OSA EASEMENT

SITE TABULATION

	SQUARE FEET		PERCENTAGE OF SITE	
	EXISTING	PROPOSED (E) + NEW	EXISTING	PROPOSED (E) + NEW
SITE AREA	250,470 SF			
BUILDING COVERAGE TOTAL	12,931 SF	19,397 SF	5.2%	7.8 %
EDUCATION	8,491 SF	12,612 SF		
WORSHIP	4,440 SF	6,585 SF		
TRASH		200 SF		
LANDSCAPE COVERAGE	189,741 SF	197,270 SF	75.8 %	78.7 %
HARDSCAPE COVERAGE	47,798 SF	33,803 SF	19 %	13.5 %

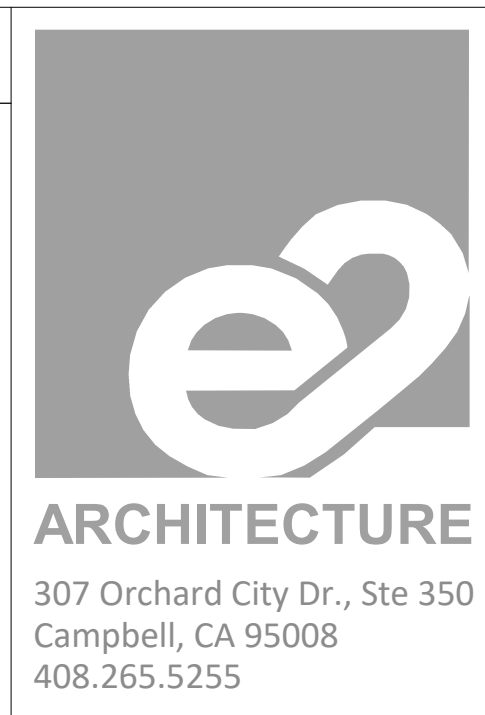
PARKING TABULATION

	REQUIRED PARKING		
	EXISTING AREA	TOTAL PROPOSED AREA	
EDUCATION (1 PER 2 EMPLOYEES)	8,491 SF	5,057 SF	10 EMPLOYEES = 5 STALLS
WORSHIP CENTER (1 / 35 SF)	3,212 SF	3,212 SF	3,212 SF / 35 SF = 91.7 = 92 STALLS
FELLOWSHIP HALL (1 / 35 SF)		2,696 SF	2,696 SF / 35 SF = 77 = 77 STALLS
TOTAL:	12,696 SF	10,861 SF	174 STALLS REQUIRED

PROPOSED PARKING

138 STALLS PROVIDED

NOTE: THE WORSHIP CENTER AND FELLOWSHIP HALL WILL NEVER BE IN USE AT THE SAME TIME



JEFFREY EATON ARCHITECT, INC
A CALIFORNIA CORPORATION

WEST HILLS COMMUNITY CHURCH
 16695 DeWitt Ave
 Morgan Hill, CA, 95037
 Client: WHCC

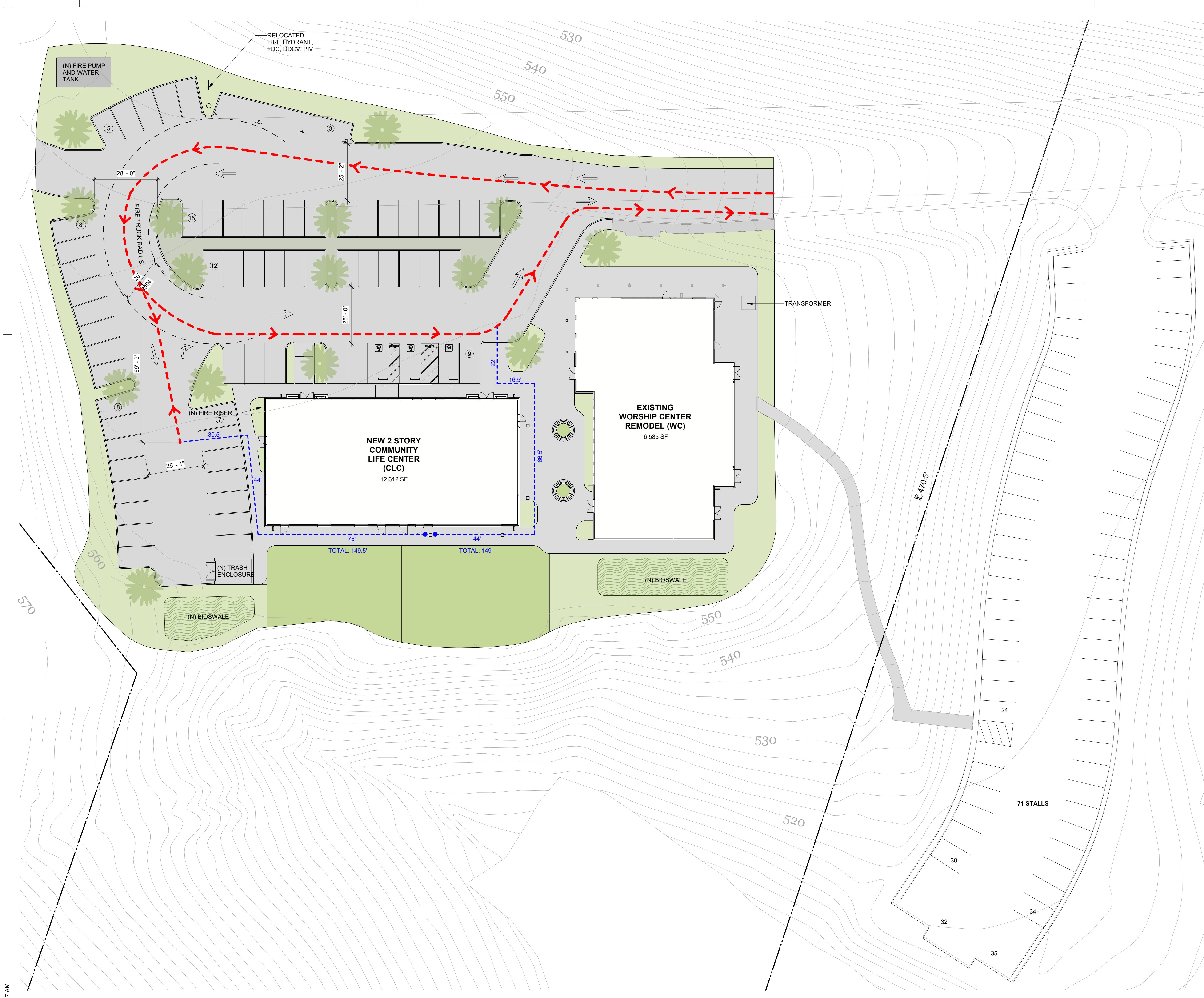
Rev. #	Description	Date
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Project Number: 23041
 Date: MAR. 13, 2024
 Drawn by: JD
 Checked by: JE

Sheet Title:
PROPOSED SITE PLAN

PA5

5/9/2025 10:57:44 AM



LEGEND

	PROPOSED CONCRETE WALKS
	PROPOSED ASPHALT
	PROPOSED LANDSCAPED AREA
	FIRE APPARATUS ACCESS
	HOSE REACH < 150'



ARCHITECTURE
307 Orchard City Dr., Ste 350
Campbell, CA 95008
408.265.5255

JEFFREY EATON ARCHITECT, INC
A CALIFORNIA CORPORATION

WEST HILLS COMMUNITY CHURCH
16695 DeWitt Ave
Morgan Hill, CA, 95037
Client: WHCC

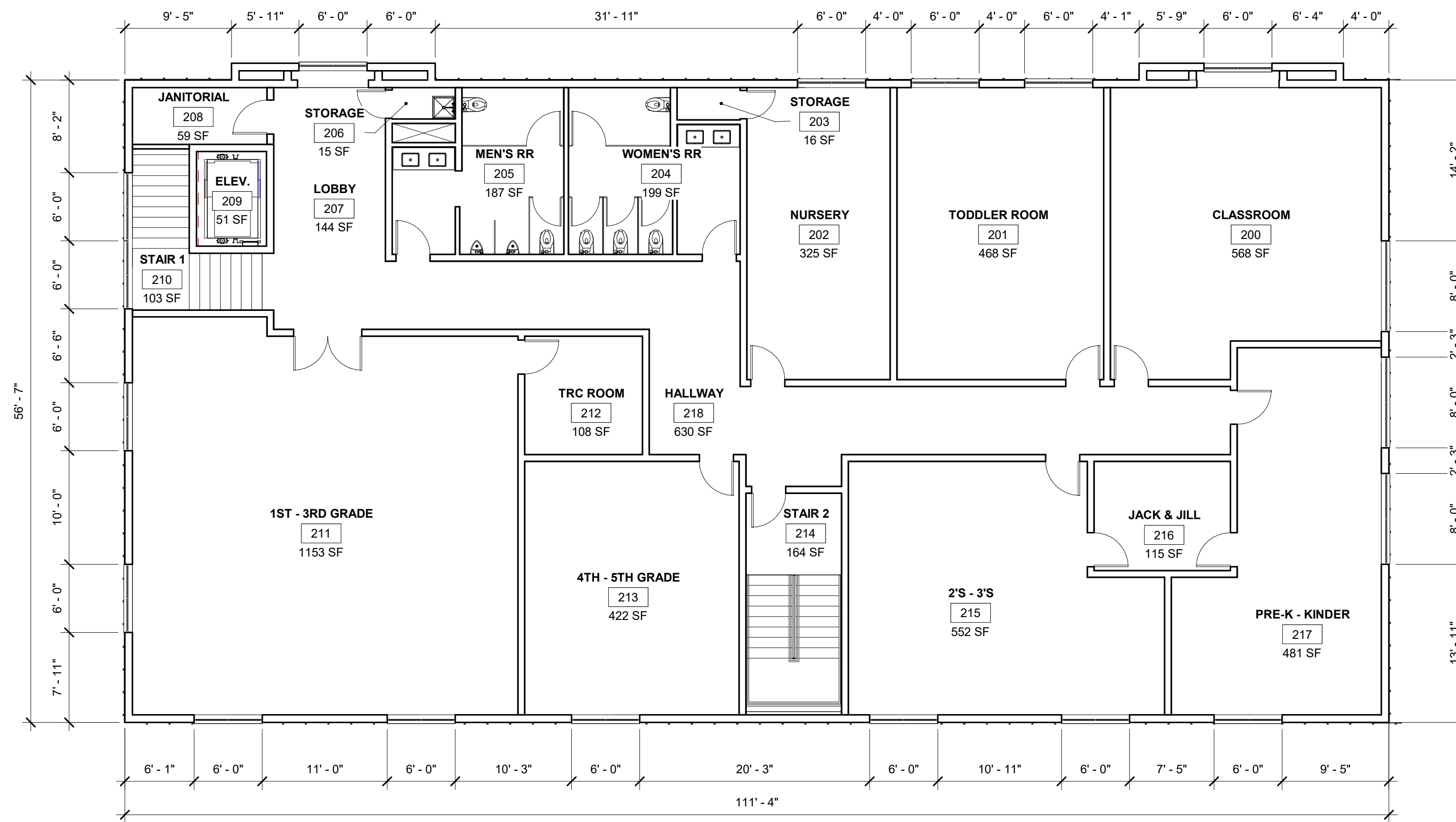
Rev. #	Description	Date

Project Number: 23041
Date: MAR. 13, 2024
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Checked by: Checker

Sheet Title:
PROPOSED SITE PLAN - FIRE ACCESS

PA6

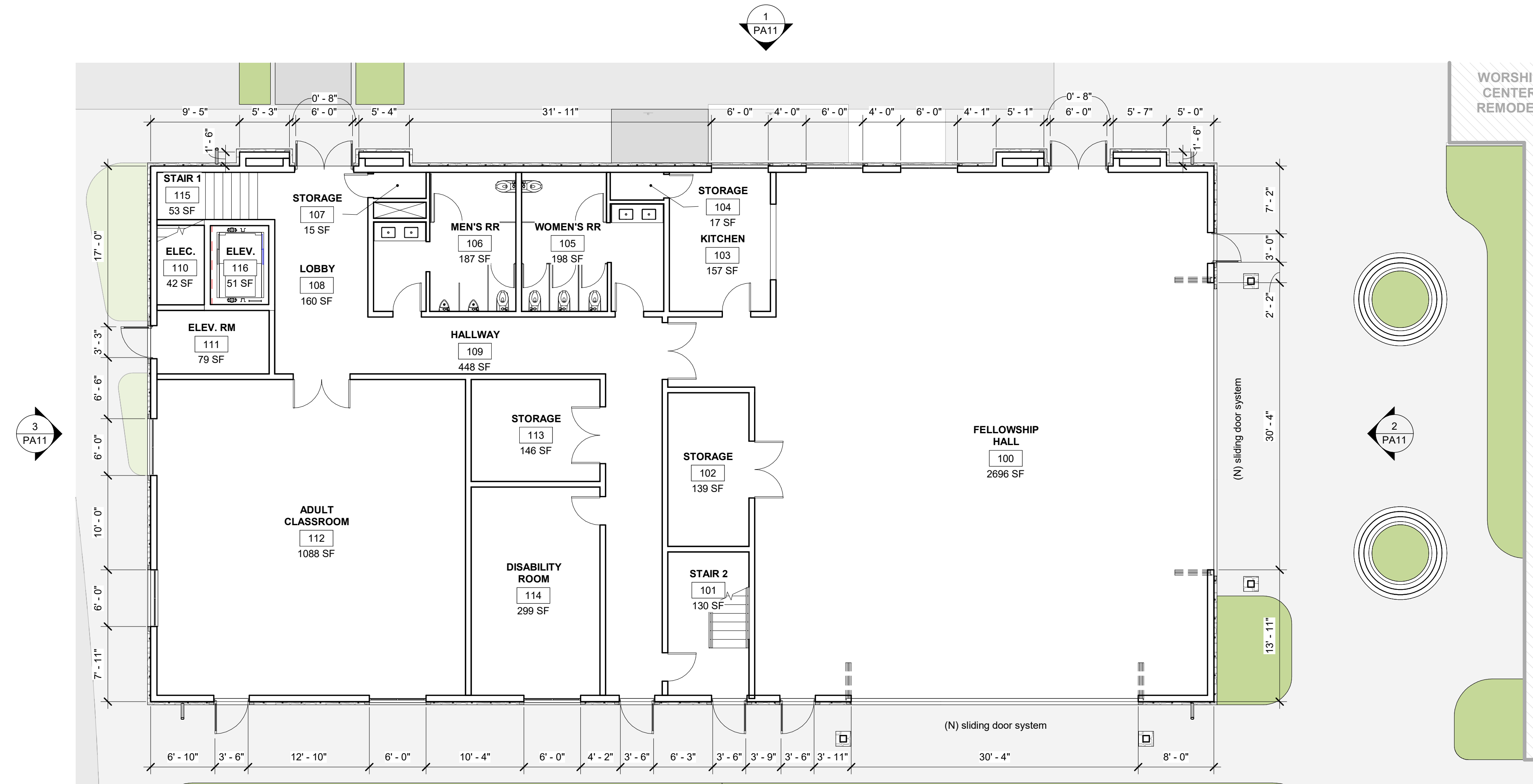
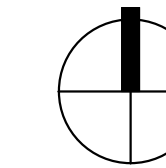
PROPOSED SITE PLAN 1
1" = 20'-0"



COMMUNITY LIFE CENTER - PROPOSED FLOOR PLAN - LEVEL 2

1/8" = 1'-0"

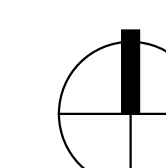
2



COMMUNITY LIFE CENTER - PROPOSED FLOOR PLAN - LEVEL 1

1/8" = 1'-0"

1



LEGEND

- EXISTING WALL
- NEW WALL, REFER TO WALL LEGEND TYPE
- EXISTING DOOR
- PROPOSED DOOR
- EXISTING WINDOW
- PROPOSED WINDOW / STOREFRONT

PLAN NOTES

1. EXISTING SHELL & CORE CONSTRUCTION SHOWN w/ POCHÉ AND OR SCREENED
2. REFER TO FURNITURE PLAN FOR FURNITURE LAYOUT, DIMENSIONS, ETC.
3. REFER TO INTERIOR ELEVATIONS FOR ADDITIONAL DIMENSIONS DESCRIBING PARTIAL HEIGHT WALLS, CASEWORK LAYOUT, SPECIALTY OUTLET LOCATIONS, ETC.
4. REFER TO REFLECTED CEILING PLANS FOR SOFFITS, CEILING HEIGHTS & PLENUM BARRIER LOCATIONS.
5. REFER TO GENERAL INFORMATION AND CONSTRUCTION NOTES SHEETS FOR ADDITIONAL NOTES, LEGENDS, SYMBOLS, ABBREVIATIONS, & SCHEDULES.

KEYNOTES

KEY PLAN



ARCHITECTURE
307 Orchard City Dr., Ste 350
Campbell, CA 95008
408.265.5255

JEFFREY EATON ARCHITECT, INC.
A CALIFORNIA CORPORATION

WEST HILLS COMMUNITY
CHURCH
16695 DeWitt Ave
Morgan Hill, CA, 95037
Client: WHCC

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03/13/24	ISSUED FOR PD SUBMITTAL	

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Sheet Title:
CLC -
PROPOSED
FLOOR PLAN

PA7

LEGEND

DS (N) DOWNSPOUT

KEYNOTES

05.01	(N) STANDING SEAM METAL ROOFING, SEE MATERIAL LEGEND, TYP.
05.02	(N) TIMBER FRAME AWNING, SEE MATERIAL LEGEND, TYP.



ARCHITECTURE

307 Orchard City Dr., Ste 350
Campbell, CA 95008
408.265.5255

JEFFREY EATON ARCHITECT, INC
A CALIFORNIA CORPORATION

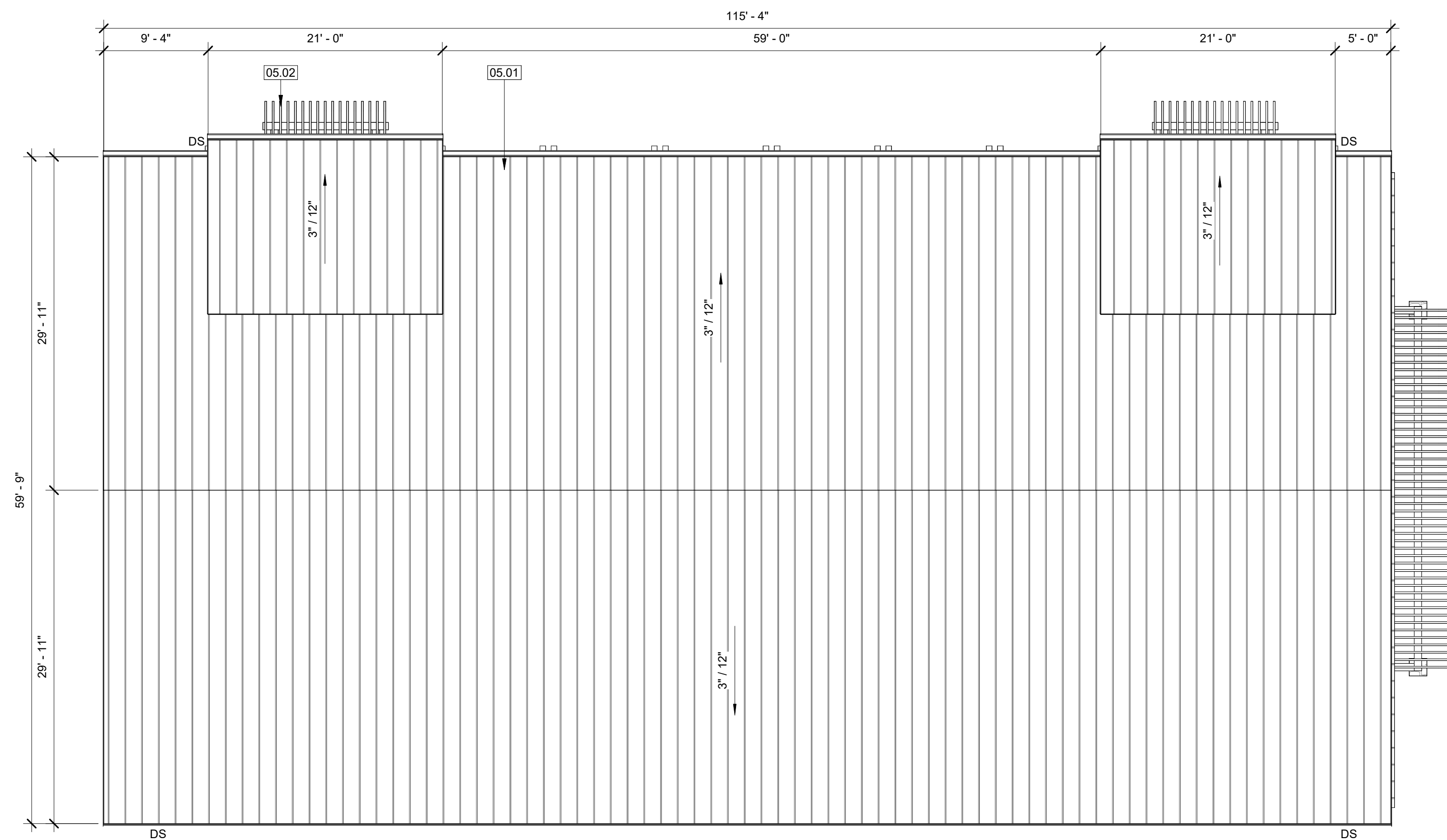
WEST HILLS COMMUNITY CHURCH

16695 DeWitt Ave
Morgan Hill, CA, 95037
Client: WHCC

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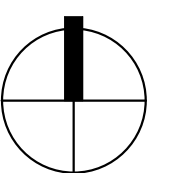
Sheet Title:
CLC - PROPOSED ROOF PLAN



CLC PROPOSED ROOF PLAN

1/8" = 1'-0"

1



PA9



ARCHITECTURE

307 Orchard City Dr., Ste 350
Campbell, CA 95008
408.265.5255

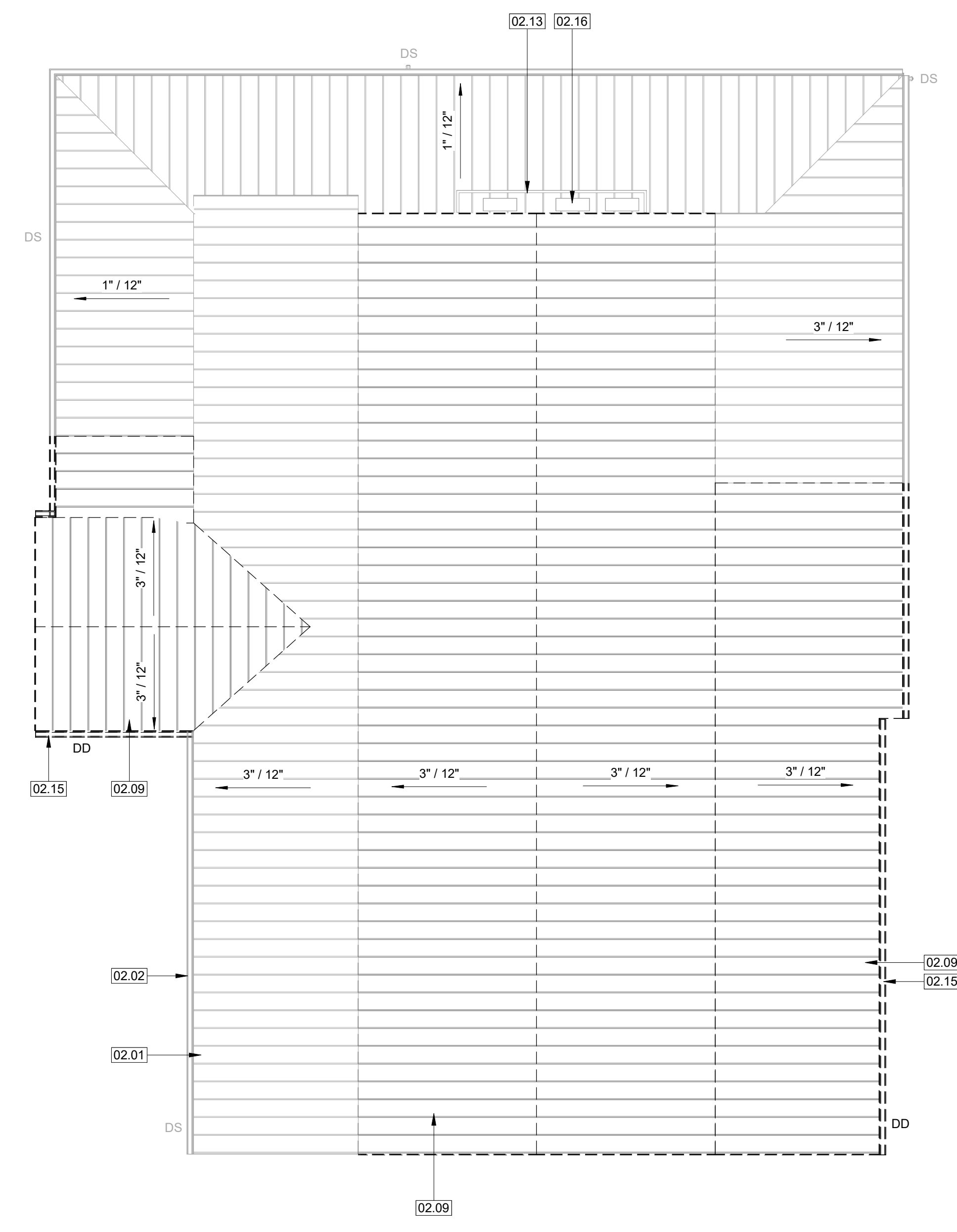
JEFFREY EATON ARCHITECT, INC
A CALIFORNIA CORPORATION

LEGEND

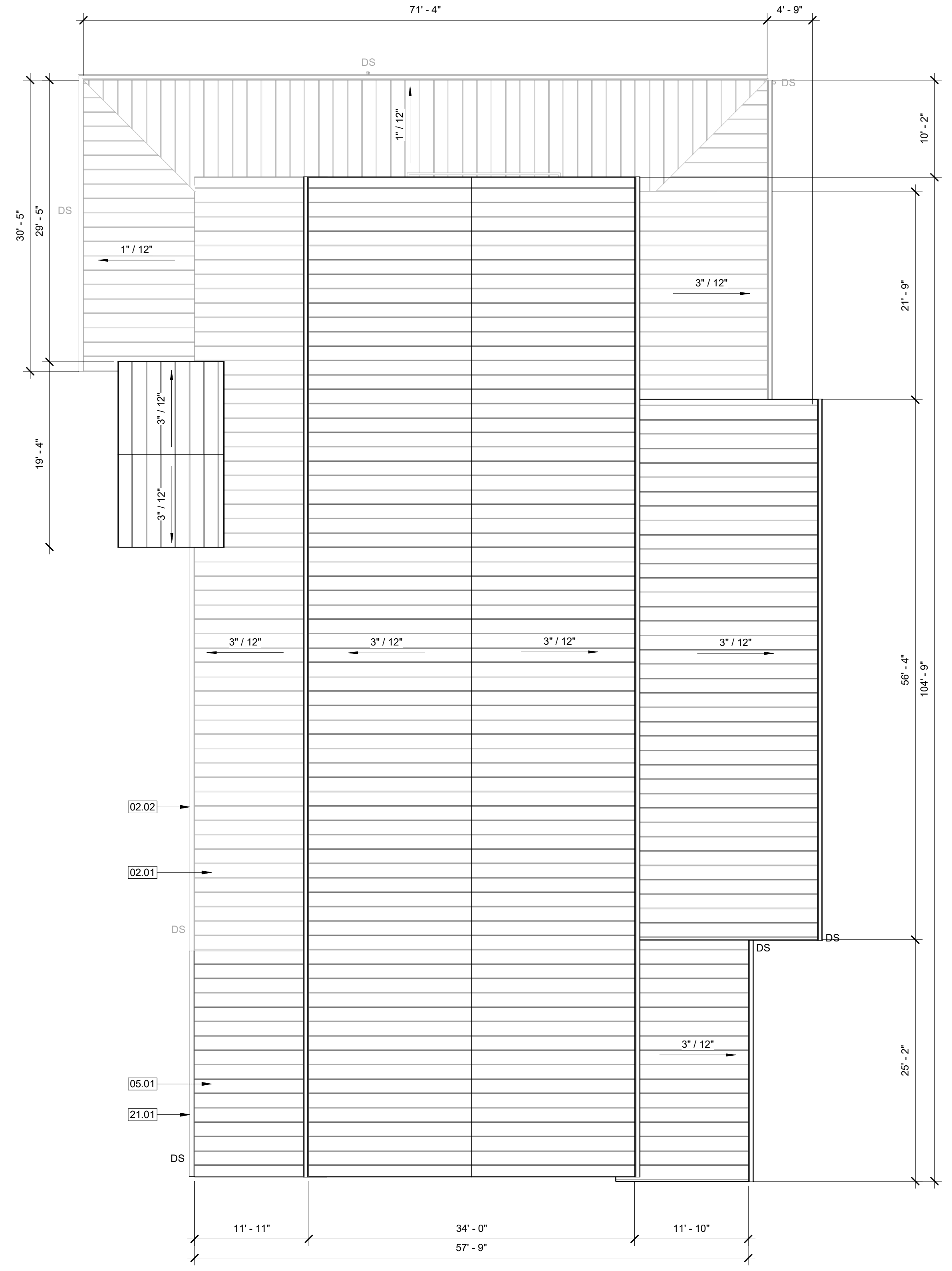
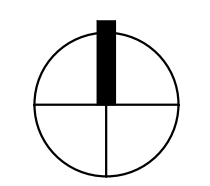
- DS (E) DOWNSPOUT TO REMAIN
- DD (E) DOWNSPOUT TO BE DEMOLISHED
- DS (N) DOWNSPOUT

KEYNOTES

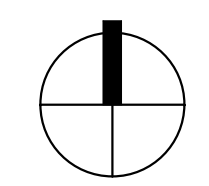
02.01	(E) STANDING SEAM METAL ROOF TO REMAIN, TYP.
02.02	(E) FASCIA & GUTTER TO REMAIN, TYP.
02.09	(E) METAL ROOF TO BE DEMOLISHED, TYP.
02.13	(E) WOOD LATTICE EQUIPMENT SCREEN TO REMAIN
02.15	(E) FASCIA & GUTTER TO BE DEMOLISHED, TYP.
02.16	(E) MECHANICAL EQUIPMENT TO REMAIN, TYP.
05.01	(N) STANDING SEAM METAL ROOFING, SEE MATERIAL LEGEND, TYP.
21.01	(N) FASCIA & GUTTER, TYP.



WC EXISTING/DEMO ROOF PLAN 2
1/8" = 1'-0"



WC PROPOSED ROOF PLAN 1
1/8" = 1'-0"



WEST HILLS COMMUNITY CHURCH

16695 DeWitt Ave
Morgan Hill, CA. 95037
Client: WHCC



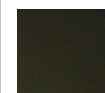


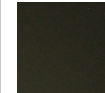


Rev. #	Description	Date
	ISSUED FOR PD SUBMITTAL	03/13/24

Project Number: 23041
Date: MAR. 13, 2024
Drawn by: NS
Checked by: JE

Sheet Title:
WC - EXISTING/DEMO & PROPOSED ROOF PLAN

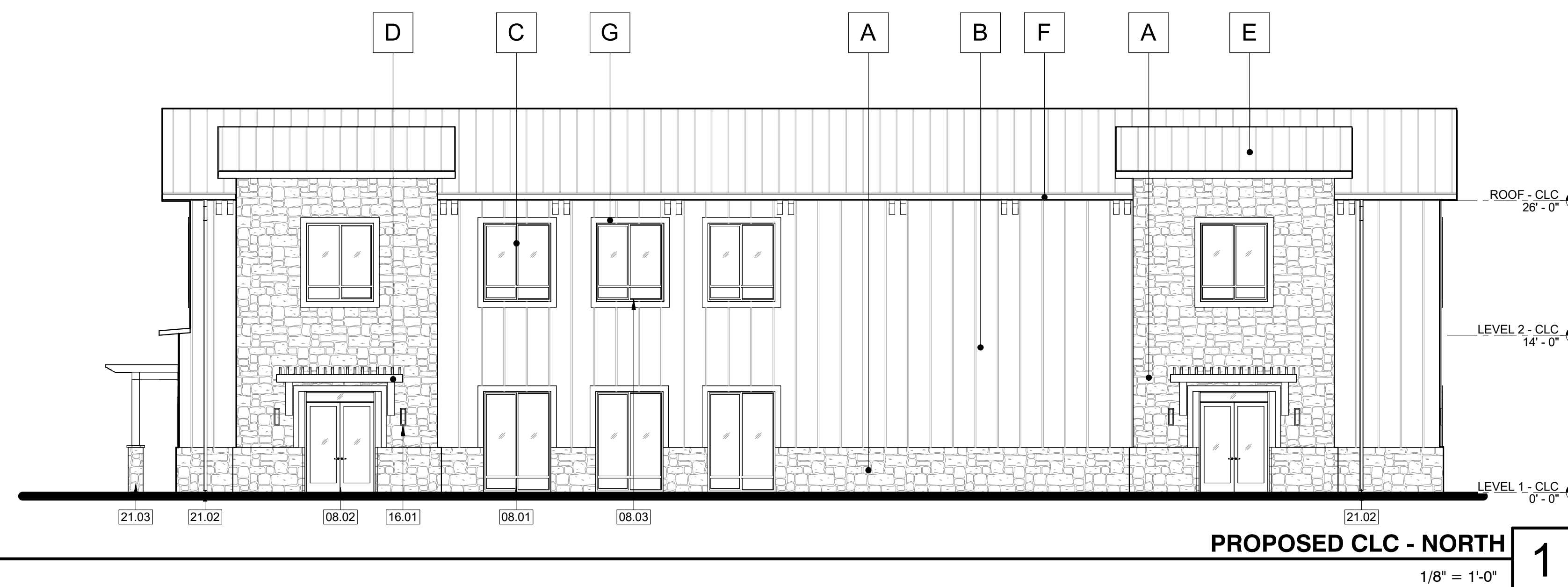
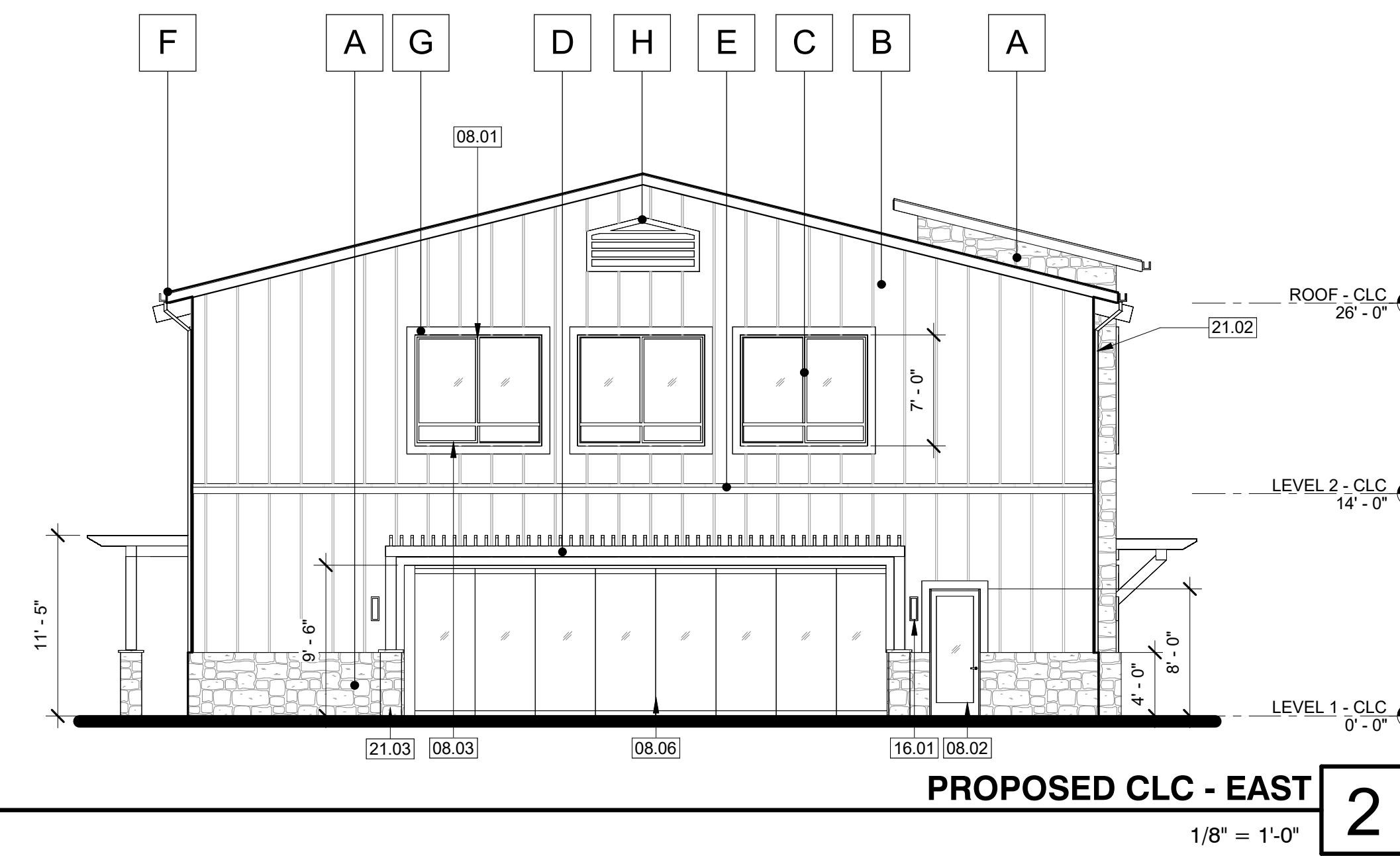
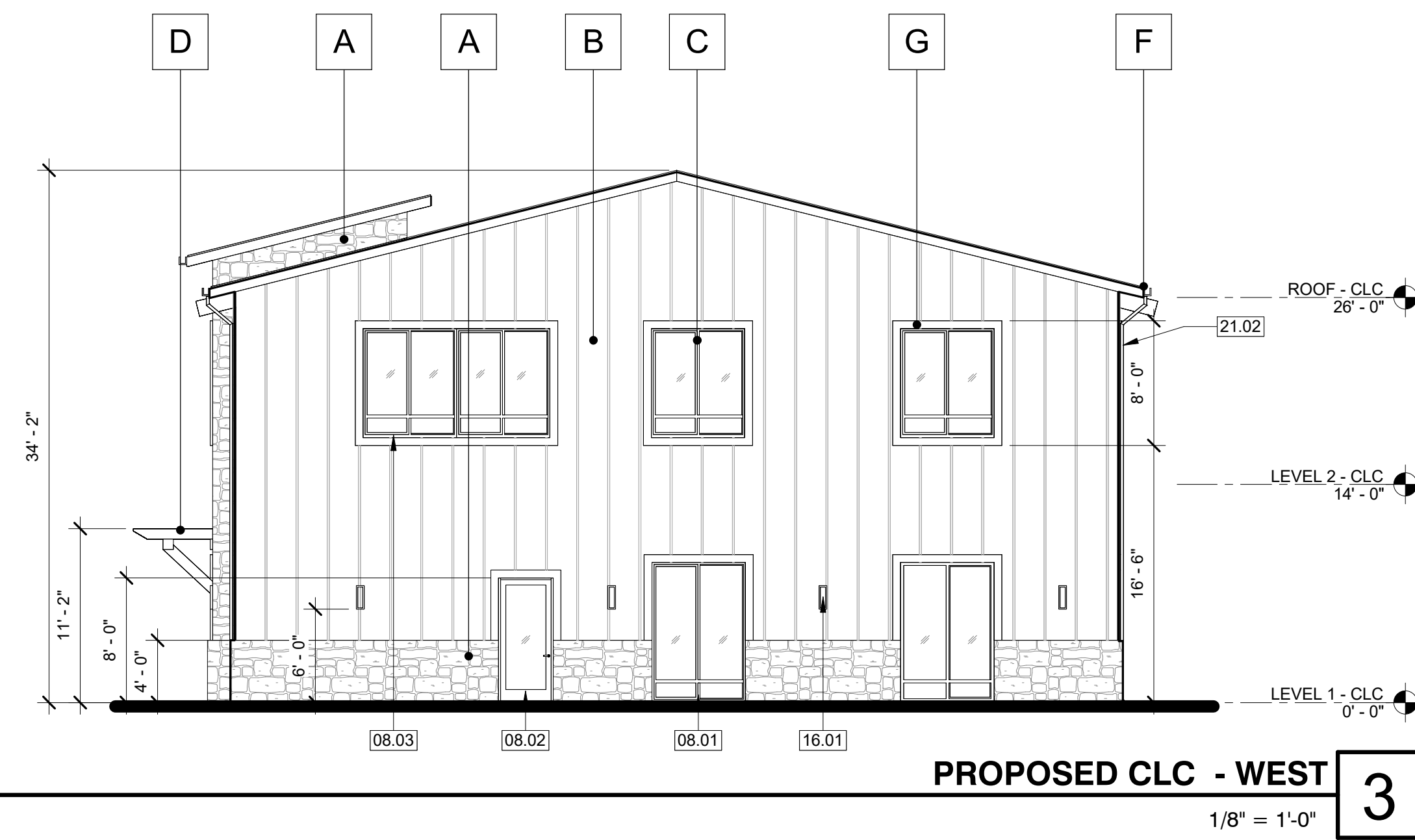
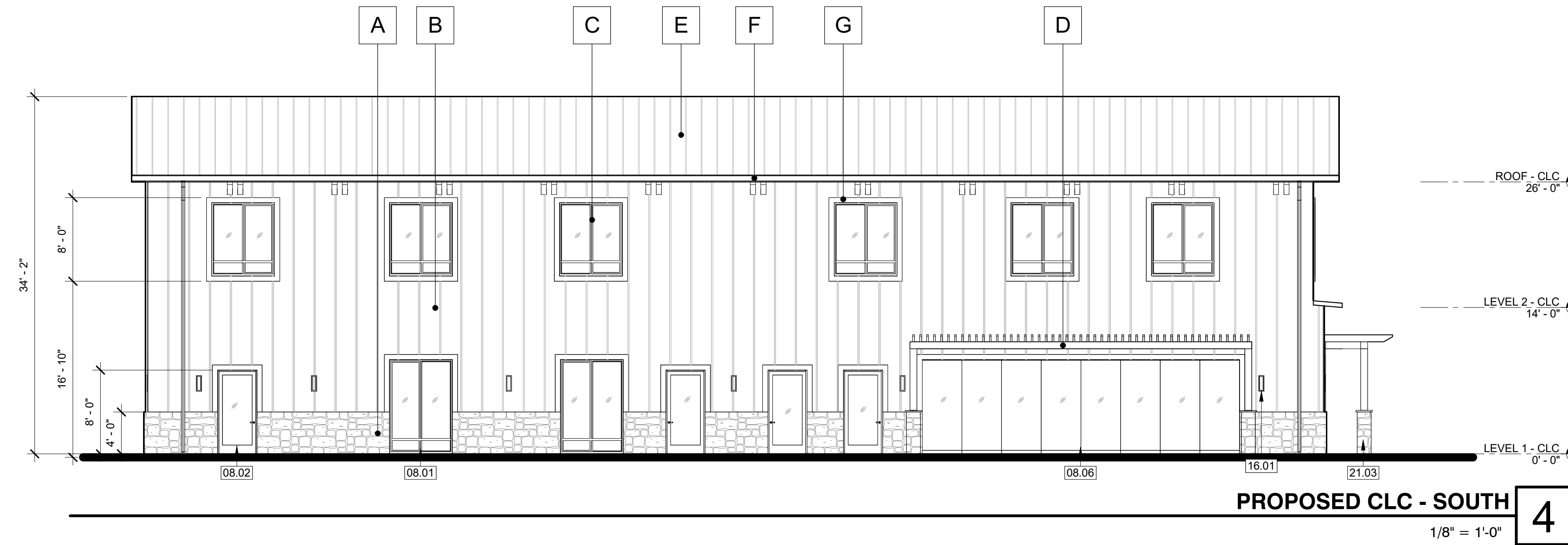
PA10

MATERIAL LEGEND

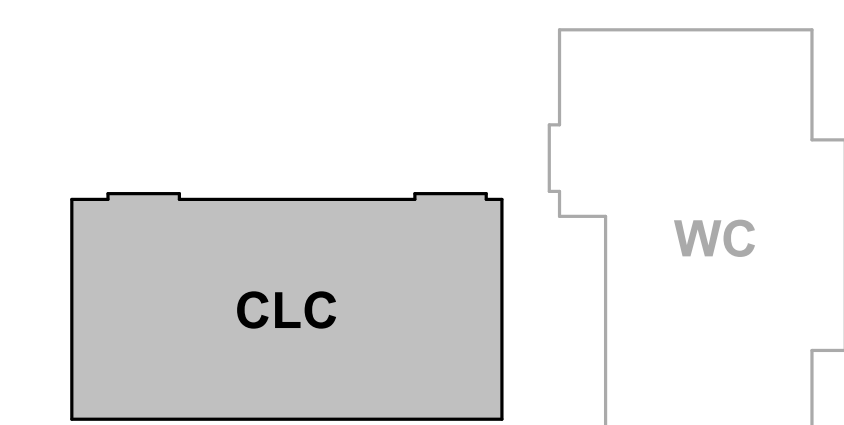
	(N) STONE SIDING COLOR: MADRONA OR SIMILAR MANUFACTURER: TBD
	(N) PAINTED BOARD & BATTEN FIBER CEMENT SIDING COLOR: FOGGY DAY OR SIMILAR MANUFACTURER: TBD
	(N) ANODIZED ALUMINUM MULLION COLOR: ANODIZED BRONZE MANUFACTURER: TBD
	(N) TIMBER FRAME AWNING COLOR: TBD MANUFACTURER: TBD
	(N) STANDING SEAM METAL ROOFING COLOR: ASH GREY SRI-58 OR SIMILAR MANUFACTURER: TBD
	(N) ANODIZED ALUMINUM FASCIA & GUTTER COLOR: ANODIZED BRONZE MANUFACTURER: TBD
	(N) PAINTED WOOD TRIM COLOR: COCOA OR SIMILAR MANUFACTURER: TBD
	(N) PAINTED LOUVERED VENT COLOR: COCOA OR SIMILAR MANUFACTURER: TBD

KEYNOTES

08.01	(N) STOREFRONT WINDOW SYSTEM, TYP.
08.02	(N) STOREFRONT DOOR, TYP.
08.03	(N) WINDOW, TYP.
08.06	(N) NANAWALL SYSTEM
16.01	(N) WALL MOUNT EXTERIOR LIGHTING, TYP.
21.02	(N) DOWNSPOUT, TYP.
21.03	(N) WOOD COLUMN W/ STONE SIDING, TYP.



KEY PLAN



ARCHITECTURE
307 Orchard City Dr., Ste 350
Campbell, CA 95008
408.265.5255

JEFFREY EATON ARCHITECT, INC
A CALIFORNIA CORPORATION

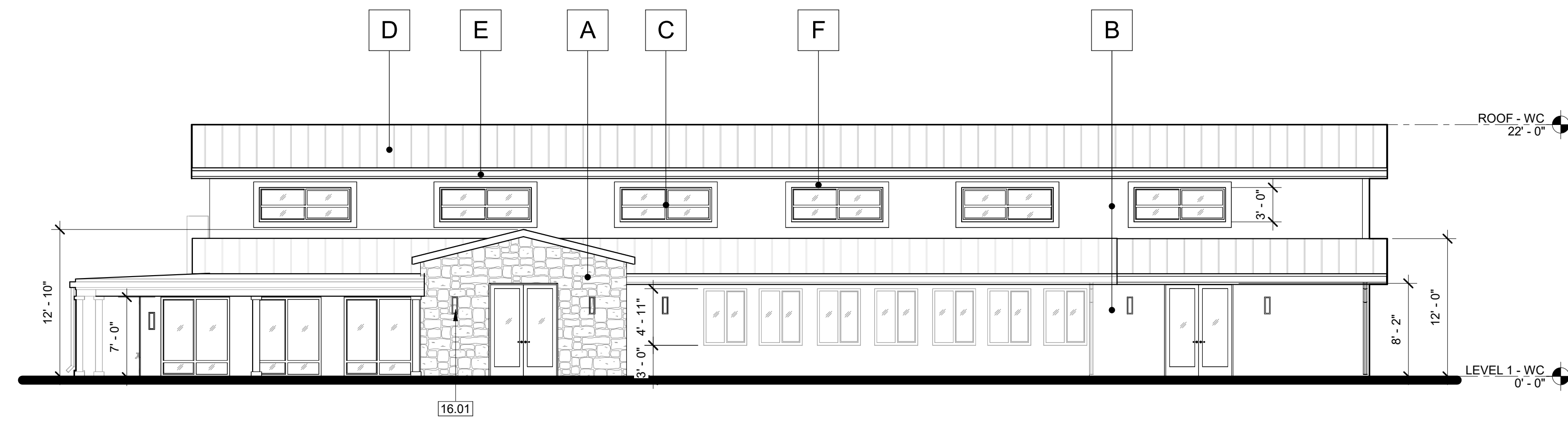
**WEST HILLS COMMUNITY
CHURCH**
16695 DeWitt Ave
Morgan Hill, CA, 95037
Client: WHCC

Rev. #	Description	Date
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Drawn by: NS
Checked by: JE

Sheet Title:
**CLC -
PROPOSED
EXTERIOR
ELEVATIONS**

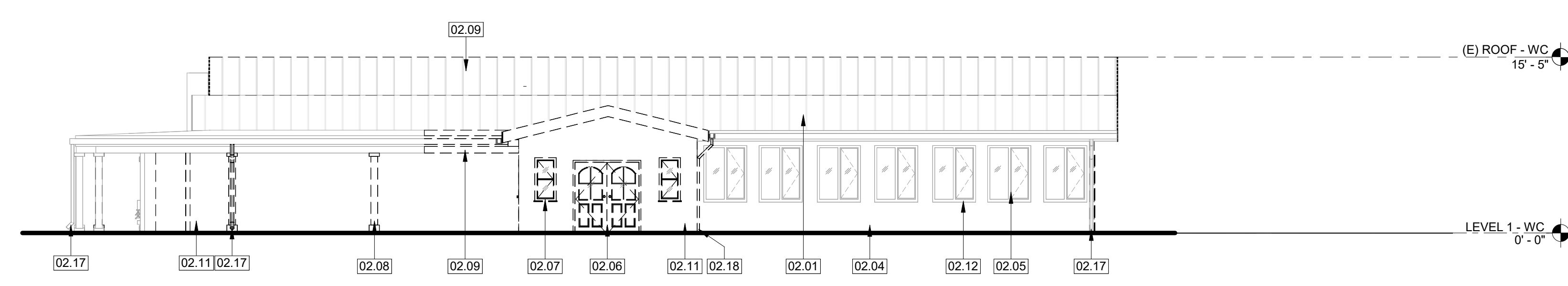
PA11



PROPOSED WORSHIP CENTER - WEST

4

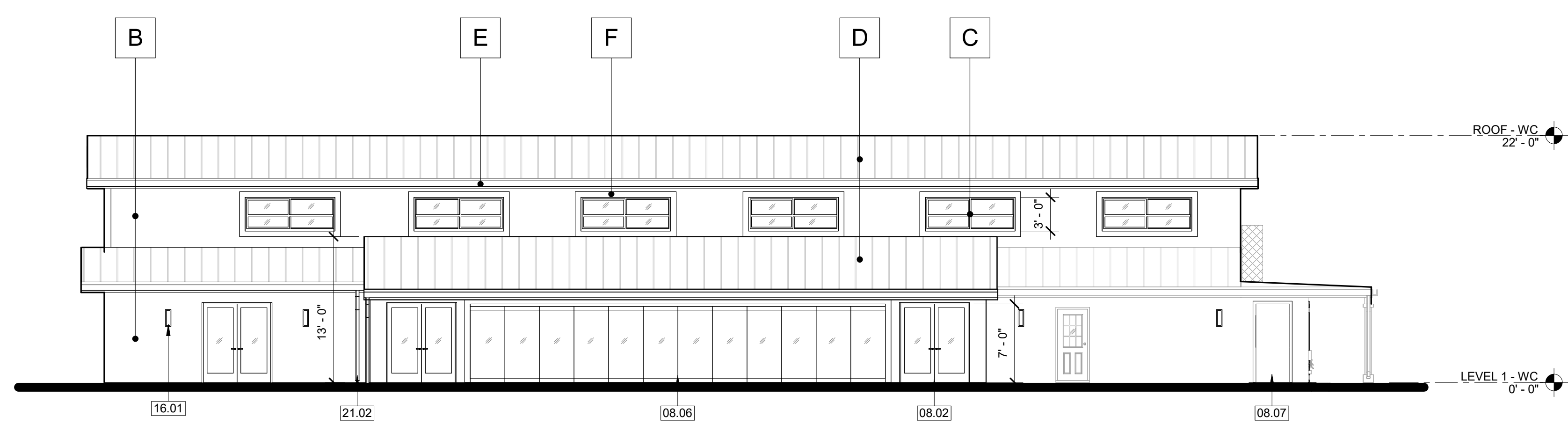
1/8" = 1'-0"



EXISTING/DEMO WORSHIP CENTER - WEST

3

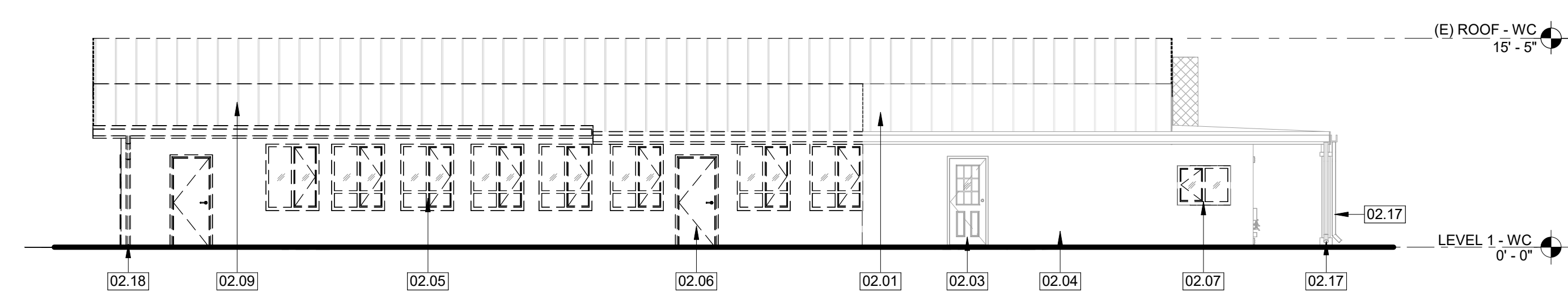
1/8" = 1'-0"



PROPOSED WORSHIP CENTER - EAST

2

1/8" = 1'-0"



EXISTING/DEMO WORSHIP CENTER - EAST

1

1/8" = 1'-0"

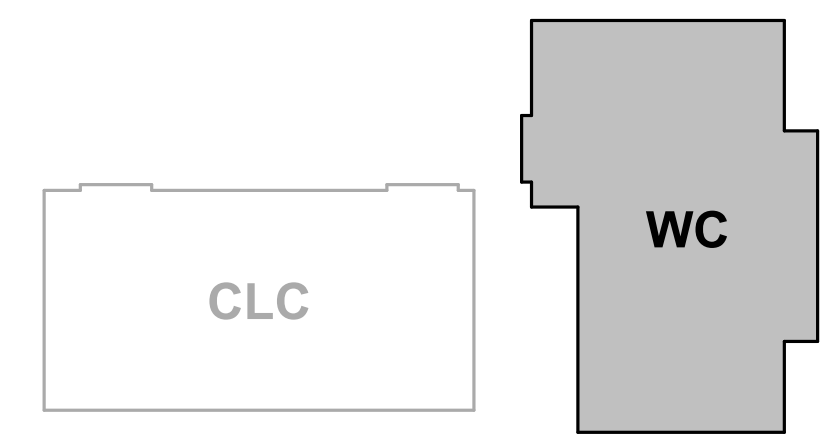
MATERIAL LEGEND

- A** (N) STONE SIDING
COLOR: MADRONA OR SIMILAR
MANUFACTURER: TBD
- B** (N) STUCCO
COLOR: FOGGY DAY OR SIMILAR
MANUFACTURER: TBD
- C** (N) ANODIZED ALUMINUM MULLION
COLOR: ANODIZED BRONZE
MANUFACTURER: TBD
- D** (N) STANDING SEAM METAL ROOFING TO MATCH EXISTING
- E** (N) ANODIZED ALUMINUM FASCIA & GUTTER TO MATCH EXISTING
- F** (N) PAINTED WOOD TRIM
COLOR: COCOA OR SIMILAR
MANUFACTURER: TBD

KEYNOTES

02.01	(E) STANDING SEAM METAL ROOF TO REMAIN, TYP.
02.03	(E) DOOR TO REMAIN, TYP.
02.04	(E) STUCCO TO BE RE-PAINTED TO MATCH PROPOSED, TYP.
02.05	(E) WINDOW MULLION TO BE RE-PAINTED TO MATCH PROPOSED, TYP.
02.06	(E) DOOR TO BE DEMOLISHED, TYP.
02.07	(E) WINDOW TO BE DEMOLISHED, TYP.
02.08	(E) COLUMN TO BE DEMOLISHED, TYP.
02.09	(E) METAL ROOF TO BE DEMOLISHED, TYP.
02.11	(E) WALL TO BE DEMOLISHED, TYP.
02.12	(E) TRIM TO BE RE-PAINTED TO MATCH PROPOSED, TYP.
02.17	(E) DOWNSPOUT TO REMAIN, TYP.
02.18	(E) DOWNSPOUT TO BE DEMOLISHED, TYP.
08.02	(N) STOREFRONT DOOR, TYP.
08.06	(N) NANAWALL SYSTEM
08.07	(N) DOOR, TYP.
16.01	(N) WALL MOUNT EXTERIOR LIGHTING, TYP.
21.02	(N) DOWNSPOUT, TYP.

KEY PLAN



ARCHITECTURE
307 Orchard City Dr., Ste 350
Campbell, CA 95008
408.265.5255

JEFFREY EATON ARCHITECT, INC
A CALIFORNIA CORPORATION

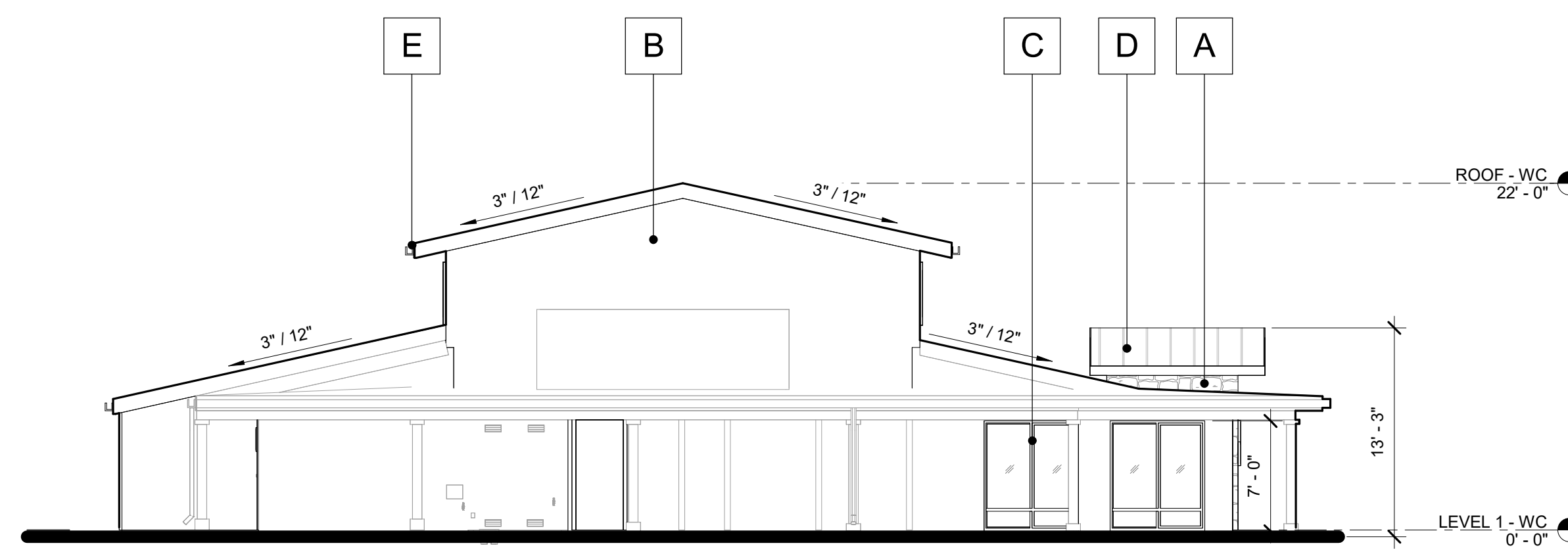
WEST HILLS COMMUNITY CHURCH
16695 DeWitt Ave
Morgan Hill, CA. 95037
Client: WHCC

Rev. #	Description	Date
	ISSUED FOR PD SUBMITTAL	03/13/24

Project Number: 23041
Date: MAR. 13, 2024
Drawn by: NS
Checked by: JE

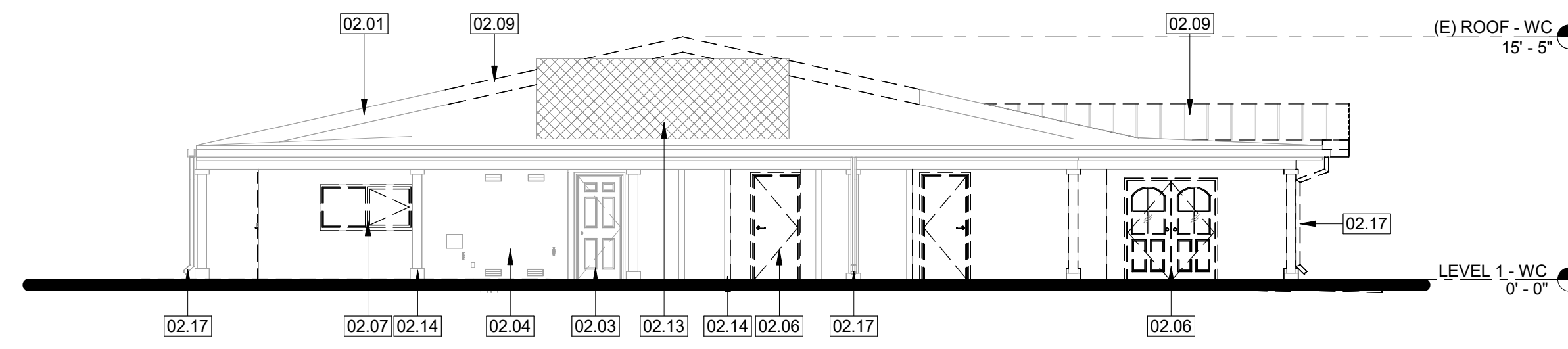
Sheet Title:
WC - EAST & WEST EXISTING/DEMO & PROPOSED EXTERIOR ELEVATIONS

PA12



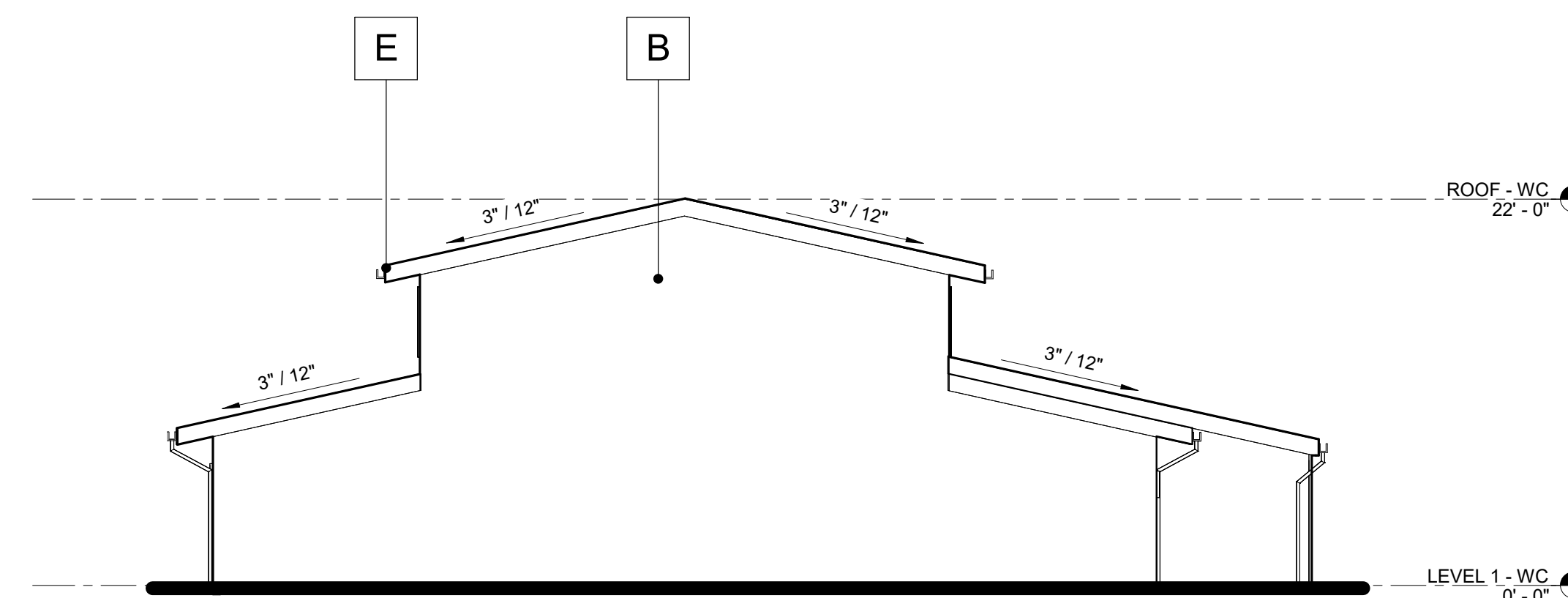
PROPOSED WORSHIP CENTER - NORTH 4

1/8" = 1'-0"



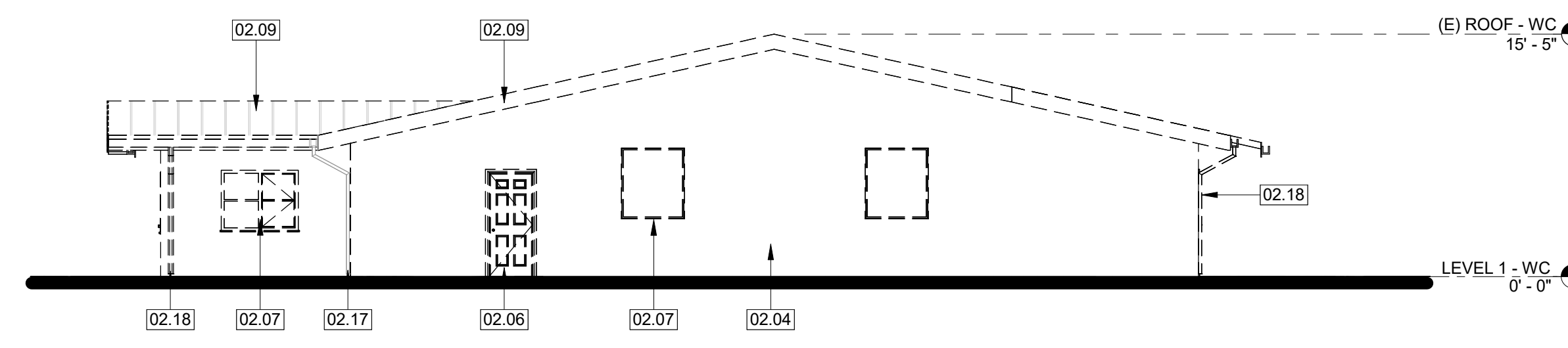
EXISTING/DEMO WORSHIP CENTER - NORTH 3

1/8" = 1'-0"



PROPOSED WORSHIP CENTER - SOUTH 2

1/8" = 1'-0"



EXISTING/DEMO WORSHIP CENTER - SOUTH 1

1/8" = 1'-0"

MATERIAL LEGEND

- A **(N) STONE SIDING**
COLOR: MADRONA OR SIMILAR
MANUFACTURER: TBD
- B **(N) STUCCO**
COLOR: FOGGY DAY OR SIMILAR
MANUFACTURER: TBD
- C **(N) ANODIZED ALUMINUM MULLION**
COLOR: ANODIZED BRONZE
MANUFACTURER: TBD
- D **(N) STANDING SEAM METAL ROOFING TO MATCH EXISTING**
- E **(N) ANODIZED ALUMINUM FASCIA & GUTTER TO MATCH EXISTING**
- F **(N) PAINTED WOOD TRIM**
COLOR: COCOA OR SIMILAR
MANUFACTURER: TBD

KEYNOTES

02.01	(E) STANDING SEAM METAL ROOF TO REMAIN, TYP.
02.03	(E) DOOR TO REMAIN, TYP.
02.04	(E) STUCCO TO BE RE-PAINTED TO MATCH PROPOSED, TYP.
02.06	(E) DOOR TO BE DEMOLISHED, TYP.
02.07	(E) WINDOW TO BE DEMOLISHED, TYP.
02.09	(E) METAL ROOF TO BE DEMOLISHED, TYP.
02.13	(E) WOOD LATTICE EQUIPMENT SCREEN TO REMAIN
02.14	(E) COLUMN TO REMAIN, TYP.
02.17	(E) DOWNSPOUT TO REMAIN, TYP.
02.18	(E) DOWNSPOUT TO BE DEMOLISHED, TYP.



ARCHITECTURE
307 Orchard City Dr., Ste 350
Campbell, CA 95008
408.265.5255

JEFFREY EATON ARCHITECT, INC.
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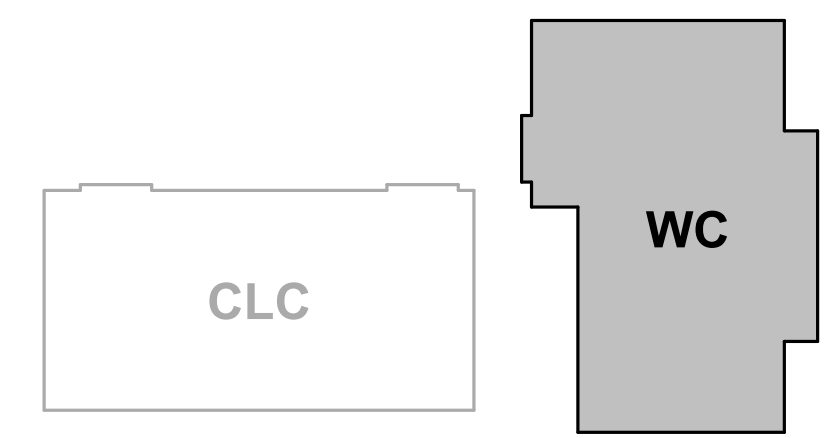
**WEST HILLS COMMUNITY
CHURCH**

16695 DeWitt Ave
Morgan Hill, CA, 95037
Client: WHCC

Rev. #	Description	Date
	ISSUED FOR PD SUBMITTAL	08/13/24

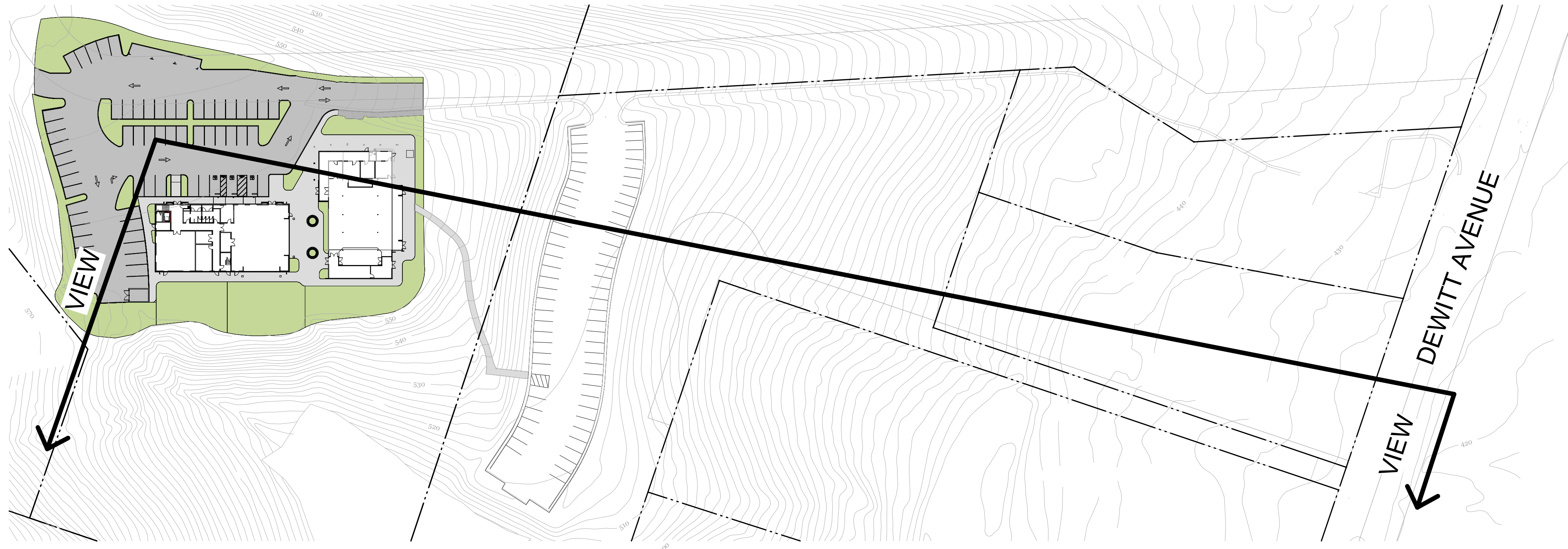
Project Number: 23041
Date: MAR. 13, 2024
Drawn by: NS
Checked by: JE

KEY PLAN

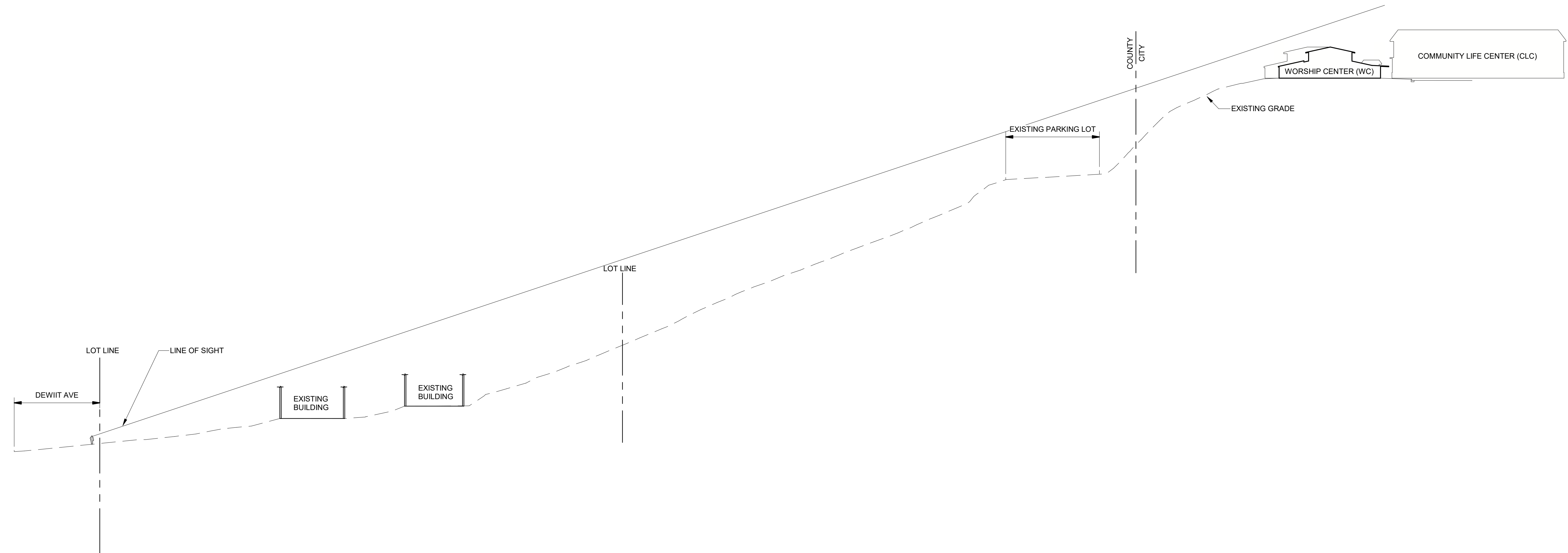


Sheet Title:
**WC - SOUTH &
NORTH
EXISTING/DEMO
& PROPOSED
EXTERIOR
ELEVATIONS**

PA13



PROPOSED SITE KEY PLAN 2
1" = 60'-0"



STREET VIEW SECTION 1
1" = 40'-0"



ARCHITECTURE

307 Orchard City Dr., Ste 350
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A CALIFORNIA CORPORATION

WEST HILLS COMMUNITY CHURCH

16695 DeWitt Ave
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Rev. #	Description	Date
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Project Number: 23041
Date: MAR. 13, 2024
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Sheet Title:
STREET VIEW SECTION

PA14



ARCHITECTURE

307 Orchard City Dr., Ste 350
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408.265.5255

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A CALIFORNIA CORPORATION

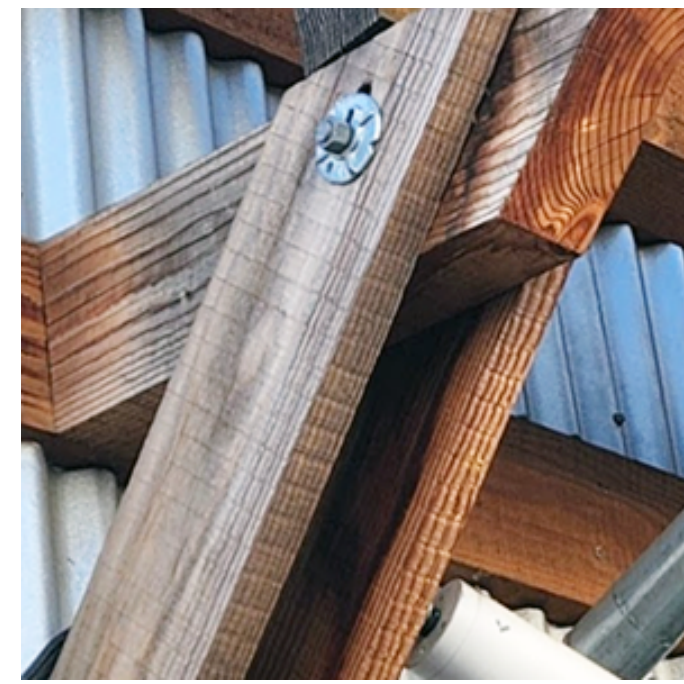
WEST HILLS COMMUNITY CHURCH
16695 DeWitt Ave
Morgan Hill, CA, 95037
Client: WHCC

Rev. #	Description	Date
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Project Number: 23041
Date: MAR. 13, 2024
Drawn by: NS
Checked by: JE

Sheet Title:
CLC - COLOR AND MATERIAL BOARD

PA 00



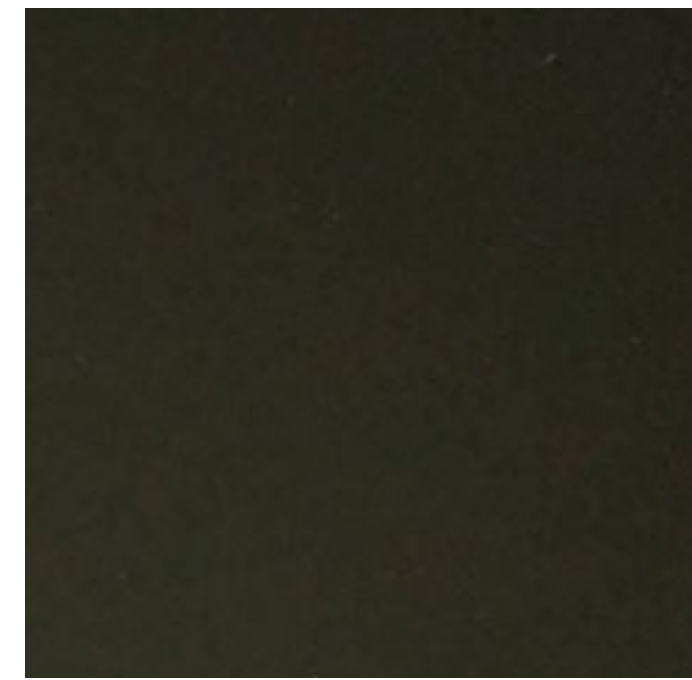
TIMBER FRAME AWNING

- COLOR: TBD
- MANUFACTURER: TBD



STANDING SEAM METAL ROOFING

- COLOR: ASH GREY SRI-58 OR SIMILAR
- MANUFACTURER: TBD



ANODIZED ALUMINUM FASCIA & MULLION

- COLOR: ANODIZED BRONZE
- MANUFACTURER: TBD



PAINTED WOOD TRIM

- COLOR: COCOA OR SIMILAR
- MANUFACTURER: TBD



EXTERIOR LIGHT FIXTURE

- COLOR: TBD
- MANUFACTURER: TBD



PAINTED BOARD & BATTEN FIBER CEMENT SIDING

- COLOR: FOGGY DAY OR SIMILAR
- MANUFACTURER: TBD



STONE SIDING

- COLOR: MADRONA OR SIMILAR
- MANUFACTURER: TBD



ARCHITECTURE

307 Orchard City Dr., Ste 350
Campbell, CA 95008
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JEFFREY EATON ARCHITECT, INC
A CALIFORNIA CORPORATION

WEST HILLS COMMUNITY
CHURCH

16695 DeWitt Ave
Morgan Hill, CA, 95037
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Project Number: 23041
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Drawn by: NS
Checked by: JE

Sheet Title:
**WC - COLOR
AND MATERIAL
BOARD**

PA 01



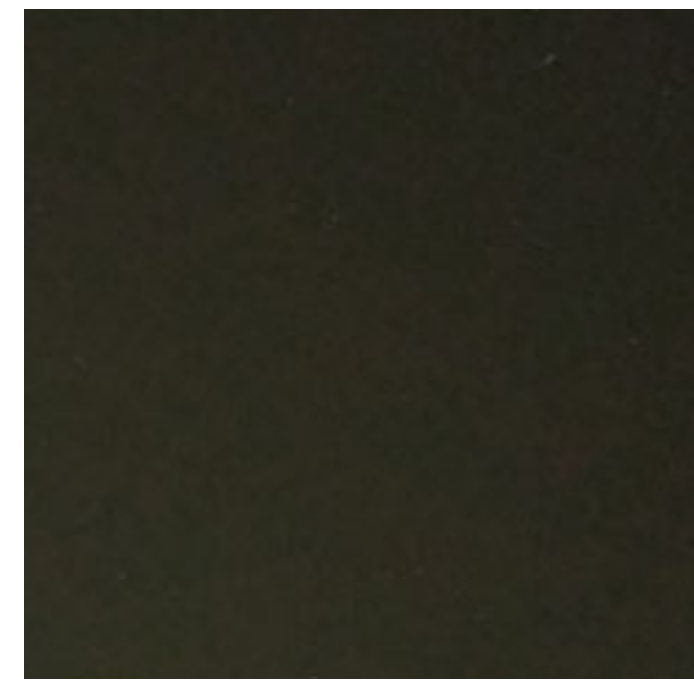
STANDING SEAM METAL ROOFING

- COLOR: ASH GREY SRI-58 OR SIMILAR
- MANUFACTURER: TBD



STONE SIDING

- COLOR: MADRONA OR SIMILAR
- MANUFACTURER: TBD



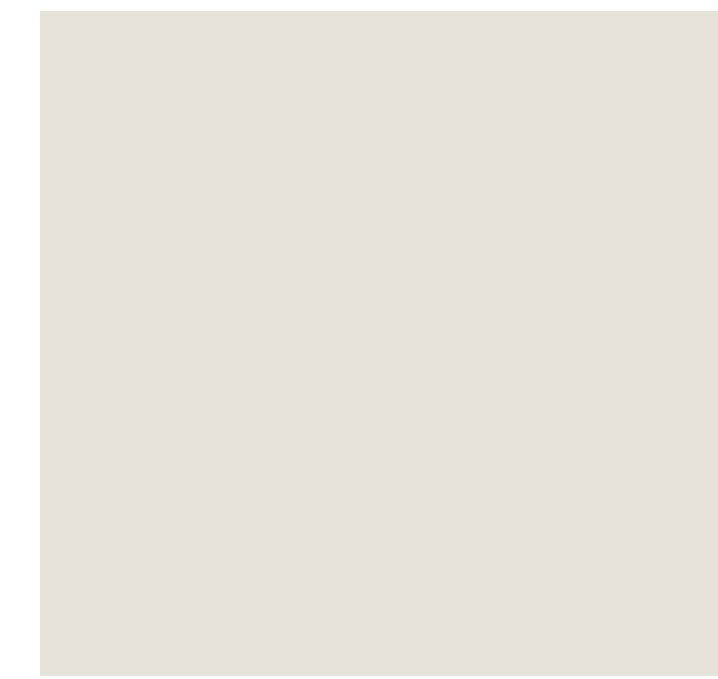
ANODIZED ALUMINUM
FASCIA & MULLION

- COLOR: ANODIZED BRONZE
- MANUFACTURER: TBD



PAINTED WOOD TRIM

- COLOR: COCOA OR SIMILAR
- MANUFACTURER: TBD



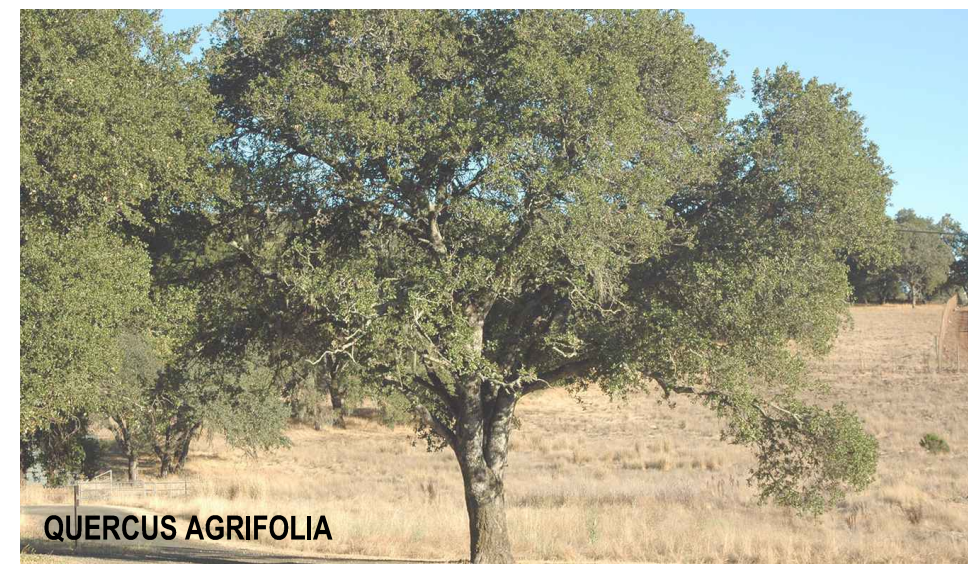
STUCCO

- COLOR: FOGGY DAY OR SIMILAR
- MANUFACTURER: TBD



EXTERIOR LIGHT FIXTURE

- COLOR: TBD
- MANUFACTURER: TBD



QUERCUS AGRIFOLIA



PRUNUS ILICIFOLIA



ACHILLEA MILLEFOLIUM



CAREX DIVULSA



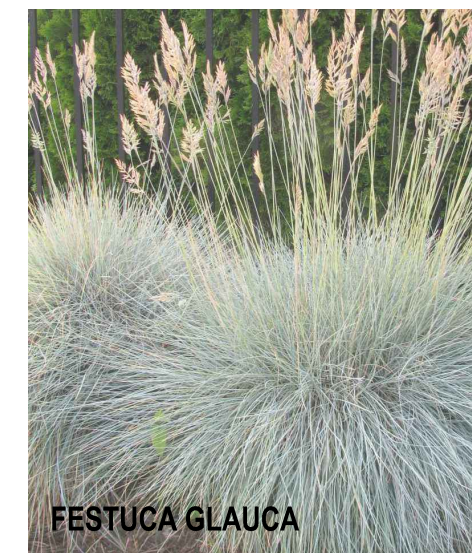
CHONDROPETALUM TECTORUM



LOMANDRA LONGIFOLIA 'BREEZE'



DESCHAMPSIA CESPITOSA



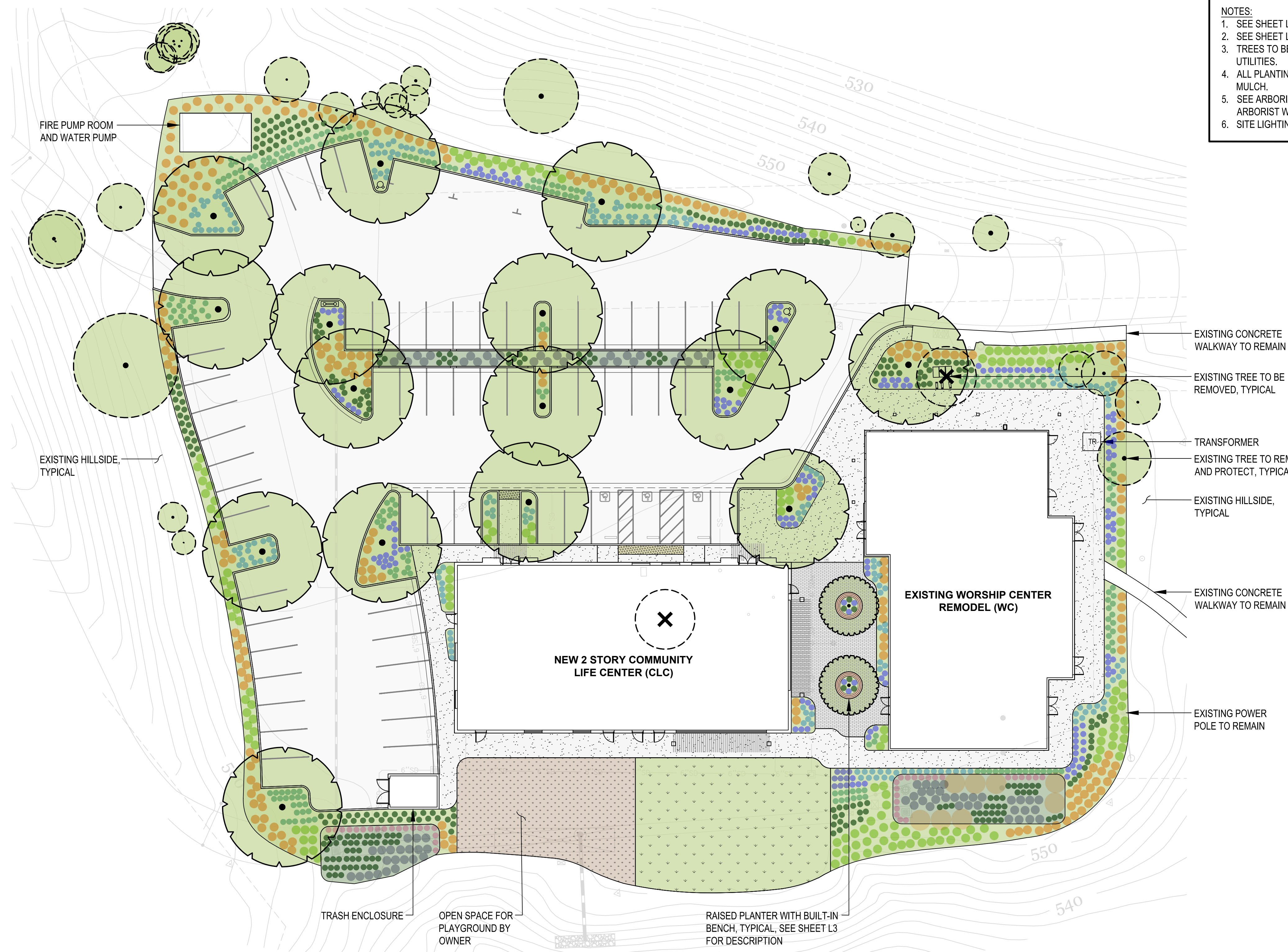
FESTUCA GLAUCA



MUHLENBERGIA CAPILLARIS

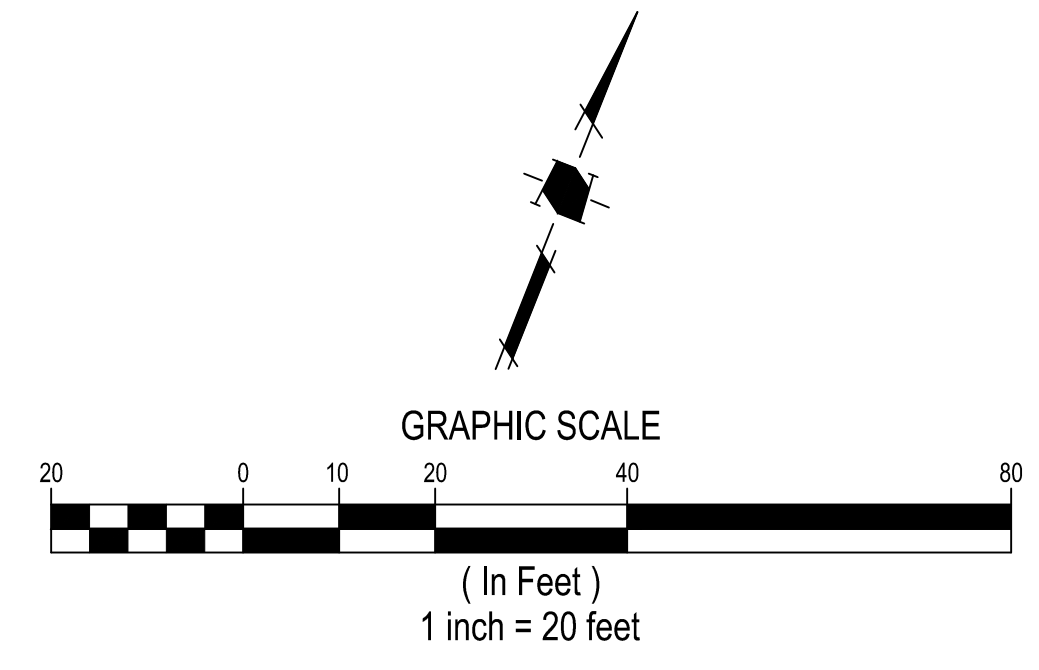


MUHLENBERGIA RIGENS



LANDSCAPE LEGEND	
SYMBOL	DESCRIPTION
	CONCRETE PAVING
	BARK MULCH
	PAVERS
	LAWN AREA
	PLANTING AREA
	BIOTREATMENT AREA

NOTES:
 1. SEE SHEET L2 FOR PLANTING LEGEND AND NOTES.
 2. SEE SHEET L3 FOR MATERIALS.
 3. TREES TO BE PLANTED MINIMUM 5' FROM UNDERGROUND UTILITIES.
 4. ALL PLANTING AREAS SHALL RECEIVE 3" LAYER OF BARK MULCH.
 5. SEE ARBORIST REPORT BY WILLIAM SOWA, CERTIFIED ARBORIST WE-12270A, DATED: DECEMBER 14, 2023.
 6. SITE LIGHTING BY OTHERS.



Rev #	Description	Date
001	ISSUED FOR PD SUBMITTAL	03/13/24

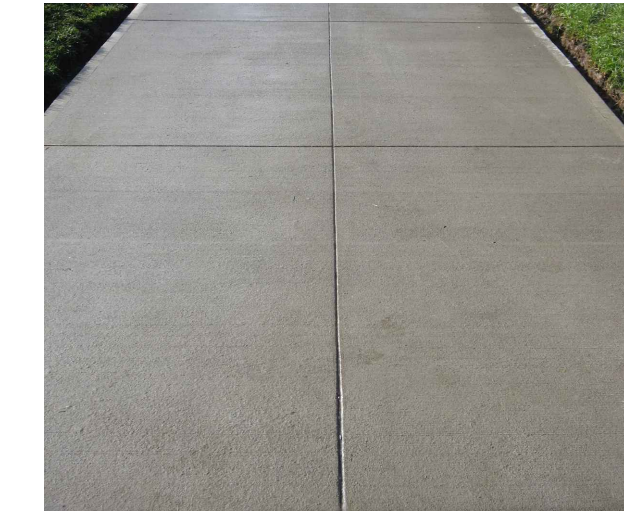
Project Number: 6719.00
 Date: MAR. 13, 2024
 Drawn by: JW
 Checked by: JH,CM

Sheet Title:
LANDSCAPE PLAN

MATERIALS:

CONCRETE PAVING:

- COLOR: NATURAL GRAY
- FINISH: LIGHT BROOM FINISH
PERPENDICULAR TO PATH OF TRAVEL



RAISED PLANTER WITH BUILT-IN BENCH:

- RAISED PLANTER SHALL BE
POURED-IN-PLACE CONCRETE
- COLOR: GRAPHITE - IRON OXIDE,
INTEGRATED INTO CONCRETE MIX
- FINISH: MEDIUM BROOM
- BUILT-IN BENCH SHALL BE WOOD AND
MOUNTED TO RAISED PLANTER



GRAPHITE - IRON OXIDE



ELEVATION
1/4" = 1'-0"

PAVERS:

- HYDRA PAVERS
- SIZE: 7 7/8" x 11 3/8"
- COLOR: SHALE GREY
- TEXTURE: SMOOTH
- PATTERN: RUNNING BOND



BARK MULCH:

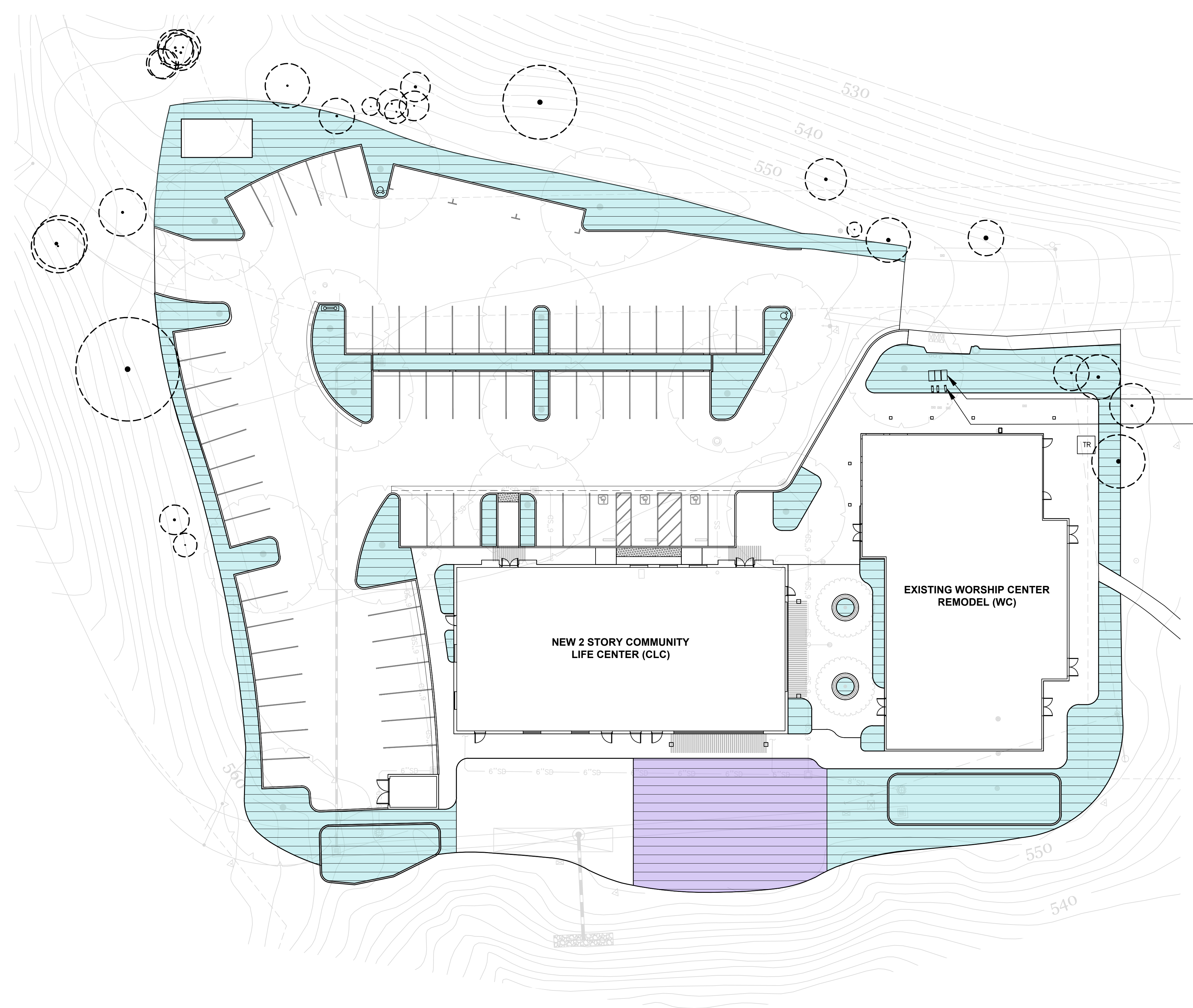
- WOOD PLAYGROUND MULCH



Rev #	Description	Date
	ISSUED FOR PD SUBMITTAL	03/13/24

Project Number: 6719.00
 Date: MAR. 13, 2024
 Drawn by: JW
 Checked by: JH,CM

Sheet Title:
MATERIALS

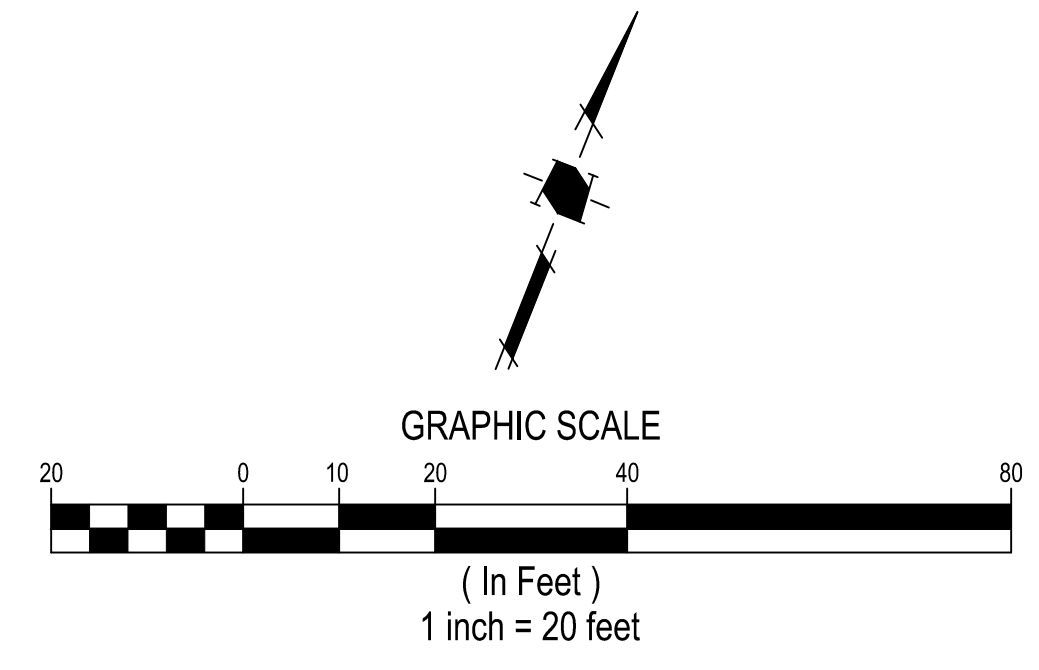


NEW IRRIGATION WATER METER
 NEW IRRIGATION BACKFLOW PREVENTION DEVICE

HYDROZONE LEGEND	
DESCRIPTION	SYMBOL
DRIP IRRIGATION FOR SHRUBS, BUBBLERS FOR TREES	
SPRAY IRRIGATION FOR LAWN	

NOTES:

- FINAL DESIGN SHALL CONFORM TO AB1881 OR CITY ADOPTED WATER EFFICIENT LANDSCAPE ORDINANCE.
- ALL PLANTING AREAS SHOWN WILL BE COMMONLY MAINTAINED BY THE OWNER AND IRRIGATED BY AN AUTOMATIC IRRIGATION SYSTEM.
- IRRIGATION SYSTEMS WILL BE PERMANENT BELOW GROUND AUTOMATED SYSTEMS ADEQUATE FOR THE ESTABLISHMENT AND MAINTENANCE OF ALL PLANT MATERIAL. THESE SYSTEMS WILL BE INSTALLED AS SOON AS PRACTICAL AFTER GRADING AND PRIOR TO PLANT MATERIAL INSTALLATION AND HYDROSEEDING.
- ALL TREE AND SHRUB AREAS WILL BE IRRIGATED BY A PERMANENT, AUTOMATIC, UNDERGROUND IRRIGATION SYSTEM. TREE AND SHRUB AREAS SHALL BE ON SEPARATE VALVES ACCORDING TO PLANT WATER REQUIREMENTS AND EXPOSURE.
- ALL IRRIGATION SYSTEMS SHALL BE DESIGNED, MAINTAINED AND MANAGED TO MEET OR EXCEED MINIMUM EFFICIENCY.
- ALL IRRIGATION EQUIPMENT SHALL BE SCREENED APPROPRIATELY FROM VIEW IN PUBLIC AREAS TO THE MAXIMUM EXTENT POSSIBLE.
- THE FINAL IRRIGATION PLAN SHALL ACCURATELY AND CLEARLY IDENTIFY:
 - LOCATIONS AND SIZES OF WATER POINTS OF CONNECTION.
 - LOCATION, TYPE, AND SIZE OF ALL COMPONENTS OF THE IRRIGATION SYSTEM, INCLUDING AUTOMATIC CONTROLLERS, MAIN AND LATERAL LINES, VALVES, SPRINKLER HEADS, RAIN SWITCHES, AND QUICK COUPLERS.
 - STATIC WATER PRESSURE AT THE POINTS OF CONNECTION.
 - FLOW RATE (GALLONS PER MINUTE), REMOTE CONTROL VALVE SIZE, AND DESIGN OPERATING PRESSURE (PSI) FOR EACH STATION.
 - HYDROZONE INFORMATION TABLE.
 - WATER USE CALCULATIONS.
- A NEW IRRIGATION WATER METER SHALL BE INSTALLED FOR THE LANDSCAPE IMPROVEMENTS.
- THIS PROJECT IS NOT PART OF A RECYCLED WATER PROGRAM. POTABLE WATER WILL BE USED FOR IRRIGATION.



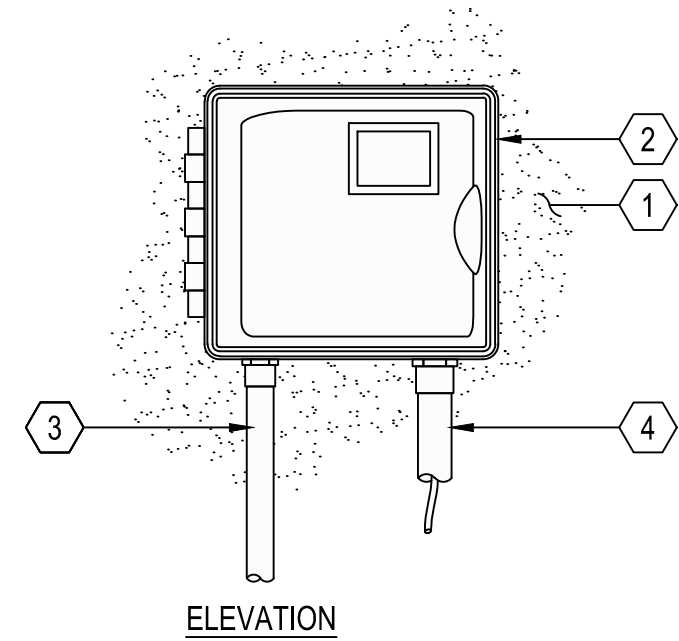
Rev #	Description	Date
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Project Number: 6719.00
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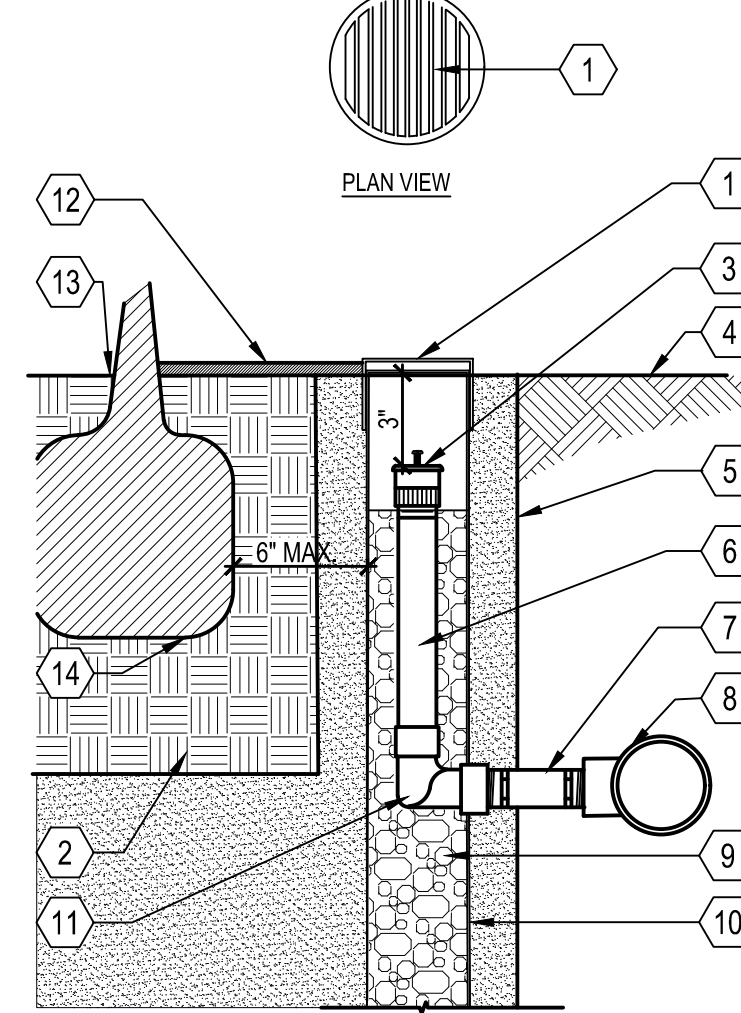
Sheet Title:
HYDROZONE PLAN

- NOTES:
- THIS DRAWING IS PROVIDED FOR REFERENCE ONLY.
 - INDIVIDUAL PROJECT REQUIREMENTS AND LOCAL CODES MAY DICTATE DIFFERENCES IN INSTALLATION PROCEDURES THAT ARE NOT IDENTIFIED ON THIS DETAIL.

- ALL ELECTRICAL WORK MUST CONFORM TO LOCAL CODES.
- VERIFY CONTROLLER LOCATION WITH PROJECT ELECTRICIAN.
- REFER TO PRODUCT LITERATURE FOR ADDITIONAL INSTALLATION REQUIREMENTS.
- IRRIGATION CONTROL WIRE IN CONDUIT, SIZE AND TYPE PER LOCAL CODES
- WALL SURFACE
- WALL MOUNT CONTROLLER, SEE IRRIGATION LEGEND FOR SPECIFICATION
- ELECTRICAL SUPPLY CONDUIT, CONNECT TO POWER SOURCE, J-BOX INSIDE CONTROLLER
- IRRIGATION LATERAL
- BUBBLER HEAD (SEE IRRIGATION LEGEND FOR MODEL)
- FINISHED GRADE
- LIMIT OF EXCAVATED TREE PLANTING PIT
- PVC SCHED. 80 NIPPLE LENGTH AS REQUIRED
- PVC LATERAL PIPE
- PVC SCH 40 TEE OR ELL CONNECTED TO IRRIGATION NON PRESSURE LATERAL LINE
- 3/4" DRAIN ROCK
- 4" ROUND PERFORATED PLASTIC DRAIN PIPE 18" LONG
- PVC SCHED. 40 90 ELL.
- SEE PLANS FOR ADJACENT MATERIAL
- PLANT CROWN
- ROOT BALL

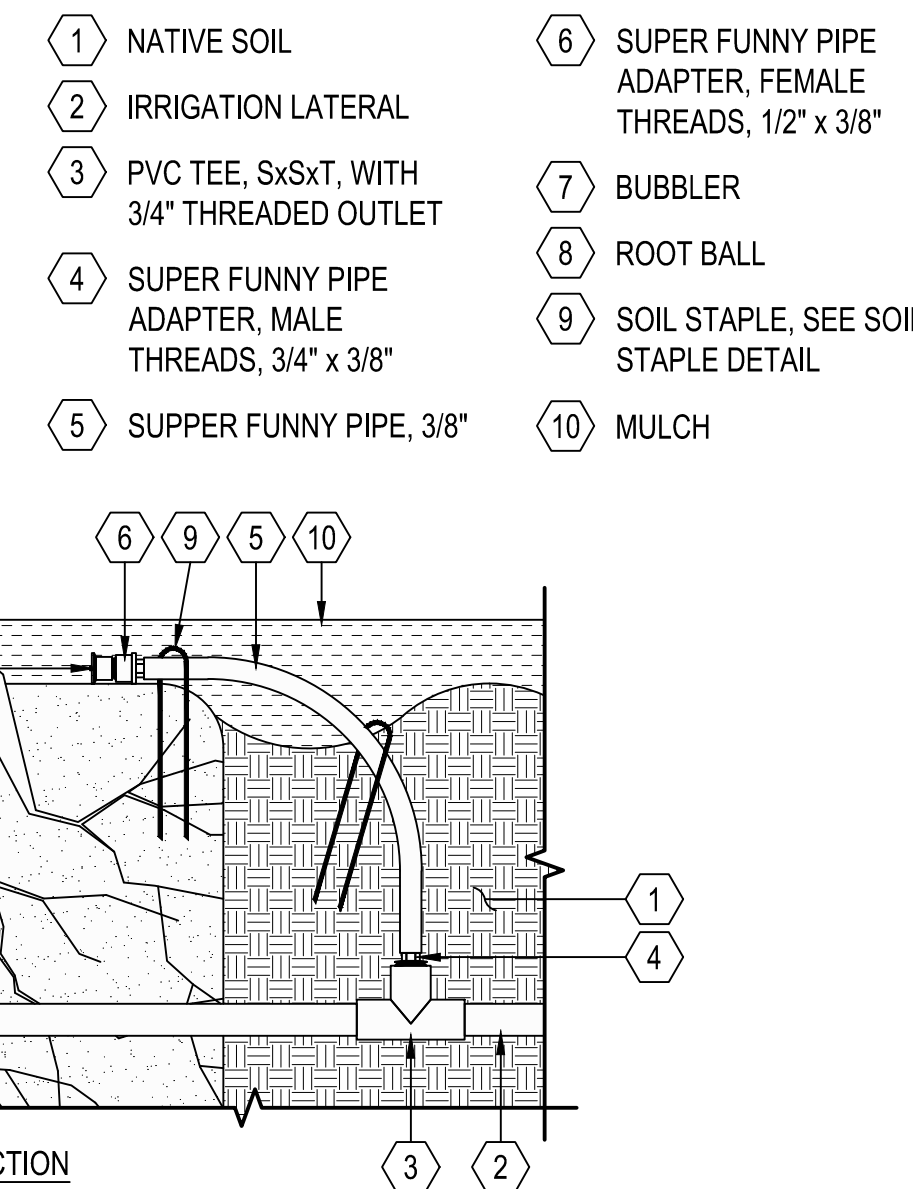


K WALL MOUNT CONTROLLER
SCALE: 2" = 1'-0"



H BELOW GRADE TREE BUBBLER
N.T.S.

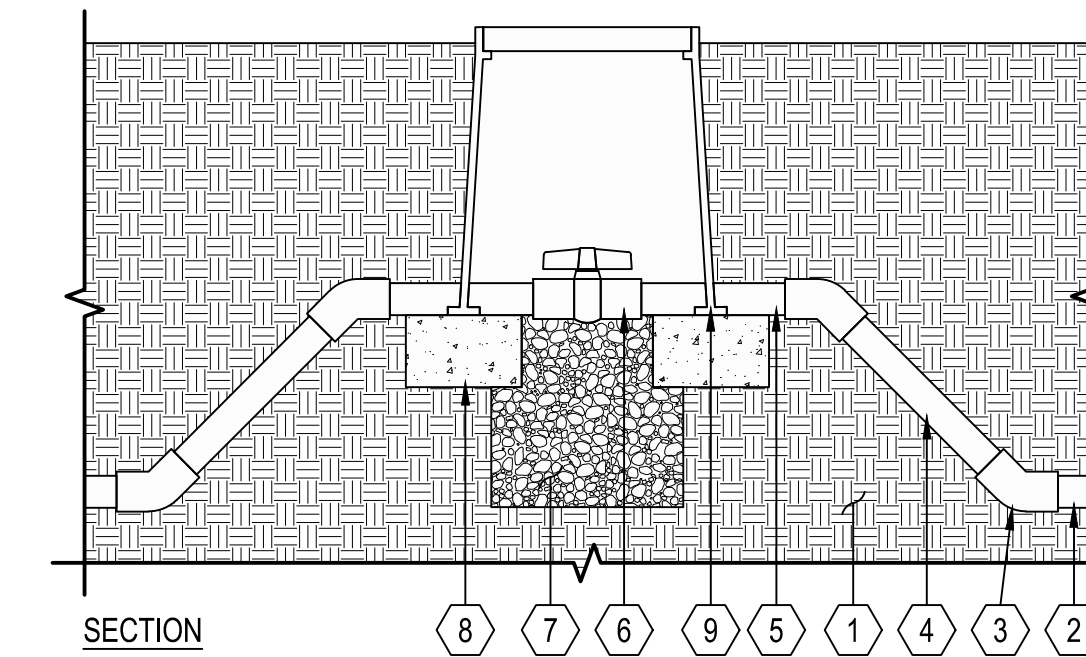
- NOTES:
- SEE IRRIGATION LEGEND FOR EQUIPMENT SPECIFICATIONS.
 - INSTALL IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
 - ALLOW 6" BETWEEN TRUNK AND BUBBLER.
 - IF APPLICABLE, PLACE ALL BUBBLERS ON UPHILL SIDE OF TRUNK.
 - CONCEAL ALL EQUIPMENT UNDER MULCH.



E TREE BUBBLER
SCALE: 2" = 1'-0"

- NOTES:
- SEE IRRIGATION LEGEND FOR EQUIPMENT SPECIFICATIONS.
 - INSTALL IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

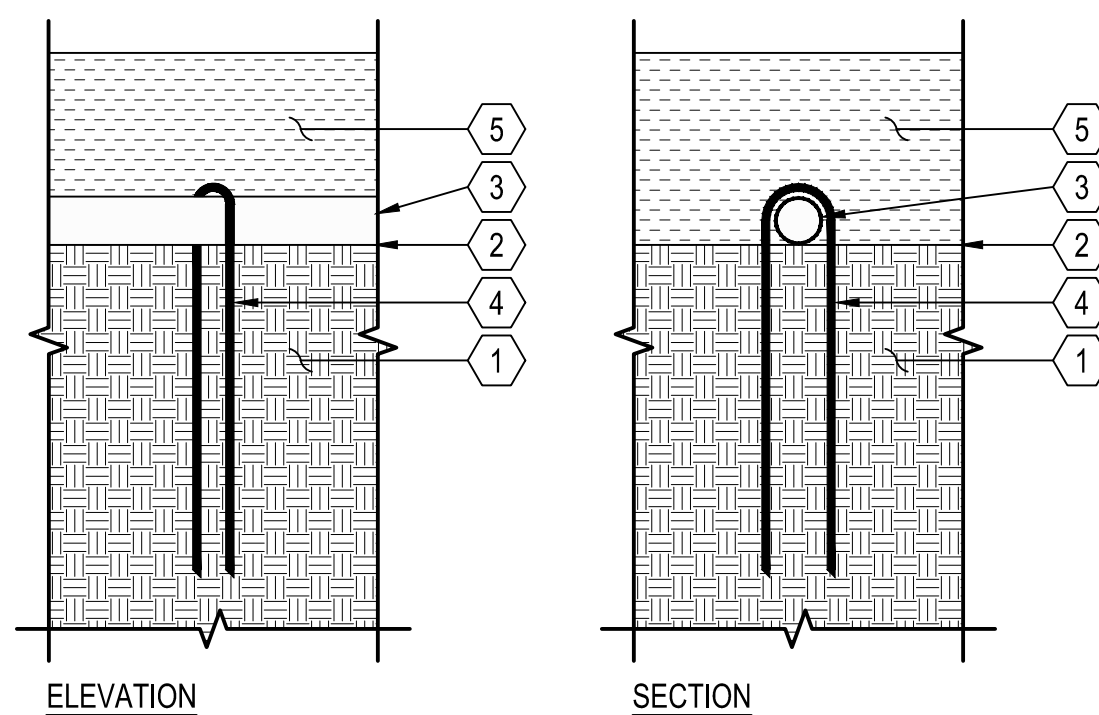
- NATIVE SOIL
- IRRIGATION MAINLINE, MINIMUM 18" DEEP
- PVC ELBOW, 45 DEGREES, SCH 40
- PVC, SCH 40
- PVC, SCH 40, MINIMUM 8" LONG BOTH SIDE OF BALL VALVE
- BALL VALVE
- PEA GRAVEL SUMP, 6" WIDE, 6" DEEP
- BRICK SUPPORTS
- PLASTIC VALVE BOX, 6" ROUND, LID SHALL BE 1" ABOVE FINISHED GRADE, HEAT BRAND "BV" ON LID IN 1" LETTERS



B BALL VALVE
SCALE: 2" = 1'-0"

- NOTES:
- SEE IRRIGATION LEGEND FOR EQUIPMENT SPECIFICATIONS.
 - INSTALL IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
 - LOCATE STAPLES ALONG TUBING PER MANUFACTURER'S RECOMMENDATIONS.

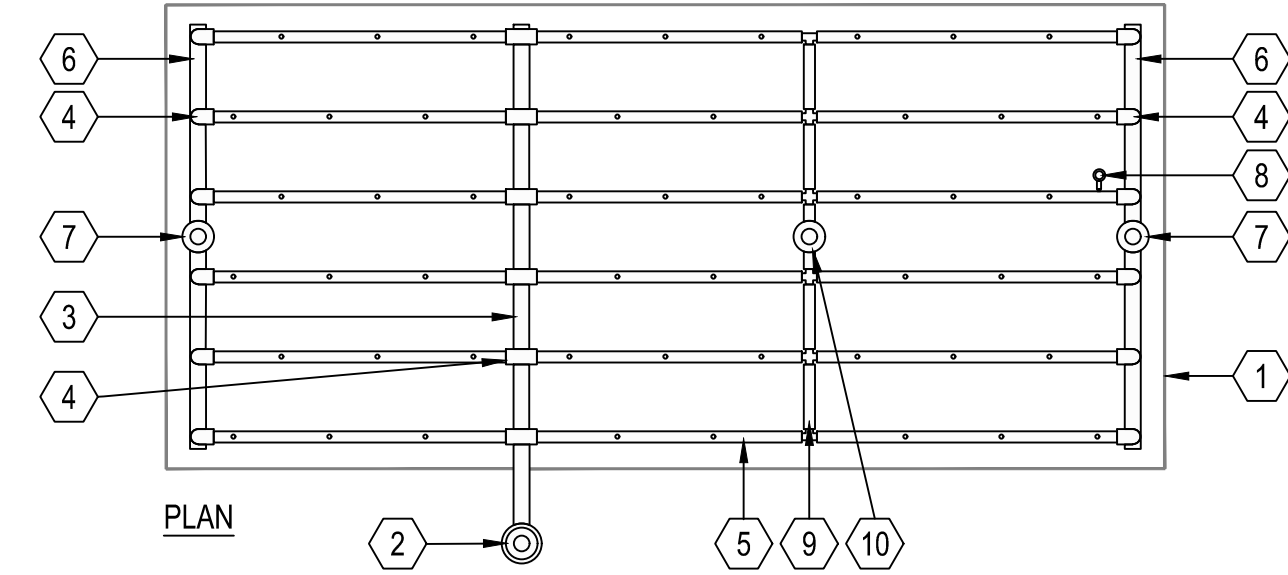
- NATIVE SOIL
- FINISHED GRADE
- DRIPLINE
- SOIL STAPLE
- MULCH, DEPTH PER SPECIFICATIONS AND PLANTING PLAN



J DRIPLINE SOIL STAPLE
SCALE: 4" = 1'-0"

- NOTES:
- SEE IRRIGATION LEGEND FOR EQUIPMENT SPECIFICATIONS.
 - INSTALL IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
 - SPACE DRIPLINE PER IRRIGATION LEGEND. PLACE PERIMETER DRIPLINE 2" TO 4" FROM PLANTING AREA PERIMETER.

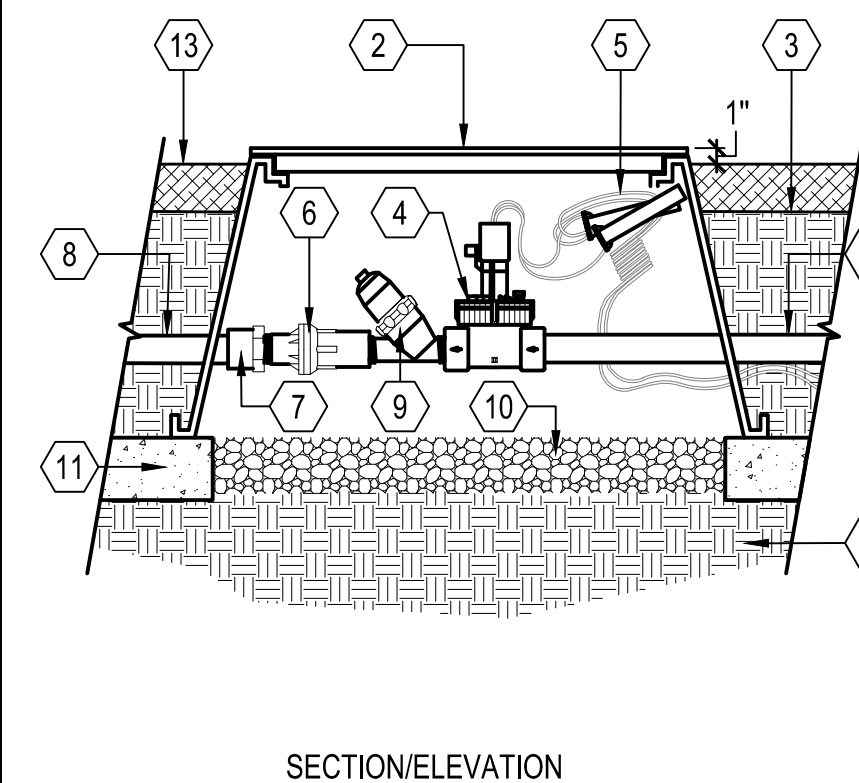
- PLANTING AREA PERIMETER
- DRIPLINE OPERATION INDICATOR
- AIR / VACUUM RELIEF LATERAL, BLANK DRIPLINE TUBING, PLACED ON MOUND OR BERM
- AIR / VACUUM RELIEF VALVE, PLACED AT HIGH POINT, PLUMBED TO BLANK DRIPLINE TUBING
- DRIPLINE
- PVC FLUSH MANIFOLD
- DRIPLINE FLUSH VALVE



G DRIPLINE CENTER-FEED LAYOUT
SCALE: 1" = 1'-0"

- NOTES:
- SEE IRRIGATION LEGEND FOR EQUIPMENT SPECIFICATION.
 - INSTALL ALL IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

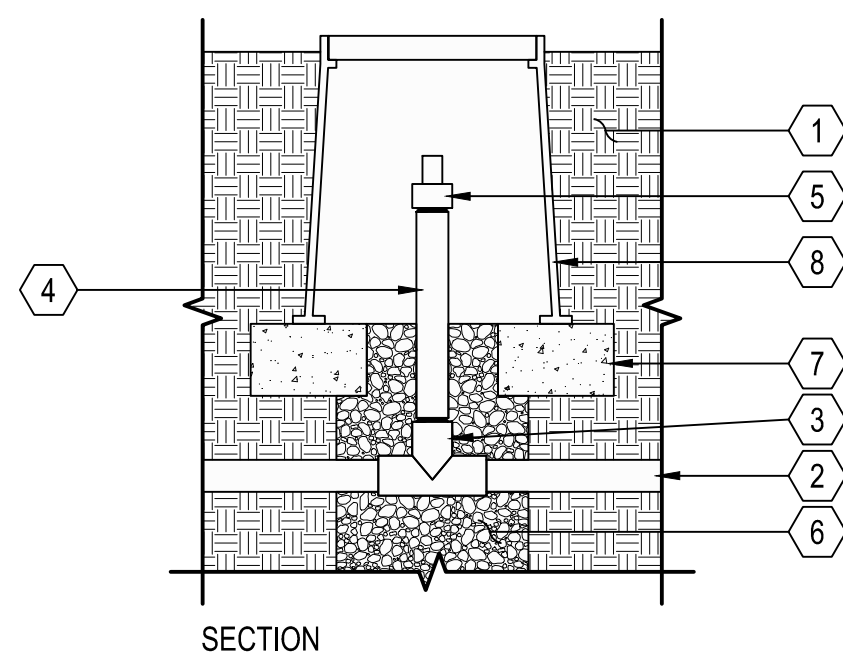
- PVC MAINLINE
- PLASTIC VALVE BOX, HEAT BRAND STATION NUMBER ON LID IN 2" CHARACTERS.
- FINISHED GRADE
- VALVE, SEE LEGEND
- CONTROL WIRES WITH 36" SERVICE COIL AND WATERPROOF WIRE CONNECTIONS, SEE LEGEND. PRESSURE REGULATOR, SEE LEGEND
- SCHEDULE 80 UNION
- PVC LATERAL
- FILTER, SEE LEGEND
- 1 CU. FT. PEA GRAVEL SUMP
- BRICK SUPPORTS
- NATIVE GRADE
- BARK MULCH / PLANTING (1" BELOW VALVE LID)



D DRIPLINE REMOTE CONTROL VALVE, PRESSURE REGULATOR AND FILTER
SCALE: N.T.S.

- NOTES:
- SEE IRRIGATION LEGEND FOR EQUIPMENT SPECIFICATIONS.
 - INSTALL IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
 - ONE FLUSH VALVE SHALL BE PLACED FOR EVERY 7 GPM PER ZONE AT LOW POINTS.

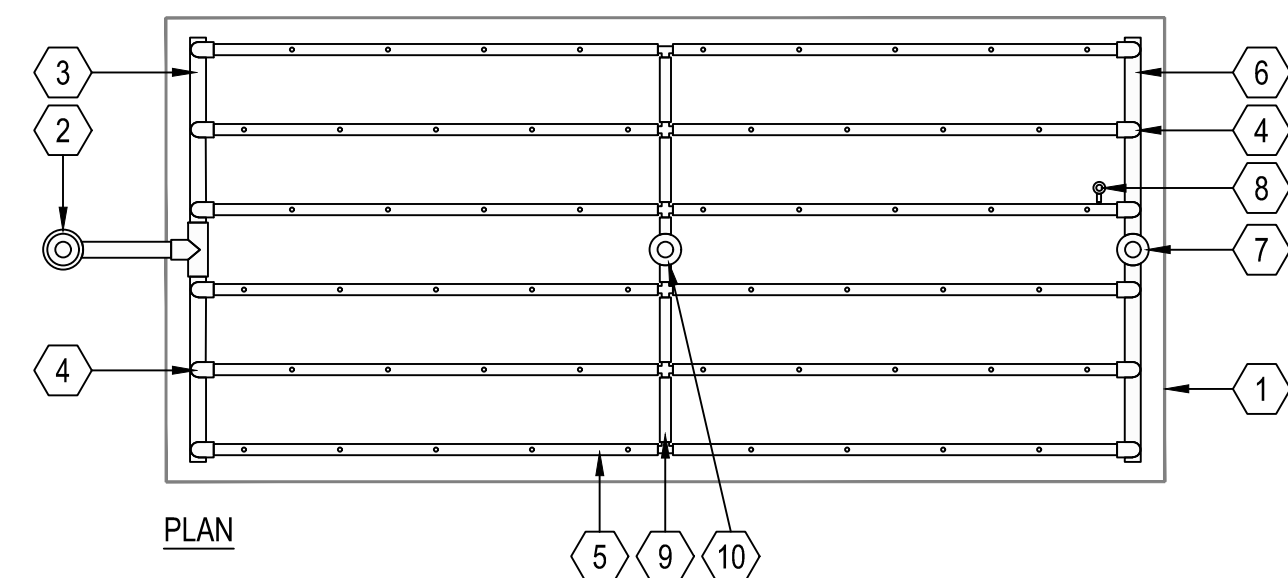
- NATIVE SOIL
- PVC FLUSH MANIFOLD, SEE DRIPLINE LAYOUT DETAILS
- PCV TEE, SxSxT, WITH 3/4" THREADED OUTLET
- 3/4" PVC NIPPLE, SCH 80
- DRIPLINE FLUSH VALVE
- PEA GRAVEL SUMP, 6" WIDE, 18" DEEP
- BRICK SUPPORTS
- PLASTIC VALVE BOX, 6" ROUND, LID SHALL BE 1" ABOVE FINISHED GRADE, HEAT BRAND "FV" ON LID IN 1" LETTERS



I DRIPLINE FLUSH VALVE
SCALE: 2" = 1'-0"

- NOTES:
- SEE IRRIGATION LEGEND FOR EQUIPMENT SPECIFICATIONS.
 - INSTALL IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
 - SPACE DRIPLINE PER IRRIGATION LEGEND. PLACE PERIMETER DRIPLINE 2" TO 4" FROM PLANTING AREA PERIMETER.

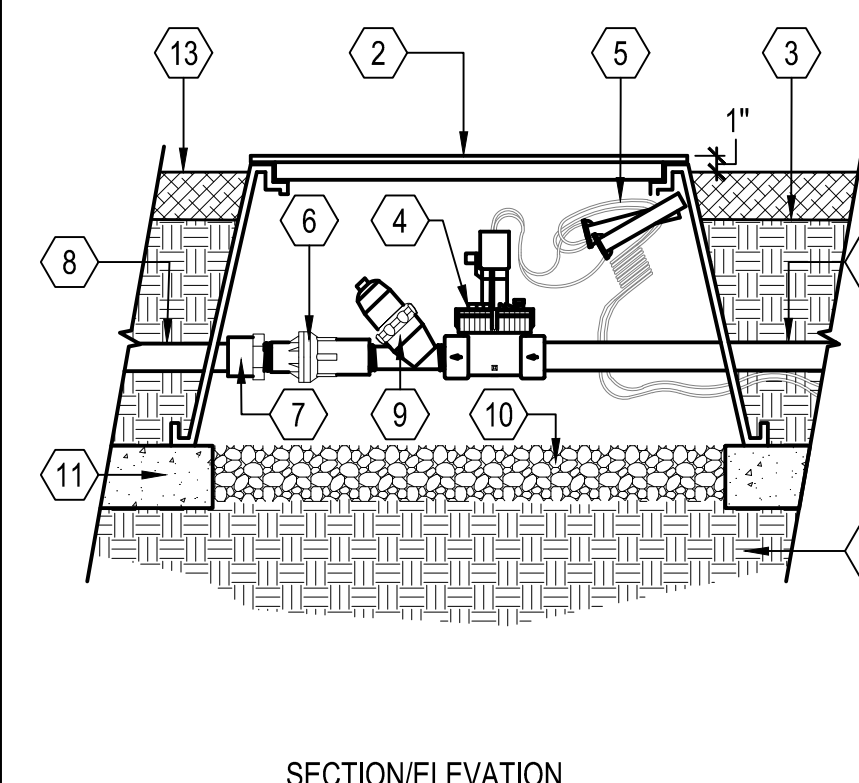
- PLANTING AREA PERIMETER
- DRIPLINE OPERATION INDICATOR
- AIR / VACUUM RELIEF LATERAL, BLANK DRIPLINE TUBING, PLACED ON MOUND OR BERM
- AIR / VACUUM RELIEF VALVE, PLACED AT HIGH POINT, PLUMBED TO BLANK DRIPLINE TUBING
- DRIPLINE
- PVC FLUSH MANIFOLD
- DRIPLINE FLUSH VALVE



F DRIPLINE END-FEED LAYOUT
SCALE: 1" = 1'-0"

- NOTES:
- SEE IRRIGATION LEGEND FOR EQUIPMENT SPECIFICATION.
 - INSTALL ALL IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.

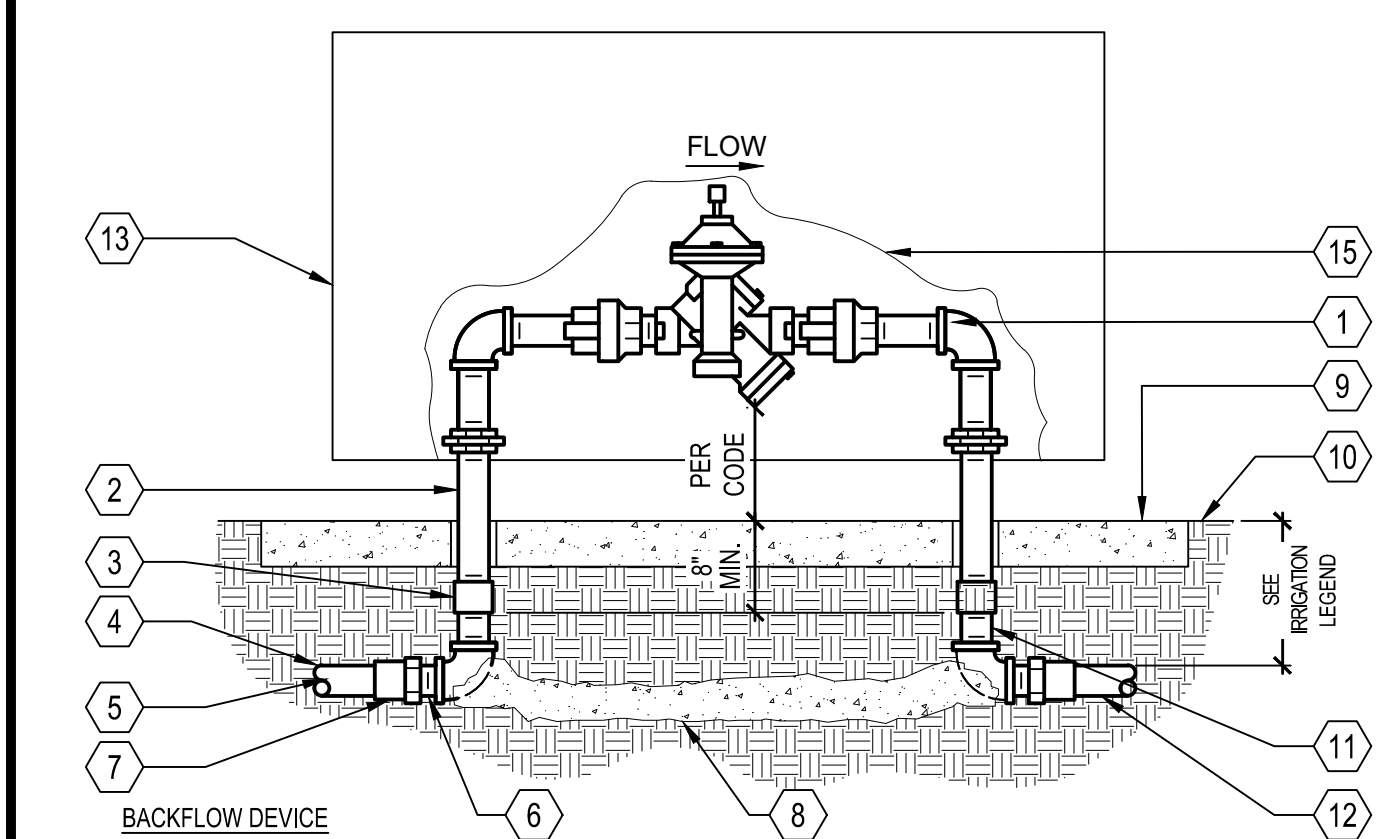
- PVC MAINLINE
- PLASTIC VALVE BOX, HEAT BRAND STATION NUMBER ON LID IN 2" CHARACTERS.
- FINISHED GRADE
- VALVE, SEE LEGEND
- CONTROL WIRES WITH 36" SERVICE COIL AND WATERPROOF WIRE CONNECTIONS, SEE LEGEND. PRESSURE REGULATOR, SEE LEGEND
- SCHEDULE 80 UNION
- PVC LATERAL
- FILTER, SEE LEGEND
- 1 CU. FT. PEA GRAVEL SUMP
- BRICK SUPPORTS
- NATIVE GRADE
- BARK MULCH / PLANTING (1" BELOW VALVE LID)



C BUBBLER REMOTE CONTROL VALVE, PRESSURE REGULATOR AND FILTER
SCALE: N.T.S.

- NOTES:
- NIPPLES AND FITTINGS TO BE SAME IPT SIZE AS BACKFLOW ASSEMBLY.
 - INSTALL GREEN WEATHER GUARD BACKFLOW BLANKET OR APPROVED EQUAL.
 - DISSIMILAR METALS SHALL BE SEPARATED BY AN APPROVED DIELECTRIC FITTING.
 - ENCLOSURE SHALL BE STRONG BOX LOW PROFILE SMOOTH TOUCH SBBC-30CR OR SBBC-45CR, COLOR DARK GREEN OR APPROVED EQUAL. ENCLOSURE SHALL BE SIZED BASED ON BACKFLOW DEVICE SIZE. CONTACT MANUFACTURER V.I.T. PRODUCTS 1-800-729-1314.

- REDUCED PRESSURE BACKFLOW ASSEMBLY PER IRRIGATION LEGEND
- SCH 40 GALVANIZED STEEL NIPPLES-2 TOTAL
- SCH. 80 PVC COUPLING- 2 TOTAL
- SCH. 80 PVC 90° ELBOW-2 TOTAL (T x T CONNECTION)
- PVC MAIN LINE TO POINT OF CONNECTION
- BUSH AS NECESSARY FOR SIZE TRANSITION
- SCH. 80 PVC MALE ADAPTER-2 TOTAL
- CONCRETE SUPPORT BLOCK
- POURED CONCRETE BASE-6" MIN. THICKNESS-EXTEND 4" BEYOND OUTSIDE DIMENSIONS OF ENCLOSURE
- FINISHED GRADE
- SCH. 80 PVC NIPPLE-2 TOTAL
- PVC MAIN LINE TO IRRIGATION SYSTEM
- BACKFLOW ENCLOSURE-SEE NOTE 4.
- ANCHOR ROD (TYPICAL)
- BACKFLOW BLANKET



A REDUCED PRESSURE BACKFLOW DEVICE ENCLOSURE AND BLANKET
SCALE: N.T.S.

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Project Number: 6719.00
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Checked by: JH,CM

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**IRRIGATION
DETAILS**

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 PLOT DATE: 03-12-24 PLOTTED BY: wms



LEGEND	
PROPERTY LINE	
LIMIT OF WORK	
CITY LIMIT LINE	
VERTICAL CURB	
VERTICAL CURB & GUTTER	
CONCRETE PAVEMENT	
ASPHALT PAVEMENT	
DETECTABLE WARNING SURFACE	
BIORETENTION BASIN	
FIRE HYDRANT	
BACK FLOW PREVENTER	
JUNCTION BOX	
CATCH BASIN / OVERFLOW DRAIN	
AREA DRAIN	
BUBBLER BOX	
STORM GATE VAULT	

KEYNOTE	
①	NEW 6" CURB
②	NEW 6" CURB WITH GUTTER
③	NEW VALLEY GUTTER
④	NEW ADA PARKING
⑤	NEW BIORETENTION BASIN
⑥	NEW CURB CUT

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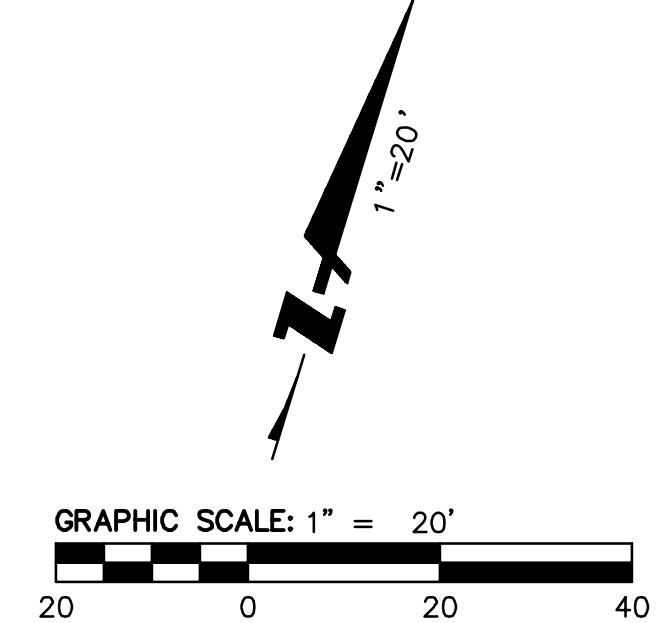
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001	ISSUED FOR PD SUBMITTAL	03/13/24

Project Number: 20181371
 Date: MAR 13, 2024
 Drawn by: SW
 Checked by: RC

Sheet Title:
CONCEPTUAL SITE PLAN

C1.0



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 PLOT DATE: 03-12-24 PLOTTED BY: wms



LEGEND

PROPERTY LINE	---
CITY LIMIT LINE	- - - - -
GRADE BREAK	—+—+—+—
LIMIT OF WORK	—+—+—+—
VERTICAL CURB	—+—+—+—
VERTICAL CURB & GUTTER	—+—+—+—
CONCRETE PAVEMENT	▨
ASPHALT PAVEMENT	▩
DETECTABLE WARNING SURFACE	▧
BIORETENTION BASIN	▦
ROCK DISSIPATOR	▤
FIRE HYDRANT	⊕
BACK FLOW PREVENTER	⊖
JUNCTION BOX	⊗
CATCH BASIN / OVERFLOW DRAIN	⊙
AREA DRAIN	⊘
BUBBLER BOX	⊚
STORM GATE VAULT	⊛
PROPOSED GRADE ELEVATION	— PV XX.XX
EXISTING GRADE ELEVATION	— (PV XX.XX)
GRADE TO DRAIN	—
SLOPE/DIRECTION OF FLOW	2.0%

ABBREVIATIONS

FINISH FLOOR ELEVATION	FF
GRADE BREAK	GB
TOP OF CURB ELEVATION	TC
FLOW LINE ELEVATION	FL
HIGH POINT	HP
LOW POINT	LP
PAVEMENT	PV

NOTES

1. ESTIMATE EARTHWORK:
 CUT 3,800 CY
 FILL 0 CY
 EXPORT 3,800 CY

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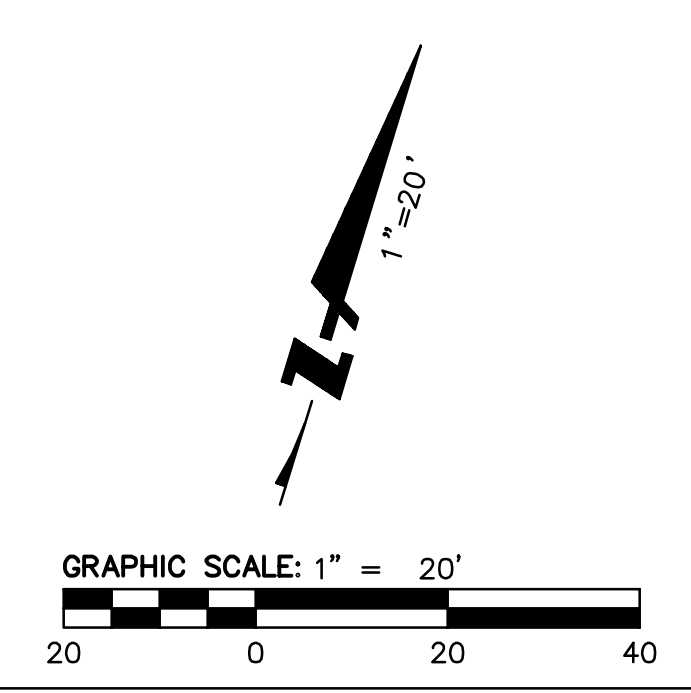
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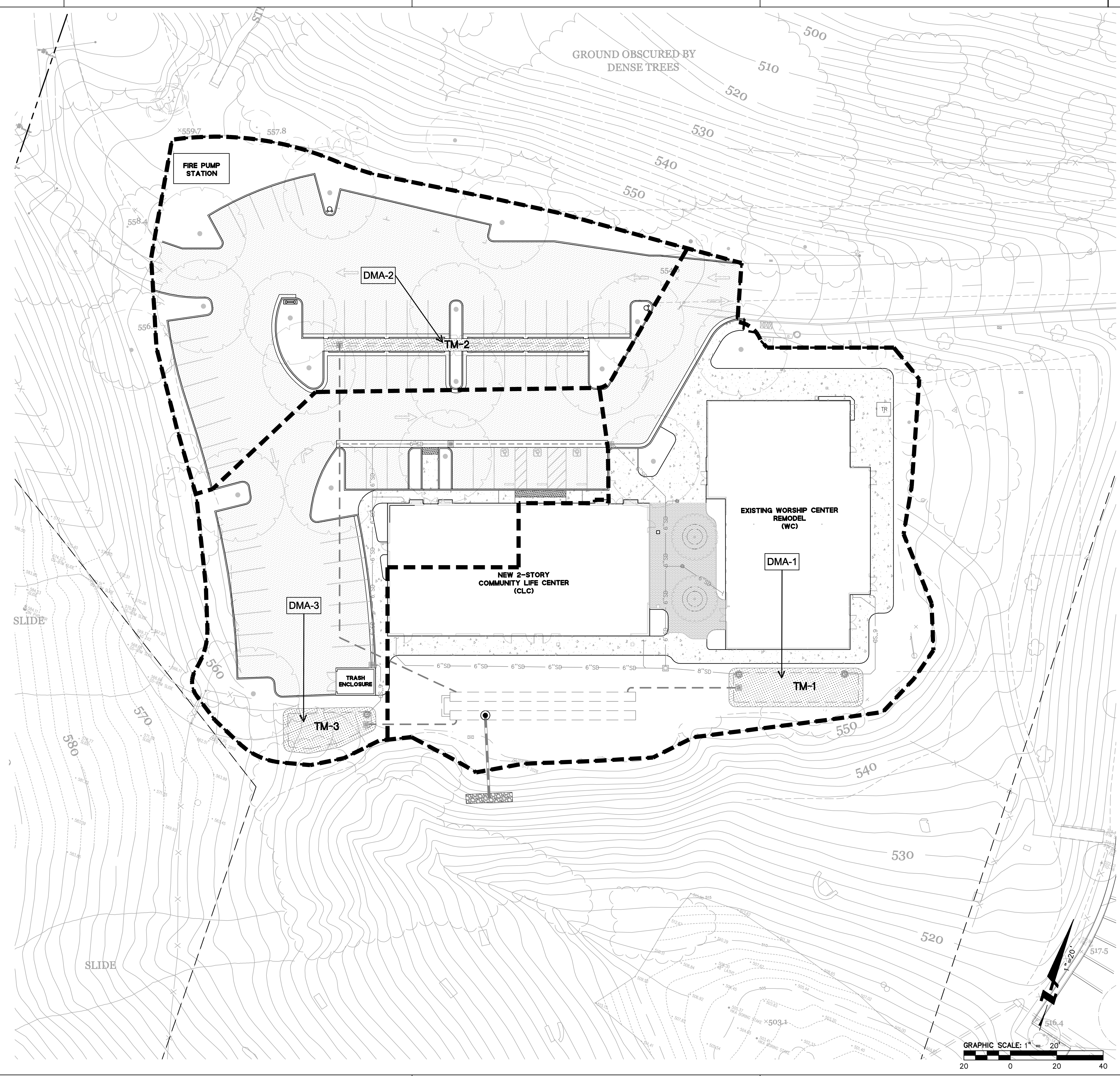
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Sheet Title:
CONCEPTUAL GRADING AND DRAINAGE PLAN

C2.0



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 PLOT DATE: 03-12-24 PLOTTED BY: wms



LEGEND

PROPERTY LINE: - - - - -

DMA: - - - - -

CITY LIMIT LINE: - - - - -

STORM DRAIN (UNTREATED): -SD-

STORM DRAIN (TREATED): -SD-

DRAINAGE MANAGEMENT AREA: DMA-X

NOTES

CALCULATIONS AND DESIGN CRITERIA CONTAINED WITHIN THIS REPORT ARE BASED ON THE CITY OF MORGAN HILL STORMWATER POST CONSTRUCTION STORMWATER REQUIREMENTS. THE FOLLOWING SUMMARIZES THE BASIS OF THE PROPOSED DESIGN.

PR NO. 1 - SITE DESIGN AND RUNOFF REDUCTION

IN ORDER TO ACCOMMODATE LANDSCAPE/SURFACE-BASED STORMWATER TREATMENT SYSTEMS, THE SITE IS DESIGNED TO PROVIDE FOR OVERLAND FLOW TO BIORETENTION BASINS SITUATED WITHIN LANDSCAPED AREAS.

PR NO. 2 - WATER QUALITY TREATMENT

A STORMWATER QUALITY PLAN WAS DEVELOPED AND INTEGRATED INTO THE GRADING DESIGN OF THE SITE. THE STORMWATER QUALITY PLAN SHEET TABULATES THE PROPOSED PERVIOUS AND IMPERVIOUS SURFACES AREAS FOR EACH DRAINAGE MANAGEMENT AREA (DMA). EACH DMA IS FITTED WITH A STORMWATER CONTROL MEASURE (SCM) THAT WAS SIZED USING THE SIMPLIFIED 4X METHOD FOR BIORETENTION FACILITIES.

PR NO. 3 - RUNOFF RETENTION

FOR THE PURPOSES OF PR 3, THE SITE IS TAKEN TO BE WITHIN WMZ 1 (WATERSHED MANAGEMENT ZONE 1) WITH A REQUIREMENT FOR OPTIMIZED INFILTRATION, PREVENTING RUNOFF FROM STORM EVENTS UP TO THE 95TH PERCENTILE 24-HOUR RAINFALL EVENT. AS WITH PR NO. 2, THE WATER QUALITY STORAGE VOLUME REQUIREMENT WAS CALCULATED USING THE SIMPLE METHOD PER CITY OF MORGAN HILL STORMWATER POST CONSTRUCTION STORMWATER REQUIREMENTS. THE PROJECTS 95TH PERCENTILE 24-HOUR RAINFALL EVENT IS 1.9 INCHES.

PR NO. 4 - PEAK MANAGEMENT

RATIONAL METHOD WAS USED TO CALCULATE THE PEAK DISCHARGE. THE PR NO. 4 PEAK CONTROL REQUIRES THAT THE POST PROJECT PEAK FLOWS DO NOT EXCEED PRE-PROJECT PEAK FLOWS FOR THE 2, 5 AND 10YEAR STORM EVENTS. THE PROJECT MEETS THE PR NO.4 REQUIREMENT.

Performance Requirement No. 2 - Water Quality Treatment									
DMA Name	DMA Area (SF)	Pervious DMA	Impervious DMA Area	Effective Impervious	Facility Name	Sizing Factor	Minimum Facility	Proposed Facility	
DMA-1	32,257	10,306	21,951	22,982	TM-1	0.04	919	953	
DMA-2	20,727	7,086	13,641	14,350	TM-2	0.04	574	596	
DMA-3	17,380	3,799	13,581	13,961	TM-3	0.04	558	650	
Total	70,364	21,191	49,173				2,052	2,199	

Total New Impervious Area	0
Total Replaced Impervious	44,776
Detention Reduction (SF)	22,388
Retention Tributary Area (SF)	22,388

Performance Requirement No. 3 - Runoff Retention (Simple Method)

Retention Volume = $C \times \text{Rainfall Depth} \times \text{Retention Tributary Area}$

$C = 0.858i^3 - 0.78i^2 + 0.774i + 0.04$

$i = 0.70$

$C = 0.49$

Rainfall Depth = 1.9 inches

Retention Tributary Area = 22,388 sqft

Retention Volume = 1747 cuft

Retention Pipe Dia = 48 inches

Hydraulic Storage per Linear Foot = 12.6 cf

Required Length of Retention Pipe = 139 ft

Provide Length of Retention Pipe = 160 ft

Performance Requirement No. 4 - Peak Management						
Frequency	Cpre	Cpost	I (in/hr)	Area (ft)	Qpre (cfs)	Qpost (cfs)
2-yr, 10 min	0.52	0.49	1.3	70,364	1.1	1.0
5-yr, 10 min	0.52	0.49	1.8	70,364	1.5	1.4
10-yr, 10 min	0.52	0.49	2	70,364	1.7	1.6

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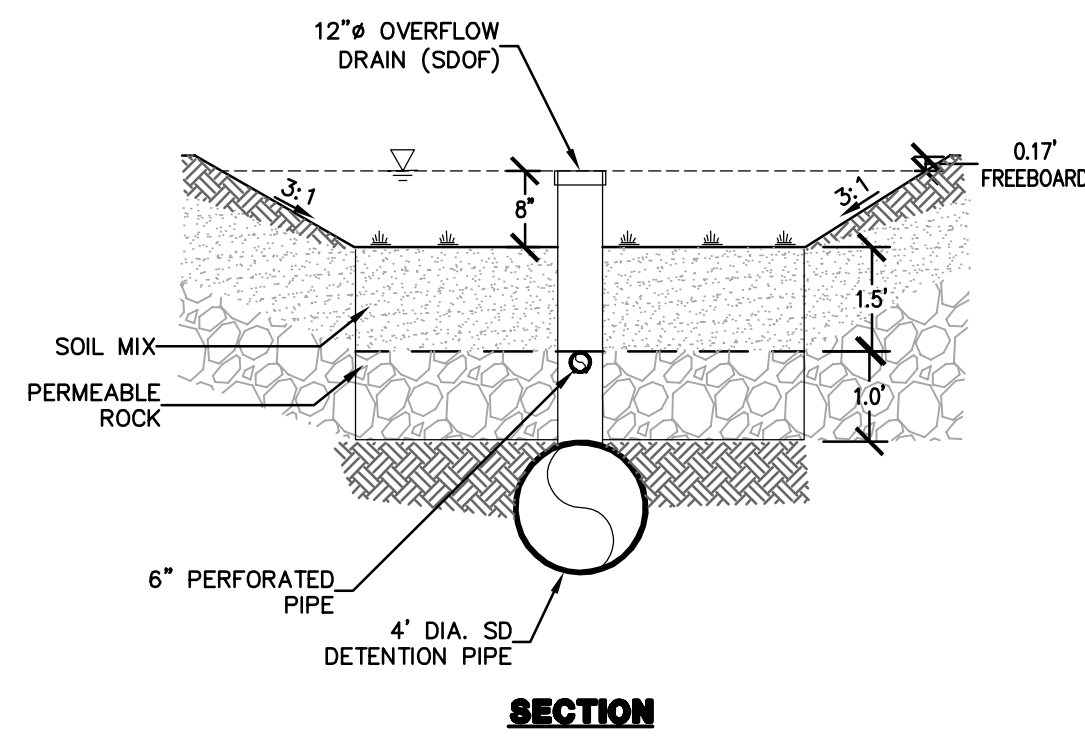
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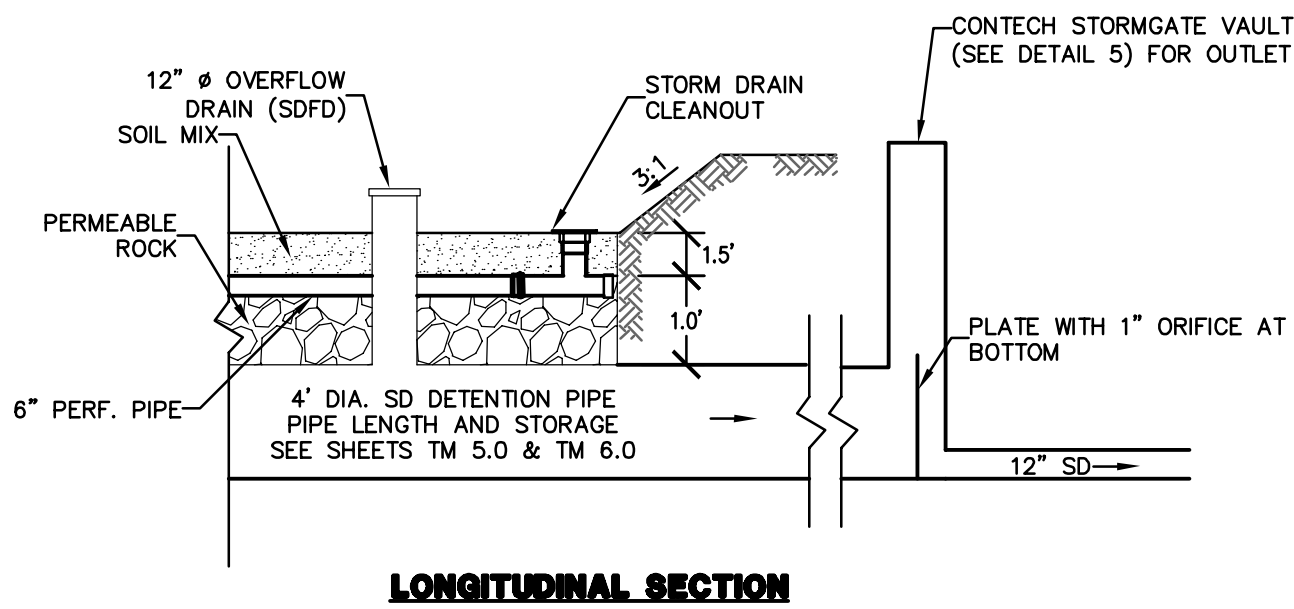
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CONCEPTUAL STORMWATER MANAGEMENT PLAN

C4.0

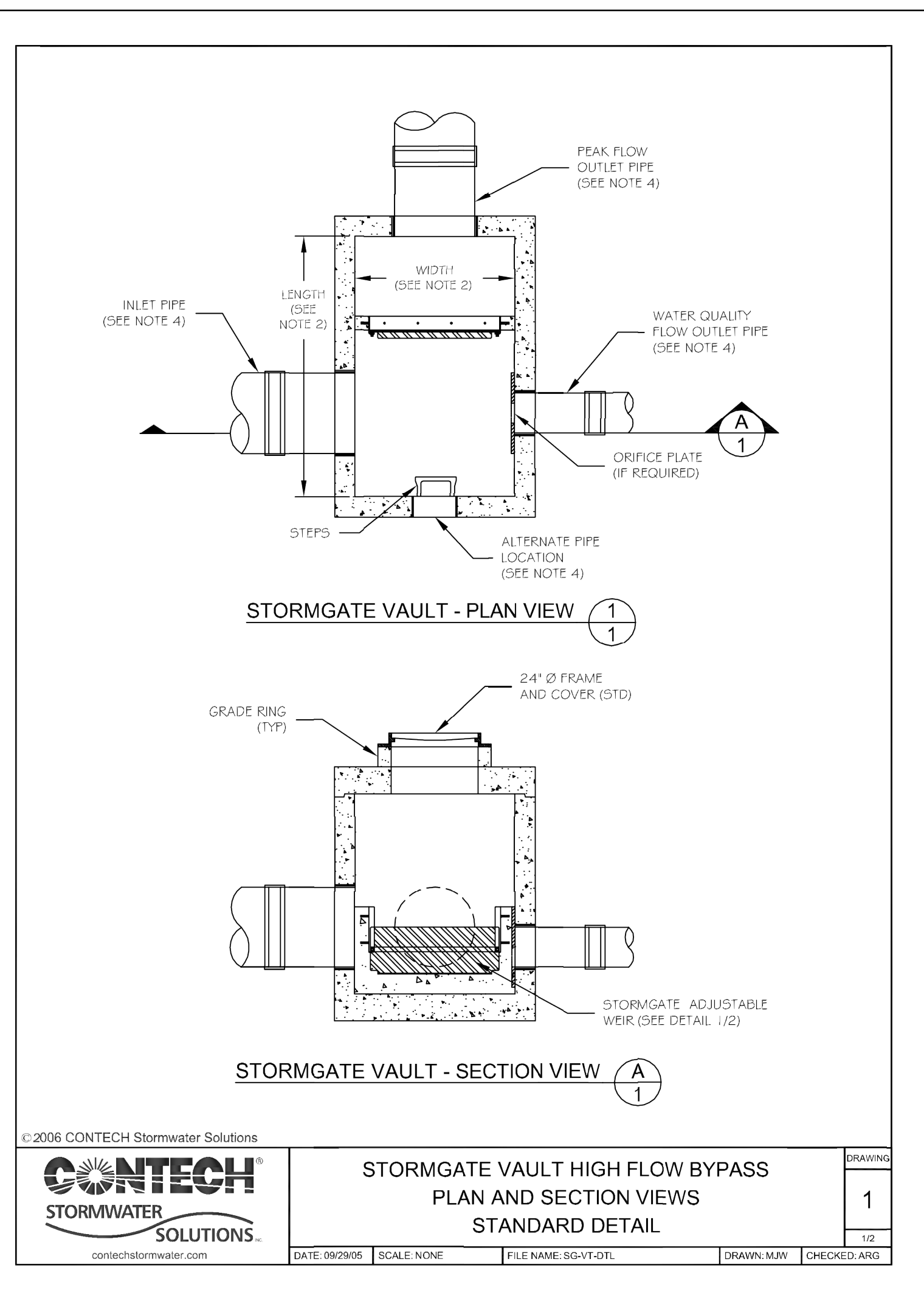


SECTION



LONGITUDINAL SECTION

1 BIORETENTION BASIN AND OVERSIZE DETENTION PIPE
SCALE: NTS



STORMGATE VAULT - PLAN VIEW

STORMGATE VAULT - SECTION VIEW

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STORMGATE VAULT HIGH FLOW BYPASS
PLAN AND SECTION VIEWS
STANDARD DETAIL

DATE: 09/28/05	SCALE: NONE	FILE NAME: SG-VT-DTL	DRAWN: MJM	CHECKED: ARG
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2 STORM GATE VAULT WITH WEIR
SCALE: NTS

- CMP for Subsurface Infiltration**
- CMP infiltration systems can be designed to meet HS 20 or greater load requirements with proper depths of cover.
 - Protective pipe coatings such as Aluminized Type 2 (ALT2), Galvanized, and Polymer-Coated are matched to the pH and resistivity of the surrounding soil. See table 3 for additional information.
 - CMP infiltration systems need to be surrounded by clean crushed stone to provide increased capacity utilizing storage in the void space. The system is then wrapped with fabric on the sides and top. The fabric is primarily used to keep native soils from filling stone voids and reducing long term storage capacity.

Storage Volumes for Corrugated Steel Pipe

Round Pipe - Hydraulic Storage per Linear Foot		Pipe Arch - Hydraulic Storage per Linear Foot		
Diameter (Inches)	Hydraulic Storage (CF per FT)	2 2/3" x 1 1/2" Corrugated Steel Pipe		
Diameter (Inches)	Pipe Arch Equivalent Size (Inches)	Hydraulic Storage (CF per FT)		
12	0.8	15	17 x 13	1.1
15	1.2	18	21 x 15	1.6
18	1.8	21	24 x 18	2.2
21	2.4	24	28 x 20	2.4
24	3.1	30	35 x 24	4.5
30	4.9	36	42 x 29	6.5
36	7.1	42	49 x 33	8.9
42	9.6	48	57 x 38	11.6
48	12.6	54	64 x 43	14.7
54	15.9	60	71 x 47	18.1
60	19.6	66	77 x 52	21.9
66	23.8	72	83 x 57	26.0
72	28.3			
78	33.2	Pipe Arch - Hydraulic Storage per Linear Foot		
84	38.5	Diameter (Inches)	Pipe Arch Equivalent Size (Inches)	Hydraulic Storage (CF per FT)
90	44.2	54	60 x 46	15.6
96	50.3	60	66 x 51	19.3
102	56.7	66	73 x 55	23.2
108	63.6	72	81 x 59	27.4
114	70.9	78	87 x 63	32.1
120	78.5	84	95 x 67	37.0
126	86.6	90	103 x 71	42.4
132	95.0	96	112 x 75	48.0
138	103.9	102	117 x 79	54.2
144	113.1	108	126 x 83	60.5
		114	137 x 87	67.4
		120	142 x 91	74.5



3 DETENTION PIPE
SCALE: NTS

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DETAILS

C4.1



CITY COUNCIL STAFF REPORT

MEETING DATE: September 17, 2025

PREPARED BY:

Inga Alonzo, Management Analyst

APPROVED BY: City Manager

ADOPT RESOLUTION APPROVING THE CITY OF MORGAN HILL'S 2025 SANITARY SEWER MANAGEMENT PLAN (SSMP)

RECOMMENDATION(S)

Adopt resolution approving the Sanitary Sewer Management Plan (SSMP).

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Enhancing Public Safety

Protecting the Environment and Preserving Open Space and Agricultural Land

Maintaining and Enhancing Infrastructure

Preserving and Cultivating Public Trust

2024-2025 Strategic Priorities

Fiscal Sustainability

Guiding Documents

Morgan Hill 2035 General Plan

Wastewater System Master Plan

REPORT NARRATIVE:

The purpose of this report is to present to the City Council the 2025 Sewer System Management Plan (SSMP), Spill Emergency Response Plan (SERP), and Water Quality Monitoring Plan (WQMP). The SERP and WQMP are elements of the SSMP and are located in the appendices of the document.

Agencies that operate a sanitary sewer collection system that exceeds 1-mile in length must comply with the State Water Resource Control Board's (SWRCB) General Waste Discharge Order No.2022-0103-DWQ. The City of Morgan Hill's sewer system consists of 163 miles of sewer mains. The SSMP must be approved by the City Council as the governing body responsible for the sanitary sewer collection system. The Plan documents what the City has been doing to minimize sanitary sewer overflows; it does not create additional work and therefore has no additional cost impacts.

The SSMP final is attached. The appendices can be viewed at:

<https://www.morganhill.ca.gov/DocumentCenter/View/55132/MH-2025-SSMP->

Appendices

The WQMP can be viewed at:

<https://www.morganhill.ca.gov/DocumentCenter/View/55151/City-of-Morgan-Hill-WQMP-Final-8-24-22>

COMMUNITY ENGAGEMENT:

Inform

The community expects the City to provide a safe and reliable sanitary sewer system. The City posts this document and associated appendices for the public on the City's website.

ALTERNATIVE ACTIONS:

There is no alternative to adopting a Sanitary Sewer Management Plan as it is a requirement under State Law for any agency that owns and operates a sanitary sewer collection system.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

City Council approved the previous Sanitary Sewer Management Plan on December 7, 2022, Resolution #22-059.

FISCAL AND RESOURCE IMPACT:

There is no fiscal impact associated with adopting the resolution to approve the 2025 SSMP.

CEQA (California Environmental Quality Act):

Categorical Exemption

The SSMP implements portions of the City's 2035 General Plan. Replacement or reconstruction of existing utility systems and/or facilities that do not expand capacity is exempt from CEQA under guideline 15302.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING THE 2025 SANITARY SEWER MANAGEMENT PLAN

WHEREAS, the State Water Resources Control Board Order No. 2022-0103-DWQ Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems requires the preparation of a Sanitary Sewer Management Plan (SSMP); and

WHEREAS, the City of Morgan Hill Owns and operates a sanitary sewer collection system subject to the WDR requirements of the State; and

WHEREAS, the City has revised and updated its SSMP; and

WHEREAS, the revised SSMP was presented to the City Council at a regularly scheduled Council Meeting on, September 17, 2025 allowing for public input prior to consideration and adoption; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Approve the SSMP as required by the State Water Resources Control Board Order No. 2022-0103-DWQ Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 17th day of September 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
APPROVED:

COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:
ATTEST:

Mark Turner, MAYOR

Michelle Bigelow, CITY CLERK

∞ CERTIFICATION ∞

I, Michelle Bigelow, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.XXXX , adopted by the City Council at the meeting held on September 17, 2025.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Michelle Bigelow, CITY CLERK

Sewer System Management Plan (SSMP)

2025 Update

Sanitary Sewer Collection System

Waste Discharge ID (WDID): 3SSO10332



REVIEWED AND APPROVED BY:

Chris Ghione
Public Services Director
Legally Responsible Official
City of Morgan Hill
Sanitary Sewer Collection System
(Includes Element Development Plans & Schedules)

PREPARED BY:



9/9/2025

Date Signed

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City of Morgan Hill
Att: Chris Ghione, Public Services Director
Legally Responsible Official (LRO)
17575 Peak Avenue
Morgan Hill, CA 95037

Dear Mr. Ghione:

We are pleased to present the new 2025 Sewer System Management Plan (SSMP) Update developed in partnership with Agency management. The 2025 Update meets and exceeds compliance with the Reissued WDR (State Water Board, Water Quality Order No. 2022-0103-DWQ, Attachment D-10 and Specifications 5.4). The 2025 SSMP has been completely revised to harmonize with industry standard guidelines and incorporates the latest SSMP Audit findings.

The 2025 SSMP is a declaration of what the Agency is doing to demonstrate full compliance with the Reissued WDR. Attachment A of the Reissued WDR (page A-4), states "A sewer system management plan is a living document which requires the Agency to Enrollee develops and implements to effectively manage its sanitary sewer system(s) in accordance with this General Order." This requires the Agency to periodically review and update the SSMP as necessary until its next required 6-year SSMP Update is completed.

To support these ongoing review and update requirements, this document includes a sample change log that may be used as a reference if a system is not already in place. We encourage you to share this example with all relevant team members responsible for implementing or documenting SSMP revisions, to help ensure consistency, transparency, and continued compliance.

We look forward to assisting the City wherever necessary to fully implement the new 2025 SSMP Update.

Sincerely,

A handwritten signature in cursive script that reads 'Jim Fischer'.

James Fischer, P.E.
Principal, Fischer Compliance LLC
Credentialed U.S. EPA NPDES Compliance Inspector

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Introduction

This Sewer System Management Plan (SSMP) or “Plan” has been prepared for the Agency with technical assistance from Fischer Compliance LLC and Sam Rose Consulting for meeting and exceeding compliance with the State Water Resources Control Board 2022 General Waste Discharge Requirements, Order WQ 2022-0103-DWQ for Sanitary Sewer Systems (referred to throughout this document as the WDR). The Agency provided all details, information, and institutional insights for preparation of the SSMP. The document has been developed to meet the size, scale, and complexity, serving as a “living document” used as a tool for managing and operating the agency's sanitary sewer collection system. Additionally, the latest 2024 Sewer System Management Plan Guidance Manual published by the Bay Area Clean Water Agency (BACWA) was utilized as a model for development of the document to harmonize formatting/content and incorporate recommended suggested guidance wherever possible.

The Agency’s commitment to meeting or exceeding regulatory requirements, along with their proactive approach to operation and management of the collection system, has served them well, as evidenced by system performance relative to other agencies in the region and the state.

Figure 1 provides key Agency spill metrics for the period of August 2, 2010, to August 2, 2025, including data comparing the Agency’s spill record with state and regional system data. The Agency consistently performs below both statewide and regional spill rate indices for all but Category 3 regional average spill rates and below both statewide and regional net spill volumes for all categories of spills from its sanitary sewer collection system.

Spill Rate Indices (spills/100mi/yr)							
	Category 1			Category 2		Category 3	
	Main System	Laterals	Other	Main System	Other	Main System	Other
City of Morgan Hill CS	0.46	N/A	0.04	0.27	0.0	2.86	0.08
State Municipal(Public) Average	1.46	N/A	0.43	0.53	0.49	2.7	0.52
Region Municipal Average	1.49	N/A	0.85	0.74	0.56	3.5	0.63

Net Volume Spills Indices (gallons/1000 Capita/yr)							
	Category 1			Category 2		Category 3	
	Main System	Laterals	Other	Main System	Other	Main System	Other
City of Morgan Hill CS	458.3	N/A	16.87	25.27	0.0	7.57	0.22
State Municipal(Public) Average	1524.48	N/A	3252.08	225.66	3158.04	27.04	8.08
Region Municipal Average	601.27	N/A	172.26	589.91	350.36	25.46	18.77

Figure 1 – Collection System Operational Report – SWRCB Integrated Water Quality System (CIWQS)

SSMP Organization

This SSMP is organized into 11 core elements following Attachment D of the WDR, with inclusion of applicable Specifications requirements.

Each individual element in the SSMP includes the following technical contents.

1. Requirements – Provides the actual description of applicable requirements in the WDR.
2. Compliance – Describes the City’s approach to complying with the WDR requirements.
3. Effectiveness – As measured by Key Performance Indicators (KPIs.)
4. Implementation – Demonstrates how the City will ensure the SSMP will be carried out as described.
5. Resilience – Demonstrates the resilience that is addressed in the SSMP and built-in to the City’s collection system and procedures.
6. Appendix Inclusions – List the items included in the Appendix for each SSMP Element, if any.

Abbreviations and Acronyms¹

BMP	Best Management Practices
CCTV	Closed Circuit Television
CIP	Capital Improvement Program
CIPP	Cured in Place Pipe
CIWQS	California Integrated Water Quality System (State Water Board Online Spill Database)
CMMS	Computerized Maintenance Management System
Dir	Director
Eng.	Engineer
EPA	US Environmental Protection Agency
FOG	Fats, Oils and Grease
FSE	Food Service Establishment
GCD	Grease Control Device
GIS	Geographic Information System
GM	General Manager
I & I	Inflow and Infiltration
LRO	Legally Responsible Official
MAN	Manager
NASSCO	National Association of Sewer Service Companies
NPDES	National Pollutant Discharge Elimination System
PACP	Pipeline Assessment Certification Program
PSSCS	Private Sanitary Sewer Collection System
RWQCB	Regional Water Quality Control Board
SCADA	Supervisory Control and Data Acquisition
SERP	Spill Emergency Response Plan
SOP	Standard Operating Procedure
SMP	Waster Water Collection System Master Plan
SSMP	Sewer System Management Plan
Spill	Sanitary Sewer Spill
Sup	Supervisor
WDR	Sanitary Sewer Systems General <u>Wastewater Discharge Requirements</u> Order issued by the State Water Board (Order No. 2022-0103-DWQ)
SWRCB	State Water Resources Control Board
WDID	Waste Discharge ID Number (CIWQS)

Table 1 – Abbreviations and Acronyms

¹ For a list of additional common acronyms for collection systems and related WDR terms, see the [WDR, Attachment A \(page 32\)](#)

1. Goal and Introduction

WDR REQUIREMENTS

[Att. D-1 \(pg. D-2\)](#)

“The goal of the Sewer System Management Plan (Plan) is to provide a plan and schedule to: (1) properly manage, operate, and maintain all parts of the Enrollee’s sanitary sewer system(s), (2) reduce and prevent spills, and (3) contain and mitigate spills that do occur.

The Plan must include a narrative Introduction section that discusses the following items:”

1.1. Regulatory Context

WDR REQUIREMENTS

[Att. D-1.1 \(pg. D-2\)](#)

“The Plan Introduction section must provide a general description of the local sewer system management program and discuss Plan implementation and updates”.

COMPLIANCE

The Agency is committed to fully implementing the WDR, which includes addressing all requirements by integrating a wide range of programs specifically designed for ensuring the integrity and efficiency of the Agency’s sanitary sewer collection system. Moreover, the Agency is dedicated to maintaining its collection system in a systematic manner by implementing various work programs, with a focus on critical areas, to prevent spills, allowing for a comprehensive approach to maintenance. Work programs include CCTV inspections, pipe cleaning, manhole inspections, lift station maintenance, root control, source control, and pipe repair, just to name a few. Work programs are described in more detail in sections Specifications 5.19 Operation and Maintenance of this SSMP.

By prioritizing proactive measures and taking a comprehensive approach, the Agency is well-equipped with a proven track record of effectively operating its sanitary sewer collection system with the highest levels of service, complying with the WDR, and reducing/eliminating sewage spills.

The goals of the City of Morgan Hills SSMP are:

1. To minimize and mitigate the adverse impacts of sewer system spills that may occur despite best efforts.
2. To minimize the frequency of sewer system spills.
3. To meet all applicable regulatory notification and reporting requirements.
4. To provide adequate capacity to convey both peak wastewater and dry wastewater flows.
5. To measure progress through performance measures so that the plan can be adjusted as needed.
6. To protect public health and safety, and the environment.
7. To perform all operation and maintenance activities in a safe manner.
8. To document and define procedures to address sewer system spills prevention and response.

9. To understand the condition of and maintain infrastructure to maximize the life of the collection system.
10. To Implement regular, proactive maintenance of the system to remove roots, debris, fats, oils, and grease (FOG) in areas prone to blockages that may cause sewer backups or sewer system spills.
11. Construct new and/or rehabilitated public and private sewers to City Engineering standards and specifications.

1.2. SSMP Update Schedule

WDR REQUIREMENTS

[Att. D-1.2 \(pg. D-3\)](#)

“The Plan Introduction section must include a schedule for the Enrollee to update the Plan, including the schedule for conducting internal audits. The schedule must include tones for incorporation of activities addressing prevention of sewer spills.”

COMPLIANCE

The Agency utilizes the State Water Board’s online look-up tool for ensuring all required due dates for updating its SSMP and completing its required SSMP Audits (see chart below).

The Agency’s current SSMP audit is expected to be completed by September 2025 and will be appended to this SSMP update when completed.

The Agency has previously incorporated industry standard design, monitoring, maintenance, repair, replacement, and capacity improvement activities addressing prevention of sewer spills. The Agency stays abreast of changes in technology and industry standards for prevention of sewer spills and adopts appropriate methods for their system as they become available and as resources permit.

Sewer System Management Plan & Subsequent Update Due Dates					
System Name	WDID Number	Original Plan Required Due Date	Required Plan Update Due Date	Required Plan Update Due Date	Required Plan Update Due Date*
City of Morgan Hill CS	3SSO10332	8/2/2009	8/2/2014	8/2/2019	8/2/2025

Audit Due Dates								
System Name	WDID Number	Original Required Plan Audit Due Date	Required Plan Audit Due Date	Required Plan Audit Due Date	Required Plan Audit Due Date	Required Plan Audit Due Date	Required Plan Audit Due Date	End of Required 3-Year Audit Period**
City of Morgan Hill CS	3SSO10332	8/2/2011	8/2/2013	8/2/2015	8/2/2017	8/2/2019	8/2/2021	8/2/2024

* Per Section 5.5 and Attachment E1, Section 3.11 of the General Order, Plan updates are due within six years after the required due date of the Enrollee’s last Plan Update.

** Per Section 5.4 and Attachment E1, Section 3.10 of the General Order, the Audit Report is due within six months after the end of the required 3-year audit period.

Figure 2 – Sewer System Management Plan, Subsequent Update and Audit Due Dates

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Are SSMP Audits and SSMP Updates being performed as scheduled?
- Has the SSMP been approved by the governing board on the required schedule (i.e., every six years)?
- Are specific internally established sewer program milestones being monitored?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
1.2.1	Prepare for next SSMP Audit	Begin 5/2/2027	X	X	X
1.2.2	Complete and Upload SSMP audit.	By 11/2/2027	X	X	
1.2.3	Incorporate Audit Findings, update Change Log and Update SSMP	10/2/2025		X	
1.2.4	Board Approval and LRO Certification of SSMP	By 10/2/2025	X	X	

1.3. Sewer System Asset Overview

WDR REQUIREMENTS

[Att. D-1.3 \(pg. D-3\)](#)

“The Plan Introduction section must provide a description of the Enrollee-owned assets and service area, including but not limited to:

- *Location, including county(ies);*
- *Service area boundary;*
- *Population and community served;*
- *System size, including total length in miles, length of gravity mainlines, length of pressurized (force) mains, and number of pump stations and siphons;*
- *Structures diverting stormwater to the sewer system;*
- *Data management systems;*
- *Sewer system ownership and operation responsibilities between Enrollee and private entities for upper and lower sewer laterals;*
- *Estimated number or percentage of residential, commercial, and industrial service connections; and*
- *Unique service boundary conditions and challenge(s).*
- *Additionally, the Plan Introduction section must provide reference to the Enrollee’s up-to-date map of its sanitary sewer system, as required in section 4.1 (Updated Map of Sanitary Sewer System) of this Attachment.”*

COMPLIANCE

The Agency is located in Santa Clara County, approximately 22 miles southeast from the City of San Jose’s downtown and 10 miles north from the City of Gilroy. The Agency operates a sanitary sewer system that serves a population of approximately 47,374 in a 12.9 square mile service area. The sewer system serves 15,230 connections. The sewer system consists of approximately 169.1 miles of gravity sewers, 3888 manholes, 3.2 miles of force mains, and fourteen (14) lift stations. The sewer lines range in size from four (4) inches to thirty-six (36) inches in diameter and the piping system includes thirty (30) siphons. The property owner is fully responsible for installation, maintenance, and repair of the private sewer lateral(s) on their parcel. Ultimately, wastewater collected from the Agency is conveyed south via a 12-mile Joint Trunk system that is discharged into a Wastewater Treatment Plant in the City of Gilroy. This plant is owned and operated by the South County Regional Wastewater Authority (SCRWA) under a Joint Powers Agreement (JPA) between the City of Morgan Hill and the City of City of Gilroy. Similarly, the Joint Trunk, south of Highland Avenue, is maintained by both agencies based on the capacity allocations documented in the JPA. The Agency service area is mostly flat at the center with steeper slopes along the foothills at the east and west boundaries and ranges in elevation from 350 feet above sea level to 1200 feet above sea level in the foothills.

The Agency does not have any stormwater diversion structures.

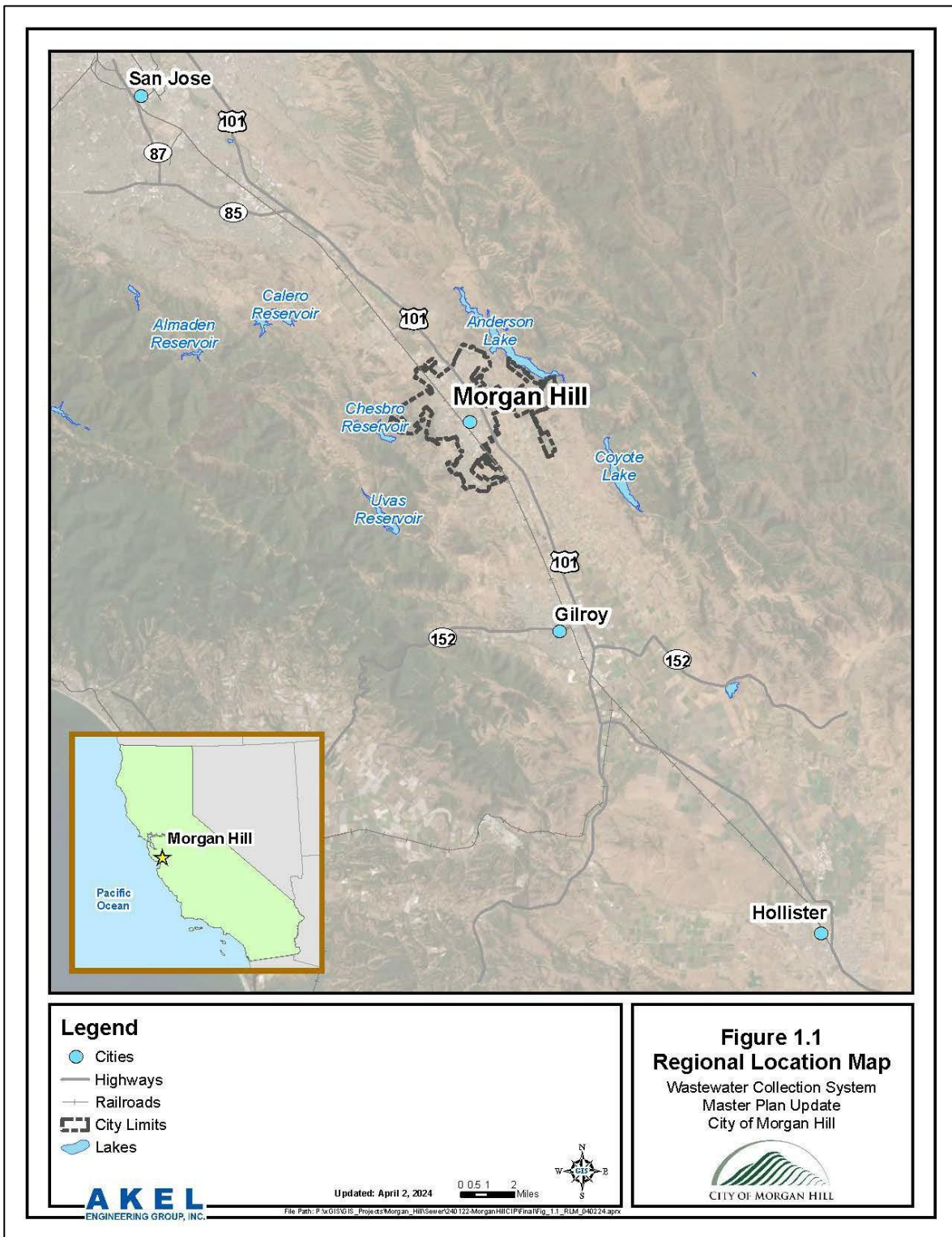


Figure 3 – Agency Vicinity Map and Service Area

HISTORICAL GRAVITY SEWER LINE CLEANING			
Fiscal Year	Linear Feet Cleaned	Miles Cleaned	Percent of System Cleaned
2023/24	333,125	63	40
2022/23	249,187	47	30
2021/22	465,355	88	56
2020/21	622,180	118	75
2019/20	594,420	113	71
2018/19	452,703	86	54
2017/18	649,668	123	78
2016/17	363,622	69	44
2015/16	445,843	84	54
2014/15	587,687	111	70
2013/14	372,834	71	45

Figure 4 – Proactive Sewer Line Maintenance and Results

Estimated customer connection flow classifications and connects data are presented in Table 2 below for residential, commercial industrial, and institutional data.

Use Type	Flow (MG)	Number of Connections
Single Family Residential	146.8	11,112
Multi-Family	27.6	2,269
Landscape	61.2	719
Commercial/Government	21.5	874
Institutional/Industrial	Not Tracked	Not Tracked
Not Active/Not Billed	N/A	256

Table 2 – Agency Sewer Connection Flow Classifications and Connections Data

Overall, the Agency has put itself in good position to maintain its collection system. There are few service area challenges. During heavy rain events, access to some easement roads/manholes can sometimes be limited for short periods.

System maps, include gravity mains, manholes, lift stations, siphons, and other collection system features and are complete, accurate, up-to-date, and available to all staff through the CMMS database. The Agency

continues to make efforts to accurately represent lateral information Refer to Section 4.1 Updated Map of Sanitary Sewer System for more detail.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Are asset statistics periodically reviewed and updated as necessary?
- Are omissions or errors addressed in a timely manner?
- Are system maps up to date?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
1.3.1	Review Agency-owned asset statistics and element description; update as necessary	At the beginning of the audit cycle and when significant changes have been made.		X	X
1.3.2	Update Maps	Within 30 Days of Correction Submittal of Completion of Development Project		X	

RESILIENCE

Resilience is addressed in Element 1 by:

- Redundancy: More than one member of staff is trained and able to retrieve and manage the data.
- Implementing a QA/QC process to help ensure information is accurate.
- Continuous improvement with input from the field.
- Using calendar reminders to ensure compliance deadlines are met.

APPENDIX 1 INCLUSIONS

- None

Specifications 5.2 – SSMP Development and Implementation

WDR REQUIREMENTS

[Specification. 5.2 \(pg. 18\)](#)

“To facilitate adequate local funding and management of its sanitary sewer system(s), the Enrollee shall develop and implement an updated Sewer System Management Plan. The scale and complexity of the Sewer System Management Plan, and specific elements of the Plan, must match the size, scale, and complexity of the Enrollee’s sanitary sewer system(s). The Sewer System Management Plan must address, at minimum, the required Plan elements in Attachment D (Sewer System Management Plan – Required Elements) of this General Order. To be effective, the Sewer System Management Plan must include procedures for the management, operation, and maintenance of the sanitary sewer system(s). The procedures must: (1) incorporate the prioritization of system repairs and maintenance to proactively prevent spills, and (2) address the implementation of current standard industry practices through available equipment, technologies, and strategies.”

COMPLIANCE

The Agency's current Sewer System Management Plan (SSMP) has been updated to meet the requirements of Order WQ 2022-0103-DWQ and addresses the required Elements. The SSMP addresses management, operations, and maintenance procedures specific to the Agency’s collection system. The Agency maintains a proactive O&M program to operate its system and identify defects, which are then prioritized for repair, replacement, rehabilitation, or placed on modified maintenance schedules. (See Elements 4 and 8 and Specifications 5.19 of this SSMP for more detail.)

The Agency keeps up with current industry standards, technology, and best practices by reviewing industry periodicals, networking, and attending industry conferences and workshops.

Specifications 5.7 – Allocation of Resources

WDR REQUIREMENTS

[Specification. 5.7 \(pg. 22\)](#)

“The Enrollee shall comply with the following requirements:

- *Establish and maintain a means to manage all necessary revenues and expenditures related to the sanitary sewer system; and*
- *Allocate the necessary resources to its sewer system management program for:*
 - *Compliance with this General Order,*
 - *Full implementation of its updated Sewer System Management Plan,*
 - *System operation, maintenance, and repair, and*
 - *Spill responses.”*

COMPLIANCE

The Agency maintains various revenue sources to maintain financial stability, meet its operational needs and manage all necessary expenditures for its sewer system operation. The primary source of revenue is the annual Sewer Service Rate Charge, which is collected from customers and used for:

- Agency’s share of operation and maintenance of the South County Regional Wastewater Authority (SCRWA) and 12-mile Joint Trunk sewer collection system jointly owned by the Agency and City of Gilroy.
- Collection system capacity improvements, equipment replacement, and modification
- Maintenance and operation of Agency wastewater collection and conveyance system
- Collection system maintenance equipment and construction
- General administrative services
- Extension of service of collection system
- General and unappropriated reserves

The Agency collects a Connection fee that funds the installation of facilities to areas not yet served, upsized pipes, construct relief trunk lines, and expand the treatment plant to ensure adequate capacity.

The Agency is adequately staffed with four entry level personnel, seven journey level personnel, one supervisor, and one manager of which nine are Grade I certified, one is Grade II certified, and two are CSUS certified. The Agency owns and operates the necessary equipment (see Appendix 4-1) to effectively maintain its collection system.

Provisions 6.1 – Enforcement Provisions

WDR REQUIREMENTS

[Provisions 6.1 \(pg. 27\)](#)

“The following enforcement provisions are based on existing federal and state regulations, laws and policies, including the federal Clean Water Act, the state Water Code and the State Water Board Enforcement Policy.”

COMPLIANCE

The Agency is aware of the consequences for noncompliance including associated penalties for violations. The Agency maintains a proactive stance with full implementation of its SSMP.

Noncompliance with requirements of this General Order or discharging sewage without enrolling in this General Order constitutes a violation of the Water Code and a potential violation of the Clean Water Act and is grounds for an enforcement action by the State Water Board or the applicable Regional Water Board. Failure to comply with the notification, monitoring, inspection, entry, reporting, and recordkeeping requirements may subject the Enrollee to administrative civil liabilities of up to \$10,000 a day per violation pursuant to Water Code section 13385; up to \$1,000 a day per violation pursuant to Water Code section 13268; or referral to the Attorney General for judicial civil enforcement. Discharging waste not in compliance with the requirements of this General Order or the Clean Water Act may subject the Enrollee to administrative civil liabilities up to \$10,000 a day per violation and additional liability up to \$10 per gallon of discharge not cleaned up after the first 1,000 gallons of discharge; up to \$5,000 a day per violation pursuant to Water Code section 13350 or up to \$20 per gallon of waste discharged; or referral to the Attorney General for judicial civil enforcement.

Provisions 6.3 – Sewer System Management Plan Availability

WDR REQUIREMENTS

[Provisions 6.3 \(pg. 31\)](#)

“The Enrollee’s updated Sewer System Management Plan must be maintained for public inspection at the Enrollee’s offices and facilities and must be available to the public through CIWQS and/or on the Enrollee’s website, in accordance with section 3.8 (Sewer System Management Plan Reporting Requirements) of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.”

COMPLIANCE

The Agency publishes its SSMP, available for public review, on its website and also maintains a paper copy in its offices which can be made available for inspection during regular business hours.

2. Organization

WDR REQUIREMENTS

[Att. D-2 \(pg. D-3\)](#)

“The Plan must identify organizational staffing responsible and integral for implementing the local Sewer System Management Plan through an organization chart or similar narrative documentation that includes:

- *The name of the Legally Responsible Official as required in section 5.1 (Designation of a Legally Responsible Official) of this General Order;*
- *The position titles, telephone numbers, and email addresses for management, administrative, and maintenance positions responsible for implementing specific Sewer System Management Plan Element;*
- *Organizational lines of authority; and*
- *Chain of communication for reporting spills from receipt of complaint or other information, including the person responsible for reporting spills to the State and Regional Water Boards and other agencies, as applicable. (For example, county health officer, county environmental health City, and State Office of emergency Services.)”*

COMPLIANCE

The above items are addressed in the order below:

Chris Ghione (primary LRO, typically certifies sewer system spills reports) and James Sylvain (secondary LRO, typically prepares draft sewer system spill reports) are designated as the Agency’s Legally Responsible Officials. All meet the requirements set forth in Specifications 5.1 of the re-issued Order (WQ-2022 0103-DWQ).

Implementation Responsibilities

Sewer System Management Plan Elements	Responsible Position
1. SSMP Plan, Goal, and Introduction	Deputy Director for Utility Services
1.1. Regulatory Context	Deputy Director for Utility Services
1.2. SSMP Update Schedule	Deputy Director for Utility Services
1.3. Sewer System Asset Overview	Deputy Director for Utility Services
2. Organization	Deputy Director for Utility Services
3. Legal Authority	Public Services Director and Deputy Director for Utility Services
4. Operations and Maintenance Program	Utilities Operations Manager
4.1. Updated maps of Sanitary Sewer System	Utilities Operations Manager
4.2. Preventive Operation & Maintenance	Utilities Operations Manager
4.3. Training	Utilities Operations Manager
4.4. Equipment Inventory	Utilities Operations Manager
5. Design/Performance	Deputy Director of Engineering/City Engineer
5.1. Updated Design Criteria & Construction Standards	Deputy Director of Engineering/City Engineer
5.2. Procedures and Standards	Deputy Director of Engineering/City Engineer
6. Spill Emergency Response Plan	Utilities Operations Manager
7. Sewer Pipe Blockage Program	Pretreatment Program Manager SCRWA
8. System Eval, Capacity Assurance, Capital Imp.	Deputy Director for Utility Services
8.1. System Evaluation and Condition Assessment	Deputy Director for Utility Services
8.2. Capacity Assessment and Design Criteria	Deputy Director for Utility Services
8.3. Prioritization of Corrective Action	Deputy Director for Utility Services
8.4. Capital Improvement Plan	Deputy Director for Utility Services
9. Monitoring, Measurement & Program Modifications	Deputy Director for Utility Services
10. Internal Audits	Deputy Director for Utility Services
11. Communication Program	Deputy Director for Utility Services

Table 3 – Implementation Responsibilities

RESPONSIBLE POSITION CONTACT INFORMATION

Name	Title	Phone	Email
Chris Ghione	Public Services Director	408-782-9154	chris.ghione@morganhill.ca.gov
James Sylvain	Deputy Director for Utility Services	408-310-4166	James.sylvain@morganhill.ca.gov
Mario Parraz	Utilities Operations Manager	408-310-4043	mario.parraz@morganhill.ca.gov
Scott Creer	Deputy Director of Engineering/City Engineer	408-310-4640	scott.creer@morganhill.ca.gov
Bret Swain	Pretreatment Program Manager SCRWA	408-848-0480	bret.swain@cityofgilroy.org

Table 4 – Responsible Position Contact Information

2.1. Organizational Lines of Authority

Figure 5 below shows the Agency’s organization chart and Agency staff who manage all sanitary sewer activities within the City, whether it be reporting spills, analyzing capacities of the sanitary sewer system, or maintaining sanitary sewer facilities.

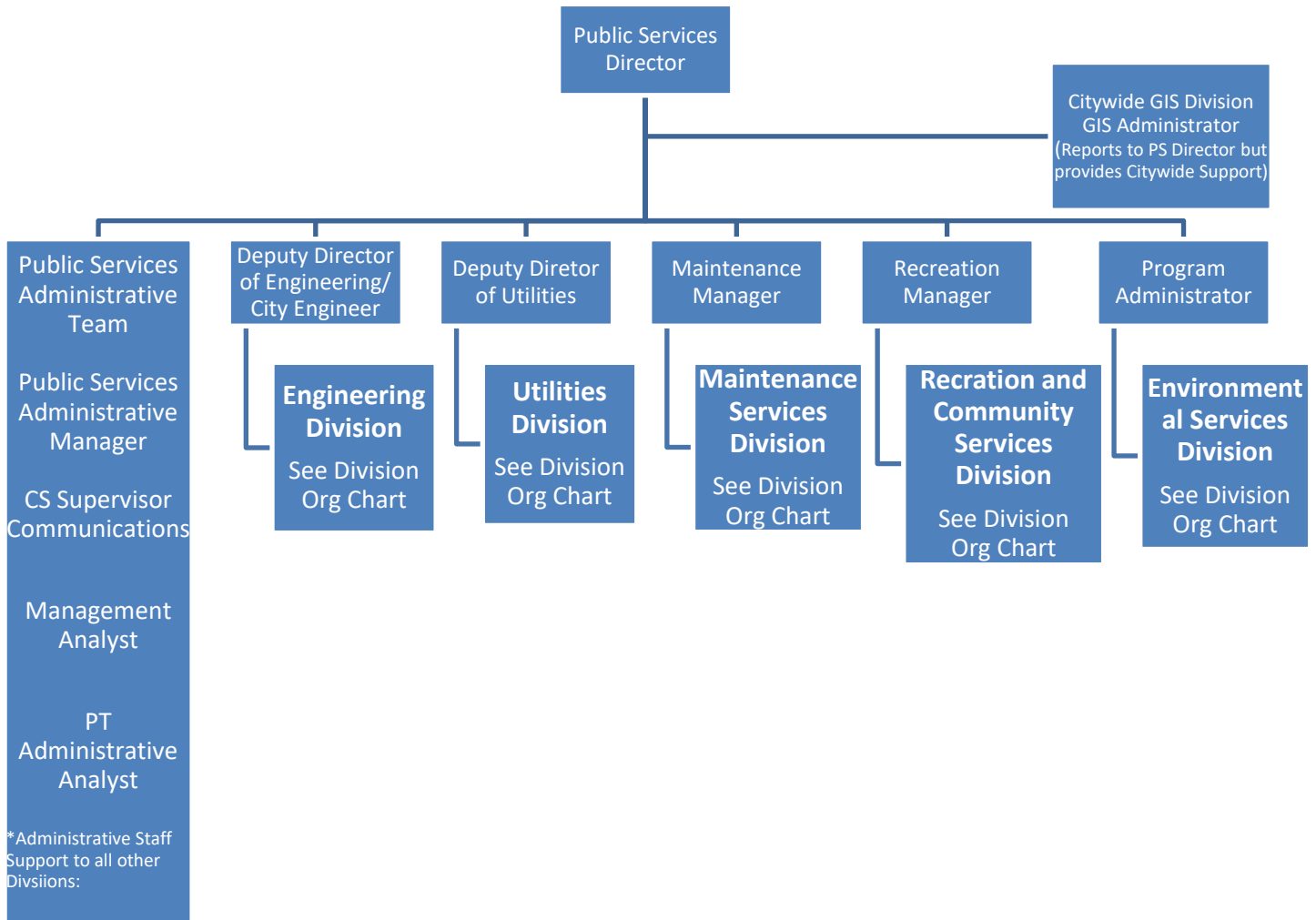


Figure 5 – Public Services Organization Structure

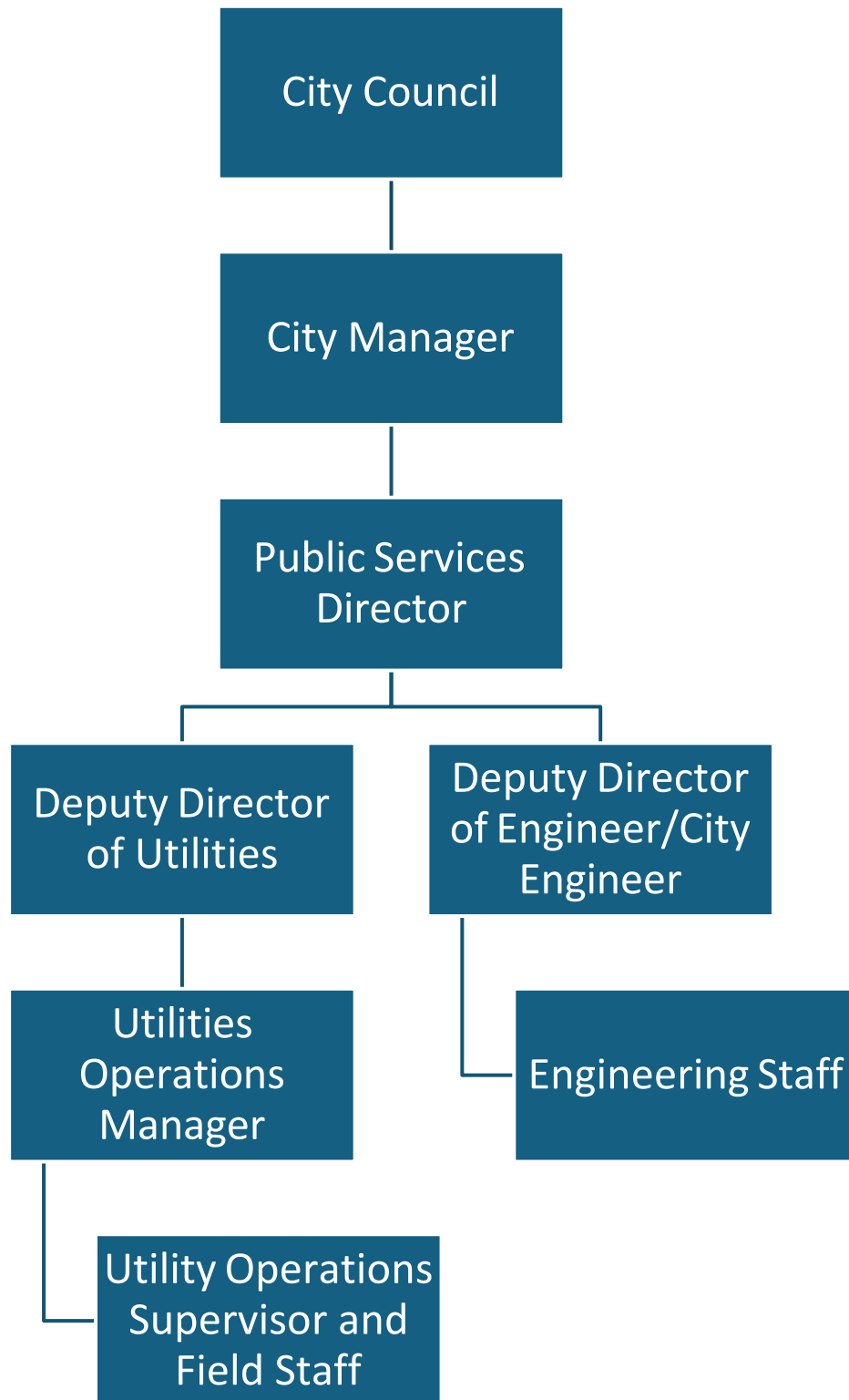


Figure 6 – Abbreviated Organization Chart

2.2. Organizational Staffing Responsibilities

Chris Ghione, Public Services Director (Primary LRO) - Administers all phases of a comprehensive public works and engineering program through subordinate management and supervisory personnel; provides expert professional assistance to Agency management staff in areas of responsibility; performs related work as required. Reports to the City Manager.

James Sylvain, Deputy Director of Utility Services (Secondary LRO) – The Deputy Director of Utility Services is a mid-management position is responsible for overseeing the functions for water and wastewater utilities. The position provides leadership and management over the water and wastewater functions of utilities including long-range planning, system reliability, regulatory compliance, capital program development, and operations and maintenance. The Deputy Director develops, monitors, and analyzes financial and quality indicators, and oversees utility operations. This requires detailed understanding of the municipal water and wastewater engineering, operations, management to deliver utility services. Reports to the Public Services Director.

Senior Project Manager – Responsible for engineering, directing, and performing complex or difficult civil engineering work. Trains subprofessionals and less experienced engineering staff. Reports to the Deputy Director of Engineering.

Management Analyst – Performs professional administrative and research work of a technical nature in support of the Utilities Division and on other work as assigned. Reports to the Deputy Director of Utilities.

Municipal Services Assistant – Under general supervision provides varied and responsible advanced office and technical support to the Utilities Division. Reports to the Deputy Director of Utilities.

Office Assistant I/II – Under supervision performs a variety of routine to difficult clerical support to the Utilities Division which may include receptionist duties, typing, word processing, record keeping and filing. Reports to the Deputy Director of Utilities.

Associate Engineer – Performs a variety of professional civil engineering work related to the wastewater systems. Reports to the Deputy Director of Engineering.

Assistant Engineer – Performs a variety of professional civil engineering work related to the wastewater systems. Reports to the Senior Project Manager.

Engineering Technician II – Performs paraprofessional engineering tasks related to technical support duties for the Utilities Division including collection system mapping. Reports to the Senior Project Manager.

Financial and Policy Analyst – Responsible for financial tracking, monitoring, and reporting on the Utilities Division operations; also responsible for the financial structuring, monitoring, and reporting on the Capital Improvements Program (CIP) document. Reports to the Public Services Director.

Utilities Operations Manager (LRO) – Manages the City’s wastewater utility operations providing management over the operations of the utility including regulatory compliance, supervising operations and maintenance, emergency planning and response, recommending capital improvements and utility asset management to ensure reliable sustainable wastewater systems. Provides a central customer service role for both internal and external operations and maintenance activities. Reports to the Deputy Director of Utility Services.

Wastewater Utility Supervisor – (DS) – Responsible for supervising; scheduling and coordinating the collection systems operations and personnel assigned in the repair and maintenance of wastewater facilities, performs related administrative tasks in the operation of assigned work units. Reports to the Operations Manager.

Senior Utility Worker (DS) – Provides lead direction to crews in the collection system maintenance operations; performs advanced skilled wastewater collection system maintenance work including training and lead direction for lateral service connections and minor repairs to the collection system piping. Reports to the Program Maintenance Utilities Supervisor.

Utility Worker I – Performs a variety of semi-skilled work in the maintenance of the wastewater collection system facilities and appurtenances. Assists when responding to collection system emergencies and customer complaints. Reports to the Wastewater Senior Utility Supervisor.

Utility Worker II – Performs a variety of skilled work in the maintenance of the wastewater collection system facilities and appurtenances. Responds to collection system emergencies and customer complaints. Reports to Wastewater Senior Utility Supervisor.

Electrician – Responsible for the maintenance, troubleshooting, repairs, inspections, testing and installing all types of electrical systems including pumps and building electrical systems at the journey level. Maintains technical knowledge of the functions and the operations of the City SCADA systems for the sewer systems. Reports to the Program Maintenance Utility Supervisor.

Water Quality Technician – Responsible for assisting and advising on the development and implementation and maintenance of wastewater system quality control standards and monitoring. Prepares technical reports as directed. Reports to the Utility Systems Manager.

GIS/Land Use Data Administrator – Responsible for coordinating with and supporting the Utilities Department in implementation of all aspects of the City's geographic information system (GIS) related projects. Maintains and updates collection system mapping. Reports to the Assistant City Manager for Administrative Services.

Building Official – Manages the activities of the Building Division including code enforcement and building inspection programs including service laterals and grease related requirements. Reports to the Community Development Director.

Building Inspector II – Performs skilled inspections of residential, commercial, and industrial structures, interprets, and enforces applicable codes and regulations in the collection system. Reports to the Building Official.

Code Enforcement Officer – Responsible for compliance with sections of the municipal code, ordinances, and resolutions in areas such as community nuisance, property maintenance, and related areas. Reports to the Building Official.

Pretreatment Program Manager SCRWA – Responsible through the authority in the Joint Powers Agreement with the City of Gilroy for the education, operations, management and enforcement of the City fats, oils, and grease (FOG) programs to protect the collection system from the discharge of FOG that could result in sewer system spills and will help reduce operations and maintenance costs. Reports to City of Gilroy Administrator/SCRWA General Manager.

Deputy Director for Engineering – The Deputy Director for Engineering is a mid- management position is responsible for overseeing the engineering functions for water and wastewater utilities. The position provides leadership and management over the engineering functions of utilities including long-range planning, system reliability, capital program accountability, and construction inspection. The Deputy Director develops, monitors, and analyzes financial and quality indicators, and oversees engineering operations. This requires an operational understanding of the municipal water and wastewater industry to develop and execute complex engineering projects and construction. Reports to the Public Services Director.

Senior Public Works Inspector – Under general supervision of the Public Works Inspector Supervisor, makes field inspections on a variety of public and private construction projects to ensure conformance with approved plans, specifications, and departmental regulations; performs land surveys using current methods; and performs minor drafting work and other office and field work related to engineering. Reports to the Deputy Director for Engineering

Public Works Inspector – Under the direct supervision of the Senior Public Works Inspector, makes field inspections on a variety of public and private construction projects to ensure conformance with approved plans, specifications, and departmental regulations; performs land surveys using current methods; and performs minor drafting work and other office and field work related to engineering. Reports to the Senior Public Works Supervisor.

Business Assistant – Under general supervision of the Deputy Director of Engineering provides technical and support services applying policies, procedures, or ordinances as they relate to departmental permit and project processes and functions; perform related work as required.

Environmental Services Administrator – The Environmental Services Administrator is a mid-management position is responsible for overseeing responsible for overseeing the management of Citywide environmental services initiatives, including the inspection and enforcement private sewer laterals and private sanitary sewer collection systems, as well as water conservation programs. Reports to the Public Services Director.

Environmental Services Coordinator – The Environmental Services Coordinator is responsible for the implementation and enforcement of the citywide private sewer lateral, “retrofit at resale” program and the private sanitary sewer collection system inspection and rehabilitation program. The Environmental Services Coordinator implements the program through enforcement, regulation, incentives, and the administration of grant funding. Reports to the Environmental Services Administrator.

2.3. Chain of Communication for Reporting Spills

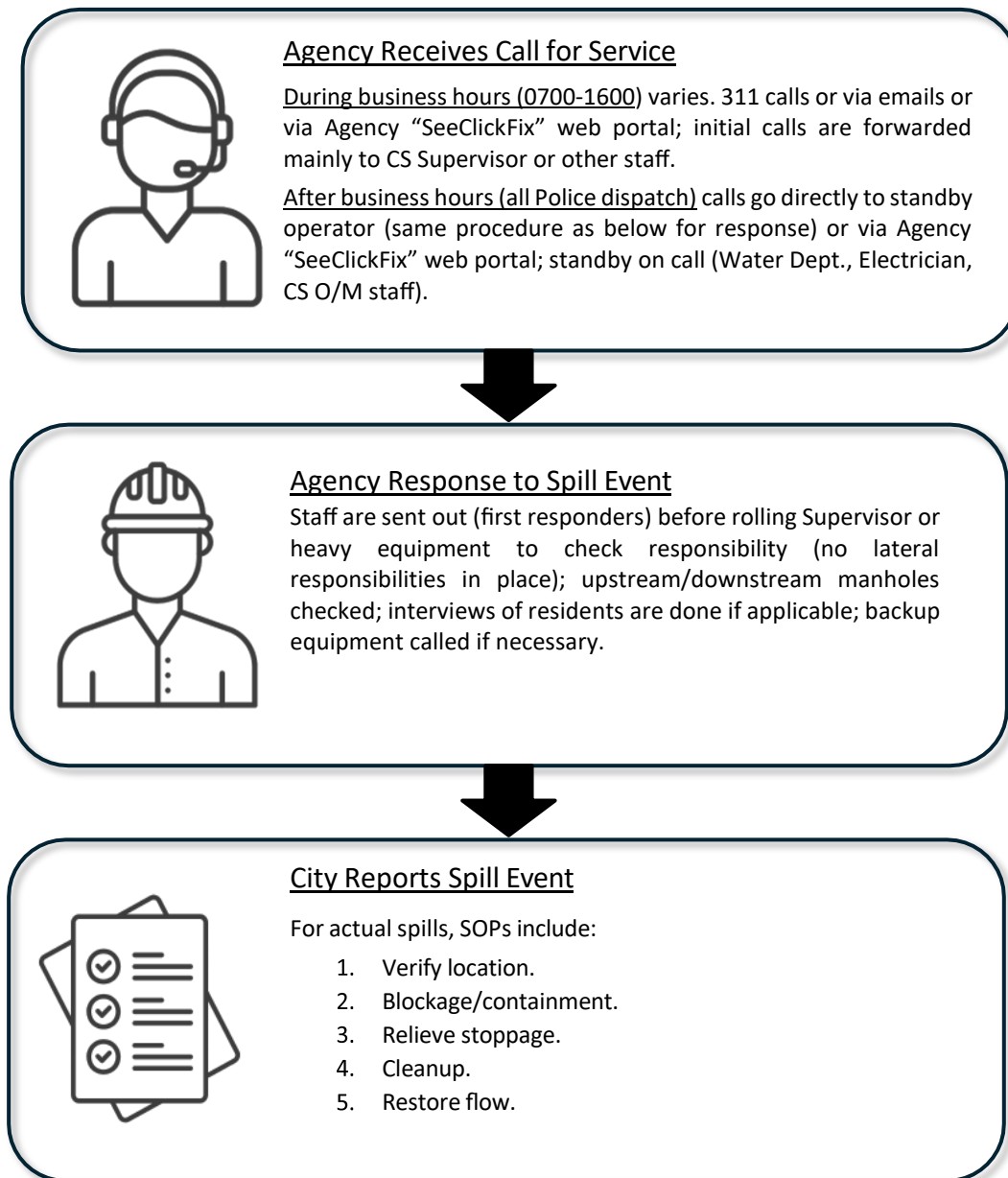


Figure 7 – Chain of Communication for Reporting Spills

SPILL INCIDENT COMMAND

In the event that command personnel are absent, the specific order of command is as follows:

1. Public Services Director
2. Deputy Director of Utilities
3. Operations Manager
4. Supervisor
5. Senior Worker

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Have there been any changes requiring updates to the Organizational Chart?
- Have there been instances when a service call for a spill was not properly routed to response personnel?
- Were all spill response activities documented and forwarded to the LRO?
- Have there been any changes in assigned responsibilities for implementing the SSMP?
- Is there a process in place to ensure all contact information remains up to date?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Man	Sup
2.1	Review names, contact information and position responsibilities. Update, as necessary.	Semi-Annually	X	X	
2.2	Review Chain of Communication outcomes for all spill responses	Each Spill Event	X	X	
2.3	Review Organizational Chart for any changes. Update, as necessary.	Semi-Annually	X	X	

RESILIENCE

Resilience is addressed in Element 2 by:

- Ensuring that more than one person is capable and responsible for specific duties for Sewer System Management Plan implementation, e.g., back-up personnel.
- Designation of more than one LRO to help ensure full and continuous coverage of duties.
- Testing the phone notification system to ensure calls are received and routed to appropriate personnel.

APPENDIX 2 INCLUSIONS

- None

3. Legal Authority

WDR REQUIREMENTS

[Att. D-3 \(pg. D-4\)](#)

“The Plan must include copies or an electronic link to the Enrollee’s current sewer system use ordinances, service agreements and/or other legally binding procedures to demonstrate the Enrollee possesses the necessary legal authority to:

- *Prevent illicit discharges into its sanitary sewer system from inflow and infiltration (I&I); unauthorized stormwater; chemical dumping; unauthorized debris; roots; fats, oils, and grease; and trash, including rags and other debris that may cause blockages;*
- *Collaborate with storm sewer agencies to coordinate emergency spill responses, ensure access to storm sewer systems during spill events, and prevent unintentional cross connections of sanitary sewer infrastructure to storm sewer infrastructure;*
- *Require that sewer system components and connections be properly designed and constructed;*
- *Ensure access for maintenance, inspection, and/or repairs for portions of the service lateral owned and/or operated by the Enrollee;*
- *Enforce any violation of its sewer ordinances, service agreements, or other legally binding procedures; and*
- *Obtain easement accessibility agreements for locations requiring sewer system operations and maintenance, as applicable.*

COMPLIANCE

The Morgan Hill Municipal Code (MHMC) describes the City’s current legal authority required for compliance with the GWDR. That authority is specifically contained within Title 13.20 of the Municipal Code and minimally in other Municipal Code Titles that are summarized below. In addition, all FOG related authorities are included in the SCRWA Pretreatment and Sewer Use Ordinance #2024-01. The Agency’s Code of Ordinances can be referenced at: [Code of Ordinances | Morgan Hill, CA | Municode Library](#) and SCRWA’s Sewer Use Ordinance can be referenced at: [Sewer Ordinance | Gilroy, CA - Official Website](#).

The legal authority in the MHMC to address the above items, a-f, are noted by MHMC chapter and section in order below:

- a. Authority to Prevent Illicit Discharges into Agency’s Wastewater Collection System:
 - MHMC 13.20.010 - 13.20.100 and SCRWA Ordinance #2024-01, Sec 1.1.
- b. The Agency's pre-planned collaboration and coordination with storm drain agencies:

The Agency owns and operates the storm drain systems in their service areas. The Agency currently can access all storm drain facilities when needed. The Agency currently possesses GIS map layers for all storm drain systems, which are available to Agency staff via phones and tablets. MHMC 13.20.050 prohibits storm and unpolluted water connections to the Agency’s collection system. SCRWA Ordinance #2024-01, Sec 2 addresses prohibitions on discharge of wastewater to storm drains.

- c. Require that sewer system components and connections be properly designed and constructed:
 - MHMC 13.16.010 and MHMC 13.20.355.

- d. Ensure access for maintenance, inspection, and/or repairs for portions of the service lateral owned and/or operated by the Enrollee:
 - MHMC 13.20.070, 13.20.073, and 13.20.076 and SCRWA Ordinance #2024-01, Sec 6 addresses right of entry for inspection and sampling/monitoring.
- e. Enforce any violation of its sewer ordinances, service agreements, or other legally binding procedures:
 - MHMC 13.20.025 and SCRWA Ordinance #2024-01, Sec 1 and 8.
- f. Obtain easement accessibility agreements for locations requiring sewer system operations and maintenance, as applicable:
 - MHMC Titles 13 and 17 address easement requirements for public services and new subdivisions, respectively.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Are the City ordinances and standards adequate for fulfilling the Sewer System Management Plan legal requirements?
- Does the City have a process in place for periodic review and evaluation of ordinances?
- Have there been instances when the code or ordinance did not address a need or circumstance?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
3.1	Review Ordinance to confirm all documents provide necessary required legal authority.	Once per 6-year SSMP Update Cycle	X	X	
3.2	Confer with Agency storm drain operations staff to ensure current practices are up to date.	Annually		X	
3.3	Monitor and Document occasions when ordinance(s) failed to address issues as intended.	Continuously	X	X	X

RESILIENCE

Resilience is addressed in Element 3 by:

- Keeping abreast of industry trends and local ordinances that may affect operations.

APPENDIX 3 INCLUSIONS

- 3.1 Grant of Easement Template

4. Operation and Maintenance Program

WDR REQUIREMENTS

[Att. D-4 \(pg. D-4\)](#)

“The Plan must include the items listed below that are appropriate and applicable to the Enrollee’s system.”

4.1. Updated Map of Sewer System

WDR REQUIREMENTS

[Att. D-4.1 \(pg. D-4\)](#)

“An up-to-date map(s) of the sanitary sewer system, and procedures for maintaining and providing State and Regional Water Board staff access to the map(s). The map(s) must show gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities within the sewer system service area boundaries.”

COMPLIANCE

The Agency utilizes a Geographic Information System (GIS) that includes the information for its wastewater collection system assets including all gravity lines and manholes, lift stations, pressure pipe, siphons and other appurtenances. The GIS maps include basic asset information of size, material, age and flow direction, specific asset identification numbers for each asset and operational elevations and GPS coordinates. The Agency has migrated to [Trimble’s Cityworks](#) CMMS workflow management system. The current GIS mapping system includes storm water pipe systems in the Agencies service area.

An Engineering Technician on an as needed basis maintains the current sewer maps. These maps are available to the field crews during their work on tablet computers that are in the field vehicles. The information in the tablets is entered during the field operations and then updated to a central database at the end of each shift. The base sewer system maps undergo continuous revision and confirmation in the Agency’s asset management and work order systems for both the sanitary sewer and the storm systems.

The editing feature in the software allows field staff to provide redline markups when corrections are needed to the mapping, which are then verified and processed by engineering staff within a few days. Upon request, the Agency will provide State and Regional Water Board staff with a link to system maps.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Were all map updates completed in a timely manner?
- Are all staff trained in the procedure for providing map update information?
- Are newly installed sewer assets incorporated into the system maps?
- Are there terrain features or assets that should be incorporated in future map updates (e.g. exposed pipe, siphons, ARVs, surface water, etc.)

IMPLEMENTATION PLAN/SCHEDULE

No	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
4.1.1	Review map update procedures with all affected staff.	Annually		X	X
4.1.2	Review/ensure all newly installed facilities have been updated and included in the system maps	Annually		X	X

4.2. Preventive Operation and Maintenance Activities

WDR REQUIREMENTS

[Att. D-4.2 \(pgs. D-4/D-5\)](#)

“A scheduling system and a data collection system for preventive operation and maintenance activities conducted by staff and contractors. The scheduling system must include:

- *Inspection and maintenance activities;*
- *Higher-frequency inspections and maintenance of known problem areas, including areas with tree root problems;*
- *Regular visual and closed-circuit television (CCTV) inspections of manholes and sewer pipes.*

The data collection system must document data from system inspection and maintenance activities, including system areas/components prone to root-intrusion potentially resulting in system backup and/or failure.”

COMPLIANCE

The purpose of a work order system is to program and track all required inspection and maintenance activities within the collection system to help proactively prevent blockages/operational problems or spills. The Agency transitioned from using SEDARU Computerized Maintenance Management System (CMMS) and now utilizes the [Trimble Cityworks](#) CMMS which allows the Agency to make informed decisions regarding its assets and infrastructure by using the collected data from field work orders and documented inspections. The Agency maintains a list of “hot spot” areas in Excel that receive increased weekly and monthly inspection and cleaning frequency compared to the remainder of the Agencies collection system which is inspected and cleaned on an approximately two-year year cycle.

The Agency’s CMMS maintains historical data for all maintenance activities and provides a basis for critical analysis and data-driven planning and decision-making today and into the future. This allows for prioritizing and planning routine activities such as CCTV inspections, pipe cleaning, and pump station maintenance activities. In addition, the CMMS is used to plan and schedule higher-frequency inspection and maintenance activities such as Hot Spot cleaning and selective root control activities. Emergency and other reactive activities are documented in work orders as well.

The scheduling system allows staff to put certain activities on a preventive schedule where the CMMS automatically create work orders on a prescribed interval. Work orders for other activities are generated by supervisory personnel on an as-needed basis.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Are the City’s maintenance, operations, and engineering work orders periodically audited for accuracy and completeness?
- Does the City monitor “open”, “overdue”, or “not yet completed” work orders to ensure completion of tasks?
- Are inspection and maintenance activities reducing the number and volume of spills?
- Is maintenance work being completed as scheduled?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
4.2.1	Monitor "Past Due" work orders to ensure critical work is being completed	Quarterly		X	X
4.2.2	Review scheduled PMs to ensure the prescribed schedule remains appropriate.	Annually		X	X

4.3. Training

WDR REQUIREMENTS

[Att. D-4 \(pg. D-5\)](#)

“In-house and external training provided on a regular basis for sanitary sewer system operations and maintenance staff and contractors. The training must cover:

- *The requirements of this General Order;*
- *The Enrollee’s Spill Emergency Response Plan procedures and practice drills;*
- *Skilled estimation of spill volume for field operators; and*
- *Electronic CIWQS reporting procedures for staff submitting data.”*

COMPLIANCE

The Agency’s training program covers several areas involving or associated with wastewater collection systems and serves to develop and maintain highly qualified, knowledgeable, and capable staff. This training is provided through a variety of modes (self-study, seminars, conferences, on-the-job, etc.) and begins from the first day on the job and continues regularly thereafter.

The City Public Services Director is responsible for ensuring full compliance through implementation, review, and training on the Agency’s Spill Emergency Response Plan (SERP) including review of internal response procedures, practice drills, skilled volume estimation, and CIWQS reporting. The Agency’s employees are required to report all wastewater overflows found and to take appropriate action to secure the wastewater overflow area, properly report to the appropriate regulatory agencies, relieve the cause of the overflow, and ensure that the affected area is cleaned as soon as possible to minimize health hazards to the public and protect the environment.

The Agency’s goal is to respond to sewer system overflows as soon as possible following notification. The Agency follows reporting procedures regarding sewer spills as set forth by the San Francisco Regional Water Quality Control Board (SFRWQCB), the Central Coast Regional Water Quality Control Board (CCRWQCB), and the California State Water Resources Control Board (SWRCB).

The Agency conducts department training sessions for its collection system employees on both the SSMP and SERP including the City Water Quality Monitoring Plan (WQMP) annually including volume estimation and sewer system spill start time determinations. Training is part classroom and part hands-on exercises and drills for responding to spill events and includes containment, restoring flow, estimating spill volume, estimating spill volume recovered, and spill start time estimation, clean up and completing the spill event data collection forms.

The Agency’s standard service and construction contract language requires all contractors working on the Agency’s wastewater collection system to provide training for their employees on the Agency’s SERP or demonstrate they have been trained on an equivalent emergency response plan of their own.

This language is included in service agreements and discussed during pre-job meetings. In the event of a spill, Contract Service personnel are required to:

- Immediately notify the Agency of any sewage spill they encounter.
- Make attempts to contain the spill using methods described in the Agency’s SERP, Part 2 - Field Guide.

- Cordon off the area to keep the public safe using methods described in the Agency’s SERP, Part 2 - Field Guide.
- Remain onsite until Agency staff arrives and relieves them.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Has all training been completed as scheduled?
- Have records of training and attendance been documented and maintained?
- Have all staff demonstrated ability and knowledge after each training event?
- Have contractors received, at a minimum, direction for reporting and responding to spills?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
4.3.1	Review training documentation to ensure all staff have received required training	Quarterly		X	X
4.3.2	Review agreements with contractors and/or Pre-Job meeting minutes to ensure contract personnel have received instruction for responding to sewage spills	Each Contract		X	X

4.4. Equipment Inventory

WDR REQUIREMENTS

[Att. D-4.4 \(pg. D-5\)](#)

“An inventory of sewer system equipment, including the identification of critical replacement and spare parts.”

COMPLIANCE

The Agency maintains a host of equipment for both routine maintenance and for contingency or emergency operations. Included in this inventory are one jetter/flusher only truck and one combination truck that are used to perform most of the cleaning maintenance on Agency sewer mains. A continuous feed rodder is used for cleaning maintenance on sewer mains with difficult accessibility. These units are outfitted with a complement of nozzles and or cutters that enable these trucks to be used to clean a variety of different pipe sizes and remove different types of debris accumulation.

To aid in the maintenance of sewer lines the Agency has a portable easement jetter/flusher that is used on those sewer lines that are exceptionally long or are difficult to access. In addition, the Agency maintains an inventory of emergency bypass equipment including pumps and related fittings, hoses, and pipes. The Agency has four (4) service trucks that are each equipped for preventive maintenance and customer service calls. These service trucks also carry spill containment items to contain spills and prevent sewage from entering storm drains. Large diameter pipes 16-inch in diameter or greater are maintained using service contractors rather than Agency staff.

In an emergency where sewage bypass pumping is required, the Agency utilizes a 6” trash. The Agency also has smaller portable trash pumps used for maintenance and cleanup operations. Associated suction and discharge hoses with Camlock type connectors are kept with the pumps. For emergency power supply needs at pump stations and spill sites, the Agency maintains two 60 KW portable emergency.

The Agency maintains an inventory of replacement parts, including those deemed to be critical parts, for each pump station including twelve (12) Flygt spare pumps and a modest supply of material for the repair of pipe and manholes. In addition to spare pumps, significant components (impellers, bearings, etc.) are kept on hand for quick repairs.

The repair of pipelines, manhole covers, and manhole frame replacements, are performed by Agency staff, and the Agency maintains a small supply of clay and plastic pipe of various diameter and their associated couplings should they be needed on short notice. In terms of the repair or emergency replacement of large cleaning equipment, either Agency staff or local equipment representatives are authorized to make repairs to these units and provide units for lease should the need arise. In addition, the Agency coordinates and cooperates with the City of Gilroy.

Repairs to pipelines and manholes, or electrical issues at pump stations, may be performed by Agency staff or the Agency may also utilize outside contractors if needed. These contractors can provide emergency and routine service when requested. If the need should arise where the magnitude of repair is beyond the capabilities of a service repair contractor, contracts can be entered with a major construction contractor with appropriate resources. Similarly, the electrical needs of the Agency’s pump stations are met utilizing Agency staff however, an on-call electrical contractor may be utilized if needed. Engineering support or consultation, if needed, is available through existing engineering consultant contracts.

The Agency is currently undertaking a planned rehabilitation project to repair the most at-risk pipelines in their service area as well as those identified as a priority through CCTV inspection work. The annual budget for this rehabilitation project is \$2,500,000. In addition, \$8,000,000 is budgeted over 5 years for repairs to the joint trunk line shared with the City of Gilroy.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Have inventory lists been audited as scheduled?
- Have any inventory deficiencies or omissions been discovered and rectified?
- Has the City experienced any equipment failure that inhibited a spill response?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
4.4.1	Audit inventory lists to ensure stock is adequate	Annually		X	X
4.4.2	Check with vendors to ensure critical parts lead times are as expected.	Annually		X	X
4.4.3	Ensure contracts with emergency support services are current	Annually			X

RESILIENCE

Resilience is addressed in Element 4 by:

- Developing an SOP for updating maps when errors are discovered.
- Developing and using forms (paper or electronic) for data collection to help ensure all pertinent information is consistently collected.
- Periodically evaluating inspection cycle intervals to help ensure they are optimized.
- Requiring staff to demonstrate ability and/or knowledge for all training activities.
- Monitoring equipment and critical spare parts usage for and trends.
- Performing periodic audits of the Vehicle and Equipment Inventory List.

APPENDIX 4 INCLUSIONS

- 4.1. Major Sewer System Equipment Inventory
- 4.2. Critical Sewer System Replacement Parts Inventory

Specifications 5.19 – Operations and Maintenance

WDR REQUIREMENTS

[Specification. 5.19 \(pg. 27\)](#)

“To prevent discharges to the environment, the Enrollee shall maintain in good working order, and operate as designed, any facility or treatment and control system designed to contain sewage and convey it to a treatment plant.”

COMPLIANCE

The Agency has a very effective preventive maintenance program that maintains the integrity of the sewer system and ensures continuous and safe conveyance of wastewater, resulting in a reduced frequency, number, and volume of sanitary sewer overflows (spills). The Agency’s preventive maintenance program has evolved into a very proactive program that is designed to locate, identify, and address problems that may exist in the collection system prior to the occurrence of a failure in the system. It is efficient by establishing, where possible, standard cleaning cycles in predetermined geographic areas. By creating large work orders bound within a single geographic area, high productivity is achieved by reducing travel time and utilizing the same work crews for continuity. It should be noted that the Agency’s maintenance program is never static and continues to be re-examined to improve its efficiency and effectiveness.

The prioritization and scheduling of the Agency’s preventive maintenance program is enhanced by the capabilities of CMMS, which is used to electronically store, track, and manage all operations and maintenance activities pertaining to the collection system. Maintenance history information, asset information, service call data, cleaning schedules, and closed-circuit television (CCTV) data are all kept and managed through the CMMS database. The linking of the Agency’s GIS and CMMS database is a powerful feature for field use and provides office staff with the ability to graphically represent or tabulate any collection system asset or historical maintenance data to help facilitate its analysis. The primary components of the sewer system receiving preventive maintenance include main lines, siphons, manholes, and pump stations. The Agency’s preventive maintenance program for each component is described below through a discussion of specific maintenance routines, cleaning methods, and service call response procedures.

Upper and lower sewer laterals are the responsibility of the individual home or business owner from the building to the Agency’s sewer main line. Agency staff do not inspect or maintain the upper or lower laterals connected to their collection system. Inspection and maintenance of upper and lower sewer laterals are addressed by the Agency’s Environmental Services Division through a Private Sewer Lateral inspection and retrofit at property resale program and the Private Sanitary Sewer Collection System (PSSCS) inspection and repair program.

Sewer Main Maintenance

The cleaning of the Agency’s sewer mains constitutes the largest maintenance activity in the Agency. Based on prior cleaning history and resource capabilities, it was determined that the minimum effective cleaning frequency to be used for routine mainline maintenance is thirty-six (36) months. Historically, the Agency has proactively flushed its entire Sanitary Sewer System at least every two and a quarter (2.25) to three (3) years. The Agency preventively cleans sewers with a history of problems weekly, monthly, quarterly, biannually, and annually to minimize operational problems from these impacted lines. The Agency has developed

several Policy Memorandums (SOPs) related to the collection system operations. The Agency has also developed Agency specific Standard Operating Procedures for all operations, equipment, and facilities.

The Agency has broken the collection service area into separate sub-basins for zone flushing and ease of recordkeeping. These zones are labeled from A to H, and the line cleaning crews move through these zones over the three (3) year cleaning frequency cycle. The Agency has developed a comprehensive schedule of regular line cleaning. Over the past ten years, the Agency has annually cleaned, on average, approximately 478,000 linear feet (90 miles or 57%) of the system annually.

Cleaning crews operate two (2) flushing units to accomplish cleaning of lines. The historical line cleaning results are shown in Table 1-3. Large diameter pipes 16-inch in diameter or greater are cleaned using service contractors rather than Agency staff.

The line cleaning crew evaluates cleaning results based upon a Standard Sewer Cleaning Results assessment derived from the Agency's Standard Measures of Observed Results that grades the lines on various factors including degree of debris, FOG, and Root accumulation and pipe condition. Staff places line segments on the higher frequency schedules based upon past cleaning results, history of sewer system spill events, history of cleaning results, video inspections and professional judgment. The current high-frequency maintenance schedule estimates the need for more frequent cleaning of 10.25 miles of collection system lines (6.5% of the collection system). Agency staff have developed a standard procedure for the addition and removal of lines from the high frequency program. This ensures proper cleaning efficiencies and assists the Agency in identifying sewer lines that need high frequency maintenance activities and identifying sewer lines that may need repair or pipe rehabilitation or more aggressive discharger enforcement from the dischargers of fats, oils and grease.

Increased frequencies, or specialty cleaning routines, have been identified to address the approximately 43 miles of the Agency's collection system mainlines with greater maintenance demands and include increased frequencies for siphons (regular quarterly and biannual inspection and cleaning based upon size and historical operational history), pipes with FOG and heavy root problems (weekly, monthly cleaning, quarterly, semi-annual, and annual), and pipes with minimal slopes (weekly, monthly cleaning, quarterly, semi-annual, and annual).

Manholes are accessed and visually inspected during cleaning operations. The Agency has defined a formal manhole inspection program based upon the NASSCO manhole rating system as part of the regular cleaning operations. All problem-conditions noticed during cleaning are reported and appropriate repairs contracted to service contractors. The Agency has implemented the Cityworks asset management system, which is utilized as the collection system work management system for managing and planning operation and maintenance activities.

The Agency also shares the operations and maintenance responsibilities of the joint trunk sewer with the City of Gilroy for the joint trunk sewer line to the SCRWA Treatment Plant according to the assigned capacity ratios defined in the Joint Powers Agreement between the two Agencies. The Morgan Hill portion of the trunk is operated and maintained per Agency Policy Memo O13. Upgrades to the joint trunk line in the past five years have reduced sewer system spills and added redundancy to the joint trunk line. This work was required to address capacity issues, sewer system redundancy, and accommodate growth in the Morgan Hill service area. The Agency has 100% responsibility for the maintenance and repair of the initial 2020 linear feet of joint trunk sewer. Condition assessment of portions of the joint trunk sewer the Agency owns and operates is conducted approximately every 6 years and follows the NASSCO standard rating systems for pipes and manholes. Agency staff maintains a list of known structural deficiencies determined by CCTV. This

list is maintained in priority order from the field observations or repairs are made depending upon the nature of the deficiency.

Lateral Maintenance

The Agency has no responsibility for the installation, maintenance, operation, repair or replacement of private sewer upper or lower laterals (PSL) connected to the Agency's sewer main lines. The Agency may voluntarily report private lateral sewer discharges (PLSD) as they become aware of the overflows. The City Council adopted a new proactive sewer lateral inspection program that became effective on June 1, 2022. This program requires all residential, commercial, and industrial building private lateral owners to inspect and as needed, repair and replace, laterals on property sales, prior to connecting new construction, and based upon other defined criteria in the lateral ordinance available on the Agency's website.

System Inspection

Inspections of the Agency's sewer mains are made using the Agency's CCTV equipped combination truck with CUES state-of-the-art motorized cameras, and an easement mainline (push) camera. As part of the inspection process, each pipe is evaluated and assigned a condition rating using the NASSCO PACP rating system.

The motorized main line cameras have a complement of tracks, wheel types and sizes to allow it to traverse through pipe of varying slope, conditions, material types, and pipe sizes (from 6 to 15 inches in diameter). There is one camera type in use: high resolution digital side scanning and pan-and-tilt digital video camera. The side scanning camera technology utilizes a high-resolution camera to take 180°+ digital photos at four frames/second, while the video camera takes digital videos as the motorized cameras traverse down the pipe. Inspection of difficult access mainlines requires the use of the mainline push camera. Inspection of larger pipe requires the rental of a larger camera, or utilization of consultant services.

The Agency's mainline CCTV inspection program is performed by grouping mainlines into eight sub-drainage basins. This method allows the CCTV crew to limit their travel time as they focus on one geographic area at a time. It is important to inspect the collection system on a regular basis to monitor the condition of pipe and to evaluate the effectiveness of cleaning operations. The Agency's goal is to CCTV assess the entire collection system approximately every 6 years and rate condition using NASSCO standard rating systems for pipes and manholes.

Pump Station Maintenance

The Agency conducts regular maintenance and operational inspections of its 14 lift stations. Each lift station is checked twice a week, and the engine generators are checked weekly. Once per Month, each of the engine generators are exercised for 30 minutes and the wet wells are washed down and cleaned. The lift station wet wells are pressure washed quarterly. Records of all maintenance activities are maintained in logbooks at each station and in the Cityworks CMMS system. The wet wells are vacuumed annually, and the mechanical and electrical equipment is inspected at each station. The City conducts comprehensive lift station condition assessments on all lift stations every 3 to 5 years utilizing a Pump Station Condition Assessment Checklist.

All lift stations include SCADA monitoring systems that automatically page Agency staff if unusual conditions or alarms are registered 24/7. The Utility Supervisor is responsible for all work scheduling and documentation for lift station maintenance. In addition, he/she is to provide training to other collections system staff on the operations of each lift station so that staff are familiar with emergency response

procedures at the lift stations in case of emergencies. An outside service contractor specializing in the maintenance of major high voltage electrical equipment is utilized as needed.

The Utilities Department has developed emergency response contingency plans for each of the 14 stations. These plans include important response information to protect the environment and the public from sewer system spills at any of the lift stations. These contingency plans are placed in each lift station and available at the Maintenance Center. The contingency plans include wet well retention times, overflow containment directions and locations and directions of overflow paths from the stations. These procedures are intended to ensure the maximum protection of the Agency's very important environmental areas. All emergency response employees will be trained and required to understand these important contingency plans. All training on these plans is provided annually to Agency staff responsible for pump station operations and maintenance.

Each of the 14 lift stations discharge to force mains described below.

Force Main Maintenance

The Agency maintains fourteen (14) separate force mains, one from each lift station. Many of the force mains were installed at the time of the original construction of the associated lift stations. Force main alignments are inspected on an annual basis along with lift station Inspections and documented on a Pump Station Condition Assessment Checklist. Discharge locations are surveyed for possible damage and corrosion from the release of hydrogen sulfide where the force mains discharge to the gravity collection system.

Siphon Maintenance

As noted above, the Agency operates thirty (30) siphons throughout the collection system. The Agency has developed a program to address the condition and maintenance of the siphons now in the collection system. The program includes regular quarterly and biannual cleaning based upon size and historical operational history.

Cleaning Methods

The Agency utilizes a variety of tools and equipment to perform the required maintenance for mainlines and laterals, depending on the location, expected debris type, and accessibility. The two primary cleaning methods for mainlines are high velocity cleaning (HVC) and power rodding. Performing HVC cleaning requires the use of a Vactor Jetter or Combination (vacuum) unit. HVC trucks are outfitted with a complement of nozzles and cutters that enable the crew to clean a variety of different sizes of pipe as well as remove different types of debris. This method is utilized when truck access is available and where the lines are safe to clean without causing residential backups. Power rodding is performed using the OK Champion continuous rodding truck. This truck is also equipped with a variety of cleaning tools and used in those areas where an HVC truck is unable to access or where a pressurized cleaning method may cause unintentional toilet burping.

For mainlines located in easements inaccessible to either the HVC or continuous rodder, the maintenance crews resort to the use of hand rods or chemical root control. Chemical root control is normally performed by an outside contractor. Whichever cleaning method is used, the estimated quantity and type of debris that was removed by the cleaning operation is documented and entered into the CMMS database. This data along with CCTV inspections are later analyzed to confirm the effectiveness of the cleaning operation used and to determine whether the cleaning frequency is appropriate for that particular line.

The Agency utilizes chemical root control contractors to address root control issues that are identified from the cleaning operations and in areas known to have historical root concerns. Areas with root control issues are aggressively maintained and assessed.

As noted above, the Agency has no responsibility for the installation, maintenance, operation, repair, or replacement of private sewer laterals (PSL) connected to the Agency mains. The City Council adopted a new proactive sewer lateral inspection program that became effective on June 1, 2022. This program requires private lateral owners to inspect and repair sewer laterals based upon defined criteria in the lateral ordinance available on the Agency's website.

Service Call Procedures

The Agency office is open Monday through Thursday from 7:00 am to 4:00 pm and Fridays 7:00 am to 3:00 pm except for Agency holidays. The Agency directs service requests through the "SeeClickFix" maintenance services platform web portal ([Service Requests - Morgan Hill, CA](#)). All regular business hour service calls are typically received by the administrative staff or the Operations office. If received by the administrative staff, the call is referred directly to the Supervising Lead Worker or Operations Manager. All after-hour calls are automatically routed to the Agency's on-call field operations staff via an assigned mobile phone. The on-call field operations staff is available 24 hours a day during their on-call period and is furnished with a service truck and equipment to facilitate a timely response. A response time goal for the Agency is to provide a response within 45 minutes for service calls during work hours and within 60 minutes for service calls made after hours.

Agency service trucks are adequately equipped to manage sewer line blockages. These trucks also have spill containment devices to prevent minor spills from entering a storm drain inlet or channel. Should the situation require larger equipment and staffing, the on-call person would contact a secondary on-call staff, and any additional staff as needed. The additional staff would obtain the required equipment from the Agency's storage yard prior to travelling to the emergency site. Documentation of each callout request is recorded in CMMS and assigned a work order.

Should the service call involve Category I spills, the Operations Manager would be contacted to make the necessary notifications to California Office of Emergency Services (CalEMA - OES). For response procedures, reference the Agency's current Spill Emergency Response Plan (SERP).

Sewer Rehabilitation

The Agency's Capital Improvement Plan was updated in April 2024 and was developed using a system hydraulic model, asset information including age and condition assessment determined from the Agency's CCTV inspection program and past maintenance experience. The information gathered during the condition assessment is used to select gravity sewers for repair, rehabilitation, and replacement.

The Agency has incorporated all necessary new improvements into the capital improvement program for the next several years as well as developing the associated additional funding requirements for these necessary improvements. The Capital Improvement Program for the 2035 horizon consists of 11.6 miles of hydraulic capacity improvements and 15.7 miles of rehabilitation improvements. The detailed program is summarized in the City of Morgan Hill Final Wastewater Collection System Master Plan (2024 SMP) Update dated April 2024 with a uniquely coded project ID, description, implementation schedule, construction trigger and cost information. Detailed project sheets for hydraulic capacity improvements are included in 2024 SMP for subsequent design phases. In total, the program implementation costs through 2035 are estimated at approximately \$138.1 million dollars, with \$80.2 million attributed to existing customers and

\$57.9 million dollars attributed to future customers. A suggested 10-year expenditure budget is also provided in the 2024 SMP.

Sewer Repair

Isolated main and lateral sewer repairs are completed by Agency staff. Larger projects, identified in the Agency's 2024 SMP, have been identified using asset information including age and condition assessment determined from the Agency's CCTV inspection program that evaluated the condition of gravity sewers, and includes PACP condition assessment of each line segment, and past maintenance experience and, may be completed either by Agency staff or outside contractors. The information gathered during the condition assessment is used to select gravity sewers for repair, rehabilitation, and replacement. Larger repair projects are prioritized for completion based on funding and priority for reducing the potential for number and volume of sewage overflows and stoppages.

5. Design and Performance Provisions

5.1. Updated Design Criteria/Construction Standards/Specifications

WDR REQUIREMENTS

[Attachment D-5.1 \(pg. D-5\)](#)

“Updated design criteria, and construction standards and specifications, for the construction, installation, repair, and rehabilitation of existing and proposed system infrastructure components, including but not limited to pipelines, pump stations, and other system appurtenances. If existing design criteria and construction standards are deficient to address the necessary component-specific hydraulic capacity as specified in section 8 (System Evaluation, Capacity Assurance and Capital Improvements) of this Attachment, the procedures must include component-specific evaluation of the design criteria.”

COMPLIANCE

Design and Construction Standards

The Agency has established standards for both new construction and renewal and replacement work associated with the collection system infrastructure. These standards include design standards for pipes, manholes, laterals, materials and placement of pipes and manholes into the Agency’s system. These standards are supported by the sewer section of the standards details. These standards are regularly reviewed and modified as new and innovative construction techniques and materials are approved for use in the Agency’s service area. The last major revisions to the standards and details provide all the details required for improvement plans submitted for approval by the City Public Services Department. Requests for modification or relief from the Agency standards can only be considered and ultimately approved by the Director of Engineering and Utility Services.

The Agency’s design standards address such issues as flow projection, design criteria for hydraulics, minimum pipe diameter, installation depth, pipe material, location, slope, manholes, and pump stations. The Agency’s standards also address plan preparation requirements, standard easement requirements, requirements for dedicating facilities to the Agency and standard construction details. The current Agency Design Standards are partially based on the “Standard Specifications for Public Works Construction”, also known as the “Greenbook”, published by Public Works Standards, Inc.

The Agency requires that all new or rehabilitated sewer system improvements to be designed by a registered engineer and approved by the Deputy Director of Utilities and Deputy Director of Engineering before construction and acceptance by the City Council for operation and maintenance.

The Agency’s Wastewater Collection System Design Criteria are administered by the Engineering Division of the Engineering and Utilities Department. The City of Morgan Hill design standards for sanitary sewers are included in Section 3, Sanitary Sewer Design Standards, of their Design Standards and Standard Details for Construction. In addition, the Agency maintains Standard Details for collection system infrastructure. These design and construction standards are maintained on the Agency’s website at: [Design Standards and Standard Details for Construction | City of Morgan Hill, CA - Official Website](#).

Construction standards and acceptance provisions for new and rehabilitated lift stations are established through the design process and are part of the approval of the plans and specifications for the new or rehabilitated lift station.

All private sewer systems and private sewer laterals are required to be designed, installed, inspected, and accepted by the City Building Division and Section 3.8 of the Design Standards and Standard Details S-I through S-III and S-1 through S-3.

The Agency’s Wastewater Collection System Inspection and Testing Criteria for pipelines are defined in Section S-II through S-III of the Standard Details. All testing must be approved by the Agency prior to consideration for acceptance for operation and maintenance by the City Council.

Ongoing Design and Construction standards review, and update efforts ensure that design practices, new construction technology, construction methodology, and construction materials are incorporated. This ongoing work also provides an opportunity to examine whether there is a need for continued reference to the Greenbook.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Are plan checking QA/QC processes helping to ensure adherence to the standards?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
5.1.1	Ensure all project plans are approved in accordance with the Agency’s Standard Specifications and Details.	Each Project		X	
5.1.2	Verify design standards and hydraulic model previously completed are adequate and consistent with current standards of practice.	2025		X	

5.2. Procedures and Standards

WDR REQUIREMENTS

[Attachment D-5.2 \(pg. D-5\)](#)

“Procedures, and standards for the inspection and testing of newly constructed, newly installed, repaired, and rehabilitated system pipelines, pumps, and other equipment and appurtenances.”

COMPLIANCE

Standards for Inspection and Testing of New and Rehabilitated Facilities

Agency engineering staff, and occasionally consultant inspection services, inspect all new construction, repairs, and rehabilitation work. Inspection staff ensure that all construction meets Agency standards and requirements. All new and rehabilitated sewers are cleaned, pressure tested and internally inspected using closed circuit television (CCTV) before acceptance. The Agency’s Wastewater Collection System Inspection and Testing Criteria are defined in Section S-II through S-III of the Standard Details. Flexible pipe is also mandrel tested to verify that it remains fully circular and is absent from any deflection defects. The Agency requires that all new and rehabilitated sewers be warranted for a minimum period of one (1) year following final acceptance. Prior to the expiration of the warranty period (and release of warranty bonds), these facilities are visually inspected, CCTV inspected as required, and maintenance records are reviewed to ensure that the facilities are functioning properly. All testing must be approved by the Agency prior to consideration for acceptance for operation and maintenance by the City Council.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Were any design or installation deficiencies found during warranty inspections?
- Are deviations from standard procedures and/or specs, testing, etc., justified and documented?
- Does the City stay abreast of industry design standards and technical advances in the industry?
- In addition to the City’s Sanitary Sewer Overflow and Backup Response Plan, the City has developed a Disaster Operations Plan (DOP). The DOP provides City employees with information and instruction in the event of a local disaster that impacts the treatment plant, lift stations, metering sites, and other City facilities.

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
5.2.1	Verify inspection procedures are adequate and consistent with current standards of practice	2017 (10-year cycle)			X
5.2.2	Verify design standards and hydraulic model previously completed are adequate and consistent with current standards of practice.	2017 (10-year cycle)			X

RESILIENCE

Resilience is addressed in Element 5 by:

- Staying abreast of industry trends and standards.
- Performing warranty inspections of newly installed or repaired assets to evaluate design and installation practices.
- Evaluating as-built changes for trends and areas for design and performance improvements.

APPENDIX 5 INCLUSIONS

- None

6. Spill Emergency Response Plan

WDR REQUIREMENTS

[Attachment D-6 \(pg. D-6\)](#)

“The Plan must include an up-to-date Spill Emergency Response Plan to ensure prompt detection and response to spills to reduce spill volumes and collect information for prevention of future spills. The Spill Emergency Response Plan must include procedures to:

- *Notify primary responders, appropriate local officials, and appropriate regulatory agencies of a spill in a timely manner;*
- *Notify other potentially affected entities (for example, health agencies, water suppliers, etc.) of spills that potentially affect public health or reach waters of the State;*
- *Comply with the notification, monitoring and reporting requirements of this General Order, State law and regulations, and applicable Regional Water Board Orders;*
- *Ensure that appropriate staff and contractors implement the Spill Emergency Response Plan and are appropriately trained;*
- *Address emergency system operations, traffic control and other necessary response activities;*
- *Contain a spill and prevent/minimize discharge to waters of the State or any drainage conveyance system;*
- *Minimize and remediate public health impacts and adverse impacts on beneficial uses of waters of the State;*
- *Remove sewage from the drainage conveyance system;*
- *Clean the spill area and drainage conveyance system in a manner that does not inadvertently impact beneficial uses in the receiving waters;*
- *Implement technologies, practices, equipment, and interagency coordination to expedite spill containment and recovery;*
- *Implement pre-planned coordination and collaboration with storm drain agencies and other utility agencies/departments prior, during, and after a spill event;*
- *Conduct post-spill assessments of spill response activities;*
- *Document and report spill events as required in this General Order; and*
- *Annually, review and assess effectiveness of the Spill Emergency Response Plan, and update the Plan as needed.”*

COMPLIANCE

The Agency’s Spill Emergency Response Plan (SERP) is a stand-alone document that contains all the key elements necessary for an appropriate Spill response: notification, emergency incident response, reporting, and impact mitigation. The current plan, prepared by Fischer Compliance, LLC, meets the requirements of the State Water Resources Control Board’s reissued Waste Discharge Requirements (Order WQ-2022-0103-DWQ), which became effective on June 5, 2023. Initial training has been provided for the Agency staff and refresher training is conducted annually. A copy of the current SERP is available for viewing at the Agency office upon request and included in Appendix 6.1.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Have staff’s spill response efforts helped to prevent the discharge of sewage to surface waters?
- Do post-spill assessments indicate staff are following the procedures outlined in the SERP?
- Is SERP training effective and are trainees demonstrating adequate knowledge and abilities?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
6.1	Perform SERP training including practice drills.	Annually		X	X
6.2	Review Post Spill Assessments to ensure adherence and to indemnify any trends that should be addressed	Annually		X	X

RESILIENCE

Resilience is addressed in Element 6 by:

- Multiple staff are trained to respond to spill events.
- Post-spill assessments are conducted to evaluate staff’s adherence to the SERP and to identify areas for improvement.
- Data collection forms are used to direct staff to collect all the required data to be submitted to CIWQS and are designed as a guide to a proper spill event response.
- The City employees several different spill volume estimation methods to account for different circumstances.

APPENDIX 6 INCLUSIONS

- 6.1. Spill Emergency Response Plan (SERP), Update 1, 6-29-23

7. Sewer Pipe Blockage Program

WDR REQUIREMENTS

[Attachment D-7 \(pg. D-7\)](#)

“The Sewer System Management Plan must include procedures for the evaluation of the Enrollee’s service area to determine whether a sewer pipe blockage control program is needed to control fats, oils, grease, rags and debris. If the Enrollee determines that a program is not needed, the Enrollee shall provide justification in its Plan for why a program is not needed.

The procedures must include, at minimum:

- *An implementation plan and schedule for a public education and outreach program that promotes proper disposal of pipe-blocking substances;*
- *A plan and schedule for the disposal of pipe-blocking substances generated within the sanitary sewer system service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of substances generated within a sanitary sewer system service area;*
- *The legal authority to prohibit discharges to the system and identify measures to prevent spills and blockages.*
- *Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, best management practices requirements, recordkeeping and reporting requirements;*
- *Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the fats, oils, and grease ordinance;*
- *An identification of sanitary sewer system sections subject to fats, oils, and grease blockages and establishment of a cleaning schedule for each section; and*
- *Implementation of source control measures for all sources of fats, oils, and grease reaching the sanitary sewer system for each section identified above.”*

COMPLIANCE

The Agency evaluated its collection system and determined that a FOG Control Program is needed based on FOG being a current major spill cause and based on historical occurrence of 0-4 FOG related sewer system spills occurring per year. The Agency must also comply with the regional SCRWA Pretreatment program and Sewer Use Ordinance #2024-01. SCRWA has prepared, implemented, and enforced a FOG Control Program to reduce the amount of these substances discharged to the joint trunk line sanitary sewer since 1993. Provisions for the inspection of FOG generators, enforcement of FOG related problems and permitting of FOG generators by SCRWA are included in SCWRA Ordinance NO. 2024-01, “An Ordinance of the South County Regional Wastewater Authority Amending the Existing Ordinance 2013-01 to Regulate Sewer Use and Set Uniform Requirements for Discharge into the Wastewater Collection and Treatment System.”

The requirements above are addressed in order below:

- a. The Agency and SCRWA proactively work to reduce the impacts of FOG from the collection system. A difficult FOG source to address is the residential FOG component as it typically originates from many households, or a number of unidentifiable multi-family dwellings. The most effective method of addressing this problem is to provide information to the neighborhood, or specific multi-family facility, to raise awareness of the detrimental effects of improper grease disposal. Training and

educational materials are also provided on an as-needed basis to FSEs regarding best management practices (BMP) for grease management based on the findings of the inspection process. This is a very important aspect of facility inspection as new owners, managers, and employees are taught the importance of proper grease management and prevention of FOG related spills. This training is also very useful for changes in kitchen staff and serves as a refresher for staff who are not familiar with FOG BMPs.

The Agency relies on the SCRWA to provide public information and outreach for the FOG Control Program. The Agency enhances SCRWA's efforts by providing bill-stuffers regarding FOG and FOG controls. These materials are also available at the service counter at the Agency office for distribution to the public.

- b. The SCRWA has developed a list of businesses able to accept or haul FOG that is available from the Utilities Division and from the SCRWA Industrial Wastewater Division or Environmental Program Division. Pipe blocking substances collected during Agency maintenance and repair activities are disposed of at the landfill.
- c. MHMC 13.20.110 through 13.20.365 provides the Agency authority to issue permits and require inspection, monitoring, and reporting of grease removal devices. The Morgan Hill Municipal Code (MHMC) provides the legal basis and authority for the Agency's FOG Control Program. As it relates to pipe blocking substances, Title 13, Chapter 20 of the MHMC regulates the disposal of sanitary sewage into the Agency's sanitary sewer system to protect the proper functioning of the collection system.

Specifically, MHMC 13.20.010 through 13.20.100 provides authority to prevent illicit discharges to the Agency's Wastewater Collection System and, MHMC 13.20.110 through 13.20.365 provides the Agency authority to issue permits, enforce pre-treatment standards, and implement pre-treatment standards including controls.

- d. SCRWA Sewer Use Ordinance #2024-01, Section 3.2 and MHMC 13.20.340, 13.20.350 and 13.20.360 address requirements for grease removal device installation, construction, and maintenance, respectively. In addition, the City has adopted the 2022 California Plumbing Code which also provides authority for grease removal devices.
- e. SCRWA and the Agency have identified and permitted over 100 food service establishments (FSEs) in the City of Morgan Hill. MHMC 13.20.070, 13.20.073, and 13.20.076 and SCRWA Ordinance #2024-01, Sec 6 addresses right of entry for inspection and sampling/monitoring. MHMC 13.20.025 and SCRWA Ordinance #2024-01, Sec 1 and 8 address authority to enforce any violation of the Agency's and SCRWA sewer ordinances. The SCRWA implements and enforces the FOG Control Program in the Agency's service area and has sufficient staff dedicated to the program.
- f. Agency operations and maintenance staff have identified specific sewer lines susceptible to grease buildup in in the downtown area where restaurants are located. Once a specific line is identified, the information is provided to SCRWA for investigation and/or enforcement. The Agency's primary FOG control contribution consists of regular and high frequency cleaning and maintenance of its collection system and portions of the joint trunk line the Agency is responsible for.

The Agency has identified and maintains collection system lines on a high frequency line maintenance list. These lines have experienced grease accumulation in the past and are cleaned on varying frequencies based upon severity. The single largest area for high frequency maintenance is the downtown area with the highest concentration of restaurants. The high frequency program currently lists approximately 10.25 miles of collection system lines (6.5% of the collection system)

that are cleaned on one of the following frequencies: Weekly, Monthly, Quarterly, Semi Annually, or Annually.

Cleaning frequencies depend on the history of stoppages or overflows on a line or from results of regular cleaning results and CCTV following blockages or overflows.

- g. As noted above, SCRWA and the Agency have identified and permitted over 100 food service establishments (FSEs) in the City of Morgan Hill. These establishments and other identified FOG generators are required to install grease interceptors as noted in d. above.

Sewers that require excessive cleaning or have a history of stoppages or spills caused by FOG are analyzed to determine possible upstream sources of grease. If the suspected FOG source is a permitted FSE, the Agency will follow up with the facility, or facilities, to determine if they are the source of FOG. Based on the results of the inspection(s), the Agency may issue a notice requiring corrective actions. Foul odors that emanate from an improperly maintained or malfunctioning grease interceptor is another issue that the Agency monitors.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Have there been any blockages/spills from any identified problem areas?
- Are the debris and other sewage solids collected during cleaning activities being disposed of appropriately?
- Have there been spills due to excessive fats, oil, grease, roots, or non-disposable wipes discovered in the sewer system during the audit period?
- Are there repeat offenders among FSEs?
- Are enforcement trends decreasing?
- Are Source Control and Collection staff included in the plan check process?

IMPLEMENTATION PLAN/SCHEDULE

No	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
7.1	Review/evaluate enforcement and inspection findings and implement changes as necessary.	Annually		X	X
7.2	Review spill rates and causes and make changes to maintenance programs, as necessary.	Annually		X	X

RESILIENCE

Resilience is addressed in Element 7 by:

- Inspection of select assets directly downstream of grease producing businesses to ensure source control is effective.
- Residential FOG outreach and education program.
- Performance of regular assessments of system assets to monitor performance.
- QA/QA process for evaluating pipe cleaning effectiveness.
- Daily disposal of pipe blocking materials retrieved during maintenance activities.

APPENDIX 7 INCLUSIONS

- 7.1 Agency Grease Interceptor Installation, Construction, and Maintenance Requirements

8. System Evaluation, Capacity Assurance, Capital Improvements

WDR REQUIREMENTS

[Attachment D-8 \(pg. D-\)](#)

“The Plan must include procedures and activities for:

- *Routine evaluation and assessment of system conditions;*
- *Capacity assessment and design criteria;*
- *Prioritization of corrective actions; and*
- *A capital improvement plan.”*

8.1. System Evaluation and Condition Assessment

WDR REQUIREMENTS

[Attachment D-8.1 \(pgs. D-7/D-8\)](#)

“The Plan must include procedures to:

- *Evaluate the sanitary sewer system assets utilizing the best practices and technologies available;*
- *Identify and justify the amount (percentage) of its system for its condition to be assessed each year;*
- *Prioritize the condition assessment of system areas that:*
 - *Hold a high level of environmental consequences if vulnerable to collapse, failure, blockage, capacity issues, or other system deficiencies;*
 - *Are located in or within the vicinity of surface waters, steep terrain, high groundwater elevations, and environmentally sensitive areas;*
 - *Are within the vicinity of a receiving water with a bacterial-related impairment on the most current Clean Water Act section 303(d) List.*
- *Assess the system conditions using visual observations, video surveillance and/or other comparable system inspection method;*
- *Utilize observations/evidence of system conditions that may contribute to exiting of sewage from the system which can reasonably be expected to discharge into a water of the State;*
- *Maintain documents and recordkeeping of system evaluation and condition assessment inspections and activities; and*
- *Identify system assets vulnerable to direct and indirect impacts of climate change, including but not limited to: sea level rise; flooding and/or erosion due to increased storm volumes, frequency, and/or intensity; wildfires; and increased power disruptions.”*

COMPLIANCE

The assessment of a collection system involves every component of the Agency collection system, including pipelines, manholes, and pump stations. The assessment of pipeline conditions is the most significant condition assessment responsibility the Agency has. It is of key importance to regularly perform pipeline condition assessments to initially establish a condition baseline and have the ability to monitor condition changes over time. The condition rating of a pipeline is one of the key parameters used in the Risk Prioritization Model, which in turn is used to help develop the Agency's CIP.

The Agency has divided their system into eight maintenance zones and field staff inspect the system in a systematic manner, which improves efficiency, allowing the Agency to achieve the goal of properly maintaining the system. Pipes are evaluated and assigned a condition rating utilizing the NASSCO Pipeline Assessment Certification Program (PACP), which is a standardized way of identifying and rating pipe defects.

CCTV inspections are not performed on laterals by the Agency as they are owned by the property owner. The private sewer laterals are also not currently required to be rated using the Lateral Assessment and Certification Program (LACP) which is the lateral counterpart to PACP. Inspection of laterals are only performed on property sales and as part of the PSSCS program when defects or obstructions are found following lateral inspection on property resale, routine cleaning or permit inspections. Laterals with significant defects are brought to the attention of the Environmental Services Division where they are further analyzed and subsequent enforcement of repairs is required by the private property owner with ownership of the lateral.

The Agency has defined a formal manhole inspection program based upon the NASSCO manhole rating system as part of the regular cleaning operations. Manhole inspection and rating results are documented in the Agency's CMMS.

Pump stations are routinely inspected twice weekly. Every three to five years a more thorough inspection is performed where pumps are pulled and evaluated. The resulting maintenance and repair activities are completed in a prioritized order. Station and component lifecycle status are continuously monitored and documented.

The Agency determined a CCTV inspection and cleaning frequency for the entire collection system of a minimum of every thirty-six (36) months ensures proper collection system is appropriate for their system as it allows them to effectively keep abreast of system performance. Deficiencies are identified and corrective actions are implemented which has led to a reduction in spill events over the past years. In addition, the Agency maintains an aggressive two to three-year cleaning cycle, which means each line segment will be cleaned at least once between inspection cycles, further reducing the likelihood of a spill.

The consequence of failure factors in the Agency's Risk Model is higher for the portions of the collection system that are in areas that hold a high level of environmental consequence such as close vicinity to surface water and protected wetlands and other sensitive areas.

Ten (10) Smart Cover level monitors and other flow monitoring devices are utilized to monitor flow conditions, pipe performance, and infiltration.

The Agency has identified all sewage conveyance facilities within 100' of surface water, such as aerial creek crossings, siphons, parallel conveyance pipes and/or water adjacent facilities and has evaluated conditions that might lead to exfiltration. Evaluations consider evidence of cracks, separated joints, infiltration, and likelihood of pipe failure due to excessive surface water flows.

SYSTEM EVALUATION, CAPACITY ASSURANCE, CAPITAL IMPROVEMENTS

The Agency, historically and currently, documents all inspection and maintenance activities in their CMMS for the purposes of maintaining information of maintenance and inspection efforts, evaluating system performance, and making maintenance and corrective action decisions today and into the future.

Agency has identified areas susceptible to ground movement and has implemented monitoring measures. The Agency has identified shallow underground facilities, which are periodically monitored for evidence of erosion caused by intense rain events and flooding. Pump stations could be affected by wildfires, and the Agency maintains emergency generators and pumps to manage pump station flows in the event of a station failure.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Has the City maintained its schedule for routine O&M and is data being reviewed in a timely manner?
 - CCTV Gravity Mains
 - Laterals
 - Manholes
 - Pump Stations
- Are inspection efforts discovering deficiencies in a timely manner?
- Are maintenance and inspection activities being properly documented?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
8.1.1	Review/evaluate enforcement and inspection findings and implement changes as necessary.	Annually		X	X
8.1.2	Review spill rates and causes and make changes to maintenance programs, as necessary.	Annually		X	X
8.1.3	Hold meeting to discuss any issues that may result from climate changes	Annually	X	X	X

8.2. Capacity Assessment and Design Criteria

WDR REQUIREMENTS

[Attachment D-8.2 \(pgs. D-8/D-9\)](#)

“The Plan must include procedures to identify system components that are experiencing or contributing to spills caused by hydraulic deficiency and/or limited capacity, including procedures to identify the appropriate hydraulic capacity of key system elements for:

- *Dry-weather peak flow conditions that cause or contributes to spill events;*
- *The appropriate design storm(s) or wet weather events that causes or contributes to spill events.*
- *The capacity of key system components; and*
- *Identify the major sources that contribute to the peak flows associated with sewer spills.*

The capacity assessment must consider:

- *Data from existing system condition assessments, system inspections, system audits, spill history, and other available information;*
- *Capacity of flood-prone systems subject to increased infiltration and inflow, under normal local and regional storm conditions;*
- *Capacity of systems subject to increased infiltration and inflow due to larger and/or higher-intensity storm events as a result of climate change;*
- *Increases of erosive forces in canyons and streams near underground and above-ground system components due to larger and/or higher-intensity storm events;*
- *Capacity of major system elements to accommodate dry weather peak flow conditions, and updated design storm and wet weather events; and*
- *Necessary redundancy in pumping and storage capacities.”*

COMPLIANCE

The Agency completed Sewer System Master Plans (Plan) in January 2002, the fall of 2018, August of 2019, and the most recent Plan update in April 2024. The most recent Plan includes a program for capacity enhancements through the planning horizon year of 2035. The objectives of the Plan update are:

- Confirm sewer system design and planning criteria;
- Evaluate the capacity of the then existing sewer collection system;
- Summarize deficiencies and propose necessary improvements to enhance reliability;
- Recommend improvements for future growth; and
- Prepare capital improvement program through 2035.

The updated 2024 Sewer System Master Plan was prepared by AKEL Engineering Group, Inc. The Plan is intended to serve as a tool for planning and phasing the construction of future sewer system infrastructure for the projected build out of the City of Morgan Hill. The Plan substantially updated both the capacity needs of the collection system assets and the renewal and replacement of existing facilities. In addition, it projects updates to all sewer system planning documents every five years. The goal is to have the Plan and SSMP on the same update schedule since one informs the other. The updated 2024 Sewer System Master Plan is incorporated into this SSMP by reference.

The capacity-related design criteria, including base wastewater flow and peaking factors, included a hypothetical ten (10) year, 24-hour design storm across the service area resulting in an increase in system

SYSTEM EVALUATION, CAPACITY ASSURANCE, CAPITAL IMPROVEMENTS

I/I. Dry weather flows were estimated by applying land use coefficients against the general plan areas and then adding the results of the design flow defined here. These criteria resulted in an anticipated wet weather peak flow from the Agency's system in 2035 of 15.2 MGD. Dry weather peak flow from the Agency's system for the same period were estimated at 7.3 MGD.

In addition, the Plan developed and adopted Agency design criteria for gravity sewer lines and lift stations. The City prepares an annual five-year list of capital improvement projects that includes projects to address wastewater collection system capacity issues. Engineering Staff prioritize and select the projects to be included on the annual list. All capacity related projects identified in the Plan are contained in Five-year Renewal and Replacement Budget Supplements

The Agency's Capital Improvement Program Budget is included in the 2024 SMP. The Agency's capacity enhancement projects list includes any capacity-related improvement projects, and this list will be revised, as necessary, based upon future condition assessments and maintenance results.

The Agency ensures that its collection system is properly designed and any new or rehabilitation work conforms to design capacity standards. These design standards are more conservative than the hydraulic analysis criteria and include a requirement that sewers be designed to flow at, $d/D=0.7$, with a minimum velocity of 2.0 feet per second, minimum slope of 0.002, and maximum velocity of 10 feet per second. The 2024 SMP specifies performance and design criteria of:

- Existing Small Pipes (6"-10")
 - Max. $d/D=0.92$ at PDWF
 - Hydraulic Grade Line (HGL) at least 3 feet below the manhole ground elevation.at PDWF
- Proposed Small Pipes (6"-10")
- Max. $d/D=0.50$ at PDWF
- Hydraulic Grade Line (HGL) at least 3 feet below the manhole ground elevation.at PDWF
- Existing Large Pipe ($\geq 12"$)
 - Max. $d/D=0.92$ at PDWF
 - Hydraulic Grade Line (HGL) at least 3 feet below the manhole ground elevation.at PDWF
- Proposed Large Pipe ($\geq 12"$)
 - Max. $d/D=0.75$ at PDWF
 - Hydraulic Grade Line (HGL) at least 3 feet below the manhole ground elevation.at PDWF

The Agency is continuously monitoring system performance compared to suggested hydraulic model performance. The current hydraulic model design storm is a 10-year, 24-hour storm associated with approximately 4.33 inches of rain in the Agency's service area.

The Agency embarked on an effort to reduce infiltration and inflow (I/I) into the sewer collection system through storm water system upgrades. The Agency anticipates a 95% reduction of I/I and sewer system surcharging once storm system upgrades in their service area are completed based on reduced I/I observed as these upgrades have been implemented.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Number of capacity-related spills or surcharge condition during the audit period.
- Has there been any changes to zoning designations (residential, commercial, industrial)?

IMPLEMENTATION PLAN/SCHEDULE

No	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
8.2.1	Monitor/Evaluate significant rain events to see if they exceed the design storm in the hydraulic model.	Each significant rain event		X	X
8.2.2	Identify and monitor flood-prone areas susceptible to erosion from rain events	After each significant rain event		X	X
8.2.3	Monitor flows in each basin and update the hydraulic model	Per Engineering Department schedule			X

8.3. Prioritization of Corrective Action

WDR REQUIREMENTS

[Attachment D-8.3 \(pg. D-9\)](#)

“The findings of the condition assessments and capacity assessments must be used to prioritize corrective actions. Prioritization must consider the severity of the consequences of potential spills.”

COMPLIANCE

The determination of repair priority for long term CIP projects can be very challenging due to the complexity in analyzing all the various factors affecting the pipeline’s risk of failure. The Agency has developed a risk-based prioritization model (Risk Model) to provide a more objective approach to CIP project prioritization and help aid in developing its CIP rehabilitation project plans through 2035. It should be noted that the development of a CIP project and its prioritization do not solely rely upon the results of the Risk Model, but must also take into consideration other significant factors such as project timing, budget allocation, resource availability, coordination with municipal projects, etc.

Since the completion of the 2017 Wastewater Collection System Master Plan, the Agency has developed a comprehensive sewer Rehabilitation and Replacement (R&R) program to address aging infrastructure. This program was developed from condition and risk analyses documented in the following studies:

- **2021 Sanitary Sewer System Asset Management Plan.** This plan defines appropriate Likelihood of Failure (LoF) and Consequence of Failure (CoF) criteria for wastewater facilities and includes a risk assessment of the collection system. A decision tree is used to recommend prioritized R&R improvements with capital cost estimates.
- **2021 Joint Trunk Pipeline Condition Assessment Report.** This report was completed in coordination with the City of Gilroy and documents’ condition defects in the existing Joint Trunk system. This report is also used to recommend prioritized rehabilitation improvements with capital cost estimates.

The City currently maintains a list of known structural deficiencies and continues to implement R&R improvements on an annual basis. The R&R program is supported by routine CCTV inspections, lift station condition assessments and annual capital projects that target high risk infrastructure.

It should be noted that the CCTV inspections follow the NASSCO rating system established for pipelines, manholes and laterals. Additionally, the City’s Private Sewer Lateral Inspection Ordinance also requires residents to inspect old service laterals and repair deficiencies before sale or re-modeling of properties.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Has the City adhered to its system evaluation/condition assessment schedule?
- Has the City adhered to its prioritization/corrective procedures for sewer repair and capacity improvement projects?
- Have projects been completed before deficiencies caused failures?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
8.3.1	Utilize all available data for prioritizing corrective actions considering severity and consequences of potential spills.	Each CIP Update		X	X
8.3.2	Maintain documents and recordkeeping of system evaluation and condition assessment inspections and activities.	Continuously		X	X

8.4. Capital Improvement Plan

WDR REQUIREMENTS

[Attachment D-8.4 \(pg. D-9\)](#)

“The capital improvement plan must include the following items:

- *Project schedules include completion dates for all portions of the capital improvement program;*
- *Internal and external project funding sources for each project; and*
- *Joint coordination between operation and maintenance staff, and engineering staff/consultants during planning, design, and construction of capital improvement projects; and InterCity coordination with other impacted utility agencies.”*

COMPLIANCE

The Capital Improvement Program consists of both hydraulic capacity and rehabilitation improvements for the 2035 horizon. The wastewater infrastructure unit costs and contingencies established for the Capital Improvement Program are presented in the Agency’s 2024 SMP and were developed for master planning purposes. The unit costs were benchmarked using a 20-City average Engineering News Record Construction Cost Index of 13,532, reflecting a date of April 2024.

The current detailed CIP program is summarized in Appendix 9.1 on Table 9.2 from the 2024 SMP with a uniquely coded project ID, description, implementation schedule and cost information. Detailed project sheets for hydraulic capacity improvements are included in Appendix D of the 2024 SMP for subsequent design phases. The capital costs estimate includes a 30 percent contingency allowance to account for unforeseen events and unknown field conditions, and an additional 30 percent to account for project related costs such as engineering design and construction management.

In total, the Capital Improvement Program consists of 11.6 miles of hydraulic capacity improvements and 15.7 miles of rehabilitation improvements. The implementation costs are estimated at approximately \$138.1 million dollars, with \$80.2 million attributed to the existing customers and \$57.9 million dollars attributed to future customers. A suggested 10-year expenditure budget is also provided in the 2024 SMP.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Has the City’s capital improvement plan schedule been adhered to?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
8.4.1	Hold regular coordination meetings, with all parties, to help keep the projects on track and resolve issues that may arise in a timely manner.	Annually		X	X
8.4.2	For schedules that are not kept, justify and document the reason	Each Delayed Project			X

RESILIENCE

Resilience is addressed in Element 8 by:

- Annual review of the Capital Improvement Plan by all appropriate individuals including Management, Engineering, and Operations during budget preparation.

APPENDIX 8 INCLUSIONS

- 8.1 Capital Improvement Program Projects Summary

9. Monitoring, Measurement, and Program Modifications

WDR REQUIREMENTS

[Attachment D-9 \(pg. D-9\)](#)

“The Plan must include an Adaptive Management section that addresses Plan-implementation effectiveness and the steps for necessary Plan improvement, including:

- *Maintaining relevant information, including audit findings, to establish and prioritize appropriate Plan activities;*
- *Monitoring the implementation and measuring the effectiveness of each Plan element;*
- *Assessing the success of the preventive operation and maintenance activities;*
- *Updating Plan procedures and activities, as appropriate, based on results of monitoring and performance evaluations; and*
- *Identifying and illustrating spill trends, including spill frequency, locations, and estimated volumes.”*

COMPLIANCE

The Agency will evaluate the performance of its wastewater collection system regularly using the performance measures identified in this Element. The Agency will update the data and analysis at the time of the evaluation. The Agency may use other performance measures in its evaluation. The Agency will prioritize its actions and initiate changes to this SSMP, its operations and maintenance practices, and any related programs based on the results of the evaluation.

The above requirements are addressed in order below:

- a. The Agency maintains accurate and relevant inspection and maintenance records for the collection system. Much of the documentation today is maintained electronically in the Agency’s CMMS, which allows for ease of access and analysis. This helps Agency staff to make sound decisions and prioritize activities when dealing with the routine and the unexpected.
- b. Monitoring of the Agency’s SSMP focuses on each element in terms of its implementation and effectiveness. Monitoring the implementation of SSMP elements would achieve the following goals:
 - Stated objectives of each element are valid and achievable.
 - Tasks cited in each element lead to reaching these objectives.
 - Tasks are being implemented.
 - Responsibility for implementation is identified.

By establishing specific performance indicators for each element, an assessment can be made to determine the degree of success achieved. The SSMP has been designed to include key performance indicators (KPIs) for each element, which are used to measure effectiveness.

- c. The Agency Assesses the success of maintenance and operation activities by ensuing activities are being performed as expected, monitoring actual outcomes compared to intended outcomes, as well as monitoring spill trends.
- d. The Agency is committed to continuous improvement and monitors and evaluates performance of work programs and SSMP elements to ensure intended outcomes are achieved while looking for areas for improvement. The Agency utilizes the CIWQS collection system operational reports and

MONITORING, MEASUREMENT, AND PROGRAM MODIFICATIONS

has assessed historical baseline performance and sewer system spill trends for gravity mains, lift stations, and force mains in their sewer system. These baseline performance measures are utilized to evaluate the Agency’s sewer system performance regularly. Although the SWRCB requires that the SSMP be updated every six years, the SSMP should be considered as a dynamic document and may require updating on a more frequent basis. Routine changes to administrative information, notwithstanding, minor changes will likely be required to address improvements identified through the SSMP Audit or through modifications required as conditions change.

The indicators that the Agency utilizes to measure the performance of its wastewater collection system and the effectiveness of its SSMP are:

- Total number of sewer system spills.
 - Number of sewer system spills for each cause (roots, grease debris, pipe failure, capacity, lift station failures, and other).
 - Portion of sewage recovered compared to total volume spilled; and
 - Volume of spilled sewage discharged into Waters of the State.
 - Private Lateral Sewage Overflows – number and volumes
 - Cleaning and CCTV annual performance results
 - FOG program activities and FSE permitting performance.
- e. The Agency monitors spill trends, at a minimum every three years during required audits, utilizing the CMMS database, inspection records, and CIWQS data. These resources are helpful in planning and programing work, and adjusting as needed, enabling the Agency to be adaptive and capitalize on lessons learned.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Are SSMP Elements being periodically evaluated for effectiveness?
- Are work activities and spill events being documented?
- Has a plan and schedule been established to address audit findings/deficiencies from the last audit?
- Is Trend Analysis being performed on spill causes?
- Have work programs been assessed and updated as necessary?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
9.1	Assess work programs to ensure outcomes are as intended	Annually		X	X
9.2	Ensure updates to work programs and the SSMP based on assessments.	As Needed		X	X
9.3	Monitor and evaluate spill trends. Document efforts.	Annually		X	X

RESILIENCE

Resilience is addressed in Element 9 by:

- Development of key performance indicators to measure effectiveness of the SSMP.
- Performing periodic reviews of the SSMP to help ensure it is being properly implemented.
- Developing and adhering to a timeline to correct deficiencies found during the audit process.
- Periodically evaluating work programs to help ensure effectiveness.

APPENDIX 9 INCLUSIONS

- None

10. Internal Audits

WDR REQUIREMENTS

[Attachment D-10 \(pg. D-10\)](#)

“The Plan shall include internal audit procedures, appropriate to the size and performance of the system, for the Enrollee to comply with section 5.4 (Sewer System Management Plan Audits) of this General Order.”

COMPLIANCE

The Agency’s current SSMP audit is expected to be completed by September 2025 and will be appended to this SSMP update when completed. Moving forward, the Agency will complete audits every three (3) years. The objective of the audit is to evaluate compliance, implementation and effectiveness of the SSMP.

The SSMP includes a description of how the Agency will comply with the requirements of each Element. The audit review includes an evaluation to determine if compliance has been met. As needed, the SSMP is updated based on the results of the routine audits.

Implementation is evaluated by determining if the agency is executing the SSMP as stated.

Effectiveness is evaluated by using key performance indicators, which have been developed specifically for each element.

An additional evaluation is performed to comply with Specifications 5.6 addressing resilience. Resilience indicators have been developed for each element, and they serve to demonstrate how resilience is built into the SSMP and inspection, maintenance and spill response activities.

Any deficiencies discovered through the audit process are noted and a plan and schedule to implement corrective measures are established.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Have audits been performed as required?
- Have the audits assessed compliance, implementation, and effectiveness?
- Have deficiencies been identified?
- Has a plan and schedule to rectify the deficiencies been established?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
10.1	Schedule audits in advance of due dates to ensure adequate time to complete. Agency has 6 months to complete the audit from the end of the audit period.	Begin end of audit period		X	X
10.2	Ensure a plan and schedule is developed to address deficiencies.	Once the Audit is completed		X	X

RESILIENCE

Resilience is addressed in Element 10 by:

- Periodically evaluating key performance indicators during the audit period to assess effectiveness and make corrections, if necessary, prior to the audit.
- Evaluating previous audits to ensure deficiencies have been rectified.
- Scheduling the audit due dates and completing the audit on time.

APPENDIX 10 INCLUSIONS

- None

11. Communication Program

WDR REQUIREMENTS

[Attachment D-11 \(pg. D-10\)](#)

“The Plan must include procedures for the Enrollee to communicate with:

- *The public for:*
 - *Spills and discharges resulting in closures of public areas, or that enter a source of drinking water; and*
 - *The development, implementation, and update of its Plan, including opportunities for public input to Plan implementation and updates.*
- *Owners/operators of systems that connect into the Enrollee’s system, including satellite systems, for:*
 - *System operation, maintenance, and capital improvement-related activities.”*

COMPLIANCE

- a. As specified in the Agency’s SERP, when the Agency experiences a spill, it is standard procedure to secure the affected area and keep the public away. This is generally done using barricades, cones, and caution tape. Should the Agency experience a spill that may require closure of public areas or enter a source drinking of water, signs will be immediately placed indicating the issue and providing contact information. Staff will remain on site to provide an additional safety factor until appropriate authorities respond and direct otherwise. In all cases, the Agency will follow the advice of higher authorities, such as the local environmental health department and other regulatory authorities.
- b. There are several opportunities for stakeholders and the public to participate and provide input into the development and update of the Agency SSMP. During its initial development stage, as with each SSMP Audit and update of the SSMP, the SSMP and related documents are presented to the Agency Board for review and acceptance. As previously noted, SSMP Audits were historically performed every two years and re-certification and acceptance of updated SSMPs was required every five years. Moving forward, the Agency will follow the requirements of the revised WDRs and perform SSMP Audits every three years and re-certification and acceptance of updated SSMPs every six years. In addition to the extensive initial development process, to date there have been five updates and re-certifications of the SSMP that have been presented to the Board.

Prior to each Board Meeting, these documents are included in Board Agenda packet which are readily available for review on the Agency’s website. The SSMP is posted on the Agency’s website, which provides the public several ways to contact the Agency, via the “Contact Us” feature.
- c. The Agency does not currently have satellite systems.

EFFECTIVENESS

The City utilizes the following Key Performance Indicators for measuring effectiveness of this Element:

- Does the City place all SSMP action items on the agenda for regular counsel/board meetings?
- Does the City have signage, or other means, readily available to notify the public of environmental or public risk factors related to a sewage spill?
- Does the City perform outreach to residential customers?

IMPLEMENTATION PLAN/SCHEDULE

No.	Plan	Schedule	Responsible Party		
			Dir	Eng	Sup
11.1	Ensure the Board of Directors approves the SSMP per schedule	Every 6 years		X	X
11.2	Ensure the SSMP is posted on the Agency Website and the link functions properly.	Annually		X	X
11.3	Ensure Sewage Spill Warning signs are readily available to communicate with the public when necessary	Annually			X

RESILIENCE

Resilience is addressed in Element 11 by:

- Use the SSMP as a tool to communicate to the public how the City is managing the system.
- Maintain a consistent presence in the service area by attending community events or issuing periodic newsletters or other communications to the public.
- Make it clear and easy for the public to contact the City.

APPENDIX 11 INCLUSIONS

- None

List of Appendices

APPENDIX 1	<ul style="list-style-type: none"> • None
APPENDIX 2	<ul style="list-style-type: none"> • None
APPENDIX 3	<ul style="list-style-type: none"> • 3.1 Grant of Easement Template
APPENDIX 4	<ul style="list-style-type: none"> • 4.1. Major Sewer System Equipment Inventory • 4.2. Critical Sewer System Replacement Parts Inventory
APPENDIX 5	<ul style="list-style-type: none"> • None
APPENDIX 6	<ul style="list-style-type: none"> • 6.1. Spill Emergency Response Plan (SERP), Update 1, 6-29-23
APPENDIX 7	<ul style="list-style-type: none"> • 7.1 Agency Grease Interceptor Installation, Construction, and Maintenance Requirements
APPENDIX 8	<ul style="list-style-type: none"> • 8.1. Capital Improvement Program Projects Summary
APPENDIX 9	<ul style="list-style-type: none"> • None
APPENDIX 10	<ul style="list-style-type: none"> • None
APPENDIX 11	<ul style="list-style-type: none"> • None



City Council

Meeting Minutes

- Mark Turner - Mayor*
Marilyn Librers - Mayor Pro Tem
Soraida Iwanaga - Council Member
Yvonne Martínez Beltrán - Council Member
Miriam Vega - Council Member

Wednesday, September 3, 2025

6:00 p.m.

**Council Chamber Building
17555 Peak Avenue, Morgan Hill, CA 95037**

CALL TO ORDER

Mayor Turner called the City Council meeting to order at 6:00 p.m.

ROLL CALL ATTENDANCE

City Clerk Bigelow called the roll.

PRESENT	Mark Turner, Marilyn Librers, Soraida Iwanaga, Miriam Vega
ABSENT	Yvonne Martinez Beltran

DECLARATION OF POSTING AGENDA

City Clerk Bigelow declared the posting of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Proclaiming September as National Preparedness Month

Proclaiming September as Childhood Cancer Awareness Month

Proclaiming October 1, 2025 as Clean Air Day

CITY COUNCIL REPORTS

Council Member Iwanaga shared that over the last few weeks she has been focusing on learning more about how the City operates and about some of the projects taking place in and around town. She also attended an event that supports communities that are underserved.

CITY MANAGER'S REPORT

City Manager Turner announced that Morgan Hill has officially opened the new Butterfield Fire Station. The all-electric, solar-powered facility enhances emergency response, while adding critical staffing for the City's growing emergency call volume. She thanked the Morgan Hill Fire Department and City teammates, Yat Cho and Chris Ghione, for outstanding project management!

She then presented the City Manager's Recognition Report, highlighting new, promoted, and retiring teammates.

Teammate Recognitions

CITY ATTORNEY'S REPORT

None.

OTHER REPORTS

None.

PUBLIC COMMENT

Public comment opened at 6:16 p.m. With no requests to speak, the public comment was closed.

ADOPTION OF AGENDA

MOTION:

Adopting the agenda as posted.

RESULT:	Passed
MOVER:	Council Member Vega
SECONDER:	Mayor Pro Tem Librers

AYES:	Mayor Turner, Mayor Pro Tem Librers, Council Member Iwanaga, Council Member Vega
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Martinez Beltran

CONSENT CALENDAR

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. Pursuant to City Council Policies and Procedures (CP 97-01), any member of the Council or public may request to have an item removed from the Consent Calendar for comment and action.

Public comment opened at 6:18 p.m.
 Doug Muirhead was called to speak.
 With no further requests to speak, public comment period was closed.

MOTION:

Approving consent calendar items 1 through 5.

RESULT:	Passed
MOVER:	Council Member Vega
SECONDER:	Council Member Iwanaga
AYES:	Mayor Turner, Mayor Pro Tem Librers, Council Member Iwanaga, Council Member Vega
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Martinez Beltran

1. APPROVE AGREEMENT WITH THE COUNTY OF SANTA CLARA FOR THE 2024 EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) FUNDS

Recommendation:

1. Authorize the City Manager to execute and administer the Agreement with the County of Santa Clara for the 2024 Emergency Management Performance Grant; and
2. Adopt resolution amending the Fiscal Year 2025-26 Budget to recognize revenue and appropriate related expenditures, in the amount of \$13,250 from the General Fund.

2. **APPROVE AMENDMENTS TO ENGINEERING-RELATED CONSULTANT AGREEMENTS FOR CAPITAL IMPROVEMENT PROGRAM PROJECT DESIGN, TOPOGRAPHIC SURVEY AND CONSTRUCTION STAKING SERVICES**

Recommendation:

Approve and authorize the City Manager to execute and administer four engineering-related consultant amendments:

1. First Amendment to Harris and Associates, Inc. to increase the amount from \$519,000 to \$919,000;
2. First Amendment to Associated Engineering-Surveying Service, Inc. doing business as Hanna-Brunetti to increase the amount from \$144,000 to \$544,000;
3. First Amendment to Ruggeri-Jensen-Azar (RJA) to increase the amount from \$39,000 to \$439,000; and
4. First Amendment to MNS Engineers, Inc. to increase the amount from \$39,000 to \$439,000.

3. **APPROVE THE MEMORANDUM OF UNDERSTANDING FOR PARTICIPATION IN THE MULTI-JURISDICTIONAL COMPOSTING EDUCATION PROGRAM**

Recommendation:

1. Authorize the City Manager to execute, administer and make minor modifications with the approval of the City Attorney to the Memorandum of Understanding for the Multi-Jurisdictional Composting Education Program; and
2. Adopt resolution amending the FY2025-26 Budget to appropriate an additional \$116,893 to the City's Countywide Solid Waste Program (Fund 246).

4. **APPROVE THE AUGUST 20, 2025 AND AUGUST 27, 2025 CITY COUNCIL MEETING MINUTES**

Recommendation:

Approve the August 20, 2025 and August 27, 2025 City Council Meeting Minutes.

5. **AWARD EAGLE VIEW WELL #1 DEVELOPMENT PROJECT CONTRACT TO ZIM INDUSTRIES, INC. IN THE AMOUNT OF \$797,364**

Recommendation:

1. Approve the Eagle View Well #1 Development Project plans and specifications;
2. Award contract to Zim Industries, Inc. for the Eagle View Well #1 Development Project in the amount of \$797,364; and
3. Authorize expenditures of construction contingency not to exceed \$79,736.

PUBLIC HEARINGS

6. ZA2024-0001/EA2024-0009: DEWITT-WEST HILLS CHURCH: REQUEST FOR A PLANNED DEVELOPMENT WITH MASTER PLAN OF A 5.75-ACRE PARCEL FOR THE REMODEL AND EXPANSION OF AN EXISTING RELIGIOUS FACILITY. THE PLAN INCLUDES DEMOLITION OF THE TEMPORARY CLASSROOM FACILITIES AND THE CONSTRUCTION OF PERMANENT CLASSROOM FACILITIES, AND THE REMODEL AND EXPANSION OF THE EXISTING SANCTUARY WITH ASSOCIATED SITE IMPROVEMENTS

Recommendation:

1. Open/Close the public hearing;
2. Adopt a Resolution approving a Negative Declaration for the West Hills Community Church Planned Development with Master Plan;
3. Waive the first and second reading of the ordinance for a Zoning Amendment to create a Planned Development with a Master Plan; and
4. Introduce the ordinance.

Senior Planner Brown and Development Services Director Carman provided a presentation and report.

The public hearing opened at 6:28 p.m. The following people were called to speak:

David Fredrick
 Cindy Chacon
 Patrick McCoy
 Laurie Beasley
 Jenann Nakamura
 Lucas Shellhammer
 Rachel Medeiros
 Irving Tamura
 Patty Trapp

With no further requests to speak, the public hearing was closed.

MOTION:

Adopting the resolution.

RESULT:	Passed
MOVER:	Mayor Pro Tem Librers
SECONDER:	Council Member Vega
AYES:	Mayor Turner, Mayor Pro Tem Librers, Council Member Iwanaga, Council Member Vega
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Martinez Beltran

MOTION:

Waiving the first and second reading of the ordinance.

RESULT:	Passed
MOVER:	Council Member Iwanaga
SECONDER:	Council Member Vega
AYES:	Mayor Turner, Mayor Pro Tem Librers, Council Member Iwanaga, Council Member Vega
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Martinez Beltran

MOTION:

Introducing the ordinance.

RESULT:	Passed
MOVER:	Council Member Vega
SECONDER:	Mayor Pro Tem Librers
AYES:	Mayor Turner, Mayor Pro Tem Librers, Council Member Iwanaga, Council Member Vega
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Martinez Beltran

The meeting recessed at 6:50 p.m. and reconvened at 6:55 p.m.

OTHER BUSINESS

7. APPOINT VOTING DELEGATES FOR THE 2025 CALCITIES (LEAGUE) ANNUAL CONFERENCE

Recommendation:

1. Appoint a voting delegate and up to two alternate voting delegates to the CalCities Annual Conference; and
2. Direct staff to complete and forward the voting delegate form to CalCities.

City Clerk Bigelow provided the report.

Public comment opened at 6:57 p.m. With no requests to speak, the public comment was closed.

MOTION:

Appointing Mayor Pro Tem Librers as the primary voting delegate and Council Members Vega and Iwanaga as alternates.

RESULT:	Passed
MOVER:	Mayor Turner
SECONDER:	Council Member Iwanaga
AYES:	Mayor Turner, Mayor Pro Tem Librers, Council Member Iwanaga, Council Member Vega
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Martinez Beltran

8. PROVIDE DIRECTION TO STAFF ON PROPOSED FUTURE COUNCIL INITIATED AGENDA ITEM

Recommendation:

Determine if the majority of the City Council wants the following item agendized at a future meeting for discussion:
Implement regulations to address the growing presence of pop-up and street vendors in the City.

City Manager Turner provided the report.

Public comment opened at 7:00 p.m. With no requests to speak, the public comment was closed.

MOTION:

Directing staff to agendize the item for future discussion.

RESULT:	Passed
MOVER:	Council Member Vega
SECONDER:	Council Member Iwanaga
AYES:	Mayor Turner, Mayor Pro Tem Librers, Council Member Iwanaga, Council Member Vega
NAYS:	None
ABSTAIN:	None
ABSENT:	Council Member Martinez Beltran

FUTURE COUNCIL INITIATED AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Mayor Turner adjourned the meeting at 7:01 p.m.

Minutes Prepared by:

Michelle Bigelow, City Clerk

CITY COUNCIL STAFF REPORT

MEETING DATE: September 17, 2025

PREPARED BY:

Maria Angeles, Senior Civil Engineer

APPROVED BY: City Manager

APPROVE A REIMBURSEMENT AGREEMENT WITH EDEN HOUSING, INC. FOR OUT-OF-TRACT UNDERGROUNDING OF OVERHEAD UTILITIES SOUTH OF THE MAGNOLIAS PROJECT (17965 MONTEREY ROAD)

RECOMMENDATION(S)

1. Approve a Reimbursement Agreement with Eden Housing, Inc. for The Magnolias Project; and
2. Authorize the City Manager to execute the Reimbursement Agreement.

COUNCIL PRIORITIES, GOALS & STRATEGIES

Guiding Documents

Morgan Hill 2035 General Plan

REPORT NARRATIVE:

The Magnolias Project is a 66-unit, multi-family affordable apartment development located at 17965 Monterey Road with Assessor's Parcel Number (APN) 764-12-006 (see Attachment 1). As part of the project's conditions of approval, the developer, Eden Housing, Inc. is required to underground the overhead utilities along the project's frontage on the west side of Monterey Road. Additionally, the City has requested that the developer extend the southerly limits of the undergrounding work beyond the project frontage a distance of approximately 110 feet to eliminate the remaining short section of overhead lines just south of the project boundary. This work is considered "out-of-tract" and, therefore, not the responsibility of the project. However, the developer has agreed to perform the "out-of-tract" undergrounding work with the understanding that the City will reimburse the developer for the cost of this improvement.

Partnering with the Developer to complete this additional undergrounding work is a cost effective way for the City to achieve additional undergrounding for the City. Should the City work to underground lines on its own, it would see additional costs in design, construction, and staff time. The City has dedicated undergrounding funds available for only the purpose of undergrounding utility lines.

The total estimated cost for the design, contract, and construction cost of the out-of-tract

undergrounding work along Monterey Road is \$140,580.27. The total maximum reimbursement amount is \$140,580.27. The estimated cost of the undergrounding work has been reviewed and deemed complete. Therefore, staff recommends that the City enter into a Reimbursement Agreement (Attachment 2) with the developer, Eden Housing, Inc., for a reimbursement amount not to exceed \$140,580.27 to cover the construction cost of undergrounding overhead utilities on Monterey Road beyond the project's frontage.

COMMUNITY ENGAGEMENT:

Inform

This staff report serves to inform the public of a development project which will partner with the City to contribute to the undergrounding of overhead utilities. Undergrounding of overhead utility lines increases safety and reduces the potential of electrical fires that can occur with overhead utility lines.

ALTERNATIVE ACTIONS:

The City Council could decide not to approve the Reimbursement Agreement. This decision will result in the existing overhead utility lines south of the project to remain overhead and the removal of the out-of-tract undergrounding improvement from the scope of The Magnolias Project.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

There are no prior City Council and Commission actions related to this Reimbursement Agreement.

FISCAL AND RESOURCE IMPACT:

The maximum reimbursement amount of \$140,580.27 for out-of tract undergrounding of overhead utilities will be funded from the City's Undergrounding Fund (350) and allocated in the FY 2025/26 Capital Improvement Program.

CEQA (California Environmental Quality Act):

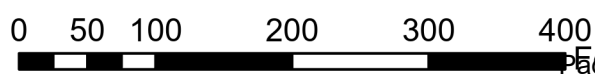
Categorical Exemption

The project is categorically exempt from the California Environmental Quality Act Section 15332 – In-Fill.



**Public Services Department
Land Development Engineering Division**

**Site Map
The Magnolias
Out-of-Tract Undergrounding of
Overhead Utilities**



REIMBURSEMENT AGREEMENT

THE MAGNOLIAS

EDEN HOUSING, INC.

THIS AGREEMENT is made this _____ day of _____, 2025, by the CITY OF MORGAN HILL, a municipal corporation ("CITY"), and EDEN HOUSING, INC., a California Nonprofit Corporation ("DEVELOPER").

RECITALS

The following recitals are a substantive part of this Agreement:

1. This Agreement is entered into pursuant to City Council approval on September 17, 2025.
2. CITY desires the DEVELOPER to furnish **out-of-tract undergrounding of the existing overhead utilities along the west side of Monterey Road, from the southern property line of the residential development named "The Magnolias Project" (with address of 17965 Monterey Road and Assessor's Parcel Number (APN) 764-12-006) all the way to the terminus of the existing overhead utilities at the existing utility pole fronting the adjacent property to the south with address 17945 Monterey Road and APN 764-12-007.**
3. DEVELOPER agrees, at its own cost and expense, to install these improvements ("IMPROVEMENTS").
4. DEVELOPER requests that CITY reimburse it for the cost to be incurred for the IMPROVEMENTS.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Term of Agreement.** This Agreement covers services to be rendered from the date of building permit issuance for the project until such time as the amount or portion for reimbursement has been paid to DEVELOPER or its designee. This Agreement shall terminate upon full reimbursement.
2. **Scope of Project.** The project scope consists of the design and construction of undergrounding overhead utilities along the west side of Monterey Road.
3. **IMPROVEMENTS TO BE PROVIDED.** IMPROVEMENTS to be performed by DEVELOPER consist of the following: **Undergrounding approximately 110 feet of existing**

overhead utility lines (power and telecommunications) along the west side of Monterey Road with the amount listed on the attached Exhibit A. DEVELOPER has not commenced the construction of the IMPROVEMENTS.

4. **Compensation.** DEVELOPER will expend the following approximate amount in construction of IMPROVEMENTS:

4.1 **Amount.** Not to exceed One hundred forty thousand five hundred eighty and 27/100 dollars **(\$140,580.27).**

4.2 **Portion to be Reimbursed.** Not to exceed One hundred forty thousand five hundred eighty and 27/100 dollars **(\$140,580.27).**

4.3 **Payment.** CITY shall reimburse DEVELOPER upon completion of the improvements to CITY's satisfaction.

4.4 **Records of Expenses.** DEVELOPER shall keep records in which complete and correct entries are made of all construction costs, including overhead, related to IMPROVEMENTS. These records shall be made available to CITY upon request.

4.5 **Termination.** CITY and DEVELOPER shall have the right to terminate this Agreement, without cause, by giving not less than thirty (30) days written notice of termination as provided in Paragraph 12 below.

5. **Assignment of Payments.**

5.1 **Payment Stream.** DEVELOPER may assign the payments upon written instruction to CITY as provided in Paragraph 12 below. CITY shall have no liability whatsoever for failure to follow these instructions or for any claim by any entity for the funds or for their assignment.

6. **Non-Liability of Officials and Employees of the CITY.** No official or employee of CITY shall be personally liable for any default or liability under this Agreement.

7. **Non-Discrimination.** DEVELOPER covenants there shall be no discrimination based upon race, color, creed, religion, gender, marital status, age, disability, sexual orientation, national origin, or ancestry, in any activity pursuant to this Agreement.

8. **Independent Contractor.** It is agreed that DEVELOPER shall act and be an independent contractor and not an agent or employee of CITY.

9. **Compliance with Law.** DEVELOPER shall comply with all applicable laws, ordinances, codes, and regulations of the federal, state, and local government.

10. **Conflict of Interest and Reporting.** DEVELOPER shall at all times avoid conflict of interest

or appearance of conflict of interest in performance of this Agreement.

11. **Notices.** All notices shall be personally delivered or mailed, via first class mail to the below listed addresses. These addresses shall be used for delivery of service of process. Notices shall be effective five (5) days after date of mailing, or upon date of personal delivery.

a. Address of DEVELOPER is as follows:
Eden Housing, Inc.
22645 Grand Street
Hayward, CA 94541

b. Address of CITY is as follows:	With a copy to:
Public Services Director	City Clerk
City of Morgan Hill	City of Morgan Hill
17555 Peak Avenue	17555 Peak Avenue
Morgan Hill, CA 95037	Morgan Hill, CA 95037

12. **Licenses, Permits and Fees.** DEVELOPER shall obtain a **City of Morgan Hill Business License**, all permits, and licenses as may be required by this Agreement.

13. **Time of Essence.** Time is of the essence in the performance of this Agreement.

14. **Limitations Upon Subcontracting and Assignment.** Neither this Agreement nor any portion shall be assigned by DEVELOPER without prior written consent of CITY.

15. **Authority to Execute.** The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement.

16. **Indemnification.** DEVELOPER agrees to protect, and hold harmless CITY and its elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses, or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of the Agreement by DEVELOPER, DEVELOPER'S agents, officers, employees, subcontractors, or independent contractors hired by DEVELOPER. The only exception to DEVELOPER'S responsibility to protect, defend, and hold harmless CITY, is due to the sole negligence of CITY. This hold harmless agreement shall apply to all liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by DEVELOPER.

17. **Modification.** This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified or provisions waived only by subsequent mutual written agreement executed by CITY and DEVELOPER.

18. **California Law.** This Agreement shall be construed in accordance with the laws of the State of California. Any action commenced about this Agreement shall be filed in the central branch of the

Santa Clara County Superior Court.

19. **Interpretation.** This Agreement shall be interpreted as though prepared by both parties.

20. **Preservation of Agreement.** Should any provision of this Agreement be found invalid or unenforceable, the decision affected only the provision interpreted, and all remaining provisions shall remain enforceable.

IN WITNESS THEREOF, these parties have executed this Agreement on the day and year shown below.

CITY OF MORGAN HILL

**"DEVELOPER"
EDEN HOUSING, INC.**

By: _____
Christina J. Turner, City Manager

By: _____

Date: _____

Date: _____

ATTEST:

APPROVED AS TO FORM:

Michelle Bigelow, City Clerk

Donald A Larkin, City Attorney

Date: _____

Date: _____

Exhibit A

Reimbursement Amount for Undergrounding Overhead Utilities

		Cost
1.	Underground Overhead Utility Beyond Project Frontage	
	Joint trenching work beyond the project frontage on the south side of the property	\$88,506.00
	Low-voltage joint trenching work on the south side of the property	\$49,407.60
2.	Portion of Consultant's Cost	
	Portion of Joint Trench Design Cost	\$2,666.67
	Total Reimbursement Cost	\$140,580.27



CITY COUNCIL STAFF REPORT

MEETING DATE: September 17, 2025

PREPARED BY:

Donald Larkin, City Attorney

APPROVED BY: City Manager

APPROVE SETTLEMENT AGREEMENT WITH HIGH STREET NO. CAL. DEVELOPMENT, INC. (TRAMMEL CROW RESIDENTIAL) REGARDING BUILDER'S REMEDY PROJECT AT COCHRANE ROAD AND DE PAUL DRIVE (APNS 728-31-017, -019)

RECOMMENDATION(S)

Authorize the City Manager to execute a settlement agreement with High Street No. Cal. Development, Inc. to allow the developer to apply for a modified Builder's Remedy project.

COUNCIL PRIORITIES, GOALS & STRATEGIES

2024-2025 Strategic Priorities

Affordable Housing and Homelessness

Economic Development and Tourism

REPORT NARRATIVE:

BACKGROUND:

High Street No. Cal. Development, Inc. (High Street) currently has a complete Builder's Remedy application for a 171-unit project on approximately 20.56 acres of the commercial site (Commercial Highway and Commercial Office) located at the corner of Cochrane Road and De Paul Drive. The parties dispute whether the Builder's Remedy applies to the project. However, given the uncertainty, high litigation costs, and financial risk to the City, the City and High Street wish to avoid litigation and settle any dispute.

The current project application is for 98 single-family units and 73 townhome-style condominiums.

On June 4, 2025, the City Council unanimously authorized the City Attorney and Development Services Department to negotiate a settlement agreement under the following terms:

1. High Street will convey 7.8 acres of the property zoned for Commercial Highway uses to a commercial developer to develop uses consistent with the zoning designation.
2. High Street will amend its application to remove the 73 townhome-style condominiums and will convey the 4.7 acres of land where those units would

have been located to the City, along with a portion of the required detention basin. This 4.7-acre property will be used to advance the City's Affirmatively Furthering Fair Housing goals as required under its Housing Element, as well as a commercial component that will support economic development goals as part of a mixed-use project.

3. High Street will pay an affordable housing In-lieu fee totaling approximately \$5.42 million.
4. High Street will make an economic contribution to the City of \$500,000. The \$500,000 contribution will be used to facilitate the development of the affordable housing site.
5. High Street may build up to 105 single-family homes on the remaining acreage not identified for commercial uses and not conveyed to the City.

The attached Settlement Agreement incorporates the terms approved by the City Council. Should the Council not approve the settlement agreement, the City will continue to process High Street's existing development application, but will lose the opportunity to create a mixed-use project that advances the City's affordable housing and economic development goals. Additionally, the City would lose the \$500,000 contribution and the commitment to build a commercial project on the northernmost 7.8 acres.

COMMUNITY ENGAGEMENT:

A project page with details of the current development application can be found on the City's website at <https://www.morganhill.ca.gov/2612/Cochrane-DePaul-High-Street-No-Cal-Devel>

ALTERNATIVE ACTIONS:

The City Council could choose not to approve the Settlement Agreement. In that case, High Street would continue to seek approval of the current application. Due to the potential high cost and changes in the law related to Builder's Remedy, staff does not recommend litigation.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

On June 4, 2025, City Council directed staff to negotiate a settlement agreement under the terms described herein.

FISCAL AND RESOURCE IMPACT:

Approval of the Settlement Agreement would have a positive fiscal impact by creating an opportunity for economic development and through direct financial benefits.

CEQA (California Environmental Quality Act):

Not a Project

The settlement agreement is not a project that could have an impact on the environment. Under the terms of the agreement, the proposed development project will need to comply with CEQA prior to approval.

SETTLEMENT AGREEMENT

This Settlement Agreement (“Agreement”) is made and entered into on _____, 2025, by and between TC Morgan Hill Venture, LLC, a Delaware limited liability company, through its affiliate and project applicant High Street No. Cal. Development, Inc. a Delaware corporation (collectively, “High Street”), and the City of Morgan Hill, a California municipal corporation (“City”). High Street and the City are sometimes singularly or collectively referred to herein as a “Party” or the “Parties.”

RECITALS

- A. High Street seeks to construct a residential housing project and associated amenities (“Project”) pursuant to SB 330 at a 20.56 gross-acre site located at Cochrane Road and De Paul Drive (APNs 728-31-017, -019) in Morgan Hill, California (“Property”).
- B. The Property is currently vacant and zoned as “Highway Commercial and Administrative Office” and designated as “Commercial/Industrial” in the General Plan Land Use Element Map and allows for multifamily housing projects to be developed at the Property pursuant to State Law. In addition, the Property is not used for agriculture and does not contain any known development constraints. The Property is close to and maintains good access to Highway 101.
- C. The City agrees and acknowledges the Project as agreed to under this Agreement provides certain economic, legal, social, technological and other benefits to the City of Morgan Hill including the provision of low-income affordable housing and other community benefits as provided in this Agreement.
- D. On October 10, 2023, High Street submitted the Project Preliminary Application (PRE2023-0010) pursuant to Government Code section 65941.1, invoking Government Code section 65589.5(d)(5), which is the portion of the Housing Accountability Act (“HAA”) referred to as the Builder’s Remedy. The Preliminary Application provided that the Project would consist of 151 for sale residential units.
- E. On April 1-2, 2024, High Street filed its formal development application for the Project pursuant to SB 330, identifying 98 single family homes and 73 townhomes, with 20% of the units (35 total) set aside for lower income households (“Formal Application”). High Street separately filed a lot line adjustment (“LLA”) application to create an approximately 7.8248-acre parcel for potential commercial/retail development (“Commercial Site”) located on real property immediately to the north of the Property.
- F. On May 25, 2024, High Street resubmitted the Formal Application. On June 24, 2024, the City deemed the Formal Application complete. The Formal Application and the LLA application are currently being processed by the City. The site plan proposed by the Formal Application and LLA is depicted in **Exhibit A** attached hereto.
- G. The Parties dispute whether the Builder’s Remedy applies to the Project.

H. Mindful of the delay, expense, and uncertainty of litigation, the Parties now desire to compromise and settle on the terms and conditions stated below.

TERMS AND CONDITIONS

NOW, THEREFORE, in consideration of the covenants, promises, and provisions set forth herein, the Parties agree as follows:

CITY'S COMMITMENTS AND OBLIGATIONS

1. **Waiver of Builder's Remedy.** The City agrees to waive any objection regarding the applicability of the Builder's Remedy to the Project. As such, the City shall process the Project as a Builder's Remedy project, including the plans and documents submitted to the City therewith, and acknowledges and agrees that, except as provided herein, the Zoning Ordinance and General Plan land use designation do not apply to the Project. City's obligations to apply the Builder's Remedy shall survive despite any changes to the Project resulting from the terms of this Agreement, including submittal of the Revised Formal Application defined below.

2. **Processing of Revised Project.** The City hereby agrees that it shall expedite processing of the Project as revised pursuant to this Agreement ("Revised Project") and shall ensure that the Revised Project is heard by the Planning Commission prior to March/April 2026. Should CEQA review require City Council consideration and decision, the Project shall be heard by City Council no later than 30 days after completion of the Final EIR and conform with SB330 meeting limits. Developer may elect, in its sole discretion, to terminate this Agreement and proceed with its original Formal Application should the City be unable to make a determination on the Project by June 2026.

3. **CEQA Review.** Where possible, the Project's CEQA review will tier off all relevant prior CEQA analyses. On July 27, 2016, the City Council certified an environmental impact report (EIR) for the Morgan Hill 2035 General Plan. The EIR for the General Plan was prepared as a program EIR under the provisions of Section 15168 of the State CEQA Guidelines. In May 2020, a Draft EIR was prepared for the Morgan Hill Technology Center Mixed-Use Project, which included the Property. The development project analyzed by the 2020 Draft EIR included approximately 50,000 square feet of commercial uses and up to 319 residential units (239 townhomes and 80 single-family detached units), in addition to the light industrial units that were subsequently approved on the approximately 30 acres located immediately south of the Property. Although the CEQA review for the Morgan Hill Technology Center Mixed-Use Project did not result in a certified Final EIR, the Parties intend to rely on the analyses performed for the Draft EIR wherever feasible.

- a. The City and High Street acknowledge that any technical studies included in the City's objective standards and checklists will be completed prior to consideration by the Planning Commission for design review, and that certain measures may be required under the Mitigation Monitoring and Reporting Program for the City's General Plan Environmental Impact Report.

- b. The City and High Street acknowledge that with regard to traffic impacts, the 2035 General Plan Environmental Impact Report’s mitigation measures do not relate to the Project beyond a general reference to new projects paying traffic impact fees or a fair share contribution to mitigate regional traffic impacts. (GP EIR, Executive Summary, p. 1-21.) High Street nevertheless directly constructed offsite improvements, including the installation of a new turn pocket and signal improvements at the Cochrane Road/De Paul Drive intersection, lane widening on Half Road, and various improvements on De Paul Drive, in relation to its development of its industrial project on approximately 30 acres directly south of the Property (City Reso. Nos. 21-04, 21-05). The City agrees that future tenancies of that industrial project that are permitted uses are deemed to not generate traffic impacts that would require traffic analyses, further CEQA review, or further discretionary approvals for those tenancies regardless of any potential traffic impacts caused by the Project as revised herein.
- c. The City and High Street acknowledge that with regard to VMT impacts, the VMT per Capita (Morgan Hill Threshold) has been determined to be unmitigable for the entirety of the east side of Hwy 101 in Morgan Hill. Said VMT impacts shall not result in the payment of additional fees or costs or the implementation of nonmonetary obligations upon High Street beyond those included in any mitigation measure.

4. **Impact Fees.** The City agrees to use the Impact Fee Schedule in effect in as of the October 10, 2023 submission of the Project’s Preliminary Application (attached as **Exhibit B** to this Agreement). This fee schedule will be used to calculate the project’s impact fees (“Impact Fees”). High Street’s payment of the Impact Fees is governed by Government Code section 66007.

5. **Inclusionary Housing Ordinance:** The City of Morgan Hill’s Inclusionary Housing Ordinance (IHO) requires residential developments to provide affordable housing. High Street will meet the IHO with an in-lieu fee in accordance with Chapter 14. 08 of the Morgan Hill Municipal Code. The in-lieu fee will help the City advance the City’s Housing Element.

HIGH STREET’S DEVELOPMENT

6. **Development of Commercial Site.** Upon City’s approval of the LLA, High Street shall use commercially reasonable efforts to convey the ±7.8248-acre Commercial Site for the potential development of retail uses, likely anchored by a grocery store use.

7. **Detention Basin.** High Street shall provide approximately 2.2-acre feet of detention basin storage from within the planned detention basin area (approximately 0.43 acres at 5 feet deep) for storm water detention to serve the Land Conveyance area. The detention basin is also designed to also serve the Property, the hospital facility across the street, the Cochrane Tech Center industrial project to the south., and if sufficient capacity is available, future projects to the north of the basin to Cochrane Road. The detention basin may be modified during the entitlement and permitting process as needed, provided the minimal storage capacity is maintained. The basin will remain under ownership of High Street, which will grant to the City a storm drain easement

and access easement to the detention basin for maintenance purposes. All properties benefitting from the detention basin shall provide a fair share contribution toward maintenance of the detention basin and shall separately fund any modifications to the detention basin.

8. **Land Conveyance.** High Street shall convey to the City 4.719 acres of land that had been designated for development of townhomes under the Formal Application. This land conveyance shall take place within 30 days after final City approval of the Project and the expiration of all applicable administrative appeal deadlines and statutes of limitations. The City shall use the dedicated land to construct affordable housing units in a mixed-use or other project. The number of units to be constructed provides the City with the opportunity to exceed the number of units that would otherwise be required under the City's Inclusionary Housing Ordinance (Chapter 14.04) in connection with the Residential Development described in Section 7. The housing type should be consistent with the City's Affirmatively Furthering Fair Housing goals.

9. **Residential Development.** High Street shall develop up to 105 market rate single family homes on the remaining 15.84-acre residential site. Upon issuance of the first certificate of occupancy, High Street shall pay the City an in lieu fee in the amount of \$23.18 per square foot of the livable square footage of the single family residential development to fully satisfy any City inclusionary housing requirements applicable to the Project. The development scenario described in Sections 5-7 above is depicted in Exhibit C.

10. **Economic Contribution.** Upon issuance of the first certificate of occupancy for the residential development referenced in Section 7 above, High Street shall contribute to the City \$500,000 to the Housing Fund to help facilitate development of the 4.719 -acre parcel for affordable housing.

11. **Objective Design Standards.** High Street shall not be required to comply with Zoning Code requirements, but will use best efforts to comply with the City's objective design standards.

12. **Scope of Planning Commission Review.** If discretionary permit applications are not filed for the Commercial Site prior to the Planning Commission meeting regarding the Project, then the Planning Commission's review shall be limited to the residential development Project and shall not be delayed by the status of the Commercial Site's applications.

13. **Health and Safety.** High Street shall comply with Morgan Hill Municipal Code, Title 15, including the City's Building Code provisions, as they relate to the physical health and safety of the public.

MISCELLANEOUS

14. **Revised Application.** Upon execution of this Agreement, High Street shall submit a Revised Formal Application consistent with the terms of this Agreement.

15. **Casualty.** The City acknowledges and agrees that the City's approval of this Settlement Agreement and approval of Project, including the Revised Formal Application, shall constitute a vested right to develop and maintain the Project as proposed in the Revised Formal Application. In the event of unforeseen casualty or change in law, Developer shall have the right

to rebuild or reconstruct the Project in a form and manner substantially as approved by City pursuant to this Settlement Agreement and approval of Project, including the Revised Formal Application.

16. **Notices.** All notices must be in writing and be addressed to the affected Party at the addresses set forth below. Notices shall be: (a) delivered by in-person service to the addresses set forth below, in which case they will be deemed delivered on the date of delivery, as evidenced by the written report of the courier service, or (b) sent by certified mail, return receipt requested, in which case they will be deemed delivered five (5) business days after deposit in the United States mail. Any Party may change its address or the name and address of its attorneys by giving notice in compliance with this Agreement. Notice of a change will be effective only upon receipt. Notice given on behalf of a Party by any attorney purporting to represent a Party will constitute notice by the Party if the attorney is, in fact, authorized to represent the Party. All Notices shall also be provided to the other Party via e-mail, however, delivery via e-mail shall not constitute notice for purposes of this Section.

If to CITY:

City Manager
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037
Email: christina.turner@morganhill.ca.gov

With a copy to:

Donald Larkin
City Attorney
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037
Email: donald.larkin@morganhill.ca.gov and dlarkin@bwslaw.com

If to HIGH STREET:

High Street No. Cal. Development, Inc.
Attn: Adam Voelker and Brian Pianca
415 Mission St – 45th Floor
San Francisco, CA 94105
Email: avoelker@trammellcrow.com and bpianca@trammellcrow.com

With a copy to:

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attn: David H. Blackwell, Esq.
3 Embarcadero Center, 12th Floor
San Francisco, CA 94111
Email: dblackwell@allenmatkins.com

17. **No Admission of Liability.** This Agreement is not an admission of liability or fault on the part of either Party.

18. **Legal Fees and Costs.** Each Party shall bear its own legal fees and costs resulting from the preparation, negotiation, and execution of this Agreement. If any action or proceeding arises from or relates to this Agreement, the prevailing party shall be entitled to recover its out-of-pocket costs, reasonable attorney's fees, and costs of attorneys (including in-house counsel fees) and experts against the non-prevailing Party, in addition to all other relief to which that Party may be entitled.

19. **Right to Cure.** If any Party believes that another Party's performance is in default of that Party's obligations under this Agreement, the accusing Party shall provide written notice to the defaulting Party of the alleged default ("Default Notice"); offer to meet and confer in a good faith effort to resolve the issue; and provide the defaulting Party thirty (30) days to cure the alleged default commencing at the time of receipt of the Default Notice. A Default Notice shall specify in reasonable detail the nature of the alleged default and, where appropriate, the manner in which the alleged default satisfactorily may be cured.

20. **Remedies on Default.** Upon the happening of any uncured default, the non-defaulting party may exercise those remedies available to it pursuant to law or equity, including without limitation specific performance and expectation damages.

21. **Entire Agreement; Amendments.** This Agreement contains the entire agreement between the Parties and supersedes any prior written or oral agreements between them concerning the subject matters contained herein. No supplement, modification, or amendment to this Agreement shall be binding unless executed in writing by all Parties hereto.

22. **Waiver.** The waiver of any provision or term of this Agreement shall not be deemed a waiver of any other provision or term of this Agreement. The mere passage of time, or failure to act upon a default, shall not be deemed a waiver of any provision or term of this Agreement.

23. **Execution.** The Parties warrant that, in executing this Agreement, they do so with full knowledge of the rights and obligations that they may have and that they have received independent legal advice with respect to the matters contained in the Agreement.

24. **Joint Negotiation.** This Agreement is the product of joint negotiations between the Parties and shall not be construed against any of the Parties.

25. **Interpretation.** Specific provisions of this Agreement will take precedence over conflicting general provisions.

26. **California Law.** This Agreement will be construed in accordance with the laws of the State of California.

27. **Authority of Signatories.** The individuals executing this Agreement represent and warrant that they have the authority to sign on behalf of the respective Party for which they have executed this Agreement.

28. **Effective Date.** This Agreement will be effective upon the date of execution of the Agreement by all Parties.

29. **Counterparts.** This Agreement may be executed in counterparts. For purposes of this Agreement, an electronically transmitted signature shall be considered as the equivalent of a wet-ink signature and shall be fully binding.

30. **Materiality; Severability.** The parties agree and stipulate that each and every recital contained in the preamble and every term and condition contained in this Agreement is material, and that each and every recital, term, and condition may be reasonably accomplished within the time limitations and in the manner set forth in this Agreement. Failure of any party to perform any one provision hereof shall be the basis for issuance of a Default Notice pursuant to Section 15. If any provision of this Agreement is determined to be invalid or unenforceable, the remainder shall be construed as valid and enforced so as to effectuate the intention of the Parties at the time the settlement was entered into.

31. **Assignment, Successors and Assigns.** This Agreement may not be assigned without the written consent of the other Party. If properly assigned, this Agreement will bind and inure to the benefit of the agents, assigns, and successors-in-interest of each Party. Notwithstanding the foregoing, the rights under this Agreement shall extend to the developer and/or operator of the commercial portion of the Project with regard to that portion of the Project.

32. **Time is of the Essence.** Time is of the essence of each and every provision of this Agreement.

33. **Additional Documents.** The Parties agree to prepare and deliver such further documents and instruments, and shall take such other actions, as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date written below.

High Street No. Cal. Development, Inc., a Delaware Corporation

By: _____

Title: _____

Date: _____

City of Morgan Hill, a municipal corporation

By: _____
Christina Turner

Title: City Manager

Date: _____

APPROVED AS TO FORM:

DONALD LARKIN
City Attorney

By: _____
City Attorney

Date: _____

EXHIBIT A
ORIGINAL SITE PLAN

<https://morganhill.ca.gov/DocumentCenter/View/51924/Civil-Detailed-Plans-PDF>

EXHIBIT B

IMPACT FEES – EXAMPLE ONLY



CITY OF MORGAN HILL PUBLIC WORKS DEPARTMENT

17575 Peak Avenue Morgan Hill CA 95037 - Office (408) 778-6480 Fax (408) 779-7236

FEE SCHEDULE: 07.01.2023	
PROJECT INFO	DATE PREPARED: 8/12/2025
TRACT # / APN: Portions of 728-31-017 and -019	EXPIRATION DATE: N/A
ADDRESS / LOT: De Paul Drive	CALCULATED BY: PN
PROJECT DESC: 105 Single-Family Detached Residential Units	CHECKED BY: MBA
APPLICANT INFO	BUILDING PERMIT #: N/A
APPLICANT NAME: High Street No. Ca. Development, Inc	BLD PERMIT DATE: tbd
MAILING ADDRESS:	
CITY, STATE, ZIP:	
PHONE NUMBER:	

THIS FEE SCHEDULE IS ESTIMATE ONLY

IF BOX ABOVE CHECKED, FEE SCHEDULE IS ONLY FOR ESTIMATE PURPOSES. FEE SCHEDULE CALCULATED BASED ON INFORMATION PROVIDED TO CITY BY APPLICANT. FINAL FEE SCHEDULE MAY DIFFER BASED UPON CHANGE IN SCOPE OF PROJECT.

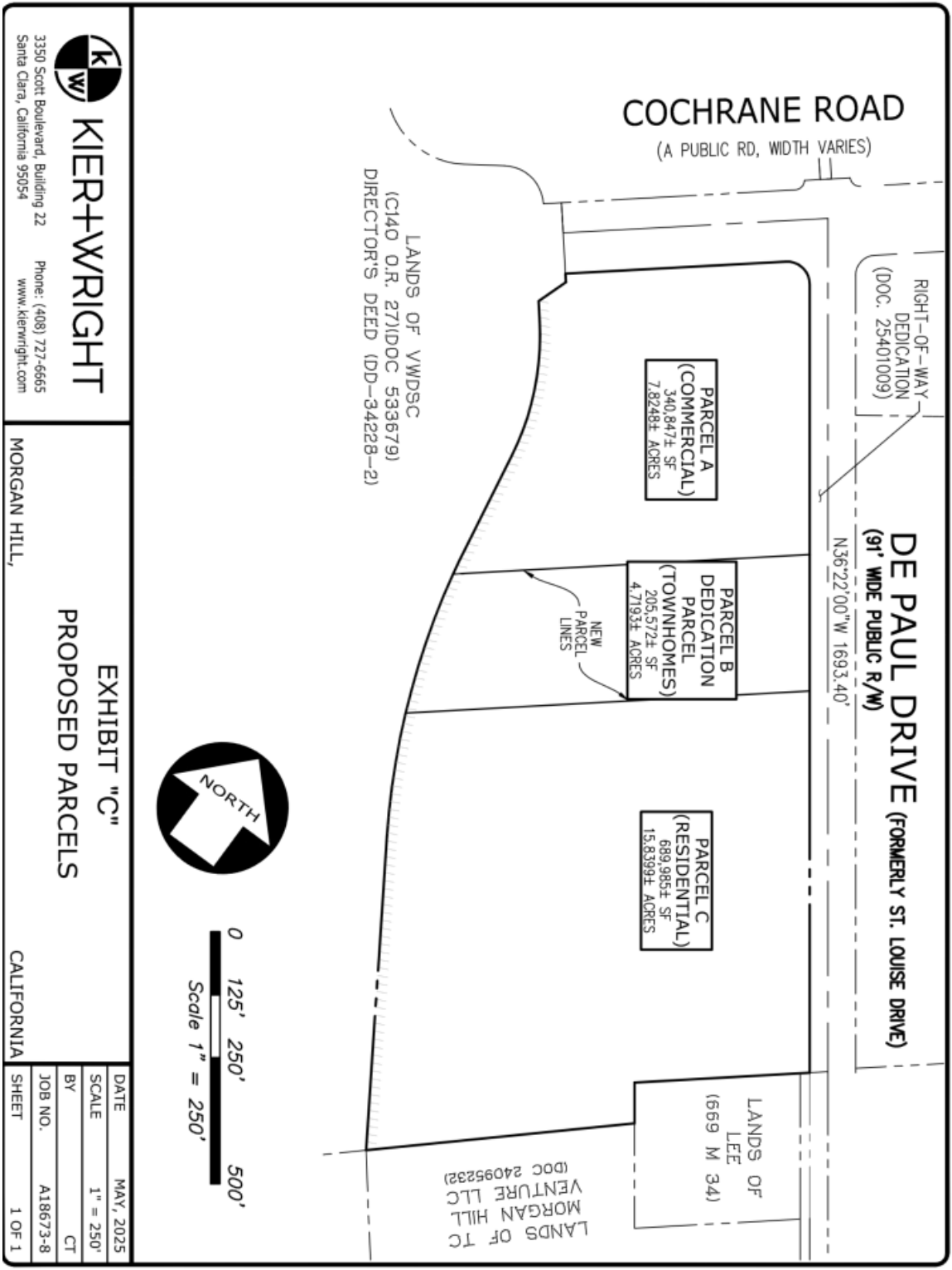
1. METER DEPOSIT (149 - IMP001):				650-37672	Subtotal: \$0.00
45	\$573.	*	0	=	\$0
1-3/4"	\$1,782.	x	0	=	\$0
2"	\$2,040.	x	0	=	\$0
1-1/2"	\$3,999.	x	0	=	\$0
1-5/8"	\$12,218.	x	0	=	\$0
1-3/4"	\$18,163.	x	0	=	\$0
* For meters "I" and "gasket" arrangements shall be made for the meters to be posted up at the City Corporation Yard located at 300 Elgin Court.					
11-5/8"	-\$372.	x	0	=	\$0
11-3/4"	-\$322.	x	0	=	\$0
** Credit for 5/8" and 3/4" existing meter if applicable.					
2. BACKFLOW CONST. INSPECTION (154 - IMP002):				650-37859	Subtotal: \$0.00
\$79	*	0	Each	=	\$0
Fee will be calculated at building permit stage.					
3a. WATER FRONTAGE CHARGE (146 - IMP003):				650-37663	Subtotal: \$0.00
1-Side	\$65	x	0	LF	= \$0
2-Sides	\$17	x	0	LF	= \$0
Not applicable.					
3b. SEWER FRONTAGE CHARGE (140 - IMP004):				640-37663	Subtotal: \$0.00
1-Side	\$85	x	0	LF	= \$0
2-Sides	\$47	x	0	LF	= \$0
Not applicable.					
3c. STORM FRONTAGE CHARGE (135 - IMP005):				304-37663	Subtotal: \$0.00
1-Side	\$139	x	0	LF	= \$0
2-Sides	\$67	x	0	LF	= \$0
Not applicable.					
3d. UNDERGROUNDING UTILITIES (145 - IMP006):				350-37648	Subtotal: \$0.00
1-Side	\$675	x	0	LF	= \$0
2-Sides	\$442	x	0	LF	= \$0

W:\PROJECTS\DEVELOPMENT\Subdivisions - Residential\020204-0007 and 082024-0011 De Paul - High Street_082307\FeeEstimate - DePaulHigh Street 105 SFR for EDR\Draft Fee Estimate_De Paul Residence_01 PW FEES 07.01.2023.xlsx 1

4. WATER CAPACITY FEE (IMP007):				651-37648	Subtotal:	\$823,134.00
	5/8-1 Inch meter	\$11,692	x	0	=	\$0
	1.5-inch meter	\$23,385	x	0	=	\$0
	2-inch meter	\$37,415	x	2	=	\$74,830
	3-inch meter	\$74,830	x	0	=	\$0
	4-inch meter	\$116,923	x	0	=	\$0
	6-inch meter	\$233,845	x	0	=	\$0
	8-inch meter	\$374,152	x	2	=	\$748,304
WATER CREDITS						
	\$0	/	x	0	/	= \$0
5. SEWER IMPACT FEE (IMP008):				641-37648	Subtotal:	\$2,016,630.00
	Single Family	\$19,206	/DU	x	105	DU = \$2,016,630
	Multi Family	\$16,255	/DU	x	0	DU = \$0
	Senior/Downtown	\$16,255	/DU	x	0	DU = \$0
	Commercial	\$63.25	/GPD	x	0	GPD = \$0
	Industrial	\$63.25	/GPD	x	0	GPD = \$0
	Office	\$63.25	/GPD	x	0	GPD = \$0
	Auto Dealership	\$63.25	/GPD	x	0	GPD = \$0
	Hotel	\$63.25	/GPD	x	0	GPD = \$0
	Secondary DU	TBD	/DU	x	0	DU = \$0
SEWER CREDITS						
	\$0	/	x	0	/	= \$0
6. STORM DRAIN IMPACT FEE (IMP009):				303-37648	Subtotal:	\$255,570.00
	Single Family	\$2,434	/DU	x	105	DU = \$255,570
>1,200 SF	Multi Family	\$1,386	/DU	x	0	DU = \$0
< 1,200 SF	Multi Family	\$645	/DU	x	0	DU = \$0
>1,200 SF	Senior/Downtown	\$1,386	/DU	x	0	DU = \$0
< 1,200 SF	Senior/Downtown	\$645	/DU	x	0	DU = \$0
	Commercial	\$26,359	/ACRE	x	0	AC = \$0
	Industrial	\$19,407	/ACRE	x	0	AC = \$0
	Office	\$26,359	/ACRE	x	0	AC = \$0
	Auto Dealership	\$26,359	/ACRE	x	0	AC = \$0
	Hotel	\$390	/ROOM	x	0	RM = \$0
	Secondary DU	TBD	/DU	x	0	DU = \$0
STORM CREDITS						
	\$0	/	x	0	/	= \$0
7. TRAFFIC IMPACT FEE (IMP0010):				309-37648	Subtotal:	\$444,150.00
	Single Family	\$4,230	/DU	x	105	DU = \$444,150
>1,200 SF	Multi Family	\$2,621	/DU	x	0	DU = \$0
< 1,200 SF	Multi Family	\$1,650	/DU	x	0	DU = \$0
>1,200 SF	Senior/Downtown	\$2,621	/DU	x	0	DU = \$0
< 1,200 SF	Senior/Downtown	\$1,650	/DU	x	0	DU = \$0
	Secondary DU	TBD	/DU	x	0	DU = \$0
	Commercial	\$4,230	/PHT	x	0	PHT = \$0
	Industrial	\$4,230	/PHT	x	0	PHT = \$0
	Office	\$4,230	/PHT	x	0	PHT = \$0
	Auto Dealership	\$4,230	/PHT	x	0	PHT = \$0
	Hotel	\$4,230	/PHT	x	0	PHT = \$0
TRAFFIC CREDITS						
	\$0	/PHT	x	0	PHT	= \$0
8a. PARK IMPACT FEE (IMP0011):				301-37648	Subtotal:	\$0.00
	Subdivision: Single Family	\$7,283	/DU	x	0	DU = \$0
	Multi Family	\$7,017	/DU	x	0	DU = \$0
	Senior/Downtown	\$4,806	/DU	x	0	DU = \$0
	Secondary DU	TBD	/DU	x	0	DU = \$0
	No Subdivision: Single Family	\$5,295	/DU	x	0	DU = \$0
	Multi Family	\$5,107	/DU	x	0	DU = \$0
	Senior/Downtown	\$3,495	/DU	x	0	DU = \$0
	Secondary DU	TBD	/DU	x	0	DU = \$0
PARK CREDITS						
	\$0	/	x	0	/	= \$0
8b. QUIMBY / PARKLAND IN-LIEU FEE (IMP0012):				375-37648	Subtotal:	\$2,210,060.16
	\$2,210,060	/	x	1	EA	= \$2,210,060
8c. PARK MAINTENANCE DEV. FEE (IMP0013):				302-37649	Subtotal:	\$0.00
	\$0	/	x	0	EACH	= \$0

17. OTHER FEES:				Subtotal:	\$0.00
Gen. of Compliance - LLA /Merger (94 - IMP0022)	\$ 7,423	206-38712			Fee will be calculated at building permit stage
Rarest Map - LLA /Merger (100 - IMP0023)	\$ 7,662	206-38712		\$0	
Additional Plan Review (105 - IMP0024)	\$ 238 /hr	206-38734		\$0	
→ 4th submittal and up, at \$238/hr with 2-hour min. charge, OT at \$275/hr.					
Plan Revisions (114 - IMP0025)	\$ 238 /hr	206-38719		\$0	
→ Revision after approval of public improvement plans, at \$238/hr with 2-hour min. charge, OT at \$275/hr.					
Engineering Services (IMP0025):					
→ Consultation (102 - IMP0026)	\$ 230 /hr	206-38719		\$0	
* Consultation at fully burdened rate at \$230/hr, OT at \$265/hr.					
→ Preliminary Review (103 - IMP0025)	\$ 2,383	206-38719		\$0	
→ Preliminary Fee Estimate (104 - IMP0026)	\$ 267	206-38719		\$0	
→ Complexity Fee (106 - IMP0025)	\$ 2,850	206-38719		\$0	
→ Re-Inspection Fee (107 - IMP0026)	\$ 238 /hr	206-38734		\$0	
→ Re-inspection fee at \$238/hr with 4-hour min. charge, OT at \$275/hr.					
Public Easement Review (113 - IMP0027)	\$ 3,218	206-38737		\$0	
Street Vacation Review (115 - IMP0027)	\$ 4,295	206-38737		\$0	
Easement Abandonment (116 - IMP0027)	\$ 9,295	206-38737		\$0	
Reimbursement Agreement (119 - IMP0028)	\$ 6,124	206-38741		\$0	
FEMA Compliance (110 - IMP0029)					
New Structure Application	\$ 1,000	206-38725		\$0	
New Acc. Struct. or ADU Application	\$ 751	206-38725		\$0	
Improvement of Existing Structure					
Non-substantial Imp. w/o detailed review	\$ 569 /structure	206-38725		\$0	
Non-substantial Imp. w/ detailed review	\$ 807 /structure	206-38725		\$0	
Substantial Imp. (except Acc. Struct.)	\$ 4,297 /structure	206-38725		\$0	
Substantial Imp. of Acc. Struct.	\$ 881 /structure	206-38725		\$0	
FEMA Elevation Certificate Review	\$ 656 /structure	206-38725		\$0	
FEMA Flood Field Inspection	\$ 496	206-38726		\$0	
FEMA Flood Study/Valley Water Coord.	\$ 1,549	206-38725		\$0	
Review of CLOMR/E, LOMR/E	\$ 953	206-38725		\$0	
FEMA Pub. Outreach LOMR/E	\$ 4,439	206-38725		\$0	
BFE Determination (Zone A w/o SFE or Zone D)	\$ 477	206-38725		\$0	
Stormwater Runoff Management Plan (SWRMP) Review (111 - IMP0030)					
Tier 1 Project	\$ 2,740	206-38734		\$0	
Tier 2 Project	\$ 7,149	206-38734		\$0	
Tier 3 Project	\$ 40,248	206-38734		\$0	
Tier 4 Project	\$ 42,393	206-38734		\$0	
Erosion & Sediment Control/SWRMP Document Review (129 - IMP0031)					
Type 1 & 2 Projects -> 1 Acre Soil Dist	\$ 637	206-37687		\$0	
Type 1 & 2 Projects -> 1 Acre Soil Dist	\$ 694	206-37687		\$0	
Type 3 Projects	\$ 418	206-37687		\$0	
Type 4 Projects	\$ 298	206-37687		\$0	
Stormwater Construction Inspections (130 - IMP0032)					
Type 1 & 2 Projects -> 1 Acre Soil Dist	\$ 4,509	206-37688		\$0	
Type 1 & 2 Projects -> 1 Acre Soil Dist	\$ 16,956	206-37688		\$0	
Type 3 & 4 Projects	\$ 96	206-37688		\$0	
Stormwater Pool Construction BMP Initial Setup (140 - IMP0033)					
Base Fee & 1st BMP	\$ 584	206-38734		\$0	
Each Additional BMP	\$ 437 /BMP	206-38734		\$0	
Assessment District Reapportionment (137 - IMP0034) see separate appl.					
Private Sanitary Agreement (138 - IMP0034)	\$ 2,740	206-38719		\$0	
Stormwater O&M Agreement (139 - IMP0034)	\$ 2,146	206-38719		\$0	
Agreement Extensions/Amendments (143 - IMP0034)					
With City Manager Approval	\$ 2,980	206-38719		\$0	
With City Council Approval	\$ 4,528	206-38719		\$0	
RDCS School Pedestrian Safety (IMP035)	\$	355-37655		\$0	
RDCS Public Facilities (IMP036)	\$	345-37649		\$0	
RDCS Park Development (IMP037)	\$	302-37649		\$0	
RDCS Public Facilities Circulation (IMP038)	\$	345-37649		\$0	
RDCS LED Streetlight Fund (IMP039)	\$	010-37722		\$0	
TOTAL FEES DUE:				\$6,879,449.16	
TOTAL FEES DUE:				\$7,065,194.29	(with 2.7% Credit Card Fee)
Notes & Comments:					
Impact Fee estimate for 105 Single Family Detached Residential Units					

EXHIBIT C





CITY COUNCIL STAFF REPORT

MEETING DATE: September 17, 2025

PREPARED BY:

Dat Nguyen, Finance Director
Monica Delgado, Budget Manager

APPROVED BY: City Manager

FISCAL SUSTAINABILITY UPDATE

RECOMMENDATION(S)

1. Review and reaffirm budget principles; and
2. Provide direction to continue considering options for additional revenue, such as a local tax measure, alongside continued efforts to strengthen our Economic Development strategies; and
3. Receive direction from Council regarding specific programs to review or further evaluate.

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Preserving and Cultivating Public Trust

2024-2025 Strategic Priorities

Fiscal Sustainability

Community Engagement

REPORT NARRATIVE:

Background

As we complete the mid-cycle budget review and begin planning for the next biennial budget cycle, it is important to reflect on the City's fiscal outlook. While General Fund reserves remain above the minimum policy goal, expenses continue to outpace revenue growth. If left unaddressed, this trend will eventually push reserves below the minimum threshold. Conservative spending practices, higher-than-forecasted revenues, and temporary federal stimulus support, such as the American Rescue Plan Act (ARPA), have allowed the City to push this budgetary decline to future years. However, the City cannot sustainably spend more than it brings in.

The City's Fiscal Year 2025–26 adopted budget totals \$256.0 million. Of this amount, \$63.8 million is allocated to General Fund expenditures. The General Fund is the City's primary operating fund, paying for most day-to-day services that residents see and use, such as police, fire, parks, and general administration. Unlike special revenue funds, which are legally restricted for specific purposes, the majority of the General Fund is

discretionary, meaning the City Council decides how to allocate it, based on Community needs and priorities. Currently, approximately 78% of the General Fund is allocated to Public Safety (Police and Fire), 8% to General Government and Administrative Support, 3% to Recreation and Community Services, and the remainder to Parks, Streets, Infrastructure, and other programs.

It is important to note that while the City is not in immediate fiscal distress, to maintain critical services at current levels over the long term, the City will need to identify additional, ongoing revenues or make thoughtful adjustments to align expenses with available resources.

At this juncture, staff seeks Council and Community input on whether the City's existing budget principles remain valid ([link to Budget Principles](#)). We are requesting Council's input on whether staff should continue exploring additional revenue options, such as a local tax measure, alongside continued efforts to strengthen our economic development strategies. Staff also seeks direction on whether there are specific programs the Council wishes to review or evaluate further as part of this process. A comprehensive PowerPoint presentation is included with this report.

Financial Landscape

The City's preliminary General Fund reserve currently stands at 44%, well above the minimum reserve goal of 15%. The City has strategically used this strong reserve to enhance services to the Community, including staffing the new fire station and hiring additional police officers. Additionally, this high reserve balance provides the City with time to address its structural deficit as the post-pandemic revenue surge begins to fade and no longer keeps pace with rising costs, compounded by heightened economic conditions such as high interest rates and elevated inflation.

Morgan Hill continues to be recognized for its strong financial management and safe and well-maintained community. The City holds a AAA issuer credit rating from Standard & Poor's, reflecting its disciplined fiscal practices. Streets are well-maintained, with a current Pavement Condition Index (PCI) of 74 compared to the statewide average PCI of 66 (2021 California Statewide Local Streets and Roads Needs Assessment) and Bay Area PCI average of 67 (Metropolitan Transportation Commission's 2023 Assessment). The City's recreation program operates with one of the highest cost recovery rates in the region, reducing General Fund subsidy while delivering high-quality services. At the same time, Morgan Hill remains one of the safest communities in Santa Clara County, underscoring the effectiveness of public safety investments.

The City's ability to provide public safety services, maintain safe roads, and offer youth, senior, and recreational services depends on sustained General Fund revenue growth, which is primarily derived from property taxes, sales taxes, recreation services, and hotel transient occupancy taxes.

The City has proactively taken steps to strengthen fiscal sustainability and expand its revenue base, including updating the Transient Occupancy Tax, establishing a Tourism

Business Improvement District, and creating a Downtown Property-Based Improvement District. These measures have either contributed additional revenue or reduced expenses to support City's goals.

Analysis

Morgan Hill collects the least amount of taxes per capita than any other city in Santa Clara County. Unlike most cities in Santa Clara County, Morgan Hill does not levy local revenue measures such as a Utility Users Tax or a local Sales Tax. This limits the City's ability to sustain essential services, invest in infrastructure, and maintain sufficient General Fund reserves. The ongoing structural gap between revenues and expenses is approximately \$4 million. Again, this economic outlook is not new, and the City Council has been discussing this long-term budgetary challenge for many years. To date, the City has managed to sustain operations through disciplined management, measured spending, and strong economic development practices. However, at some point, the City must generate new revenue sources to avoid service reductions, depletion of General Fund reserves, or implement other undesirable cost-saving measures.

In practical terms, if new revenues are not identified, the City may need to carefully consider how to balance service levels with available resources. This could affect areas such as public safety staffing, 911 response times, maintenance of parks and streets, and programming for youth and seniors. These programs are fundamental to the safety, quality of life, and well-being of our Community.

Conversely, with new and sustainable revenues, the City can preserve essential services, maintain strong public safety, continue investing in parks and infrastructure, and protect programs for youth, seniors, and other vulnerable populations and continue to protect the Community's quality of life. Stable funding would also provide flexibility to respond to changing Community needs, unplanned expenditures associated with policy and budgetary decisions by Regional, State, or Federal organizations, and ensure that Morgan Hill remains a safe, vibrant, and well-maintained city for all residents.

Multiple government bodies across Santa Clara County are advancing tax measures that will appear before voters in upcoming election cycles. These overlapping and competing measures may impact voter sentiment and the City's ability to successfully pursue its own revenue measure.

- On August 7, 2025, the Santa Clara County Board of Supervisors unanimously voted to place a special sales tax measure on the November 4, 2025, ballot, proposing a 0.625% increase for five years to offset major reductions in federal Medicaid funding.
- Looking ahead to November 2026, the Bay Area regional transit funding measure (authorized under Senate Bill 63) will appear before voters, proposing a half-cent regional sales tax to stabilize transit service and operations. The Santa Clara Valley Transportation Authority (VTA) has opted into this effort, with an estimated \$264 million in annual revenues dedicated to local service improvements.
- The Santa Clara Valley Open Space Authority, which currently collects \$24 per

parcel under Measure T (approved in 2020), is considering placing a new or revised parcel tax measure before voters in 2026 to secure continued funding.

Together, these overlapping measures highlight both the scale of revenue needs across the County and the potential challenge of voter fatigue should the City pursue its own measure in the same timeframe.

Proposed Regional Tax Measures

Measure	Type of Tax	Election Date	Est. Annual Revenue (Santa Clara)	Duration	Primary Purpose
Santa Clara County Sales Tax	Sales tax (0.625%)	Nov 2025	\$330M (countywide)	5 years	Replace projected losses in federal funding
Bay Area Regional Transit (SB 63)	Regional sales tax (0.5%)	Nov 2026	\$264M (to VTA)	Up to 14 yrs	Stabilize transit funding, improve service
Open Space Authority (OSA)	Parcel tax (\$24/parcel)	Approved 2020; future 2026 possible	~\$12M	Ongoing	Land conservation, trails, habitat protection

Morgan Hill Revenue Measure Options

Staff has identified a range of potential revenue options the City could consider to address the projected deficit. These include a general or special sales tax, a general or special Utility Users Tax (UUT), increases to the Transient Occupancy Tax (TOT), a parcel tax, Lighting/Landscape Assessment District, Community Facilities District, and a business license tax. Each option carries different voter approval thresholds, revenue potential, and timing considerations. For example, general taxes require a simple majority vote, while special taxes (such as a public safety sales tax) require two-thirds approval. The cost for placing a measure on a general election ballot (e.g., November 2026 or 2028) is approximately \$60,000; whereas on a primary election ballot (e.g., June 2026) the cost ranges from \$60,000 to \$100,000.

To meet election requirements, the City Council would need to take action by early August 2026 in order to place a measure on the November 2026 ballot. For the November 2028 election, Council action would be required by early August 2028. In practice, sufficient lead time, typically several months prior, is needed to engage residents, gather feedback and maximize understanding and garner support, conduct polling, draft and finalize the measure language, and prepare all materials for submission to the Santa Clara County Registrar of Voters. The timing of any City-sponsored measure will need to be carefully evaluated in light of other countywide initiatives to avoid voter fatigue and maximize chances of success.

Evaluating these options openly with the Community will allow residents to weigh which

path forward they are most willing to support. The key message is that a modest new revenue stream could prevent deep cuts to the services residents rely on every day.

Economic Development

To support the City's long-term economic and fiscal sustainability, Morgan Hill's Economic Blueprint establishes a strategic framework for fostering economic prosperity. This program leverages land use planning, policy development, and targeted strategic actions to promote business growth, attract new investments, and retain existing enterprises.

The Economic Blueprint identifies both short and long-term objectives that guide the City's approach to economic development, with a focus on sectors that are key to Morgan Hill's growth and community character. These focus areas include Healthcare, Retail, Tourism, and Innovation and Manufacturing, reflecting the City's commitment to a diversified and resilient economic base. Through targeted outreach, and supportive policies, the City aims to foster an environment conducive to business expansion and new development.

As a result of this focused approach, Morgan Hill has successfully attracted over 2 million square feet of industrial and commercial development, as well as hundreds of millions of dollars in investment in Downtown and throughout the Community. These developments not only enhance the City's economic vitality but also generate ongoing and future revenues that support core municipal services and infrastructure improvements.

The City's Economic Development's efforts directly impact the City's General Fund. Staff works to support policies, programs and land-use decisions that attract business investment that positively impact the City's sales tax, property tax, and transient occupancy tax revenues.

Looking ahead, the City continues to explore opportunities to expand the local tax base, promote entrepreneurship, and strengthen partnerships with regional organizations, developers, and Community stakeholders. By aligning economic development initiatives with the City's broader fiscal strategies and quality-of-life objectives, Morgan Hill seeks to ensure that growth directly benefits residents while maintaining financial sustainability.

Service Prioritization

In the absence of an additional ongoing revenue stream, the City must evaluate which services to maintain and which to reduce or eliminate. As noted above, almost 80% of the City's discretionary expenditures are allocated to police and fire. It will be nearly impossible to make a material budget impact without affecting these core public safety services. If reductions are required, the following service areas would need to be evaluated:

- **Public Safety (Police and Fire):** Potential service impacts may include longer emergency response times, reduced staffing levels (sworn and non-sworn),

decreased investigative capacity, and limits on proactive policing, fire prevention, and Community engagement programs.

- **Recreation and Community Services:** Reductions may take the form of scaled-back programming for youth and seniors, shortened operating hours for non-fee-based facilities like the Senior Center and Teen Center, reduced volunteer coordination support, reduced Commission support, and/or lower levels of support for Community partnerships.
- **Parks, Streets, and Infrastructure:** Cuts may result in deferred maintenance, reduced landscaping and park upkeep, slower response to street and facility repairs, and decreased investment in long-term infrastructure sustainability.
- **General Government and Administration:** While lean staffing already limits capacity in these areas, further reductions could delay service delivery, reduce customer service responsiveness, and hinder the City's ability to implement Council initiatives and pursue grant funding opportunities. Decreased funding for Community Promotions would result in fewer Community events.

Service prioritization must balance fiscal realities with Community expectations. Reductions to non-core services may be insufficient to fully close the projected budget gap, while reductions to public safety services, although impactful, may undermine the Community's priority for public safety.

In addition to these direct service reductions, the City may also need to consider short-term stopgap strategies, such as targeted hiring freezes, furloughs, compensation adjustments, vendor contract renegotiations, deferral of planned investments, and/or strategic use of trust funds, before resorting to long-term structural cuts. These potential approaches are described in greater detail in the Strategies for Potential Future Consideration section below.

As directed by the City Council during the mid-cycle budget review in June 2025, and leading into the development of the City's next biennial budget, staff will conduct a series of Community engagement workshops. These workshops will provide residents with an opportunity to share their perspectives, identify their service priorities, and participate directly in shaping the City's fiscal strategies. This process reflects the City's commitment to transparency, accountability, and collaborative decision-making, ensuring that future budget choices are guided not only by financial necessity but also by the values and priorities of the Community.

Fiscal Sustainability Measures Taken

The City has proactively implemented a number of initiatives to ensure fiscal sustainability, including:

- Updated Development Services fee schedule for cost recovery
- Continued conservative spending
- Planning solar project to save approximately \$0.5 million per year
- Strategically freezing certain vacant positions
- Fully funded Other Post Employment Benefits (OPEB) Plan

- About \$8.2 million allocated to the GF Unfunded Needs since FY20-21:
 - \$2.6 million to Street CIP
 - \$2.5 million to Pension/OPEB
 - \$1.8 million for Public Safety Equipment
 - \$1.3 million for Park Maintenance

Strategies for Potential Future Consideration

If the City is unable to secure an additional ongoing revenue stream, the range of potential strategies includes both short-term stopgap measures and longer-term structural impacts. While the City may first look to reduce overall spending in ways that avoid immediate service reductions, those approaches are not sustainable indefinitely and could ultimately give way to deeper cuts in core services.

Short-Term

Short-term stopgap strategies can provide temporary budget relief while limiting immediate service reductions, but they carry risks such as lower staff morale, recruitment and retention challenges, and deferred maintenance. Examples include:

- Targeted Hiring Freezes: Delaying or suspending the filling of vacant positions.
- Furloughs or Reduced Work Hours: Implementing temporary unpaid leave or reduced work schedules.
- Compensation Adjustments: Across-the-board pay reductions or renegotiated labor agreements.
- Vendor Contract Renegotiations: Reevaluating service contracts with vendors for cost savings.
- Deferral of Planned Investments: Postponing operational initiatives, equipment purchases, or facility upgrades.
- Strategic Use of Trust Funds: Temporarily drawing from the City's OPEB and Pension Section 115 Trusts to smooth near-term budget shortfalls, with the understanding that this approach reduces reserves intended for long-term obligations.

Long-Term

If structural imbalances persist and short-term strategies are exhausted, the City will ultimately need to consider more direct service reductions, including in the prioritized areas of Public Safety, Recreation and Community Services, Parks, Streets, and Infrastructure, and General Government and Administration.

Taken together, these strategies underscore the critical need to identify sustainable revenue and economic development solutions. Short-term stopgaps may help bridge temporary gaps, but they cannot substitute for long-term fiscal sustainability.

Next Steps

To align financial planning with Community priorities and provide the City Council with

the necessary information to make informed decisions, staff has developed the following tentative timeline:

- Evaluate the Need for Community Outreach Consultant: September 2025 – March 2026
- Implement Budget Simulation Tools: September 2025 – November 2025
- Conduct Community Workshops: November 2025 – June 2026
- Council Goal Setting: February 2026
- Budget Development: February 2026 – June 2026

This timeline will allow for early and meaningful Community engagement, structured analysis of potential service trade-offs, and alignment with Council goals. The process will culminate in the preparation of the City's next biennial budget, ensuring that decisions are both fiscally responsible and reflective of Community priorities.

The City's current General Fund forecast shows reserves projected at 22% by FY28, above the minimum reserve goal of 15%, providing time to work collaboratively with the Community to evaluate priorities, potential service adjustments, and revenue options before any critical decisions need to be made.

Morgan Hill enters this process from a position of strength. The City maintains a AAA issuer credit rating from Standard & Poor's, a PCI of 74 that reflects well-maintained streets, a recreation program with one of the highest cost recovery rates in the region, and a track record as one of the safest communities in Santa Clara County. These achievements demonstrate the City's commitment to sound financial management, high-quality services, and community well-being.

Building on this strong foundation, the City's priority is to preserve fiscal health, protect essential services, and continue to deliver the safe, vibrant, and well-maintained community that residents expect and deserve. While securing new revenues is one possible tool, the City will also continue to pursue cost efficiencies, prudent financial management, and strategic partnerships to maintain long-term fiscal sustainability.

COMMUNITY ENGAGEMENT:

Involve

On June 4 and June 18, 2025, the City Council conducted the Mid-Cycle Budget Review and provided direction to review service priorities, evaluate potential revenue measures, and conduct Community engagement.

ALTERNATIVE ACTIONS:

The City Council may choose to provide alternate direction to City staff on any next

steps.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

This is the continuation of the Fiscal Sustainability Update and reviewing service priorities, evaluating potential revenue measures, and conducting Community engagement.

FISCAL AND RESOURCE IMPACT:

This update is part of the City's workplan.

CEQA (California Environmental Quality Act):

Not a Project

Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.



Fiscal Sustainability Update

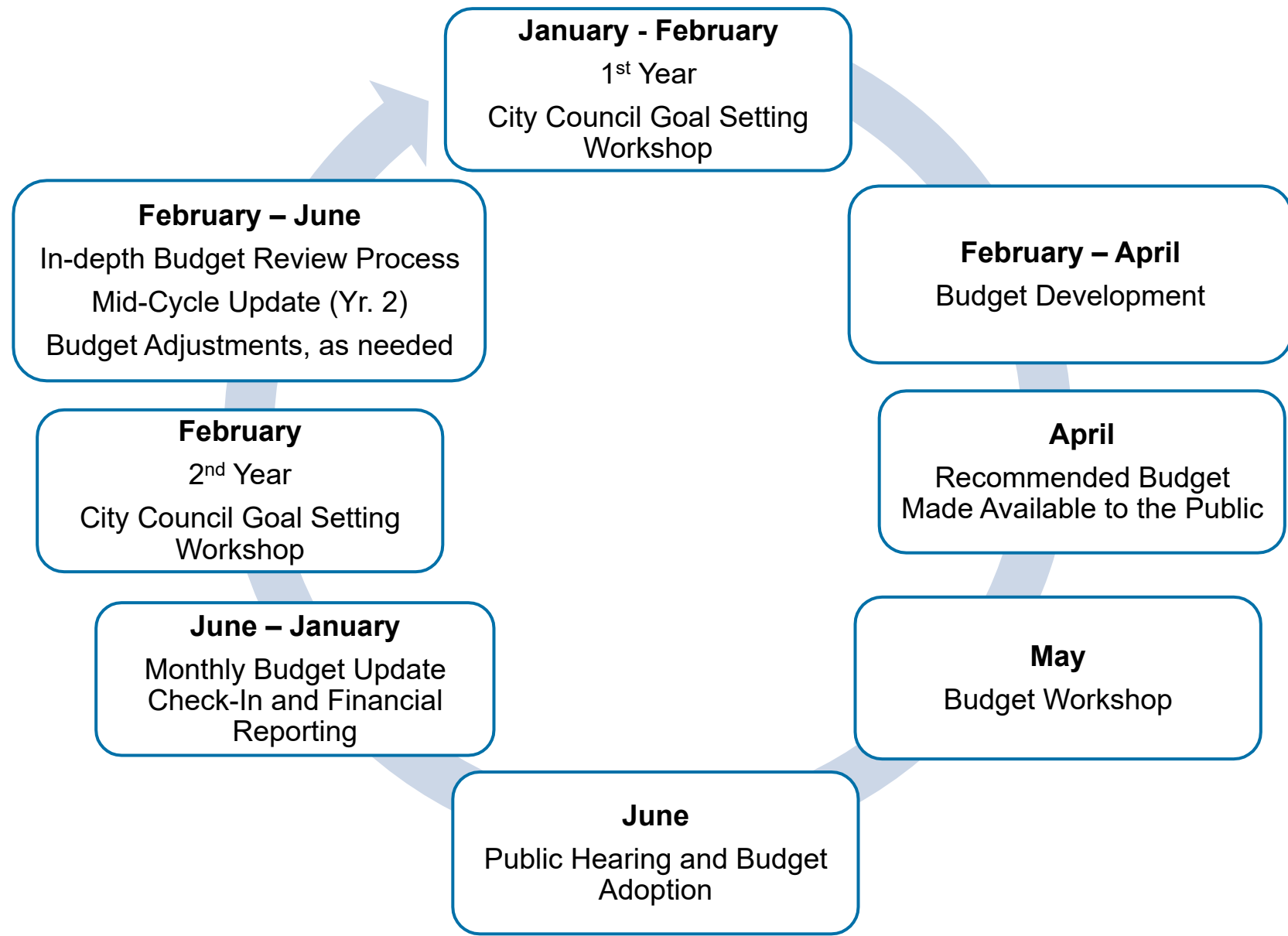
September 17, 2025



Staff Recommendations

1. Review and reaffirm budget principles.
2. Provide direction to continue considering options for additional revenue, such as a local tax measure, alongside continued efforts to strengthen our Economic Development strategies.
3. Receive direction from Council regarding specific programs to review or further evaluate in preparation for the next budget cycle.

Biennial Budget Process



Budget Principles

The City Council has adopted the following principles to guide the Sustainable Budget Strategy:

- Critical services should be maintained to the greatest extent possible.
- Resources should be allocated to the highest priority services.
- No City services or functions should be exempt from evaluation.
- “Across the Board” approaches shall be avoided because they are not aligned with the Council’s and Community’s priorities.
- Reductions in service should position the City to take advantage of economic recovery.
- Budget reductions should be ongoing and not simply “one time only.”
- Council should commit to support employees during the transition, and assist those who may be adversely impacted.

Budget Principles (cont'd)

- Employees and their recognized bargaining units should be actively involved in developing options and implementing the transition.
- The City should continue to invest in building organizational capacity by supporting training and employee development.
- Community wide tax resources should be allocated first to support community wide services.
- Special services designed for only a few should be paid for by user charges and fees.
- Administrative and operational efficiencies should be maximized before pursuing new tax revenue.

Budget Principles (cont'd)

- Reserves and one-time revenues should be used first to invest in capital outlay items that could reduce long range operating costs and, thereafter, fund transition expenses.
- New services should not be added nor existing services expanded unless they are highly valued by the Community and there is a willingness to pay for them.
- There should be regular monitoring of financial performance and opportunities to make mid-course corrections as warranted.
- City policies that may inhibit economic development, especially new retail development, should be reviewed regularly and modified.

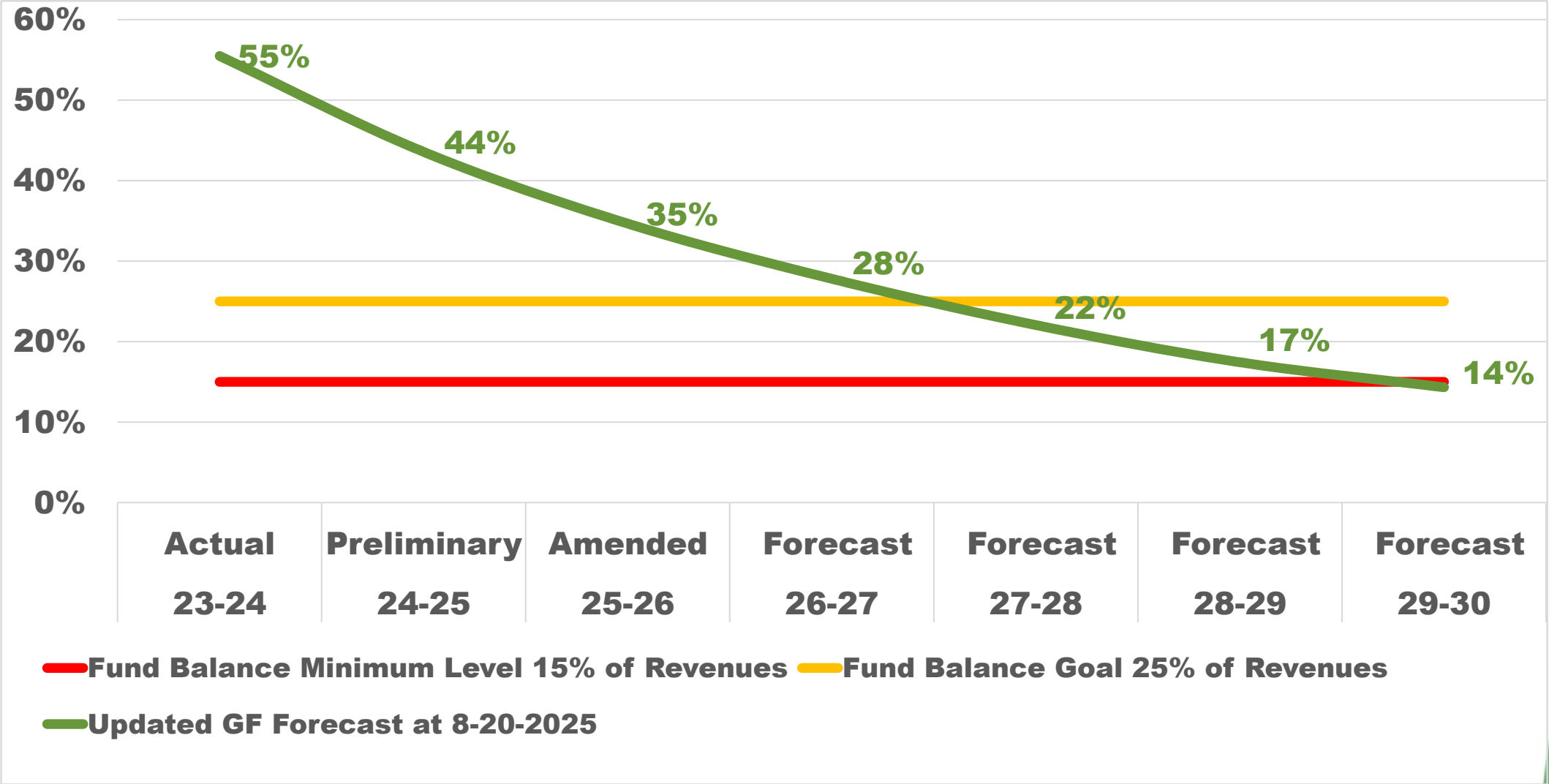
Background

- Planning for next Biennial Budget
- General Fund reserves remain above the minimum policy goal
- Expenses are outpacing revenue
- Conservative spending, higher revenues, and ARPA stimulus delayed fiscal decline
- Rising costs (inflation, interest rates, economic uncertainty) outpacing revenues

Background (cont'd)

- Adopted Biennial Operating Budget (FY2024-25 and FY2025-26) with reserves level at 15% by FY29-30
 - No cost-of-living adjustments (COLA) after FY25-26
 - Reduced Excess ERAF revenue and potential liability of about \$2.4 million (\$1.0 million set-aside), pending State Controller's Office audit lawsuit
 - Identified the need for revenue growth
- Strategic use of reserves to support high priority services, including staffing of the 3rd fire station and addition of 2 Police Officer positions

Background (cont'd)



Major Funds: Non-Discretionary

Development Services Fund

- Provides planning, building and engineering services

Special Revenue Funds

- Provides Housing and Environmental Services

Capital Project Funds

- Funds infrastructure related projects for streets, parks, storm drainage and public facilities

Enterprise Funds

- Provides for Water and Wastewater Utilities' Operations and Infrastructure Improvements

Major Funds: Discretionary & Non-Discretionary

General Fund

- Public Safety
- Recreation and Community Services
- Parks, Streets and Infrastructure
- General Government and Administration

General Fund Summary

FY 2025-26

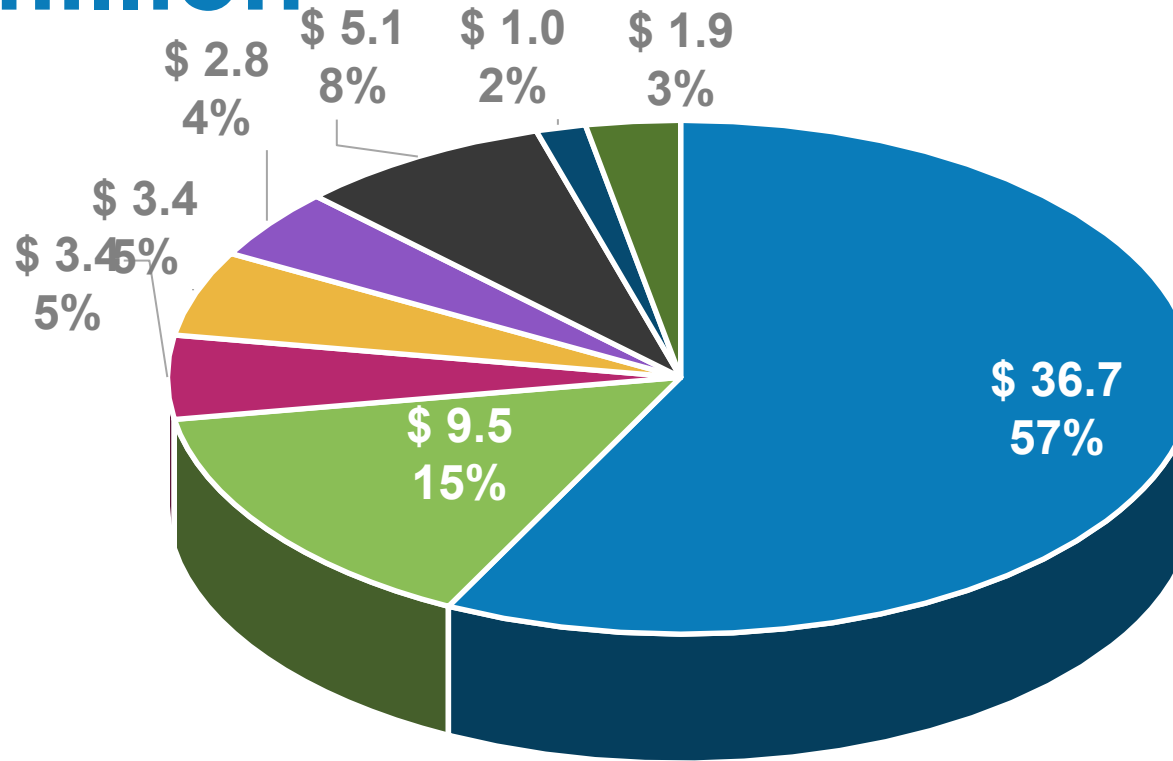
- Adopted Budget: \$256.0 million
- General Fund: \$63.8 million

General Fund Discretionary Budget

- Net of restricted revenues \$45.2 million (excludes service fees, grants, program donations, etc.)
- 78% Public Safety (Police and Fire)
- 8% General Government and Administration
- 3% Recreation and Community Services
- Remaining 11% Parks, Streets, Economic Development, Code Compliance, Community Funding, Infrastructure Planning, and other programs

General Fund Total Revenues

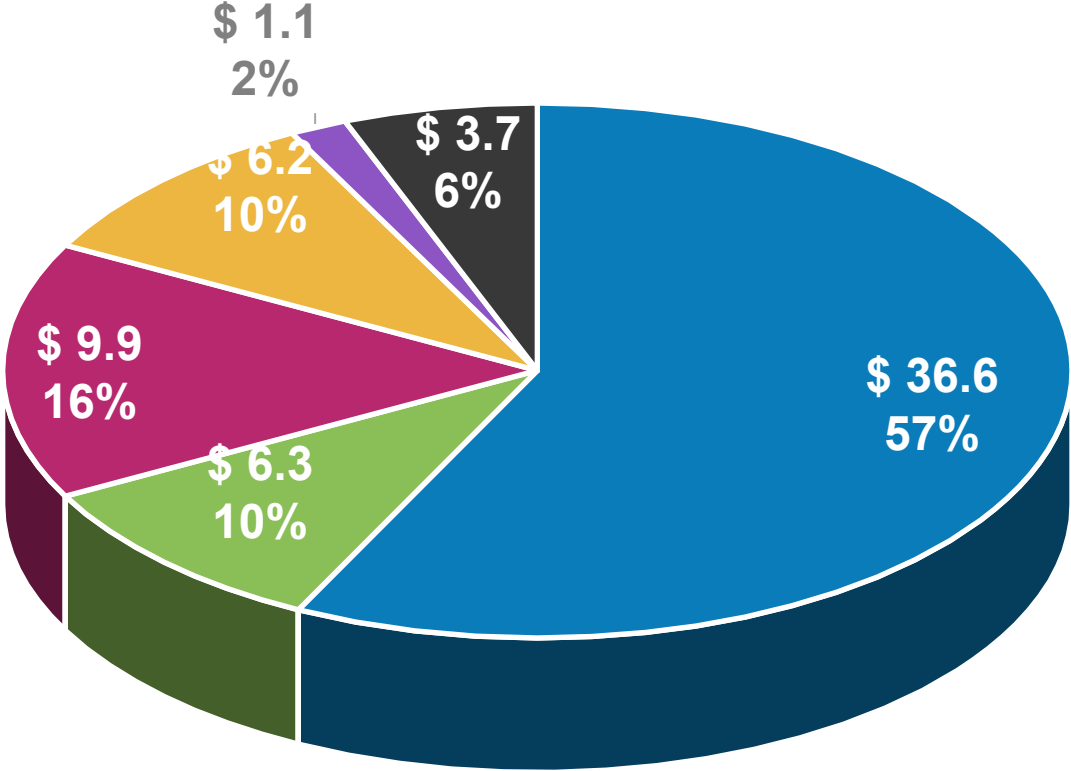
\$63.8 million



- Taxes
- Current Services
- Franchise Fees
- Transfers
- Rentals & Interest Income
- Use of Reserves
- Budget Savings
- Other

General Fund Total Expenditures

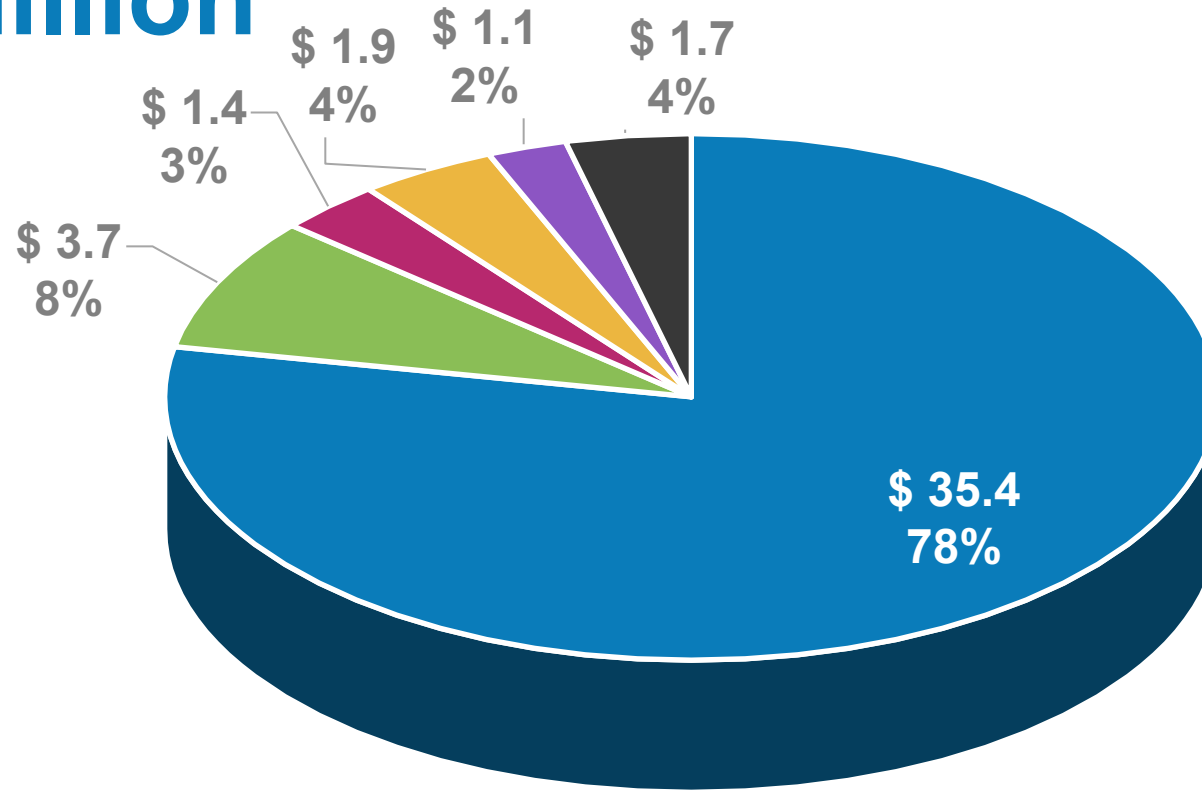
\$63.8 million



- Police & Fire
- Recreation & Community Services
- Economic Development
- Admin & General Support
- Street & Park Maint./CIP
- Other

General Fund Discretionary Expenditures

\$45.2 million



- Police & Fire
- Admin & General Support
- Recreation & Community Services
- Street & Park Maint./CIP
- Economic Development
- Other

Current Financial Landscape

- Current General Fund reserve at 44%
- Projected General Fund reserve at 22% by FY28, above minimum goal 15%
- City holds AAA issuer credit rating by S&P
- Pavement Condition Index (PCI) of 74
- Recreation has one of the highest cost recovery rates and continues to improve

Current Financial Landscape

(cont'd)

- One of the safest communities in the County
- While budget challenges are not new, heightened by economic conditions
- Ability to maintain robust services requires sustained General Fund revenue growth

General Fund Unfunded Needs

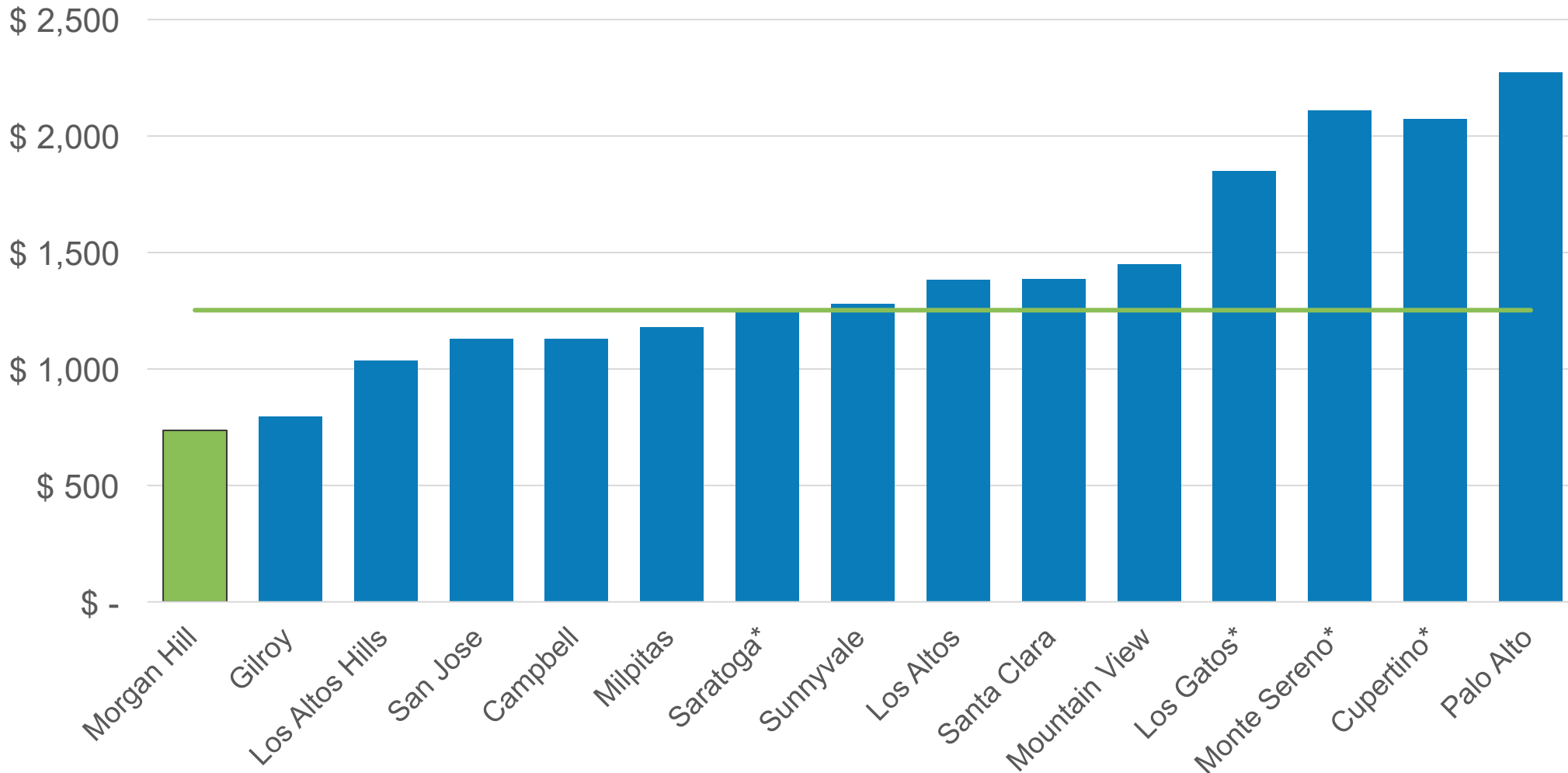
- Police - \$1.75 million (on-going)
 - To fund additional 7 officers
- Fire - \$5 million (one-time)
 - To replace two engines and one ladder truck (\$1.8 million set aside)
- Public Services - \$2.3 million (on-going)
 - To maintain streets, parks, storm drain systems, pedestrian safety improvements, and infrastructure repair and replacement
 - In addition, approximately \$4.4 million in one-time funding needed for sidewalk capital repairs

Above does not account for all future staffing to keep pace with population.

Proposed Regional Tax Measures

Measure	Type of Tax	Election Date	Est. Annual Revenue	Duration	Primary Purpose
Santa Clara County Sales Tax	Sales tax (0.625%)	Nov 2025	\$330M (countywide)	5 years	Replace projected losses in federal funding
Bay Area Regional Transit (SB 63)	Regional sales tax (0.5%)	Nov 2026	\$264M (to VTA)	Up to 14 years	Stabilize transit funding, improve service
Open Space Authority (OSA)	Parcel tax (\$24/parcel)	Approved 2020; future 2026 possible	\$12M	Ongoing	Land conservation, trails, habitat protection

Tax Revenue Per Capita FY 2023-24



*Property tax amount includes Santa Clara County Central Fire District FY24-25

Why are we the lowest?!?!

Additional local taxes:

- Sales Tax
 - Campbell, Los Gatos, Milpitas, and San Jose
- Utility User Tax
 - Sunnyvale, Cupertino, Mountain View, Los Altos, Gilroy, Palo Alto, and San Jose
- Low Property Tax (Prop 13 Base Year)

General or Special Sales Tax

- General Tax, 50% + 1 majority approval
- Special Tax, 2/3 approval
- High volatility, economy dependent
- Rate: 0.25%
- Projected additional annual revenue: \$2.9 million

City	Add'l Rate	Revenue
Campbell	0.75%	\$10.5M
Los Gatos	0.125%	\$0.8M
Milpitas	0.25%	\$7.0M
San Jose	0.25%	\$38.0M

General or Special Utility User Tax (UUT)

- General Tax, 50% + 1 majority approval
- Special Tax, 2/3 approval
- Potential Rate: 5%, Phase-In
- About 150 cities in CA have UUT
- Projected additional annual revenue: \$5.2 million

City	Tax Rate	Revenue
Sunnyvale	2.0%	\$10.8M
Cupertino	2.4%	\$3.9M
Mountain View	3.0%	\$7.6M
Los Altos	3.5%	\$3.2M
Gilroy	5.0%	\$6.6M
Palo Alto	5.0%	\$19.0M
San Jose	5.0%	\$152.1M

Transient Occupancy Tax (TOT)

- General Tax, 50% + 1 majority approval
- Projected additional annual revenue: \$230K/year for each additional 1% increase
- Last increase from 10% to 11% approved by voters in November 2018

Parcel Tax

- Special Tax, 2/3 approval
- Projected additional annual revenue: \$100 per parcel per year would raise additional \$1.4 million/year

Landscape/Lighting Assessment District (LAD)

- Governed by the Landscape and Lighting Act of 1972 and subject to Proposition 218
- No majority protest in weighted ballots
- Projected additional annual revenue: equally \$100 per parcel per year would raise additional \$1.4 million/year

Community Facilities District (CFD)

- Governed by Mello-Roos Community Facilities Act of 1982
- Broader than LAD (infrastructure and services)
- 2/3 registered voters' approval (if 12 or more)
- Projected additional annual revenue: equally \$100 per parcel per year would raise additional \$1.4 million/year

Business License Tax

- General Tax, 50% + 1 majority approval
- Projected additional annual revenue: depending on structure
- 100% increase from existing structure would only raise additional \$200K/year

Business License Tax (cont'd)

- Fees are for cost-of-service recovery
- Compare with surrounding cities

Business Type	Morgan Hill	Gilroy	San Jose
Home based	\$20	\$177	\$220
Commercial/Industrial (100 employees/\$1 million sales)	\$608 (per employee)	\$521 (gross receipts)	\$4,654 (employee)

Revenue Measure Options Recap

Revenue Option	Estimated Annual Revenue	Considerations
General or Special Sales Tax	\$2.9 million (1/4 cent)	General: 50%+1 voter approval Special: 2/3 approval
General or Special Utility Users Tax	\$5.2 million (at 5%)	General: 50%+1 voter approval Special: 2/3 approval
Transient Occupancy Tax	\$230K for every 1% increase	50%+1 voter approval
Parcel Tax	\$1.4 million (flat \$100/parcel)	2/3 voter approval
LAD	\$1.4 million (flat \$100/parcel)	No majority protest
CFD	\$1.4 million (flat \$100/parcel)	2/3 voter approval
Business License Tax	\$200K if double from existing	50%+1 voter approval

Deadline for Measure to be on the Ballot

- Due to County's Registrar Office
 - Primary election: Mid January; for June 2026, ranging from \$60,000 to \$100,000
 - General election: Early August (e.g., August 2026 or August 2028), approximately \$60,000
- Several months needed to start the process for Community outreach, drafting resolutions, legal review, formatting, and submission of arguments or materials

Economic Development Forward Looking Strategies

- Attract Revenue-Generating Users (Hotel, Auto, and Retail)
- Support Tenanting of Industrial Buildings
- Assist Projects Through Entitlement and Construction (Fee Agreements, Ombudsman Services)
- Modernize Zoning and Municipal Code (Condit/Laurel PUDs, Entertainment Permit)
- Business Assistance Services (PBID, TBID, Economic Mobility, Small Business Support)

Service Prioritization

- Without additional revenue, it is nearly impossible to make a material impact without affecting core services:
 - Public Safety (Police and Fire): longer emergency response, reduced staffing, decreased investigative capacity, and limits on proactive policing, fire prevention, and community engagement programs
 - Recreation and Community Services: scaled-back programming for youth and seniors, shortened operating hours for non-fee-based facilities (Senior Center and Teen Center), reduced volunteer coordination support, reduced Commission support, and/or lower levels of support for community partnerships

Service Prioritization (cont'd)

- Parks, Street, and Infrastructure: Deferred maintenance, reduced landscaping and parks upkeep, slower response to street and facility repairs, decreased investment in long-term infrastructure sustainability
- General Government and Administration: Delayed service delivery, reduction in customer service responsiveness, hinder ability to implement Council initiatives and pursue grant funding opportunities, and decreased funding for Community Promotions

Steps Taken

- **Economic Development Blueprint** - adopted in 2017 and re-affirmed in 2024, a long-term guide to land-use, policies, and strategies to support prosperity and quality of life
- **Revenue Growth** - increased the Transient Occupancy Tax (TOT), created a Tourism and Business Improvement District (TBID), established a Downtown Property-Based Improvement District (PBID), Updated Development Services Fee Schedule
- **Business Development** - modernized zoning rules to remove barriers, and actively recruited new businesses to Morgan Hill

Steps Taken (cont'd)

- **Continued Conservative Spending** – helps protect reserves
- **Cost Savings** – continued conservative spending, strategically freezing vacant positions, and new solar project to save about \$0.5 million per year
- **Future Obligations** – Set-aside \$8.2 million since FY20-21 to address unfunded general fund needs
 - \$2.6 million to Street CIP
 - \$2.5 million to Pension/OPEB
 - \$1.8 million for Public Safety Equipment
 - \$1.3 million for Park Maintenance

Strategies for Potential Future Consideration

- Nearly impossible to make a material impact without affecting core services
- Short-term strategies for potential future consideration (with no new revenue source):
 - Targeted Hiring Freezes
 - Furlough or Reduced Work Hours
 - Compensation Adjustments
 - Vendor Contract Renegotiations
 - Deferral of Planned Investments
 - Strategic Use of Trust Funds
- Long-Term strategies for potential future consideration – Direct Service Reductions

Next Steps



Staff Recommendations

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2. Provide direction to continue considering options for additional revenue, such as a local tax measure, alongside continued efforts to strengthen our Economic Development strategies.
3. Receive direction from Council regarding specific programs to review or further evaluate in preparation for the next budget cycle.

Questions?