

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda**

**Tuesday, September 20, 2016**

**7:00 PM**

**Council Chambers**

## **City Council**

**Mayor Barbara Halliday**  
**Mayor Pro Tempore Sara Lamnin**  
**Council Member Francisco Zermeño**  
**Council Member Marvin Peixoto**  
**Council Member Al Mendall**  
**Council Member Elisa Márquez**  
**Council Member Mark Salinas**

**CITY COUNCIL MEETING****CALL TO ORDER Pledge of Allegiance: Council Member Peixoto****ROLL CALL****CLOSED SESSION ANNOUNCEMENT****PUBLIC COMMENTS**

*The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session or Information Items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.*

**ACTION ITEMS**

*The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.*

**CONSENT**

1. [CONS 16-527](#) I-880/92 Reliever Route: Phase 1 Project - Design Agreement and Construction Agreement Amendments

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution Amendment Agreement](#)  
[Attachment III Resolution Increase in Construction Contract](#)

2. [CONS 16-550](#) Adoption of Ordinance Re-enacting Article 18 of Chapter 8 of the Hayward Municipal Code Regarding the Utility Users Tax; and Amending Section 8-18.260 Thereof for the Purpose of Extending the Utility Users Tax from June 30, 2019 to June 30, 2039, Per the Approval of Measure by the Voters on June 7, 2016

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Summary of Ordinance Published on 9/16/2016](#)

**WORK SESSION**

Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.

3. [WS 16-003](#) Neighborhood Traffic Calming Program Update (Report from Public Works Director Fakhrai)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II NTCP Summary](#)

#### LEGISLATIVE BUSINESS

4. [LB 16-096](#) Options for Litter Reduction Strategies (Report from Utilities and Environmental Services Director Ameri and Maintenance Services Director Rullman)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Litter Fact Sheet](#)

5. [LB 16-097](#) Approval of Resolutions in Support of Various State and Local Ballot Initiatives for the November 2016 General Election (Report from City Manager McAdoo)

**Attachments:** [Attachment I Staff Report](#)  
[Attachment II Resolution in Support of Measure C1](#)  
[Attachment III Resolution in Support of Measure F1](#)  
[Attachment IV Resolution in Support of Measure RR](#)  
[Attachment V Resolution in Support of Proposition 51](#)  
[Attachment VI Resolution in Support of Proposition 67](#)  
[Attachment VIII Draft Legislative Program](#)

**CITY MANAGER'S COMMENTS**

An oral report from the City Manager on upcoming activities, events, or other items of general interest to Council and the Public.

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

**ADJOURNMENT****NEXT MEETING, September 27, 2016, 7:00 PM****PUBLIC COMMENT RULES**

*The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

**PLEASE TAKE NOTICE**

*That if you file a lawsuit challenging any final decision on any public hearing or legislative business item listed in this agenda, the issues in the lawsuit may be limited to the issues that were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.*

**PLEASE TAKE FURTHER NOTICE**

*That the City Council adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.*

*\*\*\*Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. \*\*\**

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.*



# CITY OF HAYWARD

Hayward City Hall  
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www.Hayward-CA.gov

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**File #:** CONS 16-527

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**DATE:** September 20, 2016

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

I-880/92 Reliever Route: Phase 1 Project - Design Agreement and Construction Agreement Amendments

**RECOMMENDATION**

That Council adopts the attached resolutions (Attachments II and III):

1. Authorizing the City Manager to amend the Professional Services Agreement with Kimley-Horn and Associates, Inc. for an additional amount not-to-exceed \$182,000 for construction support services; and
2. Authorizing the City Manager to increase the construction contingency in the contract with O.C. Jones and Sons, Inc. from \$885,957 to \$1,952,957 for a total construction contract amount not-to-exceed \$13,002,000.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution
Attachment III	Resolution



DATE: September 20, 2016

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

I-880/SR-92 Reliever Route: Phase 1 Project – Design Agreement and Construction Agreement Amendments

#### RECOMMENDATION

That Council adopts the attached resolutions (Attachments II and III):

1. Authorizing the City Manager to amend the Professional Services Agreement with Kimley-Horn and Associates, Inc. for an additional amount not-to-exceed \$182,000 for construction support services; and
2. Authorizing the City Manager to increase the construction contingency in the contract with O.C. Jones and Sons, Inc. from \$885,957 to \$1,952,957 for a total construction contract amount not-to-exceed \$13,002,000.

#### BACKGROUND

Once completed, the I-880/SR-92 Reliever Route Phase 1 project will provide better access to and from the industrial area located north of State Route 92 (SR-92) and west of Interstate 880 (I-880). The project will also help relieve congestion on I-880, SR-92 and several major arterial streets, such as West Winton Avenue, Clawiter Road, Depot Road, Hesperian Boulevard, and Industrial Boulevard. Phase 2, which is a separate future project, will provide a new combined interchange at SR-92 at Whitesell Street and Clawiter Road. Phase 2 design is not scheduled and will not proceed until additional funding is identified.

On February 17, 2015, Council awarded a construction contract to O.C. Jones & Sons, Inc. for \$11,935,000. The total estimated project cost at that time was \$28,280,000.

#### DISCUSSION

The construction project has experienced various challenges from unknown and/or unforeseen conditions that have caused the project to exceed the approved construction contingency budget and the design consultant budget. Because of the adversarial nature of the right-of-way acquisition, the design consultant had limited access to survey actual field conditions. Some of the other challenges or unforeseen conditions included additional work to:

- Meet right-of-way acquisition settlement conditions
- Relocate PG&E and AT&T facilities
- Locate underground utilities and resolve conflicts at the Water Pollution Control Facility (WPCF)
- Maintain security and access at the WPCF
- Minimize the potential for storm water and sewage overflow from the WPCF site into the storm water system drain inlets

The original contract did not propose any work at the existing Union Pacific Railroad (UPRR) tracks. A bore under the UPRR tracks was added to connect the non-potable water pipe installed on both sides of the tracks. The Sewer Improvement Fund will reimburse \$124,000 for this work to extend the non-potable water line under UPRR tracks.

#### FISCAL AND ECONOMIC IMPACT

Staff recognized the need for additional funds while preparing the FY17 Capital Improvement Program (CIP) budget. On June 28, 2016, Council appropriated an additional \$2,400,000 for the project in the CIP's Street System Improvement Fund based on a preliminary estimate of funding needs.

The estimated project costs are as follows:

Description	Estimated Cost at Award of Contract	Current Estimated Cost
Preliminary Engineering & Environmental Review	\$600,000	\$600,000
Right-of-Way Acquisition	\$9,305,000	\$11,425,000
Legal Support Services	\$900,000	\$955,000
Consultant Design, Right-of-Way & Construction Support	\$3,010,000	\$3,192,000
Construction	\$11,049,043	\$11,049,043
Construction Contingencies	\$885,957	\$1,952,957
Staff Support Services (Design, R/W, and Construction Support)	\$2,000,000	\$1,800,000
Specialty, Testing, and Outside Support Services	\$530,000	\$633,000
<b>TOTAL</b>	<b>\$28,280,000</b>	<b>\$31,607,000</b>

#### Project Revenues

A total of \$27,037,000 of Alameda County Transportation Commission (ACTC) Measure B (County-wide sales tax) funds and \$533,310 from the Water Pollution Control Facility, and \$709,690 from the Street System Improvement Fund were originally dedicated for this

project. There have been additional appropriations of \$124,000 from the Sewer Improvement Fund, and \$2,400,000 from the Streets System Improvement fund.

A summary of revenues is noted in the table below:

Revenue Source	Amount
ACTC Measure B Funds	\$27,037,000
Sewer Improvement Fund	\$1,460,018
Street System Improvement Fund	\$3,109,982
TOTAL	\$31,607,000

## SUSTAINABILITY FEATURES

1. Water: Installation of non-potable water utility line.

The project includes the installation of over one mile of non-potable water utility line for reclaimed water usage.

2. Transportation: Consistent with the City’s Complete Streets Policy.

This project will provide improved access in and out of industrial areas and help relieve congestion along Winton Avenue and Hesperian Boulevard by redirecting traffic on the new Whitesell Street. The project will provide complete streets including: bike lanes, ADA compliant sidewalks and curb ramps. This project will also improve traffic congestion with intersection improvements and traffic signal modifications at Winton Avenue/Hesperian Boulevard and Southland Drive/Hesperian Boulevard.

3. Environment: Applicant for Bay-Friendly Landscaping Certification & Storm Water Treatment.

This project has implemented Bay-Friendly Landscaping techniques to use native plants and climate appropriate plants for the median islands and sidewalk planters. The project will be reviewed for Bay-Friendly certification after the project is complete.

This project uses bio-swales to treat storm water runoff from the roadway and filters pollution from the storm water before entering the San Francisco Bay.

4. Energy: Installation of LED street lighting.

This project will install eighty-seven street lights with energy efficient LED lighting, providing electricity and maintenance cost savings.



## SCHEDULE

The project is estimated to be completed by November 2016.

Prepared by: Yaw Owusu, Assistant City Engineer

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', written in a cursive style.

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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR CONSTRUCTION SUPPORT SERVICES ASSOCIATED WITH THE CONSTRUCTION OF THE I-880/SR-92 RELIEVER ROUTE – PHASE 1 PROJECT, PROJECT 05197

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute, on behalf of the City of Hayward, an amendment to the agreement with Kimley-Horn and Associates for construction support services associated with the construction of the I-880/SR-92 Reliever Route – Phase 1 project, Project No. 05197, in an amount not-to-exceed \$182,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2013

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INCREASE IN CONTRUCTION CONTRACT WITH O.C. JONES AND SONS, INC. FOR CONSTRUCTION SERVICES OF THE I-880/SR-92 RELIEVER ROUTE – PHASE 1 PROJECT, PROJECT 05197

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute, on behalf of the City of Hayward, an increase the construction contingency in the contract with O.C. Jones and Sons, Inc. from \$885,957 to \$1,952,957 for a total construction contract not-to-exceed \$13,002,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
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**File #:** CONS 16-550

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**DATE:** September 20, 2016

**TO:** Mayor and City Council

**FROM:** City Clerk

**SUBJECT**

Adoption of Ordinance Re-enacting Article 18 of Chapter 8 of the Hayward Municipal Code Regarding the Utility Users Tax; and Amending Section 8-18.260 Thereof for the Purpose of Extending the Utility Users Tax from June 30, 2019 to June 30, 2039, Per the Approval of Measure by the Voters on June 7, 2016

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on September 13, 2016.

**ATTACHMENTS**

Attachment I Staff Report

Attachment II Summary of Ordinance Published on 9/16/2016



DATE: September 20, 2016  
TO: Mayor and City Council  
FROM: City Clerk

**SUBJECT**

Adoption of Ordinance Re-enacting Article 18 of Chapter 8 of the Hayward Municipal Code Regarding the Utility Users Tax; and Amending Section 8-18.260 Thereof for the Purpose of Extending the Utility Users Tax from June 30, 2019 to June 30, 2039, Per the Approval of Measure by the Voters on June 7, 2016

**RECOMMENDATION**

That the Council adopts the Ordinance introduced on September 13, 2016.

**BACKGROUND**

The Ordinance was introduced by Council Member Mendall at the September 13, 2016, meeting of the City Council with the following vote:

AYES: Council Members: Zermeño, Márquez, Mendall, Peixoto, Lamnin, Salinas  
Mayor Halliday  
NOES: None  
ABSENT: None  
ABSTAIN: None

The summary of the Ordinance was published in the Hayward Daily Review on Friday, September 16, 2016. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:

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Kelly McAdoo, City Manager

PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE  
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE OF THE CITY OF HAYWARD RE-ENACTING ARTICLE 18 OF CHAPTER 8 OF THE HAYWARD MUNICIPAL CODE REGARDING THE UTILITY USERS TAX; AND AMENDING SEC. 8-18.260 THEREOF FOR THE PURPOSE OF EXTENDING THE UTILITY USERS TAX FROM JUNE 30, 2019 TO JUNE 30, 2039, PER THE APPROVAL OF MEASURE BY THE VOTERS ON JUNE 7, 2016

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAYWARD AS FOLLOWS:

Section 1. Re-Enactment of Article 18 of Chapter 8 of the Hayward Municipal Code:

Article 18, Chapter 8 of the Hayward Municipal Code is hereby re-enacted in its entirety, with the exception of sec. 8-18.260.

Section 2. Amendment of Sec. 8-18.260 of the Hayward Municipal Code:

“Section 8-18.260 TERMINATION OF UTILITY USERS TAX: The levy of taxes as provided in this Article shall expire on June 30, 2039, unless re-enacted by a separate ordinance of the City Council following a majority vote of the electorate. The termination of the levy of taxes as provided herein shall not terminate the obligation to pay taxes levied on services used prior to such date. Taxes levied prior to June 30, 2039, shall remain a debt payable to the City. All provisions of this Article, except those related to the levy of taxes, shall continue in full force and effect after such date.”

Section 3. Severability. Should any part of this Ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its adoption, per City Charter sec. 620(c), as it is a tax ordinance.

Introduced at the special meeting of the Hayward City Council held September 13, 2016, the above-entitled Ordinance was introduced by Council Member Mendall.

This Ordinance will be considered for adoption at the meeting of the Hayward City Council, to be held on September 20, 2016, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: September 16, 2016  
Miriam Lens, City Clerk  
City of Hayward



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** WS 16-003

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**DATE:** September 20, 2016

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT**

Neighborhood Traffic Calming Program Update

**RECOMMENDATION**

That Council reviews and comments on the recommended strategies/policies for the proposed Neighborhood Traffic Calming Program (NTCP).

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	NTCP Summary



DATE: September 20, 2016

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT

Neighborhood Traffic Calming Program Update

#### RECOMMENDATION

That Council reviews and comments on the recommended strategies/policies for the proposed Neighborhood Traffic Calming Program (NTCP).

#### BACKGROUND

Hayward residents frequently voice traffic safety concerns to staff and elected officials. Speeding through residential neighborhoods, cut-through traffic, and bicycle and pedestrian safety continue to be sources of concern for the community. Although City staff continues to address these issues, the lack of a comprehensive traffic calming program has resulted in an uneven approach in implementing traffic calming strategies. In the absence of a broad range of solutions, residents have typically requested the installation of speed lumps, STOP signs or police enforcement, some of which are not necessarily warranted, practical or cost effective. In order to overcome these issues, a Neighborhood Traffic Calming Program (NTCP) was developed. The NTCP will provide a well-defined toolbox to effectively utilize the most appropriate solutions combined with flexible policies to better address neighborhood traffic calming concerns.

TJKM was selected as the project consultant to collaborate with staff in the development of the NTCP. The purpose of the program is to develop a guide for City staff, elected officials and residents to become acclimated with the policies and procedures for the successful implementation of traffic calming strategies, evaluation and prioritization criteria and processes that will benefit Hayward residents and businesses.

#### DISCUSSION

A comprehensive NTCP can bring added value to the City, including fulfilling its overall transportation vision and priorities as outlined in various planning documents and City Council directives. This proposed program is supportive of the Mobility element M-4.7 (Neighborhood Traffic Calming) and M-10 (Traffic Calming Measures) of the City's 2040 General Plan. Implementation of a NTCP would bring numerous benefits that include



improved driver awareness and attention, modified driver behavior to achieve long term benefits, enhanced safety for all users (auto, transit, bicyclist and pedestrians), and enhanced livability of residential neighborhoods.

In order to eliminate inconsistencies in the application of traffic calming strategies, the NTCP is formulated based on a collaborative approach of extensive public outreach and benchmarking (i.e. a comparative assessment of other cities in the Bay Area with similar programs). A well-crafted NTCP and active engagement of neighborhoods are key to documenting traffic related problems and jointly developing solutions that benefit a community and minimizing the risk of creating unintended consequences. One primary objective of the program is to help mitigate the City's traffic related issues by developing a robust traffic calming toolbox that will assist in addressing the community's concerns.

A comprehensive summary of the NTCP (See Attachment II) was developed to provide the community with information about key policies, procedures, implementation processes, and the types of measures considered to address various issues. This document will be published online and made available to the public once adopted by Council.

Key development goals of the NTCP are:

- Utilize a four "E's" approach – Education, Empowerment, Enforcement and Engineering to expand the available strategies address traffic calming concerns
- Formulate effective policies that can be applied consistently throughout the City while reviewing traffic related complaints, and making necessary improvements
- Develop a systematic process to prioritize allocation of limited City funds to traffic calming improvements
- Address traffic calming concerns with the most effective and least intrusive solutions first, and seek out more costly physical improvements only when appropriate through a tiered approach.

#### Four "E's" Of Traffic Calming:

In the early days of traffic calming programs, most agencies were narrowly focused on Engineering solutions. Over time, additional strategies were tried, tested and implemented. These concepts included Education, Enforcement, and Empowerment as exhibited in the City's proposed NTCP, and briefly discussed below.

**Education:** The intent of this component is to educate the community to safely use public streets and enjoy their travel experience. It is also intended to inform the public of the pros and cons of various traffic calming devices, their applicability, and associated costs. In the future, it is anticipated that the City would adopt a Street Smarts program, which is a traffic safety campaign whose primary goal is to educate drivers, bicyclists, and pedestrians on issues related to traffic safety through outreach programs.

**Enforcement:** The NTCP provides options for enforcement to ensure that effective deployment of resources continues in a collaborative manner. The program explores various enforcement strategies while remaining fully cognizant of the effectiveness, resource constraints, and the public image of enforcement efforts. The issuance of warning citations, targeted enforcement and the utilization of radar speed trailers are specific examples.

**Engineering:** Engineering solutions would include physical improvements, roadway diet strategies (i.e. lane narrowing), signage and physical improvements. Pros and cons of each strategy along with an approximate cost range, as well as a thorough description of the evaluation process and project prioritization criteria will be provided as part of the overall program.

**Empowerment:** While traditional traffic calming strategies rely heavily on “Three E’s”, the fourth “E” (Empowerment) has proven to be far more effective and the least expensive. The NTCP recommends effective public empowerment strategies where community members take an active role in solving neighborhood traffic related problems, such as the PACE car program that allows residents/communities to commit to driving the speed limit. This fourth “E” can also provide residents with the tools necessary to conduct safety education workshops and meetings in their neighborhood without the City’s direct participation.

#### Implementation Process:

The NTCP aims to address traffic and safety related concerns through collaborative partnership with the community. Hayward citizens are active and well engaged in various City services and programs. Staff will continue to accept traffic related concerns from the community and will conduct necessary field reviews, complete investigations, receive community feedback, design improvements, and identify funding for necessary improvements. A formal petition process is proposed in key stages of the implementation process to garner the support of the neighborhood. The draft NTCP implementation process flow chart included in Attachment II is intended to provide a clear, graphical representation so that the general public can clearly understand the process. The key steps of the proposed process are described below.

#### Identification of Solutions:

The NTCP proposes a three-tier system to classify problematic traffic conditions and associated remedies. Each tier incorporates elements of one or more of the 4E’s. Through this system, traffic safety observations made by the public are assessed and assigned a level of severity. A three-tier system allows for implementation of traffic calming measures in a timely manner, allowing problems to be resolved with fairly routine solutions. When dealing with more complex issues, the process allows for effective management and allocation of resources by prioritizing project areas.

Tier I involves basic studies and improvements while Tiers II and III involve more comprehensive solutions. By utilizing this broader approach, the City intends to begin addressing traffic calming concerns with the most effective and least intrusive solution first,

such as Tier I, and seek out more costly improvements only when appropriate and feasible, such as Tier II and Tier III.

Tier I measures bring increased awareness to an area, can be quickly implemented, and are extremely effective in creating more livable street environments at a low cost without the potential negative impacts of higher level plans. Tier II and Tier III measures are explored when Tier I strategies do not fully address the traffic calming concerns.

#### Prioritization:

The City has limited funds available through the annual budgetary process, and the number of requests for improvements far exceeds the number of projects that can be funded in a given year. Therefore, the goal of the program is to seek out low-cost/high-return improvements before implementing high-cost alternatives while maximizing the use of available resources. Establishing a project priority list is essential to allocating resources more appropriately. The NTCP outlines a priority system (Attachment III) that places heavy emphasis on speeds, accidents, volumes, schools, and pedestrian generators pertinent to traffic calming. With a prioritization system, the City can budget funding more efficiently and provide improvements at the most needed locations.

#### Funding:

Many cities experience funding challenges while addressing the growing need of traffic safety related projects. In the past several years, the City's total budget for traffic calming ranged from \$130,000 to \$140,000. Unfortunately, requests have far outpaced the available resources needed to address each potential improvement. While this program provides a well-defined set of traffic calming measures, it can only be as successful as the level of funding that is allocated to it. The NTCP outlines several methods proposed to help reduce the on-going funding challenges. Those methods may include:

- **Community Funding/Public Private Partnerships:** Many cities are also exploring the option of community funded projects. Some agencies do not require, but encourage community participation to fully or partially fund traffic calming projects. Upon feedback from Council, formal policies can be developed if private funding for traffic calming projects is deemed an appropriate mechanism.
- **CIP Budget:** Increase funding for traffic calming so that more projects on the priority list can be accommodated in a timelier fashion.
- **Grants:** Regional and state transportation agencies may have grant programs that support traffic calming and neighborhood vitalization efforts. For example: Metropolitan Transportation Commission's (MTC) Transportation for Livable Communities (TLC) Program provides funding for eligible community-driven projects that benefit broader neighborhoods (not one or two blocks). These funds, however, are not guaranteed and require a minimum of one year's lead time to realize.

Although additional funding will make the NTCP more effective, no level of funding will eliminate speeding in any community. The goal of the NTCP is to mitigate this behavior where possible.

### Collector and Arterial Streets:

In conjunction with the NTCP, where the study is focused on neighborhood and residential streets, staff is also working to develop options to address speeding on collector and arterial streets. Due to higher speeds along such corridors, accidents result in more property damage and more severe injuries compared to crashes on residential streets. Safer traffic operations along arterial streets are therefore very important and should be given high priority. Due to the role that arterials play in accommodating commute traffic, transit and freight vehicles, the nature of their operation is quite different than that of residential streets. Staff has selected Hayward Boulevard and D Street as representative arterial streets to develop design concepts for the traffic calming and safety enhancements. These concepts, which will be presented to Council, can be adapted and utilized on other arterial/collector streets throughout the city.

### FISCAL IMPACT

Addressing speeding and other neighborhood traffic safety issues in a collaborative fashion and seeking to implement low-cost/high-return improvements first will allow staff to have a greater impact City-wide given limited resources.

### SUSTAINABILITY FEATURES

The project will provide for complete streets that balance the diverse needs of users of the public right-of-way by reducing speeds and fostering a pedestrian and bicycle friendly environment.

### PUBLIC CONTACT

Active engagement of the community was deemed to be an invaluable component in the overall development of the NTCP. In addition to the ongoing feedback received through the City's existing community involvement mechanisms, staff held two well-attended community workshops in October (at City Hall) and November (at Matt Jimenez Community Center) of 2015. In these meetings, residents reiterated their concerns regarding speeding and pedestrian safety, while expressing their appreciation for the City starting this study.

### NEXT STEPS

Following this work session, staff will incorporate Council's comments and return in late 2016 with a final draft NTCP for Council adoption.

Prepared by: Fred Kelley, Transportation Manager

Recommended by: Morad Fakhrai, Director of Public Works

Approved by:

A handwritten signature in black ink, appearing to read 'K. McAdoo', written in a cursive style.

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Kelly McAdoo, City Manager

# City of Hayward Neighborhood Traffic Calming Program Summary



September 2016



This summary provides key information you need to get a full understanding of Hayward's **Neighborhood Traffic Calming Program (NTCP)**

*Angled parking and corner bulbouts at B Street and Mission Boulevard*



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*Traffic circle at Orchard Avenue and Joyce Street*





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*High visibility crosswalk on B Street*

## WHAT IS NTCP?

The City of Hayward has developed its first comprehensive Neighborhood Traffic Calming Program that will provide a well-defined toolkit to utilize the most proper and effective solutions with community outreach and collaboration. This document is developed as a guide for the City Staff, elected officials and residents to become acclimated to the policies and procedures for successful implementation of traffic calming solutions that will benefit Hayward residents and businesses with a variety of traffic safety related concerns.

Traffic calming involves strategies and solutions that may reduce vehicular speeds and cut through traffic; improve safety for all users, and enhance quality of life for residents in City's the neighborhoods. The Program will benefit the City in various perspectives, including:

- Improve driver attention and awareness, and attempt to change driving behavior that brings long term benefits
- Enhance safety for all users – auto, transit, bicyclists, and pedestrians
- Encourage non-auto modes of transportation such as walking and bicycling
- Encourage citizen involvement with neighborhood traffic management in the City
- Provide a fair and consistent process to address public concerns about speeding
- Enhance livability of residential neighborhoods

## THE FOUR E'S

The Program explores traffic calming strategies and solutions in the four categories – Education, Empowerment, Enforcement, and Engineering.

- **Education** – Strategies and solutions through a variety of educational events and materials to convey the importance of neighborhood traffic safety, such as the Street Smart Program.
- **Empowerment** – Strategies involve community members to take initiative in solving traffic related problems.
- **Enforcement** – Solutions involve compliance of traffic regulation and enforcing violated traffic activities.
- **Engineering** – Physical improvements on street configurations, signage improvements, and other special treatments.



*Speed lumps on Belmont Avenue.*

## THE THREE TIERS

The traffic calming solutions are presented in three Tiers:

- **Tier I** – Low-cost improvements that require little or no engineering design and construction.
- **Tier II** – Improvements that require some engineering analysis, design, and construction.
- **Tier III** – Requires extensive analysis, design, community outreach, and funding.

Detailed traffic calming measures and their evaluation thresholds are provided in this document starting from **Page 5**.

## ROLES AND RESPONSIBILITIES

### The City

The City is responsible for maintaining a transportation system that provides safe access for various travel modes. The City's Public Works - Engineering and Transportation Department will continue to accept traffic related concerns from the community and utilize the most appropriate approaches identified in this document.

### The Community

The Community acts as the informant to the City, sharing any traffic related issues and concerns that negatively affect their safety, comfort, and livability. To make this program successful, it is important that the community becomes more engaged in understanding the traffic calming issues and identifying solutions that are beneficial to the community, without negatively impacting other neighborhoods within the City.

## IDENTIFICATION OF SOLUTIONS

Public Works staff identifies all potential solutions upon receipt of a complaint. The problem is filtered by severity into one of the three available tiers of solutions (Tier I, Tier II or Tier III). The screening process is the first step for any traffic safety concern, as it will determine what types of strategies are available to remedy the problem and the level of community engagement.

The easily addressed and simple solutions are included in Tier I, where solutions are low-cost and do not require extensive data collection, analysis, design or community engagement. Tier II and III strategies are implemented where Tier I solutions are not likely to be effective. Such strategies require additional data collection, engineering analysis, design, community engagement, petitions, etc. Typically, Tier II and III solutions require much higher staffing resources and funding, and take longer from project inception to completion. Such solutions may also provide benefits that last for longer duration than most Tier I improvements.

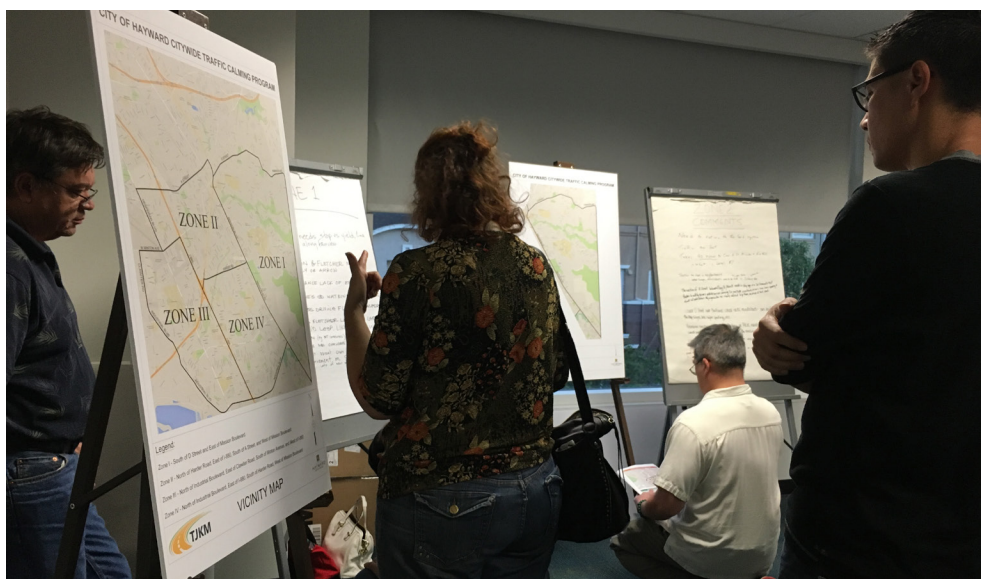


*Corner bulbouts on Dixon Street and Valle Vista Avenue.*

## COMMUNITY ENGAGEMENT AND SUPPORT

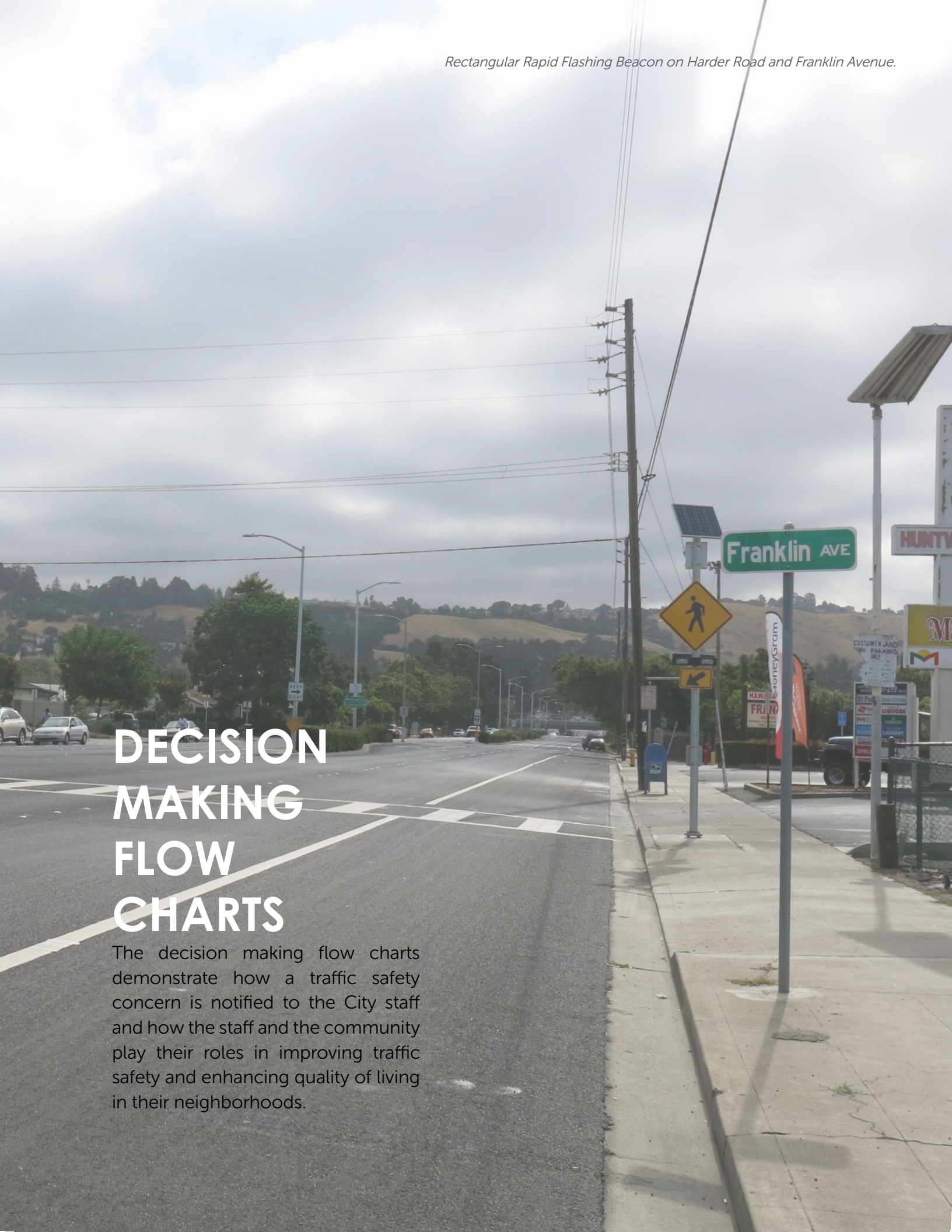
A complete petition process is developed to standardize traffic calming implementation procedures to make City's long-term administration efficient and systematic.

Initial Application and Petition Forms are attached in this document. An Initial Application is required prior to beginning any evaluation. This will assure that the problem being addressed is not just a "perceived" problem by one individual; it is a concern commonly shared by a few residents. The Initial Application will result in follow up evaluation, studies and identification of solutions through community engagement. Once a solution is identified, a formal petition process may be required for any Tier II or Tier III improvements. The following flow charts illustrate roles and actions to be taken if any concern is raised from the community.

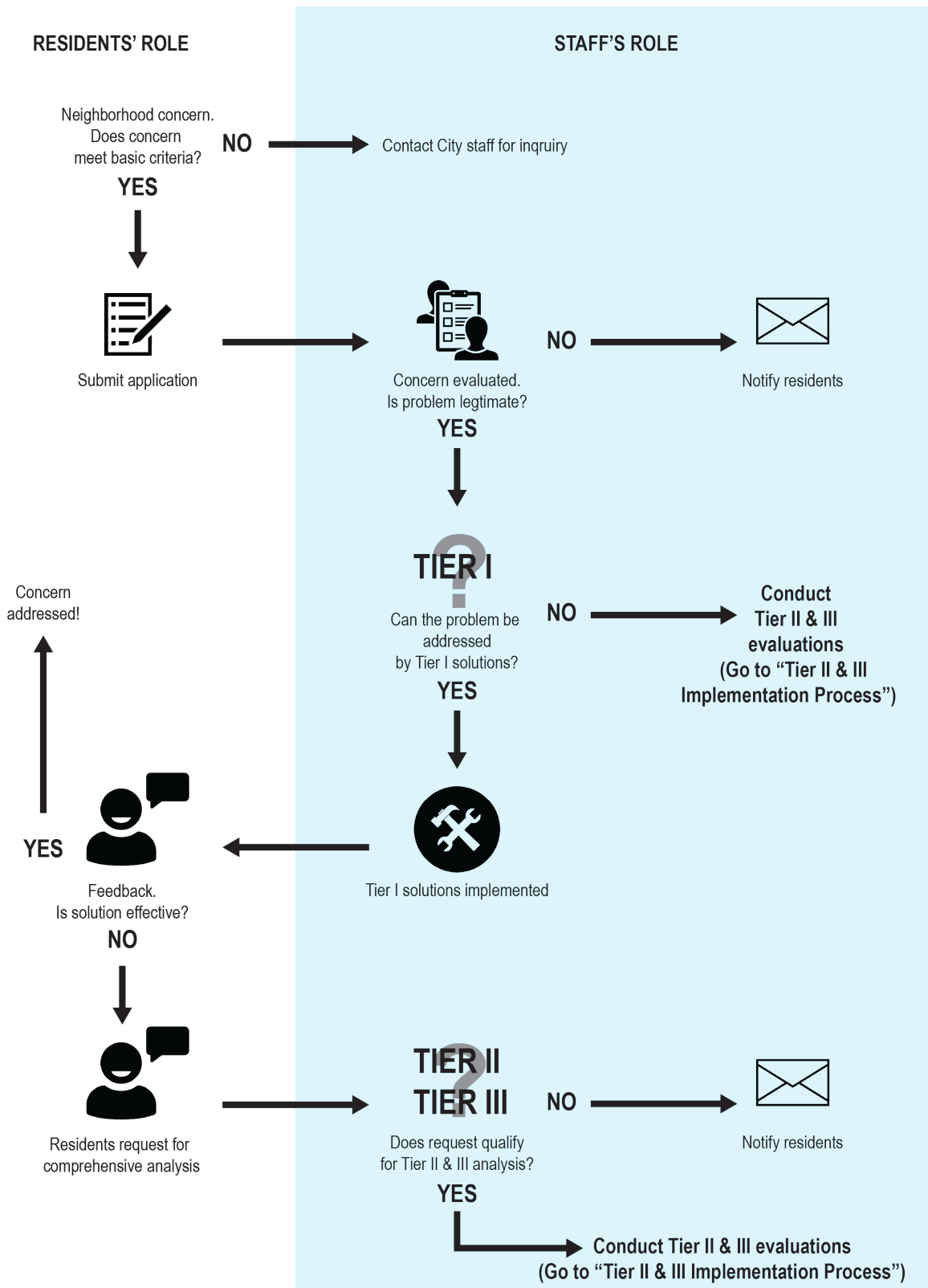


# DECISION MAKING FLOW CHARTS

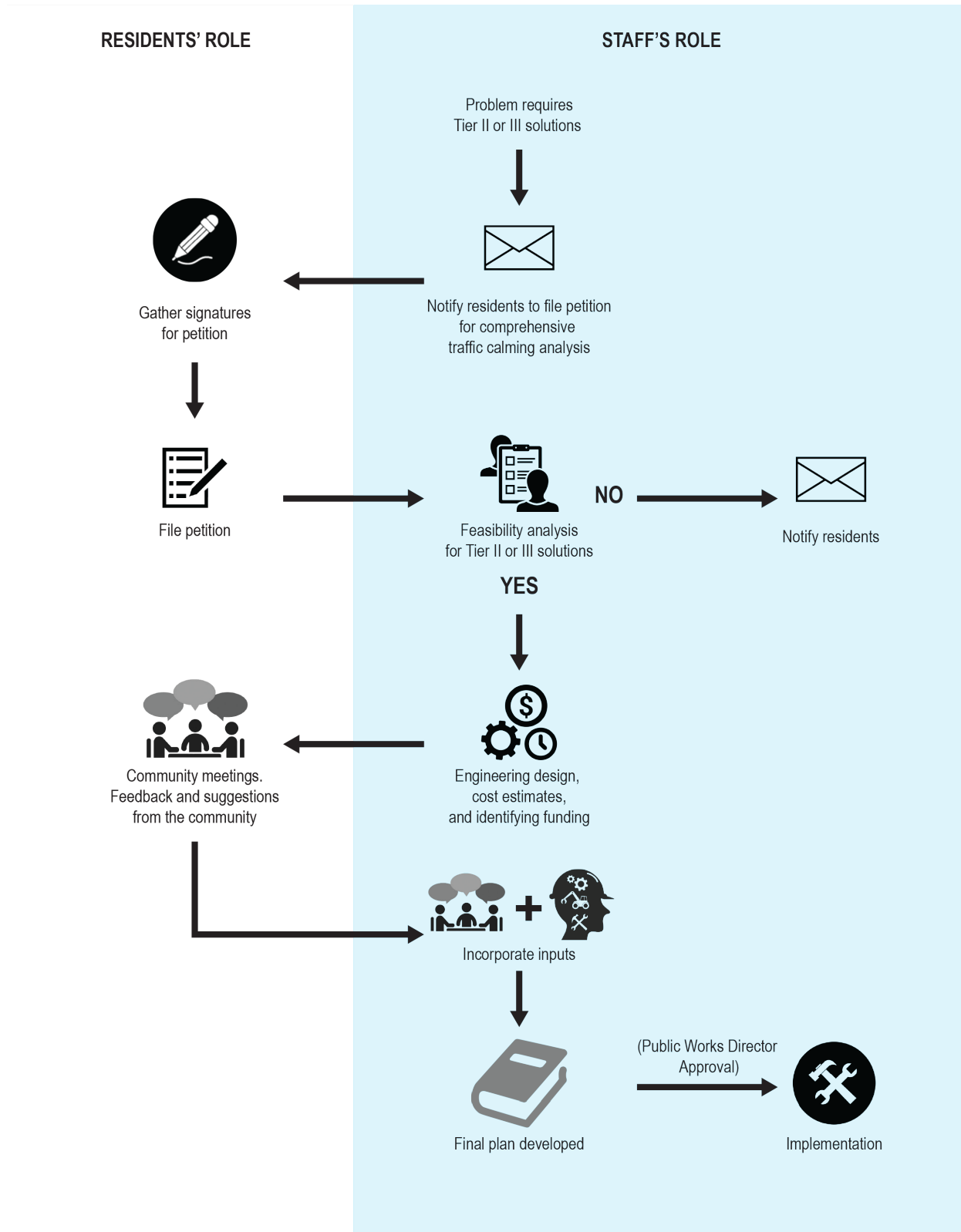
The decision making flow charts demonstrate how a traffic safety concern is notified to the City staff and how the staff and the community play their roles in improving traffic safety and enhancing quality of living in their neighborhoods.



## NTCP DECISION MAKING PROCESS (TIER I)



# NTCP DECISION MAKING PROCESS (TIER II AND III)







# LIST OF MEASURES & DETAILS

This section summarizes the list of feasible traffic calming solutions for the Hayward neighborhoods, as well as illustrations that provide conceptual idea of each measure.

*Regular Flashing Beacon on Second Street.*

# TRAFFIC CALMING MEASURES AND CRITERIA

#	Types of Measures	Type of Problem					Residential			Non-Residential		Roadway Classification		Bus or Emergency Response Route	Other Considerations	Approximate Cost
		Speeding	Traffic Volume	Vehicle Accidents	Pedestrian Safety	Noise	Midblock	Intersection	Boundary of Area	Midblock	Intersection	Local Streets	Collectors			
TIER I	1.1 Edgeline/Centerline Striping	●	○	○	○	○	●	●	●	●	●	ADT < 8,000; Speed Limit ≤ 35 mph; Street width ≥ 15 feet	ADT < 10,000; Speed Limit ≤ 35 mph; Street width ≥ 15 feet	●	None	\$0.50 - \$1.00 per linear foot of striping
	1.2 Targeted Speed Enforcement	●	○	●	●	●	●	●	●	●	●	ADT < 8,000; Speed Limit ≤ 35 mph	ADT < 10,000; Speed Limit ≤ 35 mph	●	None	\$5,000 - \$15,000
	1.3 Speed Legends	●	○	○	○	○	●	●	●	●	●	ADT < 8,000; Speed Limit ≤ 35 mph	ADT < 10,000; Speed Limit ≤ 35 mph	●	None	\$250 - \$ 500
	1.4 Signage	●	○	○	○	○	●	●	●	●	●	ADT < 8,000; Speed Limit ≤ 35 mph	ADT < 10,000; Speed Limit ≤ 35 mph	●	None	\$250 - \$500
	1.5 Botts Dots / Raised Reflectors	○	○	●	●	○	●	●	●	●	●	ADT < 8,000; Speed Limit ≤ 35 mph	ADT < 10,000; Speed Limit ≤ 35 mph	●	None	\$1,500 - \$2,000
	1.6 High Visibility Crosswalks	●	○	○	●	○	●	●	●	●	●	ADT < 8,000; Speed Limit ≤ 35 mph	ADT < 10,000; Speed Limit ≤ 35 mph	●	None	\$3.00 - \$4.50 per linear foot of striping
TIER II	2.1 Increased Patrol and Warning/Citations	●	○	●	●	●	●	●	●	●	●	ADT < 8,000; Speed Limit ≤ 35 mph	ADT < 10,000; Speed Limit ≤ 35 mph	●	None	Varies
	2.2 Speed Feedback Signs	●	○	○	○	●	○	○	○	○	○	ADT < 8,000; Speed Limit ≤ 35 mph	ADT < 10,000; Speed Limit ≤ 35 mph	●	None	\$5,000 - \$15,000
	2.3 Flashing Beacons	●	○	○	●	○	●	●	○	●	●	ADT < 8,000; Speed Limit ≤ 35 mph	ADT < 10,000; Speed Limit ≤ 35 mph	●	None	\$15,000 - \$25,000
	2.4 Road Diet	●	●	○	●	○	●	●	●	●	●	ADT < 8,000; Width ≥ 48 feet; Speed Limit ≤ 35 mph	ADT < 10,000; Width ≥ 48 feet; Speed Limit ≤ 35 mph	●	None	Varies
	2.5 Angled Parking	●	●	○	○	○	●	●	●	●	●	ADT < 3,200; Width ≥ 48 feet; Speed Limit ≤ 35 mph	ADT < 4,000; Width ≥ 48 feet; Speed Limit ≤ 35 mph	●	Not with bike lanes	Varies
TIER III	3.1 Pace Car Program	●	○	○	●	○	●	●	●	●	●	Petition Process	Petition Process	●	None	Varies
	3.2 Bulbouts	●	●	○	●	○	●	●	●	●	●	ADT < 16,000; Speed Limit ≤ 35 mph	ADT < 20,000; Speed Limit ≤ 35 mph	●	None	≥ \$50,000 per intersection
	3.3 Two-Lane Chokers	●	●	○	○	○	●	●	●	●	●	ADT < 16,000; Speed Limit ≤ 35 mph; Length ≥ 1,500 feet	ADT < 20,000; Speed Limit ≤ 35 mph; Length ≥ 1,500 feet	●	None	\$25,000 - \$50,000
	3.4 Center Island Narrowing/Pedestrian Refuges	●	●	●	●	○	●	●	●	●	●	ADT < 16,000; Speed Limit ≤ 35 mph	ADT < 20,000; Speed Limit ≤ 35 mph	●	None	Varies
	3.5 Traffic Circles	●	●	●	●	○	●	○	●	○	○	ADT < 6,000; Speed Limit ≤ 35 mph	ADT < 7,500; Speed Limit ≤ 35 mph	●	Grade ≤ 8%	≥ \$25,000
	3.6 Roundabouts (Single-Lane)	●	●	●	●	●	●	○	○	●	○	ADT < 16,000; Speed Limit ≤ 45 mph	ADT < 20,000; Speed Limit ≤ 45 mph	●	Grade ≤ 6%	≥ \$50,000
	3.7 Lateral Shifts	●	●	○	○	○	●	●	●	●	●	ADT < 8,000; Speed Limit ≤ 35 mph; Street width ≥ 15 feet	ADT < 10,000; Speed Limit ≤ 35 mph; Street width ≥ 15 feet	●	Grade ≤ 10%	Varies
	3.8 Chicanes	●	●	○	○	○	●	●	●	●	●	ADT < 4,000; Speed Limit ≤ 35 mph; Length ≥ 1,500 feet; Street width ≥ 15 feet	ADT < 5,000; Speed Limit ≤ 35 mph; Length ≥ 1,500 feet; Street width ≥ 15 feet	●	Grade ≤ 8%	\$25,000 - \$50,000
	3.9 Speed Lumps	●	●	●	●	●	●	●	●	●	●	ADT < 3,200; Speed Limit ≤ 25 mph;	ADT < 4,000; Speed Limit ≤ 25 mph;	●	Grade ≤ 8%	\$7,000 - \$10,000 per location
	3.10 Raised Crosswalks	●	●	●	●	●	●	○	○	○	○	ADT < 6,000; Speed Limit ≤ 35 mph	ADT < 7,500; Speed Limit ≤ 35 mph	●	Grade ≤ 8%	\$10,000 - \$20,000
	3.11 Raised Intersections	●	●	●	●	●	●	●	●	●	●	ADT < 6,000; Speed Limit ≤ 35 mph	ADT < 7,500; Speed Limit ≤ 35 mph	●	Grade ≤ 8%	≥ \$50,000 will vary
	3.12 Diagonal Diverters	●	●	○	○	○	●	●	●	●	●	ADT < 5,000; > 25% non-local traffic		●	None	25000
	3.13 Partial Closures	●	●	○	○	○	●	●	●	●	●	ADT < 5,000; > 25% non-local traffic		●	None	≥ \$25,000
	3.14 Full Closures	●	●	○	○	○	●	●	●	●	●	ADT < 5,000; > 25% non-local traffic		●	None	≥ \$25,000
	3.15 Forced Turn Islands	○	●	●	○	○	●	○	●	●	●	ADT < 4,000; > 25% non-local traffic	ADT < 5,000; > 25% non-local traffic	●	None	25000

LEGEND:  Appropriate  May be considered  Not Appropriate  Not Applicable

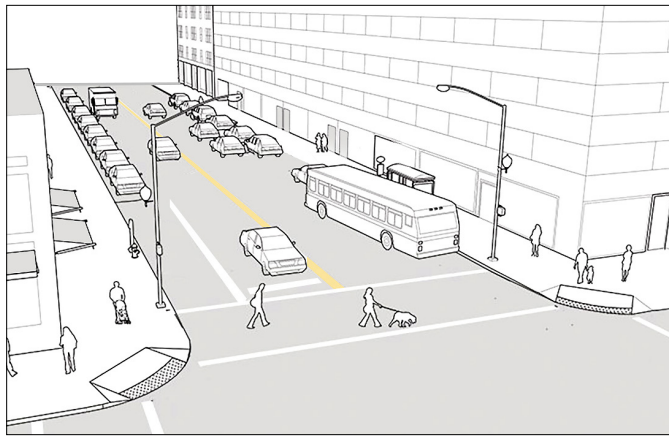


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## EDGE/CENTERLINE STRIPING

## TIER I

Edge/Centerline striping creates narrowed roadways to slow vehicle speeds.



**Suitable for:**

- Residential streets
- Collector streets

**Not Suitable for:**

- Arterial streets

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 10,000.</li> <li>• Speed limit below or equal to 35 mph.</li> <li>• Street width greater than or equal to 15 feet.</li> </ul>	<p>\$0.50 - \$1.00 per linear foot of striping</p>	<p>City's discretion to approve, provided that criteria are met.</p>

## TARGETED SPEED ENFORCEMENT

## TIER I

A portable speed feedback sign setup on-street to alert drivers to vehicle speeds.



**Suitable for:**

- School zones
- Residential streets
- Collector streets
- Locations with speeding concerns
- High pedestrian activity areas

**Not Suitable for:**

- Intersections
- Significant roadway curvature

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 10,000.</li> <li>• Speed limit below or equal to 35 mph.</li> </ul>	<p>\$5,000 - \$15,000</p>	<p>City's discretion to approve, provided that criteria are met.</p>

## SPEED LEGENDS

## TIER I

Speed legends are used to inform drivers of the current speed limit.



**Suitable for:**

- Residential streets
- Collector streets

**Not Suitable for:**

- Arterial streets

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 10,000.</li> <li>• Speed limit below or equal to 35 mph.</li> </ul>	\$250 - \$ 500	City's discretion to approve, provided that criteria are met.

## SIGNAGE

## TIER I

Signage improves awareness to speed limits, pedestrian crossings, and other potential hazards.



**Suitable for:**

- School zones
- Residential streets
- Collector streets
- Locations with speeding concerns
- High pedestrian activity areas
- Significant roadway curvature

**Not Suitable for:**

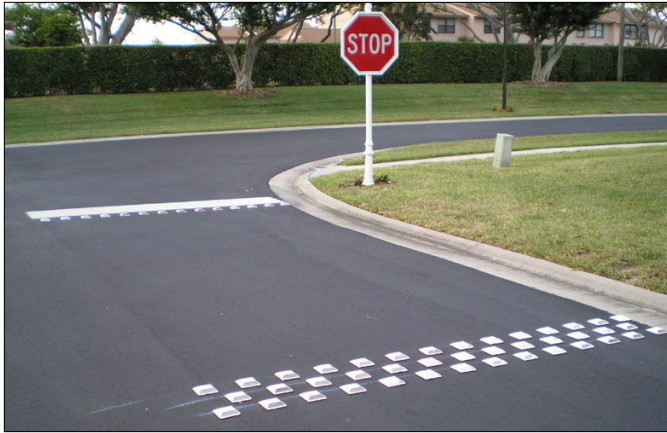
- Intersections

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 10,000.</li> <li>• Speed limit below or equal to 35 mph.</li> </ul>	\$250 - \$500	City's discretion to approve, provided that criteria are met.

## BOTTS DOTS/RAISED REFLECTORS

TIER I

Botts dots provide tactile feedback to drivers moving across travel lanes or approaching intersections.



**Suitable for:**

- School zones
- Residential streets
- Collector streets
- T-intersections

**Not Suitable for:**

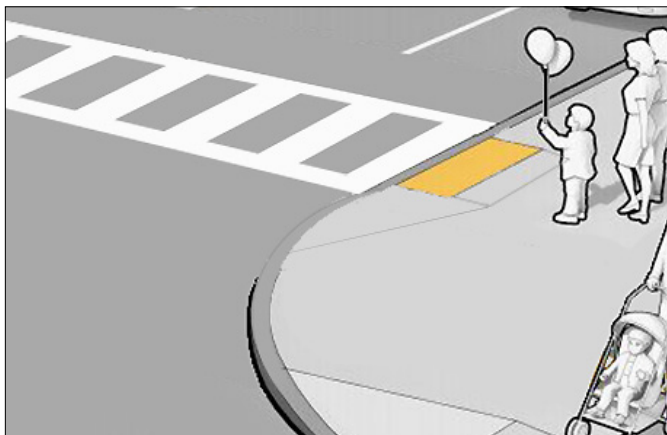
- Arterial streets

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 10,000.</li> <li>• Speed limit below or equal to 35 mph.</li> </ul>	\$1,500 - \$2,000	60% residents need to approve

## HIGH VISIBILITY CROSSWALKS

TIER I

Ladder markings and defined crosswalk widths heighten awareness of pedestrian crossings.



**Suitable for:**

- School zones
- Residential streets
- Collector streets
- Arterial streets
- Mid-block crossings
- Intersection crosswalks
- High pedestrian activity areas

**Not Suitable for:**

- Low pedestrian volume locations

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 10,000.</li> <li>• Speed limit below or equal to 35 mph.</li> </ul>	\$3.00 - \$4.50 per linear foot of striping	City's discretion to approve, provided that criteria are met.

## INCREASED PATROL AND WARNING/CITATIONS TIER II

Increased patrol and warning/citations can effectively reduce speeding and inappropriate driving.



**Suitable for:**

- Residential streets
- Collector streets
- Locations with speeding concerns

**Not Suitable for:**

- N/A

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 10,000.</li> <li>• Speed limit below or equal to 35 mph</li> </ul>	Varies	City's discretion to approve, provided that criteria are met.

## SPEED FEEDBACK SIGNS TIER II

Speed feedback signs are permanently installed to alert drivers of their speeds versus posted limits.



**Suitable for:**

- School zones
- Residential streets
- Collector streets
- Arterial streets
- Locations with speeding concerns
- High pedestrian activity areas

**Not Suitable for:**

- Intersections
- Significant roadway curvature

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 10,000.</li> <li>• Speed limit below or equal to 35 mph.</li> </ul>	\$5,000 - \$15,000	City's discretion to approve, provided that criteria are met.

## FLASHING BEACONS

TIER II

Flashing beacons warn drivers of pedestrians at an uncontrolled crossing.



**Suitable for:**

- School Zones
- Mixed-use areas
- Residential streets
- Collector streets

**Not Suitable for:**

- N/A

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 10,000.</li> <li>• Speed limit below or equal to 35 mph.</li> </ul>	\$15,000 - \$25,000	City's discretion to approve, provided that criteria are met.

## ROAD DIET

TIER II

A road diet reduces the number of travel lanes to accommodate other modes and slow vehicle speeds.



**Suitable for:**

- Wide residential streets
- Collector streets
- Downtown areas
- High pedestrian activity area
- High bicycle traffic
- Locations with speeding concerns

**Not Suitable for:**

- Narrow roadways

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 10,000.</li> <li>• Street width greater than or equal to 48 feet.</li> <li>• Speed limit below or equal to 35 mph</li> </ul>	Varies	City's discretion to approve, provided that criteria are met.



## ANGLED PARKING

### TIER II

Angled parking narrows travel lanes to slow vehicle speed and increases parking supply.



**Suitable for:**

- Downtown areas
- Commercial areas
- Mixed-Use areas
- Residential streets
- Collector streets

**Not Suitable for:**

- Arterial streets

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 4,000.</li> <li>• Speed limit below or equal to 35 mph.</li> <li>• Street width greater than or equal to 48 feet.</li> </ul>	Varies	City's discretion to approve, provided that criteria are met.

## PACE CAR PROGRAM

### TIER III

A community-driven program focusing on raising awareness to speed reduction in the neighborhoods.



**Suitable for:**

- Downtown streets
- Residential streets
- Collector streets
- High pedestrian activity areas

**Not Suitable for:**

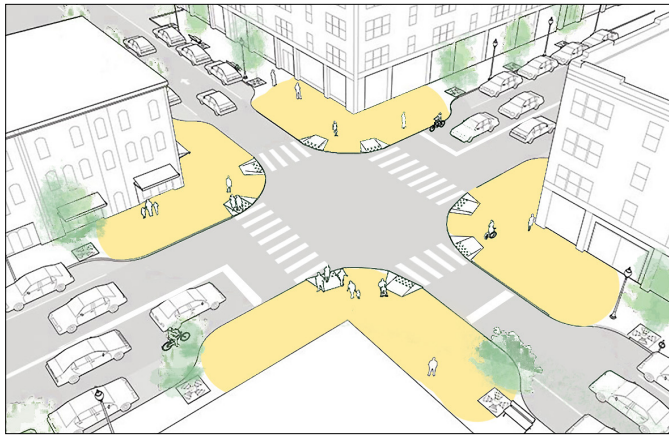
- Low pedestrian activity areas

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Petition Process</li> </ul>	Varies	City's discretion to approve, provided that criteria are met.

## BULBOUTS

### TIER III

Bulbouts are curb-extensions that slow vehicle speeds with the impression of a narrowed roadway.



**Suitable for:**

- Downtown streets
- Residential streets
- Collector streets
- Arterial streets
- High pedestrian activity areas
- Long pedestrian crossing distances

**Not Suitable for:**

- Low pedestrian activity areas
- Narrow streets
- High truck volumes

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 20,000.</li> <li>• Speed limit below or equal to 35 mph.</li> </ul>	<p>≥ \$50,000 per intersection</p>	<p>City's discretion to approve, provided that criteria are met.</p>

## TWO LANE CHOKERS

### TIER III

Two lane chokers function similarly to bulbouts but at mid-block locations.



**Suitable for:**

- Wide streets
- High cut-through volumes

**Not Suitable for:**

- Emergency access routes
- High on-street parking demand
- High bicycle volumes

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 20,000.</li> <li>• Speed limit below or equal to 35 mph.</li> <li>• Street length greater than or equal to 1,500 feet.</li> </ul>	<p>\$25,000 - \$50,000</p>	<p>City's discretion to approve, provided that criteria are met.</p>

## CENTER ISLAND NARROWING/PEDESTRIAN REFUGE

TIER III

Concrete medians that define travel lanes and secure pedestrian right-of-way.



**Suitable for:**

- Wide residential streets
- Collector streets
- Mid-block crossings
- Long crossing distances
- High pedestrian activity areas
- Locations with speeding concerns

**Not Suitable for:**

- Narrow roadways

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 20,000.</li> <li>• Speed limit below or equal to 35 mph.</li> </ul>	Varies	City's discretion to approve, provided that criteria are met.

## TRAFFIC CIRCLES

TIER III

Traffic Circles require drivers to slowly maneuver through an intersection.



**Suitable for:**

- Residential streets
- Collector streets
- Locations with speeding concerns
- High accident rate

**Not Suitable for:**

- Horizontal curvature
- Vertical curvature

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 7,500.</li> <li>• Speed limit below or equal to 35 mph.</li> </ul>	≥ \$25,000	60% residents need to approve + City's discretion to approve, provided that criteria are met.

## ROUNDBABOUTS (SINGLE LANE)

### TIER III

Roundabouts require drivers to slowly maneuver through an intersection operating with yield control.



**Suitable for:**

- Collector streets
- Arterial streets
- Locations with speeding concerns
- High accident rate

**Not Suitable for:**

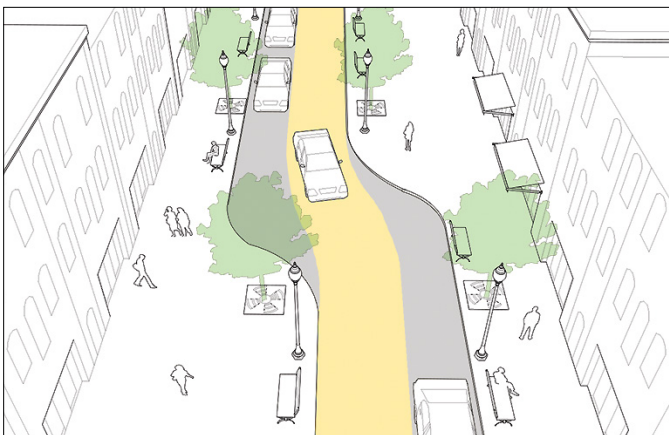
- Horizontal curvature
- Vertical curvature

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 20,000.</li> <li>• Speed limit below or equal to 45 mph.</li> </ul>	≥ \$50,000	60% residents need to approve + City's discretion to approve, provided that criteria are met.

## LATERAL SHIFTS

### TIER III

Lateral shifts force drivers to make slight maneuvers, resulting in slower vehicle speeds.



**Suitable for:**

- Residential streets
- Collector streets
- Arterial Streets
- Locations with speeding concerns

**Not Suitable for:**

- High vehicle volumes

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 10,000.</li> <li>• Speed limit below or equal to 35 mph.</li> <li>• Street width greater than or equal to 15 feet.</li> </ul>	Varies	60% residents need to approve + City's discretion to approve, provided that criteria are met.

## CHICANES

## TIER III

Chicanes functions similarly to lateral shifts and require less roadway reconfigurations.



**Suitable for:**

- Wide residential streets
- Wide Collector streets

**Not Suitable for:**

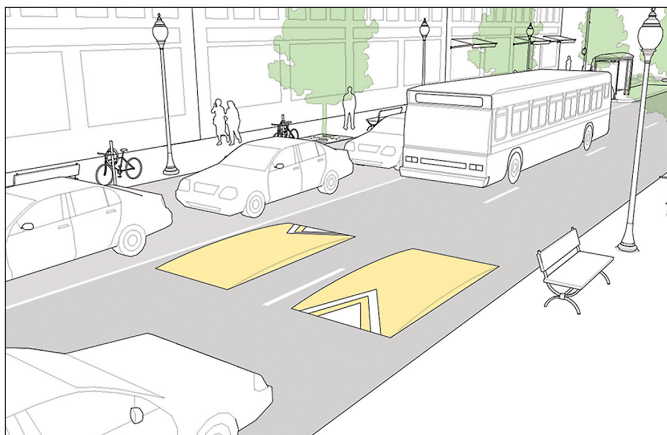
- Arterial streets
- Emergency access routes
- High on-street parking demand
- High bicycle traffic

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 5,000.</li> <li>• Speed limit below or equal to 35 mph.</li> <li>• Street length greater than or equal to 1,500 feet.</li> <li>• Street width greater than or equal to 15 feet.</li> </ul>	\$25,000 - \$50,000	60% residents need to approve + City's discretion to approve, provided that criteria are met.

## SPEED LUMPS

## TIER III

Speed lumps slow driver speeds with vertical roadway deflections.



**Suitable for:**

- Residential streets
- Persistent speeding
- High cut-through volumes

**Not Suitable for:**

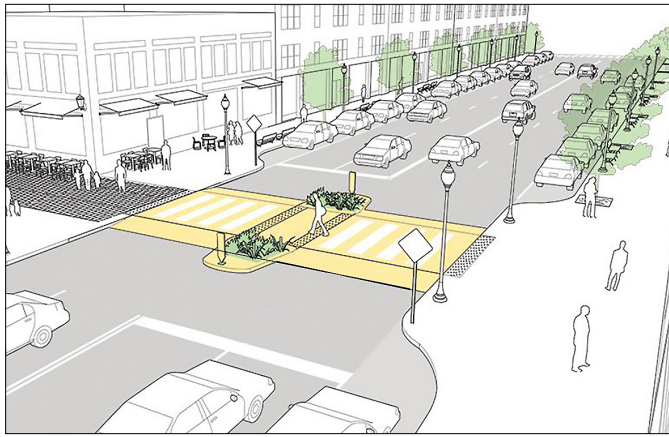
- Collector streets
- Arterial streets

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 4,000.</li> <li>• Speed limit below or equal to 25 mph.</li> </ul>	\$7,000 - \$10,000 per location	60% residents need to approve + City's discretion to approve, provided that criteria are met.

## RAISED CROSSWALKS

### TIER III

Raised crosswalks slow driver speeds with vertical deflections and emphasis of pedestrian right-of-way.



**Suitable for:**

- School zones
- Residential streets
- Mid-block crossings
- High pedestrian activity areas

**Not Suitable for:**

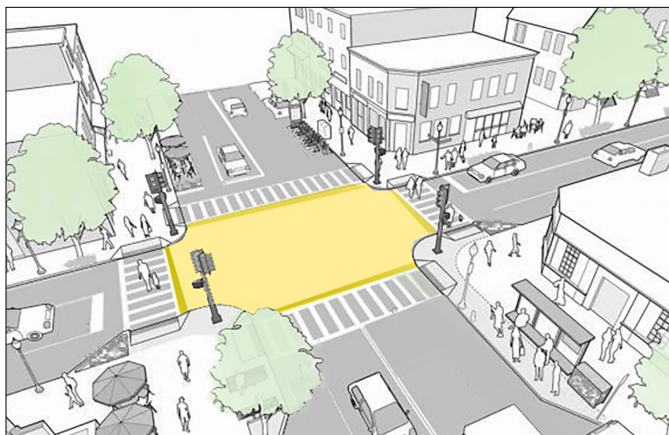
- Arterial streets
- Intersections

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 7,500.</li> <li>• Speed limit below or equal to 35 mph.</li> <li>• Grade below or equal to 8 percent.</li> </ul>	\$10,000 - \$20,000	60% residents need to approve + City's discretion to approve, provided that criteria are met.

## RAISED INTERSECTIONS

### TIER III

Raised intersections slow drivers speed by emphasizing a "shared zone" with pedestrians and bicyclists.



**Suitable for:**

- Downtown areas
- High pedestrian activity areas
- High vehicle speeds

**Not Suitable for:**

- Residential streets
- Collector streets
- Arterial streets

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 7,500.</li> <li>• Speed limit below or equal to 35 mph.</li> </ul>	≥ \$50,000 will vary	60% residents need to approve + City's discretion to approve, provided that criteria are met.

## DIAGONAL DIVERTERS

### TIER III

Diagonal diverters reduce traffic entering neighborhoods by permanently detouring certain routes.



**Suitable for:**

- Residential streets
- Locations with speeding concerns
- Limited access desired

**Not Suitable for:**

- Arterial streets
- Collector streets if significant traffic diversion anticipated

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 5,000.</li> <li>• Greater than 25% non-local traffic.</li> </ul>	\$25,000	60% residents need to approve + City's discretion to approve, provided that criteria are met.

## PARTIAL CLOSURES

### TIER III

Partial closures reduce traffic entering neighborhoods by permanently restricting one direction of traffic.



**Suitable for:**

- Residential streets
- Locations with speeding concerns
- Limited access desired

**Not Suitable for:**

- Arterial streets
- Collector streets if significant traffic diversion anticipated

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 5,000.</li> <li>• Greater than 25% non-local traffic.</li> </ul>	≥ \$25,000	60% residents need to approve + City's discretion to approve, provided that criteria are met.

## FULL CLOSURES

## TIER III

Full closures reduce traffic entering neighborhoods by permanently restricting vehicular access.



**Suitable for:**

- Residential streets
- Locations with speeding concerns
- Limited access desired

**Not Suitable for:**

- Arterial streets
- Collector streets if significant traffic diversion anticipated

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 5,000.</li> <li>• Greater than 25% non-local traffic.</li> </ul>	≥ \$25,000	60% residents need to approve + City's discretion to approve, provided that criteria are met.

## FORCED TURN ISLANDS

## TIER III

Raised concrete islands separate turning traffic from through traffic when approaching an intersection.



**Suitable for:**

- Residential streets
- Collector streets
- Locations with speeding concerns
- Limited access desired

**Not Suitable for:**

- N/A

Implementation Threshold	Approximate Cost	Approval
<ul style="list-style-type: none"> <li>• Average Daily Traffic Volumes below 5,000.</li> <li>• Greater than 25% non-local traffic.</li> </ul>	\$25,000	60% residents need to approve + City's discretion to approve, provided that criteria are met.





## PRIORITIZATION

Limited funds available to address the number of requests received by the City staff, far exceeds what can realistically be funded in a given year. Establishing a project priority list is essential to allocating resources more effectively. To develop a prioritization list, the NTCP proposes to incorporate an established process that places emphasis on speeds, accidents, volumes, schools, and pedestrian generators pertinent to traffic calming. With this process in place, the City will look to first fund those projects which are most critical to public safety. The proposed process and scoring criteria can be found below in the table.

Criteria	Point Definitions	Points Available
<b>85<sup>th</sup> percentile speed</b>	2 points for every 1 MPH above the posted speed limit (85 <sup>th</sup> percentile speed must be at least 5 MPH over the posted speed limit to be considered for traffic calming)	35
<b>Crash History</b>	3 points for each preventable crash within the last three years	25
<b>Traffic Volumes</b>	1 point for 0 – 500 average daily traffic 2 points for 501 – 1,000 average daily traffic 3 points for 1,001 – 1,500 average daily traffic 4 points for 1,501 – 2,000 average daily traffic 5 points for > 2,000 average daily traffic	5
<b>Cut-through Traffic</b>	4 points if at least 25% of traffic volume is cut-through 2 points for each additional 5% (Up to 40% max)	10
<b>Vicinity to Schools</b>	10 points if street fronts or provides access to a school, or if street is a designated Safe Route to School	10
<b>Pedestrian Generators</b>	5 points if location is within 1,000 feet of a major transit access point or a civic facility	5
<b>Additional Concerns</b>	2 points if visibility restrictions result from roadway geometry 2 points if segment is a designated Bike Route or pedestrian corridor 2 points if street has no sidewalks 2 points if segment is > 1,000 feet in length 2 points if segment is > 40 feet in width	10
<b>Total</b>		<b>100</b>

# PETITION & APPLICATION

A petition and application is included in this section. For more information please visit our website at [www.hayward-ca.gov](http://www.hayward-ca.gov) or contact City of Hayward Public Works at (510) 583-4781







# Step 1: APPLICATION FOR EVALUATION NEIGHBORHOOD TRAFFIC CALMING PROGRAM

## Primary Contact Information

\_\_\_\_\_  
Name

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Zip Code

## Locations and Concerns

\_\_\_\_\_  
Street Name

from \_\_\_\_\_  
Cross Street

to \_\_\_\_\_  
Cross Street

\_\_\_\_\_  
Street Name

from \_\_\_\_\_  
Cross Street

to \_\_\_\_\_  
Cross Street

\_\_\_\_\_  
Street Name

from \_\_\_\_\_  
Cross Street

to \_\_\_\_\_  
Cross Street

### Types of Concerns (Select all that apply):

- Excessive Traffic
- Speeding
- Illegal Parking
- Cut-through Traffic
- Limited Visibility
- Other concerns: \_\_\_\_\_

Please provide more detailed information about your concerns in this area:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*The City staff will evaluate the existing conditions and develop solutions as necessary. The goal of the Neighborhood Traffic Calming Program is to maintain effective traffic operations and enhance neighborhood safety.

## Neighborhood Support

To initiate an evaluation for traffic calming, you must obtain signatures from at least 20 percent of the property owners within the block/blocks where traffic calming evaluation is being requested. For example, if there are 20 addresses in the block, at least four signatures must be collected. If needed, please use an additional sheet of paper to collect more signatures. For more information, please visit [www.hayward-ca.gov/NTCP](http://www.hayward-ca.gov/NTCP), email at [NTCP@hayward-ca.gov](mailto:NTCP@hayward-ca.gov), or call (510) 583-4781. The Engineering & Transportation staff will review and respond to your inquiries in a timely manner.

Print Name	Street Number / Street Name	Signature
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

## Next Step

Submit the completed form via email to:

**NTCP@hayward-ca.gov**  
Subject Line: "Traffic Calming Application"

OR

Submit the completed form via mail to:

**City of Hayward Public Works - Engineering & Transportation**  
777 B Street, 2nd Floor, Hayward, CA 94541

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## Step 2: PETITION FOR NEIGHBORHOOD TRAFFIC CALMING PROGRAM

The City staff has conducted an evaluation in response to the application submitted on \_\_\_\_\_ (mm/dd/yyyy). The evaluation shows that the following traffic calming measures may improve traffic operations and enhance neighborhood safety:

Locations		Measures
_____ from _____ to _____ <i>Street Name</i> <i>Cross Street</i> <i>Cross Street</i>		_____
_____ from _____ to _____ <i>Street Name</i> <i>Cross Street</i> <i>Cross Street</i>		_____
_____ from _____ to _____ <i>Street Name</i> <i>Cross Street</i> <i>Cross Street</i>		_____

We, the undersigned, hereby petition the City of Hayward to proceed with the installation of these traffic calming measures on the listed locations. Include the Primary Contact signature in #1. **NOTE: Your signature on this petition form indicates you support for the above mentioned improvements in the neighborhood.**

#	Print Name	Street Number / Street Name	Signature
1	_____	_____	_____
2	_____	_____	_____
3	_____	_____	_____
4	_____	_____	_____
5	_____	_____	_____
6	_____	_____	_____
7	_____	_____	_____
8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____
15	_____	_____	_____
16	_____	_____	_____
17	_____	_____	_____
18	_____	_____	_____
19	_____	_____	_____
20	_____	_____	_____

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# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

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**File #:** LB 16-096

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**DATE:** September 20, 2016

**TO:** Mayor and City Council

**FROM:** Director of Utilities and Environmental Services  
Director of Maintenance Services

**SUBJECT**

Options for Litter Reduction Strategies

**RECOMMENDATION**

That Council reviews and comments on this report.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Litter Fact Sheet



DATE: September 20, 2016

TO: Mayor and City Council

FROM: Director of Utilities and Environmental Services & Director of Maintenance Services

SUBJECT

Options for Litter Reduction Strategies

RECOMMENDATION

That Council reviews and comments on this report.

SUMMARY

Staff presents this report to introduce a range of options for dealing with litter, primarily from take-out food and beverage establishments. This is a challenging issue shared by communities throughout the Bay Area and nationwide. Adoption of a litter fee has been put forward as a potentially effective means of reducing litter generated around such establishments in Hayward. Staff has significant concerns about a litter fee, related mainly to its effectiveness to achieve desired outcomes, impacts on businesses, and required administrative oversight. Several alternatives to a fee are presented for Council's consideration. This report includes comments from the Council Sustainability Committee and the Keep Hayward Clean and Green Task Force.

BACKGROUND

One of Council's primary priorities is to keep the City clean. For this reason, the City allocates significant resources to public education and engagement, and to remove litter throughout the community. Several full time employees spend the majority of their time removing dumped trash, and several others are dedicated to street sweeping and cleaning storm drains. The City's Keep Hayward Clean and Green Task Force, supported by City staff, sponsors monthly weekend clean-up events, the annual clean-up day at Weekes Park, and the Adopt a Block program. In total, the City spends more than \$2 million per year on litter collection.

There is also a connection between trash and water quality in that some of the trash that remains on the streets eventually ends up in storm drain inlets and makes its way to creeks

and the shoreline. For this reason, litter control in Hayward is further regulated by the Municipal Regional Stormwater Permit (MRP) for its stormwater discharge to the San Francisco Bay, which includes a trash reduction provision. Specifically, Provision C.10, Trash Load Reduction, requires a 70% reduction in trash by 2017 and a 100% reduction by 2022.

Reducing litter in the community is supported by the following General Plan policies:

Economic Development Policy 5.4 (Community Appearance Programs)

The City shall maintain and implement programs that are specifically designed to address Hayward's community appearance problems (graffiti, litter, abandoned vehicles, illegal dumping, weed abatement, property maintenance, illegal signs, etc.).

Community Safety Policy 1.15 (Blight, Litter, Graffiti, Illegal Dumping and Abandoned Vehicles)

The City shall maintain and implement programs that address conditions that foster crime or the fear of crime, such as blight, litter, graffiti, illegal dumping, and abandoned vehicles.

Natural Resources Policy 6.8 (NPDES Permit Compliance)

The City shall continue to comply with the San Francisco Bay Region National Pollutant Discharge Elimination System (NPDES) Municipal Regional Stormwater Permit.

The subject of litter reduction has been discussed by both the Council Sustainability Committee and the Keep Hayward Clean and Green Task Force. Following are summaries of those discussions.

Council Sustainability Committee – On September 10, 2015, staff presented a report to the Committee, titled Options for Addressing Litter From Take Out Food & Beverage Establishments, which is accessible at:

(<https://hayward.legistar.com/LegislationDetail.aspx?ID=2453453&GUID=3C4CFA89-7D61-4805-AF0E-D4D253DDF198&Options=&Search=>).

The report included a range of options for dealing with litter from fast food restaurants, convenience stores, mini-marts, liquor stores and tobacco shops. The options included the possibility of an ordinance requiring non-resident property owners to designate a resident agent to maintain vacant properties. The Committee supported the concept of such an ordinance. The Committee suggested that letters be sent to restaurants, convenience markets, tobacco shops, liquor stores and gas stations asking businesses to help keep surrounding areas clean and mentioning monthly cleanups. Staff followed up by sending 518 such letters in November 2015. In addition to providing information, the letter also asked for suggestions regarding litter reduction; however no suggestions were received. The Committee supported the idea of a litter fee, but cautioned that staff needs to work with businesses and allow either exemptions or reduced fees for businesses that do a good job controlling litter.

Keep Hayward Clean & Green Task Force – On July 28, 2016, staff discussed litter reduction, including the idea of a possible litter fee, with the Keep Hayward Clean and Green Task Force.

Some members felt that proposing a litter fee could be effective in starting a needed dialogue with businesses. However, in general, the Task Force did not support the idea of a litter fee because they felt that small businesses would likely resist the idea. They further believe that if a fee were imposed, businesses would want to see a difference in the cleanliness of their neighborhood, which the City could not guarantee. The Task Force also noted that it would be unfair to impose a fee on local businesses since Hayward has a lot of through traffic that generates litter. They were also concerned that litter from one property without landscaping may tend to collect at properties with landscaping.

Other thoughts on a potential litter fee included:

- Include an exemption for businesses that actively participate in the adopt-a-block program.
- Mail notices to businesses letting them know the City is considering a fee as it might encourage a change in behavior.
- Utilize fee revenue to pay businesses to pick up litter.
- Apply a fee to tobacco shops/products.
- Utilize the fee proceeds to support educational efforts such as the Youth Enrichment Program (YEP).

In addition to their thoughts on a litter fee, the Task Force provided the following suggestions regarding litter reduction:

- Require fast food restaurants to have trash cans with an extended opening to allow a driver to deposit trash without getting out of the car.
- Note that the concentration of fast food restaurants in certain neighborhoods contributes to the problem.
- Place larger trash cans at bus shelters. They fill up very quickly.
- Increase the frequency that public litter receptacles are serviced.
- Require extra trash cans on business properties; although the City should be mindful that this requirement may result in larger garbage bills for the business if the extra cans result in more trash collected. It is also possible that additional trash cans may just encourage more large bags of trash and household garbage.
- Implement more outreach.
- Focus on education and work with schools. Schools seem to be a big source of litter.
- Target a social media campaign toward students, who are more likely to respond to high-tech outreach.
- Note that the Task Force surveyed businesses regarding participation in a “Neat to the Street” campaign (to keep the area between the store and the street clean). Not many were interested.
- Place special receptacles for cigarette butts in areas where people loiter, as some cities have done. Cigarette butts are very hard to pick up and cause more environmental harm than paper, etc.
- Implement outreach that is loud and clear. It should be similar to BART’s prohibition of food and drinks in stations and on trains.

- Work with StopWaste to incorporate anti-littering messages in their outreach.
- Promote the next Litterati contest more extensively.
- Find a way to have a redemption value on litter (similar to cans and bottles).
- Adopt very large fines for littering.
- Put up signs similar to “Nuclear Free Hayward.” (They could say: “Welcome to Hayward. Litter Free Zone. \$1,000 fine.)

Council member Mendall briefly participated in the Task Force discussion noting that:

- The City is spending \$2 million per year on picking up trash and maybe we can do something to try to reduce this spending.
- When he picks up trash around Fairway Park, he finds litter that clearly originates from Fairway Park businesses.
- If a fee were adopted, we could offer incentives. Maybe if a business has more trash cans on their property, they could pay a lower fee.

Current Ordinances – The City currently has two ordinances that directly address litter. Hayward Municipal Code (HMC) Chapter 5 (Sanitation and Health), Article 1 (Solid Waste Collection and Disposal) addresses the location and use of public litter receptacles:

SEC. 5-1.20 SOLID WASTE RECEPTACLES. PUBLIC PLACES. Except as otherwise provided herein, no Solid Waste shall be placed or kept on or in any public street, sidewalk, footpath, or any public place whatsoever. Only Solid Waste receptacles owned by the City of Hayward shall be placed or kept on or in any public street, sidewalk, footpath, or any public place for use by pedestrians or other Persons using said street or public place to deposit small articles of waste carried by them. It shall be unlawful to place or cause to be placed any Solid Waste originating within or upon any private property into said receptacles.

Chapter 11 (Public Utilities), Article 5 (Stormwater Management and Urban Runoff Control) addresses litter that has the potential to enter the storm drain system:

SEC. 11-5.22 REDUCTION OF POLLUTANTS IN STORMWATER. Any person engaged in activities which will or may result in pollutants entering the City storm sewer system shall undertake all practicable measures to reduce such pollutants. Examples of activities that might result in pollutants entering the City storm sewer system include littering and ownership or use of facilities which may be a source of pollutants such as but not limited to parking lots, gasoline stations, industrial facilities, commercial facilities, and stores fronting City streets. The following are minimal requirements applicable to such persons:

- a) Littering Prohibited. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left, or maintained, any 'refuse,' 'rubbish,' 'garbage,' or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit, or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant. Nor shall any person throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the City. The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor, of any real property in the City of Hayward that

abuts a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on said real property as required for the disposal of garbage.

b) Standard of Maintenance for Parking Lots and Similar Structures. Persons owning or operating a parking lot, a gasoline station, or a similar structure or uses shall clean the property as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the City storm sewer system.

The above ordinances prohibit littering and require property owners to keep sidewalks clean, but they do not require occupants, tenants or property owners to keep the gutter or street free of litter.

The General Commercial zoning regulations include performance standards for drive-in uses, which include drive-through restaurants, drive-through coffee shops, gas stations, and gas stations with mini-marts.

Section 10-1.1045 J(3). The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties. For drive-in restaurants or other uses which typically generate trash or litter, adequate trash containers, as determined by the Planning Director, shall be required and employees shall be required daily to pick up trash or litter originating from the site upon the site and within 300 feet of the perimeter of the property.

When use permits for certain land uses are approved, conditions of approval are often included to require owners/managers to keep premises clean, but only three have a condition requiring the operator to pick up litter. One of the three is the McDonalds located at Jackson and Watkins, which includes the following condition:

“Employees shall daily pick up the trash originating from the site that is deposited on adjacent properties within 300 feet of the perimeter of the site.”

In order to provide Council with a range of possible strategies, staff researched actions which have been implemented by communities across the country. Clearly, litter is a problem encountered by many communities, particularly those with active commercial areas and eating establishments. In order to most effectively utilize resources, staff is seeking input and guidance from Council.

## DISCUSSION

As noted above, litter from fast food restaurants, convenience markets (including mini marts at gas stations), and tobacco products is a significant issue throughout the Bay Area and the country. The litter issues that arise from fast food restaurants is illustrated in a 2011 study by Clean Water Action (CWA), a nonprofit that advocates for clean water and environmental protection.<sup>1</sup> As part of this study, street litter samples were collected from Oakland,

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<sup>1</sup> <http://www.triplepundit.com/2011/06/fast-food-big-source-trash-pollution/>

Richmond, San Jose, and South San Francisco. The study indicated that the largest source of litter is fast food, at 49%. The five most significant sources were McDonalds, Burger King, Seven Eleven, Starbucks and Wendy's.

Regarding tobacco products, according to Save the Bay, 65% of all cigarette butts are littered and approximately three billion cigarette butts are littered in the Bay Area each year<sup>2</sup>. In fact, when Council adopted the Smoking Pollution Control ordinance (HMC Chapter 5, Article 6) in 2008, one of the reasons for this action was to "protect the public from smoking and tobacco-related litter and pollution." However, smoking-related littering still occurs in public places, and in addition, many cigarette butts come from moving vehicles.

While pedestrians are certainly responsible for much of the litter found throughout the community, trash from moving vehicles is a significant source of pollution. A study by Keep America Beautiful (see Attachment II) found that for litter more than four inches, 52% comes from motorists, 21% from vehicles with improperly secured loads, and 18% from pedestrians. This information suggests that the majority of trash found on major streets may not have originated from local businesses on that street in the neighborhood, or even in the City.

Litter is also often found near Hayward's bus stops and is assumed to originate from riders. The Keep America Beautiful study supports this notion, concluding that about 95% of litter at transition points is from pedestrians. Transition points are defined as places where "individuals consuming a food or tobacco product are required to discard the product before entering." Eating and smoking are not allowed on AC Transit buses.

### Requirements for Property Owners

Clearly, litter issues are widespread, complex and a challenge to successfully address. Staff searched for adopted ordinances requiring property owners to clean not only sidewalks, but also gutters and beyond, and found no cities in the Bay Area or the rest of the State have taken this step. In other parts of the country, the City of Charleston, South Carolina, has an ordinance requiring property owners to keep sidewalks, curbs, and gutters clean (Sec. 14-5. - Duty of owners, etc., to keep property clean)<sup>3</sup>. The ordinance also requires non-resident property owners to designate a resident agent to maintain the vacant property. Following is the applicable text.

- a) "It shall be the duty of the owner, agent, occupant or lessee to keep exterior private and public property free of litter and unsightly growth. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fences and wall bases, grassy and planted areas, borders, embankments and other lodging points.
- c) Owners, agents, occupants or lessees whose properties face on a city right-of-way shall be responsible for keeping up to, and including, the curb, gutter or street line free of litter and unsightly growth.

<sup>2</sup> [http://www.savesfbay.org/sites/default/files/news\\_release/Save%20The%20Bay%20Fact%20Sheet\\_Tobacco%20Litter.pdf](http://www.savesfbay.org/sites/default/files/news_release/Save%20The%20Bay%20Fact%20Sheet_Tobacco%20Litter.pdf)

<sup>3</sup>

[https://www.municode.com/library/#/sc/charleston/codes/code\\_of\\_ordinances?searchRequest=%7B%22searchText%22:%22litter%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentTypeS%22:%5B%22CODES%22%5D,%22productIds%22:%5B%5D%7D&nodeId=CICO\\_CH14GATRRE\\_ARTIINGE\\_S14-5DUOWETKEPRCL](https://www.municode.com/library/#/sc/charleston/codes/code_of_ordinances?searchRequest=%7B%22searchText%22:%22litter%22,%22pageNum%22:1,%22resultsPerPage%22:25,%22booleanSearch%22:false,%22stemming%22:true,%22fuzzy%22:false,%22synonym%22:false,%22contentTypeS%22:%5B%22CODES%22%5D,%22productIds%22:%5B%5D%7D&nodeId=CICO_CH14GATRRE_ARTIINGE_S14-5DUOWETKEPRCL)



- d) It shall be unlawful to sweep or push litter from buildings, property, sidewalks and strips into streets, sidewalks and the storm drainage system. Sidewalk and strip sweepings must be picked up and put into household or commercial material containers.
- e) It shall be the duty of every non-resident owner of a vacant lot or other vacant property to appoint a resident agent who shall have responsibility for keeping that lot or other property free of litter and unsightly growth.
- f) If an owner, agent, occupant or lessee fails to remove litter or unsightly growth from any private and public property, the city sanitation division shall be authorized to serve written notice to the owner or appointed agent to correct such violation within five (5) days. Failure to comply shall constitute grounds for prosecution.
- g) It shall be unlawful for the owner of any property in the city to disobey or fail to comply with any provisions of this chapter. (Code 1975, § 26-9; Ord. No. 1982-52, § 1, 6-8-82)”

Another example comes from the City of St. Louis (Section 11.18.060)<sup>4</sup>, which requires drive-in restaurants to pick up litter at least once every twelve hours and other businesses at least once every twenty-four hours. St. Louis also requires property owners to clean to the centerline of the street, as indicated in the following language:

“All persons owning or occupying any private property, public building or premises shall keep such premises, as the case may be, including the sidewalk, parkway, gutter, street, and alley (to the centerline thereof) adjoining or abutting to the place so occupied free and clear of litter.”

These are typically larger cities, with more enforcement resources, operating under laws and regulations different from those of California. These ordinances may not be easily replicable or effective in the Bay Area.

### Ordinance and Enforcement

As Council is well aware, widespread education and outreach, along with consistent enforcement are keys to the effectiveness of any regulation or ordinance. Upon staff's investigation of the Charleston and St. Louis ordinances discussed previously, staff learned that the ordinances are rarely, if ever, enforced. This is hardly a surprise. Enforcement of an anti-litter ordinance can be very difficult and requires ongoing diligence and community presence.

Enforcement can also result in some people being unfairly cited. For example, a business may or may not do a good job of cleaning the area around their business, but depending on its location and landscaping, trash from other locations may be blown in and be beyond control of the responsible party. Businesses could argue that it is virtually impossible to comply with the regulations because of circumstances over which they have no control.

Enforcement of an ordinance can also have significant impacts to staffing and workloads. As an example, when Council adopted new regulations for tobacco retail sales establishments in 2014, the ordinance required Code Enforcement staff to conduct annual compliance checks

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<sup>4</sup> <http://www.slpl.lib.mo.us/cco/code/data/t1118.htm>

for each of the 143 tobacco shops, which required the hiring of new staff. Any new program or ordinance will need to be carefully considered for impacts to existing staff.

In Hayward, police officers enforce littering, and issued eighteen tickets between June 2014 and July 2015. There may be potential for training other employees, particularly inspectors and field staff, to cite individuals for littering. This would require discussions with employee groups on impacts both on employees and on their core workloads.

Examples of other potential code enforcement strategies include:

Toll-Free Hotline – San Francisco increased publicity of a litter hotline that generated thousands of calls each month. Washington State set up a hotline in 2002 and began sending vehicle owners letters stating that they were observed littering.

Fines – San Francisco’s maximum fine is \$1,000. In 2005, the City and County of San Francisco announced it would train 400 City employees from forty-three different classifications and give them the authority to issue litter citations.

#### Public Agency and Community-Based Activities

Public Litter Containers – Hayward currently maintains approximately 280 public litter containers located on or adjacent to public sidewalks. One option for Hayward may be to require certain businesses to locate additional business-maintained trash cans adjacent to the public sidewalk. This strategy would require an amendment to HMC Section 5-1.20 to allow private trash cans on public sidewalks in the Downtown area and elsewhere. This option may warrant further discussions with business and property owners in these key target areas. If the Council is interested in exploring this option, staff would recommend a robust outreach plan and some experiments or pilot programs in areas most impacted.

Stormwater Trash Capture Devices – The installation of trash capture devices or filtration equipment in the storm drain system does not reduce litter deposited on streets and sidewalks, but they do limit the trash that enters the creeks and the San Francisco Bay. Hayward currently has one very large trash capture device and seventy-nine smaller such devices installed in inlets in the public right-of-way at the City’s expense. As a permittee under the Municipal Regional Stormwater Permit, the City along with other municipalities in the Bay Area, is required to reduce trash in its stormwater discharge to the Bay by 70% by July 1, 2007, 80% by July 1, 2009, and 100% by July 1, 2022.

The Cities of Dublin and Union City typically require developers to install trash capture devices in on-site storm drain inlets as a condition of approval. This requirement could be adopted in the City. In Hayward, the latest designs being used for stormwater treatment often capture trash in addition to other pollutants.

Anti-Littering Campaigns – Some cities have focused on outreach and education as a strategy for reducing litter. Oakland participates in Keep Oakland Beautiful, which is an affiliate of Keep America Beautiful and coordinates clean up events. The Bay Area Stormwater

Management Agencies Association created the Be the Street<sup>5</sup> campaign, which included a mobile app game. Other examples come from cities beyond the Bay Area.

At the State level, California coordinates the “Don’t Trash California” campaign, which is most active during Caltrans’ litter pick up event on Earth Day each year. Caltrans also operates the Adopt-A-Highway program and the State of California organizes the annual Coastal Cleanup Day.

Not-For-Profit organizations have also organized campaigns. For example, Save the Bay has “Zero Trash, Zero Excuse” and their website includes an anti-littering pledge as well as volunteer opportunities. Save the Bay also promotes the adoption of ordinances that prohibit single-use plastic bags, Styrofoam containers, and outdoor smoking (to limit cigarette butt litter).

As part of the EPA youth-based trash reduction grant, Hayward is partnering with Litterati to run a trash clean up contest. Litterati is a social media platform that encourages people to photograph litter and then pick it up. The photos are posted in a manner similar to Instagram. All photos are geocoded and time stamped, and categorized by type of litter, creating a map and a “Digital Landfill.” The first contest was held in the spring of 2016 with limited success. Staff intends to do much more significant and more strategic outreach for the 2017 contest.

Elsewhere in the country, in Savannah, Georgia<sup>6</sup>, residents are encouraged to take pictures and video of people caught littering and post them online, using the hashtag #LitterCrew. The idea behind this approach is that embarrassment will help change their ways. Staff is not in support of this approach at this time. In Jersey City, New Jersey<sup>7</sup>, the Stop the Drop campaign has been very successful through its hiring of teens during the summer months to pick up litter.

For the 2016/2017 school year, the City is partnering with CSU East Bay to run the Sustainable City Year Program, which will pair City projects with relevant classes. As part of the Sustainable City Year Program, staff will be working with CSUEB students to develop additional strategies related to anti-littering education and outreach. During the fall quarter, an Environmental Ethics class will be gathering community attitudes around littering. In the winter and spring quarters, additional classes will conduct outreach and measure the effectiveness of the outreach.

### Litter Fee on Businesses

Staff researched the imposition of litter fees on businesses and learned that they are not common. In fact, the City of Oakland is the only city in the Bay Area, and possibly in the State, with such a fee. Oakland<sup>8</sup> adopted an Excess Litter Fee on Fast Food Businesses,

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<sup>5</sup> <http://www.bethestreet.org/>

<sup>6</sup> <http://savannahnow.com/news/2015-04-22/city-sponsors-launch-savannah-anti-litter-campaign>

<sup>7</sup> <http://www.cityofjerseycity.com/mayor.aspx?id=13354>

<sup>8</sup> <http://www.oaklandnet.com/government/fwawebsite/revenue/pdf/WEBPAGEELF92206.pdf>

Convenience Markets, Gasoline Station Markets and Liquor Stores in 2006 to fund collection and disposal of trash. Affected establishments are required to pay annual fees based on annual gross receipts, according to the schedule below. Gross receipts do not include the sale of alcohol, gasoline or automotive services or products:

- Large business with annual gross receipts of \$1,000,000 or more pay \$3,815.
- Medium business with annual gross receipts between \$500,000 and \$999,999 pay \$910.
- Small business with annual gross receipts between \$5,000 and \$499,999 pay \$230.
- Annual gross receipts between \$0 and \$4,999 are exempt from the fee.

The fee, collected as part of business license renewal process, is currently imposed on approximately 900 businesses including a \$230 annual fee on qualified businesses with annual revenue of as little as \$5,000. In fiscal year 2013/2014, Oakland collected approximately \$340,000 from businesses paying the fee. Fee revenues are used for litter pickup. In 2009, Oakland awarded a contract to Civicorps Schools and in the first six months, eighteen to twenty-four-year-olds collected 3,906 bags of litter. For the last several years, Oakland has hired Block by Block for approximately \$400,000 per year to pick up litter and do other cleaning services in the downtown business improvement district.

Based on a fee structure similar to Oakland, staff has estimated that a comparable litter fee on Hayward business with similar revenues would generate approximately \$120,000. This relatively small amount of revenue may be barely enough for one full time employee with a vehicle and related equipment. It is unlikely that the addition of one employee would be enough to make a visible difference in litter reduction to the businesses paying the fee. Further, resolution of administrative issues related to potential challenges from businesses could require significant staff time.

Aside from the perception of imposing a new fee on business, some with relatively little revenue, a potential drawback of a litter fee is that it could increase expectations that the public areas around businesses would be kept litter-free as a result of this payment. As explained above, the generated revenue would not support sufficient staff to effectively provide this service. While not as likely, it is also possible that a few business owners would feel that the fee entitles them and their customers to the right to litter.

## Options

Control of litter originating from take-out food and beverage establishments is very challenging, with no easy solutions. Options for addressing litter may include drawing upon one or more of the above examples. The following possible strategies are listed generally in order of 'easiest to implement' to 'most difficult to implement' and include:

1. Install anti-littering signs, such as the examples below, although visual clutter may be a concern and would need to be carefully monitored.
2. Conduct a campaign to educate people about the environmental impacts of litter.

3. Consider more effective placement of trash and recycling receptacles in the street, so that they are readily available on corners and other locations where pedestrians tend to congregate.
4. Require signage inside fast food, convenience markets, liquor stores encouraging patrons to use litter containers.
5. Expand the adopt-a-block program through additional promotion and/or incentives.
6. Require certain businesses to locate trash cans on their properties through an ordinance and condition of approval, as appropriate.
7. Amend the Stormwater Ordinance (Chapter 11, Article 5) to require property owners to clean sidewalks and gutters in front their properties.
8. Amend the Stormwater Ordinance (Chapter 11, Article 5) further to require absentee owners to designate a local person to maintain vacant properties.
9. Train City staff in addition to Police so that inspectors and other field staff can cite people for littering. This may impact existing services unless additional staff positions can be funded.

For reasons discussed above, imposing a litter fee, or requiring City staff to remove more loose trash from public right-of-ways, do not seem to be an effective or efficient way of dealing with littering at this stage.



## Legal Issues

If Council were to consider adoption of a new fee to fund collection of litter, the Constitutional limitations upon taxes, fees, charges and assessments created by Proposition 218 and Proposition 26 must be considered. Regulatory fees, such as a fee upon specific business types that generate large amounts of litter (such as fast food establishments), comply with Prop. 218 and Prop. 26 as long as the amount of the fees do not exceed the reasonable costs of cleaning up the litter related to the establishments. Upon direction from Council, the City Attorney's Office would conduct further research regarding the legal issues related to imposition of fees in this specific context.

## ECONOMIC IMPACT

If a litter fee were adopted, it could have significant impacts on some businesses – especially small businesses with low gross revenues. The alternatives listed above would have some financial impact on businesses, but may also more effectively reduce the amount of litter on the ground.

## FISCAL IMPACT

Most of the options listed above would have a fiscal impact on the General Fund. Outreach programs and increased enforcement would require additional resources. Depending on the preferred options identified by Council, staff would develop more specific plans with associated costs.

## SUSTAINABILITY FEATURES

Litter reduction can have the following sustainability features or benefits:

Water: Efficiency and conservation.

Reducing litter will not minimize the use of water, but will result cleaner water flowing to creeks and the Bay.

Solid Waste: Waste reduction and diversion

Reducing litter will not directly minimize the volume of material sent to a landfill.

## PUBLIC CONTACT

Staff met with the Executive Director of the Hayward Chamber of Commerce and discussed the idea of addressing litter and possible imposing new requirements on fast food businesses and convenience markets. There are very few such establishments represented by the Chamber.

## NEXT STEPS

Upon direction from the Council, staff may conduct additional research, collect input from business groups and the Keep Hayward Clean and Green Task Force, and return to the Council Sustainability Committee and/or Council with more information.

Prepared by: Erik Pearson, Environmental Services Manager

Recommended by: Alex Ameri, Director of Utilities and Environmental Services  
Todd Rullman, Director of Maintenance Services

Approved by:



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Kelly McAdoo, City Manager

# LITTER IN AMERICA

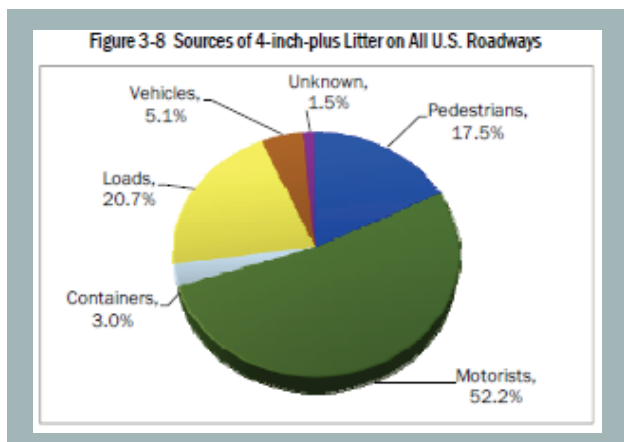
Results from the nation's largest litter study

## KEY FINDINGS: SOURCES OF LITTER

Keep America Beautiful's 2009 National Visible Litter Survey and Litter Cost Study\* identifies individuals as the primary source of litter. Motorists and pedestrians are littering on roads and highways, in downtown business districts, recreational areas, and beaches.

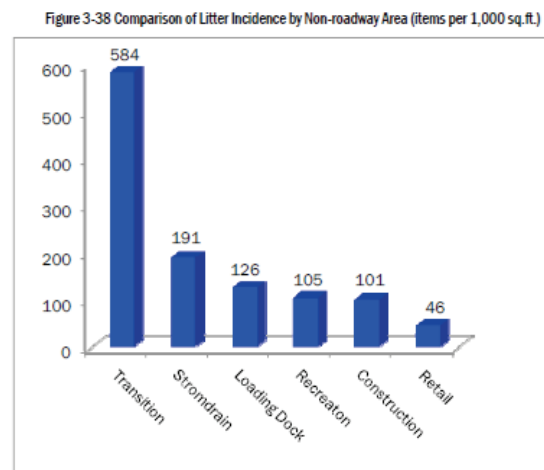
### LITTER ON ROADS AND HIGHWAYS IS THE RESULT OF INDIVIDUAL ACTIONS.

- **Motorists and pedestrians contribute a combined nearly 70% of litter over 4 inches.** Along roadways and highways, motorists generate 52.2% of litter and pedestrians 17.5%.
- **Motorists not properly securing truck or cargo loads, including collection vehicles, represent 20.7% of roadway litter 4 inches-plus.** Vehicle debris and improperly secured containers, dumpsters, trash cans or residential waste/recycling bins represent another 8.1% of litter over 4 inches.



### ALONG U.S. ROADWAYS CIGARETTE BUTTS, DISCARDED IMPROPERLY BY MOTORISTS AND PEDESTRIANS, ARE THE MOST FREQUENTLY IDENTIFIED ITEM.

- **Tobacco products comprise roughly 38% of ALL U.S. roadway litter** in overall aggregate analysis. Paper (22%) and plastic (19%) are the next largest percentages of litter on roads and highways.
- **Packaging litter comprises nearly 46% of litter 4 inches and greater.** This includes fast food, snack, tobacco, and other product packaging. And 61% of beverage containers 4 inches or greater on U.S. roadways are soft drink and beer containers.



**MORE ON REVERSE SIDE...**



\* The 2009 National Visible Litter Survey and Litter Cost Study was prepared by MidAtlantic Solid Waste Consultants for Keep America Beautiful, Inc. Research reports and an executive summary can be downloaded at [www.kab.org/research09](http://www.kab.org/research09). Keep America Beautiful, Inc. 2009 national litter and littering behavior research were conducted through a grant from Philip Morris USA, an Altria Company. Wm. Wrigley Jr. Company Foundation sponsored the creation of these fact sheets. All contents Copyright 2010 Keep America Beautiful, Inc. – [www.kab.org](http://www.kab.org). January 2010

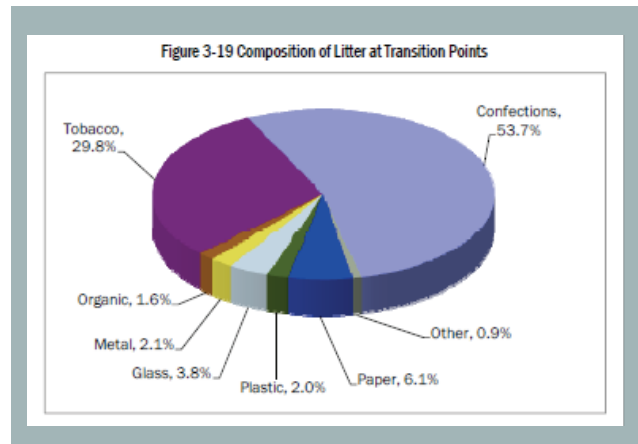
# LITTER IN AMERICA

Results from the nation's largest litter study

## OFF THE ROADS, MOST LITTER IS IMPROPERLY DISCARDED AT "TRANSITION POINTS."

- About 95% of litter at transition points is from pedestrians. These are areas where individuals consuming a food or tobacco product are required to discard the product before entering.

- Virtually all litter—97%—found at transition areas are small items. Confection litter (candy, chocolate, gum, etc.) is the most predominant at 53.7%, and tobacco products second at 29.8%.



## STORM DRAINS, LOADING DOCKS, RECREATION AREAS, CONSTRUCTION SITES, AND RETAIL DISTRICTS ARE ALSO AREAS WHERE LITTER COLLECTS—MOSTLY SMALLER ITEMS LIKE CIGARETTE BUTTS, CONFECTION, AND PAPER.

- **After transition points, storm drains are the most littered.** Cigarette butts, confection, and other litter accumulate in or around storm drains, located primarily in gutters and designed to drain excess rain from paved streets, parking lots, etc.
- **85% of litter at loading docks is from workers loading and unloading goods.** Areas behind retail and other businesses are littered predominantly with cigarette butts, but also metals, plastic, and paper.
- **People litter both large and small items at recreational areas.** The source of most litter at parks, beaches, and open areas where people congregate for leisure activities is pedestrians—98.5%. Small items, which represent about half the litter, are cigarette butts and confection, while larger litter is most commonly food-related.
- **The primary source of litter at active residential and commercial construction sites is workers (69%).** They improperly dispose of trash from snacks, meals, smoking, etc. Most construction site litter is smaller items (93%), including cigarette butts, small pieces of paper, plastic, and confection.
- **High-traffic locations are a draw for a variety of items littered by shoppers.** Strip malls, shopping centers, and convenience stores all attract packaging litter, cigarette butts, and confection.







# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
www.Hayward-CA.gov

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**File #:** LB 16-097

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**DATE:** September 20, 2016

**TO:** Mayor and City Council

**FROM:** City Manager

**SUBJECT**

Approval of Resolutions in Support of Various State and Local Ballot Initiatives for the November 2016 General Election

**RECOMMENDATION**

That the City Council approves the five resolutions indicating the City's official support of each ballot measure.

**ATTACHMENTS**

Attachment I	Staff Report
Attachment II	Resolution in Support of Measure C1
Attachment III	Resolution in Support of Measure F1
Attachment IV	Resolution in Support of Measure RR
Attachment V	Resolution in Support of Proposition 51
Attachment VI	Resolution in Support of Proposition 67
Attachment VII	Draft Legislative Program



DATE: September 20, 2016  
TO: Mayor and City Council  
FROM: City Manager  
SUBJECT: Approval of Resolutions in Support of Various State and Local Ballot Initiatives for the November 2016 General Election

#### RECOMMENDATION

That the City Council approves the five attached resolutions indicating the City's official support of each ballot measure.

#### BACKGROUND

On May 24, 2016, the City Council received a report on a proposed legislative program. Final adoption of the legislative program will take place later this Fall. However, with the approaching general election, staff recommends the Council take public stances of support in accordance with the guidelines of the proposed legislative program.

#### DISCUSSION

There are six ballot measures staff is recommending that the City Council support, five of which are included with this report as outlined below:

##### Local and Regional Initiatives

##### Measure A1: Affordable Housing Bond Package

The City Council will hear a presentation on Measure A1 at the October 18, 2016 City Council Meeting. The Council will have an opportunity to approve a resolution in support of Measure A1 at that point in time.

##### Measure C1: AC Transit 20 Year Parcel Tax Extension<sup>1</sup>

Measure C1 asks voters to approve a 20-year extension of the \$8 per month parcel tax, originally approved in 2002, and renewed subsequently in 2004 and 2008. This measure would generate approximately \$30 Million annually or roughly 7% of AC Transits annual operating budget. This measure is only an extension, not a tax increase.

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<sup>1</sup> Information retrieved from <http://www.protectactransitservices.com/measure-c1-faq>

AC Transit provides public transportation for 13 cities throughout Alameda and Contra Costa Counties. Each day, nearly 180,000 individuals utilize this public transportation service. Furthermore, the transit district provides over 700,000 paratransit rides annually for seniors and people with a disability. This stream of funding would be used preserve the current level of service.

Preserving this level of service would directly benefit those Hayward residents who rely on public transportation rather than individual vehicles as a means of transportation. Providing this service directly helps to reduce our community's greenhouse gas emissions, aligning with the City Council priority of "Green." AC Transit utilizes Hayward manufactured Gillig busses. The transit district will receive 80 more of these vehicles this year, therefore providing local sales tax revenue (including Measure C revenue) for the City.

This measure directly meets the draft legislative program Legislative Priority 1.2B: Support legislation and initiatives that increase access and funding for regional public transportation, as well as Legislative Priority 1.2C: Support legislation and initiatives that would reduce traffic congestion and boost public transportation ridership.

#### Measure F1: HARD \$250M Bond Issuance<sup>2</sup>

Measure F1 asks voters to approve a \$250M bond issuance to fund park capital improvements like the development of new parks as well as the upgrade of existing park facilities. The bond would cost property owners an estimated \$30 annually per \$100,000 of assessed value. Hayward Area Recreation and Park District (HARD) provides park and recreation services for residents in Hayward and surrounding unincorporated Alameda County.

According to HARD, this funding would help: improve safety, quality, cleanliness and attractiveness of neighborhood parks; upgrade restrooms; rehabilitate playgrounds; expand senior citizen and disabled access to facilities; create/maintain walking paths and bike trails; and renovate and expand parks, trails, and recreational areas.

This measure directly meets the draft legislative program Legislative Priority 1.6C: support legislation and initiatives that sustain or increase funding for the development and maintenance of public parks and open spaces.

#### Measure RR: BART \$3.5B Bond Issuance<sup>3</sup>

Measure RR asks voters to approve the issuance of \$3.5 billion in general obligation bonds to fund critical repairs and improvements to the 40-year-old system. Ninety (90) percent of this funding is earmarked to repair and replace critical safety infrastructure. This includes: the replacement of track; improvements to the power system; waterproofing subway tunnels; modernizing train control; renovating stations; and making improvements to maintenance

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<sup>2</sup> Information retrieved from <http://www.haywardrec.org/DocumentCenter/View/3559>

<sup>3</sup> Information retrieved from <http://www.bart.gov/better-bart>

facilities. The remaining funds would be utilized to improve station access and to design future projects to relieve crowding, increase system redundancy, and reduce traffic congestion.

The Bay Area Rapid Transit District (BART) moves over 400,000 passengers daily, well above its original planned capacity. BART maintains two stations within the City of Hayward. Many of the investments planned under this measure are a direct result of years of deferred maintenance. This measure would provide the funding to make these direly needed improvements.

This measure directly meets the draft legislative program Legislative Priority 1.2B: Support legislation and initiatives that increase access and funding for regional public transportation, as well as Legislative Priority 1.2C: Support legislation and initiatives that would reduce traffic congestion and boost public transportation ridership.

### Statewide Measures

#### Proposition 51: School/Community College \$9B Capital Improvement Bond Issuance<sup>4</sup>

Proposition 51 asks voters to approve the issuance of \$9B in general obligation bonds to fund improvements and upgrades to schools and classrooms. This statewide bond would provide funding to local school and community college districts to address the backlog of capital improvements those entities require. Specifically, this money would help to repair and upgrade aging schools to bring them up to basic health and safety standards while relieving overcrowding.

There has not been a statewide school bond in ten years. This measure would provide more funding opportunities for the Chabot-Las Positas Community College District and the Hayward Unified School District to make necessary improvements to their campuses and facilities. HUSD officially supports Proposition 51.

This measure directly meets the draft legislation program Legislative Priority 1.6D: Support legislation and initiatives that boost funding for local school districts, public institutions of higher education, and for low income students.

#### Proposition 67: Prohibition of Plastic Bags<sup>5</sup>

Proposition 67 would prohibit pharmacies, grocery, convenience, and liquor stores from providing plastic single use carryout bags. Additionally, it will mandate stores to charge 10 cents for recycled, compostable, and reusable grocery bags. In 2014, the California State Legislature approved and the Governor signed into law Senate Bill 270 otherwise known as the plastic bag ban. Since that time, over 150 Californian cities have passed bans on plastic

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<sup>4</sup> Information retrieved from [https://ballotpedia.org/California\\_Proposition\\_51,\\_Public\\_School\\_Facility\\_Bonds\\_\(2016\)](https://ballotpedia.org/California_Proposition_51,_Public_School_Facility_Bonds_(2016))

<sup>5</sup> Information retrieved from [https://ballotpedia.org/California\\_Proposition\\_67,\\_Plastic\\_Bag\\_Ban\\_Veto\\_Referendum\\_\(2016\)](https://ballotpedia.org/California_Proposition_67,_Plastic_Bag_Ban_Veto_Referendum_(2016))

bans, including the City of Hayward. Voter approval on Proposition 67 would uphold SB270, whereas voter disapproval would overturn SB270.

Disposable plastic bags generate a considerable amount of pollution in communities, oftentimes littering roadsides, neighborhoods, local waterways and coastlines. Furthermore, plastic bags are non-biodegradable, meaning that they bloat landfills and clog waterways. Banning these plastic bags would eliminate genesis of the myriad of these negative environmental externalities.

During this election, there will be a competing ballot initiative, Proposition 65, which would allocate revenue from the sale of disposable carryout bags to the Wildlife Conservation Fund. Proposition 65 does not include the plastic bag ban provision as outlined in Proposition 67. However, in the event that both propositions pass, if Proposition 65 receives more votes than Proposition 67, then the Proposition 65 funding convention would be used. However, if Proposition 67 receives more votes, then the revenue would be kept by stores, as originally implemented in SB270, to help cover compliance costs.

This measure directly meets the City Council priorities of Clean and Green.

#### NEXT STEPS

Staff will distribute any approved resolutions to the appropriate members of each initiative campaign.

Prepared by: John Stefanski, Management Analyst

Recommended by: Kelly McAdoo, City Manager

Approved by:



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Kelly McAdoo, City Manager

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member \_\_\_\_\_

RESOLUTION IN SUPPORT OF THE NOVEMBER 2016 BALLOT INITIATIVE:  
MEASURE C1- AC TRANSIT 20-YEAR PARCEL TAX EXTENSION

WHEREAS, AC Transit provides public transportation for thirteen (13) cities throughout Alameda and Contra Costa Counties including the City of Hayward; and,

WHEREAS, AC Transit provides public transportation for nearly 180,000 individuals throughout the region daily and provides nearly 700,000 paratransit rides annually for senior community members or members of the community with a disability; and,

WHEREAS, Voters originally approved the \$8 per month per parcel tax in 2002 and renewed subsequently in 2004 and 2008; and

WHEREAS, this tax provides nearly seven (7) percent of AC Transit’s annual operating budget

WHEREAS, Measure C1 is a 20-year extension, not an increase of the aforementioned parcel tax; and

WHEREAS, AC Transit requires this extension to preserve current level of service;

WHEREAS, Voters will have the option in the November General Election to approve Measure C1, a 20-year extension of the existing aforementioned parcel tax; and,

NOW, THEREFORE, BE IT RESOLVED, The City Council of the City of Hayward supports Measure C1-AC Transit 20-Year Parcel Tax Extension; and,

BE IT FURTHER RESOLVED, that the City Council authorizes the listing of The City of Hayward in support of Measure C1 and instruct staff to send a copy of this resolution to the appropriate parties at AC Transit.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES:            COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member \_\_\_\_\_

RESOLUTION IN SUPPORT OF THE NOVEMBER 2016 BALLOT INITIATIVE:  
MEASURE F1: HAYWARD AREA RECREATION AND PARK DISTRICT \$250M  
BOND ISSUANCE

WHEREAS, the Hayward Area Recreational and Park District (HARD) provides public parks and recreational facilities for the City of Hayward and surrounding unincorporated areas of Alameda County; and,

WHEREAS, Voters will have the option in the November General Election to approve Measure F1, a \$250M bond issuance; and,

WHEREAS, this bond issue would provide funding for necessary capital improvements such as the development of new parks and the upgrade of existing facilities; and,

WHEREAS, HARD will invest this money into improve safety, quality, cleanliness and attractiveness of neighborhood parks; expand, upgrade or rehabilitate facilities; improve access for seniors and disabled residents; and

WHEREAS, HARD is an integral part of the City of Hayward and any investment in HARD parks and facilities is therefore a direct investment in the City; and

NOW, THEREFORE, BE IT RESOLVED, The City Council of the City of Hayward supports Measure F1- HARD \$250M Bond Issuance; and,

BE IT FURTHER RESOLVED, that the City Council authorizes the listing of The City of Hayward in support of Measure F1 and instruct staff to send a copy of this resolution to the appropriate parties at HARD.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:



NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member \_\_\_\_\_

RESOLUTION IN SUPPORT OF THE NOVEMBER 2016 BALLOT INITIATIVE:  
MEASURE RR: BAY AREA RAPID TRANSIT DISTRICT \$3.5B BOND ISSUANCE

WHEREAS, the Bay Area Rapid Transit District (BART) has provided residents of Hayward and the greater Bay Area region with an expansive mode of public transportation for over 40 years; and,

WHEREAS, BART moves over 400,000 passengers daily, well over its originally planned capacity; and

WHEREAS, BART is facing an aging system that desperately requires investment in the core infrastructure and backbone of the system; and

WHEREAS, Voters will have the option in the November General Election approve Measure RR, a \$3.5B bond issuance; and

WHEREAS, the funding in the aforementioned initiative will be directed toward repair and replace critical safety infrastructure, improve station access, and design future projects to relieve crowding, increase system redundancy, and reduce regional traffic congestion; and,

WHEREAS, Measure RR will address years of deferred maintenance and will ensure the longevity, reliability, and quality of the rapid transit system;

NOW, THEREFORE, BE IT RESOLVED, The City Council of the City of Hayward supports Measure RR- BART \$3.5B Bond Issuance; and,

BE IT FURTHER RESOLVED, that the City Council authorizes the listing of The City of Hayward in support of Measure RR and instruct staff to send a copy of this resolution to the appropriate parties at BART.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member \_\_\_\_\_

RESOLUTION IN SUPPORT OF THE NOVEMBER 2016 BALLOT REFERENDUM PROPOSITION 51: SCHOOL/COMMUNITY COLLEGE \$9B CAPITAL IMPROVEMENT BOND ISSUANCE

WHEREAS, Voters will have the option in the November General Election to approve Proposition 51, a \$9B bond issuance; and,

WHEREAS, this bond issue would provide funding for necessary capital improvements for school and community colleges such as the repair and upgrade aging schools to bring them up to basic health and safety standards while relieving overcrowding; and,

WHEREAS, this measure would provide funding opportunities for the Hayward Unified School District and the Chabot-Las Positas Community College District to make capital improvements to their facilities; and

WHEREAS, there has not been a voter approved school bond issuance in ten years, which has created a backlog of capital improvement projects; and

WHEREAS, the Hayward Unified School District supports Proposition 51;

NOW, THEREFORE, BE IT RESOLVED, The City Council of the City of Hayward supports Proposition 51- School/Community College \$9B Capital Improvement Bond Issuance; and,

BE IT FURTHER RESOLVED, that the City Council authorizes the listing of The City of Hayward in support of Proposition 51 and instruct staff to send a copy of this resolution to the appropriate parties.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-

Introduced by Council Member \_\_\_\_\_

RESOLUTION IN SUPPORT OF THE NOVEMBER 2016 BALLOT REFERENDUM  
PROPOSITION 67: THE PLASTIC BAG BAN

WHEREAS, California's Plastic Bag Ban Referendum will appear as Proposition 67 on the November 2016 ballot, in which a "yes" vote will be in favor of upholding SB270, the plastic bag ban, and a "no" will be in favor of overturning SB 270.

WHEREAS, California uses between 13 and 20 billion single-use plastic bags every year, with 950 million plastic bags ending up as litter in landfills, neighborhoods, or as a danger to wildlife; and

WHEREAS, passage of Proposition 67 would protect California's coast and help support the California economy: recreational equipment suppliers, restaurant suppliers, hotel suppliers; and

WHEREAS, plastic bags are a major source of litter and pollution in California, costing taxpayers an estimated \$34 million to \$107 million annually to manage plastic bag litter throughout the state, as well as cities and counties where costs are estimated at \$428 million to clean up litter and prevent aquatic pollution; and

WHEREAS, plastic bags are non-biodegradable, clog drains, blow out of landfills, and end up as litter on streets, and in green spaces; and California requires suffocation warnings on plastic bags because they pose a threat of death to small children and babies; and

WHEREAS, there is evidence that plastic bag bans work; cities have reported a 95% reduction in use of plastic bags after bans take effect, as well as an 89% reduction in storm drain systems, a 60% reduction in creeks and rivers, and a 59% reduction in streets; and

WHEREAS, the City of Hayward along with 150 California cities and counties already have banned single-use plastic grocery bags independent of the state law representing over one-third of the state's population; and

WHEREAS, Proposition 67 would continue California's success in phasing out plastic bags, keeping in place a law passed by the legislature and signed by the Governor;

NOW, THEREFORE, BE IT RESOLVED, The City Council of the City of Hayward supports Proposition 67- The Plastic Bag Ban; and,

BE IT FURTHER RESOLVED, that the City Council authorizes the listing of The City of Hayward in favor of Proposition 67 and instruct staff to send a copy of this resolution to the appropriate parties.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2016

ADOPTED BY THE FOLLOWING VOTE:

AYES:           COUNCIL MEMBERS:  
                  MAYOR:

NOES:           COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
          City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

City of Hayward, California  
Office of the City Manager

# **Draft Hayward Legislative Program**

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Federal and State Policy Priorities



## Introduction

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The Hayward Legislative Program outlines the legislative priorities and stances of the City of Hayward with the intent to inform residents, representatives, and policymakers of the City's stances on the myriad of public policies that intersect with City priorities, programs, and services. These priorities are applicable to legislation, state-wide referenda, grant funding opportunities, and local ballot initiatives.

The City Council Priorities of Safe, Clean, Green, Thriving, Fiscal Sustainability, and Organizational Health serve as the guiding principles for Hayward's legislative priorities. Moreover, the City supports any and all policies that will preserve or enhance the ability of the City to promote these guiding principles at the local level.

The City has two major legislative priorities: Enhancing Revenue Sources and Maintaining Home Rule Authority. City support of legislation will be contingent upon that legislation adhering to these priorities as well as the City Council priorities.

This document provides direction to the City's legislative advocates in Washington D.C and Sacramento. Additionally, this document serves as the foundation for any City Council action regarding Federal or State legislation or funding opportunity. Staff may draft letters, direct our legislative advocates, or speak on behalf of the City regarding the legislative priorities this document outlines.

Any correspondence signifying the City's support or opposition of a given bill must be signed by the Mayor and/or City Manager with notification to the City Council.

Any questions regarding this Legislative Program can be directed to John Stefanski, Management Analyst at 510-583-3904 or [John.Stefanski@Hayward-CA.gov](mailto:John.Stefanski@Hayward-CA.gov)

Sincerely,

Kelly McAdoo  
City Manager  
ICMA-CM

## Mayor and City Council

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## City Staff Contact Information

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## Legislative Advocates

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## General Legislative Priorities

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The City Council has four general guiding priorities: Safe, Clean, Green, and Thriving. These priorities serve as the foundation for all actions the City will take, including the lobbying for policies that promote those same guiding priorities.

Public policy encompasses a myriad of subject and topic areas. However, as these policies intersect at the local level, they have the ability to impact municipal revenues and/or administrative discretion and control. In addition to the aforementioned Council Priorities the City will support policies that either preserve revenue sources, maintain home rule authority, or both. If a given policy does not meet these criteria, the City will oppose, support with amendments, or in some cases take no stance on that policy or legislation.

The General Legislative Principles for the City of Hayward are:

### **Enhancing Revenue Sources**

- Support the protection or expansion of federal, state, and local funding sources that provide revenue to the City.
- Oppose any Federal or State legislation, policies, programs, referenda, unfunded mandates and budgets that would have an adverse impact on the City's ability to provide adequate programs, projects and services.

### **Maintaining Home Rule Authority**

- Support any legislation, policies, referenda, and budgets that maintain or improve local regulatory control and authority.
- Oppose any legislation, policies, referenda, and budgets that undermine or circumvent the City Charter.

## City Public Policy Positions

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The General Legislative Priorities help identify which public policy positions the City will take. The list of policy positions below is by no means exhaustive. In addition to the general legislative priorities, the City takes the following more specific public policy positions:

### 1.1 Public Safety

- A. Oppose legislation that would eliminate the City's ability to engage in cooperative service agreements
- B. Oppose any legislation that restricts or limits the City's ability to regulate legal marijuana at the local level.
- C. Support legislation that protects the public from dangerous or improper use of weapons
- D. Support legislation that develop and expand programs to encourage and support the City's emergency preparedness initiatives.
- E. Support legislation that develop and expand programs that aid the city in its local hazard mitigation activities as prescribed in the 2016 Local Hazard Mitigation Plan.

### 1.2 Transportation and Infrastructure

- A. Support legislation and initiatives that boost funding for infrastructure projects within the city and surrounding region.
- B. Support legislation and initiatives that increase access and funding for regional public transportation.
- C. Support legislation and initiatives that would reduce traffic congestion and boost public transportation ridership.
- D. Support legislation and initiatives that promote the use of design-build methods for faster project delivery.

### 1.3 Environmental Sustainability

- A. Support legislation and initiatives that increase funding for the creation of sustainable and stable water supply infrastructure.
- B. Support legislation and initiatives that encourage the conservation of water resources as well as the development of water recycling capabilities.
- C. Support legislation and funding for renewable and advanced energy technology that increase efficient consumption.
- D. Support legislation and funding for City energy and resource efficiency programs.
- E. Support legislation and initiatives with the goal of reducing and mitigation the effects of climate change and sea level rise.

**1.4 Finance/Human Resources**

- A. Oppose Federal or State unfunded mandates.
- B. Support legislation that expands municipal tax increment financing power.
- C. Oppose legislation that reduces or removes the tax-exempt status of municipal bonds.
- D. Support legislation that reduces the costs of healthcare and other post-employment benefits.
- E. Oppose any legislation that would divert local revenues to the State or other governmental entities.
- F. Support broadening the base of the Sales Tax to include services and e-commerce as well as through decreasing Sales Tax exemptions.

**1.5 Community and Economic Development**

- A. Support any legislation, policies, referenda, and budgets that maintain or increase economic development resources and flexibility at the local level.
- B. Support legislation that provides tools for cities to improve business development and retention.
- C. Oppose any legislation that strips the benefit provisions of AB1484 associated with the wind down of redevelopment agencies.
- D. Oppose legislation that reduces or erodes local land use control and decision making.
- E. Support legislation that develops and expands programs to encourage and support sustainable affordable housing development.
- F. Support legislation to streamline and increase efficiency of the California Environmental Quality Act (CEQA) while ensuring environmental stewardship is retained.

**1.6 Educational, Neighborhood and Social Services**

- A. Support legislation that aids or helps to fund the City and/or non-profit entities that provide support services and housing for the homeless, seniors, veterans, and people with special needs.
- B. Support legislation and initiatives that increase funding for library programs and literacy services.
- C. Support legislation and initiatives that sustain or increase funding for the development and maintenance of public parks and open spaces
- D. Support legislation and initiatives that boost funding for local school districts, public institutions of higher education and for low income students.

## Legislative Program Coordination

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Legislation can be brought to the attention of the City through a variety of channels:

- State and Federal Legislative Advocates
- Elected Representatives
- League of California Cities
- City Council Members
- City Staff
- City Residents
- Other Governmental Associations

All legislative requests for support or opposition will be directed toward the Office of the City Manager. City staff will then review the legislation in coordination with any relevant departments to analyze whether or not the legislation aligns with the City's general legislative priorities. Staff will then monitor and track the legislation, providing updates when necessary.

Concurrent with this evaluation, the City Manager's department will recommend a position and course of action. There are five main levels of action all of which are coordinated by the City Manager.

1. Direction to lobbyists to advocate in support or opposition to legislation
  - City staff will notify lobbyists of support or opposition and direct them to take appropriate action with legislators.
2. Mayoral correspondence with relevant legislators
  - City staff will draft a support or opposition letter for the City Manager and/or Mayor to review and sign. This letter will be distributed to the appropriate legislators.
3. Council approved resolution
  - City staff will draft a staff report and resolution for consideration by the full City Council. Approved resolutions will be forwarded along with a letter signed by the Mayor to the appropriate legislators.
4. Council outreach
  - City staff will draft talking points and other relevant information for individual Council Members to personally contact appropriate legislators to advocate on behalf of the City.
5. Travel to Sacramento or Washington, D.C
  - City staff and/or Council Members may decide to advocate in person. Staff will coordinate with the appropriate lobbyists to organize meetings or attendance at other lobbying events.
6. Draft Specific Legislation
  - City staff and legislative advocates will work with the City's legislative representatives to articulate the City's stance on a policy and to ensure said stance is codified in statute.