



## **Alameda County Transportation Commission (Commission) Meeting Agenda Thursday, July 28, 2022, 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](mailto: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  
Vice Chair: Elsa Ortiz

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

### **Location Information:**

Zoom Link:

<https://us06web.zoom.us/j/8462689925?pwd=aVNwMXByaDVoVy9lMGtjcHN5a3pjQT09>

Dial-in Information: 1 (669) 900 6833

Webinar ID: 846 2689 9925

Password: 267702

## **Meeting Agenda**

### **1. Call to Order**

### **2. Roll Call**

### **3. Public Comment**

### **4. Chair and Vice Chair Report**

### **5. Executive Director Report**

### **6. Consent Calendar**

Alameda CTC standing committees approved all action items on the consent calendar, except items 6.1 and 6.10.

#### **6.1 Approve June 23, 2022 Commission Meeting Minutes**

**Approve**

[6.1\\_COMM\\_Commission\\_Minutes\\_20220623v.pdf](#)

#### **6.2 Approve actions related to a Funding Exchange Agreement with the Metropolitan Transportation Commission for the San Pablo Avenue Multimodal Corridor, East Bay Greenway Multimodal Corridor Phase-1, and the SR-262 (Mission Boulevard) Cross Connector projects**

**Approve**

[6.2\\_COMM\\_MBB-Federal\\_Funding\\_Exchange\\_20220728v.pdf](#)

#### **6.3 Approve Contract Amendment No. 3 to Professional Services Agreement A20-0004 with WMH Corporation for I-680 Southbound Express Lanes Project from SR-84 to Alcosta Boulevard (PN: 1490001)**

**Approve**

[6.3\\_COMM\\_A20-0004\\_WMH\\_A3\\_20220728v.pdf](#)

#### **6.4 Approve the Third Amended and Restated Joint Powers Agreement with Santa Clara Valley Transportation Authority (VTA)**

**Approve**

[6.4\\_COMM\\_JPA\\_Amendment\\_20220728v.pdf](#)

#### **6.5 Approve actions to facilitate Environmental and Design phases of Alameda CTC implemented Rail Safety Enhancement Program - Phase A (RSEP-A) Capital Project**

**Approve**

[6.5\\_COMM\\_Rail\\_Safety\\_Enhancement\\_Program\\_A\\_20220728v.pdf](#)

#### **6.6 2024 Comprehensive Investment Plan Summary of Applications Received**

**Information**

[6.6\\_COMM\\_2024\\_CIP\\_Applications\\_Received\\_Summary\\_20220728v.pdf](#)

#### **6.7 Congestion Management Program (CMP): Summary of the Alameda CTC's Review and Comments on Environmental Documents and General Plan Amendments**

**Information**

[6.7\\_COMM\\_CMP\\_20220728v.pdf](#)

- 6.8 Approve Release of a Request for Proposals (RFP) for the Student Transit Pass Program

**Approve**

[6.8\\_COMM\\_STPP\\_RFP\\_20220728v.pdf](#)

- 6.9 Federal, state, regional, and local legislative activities update

**Approve**

[6.9\\_COMM\\_July LegislativeUpdate\\_20220728v.pdf](#)

- 6.10 Consider and Adopt Resolution Pursuant to Government Code Section 54953(e) (AB 361) to Allow Hybrid and/or Remote Commission and Committee Meetings

**Approve**

[6.10\\_COMM\\_AB\\_361\\_Resolution\\_for\\_Hybrid\\_Meetings\\_20220728v.pdf](#)

## **7. Community Advisory Committees**

- 7.1 Bicycle and Pedestrian Advisory Committee

**Information**

- 7.2 Independent Watchdog Committee

**Information**

[7.2\\_COMM\\_IWC\\_Meeting\\_Minutes\\_20220728v.pdf](#)

- 7.3 Paratransit Advisory and Planning Committee

**Information**

## **8. Adjournment**

### **Next Meetings**

September 12, 2022 (Special AB 361 Meeting)

September 22, 2022

October 27, 2022

December 1, 2022

### Notes:

- All items on the agenda are subject to action and/or change by the Commission.
- 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.



# Alameda County Transportation Commission

## Commission Meeting Minutes

### Thursday, June 23, 2022, 2 p.m.

6.1

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 Haubert, King, Mei, Miley, Thao and Valle.

Commissioner Cox attended as an alternate for Commissioner Brown.

Commissioner McQuaid attended as an alternate for Commissioner Carson.

#### **Subsequent to the roll call:**

Commissioners Haubert and Mei arrived during item 4.

Commissioner Miley arrived during item 6.8.

Commissioner Robinson left during item 6.8 and returned at the end of item 8.1.

#### **3. Public Comment**

There were no public comments.

#### **4. Chair and Vice Chair Report**

Chair Bauters highlighted the \$25 million Consolidated Rail Infrastructure and Safety Improvements grant awarded to the Alameda CTC by the Federal Railroad Administration for the Rail Safety Enhancement Program. Chair Bauters congratulated Vice-Chair Ortiz on her award as the Women's Transportation Seminar Award winner for the SF-Bay Area Chapter's Rosa Parks Diversity Award. He also noted the groundbreaking for the Emeryville Quiet Zone Project, partly funded by Alameda CTC.

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

#### **5. Executive Director Report**

Tess Lengyel noted the groundbreaking in Emeryville, the ribbon cutting in Ashland for the E. 14th Street Corridor Improvement Project, the agency's upcoming financing trip and the upcoming call for projects under the 2024 Comprehensive Investment Plan. Ms. Lengyel also emphasized Alameda CTC's continued efforts to secure additional federal funding for the East Bay Greenway and San Pablo Avenue Corridor projects.

#### **6. Consent Calendar**

**6.1.** Approve May 26, 2022 Commission Meeting Minutes

**6.2.** Approve the Administrative Amendments to Various Agreements to Extend Agreement Expiration Dates

**6.3.** I-580 Express Lanes Operations Update

- 6.4.** Approve actions to facilitate Project Closeout of Alameda CTC implemented Capital Projects
- 6.5.** FY 2020-21 Direct Local Distribution Program Compliance Summary Report Update
- 6.6.** Congestion Management Program (CMP): Summary of the Alameda CTC's Review and Comments on Environmental Documents and General Plan Amendments
- 6.7.** Alameda County Safe Routes to Schools Program Update and Approve Contract Amendments and Funding Allocation
- 6.8.** Approve the Professional Services Agreement (A22-0061) with Nelson\Nygaard Consulting Associates and Funding Allocation for Transportation Demand Management (TDM) Coordination Services
- 6.9.** Consider and Adopt Resolution Pursuant to Government Code Section 54953(e) (AB 361) to Allow Hybrid and/or Remote Commission and Committee Meetings

Item 6.8 was pulled from the consent calendar for further consideration and discussion.

*Commissioner Saltzman moved to approve all items on the consent calendar, except item 6.8. Commissioner Ortiz seconded the motion. The motion passed with the following roll call vote:*

*Yes: Bauters, Bonnano, Brown, Cox, Cutter, Dutra-Vernaci, Ezzy Ashcraft, Freitas, Halliday, Haubert, Hernandez, Kaplan, McQuaid, Mei, Nason, Ortiz, Robinson, Saltzman*

*No: None*

*Abstain: None*

*Absent: King, Miley, Thao, Valle*

Commissioner Saltzman then recused herself from the vote on Item 6.8 due to an identified conflict of interest. The Commission received ten public comments for item 6.8 from representatives of Bike East Bay, New Development Ventures, Spokeland, and Waterside Workshops.

*Commissioner Ezzy Ashcraft moved to approve consent calendar item 6.8. Commissioner McQuaid seconded the motion. The motion passed with the following roll call vote:*

*Yes: Bauters, Bonnano, Brown, Cox, Cutter, Dutra-Vernaci, Ezzy Ashcraft, Freitas, Halliday, Haubert, Hernandez, Kaplan, McQuaid, Mei, Nason, Ortiz*

*No: None*

*Abstain: Miley*

*Recused: Saltzman*

*Absent: King, Robinson, Thao, Valle*

## **7. Community Advisory Committees**

### **7.1. Bicycle and Pedestrian Advisory Committee**

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

### **7.2. Independent Watchdog Committee**

There was no one present from the Independent Watchdog Committee.

### **7.3. Paratransit Advisory and Planning Committee**

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

## **8. Regular Matters**

### **8.1. Federal, state, regional, and local legislative activities update and approve bill positions**

Maisha Everhart provided an update and recommended that the Commission approve a support position for AB 455, a support if amended position SB 917, and an oppose unless amended position on AB 2237.

The Commission received two public comments in support of SB 917.

*Commissioner Saltzman moved to approve the staff recommendation for AB 455 and AB 2237, and recommended a support position on SB 917. Commissioner Freitas seconded the motion. The motion failed with the following roll call vote:*

*Yes: Bauters, Brown, Cox, Cutter, Ezzy Ashcraft, Freitas, Kaplan, Saltzman*

*No: Dutra-Vernaci, Halliday, Haubert, Hernandez, McQuaid, Mei, Nason, Ortiz*

*Abstain: Bonnano, Miley*

*Absent: King, Robinson, Thao, Valle*

*A subsequent motion was made by Commissioner Kaplan to approve the staff recommendations for AB 455 and AB 2237. Commissioner Haubert seconded the motion. The motion passed with the following roll call vote:*

*Yes: Bauters, Bonnano, Brown, Cox, Cutter, Dutra-Vernaci, Ezzy Ashcraft, Freitas, Halliday, Haubert, Hernandez, Kaplan, McQuaid, Mei, Miley, Nason, Ortiz, Saltzman*

*No: None*

*Abstain: None*

*Absent: King, Robinson, Thao, Valle*

The Commission agreed by consensus to rerefer SB 917 to committee.

## **9. Adjournment**

The next meeting is Thursday, July 28, 2022, at 2:00 p.m.

***This page intentionally left blank***



# Memorandum

6.2

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

**DATE:** July 21, 2022

**TO:** Alameda County Transportation Commission

**FROM:** Vivek Bhat, Director of Programming and Project Controls  
John Nguyen, Principal Transportation Planner  
Jacki Taylor, Senior Program Analyst

**SUBJECT:** Approve actions related to a Funding Exchange Agreement with the Metropolitan Transportation Commission for the San Pablo Avenue Multimodal Corridor, East Bay Greenway Multimodal Corridor Phase-1, and the SR-262 (Mission Boulevard) Cross Connector projects

## Recommendation

It is recommended that the Commission approve the following actions related to a funding exchange agreement for \$225,000 with the Metropolitan Transportation Commission (MTC) for the San Pablo Avenue Multimodal Corridor, East Bay Greenway Multimodal Corridor Phase-1, and the SR-262 (Mission Boulevard) Cross Connector projects:

1. Program and allocate \$75,000 of Measure BB Congestion Relief, Local Bridge Seismic Safety funds (TEP- 26) to the Construction phase of the San Pablo Avenue Multimodal Corridor project;
2. Program and allocate \$75,000 of Measure BB Gap Closure on Three Major Trails funds (TEP-42) to the Construction phase of the East Bay Greenway Multimodal, Phase 1 project;
3. Program and allocate \$75,000 of Measure BB I-880 Local Access and Safety Improvements funds (TEP-40) to the Construction phase of the State Route 262 project;
4. Authorize the Executive Director or designee to enter into a funding exchange agreement with MTC for up to \$225,000 of local Alameda CTC funding in exchange for a like amount of federal discretionary Surface Transportation Block Grant Program and/or Congestion Mitigation and Air Quality Improvement Program (STP/CMAQ) funds.



## **Summary**

Alameda CTC is implementing the San Pablo Avenue Multimodal Corridor, East Bay Greenway Multimodal Corridor Phase-1, and the SR-262 (Mission Boulevard) Cross Connector projects. These three projects included in the 2014 Transportation Expenditure Plan have a collective funding need of approximately \$1.5 billion.

In order to allow the projects to compete for near future state and federal funding opportunities through State Senate Bill 1 (SB 1) and the various funding programs created by the recent federal Infrastructure Investment and Jobs Act (IIJA), Alameda CTC staff is working towards obtaining federal National Environmental Policy Act (NEPA) clearance for the above three projects. Providing local Alameda CTC-administered funds to MTC in exchange for federal funding provides a near-term opportunity to program federal funds to these projects in order to advance the NEPA process which will ensure eligibility and competitiveness for upcoming state and federal funding opportunities.

## **Background**

Alameda CTC continues to deliver the 2014 Measure BB Capital Program, which includes the San Pablo Avenue Multimodal Corridor, East Bay Greenway Multimodal Corridor Phase-1, and the SR-262 (Mission Boulevard) Cross Connector projects. Together, these three projects have a collective funding need of approximately \$1.5 billion.

Alameda CTC's strategic project delivery goal includes leveraging local sales tax investments with external grant opportunities. Caltrans has indicated that in order to perform its review and approval of the NEPA documents, the projects first need to have federal funds programmed. Thus, staff is working towards obtaining federal National Environmental Policy Act (NEPA) clearance for these three projects in order to allow the projects to compete for upcoming funding opportunities through state Senate Bill 1 (SB 1) and the various federal funding programs, including those available through the recent federal Infrastructure Investment and Jobs Act (IIJA).

To facilitate the federalizing of projects and the completion of NEPA, MTC periodically provides federal discretionary funding to local agencies in exchange for receiving a like amount of local transportation funding. An exchange is proposed between Alameda CTC and MTC at this time to provide a near-term opportunity to program federal funds to these projects in order to advance the NEPA process which will ensure eligibility and competitiveness for upcoming state and federal funding opportunities. Such funding exchanges require both parties to enter into an exchange agreement.

Staff recommends the Commission approve the following actions related to the funding exchange with MTC:

1. Program and allocate \$75,000 of Measure BB Congestion Relief, Local Bridge Seismic Safety funds (TEP- 26) to the Construction phase of the San Pablo Avenue Multimodal Corridor project;

2. Program and allocate \$75,000 of Measure BB Gap Closure on Three Major Trails funds (TEP-42) to the Construction phase of the East Bay Greenway Multimodal, Phase 1 project;
3. Program and allocate \$75,000 of Measure BB I-880 Local Access and Safety Improvements funds (TEP-40) to the Construction phase of the State Route 262 project;
4. Authorize the Executive Director or designee to enter into a funding exchange agreement with MTC for up to \$225,000 of local Alameda CTC funding in exchange for a like amount of MTC's federal discretionary (STP/CMAQ) funding.

### **Next Steps**

MTC's approval of the exchange is contingent upon Alameda CTC's action. MTC is scheduled to consider the funding exchange in September 2022, at which point MTC will initiate the funding exchange agreement with Alameda CTC and the subsequent programming of \$75,000 of federal funds to each of the three Alameda CTC projects in exchange for receiving a total of \$225,000 of Alameda CTC-administered local funding.

**Fiscal Impact:** There is no resultant fiscal impact associated with the requested action. Alameda CTC will provide \$225,000 of Alameda CTC-administered local funding to MTC in exchange for receiving a total of \$225,000 of federal funding programmed to the three identified Alameda CTC-implemented projects.

***This page intentionally left blank***



# Memorandum

6.3

1111 Broadway, Suite 800, Oakland, CA 94607

510.208.7400

www.AlamedaCTC.org

**DATE:** July 21, 2022

**TO:** Alameda County Transportation Commission

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

**SUBJECT:** Approve Contract Amendment No. 3 to Professional Services Agreement A20-0004 with WMH Corporation for I-680 Southbound Express Lanes Project from SR-84 to Alcosta Boulevard (PN: 1490001)

## Recommendation

It is recommended that the Commission authorize the Executive Director to execute Amendment No. 3 to the Professional Services Agreement No. A20-0004 with WMH Corporation (WMH) for an additional amount of \$1,820,960 for a total not-to-exceed amount of \$17,345,727 to provide design support services during construction (DSDC) for the I-680 Southbound Express Lanes Project from SR-84 to Alcosta Boulevard (PN: 1490001).

## Summary

The Alameda County Transportation Commission (Alameda CTC) entered into a professional services agreement No. A20-0004 with WMH Corporation on February 19, 2020, to prepare Plans, Specifications & Estimate (PS&E), and construction contract documents for the I-680 Southbound Express Lanes Project from SR-84 to Alcosta Boulevard (PN: 1490001). Administrative Amendments No.1 and 2 to this contract were executed on June 22, 2020, and January 29, 2021, to modify indemnification and insurance requirements provisions and update the scope of work, respectively.

PS&E was completed in fall of 2021, and the construction contract was advertised on May 9, 2022. Bid opening is scheduled for July 14, 2022, with construction contract award expected in September 2022.

Amendment No. 3 to Professional Services Agreement No. A20-0004 with WMH Corporation will provide the resources necessary to provide DSDC to construct the project. A summary of all contract actions related to Agreement No. A20-0004 is provided in Table A.

## **Background**

The Alameda CTC is the project sponsor and implementing agency of the I-680 Southbound Express Lanes project from SR-84 to Alcosta Boulevard, which passes through the community of Sunol and the cities of Dublin and Pleasanton. The project includes the addition of 9 miles of southbound HOV/EL from SR-84 to Alcosta Boulevard. The project will also install tolling equipment, including vehicle sensors, toll readers, rear-facing cameras, enforcement beacons, and utility cabinets.

The benefits of the I-680 Southbound Express Lanes project include improved efficiency of the transportation system on southbound I-680 between SR-84 and Alcosta Boulevard to accommodate the current and future traffic demand, improved travel time, and travel reliability for all users, including HOV and transit users and optimization of freeway system management and traffic operations. When this project is complete, it will close a gap in the southbound HOV/EL along I-680 by connecting the I-680 Sunol Express Lanes, operated by Alameda CTC, with the Bay Area Infrastructure Finance Authority's (BAIFA) I-680 HOV/EL in Contra Costa County, resulting in a 48-mile long I-680 southbound express lane network from Marina Vista Boulevard in Martinez (in Contra Costa County) to SR-237 in Milpitas (in Santa Clara County). This project will improve regional and interregional traffic and relieve congestion on two of MTC's ten most congested freeways. This project will increase people throughput by providing infrastructure for express buses and carpools and optimize freeway system management and traffic operations.

The I-680 Southbound Express Lanes project has been combined with a Caltrans pavement rehabilitation project for the design and construction phases within the same project limits. Combining these two projects for construction will avoid throwaway costs and minimize inconvenience to the traveling public from an extended construction duration due to implementing separate contracts. The combined construction will also result in cost savings of approximately \$20M.

The current estimated total cost of the project (from inception to completion of construction) is \$245 million.

<b><u>Table A: Summary of Agreement No. A20-0004</u></b>			
<b>Contract Status</b>	<b>Work Description</b>	<b>Value</b>	<b>Total Contract Not-to-Exceed Value</b>
Original Professional Services Agreement with WMH (A20-0004) <i>Approved October 2019</i>	Professional design services for I-680 Southbound Express Lanes Project	N/A	\$15,524,767
Amendment No. 1 (Administrative Amendment) <i>Executed June 22, 2020</i>	Update indemnification and insurance provision requirements	N/A	N/A
Amendment No. 2 (Administrative Amendment)  Executed January 29, 2021	Update project scope of work	N/A	N/A
<i>Proposed</i> Amendment No. 3 <i>July 2022 – (This Agenda Item)</i>	Provide additional budget to provide design support services during construction (DSDC)	\$1,820,960	\$17,345,727
<b>Total Amended Contract Not-to-Exceed Amount</b>			<b>\$17,345,727</b>

**Levine Act Statement:** WMH Corporation did not report a conflict in accordance with the Levine Act.

**Fiscal Impact:** The action will authorize the encumbrance of an additional \$1,820,960 in previously allocated Measure BB funds. This amount is included in the project's funding plan, and sufficient budget has been included in the Alameda CTC Adopted FY 2022-2023 Capital Program Budget.

**Attachment:**

- A. I-680 Southbound Express Lanes Project Fact Sheet

***This page intentionally left blank***

# I-680 Southbound Express Lane (Phase 1) from SR-84 to Alcosta Boulevard

6.3A

JUNE 2022

## PROJECT OVERVIEW

The Interstate 680 (I-680) Express Lanes from State Route (SR) 84 to Alcosta Boulevard project will close the gap between existing and in-progress high-occupancy vehicle (HOV)/express lane projects directly to the north and south. The project extends for approximately nine miles along I-680 through Sunol, Pleasanton, Dublin and San Ramon.

Design and construction of this project is being rolled out in two phases—southbound (Phase 1) and northbound (Phase 2). Environmental and preliminary engineering studies are complete. Phase 1 final design work was completed in fall 2021 and the project was advertised on May 9, 2022.

Concurrent projects in the area include:

- [SR 84 Widening \(Pigeon Pass to I-680\) and SR 84/I-680 Interchange Improvements](#)
- [I-680 Sunol Express Lanes \(Phase 1\)](#)

## PROJECT NEED

- Planned and existing express lanes from SR-84 to SR-237 and from Alcosta Boulevard to Walnut Creek will leave a nine-mile gap in the express lane network between SR-84 and Alcosta Boulevard.
- Heavy commute traffic to and from Silicon Valley, especially in the morning peak period, results in traffic congestion for approximately 10 hours each day.



## PROJECT BENEFITS

- Increases the efficiency of the transportation system on I-680 between SR-84 and Alcosta Boulevard to accommodate current and future traffic demand
- Improves travel time and travel reliability for all users, including HOV and transit users
- Optimizes freeway system management and traffic operations





I-680 northbound approaching the Calaveras Road off-ramp.



I-680 northbound approaching the SR-84 off-ramp in Sunol.

## STATUS

**Implementing Agency:** Alameda CTC

**Current Phase:** Final Design and Right-of-Way

- Plans, Specifications and Estimate (PS&E) for Phase 1 was completed in October 2021.
- The project was advertised on May 9, 2022 and bid opening is scheduled for July 14, 2022. The project is anticipated to be awarded in September 2022.

## PARTNERS AND STAKEHOLDERS

California Department of Transportation, Alameda CTC, the Federal Highway Administration, Alameda County, Contra Costa County, the community of Sunol and the cities of Dublin, Pleasanton and San Ramon

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

Final Design (PS&E)	\$20,000
Right-of-Way	\$7,000
Construction	\$218,211
<b>Total Cost Estimate</b>	<b>\$245,112</b>

Note: Planning/Scoping and PE/Env covered under the general fact sheet.

### FUNDING SOURCES (\$ X 1,000)

Measure BB	\$108,821
State (STIP and SB 1) <sup>1</sup>	\$56,291
Regional	\$80,000
<b>Total Revenues</b>	<b>\$245,112</b>

<sup>1</sup>State Transportation Improvement Program (STIP); Senate Bill 1 (SB 1).

### SCHEDULE BY PHASE

	Begin	End
Final Design	Spring 2020	Fall 2021
Right-of-Way	Spring 2020	Fall 2021
Construction	Summer 2022	Fall 2025

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



# Memorandum

6.4

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

**DATE:** July 21, 2022

**TO:** Alameda County Transportation Commission

**FROM:** Gary Huisingsh, Deputy Executive Director of Projects,  
Ashley Tam, Associate Transportation Engineer

**SUBJECT:** Approve the Third Amended and Restated Joint Powers Agreement  
with Santa Clara Valley Transportation Authority (VTA)

## Recommendation

It is recommended that the Commission approve the Third Amended and Restated Joint Powers Agreement with Santa Clara Valley Transportation Authority (VTA) in connection with the operations of the Sunol Smart Carpool Lane Joint Powers Authority (JPA) outlining new procedures in the event of termination of the JPA.

## Summary

The Sunol Smart Carpool Lane Joint Powers Authority, also known as the Sunol JPA or the I-680 Express Lane JPA, is an independent joint powers authority, consisting of representatives from the Alameda County Transportation Commission (Alameda CTC) and the Santa Clara Valley Transportation Authority (VTA), that oversees the implementation and operation of express lanes on a limited portion of I-680 within Alameda and Santa Clara counties.

This amendment outlines procedures for Alameda CTC to maintain I-680 Express Lanes operations assets within Alameda County in the event that the JPA is dissolved. This amendment would also allow the JPA to assign to Alameda CTC its assets within Alameda County, namely all its contracts, rights, obligations, and any real property interests, including fixtures and equipment.

In addition, the amendment outlines procedures to convert a small portion of the existing express lane within Santa Clara County to a carpool lane in the event of the dissolution of the JPA. These procedures include the removal of two traffic sensors and one gantry originally installed in 2010 within Santa Clara County, as part of the I-680 Sunol Southbound Express Lane project.

## **Background**

The JPA was created on February 23, 2006. The governing body of the JPA consists of four representatives from Alameda CTC and one from VTA, the weighted membership composition reflects the fact that about 80 percent of the facility is in Alameda County and the remaining 20 percent is in Santa Clara County.

For the purposes of the JPA, the I-680 Express Lane is split into two sections: the 14-mile southern section between State Route (SR) 84 in Alameda County and SR 237 in Santa Clara County, and the northern section spanning approximately 10 miles between Alcosta Boulevard and SR 84 within Alameda County. The northern section's express lane is expected to begin construction in 2022 as a part of the I-680 Gap project. The southern section has a southbound express lane which spans 11.7 miles in Alameda County and 2.3 miles in Santa Clara County.

The key functions of the JPA are:

- To oversee the implementation and operation of express lanes;
- To adopt an annual budget dictating the annual expenses and revenues for the express lanes; and
- To administer an expenditure plan for the use of the net revenue generated by the express lanes.

The primary change in the proposed Third Amended and Restated Joint Powers Agreement is adding language to clarify procedures for the express lanes in the event that the JPA is dissolved. The primary reason for possible future dissolution of the JPA would be for more efficient governance through efficiency in budget efforts, administration efforts, and operation efforts. This new language outlines how the infrastructure and assets could be allocated to allow Alameda CTC to continue to operate the I-680 Express Lanes within Alameda County. The remaining short segment of express lane within Santa Clara Valley would be converted to a high occupancy vehicle (HOV) lane. Our partners at VTA anticipate full express lanes to US-101 in Santa Clara County in the future through a separate project, at which time the small portion in Santa Clara County would convert back to express lane. Under this approach, if the member agencies acted to dissolve the I-680 Express Lane JPA, then Alameda CTC would have 60 days to provide written notice of its intent to continue to operate the I-680 Express Lanes within Alameda County. Within 60 days of receipt of said notice from Alameda CTC, the JPA shall:

- (1) assign all of its contracts and the rights and obligations therein related to the I-680 Express Lane to Alameda CTC,
- (2) shall convey to Alameda CTC any real property interests (fee, easements and licenses) including fixtures and equipment installed thereon that the JPA owns in Alameda County, and

(3) shall convey to Alameda CTC any personal property (including any money or assets in possession of the JPA) the JPA owns or possesses in Alameda County.

Not later than 90 days after the JPA and Alameda CTC have fulfilled the obligations set forth in items (1), (2), and (3) above and after Caltrans has issued the required encroachment permit, Alameda CTC shall remove or cause to be removed the two traffic sensors and one gantry originally installed in Santa Clara County as part of the I-680 Sunol Southbound Express Lane. Alameda CTC would fund the conversion of the existing southbound express lane within Santa Clara County to carpool lane.

The above language in this amendment to the JPA agreement outlines the procedures in the event of dissolution. These procedures would assist in the process that could lead to continued operations of the I-680 Express Lanes in Alameda County by Alameda CTC, as opposed to continued governance under JPA as a separate entity.

**Fiscal Impact:** There is no fiscal impact at this time. Should member agencies act to dissolve the JPA, dissolution costs will be paid for from JPA operating reserves or other Alameda CTC express lane funding sources.

**Attachment:**

- A. Third Amended and Restated Joint Powers Agreement

***This page intentionally left blank***

THIRD AMENDED AND RESTATED JOINT  
POWERS AGREEMENT ESTABLISHING  
THE SUNOL SMART CARPOOL LANE JOINT POWERS AUTHORITY

## INTRODUCTION

This Third Amended and Restated Joint Powers Agreement (“Agreement”) is made and entered into in the State of California as of \_\_\_\_\_, 2022 (“Effective Date”), by and among the following public agencies (“Member Agencies”) that are parties to this Agreement:

- (a) Alameda County Transportation Commission (“Alameda CTC” or “Managing Agency”)
- (b) Santa Clara Valley Transportation Authority (“VTA”)

## RECITALS

WHEREAS the parties to this Agreement formed a joint powers agency to exercise authority under Section 149.5 of the Streets and Highways Code of the State of California to plan, design, construct and administer the operation of a value pricing high-occupancy vehicle program on the Sunol Grade segment of Interstate/State Highway Route 680 (“I-680”) in Alameda and Santa Clara Counties; and

WHEREAS the Second Amended and Restated Agreement dated February 28, 2019 replaced and superseded in its entirety the Amended and Restated Joint Powers Agreement Establishing the Sunol Smart Carpool Lane Joint Powers Authority dated June 23, 2016 (the “First Amended Agreement”);

WHEREAS the parties entered into this Agreement to modify certain provisions of the Second Amended and Restated Agreement to better achieve the respective goals of the parties; and

WHEREAS each party to this Agreement is authorized to contract with the others for the joint exercise of any common power under the Joint Powers Act, Article 1, Chapter 5, Division 7, Title I of the Government Code of the State of California; and

NOW THEREFORE, in consideration of the recitals and the rights, duties and covenants set forth herein, the parties to this Agreement agree to the following:

### 1. CREATION AND CONTINUATION OF THE AUTHORITY

The Sunol Smart Carpool Lane Joint Powers Authority (also known as the “I-680 Express Lane JPA,” and referenced herein as the “Authority”), which shall constitute a public entity separate and apart from either Member Agency, was created and established by the original Joint Powers Agreement Establishing the Sunol Smart Carpool Lane Joint Powers Authority dated February 23, 2006 (“Original Agreement”), which Original Agreement was superseded and replaced by the First Amended Agreement. From and after the Effective Date, the Authority shall be governed by the terms of this Agreement and by any rules and regulations

passed and adopted by its Governing Board.

The Executive Director of the Authority shall cause to be filed a notice of the amendment and restatement of the First Amended Agreement by this Agreement with the office of the Secretary of State within 30 days after its effective date, as required by Section 6503.5 of the Joint Powers Act.

## **2. PURPOSE**

It is the purpose of the Authority to advance the planning, design and construction, and then to administer the operation of a value pricing high-occupancy vehicle program on the Sunol Grade segment of I-680 in Alameda and Santa Clara Counties (the “Project” or the “I-680 Express Lane”) in the I-680 Express Lane Corridor as defined herein, and to adopt and administer an Expenditure Plan for the use of the net revenue generated by the Project.

## **3. PROJECT BOUNDARIES**

The I-680 Express Lane Corridor extends on I-680 from the interchange of Alcosta Boulevard in the City of Dublin in Alameda County to State Route 237 (Calaveras Boulevard) in the city of Milpitas in Santa Clara County (the “Project Corridor” or “I-680 Express Lane Corridor”).

The Project Corridor is split into two sections: The 14-mile long southern section spans approximately 11.7 miles in Alameda County and 2.3 miles in Santa Clara County between State Route 84 in Alameda County and State Route 237 in Santa Clara County. The northern section spans approximately 10 miles between Alcosta Boulevard and State Route 84, all within Alameda County. In Alameda County, the cities or county areas that are in the Project Corridor or that are directly benefited by the Project are Dublin, Livermore, Pleasanton, Fremont, and the unincorporated areas of Alameda County in the immediate vicinity of these cities and I-680. In Santa Clara County, the cities or county areas that are in the Project Corridor or that are directly benefited by the Project are Milpitas and San Jose, and the unincorporated areas of Santa Clara County in the immediate vicinity of these cities and I-680.

## **4. EFFECTIVE DATE/TERM**

This Agreement shall become effective upon approval by the governing board of the Member Agency that last approves the Agreement, which date shall be reflected in the introductory paragraph of this Agreement. The term of this Agreement shall commence on the Effective Date and continue unless and until terminated pursuant to Section 14 below.

## **5. FUNCTIONS AND RESPONSIBILITIES OF THE AUTHORITY**

The Authority shall have the following functions and responsibilities:

**5.1** Prepare, adopt, revise, amend, administer and implement the Authority’s Administrative Code, which is the separate document adopted by the Governing Board of the Authority from time to time as may be needed, that outlines, among other things, the organizational structure of the Authority, the duties and powers of the Executive Director of the

Authority who shall be hired by the Governing Board, the conduct of Authority meetings, and stipulates the delegation of power and authority to carry out the business and operations of the Authority.

**5.2** Prepare, adopt, revise, amend, administer and implement the annual Budget, which is the separate document adopted annually by the Governing Board of the Authority that sets forth the annual expenses and revenues for Project administration, operations, maintenance and capital projects. The Budget shall consist of a capital budget and an operating budget.

**5.3** Prepare, adopt, revise, amend, administer and implement an “Expenditure Plan,” which shall allocate all net revenue generated by the Project that remains after payment of direct expenses pursuant to Section 9.2 to transportation projects and/or programs within the Project Corridor pursuant to Section 9.3. The Expenditure Plan shall be adopted biennially and may be revised from time to time as may be needed by the Governing Board of the Authority.

**5.4** Establish, and review from time to time, the fee (toll) structure for the use of the I-680 Express Lane.

**5.5** Establish and review the appropriate traffic flow guidelines for the I-680 Express Lane Corridor to ensure optimal use of the express lanes by high-occupancy vehicles at level of service C, or level of service D with approval by the California Department of Transportation, and as otherwise provided in Section 149.5(b) of the Streets and Highways Code of the State of California.

**5.6** Coordinate transportation planning and programming with Alameda CTC and VTA for the purposes of the Project.

**5.7** Approve, adopt, revise and amend required reports to the California State Legislature.

**5.8** Assess Member Agencies for shortfalls in operational costs or other unfunded obligations pursuant to Section 9.1.

**5.9** Seek state and federal funding for the construction, administration, and operation of the Project, and other duties described in this Agreement.

**5.10** Other functions and responsibilities as may be added by amendments to this Agreement pursuant to Section 16.

**5.11** Other functions and responsibilities that are consistent with the purpose, objectives, functions and responsibilities described in this Agreement or are imposed or allowed by state or federal law.

## **6. POWERS OF THE AUTHORITY**

As may be necessary for the accomplishment of the purposes of the Agreement and the functions and responsibilities of the Authority, the Authority shall have the power in its own name to undertake the following:



**6.1** To make and enter into any and all contracts to accomplish the purpose and function of the Authority.

**6.2** To employ or contract for the services of agents, employees, consultants, and such other persons or firms as it deems necessary.

**6.3** To contract for any and all services deemed necessary to meet the purposes of the Authority.

**6.4** To make plans and conduct studies and to review, recommend or adopt revisions or amendments thereto to the extent allowed by law.

**6.5** To acquire by lease, purchase or lease-purchase, and to hold and dispose of any and all real and personal property necessary to carry out the purposes of this Agreement.

**6.6** To construct, manage and maintain facilities and services, or enter into contracts for construction, management and maintenance of facilities and services.

**6.7** To sue and be sued in its own name.

**6.8** To incur debts, liabilities and obligations; however, the debts, liabilities and obligations of the Authority shall not constitute any debt, liability or obligation of any of the Member Agencies which are parties to this Agreement.

**6.9** To issue bonds, refunding bonds, or bond anticipation notes, at any time to finance construction and construction-related expenditures of the Project and other projects in the Expenditure Plan, pursuant to and in compliance with Section 149.5(f) of the Streets and Highways Code of the State of California.

**6.10** To apply for and accept grants for financial aid pursuant to any applicable state or federal statutes.

**6.11** To adopt, as authorized by law, ordinances or resolutions necessary to carry out the purposes of this Agreement.

**6.12** To seek state and federal or other funding to defray the cost of the design, construction, administration and operation of projects in the Project Corridor.

**6.13** To the extent not set forth herein and in Section 149.5 of the Streets and Highways Code of the State of California, the Authority may exercise any and all powers granted to VTA, under Article 5 of Chapter 5 of Part 12 of the California Public Utilities Code, commencing with section 100160, and is subject to the restrictions imposed upon VTA by California statutes to the extent such restrictions apply to the activities of the Authority.

## **7. GOVERNING BOARD OF THE AUTHORITY**

### **7.1 Members of the Governing Board**

All powers of the Authority shall be exercised by a five member Governing Board. The Governing Board shall be composed as follows:

- (a) Four representatives of Alameda CTC;
- (b) One representative of VTA.

## **7.2 Selection of Members**

(a) Members of the Governing Board shall be selected by the Boards of each respective Member Agency using the following criteria:

(i) Alameda CTC shall select its Members of the Governing Board of the Authority from elected officials who represent jurisdictions within the Project Corridor, or jurisdictions that will benefit from the Project, but Members of the Governing Board need not be members of the governing board of Alameda CTC;

(ii) VTA shall select its Members of the Governing Board of the Authority from members or alternate members of its governing board.

(b) The California Department of Transportation may designate one person who shall be entitled to receive all notices sent to Members and to participate in all Board Meetings and discussions, but who shall not be entitled to vote or hold office.

(c) Each Board Member shall hold office from the first meeting of the Authority after his or her appointment until a successor is appointed, or until the date such Board Member no longer serves as an elected official representing a jurisdiction in the Project Corridor or a jurisdiction that will otherwise benefit from the Project, whichever date is first. Each Board Member shall serve at the pleasure of the appointing Member Agency.

(d) Alternate Members of the Governing Board shall be selected by the boards of each respective Member Agency using the criteria outlined above in a manner determined by their respective Boards. Such Alternate Members may serve in the event that the appointed Governing Board Member is unable to attend a Board Meeting.

## **7.3 Officers of the Governing Board**

The Governing Board shall elect a Chair and a Vice-Chair from among its Board Members at its first meeting. Thereafter at the first meeting held in each succeeding calendar year, or as otherwise determined by the Board in its discretion, the Authority shall elect its Chair and Vice-Chair for that year. If the Chair or Vice-Chair so elected ceases to be a member of the Governing Board, the resulting vacancy shall be filled at the next meeting of the Authority held after each vacancy occurs. In the absence or inability of the Chair to act, the Vice-Chair shall act as Chair. The Chair, or in his or her absence, the Vice-Chair, shall preside at and conduct all meetings of the Authority.

#### **7.4 Appointment of Treasurer**

Pursuant to Sections 6505.5 and 6505.6 of the Government Code of the State of California, the Governing Board shall designate as Treasurer of the Authority one who is either Treasurer of any Member Agency, or a certified public accountant, or an employee of the Authority. The appointed Treasurer shall serve until the Authority designates a different Treasurer. If the Treasurer so appointed becomes ineligible or ceases to be able to perform his or her duties, the resulting vacancy shall be filled at the next meeting of the Authority held after each vacancy occurs. The roles and responsibilities of the Managing Agency are set forth in Section 8 below, and in the Administrative Code. The Treasurer is required to perform the functions specified in Section 11 below and in the Administrative Code.

#### **7.5 Appointment of Auditor/Controller**

Pursuant to Sections 6505.5 and 6505.6 of the Government Code of the State of California, the Governing Board shall designate from the same agency as the Treasurer an Auditor/Controller at its first meeting.

However, if a certified public accountant has been designated as Treasurer of the Authority, the Governing Board shall designate from the auditors of the Member Agencies an Auditor/Controller for the Authority at its first meeting. The Authority may also designate one of its officers or employees.

The appointed Auditor/Controller shall serve until the Authority designates a different Auditor/Controller. If the Auditor/Controller becomes ineligible or ceases to be able to perform his or her duties, the resulting vacancy shall be filled at the next meeting of the Authority held after such vacancy occurs.

#### **7.6 Appointment of Secretary**

The Governing Board shall designate a Secretary at its first meeting and that Secretary shall serve until the Authority designates a different Secretary. If the Secretary so elected becomes ineligible or ceases to be able to perform his or her duties, the resulting vacancy shall be filled at the next meeting of the Authority held after each vacancy occurs. The Secretary may be an employee of the Authority or of the Managing Agency.

#### **7.7 Meetings of the Governing Board**

##### **(a) Regular Meetings**

The Governing Board shall establish a schedule for its regular meetings provided that it shall hold at least one regular meeting in each quarter of each year and such further meetings as may be reasonable depending on the pressure of business.

**(b) Special Meetings**

Special meetings of the Governing Board may be called by the Governing Board, Chair, Vice-Chair, or Executive Director of the Authority in accordance with the provisions of law.

**(c) Notice of Meetings**

All meetings of the Governing Board shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act, commencing with Section 54950 of the Government Code of the State of California.

**(d) Teleconferenced Meetings**

Pursuant to Section 54953 of the Government Code of the State of California, meetings may be held when one or more members of the Governing Board attend telephonically, provided that the teleconferenced meeting or proceeding shall comply with all requirements of the Ralph M. Brown Act and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding. All votes taken during a teleconferenced meeting shall be by roll call. If the Governing Board elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the Governing Board. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the Governing Board shall participate from locations within the boundaries of the territory over which the Member Agencies exercise jurisdiction. The agenda shall provide an opportunity for members of the public to address the Governing Board directly pursuant to Section 54954.3 of the Government Code of the State of California at each teleconference location. For the purposes of this section, "teleconference" means a meeting of the Governing Board, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit the Authority from providing the public with additional teleconference locations.

**(e) Quorum**

A majority of Members shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn for lack of quorum. A minimum of 3 votes of the Governing Board is required to take action.

**(f) Reimbursement For Expense of Meeting**

The Governing Board is authorized to fix a reasonable sum to be paid to Members for their attendance of Governing Board Meetings. Such compensation shall be for mileage and other incidental costs associated with meeting attendance.

**(g) Minutes**

The Secretary of the Governing Board shall cause minutes of all meetings to be kept, and shall, after each meeting, cause a copy of the minutes to be forwarded to each Board Member of the Authority.

**8. MANAGING AGENCY**

While the Authority will oversee the implementation of the Project, the support of the Member Agencies is required. Therefore:

**8.1** Alameda CTC shall continue to serve as the Managing Agency for the Project on behalf of the Authority.

**8.2** The roles and relationships between the Managing Agency and the Authority shall be set forth in this Agreement and as further described in an Administrative Code, which shall be adopted by the Governing Board. The Managing Agency, together with the Executive Director, shall work in cooperation with the Member Agencies and endeavor to achieve consensus on Authority issues and matters that go before the Governing Board. If consensus cannot be reached, the Managing Agency, together with the Executive Director, shall prepare a report to the Governing Board that reflects the position of each Member Agency.

The Managing Agency shall have the following authority and responsibilities under the direction of the Governing Board, a portion of which could be delegated to the Executive Director:

**(a)** Prepare or oversee the production of items required for Governing Board approval, including:

**(i)** The Administrative Code, which shall be updated or otherwise amended from time to time as necessary;

**(ii)** The Budget, a draft of which shall be submitted to the Governing Board at least three months prior to the first fiscal year of operation of the Project, and thereafter submitted annually by June 1, at least one month prior to the start of each new fiscal year;

**(iii)** Two-year Expenditure Plan, a draft of which shall be submitted to the Governing Board at least three months prior to the first fiscal year of operation of the Project, and thereafter submitted biennially by April 1 to the Governing Board;

**(iv)** Annual Audit pursuant to Section 6505 of the Government Code of the State of California;

(v) Annual Report to the Governing Board and the Member Agencies;

(vi) Project Report to the California State Legislature pursuant to Section 149.5(f) of the Streets and Highways Code of the State of California;

(b) Execute and administer agreements and contracts on behalf of the Authority for the construction, administration, operation and maintenance of the Project.

(c) File grant applications or submit requests for funding of the construction, administration and operation of the Project.

(d) Manage, implement and administer grants related to the Project.

(e) Prepare and submit to the Governing Board reports quarterly, or more frequently as requested by the Governing Board, comparing the actual expenses and revenues to the Budget.

(f) Report regularly to the staff of the Member Agencies and the Governing Board regarding issues that affect the Authority and the Project.

(g) Coordinate the development of the Governing Board agendas and staff reports with the staff of the Member Agencies prior to mailing.

(h) Provide information and support to Member Agencies for satisfying the requirements of local funding sources.

(i) Provide and manage all personnel utilized in providing or supporting the Project, and manage all contracts for professional services consistent with the Administrative Code as defined in Section 5.1.

(j) Pay all invoices properly charged to the Authority, if within and in accordance with the adopted Budget.

(k) Assess Member Agencies for shortfalls in operational costs or other unfunded obligations pursuant to Sections 5.8 and 9.1.

**8.3** The Authority shall compensate the Managing Agency for its management services pursuant to the limitation of the Budget; however, the Member Agency serving as the Managing Agency shall not be entitled to compensation for its activities in representing that Member Agency on the Governing Board, except as set forth in Section 7.7(f).

## **9. FUNDING**

**9.1** In addition to any funds derived from grants as provided in this Agreement, the Member Agencies will contribute the funds necessary to carry out the purposes and powers of the Authority as follows: All shortfalls in operational costs or other unfunded

obligations will be assessed on a pro-rated basis, with ninety percent (90%) assessed to Alameda CTC and ten percent (10%) assessed to VTA.

**9.2** Any revenues generated from the Project shall be available to the Authority for the direct expenses related to the operation (including collection and enforcement), maintenance, and administration of the Project. As required by Section 149.5 of the Streets and Highways Code of the State of California, the administrative expenses of the Authority shall not exceed 3 percent of the revenues.

**9.3** All net revenue generated by the Project that remains after payment of direct expenses pursuant to Section 9.2 shall be allocated to projects and/or programs pursuant to an Expenditure Plan adopted biennially by the Authority for transportation purposes within the Project Corridor. The net revenues shall, over the term of the Expenditure Plan, generally be allocated in the proportions of express lane project lane miles within the Alameda and Santa Clara Counties. The Expenditure Plan may include, but is not limited to, funding for the following:

(a) The construction of high-occupancy vehicle facilities, including the design, preconstruction, construction, and other related costs of a northbound Interstate 680 Express Lane project in the southern section.

(b) The construction of high-occupancy vehicle facilities, including the design, preconstruction, construction, and other related costs of northbound and/or southbound Interstate 680 Express Lane projects on the northern section.

(c) Transit capital and operations that directly serve the I-680 Express Lane Corridor.

## **10. BUDGET**

The Governing Board shall adopt a final Budget prior to the start of each fiscal year beginning with the first fiscal year of operation of the Project. The fiscal year shall begin July 1 of each year and shall include the following June 30. The Budget shall include separate components for administrative, operations, and capital costs anticipated to be incurred by the Authority during the fiscal year. No funding or financial obligations shall be created against any Member Agency solely as a result of adopting an annual Budget.

## **11. AUDIT AND ACCOUNTING**

Pursuant to the requirements of section 6505.5 of the Government Code of the State of California, the Treasurer is designated to be the depository and to have custody of all funds from whatever source, and to perform the following functions:

**11.1** Receive and receipt for all money and place it in a bank account or other investment instrument approved by the Authority for the credit of the Authority.

**11.2** Be responsible upon official bond for the safekeeping and disbursement of all Authority money so held.

**11.3** Pay, when due, out of money of the Authority, all sums payable on outstanding bonds and coupons of the Authority.

**11.4** Pay any sums due from Authority money, or any portion thereof, only upon warrants of the public office performing the functions of auditor or controller who has been so designated pursuant to this Agreement.

**11.5** Verify and report to the Governing Board and to the Member Agencies in writing quarterly, or more frequently as requested by the Governing Board, the amount of money the Treasurer holds for the Authority, and the amount of receipts and the amounts paid out since the last report.

Pursuant to the requirements of section 6505.6 of the Government Code of the State of California, if the Governing Board appoints one of its officers or employees as either Treasurer or Auditor/Controller, the Treasurer or Auditor/Controller shall cause an independent audit to be made by a certified public accountant, or public accountant, in compliance with Section 6505 of the Government Code of the State of California.

The Authority shall provide for the accountability of all funds and shall provide for an annual independent audit.

## **12. LIABILITY OF AUTHORITY, OFFICERS AND EMPLOYEES**

The debts, liabilities, and obligations of the Authority shall not be the debts, liabilities and obligations of the Member Agencies. The Governing Board Members, the Managing Agency, and officers, employees, and staff of the Authority ("Authority Representatives") shall use ordinary care and reasonable diligence in the exercise of their powers and in the performance of their duties pursuant to this Agreement. They shall not be liable for any mistakes of judgment or any other action made, taken or omitted by them in good faith, nor for any action with reasonable care, nor for loss incurred through investment of joint powers agency funds, or failure to invest. No Governing Board Member, nor any officers, employees or staff of either Member Agency, nor any Authority Representatives shall be responsible for any action taken or omitted by any other Governing Board Member, officer, employee or staff of either Member Agency, nor any Authority Representatives. No Governing Board Member, nor any Authority Representatives shall be required to give a bond or other security to guarantee the faithful performance of his or her duties pursuant to this Agreement. The Authority shall indemnify and hold harmless the Authority's individual Governing Board Members, its officers, employees, and agents and the Managing Agency, its officers, employees and agents, for any action taken lawfully and in good faith pursuant to this Agreement. Nothing in this section shall be construed to limit any defenses available to the Authority, its officers, employees, staff, Governing Board Members, or Member Agencies under any law, including the Government Tort Claims Act found in the Government Code of the State of California, commencing with section 830.

## **13. REPORT TO CALIFORNIA LEGISLATURE**

As required by Section 149.5 of the Streets and Highways Code of the State of California, not later than three years after the Authority first collected revenues from the Project, the Authority presented a report to the California State Legislature on its findings, conclusions,



and recommendations concerning the Project. The report included an analysis of the effect of the value pricing high-occupancy vehicle lanes on the adjacent mixed-flow lanes and any comments submitted by the California Department of Transportation and the Department of the California Highway Patrol regarding operation of the Project.

#### **14. TERMINATION OF AGREEMENT BY AUTHORITY**

This Agreement may be terminated by a resolution approved by a four-fifths (4/5) vote of the Members of the Governing Board at a regularly noticed Governing Board meeting. Either Alameda CTC or VTA may request consideration of termination of this Agreement. Such termination will be effective on the date specified in the resolution of the Governing Board, and such date shall not be earlier than the deadline for Alameda CTC to provide its notice of election as set forth in this section. At least sixty (60) days prior to the effective date of such a termination, Alameda CTC may provide written notice to the Authority that Alameda CTC elects to continue to operate the I-680 Express Lane within Alameda County.

14.1. If Alameda CTC provides written notice of its intent to continue to operate the I-680 Express Lane within Alameda County, the Authority, within sixty (60) days of receipt of said notice from Alameda CTC, shall: (1) assign all of its contracts and the rights and obligations therein related to the I-680 Express Lane to Alameda CTC, (2) shall convey to Alameda CTC any real property interests (fee, easements and licenses) including fixtures and equipment installed thereon that the Authority owns in Alameda County, and (3) shall convey to Alameda CTC any personal property (including any money or assets in possession of the Authority) the Authority owns or possesses in Alameda County.

14.2. Not later than ninety (90) days after Authority and Alameda CTC have fulfilled the obligations set forth in items 1, 2, and 3 in Section 14.1 above and after Caltrans has issued any required encroachment permit, Alameda CTC shall, at its own cost and expense remove or cause to be removed the two traffic sensors and one gantry originally installed in Santa Clara County as part of the I-680 Express Lane and install appropriate signage indicating the termination of the I-680 Express Lane in Alameda County; and Alameda CTC shall, at its own cost and expense convert the segment of Express Lanes located in Santa Clara County to a carpool lane beginning at or after the Santa Clara County line, consistent and compliant with Caltrans design requirements.

#### **15. AMENDMENTS TO THE AGREEMENT**

This Agreement may be further amended at any time by the mutual consent and approval of the Boards of the Member Agencies.

#### **16. ARBITRATION**

In the event of a dispute between the Authority and its Member Agencies, or any one Member Agency, which those parties cannot satisfactorily resolve, the dispute shall be submitted to arbitration by a panel of three arbitrators pursuant to the rules of the American Arbitration Association. The panel of arbitrators shall consist of one arbitrator appointed by the governing body of the Authority and one arbitrator appointed by the Member Agencies with whom the dispute exists and the third member shall be appointed by mutual consent of the other two arbitrators. The arbitration panel shall resolve the dispute in accordance with the terms of this Agreement.

## **17. SUCCESSOR STATUTES**

All statutes cited herein shall be deemed to include amendments and successor statutes to the cited statutes as they presently exist.

## **18. NOTICE**

All notices, requests, payments and all other communications to be made or given under this Agreement shall be in writing and shall be deemed to have been duly given on the date of service if served personally, or on the second day after mailing if mailed to the party to whom notice is to be given, by first class mail, registered or certified, postage prepaid, and properly addressed as follows:

If to Alameda CTC:

Alameda County Transportation Commission  
1111 Broadway, Suite 800  
Oakland, CA 94607  
Attn: Tess Lengyel

If to VTA:

Santa Clara Valley Transportation Authority  
3331 North First Street  
San Jose, CA 95134-1906  
Attn: Carolyn Gonot

## **19. CONSTRUCTION: NUMBER, GENDER AND CAPTIONS**

This Agreement has been executed in the State of California and shall be construed according to the law of the State of California. Numbers and gender as used herein shall be construed to include that number and/or gender which is appropriate in the context of the text in which either is included. Captions are included herein for the purposes of ease of reading and identification. Neither gender, number nor captions used herein shall be construed to alter the plain meaning of the text in which any or all of them appear.

## **20. EXECUTION IN COUNTERPART**

The Agreement may be executed in one or more counterparts and may include multiple signature pages, all of which shall be deemed to be one instrument. Copies of this Agreement will be used in lieu of the original.

## **21. COMPLETE AGREEMENT**

This Agreement constitutes the full and complete agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by authorized officials indicated below.

<b>ALAMEDA COUNTY TRANSPORTATION COMMISSION</b>	<b>SANTA CLARA COUNTY TRANSPORTATION AUTHORITY</b>
By: TESS LENGYEL Executive Director	By: CAROLYN GONOT General Manager/CEO
<b>REVIEWED AS TO BUDGET/FINANCIAL CONTROL</b>	
By: PATRICIA REAVEY Deputy Executive Director of Finance and Administration	
<b>APPROVED AS TO FORM</b>	<b>APPROVED AS TO FORM</b>
By: GENERAL COUNSEL Meyers Nave, a Professional Law Corporation	By: EVELYNN TRAN General Counsel



# Memorandum

6.5

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

**DATE:** July 21, 2022

**TO:** Alameda County Transportation Commission

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

**SUBJECT:** Approve actions to facilitate Environmental and Design phases of Alameda CTC implemented Rail Safety Enhancement Program - Phase A (RSEP-A) Capital Project

## Recommendation

It is recommended that the Commission approve the following actions to facilitate the delivery of Environmental Document and Plans, Specifications, and Estimate (PS&E) phases of the Rail Safety Enhancement Program - Phase A (RSEP-A) Project:

1. Approve Amendment No.1 for contract A20-0014 with Kimley-Horn and Associates, Inc., for an amount of \$760,000 for a total not-to-exceed amount of \$4,619,621 and authorize a 16-month extension to December 31, 2024, and;
2. Approve Amendment No.1 for contract A20-0013 with T.Y. Lin International for an amount of \$140,000 for a total not-to-exceed amount of \$1,730,000 and authorize a 16-month extension to December 31, 2024

## Summary

RSEP-A is the first phase of Alameda CTC's Rail Safety Enhancement Program (RSEP) that will implement safety improvements at 28 rail crossings and two trespass areas on the Union Pacific Railroad (UPRR) corridors within the county. Alameda CTC is the project sponsor and implementing agency for RSEP-A (Project). Kimley-Horn and Associates, Inc. (Contract A20-0014) is providing services for Preliminary Engineering and Environmental Clearance, Final Design, and Right of Way, while T.Y. Lin International (Contract A20-0013) is providing Project Management services for this project. These consultant contracts were executed on July 23, 2020, and will expire on August 31, 2023.

The RSEP-A scope of work for six of the 28 rail crossings has been adjusted since the commencement of work and several of the Oakland crossings are in much poorer condition and require more technical studies and design effort. Two crossings in Berkeley

(at Virginia street and Hearst Avenue) were found to be located within culturally sensitive sites with known archaeological resources. These sites will require Historic Preservation Section 106 consultation and Extended Phase 1 (XPI) archaeological testing program to determine how the project will affect and mitigate cultural resources for state and federal environmental (California Environmental Quality Act/National Environmental Policy Act) clearances, which was not originally anticipated. Furthermore, preliminary (35%) plan reviews by several cities indicate that additional traffic/pedestrian counts and studies will be required for this project. The Kimley-Horn and Associates, Inc. contract budget and time are insufficient to accommodate these changes, and an additional \$760,000 and 16-month time extension are requested for the scope changes and the current project schedule.

The RSEP-A project has secured funding from the competitive Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program and is seeking additional funding from competitive state and other funding programs. The effort required to prepare grant funding applications was not originally included in T.Y. Lin International's contract, and an additional \$140,000 is needed for the completed and future grant applications. Furthermore, a 16-month contract time extension is also required for T.Y. Lin International's contract to accommodate scope changes described earlier as well as the current project schedule.

## **Background**

The Alameda County RSEP will promote safety and freight and passenger rail operations by enhancing safety at 45 highway-rail at-grade crossings within UPRR Martinez, Niles, Coast, and Oakland Subdivisions that traverse heavily populated communities as freight travels to and from the Port of Oakland. The RSEP program will be implemented as two separate projects, RSEP-A (28 crossings) and RSEP-B (17 crossings). The 28 RSEP-A crossings were prioritized by Alameda CTC based upon analysis of collision history, community impacts, and implementation schedule to address the highest-need crossings as urgently as possible. The future second phase project (RSEP-B) will enhance safety at the remaining 17 highway-rail at-grade crossings.

The major rail corridors in the Bay Area travel directly through communities in Alameda County, including many Equity Priority Communities, as the corridors connect the Port to industrial uses, warehousing and manufacturing, the larger Northern California Megaregion Network, and national markets. These communities are heavily impacted by goods movement and will see increased impacts as projected growth will create more freight travel by rail and increase freight volumes. RSEP-A will implement safety enhancements in these areas to reduce current and future impacts of goods movement on communities: five crossings within the City of Berkeley; four crossings within the City of Oakland; 10 crossings within the City of San Leandro; three crossings within the unincorporated areas of Alameda County including San Lorenzo, Ashland, and Cherryland; four crossings within the City of Hayward; and two crossings within the City of Livermore. A majority (19) of the RSEP-A crossings are in low-income, disadvantaged, and underserved communities heavily impacted by goods movement. The RSEP-A project

will also improve two trespassing areas, one in unincorporated Alameda County and one in the City of Hayward, both of which are adjacent to schools and community facilities.

RSEP-A will implement two categories of safety enhancements. The first category is "Full Pedestrian Treatments," which include sidewalks, active pedestrian gates, manual swing gates, channelizing railings, tactile warning strips, fencing, and anti-trespassing landscaping to address trespassing incidents that, to date, have resulted in 45 fatalities. The second category is "Roadway Treatments," which includes signing, striping, lighting, median islands, and driveways.

Alameda CTC is the project sponsor and implementing agency for the RSEP-A project. Kimley-Horn and Associates, Inc. (Contract A20-0013) is providing Preliminary Engineering and Environmental Clearance (technical studies, topographic surveys, and base mapping), Final Design (design engineering and bid package), and Right of Way support (Right of Way engineering and utility) services. T.Y. Lin International (Contract A20-0014) is providing Project Management services and stakeholder/agency coordination, including preparing grant applications for funding for this project. These contracts were executed on July 23, 2020, and will expire on August 31, 2023.

Since July 2020, the project scope had to be revised for the following reasons:

- Four crossings in the City of Fremont were replaced with four crossings in the City of Oakland after Fremont withdrew from the project in July 2021. The Oakland crossings are older and more dilapidated, requiring more improvements than the newer and better-maintained Fremont crossings. This change requires additional technical studies, coordination, and design effort. The Kimley-Horn and Associates, Inc. contract needs to be amended for the additional work required for the Oakland crossings.
- Kimley-Horn and Associates, Inc.'s current contract scope of work assumes that the rail crossing sites will have no cultural impacts, and Historic Preservation Section 106-related work is limited to background research and field surveys to verify this assumption. Based upon background research performed on the project, it is now known that two of the crossings in Berkley (at Virginia Street and Hearst Avenue) are located within culturally sensitive sites of Shell Mound and School House Creek, respectively. These sites have been found to have archeological resources. The Virginia and Hearst crossings will require consultation/coordination with Native American Heritage and local tribes. They will also require an XPI archaeological testing program. XPI testing will comprise of a series of shovel test pits and/or hand augured units or other excavation methods to establish the presence or absence of resources in areas and estimate project disturbance. Since the proposed ground-disturbing activities in this project are limited, it is assumed that impacts on cultural resources can be avoided. If the impacts on the cultural resources are identified and are highly sensitive and cannot be avoided, additional excavations may be required for a Phase II study, and Finding of Effect may be required to determine the National Register for Historic Places eligibility for the site(s). The level of effort

associated with Phase II study/testing and a Finding of Effect would depend on the type and extent of the resources identified. Phase II study is not part of this contract amendment and will be addressed in a future amendment if required.

- Feedback on 35% plan reviews from several cities indicates that these cities will require additional vehicular/pedestrian traffic counts and traffic studies to approve the plans. The required level of traffic counts and studies was not anticipated and is not currently in the Kimley-Horn and Associates Inc. contract scope of work. A contract amendment is needed for additional vehicular/pedestrian traffic counts and traffic studies.
- The project is seeking construction funding from competitive federal/state funding programs (RAISE and SB1 TCEP). Recent efforts realized a large grant award of \$25M in CRISI funds. Caltrans has nominated this project for SB1 Trade Corridor Enhancement Program (TCEP) funding. Alameda CTC believes this project is a strong candidate for competitive grants, and pursuing grant funding opportunities is part of the project funding strategy. Preparation of grant funding applications requires significant effort, including a cost/benefit analysis using economic models prescribed by the Federal Railroad Administration (FRA) and the California Transportation Commission (CTC). The effort to prepare the grant applications is not part of T.Y. Lin International's original contract scope, and the contract needs to be amended for additional work required for multiple grant applications that were not included in the original scope.

The proposed amendments are for a value of \$760,000 for Contract A20-014 with Kimley-Horn and Associates, Inc., for a total not-to-exceed amount of \$4,619,621, and a value of \$140,000 for Contract A20-013 with T.Y. Lin International for a total not-to-exceed amount of \$1,730,000. The proposed amendments will also extend the contract time by 16 months. With the proposed modifications, these contracts would continue to meet Alameda CTC's project delivery commitments.

Staff has negotiated the contract amendments with Kimley-Horn and Associates, Inc., and T.Y. Lin International.

**Levine Act Statement:** Kimley-Horn and Associates, Inc. and T.Y. Lin International did not report a conflict in accordance with the Levine Act.

**Fiscal Impact:** The budget for these actions is included in Alameda CTC Adopted FY 2022-2023 Capital Program Budget.

**Attachment:**

- A. RSEP-A Project Fact Sheet

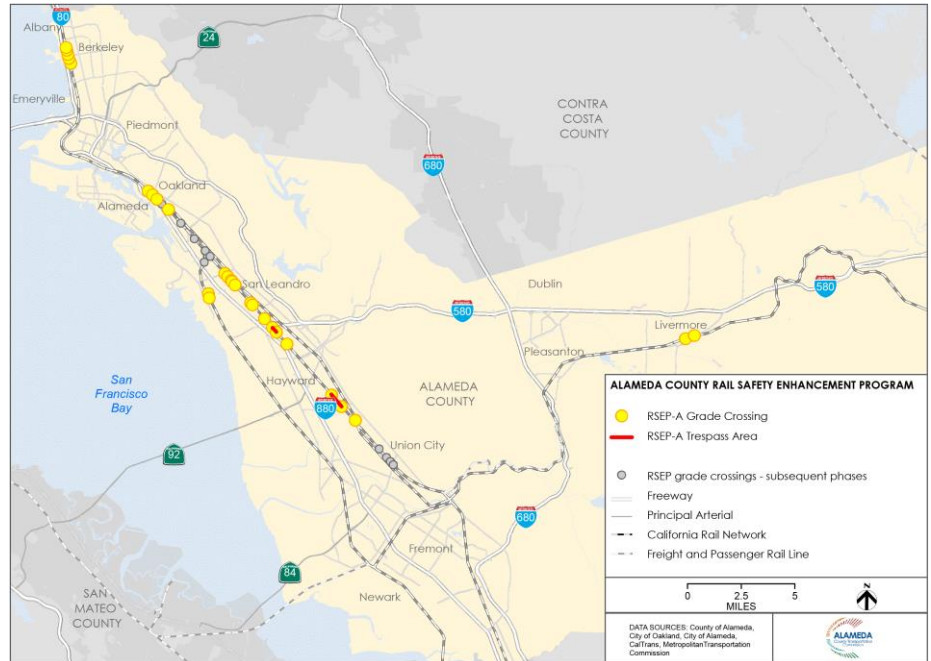
### PROJECT OVERVIEW

In response to the Alameda County Goods Movement Plan approved in 2016, individual rail crossings throughout the County were examined to identify crossings and corridors most impacted by rail traffic and to identify where rail crossings safety can be enhanced. The crossings analysis considered the following primary factors:

- Current and potential future rail volumes and routing, annual average daily automobile traffic, accident history, land use sensitivities and equity priority communities
- Safety, delay, noise and air quality

Once the crossing analysis identified needed at-grade rail crossing safety enhancements, those most impacted and in need of improvements were included in the Rail Safety Enhancement Program (RSEP).

Implementation of the program is a two-phased approach: RSEP-A and RSEP-B. The first phase, RSEP-A, is comprised of crossings that are within six local jurisdictions, with recommended safety enhancements centered around pedestrian treatments, such as sidewalks, automatic pedestrian gates, channelization, lighting, warning strips, fencing and gates, and signing and striping. These near-term upgrades will have significant and immediate positive safety impacts for our local communities.



### PROJECT NEED

- Alameda County has a high volume of rail activity combined with densely populated residential areas.
- Pedestrian oriented safety devices are lacking in most of these areas.

### PROJECT BENEFITS

- Improves pedestrian, bicycle and vehicle user safety with an emphasis on schools
- Improves rail and roadway safety
- Supports economic vitality by supporting rail connectivity to the Port of Oakland
- Supports freight rail operations
- Supports housing and commercial redevelopment
- Improves transportation viability for passenger rail service and roadway networks
- Achieves emissions reductions through reduced idling supporting state and regional air quality goals—protecting our climate and maintaining the health of communities
- Promotes equity because these rail lines are often in low income and historically underserved communities





Rail crossing along 37th Avenue in the City of Oakland.

STATUS

Implementing Agency: Alameda CTC

Current Phase: Preliminary Engineering/Environmental (PE/Environmental); advance Preliminary Design and Final Design.

- RSEP-A diagnostic meetings complete for the 28 at-grade crossings located in the cities of Berkeley, Hayward, Livermore, Oakland, San Leandro and unincorporated Alameda County.

PARTNERS AND STAKEHOLDERS

Alameda CTC, Alameda County and the cities of Berkeley, Fremont, Hayward, Livermore, Oakland, San Leandro and Union City

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

	RSEP-A	RSEP-B
Environmental	\$2,204	TBD
Design	\$5,631	TBD
Right-of-Way	\$250	TBD
Construction	\$67,116	TBD
Total Expenditures	\$75,201	TBD

FUNDING SOURCES (\$ X 1,000)

	RSEP-A	RSEP-B
Measure BB	\$7,900	TBD
Federal <sup>1</sup>	\$25,001	TBD
TBD	\$42,300	TBD
Total Revenues	\$75,201	TBD

<sup>1</sup>\$25 million of Consolidated Rail Infrastructure and Safety Improvements Program (CRISI); \$1,000 earmark

SCHEDULE BY PHASE: RSEP-A

	Begin	End
Environmental/Advance Preliminary Design	Fall 2020	Summer 2023
Final Design	Summer 2023	Summer 2024
Right-of-Way	Summer 2023	Summer 2024
Construction	Summer 2024	Summer 2026

Note: Project schedule subsequent to the preliminary engineering/environmental phase is contingent on funding availability for future phases.

SCHEDULE BY PHASE: RSEP-B

	Begin	End
Environmental/Advance Preliminary Design	TBD	TBD
Final Design	TBD	TBD
Right-of-Way	TBD	TBD
Construction	TBD	TBD

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



# Memorandum

6.6

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

**DATE:** July 21, 2022

**TO:** Alameda County Transportation Commission

**FROM:** Vivek Bhat, Director of Programming and Project Controls  
John Nguyen, Principal Transportation Planner  
Jacki Taylor, Senior Program Analyst

**SUBJECT:** 2024 Comprehensive Investment Plan Summary of Applications Received

## Recommendation

This item is to provide the Commission with an update on the applications received for Alameda CTC's 2024 Comprehensive Investment Plan (CIP). This item is for information only.

## Summary

The 2024 CIP includes \$150.8 million in combined Measure B and BB, Vehicle Registration Fee (VRF), Transportation Fund For Clean Air (TFCA), and federal One Bay Area Grant Cycle 3 (OBAG 3) discretionary program funds for bicycle/pedestrian, complete streets, and transit-related improvements within Alameda County.

On May 10, 2022, Alameda CTC released a Call for Projects for projects and programs ready for implementation within the CIP's five-year horizon from Fiscal Years 2023-24 to 2027-28. Applications were due on June 30, 2022.

In response to this call, Alameda CTC received 52 applications with funding requests totaling approximately \$260.7 million. Over the next few months, Alameda CTC will evaluate submitted projects based on the Commission-approved CIP project selection criteria and match successful candidate projects with the appropriate fund source(s).

Alameda CTC's project nominations for OBAG 3 funding will be considered by the Commission this September, a TFCA program recommendation will be considered by the Commission this September/October and a recommendation for the entire 2024 CIP will be considered in Spring 2023.

## Background

Alameda CTC programs and allocates funding administered by Alameda CTC through the Alameda CTC's Comprehensive Investment Plan (CIP). The CIP programming process consolidates multiple funding sources into a singular programming cycle. The CIP's purpose is to strategically program funds towards transportation investments that support the vision and goals of the Alameda CTC's Countywide Transportation Plan, multi-modal plans, and voter-approved transportation expenditure plans. The CIP includes a five-year programming horizon, with the first two years of the CIP reflecting the allocation period.

On May 10, 2022, Alameda CTC released a combined 2024 CIP and MTC federal OBAG 3 Call for Projects. The 2024 CIP targets improvements related to bicycle/pedestrian, complete streets, and transit-related improvements within Alameda County that can be implemented from FYs 2023-24 through 2027-28, with a limited amount of TFCA and OBAG 3 funding available for use in FY 2022-23.

The 2024 CIP application period closed on June 30, 2022. Alameda CTC received 52 applications with funding requests totaling approximately \$260.7 million. Project sponsors are requested to review the 2024 CIP Summary of Applications Received (Attachment A) and to contact John Nguyen, [JNguyen@alamedactc.org](mailto:JNguyen@alamedactc.org), to report any errors or omissions with the information presented.

Note that for the available TFCA funding, to ensure that all of the FY 2022-23 TFCA funding is programmed by the November 2022 programming deadline, Alameda CTC will continue to accept TFCA-exclusive funding requests through the end of July 2022. Any additional TFCA-specific funding requests must be coordinated with and submitted directly to Alameda CTC staff. Eligible project sponsors are to contact Jacki Taylor, [JTaylor@alamedactc.org](mailto:JTaylor@alamedactc.org), to discuss potential TFCA projects and receive TFCA-specific application materials and instructions.

## Next Steps

The next step in the development of the 2024 CIP is the review and evaluation of the submitted applications. Alameda CTC will examine the project applications received, and if required contact the sponsor for further information/ clarifications. Project applications will be screened for consistency with the 2020 Countywide Transportation Plan and evaluated based on Commission-approved criteria which includes project merits (need/benefits, with an emphasis on Equity Priority Communities and safety), project readiness, leveraging and a project's nexus to countywide transportation and MTC's regional priorities.

In September, Alameda CTC staff will provide the Commission with a recommendation of OBAG 3-nominated projects that scored well within the CIP/OBAG framework and a Commission-approved nomination list will be forwarded to MTC for consideration by

September 30th. In September or October, Alameda CTC staff will provide a recommended FY 2022-23 TFCA program of projects.

MTC will conduct its regional evaluation of the County OBAG 3 nominations, October – December, and in January 2023 will adopt a final OBAG 3 County program of projects.

In Spring 2023, Alameda CTC will finalize the programming recommendations for the remaining local discretionary funds available through the 2024 CIP (including Measure B and BB, VRF, and FY 2023-24 TFCA and reflecting MTC's final OBAG 3 program) and bring a consolidated 2024 CIP recommendation to the Commission for consideration.

**Fiscal Impact:** There is no fiscal impact associated with this informational item.

**Attachment:**

- A. 2024 CIP - Summary of Applications Received

***This page intentionally left blank***

**2024 Comprehensive Investment Plan Application Received (6/30/22)****Sorted by Sponsor**

No.	App. ID	Project Sponsor	Project Title	Amount Requested
1	409317	Alameda County Transportation Commission	East Bay Greenway Phase 1, Multimodal	\$ 10,000,000
2	409316	Alameda County Transportation Commission	San Pablo Avenue Safety/Bus Bulbs Project	\$ 10,000,000
3	409311	Alameda County Transportation Commission	San Pablo Avenue Bus/Bike Lanes Project	\$ 10,000,000
4	409493	Alameda County Transportation Commission	San Pablo Avenue Parallel Bike Project	\$ 10,000,000
5	409126	Alameda-Contra Costa Transit District	District-Wide Security Systems Upgrade	\$ 3,514,000
6	409125	Alameda-Contra Costa Transit District	High-Priority Bus Stop Replacements	\$ 2,626,000
7	409128	Alameda-Contra Costa Transit District	Foothill Corridor	\$ 750,000
8	409129	Alameda-Contra Costa Transit District	Fruitvale Corridor	\$ 3,723,000
9	409130	Alameda-Contra Costa Transit District	Fremont Cloud Based TSP Pilot	\$ 600,000
10	408839	Bay Area Rapid Transit District (BART)	12th Street BART Station Elevator Modernization	\$ 7,500,000
11	407728	Bay Area Rapid Transit District (BART)	19th Street BART Station Elevator Modernization	\$ 7,500,000
12	407760	Bay Area Rapid Transit District (BART)	Lake Merritt TOD	\$ 10,000,000
13	408840	Bay Area Rapid Transit District (BART)	MacArthur BART Station Elevator Modernization	\$ 7,500,000
14	408721	Bay Area Rapid Transit District (BART)	West Oakland BART TOD & Station Modernization	\$ 10,000,000
15	408367	Bay Area Toll Authority	West Oakland Link	\$ 4,200,000
16	408503	City of Alameda	Citywide High-priority Roundabouts	\$ 9,259,000
17	407764	City of Alameda	Lincoln Avenue/Marshall Way/Pacific Avenue Corridor Improvement Project	\$ 9,991,000
18	405708	City of Alameda	Alameda-Oakland Estuary Water Shuttle Pilot Program	\$ 1,000,000
19	405645	City of Berkeley	Water Transportation / Ferry Project	\$ 2,920,000
20	405649	City of Berkeley	Adeline Corridor Project at Ashby BART Station	\$ 600,000
21	406650	City of Berkeley	Citywide Bicycle Boulevard Crossing Improvement Project	\$ 999,000
22	407041	City of Dublin	Tassajara Rd Widening from N. Dublin Ranch Drive to Quarry Lane School	\$ 1,000,000
23	407255	City of Dublin	Iron Horse Nature Park and Open Space	\$ 1,800,000
24	407253	City of Dublin	Village Parkway Complete Street Improvements	\$ 8,950,000
25	408696	City of Dublin	Dublin/Pleasanton BART Station Active Access Improvements	\$ 8,405,000
26	405472	City of Emeryville	Emery Go-Round Operating Expenses (FY26-FY27 and FY27-28)	\$ 1,000,000
27	407909	City of Emeryville	Doyle Bicycle Improvements - Phase 3	\$ 354,000
28	407965	City of Emeryville	Shellmound Christie Loop	\$ 1,155,000
29	407822	City of Emeryville	Stanford Corridor Enhancement Study	\$ 1,875,000
30	407910	City of Emeryville	40th Multimodal Improvements project	\$ 8,376,000
31	409146	City of Fremont	Fremont Boulevard/Walnut Avenue Bikeway Project	\$ 9,306,000
32	409150	City of Fremont	East Bay Greenway Trail (Irvington to Fremont BART)	\$ 6,822,000
33	409260	City of Fremont	I-880/Decoto Interchange Modernization Project	\$ 10,000,000
34	405111	City of Livermore	Vasco Road Widening Project No. 2018-37	\$ 2,748,600
35	405062	City of Newark	Old Town PDA Road Diet and Complete Street Improvement Project	\$ 5,140,850
36	403336	City of Oakland	66th Avenue BART to Bay Trail	\$ 10,000,000
37	403337	City of Oakland	27th Street and Bay Place Project	\$ 8,301,000
38	403338	City of Oakland	LAAMPS Phase Two	\$ 6,734,000
39	409495	City of Piedmont	Piedmont Pedestrian Safety Project	\$ 500,000
40	404553	City of Pleasanton	West Las Positas Boulevard Multimodal Reconstruction	\$ 10,000,000
41	408983	City of San Leandro	Hesperian Boulevard Bike Lane Gap Closure	\$ 1,050,000
42	408984	City of San Leandro	Lewelling Boulevard Streetscape	\$ 2,207,000
43	405259	City of San Leandro	LINKS Shuttle	\$ 331,000
44	408985	City of San Leandro	BART to Downtown San Leandro Pedestrian Enhancements	\$ 578,000
45	408986	City of San Leandro	Fairway Drive Traffic Calming	\$ 777,000
46	409121	City of Union City	Union City Boulevard Bike Lanes Project	\$ 5,000,000
47	409371	City of Union City	Union City Dyer Street Rehab Project Phase II	\$ 1,000,000
48	404848	County of Alameda - Public Works Agency	Mission Boulevard Phase III Corridor Improvements	\$ 9,657,000
49	409201	County of Alameda - Public Works Agency	Upper San Lorenzo Creekway	\$ 9,621,500
50	409373	East Bay Regional Park District	Oakland Bay Trail Extension	\$ 1,100,000
51	409119	East Bay Regional Park District	Tassajara Creek Trail Extension to Dublin-Pleasanton BART	\$ 1,200,000
52	408430	Livermore Amador Valley Transit Authority	Atlantis Operations and Administration Building	\$ 3,000,000

**TOTAL \$ 260,670,950**

***This page intentionally left blank***



# Memorandum

6.7

1111 Broadway, Suite 800, Oakland, CA 94607

• PH: (510) 208-7400

• www.AlamedaCTC.org

**DATE:** July 21, 2022

**TO:** Alameda County Transportation Commission

**FROM:** Shannon McCarthy, Associate Transportation Planner  
Chris G. Marks, Associate Transportation Planner

**SUBJECT:** Congestion Management Program (CMP): Summary of the Alameda CTC's Review and Comments on Environmental Documents and General Plan Amendments

## Recommendation

This item is to provide the Commission with a summary of Alameda CTC's review and comments on Environmental Documents and General Plan Amendments. This item is for information only.

## Summary

This item fulfills one of the requirements under the Land Use Analysis Program (LUAP) element of the Congestion Management Program. As part of the LUAP, Alameda CTC reviews Notices of Preparations (NOPs), General Plan Amendments (GPAs), and Environmental Impact Reports (EIRs) prepared by local jurisdictions and comments on the potential impact of proposed land development on the regional transportation system.

Alameda CTC submitted comments on one Draft EIR since the last update on June 13, 2022, included as Attachment A.

**Fiscal Impact:** There is no fiscal impact. This is an information item only.

## Attachment:

- A. Response to the DEIR for the 460 24<sup>th</sup> Street Project



***This page intentionally left blank***

June 9, 2022

Rebecca Lind, Planner IV  
City of Oakland Bureau of Planning  
Frank H. Ogawa Plaza, Suite 2214  
Oakland, CA, 94612

**SUBJECT:** Response to the Draft Environmental Impact Report (DEIR) for the 460 24<sup>th</sup> Street Project

Dear Rebecca,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the 460 24<sup>th</sup> Street Project. We understand the proposed project site is comprised of two sites in the Garage District, or the Koreatown-Northgate neighborhood in the City of Oakland. The first 0.92-acre site is occupied by a surface parking lot and five vacant buildings bound by 25<sup>th</sup> Street to the north, 24<sup>th</sup> Street to the south, and mixed-use development to the east and west. The proposed project would demolish one existing building and portions of four others to construct a six-story building with 86,100 square feet of office space above 11,980 square feet of ground-level retail space. The second 0.03-acre site is currently a three-space surface parking lot, which fronts Valley Street south of 24<sup>th</sup> Street and is surrounded by residential development and a parking tower to the east. The proposed project would add 580 square feet of craft stalls in refurbished shipping containers, intended to complement the pedestrian paseo of the first site. The project would also create a parking garage with a driveway on 25<sup>th</sup> Street, three permanent bulb-outs along 24<sup>th</sup> Street to accommodate seating, planters and bike parking, and an open-air pedestrian paseo connecting 24<sup>th</sup> and 25<sup>th</sup> Streets alongside a 980 square-foot dining courtyard.

It appears the proposed project may generate more than 100 new PM-peak trips and is therefore subject to review under Alameda County Transportation Commission's (Alameda CTC's) Congestion Management Program (CMP), Land Use Analysis Program (LUAP). Alameda CTC respectfully submits the following comments:

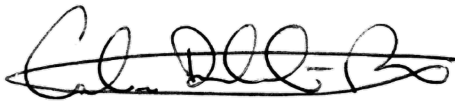
- On page 156, the DEIR states that the Metropolitan Transportation Commission's (MTC) Travel Model was used to analyze the project's impacts to vehicle miles traveled (VMT). In Alameda CTC's response to the project's Notice of Preparation (NOP), Alameda CTC advised that the Countywide Travel Demand Model is suggested for this analysis. Given the Countywide Model's assumptions are consistent with the regional MTC Model, but fine-tuned to local travel patterns within the county, please provide an explanation of why MTC's Model was selected as most appropriate to assess the impacts of this project instead of the Countywide Model. Note that Alameda CTC does not have a required methodology, but would like to better understand the underlying rationale.
- The Transportation Impact Review (TIR), in Appendix I, describes relevant pedestrian and bicycle facilities and plans in the project area in relation to the potential impacts of the project's parking garage on automobile, pedestrian and bicycle activity. Alameda CTC appreciates these considerations, which include protecting lines of sight at the garage entrance, designating passenger loading curb space, and installing bicycle parking. Given known safety issues on nearby

roads, including Broadway and Telegraph Ave, both of which are on the Countywide High-injury Network, and the project's potential to create additional vehicle trips and focus existing vehicle movements around the new 132-space parking garage, Alameda CTC encourages the project team to prioritize any additional bicycle and pedestrian safety enhancements possible, especially those listed in Impact TRA-4.

- The TIR of Appendix I discusses the potential to install amenities at local AC Transit and Broadway Shuttle bus stops listed in Table 5. Given the potential increase in traffic volumes and vehicle trips, please include a discussion of potential impacts that additional vehicle delay and turning movements could have on transit operations in the study area.
- State CMP legislation requires Congestion Management Agencies, like Alameda CTC, to require an analysis of vehicle delay and impacts to level of service on the Metropolitan Transportation System. In light of the implementation of Senate Bill 743, Alameda CTC no longer requires this analysis to be included directly in the DEIR, as delay and LOS may not be used to determine project impacts. Instead, the analysis may be submitted directly to staff, or included as a technical appendix to the DEIR. Additionally, please note that Alameda CTC does not require a specific methodology for analyzing level of service.

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208 7400 or Shannon McCarthy at (510) 208-7489 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Colin Dentel-Post', with a stylized flourish at the end.

Colin Dentel-Post  
Principal Planner

cc: Shannon McCarthy, Associate Transportation Planner  
Chris G. Marks, Associate Transportation Planner



# Memorandum

6.8

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

**DATE:** July 21, 2022

**TO:** Alameda County Transportation Commission

**FROM:** Maisha Everhart, Director of Government Affairs and Communications  
Kate Lefkowitz, Associate Transportation Planner

**SUBJECT:** Approve Release of a Request for Proposals (RFP) for the Student Transit Pass Program

## Recommendation

It is recommended that the Commission approve the release of a Request for Proposals (RFP) for Professional Services for the Student Transit Pass Program (STPP) and authorize the Executive Director or designee to negotiate with the top ranked firm.

## Summary

The Alameda County Transportation Commission (Alameda CTC) contracts on a periodic basis with a number of professional services consultant firms to assist staff in providing a range of services, including, but not limited to, general counsel, media and public relations, outreach, technical assistance, and project and program management. The Student Transit Pass Program (STPP) similarly relies on professional services consultant firms to carry out various programmatic activities of the agency. The STPP contract is due to expire at the end of fiscal year (FY) 2022-2023; therefore, a release of an RFP in fall 2022 is necessary to ensure the uninterrupted continuation of professional services support for the STPP into FY 2023-24 and beyond.

It is recommended that the Commission approve release of an RFP for Professional Services to provide STPP Professional Services and authorize the Executive Director, or designee, to negotiate with the top-ranked firm.

## Background

In 2016, Alameda CTC initiated the first year of a three-year Student Transit Pass Pilot Program (STPP). The pilot ended at the end of July 2019. The STPP implementation framework approved by the Commission in December 2018, includes a phased expansion to all eligible school districts in the county by the 2023-2024 school year. The overall principles that guide STPP expansion within school districts in Alameda County include the following:

- Maintain financial need as a key criteria for expansion

- Continue the program in all currently participating schools
- Focus on students at schools with transit service
- Perform district-based expansion
- Phase expansion over time

In March 2020, COVID-19 suspended STPP expansion for the 2021-2022 school year and the current Professional Services contract A16-0027 was amended to be extended to November 30, 2023 in order to assist with final program expansion.

The STPP will be entering into a fourth year of program expansion in fall 2022, and will service 15 school districts and 133 schools in Alameda County. With the current pace of expansion, the program will expand to all eligible schools in Alameda County by fall 2023, which will include over 140 schools and approximately 58,000 students.

### **Student Transit Pass Program Approach**

The STPP provides free Youth Clipper cards to eligible middle and high school students which can be used for unlimited free bus rides on AC Transit, Union City Transit, or LAVTA Wheels, as well as a 50 percent discount on BART trips and youth discounts on other transit systems.

The STPP current and future staffing plan ensures students and families can access the program through individual school sites. The program is a true partnership including Alameda CTC, transit agency staff, and school and school district staff, supported by Consultant services via a contract with Alameda CTC. The structure includes the following components:

- **Alameda CTC Staff:** Alameda CTC is responsible for program oversight, funding, the management of program expansion and phasing, program evaluation, and coordination with school districts and transit agency partners.
- **Consultant Support:** The Consultant team facilitates activities necessary to launch the program in all STPP schools and assists with school and transit agency coordination, outreach, marketing, and develops the annual program evaluation.
- **Transit agencies:** The transit agencies are responsible for contracting with school districts, collecting and processing online and paper registration forms, creating and distributing cards, managing card replacements, ongoing card and database management, serving as a liaison with Clipper/Cubic, and providing Clipper and transit agency data for the program evaluation.
- **School Districts:** STPP school districts enter into agreements with transit agencies to allow designated district and/or school staff to be authorized to collect Youth Clipper card applications and verify the date of birth for students who chose to enroll.
- **Schools:** STPP schools promote the program, distribute and collect Youth Clipper card registration forms from students, verify date of birth per the district agreement, verify school enrollment twice per year, and transmit applications to AC Transit.

## **Professional Services Contract**

In order to ensure comprehensive and efficient implementation of the STPP, Alameda CTC delivers various components of the STPP under one professional services contract with an enhanced focus on the following work areas: operations, school and transit agency outreach and coordination, and marketing. In June 2022, Alameda CTC met with all three transit operators (AC Transit, LAVTA, and Union City Transit) to discuss the next steps for the STPP. The professional services contract scope of work includes:

- Program management
- Program operations
- Program outreach
- Program evaluation
- Program communications
- Other technical support needed to implementing a successful STPP

It is recommended that the Commission approve release of an RFP for Professional Services to provide STPP Implementation Services and authorize the Executive Director, or designee, to negotiate with the top-ranked firm.

**Fiscal Impact:** The STPP Implementation Services contract will be negotiated and the final budget will be included in Alameda CTC's annual proposed budget for fiscal year 2023-24 for Commission approval.

***This page intentionally left blank***



# Memorandum

6.9

1111 Broadway, Suite 800, Oakland, CA 94607

• 510.208.7400

• www.AlamedaCTC.org

**DATE:** July 21, 2022

**TO:** Alameda County Transportation Commission

**FROM:** Carolyn Clevenger, Deputy Executive Director of Planning and Policy  
Maisha Everhart, Director of Government Affairs and Communications

**SUBJECT:** Federal, state, regional, and local legislative activities update

## Recommendation

This item is an update on federal, state, regional, and local legislative activities.

## Background

The Commission approved the 2022 Legislative Program in December of 2021. The purpose of the legislative program is to establish funding, regulatory, and administrative principles to guide Alameda CTC's legislative advocacy.

Each month, staff brings updates to the Commission on legislative issues related to the adopted legislative program, including recommended positions on bills as well as legislative and policy updates. Attachment A is the Alameda CTC 2022 adopted Legislative Program.

## Federal Update

The \$1.2 trillion Bipartisan Infrastructure Law (BIL), also known as the Infrastructure Investment and Jobs Act (IIJA) was signed by President Biden on November 15, 2021. The law reauthorizes federal surface transportation and water infrastructure programs. It also provides \$550 billion worth of new, additional spending for transportation, resiliency, energy, environment, broadband, and water investments over five years (FY 2022-2026). Staff are closely monitoring updates on various grant programs and identifying opportunities to pursue funding for Commission priorities.



## **State Update**

The Governor's budget proposal was released on January 10<sup>th</sup>, with a significant focus on climate programs, transit, equity, and active transportation.

In May, the Governor released the May Revision to his January budget. The May Revision reinforces the Governor's commitment to move to a multimodal zero-emission transportation future. The May Revision reflects the Administration's proposal to allocate an additional \$500 million for the Active Transportation Program, bringing funding for that program up to \$1 billion. This funding increases the proposed investments in the transportation infrastructure package to \$9.6 billion.

The May Revision also reflects \$750 million in incentive grants to transit and rail agencies to provide free transit for Californians for three months, which was part of the early broad-based relief package. The state will provide an amount to agencies based on their 2019 fare revenues. In return, transit and rail agencies are required to provide free transit for at least three months.

This proposal would also provide a one-time refund of \$400 to each eligible owner of a registered vehicle. This broad-based refund would return an estimated \$11.5 billion back to taxpayers. In addition, the broad-based relief package also includes a 12-month pause, effective October 1, 2022, on the General Fund portion of the sales tax rate on diesel fuel.

The legislature approved SB 154, and the Governor signed the bill on June 27<sup>th</sup>. The legislative spending outline contained in SB 154 was approved in order to meet the June 15<sup>th</sup> Constitutional deadline with the promise of a follow-up budget bill junior once an agreement is reached with the Governor. Among the numerous budget trailer bills, SB 198 was approved to enact the statutory changes need to implement portions of the transportation funding agreement. Additional trailer bills will follow the primary budget bill and may be passed by the legislature until the final day of session on August 31, however, in large part, SB 154 reflects the 2022-23 Budget Act.

The 2022 legislative session is the second year of a two-year session. The deadline for new bills to be introduced was February 18, 2022. Staff continues to evaluate the bills introduced by the deadline in relation to the Commission's adopted legislative platform, and will continue to do bill analysis, coordinate with our partner agencies and make recommendations to the Commission in the coming months. At the July PPLC meeting, the Committee discussed SB 917 and determined to not take a position on the bill. During the 2022 legislative session, the Commission has taken positions on the following bills:

**Table 1. Commission adopted positions**

<b>Bill Number</b>	<b>Bill Information</b>	<b>Commision Position</b>	<b>Status</b>
<b><a href="#">AB 1944</a> (Lee, Garcia)</b>	This bill would specify the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The bill would also require all open and public meetings of a legislative body that elects to use teleconferencing to provide a video stream accessible to members of the public and an option for members of the public to address the body remotely during the public comment period. As amended, AB 1944 would require starting January 1, 2024, that at least a quorum of members must participate from a single location that is open to the public.	<b>Support</b>	Senate Governance and Finance 6/22/22 as of 06/17/22.
<b><a href="#">AB 2336</a> (Friedman)</b>	This bill would authorize until January 1, 2028, the Cities of Los Angeles,	<b>Support and seek amendments to allow all interested jurisdictions in</b>	Held under suspense. As of 06/17/22.

	Oakland, San Jose, and the City and County of San Francisco, Glendale, and Palm Springs to establish the Speed Safety System Pilot Program if the system meets specified requirements.	Alameda County to participate in the pilot program as well as to respond to equity concerns relating to camera distribution, privacy, and fees.	
<b><u>SB 922</u> (Weiner)</b> Environmental Streamlining for Sustainable Transportation	<p>This bill expands the application of the California Environmental Quality Act (CEQA) exemptions for various transit and transportation-related projects and sunsets those exemptions on January 1, 2030.</p> <p>This includes pedestrian and bicycle projects that improve safety, access or mobility, as well as active transportation plans. It also expands and details the definition of “transit prioritization projects”.</p>	<b>Support</b>	Asm. Com on Approp. as of 06/17/22.
<b><u>AB 1909</u> (Friedman)</b> Bike Omnibus bill	This bill includes a number of items related to reducing restrictions on bicycle operations. It would: remove the state prohibition of electric bicycles on bike paths, trails and similar facilities but retain local authority to prohibit such activity; allow bicyclists to	<b>Support</b>	Senate Com. on Approp. 06/27/22 as of 06/17/22.

	<p>follow leading pedestrian intervals at intersections; require that a vehicle shall not overtake or pass a bicycle proceeding in the same direction on a highway at a distance of less than three feet between any part of the motor vehicle and any part of the bicycle or its operator. The driver of a motor vehicle overtaking or passing a bicycle that is proceeding in the same direction and in the same lane, shall make a lane change into another lane with regard of safety conditions before overtaking or passing a bicycle; and eliminate local authority to require bicycle registration.</p>		
<p><b><u>AB 2147</u></b> <b>(Ting/Friedman)</b></p> <p>Reduces law enforcement stops and citations for Jaywalking</p>	<p>This bill would prohibit a peace officer, as defined, from stopping a pedestrian for specified traffic infractions unless a reasonably careful person would realize there is an immediate danger of collision with a moving vehicle or other device moving exclusively by human power.</p>	<p><b>Support</b></p>	<p>Senate Public Safety 06/21/22 as of of 06/17/22.</p>

<p><b><u>AB 1713</u></b> <b>(Boerner Horvath)</b> Vehicles: required stops: bicycles</p>	<p>Permits a person who is 18 years of age or older riding a bicycle approaching a stop sign on a two-lane road with stop signs at all intersections to yield the right of way until reasonably safe to proceed. The bill would impose a warning citation for a first violation by a person who is under 18 years of age and fails to stop when approaching a stop sign at the entrance of an intersection.</p>	<p><b>Support</b></p>	<p>Senate Transportation 06/28/22 as of 06/17/22.</p>
<p><b><u>AB 2097</u></b> <b>(Friedman)</b></p>	<p>Prohibits public agencies from imposing or enforcing a minimum automobile parking requirement for residential, commercial and other developments if the parcel is located within one-half mile walking distance of either of the following:  a) A high-quality transit corridor, as defined.  b) A major transit stop, as defined.</p>	<p><b>Support</b></p>	<p>Senate Housing 06/21/22 as of 06/17/22.</p>
<p><b><u>SB 1121</u></b> <b>(Gonzalez)</b></p>	<p>This bill requires the California Transportation Commission (CTC) to biennially develop a needs assessment of the cost to operate,</p>	<p><b>Support</b></p>	<p>Asm. Transport. 06/20/22 as of 06/17/22.</p>

	maintain, and provide for the future growth and resiliency of the state and local transportation system.		
<b><u>AB 2237</u></b> <b>(Friedman)</b>	<p>Existing law requires each regional transportation planning agency to adopt and submit a 5-year regional transportation improvement program. This bill would require that those projects and programs included in each regional transportation improvement program be consistent with the most recently prepared sustainable communities' strategy of the regional transportation planning agency or county transportation commission.</p> <p>This bill would prohibit funds collected from local transportation tax measures from being spent until the transportation projects are included in the most recently adopted sustainable communities strategy.</p> <p>By imposing additional requirements on local government, this bill would impose a state-mandated local program. This bill</p>	<p><b>Oppose unless Amended</b></p> <p>The author has made some amendments to the bill thus far. However, active discussions continue with stakeholders to provide more clarity regarding the state's goals and influence over local tax measures. Additional amendments are expected and staff will provide updates.</p> <p>While Alameda CTC is firmly committed to climate goals and the visions laid out in state plans, AB 2237 as drafted represents a significant overreach of the state that directly impacts regional and county transportation agency authority. It would impose constraints on how</p>	<p>Sen. Transport. 06/20/22 as of 06/17/22.</p>

	<p>would prohibit state funds from being used for a project that increases single-occupancy vehicle capacity, unless the project is included in a sustainable communities strategy or alternative planning strategy that will not increase greenhouse gases.</p> <p>This bill would provide for reimbursements for state mandates.</p>	<p>we strategically fund and advance projects based on a variety of state documents and elevates climate considerations above all other goals and priorities.</p> <p>The Self-Help Counties Coalition, the California Association of Councils of Governments, the League of California Cities, and MTC have taken Oppose or Oppose Unless Amended positions on the bill.</p>	
<b><u>AB 455 (Wicks)</u></b>	<p>This bill was introduced last session, by then Assemblymember Rob Bonta, and was updated earlier this month. The bill is focused on improving transit performance on the Bay Bridge corridor. The bill as currently amended would require Caltrans, in consultation with MTC, BATA, transit operators and local transit agencies to establish speed and reliability performance targets no later than</p>	<p><b>Support</b></p> <p>In 2021, Alameda CTC took a support and seek amendments position, with amendments focused on also considering streamlining project development to advance transit priority projects. Currently, environmental streamlining efforts are focused on SB 922 (Weiner), which Alameda CTC has a support</p>	<p>Sen. Approps. 06/27/22 as of 06/17/22.</p>

	<p>July 1, 2024 for buses traveling in the east and westbound directions through the Bay Bridge corridor. Caltrans would then, in consultation with the partner agencies, by December 2024, develop a strategy to achieve the performance targets and a timeframe for implementation.</p>	<p>position on. Staff recommends updating our position based on the revised proposed language.</p>	
--	---	--	--

**Fiscal Impact:** There is no fiscal impact associated with the requested action.

**Attachment:**

A. Alameda CTC 2022 Legislative Program



***This page intentionally left blank***

## 2022 Legislative Program

The legislative program herein supports Alameda CTC's goals adopted for the 2020 Countywide Transportation Plan for a transportation system that is:

- *Accessible, Affordable and Equitable – Improve and expand connected multimodal choices that are available for people of all abilities, affordable to all income levels.*
- *Safe, Healthy and Sustainable – Create safe facilities to walk, bike and access public transportation to promote healthy outcomes and support strategies that reduce adverse impacts of pollutants and greenhouse gas emissions by reducing reliance on single-occupant vehicles.*
- *High Quality and Modern Infrastructure – Upgrade infrastructure such that the system is of a high quality, is well-maintained, resilient and maximizes the benefits of new technologies for the public.*
- *Economic Vitality – Support the growth of Alameda County's economy and vibrancy of local communities through an integrated, reliable, efficient, cost-effective and high-capacity transportation system."*

The Alameda County Transportation Commission will develop strategic partnerships and support efforts that encourage regional and mega-regional cooperation to increase transportation funding and support policies that advance this legislative program.

<b>Core Legislative Priorities</b>
<b>Transportation Funding:</b> Advocate for increased transportation funding to support projects, programs, and operations and seek to leverage local funds to the maximum extent possible to implement transportation improvements in Alameda County through grants and partnerships with regional, state and federal agencies.
<b>Equity:</b> Advocate for resources, legislation, and initiatives that provide accessible, affordable and equitable transportation opportunities and elevate the needs of equity priority communities. Prioritizing and advancing equity will be considered throughout each policy area of this legislative program.
<b>Safety:</b> Advocate for resources and legislation that enable Alameda CTC to deliver safe, multimodal infrastructure that prioritizes the safety of all users and advances Vision Zero policies and strategies.
<b>Sustainability:</b> Support legislation, strategies and investments that reduce greenhouse gas (GHG) emissions to create sustainable and healthy communities and increase the resiliency of our transportation system and communities, especially for historically impacted equity communities; support investments and funding for alternative fuels and technology to reduce GHG emissions and pollution.
<b>Effective Project Delivery and Operations:</b> Support policies that facilitate efficient and expedited project development and delivery processes, effective operations of the transportation system including Express Lane and HOV operations, and support innovative project delivery.

**Transportation Funding:** Advocate for increased transportation funding to support projects, programs, and operations and seek to leverage local funds to the maximum extent possible to implement transportation improvements in Alameda County through grants and partnerships with regional, state and federal agencies.

- Seek, acquire, accept and implement grants to advance project and program delivery.
- Support efforts to increase transportation funding and advance priority projects and programs in Alameda County.
- Support efforts that protect against transportation funding diversions.
- Ensure fair share of sales tax allocations from new laws and regulations.
- Protect and enhance voter-approved funding. Support efforts to lower the two-thirds voter threshold for voter-approved transportation measures.
- Support rewarding Self-Help Counties and states that provide significant transportation funding.
- Support efforts to increase funding and advance policies that support transit, paratransit, and multimodal transportation.
- Support efforts to increase funding to advance safety and active transportation.
- Support policies and funding that enhance Bay Area goods movement and passenger rail funding, delivery and advocacy that enhance the economy, local communities, and the environment.
- Support policies and programs that improve transportation services and infrastructure and do not create unfunded mandates.

**Equity:** Advocate for resources, legislation, and initiatives that provide accessible, affordable and equitable transportation and elevate the needs of equity priority communities and youth, seniors, disabled, low income and communities of color.

- Providing accessible, affordable and equitable transportation resources will be considered throughout each policy area of this legislative program.
- Support investments in transportation for transit-dependent communities that provide enhanced access to goods, services, jobs and education.
- Support means-based fare programs while being fiscally responsible.
- Support projects and programs that reduce emissions with a particular emphasis on communities historically disproportionately burdened by pollution from the transportation sector.
- Expanding economic opportunities for small and local businesses by leveraging our procurement, contracting and hiring processes and supporting those historically disenfranchised such as women and minority owned businesses.

**Safety:** Advocate for resources and legislation that enable Alameda CTC to deliver safe, multimodal infrastructure that prioritizes the safety of all users and advances Vision Zero policies and strategies.

- Expand multimodal options, shared mobility and innovative technology.
- Support investments in active transportation, including for improved safety and advance Vision Zero strategies to reduce speeds and protect communities.
- Support allowing cities the discretion to use more effective methods of speed enforcement within their jurisdictions.
- Support policies that advance safety for all users of the transportation system.
- Support advocacy of cooperation and partnership with railroads to advance projects, with a particular interest in rail safety projects.

**Sustainability:** Support legislation, strategies and investments that reduce greenhouse gas (GHG) emissions to create sustainable and healthy communities and increase the resiliency of our transportation system and communities, especially for historically impacted equity communities; support investments and funding for alternative fuels and technology to reduce GHG emissions and pollution.

- Support funding for infrastructure, operations, and programs to relieve congestion, improve air quality, reduce emissions, expand resiliency and support economic development, including to support transitioning to a zero-emission transportation system.
- Support emerging technologies such as alternative fuels and technology to reduce GHG emissions.
- Support legislation to modernize the Congestion Management Program, supporting the linkage between transportation, housing, and multi-modal performance monitoring.
- Support efforts to increase transit priority throughout the transportation system, such as on freeway corridors and bridges.
- Support efforts to address sea level rise adaptation including planning, funding and implementation support.
- Support legislation and policies to facilitate deployment of connected and autonomous vehicles in Alameda County, including data sharing that will enable long-term planning.
- Support legislation that increases flexibility and reduces barriers for infrastructure improvements that support the linkage between transportation, housing and jobs and leverage opportunities for TOD and PDA implementation, including transportation corridor investments that link PDAs.

**Effective Project Delivery and Operations:** Support policies that facilitate efficient and expedited project development and delivery processes, effective operations of the transportation system including Express Lane and HOV operations, and support innovative project delivery.

- Advance innovative and cost-effective project delivery.

- Support environmental streamlining, efforts that reduce project and program implementation costs, and expedited project delivery, including contracting flexibility and innovative project delivery methods.
- Support funding and policies to implement transportation projects that create jobs and economic growth, including for apprenticeships and workforce training programs.
- Support HOV/managed lane policies and efforts that promote effective and efficient lane implementation and operations, protect toll operators' management of lane operations and performance, toll rate setting and toll revenue reinvestments, deployment of new technologies and improved enforcement.
- Oppose legislation that degrades HOV lanes that could lead to congestion and decreased efficiency.

## MEMORANDUM

**TO:** Alameda CTC  
**FROM:** R. Zachary Wasserman and Neal A. Parish  
**DATE:** July 19, 2022  
**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 April, May, and June Commission meetings.

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 June 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 in June. The attached resolution is based on the same facts and considerations underlying the March, April, May, and June resolutions, 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 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.

***This page intentionally left blank***



**Commission Chair**  
Mayor John J. Bauters  
City of Emeryville

**Commission Vice Chair**  
Board President Elsa Ortiz  
AC Transit

**Alameda County**  
Supervisor David Haubert, District 1  
Supervisor Richard Valle, District 2  
Supervisor David Brown, District 3  
Supervisor Nate Miley, District 4  
Supervisor Keith Carson, District 5

**BART**  
President Rebecca Saltzman

**City of Alameda**  
Mayor Marilyn Ezzy Ashcraft

**City of Albany**  
Councilmember Rochelle Nason

**City of Berkeley**  
Councilmember Rigel Robinson

**City of Dublin**  
Mayor Melissa Hernandez

**City of Fremont**  
Mayor Lily Mei

**City of Hayward**  
Mayor Barbara Halliday

**City of Livermore**  
Vice Mayor Regina Bonanno

**City of Newark**  
Councilmember Luis Freitas

**City of Oakland**  
Vice Mayor Rebecca Kaplan  
Councilmember Sheng Thao

**City of Piedmont**  
Mayor Teddy Gray King

**City of Pleasanton**  
Mayor Karla Brown

**City of San Leandro**  
Mayor Pauline Russo Cutter

**City of Union City**  
Mayor Carol Dutra-Vernaci

**Executive Director**  
Tess Lengyel

## **Alameda County Transportation Commission**

### **Resolution No. 22-0012**

#### **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 reinstated an indoor mask mandate effective as of June 3, 2022, because of another increase in COVID-19 cases and hospitalizations, although the mask mandate has again been allowed to expire.

**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 the Delta and Omicron variants, and recently recommended that individuals receive booster shots.

**WHEREAS**, due to the continued health risks related to COVID-19, including the risks associated with the Delta and Omicron variants, 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 Delta and Omicron variants, 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, as is otherwise required by Oakland ordinance prior to entrance into many indoor facilities.

**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 regular Commission meeting held on June 23, 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 June 23, 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 July 28, 2022 meeting, rather than relying upon the June 23, 2022 resolution for purposes of this meeting and adopting findings related to a reconsideration of the June 23, 2022 resolution for further meetings.

**WHEREAS**, 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 July 19, 2022, 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, July 28, 2022 in Oakland, California, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

SIGNED:

Attest:

---

John Bauters,

Chair, Alameda CTC

---

Vanessa Lee,

Clerk of the Commission



# Independent Watchdog Committee Meeting Minutes Monday, March 14, 2022, 5:30 p.m.

7.2

1111 Broadway, Suite 800, Oakland, CA 94607

510.208.7400

www.AlamedaCTC.org

## 1. Special Annual Compliance Review

### 1.1. Orientation/Workshop on Measure B and Measure BB Direct Local Distribution Audit and Compliance Reports

The Independent Watchdog Committee (IWC) members received an orientation on the compliance report review process from staff. Members agreed to review the audited financial statements and compliance reports received from Direct Local Distribution (DLD) recipients in further detail on their own and submit comments to Alameda CTC via email by March 28, 2022.

### 1.2. Measure B and Measure BB FY2019-20 Direct Local Distribution Audit and Program Compliance Report

The IWC received notification that the DLD recipient compliance reports and audited financial statements are available on the Alameda CTC website. Staff reviewed AC Transit's and the City of Alameda's reports to orient IWC members on the information contained within these reports and how to proceed with their review.

## REGULAR MEETING AGENDA

### 1. Call to Order

Independent Watchdog Committee (IWC) Chair Pat Piras called the meeting to order.

### 2. Roll Call

A roll call was conducted. Chair Piras and members Exner, Hastings, Hernandez, McCalley, McDonald, Ruben, and Zukas were present. Members Keith Brown, Curtis Buckley, Oscar Dominguez, Glenn Nate, and Carl Tilchen were not present.

Carl Tilchen and Hale Zukas were each connected to the meeting via Zoom, but both experienced audio problems during the roll call. Mr. Tilchen's audio problems lasted for the duration of the meeting, and he was accordingly considered to be absent from the meeting. Mr. Zukas resolved his issues during item 2.

Pat Piras requested Alameda CTC General Counsel Neal Parish to explain how to add items to a posted agenda. Mr. Parish stated that to add an item to the agenda under the Brown Act, at least two-thirds of the members present at the meeting (or all members present if less than two-thirds of the committee membership is in attendance) must vote to add the item to the agenda, and must also agree that the matter rose to the attention of the IWC after the agenda was posted.

Ms. Piras explained to the Committee that the IWC Bylaws were presented at the Planning and Policy Committee (PPLC) on March 14, 2022. The staff's recommended changes to the PPLC differed from what the IWC recommended.

Pat Piras made a motion to add PPLC's responses to the IWC Bylaws on the IWC agenda for discussion and action under item 8.1. Tom Rubin seconded the motion. The motion passed with the following vote.

*Yes: Exner, Hastings, Hernandez, McCalley, McDonald, Piras, Ruben, Zukas*

*No: None*

*Abstain: None*

*Absent: Brown, Buckley, Dominguez, Nate, Tilchen*

### **3. Public Comment**

There were no public comments.

### **4. Meeting Minutes**

#### **4.1. Approve January 10, 2022 IWC Meeting Minutes**

Pat Piras informed the committee that Alfred Exner and Tom Rubin submitted corrections to staff regarding January 10, 2022, meeting minutes. Mr. Exner noted that on item 7.1, he had asked legal counsel if the IWC could appoint someone to a subcommittee that is not on the committee and the minutes don't reflect legal counsel's response. He requested that the response from legal counsel at the meeting be included in the minutes. Mr. Rubin asked that for item 10.2.1, the minutes reflect the exact language of the motion that he made be included in the minutes.

Pat Piras requested a correction on item 8 to delete "Measure B and" from the first sentence in the paragraph regarding DLD Performance Measures.

*Ed Hernandez made a motion to approve this item with the above corrections. Tom Rubin seconded the motion. The motion passed with the following vote:*

*Yes: Exner, Hastings, Hernandez, McCalley, McDonald, Piras, Ruben, Zukas*

*No: None*

*Abstain: None*

*Absent: Brown, Buckley, Dominguez, Nate, Tilchen*

### **5. Establishment of IWC Annual Report Ad Hoc Subcommittee**

#### **5.1. Discuss photo options for the upcoming Annual Report.**

Since the IWC meeting continues to be remote, the committee members will submit a thumbnail picture to be included in this year's annual report. Staff can also use the pictures submitted last year.

## **6. Projects and Programs Watchlist**

### **6.1. Projects and Programs Watchlist**

Patricia Reavey informed the committee that signing up on the watchlist allows IWC members to monitor projects and programs of interest to them. Ms. Reavey noted that annually, a letter is sent to project sponsors requesting that they notify the IWC members who have signed up to monitor specific projects or programs whenever there is a public meeting regarding the project or program.

## **7. IWC Member Reports/Issues Identification**

### **7.1. Chair's Report**

Pat Piras formally welcomed Lenore McDonald as a member of the IWC.

### **7.2. Member Reports**

Pat Piras informed the committee that Lenore submitted an oversight report from the League of Women Voters to staff and requested staff to forward the information to the IWC.

### **7.3. IWC Issues Identification Process and Form**

Patricia Reavey informed the committee that the Issues Identification Process and Form is a standing item on the IWC agenda. It keeps members informed of the process developed by the IWC for submitting issues/concerns they want to bring to the committee for consideration.

## **8. Staff Report**

### **8.1. Staff Response to IWC Members Requests for Information and Discussion on PPLC approval of the IWC Bylaws.**

Item 8.1 was added to the committee agenda pursuant to the committee's vote under item 2. Patricia Reavey noted that the redlined version of the IWC Bylaws with the committee's recommended changes had already been included in the agenda packet under item 8. Ms. Reavey summarized the process taken to review the IWC recommended changes to the bylaws, and said that based on general counsel's assessment, staff could not support the change to the bylaws recommended by the IWC to add an item in the additional responsibilities section which was not included in the Transportation Expenditure Plan.

There was a discussion regarding a request to have staff notify IWC committee members when there is a planned discussion of performance measures at Alameda CTC Committee or Commission meetings. Ms. Reavey offered to sign up any IWC member interested in receiving notifications of meetings with links to the agendas so that they can review for any performance measure items and attend when interested. Ms. Piras stated that this would not be helpful for her. She also noted concern that the committee was not notified that all of the IWC recommended changes were not put forward as staff recommendations to the Commission.

*Ed Hernandez motioned to have Alameda CTC staff inform the committee of all upcoming meetings where Performance Measures would be discussed. Tom Rubin seconded the motion. The motion passed with the following vote:*

*Yes: Exner, Hastings, Hernandez, McCalley, McDonald, Piras, Ruben, Zukas*

*No: None*

*Abstain: None*

*Absent: Brown, Buckley, Dominguez, Nate, Tilchen*

**8.2. IWC Calendar**

The committee calendar was provided in the agenda packet for review purposes.

**8.3. IWC Roster**

The committee roster was provided in the agenda packet for review purposes.

**9. Adjournment**

The meeting adjourned at 7:45 p.m. The next meeting is scheduled for July 11, 2022.

**Alameda County Transportation Commission**  
**Independent Watchdog Committee**  
**Member Roster - Fiscal Year 2022-2023**

	<b>Title</b>	<b>Last</b>	<b>First</b>	<b>City</b>	<b>Appointed By</b>	<b>Term Began</b>	<b>Re-apptmt.</b>	<b>Term Expires</b>
<b>1</b>	<b>Ms.</b>	<b>Piras, Chair</b>	<b>Pat</b>	<b>San Lorenzo</b>	<b>Sierra Club</b>	<b>Jan-15</b>		<b>N/A</b>
2	Mr.	Brown	Keith	Oakland	Alameda Labor Council (AFL-CIO)	Apr-17		<b>N/A</b>
3	Mr.	Buckley	Curtis	Berkeley	Bike East Bay	Oct-16		<b>N/A</b>
4	Mr.	Exner	Alfred	Pleasanton	Alameda County Mayor's Conference, D-4	Jun-21		<b>Jun-23</b>
5	Mr.	Hastings	Herb	Dublin	Paratransit Advisory and Planning Committee	Jul-21		<b>Jul-23</b>
6	Ms.	McDonald	Lenore	Oakland	League of Women Voters	Jan-22		<b>Jan-24</b>
7	Mr.	Naté	Glenn	Union City	Alameda County Board of Supervisors, District 2	Jan-15	Jan-20	<b>Jan-22</b>
8	Mr.	Rubin	Thomas	Oakland	Alameda County Taxpayers Association	Jan-19		<b>N/A</b>
9	Mr.	Tilchen	Carl	Dublin	Alameda County Board of Supervisors, District 1	Oct-18		<b>Oct-20</b>
10	Mr.	Zukas	Hale	Berkeley	Alameda County Board of Supervisors District 5	Jun-09	Jan-20	<b>Jan-22</b>



***This page intentionally left blank***