



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. 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://uso6web.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

5.1 Executive Director's Report - July 2022

[5.1_COMM_ED_Report_JULY2022_20220728v.pdf](#)

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](#)
[7.2_COMM_IWC_Report_to_Commission_20220728v.pdf](#)
[7.2_COMM_IWC_2022_Annual_Report_20220728v.pdf](#)
- 7.3 Paratransit Advisory and Planning Committee
Information

8. Adjournment

Next Meetings

September 12, 2022 (Special AB 361 Meeting)

September 22, 2022

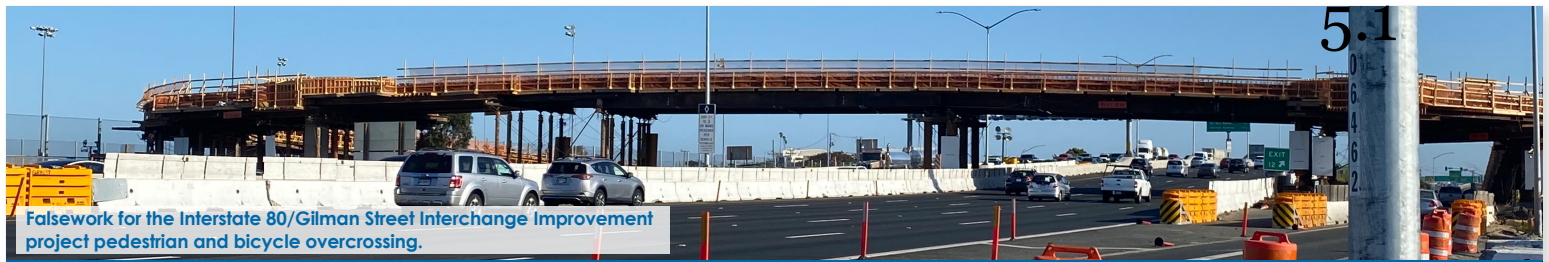
October 27, 2022

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.



Falsework for the Interstate 80/Gilman Street Interchange Improvement project pedestrian and bicycle overcrossing.



ALAMEDA COUNTY TRANSPORTATION COMMISSION

EXECUTIVE DIRECTOR'S REPORT

JULY 2022

Keeping Our Promises

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

Thank you,

Tess

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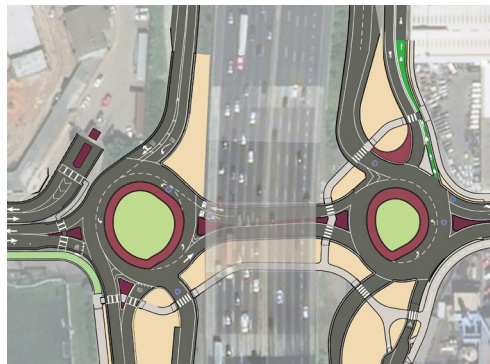
- 1 Project Updates
- 2 Planning Updates
- Policy News
- 3 Programming Updates
- Finance Updates
- 4 Agency Activities
- Other News
- Committee Activities

Project Updates

Alameda CTC advances critically needed improvements

The Alameda County Transportation Commission (Alameda CTC) continues to advance capital projects that will provide critically needed improvements in Alameda County. Several of those projects are approaching or have reached significant milestones.

Interstate 80 corridor



Interstate 80/Gilman Street Interchange Improvements Phase 2 roundabouts.

Phases 1 and 2 of the [Interstate 80 \(I-80\)/Gilman Street Interchange Improvements](#) project are under construction. The project will provide safe access for pedestrians and bicyclists while reducing congestion and improving mobility. Phase 1 includes construction of a new bicycle/pedestrian bridge overcrossing on I-80 just south of the Gilman Street interchange. Substantial utility relocation work is complete and falsework supporting the pedestrian overcrossing is in place. Construction is anticipated to be completed in 2023.

Phase 2 includes two roundabouts at the Gilman Street interchange and pedestrian and bicycle improvements through the interchange, connecting the many businesses and public facilities in the area and improving safety and operations for all modes. In January 2022, Caltrans awarded Phase 2 of the project and construction began on July 19, 2022. Completion of this portion of the project is anticipated in 2024.

Interstate 880 corridor

The [Interstate 880 \(I-880\) Interchange Improvements \(Winton Avenue/A Street\)](#) project includes reconfiguring the I-880 interchanges at Winton Avenue and A Street to enhance access to the surrounding residential, retail and commercial land uses, implementing bicycle and pedestrian improvements at both interchanges and providing auxiliary lanes along the mainline between the two interchanges. Improvements will also involve modifying signals and reconfiguring intersections to improve truck turning movements.



Preconstruction at the Interstate 880 (Winton Avenue/A Street) interchange.

Currently, the project is in the project approval and environmental document (PA&ED) phase. In cooperation with the

[Project Updates cont'd on page 2](#)

Project Updates cont'd from page 1

California Department of Transportation (Caltrans) and the City of Hayward, the project [Draft Environmental Document](#) was released for public review and comment on June 1, 2022, with the comment period ending on June 30, 2022. A virtual public meeting was held on June 15, 2022 and final environmental clearance is anticipated in fall 2022.



Also located along the heavily-congested I-880 corridor is the [I-880 Interchange Improvements \(Whipple Road/Industrial Parkway Southwest and Industrial Parkway West\)](#) project that will improve traffic operations, vehicular and bicycle/pedestrian safety, accessibility and connectivity across the I-880 interchanges. The cities of Hayward and Union City, Alameda CTC and Caltrans have been working in partnership to implement this project, advancing one of the projects included in the 2014 Transportation Expenditure Plan—Measure BB.

Approval of the final environmental document and project report is anticipated in summer 2022, which will mark the completion of the project approval and environmental phase. The request for proposals for the plans, specifications and estimate (PS&E) and right-of-way services was issued in November 2021. The Commission awarded the PS&E contract in May 2022 with PS&E work to begin in August 2022.

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

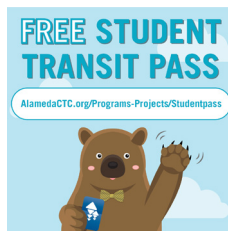
Planning Updates

Student Transit Pass Program

Alameda CTC's [Student Transit Pass Program \(STPP\)](#) will be entering into year four of the ongoing program, continuing the efforts to expand transportation options and making it easier for Alameda County's middle and high school students to travel to and from school and school-related programs, jobs and other enrichment activities. The program provides free youth Clipper cards to eligible middle and high school students in Alameda County which can be used for unlimited free bus rides in their area (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 is undergoing a phased expansion to all middle and high schools in Alameda County. For the 2022-2023 school year, the STPP will be implemented in 132 schools in 15 districts across Alameda County.

For more information about this and other Alameda CTC programs, visit the agency's [Programs webpage](#).



Policy News

Transportation funding infusion in State budget

In June, the legislature approved SB 154, and the Governor signed the state budget for this fiscal year, which includes significant investments in transportation. Among the numerous budget trailer bills, SB 198 was approved to enact the statutory changes needed to implement portions of the transportation elements of the budget.

Transportation Funding: The budget agreement includes a \$14.8 billion multi-year transportation package, including funding for transit, freight, active transportation, climate adaptation and other purposes across the state. The transportation package includes the following funding allocations:

- **Transit and Rail Projects:** \$7.7 billion over four years to invest in high-priority transit and rail infrastructure projects throughout the state. Funding will be administered through the Transit and Intercity Rail Capital Program (TIRCP)
- **High Speed Rail:** \$4.2 billion High-Speed Passenger Train Bond Fund (Proposition 1A) to complete high-speed rail construction in the Central Valley
- **Goods Movement and Ports:** \$1.2 billion for port-specific projects that increase goods movement capacity on rail and roadways at port terminals, including railyard expansions, new bridges, and zero-emission modernization
- **Active Transportation:** \$1 billion for Active Transportation Program projects that encourage the increased use of active modes of transportation, such as walking and biking, and increase the safety and mobility of non-motorized users
- **Grade Separations:** \$350 million to support critical high priority grade separation safety improvements throughout the state
- **Climate Adaptation Programs:** \$200 million to identify transportation-related climate vulnerabilities throughout the state and assist in developing and implementing projects to adapt infrastructure given climate change impacts
- **Highways to Boulevards Pilot:** \$150 million to establish the Reconnecting Communities: Highways to Boulevards Pilot Program, which will inform the future conversion of key underutilized highways into multimodal corridors that serve existing residents
- **Clean California Local Grants:** \$100 million in additional funding for the Clean California Program grant program in 2023-24.

Programming Updates

Comprehensive Investment Plan summary

The 2024 Comprehensive Investment Plan (2024 CIP) includes \$150.8 million in combined Measure B and BB, Vehicle Registration Fee, 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 (FYs) 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. 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.

Active Transportation Plan Cycle 6

Alameda CTC is monitoring the state's Active Transportation Program (ATP) for countywide project awards. The ATP is a competitive statewide program created to encourage increased use of active modes of transportation, such as biking and walking. The California Transportation Commission (CTC) released the ATP Cycle 6 Call for Projects on March 16, 2022. Cycle 6 includes \$650 million of ATP funding—a mix of federal funding, state

Senate Bill 1 and State Highway Account

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

Finance Updates

Fiscal Year-end activities

As Alameda CTC's finance team began to close out accounting books for fiscal year 2021-22 in June, auditors completed their work on the interim phase of the annual audits for Alameda CTC and the Sunol Smart Carpool Lane Joint Powers Authority. During the close out period, finance works with departments agency-wide to ensure that all invoices are received or accrued and all financial transactions for the fiscal year are included in the general ledger. During the interim phase, the auditor met with the Commission's Audit Committee to discuss required communications per Statement of Auditing Standards 122 regarding fraud considerations, audit scope and timing; developed their plan for the audits; and established materiality levels.

In July, Alameda CTC successfully completed the sale of \$124.03 million par value in Measure BB Senior Sales Tax Revenue Bonds, resulting in \$140.63 million of proceeds to advance projects funded by the 2014 Measure BB Transportation Expenditure Plan and pay bond issuance costs. Alameda CTC received a AAA credit rating from both Fitch Ratings and S&P Global Ratings for these bonds in May of this year. The sale of these bonds will enable Alameda CTC to deliver capital projects that are included in the Measure BB 2014 Alameda County Transportation Expenditure Plan more quickly, including multimodal projects, interchange modernization and improvements, goods movement roadway improvements and express lane gap closure projects.

Contracting Opportunities

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

Professional Services contracts

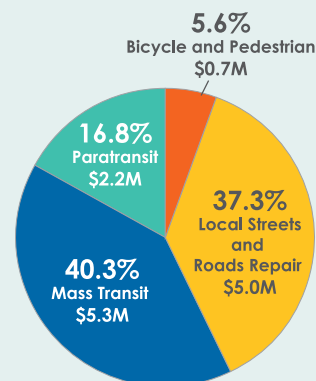
- East Bay Greenway project
- Municipal Advisory and Support Services

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

Transportation Investments

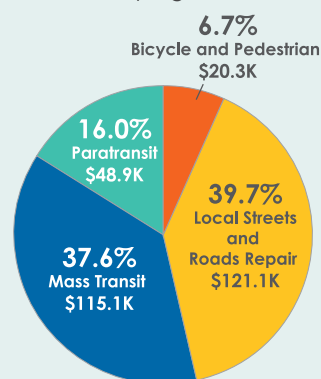
Measure BB Program Distributions

Measure BB direct local distributions began in April 2015 and total over \$569.9 million; over \$13.2 million was distributed in April 2022.



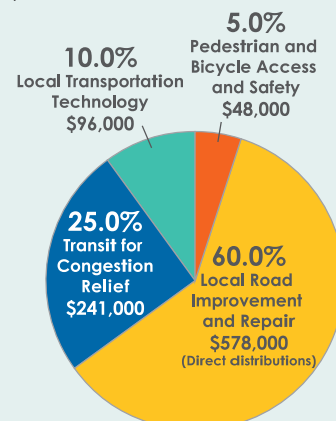
Measure B Program Distributions

Measure B direct local distributions have totaled more than \$1.3 billion since 2002. The measure sunset on March 31, 2022, and in April 2022, over \$305.4 thousand was distributed for four programs.



Vehicle Registration Fee

Since 2011, Alameda CTC has distributed more than \$79.2 million for local road repair; over \$0.9 million was collected in April 2022.



Programming Updates cont'd from page 3

funding. The programming years for Cycle 6 includes FYs 2023-24 through 2026-27. The application deadline was June 15, 2022.

To be considered for regional ATP funding, applicants must have also applied to the statewide program. The CTC received approximately 414 applications under the statewide program.

For the Bay Area region's program, the Metropolitan Transportation Commission (MTC) received 61 applications from jurisdictions across the region requesting approximately \$537 million of ATP funds that includes a total of 16 applications from Alameda County jurisdictions requesting approximately \$187 million. The total funding available through MTC's regional component is \$55 million. The ATP Cycle 6 application log for the statewide program can be accessed by visiting: <https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/active-transportation-program/cycle6>.

Finance Updates cont'd from page 3

- Alameda County Safe Routes to Schools Program
- Legislative Advocacy Services – Federal and State
- Investment Advisory Services
- On-Call Planning Services
- Student Transit Pass Program

Construction contracts

- East Bay Greenway Maintenance Services
- 7th Street Grade Separation East

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

**Agency Activities**

Alameda CTC sponsored and participated in the following event in July 2022:

- July 29 - 31st Annual Convention for the United Seniors of Oakland and Alameda County, Alameda County Fairgrounds, Pleasanton

Other News**20th Annual IWC Report**

The Independent Watchdog Committee (IWC) is charged to review expenditures of transportation programs and projects throughout Alameda County. The committee then produces a report of its findings to the public for documenting appropriate use of sales tax funds on transportation programs and projects.

At its [July 11 meeting](#), the IWC received comment on its [draft 20th Annual Independent Watchdog Committee Report to the Public](#). The final report to the public is anticipated to be delivered in August 2022 and will be available on Alameda CTC's [Reports webpage](#).

**Committee Activities****July advisory committees**

The following advisory committees met during the month of July. Highlights from those meetings are as follows:

- June 9 – The [Alameda County Technical Advisory Committee \(ACTAC\)](#) received a summary regarding the applications received for Alameda CTC's 2024 Comprehensive Investment Plan and for the statewide Active Transportation Program Cycle 6 which includes \$650 million in funding. Each year, the Metropolitan Transportation Commission (MTC) is required to deliver an Obligation Plan by October 1 to the California Department of Transportation that monitors project delivery. This month the committee received an update on MTC's FY 2022-23 Annual Obligation Plan development and One Bay Area Grant Cycle 2 Obligation status. Additionally, committee members were informed of preliminary results of the Multimodal Monitoring Study that monitors a 553-mile roadway network.
- July 11 – The [Independent Watchdog Committee \(IWC\)](#) approved the election of its FY 2022-23 elected chair and vice chair, and its calendar/Work Plan. The committee also approved the draft 20th IWC Annual Report and its associated costs for publication and distribution, and reviewed the draft press release for the report. Committee members discussed the Independent Auditor Work Plan and received an update on FY 2021-22 Measure B and Measure BB capital projects and the FY 2022-23 IWC budget.
- July 21 – [Bicycle and Pedestrian Advisory Committee \(BPAC\)](#) members reviewed and discussed the checklist for One Bay Area Grant Program/MTC Complete Streets and the draft City of Dublin Bike/Ped Master Plan. Also, the committee received updates on the Countywide Bikeways Network.

Please visit the [Alameda CTC meetings webpage](#) for details on these and all other meetings.



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.

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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.

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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.

<u>Table A: Summary of Agreement No. A20-0004</u>			
Contract Status	Work Description	Value	Total Contract Not-to-Exceed Value
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) <i>Executed January 29, 2021</i>	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
Total Amended Contract Not-to-Exceed Amount			\$17,345,727

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

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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
Total Cost Estimate	\$245,112

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) ¹	\$56,291
Regional	\$80,000
Total Revenues	\$245,112

¹State 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

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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.

ALAMEDA COUNTY TRANSPORTATION COMMISSION	SANTA CLARA COUNTY TRANSPORTATION AUTHORITY
By: TESS LENGYEL Executive Director	By: CAROLYN GONOT General Manager/CEO
REVIEWED AS TO BUDGET/FINANCIAL CONTROL	
By: PATRICIA REAVEY Deputy Executive Director of Finance and Administration	
APPROVED AS TO FORM	APPROVED AS TO FORM
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

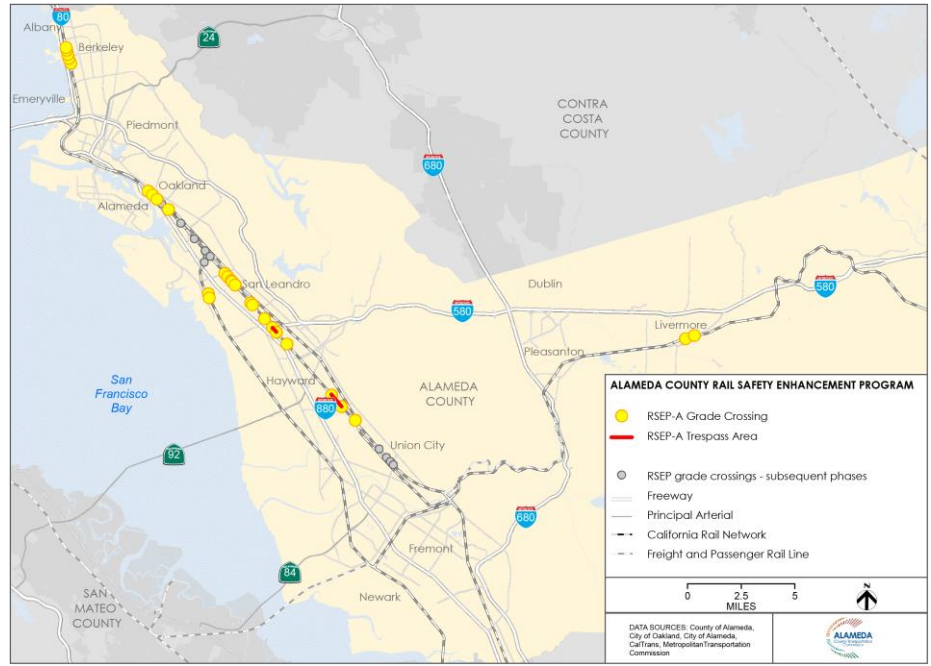
PROJECT OVERVIEW

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 ¹	\$25,001	TBD
TBD	\$42,300	TBD
Total Revenues	\$75,201	TBD

¹\$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, 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, 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

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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

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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 24th Street Project

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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 24th Street Project

Dear Rebecca,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the 460 24th 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 25th Street to the north, 24th 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 24th 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 25th Street, three permanent bulb-outs along 24th Street to accommodate seating, planters and bike parking, and an open-air pedestrian paseo connecting 24th and 25th 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:

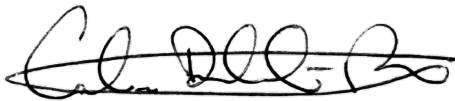
- On page 156, the DEIR states that the Metropolitan Transportation Commission's (MTC) Travel Model was used to analyze the project's impacts to vehicle miles traveled (VMT). In Alameda CTC's response to the project's Notice of Preparation (NOP), Alameda CTC advised that the Countywide Travel Demand 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.

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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 10th, 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 27th. The legislative spending outline contained in SB 154 was approved in order to meet the June 15th 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

Bill Number	Bill Information	Commision Position	Status
<u>AB 1944</u> (Lee, Garcia)	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.	Support	Senate Governance and Finance 6/22/22 as of 06/17/22.
<u>AB 2336</u> (Friedman)	This bill would authorize until January 1, 2028, the Cities of Los Angeles,	Support and seek amendments to allow all interested jurisdictions in	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.	
<u>SB 922</u> (Weiner) Environmental Streamlining for Sustainable Transportation	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. 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”.	Support	Asm. Com on Approp. as of 06/17/22.
<u>AB 1909</u> (Friedman) 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	Support	Senate Com. on Approp. 06/27/22 as of 06/17/22.

	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.		
<u>AB 2147</u> (Ting/Friedman) Reduces law enforcement stops and citations for Jaywalking	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.	Support	Senate Public Safety 06/21/22 as of of 06/17/22.

<u>AB 1713</u> (Boerner Horvath) Vehicles: required stops: bicycles	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.	Support	Senate Transportation 06/28/22 as of 06/17/22.
<u>AB 2097</u> (Friedman)	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.	Support	Senate Housing 06/21/22 as of 06/17/22.
<u>SB 1121</u> (Gonzalez)	This bill requires the California Transportation Commission (CTC) to biennially develop a needs assessment of the cost to operate,	Support	Asm. Transport. 06/20/22 as of 06/17/22.

	maintain, and provide for the future growth and resiliency of the state and local transportation system.		
<u>AB 2237</u> (Friedman)	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. 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. By imposing additional requirements on local government, this bill would impose a state-mandated local program. This bill	Oppose unless Amended 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. 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	Sen. Transport. 06/20/22 as of 06/17/22.

	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. This bill would provide for reimbursements for state mandates.	we strategically fund and advance projects based on a variety of state documents and elevates climate considerations above all other goals and priorities. 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.	
AB 455 (Wicks)	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	Support 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	Sen. Approps. 06/27/22 as of 06/17/22.

	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.	position on. Staff recommends updating our position based on the revised proposed language.	
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Fiscal Impact: There is no fiscal impact associated with the requested action.

Attachment:

A. Alameda CTC 2022 Legislative Program

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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.

Core Legislative Priorities
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.
Equity: 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.
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.
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.
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.

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.

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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

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

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TO: Honorable Chair Bauters, Alameda County Transportation Commission, and Members of the Commission
 FR: Pat Piras, on Behalf of the Independent Watchdog Committee (IWC)
 RE: Regarding IWC's FY 2020-21 Annual Report to the Public, and Related Matters

Before I start, I would like to confirm that the Independent Watchdog Committee (IWC) is not restricted to a three-minute limit for our remarks. We would also appreciate the opportunity to interact with Commissioners, and to respond to staff remarks, where needed.

=====

Hello, my name is Pat Piras; I am the Sierra Club representative to the IWC, and the current Chair for FY 2022-23. With me is Curtis Buckley, our Vice-Chair, who represents Bike East Bay.

We have both good news and not-so-good news to report to the Commission. The unexpected positive news is that, just recently, two of our members joined you by being appointed to the ranks of "elected officials." These were our previous Chair & Vice-Chair, Murphy McCalley, who is now the AC Transit Board member for Ward 4, and Ed Hernandez from San Leandro, who is now on the Board of the Eden Township Healthcare District. Both will be missed, but their respective new districts have gained thoughtful, hardworking members.

This raises the issue of vacancies on our Committee. We urge you to encourage your colleagues on the Mayors Conference and the Board of Supervisors to make their appointments, some of which have been long outstanding. In addition to Murphy and Ed, we currently have 5 vacancies out of our 17 positions. We need more good people to help do our work.

At our July 11th meeting, we held the Public Hearing for our Annual Report to the Public, as required by the Measure B and Measure BB Transportation Expenditure Plans (TEPs) that were approved by voters in 2000 and 2014, respectively. Unfortunately, no member(s) of the public attended, so no comment was received. We subsequently approved the draft Report, with one non-substantive change from the attachment included with this message.

Now, the hard parts – The 2014 TEP for Measure BB authorizes the IWC to (quote) *review the performance and benefit of projects and programs based on performance criteria established by Alameda CTC* (unquote). We have regretfully concluded, for at least the second straight year, that (quote) *the IWC finds it difficult to offer an opinion to the public as to the overall effectiveness of the DLD program expenditures* (unquote).

In 2016, Alameda CTC adopted a series of performance measures in four categories (transit operations, paratransit, local streets and roads, and bicycle/pedestrian) for the formula funds available to DLD recipients – the cities, County, and transit operators – and entered into ten-year agreements for availability and use of these funds. (*emphasis added*). The IWC was not consulted on the development of these measures. We have sought to provide input to

Alameda CTC on performance measures, but without much satisfaction. Staff will tell you that the measures are nationally accepted metrics, but we don't believe that they are the right ones. We have achieved some small improvements in the reporting, such as the trend reporting rather than a single-year snapshot, which began last year, but new metrics will not be developed until 2026. Implicit in our Report's frustration is that we urge you to direct staff to work with us on that effort.

The Annual Report continues, including an example – (quote) *many undesirable trends that had begun before (the pandemic) have not been adequately turned around or addressed. There is no substantive sanctioning for not meeting the adopted performance measures. The IWC notes that two cities have failed for the past four successive years to achieve the adopted goal for Pavement Condition Index, and two additional cities have missed the target for 3 of the past 4 years. Alameda County road users have borne the brunt of these deficiencies* (unquote).

We have not “named names” for jurisdictions that fail to meet the adopted performance measures, but it is our job, as volunteers, to shine a light on actual current outcomes. We may have to be more forthcoming in future Reports.

We were provided a draft Press Release for the Report at our July meeting, which was intended for Information only, with a headline that read (quote) *20 Years in a Row, Independent Watchdog Committee Reports Measure B and Measure BB Sales Tax Dollars Spent in Accordance with Intent of Two Transportation Sales Tax Measures* (unquote). This is quite misleading, and the Committee passed a motion asking that staff work with us regarding a re-write.

The two page summary of our Report that is usually made available needs to accurately provide our full Findings to the Public, not just mention (quote) *except as noted* (unquote).

The IWC also acknowledges the unfortunate death of Supervisor Wilma Chan on November 3, 2021, while walking her dog Maggie. While our Committee extends heartfelt condolences to Supervisor Chan's family, we also need to ask -- Why does Alameda CTC not have a Vision Zero policy or performance measure for pedestrian and cyclist safety? Such a document would be a fitting tribute to the memory of the late Supervisor Chan. It would also support Chair Bauter's goals for this year. We would like to be consulted on such an effort.

In conclusion, the Independent Watchdog Committee urges the Alameda County Transportation Commission to take a hard look at the actual performance of the funds you oversee, and we have respectfully urged that Alameda CTC formally respond, during a regular public meeting, to the issues and recommendations that we have raised in this and recent Annual Reports to the Public. We are available to talk with you and explain more in detail, should you so desire. Thank you for your consideration.



20th Annual Independent Watchdog Committee Report to the Public FY2020-21

Table of Contents

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- Measure B and Measure BB Funded Programs and Projects 8
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The IWC concludes that 2000 Measure B and 2014 Measure BB tax dollars were spent in accordance with the intent of the two measures during FY2020-21, **except as noted in the findings and recommendations on page 12.**

Measure B and Measure BB Sales Tax Activities

In November 2000, Alameda County voters approved Measure B, which extended the County’s 1986 half-cent transportation sales tax to 2022 and set forth a 20-year Expenditure Plan to enhance the County’s transportation system. 2000 Measure B also established a Citizens Watchdog Committee (CWC) to review all Measure B expenditures for compliance with the Expenditure Plan.

In November 2014, Alameda County voters approved Measure BB, which increased the County’s half-cent transportation sales tax to one full cent, extended the tax through 2045 and set forth a 30-year Expenditure Plan for essential transportation improvements in every city throughout the County.

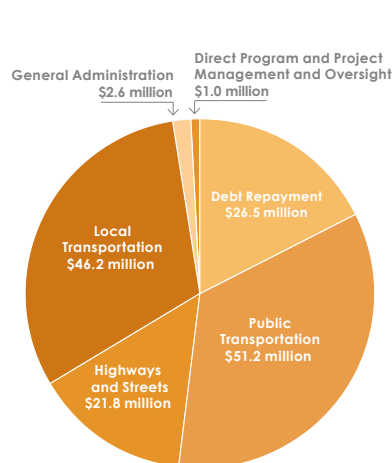
The 2014 Measure BB established an Independent Watchdog Committee (IWC) that reports its findings annually to the public to ensure appropriate use of sales tax funds and provides oversight by reviewing Measure B expenditures and Measure BB expenditures and performance measures. The IWC replaced and assumed responsibility for CWC activities in July 2015. The IWC does not opine on other funds the Alameda CTC manages and/or programs. This 20th annual report reviews expenditures and IWC activities during the fiscal year ended June 30, 2021 (FY2020-21).

SUMMARY OF

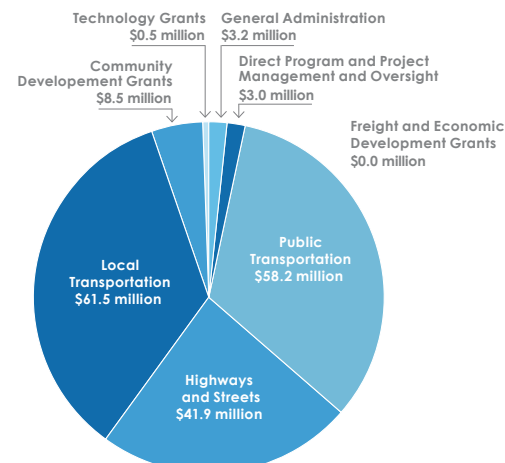
Revenues and Expenditures

The Alameda County Transportation Commission (Alameda CTC) is responsible for administering the Measure B and Measure BB transportation sales tax measures. In FY2020-21, Measure B revenues for Alameda CTC totaled \$170.5 million, and audited expenditures totaled \$149.3 million. Measure BB revenues totaled \$170.7 million, and audited expenditures totaled \$175.8 million in FY2020-21.¹

¹ Measure BB utilized sales tax funds received in prior years to pay for expenditures.



FY2020-21 Measure B
Project and Program Expenditures



FY2020-21 Measure BB
Project and Program Expenditures

Alameda CTC Financials At-a-Glance

The IWC reviews Alameda CTC

2000 Measure B and 2014

Measure BB expenditures,

which are primarily for transportation projects and programs. These include direct local distributions (DLDs) and discretionary grants to jurisdictions that fund four main programs: local streets and roads, mass transit, paratransit, and bicycle and pedestrian safety. These expenditures also include general administration, and all are subject to an independent audit.

The Alameda CTC Annual Comprehensive Financial Report ("Audited Financial Statements") for the year ended June 30, 2021 is available here:

alamedactc.org/ACFR

Measure B Expenditures

In FY2020-21, audited expenditures for Measure B programs, projects and administration totaled \$149.3 million. Alameda CTC expended \$22.1 million on capital projects, \$89.4 million on DLDs, \$26.5 million on debt repayment, \$7.7 million on discretionary grants, \$2.6 million on general administration and \$1.0 million on direct program and project management and oversight. The revenues available for projects and programs are allocated at a rate of approximately 60 percent to programs and 40 percent to capital projects. The revenues will be allocated over the life of the program to ultimately achieve the percentage split indicated in the Measure B Expenditure Plan (see note on page 3).

Alameda CTC issued \$137.1 million of Measure B Sales Tax Revenue Bonds in March 2014 to bridge a short-term funding gap that existed while many large capital projects in the Expenditure Plan were being completed. Repayment of the debt was deferred until March 2017, when the first principal payment was made. In FY2020-21 the bonds incurred \$26.5 million of costs (principal and interest) related to annual debt repayment for the fiscal year. The final debt service payment for the bonds was made in March 2022. Details related to the debt are in the official statement:

alamedactc.org/Bonds



Alameda CTC FY2020-21 Measure B Audited Expenditures

(\$ in millions rounded)

Public Transit	\$51.2
Direct Local Distributions - Transit Service	\$33.7
Direct Local Distributions - Paratransit	14.3
Express Bus Grants	1.7
Paratransit Grants	1.2
Public Transit Capital Projects	0.3
Highways and Streets Capital Projects	21.8
Local Transportation	46.2
Direct Local Distributions - Local Streets and Roads	35.5
Direct Local Distributions - Bicycle and Pedestrian	5.9
Bicycle and Pedestrian Grants	3.8
Transit Center Development Grants	1.0
Local Transportation Capital Projects	-
General Administration	2.6
Direct Program and Project Management and Oversight	1.0
Debt Repayment	26.5
Total:	\$149.3

Measure BB Expenditures

In FY2020-21, audited expenditures for Measure BB programs, projects, and administration totaled \$175.8 million. Alameda CTC expended \$73.7 million on capital projects, \$86.9 million on DLDs, \$9.0 million on discretionary grants, \$3.2 million on general administration and \$3.0 million on direct program and project management and oversight. The revenues available for projects and programs are allocated at a rate of approximately 65 percent to programs and 35 percent to capital projects. The revenues will be allocated over the life of the program to ultimately achieve the percentage split indicated in the Measure BB Expenditure Plan (see note to right of table).

Alameda CTC FY2020-21 Measure BB Audited Expenditures

(\$ in millions rounded)

Public Transit	\$58.2
Direct Local Distributions - Transit Service	\$35.0
Direct Local Distributions - Paratransit	14.6
Transit Operations, Maintenance, and Safety	0.2
Paratransit Grants	0.2
Public Transit Capital Projects	8.2
Highways and Streets Capital Projects	41.9
Local Transportation	61.5
Direct Local Distributions - Local Streets and Roads	32.4
Direct Local Distributions - Bicycle and Pedestrian	4.9
Bicycle and Pedestrian Grants	0.6
Local Transportation Capital Projects	23.6
Freight and Economic Development Grants	-
Community Development Grants	8.5
Technology Grants	(0.5)
General Administration	3.2
Direct Program and Project Management and Oversight	3.0
Total:	\$175.8



Note on tables on pages 2-3: In accordance with the 2000 Measure B Expenditure Plan and 2014 Measure BB Expenditure Plan, Alameda CTC allocates funds for specific capital projects, such as highway improvements or transit projects, and other transportation grants (paid on a reimbursement basis), and distributes funds for local streets and roads maintenance, mass transit, paratransit, and bicycle and pedestrian safety programs on a monthly, formula basis to the cities, the County and transit operators. Refer to note 2 on page 8 for the program allocation percentage split.



Measure B and Measure BB DLD recipients are required to provide audited financial statements and compliance reports to document revenues received (including interest) and expenditures incurred each fiscal year.

FY2020-21 Measure B Direct Local Distributions (DLDs) for All Programs

Program compliance reports submitted by Measure B DLD fund recipients reported \$70.2 million in expenditures during FY2020-21. (See table below for details by recipient.) For more information about DLD Program expenditures and fund balances, see: alamedactc.org/DLD-Program-Compliance

Agency/Jurisdiction ¹	Bike/Ped	Local Streets	Transit	Paratransit	Total Measure B
AC Transit	\$0	\$0	\$26,002,549	\$6,226,174	\$32,228,723
BART	\$0	\$0	\$0	\$2,365,794	\$2,365,794
LAVTA	\$0	\$0	\$1,095,569	\$201,950	\$1,297,518
WETA	\$0	\$0	\$22,882	\$0	\$22,882
ACE	\$0	\$0	\$1,908,565	\$0	\$1,908,565
ACPWA	\$206,676	\$1,584,750	\$0	\$0	\$1,791,426
City of Alameda	\$295,446	\$249,965	\$0	\$203,670	\$749,081
City of Albany	\$60,000	\$691,917	\$0	\$29,712	\$781,629
City of Berkeley	\$342,989	\$2,357,358	\$0	\$527,280	\$3,227,627
City of Dublin ²	\$234,080	\$63,398	\$0	\$0	\$297,478
City of Emeryville	\$935	\$601,784	\$0	\$27,751	\$630,470
City of Fremont	\$630,497	\$1,898,620	\$0	\$498,936	\$3,028,053
City of Hayward	\$78,399	\$3,418,713	\$0	\$1,004,120	\$4,501,232
City of Livermore ²	\$896,145	\$621,848	\$0	\$0	\$1,517,993
City of Newark	\$2,500	\$44,000	\$0	\$225,292	\$271,792
City of Oakland	\$737,501	\$9,876,862	\$0	\$850,107	\$11,464,470
City of Piedmont ²	\$31,237	\$174,485	\$0	\$0	\$205,722
City of Pleasanton	\$72,681	\$749,743	\$0	\$131,485	\$953,909
City of San Leandro	\$699,811	\$656,493	\$0	\$413,344	\$1,769,648
City of Union City ³	\$37,476	\$175,583	\$539,846	\$399,476	\$1,152,380
Total	\$4,326,373	\$23,165,519	\$29,569,411	\$13,105,090	\$70,166,393

¹ This table reflects total Measure B funds reported by agency/jurisdiction. Revenue and expenditure figures may vary due to rounding.

² These communities receive paratransit services through an adjoining jurisdiction.

³ Audited financial statements for the City of Union City are pending.



FY2020-21 Measure BB Direct Local Distributions (DLDs) for All Programs

Measure BB DLD fund recipients reported \$66.7 million in expenditures during FY2020-21. (See table below for details by recipient.) For more information about DLD Program expenditures and fund balances, see:

alamedactc.org/DLD-Program-Compliance

Agency/Jurisdiction ¹	Bike/Ped	Local Streets	Transit	Paratransit	Total Expenditures
AC Transit	\$0	\$0	\$28,886,697	\$6,914,369	\$35,801,066
BART	\$0	\$0	\$811,210	\$2,433,631	\$3,244,841
LAVTA	\$0	\$0	\$811,210	\$397,087	\$1,208,297
WETA	\$0	\$0	\$649,588	\$0	\$649,588
ACE	\$0	\$0	\$1,598,168	\$0	\$1,598,168
ACPWA	\$579	\$1,043,815	\$0	\$0	\$1,044,394
City of Alameda	\$214,411	\$316,136	\$0	\$130,905	\$661,452
City of Albany	\$0	\$632,112	\$0	\$5,414	\$637,526
City of Berkeley	\$1,042,941	\$244,436	\$0	\$49,274	\$1,336,651
City of Dublin ²	\$205,679	\$692,411	\$0	\$0	\$898,090
City of Emeryville	\$13,395	\$321,359	\$0	\$6,383	\$341,137
City of Fremont	\$1,629,622	\$2,967,294	\$0	\$704,070	\$5,300,986
City of Hayward	\$35,863	\$358,868	\$0	\$156,546	\$551,277
City of Livermore ²	\$604,994	\$557,542	\$0	\$0	\$1,162,536
City of Newark	\$57,910	\$0	\$0	\$0	\$57,910
City of Oakland	\$921,633	\$7,292,828	\$0	\$1,260,042	\$9,474,503
City of Piedmont ²	\$0	\$5,011	\$0	\$0	\$5,011
City of Pleasanton	\$54,855	\$730,000	\$0	\$194,923	\$979,778
City of San Leandro	\$333,911	\$414,965	\$0	\$214,868	\$963,744
City of Union City ³	\$79,515	\$42,500	\$405,605	\$247,803	\$775,423
Total	\$5,195,308	\$15,619,277	\$33,162,478	\$12,715,314	\$66,692,378

¹ This table reflects total Measure B funds reported by agency/jurisdiction. Revenue and expenditure figures may vary due to rounding.

² These communities receive paratransit services through an adjoining jurisdiction.

³ Audited financial statements for the City of Union City are pending.

Performance Measures for DLD Recipients' Projects and Programs

On an annual basis, Measure B and Measure BB recipients are required to document expenditures and include a description of the accomplishments made with the DLD investment. Recipients also are required to report how specific performance measures were met. According to the Measure BB expenditure plan, "... the Independent Watchdog Committee will

review the performance and benefit of projects and programs based on performance criteria established by Alameda CTC." The IWC began monitoring Measure BB performance measures during its review of FY2016-17 DLD expenditures and will continue to make recommendations to the Commission for future years. See page 12.

Independent Watchdog Committee Activities

The Independent Watchdog Committee (IWC) reports directly to the public and provides oversight

by reviewing Alameda CTC Measure B expenditures and Measure BB expenditures and performance measures. The IWC meets at least four times a year as a full committee and convenes subcommittees as needed. IWC members are Alameda County residents who are not elected officials at any level of government, nor individuals in a position to benefit personally in any way from the sales tax. IWC members performed the following activities from July 1, 2020 through June 30, 2021.

- **Ongoing Programs and Capital Projects Monitoring:** The IWC monitors specific programs, capital projects and issues of concern.
- **Review of Independent Audit of Alameda CTC:** The IWC reviews the independent auditor's plan for the audit before it begins and reviews the draft audited Annual Comprehensive Financial Report regarding Measure B and Measure BB revenues and expenditures.

• Audit and Compliance Report

Review: The IWC members review audited financial statements and compliance reports, including performance measures, received from Measure B and Measure BB direct local distribution (DLD) recipients to ensure expenditures comply with the requirements in the applicable Expenditure Plan. DLD recipients' audited financial statements and compliance reports are available at alamedactc.org/reporting-grant-forms.

• Issues Identification Process:

IWC members may request and receive information from DLD recipients and/or Alameda CTC staff if they have concerns regarding Measure B and Measure BB expenditures. The Committee may also review issues regarding Measure B and Measure BB expenditures identified by the public.

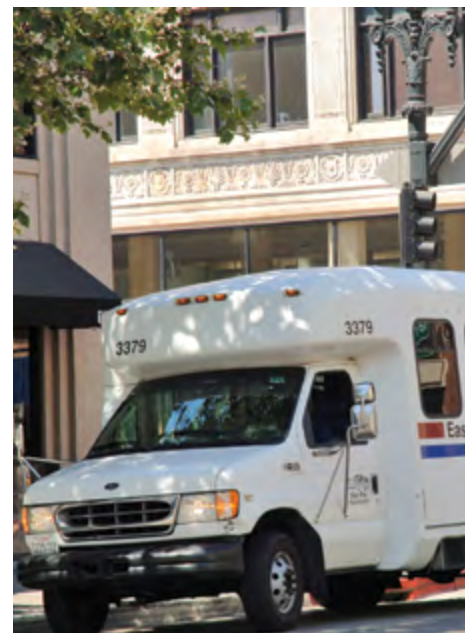
July 2020 Long-Range Surface Transportation Planning in Alameda County:

An IWC member submitted an issues identification form regarding long-term planning for transportation projects throughout Alameda County for all jurisdictions. The Committee directed the member

to contact project sponsors for the information. A motion was approved stating that the request was outside the IWC's jurisdiction.

• Annual Report to the Public:

Each year, the IWC establishes a subcommittee to develop the annual report to the public regarding Measure B and Measure BB expenditures and to discuss distribution and outreach for the annual report (see timeline below).



IWC Annual Report to the Public Timeline:



IWC Members



Patrisha Piras "Watch Dog"
CHAIR
Sierra Club



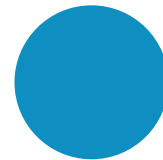
Murphy McCalley ♦
VICE CHAIR
Supervisor Nate Miley, District 4



Keith Brown
Alameda Labor Council,
AFL-CIO



Curtis Buckley
Bike East Bay



Oscar Dominguez
East Bay Economic
Development Alliance



Alfred Exner*
Alameda County
Mayors' Conference,
District 4



Herb Hastings*
Paratransit Advisory and
Planning Committee



Ed Hernandez *♦
Alameda County
Mayors' Conference,
District 3



Steven Jones ♦
Alameda County Mayors'
Conference, District 1



Lenore McDonald +
League of Women Voters



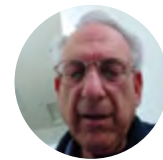
Glenn Naté
Supervisor Richard
Valle, District 2



Thomas Rubin
Alameda County
Taxpayers Association



Karina Ryan ♦
League of
Women Voters



Carl Tilchen
Alameda County Former
Supervisor Scott Haggerty,
District 1



Esther Waltz ♦
Paratransit Advisory and
Planning Committee



Hale Zukas
Supervisor Keith
Carson, District 5



**Alameda County Supervisor
Wilma Chan, District 3**

The IWC acknowledges the unfortunate death of Supervisor Wilma Chan on November 3, 2021, while walking her dog Maggie.

♦ Members who resigned during or after the reporting period.

* Members who joined the committee during this reporting period.

+ Members who joined the committee after the reporting period.

APR / MAY

IWC Annual Report
Subcommittee Meets to
Develop Annual Report

JUN

Summary of
Compliance Reports
and Findings
Released

JUL

IWC Annual Report
Public Hearing and
Approval

AUG

IWC Annual Report
Published and
Available to the Public

Measure B and Measure BB Funded Programs

In FY2020-21, Alameda CTC expended \$97.1 million in Measure B funds and \$95.9 million in Measure BB funds on programs as defined below.

Local Streets and Roads: All cities and the County receive allocations for local transportation improvements, including street maintenance and repairs. Jurisdictions use these flexible Measure B and Measure BB funds to meet their locally determined transportation priorities.

- Payments to jurisdictions:
Total Measure B: \$35.5 million
Total Measure BB: \$32.4 million

Mass Transit: Transit systems ACE, AC Transit, BART, LAVTA, Union City Transit and WETA receive allocations for operations and/or maintenance.¹

- Payments to local transit operators:
Measure B - \$33.7 million

Measure BB - \$35.0 million

- Grants: Measure B - \$1.7 million
Measure BB - \$0.2 million

Total Measure B: \$35.4 million

Total Measure BB: \$35.2 million

Special Transportation for Seniors and People with Disabilities: Funds are allocated to support paratransit under the Americans with Disabilities Act (ADA) and other transportation programs for older adults and people with disabilities.

- Payments to local jurisdictions:
Measure B - \$14.3 million
Measure BB - \$14.6 million
 - Grants: Measure B - \$1.2 million
Measure BB - \$0.2 million
- Total Measure B: \$15.5 million
Total Measure BB: \$14.8 million

Bicycle and Pedestrian Safety Funds:

All cities and the County receive these funds for bicycle and pedestrian plans, programs and capital projects.

- Payments to local jurisdictions:
Measure B - \$5.9 million
Measure BB - \$4.9 million
 - Grants: Measure B - \$3.8 million
Measure BB - \$0.6 million
- Total Measure B: \$9.7 million
Total Measure BB: \$5.5 million

Other Measure BB Grants:

Funds are allocated for freight and economic development, community development and technology projects.

Total Measure B: \$1.0 million
Total Measure BB: \$8.0 million

Transportation Programs and Projects

The transportation programs and projects that Measure B and Measure BB fund are intended to expand access and improve mobility to foster a vibrant and livable environment for people in Alameda County.

Programs: Alameda CTC allocates approximately 60 percent of Measure B and 65 percent of Measure BB funds on a monthly basis by formula² to local jurisdictions and transit operators for ongoing maintenance, operations and small infrastructure or capital projects, and through competitive grants paid on a reimbursement basis.

Projects: Alameda CTC allocates approximately 40 percent of Measure B and 35 percent of Measure BB funds to specific capital projects (see pages 9-11).

¹ Transit operators include Alameda-Contra Costa Transit District (AC Transit), Altamont Corridor Express (ACE), Livermore Amador Valley Transit Authority (LAVTA), Union City Transit, San Francisco Bay Area Rapid Transit District (BART) and San Francisco Bay Area Water Emergency Transportation Authority (WETA).

² The 2000 Measure B Expenditure Plan specifies the following program allocations: local streets and roads (22.34%), mass transit (21.92%), special transportation for seniors and people with disabilities (10.45%), bicycle and pedestrian safety (5.00%) and transit center development (0.19%).

The 2014 Measure BB Expenditure Plan specifies the following program allocations: local streets and roads (20.00%), mass transit (23.81%), special transportation for seniors and people with disabilities (10.01%), bicycle and pedestrian safety (5.02%), affordable student transit pass (0.19%), community development investments (4.00%), freight and economic development (1.00%) and technology, innovation and development (1.00%).

See the FY2020-21 Program Compliance Summary Report for data on expenditures by Measure B and Measure BB fund recipients: alamedactc.org/Reports



Measure B and Measure BB Funded Projects

In FY2020-21, Alameda CTC expended \$23.8 million of 2000 Measure B funds and \$76.9 million of 2014 Measure BB funds on capital projects for transportation infrastructure improvements, such as BART rail modernization and improvements, express lanes, highway and transit improvements, local street and road enhancements, intermodal projects and other local projects.

In addition to the voter-approved 2000 Measure B capital projects, Alameda CTC added several projects approved by the Commission pursuant to the Expenditure Plan: the Vasco Road Safety Improvement Project from the Measure B Congestion Relief Emergency Fund in 2003, the I-80 Integrated Corridor Management Project in 2008, the I-880/23rd and

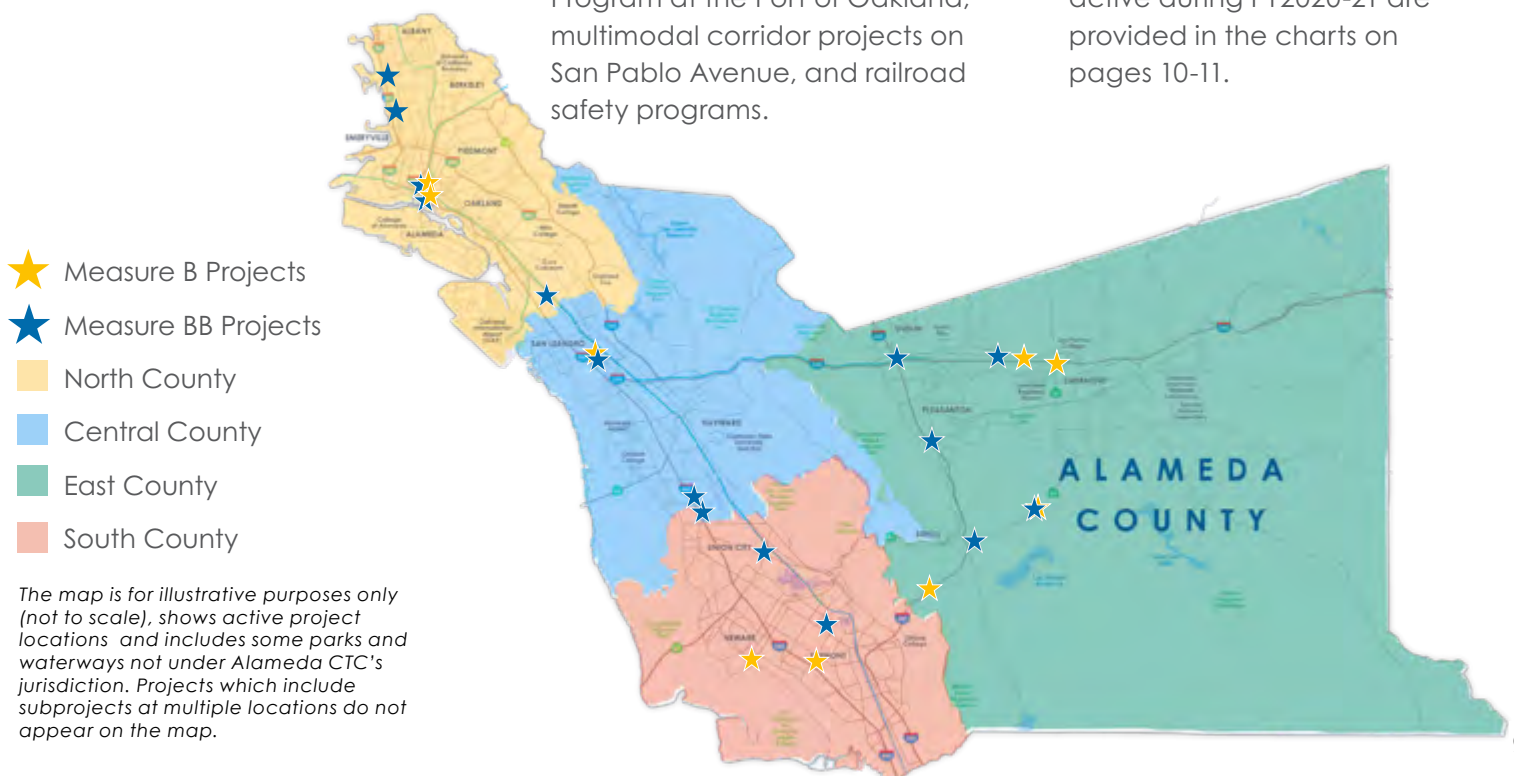
29th Avenues Interchanges and the Countywide Transportation Plan/Transportation Expenditure Plan in 2010, and the Studies for Congested Segments/Locations on the Congestion Management Program Network in 2011.

The 2014 Measure BB Expenditure Plan includes a combination of specifically named capital projects and discretionary programs. The named capital projects are primarily large-scale infrastructure improvements to freeway corridors, interchanges, the BART system, and transit corridors. The discretionary programs fund a diverse pool of projects that vary by type, size, and locations. Examples of large-scale capital improvements funded by the discretionary programs include the GoPort Program at the Port of Oakland, multimodal corridor projects on San Pablo Avenue, and railroad safety programs.

The map below highlights the location of Measure B and Measure BB capital projects that were active during FY2020-21, except those projects that contain subprojects at various locations or those projects that have not completed sufficient engineering studies to determine clear project location (see charts on pages 10-11).

FY2020-21 Active Projects (Project status as of July 2020)

Alameda CTC's capital projects include 11 active 2000 Measure B and 28 active 2014 Measure BB capital and discretionary programs in FY2020-21. **100 percent of the programmed funding for Measure B capital projects has been allocated.** Project funding commitments and project expenditures for capital projects active during FY2020-21 are provided in the charts on pages 10-11.



FY2020-21 Measure B Active Projects

Implementing Agency	Current Phase ¹	2000 Measure B Project Name	Planning Area ²	2000 Measure B Commitment/Allocated (\$ million)	FY20-21 Measure B Expenditures (\$ million)	Project Completion Date/Anticipated Completion Date
Caltrans/Livermore	Project Closeout	Isabel Avenue - Route 84/I-580 Interchange	E	26.5	0.0	12/31/22
BART	Project Closeout	BART Warm Springs Extension	S	224.4	0.0	12/31/22
San Leandro	Design	East 14th St/Hesperian Blvd/150th Street Intersection Improvement	C	3.2	0.0	6/30/24
SJRRCT/Alameda CTC	Various	Altamont Commuter Express Rail ^{3, 4}	S/E	13.2	0.2	12/31/23
Oakland	Various	Downtown Oakland Streetscape Improvement	N	6.4	0.0	12/31/23
Caltrans/Alameda CTC	Various	I-680 Sunol Express Lanes Improvements ^{5, 6}	S/E	155.2	21.0	12/31/27 ⁷
Multiple	Various	Emerging Projects (Congestion Relief Emergency Fund) ^{3, 4}	N/E	10.3	0.0	12/31/23
Caltrans/Alameda CTC	Various	Route 84 Expressway ⁵	E	96.5	0.6	12/31/26 ⁷
Newark	Various	Dumbarton Corridor Improvements (Central Avenue Overpass)	S	19.4	0.0	12/31/25
Alameda CTC	N/A	I-880/Broadway-Jackson Interchange Improvements (Study Only) ⁶	N	8.1	0.1	6/30/22
BART/Alameda CTC	N/A	I-580 Corridor/BART to Livermore Studies	E	41.8	0.2	12/31/22

Measure B Notes:

¹ Project phase is as of April 2021. The Project Closeout phase indicates construction is complete, and the project financial closeout is underway.

² Project Planning Areas include C = Central County, E = East County, N = North County, S = South County.

³ Includes projects at multiple locations.

⁴ Not shown on the map on page 9.

⁵ Exchange and/or loan of MB approved for project.

⁶ Project fact sheets are available on the Alameda CTC website: alamedactc.org/Programs-Projects

⁷ Includes landscape plant establishment period.

⁸ The final debt service payment for the Measure B Sales Tax Revenue Bonds was made in March 2022.



FY2020-21 Measure BB Active Projects

ID	Implementing Agency	Program	2014 Measure BB Project/Discretionary Program Name	Planning Area ¹	Total Measure BB Commitment (\$ million)	Total Amount Allocated To Date (\$ million)	FY20-21 Measure BB Expenditures (\$ million)
13	AC Transit	Capital	Telegraph Ave/East 14th/International Blvd Project ⁴	N/C	10.0	10.0	0.2
14	Alameda	Capital	Alameda to Fruitvale BART Rapid Bus ⁴	N	9.0	1.4	0.0
15	AC Transit	Capital	Grand/MacArthur BRT ⁴	N	6.0	0.1	0.0
16	AC Transit	Capital	College/Broadway Corridor Transit Priority ⁴	N	10.0	0.1	0.0
17	BART/Fremont	Capital	Irvington BART Station	S	120.0	19.2	5.7
18	BART	Capital	Bay Fair Connector/BART METRO	C	100.0	5.6	0.0
19	BART	Capital	BART Station Modernization and Capacity Program ^{1,4}	VAR	90.0	10.0	2.2
20	TVSJVRRRA	Capital	Valley Link	E	400.0	0.0	0.0
21	Multiple	Discretionary	Dumbarton Corridor Area Transportation Improvements ⁴	S	120.0	10.0	2.7
22	Union City	Capital	Union City Intermodal Station	S	75.0	0.1	0.0
23	Multiple	Discretionary	Railroad Corridor Right of Way Preservation and Track Improvements ⁴	VAR	110.0	0.0	0.0
24	Oakland	Capital	Oakland Broadway Corridor Transit	N	10.0	4.1	0.7
25	CCJPA	Capital	Capitol Corridor Service Expansion ⁴	VAR	40.0	0.0	0.0
26	Multiple	Discretionary	Congestion Relief, Local Bridge Seismic Safety ⁴	VAR	639.0	178.2	9.1
27	Multiple	Discretionary	Countywide Freight Corridors ⁴	VAR	161.0	116.5	12.8
29	Caltrans/Alameda CTC	Capital	I-80 Gilman Street Interchange Improvements ^{3,5}	N	24.0	12.0	3.7
30	Alameda CTC	Capital	I-80 Ashby Interchange Improvements ⁵	N	52.0	9.6	1.6
31	Caltrans/Alameda CTC	Capital	SR-84/I-680 Interchange and SR-84 Widening ⁵	E	122.0	122.0	14.7
32	Caltrans/Alameda CTC	Capital	SR-84 Expressway Widening (Pigeon Pass to Jack London) ⁵	E	10.0	10.0	0.0
33	Alameda CTC	Capital	I-580/I-680 Interchange Improvements	E	20.0	0.0	0.0
34	Multiple	Capital	I-580 Local Interchange Improvement Program ⁴	E	28.0	1.4	0.0
35	Caltrans/Alameda CTC	Capital	I-680 HOT/HOV Lane from SR-237 to Alcosta	S/E	60.0	60.0	12.0
36	Alameda CTC	Capital	I-880 NB HOV/HOT Extension from A Street to Hegenberger	C	20.0	0.0	0.0
37	Multiple	Capital	I-880 Broadway/Jackson Multimodal Transportation and Circulation Improvements ⁵	N	75.0	5.0	1.4
38	Caltrans/Alameda CTC	Capital	I-880 Whipple Road/Industrial Parkway Southwest Interchange Improvements ⁵	C	60.0	5.7	0.2
39	Caltrans/Alameda CTC	Capital	I-880 Industrial Parkway Interchange Improvements ⁵	C	44.0	5.6	0.2
40	Multiple	Capital	I-880 Local Access and Safety Improvements ⁴	VAR	85.0	32.3	2.1
42	Multiple	Discretionary	Gap Closure on Three Major Trails ⁴	VAR	264.0	20.1	4.0

Measure BB Notes:¹ Project Planning Areas include C = Central County, E = East County, N = North County, S = South County.² The funding status is as of March 2022.³ Exchange of Measure BB funds approved for project.⁴ Not shown on the map on page 9.⁵ Additional project information is available on the Alameda CTC website: alamedactc.org/Programs-Projects

Independent Watchdog Committee Findings

FY2020-21 For this 20th Annual Report to the Public, the Independent Watchdog Committee (IWC) acknowledges that Alameda County taxpayer funds from Measures B and BB have achieved significant improvements in local and countywide transportation programs and projects, but that some desired performance goals and outcomes remain short of expectations.

In 2016, Alameda CTC adopted a series of performance measures in four categories (transit operations, paratransit, local streets and roads, and bicycle/pedestrian) for the formula funds available to DLD recipients – the cities, County, and transit operators – and entered into 10-year agreements for availability and use of these funds. The IWC has sought to provide input to Alameda CTC on performance measures, but without much satisfaction. Given the limited performance measures which have been adopted by the Commission, the IWC finds it difficult to offer an opinion to the Public as to the overall effectiveness of the DLD program expenditures.

The IWC diligently presents its observations, findings, and recommendations to the public and to the Commission in these Annual Reports. See alamedactc.org/Reports. The IWC respectfully urges that Alameda CTC formally respond, during a regular public meeting, to these issues and recommendations.

The IWC is fully cognizant that the people who live and/or work in Alameda County were enormously affected by the COVID-19 pandemic throughout FY2020-21. Nevertheless, many undesirable trends that had begun before that year have not been adequately turned around or addressed. There is no substantive sanctioning for not meeting the

adopted performance measures. The IWC notes that two cities have failed for the past four successive years to achieve the adopted goal for Pavement Condition Index, and two additional cities have missed the target for three of the past four years. Alameda County road users have borne the brunt of these deficiencies.

The City of Union City suffered a city-wide cyber-attack during FY2019-20, which delayed submittal of their financial statements for both that year and FY2020-21. The City's IT system is recovering, and they have indicated that they will submit FY2020-21 reports for a compliance determination "by early summer" 2022. As of the writing of this Report, that has not occurred.

The IWC acknowledges the unfortunate death of Supervisor Wilma Chan on November 3, 2021, while walking her dog Maggie. Our Committee extends heartfelt condolences to Supervisor Chan's family. But we also need to ask – Why does Alameda CTC not have a Vision Zero policy or performance measure for pedestrian and cyclist safety? Such a document would be a fitting tribute to the memory of the late Supervisor Chan.

On a more affirmative note, the IWC also notes the recent resignations of members Murphy McCalley and Ed Hernandez who have been appointed to fill vacancies in local elected offices – the AC Transit Board of Directors and the Eden Township Healthcare District, respectively. Their service to the people of Alameda County has been greatly appreciated, as will their continuing roles.

The IWC encourages members of the Public to contact us directly at IndependentWatchdog@alamedactc.org.



How to Get Involved

All Alameda CTC advisory committee meetings, including Independent Watchdog Committee meetings are open to the public. Chinese and Spanish interpreters and sign language interpretation services are available upon request. Please contact Alameda CTC at 510.208.7400 or contact@alamedactc.org to schedule an interpreter at least 5 days prior to the meeting you wish to attend, or if you are interested in vacancies on Alameda CTC's Bicycle and Pedestrian Advisory Committee (BPAC) and/or Paratransit Advisory and Planning Committee (PAPCO).

Additional Information

Additional information is available at www.AlamedaCTC.org or at Alameda CTC's offices at 1111 Broadway, Suite 800, Oakland, CA, 94607, including the 2000 Measure B Expenditure Plan, the 2014 Measure BB Expenditure Plan, this annual report, agency compliance audits and reports, and Annual Financial Reports. Contact your local jurisdiction for information on Measure B or Measure BB funded projects and programs or visit alamedactc.org/Partners.