



Alameda County Transportation Commission (Commission) Meeting Agenda Thursday, January 26, 2023, 2:00 PM

Pursuant to AB 361 and the resolution adopted by the Commission governing its meetings and the meetings of its Committees in light of the current statewide State of Emergency, the Commission and its Committees will meet via teleconference on a fully remote or hybrid in-person / remote basis, and will not provide a physical location for members of the public to participate in the teleconference meeting. The purpose of holding Commission and Committee meetings as described above is to provide the safest environment for Commissioners and Committee members, Alameda CTC staff, and the public, while allowing for robust public participation pursuant to Government Code Section 54953(e)(2).

Members of the public wishing to submit a public comment may do so by emailing the Clerk of the Commission at clerk@alamedactc.org. Public comments received by 5:00 p.m. the day before the scheduled meeting will be distributed to Commissioners or Committee members before the meeting and posted on Alameda CTC's website; comments submitted after that time will be distributed to Commissioners or Committee members and posted as soon as possible. Submitted comments will be read aloud to the Commission or Committee and those listening telephonically or electronically; if the comments are more than three minutes in length the comments will be summarized. Members of the public may also make comments during the meeting by using Zoom's "Raise Hand" feature on their phone, tablet or other device during the relevant agenda item, and waiting to be recognized by the Chair. If calling into the meeting from a telephone, you can use "Star *9" to raise/ lower your hand. Comments will generally be limited to three minutes in length, or as specified by the Chair.

Chair: John J Bauters

Executive Director:

Tess Lengyel

Clerk of the
Commission:

Vanessa Lee

Location Information:

Zoom Link:

<https://us06web.zoom.us/j/81823881400?pwd=VoRnUUNTlNTQW02cog3aHVHeWRLZz09>

Dial-in Information: 1 (669) 900 6833

Webinar ID: 818 2388 1400

Password: 758993

Meeting Agenda

1. Call to Order

2. Roll Call

3. Public Comment

4. AB 361 Findings

- 4.1 Consider and Adopt Findings Pursuant to Government Code Section 54953(e) (AB 361) to Continue Remote Commission and Committee Meetings

Approve

[4.1_COMM_AB_361_Memo_20230126.pdf](#)

5. Election of Commission Chair and Vice Chair

- 5.1 Approve the election of the Commission Chair and Vice-Chair

Approve

[5.1_COMM_Election_of_Chair_and_ViceChair_20230126.pdf](#)

6. Chair and Vice Chair Report

7. Executive Director's Report

- 7.1 Executive Director's Report - January 2023

[7.1_COMM_ED_Report_20230126.pdf](#)

8. Consent Calendar

- 8.1 Approve the December 1, 2022 Alameda County Transportation Commission Minutes

Approve

[8.1_COMM_Commission_Minutes_20221201.pdf](#)

9. Regular Matters

- 9.1 Approve Amendment No. 3 to Professional Services Agreement No. A20-0007 with WSP USA Inc. for Construction Management Services for the 7th Street Grade Separation East Project

Approve

[9.1_COMM_GoPort_7SGSE_WSP_Amendment_20230126.pdf](#)

10. Adjournment

Next Meetings

February 23, 2023

March 23, 2023

April 27, 2023

Notes:

- All items on the agenda are subject to action and/or change by the Commission/Committee.
- To comment on an item not on the agenda (3-minute limit, or at the discretion of the chair), submit a speaker card to the clerk, or follow remote instructions listed in the agenda preamble.
- Call 510.208.7450 (Voice) or 1.800.855.7100 (TTY) five days in advance to request a sign-language interpreter.
- If information is needed in another language, contact 510.208.7400.
- Call 510.208.7400 48 hours in advance to request accommodation or assistance at this meeting.
- Meeting agendas and staff reports are available on the [website calendar](#).
- Alameda CTC is located near 12th St. Oakland City Center BART station and AC Transit bus lines. [Directions and parking information](#) are available online.

MEMORANDUM

TO: Alameda CTC
FROM: R. Zachary Wasserman and Neal A. Parish
DATE: January 11, 2023
RE: Consider and Adopt Resolution Pursuant to Government Code Section 54953(e) (AB 361) to Allow Hybrid and/or Remote Commission and Committee Meetings

Due to the COVID-19 pandemic, Alameda CTC has been holding essentially all meetings of the Commission and its Committees on a remote basis since Governor Newsom first authorized such meetings pursuant to an Executive Order issued on March 17, 2020. Since October 2021, Alameda CTC's authority to hold these meetings on a remote basis has been based on the provisions of Government Code Section 54953(e), adopted as part of AB 361. This statutory provision requires that each agency either reconsider its AB 361 findings at least every 30 days or adopt a new set of findings if more than 30 days have expired since the last findings were adopted.

At its March 24, 2022 meeting, the Commission considered, discussed, and adopted a resolution which allows a gradual resumption of in person meetings. As discussed during the March meeting, the concept is for all Committee meetings to continue to be held on a fully remote basis, with only the Commission having limited in person participation to ensure that there is sufficient space for social distancing between those Commissioners who elect to attend in person. The Executive Director, in consultation with the Commission Chair and the Commission Clerk, would confer with Commissioners to determine who would attend in person, and who would attend remotely. Additionally, to protect the health of the public, as well as the health of those Alameda CTC staff and Commissioners who attend the Commission meeting in person, all members of the public interested in participating in the Commission meeting would do so remotely. The Commission adopted similar resolutions during the Commission meetings held from April through December of 2022.

Due to the timing of the Commission's regular meetings, there has been more than 30 days since the adoption of the prior resolution during the December 2022 Commission meeting. Accordingly, the Commission must adopt a new resolution with the appropriate findings, rather than reconsidering the findings made as part of resolution adopted this past December. The attached resolution is based on the same facts and considerations underlying the resolutions adopted at each Commission meeting from March through December 2022, and represents the Commission's determination that the findings previously adopted remain valid and support the continuation of hybrid or remote meetings. This resolution will again permit Alameda CTC to hold any and all meetings of the Commission, the Standing Committees, the Advisory Committees, and the Independent Watchdog Committee during the next thirty days on a remote or hybrid basis, as described above. Given that the Commission held a robust discussion of the matter during the March 2022 meeting, and since the underlying facts have not changed, it is appropriate to adopt this resolution as part of the Consent

Calendar. However, Fennemore Wendel attorneys will be available during the meeting to answer any questions Commissioners may have.

Note that Governor Newsom has previously announced that he intends to lift the state of emergency authorizing remote meetings under AB 361 as of February 28, 2023. Unless circumstances change and the Governor decides not to lift the state of emergency at that time, the provisions of this bill authorizing fully remote or hybrid meetings will no longer be effective as of March 1, 2023.

**Commission Chair**

Mayor John J. Bauters
City of Emeryville

Commission Vice Chair

Vacant

Alameda County

Supervisor David Haubert, District 1
Supervisor Richard Valle, District 2
Supervisor Lena Tam, District 3
Supervisor Nate Miley, District 4
Supervisor Keith Carson, District 5

AC Transit

Director H.E. Christian Peeples
(Interim)

BART

Director Rebecca Saltzman

City of Alameda

Mayor Marilyn Ezzy Ashcraft

City of Albany

Councilmember Preston Jordan

City of Berkeley

Councilmember Rigel Robinson

City of Dublin

Mayor Melissa Hernandez

City of Fremont

Mayor Lily Mei

City of Hayward

Mayor Mark Salinas

City of Livermore

Mayor John Marchand

City of Newark

Councilmember Luis Freitas

City of Oakland

Vice Mayor Rebecca Kaplan
Councilmember Carol Fife

City of Piedmont

Mayor Jen Cavanaugh

City of Pleasanton

Mayor Karla Brown

City of San Leandro

Mayor Juan Gonzalez

City of Union City

Mayor Carol Dutra-Vernaci

Executive Director

Tess Lengyel

Alameda County Transportation Commission Resolution No. 23-001

Resolution of the Alameda County Transportation Commission Determining that Conducting Fully In-Person Meetings of the Commission and Committees would Present Imminent Risks to Attendees' Health, and Electing to Continue to Hold Hybrid or Fully Remote Meetings Using Teleconferencing Pursuant to Government Code Section 54953(e)

WHEREAS, on March 4, 2020, California Governor Gavin Newsom issued a proclamation of a State of Emergency due to COVID-19 pursuant to Government Code Section 8625, and such proclamation remains in effect as of the date of this Resolution, as are the facts, circumstances, and emergency under which it was issued.

WHEREAS, on March 17, 2020, in connection with the above-referenced State of Emergency, the Governor issued Executive Order N-29-20 allowing local legislative bodies to hold meetings via teleconference and to make meetings accessible electronically notwithstanding contrary provisions of the Ralph M. Brown Act (Government Code Sections 54950 *et seq.*, "Brown Act").

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, which placed an end date of September 30, 2021, on the effectiveness of Executive Order N-29-20 that allowed exemptions to the Brown Act.

WHEREAS, as of October 1, 2021, Assembly Bill (AB) 361 allows a local agency to continue to use teleconferencing without complying with the standard Brown Act teleconferencing provisions if the agency's legislative body holds a meeting during a proclaimed state of emergency and determines by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees (Government Code section 54953(e)).

WHEREAS, commencing with the Commission meeting of March 26, 2020 through the Commission meeting of March 24, 2022, Alameda County Transportation Commission ("Alameda CTC") held all meetings of its Commission, along with its Standing Committees and

Advisory Committees (together, “Committees”) on a fully remote basis pursuant to the authority initially granted by Executive Order N-29-20 and subsequently by AB 361.

WHEREAS, the Health Officer of the County of Alameda (“Health Officer”) has issued various health orders and updates thereto designed to slow the spread of COVID-19 and its variants, including but not limited to recommendations and/or requirements for vaccinations, quarantines, sheltering in place, face coverings, and social distancing recommendations designed to protect public health.

WHEREAS, the Health Officer continues to recommend that members of the public make appropriate choices to reduce the impact of COVID-19 on personal and public health in addition to wearing masks in indoor public settings, including social distancing, and/or only gathering with friends and family who have been vaccinated and received booster shots.

WHEREAS, the Centers for Disease Control and Prevention have found that after getting vaccinated against COVID-19, protection against the virus may decrease over time and be less able to protect against COVID variants, and recently recommended that individuals receive additional booster shots.

WHEREAS, due to the continued health risks related to COVID-19, including the risks associated with the Omicron variant, Alameda CTC continues to be deeply concerned about protecting the health and safety of attendees, particularly given that even fully vaccinated people have contracted the Omicron variant, people may have and transmit the virus before knowing they are infected and/or if they are asymptomatic, less than sixty percent of eligible Alameda County residents have received a booster shot, meetings of Alameda CTC’s Commission and Committees regularly exceed one hour in length, and its meeting facilities are limited in space with seats close together, especially with respect to public attendees.

WHEREAS, Government Code Section 54953.3 within the Brown Act prohibits local agencies from requiring members of the public to register their name or otherwise fulfill any condition precedent to their attendance at a meeting held pursuant to the Brown Act.

WHEREAS, Section 54953.3 accordingly prohibits Alameda CTC from requiring public attendees to its Commission and Committee meetings to provide proof of vaccination.

WHEREAS, there has been a general increase in public participation at public meetings that are held via teleconference during the course of the pandemic.

WHEREAS, some Commissioners are fully vaccinated and boosted and would accordingly prefer to hold certain meetings of the Commission and Standing Committees on a hybrid basis, pursuant to which some Commissioners may attend such meetings in person at Alameda CTC’s Mary V. King Conference room, so long as in-person attendance is limited to a small number of Commissioners so as to allow appropriate social distancing between and amongst the Commissioners and any members of Alameda CTC’s staff also able to safely attend such meetings in person.

WHEREAS, other Commissioners have stated that they continue to feel that their in-person attendance at Commission and Standing Committees would present an imminent risk to their personal health or safety due to the continued COVID-19 pandemic, and thus prefer the option to continue attending such meetings remotely.

WHEREAS, Alameda CTC desires to continue holding public meetings of the Commission and the Committees remotely using teleconferencing and virtual meeting technology in order to avoid the imminent risk to the health and safety of attendees, subject to the option for a limited number of Commissioners to attend Commission or Committee meetings in person at Alameda CTC's Mary V. King Conference room, with in-person attendance determined for each such meeting by the Executive Director in consultation with the Commission Chair and the Commission Clerk.

WHEREAS, at the Commission meeting held on November 14, 2022, and in light of the foregoing considerations, the Commission adopted a resolution authorizing remote or hybrid meetings pursuant to Government Code Section 54953(e)(2), including the option for limited numbers of Commissioners to attend Commission and Committee meeting in person, as and when deemed appropriate by the Executive Director, in consultation with the Chair and Commission Clerk.

WHEREAS, it has been more than 30 days since the November 14, 2022 meeting of the Commission, and therefore pursuant to Government Code Section 54953(e)(3), the Commission must make a new set of findings authorizing remote or hybrid meetings pursuant to Government Code Section 54953(e)(2), including this January 26, 2023 meeting.

WHEREAS, during today's meeting, the Commission considered all pertinent information, testimony, and comments with respect to this Resolution, including, without limitation, information received at the Commission meeting, the memo from legal counsel dated January 11, 2023, this Resolution, and all other information on which the Commission has based its decision.

NOW THEREFORE, BE IT RESOLVED, Alameda CTC hereby determines that there is a state of emergency proclaimed by the State of California based upon the COVID-19 pandemic.

BE IT FURTHER RESOLVED, that Alameda CTC further determines that holding Commission and Committee meetings fully in person would present imminent risks to the health or safety of attendees.

BE IT FURTHER RESOLVED, that Alameda CTC will accordingly follow the provisions of Government Code Section 54953(e)(2) with respect to meetings of the Commission and any other legislative body of Alameda CTC including and subsequent to today's Commission meeting, including but not limited to each of the Standing Committees, Advisory Committees, and the Independent Watchdog Committee, subject to continued compliance and review pursuant to Section 54953(e)(3), and with the option for limited numbers of Commissioners to attend Commission and Committee meeting in person, as and when deemed appropriate by the Executive Director, in consultation with the Chair and Commission Clerk.

DULY PASSED AND ADOPTED by the Alameda CTC Commission at the regular Commission meeting held on Thursday, January 26, 2023 in Oakland, California, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SIGNED:

Attest:

John J. Bauters,
Chair, Alameda CTC

Vanessa Lee,
Clerk of the Commission



Memorandum

5.1

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

DATE: January 19, 2023

TO: Alameda County Transportation Commission

FROM: Tess Lengyel, Executive Director
Vanessa Lee, Clerk of the Commission

SUBJECT: Approve the election of the Commission Chair and Vice-Chair

Recommendation

It is recommended that the Commission approve the election of the Chair and Vice-Chair of the Alameda County Transportation Commission.

Summary

Per the Alameda County Transportation Commission (Alameda CTC) Administrative Code, elections of the Commission's Chair and Vice-Chair are to take place in the first quarter of the calendar year, biennially, and such elections are effective immediately.

Background

Per the Alameda CTC Administrative Code, the Commission is to elect the Chair and Vice Chair at a Commission meeting during the first quarter of the calendar year. The Administrative Code indicates that in selecting the Chair and Vice-Chair, members of the Commission should give reasonable consideration to rotating these positions among geographic areas.

Subsequent to the election, the Chair shall appoint all members of the Finance and Administration Committee, the Planning Policy and Legislative Committee, and the Programs and Projects Committee including the designation of the chair and vice-chair of each Committee. The Chair shall also make appointments to any ad hoc committees, and other local and regional transportation committees when these appointments are required from the Alameda CTC.

Fiscal Impact: There is no fiscal impact.

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ALAMEDA COUNTY TRANSPORTATION COMMISSION

EXECUTIVE DIRECTOR'S REPORT

JANUARY 2023

Keeping Our Promises

Alameda CTC is keeping our promises of delivering projects and programs while supporting jobs and the economy. I am ensuring that the agency continues to perform strategic planning, develop projects and implement programs, move projects into construction, and support our cities, the County, transit agencies and business partners. Our work is an important part of supporting local communities and the economy.

Thank you,

Tess

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Project Updates

GoPort Program's 7th Street Grade Separation East project is ready for construction

The [7th Street Grade Separation East Project](#) (7SGSE project) is ready to begin construction this summer with contractor bid solicitation underway. The 7SGSE project is a high-priority goods movement project and of one of three components of GoPort, the program to improve truck and rail access to the Port of Oakland. The project would not be possible without several important Alameda CTC partners, including the California Transportation Commission (CTC), the California Department of Transportation, the Metropolitan Transportation Commission (MTC), the Port of Oakland and the City of Oakland.

The Project will realign and reconstruct a primary trucking and access gateway into the Port of Oakland. The reconstructed access into the Oakland Seaport will relieve truck and vehicle congestion, increase safety and provide flexibility

for seaport cargo operations, thereby supporting the Port's projected growth.

The Project includes a shared bicycle/pedestrian pathway for public access to the Port and Middle Harbor Shoreline Park that will support the implementation of Alameda CTC's multimodal goals, increase efficiency, provide access to high-paying Port jobs, foster sustainability and support the entire Northern California economy.

Recent important milestones include concluding lengthy right-of-way negotiations in December and subsequently executing a Construction and Maintenance (C&M) Agreement with the Union Pacific Railroad (UPRR) to secure the right-of-way necessary for Project construction. Upon execution of this agreement, Alameda CTC was able to request a funding allocation for construction of the project.

Another milestone occurred in December when the CTC approved \$175 million in funding for the project. Staff then held a well-attended pre-construction contractor outreach event on December 19th.



Project Updates cont'd on page 12

Project Updates cont'd from page 1

An [e-blast](#) was also sent at the end of December to update the community about the upcoming construction and provide project contact information. The project construction contract was advertised January 3, 2023, and a mandatory pre-bid meeting was held on January 18, 2023.

Countywide Rail Safety Enhancement

Existing rail crossing along 37th Avenue in the City of Oakland.

Alameda CTC continues to advance Phase A of the countywide Rail Safety Enhancement Program (RSEP) which will enhance safety, efficiency, and the reliability of intercity passenger and freight rail throughout the county. Phase A focuses on developing safety improvements at 30 at-grade crossing locations, including completing environmental clearances



for each crossing. To meet the California Environmental Quality Act requirements, work includes both Categorical Exemptions and Initial Studies. Public meetings will be held

for the crossings for projects requiring an Initial Study. The first of multiple Initial Studies is anticipated to be released for public comment in late February/early March and will be linked on the RSEP: Phase A tab of the [RSEP project webpage](#).

More information about these and other Alameda CTC projects can be found on the agency's [Projects webpage](#).

Planning Updates**San Pablo Avenue Corridor Project safety enhancements**

The multi-year planning and project development effort for San Pablo Avenue has advanced into the next stage of design. In December, staff initiated targeted community engagement to gather input on specific near-term safety and transit improvements under development San Pablo Avenue and parallel streets in Albany, Berkeley and North Oakland as part of the corridor's Safety Enhancements and Parallel Bike Improvements projects. Users of the San Pablo Avenue corridor experience the third-highest number of bicycle and pedestrian collisions resulting in fatal and severe injuries in the county. This project will improve the safety for pedestrians and bicyclists crossing San Pablo Avenue and improve transit speed by installing high visibility crosswalks, flashing beacons, pedestrian signals, median refuge islands, upgraded lighting, accessible curb ramp upgrades, bulb outs at Rapid bus stops, and bus stop relocations. To view a detailed map of proposed improvements and provide input on this major transit route, please visit alamedactc.org/sanpablo.



AC Transit's Line 72 bus traveling along San Pablo Avenue in Berkeley.

Policy News**A plan to address race and equity****Race and Equity Action Plan (REAP)**

Adopted December 2022

The Commission adopted Alameda CTC's first Race and Equity Action Plan (REAP) in December. Alameda CTC has a long history of addressing equity across programs and policies. The REAP establishes equity efforts in all agency departments and includes actions that implement Alameda CTC's [equity statement](#) across the agency's diverse functions and workplan.

The REAP includes 43 actions the agency will implement that are opportunities to enhance agency activities with a renewed emphasis on equity, as well as new areas of action for the agency. Alameda CTC is committed to building upon existing agency functions that are rooted in racial and socioeconomic equity with the intent to enhance and expand this approach for new efforts.

Alameda CTC staff will work to implement the recommended actions throughout 2023 and conduct the first annual progress report to the Commission in early 2024. For more information on the REAP, visit the agency's [Equity Initiatives webpage](#).

Programming Updates

A Compliance Reporting update

Alameda CTC is reviewing the Measure B, Measure BB and Vehicle Registration Fee (VRF) reported expenditures from local jurisdictions for fiscal year (FY) 2021-22. Each year, Alameda CTC requires recipients of Measure B/BB and VRF direct local distribution (DLD) funds to submit Audited Financial Statements and Program Compliance Reports, which summarize revenues and expenditures that support local street and roads, bicycle and pedestrian, paratransit and transit investments. These compliance reports provide the public with detailed information, including recipient use of funds, fund balances and information about specific improvements and programs funded by the sales tax and revenue programs.

Alameda CTC, in conjunction with the Independent Watchdog Committee, will review submitted reports for the FY 2021-22 reporting year to determine program compliance and note any discrepancies to the Commission. Program compliance information is available on Alameda CTC's [Compliance Reports webpage](#).

2024 Comprehensive Investment Plan/ One Bay Area Grant Cycle 3 Update

On May 10, 2022, Alameda CTC released a Call for Projects for the 2024 Comprehensive Investment Plan (CIP), which the agency uses to facilitate strategic programming and allocation of fund sources. The total 2024 CIP Fund Estimated Call included \$150.8 million in combined Measure B/BB, VRF, Transportation Fund for Clean Air, and One Bay Area Grant 3 (OBAG 3) program funds.

Because the MTC makes the final award recommendations for OBAG 3 projects, Alameda CTC sent an OBAG 3 Project Nomination List to MTC for their consideration. MTC is expected to make its final OBAG 3 Program determinations this month. Subsequently, Alameda CTC will finalize

[Programming Updates cont'd on page 4](#)

Finance Updates

Clean financial audits as staff readies for the new year

Maze & Associates, Alameda CTC's independent auditors, presented the agency's Annual Comprehensive Financial Report (ACFR) for the fiscal year ended June 30, 2022 to the Commission in December and the Sunol Joint Powers Authority's (JPA) Annual Financial Report for the fiscal year ended June 30, 2022 to the Sunol JPA Board in November. Both reports received unanimous approval. Maze & Associates provided clean or unmodified audit opinions on both Alameda CTC's and the Sunol JPA's financial reports.

The ACFR has been submitted to the Government Finance Officers Association (GFOA) to be considered for the Certificate of Achievement for Excellence in Financial Reporting Award. Since its first annual financial report was prepared in the form of an ACFR, Alameda CTC has been awarded this certificate of achievement for the past nine years. To receive this certificate of achievement, an agency must go beyond minimum requirements of generally accepted accounting principles to prepare an ACFR in the spirit of transparency and full disclosure.

During December, staff also kicked off the mid-year budget update process for FY 2022-23 and the annual budget process for FY 2023-24.

Contracting Opportunities

Alameda CTC anticipates upcoming solicitation of bids and/or proposals for the following contracts:

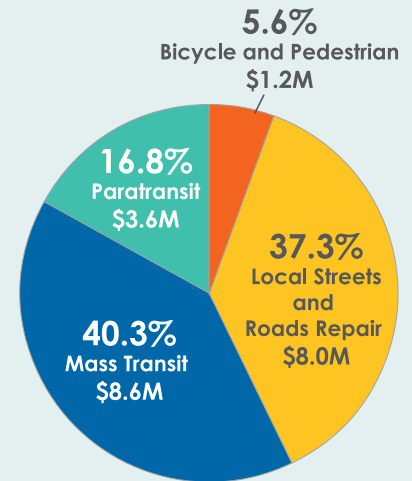
- **Professional Services contracts**
 - Congestion Management Program – Multimodal Monitoring
 - Legislative Advocacy Services – Federal
 - Legislative Advocacy Services – State
 - Municipal Advisory and Support Services

[Finance Updates cont'd on page 4](#)

Transportation Investments

Measure BB Program Distributions

Measure BB direct local distributions began in April 2015 and total over \$637.9 million; over \$21.4 million was distributed in September 2022.

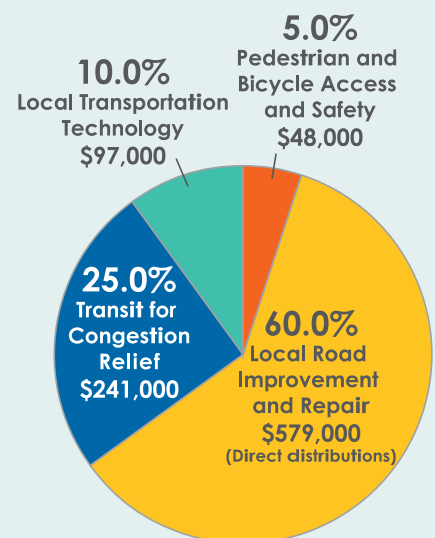


Measure B Program Distributions

Measure B direct local distributions have totaled more than \$1.3 billion since 2002. The measure sunset on March 31, 2022. There are no Measure B Program Distributions after the fiscal year-end of June 30, 2022.

Vehicle Registration Fee

Since 2011, Alameda CTC has distributed more than \$82.3 million for local road repair; over \$0.9 million was collected in September 2022.



Agency Activities

The following events were either hosted, sponsored or participated in by Alameda CTC during the months of December and January:



Alameda CTC staff (l. to r.) Vivek Bhat (Senior Director of Programming and Projects), Tess Lengyel (Executive Director) and James O'Brien (consultant) touring the BART fleet.

- December 16 – **BART Fleet of the Future Tour:** agency staff toured the first phase of manufacturing new rail cars
- December 21 - BART held a **ribbon cutting for the 19th Street/Oakland Station Modernization project**, funded in part by Measure BB and attended by Executive Director Tess Lengyel
- **BikeMobile** Outreach Events
 - December events in addition to those listed in the December 2022 issue:
 - December 4 – Cornell Elementary, Albany
 - December 8 – Island High, Alameda
 - December 10 – Sundale Arms Apts, Fremont
 - December 11 – Maralisa Meadows Apts, Livermore
 - December 19 – Berkeley Library – Tarea Hall Pittman Branch, Berkeley
 - December 20 – Laguna Commons Apts, Fremont
 - December 21 – Rancho Las Positas Elementary, Livermore
 - December 22 – Maple Square Apts, Fremont
 - December 23 – Sundale Arms Apts, Fremont
 - January 3 – Maralisa Meadows Apts, Livermore
 - January 4 – Stoney Creek Apts, Livermore
 - January 9 – Brookfield Elementary, Oakland
 - January 10 – Steven Millard Elementary, Fremont

- January 11 – Southgate Elementary, Hayward
- January 14 – Clinton Park, Oakland
- January 17 – Frances Albrier Community Center, Berkeley
- January 18 – John Muir Elementary, Berkeley
- January 20 – Birch Grove Intermediate, Newark
- January 23 – Ardenwood Elementary, Fremont
- January 25 – Cesar Chavez Middle, Hayward
- January 26 – Encinal Junior & Senior High School, Alameda
- January 27 – Newark Junior High, Newark
- January 28 – Union City Library, Union City

Other News

Countywide Bikeways Network



Emeryville's Doyle Street Greenway, one of 13 Alameda CTC quick-build bicycle and pedestrian projects, a multi-use path that is a part of the countywide bikeway network.

In December 2022, the Commission approved an All Ages and Abilities Policy and a set of Design Expectations for the Countywide Bikeways Network, which creates a vision for a high-quality, 400-mile network of safe and comfortable bikeways on corridors of countywide significance.

In 2023, Alameda CTC will launch a Bikeways Academy that will offer training opportunities for staff and workshops on the benefits of safety-focused improvements and the strategies to achieve them. Staff will also publish stories to highlight project that have overcome challenges to deliver safety benefits to communities.

Hale Zukas: A Champion of Transportation

We are saddened by the passing of our longtime colleague and accessible public transit advocate Hale Zukas who passed away late last year. For more than 20 years,



Hale was steadfastly dedicated to transportation for older adults and people with disabilities and the disability

rights movement. He was a co-founder of the Center for Independent Living (CIL) and a long time community advisory committee member for Alameda CTC's Paratransit Advisory and Planning Committee (PAPCO) and Independent Watchdog Committee (IWC), formerly known as the Citizen's Advisory Committee.

Hale's work was impactful and inspirational, and we are grateful for his contributions to Alameda CTC and the Alameda County communities at large. To learn more about Hale and his life's work, please check out the award-winning documentary Hale at https://www.youtube.com/watch?v=WY_BY_YK1ArE.

Committee Activities

Advisory committee activity during January

In January of this year, no advisory committees met.

Please visit [Alameda CTC's Meetings webpage](#) for details on upcoming meetings.

Programming Updates cont'd from page 3
recommendations for the remaining discretionary funds available through the 2024 CIP in spring 2023 to complete the 2024 CIP programming cycle.

Finance Updates cont'd from page 3

• Construction contracts

- 7th Street Grade Separation East

For more information, visit Alameda CTC's [Contracting Opportunities webpage](#). **15**



Alameda County Transportation Commission

Commission Meeting Minutes

Thursday, December 1, 2022, 2 p.m.

8.1

1111 Broadway, Suite 800, Oakland, CA 94607

PH: (510) 208-7400

www.AlamedaCTC.org

1. Call to Order

2. Roll Call

A roll call was conducted. All members were present with the exception of Commissioners Cutter, Cox, Haubert, Mei, Saltzman, Thao and Valle.

Commissioner Cox attended as an alternate for Commissioner Brown.

Commissioner Knox White attended as an alternate for Commissioner Ezzy Ashcraft.

Subsequent to the roll call:

Commissioner Cox joined the meeting during item 4.

Commissioner Mei joined the meeting during item 6.

Commissioner Saltzman joined the meeting during item 7.15.

Commissioner Hernandez left during item 9.1.

3. Public Comment

There were no public comments.

4. Chair and Vice Chair Report

Chair Bauters underscored the progress that Alameda CTC has made throughout 2022 on their equity, safety and climate goals. Chair Bauters highlighted the establishment of the Justice, Equity, Diversity, and Inclusion ad hoc committee, the agency-wide Racial Equity Action Plan, the adoption of the 400-mile Countywide Bikeways Network and the Alameda CTC hosted Clean Fuels Summit. Chair Bauters went on to acknowledge the eight departing Commissioners whose terms are ending in December 2022.

Vice Chair Ortiz provided instructions to the Commission regarding technology procedures, including administering public comments during the meeting.

5. Executive Director Report

Tess Lengyel thanked the Commission and Alameda CTC staff for their hard work throughout the year, and highlighted the achievements and advancements made in 2022. Ms. Lengyel emphasized the agency's AAA rating, the successful bond sale, the program expansions for Safe Routes to School and the Affordable Student Transit Pass, as well as the significant number of projects going into construction to deliver on promises to Alameda County voters. Ms. Lengyel acknowledged and thanked the eight departing Commissioners for their service and dedication.

6. Recognition of Departing Commissioners

Chair Bauters recognized the achievements of the eight departing Commissioners, and thanked Commissioners Bonnano, Cox, Cutter, Halliday, King, Nason, Ortiz and Thao for their dedication to public service.

7. Consent Calendar

- 7.1.** Approve the October 27, 2022 Commission Meeting Minutes
- 7.2.** Approve the November 14, 2022 Commission Meeting Minutes
- 7.3.** Approve Alameda CTC meeting schedule for the 2023 calendar year
- 7.4.** FY2022-23 First Quarter Report of Claims Acted Upon Under the Government Claims Act Update
- 7.5.** Annual Local Business Contract Equity Program Utilization Report for Payments Processed between July 1, 2021 and June 30, 2022
- 7.6.** Approve the Alameda CTC FY2022-23 First Quarter Consolidated Financial Report
- 7.7.** Approve the Fiscal Year 2023-24 Professional Services Contracts Plan
- 7.8.** Approve and adopt an amendment to the Alameda CTC Health Reimbursement Arrangement Plan for retirees
- 7.9.** Approve the Administrative Amendments to Various Agreements to Extend Agreement Expiration Dates
- 7.10.** I-580 Express Lanes Operations Update
- 7.11.** East Bay Greenway Multimodal Project – Approve Award of Agreement Number A23-0003 with Mark Thomas and Company
- 7.12.** Approve Amendment No. 4 to Agreement No. A17-0010 with H. T. Harvey & Associates for Ecological Consulting Services for Route 84 Expressway – South Segment Project
- 7.13.** Approve procedures related to the Project and Program-wide Contingency Reserve and an update to the Alameda CTC Construction Management and Administration Guide
- 7.14.** Approve Programming Modifications to the Regional Measure 3 Goods Movement and Mitigation Program
- 7.15.** Approve Time Extensions to the 2014 Transportation Expenditure Plan Deadlines for Securing Environmental Clearance and a Full Funding Plan
- 7.16.** Congestion Management Program (CMP): Summary of the Alameda CTC's Review and Comments on Environmental Documents and General Plan Amendments
- 7.17.** Approve the 2023 Legislative Program
- 7.18.** Approve the Countywide Bikeways Network: All Ages and Abilities Policy and Design Expectations
- 7.19.** Receive the Summary Report in Response to the 20th Annual Independent Watchdog Committee Report to the Public
- 7.20.** Approve Community Advisory Committee Appointments

Commissioner Mei reported a Levine Act conflict and recused herself from item 7.11.

Commissioner Dutra-Vernaci pulled item 7.15 for discussion.

Chair Bauters provided an update on item 7.3 and noted that January 2023 committee meetings will be canceled to allow for new Commissioner orientation prior to the January 26, 2023 Commission meeting.

Commissioner Dutra-Vernaci moved to approve all items on the consent calendar, with the exception of item 7.15 which was pulled for discussion. Commissioner Ortiz seconded the motion. The motion passed with the following roll call vote:

Yes: Bauters, Bonnano, Brown, Cox, Carson, Dutra-Vernaci, Freitas, Halliday, Hernandez, Kaplan, King, Knox White, Mei, Miley, Nason, Ortiz, Robinson

No: None

Abstain: None

Recusal: Mei (Item 7.11 only)

Absent: Cutter, Haubert, Saltzman, Thao, Valle

Commissioner Bauters moved to approve item 7.15 on the consent calendar. Commissioner Robinson seconded the motion. The motion passed with the following roll call vote:

Yes: Bauters, Bonnano, Brown, Carson, Cox, Dutra-Vernaci, Freitas, Halliday, Hernandez, Kaplan, King, Knox White, Mei, Miley, Nason, Ortiz, Robinson, Saltzman

No: None

Abstain: None

Absent: Cutter, Haubert, Thao, Valle

8. Community Advisory Committees

8.1. Bicycle and Pedestrian Advisory Committee

There was no one present from the Bicycle and Pedestrian Advisory Committee.

8.2. Independent Watchdog Committee

Pat Piras, Chair of the Independent Watchdog Committee (IWC) provided an update on the IWC's November 14, 2022 meeting.

8.3. Paratransit Advisory and Planning Committee

There was no one present from the Paratransit Advisory and Planning Committee.

9. Regular Matters

9.1. Approve the Alameda CTC Draft Audited Annual Comprehensive Financial Report for the Year Ended June 30, 2022

David Alvey, Maze & Associates, provided an overview of Alameda CTC's FY2021-22 audit. He reported that Maze and Associates issued a clean, or unmodified, audit opinion for the year ended June 30, 2022.

Patricia Reavey recommended that the Commission approve the Alameda CTC Draft Audited Annual Comprehensive Financial Report for the Year Ended June 30, 2022.

Commissioner Ortiz moved to approve this item. Commissioner Dutra-Vernaci seconded the motion. The motion passed with the following roll call vote:

Yes: Bauters, Bonnano, Brown, Carson, Cox, Dutra-Vernaci, Freitas, Halliday, Kaplan, King, Knox White, Mei, Miley, Nason, Ortiz, Robinson, Saltzman

No: None

Abstain: None

Absent: Cutter, Haubert, Hernandez, Thao, Valle

9.2. Approve Alameda CTC Annual Salary and Benefits Plan

Patricia Reavey recommended that the Commission approve the Alameda CTC calendar year 2023 retiree benefits, Fiscal Year 2023-24 Salaries and Calendar Year 2023 Benefits Plan.

Commissioner Freitas moved to approve this item. Commissioner Ortiz seconded the motion. The motion passed with the following roll call vote:

Yes: Bauters, Bonnano, Brown, Carson, Cox, Dutra-Vernaci, Freitas, Halliday, Kaplan, King, Knox White, Mei, Miley, Nason, Ortiz, Robinson, Saltzman

No: None

Abstain: None

Absent: Cutter, Haubert, Hernandez, Thao, Valle

9.3. Approve the Alameda CTC Race and Equity Action Plan

Kristen Villanueva recommended that the Commission approve the agency's first Race and Equity Action Plan.

Commissioner Bauters moved to approve this item. Commissioner Ortiz seconded the motion. The motion passed with the following roll call vote:

Yes: Bauters, Bonnano, Brown, Carson, Cox, Dutra-Vernaci, Freitas, Halliday, Kaplan, King, Knox White, Mei, Miley, Nason, Ortiz, Robinson, Saltzman

No: None

Abstain: None

Absent: Cutter, Haubert, Hernandez, Thao, Valle

10. Adjournment

The next meeting is Monday, January 26, 2023 at 2:00 p.m.



Memorandum

9.1.

1111 Broadway, Suite 800, Oakland, CA 94607

510.208.7400

www.AlamedaCTC.org

DATE: January 19, 2023

TO: Alameda County Transportation Commission

FROM: Gary Huisingsh, Deputy Executive Director of Projects
Wajahat Nyaz, Director of Project Delivery
Angelina Leong, Deputy Project Manager

SUBJECT: Approve Amendment No. 3 to Professional Services Agreement No. A20-0007 with WSP USA Inc. for Construction Management Services for the 7th Street Grade Separation East Project

Recommendation

It is recommended that the Commission authorize the Executive Director to execute Amendment No. 3 to Professional Services Agreement No. A20-0007 with WSP USA Inc. for an additional amount of \$20,250,000 for a total not to exceed amount of \$20,749,796 and a time extension from October 31, 2023, to December 31, 2027, to provide construction management services, including the remaining preconstruction tasks, services related to construction administration, and post-construction / closeout services for the 7th Street Grade Separation East (7SGSE) Project (PN: 1442001).

Summary

The Alameda County Transportation Commission (Alameda CTC) is the project sponsor and implementing agency for the Global Opportunities at the Port of Oakland (GoPort) Program, which includes a program of projects to improve truck traffic flows and rail access, increase the efficiency of goods movement operations, and enhance the safety and incident response capabilities throughout the seaport. The GoPort Program consists of three primary projects: Freight Intelligent Transportation System (FITS), 7SGSE, and 7th Street Grade Separation West (7SGSW).

The 7SGSE Project proposes to realign the 7th Street and multi-use path, and reconstruct the existing aged-substandard railroad underpass between Interstate 880 (I-880) and Maritime Street to meet the current geometric and seismic standards, including increasing the vertical and horizontal clearances for trucks. Additional project details are provided in Attachment A (Project Fact Sheet).

Measure BB investments in the early phases of the project have helped leverage \$253 million of external funding from state and regional sources (approximately 70%) for this \$364.5 million project, which is a noteworthy accomplishment. The project funding plan comprises

of \$178.2 million State Senate Bill 1 (SB1) funds, including \$175 million Trade Corridor Enhancement Program (TCEP) funds, \$55 million of Regional Measure 3 (RM3) Goods Movement funds and \$20 million of state funds which the Port of Oakland has secured from the California State Transportation Agency (CalSTA). On December 8, 2022, the California Transportation Commission (CTC) approved the allocation of \$175 million of SB1 TCEP funds for construction. On January 3, 2023, the 7SGSE Project was advertised for construction and is the second GoPort project to go into construction, with an anticipated contract award in May 2023 and construction starting in Summer 2023. The construction duration for this project is expected to last over three years, followed by an approximately one-year period of closeout.

Alameda CTC staff recommends the use of \$20,250,000 of SB1 TCEP funds allocated by California Transportation Commission (CTC) to WSP USA Inc. to perform the remaining preconstruction tasks, services related to construction administration and post-construction / closeout services in accordance with applicable sections of the Caltrans Construction Manual and Alameda CTC's Construction Management and Administration Guide (CMAG).

The Professional Services Agreement No. A20-0007 with WSP USA Inc. will contain two phases of work. In January 2020, the Commission approved work for phase one for providing constructability review services during the design phase. Phase one services have been completed. Phase two services will include preconstruction services during the construction contract advertisement and award period, construction management services during the construction phase, and post-construction closeout services. Alameda CTC negotiated the contract with WSP USA Inc. for a not-to-exceed amendment amount of \$20,250,000 for the phase two work and a time extension until December 31, 2027, to complete the required scope.

Phase one of the work was funded with a mix of SB1 Local Partnership Program (LPP) and Measure BB funds. Phase two will be funded with SB1 TCEP funds that have already been allocated to the construction phase of the project and are in the Project Funding Plan.

Approval of this recommendation is needed to provide construction management services to support the successful delivery of the 7SGSE Project and extend the terms of the agreement to cover the construction and closeout durations.

Background

The Alameda CTC is the project sponsor and implementing agency for the GoPort Program, which is an approximately \$720 million program of projects to improve truck and rail access to the Port of Oakland (Port). The 7SGSE Project, is one of the three projects included in the GoPort program that is being implemented by Alameda CTC in partnership with the Port and the City of Oakland (City). 7th Street serves as the primary of three gateways to access the Port, carrying over 40% of all truck traffic to the Port. The project will reconstruct a 92-year old and a 53-year old structurally inadequate underpass structure (UPRR rail tracks are located on top of the structure) located along 7th Street between I-880 and Maritime Street to meet current geometric and seismic standards. The improvements will increase both vertical and horizontal clearances for trucks as well as widen and upgrade the realigned roadway and add a shared pedestrian/bicycle pathway to

meet current geometric design and the American with Disabilities Act (ADA) standards. In addition, the project will also install ITS elements such as changeable message signs, smart signals and radio frequency identification devices. Collectively, these improvements will improve safety, reduce truck traffic, congestion and idling in and near the Port, and provide multi-modal improvements by providing connectivity to the Bay Trail, Shoreline Park and the Port.

The total 7SGSE Project cost is estimated at \$364.5 million, and Measure BB investments in the early phases of the project have significantly helped leverage \$253 million of external funding from state and regional sources (approximately 70% of total costs). In addition to Measure BB, the project funding plan comprises of \$178.2 million State Senate Bill 1 (SB1) funds, including \$175 million TCEP funds, \$55 million of RM3 Goods Movement funds, and \$20 million of state funds which the Port of Oakland has secured from the Cal STA.

Upon completing the final design and right-of-way certification, on December 8, 2022, the CTC approved the allocation of \$175 million of SB1 TCEP funds for construction, enabling the construction contract to be advertised on January 3, 2023, for competitive bidding. Bids are expected to be opened on February 28, 2023, with an anticipated award to the lowest responsible bidder by May 2023. Physical construction is anticipated to start in July 2023, with construction completed by late 2026. The Project is expected to be closed out by late 2027.

The overall construction cost for the project is approximately \$264 million, including UPRR labor costs and construction support services costs. Staff performed an Independent Cost Estimate to evaluate WSP USA Inc.'s budget request and the negotiated budget for the phase two services is reasonable.

Table A: Summary of Agreement No. A20-0007			
Contract Status	Work Description	Value	Total Contract Not-to-Exceed Value
Original Professional Services Agreement with WSP USA Inc. (A20-0007) <i>Approved January 2020</i>	Provide phase one constructability review services during the design phase	\$499,796	\$499,796
Amendment No. 1 <i>June 2020</i>	Revise indemnification and insurance clauses	\$0	\$499,796
Amendment No. 2 <i>March 2021</i>	Extend the term of Agreement from April 30, 2021 to October 31, 2023	\$0	\$499,796

<u>Proposed Amendment No. 3</u>	Provide additional budget to perform phase two construction management services and extend the term of Agreement from October 31, 2023 to December 31, 2027	\$20,250,000 (Proposed)	\$20,749,796 (Proposed)
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Staff recommends approval of this action to provide construction management services needed to support the successful delivery of the 7SGSE Project and extending the terms of the agreement to cover the construction and closeout durations.

Levine Act Statement: WSP USA Inc. did not report a conflict in accordance with the Levine Act.

Fiscal Impact: Approval of the recommended action will authorize the encumbrance of \$20,250,000 in already allocated SB1 TCEP funds to the Project. This budget is included in Alameda CTC's annual budget update for Fiscal Year 2022/2023.

Attachment:

- A. 7th Street Grade Separation East Project Fact Sheet

7th Street Grade Separation East Project

9.1A

DECEMBER 2022

PROJECT OVERVIEW

The Alameda County Transportation Commission (Alameda CTC), in partnership with the City of Oakland and the Port of Oakland (Port), proposes to implement the Global Opportunities at the Port of Oakland (GoPort) Program, a package of landside transportation improvements within and near the Port. The 7th Street Grade Separation East Project is one critical element of the GoPort program which proposes to realign and reconstruct the existing railroad underpass and multi-use path along 7th Street between west of I-880 and Maritime Street to increase vertical and horizontal clearances for trucks to current standards and improve the shared pedestrian/bicycle pathway.

The purpose of this project is to provide efficient multimodal landside access and infrastructure improvements to promote existing and anticipated Port operations, which are critical to the local, regional, state and national economies by rebuilding and modernizing a key access point to the Port of Oakland.

PROJECT NEED

- Support regional economic development and Port growth potential.
- Minimize likelihood of freight infrastructure failure.
- Provide access and infrastructure improvements for effective multimodal transportation for rail, trucks, automobiles, bicycles and pedestrians.
- Support safe transportation system operations.



PROJECT BENEFITS

- Improves safety, efficiency and reliability of truck and rail access to the Oakland Port Complex
- Reduces congestion and improves mobility
- Reduces emissions and greenhouse gases
- Provides bicycle and pedestrian connectivity to the Bay Trail system
- Increases job opportunities



7th Street, approaching Union Pacific Railroad bridge from the east.



Truck stuck at the 7th Street underpass.



Existing multi-use path and damage to the 7th Street underpass.

STATUS

Implementing Agency: Alameda CTC

Current Phase: Final Design

- California Environmental Quality Act (CEQA) clearance through the 2002 Oakland Army Base Environmental Impact Report (EIR) and the 2012 addendum.
- National Environmental Policy Act (NEPA) clearance through a Categorical Exclusion (CE) was completed on October 25, 2018.
- Final Design was completed on December 2, 2022.
- Construction advertisement is anticipated in January 2023.

PARTNERS AND STAKEHOLDERS

California Transportation Commission, California State Transportation Agency, California Department of Transportation, Metropolitan Transportation Commission, City of Oakland, Port of Oakland, Union Pacific Railroad, San Francisco Bay Area Rapid Transit and several utility entities

COST ESTIMATE BY PHASE (\$ X 1,000)

PE/Environmental	\$5,387
Final Design (PS&E)	\$21,093
Right-of-Way	\$73,708
Construction	\$264,312
Total Expenditures	\$364,500¹

¹ Excludes project risk contingencies beyond the traditional construction contingencies.

FUNDING SOURCES (\$ X 1,000)

Measure BB	\$111,320
State (SB 1 LPP) ²	\$3,180
State (SB 1 TCEP) ³	\$175,000
Regional (RM 3 LONP) ⁴	\$55,000
Port of Oakland	\$20,000
Total Revenues	\$364,500

² Senate Bill 1 Local Partnership Program (LPP).
³ Senate Bill 1 Trade Corridor Enhancement Program (TCEP).
⁴ Regional Measure 3 Letter of No Prejudice (LONP).

SCHEDULE BY PHASE

	Begin	End
Preliminary Engineering/Environmental	Fall 2016	Fall 2018
Final Design	Fall 2018	Late 2022
Right-of-Way	Fall 2018	Late 2022
Construction	Spring 2023	Late 2026 ⁵

⁵ Subject to California Transportation Commission construction funding allocation.

Note: Information on this fact sheet is subject to periodic updates